



Vermont Agency of Natural Resources
Department of Environmental Conservation
Solid Waste Management Program

9th AMENDED 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 construction and operation of Cells 1, 2, and 3 in Phase IV and new construction and operation of Cell 4 of Phase IV. Continued operation of Phase III and closure operations of Phases I and II. Continued operation of other non-disposal solid waste management components including: 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; 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.

AMENDMENT:

This Amended Certification includes all previous certification findings, conditions and appendix's unless noted below:

- Finding j: tonnage amounts amended
- Finding r: language changed
- Finding t: added
- Finding u: added
- Finding v: added
- Condition 15: tonnage amounts amended
- Condition 16: tonnage amounts amended
- Appendix A: tonnage amounts amended

Northeastern Vermont Development Association Regional Plan and the Town of Coventry Municipal Plan, adopted pursuant to the requirements of 24 V.S.A. Chapter 117.

- i. Based on an evaluation of the information submitted by NEWSVT, the Secretary has not found that:
 - 1) NEWSVT, Inc. or any person required to be listed on the disclosure statement pursuant to 10 V.S.A. § 6605f(b)(1), have been convicted of any of the disqualifying offenses set forth in that subdivision within the ten (10) years preceding the date of application; nor that
 - 2) NEWSVT, Inc. or any person required to be listed on the disclosure statement pursuant to 10 V.S.A. § 6605f(b)(1) have 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.
- j. Based on the information in the application for amendment and Facility operation and performance, the Program 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 submitted an application fee of \$187,500 that corresponds to an operating capacity of 250,000 total tons of solid waste per year. Phases III, and IV will be certified at the maximum operating capacity of 600,000 tons per year and 5,000 tons per day. However, the operating capacity at the time this amended 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.
- k. 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 conformance with the requirements of the Rules and applicable Solid Waste Management Procedures.
- l. NEWSVT established Surety Bond # 850688 in the amount of \$6,090,131.51 for closure of the Facility and Surety Bond # 850689 in the amount of \$2,099,226.35 for post closure of the Facility. The Evergreen National Indemnity Company is the Surety for both Bonds. These Surety Bonds are in conformance with Subchapter 9 of the Rules.
- m. A detailed summary of the re-certification applications' conformance with the requirements of applicable Rules and Procedures is in the Fact Sheet.
- n. 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. NEWSVT is ultimately responsible for managing the landfill gas collection system and for the proper destruction of landfill gas.

- o. On June 10, 2010 the application was determined to be technically complete and that it conforms to the Rules and other applicable statutory and regulatory requirements.
- p. On July 26, 2010, 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. A public information meeting was held on August 11, 2010 at 7:00 PM to accept public Comment. The public comment period ended on August 27, 2010. Several comments were received and are addressed in the Responsiveness Summary.

10 V.S.A. § 1390(5) FINDINGS OF FACT

- q. 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 EPR Chapter 12 § 12-401(1). The permissible uses of groundwater in a Class III designated area are established in 10 V.S.A. § 1394(a) and general industrial and commercial uses are permissible uses of groundwater pursuant to that section. The proposed facility is classified as an industrial use and the Secretary finds the activity certified herein to be consistent with the groundwater classification.
- r. The Secretary has established the property line as the point of compliance for the proposed facility pursuant to EPR Chapter 12 § 12-801. There are no monitoring wells at the property line at this time. The Permittee will install monitoring wells along the established points of compliance during the winter of 2014. Samples taken at the site's current points of compliance, which are located immediately adjacent to the unlined landfill and former junkyard location, are showing exceedances of primary groundwater enforcement standards for metals. The Permittee has demonstrated, to the satisfaction of the Secretary, that the contamination is originating from prior uses or from naturally occurring background conditions, and not from the currently operating lined landfill. This determination was based on the information provided for the October 18th 2010 certification, the design of the facility, the nature of the waste being disposed of, and a detailed exploration and restoration plan dated July 29, 2013. This determination allows the continued operation of the current Facility with the understanding that it is incumbent on the owner to demonstrate that the site meets, or will submit a groundwater remediation plan with acceptable schedule to demonstrate that the site will meet, the Vermont Groundwater Protection Rule and Strategy before the issuance of a recertification in March 2015. For all future certifications and/or development of the site, the Secretary will require a comprehensive analysis of the entire site to demonstrate that the site meets the Vermont Ground Water Protection Rule and Strategy requirements.

