

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.: 3-1404
PIN: RU95-0237
NPDES No.: VT0001236

Name of Applicant: Joseph P. Carrara & Sons, Inc.
P.O. Box 60
North Clarendon, VT 05759

Expiration Date: September 30, 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, J.P. Carrara & Sons, Inc. (hereinafter referred to as the “Permittee”) is authorized by the Secretary of the Agency of Natural Resources (“Secretary”) to discharge from the quarry located at east of Route 103, Clarendon, Vermont to an unnamed tributary of Otter Creek in accordance with the following conditions.

This permit shall become effective on October 1, 2018.

Emily Boedecker, Commissioner
Department of Environmental Conservation

By: _____ Date: _____

Jessica Bulova, Wastewater Program Manager
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 to the Otter Creek, an effluent for which the characteristics shall not exceed the values listed below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Spring Dewatering Flow ^(a)		720,000 gpd	Daily	Estimate ^(b)
Operational Dewatering Flow ^(a)	150,000 gpd		Daily	Estimate ^(b)
Turbidity	10 NTU ^(c,d)		1 x monthly ^(d)	Grab
pH		6.5 to 8.5 S.U	1 x monthly ^(d)	Grab

Samples collected in compliance with the monitoring requirements specified above shall be collected at the sedimentation basin outfall prior to discharge to the receiving water.

- a. Spring dewatering limits are in effect from February 1st through June 30th. At all other times the operational dewatering limitations shall be in effect.
- b. Flow shall be estimated based on the duration of pumping from the quarry sump to the settling basin and pump capacity.
- c. If a Turbidity sample exceeds 10 Nephelometric Turbidity Units (NTU), then the permittee shall immediately collect and analyze another sample of the discharge for Turbidity.
- d. The discharge shall be sampled twice per month during the spring dewatering and once per month while quarrying operations are in progress.
- e. Metals Analyses and Perchlorate Sampling
 - i. During the first discharge event of this permit cycle, the permittee shall collect and analyze one effluent grab sample from SIN 001 for the following total metals: antimony, arsenic, cadmium, chromium, copper, iron, lead, nickel, selenium, silver, and zinc and perchlorate. The sample results shall be included as an addendum to the appropriate discharge monitoring report.

Based upon the results of these analyses or any other metals or perchlorate analyses conducted on this discharge, this permit may be amended to require additional metals analysis or to establish specific metal effluent limitations.

2. Special Conditions

- a. The Permittee shall note the commencement and completion dates of spring dewatering on the monthly discharge monitoring report.
- b. The Permittee shall notify the Secretary, in writing, prior to commencing spring dewatering operations.
- c. The Permittee shall maximize water recycling/reuse, to the extent feasible, to reduce the volume of water discharged.
- d. The pump inlet shall be placed sufficiently above the quarry sump bottom to prevent the pumping of settled solids to the settling basin.
- e. The Permittee shall measure the sediment accumulation in the settling basin once per year in the spring and shall remove solids from the settling basin as necessary to maintain compliance with the effluent limitations specified in Condition I.A.1 above to maintain the treatment capacity for a 10 year 24-hour storm event. The dates and results of sediment measurements and the dates of solids removal shall be noted on the WR-43 Discharge Monitoring Report.
- f. Any material removed from the sump or settling basin by the Permittee shall be disposed of in accordance with applicable state and federal regulations.
- g. The Permittee shall maintain sufficient rip-rap at the settling basin outfall to prevent erosion during discharge.
- h. The settling basin outfall and down-gradient areas shall be inspected regularly) at least quarterly) for erosion. The permittee shall take immediate action to correct any erosion resulting from this discharge.
- i. The Permittee shall implement a spill prevention and control plan to prevent any fuel, chemical spills, or leaks from entering the wastewater treatment system. The Permittee shall immediately implement all reasonable steps to prevent any equipment spills or leaks from entering the wastewater treatment collection system. The discharge of any fuels, chemicals, or other pollutants not specifically authorized by this permit is prohibited.
- j. The dates of inspections, basin and sump cleanings, and all other maintenance activities shall be reported on the appropriate discharge monitoring report.
- k. This discharge shall not cause a violation of the water quality standards in the receiving water.

B. 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: March 31, 2023

C. OPERATING FEES

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

D. 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 required under this Section.

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. A description of the effluent sample location is included in Condition I.I.2.

2. 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. Reporting is required year round, even during shut down a report of no discharge is required.

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.

3. 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;
- h) The original calculation and data bench sheets of the operator who performed analysis of the influent or effluent pursuant to requirements of this permit; and
- 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.

4. 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.

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.

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) 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

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.

