

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION
Case No. 24-2797-PET**

8/29/2026

Commissioners and Hearing Officer,

ANR and Mr. Einhorn should be ashamed. ANR responded to twenty-two substantive interrogatories with twenty-two sets of stacked boilerplate objections that had little or nothing to do with the actual questions. Not one substantive answer appears in the eleven pages. The Commission deserves better, and so do the residents of Lyndon and Vermont. Clearly ANR is not doing its job of protecting Vermonters from carcinogens and air pollution.

I. ANR did, in fact, offer evidence in this proceeding and its objection based on Rule 2.230(M)(2) is factually false

ANR's lead objection, repeated across all twenty-two responses, invokes Commission Rule 2.230(M)(2) on the theory that the Agency has offered neither testimony nor evidence in this proceeding. The objection would be more persuasive if it were true.

On May 4 and 5, 2026, ANR signed and filed a Memorandum of Understanding with Vermont Renewable Gas, LLC. That document is docketed in Case No. 24-2797-PET. It is labeled Exhibit VRG-ANR-1. Section IV of that MOU states, in ANR's own words: "The Parties agree that this MOU shall be admitted into evidence as Exhibit VRG-ANR-1." The same attorney who signed the MOU, Donald J. Einhorn of ANR's legal office, signed today's objections. Wow. Mr. Einhorn should be cited for contempt.

An exhibit, agreed to be admitted into evidence, signed by ANR's counsel, docketed by the Commission, is evidence. Rule 2.230(M)(2) bars discovery from parties who have not offered testimony or evidence. ANR has offered evidence. The objection therefore fails on its face.

ANR's MOU does considerably more than simply exist. Section III commits ANR to the position that, subject to the MOU's conditions, the Project will not have an undue adverse effect on the natural environment under 30 V.S.A. Section 248(b)(5), "with due consideration having been given to the criteria specified in 10 V.S.A. Sections 1424a(d) and 6086(a)(1) through (8) and greenhouse gas impacts." That is a substantive finding on the Section 248 merits. Section V states the MOU controls over any conflicting testimony or evidence in the record. ANR has positioned itself as the decisive voice on the natural environment criteria, while simultaneously claiming to have said nothing.

Section VI of the MOU further makes ANR's air permit, AOP-23-048, a condition of CPG issuance. By making the permit a CPG condition, ANR has placed the adequacy of that permit squarely before this Commission. The interrogatories at issue ask about the analytical basis for that permit. ANR's refusal to answer suggests that ANR did no analysis at all.

The Commission's independent obligation under Section 248(b)(5) to find that the Project "will not have an undue adverse effect on aesthetics, historic sites, *air and water purity*, the natural environment, *and the public health and safety*" is not discharged by ANR's issuance of a permit. The statute requires Commission findings. Those findings require an evidentiary record. ANR's stonewalling produces a record in which the Commission is asked to make public health findings based on a permit whose development ANR refuses to describe.

II. The “collateral challenge” objection mischaracterizes Section 248 proceedings

Eighteen of twenty-two responses add the objection that the interrogatories present "a collateral challenge to a finalized permit" (AOP-23-048, issued June 24, 2024). This framing treats a Section 248 proceeding as a rubber stamp for permits already issued, which is not what the statute contemplates.

Section 248(b)(5) directs the Commission to give "due consideration" to the criteria in 10 V.S.A. Sections 1424a(d) and 6086(a)(1) through (8) when evaluating effects on air quality, water purity, and the natural environment. That exercise is the Commission's own obligation. The Legislature structured the CPG process to provide independent public interest review, not to ratify whatever regulatory decisions other agencies have already made. If a finalized permit could never be examined in a downstream Section 248 proceeding, the environmental review criteria would be largely superfluous.

More concretely: ANR's own MOU makes compliance with AOP-23-048 a CPG condition (MOU Section VI). When the Commission incorporates a permit as a CPG condition, the Commission adopts that permit's requirements as its own. A permit that was developed without ambient air quality modeling, without considering the February 2024 PM2.5 NAAQS revision, and without any analysis of hazardous air contaminant concentrations at nearby receptors is not a permit the Commission should adopt on faith. The interrogatories were asking about the analytical foundation for conditions this Commission would impose. This is not a collateral matter.

