

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Casella Waste Systems, Inc.

v.

Docket #217-2023-CV-285

Jon Swan

CASELLA WASTE SYSTEMS, INC.’S
STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF
MOTION FOR PARTIAL SUMMARY JUDGMENT

NOW COMES the Plaintiff, Casella Waste Systems, Inc. (“Casella”), by and through its attorneys, Cleveland, Waters and Bass, P.A., and hereby submits the within statement of material facts in support of Casella’s motion for partial summary judgment.

1. The parties entered into a Settlement Agreement on May 11, 2023, that contained a confidentiality provision.
2. The following day, May 12, 2023, counsel for the parties had an email exchange concerning their understanding of the way that agreement would be interpreted. Attorney Eggleton suggested the following to address Mr. Swan’s need “to be able to say something to people” about the resolution of the case “that allows him to move on from it.” See, Exhibit 1.
3. Attorney Eggleton suggested that Mr. Swan would say the following: “The lawsuit is now concluded—no further comment.” *Id.*
4. Attorney Gould responded to this proposal by writing, “Rather than give in to the lawyer’s impulse to fiddle, I’m fine with your formulation as long as he sticks to it exactly.” *Id.*

5. Attorney Eggleton indicated his assent to this by writing, “Lovely-thanks!” *Id.*
6. Defendant Swan admits, by way of his answers to requests for admission, attached hereto as Exhibit 18, that he made the following posts attached hereto as Exhibits 3-17.¹

- a. Exhibit 3, *see*, Exhibit 18 at ¶2.
- b. Exhibit 4, *see*, Exhibit 18 at ¶3.
- c. Exhibit 5, *see*, Exhibit 18 at ¶5.
- d. Exhibit 6, *see*, Exhibit 18 at ¶7.
- e. Exhibit 7, *see*, Exhibit 18 at ¶9.
- f. Exhibit 8, *see*, Exhibit 18 at ¶11.
- g. Exhibits 9-10, *see*, Exhibit 18 at ¶13.
- h. Exhibit 11, *see*, Exhibit 18 at ¶15.
- i. Exhibit 12, *see*, Exhibit 18 at ¶17.
- j. Exhibit 13, *see*, Exhibit 18 at ¶19.
- k. Exhibit 14, *see*, Exhibit 18 at ¶22.
- l. Exhibit 15, *see*, Exhibit 18 at ¶24.
- m. Exhibit 16, *see*, Exhibit 18 at ¶26.
- n. Exhibit 17, *see* Exhibit 18 at ¶28.

¹ To avoid unnecessary repetition and duplicative paragraphs, the substantive comments in each of the exhibits is reproduced and discussed in detail in the motion for summary judgment.

Respectfully submitted,

CASELLA WASTE SYSTEMS, INC.
By Its Attorneys,
CLEVELAND, WATERS AND BASS, P.A.

Date: May 5, 2025

By: /s/ Jacob M. Rhodes
Bryan K. Gould, Esq. (NH Bar #8165)
gouldb@cwbp.com
Jacob M. Rhodes, Esq. (NH Bar #274590)
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2 Capital Plaza, Fifth Floor
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Lehmann Major List PLLC
6 Garvins Falls Road
Concord, NH 03301
(603) 212-4099

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served this day, May 5, 2025, through the court's ecf-filing system upon all parties who have filed appearances.

/s/ Jacob M. Rhodes
Jacob M. Rhodes, Esq.

EXHIBIT 1

From: [Eggleton, Jeremy D.](#)
To: [Bryan Gould](#)
Cc: [Cooley Arroyo](#)
Subject: RE: Question [OR-IMANAGE.FID421372]
Date: Friday, May 12, 2023 2:37:15 PM
Attachments: [image001.png](#)

Lovely—thanks!

From: Bryan Gould <gouldb@cwbp.com>
Sent: Friday, May 12, 2023 2:36 PM
To: Eggleton, Jeremy D. <JEggleton@orr-reno.com>
Cc: Cooley Arroyo <arroyoc@cwbp.com>
Subject: RE: Question [OR-IMANAGE.FID421372]

Rather than give in to the lawyer's impulse to fiddle, I'm fine with your formulation as long as he sticks to it exactly.

From: Eggleton, Jeremy D. <JEggleton@orr-reno.com>
Sent: Friday, May 12, 2023 2:04 PM
To: Bryan Gould <gouldb@cwbp.com>
Cc: Cooley Arroyo <arroyoc@cwbp.com>
Subject: RE: Question [OR-IMANAGE.FID421372]

I suggest we come up with a formulation that works for both our clients. People have sent him money to support his legal costs and he needs to be able to say something to them so that they do not continue to do so—lest he be accused of fraud for accepting donations for something he no longer needs to pay for. As they say about the constitution, it's not a suicide pact.

How about: "The lawsuit is now concluded—no further comment." Or similar.

He's really not interested in making hay over this—he just needs to be able to say something to people that allows him to move on from it.

JE

From: Bryan Gould <gouldb@cwbp.com>
Sent: Friday, May 12, 2023 2:00 PM
To: Eggleton, Jeremy D. <JEggleton@orr-reno.com>
Cc: Cooley Arroyo <arroyoc@cwbp.com>
Subject: Re: Question

We aren't moving to seal them, Jeremy. On the other hand, we aren't planning to comment on them and we don't want him to do so either. I don't have a problem with him posting the docket markings, but if he does that he's going to be asked questions, and he won't be able to answer them without violating the agreement. If he can post them and ignore the questions I think that's fine, but

he can't say anything else (including "I can't talk about it"). I'm happy to discuss it further if you'd like.

On May 12, 2023, at 1:41 PM, Eggleton, Jeremy D. <JEggleton@orr-reno.com> wrote:

At what point, if any, can my client say to the world that the lawsuit is over? Read strictly, it would seem that when the docket markings are filed, he can talk about how the suit was resolved for neither party. I assume we are not moving to seal the docket markings?

From: Cooley Arroyo <arroyoc@cwbp.com>
Sent: Friday, May 12, 2023 1:39 PM
To: Eggleton, Jeremy D. <JEggleton@orr-reno.com>
Cc: Bryan Gould <gouldb@cwbp.com>
Subject: RE: Question

Jeremy:

We prepared the attached stipulation for docket markings. Will you please review and let us know if you have any comments? If it's in good shape, please let me know if we can include your electronic signature and we will take care of getting it on file.

As for your question below, the fact that the case has been resolved at this stage is, in itself, a reference to an agreement, so nothing should be publicly stated at all.

