APPENDIX A - RISK EVALUATION

Accurately answering the questions in this appendix will allow you to determine whether a proposed construction project is considered a Low Risk or Moderate Risk project, which defines the application and permit requirements that are applicable to your project.

The risk evaluation procedure consists of two parts. Part I is a Basic Risk Evaluation, which determines if a project is automatically categorized as Low Risk based upon the answers to a few basic questions.

If a project is not automatically categorized as Low Risk based upon the Basic Risk Evaluation, you must complete Part II, Detailed Risk Evaluation, to determine the risk category for your project. This part includes questions on more detailed aspects of the project.

Once the appropriate risk category has been determined, refer to Part III for the application requirements.

You should be aware that each completed Appendix A is incorporated by reference and included in the terms of this general permit, and each permittee shall undertake its construction activities in accordance with the completed Appendix A, as a condition of this permit. Failure to comply with the completed Appendix A shall be deemed a violation of this permit and subject to enforcement action.

APPENDIX A

Part I – Basic Risk Evaluation

A project may automatically be categorized as Low Risk based on a few basic project characteristics. Answer each question below to determine if a project is automatically categorized as Low Risk. For definitions of terms used in the following questions (e.g. disturbance, vegetated buffer) refer to Appendix C.

Basic Risk Evaluation				
	Criteria	**Answer**	**Score Direction**	**Enter Score**
1.	Will the proposed independent project alone disturb more than 2 acres of land?	YES ☐ NO ☑	If YES, enter 1, if NO enter 0	0
2.	Is the project within a watershed impaired due to stormwater or sediment as specified on Part A of the Vermont 303(d) list?	YES ☐ NO ☑	If YES, enter 1, if NO enter 0	0
3.	Will the project have any stormwater discharges from the construction site to receiving water(s) that **do not** first pass through a 50 ft vegetated buffer area?	YES ☐ NO ☑	If YES, enter 1, if NO enter 0	0
4.	Will the project have disturbed earth in any one location for more than 14 consecutive calendar days without temporary or final stabilization?	YES ☐ NO ☑	If YES, enter 1, if NO enter 0	0
5.	Will the project have more than five acres of disturbed earth at any one time?	YES ☐ NO ☑	If YES, enter 1, if NO enter 0	0
	Total Score for Basic Risk Evaluation (add score from questions 1-5)			0

If the Total Score for Basic Risk Evaluation is 0, the proposed project is eligible for coverage under this permit as a Low Risk project. Proceed to Part IV of Appendix A for a summary of the application requirements for Low Risk Projects. If not, proceed to Part II.

Criterion 1: Only include the disturbance planned for an independent project. For example, if a lot owner is only building on a single house lot in a residential subdivision, only consider the disturbance associated with that lot, not the entire common plan. Refer to Appendix C for definitions of independent project and disturbance.

Criterion 2: Refer to the following web page for a list of waters in these categories: http://www.vtwaterquality.org/stormwater/htm/sw_cgpeligibility.htm

Criterion 3: Refer to the Appendix C for the definition of vegetated buffer area.

Criterion 4: Refer to Appendix C for definitions of temporary and final stabilization.

Criterion 5: Refer to Appendix C for the definition of disturbed earth.

Part II – Detailed Risk Evaluation

For projects not automatically categorized as Low Risk in Part I, this Detailed Risk Evaluation must be completed to determine if a project is Low Risk, Moderate Risk, or requires an Individual Permit. This evaluation determines the risk category by weighing the balance of factors which contribute to and mitigate against the risk of a discharge of sediment from the construction project. Complete all questions in Part II for the independent project. For definitions of terms used in the evaluation, refer to Appendix C.

Detailed Risk Evaluation – Identify Risk Factors				
	Criteria	**Answer**	**Score Direction**	**Enter Score**
A.	Will the proposed project have earth disturbance within 100 ft (horizontal) upslope of any lake or pond or 50 feet (horizontal) upslope of any rivers or stream (perennial or seasonal)?	YES ☐ NO ☑	If YES, enter 1, if NO enter 0	0
B.	Will the project have stormwater discharges by direct conveyance (tributary, channel, ditch, storm sewer, etc.) to a water of the state listed on the 303 (d) Part A list as being impaired by stormwater or sediment; a Class A Water; or an Outstanding Resource Water?	YES ☐ NO ☑	If YES, enter 1, if NO enter 0	0
C.	Will the project have more than five acres of disturbed earth at any one time?	YES ☐ NO ☑	If YES, enter 1, if NO enter 0	0
D.	Will the project have disturbed earth in any one location for more than 14 consecutive calendar days without temporary or final stabilization?	YES ☐ NO ☑	If YES, enter 1, if NO enter 0	0
E.	Will the project include more than one acre of disturbance on soil that is greater than 15% slope?	YES ☐ NO ☑	If YES, enter 1, if NO enter 0	0
F.	Will the project include more than one acre of disturbance of soils with a high (K>0.36) erodibility rating?	YES ☐ NO ☑	If YES, enter 1, if NO enter 0	0
G.	**Total Score for Risk Factors (add A through F)**			0

Criterion A: Measure lake distance from mean water level, and stream or river distance from top of bank. Do not include disturbance for the installation of stormwater treatment facilities or road stream crossings if there are no reasonable alternative locations.

Criterion B: Refer to http://www.vtwaterquality.org/stormwater/htm/sw_cgpeligibility.htm for the listing.

