



Vermont Agency of Natural Resources
Department of Environmental Conservation

Solid Waste Management Program

SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

OWNER/OPERATOR:

New England Waste Services of Vermont, Inc.
25 Greens Hill Lane
Rutland, VT 05702

SOLID WASTE IDENTIFICATION NUMBER: OL510

ANR PROJECT IDENTIFICATION NUMBER: SJ91-0001

LOCATION:

21 Landfill Lane, Coventry, Vermont

LANDOWNER:

New England Waste Services of Vermont, Inc

PURPOSE AND DESCRIPTION:

Continued landfilling operations in Phases I, II, III, and IV of the lined landfill. Construction and operation of the Phase VI landfill area. Continued operation of other non-disposal solid waste management components including: on site environmental monitoring of the site; operation of the residential drop-off for solid waste and recyclable materials; collection of used motor oil; collection and storage of leaf and yard waste; collection and storage of waste tires; collection and transfer of food residuals, and a staging area for approved household hazardous waste and conditionally exempt generator hazardous waste collection events. Post-closure maintenance and monitoring of closed, unlined landfill areas A and B.

APPLICATION REVIEW:

The application for re-certification of existing Phases I-IV and certification for future Phase VI was received by the Solid Waste Management Program (Program) on March 31, 2017. The application was reviewed in accordance with the Waste Management Act, 10 V.S.A. §6601 et seq., with the Solid Waste Management Rules, (eff. March 15, 2012) (Rules), and applicable Solid Waste Management Procedures (Procedures). The application is on file in the office of the Program in Montpelier, Vermont and at the Town Clerk's office in the Town of Coventry and online at <https://anrweb.vt.gov/DEC/ERT/SolidWaste.aspx?SWFacID=OL510>

CERTIFICATION PERIOD:

Date of Signature to _____ 2028

FINDINGS

- a. The existing facility consists of the operating solid waste management components listed in the Purpose and Description above. These components and the construction and operation of Phase VI are hereinafter referred to as the Facility.
- b. The Facility began operations in 1992 and has continued operations as a discrete landfill disposal site since that time. The Agency has issued several certifications since 1992 to New England Waste Services of Vermont, Inc. (NEWSVT) authorizing the operation of the existing Facility.
- c. On March 31, 2017, the Agency received an application for re-certification from NEWSVT that requests continued operation of Phases I, II, III and IV units of the landfill. The application also requests the ability to construct and operate Phase VI.
- d. The Facility is located west of Airport Road on Landfill Lane in Coventry, Vermont at 72°13' 32" West and 44°54' 37" North.
- e. A copy of the complete application for re-certification was provided to the Town of Coventry on March 31, 2017, in compliance with 10 V.S.A. § 6605(f).
- f. On April 13, 2017, the Agency determined that the Application was administratively complete and that the application was both timely and sufficient. Under the provisions of 3 V.S.A. § 814, the Amended Certification dated June 29, 2016, will not expire until the Agency makes a final determination on this application for re-certification and expansion.
- g. On April 13, 2017 the Agency determined the application to be technically incomplete. The application did not contain sufficient information pertaining to the groundwater quality and surface water quality at the site.
- h. Pursuant to the requirements of § 6-305(a)(2) of the Rules, NEWSVT implemented the Notice of Application Plan and published a notice of application in *The Chronicle* and the *Newport Daily Express* on April 19, 2017.
- i. Pursuant to 10 V.S.A. § 6605(c), the Secretary finds that the Facility is included in the Town of Coventry Solid Waste Implementation Plan, approved by the Department on May 9, 2016.
- j. Based on an evaluation of the information submitted by NEWSVT, the Secretary has found that:
 - 1. NEWSVT, Inc. and any person required to be listed on the disclosure statement pursuant to 10 V.S.A. § 6605f(b)(1), have not been convicted of any of the disqualifying offenses set forth in that subdivision within the ten (10) years preceding the date of application; and that
 - 2. NEWSVT, Inc. and any person required to be listed on the disclosure statement pursuant to 10 V.S.A. § 6605f(b)(1) have not committed more than one (1) violation of environmental statutes, rules, orders, certifications or permits issued by any jurisdiction, which have the potential to significantly harm the public health, public safety or the

environment, giving due consideration to the size and scope of the applicant's business operations.

