

A White Paper: Lack of Transparency in Government Destroys Public Trust
Prepared by DUMP, LLC December 2021

Introduction

The efficacy of any governmental regulatory process relies upon public trust. That trust, in turn, depends upon transparency in decision making by state agencies and an assurance that applicable laws and regulations are being administered in good faith. Trust is further strengthened by opportunities for participation by the public – at a minimum a fair chance to provide input. This is particularly true when the regulatory process is intended to protect the air, water and habitats that we all share.

DUMP, LLC. (“Don’t Undermine Memphremagog’s Purity”) is a grassroots organization of Northeast Kingdom residents from towns surrounding the landfill operated by NEWSVT Inc. in the town of Coventry. DUMP was formed in 2018 to oppose the expansion of the only operating landfill in Vermont. Due to extensive research into the science of landfills and their environmental threats, DUMP is well aware of the impacts caused by the landfill over many years on the region’s ecosystems and the quality of life of local residents: 20,000 truck deliveries annually of solid waste from throughout Vermont; horrendous stench across the rural area adjacent to the landfill; most importantly, leachate laced with hundreds of toxic contaminants, including PFAS “forever chemicals”, were eventually discharged into Lake Memphremagog following “treatment” in the City of Newport WWTF.

DUMP became an active participant in 2018 to the Act 250 District 7 Environmental Commission proceedings for an expansion (Phase VI) of the landfill. This required the DUMP activists to struggle up a steep “learning curve” involving the science associated with landfills, Act 250 procedures and the technical permitting processes administered by the Department of Environmental Conservation (DEC), Agency of Natural Resources (ANR) . While DUMP believed that the Phase VI expansion should not have been approved, DUMP members felt that a fair hearing process had been conducted by the District Commission and that some appropriate mitigating conditions were included in the land use permit. This has not been DUMP’s experience with the ANR/DEC.

Purposes of this “White Paper “

A “white paper” is an advocacy tool providing concise facts about a complex issue and presenting analysis allowing others to reach objective conclusions. It is intended to help readers understand an issue, solve a problem, or make a decision. In this case, DUMP’s purposes are to show that the process undertaken by ANR/DEC, as it drafted for a Pretreatment Discharge Permit for the disposal of leachate from the NEWSVT landfill in Coventry, denied the public a fair opportunity for effective participation by the ANR/DEC. Specifically:

1. Prior to and during the public comment period for the draft Pretreatment Discharge Permit the ANR/DEC was collaborating with NEWSVT to locate the pilot project in Coventry.
2. ANR/DEC’s “back room” discussions with NEWSVT ran from April 2020 to September 2021 – with no opportunity for public access.

3. ANR/DEC stated publicly that a location had not yet been determined for the pretreatment pilot project, and that it would await the submittal of the amendment application required by special condition 5 in the draft permit.
4. By issuance of Pretreatment Discharge Permit #3-1406 in final form, Condition 5 (pages 7-8 of permit) ANR/DEC actually binds NEWSVT to identify a location, determine a technology, construct and operate a pilot leachate treatment facility within one year. The location for the proposed leachate treatment facility had already been determined by NEWSVT and the ANR/DEC in advance of the publication of the draft permit.
5. The duplicity exhibited by ANR/DEC in the development of the leachate pretreatment permit, due to key background information being omitted or withheld, severely damaged public trust.
6. The pretreatment permit will eventually be used as “presumptive” evidentiary proof at Act 250 proceedings to portray the Coventry site as a forgone conclusion. It will also serve as the first incremental step toward a larger undertaking (i.e. the construction of a related private WWTF at the Coventry site). The results of this decision will increase the burden of environmental threat to the Memphremagog watershed (a drinking water reservoir for 175,000 Quebec citizens as well as Vermonters), and deny any chance for a comprehensive review/consideration of the larger undertaking. ANR/DEC will falsely portray that its permit was issued following adequate public participation when in fact critical decisions were made out of the public eye.

DUMP and the Department of Environmental Conservation, Agency of Natural Resources

The following chronological summary provides highlights of DUMP’s participation in the State of Vermont’s regulatory processes regarding the operation and expansion of the NEWSVT landfill with particular note of actions relative to the effects of the landfill leachate on the water quality of Lake Memphremagog.

