



Vermont Department of Environmental Conservation

Watershed Management Division
103 South Main Street, Building 10 North
Waterbury, VT 05671-0408

Agency of Natural Resources

[phone] 802-241-3777
[fax] 802-338-4890

August 23, 2012

Brian Maloy
FiberMark North America, Inc.
161 Wellington Ave
Brattleboro, VT 05302

Re: Draft Discharge Permit #3-1136

Dear Mr Maloy:

We are proposing to issue you the above referenced permit. A draft of this permit is enclosed for your review and comment. The draft permit is based on the information contained in your application and requirements of State and/or Federal laws and regulations providing for the protection of water quality. If the draft permit does not correctly reflect your present operation, or if you have any questions, please contact Carol Carpenter at 338-4832.

In order to facilitate the issuance of your permit in the shortest possible time, we are also placing it on the required 30-day public notice immediately. If we do not hear from you within 30 days of the date of this letter and if there is no response within 30 days which requires a public hearing or major permit modification, the permit will be sent to the Secretary of the Agency of Natural Resources or her designated representative for final approval and signature.

Sincerely,

A handwritten signature in blue ink that reads "Ernest F Kelley".

Ernest F Kelley, Manager
Wastewater Management Program

Enclosure

AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
103 SOUTH MAIN STREET, - BUILDING 10 NORTH
WATERBURY, VERMONT 05671-0408

Permit No. 3-1136
Project ID No. NS94-0007
NPDES No. VT0000248

DRAFT
DISCHARGE PERMIT

In compliance with the provisions of the Vermont Water Pollution Control Act, as amended, (10 V.S.A. Chapter 47 §1251 et. seq), the Vermont Water Pollution Control Permit Regulations, and the Federal Clean Water Act, as amended (33 U.S.C. § 1251 et. seq),

FiberMark North America, Inc.
161 Wellington Ave
Brattleboro, VT 05302

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

Brattleboro, Vermont

to the Connecticut 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 the date of signing.

This permit and the authorization to discharge shall expire on June 30, 2017.

David K Mears, Commissioner
Department of Environmental Conservation

By: _____
Peter LaFlamme, Director
Watershed Management Division

Dated:

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Until June 30, 2017, the permittee is authorized to discharge from outfall serial number **S/N 001**: Treated process wastewater from a specialty paperboard manufacturing operation. 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	2.0 MGD		Continuous	Daily Total
Biochemical Oxygen Demand	822 lbs/day	1048 lbs/day	1 x weekly	24-hour composite
Total Suspended Solids	813 lbs/day	1684 lbs/day	1 x weekly	24-hour composite
Total Phosphorus	Monitor only, mg/l		1 x monthly	24-hour composite
Total Nitrogen ⁽¹⁾	Monitor only, mg/l		1 x monthly	24-hour composite
pH	Between 6.5 and 8.5 Standard Units		Continuous	Grab
Turbidity		120 NTU ⁽²⁾	1 x weekly	Grab
Toxicity Testing	Monitor only		See Special Condition I.C.	

(1) Total Nitrogen is the sum of Total Kjeldahl Nitrogen (TKN) and Nitrate/Nitrite (NOx).

(2) See Special Condition I.B.1.

Samples taken in compliance with the monitoring requirements specified above shall be taken following the treatment lagoon.

2. Until June 30, 2017, the permittee is authorized to discharge from outfall serial number **S/N 002**: River water leakage from the River Water Pump House.

No effluent limitation or monitoring is required for this wastestream.

Routine inspections of the pump house shall occur to confirm that no contamination of this river water discharge is possible.