- k. Based on the information in the application and Facility operation and performance, the Secretary has determined that the Facility is capable of operating at a maximum operating capacity of up to 600,000 total tons of solid waste per year and up to 5,000 total tons of solid waste per day. NEWSVT submits an annual application fee of \$187,500 that corresponds to an operating capacity of 250,000 total tons of solid waste per year and 5,000 ton per day. The operating capacity at the time this certification is issued is limited to 250,000 tons per year and 5,000 tons per day until the additional application fees are submitted and written authorization issued. The operational capacity is set forth in Appendix A, Material Acceptance and Storage Limitations.
- l. The Secretary will administratively increase the tonnage of solid waste to be managed by the facility up to the maximum operating capacity of 600,000 total tons of solid waste per year upon written request and submittal of additional application fees. No formal amendment or public process will be required. A request to increase the tonnage of solid waste beyond the maximum operating capacity will require an amendment of this certification in accordance with §6-305 of the Rules.
- m. NEWSVT submitted Closure and Post-Closure plans for the Facility in accordance with Subchapter 10 of the Rules. The Closure and Post-Closure plans for the Facility are in compliance with the requirements of the Rules and applicable Solid Waste Management Procedures.
- n. NEWSVT established a Surety Bond with Evergreen National Indemnity Company # 850689 in the amount of \$11,340,614.51 for closure of the Facility and Surety Bond # 850688 in the amount of \$6,656,262.65 for post closure of the Facility. The bonds favor the State of Vermont Agency of Natural Resources as the recipient. These Surety Bonds are in conformance with Subchapter 9 of the Rules.
- o. A detailed summary of the re-certification application's compliance with the requirements of applicable Rules and Procedures is in the Fact Sheet issued with the draft certification.
- p. NEWSVT has a contract with Washington Electric Co-op (WEC) to allow WEC to use the landfill gas generated at the NEWSVT as a fuel to produce electricity. The electrical generation power plant consists of a building located at the northeast corner of Phase I that contains engines, turbines or the equivalent to convert landfill gas to energy. Electrical generation is an alternative to combustion of the methane and other landfill gas via a flare system.
- q. The Secretary finds that the requirement of 10 V.S.A. § 1390(5) has been satisfied provided that the Permittee complies with the conditions contained within the Section of this certification entitled "*Releases, Corrective Action, and Continuing Obligations pursuant to 10 V.S.A. § 1390(5).*" This finding has been determined based on the following:
 - 1. The proposed Facility is located in an area that has been designated as Class III groundwater pursuant to 10 V.S.A. § 1394(b) and the Groundwater Protection Rule and Strategy (GWPRS) § 12-401(1). As established in 10 V.S.A. § 1394(a), general industrial and commercial uses are permissible within Class III groundwater areas. As an industrial use the Secretary finds the activity certified herein to be consistent with the groundwater classification.

DRAFT Certification

May 31, 2018

2. Based on the application for certification, the proposed design of the Facility, the nature of the waste disposed of and the comprehensive water quality testing which occurs at the site, the Secretary has determined that activities proposed by this application will not contribute to exceedances of Vermont Groundwater Enforcement Standards at a point of compliance.
- r. On February 21, 2018 the application was determined to be technically complete and that it conforms to the Rules and other applicable statutory and regulatory requirements.
- s. On June 6, 2018, the Program issued a Draft Certification and Fact Sheet.
- t. On _____ 2018, the Program published a notice for a public information meeting and a public comment period to accept public comment on the Draft Certification and Fact Sheet. The notices were published in the Newport Daily Express and the Chronicle on _____. A public information meeting will be held on _____ at 7:00 PM to accept public Comment. The public comment period ends on _____.

CONDITIONS AND REQUIREMENTS FOR CONSTRUCTION AND OPERATION

- 1) The Permittee shall construct, develop, and operate the Facility in accordance with the terms of this Certification and with the applicable provisions of State law, including the Rules. Compliance with this certification does not relieve the Permittee from complying with all applicable local, State, and Federal laws.
- 2) Documents submitted as part of the application are hereby incorporated by reference in this certification. This includes all addendums and revisions made to the following:
 - a) *CERTIFICATION APPLICATION, PHASE VI LANDFILL EXPANSION, New England Waste Services of Vermont, Inc. Landfill, Coventry VT, Volumes 1&2 March 2017 and as revised and dated May 31, 2018.*
- 3) If at any time during the term of this certification the Secretary finds there is no approved solid waste implementation plan for the area in which this Facility is located, or that the solid waste implementation plan for the area in which this Facility is located no longer includes this Facility, this certification will be subject to revocation or suspension under §6-307 of the Rules.
- 4) Additions or alterations to the application documents, including but not limited to construction change orders, must be submitted to and approved by the Secretary prior to implementation. Material or substantial additions or alterations which justify the application of conditions different or absent from this certification will be cause for modification or amendment of the certification.
- 5) The Permittee shall not dispose of any solid waste into any new cell until:
 - a) A registered professional engineer submits certification and as-builts to the Secretary demonstrating that the cell was constructed in accordance with approved plans, specification, construction change order and the requirements of this Certification and Procedures, Policies and the Rules;
 - b) Immediately before initial waste placement within a cell, a registered professional engineer submits certification to the Secretary that the cell is in full compliance and certified for waste acceptance; and
 - c) The Permittee has notified the Secretary in writing with an anticipated date of waste placement into the new cell.
 - d) The Permittee has decommissioned any potable water supply wells consistent with Subchapter 5 of the Rules.
- 6) The Permittee shall install markers indicating the edge location of the subsurface liner system. The limit of waste markers shall remain and be replaced as needed until final closure of the Facility.
- 7) The Permittee shall ensure the preservation and maintenance of a double-liner system for the containment of solid waste at all times during construction, operation, closure and post-closure.
- 8) The Permittee shall maintain an approved financial responsibility instrument pursuant to Subchapters 9 and 10 of the Rules; with § II(A) of the *Procedure Addressing Closure Cost Estimates for Solid Waste Landfills*;

and, with § II(C) of the *Procedure Addressing Post-Closure Care and Post-Closure Certification of Solid Waste Landfills*, both dated February 8, 1999.

