AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
ONE NATIONAL LIFE DRIVE, MAIN BUILDING, 2nd FLOOR
MONTPELIER, VT 05620-3522

Permit No.: 3-1493
PIN: RU02-0144
NPDES No.: VT0101281

Name of Applicant: Town of Pownal
PO Box 411
Pownal, Vermont 05261

Expiration Date: March 31, 2023

DRAFT
DISCHARGE PERMIT

In compliance with the provisions of the Vermont Water Pollution Control Act as amended (10 V.S.A. chapter 47), the Vermont Water Pollution Control Permit Regulations as amended (Environmental Protection Rules, Chapter 13), and the federal Clean Water Act as amended (33 U.S.C. § 1251 *et seq*.), and implementing federal regulations, the Town of Pownal, Vermont (hereinafter referred to as the "Permittee") is authorized by the Secretary of the Agency Natural Resources ("Secretary") to discharge from the Pownal Wastewater Treatment Facility (WWTF) to the Hoosic River in accordance with the following conditions.

This permit shall become effective on [Month] [Day], 2018.

Emily Boedecker, Commissioner
Department of Environmental Conservation

By: _____ Date: _____
Jessica Bulova, Section Manager
Wastewater Management Section
Watershed Management Division

I. SPECIAL CONDITIONS

A. EFFLUENT LIMITS

1. During the term of this permit, the Permittee is authorized to discharge from outfall serial number S/N 001 of the Pownal Wastewater Treatment Facility (WWTF) to the Hoosic River, an effluent for which the characteristics shall not exceed the values listed below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS							
	Annual Average	Monthly Average	Weekly Average	Maximum Day	Monthly Average	Weekly Average	Maximum Day	Instantaneous Maximum
		Mass (**lbs/day**)			Concentration (**mg/L**)			
Flow[1]	0.26 MGD	Monitor only						
Biochemical Oxygen Demand (5-day, 20° C) (BOD_5)		65.1	97.6		30	45	50	
Total Suspended Solids (TSS)		65.1	97.6		30	45	50	
Total Phosphorus (TP)							Monitor only	
Total Nitrogen (TN)[2]							Monitor only	
Total Kjeldahl Nitrogen (TKN)							Monitor only	
Nitrate/Nitrite Nitrogen (NO_x)							Monitor only	
Total Ammonia							Monitor only	
Settleable Solids								1 ml/L
Escherichia coli								160/100mL
pH					Between 6.5-8.5 Standard Units			

[1] Monthly average flow calculated by summing daily effluent flow for each day in the given month and dividing the sum by the number of days of discharge in that month.
[2]Total nitrogen (TN) = *TKN (mg/L) + NO_x (mg/L)*

2. The effluent shall not have concentrations or combinations of contaminants including oil, grease, scum, foam, or floating solids which would cause a violation of the Vermont Water Quality Standards.

3. The effluent shall not cause visible discoloration of the receiving waters.

4. The monthly average concentrations of Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS) in the effluent shall not exceed 15 percent of the monthly average concentrations of BOD_5 and TSS in the influent into the Permittee's WWTF. For the purposes of determining whether the Permittee is in compliance with this condition, samples from the effluent and the influent shall be taken with appropriate allowance for detention times.

5. If the effluent discharged for a period of 90 consecutive days exceeds 80 percent of the permitted flow limitation, the Permittee shall submit to the Secretary projected loadings and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

6. Any action on the part of the Secretary in reviewing, commenting upon or approving plans and specifications for the construction of WWTFs shall not relieve the Permittee from the responsibility to achieve effluent limitations set forth in this permit and shall not constitute a waiver of, or act of estoppel against any remedy available to the Secretary, the State of Vermont or the federal government for failure to meet any requirement set forth in this permit or imposed by state or federal law.

7. The permittee shall maintain processing capacity for use only in receiving and processing septage for the useful life of the facility as required under 10 V.S.A. 1626a (a), (c) and (d). "Such septage shall be accepted from any Vermont municipality and shall not be restricted to specific municipalities. The rate or rates charged for acceptance by the plant of septage from sources other than the users for whom the plant is designed primarily to serve, shall be equal to the rate or rates charge the primary users, and shall not subsidize the primary users."

8. In accordance with Section 2-04 of the Vermont Water Quality Standards, this permit hereby establishes a mixing zone for *E. coli* bacteria not to exceed 200 feet from the point of discharge. Within the mixing zone, Section 3-04 B.3. of the Water Quality Standards is waived in accordance with Section 2-04, up to the *E. coli* discharge limitation of 160 colonies /100 ml.

B. WASTE MANAGEMENT ZONE

In accordance with 10 V.S.A. § 1252, this permit hereby establishes a waste management zone that extends from the outfall of the Pownal Wastewater Treatment Facility in the Hoosic River downstream 1.0 mile.

C. REAPPLICATION

If the Permittee desires to continue to discharge after the expiration of this permit, the Permittee shall reapply on the application forms then in use at least 180 days before this permit expires.

Reapply for a Discharge Permit by: September 30, 2022

D. OPERATING FEES

This discharge is subject to operating fees as required by 3 V.S.A. § 2822.

E. TOXICITY TESTING

1. WHOLE EFFLUENT TOXICITY (WET) TESTING.

a) During **August or September 2019**, the Permittee shall conduct a two-species (*Pimephales promelas* and *Ceriodaphnia dubia*) (48-hour acute endpoints within a 7-day chronic test) WET tests on a composite effluent sample collected from S/N 001. The results shall be submitted to the Secretary by **December 31, 2019**.

b) During **January or February 2021**, the Permittee shall conduct a two-species (*Pimephales promelas* and *Ceriodaphnia dubia*) (48-hour acute endpoints within a 7-day chronic test) WET tests on a composite effluent sample collected from S/N 001. The results shall be submitted to the Secretary by **June 30, 2021**.

The WET tests shall be conducted according to the procedures and guidelines specified in "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms" and "Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms" (both documents U.S. EPA October 2002 or, if a newer edition is available, the most recent edition).

c) One toxic pollutant test. The list of pollutants is included in 40 CFR Part 122, Appendix J, Table 2. The results shall be submitted to the Secretary by **December 31, 2021**

Based upon the results of these tests or any other toxicity tests conducted, the Secretary reserves the right to reopen and amend this permit, pursuant to Condition II.B.4 of this permit, to require additional WET testing or a Toxicity Reduction Evaluation be conducted.

F. MONITORING AND REPORTING

1. Sampling and Analysis

The sampling, preservation, handling, and analytical methods used shall conform to the test procedures published in Title 40 of the Code of Federal Regulations (C.F.R.) Part 136.

The Permittee shall use sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. Part 136 for the analysis of the pollutants or pollutant parameters specified in Condition I.A. above.

Samples shall be representative of the volume and quality of effluent discharged over the sampling and reporting period. All samples are to be taken during normal operating hours. The Permittee shall identify the effluent sampling location used for each discharge.

2. Effluent Monitoring

During the term of this permit, the Permittee shall monitor and record the quality and quantity of discharge(s) at outfall serial number S/N 001 of the Pownal WWTF, according to the following schedule and other provisions:

PARAMETER	MINIMUM FREQUENCY OF ANALYSIS	SAMPLE TYPE
Flow	Continuous	Daily Total, Max., Min.
Biochemical Oxygen Demand (BOD_5)	1 × month	composite[1]
Total Suspended Solids (TSS)	1 × month	composite[1]
Total Phosphorus (TP)	1 × month	composite[1]
Total Nitrogen (TN)	1 × month	[calculated[2,3]]
Total Kjeldahl Nitrogen (TKN)	1 × month	composite[1,3]
Nitrate/Nitrite Nitrogen (NO_x)	1 × month	composite[1,3]
Total Ammonia	1 × month	grab
Settleable Solids	1 × day	grab[4]
Escherichia coli	2 × month	grab[5]
pH	1 × day	grab
Temperature	1 x year	grab
Dissolved Oxygen	1 x year	grab
Oil & Grease	1 x year	grab
Total Dissolved Solids	1 x year	composite[1]

Samples collected in compliance with the monitoring requirements specified above shall be collected prior to the discharge weir.

[1] Composite samples for BOD_5, TSS, TP, TKN and NO_x shall be taken during the hours 6:00 AM to 6:00 PM, unless otherwise specified. Eight hours is the minimum period for the composite, 24 hours is the maximum for the composite.

[2] TN = TKN + NO_x
[3] Submit results each month on Total Nitrogen Monitoring Report Form WR-43-TN.
[4] Settleable Solids samples shall be collected between 10:00 AM and 2:00 PM or during the period of peak flow.
[5] The *E. coli* sample shall be collected between the hours of 6:00 AM and 6:00 PM.

The sampling, preservation, handling, and analytical methods used shall conform to the test procedures published in 40 C.F.R. Part 136.

The permittee shall use sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. Part 136 for the analysis of the pollutants or pollutant parameters specified in Condition I.A. above.

Samples shall be representative of the volume and quality of effluent discharged over the sampling and reporting period. All samples are to be taken during normal operating hours. The Permittee shall identify the effluent sampling location used for each discharge.

3. Annual Constituent Monitoring

Annually, by December 31, the Permittee shall monitor S/N 001 and submit the results, including units of measurement, as an attachment to the DMR form WR-43 for the month in which the samples were taken for the following parameters:

Temperature
Dissolved Oxygen
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 the seasonal variation in the discharge.

