

H.652

Introduced by Representatives Page of Newport City, Labor of Morgan,
Campbell of St. Johnsbury, Cina of Burlington, Donahue of
Northfield, Galfetti of Barre Town, Hango of Berkshire, Harple
of Glover, Holcombe of Norwich, Kascenska of Burke,
Kleppner of Burlington, McFaun of Barre Town, Mrowicki of
Putney, Ode of Burlington, Olson of Starksboro, Pinsonault of
Dorset, Pouech of Hinesburg, Sibilila of Dover, Sweeney of
Shelburne, Wells of Brownington, and White of Waitsfield

Referred to Committee on

Date:

Subject: Conservation and development; water quality; discharges; landfills

Statement of purpose of bill as introduced: This bill proposes to prohibit the
discharge of leachate from a landfill or a solid waste management facility into
the watershed of Lake Memphremagog regardless of whether the leachate has
been treated or is untreated. The bill would prohibit both direct discharge from
a landfill or a solid waste management facility and the transfer of the leachate
to a wastewater treatment facility in the watershed of Lake Memphremagog for
discharge.

An act relating to wastewater discharges from landfills

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, Pottton, 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

5 (a) No person shall discharge any waste, substance, or material into waters
6 of the State, nor shall any person discharge any waste, substance, or material
7 into an injection well or discharge into a publicly owned treatment works any
8 waste that interferes with, passes through without treatment, or is otherwise
9 incompatible with those works or would have a substantial adverse effect on
10 those works or on water quality, without first obtaining a permit for that
11 discharge from the Secretary. This subsection shall not prohibit the proper
12 application of fertilizer to fields and crops, nor reduce or affect the authority or
13 policy declared in Joint House Resolution 7 of the 1971 Session of the General
14 Assembly.

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.