

State of Vermont
Agency of Natural Resources
Department of Environmental Conservation

Procedure:	NPDES Wastewater Permit Termination/Revocation	Effective Date:	11/31/2017
Applicable To:	Department of Environmental Conservation	Revision Date:	03/2022
Prepared/ Revised by:	WSMD BOSS and Wastewater	Approved By:	Amy Polaczyk

Procedure Objective

NPDES wastewater permit termination/revocation is considered when a permittee permanently eliminates their discharge, or when redundant monitoring exists between DEC programs.

Revocation – permit has not expired

Termination – permit has already expired.

Inactivation – similar to termination, permit expires without Title 3 continuance and is subsequently terminated.

****Termination of General Permits is a different process and uses different SOPs****
See attached General Permit Termination SOP

Impacted Departments or Divisions

WSMD BOSS and Wastewater Programs.

Required Resources

- Cover letter or email to permittee confirming receipt of request to terminate or revoke the permit and describing the process.
- Request from Permittee. If termination has not been requested provide an explanation.
- WR-43s/Compliance Record – must be current.
- Payment history – must be current.
- Photos of eliminated discharge(s) or other documentation.
- Notes from site visit (if necessary)
- Templates for notifications and noticing
(Y:\WSMD_Discharge\Resources\TEMPLATES\Termination Templates)

Governing Documents

State and Federal Regulations

Timeline/Frequency

As needed

Procedure

Requested Termination

The request for termination may come in different ways and be received by different people. Wastewater staff may be informed directly by a permittee, BOSS staff may be notified through the reminders to reapply, etc.

1. There is a designated form to request a termination.
 - a) The form should provide guidance. What needs to be documented onsite to confirm termination?
 - b) BOSS needs a date of last discharge, all compliance items need to be up to date, and all fees need to be paid.
 - c) Financial ledger needs to be prorated termination date. The fee must be paid prior to termination.
2. Once the request for termination is received, Wastewater staff are responsible for:
 - a) completing a final review of compliance (violations, missing schedule items, operating fee status, etc.). This may be completed with help from BOSS verifying operating fees are paid in full. This should be coordinated with BOSS staff.
Final operating fees must be paid in full before revocation or termination of a discharge permit will be processed.
 - b) visiting the site to confirm the discharge elimination prior to file closure. In compliance cases, this may be completed by or with an Environmental Enforcement Officer.
 - c) preparation of the cover letter and public notice form (in the case of revocation).
 - In the case of revocation, the cover letter should list any deficiencies.
 - For termination, the cover letter should confirm receipt of the request to terminate and confirm the Department's agreement with the applicant's findings.
3. There are no Act 150/Chapter 170 provisions addressing termination, so Electronic Notice Bulletin (ENB) notice is **not required**.

Program Overlap Termination

1. Once a facility is identified as having overlapping monitoring with another DEC Program, Wastewater Staff is responsible for:
 - a) Coordinating with other programs to address permit requirements for each of the overlapping permits. Which requirements will be eliminated by terminating the NPDES Discharge Permit? Which requirements will remain in place? Needs a list of other programs- may need a template. Different requirements for municipal and pretreaters. Needs tech follow-up.

- b) visiting the site with staff from the overlapping DEC programs, as needed, to investigate the redundant monitoring.
- c) completing a final review of compliance (violations, missing schedule items, operating fee status, etc.) with help from business operations and support services (BOSS).
- d) Coordinate with BOSS staff to verify operating fees are paid in full. **Final operating fees must be paid in full before revocation or termination of a discharge permit.**
- e) preparation of the cover letter.
 - For termination, the cover letter should confirm receipt of the request to terminate and confirm the Department's agreement with their findings.
 - Add a cc list of parties, include from the list of contacts that needs to be created.

Notification & Administrative Process

1. A final letter is sent to the permittee notifying they are no longer authorized to discharge. Create a Cover Letter and Findings of Fact. Need to create one PDF of both documents.
2. For permit termination, BOSS staff sends the final notification stating the permittee is no longer authorized to discharge. **For pretreaters, municipalities must also receive the final notification.**
3. BOSS staff scans/saves all the draft and final documents in the same manner as for processing a draft or final permit and saves the documents in the appropriate facility folder (Y:\WSMD_Admin\WWInventory\Documents\facilityfolder\).
4. BOSS staff updates the WWInventory with termination information.
 - a) Permit entry in the database can't be updated as terminated until we receive the last WR-43.
 - b) For example, when a facility terminates on December 31st and we receive their last WR-43 on January 15th, we would update the database on January 15th with the termination date as December 31st. This is also when the termination letter is issued.

