



**Vermont Department of Environmental Conservation**  
Watershed Management Division  
One National Life Drive, Main Building, 2<sup>nd</sup> Floor  
Montpelier VT 05620-3522

*Agency of Natural Resources*

[phone] 802-828-1535  
[fax] 802-828-1544

**January 24, 2013**  
**CERTIFIED MAIL**

7006 2760 0001 0376 7055

Joe Colangelo, Town Administrator  
Town of Hinesburg  
10632 Route 116  
Hinesburg VT 05461

**SUBJECT: Notice of Alleged Violation (“NOAV”)**  
Discharge Permit # 3-1172  
Monitoring Period 10/01/11 – 03/31/12  
04/01/12 – 09/30/12

Dear Mr. Colangelo:

The purpose of this letter is to notify you that the VT Department of Environmental Conservation, Watershed Management Division believes that the town of Hinesburg is in violation of the following conditions of NPDES permit # 3-1172:

**Violation of Reporting Requirement**

*Violation Description: Part I. E. 2, Reporting. Annually, by December 31 of each year, the permittee shall monitor discharge S/N 001 and submit the results, including units of measure, for the following parameters:*

<i>Temperature</i>	<i>Dissolved Oxygen</i>	<i>Nitrate/Nitrite</i>
<i>Oil &amp; Grease</i>	<i>Total Dissolved Solids</i>	

*Grab samples shall be used for temperature, dissolved oxygen, and oil & grease. All other parameters shall be composite samples. Samples shall be representative of seasonal variations in the discharge.*

To date, Department records document the following report submittal history:

The report for 2006 was received in 2007, the report for 2007 was received in 2007, the report for 2008 has not been received, the report for 2009 was received in 2009 with letter stating a

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make-up would be done first quarter of 2010 to make up for 2008 – the 2008 make-up report was received in 2010, 2010 received in 2012 the reports for 2011 and 2012 have not been received.

Requested action: We are requiring you sample TWO (2) times in order to make up for the missing reports for 2010 -2012, as well as the required 2013, for a total of THREE (3) sampling events to be conducted in calendar year 2013. The sampling for the three Annual Constituent Monitoring Reports must represent different seasons as required by the permit. All reports will be submitted to this office no later than December 31, 2013.

Violation description: *I.E.4 requires the permittee to submit monthly reports of monitoring results on form WR-43. Reports are due on the 15<sup>th</sup> day of each month, beginning with the month following the effective date of this permit.*

*If, in any reporting period, there has been no discharge, the permittee must submit that information by the report due date.*

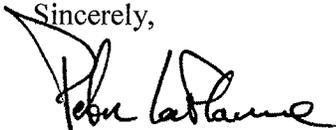
The September 2012 and the October 2012 WR-43 Reports were not received until December 2012.

Requested action: For all future reports please submit to the Department of Environment Conservation, Watershed Management Division by the 15<sup>th</sup> of the following month.

In response to the alleged violations(s) described above and pursuant to 10 V.S.A. Section 8008, the Agency may issue an Administrative Enforcement Order which, among other things, would assess penalties, require correction and/or remediation of the alleged violations, and require other measures as deemed appropriate. Your prompt response to the NOAV may lessen the severity of any potential Agency enforcement action taken on this matter.

If you should have any questions regarding this Notice of Alleged Violation, please contact Ernie Kelley at (802)-490-6187.

Sincerely,



Peter LaFlamme, Director  
Watershed Management Division

Enclosures:

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cc:

Ernie Kelley, Manager, Wastewater Program

Jeff Fehrs, P.E., O & M Section

Brian Mattison, Hinesburg Water/Wastewater Superintendent  
Compliance File Hinesburg Permit 3-1172

**2. Reporting:**

The Permittee is required to submit monitoring results as specified on a Discharge Monitoring Report (Form WR-43). Reports are due on the 15th day of each month, beginning with the month following the effective date of this permit.

If, in any reporting period, there has been no discharge, the permittee must submit that information by the report due date.

Signed copies of these, and all other reports required herein, shall be submitted to the Secretary at the following address:

Agency of Natural Resources  
Department of Environmental Conservation  
Wastewater Management Division  
103 South Main Street, The Sewing Building  
Waterbury, Vermont 05671-0405

All reports shall be signed:

- a. In the case of corporations, by a principal executive officer of at least the level of vice president, or his/her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the permit form originates;
- b. In the case of a partnership, by a general partner;
- c. In the case of a sole proprietorship, by the proprietor;
- d. In the case of a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

**F. ANNUAL ENGINEERING INSPECTION REPORT:**

1. **Annually during the month of April**, the permittee shall engage a Vermont Registered Professional Engineer who is knowledgeable and with experience in the field of wastewater treatment, to make a thorough inspection, evaluation, and report of the complete sewage collection, treatment and disposal system. The engineer's inspection shall include, but not be limited to the following:
  - a. inspecting the entire sewage collection system, removing manhole covers to observe the condition of the sewers and manholes, and noting any signs of inflow or excess infiltration;
  - b. verification of the use of the alternate disposal fields;
  - c. verification of the proper operation of the lift station pumps, alarms, and controls;

Annually, by December 31 of each year, the permittee shall monitor discharge S/N 001 and submit the results, including units of measure, for the following parameters:

Temperature	Dissolved Oxygen	Nitrate/Nitrite
Oil & Grease	Total Dissolved Solids	

Grab samples shall be used for temperature, dissolved oxygen, and oil & grease. All other parameters shall be composite samples. Samples shall be representative of seasonal variations in the discharge.

**3. Influent Monitoring**

The permittee shall monitor the quality of the influent according to the following schedule and other provisions.

PARAMETER	MINIMUM FREQUENCY OF ANALYSIS	SAMPLE TYPE
Influent BOD5	1 x monthly	24 - hour composite, minimum
Influent TSS	1 x monthly	24 - hour composite, minimum

**4. Reporting**

The permittee is required to submit monthly reports of monitoring results on form WR-43. Reports are due on the 15th day of each month, beginning with the month following the effective date of this permit.

If, in any reporting period, there has been no discharge, the permittee must submit that information by the report due date.

Signed copies of these, and all other reports required herein, shall be submitted to the Secretary at the following address:

Agency of Natural Resources  
Department of Environmental Conservation  
Wastewater Management Division  
103 South Main Street  
Waterbury, Vermont 05671-0405

All reports shall be signed:

- a. In the case of corporations, by a principal executive officer of at least the level of vice president, or his/her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the permit form originates;