



For a thriving New England

CLF New Hampshire 27 North Main Street  
Concord, NH 03301  
P: 603.225.3060  
F: 603.225.3059  
www.clf.org

**HAND DELIVERED**

May 11, 2023

Waste Management Council  
Appeals Clerk  
c/o DES Legal Unit  
29 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095

RE: Conservation Law Foundation's Notice of Appeal of Type II Permit Modification – Approval to Commence Construction, North Country Environmental Services' Stage VI, Phase 2

Dear Appeals Clerk:

Enclosed please find Conservation Law Foundation's Notice of Appeal in the above referenced matter.

We are enclosing an original and 20 copies and have served all interested parties via e-mail.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Heidi H. Trimarco, Esq.  
Staff Attorney  
Conservation Law Foundation

Encls.

cc: Joshua Harrison, Esq., Office of Attorney General (via email)  
Bryan Gould, Esq. (via email)  
Cooley Arroyo, Esq. (via email)  
Morgan Tanafon, Esq. (via email)  
Michael Wimsatt, Director of Waste Division, NHDES  
Robert Scott, Commissioner, NHDES  
Thomas Irwin, Esq., Conservation Law Foundation (via email)

**THE STATE OF NEW HAMPSHIRE  
WASTE MANAGEMENT COUNCIL**

**NOTICE OF APPEAL**

**Type II Permit Modification - Approval to Commence Construction,  
NCES Stage VI Phase 2, Permit No. DES-SW-SP-03-002  
North Country Environmental Services Inc. Landfill, Bethlehem, NH**

Conservation Law Foundation (“CLF”) submits this Notice of Appeal of the above-referenced Type II Permit Modification - Approval to Commence Construction of Stage VI, Phase 2 of North Country Environmental Services, Inc.’s (“NCES”) landfill in Bethlehem, New Hampshire, issued by the New Hampshire Department of Environmental Services (“DES”) on or about April 12 or 17, 2023 (the “Permit Modification”). In support thereof, CLF provides the following information in accordance with the requirements of Env-WMC 204.02(b):

(1) Appellant

Conservation Law Foundation, Inc.  
New Hampshire Office:  
27 North Main Street  
Concord, NH 03301  
(603) 225-3060  
tirwin@clf.org, htrimarco@clf.org

Organizational Headquarters:  
62 Summer Street  
Boston, MA 02110  
(617) 350-0990

(2) Appellant’s Representatives

Thomas F. Irwin, Esq.  
Vice President and New Hampshire Director  
Conservation Law Foundation  
27 North Main Street  
Concord, NH 03301  
(603) 573-9139  
tirwin@clf.org

Heidi H. Trimarco, Esq.  
Staff Attorney  
Conservation Law Foundation  
27 North Main Street  
Concord, NH 03301  
(603) 573-9140  
htrimarco@clf.org

(3) Concise Statement of Relief Sought and Statutory Basis

CLF requests that the Waste Management Council (“Council”) rule that the Permit Modification is unlawful and that the Permit Modification and the associated approved construction activities cannot proceed. RSA 149-M:8; Env-WMC 205.14.

The Permit Modification is unlawful because the Waste Management Council has determined that DES acted unlawfully when it issued the underlying permit, Permit No. DES-SW-03-002 (the “Permit”). *Appeal of Conservation Law Foundation*, Docket No. 20-14 Final Order, May 11, 2022 (“Final Order”); *see also* Order on NCES’s Motion for Rehearing, WMC 20-14, Nov. 3, 2022 (denying NCES’s motion for reconsideration of the Final Order). For the reasons articulated by CLF in CLF’s appeal of the Permit in Docket 20-14, incorporated by reference herein, and for the reasons determined by the Council in that appeal, the Permit and the Permit Modification are unlawful pursuant to RSA 149-M:11. *See id.* The Permit Modification is additionally unlawful because it conflicts with the Council’s determination in the Final Order that the Permit was issued unlawfully. *See id.*

While the Council may not have the authority to grant injunctive relief, the Council is authorized to determine that the Permit Modification was issued unlawfully pursuant to RSA 21-O:9, V, and the Hearing Officer is charged with deciding all questions of law presented during the pendency of an appeal, pursuant to RSA 21-M:3, IX. CLF requests that the Council rule that the Permit Modification and approval of construction activities are unlawful and cannot proceed.

(4) Concise Statement of Facts Upon Which the Council is Expected to Rely in Granting Relief

NCES no longer has a valid permit to operate Stage VI of the Bethlehem landfill. DES originally issued the Permit to NCES on October 9, 2020, and CLF appealed the permit to the Council on November 9, 2020. The Council held a full hearing on the merits of the permit appeal

on February 18 and 22, 2022, and issued the Final Order on May 11, 2022, granting CLF's appeal in part and ruling that DES issued the permit unlawfully. Specifically, the Council determined that:

NHDES acted unlawfully in determining there existed sufficient capacity need under RSA § 149-M:11, III(a) justifying operation of the NCES Facility for its proposed six-year operating period.

Final Order at 6. The Council determined that DES acted unlawfully when it determined that the facility would provide a substantial public benefit and satisfy a solid waste capacity need pursuant to RSA § 149- M:11, III(a) when the facility would only operate for one year during a time of capacity shortfall and would operate for five years during a period of excess landfill capacity. *See id.* at 6-13. Relying on the plain meaning of the statute, the Council determined that the statute “requires a proposed facility to operate during a period of capacity need . . . .” *Id.* at 13. On the basis of these determinations, the Council's Final Order concludes:

The Council **REMANDS** the Permit to the NHDES Commissioner with respect to Discussion Section C. The Council has determined that NHDES acted unlawfully in finding the NCES Facility provided a substantial public benefit under RSA § 149-M:11, III when the NCES Facility was projected to operate during a period without capacity need.

*Id.* at 20 (emphasis in original). NCES and DES filed motions to reconsider the Final Order, and the Council denied both motions. Order on NCES's Motion for Rehearing, WMC 20-14, Nov. 3, 2022; Order on NHDES's Motion for Reconsideration, WMC 20-14, Nov. 3, 2022. NCES and DES appealed the Council's November 3, 2022 orders to the New Hampshire Supreme Court, and the two appeals have been consolidated into one matter that is now pending before that Court. *Appeal of New Hampshire Department of Environmental Services*, No. 2022-0690.

