

## Landfill Owner Opposes Act 250 Party Status For DUMP Leader

Act 250 Commission Considering What's Next In Landfill Expansion Review

- Robin Smith
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Henry Coe of Danville is one of the founders of the DUMP movement opposing expansion of the state's only landfill located in Coventry. (File Photo)



This map shows the expansion in blue proposed at the landfill located in Coventry.

COVENTRY — DUMP leader Henry Coe wants a say in the Act 250 review of the landfill expansion plan, and landfill owner New England Waste Services of Vermont is opposing it.

Coe of DUMP (Don't Undermine Memphremagog's Purity) as well as nearby property owner Robert Fortunati have asked the District 7 Environmental Commission for party status in the Act 250 amendment application by the NEWS-VT, owned by Casella.

They filed their requests in June and July, well after the deadline to seek party status.

NEWS-VT on Monday said the requests should be rejected because they were untimely, would create a burden on NEWS-VT, and were without evidence that they had good cause to intervene late.

On Oct. 6, 2017, NEWS-VT filed an application for an Act 250 permit amendment to develop 51.2 acres of lined landfill space and facilities for handling the leachate it would create.

The project includes stormwater treatment ponds, greenhouses, and three contiguous soil stockpiles to the south of the site.

A prehearing was held on Nov. 15, 2017, a site visit on Dec. 28, 2017 and a hearing on May 7.

The commission issued a recess order on June 13, seeking additional information about the view of the landfill expansion from a neighboring property, safety issues over trucking, and relevant permits, which Casella has provided.

The Act 250 permit amendment won't be issued until NEWS-VT receives all other permits, including an updated solid waste permit from the Solid Waste Division of the Vermont Department of Environmental Conservation under the Agency of Natural Resources.

A draft solid waste permit was issued earlier this year but is on hold while the state looks at how to handle the leachate from this and other landfills because of the presence of PFAS, a class of chemicals that has caused well water concerns in Bennington and in schools and other public areas elsewhere in Vermont.

Coe of Danville learned about the Act 250 review at a hearing on the draft permit. He wrote the commission June 29 that he has worked to clean up the watershed of Lake Memphremagog in the Albany area, and notes that he can smell odor from the landfill at his family's woodlot in Albany.

"That in itself should justify party status," Coe wrote.

Fortunati, a resident of Maple Ridge in Coventry, wrote on July 9 that he discovered late that the commission was reviewing an amendment for NEWS-VT's expansion.

He said his home is directly across Route 5 and the Black River and the protected wetlands from the landfill. He said he experiences "very foul air at random times ... at times sickening" at his home and also at his workplace on Pleasant Street in Newport City.

Fortunati also complained about the noise and said the increase in elevation at the landfill to handle more waste will obstruct his view.

District 7 commission coordinator Kirsten Sultan has said the commission is considering these late requests.

NEWS-VT's attorney Timothy Eustace of Gravel & Shea wrote Monday that NEWS-VT did not receive official notice of these requests for party status until Aug. 23.

In a formal objection, NEWS-VT states that the requests were filed more than seven months after the pre-hearing conference, when all requests for party status should have been presented, and two months after the hearing in May, which is when the commission could add last-minute parties.

The commission could allow late applicants to get involved in the process but only if they had good cause for being late and if it will not "place an unfair burden on the parties."

NEWS-VT states that Coe did not address being untimely. NEWS-VT points to coverage of the application, pre-hearing meeting, the hearing and other issues in local and state media.