

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.: 3-1500
PIN: SJ84-0002
NPDES No.: VT0022969

Name of Applicant: Columbia Forest Products
115 Columbia Way
Newport, VT 05855

Expiration Date: March 31, 2023

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, Columbia Forest Products (hereinafter referred to as the "Permittee") is authorized by the Secretary of the Agency Natural Resources ("Secretary") to discharge from the Columbia Forest Products facility to an unnamed wetland contiguous to Lake Memphremagog in accordance with the following conditions.

This permit shall become effective on July 1, 2018.

Emily Boedecker, Commissioner
Department of Environmental Conservation

By: Jessica Bulova

Date: June 8, 2018

Jessica Bulova, Wastewater Program Manager
Watershed Management Division

I.**A. EFFLUENT LIMITS and MONITORING REQUIREMENTS**

1. During the term of this permit, the Permittee is authorized to discharge from outfall serial number S/N 001: treated log spray water. Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Monthly Average	Maximum Day	Measurement Frequency	Sample Type
Flow	0.6 MGD		Daily	Estimate
Turbidity	25 NTU, annual average, under dry weather base flow conditions		1 × month	Grab
pH	6.5 to 8.5 SU		1 × month	Grab

Samples collected in compliance with the monitoring requirements specified above shall be collected at the inlet of the 36" culvert located under Prouty Drive.

2. Special Conditions

- a. At the end of the log spraying season, the permittee shall include a statement with the monthly monitoring report indicating the spraying season's end date. **The permittee shall not be required to sample but must submit monthly monitoring reports during the inactive spraying times at the operation.**
- b. 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 in the receiving waters.
- c. The discharge shall not cause a violation of Vermont Water Quality Standards in the receiving waters.
- d. The discharge shall not cause visible discoloration to the receiving waters.
- e. The filter strip adjacent to the log spraying operation shall be inspected regularly (at least weekly) for signs of erosion and channelization. The permittee shall take prompt action to correct any instances of erosion or channelization in the filter strip.
- f. The permittee shall implement their Spill Prevention and Control Plan to prevent any fuel, chemical spills, or leaks from entering the wastewater system.

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: September 30, 2022.

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 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 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, the Permittee 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.
- e. 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 measurements;

- 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 analysis;
- 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 Section I.A of this permit.

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

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 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 Agency of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

2. Noncompliance Notification

- a. The Permittee shall give advance notice to the Agency 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 Agency 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 wastewater treatment facility or the operator’s delegate shall as soon as possible, but no longer than one

hour from discovery of an untreated discharge from the wastewater treatment facility, 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. Agency notification. For “untreated discharges” an operator of a wastewater treatment facility shall within 12 hours from discovery of an untreated discharge from the wastewater treatment facility 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 wastewater treatment facility 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 wastewater treatment facility 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 Section II.A.2.b. of this permit, an operator of a wastewater treatment facility or the operator's delegate shall notify the Agency within 24 hours of becoming aware of such condition and shall provide the Agency 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; 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 Agency.

The Permittee shall analyze any additional samples as may be required by the Agency 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 Agency upon request. This period shall be extended during the course of unresolved litigation regarding the discharge of pollutants or when requested by the Agency.

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 Agency 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 wilful 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.

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 Agency 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 federal 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 Agency. 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 Agency **at least 30 days in advance of the proposed transfer date**. The notice to the Agency 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 Agency 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 Agency 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.
- 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 Agency, within a reasonable time, any information which the Agency 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 Agency 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), "Emergency Pollution Permits" (Section II.A.9), and "Power Failure" (Section II.A.10), 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 under authority preserved by Section 510 of the Clean Water Act.

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 Agency, 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.

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 Vermont 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 the treatment facility

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

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.

Daily Discharge – 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 – Any wastes, directly or indirectly, that are placed, deposited or emitted into waters of the state.

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

Incompatible Substance – 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 these works or on water quality. This includes all pollutants required to be regulated under the Clean Water Act.

Instantaneous Maximum – A value not to be exceeded in any grab sample.

Major Contributing Industry – 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 publicly owned 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 – The mean value is the arithmetic mean.

Monthly Average (average monthly discharge limitation) – 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 – The Secretary of the Agency of Natural Resources

State Certifying Agency Agency of Natural Resources
Department of Environmental Conservation
Watershed Management Division
One National Life Drive, Main Building, 2nd 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.

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 due to the authorized discharge.

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.