The permit itself confirms what ANR will not say in discovery. Findings of Fact Section (E)(c) of AOP-23-048 states that an ambient air quality impact evaluation "was not required by the Agency for the proposed project" based solely on a bare assertion that emissions are not "anticipated" to cause NAAQS violations. No screening tool is cited. No AERSCREEN run is described. No dispersion modeling of any kind appears in the permit record. NI-ANR-1 asked for the technical basis for that decision. ANR's refusal to answer confirms that no technical analysis was done.

III. The permit record reveals specific analytical failures

The Commission may find it useful to know what ANR's permit actually says about the subjects the interrogatories raised, since ANR declined to address them in discovery.

The February 2024 PM2.5 NAAQS revision (NI-ANR-4, NI-ANR-5)

EPA revised the annual PM_{2.5} NAAQS from 12 micrograms per cubic meter to 9 micrograms per cubic meter in February 2024. AOP-23-048 was issued in June 2024, four months later. The permit contains no reference to the revised standard. NI-ANR-5 asked whether the revision was considered before permit issuance. ANR only needed to reply *yes* or *no*. ANR objected that the question was "vague and unintelligible." A yes-or-no question about a known regulatory change that preceded permit issuance by four months is not unintelligible.

The HAC waiver (NI-ANR-7 through NI-ANR-9)

Findings of Fact Section (G) of AOP-23-048 acknowledges that the facility will have emissions of 1,3-butadiene, acetaldehyde, and formaldehyde in excess of their respective Action Levels even after installation of SCR systems. The permit states that ANR "reviewed several factors" under Section 5-261(3)(a)-(c) of the Vermont Air Pollution Control Regulations before deciding not to require an air quality impact evaluation, and exercised that discretion "at this time." What were these "several factors?" Neither the factors reviewed nor the analysis applied to them appears anywhere in the permit. NI-ANR-7 asked for the documented basis for that waiver. ANR objected that the question was "overbroad" and called for a "legal conclusion." Asking an agency to describe its own factual analysis is not overbroad. An attorney who submits an MOU as evidence one month and claims that his agency will not submit evidence the next month is the only fool who would think the question requires a legal conclusion.

The syngas HAP gap (NI-ANR-10, NI-ANR-11)

AOP-23-048 acknowledges that 40 CFR Part 60 Subpart JJJJ applies to the three Guascor engines but that "the emission standards will not apply while burning syngas because Table 1 does not include syngas as a fuel." The permit identifies this regulatory gap and then provides no alternative standard governing HAP emissions from syngas combustion. NI-ANR-10 asked whether the syngas composition had been characterized for benzene, toluene, naphthalene, and other HAPs. NI-ANR-11 asked what regulatory standard governs HAP emissions from the Guascor engines while burning syngas. ANR objected to both as "vague" and calling for "legal conclusions." These are factual questions about what ANR did and what rule it applied. ANR has answers to both. It chose not to share them.

The biochar "no emissions" claim (NI-ANR-12, NI-ANR-13)

The permit states: "The Permittee has indicated that there will be no emissions to the ambient air from the biochar process." ANR accepted that representation without requiring any supporting engineering analysis, reference to comparable facilities, or independent verification. NI-ANR-12 asked for the engineering basis. NI-ANR-13 asked whether ANR had evaluated inhalation exposure risk from biochar dust during loading and transport operations, noting that the AAFM-VRG Stipulation filed the same day as the ANR MOU documents concern about PAH, dioxin/furan, PFAS, and heavy metal content in the biochar. ANR objected to both questions as calling for speculation. ANR accepted the claim without analysis, and now objects to explaining why.

Environmental justice (NI-ANR-19 through NI-ANR-22)

Vermont Act 154 of 2022 codified at 10 V.S.A. Chapter 211 directs state agencies to provide meaningful participation opportunities to environmental justice populations in permitting decisions and to evaluate cumulative environmental burdens. NI-ANR-19 asked whether EPA's EJSCREEN tool was applied to the Lyndon facility location. NI-ANR-20 asked whether community engagement consistent with Act 154 occurred. NI-ANR-21 asked whether a licensed childcare facility within the same industrial park was identified as a sensitive receptor. NI-ANR-22 asked about cumulative burden analysis for the area. ANR objected to all four as "argumentative," "vague," or calling for "legal conclusions." Act 154 was enacted in 2022. The permit was issued in 2024. Whether the Agency applied the statute it was obligated to apply is a factual question, not an argumentative one.