- s. Based on the findings contained in q. and r. the Secretary concludes 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).*”

FINDINGS OF FACT FOR AMENDMENT #9

- t. On October 17, 2011, the Agency received an application for an amendment to increase the daily and annual tonnage acceptance rates at the landfill. It 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 was accepted under 6-307 of the Rules as a Major Amendment. 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.
- u. On January 10, 2013, the application was determined technically complete and that it conforms to the Rules and other applicable statutory and regulatory requirements. The amendment requests daily and annual tonnage limit increases from 2,500 tons per day/370,000 tons per year to 5,000 tons per day/600,000 tons per year. The amended certification recognizes those changes while leaving the remaining certification consistent with the original certification dated October 18, 2010. The review time was significant as it was attached to another request (leachate recirculation) requiring significant review. The recirculation request was eventually removed to move the tonnage request forward.
- v. On January 11, 2013, the applicant published a notice for a public information meeting and a public comment period to accept public comment on the Draft Certification and Fact Sheet. A public information meeting will be held on February 6, 2013 at 5:30 PM to accept public comment. The public comment period ended on February 22, 2013. Several comments were received and responded to in the associated Responsiveness Summary.

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. The following documents submitted as part of the application are hereby incorporated by reference in this certification:
 - *NEW ENGLAND WASTE SERVICES OF VERMONT, INC, Landfill Facility, Recertification Application, March 16, 2009* Prepared by New England Waste Services of Vermont Inc.

- *Facility Management Plan* (FMP), original document dated March 16, 2009, prepared by NEWSVT and final revisions December 2012;
- *Letter to the Program from NEWSVT* dated December 12, 2012. Letter includes an updated closure cost estimates.

Additions or alterations to these documents, including but not limited to construction change orders, must be approved by the Agency prior to implementation. Material or substantial additions or alterations which justify the application of conditions different or absent from the Certification are cause for modification or amendment of this Certification.

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. The Permittee shall not dispose of any solid waste into any new cell until the registered professional engineer in charge submits a written certification to the Program that the cell was constructed in accordance with the approved plans, specifications, approved change orders, and requirements of this Certification and the Rules.
5. The Permittee shall notify the Program in writing prior to disposing of any solid waste into any new cell.
6. The Permittee shall install markers indicating the limit of waste containment. The limit of waste markers shall remain until the landfill slopes have reached final slope elevation.
7. 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.
8. The Permittee shall maintain a valid pretreatment discharge permit from the VTANR Wastewater Management Division for leachate managed in Vermont. If managed out of the State of Vermont, leachate disposal must take place at a permitted wastewater treatment facility.
9. The Permittee shall have access to weather monitoring station within 3 miles of the facility. The weather station shall give live data as well as two weeks of history data. Data shall include wind speed and direction, temperature and precipitation at minimum.
10. On or before **April 1, 2011** 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.

11. On or before **February 1, 2012**, and **February 1, 2014**, 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.
12. On or before **February 1, 2011** 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.
13. The Permittee shall retain a registered engineer to perform an annual inspection of the landfill during the **month of May** each Certification year. At a minimum, the engineer shall evaluate the actual landfill development and the daily operations for conformance with the FMP and the requirements of the Rules, this certification and applicable Solid Waste Management Procedures. The engineer shall inspect and evaluate the integrity of the final cover system for those portions of the landfill that have been previously closed. The Permittee shall notify the Program concerning any non-compliance with this certification or any emission or discharge noted by the engineer and take corrective action in accordance with § 6-703 of the Rules. The engineer shall develop any recommendations necessary for improving the management of the landfill. In consultation with the Program, the Permittee shall implement those recommendations approved by the Program.

RE-CERTIFICATION

14. On or before September 1, 2014, the Permittee shall apply for re-certification of the Facility, or submit a schedule for implementation of the closure plan.

