

## COLTON ENTERPRISES, INC. – ACT 250

Thank you for the invitation; my name is Christi Bollman. I am the General Manager of Colton Enterprises in Pittsfield. We make kiln dried firewood.

Ray Colton founded Colton Enterprises in 1973 and built the mill in 1983. Ray graduated from UVM in 1969 with a Forestry degree and served in the National Guard for 7 years. Ray was the first in the country to kiln dry firewood.

Colton Enterprises is a Veteran owned, women owned and a family operated business that uses renewable low grade Vermont logs to make firewood for home heating. Landowners, foresters, loggers, truckers, employees and our economy depend on our mill. We are in the center of VT, far from the major pulp mills in New York and Maine. We provide a critical market and add value to hardwood that is not good enough for sawlogs but too good for pulp. This year we purchased log length firewood at a cost of \$800,000 from over 30 loggers and truckers. A couple years ago that figure was 1 million. The firewood process also creates bark mulch, wood chips, and sawdust products. Nothing goes to waste.

As you may know, Colton Enterprises has 10 Act 250 permits. Our permits can be described as poorly written, overly complex, and difficult to interpret. Unique only to our permit, conditions are based on the whereabouts of one named individual.

18 years after the business started, we were told by the Coordinator, that we had to “bring our permit up to date”. Act 250 advised us that there was no need for an attorney, it would be a friendly gathering to simply get things updated. Previous applications were approved, all indicators pointed to continued support. We believed it and went to the hearing without an attorney. One of the most significant and costly mistakes we ever made.

32 pages of restrictions were the result. We could not operate or change kilns on Sundays or holidays or after hours. Could not accept log deliveries when they were available, could not return to the yard after 6:30 PM, could not make our own chip fuel when needed, could not store enough logs to get us through mud season, for example. To stay in business, we appealed and were forced into State-mandated mediation.

Examples of our current permit conditions that restrict us the most are:

1. Operation of Kilns – May 1 through August 14 we shall not operate kilns on Sunday and holidays and shall only operate the kilns a maximum of 3 sessions, with each session to be limited to a maximum of 96 hours. . . shall give Gordon and Sarah Gray at least 24 hours written notice before each of these sessions. If Sarah Gray is away from her home place for a period of two days or more will be allowed to operate the kilns during her absence.

In 20 years, we have never been notified of her being away and she no longer lives next door full time. She testified under oath to this point without consequence. Had we been able to have, as few as, 3 additional 96-hour drying sessions each of the last 20 years, we could have dried an additional 5,000 cords with a value of \$2 million.

2. Chipping - Having our boiler fuel source limited to 24 hours a year makes no practical sense. If it is extremely cold, we use more fuel and have no flexibility to be able to make more when needed even though we already have our own fuel on-site.

I have to notify certain neighbors when we chip, one of them no longer owns a house in Vermont and lives in the State of Washington but I still have to notify them.

3. Vehicle Trips/Log Storage - 40 vehicle round trips per day and 1,000 cords of logs in the yard. Logging is seasonal by nature and we need a steady supply of raw material. We must build inventory during good weather when loggers can harvest and haul on appropriate ground conditions and daily restrictions on trucking and log storage doesn't allow any seasonal weather flexibility.
4. Hours of Operation . . . the hours of operation are limited to Monday through Saturday, except holidays from 7 AM until 6:30 PM. . . . Emptying and refilling the kiln outside the permitted hours and days shall be prohibited, except for Sundays and holidays falling between August 15 and April 30 when such operations may take place from 7 AM until 4 PM.

5. Truck Activity . . . prohibit all truck activity, including deliveries, shipments, and idling, from 6:30 PM until 7 AM, From August 15 to April 30 may have a maximum of 14 trailer trucks per calendar month leaving their yard to make deliveries. From May 1 to August 14 may have a maximum of 3 trailer trucks per week leaving their yard to make deliveries during the hours of 6:30 PM to 7 AM. From May 1 through August 14 no trailer trucks shall be allowed to leave the premises from 4:30 PM Saturday through midnight on Sunday.

No more than one truck per month will be allowed to return to their yard between the hours of 6:30 PM and 7 AM (which meant no fire trucks), idling of trucks making these shipments shall be kept to a minimum with a maximum 15 minutes of idling during those months when the temperature is below freezing and with a maximum of 10 minutes during those months when the temperature is above freezing. All idling during these hours shall occur behind existing buildings to reduce any idling noise to the neighbor's property.

6. New truck access driveway and entrance . . . shall require all tractor trailer trucks entering or leaving their premises after 6:30 PM and prior to 7 AM to use the new truck access driveway and entrance. . . .shall prohibit all tractor trailer trucks leaving their premises during said hours from turning south on Route 100 and shall require them to only proceed north on Route 100 upon leaving the premises. In the event the tractor trailer trucks desire to travel south on Route 100, they shall first exit the Colton's yard driving north and find a suitable place to turn around and then proceed south so they will pass the next-door residence at normal highway speeds.

7. Loaders . . . between June 1 and August 15 the loaders are prohibited from operating after 4 PM, except for loading of pickup trucks and to load boilers and move split wood until 4:30. In the event of a late arrival of a trailer truck which needs to be loaded that day, a loader may be operated until 4:30 PM to load that trailer truck provided such loading commenced before 4 PM. In any event, there shall not be more than 10 trailer trucks loaded after 4 PM between each June 1 and August 15. The loaders will not be used to load trailer trucks between 6:30 PM and 7 AM year-round.

