



**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

June 4, 2014

Glenn Bowman  
Eagle River Mining, Inc.  
248 Stoughton Pond Road  
Perkinsville, VT 05151

**RE: Draft Discharge Permit No. 3-1505: Newfane Quarry**

Dear Mr. Bowman,

The Department is proposing to issue the above referenced discharge for the discharge of treated comingled quarry dewatering water, process wastewater, and stormwater runoff from your "Newfane Quarry" to an unnamed tributary of Baker Brook.

A draft of this permit is enclosed for your review and comment. Please review the draft permit carefully. The permit is based on the requirements of the Vermont Water Quality Standards and the effluent limitations are unchanged from the permit which currently authorizes this discharge. Please make special note of Condition I.A.3 which requires sampling of your discharge for additional metals and nutrients.

To expedite issuance of this permit, we are placing a draft on public notice for comment at this time. The notice period will run from June 9, 2014 through July 9, 2014.

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

If you have any questions regarding the draft permit, please contact Randy Bean at 802 490-6181.

Sincerely,

Ernest F. Kelley, Manager  
Wastewater Management Program

Attachments

Cc

Jim Purdy, Geomapping Associates.

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

Permit No.: 3-1505  
File No.: 13-12  
PIN: NS03-0210  
NPDES No.: VT0001198

**DRAFT**  
**DISCHARGE PERMIT**

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

Eagle River Mining, Inc.  
PO Box 268  
Perkinsville, VT 05151

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

Silver Mine Trail  
Newfane, Vermont

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

This permit shall become effective on the date of signing.

This permit and the authorization to discharge shall expire on June 30, 2019.

David K. Mears, Commissioner  
Department of Environmental Conservation

By  
Peter LaFlamme, Director  
Watershed Management Division

Date:

**PART I****A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. From the date of signing through June 30, 2019, the permittee is authorized to discharge from outfall serial number S/N 001: treated mine dewatering water, process wastewater and stormwater. Such discharges shall be limited and monitored by the permittee as specified below:

During the period of **April 1 through June 30:**

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow	17,500 gpd	75,000 gpd	Daily	Total flow
Turbidity	10 NTU - Annual Average, During Dry Weather Conditions		1 x week	Grab
Nickel	60 grams/day	638 grams/day	1 x week	Grab
Zinc	40 grams/day	52 grams/day	1 x week	Grab
Total Suspended Solids	Monitor only	Monitor only	1 x week	Grab
pH		6.5 to 8.5 SU	1 x week	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the outlet of the settling pond.

2. During the period of **July 1 through March 31:**

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow	17,500 gpd	75,000 gpd	Daily	Total flow
Turbidity	10 NTU - Annual Average, During Dry Weather Conditions		1 x month	Grab
Nickel	16 grams/day	242 grams/day	1 x month	Grab
Zinc	10 grams/day	19 grams/day	1 x month	Grab
Total Suspended Solids	Monitor only	Monitor only	1 x month	Grab
pH		6.5 to 8.5 SU	1 x month	Grab

Samples taken in compliance with the monitoring requirements specified shall be taken at the outlet of the settling pond.

**3. Total Metals and Nutrient Analysis**

**Within 90 days after the restart of a discharge from this facility**, the permittee shall collect and analyze the effluent grab sample from S/N 001 for the following additional total metals: arsenic, antimony, cadmium, chromium, copper, iron, lead, selenium, and silver, and total nitrogen and total phosphorus.

- a. The results of this sampling shall be submitted as an addendum to the appropriate discharge monitoring report:
- b. Based upon the results of these analyses or any other metals analyses conducted on this discharge, this permit may be amended to require additional analyses or to establish specific effluent limitations.