- February 2019 - DUMP requested a public meeting regarding the new Proposed Groundwater protection rules and strategy.
- July 2019 - Act 250 grants a permit to expand the landfill and prohibits the disposal of landfill leachate in the Newport WWTF to protect Lake Memphremagog water quality (drinking water supply) from contamination.
- October 11, 2019 - Conceptual Leachate Treatment Scoping Study for New England, Waste Services of Vermont (NEWSVT) Landfill, required as a permit condition by ANR/DEC, and prepared by Brown and Caldwell. The study was limited to two off-site and two on-site options.
- November 1, 2019 - DUMP reached a mediation agreement with Casella/NEWSVT following DUMP’s appeal of the ANR/DEC certification of the expansion of the landfill. No representative from the ANR/DEC was present during the mediation.

- April 7, 2020 – DUMP reviewed and provided comments on proposed changes to the Solid Waste Management Rules. In the responsiveness summary document issued by the ANR/DEC, it is clear that many of DUMPs suggestions were incorporated, and as a result the rules are more protective of the environment, thus adding credibility to the knowledge and persistence of DUMP in protecting Vermont’s valuable water resources. The updated rules became effective on October 31, 2020.
- December 9, 2020 – DUMP members participated in ANR Secretary Julie Moore’s “Tell me More” session regarding the cancerous lesions on 30% of the Brown Bullhead fish in Lake Memphremagog. In November of 2017, the Watershed Division of the Agency of Natural Resources published the *Basin 17 Lake Memphremagog, Tomifobia and Coaticook TACTICAL BASIN PLAN*. Lake Memphremagog is listed as impaired.
- April 19, 2021 – DUMP submitted a petition to Secretary Moore to designate Lake Memphremagog as a “Lake in Crisis” pursuant to the provisions of 10 VSA 1310. The petition received over 3900 signatures. DUMP followed it up with our recommendation for a Response Plan to Restore and Protect Lake Memphremagog. The first two requirements of the Lake in Crisis statute were met, as was acknowledged by Secretary Moore.

The following is an excerpt from the response DUMP received from Secretary Julie Moore dated May 4, 2021:

When the legislature created the “lake in crisis” designation, they set a very high bar. Under 10 V.S.A. § 1310, the Agency must determine that all following factors exist prior to designating a lake:

- (1) the lake or segments of the lake have been listed as impaired;*
- (2) the condition of the lake will cause:

 - (A) a potential harm to the public health; and*
 - (B) a risk of damage to the environment or natural resources; and**
- (3) a municipality in which the lake or a portion of the lake is located has reduced the valuation of real property due to the condition of the lake.*

Based on our review of the information available, both in terms of our own work and that submitted with the petition, the lake meets conditions (1) and (2) of 10 V.S.A. § 1310. Where we have not yet seen evidence is related to condition (3) regarding property tax valuation. If you should wish to supplement your petition with additional information, we will review and update the Agency’s perspective. However, without that evidence, Lake Memphremagog does not meet the statutory test. Therefore, the Agency lacks the discretion to respond to the petition to designate Memphremagog as a “lake in crisis.”

- June 24, 2021 –A broad cross section of ANR/DEC staff met with DUMP on a Zoom meeting to discuss the steps ANR/DEC was taking to restore and protect Lake Memphremagog.

- August 24, 2021 – The ANR/DEC held a stakeholders meeting, described as the “Lake Memphremagog Community meeting”. Secretary Moore conducted the meeting. During this meeting it was disclosed that 1) the moratorium on disposal of leachate into Newport’s WWTF had been extended until 2026- no explanation was provided; 2) ANR was looking at a plan for leachate management, and they discussed the renewal of the permit, as well as the treatment of leachate to remove PFAS.
- September 20, 2021 – ANR/DEC issues draft Pretreatment Discharge Permit to authorize discharge of landfill leachate into the City of Montpelier WWTF, including a condition to develop an experimental pilot leachate pretreatment project.. Public comments are due by November 8th.
- October 26 & 28, 2021 – Public meetings were held in Newport and Montpelier to allow for public comment on the draft of permit 3-1406, Landfill Leachate Pretreatment Discharge. At these meetings, regarding the permit condition to develop a pilot study for a leachate management facility, ANR/DEC staff assured the public that a location had not been selected yet, it could be in Coventry, or Montpelier, but they would know more when the permittee completed the plan for the pilot study, which would be due 4 months from release of the permit. (Shortly thereafter, public comment period was extended to November 24, 2021.)
- November 24, 2021 – ANR/DEC closes the extended public comment period on the draft pretreatment permit.