- 9) The Permittee shall maintain a valid pretreatment discharge permit from the VTANR Wastewater Management Division for leachate generated by the landfill.
- 10) The Permittee shall have access to weather monitoring station within three miles of the Facility. The weather station shall report live data as well as two weeks of archived data. Data shall include wind speed and direction, temperature and precipitation at a minimum.
- 11) The Permittee shall maintain an up-to-date copy of the Facility Management Plan and this certification, including all revisions and amendments at the Facility in a location readily accessible to Facility personnel.
- 12) If the Facility is unable to perform regular operations or manage solid waste in accordance with this Certification or the Rules, the Permittee shall implement any or the entire approved contingency plan to ensure proper management of wastes or recyclable materials.
- 13) On or before **April 1, 2019** and annually each certification year, the Permittee shall remit to the Secretary the annual application fee equal to the annual operating capacity in accordance with 3 V.S.A. § 2822. If the Permittee does not remit the required annual application fee, this certification will be subject to revocation or suspension under §6-307 of the Rules.
- 14) On or before **February 1, 2019** and annually thereafter, the Permittee shall adjust the closure and post-closure cost estimates for inflation in accordance with § II (A) of the *Procedure Addressing Closure Cost Estimates for Solid Waste Landfills* and with § II(C) of the *Procedure Addressing Post-Closure Care and Post-Closure Certification of Solid Waste Landfills*, both dated February 8, 1999.
- 15) The Permittee shall retain a registered engineer to perform an annual inspection of the landfill during the **month of May** each Certification year. The report shall include discussion of:
 - a) Stormwater systems;
 - b) Leachate collection systems;
 - c) Landfill gas collection and control systems;
 - d) Performance and integrity of in-place intermediate cover;
 - e) Performance and integrity of in-place interim cap;
 - f) Performance and integrity of in-place final cap;
 - g) The degree of landfill settlement at areas approaching final grade that has occurred over the past year; and
 - h) Any recommendations identified for improved operations or management of the Facility

MATERIALS MANAGEMENT

- 16) The Facility is certified for a maximum allowable capacity of 5,000 tons of solid waste per day and 600,000 tons of solid waste per year for disposal. The operating capacity at the time this certification is issued is set at 5,000 tons of solid waste per day and 250,000 tons of solid waste per year. The Permittee shall ensure that the amounts of materials accepted and stored or disposed at the Facility do not exceed the amounts listed in the Material Acceptance and Storage Limitations in Appendix A.
- 17) The yearly tonnage acceptance calculation shall begin on **April 1** and end on **March 31** each certification year. Upon written request and submittal of the appropriate additional application fees by the Permittee, the Secretary may authorize increases in the annual operating capacity up to 600,000 tons of solid waste per year. Such increases may be authorized by written approval by the secretary and not by a certification amendment.
- 18) Any request to increase the annual operating capacity in an amount that exceeds the maximum allowable annual capacity of 600,000 tons of solid waste per year or the maximum allowable daily capacity over 5,000 tons of solid waste per day will require the Permittee to apply for an amendment to the Certification pursuant to §6-305 of the Rules.
- 19) Acceptable wastes for disposal in the landfill are limited to municipal solid waste, construction and demolition debris (C&D), de-watered sludge or biosolids, and any other non-hazardous waste which is not prohibited by Conditions 20, 21 and 25.
- 20) The disposal of regulated hazardous waste is prohibited. Hazardous waste determinations are conducted pursuant to Subchapter 2 of Vermont's Hazardous Waste Management Regulations. It is the responsibility of the Permittee to ensure that all wastes disposed of are not regulated hazardous wastes.
- 21) The Facility shall ensure that all wastes prohibited for disposal pursuant to 10 V.S.A. § 6621a are not knowingly disposed of at the Facility.
- 22) For the purposes of this certification the following definitions shall apply:
 - a) "Implemented Waste" means all solid waste which originates from a municipality which manages waste in accordance with a solid waste implementation plan approved by the Secretary;
 - b) "Non-Implemented Waste" means all solid waste which originates from a municipality that does not have a solid waste implementation plan approved by the Secretary; and
 - c) "Approved Solid Waste" means if waste delivered from a municipality that does not have an approved implementation plan, leaf and yard residuals shall be removed from the waste stream, and 100 percent of each of the following shall be removed from the waste stream: mandated recyclables, hazardous waste from households and hazardous waste from small quantity generators. Approved Solid Waste shall be approved by the Secretary in writing.
 - d) "Approved Processed Construction and Demolition Debris" is waste that meets the requirements of Condition 23 and 25.