**4. Special Conditions:**

- a. **The permittee shall notify the Agency, in writing, at least 15 days prior to the start of this discharge.**
- b. The pump inlet shall be sufficiently above the top layer of any settled material in the quarry sump to prevent the pumping of settled solids to settling pond.
- c. Each year, the permittee shall inform the Watershed Management Division, in writing, at least one week prior to the initial springtime dewatering activities.
- d. The permittee shall include a statement with the final monthly discharge monitoring report at the end of the quarrying season that there will be no discharge or monthly monitoring report submittal until the Department is otherwise notified.
- e. While quarry operations are in progress, the permittee shall maximize water recycling, to the extent feasible, to reduce the volume of water discharged.
- f. This discharge shall not cause or contribute to violations of Water Quality Standards.

**B. REAPPLICATION**

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

Reapply for a Discharge permit by December 30, 2018.

**C. OPERATING FEES**

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

## **D. MONITORING AND REPORTING**

### **1. Sampling and Analysis**

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

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

### **2. Reporting**

The Permittee is required to submit monitoring results as specified on a Discharge Monitoring Report (Form WR-43). Reports are due on the 15th day of each month, beginning with the month following the effective date of this permit.

If, in any reporting period, there has been no discharge, the permittee must submit that information by the report due date.

Signed copies of these, and all other reports required herein, shall be submitted to the Secretary at the following address:

Agency of Natural Resources  
Department of Environmental Conservation  
Watershed Management Division  
One National Life Drive, Main Building, 2<sup>nd</sup> 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;
- b. In the case of a partnership, by a general partner;
- c. In the case of a sole proprietorship, by the proprietor;
- d. In the case of a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

**3. Recording of Results**

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

- a. The exact place, date, and time of sampling;
- b. The dates and times the analyses were performed;
- c. The person(s) who performed the analyses;
- d. The analytical techniques and methods used including sample collection handling and preservation techniques;
- e. The results of all required analyses.
- f. The records of monitoring activities and results, including all instrumentation and calibration and maintenance records;
- g. The original calculation and data bench sheets of the operator who performed analysis of the influent or effluent pursuant to requirements of Section I.(A) of this permit.

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

**4. Additional Monitoring**

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

**PART II****A. MANAGEMENT REQUIREMENTS****1. Facility Modification / Change in Discharge:**

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such a violation may result in the imposition of civil and/or criminal penalties pursuant to 10 V.S.A. Chapters 47, 201 and/or 2011. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new permit application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

**2. Noncompliance Notification**

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

- a. breakdown or maintenance of waste treatment equipment (biological and physical-chemical systems including, but not limited to, all pipes, transfer pumps, compressors, collection ponds or tanks for the segregation of treated or untreated wastes, ion exchange columns, or carbon absorption units),
- b. accidents caused by human error or negligence, or
- c. other causes such as acts of nature,

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

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

- v. steps to be taken by the permittee to prevent recurrence of the condition of non-compliance.

### **3. Operation and Maintenance**

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

- a. The permittee shall, at all times, maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.
- b. The permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance, and testing functions required to insure compliance with the conditions of this permit.

### **4. Quality Control**

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

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

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

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

### **5. Bypass**

The diversion or bypass of facilities, necessary to maintain compliance with the terms and conditions of this permit, is prohibited, except where authorized under terms and conditions of an emergency pollution permit issued pursuant to 10 V.S.A. 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, One National Life Drive, Main Building, 2<sup>nd</sup> 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 Secretary or authorized representative, upon the presentation of proper credentials:

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

#### **2. Transfer of Ownership or Control**

This permit is not transferable without prior written approval of the Secretary. All application and operating fees must be paid in full prior to transfer of this permit. In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall provide a copy of this permit to the succeeding owner or controller and shall send written notification of the change in ownership or control to the Secretary. The permittee shall also inform the prospective owner or operator of their responsibility to make an application for transfer of this permit.

This request for transfer application must include as a minimum:

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

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

### **3. Confidentiality**

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

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

### **4. Permit Modification**

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

- a. violation of any terms or conditions of this permit;
- b. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or

- c. a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

## **5. Toxic Effluent Standards**

That if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the Federal Clean Water Act for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the secretary shall revise or modify the permit in accordance with the toxic effluent standard or prohibition and so notify the permittee.

