

From: Elena Mihaly <emihaly@clf.org>
Sent: Thursday, January 25, 2024 11:02 AM
To: Moore, Julie
Subject: FW: Amendment to 3-1406 - Timeline?

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

FYI.

Also, here's the two **"Make Big Oil Pay/ Climate Superfund" bills**: [S.259](#) and [H.809](#). We're working with VPIRG, VNRC, and others to advance the legislation and I'd gladly serve as a liaison to share any feedback/critique/questions that you have once you've reviewed.

From: Elena Mihaly
Sent: Friday, January 19, 2024 2:03 PM
To: Ellermann, Katelyn (she/her)
Cc: Polaczyk, Amy ; Collins, Heather ; LaFlamme, Pete ; Gonda, Jordan ; Nora Bosworth ; pblair@just-zero.org
Subject: RE: Amendment to 3-1406 - Timeline?

Dear Katelyn,

Thanks for your email. Firstly, we'd be happy to comply with your request that we 'cc' the appropriate legal contact on any future email correspondence with Agency staff regarding this or other permits that we're tracking. For this permit, we'll assume that's you.

Second, regarding meeting with the Agency, it was our hope that we could have an opportunity to sit down with Agency staff who have been steeped in working on this permit to discuss the substantive concerns we raised in our comments related to the proposed PFAS treatment methodology.

We understand that the Agency cannot accept additional comments now that the comment period has closed. But that's not what we're asking for here. You wrote that the Agency will use its best professional judgment in interpreting comments – including potential clarification if warranted. We're requesting a meeting with you simply so the Agency staff can engage with us directly to help interpret our comments and/or to clarify anything we (or the experts) state therein. In my experience, this kind of informal in-person (or Zoom) dialogue can often resolve concerns much better than just relying on paper/email exchanges.

It is of course the Agency's prerogative whether to meet, but I wanted to provide our rationale for making that request. Thanks for your continued partnership in this permit review process.

Sincerely,
Elena

From: Ellermann, Katelyn (she/her) <Katelyn.Ellermann@vermont.gov>
Sent: Thursday, January 18, 2024 7:58 AM
To: Nora Bosworth <nbosworth@clf.org>; Elena Mihaly <emihaly@clf.org>; pblair@just-zero.org
Cc: Polaczyk, Amy <Amy.Polaczyk@vermont.gov>; Collins, Heather <Heather.Collins@vermont.gov>; LaFlamme, Pete <Pete.LaFlamme@vermont.gov>; Gonda, Jordan <Jordan.Gonda@vermont.gov>
Subject: RE: Amendment to 3-1406 - Timeline?

CAUTION: Email from outside CLF.

Good morning Attorneys Bosworth, Mihaly, and Blair:

I'm writing to follow up on the below plans for a meeting with the Agency's Watershed Management Division/Wastewater

Program on the New England Waste Services of Vermont, Inc. Pretreatment Permit No. 3-1406. First, thank you for your submitted December 20, 2023 comment letter and attachments. We also appreciate the offer to discuss them. Given the public comment period has closed, however, the Agency will hold off on the plan to meet at this time. We are focused on reviewing extensive comment, including careful consideration of the joint CLF-Just Zero comments. The Agency will use its technical expertise and best professional judgment in interpreting comments and considering their impact on the proceeding, including potential clarification of comments if warranted.

Going forward, we'd like to encourage that permit-specific communications with the Agency come through the Agency's legal points of contact, such as Ed McNamara (ANR General Counsel), Jordan Gonda (DEC General Counsel), or myself. If you already have a line of communication with non-legal staff on a topic, please also kindly copy one of us attorneys.

Thanks again for your input on No. 3-1406 and your willingness to discuss.

Sincerely,
Katelyn Ellermann



Katelyn Ellermann (she/her) | Associate General Counsel
Vermont Agency of Natural Resources
1 National Life Drive, Davis 2 | Montpelier, VT 05620-3520
802-522-7125 (cell) | Katelyn.Ellermann@vermont.gov
Connect with us on our [website](#).

