

**Vermont Agency of Natural Resources
Department of Environmental Conservation
Waste Management Division**

SOLID WASTE DISPOSAL FACILITY CERTIFICATION

Permittee: Omya Inc.
P.O. Box 10
Florence, Vermont 05744

Solid Waste Identification Number: RU995

DEC Project ID Number: RU95-0193

Facility Location: Verpol Site
Whipple Hollow Road, Florence,
Town of Pittsford, Rutland County, Vermont

Landowner: Omya Inc.
9987 Carver Road, Suite 300
Cincinnati, OH 45242

Facility Purpose: Construction, operation and partial closure of a discrete disposal facility (“Facility”) for the on-site disposal of beneficiation waste (tailings) resulting from Omya Inc.’s mineral processing plant operations.

Certification Period: Date of signature to May 5, 2015

FINDINGS OF FACT

- (A) Omya Inc. (Omya or Permittee) owns and operates a mineral processing facility in Florence, Vermont. The Verpol processing facility, consisting of the East and West Plants, produces ground calcium carbonate, and also annually generates up to 150,000 tons of beneficiation wastes from the processing of the calcium carbonate. This certification addresses the management of the beneficiation waste in a geosynthetic-lined disposal facility (Tailings Management Facility or TMF), and closure and post-closure care of unlined Tailings Management Areas (TMAs).
- (B) Omya has disposed of beneficiation waste on-site in the Tailings Management Areas since approximately 1979.

- (C) On June 16, 2005, No. 65 of the Acts of the 2005 General Assembly was enacted (hereinafter Act 65 or Section 5 Study). Act 65 directed the Secretary of the Agency of Natural Resources (Secretary) to require through a certification that Omya complete a study of the human health and environmental effects of Omya's mineral processing of calcium carbonate in Florence, Vermont. A report of the results of the study was to be submitted to the legislature before January 15, 2008. In general, tasks of the study included an evaluation of existing data/information and prospective additional studies pertaining to hydrogeology; ground water sampling and analytics; sampling methodologies; toxicological analysis of beneficiation waste and other waste; air quality, dust, noise and odor; data QA/QC and other research as necessary. Omya chose to commence with this study in advance of issuance of a solid waste facility certification. Omya retained CLF Ventures to facilitate the process of completing this study through an oversight committee composed of interested parties. Cambridge Environmental, Inc. and Geosyntec Consultants, Inc., were selected by the oversight committee and contracted through CLF Ventures to complete the study. The consultant team commenced their work in July 2006.
- (D) On August 15, 2005, Omya submitted an application to the Agency of Natural Resources (Agency) for Interim Certification for the unlined disposal areas of the Verpol Site. For the purposes of the interim certification, the Facility was defined as the Dolomite TMA, Kane and Drake TMA, Loveland TMA, and the Settling Cells of the Omya Inc., Verpol Site.
- (E) On November 30, 2007, Omya received a Land Use ("Act 250") Permit for the construction of a tailings dewatering system at the Verpol Site. The Permit was slightly modified on January 28, 2008.
- (F) The Section 5 Study final report was submitted to the Legislature on February 19, 2008. The findings of the final report that are applicable to this solid waste facility certification are:
- *Groundwater on-site — in some but not all locations — contains (i) a process chemical, aminoethylethanolamine (AEEA; a component of flotation agent), (ii) clearly elevated concentrations of iron and manganese, and, (iii) moderately elevated concentrations of arsenic;*
 - *A spring on private property near Verpol sometimes contains (in two out of five sampling rounds) small amounts of two Verpol-related chemicals, AEEA and stearic acid, but is not and has not been used for drinking water — exactly how these contaminants have reached the spring is unclear;*
 - *Drinking water wells have not been contaminated by any Verpol-related chemicals, but three private wells and the Florence public well have been found to contain perchlorate (once used in blasting at the Hogback Quarry) at concentrations much smaller than the state drinking water limit — it is not known whether the Quarry or the Verpol Site is the source of some or any of this drinking water perchlorate;*
 - *Smith Pond shows no signs of chemical or biological impacts due to Omya's operations;*
 - *Airborne dust concentrations near Verpol were not measurably affected by dust blown*

directly from the Site, but air near the truck route to and from the Site was found to contain more dust, and higher levels of airborne calcium, than air at nearby but less heavily trafficked locations.