Upon information and belief, NCES has continued to operate Stage VI, despite the Council's determination that the Stage VI permit was issued unlawfully. NCES applied to DES for approval of construction of Phase II of Stage VI, and on or about April 12 or 17, 2023, DES granted NCES's requested permit modification and approved NCES's construction plans. *See* attached. As part of those approvals, DES included the following statement:

NHDES notes that NDES's approval of Stage VI, issued October 9, 2020, is under appeal with the Waste Management Council and the New Hampshire Supreme Court. Accordingly, the Stage VI decision is subject to remand or other

decision and all related construction and operating approvals may be subject to subsequent NHDES action. As such, any and all construction performed by NCES pursuant to this approval is done so at NCES's sole risk.

*See* New Hampshire Department of Environmental Services to John Gay, Engineering Manager, North Country Environmental Services, April 12, 2023, attached. DES's approval of NCES's Stage VI, Phase II construction is effective immediately.

(5) Concise Statement of Standing

The Council determined on multiple occasions that CLF has standing to challenge DES's issuance of the Stage VI Permit. *See, e.g.* Order on Motion to Dismiss, WMC 20-14, March 17, 2021; Order on Motion for Reconsideration, WMC 20-14, May 11, 2021. CLF has members who own property and/or reside in close proximity to NCES's Bethlehem landfill who are directly and adversely affected by the landfill facility's operation, and who will be directly and adversely affected by the Permit Modification at issue in this appeal. Two of these members, Andrea Bryant and Peter L. Menard, submitted sworn affidavits in support of CLF's appeal of the Permit, and those affidavits are attached here as Exhibits 1 and 2, and incorporated into this notice.

Ms. Bryant and Mr. Menard own and reside at property in close proximity to the landfill. As explained in detail in the attached affidavits, both experience regular direct and negative impacts from the landfill. Affidavit of Andrea Bryant, Exhibit 1; Affidavit of Peter Menard, Exhibit 2. Ms. Bryant lives approximately one mile from the landfill, and Mr. Menard lives approximately two miles from the landfill. The landfill operations have directly impaired Ms. Bryant's and Mr. Menard's use and enjoyment of their properties. Ms. Bryant and Mr. Menard regularly experience direct, adverse noise and odor impacts from the landfill on their properties, and the landfill directly and negatively impacts their views from their properties. Ms. Bryant and Mr. Menard are concerned about the landfill's adverse impacts on their properties, their use and enjoyment thereof, the environment, and their property values. *See also* Declaration of Andrea Bryant, attached as Exhibit 3. Ms. Bryant and Mr. Menard both actively opposed the landfill and expansions to the landfill. Because CLF's members are directly and adversely affected by the Permit Modification, CLF has standing.

(6) Copy of the Decision or Order Being Appealed

Please see attached:

- a. New Hampshire Department of Environmental Services to John Gay, Engineering Manager, North Country Environmental Services, April 12, 2023, Subject: North Country Environmental Services, Inc. Landfill, Bethlehem, NH Permit No. DES-SW-SP-03-002 Issuance of Type II Permit Modification – Final Construction Plans (Stage VI Phase II)
- b. New Hampshire Department of Environmental Services APPROVAL - Final Construction Plans & Specifications, Permit No. DES-SW-SP-03-002, April 12, 2023
- c. Jaime Colby, New Hampshire Department of Environmental Services to John Gay, April 17, 2023, Subject: NCES Landfill Stage VI Phase II – Approval to Commence Construction

(7) Notice of and Support for a Request for Expedited Review

CLF requests the Waste Management Council provide an expedited review of this appeal pursuant to Env-WMC 204.14. This appeal is being filed on May 11, 2023. CLF requests expedited review of this appeal because the Council has already determined that the Permit underlying this Permit Modification was issued unlawfully, and that determination is currently on appeal to the New Hampshire Supreme Court. *Appeal of New Hampshire Department of Environmental Services*, No. 2022-0690. Despite the Council's determination that DES acted unlawfully when it issued NCES's Permit, DES still issued this Permit Modification to allow NCES to continue and expand operations of Stage VI. Expedited review is necessary to prevent NCES's expansion of Stage VI under an unlawful permit, prevent additional harm to CLF members as a result of an expanded landfill, and prevent additional harm to the environment. There is an imminent and substantial threat to public health and the environment that will remain unaddressed until this appeal is resolved. Env-WMC 203.14(f)(1). An expedited review will not unduly burden NCES or any party to this appeal.

WHEREFORE, Conservation Law Foundation respectfully requests that the Council:

- A. Accept this appeal;
- B. Rule that the Permit Modification that is the subject of this appeal is unlawful;  
and
- C. Grant such further relief as it deems just and reasonable.

Respectfully submitted,  
CONSERVATION LAW FOUNDATION  
By its attorneys,



Thomas F. Irwin (NH Bar No. 11302)  
Conservation Law Foundation  
27 North Main Street  
Concord, NH 03301  
(603) 225-3060  
tirwin@clf.org

Heidi H. Trimarco (NH Bar No. 266813)  
Conservation Law Foundation  
27 North Main Street  
Concord, NH 03301  
(603) 225-3060  
htrimarco@clf.org

Dated: May 11, 2023

CERTIFICATE OF SERVICE

I certify that the original and 20 copies of the foregoing Notice of Appeal was this 11th day of May, 2023, hand-delivered to the Waste Management Council, with a hand-delivered copy to DES Commissioner Robert Scott and DES Waste Division Director Michael Wimsatt, and sent via email to Council for the permit holder and council of record in Docket WMC 20-14.



Heidi H. Trimarco

## Colby, Jaime

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**From:** Colby, Jaime  
**Sent:** Monday, April 17, 2023 2:31 PM  
**To:** John Gay (John.Gay@CASELLA.COM)  
**Cc:** Kevin Roy - Casella Waste Systems, Inc.- NCES (Kevin.Roy@CASELLA.COM); Adam Sandahl (asandahl@cmaengineers.com); Robert Grillo (rgrillo@cmaengineers.com); gouldb@cwbp.com; Harrison, Joshua; townclerk@bethlehemnh.org; selectmen4@bethlehemnh.org; McKenna, Leah; Wimsatt, Mike; jeffrey.palutis@casella.com; Samuel.Nicolai@casella.com  
**Subject:** NCES Landfill Stage VI Phase II - Approval to Commence Construction  
**Attachments:** NCES LF - Stage VI Phase 2 - Stamped NOIC.pdf

Joe,

Pursuant to Env-Sw 1104.03, attached is a stamped copy of the Notice of Intent to Construct (NOIC), which shall constitute approval to commence construction of Stage VI, Phase II as specified in the approved plans and specifications.

