

## **Moretown Development Review Board**

### **Minutes of DRB Hearing Held November 20, 2012**

Members of the Board present: Erick Titrud; John Riley; Jim O'Neill; Raymond Munn; David Russo

#### Continued Application of Moretown Landfill for Cell 4

The Board again met at the Moretown Town Hall with the hearing convening at 6:30 PM.

Jim O'Neill arrived at 6:45 PM. Prior to Jim's arrival the Board discussed with parties possible future hearing dates and arrangements for the second site visit.

Tom Badowski and John Haney presented a preliminary site plan depicting an adjustment in the location of the planned access road. Moretown Landfill is not ready to submit a revised plan at this time, but stated it would do so on or before November 30.

On behalf of Scott Baughman and Lisa Ransom Attorney James Dumont submitted a three page later dated November 20 which highlights aspects of the November 13 hearing and making arguments as to their legal significance.

Tom Badowski made a statement that the landfill is developing a temporary capping protocol designed to cover approximately four acres of active Cell 3 (covering an area not presently in use) in an attempt to diminish odors. Mr. Badowski indicated the efforts would be described in more detail as a submission to the Board once developed and/or implemented.

Tonight's meeting is a continuation of the issue of odors associated with the Landfill's operation. On November 13 there was insufficient time for neighboring parties to present their personal experience associated with odor issues.

Max Fortune spoke first. Mr. Fortune and his wife Sandra live at 178 Noyes Road. He described noticing persistent landfill odors at his residence since its purchase in 1994. In 1999 Mr. Fortune wrote a letter to state officials expressing concerns. He indicated he had complained to management of the landfill up to 40 times. Mr. Fortune expressed frustration that the Weston and Sampson technicians stated an inability to verify strong odors when in Mr. Fortune's opinion they were still noticeable and present. Max related that his grandchildren from out of state make remarks that they always know when they were approaching his residence because of the bad smell.

Susan Nadeau lives on U.S. Route 2 near the base of Foggy Mountain Drive. This is about 1/8th of a mile from the landfill entrance. Their house was built in 1986. Ms. Nadeau stated that over the last five years that every day in the summertime they can smell the dump. She described the smell of garbage, rotting material and landfill gases as constant and especially noticeable in the early morning and evenings. The smells have significantly increased in the last five years. Ms. Nadeau also noted that the Weston and Sampson technicians would visit her property and noted that Ben Greene had confirmed odors but noted them “faint” when Susan found them quite noticeable. Susan also described thick coats of dust coating her house and property and emanating from the landfill property.

Mary Ann Raymond lives at 1954 US Route 2. This is about 3/10 of a mile from the landfill. Ms. Raymond agreed with the prior speakers that the landfill odors are continuous and of a worsening nature. In particular she took issue with efforts to “cover up” odors with citrus fumes which themselves have dangerous properties and trigger chemical sensitivities.

Tom Douglass lives and works at a US Route 2 property .3 miles westerly of the landfill. According to Tom, he does not call in every time he notices landfill odors. Rather, he follows a 20 minute rule. If smells persist he then calls. In the past year the odors have gotten significantly worse. Mr. Douglass finds himself constantly apologizing to his customers for them having to experience the odors when visiting his business. At times Mr. Douglass has traveled to the scale house and spoken to the facility manager to inquire what is going on. Landfill employees have acknowledged that certain sludge deliveries are “nasty stuff” and that the employees wished the landfill would not take it. Mr. Douglass has enough experience with the odors that he can now distinguish between sludge (“bio-solids”); landfill/methane gases; and trash odors. According to Mr. Douglass the smell is almost continuous, and worsens when wind is in their direction. When the odors are strong they penetrate inside his shop and inside his residence, and cannot be gotten out. The problem continues to become more severe and is especially noticeable in the early morning and late at night with the odor of landfill gases.

At this point, Mr. Fortune commented that he and his wife have been driven from their house at 4 in the morning because of the persistence of odors.

David and Chris Belanger live at the top of Foggy Mountain Drive. During the summer months landfill odors have always been there and usually pretty severe. The Belangers no longer cook out and cannot hang clothes on a clothes line. They do not open windows at their residence. The persistent smells disrupt their sleeping and have tempted them to drive away from their homes. According to Chris Belanger they have lived at their residence since 2005. The strength and persistence of odors have increased substantially. Ms. Belanger described the evening of October 24 when the gases were sufficiently strong to cause stinging in her eyes. They have reached the level that the

Belangers have real concerns about impacts on their health. David Belanger agrees with prior speakers that the Weston and Sampson reports are not accurate and that odors are described as faint when they actually are quite strong. Mr. Belanger also concurred that in the last year the smells were especially bad.

The Belangers also noted from their residence they previously could not see the landfill. Now, as Cell 3 has risen in height it is very visible and they have a direct line of site to it. David believes there is a “funnel effect” of odors along the power lines.

Martha Douglass made reference to a New York Times report which associates hydrogen sulfide and ammonia gases related to landfill waste and potential health effects of short term exposure.

