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*AK-Original*

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Edmund J. Boutin

June 3, 2003

Dr. Phillip J. O'Brien  
Department of Environmental Services  
Waste Management Division  
6 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-6509



Re: North Country Environmental Services ("NCES")

Dear Dr. O'Brien:

The May 28, 2003 edition of the Littleton Courier quoted the New Hampshire Attorney General's office concerning improper disposal of hazardous waste by the owners of Whitfield's Mountain View Grand Hotel which allegedly:

"...acting in concert with others, disposed of regulated asbestos containing material in dumpsters and in the ground at the Mountain View Grand Hotel. The dumpsters containing regulated asbestos containing material were disposed of at a Bethlehem landfill owned and operated by North Country Environmental Services. Neither the grounds of the Mountain View Grand Hotel nor the Bethlehem landfill were licensed to receive asbestos waste by the Waste Management Division of DES."

The Attorney General further stated "[A]sbestos is entirely regulated and potentially lethal material ... (which) poses a grave threat to workers exposed to the material without proper protection." I am certain that you understand that this grave threat is even more pronounced when the material is disposed of in a populated area and near the center of a New Hampshire town, particularly when it is exposed to operations and before it has been fully covered.

As counsel for the Town of Bethlehem I am requesting that the Division provide the Town with a prompt and complete report as to the following matters:

1. When the Department became aware of the illegal disposal referred to in the Attorney General's statement.
2. A chronology of the steps the Department has taken to investigate the matter and the results of that investigation.

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3. The enforcement steps, if any, taken by the Department.
4. Remedial measures contemplated or ordered by the Department if the allegation is true.
5. An explanation as to why the Bethlehem Selectmen have not been informed of the hazard present in the community if the allegation is accurate.
6. Whether there was any disclosure of such disposal, or application for permission to accept the material, by NCES.

The Town of Bethlehem is very concerned that it may have been host to a hazard of the magnitude described in the Attorney General's statement and wants to inform its citizens of exactly what is going on and what is being done. A response which claims that the Department cannot divulge any information, due to a pending criminal case, does nothing to alleviate Bethlehem's concern or the hazard that may exist. This is apparently more than a fire drill, given the Attorney General's statement. The Town would appreciate your response to this letter in detail.

I am also concerned that, if the allegations in the Attorney General's statement are true, this could be indicative of a laxity on the part of the operator of the landfill that is of grave concern to the Town of Bethlehem. NH/DES permittees are held to a standard of knowledge and experience that should preclude that this disposal was the result of an oversight or otherwise accidental. The Town of Bethlehem is, therefore, requesting that there be such investigation and testing at the NCES' site to provide assurance that there are not other hazardous or prohibited materials disposed of at the landfill. This goes beyond water quality monitoring, since it is highly unlikely that the illegal disposal of materials such as asbestos would appear in groundwater at the site.

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The Town has no knowledge of the facts behind the Attorney General's statement. This letter is intended to express its concern that it does not know more.

Sincerely,



Edmund J. Boutin

EJB/alm

cc: Bethlehem Selectboard  
Bryan K. Gould, Esq.  
Maureen D. Smith, Assistant Attorney General  
Michael Nolin, Commissioner, Department of Environmental Services