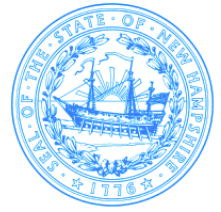




The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

April 23, 2021

**CERTIFIED MAIL
7015 3010 0000 1292 9459
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 21-009**

North Country Environmental Services, Inc.
P.O. Box 9
Bethlehem, NH 03574
Email: kevin.roy@casella.com

**SUBJECT: North Country Environmental Services, Inc. Landfill, 581 Trudeau Rd., Bethlehem, NH
Solid Waste Permit No. DES-SW-SP-03-002**

Operating Deficiency – Vertical Limits

Dear Mr. Roy:

The New Hampshire Department of Environmental Services (NHDES) issues this Letter of Deficiency (LOD) to notify North Country Environmental Services, Inc. (NCES) that NHDES has identified a compliance deficiency, discussed below, concerning operation of the above referenced solid waste facility. NHDES hereby requests NCES address the deficiency in the manner specified in ***bold italic type***.

(1) Failure to operate only within the permitted vertical and lateral limits of the landfill

On February 18, 2021, NHDES issued a Notice of Findings (NOF) regarding facility capacity. In its response dated March 3, 2021, NCES provided a capacity evaluation with a plan entitled, “2020 AFR Volume Remaining” that showed NCES has placed waste outside the permitted vertical limits of the landfill by up to approximately 16 feet in the northeast area of the landfill. The permitted vertical and lateral limits of this area of the landfill are identified in Condition (3) of the permit modification dated August 15, 2014. In accordance with Condition (8) of the same permit modification, and the therein referenced NH Solid Waste Rule Env-Sw 806.02(b) which states “wastes shall be placed only within the permitted vertical and lateral limits of the landfill,” NCES must operate within the facility limits in the approved plans. A permit modification for Stage VI was approved on October 9, 2020 and slightly modified the permitted vertical limits in the subject area of the landfill, but the overfill exceeds the modified limits and operating approval for Stage VI, Phase I was not granted until March 19, 2021.

Requested Response Action:

NHDES requests that NCES immediately cease placing waste outside the vertical limits of the landfill, and promptly relocate waste to areas within the permitted vertical and lateral limits of the landfill. NHDES requests that, within 5 working days, NCES submit an incident report that includes the information required by Env-Sw 1005.09(b) and a plan and schedule for completing waste relocation to within the permitted limits approved for operation. Further, NHDES requests

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-2925 • Fax: 271-2456 TDD Access: Relay NH 1-800-735-2964

updates in writing weekly on NCES' progress in relocating the waste and status of implementing measures to reduce, eliminate, and prevent a recurrence of the situation.

Please address all matters related to this Letter of Deficiency to:

Debra Sonderegger, Enforcement Coordinator
NHDES/WMD
P.O. Box 95
Concord, NH 03302-0095
Fax: 603-271-2456
Email: debra.a.snderegger@des.nh.gov
Telephone: (603) 271-0674

A copy of the New Hampshire Solid Waste Rules, Env-Sw 100 et seq. is available on the NHDES website at <http://des.nh.gov/organization/commissioner/legal/rules/index.htm> or by contacting the Public Information Center at (603) 271-2975. Statutes are available via the State of NH website, www.nh.gov.

Thank you in advance for giving this Letter of Deficiency immediate attention. Failure to respond as requested may result in enforcement action pursuant to RSA 149-M with regard to the noted deficiencies. Potential enforcement actions include issuance of an administrative order or referral to the New Hampshire Department of Justice (NHDOJ) for enforcement. Also, please be advised that issuance of this Letter of Deficiency and your response actions do not limit NHDES from seeking monetary penalties for the noted deficiencies, either administratively pursuant to RSA 149-M or by referral to NHDOJ.

Your cooperation is appreciated.

Sincerely,



Sarah Yuhas Kirn, P.G., Assistant Director
Waste Management Division
Tel.: (603) 848-8641
Email: sarah.l.yuhaskirn@des.nh.gov

ec: John Gay, NCES, email: john.gay@casella.com
Gabe Boisseau, Chair-Board of Selectmen, Town of Bethlehem, email: selectman3@bethlehemnh.org
Town Clerk, Town of Bethlehem, email: townclerk@bethlehemnh.org
April Hibberd, Administrative Assistant, Town of Bethlehem, email: admin@bethlehemnh.org
NHDES Legal Unit