



**Vermont Department of Environmental Conservation**  
Watershed Management Division  
1 National Life Drive, Main-2  
Montpelier VT 05620-3522

*Agency of Natural Resources*

[phone] 802-828-1535  
[fax] 802-828-1544

December 15, 2015

Luca Mannolini  
Vermont Quarries Corporation  
1591 US Route 4  
Mendon, VT 05701

**RE: Discharge Permit No. 3-1474: Cavendish Quarry**

Dear Mr. Mannolini,

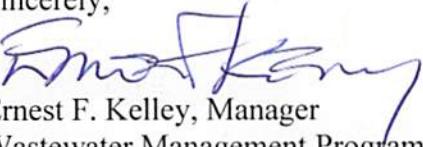
Enclosed is your copy of Discharge Permit No. 3-1474 which has been signed on behalf of the Commissioner of the Department of Environmental Conservation. This permit authorizes the discharge of treated process wastewater and dewatering water from your "Cavendish Quarry" to an unnamed tributary of the Black River.

Please review the permit carefully and make note of the effluent limitations, monitoring requirements, and other special conditions.

Since we did not receive any comments on this draft permit during the public notice period, the final permit is unchanged from the draft that was placed on public notice for comment.

If there are any questions regarding this permit please contact Randy Bean at our office.

Sincerely,

  
Ernest F. Kelley, Manager  
Wastewater Management Program

attachments

cc.

Jim Purdy, GeoMapping Associates

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

Permit No.: 3-1474  
PIN: NS00-0243  
NPDES No.: VT0000931

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

Vermont Quarries Corporation  
1591 US Route 4  
Mendon, VT 05701

(hereinafter referred to as the "Permittee") is authorized, by the Secretary, Agency of Natural Resources, to discharge from a facility located at:

Quarry Road  
Cavendish, Vermont

to the unnamed tributary of the Black River, Class B at the point of discharge in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III hereof.

This permit shall become effective on date of signing.

This permit and the authorization to discharge shall expire on September 30, 2020.

Alyssa B. Schuren, Commissioner  
Department of Environmental Conservation

By   
Ernest F. Kelley, Manager  
Wastewater Management Program  
Watershed Management Division

Date: 12/15/15

## I. SPECIAL CONDITIONS

### A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. From the date of signing through September 30, 2020, the Permittee is authorized to discharge from outfall serial number S/N 001: treated processing and mine dewatering water. Such discharges shall be limited and monitored by the Permittee as specified below:

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow	120,000 GPD		Daily	Estimate <sup>(1)</sup>
Turbidity (annual average)	10 NTU <sup>(2,3)</sup>		Monthly <sup>(4)</sup>	Grab
Total Suspended Solids		10 mg/l	Monthly <sup>(4)</sup>	Grab
pH	6.5 to 8.5 SU		Monthly <sup>(4)</sup>	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the outlet of the settling basin.

- (1) Flow shall be estimated based on the duration of pumping from the quarry sump into the settling pond and pump capacity.
- (2) The turbidity limitation is an annual average limitation, during dry weather conditions.
- (3) If a Turbidity sample exceeds 10 NTU, then the permittee shall immediately collect and analyze another sample of the discharge for Turbidity and Total Suspended Solids.
- (4) See Special Condition 2.a.

### 2. Special Conditions

- a. The discharge shall be sampled twice per month during spring dewatering and once per month while quarrying operations are in progress.
- b. At the end of quarrying season the permittee shall include a statement with the final monitoring report indicating the operating season's end date. The permittee is not required to sample or submit monthly monitoring reports during inactive times.

- c. The permittee shall notify the Department, in writing, prior to commencing seasonal quarry operations.
- d. The permittee shall maximize water recycling/reuse, to the extent feasible, to reduce the volume of water discharged.
- e. The permittee shall ensure that the pump intake is sufficiently above the top layer of any settled material in the sump to prevent the pumping of settled solids to the settling pond.
- f. The permittee shall maintain the sump and settling pond as necessary to maintain compliance with effluent limitations specified in Condition I.A.1 above. Any maintenance conducted on the sump or settling pond shall be noted on the appropriate WR-43 Discharge Monitoring Report.
- g. Any material removed from the sump or detention pond by the permittee shall be disposed of in accordance with applicable state and federal regulations.
- h. The permittee shall inspect the area downgradient of the outfall regularly for signs of erosion. The permittee shall take prompt action to correct any instances of 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. These discharges shall not cause or contribute to violations of water quality standards.