Best,
Cooley

Cooley A. Arroyo, Esq.
Attorney
CLEVELAND, WATERS AND BASS, P.A.
Affiliated with [Granite State Title Services, LLC](#)

Tel: (603) 224-7761
Email: arroyoc@cwbp.com
Website: www.cwbp.com
Two Capital Plaza, 5th Floor, Concord, NH 03301
With offices also in New London and Dover, NH.



STATEMENT OF CONFIDENTIALITY: This email message is intended only for the named recipient(s) above. It may contain confidential information that is privileged or that constitutes attorney work-product. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this email and any attachment(s) is strictly prohibited. If you have received this email in error, please immediately notify the sender by replying to this email and delete the message and any attachment(s) from your system. Thank you.

From: Eggleton, Jeremy D. <JEggleton@orr-reno.com>
Sent: Friday, May 12, 2023 12:02 PM
To: Cooley Arroyo <arroyoc@cwbp.com>

Subject: Question

Our settlement agreement states in terms of confidentiality that we cannot disclose the existence of the agreement or in the terms. We're fine with that obviously, but Jon would like to be able to tell the world that the lawsuit has been resolved. I assume something of that nature would be permissible? Because we wouldn't specifically be referring to the agreement?

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EXHIBIT 2

Casella Drops Defamation Lawsuit Against Dalton Landfill Opponent

- [Robert Blechl rblechl@caledonian-record.com](mailto:rblechl@caledonian-record.com) Staff Writer
- May 18, 2023



Jon Swan, founder of Save Forest Lake, addresses the White Mountains Regional SAU 36 School Board on Monday, April 5. Swan warned that a proposed landfill posed a traffic hazard for Whitefield Elementary School. (Photo by Paul Hayes)



Casella Waste Systems CEO John Casella speaks to Bethlehem residents in 2016 during a presentation for a previous proposed phase landfill expansion in Bethlehem. This week, a lawsuit against Casella Waste Systems filed by the Conservation Law Foundation, which is asking the court to stop Stage VI expansion until its appeals rights are exhausted, went to a court hearing. (File photo by Robert Blechl)

After three years and more than \$100,000 in legal expenses incurred by the defendant, Casella Waste Systems has ended its defamation lawsuit against a vocal opponent of the company and its proposed landfill in Dalton.

On Tuesday, the litigation filed in April 2020 at Merrimack Superior Court in Concord against Dalton resident Jon Swan, the founder of Save Forest Lake, was closed out.

A stipulation for docket marking filed by Casella and agreed to by attorneys Bryan Gould, Cooley Arroyo and Morgan Tanafon, of the Cleveland Waters and Bass law firm

that represents Casella, and attorney Jeremy Eggleton, legal counsel for Swan, states “neither party, no costs, no interest, no further action for same cause.”

The resolution of the case comes two months after a 33-page court order on March 10 that granted Swan, in part, a request for summary judgment and it follows a motion to reconsider that order filed by Casella that was denied by Judge John Kissinger on April 11.

In its lawsuit, Casella alleged that Swan’s campaign against the company is intended to “disparage [Casella’s] reputation” by publishing false statements of fact about the company online, in print and in person, prevent the company from doing business in New Hampshire, lower Casella’s esteem in the community, damage its reputation in state government, and intentionally interfere with its “prospective economic interests.”

Because of Swan’s statements, Casella argued it “suffered harm to its reputation and business.”

In August 2020, the judge dismissed the majority of the dozens of defamation claims alleged by Casella, concluding that Swan’s statements are either strongly worded opinion or rhetorical hyperbole and, as such, are not actionable for defamation, but said nine statements could be defamatory if the company can prove they are false.

Swan’s statements included Casella scamming elderly residents of Dalton, the company not recycling recyclables and filling local landfills with out-of-state trash, illegally spilling 8,000 gallons of leachate into the Black River in Vermont, polluting the Ammonoosuc River, operating outside of permitted hours at its landfill in Vermont, seeking to improperly influence the vote of the Bethlehem Planning Board, conspiring with Horizons Engineering to avoid compliance with regulatory requirements, and improperly treating millions of gallons of leachate emptied into the Merrimack River

In his March order, the judge dismissed as defamatory five of Swan’s comments about out-of-state trash in New Hampshire landfills, the company packing the Bethlehem Planning Board, wastewater treatment plants and the Merrimack River, pollution in the Ammonoosuc River, and zero-sort recycling and the collapse of the recycling market.

He denied, however, Swan’s request to dismiss six comments pertaining to the company’s leachate spill from a truck crash in Vermont, Casella scamming elderly residents and weaponizing the legal system, the operating hours at the Coventry landfill in Vermont, an ethics complaint about Casella and Horizons Engineering involving a lot line adjustment in Dalton, and the “purposeful introduction of PFOS/PFOA” contaminants in the Forest Lake area.

In his order, Kissinger said Casella’s second amended complaint added the statement about the introduction of PFOS/PFOA, but Swan’s motion for summary judgment did not address that statement, which, until the case was closed this week, had continued as a possible issue for trial.

Casella's denied motion for reconsideration had asked the judge to reconsider his order on Swan's motion for summary judgment regarding two posted statements, including what Swan said was Casella not recycling most of the recyclable materials placed in its zero-sort recycling bins because they are contaminated and end up in landfills and about "packing" the Bethlehem Planning Board.

An email sent Wednesday afternoon to Casella spokesman Jeff Weld was not returned by press time.

On March 13, following the judge's order dismissing the five claims, Swan shared a mass email stating "good news from the superior court today."

"To date, my legal expenses for this fight have totaled \$110,217.25 invoices attached," he wrote. "I am currently in arrears totaling \$11,701.37. I appreciate everyone's support ... Thank you all who have donated to the cause. We will win, there will not be a landfill next to Forest Lake. 4 years now ... quite the toll but a just fight, nonetheless

EXHIBIT 3



Search Twitter



Log in

Use app

**Jon Swan**

@SaveForestLake1



"Casella Drops Defamation Lawsuit Against Dalton Landfill Opponent"

Link to news story:

caledonianrecord.com/news/local/cas...

Link to pdf: img1.wsimg.com/blobby/go/3a99...

@northcountryabc @NHSierraClub @ACLU_NH
@KentCoalition @350NH @CLF @OrrReno
@OmgEgan @Adamfinkel0 @TomtowerTower
@mike_t_wright



Twitter is better on the app

Never miss a Tweet. Open this in the Twitter app to get the full experience.

Not now

Switch to the app

EXHIBIT 4



This photo is from a post.