- e) "Approved Material Recovery Facility Residuals" means waste accepted in accordance with 10 V.S.A. § 6605(b)(3)(B). Processed residuals from a non-implemented material recover facility need not remove 100 percent of mandated recyclables, if the disposal facility submits a plan demonstrating that mandated recyclables have been removed to the maximum extent practicable and has been approved in writing by the Secretary.
 - f) "Approved Special Waste" means non-implemented contaminated waste, with the presence of hazardous materials. To be approved for disposal, the facility must demonstrate that this waste is not considered regulated hazardous waste pursuant to Subchapter 2 of the Vermont Hazardous Waste Management Regulations and obtain written approval from the Secretary for disposal.
- 23) The Permittee shall provide the following information when making a request for approval of the disposal of Processed Construction and Demolition Debris or Material Recovery Facility Residuals: The location of the processing facility; a copy of any solid waste facility certification that the processing facility holds; a narrative description of the processing that takes place at the facility, including specific information on how Vermont landfill banned materials are removed; a certification that the process residual is solely construction and demolition debris or material recovery facility residuals and the process residual contains no municipal solid waste; and a certification that mandated recyclables, hazardous wastes, and yard wastes have been removed to the greatest extent practicable from the processing residual.
- 24) The Permittee shall provide the following information when making a request for approval of Special Wastes: The origination location of the materials, the owner of the materials, a brief history and description of the origination site or materials, duration of the project, a copy of sufficient analytical data demonstrating that the material is not a regulated hazardous waste and a narrative describing that the material is uniform and consistent such that the analytical data provided is representative of the materials to be disposed, safety data sheets, if applicable, and an estimated amount of material.
- 25) The Permittee shall not accept for disposal at the Facility Non-Implemented Waste. The Permittee may accept Approved Solid Waste and Approved Processed Construction and Demolition Waste, Approved Material Recover Facility Residuals and Approved Special Waste only in accordance with the standards set forth in the Secretary's written approval for each particular waste type.
- 26) The Permittee shall post clearly visible and understandable signs at the Facility, providing notice of the prohibited disposal and combustion of mercury-added products and provide customers information about collection programs and facilities that are permitted to accept mercury-added products.
- 27) The Permittee shall not knowingly dispose recyclable materials previously source separated by the hauler or the commercial or residential customer without approval by the Secretary.
- 28) The Permittee shall ensure that all solid waste disposed in the landfill complies with the liquid waste disposal criteria included in the Agency's *Procedure Addressing Liquid Waste Disposal Restrictions in Municipal Solid Waste Landfills*, dated February 8, 1999.
- 29) Materials processed at the Facility for beneficial use shall be processed within the lined portion of the Facility.

- 30) The Permittee shall conduct random inspections of incoming loads of solid waste and manage wastes removed in accordance with Section 4.0 of the Facility Management Plan (FMP). Copies of the inspection reports shall be available at the Facility for review by the Secretary.
- 31) In the event of a gubernatorial State of Emergency, and/or with the written notification by the Secretary, the Facility may perform as a Temporary Debris Storage and Reduction Sites (TDSRS) as identified in the *State of Vermont Emergency Operations Plan, Support Annex 6, Debris Management*. Daily and yearly tonnage limitations shall be raised or waived by the Secretary during the term of the Emergency. The Permittee shall ensure that during TDSRS operations:
- a) Sufficient and qualified personnel shall be retained and on-site, and all shall have access to personnel protective equipment as necessary;
 - b) Sufficient equipment and resources to manage the incoming waste shall be secured and employed;
 - c) Access controls and security measures shall be established;
 - d) Debris monitoring shall be performed;
 - e) Signage indicating types of waste accepted, hours of operation, and other pertinent information shall be displayed;
 - f) All practicable steps shall be taken to prevent spills, nuisance dust, vectors, windblown debris, odors, or emissions or discharge of contaminants;
 - g) Stormwater controls are in place and maintained;
 - h) The quantity and quality of disaster debris, identified by type of waste is recorded; and
 - i) The sources (by municipality) of all solid wastes delivered to the Facility is recorded.

The duration of TDSRS status shall be limited by the Secretary. Unless otherwise defined, TDSRS status will terminate one year from the date of a federal disaster declaration.

SITE MANAGEMENT

- 32) The Permittee may accept solid waste between the hours of 6:00 AM to 5:00 PM Monday through Friday, and between the hours of 6:30 AM to 4:00 PM on Saturdays. All other routine landfill operations, such as inspections, maintenance, repairs, monitoring and application of daily cover will be conducted as necessary to comply with the certification. The Facility's operational hours for accepting solid waste and other routine landfill operations may be expanded for periods of limited duration without amendment to this Certification upon written approval from the Secretary upon a showing of need. Such a showing shall include special events such as Green-Up day, a natural disaster, or other unforeseen circumstances that are outside of the control of the Permittee.
- 33) Access control to the Facility is provided by a locking gate at the access road and a perimeter fence. The gate shall remain locked when the Facility is not staffed, and perimeter fencing shall be maintained to prevent unauthorized access.
- 34) The depth of leachate shall not exceed twelve inches at any location on the primary liner, except following a 25-year/24 hour or greater storm event. Following such a storm event, leachate may be stored on the liner in excess of twelve inches for a maximum of five days.
- 35) Leachate collection tanks shall be managed in accordance with Sections 5.1, 5.2, 5.3 and 5.4 of the FMP.