### **3. Metals, Nutrient, and Perchlorate Analyses**

**By no later than March 31, 2020**, the permittee shall collect and analyze an effluent grab sample from S/N 001 for the following total metals: antimony, arsenic, cadmium, chromium, copper, iron, lead, nickel, selenium, silver, and zinc; the following nutrients: total nitrogen and total phosphorus; and perchlorate.

The results of these analyses shall be included as an addendum to the appropriate discharge monitoring report. Total nitrogen shall be expressed based on the following formula:

**Total Nitrogen = Total Kjeldahl Nitrogen (TKN) + Nitrate/Nitrite Nitrogen (NOx)**

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

**B. REAPPLICATION**

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

Reapply for a Discharge Permit by March 31, 2020.

**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 the 40 C.F.R. Part 136.

The permittee shall use sufficiently sensitive test procedures (i.e., methods) approved under the Code of Federal Regulations, Title 40, 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. Reporting**

The Permittee is required to submit monitoring results as specified on a Discharge Monitoring Report form WR-43 (WR-43) or other reporting form approved by the Secretary. Reports are due on the 15th day of each month, beginning with the month following the effective date of this permit.

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

Signed copies of these, and all other reports required herein, shall be submitted to the Secretary at the following address:

Agency of Natural Resources  
Department of Environmental Conservation  
Watershed Management Division

One National Life Drive, Main Building, 2<sup>nd</sup> Floor  
Montpelier VT 05620-3522

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;
- 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.

### **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 measurements;
- b. The individual(s) who perform 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 Section I.A. of this permit.

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

### **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 Discharge Monitoring Report form WR-43. Such increased frequency shall also be indicated.

## PART II

### 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 to specify and limit any pollutants not previously limited.

#### 2. Noncompliance Notification

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

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

- a. 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),
- b. accidents caused by human error or negligence, or
- c. any unanticipated bypass or upset which exceeds any effluent limitation in the permit;
- d. violation of a maximum day discharge limitation for any of the pollutants listed by the Secretary in this permit; or
- e. other causes such as acts of nature,

the Permittee shall notify the Secretary within 24 hours of becoming aware of such condition or by the next business day 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 insure compliance with the conditions of this permit.

### **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 analyze any additional samples as may be required by the Secretary to ensure analytical quality control.

### **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 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 effective 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 immediately applies for, and obtains, 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.

10 V.S.A. § 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 of Natural Resources, Department of Environmental Conservation, One National Life Drive, Main Building, 2<sup>nd</sup> Floor, Montpelier VT 05620-3522.

#### **10. Power Failure**

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the Permittee shall either:

- a. Provide an alternative power source sufficient to operate the wastewater control facilities, or if such alternative power source is not in existence,
- b. Halt, reduce, or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

### **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.
  - 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, reports or information obtained under this permit program shall be available to the public for inspection and copying. However, upon a showing satisfactory to the secretary that any records, reports or information or part thereof, other than effluent data, would, if made public, divulge methods or processes entitled to protection as trade secrets, the secretary shall treat and protect those records, reports or information as confidential. Any records, reports or information accorded confidential treatment will 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; and
- 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; or
- c. 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 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. Civil and Criminal Liability**

Except as provided in, "Bypass" (Section II.A.5.), "Power Failure" (Section II.A.10.), and "Emergency Pollution Permits" (Section 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.

**8. 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.

**9. 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.

**10. 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.

**11. 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.

## 12. 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.

### III. ADDITIONAL CONDITIONS

#### A. OTHER REQUIREMENTS

This permit shall be modified, suspended or revoked to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b) (2) (C), and (D), 304(b) (2), and 307 (a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

The permit as modified under this paragraph shall also contain any other requirements of the Vermont Water Pollution Control Act then applicable.

#### B. DEFINITIONS

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

**Agency** – The Agency of Natural Resources

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

**Bypass** – The intentional diversion of waste streams from any portion of a treatment facility.

**The Clean Water Act** - The federal Clean Water Act, as amended.

**Composite Sample** - 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.



One National Life Drive, Main Building, 2<sup>nd</sup> Floor  
Montpelier VT 05620-3522

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

**Weekly Average** - (Average weekly discharge limitation) - 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.

07/2000; u.09/2012; u.11/2014

Y:\WSMD\_Discharge\DP\_Permits\TEMPLATES\DIRECT\DP-Industrial.dot