

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.: 3-1565
PIN: SJ17-0044
NPDES No.: VT0120049

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.*),

Boardwalk, LLC
88 Rogers Lane
Richmond, Vermont 05477

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

Irasburg Northeast Sand & Gravel
928 Route 58 E.
Irasburg, Vermont

to an unnamed tributary of the Black River, Class B, at the point of discharge in accordance with the following conditions.

This permit shall become effective on the March 1, 2019.

This permit and the authorization to discharge shall expire on December 31, 2023.

Emily Boedecker, Commissioner
Department of Environmental Conservation

By: Mary L Borg
Mary Borg, Deputy Director
Watershed Management Division

Date: 2/4/19

I. SPECIAL CONDITIONS

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS

1. The Permittee is authorized to discharge from outfall serial number S/N 001: treated comingled quarry dewatering water, process wastewater, and stormwater to the unnamed tributary of the Black River. Such discharges shall be limited and monitored by the Permittee as specified below:

During Quarry Operating Season:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Monthly Average	Maximum Day	Measurement Frequency	Sample Type

Flow	As necessary		No monitoring required	
Turbidity ¹	10 NTU		1 × month	grab
Total Suspended Solids	10 mg/l		1 × month	grab
Total Petroleum Hydrocarbons	Monitor Only (mg/l)		1 × month	grab
pH	6.5 – 8.5 Standard Units		1 × month	grab

Samples collected in compliance with the monitoring requirements specified above shall be collected at the overflow discharge point of Pond 9.

¹ If a turbidity sample exceeds 10 NTU, the Permittee shall immediately (i.e., the next business day there is a discharge) collect and analyze another sample of the discharge for turbidity.

- a. The discharge shall be sampled once per month while quarry, asphalt and crushing operations are in progress.
- b. While quarry operations are in progress, the Permittee shall maximize water recycling to the extent feasible to reduce the volume of water discharged.
- c. The Permittee shall measure the sediment accumulation in the settling basins once per year in the fall 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.
- d. Any material removed from the settling basin by the Permittee shall be disposed of in accordance with applicable state and federal regulations.
- e. The Permittee shall maintain sufficient rip-rap at the settling basin outfall to prevent erosion during discharge.

- f. The Permittee shall inspect the area downgradient of the discharge point regularly (at least quarterly) for signs of erosion. The Permittee shall take prompt action to correct any instances of erosion resulting from the discharge.
- g. 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.
- h. The discharge shall not cause a violation of the Vermont Water Quality Standards in the receiving water.

2. Metals and Nutrient Analyses

An analysis for metals and nutrients shall be conducted during the permit period and submitted by June 30, 2023.

During the months of August or September, the Permittee shall collect and analyze one effluent grab sample from S/N 001 for the following total metals: antimony, arsenic, cadmium, chromium, copper, iron, lead, nickel, selenium, silver, and zinc, and the following nutrients: total nitrogen, total calcium, and total phosphorus. If, due to climatic conditions, a discharge does not occur during this time period, the Permittee shall collect a sample during August or September in the next year that a discharge occurs before the permit expiration date.

Based upon the results of these analyses or any other analyses conducted on the 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 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: June 30, 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 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, 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 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. 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; and
- 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 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 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 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 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) 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 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.

C. 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.

III. 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.

PERMITTEE: _____

PERMIT No.: _____

Address: _____

S/N: _____

MONTH: _____ YEAR: _____

Page _____ of _____

Phone: _____

PERMIT MONITORING INFORMATION

DATE	EFFLUENT																		SIZE AND TYPE OF PRIMARY FLOW DEVICE:				
																			FLOW CHECKS: Influent <input type="checkbox"/> Effluent <input type="checkbox"/>				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	Date	Head in Inches	Actual Flow in MGD	Chart Flow in MGD	(Actual-Chart) / Actual X 100 = % ERROR
1																							
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TOTAL																							
Average																							
Max																							
Min																							

Factory Calibration Date: _____ Calibrated By: _____

COMMENTS AND EXPLANATIONS OF ANY VIOLATIONS:
(Reference all attachments here)

I certify under penalty of law that I have personally examined, and am familiar with the information submitted herein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

PREPARED BY: _____

APPROVED BY: _____
Authorized Agent for the Permittee

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

FACT SHEET
(December 2018)

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

PERMIT NO: 3-1565
PIN: SJ17-0044
NPDES NO: VT0120049

NAME AND ADDRESS OF APPLICANT:

Boardwalk, LLC
88 Rogers Lane
Richmond, VT 05477

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Irasburg Northeast Sand and Gravel
928 Route 58 East
Irasburg, Vermont

RECEIVING WATER: Unnamed tributary of the Black River

CLASSIFICATION: Class B. Class B waters are suitable for swimming and other forms of water-based recreation and irrigation of crops and other agricultural uses without treatment; good aesthetic value; aquatic biota and wildlife sustained by high quality aquatic habitat; suitable for boating, fishing, and other recreational uses; acceptable for public water supply with filtration and disinfection.