IV. THE REMAINING BOILERPLATE OBJECTIONS

Every response includes the objection that the request is "overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case." ANR offers no showing of actual burden for any interrogatory. The requests are specific, technically precise, and directed at documented features of ANR's own permit. Claiming that questions about one's own analytical methodology are irrelevant to a Section 248 proceeding that must make findings about the same subject matter is an argument ANR is welcome to make before the Commission, but it does not constitute a valid objection to discovery under Rule 2.230.

Several responses add that the question is "vague and unintelligible" or "requires speculation." NI-ANR-2 asks whether Good Engineering Practice stack height was evaluated. GEP stack height has a defined regulatory meaning under 40 CFR Section 51.100(ii). It is a simply *yes* or *no* question. NI-ANR-4 asks for background PM_{2.5} concentration data ANR reviewed. If ANR reviewed such data, it exists and can be produced. If ANR did not review such data, the answer is "we did not." Neither answer requires speculation. NI-ANR-6 asks what meteorological station data was reviewed to characterize dispersion in the Passumpsic River Valley. Same analysis. These objections demonstrate that ANR simply rubber stamped the air quality permit.

V. The AAFM MOU highlights what concerns ANR refuses to address

The AAFM-VRG Stipulation, filed the same day as the ANR MOU, requires the CPG Holder to test biochar for PAHs, dioxins and furans (PCDD/Fs), PCBs, PFAS, and a suite of heavy metals including arsenic, lead, cadmium, cobalt, hexavalent chromium, copper, mercury, molybdenum, nickel, selenium, and zinc. AAFM imposed this testing regime specifically because it recognized that pyrolysis of biomass at varying temperatures can produce these contaminants in the solid biochar output.

The same pyrolysis process that can concentrate dioxins, PAHs, and heavy metals in the biochar can also emit them from the stack. The permit acknowledges that the facility will emit 1,3-butadiene, acetaldehyde, and formaldehyde above Action Levels. It does not address whether the stack gases contain benzene, naphthalene, or other aromatic HAPs characteristic of biomass pyrolysis at sub-optimal temperatures. NI-ANR-10 asked about syngas HAP composition. NI-ANR-13 asked about inhalation exposure from biochar dust. Both were stonewalled.

There is also an unaddressed gap in the AAFM Stipulation itself worth noting for the Commission. Section 2(i) prohibits distribution of biochar for "agricultural plant fertilization use, or as a beneficial substance use" when contaminants exceed Attachment A thresholds. The prohibition does not cover *soil amendment* use as a distinct regulatory category under Vermont law, nor does it cover any non-agricultural uses including construction materials, biofilters, industrial carbon sorbents, or animal feed. The Attachment A footnote acknowledges this explicitly, noting the threshold values "may not be suitable for other uses." Biochar containing heavy metals above agricultural thresholds could move into those other markets without triggering any condition of either the AAFM Stipulation or the ANR MOU.

The testing-to-distribution chain also contains an enforcement gap. Section 2(l) requires quarterly testing in Year 1. There is no provision requiring VRG to hold or quarantine biochar produced between test events. Biochar can be produced and distributed continuously. If a quarterly test returns results above threshold, the MOU provides no mechanism for recall or cessation of distribution of biochar already shipped. Given that the testing regime was designed for agricultural soil application and may not be adequate for other uses, the gap between test events at a novel facility with no operational track record is meaningful.

VI. Compel ANR to answer

The Commission should issue an order compelling ANR to provide substantive responses to NI-ANR-1 through NI-ANR-22. The objections are legally deficient for the reasons stated above. ANR has offered evidence in this proceeding, the interrogatories go to the merits of CPG conditions the Commission would impose, and the objections of vagueness, burdensomeness, and speculation are unsupported.

If the Commission declines to compel responses, it should draw the appropriate inference from ANR's silence: that the permit record does not support the substantive findings Section 248(b)(5) requires on air quality and public health, and that a CPG cannot issue until that record is developed. A party that has conducted the analysis can answer the questions. The questions ANR refused to answer confirm what the permit itself discloses: an ambient air quality impact evaluation was not performed, the February 2024 PM2.5 NAAQS revision was not considered, the HAC waiver was exercised without documented analysis, and the syngas HAP profile for a novel fuel in a novel process was never characterized.

The local residents, including the children at the childcare facility in the same industrial park as this project, are entitled to a Commission finding on public health that rests on something more than the petitioner's assurances and an agency's refusal to explain itself.