NHDES notes that NHDES' approval of Stage VI, issued October 9, 2020, is under appeal with the Waste Management Council and the New Hampshire Supreme Court. Accordingly, the Stage VI decision is subject to remand or other decision and all related construction and operating approvals may be subject to subsequent NHDES action. As such, any and all construction performed by NCES pursuant to this approval is done so at NCES' sole risk.

Please display the stamped NOIC and permit at the construction site, and contact me if you have any questions.

Regards,  
Jaime

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**Jaime M. Colby, P.E.**

**Solid Waste Management Bureau | NH Department of Environmental Services**

29 Hazen Drive, Concord, NH 03302-0095 | Phone: (603) 271-5185

[jaime.m.colby@des.nh.gov](mailto:jaime.m.colby@des.nh.gov)





# Notice of Intent to Construct Solid Waste Management Facility

Waste Management Division, SWMB



RSA/Rule: [RSA 149-M](#) and [Env-Sw 1104](#)

**For NHDES Use Only**

Date of receipt.



WMD Log No.: 2023-63431-01

*JM Colby*  
4/17/2023

- Approval to commence construction is granted pursuant to [Env-Sw 1104.03](#). This stamped copy of the Notice of Intent to Construct (NOIC) shall constitute approval to commence construction in accordance with this notice, the approved plans and specifications, the facility permit, the Solid Waste Rules, and [RSA 149-M](#).  
Approval to commence construction shall expire one year from the date of issuance if construction is not started (ref. [Env-Sw 1104.03\(d\)](#)).  
If the information provided herein is false, misleading or incomplete, this approval may be revoked or suspended pursuant to [Env-Sw 306](#).  
Issue date is the date the NOIC is returned.
- Approval to commence construction can NOT be granted because all of the prerequisites listed in [Env-Sw 1104.01](#) have not been met. Please call (603) 271-2925 for assistance.
- Approval to commence construction can NOT be granted because the form is not complete. Please call (603) 271-2925 for assistance.

**SECTION I. FACILITY IDENTIFICATION & CONTACT INFORMATION**

1. Facility name: North Country Environmental Services Landfill
2. Location by street address and municipality: 581 Trudeau Road, Bethlehem, NH 03574
3. Permit number: DES-SW-SP-03-002
4. Permittee name: North Country Environmental Services Landfill
5. Email address or mailing address (for returning construction approval): john.gay@casella.com
6. If different than above, identify the individual associated with and designated by the Permittee to be the contact individual for matters concerning this notice:
  - a. Name: Adam Sandahl, P.E.
  - b. Title: Project Manager
  - c. Mailing address: 1 Sundial Avenue, Suite 510N, Manchester, NH 03103
  - d. Daytime telephone number: (603) 627-0708
  - e. Email: asandahl@cmaengineers.com

**SECTION II. APPROVED CONSTRUCTION PLANS AND SPECIFICATIONS**

1. Provide the WMD Log No. assigned to the approved construction plans and specifications.  
2022-61805
2. Provide the date of NHDES approval of the construction plans and specifications. April 12, 2023

**SECTION III. CONSTRUCTION SCHEDULE**

1. Intended starting date of construction: 04/17/2023
2. Provide, in the box below or attach, a construction schedule listing: Check here if attached .
  - the discrete construction activities to be performed in the order in which they will be performed;
  - the projected starting date for each discrete construction activity; and
  - the estimated length of time to complete each discrete construction activity.

**SECTION IV. CONTRACTOR AND ENGINEER OR RESPONSIBLE PERSON INFORMATION**


1. Provide, in the box below or attach, the name, address, and professional qualifications of the construction contractor(s). Check here if attached .

2. For construction of a facility that is subject to [Env-Sw 1104.06](#), provide in the box below or attach the name, address, telephone number and professional qualifications of the **Resident Engineer and Project Engineer**. Check here if attached . Check here if N/A .

3. For construction of a facility that is NOT subject to [Env-Sw 1104.06](#), provide in the box below or attach the name, address, and telephone number of the **person(s) in responsible charge** of construction activities. Check here if attached . Check here if N/A .

**SECTION V. PERMITTEE SIGNATURE**

- To the best of my knowledge and belief, the material and information submitted in this notice is correct and complete.
- I acknowledge that any approval to commence construction, if granted, is subject to revocation or suspension if the information provided in this notice is false or incomplete.
- I hereby affirm that all prerequisites for construction, as specified in [Env-Sw 1104.01](#), have been satisfied for the proposed construction activity.
- I hereby affirm that I have provided a copy of this notice to the host municipality (i.e., Board of Selectmen/Council, Mayor and Clerk) and host solid waste district at the following email or mailing address(es): selectman4@bethlehemnh.org (Select Board Chair), and townclerk@bethlehemnh.org

  
 Signature

4/4/23  
 Date

JOHN GRAY  
 Authorized Individual Signing for Permittee  
 (Print Name)

ENGINEER  
 Title of Authorized Individual or  
 Affiliation to Permittee

**SECTION VI. FACILITY OWNER SIGNATURE**

Same as Permittee (Go to Section VII)

OR

- I am the owner of the facility named in this notice.
- I hereby affirm that the permittee has the legal right to operate the facility for the purposes specified in this notice.
- I hereby affirm that I shall grant access to the facility for closure and post-closure monitoring as required by the New Hampshire Solid Waste Rules and [RSA 149-M](#).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Individual Signing for Facility Owner  
(Print Name)

\_\_\_\_\_  
Title of Authorized Individual or  
Affiliation to Facility Owner

**SECTION VII. LAND OWNER SIGNATURE**

Same as Permittee

OR

- I am the owner of the parcel of land on which the facility named in this notice is or will be located.
- I hereby affirm that the permittee has the legal right to occupy and use the land on which the facility is or will be located for the purposes specified in this notice.
- I hereby affirm that I shall grant access to the land for closure and post-closure monitoring of the facility and site as required by the New Hampshire Solid Waste Rules and [RSA 149-M](#).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Individual Signing for Land Owner  
(Print Name)

\_\_\_\_\_  
Title of Authorized Individual or  
Affiliation to Land Owner

**SUBMITTAL INSTRUCTIONS**

Submit the completed notice in PDF via NHDES' [OneStop Data Provider](#) website using the universal Solid Waste Management site code "123456789." Submitting the notice with a different site code will cause processing delays. If you are not registered as a Data Provider, please complete a [registration form](#) to request a username, pin and password. You may also submit the completed notice in PDF via email to [solidwasteinfo@des.nh.gov](mailto:solidwasteinfo@des.nh.gov). Please do not submit a paper copy, unless requested to do so after the e-copy is received.



