

RECEIVED

AUG 18 2004

**DEPARTMENT OF
ENVIRONMENTAL SERVICES**

My name is David Goodwin and I reside in Easton NH.

I have a commercial driver's license, a CDL-A.

In October of 1997, I was hired by a local excavation contractor to drive a ten-wheel dump truck hauling screened sand from Twin Mountain to the North Country Environmental Services (NCES) landfill on Trudeau Road in Bethlehem. The sand was to be used to cap the first stage of the landfill.

Although Twin Mountain Sand and Gravel had closed some time before, it was reopened solely to provide sand to cap the first mound in the landfill.

At Twin Mountain Sand and Gravel, there was a machine, referred to as a screen. A screen is a machine that has a series of conveyer belts and vibrating metal grids, or "screens." This screen was portable and located down in the pit, near where it can be loaded with gravel; a mix of sand and stone from the bank referred to as "bank run".

Bank run is glacial deposits that can, and does, contain stone of various size and shape. Bank run is the least costly fill as it is loaded directly to the truck unprocessed. Bank run is typically used as a base for roads or anywhere requiring good clean fill.

Whenever a job calls for a specific or uniform sized material, the bank run is loaded into a screen that filters out the larger stone perhaps down to sand at the end of the process; which was the case for the specifications required for the capping of the landfill. No stones should be present that could puncture the rubber membrane that covers the mound of trash; sandwiched in this sand.

Any punctures in the covering membrane would allow rainwater to infiltrate the mound, mix with volatile liquids already present, and become more of a potential for groundwater pollution.

During the time I drove a dump truck for this job, there was perhaps eight other drivers making the runs between Twin Mountain Sand and Gravel and the landfill on Trudeau Road. We all made about the same number of runs each day as we ran in a line. Our day began when the pit opened each morning, and ended when the pit closed at 5:00 PM.

Each morning we weighed-in empty on arrival at the pit and then would pull up and stop on the scales each time we headed out with a load. A person in a small building alongside the scales would record this weight. I think I made eight or nine runs per day.

The pit was the only place there were holdups as loading trucks takes a bit of time and we sometimes had to wait in line for the screen to catch up to the demand, or for a mechanical problem with the screen.

At the end of each day, a young guy signed our "run cards", approving the number of trips we claimed from Twin Mountain Sand and Gravel each day. He drove a new pickup and seemed to have the authority of someone who was a boss or owner.

As we trucked fill to cover the trash, more trash was being delivered simultaneously to a mound adjacent to the one we were covering. After dumping a load near the base of the first mound, to be pushed up onto it by a dozer, we would sometimes have to drive around the perimeter to exit the landfill as the road in was narrow and one-way. There were other excavations (pits) behind and to the side of the landfill, some full of water, which looked to have been sources of fill.

As trash was being brought in and dumped, a compactor- dozer would push the trash up onto that section and form the cone. The compactor is a dozer with large steel wheels with steel nubs that crush the trash and compact it while pushing the trash onto the slope with the dozer blade.

The man operating the compactor-dozer has full view of all the trash that is dumped at the landfill. He is the only person who sees what is dumped at NCES. He shoots a flare gun off at the herring gulls when there becomes too many scavenging the trash.

The trash haulers that deliver to NCES range from open-body trucks to trucks that drop off a closed container and pick up an empty one to return with.

I assume that full containers dropped off are emptied by NCES out on the landfill.

The point here is that no one but the compactor operator ever sees what is dumped on the pile of trash at NCES. There is no inspection from what I saw.

The screen at Twin Mountain Sand and Gravel broke down on a regular basis, sometimes for a short time, sometimes longer. This screen was older and rusty and had its share of mechanical problems. I do not know who owned the screen, However, I believe it was owned by NCES and run by their mechanics.

When the screen broke down, we would wait in line. As the mechanic determined that it might take a while to repair the screen, we would be waved down into the pit and loaded with the unscreened bank-run. I seem to recall the screen was out of operation for two or three days at one point.

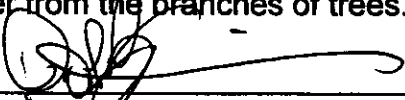
On arrival back at NCES, we were instructed to dump the loads of bank-run on the landfill along with the screened sand we had dumped just before. This would be pushed up onto the landfill immediately by the dozer to prepare the area for the next truck to dump; as was the routine.

This went on for maybe a week or two when the screen broke down with a more serious problem and we were then instructed to keep hauling the bank run, but now dump it out at the backside of the landfill. Word was that they planed to screen it onsite later. I do not remember ever seeing a screen at the landfill.

As the sand reached the top of the mound, a steep, narrow road was made up to the top by traversing the slope. Now we drove to a small flat area on the top of the landfill, dumped our load and headed back down the same road after checking with the other drivers on the CB radio to make sure no one was coming up.

