



Vermont Department of Environmental Conservation
Watershed Management Division
1 National Life Drive, Main 2
Montpelier VT 05620-3522

Agency of Natural Resources

[phone] 802-828-1535
[fax] 802-828-1544

April 19, 2016

Mr. Dan Maxon, Energy and Permit Manager
Smugglers' Notch Resort
4323 Vt Route 108 South
Jeffersonville, VT 05464

Re: Draft Discharge Permit #3-1409

Dear Mr. Maxon:

We are proposing to issue you the above referenced permit for the discharge of water treatment filter backwash from the Smugglers' Notch Water Treatment Facility to an unnamed tributary of the Brewster River. A draft of this permit is enclosed for your review and comment. Of note, this draft permit reduces the previous discharge volume limit from 0.360 MGD to .014 MGD, monthly average. In addition, the turbidity discharge limit of 10 NTU has been moved from a daily maximum to a monthly average.

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.

If you have questions regarding the draft permit or you wish to meet with us to discuss it, please contact Eamon Twohig at (802) 490-6189.

Sincerely,

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

Ernest F. Kelley, Program Manager
Wastewater and Residuals Management Program
Watershed Management Division

Enclosures (3)

cc:

Mark Delaney, Chief Planning and Development Officer, Smugglers' Notch Resort
David DiDomenico, Wastewater Management Program VT DEC

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

Permit No.: 3-1409
PIN: BR76-0002
NPDES No.: VT0001210

DRAFT
DISCHARGE PERMIT

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

Smugglers' Notch Management Co. Ltd
4323 VT Route 108 South
Jeffersonville, VT 05464

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

Smugglers' Notch Water Treatment Facility
VT Route 108
Jeffersonville, Vermont

to unnamed tributary of the Brewster River, Class B at the point of discharge in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in Parts 1, II, III hereof.

This permit shall become effective on June 1, 2016.

This permit and the authorization to discharge shall expire on March 31, 2021.

Alyssa B. Schuren, Commissioner
Department of Environmental Conservation

By: _____
Peter LaFlamme, Director
Watershed Management Division

Date: _____

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

1. Until March 31, 2021, the Permittee is authorized to discharge from outfall serial number S/N 001: Filter backwash water from a water treatment facility to unnamed tributary of the Brewster River. Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Monthly Average	Maximum Day	Measurement Frequency	Sample Type
Flow	0.014 MGD		Daily	Total Flow ⁽¹⁾
Turbidity	10 NTU ⁽²⁾		1 x monthly	Grab
Total Residual Chlorine		20 µg/L ^(3, 4)	1 x monthly	Grab
pH	Between 6.5 and 8.5 Standard Units		1 x monthly	Grab

Samples collected in compliance with the monitoring requirements specified above shall be taken at the collection manhole at the outlet of the sedimentation basin and not within 24 hours following a rain event.

- (1) The flow from the backwash units shall be determined by the Badger flow meter readings.
- (2) If a turbidity sample exceeds the limit in Table A.1., then the permittee shall immediately collect another sample of the discharge at the culvert before First Pond (the S/N 001 point of discharge) and analyze for turbidity. If that second sample is in compliance with the limit in Table A.1., the discharge shall be deemed to comply with the effluent limitation.
- (3) If a Total Residual Chlorine (TRC) sample exceeds the limit in Table A.1., then the permittee shall immediately collect another sample of the discharge at the culvert before First Pond (the S/N 001 point of discharge) and analyze for TRC. If that second sample is in compliance with the limit in Table A.1., the discharge shall be deemed to comply with the effluent limitations.
- (4) The minimum level (ML) of detection of TRC is defined as 20 µg/L. This value is the minimum level for chlorine using EPA approved methods found in the most currently approved version of the Standard Methods for the Examination of Water and Wastewater, Method 4500CL-E and G. One of these methods must be used to determine TRC. For effluent limitations less than 20 µg/L compliance/non-compliance will be determined based on the ML. Sample results of 20 µg/L or less shall be reported as zero on the Discharge Monitoring Report, Form WR-43.

