

ACT 250 NOTICE
APPLICATION 4C1336
SITE VISIT & PREHEARING CONFERENCE
10 V.S.A. §§ 6001 - 6111

On April 7, 2021, Town of Hinesburg filed an Act 250 application for the reconstruction of the Hinesburg Wastewater Treatment Facility which will be completed in two phases. Phase I will include (a) draining and sludge removal of Lagoon #1, (b) taking Lagoon #1 out of service, (c) constructing a drainage layer and underdrain system with groundwater pumping station within the Lagoon #1 footprint, (d) installing subgrade wick drains in Lagoon #1, and (e) filling Lagoon #1 above wick drains for the purpose of consolidating the compressible soil underneath the footprint of a future infrastructure. Phase II will include (a) upgrades to the existing main pump station, (b) construction of a new headworks, (c) construction of two new sequential batch reactor tanks with pre- and post-equalization tanks, (d) construction of a new filtration and disinfection building with associated equipment, (e) construction of a new sludge storage tank and new in-plant pump station, (f) construction of a new control building, and (g) once the new treatment plant is operational Lagoons #2 and #3 will be drained, cleaned and taken out of service. The Hinesburg Wastewater Treatment Facility is located at 290 Lagoon Road in Hinesburg, Vermont. The application was deemed complete on April 27, 2021.

This project will be evaluated by the District 4 Environmental Commission in accordance with the 10 environmental criteria of 10 V.S.A., § 6086(a). Under this application, the applicants are seeking findings on all 10 environmental criteria and a permit for Phase I, and partial findings on Criteria 1, 1(A), 1(C), 1(D), 1(F), 5, 6, 7, 8A, 9A, 9B, 9C, 9D, 9E, 9G, 9H, 9J, 9K, 9L, 10 for Phase II.

Pursuant to Act 250 Rules 16 and 20, the Commission is convening an online Prehearing Conference. A Prehearing Conference, in summary, has narrow goals and is designed to identify the parties and the issues. The Prehearing Conference will be followed by the issuance of a Prehearing Conference Report and Order (“PHCRO”) which will prescribe the informational filing requirements, the preliminary party status rulings, and the scheduling of the merits hearing at a later date.

Note to Prospective Parties: Pursuant to Vermont statute and Act 250 Rules, any person seeking to participate as a party to this proceeding **MUST** make such a party status request “on or before the first prehearing conference.” Accordingly, all prospective parties are obligated to log in or call into the Prehearing Conference scheduled below, or to file a written party status petition in advance to the Commission at NRB.Act250Essex@vermont.gov. **Failure to timely appear on the Prehearing Conference call or video conference call, or to timely file a written request by the date of the Prehearing Conference, thereafter bars a person from participating as a party in the proceeding, and any such person will thereafter lack legal standing to appeal any decision on this matter made by the District Commission.** Due to the coronavirus (COVID-19) State of Emergency, all prospective parties are asked to supply an email address, a street address, and a mailing address to the District Commission by email (NRB.Act250Essex@vermont.gov) for receiving service of notices on the proceedings.

A Prehearing Conference is hereby scheduled to convene:

Date:	Friday, May 14, 2021
In-Person Site Visit:	1:00PM at 290 Lagoon Road in Hinesburg
Prehearing Conference:	3:00PM via Microsoft Teams (see below)

Site Visit Instructions: All site visit participants shall be required to observe the following [protocol](#) prior to, and during the site visit:

