



State of Vermont
Policy, Planning & Intermodal Development Division
Policy, Planning and Research Bureau
Development Review & Permitting Services Section

Agency of Transportation

Barre City Place, 219 North Main Street [phone] 802-636-0037
Barre, VT 05641 [ttd] 800-253-0191
vtrans.vermont.gov

! LETTER OF INTENT !
THIS IS NOT A PERMIT

November 6, 2019

Town of Hartford
Hannah Tyler
171 Bridge Street
White River Junction, VT 05001

[Via E-Mail]

Subject: Hartford, US5, L.S. 161+84 LT & RT
(Hartford STP 0113(59)S - Roundabout at US5/Skyes Mountain Ave)

Dear Ms. Tyler:

Your highway permit application to reconstruct the signalized intersection at US Route 5 and Skyes Mountain Avenue to a roundabout has been reviewed and found to meet the requirements for work within the highway right-of-way.

Title 19 VSA § 1111 requires that we ensure compliance with all local ordinances and regulations relating to highways. **Your highway permit application will be processed following VTrans Permitting Services receipt of the project's contract plans.**

When issued, the permit will contain, but will not be limited to, the attached Special Conditions. As a condition of an issued permit VTrans will require that the selected Contractor for the project sign the *State Highway Access and Work Permit* (aka 19 V.S.A. §1111 Permit) prior to the start of construction in the State Highway right-of-way.

This commitment is valid for two years from the date of this letter. Should your other permits require a longer time period, please contact us relative to an extension of time.

This Letter of Intent addresses only access to, work within, and drainage affecting the State highway. It does not address other possible transportation issues, such as access to town highways, use of private roads, and use of railroad crossings. If relevant to the proposed development, such issues must be addressed separately.

If you have any further questions about this matter, please call me at (802) 498-8019.

Sincerely,

Brian R. McAyoy
Permit Coordinator
Permitting Services Section

Attachment

Reviewed by: Date: 11-06-19
Theresa Gilman, Permitting Services Supervisor

cc: [Via E-Mail]

Two-Rivers Ottauquechee Regional Commission
Steven Ireland, McFarland Johnson

SPECIAL CONDITIONS

If contradiction exist between the conditions of this permit and the contract documents, the most stringent conditions shall apply unless otherwise authorized by VTrans District Transportation Administrator.

As a condition of this permit, the Permit Holder (Town of Hartford) shall be responsible for adhering to the conditions and requirements of the attached document, **Appendix A, Operational Stormwater Permitting and Compliance**, between the Town of Hartford (Sponsor) and the Agency of Transportation (State), dated November 6, 2019. The requirements of this document are continuous and on-going unless otherwise altered, in writing, by the State. Any persons working within the State right-of-way to inspect, maintain, or repair facilities as required in this document, shall be required to wear the appropriate MUTCD safety apparel.

The Town of Hartford and/or their assignees shall be responsible for the all maintenance of all new sidewalks constructed in the State right-of-way as part of the project, **Hartford STP 0113(59)S**, as shown on the attached plans. This shall include, but is not limited to, winter snow and ice removal when deemed necessary. The Permit Holder is cautioned that all snow and ice removal shall be kept clear of the traveled portion of the State highway. Should any accumulation occur within the traveled way due to sidewalk maintenance, the Town shall clear the roadway immediately unless otherwise directed by the District Transportation Administrator.

The Town of Hartford and/or their assignees shall be responsible for landscape maintenance of vegetation placed within the center island of the roundabout and within the State right-of-way as constructed as part of the project, **Hartford STP 0113(59)S**. Landscaping shall be limited to live natural materials (trees, shrubs, grass, plants, flower, etc.). There shall be no signs, planters, landscape rocks, fences or other objects without written approval via a 19 V.S.A. §1111 permit (State Highway Access and Work Permit). Any plant modifications, other than in-kind replacements, shall require review and approval by VTrans before being installed or altered. Any persons working within the State right-of-way to maintain, water or plant seasonal vegetation shall be required to wear the appropriate MUTCD safety apparel.