B. SPECIAL CONDITIONS

1. In accordance with Section 2-04 of the Vermont Water Quality Standards, this permit hereby establishes a mixing zone (which applies to waters within the borders of the State of Vermont) for turbidity not to exceed 200 feet from the point of S/N001 discharge. Within the mixing zone, Section 3-04 (B.1.) of the Water Quality Standards is waived in accordance with Section 2-04.
2. The permittee is limited to using those chemicals which are similar in composition, concentration, and toxicity to those identified in the permit application unless substantially different chemicals are approved by the Department. A significant increase in the dosage rate or a substantial change in the chemicals used must be reviewed by the Department to assure that no adverse impact will occur on either the treatment facility or the receiving water. A substantial change in chemicals shall be defined as those chemicals that are not similar in composition, concentration, and toxicity to those identified in the application.
3. The discharge of chlorophenolic based biocides in the production process is prohibited.
4. This discharge shall not cause a violation of the water quality standards of the receiving water.

C. TOXICITY TESTING

1. The permittee shall complete the following Whole Effluent Toxicity (WET) testing on the S/N 001 effluent:
 - a. By **June 30, 2013**, the permittee shall complete one two-species (*Pimephales promelas* and *Ceriodaphnia dubia*) acute/chronic Whole Effluent Toxicity (WET) test, conducted on a 24-hour composite effluent sample taken during the month of June 2013. The results shall be submitted to the Department by the following September 30.
 - b. By **January 31, 2015**, the permittee shall complete one two-species (*Pimephales promelas* and *Ceriodaphnia dubia*) acute Whole Effluent Toxicity (WET) test, conducted on a 24-hour composite effluent sample taken during the month of January 2015. The results shall be submitted to the Department by the following April 30.
 - c. By **June 30, 2016**, the permittee shall complete one two-species (*Pimephales promelas* and *Ceriodaphnia dubia*) acute Whole Effluent Toxicity (WET) test, conducted on a 24-hour composite effluent sample taken during the month of June 2016. The results shall be submitted to the Department by the following September 30.
2. The permittee shall complete toxic pollutant scans on S/N 001 on the same date as the WET sample is collected. This includes the parameters (metals) listed in 40 CFR Part 122, Appendix D, Table 3. The results shall be submitted to the Department with the WET test results.

Based on the results of this testing or any other toxicity tests conducted on this discharge, this permit may be reopened and amended to include effluent limitations, or require additional testing, or require that a Toxicity Reduction Evaluation be conducted.

Whole Effluent Toxicity tests shall be conducted in accordance with the methods recommended by EPA: Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms (the most recent edition) and Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (the most recent edition).

D. REAPPLICATION

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

Reapply for a Discharge Permit by: December 31, 2016.

The application shall include applicable requirements identified in 40 CFR Part 121.21, *Application for a permit*.

E. OPERATING FEES

This discharge is subject to operating fees. The permittee shall submit the operating fees in accord with the procedures provided by the Secretary.

F. MONITORING AND REPORTING

1. Sampling and Analysis

The sampling, preservation, handling, and analytical methods used shall conform to regulations published pursuant to Section 304(g) of the Clean Water Act, under which such procedures may be required. Guidelines establishing these test procedures have been published in the Code of Federal Regulations, Title 40, Part 136 (Federal Register, Vol. 56, No. 195, July 1, 1999 or as amended).

If applicable, *Escherichia coli* shall be tested using one of the following methods:

- a. "Most Probable Number" (MPN) method 9223B found in Standard Methods for the Examination of Water and Wastewater, 18th or subsequent approved edition(s). Premade formulations are available as Colilert and Colilert 18 from IDEXX Labs Inc., Westbrook, ME;
- b. EPA "membrane filtration" (MF) method 1603 using modified mTEC; or
- c. A single step membrane filtration (MF) method using mColiBlue 24 available from Hach Company, Loveland, CO.

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). 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
103 South Main Street, Building 10 North
Waterbury, Vermont 05671-0408

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;
- 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;
- b. The dates and times the analyses were performed;
- c. The person(s) who performed the analyses;
- d. The analytical techniques and methods used including sample collection handling and preservation techniques;
- e. The results of all required analyses;
- f. The records of monitoring activities and results, including all instrumentation and calibration and maintenance records;

- g. 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 expansions, production increases, or process modifications which will result in new, different, or increased discharges of 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 permit issuing authority of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

2. Noncompliance Notification

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, but not limited to, 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. 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 (5) 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 or control facilities or systems installed or used by the permittee to achieve compliance with the terms and 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
- c. The operation and maintenance of this facility shall be performed only by qualified personnel. The personnel shall be certified as required under the Vermont Water Pollution Abatement Facility Operator Certification Regulations.