Collect annual constituent monitoring samples once per year. The season in which samples are collected shall change chronologically from year to year to represent the seasonal variation of effluent constituents. The sampling seasons are as follows: Winter (January 1 – March 31), Spring (April 1 – June 30), Summer (July 1 – September 30), and Fall (October 1 – December 31). The first samples under this permit should be taken during the spring season. For easy reference regarding the season in which sampling is recommended, please refer to the "Guidance for Annual Constituent Monitoring."

4. Influent Monitoring

The Permittee shall monitor the quality of the influent according to the following schedule and provisions:

PARAMETER	MINIMUM FREQUENCY OF ANALYSIS	SAMPLE TYPE
Biochemical Oxygen Demand (BOD_5)	1 × month	composite[1]
Total Suspended Solids (TSS)	1 × month	composite[1]

[1] Composite samples for BOD_5 and TSS shall be taken during the hours 6:00 AM to 6:00 PM, unless otherwise specified. Eight hours is the minimum period for the composite, 24 hours is the maximum for a composite.

5. Reporting

The Permittee is required to submit monthly reports of monitoring results on Discharge Monitoring Report (DMR) form WR-43. Reports are due on the 15th day of each month, beginning with the month following the issuance date of this permit.

The Permittee shall electronically submit its DMRs via Vermont's on-line electronic reporting system. The Permittee shall electronically submit additional compliance monitoring data and reports specified by the Secretary. When the Permittee submits DMRs using an electronic system designated by the Secretary, which requires attachment of scanned DMRs in pdf format, it is not required to submit hard copies of DMRs. The link below shall be used for electronic submittals.

https://anronline.vermont.gov/

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

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 and the authorization is made in writing and submitted to the Secretary;

b) In the case of a partnership, by a general partner;

c) In the case of a sole proprietorship, by the proprietor; or

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.

In addition to the monitoring and reporting requirements given above, daily monitoring of certain parameters for operational control shall be submitted to the Secretary on the DMR form WR-43. Operations reports shall be submitted monthly.

6. Recording of Results

The Permittee shall maintain records of all information resulting from any monitoring activities required, including:

a) The exact place, date, and time of sampling or measurement;

b) The individual(s) who performed the sampling or measurements;

c) The dates and times the analyses were performed;

d) The individual(s) who performed the analyses;

e) The analytical techniques and methods used including sample collection handling and preservation techniques;

f) The results of such analyses;

g) The records of monitoring activities and results, including all instrumentation and calibration and maintenance records; and

h) The original calculation and data bench sheets of the operator who performed analysis of the influent or effluent pursuant to requirements of Condition I.A of this permit.

i) For analyses performed by contract laboratories:

a. The detection level reported by the laboratory for each sample; and

b. The laboratory analytical report including documentation of the QA/QC and analytical procedures.

The results of monitoring requirements shall be reported (in the units specified) on the DMR form WR-43 or other forms approved by the Secretary.

When "non-detects" are recorded, the method detection limit shall be reported and used in calculating any time-period averaging for reporting on DMRs.

7. Additional Monitoring

If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the DMR form WR-43. Such increased frequency shall also be indicated.

G. DRY WEATHER FLOWS

Dry weather flows of untreated municipal wastewater from any sanitary or combined sewers are not authorized by this permit and are specifically prohibited by state and federal laws and regulations. If for any reason there is a discharge to waters of the State of dry weather flows of untreated municipal wastewater from any sanitary or combined sewer, the operator of the facility or the operator's delegate shall comply with the notice requirements outlined in Condition II.A.2 of this permit.

H. OPERATION, MANAGEMENT, AND EMERGENCY RESPONSE PLANS

1. The Permittee shall implement the Operation, Management, and Emergency Response Plan for the treatment facility, sewage pumping stations, and sewer line stream crossings as approved by the Secretary on July 14, 2009.

2. The Permittee shall implement the Operation, Management, and Emergency Response Plan for the sewage collection system as approved by the Secretary on July 14, 2009.

The Permittee shall revise these plans upon the Secretary's request or on its own motion to reflect equipment or operational changes.

I. EMERGENCY ACTION - ELECTRIC POWER FAILURE

The Permittee shall indicate in writing to the Secretary **within 90 days after the issuance date of this permit** that in the event the primary source of electric power to the WWTF (including pump stations) fails, the Permittee shall either provide an alternative source of power for the operation of its WWTF, or demonstrate that the treatment facility has the capacity to store the wastewater volume that would be generated over the duration of the longest power failure that would have affected the facility in the last five years, excluding catastrophic events.

The alternative power supply, whether from a generating unit located at the WWTF or purchased from an independent source of electricity, must be separate from the existing power source used to operate the WWTF. If a separate unit located at the WWTF is to be used, the Permittee shall certify in writing to the Secretary when the unit is completed and prepared to generate power.

The determination of treatment system storage capacity shall be submitted to the Secretary upon completion.

J. SEWER ORDINANCE

The Permittee shall have in effect a sewer use ordinance acceptable to the Secretary which, at a minimum, shall

1. Prohibit the introduction by any person into the Permittee's sewerage system or WWTF of any pollutant which:

a) Is a toxic pollutant in toxic amounts as defined in standards issued from time to time under Section 307(a) of the Clean Water Act;

b) Creates a fire or explosion hazard in the Permittee's treatment works;

c) Causes corrosive structural damage to the Permittee's treatment works, including all wastes with a pH lower than 5.0;

d) Contains solid or viscous substances in amounts which would cause obstruction to the flow in sewers or other interference with proper operation of the Permittee's treatment works; or

e) In the case of a major contributing industry, as defined in this permit, contains an incompatible pollutant, as defined in this permit, in an amount or concentration in excess of that allowed under standards or guidelines issued from time to time pursuant to Sections 304, 306, and/or 307 of the Clean Water Act.

2. Require 45 days prior notification to the Permittee by any person or persons of a:

a) Proposed substantial change in volume or character of pollutants over that being discharged into the Permittee's treatment works at the time of issuance of this permit;

b) Proposed new discharge into the Permittee's treatment works of pollutants from any source which would be a new source as defined in Section 306 of the Clean Water Act if such source were discharging pollutants; or

c) Proposed new discharge into the Permittee's treatment works of pollutants from any source which would be subject to Section 301 of the Clean Water Act if it were discharging such pollutants.

3. Require any industry discharging into the Permittee's treatment works to perform such monitoring of its discharge as the Permittee may reasonably require, including the installation, use, and maintenance of monitoring equipment and monitoring methods, keeping records of the results of such monitoring, and reporting the results of such monitoring to the Permittee. Such records shall be made available by the Permittee to the Secretary upon request.

4. Authorize the Permittee's authorized representatives to enter into, upon, or through the premises of any industry discharging into the Permittee's treatment works to have access to and copy any records, to inspect any monitoring equipment or method required under subsection 3 above, and to sample any discharge into the Permittee's treatment works.

II. GENERAL CONDITIONS

A. MANAGEMENT REQUIREMENTS

1. Facility Modification / Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such a violation may result in the imposition of civil and/or criminal penalties pursuant to 10 V.S.A. chapters 47, 201, and/or 211. Any anticipated facility alterations or expansions or process modifications which will result in new, different, or increased discharges of any pollutants must be reported by submission of a new permit application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the Secretary of such changes. Following such notice, the permit may be modified, pursuant to Condition II.B.4 of this permit, to specify and limit any pollutants not previously limited.

In addition, the Permittee, within 30 days of the of the date on which the Permittee is notified of such discharge, shall provide notice to the Secretary of the following:

a) Any new introduction of pollutants into the treatment works from a source which would be a new source as defined in Section 306 of the Clean Water Act if such source were discharging pollutants;

b) Except for such categories and classes of point sources or discharges specified by the Secretary, any new introduction of pollutants into the treatment works from a source which would be subject to Section 301 of the Clean Water Act if such source were discharging pollutants; and

c) Any substantial change in volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into such works at the time of issuance of the permit.

The notice shall include:

i. The quality and quantity of the discharge to be introduced into the system, and

ii. The anticipated impact of such change in the quality or quantity of the effluent to be discharged from the WWTF.

2. Noncompliance Notification

a) The Permittee shall give advance notice to the Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

b) In the event the Permittee is unable to comply with any of the conditions of this permit due, among other reasons, to:

i. Breakdown or maintenance of waste treatment equipment (biological and physical-chemical systems including all pipes, transfer pumps, compressors,

collection ponds or tanks for the segregation of treated or untreated wastes, ion exchange columns, or carbon absorption units);

ii. Accidents caused by human error or negligence;

iii. Any unanticipated bypass or upset which exceeds any effluent limitation in the permit;

iv. Violation of a maximum day discharge limitation for any of the pollutants listed by the Secretary in this permit; or

v. Other causes such as acts of nature,

the Permittee shall provide notice as specified in subdivisions (c) and (d) of this subsection.

c) Pursuant to 10 V.S.A. §1295, notice for "untreated discharges," as defined.

i. Public notice. For "untreated discharges" an operator of a WWTF or the operator's delegate shall as soon as possible, but no longer than one hour from discovery of an untreated discharge from the WWTF, post on a publicly accessible electronic network, mobile application, or other electronic media designated by the Secretary an alert informing the public of the untreated discharge and its location, except that if the operator or his or her delegate does not have telephone or Internet service at the location where he or she is working to control or stop the untreated discharge, the operator or his or her delegate may delay posting the alert until the time that the untreated discharge is controlled or stopped, provided that the alert shall be posted no later than four hours from discovery of the untreated discharge.

ii. Secretary notification. For "untreated discharges" an operator of a WWTF shall within 12 hours from discovery of an untreated discharge from the WWTF notify the Secretary and the local health officer of the municipality where the facility is located of the untreated discharge. The operator shall notify the Secretary through use of the Department of Environmental Conservation's online event reporting system. If, for any reason, the online event reporting system is not operable, the operator shall notify the Secretary via telephone or e-mail. The notification shall include:

(1) The specific location of each untreated discharge, including the body of water affected. For combined sewer overflows, the specific location of each untreated discharge means each outfall that has discharges during the wet weather storm event.