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

The Vermont Agency of Natural Resources (Agency) received an application for the permit to discharge into the designated receiving water from the above-named applicant on March 31, 2017. The facility is engaged in the treatment of wastewater associated with quarry dewatering, asphalt and crushing operations and is comingled with stormwater. The discharge from the outfall of the Northeast Sand and Gravel, Irasburg Quarry will flow overland to an unnamed tributary of the Black River. The treatment, as designed, will meet the Vermont Water Quality Standards and comply with the Interim Anti-Degradation Implementation Procedure (see Attachment A).

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

II. Description of Discharge

A quantitative description of the discharge in terms of significant effluent parameters is based on state and federal laws and regulations, the discharge permit application, and the recent self-monitoring data.

III. Limitations and Conditions

The effluent limitations of the draft permit, the monitoring requirements, and any implementation schedule (if required), may be found on the following pages of the draft permit:

Effluent Limitations: Pages 2-3 of 14

IV. Receiving Water

The receiving water for this discharge is an unnamed tributary of the Black River, a designated Cold Water Fish Habitat.

V. Facility History and Background

The project is an expansion of an existing stone and gravel quarry, which is located on approximately 148 acres. The expansion will include the addition of two portable rock crushing units and one portable asphalt plant to the existing quarry area and the expansion of an open pit rock quarry.

Process water comingles with stormwater and is directed to multiple detention ponds designed to treat a 10-year, 24-hour storm event before discharging to an unnamed tributary of the Black River.

VI. Permit Basis and Explanation of Effluent Limitation Derivation

This permit was evaluated under the 2017 Vermont Water Quality Standards

Turbidity – The draft permit requires a monthly average limit of 10 NTU. Monitoring is required once per month when a discharge occurs.

Total Suspended Solids (TSS) – The draft permit requires a monthly average limit of 10 NTU. Monitoring is required once per month when a discharge occurs.

Total Petroleum Hydrocarbons – The draft permit requires monthly monitoring of Total Petroleum Hydrocarbons when a discharge occurs.

pH – The pH limitation is 6.5 - 8.5 Standard Units as specified in Section 3-01 B.9. in the Vermont Water Quality Standards. Monitoring is required once per month when a discharge occurs.

Metals and Nutrient Analyses – The draft permit requires an effluent grab sample for the following total metals: antimony, arsenic, cadmium, chromium, copper, iron, lead, nickel, selenium, silver, and zinc, and the following nutrients: total nitrogen, total calcium, and total phosphorus. This sample shall be collected during the months of August or September. If there is no discharge during that time, a sample is required the next year a discharge occurs during August or September.

VII. Procedures for Formulation of Final Determinations

The public comment period for receiving comments on this draft permit was from **December 19, 2018 through January 21, 2019**. The Secretary received no comments on this permit during this period.

Attachment A

Anti-Degradation and Alternatives Analysis - Irasburg Northeast Sand & Gravel

A Stormwater Design Brief, Drainage Area Discharge Point Map, and plan set, including a process water flow schematic, has been included with this application. Please refer to them for a description of the proposed activity, discharge and facility operations, including specific locations.

Process wastewater and stormwater will discharge after treatment in a series of settling ponds, through a proposed outlet structure via a 24 inch diameter HDPE pipe to an existing vegetated channel which flows into Class 2 wetlands. These wetlands drain into an unnamed tributary of the Black River. The receiving waters are not on the State of Vermont 303(d) List of Impaired Waters.

Irasburg Northeast Sand & Gravel will provide material to local municipalities for road construction and maintenance, including winter maintenance, which provides safe travel to the citizens of Vermont. This facility will employ workers from the local labor force.

Due to the geologic formations and site limitations, infiltration or spray irrigation is not a feasible alternative for disposal of this treated process wastewater; therefore, the only alternative is to discharge the treated process wastewater to waters of the State.

Attachment B

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 11/06/18*

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

Date: November 6, 2018

Subject: Northeast Sand & Gravel Reasonable Potential Determination Decision

Facility:

NE Sand & Gravel
Permit No. 3-1565
PIN. SJ17-0044

Hydrology for NE Sand & Gravel:

Design Capacity: As necessary

Receiving Water:

Unnamed Tributary to Black River, Irasburg, VT

MAPP has evaluated the request to waive the Reasonable Potential Determination for the Northeast Sand & Gravel and has determined that a full determination is not necessary due to the nature of the discharge and the permit limits established for pollutants of concern. The discharge is treated comingled quarry dewatering water, process wastewater and stormwater. Process water comingles with stormwater and is directed to detention ponds designed to treat storm events before discharging to the Unnamed Tributary to the Black River.

Specifically, permit limits established for Turbidity, Total Suspended Solids and pH are protective of VWQS and are also monitored monthly to ensure compliance with VWQS and permit conditions. A planned expansion will include one portable asphalt plant to the existing quarry area; permit conditions will require monitoring for Total Petroleum Hydrocarbons and metals.

As such given the nature of the “pollutants” of concern, the monitoring conditions, record, and the permit limits set, 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.