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

**VIA EMAIL ONLY**

April 12, 2023

John Gay, Engineering Manager  
North Country Environmental Services, Inc.  
1855 VT Route 100  
Hyde Park, VT 05655  
Email: [john.gay@casella.com](mailto:john.gay@casella.com)

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

**Issuance of Type II Permit Modification – Final Construction Plans (Stage VI Phase II)**  
Initial application received December 12, 2022; and assigned Application #2022-61805

Dear John Gay:

The New Hampshire Department of Environmental Services, Waste Management Division (NHDES) has completed its review of the above-referenced application by which North Country Environmental Services, Inc. (NCES) seeks approval of the final construction drawings and specifications for Stage VI Phase II of the NCES landfill in Bethlehem, NH (Facility).

The requested modification is granted, with conditions, per the enclosed approval issued pursuant to [RSA 149-M:9](#) and [Chapter Env-Sw 300](#) of the New Hampshire Solid Waste Rules. Please attach a copy of the enclosed approval to the subject permit to provide a record of this action.

NHDES notes that NHDES' approval of Stage VI, issued October 9, 2020, is under appeal with the Waste Management Council and the New Hampshire Supreme Court. Accordingly, the Stage VI decision is subject to remand or other decision and all related construction and operating approvals may be subject to subsequent NHDES action. As such, any and all construction performed by NCES pursuant to this approval is done so at NCES' sole risk.

Any person aggrieved by this decision can file an appeal with the NH Waste Management Council (Council). Any such appeal must be filed directly with the Council in accordance with the Council's rules, [Env-WMC 204](#), *Appeals: Filing; Notice; Parties and Representatives; Scheduling; Motions*. The appeal must be filed **directly with the Council within 30 days** of the date of this decision and must set forth fully **every ground** upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the Council. Information about the Council, including a link to the Council's rules, is available on the [Waste Management Council's website](#).

[www.des.nh.gov](http://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

If you have any questions regarding this approval, please contact me.

Sincerely,



Jaime M. Colby, P.E.  
Waste Management Division  
Tel.: (603) 271-5185  
Email: [jaime.m.colby@des.nh.gov](mailto:jaime.m.colby@des.nh.gov)

encl. Record of Modification to Permit No. DES-SW-SP-03-002, dated April 12, 2023

ec: Kevin Roy, NCES, email: [kevin.roy@casella.com](mailto:kevin.roy@casella.com)  
Bryan Gould, Esq., Cleveland, Waters & Bass, P.A., email: [gouldb@cwbp.com](mailto:gouldb@cwbp.com)  
Robert J. Grillo, P.E., CMA Engineers, Inc., email: [rgrillo@cmaengineers.com](mailto:rgrillo@cmaengineers.com)  
Adam Sandahl, P.E., CMA Engineers, Inc., email: [asandahl@cmaengineers.com](mailto:asandahl@cmaengineers.com)  
Joshua Harrison, Esq., Environmental Protection Bureau, NHDOJ, email: [joshua.c.harrison@doj.nh.gov](mailto:joshua.c.harrison@doj.nh.gov)



**APPROVAL – Final Construction Plans & Specifications**  
**RECORD OF MODIFICATION TO SOLID WASTE MANAGEMENT FACILITY PERMIT**

Issued by the New Hampshire Department of Environmental Services, Waste Management Division (NHDES)  
pursuant to [RSA 149-M](#) and [Part Env-Sw 300](#) 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, NH

**Facility Type:** Lined Landfill

**Permit Modification Type:** Type II per [Env-Sw 315.02\(d\)\(1\)](#)

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

**Application No.:** 2022-61805

**Date(s) Received:** December 2, 2022, and February 13, 2023

**WMD Document Log #(s):** 2022-61805-01 and 2022-61805-02, respectively

**III. MODIFICATION:** The final plans and specifications for construction of Stage VI, Phase II at the subject facility, provided in the documents referenced above in Section II, are approved for construction, subject to the terms and conditions provided in Section IV below.


**IV. TERMS AND CONDITIONS:** Attached.

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

**VI. AUTHORIZATION:** The permit identified in Section I above is hereby modified as specified in Section III above, subject to the terms and conditions provided in Section IV above. This authorization is based on information provided to NHDES 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 [Part 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 administrative, civil or criminal enforcement action and penalties, and suspension or revocation of the permit. 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 NHDES 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

April 12, 2023  
Date



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## Section IV: Terms and Conditions

### **General Provisions:**

- (1) This permit modification has been prepared on the basis of the New Hampshire Solid Waste Management Act, [RSA 149-M](#); and the New Hampshire Solid Waste Rules (Rules), [Env-Sw 100 et seq.](#), in effect on the issue date of this permit modification. The meanings of specific terms are as defined in the Rules, unless specified otherwise.
- (2) This facility shall comply with the requirements of the New Hampshire Solid Waste Management Act, [RSA 149-M](#); the [Rules](#); and the terms and conditions of this permit, as each may be amended from time to time.
- (3) If a conflict exists between any provision in the Permit Application identified in Section II and the provisions of this permit modification, the provisions of this permit modification shall apply.
- (4) If the provisions of this permit modification conflict with any other permit modification or approval issued pursuant to [RSA 149-M](#) and the [Rules](#) prior to the effective date of this permit modification, this permit modification shall supersede the earlier provision.

