



North Country Environmental Services, Inc.

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Montpelier, Vermont 05602

(802) 223-7220
(802) 223-7128 Fax

December 11, 1998

Mr. James W. Berg, Waste Management Specialist
NH Department of Environmental Services
Solid Waste Compliance Section
6 Hazen Drive
Concord, NH 03301-0509

**RE: North Country Environmental Services, Inc. (NCES) - Bethlehem, NH
Request for Waiver for Leachate From - Env-Wm 404.01(b)(2)**

Dear Mr. Berg:

I wanted to follow up on our telephone conversation last week and request a waiver from New Hampshire's Hazardous Waste Rules. I have listed below all the leachate that has been hauled from Stage I Phase III since July and the disposal facility that received it:

Date	Gallons	Disposal Facility
7/1/98	6338	Concord WWTF
7/6/98	5952	Concord WWTF
7/8/98	5966	Concord WWTF
7/13/98	6585	Concord WWTF
7/20/98	6000	Concord WWTF
7/27/09	5820	Concord WWTF
7/29/98	5805	Concord WWTF
8/10/08	3997	Concord WWTF
8/13/98	4028	Concord WWTF
8/17/98	4083	Concord WWTF
8/20/98	4069	Concord WWTF
8/31/98	4398	Concord WWTF
9/2/98	4647	Concord WWTF
10/2/98	5940	Palmer WWTF, MA
10/5/98	5918	Palmer WWTF, MA
10/6/98	6230	Palmer WWTF, MA
10/13/08	5484	Palmer WWTF, MA
10/21/98	5352	Palmer WWTF, MA
10/22/98	6275	Palmer WWTF, MA
10/23/98	5688	Palmer WWTF, MA
10/30/98	5338	Palmer WWTF, MA
12/2/98	5500	United Industrial Services, CT
12/4/98	5813	United Industrial Services, CT
12/10/98	5300	United Industrial Services, CT
Total	130,526	

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Summarized below are the events that have preceded our request for a waiver from the New Hampshire Hazardous Waste Rules:

We reported the results of our July 15, 1998 leachate sampling to the Concord Wastewater Treatment Facility on September 1, 1998 by mail. Upon receiving the results on September 4, 1998 the laboratory supervisor informed us that Stage I Phase III leachate exceeded the limits allowed under New Hampshire Department of Environmental Services mixture rule Env-Wm 404.01(b)(2). On September 4, 1998 we called you to inform you of the situation. Yourself, Mike Gilfoy (NHDES), Mike Sills (NHDES), Larry Lackey (NCES), Scott Shillaber (Sanborn, Head & Associates) and I met to discuss the Phase III leachate at your office on September 25, 1998. We followed this meeting up with a letter to Mike Gilfoy (attached) on October 18, 1998 summarizing the actions we planned to take for additional sampling that was requested. The analytical results from the four additional samples are attached. We believe that concentrations of many of parameters we test the Stage I Leachate for are peaking. We have seen rising concentrations in leachate shortly after closure at other landfills, and have observed that the concentrations return to the pre-closure levels in a few years.

From our discussion on September 25, 1998 we were informed that leachate from a municipal waste landfill is exempt under New Hampshire's Hazardous Waste Rules if the discharge is by pipe directly to a treatment facility. We are requesting a waiver from New Hampshire's Hazardous Waste Rules for leachate as from NCES as outlined in Env-Wm 212 listed below:

Env-Wm 212.01 Applicability

(6) Any requirement in the hazardous waste rules that is more stringent than requirements imposed by EPA in 40 CFR Parts 260 through 270, 7-1-89 edition:

The EPA rules do not have a mixture rule that would make NCES's leachate hazardous.

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Env-Wm 212.02 Requests for Waivers.

(a) Each request for a waiver shall be submitted in writing and shall include the following:

(1) an identification of the facility or activity to which the request relates;

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581 Trudeau Road
PO Box 9
Bethlehem, NH 03574**

(2) an identification of the specific section of the rules from which the waiver is sought:

The waiver is being sought from Env-Wm 404.01(b)(2) - If the mixture contains one or more of any other constituents listed in Env-Wm 402.05, and total combined concentrations of any or all of the constituents listed in Env-Wm 402.05 is greater than 100 parts per million.