It is plain to see these conditions severely hinder our ability to operate, and the inconsistent and uncoordinated conditions imposed are absurd. It is difficult to know when we are open for business, what machines can be run, when trucks can be loaded, which driveway to use and what direction to turn.

We compete with many kiln dried firewood businesses that operate unencumbered by Act 250. They mask themselves as hobbyists or farmers and operate under the radar or outside of Vermont.

In 2019, to meet the State's Emerald Ash Borer rules, we spent \$25,000 on legal fees, engineers and experts and countless hours over 2 years preparing and applying for an Act 250 amendment to kiln dry firewood and chip into a sound insulated shed during EAB flight season.

To prepare we met with ANR and had every state agency review our operations, received letters of approval from all of them.

During the hearing, neighbors told blatant lies and we had to sit and be still so as to not offend the Commission. In attendance for support was our attorney, sound engineer, forester and lobbyist, State Senator, Forest & Parks Deputy Commissioner, ANR Senior Planner, a wholesale customer and a local farmer. Many were disrespected and dismissed. For example, our sound engineer's report was called "mumbo jumbo". Our neighbor said she needed real experts referring to the Deputy Commissioner's testimony. During the hearing I was threatened by the Chair to hold up our permit for a year as I paused to give an answer. This is a matter of recorded public record; I encourage you to ask for the recording.

8 months later, a permit was received with 25 additional conditions. This is referred to as a permit denial; in that the added restrictions far outweighed the clarification and flexibility we were seeking.

1. Chipping outside - They removed our ability to chip outside, which is critical. Not only is chipping a way to treat EAB it is also how we create fuel for our boilers to dry the firewood. Without fuel the boilers cannot operate.
2. Closed for 2 Weeks - The Commission decided to shut the entire mill down for 2 arbitrary weeks, not just our kilns but the entire mill, which was not under

review. No noise, no employees; *except for allowing us to received logs*. How can we receive logs without running equipment or make any noise and have the mill closed?

3. Noise – Testimony and findings of fact showed that traffic on Route 100 produced more noise than the mill and the Commission stated, “that the sound from Route 100 was more objectionable than noise from our kilns”. Yet still placed a noise standard and specific testing method on our entire mill. This set us up for potential permit violation that could shut our entire mill down over road traffic noise next to the mill; not the actual mill.

We filed a Motion to Alter but were unsuccessful in improving the conditions. We had no choice and officially abandon the permit application entirely. Due entirely to Act 250, we are not permitted to help the State of Vermont with their EAB guidelines; even though we have all the infrastructure and equipment in place.

We were told by NRB and legislators “to simply apply for an amendment, as Act 250 had all the tools they needed to correct our situation”. That uninformed and inaccurate advice resulted in wasting 2 years of valuable time and money.

As a side note, after we applied, one of our abutting neighbors applied for and received an Act 250 permit and installed a propane tank dispensary farm. Let me repeat that, a fossil fuel propane tank dispensary farm. I attended that hearing and there was not a single objection. They have the same neighbors as we do and none of the restrictions.

This is the third time I have testified. I have attended 2 public Act 250 at 50 meetings, I spoke with Senators, Act 250 attorney Boulbol, Commissioner Moore and Tayt Brooks from the Governor’s office. I have done everything asked to bring awareness and change. I have been verbally harassed by Senator’s outside of chambers, dismissed at public meetings for asking questions and our neighbors are allowed to continually harass us and use Act 250 as a weapon against us; yet here I am. The last time I testified I was interrupted mid-testimony by an Act 250 enforcement officer following up on another of our neighbor’s baseless harassments. We prove complete compliance each and every time our neighbors complain.

Vermont Good Wood (do you like their name?) it’s the name of our largest wholesaler and is located in Greenwich, CT. This wholesaler believes in our

product and attended our 2019 Act 250 hearing in support but to no avail. So, Vermont Good Wood financed a propane fired kiln dried firewood startup in New Hampshire specifically because our Vermont business is so restricted by Act 250. Investors want our Vermont firewood but are investing in propane in NH due to Act 250. Please let that sink in.

Our mill is researching ways to improve our environmental footprint through removing diesel generator reliance for power and heat and upgrading stack emission equipment. However, even energy and emission improvements require Act 250.

I support the changes regarding wood products manufacturers hours of operation proposed in this bill. However, these changes would only create modest improvements for our business due to the overwhelming and outstanding Act 250 issues. Leaving items like Criterion 8 (aesthetics) up to the ad hoc decision making of the District Commission creates a process that is unreliable and inconsistent.

Vermont's forest industry is critical. I want to stay in Vermont, I want my daughter to stay in Vermont but the next generation in Vermont is not a guarantee.

Respectfully,

Christi Bollman

Comment to testimony regarding 90 days and obtaining a permit. Decisions are made often with only hours' notice based on weather, personnel and equipment. The notion of needing to obtain a permit before that demonstrates lack of understanding of the real-life working lands situation and decision processes.

Flexibility to choose the 90 days should remain with the industry individuals.