## **6. Oil and Hazardous Substance Liability**

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

## **7. Civil and Criminal Liability**

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

## **8. State Laws**

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

## **9. Property Rights**

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

## **10. Severability**

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

## **11. Authority**

This permit is issued under authority of 10 V.S.A. §1258 and §1259 of the Vermont Water Pollution Control Act, the Vermont Water Pollution Control Permit Regulations and Section 402 of the Clean Water Act, as amended. 10 V.S.A. §1259 states that: "No person shall discharge any waste, substance, or material into waters of the State, nor shall any person discharge any waste, substance, or material into an injection well or discharge into a publicly owned treatment works any waste which interferes with, passes through without treatment, or is otherwise incompatible with those works or would have a substantial adverse effect on those works or on water quality, without first obtaining a permit for that discharge from the Secretary".

### PART III

#### A. OTHER REQUIREMENTS

This permit shall be modified, suspended or revoked to comply with any applicable effluent standard or limitation issued or approved under Sections 301(b) (2) (C), and (D), 304(b) (2), and 307 (a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

The permit as modified under this paragraph shall also contain any other requirements of the Vermont Water Pollution Control Act then applicable.

#### B. DEFINITIONS

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

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

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

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

**The Clean Water Act** - The federal Clean Water Act, as amended.

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

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

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

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

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

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

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

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

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

**Mean** - The mean value is the arithmetic mean.

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

**NPDES** - The National Pollutant Discharge Elimination System.

**Secretary** - The Secretary of the Agency of Natural Resources

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

**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.

07/2000; u.09/2012

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**DRAFT**

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

FACT SHEET

June 2014

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

FILE NO.: 13-12

PROJECT ID NO.: NS03-0210

NPDES NO: VT0001198

PERMIT NO.: 3-1505

NAME AND ADDRESS OF APPLICANT:

Eagle River Mining, Inc.  
PO Box 268  
Perkinsville, VT 05151

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

"Newfane Quarry"  
Silver Mine Trail  
Newfane, VT

RECEIVING WATERS AND CLASSIFICATION: Unnamed tributary of Baker Brook; Class B. Class B waters are suitable for bathing and recreation; irrigation and agricultural uses; good fish habitat; good aesthetic value; acceptable of public water supply with filtration and disinfection.

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

The above named applicant applied on December 26, 2013 to the Vermont Department of Environmental Conservation for renewal of permit to discharge into the designated receiving water. The facility is engaged in quarrying operations. The discharge is from the Newfane Quarry to an unnamed tributary of Baker Brook.

II. Description of Discharge

This permit authorizes the discharge of 75,000 gpd, daily maximum, and 17,500 gpd, monthly average, of seepage and stormwater. The treatment system consists of a settling system prior to discharge.

A quantitative description of the discharge in terms of significant effluent parameters is presented in section IV. below.



### 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

#### **Description & Summary**

Eagle River Mining, Inc is proposing to reopen and operate the Newfane Quarry, a soapstone quarry in Newfane, VT. The quarry has been temporarily inactive due to the low demand for soapstone. When the soapstone market improves, the permittee intends to resume operations at this quarry.

There is one discharge point from the quarry. Discharge point S/N 001 is at the north end of the quarry. The accumulated seepage water and runoff will be pumped from a collection sump in the bottom of the quarry into a settling pond.

The treated wastewater will then be discharged to an existing swale to an unnamed tributary of Baker Brook. The quarry will operate seasonally, shutting down in late fall and resuming operation after April 1<sup>st</sup>. In the spring, a 3 to 4 week dewatering period will occur to remove water that has accumulated over the winter. During this period the discharge may occur on a continuous basis until the water has been removed from the quarry. After dewatering is complete, discharges will occur as necessary to maintain acceptable working conditions in the quarry.

Having completed its review of the application, the Department has made a determination to issue a discharge permit for this discharge.

