

Town Of Bethlehem

P.O. Box 189 - Main Street  
Bethlehem, N.H. 03574  
(603) 869-3351



April 12, 1993

Cook & Molan, P.A.  
Attorney Ronald E. Cook  
100 Hall Street  
P.O. Box 1464  
Concord, New Hampshire 03302

Dear Attorney Cook:

As new Selectmen we are conducting a number of comprehensive reviews concerning major aspects of the Town's business, one such review concerns the Consumat-Sanco, Inc. Landfill. We have two objectives in making this review. We want to satisfy ourselves that the interests of the Town of Bethlehem are fully protected and we want to be able to address issues and concerns raised by the citizens of Bethlehem, whom we serve. Right now we are not in a position to achieve either of these objectives.

This request concerns the financial assurance aspect of the landfill operation and is a request for information concerning the trust fund, the so-called "Bethlehem Trust", which was established for the benefit of Bethlehem to provide for payment of costs of closure and post closure care of, what is now known as, the Consumat Sanco, Inc. Landfill.

In examining the Trust Agreement we find that the per ton payment rate (PTPR) is determined by using the following formula:

$$\frac{CE}{CAP} = \frac{CV}{CAP} = PTPR$$

Initially, the estimate of total unpaid closure costs and post closure care costs (CE) equaled \$2,655,300. This dollar figure is shown on a schedule dated October 5, 1987, labeled "Sanco Landfill, Economic Evaluation, Working Capital Used For:" as total "Closure Costs" through 1996, see Exhibit D. However, the next item down is labeled "Long Term Care" totaling an additional \$932,290. It is our understanding that "Long Term Care" and "Post Closure Care" are one in the same. If our understanding is correct then why didn't the initial CE equal \$3,687,590? Please explain.

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According to Section 5(b) of the Trust Agreement, the PTPR is redetermined in February of each year as of the previous December 31; accordingly please provide us with the:

- 1 Initial PTPR which, under the terms of the Trust Agreement, was applied to determine all payments to the fund concerning solid waste deposited in the covered facility before January 1, 1988.
- 2 PTPR determined for:
  - a December 31, 1988
  - b December 31, 1989
  - c December 31, 1990
  - d December 31, 1991
  - e December 31, 1992

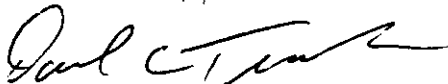
In providing this information please include the following documentation for each of the dates in 1 and 2 above:

- A CE - Current estimate of total unpaid closure costs and post closure care costs in dollars.
- B CV - Current value of the Fund in dollars.
- C CAP - Remaining unfilled capacity of the landfill subject to the Trust Agreement, in tons. In addition please provide the number of acres of the landfill area used to calculate the unfilled capacity.

We would appreciate receiving the answer to the question we raised in paragraph 4 above and the information requested in subsequent paragraphs by May 14, 1993.

If you have any questions concerning this request please call us at 869-3351.

Sincerely,



Daniel C. Tucker



John L. Wedick, Jr.  
BOARD OF SELECTMEN

Town Of Bethlehem

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CC: James Bohlig  
Waystack & King  
Dr. Philip O'Brien  
Lawrence Gardner  
R.W. Beck

BOS:clm

CC

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April 12, 1993

R.W. Beck and Associates  
P.O. Box 9009  
Waltham, MA 02254-9009

Dear Mr. Bauer:

By way of introduction we are new Selectmen in the Town of Bethlehem.

We have been reviewing files concerning the Consumat Sanco, Inc. Landfill and read your letter of March 26, 1992, to Mr. Johnny Ponder of Ernst & Young reporting the results of your annual engineering review.

We have reservations about your conclusions because your capacity analysis is based on the combined capacity of both Stage I and Stage II of the landfill. Your understanding that "... zoning approval from the town of Bethlehem was granted but is now under litigation." is not correct. To date, the only "zoning approval", actually a variance, ever granted by the Town of Bethlehem for any part of the Stage II area was issued in 1976 to a previous owner for the original unlined 3.82 acre landfill.

As illustrated by a copy of a map labeled "Map 5 Stage II (1989)," Exhibit A, the Stage II area is 7.6 acres and also contains a single lined 1.3 acre 1977 extension area and an additional area had not previously used to dispose of solid waste. Currently, Consumat Sanco, Inc. is undertaking the excavation of refuse from both the original unlined area and the single lined area.