The Permit Holder is advised that the State of Vermont, through its Agency of Transportation, manages State highway right-of-way and retains the right – in its sole discretion – to remove or modify any improvements, including but not limited to landscaping, as it deems necessary for transportation purpose with no due compensation to the Town.

Prior to the start of construction, the Contractor shall sign as a co-applicant to the State Highway Access and Work Permit (a/k/a 19 V.S.A. §1111 Permit) submitted for the referenced project. A copy of this application shall be provided to VTrans Permitting Services Section.

Prior to the start of construction, the Permit Holder and /or their Contractor shall submit a Maintenance and Protection of Traffic (MPT) and traffic control plan (TCP) to be implemented to the Agency for review and approval. This plan shall also include ADA pedestrian access throughout the project area. If a speed limit reduction is proposed through the project area, a temporary speed certificate shall be submitted to the Agency for approval; allow a minimum of one week for review and approval of the certificate.

Prior to the start of construction, the Permit Holder (Town of Hartford), the project resident engineer and the Contractor are required to hold a preconstruction meeting with VTrans District Transportation Administrator (DTA) to discuss the work to be completed and the Agency's expectations when working within the State highway right-of-way, including but not limited to the management of traffic and the conditions in this permit. The District Transportation Administrator can be contacted at (802) 295-8888.

Upon completion of the work, the Permit Holder shall be responsible to schedule and hold a final inspection. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such inspection. The Permit Holder and/or their Contractor shall provide VTrans Permitting Services Section and the Regional District Office with a copy of any revisions to the project plans prior to or at the final inspection meeting.

This permit is granted subject to the restrictions and conditions on the back of the permit, with particular attention given to the Special Conditions listed below. This permit pertains only to the authority exercised by the Vermont Agency of Transportation (Agency) under Vermont Statutes Annotated, Title 19, Section 1111, and does not relieve the Permit Holder from the requirements of otherwise applicable statutes, rules, regulations or ordinances (e.g., Act 250, zoning, etc.). The Permit Holder shall observe and comply with all Federal and State laws and local bylaws, ordinances, and regulations in any manner affecting the conduct of the work and the action or operation of those engaged in the work, including all orders or decrees as exist at present and those which may be enacted later by bodies or tribunals having jurisdiction or authority over the work, and the Permit Holder shall defend, indemnify, and save harmless the State and all its officers, agents, and employees against any claim or liability arising from or based on the violation of any such law, bylaws, ordinances, regulations, order, or decree, whether by the Permit Holder in person, by an employee of the Permit Holder, by a person or entity hired by the Permit Holder, or by a Subcontractor or supplier.

The Permit Holder shall accomplish all work under this permit in accordance with the project plans, VTrans Standard Drawings and associated contract documents for the project entitled, Hartford STP 0113(59)S, and any future revisions or amendments to these plans; and, the COOPERTIVE AGREEMENT BETWEEN THE STATE OF VERMONT AGENCY OF TRANSPORTATION AND THE TOWN OF HARTFORD, CONTRACT #CA0135, executed May 2, 2005 AND ALL SUBSEQUENT AMENDMENTS.

All materials and construction practices shall be in accordance with the Vermont Agency of Transportation *2018 Standard Specifications for Construction*, with the latest amendments and all applicable Vermont Agency of Transportation Standard Drawings.

The Permit Holder shall arrange for and provide inspection and material testing by qualified engineering personnel and testing laboratories to ensure that all work conforms to Agency standards and the design plans. All results shall be provided to the Agency as directed in the project's contract documents unless otherwise required by the District Transportation Administrator. Any materials or tests failing Agency standards may be required to be removed and replaced in their entirety at the owner's expense.