### **Construction Requirements**

- (5) The final plans and specifications for construction of Stage VI, Phase II, provided in the documents referenced in Section II, are approved for construction.
- (6) Prior to commencing construction of the facility, or any phase or portion thereof, the permittee shall:
  - (a) Satisfy the prerequisites for construction specified in Env-Sw 1104.01;
  - (b) File a Notice of Intent to Construct in accordance with Env-Sw 1104.02, including the name, address, and professional qualifications of the grouting specialist required pursuant to Condition (8) below; and
  - (c) Obtain construction approval as specified in Env-Sw 1104.03.
- (7) This facility shall be constructed in accordance with the following requirements:
  - (a) The landfill construction requirements in Env-Sw 805;
  - (b) The additional construction requirements in Env-Sw 1104;
  - (c) The final design plans and specifications approved for construction identified in Condition (5); and
  - (d) The terms and conditions of this permit.
- (8) *Subliner gas wells*: Decommissioning of the subliner gas wells shall be performed by a grouting specialist experienced in and knowledgeable about the work they will be performing.
- (9) *Additional Construction Requirements*: The permittee shall comply with the additional construction requirements identified in Condition (14) of the permit modification dated October 9, 2020, which are reproduced below.
  - (a) Construction hours shall be limited to between 7 am and 6 pm.
  - (b) Static alarms shall be used on all equipment requiring alarms, when not in conflict with health and safety regulations, and the permittee shall keep documentation of compliance therewith in the facility record.
  - (c) Survey required:
    1. The permittee shall ensure a third-party licensed surveyor conducts a survey of the anchor trench



alignment and proximate topography periodically during construction. At a minimum, surveys shall be conducted following:

- a. Placement of the secondary geomembrane liner;
- b. Placement of the primary geomembrane liner; and
- c. Installation of the waste placement markers.

2. The permittee shall provide the results of the survey compared to the approved Stage VI footprint as identified in Condition (8) of the permit modification dated October 9, 2020 under the stamp of a third-party qualified professional with the biweekly construction report.

3. The permittee shall immediately correct misalignments upon discovery without prompting by NHDES and document such corrections in the biweekly construction reports.

(d) The permittee shall implement the Odor Control Plan provided in the Permit Modification Application document received March 24, 2020 and assigned WMD Log No. 2020-47865-01, with the revisions required pursuant to Condition (28)(c) of the permit modification dated October 9, 2020.

(e) Cover materials used during construction activities shall meet all of the same requirements for landfill cover applied during operations, as specified in Env-Sw 806.03.

(f) Odor complaints and mitigation measures taken relative to each complaint filed during waste excavation or exposure activities shall be included in the biweekly construction reports.

(g) Construction shall be conducted in a manner that limits to the greatest extent practicable dust, litter, insects, odors, vectors, spills, the production of leachate, fire hazards including spontaneous combustion, the generation of methane and other hazardous or explosive gases, noise, and nuisances.

(h) Backfilling of excavated waste areas, whether excavated during construction activities or operations, shall be completed as soon as practicable.

### ***Additional Submittals***

(10) With the application for final design approval for capping around Pump Station 3, the permittee shall submit revised closure plan drawings for the cap section around Pump Station 3 and, if needed, drawings identifying the revised final grading envelope, to meet the capping system design requirements of Env-Sw 805.10.



THE STATE OF NEW HAMPSHIRE  
WASTE MANAGEMENT COUNCIL

Docket No. 20-14 WMC

Appeal of North Country Environmental Services, Inc.'s Type I-A Permit Modification for  
Expansion (Permit No. DES-SW-SP-95-001) by Conservation Law Foundation

**AFFIDAVIT OF ANDREA BRYANT**

I, Andrea Bryant, do hereby depose and state under oath as follows:

1. I am a resident of Bethlehem, New Hampshire. I have been a Bethlehem resident since 1983.
2. I own and live at property located at 633 Swazey Lane in Bethlehem ("property"). My property consists of a 10-acre parcel purchased by my late husband in the mid-1970s and an adjoining 22-acre parcel we purchased in the mid 1980's. The property borders the White Mountain National Forest and Cushing State Forest. Although my husband purchased the initial 10-acre parcel as a woodlot, in 1980 we started camping on the property during the summer. In 1983, we built the house in which I currently live. I have lived at the property ever since.
3. When we constructed our home, we were unaware of the variance granted in 1976 for a 3.82 acre "dump" on Trudeau Rd. It was in 1986 that a special exception was granted for a 14 acre landfill. North Country Environmental Services ("Landfill") purchased the landfill in 1994.
4. My property is located approximately one mile from the Landfill.
5. I frequently experience noise from the Landfill, which greatly affects my use and enjoyment of my property. I experience noise from heavy equipment and trucks and sometimes back up beepers from the Landfill inside my home, and outside my home, approximately four

times each week, year-round. This has been the case since around the late 1990's and continues to be the case.

6. It is not unusual for me to experience noise from the Landfill from inside my home as early as 6:30-7:00 in the morning, even with the windows closed. I am frequently awakened by the noise from the Landfill. It has become more bothersome since I retired 5 years ago.

7. I also experience noise from the Landfill when outside my home. My late husband cut a network of trails on our property. It is not unusual for me to experience noise from the Landfill when walking our trails. I find it frustrating to be in the woods on our property, hiking or snowshoeing with friends in the woods abutting the White Mountain National Forest and Cushman State Forest, and to be disturbed by noise from the Landfill.

8. I have lodged complaints about noise from the Landfill with North Country Environmental Services and the Department of Environmental Services, one was as recently as October 5, 2020.

9. In addition to noise, I also experience odors from the Landfill. Approximately monthly, (worse in the summer than winter months) I experience putrid odors that I can smell when in my yard. There have been times when I am hit with the odor as soon as I walk out of my door. At times the odors have been so bad that I have gone inside my home to escape them. Many years ago, when sleeping with the windows open, I would smell odor from the Landfill inside my home when waking up. Because of odors from the Landfill, I now sleep with my windows closed, even during the summer, and keep the windows closed most of the day.

10. I also have experienced odors from the Landfill when walking the trails on our property, greatly detracting from the experience of being outdoors in the woods.

11. At times I have felt nauseous from odors from the Landfill. At times when I have not felt nauseous as a result of the Landfill's odors, I nonetheless find the odors to be awful. In addition to being an unpleasant experience, breathing the odors makes me concerned for my health.

12. My experience with odors from the Landfill has been taking place since approximately the mid-1990s and continues to this day.

13. I have lodged numerous complaints over the years with North Country Environmental Services and the Department of Environmental Services about odors from the Landfill, one as recently as September 17, 2020.

14. From the second floor of my home, I have a spectacular view of Mount Washington. If I were to cut trees in an area of my property, I would have a spectacular view of Mount Washington from my front yard. In logging our land to reclaim a view of the Presidential Mountains, I specifically chose not to have trees cut to open a view of Mount Washington for fear that I would then see the Landfill. I also want to maintain a forested buffer from noise and odor from the Landfill.