**MATERIALS AND SITE MANAGEMENT, NON DISPOSAL COMPONENT
MANAGEMENT**

Materials Management

15. 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 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 Program 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 permit amendment.
16. 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.
17. Acceptable wastes for disposal in the landfill are limited to municipal solid waste, construction and demolition debris (C&D), de-watered sludge or biosolids, approved uniform solid waste, and any other non-hazardous waste which is not prohibited by Conditions 18, 19 and 22.
18. 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 non-hazardous.
19. The facility shall ensure that all wastes prohibited for disposal pursuant to 10 V.S.A. § 6621a are not disposed of at the facility.
20. 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 Uniform Solid Waste” means solid waste which has been determined in writing by the Secretary to be uniform and does not contain yard waste, marketable recyclable materials, hazardous waste as defined by State and/or Federal regulation.
 - d. “Approved Processed Construction and Demolition Debris” is waste that meets the requirements of Condition 21 and 22.
21. The Permittee may accept the residual from processed construction and demolition debris with the prior written approval of the Secretary when the processing takes place in a municipality without an approved solid waste implementation plan. In making this request, the following information shall be provided: The location of the facility processing the construction and demolition debris; a copy of any solid waste facility permit that the processing facility holds; a narrative description of the processing that takes place at the facility, including specific information on how marketable recyclables, hazardous wastes, including waste from households and conditionally exempt generators, and yard wastes are removed; a certification that the process residual is solely construction and demolition debris and the process residual contains no municipal solid waste; and a certification that marketable recyclables, hazardous wastes, and yard wastes have been removed from the processing residual.
22. The Permittee shall not accept for disposal at the Facility “Non-Implemented Waste”. The Permittee may accept “Approved Uniform Solid Waste” and “Approved Processed Construction and Demolition Waste” only in accordance with the standards set forth in the Secretary’s written approval for that waste.
23. The Permittee shall post clearly visible and easily read signs at the facility, providing notice of the prohibition of the disposal and combustion of mercury-added products and provide customers information about collection programs and facilities that are permitted to accept mercury-added products.
24. The Permittee shall not dispose recyclable materials previously source separated by the hauler or the commercial or residential customer.
25. The Permittee shall ensure that all solid waste disposed in landfill complies with the liquid waste disposal limits included in the Agency’s *Procedure Addressing Liquid Waste Disposal Restrictions in Municipal Solid Waste Landfills*, dated February 8, 1999 (Liquid Waste Procedure).
26. The Permittee shall conduct random inspections of incoming loads of solid waste and manage wastes removed in accordance with Section 4.0 of the FMP.

Site Management

9th Amended Certification

September 18, 2013

27. 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 between the hours of 5:00 AM and 6:00 PM Monday through Saturday. The Facility's operational hours for accepting solid waste and other routine landfill operations may be expanded 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.
28. The depth of leachate shall not exceed twelve (12) inches at any location on the primary liner, except following a 25-year/24 hour or greater storm event. Following such an emergency, leachate may be stored on the liner for a maximum of five (5) days. Leachate collection tanks shall be managed in accordance with Sections 5.1, 5.2 and 5.3 of the FMP.
29. 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 June 9, 1994.
30. The Permittee shall operate the landfill with personnel and equipment identified in Section 3.11 of the FMP.
31. The Permittee shall cover all exposed waste 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. When earthen material is used it shall be a minimum thickness of six (6) inches. 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.
32. The Permittee shall inspect for and collect litter at and around the Facility daily. The Permittee shall collect litter along both sides of Route 5 one mile north and south of the Airport Road intersection. The Permittee shall also collect litter on Airport Road between the Route 5 intersection and Laramie Road on a weekly basis.
33. The Permittee shall require that all waste hauling vehicles leaving the Facility are properly cleaned to prevent off-site litter.
34. In the event any of the monitoring wells established as part of the approved water quality monitoring program are destroyed or rendered unusable, the Permittee shall replace those monitoring well(s) in accordance with the Agency's *Procedure Addressing Ground Water Quality Monitoring and Responses When A Ground Water Standard is Reached or Exceeded at Municipal Solid Waste Landfills*, dated February 8, 1999 (Ground Water Procedure).

