



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



Thomas S. Burack, Commissioner

July 17, 2009

John Gay, E.I.  
North Country Environmental Services, Inc.  
3 Pitkin Court  
Montpelier, VT 05602

**Subject:** Bethlehem – North Country Environmental Services Landfill, 581 Trudeau Road,  
DES Site # 198704033, Project RSN # 1737

**North Country Environmental Services, Inc., Landfill Facility – Bethlehem,  
New Hampshire Groundwater Performance Standards Work Plan, prepared  
by North Country Environmental Services, Inc., dated May 15, 2009**

Dear Mr. Gay:

The Department of Environmental Services (Department) has reviewed North Country Environmental Services, Inc.'s (NCES) subject Work Plan (a.k.a. Corrective Action Plan) which was submitted in response to the Department's April 14, 2009 letter (corrected version issued April 17, 2009) that requested submittal of a comprehensive Work Plan summarizing both soil and groundwater performance standards.

In regards to prefatory remarks provided by NCES in paragraph 2 on page 1 of the accompanying cover letter, the Department's position is stated in the permit decisions that are currently on appeal and we have no further comments.

In regards to the Work Plan itself, the Department finds that it does not meet the Department's requirements for a comprehensive Corrective Action Plan. In order for the Department to approve a Corrective Action Plan, the plan must include sufficient soil and groundwater performance standards to allow the Department to determine that the plan is reasonably designed to:

- (1) Achieve compliance with background concentrations;
- (2) Eliminate any future discharges of regulated contaminants to the groundwater;
- and
- (3) Protect human health and the environment.

See Env-Or 703.15(c) and Condition #10 of the Groundwater Management and Release Detection Permit No. GWP-198704033-B-005. In that regard, we have the following comments and requests for information.

**Historical Timeline Comments:**

The history and historical timeline sections are not required elements of the Work Plan nor did the Department request them to be included in the Work Plan. As such, the Department has not verified the accuracy of all the information provided in those sections and requests that this type of information be omitted from any future Corrective Action Plan submittals. Nonetheless, based on a cursory review of the Historical Timeline section, we did note one very important issue that

requires clarification before providing further comment on the Work Plan itself. That is, in the timeline, NCES indicates that on May 28, 2008, the Department approved a Corrective Action Plan for the facility. However, the approval issued on May 28, 2008 was for a Type II modification of the facility's Solid Waste Facility Permit (SW Permit) and was not an approval of the Corrective Action Plan document. See enclosed May 28, 2008 Record of Modification to Solid Waste Management Facility. Specifically, we refer you to Section III that states the Type II modification constitutes approval of the design plans for the construction of the Leachate Management Improvements. This is not the same as approving the Corrective Action Plan. An important element of any Corrective Action Plan is establishing performance standards to determine the success or failure of the prescribed remedial work. The design plans for the leachate management improvement project that were approved per modification of the SW Permit on May 28, 2008, do not include the required corrective action performance standards. Furthermore, Corrective Action Plans are a requirement of the Groundwater Release Detection Permit or, in this case, the Groundwater Management and Release Detection Permit (GW Permit). To further clarify the record regarding approval of the Corrective Action Plan, the Department offers the following timeline:

- On November 8, 2007, the Department informed NCES that the scope of work included in CMA Engineers, Inc.'s (CMA's), September 2007 document entitled "Work Plan Remedial Activities Of Soil Potentially Impacted By Leachate, Alternative Leachate Management Modifications and Improvements (Work Plan)," was acceptable in concept, but further advised NCES that prior to implementing the Work Plan, NCES would have to submit more details
- When the May 28, 2008 Type II SW Permit modification was issued, the Department advised NCES to move forward with the leachate management improvements. At that time, no additional details (i.e., groundwater performance standards) had been provided to complete the September 2007 Work Plan.
- By letter dated September 10, 2008, the Department notified NCES of the groundwater performance standards deficiency and directed NCES to submit proposed groundwater performance standards

#### **Work Plan – Soil Restoration**

The Soil Restoration scope of work that NCES presents in the subject Work Plan differs from the information presented in CMA's September 2007 Work Plan. The Department notes the following discrepancies that need clarification and/or correction:

- Item 2- NCES indicates that all soil removed from the project site will be transported to the landfill for use as daily cover. This differs from the September 2007 Work Plan that states that the soil excavated from the region above the tanks and piping will be stockpiled with other clean soil and used as backfill if it appears to be free of impacts. If this soil will actually be used as daily cover, then Item 5 of the subject Work Plan, which refers to sampling the clean soil stockpiles, needs to be modified accordingly or eliminated.