As explained in our letter dated April 12, 1993, copy enclosed, to Dr. Philip O'Brien, Director, Solid Waste Management Division, New Hampshire Department of Environmental Services, there is an issue as to whether the 1976 "Zoning approval is valid today, and even if it is, Stage II is limited to 3.82 acres because the voters of Bethlehem in a ballot vote at Town Meeting on March 10, 1992, voted to adopt the following Zoning Ordinance:

"Further no solid waste disposal facility, site or expansion of any existing landfills shall be located in any district except a facility operated by the Town. This prohibition shall include but not be limited by any private solid waste disposal facility or site, sanitary landfill or incinerator". See 1992 Bethlehem Town Report, Page 4, Results of 1992 Warrant, Exhibit B.

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The issue of applicable local permits is a critical consideration because State Permit No. DES-SW-89-009 issued to Consumat Sanco, Inc. on April 24, 1993, is a conditional permit for Stage II which is not operative until all other required permits are obtained or met. Section 1:1.1 of the State Permit reads as follows:

"This permit shall not be effective until all other applicable Federal, State, District and local permits, approvals, conditions, or agreements required for the construction or operation of this facility have been obtained or met". See State Permit No. DES-SW-89-009, dated April 24, 1989, Page 3, Exhibit C.

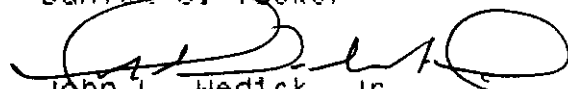
We are providing this information to you because we are concerned about the adequacy of the closure and post closure funds that the Town of Bethlehem requires Consumat Sanco, Inc. to maintain. See Notice of Decision, Bethlehem, New Hampshire, Zoning Board of Adjustment, dated January 24, 1986, Re: Application by Sanco, Inc. for special exception, Page 2, Condition 4, Exhibit D. If the calculation of the dollar per ton contribution is inadequate because it is based on erroneous capacity and useful life estimates then the closure and post closure accounts could be underfunded.

We would be interested in your views on this situation and stand ready to provide you with whatever additional information or documentation you may require. We can be reached at 603-869-3351.

Sincerely,



Daniel E. Tucker



John L. Wedick, Jr.  
BOARD OF SELECTMEN

Enclosures (4) Exhibit A, B, C & D.

# Town Of Bethlehem

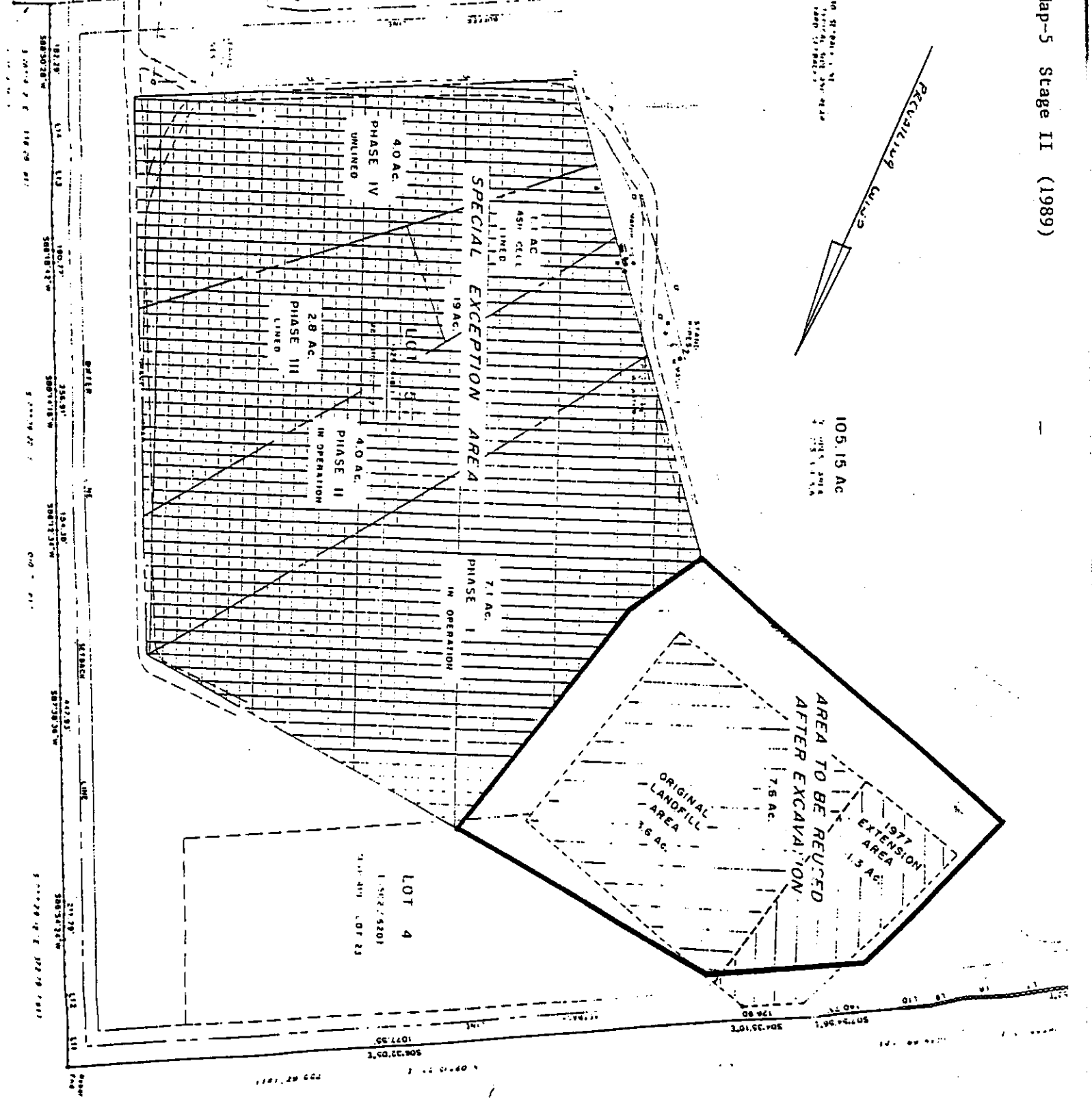
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CC: Waystack & King  
Dr. Philip O'Brien  
James Bohlig  
Robert A. Olsen  
Ronald E. Cook  
Johnny Ponder  
Margaret Seymour  
Planning Board  
Zoning Board