9th Amended Certification

September 18, 2013

35. In the event of an unplanned temporary shut down of the Facility, the Permittee may construct and operate the contingency transfer station as described in Section 12 of the FMP.
36. 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.
37. The Permittee shall operate and maintain a video camera that monitors the active landfill operation. The camera shall operate 24 hrs per day. Upon request of ANR staff, a copy of the previous 2 weeks video shall be available within 24 hours.
38. No liner or synthetic material construction shall take place if snowpack has been established without prior approval from the Secretary.

Drop-off and Storage Components

39. All solid waste and recyclable materials collected at the drop-off shall be managed in accordance with Section 6.0 of the FMP.
40. No more than four roll-off boxes of tires shall be stored at the Facility at any time.
41. All used motor oil collected at the Facility shall be managed in accordance with Subchapter 8 of the Vermont Hazardous Waste Management Regulations.

MONITORING REQUIREMENTS

42. The Permittee shall maintain records of all monitoring data required by Conditions 43 through 49 at the landfill office and make them available for State Inspection.
43. The Permittee shall record leachate flow from the primary and secondary leachate collection systems to the leachate storage tanks during each working day. Records shall be made separately for Phases I, II, III and IV. In addition, the Permittee shall record the quantity of leachate removed from the leachate storage tanks. For each load of leachate shipped, the Permittee shall record the quantity of leachate, the date shipped, and the identity of the wastewater treatment facility receiving the shipment.
44. 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.

45. During the first week of each month, the Permittee shall collect field measurements for temperature, pH and specific conductance from the underdrain system outlets for Phases I, II, III, and IV. Field measurements shall be performed at the underdrain discharges as shown on approved Environmental Monitoring Plan, Sheet 36 of 36 of the Design Drawings. Estimated discharge in gallons per day shall be determined from each underdrain discharge point.
46. 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 Section 2.1 of the Monitoring Program and shown on the Environmental Monitoring Plan, Sheet 36 of 36 of the Design Drawings. All groundwater samples shall be collected and analyzed in accordance with § III C of the Agency's Ground Water 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 ground water monitoring program if the Permittee makes the demonstration contained in Appendix C of the Ground Water Procedure and has received written approval from the Secretary.
47. 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 Section 2.2 of the Monitoring Program and shown on the Environmental Monitoring Plan, Sheet 36 of 36 of the Design Drawings. The following laboratory analyses shall be performed on all surface water and underdrain outlet water samples:
 - Chemical Oxygen Demand;
 - Biological Oxygen Demand;
 - Total Sodium, Total Chloride,
 - Hardness expressed as mg/l CaCO₃;
 - The following total metals: Arsenic, Cadmium, Chromium, Copper, Iron, Lead, Manganese, Mercury, Nickel, and Zinc;
 - Volatile Organic Compounds utilizing EPA Method 8260; and,
 - Semi-Volatile Organic Compounds utilizing EPA Method 8270.

Field tests for temperature, pH, and specific conductance shall be performed on samples from each sample location.

48. 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 and IV. 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 laboratory analyses shall be performed on all primary and secondary samples:

- Chemical Oxygen Demand;
- Biological Oxygen Demand;
- Total Sodium, Total Chloride,
- The following total metals: Arsenic, Cadmium, Chromium, Copper, Iron, Lead, Manganese, Mercury, Nickel, and Zinc;
- Volatile Organic Compounds utilizing EPA Method 8260; and,
- Semi-Volatile Organic Compounds utilizing EPA Method 8270.

Field tests for temperature, pH, and specific conductance shall be performed on samples from each sample location.

49. The Permittee shall continue with the monitoring program to assess the effectiveness of bird management as described in Sections 3.13 and Exhibit D 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.

