

**From:** [Melissa Stevens](#)  
**To:** [Pushee, Laurel](#)  
**Cc:** [Colby, Jaime](#); [Joe Gay](#)  
**Subject:** FW: North Country Environmental Services Inc. Incident Response and Waste Relocation Plan - Administrative Order No 21-010  
**Date:** Monday, August 30, 2021 6:21:52 PM  
**Attachments:** [A-1 Part 3 - Landfill Sections.pdf](#)  
[A-1 Part 2 - Volume Remaining.pdf](#)  
[NCES Incident Report \(2021 08 30\).pdf](#)  
[A-1 Part 1 Existing Conditions.pdf](#)

**EXTERNAL:** Do not open attachments or click on links unless you recognize and trust the sender.

Dear Ms. Pushee:

On behalf of Joe Gay, I am providing you with a transmittal of North Country Environmental Services, Inc.'s Incident Response and Waste Relocation Plan as required by Administrative Order No. 21-010.

Thank you, and please let me know if you have any questions.

**Melissa Stevens**

Associate General Counsel  
Casella Waste Systems, Inc.

25 Greens Hill Lane  
Rutland, VT 05701  
p. 802.772.2201  
c. 802-417-9661

Learn more at [casella.com](http://casella.com)

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**From:** Melissa Stevens <[melissa.stevens@casella.com](mailto:melissa.stevens@casella.com)>  
**Sent:** Monday, August 30, 2021 6:13 PM  
**To:** Colby, Jaime <[Jaime.M.Colby@des.nh.gov](mailto:Jaime.M.Colby@des.nh.gov)>  
**Cc:** Joe Gay <[John.Gay@casella.com](mailto:John.Gay@casella.com)>  
**Subject:** North Country Environmental Services Inc. Incident Response and Waste Relocation Plan - Administrative Order No 21-010

Dear Ms. Colby:

On behalf of Joe Gay, I am transmitting North Country Environmental Services, Inc.'s Incident Response and Waste Relocation Plan as required by Administrative Order No. 21-010.

Thank you for your attention to this matter, and please let me know if you have any questions.

**Melissa Stevens**

Associate General Counsel  
Casella Waste Systems, Inc.

25 Greens Hill Lane  
Rutland, VT 05701  
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**INCIDENT REPORT PURSUANT TO NHDES ADMINISTRATIVE ORDER 21-010 WMD  
August 30, 2021**

Facility name, location, and permit number: North Country Environmental Services, Inc.  
581 Trudeau Road  
Bethlehem, NH 03574  
Solid Waste Permit # DES-SW-SP-003-002

Permittee Name, Mailing Address, and Telephone Number: North Country Environmental Services, Inc.  
P.O. Box 866  
Rutland, VT 05702  
603-869-3366

Persons Involved: Kevin Roy, Division Manager, NCES  
Bruce Grover, Operations Manager, NCES

Incident Report: This Incident Report is provided as a requirement of Administrative Order No. 21-010 WMD dated July 16, 2021 (the “AO”), Section E<sup>1</sup>.

The incident arises from the depositing of waste above the future final waste limits at the landfill as shown on a plan submitted by NCES to NHDES on March 3, 2021, and as alleged in Section D.1 of the AO.

Incident Description: NCES operates the landfill facility pursuant to a solid waste permit issued by NHDES. NCES received a permit modification for the development and operation of Stage V of the landfill on August 15, 2014. It then received approval for the Stage VI expansion on October 9, 2020. Both the Stage V and Stage VI approvals describe the permissible limit of landfilled waste in each stage of development in terms of the *final* capped and closed grades of each cell.

Consistent with industry practice, the practices of other solid waste facilities in New Hampshire, and NCES’s own historical practices, NCES placed waste above what will be the final waste grades of the facility so that when the time comes to cap and close the landfill, the waste mass will have settled to the approximate final grades. Final waste grades must be three to four feet below the final permitted contours of the closed facility to accommodate the construction of the landfill capping system, which is several feet thick. It is not uncommon for the waste mass to settle two or more feet each year. NCES and other landfill operators in New Hampshire have employed this practice of placing waste above what will be the final waste grades for decades,

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<sup>1</sup> NCES submits this incident report subject to and without waiving its rights, claims, defenses, and remedies, including without limitation NCES’s appeal of the AO to the New Hampshire Waste Management Council, Docket #21-08 WMC, as well as the companion action pending in the superior court. Merrimack Superior Court, Case No. 217-2021-CV-00434.

anticipating that the waste mass will subside to close to final grades by the time capping is to take place.

