

State of Vermont
Department of Environmental Conservation
Watershed Management Division
One National Life Drive, Davis Bldg., 3rd Floor
Montpelier VT 05620-3522

Agency of Natural Resources

May 1, 2023

DesRosiers Family Revocable Living Trust
Mr. Brian DesRosiers, Trustee
Ms. Amanda B DesRosiers, Trustee
10 Harlow Street
Essex, MA 01929

**Electronic only to: bdesrosiers@dtattorneys.com
abdesrosiers@comcast.net**

SUBJECT: **Termination** of NPDES Discharge Permit 3-1574, **NPDES #VT0120099**
DesRosiers's Pond, Lower Bartonville Rd, Rockingham, VT (SPAN 52816612775)

Dear Trustees:

The Department of Environmental Conservation's (DEC) Watershed Management Division received your email dated April 18, 2023 with your request to terminate the NPDES discharge permit, 3-1574 (VT0120099) that was issued for the use of alum in a pond constructed on your property located on Lowe Bartonville Road in Rockingham, VT.

This letter only addresses the NPDES Direct Discharge Permit and does not address any alleged violations related to this location. In response to the alleged violation(s), the Agency may issue a Civil Complaint pursuant to 10 V.S.A. Section 8019 which would assess a penalty. The Agency may also issue an Administrative Order pursuant to 10 V.S.A. Section 8008 which would require full compliance with all applicable statutes, rules, and/or permits; assess penalties; and if necessary, require corrective/restorative action and any other measures deemed appropriate. Prompt correction of the alleged violation(s) may lessen the possibility or severity of any enforcement action taken by the Agency.

A final prorated invoice was paid in full subsequent to your request to terminate the permit.

Alum was never applied to the pond during the authorized period and therefore no monitoring data is required.

Based upon the information provided, effective **May 31, 2023**, the DesRosiers Revocable Family Trust no longer has authorization to apply alum to the waters of the pond and to discharge alum containing waters from the pond to the waters of the State.

Should you have any questions, please feel free to contact John Merrifield at 802-490-6188.

Respectfully,



Amy Polaczyk, Wastewater Program Manager
Watershed Management Division

cc: US EPA, Region I, Boston MA
Chris Gianfagna, VT DEC WSMD, Enforcement Coordinator, chris.gianfagna@vermont.gov
Tim McNamara, VT DEC ECD, Environmental Enforcement Officer, tim.mcnamara@vermont.gov
Mari Cato, VT DEC electronically at mari.cato@vermont.gov



Permit Termination

Facility: DesRosiers Pond Permit No.: 3-1574
Location: Lower Bartonville Rd, Rockingham, VT PIN: NS06-0192
SPAN 52816612775 NPDES No.: VT0120099

Findings of Fact

1. The Permittee was referred to the NPDES Direct Discharge program in order to obtain a permit to use alum to reduce the turbidity in a constructed pond.
2. The Permittee and their Agent prepared a plan to apply alum to the pond and applied for a NPDES Direct Discharge Permit.
3. The facility's permit was effective December 1, 2022. The permit contained a condition that required that alum be applied during the month of December 2022.
4. No alum was applied in December 2022.
5. Due to the non-use of alum, no measurements were taken or reported related to the quality and quantity of effluent being discharged from the pond.
6. An internal discussion between the Watershed Management Wastewater Program Wastewater Program Manager, the Watershed Management Enforcement Coordinator and VT DEC Environmental Compliance Division - Enforcement determined that due to the lack of alum application and the inability to apply alum at a later date that the permit was no longer necessary.
7. An email was received from Amanda DesRosiers on April 18th, 2023 requesting that the permit be terminated.
8. A prorated invoice was sent to the Permittees on April 25, 2023.
9. Payment was received on April 25, 2023. The permittee is up to date on payments.
10. Due to the non-application of alum, there are no outstanding reporting requirements.

Based on these facts the facility's current permit will be inactivated.

Julia S. Moore, Secretary
Agency of Natural Resources



Date: 5/1/2022



By:

Amy Polaczyk, Wastewater Program Manager
Watershed Management Division