REPORTING REQUIREMENTS

50. 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 improving the management of the landfill and a schedule for implementation of the recommendations pursuant to Condition 13.
51. 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 12.
52. 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 43;
 - 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 43; and
 - c. field measurements for temperature, pH, specific conductance, and discharge volume from the underdrain system as required by Condition 45.
53. On or before **January 31, April 30, July 31, and October 31**, of each Certification year, the Permittee shall submit a quarterly report to the Program, on forms provided by the Program for (a) through (c) and on forms approved by the Program for (d) and (e). Quarterly reports shall be true, accurate and complete. The reports shall contain the following information:
- a. the quantity and quality of wastes by type, managed by the Facility;
 - b. the sources, by municipality, of all solid wastes delivered to the Facility;
 - c. the quantity, type and source of wastes used for alternative cover during the calendar quarter;
 - d. records of monthly and weekly gas monitoring results required by Condition 44; and,
 - e. a written evaluation of the effectiveness of the bird management program required by Condition 49.
54. On or before **March 31** each Certification year, for each municipality disposing waste at the landfill, the Permittee shall submit to the Program a written certification that (a) hazardous wastes and recyclables are removed from the waste stream according to the approved plan, or (b) that the facilities, programs and ordinance required under Condition 20(a) were complied with for the previous year.
55. Within 60 days after the dates of sampling required by Conditions 46, 47, and 48 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 accordance with § III(E) of the Ground Water Procedure;
- If the report and statistical evaluation concludes in a preliminary finding that parameters in ground water exceed any standard at a point of standards application, the Secretary may initiate a response in accordance with § III(F) of the Ground Water 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.
56. The Permittee shall submit the data and evaluations required in Condition 55 above to the Gouvernement du Quebec Ministere de l'Environnement, Direction regionale de l'Estrrie, 770 Goretti St., Sherbrooke, Quebec J1E 3H4, to MRC Memphremagog, 455 rue MacDonald, bureau 200, Magog, Quebec J1X 1M2 and Ville de Sherbrooke 555, rue des Grandes-Fourches Sud, bloc B; C.P. 610, Sherbrooke QC J1H 5H9 Criteria for Major vs. Minor on or before January 31, each year for the results obtained from the preceding year.

RELEASES, CORRECTIVE ACTION, AND CONTINUING OBLIGATIONS
PURSUANT TO 10 V.S.A. § 1390(5)

57. 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.
58. 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 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.
59. In the event of noncompliance with the permit, 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.
60. In the event the Secretary determines that a review of water quality data or a discharge, emission, or release from the facility, indicates an undue adverse impact on ground water, surface water, or drinking water quality from the Facility, 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.
61. 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

62. The Permittee shall submit to the Program a notice of closure thirty days after the date the final volume of waste is received. Closure of any portion of Phases I, II, III and IV shall occur as described in the *Closure Section* of the Certification Application, Section 3.5 of the FMP, as described in Section 5.0 of the Design Report and as shown on Sheets 28 and Sheets 30 through 35 of the Design Drawings.
63. No later than ninety (90) days after completion of the closure system for any portion of Phases I, II, III and IV, 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.
64. Post closure maintenance and monitoring of the Facility shall occur in accordance with the *Post Closure Section* of the Certification Application.
65. 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 integrity of the final cover system, gas collection system, and the leachate collection system 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

66. 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 permit. 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 permit.
67. This permit may be modified, suspended, or revoked for cause. The filing of a request by Permittee for a permit modification, or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
68. 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 permit, or to determine compliance with this permit. Permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this permit.
69. 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 permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance any substances or parameters at any location.

9th Amended Certification

September 18, 2013

70. 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.

71. This Certification is not alienable, transferable, or assignable.

72. This Certification supersedes any certifications issued previously under 10 V.S.A. §6605 to the Permittee for the Facility.

73. 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.

74. The Permittee shall maintain compliance with the solid waste management rules and 10 V.S.A. Chapter 159 as amended. The permittee shall modify the certification if a change in the law results in conflict between the permit and newly adopted legal requirement.

Appeal Rights:

Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$225.00 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 description of the property, project or facility with which the appeal is concerned and the name of the applicant or any 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.

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 find 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 18th day of September, 2013 at Waterbury, Vermont.

David K. Mears, Commissioner
Department of Environmental Conservation

By: _____


George Desch, Director
Waste Management 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 C&D Clean	2000 cy 800cy	5,000	600,000
Tires	20 tons		
Materials Accepted For Recycling			
Fibers and Containers	1 ton	---	---
Appliances, Scrap Metals	1 rolloff	---	---
Lead acid batteries	1 pallet	---	---
Universal waste		---	---
Food Waste		---	---
Electronics		---	---
Stumps/Inert Waste Collection			
Bagged Trash	9 tons		
Untreated Wood		---	---
Leaf and Yard Waste		---	---
HHW and CEG Collection			
HHW/ CEG	2 tons	---	---