The Permit Holder shall have a **Public Relations Specialist** assigned to address inquiries, questions and provided notification to the public of project activity, as deemed necessary. The Permit Holder and/or their assignee shall keep the Agency's District Transportation's Administrator (DTA) apprised of the project schedule; specifically, any changes related to traffic control, major construction activities and other milestones as deemed necessary by the Agency's DTA.

The Agency reserves the right to retain material Items removed from State highway right-of-way and which are deemed property of the State unless otherwise specified in the project's contract documents. These items may include but are not limited to pavement grindings, signage, traffic and pedestrian signal system components and street lighting. These items shall be delivered to a location as specified in the contract documents unless otherwise directed by the District Transportation Administrator.

The Permit Holder and/or their Contractor shall contact Derek Lyman, VTrans Traffic Signal Operations Engineer, at (802) 249-5079 or derek.lyman@state.vt.us a minimum of two weeks in advance of on-site project activity.

The Permit Holder shall be responsible for the coordination, in advance of construction, of all necessary utility relocations so as not to delay the project construction. This includes both aerial and underground utilities and temporary and permanent relocation work required to address various traffic control phases. This permit does not cover work performed by utility companies and/or their contractors, a separate 19 V.S.A. §1111 Permit shall be required from the utility owners if utility relocation work within the State highway right-of-way is needed.

The Permit Holder shall contact the Agency's Motor Vehicles' Oversize Permit Section prior to construction to notify them of any roadway restrictions associated with the project construction; this includes but is not limited to restricted travel widths less than 14 feet in width.

Please note that the Vermont Agency of Transportation is not a member of Dig Safe. The Permit Holder shall also contact Dan Ertel, State Signal Supervisor, at (802) 343-2188. Mr. Ertel will need to locate and mark all existing buried utility facilities owned by the Agency near the location of the proposed work.

All grading within the State Highway right-of-way associated with the proposed construction shall be subject to inspection and approval by the District Transportation Administrator or his or her staff. The Permit Holder shall be responsible for ensuring that all grading work in or on the State Highway right-of-way complies with applicable statutes, rules, regulations or ordinances.

In areas to be grass covered, the Permit Holder shall restore turf by preparing the area and applying the necessary topsoil, limestone, fertilizer, seed, and mulch, all to the satisfaction of the District Transportation Administrator. The Permit Holder shall be responsible for ensuring that all turf restoration work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

The Permit Holder shall restore any abutting property owner's lawn and drive that is disturbed by the project, to the satisfaction of the owner.

Any disturbed boundary markers shall be reset by a licensed Vermont Land Surveyor.

The Permit Holder must exercise extreme care when working adjacent to and extending existing storm drainage pipes owned by the State. Any damage caused by the Permit Holder to the storm drainage system must be repaired using new materials at the expense of the Permit Holder. Repairs must be inspected by the Agency Project Inspector.

Relocated and/or new sign assemblies shall be installed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD). Any damage by the Contractor to existing signs, posts, and/or bases shall be repaired or replaced at the expense of the Permit Holder and the to the satisfaction of the Agency Project Inspector.

The Permit Holder must install temporary pavement prior to weekend shutdown after completion of backfilling where an open cut excavation has been made through a roadway subject to vehicular traffic or where construction for any roadway widening for turn lanes has been brought to grade. The temporary pavement shall consist of, at least, 2 inches of compacted bituminous concrete. Temporary pavement shall be properly maintained and shall be replaced with permanent pavement prior to completion of the project or suspension of work for the winter season.

The placement, size, shape, and color of all pavement markings must be in accordance with the most recent editions of the MUTCD (Manual on Uniform Traffic Control Devices) and Vermont standards. All existing pavement markings that become disturbed or overlaid with pavement shall be replaced by the Permit Holder with "in kind" (durable or paint) markings to the satisfaction of the District Transportation Administrator. The Permit Holder shall bear all costs associated with this work.

