

Party Status Petition

To: Natural Resources Board
District 7 Environmental Commission

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From: MRC de Memphrémagog
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This is a petition for party status on Application #7R0841-12, for the proposed increase in the waste acceptance rate at the solid waste landfill located on Airport Road in Coventry, Vermont, on **Criteria 1, 1B, 3 and 7**.

I. Description of the MRCM and its members

The creation of regional county municipalities (MRCs) was authorized by a legislative act of the Quebec government in 1979. Roles of the MRCs include the preparation and application of land use and development plans, the planning and management of regional infrastructures including public drinking water supplies and the management of watercourses under its jurisdiction. The MRCs are managed by a council made up of the mayor of each municipality and other appointed representatives as specified in the original enabling legislation.

The MRC de Memphrémagog (MRCM) is composed of 17 municipalities, of which six border lake Memphremagog. MRCM has a very distinct and important role concerning the Lake. In 1989, the governments of Quebec and Vermont signed an Environmental Cooperation Agreement on Managing the Waters of Lake Memphremagog. In September 1995, the MRCM adopted its first environmental action plan, which identifies the management of landfill sites as one of the major areas of concern with respect to maintaining water quality. Lake Memphremagog is used as a drinking water source for over 150 000 people, including citizens of the City of Magog and the City of Sherbrooke. There are 8 public water intakes, completed by an important number of privately owned water supply. Therefore, preservation and protection of water bodies that serve as public drinking water sources have always been identified as a priority by the Council of the MRCM.

MRCM was granted party status in the 2004 proceedings concerning the Phase IV expansion of the Coventry landfill. MRCM actively participated and provided expert testimony on water quality issues, and was instrumental in the development of many conditions required in the permit, including the establishment of a post-post closure fund.

II. Potential impacts

The NEWS-Vt Coventry landfill produces leachate, which is pumped and stored in onsite tanks, then transported to different municipal wastewater treatment facilities (WWTF) in accordance with ANR certifications and permits.

The facts #132 and 133 in the *Findings of Fact and Conclusions of Law and Order #7R0841-8*, related to the construction of Phase IV and issued by the District Environmental Commission # 7 on November 2004, addressed concerns about lake water contamination risk by leachate:

- 132 *The principal contamination risk of Lake Memphremagog's water quality stem from the contaminant contributions contained in the leachate.*
- 133 *The contaminants in the leachate could reach the lake by the following ways:
(...) The disposal of leachate at the Newport municipal wastewater treatment plant*

Related to these findings of fact, the Commission addressed the condition #25 in the Land Use Permit Amendment # 7R0841-8: *"Permittee shall not dispose of landfill leachate at the Newport waste water treatment facility or anywhere within the watershed of Lake Memphremagog within five years of issuance of this permit (...)"*.

Since November 2010, the treatment of 15 000 gallons of leachate per day has been authorized by ANR in the Newport WWTF, where the effluent is rejected in the Clyde River, about 1900 feet upstream of lake Memphremagog. **From the MRCM's point of view and considering the need for precaution, the fate of leachate contaminants treated through the municipal WWTF is unknown.** By increasing the daily and annual tonnage of trash accepted in the landfill, short and midterm increases of leachate amounts to be treated can be expected.

The release of pollutants in the Lake could directly and substantially impact the MRCM and its members in a number of ways, including: (i) impacts to the local economy through a decline in regional tourism; (ii) putting drinking water supplies, and thus human health, at risk; and (iii) increased monitoring and/or treatment costs of the water supplies.

In light of MRCM's demonstrated interest in maintaining the water quality in the Lake and based on the authorized treatment of leachate at the Newport WWTF, MRCM seeks party status¹ under a number of criteria² that are interrelated for this project:

- Criterion 1 and 1B – will the project potentially cause undue surface or groundwater pollution;
- Criterion 3 – will the project potentially cause unreasonable burdens on an existing water supply;
- Criterion 7 – will the project potentially cause Lake pollution, unreasonably and unnecessarily endanger the public investment in water supply facilities and recreational facilities maintained or managed by the MRCM or its members, or unreasonably burden MRCM or its members ability to provide water supply services.

At this point, the MRCM has concerns about the project, mainly because an increase of landfill-produced leachate is anticipated. MRCM refers to the need for precaution and asks that the treatment of leachate at the Newport WWTF is to be held off until the fate of contaminants through the treatment has been studied and the demonstration has been made by the applicant that the existing water supply is not threatened.

¹ 10 V.S.A. §6085 (c)(1)(E)

² list of Act 250 Criteria :www.nrb.state.vt.us/lup/manual.htm