



LAND USE PERMIT

AMENDMENT

CASE NO: 6F0633-1

Town of Swanton
PO Box 711
Swanton, Vermont 05465

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6093 (Act 250)

and

Energtek North Country
PO Box 1121
Jericho, Vermont 05465

District Environmental Commission #6 hereby issues Land Use Permit [Amendment] #6F0633-1, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6093. This permit amendment applies to the lands identified in Book 148, Pages 101, of the land records of Swanton, Vermont, as the subject of a deed to Town of Swanton and a lease to Energtek North Country.

This permit specifically authorizes the construction of a compressed natural gas facility to transport compressed natural gas on vehicles to customers. The facility will include: natural gas main extension, natural gas compressor, dispenser and a small office and work shop. The project is located on Lafar Street in Swanton, Vermont.

Jurisdiction attaches because the Project constitutes a material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

1. The Permittees, and their assigns and successors in interest, are obligated by this permit to complete, operate and maintain the project as approved by the District Commission in accordance with the following conditions.
2. The project shall be completed, operated and maintained in accordance with: (a) the conditions of this permit, and (b) the permit application, plans, and exhibits on file with the District Environmental Commission and other material representations.

The approved plans are:

Sheet C-1.0 - "Site Plan," dated 4/29/14, (Exhibit #34) ;

Sheet C-1.1- "Site Details," dated 4/29/14, (Exhibit #23);
Sheet C-2- "Layout Plan," dated 4/29/14, (Exhibit #24);
Sheet C-3 - "Detention Pond Plan and Details," dated 4/29/14, (Exhibit #25);
Sheet C-4 - "Wastewater Disposal System," dated 4/29/14, (Exhibit #26), and
Sheet C-5-"Water Main Extension", dated 4/29/14, (Exhibit #27).

3. All conditions of Land Use Permit #6F0633 is in full force and effect except as further amended herein.
4. The Permittees shall comply with all of the conditions of the following Agency of Natural Resources Permits:
 - a. Wastewater System and Potable Water Supply Permit #WW-6-2375-1 issued on November 20,2014 by the ANR Wastewater Management Division (Exhibit #37);
 - b. Authorization of Notice of Intent #6626-9020.1 under Construction General Permit #3-9020 issued on August 7, 2014 by the ANR Watershed Management Division (Exhibit #32);
 - c. Authorization of Notice of Intent #6626-9015.A under General Permit #3-9015 Stormwater Discharge General Permit, issued on October 30, 2014 by the ANR Watershed Management Division (Exhibit #38).
5. Any nonmaterial changes to the permits listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.
6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
7. A copy of this permit and plans shall be on the site at all times throughout the construction process.
8. No change shall be made to the design, operation or use of this project without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
9. No further subdivision, alteration, and/or development on the tract of land approved herein shall be permitted without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.

10. Pursuant to 10 V.S.A. § 8005(c), the District Commission may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.
11. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittees and their successors and assigns.
12. The Permittees shall apply and maintain water and/or other agents approved by the Watershed Management Division in the Project's Erosion Prevention and Control Plan on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.
13. The building approved herein is not approved for the on-site disposal of any process wastes. The Permittees shall apply and receive approval from the appropriate government entity for the use of the buildings which involves the storage or handling of any regulated substances or the generation of hazardous wastes.
14. The Project shall not utilize explosives and detonators that contain perchlorate. If the Permittees determines it is necessary to use explosives and detonators that contain perchlorate, the Permittees shall provide an explanation to the Agency of Natural Resources and receive approval from the District Commission prior to using the explosives or detonators.
15. The Project shall utilize the Best Management Practices for Blasting to Avoid Environmental Contamination as recommended by the Agency's Waste Management Division and depicted on Exhibit #30.
16. The Permittees shall comply with all terms and conditions outlined in the Blasting, Well Monitoring and Dust Plan, Revised August 25, 2014 as depicted in Exhibit #35.
17. There shall be no floor drains installed at the Project without first acquiring the required Underground Injection Control Permit from the ANR Wastewater Management Division.
18. The Permittees and all subsequent owners or lessees shall install and maintain only low-flow plumbing fixtures in any buildings. Any failed water conservation measures shall be promptly replaced with products of equal or better performance.
19. In addition to conformance with all erosion prevention and sediment control conditions, the Permittees shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this

- condition does not absolve the Permittees from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
20. The Permittees and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibit #35 by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
 21. At the completion of the project, the Permittees shall certify by affidavit from a nursery person or landscape architect that the site improvements have been carried out as described in this permit.
 22. The installation of exterior light fixtures is limited to those approved in Exhibit #21 and shall be mounted no higher than 20 feet above grade level. All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated.
 23. The Permittees shall not erect (additional) exterior signage without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs. The signage approved is depicted on Exhibit #33.
 24. Pursuant to 21 V.S.A. § 268, energy design and construction shall, at a minimum, comply the *2011 Vermont Commercial Building Energy Standards*. (More information on this update can be found at http://publicservice.vermont.gov/topics/energy_efficiency/cbes).
 25. The installation and/or use of electric resistance space heat is specifically prohibited without prior written approval from the District Environmental Commission.
 26. The Permittees shall reference the requirements and conditions imposed by Land Use Permit 6F0633-1 in all deeds of conveyance and leases.
 27. Pursuant to 10 V.S.A. § 6090(b)(1) this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittees have not commenced construction and made substantial progress toward completion within the three year period in accordance with 10 V.S.A. § 6091(b).
 28. All site work and construction of roadways and utilities shall be completed in accordance with the approved plans by October 15, 2017 unless an extension of this date is approved in writing by the Commission. Such requests to extend

must be filed prior to the deadline and approval may be granted without public hearing.