2. Special Conditions

- a. The sedimentation basin shall be visually inspected, at minimum, during monthly grab sample collection and shall be cleaned at least biennially to design specifications, in order to maintain treatment efficiency. The dates and a description of the inspections and cleaning activities shall be included on the appropriate discharge monitoring report form.
- b. The use of corrosion control products which contain priority pollutants (e.g. zinc) or phosphorus is prohibited without prior approval from the Department.
- c. This discharge shall not cause a violation of the water quality standards of the receiving water.
- d. Any erosion resulting from this discharge shall be corrected immediately.
- e. This discharge shall not cause a visible discoloration of the receiving water.

B. REAPPLICATION

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

Reapply for a Discharge Permit by: September 30, 2020

C. OPERATING FEES

This discharge is subject to operating fees as required by 3 V.S.A. § 2822.

D. MONITORING AND REPORTING

1. Sampling and Analysis

The sampling, preservation, handling, and analytical methods used shall conform to the test procedures published in 40 C.F.R. Part 136.

The permittee shall use sufficiently sensitive test procedures (i.e., methods) approved under the Code of Federal Regulations, Title 40, Part 136 for the analysis of the pollutants or pollutant parameters specified in Condition I.A. above.

Samples shall be representative of the volume and quality of effluent discharged over the sampling and reporting period. All samples are to be taken during normal operating hours. The Permittee shall identify the effluent sampling location used for each discharge.

2. Reporting

The Permittee is required to submit monthly reports of monitoring results on Discharge Monitoring Report (DMR) form WR-43. Reports are due on the 15th day of each month, beginning with the month following the 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
One National Life Drive, Main Building, 2nd Floor
Montpelier VT 05620-3522

All reports shall be signed:

- a. In the case of corporations, by a principal executive officer of at least the level of vice president, or his/her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the permit form originates and the authorization is made in writing and submitted to the Agency;
- b. In the case of a partnership, by a general partner;
- c. In the case of a sole proprietorship, by the proprietor; or
- d. In the case of a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

3. Recording of Results

The Permittee shall maintain records of all information resulting from any monitoring activities required, including:

- a. The exact place, date, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The dates and times the analyses were performed;
- d. The individual(s) who performed the analysis;
- e. The analytical techniques and methods used including sample collection handling and preservation techniques;

- f. The results of such analyses.
- g. The records of monitoring activities and results, including all instrumentation and calibration and maintenance records; and
- h. The original calculation and data bench sheets of the operator who performed analysis of the influent or effluent pursuant to requirements of Section I.A of this permit.

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

4. Additional Monitoring

If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the DMR WR-43. Such increased frequency shall also be indicated.

PART II. GENERAL CONDITIONS

A. MANAGEMENT REQUIREMENTS

1. Facility Modification / Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such a violation may result in the imposition of civil and/or criminal penalties pursuant to 10 V.S.A. chapters 47, 201, and/or 211. Any anticipated facility alterations or expansions or process modifications which will result in new, different, or increased discharges of any pollutants must be reported by submission of a new permit application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the Agency of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

2. Noncompliance Notification

The Permittee shall give advance notice to the Agency of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

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 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;
- c. Any unanticipated bypass or upset which exceeds any effluent limitation in the permit;
- d. Violation of a maximum day discharge limitation for any of the pollutants listed by the Agency in this permit; or
- e. Other causes such as acts of nature,

the Permittee shall notify the Agency within 24 hours of becoming aware of such condition and shall provide the Agency with the following information, in writing, within five days:

- i. Cause of non-compliance;
- ii. A description of the non-complying discharge including its impact upon the receiving water;
- iii. Anticipated time the condition of non-compliance is expected to continue or, if such condition has been corrected, the duration of the period of non-compliance;
- iv. Steps taken by the Permittee to reduce and eliminate the non-complying discharge; and
- v. Steps to be taken by the Permittee to prevent recurrence of the condition of non-compliance.

3. Operation and Maintenance

All waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:

- a. The Permittee shall, at all times, maintain in good working order and operate as efficiently as possible all treatment and control facilities and systems (and related appurtenances) installed or used by the Permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the Permittee only when the operation is necessary to achieve compliance with the conditions of this permit;
- b. The Permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance, and testing functions required to insure compliance with the conditions of this permit; and

- c. The operation and maintenance of this facility shall be performed only by qualified personnel.

4. Quality Control

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

The Permittee shall keep records of these activities and shall provide such records upon request of the Agency.