4. Quality Control

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

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

The permittee shall demonstrate the accuracy of the flow measurement device **twice monthly** and report the results on the monthly report forms. The acceptable limit of error is $\pm 10\%$.

The permittee shall analyze any additional samples as may be required by the Agency of Natural Resources to ensure analytical quality control.

5. Bypass

The diversion or bypass of facilities, necessary to maintain compliance with the terms and conditions of this permit, is prohibited, except where authorized under terms and conditions of an emergency pollution permit issued pursuant to 10 V.S.A. §1268.

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, calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, and shall be submitted to Department representatives 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 accord 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., Chapter 47, §1268. The permittee shall notify the Department of the emergency situation by the next working day.

10 V.S.A., Chapter 47, §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 of the Agency of Natural Resources, Department of Environmental Conservation, 103 South Main Street, Waterbury, Vermont 05671-0408.

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 in which an effluent source or any records required to be kept under terms and conditions of the permit are located;
- b. to have access to and copy any records required to be kept under the terms and conditions of the permit;
- c. to inspect any monitoring equipment or method required in the permit; or
- d. to sample any discharge of pollutants.

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. 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 at a minimum:

- a. a properly completed application form as 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.”

4. Permit Modification

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, but not limited to, 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.

5. Toxic Effluent Standards

That if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under §307(a) of the Federal 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 the permit, the secretary shall revise or modify the permit in accordance with the toxic effluent standard or prohibition and so notify the permittee.

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" (Part II, paragraph A.5.), "Power Failure" (Part II, paragraph A.10.), and "Emergency Pollution Permits" (Part II, paragraph 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. 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.

11. 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 Regulations, and Section 402 of the Clean Water Act, as amended. 10 V.S.A. §1259 states that: "No person shall discharge any waste, substance, or material into waters of the State, nor shall any person discharge any waste, substance, or material into an injection well or discharge into a publicly owned treatment works any waste which interferes with, passes through without treatment, or is otherwise incompatible with those works or would have a substantial adverse effect on those works or on water quality, without first obtaining a permit for that discharge from the Secretary".

PART 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.

The Act - The Vermont Water Pollution Control Act, 10 V.S.A. Chapter 47

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.

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.

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 limitation 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.

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

Incompatible Substance (Pollutant) - 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 Federal 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 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
103 South Main Street
Waterbury, Vermont 05671-0408

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.

AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
103 SOUTH MAIN STREET
WATERBURY, VERMONT 05671-0408

FACT SHEET
(August 2012)

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

NPDES NO: VT0000248
PERMIT NO: 3-1136
PROJECT ID NO: NS94-0007

NAME AND ADDRESS OF APPLICANT:

FiberMark North America, Inc.
161 Wellington Ave
Brattleboro, VT 05302

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

same as above

RECEIVING WATER: Connecticut River

CLASSIFICATION: Class B. Class B waters are suitable for bathing and recreation, irrigation and agricultural uses; good fish habitat; good aesthetic value; acceptable for public water supply with filtration and disinfection.

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

The above named applicant applied on April 4, 2011 to the Vermont Department of Environmental Conservation for renewal of the permit to discharge into the designated receiving water. At this time the Department has made a tentative decision to reissue the discharge permit. The facility is engaged in the non-integrated production of specialty pressboard. The discharge is treated process wastewater from the manufacturing process.

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.

