



NEWSVT Act 250 JO 7-413

ENTRY REGARDING MOTIONS

Title: Motion to Dismiss or for Partial Summary Judgment (Motion: 1)
Filer: Cindy E. Hill, Esq.
Filed Date: June 6, 2025

NEWSVT Memorandum in Opposition, filed on July 14, 2025, by Matthew B. Byrne, Esq.
DUMP, Inc. Reply in Support, filed on July 28, 2025, by Cindy E. Hill, Esq.

Title: Motion for Judgment on the Pleadings (Motion: 2)
Filer: Matthew B. Byrne, Esq.
Filed Date: June 6, 2025

DUMP, Inc. Memorandum in Opposition, filed on July 14, 2025, by Cindy E. Hill, Esq.
Land Use Review Board (LURB) Memorandum in Opposition, filed on July 14, 2025, by Jenny E. Ronis, Esq.
NEWSVT Reply in Support, filed on July 28, 2025, by Matthew B. Byrne, Esq.

Title: Motion for Partial Summary Judgment and to Dismiss (Motion: 3)
Filer: Cindy E. Hill, Esq.
Filed Date: June 6, 2025

NEWSVT Memorandum in Opposition, filed on July 14, 2025, by Matthew B. Byrne, Esq.
DUMP, Inc. Reply in Support, filed on July 28, 2025, by Cindy E. Hill, Esq.

Title: Motion for Partial Summary Judgment and to Dismiss (Motion: 4)
Filer: Jenny E. Ronis, Esq.
Filed Date: June 6, 2025

NEWSVT Memorandum in Opposition, filed on July 14, 2025, by Matthew B. Byrne, Esq.
DUMP, Inc. Reply in Support, filed on July 28, 2025, by Cindy E. Hill, Esq.

LURB Reply in Support, filed on July 28, 2025, by Jenny E. Ronis, Esq.

The parties are directed to submit additional filings as set forth herein.

In this matter, New England Waste Services of Vermont, Inc. (NEWSVT) appeals a jurisdictional opinion issued by the District #7 Coordinator concluding that NEWSVT required a permit amendment in the event that NEWSVT sought to convert a leachate treatment system from a pilot program to a permanent installation at NEWSVT's facility in Coventry, Vermont (the JO). NEWSVT appealed that determination to this Court. Presently before the Court are multiple motions. NEWSVT moves for judgment on the pleadings. Don't Undermine Memphremagog's Purity, Inc. (DUMP) moves to dismiss or, in the alternative, for summary judgment, on NEWSVT's Questions 1 and 2 of its Statement of Questions. DUMP and the Land Use Review Board (LURB) move for summary judgment on Questions 3 through 8 and to dismiss Questions 9 through 11.

The Court has reviewed the parties' voluminous filings. Pursuant to V.R.C.P. 12(b)(6) and V.R.C.P. 12(c), the Court converts the motions as follows:

1. DUMP's motion to dismiss Questions 1 and 2 is converted to one for summary judgment.
2. NEWSVT's motion for judgment on the pleadings is converted to one for summary judgment.

The Court is not requiring that DUMP and/or the LURB convert their respective motions to dismiss Questions 9 through 11 to motions for summary judgment. The Court notes that, if DUMP and the LURB elect to convert, then all issues will be before the Court on cross-motions for summary judgment. The Court provides both DUMP and the LURB the opportunity to request the Court to so convert as set forth below.

In light of the above conversions, the Court imposes the following deadlines:

1. DUMP is directed to file a statement of undisputed material facts in support of its motion for summary judgment on Questions 1 and 2 on or before **Monday, October 13, 2025**.
2. NEWSVT is directed to file a supplemental statement of undisputed material facts in support of its motion on or before **Monday, October 13, 2025**.
3. Should DUMP and/or the LURB request that the Court view their motion to dismiss Questions 9 through 11 as a cross-motion to NEWSVT's converted motion, the Court directs DUMP and/or the

LURB to provide notification to the Court of that request and file a statement of additional material facts on or before **Monday, October 13, 2025**

4. Replies to any of the above-referenced additional statements of undisputed material facts must be filed on or before **Monday, November 3, 2025**.

Because the parties have extensively briefed all issues before the Court, supplemental briefings on the parties' legal theories in this case are unnecessary. To the extent that any party disagrees with that assessment, they are directed to notify the Court on or before close of business **Thursday, September 18, 2025**. In response, the Court will hold an impromptu status conference on this limited issue.

Electronically signed September 12, 2025 pursuant to V.R.E.F. 9(D).

A handwritten signature in black ink that reads "Tom Walsh" with a stylized flourish at the end.

Thomas G. Walsh, Judge
Superior Court, Environmental Division