THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS. SUPERIOR COURT

Case Number: 217-2023-CV-00285

Casella Waste Systems, Inc.

v.

Jon Swan

ANSWER TO AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Defendant Jon Swan hereby answers the Plaintiff's Amended Complaint (See Order of November 7, 2023 via Notice dated November 16, 2023 (granting Motion to Amend)) as set forth herein. In addition to the general denial of the Plaintiff's factual allegations and legal conclusions, previously provided in his Answer and restated and reincorporated herein, the Defendant answers:

1. As set forth in Swan's Answer and Counterclaims.
2. As set forth in Swan's Answer and Counterclaims.
3. As set forth in Swan's Answer and Counterclaims.
4. As set forth in Swan's Answer and Counterclaims.
5. As set forth in Swan's Answer and Counterclaims.
6. As set forth in Swan's Answer and Counterclaims.
7. As set forth in Swan's Answer and Counterclaims.
8. As set forth in Swan's Answer and Counterclaims.
9. As set forth in Swan's Answer and Counterclaims.

10. Denied to the extent that the Settlement Agreement speaks for itself.
11. Denied to the extent that this allegation is an opinion of law about a Settlement Agreement speaks for itself.
12. Denied. The statement at issue did not "impute conduct to Casella." Concerning the quote, the document speaks for itself.
13. Denied. Testing below the landfill has positively identified leachate-associated contaminants in the waters of the Ammonoosuc River. *See* Exhibit A.
14. Denied.
15. Denied.
16. Denied. The statement at issue did not "impute conduct to Casella." Concerning the quote, the document speaks for itself.
17. Denied. Testing below the landfill has positively identified leachate-associated contaminants in the waters of the Ammonoosuc River. *See* Exhibit A.
18. Denied.
19. Denied.
20. Denied. The statement at issue did not "impute conduct to Casella." Concerning the quote, the document speaks for itself.
21. Denied. By way of further answer, the statement quoted states, expressly, "Groundwater monitor well reports, submitted to NHDES by [Casella's engineers] Sanborn & Head, confirm this."
22. Denied.
23. Denied, as the agreement speaks for itself.

Defendant denies (A) that he has breached the Agreement; (B) that the Plaintiff is entitled to award of damages; and (C) that the Plaintiff is entitled to further relief.

Defendant asserts his right to a jury trial on all issues.

Defendant asserts affirmative defenses and counterclaims as set forth in his original answer, incorporated fully herein by reference. Defendant is entitled to fees and costs for oppressive, vexatious and harassing litigation under the common law and RSA 507:15.

Respectfully Submitted,

JON SWAN

By his Attorneys,

ORR & RENO, P.A.

Date: December 18, 2023

By: */s/ Jeremy D. Eggleton*

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was forwarded, this day, to all parties of record, via the Court's electronic file & serve system.

/s/ Jeremy D. Eggleton

EXHIBIT A

Project Name: RESIDENTIAL
Project Number: 2309-01083
Lab Number: L2352334
Report Date: 09/22/23

SAMPLE RESULTS

Lab ID: L2352334-01
Client ID: 2309-01083-001
Sample Location: NH

Date Collected: 09/07/23 09:50
Date Received: 09/08/23
Field Prep: Not Specified

Sample Depth:
Matrix: Dw
Analytical Method: 133,537.1
Analytical Date: 09/15/23 19:45
Analyst: CAP

Extraction Method: EPA 537.1
Extraction Date: 09/15/23 00:05

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Perfluorinated Alkyl Acids by EPA 537.1 - Mansfield Lab						
Perfluorobutanesulfonic Acid (PFBS)	0.634	J	ng/l	2.00	0.623	1
Perfluorohexanoic Acid (PFHxA)	1.75	J	ng/l	2.00	0.623	1
Hexafluoropropylene Oxide Dimer Acid (HFPO-DA)	ND		ng/l	2.00	0.623	1
Perfluoroheptanoic Acid (PFHpA)	0.784	J	ng/l	2.00	0.623	1
Perfluorohexanesulfonic Acid (PFHxS)	ND		ng/l	2.00	0.623	1
4,8-Dioxa-3h-Perfluorononanoic Acid (ADONA)	ND		ng/l	2.00	0.623	1
Perfluorooctanoic Acid (PFOA)	1.60	J	ng/l	2.00	0.623	1
Perfluorononanoic Acid (PFNA)	ND		ng/l	2.00	0.623	1
Perfluorooctanesulfonic Acid (PFOS)	ND		ng/l	2.00	0.623	1
Perfluorodecanoic Acid (PFDA)	ND		ng/l	2.00	0.623	1
9-Chlorohexadecafluoro-3-Oxanone-1-Sulfonic Acid (9Cl-PF3ONS)	ND		ng/l	2.00	0.623	1
N-Methyl Perfluorooctanesulfonamidoacetic Acid (NMeFOSAA)	ND		ng/l	2.00	0.623	1
Perfluoroundecanoic Acid (PFUnA)	ND		ng/l	2.00	0.623	1
N-Ethyl Perfluorooctanesulfonamidoacetic Acid (NEtFOSAA)	ND		ng/l	2.00	0.623	1
Perfluorododecanoic Acid (PFDoA)	ND		ng/l	2.00	0.623	1
11-Chloroeicosafluoro-3-Oxaundecane-1-Sulfonic Acid (11Cl-PF3OUdS)	ND		ng/l	2.00	0.623	1
Perfluorotridecanoic Acid (PFTrDA)	ND		ng/l	2.00	0.623	1
Perfluorotetradecanoic Acid (PFTA)	ND		ng/l	2.00	0.623	1