- Item 7- The September 2007 Work Plan indicates that samples will be analyzed for one or more of the following compounds: chloride, bromide, and the Department's full list of volatile organic compounds using EPA Method 8260B. However, the subject document indicates that samples may versus will, be analyzed. It is unclear to the Department why this wording has been changed. Please provide clarification and the rationale for determining which parameters will be analyzed.
- Item 8 – If all soils removed from the project will be transported to the landfill and used as daily cover, provide clarification as to which soils will be used to backfill the excavations.
- Item 11 – NCES indicates that within two months of completing the final soil removal, it will submit a final Construction Quality Assurance Report summarizing the work completed and documenting all test results. This is a SW Permit requirement. The Department advises that all soil removal documentation, including the laboratory data and analysis of that data, also must be included in the Corrective Action Plan Report that is required under the GW Permit.
- CMA's Construction Quality Assurance Plan, as submitted to the Department on March 5, 2009, contains raw soil analytical data with no supporting analysis of the data. Again, NCES must include this data and a supporting analysis in the Corrective Action Plan Report that is required by the GW Permit.

#### **Groundwater Restoration**

This section does not clearly present the final agreed upon groundwater performance sampling plan, i.e., it does not clearly indicate which wells will be sampled monthly or the applicable test parameters. Although it is appropriate to include the established background concentrations in their own tables, a separate table should be provided that clearly identifies the wells that will be sampled on a monthly basis and, for each well, the applicable analytical tests.

#### **Corrective Action Plan Report**

The submitted Work Plan does not specify the content of the Corrective Action Plan Report. As indicated above, the Corrective Action Plan must include all soil analytical data collected under the SW Permit as part of the Leachate Management Improvement project and CMA's Construction Quality Assurance Plan. In addition, the Corrective Action Plan Report must include the analytical results of the groundwater and surface water samples collected to support the corrective action (i.e., soil removal activities). Soil data shall be presented in summary tables and, as appropriate, on maps and cross-sections. Groundwater data shall also be presented in summary tables and, as appropriate, in time-series graphs and on maps and cross sections. The Corrective Action Plan Report shall also (1) identify any potential sources of bromide and VOCs that are detected in groundwater during excavation; (2) assess the effectiveness of any remedial actions taken; and (3) propose additional corrective action work if no such sources are identified.

John Gay  
DES Site # 198704033  
July 17, 2009  
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### Request for Revised Comprehensive Work Plan

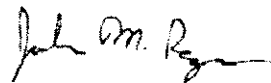
No later than August 30, 2009, please submit a revised comprehensive Work Plan that clearly identifies the soil and groundwater performance standards to be achieved as a result of the proposed corrective action work, and that also addresses the comments provided in this letter. In the meantime, and until a revised Work Plan is approved, NCES should implement the agreed upon monthly groundwater sampling and assessment monitoring.

In closing, the Department again notes that reporting of the soil and groundwater work performed under the Corrective Action Plan process administered via the facility's GW Permit (GWP-198704033-B-005) shall be reported both within the Quarterly Reports required by Special Condition #15 of the GW Permit and in the Corrective Action Plan Report.

If you have any questions regarding this letter, please contact either of us directly at the Department's Site Remediation Programs.

Sincerely,

  
Karlee Kenison, P.G.  
Waste Management Division  
Tel: (603) 271-6542  
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E-mail: [karlee.kenison@des.nh.gov](mailto:karlee.kenison@des.nh.gov)

  
John Regan, P.G.  
Waste Management Division  
Tel: (603) 271-3744  
Fax: (603) 271-2181  
E-mail: [john.regan@des.nh.gov](mailto:john.regan@des.nh.gov)

Enclosure: May 28, 2008 Type II Modification

cc: Bryan Gould, Esq., Brown, Olson & Gould  
Richard Head, Esq., NHDOJ  
Michael Wimsatt, P.G., Director, WMD/NHDES  
Michael E. Guilfoyle, P.E., Administrator, SWMB/NHDES  
Town of Bethlehem  
Robert Grillo, P.E., CMA Engineers  
Paul Rydel, P.G., SHA Associates

