

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

CATEGORICAL DISPOSAL FACILITY CERTIFICATION

FACILITY OPERATOR/PERMITTEE: West Road Recycling
Bernard LaRock
1266 Coolidge Hwy
Guilford, Vermont 05158

SOLID WASTE IDENTIFICATION NUMBER: WH175A

SPAN: 666-211-10465

FACILITY LOCATION: West Road
Vernon, VT

LANDOWNER/PERMITTEE: West Road Recycling
Bernard LaRock
1266 Coolidge Hwy
Guilford, Vermont 05158

CERTIFICATION PURPOSE: Amending the operation of a Categorical Recycling Facility to include the operation of a Categorical Disposal Facility for disposal of limited waste types.

CERTIFICATION PERIOD: Date of Signature to

FINDINGS:

- A. Bernie LaRock & Son, Inc, Inc. (Operator/Permittee) submitted an application December 10, 2021, for a Categorical Recycling Facility Certification pursuant to Section 6-505 of the Vermont Solid Waste Management Rules. (eff. 10/31/20) (Rules).
- B. Stone Environmental, submitted an application on behalf of Bernie LaRock & Son, Inc. on November 22, 2022, for a Categorical Disposal Facility Certification pursuant to Section 6-1002(a) of the Vermont Solid Waste Management Rules. (eff. 10/31/2020) (Rules). Supplemental information was submitted on June 26, 2023.

- C. The facility entrance is located on West Road, Vernon, VT. The geographical location of the disposal area is 42.75906489692236, -72.52540964659752.
- D. Normal working hours are Monday – Friday, 8:00 a.m. to 3:30 p.m.
- E. The Agency of Natural Resources (Agency) has reviewed the application and finds that it complies with the Rules.
- F. On August 30, 2023, the notice of the draft certification was posted to the Environmental Notice Bulletin pursuant to the requirements of Sections 6-602(b) of the Rules. The comment period ended on September 30, 2023.

CONDITIONS AND REQUIREMENTS FOR OPERATION:

- 1. The Permittee(s) shall construct, develop and operate the Facility in accordance with the terms of this Certification and with the applicable provisions of State law, including the Solid Waste Management Rules. Compliance with this Certification does not relieve the Permittee(s) from complying with all applicable Local, State and Federal Laws.
- 2. The following documents, submitted as part of the Application, are hereby incorporated by reference in this certification:
 - Categorical Disposal Facility Permit Application for Development Soils, Facilities Management Plan and Site Characterization Report, West Road Recycling and Sand and Gravel Pit, West Road, Vernon prepared by Stone Environmental, Inc., submitted November 22, 2022.
 - *Response to comments*, prepared by Stone Environmental, Inc., submitted April 13, 2023.
 - *Response to comments*, prepared by Stone Environmental, Inc., submitted June 19, 2023.

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

- 3. For the purpose of this certification Development Soils shall be defined as: **“Development soils”** means unconsolidated mineral and organic matter overlying bedrock that contains PAHs, arsenic, or lead in concentrations that:
 - (A) exceed the relevant soil screening level for residential soil;
 - (B) pose no greater risk than the Agency-established soil screening value for the intended reuse of the property; and
 - (i) pose no unreasonable risk to human health through a dermal, inhalation,

or ingestion exposure pathway;

(C) does not leach compounds at concentrations that exceed groundwater enforcement standards; and

(D) does not result in an exceedance of Vermont groundwater enforcement standards.

4. The Permittee shall only accept the following wastes: Development Soils. Prior to disposal development soils received at this facility shall:
 - a. Have been sampled and analyzed in accordance with the Investigation and Remediation of Contaminated Properties rule 35-805.
 - b. Be approved for management at this facility by the Waste Management and Prevention Division, Sites Management Section;
 - c. Have approval documents (sampling, analytics, management plan and approvals) reviewed and confirmed complete by the facility operator's consultant.
5. The Permittee shall maintain vertical and horizontal controls, delineated in the field, and shall ensure that waste disposal occurs within the approved limits of fill.
6. Prior to accepting Development Soils the Permittee shall establish a compliance point monitoring well on the southeast corner of the property in accordance with the Monitoring Plan in the approved Facility Management Plan submitted June 19, 2023.
7. The Permittee(s) shall ensure that the amounts of materials accepted at the facility do not exceed: 5,000 tons per year of Development soils. The yearly tonnage acceptance calculations shall begin on July 1st. and end on June 30th. of each year.
8. The Permittee shall at all times manage stormwater in compliance NPDES or other applicable permits, and so that ponded water and infiltration of stormwater within the disposal area is minimized.
9. A representative of the Permittee shall be present at all times during which waste is received and disposed of in the facility. The representative shall ensure that only the waste(s) authorized by this certification are disposed of in the facility. Unauthorized waste shall be rejected by the operator prior to disposal or, if necessary, removed and properly transported to the appropriate solid waste facility
10. The Permittee shall maintain records of waste source, waste type, waste quantity, and date of receipt at the facility. The Permittee shall submit these records to the Solid Waste Program on a quarterly basis.
11. Access to the disposal facility shall be controlled at all times by a fence or barrier and a lockable gate. A sign specifying types of waste accepted, open hours, and contact information shall be installed at the gate.

12. The Permittee shall operate the Facility in accordance with the application, the terms of this Certification and 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.

REPORTING REQUIREMENTS

15. On a quarterly basis during each year of the term of Certification, the Operator shall submit a report of waste source, waste type, and waste quantity received during the previous quarter.

RE-APPLICATION

16. By **April 30, 2033**, the Operator shall re-apply for a Categorical Disposal Facility Certification, under Section 6-1002(a) of the Rules, or shall submit a schedule for closure of the facility. If the operator submits a schedule for closure of the facility, the facility shall be closed by October 1, 2033.

GENERAL CONDITIONS

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 transferable, alienable, or assignable.
19. If the Operator anticipates that any compliance date or operating condition will not be met, the Operator shall notify the Department in writing of this fact and reasons for the anticipated non-compliance at least five (5) days prior to the compliance date or conditions in question.
20. This Certification may be revoked, in whole or in part, during its term in accordance with the Rules.
21. The Permittee(s) agree to allow Department personnel access to the Facility during normal business hours to perform such inspections or other activities pursuant to 10 V.S.A. Section 6609 as may be required to ensure compliance with this Certification, with all applicable statutes, and with the Rules.
22. The Secretary retains the right to require the Permittee(s) to perform any other action he or she deems necessary in accordance with 10 V.S.A. Section 6610(a).

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.

Please have the appropriate personnel who will be operating the categorical disposal facility review the application, the Rules, and this Certification so that they are familiar with the operational requirements and the record keeping and reporting requirements.

The Secretary's issuance of this Categorical Certification for the operation of a disposal 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 Department makes no assurances that the disposal facility certified herein will meet the performance objectives of the Operator and no warranties or guarantees are given or implied.

It is recommended that the foregoing findings be made, and this Certification be issued for the operation of the Categorical Disposal 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 _____ day of _____, at Montpelier, Vermont.

Julie Moore, Secretary
Agency of Natural Resources

By: _____
Matt Chapman, Director
Waste Management and Prevention Division