The findings are concluded with the following statement: *“These data and our analyses indicate no current threat to human health or the environment. Further, for reasons explained below, the potential for future threats appears to be small. Again, we cannot assess risks that may have occurred in the past, but left no trace.”*

- (G) On October 21, 2008, the Agency issued an Interim Certification. The interim certification required, amongst other conditions, that Omya:
1. On or before October 1, 2009, the Permittee shall discontinue use of the Settling Cells to dewater the beneficiation waste. After that date, all beneficiation waste disposed of in the TMAs shall be greater than 90% solids by weight.
 2. On or before October 1, 2009, the Dolomite TMA shall be closed and the final cover system shall be installed; and
 3. On or before October 21, 2010, the Kane and Drake TMA shall be closed and part of the final cover system shall be installed.
- (H) On October 1, 2009, Omya notified the Agency that usage of the Settling Cells has been discontinued, and the Dolomite TMA has been closed. A Tailings Dewatering Facility (TDF) is operational, resulting in processed tailings of 90% solids by weight.
- (I) Since the TDF has commenced operations, all beneficiation waste disposed of in the TMAs has been greater than 90% solids by weight. The TDF filter press produces uniform grain-size tailings of 85% or greater, solids. To attain 90% or greater solids, compressed air must be blown through the mechanically dewatered tailings. The Permittee has proposed dewatering tailings to 85% or greater solids by weight, due to the energy consumption associated with the compressed air system, and because achieving 90% solids for currently considered beneficial uses, or for disposal, is immaterial. Tailings of 85% solids contain no free liquid and have a consistency near-identical to that of 90% solids tailings.
- (J) On May 8, 2009, Omya applied for full, 5-year certification for a proposed lined tailings disposal facility (TMF) at the Verpol site. The proposed TMF is partially located on existing Tailings Management Areas. The interim certification in effect until October 21, 2010 will not be revoked, although several conditions are superseded by this full Certification.

BACKGROUND AND DISCLOSURE FINDINGS OF FACT

- (K) In accordance with 10 V.S.A §6605f, the application for certification shall be denied if the Secretary finds:

1. Omya, or any person required to be listed on the disclosure statement pursuant to 10 V.S.A. §6605f(b)(1), have been convicted of any of the disqualifying offenses set forth in that subdivision within the ten (10) years preceding the date of application; nor that
2. Omya Inc., or any person required to be listed on the disclosure statement pursuant to 10 V.S.A. §6605f(b)(1) have committed more than one (1) violation, in the five years preceding the date of the certification application, of environmental statutes, rules, orders, certifications or permits issued by any jurisdiction, which have the potential to significantly harm the public health, public safety or the environment, giving due consideration to the size and scope of the applicant's business operations.

In 2005, as part of the interim certification process, Omya filed the background disclosure forms that disclosed five environmental violations. Subsequently the Secretary found those violations to have the potential to significantly harm the public health, public safety, or the environment.

10 V.S.A §6605f(b)(4) allows the Secretary to determine that an applicant with disqualifying criteria has demonstrated rehabilitation. Evidence of rehabilitation includes mitigation of any environmental damage caused, the post-violation compliance record, the retention of environmental compliance staff, contracting for independent compliance audits, and the institution of policies and practices to prevent reoccurrence of violations.

Omya submitted evidence in support of a demonstration of rehabilitation in the form of the development of an Integrated Contingency Plan, changes to control systems, additional staff training, site improvements, improved recordkeeping, and compliance with corrective measure requirements, and other rehabilitative steps. The Secretary found that Omya successfully demonstrated rehabilitation.

Omya re-filed the background disclosure forms for this full certification application. The disclosure statements represented no violations of environmental statutes, rules, orders, certifications or permits issued by any jurisdiction in the five years preceding the date of the certification application, May 8, 2009. All violations noted during the interim certification process were committed prior to May 8, 2004.