(2) Except for discharges from a WWTF to a separate storm sewer system, the date and approximate time the untreated discharge began.

(3) The date and approximate time the untreated discharge ended. If the untreated discharge is still ongoing at the time of reporting, the entity reporting the untreated discharge shall amend the report with the date and approximate time the untreated discharge ended within three business days of the untreated discharge ending.

(4) Except for discharges from a WWTF to a separate storm sewer system, the approximate total volume of sewage and, if applicable, stormwater that was released. If the approximate total volume is unknown at the time of reporting, the entity reporting the untreated discharge shall amend the report with the approximate total volume within three business days.

(5) The cause of the untreated discharge and a brief description of the noncompliance, including the type of event and the type of sewer structure involved.

(6) The person reporting the untreated discharge.

d) For any non-compliance not covered under Condition II.A.2.c. of this permit, an operator of a WWTF or the operator's delegate shall notify the Secretary within 24 hours of becoming aware of such condition and shall provide the Secretary with the following information, in writing, within five days:

i. Cause of non-compliance;

ii. A description of the non-complying discharge including its impact upon the receiving water;

iii. Anticipated time the condition of non-compliance is expected to continue or, if such condition has been corrected, the duration of the period of non-compliance;

iv. Steps taken by the Permittee to reduce and eliminate the non-complying discharge; and

v. Steps to be taken by the Permittee to prevent recurrence of the condition of non-compliance.

3. Operation and Maintenance

All waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:

a) The Permittee shall, at all times, maintain in good working order and operate as efficiently as possible all treatment and control facilities and systems (and related appurtenances) installed or used by the Permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems

which are installed by the Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

b) The Permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance, and testing functions required to ensure compliance with the conditions of this permit; and

c) The operation and maintenance of this facility shall be performed only by qualified personnel who are licensed as required by Secretary and the Director of the Vermont Office of Professional Regulation.

4. Quality Control

The Permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at regular intervals to ensure accuracy of measurements, or shall ensure that both activities will be conducted.

The Permittee shall keep records of these activities and shall provide such records upon request of the Secretary.

The Permittee shall demonstrate the accuracy of the effluent flow measurement device weekly and report the results on the monthly report forms. The acceptable limit of error is ± 10%.

For purposes of demonstrating compliance with the requirements of Condition II.A.3.a) of this permit regarding adequate laboratory controls and appropriate quality assurance procedures, the Permittee shall conduct an annual laboratory proficiency test, via an accredited laboratory, for the analysis of all pollutant parameters performed within their facility laboratory and reported as required by this permit. This can be carried out or as part of an EPA DMR-QA study. Results shall be submitted to the Secretary by **December 31, annually**.

5. Bypass

The bypass of facilities (including pump stations) is prohibited, except where authorized under the terms and conditions of an Emergency Pollution Permit issued pursuant to 10 V.S.A. § 1268. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the activity in order to maintain compliance with the conditions of this permit.

6. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize or prevent any adverse impact to waters of the State, the environment, or human health resulting from non-compliance with any condition specified in this permit, including accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

7. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed, all calibration and maintenance of instrumentation records and all original chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained for a minimum of three years, and shall be submitted to the Secretary upon request. This period shall be extended during the course of unresolved litigation regarding the discharge of pollutants or when requested by the Secretary.

8. Solids Management

Collected screenings, sludges, and other solids removed in the course of treatment and control of wastewaters shall be stored, treated, and disposed of in accordance with 10 V.S.A. chapter 159 and with the terms and conditions of any certification, interim or final, transitional operation authorization, or order issued pursuant to 10 V.S.A. chapter 159 that is in effect on the issuance date of this permit or is issued during the term of this permit.

9. Emergency Pollution Permits

Maintenance activities, or emergencies resulting from equipment failure or malfunction, including power outages, which result in an effluent which exceeds the effluent limitations specified herein, shall be considered a violation of the conditions of this permit, unless the Permittee's discharge is covered under an emergency pollution permit under the provisions of 10 V.S.A. § 1268. The Permittee shall notify the Secretary of the emergency situation by the next working day, unless notice is required sooner under Section II.A.2.

10 V.S.A. § Section 1268 reads as follows:

> When a discharge permit holder finds that pollution abatement facilities require repairs, replacement or other corrective action in order for them to continue to meet standards specified in the permit, he may apply in the manner specified by the secretary for an emergency pollution permit for a term sufficient to effect repairs, replacements or other corrective action. The permit may be issued without prior public notice if the nature of the emergency will not provide sufficient time to give notice; provided that the secretary shall give public notice as soon as possible but in any event no later than five days after the effective date of the emergency pollution permit. No emergency pollution permit shall be issued unless the applicant certifies and the secretary finds that:
>
> (1) there is no present, reasonable alternative means of disposing of the waste other than by discharging it into the waters of the state during the limited period of time of the emergency;
>
> (2) the denial of an emergency pollution permit would work an extreme hardship upon the applicant;
>
> (3) the granting of an emergency pollution permit will result in some public benefit;

(4) the discharge will not be unreasonably harmful to the quality of the receiving waters;

(5) the cause or reason for the emergency is not due to willful or intended acts or omissions of the applicant.

Application shall be made to the Secretary at the following address: Agency of Natural Resources, Department of Environmental Conservation, One National Life Drive, Main Building, 2nd Floor, Montpelier VT 05620-3522.

B. RESPONSIBILITIES

1. Right of Entry

The Permittee shall allow the Secretary or authorized representative, upon the presentation of proper credentials:

a) To enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b) To have access to and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;

c) To inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d) To sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

2. Transfer of Ownership or Control

This permit is not transferable without prior written approval of the Secretary. All application and operating fees must be paid in full prior to transfer of this permit. In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the Permittee shall provide a copy of this permit to the succeeding owner or controller and shall send written notification of the change in ownership or control to the Secretary **at least 30 days in advance of the proposed transfer date**. The notice to the Secretary shall include a written agreement between the existing and new Permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them. The Permittee shall also inform the prospective owner or operator of their responsibility to make an application for transfer of this permit.

This request for transfer application must include as a minimum:

a) A properly completed application form provided by the Secretary and the applicable processing fee.

b) A written statement from the prospective owner or operator certifying:

i. The conditions of the operation that contribute to, or affect, the discharge will not be materially different under the new ownership;

ii. The prospective owner or operator has read and is familiar with the terms of the permit and agrees to comply with all terms and conditions of the permit; and

iii. The prospective owner or operator has adequate funding to operate and maintain the treatment system and remain in compliance with the terms and conditions of the permit.

c) The date of the sale or transfer.

The Secretary may require additional information dependent upon the current status of the facility operation, maintenance, and permit compliance.

3. Confidentiality

Pursuant to 10 V.S.A. § 1259(b):

Any records or information obtained under this permit program that constitutes trade secrets under 1 V.S.A. § 317(c)(9) shall be kept confidential, except that such records or information may be disclosed to authorized representatives of the State and the United States when relevant to any proceedings under this chapter.

Claims for confidentiality for the following information will be denied:

a) The name and address of any permit applicant or Permittee.

b) Permit applications, permits, and effluent data.

c) Information required by application forms, including information submitted on the forms themselves and any attachments used to supply information required by the forms.

4. Permit Modification, Suspension, and Revocation

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including the following:

a) Violation of any terms or conditions of this permit;

b) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

c) Reallocation of WLA under the LC TMDL;

d) Development of an integrated WWTF and stormwater runoff NPDES permit; or

e) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance shall not stay any permit condition.

The Permittee shall provide to the Secretary, within a reasonable time, any information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish to the Secretary upon request, copies of records required to be kept by this permit.

5. Toxic Effluent Standards

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the Clean Water Act for a toxic pollutant which is present in the Permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in this permit, then this permit shall be modified or revoked and reissued, pursuant to Condition II.B.4 of this permit, in accordance with the toxic effluent standard or prohibition and the Permittee so notified.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under 10 V.S.A. § 1281.

7. Other Materials

Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

a) They are not:

i. Designated as toxic or hazardous under provisions of Sections 307 and 311, respectively, of the Clean Water Act, or

ii. Known to be hazardous or toxic by the Permittee,

except that such materials indicated in (i) and (ii) above may be discharged in certain limited amounts with the written approval of, and under special conditions

established by, the Secretary or his/her designated representative, if the substances will not pose any imminent hazard to the public health or safety;

b) The discharge of such materials will not violate the Vermont Water Quality Standards; and

c) The Permittee is not notified by the Secretary to eliminate or reduce the quantity of such materials entering the water.

8. Navigable Waters

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

9. Civil and Criminal Liability

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Except as provided in "Bypass" (Condition II.A.5) and "Emergency Pollution Permits" (Condition II.A.9), nothing in this permit shall be construed to relieve the Permittee from civil or criminal penalties for noncompliance. Civil and criminal penalties for non-compliance are provided for in 10 V.S.A. Chapters 47, 201, and 211.

10. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

11. Property Rights

Issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

12. Other Information

If the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Secretary, it shall promptly submit such facts or information.

13. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the

application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

14. Authority

This permit is issued under authority of 10 V.S.A. §§1258 and 1259 of the Vermont Water Pollution Control Act, the Vermont Water Pollution Control Permit Regulation, and Section 402 of the Clean Water Act, as amended.

15. Definitions

For purposes of this permit, the following definitions shall apply.

Agency – means the Vermont Agency of Natural Resources.

Annual Average - means the highest allowable average of daily discharges calculated as the sum of all daily discharges (mg/L, lbs or gallons) measured during a calendar year divided by the number of daily discharges measured during that year.

Average - means the arithmetic means of values taken at the frequency required for each parameter over the specified period.

Bypass – means **t**he intentional diversion of waste streams from any portion of the treatment facility.

The Clean Water Act - means the federal Clean Water Act, as amended (33 U.S.C. § 1251, *et seq*.).

Composite Sample - means a sample consisting of a minimum of one grab sample per hour collected during a 24-hour period (or lesser period as specified in the section on Monitoring and Reporting) and combined proportionally to flow over that same time period.

Daily Discharge - means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

For pollutants with limitations expressed in pounds the daily discharge is calculated as the total pounds of pollutants discharged over the day.

For pollutants with limitations expressed in mg/L the daily discharge is calculated as the average measurement of the pollutant over the day.

Discharge – means the placing, depositing, or emission of any wastes, directly or indirectly, into an injection well or into the waters of the State.

Grab Sample – means an individual sample collected in a period of less than 15 minutes.

Incompatible Substance – means any waste being discharged into the treatment works which interferes with, passes through without treatment, or is otherwise incompatible with said works or would have a substantial adverse effect on the works or on water quality. This includes all pollutants required to be regulated under the Clean Water Act.

Instantaneous Maximum - means a value not to be exceeded in any grab sample.

Major Contributing Industry – means one that: (1) has a flow of 50,000 gallons or more per average work day; (2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; (3) has in its wastes a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Clean Water Act; or (4) has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

Maximum Day (maximum daily discharge limitation) - The highest allowable "daily discharge" (mg/L, lbs or gallons).

Mean - is the arithmetic mean.

Monthly Average (average monthly discharge limitation) – means the highest allowable average of daily discharges (mg/L, lbs or gallons) over a calendar month, calculated as the sum of all daily discharges (mg/L, lbs or gallons) measured during a calendar month divided by the number of daily discharges measured during that month.

NPDES - The National Pollutant Discharge Elimination System.

Secretary – means the Secretary of the Agency of Natural Resources or the Secretary's duly authorized representative.

Septage – means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or a holding tank when the system is cleaned or maintained.

Untreated Discharge – means (1) combined sewer overflows from a WWTF; (2) overflows from sanitary sewers and combined sewer systems that are part of a WWTF during dry weather flows, which result in a discharge to waters of the State; (3) upsets or bypasses around or within a WWTF during dry or wet weather conditions that are due to factors unrelated to a wet weather storm event and that result in a discharge of sewage that has not been fully treated to waters of the State; and (4) discharges from a WWTF to separate storm sewer systems.

Waste – means effluent, sewage or any substance or material, liquid, gaseous, solid, or radioactive, including heated liquids, whether or not harmful or deleterious to waters.

Waste Management Zone – A specific reach of Class B waters designated by a permit to accept the discharge of properly treated wastes that prior to treatment contained organisms pathogenic to human beings. Throughout the receiving waters, water quality criteria must

be achieved but increased health risks exist in a waste management zone due to the authorized discharge.

Waters includes all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs, and all bodies of surface waters, artificial or natural, which are contained within, flow through, or border upon the State or any portion of it.

Weekly average - (average weekly discharge limitation) – means the highest allowable average of daily discharges (mg/L, lbs or gallons) over a calendar week, calculated as the sum of all daily discharges (mg/L, lbs or gallons) measured during a calendar week divided by the number of daily discharges measured during that week.

Whole Effluent Toxicity (WET) – Means the aggregate toxic effect of an effluent measured directly by a toxicity test.

WWTF or wastewater treatment facility shall have the same meaning as "pollution abatement facilities," as defined under 10 V.S.A. § 1251, which means municipal sewage treatment plants, pumping stations, interceptor and outfall sewers, and attendant facilities as prescribed by the Department to abate pollution of the waters of the State.

AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
ONE NATIONAL LIFE DRIVE, MAIN BUILDING, 2ND FLOOR
MONTPELIER, VT 05620-3522

FACT SHEET FOR DRAFT PERMIT
(January 2018)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO WATERS OF THE STATE

PERMIT NO: **3-1493**
PIN: **RU02-0144**
NPDES NO: **VT0101281**

NAME AND ADDRESS OF APPLICANT:

Town of Pownal
PO Box 411
Pownal, VT 05261

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Pownal Wastewater Treatment Facility
52 Dean Road
North Pownal, Vermont

RECEIVING WATER: Hoosic River

CLASSIFICATION: Class B with a waste management zone. Class B waters are suitable for swimming and other forms of water-based recreation and irrigation of crops and other agricultural uses without treatment; good aesthetic value; aquatic biota and wildlife sustained by high quality aquatic habitat; suitable for boating, fishing, and other recreational uses; acceptable for public water supply with filtration and disinfection. A waste management zone is a specific reach of Class B waters designated by a permit to accept the discharge of properly treated wastes that prior to treatment contained organisms pathogenic to human beings.

I. Proposed Action, Type of Facility, and Discharge Location

The Vermont Agency of Natural Resources (Agency) received a renewal application for the permit to discharge into the designated receiving water from the above-named applicant on December 24, 2008. The Town's previous permit was issued on September 29, 2011. The previous permit (hereafter referred to as the "current permit") has been administratively continued, pursuant to 3 V.S.A. § 814, as the applicant filed a complete application for permit reissuance within the prescribed time period as per the Vermont Water Pollution Control Permit Regulations

(VWPCPR) § 13.5(b). At this time, the Secretary has made a tentative decision to reissue the discharge permit.

II. Description of Discharge

The facility is engaged in the treatment of municipal wastewater including domestic and commercial wastewaters. There are no pretreaters permitted under the NPDES program discharging to the collection system. The wastewater treatment facility is a Sequencing Batch Reactor (SBR). The design flow of the facility is 0.26 million gallons per day (MGD) and design BOD loading is 260 mg/l (562 lbs/day). The average flow to the facility over the last four years is about 0.075 MGD.

The WWTF maintains a constant discharge to the Hoosic River. A map showing the location of facility, outfalls and the receiving water is provided in the Reasonable Potential Determination (RPD) (see Attachment A).

III. Limitations and Conditions

The draft permit contains limitations for effluent flow, biochemical oxygen demand, total suspended solids, settleable solids, Escherichia coli and pH. It also contains monitoring requirements for total nitrogen (TN), Total Kjeldahl Nitrogen (TKN), nitrate/nitrite, and Total Ammonia Nitrogen (TAN) and total phosphorous (TP). The effluent limitations of the draft permit and the monitoring requirements may be found on the following pages of the draft permit:

Effluent Limitations:	Pages 2-3 of 22
Monitoring Requirements:	Pages 4-7 of 22

IV. Statutory and Regulatory Authority

A. Clean Water Act and NPDES Background

Congress enacted the Clean Water Act (CWA or Act), "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." CWA § 101(a). To achieve this objective, the CWA makes it unlawful for any person to discharge any pollutant into the waters of the United States from any point source, except as authorized by specified permitting sections of the Act, one of which is Section 402. CWA §§ 301(a), 402(a). Section 402 establishes one of the CWA's principal permitting programs, the National Pollutant Discharge Elimination System (NPDES). Under this section of the Act, the U.S. Environmental Protection Agency (EPA) may "issue a permit for the discharge of any pollutant, or combination of pollutants" in accordance with certain conditions. CWA § 402(a). The State of Vermont has been delegated by EPA to administer the NPDES Program in Vermont. NPDES permits generally contain discharge limitations and establish related monitoring and reporting requirements. CWA § 402(a)(1) - (2).

Section 301 of the CWA provides for two types of effluent limitations to be included in NPDES permits: "technology-based" limitations and "water quality-based" limitations. CWA §§ 301, 303,

304(b); 40 CFR Parts 122, 125, 131. Technology-based limitations, generally developed on an industry-by-industry basis, reflect a specified level of pollutant-reducing technology available and economically achievable for the type of facility being permitted. CWA § 301(b). As a class, WWTFs must meet performance-based requirements based on available wastewater treatment technology. CWA § 301(b)(1)(B). The performance level for WWTFs is referred to as "secondary treatment." Secondary treatment is comprised of technology-based requirements expressed in terms of BOD5, TSS and pH; 40 C.F.R. Part 133.

Water quality-based effluent limits, on the other hand, are designed to ensure that state water quality standards are achieved, irrespective of the technological or economic considerations that inform technology-based limits. Under the CWA, states must develop water quality standards for all water bodies within the state. CWA § 303. These standards have three parts: (1) one or more "designated uses" for each water body or water body segment in the state; (2) water quality "criteria," consisting of numerical concentration levels and/or narrative statements specifying the amounts of various pollutants that may be present in each water body without impairing the designated uses of that water body; and (3) an antidegradation provision, focused on protecting high quality waters and protecting and maintaining water quality necessary to protect existing uses. CWA § 303(c)(2)(A); 40 C.F.R. § 131.12. The applicable water quality standards for this permit are the 2016 Vermont Water Quality Standards (Environmental Protection Rule, Chapter 29a).

