

**Vermont Agency of Natural Resources  
Department of Environmental Conservation  
Watershed Management Division**

**Procedure for Water Quality Remediation Plans**

**I. Purpose**

The purpose of this Procedure is to:

- (1) Outline and define the necessary components of Water Quality Remediation Plans (WQRP); and
- (2) Provide the requirements for public notice of and comment on WQRPs.

**II. Applicability**

- (a) “Water Quality Remediation Plan” or “WQRP” means a plan developed by a discharger as required by the Secretary of Natural Resources, to bring an impaired water into attainment with the Vermont Water Quality Standards (VWQS).
- (b) Pursuant to 40 C.F.R. § 130.7(b), the State may use a WQRP in lieu of a Total Maximum Daily Load (TMDL) for an impaired water when the State determines that the pollution control requirements of the WQRP are stringent enough to meet the VWQS within a reasonable period of time. Impaired waters subject to a WQRP, rather than a TMDL, are listed on the “State of Vermont List of Priority Surface Waters, Part B., Impaired Surface Waters – No Total Maximum Daily Load Determination Required.”

**III. Required Contents of WQRPs**

A WQRP shall provide assurances that it will ensure attainment of the VWQS by including, at a minimum, the following components:

- (1) A description of the geographic extent of the affected surface water(s);
- (2) A list and map identifying all sources contributing to the impairment of the surface water(s) and the order in which those sources will be addressed and remediated;
- (3) A description of the best management practices (BMPs) that will be used to address and remediate the sources contributing to the impairment of the surface

water(s); the BMPs included in a WQRP must be sufficient to ensure attainment of the VWQS plus a margin of safety;

- (4) A list and map of monitoring stations for monitoring aquatic biota, water quality, and other parameters, as appropriate;
- (5) A schedule for monitoring and reporting the results of monitoring to the Department of Environmental Conservation (Department); and
- (6) A compliance schedule by which all BMPs must be implemented; the compliance schedule shall ensure attainment of the VWQS.

#### **IV. Approval and Enforcement of WQRPs**

Once the Secretary of Natural Resources finds that a discharger has developed a WQRP that will ensure attainment of the VWQS, the Secretary shall:

- (1) Issue a letter to the discharger granting final approval of the WQRP; and
- (2) Make the discharger's compliance with and implementation of the WQRP enforceable through an individual permit, Assurance of Discontinuance (AOD), Court Order, or other legally enforceable mechanism. The Secretary may include provisions in the legally enforceable mechanism requiring the discharger to make amendments to its WQRP, upon the occurrence of certain conditions.
- (3) Require that all individual discharge permits issued for projects subject to WQRPs must include as a condition a requirement to comply with the WQRP.

#### **V. Public Process for WQRPs**

- (a) Process for public notice and comment on WQRPs and amendments to WQRPs.
  - (1) When the Department receives a proposed WQRP or amendment to a WQRP that is technically complete, the Department shall put the WQRP or amendment on public notice for 30 days. For the purposes of this Procedure, "technically complete" means a WQRP that contains the administrative and substantive components required by the Secretary of Natural Resources.
  - (2) The Department shall maintain lists of interested persons, who have requested to receive public notices regarding all WQRPs or a specific WQRP.

- (3) The Department shall provide public notice of the proposed WQRP or amendment on the Department website and to the applicable list of interested persons. The Department may also provide public notice of the proposed WQRP or amendment to interested persons lists for permits which may include compliance with the WQRP as a condition.
  - (4) The Department shall take written comments on the proposed WQRP or amendment during the 30-day notice period.
  - (5) At the close of the 30-day notice period and after the public meeting, if one is held under subsection (c) of this section, the Department shall consider all of the public comments it has received and shall prepare a written response to comments.
  - (6) The Department shall post the response to comments on the Department website, provide the response to the list of interested persons, and provide the response to all individuals and entities that provided comments.
- (b) Posting of WQRP monitoring reports. The Department shall maintain a list on the Department website of WQRPs that are currently in effect and shall post all WQRP monitoring reports on the Department website within 30 days of receiving such reports.
- (c) Meeting with the public about WQRPs and monitoring results.
- (1) WQRPs.
    - (A) During the 30-day public comment period for a proposed WQRP or an amendment to a WQRP, any member of the public may request a public meeting.
    - (B) Upon request or at the Secretary's discretion, the Department shall hold a public meeting to take comments on the WQRP or amendment.
    - (C) The meeting shall be held in a municipality in which the discharger is located.
    - (D) In its response to comments, required under subsection (a) of this section, the Department shall respond to all comments it receives at the public meeting.

(2) Monitoring results. The Department shall, upon timely request, meet with members of the public to discuss the results of WQRP monitoring and the physical, chemical, and biological health of the waters subject to a WQRP; the Department shall invite the discharger subject to the WQRP to participate in the meeting. A request shall be considered timely if it is received within 30 days of the Department posting the monitoring reports.

Dated this 8<sup>th</sup> day of July 2015 at Montpelier, Vermont.



David K. Mears, Commissioner  
Department of Environmental Conservation