(3) a full explanation of why a waiver is being requested, including an explanation of the hardship that would be caused by compliance with the rule;

It is our understanding that NCES would be exempt from Env-Wm 404.01(b)(2) if the landfill was directly connected by pipe to a publicly owned waste water treatment facility. The leachate at NCES has only exceeded New Hampshire's mixture rule from one of the five Phases. While Stage I Phase III leachate testing results have exceeded the limit of New Hampshire's mixture rule, the results indicate that it has not done so consistently. When the leachate from Stage I Phase III has been tested this year, only three of the seven results have indicated that the leachate exceeded New Hampshire's mixture rule. When leachate from Stage I Phase III has exceeded New Hampshire's mixture rule limit, the results have indicated the leachate is just over the limit. The highest concentration measured in the leachate only exceeded the limit by 17.2 mg/l.

Concord Waste Water Treatment Facility has been the facility that has disposed of most of the leachate from NCES in recent years. The Concord Facility has informed us (see attached letter) that they will not be able to take leachate that exceeds New Hampshire's mixture rule even though the leachate is not hazardous waste under federal regulations. We are concerned that other disposal facilities will take the same position as the operators of the Concord facility.

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For leachate exceeding New Hampshire's mixture rule, the disposal costs per gallon of leachate will increase from the under \$0.10 per gallon to over \$0.72 per gallon for transportation and disposal. Though we expect the generation rate to drop with time, the current generation rate of leachate that maybe subject to New Hampshire's mixture rule is approximately 900 gallons per day. The extra cost per year at this generation rate is \$203,670.00. Since a portion of this landfill is closed, and most of the landfill will be capped next year, we expect the leachate generation rate to drop to less than one-tenth of its current generation rate within the next year.

- (4) *a full explanation of any alternate procedure, method, or activity that is sought to be substituted for the procedure, method or other activity required by the rules from which a waiver is being sought;*

There are no alternate procedures that are proposed at this time. NCES will be requesting in separate correspondence the ability to combine the leachate from all four phases (both primary and secondary leachate) of Stage I to reduce sampling costs and to reduce the number of underground tanks at the facility.

- (5) *results of all tests, studies or other data generated to determine the need for the waiver and which support the request;*

The data for the last four results of sampling Stage I Phase III are attached. Please find also attached is a summary of the analytical results and graphs generated from the historical results.

- (6) *a full explanation of how the requirement for which the waiver is requested is more stringent than federal requirements;*

The EPA does not have a mixture rule in the regulations that would make NCES's leachate hazardous.

- (7) *a full explanation of why a person believes that having the waiver granted will not adversely impact public health or the environment.*

The leachate that is exceeding New Hampshire's mixture rule under Env-Wm 404.01(b)(2) is not significantly different than the other leachate that does not exceed this rule. The leachate that exceeds New Hampshire's mixture rule does not have to be handled in any special manner to protect public health or the environment.

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(8) for a temporary waiver, the duration of the waiver requested and the proposed time frame and manner in which full compliance shall be achieved; and

This is a request for a permanent waiver.

Please do not hesitate to contact me at (802) 223-7220 if you have any questions.

Sincerely,

NORTH COUNTRY ENVIRONMENTAL SERVICES, INC.



Robert A. Watts

Permits, Compliance and Engineering

Enclosures

cc: Mike Sills, New Hampshire Department of Environmental Services
John Duclos, New Hampshire Department of Environmental Services
Todd Leedberg, New Hampshire Department of Environmental Services
Mike Hanscom, Concord Waste Water Treatment Facility
Jon Bushold, Concord Waste Water Treatment Facility
James W. Bohlig, North Country Environmental Services, Inc.
Larry B. Lackey, North Country Environmental Services, Inc.
Donald Monahan, North Country Environmental Services, Inc.
Scott Shillaber, Sanborn, Head and Associates, Inc.