GENERAL FINDINGS OF FACT

- (L) The available capacity of TMF Phase 1 is 538,000 cubic yards. Based on the information in the application the Agency has determined that the maximum allowed disposal rate is 150,000 (100,500 cubic yards) tons per year. The Permittee estimates that actual tailings generation for the first year of TMF operation will be 71,864 tons. The Permittee asserts that a portion, estimated to be 22,375 tons, of the tailings will be beneficially used. Therefore, actual quantity of tailings disposed of in the TMF is projected to be 49,489 tons per year. The certification application fee will be based on this tonnage and will amount to \$31,499.75, due on or before October 21, 2010. If the Facility is operated at a level above 49,489 tons per year, the Agency may increase the allowable tonnage up to 150,000 through an administrative amendment, and the Permittee shall remit the appropriate additional application fee.
- (M) The Permittee submitted acceptable closure and post-closure plans and cost estimates for the Facility in accordance with Subchapter 10 of the Solid Waste Management Rules (Rules). The closure and post-closure cost estimates for Phase 1 are \$2,351,480.00 and \$861,000.00, respectively. The Permittee has obtained an irrevocable standby letter of credit to ensure performance of closure and post-closure care for the existing TMAs. The total amount of the current instrument is \$12,182,000.00. Of that, \$1,482,000.00 is to be used for closure of the TMAs. \$10,700,000.00 is designated for post closure care of the TMAs. The existing letter of credit has been increased by \$3,212,480 to incorporate closure and post-closure costs of the TMF.
- (N) In June 2006, subsequent to the submission of the Omya interim certification application, the Agency revised the Rules to include a Subchapter 13 on the Management of Mining and Mineral Processing Waste. This application for certification for a new facility is reviewed for compliance with the provisions Subchapter 13, as beneficiation wastes are defined as “mineral processing waste” under the revised Rules.

10 V.S.A. § 1390(5) FINDINGS OF FACT

- (O) The proposed Facility is located in an area that has been designated as Class III groundwater pursuant to 10 V.S.A. § 1394(b) and EPR Chapter 12 § 12-401(1). The permissible uses of groundwater in a Class III designated area are established in 10 V.S.A. §1394(a) and general industrial and commercial uses are permissible uses of groundwater pursuant to that section. The proposed Facility is classified as an industrial use and the Secretary finds the activity certified herein to be consistent with the groundwater classification.
- (P) The Secretary has established the property line as the point of compliance for the proposed Facility pursuant to EPR Chapter 12 § 12-801. Based on the application for certification, the proposed design of the facility, the nature of the waste being disposed, and the comprehensive characterization that has taken place, the Secretary has determined that the Facility as proposed will not cause an exceedance of any standard at the point of compliance.

- (Q) Based on the findings contained in (O) and (P), the Secretary concludes that the requirement of 10 V.S.A. § 1390(5) has been satisfied provided that the Permittee complies with the conditions contained within the Section of this certification entitled “*Releases, Corrective Action, and Continuing Obligations pursuant to 10 V.S.A. § 1390(5)*”

