



# State of Vermont

## LAND USE PERMIT

CASE No. 6F0316-EB

APPLICANT Howard and Louise Leach  
ADDRESS Route 105  
Enosburg Falls, VT 05450

### LAWS/REGULATIONS INVOLVED

10 V.S.A., Chapter 151  
(Act 250)

The Vermont Environmental Board ("the Board") hereby issues Land Use Permit #6F0316-EB pursuant to the authority vested in it by 10 V.S.A., Chapter 151 (Act 250). This permit applies to the land identified in Book 57, pages 337-338 of the Land Records of the Town of Enosburg, and Book 30, page 278 of the land records of the Town of Berkshire as the subject of a deed to Howard and Louise Leach, the Permittees as grantees. This permit specifically authorizes the Permittees to construct and operate a sanitary landfill on lands located north of Route 105 in Enosburg, Vermont.

The Permittees, and their assigns and successors, are obligated by the terms of this permit to complete and maintain the project only as approved by the Board in accordance with the following conditions:

1. The project shall be completed as set forth in the Findings of Fact and Conclusions of Law of the District #6 Environmental Commission ("the Commission") in decision #6F0316, except as modified by the Findings of Fact and Conclusions of Law of the Board issued in #6F0316-EB, in accordance with the plans and exhibits stamped "approved" and on file with the Commission, and in accordance with the conditions of this permit. No changes shall be made to the project without the written approval of the Commission.
2. By acceptance of the conditions of this permit without appeal, the Permittees confirm and agree for themselves and all assigns and successors in interest that the conditions of this Permit shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the Permittees and all assigns and successors in interest. The granting of less than an undivided whole interest in the project is prohibited without prior approval of the Commission.
3. The Commission retains continuing jurisdiction during the lifetime of this Permit and may periodically require that the permit holder file an affidavit certifying that the project is being completed in accordance with the terms of the Permit.
4. The project shall be operated in conformance with Disposal Facility Certification #6F0316 issued by the Agency of Environmental Conservation on January 21, 1985. Prior to the close of the initial certification period, the Permittees shall apply for recertification of the landfill and Permittees shall seek an amendment to this Permit upon such recertification by AEC.

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The landfill shall also be operated in conformance with the "Sanitary Landfill Engineering and Operations Plan" prepared by Marshfield Engineering as revised October 25, 1984.

5. The Permittees shall submit to the Board for its prior approval a description of an operator training program recognized by a professional training organization and approved in advance by AEC. Such program shall include education in **leachate management** and landfill firefighting techniques, with particular reference to the operations manual prepared for the project. The landfill operator shall complete this course of training in good standing and shall be on site whenever the landfill is operating.
  6. Before the landfill opens for operation, the Permittees shall identify an alternate water source to serve the **Bernour, Sylvester, Symons and Green** residences. The alternate water source shall be located outside the landfill's zone of influence and rights to the water source shall be secured by the **Permittees** for future use should existing water sources become contaminated. Prior to landfill operation, the Permittees shall submit to the Board a statement identifying the location and yield of the alternate water source together with the method by which the Permittees have secured rights to the water source.
  7. Prior to operation of the landfill, the Permittees shall submit to the Board for its approval an expanded water quality monitoring and testing program prepared by Dr. Philip Wagner and certified by him as establishing an effective mechanism for early detection of **leachate** movement with particular reference to residential water supplies, the Village Wells, and Trout Brook and the **"Trout Brook Aquifer."** The program must identify the location (in graphic form) of **monitor** and sampling locations, the frequency of sampling, and testing parameters, together with a listing of minimum thresholds which, if reached, would be indicative of potential adverse impacts on the water sources listed herein. The program shall be approved by the Board and implemented before the landfill begins operation.
  8. Prior to operation of the landfill, the Permittees shall submit to the Board for its approval an escrow agreement establishing an escrow account fulfilling the following requirements:
    - a. \$10,000 shall be deposited to the account prior to opening of the landfill and 20% of gross landfill receipts shall be deposited in the account each year thereafter until the balance reaches \$125,000;
    - b. the account shall be interest bearing with all interest being deposited to the escrow account;
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- c. records pertaining to gross operating receipts of the landfill and records pertaining to the escrow account shall be available for inspection by AEC or the Board on demand;
- d. an independent escrow agent shall be designated to manage the account and to implement the terms of the escrow agreement;
- e. monies in the account shall be available to AEC or the Board to effectuate remedial efforts to abate or prevent pollution caused by the landfill.