The Permit Holder must backfill all open trenches or pits at the end of each day. With permission from the District Transportation Administrator, trenches or pits may be left open for short periods of time if properly protected. In no case shall trenches or pits be left open over a weekend. The Permit Holder shall be responsible for ensuring that all trench or pit work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

The Permit Holder shall promptly and unconditionally pay for full repair and restoration of any and all damages to existing underground utility facilities (meaning any underground pipe, conduit, wire or cable, including appurtenances) that have been brought about by the execution of the permitted work. The Permit Holder also is required to pay for any costs to repair the highway following and resulting from any repairs to existing utilities occurring as a result of the work covered by this permit. Except with the specific, written permission of the Engineer, the Permit Holder or his or her contractor shall expose all underground facilities to verify their location and depth, at each location where the authorized boring or drilling work crosses a facility; and at reasonable intervals when closely paralleling a facility. Whenever possible, existing facilities should be crossed at a perpendicular angle. The Permit Holder shall be responsible for obtaining the modification of this permit, if necessary, for any additional survey work before initiating boring or drilling operations under the permit. The Agency will treat the Permit Holder's failure to fully, promptly, and conscientiously comply with all of conditions of this paragraph, including but not limited to the obligation to pay for repairs, as grounds for the Agency to refuse to grant any further requests by the Permit Holder for any other permits for subsurface work unless the Permit Holder furnishes irrevocable financial security, in a type and an amount deemed sufficient by the Agency in its sole discretion, prior to such future subsurface work.

This permit approves the connection of the Permit Holder's stormwater management system to the Agency's State Highway stormwater management system, which is to be constructed as shown within the highway right-of-way, on the plans referenced and attached to, this permit

All stormwater from the defined area approved by the Agency to discharge into the State Highway right-of-way shall be pre-treated (to the maximum extent practicable on the Permit Holder's land) for water volume, velocity, and quality prior to discharging into the Agency's stormwater management system.

The Permit Holder shall at a minimum install and maintain erosion prevention and sediment control measures in accordance with the Low Risk Site Handbook for Erosion Prevention and Sediment Control published by the Vermont Department of Environmental Conservation for the purposes of preventing sediment transport into the Agency's State Highway right of way and stormwater management systems or surface waters of the State. All disturbed earth areas having erosion potential must be temporarily or permanently stabilized, as soon as practicable or within seven (7) days of disturbance or, if precipitation is forecast sooner. Ditches or slopes steeper than 1:3 shall make use of appropriate biodegradable erosion matting composed of planar woven natural fiber. Stabilization measures constructed in the State Highway right-or-way shall be in compliance with the current version of the Vermont Agency of Transportation Standard Specifications for Construction.

Traffic Control and Safety

Roadway shoulder areas must be maintained free of unnecessary obstructions, including parked vehicles, at all times while work is being performed under this permit.

The Permit Holder and their contractor shall adhere to the Maintenance and Protection of Traffic (MPT) and traffic control plan (TCP) approved by the Agency, unless revisions are otherwise approved by the Agency.

The Permit Holder shall verify the appropriate safety measures needed, prior to construction, so proper devices and/or personnel are available when and as needed. Traffic control devices, shall be in conformance with the MUTCD (Manual on Uniform Traffic Control Devices), Agency standards and any additional traffic control deemed necessary by the District Transportation Administrator. The Permit Holder's failure to utilize proper measures shall be considered sufficient grounds for the District Transportation Administrator to order cessation of the work immediately.

The Permit Holder will perform construction in such a way as to minimize conflicts with normal highway traffic. When two-way traffic cannot be maintained, the Permit Holder shall provide a sign package that conforms to the MUTCD (Manual on Uniform Traffic Control Devices) or Agency standards, as well as trained Flaggers. The District Transportation Administrator may require a similar sign package with trained Flaggers whenever it is deemed necessary for the protection of the traveling public. In addition, the District Transportation Administrator may require the presence of Uniform Traffic Officers (UTOs); moreover, the presence of UTOs shall not excuse the Permit Holder from its obligation to provide the sign package and Flaggers.