CONDITIONS, REQUIREMENTS, AND RESTRICTIONS

- (1) The Permittee shall construct and operate the Tailings Management Facility, and close and perform post-closure care on the Tailings Management Areas, in accordance with the application and supporting documentation submitted to the Agency, and with the Rules, applicable statutes, and conditions of this Certification. For the purposes of this Certification, the Facility is defined as:
- A. TMF Phase 1 (depicted on Plan Sheet 2 of 39, Existing Conditions of the approved Application); and
 - B. Dolomite TMA, Kane and Drake TMA, Loveland TMA, and Settling Cells.
- (2) The following documents, submitted as part of the Application, are hereby incorporated by reference in this Certification:
- A. Application for Certification, prepared by Sanborn, Head & Associates, Inc., submitted May 8, 2009 ;
 - B. Omya Technical Response Letter, prepared by Sanborn, Head & Associates, Inc., submitted September 4, 2009;
 - C. *Site Monitoring Plan (SMP) – Omya Verpol Plant*, prepared by Geosyntec Consultants, Inc., dated March 21, 2008
 - D. *Proposed Modifications to the Approved Monitoring Plan, Omya Verpol Site and Hogback Quarry, October 6, 2009, Update*, memorandum from David Adilman, Geosyntec Consultants, Inc.
- C. and D. constitute the Approved Site Monitoring Plan (ASMP).
- (3) The following additional documents are hereby incorporated by reference in this Certification:
- A. The Agency procedure entitled “*Groundwater Quality Monitoring and Responses When A Groundwater Standard is Reached or Exceeded At Municipal Solid Waste Landfills*,” (Ground Water Procedure), dated February 8, 1999;
 - B. The Agency procedure entitled “*Procedure Addressing Post-Closure Care and Post-Closure Certification at Solid Waste Landfills*,” dated February 8, 1999;
 - C. The Agency procedure entitled “*Procedure Addressing Corrective Action and Financial Responsibility for Corrective Action at Solid Waste Landfills*,” dated February 8, 1999;
 - D. Memorandum from William Bress, State Toxicologist, to Sharon Moffat, Acting Commissioner, Vermont Department of Health, establishing a Vermont Health Advisory for aminoethyl ethanolamine (AEEA) in drinking water of 20 µg/l;

- E. *An Assessment of the Environmental and Public Health Impacts of Omya's Operations in Florence, Vermont: Integrated Report*, prepared by Cambridge Environmental, Inc., and Geosyntec Consultants, Inc, dated February 19, 2008.
 - F. Specific to the TMAs: *Response to Technical Review Comments #4*, including "Revised and New Interim Certification Application Components," prepared by Sanborn, Head & Associates, Inc., submitted March 21, 2008.
 - G. Specific to the TMAs: *Amended Engineering Report* (page 7 only), revised *Closure Plan*, and revised Plan Sheets (Title and 13 of 13 only), prepared by Sanborn, Head & Associates, Inc., submitted August 25, 2008.
- (4) Additions or alterations to the documents referenced above must be approved by the Agency prior to implementation. Material or substantial additions or alterations which justify the application of conditions different or absent from the Certification will be cause for modification or amendment of this Certification.
 - (5) The operation of the Facility is limited to the disposal of beneficiation waste produced at the Omya Verpol Site. No other solid waste shall be disposed of at the Facility. Disposal of beneficiation waste shall occur only in the TMF Phase 1 Area depicted on plan sheet 2 of 39, Existing Conditions, of the approved Application.
 - (6) The projected tonnage of tailings disposed at the Facility at the time of issuance of this Certification is 49,489 tons per year, and the maximum allowed disposal rate is 150,000 tons per year. Upon written request and submission of the appropriate additional application fee by the Permittee, the Agency may authorize increases in the total annual tonnage of waste, not to exceed 150,000 tons per year. A request to exceed 150,000 tons per year will require the Permittee to apply for an amendment to this certification. The yearly tonnage acceptance calculations shall begin on October 21, 2010.

MATERIALS AND SITE MANAGEMENT

- (7) No later than October 21, 2010, the Permittee shall cease disposal of tailings in the unlined TMAs. The final cover system for the Kane and Drake TMA shall be installed within 90 days of attaining final grades, or the last day of receipt of tailings. Vegetative cover shall be installed within four months of final cover.
- (8) Prior to implementing beneficiation process changes that will alter the character of the tailings, the Permittee shall obtain written approval from the Secretary, and the approved changes shall be incorporated into the ASMP.
- (9) The Permittee shall not dispose of any solid waste in the Facility until the registered professional engineer in charge submits a written certification and furnishes a complete set of as-built drawings to the Program that the Facility was constructed in accordance with the approved plans, specifications, approved change orders, and requirements of this Certification and the Rules.

