DISCLAIMER

The full text of certain NPDES permits and the associated fact sheets has been made available to provide online access to this public information. EPA is making permits and fact sheets available electronically to provide convenient access for interested public parties and as a reference for permit writers. The ownership of these documents lies with the permitting authority, typically a State with an authorized NPDES program.

While EPA makes every effort to ensure that this web site remains current and contains the final version of the active permit, we cannot guarantee it is so. For example, there may be some delay in posting modifications made after a permit is issued. Also note that not all active permits are currently available electronically. Only permits and fact sheets for which the full text has been provided to Headquarters by the permitting authority may be made available. Headquarters has requested the full text only for permits as they are issued or reissued, beginning November 1, 2002.

Please contact the appropriate permitting authority (either a State or EPA Regional office) prior to acting on this information to ensure you have the most up-to-date permit and/or fact sheet. EPA recognizes the official version of a permit or fact sheet to be the version designated as such and appropriately stored by the respective permitting authority.

The documents are gathered from all permitting authorities, and all documents thus obtained are made available electronically, with no screening for completeness or quality. Thus, availability on the website does not constitute endorsement by EPA.

State of Vermont

VT0000116 (Transfer)

RECEIVED
OCT 27 2003
By

AGENCY OF NATURAL RESOURCES
Department of Environmental Conservation

Department of Fish and Wildlife
Department of Forests, Parks and Recreation
Department of Environmental Conservation
State Geologist
RELAY SERVICE FOR THE HEARING IMPAIRED
1-800-253-0191 TDD>Voice
1-800-253-0195 Voice>TDD

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

Telephone: (802) 241-3822
Fax: (802) 241-2596
www.anr.state.vt.us/dec/ww/wwmd.cfm

April 22, 2003

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rcd
04/23/03
8uu

Peter Hanson
Dirigo Paper Company, LLC
PO Box 129
Gilman, VT 05904

Steve Regan
Steve Regan Company
PO Box 129
Gilman, VT 05904

Re: Transferred Discharge Permit #3-1182

Dear Mr Hanson and Mr Regan:

Enclosed is your copy of the above referenced permit, which has been signed by the Director of the Wastewater Management Division for the Commissioner of the Department of Environmental Conservation. Please read the permit carefully and familiarize yourself with all its terms and conditions. Your attention is particularly directed to those conditions which may require written responses by certain dates.

If you have any questions concerning your permit, please contact Carol Carpenter at 241-3828.

Sincerely,

Brian D. Kooiker

Brian D. Kooiker
Chief, Discharge Permits Section

Enclosure

cc: Don Hallee

AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WASTEWATER MANAGEMENT DIVISION
103 SOUTH MAIN STREET
WATERBURY, VERMONT 05671-0405

Permit No. 3-1182
File No. 05-14
Project ID No. SJ95-0113
NPDES No. VT0000116

AMENDED (TRANSFERRED) 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**),

Dirigo Paper Company, LLC and
SRC Corporation dba Steve Regan Company
PO Box 129
Gilman, VT 05904

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

35 Riverside Avenue
Gilman, Vermont 05904

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 December 31, 2003.

Signed this 22nd day of April, 2003.

Jeffrey Wennberg, Commissioner
Department of Environmental Conservation

By Marilyn J. Davis
Marilyn J. Davis, Director
Wastewater Management Division

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS:

1. During the period beginning on January 1, 1999 and lasting through December 31, 2003, the permittee is authorized to discharge from outfall serial number S/N 001: Main Sewer, Combined Mill Wastes. Such discharges shall be limited by the permittee as specified below:

From June 1 - October 31

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	monthly average	daily maximum	measurement frequency	sample type
Flow	3.0 MGD	3.5 MGD	Continuous	Daily Total
Biochemical Oxygen Demand (BOD_5)	1100 lbs	1650 lbs	1 x weekly	24-hour composite
Total Suspended Solids (TSS)	1603 lbs	3207 lbs	1 x weekly	24-hour composite
Turbidity	Monitor only - see condition I.3.a.		1 x weekly	Grab
Settleable Solids	Monitor only		1 x weekly	Grab
pH - see condition I.3.a.	Between 6.0 and 9.0 standard units		1 x daily	Grab
Total Kjeldahl Nitrogen	Monitor only		1 x monthly	24-hour composite
Total Ammonia Nitrogen as N	Monitor only		1 x monthly	24-hour composite

Samples taken in compliance with the monitoring requirements specified above, with the exception of flow, shall be taken at the discharge pipe. Flow shall be monitored ahead of the primary clarifier.

