

ATTACHMENT 3

Vermont Agency of Natural Resources  
Department of Environmental Conservation  
Solid Waste Management Program

**SOLID WASTE MANAGEMENT FACILITY CERTIFICATION**

FACILITY NAME: Sunny Acres, LLC  
15 Railroad Row,  
White River Junction, Vermont 05001

FACILITY OWNER (PERMITTEE): Sunny Acres, LLC

FACILITY OPERATOR (PERMITTEE): Same

LANDOWNER (PERMITTEE): Same

SPAN No: 504-158-10737

SOLID WASTE FACILITY IDENTIFICATION NUMBER: WH600

FACILITY LOCATION: 345 River Road South, Putney, VT

FACILITY PURPOSE/DESCRIPTION:

Performance of planned maintenance activities and appropriate environmental monitoring (post-closure care) of a non-operational, unlined, paper sludge landfill (“Facility”) located in Putney, Vermont.

APPLICATION REVIEW:

The application for Certification was received by the Solid Waste Management Program (“Program”) on February 15, 2023. It was reviewed by accordance with the Waste Management Act 10 V.S.A. §§6601 et seq., and the Solid Waste Management Rules (eff.10/31/2020) (“Rules”). The Application is on file in the offices of the Program in Montpelier, Vermont and in the Town Clerk’s Office in the Town of Putney.

CERTIFICATION PERIOD: *From Date of Signature until 08/31/2033*

**FINDINGS**

- A. The Facility is located in Putney, Vermont at 42° 96' 86" N and 72°49' 53" W. The Facility is approximately four acres in size on a twenty-acre parcel.
- B. The Facility was closed and soil-capped in 1994 under the authority of an Assurance of Discontinuance (AOD) entered into by the Agency of Natural Resources (ANR) and Putney Paper Company on September 14, 1994 and in conformance with a subsequently submitted and ANR approved closure plan.
- C. On February 14, 2022, Sunny Acres LLC acquired the facility from Green Acres of Vermont Inc. via Warranty Deed. The Vermont Department of Environmental Conservation (DEC), *Vermont Solid Waste Management Rules*, October 31, 2020. §6-304(c) requires certification or modification of certification upon change of ownership of a regulated facility. The Rules §6-1008(a) require submittal of a Post-Closure Plan for facilities that required to obtain certification.
- D. On February 15, 2023, the Permittee submitted an application to the Program for certification pursuant to 10 V.S.A. §6605, and the Rules for post-closure certification of the Sunny Acres, LLC. Landfill.
- E. Post-closure environmental monitoring has been performed consistently on a semi-annual basis between 1994 and 2014. The AOD was amended on February 14, 2014, to reduce water quality monitoring to annual, instead of semi-annual and to reduce the sampling parameters to exclude Volatile Organic Compounds (VOCs), due to VOCs only being detected sporadically, specifically acetone, which could have been attributed to contamination during the sampling process.
- F. The most recent monitoring results were sampled May 24, 2022. As of this sampling, manganese was found in exceedance of the secondary Vermont Groundwater Enforcement Standards (VGES) within two monitoring wells. Iron and combined Perfluorooctanesulfonic acid (PFOS) and Perfluorooctanoic acid (PFOA) was found in exceedance of the secondary VGES within one monitoring well.
- G. LE Environmental worked with the Permittees submitted application to the Program for certification pursuant to 10 V.S.A. §6605, and the Rules for post-closure certification of the Sunny Acres, LLC. Landfill. Based off of the recent 5 years of groundwater data, their recommendations were to remove MW-1, MW-3, MW-4, and MW-6 from groundwater monitoring. After reviewing the groundwater data provided for the last 5 years, the Agency has agreed to remove these monitoring wells from groundwater monitoring. MW-2, MW-5 and MW-7 will continue to be sampled annually.
- H. The groundwater beneath the Facility is designated as Class III groundwater, pursuant to §12-503 of the Vermont Groundwater Protection Rule and Strategy ("Groundwater Rules").
- I. Because the Facility was previously certified under 10 V.S.A. §6605 and the application involves only post-closure care and custodial care of the Facility, the Agency determined the application to be minor under §6-602 of the Rules.
- J. Pursuant to 10 V.S.A. § 6605(c), the Secretary of the Agency of Natural Resources

2023 Certification

(“Secretary”) finds that the Facility is included in the approved Windham Solid Waste Management District’s Solid Waste Implementation Plan which was adopted pursuant to 24 V.S.A. §2202a.

- K. Pursuant to 10 V.S.A. §6605(c), the Secretary finds that the Facility is in conformance with the Town of Putney municipal Plan adopted in accordance with 24 V.S.A. chapter 117.
- L. Pursuant to Section §6-805 of the Rules, the Permittee has established an irrevocable letter of credit with Mascoma Bank, in the amount of \$80,352.84, dated June 15, 2023. This amount is sufficient to fund the post-closure care costs for the facility set forth in the application for the duration of this certification.
- M. On August 9, 2023 the Solid Waste Management Program determined that the Application was Technically Complete and conforms with the Rules.
- N. On August 9, 2023 the Permittee provided notice of the draft certification pursuant to the requirements of Sections 6-501(Table A) and 6-602(c)(3) of the Rules. The comment period ended on September 11, 2023 and no comments were received.

### **CONDITIONS FOR FACILITY POST-CLOSURE CARE**

1. The Permittee shall perform post-closure care of the Facility in accordance with the terms of this Certification and with the applicable provisions of State law, including the Vermont Solid Waste Management Rules. Compliance with this certification does not relieve the Permittee from complying with all applicable local, State and federal laws.
2. The following documents are hereby incorporated by reference in this certification:
  - Application for Post-Closure Certification, Sunny Acres, LLC; prepared by Martha Staskus, Chief Development Officer, dated February 15, 2023 and all attached referenced material therein

Additions or alterations to the documents referenced above must be approved by the Agency prior to implementation. Materials or substantial additions or alterations which justify the application of condition different or absent from the Certification will be cause for modification or amendment of this Certification.

