

House Natural Resources and Fish and Wildlife Committee
Lakes and Pond Day
Lake Memphremagog
Testimony of Peggy Stevens: DUMP Advisory Committee
April 27, 2022

Good morning,

Thank you for the opportunity to address your committee today. My name is Peggy Stevens and I am here today as a representative of DUMP. As you may know, DUMP stands for Don't Undermine Memphremagog's Purity. We are grassroots, volunteer NEK organization, whose mission is to protect and preserve the water quality of beautiful Lake Memphremagog and its watershed, and to inform the public of the environmental and public health risks associated with landfills in general and Coventry in specific. We stand on the Precautionary Principle, which states that no action should be taken without proven assurance that no harm will come from that action. DUMP was formed in 2018 to fight, unsuccessfully, the expansion of the Coventry landfill, Vermont's only landfill. DUMP continues to press the ANR/DEC to strictly monitor and regulate landfill operations as they directly relate to the health and safety of Lake Memphremagog's environment, its people and wildlife.

First, let's talk about the lake. Like Champlain, Memphremagog is an international lake, yet there are unique distinctions. For one, only five miles of the lake, which is 25 miles long, lies in Vermont, while 75% of the Lake's waters originate in and flow north from the Vermont Memphremagog watershed. The waters of Memphremagog serve as the drinking water reservoir for 175,000 Quebec citizens, as well as some Vermonters, and as habitat for Quebec and Vermont wildlife. These waters also serve to unite our two countries, as we share a love for the lake and the benefits she provides, and concern for the challenges she faces

DUMP has developed close ties to our Quebec neighbors, who are even more concerned about the environmental threat posed by the Coventry landfill, which is perilously sited close to the Black River less than a mile from the South Bay of the lake. The landfill is surrounded on three sides by hundreds of acres of valuable wetlands and a wildlife refuge which has been impaired by the landfill siting and expansion. The landfill site was not vetted for geological appropriateness at the time of the first expansion of the local dump over twenty years ago or more recently. The site does not meet current EPA requirements for landfill siting and would never be approved today. The landfill is arguably an international environmental disaster waiting to happen.

One concession at the time of the expansion was a moratorium on leachate treatment anywhere in the Memphremagog watershed, which was extended to 2026 last fall by ANR. This concession ended the practice of disposing of landfill leachate, untreated for toxic landfill chemicals such as PFAS, in the Newport City WWTF. The regional, Provincial and National legislative bodies of Quebec and Canada have resolved unanimously that no leachate shall ever

be treated in the Memphremagog watershed again, and have called for the moratorium to become a permanent ban. They have sent these resolutions to the Secretary of the ANR.

Quebec is serious about protecting the water quality of Lake Memphremagog. Years ago, the provincial government, in cooperation with the cities of Magog and Sherbrooke, acted to close the only landfill in their Memphremagog region. All residual leachate is trucked and treated outside of the watershed. A government subsidized program exists to audit all residential septic systems surrounding the lake and to provide funds for improvements; Quebec municipalities surrounding the lake with WWTF's produce only a fraction of the effluent discharged to the lake from Vermont's WWTF's at Newport, Orleans, Barton, and Island Pond. No effluent comes from industry as occurs on the Vermont side of the watershed.

Significantly, the Lake has been deemed “impaired and degraded” by the ANR, due to high levels of phosphorus pollution. The Basin 17 Plan addresses this concern and efforts to mitigate point sources of phosphorus. Also, aquatic invasive species impair recreational opportunities and habitat, and more frequent concerns about cyano-bacteria blooms threaten the public health and water quality. The Division of Lakes and Ponds provides invaluable resources to Memphremagog, as it does for all of Vermont’s lakes and ponds, to help to ” protect, maintain, enhance and restore the quality of Vermont's surface water resources”. It is hoped that this support will continue and increase as the Basin 17 Plan is updated this year. The lake can use all the help it can get.

Most concerning, and not addressed in the Basin 17 Plan, at least 30% of the Brown Bullhead population in the lake have cancerous lesions- melanomas and liver tumors caused by as yet unknown chemical contaminants. Everywhere else in the nation and the world where BBs with lesions are found, there is a proven, direct link to chemical contamination of their aquatic habitat. Secretary Moore acknowledged this link in a December 2020 public meeting. These cancerous fish are found in no other water body in our state. Research begun in 2014 by USGS and Vermont fish biologists has resumed, now in partnership with Quebec, and must continue until the cause of the cancers is determined and potential point sources of chemical contamination are identified and mitigated and future contamination prevented.

Now let’s focus on the landfill. The 2018 expansion permit, renewable in 2028, has led to ever more monolithic mountains of trash, beyond the wildest expectations of even the most avid landfill supporters. 600,00 tons of solid waste are permitted to be trucked from all over Vermont and New England and deposited annually on soon to be 129 acres. 60,000 gallons of toxic leachate are produced, collected and disposed of daily- a number forecast by NEWSVT to be increasing to 100,000 gallons a day as the landfill continues to grow. Proposed import of leachate will only add to the environmental burden. As contaminated wastes continue to be deposited in the landfill, the concentration of landfill contaminants, in leachate, including PFAS, also increases, as was confirmed in a 2016 report to the legislature by ANR/DEC.

Today, initial supporters of the landfill in the Memphremagog region, across political party lines, want to see the landfill closed sooner than later. Even Coventry residents, who have benefitted by having their property taxes relieved in an agreement with the landfill owner-operator, are having second thoughts.