The landfill did little to provide the truckers with smooth roads around the perimeter of the site. The roads were potholed and rough the entire time I hauled there. This was a major gripe of the truckers on the CB. NCES obviously did not care as they had the equipment to grade the roads.

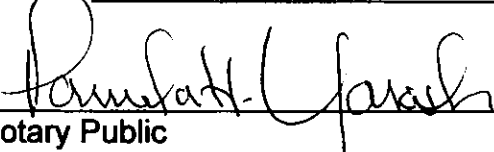
Word was that NCES was hurrying to prepare the landfill for a visit from potential investors. Just before that weekend, there were many people or employees out on Trudeau Road picking up litter that flies off the trash haulers trucks. It was obvious they were told to do a meticulous job as they were even pulling down litter from the branches of trees.



David B. Goodwin

Witness 

Witness _____

 7/21/04

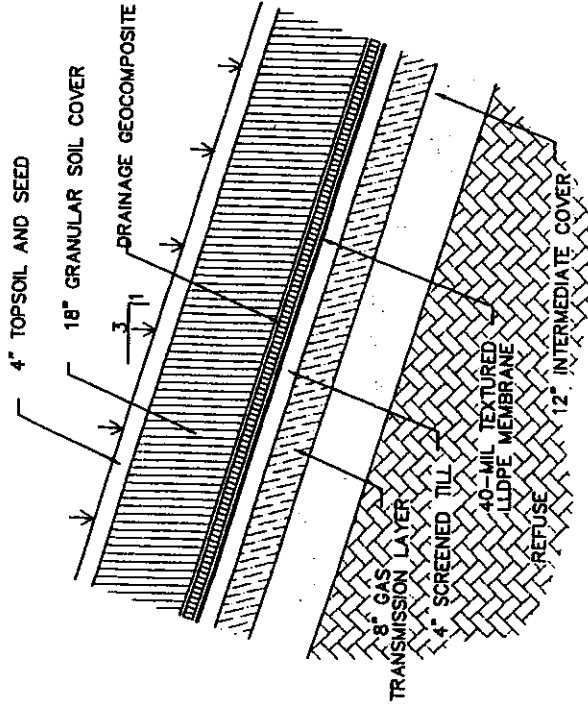
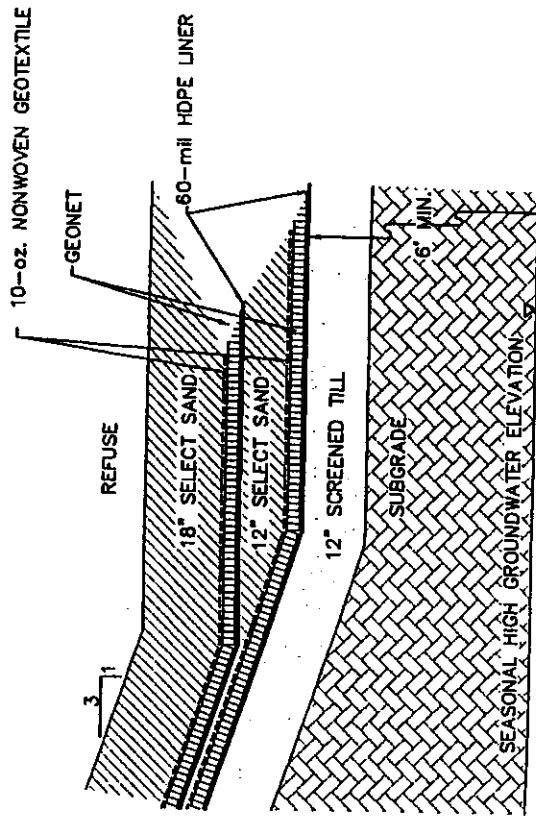
Notary Public



LINER AND CAP SYSTEM DETAILS
 NORTH COUNTRY ENVIRONMENTAL SERVICES, INC.
 BETHLEHEM, NEW HAMPSHIRE

NOT TO SCALE

Figure 1



LINER SYSTEM

FINAL COVER SYSTEM

Cc: cont'

Attorney Edward Boutin

Toxic Action

Alan Grover WABI-TV

Attachments:

1. North Country Environmental Services Liner and Cap System Details.
2. North Country Environmental Services Landfill Improvement Projects: Stage I Closure (Completed fall 1997.)
3. Video tape: David Goodwin testimony

ENVIRONMENTAL SERVICES - OFFICE OF THE COMMISSIONER

TO: Tony Sivata

DATE REFERRED: 8/19/04

FROM: Mike Wall

REPLY BY: Sept 12, 2004

Please take the following action:

- For your information
- Please reply to sender (send me copy)

- Please draft reply for my signature ^{Commissioner's}
- Please provide information on this matter
- Please investigate the following and report to me

RECEIVED FROM: _____ DATE: _____

ADDRESS: _____ TELEPHONE: _____

COMPLAINT

NAME OF PERSON: David Goodwin TELEPHONE: _____

LOCATION: 8/12/04 QATAR, statements & video tape

SUBJECT: Allegation of use of "hazardous" material instead of select material in NCS-Bethlehem landfill corp.

