



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 21, 2012

Dennis Carroll
Omya, Inc.
PO Box 10
Whipple Hollow Rd
Florence, VT 05744

RE: Draft Discharge Permit No. 3-0395: "Verpol" Facility

Dear Mr. Carroll,

The Department is proposing to issue the above referenced permit for the discharge of calcium processing wastewater from your East and West (Verpol) facilities to Otter Creek and an unnamed tributary of Smith Pond.

A draft of this permit is enclosed for your review and comment. Please review the draft permit carefully. Due to the improvements made at your facility during the term of the current permit, the requirements contained in this draft permit are unchanged from the permit that currently authorizes your discharge.

To expedite issuance of this permit, we are placing a draft on public notice for comment at this time. The notice period will run from August 27, 2012 through September 27, 2012.

After any comments received during the notice period have been addressed, the permit will be sent to the Secretary of the Agency of Natural Resources or her designated representative for final approval and signature.

If you have any questions regarding the draft permit, please contact me at our office.

Sincerely,

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

Ernest F. Kelley, Manager
Wastewater Management Program

Attachments

Cc
David DiDomenico, VT WSMD

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

Permit No.: 3-0395
File No.: 11-16
PIN: RU95-1093
NPDES No.: VT0020770

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),

Omya, Inc.
P.O. Box 10
Whipple Hollow Road
Florence, VT 05744

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

Whipple Hollow Road
Florence, Vermont

to Otter Creek and an unnamed tributary of Smith Pond, 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

- From the date of signing through June 30, 2017, the permittee is authorized to discharge from outfall serial number S/N 001 to Otter Creek: calcium carbonate processing wastewater and stormwater. 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		0.20 mgd ⁽¹⁾	Each discharge event ⁽¹⁾	Total Daily Flow ⁽²⁾
Total Suspended Solids		17 mg/l	1 x discharge event	Grab ⁽³⁾
Turbidity		25 NTU	1 x discharge event	Grab ⁽³⁾
pH	6.5 to 8.5 S.U.		1 x discharge event	Grab ⁽³⁾
Whole Effluent Toxicity ^(4,5)	Monitor only		1 x year	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the outfall from the lower settling basin prior to entering the swale which conveys the wastewater to Otter Creek.

- The flow limitation shall only apply to the pumped discharge from the "Pittsford Italian Quarry" to the settling basin (a.k.a. "Discharge Event").
- Each Discharge Event from the "Pittsford Italian Quarry" to the settling basin shall be measured and reported on the Discharge Monitoring Report. In addition all daily discharges (process water and stormwater) from the lower settling basin shall be measured by the flow meter located on the culvert at the beginning of the swale and reported on the Discharge Monitoring Report.
- The same sample shall be analyzed for Total Suspended Solids, Turbidity, and pH.
- The sample for Whole Effluent Toxicity (WET) test shall be taken to coincide with a Discharge Event. The WET test shall be a two-species (Pimephales promelas) and (Ceriodaphnia dubia), 48 hour acute Whole Effluent Toxicity (WET) test. The toxicity tests shall be conducted according to the procedures and guidelines specified in: "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms" (most recent edition) USEPA document.
- Based upon the results of these tests or any other WET tests conducted on this discharge, this permit may be amended to include additional WET testing, a WET limitation and monitoring, or require that a Toxicity Reduction Evaluation be conducted.

2. From the date signing through June 30, 2017, the permittee is authorized to discharge from outfall serial number S/N 002 to an unnamed tributary of Smith Pond: calcium carbonate processing wastewater. 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		0.35 mgd	Each discharge event	Total Daily Flow
Total Suspended Solids		10 mg/l	1 x discharge event	Grab ⁽¹⁾
Turbidity		10 NTU	1 x discharge event	Grab ⁽¹⁾
pH	6.5 to 8.5 S.U.		1 x discharge event	Grab ⁽¹⁾
Whole Effluent Toxicity (NOEL-A)	100% ^(2,3)		1 x year	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the outlet pipe from the settling basin prior to entering the unnamed tributary of Smith Pond.

