

STATE OF VERMONT
SUPERIOR COURT – ENVIRONMENTAL DIVISION

Re: **Jay Peak Resort NPDES Permit**)
)
)
)

Docket No. 76-5-14 Vtec

STATEMENT OF QUESTIONS

Appellant Vermont Natural Resources Council hereby provides the following statement of questions pertaining to the above-referenced *de novo* appeal of NPDES Permit No. VT50000116, Permit No. 5467-INDC.4 and Notice of Intent No. 5467-9015.10A and 3758-9015.A under General Permit 3-9105:

1. Whether the aforementioned permits fail to comply with 40 C.F.R. § 122.44(d) because the Agency of Natural Resources failed to include a reasonable potential analysis to determine whether and to what extent water-quality based effluent limitations are necessary to ensure compliance with Vermont’s Water Quality Standards (VWQS), and because the permits do not ensure compliance with VWQS.

2. Whether the aforementioned permitted discharges qualify for a presumption of compliance with Vermont’s Anti-Degradation Policy and Vermont Water Quality Standards pursuant to 10 V.S.A. § 1264, and whether any presumption is rebutted because the permits do not ensure compliance with VWQS, state law and the federal Clean Water Act.

3. Whether the aforementioned permits should not have been issued pursuant to 40 C.F.R. § 122.4(i) because there was no demonstration that there are sufficient remaining pollutant load allocations for the receiving waters, and that existing dischargers are subject to a compliance schedule to bring waters into compliance with Vermont’s Water

Quality Standards, and because the permit conditions do not ensure this demonstration will be met.

4. Whether the aforementioned permits should not have been issued under 10 V.S.A. § 1264 based upon the permit applicant's history of violations and the Agency of Natural Resources' failure to review the applicant's compliance history.

DATED at Montpelier, Vermont this 18th day of June, 2014.

APPELLANT

By:



Jamey Fidel, Esq.
Vermont Natural Resources Council
9 Bailey Ave.
Montpelier, VT 05602