WHITE - COMMISSIONER COPY

CANARY - DIVISION COPY

PINK - RETURN WITH REPLY

PART 2 - PRODUCTS

2.01 GENERAL

- A. All backfill and fill materials, unless otherwise specified, shall consist of suitable selected and approved clean well-graded granular soil.
- B. The maximum particle size shall be no larger than two-thirds the lift thickness or the maximum size allowed by the gradation specification, whichever is smaller.
- C. Where backfill density requirements are not specified, a minimum density of 90 percent of maximum dry density shall be used as determined by Modified Proctor Test (ASTM D-1557).
- D. All required fill materials shall be substantially free from organic materials, wood, trash, and other objectionable materials which may be compressible or which cannot be properly compacted. Fill materials shall not contain stone blocks, broken concrete, masonry rubble, or other similar materials. It shall have physical properties such that it can be readily spread and compacted to the specified permeability and/or density. Snow, ice, and frozen soil shall not be permitted.
- E. Gradation and Proctor Testing (if specified) will be performed at a minimum frequency of one test for each 5,000 cubic yards of material placed and each time the material is obtained from a new source or appears to be different from soils previously tested.

2.02 MATERIALS

- A. Common Borrow
 - 1. Common borrow to be used for construction of embankments and general raises-in-grade shall be friable soil containing no stone greater than two-thirds ($\frac{2}{3}$) loose lift thickness. The material shall be free of trash, ice, snow, tree stumps, roots, and organic materials with no more than 70 percent of the material passing the No. 200 sieve.
- B. Gas Transmission Layer Fill
 - 1. Gas Transmission Layer Fill to be used in the 6-inch layer below the screened till beneath the geomembrane cap shall be free from ice, snow, roots, sod, rubbish and other deleterious or organic matter and shall be well-graded within the following limits:

Sieve Size	Percent Passing by Weight
4-inch	100
No. 10	30-95
No. 40	10-70
No. 200	0-8

C. Screened Till

1. Screened till to be used for bedding beneath the geomembrane cap shall be free of ice and snow, roots, sod, rubbish, and other deleterious or organic matter and conform to the following gradation requirement.

Sieve Size	Percent Passing by Weight
1-inch	100
No. 4	90-100
No. 40	65-100
No. 200	15-60

D. Granular Soil Cover

Granular soil cover to be used as cover material over the drainage geocomposite shall be free of ice, snow, roots, sod, rubbish, and other deleterious or organic matter and conform to the following gradation requirement.

Sieve Size	Percent Passing by Weight
1-inch	100
No. 4	80-100
No. 40	20-80
No. 200	0-20

E. Granular Fill

Granular fill to be used as bedding for culvert pipe and as fill on the cap access road shall be free of ice, snow, roots, sod, and other organic matter and conform to the following gradation requirements.

DAILY FIELD REPORT

CLIENT: North Country Environmental **DATE:** September 12, 1997 - Friday
PROJECT: Stage I Closure **REPORT NO.:** NH466
Bethlehem, NH **ATL REP:** Wayne H. Moore
INSTALLER: Terrafix Environmental
MASTER WELDER: Stan Parker **SUPERVISOR:** Terry Deshotel

WEATHER CONDITIONS

TIME	7:00 a.m.		
TEMPERATURE (°F)	58°		
CONDITIONS	CLOUDY/DRIZZL		
WIND	0-5 MPH		

- Material Receipt: _____
- Subgrade Acceptance: _____
- Panel Deployment: _____
- Panel Seaming: _____
- Air Channel Testing: _____
- Destructive Testing: _____
- Repair: _____
- Vacuum Testing: _____

ATL was on site to monitor and document the Geosynthetic activities as performed by Terrafix Environmental and Casella Construction. Terrafix was on site with a crew of 8. Doug Casella visited the site - delivered another screener. Dennis Porter, SHA was on site. Terrafix Demobilized until Monday due to poor weather conditions and insufficient subgrade area being prepared for Geomembrane Deployment.

DAILY FIELD REPORT

CLIENT: North Country Environmental **DATE:** September 28, 1997 - Sunday
PROJECT: Stage I Closure **REPORT NO.:** NH466
 Bethlehem, NH **ATL REP:** Dave Choquette
INSTALLER: Terrafix Environmental
MASTER WELDER: Stan Parker **SUPERVISOR:** Terry Deshotel

WEATHER CONDITIONS

TIME	7:30	NOON	6:45 p.m.
TEMPERATURE (°F)	44°	65°	62°
CONDITIONS	FOGGY	CLEAR	CLEAR
WIND	0-5 MPH	0-5 MPH	0-5 MPH

- Material Receipt: _____
- Subgrade Acceptance: P 80 - P 86
- Panel Deployment: P 80 - P 86
- Panel Seaming: P 79/80 - P 85/86
- Air Channel Testing: P-71/72 thru P-85/86
- Destructive Testing: _____
- Repair: _____
- Vacuum Testing: _____