A permit must include limits for any pollutant or pollutant parameter (conventional, non-conventional, toxic, and whole effluent toxicity) that is or may be discharged at a level that causes or has "reasonable potential" to cause or contribute to an excursion above any water quality standard, including narrative water quality criteria. See 40 CFR §122.44(d)(1). An excursion occurs if the projected or actual in-stream concentration exceeds the applicable criterion. A NPDES permit must contain effluent limitations and conditions in order to ensure that the discharge does not cause or contribute to water quality standard violations.

Receiving stream requirements are established according to numerical and narrative standards adopted under state law for each stream classification. When using chemical-specific numeric criteria from the State's water quality standards to develop permit limits, both the acute and chronic aquatic life criteria are used and expressed in terms of maximum allowable in stream pollutant concentrations. Acute aquatic life criteria are generally implemented through maximum daily limits and chronic aquatic life criteria are generally implemented through average monthly limits.

Where a state has not established a numeric water quality criterion for a specific chemical pollutant that is present in the effluent in a concentration that causes or has a reasonable potential to cause a violation of narrative water quality standards, the permitting authority must establish effluent limits in one of three ways: based on a "calculated numeric criterion for the pollutant which the permitting authority demonstrates will attain and maintain applicable narrative water quality criteria and fully protect the designated use"; on a "case-by-case basis" using CWA Section 304(a) recommended water quality criteria, supplemented as necessary by other relevant information; or, in certain circumstances, based on an "indicator parameter." 40 CFR § 122.44(d)(1)(vi)(A-C).

The state rules governing Vermont's NPDES permit program are found in the Vermont Water

Pollution Control Permit Regulations (Environmental Protection Rule, Chapter 13).

1. Reasonable Potential Determination

In determining whether this permit has the reasonable potential to cause or contribute to an impairment, Vermont has considered:

1) Existing controls on point and non-point sources of pollution as evidenced by the Vermont surface water assessment database;

2) Pollutant concentration and variability in the effluent as determined from the permit application materials, monthly discharge monitoring reports (DMRs), or other facility reports;

3) Receiving water quality based on targeted water quality and biological assessments of receiving waters, as applicable, or other State or Federal water quality reports;

4) Toxicity testing results based on the Vermont Toxics Control Discharge Strategy, and compelled as a condition of prior permits;

5) Available dilution of the effluent in the receiving water, expressed as the instream waste concentration. In accordance with the applicable Vermont Water Quality Standards, available dilution for rivers and streams is based on a known or estimated value of the lowest average flow which occurs for seven (7) consecutive days with a recurrence interval of once in ten (10) years (7Q10) for aquatic life and human health criteria for non-carcinogens, or at all flows for human health (carcinogens only) in the receiving water. For nutrients, available dilution for stream and river discharges is assessed using the low median monthly flow computed as the median flow of the month containing the lowest annual flow. Available dilution for lakes is based on mixing zones of no more than 200 feet in diameter, in any direction, from the effluent discharge point, including as applicable the length of a diffuser apparatus.

6) All effluent limitations, monitoring requirements, and other conditions of the proposed draft permit.

The Reasonable Potential Determination for this facility is attached to this Fact Sheet as Attachment A.

B. Anti-Backsliding

Section 402(o) of the CWA provides that certain effluent limitations of a renewed, reissued, or modified permit must be at least as stringent as the comparable effluent limitations in the current permit. EPA has also promulgated anti-backsliding regulations which are found at 40 C.F.R. § 122.44(l). Unless applicable anti-backsliding exemptions are met, the limits and conditions in the reissued permit must be at least as stringent as those in the current permit.

V. Description of Receiving Water

The receiving water for this discharge is the Hoosic River, a designated Warm Water Fish Habitat. At the point of discharge, the river has a contributing drainage area of 255 square miles. The summer 7Q10 flow of the river is estimated to be 56 cubic feet per second (CFS) and the summer Low Median Monthly flow is estimated to be 155 CFS. The instream waste concentration at the summer 7Q10 flow is 0.007 and the instream waste concentration at the summer Low Median Monthly flow is 0.003.

VI. Facility History and Background

The Town of Pownal owns and operates the WWTF located on Dean Road in North Pownal. The facility services the community of North Pownal within the Town of Pownal. The facility was completed in 2006, with minor upgrades completed in 2012.

The Town also owns and operates a sewer collection system which collects sewage and conveys it to the wastewater treatment facility. The collection system was also completed in 2006.

VII. Permit Basis and Explanation of Effluent Limitation Derivation

This permit was evaluated under the 2016 Vermont Water Quality Standards

A. Flow – The draft permit maintains the annual average flow limitation of 0.26 MGD. This facility maintains a constant discharge. Continuous flow monitoring is required.

B. Conventional Pollutants

1. **Biochemical Oxygen Demand (BOD_5)** – The effluent limitations for BOD_5 remain unchanged from the current permit. The monthly average (30 mg/L) and weekly average (45 mg/L) reflect the minimum level of effluent quality specified for secondary treatment in 40 CFR Part 133.102. In addition, the draft permit contains a 50 mg/L, maximum day, BOD_5 limitation. This is the Agency standard applied to all such discharges pursuant to 13.4 c. of the Vermont Water Pollution Control Permit Regulations. The Agency implements the limit to supplement the federal technology based limitations to prevent a gross one-day permit effluent violation to be offset by multiple weekly and monthly sampling events which would enable a discharger to comply with the weekly average and monthly average permit limitations. Mass limits (65.1 lbs/day, monthly average and 97.6 lbs/day, weekly average) are calculated using the concentration limits outlined above. The BOD_5 monthly monitoring requirement is unchanged from the current permit.

2. **Total Suspended Solids (TSS)** – The effluent limitations for TSS remain unchanged from the current permit. The monthly average (30 mg/L) and weekly average (45 mg/L) reflect the minimum level of effluent quality specified for secondary treatment in 40 CFR Part 133.102. In addition, the draft permit contains a 50 mg/L, maximum day, TSS limitation. This is the Agency standard applied to all such discharges pursuant to 13.4 c. of the Vermont Water Pollution Control Permit Regulations. The Agency implements the limit to supplement the federal technology based limitations to prevent a gross one-day permit effluent violation to be offset by multiple weekly and monthly sampling events which would enable a discharger to comply with the weekly average and monthly average permit limitations. Mass limits (65.1

lbs/day, monthly average and 97.6 lbs/day, weekly average) are calculated using the concentration limits outlined above. The TSS monthly monitoring requirement is unchanged from the current permit.

3. ***Escherichia coli*** – A mixing zone of 200 feet from the outfall has been established for *E. coli* (see Special Condition I.A.8) a limit of up to 160 colonies/100 ml may be allowed at the point of discharge (the effluent weir at the UV disinfection structure) provided that the water quality standard of 77 colonies/100ml (instantaneous maximum) is met at the end of the mixing zone. Section 2-04 of the Vermont Water Quality Standards allows for the creation of a mixing zone provided that it does not exceed 200 feet from the point of discharge and that it meets effluent limitations at the end of the zone.

   As in the current permit, twice per month monitoring is required.

4. **pH** – The pH limitation remains at 6.5 - 8.5 Standard Units as specified in Section 3-01 B.9. in the Vermont Water Quality Standards. Monitoring remains at daily.

C. <u>Non-Conventional and Toxics</u>

1. **Total Phosphorus (TP)** – The current discharge permit for this Facility includes a requirement to sample for TP monthly with no mass or concentration limits; monitor only. The draft permit includes continued monthly, monitor only, TP sampling to better assess compliance with the 2014 Nutrient Criteria.

2. **Total Nitrogen (TN)** – TN is a calculated value based on Total Kjeldahl Nitrogen (TKN) and Nitrate/Nitrite (NOx) Nitrogen. The sum of TKN and NOx shall be used to derive TN. As in the current permit, monthly monitoring (with no discharge limits) is required.

   TAN has been included in the draft permit. Based on available ammonia WWTF effluent data, the resulting instream concentration is well below both the chronic and acute ammonia criteria. A limit is therefore not required, however, monthly monitoring is included to provide additional data.

3. **Settleable Solids** – The limitation of 1.0 mL/L instantaneous maximum and daily monitoring remain unchanged from the current permit. This numeric limit was established in support of the narrative standard in Section 3-01 B.5 of the Vermont Water Quality Standards. Monitoring requirement remains daily.

4. **Toxicity Testing** – 40 CFR Part 122.44(d)(1) and 122.21(j) require the Agency to assess whether the discharge causes, or has the reasonable potential to cause or contribute to an excursion above any narrative or numeric water quality criteria. Per these federal requirements, the Permittee shall conduct WET testing and toxic pollutant analyses according to the schedule outlined in Section I.E of the draft permit. If the results of these tests indicate a reasonable potential to cause an instream toxic impact, the Agency may require additional WET testing, establish a WET limit, or require a Toxicity Reduction Evaluation.

5. **Annual Monitoring -** For all facilities with a design flow of greater than 0.1 MGD, 40 CFR § 122.21(j) requires the submittal of effluent monitoring data for those parameters identified in Section I.G.2 of the draft permit. Samples must be collected once annually such that by the end of the term of the permit, all quarters have been sampled at least once, and the results will be submitted by December 31 of each year. Sampling in 2018 should be taken in Spring. For subsequent sampling, the "Guidance for Annual Constituent Monitoring" document should be referred to determine the season in which samples should be taken each year.

D. Special Conditions

1. **Waste Management Zone (WMZ)** – As defined under 10 V.S.A. §1251(16), a WMZ is "a specific reach of Class B waters designated by a permit to accept the discharge of properly treated wastes that prior to treatment contained organisms pathogenic to human beings. Throughout the receiving waters, water quality criteria must be achieved but increased health risks exist due to the authorized discharge".

