

Don't Undermine Memphremagog's Purity, Inc.
PO Box 1402
Newport, Vermont 05855

August 3, 2026

Julie Moore, Secretary
Agency of Natural Resources
1 National Life Drive
Davis 2
Montpelier Vermont 05620-3901

RE: Petition for Determination of Interim Hazardous Ambient Air Standard or Interim Stationary Source Hazardous Air Impact Standard for PFOA/PFAS Pursuant to Section 5-261(6) of Vermont Agency of Natural Resources Air Pollution Control Regulations

Dear Secretary Moore:

Don't Undermine Memphremagog's Purity, Inc ("DUMP") is a Vermont nonprofit corporation that is a grassroots organization comprised primarily of residents of the Northeast Kingdom. As you are aware from our petition in 2022 for a Declaratory Ruling regarding a discharge from an underdrain at the NEWSVT Inc. landfill in the Town of Coventry, DUMP pursues issues relative to water and air pollution impacts associated with the landfill operation.

We have reviewed the content of draft Air Pollution Control Permit AP-25-043 (the "Draft Permit") issued on July 17, 2026 by the Air Quality and Climate Division of the Department of Environmental Conservation (the "Department") for the construction and operation of a "pilot" Surface Active Foam Fractionation (SAFF) system at the landfill. As explained in more detail in the August 15, 2025 application submittal filed by Sanborn, Head and Associates, Inc. on behalf of NEWSVT Inc., the SAFF is designed to reduce perfluoroalkyl and polyfluoroalkyl substances (PFAS) in the landfill leachate prior to offsite disposal of the leachate at a wastewater treatment facility consistent with the terms of Amended Pretreatment Discharge Permit 3-1406 which was issued on May 31, 2024.

Given the new PFAS separation technology known as SAFF, it is necessary for the State of Vermont to determine, and to adopt, interim standards for PFOA/PFOS air emissions in the absence of federal standards. Without such standards, the impacts of the new technology for removing PFAS cannot be properly evaluated. We request that such standards be adopted prior to final action on pending application AP-25-043.

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The Draft Permit evaluates (at pages 20-22) the impacts of Hazardous Air Contaminants (HACs) which will be emitted by the SAFF. We note that the overall landfill operation and an associated landfill to gas energy operation (jointly described as the "Facility") are subject to the terms of expired Air Operating Permits 17-018 and 18-019, respectively. Those decisions evaluated some 21 HACs emitted by the Facility and established Hazardous Most Stringent Emission Rates (HMSERS) for the HACs consistent with the provisions of the 2022 Vermont Agency of Natural Resources (the "ANR") Air Pollution Control Regulations (the "Rules").

As you know, HACs are defined in section 5-101 of the Rules as:

"Hazardous Air Contaminant" means an air contaminant which in the judgment of the Secretary, taking into account its quantity, concentration or physical, chemical or infectious characteristics, causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness.

And HMSERS are defined as:

Hazardous Most Stringent Emission Rate (HMSER)" means a rate of emissions, including a visible emissions standard, which the Secretary, on a case-by-case basis, determines is achievable for a stationary source based on the lowest emission rate achieved in practice by such category of source. If a source demonstrates that due to economic impacts and costs, it cannot achieve the lowest emission rate achieved in practice by such source category, HMSER shall be the lowest emission rate which the Secretary determines said source is capable of achieving, HMSER may be achieved through application of pollution control equipment, production processes or techniques, equipment design, work practices, chemical substitution, or innovative pollution control techniques. In no event shall application of HMSER permit a stationary source to emit any contaminants in excess of any Federal emission standard or any emission standard in these regulations.

The table on pages 32 and 33 of the Draft Permit lists approximately 53 chemical compounds that will be emitted by the SAFF. The table does not include any PFAS compound emissions. Even if PFAS were included on the table, as they should be, they are not recognized as HACs under the current Rules - no standards and Actions Levels are established for PFAS in Appendices B and C of the ANR Rules.

DUMP has followed the ANR's efforts over the years regarding the eventual adoption of applicable PFAS standards under the Rules that would then recognize PFAS compounds as HACs. To date, the ANR has relied on the federal Environmental Protection Agency (EPA) to lead in taking action to promulgate such standards. The EPA has done no more than issue a document entitled "Interim Guidance on the Destruction and Disposal of Perfluoroalkyl and

It is reasonable to conclude, based upon testimony to Vermont legislative committees over time as well as recent national media accounts about the deregulatory policies of the EPA, that the EPA will not be promulgating PFAS air emissions standards any time in the foreseeable future.