- a. Prior to the site visit, all potential attendees must confirm in writing, which may be via email, that they will abide by this protocol.
- b. If any portion of the site visit will be conducted inside, building capacity shall be restricted to 50 percent fire safety occupancy or 1 person per 100 square feet, whichever ensures 6 feet social distancing.
- c. No one may attend the site visit who has displayed [any of the symptoms of COVID-19 recognized by the Vermont Department of Health](#). No earlier than 24 hours prior to the site visit, all attendees must take their own temperatures to determine whether they have a temperature of 100.4 degrees Fahrenheit or greater. If requested, attendees must submit to a temperature test with a no contact thermometer.
- d. No one may attend the site visit if they have had contact with a person diagnosed with COVID-19 unless they have self-quarantined for 14 days following such contact or 7 days followed by a negative COVID-19 test.
- e. No one may attend the site visit if they must travel from any location outside Vermont unless they have tested negative for COVID-19 within 3 days of traveling or returning to Vermont. This requirement does not apply to individuals who have been fully vaccinated against COVID-19 and it has been 14 days since they received their final vaccine dose.
- f. Everyone attending the site visit must observe strict social distancing of six feet.
- g. Everyone attending the site visit must wear face coverings over their nose and mouth when in the presence of others.
- h. Everyone attending the site visit must have access to either a hand washing station, consisting of soap and water, or hand sanitizer.
- i. No more than three people shall occupy any single vehicle traveling to or from the site visit.
- j. Everyone attending the site visit must refrain from touching communal objects, including but not limited to site plans, unless they are cleaned and disinfected between each touch.

Prehearing Conference Instructions: Due to the coronavirus (COVID-19), this Prehearing Conference will necessarily be conducted **remotely** via **Microsoft Teams video conferencing software**. **To receive a Microsoft Teams invitation via email, please e-mail the District Coordinator (rachel.lomonaco@vermont.gov) no later than May 12, 2021 at 4:30 PM.** If you are unable to participate using the Microsoft Teams platform, you may still call in to the conference with the following information:

- **Dial:** 802-828-7667
- **Enter Conference ID:** 852 669 575#

Prehearing Conference Preliminary Agenda:

1. 2:45 PM: Conference line will be available to dial in by phone or sign in via Microsoft Teams.
2. 3:00 PM: Call to order by the Chair.
3. Attendance.
4. Applicant to provide brief overview of the application.

5. Preliminary party status and friends of the commission determinations.
6. Summary of preliminary issues and criteria involved.
7. Identify evidence, documents, witnesses, stipulations, and other offers of proof to be presented at a hearing by any party.
8. Discuss schedule for future proceedings.
9. Recess.

The following persons or organizations may participate in the hearing for this project:

1. **Statutory parties:** The municipality, the municipal planning commission, the regional planning commission, any adjacent municipality, municipal planning commission or regional planning commission if the project lands are located on a town boundary, and affected state agencies are entitled to party status.
2. **Adjoining property owners and others:** May participate as parties to the extent that they have a particularized interest that may be affected by the proposed project under the Act 250 Criteria.
3. **Non-party participants:** The District Commission, on its own motion or by petition, may allow others to participate in the hearing without being accorded party status.

Due to the coronavirus (COVID-19) State of Emergency, and the complications associated with live hearings, parties may waive their right to a live hearing, and instead agree to a process that allows for pre-filing written cross examination and rebuttal documents.

If you plan on participating in the Prehearing Conference on behalf of a group or organization, please submit the following to NRB.Act250Essex@vermont.gov: 1) a written description of the organization, its purposes, and the nature of its membership (T.10, § 6085(c)(2)(B)); 2) documentation that prior to the date of the Prehearing Conference, you were duly authorized to speak for the organization; and 3) documentation that the organization has articulated a position with respect to the Project's impacts under specific Act 250 Criteria.

If you would like further information regarding participation in this Prehearing Conference, please contact the District Coordinator (rachel.lomonaco@vermont.gov) by no later than May 12, 2021 at 4:30 PM. If you have a disability for which you need accommodation in order to participate in this process (including participating in a public hearing, if one is held), please notify us as soon as possible, in order to allow us as much time as possible to accommodate your needs.

The members sitting on the District Commission for this project are: Thomas A. Little, Chair, Pam Loranger and Scott Baldwin. If you feel that any of the District Commission members listed above may have a conflict of interest, or if there is any other reason why a member should be disqualified from sitting on this case, please contact the District Coordinator as soon as possible, and by no later than prior to the date of the first hearing or Prehearing Conference.

A copy of the application and plans for this project are available for review online at the Natural Resources Board web site (<http://nrb.vermont.gov>) by clicking on "Act 250 Database" and entering project number 4C1336.

Dated this 3rd day of May 2021.

By: /s/Rachel Lomonaco, District Coordinator
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