Criterion C: The maximum allowable for Low Risk Projects is 7 acres. **Moderate risk projects over 5 acres may be required to file an Individual Discharge Permit application if determined necessary by the Secretary.**

Criterion D: The maximum allowable for Low Risk Projects is 21 days. **Moderate risk projects over 21 days may be required to file an Individual Discharge Permit application if determined necessary by the Secretary.**

Criterion E: Include disturbance for the duration of the project, not at any one point in time. Slope determinations should be based on a site survey of the future disturbance area.

Criterion F: Include disturbance for the entire individual project, not at any one point in time. The Erosion Factor K, is a measure of the inherent erodibilty of a soil type. Refer to NRCS soil maps for your county. If soils data is not available (e.g. if the site is built on assorted fill material), contact ANR for directions on evaluating soil erodibility.

Part II Continued – Detailed Risk Mitigation Factor Evaluation

Detailed Risk Evaluation – Identify Risk Mitigation Factors				
	Criteria	**Answer**	**Score Direction**	**Enter Score**
H.	Will stormwater leaving the construction site pass through at least 50 feet of established vegetated buffer before entering a receiving water?	YES ☑ NO ☐	If YES, enter 1, if NO enter 0	1
I.	Will the project be limited to two acres or less of disturbed earth at any one time?	YES ☑ NO ☐	If YES, enter 1, if NO enter 0	1
J.	Will the project have a maximum of 7 consecutive days of disturbed earth exposure in any location before temporary or final stabilization is implemented?	YES ☑ NO ☐	If YES, enter 1, if NO enter 0	1
K.	Will the project disturb less than two acres of soil with an erodibility higher than K=0.17?	YES ☑ NO ☐	If YES, enter 1, if NO enter 0	1
L.	Will the project include less than two acres of disturbance on soil that is greater than 5% slope?	YES ☑ NO ☐	If YES, enter 1, if NO enter 0	1
M.	**Total Score for Risk Mitigation Factors (add H through L.)**			5

Criterion H: Refer to Appendix C for a definition of vegetated buffer.
Criterion I: Refer to Appendix C for a definition of earth disturbance.
Criterion J: Refer to Appendix C for definitions of temporary and final stabilization.
Criterion K: Include disturbance for the duration of the project, not at any one point in time. The Erosion Factor K, is a measure of the inherent erodibilty of a soil type. Refer to NRCS soil maps available at USDA-NRCS District Offices. If soils data are not available (e.g. if the site is built on assorted fill material), contact DEC for directions on evaluating soil erodibility.
Criterion L: Include disturbance for the duration of the project, not at any one point in time. Slope determinations should be based on a site survey of the proposed disturbance area.

Total Risk Score		
N.	**Moderate Risk Base Score**	2
O.	**Enter Score from Line G above (Risk Factor Total)**	0
P.	**Add lines N and O**	2
Q.	**Enter Score from Line M above (Risk Mitigation Factor Total)**	5
R.	**OVERALL RISK SCORE: Subtract line Q from line P**	-3

Part III– Interpreting the Detailed Risk Evaluation

OVERALL SCORE	Risk Category	Directions for Filing for Permits
<1	Low Risk	The proposed project is eligible for the Construction General Permit as a Low Risk project provided that the requirements of Subpart 2 are met. If these requirements cannot be met, contact DEC to determine if the project should seek coverage as a Moderate Risk project or under an Individual Discharge Permit. Refer to Part IV of Appendix A for a summary of the application requirements for Low Risk projects.
1-2	Moderate Risk	The proposed project is eligible for the Construction General Permit as a Moderate Risk project provided that the requirements of Subpart 3 are met. If these requirements cannot be met, contact DEC to determine if the project should seek coverage as a Moderate Risk project or under an Individual Discharge Permit. Refer to Part IV of Appendix A for a summary of the application requirements for Moderate Risk projects.
>2	Requires Individual Permit	The proposed project is not eligible for coverage under the Construction General Permit, and therefore requires coverage under an Individual Discharge Permit. Please refer to Stormwater Section on the Water Quality Division website for more information: www.vtwaterquality.org/stormwater.htm.

Part IV – Filing Directions

1. Low Risk Projects

Projects that qualify as Low Risk are required to implement the applicable practices detailed in the *Low Risk Site Handbook for Erosion Prevention and Sediment Control.* To obtain coverage under General Permit 3-9020 as a Low Risk project, applicants must submit the following to DEC:

1. A completed Notice of Intent form for General Permit 3-9020;
2. A completed Appendix A;
3. The required processing fee.

To satisfy the public comment requirement, **applicants must file a copy of the completed Notice of Intent form, including a copy of Appendix A, with the municipal clerk in the municipalities where the project will occur prior to submitting this information to ANR. Details of the public notice process are in Part 2 of the general permit.**

2. Moderate Risk Projects

Projects that qualify as Moderate Risk are required to implement a site-specific Erosion Prevention and Sediment Control (EPSC) Plan that conforms to *The Vermont Standards and Specifications for Erosion Prevention and Sediment Control.* To obtain coverage under General Permit 3-9020 as a Moderate Risk project, applicants must submit the following to DEC:

1. A completed Notice of Intent form for General Permit 3-9020;
2. A completed Appendix A;
3. A site-specific EPSC Plan;
4. A certification by the plan preparer that the EPSC Plan conforms to *The Vermont Standards and Specifications for Erosion Prevention and Sediment Control;*
5. The required processing fee.

To satisfy the public comment requirement, **applicants must file a copy of the completed Notice of Intent form, including a copy of Appendix A, with the municipal clerk in the municipalities where the project will occur prior to submitting this information to ANR. Details of the public notice process are in Part 3 of the general permit.**