The Permittee shall demonstrate the accuracy of the effluent flow measurement device weekly 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 to ensure analytical quality control.

5. Bypass

The bypass of facilities (including pump stations) is prohibited, except where authorized under the terms and conditions of an Emergency Pollution Permit issued pursuant to 10 V.S.A. § 1268. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the activity in order to maintain compliance with the conditions of this permit.

6. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize or prevent any adverse impact to waters of the State resulting from non-compliance with any condition specified in this permit, including accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

7. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed, all calibration and maintenance of instrumentation records and all original chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained for a minimum of three years, and shall be submitted to the Agency upon request. This period shall be extended during the course of unresolved litigation regarding the discharge of pollutants or when requested by the Agency.

8. Solids Management

Collected screenings, sludges, and other solids removed in the course of treatment and control of wastewaters shall be stored, treated and disposed of in accordance with 10 V.S.A. chapter 159 and with the terms and conditions of any certification, interim or final, transitional operation authorization or order issued pursuant to 10 V.S.A. chapter 159 that is in effect on the effective date of this permit or is issued during the term of this permit.

9. Emergency Pollution Permits

Maintenance activities, or emergencies resulting from equipment failure or malfunction, including power outages, which result in an effluent which exceeds the effluent limitations specified herein, shall be considered a violation of the conditions of this permit, unless the Permittee immediately applies for, and obtains, an emergency pollution permit under the provisions of 10 V.S.A. § 1268. The Permittee shall notify the Agency of the emergency situation by the next working day.

10 V.S.A. § 1268 reads as follows:

When a discharge permit holder finds that pollution abatement facilities require repairs, replacement or other corrective action in order for them to continue to meet standards specified in the permit, he may apply in the manner specified by the secretary for an emergency pollution permit for a term sufficient to effect repairs, replacements or other corrective action. The permit may be issued without prior public notice if the nature of the emergency will not provide sufficient time to give notice; provided that the secretary shall give public notice as soon as possible but in any event no later than five days after the effective date of the emergency pollution permit. No emergency pollution permit shall be issued unless the applicant certifies and the secretary finds that:

- (1) there is no present, reasonable alternative means of disposing of the waste other than by discharging it into the waters of the state during the limited period of time of the emergency;
- (2) the denial of an emergency pollution permit would work an extreme hardship upon the applicant;
- (3) the granting of an emergency pollution permit will result in some public benefit;
- (4) the discharge will not be unreasonably harmful to the quality of the receiving waters;
- (5) the cause or reason for the emergency is not due to willful or intended acts or omissions of the applicant.

Application shall be made to the Secretary at the following address: Agency of Natural Resources, Department of Environmental Conservation, One National Life Drive, Main Building, 2nd Floor, Montpelier VT 05620-3522.

10. Power Failure

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the Permittee shall either:

- a. Provide an alternative power source sufficient to operate the wastewater control facilities, or if such alternative power source is not in existence,
- b. Halt, reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

B. RESPONSIBILITIES

1. Right of Entry

The Permittee shall allow the Agency or authorized representative, upon the presentation of proper credentials:

- a. To enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. To have access to and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
- c. To inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. To sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the federal Clean Water Act, any substances or parameters at any location.

2. Transfer of Ownership or Control

This permit is not transferable without prior written approval of the Agency. All application and operating fees must be paid in full prior to transfer of this permit. In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the Permittee shall provide a copy of this permit to the succeeding owner or controller and shall send written notification of the change in ownership or control to the Agency **at least 30 days in advance of the proposed transfer date**. The notice to the Agency shall include a written agreement between the existing and new Permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them. The Permittee shall also inform the prospective owner or operator of their responsibility to make an application for transfer of this permit.

This request for transfer application must include as a minimum:

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

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

3. Confidentiality

Pursuant to 10 V.S.A. § 1259(b):

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

Claims for confidentiality for the following information will be denied:

- a. The name and address of any permit applicant or Permittee.
- b. Permit applications, permits, and effluent data.
- c. Information required by application forms, including information submitted on the forms themselves and any attachments used to supply information required by the forms.

4. Permit Modification, Suspension, and Revocation

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance shall not stay any permit condition.

