



State of Vermont
Department of Environmental Conservation

Agency of Natural Resources

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

March 20, 2007

Mark Mucia
PBM Nutritionals, LLC
PO Box 2109
Georgia, VT 05468-2109

Re: Final Discharge Permit #3-1209

Dear Mr Mucia:

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,

A handwritten signature in black ink that reads "Brian D. Kooiker".

Brian D. Kooiker, Chief
Discharge Permits Section

Enclosure

cc: Katherine Manchester, Stantec



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

Permit No. 3-1209
File No. 06-09
Project ID No. EJ95-0375
NPDES No. VT0020702

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), and the Federal Clean Water Act, as amended (33 U.S.C. § 1251 et. seq),

PBM Nutritionals, LLC
PO Box 2109
Georgia, VT 05468

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

Georgia Dairy Industrial Park
Town Highway #60
Georgia, Vermont

to Arrowhead Mountain Lake, 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 July 1, 2007.

This permit and the authorization to discharge shall expire on June 30, 2012.

Signed this 23rd day of March, 2007.

Jeffrey Wennberg, Commissioner
Department of Environmental Conservation

By Christine Thompson
Christine Thompson, Director
Wastewater Management Division

PART I**A. EFFLUENT LIMITATIONS**

1. Until June 30, 2012, the permittee is authorized to discharge from outfall serial number S/N 001: Treated whey processing wastewater. Such discharges shall be limited and monitored by the permittee as specified below:

| Effluent Characteristic | Annual Limit | Monthly Average | Maximum Day | Monthly Average | Maximum Day |
|---|--------------|-----------------|-------------|------------------------------------|-------------|
| | | ... lbs/day ... | | ... concentration ... | |
| Flow | | | | 0.425 MGD | 0.460 MGD |
| Biochemical Oxygen Demand, 5-day, 20° C (1) | | 35 lbs | 57 lbs | 10 mg/l | 15 mg/l |
| Total Suspended Solids | | 35 lbs | 57 lbs | 10 mg/l | 15 mg/l |
| Total Phosphorus (Total Annual Pounds) (2) | 776 lbs | | | 0.8 mg/l | |
| Total Kjeldahl Nitrogen (1) | | | | Monitor only | |
| Ultimate Oxygen Demand | | 83 lbs | | | |
| Total Ammonia (NH ₃ -N) | | | | Monitor only | |
| Chloride | | | | Monitor only | |
| Settleable Solids | | | | | 1.0 mg/l |
| pH | | | | Between 6.5 and 8.5 Standard Units | |
| Whole Effluent Toxicity NOEC-A (3) | | | | | ≥10% |

- (1) The average UOD limit incorporates the monthly average BOD limit during the period June 1 through September 30. The permittee shall control effluent BOD and TKN such that the discharge of UOD does not exceed the value shown above or the BOD concentration and mass (lbs) as specified above, whichever is more limiting.

- (2) **Total Annual Pounds of Phosphorus** discharged shall be defined as the sum of all the **Total Monthly Pounds of Phosphorus** discharged for the calendar year.

Total Monthly Pounds of Phosphorus discharged shall be calculated as follows:

(Monthly Average Phosphorus Concentration, mg/l) x (Total Monthly Flow, MGD) x 8.34

(See Total Phosphorus monitoring report form WR43-PO4).

- (3) NOEC-A is the concentration of effluent on a sample that causes No Observed (Acute) Effect (i.e. mortality to the test population at a 48-hour exposure interval of observation). *Ceriodaphnia dubia* shall be the test species.

Samples taken in compliance with the monitoring requirements specified above shall be taken at a representative sampling point prior to discharge into Arrowhead Mountain Lake.

B. SPECIAL CONDITIONS

1. The permittee is limited to using only chemicals which are similar in composition, concentration, and toxicity to those identified in the permit application. A substantial change in the chemicals used must be reviewed by the Department to assure that no adverse impact will occur on either the treatment facility or the receiving water. A substantial change in chemicals shall be defined as chemicals that are not similar in composition, concentration, and toxicity to those identified in the application. A change in chemical vendors will require that the permittee, at a minimum, submit the appropriate MSDS to the Department.
2. Waste Management Plan: The permittee shall maintain on site a current facility waste management plan which includes Standard Operating Procedures for the wastewater treatment plant operations and responsibilities, and a hazardous waste contingency plan. The permittee shall revise the Plan as necessary and shall make it available upon request of the Secretary.