View post

John Gay
DES #198704033
November 1, 2017
Page 2 of 3

1. As noted above, the monitoring well MW-402 couplet (MW-402U and MW-402LR) has been decommissioned and replaced with wells B-926U and B-926L. NHDES notes the installation and location of the B-926 couplet was completed as outlined within SHA's July 18, 2017 *Former MW-402 Couplet - Replacement Monitoring Well Installation Plan*, as approved by NHDES via e-mail communication dated July 31, 2017.
2. NHDES finds the replacement of background monitoring wells MW-401, B-901UR, B-901L, B-902U, and B-902L with monitoring wells B-923U, B-924U, B-924L, B-925U, and B-925L acceptable¹. Decommissioning of MW-401, B-901UR, B-901L, B-902U, and B-902L should be accomplished as outlined within SHA's June 5, 2017 *Replacement Monitoring Well Assessment and Decommissioning Plan*.
3. NHDES notes that six individual Per- and Polyfluoroalkyl Substances (PFAS) were detected in groundwater samples collected from release detection monitoring wells B-304UR, B-304DR, MW-802, MW-803, and B-915U, and at groundwater management monitoring well B-102S during the initial PFAS sampling round undertaken in July 2017. We note that PFAS were not detected above laboratory reporting limits at release detection monitoring wells MW-801, and B-921M, and at upgradient monitoring well B-924U. Where detected, perfluorooctanoic acid (PFOA) concentrations were below the Ambient Groundwater Quality Standard (AGQS), and perfluorooctane sulfonate (PFOS) was not detected above laboratory reporting limits.

In response to the results of the initial July 2017 PFAS sampling round confirmation sampling as well as sampling additional locations should be undertaken during the November 2017 Permit monitoring round. As discussed with SHA, NHDES understands that the confirmatory PFAS round will include wells MW-304UR, MW-304DR, MW-802, and the B-915 and B-919 triplet installations.

Jon Swan
July 18 · 🌐

From a letter to Casella from NHDES, November 1, 2017. That is a long time for NHDES to keep this under wraps...not one peep about this at any of the numerous hearings, where we've been told there are no issues and NCES is a state-of-the-art landfill. This data says otherwise. The bad stuff is not being contained, and it's flowing with the groundwater within the watershed of the Ammonoosuc River.

1

1

Like

Share


System dark mode is now on. Switch Facebook to always match system setting? [Yes](#)

EXHIBIT 5






John Gay
DES #198704033
October 21, 2019
Page 2 of 3

This photo is from a post. [View post](#)

 **Jon Swan**
July 18 · 🌐

Why is NHDES parroting the old unlined landfill alibi used by Sanborn & Head and Casella? Historical issues? Regardless, contaminants are not being contained within the lined landfill still in operation...

1 

 Like  Share

NHDES as part of the November 2019, due in January 2020, and include an evaluation of the results and any associated recommendations.


2. On July 18, 2019, the New Hampshire Joint Legislative Committee on Administrative Rules (JLCAR) adopted rules that establish Maximum Contaminant Levels (MCLs) and either revised or established AGQS for four per- and polyfluoroalkyl substances (PFAS) that include: 12 nanograms per liter (ng/L) for perfluorooctanoic acid (PFOA), 15 ng/L for perfluorooctane sulfonic acid (PFOS), 18 ng/L for perfluorohexane sulfonic acid (PFHxS), and 11 ng/L for perfluorononanoic acid (PFNA). The rules became enforceable standards on September 30, 2019. In consideration of the new standards we note concentrations of PFOA have been detected above the new AGQS during the most recent monitoring rounds at monitoring wells MW-701 (PFOA 20.6 ng/L), MW-802 (PFOA 14.2 ng/L), B-918M (PFOA 17.3 ng/L), and B-919U (PFOA 14.1 ng/L). As discussed within the Annual Report, MW-802 and B-919U are located within the GMZ for the former unlined landfill where other impacts to groundwater have been noted historically. Although impacts at MW-701 and MW-802 are believed to be associated with previously identified historical issues, the impacts should be tracked closely, as discussed below. ***PFAS occurrences at the site should be reassessed in comparison to the new PFAS standards and the adequacy of the existing monitoring well network should be evaluated.***



EXHIBIT 6

Discussion Featured People Events Media Files



 **Jon Swan**
August 9 at 6:33 AM · 🌐

Good Morning Everyone! As this group grows, I've decided that it's time to hand over the administrative reins to someone who lives in Twin Mountain/Carroll and who will be a more effective admin, as I am spending more time researching and writing about the landfill fight at Forest Lake and at NCES in Bethlehem (which is releasing contaminants into the Ammonoosuc River watershed). I will be limiting most of my future landfill-related posts to my personal page and the Save Forest Lake group.

[Brian Mycko](#) has volunteered to be the new group admin. See you around this beautiful, special place we are all lucky to call home, the North Country! [Jon Swan](#)

About

Dedicated to news and happenings in the Twin Mountain and Carroll region of the North Country...home to great skiing at Bretton Woods and home to the Omni Mount Washington Hotel and Resort. [See less](#)

Public

Anyone can see who's in the group and what they post.


Visible

Anyone can find this group.

Twin Mountain, New Hampshire · Carroll, New Hampshire

Learn more

Upcoming events



THIS SATURDAY AT 4 PM

TANGO FANTÁSTICO with special guest Hector Del Curto, bandoneon and composer




Dow Pavilion

21 guests

See all

Recent media



 15

1 comment


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Comment

Share

Top comments

Submit your first comment...



 **Jeanne Stapleton**
Thank you Brian

Like Reply Share 2w

EXHIBIT 7



Jon Swan

@SaveForestLake1



@NHDES is an executive agency under the thumb of @GovChrisSununu, so why surprised? NCES Landfill is releasing 1,4-dioxane & #PFAS contaminants into the watershed of the Ammonoosuc River. The fox guards the henhouse, we've learned up north. #ProfitOverPeople

#WaterIsLife



Rosemarie Rung @rosemarierung · Aug 16

Very disappointed@NHDES is permitting @saintgobain to discharge #PFAS while many Granite Staters are still forced to use bottled water, suffer higher rates of cancer & pay from their own pocket to clean up this company's mess. EPA says there is no safe level of PFAS. #NHPolitics

- h. The maximum annual PFAS emission limits from the Main Stack #3 and Bypass Stack #6 combined shall be less than or equal to 0.69 lbs per calendar year for PFOA, 0.90 lbs per calendar year for PFOS, 0.98 lbs per calendar year for PFNA and 0.75 lbs per calendar year for PFHxS.