1. The same sample shall be analyzed for Total Suspended Solids, Turbidity, and pH.
2. NOEL-A is the concentration of the effluent in a sample that causes No Observed (acute) Effect.
3. The sample for Whole Effluent Toxicity (WET) test shall be taken to coincide with a Discharge Event. The Whole Effluent Toxicity test shall be a two-species (Pimephales promelas) and (Ceriodaphnia dubia), 48 hour acute Whole Effluent Toxicity (WET) test. The toxicity tests shall be conducted according to the procedures and guidelines specified in: "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms" (most recent edition) USEPA document.

3. Special Conditions:

- a. The permittee shall continue to implement the spill prevention and control plan (dated December 28, 2001) for handling of materials and product at the facilities (including loading and unloading areas) in order to prevent accidental discharges of materials into the wastewater treatment system collection system.
- b. These discharges shall not cause a violation of water quality standards in the receiving water.

- c. These discharges shall not have concentrations or combinations of contaminants including oil, grease, scum, or floating solids that would cause a violation of water quality standards in the receiving water.
- d. These discharges shall not cause a visible discoloration of the receiving waters.
- e. Prior to using new or materially different biocides or other process chemicals on a regular basis, the permittee shall submit, at a minimum, the Material Safety Data Sheet (MSDS) and an estimate of the volume of chemical to be used on an annual basis to the Wastewater Management Division.

A materially different biocide and/or other process chemical is defined as a product that is not currently listed on Attachment A. A change in chemical supplier, formulation name, or a change in concentrations of constituents in a chemical formulation does not constitute a materially different chemical.

- f. By no later than June 30, 2016, the permittee shall collect and analyze a sample from S/N 001 for the parameters listed on Attachment B. The results of this sampling and analysis shall be submitted as an attachment to the appropriate Discharge Monitoring Report.

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

- g. If during the calendar year the permittee discharges from S/N 001 or S/N 002, then the permittee shall submit to the Agency a list and estimated volume of the biocides or other process chemicals used during that year. The information shall be included as an attachment on the January Discharge Monitoring Report.

B. REAPPLICATION

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

Reapply for a Discharge permit by December 31, 2016.

C. OPERATING FEES

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

D. 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
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 as provided 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.

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 per year during March and September 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. Section 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, Section 1268. The permittee shall notify the Department of the emergency situation by the next working day.

10 V.S.A., Chapter 47, Section 1268 reads as follows:

"When a discharge permit holder finds that pollution abatement facilities require repairs, replacement or other corrective action in order for them to continue to meet standards specified in the permit, he may apply in the manner specified by the secretary for an emergency pollution permit for a term sufficient to effect repairs, replacements or other corrective action. The 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 05671-0405.

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 as a minimum:

- a. A properly completed application form provided by the Secretary and the applicable processing fee.

- b. A written statement from the prospective owner or operator certifying:
 - i.. The conditions of the operation that contribute to, or affect, the discharge will not be materially different under the new ownership.
 - ii. The prospective owner or operator has read and is familiar with the terms of the permit and agrees to comply with all terms and conditions of the permit.
 - iii. The prospective owner or operator has adequate funding to operate and maintain the treatment system and remain in compliance with the terms and conditions of the permit.
- c. The date of the sale or transfer.

The Secretary may require additional information dependent upon the current status of the facility operation, maintenance, and permit compliance.

3. Confidentiality

Pursuant to 10 V.S.A. 1259(b):

“Any records, reports or information obtained under this permit program shall be available to the public for inspection and copying. However, upon a showing satisfactory to the secretary that any records, reports or information or part thereof, other than effluent data, would, if made public, divulge methods or processes entitled to protection as trade secrets, the secretary shall treat and protect those records, reports or information as confidential. Any records, reports or information accorded confidential treatment will be disclosed to authorized representatives of the state and the United States when relevant to any proceedings under this chapter.”

