

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

SOLID WASTE MANAGEMENT FACILITY CERTIFICATION

FACILITY OPERATOR (PERMITTEE): Town of Shaftsbury
P.O. Box 409
Shaftsbury, VT 05262

LANDOWNER (PERMITTEE): Town of Shaftsbury
P.O. Box 409
Shaftsbury, VT 05262

PROJECT IDENTIFICATION NUMBER: RU95-0511

SOLID WASTE FACILITY ID NUMBER: BN740

FACILITY LOCATION: Town Highway #30, Shaftsbury, VT

FACILITY PURPOSE:

Performance of planned maintenance activities and appropriate environmental monitoring (post-closure care) of a non-operational, unlined landfill ("Facility") located in Shaftsbury, Vermont.

APPLICATION REVIEW:

The application for Certification was received by the Solid Waste Management Program ("Program") on October 3, 2006. It was reviewed in accordance with the Solid Waste Management Act, 10 V.S.A. §6601 *et seq.*, and with the Vermont Solid Waste Management Rules, effective June 12, 2006, ("Rules"). The Application is on file at the Program office in Waterbury, Vermont and in the Shaftsbury Town Clerk's Office.

CERTIFICATION PERIOD:

January 21, 2009 to January 21, 2014

FINDINGS

- A. The Facility is located in the Town of Shaftsbury, Vermont, at 73° 12' 0" W. longitude and 42° 57' 52" N. latitude. The Facility is approximately five acres in size on a town-owned parcel that also includes a separately certified solid waste transfer station.
- B. Landfilling operations at the Facility ceased in 2005. The final capping system was installed in the fall of 2006.
- C. On October 3, 2006, the Permittee submitted an application for transfer station operation and post-closure certification of the Facility. This certification applies only to post-closure care of the closed landfill.
- D. Because the Facility was previously certified under 10 V.S.A. Section 6605 and the certification involves only post-closure care of the Facility, the Agency determined the application to be minor under Section 6-305(b) of the Rules.
- E. In 2006, landfill gas was detected above the Lower Explosive Limit for methane in gas monitoring wells located along the western property boundary, a violation of Section 6-606(b)(2)(I) of the Rules. The Permittee was directed to design and install a landfill gas remediation system. The approved gas remediation system was installed in the summer of 2008.
- F. The groundwater beneath the Facility is designated as Class III groundwater, pursuant to Section 12-503 of the Vermont Groundwater Protection Rule and Strategy ("Groundwater Rules").
- G. Adequate post-closure care and environmental monitoring has been performed at the Facility since May 2007. Post closure care is scheduled to conclude in July 2037 unless the Secretary determines that continued post-closure care is necessary to protect public health and the environment.
- H. Pursuant to 10 V.S.A. Section 6605(c), the Secretary of the Agency of Natural Resources ("Secretary") finds that the Facility is included in the approved Bennington Regional Planning Commission's Solid Waste Implementation Plan which was adopted pursuant to 24 V.S.A. §2202a.
- I. Pursuant to 10 V.S.A. Section 6605(c), the Secretary finds that the Facility is in conformance with the Bennington Regional Planning Commission Plan and in conformance with the Town of Shaftsbury municipal plan adopted in accordance with 24 V.S.A. chapter 117.

- J. The Permittee submitted information which indicates that the Town will have sufficient funds to pay for post-closure expenses through taxation and bond issuance.
- K. On November 25, 2008, the Program forwarded a written determination that the application conforms to the Rules, and issued a draft certification.
- L. On January 13, the Permittee provided notice of the draft certification pursuant to the requirements of Sections 6-305(b)(3) and 6-304(h)(1) of the Rules. The comment period ended 14 days after publication of the notice.

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, and 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:
 - o Town of Shaftsbury Solid Waste Management Facility Re-certification, dated November, 2006.
 - o Applicable portions of Storage, Transfer, and Recycling Facility Recertification Application Form, dated October 24, 2007.
 - o Town of Shaftsbury Landfill Post Closure Plan received June 4, 2008.

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

- 3. The Permittee shall annually appropriate funds to undertake post-closure care of the Facility pursuant to the terms of this Certification and any post-closure care plans approved by the Program. Periodic documentation of financial capability shall be submitted in accordance with Section 6-902(b) of the Rules.

4. The Permittee shall operate and maintain the landfill gas remediation system. If the Permittee has evidence demonstrating that gas production rates have declined, and monthly monitoring indicates that all landfill gas concentrations, in all wells, are below the Lower Explosive Limit for methane, the Permittee may petition the Secretary to discontinue active gas controls.

COMPLIANCE SCHEDULE

5. On or before January 1, 2010, and yearly thereafter, the Permittee shall adjust and submit 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.
6. On or before January 1, 2011, and May 1, 2013, the Permittee shall review the approved post-closure plan and cost estimates and shall submit documentation that provides the information required by Section 6-1006(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.

MONITORING REQUIREMENTS

7. During the months of May and October of each certification year, the Permittee shall retain a qualified professional to perform groundwater quality monitoring. Sampling locations shall include groundwater monitoring wells MW-6, MW-7, MW-8, MW-9, and MW-11. Sampling parameters and frequencies shall be as noted in Landfill Post Closure Plan. All groundwater samples shall be collected and analyzed in accordance with Section III.C 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. Metal samples shall be filtered in the field.
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 monitoring well(s) in accordance with the Agency's guidelines for monitoring well installation, or a comparable design, prior to the next scheduled sampling date.

9. Within 60 days after the dates of sampling required by Conditions 8 and 9 of this Certification, the Permittee shall submit to the Program current and historic groundwater quality results, and narrative assessment in accordance with Section III(E) of the 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 Procedure.
10. During the each month of each certification year, the Permittee shall perform explosive gas monitoring on landfill gas wells MV-1, MV-2, MV-3, MV-4, in accordance with the May 27, 1994, Procedure Addressing Explosive Gas Control at Municipal Solid Waste Landfills. Results of the gas monitoring shall be submitted to the Agency within 30 days of data collection.

REPORTING REQUIREMENTS

11. On or before June 15th of each certification year, the Permittee shall submit an annual evaluation of the Facility performed by a registered engineer. The engineer shall evaluate, at a minimum, the integrity of the final cover system, erosion control measures, drainage systems, gas control systems, and vegetative cover. The inspection should be conducted during the month of May.

RE-CERTIFICATION

12. On or before (*six months prior to expiration of the certification*), the Permittee shall apply for re-certification for post-closure care of the Facility.

GENERAL CONDITIONS

13. 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's Procedure Addressing Corrective Action and Financial Responsibility for Corrective Action at Solid Waste Landfills, adopted February 8, 1999.
14. 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.
15. This Certification is not alienable, transferable, or assignable.

16. The Permittee agrees to allow Agency personnel access to the Facility during normal business hours 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.
17. This Certification supersedes any and all previous authorizations issued to the Permittee concerning the operation of the Facility pursuant to 10 V.S.A. §6605 or 10 V.S.A. §6605b.

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

The Agency makes no assurances that the system certified herein will meet the performance objectives of the operator and no warranties or guarantees are given or implied.

The Agency staff has reviewed the Application and finds it to conform to the Vermont Solid Waste Management Rules. It is recommended that the foregoing findings be made and this Certification be issued for the operation of the solid waste management facility described herein.

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

Dated this 21 day of January, 2009, at Waterbury, Vermont.

Laura Q. Pelosi, Commissioner
Department of Environmental Conservation

By:



P. Howard Flanders, Director
Waste Management Division