ATL was on site to observe and document Geosynthetic installation as performed by Terrafix Environmental. Terrafix was on site with a crew of 8. 1 supervisor, 6 technicians and 1 trainee. Terrafix deployed liner to the extent of acceptable subgrade. Deployment was completed at approximately 10:30. Repairs and clean up continued along with air testing. Terrafix began having problems with Air Channel testing after lunch. Most of the seams welded on 9/27 were popping as soon as air was applied. Repairs were made to these seams (in some cases the entire seam was extruded) and the testing continued.

Done

SUBGRADE ACCEPTANCE FORM

Client: North Country Environmental Services, Inc.
Project: Stage I Closure
Bethlehem, NH
ATL Rep.: Wayne H. Moore

Date: JULY 8, 1997
Report No.: NH466
Contractor: Cassella Construction
Installer: Terrafix nvironmental

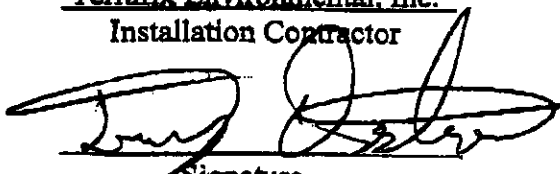
I hereby state that I have inspected the subgrade surface and find the condition of this subgrade to be acceptable for placement of the geosynthetic clay liner and/or geomembrane liner.

This acceptance is not approval for the contractor meeting the fill and compaction specifications.

Panel Number(s): P-01, P-02

Panel Location(s): SOUTH SLOPE EAST SIDE AT CAP EDGE
GABION SWALE

Terrafix Environmental, Inc.
Installation Contractor


Signature

Sr. Te Super-VISOR
Title

*This is an example,
there are several of these.*

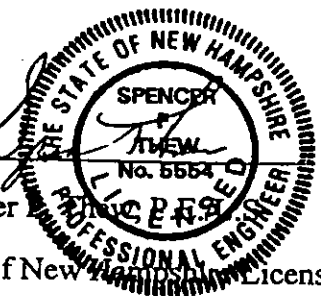


QUALITY ASSURANCE
CERTIFICATION STATEMENT

The undersigned hereby certifies that the information documented and presented in the Membrane, Quality Assurance report for the North Country Environmental Services, Inc. Stage I Closure Project located in Bethlehem, New Hampshire is accurate.

The undersigned hereby certifies that the geomembrane liner construction activities observed and documented in the Membrane Quality Assurance report, substantially conform to Sections 02510 Geotextiles, 02520 Drainage Geocomposite, and 02550 Linear Low Density Polyethylene Cap, as prepared by Sanborn, Head, and Associates, Inc. of Concord, New Hampshire.

Spencer
State of New Hampshire License No. 5554



Dying man raises doubts about Bethlehem landfill

By LYN BIXBY
COURIER STAFF

BETHLEHEM—A man who says he is dying of brain cancer has issued a public statement raising questions about the quality of the huge Trudeau Road landfill owned by North Country Environmental Services, Inc. and its ability to contain pollutants.

David Goodwin, who lives in Easton, sent copies of his written statement, along with a videotape of him reading it, to state and federal environmental officials, state elected officials, including Gov. Craig Benson, and news outlets, including The Courier. He also sent

it to local environmental groups and town officials, but not to NCES.

"I give [the statement] fully and freely in the hope that it will help the New Hampshire Department of Environmental Services in the exercise of its regulatory responsibility and its stated goal of protecting the environmental integrity of the state's resources," he wrote in a cover letter. "I regret that I did not come forth earlier. I was concerned that to do so would have jeopardized my ability to earn a living."

He said he prepared the statement while putting his affairs in order before he dies.

"I have a recurring malignant

brain tumor," he wrote. "In consultation with my surgeon in Hanover, I have decided not to undergo a second surgery to remove it."

Goodwin said he drove a dump truck in the fall of 1997, hauling sand and gravel for two or three months to cap a portion of the landfill known as Stage I. He said he believes the specifications for the job called for screened sand, but the screening operation broke down a number of times and he delivered many loads of "bank run gravel," which contained stones.

"No stones should be present that could puncture the rubber

(CONTINUED ON PAGE 10A)

LITTLETON COURIER

5/25/04

Landfill

(CONTINUED FROM PAGE 1A)

membrane that covers the mound of trash," he wrote in his statement. "Any punctures in the covering membrane would allow rainwater to infiltrate the mound, mix with volatile liquids already present, and become more of a potential for groundwater pollution."

"If those things are accurate and I understand them properly, it goes to the structural integrity of the landfill."