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 section 307(a) of the Federal 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. Chapter 47, 201, and 211.

8. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation.

9. Property Rights

Issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

10. 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
 Wastewater Management Division
 103 South Main Street
 Waterbury, Vermont 05671-0405

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.

ATTACHMENT A

M7338
M5050
M566
M1221
M1078
M918
M922
M980
M981
M987
M988
M989
ACD 82802-n or equivalent
N-521
N-922
P-1
Polycryl M898/45A
Phosphoric Acid
Sodium Hypochlorite and/or Bleach
Stearic Acid
Super A-130 Flocculant
Sodium Silicate
M1182
M1167
Alcofix 269
M8167
NG 78 (expected use to begin on 10/01/12)
XM2420 (expected use to begin on 10/01/12)

ATTACHMENT B*Metals (total recoverable), cyanide and total phenols:*

Antimony
Arsenic
Beryllium
Cadmium
Chromium
Copper
Lead
Mercury
Nickel
Selenium
Silver
Thallium
Zinc
Cyanide
Total phenolic compounds

Volatile organic compounds:

acrolein
acrylonitrile
benzene
bromoform
carbon tetrachloride
chlorobenzene
chlorodibromomethane
chloroethane
2-chloroethylvinyl ether
chloroform
dichlorobromomethane
1,1-dichloroethane
1,2-dichloroethane
Trans-1,2-dichloroethylene
1,1-dichloroethylene
1,2-dichloropropane
1,3-dichloropropylene
ethylbenzene
methyl bromide
methyl chloride
methylene chloride
1,1,2,2-tetrachloroethane
tetrachloroethylene
toluene
1,1,1-trichloroethane
1,1,2-trichloroethane
trichloroethylene
vinyl chloride

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

FACT SHEET
August 2012

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

Permit No.: 3-0395
File No.: 11-16
PIN: RU95-1093
NPDES No.: VT0020770

NAME AND ADDRESS OF APPLICANT:

Omya, Inc.
Whipple Hollow Rd
Florence, VT 05744

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Omya East and West Processing Facilities
Whipple Hollow Road
Florence, VT

RECEIVING WATER: Otter Creek and an unnamed tributary of Smith Pond

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

The above named applicant applied for a renewal of their existing discharge permit on April 5, 2011. The facilities engage in the processing of calcium carbonate. The discharges are from the permittee's facilities to Otter Creek and an unnamed tributary of Smith Pond.

II. Description of Discharge

A quantitative description of the discharge in terms of significant effluent parameters is based upon state and federal laws and regulations and upon self-monitoring data.

III. Limitations and Conditions

The effluent limitations and sampling frequencies included in this draft permit may be found on page 2 and 3.

IV. Permit Basis and Explanation of Effluent Limitation Derivation

Omya, Inc. owns and operates calcium carbonate (marble) processing facilities (Omya East and Omya West) in Florence, VT. Water is used in the crushing and grinding of the marble and in their final product which is often in the form of slurry. The recycling of wastewater back into the manufacturing process is maximized as part of water conservation and cost control measures. Therefore, discharges of process wastewater are very infrequent and of short duration.

The wastewater generated from these two manufacturing facilities intermingles in the treatment system (quarries and tanks) and can be discharged to Otter Creek (S/N 001) or an unnamed tributary of Smith Pond (S/N 002).

During the term of the previous permit, there were only nine discharge events of process wastewater to Otter Creek (S/N 001) and there were no discharges to the unnamed tributary of Smith Pond (S/N 002).

Typically wastewater from the Omya East facility is discharged to "Tank 27" and recycled into the Omya West facility process water for reuse. In addition, when necessary, wastewater from the Omya East facility can enter the "Pittsford-Italian" Quarry (PIQ) for treatment via settling and can be recycled back into either the Omya East facility or the Omya West facility for reuse or it can be discharged to Otter Creek (S/N 001).

During the term of the previous permit Omya constructed a tailings dewatering facility at Omya West to remove solids from the wastewater and constructed other site modifications to maximize the recycling of the water back into the manufacturing process.