4:45 PM · Aug 16, 2023 · 78 Views



EXHIBIT 8

EXHIBIT 9

September 29 at 8:34 AM

Peaceful

PROTEST!

JOIN US!

Learn More

NCES Landfill Open House

Call NHDES and EPA and ask them what they are going to do about the PFAS contaminants that are leaking from the landfill within the watershed of the Ammonoosuc River:

NHDES Commissioner Robert Scott: (603) 271-3503
EPA Administrator Michael Regan: (202) 564-4700

IT'S LEAKING PFAS!

It's Time To

CLOSE THE DUMP!

Bring A Sign!

NCES Landfill Open House

SATURDAY, OCTOBER 7, 2023 AT 10 AM - 2 PM

Casella Waste Systems

September 29 at 8:20 AM

System dark mode is now on.
Switch Facebook to always match system setting? Yes X



Jon Swan

September 20 at 11:08 AM · 🌐



1

Share



Chuck Taylor

Are they seriously dumb enough to host an open house?

2w

EXHIBIT 10



SATURDAY, OCTOBER 7, 2023 AT 10 AM – 2 PM

Close The Dump Protest

Casella Waste Systems

About Discussion

Details

44 people responded

Event by Close The Casella Waste Systems NCES Landfill In Bethlehem, NH

Casella Waste Systems

Duration: 4 hr

Public · Anyone on or off Facebook

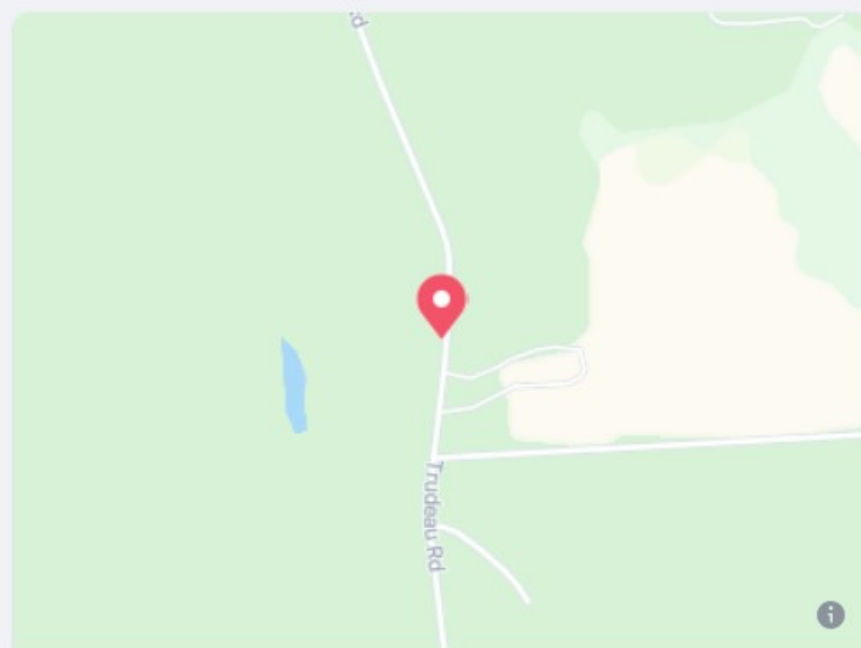
Will you join us on Saturday, October 7, 2023 for a peaceful PROTEST at the NCES Landfill "Open House"? It's time to #CloseTheDump!

Call NHDES and EPA and ask them what they are going to do about the PFAS contaminants that are leaking from the landfill within the watershed of the Ammonoosuc River:

NHDES Commissioner Robert Scott: (603) 271-3503
robert.r.scott@des.nh.gov

EPA Administrator Michael Regan: (202) 564-4700
Regan.Michael@epa.gov
See less

Bethlehem, New Hampshire



Casella Waste Systems

581 Trudeau Road, Bethlehem

Casella Waste Systems offers comprehensive resource management services. Contact us today to learn how we can meet your ... See more

Meet Your Host



Close The Casella Waste Systems NCES Landfill In Bethlehem, NH

5 past events · Page · Community

Following the February 2020 decision by NH DES that the Stage VI expansion does not meet the public

Message

Guests

See all

9
Went

35
INTERESTED

Related Events



TOMORROW AT 8 AM

European Motorcycle Day

Larz Anderson Auto Museum

Interested



THIS SUNDAY AT 9 AM

Japanese Car and Motorcycle Day

Larz Anderson Auto Museum

Interested



SUN, OCT 22 AT 11 AM

EXHIBIT 11

**Jon Swan**

October 7 at 9:00 AM · 🌐



Executive Councilor and candidate for governor Cinde Warmington raises concerns about PFAS contamination and the Forest Lake landfill project, following the October 4th meeting of the Executive Council in Canterbury, NH. Apparently both concerns came up during the meeting. It is wonderful to finally see someone in a position of power acknowledge the threat posed to the people of the North Country by the spread of PFAS contamination. How in good conscience can NHDES or the Governor of NH permit a PFAS-emitting project like a landfill, in an area FREE of PFAS contamination? That will be the question going forward, especially as we watch the nightmare unfold that is the NCES Landfill in neighboring Bethlehem and its continued release of PFAS contaminants into the watershed of the Ammonoosuc River!

<https://youtu.be/3omsFVj2xwQ>

Thank you, Cinde!



YOUTUBE.COM

Cinde Warmington Raises Concerns About PFAS Contamination and the Forest Lake landfill project

5



Like



Share



EXHIBIT 12



Jon Swan

October 7 at 9:50 AM · 🌐



At NCES



👍❤️ 57

12 comments 7 shares

👍 Like

➦ Share

Most relevant ▼



Jeanne Louise

On our way!!!

Like 6d



Andrea Bryant

No surprise.. some of us predicted it 30 years ago.

Like 5d



James Akerman Sr.

Save forest lake NOW..

PFAS will kill every living thing for years to come .. thus they call them Forever Chemicals.

Nothing breaks them down... .. See more

Like 5d



Jeanne Louise

#wewererightaboutNCES

Like 5d



Jon Swan

You know, if I'm wrong, why hasn't Casella, Sanborn Head, or NHDES tell me I'm wrong, and why? Where's EPA on all of this? We are talking about PFOA in groundwater outside of the lined landfill. That's not supposed to happen, right? Who's on first?

Like 5d Edited

👍 7



Andrea Bryant

Jon Swan good point. You think they would be making statements to counter. But tests don't lie.

Like 5d



Hilary Ann Barbara Lambert

Jon Swan yes, where is EPA?