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MONTPELIER, VT 05620-3522

**FACT SHEET FOR DRAFT PERMIT
(MARCH 2018)**

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

PERMIT NO: 3-1500
PIN: SJ84-0002
NPDES NO: VT0022969

NAME AND ADDRESS OF APPLICANT:

Columbia Forest Products
115 Columbia Way
Newport, VT 05855

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Columbia Forest Products
115 Columbia Way
Newport, Vermont

RECEIVING WATER: Unnamed wetland contiguous to Lake Memphremagog.

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 August 17, 2017. The facility's previous permit was issued on April 1, 2013. The previous permit (hereafter referred to as the "current permit") will be administratively continued, pursuant to 3 V.S.A. § 814, as the applicant filed a complete application for permit reissuance within the prescribed time period 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.

The facility is engaged in seasonal log spraying at their veneer manufacturing plant.

A map showing the location of facility, outfalls and the receiving water is provided in the Reasonable Potential Determination (RPD) (see Attachment A).

II. Description of Discharge

Columbia Forest Products operates a veneer manufacturing plant in Newport, Vermont. During the spring, summer and early fall, the facility conducts a log-spraying operation as part of their manufacturing process which meets the definition of “Wet Storage” as specified in 40 CFR 429.100. Runoff from this operation in the log yard sheet flows to the east side of the lot to a bermed ditch where it is either recycled into the water storage take or, if there is no demand, discharged to an unnamed wetland contiguous to Lake Memphremagog.

The facility maintains a seasonal, intermittent discharge.

III. Limitations and Conditions

The draft permit contains limitations for effluent 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:	Pages 2-3 of 17
Monitoring Requirements:	Pages 2-3 of 17

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).

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 Toxic Discharge Control 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 an unnamed wetland contiguous to Lake Memphremagog, a designated Warm Water Fish Habitat.

VI. 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 monthly average flow limitation of 0.6 MGD. The flow is estimated based on the number of sprinklers in operation that day. Daily flow monitoring is required on the days there is a discharge.
- B. **pH** – The pH limitation remains at 6.5 - 8.5 Standard Units as specified in Section 29A-303(6) in the Vermont Water Quality Standards. The monitoring frequency is being decreased from twice per month to once per month due to the history of compliance the facility has maintained.
- C. **Turbidity** – The turbidity limitation is 25 NTU, annual average, under dry base-flow conditions as specified in Section 29A-302(4) of the Vermont Water Quality Standards. The monitoring frequency is being decreased from twice per month to once per month due to the history of compliance the facility has maintained.

D. Special Conditions

- 1. **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 Secretary 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.
- 2. **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 Secretary specified information regarding the discharge within 12 hours of discovery.

A. Reasonable Potential Analysis

The Secretary has made the decision to waive a reasonable potential analysis due to the volume and nature of the discharge. That decision is attached to this Fact Sheet as Attachment A.

VII. Procedures for Formulation of Final Determinations

The public comment period for receiving comments on this draft permit was from May 4, 2018 through June 6, 2018. No comments were received during the public comment period.

**Agency of Natural Resources
Department of Environmental Conservation**

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

MEMORANDUM

To: Allison Lowry, Wastewater Program (WWP)

From: Rick Levey, Monitoring, Assessment and Planning Program (MAPP) *Rick Levey 04/25/2018*

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

Date: April 25, 2018

Subject: Columbia Forest Products Reasonable Potential Determination Decision

Facility:

Columbia Forest Products
Permit No. 3-1500
NPDES No. VT0022969

Hydrology for Columbia Forest Products:

Design Capacity: 0.60 MGD (0.92 cfs)

Receiving Water:

Unnamed wetland contiguous to Lake Memphremagog, Newport VT

MAPP has evaluated the request to waive the Reasonable Potential Determination for the Columbia Forests Products Facility and has determined that a full determination is not necessary due to the size of the discharge, the location of the discharge and the pollutants.

The Columbia Forest Products facility operates a veneer manufacturing plant and during the spring, summer and early fall the facility conducts a log-spraying operation. Runoff from this operation in the log yard flows to a bermed ditch where it is recycled or if there is no demand, it is discharged to an unnamed wetland contiguous to Lake Memphremagog.

The facility is permitted to discharge 0.6 MGD (0.92 cfs), the waste stream from the facility consists of treated log spray water and the effluent limits are for flow, pH and turbidity. The turbidity permit limit of 25 NTU is protective of Vermont Water Quality Standards and monitoring data indicate that this limit has not been exceeded (2013 -2017). Additionally, the location of the discharge to the wetland contiguous with Lake Memphremagog is approximately 1-mile upgradient from the lake further illustrating that

this discharge would not pose a risk to receiving waters. Considering this factor, 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.