NOTE:

There is no application process for permit termination of NPDES or Pretreatment discharge permits and therefore, there is no entry necessary in the WWInventory – Applications area.

****Termination of General Permits is a different process and under a different set of SOPs** NOI Termination SOP is attached.**

Changes since previous version (include rationale for change)

6/7/2018 Changed objective wording to include program overlap permit termination. Added a section in procedure for Program Overlap Termination. Broke the termination procedure into its own section.

11/12/2019: Added clarification that email could be used instead of letters. Expanded areas in which documentation of termination should be provided. Clarified procedure for determining overlapping permit coverage. Added NOI Termination SOP to end. Added current staff with titles for use in future updates.

Notices

- These procedures are intended to support the Agency of Natural Resources internal control environment.
- In consideration of these procedures, the objective should be on adherence and not on rationalizing ways and means for circumvention.
- Nothing in this document shall limit or supersede any applicable Federal or State laws, statutes, bulletins, or regulations.

1/18/2022: decision by Shea Miller, BOSS Permit & Compliance Supervisor:

Termination request needs a date that the flow has stopped, the business has closed, or the facility started reporting to another agency. That date is what we will use to start using “administratively resolved” for monitoring reports. The Administratively resolved will be used until the Program can review and confirm the termination. The Program will issue a termination letter and that is when the Permit will be terminated in the database.

We need a termination letter template that includes the need to apply fresh (as new) once terminated.

3/9/2022: a formal Termination Request form will be in works by Jill and Amy. The final version will be posted to website once completed

**Standard Operating Procedure (SOP)
Processing NOTICE OF INTENT (NOI) Termination
Applications**

Effective September 25, 2015

Y:\WSMD_Admin&Compliance\Resources\Procedures\660193\Procedures\SOP Applications-
NOITerminations.20150925.docx

**Direct Discharge GENERAL PERMIT Program (Wastewater Section) of the
Watershed Management Division**

DEC Records Management Procedure for the Land Use and Related Permits General
Records

Schedule (GRS1482.1104); last updated: **01/26/15** Copies of final DEC GRSs can be
found in: [Y:\DEC_AID\Records Management\GRS Procedures\CURRENT FINAL
PROCEDURES](Y:\DEC_AID\Records Management\GRS Procedures\CURRENT FINAL PROCEDURES)

FOR Notice of Intent (NOI) authorizations under General Permits 3-9004 and 3-9016

When groundwater remediation efforts are complete, permittees may to apply for
termination.



**APPLICATION FOR REQUEST FOR TERMINATION OF COVERAGE
AUTHORIZED UNDER THE TERMS AND CONDITIONS OF GENERAL PERMIT
3-9004 OR 3-9016**

Permit Information	
Currently Authorized by General Permit (check one):	<input type="checkbox"/> 3-9004, Discharge to Waters of the State
	<input type="checkbox"/> 3-9016, Discharge to POTW

Termination requests are processed as follows:

- 1) Verify termination request is:
 - a) **date** stamped received
 - b) signed by applicant (not the consultant, unless there is a letter of authorization on file).
- 2) Verify the compliance status of this facility requesting termination and make sure all the required monthly reports have been received.
- 3) Check the Waste Management Interactive Database (WM-ID on their website) for the DEC Waste Mgmt Division's assigned staff. The NOI may contain the site number, use it or the Town as search fields.

WEBSITE: <http://www.anr.state.vt.us/dec/wastediv/SMS/hazsites.htm>

DATABASE: <https://anrweb.vt.gov/DEC/ERT/Hazsites.aspx>

VERMONT
Agency of Natural Resources - Environmental Research Tool

Vermont.gov DEC Home Sites Mgt Disclaimer Please send us your feedback

Search All Programs
Waste Management
Hazardous Sites
Brownfield Sites
Spills
UST
Hazardous Waste
Solid Waste
Salvage Yards
AST
Watershed
Stormwater
Wetlands

VT DEC
Hazardous Site List [Help & Definitions](#)

Enter the search criteria below and click the [Search] button when done. (Search will display a maximum of 500 results)

Site# Site Name

Site Town [List Towns](#) Address

Primary Consultant [List Consultants](#) All Sites Active Sites Inactive Sites

Priority

[Search Tips](#) [Full Database to Excel](#)

- 4) Send an e-mail to the Waste Management staff person assigned to this project to see if they concur with the request for termination. Attach copy issued NOI and Termination Request.