2. During the period beginning on January 1, 1999 and lasting through December 31, 2003, the permittee is authorized to discharge from outfall serial number S/N 001: Main Sewer, Combined Mill Wastes. Such discharges shall be limited by the permittee as specified below:

From November 1 - May 31

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	monthly average	daily maximum	measurement frequency	sample type
Flow	3.0 MGD	3.5 MGD	Continuous	Daily Total
Biochemical Oxygen Demand (BOD_5)	1260 lbs	1890 lbs	1 x weekly	24-hour composite
Total Suspended Solids (TSS)	1603 lbs	3207 lbs	1 x weekly	24-hour composite
Turbidity	Monitor only - see condition I.3.a.		1 x weekly	Grab
Settleable Solids	Monitor only		1 x weekly	Grab
pH - see condition I.3.a.	Between 6.0 and 9.0 standard units		1 x daily	Grab
Total Ammonia Nitrogen as N	Monitor only		1 x monthly	24-hour composite

Samples taken in compliance with the monitoring requirements specified above, with the exception of flow, shall be taken at the discharge pipe. Flow shall be monitored ahead of the primary clarifier.

3. **Special Conditions:**

a. In accordance with Section 2-03, Mixing Zones, of the Vermont Water Quality Standards, this permit hereby establishes a mixing zone not to exceed 200 feet from the point of S/N 001 discharge. Specifically, within the mixing zone, the pH and turbidity criteria included in Sections 3-01(B)9, pH, and 3-03(B)1, Turbidity, of the Water Quality Standards are waived in accordance with Section 2-03. Notwithstanding the waiver of the above listed Sections, conditions within this mixing zone shall:

i. not create a public health hazard;
ii. not constitute a barrier to the passage or migration of fish or result in an undue adverse effect on fish, aquatic biota, or wildlife; and
iii. not interfere with any existing use of the river.

b. If either the Vermont Department of Environmental Conservation or the New Hampshire Department of Environmental Services establishes a wasteload allocation for the permittee's

discharge to the Connecticut River, this permit will be reopened and modified to include Ultimate Oxygen Demand effluent limitations for the period from June 1 - October 31. Should attaining compliance with the UOD limit require the design, purchase, installation, and start-up of pollution control equipment, the Department would establish a reasonable schedule for completion of such activities at that time.

c. The permittee shall maintain an annual program of sludge monitoring in both the settling basin and the aeration basin. The settling basin sludge depths shall be monitored in the spring and fall, and the aeration basin sludge depths shall be monitored once annually. All sludge depth monitoring data shall be submitted to the Department with the monthly discharge monitoring report submitted in the month following the sludge monitoring activities.

d. The effluent shall not have concentrations or combinations of contaminants including oil, grease, scum, foam, or floating solids which would cause a violation of the water quality standards of the receiving waters.

e. The use of chlorophenolic based biocides in the production process is prohibited.

f. **Whole Effluent Toxicity (WET) Test** - By September 30, 1999, the permittee shall complete WET testing on the effluent from S/N 001 and submit to the Department results of the following Whole Effluent Toxicity testing:

   One two-species (*Pimephales promelas* and *Ceriodaphnia dubia*) acute WET tests, conducted on a 24-hour composite effluent sample.

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

   The WET test shall be conducted in accordance with the method recommended by EPA: Peltier, W. And Weber, C.I., Methods for Measuring Acute Toxicity of Effluents to Freshwater and marine Organisms (the most recent edition).

g. **Priority Pollutant Scan** - By September 30, 1999, the permittee shall complete and submit to the Department results of a priority pollutant scan on the effluent from S/N 001. Priority pollutants include the volatile organics, pesticides, and metals listed in Appendix A of 40 CFR Part 423. In addition an analysis for total aluminum shall be included as part of this scan. Based upon the results of this test or any other toxicity tests conducted on this discharge, this permit may be reopened and amended to include effluent limitations, or require additional priority pollutant testing.

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 June 30, 2003.

C. MONITORING AND REPORTING:

1. Representative Sampling:

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored 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 date of signing.

