

STATE OF VERMONT

SUPERIOR COURT

**ENVIRONMENTAL DIVISION
Docket No.**

**SECRETARY, VERMONT
AGENCY OF NATURAL RESOURCES,
Plaintiff**

v.

**NEW ENGLAND WASTE SERVICES
OF VERMONT, INC. and
COVENTRY CLEAN ENERGY
CORPORATION,
Respondents.**

VIOLATIONS

1. Air Pollution Control Permit to Construct and Operate #AOP-17-018, Condition 28:
Exceedance of SO₂ limits.
2. Air Pollution Control Permit to Construct and Operate #AOP-18-019, Condition 18:
Exceedance of SO₂ limits.

ASSURANCE OF DISCONTINUANCE

Pursuant to the provisions of 10 V.S.A. § 8007, the Secretary (Secretary) of the Agency of Natural Resources (Agency) and New England Waste Services of Vermont, Inc. and Coventry Clean Energy Corporation (Respondents) hereby enter into this Assurance of Discontinuance (Assurance), and stipulate and agree as follows:

STATEMENT OF FACTS AND DESCRIPTION OF VIOLATION

1. Respondent New England Waste Services of Vermont, Inc. (NEWSVT) owns and operates a municipal solid waste landfill (Landfill Operation) at the Coventry Municipal Solid Waste Facility located at 21 Landfill Lane, Coventry, Vermont.
2. Respondent Coventry Clean Energy Corporation (CCEC) owns and operates a landfill gas to energy facility (LFGTE Operation) on property leased from NEWSVT at the Coventry Municipal Solid Waste Facility located at 21 Landfill Lane, Coventry, Vermont.

3. The Landfill Operation and the LFGTE Operation are considered a single source of air emissions and are collectively referred to in this Assurance as the “Facility.” Allowable emissions from the Facility are the aggregate emissions from the Landfill Operation and the LFGTE Operation.
4. On August 1, 2018, the Agency issued Title V Air Pollution Control Permit to Construct and Operate #AOP-17-018 to Respondent NEWSVT for the operation of the Landfill Operation.
5. Pursuant to Permit #AOP-17-018, Respondent NEWSVT is responsible for maintaining compliance with all conditions of Permit #AOP-17-018, including the sulfur dioxide (SO₂) emissions limitation.
6. Condition 28 of Permit #AOP-17-018 requires that emissions of SO₂ from the Facility do not equal or exceed 40 tons per rolling 12-month period and requires Respondents to coordinate and document compliance by measuring and recording monthly landfill gas flow and hydrogen sulfide (H₂S) concentration at the Facility.
7. On August 1, 2018, the Agency issued Air Pollution Control Permit to Construct and Operate #AOP-18-019 to Respondent CCEC for the operation of the LFGTE Operation.
8. Pursuant to Permit #AOP-18-019, Respondent CCEC is responsible for maintaining compliance with all conditions of Permit #AOP-18-019, including the SO₂ emissions limitation.
9. Condition 18 of Permit #AOP-18-019 requires that emissions of SO₂ from the Facility do not equal or exceed 40 tons per rolling 12-month period and requires Respondents to coordinate and document compliance by measuring and recording monthly landfill gas flow and H₂S concentration at the Facility.
10. On April 22, 2024, Respondents provided written notice to the Agency’s Department of Environmental Conservation Air Quality and Climate Division (AQCD) that the Facility had exceeded the 40-ton 12-month rolling average for SO₂ emissions in March 2024, with a rolling 12-month average of 46.4 tons.
11. Respondents reported taking immediate steps to reduce SO₂ emissions, including implementing measures to reduce H₂S levels in the landfill gas stream.
12. On May 20, 2024, Respondents provided written notification to the AQCD that the Facility had exceeded the 40-ton 12-month rolling average for SO₂ emissions in April 2024, with a rolling 12-month average of 49.3 tons.

13. Following the exceedance, the Respondents reported taking measures to reduce H₂S levels in the landfill gas stream and associated SO₂ emissions, including implementing interim controls while pursuing a permanent H₂S treatment system.
14. On June 4, 2024, the AQCD issued a request for information pursuant to §5-402 of the Air Pollution Control Regulations requiring Respondents to submit monthly data reports regarding the Facility's SO₂ emissions, landfill gas flow, and H₂S concentration to monitor the Facility's progress in reducing H₂S concentrations and associated SO₂ emissions.
15. Also on June 4, 2024, the Agency issued a Notice of Alleged Violation (NOAV) for violations of Condition 28 of Permit #AOP-17-018 and Condition 18 of Permit #AOP-18-019. The NOAV directed Respondents to continue taking measures to reduce H₂S in the landfill gas stream, consult with the AQCD regarding the permit violations, and provide the Agency with updates regarding the installation and operation of GAC treatment vessels, the efficacy of H₂S treatment canisters installed at wellheads, and the construction and anticipated completion of a long-term H₂S treatment system.
16. On July 18, 2024, Respondents notified the AQCD that the Facility's 12-month rolling SO₂ emissions for June 2024 were 44.7 tons, exceeding the 40-ton permit limit. Respondents also reported revised 12-month rolling SO₂ emissions of 46.6 tons for March and 49.6 tons for April, and they disclosed that the Facility exceeded the emissions limit in May with 47.0 tons. Respondents reported that temporary H₂S treatment had reduced H₂S concentrations to 25 ppmv in June and that the planned BioSpark treatment system was anticipated to be operational in August 2024.
17. On August 13, 2024, Respondents provided the AQCD with the monthly landfill gas data requested by the Agency. Respondents reported that the Facility's 12-month rolling SO₂ emissions for July 2024 were 42.2 tons, continuing to exceed the 40-ton permit limit. Respondents also reported that H₂S concentrations averaged 48 ppmv following treatment in July.
18. On September 10, 2024, Respondents provided the AQCD with the monthly landfill gas data for August 2024. Respondents reported that the Facility's 12-month rolling SO₂ emissions had decreased to 39.99 tons, below the 40-ton permit limit.
19. On October 8, 2024, Respondents reported that the Facility's 12-month rolling SO₂ emissions for September 2024 were 38.3 tons, and on November 12, 2024, Respondents reported that the

Facility's 12-month rolling SO₂ emissions for October 2024 were 37.2 tons, both below the 40-ton permit limit.