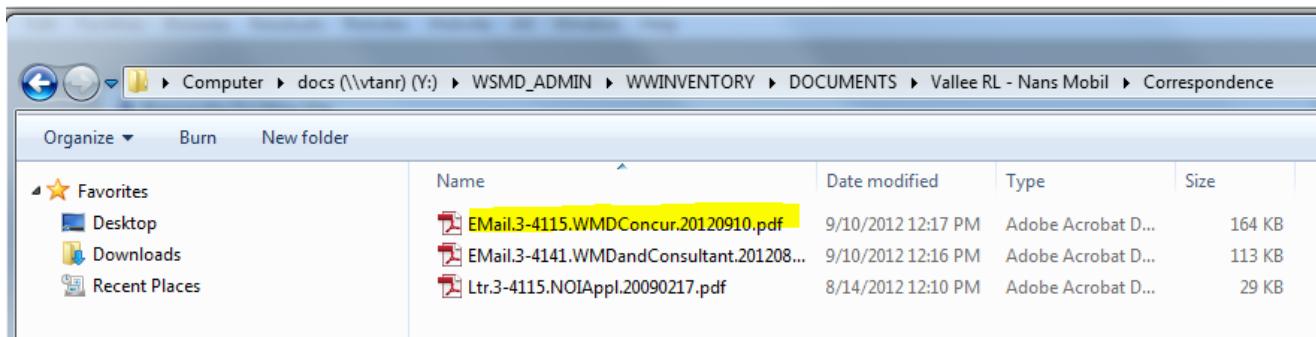
Below is a **sample** e-mail.

I received a NOI termination request for RL Vallee – Nan’s Mobil in Fairfax, signed 9/30/19. Do you concur with the termination?

Haz Site: VTR000511931

UST #5553769

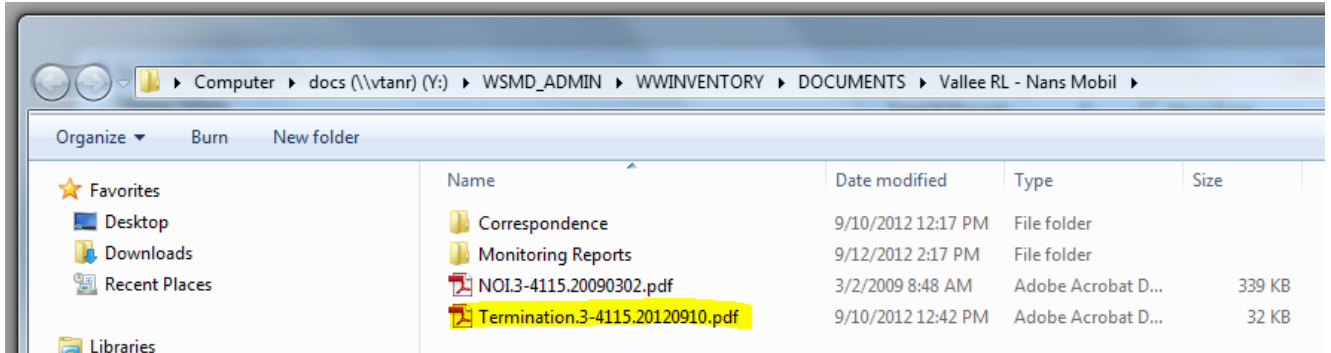
- 5) Once confirmation is received, email the request for termination to Program Manager for signature. Confirmation responses are saved as PDF documents for verification of agreement. Scan and save to the \Correspondence folder for that facility.



- 6) Scan the signed Application for Termination and save it to Y:. Follow existing electronic file naming procedures.

**Y:\WSMD_ADMIN\WWINVENTORY\DOCUMENTS\ (facility name)\
TITLED: Termination.(NOI#).YYYYMMDD.pdf**

EXAMPLE:



SOP Processing NOI Termination Requests
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- 7) email signed Termination to the permittee and consultant if applicable. If the permittee did not include an email address, mail copy