- (10) The Permittee shall ensure that base liner elevations are, at a minimum, two vertical feet above seasonal high groundwater elevations and bedrock elevations. The as-built drawings required under Condition (9) shall indicate actual base liner grades and groundwater elevations.
- (11) All beneficiation waste disposed of in the TMF shall be 85% or greater solids by weight. Moisture content of the tailings shall be calculated daily on a grab sample taken from the discharge of the TDF. The Permittee shall submit results of the analyses to the Agency with the monitoring data required by Condition (29).
- (12) Placement of tailings in the TMF shall only occur between the hours of 6 a.m. and 12 a.m. Grading and compaction of tailings, or other associated site work within the TMF, shall only occur between the hours of 6 a.m. and 6 p.m.
- (13) The Permittee shall install and maintain markers indicating the edge of the landfill liner.
- (14) The depth of leachate shall be monitored daily and not exceed twelve (12) inches at any location on the liner, except following a 25 year/24 hour or greater storm event. Following such an event, leachate may be stored on the liner for a maximum of five (5) days. The leachate collection system shall utilize an automatic pump with an alarm system. The alarm system shall consist of visual and audible alarms at the Facility, and shall be connected to the Verpol manufacturing plant control room.
- (15) The Secretary shall be notified by the Permittee of a prolonged mechanical failure of the TDF, and in such an event, tailings slurry may be stored in the lined stormwater basin. Once the TDF is repaired and operational, the stored tailings slurry shall be removed within 30 days, in accordance with the Facility Management Plan.
- (16) Closure or final cover system application on any portion of the Facility shall occur as described in the approved TMA or TMF Closure Plans. The Permittee shall submit to the Agency a notice of closure 30 days after the date the final volume of waste is received at the TMA or TMF.

ADMINISTRATIVE COMPLIANCE SCHEDULE

- (17) On or before October 21, 2010, and annually thereafter for the term of this certification, the Permittee shall remit to the Program the appropriate application fee as set forth in 3 V.S.A. § 2822 (j)(6).
- (18) On or before June 30, 2011, and biennially thereafter for the term of this certification, the Permittee shall review the approved Facility closure plans and closure cost estimates and shall submit documentation that provides the information required by § 6-1006(a) through (c) of the Rule, consisting of either:

- A. a report that certifies that the closure plans are consistent with current operations and regulations, and either provides revised closure cost estimates, or indicates that there have been no substantive changes to the closure cost estimates; or
 - B. an application for modification or amendment of the Certification due to substantive changes to the closure plans.
- (19) On or before June 30, 2011, and annually thereafter for the term of this certification, the Permittee shall submit Facility closure and post-closure cost estimates adjusted for inflation in accordance with § II (A) of the *Procedure Addressing Closure Cost Estimates for Solid Waste Landfills* and with § II(C) of the *Procedure Addressing Post-Closure Care and Post-Closure Certification of Solid Waste Landfills*, both dated February 8, 1999.
- (20) The Permittee shall retain a registered professional engineer to perform an annual inspection of the Facility during the month of May of each Certification year, and submit the report to the Secretary on or before June 30 of each year. At a minimum, the engineer shall evaluate the TMF development and the daily operations for conformance with the Facility Management Plan and the requirements of the Rules, and this Certification. The engineer shall inspect and evaluate the integrity of the final cover system for the TMAs and any portion of the TMF that have been closed. The Permittee shall notify the Agency concerning any non-compliance with this Certification or any emission or discharge noted by the engineer and take corrective action in accordance with § 6-703 of the Rules. The engineer shall develop any recommendations necessary for improving the management of the Facility. In consultation with the Agency, the Permittee shall implement those recommendations approved by the Agency. The Permittee shall also incorporate in the report a summary of the previous year's efforts to market tailings for beneficial use, including quantities and end uses.
- (21) The Permittee shall maintain records of the volumes (or weights) of all waste disposed at the Facility. On or before January 31, April 30, July 31, and October 31 of each year, the Permittee shall submit the records to the Agency, on forms provided at by the Agency.
- (22) On or before October 23, 2014, the Permittee shall submit to the Agency an application for certification for continued operation and/or closure and post-closure care of the Facility.
- (23) No later than 90 days after completion of the closure system for any portion of the Facility, the Permittee shall submit certification of closure to the Agency, pursuant to §6-1002(i) of the Rules. This certification shall include a complete set of "record" engineering plans documentation of results of all material and quality assurance/quality control testing performed with respect to closure of the Facility, and documentation of any new or abandoned ground water monitoring wells and surface water sampling locations.