In accordance with its historical practice and industry standards, NCES placed lifts of waste in the northern portion of the top area of the landfill to elevations that exceeded the future final waste limits of the facility. Drainage features that are components of future final grades were filled to grades that promote drainage so as to minimize impacts to active areas and high traffic zones, as well as to direct flow to stabilized structures constructed to handle run off appropriately. A flat surface on the top deck is preferable to create sheet flow for stormwater that would flow towards existing drainage features and away from the access road on the surface of the facility.

Date and Time the Incident Occurred:

It is difficult to pinpoint the date at which waste was first placed at an elevation above future final waste grades because, until NCES received the Letter of Deficiency on April 23, 2021 (the “LOD”), filling above future final grades was not an event of regulatory significance to NCES’s knowledge<sup>2</sup>. NCES does not determine the elevation of any lift of waste at the moment it is placed in “real time.” Rather, the facility periodically monitors the height of the waste mass by having a ground or aerial survey completed and compares the survey to the fill progression plans.

At this time, based on NCES’s operational filling sequence, the best estimate for when waste was first placed above future final waste grades is in the 4<sup>th</sup> quarter of 2020 and into the 1<sup>st</sup> quarter of 2021 until NCES received operating approval for Stage VI of the facility.

Quantity and Type of Waste:

34,400 cubic yards of municipal solid waste were placed above future final waste grades on the top deck of the landfill. This waste was covered with about 14,000 cubic yards of intermediate cover soil. Reference is made to the attached plan of topographic survey conducted on August 9, 2021, which demonstrates the difference between existing grades and future final waste grades at the bottom of the landfill cap (top of intermediate cover). See Attachment A-1 Parts 1, 2 & 3.

Measures Employed to Contain Releases:

This incident did not result in any releases, and placement of waste above future final grades does not increase the chance of a release such that measures must be employed preventatively.

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<sup>2</sup> Until NCES received the LOD, it had no notice that NHDES considered this practice to be a violation of the solid waste rules or the terms of NCES’s permit.

Assessment of Hazards:

*Environmental* –Waste placement has always been contained entirely within the lined landfill area. Accordingly, there is no record or indication of any impacts to surface water, groundwater or soil quality, and no erosion or sediment transport has occurred, nor is it expected to occur.

*Safety* –Waste placement did not present a safety hazard. All waste placement work was and will continue to be completed in accordance with NCES health and safety protocols set forth in the operating plan approved by NHDES.

*Human Health* –Waste placement above future final waste grades did not present, nor is expected to present, a hazard to human health. All work was and will continue to be completed in accordance with NCES health and safety protocols set forth in the operating plan approved by NHDES.

Measures Taken and Proposed Waste Relocation:

Waste placement on the deck of the landfill and outside the future final waste grades of the deck ceased on March 19, 2021, when NCES received approval from NHDES to operate in Stage VI, and prior to receiving the LOD<sup>3</sup> on which the AO is based.

A topographic survey of the existing grades of the landfill was completed on August 9, 2021 as required by Section E(2)(a) of the AO. A plan comparing existing grades to future final waste grades is attached (A-1, Parts 1, 2 & 3). The survey covers the entire facility as required by the AO. NCES’s waste relocation plan, however, addresses only the waste NHDES has alleged to be above the future final grade of the deck.

NCES intends to seek a stay of the AO pending the outcome of its appeal before the waste management council. If NCES is unable to obtain a stay, or if it obtains a stay but the council ultimately requires NCES to complete the waste relocation contemplated by the AO, the relocation of waste will be managed by Kevin Roy, Manager of NCES, and Joe Gay, Compliance Manager. The relocation of waste will be conducted primarily by on-site Casella personnel, but it is possible that NCES will contract with third parties if needed. NCES has made arrangements to lease additional equipment, and to hire qualified equipment operators, if necessary, to prepare for this contingency. If NCES is unable to obtain a stay or otherwise is required to proceed with the waste relocation while its appeal is pending, it expects that the waste relocation could be completed by mid-November. Upon commencement of this work, NCES will provide NHDES with monthly progress reports that detail the amount of waste relocation

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<sup>3</sup> The LOD required an immediate cessation of waste placement outside future final waste grades.