The Draft Pretreatment Discharge Permit: Its Evolution and Terms

NEWSVT was granted a pretreatment discharge permit on November 3, 2011, to take effect January 1, 2012, and to expire December 31, 2016. NEWSVT filed an application on May 23, 2016 to renew the permit. This request was not taken up by the Agency of Natural Resources, so the 2011 permit remained in effect for 10 years with no changes, even after the knowledge that chemicals of emerging concern in ground and surface waters that are harmful to humans and wildlife, became widely available.

On September 20, 2021, the Agency of Natural Resources posted a renewal draft permit to take effect December 1, 2021. This permit reduces the number of municipal WWTFs to which leachate will be delivered, leaving the Montpelier WWTF as the sole facility, and increasing the maximum daily flow of leachate into the WWTF, from 23,000 gal/day to 60,000 gal/day.

This draft permit would allow NEWSVT to deliver leachate to the Montpelier WWTF, would require additional monitoring of the leachate prior to and after treatment by the facility, and would increase the contaminants that are monitored. The draft included a condition that directs the permittee to develop a plan for a pilot study to remove PFAS chemicals from leachate, including the selection of a technology and a location to treat the leachate to remove PFAS contaminants, and other priority pollutants.

DUMP filed detailed comments with the ANR/DEC about the draft permit on November 17, 2021, and several members also filed individual comments along with many other concerned Vermonters. DUMP did so in good faith even though it already had good reason, based upon documents it had obtained

pursuant to 1 VSA Chapter 5 Subchapter 3: Access to Public Records, to conclude that the ANR/DEC had already privately collaborated with NEWSVT regarding material aspects of the pilot project. In public meetings, however, the pilot project was portrayed as a conceptual undertaking without a specific location.

Documents Obtained from the ANR/DEC

Here is a chronological summary of the essential communications within ANR/DEC and between ANR/DEC and NEWSVT that were obtained by DUMP pursuant to Vermont's public documents laws, and confirming DUMP's allegations of private collaboration and lack of transparency by the ANR/DEC :

- **February 26, 2020 - A WWTF onsite in Coventry is proposed by ANR/DEC Staff Member:**
An email from the DEC Chief Pollution Control Design Engineer & Clean Watersheds Needs Survey Coordinator to the CWSRF Program Manager suggests an ***"...idea to consider passing up the chain. Consider a WWTF to directly treat the landfill leachate from Coventry...it might be more efficient than trucking and contaminating other wastewater and biosolids...Maybe they can take leachate from the other closed LFs in Vermont as additional revenue..."***
- **April 16, 2020 – Not only was ANR/DEC staff unaware of the classification of the Black River, they were willing to reclassify it to accommodate a WWTF in Coventry that discharges into it:**
An email captioned "Opinion on Speculative Discharge Limits for Casella Landfill Discharge to Black River" from the Pretreatment Coordinator to several ANR/DEC staff discussing ***"...Casella's proposed alternative to discharge treated leachate directly to the Black River in Coventry..."*** as was framed in the CEC report to the ANR/DEC. The email continues on to state ***"CEC is requesting that we confirm the reasonableness of their suggest (sic) effluent limits...suggested effluent limits for the Black River..."*** After commenting incorrectly that the Black River is ***"...a Class A water..."*** the email continues ***"We never discussed this (or any of the) proposed alternatively (sic) with Casella directly, nor did they ever request any information about potential discharge limits, restrictions associated with this receiving water, or general feasibility. Casella's proposal is entirely speculative per the request to 'complete a conceptual scoping study of a minimum of two on-site and two off-site leachate treatment options' "***

An email written, approximately two hours after and in response to the email excerpted above, from the Environmental Analyst, Wastewater Program, covering Orleans County, to several ANR/DEC staff reads:

"Most of their limits were fine. Some new limits should be included, but most of them shouldn't be a problem." The email ends by stating ***"The big question for Pete is whether it is feasible to reclassify the river to allow for this discharge. It needs to go to Class B in order to allow for the human waste to be discharged."***

An email written, approximately two hours after and in response to the email excerpted above, from the Pretreatment Coordinator provides response comments on discharge limits and ends by stating

"I'd like to provide this to CEC once we have an answer from Pete regarding water classification..."