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

In addition to the monitoring schedule and reporting requirements given above, daily monitoring of parameters for operational control shall be included on an operations report form (WR-43) and be submitted monthly.

3. Definitions:

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

Average - The arithmetic mean of values of analyses from samples taken at the frequency required for such parameters over a specific operating period.

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

Composite Sample - A sample consisting of a minimum of one grab sample per hour collected over a normal operating day and combined proportional to flow, or a sample continuously collected proportional to flow over a normal operating day.

Daily Discharge - The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

For pollutants with limitations expressed in pounds, the daily discharge is calculated as the total pounds of pollutants discharged over the day.

For pollutants with limitations expressed in mg/l, the daily discharge is calculated as the average measurement of the pollutant over the day.

Maximum Day (maximum daily discharge limitation) - The highest allowable "daily discharge" (mg/l, lbs., or gallons).

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.

Implementation Schedule - An abatement program consisting of:

a. A plan of intended design, construction, and operation of new or modified facilities to treat the effluent; and

b. A timetable setting forth the dates by which all sources of water pollution must be in compliance with the effluent limitations of this permit. The schedule shall include (if appropriate) interim and final dates to accomplish:

(1) Completion of preliminary plans and engineering report
(2) Completion of final plans
(3) Contract Award
(4) Commencement of construction
(5) Completion of construction and commencement of operation
(6) Attainment of operational level

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

4. Test Procedures:

Test procedures for the analysis of pollutants 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, October 8, 1991 or as amended).

5. Recording of Results:

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

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;
e. The records of monitoring activities and results, including all instrumentation and calibration and maintenance records;
f. 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.
g. The results of all required analyses.

6. Additional Monitoring by Permittee:

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.

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.

PART II

A. MANAGEMENT REQUIREMENTS:

1. Change in Discharge:

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of this permit. 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:

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, **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.

a. A description of the discharge and cause of noncompliance; and

b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

3. Facilities Operation:

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.

The operation of these facilities 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 verify the accuracy of the flow measurement device no less than weekly. The acceptable limit of error is ± 10%.

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.

5. Adverse Impact:

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with any conditions specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

6. Bypassing:

Any diversion from or bypass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited, except where unavoidable to prevent loss of life or severe property damage. The permittee shall notify the Secretary within 24 hours of each such diversion or bypass. The permittee shall also submit a written notification within five (5) days of the occurrence. The written notification shall include the information as specified in Noncompliance Notification, Part II, paragraph A. 2.

7. Removed Substances:

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accord 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.

8. 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.

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 willful 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 - Wastewater Management Division, Waterbury, Vermont 05671-0405.

B. RESPONSIBILITIES:

1. Right of Entry:

The permittee shall allow the Secretary and other Agency personnel, upon presentation of proper credentials:

a. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;

b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

2. Transfer of Ownership or Control:

This permit is not transferable without prior written approval of the Secretary. In the even 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 application must include as a minimum; a written statement from the prospective owner or operator certifying:

a. The conditions of the business' operation that contribute to, or affect, the discharge will not be materially different under the new ownership.

b. 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.

c. 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.

d. The date of the sale or transfer of the business.

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

3. Availability of Reports:

Except for data determined to be confidential under 10 V.S.A. §1259(c), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State Water Pollution Control Agency. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for 10 V.S.A. in §1275 (b).

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 authorized discharge.

5. Toxic Pollutants:

Notwithstanding Part II, paragraph B. 4. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307 (a) of the Clean Water Act for a toxic pollutant which is present in the discharge, and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

6. Civil and Criminal Liability:

Except as provided in permit conditions on "Bypassing" (Part II, paragraph A. 6.), "Power Failures" (Part II, paragraph A. 8.), 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 penalties, as authorized under 10 V.S.A. §1274 and 10 V.S.A. §8010, shall not exceed $10,000 a day for each day of violation. Criminal penalties, as authorized under 10 V.S.A. §1275, shall not exceed $25,000 for each day of violation, imprisonment for up to six months, or both.

7. 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.

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. §1259 which 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", and under the authority of Section 402 of the Clean Water Act, as amended.

PART III

A. OTHER REQUIREMENTS:

This permit shall be modified, or alternatively, revoked and reissued, 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 or reissued under this paragraph shall also contain any other requirements of the Vermont Water Pollution Control Act then applicable.