

NHDES RFMI NCES Landfill Application for Type II Permit Modification to update Facility Operating Plan

From: Save Forest Lake (saveforestlake@yahoo.com)

To: mary.f.daun@des.nh.gov

Cc: michael.wimsatt@des.nh.gov; jaime.m.colby@des.nh.gov; houseenvironmentandagriculturecommittee@leg.state.nh.us; senateenergyandnaturalresources@leg.state.nh.us; jared.sullivan@leg.state.nh.us; cinde.warmington@nh.gov; selectman1@bethlehemnh.org; selectman2@bethlehemnh.org; selectman3@bethlehemnh.org; selectman4@bethlehemnh.org; selectman5@bethlehemnh.org; admin@bethlehemnh.org; selectmen@townofdaltontown.com; selectmen@townoflittletontown.org; vpotter@townoflittletontown.org; linda.massimilla@leg.state.nh.us; david.rochefort@leg.state.nh.us; conservationcommission@bethlehemnh.org; mmcledod@grafftoncountynh.gov; omer.ahern.jr@gmail.com; jlibby@grafftoncountynh.gov; wpiper@grafftoncountynh.gov; chuck_henderson@shaheen.senate.gov; ben_belanger@hassan.senate.gov; stephanie.weiner@mail.house.gov; robert.r.scott@des.nh.gov; philip.r.trowbridge@des.nh.gov; ted.diers@des.nh.gov; zachary.d.lorch@des.nh.gov; governorsununu@nh.gov; attorneygeneral@doj.nh.gov

Date: Sunday, October 13, 2024 at 09:13 AM EDT

Good Morning Ms. Daun:

I write in response to the department's September 24, 2024 letter to Mr. Gay of Casella Waste Systems, relative to the NCES Landfill, attached, with the subject line:

***"Incomplete Application – Request for Additional Information
Application for Type II Permit Modification to update Facility Operating Plan; initially received June 26, 2024; and assigned Application No. 2024-70547"***

In that letter, you wrote:

*"In accordance with the requirements of the New Hampshire Solid Waste Rules, Env-Sw 100 et seq. (Rules), NHDES has determined that the application is **incomplete**.*

Please address the following comments to satisfy the provisions of Env-Sw 300, and clarify aspects of the application in support of making a technical review pursuant to Env-Sw 304.07:

1. As an attachment to the operating plan, provide the written agreements of no less than two locations for leachate treatment or disposal to manage the quantity of leachate generated by the facility during its active life consistent with Env-Sw 806.05(b)(3), pursuant to Env-Sw 1105.11."

Being that you cite Env-Sw 806.05(b)(3) and Env-Sw 1105.11 as conditions required for the department to make a determination on the permit application for the modification of the NCES Landfill facility operating plan, I would ask whether or not the facility CURRENTLY meets those conditions?

I have copied and pasted, as well as attached and highlighted, verbiage from Env-Sw 806.05(b)(3), which requires a facility to have no less than 2 locations for leachate disposal available by written agreement to manage leachate generated during its active life. According to Casella's Granite State Landfill (GSL) wetlands permit application, page 13 of section 3.3 Project Summary, attached, they inform the department that the NCES Landfill is to be "filled in 2027/2028".

Does the department have two current, written agreements for NCES leachate disposal through 2027/2028?

If so, might I obtain copies for my records? If not, is this not a current violation of Env-Sw 806.05(b)(3)?

Env-Sw 806.05 Leachate Management Requirements

(b) As part of a facility's operating plan, a leachate management plan shall be developed and implemented at all lined landfills, based on the following criteria:

(3) No less than 2 locations for leachate treatment or disposal shall be available by written agreement to manage the quantity of leachate generated by the facility during its active life

Also, according to Env-Sw 1105.10, it would appear that leachate disposal agreements need to be in place for the NCES Landfill through 2057/2058, since Env-Sw 1105.10(b) includes POST-CLOSURE periods. I have attached an excerpted copy of the NCES "Estimated Post-Closure Monitoring/Maintenance Costs" report, dated March 17, 2023, highlighting those portions dealing with leachate generation, estimated over a 30-year period following closure in 2027/2028, attached.

Does the department have two current, written agreements for NCES leachate disposal through 2057/2058?

If so, might I obtain copies for my records? If not, is this also not a current violation of Env-Sw 1105.10(b)?

Env-Sw 1105.10 Management of Residual Waste.

(a) Facility operations shall include provisions to properly manage residual waste.

(b) A facility shall obtain and maintain access to at least 2 authorized locations where adequate capacity exists to handle the type and quantity of all residual waste, excluding landfill decomposition gas, that the facility shall regularly generate during its operating and post-closure periods.

Lastly, Env-Sw 1105.11, which was cited in the department's September 24, 2024 RFMI letter to Mr. Gay, requires the NCES Landfill to have a "residual waste management plan", which is to include the information required in Env-Sw 1105.10, as stated above.

According to the **NCES Operating Plan, Section 4.0, Residual Waste Management**, attached, it is simply stated:
"Leachate management is conducted consistent with New Hampshire Solid Waste Rules Env-Sw 806.08"

However, according to Env-Sw 806.08, the requirements specified within Env-Sw 1100 are to be met by the facility. Nowhere within the NCES Residual Waste Management Plan, nor in the appendices, is documentation provided which satisfies the requirements of Env-Sw 1100, as detailed above.

It is also stated within the NCES Residual Waste Management plan that *"Leachate which is pumped into tankers for off-site disposal will be disposed of at one or more of the permitted facilities listed below, which may be amended from time to time."* This seemingly implies that no such agreements exist and leachate disposal arrangements are fluid.