Pike Porter
Burlington, Vermont
August 29, 2026

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 24-2797-PET

Petition of Vermont Renewable Gas, LLC for a)
certificate of public good, pursuant to 30) June 16, 2026
V.S.A. § 248, for approval to construct and operate)
a 2.2 MW generation facility in Lyndon, Vermont)

**VERMONT AGENCY OF NATURAL RESOURCES’
RESPONSES TO INTERVENORS’ INFORMATION REQUESTS**

The Vermont Agency of Natural Resources (“Agency” or “ANR”), by and through undersigned counsel, hereby responds to the discovery requests served by intervenors Steven Dolgin, Ernest and Madeline Hastings, John Ling, and Mark Simakaski on May 19, 2026.

General Objections

The following Agency general objections are incorporated by reference into its responses to each interrogatory, request to produce, and request for admission below, and made without waiver of any objection, regardless of whether an objection is stated in a particular response.

1. The Agency objects to each request below to the extent that it is overbroad, irrelevant to any party’s legal arguments, unduly burdensome, and not proportional to the needs of the case.
2. The Agency objects to each request below to the extent that it calls for the disclosure of information or production of material subject to the attorney-client, work product, or other applicable privilege.
3. The Agency objects to each request below to the extent that it is vague, unintelligible, or requires speculation.
4. The Agency objects to each request below to the extent that it exceeds the scope of Agency witness testimony and supporting exhibits.
5. The Agency objects to each request below to the extent that it calls for a legal conclusion.

Q. NI-ANR-1: What specific technical basis did ANR rely upon to determine that an ambient air quality impact evaluation was not required?

- (a) Identify and produce any calculations, screening tools (e.g., EPA's AERSCREEN), or data reviewed.
- (b) How did ANR determine what level of emissions are “typical” for this category of emission source?
- (c) Did ANR review emissions data from the six facilities that CETY claims use this technology in Europe? If so, produce the analysis.

A. NI-ANR-1:

Objection: The request exceeds the scope of what is permitted under the Commission’s Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit (Vermont DEC Air Pollution Control Permit #AOP-23-048).

Objection: The request is overbroad, irrelevant to any party’s legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and requires speculation.

Objection: The request calls for a legal conclusion.

Q. NI-ANR-2: Was GEP (Good Engineering Practice) stack height evaluated for any of the permitted stacks? If so, what were the results? If not, why not?

A. NI-ANR-2:

Objection: The request exceeds the scope of what is permitted under the Commission’s Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party’s legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and unintelligible.

Q. NI-ANR-3: Was a building downwash analysis conducted for the facility? If not, what is the basis for concluding that downwash does not affect ground-level concentrations?

A. NI-ANR-3:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague.

Q. NI-ANR-4: Produce background PM_{2.5} concentration data used to assess cumulative ambient concentrations relative to the revised 9 µg/m³ annual NAAQS?

A. NI-ANR-4:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague.

Q. NI-ANR-5: Was any assessment conducted in light of the February 2024 NAAQS revision prior to permit issuance in June 2024?

A. NI-ANR-5:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and unintelligible.

Q. NI-ANR-6: What meteorological station data was reviewed, if any, to characterize dispersion conditions in the Passumpsic River Valley where the facility is located?

A. NI-ANR-6:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and requires speculation.

Q. NI-ANR-7: What are the "several factors" enumerated in §5-261(3)(a)-(c) of the Regulations that ANR reviewed before waiving the HAC air quality impact evaluation?

(a) Produce the documented basis for the waiver, including any quantitative analysis of HAC concentrations at nearby receptors.

A. NI-ANR-7:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Q. NI-ANR-8: What is the estimated ambient concentration of formaldehyde, acetaldehyde, and 1,3-butadiene at the nearest residential receptor and at Vermont State University from VRG's operations?

(a) How does this compare to each compound's respective cancer risk benchmark?

A. NI-ANR-8:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and unintelligible.

Objection: The request is vague and requires speculation.

Q. NI-ANR-9: What triggers re-evaluation of the HAC waiver? The Permit says "at this time" – what changed circumstances require ANR to reconsider?

A. NI-ANR-9:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request calls for a legal conclusion.

Q. NI-ANR-10: Has the composition of syngas produced by VRG's HTAP process been characterized? If so, what are the measured or estimated concentrations of benzene, toluene, naphthalene, and other HAPs in the syngas stream?

