

VERMONT ENVIRONMENTAL BOARD

10 V.S.A. Chapter 151

RE: Disposal Specialists, Inc. by Memorandum of
Douglas Richards, P.C. Decision
7 Wall Street Application
P.O. Box 200 **#2W0161-1-EB**
Springfield, Vermont 05156-0200

This memorandum pertains to a motion for extension of time filed by Disposal Specialists, Inc.

As a result of the proceedings in Re: Brownins-Ferris Industries, Declaratory Ruling **#188**, the Board issued an order on December 23, 1988. This order pertained to a landfill-operated by Browning-Ferris Industries, Inc. (BFI) in Rockingham, Vermont. In relevant part, the order required BFI to obtain a land use permit pursuant to 10 V.S.A. Chapter 151 (Act 250) on or before July 1, 1989 or cease operations at the landfill. By memorandum of decision dated June 30, 1989, the Board extended the time for obtaining a permit to October 1, 1989. By memorandum of decision dated August 21, 1989, the Board denied a motion for interlocutory appeal with regard to this matter. The background of the case as outlined in the June 30 and August 21 memoranda is incorporated by reference.

On October 2, 1989, Disposal Specialists, Inc. (DSI), a wholly-owned subsidiary of BFI, filed with the Environmental Board a motion for extension of time. This submittal requested that the Board extend the time for obtaining a permit for the landfill and stated that the District #2 Environmental Commission had scheduled a further hearing for October 4 on **DSI's** application to operate the Rockingham landfill. The Board is informed that subsequent hearings on the application are likely.

The Board deliberated on the motion for extension of time on October 4, 1989, and determined to grant an extension to obtain an Act 250 permit until December 1, 1989, subject to reconsideration after granting those who were parties in the Declaratory Ruling **#188** proceedings an opportunity to object in writing to the Board's decision.

10/11/89

ORDER

On the basis of the foregoing:

1. On or before December 1, 1989, BFI or DSI must obtain an Act 250 permit pursuant to 10 V.S.A. sec. 6081 to authorize continuing its current operation at the landfill.
2. If said permit is not obtained by December 1, 1989, operations at the landfill must cease.
3. No construction at, or expansion of, the landfill may occur at any time until an Act 250 permit has been issued authorizing such construction or expansion.
4. No ash may be disposed of in the landfill without an Act 250 permit authorizing such disposal.
5. Any person who was a party to the Declaratory Ruling #188 proceedings may file a written objection to the grant of an extension of time on or before October 23, 1989. Any written response to such an objection must be filed on or before November 1, 1989. Filings must be served on all parties in accordance with the attached certificate of service, and an original and ten copies of all filings must be provided to the Board when the filings are made. The Board will deliberate on any objection to the extension of time on the basis of written submission and will not hold a hearing. Any such deliberation likely will occur at the Board's regular meeting tentatively scheduled for November 8, 1989.

Dated at Montpelier, Vermont this 11th day of October, 1989.

ENVIRONMENTAL BOARD



Leonard U. Wilson, Chairman
Ferdinand Bongartz
Elizabeth Courtney
Arthur Gibb
Samuel Lloyd
W. Philip Wagner

D:DSI2.MEM(rd2)