—Ed Boutin
Bethlehem's lawyer

Although Goodwin did not send his statement to NCES, The Courier gave a copy to Bryan Gould, a Concord lawyer who represents the company, for his response.

Gould said he asked consultants at Sanborn, Head &

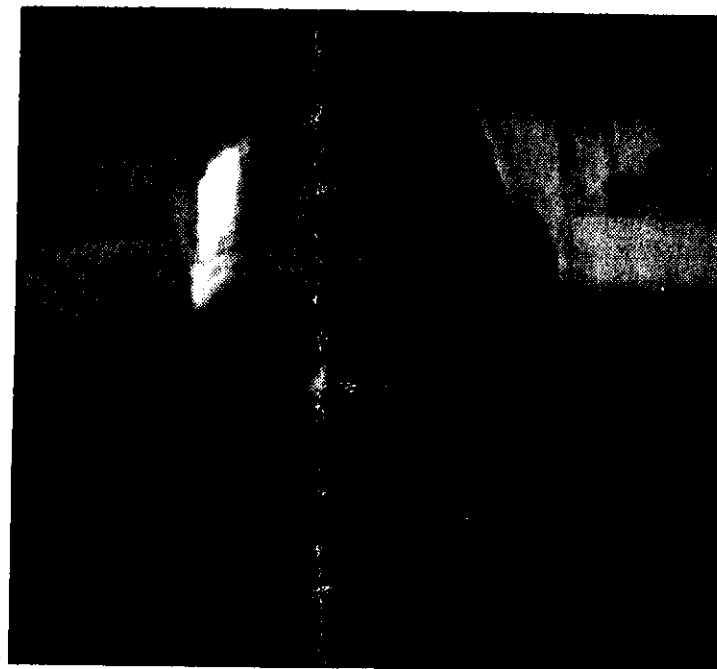
Associates, the engineering firm used by NCES, to search their records for documents relating to the capping of Stage I, which was undertaken in four phases and covered 18 acres.

"Sanborn, Head & Associates had someone on the site while this project was going on," Gould said. "The responsibility of that person was to make sure the construction was carried out according to specifications, and records were maintained."

In addition, he said, Sanborn's engineers were supposed to dig by hand down through the material "to make sure it was the appropriate thickness" and to determine "if there were any irregularities."

He said one Sanborn engineer told him that many forms of bank run gravel would meet the specifications for the job because the stones in it are rounded and would not pose a risk of penetrating the liner.

He also said the covering membrane is not rubber, as it was described by Goodwin in his statement. "It's plastic, and it's pretty heavy gauge,"



David Goodwin delivers his statement about the North Country Environmental Services, Inc., landfill in Bethlehem on a videotape sent to state officials and news organizations.

Gould said. "It can give people the wrong impression if they think of it as a rubber easily-punctured system."

Ed Boutin, a Londonderry lawyer who represents the Bethlehem Board of Selectmen in its dealings with NCES, said he sent a copy of Goodwin's statement

to the town's consulting engineers for their analysis. He said he expects DES regulators to conduct an investigation of Goodwin's claims.

"If those things are accurate and I understand them properly, it goes to the structural integrity of the landfill," Boutin said. "They're propos-

UNTIL
COVER 8/23/01

8/24/04

ing to put tons of trash over the top of the area he's talking about, as I understand it."

This month state DES officials approved a modification proposed by NCES to enable the company to increase the landfill's capacity by constructing berms to raise the height along its outer edges.

"They're talking about going over the top of the whole landfill with these modifications," Boutin said. "So that area he's talking about could very well be the base upon which they're putting all this other trash... There's some enormous vertical forces involved there."

Goodwin, reached last week on his cell phone on the Maine coast where he was sailing, said he has been concerned for some time about the landfill's potential for polluting the nearby Ammonoosuc River. He said he issued a public statement "to let people decide for themselves" whether what he saw poses a risk.

He said he worked most of his life as a carpenter and the NCES job was his first and last driving a dump truck.

Although he expressed regret that he did not tell his story sooner, he said, "It doesn't mean I lost any sleep over it."

He said former Board of Selectmen member George Manupelli helped him with his statement and helped him choose the recipients.

Manupelli, the town's most vocal critic of the landfill, said Goodwin came to him about two months ago. "I suggested he write his story down and get it notarized," Manupelli said. "And I videoed it for him... It's a tragic situation."

Manupelli said he intends to ask DES officials to dig up sample sections of the landfill to determine whether the bank run gravel Goodwin said he and others delivered caused any damage.

Manupelli said he did not consider sending a copy of Goodwin's statement to NCES. "They're the violators," he said. "They're the cheats and the liars. They can get a copy... If they communicate with the DES, they don't send us a copy."

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5/25/04

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Courier Staff

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Bethlehem

Landfill Trucker With Malignant Brain Tumor Addresses Selectmen

Calls For State Environmental Dept. To Protect Resources

BY STAN BECKER

Staff Writer

An Easton resident suffering from brain cancer went before Bethlehem selectmen Monday with environmental concerns.