- 36) The Permittee shall comply with the run-on and run-off control system requirements included in the Agency's *Procedure Addressing Requirements for Run-On/Run-Off Control Systems for Municipal Solid Waste Landfills*, dated May 27, 1994.
- 37) The Permittee shall operate the landfill with personnel and equipment requirements identified in Section 3.11 of the FMP. Alternative power supplies shall also be maintained at the facility sufficient to operate ongoing leachate and gas management activities.
- 38) The Permittee shall cover all exposed waste with soil or an approved daily cover material at the end of each operating day, or at more frequent intervals if necessary, to control disease vectors, fires and odors, to prevent blowing litter and to discourage scavenging by animals, as outlined in Section 3.9 of the Facility Management Plan.
 - a) When earthen material is used it shall be a minimum thickness of six inches.
 - b) Upon written request, the Secretary may grant the Permittee approval in writing for the use of an alternative daily cover material, in accordance with the Agency's *Procedure for Approval of Alternative Daily Cover at Solid Waste Facilities*, dated February 8, 1999.
 - c) Application of alternative daily cover shall be used as a means to achieve the minimum performance standards equivalent to that of six inches of soil and shall not be used as a means of disposal.
- 39) The Permittee shall inspect for and collect litter at and around the Facility daily. The Permittee shall collect litter along both sides of Airport Road between the Route 5 intersection and Laramee Road on a weekly basis or more, as needed.
- 40) The Permittee shall require that all waste hauling vehicles leaving the Facility are properly cleaned to prevent off-site litter, odor and debris.
- 41) The Permittee shall operate the facility in a manner consistent with preventing nuisance off-site odors.
- 42) If any monitoring well established as part of the approved water quality monitoring program is destroyed or rendered unusable, the Permittee shall replace those monitoring well(s) in accordance with the Agency's *Procedure Addressing Groundwater Quality Monitoring and Responses When A Groundwater Standard is Reached or Exceeded at Municipal Solid Waste Landfills*, dated February 8, 1999 (Groundwater Procedure).
- 43) In the event of an unplanned temporary shutdown of the Facility, the Permittee shall notify the Program. The Permittee may construct and operate the contingency transfer station as described in Section 12 of the FMP.
- 44) Electric generation operations shall not interfere with landfill construction, operation, closure and post closure. Any landfill gas that is not used or otherwise destroyed in the production of electricity must be destroyed using a flare or equivalent. The Permittee is ultimately responsible for managing the landfill gas collection system and for the proper destruction of landfill gas.

RESIDENTIAL DROP-OFF MANAGEMENT

Solid Waste

- 45) All solid waste shall be transported to a certified treatment or disposal facility on a schedule adjusted to minimize odors from waste.
- 46) All solid waste shall be stored in containers, except as otherwise specified herein for specific wastes.
- 47) The Permittee shall ensure that the Facility is managed to minimize the possibility of an emission or discharge of contaminants from the containers.

Recyclable Materials

- 48) In accordance with §10 V.S.A 6605(j)(1), the Permittee shall offer parallel collection for mandated recyclables.
- 49) Materials may be dispersed by wind shall be inside buildings or other roofed structures, in box trailers, or other closed containers.

Lead Acid Batteries

- 50) All lead acid batteries shall be stored undercover on an impervious surface.
- 51) The Permittee shall maintain at all times, a supply of absorbent materials and acid neutralizers sufficient to clean up a spill of up to one-gallon of battery acid solution.
- 52) All batteries shall be transported off site in accordance with all applicable Federal and State hazardous materials transport regulations.

HHW/CEG Collection Events

- 53) This Facility is authorized to accept hazardous wastes from households (HHW) and hazardous waste from conditionally exempt generators (CEG) during scheduled collection events. Collection events shall be conducted pursuant to the requirements in § 6-1206(d) of the Rules.

Tires

- 54) No more than 800 tires may be stored uncovered at the Facility at any time.

Leaf and Yard Waste

- 55) In accordance with §10 V.S.A 6605(j)(2), the Permittee shall offer parallel collection for leaf and yard waste at the Facility.

Food Residuals

- 56) In accordance with §10 V.S.A 6605(j)(3), the Permittee shall offer parallel collection for food residuals (organics) at the Facility.
- 57) All food residuals and organics shall be transported to a certified or registered treatment Facility on a schedule adjusted to control odors and vectors from the waste.
- 58) The Permittee shall store all food residuals in watertight, lidded containers. An adequate supply of wood shavings or saw dust shall be on hand to cover the food residuals to control vectors and odors.

Universal Wastes

- 59) This Facility is authorized to manage Universal Waste. All such materials shall be managed pursuant to the requirements in Subchapter 9 of the Vermont Hazardous Materials Management Regulations.

Other Wastes

- 60) Scrap metal and appliances may be stored uncovered on the ground for up to one year from the date of receipt. All materials shall be taken off-site or shall be stored undercover for no more than two years from the date of receipt. The maximum on-site volume shall not exceed 15 tons at any time.
- 61) A qualified person shall drain all refrigerants from appliances prior to any further treatment of the appliance.

