

House Natural Resources, Fish, and Wildlife Committee

Testimony of Lindy Sargent for DUMP:
Don't Underestimate Memphremagog's Purity

RE: VNRC/Administration Proposed Act 250 Amendments
January 27, 2020

My name is Lindy Sargent, and I am a resident of the town of Barton and member of DUMP, a local NEK environmental group formed in October 2018 as a response to the application of NEWSVT to expand the Coventry Landfill, Act 250 permit # 7R0841-13.

The following testimony has been shared and supported by DUMP's Advisory Committee and is directed to the Committee members to speak our Opposition to the VNRC/Administration plan to Eliminate the District Commissions.

I attended your Committee's January 23, 2020 hearings where testimony was heard from several Act 250 District coordinators and commissioners, and I've read their documentation, as well as that of the proposed Act 250 amendments. Our testimony is intended to present the perspective of citizens as you consider the consequences of eliminating the District Commissions.

As introduction, DUMP's Advisory Board consists of 15 active members, all volunteers, who have dedicated ourselves to learning about Vermont's Solid Waste Management Program, the workings of the State's sole lined landfill in Coventry, the Act 250 process, & Vermont's water quality issues including PFAS, and then to pursuing legal, legislative, and public outreach routes to ameliorating the problems we've discovered. We hope that our story will encourage the Committee to retain and strengthen what is considered the keystone of Act 250, its District Commissions. **Without District 7's involvement in our own Northeast Kingdom region's application we opponents of the expansion would have been stopped in our "David vs. Goliath" tracks.** Small organizations have huge challenges in fighting monied and powerful interests, but the fight to protect Vermont's environment is worth Vermont's support.

The Coventry Landfill situation is quite unique in the fact that it is the only lined landfill in Vermont, a fact which most Vermonters don't even realize – "out of sight, out of mind – and not in my backyard." It is also unique and very sensitive to Act 250 concerns and regulations because the landfill is sited in the Memphremagog watershed, on the edge of an international lake which supplies drinking water for 175,000 Canadians. This fact is definitely a concern of our Quebec neighbors, who have supported us in our efforts.

The Coventry Landfill expansion called for an increase of 51 acres for a total footprint of 128 acres, which included a height increase for the man-made "Mt. Casella" to 1,076 feet. Northeast Kingdom residents were slow to learn of this major expansion – who notices those tiny notices in the newspaper? (definitely a failing of public outreach & warning.) After a public meeting in September 2018, DUMP formed as an LLC and initiated conversation with the District 7 Act 250 Coordinator Kirsten Sultan. The Commission decided to reconvene a hearing in January 2019 and while we could not receive Party Status since we were inadvertently late to the process, we

were given Friend of the Commission status and allowed to provide testimony, along with Conservation Law Foundation and Canadian representatives, to ask questions of ANR & Casella, and to present our evidence. The Coventry Town Hall was packed, the meeting lasted several hours, and we were listened to and respected.

The decision was announced in July 2019: the landfill expansion permit was authorized – after all, what choices did the State of Vermont have with only one “solution” to their solid waste management? However, there were conditions: 1) the leachate could not be disposed of in Lake Memphremagog until a proven method for removing PFAS in waste-water treatment plants was found, and 2) NEWSVT was required to hire an air & odor monitor. Our two primary concerns of water & air quality, for which we had discovered violations not enforced by ANR, were addressed. As William Burke stated in his testimony 1/23/20, the District Commission made the permit better.

DUMP had been advised early on to appeal ANR’s October 2018 permit, granted one month after our first September gathering. Over the ensuing year we were successful in fund-raising the \$12,000 to retain a lawyer but when we learned that our case would probably not survive a visit to the Environmental Court without another \$100,000, we opted for mediation. After achieving three more conditions from Casella, DUMP dropped its appeal with ANR. Mediation and conversation are beneficial. We recently held an international meeting of Quebec and Vermont legislators, inviting the Secretary of ANR and her representatives to discuss the Environmental Future of Lake Memphremagog. Asking questions and being investigative reaps rewards. DUMP will continue to work as a watchdog for NEWSVT and ANR, as many violations and concerning information have been unearthed through our research, and more public awareness needs to be raised. There is a strong need in Vermont for citizen involvement & advocacy, and Act 250, as it currently is structured, makes this possible and beneficial. Vermont’s clean water initiative and planning for PFAS are directly related to and supported by DUMP’s efforts to keep landfill leachate out of the Memphremagog watershed and all Vermont waters.

In summary, much value came out of the citizen/Act 250 Commission exchange that January 2019 evening. The District Coordinator was very helpful in all her information but it was the 3-member board led by Eugene Reid that was the real link to success in a classic Act 250 citizen- and environment-oriented program. We urge Vermont to follow the Precautionary Principle in dealing with chemicals of emerging concern for our water quality, and we urge the State Legislature to use a form of this Precautionary Principle in reforming Act 250 in careful ways. Address Climate-Change challenges, definitely (and do consider Vermont’s truck-centric Solid Waste Management Plan which increases our greenhouse gas emissions, with garbage haulers traveling 20,000 miles **a day!**) but please don’t eliminate the District Commissions.

Thank you very much,

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