The Permit Holder shall ensure that all workers exposed to the risks of moving highway traffic and/or construction equipment wear high-visibility safety apparel meeting the requirements of ISEA (International Safety Equipment Association) "American National Standards for High-Visibility Safety Apparel," and labeled as ANSI (American National Standards Institute) 107-2004, or latest revisions, for Performance Class 2 or 3 requirements. A competent person - one designated by the Permit Holder's Contractor to be responsible for worker safety within the activity area of the State highway right-of-way - shall select the appropriate class of garment. The Engineer may suspend this permit until compliance is obtained.

Insurance and Liability Requirements

Independence; Liability: The Permit Holder will act in an independent capacity and not as officers or employees of the State.

The Permit Holder shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Permit Holder or of any agent of the Permit Holder. The State shall notify the Permit Holder in the event of any such claim or suit, and the Permit Holder shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit.

After a final judgment or settlement, the Permit Holder may request recoupment of specific defense costs and may file suit in the Washington Superior Court requesting recoupment. The Permit Holder shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Permit Holder.

The Permit Holder shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Permit Holder.

Insurance: Before beginning any work under this Permit the Permit Holder must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Permit Holder to maintain current certificates of insurance on file with the State for the duration of work under the Permit. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Permit Holder for the Permit Holder's operations. These are solely minimums that have been established to protect the interests of the State.

Workers' Compensation: With respect to all operations performed under the Permit, the Permit Holder shall carry workers' compensation insurance in accordance with the laws of the State of Vermont.

General Liability and Property Damage: With respect to all operations performed under the Permit, the Permit Holder shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations
Products and Completed Operations
Personal Injury Liability
Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

\$2,000,000 Per Occurrence
\$2,000,000 General Aggregate
\$2,000,000 Products/Completed Operations Aggregate
\$ 50,000 Fire/Legal Liability

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

Automotive Liability: The Permit Holder shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Permit. Limits of coverage shall not be less than: \$1,000,000 combined single limit.

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

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Appendix A

Operational Stormwater Permitting and Compliance

November 6, 2019

1. SPONSOR Responsibilities. The SPONSOR shall undertake the following responsibilities in connection with the Stormwater Discharge Permit (SDP):

- a. Serve with the STATE as co-permittee, co-owner, and co-operator of the SDP.
- b. On an on-going, continuous basis, pursuant to 19 V.S.A. § 1111, secure, maintain, and comply with all necessary permits to work within and discharge into the STATE right-of-way, including the project's State Highway Access and Work Permit (a/k/a S.1111 permit). Routine maintenance activities will be in accord with the Manual on Uniform Traffic Control Devices (MUTCD) and VTrans traffic safety requirements (as referred in the S.1111 permit). VTrans may require additional permits in the future for work associated with the stormwater system if it other than annual routine work maintenance.
- c. Retain a qualified technical consultant to perform the following services:
 - 1) Design the Stormwater System and develop an administratively complete application package for the SDP;
 - 2) Manage the stormwater permitting process, including but not limited to any need to amend or supplement the application package in the course of Vermont Agency of Natural Resources (VANR's) review, to apply for and obtain an individual permit rather than a general permit if required by VANR, and to consult or testify in any appeal of VANR's decision on the SDP application by the parties or any third party; and
 - 3) Prepare the initial designer certification under the SDP and send to the VTrans Southeast Regional Stormwater Technician for review.
- d. Regularly inspect and maintain the gravel wetland. Check for presence of trash or debris at the inlet, forebay, wetland cells, and outlet structure. Remove trash as necessary. Check for signs of erosion and determine the cause. Repair and smooth out eroded areas and then stabilize. Check for sediment accrual in the forebay. Remove accumulated sediment as needed, or, at a minimum, when the accumulated material within the forebay approaches half the designed depth. Check for good vegetative growth within the wetland cells. Replace vegetation as needed. Check for undesirable vegetative growth including invasive species in the forebay. Remove vegetation by hand and remove wetland vegetation in the forebay if it appears to block the flow.
- e. Regularly inspect and maintain the catch basins in accordance with the S.1111 permit. Check for the presence of trash or debris at the inlet and grate and remove as necessary. Check for the presence of trash or debris within the structure and remove as necessary. Check for sediment accrual in the sump. Remove and/or vacuum sediment when the accumulated material within the sump approaches half the sump depth.