NOTE: THIS PLAN DOES NOT  
 REPRESENT THE EXACT  
 LOCATION OF THE  
 PROPERTY LINES.  
 THE PROPERTY LINES  
 WILL BE DETERMINED BY  
 SURVEY.

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## RESULTS OF THE 1992 WARRANT

Moderator, Alistair D. MacBain, declared the polls open at 9:00 A.M. at the Town Building on Tuesday, the 10th day of March, 1992. It was moved by Lorna Ray and seconded by Pauline Keach to proceed to vote by ballot on Articles 1 and 2 and delay the reading and action of the other Articles in the Warrant until the evening session. The motion carried. At 6:00 P.M. the Moderator declared the polls closed and the ballots counted. The results of the ballot counting for the above Articles was as follows:

Total Votes Cast - 206

The following officers were elected under Article 1:

- Karleen J. Sanborn, Town Clerk, 179 votes, elected
- "Jack" John Anderson, Selectman, 174 votes, elected
- Nancy Dickowski, Treasurer, 177 votes, elected
- Pauline Keach, Tax Collector, 174 votes, elected
- Howard E. Sanborn, Constable, 151 votes, elected
- George E. Tucker, III, Road Agent, 174 votes, elected
- Pauline Keach, Library Trustee, 166 votes, elected
- Elizabeth Harrington, Library Trustee, 173 votes, elected
- Frances Lavoie, Library Trustee, 10 votes (write-in), elected
- Lorna Ray, Supervisor of the Checklist, 173 votes, elected
- Ann Sykes, Supervisor of the Checklist, 164 votes, elected
- Ruth Miller, Trustee of the Trust Funds, 2 votes (write-in)
- Mike McIntyre, Trustee of the Trust Funds, 2 votes (write-in)
- Mortimer Fisch, Trustee of the Trust Funds, 2 votes (write-in)

**ARTICLE 2** Are you in favor of changing the Zoning Ordinance in **ARTICLE SIX** of the 1987 Bethlehem Warrant which currently reads: "Further no solid waste disposal facility or site shall be located in any district except a facility operated by the Town. This prohibition shall include but not be limited by any private solid waste disposal facility or site, sanitary landfill or incinerator":

The revised ordinance would read as follows:

"Further no solid waste disposal facility, site or expansion of any existing landfills shall be located in any district except a facility operated by the Town. This prohibition shall include but not be limited by any private solid waste disposal facility or site, sanitary landfill or incinerator." (Ballot vote) (Planning Board approves of this Amendment.)

Yes - 144 No - 63

Article passed.

### EVENING SESSION

Moderator, Alistair D. MacBain called the meeting to order at 8:00 p.m. at the Bethlehem Elementary School gymnasium. The Moderator made several announcements before proceeding with the Warrant Articles.