   The proposed permit retains the existing waste management zone (WMZ) that extends downstream from the outfall for approximately one mile in the Hoosic River.

2. **Laboratory Proficiency Testing -** To ensure there are adequate laboratory controls and appropriate quality assurance procedures, the Permittee shall conduct an annual laboratory proficiency test for the analysis of all pollutant parameters performed within their facility laboratory and reported as required by their NPDES permit. Proficiency Test samples must be obtained from an accredited laboratory or as part of an EPA DMR-QA study. Results shall be submitted to the Agency by December 31, annually.
3. **Septage Capacity –** Th Town's proposed facility must conform to the provisions of 10 V.S.A. Section 1626a, awards for wastewater treatment plants with a capacity of 250,000 gallons or more per day. The proposed plant capacity must be sufficient to receive, treat and dispose of septage in a quantity equivalent to the ratio of 4,000 gpd of septage for each 1 million gpd of facility hydraulic capacity. Thus the facility must reserve 1040 gpd and its equivalent BOD organic capacity for septage receiving. This requirement is condition I.A.7 in the draft permit.

4. **Operation, Management, and Emergency Response Plans** – As required by the revisions to 10 V.S.A. Section 1278, promulgated in the 2006 legislative session, Section I.H has been included in the draft permit. This condition requires that the Permittee implement the Operation, Management and Emergency Response Plans for the WWTF, sewage pump/ejector stations, stream crossings and for the collection system as approved by the Agency on July 14, 2009.

5. **Engineering Evaluation** – An engineering evaluation condition is not included in this permit as the facility was built in 2006 and recent inspections show no reason for an in depth 20-year engineering evaluation.

6. **Electric Power Failure Plan** – To ensure the facility can continue operations even during the event of a power failure, within 90 days of the effective date of the permit, the Permittee must submit to the Agency updated documentation addressing how the discharge will be handled in the event of an electric power outage.

7. **Electronic Reporting -** The EPA recently promulgated a final rule to modernize the Clean Water Act reporting for municipalities, industries, and other facilities by converting to an electronic data reporting system. The final rule requires the inclusion of electronic reporting requirements in NPDES permits that become effective after December 21, 2015. The rule requires that NPDES regulated entities that are required to submit discharge monitoring reports (DMRs), including majors and nonmajors, individually permitted or covered by a general permit, must do so electronically after December 2016. The Agency has created an electronic reporting system for DMRs and has recently trained facilities in its use. As of December 2020, these NPDES facilities will also be expected to submit additional information electronically as specified in Appendix A in 40 CFR part 127.

8. **Noncompliance Notification -** As required by the passage of 10 V.S.A. §1295, promulgated in the 2016 legislative session, Condition II.A.2 has been included in the proposed permit. Section 1295 requires the Permittee to provide public notification of untreated discharges from wastewater facilities. The Permittee is required to post a public alert within one hour of discovery, and submit to the Agency specified information regarding the discharge within 12 hours of discovery.

9. **Reopener -** This draft permit includes a reopener whereby the Agency reserves the right to reopen and amend the permit to implement an integrated plan to address multiple Clean Water Act obligations.

A. Reasonable Potential Analysis

The Agency has conducted a reasonable potential analysis, which is attached to this Fact Sheet as Attachment A. Based on this analysis, the Agency has determined that this discharge does not cause, have a potential to cause, or contribute to an instream toxic impact or instream excursion above the water quality criteria. As such, the development of WQBEL's was not necessary.

VIII. Procedures for Formulation of Final Determinations

The public comment period for receiving comments on this draft permit is from January 29, 2018 through February 28, 2018 during which time interested persons may submit their written views on the draft permit. All written comments received by 4:30 PM on February 28, 2018 will be retained by the Agency and considered in the formulation of the final determination to issue, deny or modify the draft permit. The period of comment may be extended at the discretion of the Agency.

Written comments should be sent to:

Agency of Natural Resources
Department of Environmental Conservation
Watershed Management Division
One National Life Drive, Main Building, 2nd Floor
Montpelier, VT 05620-3522

Comments may also be faxed to: 802-828-1544 or submitted by e-mail to ANR.WSMDWastewaterComments@vermont.gov

For additional information, contact Jessica Bulova at 802-828-1535

Any interested person or groups of persons may request or petition for a public hearing with respect to this draft permit. Any such request or petition for a public hearing shall be filed within the public comment period described above and shall indicate the interest of the party filing such request and the reasons why a hearing is warranted.

The Agency will hold a hearing if there is significant public interest in holding such a hearing. Any public hearing brought in response to such a request or petition will be held in the geographical area of the proposed discharge or other appropriate area, at the discretion of the Agency and may, as appropriate, consider related groups of draft permits. Any person may submit oral or written statements and data concerning the draft permit at the public hearing. The Agency may establish reasonable limits on the time allowed for oral statements and may require the submission of statements in writing. All statements, comments, and data presented at the public hearing will be retained by the Agency and considered in the formulation of the final determination to issue, deny, or modify the draft permit.

The complete application, draft permit, and other information are on file and may be inspected by appointment on the 2nd floor of the Main Building at One National Life Drive, Montpelier, Vermont. Copies may be obtained by calling 802-828-1535 from 7:45 AM to 4:30 PM Monday through Friday, and will be made at a cost based upon the current Secretary of State Official Fee Schedule for Copying Public Records. The draft permit and fact sheet may also be viewed on the Watershed Management Division's website at http://www.watershedmanagement.vt.gov/

ATTACHMENT A

Agency of Natural Resources
Department of Environmental Conservation

Watershed Management Division
1 National Life Drive 2 Main
802-828-1535

MEMORANDUM

To: Dave DiDomenico, Wastewater Program (WWP)

From: Rick Levey, Monitoring, Assessment and Planning Program (MAPP)

Cc: Pete LaFlamme, Director, WSMD
Jessica Bulova, Section Supervisor, Wastewater Program

Date: January 23, 2018

Subject: MAPP Reasonable Potential Determination for the Pownal Wastewater Treatment Facility (WWTF).

MAPP has evaluated the draft permit limits for the Pownal WWTF in Pownal, Vermont pursuant to the 2012 procedure outlining WWM-WSMD roles and responsibilities. This memo provides MAPP's concurrence with the permit limits set forth by the draft permit for Pownal WWTF prepared by the WWP.

Facility:
Pownal Wastewater Treatment Facility
Permit No. 3-1493
NPDES No. VT0101281

Hydrology for Pownal WWTF used in this evaluation:
Design Flow: 0.260 MGD = 0.40 CFS
7Q10 = 56 CFS
LMM = 155 CFS
IWC-7Q10 =0.007 (IWC < 1%)
IWC-LMM= 0.003 (IWC < 1%)

Receiving Water:
Hoosic River, Pownal, VT
Outfall Location: Lat. 42.798005 Long. 73.26886 (NAD 83)

The Hoosic River downstream of the Pownal WWTF is classified as Class B and is designated a Warm Water Fish Habitat. At the point of discharge, the river has a contributing drainage area of 255 square miles. The proposed permit waste management zone (WMZ) in the Hoosic River begins at the outfall of this WWTF and extends downstream approximately 1.0 mile downstream (Figure 1). There are two WWTFs upstream in Massachusetts, Adams and Hoosac. Phosphorus concentrations at both of these facilities were reduced to 1.0 mg/L-TP in 2005 and 2006 which had significant beneficial effects on water quality downstream.

General Assessment – VTDEC Assessment Database:
MAPP maintains the VTDEC assessment database, an EPA-required database which describes the conditions of Vermont's surface waters with respect to their attainment of VWQS. For the Hoosic River segment to which this facility discharges, the database indicates the Hoosic River, the entire length in Vermont; 7 miles is impaired due to elevated levels of toxic contaminants (PCBs) in Brown Trout. The impaired uses are fish consumption. The contaminant source is in Massachusetts upstream from Vermont.

Ambient Chemistry Data for the Pownal River above and below the Pownal WWTF:
There is ambient chemistry data available from VTDEC sampling that occurred in 2003, 2008 and 2013 bracketing the facility outfall with sites at RM 38.9 and RM 37.2.

Water chemistry measures for the following parameters are available: pH, hardness, dissolved oxygen, turbidity, total phosphorus (TP), total nitrogen (TN), total ammonia (TAN) and Water Temperature are summarized in Table 1. Priority metals were analyzed above and below the WWTF in 2008 and below at RM 37.2 in 2013. All of the priority metals below detection limits (Table 4).

Data repesentiveness was assessed by evaluating the flow conditions at which samples were collected from field sheets and from the most proximally-located USGS gauge for which data were available, and in consideration of possible downstream sensitive reaches. The location of the upstream and downstream sampling locations RM 38.9 and RM 37.2 effectively bracket the WWTF outfall (Figure 1). The downstream sampling location is the most sensitive location, and the sampling results are representative of low flows based on the actual flows shown from the USGS gauge, and field notes collected by DEC technical staff. Thus, the data presented below are relevant for inclusion in this analysis.

Table 1: Concentrations of surface-water chemistry above and below the Pownal Wastewater Treatment Facility (River Mile 38.9 and RM 37.2 refer to stations above and below the outfall respectively).

