



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

Agency of Natural Resources

[phone] 802-490-6181
[fax] 802-828-1544

June 4, 2015

Robin Reilly
Imerys Talc Delaware, Inc.
73 East Hill Road
Ludlow, VT 05149

RE: Draft Discharge Permit No. 3-1532: Former "Hamm Mine"

Dear Ms. Reilly,

The Department is proposing to issue the above referenced permit for the discharge of treated water from the remediation activities at the former "Hamm Mine" to Shade Brook.

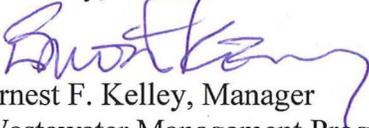
A draft of this permit is enclosed for your review and comment. Please review the draft permit carefully. The permit is structure to continue to confirm compliance with the requirements of the Vermont Water Quality Standards. Also to address concerns regarding the potential for this discharge to contain excessive concentrations of iron, iron monitoring has been included. Other than that addition, the sampling requirements are unchanged from the permit which currently authorizes this discharge.

To expedite issuance of this permit, we are placing a draft on public notice for comment at this time. The notice period will run from June 8, 2015 through July 8, 2015.

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, 2nd FLOOR
MONTPELIER VT 05620-3522

Permit No.: 3-1532

PIN: NS10-0003

NPDES No.: VT0001384

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.*),

Imerys Talc Delaware, Inc.
73 East Hill Rd
Ludlow, VT 05149

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

"Former Hamm Mine"
White Road
Windham, Vermont

to Shade 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, 2020.

David K. Mears, Commissioner
Department of Environmental Conservation

By
Ernest F. Kelley, Manager
Wastewater Management Program
Watershed Management Division

Date:

I. SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. From the date of signing through June 30, 2020, the Permittee is authorized to discharge from outfall serial number S/N 001: treated residual mine dewatering and process wastewater. Such discharges shall be limited and monitored by the Permittee as specified below:

Effluent Characteristic	Discharge Limitations		Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow		Monitor only	Daily	Estimate
Arsenic		Monitor only	1 x quarterly	Grab
Turbidity		Monitor only	1 x quarterly	Grab
Total Suspended Solids		Monitor only	1 x quarterly	Grab
Iron		Monitor only	1 x quarterly	Grab
pH		Monitor only	1 x quarterly	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken from the outfall pipe prior to discharge to Shade Brook.

2. Special Conditions:

- a. Based on the results of the monitoring results specified in Condition I.A.1 above or any other analyses conducted on this discharge, the Agency may amend this permit to require additional effluent monitoring and/or include numerical effluent limitations.
- b. The permittee shall inspect the area downgradient of the outfall regularly for signs of erosion. The permittee shall take prompt action to correct any erosion from this discharge.
- c. This discharge shall not cause or contribute to a violation 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 31, 2019**.

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 the 40 C.F.R. Part 136.

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 (WR-43) or other reporting form approved by the Secretary. 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 Secretary;
- 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 or measurements;
- b. The individual(s) who perform the sampling or measurements;
- c. The dates and times the analyses were performed;
- d. The individual(s) who performed the analyses;
- 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;
- 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 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 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 Secretary 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 Secretary of any planned changes in the 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, or
- 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 Secretary in this permit; or
- e. 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 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.

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 analyze any additional samples as may be required by the Secretary 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, an 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 Secretary 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 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 Secretary 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 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 Secretary 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 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 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 **at least 30 days in advance of the proposed transfer date**. The notice to the Secretary 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 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.”

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; and
- 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 Secretary, within a reasonable time, any information which the Secretary 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 Secretary 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.), "Power Failure" (Section II.A.10.), and "Emergency Pollution Permits" (Section II.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. 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 Secretary, 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.

III. ADDITIONAL CONDITIONS**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 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 a treatment facility.

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.

Department – The Vermont Department of Environmental Conservation.

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 the 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 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.

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; u.11/2014

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

FACT SHEET

June 2015

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

PROJECT ID NO.: NS10-0003

NPDES NO: VT0001384

PERMIT NO.: 3-1532

NAME AND ADDRESS OF APPLICANT:

Imerys Talc Delaware, Inc.
73 East Hill Rd
Ludlow, VT 05149

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

Former "Hamm Mine"
White Road
Windham, VT

RECEIVING WATERS AND CLASSIFICATION: Shade 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 has applied to the Vermont Department of Environmental Conservation for a renewal of a permit to discharge into the designated receiving water. The facility is engaged remediation activities at a former talc mine. The discharge is from the former "Hamm Mine" to Shade Brook.

II. Description of Discharge

This permit authorizes the discharge of treated seepage and stormwater that has accumulated in the former mine pit. The treatment system consists of a settling (in the pit) and ferric sulfate injection treatment system for arsenic removal 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

Imerys Talc Delaware operates a remediation system at the “Hamm Mine”, a former talc mine in Windham, VT. The “Hamm Mine” has been inactive for many years and seepage water and stormwater runoff accumulate in the open pit and must be controlled to prevent down gradient erosion. In addition high concentrations arsenic, which naturally occurs in talc formations in Vermont, has been detected in the accumulated water.