SECTION 1: GENERAL CONDITIONS

- 1.1 This permit shall not be effective until all other applicable Federal, State, District and local permits, approvals, conditions, or agreements required for the construction or operation of this facility have been obtained or met.
- 1.2 In accordance with RSA 149-M:10(I), the construction of this facility shall not commence until the permittee has complied with all applicable conditions of this permit, specifically including those conditions listed in Section 4 of this permit.
- 1.3 The facility shall be designed as specified in Section 3 of this permit. The facility shall be constructed as specified in Section 5 of this permit.
- 1.4 In accordance with RSA 149-M:10(I), the operation of this facility shall not commence until the permittee has complied with all applicable conditions of this permit, specifically including those conditions listed in Section 6 of this permit.
- 1.5 Following commencement of operations at this facility, authorization to continue operations shall be contingent on full compliance with all applicable conditions of this permit, specifically including those conditions listed in Sections 1, 2, 7 and 9 of this permit.
- 1.6 The facility shall be closed and post-closure monitoring/maintenance shall be as specified in Section 8 of this permit.
- 1.7 This permit may be revoked or suspended if any other permit, approval, or agreement required for the construction or operation of this facility expires, is revoked, is suspended, or is otherwise rendered non-effective, prior to or during the life of this facility. The permittee shall immediately notify the Waste Management Division (WMD) if such circumstances occur. Furthermore, the permittee shall provide the WMD with evidence of renewal of any other permits, approvals, or agreements required for the construction or operation of this facility which may require renewal during the life of this facility. The life of this facility shall include its construction, operation, closure and post-closure monitoring and maintenance periods.
- 1.8 The design, construction, operation, maintenance, monitoring and closure of this facility shall conform to the New Hampshire RSA Chapter 149-M, all pertinent New Hampshire Solid Waste Rules, He-P 1901 as may be amended during the life of the facility, specifically including He-P 1901.05, and all pertinent permit documents submitted to the WMD, as follows, except as may be amended or appended by specific conditions of this permit:

EXHIBIT C

NOTICE OF DECISION

Bethlehem, New Hampshire  
Zoning Board of Adjustment

RE: Application by Sanco, Inc.  
For Special Exception

By Notice of Decision dated November 7, 1985 this Board voted to grant a special exception to Sanco, Inc. to expand its existing sanitary landfill off Trudeau Road in strict accordance with the limiting terms and safeguards set forth in an agreement to be negotiated between Sanco, Inc. and the Board of Selectment, which agreement was to be reviewed and accepted by this Board as a condition of such special exception. Another public hearing was held on January 15, 1986 to review the agreement negotiated between Sanco, Inc. and the Board of Selectmen and to finally impose the conditions of said special exception.

By letter dated November 20, 1985, Laurence F. Gardner, Esquire, on behalf of the abutters, George Tucker and Daniel Tucker, requested a rehearing on the basis that this Board's decision of November 7, 1985 was final. It was made clear to Attorney Gardner that no final decision had been made as of that date. In Attorney Gardner's letter of November 20, 1985 he alleged that Acting Chairman, Gerald Davidson, should be disqualified by reason of prejudgment and/or bias. By letter dated November 26, 1985 this Board advised Attorney Gardner to provide it with evidence to prove any alleged bias and/or prejudgment by December 16, 1985. By letter dated December 9, 1985 Attorney Gardner acknowledged that no final decision had been made and that he would renew the motion for rehearing when the Board's decision is final. He produced no evidence to prove the alleged bias and/or prejudgment, but simply stated that "...according to information furnished to me, Gerald Davidson is disqualified because of his contacts with Roy Sanborn one of the owners of the Sanco corporation, and also because of statements made at public meetings indicating that he prejudged the application and was in favor of the application."

Having considered all evidence submitted concerning any alleged bias and/or prejudgment this Board, has presently constituted, feels that it has acted and will continue fairly and impartially in accordance with the standards set forth in Winslow v. Town of Holderness Planning Board, 125 NH 262 (1984).

After having reviewed the proposed agreement between Sanco, Inc. and the Board of Selectmen, and after having considered all public input regarding the limiting terms and safeguards and other conditions to be imposed on the special exception granted to Sanco, Inc. to expand its existing sanitary landfill off Trudeau Road this Board hereby imposes the following terms and conditions to said special exception, all of which must be complied with before the expansion area can be operated as a sanitary landfill:

1. The Bureau of Solid Wastes Management of the State of New Hampshire must issue all plan approvals, licenses or permits required under applicable state law.

2. Any other local, state, or federal permits, licenses or approvals necessary to have the construction and operation of a sanitary landfill in the expansion area must be issued.

3. All appeal periods from local, state and federal actions relating to this special exception and/or the matters set forth in paragraphs 1 and 2 above must have expired, or, in the event of an appeal from one or more of said actions, a decision by the highest Court of competent jurisdiction upholding said action(s).