The Agency of Natural Resources supports telework, and there are times when I may be working from another office location. I am available to connect by phone and email. I am also available to connect in-person upon request.

Written communications to and from state officials regarding state business are considered public records and may be subject to public scrutiny.

Disclaimer: This email message from the Vermont Agency of Natural Resources Office of General Counsel is intended only for the individual(s) to which it is addressed. This message may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you received this email by accident, please notify the sender immediately and destroy this email and all copies of it.

From: Nora Bosworth <nbosworth@clf.org>
Sent: Wednesday, January 17, 2024 4:29 PM
To: Elena Mihaly <emihaly@clf.org>; Polaczyk, Amy <Amy.Polaczyk@vermont.gov>
Cc: Collins, Heather <Heather.Collins@vermont.gov>; LaFlamme, Pete <Pete.LaFlamme@vermont.gov>; Peter Blair <pblair@just-zero.org>
Subject: RE: Amendment to 3-1406 - Timeline?

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good afternoon Amy and all,

I hope you're doing well and I just wanted to circle back and see if we could solidify a time.

Looks like 1/29 at 9am is the preferred time for Elena, and all of us seem to have stated availability then, does that still work for your team?

Many thanks for coordinating this!

My best,

Nora Bosworth, Esq.
Staff Attorney, Zero Waste Project
Conservation Law Foundation
Pronouns: she/her

53 Exchange St. #200
Portland, ME 04101

P: 207-210-6439 x.5017
E: nbosworth@clf.org
www.clf.org

For a thriving New England



[Facebook](#) | [Twitter](#) | [LinkedIn](#)

From: Elena Mihaly <emihaly@clf.org>
Sent: Thursday, January 4, 2024 10:12 PM
To: Nora Bosworth <nbosworth@clf.org>; Polaczyk, Amy <Amy.Polaczyk@vermont.gov>
Cc: Collins, Heather <Heather.Collins@vermont.gov>; LaFlamme, Pete <Pete.LaFlamme@vermont.gov>; Peter Blair <pblair@just-zero.org>
Subject: RE: Amendment to 3-1406 - Timeline?

Hi All,

Thanks for including me. I can meet on 1/29 at 9AM (preferred) or 1/30 at 11AM.

Thank you!
Elena

From: Nora Bosworth <nbosworth@clf.org>
Sent: Thursday, January 4, 2024 5:07 PM
To: Polaczyk, Amy <Amy.Polaczyk@vermont.gov>
Cc: Collins, Heather <Heather.Collins@vermont.gov>; LaFlamme, Pete <Pete.LaFlamme@vermont.gov>; Peter Blair <pblair@just-zero.org>; Elena Mihaly <emihaly@clf.org>
Subject: Re: Amendment to 3-1406 - Timeline?

Hi all-

I'm looping in Elena Mihaly as I know she hopes to be able to attend as well.

Elena, right now the proposed times are 1/29 at 9 or 10, or 1/30 at 11. Either works for me and Peter.

Best,
Get [Outlook for iOS](#)

From: Nora Bosworth <nbosworth@clf.org>
Sent: Thursday, January 4, 2024 5:04 PM

To: Polaczyk, Amy <Amy.Polaczyk@vermont.gov>
Cc: Collins, Heather <Heather.Collins@vermont.gov>; LaFlamme, Pete <Pete.LaFlamme@vermont.gov>; Peter Blair <pblair@just-zero.org>
Subject: Re: Amendment to 3-1406 - Timeline?

Hi Amy - I can do any of those times as well :)

Whichever works best for you.

Best,

Get [Outlook for iOS](#)

From: Polaczyk, Amy <Amy.Polaczyk@vermont.gov>
Sent: Thursday, January 4, 2024 4:49:26 PM
To: Nora Bosworth <nbosworth@clf.org>
Cc: Collins, Heather <Heather.Collins@vermont.gov>; LaFlamme, Pete <Pete.LaFlamme@vermont.gov>; Peter Blair <pblair@just-zero.org>
Subject: RE: Amendment to 3-1406 - Timeline?