In order to control the pool level in the pit and treat the discharge, the water level in the pool is regulated by an outlet siphon and ferric sulfate injection system. As dictated by the water level in the pit, the excess water is conveyed via the siphon system to a ferric sulfate treatment system for arsenic removal. The treated water is then conveyed via ~1400 feet of pipe and discharged into Shade.

In 2010, Imerys Talc Delaware was issued a permit for this discharge and on February 15, 2015 Imerys applied for renewal of their permit. Having completed its review of the application, the Department has made a determination to reissue a discharge permit for this discharge.

Effluent Limitations

Flow

Due to the seasonal variation of the discharge, this draft permit includes a “monitor only” flow requirement. Flow monitoring is required daily. These requirements are unchanged from the permit that currently authorizes this discharge. Based on the data collected during the past permitting period, flows ranged from 0 to 360,000 gpd and is directly correlated to groundwater levels and precipitation events. The high flows occurred during spring conditions and there were times when no discharges occurred due to prolonged dry conditions.

Arsenic

The draft permit contains a “monitor only” requirement for arsenic. Sampling is required once per quarter. This requirement is unchanged from the permit that currently authorizes this discharge. Based on data collected during the past permitting period, effluent arsenic ranged from 0 to 0.008 mg/l. During this time period background conditions in Shade Brook ranged from 0.004 to 0.011 mg/l due to the natural geologic.

Turbidity

The draft permit contains a “monitor only” requirement for turbidity. Sampling is required once per quarter. This requirement is unchanged from the permit that currently authorizes this discharge. Based on data collected during the past permitting period, effluent turbidity ranged from 0 to 15 NTU and was correlated to periods of heavy precipitation.

Total Suspended Solids

The draft permit contains a “monitor only” requirement for totals suspended solids (TSS). Sampling is required once per quarter. This requirement is unchanged from the permit that currently authorizes this discharge. Based on data collected during the past permitting period, effluent TSS ranged from 0 to 75 mg/l and was correlated to periods of heavy precipitation.

Iron

The draft permit contains a “monitor only” requirement for iron. Sampling is required once per quarter. This additional monitoring requirement has been added to confirm that this discharge will not contribute excessive concentrations of iron to the receiving water.

pH

The draft permit contains a “monitor only” requirement for pH. Sampling is required once per quarter. This requirement is unchanged from the permit that currently authorizes this discharge. Based on data collected during the past permitting period, effluent pH ranged from 6.9 to 8.1 S.U.

Additional Conditions

The following conditions have been included in the draft permit.

Condition I.A.2.a. allows the Agency to reopen this permit based on the results of the monitoring results discussed above or any other analyses conducted on this discharge and require additional effluent monitoring and/or include numerical effluent limitations.

Condition I.A.2.b requires the permittee to inspect the area downgradient of the outfall regularly for signs of erosion and promptly correct any erosion from this discharge.

These conditions are unchanged from the permit that currently authorizes this discharge.

VI. Procedures for Formulation of Final Determinations

The public comment period for receiving comments on this draft permit is June 8, 2015 through July 8, 2015 during which time interested persons may submit their written views on the draft permit.

All written comments received by 4:30 PM on July 8, 2015, 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/html/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

The complete application, draft permit, and other information are on file and may be inspected at the VTDEC, Watershed Management Division, Montpelier, VT. 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.

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

NOTICE: Draft Discharge Permit

PUBLIC NOTICE NUMBER: 3-1532

PUBLIC COMMENT PERIOD: June 8, 2015 through July 8, 2015.

PERMITTEE INFORMATION

PERMITTEE: Imerys Talc Delaware, Inc.
73 East Hill Road
Ludlow, VT 05149

PERMIT NUMBER: 3-1532

DISCHARGE INFORMATION

NATURE: Treated accumulated mine seepage water and stormwater

VOLUME: Unspecified - due to natural variation

RECEIVING WATER: Shade Brook

EXPIRATION DATE: June 30, 2020

DESCRIPTION: This is a draft discharge permit proposed for issuance to Imerys Talc Delaware, Inc. for the discharge of treated accumulated mine seepage water and stormwater from remediation activities at the former "Hamm Mine", White Road, Windham, Vermont to Shade Brook. This is the renewal of 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) 828-1535; 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 8, 2015**.

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 submit the Notice of Appeal and include the applicable the 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 the permit involved in the appeal.

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

For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is: 32 Cherry Street 2nd Floor, Suite 303; Burlington, VT 05401. Phone: 802-951-1740; Fax: 802-657-4292.

David K. Mears, Commissioner
Department of Environmental Conservation