MONITORING REQUIREMENTS

- 62) The Permittee shall record daily leachate flow from the primary and secondary leachate collection systems to the leachate storage tanks. Records shall be made separately for each cell of Phases I, II, III, IV and VI.
- 63) The Permittee shall record the quantity of leachate removed from the leachate storage tanks. For each load of leachate removed from the storage tanks, the Permittee shall record the quantity of leachate, the date shipped, and the identity of the wastewater treatment facility receiving the shipment.
- 64) Explosive gas monitoring shall be performed monthly for the detection of off-site migration of methane and weekly for the detection of methane in Facility structures and other buildings on the Facility site in accordance with the Agency's *Procedure Addressing Explosive Gas Control at Municipal Solid Waste Landfills*, dated June 9, 1994 (Explosive Gas Control Procedure). If methane levels exceed 25% of the lower explosive limit (LEL) in Facility structures or other buildings on site or if the LEL is exceeded on the Facility site or at the property boundary, the Permittee shall take immediate action in accordance with the requirements of the Explosive Gas Control Procedure.
- 65) During the first week of each month, the Permittee shall collect field measurements for temperature, pH and specific conductance and estimated discharge rate (gallons per day) from the five underdrain discharge points (Phases I, II, III, IV and VI).
- 66) The Permittee shall measure flow rates (gallons per day) for each of the five underdrain discharge points (Phases I, II, III, IV and VI) during the months of May and October of each certification year.

- 67) During the months of May and October of each certification year, the Permittee shall retain a qualified professional to perform groundwater quality monitoring. Sampling locations shall include the groundwater monitoring wells described in the Water Quality Monitoring Program. All groundwater samples shall be collected and analyzed in accordance with § III C of the *Groundwater Procedure*. In addition, the Permittee shall analyze all monitoring well samples for dissolved iron and manganese. Antimony, barium, beryllium, cobalt, selenium, silver, thallium or vanadium may be deleted from the groundwater monitoring program if the Permittee makes the demonstration contained in Appendix C of the *Groundwater Procedure* and has received written approval from the Secretary.
- 68) During the months of May and October of each certification year, the Permittee shall retain a qualified professional to perform surface water monitoring and underdrain monitoring. Sampling locations shall include the surface water and underdrain monitoring locations described in Water Quality Monitoring Program. The following analyses shall be performed on all surface water and underdrain outlet water samples:
- a) Laboratory analysis for:
 - i) Chemical Oxygen Demand;
 - ii) Biological Oxygen Demand;
 - iii) Total Sodium, Total Chloride,
 - iv) Hardness expressed as mg/l CaCO₃;
 - v) The following total metals: Arsenic, Cadmium, Chromium, Copper, Iron, Lead, Manganese, Mercury, Nickel, and Zinc;
 - vi) Volatile Organic Compounds utilizing EPA Method 8260; and,
 - vii) Semi-Volatile Organic Compounds utilizing EPA Method 8270.
 - b) Field tests for temperature, pH, turbidity and specific conductance
- 69) During the months of May and October of each certification year, the Permittee shall retain a qualified professional to perform leachate monitoring. Monitoring shall be performed by collecting a grab sample consisting of leachate collected from the primary leachate collection system separately for Phases I, II, III, IV and VI. In addition if the average daily secondary detection system flow exceeds 20 gallons per acre per day in any of the secondary detection systems, a grab sample of liquid shall be collected from that secondary detection system. The following shall be performed on all primary and secondary samples:
- a) Laboratory analysis for:
 - i) Chemical Oxygen Demand;
 - ii) Biological Oxygen Demand;
 - iii) Total Sodium, Total Chloride,
 - iv) The following total metals: Arsenic, Cadmium, Chromium, Copper, Iron, Lead, Manganese, Mercury, Nickel, and Zinc;
 - v) Volatile Organic Compounds utilizing EPA Method 8260; and,
 - vi) Semi-Volatile Organic Compounds utilizing EPA Method 8270.
 - b) Field tests for temperature, pH, and specific conductance shall be performed on samples from each sample location.

70) The Permittee shall continue with the monitoring program to assess the effectiveness of bird management as described in Sections 3.13 and Exhibit C of the FMP. In addition, the monitoring program shall include the following:

- a) a detailed quantitative observation of towering (circling) gulls and crows above the active landfill and a determination if the towering gulls cross air traffic flight patterns; and,
- b) an analysis by the Bird Management Consultants to determine if the location and operation of the Facility is increasing the likelihood of bird/aircraft collisions over what would exist with only closed and capped landfills at the site.

71) At least monthly, the Permittee shall complete gas probe monitoring as described in Section 9.1 of the FMP.

REPORTING REQUIREMENTS

72) On or before **April 1, 2019** and annually each certification year, the Permittee shall remit to the Program the annual application fee equal to the annual operating capacity in accordance with 3 V.S.A. § 2822. If the Permittee does not remit the required annual application fee, this certification will be subject to revocation or suspension under §6-307 of the Rules.

73) On or before the 15th day of each month, the Permittee shall submit the following data to the Program:

- a. records of daily leachate flows required by Condition 62;
- b. records of the quantity of leachate pumped, quantity of leachate shipped and the name of the facility receiving the leachate for the previous month as required by Condition 63; and
- c. field measurements for temperature, pH, specific conductance, and discharge volume from the underdrain system as required by Condition 65.