- April 23, 2020 – Discharging to the Black River is now even more attractive to ANR/DEC staff:**
 An email from Pretreatment Coordinator to several ANR/DEC staff discusses and attaches *“a markup from our NPDES permitting folks on the speculative discharge limits...These limits are conservative in tat [sic] they are assuming WQS will be met at the end of the pipe. However, the Black River is in fact a Class B river, and they may be eligible for some dilution depending on the constituent, in addition to a potential mixing zone.”*
- June 22, 2020- Cost appears to be a driving factor in the selection of a technology to remove PFAS from leachate.**
 An email from an Environmental Analyst, Solid Waste Management Program to the Pretreatment Coordinator discusses cost comparisons of various pretreatment methods. There appears to be a cost concern and a comparison to the current transportation costs that Casella spends to transport the leachate to Montpelier and Plattsburgh, NY. The email states *“...Using the 2020 numbers for transportation and disposal, gets us closed to 12 cents per gallon (Montpelier and Plattsburgh transport and disposal costs)...”*
- June 23, 2020 – An ANR/DEC staff member suggests that importing leachate from out of state could provide additional revenue.**
 An email from the Certification Section Manager, Solid Waste Management Program to the Pretreatment Coordinator and an Environmental Analyst, Solid Waste Management Program, asks *“...if Casella treated on-site would their permit allow them to import leachate from other LF’s to treat ? (possible revenue stream) “*

An email from Pretreatment Coordinator, written approximately 30 minutes later and in response to the email excerpted above, states *“The permit could accommodate it...”*
- November 11, 2020 – ANR/DEC staff solicit requirements from the permittee regarding a leachate management facility**
 An email from the Environmental Analyst, Solid Waste Management Program to several staff members from NEWSVT about the upcoming meeting with them to discuss the leachate pretreatment options.
“...We really are hoping for a conversation tomorrow and getting the dialogue started on moving this all forward. To be clear, DEC does not currently have a final decision on next steps regarding leachate treatment and we are very much interested in discussion (and listening)
Agenda/Discussion Topics
DEC: Treatment Options – Third-party review by DEC, completed by Civil Environmental Consultants
NEWSVT: Discussion of thoughts on treatment options and the work completed
What are NEWSVTs needs (from DEC) and timelines regarding leachate management?...”
- January 11, 2021 – High level staff from ANR/DEC meet with the president of Casella corporation regarding a WWTF onsite to process landfill leachate**

An email from the DEC Commissioner to several ANR/DEC staff discussing a meeting to be held between the DEC Commissioner, Secretary Moore, and Director of Waste Management and Prevention Division, and John Casella. The email contained two questions to be answered by staff prior to the meeting.

“1. For our forthcoming pretreatment permit, what specific actions do we anticipate Casella or the recipient WWTFs being required to do? (i.e. increased monitoring). I’m looking for high level requirements to help them understand what they are likely to see in their new permit. 2. Named staff member (Program Manager, RESIDUALS MANAGEMENT & EMERGING CONTAMINANTS PROGRAM), please confirm what the current land application requirements are for WWTFs that process landfill leachate. ...”

- **November 15, 2021** - NEWSVT Engineer discloses at a Coventry Select Board meeting that the pilot treatment facility would be constructed and operated at the landfill in Coventry and yet the ANR/DEC did nothing to revise the draft permit to provide transparency.

Conclusions

Acting in good faith in the ANR/DEC permitting process, members of DUMP were led to believe that participation in that process had a purpose and that public participation could materially influence the Department’s decision making. DUMP presumed a “level playing field” for both applicant and the public. The experience of DUMP over the last several months results in a conclusion that ANR/DEC’s interest in public input is shallow, if not meaningless.