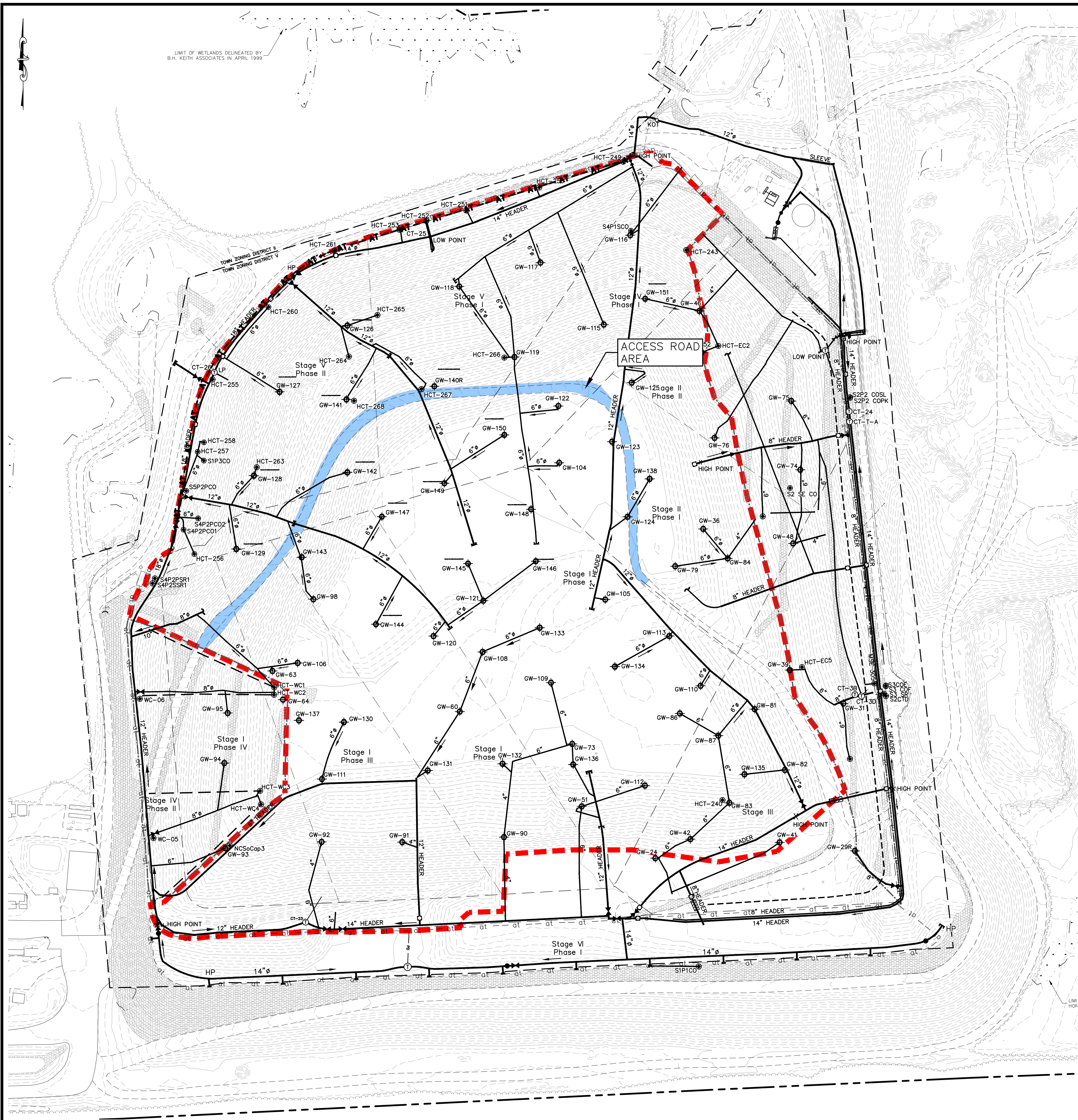
accomplished as well as the amount of waste remaining to be relocated. NCES will submit quarterly topographic surveys comparing existing grades to the final future waste grades to NHDES on or before the 15<sup>th</sup> day of the month following each quarter.

Any work performed to comply with the AO will be consistent with NCES's approved site operating and odor control plans and solid waste permit. The work shall also be formed in a manner that controls to the greatest extent practicable the various onsite and offsite impacts described in Section E(3) of the AO.