15. In addition to walking the trails in our woods, I also take walks on Swazey Lane. There are places on Swazey Lane, when walking, from which I can see the Landfill.

16. In addition to directly affecting me and my use and enjoyment of my home and surrounding land, and causing me concern for my health, I am concerned that the Landfill's noise, odor, and view impacts are adversely affecting the value of my property.

17. In addition to the Landfill's impacts on me and my property described above, I am concerned about the Landfill's impacts on the environment, including the nearby Ammonoosuc River. I provided a Declaration stating my concerns about the Landfill's pollution

of the Ammonoosuc River, and its impacts on my use and enjoyment of the river, in the federal lawsuit brought by Conservation Law Foundation and Toxics Action Center against Casella Waste Systems, Inc. and North Country Environmental Services. I am concerned that continued expansion and operation of the Landfill will exacerbate pollution of the Ammonoosuc River and the environment.

18. Because of the Landfill's impacts on me and my property, as well as impacts on the environment and others in the community, I do not want to see the Landfill expand further and continue its operations further into the future. I therefore oppose the Stage VI expansion of the Landfill, as further expansion and operation will only continue the Landfill's impacts on me, my property, the environment, and others in the community further into the future.

19. I actively participated in the Department of Environmental Services' permitting process for Stage VI of the Landfill. Despite concerns related to the coronavirus pandemic, I attended the Department of Environmental Services' public hearing on the Stage VI permit and spoke in opposition to the Stage VI expansion. I also submitted written comments to the Department of Environmental Services stating my opposition.

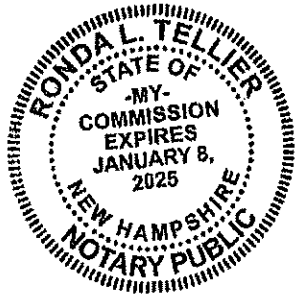
20. I am a member of Conservation Law Foundation. I have been a member of CLF since before CLF filed its appeal of the Stage VI permit with the Waste Management Council in November 2020. I appreciate and support CLF's work to address environmental and health challenges facing communities in New Hampshire and across New England, including its advocacy for a more sustainable waste management system and its appeal of the Stage VI permit.

Dated: February 16, 2021

Andrea Bryant  
Andrea Bryant

State of New Hampshire  
County of Grafton

At Bethlehem, New Hampshire, this 16<sup>th</sup> day of February 2021, Andrea Bryant personally appeared before me and made oath that the foregoing Affidavit is true and correct to the best of her knowledge and belief.



Ronda L. Tellier  
Ronda L. Tellier

THE STATE OF NEW HAMPSHIRE  
WASTE MANAGEMENT COUNCIL

Docket No. 20-14 WMC

Appeal of North Country Environmental Services, Inc.'s Type I-A Permit Modification for  
Expansion (Permit No. DES-SW-SP-95-001) by Conservation Law Foundation

**AFFIDAVIT OF PETER L. MENARD**

I, Peter L. Menard, do hereby depose and state under oath as follows:

1. I am a resident of Bethlehem, New Hampshire. I have lived in New Hampshire my entire life, and in Bethlehem since approximately 2009. I have owned property in Bethlehem since 1989.

2. I own and live at property located at 51 Peppersass Lane in Bethlehem ("property"). I live there with my wife, Joyce Menard. We purchased the property in 1989, and later built our house on the property. We finished construction and moved into our house in or around 2009, and have lived there ever since. My property consists of 7.21 acres that are mostly wooded. It borders the White Mountain National Forest and has direct views of the Presidential Mountain Range, including Mount Washington.

3. I own two additional lots in Bethlehem near my property. One is a 5.59 acre lot at 765 Swazey Lane, at the corner of Peppersass Lane and Swazey Lane, and the second is an additional 6.7 acre lot on Peppersass Lane that abuts my property.

4. We moved to Bethlehem for the clean air, the beautiful mountain views, the lakes and rivers, and the peace and tranquility that comes from the natural environment.

5. I chose our lot to build our home because of its remote location and spectacular views. I specifically chose our location at the end of Peppersass Lane because it provides us with a direct view of Mount Washington and no road traffic. The views from the property are

tremendous, including incredible views of the Presidential Range to the east and southeast. When the afternoon sun is in the west the purple mountain majesty of the Presidential mountains are on full display.

6. I designed and built our home with great attention to detail. Many aspects of our home I designed to increase our enjoyment of, and reflect our appreciation for, our natural location. I located the home with particular attention to the mountain views. We have six decks on the house, including one large deck that wraps around the house. We have many sliding glass doors and windows that I designed to take full advantage of the fresh mountain air and unspoiled natural silence that we found on the lot when we first purchased it. We have two fireplaces where we burn wood from our property.

7. We spend a lot of time outside on our property. We enjoy the use of our decks, in particular the large wrap around deck. I have built trails in the woods behind our house and we walk on them almost daily with our dogs. We spend a lot of time outside cutting and splitting approximately 6 cords of wood a year on the property.

8. When I began building our home I knew there was an old fashioned dump in Bethlehem, the kind of place where locals brought their trash. There were no trucks bringing in waste, no landfill sludge, and there was no out of state trash being brought in. I had absolutely no idea that there was a plan to expand the dump into a large landfill. North Country Environmental Services has grown the landfill ("Landfill") enormously since that time.

9. Our home is approximately 2 miles from the Landfill.

10. We can, see, smell, and hear the Landfill from our home.

11. I frequently experience bad odors from the Landfill on our property. It smells like sewer sludge and methane gas and is very unpleasant. As often as two to three times a week, and

sometimes more, I experience terrible odors from the Landfill when I am outside on my property. I often smell the Landfill in the morning, when they uncover it at the start of the day. I smell it when I am walking the property, and can smell it from every inch of our property. The odors reach our property by the wind or thermal air currents. In the summer, when we have the windows open, we experience Landfill odors inside our home, and as a result we keep the doors and windows closed when we should have them open.

12. I moved to our property because of the clean mountain air. When I moved there I could smell the natural smells of the area: spruce, pine, and even wildflowers in the spring. Now when I walk outside I smell foreign matter from the Landfill. It is a foul odor that doesn't belong there and violates the natural smell of nature. The terrible odors from the Landfill greatly detract from my enjoyment of our property.

13. We have regularly called North Country Environmental Services over the years to complain about the smell from the Landfill, but they do not address our concerns, and the terrible odors persist on our property.