- f. Submit a complete and signed application package for SDP to the VTrans Municipal Assistance Bureau (MAB) Project Supervisor for distribution, review, and any revisions, and submission to VANR.
- g. Construct the Stormwater System as authorized by the SDP.
- h. Following completion of construction of the regulated impervious surfaces and permitted Stormwater System, prepare the initial designer certification (performed and completed by the original designer listed on the SDP) that the Stormwater System was built and is operating in compliance with the SDP.
- i. No later than ten business days before the deadline established by the SDP or other applicable VANR requirements for filing the initial designer certification with VANR, submit the initial designer certification to the VTrans Local Transportation Facilities Project Supervisor and VTrans Southeast Regional Stormwater Technician for distribution, review, any revisions, and submission to VANR.
- j. No later than sixty days after final acceptance of construction completion, provide one set of printed as-built plans for the permitted Project plus one copy in pdf format on disk to the VTrans Southeast Regional Stormwater Technician.
- k. In cooperation with the VTrans Southeast Regional Stormwater Technician, inspect, maintain, and make physical repairs to the permitted Stormwater System (which may include emergency repairs, corrective measures, and reconstruction in the event of system failure), all as needed to maintain Stormwater System function and to comply with the SDP and any and all other applicable local, state, and federal requirements, and in keeping with the maintenance requirements in sections d and e.

Using inspection report forms provided by VANR, and in coordination with the VTrans Southeast Regional Stormwater Technician, prepare draft inspection reports that note problems and maintenance/corrective actions taken by the SPONSOR and/or by the STATE; submit draft inspection reports to the VTrans Southeast Regional Stormwater Technician, review, and comment at least thirty days prior to the deadline for submitting the inspection reports to VANR; submit final inspection reports to VANR reflecting review and comments by the VTrans Southeast Regional Stormwater Technician; and provide copies of the final inspection report to the VTrans Southeast Regional Stormwater Technician.

- l. Retain written records of inspection reports and a time log of corrective/maintenance activities, and make these documents available to the STATE or VANR upon request.
- m. Coordinate and cooperate with the STATE in the amendment of the SDP and in the modification or replacement of the Stormwater System as may be reasonably necessary in view of changing transportation, development, regulatory, technical, or environmental considerations.

2. STATE Responsibilities. The STATE shall undertake the following responsibilities in connection with the SDP:

- a. Serve with the SPONSOR as co-permittee, co-owner, and co-sponsor of the SDP.
- b. Issue access permits to the SPONSOR pursuant to 19 V.S.A. § 1111 for construction, operation, and maintenance of the Stormwater System, and for emergency repairs.
- c. Provide timely review and revisions to the SPONSOR on the proposed design elements of the Stormwater System (including but not limited to the proposed stormwater treatment practices and the proposed Stormwater System's ongoing operational and maintenance needs).
- d. Provide timely review and revisions to the SPONSOR on the SDP application package.
- e. Submit the final application package for the SDP to VANR and, in coordination and cooperation with the SPONSOR, provide such additional information as VANR may reasonably require to make the application complete.
- f. Review and, as may be reasonably necessary, revise the initial designer certification to be provided by the SPONSOR, and timely submit the initial designer certification to the VANR Stormwater Section as required by the SDP.
- g. In coordination and cooperation with the SPONSOR, attend an annual inspection and timely review and comment on the draft inspection reports to be provided by the SPONSOR.
- h. In coordination and cooperation with the SPONSOR, timely prepare and submit applications for amendment or renewal as required to maintain the SDP.
- i. Timely pay VANR operating fees to maintain the SDP.