During the same time period as DUMP interacted with the leadership of the ANR in public forums about the degradation of Lake Memphremagog water quality, ANR/DEC staff was working to establish a framework for the locating of the pilot pretreatment facility at Coventry and its likely conversion to a permanent facility along with the probable construction and operation of a private WWTF at the same site. None of this was suggested in the ANR/DEC Fact Sheet or the draft Permit. Nor was any of this larger undertaking outlined or described at the ANR/DEC public meetings. DUMP only learned of these tentative decisions through its requests for public documents and by diligent participation at the various public forums.

The Pretreatment Permit will mandate the construction and operation of the pilot pretreatment facility as soon as the end of 2022. Since DUMP already knows that ANR/DEC favors the siting of the facility in Coventry, it is a foregone conclusion despite the ANR/DEC’s assurance that the pilot will be subject to a full amendment application review, including public comments. What reasonable person would conclude that participation in such a process will have any substantial effect on the outcome?

The actions of the ANR/DEC deny the people of the Northeast Kingdom, as well as the residents of the Province of Quebec, a fair opportunity to participate in a government process intended to safeguard the public interest and ensure the integrity of finite natural resources.

APPENDIX A – EMAIL CORRESPONDENCE

Example 1

From: Claudon, Lynnette
To: Jeff Fehrs (Jeff.Fehrs@vermont.gov)

Subject: Coventry WWTF for Casella
Date: Wednesday, February 26, 2020 1:23:00 PM

Jeff:

Here is an idea to consider passing up the chain. Consider a WWTF to directly treat the landfill leachate from Coventry. If a microfiltration facility was built, it might be more efficient than trucking and contaminating other wastewater and biosolids. I believe that this even might be CWSRF eligible. It would reduce PFAS at the WWTFs taking leachate now. Maybe they can take leachate from the other closed LFs in Vermont as additional revenue. Then our LF leachate contaminants all end up in the same sludge.

Lynnette Whitney Claudon, P.E.
Chief Pollution Control Design Engineer &
Clean Watersheds Needs Survey Coordinator &
Engineering Planning Advance Project Lead
Clean Water State Revolving Fund Program
Department of Environmental Conservation
WATER INVESTMENT DIVISION

Example 2 (a, b, c, and d)

From the ANR Certification Document, Conditions and Requirements:

“86) On or before **October 15, 2019** the Permittee shall complete a conceptual scoping study of a minimum of two on-site and two off-site leachate treatment options and submit a report to the Secretary on this work.”

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a) From: Giannetti, Nick Nick.Giannetti@vermont.gov

Sent: Thursday, April 16, 2020 10:28 AM

To: Merrifield, John <John.Merrifield@vermont.gov>; Polaczyk, Amy <Amy.Polaczyk@vermont.gov>

Subject: Opinion on Speculative Discharge Limits for Casella Landfill Discharge to Black River

John and Amy,

CEC is reviewing the reasonableness of **Casella’s proposed alternative to discharge treated leachate directly to the Black River in Coventry**. They are specifically reviewing the alternative to determine if the treatment option is more or less feasible than presented by the report; assessing whether there are any additional, feasible leachate treatment options that were not presented; and evaluating the Class 5 cost estimates and their reasonableness.

To perform their assessment, CEC will utilize the speculative discharge limits **developed by Casella’s consultant** to evaluate the proposed treatment technology (Casella has not provided the speculative limits used in their scoping study yet – we will likely follow up on this request if we do not get a response soon). CEC took a shot at developing effluent limits based on Casella’s consultant’s opinion, which is:

“VTDEC will likely require that an effluent discharge to the Black River under a National Pollutant Discharge Elimination System (NPDES) permit meet SWQS at end of pipe. The Black River is a high- quality waterbody, where no dilution is allowed per Vermont regulations. However, this may be negotiable. Permit limits will likely be included for general chemistry, metals, volatile organic compounds, semi-volatile organic compounds, pesticides, PCBs, phosphorus, PFOS, PFOA and effluent toxicity. The NPDES permit application will be considered high-profile and will include multiple public meetings.”

CEC is requesting that we confirm the reasonableness of their suggest effluent limits, which are included in the enclosed spreadsheet. Can one or both of you review and provide opinion on the **suggested effluent limits for the Black River**? For PFAS, we recommended they utilize the sum of 5 not to exceed 20 ppt. Also, the Black River is a Class A water, so there may be additional restrictions they have not called out - we can include any of these as supplemental comments.