Like 5d



Edward Shanshala

Jon Swan If you are involved in or witness an environmental emergency that presents a sudden threat to public health, you must call the National Response Center at: 1-800-424-8802.

Like 4d



Edward Shanshala

Hilary Ann Barbara Lambert

<https://www.epa.gov/report-violation>



EPA.GOV

Report a Violation | US EPA

Like 4d



Becky Swaffield

Maybe someone should contact the Globe Spotlight Team. They took on the Catholic Church and won.

Like 5d

👍 3



Neil Brody

\$ for EPA in cash 🍷

Like 4d



Jon Swan

Open to any and all help with reporting and sounding the alarm...I am sure EPA would love to hear from others. Lots of data uploaded to my website,

www.SaveForestLake.com



SAVEFORESTLAKE.COM

Save Forest Lake

Like 4d

EXHIBIT 13

Close The Dump! NCES Landfill Protest (10/7/2023)

**Save Forest Lake**

108 subscribers

Subscribe

<__slot-el>



1



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Save



53 views Oct 7, 2023 NORTH COUNTRY ENVIRONMENTAL

Citizens from the North Country rallied on Saturday, October 7, 2023, during the Casella/NCES Landfill "Open House", to urge NHDES and EPA officials to do the right thing and close the long-controversial, now-leaking landfill. Failure to contain and/or properly manage landfill leachate at the facility has lead to numerous groundwater monitoring well detections of PFAS contaminants, including PFOA at incredibly high levels, and in exceedance of AGQS limits. As the Waste Management Council deemed the approval of Stage VI expansion "unlawful", due to no significant public benefit, and with new revelations about the groundwater contaminant detections, it's time to stop feeding the leaking, and close the landfill once and for all. It's not need, nor wanted, and, it's failing to contain harmful contaminants from being released within the watershed of the Ammonoosuc River.

[#CloseTheDump!](#)

EXHIBIT 14



Jon Swan

@SaveForestLake1



How can we trust @EPA & @NHDES to protect Forest Lake when they won't protect the Ammonoosuc River from #PFOA in NCES Landfill surface water runoff?

@NHHouseofReps @TheNHSenate @Jaredfornh @OmgEgan
@pfasprojectnh @CLF @NHSierraClub @350NH @northcountryabc
@Michael_S_Regan @CNN

Response to Your Concerns re: NCES Landfill 3

Yahoo/Inbox ☆



Norcross, Jeffrey (he/him/his) <norcross.jeffrey@epa.gov>



Wed, Nov 15 at 9:04 AM ☆

To: saveforestlake@yahoo.com

Cc: Leclair, Jacqueline, michael.j.wimsatt@des.nh.gov

Dear Mr. Swan:

Thank you for your recent emails regarding Casella's NCES Landfill in Bethlehem, NH. The New Hampshire Department of Environmental Services (NHDES) is responsible for oversight of the landfill. I recommend your contact NHDES's Mike Wimsatt at michael.j.wimsatt@des.nh.gov. Mike is best able to respond to your concerns.

Please send any future emails regarding this matter to me. My EPA Region 1 colleagues Jackie LeClair and Jean Brochi do not do work related to landfill oversight. Thanks.

Sincerely,

Jeff Norcross
Section Supervisor
Office of Public Affairs
U.S. EPA-Region 1
5 Post Office Square, Suite 100 (01-3)
Boston, MA 02109
Phone: (617) 918-1839



Jon Swan @SaveForestLake1 · Nov 14

SFL Blog Post: PFAS Detected In NCES Landfill Runoff Into The Ammonoosuc River

saveforestlake.com/f/pfas-detected...

@NHHouseofReps @TheNHSenate @NHSenateDems @NHYoungDems
@NHHouseGOP @Sruthi_Gopal_ @NPR @RobertBilott @davabel ...

[Show more](#)

11:04 AM · Nov 15, 2023 · 1,192 Views



EXHIBIT 15



Jon Swan

@SaveForestLake1

Lab results confirm NCES Landfill #PFAS contaminants are being discharged into the Ammonoosuc River via surface water runoff at 2 locations!

Top 4 match those detected in upgradient gw monitoring wells & leachate disposed at NH WWTPs. Where's @NHDES?

@EPA @Michael_S_Regan @nhpr



September 7, 2023 NCES Surface Water Discharge Sampling PFAS Lab Results

Parameter	Result	Qualifier	Units	RL	MCL	Detection Factor
Perfluorinated Alkyl Acids by EPA 537.1 - Mansfield Lab						
Perfluorobutanoic Acid (PFBA)	0.634	SL	ng/L	2.00	0.603	1.0634 ng/L
Perfluoropentanoic Acid (PFPA)	1.75	SL	ng/L	2.00	0.603	1.75 ng/L
Perfluorohexanoic Acid (PFHxA)	ND		ng/L	2.00	0.603	
Perfluoroheptanoic Acid (PFHpA)	0.784	SL	ng/L	2.00	0.603	0.784 ng/L
Perfluorooctanoic Acid (PFOA)	ND		ng/L	2.00	0.603	
4:6-Decafluorooctanoic Acid (ADONA)	ND		ng/L	2.00	0.603	
Perfluorodecanoic Acid (PFDA)	1.60	SL	ng/L	2.00	0.603	1.60 ng/L
Perfluoroundecanoic Acid (PFUdA)	ND		ng/L	2.00	0.603	
Perfluorododecanoic Acid (PFDDA)	ND		ng/L	2.00	0.603	
Perfluorotridecanoic Acid (PFTrDA)	ND		ng/L	2.00	0.603	
Perfluorotetradecanoic Acid (PFTeDA)	ND		ng/L	2.00	0.603	
Perfluoropentadecanoic Acid (PFPeDA)	ND		ng/L	2.00	0.603	
Perfluorohexadecanoic Acid (PFHxDA)	ND		ng/L	2.00	0.603	
Perfluorooctadecanoic Acid (PFODa)	ND		ng/L	2.00	0.603	
Perfluorooctanoic Acid (PFODa)	ND		ng/L	2.00	0.603	