3. The Permittee shall maintain financial responsibility equal to or greater than the post-closure cost estimates at all times.

### **COMPLIANCE SCHEDULE**

4. By February 1, 2024 and yearly thereafter, the Permittee shall adjust the post-closure cost estimates for inflation in accordance with Requirement II(C) of the Procedure Addressing Post-Closure Care and Post-Closure Certification at Solid Waste Landfills, adopted February 8, 1999.
5. On or before February 1, 2024 and yearly thereafter, the Permittee shall review the approved post-closure plan and cost estimates and shall submit documentation that provides the information required by Section 6-806(a)-(c) of the Rules, consisting of either:
  - a. a report that certifies that post-closure care is consistent with the approved post closure plan and regulations and either provides a revised cost estimate or indicates that there have been no changes to the cost estimate; or
  - b. an application for modification or amendment of this Certification due to substantive changes to the post-closure plan.

### **RECERTIFICATION**

6. On or before January 1, 2033 the Permittee shall apply for recertification for post-closure care of the Facility.

### **MONITORING REQUIREMENTS**

7. In May of each certification year, the Permittee shall retain a qualified professional to perform groundwater quality monitoring. Sampling locations shall include groundwater monitoring wells MW-2, MW-5, and MW-7 and samples should have depth to water, temperature, pH and conductivity analyzed in the field and analyzed for iron and manganese. In addition, MW-5 should be analyzed for arsenic. MW-2 should also be analyzed for COD and PFAs with an equipment blank. All parameters should be in accordance with Section III requirements of the Agency's Procedure Addressing Groundwater Quality Monitoring & Responses When a Groundwater Standard is Reached or Exceeded at Municipal Solid Waste Landfills ("Groundwater Procedure"), adopted February 8, 1999.

### **MATERIALS, SITE MANAGEMENT**

8. In the event any of the monitoring wells established as part of the approved water quality monitoring program are destroyed or rendered unusable, the Permittee shall replace said well(s) in accordance with the Agency's guidelines for monitoring well installation, or a comparable design, prior to the next scheduled sampling date.

### **REPORTING REQUIREMENTS**

9. On or before June 15<sup>th</sup> of each certification year, the Permittee shall submit an annual evaluation of the Facility performed by a registered engineer or approved qualified professional. The engineer shall evaluate, at a minimum the integrity of the final cover system, erosion control measures, drainage systems, gas control systems, the complete existing groundwater monitoring well network, and vegetative cover. The inspection should be conducted during the month of May.
10. Within 60 days after the dates of sampling required by Condition 7 of this certification, the Permittee shall:
  - a. For all groundwater samples, submit to the Program current and historic groundwater quality results, statistical evaluation and narrative assessment in accordance with Section III (E) of the Agency's Procedure Addressing Groundwater Quality Monitoring & Responses When a Groundwater Standard is Reached or Exceeded at Municipal Solid Waste Landfills ("Groundwater Procedure").

If the report and statistical evaluation concludes in a preliminary finding that parameters in groundwater exceed any standard at a point of standards application, the Secretary may initiate a response in accordance with Section III (F) of the Groundwater Procedures.

### **GENERAL CONDITIONS**

11. In the event that the Secretary determines that corrective action is necessary to prevent or remedy damage to the public health and safety or to the environment, the Secretary reserves the right to require corrective action and a demonstration of financial responsibility for corrective action, in accordance with the Agency procedure titled Procedure Addressing Corrective Action and Financial Responsibility for Corrective Action at Solid Waste Landfills, adopted February 8, 1999.
12. This Certification does not convey any property rights of any sort or any exclusive privilege, nor does it authorize any injury to private property or any invasion of personal rights.
13. This Certification is not alienable, transferable, or assignable.
14. The Permittee shall allow Agency personnel access to the Facility at any reasonable time to perform site inspections or other activities pursuant to 10 V.S.A. § 6609 as may be required to ensure compliance with this Certification, applicable statutes, and the Rules.
15. This Certification supersedes any and all previous authorization issued to the Permittee concerning the operation of the Facility pursuant to 10 V.S.A. § 6609 or 10 V.S.A. § 6605b.

### **APPEALS**

Any person aggrieved by this certification or permit may appeal to the Superior Court – Environmental Division within 30 days of the issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules Environmental Court Proceedings. If this certification or permit relates to a renewable energy plant for which a certificate of public good is required under 30 V.S.A. §248, any appeal must be filed within 30 days of the issuance with the Vermont Public Service Board in accordance with Board rules.

The Secretary's issuance of this Certification for the operation of this facility relies upon the data, judgment and other information supplied by the Permittee(s), the hired professional consultants and other experts who have participated in the preparation of the Application.

The Secretary makes no assurances that the facility certified herein will meet the performance objectives of the Permittee(s) and no warranties or guarantees are given or implied.


The Program staff has reviewed the Application and has found that it conforms to current technical standards. It is recommended that the foregoing findings be made and this Certification be issued for the operation of the facility described here in.

I do affirmatively make the findings as recommend by the staff of the Program and approve the issuance of this Certification.

Dated this 11th day of October 2023 at Montpelier, Vermont.

AGENCY OF NATURAL RESOURCES

Julie Moore, Secretary  
Agency of Natural Resources

By:   
Matt Chapman, Division Director  
Waste Management and Prevention Division  
Department of Environmental Conservation