#### **Effluent Limitations**

##### **Flow**

This permit includes a flow limitation of 17,500 gpd, monthly average, and 75,000 gpd, daily maximum. This limitation is based on the application. Flow monitoring is required daily. The discharge from this facility is variable. During the spring, dewatering of the quarry is necessary to remove the seepage water and runoff that has accumulated over the winter and the facility typically has a constant discharge for a three to four week period. After the "spring dewatering" period, discharges from the quarry will occur as necessary to manage seepage water and runoff that collects in the quarry.

##### **Turbidity**

The permit contains a turbidity limitation of 10 NTU, daily maximum. This limitation is based on Section 3-04.B of the Vermont Water Quality Standards, effective December 30, 2011 (VWQS). (Note: the receiving water is classified as "cold water fish habitat") During the "spring dewatering period" the draft permit requires turbidity to be sampled three times. During normal quarrying operations, turbidity sampling is required once per month.

##### **Nickel**

Nickel has been identified as a naturally occurring contaminant pollutant in geologic soapstone operations. The draft permit contains nickel effluent limitations based on the VWQS and the

seasonal flow in the receiving water. Specifically during the period of April 1 through June 30, the permit contains a nickel limitation of 638 grams per day, daily maximum, and 60 grams per day, monthly average. This limitation is based on a 7Q10 flow in the receiving water for that time period of 0.48 cfs, a monthly average discharge of 17,500 gpd and a daily maximum discharge of 75,000 gpd and Protection of Aquatic Biota Criteria in Appendix C of the VWQS. During the period of July 1 through March 31, the permit contains a nickel limitation of 242 grams per day, daily maximum and 16 grams per day, monthly average. This limitation is based on a 7Q10 flow in the receiving water for that time period of 0.11 cfs, a monthly average discharge of 17,500 gpd and a daily maximum discharge of 75,000 gpd and Appendix C of the VWQS. During the “spring dewatering period” the draft permit requires nickel to be sampled three times. During normal quarrying operations sampling is required once per month.

### **Zinc**

Zinc has also been identified as a naturally occurring contaminant in geologic soapstone formations. The draft permit contains zinc effluent limitations based on the VWQS and the seasonal flow in the receiving water. Specifically during the period of April 1 through June 30, the permit contains a zinc limitation of 52 grams per day, daily maximum and 40 grams per day, monthly average. This limitation is based on a 7Q10 flow in the receiving water for that time period of 0.48 cfs, a monthly average discharge of 17,500 gpd and a daily maximum discharge of 75,000 gpd and the Protection of Aquatic Biota Criteria of Appendix C of the VWQS. During the period of July 1 through March 31, the permit contains a zinc limitation of 19 grams per day, daily maximum, and 10 grams per day, monthly average. This limitation is based on a 7Q10 flow in the receiving water for that time period of 0.11 cfs, a monthly average discharge of 17,500 gpd and a daily maximum discharge of 75,000 gpd and Appendix C of the VWQS. During the “spring dewatering period” the draft permit requires zinc to be sampled three times. During normal quarrying operations sampling is required once per month.

### **pH**

The permit contains a pH limitation of 6.5 to 8.5 SU. This limitation is based on Section 3-01.B.9 of the VWQS. During the “spring dewatering period” the draft permit requires pH to be sampled three times. During normal quarrying operations, pH sampling is required once per month.

### **Additional Conditions**

The following conditions have been included in the draft permit.

Condition I.A.2.a. requires the permittee to ensure that there is adequate distance between the accumulated sediments in the quarry sumps and the pump inlets to prevent the pumping of solids into the settling ponds.

Condition I.A.2.b. requires the permittee to provide written notice to the Agency prior to starting quarrying operations in the spring.

Condition I.A.2.c. requires the permittee to provide written notice to the Agency of the seasonal shut down of quarrying operations.

Condition I.A.2.d requires the permittee to maximize water recycling, to the extent feasible, in order to reduce the volume of water discharged.

VI. Procedures for Formulation of Final Determinations

The public comment period for receiving comments on this draft permit is from June 9, 2014 through July 9, 2014 during which time interested persons may submit their written views on the draft permit.

All written comments received by **4:30 PM on July 9, 2014** will be retained by the Department and considered in the formulation of the final determination to issue, deny or modify the draft permit. The period of comment may be extended at the discretion of the Department.