Truck driver David Goodwin testified Monday regarding his concerns that the North Country Environmental Services landfill on Trudeau Road, owned by Casella Waste Systems Inc., regularly used "bank-run gravel" rather than screened sand during 1997 Stage I procedures designed to keep toxins from leeching into the watershed.

Goodwin has a recurring malignant brain tumor, which was treated aggressively at the Norris Cotton Cancer Center at Dartmouth-Hitchcock Medical Center in Lebanon. Saying he was trying to put his affairs in order, he read aloud from an affidavit notarized on July 21.

The affidavit, he stated, was given "fully and freely in the hope that it will help the New Hampshire Department of Environmental Services in the exercise of its regulatory responsibility and its stated goal of protecting the environmental integrity of the state's resources."

Goodwin said bank-run are glacial deposits that can, and do, "contain stone of various size and shape." He added that it is the least costly fill as it is loaded directly into the truck unprocessed. Goodwin said

he felt compelled to come forward with his observations while there is still time for him to reconcile his concerns.

Goodwin worries that rainwater infiltrates the mound, mixes with volatile liquids that "become more of a potential for groundwater pollution."

Goodwin operated a dump truck for Twin Mountain Sand and Gravel for several months in 1997. He said he is also licensed to drive bulldozers, backhoes, dump trucks and tractor-trailers. "Anything on the road."

In his notarized affidavit, Goodwin said, "In October of 1997 I was hired by a local excavation contractor to drive a 10-wheel dump truck hauling screened sand from Twin Mountain to the (landfill). The sand was to be used to cap the first stage of the landfill."

A "screen machine" was located at Twin Mountain Sand and Gravel. He said it, a series of conveyer belts and vibrating metal grids, was "located down in the pit, near where it could be loaded with a mix of sand and stone from the bank."

Bank-run gravel is "rough stuff," he said. "No stones should be present that could puncture" the two 60-mil plastic liners that are sandwiched over the 12 inches of screened till on top of 6 feet of sub-grade that lies directly over the ground water.

Selectman Wes Griffin asked Goodwin if he, "actually ever, ever visually (saw himself)" what he had specifically unloaded.

See **Trucker**, Page A12

CALEDONIAN RECORD 8/31/84

Trucker

Continued from Page A1

"I didn't actually see stone," but his "experience is that bank-runs have a variety of really rough stuff. I operated under the impression that the loads are not inspected," Goodwin said.

Goodwin claims that the manner in which the trucks had to position themselves for dumping made it impossible to actually see the load dumped, but he was certain of the bank-run with which his truck was loaded.

The landfill has a recent history of illegally accepting asbestos from a currently imprisoned contractor for Mountain View Grand Hotel in Whitefield, where they were removing the toxic material. To the dismay of many Bethlehem citizens, dozens of American flags were also improperly and illegally disposed of at the landfill, apparently without mandated inspection or oversight.

"During my time at Casella I never saw any evidence of any state or federal inspectors on that site," said Goodwin in an interview after the meeting. State vehicles are all painted a vibrant orange as a matter of policy.

"Thousands of seagulls raid that pile every day potentially introducing toxins to the entire ecosystem through animals," Goodwin continued.

Selectman Lon Weston was particularly concerned about the possibility of major ground water contamination in that area.

Goodwin said that it was \$500 per ton to dispose of toxic waste in an appropriate site, as opposed to \$80 per ton at the alleged uninspected NCES facility that is not approved for such substances. He also said that the screen machine was incredibly loud and vibratory and that it was obviously down for repair much of the time.

As to inspections and management administration at NCES, Goodwin said, "You are operating on an honor system and based on everything I know about them they are not an honorable corporation."

NCES has plans to build higher berms on site, increasing the height of the facility, but maintaining its footprint, and will also continue to vertically crush thousands of tons of allegedly uninspected garbage and toxic waste materials into the breached plastic liners and the ground water below.

"You see what's being loaded at that pit. The loader's not loading from the pile under the screen," Goodwin told The Caledonian-Record. "They're scooping it from the bank."

Copies of Goodwin's notarized affidavit were sent to Gov. Craig Benson as well as members of the Governor's Executive Council, per the Honorable Raymond Burton, Attorney General Kelly Ayotte and Commissioner Robert Varney of the U.S. Environmental Protection Agency, among others.

The board of selectmen is hoping for a response from the Department of Environmental Services. Goodwin is taking it one day at a time.