October 20, 2023 NCES "Seep" Surface Water Discharge Sampling PFAS Lab Results

Parameter	Result	Qualifier	Units	RL	MCL	Detection Factor
Perfluorinated Alkyl Acids by EPA 537.1 - Mansfield Lab						
Perfluorobutanoic Acid (PFBA)	4.35	SL	ng/L	2.00	0.617	4.35 ng/L
Perfluoropentanoic Acid (PFPA)	4.73	SL	ng/L	2.00	0.617	4.73 ng/L
Perfluorohexanoic Acid (PFHxA)	ND		ng/L	2.00	0.617	
Perfluoroheptanoic Acid (PFHpA)	1.37	SL	ng/L	2.00	0.617	1.37 ng/L
Perfluorooctanoic Acid (PFOA)	ND		ng/L	2.00	0.617	
4:6-Decafluorooctanoic Acid (ADONA)	ND		ng/L	2.00	0.617	
Perfluorodecanoic Acid (PFDA)	2.39	SL	ng/L	2.00	0.617	2.39 ng/L
Perfluoroundecanoic Acid (PFUdA)	ND		ng/L	2.00	0.617	
Perfluorododecanoic Acid (PFDDA)	ND		ng/L	2.00	0.617	
Perfluorotridecanoic Acid (PFTrDA)	ND		ng/L	2.00	0.617	
Perfluorotetradecanoic Acid (PFTeDA)	ND		ng/L	2.00	0.617	
Perfluoropentadecanoic Acid (PFPeDA)	ND		ng/L	2.00	0.617	
Perfluorohexadecanoic Acid (PFHxDA)	ND		ng/L	2.00	0.617	
Perfluorooctadecanoic Acid (PFODa)	ND		ng/L	2.00	0.617	
Perfluorooctanoic Acid (PFODa)	ND		ng/L	2.00	0.617	



Perfluorobutanoic acid	2	PFBA	1439	2143	1638	1911	1540	3510
Perfluoropentanoic acid	3	PFPA	1789	1693	1948	2266	3260	2550
Perfluoroheptanoic acid	4	PFHpA	729	812	659	732	619	822

PFBA

PFPA

PFHpA

PFHxA

PFHxPA

PFOA

ADONA

PFDA

PFUdA

PFDDA

PFTrDA

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September 7, 2023 NCES Surface Water Discharge Sampling PFAS Lab Results

Parameter	Result	* Qualifier	Units	RL	MDL	Dilution Factor
Perfluorinated Alkyl Acids by EPA 537.1 - Mansfield Lab						
Perfluorobutanesulfonic Acid (PFBS)	0.634	*J	ng/l	2.00	0.623	1
Perfluorohexanoic Acid (PFHxA)	1.75	J	ng/l	2.00	0.623	1
Hexafluoropropylene Oxide Dimer Acid (HFPO-DA)	ND		ng/l	2.00	0.623	1
Perfluoroheptanoic Acid (PFHpA)	0.784	J	ng/l	2.00	0.623	1
Perfluorohexanesulfonic Acid (PFHxS)	ND		ng/l	2.00	0.623	1
4,8-Dioxa-3h-Perfluorononanoic Acid (ADONA)	ND		ng/l	2.00	0.623	1
Perfluorooctanoic Acid (PFOA)	1.60	J	ng/l	2.00	0.623	1
Perfluorononanoic Acid (PFNA)	ND		ng/l	2.00	0.623	1
Perfluorooctanesulfonic Acid (PFOS)	ND		ng/l	2.00	0.623	1
Perfluorodecanoic Acid (PFDA)	ND		ng/l	2.00	0.623	1
9-Chlorohexadecafluoro-3-Oxanone-1-Sulfonic Acid (9Cl-PF3ONS)	ND		ng/l	2.00	0.623	1
N-Methyl Perfluorooctanesulfonamidoacetic Acid (NMeFOSAA)	ND		ng/l	2.00	0.623	1
Perfluoroundecanoic Acid (PFUnA)	ND		ng/l	2.00	0.623	1
N-Ethyl Perfluorooctanesulfonamidoacetic Acid (NEtFOSAA)	ND		ng/l	2.00	0.623	1
Perfluorododecanoic Acid (PFDoA)	ND		ng/l	2.00	0.623	1
11-Chloroeicosafluoro-3-Oxaundecane-1-Sulfonic Acid (11Cl-PF3OUdS)	ND		ng/l	2.00	0.623	1
Perfluorotridecanoic Acid (PFTriDA)	ND		ng/l	2.00	0.623	1
Perfluorotetradecanoic Acid (PFTA)	ND		ng/l	2.00	0.623	1

*J Qualifier: The Target analyte concentration is below the quantitation limit (RL), but above the Method Detection Limit (MDL)

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Trending in United States
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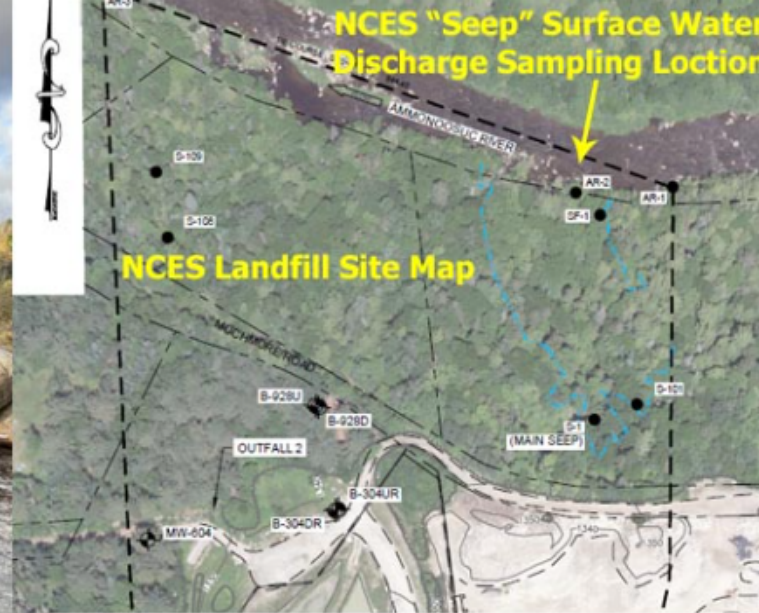
Jon Swan
@SaveForestLake1

Lab results confirm NCES Landfill #PFAS contaminants are being discharged into the Ammonoosuc River via surface water runoff at 2 locations! Top 4 match those detected in upgradient gw monitoring wells & leachate disposed at NH WWTPs. Where's @NHDES? @EPA @Michael_S_Regan @nhpr

9:42 AM · Nov 19, 2023 · 1,180 Views

12 17 1

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NCES "Seep" Surface Water Discharge Into The Ammonoosuc River Sampling Location 10/20/2023