Despite inaction by the EPA to protect public health, safety and welfare, DUMP is aware that as many as seven states have acted to adopt air emission standards for PFAS: Michigan, Minnesota, New Hampshire, New Jersey, New York, Texas and Wisconsin. A list of those states and their standards is included as an attachment to this petition.

Subsection 6 of ANR Rule 5-261 “CONTROL OF HAZARDOUS AIR CONTAMINANTS” reads:

6) Interim Standards

(a) If any stationary source emits or proposes to emit a hazardous air contaminant which is not listed in Appendix B of these regulations, the Secretary shall determine an interim Hazardous Ambient Air Standard or interim Stationary Source Hazardous Air Impact Standard, if appropriate and an interim Action Level for said contaminant, provided that sufficient health data are available. In that event, such source shall be subject to all requirements of this section in the same manner as if said contaminant were listed in Appendices B and C herein. Such interim standards shall remain in effect until revised by rulemaking or adjusted in accordance with this subsection.

(b) If additional scientific data becomes available that warrants adjusting a standard, including default values, for a chemical or compound listed in Appendices B and C herein, the data along with the underlying studies may be submitted to the Secretary for review. After evaluating such information in consultation with the Department of Health, the Secretary may on a case-by-case basis adjust the standard or maintain the existing standard for the chemical or compound. If the Secretary adjusts the standard, the interim standard shall remain in effect until revised by rulemaking or adjusted in accordance with this subsection.

(c) Prior to making a determination under (a) or (b) of this subsection, the Secretary may provide an opportunity for public participation in such manner as determined in the discretion of the Secretary, including public notification on the Agency’s website.

DUMP appreciates the work that the Department has performed with respect to consideration of the impacts of PFAS on public health and the environment as evidenced by the numerous studies and reports available on the Department's web site.

DUMP requests that you act now to determine Interim Hazardous Ambient Air Standards or Interim Stationary Source Hazardous Air Impact Standards for PFOA/PFAS pursuant to Section 5-261(6) in reliance upon the work product already done by the Department and with consideration also given to the standards adopted by the other states.

Such action is imperative to protect the health of NEK residents. DUMP requests that interim standards be adopted in a timely enough manner in order to be applicable to the review of pending application 25-043. Thank you for your consideration of this petition.

Sincerely,

Effie Brown
Henry Coe
Teresa Gerade
Ann Lembo
Ed Stanak

On Behalf of the Board of Directors
Don't Undermine Memphremagog's Purity, Inc.

cc: Misty Sinsigalli, Commissioner, Department of Environmental Conservation
Senator John Morley
Senator Russell Ingalls
Representative Michael Marcotte
Representative Mark Higley
Representative Woodman Page
Representative Richard Nelson
Coventry Select Board
Newport City Council
Newport Center Select Board
Derby Select Board
Representative Amy Sheldon, Chair, House Environment Committee
Senator Watson, Chair, Senate Natural Resources Committee

	PFAS Potential Air Emissions Regulations by State				
	Michigan	Minnesota	New Hampshire	New Jersey	New York
6:2 FTSA	1 µg/m ³ annual avg.				
APFO			0.05 µg/m ³ 24hr avg 0.024 µg/m ³ annual avg		
GenX RfC				0.01 µg/m ³	
PFBA		10 µg/m ³ >24 hrs			
PFBS		0.3 µg/m ³ >24 hrs			
PFHxA		1 µg/m ³ >24 hrs			
PFHxs		0.034 µg/m ³ >24 hrs			
PFIB					
PFOA	0.0001 µg/m ³ 24 hr avg	0.063 µg/m ³ >24 hrs		0.07 µg/m ³ 24 hrs avg	0.0053 µg/m ³ annual avg
PFOS	0.0004 µg/m ³ 24 hr avg	0.011 µg/m ³ >24 hrs		0.07 µg/m ³ 24 hrs avg	
				(combined or indiv)	

	PFAS Potential Air Emissions Regulations by State			
	Texas	Wisconsin		
6:2 FTSA				
APFO	0.1 µg/m ³ 24hr avg 0.01 µg/m ³ annual avg	0.24 µg/m ³ 24 hrs avg		
GenX RfC				
PFBA				
PFBS				
PFHxA				
PFHxS				
PFIB		8.18 µg/m ³ 1 hour avg		
PFOA	0.05 µg/m ³ 24hr avg 0.005 µg/m ³ annual avg			
PFOS	0.1 µg/m ³ 24hr avg 0.01 µg/m ³ annual avg			