Sample Date	River Mile	pH	Hardness	DO (%)	DO (mg/l)	Turbidity (NTU)	Total Phosphorus (ug/l)	Total Nitrogen (mg/l)	Total Ammonia Nitrogen (mg/l)	Water Temp (deg C)
9/11/2003	37.2	8.5	-	107.7	10.7	2.3	29.0	<0.1	<0.05	16.5
9/12/2008	38.9	7.6	110	92.7	9.3	2.6	23.4	0.67	-	14.6
9/12/2008	37.2	7.7	110	96.3	9.6	2.1	23.7	0.75	<0.05	14.9
10/01/2013	37.2	8.2	115	123	12.1	0.9	21.7	0.63	<0.05	14.5

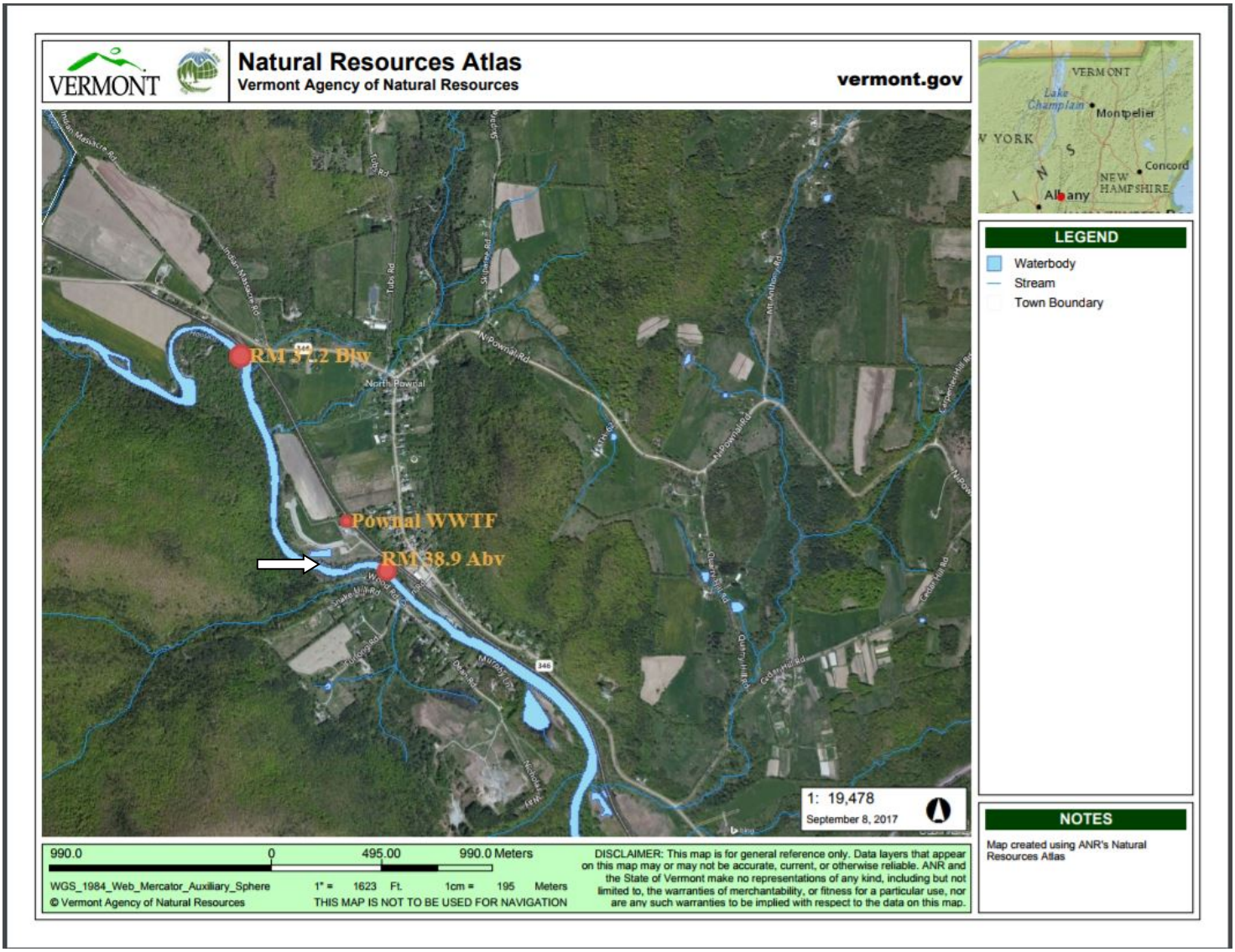

Figure 1. Hoosic River near the Pownal WWTF, showing up and downstream sampling locations (RM 38.9 & 37.2). Outfall location shown by arrow. Figure taken from the Vermont Integrated Watershed Assessment System on the VTANR Atlas (https://anrweb.vt.gov/DEC/IWIS/).

Total Phosphorus (TP) above the outfall (RM 38.9) during 2008 sampling was 23.4µg/L.
Below the outfall (RM 37.2) TP values ranged from 21.7 – 29.0 µg/L. In 2008 TP samples were collected above and below the outfall, results indicated an increase below the WWTF of only 0.3 µg/L-TP, from 23.4 µg/L (above) to 23.7 µg/L-TP (below).

Total Nitrogen (TN) above the outfall (RM 38.9) was 0.67 mg/L. Below the outfall (RM 37.2) TN values ranged from <0.1 mg/L - 0.75 mg/l-TN.

Turbidity, Dissolved Oxygen, pH:
Turbidity above the outfall (RM 38.9) was 2.6 Nephelometric Turbidity (NTU). Turbidity values below the outfall (RM 37.2) were 0.9 – 2.3 NTU. Dissolved oxygen and percent saturation above was 9.3 mg/L and 92.7 percent. Below the outfall (RM 37.2) dissolved oxygen and percent saturation ranged from 9.6 - 12.1 mg/L and 96.3 – 123 percent saturation respectively. All pH values were within the range of VWQS, at RM 37.2 the pH ranged from 7.7 - 8.5, above at RM 38.9 the pH was 7.6.

Biological Assessments:
Biological assessments were conducted above and below the Pownal WWTF at RM 37.2 and RM 38.9 (Table 2). In 2008 bioassessments were conducted above and below the WWTF, both assessments met water quality standards for Warm Water Medium Gradient Stream Type. The most recent bioassessment was conducted in 2013 below the WWTF (RM 37.2), this assessment also met water quality standards.

Table 2. Results of the Biological Monitoring for Macroinvertebrates on the Hoosic River, above (RM 38.9) and downstream (RM 37.2) of the Pownal WWTF outfall.

Macroinvertebrate Site Summary										
Description:	Hoosic River RM 38.9 is located above WWTF, RM 37.2 is approx. 1.5 miles downstream of WWTF discharge.									
Stream Type:	Warm Water Medium Gradient									
Bio Site ID:	610000000389 / 610000000372									
WBID:	VT01-02									
Date	**River Mile**	**Density**	**Richness**	**EPT Richness**	**PMA-O**	**B.I.**	**Oligo.**	**EPT/EPT + Chiro**	**PPCS-F**	**Community Assessment**
9/30/1998	37.2	3976	37.0	16.0	69.1	5.06	0.91	0.69	0.58	Meets WQS
10/13/2000	37.2	5488	54.0	25.0	80.4	4.53	0.95	0.72	0.51	Meets WQS
9/10/2003	37.2	8852	60.0	26.0	83.9	4.68	0.68	0.83	0.64	Meets WQS
9/12/2008	38.9	5214	55.0	22.0	85.8	4.73	0.00	0.80	0.70	Meets WQS
	37.2	6404	62.0	23.0	82.0	4.98	0.19	0.77	0.69	Meets WQS
10/1/2013	37.2	1707	38.0	18.0	63.7	5.24	0.00	0.72	0.57	Meets WQS
	Full Support	≥ 300	≥ 30	≥ 16	≥ 45	≤ 5.4	≤ 12	≥ 0.45	≥ 0.4	
	Indeterminate	≥ 250	≥ 28	≥ 15	≥ 40	≤ 5.65	≤ 14.5	≥ 0.43	≥ 0.35	
	Non-Support	< 250	< 28	< 15	< 40	> 5.65	> 14.5	< 0.43	< 0.35	
	*Scoring Guidelines for Stream Type WWMG and WQ Class B(2).									

Total Phosphorus:
Instream Phosphorus Concentrations were calculated using the low monthly median flow (LMM) of 155 CFS at design flow of 0.40 CFS (0.26 MGD) and using the effluent phosphorus concentration of 4.2 mg/L which is the average monthly effluent concentration observed during 2012 – 2017, from facility monitoring records; effluent TP values ranged from 2.8 – 6.2 mg/L-TP (n=64). The calculated phosphorus concentration at these conditions attributable to discharge is 0.0126 mg/L-TP (12 µg/L-TP).

The instream TP observed below the outfall at RM 37.2 (Table 1) showed a very slight increase of 0.3 µg/L-TP below the outfall from sampling conducted on 9/12/2008.

Review of the Pownal WWTF flow records indicate that average flows for 2012- 2017 is about 1/4 (0.075 MGD) of the design flow (0.26 MGD). Instream TP concentrations at these flow rates would be only 3 µg/L-TP using the average effluent concentration observed, this very modest increase is in alignment with instream TP monitoring results when considering the variable effluent TP concentrations observed and facility flows.