14. We can smell the Landfill from other parts of Bethlehem. For example, we used to take our dogs on trails along the Ammonoosuc River and to swim in the river, and at times the Landfill odor was unpleasantly strong.

15. I frequently experience noise from the Landfill on my property. When I bought the property it was incredibly quiet, and we enjoyed the pristine silence. Now, when I am outside on my property I frequently hear noise pollution from the Landfill, and this has greatly detracted from my enjoyment of my property. I hear it from 6:30 in the morning until they close in the afternoon. I can hear bulldozers, loaders, tailgates from trucks, and sometimes I can hear the beeping of backup alarms.



16. Over the years we have lodged many noise complaints regarding the Landfill, but our concerns have not been addressed.

17. I can see the Landfill from my property and from my home. I chose my property and built my house specifically so I could have a view of the Presidential Range, including Mount Washington. About two years after I started building our home I found out about the growing Landfill, and I subsequently stopped cutting trees, to avoid looking directly at the Landfill. Since that time I have left many trees up that obstruct the mountain view because of the Landfill. I can still see the Landfill from my property and from parts of my house, including from the third and fourth floors. I believe that a Landfill in the foreground of the Presidential Range contaminates the grandeur of the view, and it greatly impacts my enjoyment of my property.

18. The odor, noise, and view of the Landfill are additionally adversely affecting my use and enjoyment of my other two properties in Bethlehem.

19. In addition to directly affecting me and my use and enjoyment of my home and property, I am concerned that the odor, noise, and view of the Landfill are adversely affecting the value of my properties. I am concerned about how these impacts will adversely affect my family and heirs in the future.

20. I am concerned that the increased trucks that service the Landfill are ruining some of the roads in Bethlehem, specifically Trudeau Road and Route 3. I regularly use these roads, and they are being torn apart by the Landfill trucks. I have lodged complaints in the past about damage to the roads caused by the Landfill trucks. The Landfill trucks cause increased traffic in Bethlehem, including increased out-of-state truck traffic, and make the roads less safe.

21. I am concerned about the larger environmental impacts of the Landfill to Bethlehem, neighboring communities, and New Hampshire. I am concerned about the Landfill leaking and polluting the natural environment and contaminating the Ammonoosuc River. I am very concerned about the long-term impacts of the Landfill, and worried that those impacts are not being measured or fully understood. I worry that the Landfill will keep expanding, and even when it is closed the Landfill will continue to pose a long-term environmental risk, with the threat of leaking further or even failing in the future.

22. I have actively participated in opposing the Landfill, including opposing permits to expand the Landfill. My wife and I have spoken out against the Landfill regularly over the years. We have written many letters and submitted comments opposing the Landfill and Landfill expansions. I have attended meetings, including selectboard meetings, where I have opposed Landfill expansions. I have asked North Country Environmental Services to provide specific plans for the Landfill, including inquiring into site specific plans, construction plans, and asking them to identify their plans for expansion phases and tonnage capacity, and North Country Environmental Services has never adequately responded to these requests.

23. I have personally met with the New Hampshire Department of Environmental Services (“DES”) to discuss my concerns regarding the Landfill. I called DES and requested a meeting with the DES Commissioner and Director of the Waste Management Division. My wife and I traveled to Concord where we met with Waste Management Division Director Michael Wimsatt. I discussed some of my concerns regarding the Landfill with Mr. Wimsatt and questioned him regarding DES’ continued practice of issuing permits to the Landfill. We specifically discussed my concerns regarding Landfill sludge, odor, and repeated permits. I expressed my strong opposition to any further permits for expanding the landfill.


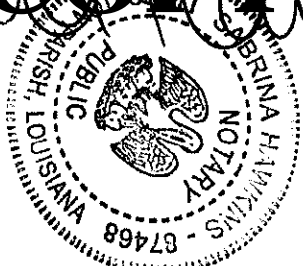
24. Because of the Landfill's impacts on me, my wife, and my property, as well as impacts on the environment and others in the community, I do not want to see the Landfill expand further and continue its operations further into the future. I therefore oppose the Stage VI expansion of the Landfill, as further expansion and operation will only continue the Landfill's impacts on me, my wife, my property, the environment, and others in the community further into the future.

25. I am a member of Conservation Law Foundation ("CLF"). I have been a member of CLF since before CLF filed its appeal of the Stage VI permit with the Waste Management Council in November 2020. I appreciate and support CLF's work to address environmental and health challenges facing communities in New Hampshire and across New England, including its advocacy for a more sustainable waste management system and its appeal of the Stage VI permit.

Dated: February 17, 2021

  
Peter L. Menard

At Waver, Louisiana his 17th day of February 2021, Peter Menard personally appeared before me and made oath that the foregoing Affidavit is true and correct to the best of his knowledge and belief.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

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TOXICS ACTION CENTER, INC., and		)	
CONSERVATION LAW FOUNDATION,		)	
		)	Case No. 1:18-cv-00393-PB
Plaintiffs,		)	
		)	
v.		)	
		)	
CASELLA WASTE SYSTEMS, INC., and NORTH		)	
COUNTRY ENVIRONMENTAL SERVICES,		)	
INC.,		)	
		)	
Defendants.		)	
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**DECLARATION OF ANDREA BRYANT**

Andrea Bryant, under penalty of perjury, hereby declares as follows:

1. I am a resident of Bethlehem, New Hampshire. I have been a Bethlehem resident since 1983.
2. I live at 633 Swazey Lane in Bethlehem. I have lived at this address since 1983. My home is located approximately one mile from the Ammonoosuc River and approximately one mile from the North Country Environmental Services landfill (“Landfill”).
3. The Ammonoosuc River is important to me. I swim in the river, usually at least once every summer, and I also hike and walk my dog near the river. It is a unique river; its source is on Mount Washington and I believe it needs to be as pure and pollution-free as possible for its entire length.
4. I have seen the drainage channel that collects discharges from groundwater seeps near the Landfill and carries that water to the Ammonoosuc River. About eight or nine years ago, I visited the drainage channel and took pictures of it. My visit was prior to the excavation

and restoration project that removed contaminated soil from the seep and the drainage channel. I am aware that this drainage channel is discharging pollutants such as iron, manganese, and 1,4-dioxane into the river; the source of this information is described below.