### **Attachments**

- A-1 – Part 1 Topographic Site Survey – Existing Conditions
- Part 2 Topographic Site Survey – Volume Remaining
- Part 3 Topographic Site Survey – Landfill Sections

LIMIT OF WETLANDS DELINEATED BY  
B.H. KEITH ASSOCIATES IN APRIL 1999



**Notes:**

1. Topography shown was developed from site survey performed by Horizons Engineering, Inc. on August 9, 2021.
2. Landfill Gas Piping shown was provided by Sanborn Head & Associates Inc.

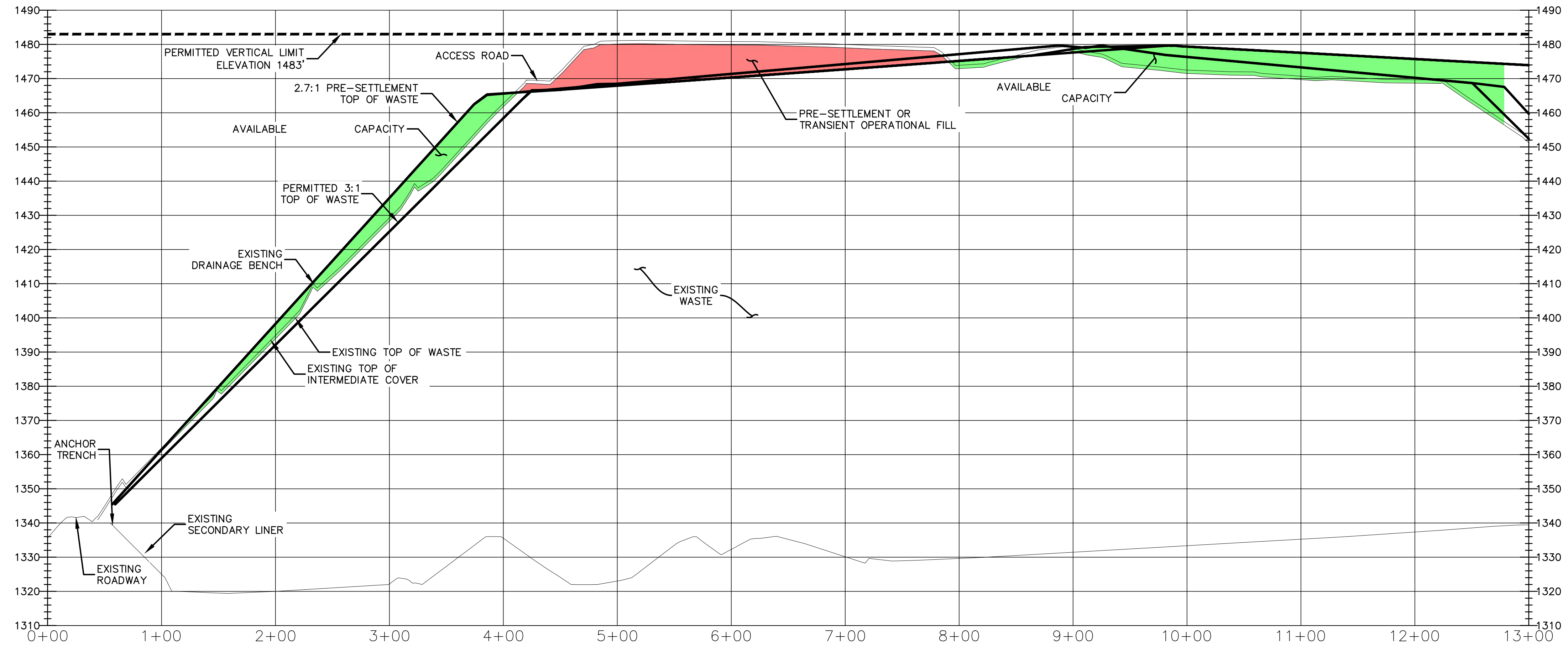
**Legend:**

- August 9, 2021 2' Contour
- 1440 August 9, 2021 10' Contour
- - - - - Limit of Landfill District V Zone
- at - at - at - at - at - at - Anchor Trench
- Access Road