The complete application, draft permit, and other information used in the development of this permit are on file and may be inspected at the VTDEC, Watershed Management Division, VSAC Building, Winooski, VT. Copies will be made at a cost based on the current Secretary of State Official Fee Schedule for Copying Public Records from 8:00

AM to 4:30 PM, Monday through Friday. The draft permit and fact sheet may also be viewed on the Division's website at <http://www.anr.state.vt.us/dec/waterq/ww/htm/notices.htm>

III. Limitations and Conditions

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

Effluent Limitations: Page 2 of 14
Monitoring Requirements: Pages 2 and 3 of 14

IV. Permit Basis and Explanation of Effluent Limitation Derivation

Process and Facility Background:

FiberMark North America, Inc. ("FiberMark") owns and operates the FiberMark paperboard mill located on the Connecticut River in Brattleboro, Vermont. The facility is a non-integrated mill primarily involved in the production of 10 - 15 different grades of specialty paperboard.

Water from the manufacturing process is pumped from the Connecticut River. It passes through sand filters prior to entering the manufacturing facility. Backwash water from the cleaning of the sand filters is pumped to the wastewater treatment facility.

The wastewater treatment system consists of primary clarification followed by an 8.3 million gallon aerated stabilization basin. The treated effluent is discharged via a diffuser into the Connecticut River. Primary clarifier sludge was previously dewatered on a vacuum filter and screw press. In 1999 hydraulic curtains (floating baffles extending to and anchored to the lagoon floor) were installed in the treatment lagoon in order to provide 'staged' treatment and to minimize the potential for short-circuiting. Also at that time, a new screw press for sludge dewatering was installed in series after the existing vacuum filter. In 2007, an Aris-Andritz belt press for sludge dewatering was installed replacing the existing vacuum filter/screw press combination sludge processor. The sludge is trucked to Vermont landfills for daily cover.

The 7Q10 flow of the Connecticut River used for calculation purposes for this permit is 1079 CFS. The design flow of the facility is 2.0 MGD (3.10 CFS). The instream waste concentration (IWC) is 0.003. For purposes of certain metals calculations, a hardness of 40 mg/l for the Connecticut River was used.

Description of Effluent Limitations and Monitoring Requirements:

EPA categorical standards, 40 CFR Part 430 and the associated Development Document for the Pulp, Paper, and Paperboard Industry, are based on both the pulping or furnish process and the products, or grades, manufactured at a given facility. The furnish is a combination of purchased wastepaper, recycled finishing wastepaper, and purchased pulp, and the primary products are specialty paperboard grades.

Flow - The effluent flow limitation for S/N 001 remains at 2.0 MGD, monthly average, representing the facility's design flow. The facility maintains a continuous discharge.

Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS) –

FiberMark is subject to 40 CFR Part 430, Subparts J (Secondary Fiber Non-Deink) and L (Paperboard from Purchased Pulp) and uses secondary fiber and pulp in about equal percentages. Further, FiberMark uses both corrugated and non-corrugated furnish (Subpart J) in about equal percentages. The calculated categorical limits are based on past production practices, present trends, or projected increases in production that are within the control of the facility and are likely to be realized.

Calculated categorical effluent limits for the Subpart J non-corrugating medium furnish subdivision:

	<u>monthly average</u>	<u>daily maximum</u>
BOD	429 lbs/day	858 lbs/day
TSS	715 lbs/day	1430 lbs/day

Calculated categorical effluent limits for the Subpart J corrugating medium furnish subdivision:

	<u>monthly average</u>	<u>daily maximum</u>
BOD	801 lbs/day	1630 lbs/day
TSS	1316 lbs/day	2631 lbs/day

Calculated categorical effluent limits for the Subpart L paperboard from purchased pulp subdivision:

	<u>monthly average</u>	<u>daily maximum</u>
BOD	1030 lbs/day	1859 lbs/day
TSS	800 lbs/day	1659 lbs/day

Production rates for the years 2006 through 2011 are similar, though slightly lower than previous years' production rates (143 tpd average for the years 2001 – 2005) and are as follows:

2006 - 141.8 tpd
 2007 - 136.0 tpd
 2008 - 136.3 tpd
 2009 - 137.2 tpd
 2010 - 136.3 tpd
 2011 - 132.9 tpd

Calculations using the results in the two subparts (including the 50/50 corrugating/non-corrugating division under Subpart J) thus indicate that the BOD and TSS effluent limitations that would be appropriate for this facility at a production rate of 143 tpd would be as follows:

BOD, monthly average – 822 lbs/day	TSS, monthly average – 908 lbs/day
BOD, daily max – 1552 lbs/day	TSS, daily maximum – 1844 lbs/day

The current permit limits are as follows:

BOD, monthly average – 858 lbs/day	TSS, monthly average – 813 lbs/day
BOD, daily max – 1048 lbs/day	TSS, daily maximum – 1684 lbs/day

The anti-backsliding provision in the Clean Water Act, (40 CFR Part 122.44(l), *Reissued Permits*) requires that when a facility is substantially in compliance with current limits, less stringent limits may not be applied to a discharge. Based on monitoring data, the facility has remained consistently in compliance with the current limits for BOD, daily max as well as TSS, monthly average and daily max. Consequently the limits remain as previously permitted. However, the effluent limit for BOD, monthly average will be reduced from 858 to 822 lbs/day which according to the recent self-monitoring results, FiberMark will be able to consistently meet.

The weekly monitoring frequency for both BOD and TSS remains unchanged from the previous permit.

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

Turbidity – The previous permit established a 200 foot mixing zone and contained a turbidity limitation of 120 NTU for S/N 001 where the water quality standard of 10 NTU would be met at the end of the mixing zone. This was approved following a 2006 dilution study conducted by Phoenix Environmental Engineers for the permittee. That study concluded that FiberMark could discharge up to 400 NTU and still meet the limit of 10 NTU at the end of a 200 foot mixing zone. At that time, the Department made a determination that based on FiberMark's existing self-monitoring data, a limit of 120 NTU would be appropriate for an effluent limit at the point of discharge.

FiberMark is requesting that the turbidity mixing zone be maintained for the next permit period. Self-monitoring turbidity results during the previous three years (2009 through 2011) indicate that the range of values is from 19 to 106 NTU. The proposed permit retains the 120 NTU permit limit and weekly monitoring.

Total Nitrogen and Total Phosphorus - Vermont DEC is currently in the process of proposing scientifically based nitrogen and phosphorus criteria for lakes and wadeable streams for review by USEPA. In support of this effort the Department is including requirements in discharge permits to monitor discharges for both total nitrogen and total phosphorus. Once adopted the criteria will be used to determine the potential of discharges to cause or contribute to eutrophication and adversely impact the aquatic biota downstream of the discharge. Monitoring is required monthly.

Toxicity Testing - 40 CFR Part 122.44(d)(1) requires the Department to assess whether the discharge causes, has the reasonable potential to cause, or contribute to an excursion above any narrative or numeric water quality criteria. Whole Effluent Toxicity testing is being required in accordance with the 1994 Vermont Toxic Discharge Control Strategy for S/N 001. The intent of the WET testing is to confirm the effluent does not have the potential to cause an instream toxic impact. WET testing was conducted by FiberMark in June 2007, 2008, 2009, 2010, and 2011. Those results indicated that this discharge did not have the potential to cause an instream toxic impact.

The proposed permit includes three rounds of WET testing. The first test, an acute/chronic two-species test must be completed in June 2013. Subsequent testing includes acute testing only in January 2015 and in June 2016. In addition, a toxic pollutant scan (metals) is required to be completed on the S/N 001 discharge on the same days that the WET samples are collected.

If the results of these tests indicate a reasonable potential to cause an instream toxic impact, the Department may require additional WET testing, establish a WET limit, or require a Toxicity Reduction Evaluation.

A second discharge point (S/N 002), is comprised of uncontaminated river water from two river water pumps located in a pump house that continuously leak seal water which flows back to the Connecticut River. The approximate flow is 5 gpm. As with the previous permit, no monitoring is proposed for this discharge.

V. Procedures for Formulation of Final Determinations

The public comment period for receiving comments on this draft permit is from August 27 through September 26, 2012 during which time interested persons may submit their written views on the draft permit. All written comments received by 4:30 PM on September 26, 2012 will be retained by the Department and considered in the formulation of the final determination to issue, deny or modify the draft permit. The period of comment may be extended at the discretion of the Department.