A. NI-ANR-10:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and requires speculation.

Q. NI-ANR-11: Given that 40 C.F.R. Part 60 Subpart JJJJ does not apply to syngas combustion, what regulatory standard governs HAP emissions from the Guascor engines while burning this fuel? How will compliance with that standard be demonstrated?

A. NI-ANR-11:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague.

Objection: The request calls for a legal conclusion.

Q. NI-ANR-12: What is the basis for the "no emissions" claim for the biochar process? Has VRG provided any engineering analysis, modeling, or reference to comparable facilities demonstrating that biochar handling will result in zero fugitive PM emissions? If so, produce the documents demonstrating that biochar handling will result in zero fugitive PM emissions.

A. NI-ANR-12:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding.

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit. Commission Rule 2.230(M)(2).

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and requires speculation.

Q. NI-ANR-13: The AAFM-VRG Stipulation (PUC Case No. 24-2797-PET) documents detailed concern about PAH, dioxin/furan, PFAS, and heavy metal content of biochar from this facility. Has ANR evaluated the inhalation exposure risk from biochar dust during loading and transport operations? If so, produce the risk exposure analysis. If not, why not?

A. NI-ANR-13:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and requires speculation.

Q. NI-ANR-14: What condition in the Permit would require VRG to obtain ANR approval before commencing biochar operations if any fugitive emissions are detected from the biochar handling system?

A. NI-ANR-14:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and unintelligible.

Objection: The request calls for a legal conclusion.

Q. NI-ANR-15: Produce documentation that demonstrates the Project will be able to offset emissions from the harvesting, transportation and flaring associated with the Project.

A. NI-ANR-15:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and unintelligible.

Objection: The request is vague and requires speculation.

Q. NI-ANR-16: Produce documentation reviewed by ANR that provides GHG emissions estimates for the Project, including flaring, methane leakage or biomass storage.

A. NI-ANR-16:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and requires speculation.

Q. NI-ANR-17: Produce documentation reviewed by ANR of a life cycle analysis for the Project to calculate the Project's carbon intensity score.

A. NI-ANR-17:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and unintelligible.

Objection: The request is vague and requires speculation.

Q. NI-ANR-18: Produce documentation reviewed by ANR of granular estimates of GHG emissions from the Project.

A. NI-ANR-18:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and unintelligible.

Objection: The request is vague and requires speculation.

Q. NI-ANR-19: Did ANR apply EPA's EJSCREEN tool — publicly available since 2015 — or any other EJ screening methodology to the Lyndon facility location during permit review? Vermont's own EJ mapping tool is not required to be publicly available until January 1, 2027, but nothing prevented ANR from using existing federal tools in the interim. If no EJ screening was conducted, what is the basis for concluding that Act 154 of 2022 imposed no screening or engagement obligations in connection with this permit?

A. NI-ANR-19:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and unintelligible.

Objection: The request is vague and requires speculation.

Objection: The request calls for a legal conclusion.

Objection: The request is argumentative.

Q. NI-ANR-20: Did ANR conduct any community engagement in the Lyndon/Lyndonville area consistent with the requirements of Vermont Act 154? If so, please describe. If not, what is the basis for concluding that Act 154 did not apply to this permitting action?

A. NI-ANR-20:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding.

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit. Commission Rule 2.230(M)(2).

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and requires speculation.

Objection: The request calls for a legal conclusion.

Q. NI-ANR-21: Was the presence of a licensed childcare facility within the same industrial park considered in the permit review? Is it identified as a sensitive receptor?

A. NI-ANR-21:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and requires speculation.

Objection: The request calls for a legal conclusion.

Q. NI-ANR-22: What cumulative environmental burden analysis, if any, was conducted for the Lyndon/Lyndonville area, which already hosts industrial park operations including UPS and other more than 20 commercial and residential facilities in the surrounding area?

A. NI-ANR-22:

Objection: The request exceeds the scope of what is permitted under the Commission's Rules as the Agency has neither offered testimony nor evidence in this proceeding. Commission Rule 2.230(M)(2).

Objection: The request is outside the scope of this proceeding because it presents a collateral challenge to a finalized permit.

Objection: The request is overbroad, irrelevant to any party's legal arguments, unduly burdensome, and not proportional to the needs of the case.

Objection: The request is vague and requires speculation.

Objection: The request calls for a legal conclusion.

DATED this 16th day of June 2026 at Montpelier, Vermont.

Respectfully submitted,

VERMONT AGENCY OF NATURAL RESOURCES

As to objections:



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