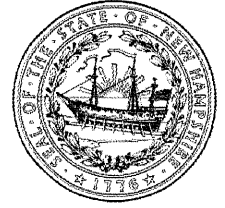




The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 29, 2024

Carl Lindquist, Chairman
Dalton Planning Board
756 Dalton Road
Dalton, NH 03598

RE: Granite State Landfill Application

Dear Chairman Lindquist:

This letter is in response to the attached letter from the Dalton Planning Board dated January 13, 2024. The letter asserts that NHDES decisions on a Solid Waste Facility Permit Application and an Alteration of Terrain (AoT) application are dependent on the local approval process. While this assertion is not correct, both permitting programs have laws, rules, or conditions that make it clear that the issuance of a state permit does not relieve the applicant of the obligation to obtain any other local, state, or federal permits or approvals that may be required.

With regards to the Solid Waste application, RSA 149-M:9, VII states, in part, that “[t]he issuance of a facility permit by the department shall not affect any obligation to obtain local approvals required under all applicable, lawful local ordinances, codes, and regulations not inconsistent with this chapter.”

Further, NH Solid Waste Rule Env-Sw 305.04 states that, if an approval is granted, “[a]n approval by the department shall not affect an applicant’s obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district or local permits, ordinances, laws or approvals or conditions pertaining to the approved activity.”

Solid Waste permits also include a statement that “[t]his permit shall not eliminate the permittee’s obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district and local permits, ordinances, laws, approvals or conditions relating to the facility.”

With regards to the AoT application, the only rule that an applicant must meet regarding the local approval process is Env-Wq 1503.05(e): “The applicant shall send a copy of the application as described in (c)(1)-(3), above, to the governing body of each municipality in which the proposed project is located prior to filing the application with the department.”

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Carl Lindquist, Chairman
Dalton Planning Board
February 29, 2024
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In addition, all AoT permits include a condition as follows: "This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits that may be required (e.g., from US EPA, US Army Corps of Engineers, etc.). Projects disturbing over 1 acre may require a federal stormwater permit from EPA. Information regarding this permitting process can be obtained at: <https://www.epa.gov/npdes/2022-construction-general-permit-cgp>."

NHDES appreciates the comments and feedback on the application content and will place the Dalton Planning Board's comments in the records for both the AoT permit application and the Solid Waste Facility permit application.

If you have any questions regarding the Solid Waste permit application, please contact Jaime Colby, P.E., at (603) 271-5185 or Jaime.M.Colby@des.nh.gov. If you have any questions regarding the AoT permit application, please contact Philip Trowbridge, P.E., at 603-271-4898 or Philip.R.Trowbridge@des.nh.gov.

Sincerely,



Robert R. Scott
Commissioner

ec: NH Senator Kevin Avard
NH Senator Howard Pearl
NH Senator Regina Birdsell
NH Senator Debra Altschiller
NH Senator David Watters
Brian Gould, CWB
NH House Environment and Agriculture Committee

Attachment: January 13, 2024 letter from Dalton Planning Board to Robert Scott