

VERMONT SUPERIOR COURT
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ENVIRONMENTAL DIVISION
Docket No. 25-ENV-00012

NEWSVT Act 250 JO 7-413

JUDGMENT ORDER

In this matter, New England Waste Services of Vermont, Inc. (NEWSVT) appeals jurisdictional opinion 7-413 (the JO) issued by the District #7 Environmental Commission Coordinator (District Coordinator) concluding that NEWSVT required an Act 250 permit amendment in the event that NEWSVT sought to convert a leachate pretreatment system from a pilot program to a permanent installation at NEWSVT's facility in Coventry, Vermont (the Property).

For the reasons set forth in the accompanying Decision on Motions, the Court **DENIES** NEWSVT's motion for summary judgment. We **GRANT** DUMP's motion for summary judgment on Questions 1 through 8. We **GRANT** DUMP and the LURB's motions to dismiss Questions 9 through 11.

In so deciding, the Court concludes that DUMP did not require standing when it requested the JO such that its standing does not present grounds to void the JO. Further, the Court concludes NEWSVT requires an Act 250 permit amendment to convert the pilot pretreatment system to a permanent installation. Federal law does not preempt this conclusion and any conflict between federal and state law is speculative. Finally, we conclude that the doctrine of primary jurisdiction is not applicable to these circumstances, that the JO is not an impermissible advisory opinion, and that the Court is without jurisdiction to issue a decision on Question 11 as it relates to general state policy concerning PFAS regulation.

This concludes the matter before the Court.

Electronically signed this January 27, 2026 pursuant to V.R.E.F. 9(D).

Thomas G. Walsh, Judge
Superior Court, Environmental Division