As a result of these modifications wastewater from Omya West is now treated via a thickener then through a press for dewatering and solids separation. The dewatering water from the press is returned to the process for reuse. The dewater tailings (sludge) is removed to the adjacent lined Tailings Management Facility (TFM) or provided to other businesses.

The two settling ponds and the "Dog Leg" Quarry that were previously being used for treatment and recycling of the wastewater from the manufacturing process were decommissioned and modified. Now the East Settling pond is a stormwater retention basin which collects stormwater from the TFM, roadways, and a portion of the Kane & Drake Tailings Management Area (TMA). The West Settling Pond and the majority of the Dog Leg Quarry have been combined and lined and serve as the TFM. A leachate collection system has been installed within the TFM and the leachate is pumped from the TFM back into the process for reuse.

Wastewater from the floor/rail car wash area is conveyed to "Tank 27", through a centrifuge system and is recycled back into the Omya West facility. The solids generated from the centrifuge are reused in the manufacturing process.

The former Kane & Drake Tailings Management Area (TMA) and Dolomite TMA are closed and have been capped and covered. Any surface water generated from these facilities is stormwater runoff. This water drains via gravity to a collection system and into the PIQ. From the PIQ, these waters can be extracted for reuse or can be discharged via S/N 001.

The majority of the stormwater runoff generated from within the manufacturing sites is directed to Johnson Quarries and is pumped to the PIQ and mixes with the manufacturing process wastewater. Since this runoff will comingle with process wastewater it is no longer considered stormwater and is deemed process wastewater for regulatory purposes. The water in the PIQ can be recycled into the manufacturing process or discharged via S/N 001.

Discharges to Otter Creek (S/N 001) only occur during a large runoff event. A discharge to Otter Creek will occur when the volume of water entering the PIQ exceeds the recycled water demand in the manufacturing process and it becomes necessary to discharge to prevent water from overtopping the PIQ. During a discharge event, the wastewater from the PIQ is pumped to a series of settling basins for further treatment. The effluent is pumped to the "Upper Basin" and is discharged via a controlled outlet structure (stand pipe) to a smaller settling basin ("Lower Basin"). The effluent discharges from the Lower Basin into a swale which flows for several hundred yards through vegetated terrain and agricultural land and then enters Otter Creek (S/N 001).

Process wastewater from the Omya West facility can be discharged to an unnamed tributary of Smith Pond if an overflow was to occur from the solids thickener. The overflow would be conveyed via swales, which also serve a part of the stormwater management system which handles the remaining stormwater, to a settling basin adjacent to the Omya West entrance. Normally this water is recycled via a pumping system back into the PIQ for reuse. However the water from this basin also could be discharged via a controlled outlet structure to an unnamed tributary of Smith Pond (S/N 002).

Biocides are used in various locations in the manufacturing process to prevent microbial growth in the product. Flocculants and dispersants are also used in the manufacturing process to facilitate settling of products or to keep other products in suspension. The biocides, flocculants and dispersants that have been approved for use on a regular basis are specifically listed as Attachment A in the Discharge Permit.

It should be noted that stormwater runoff from natural terrain and the road is routinely discharged to Otter Creek via the Lower Basin and swale that is part of the treatment system for S/N 001. This stormwater does not mix with process wastewater unless process wastewater is pumped from the PIQ to the Upper Basin for discharge to Otter Creek. Consequently, the reporting requirements in the permit reflect the infrequent discharge of process wastewater.

S/N 001: Otter Creek

Flow

The draft permit contains a flow limitation of 0.200 mgd Daily Maximum. This limitation is unchanged from the previous permit and is based on the application. Since this discharge of process wastewater occurs very infrequently, monitoring of each process wastewater "discharge event" from the PIQ is required and the flow limitation applies to these events. The permit also requires the measuring of any water (process wastewater or stormwater) passing through the flow meter located in the culvert downgradient of the lower basin.