MONITORING REQUIREMENTS

- (24) During the months of May and October of each Certification year, the Permittee shall retain a qualified professional to perform groundwater quality monitoring in accordance with the ASMP. Sampling locations shall include the monitoring wells listed in the table included in the October 6, 2009, *Proposed Modifications to the Approved Monitoring Plan*, and any future monitoring wells installed specifically for this purpose.
- (25) During the months of May, August, October, and January of each Certification year, the Permittee shall retain a qualified professional to perform surface water quality monitoring in accordance with the ASMP. Sampling locations shall include locations listed in the October 6, 2009, *Proposed Modifications to the Approved Monitoring Plan*. The Permittee shall not sample surface water within 24 hours of any storm event affecting the watershed of that water body. The water level of the Pittsford Italian Quarry shall be measured at the time of sampling
- (26) During the months of May and October of each Certification year, the Permittee shall retain a qualified professional to perform drinking water quality monitoring in accordance with the ASMP. Sampling locations shall include locations wells listed the October 6, 2009, *Proposed Modifications to the Approved Monitoring Plan*.
- (27) During the month of May of each Certification year, the Permittee shall retain a qualified professional to perform tailing solids monitoring in accordance with the ASMP.
- (28) During the months of May and October of each certification year, the Permittee shall retain a qualified professional to perform leachate monitoring. Monitoring shall be performed by collecting a sample of leachate from a sampling port in the Phase 1, Cell 1, Sideslope Riser Building.
- (29) Within 60 days after the dates of sampling required by Conditions 24 - 28 of this Certification, the Permittee shall:
- A. For all groundwater samples and drinking water samples, submit to the Agency: laboratory data sheets, current and historic groundwater quality results, statistical evaluation, a narrative assessment, and a comparison to Groundwater Enforcement Standards, Maximum Contaminant Levels, or Vermont Health Advisories, as applicable, and in accordance with the ASMP. If the report and statistical evaluation concludes in a preliminary finding that parameters in ground water exceed any standard at a point of standards application, the Secretary shall initiate a response in accordance with Subchapter 8 of the Groundwater Protection Rule and Strategy; and
 - B. For all surface water samples, submit to the Agency: laboratory data sheets, current and historic surface water quality results and compare the results with the Vermont Water Quality Standards; and

- C. For all leachate samples, submit to the Agency: current and historic leachate quality results, tabulated by sampling location through time; and
- D. For surface water and leachate levels and flows, submit to the Agency: tabulated, analyzed data; and
- E. For tailings solids, submit to the Agency: daily moisture content, current and historic solids quality results tabulated by sampling location through time.

Upon written request, and submission by the Permittee of the appropriate additional information as an element of A, B, C or D above, to justify such a request, the Agency may authorize minor revisions to the ASMP. Minor revisions are defined as limited increases or decreases in monitoring frequency, analytical parameters, or monitoring locations. A copy of a request to revise the monitoring program, and any supplementary materials, shall also be sent by the Permittee to the Town of Pittsford, and posted on the “www.OmyaInVermont.org” web site.

**RELEASES, CORRECTIVE ACTION, AND CONTINUING OBLIGATIONS
PURSUANT TO 10 V.S.A. § 1390(5)**

- (30) The Permittee shall take all reasonable steps to ensure that the activities taking place at the Facility do not result in a discharge, emission, or release of a waste material into the environment.
- (31) In accordance with §6-703 of the Rules, the operator shall submit a report to the Agency within five working days of the receipt of any information indicating non-compliance with any term or condition of the Certification. Any discharge, emission, or release which poses a threat to public health and safety, a threat to the environment or the creation of a nuisance must be reported within 24 hours to the Agency, and the Pittsford health officer. A written report shall be submitted to the same parties within seven days of the discharge, emission, or release. The report shall identify the discharge, emission, or release that occurred, the type, quantity, and quality of waste, and the actions taken to correct the problem.
- (32) In the event the Secretary determines that a review of water quality data, or a discharge, emission, or release from the Facility, indicates an undue adverse impact on ground water, surface water, or drinking water quality from the Facility, the Secretary shall assess the information and make a determination as to whether corrective action is required. If the Secretary determines that the information is inadequate, the Secretary shall require the Permittee to:
 - A. increase the frequency of water quality sampling and analyses, and/or increase the number of parameters tested for;
 - B. establish additional sampling locations and/or install additional monitoring wells; or
 - C. conduct all studies necessary to determine the source and extent of contamination.