3. Administrative Authority.

- a. The STATE reserves the right to take maintenance or corrective actions and any other actions that may be reasonably necessary to maintain Stormwater System function and compliance with the SDP, to comply with other regulatory requirements, or to protect the environment or the STATE's infrastructure, including but not limited to the Stormwater System. The STATE shall provide reasonable notice to the SPONSOR of any such actions that the STATE intends to take and a reasonable opportunity for the SPONSOR to fulfill its responsibilities as set forth herein. Any such actions that the STATE undertakes shall not be construed as a waiver of its rights under this Agreement.
- b. The STATE further reserves the right to amend the SDP or to modify or replace the Stormwater System to meet changing transportation, development, technical, or environmental considerations. The STATE shall provide reasonable notice to the SPONSOR of any such actions that the STATE intends to take.

- c. The SPONSOR shall abide by all comments, revisions, notices, and amendments made by the STATE, which shall give reasonable consideration to the SPONSOR's requests.

4. Funding and Costs.

- a. The SPONSOR's costs in connection with its responsibilities set forth herein shall be reimbursed within the existing provisions and limitations of the Cooperative Agreement and Cooperative Agreement Amendment #1. Nothing herein is intended, nor shall be construed, to alter or amend the funding levels or coverage set forth in the Cooperative Agreement and Cooperative Agreement Amendment #1. As provided by the Cooperative Agreement and Cooperative Agreement Amendment #1, the SPONSOR's costs of maintaining the completed project, including but not limited to permit renewals, shall be borne solely by the SPONSOR.
- b. If changing transportation, development, technical, or environmental considerations lead the parties to amend the SDP or to modify or replace the Stormwater System, the SPONSOR and the STATE agree to coordinate compliance and apportion the costs of development, permitting, construction, compliance, operation, and maintenance associated with the amendment, modification, or replacement based on the extent of each party's responsibility for incurring these new costs.
- c. If existing or future state or federal regulations require amendment of the SDP or modification or replacement of the Stormwater System (which may occur, for example, if the receiving waters are listed as impaired pursuant to section 303(d) of the Clean Water Act), the SPONSOR and the STATE agree to coordinate compliance and apportion the costs of development, permitting, construction, compliance, operation, and maintenance associated with the new requirement based on their percentage share of the impervious surfaces regulated by the new requirement.

5. Staffing. The SPONSOR and the STATE each agrees to employ the staff necessary to carry out their responsibilities set forth herein.

6. Future Connections or Expansions. The Stormwater System will treat only the regulated impervious surfaces within the defined Project limits as provided by the SDP for this Project, and the SPONSOR shall not employ the Stormwater System or allow the Stormwater System to be employed to treat any additional impervious surfaces, stormwater facility connections, and/or discharges from other private or public sources unless and until the STATE, in its sole discretion, agrees to a written amendment to the S.1111 permit to allow future connections to or expansions of the Stormwater System and to secure any associated amendment of the SDP as may be reasonably necessary in view of changing transportation, development, regulatory, technical, or environmental considerations.

7. Communications. Communications with the STATE officials referenced in this Agreement shall be mailed or delivered to the following addresses unless or until the STATE notifies the SPONSOR in writing of a change of address:

Scott Robertson, Municipal Assistance Bureau Project Manager
Vermont Agency of Transportation
219 North Main St, 4th floor,
Barre, VT 0564
802-793-2395

Michael Johnson, SE Regional Stormwater Technician
Vermont Agency of Transportation
Dill Bldg, 2178 Airport Rd (Unit A)
Barre, VT 05641
Tel: 802-249-6906

Chris Bump, District #4 Project Manager
Vermont Agency of Transportation - District #4
223 Beswick Drive
White River Junction, VT 05001
Tel: 802-296-5567

Draft