Surrogate	% Recovery	Qualifier	Acceptance Criteria
Perfluoro-n-[1,2-13C2]hexanoic Acid (13C-PFHxA)	94		70-130
Tetrafluoro-2-heptafluoropropoxy-[13C3]-propanoic acid (13C3-HFPO-DA)	91		70-130
Perfluoro-n-[1,2-13C2]decanoic Acid (13C-PFDA)	86		70-130
N-Deuterioethylperfluoro-1-octanesulfonamidoacetic Acid (d5-NEtFOSAA)	72		70-130

TABLE B.1
Summary of PFAS Surface Water Analytical Results
North Country Environmental Services, Inc.
Bethlehem, New Hampshire
Permit No. GWP-198704033-B-008

Sample Location	Sample Date	Sample Type	Concentrations in ng/L				
			Perfluoroalkyl Carboxylic Acids		Perfluoroalkyl Sulfonic Acids		
			Perfluorooctanoic Acid (PFOA) [7]	Perfluorononanoic Acid (PFNA) [8]	Perfluorohexanesulfonic Acid (PFHxS) [6S]	Perfluorooctanesulfonic Acid (PFOS) [8S]	Total of Regulated PFAS
		CAS Number	335-67-1	375-95-1	355-46-4	1763-23-1	–
		GW-1 (AGQS)	12	11	18	15	
Seep S-1	08-22-2023	N	<1.92	<1.54	<1.4	<1.43	ND
SF-1	08-22-2023	N	3.70	<1.52	<1.39	<1.42	3.70
AR-1	08-22-2023	N	<1.92	<1.54	<1.4	<1.43	ND
AR-2	08-22-2023	N	<1.93	<1.54	<1.41	<1.44	ND
AR-3	08-22-2023	N	<1.96	<1.57	<1.43	<1.46	ND
S-101	08-22-2023	N	3.05	<1.52	<1.39	<1.42	3.05
S-108	08-22-2023	N	<1.93	<1.54	<1.41	<1.44	ND
S-109	08-22-2023	N	<1.99	<1.59	<1.45	<1.48	ND
QC_FB	08-22-2023	FB	<3.76	<3.01	<2.74	<2.8	ND

Project Name: RESIDENTIAL
Project Number: 2310-04700

Lab Number: L2362688
Report Date: 11/02/23

SAMPLE RESULTS

Lab ID: L2362688-01
Client ID: 2310-04700-001
Sample Location: NH

Date Collected: 10/20/23 10:00
Date Received: 10/20/23
Field Prep: Not Specified

Sample Depth:
Matrix: Dw
Analytical Method: 133,537.1
Analytical Date: 11/01/23 16:29
Analyst: CAP

Extraction Method: EPA 537.1
Extraction Date: 11/01/23 00:24

Parameter	Result	Qualifier	Units	RL	MDL	Dilution Factor
Perfluorinated Alkyl Acids by EPA 537.1 - Mansfield Lab						
Perfluorobutanesulfonic Acid (PFBS)	4.35		ng/l	2.00	0.617	1
Perfluorohexanoic Acid (PFHxA)	4.73		ng/l	2.00	0.617	1
Hexafluoropropylene Oxide Dimer Acid (HFPO-DA)	ND		ng/l	2.00	0.617	1
Perfluoroheptanoic Acid (PFHpA)	1.37	J	ng/l	2.00	0.617	1
Perfluorohexanesulfonic Acid (PFHxS)	ND		ng/l	2.00	0.617	1
4,8-Dioxa-3h-Perfluorononanoic Acid (ADONA)	ND		ng/l	2.00	0.617	1
Perfluorooctanoic Acid (PFOA)	2.39		ng/l	2.00	0.617	1
Perfluorononanoic Acid (PFNA)	ND		ng/l	2.00	0.617	1
Perfluorooctanesulfonic Acid (PFOS)	ND		ng/l	2.00	0.617	1
Perfluorodecanoic Acid (PFDA)	ND		ng/l	2.00	0.617	1
9-Chlorohexadecafluoro-3-Oxanone-1-Sulfonic Acid (9Cl-PF3ONS)	ND		ng/l	2.00	0.617	1
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Surrogate	% Recovery	Qualifier	Acceptance Criteria
Perfluoro-n-[1,2-13C2]hexanoic Acid (13C-PFHxA)	104		70-130
Tetrafluoro-2-heptafluoropropoxy-[13C3]-propanoic acid (13C3-HFPO-DA)	100		70-130
Perfluoro-n-[1,2-13C2]decanoic Acid (13C-PFDA)	95		70-130
N-Deuterioethylperfluoro-1-octanesulfonamidoacetic Acid (d5-NEtFOSAA)	91		70-130