- (33) In the event that the Secretary determines that corrective action is necessary to prevent or remedy damage to the public health and safety or to the environment, or to correct a violation of environmental standards, the Secretary shall require corrective action and a demonstration of financial responsibility for corrective action, in accordance with the Agency procedure entitled Procedure Addressing Corrective Action and Financial Responsibility for Corrective Action at Solid Waste Landfills, adopted February 8, 1999.
- (34) In the event that any contaminant of concern is detected during water quality monitoring at or above a “triggering” concentration listed in Table 10 of the SMP, the Permittee shall implement the applicable contingency plan procedures contained in the Section 4.4 of the ASMP.
- (35) In the event any of the monitoring wells established as part of the approved water quality monitoring program are destroyed or rendered unusable, the Permittee shall replace said monitoring well in accordance with the Agency's guidelines for monitoring well installation prior to the next scheduled sampling date.
- (36) In the event that an alternative laboratory method is developed for the analysis of flotation reagent components, and is approved in writing by the Secretary, the method shall be incorporated into the ASMP.

FINANCIAL RESPONSIBILITY REQUIREMENTS

- (37) The Permittee shall maintain an approved financial responsibility program for the Facility, pursuant to Subchapter 9 and Subchapter 10 of the Rules, to ensure that adequate funds are available to undertake all closure and post-closure care operations pursuant to the terms of the Certification and closure and post-closure care plans approved by the Agency.

GENERAL CONDITIONS

- (38) The Permittee shall allow Agency personnel access to the Facility at any reasonable time to perform site inspections or other activity as may be required to ensure or to determine compliance with this Certification, applicable statutes, and the Rules.
- (39) 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.
- (40) This Certification is not transferable, alienable or assignable. The Permittee shall apply for, and obtain, a Certification amendment prior to any sale, lease, or other transfer of ownership of the Facility property.

- (41) This Certification supersedes conditions 10 (application fees), 12 (closure and post-closure cost estimate adjustments), 13 (annual inspections), 15 (future certification applications), 16 (second interim certification), 17 (certification of closure), and 18 through 27 (environmental monitoring) of the October 21, 2008, Interim Certification for the Omya Verpol Plant Tailing Management Areas. All other conditions of the Interim Certification remain in full force and effect.
- (42) The provisions of this Certification are severable, and if any provision of this Certification, or the application of any provision of this Certification to any circumstance is held invalid, such a determination shall not have any effect on the validity of the remainder of the Certification, or on the application of the provision to other circumstances.
- (43) A copy of this Certification and complete application shall remain at the Facility and, upon request, shall be made available for inspection by the Secretary.
- (44) All correspondence shall be submitted to:

Vermont Agency of Natural Resources
Solid Waste Management Program
103 South Main Street – 1 South
Waterbury, VT 05671-0404

The Secretary's issuance of this Certification relies upon the data and other information supplied by the Permittee, the hired professional consultants and other experts who have participated in the preparation of the Application. If any information provided to the Agency is found to be false or misleading, it shall be considered cause for the revocation or suspension of this Interim Certification under 10 V.S.A. §1267 and §6-307 of the Rules.

The Agency makes no assurances that the system certified herein will meet the performance objectives of the operator and no warranties or guarantees are given or implied.

The Agency staff has reviewed the Application and finds it to conform to the Solid Waste Management Rules. It is recommended that the foregoing findings be made and this Certification be issued for the operation of the solid waste management 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 **6th** day of **May, 2010**, at Waterbury, Vermont.

Justin Johnson, Commissioner
Department of Environmental Conservation

By: 
George Desch, Director
Waste Management Division