Rick Blake lives at 71 Noyes Road. He has owned his property since the late 1980's. He used to call the landfill with some frequency to express complaints about landfill odors. In the last five years the frequency and intensity of the odors has increased dramatically. It is Mr. Blake's view that if the landfill could correct the condition that they would given the persistent complaints made by nearby residents. Mr. Blake stated he is no longer able to open windows at his residence and is constantly operating an air conditioner in summer months.

Lisa Ransom and Scott Baughman live at 2016 US Route 2. They bought their property in 1998 and have long experience with the odors associated with the landfill operation. Lisa is concerned that the odors are a symptom or indication of air pollution, and that the use of chemicals to mask the existence of the pollution is disturbing. Ms. Ransom also noted that there is a long history of the landfill being found in violation of rules and permit conditions and that penalties have been levied, contrary to landfill representations at the prior hearing. Ms. Ransom submitted a packet which included a spread sheet summary of the violations between July 1999 and October 2012 issued by the Agency of Natural Resources, and related documents relating to the violations which the Board accepted into evidence. It was asked that Ms. Ransom scan and circulate the material submitted to the service list after the hearing.

Keith Llewellyn has lived at 75 Edge Drive since 2004. According to Keith in the past few years odors have become more noticeable. They are especially evident in the early morning when Keith goes to work. According to Mr. Llewellyn he has not in the past called the hotline believing he would not be able to wait for a technician to appear.

There was discussion and clarification as to the status of the sludge accounts at the landfill. Mr. Badowski stated Moretown Landfill has terminated one sludge account and had discussion with other customers about discontinuing other accounts. A limitation, is that the landfill may be contractually bound to continue to accept sludge from certain customers for an additional period of time. There was also discussion as to whether the

landfill could choose to not accept out of state sludge, or whether the landfill as a facility could elect to not receive sludge at all. According to Mr. Badowski this would involve company decisions that are beyond his present authority.

At this evening's hearing the Board also received evidence as to issues of dust and air quality permits associated with the proposed expansion. David Adams is present for the applicant to discuss these issues. There is an existing air quality permit from 1998 associated with the prior expansion. There was a separate permit issued in 2008 for the 3.2 megawatt gassed energy facility operated by Pennsylvania Power and Light. This latter permit, is associated with emissions associated from the generating facility.

As part of the planned expansion of Cell 4 an air quality permit application was submitted in June to the State which is still pending. Also, the crushing operation associated with extraction of bedrock may trigger the need for a state permit. If the unit exceeds a 150 ton per hour capacity it would trigger the need for a permit.

The primary sources of dust and air particulates associated with the landfill arise from trucks traveling on roads, operation of the crushing unit (both engine emissions and dust); and blasting. Of these, according to Tom Badowski, the greatest cause of dust is trucks on the landfill roads. The landfill regularly uses a water truck to try to control the dust and will consider whether expanded efforts might diminish the dust.

Earlier in the hearing, Max Fortune had presented photographs depicting clouds of dust arising from landfill operations.

During the hearing, Mr. Fortune also asked whether the Town was selling crushed rock to the Town of Duxbury. Mr. Badowski stated the landfill, under its state permits, has no authority to sell crushed rock. It does allocate some portion annually to the Town of Moretown at no cost, and similarly made a volume of crushed rock available to the Town of Duxbury for Irene related repairs.

There was also a question whether the landfill receives asbestos, and whether it is used as a cover material. According to Tom Badowski the landfill can receive for deposit "non-friable" asbestos which are not associated with airborne asbestos particles. Mr. Badowski also indicated soils with some low level of gasoline contamination can be used as cover material according to standards established by the State of Vermont.

There was also evidence presented as to the volume of trash presently deposited at the landfill. Under the present application, the landfill would seek to continue to receive up to 286,000 tons per year. Historically, the landfill has accepted 140,000 to 150,000 tons per year. They do not see this level increasing. However, in theory the volume to be received could substantially increase under the existing and pending permit.

Next in the hearing some evidence was presented as to noise impacts associated with landfill operations. Mr. Badowski stated a belief that under the Act 250 criteria, operations cannot cause a noise level in excess of 55 decibels at the nearest residence. Raymond Munn made a comment that he believes if trucks descending from the landfill operation would not utilize their “jake” brakes this would help some of the noise impacts associated with the operation.

A motion was made to continue the hearing to Thursday, December 6 beginning at 6:30 PM at the Town hall. Also, the Board will conduct a site visit on Saturday, December 8 beginning at 9 AM. The purpose of the site visit will be to travel to nearby residences and assess the visual impact of existing Cell 3, and planned Cell 4. If time permits, the Board may also revisit the landfill property to review any proposed relocation of the access road or other revisions to the Cell 4 site plan.

A motion to continue the hearing to December 6 at 6:30 p.m. was duly moved, seconded and adopted by unanimous vote of the Board.

Subsequent to closing of the public portion of the meeting, the Board entered into a deliberative session to discuss evidence presented to date. The public portion of the hearing concluded at approximately 9:45 with the deliberative portion of the Board meeting ending at approximately 10:15 PM.

Respectfully Submitted,



John P. Riley  
Acting Clerk