October 20, 2023 NCES "Seep" Surface Water Discharge Sampling PFAS Lab Results

Parameter	Result	*Qualifier	Units	RL	MDL	Dilution Factor
Perfluorinated Alkyl Acids by EPA 537.1 - Mansfield Lab						
Perfluorobutanesulfonic Acid (PFBS)	PFBS	4.35	ng/l	2.00	0.617	1 4.35 ng/L
Perfluorohexanoic Acid (PFHxA)	PFHxA	4.73	ng/l	2.00	0.617	1 4.73 ng/L
Hexafluoropropylene Oxide Dimer Acid (HFPO-DA)		ND	ng/l	2.00	0.617	1
Perfluoroheptanoic Acid (PFHpA)	PFHpA	1.37	* J ng/l	2.00	0.617	1 1.37 ng/L
Perfluorohexanesulfonic Acid (PFHxS)		ND	ng/l	2.00	0.617	1
4,8-Dioxa-3h-Perfluorononanoic Acid (ADONA)		ND	ng/l	2.00	0.617	1
Perfluorooctanoic Acid (PFOA)	PFOA	2.39	ng/l	2.00	0.617	1 2.39 ng/L
Perfluorononanoic Acid (PFNA)		ND	ng/l	2.00	0.617	1
Perfluorooctanesulfonic Acid (PFOS)		ND	ng/l	2.00	0.617	1
Perfluorodecanoic Acid (PFDA)		ND	ng/l	2.00	0.617	1
9-Chlorohexadecafluoro-3-Oxanone-1-Sulfonic Acid (9Cl-PF3ONS)		ND	ng/l	2.00	0.617	1
N-Methyl Perfluorooctanesulfonamidoacetic Acid (NMeFOSAA)		ND	ng/l	2.00	0.617	1
Perfluoroundecanoic Acid (PFUnA)		ND	ng/l	2.00	0.617	1
N-Ethyl Perfluorooctanesulfonamidoacetic Acid (NEtFOSAA)		ND	ng/l	2.00	0.617	1
Perfluorododecanoic Acid (PFDoA)		ND	ng/l	2.00	0.617	1
11-Chloroeicosafluoro-3-Oxaundecane-1-Sulfonic Acid (11Cl-PF3OUdS)		ND	ng/l	2.00	0.617	1
Perfluorotridecanoic Acid (PFTTrDA)		ND	ng/l	2.00	0.617	1
Perfluorotetradecanoic Acid (PFTA)		ND	ng/l	2.00	0.617	1

*J Qualifier: The Target analyte concentration is below the quantitation limit (RL), but above the Method Detection Limit (MDL)

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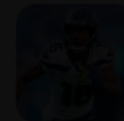
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Our mission is to protect human health and the environment.

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What's happening

NFL • Last night
Eagles at Seahawks



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Trending in United States
Bras

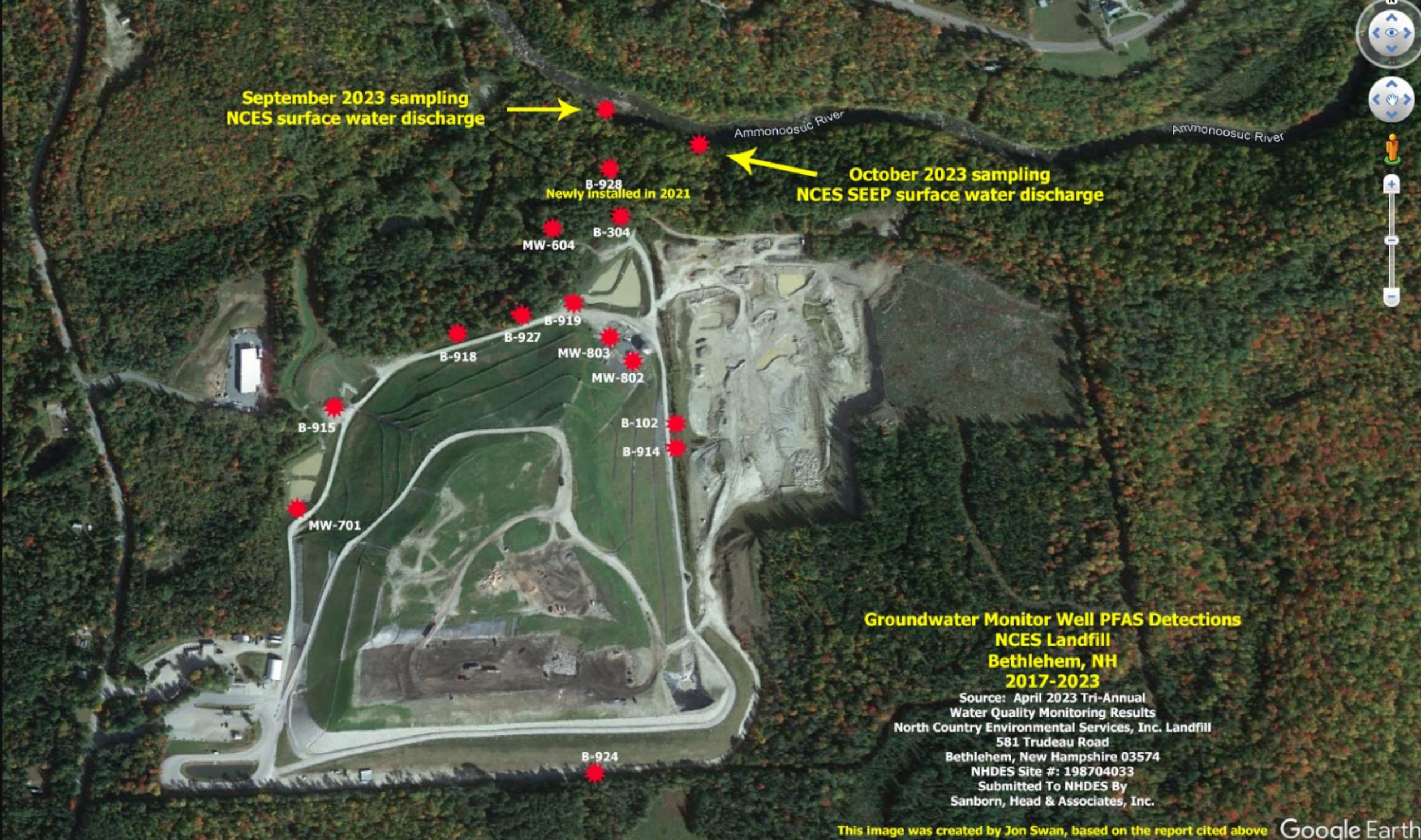
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Jon Swan
@SaveForestLake1