Total Suspended Solids (TSS)

The permit contains a TSS concentration limitation of 17 mg/l, Daily Maximum. This limitation is unchanged from the TSS limitation that was included in the previous permit. This limitation is based upon the Best Professional Judgment of the Agency regarding the proper operation of this type of treatment system. TSS monitoring is required whenever a discharge event from the quarry to the settling basin occurs.

Turbidity

The draft permit contains a Turbidity limitation of 25 NTU Daily Maximum. This limitation is based on Section 3-04.B of the Vermont Water Quality Standards, effective January 1, 2008 and is unchanged from the previous permit. Since the discharge of process wastewater occurs very infrequently, the turbidity monitoring requirement has been changed to ensure representative sampling. To ensure that the actual discharge from the wastewater treatment system is sampled, turbidity monitoring is required whenever a discharge event from the PIQ to the settling basin occurs.

pH

The draft permit contains a pH limitation of 6.5 to 8.5 S.U. This limitation is unchanged from the previous permit and is based on Section 3-01.B.9 of the Vermont Water Quality Standards effective January 1, 2008. pH sampling is required whenever a discharge event from the quarry to the settling basin occurs. Due to the infrequent discharges and the commingling of stormwater and process water, the requirement to sample the pH of the intake water (PIQ) is not required.

Whole Effluent Toxicity (WET)

Due to the use of biocides at the facilities and to confirm that this discharge does not have the potential to cause or contribute to in-stream toxicity the previous permit contained a requirement to conduct a two species acute Whole Effluent Toxicity (WET) test on a discharge once per year.

To date, none of the WET tests that have been conducted on this discharge point have indicated any toxicity.

Therefore the draft permit proposes to continue the WET testing at once per year and requires that a grab sample be collected during an actual discharge event of process wastewater for the toxicity testing.

In addition, based upon the results of these tests or any other Whole Effluent Toxicity tests

conducted on this discharge, this permit may be amended to include additional Whole Effluent Toxicity testing, a Whole Effluent Toxicity limitation and monitoring, or require that a Toxicity Reduction Evaluation be conducted.

S/N 002 Unnamed Tributary of Smith Pond

Flow

The draft permit contains a flow limitation of 0.350 mgd, Daily Maximum. This limitation is unchanged from the limitation in the previous discharge permit. Since this discharge occurs infrequently, monitoring is required for each discharge event.

Total Suspended Solids (TSS)

The draft permit contains a TSS concentration limitation of 10 mg/l Daily Maximum. This limitation is based upon the Best Professional Judgment of the Agency regarding the proper operation of this type of treatment system. This limitation is unchanged from the TSS limitation that was included in previous discharge permit. TSS monitoring is required once per discharge event and is unchanged from the previous permit.

Turbidity

The draft permit contains a Turbidity limitation of 10 NTU Daily Maximum. This limitation is based on Section 3-04.B of the Vermont Water Quality Standards, effective January 1, 2008. This limitation is unchanged from the previous discharge permit. Turbidity monitoring is required once per discharge event and is unchanged from the previous permit.

pH

The draft permit contains a pH limitation of 6.5 to 8.5 S.U. This limitation is unchanged from the previous permit. pH monitoring is required once per discharge event which is unchanged from the previous permit.

Whole Effluent Toxicity (WET)

The draft permit contains an acute WET limitation of NOEL-A of 100%. This limitation is based on the permitted volume of this discharge and the dilution provided in the receiving water and has been calculated to ensure zero toxicity in the receiving water. Due to the very infrequent discharge from this outfall, the WET testing limitation is once per year. The WET test must be a two species acute WET test and the sample collected to coincide with a discharge event.

VI. Procedures for Formulation of Final Determinations

The public comment period for receiving comments on this draft permit is from August 27, 2012 through September 27, 2012 during which time interested persons may submit their written views on the draft permit. All written comments 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-N
103 South Main Street
Waterbury, VT 05671-0408

Comments may also be submitted by e-mail using the e-mail comment provisions included at <http://www.vtwaterquality.org/ww/htm/discharge.htm>. Comments can also be faxed to: 802-338-4890.