C. REAPPLICATION

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

Reapply for a Discharge Permit by: December 31, 2011.

D. OPERATING FEES

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

E. 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 test method 9213 D, found in Standard Methods for the Examination of Water and Wastewater, 18th or subsequent edition(s).

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. Effluent Monitoring

The permittee shall monitor and record the quality and quantity of discharge S/N 001 according to the following schedule and other provisions until June 30, 2012.

| PARAMETER | MINIMUM FREQUENCY OF ANALYSIS | SAMPLE TYPE |
|-----------------------------|-------------------------------|-------------------------|
| Flow | Continuous | Daily Total, Max., Min. |
| BOD ₅ (1) | 1 x monthly | 24-hour composite |
| TSS | 1 x monthly | 24-hour composite |
| Total Phosphorus | 1 x monthly | 24-hour composite |
| Total Kjeldahl Nitrogen (1) | 1 x monthly (2) | 24-hour composite |
| Ultimate Oxygen Demand (3) | 1 x monthly | Calculated |
| Total Ammonia | 1 x quarterly | Grab |
| Chloride | 1 x quarterly | 24-hour composite |
| Settleable Solids | 1 x weekly | grab |
| pH | 1 x daily | grab |
| Whole Effluent Toxicity (4) | 1 x annually | 24-hour composite |

- (1) BOD₅ and TKN analyses shall be completed on the same composite sample.
- (2) TKN monitoring is required during the period June 1 through September 30 only.
- (3) UOD shall be determined by the following formula using the lbs/day calculated from the BOD and TKN concentrations:

$$\text{UOD lbs/day} = 1.43 (\text{lbs/day BOD}) + 4.57 (\text{lbs/day TKN})$$

The UOD limit and reporting is required during the period June 1 through September 30 only.

- (4) The Whole Effluent Toxicity sample shall be collected each year in August.

WET tests shall be conducted in accordance with the methods 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).

Based upon the results of these tests or any other tests conducted on this discharge, this permit may be amended to require additional testing, or to require a Toxicity Reduction Evaluation.

3. 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
Wastewater Management Division
103 South Main Street, The Sewing Building
Waterbury, Vermont 05671-0405

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.

4. 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.

5. 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 for in Section 1274 and 1275 of the Vermont Water Pollution Control Act. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new permit application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

2. Noncompliance Notification

In the event the permittee is unable to comply with any of the conditions of this permit due, among other reasons, to:

- a. breakdown or maintenance of waste treatment equipment (biological and physical-chemical systems including, but not limited to, all pipes, transfer pumps, compressors, collection ponds or tanks for the segregation of treated or untreated wastes, ion exchange columns, or carbon absorption units),

- b. accidents caused by human error or negligence, or
- c. other causes such as acts of nature,

the permittee shall notify the Secretary within 24 hours of becoming aware of such condition or by the next business day and shall provide the Secretary with the following information, in writing, within five (5) days:

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

3. Operation and Maintenance

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

- a. The permittee shall, at all times, maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.
- b. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance, and testing functions required to insure compliance with the conditions of this permit; and
- c. The operation and maintenance of this facility shall be performed only by qualified personnel. The personnel shall be certified as required under the Vermont Water Pollution Abatement Facility Operator Certification Regulations.

4. Quality Control

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

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

The permittee shall demonstrate the accuracy of the flow measurement device monthly and report the results on the monthly report forms. The monthly calibration checks on the effluent magnetic flow meter may consist of an 'electronic' check. 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 at a minimum:

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

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

3. Confidentiality

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

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

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

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

5. Toxic Effluent Standards

That if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under 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 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.

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, 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.

