



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

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March 18, 1999



Mr. Thomas F. Irwin  
Conservation Law Foundation  
27 North Main Street  
Concord, NH 03301-4930

**SUBJECT: NORTH COUNTRY ENVIRONMENTAL SERVICES (NCES) MUNICIPAL SOLID WASTE (MSW) LANDFILL, BEHTLEHEM, NEW HAMPSHIRE**

Dear Mr. Irwin:

We have received your letter of February 16, 1999 (copy attached) relative to the subject landfill. We offer the following response to the issues you raised in your letter in the same order they were presented:

1. Please be assured the Department is also concerned with maintaining sufficient MSW disposal capacity in the state to meet New Hampshire's needs. In the case of the NCES Bethlehem Landfill, the Department conducts periodic inspections of the facility, is regularly in touch with NCES officials and requires monitoring to assure that maximum permitted grades are not to be exceeded. In fact, a recent survey done for NCES conducted on January 22, 1999 showed a remaining capacity of 17,000 cubic yards in Stage II/Phase I. Also, NCES has notified the agency of its intent to seek operation approval for Stage II/Phase II in the very near future.
2. The Department does not intend to issue a waiver to the State Hazardous Waste Mixture Rule definition. We only change such hazardous waste criteria through the rule-making process.
3. The Department has been consistent in its application of the State Hazardous Waste Mixture Rule by applying the definition at the "point-of-generation" of the waste itself. This fact is addressed in the attached letter to NCES dated March 18, 1999.

I trust this letter clarifies the Department's position relative to the issues you raised in your letter, however, if you need further information please contact John J. Duclos at 271-2942 on hazardous waste issues and James W. Berg at 271-2925 on solid waste issues.

Sincerely,

Philip J. O'Brien, Ph.D.  
Director  
Waste Management Division

PJO/RSR/neo/ncestfic

Enclosures: February 16, 1999 CLF letter; March 10, 1999 NCES letter

cc: Michael A. Sills, Ph.D., P.E., WMD  
Kenneth W. Marschner, WMP  
Richard S. Reed, SWMB  
John J. Duclos, HWRB  
NCES SWMB File/DB