

April 19, 2023

Vermont House Committee on Environment and Energy

Peggy Stevens, representing DUMP LLC (Don't Undermine Memphremagog's Purity)

Testimony on H 48- an act relating to solid waste management <https://trackbill.com/bill/vermont-house-bill-48-an-act-relating-to-solid-waste-management/2308033/>

Thank you, Chair Sheldon, for this opportunity to testify in support of H48- an act relating to solid waste. And thank you Rep. Smith for your support for H48, based upon your personal knowledge and concerns related to solid waste issues in the NEK. Thank you for your time, all of you, and it is a pleasure to meet with you today.

My name is Peggy Stevens, I live in the NEK on Echo Lake in East Charleston, and have had a longtime interest in water quality and ways we can protect and preserve this invaluable resource. I have testified twice previously as a citizen and as a member of the NEK advocacy organization DUMP, which stands for Don't Undermine Memphremagog's Purity. DUMP, formed in 2018, formally represents over a hundred members from the NEK and Quebec, acting in coalition with our Canadian counterpart, Memphremagog Conservation Incorporated (MCI) to defend and protect the watershed and water quality of our international lake, which is a drinking water reservoir for over 175,000 Quebec neighbors. Over time, we have earned the support of many more citizens across Vermont who are alarmed by the expansion of the Coventry landfill, Vermont's only landfill, which threatens our region's and our state's environmental health and safety.

My previous testimony to this committee focused on water quality and the problems associated with hosting Vermont's only, poorly sited, landfill. The difference in my testimony today is that our perspective has significantly broadened, as we realize that the Coventry landfill is not the only problem- solid waste management policy and practice in Vermont is the real problem. To solve the problem will require decision-making guided by a new vision for the future of solid waste management and disposal in Vermont.

H48, sponsored by a bipartisan coalition of fourteen NEK representatives, recognizes that Vermont's solid waste management issues and policy have been ignored too long and must be addressed now. The State's only landfill in Coventry will reach capacity in about twenty years- it can be argued it is past capacity today given its inappropriate hydro-geological siting, adjacent to wetlands and uphill from and in close proximity to the Black River and Lake Memphremagog. To make matters worse though, there is no Plan B- no backup- an unsustainable reality. Immediate action is imperative.

This work cannot be done in a policy vacuum. Our current solid waste policy, found in VSA 10, section 6601 <https://legislature.vermont.gov/statutes/section/10/159/06601> was last amended in 1987- thirty-six years ago. The benefit of a review and update of Vermont's solid waste policy is obvious- for example, the 1987 policy is silent on toxic PFAS chemicals and landfill leachate because little was known or understood about them at the time.

An up-to-date, overarching policy will provide context for recent legislative efforts to curb PFAS contamination upstream, midstream and downstream, as well as for legislative efforts like the bottle bills, plastic bag bill and others designed to help Vermonters reduce, reuse and recycle to cut down on the amount of personal waste destined for disposal. One cruel irony today is that for every ton of Vermont's waste potentially kept from the landfill, an equal amount of solid waste from out-of-state, much of which is contaminated, is brought in to make up the difference in the permitted 600,000 tons annually. Until there is a coherent solid waste policy, "Catch-22's" like this will persist.

H48 requires that a Study Committee be formed to examine Landfill Siting and Materials Management issues. This committee, made up of broad representation of stakeholders as outlined in H48, will work towards environmental justice and protection, focusing on safe, appropriate, alternative siting that by default would reduce the numbers of miles required to haul our waste, saving untold gallons of fossil fuels burned and GHGs produced. Issues related to controlling if and what waste may be imported would also be addressed. A materials management focus will ensure that a current plan is developed, reflecting what science tells us today will protect our land, air and water resources, especially drinking water reservoirs.

The publication of the 2018 USGS research project about the 25-40% of Memphremagog's Brown Bullhead species with cancerous lesions roused attention in our community and the state about the current condition of Memphremagog's water quality. Brown Bullhead with these cancers are not found anywhere else in Vermont and only in environmentally contaminated waters, which is a clear indication that Memphremagog's waters are environmentally contaminated, which the ANR does not argue with. USGS research resumes this Spring to try to determine the causative factors for the cancers. But evidence of existing contamination of the Lake's waters suggests that no further contamination should be allowed to occur in the watershed- deliberate or accidental.

Since 2018, DUMP has provided comment in many public hearings related to our NEK solid waste future, along with significant numbers of NEK and state-wide Vermont citizens, including Reps. Smith, Page and Labor. We have been building our connections with a bipartisan coalition of our NEK legislators, talking together about these critical issues.

The passage of the landmark Environmental Justice legislation last session served to further underscore the dilemma faced by the citizens and the environment of the Northeast Kingdom. The Northeast Kingdom has become a sacrifice zone, with over a hundred diesel trucks daily, traveling hundreds of miles roundtrip, carrying tons of waste from in and out of state, and spewing tons of GHGs into Vermont's air. Of the permitted 600,000 tons of solid waste dumped annually in Coventry- a mere 7 % comes from the NEK. 73% is generated by almost all of the rest of Vermont, and 20% from out of state

The million plus gallons per month of leachate then produced by these tons of permitted waste - containing toxic, bio-accumulative "forever" compounds- is the pernicious byproduct of our solid waste production and one requiring vast resources to render "safe".

The issue of leachate treatment technology, capable of effectively scrubbing leachate of its toxic contaminants, is arguably the most pressing solid waste issue facing Vermont's, and our nation's, natural resources today. Only the most effective technology, not most cost-effective, will be required to ensure leachate is scrubbed to new more stringent standards for PFAS exposure recommended by the EPA in 2022.

The sense of urgency underlying this solid waste management crisis cannot be overstated. Nor can the fact that the only action that will make a significant and enduring change in solid waste management policy, process and practice must come from an informed Vermont legislature. Only sound, evidence-based policy development, including lawmaking, regulation and oversight by our state legislature, can ensure safe management of the solid waste produced by every single citizen and community in the State of Vermont. Transparency and community involvement every step of the way is crucial if the public faith is to be restored and maintained and public consciousness raised. "Out of sight and out of mind" not only doesn't work for the NEK, it doesn't work for the rest of Vermont either. All of us need to wake up to the fact that when it comes to throwing stuff away, as Bill McKibben put it, "There is no away."

Determining an appropriate, alternative site for future solid waste management and disposal, including for leachate treatment, will take time and expertise, as will the planning and engineering required to ensure the safest and soundest possible depository for our state's solid wastes and residuals. H48 provides the means to begin planning now.

An engaged legislature, providing oversight to ensure that our natural resources and public health are protected, will be the outcome. I appreciate that you are listening and that you recognize the urgency of this issue and your inherent responsibility to create change. Our lakes and ponds, rivers and streams are Vermont's most precious finite resource. Clean water, once compromised, cannot be brought back to safe drinking water standards, at least not without astronomical expense.

Thank you for your action on H 48. You can be assured of ample support as you enact this legislation, establishing a study committee to address this existential issue- environmentally protective and just solid waste management and disposal.

Thank you.
Are there any questions?