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 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 Secretary shall proceed in accordance with chapter 170 of this title. 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 the 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.

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WATERSHED MANAGEMENT DIVISION
ONE NATIONAL LIFE DRIVE, MAIN BUILDING, 2ND FLOOR
MONTPELIER, VT 05620-3522

FACT SHEET
(July 2018)

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
TO DISCHARGE TO WATERS OF THE UNITED STATES**

PERMIT NO: 3-1404
PIN: RU95-0237
NPDES NO: VT0001236

NAME AND ADDRESS OF APPLICANT:

Joseph P. Carrara & Sons Inc
P.O. Box 60
North Clarendon, VT 05759

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Carrara Quarry
East of Route 103,
Clarendon, Vermont

RECEIVING WATER: Unnamed tributary of Otter Creek

CLASSIFICATION: All uses Class B(2) with a waste management zone. Class B waters are suitable for swimming and other primary contact recreation; irrigation and agricultural uses; aquatic biota and aquatic habitat; good aesthetic value; boating, fishing, and other recreational uses; and suitable for public water source with filtration and disinfection or other required treatment. A waste management zone is a specific reach of Class B(1) or B(2) 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 Secretary of the Vermont Agency of Natural Resources (Secretary) received a renewal application for the permit to discharge into the designated receiving water from the above-named applicant on **June 12, 2015**. The facility's previous permit was issued on **September 10, 2010**. 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 source of intake water is a combination of surface water, snow melt, precipitation and ground water that collects in the floor of the rock quarry. Ditches channel this water to a sump, from which it is pumped to a settling pond. The settling pond has a surface outlet that discharges to a culvert which discharges through V-notch weir onto an energy dissipater rip-rap pad north of settling pond. Flow from this discharge point enters unnamed tributary of Otter Creek about 100-200 feet downhill (north) of the discharge point.

III. Limitations and Conditions

The draft permit contains limitations for flow, turbidity, and pH. The effluent limitations of the draft permit and the monitoring requirements may be found on the following pages of the draft permit:

Effluent Limitations:	Page 2-3 of 16
Monitoring Requirements	Page 2-3 of 16

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 approved by the 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 2017 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).

B. Reasonable Potential Determination

Due to the limited nature of the discharge a reasonable potential determination was waived for this facility.

That decision is attached to this Fact Sheet as Attachment A.

C. 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 previous 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 previous permit.

V. Receiving Water

The receiving water for this discharge is the Unnamed tributary of Otter Creek, a designated Cold Water Fish Habitat.

VI. Facility History and Background

J.P. Carrara & Sons, Inc. currently owns and operates a quarry east of Route 103, Clarendon VT. Groundwater seepage and stormwater must be pumped from the quarry and is discharged to an unnamed tributary of Otter creek. The quarry produces dolomite.

The Permittee’s standard industrial classification code is 1422, Crushed and Broken Limestone.

Establishments primarily engaged in mining or quarrying crushed and broken limestone, including related rocks, such as dolomite, cement rock, marl, travertine, and calcareous tufa. Also included are establishments primarily engaged in the grinding or pulverizing of limestone.

There has been no discharge since 11/30/2008.

VII. Permit Basis and Explanation of Effluent Limitation Derivation

This permit was evaluated under the 2017 Vermont Water Quality Standards

Flow – The draft permit maintains the monthly average flow limitation of 150,000 gpd for period of operational dewatering. There is a daily maximum limit of 720,000 gpd for

the period of spring dewatering. The period of spring dewatering is from February 1st through June 30th. These limitations are unchanged from the permit that currently authorizes this discharge. Flow monitoring is required daily. This discharge is seasonal and can be intermittent based on groundwater seepage and stormwater entering the quarry.

Turbidity – The draft permit maintains the monthly average limit of 10 NTU. This is a change from the current permit’s annual average (during dry weather condition) limit. This limitation is based on section 29A-302 part 4.A of the Vermont water quality standards effective January 15, 2017. The current permitting structure of the Environmental Protection Agency does not allow for wet/dry permit conditions. During spring dewatering, turbidity sampling is required twice per month. During operational dewatering, turbidity sampling is required once per month. This sampling frequency is unchanged from the current permit.

pH – The pH limitation remains at 6.5 - 8.5 Standard Units as specified in section 29A-303 part 6 in the Vermont Water Quality Standards effective January 15, 2017. Sampling for pH is required once per month. The permit conditions for pH are unchanged from the current permit.