4. In order to guarantee closure of the expansion area in accordance with applicable law, all permits and licenses and in an environmentally sound manner, Sanco shall post financial security with the Town in an amount appropriate to cover all reasonable and necessary closure costs as agreed upon by Sanco and the Town. The financial security shall be posted in phases according to the portion of the expansion area to be subject to active landfilling. The said financial security shall be posted with the Town not later than 90 days prior to the commencement of landfilling on the segment of the expansion area which is subject to the posting of security and shall be in a form of a surety bond, letter of credit, insurance policy, trust fund or other financial security device acceptable to the Town. The terms of the financial security shall insure that the expansion area shall be closed in full accordance with this agreement, applicable state laws and operating plans and specifications approved by the Bureau of Solid Waste Management of the State of New Hampshire.

5. In order to insure that operation of the expansion area does not result in an adverse effect on public health and safety or upon the environment, Sanco shall conduct testing of the groundwater at least four times annually, each such test to be conducted on a quarterly basis. The tests shall be conducted by an independent groundwater consulting firm selected by Sanco licensed by or acceptable to the State of New Hampshire. Sanco shall give the Town advance notice of the testing and make available to the Selectperson, split samples of any quarterly tests.

6. The location of all monitoring wells shall be subject to the approval of the Bureau of Solid Waste Management of the State of New Hampshire and the Selectmen.

7. In order to insure that the above-mentioned expansion area is operated in accordance with strict environmental safeguards, the design and construction of the expansion area shall be carried out pursuant to engineering plans and specifications prepared by an experienced and qualified independent consulting engineer. Plans and specifications shall be approved by the Bureau of Solid Waste Management of the State

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WMD 106# 565-93

April 12, 1993

Dr. Philip O'Brien, Director  
State of New Hampshire  
Waste Management Division  
Department of Environmental Services  
6 Hazen Drive  
Concord, New Hampshire 03301

RE: Consumat Sanco, Inc./Solid Waste Permit No. DES-SW-89-009 and original landfill approval.

Dear Dr. O'Brien:

Once again we would like to thank you and your colleagues for coming to Bethlehem to our meeting on March 31, 1993, to discuss the evolution of the Consumat Sanco, Inc. landfill on Trudeau Road in Bethlehem. The citizens and the press in attendance at this informational meeting very much appreciated, as did we, your frank and open discussion of the landfill.

This letter concerns the area of the landfill known as "Stage II" which is covered by conditional Permit No DES-SW-89-009 issued on April 24, 1989, by the then Director of the Waste Management Division, John A. Minichiello. As discussed during our March 31 meeting, that Permit is conditioned on the permittee obtaining, among others, applicable local permits. See Section 1:1.1 of the Permit, Exhibit A. This condition is relevant here because a permit issued by the Town of Bethlehem is required to legally operate any part of a landfill located within the area of the State occupied by the Town of Bethlehem.

This brings us to the status of applicable local permits for the area covered by Permit No DES-SW-89-009, also referred to as the Stage II area. This area encompasses the original unlined 3.82 acres landfill, which is shown on a plan/survey map dated August 1976 prepared for the then owner, Harold Brown, by Douglas A. Grella and Associates of Littleton, NH.

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Dr. Phil O'Brien, Director  
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The original unlined 3.82 acres landfill was permitted by the Town of Bethlehem by a variance granted to Harold Brown on July 13, 1976 by the Bethlehem Board of Adjustment. This 1976 variance is the only "permit" issued to date by the Town of Bethlehem for the Stage II area of the Consumat Sanco, Inc. landfill.

The original unlined 3.82 acre landfill has not been used for solid waste disposal for some time. More specifically, Sanco, Inc. was prohibited from using the landfill (original 3.82 acres) and extension area (not discussed in this letter) for the disposal of solid waste beyond November 3, 1987. See copy of a letter dated October 29, 1987 from Thomas A. Sweeney, Administrator Solid Waste Bureau, Department of Environmental Services, to Ronald E. Cook, Exhibit B.

In fact Sanco, Inc. predecessor to Consumat Sanco, Inc. was directed to close the original landfill in 1988. In a letter dated January 19, 1988, Thomas L. Sweeney directed Roy Sanborn, President, Sanco, Inc. as follows:

"Complete final capping and closure construction shall be completed no later than July 31, 1988." For a copy of Sweeney's letter see Exhibit C.

We assume that Sanco, Inc. complied with this order and the original unlined 3.82 acre landfill area, along with the extension area, was closed on or before July 31, 1988. We recognize, of course, that solid waste is now being removed from these two areas -- an undertaking that now is expected to be complete before the Summer of 1993 according to Robert A. Olsen in his letter to you dated March 31, 1993. See page 2 of the attachment to his letter, Exhibit D.

With this background we will now focus directly on the issues concerning the local permit condition cited in Section 1:1.1 of Permit No DES-SW-89-009.

Issue No. 1 - Is there a valid local permit for the disposal of solid waste in the area occupied by the original unlined 3.82 acre landfill or was this part of the Stage II area, which was closed almost five (5) years ago, abandoned for purposes of the 1976 local "permit".