20. The Facility has remained in compliance with the 40-ton-per-year SO₂ limit since August 2024, and there are no outstanding compliance directives from the June 4, 2024 NOAV.
21. Respondents admit the factual findings described above, solely for purposes of resolving this case.
22. The Agency alleges that the above conduct constitutes violations of Condition 28 of Permit #AOP-17-018 and Condition 18 of Permit #AOP-18-019.

AGREEMENT

Based on the foregoing Statements of Facts and Description of Violation, the parties agree as follows:

- A. For the violations described above, Respondents shall pay a total penalty of \$9,000.00.

Payment shall be made by either:

1. Check made payable to the "Treasurer, State of Vermont" and forwarded to:

Administrative Services Coordinator
Environmental Compliance Division - Enforcement
Agency of Natural Resources
1 National Life Drive, Davis 3
Montpelier, VT 05620-3803

Or

2. Credit card or electronic check payment through the Agency's online system at:

https://anronline.vermont.gov/?formtag=ANR_EnforcementPenaltyPayment

Payment shall be received no later than thirty (30) consecutive calendar days following the date this Assurance is entered as an Order by signature of the Superior Court, Environmental Division (effective date).

- B. Without formally admitting or denying wrongdoing or liability, Respondents agree to this settlement of the violations alleged above in order to resolve all outstanding disputes.
- C. Respondents agree that the violations alleged are deemed proved and established as a “prior violation” in any future state proceeding that requires consideration of Respondents’ past record of compliance, such as permit review proceedings and calculating civil penalties under 10 V.S.A. §8010.
- D. Nothing in this Assurance shall be construed as having relieved, modified, or in any manner affected the Respondents’ on-going obligations to comply with all other federal, state, or local statutes, regulations or directives applicable to the Respondents in the operation of their businesses.
- E. This Assurance shall become effective only after it is signed by all parties and entered as an order of the Superior Court, Environmental Division. When so entered by the Superior Court, Environmental Division, this Assurance shall become a judicial order. In the event that such order is vacated, this Assurance shall be null and void.
- F. Respondents shall not be liable for additional civil or criminal penalties with respect to the specific facts described herein occurring before the effective date of this Assurance, provided that Respondents fully comply with the agreements set forth herein.
- G. This Assurance sets forth the complete agreement of the parties, and it may be altered, amended, or otherwise modified only by subsequent written agreements signed by the parties hereto, or their legal representatives, and incorporated in an order issued by the Superior Court, Environmental Division. Alleged representations not set forth in this Assurance, whether written or oral, shall not be binding upon any party hereto, and such alleged representations shall be of no legal force or effect.
- H. Any violation of the agreements set forth herein will be deemed to be a violation of a judicial order, and may result in the imposition of injunctive relief and/or penalties, including penalties set forth in 10 V.S.A., Chapters 201 and/or 211.
- I. This Assurance is subject to the provisions of 10 V.S.A. §§ 8007 and 8020.

SIGNATURES

The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted. Further, I, Samuel C. Nicolai, the undersigned, hereby state under oath that I am an Authorized Representative of New England Waste Service of Vermont, Inc., that I have the power to contract on behalf of that entity, and that I have been duly authorized to enter into the foregoing Assurance of Discontinuance on behalf of that entity.

Dated at Rutland, Vermont, this 3rd day of September 2026.

New England Waste Service of Vermont, Inc.

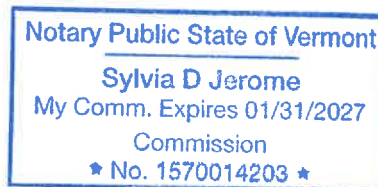
By: [Signature]

New England Waste Service of Vermont, Inc.,
Authorized Representative

STATE OF Vermont
COUNTY OF Rutland, SS.

At Rutland (town/city), Vermont (state), this 3rd day of September, 2026, the above signatory personally appeared, signed, and swore to the foregoing, before me,

[Signature]
Notary Public State of Vermont
Printed Name Sylvia D. Jerome
Commission No. _____
My Commission Expires _____



The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.
Further, I, Louis Porter, the undersigned, hereby state under oath that I am an Authorized Representative of Coventry Clean Energy Corporation, that I have the power to contract on behalf of that entity, and that I have been duly authorized to enter into the foregoing Assurance of Discontinuance on behalf of that entity.

Dated at East Montpelier, Vermont, this 2 day of September 2026.

Coventry Clean Energy Corporation

By: [Signature]

Coventry Clean Energy Corporation,
Authorized Representative

STATE OF Vermont
COUNTY OF Washington, SS.

At East Montpelier (town/city), Vermont (state), this 2 day of September, 2026, the above signatory personally appeared, signed, and swore to the foregoing, before me,

[Signature]

Notary Public State of Vermont
Printed Name Dawn Ruth Johnson
Commission No. 157.0003455

My Commission Expires

January 31, 2027



The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.

Dated at Montpelier, Vermont, this 24th, day of September 2026.

SECRETARY, AGENCY OF NATURAL RESOURCES

By: 
Misty Sinsigalli, Commissioner
Department of Environmental Conservation