



1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. FINDINGS

3 The General Assembly finds that:

4 (1) Lake Memphremagog is of integral importance to Vermont and

5 Quebec as the lake:

6 (A) is the largest body of water in northeastern Vermont and

7 southeastern Quebec;

8 (B) provides over 175,000 individuals with drinking water in the

9 municipalities of Sherbrooke, Magog, Potton, and Saint-Benoît-du-Lac;

10 (C) is an important economic driver in northeastern Vermont and

11 southeastern Canada, drawing individuals and resources for its beautiful

12 landscapes and numerous recreational opportunities; and

13 (D) is a precious natural resource and habitat for fish and wildlife.

14 (2) Vermont environmental agencies need to take on a greater role in the

15 oversight and restriction of discharges that may cause impairments to northerly

16 flowing Lake Memphremagog as more than 100 permanent or intermittent

17 tributaries feed the Lake, including the Black River in Coventry, with 71

18 percent of the watershed located in Vermont.

19 (3) Prior to the issuance of the Act 250 permit to New England Waste

20 Services of Vermont in 2019 prohibiting the disposal of landfill leachate in the

21 Lake Memphremagog watershed, 15,000 gallons per day of toxic landfill

1       leachate were disposed of, untreated for perfluoroalkyl and polyfluoroalkyl  
2       substances (PFAS), in Newport's wastewater treatment facility.

3       (4) Current leachate treatment systems are incapable of removing all  
4       hazardous PFAS from leachate. Therefore, Lake Memphremagog must be  
5       protected from chemically contaminated discharges into the lake and  
6       watershed that are proven to be harmful to human and environmental health.

7       (5) PFAS contamination of Lake Memphremagog's waters has been  
8       identified in numerous reports by the Agency of Natural Resources (ANR), the  
9       Department of Fish and Wildlife, and others; for example, in an ANR study  
10       entitled 2021 Vermont Per- and Polyfluoroalkyl Substances (PFAS) Surface  
11       Water, Fish Tissue, and Wastewater Treatment Facility Effluent Monitoring  
12       Report, Lake Memphremagog measured highest of all surface waters sampled  
13       or analyzed for perfluorooctanesulfonic acid (PFOS), at 2.8 parts per trillion  
14       (ppt) at mid-lake, which is 70 percent of the maximum contaminant level of 4  
15       ppt for PFOS.

16       (6) In the ANR study in the Vermont Per- and Polyfluoroalkyl  
17       Substances (PFAS) Surface Water, Fish Tissue, and Wastewater Treatment  
18       Facility Effluent Monitoring Report:

19       (A) four species of fish in Lake Memphremagog that were sampled  
20       and analyzed for hazardous PFOS measured equivalent to 1,000 ppt; and

1                   (B) the City of Newport's wastewater treatment facility measured  
2                   higher for PFAS than any other Vermont wastewater treatment facility  
3                   sampled and analyzed in the study.

4                   (7) In the 2020 U.S. Geological Survey (USGS) publication *Malignant*  
5                   *Melanoma of Brown Bullhead (Ameiurus nebulosus) in Lake Memphremagog,*  
6                   *Vermont Quebec*, the USGS found a prevalence of 30 percent of adult brown  
7                   bullhead had malignant melanoma. Cancerous brown bullheads are found in  
8                   no other waterbodies in Vermont.

9                   (8) PFAS chemicals are proven to accumulate in the environment  
10                   and bioaccumulate in organisms, including in humans.

11                   (9) PFAS chemicals are proven to cause harmful health effects,  
12                   including up to 10 types of cancers; endocrine disruption leading to problems  
13                   with reproduction, development, and metabolism; hypertension; and numerous  
14                   other serious health impairments.

15                   (10) As more PFAS chemicals enter the groundwater and surface water  
16                   system of the Lake Memphremagog watershed, levels of these chemicals will  
17                   increase, lasting for decades and longer.

18                   (11) To address the environmental and public health concerns posed by  
19                   the disposal of PFAS to the waters of Vermont, the State should permanently  
20                   prohibit the discharge of landfill leachate, treated or untreated, anywhere in the  
21                   Lake Memphremagog watershed, either by direct discharge into the watershed,

1       or by discharge into a wastewater treatment facility that discharges into the  
2       Lake Memphremagog watershed.

3 Sec. 2. 10 V.S.A. § 1259 is amended to read:

## 4        § 1259. PROHIBITIONS

15 \* \* \*

16 (j) No person shall discharge waste from hydraulic fracturing, as that term  
17 is defined in 29 V.S.A. § 503, into or from a pollution abatement facility, as  
18 that term is defined in section 1278 of this title.

19                   (k)(1) No person shall discharge leachate from a landfill or a solid waste  
20                   management facility into a water within the Lake Memphremagog watershed  
21                   regardless of whether the leachate has been treated or is untreated. The

1       prohibition on the discharge of PFAS into a water within the Lake  
2       Memphremagog watershed includes the prohibition on direct discharges from a  
3       landfill or solid waste management facility and the prohibition on the transfer  
4       of the leachate to a wastewater treatment facility in Vermont for subsequent  
5       discharge into a water within the Lake Memphremagog watershed.

6       (2) As used in this subsection:

7           (A) “Landfill” has the same meaning as “sanitary landfill” in section  
8       6602 of this title.  
9           (B) “Solid waste management facility” has the same meaning as  
10       “facility” in section 6602 of this title.

11       Sec. 3. EFFECTIVE DATE

12       This act shall take effect on passage.