FYI - We never discussed this (or any of the) proposed alternatively with Casella directly, nor did they ever request any information about potential discharge limits, restrictions associated with this receiving water, or general feasibility. Casella’s proposal is entirely speculative per the request to “complete a conceptual scoping study of a minimum of two on-site and two off-site leachate treatment options”.

Thanks,

Nick

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b) From: Merrifield, John John.Merrifield@vermont.gov

Sent: Thursday, April 16, 2020 12:05 PM

To: Giannetti, Nick <Nick.Giannetti@vermont.gov>; Polaczyk, Amy <Amy.Polaczyk@vermont.gov>

Subject: RE: Opinion on Speculative Discharge Limits for Casella Landfill Discharge to Black River

Nick,

Here is my review. Most of their limits were fine. Some new limits should be included, but most of them shouldn't be a problem.

Issues –

Arsenic detection levels are higher than the limit.

E Coli is not included. This is a bigger deal than the As because you may not discharge human waste to a Class A water.

More metals should be included.

Should ammonia be seasonal?

Is it assumed that the treatment process will address all priority pollutants?

What is the specific conductivity being used as a placeholder for?

Amy,

The big question for Pete is whether it is feasible to reclassify the river to allow for this discharge. It needs to go to Class B in order to allow for the human waste to be discharged.

Let me know if you have questions.

John

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c) From: Giannetti, Nick Nick.Giannetti@vermont.gov

Sent: Thursday, April 16, 2020 2:55 PM

To: Merrifield, John <John.Merrifield@vermont.gov>; Polaczyk, Amy <Amy.Polaczyk@vermont.gov>

Subject: RE: Opinion on Speculative Discharge Limits for Casella Landfill Discharge to Black River

Thanks John. Great review. Few comments based on the issues you raise:

- Not sure what specific conductance is used for. They don't discuss this in the Brown and Caldwell report, either. I think your comment is good and we can pose to CEC.
- Will E. coli be a concern given this is an industrial discharge? Perhaps because they are taking in sewage sludge...
- Is the ammonia limit you propose protective for both winter and summer? If not, then we can either specify one limit which is protective for both seasons or present the two seasonal limitations.

- Finally, I believe it is assumed that the RO + GAC + Remineralization treatment proposed will remove all priority pollutants as the reports states, "Removes virtually all contaminants". However, I think we should leave the comment in as an assumption we've made.

I'd like to provide this to CEC once we have an answer from Pete regarding water classification. Is that okay with both of you?

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d) From: Giannetti, Nick

Sent: Thursday, April 23, 2020 11:01 AM

To: Cooper, Ivan; Kathan, Kasey

Cc: Merrifield, John; Polaczyk, Amy

Subject: RE: NEWSVT - Weekly Activity Log for Vt. DEC - Week of 4-17-2020 - Review of Leachate Treatment, NEWSVT Landfill

Attachments: Copy of Flow and Concentrations_JDM_NG.xlsx

Categories: PFOA

Hi Ivan,

Enclosed is a markup from our NPDES permitting folks on the speculative discharge limits. I've copied both of them here - John Merrifield and Amy Polaczyk.

These limits are conservative in that they are assuming WQS will be met at end of pipe. However, the Black River is in fact a Class B river, and they may be eligible for some dilution depending on the constituent, in addition to a potential mixing zone.

We'd like to have a phone conversation with you regarding these limits, some of the constituents presented (notably E. coli and specific conductance), and regarding potential discharge to other nearby receiving waters.

Do you have some time Monday afternoon for a discussion? We currently have availability at 1-2PM, or 3:30PM. If these times do not work with your schedule, please provide me a few dates and times, and we can find something that is compatible for everyone. I'll send out the meeting invite and call-in number once we nail down a date/time.

Best,

Nick

Example 3

From: Kathan, Kasey

Sent: Monday, June 22, 2020 3:21 PM

To: Giannetti, Nick

Subject: Leachate Treatment - touch base

Attachments: Leachate Treatment Options Cost Comparison.xlsx

Hey Nick –

I started on this last week, but didn't get back to it until this afternoon, but I did get it done before tomorrows discussion!