74) On or before **February 1, 2020, 2022, 2024, February 1, 2026**, the Permittee shall review the approved closure and post-closure care plans and the closure and post-closure cost estimates and shall submit to the Program written documentation that provides the information required by § 6-1006(a)-(c) of the Rules, consisting of either:

- a. a report that certifies that the closure and post-closure plans are consistent with current operations and regulations and either provides revised closure and post-closure cost estimates or indicates that there have been no changes to the closure and post-closure cost estimates; or
- b. an application for modification or amendment of this Certification due to substantive changes to the closure or to the post-closure plan.

75) On or before **January 31, April 30, July 31, and October 31**, of each Certification year, the Permittee shall file quarterly reports to the Program utilizing electronic reporting forms provided by the Secretary.

76) On or before **February 1**, each Certification year, the Permittee shall submit the adjusted closure and post-closure cost estimates for inflation pursuant to Condition 14.

- 77) On or before **June 30**, each Certification year, the Permittee shall submit to the Program a copy of the engineer's written evaluation, any recommendations for any improvements to the landfill, and a schedule for implementation of the recommendations pursuant to Condition 15.
- 78) On or before **August 1**, each Certification year, the Permittee shall submit a plan for interim and final capping at the Facility based on the findings of the engineer's inspection report of Condition 15.
- 79) The Permittee shall submit sample results within 45 days of receipt of the analytical laboratory data of the sampling required by Conditions 67-68 of this Certification. The Permittee shall:
- a. For all groundwater samples, submit to the Program current and historic groundwater quality results, statistical evaluation, and narrative assessment in both PDF format and Excel files in accordance with § III(E) of the Groundwater Procedure;
 - a. If the report and statistical evaluation concludes in a preliminary finding that parameters in groundwater exceed any standard at a point of standards application, the Secretary may initiate a response in accordance with § III(F) of the Groundwater Procedure;
 - b. For all leachate samples, submit to the Program current and historic leachate quality results, tabulated by sampling location through time. Include in the tabulated data the Maximum Concentration of Contaminants for the Characteristic of Toxicity in the Vermont Hazardous Waste Management Regulations; and,
 - c. For all surface water and underdrain samples, submit to the Program current and historic surface water quality results and compare the results with the Vermont Water Quality Standards.
 - d. Submit the samples to the lab within 1 week of the sampling event.
- 80) The Permittee shall maintain records of all monitoring data required by Conditions 62 through 71 at the landfill office and make them available for State Inspection.
- 81) The Permittee shall submit the data and evaluations required in Condition 78 above to the Gouvernement du Quebec Ministere de l'Environnement, Direction regionale de l'Estrie, to MRC Memphremagog, and Ville de Sherbrooke.
- 82) On or before **January 1, 2028**, the Permittee shall apply for re-certification of the Facility, or submit for approval any updates to the closure plan with a schedule for implementation of that closure plan.

**Releases, Corrective Action, and Continuing Obligations
pursuant to 10 V.S.A. § 1390(5)**

- 83) The Permittee shall take all reasonable steps to ensure that the activities taking place at the Facility do not result in a discharge, emission, or release of a waste material into the environment.
- 84) In accordance with §6-703 of the Rules, the operator shall submit a report to the Agency within five working days of the receipt of any information indicating non-compliance with any term or

condition of this Certification. Any discharge, emission, or release which poses a threat to public health and safety, a threat to the environment or the creation of a nuisance must be reported within 24-hours to the Agency, and the local health officer. A written report shall be submitted to the same parties within seven days of the discharge, emission, or release. The report shall identify the discharge, emission, or release that occurred, the type, quantity, and quality of waste, and the actions taken to correct the problem.

85) In the event of noncompliance with the certification, the Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

86) In the event the Secretary determines an exceedance caused from Facility operations at any point of compliance for groundwater, surface water, or drinking water quality, the Secretary shall review the information and make a determination as to whether corrective action is required. If the Secretary determines that the information is inadequate, the Secretary shall require the Permittee to:

- a. increase the frequency of water quality sampling and analyses, or increase the number of parameters tested for;
- b. establish additional sampling locations and/or install additional monitoring wells; or
- c. conduct all studies necessary to determine the source and extent of contamination.

87) In the event that the Secretary determines that corrective action is necessary to prevent or remedy damage to the public health and safety or to the environment, or to correct a violation of environmental standards, the Secretary shall require corrective action and a demonstration of financial responsibility for corrective action, in accordance with the Agency procedure entitled *Procedure Addressing Corrective Action and Financial Responsibility for Corrective Action at Solid Waste Landfills*, adopted February 8, 1999.

CLOSURE AND POST-CLOSURE REQUIREMENTS

- 88) The Permittee shall submit to the Program a notice of closure within 30 days after the date the final grades or capacity limits of waste are reached. Closure of any portion of the landfill shall occur as described in the *Closure Plan* of the Certification Application, Part D-2 of the Operational Information Section and as shown on Sheets 40 through 42 of the Design Drawings. To attain current technical standards, plans shall be updated as needed and submitted to the Secretary for approval.
- 89) The traditional and modified cap designs proposed by the Permittee in the Application are approved for closure.
- 90) The Permittee shall apply for a certification amendment if cap design alternatives are proposed at least six months prior to closure or final grades being reached.
- 91) The final cover system with the established ground cover shall be in place in accordance with § 6-702(d)(7) of the Rules unless an extension is deemed necessary by the Secretary.