Written comments should be sent to:

Vermont Agency of Natural Resources
Department of Environmental Conservation
Watershed Management Division – Building 10 North
103 South Main Street
Waterbury, VT 05671-0408

Comments may also be faxed to: 802-338-4890 or submitted by e-mail using the e-mail comment provisions included at <http://www.anr.state.vt.us/dec/waterq/ww/html/notices.htm>

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

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



© 2012 Google
Image USDA Farm Service Agency

Google earth

Google earth



FiberMark WOTF



Vermont Department of Environmental Conservation

Watershed Management Division
103 South Main Street, Building 10 North
Waterbury, VT 05671-0408

Agency of Natural Resources

[phone] 802-241-3777
[fax] 802-338-4890

August 23 , 2012

Ms Annette Cappy, Town Clerk
Town of Brattleboro
230 Main Street, Suite 108
Brattleboro, VT 05301

Dear Ms Cappy:

Enclosed is a copy of a public notice regarding the public comment period for the issuance of a **draft discharge permit to FiberMark North America, Inc. authorizing the discharge of process wastewater.** Please post in a public place for disseminating this information to the local officials and residents. We are also sending copies of this notice to other local officials and interested persons who have asked to be included on our mailing list.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ernest F. Kelley".

Ernest F Kelley, Manager
Wastewater Management Program

Enclosures

AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
103 SOUTH MAIN STREET
WATERBURY, VERMONT 05671-0408

NOTICE: DRAFT DISCHARGE PERMIT

PUBLIC NOTICE NUMBER: 3-1136

PUBLIC COMMENT PERIOD: August 27 - September 26, 2012

PERMITTEE INFORMATION

PERMITTEE NAME: FiberMark North America, Inc.

PERMITTEE ADDRESS: 161 Wellington Ave
Brattleboro, VT 05302

PERMIT NUMBER: 3-1136

PROJECT ID NUMBER: NS94-0007

DISCHARGE INFORMATION

NATURE: Treated process wastewater

VOLUME: 2.0 MGD, monthly average

RECEIVING WATER: Connecticut River

EXPIRATION DATE: June 30, 2017

DESCRIPTION: This is a draft discharge permit proposed for issuance to FiberMark North America, Inc. for the discharge of treated process wastewater from their paper making facility located at 161 Wellington Road, Brattleboro, Vermont to the Connecticut River. This is a permit renewal.

TENTATIVE DETERMINATIONS

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

FURTHER INFORMATION

The complete application, proposed permit, and other information are on file and may be inspected by appointment at the VSAC building, 10 East Allen Street, Winooski, Vermont. Copies, obtained by calling 802-338-4832, will be made at a cost based upon the current Secretary of State Official Fee Schedule for Copying Public Records from 7:45 a.m. to 4:30 p.m., Monday through Friday. The draft permit and fact sheet may also be viewed on the Division's website at <http://www.vtwaterquality.org/wastewater.htm>

PUBLIC COMMENTS/PUBLIC HEARINGS

Written public comments on the proposed permit are invited and must be received on or before the close of business day (4:30 pm) **September 26, 2012** to the Agency of Natural Resources, Department of Environmental Conservation, Watershed Management Division, Building 10 North, 103 South Main Street, Waterbury, Vermont 05671-0408. Comments may also be faxed to 802-338-4890 or submitted by e-mail using the e-mail comment provisions included at <http://www.vtwaterquality.org/wastewater.htm>

All comments received by the above date will be considered in formulation of the final determinations.

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

FINAL ACTION/RIGHTS TO APPEAL TO THE ENVIRONMENTAL COURT

At the conclusion of the public notice period and after consideration of additional information received during the public notice period, the VANR will make a final determination to issue or to deny the permit. Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal, the entry fee of \$250.00, payable to the state of Vermont.

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

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

For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is: 2418 Airport Road, Suite 1, Barre, VT 05641-8701 (Tel. 802-828-1660).

David K Mears, Commissioner
Department of Environmental Conservation