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Dr. Philip O'Brien, Director  
April 12, 1993  
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We are currently reviewing this issue and will let you know our proposed decision as soon as we complete our research.

Issue No. 2 - Is there a valid local permit for the disposal of solid waste in the Stage II area that is outside the original 3.82 landfill area. For convenience referred to hereinafter as the "remaining Stage II area".

The answer here is clear. There are no valid local permits and none have been requested which would allow Consumat Sanco, Inc. or any successor to use the "remaining Stage II area" for solid waste disposal.

Moreover, neither the Bethlehem Zoning Board nor the Board of Selectmen have the authority to act favorably on an application filed by a private party for such permit. This is because on March 10, 1992, the voters of Bethlehem at a duly constituted Town Meeting voted 144 - 63 to revise a 1987 ordinance to read as follows:

"Further no solid waste disposal facility, site or expansion of any existing landfills shall be located in any district except a facility operated by the Town. This prohibition shall include but not be limited by any private solid waste disposal facility or site, sanitary landfill or incinerator.

See the 1992 Bethlehem Town Report, Results of the 1992 Warrant page 4, Exhibit E.

Therefore, absent action by the voters of Bethlehem to modify the 1992 Zoning Ordinance prohibiting the expansion of any privately owned landfills, the "remaining Stage II area" cannot be used for solid waste disposal.

In summary the status of local permits upon which the operation of Permit No. DES-SW-89-009 is conditioned is as follows:

- 1 If we find that the "permit" issued to Harold Brown is still valid then the Stage II area can be used to dispose of solid waste but such area would be limited to 3.82 acres.
- 2 If we find that the "permit" issued to Harold Brown is no longer valid then the Stage II area cannot be used to dispose of solid waste.

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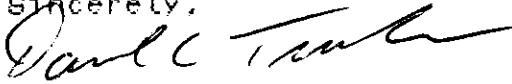
Dr. Philip O'Brien, Director  
April 12, 1993  
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It almost goes without saying that the voters of Bethlehem could alter the results of 1 and 2 above by modifying the decision they made on March 10, 1992.

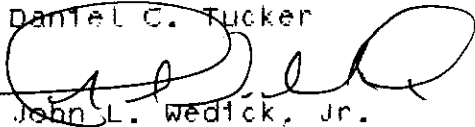
In the interest of keeping parties of interest fully informed we are widely distributing copies of this letter.

Please contact us if you require any further information. We will make every effort to keep you fully informed.

Sincerely,



Daniel C. Tucker



John L. Wedick, Jr.  
BOARD OF SELECTMEN

Enclosure

CC: Waystack & King  
James Bohlig  
Robert A. Olson  
Ronald E. Cook  
Jerauld Homcombe  
Margaret Seymour  
John Sanders  
Lawrence Gardner  
Upper Grafton Lancaster Solid Waste District  
Planning Board  
Zoning Board

BOS:clm

April 24, 1989

Permit No. DES-SW-89-019

## SECTION 1: GENERAL CONDITIONS

- 1.1 This permit shall not be effective until all other applicable Federal, State, District and local permits, approvals, conditions, or agreements required for the construction or operation of this facility have been obtained or met.
- 1.2 In accordance with RSA 149-M:10(I), the construction of this facility shall not commence until the permittee has complied with all applicable conditions of this permit, specifically including those conditions listed in Section 4 of this permit.
- 1.3 The facility shall be designed as specified in Section 3 of this permit. The facility shall be constructed as specified in Section 5 of this permit.
- 1.4 In accordance with RSA 149-M:10(I), the operation of this facility shall not commence until the permittee has complied with all applicable conditions of this permit, specifically including those conditions listed in Section 6 of this permit.
- 1.5 Following commencement of operations at this facility, authorization to continue operations shall be contingent on full compliance with all applicable conditions of this permit, specifically including those conditions listed in Sections 1, 2, 7 and 9 of this permit.
- 1.6 The facility shall be closed and post-closure monitoring/maintenance shall be as specified in Section 8 of this permit.
- 1.7 This permit may be revoked or suspended if any other permit, approval, or agreement required for the construction or operation of this facility expires, is revoked, is suspended, or is otherwise rendered non-effective, prior to or during the life of this facility. The permittee shall immediately notify the Waste Management Division (WMD) if such circumstances occur. Furthermore, the permittee shall provide the WMD with evidence of renewal of any other permits, approvals, or agreements required for the construction or operation of this facility which may require renewal during the life of this facility. The life of this facility shall include its construction, operation, closure and post-closure monitoring and maintenance periods.
- 1.8 The design, construction, operation, maintenance, monitoring and closure of this facility shall conform to the New Hampshire RSA Chapter 149-M, all pertinent New Hampshire Solid Waste Rules, He-P 1901 as may be amended during the life of the facility, specifically including He-P 1901.05, and all pertinent permit documents submitted to the WMD, as follows, except as may be amended or appended by specific conditions of this permit:



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
WASTE MANAGEMENT DIVISION

6 Hazen Drive, Concord, NH 03301-6509  
603-271-2900

- SOLID WASTE COUNCIL
- G. BRADLEY RICHARDS, Chairman
  - ROBERT WHEELER, Vice-Chairman
  - MARILYN ANDREWS
  - WILLIAM ARNOLD
  - PAUL BISHOP, Ph.D.
  - ROBERT BURROWS
  - RICHARD GROSSMAN
  - JOHN ISHAM
  - WILLIAM JENNESS
  - JOHN LAVALLEE
  - PHILIP MACALLISTER
  - FREDERICK MCGARRY
  - JOHN OSGOOD



ALDEN H. HOWARD  
COMMISSIONER

JOHN A. MINICHELLO  
ACTING DIRECTOR

October 29, 1987

Ronald E. Cook  
Clark, Cook and Molan, P.A.  
Attorneys at Law  
143 North Main Street  
PO Box 1464  
Concord, N.H. 03301

Dear Mr. Cook:

The Waste Management Division has reviewed your request for a modification to the Sanco Closure Plan. An on-site inspection has been made to review the progress being made on the landfill expansion. It has been noted that reasonable progress was being made on October 20, 1987, and that a short extension of time would be reasonable for continued use of the existing landfill and extension area.

Therefore, a modification to the closure plan is granted with the following requirements:

1. The existing landfill and extension area will not be used beyond Tuesday, November 3, 1987.
2. All waste will remain within the confines of the permitted area.
3. Based on Mr. Roy Sanborn's estimate, all of the waste shall be contained within the vertical and horizontal limits of the landfill.
4. If the horizontal and vertical limits are reached and the new area is not ready for receiving waste, then you must submit a request describing how you will handle the waste until the new area is ready. This will then need approval before the project may go forward.

EXHIBIT



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
WASTE MANAGEMENT DIVISION  
6 Hazen Drive, Concord, NH 03301-6509  
603-271-2900

- SOLID WASTE COUNCIL
- G. BRADLEY RICHARDS, Chairman
- ROBERT WHEELER, Vice-Chairman
- MARILYN ANDREWS
- WILLIAM ARNOLD
- PAUL BISHOP, P.L.D.
- ROBERT BURROWS
- RICHARD GROSSEMAN
- JOHN ISHAM
- WILLIAM JENNESS
- JOHN LAVALLEE
- PHILIP MACALLISTER
- FREDERICK MCGARRY
- JOHN OSGOOD

ALDEN H. HOWARD  
COMMISSIONER  
JOHN A. MINICHELLO  
ACTING DIRECTOR

January 19, 1988

Mr. Roy Sanborn  
President  
Sanco, Inc.  
P.O. Box 550  
Bethlehem, NH 03574

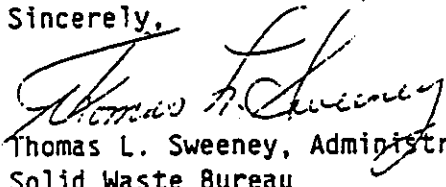
Dear Mr. Sanborn:

The Department of Environmental Services, Waste Management Division (Division), is in receipt of several letters pertaining to closure of the existing landfill and contingency area.

Based on a review by various bureaus within the Division the closure plan has been deemed acceptable. Since a public hearing was conducted in 1986, no further public comment is required. Thus, closure can proceed in accordance with the plans submitted.

On October 24, 1986, the Division approved in writing a compliance schedule for the construction and operation of both the existing landfill and contingency area. Final capping and closure construction was to be completed on or before January 20, 1988. Past experience has shown that installation of synthetic capping material can not reasonably take place from late November through at least mid-April. The Division expected that the final cap would be installed prior to this time of the year. However, we are cognizant that this time had been devoted to constructing the new landfill. As such, the Division hereby modifies the letter of October 24, 1986. Complete final capping and closure construction shall be completed no later than July 31, 1988.

If you have any questions concerning this matter, please contact me at 271-2925.

Sincerely,  
  
Thomas L. Sweeney, Administrator  
Solid Waste Bureau  
Waste Management Division  
Department of Environmental

Services

TLS/CFW/jeh/9373j  
cc: Ronald Cook, P.A.  
David Macananey, P.E.  
Kimball Chase, Inc.