The landfill shall not open for operation before the escrow agreement is approved by the Board and the initial \$10,000 is on deposit.

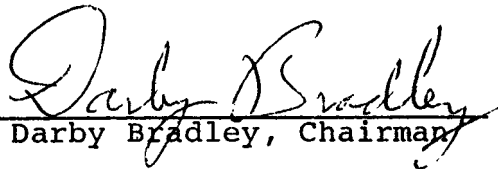
- 9. The Permittees shall submit to the Board for its approval prior to operation of the landfill, a revised operation plan which eliminates the southerly-most 200' of the landfill area.
  - 10. Prior to opening for business, the Permittees shall pave the initial 1,000' of the landfill access road and shall regrade the bank located on the north side of Route 105 west of the access road in a manner sufficient to afford vehicles entering Route 105 with a sight distance to the west of no less than 550'. Permittees shall install a stop sign at this intersection. Permittees shall also secure the installation of truck entering and exiting warning signs on Route 105, if such signs are first approved by the Agency of Transportation.
  - 11. The Permittees shall comply with Board Exhibits #31 and #90 pertaining to erosion control. The Permittees shall also take all necessary measures to control rodents at the landfill. Continuing jurisdiction is maintained in the District #6 Environmental Commission to convene additional hearings and impose additional conditions, including compensation to adjoining residents, if rodents associated with the landfill are not controlled.
  - 12. All exposed areas on the site which are not in active use shall be immediately seeded and mulched. Open burning of any material is strictly prohibited. The Permittees shall not permit access to the Leach property by any vehicle hauling solid waste which is not covered in a manner sufficient to prevent blowing debris. The Permittees shall not permit the deposition or storage of any industrial waste, including but not limited to paper sludge, at the landfill without prior amendment of this permit.
  - 13. No sign shall be erected at the landfill entrance until its design has been approved by the District #6 Environmental Commission. Permittees shall erect an eight foot high wire
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mesh fence along the entire southerly landfill operating limits and along the 'southerly-most 100' segment of the easterly operating limits. The fence shall be screened by white pines planted six feet on center and measuring no less than six feet in height at the time of planting. Terminal leaders shall be periodically removed from these trees to enhance their screening potential. Trees shall be maintained throughout the life of the project and any dead or diseased trees shall be replaced as soon as seasonably practicable.

14. The landfill operating hours shall be limited to 6:00 a.m. to **5:00** p.m., Monday through Friday and 6:00 a.m. to noon on Saturday. Permittees shall not allow access to the landfill by more than 24 commercial hauling vehicles (i.e., round trips) each operating day. Noncommercial vehicles shall be admitted to the landfill on Saturdays only.
15. This Permit shall expire on June 1, 2001. However, the landfill shall not operate beyond the initial five-year term of Disposal Facility Certification #6F0316 or during any subsequent period unless a recertification has been issued for such period. Notwithstanding the above, the Commission may require the Permit holder to secure an amendment to this Permit should it determine that a recertification would result in a material or substantial change to the development; and this Permit shall expire one year from the date of issuance if the Permittees have not demonstrated an intention to proceed with the project. In any event, substantial construction must occur within two years of the issuance date hereof.

Dated at Montpelier, Vermont this 11th day of June, 1986.

VERMONT ENVIRONMENTAL BOARD

  
Darby Bradley, Chairman