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 draft 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.

The complete application, draft permit, and other information are on file and may be inspected at the VTDEC, Watershed Management Division, VSAC Building, East Allen Street, Winooski, VT. Copies will be made at a cost based on the previous Secretary of State Official Fee Schedule for Copying Public Records from 8:00 am to 4:30 pm, Monday through Friday.

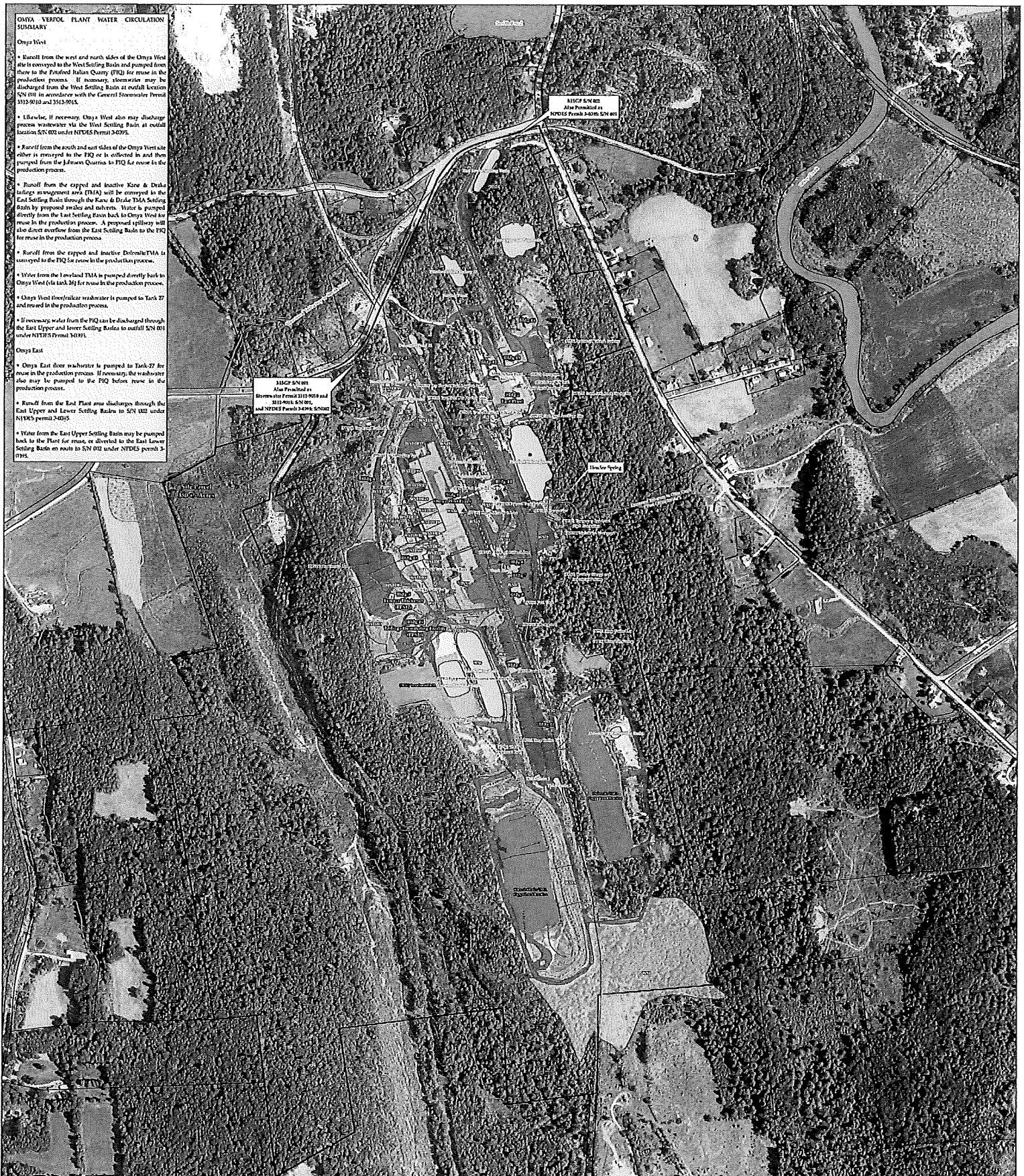
OMYA VERFOUL PLANT WATER CIRCULATION SUMMARY