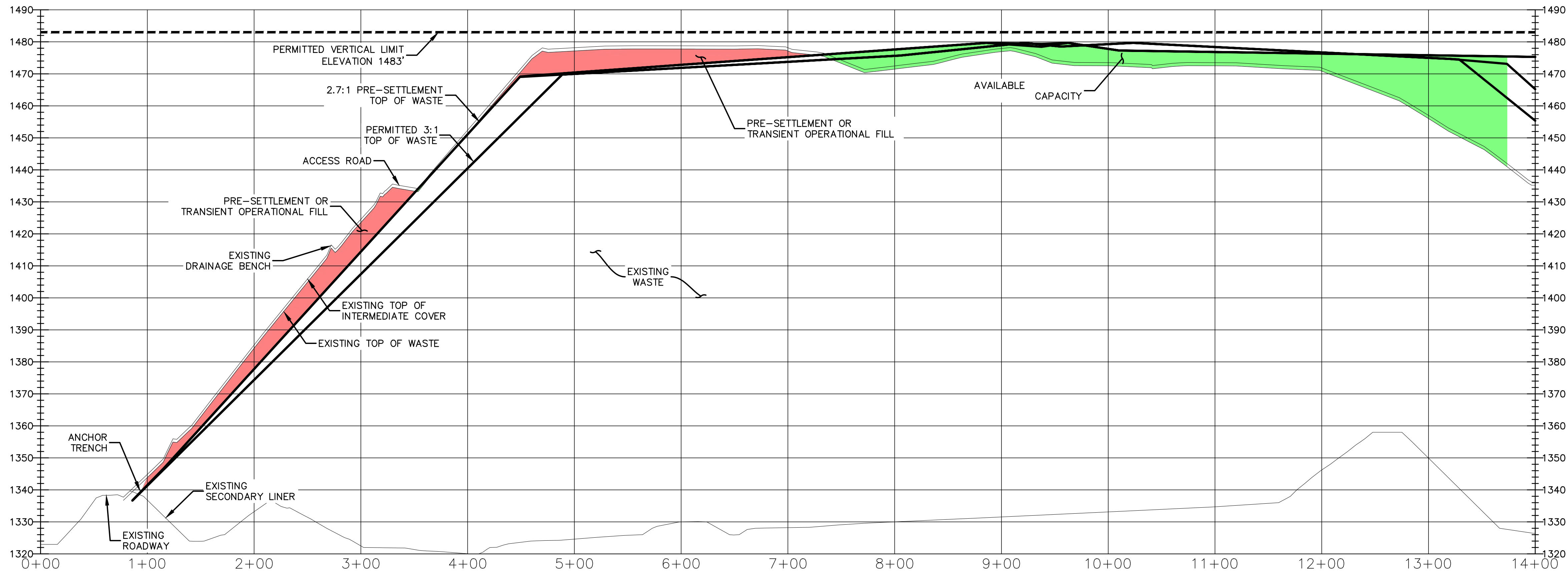
<p>designed by: RIG          date: August 2021          project no: 665          file name:</p>		<p>drawn by: ATR          approved by:</p>		<p>scale:          1" = 100'          2" = 200'</p>	
<p>North Country Environmental Services          Bethlehem New Hampshire          DES Incident Report          Operating Deficiency - Vertical Limits          Existing Conditions Plan</p>					
<p>drawing no. 1</p>					
sheet: 1	of 3			no.	revision
<p>CMA ENGINEERS          CIVIL/ENVIRONMENTAL/STRUCTURAL          Portsmouth, NH • Manchester, NH • Portland, ME          603/431-6196 • 603/627-0708 • 207/541-4223          c m a e n g i n e e r s . c o m</p>					







**Section A-A'**  
 Horizontal: 1" = 60'  
 Vertical: 1" = 20'



**Section B-B'**  
 Horizontal: 1" = 60'  
 Vertical: 1" = 20'

no.	revision	date	by

**CMA ENGINEERS**  
 CIVIL/ENVIRONMENTAL/STRUCTURAL  
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 603/431-6196 • 603/627-0708 • 207/541-4223  
 c m a e n g i n e e r s . c o m

date:	August 2021	designed by:	RJG
project no:	665	drawn by:	ATR
file name:		approved by:	

scale:  
 0 60 120'  
 Scale: 1" = 60'

North Country Environmental Services  
 Bethlehem New Hampshire  
**DES Incident Report**  
**Operating Deficiency - Vertical Limits**  
 Site Survey August 9, 2021  
 Landfill Sections

F:\CADD\PROJECTS\665\dwg\Engineer\Working\Volumes\2021\665--Volume Update 210809--Report Figures.dwg Date Plotted: Aug 23, 2021 - 3:08pm Plotted By: ATR