The Permittee shall provide to the Agency, within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit

5. Toxic Effluent Standards

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the Clean Water Act for a toxic pollutant which is present in the Permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in this permit, then this permit shall be modified or revoked and reissued in accordance with the toxic effluent standard or prohibition and the Permittee so notified.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under 10 V.S.A. §1281.

7. Civil and Criminal Liability

Except as provided in, "Bypass" (Section II.A.5), "Emergency Pollution Permits" (Section II.A.9), and "Power Failure" (Section II.A.10), nothing in this permit shall be construed to relieve the Permittee from civil or criminal penalties for noncompliance. Civil and criminal penalties for non-compliance are provided for in 10 V.S.A. Chapters 47, 201 and 211.

8. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

9. Property Rights

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

10. Other Information

If the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Agency, it shall promptly submit such facts or information.

11. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

12. Authority

This permit is issued under authority of 10 V.S.A. §§1258 and 1259 of the Vermont Water Pollution Control Act, the Vermont Water Pollution Control Permit Regulation, and Section 402 of the Clean Water Act, as amended.

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.

Agency – The Vermont Agency of Natural Resources

Annual Average - The highest allowable average of daily discharges calculated as the sum of all daily discharges (mg/L, lbs or gallons) measured during a calendar year divided by the number of daily discharges measured during that year.

Average – The arithmetic means of values taken at the frequency required for each parameter over the specified period.

Bypass – The intentional diversion of waste streams from any portion of the treatment facility

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

Composite Sample – A sample consisting of a minimum of one grab sample per hour collected during a 24-hour period (or lesser period as specified in the section on Monitoring and Reporting) and combined proportionally to flow over that same time period.

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

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

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

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

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

Incompatible Substance – Any waste being discharged into the treatment works which interferes with, passes through without treatment, or is otherwise incompatible with said works or would have a substantial adverse effect on these works or on water quality. This includes all pollutants required to be regulated under the Clean Water Act.

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

Major Contributing Industry – One that: (1) has a flow of 50,000 gallons or more per average work day; (2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; (3) has in its wastes a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Clean Water Act; or (4) has a significant impact, either singly or in combination with other contributing industries, on a publicly owned treatment works or on the quality of effluent from that treatment works.

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

Mean – The mean value is the arithmetic mean.

Monthly Average (average monthly discharge limitation) – The highest allowable average of daily discharges (mg/L, lbs or gallons) over a calendar month, calculated as the sum of all daily discharges (mg/L, lbs or gallons) measured during a calendar month divided by the number of daily discharges measured during that month.

NPDES – The National Pollutant Discharge Elimination System.

Secretary – The Secretary of the Agency of Natural Resources

State Certifying Agency - Agency of Natural Resources
Department of Environmental Conservation
Watershed Management Division
One National Life Drive, Main Building, 2nd Floor
Montpelier VT 05620-3522

Waste - Effluent, sewage or any substance or material, liquid, gaseous, solid or radioactive, including heated liquids, whether or not harmful or deleterious to waters.

Waste Management Zone – A specific reach of Class B waters designated by a permit to accept the discharge of properly treated wastes that prior to treatment contained organisms pathogenic to human beings. Throughout the receiving waters, water quality criteria must be achieved but increased health risks exist due to the authorized discharge.

Weekly Average - (Average weekly discharge limitation) - The highest allowable average of daily discharges (mg/L, lbs or gallons) over a calendar week, calculated as the sum of all daily discharges (mg/L, lbs or gallons) measured during a calendar week divided by the number of daily discharges measured during that week.

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

FACT SHEET
(APRIL 2016)

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

PERMIT NO: 3-1409
PIN: BR76-0002
NPDES NO: VT0001210

NAME AND ADDRESS OF APPLICANT:

Smugglers' Notch Management Co. Ltd
4323 VT Route 108 South
Jeffersonville, VT 05464

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Smugglers' Notch Water Treatment Facility
VT Route 108
Jeffersonville, Vermont

RECEIVING WATER: Unnamed tributary of the Brewster River

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

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

The Vermont Agency of Natural Resources (Agency) received a renewal application for the permit to discharge into the designated receiving water from the above-named applicant on July 3, 2014. The facility is engaged in the treatment of surface water via coagulation, sand filtration and chlorination to provide potable drinking water; the filter backwash generated from this treatment process is discharged to a sedimentation basin and then conveyed to an outfall S/N 001 to an unnamed tributary of the Brewster River. At this time the Agency has made a tentative decision to reissue the discharge permit.

