



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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May 23, 2000



**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 00-11**

North Country Environmental Services, Inc.
3 Pitkin Court
Montpelier, Vermont 05602
Attn.: Mr. Larry B. Lackey, Vice President

**Re: NCES Solid Waste Landfill, Bethlehem, N.H.
EPA ID No. NHD510012628**

Dear Mr. Lackey:

On September 21, 1999 and January 21, 2000, the Department of Environmental Services (DES) received responses from North Country Environmental Services, Inc., (NCES) to Information Requests sent on September 10, 1999 and December 20, 1999. The Information Requests focused on NCES's handling of the leachate, which failed the New Hampshire mixture rule that was generated at NCES's Stage I - Phase III portion of the landfill located in Bethlehem, NH. The purpose of the Information Requests were to determine NCES's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (Codified as Env-Wm 100-1000) and RSA 485-C:18 and its implementing regulations, Groundwater Management and Groundwater Release Detection Permits (codified as Env-Wm 1403).

On December 11, 1998, NCES requested a waiver to Env-Wm 404.01(b)(2) [Hazardous Waste Mixtures] of the New Hampshire Hazardous Waste Rules, Env-Wm 100-1000 (HW Rules). This waiver was requested due to NCES's Stage I - Phase III leachate which periodically failed the New Hampshire hazardous waste mixture rule with listed volatile organic solvents (acetone & MEK) reported at greater than the 100 parts per million (ppm) regulatory limit. DES denied the waiver request in a March 18, 1999 letter that explained that DES can not waive the hazardous waste definitional criteria at Env-Wm 404.01(b)(2). In the letter, DES formally notified NCES that, "Presuming that a representative sample of the leachate contained in the Stage I - Phase III tank is determined to be a regulated hazardous waste, then all applicable collection, storage and treatment requirements of the NH Hazardous Waste Rules would apply to the waste." These requirements include: storage requirements, labeling requirements and transportation and disposal requirements.

On July 23, 1999, DES staff met with NCES representatives to discuss the management of the leachate. DES staff informed NCES that in the event the leachate fails the state mixture rule, then all applicable hazardous waste regulations would apply to the waste.

On July 26, 1999, NCES applied for and was issued an EPA Identification Number for the Bethlehem facility, EPA Id No. NHD 510012628 was assigned to NCES's facility located at 581 Trudeau Road, Bethlehem, NH. In the application, NCES stated that they generate leachate that would be classified as a New Hampshire hazardous waste.

NCES is required under their solid waste permit to conduct analysis of the leachate that is generated by the facility. The following table shows the combined concentration of volatile organic compounds for the Stage I - Phase III leachate, submitted by NCES in response to the information requests.

| Sampling Date | Combined concentration per Env-Wm 402.05 |
|---------------|--|
| 7/15/98 | 116.5 ppm |
| 9/10/98 | 43.6 ppm |
| 10/21/98 | 121.5 ppm |
| 10/29/98 | 141.2 ppm |
| 11/2/98 | 102.5 ppm |
| 11/4/98 | 106 ppm |
| 11/10/98 | 90.2 ppm |
| 4/9/99 | 100.7 ppm |
| 5/28/99 | 126.2 ppm |
| 7/29/99 | 111 ppm |
| 11/17/99 | 124.4 ppm |
| 3/9/00 | 49 ppm |

The analytical test data submitted by NCES shows that the leachate from Stage I - Phase III portion of the landfill has been classified as a hazardous waste mixture per Env-Wm 404.02(b)(2) from July 15, 1998 to September 10, 1998, from October 21, 1998 to November 10, 1998 and from April 9, 1999 to the repiping of the leachate collection system on March 9, 2000. This repiping combines all the leachate into one collection tank resulting in analytical test results recorded on March 9, 2000. As a result, NCES is required by the Hazardous Waste Rule to manage this waste according to the requirements detailed in Env-Wm Chapter 500.

