

# **Overview of Stormwater Permitting Requirements** **Related to Composting Facilities**

VT DEC Stormwater Management Program (May, 2008)

The following information is intended as guidance; the jurisdictional thresholds, permitting requirements, and technical standards for the stormwater programs described in this guidance are contained in the laws and regulations referenced herein.

The development and operation of composting facilities are potentially subject to three separate State-administered stormwater regulations and permitting requirements. These programs include **State/Operational; Construction; and Industrial/Multi-Sector**.

## **State/Operational Stormwater Discharge Permit Program (Operational Permit)**

**The Operational Stormwater program** regulates runoff from impervious surfaces (e.g. rooftops, paved and non-paved parking and roads). Projects that create more than 1 acre of new impervious surface, or projects that add more than 5,000 square feet of new impervious surface such that the total resulting impervious surface is greater than 1 acre, require an Operational Permit.

Projects requiring an Operational Permit must obtain coverage under General Permit 3-9015, or obtain an Individual Stormwater Discharge Permit. All projects must have stormwater management systems designed in compliance with the Vermont Stormwater Management Manual. Projects in stormwater-impaired watersheds are subject to additional requirements related to pollutant loading.

**Agricultural Exemption-** No State/Operational Stormwater permit is required for discharges of stormwater runoff from farms subject to accepted agricultural practices (Vermont Stormwater Management Rule, effective 7/4/05).

**Relationship to Other Discharge Permits-** Stormwater discharges that are covered by an Underground Injection Control (UIC) permit are exempt from the need to obtain an operational permit. Stormwater discharges covered by permit for a direct or indirect waste discharge may also be exempt from the need to obtain an operational permit; however a case-specific determination is required.

## **Construction Stormwater Program (Construction Permit)**

**The Construction Stormwater program** regulates projects that disturb more than 1 acre of earth, either alone or as part of a common plan of development.

Projects that require a Construction Permit must obtain coverage under the Construction General Permit (CGP #3-9020) or an Individual Construction Permit. All projects must have an erosion prevention and sediment control plan (EPSC plan) designed in accordance with the Vermont Standards and Specifications for EPSC or the Low Risk Site Handbook for EPSC.

**Agricultural Exemption-** In effect, runoff from earth disturbance from agricultural activities directly related to production (e.g. tilling fields) does not require a Construction Permit. However, construction, including clearing, grading and excavation associated with the development of roads, buildings, or other infrastructure is not exempt. In the case of composting, any construction associated with preparing a site for composting (e.g. grading, pad construction, road building) would require a Construction Stormwater permit. The ongoing operation of a composting facility would not be considered construction activity and would not require permit coverage.

**Relationship to Other Discharge Permits -** In general, a construction permit is required for all projects that disturb more than 1 acre, regardless of the other permit coverage the discharge and project have.

## **Multi-Sector General Permit**

**The Multi-Sector General Permit** regulates runoff from industrial activities identified in the Standard Industrial Classification (SIC) code list in Appendix D of the permit.

If the primary activity at the facility is included in this list, then the owner or operator must obtain coverage under Multi-Sector General Permit (#3-9003). All facilities must implement a Stormwater Pollution Prevention Plan (SWPPP) and conduct visual and analytical stormwater monitoring. Compost is classified as SIC code 2875. This SIC code is included in the Agricultural Chemicals category of Sector C in the SIC code list.

**Agricultural Exemption-** The Multi-Sector General Permit does not regulate stormwater discharges from agricultural operations.

**Relationship to Other Discharge Permits-** The Multi-Sector General Permit is required at all regulated industrial activities unless the activity is covered under a separate individual discharge permit the incorporates the terms, conditions and coverage at least as stringent as the Multi-Sector General Permit.

## **Summary of Stormwater Regulations and Technical Standards**

### **Operational Stormwater**

Stormwater Management Rule (Ch. 18)

Stormwater Management Rule for Stormwater Impaired Waters (Ch. 22)

General Permit 3-9015 (for new projects and redevelopment)

General Permit 3-9010 (for renewal of existing permits)

Vermont Stormwater Management Manual, Vol. I, 5<sup>th</sup> printing

### **Construction Stormwater**

Construction General Permit 3-9020

Vermont Standards and Specifications for Erosion Prevention and Sediment Control

The Low Risk Site Handbook for Erosion Prevention and Sediment Control

### **Multi-Sector Stormwater Program**

Multi-Sector General Permit #3-9003

Vermont Stormwater Section Web site: <http://www.vtwaterquality.org/stormwater.htm>

[Vermont Stormwater Section Homepage](#)

Ph: 802.241.3770