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

FACT SHEET
(February 2007)

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

NPDES NO: VT0020702
FILE NO: 06-09
PERMIT NO: 3-1209
PROJECT ID NO: EJ95-0375

NAME AND ADDRESS OF APPLICANT:

PBM Nutritionals, LLC
PO Box 2109
Georgia, VT 05468

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

PBM Nutritionals, LLC
Georgia Dairy Industrial Park
Town Highway #60
Georgia, Vermont

RECEIVING WATER: Arrowhead Mountain Lake

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

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

The above named applicant applied on December 14, 2006 to the Vermont Department of Environmental Conservation for renewal of the permit to discharge into the designated receiving water. At this time the Department has made a tentative decision to reissue the discharge permit. The facility is engaged in the production of infant formula. The discharge is from the outfall of the PBM Nutritionals Wastewater Treatment Facility to Arrowhead Mountain Lake.

II. Description of Discharge

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

III. Limitations and Conditions

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

Effluent Limitations: Page 2 of 14

Monitoring Requirements: Page 4 of 14

IV. Permit Basis and Explanation of Effluent Limitation Derivation

PBM Nutritionals, LLC purchased the existing permitted facility from Wyeth Nutritionals in 2005. Like its predecessor, PBM Nutritionals manufactures infant formula. The wastestream from the facility consists of dairy process wastewater, rinse water, and cooling water blowdown.

The overall treatment process consists of a two-stage activated sludge treatment system followed by clarification, chemical precipitation for phosphorus removal and filtration prior to discharge. (The 'Stage I' aerated lagoon system and one of the 'Stage II' two carousel aeration tanks were taken off-line and mothballed prior to the 2002 permit renewal.) The wastestream is currently pumped to a 35,000 gallon equalization tank followed by a million gallon carousel aeration tank. The aeration tank effluent flows by gravity to a secondary clarifier. Aluminum sulfate is injected into the secondary clarifier effluent for phosphorus removal in the precipitation clarifier. The precipitation clarifier effluent is then pumped through three continuous upflow sand filters operating in parallel prior to discharge to Arrowhead Mountain Lake. Biosolids are stored in aerated tanks, dewatered (12 – 14% solids), and heat dried (exceeding 95%) prior to removal to a commercial fertilizer manufacturing facility.

Effluent limitations, monitoring requirements and other conditions that address percolation pond discharges or discharges to groundwater may be found in the Underground Injection Control (UIC) permit for this facility.

Flow - The effluent flow limitation remains at 0.425 MGD, monthly average, and 0.460 MGD, maximum day. The facility maintains a continuous discharge. These limits remain unchanged from the previous permit.

Biochemical Oxygen Demand (BOD₅) - The effluent limitations for biochemical oxygen demand remain unchanged from the previous permit. (The concentration limits were established in 1980 as technology based limits.) The monthly average limits are 10 mg/l and 35 lbs. The weekly average limits are 15 mg/l and 57 lbs. Because self-

monitoring data indicates that the discharge of BOD is well below permitted limitations, the weekly monitoring requirement is proposed to be changed to monthly.

Total Suspended Solids (TSS) - The effluent limitations for total suspended solids remain unchanged from the previous permit. (The concentration limits were established in 1980 as technology based limits.) The monthly average limits are 10 mg/l and 35 lbs. The weekly average limits are 15 mg/l and 57 lbs. Because self-monitoring data indicates that the discharge of TSS is well below permitted limitations, the weekly monitoring requirement is proposed to be changed to monthly.

Total Kjeldahl Nitrogen and Ultimate Oxygen Demand - The UOD limit remains the same at 83 lbs, monthly average, as in the previous permit. The TKN monitoring requirement also remains unchanged. TKN monitoring and the UOD limit are in effect from June 1 through September 30.

pH - The pH limitation remains at 6.5 - 8.5 Standard Units as specified in Section 3-01 B.9. in the Vermont Water Quality Standards, effective July 2, 2000. Monitoring remains at daily.

Settleable Solids - The limitation of 1.0 ml/l, maximum day, and weekly monitoring remain unchanged from the previous permit. This numeric limit was established in support of the narrative standard in Section 3-01 B.5. of the Vermont Water Quality Standards, effective July 2, 2000.