During the time period that this waste was classified as a New Hampshire hazardous waste, NCES initiated the following shipments of the Stage I – Phase III leachate for disposal:

| Date of Shipment | Quantity | Receiving Facility | Transporter |
|------------------|---------------|--------------------|---------------------|
| 7/20/98 | 6,000 gallons | Grafton, Ma - WPCF | Hartigan |
| 7/27/98 | 5,820 gallons | Grafton, Ma - WPCF | Hartigan |
| 7/29/98 | 5,805 gallons | Grafton, Ma - WPCF | Hartigan |
| 8/10/98 | 3,997 gallons | Concord, NH - WWTU | Hartigan |
| 8/13/98 | 4,028 gallons | Concord, NH - WWTU | Hartigan |
| 8/17/98 | 4,083 gallons | Concord, NH - WWTU | Hartigan |
| 8/20/98 | 4,069 gallons | Concord, NH - WWTU | Hartigan |
| 8/31/98 | 4,398 gallons | Concord, NH - WWTU | Hartigan |
| 9/2/98 | 4,647 gallons | Concord, NH - WWTU | Hartigan |
| 10/22/98 | 6,275 gallons | Palmer, Ma - WWTF | Hartigan |
| 10/23/98 | 5,688 gallons | Palmer, Ma - WWTF | Hartigan |
| 5/17/99 | 5,280 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 5/26/99 | 5,287 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 6/2/99 | 5,508 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 6/4/99 | 5,390 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 6/16/99 | 5,417 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 6/25/99 | 5,160 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 6/30/99 | 4,971 gallons | Dupont (NJ) | Franks Vacuum Truck |

| | | | |
|----------|----------------|-------------|---------------------|
| 7/2/99 | 4,942 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 7/15/99 | 5,112 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 7/26/99 | 5,520 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 8/4/99 | 5,071 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 8/11/99 | 5,417 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 8/18/99 | 5,304 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 8/26/99 | 5,354 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 9/2/99 | 5,549 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 9/9/99 | 5,568 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 9/17/99 | 5,004 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 9/30/99 | 5,261 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 10/6/99 | 5,331 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 10/14/99 | 5,714 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 10/25/99 | 5,453 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 11/3/99 | 5,318 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 11/11/99 | 4,906 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 11/17/99 | 5,479 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 11/29/99 | 5,237 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 12/7/99 | 5,213 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 12/13/99 | 5,115 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 12/15/99 | 5,239 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 12/22/99 | 5,427 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 12/29/99 | 5,592 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 1/5/00 | 5,594 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 1/21/00 | 4,828 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 2/4/00 | 10,035 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 2/16/00 | 5,117 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 2/22/00 | 5,093 gallons | Dupont (NJ) | Franks Vacuum Truck |
| 3/2/00 | 5,110 gallons | Dupont (NJ) | Franks Vacuum Truck |

After reviewing NCES's September 21, 1999 and January 19, 2000 responses to DES's information requests, DES has documented the following violations of the Hazardous Waste Rules.

1. Env-Wm 510.01(a) - manifest requirements

Analytical test results submitted by NCES indicate that the leachate from the Stage I -Phase III portion of the landfill is classified as a hazardous waste mixture in New Hampshire from July 15, 1998 to September 10, 1998, from October 21, 1998 to November 10, 1998 and from April 9, 1999 to March 9, 2000. During those time periods, NCES initiated forty-eight (48) shipments of the Stage I - Phase III leachate classified as a hazardous waste without the use of an 8-part prenumbered EPA/DOT uniform hazardous waste manifest, EPA Form 8700-22.

Env-Wm 510.01(a) requires generators when shipping a hazardous waste off-site, to prepare an 8-part prenumbered EPA/DOT uniform hazardous waste manifest, EPA Form 8700-22.

DES requests that shipments of hazardous waste are accompanied by a completed 8-part uniform hazardous waste manifest.