The potential impacts of phosphorus discharges from this facility to the receiving water have been assessed in relation to the narrative criteria in §29A-302(2)(A) of the 2017 VWQS, which states:

> *In all waters, total phosphorous loadings shall be limited so that they will not contribute to the acceleration of eutrophication or the stimulation of the growth of aquatic biota in a manner that prevents the full support of uses.*

To interpret this standard, MAPP typically relies on a framework which examines TP concentrations in relation to existing numeric phosphorus criteria and response criteria in §29A-306(a)(3)(c) of the water quality standards, for streams that can be assessed using macroinvertebrate biocriteria. Under this framework, MAPP can make a positive finding of compliance with the narrative standard when nutrient criteria are attained, or when specific nutrient response variables; pH, Turbidity, Dissolved Oxygen, and aquatic life use, all display compliance with their respective criteria in the Water Quality Standards.

The total phosphorus concentrations in receiving waters are moderate, and below the 2014 nutrient criteria threshold of 27 µg/L-TP for Warm Water Moderate Gradient streams. The mass balance calculation presented above, indicated that increases in phosphorus attributable to the facility are minimal. Further, aquatic life use is shown to be fully supported, and the stream complies with VWQS for all identified response variables. Therefore the narrative standard presented in §3-01.B.2 of the VWQS is supported (Table 3). As described below, for facilities where there are increases in phosphorus attributable to the discharge, and biological monitoring results do consistently indicate attainment of all thresholds, MAPP recommends that monthly TP effluent monitoring be required to better assess compliance with the 2014 nutrient criteria at the next permit issuance.

Table 3. Assessment of phosphorus response variables for the Pownal WWTF. The relevant target values are referenced to the appropriate section of the VWQS.

Response variable (VWQS reference)	Target Value	River-mile 38.9 (Upstream)	River-mile 37.2 (Downstream)
pH (§3-01.B.9), range	<8.5 s.u.	7.6	8.2
Turbidity (§3-04.B.1), range	< 25 NTU at low mean annual flow	2.6	0.9
Dissolved Oxygen (§3-04.B.2), min	>6 mg/L and 70% saturation	9.3 (92.7%)	12.1 (123%)
Aquatic biota, based on macroinvertebrates, (§3-04-B.4), also see Table 2.	Attaining an assessment of good, or better.	Meets WQS (2008)	Meets WQS (2013)

Whole Effluent Toxicity (WET) and Priority Pollutant Testing:

40 CFR Part 122.44(d)(1) requires the Agency to assess whether the discharge causes or has the reasonable potential to cause or contribute to an excursion above any narrative or numeric water quality criteria. The goal of the Vermont Toxic Discharge Control Strategy is to assure that the state water quality standards and receiving water classification criteria are maintained. The 2011 permit required a two-species WET acute/chronic test be conducted in August or September 2013. There was no toxicity observed in the WET test, which was conducted in September 2013; the A-NOEC was 100% and C-NOEC was 100%.

The 2017 draft permit requires a two-species (Pimephales promelas and Ceriodaphnia dubia) 48-hour acute endpoints within a 7-day chronic test on a composite effluent sample to be conducted in August or September 2019 and January or February 2021. If the results of this test indicate a reasonable potential to cause an instream toxic impact, the Department may require additional WET testing, establish a WET limit, or require a Toxicity Reduction Evaluation.

Ammonia Monitoring:
Review of the Pownal WWTF effluent ammonia records from 2012 - 2016, indicate effluent ammonia concentrations ranged from 0.1 mg – 0.4 mg TAN/L. Using the highest effluent ammonia concentration of 0.4 mg/L TAN observed in 2015, the receiving water concentration (RWC) at 7Q10 instream waste concentration (IWC) of 0.7% used for implementing the acute criteria would be 0.0028 mg TAN/L (7Q10 IWC .007 X 0.4 mg TAN/L). This value magnitudes of order below both the chronic and acute ammonia criteria, illustrating that there is not a reasonable potential for VWQS excursion. MAPP supports the ammonia monitoring be continued to provide additional data for evaluation.

Sediment, Hardness, and Metals:
Instream total suspended solids were calculated using the 7Q10 of 56 CFS at design flow of 0.40 CFS (0.26 MGD), assuming the maximum permitted daily concentration of 50 mg/L. The calculated suspended sediment concentration at these conditions was 0.35 mg/l, indicating a very slight increase of instream ambient suspended sediment concentrations in receiving waters.

The hardness of the Hoosic River below the Pownal WWTF (RM 37.2) was recorded to be 115 mg/l CaCO3 on 10/01/2013 (Table 1). Hardness data is utilized to determine compliance with Vermont's aquatic biota based metals criteria as specified in § 29A-303(7) and Appendix C of the Vermont Water Quality Standards. Vermont DEC priority metal chemistry data below the outfall (Table 4) did not detect any exceedances and were below detection for all priority metals.

Table 4. Hoosic River Metals Water Chemistry – above and below the Pownal WWTF outfall at RM 38.9 and RM 37.2.

Date:	9/12/2008		10/1/2013
Site (River Mile):	Above (38.9)	Below (37.2)	Below (37.2)
Aluminum (ug/l)	51	48	< 50
Antimony (ug/l)	< 10	< 10	-
Arsenic (ug/l)	< 1	< 1	< 1
Beryllium (ug/l)	< 1	< 1	-
Cadmium (ug/l)	< 1	< 1	< 1
Chromium (ug/l)	< 5	< 5	< 5
Copper (ug/l)	< 10	< 10	< 10
Iron (ug/l)	201.0	213.0	148.6
Lead (ug/l)	< 1	< 1	< 1
Manganese (ug/l)	37.5	37.2	27.2
Nickel (ug/l)	< 5	< 5	< 5
Selenium (ug/l)	< 5	< 5	-
Silver (ug/l)	< 1	< 1	-
Thallium (ug/l)	< 1	< 1	-
Zinc (ug/l)	< 50	< 50	< 50

Recommended Biological and Water Quality Monitoring:
In light of the fact that biological monitoring results consistently indicate attainment of all thresholds, and the stream complies with VWQS for all identified response variables, and that the narrative standard presented in §29A-302(2)(A) of the VWQS is supported (Table 3), MAPP does not recommend biomonitoring be included in the permit. To better assess compliance with the 2014 nutrient criteria at the next permit issuance, MAPP does support the effluent monitoring required by the permit which includes monthly effluent monitoring for TP.

Conclusion:
The available data indicate that this discharge does not cause, have a reasonable potential to cause, or contribute to an instream toxic impact or instream excursion above the water quality criteria. As such, the development of a WQBEL's will not be necessary.

AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
1 NATIONAL LIFE DRIVE – MAIN 2
MONTPELIER, VERMONT 05620-3522

NOTICE:	DRAFT DISCHARGE PERMIT
PUBLIC NOTICE NUMBER:	3-1493
PUBLIC COMMENT PERIOD:	January 29, 2018 through February 28, 2018

PERMITTEE INFORMATION

PERMITTEE NAME:	Town of Pownal
PERMITTEE ADDRESS:	PO Box 411 Pownal, Vermont 05261
PERMIT NUMBER:	3-1493
PROJECT ID NUMBER:	RU02-0144

DISCHARGE INFORMATION

NATURE:	Treated residential and commercial wastewater
VOLUME:	0.26 MGD
RECEIVING WATER:	Hoosic River
EXPIRATION DATE:	March 31, 2023
DESCRIPTION:	This is a draft discharge permit proposed for issuance to the Town of Pownal for the discharge of treated wastewater from residential and commercial properties in the Town of North Pownal, Vermont.

TENTATIVE DETERMINATIONS

Tentative determinations regarding effluent limitations and other conditions to be imposed on the pending Vermont permit have been made by the State of Vermont Agency of Natural Resources (VANR). The limitations imposed will assure that the Vermont Water Quality Standards and applicable provisions of the Federal Clean Water Act, PL 92-500, as amended, will be met.

FURTHER INFORMATION

The complete application, proposed permit, and other information are on file and may be inspected by appointment on the 2nd floor of the Main Building at 1 National Life Drive, Montpelier, Vermont.

Copies, obtained by calling 802-828-1535 from 7:45 AM to 4:30 PM Monday through Friday, will be made at a cost based upon the current Secretary of State Official Fee Schedule for Copying Public Records. The draft permit and fact sheet may also be viewed on the Division's website at http://dec.vermont.gov/watershed/wastewater/public-notices--fact-sheets--draft-permits.

PUBLIC COMMENTS/PUBLIC HEARINGS

Written public comments on the proposed permit are invited and must be received on or before the close of the business day (4:30 pm) on February 28, 2018 to the Agency of Natural Resources, Department of Environmental Conservation, Watershed Management Division, 1 National Life Drive – Main 2, Vermont 05620-3522. Comments may also be submitted by e-mail using the e-mail comment provisions included at http://dec.vermont.gov/watershed/wastewater/public-notices--fact-sheets--draft-permits. All comments received by the above date will be considered in formulation of the final determinations.

During the notice period, any person may submit a written request to this office for a public meeting to consider the proposed permit. The request must state the interest of the party filing such request and the reasons why a meeting is warranted. A meeting will be held if there is a significant public interest (including the filing of requests or petitions for such meeting) in holding such a meeting.

FINAL ACTION/RIGHTS TO APPEAL TO THE ENVIRONMENTAL COURT

At the conclusion of the public notice period and after consideration of additional information received during the public notice period, VANR will make a final determination to issue or to deny the permit. Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must submit the Notice of Appeal and include the applicable filing fee, payable to the state of Vermont.

The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and the description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal.

The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

The address for the Vermont Environmental Court is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington VT 05401 (Tel. (802) 951-1740). For further information, see the Vermont Rules for Environmental Court Proceedings, available online at www.vermontjudiciary.org.

Emily Boedecker, Commissioner
Department of Environmental Conservation