Omaya West

- Runoff from the west and north sides of the Omaya West site is conveyed to the West Settling Basin and pumped from there to the Pithead Italian Quarry (PIQ) for reuse in the production process. If necessary, stormwater may be discharged from the West Settling Basin at outfall location SN 011 in accordance with the General Stormwater Permit 3313-9010 and 3313-9015.
- Likewise, if necessary, Omaya West also may discharge process wastewater via the West Settling Basin at outfall location SN 002 under NIDES Permit 3-0295.
- Runoff from the south and east sides of the Omaya West site either is conveyed to the PIQ or is collected in and then pumped from the Inflow Quarna to PIQ for reuse in the production process.
- Runoff from the capped and inactive Kane & Drake tailings management area (TMA) will be conveyed to the East Settling Basin through the Kane & Drake TMA Settling Basins by proposed canals and culverts. Water is pumped directly from the East Settling Basin back to Omaya West for reuse in the production process. A proposed spillway will also direct overflow from the East Settling Basin to the PIQ for reuse in the production process.
- Runoff from the capped and inactive Dolomite TMA is conveyed to the PIQ for reuse in the production process.
- Water from the leveland TMA is pumped directly back to Omaya West (via tank #3) for reuse in the production process.
- Omaya West floor/raiser wastewater is pumped to Tank 27 and reused in the production process.
- If necessary, water from the PIQ can be discharged through the East Upper and Lower Settling Basins to outfall SN 011 under NIDES Permit 3-0301.

Omaya East

- Omaya East floor wastewater is pumped to Tank 27 for reuse in the production process. If necessary, the wastewater also may be pumped to the PIQ before reuse in the production process.
- Runoff from the East Plant area discharges through the East Upper and Lower Settling Basins to SN 012 under NIDES permit 3-0305.
- Water from the East Upper Settling Basin may be pumped back to the Plant for reuse, or diverted to the East Lower Settling Basin en route to SN 012 under NIDES permit 3-0305.



3313-9010
Also Permitted in
NIDES Permit 3-0295, SN 001

3313-9010
Also Permitted in
Stormwater Permit 3313-9010 and
3313-9015, SN 001,
and NIDES Permit 3-0295, SN 002

Inflow Quarna

W. Inflow
Inflow Quarna

East Inflow
Inflow Quarna

East Inflow
Inflow Quarna

East Inflow
Inflow Quarna

East Inflow
Inflow Quarna

East Inflow
Inflow Quarna



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 21, 2012

Town of Pittsford
Attn: Helen McKinlay, Clerk
PO Box 10
Pittsford, VT 05763

Dear Ms. McKinlay,

Enclosed are copies of a public notice regarding the public comment period for a draft discharge permit that the Department is proposing to issue to the Omya, Inc. for the discharge of calcium carbonate processing wastewater from their Verpool facility to Otter Creek and an unnamed tributary of Smith Pond.

One of these notices is information for local officials. Would you please post the other in a public place for disseminating this information to local 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. We will be glad to send you additional copies if you desire or add names of interested parties to our mailing list.