2. Env-Wm 510.03 – Manifest Information

The following shipments of hazardous waste were shipped without all the required information being completed on the hazardous waste manifest: Manifest No. CTF 0775362 dated 12/02/98, Manifest No. CTF 0731239 dated 12/04/98, Manifest No. CTF 0775551 dated 12/10/98, Manifest No. CTF 0763620 dated 12/14/98, Manifest No. CTF 0763917 dated 12/23/98, Manifest No. CTF 0763953 dated 12/28/98 and Manifest No. CTF 0765602 dated 12/30/98. NCES failed to use their US EPA Identification Number and failed to list the State Waste Number (NH11).

Env-Wm 510.03 requires generators to complete a manifest with all the required information in the Appendix to 40 CFR 262, which includes the generators EPA Identification Number and the four digit EPA or State Number.

DES requests that NCES include all the required information on uniform hazardous waste manifests for shipments of hazardous waste.

3. Env-Wm 511.01(a) - Delivery of Hazardous Waste

Between July 20 to October 23, 1998, NCES initiated eleven (11) shipments of hazardous waste using an unregistered transporter that had not obtained an EPA Identification Number (Hartigan).

Env-Wm 511.01(a) requires that a generator shall not offer hazardous waste to a transporter that has not obtained an EPA identification number.

DES requests that NCES, when offering hazardous waste for shipment utilize a registered hazardous waste transporter that has been assigned an EPA Identification Number.

4. Env-Wm 511.01(b) – Delivery of Hazardous Waste

Between August 10, 1998 and September 2, 1998, NCES initiated six (6) shipments of hazardous waste for disposal at the following unauthorized facility: Concord, NH – WWTU . This facility is not authorized to receive hazardous waste.

Env-Wm 511.01(b) requires that a generator deliver their hazardous waste to a permitted facility authorized to handle the hazardous waste.

DES requests that NCES deliver their hazardous waste to authorized hazardous waste facilities that are permitted to handle the hazardous waste.

5. Env-Wm-1403.21(c)(1) - Groundwater Release Detection

On May 27, 1999, NCES notified DES that high concentrations of several VOCs had been detected in monitor well MW-406L. The samples were reported taken during April 1999 and the results forwarded to NCES on or about May 3, 1999. NCES did not submit these analytical test results to DES until May 27, 1999.

Env-Wm 1403.21(c)(1) requires a permittee to notify the Department within 10 days if the concentration of any constituent in the detection monitoring is above the background value at any down gradient monitoring well.

DES requests that NCES ensure the Department is notified within ten (10) days of any contamination detected in a monitoring well that is above its background value.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by NCES can be submitted within thirty (30) days of receipt of this letter. Supporting documentation describing or illustrating the measures taken to achieve compliance should be included with the report.


In the event compliance is not achieved within this period, DES may take further action against NCES, including issuing an order requiring that deficiencies be corrected, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable hazardous waste rules.

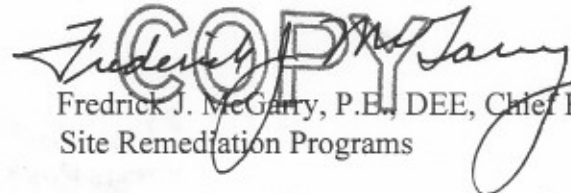
The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets on specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, David C. Bowen or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Specific questions on solid waste related issues may be directed to Richard Reed, Administrator of the Solid Waste Management Bureau at 271-2925. Thank you for your cooperation.


Kenneth W. Marschner, Administrator
Waste Management Programs


Fredrick J. McGarry, P.E., DEE, Chief Engineer
Site Remediation Programs

CERTIFIED MAIL RRR#P 268 802 347
DB/RCRA/LOD/Archive
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, Esq., DES Enforcement Coordinator
Richard Reed, Administrator, SWCS
Board of Selectmen, Bethlehem, NH