Total Phosphorus - The concentration limit of 0.8 mg/l, monthly average is based on requirements in Title 10, Chapter 47 §1266a. (The previous concentration limitation of 0.78 mg/l has been changed to reflect this.) Monitoring is proposed to be changed from weekly (summer) and twice monthly (winter) to once monthly year round because self-monitoring data indicates that the discharge of total phosphorus is well below permitted limitations.

In addition, The 2002 "Lake Champlain Phosphorus Total Maximum Daily Load" established a phosphorus mass loading allocation for the PBM Nutritionals WWTF utilizing an effluent concentration of 0.6 mg/l at the currently permitted flow (monthly average flow) of the facility (0.425 MGD). That allocation (0.352 metric tons per year or 776 pounds per year) is being incorporated into this permit. This provides a decrease in the amount of phosphorus that may be discharged.

The annual total pounds is the sum of the twelve monthly totals, which are calculated by multiplying the total monthly flow x the monthly average phosphorus concentration x 8.34.

Total Ammonia - The monthly 'monitor only' requirement is proposed to be changed to quarterly due to consistently low self-monitoring results.

Chlorides - The monthly 'monitor only' requirement is proposed to be changed to quarterly due to consistently low self-monitoring results.

Whole Effluent Toxicity (WET) Testing - 40 CFR Part 122.44(d)(1) requires the Department to assess whether the discharge causes, has the reasonable potential to cause, or contribute to an excursion above any narrative or numeric water quality criteria. The intent of the WET testing is to confirm the results of the WET testing conducted during the previous five year permit period. Those results indicated that this discharge did not have the potential to cause an instream toxic impact. If the results of this test indicate a reasonable potential to cause an instream toxic impact, the Department may require additional WET testing, establish a WET limit, or require a Toxicity Reduction Evaluation.

The WET limitation, $\geq 10\%$, is the concentration of effluent in a sample that causes No Observed (Acute) Effect (i.e. mortality to the test population at a 48 hour exposure interval of observation). An in-stream waste concentration (IWC) dilution of 39 and an acute-to-chronic ratio of 3.8 were used in the calculation to arrive at the effluent limitation. The 48-hour test shall be conducted on the species *Ceriodaphnia dubia*.

The proposed permit requires an annual acute WET test in August.

V. Procedures for Formulation of Final Determinations

The public comment period for receiving comments on this draft permit is from February 12 through March 14, 2007 during which time interested persons may submit their written views on the draft permit. All written comments received by 4:30 PM on March 14, 2007 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
Wastewater Management Division - Sewing Building
103 South Main Street
Waterbury, VT 05671-0405

Comments may also be faxed to: 802-241-2596.

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

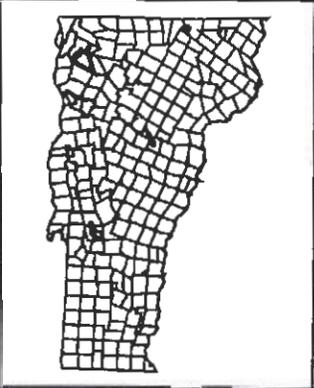
The Department will hold a hearing if there is significant public interest in holding such a hearing. Any public hearing brought in response to such a request or petition will be held in the geographical area of the proposed discharge or other appropriate area, at the discretion of the Department and may, as appropriate, consider related groups of draft

permits. Any person may submit oral or written statements and data concerning the draft permit at the public hearing. The Department may establish reasonable limits on the time allowed for oral statements and may require the submission of statements in writing. All statements, comments, and data presented at the public hearing will be retained by the Department and considered in the formulation of the final determination to issue, deny, or modify the draft permit.

The complete application, draft permit, and other information are on file and may be inspected at the VTDEC, Wastewater Management Division, Waterbury Office. Copies will be made at a cost based on the current Secretary of State Official Fee Schedule for Copying Public Records from 8:00 AM to 4:30 PM, Monday through Friday. The draft permit and fact sheet may also be viewed on the Division's website at www.anr.state.vt.us/dec/ww/wwmd.cfm .

No comments were received during the public notice period.

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PBM Wastewater Treatment Facility

WWTF Discharge

Arrowhead Mountain Lake

GEORGIA MOUNTAIN RD

PBM Nutritionals, LLC Wastewater Treatment Facility Georgia, VT