II. Description of Discharge

This permit authorizes the discharge of filter backwash effluent produced during the treatment of raw surface water via coagulation, filtration and chlorination. A quantitative description of the discharge in terms of significant effluent parameters is based on state and federal laws and regulations, the discharge permit application, and the recent self-monitoring data.

III. Limitations and Conditions

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

Effluent Limitations: Page 2

Monitoring Requirements: Page 2

IV. Permit Basis and Explanation of Effluent Limitation Derivation

History and Summary: The Smugglers' Notch Management Co., Ltd. owns and operates the Smugglers' Notch Water Treatment Facility. The original facility was constructed in the 1970s and the water treatment system's rapid sand pressure filters were installed in 1980 to process surface water to potable drinking water for the Smugglers' Notch Resort area.

Potable Water Flow: Raw water is drawn from an on-stream impoundment (Morse Reservoir) and travels via gravity to the water treatment building. The treatment method includes flocculation, coagulation, and rapid sand filtration treatment for inorganics and particulate removal via three (3) mixed media filters. After filtration, the water passes through a meter for flow monitoring, pH is adjusted with sodium hydroxide (soda ash), sodium hypochlorite is added continuously for disinfection and the water is then pumped to covered storage reservoirs for ultimate distribution throughout the resort.

Filter Backwash Effluent: Potable water is used to backwash the filters on an as needed basis. The filter backwash effluent passes through a meter for flow measurement and is then conveyed by pipe outside the building to a drywell, and then through a ditch to a lined, gravel sedimentation basin. After passing through the sedimentation basin, a system of underdrains conveys the water through a culvert and ditch to a pond located near the main entrance. Water from this pond flows to an outfall (S/N 001) to an unnamed tributary of the Brewster River.

A grab sample of the discharge from the sedimentation basin is collected monthly and analyzed for pH, turbidity, chlorine (free) and temperature.

The sedimentation basin is inspected routinely, at least once per month during grab sampling, for accumulation of solids and for flow-through. Accumulated sediments are removed biennially in accordance with the permit and moved to a storage area for drying.

Floor Drains: The floor drains, sink and emergency eyewash station inside the water treatment building discharge to the sedimentation basin. Sodium hypochlorite and sodium hydroxide chemicals are stored with secondary containment.

Discharge Flow – S/N 001: The discharge only occurs when the filters are backwashed, as needed. Average daily flows during filter backwash are typically around 4000 gallons. The effluent flow limitation for S/N 001 has been lowered to 14,000 gallons per day, monthly average, from the previous limit of 0.360 million gallons per day (MGD). This flow limitation reduction is based on current and historic flow volumes.

Discharges are seasonal with the approximate flow proportions as follows: Dec-Mar = 22%, Apr-May = 9%, Jun-Aug = 44%, Sep-Nov = 25%. The use of the surface water source may be stopped during periods of time when the turbidity of surface water source unusually high. If no discharge occurs on a given day or month, no monitoring is required for that time period. However, completion and submission of a Discharge Monitoring Report Form (WR-43) is still required.

Turbidity – The turbidity discharge limitation of 10 NTU and monthly monitoring requirement remain unchanged from the current permit. If a turbidity sample exceeds the limit, then the permittee shall immediately collect another sample of the discharge at the discharge culvert just before the S/N 001 point of discharge and analyze for turbidity. If that second sample is in compliance with the permit limit, the discharge shall be deemed to comply with the effluent limitation.

Total Residual Chlorine – The total residual chlorine (TRC) discharge limit of 20 µg/L and monthly monitoring requirement remain unchanged from the current permit. If a TRC sample exceeds the limit, then the permittee shall immediately collect another sample of the discharge at the discharge culvert just before First Pond (the S/N 001 point of discharge) and analyze for TRC. If that second sample is in compliance with the limit, the discharge shall be deemed to comply with the effluent limitations.

pH – The pH limitation remains 6.5-8.5 Standard Units as specified in Section 3-01.B.9 in the Vermont Water Quality Standards. Monitoring for pH at S/N 001 is required monthly.

