

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

**SOLID WASTE MANAGEMENT FACILITY CERTIFICATION**

FACILITY OPERATOR (PERMITTEE): Town of Hinesburg

LANDOWNER (PERMITTEE): Town of Hinesburg  
10632 VT Route 116  
Hinesburg, VT 05461

PROJECT IDENTIFICATION NUMBER: EJ93-0006

SOLID WASTE FACILITY ID NUMBER: CH280

FACILITY LOCATION: 907 Beecher Hill Road  
Hinesburg, Vermont

FACILITY PURPOSE:

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

APPLICATION REVIEW:

The application for Certification was received by the Solid Waste Management Program (“Program”) on November 4, 2021. It was reviewed in accordance with the Solid Waste Management Act, 10 V.S.A. §6601 *et seq.*, and with the Solid Waste Management Rules, effective October 31, 2020 (“Rules”). The Application is on file at the Program office in Montpelier, Vermont and in the Town Clerk’s office in Hinesburg, Vermont.

CERTIFICATION PERIOD: Date of Signature to December 31, 2026

## **FINDINGS**

- A. The Facility is located adjacent to the Hinesburg Town Garage, at 907 Beecher Hill Road, Hinesburg, at N 44.32285”and W -73.07751”.
- B. The Facility operated from 1972 to 1990 and underwent final closure in 1992. Donald M. Hamlin Consulting Engineers submitted a landfill closure plan 1989; however, the actual construction of the capping system is unknown.
- C. In 1988, the Agency of Natural submitted an Assurance of Discontinuance (AOD) for the landfill to the Town. The AOD outlined requirements of post-closure care for the Facility following closure completion. The AOD was never entered into by the Town.
- C. The groundwater beneath the Facility is designated as Class III groundwater, pursuant to Section 12-503 of the Vermont Groundwater Rule and Strategy (“Groundwater Rules”).
- D. From 1988 until 2009 the Town performed water quality monitoring on three private drinking water supplies located adjacent to the landfill. The results showed little or no adverse impacts from the landfill on water quality.
- E. In 2020, Aegis Renewable Energy, Inc., proposed development of a photovoltaic array on the Hinesburg Landfill. During the Public Utility Commission’s Certification of Public Good process, it was determined that the landfill had not been maintained during the post-closure period, and that the capping system may be compromised, and not suitable for photovoltaic development.
- F. As a result of concerns about the integrity of the landfill cap, and the lack of regulatory oversight of the Facility, on December 10, 2020, the Program requested that the Town apply for post-closure certification of the Hinesburg Landfill and, in support of the certification application, have water quality sampling performed on the existing landfill monitoring wells and historically-sampled residential drinking water supplies.
- G. On June 1, 2021, monitoring well sampling was performed. Three of five existing monitoring wells were either dry or non-functional. Samples were collected from monitoring wells MW-2 and MW-5. Water from MW-5 contained arsenic above the Vermont Groundwater Enforcement Standard (GWES) and five Volatile Organic Compounds (VOCs) including vinyl chloride above the GWES, and benzene above the Vermont Preventative Action Level (PAL).

On June 21, sampling of drinking water from two nearby residences and the adjacent Hinesburg Highway Garage was performed. Volatile Organic Compounds were detected in the Highway Garage sample, and in one residential sample. The residential sample had a concentration of methylene chloride above the Vermont Groundwater Enforcement Standard (GWES).

Subsequent water quality sampling by the Program confirmed the presence of VOCs in the Highway Garage water supply, and two nearby residences.

- H. On November 3, 2021, the Permittee submitted an application for post-closure certification of the Facility. The application included a workplan for a site assessment to determine the degree of contamination, identification of contaminant pathways, identification of potential receptors, and an evaluation of the need for further investigation or corrective action.
- I. On November 10, 2021, the application for recertification was determined to be administratively complete.
- J. On November 17, 2021, the Program determined that the application was “technically incomplete,” and requested additional information. On November 18, 2021, the Permittee submitted a revised application for post-closure certification.
- K. The Permittee has completed the installation of required Point of Entry Treatment (POET) systems for the two water supplies contaminated above applicable standards. Post-installation water quality testing has verified that the treatment systems have resulted in potable water for the affected users.
- L. The permittee has completed the installation of two additional monitoring wells at the Facility, and the repair of existing monitoring well MW-3S.
- M. The application contained a 5-year, present-worth post-closure cost estimate of \$242,907, or \$41,206 in annual costs. A November 2, 2021, letter from the Town of Hinesburg states that the Town has the funds necessary to perform post-closure care for the certification period.
- N. Pursuant to 10 V.S.A. §6605(c), the Secretary finds that the Facility is included in the Chittenden Solid Waste District Implementation Plan, which was approved by the Secretary on November 10, 2020.
- O. By November 3, 2021, the Permittee sent a notice of the application to all adjacent residences and landowners.
- P. On December 28, 2021, the notice of the draft certification was posted to the Environmental Notice Bulletin pursuant to the requirements of Sections 6-601(c)(3) of the Rules. The comment period ended on January 28, 2022 with comments received from the Town of Hinesburg.
- Q. The Program issued a response to the Town of Hinesburg comments in a Responsiveness Summary accompanying this certification.