Sincerely,

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

Ernest F. Kelley, Manager
Wastewater Management Program

cc. (w/enclosure)
Board of Selectmen

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

NOTICE: Draft Discharge Permit

PUBLIC NOTICE NUMBER: 3-1184

PUBLIC COMMENT PERIOD: August 27, 2012 through September 27, 2012

PERMITTEE INFORMATION

PERMITTEE: Omya, Inc.
P.O. Box 10
Whipple Hollow Road
Florence, VT 05744

PERMIT NUMBER: 3-0395

FILE NUMBER: 11-16

DISCHARGE INFORMATION

NATURE: Treated wastewater from calcium carbonate processing

VOLUME: S/N 001: 0.20 mgd,
S/N 002: 0.35 mgd

RECEIVING WATER: S/N 001: Otter Creek
S/N 002: Unnamed tributary of Smith Pond

EXPIRATION DATE: June 30, 2017

DESCRIPTION: This is a draft discharge permit proposed for issuance to the Omya, Inc for the discharge of treated wastewater of calcium carbonate manufacturing process from their "Verpol" facilities located on Whipple Hollow Road, Florence, Vermont to Otter Creek and an unnamed tributary of Smith Pond. This is the proposed renewal of an existing permit with no proposed changes to effluent limitations or effluent monitoring requirements.

TENTATIVE DETERMINATIONS

Tentative determinations regarding effluent limitations and other conditions to be applied 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 will be met.

FURTHER INFORMATION

The complete application, proposed permit, and other information are on file; and may be inspected at the VANR, VSAC Building, East Allen Street, Winooski, VT. Office hours are 7:45 a.m. to 4:30 p.m., Monday through Friday. Copies of the permit may be obtained by calling (802) 338-4809; cost of copies is 10 cents per page or at <http://www.vtwaterquality.org/ww/html/notices.htm>.

PUBLIC COMMENTS/PUBLIC HEARINGS

Public comments on the proposed permit are invited. Comments should be submitted in writing, to the address listed below. 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/www/htm/notices.htm>.

All comments received prior to the deadline listed below will be considered in formulations of the final determinations. Any submitted comments should include the permit number next to the VANR address on the envelope and on the first page of comments.

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

The comment period will close at the end of the business day **4:30 pm, September 27, 2012**.

Any person, prior to the above date, may submit a written request to this office for an informal public hearing to consider the proposed permit.

Any hearing request shall indicate the interest of the party filing the request and the reasons why a hearing is warranted. A hearing will be held only if the responses to this notice indicate significant public interest.

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 the 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, Vermont 05641, (Tel. 802.828.1660).

David K. Mears, Commissioner
Department of Environmental Conservation

Base-neutral compounds:

Acenaphthene
Acenaphthylene
Anthracene
Benzidine
benzo(a)anthracene
benzo(a)pyrene
3,4-benzofluoranthene
benzo(ghi)perylene
benzo(k)fluoranthene
bis(2-chloroethoxy)methane
bis(2-chloroethyl)ether
bis(2-chloroisopropyl)ether
bis(2-ethylhexyl)phthalate
4-bromophenyl phenyl ether
butyl benzyl phthalate
2-chloronaphthalene
4-chlorophenyl phenyl ether
chrysene
di-n-butyl phthalate
di-n-octyl phthalate
dibenzo(a,h)anthracene
1,2-dichlorobenzene
1,3-dichlorobenzene
1,4-dichlorobenzene
3,3'-dichlorobenzidine
diethyl phthalate
dimethyl phthalate
2,4-dinitrotoluene
2,6-dinitrotoluene
1,2-diphenylhydrazine
fluoranthene
fluorene
hexachlorobenzene
hexachlorobutadiene
hexachlorocyclo-pentadiene
hexachloroethane
indeno(1,2,3-cd)pyrene
isophorone
naphthalene
nitrobenzene
N-nitrosodi-n-propylamine
N-nitrosodimethylamine
N-nitrosodiphenylamine
phenanthrene
pyrene
1,2,4-trichlorobenzene

Acid-extractable compounds:

p-chloro-m-cresol
2-chlorophenol
2,4-dichlorophenol
2,4-dimethylphenol
4,6-dinitro-o-cresol
2,4-dinitrophenol
2-nitrophenol
4-nitrophenol
pentachlorophenol
phenol
2,4,6-trichlorophenol