V. Procedures for Formulation of Final Determinations

The public comment period for receiving comments on this draft permit is from **April 25, 2016 through May 24, 2016** during which time interested persons may submit their written views on the draft permit. All written comments received by 4:30 PM on **May 24, 2016** will be retained by the Agency and considered in the formulation of the final determination to issue, deny or modify the draft permit. The comment period may be extended at the discretion of the Agency.

Written comments should be sent to:

Agency of Natural Resources
Department of Environmental Conservation
Watershed Management Division
One National Life Drive, Main Building, 2nd Floor
Montpelier, VT 05620-3522

Comments may also be faxed to: 802-828-1544 or submitted by e-mail using the e-mail comment provisions included at <http://dec.vermont.gov/watershed>.

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 Agency 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 Agency 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 Agency 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 Agency 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 by appointment on the 2nd floor of the Main Building at One National Life Drive, Montpelier, Vermont. Copies may be obtained by calling 802-828-1535 from 7:45 AM to 4:30 PM Monday through Friday, and will be made at a cost based upon the current Secretary of State Official Fee Schedule for Copying Public Records. The draft permit and fact sheet may also be viewed on the Division's website at <http://dec.vermont.gov/watershed>.



Vermont Department of Environmental Conservation
Watershed Management Division
1 National Life Drive, Main 2
Montpelier VT 05620-3522

Agency of Natural Resources

[phone] 802-828-1535
[fax] 802-828-1544

April 19, 2016

Mark Schilling, Town Clerk
Town of Jeffersonville
85 Church Street
Jeffersonville, VT 05464

Dear Mr. Schilling:

Enclosed is a copy of a public notice regarding the public comment period for the issuance of a **draft discharge permit to the Smugglers' Notch Management Co. Ltd, authorizing the discharge of filter backwash water from the Smugglers' Notch Water Treatment Facility to an unnamed tributary of the Brewster River**. 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,

Ernest F. Kelley, Program Manager
Wastewater and Residuals Management Program
Watershed Management Division

Enclosures (3)

AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
1 NATIONAL LIFE DRIVE – MAIN 2
MONTPELIER, VERMONT 05620-3522

NOTICE: DRAFT DISCHARGE PERMIT

PUBLIC NOTICE NUMBER: 3-1409

PUBLIC COMMENT PERIOD: April 25 – May 24, 2016

PERMITTEE INFORMATION

PERMITTEE NAME: Smugglers' Notch Management Co. Ltd.

PERMITTEE ADDRESS: 4323 VT Route 108 South
Jeffersonville, VT 05464

PERMIT NUMBER: 3-1409

PROJECT ID NUMBER: BR76-0002

DISCHARGE INFORMATION

NATURE: Water treatment filter backwash water discharge

VOLUME: 0.014 MGD, monthly average

RECEIVING WATER: unnamed tributary of the Brewster River

EXPIRATION DATE: **March 31, 2021**

DESCRIPTION: This is a draft discharge permit proposed for issuance to Smugglers' Notch Management Co. Ltd. for the discharge of water treatment filter backwash from the Smugglers' Notch Water Treatment Facility located on VT Route 108, Jeffersonville, Vermont.

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 on the 2nd floor of the Main Building at 1 National Life Drive, Montpelier, Vermont. Copies, obtained by calling 802-828-1535 from 7:45 AM to 4:30 PM Monday through Friday, will be made at a cost based upon the current Secretary of State Official Fee Schedule for Copying Public Records. The draft permit and fact sheet may also be viewed on the Division's website at: <http://dec.vermont.gov/watershed>

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) **May 24, 2016** to the Agency of Natural Resources, Department of Environmental Conservation, Watershed Management Division, 1 National Life Drive – Main 2, Vermont 05620-3522. Comments may also be submitted by e-mail using the e-mail comment provisions included at: <http://dec.vermont.gov/watershed/>. 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 submit the Notice of Appeal and include the applicable filing fee, 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.

The address for the Vermont Environmental Court is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington VT 05401 (Tel. (802) 951-1740). For further information, see the Vermont Rules for Environmental Court Proceedings, available online at www.vermontjudiciary.org.

Alyssa B. Schuren, Commissioner
Department of Environmental Conservation