Attached is my best take at comparing the B&C and CEC cost estimates, and putting it into something digestible. To get the cost per gallon for the B&C numbers I did use the Capital Recovery Factor from the CEC report, and applied it to the B&C mid-point capital estimates (this all annualizes the capital costs....I tried for awhile to figure out how a capital recovery factor is estimated...but...eventually just accepted that CEC probably did this correctly and used theirs). Using the 2020 numbers for transportation and disposal, gets us closed to 12 cents per gallon (Montpelier and Plattsburgh transport and disposal costs) rather than the 7 cents used in the CEC report (used the B&C numbers which used 'current' T&D which was to Newport and Montpelier). Clear as mud?

I don't know that we need to go into this detail tomorrow, but we have it. Like we discussed previously, I think for tomorrows discussion if we do a quick summary of the two reports (I can do this) and **a quick walk through of the plan for you folks to move forward with NEWSVT** (approach and timeline)(this ones all yours) and then open it to discussion.

The two things I want to make sure we discuss/get answers to are:

- posting the CEC report/sharing it with NEWSVT and others – how to and when
- opportunity to use remainder of the CEC contract for additional review (mostly just to make sure Peter is aware of this opportunity, but get some feedback on what might be best to get additional review on)

Thoughts?

	Brown and Caldwell			Civil and Environmental Consultants		
	Capital-mid	\$/yr w TD	\$/gal (CEC CRF applied)	Capital-Mid	\$/yr w TD	\$/gal
No Change						
Direct Discharge						
3-stage RO				15,433,000	921,000	0.1242
RO + GAC	17,100,000	871,000	0.13	16,454,000	961,000	0.1313
HTX				2,690,000	2,640,000	0.1575
Zero Liquid Discharge	11,900,000	7,074,000	0.44	13,659,000	7,142,000	0.4566
RO Pretreatment for WWTF	11,300,000	2,021,000	0.16	8,925,000	835,000	0.1745
HTX Pretreatment for WWTF				2,946,000	2,001,000	0.21
WWTF Enhancement						
Newport	16,800,000	1,865,000	0.18	6,289,000	954,000	0.1455
Montpelier	15,700,000	2,759,000	0.23	5,806,000	1,085,000	0.1733

Example 4 (a,b)

a) From: Fekert, Dennis Dennis.Fekert@vermont.gov

Sent: Tuesday, June 23, 2020 1:29 PM

To: Kathan, Kasey Kasey.Kathan@vermont.gov

Cc: Giannetti, Nick <Nick.Giannetti@vermont.gov>

Subject: ? om on site treatment

Nice job guys,

Quick question, for Nick, if Casella treated on-site would their permit allow them to import leachate from other LF's to treat?

(possible revenue stream)

Dennis Fekert

Chief, Certification Section

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b) From: Giannetti, Nick

Sent: Tuesday, June 23, 2020 1:51 PM

To: Fekert, Dennis; Kathan, Kasey

Subject: RE: ? om on site treatment

The permit could accommodate it, so long as their treatment facility was capable of managing the volume and pollutants associated with the imported waste.

Example 5

From: Kathan, Kasey

Sent: Wednesday, November 11, 2020 9:12 AM

To: Joe Gay; Jeremy Labbe; samuel.nicolai@casella.com; Russell Anderson

Cc: Schwer, Chuck; Jamieson, Cathy; Fekert, Dennis; Bourdeau, Jeff; LaFlamme, Pete; Polaczyk, Amy; Giannetti, Nick

Subject: Discussion Tomorrow - NEWSVT and DEC

Attachments: Report - CEC Review of BC Conceptual Study 6-15-202.pdf

Categories: PFOA

Hey all –

I just wanted to reach out regarding our discussion coming up tomorrow. I am attaching the final report on the review that we had completed by Civil and Environmental Consultants to go over the Brown and Caldwell report, as we'll (DEC) will walk through that work to kick things off. **We really are hoping for a conversation tomorrow and getting the dialogue started on moving this all forward. To be clear, DEC does not currently have a final decision on next steps regarding leachate treatment and we are very much interested in discussion (and listening).**

Agenda/Discussion Topics

DEC: Treatment Options – Third-party review by DEC, completed by Civil Environmental Consultants

NEWSVT: Discussion of thoughts on treatment options and the work completed; What are NEWSVTs needs (from DEC) and timelines regarding leachate management?