CALEDONIAN RECORD

8/31/04

Guilfooy, Mike

From: Press Inquiry Form [unknown]
Sent: Wednesday, September 01, 2004 11:46 AM
To: Drew, Tim; Martin, James P
Cc: Nolin, Michael P; Walls, Michael J.; Gruttemeyer, Pat; Brockett, Kathy; Guilfooy, Mike; Giunta, Tony
Subject: Press Inquiry Form Submittal
Importance: High

Press Inquiry Form Submittal

DES Person Contacted: Jim Martin
Date of Inquiry: 9/1/2004
Name of Reporter: Lynn Bixby
Newspaper / Media Station: Littleton Courier
Telephone:
Inquiry Topic: NCES
Conversation Summary: Discussed the letter from David Goodwin to DES. I told him the Commissioner received the letter and that he asked the WMD to comment on the letter. I told him the WMD is looking into the facts of the allegations to determine what course DES should take. He wants a follow up on Friday.
Other DES staff mentioned or contacted: Tony Giunta
Date Entered: Wednesday, September 01, 2004

treatment -- chlorine vs. UV. After speaking with Steve Roberts, I called Paul back to explain that there are a lot of factors that go into the decision of which to use and it really comes down to a site specific decision.

Date Entered: Friday, October 01, 2004

Division Director cc: Harry Stewart

Other DES Staff Mentioned:

DES Contact: Jim Martin

Date of Inquiry: 9/30/2004

Reporter Name: Lynn Bixby

Media Name: Littleton Courier

Telephone: 444-3927

Inquiry Topic(s): NCES Landfill

Conversation Summary: Wanted to know what DES's response has been to David Goodwin's letter referring to inappropriate fill used during the capping of part of the landfill. I faxed him the Commissioner's letter to Mr. Goodwin and explained that it was self-explanatory. For those who have not read the letter it makes the following points. We have the capping certified by the engineering firm. The area where he said he dumped "stones" was allowed to contain stone up to four inches in diameter and the cap in Stage I is functioning properly and not showing any signs of instability.

Date Entered: Friday, October 01, 2004

Division Director cc: Tony Giunta

Other DES Staff Mentioned:

FILE

AWARE and THE DAVID AND GOLIATH TRUST
P.O. BOX 842
BETHLEHEM, NH 03574
Phone and Fax: 603 869-9770

Dear, Commissioner Michael Nolin, NH Department of Environmental Services;

AWARE, an environmental committee dedicated to clean air and water, has received copies of the materials sent to you by Mr. David Goodwin, August 12, 2004.

Mr. Goodwin's documentation testifies to the improper use of unscreened bank run in the capping of Stage I of the Casella owned and operated NCES landfill in Bethlehem completed in the fall of 1997.

The State-approved final cover system specified screened material. However, according to Mr. Goodwin's testimony, whenever the screening mechanism broke down raw bank run was substituted.

Since the environment and the public's health are at stake, AWARE respectfully asks your offices to investigate this matter fully to determine whether the substituted raw bank run was used violating and compromising the final cover system.

I look forward to your detailed response in the near future.

Enclosed are two news articles on the subject for your convenience.

Sincerely,

Susan Stith 09/16/04

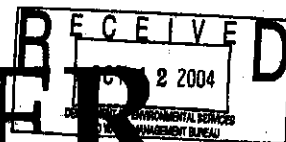
Susan Stith, President
AWARE

Cc:

Chairman G. Bradley Richards, Department of Environmental Services
Governor Craig Benson
Members of the Governor's Executive Council, per the Honorable Raymond Burton
Members of the Waste Management Council, per Chairman G. Bradley Richards
Attorney General Kelly Ayotte
Selectboard of the Town of Bethlehem
Commissioner Robert Varney, U.S. Environmental Protection Agency
Senator Gallus
Representative Densmore
Attorney Edward Boutin
Editor, The Manchester Union Leader
Editor, The Concord Monitor
Editor, The Caledonian Record
Editor, The Courier
Matthew Wilson, Director Toxic Action
Alan Grover, WABI-TV

THE COURIER

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Area News

115TH YEAR, 40TH ISSUE

10-6-04

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Bethlehem

Environmental commissioner finds 'nothing improper' at landfill

By LYN BIXBY
COURIER STAFF

BETHLEHEM—State Environmental Commissioner Michael Nolin, responding to a concern that unsuitable fill material was used to cover part of the private landfill on Trudeau Road seven years ago, said he found nothing improper.

"An assessment of the construction documentation shows that the on-site engineers certified that the construction did meet the required specifications,"

Nolin wrote in a letter to David Goodwin, a Franconia resident who raised the issue.

Goodwin said he drove a dump truck in the fall of 1997, hauling sand and gravel for two or three months to cap a portion of the 50-acre North Country Environmental Services, Inc., landfill known as Stage I. He said he believed the specifications called for screened sand, but the screening operation broke down a number of times, and he delivered many loads of "bank run gravel," which contained

stones.

Nolin said in his letter that plans for the capping operation actually allowed the fill material to contain stones up to four inches in diameter.

"Having reviewed my staff's report, it should be noted that all necessary back-up documentation and engineering certifications are in order," he wrote. "I am also encouraged by the fact that the cap in Stage I is functioning properly and is not showing any signs of instability."