The economic fallout, from what many now realize was a terrible mistake at the time the landfill was first expanded, is becoming more apparently detrimental. This beautiful glacial lake is the beating heart of the Northeast Kingdom community, and it attracts visitors to our region of Vermont. Without a healthy beating heart, the NEK cannot begin to thrive and recover from the EB-5 disaster that has left an ugly hole on Main Street in Newport City. The economically challenged City of Newport, and the Derby and Newport Center communities around the lake, as well as the surrounding communities in the greater Memphremagog watershed region, have relied on Lake Memphremagog to be an economic driver, attracting second home buyers and recreational tourists, as well as providing support to local businesses by Canadian as well as regional customers.

The sights, smells and sounds of the landfill have begun to affect tourism and real estate values in the area, as has the truck traffic to the landfill, over a hundred trucks a day from all corners of Vermont and neighboring states. The Greenhouse gases, wear and tear on road surfaces; disruption of once quiet communities; as well as toxic gas and liquid landfill emissions affecting air, soil and water quality; all have contributed to declining quality of life in the entire Memphremagog watershed region.

DUMP has continued to raise concerns, for one example the lack of regulatory standards for landfill leachate and leachate treatment; for another, the disposal of residuals from treatment at WWTF's, in state and imported from out of state, such as sludge and sludge cake, together with the filtering media which are and will continue to be returned to the landfill, creating a more and more concentrated toxic stew. We have met numerous times with ANR and DEC staff in public and one on one meetings, and in meetings with our legislators as we expand our outreach and efforts. We have written often to legislators and have copied our various petitions and letters to the Secretary of the ANR to our local legislators and to House and Senate Natural Resources Committees and will continue to do so.

Examples of recent action steps by DUMP include a January 2022 "white paper" sent to ANR Secretary Julie Moore and documenting a lack of transparency by ANR in its decision making about operations at the landfill and the lack of meaningful public participation in ANR's permitting processes. DUMP also filed with ANR in April 2022 a Petition for Declaratory Ruling, contending that pollutant-laden flows from an under drain at the landfill require a National Pollution Discharge Elimination System (NPDES) Discharge Permit under applicable federal and state laws. We have urged the ANR to reinforce and wield its regulatory authority, rather than delegate that authority to the corporate owner-operator of the landfill.

We have come to the realization that environmental justice requires the Vermont legislature and environmental protection agencies to develop a new solid waste plan to replace the outdated plan. The new plan will upgrade applicable rules and regulations to be current with evidence-based solid waste management requirements. The State of Vermont has not reviewed and updated since Act 78 of 1987 its declaration of policy and purpose for the management of wastes as stated in section 6601 of Chapter 159 of Title 10 in the Vermont statutes. [Here is a link to the existing and inadequate policy : <https://legislature.vermont.gov/statutes/section/10/159/06601>] .

The Vermont Solid Waste policy should state requirements for an equitable and environmentally just distribution or balance of the burdens resulting from the generation and disposal of solid wastes in Vermont. The NEK bears the impacts from hundreds of thousands of tons of solid wastes from throughout Vermont and New England. The NEK has become a sacrifice zone.

Current plans are underway to build a leachate pretreatment facility in the Memphremagog watershed, onsite in Coventry. Imagine 60,000 gallons of treated leachate potentially being discharged into the Black River daily. Add to this the imported leachate proposed to be brought to that facility for treatment and the thousands more predicted to be generated by the expanded landfill. The impact on our ecosystem would be devastating.

Instead, the leachate resulting from those landfilled wastes should be disposed of as close as possible to the sources of origin by means of pretreatment in select municipal WWTFs which should be upgraded with federal ARPA or Infrastructure funding to provide the best available technology for the removal of PFAS and other contaminants.

To achieve environmental equity, an alternative solid waste facility must be identified and developed, sited in a geologically appropriate area, closest to where the greatest amount of solid waste is generated. When that facility is ready, the Coventry landfill can be closed. The same should apply to siting of a leachate treatment facility. Leachate should be returned to and treated in the geographical area generating the greatest amount of solid waste from which the leachate is produced. Where is the justice in dumping 84% of Vermont's solid waste in the least populated, least legislatively represented, and most economically and socially challenged corner of Vermont?

There is immediate need for the State to seriously consider ownership and operation of a state landfill in order to have the authority to refuse import of solid waste, including leachate. Ironically, the more Vermonters reduce, reuse and recycle, their efforts will be undone by the import of more out of state waste. Volumes of solid waste imported into Vermont will increase as Juniper Hill in Maine closes to other than Maine generated waste. New Hampshire is also taking legislative steps to set limits on the solid waste industry in their state. Where will the 190,000 tons of contaminated solid waste currently being exported from Massachusetts and Connecticut go next? Very likely Coventry, which already accepts 60,000 tons annually of out of state contaminated waste (2021 figures based on NEWSVT data) and may soon be New England's only option as receiver of out of state waste. Vermont should follow the innovative lead of Maine in curtailing the importation of out of state wastes. (If Vermont were to undertake development of public, centrally located, leachate pretreatment facility, would that authorize the state to refuse import of out of state leachate? We should find out the answer to that question!)

In closing, there are many other complex discussions to be had and a world of possibility to explore, immediately, in terms of solid waste planning that is protective of Vermont's, and the Northeast Kingdom's, as well as Quebec's, water resources. We must begin today to plan for a future where the health and safety of all of our natural resources, our environment, the public and wildlife are priority one. Our children, grandchildren and all our future generations depend on our actions in this moment.

To fail them is not an option.

Thank you, again.