5. When I visited the drainage channel, it had an orange color and parts of it seemed to have a sludge-like consistency. There were also areas of the drainage channel that were marked with survey tape and numbered flags. The orange color and sludge-like appearance were visible on rocks in the Ammonoosuc River where the drainage channel discharges into the river. I also saw orange colors in the water of the Ammonoosuc River downstream of the drainage channel. This orange-colored water was stretching downriver from the drainage channel. I am aware that orange discoloration in water can be the result of high concentrations of iron and/or other metals.
6. I have seen similar discoloration on soil and rocks in and near the Ammonoosuc River near the Pierce Bridge, approximately half a mile downriver from the drainage channel.
7. In the last few years, following the seep and drainage channel excavation and restoration project, I have also seen photographs taken by other people of the groundwater seeps near the Landfill and the drainage channel. In these pictures, I saw a similar discoloration and consistency to what I witnessed in person. The renewed discoloration after the restoration project shows me that the drainage channel is continuing to discharge pollutants to the Ammonoosuc River.
8. I have read reports about the groundwater seeps and the drainage channel. I learned from these reports that the seeps and drainage channel contain high concentrations of iron and manganese, and also contain volatile organic compounds such as 1,4-dioxane. In

particular, I saw a report from the Landfill to the New Hampshire Department of Environmental Services (“DES”) in late 2016 or early 2017 about the presence of 1,4-dioxane in the drainage channel. I was frightened by this report because I know that 1,4-dioxane has been classified by EPA as a probable carcinogen and I worry about being exposed, and about my friends and family being exposed, to carcinogens.

9. I am also aware that high concentrations of iron and manganese can be harmful to fish, and this concerns me because I would like the fish and other aquatic life in the Ammonoosuc River to be as healthy as possible.
10. I used to swim in the Ammonoosuc River in Bethlehem near an old dam near the intersection of River Road and McCaan Road, about two miles downriver from the Landfill and the drainage channel. I would swim there at least six times each summer.
11. I stopped swimming near the dam in approximately 1986 because I was worried that I would be exposed to contaminants and pollutants discharged from the Landfill and the drainage channel to the Ammonoosuc River. I consider the river to be very dirty and polluted downriver from the drainage channel. I do not want to swim in a polluted river, and I am especially concerned about exposure to carcinogens like 1,4-dioxane.
12. I would like to swim downriver near the River Road dam again, and I would also like to swim further downriver in Littleton, NH, but I will not because, having seen the drainage channel in person, and having read reports about the pollutant discharges, I am worried about the health effects of swimming in the Ammonoosuc River downriver from the drainage channel. It upsets me when I see people, especially young children, swimming in the Ammonoosuc River downriver from the drainage channel, because I worry that swimming in a polluted river will impact their health.

13. I used to let my dog go into the Ammonoosuc River in Littleton, downriver from the drainage channel, but since reading the report about 1,4-dioxane discharges, I no longer let her go into the river or drink the water because I am afraid that she will be exposed to carcinogens.
14. I still swim in the Ammonoosuc River upriver from the drainage channel, where I cannot be exposed to the Landfill's pollutants. I swim at a place called lower falls, off Lower Falls Road in Carroll, NH, approximately 7 miles upriver from the drainage channel. I also swim at a place called Upper Falls, off Base Road in Crawford's Purchase, NH, approximately 12 miles upriver from the drainage channel. I last swam at Lower Falls in the summer of 2016, and at Upper Falls in the summer of 2017. I plan to swim at one or both of these locations again this summer.
15. I am worried that DES has not been effective in its oversight of the Landfill and is not doing enough to protect the health of the Ammonoosuc River. I have sent complaints and emails to DES about the Landfill and the drainage channel. I believe that I have attended all, or almost all, of the hearings held by DES regarding the Landfill, and I have given testimony at these hearings. I do not believe that DES has the necessary resources to sufficiently and effectively oversee the Landfill and its discharges into the Ammonoosuc River through the drainage channel. I believe that DES is either unwilling or unable to prevent the Landfill from discharging pollutants.
16. I would feel better if there was meaningful and effective oversight that prevented the Landfill from discharging harmful pollutants from the drainage channel to the Ammonoosuc River, or that at least ensured that any discharges (if there absolutely have to be discharges) would be at safe levels. I think this oversight should include a study

paid for by the Landfill, but performed by an independent entity, on the full impact of its pollutant discharges from the drainage channel. It should also include more trustworthy testing and monitoring of water quality.

17. I believe that the drainage channel should be subject to all of the necessary permits that regulate discharges of pollutants into the Ammonoosuc River. It is my understanding, though, that the drainage channel is not now regulated by a Clean Water Act discharge permit. If such a permit were issued, I hope and expect that it would set limits on the amount of pollutants that may lawfully be discharged from the drainage channel to the river, based on health and environmental standards, and that it would require complete information on the range and amount of pollutants being put into the river to be disclosed to the public. I would review such publicly available monitoring data, and information related to compliance with permit limits.
18. If United States Environmental Protection Agency (“EPA”) held hearings about a Clean Water Act discharge permit for discharges from the drainage channel to the Ammonoosuc River, I would attend those hearings. I would also submit comments to the EPA if it requested comments about a discharge permit.
19. This problem with the Landfill and its drainage channel impacts everyone who depends on the Ammonoosuc River. I worry for people in neighboring towns downstream who continue to recreate in and use the river, and catch and eat fish from the river, without knowing about discharges from the drainage channel or other health impacts to both people and the river as a whole.
20. A healthy environment is incredibly important to me. I believe the earth and its natural resources need to be protected. Because I am so intimately connected to the



Ammonoosuc River, I am extremely concerned about how the Landfill's pollutant discharges through the drainage channel affect the overall health of the Ammonoosuc River as well as the potential long-term effects of the Landfill's discharges. I believe that the Landfill, with its effects on the Ammonoosuc River, is an environmental time bomb that poses a danger to the river as a whole and all the people who, like me, rely on and value the river.

21. I submit this declaration on behalf of Toxics Action Center and Conservation Law Foundation. I am currently a member of both Toxics Action Center and Conservation Law Foundation, and I have been a member of both groups since before the filing of this lawsuit. I joined these organizations because I believe in and want to support their work in protecting both the Ammonoosuc River in particular and the environment more generally. These groups do important work, and their missions and values regarding environmental protection and fighting polluters appeal to me.

I declare under penalty of perjury, this 11th day of July, 2018, that the foregoing is true and correct.

/s/ Andrea Bryant

Andrea Bryant