Waste  
Management  
Division

Digitally signed by Waste  
Management Division  
DN: cn=Waste Management Division,  
o=NHDES, ou=WMD, email=kamberly.  
durgin@des.nh.gov, c=US  
Date: 2009.07.17 11:33:42 -0400



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



Thomas S. Burack, Commissioner

May 28, 2008

**PM COPY**

Mr. John Gay  
Central Regional Manager  
North Country Environmental Services, Inc.  
3 Pitkin Court  
Montpelier, Vermont 05602

**SUBJECT: TYPE II PERMIT MODIFICATION APPLICATION/ LEACHATE MANAGEMENT IMPROVEMENTS/ LOCATED AT 581 TRUDEAU ROAD, BETHLEHEM, NEW HAMPSHIRE/ DES-SW-SP-03-002/ WMD LOG #200800082**

Dear Mr. Gay:

The New Hampshire Department of Environmental Services, Waste Management Division (Department) has completed its review of Casella Waste Management's above referenced application for permit modification. The requested permit modification is herewith granted, per the enclosed, pursuant to RSA Chapter 149-M:9 and Section Env-Sw 315 of the New Hampshire Solid Waste Rules.

Please maintain the enclosed modification in your permit files and conspicuously post a copy at the facility.

If you have any questions regarding the issuance of this permit modification, please contact me.

Sincerely,

Paul Gildersleeve, P.E.  
Solid Waste Management Bureau  
Tel: (603) 271-2935  
Fax: (603) 271-2456  
E-mail: paul.gildersleeve@des.nh.gov

Enclosure

cc: Town of Bethlehem, Board of Selectmen  
Town of Sugar Hill, Board of Selectmen  
Town of Lancaster, Board of Selectmen  
Town of Dalton, Board of Selectmen  
Town of Easton, Board of Selectmen  
Town of Littleton, Board of Selectmen  
Town of Franconia, Board of Selectmen  
Jeff Murray, P.E., CMA (w/ enclosure)

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DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-2925 • Fax: (603) 271-2456 • TDD Access: Relay NH 1-800-735-2964



## RECORD OF MODIFICATION TO SOLID WASTE MANAGEMENT FACILITY PERMIT

as authorized by the  
NH Department of Environmental Services, Waste Management Division (Department)  
pursuant to RSA 149-M and Section Env-Sw 315 of the New Hampshire Solid Waste Rules (Rules)

**I. PERMIT/FACILITY IDENTIFICATION:**

Permit No.: DES-SW-SP-03-002  
Permittee: North Country Environmental Services, Inc.  
Facility Name: North Country Environmental Services, Inc.  
Facility Location: 581 Trudeau Road, Bethlehem, New Hampshire  
Facility Type: Lined Landfill  
Permit Modification Type: II

**II. FILE REFERENCE/RECORD OF APPLICATION:**

Date(s) Received: May 15, 2008  
WMD Log #(s): 200800082

**III. MODIFICATION: This Type II modification constitutes approval of the design plans for the construction of the Leachate Management Improvements**


**IV. TERMS AND CONDITIONS: 4 Terms and Conditions are attached.**

**V. EFFECTIVE DATE: Date of signature below.**

**VI. AUTHORIZING SIGNATURE: The permit identified in Section I above is hereby modified as specified in Section III above. This authorization is based on information and representations provided to the Department by the permittee, in documents referenced in Section II above. If the information is false, misleading or incomplete, the modification may be revoked or suspended in accordance with Section Env-Sw 306 of the Rules.**

**BY EXERCISING ANY RIGHTS UNDER THIS AUTHORIZATION, THE PERMITTEE HAS AGREED TO ALL TERMS AND CONDITIONS OF THE PERMIT, AS MODIFIED.** Failure to comply with the terms and conditions of the permit could result in civil or criminal penalties, suspension or revocation of the permit, or administrative fine. No liability is incurred by the State of New Hampshire by reason of any approval of this solid waste facility. No warranty/guarantee is intended or implied by reason of any advice given by the Department or its staff.

This permit shall not eliminate the permittee's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district and local permits, ordinances, laws, approvals or conditions relating to the facility.

  
Michael J. Wimsatt, P.G., Director  
Waste Management Division

  
Date