29. The Permittees shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed or two years from the date of this permit, whichever shall occur first. Application for extension of time for good cause shown may be made to the District Commission. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittees shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, National Life Records Center Building, National Life Drive, Montpelier, VT 05620-3201; Attention: Certification.
30. Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A. § 6027(g).

Dated at Essex Junction , Vermont, this 5th day of December, 2014.

By /s/Dan Luneau, Chair
District #6 Commission

Members participating in
this decision:

Joe Flynn
Dave Kimel

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A).

Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. § 1431 and the 5% surcharge required by 32 V.S.A. § 1434a(a), which is \$262.50 as of January 2011.

Page 6
Land Use Permit #6F0633-1

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Center Building, Montpelier, VT 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal. See 10 V.S.A. § 8504(k).

For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 828-1660. The Court's mailing address is: Superior Court, Environmental Division, 2418 Airport Road, Suite 1, Barre, VT 05641-8701.

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E X H I B I T	DATE	E N T E R E D	A = Applicant T = Town O = Opponent RPC = Regional Planning Commission ANR = Agency of Natural Resources VTRANS = Vt. Agency of Transportation DPS = Department of Public Services M = Municipality DHP = Division for Historic Preservation WMD = Wastewater Management Division L = Landowner
N O.		B Y	Nature of Exhibit and Date Entered
1	7/16/14	A	Act 250 Application Form
2	"	"	Schedule A – Fee Information
3	"	"	Schedule E – Adjoiner Information
4	"	"	Schedule F – Certificate of Service
5	"	"	Schedule G
6	"	"	Schedule B – Act 250 Narrative
7	"	"	School Impact Questionnaire
8	"	"	Ability to Serve Letter by Lt. John Flannigan, Vt. State Police – St. Albans (6/2/14)
9	"	"	Ability to Serve Letter by T. Girard, Fire Chief, Swanton Village Fire Department (5/29/14)
10	"	"	Swanton Industrial Park Draft Declaration of Covenants, Conditions and Restrictions
11	"	"	Signage (7/2/14)
12	"	"	Mitigation Agreement Between Town of Swanton Dated November 9, 2011 and Agency of Agriculture Dated November 14, 2011
13	"	"	Blasting, Well Monitoring and Dust Plan (6/14/14)
14	"	"	Economic Analysis (6/14)
15	"	"	Ability to Serve Letter by FairPoint (5/15/14)
16	"	"	Ability to Serve Letter by Swanton Electrical Department (Undated)
17	"	"	MOU by Energtek and Vt. Gas Systems Dated May 6, 2014

18	07/16/14	A	Municipal Impact Questionnaire
18a	"	"	Joel Clar, Development Review Board Chairman, Town of Swanton Zoning Office re Approval of Site Plan (6/3/14)
19	"	"	Letter of Intent by Vtrans (5/5/10)
20	"	"	ComCheck Envelope Certificate, Interior Lighting Certificate, Exterior Lighting Certificate (7/2/14)
21	"	"	Lighting Cut Sheets
22	"	"	Plan: Site Plan Sht. C-1.0 (4/29/14)
23	"	"	Plan: Site Details Sht. C-1.1 (4/29/14)
24	"	"	Plan: Layout Plan Sht. C-2.0 (4/29/14)
25	"	"	Plan: Detention Pond Plan and Details Sht. C-3.0 (4/29/14)
26	"	"	Plan: Wastewater Disposal System Sht. C-4.0 (4/29/14)
27	"	"	Plan: Water Main Extension Sht. C-5.0 (4/29/14)
28	07/30/14	"	Northwest Regional Planning Commission Review Letter (07/30/14)
29	08/07/14	"	Northwest Regional Planning Commission Letter to Clarify Review Letter of (08/07/14)
30	08/21/14	"	ANR/Planning and Legal Affairs Comments RE: Criterion 1B – Waste Disposal and Certificate of Service (08/21/14)
31	10/07/14	"	Cross Consulting Engineers Response to list of items requested (10/06/14)
32	"	"	Authorization of Notice of Intent (NOI) #6626-9020.1 Under Vermont Construction General Permit #3-9020 (08/07/14)
33	"	"	Signage
34	"	"	Plan: Site Plan - Civil, C-1.0 (04/29/14)
35	10/09/14	"	Blasting, Well, Monitoring, and Dust Plan (REV 08/25/140)
36	12/4/14	"	Public Water System Construction Permit #C-2692-11.2 Issued November 14, 2014
37	"	"	Wastewater System and Potable Water Supply Permit WW-6-2375-1 Issued November 20, 2014
38	"	"	Vt. DEC Authorization to Discharge Under General Permit 3-9015 Issued October 30, 2014

CERTIFICATE OF SERVICE

I hereby certify on this 5th day of December, 2014, a copy of the foregoing ACT 250 LAND USE PERMIT #6F0633-1, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to nrb-act250essex@state.vt.us. You can now fill out and submit the Act 250 survey online at: <http://permits.vermont.gov/act250-survey>.

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Chair, Village Planning Commission
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FOR YOUR INFORMATION

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Dated at Essex Junction, VT this 5th day of
December 2014.



Natural Resources Board Technician
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