CAUTION: Email from outside CLF.

Hi Nora,

Unfortunately, it doesn't look like the 18th will work on our end and given the short week 1/15-19, calendars are tight. What about Monday 1/29 at 9 or 10am or Tuesday 1/30 at 11am?

Amy

Amy L. Polaczyk, PhD | Program Manager (she/her)
Vermont Department of Environmental Conservation
Watershed Management Division, Wastewater Management Program
Davis 3, 1 National Life Dr | Montpelier, VT 05620-3522
802-490-6185 (cell)
<https://dec.vermont.gov/watershed/wastewater>

From: Nora Bosworth <nbosworth@clf.org>
Sent: Thursday, January 4, 2024 10:05 AM
To: Polaczyk, Amy <Amy.Polaczyk@vermont.gov>
Cc: Collins, Heather <Heather.Collins@vermont.gov>; LaFlamme, Pete <Pete.LaFlamme@vermont.gov>; Peter Blair <pblair@just-zero.org>
Subject: RE: Amendment to 3-1406 - Timeline?

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Amy,

Wow, that's a lot of input! I am unfortunately out of the country next week, would it be possible/ practical to schedule a time the following week, 1/16-1/19?

CC'ing Peter Blair from Just Zero as he will want to attend as well. Personally, I can move things around the week of 1/16-1/19 to accommodate your schedules. Otherwise, I have **1/18** very open.

All my best,

Nora Bosworth, Esq.

Staff Attorney, Zero Waste Project
Conservation Law Foundation
Pronouns: she/her

53 Exchange St. #200
Portland, ME 04101

P: 207-210-6439 x.5017
E: nbosworth@clf.org
www.clf.org

For a thriving New England



[Facebook](#) | [Twitter](#) | [LinkedIn](#)

From: Polaczyk, Amy <Amy.Polaczyk@vermont.gov>
Sent: Thursday, January 4, 2024 10:01 AM
To: Nora Bosworth <nbosworth@clf.org>
Cc: Collins, Heather <Heather.Collins@vermont.gov>; LaFlamme, Pete <Pete.LaFlamme@vermont.gov>
Subject: RE: Amendment to 3-1406 - Timeline?

CAUTION: Email from outside CLF.

Good morning Nora,

We received nearly 200 pages of comments and are reviewing those now. I do think setting up a time to talk would be helpful, so perhaps we can identify a time in a week or so that will work for all of us to meet? Thank should give us enough time to digest the comments, including the input from CLF.

Thanks-
Amy

Amy L. Polaczyk, PhD | Program Manager (she/her)
Vermont Department of Environmental Conservation
Watershed Management Division, Wastewater Management Program
Davis 3, 1 National Life Dr | Montpelier, VT 05620-3522
802-490-6185 (cell)
<https://dec.vermont.gov/watershed/wastewater>

From: Nora Bosworth <nbosworth@clf.org>
Sent: Thursday, January 4, 2024 9:56 AM
To: Polaczyk, Amy <Amy.Polaczyk@vermont.gov>
Subject: Amendment to 3-1406 - Timeline?

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good morning Amy and Happy New Year – I hope you got some restful time off.

I was writing to inquire if we have a date by which the Dep't will reach a decision on Casella's Pilot Plan / application to amend Permit 3-1406?

I also wanted to reextend Peter Blair's offer to meet with us to discuss the concerns we raise in our comment / expert report, if it would be helpful.

All my best and thanks as always for your help,

Nora Bosworth, Esq.

Staff Attorney, Zero Waste Project
Conservation Law Foundation

Pronouns: she/her

53 Exchange St. #200
Portland, ME 04101

P: 207-210-6439 x.5017

E: nbosworth@clf.org

www.clf.org

For a thriving New England



[Facebook](#) | [Twitter](#) | [LinkedIn](#)