Goodwin said he was concerned that the presence of

stones could compromise the cap and create a potential for groundwater pollution.

He made his concerns public in a written statement and an accompanying video of him reading the statement that he sent to state and federal environmental regulators, state elected officials, and news outlets. He said he was inspired in part to issue the statement because he was dying of brain cancer and was putting his affairs in order.

"I give [the statement] fully and freely in the hope

that it will help the New Hampshire Department of Environmental Services in the exercise of its regulatory responsibility and its stated goal of protecting the environmental integrity of the state's resources," he wrote in a cover letter. "I regret that I did not come forth earlier. I was concerned that to do so would have jeopardized my ability to earn a living."

Goodwin did not send a copy of his statement to NCES.

Bryan Gould, a Concord lawyer who represents the

company, said in August that he checked with the company's consulting engineers, who monitored the project, and was told that bank run gravel met the specifications for the job.

Nolin said in his letter that documentation for the capping operation included "a daily accounting of activities by Atlantic Testing Laboratories at the facility as well as sub-grade acceptance certification by Terrafix Environmental, Inc.," the company that installed the plastic cap.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023



FILE

OFFICE OF THE
REGIONAL ADMINISTRATOR

October 12, 2004

Susan Stith, President
AWARE and The David and Goliath Trust
P.O. Box 842
Bethlehem, NH 03574

Dear Ms. Stith:

Thank you for your letter of September 16, 2004, regarding an issue concerning the placement of the final cap at the North Country Environmental Services (NCES) Landfill located in Bethlehem, New Hampshire. In your letter you cited documentation provided by Mr. David Goodwin concerning his role in transporting cover materials to the landfill location and his observation that the material he transported did not meet what was believed to be the specification.

EPA does not regulate municipal solid waste. We therefore contacted Mr. Mike Guilfooy of the NHDES to discuss your issue. Mr. Guilfooy was aware of Mr. Goodwin's concerns and provided a letter from the NHDES Commissioner, Mr. Michael Nolin, to Mr. Goodwin in response to these same issues (copy enclosed). We believe the NHDES carefully reviewed the facts and concluded the construction material met specifications and that the landfill cap is properly functioning.

We thank you for your concern in this issue. Should you wish to discuss this matter further with Mr. Guilfooy, he can be reached at (603) 271-6467.

Sincerely,

Robert W. Varney
Regional Administrator

Enclosure

Help us serve you better. If you need to call us regarding this correspondence in the future, please reference 01-0400226.



The State of New Hampshire
Department of Environmental Services



Michael P. Nolln
Commissioner

September 10, 2004

David Goodwin
P.O. Box 673
Franconia, N.H. 03580

Re: Your Letter of August 12, 2004

Dear Mr. Goodwin,

Thank you for your letter in which you express concern about the construction of the Stage I closure project at the North Country Environmental Services landfill in Bethlehem, New Hampshire. The Department greatly appreciates conscientious and involved citizens such as you, without whom, our job would be much more difficult. I also extend my deepest sympathy to you and your family during this challenging time in your own private life.

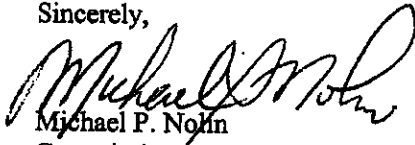
My understanding of your concern is you believe "off-specification" fill material was used for the Stage I closure project. Your belief is based on the fact that you witnessed material taken directly from the unprocessed gravel pit and subsequently used in place of processed screened material. As a result of your correspondence, I directed my staff to investigate your observations. They report the following.

After a solid waste construction project is completed, the owner is required to submit "as-built" documentation and an engineer's certification that the project was completed per the plans. The Department has such documentation for the NCES Stage I closure construction. The report contains a daily accounting of activities by Atlantic Testing Laboratories at the facility as well as sub-grade acceptance certification by Terrafox Environmental, Inc. (the company who installed the plastic cap).

An assessment of the construction documentation shows that the on-site engineers certified that the construction did meet the required specifications. The certification is filed here at the Department. Department staff also noted that in the area you described as having received materials containing stones, construction plans actually allowed fill material to contain stones up to four inches in diameter.

Having reviewed my staff's report, it should be noted that all necessary back-up documentation and engineering certifications are in order and have been filed with the Department. I am also encouraged by the fact that the cap in Stage I is functioning properly and is not showing any signs of instability. Again, thank you for the information you provided. I appreciate your concern and willingness to share it with the Department.

Sincerely,



Michael P. Nolln
Commissioner

MPN/APG/ama
W:\2004\NCES - Goodwin Observations on Gravel Installation21.doc

cc: Anthony P. Giunta, P.G., Director, WMD
James Martin, PIP
Michael E. Guilfoyle, P.E.
Town of Bethlehem
John Gay, NCES

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-3644 • Fax: (603) 271-2181 • TDD Access: Relay NH 1-800-735-2964
DES Web site: www.des.nh.gov