Env-Sw 806.08 Inspections, Maintenance, Monitoring and Reporting Requirements.

(a) This section establishes requirements, in addition to those requirements specified in Env-Sw 1000 and Env-Sw 1100, for inspecting, maintaining and monitoring landfills

Env-Sw 1105.11 Operating Plan Content and Format.

e. The procedure by which the quantity and destination of all outgoing waste and certified waste-derived products shall be determined and recorded;

(4) Section 4, titled "residual waste management plan," shall provide a detailed description of how all residual waste, if any, shall be managed by the facility, including the information specified in a. through d. below

- c. Information to demonstrate how the provisions of Env-Sw 1105.10 shall be met; and
- d. Quality assurance/quality control provisions, to assure that the wastes to be transferred shall be acceptable to the receiving facility

In closing, it would appear that the NCES facility is not currently in compliance with Env-SW 806.05(b)(3) nor Env-Sw 1105.11, unless the department already has *"written agreements of no less than two locations for leachate treatment or disposal to manage the quantity of leachate generated by the facility during its active life consistent with Env-Sw 806.05(b)(3), pursuant to Env-Sw 1105.11"* for the NCES facility. I would add Env-Sw 1105.10, which includes the post-closure period, unless, of course, the department has written agreements provided by Casella/NCES, covering NCES leachate disposal through 2057/2058.

On a related note, I would assume the same standard will apply to the Casella-proposed Granite State Landfill (GSL) in Dalton and Bethlehem. However, I have not seen any written agreements for leachate disposal for the proposed GSL facility within the various permit applications submitted. If the department happens to have such agreements for GSL leachate disposal, which should be at a minimum of 18 years, through 2046, or through 2076, if Env-Sw 1105.10(b) is to be complied with, could you please provide me with a copy for my records?

I appreciate your attention to this matter and hope you had a wonderful weekend!

In order to not get sued a third time by Casella, I need you to understand that all of this is my opinion, based on my research and experience.

Thank you!

Jon Swan
25 Cashman Rd
Dalton, NH 03598
(603) 991-2078
Founder, [Save Forest Lake](#)

What Casella Isn't Telling You

GoFundMe: [Jon Swan v Casella Waste Systems Jury Trial Expenses](#) (trial date January 7-17, 2025)

"Swan's claim is both false and defamatory. The NCES landfill is not releasing contaminants into the Ammonoosuc River watershed."-Casella Waste Systems

****The NCES Landfill in Bethlehem, NH is and has been releasing PFAS contaminants into the Ammonoosuc River watershed**

Read all about it at: [Save Forest Lake](#)

Calex Environmental Consulting Report: [Hydrogeological Report: Release Events at the NCES Landfill Site](#)

Video: **June 13, 2024 testing of NCES Landfill surface water runoff, with links to lab results:**

(PFHxA, PFBS, PFOA, PFHpA, and PFHxS were detected)

Video: **August 15, 2024 testing of NCES Landfill surface water runoff, with links to lab results:**

(The same 5 PFAS were detected)

June 14, 2024 NHDES [Deficiency Letter](#) Cites Casella/NCES Landfill For **2,182 Permit Violations**

Granite State Landfill LLC State Permitting Documents: [Read the permit applications here](#)

[*The Report of the Dalton Conservation Commission*](#)

[Dalton Conservation Commission Appeal-GSL Shoreland Impact Permit-Filed 9/18/2024](#)

Attorney Manzelli Letter To NHDES:
[Applicant's Extensive Environmental Noncompliance Means Ineligible for New Landfill](#)

[July 3, 2024 BCM Environmental Law Comment Letter To Army Corps of Engineers](#)

[July 3, 2024 Conservation Law Foundation Comment Letter To Army Corps of Engineers](#)

[August 5, 2024 Attorney Manzelli Letter To NHDES re Douglas Drive in Bethlehem](#)

***"Forest Lake's water is tested annually with NHDES, is extraordinarily clean, and it is free of PFAS.
We want to keep it that way."***

-Fred Anderson, President, Forest Lake Association

"Unless someone like you cares a whole awful lot, nothing is going to get better. It's not."
-The Lorax

[Save Forest Lake YouTube Channel](#)

[Save Forest Lake on Facebook](#)

[Save Forest Lake on Twitter](#)

***"This is an extremely important project that will disturb approximately 148 acres of land, add 25.5 acres of impervious surfaces, destroy 11.5 acres of wetlands,
and have adverse effects on the Ammonoosuc River and other known and unknown public interest factors."***

-Jim McClammer, Certified Wetlands Scientist, Comments on NHDES Wetland Application #2023-03259 and Associated Applications, Granite State Landfill LLC
("GSL"), Dalton, New Hampshire, February 20, 2024

[SFL 2024 GSL Landfill Info Sheet](#)



9 24 2024 NHDES RFMI NCES Op Plan Mod Leachate Op Hours.pdf
327.7kB



12 14 2023 Wetlands Permit App section-3-6-Project Summary pgs 12-13 NCES filled 2027 2028.pdf

71.8kB



Env-Sw 806.05b3 leachate management requirements 2 wwtp written agreements highlighted.pdf

25.5kB



Env-Sw 1105.10ab and Env-Sw 1105.11e and 4cd Management of Residual Waste 2 authorized wwtps including post-closure period highlighted.pdf

34.3kB



3 17 2023 Closure Cost Estimate NCES Stage I thru VI 30 year period leachate generation and disposal highlighted.pdf

276.7kB



7 26 2024 2024 op plan SS type II mod 4-6AM leachate ops pages 25-30 Section 4 Residual Waste Management.pdf

166.7kB