Written comments should be sent to:

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

Comments may also be faxed to: 802-828-1544 or submitted by e-mail using the e-mail provisions included at <http://www.anr.state.vt.us/dec/waterq/ww/htm/notices.htm>

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

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



**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

June 4, 2014

Town of Newfane  
Attn: Gloria Cristelli  
555 Route 30  
PO Box 36  
Newfane, VT 05345

Dear Ms. Cristelli,

Enclosed are copies of a public notice regarding the public comment period for a draft discharge permit that the Department is proposing to issue to Eagle River Mining, Inc. for the discharge of treated mine dewatering water, process wastewater and stormwater.

One of these notices is information for local officials. Would you please post the other in a public place for disseminating this information to local residents?

We are also sending copies of this notice to other local officials and interested persons who have asked to be included on our mailing list. We will be glad to send you additional copies if you desire or add names of interested parties to our mailing list.

Sincerely,

Ernest F. Kelley, Manager  
Wastewater Management Program

cc. (w/enclosure)  
Selectboard

**AGENCY OF NATURAL RESOURCES  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WATERSHED MANAGEMENT DIVISION  
1 NATIONAL LIFE DRIVE  
WATERBURY, VT 05620-3522**

**NOTICE:** Draft Discharge Permit

**PUBLIC NOTICE NUMBER:** 3-1505

**PUBLIC COMMENT PERIOD:** June 9, 2014 through July 9, 2014.

**PERMITTEE INFORMATION**

**PERMITTEE:** Eagle River Mining, Inc.  
PO Box 268  
Perkinsville, VT 05495

**PERMIT NUMBER:** 3-1505

**FILE NUMBER:** 13-12

**DISCHARGE INFORMATION**

**NATURE:** Treated dewatering water, process wastewater, and stormwater runoff

**VOLUME:** 17,500 gpd, monthly average; 75,000 gpd, daily maximum

**RECEIVING WATER:** Unnamed tributary of Baker Brook

**EXPIRATION DATE:** June 30, 2019

**DESCRIPTION:** This is a draft discharge permit proposed for issuance to Eagle River Mining, Inc. for the discharge of treated dewatering water, process wastewater, and stormwater runoff from their "Newfane Quarry" located on Silver Mine Trail, Newfane, Vermont to an unnamed tributary of Baker Brook. This is the renewal on an existing discharge permit

**TENTATIVE DETERMINATIONS**

Tentative determinations regarding effluent limitations and other conditions to be applied on the pending Vermont permit have been made by the State of Vermont Agency of Natural Resources (VANR). The limitations imposed will assure that the Vermont Water Quality Standards will be met.

**FURTHER INFORMATION**

The complete application, proposed permit, and other information are on file; and may be inspected at the VANR, National Life Drive, Building Main-2, Montpelier, VT. Copies of the permit may be obtained by calling (802) 828-1544; cost of copies is 10 cents per page. Office hours are 7:45 a.m. to 4:30 p.m., Monday through Friday.

**PUBLIC COMMENTS/PUBLIC HEARINGS**

Public comments on the proposed permit are invited. Comments should be submitted in writing, to the address listed below. Comments may also be faxed to 802 828-1544 or submitted by e-mail using the e-mail comment provisions included at <http://www.watershedmanagement.vt.gov/>.

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

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

The comment period will close at the end of the business day **4:30 pm, July 9, 2014**.

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

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

**FINAL ACTION/RIGHTS TO APPEAL TO THE ENVIRONMENTAL COURT**

At the conclusion of the public notice period and after consideration of additional information received during the public notice period, the VANR will make a final determination to issue or to deny the permit. Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal, the entry fee of \$262.50, payable to the state of Vermont.

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

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

For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at [www.vermontjudiciary.org](http://www.vermontjudiciary.org). The address for the Environmental Court is: 2418 Airport Road - Suite 1, Barre, Vermont 05641, (Tel. 802.828.1660).

David K. Mears, Commissioner  
Department of Environmental Conservation