Discussion on underdrain PFAS treatment and permitting and next steps

Looking forward to the discussion.

Best,
Kasey

Example 6 (a, b)

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a) From: Walke, Peter Peter.Walke@vermont.gov
Sent: Monday, January 11, 2021 10:52 AM
To: Schwer, Chuck <Chuck.Schwer@vermont.gov>; LaFlamme, Pete <Pete.LaFlamme@vermont.gov>;
Polaczyk, Amy
<Amy.Polaczyk@vermont.gov>; Twohig, Eamon Eamon.Twohig@vermont.gov
Cc: Chapman, Matt <Matt.Chapman@vermont.gov>

Subject: Casella meeting Qs
Importance: High

Team,

Julie, Matt, and I are meeting with Casella tomorrow to discuss next steps re: leachate. I have two questions in advance of the meeting that I'd like clarified:

1. For our forthcoming pretreatment permit, what specific actions do we anticipate Casella or the recipient WWTFs being required to do? (i.e. increased monitoring). I'm looking for high level requirements to help them understand what they are likely to see in their new permit.
2. Eamon, please confirm what the current land application requirements are for WWTFs that process landfill leachate.

Thanks,

Peter

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b) From: Polaczyk, Amy Amy.Polaczyk@vermont.gov
Sent: Monday, January 11, 2021 4:51 PM
To: Walke, Peter <Peter.Walke@vermont.gov>; Schwer, Chuck <Chuck.Schwer@vermont.gov>;
LaFlamme, Pete <Pete.LaFlamme@vermont.gov>; Twohig, Eamon Eamon.Twohig@vermont.gov
Cc: Chapman, Matt <Matt.Chapman@vermont.gov>; Giannetti, Nick <Nick.Giannetti@vermont.gov>

Subject: RE: Casella meeting Qs

Good evening all,

After discussing with Nick, here are our thoughts:

Right now Casella should at least anticipate the existing requirements in their current permit, including:

- Flow, BOD, and other allocations for each receiving POTW
- Quarterly monitoring of Total Metals, COD, Chloride, & TKN
- Annually monitoring of VOCs and Acid and Base/Neutral Extractable compounds

Other potential requirements that we're investigating as part of the renewal:

- Pesticides / PCBs (need to review existing data and potential for these constituents to be present)
- Monitoring consistent with leachate monitoring requirements of Solid Waste Certification
- PFAS monitoring
- Total Phosphorus monitoring for Lake Champlain POTWs
- Other toxics outside of priority pollutants:
 - Ammonia (as N)
 - α -Terpineol
 - Aniline
 - Benzoic acid
 - p-Cresol
 - Pyridine
- Leachate UV interference study at Montpelier if proposing to increase discharge
- BOD capacity study at Montpelier and/or Newport if proposing to increase discharge

Best regards,

Amy

Example 7

Note: The CEC report referred to below includes a table rating the various solutions described in the study. The top 3 solutions in the rating showed direct discharge to surface water, which we later learned to mean direct discharge to the Black River.

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From: Chapman, Matt Matt.Chapman@vermont.gov

Sent: Wednesday, July 21, 2021 1:33 PM

To: Dent, Marcella <Marcella.Dent@vermont.gov>

Subject: Help -- multiple meeting scheduling

Hi Marcella:

There are three meetings that need to get scheduled and I know I am not the person for this job. I also do not need to be at the meetings.

The Casella contact is Sam Nicolai samuel.nicolai@casella.com

Meeting 1 (next 2 weeks)

Leachate Treatment Alternatives

ANR invitees: Kasey Kathan, Amy Polaczyk, Nick Giannetti. Optional (meaning don't schedule around): Pete LaFlamme.

Meeting 2 (after #1 but next 2-3 weeks)

Pretreatment Permit

ANR invitees: Amy Polaczyk, Nick Giannetti. Optional: Kasey Kathan, Pete LaFlamme.

Meeting 3 (not pressing; 6 – 8 weeks out)

Direct Discharge

ANR Invitees: Bethany Sargent, Rick Levey, Pete LaFlamme. Optional: Kasey Kathan.

Matthew A. Chapman, Esq. | ANR General Counsel
Vermont Agency of Natural Resources
Davis 2, 1 National Life Dr | Montpelier, VT 05620-3901