### **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 (“Application”) are hereby incorporated by reference in this certification:
  - Solid Waste Landfill Post-Closure Recertification Application Form (and Appendices), Town of Hinesburg Closed Municipal Landfill, submitted November 18, 2021, and prepared by Stone Environmental, Inc.

Additions or alterations to the Application document 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 §6-803 of the Rules.

### **COMPLIANCE SCHEDULE**

4. By December 31, 2022, and yearly thereafter, the Permittee shall adjust the post-closure cost estimates for inflation in accordance with §6-806 of the Rules.
5. By May 31, 2022, the Permittee shall submit to the Secretary a written report of an inspection, performed by a licensed professional engineer, of the landfill cover system, erosion control measures, drainage systems, groundwater monitoring networks, and gas control systems, as applicable. The report must detail any necessary corrective actions denoted by the inspection, and a detailed schedule for completing those corrective actions prior to October 15, 2022.
6. For the duration of this Certification, the Permittee shall maintain the POET systems installed on the 152 Forest Edge Road residence, and the Hinesburg Highway Garage as specified in Section 5.2 of the application.
7. By October 31, 2022 the non-functional MW-1 monitoring well shall be appropriately decommissioned. Additionally, the Permittee shall assess any historic monitoring data from this location to determine whether background groundwater quality concentrations for arsenic, lead and manganese can be determined. In the advent that historic data is not sufficient, the Permittee

shall propose and install an upgradient monitoring location sufficient to provide a determination of background water quality.

### **MONITORING REQUIREMENTS**

8. During the month of May and October of each certification year, the Permittee shall retain a qualified professional to perform groundwater monitoring. Groundwater samples shall be collected from monitoring wells, MW-2S/-2D, MW-3S/-3D, and MW-4S/-4D and any other monitoring well locations required by the Program in response to the background site investigation required by Condition 7. All samples shall be collected in accordance with Section 3.1 of the Application. Groundwater samples shall be analyzed utilizing the laboratory methods listed in the Application. Samples shall be analyzed in accordance with Section 3.1 of the application and must include the following total parameters: Chemical Oxygen Demand (COD), arsenic, cadmium, chromium, copper, lead, manganese, mercury, nickel, zinc, Volatile Organic Compounds (VOCs), and PFAS.
9. During the month of May and October of each certification year, the Permittee shall retain a qualified professional to perform surface water quality monitoring. Surface water samples shall be collected from locations SW-1 (upstream) and SW-2 (downstream) on Beecher Brook. All samples shall be collected and field analyzed in accordance with Section 3.2 of the Application.
10. During the month of May and October of each certification year, the Permittee shall retain a qualified professional to perform drinking water quality monitoring. Drinking water samples shall be collected from 152 Forest Edge Road, 56 Forest Edge Road/685 Beecher Hill Road, and the Hinesburg Town Garage. All samples shall be collected and analyzed in accordance with Section 3.4 of the Application. Copies of results shall be provided to current owners and/or residents of the property.
11. In the event that any of the monitoring wells referenced in Condition 8 above are in need of repair, destroyed or rendered unusable, the Permittee shall repair or replace said monitoring wells(s) in accordance with the Agency's guidelines for monitoring well installation, or a comparable design prior to the next scheduled sampling date. Within 10 days of the repairs, the Permittee shall submit documentation to the Program indicating when and what type of repairs or replacements were made.
12. Beginning in 2023, during the month of May of each certification year, the Permittee shall retain a qualified environmental professional to perform an annual evaluation of the facility. At a minimum this evaluation shall evaluate the integrity of the landfill cover system, erosion control measures, drainage systems and gas control systems.

### **REPORTING REQUIREMENTS**

13. Within 60 days after the dates of sampling, required by Conditions 7, 8 and 9 above, the Permittee shall:

- a. For all groundwater samples, submit to the Program current and historic water quality results, tabulated by sampling location through time, and an evaluation by a qualified professional of water quality trends. This tabulation shall highlight concentrations of substances which exceed the current Vermont Groundwater Enforcement Standards.

For all surface water samples, submit to the Program current and historic water quality results, tabulated by sampling location through time, and an evaluation by a qualified professional of water quality trends. This tabulation shall highlight concentrations of substances which exceed the current Water Quality Criteria of the Vermont Water Quality Standards.

14. Within 30 dates of the evaluation required by Condition 12, the Permittee shall submit to the Program a report on the results of that annual evaluation.

### **GENERAL CONDITIONS**

15. The Permittee shall maintain the facility in accordance with Section 5.1 of the Application.
16. 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 §6-708 of the Rules.
17. 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.
18. This Certification is not alienable, transferable, or assignable.
19. 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.
20. This Certification supersedes any and all previous authorizations or certifications issued by the Solid Waste Management Program to the Permittee concerning the operation of the Facility pursuant to 10 V.S.A. §6605 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 recommended by the staff of the Program and approve the issuance of this Certification.

Dated this 29<sup>th</sup> day of March 2022 at Montpelier, Vermont.

Peter Walke, Commissioner  
Department of Environmental Conservation

By:   
Matt Chapman, Director  
Waste Management & Prevention Division