Total metals and Perchlorate Analyses

Concentrations of heavy metals and perchlorate have been detected within some quarry discharges in this state. Therefore, the permit contains a condition which requires that this discharge be sampled once for the following total metals: antimony, arsenic, cadmium, chromium, copper, iron, lead, nickel, Selenium, silver, and zinc; and perchlorate during the first discharge of the permit period. Based upon the results of these analyses or any other similar analyses conducted on this discharge, the permit may be amended to require additional analyses or establish specific effluent limitations. These conditions are unchanged from the current permit.

Special Conditions

Condition I.A.2.a – b addresses the seasonal dewatering

Condition I.A.2.c requires water recycling/reuse, to the extent feasible, to reduce the volume of water discharged.

Condition I.A.2.d requires that the pump inlet be placed sufficiently above the quarry sump bottom to prevent the pumping of settled solids to the settling basin.

Condition I.A.2.e requires that settle solids be removed from the quarry sump and settling basin as necessary to maintain compliance with the effluent limits.

Condition I.A.2.f requires that any material removed from the sump or settling basin be disposed of in accordance with applicable state and federal regulations.

Condition I.A.2.g requires that sufficient rip-rap be maintained at the settling basin outfall to prevent erosion.

Condition I.A.2.h requires that the settling basin outfall and down-gradient areas be inspected regularly (at least quarterly) for erosion and immediate action taken to correct any erosion.

Condition I.A.2.i requires implementation of a spill prevention and control plan to prevent any fuel, chemical spills, or leaks from entering the wastewater treatment system.

Condition I.A.2.j requires that the dates of inspection, basin and sump cleanings, and all other maintenance activities shall be reported on the appropriate discharge monitoring report.

Condition I.A.2.k requires discharge not to cause a violation of water quality standards.

VIII. Procedures for Formulation of Final Determinations

The public comment period for receiving comments on this draft permit is from **7/20/2018 through 8/20/2018** during which time interested persons may submit their written views on the draft permit. All written comments received by 4:30 PM on **8/20/2018** will be retained by the Secretary 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 Secretary.

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 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: Shea Miller, Wastewater Program (WWP)

From: Rick Levey, Monitoring, Assessment and Planning Program (MAPP) *Rick Levey 05/14/2018*

Cc: Pete LaFlamme, Director, (WSMD)
Jessica Bulova, Section Supervisor, Wastewater Program
Ethan Swift, Manager, MAPP

Date: May 14, 2018

Subject: Carrara & Sons Quarry Reasonable Potential Determination Decision

Facility:

Carrara Quarry
Permit No. 3-1404
NPDES No. VT0001236

Hydrology for Carrara Quarry:

Design Capacity: 0.150 MGD (0.278 cfs)

Receiving Water:

Unnamed Tributary to Otter Creek, Clarendon, VT

MAPP has evaluated the request to waive the Reasonable Potential Determination for the Carrara Quarry and has determined that a full determination is not necessary due to the “inactivity” of the discharge and the permit limits set and the pollutants of concern.

Specifically, the monitoring records indicate that there has been no discharge at Carrara Quarry for 10 years, since 2018. The discharge monitoring records from 2013 – 2018 indicate that there were no exceedances of any permit limits which included flow, pH and Turbidity (10 NTU).

As such given the nature of the “pollutants” of concern, the monitoring record, the permit limits set and the lack of discharge for the last 10 years, MAPP concurs with the Wastewater Program that this facility and its discharge as currently operated and permitted, does not have the potential to cause measurable change in the receiving water.

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: 3-1404

PUBLIC COMMENT PERIOD: 7/20/2018 - 8/20/2018

PERMITTEE INFORMATION

PERMITTEE NAME: Joseph P Carrara & Sons Inc

PERMITTEE ADDRESS: VT Route 103, Clarendon
Clarendon, VT 05759

PERMIT NUMBER: 3-1404

PROJECT ID NUMBER: RU95-0237

DISCHARGE INFORMATION

NATURE: Quarry De-watering water, following treatment in settling pond

VOLUME: Seasonally 150,000 – 720,000 gpd

RECEIVING WATERBODY: OTTER CREEK

EXPIRATION DATE: 9/30/2023

DESCRIPTION: This is a draft pretreatment discharge permit proposed for issuance to Joseph P Carrara & Sons Inc for the discharge of quarry de-watering water, following treatment in settling pond to the OTTER CREEK.

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 <https://anrweb.vt.gov/DEC/IWIS/ReportViewer2.aspx?Report=WWPublicNotices&ViewParms=False>.

PUBLIC COMMENTS/PUBLIC MEETINGS

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 **8/20/2018** 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 <https://anrweb.vt.gov/DEC/IWIS/ReportViewer2.aspx?Report=WWPublicNotices&ViewParms=False>. 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