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March 31, 1993

HAND DELIVERED

Mr. Philip O'Brien, Director  
State of New Hampshire  
Waste Management Division  
Department of Environmental Services  
6 Hazen Drive  
Concord, New Hampshire 03301

Re: Consumat Sanco, Inc./Solid Waste Permit Nos. DES-SW-89-009, DES-SW-87-015, DES-SW-87-022 and Original Landfill Approval

Dear Mr. O'Brien:

Pursuant to the requirements of RSA 149-M and ENV-Wm Part 306, enclosed is an original and four (4) copies of Consumat Sanco, Inc.'s solid waste permit modification for the above noted solid waste permits pertaining to the landfill in Bethlehem, New Hampshire. Also enclosed is the required \$300.00 filing fee in the form of a check payable to the Treasurer, State of New Hampshire.

Please contact me if you require any further information.

Sincerely,



Robert A. Olson, Esq.

RAO/td  
Enclosure

cc: Mr. James Bohlig  
Anne Renner, Esquire  
Selectmen, Town of Bethlehem  
Upper Grafton-Lancaster  
Solid Waste District  
Mr. Jerauld Holcombe  
Mr. John Saunders  
Ron Cook, Esquire  
Mr. Matt Freeman

operation of the Facility in accordance with the Permits. Thus, the Permits will remain in the name of and under the control of CSI, but the entire stock of CSI will be owned by NEWS.

2.0 Facility Identification/CSI Landfill and Associated Solid Waste Facilities

2.1 Identification of Solid Waste Permits

2.1.a. Name: Original Landfill  
Location: Trudeau Road, Tax Map 419  
Lots 22 and 23  
Bethlehem, New Hampshire  
Permit No.: No permit number; existing landfill predates permit number system. Originally approved by September 2, 1976 letter from Division of Public Health and December 30, 1977 letter from Division of Public Health.

Type: Solid Waste Landfill

Operating Status: The original landfill is not used for solid waste disposal at present. The solid waste located in the original landfill is being removed and placed in the Expansion Area Landfill (Stage I). See paragraph 2.1.c. below. This removal of solid waste is expected to be complete before the Summer of 1993. After the removal of the solid waste, the original landfill and an additional area as permitted by the State will be constructed and used for solid waste disposal under Solid Waste Permit No. DES-SW-89-009. This landfill

## RESULTS OF THE 1992 WARRANT

Moderator, Alistair D. MacBain, declared the polls open at 9:00 A.M. at the Town Building on Tuesday, the 10th day of March, 1992. It was moved by Lorna Ray and seconded by Pauline Keach to proceed to vote by ballot on Articles 1 and 2 and delay the reading and action of the other Articles in the Warrant until the evening session. The motion carried. At 6:00 P.M. the Moderator declared the polls closed and the ballots counted. The results of the ballot counting for the above Articles was as follows:

Total Votes Cast - 206

The following officers were elected under Article 1:

- Karleen J. Sanborn, Town Clerk, 179 votes, elected
- "Jack" John Anderson, Selectman, 174 votes, elected
- Nancy Dickowski, Treasurer, 177 votes, elected
- Pauline Keach, Tax Collector, 174 votes, elected
- Howard E. Sanborn, Constable, 151 votes, elected
- George E. Tucker, III, Road Agent, 174 votes, elected
- Pauline Keach, Library Trustee, 166 votes, elected
- Elizabeth Harrington, Library Trustee, 173 votes, elected
- Frances Lavoie, Library Trustee, 10 votes (write-in), elected
- Lorna Ray, Supervisor of the Checklist, 173 votes, elected
- Ann Sykes, Supervisor of the Checklist, 164 votes, elected
- Ruth Miller, Trustee of the Trust Funds, 2 votes (write-in)
- Mike McIntyre, Trustee of the Trust Funds, 2 votes (write-in)
- Mortimer Fisch, Trustee of the Trust Funds, 2 votes (write-in)

**ARTICLE 2** Are you in favor of changing the Zoning Ordinance in **ARTICLE SIX** of the 1987 Bethlehem Warrant which currently reads: "Further no solid waste disposal facility or site shall be located in any district except a facility operated by the Town. This prohibition shall include but not be limited by any private solid waste disposal facility or site, sanitary landfill or incinerator":

The revised ordinance would read as follows:

"Further no solid waste disposal facility, site or expansion of any existing landfills shall be located in any district except a facility operated by the Town. This prohibition shall include but not be limited by any private solid waste disposal facility or site, sanitary landfill or incinerator." (Ballot vote) (Planning Board approves of this Amendment.)

Yes - 144 No - 63

Article passed.

### EVENING SESSION

Moderator, Alistair D. MacBain called the meeting to order at 8:00 p.m. at the Bethlehem Elementary School gymnasium. The Moderator made several announcements before proceeding with the Warrant Articles.