- 92) No later than ninety (90) days after completion of the closure system for any portion of Phases I, II, III, IV and VI, the Permittee shall submit certification of closure to the Department, pursuant to Section 6-1002(i) of the Rules. This certification shall include a complete set of “record” engineering plans documentation of results of all material and quality assurance/quality control testing performed with respect to closure of the Facility, and documentation of any new or abandoned ground water monitoring wells and surface water sampling locations.
- 93) Post closure maintenance and monitoring of the Facility shall occur in accordance with the *Post Closure Section* of the Certification Application.
- 94) The Permittee shall retain a registered engineer to perform an annual evaluation of the landfill during the month of May each Certification year. The engineer shall inspect and evaluate the stormwater systems, leachate collection systems, landfill gas collection and control systems, cover systems, and the degree of settlement for conformance with the Post Closure Plan and the requirements of the Rules, this certification and applicable Solid Waste Management Procedures. The Permittee shall notify the Program concerning any non-compliance with this certification or any emission or discharge noted by the engineer and shall take corrective action in accordance with § 6-703 of the Rules. The engineer shall develop any recommendations necessary for improving post closure care of the landfill. By **June 30**, each Certification year, the Permittee shall submit to the Program a copy of the engineer’s evaluation, any recommendations for improving the post closure care of the landfill and a schedule for implementation of the recommendations. In consultation with the Program, the Permittee shall implement the recommendations approved by the Program.

GENERAL CONDITIONS

- 95) Permittee shall at all times properly operate and maintain all facilities which are installed or used by Permittee to achieve compliance with the conditions of this certification. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the certification.
- 96) This certification may be modified, suspended, or revoked for cause. The filing of a request by Permittee for a certification modification, or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any certification condition.
- 97) Permittee shall furnish to the Secretary, within a reasonable time, any relevant information which the Secretary may request to determine whether cause exists for modifying, suspending or revoking this certification, or to determine compliance with this certification. Permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this certification.
- 98) Permittee shall allow the Secretary, or an authorized representative, upon the presentation of credentials to:
- a. Enter at reasonable times the Facility or where records must be kept under the conditions of this certification;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this certification;
 - c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under this certification; and
 - d. Sample or monitor at reasonable times, for the purposes of assuring certification compliance any substances or parameters at any location.
- 99) This Certification does not convey any property rights of any sort or any exclusive privilege, nor does it authorize any injury to private property or any invasion of personal rights.
- 100) This Certification is not alienable, transferable, or assignable.
- 101) This Certification supersedes any certifications issued previously under 10 V.S.A. §6605 to the Permittee for the Facility.
- 102) The provisions of this certification are severable, and if any provision of this certification, or the application of any provision of this certification to any circumstance is held invalid, such a determination shall not have any effect on the validity of the remainder of the certification, or on the application of the provision to other circumstances.
- 103) The Permittee shall maintain compliance with the solid waste management rules and 10 V.S.A. Chapter 159 as amended. The permittee shall apply for an amendment of the certification if a change in the law results in conflict between the certification and newly adopted legal requirement.

Appeal Rights: Any person aggrieved by this certification or certification may appeal to the Superior Court – Environmental Division within 30 days of the issuance of this certification in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules Environmental Court Proceedings. If this certification or certification relates to a renewable energy plant for which a certificate of public good is required under 30 V.S.A. §248, any appeal must be filed within 30 days of the issuance with the Vermont Public Service Board in accordance with Board rules.

The Secretary's issuance of this Certification for the operation of this Solid Waste Management Facility relies upon the data and other information supplied by the Permittee, the hired professional consultants and other experts who have participated in the preparation of the Application. If any information provided to the Agency is found to be false or misleading, this Certification may be subject to revocation or suspension under § 6-307 of the Rules.

The Program makes no assurances that the system certified herein will meet the performance objectives of the operator and no warranties or guarantees are given or implied.

Program staff reviewed the Application and finds it to conform with the Vermont Solid Waste Management Rules. It is recommended that the foregoing findings be made and this Certification be issued for the operation of the Solid Waste Management Facility described herein.

I do affirmatively make the findings as recommended by the staff of the Program and approve the issuance of this Certification.

Dated this ____ day _____ of at Montpelier, Vermont.

Emily Boedecker, Commissioner
Department of Environmental Conservation

By:

Chuck Schwer, Director
Waste Management & Prevention Division

Appendix A – NEWSVT Landfill Operating Capacity, Material Acceptance and Storage Limitations

Material Type	Amount Stored On-site	Amount Accepted per Day (tons)	Annual Amounts Accepted (tons)
Wastes for Disposal			
Solid Waste	---	5,000	600,000
C&D Stored on Landfill	2000 cy	---	---
Materials Accepted at Drop-off			
Bagged Trash/C&D	4 roll-offs	---	---
Fibers and Containers	2 roll-offs	---	---
Appliances, Scrap Metals	2 roll-offs	---	---
Lead acid batteries	1 pallet	---	---
Universal waste	1ton	---	---
Food Waste	5 tons	---	---
Tires	25 tons	---	---
Untreated Wood and Leaf and Yard Waste	2 roll-offs	---	---
HHW and CEG Collection			
HHW/ CEG Events	20 tons	---	---