Lab results confirm NCES Landfill [#PFAS](#) contaminants are being discharged into the Ammonoosuc River via surface water runoff at 2 locations! Top 4 match those detected in upgradient gw monitoring wells & leachate disposed at NH WWTPs. Where's [@NHDES](#)? [@EPA](#) [@Michael_S_Regan](#) [@nhpr](#)

9:42 AM · Nov 19, 2023 · 1,180 Views

12 17 1

Post your reply [Reply](#)

**The top 4 PFAS in NCES Leachate
also detected at the B-304 & B-928 Monitoring Wells**

NCES Landfill Leachate Profile 2018-2023**

(results in ng/L, regulated compounds in BOLD)

Compound	Symbol	2018	2019	2020	2021	2022	2023
Perfluorohexanoic acid 1	PFHxA	2500	2780	2950	2370	3120	3820
Perfluorooctanoic acid 2	PFOA	2400	2290	1820	1910	1540	2510
Perfluorobutanesulfonate 3	PFBS	1700	1690	1940	2260	3260	2500
Perfluorheptanoic acid 4	PFHpA	730	812	659	733	619	822

TABLE 9.1
Summary of PFAS Groundwater Analytical Results
North County Environmental Services, Inc.
Burlington, New Hampshire
Project No. GMP-198704011-0-007

Sample Location	Sample Date	Sample Type	Perfluorinated Carboxylic Acids										Perfluorinated Sulfonic Acids										Phenols		Perfluorinated Sulfoxides		Perfluorinated Sulfonamides		Total of Regulated PAHs	Total PAHs																																																																																																																																																																																																																																																						
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B-928 Monitoring Wells Lab Results 2021-2023 (Installed in 2021)

[illegible]

Jon Swan
@SaveForestLake1

Lab results confirm NCES Landfill #PFAS contaminants are being discharged into the Ammonoosuc River via surface water runoff at 2 locations!
Top 4 match those detected in upgradient gw monitoring wells & leachate disposed at NH WWTPs.
Where's @NHDES?
@EPA @Michael S Regan @nhpr

9:42 AM · Nov 19, 2023 · 1,180 Views


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  1
 

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@newhampshire17

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♡ 17

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EXHIBIT 16



Jon Swan

@SaveForestLake1



Casella Waste Systems seeks new greenfield landfill permits next to Forest Lake as their 30-yr old NCES Landfill discharges [#PFOA](#) into Ammonoosuc River [SaveForestLake.com](#)

Where's the media?

[@CNN](#) [@NBCNews](#) [@ABC](#) [@MSNBC](#) [@TIME](#) [@WSJ](#) [@washingtonpost](#)
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[saveforestlake.com](#)

Save Forest Lake

Casella Seeks New Landfill Permits As Old Landfill Releases PFAS Into River

7:59 AM · Dec 12, 2023 · **114** Views



2



4



6





Jon Swan

@SaveForestLake1



Casella Waste Systems seeks new greenfield landfill permits next to Forest Lake as their 30-yr old NCES Landfill discharges [#PFOA](#) into Ammonoosuc River [SaveForestLake.com](#)

Where's the media? [@nancywestnews](#) [@nhpr](#) [@NewHampJournal](#) [@nytimes](#) [@NHBulletinNews](#) [@Sruthi_Gopal_](#) [@VICENews](#)



[saveforestlake.com](#)

Save Forest Lake

Casella Seeks New Landfill Permits As Old Landfill Releases PFAS Into River

8:01 AM · Dec 12, 2023 · **57** Views





Jon Swan

@SaveForestLake1



Casella Waste Systems seeks new greenfield landfill permits next to Forest Lake as their 30-yr old NCES Landfill discharges [#PFOA](#) into Ammonoosuc River [SaveForestLake.com](#)

Where's the media?

[@HuffPost](#) [@Reuters](#) [@DavidMuir](#) [@edbegleyjr](#) [@ErinBrockovich](#)
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Save Forest Lake

Casella Seeks New Landfill Permits As Old Landfill Releases PFAS Into River

8:03 AM · Dec 12, 2023 · **61** Views

EXHIBIT 17

ANNUAL WASTE RECEIPTS BY STATE OF ORIGIN
CALENDAR YEAR 2020
PERMITTEE WASTE MANAGEMENT OF NEW HAMPSHIRE, INC
FACILITY NAME TLR-III REFUSE DISPOSAL FACILITY
PERMIT NO. DES-SW-SP-95-001

STATE OF ORIGIN	WASTE TYPE (TONS)										ADC
	MSW-R	MSW-C/I	CDD	TREATED INFECTIOUS	ASBESTOS	ASH	SLUDGE	C-SOIL	OTH SPW	TOTAL RECEIPTS	
CONNECTICUT	0.00	0.00	0.00	0.00	26,347.62	287.66	48.36	2,184.33	6,016.91	34,884.88	14,456.77
MASSACHUSETTS	391,634.08	7,886.07	119.48	0.00	69,651.26	2.09	5,237.12	194,903.63	28,551.34	697,985.07	53,882.63
MAINE	1,476.71	7,059.50	1,805.43	0.00	294.11	0.00	3,065.51	837.52	39,714.75	54,253.53	35,143.51
NEW HAMPSHIRE	230,359.03	48,362.55	69,321.23	0.00	5,432.52	2.69	22,345.93	13,325.11	47,233.66	436,382.72	152,321.62
RHODE ISLAND	0.00	0.00	0.00	0.00	225.95	0.00	4,341.37	947.73	703.90	6,218.95	0.00
VERMONT	0.00	0.00	0.00	0.00	4.38	0.00	0.00	0.00	1,030.92	1,035.30	0.00
Totals	623,469.82	63,308.12	71,246.14	0.00	101,955.84	292.44	35,038.29	212,198.32	123,251.48	1,230,760.45	255,804.53

Note:
(1) Tonnages indicate those tons received and disposed or otherwise used within the landfill's approved design volume.
(2) "Municipal solid waste" means solid waste generated at residences, comercial or industrial establishments and institutions, but excluding construction and demolition debris, automobile scrap and other motor vehicle waste, infectious waste, asbestos waste, contaminated soil and other absorbent media, and ash other than ash from household stoves. See Env-Sw 103.47.

- Legend for Waste Types:**
- MSW-R = Municipal solid waste from residential sources
 - MSW-C/I = Municipal solid waste from commercial and industrial sources
 - CDD = Construction and demolition debris (see Env-Sw 102.42)
 - TREATED INFECTIOUS = Treated infectious waste (see Env-Sw 103.28 and Env-Sw 904)
 - ASBESTOS = Non-friable and friable asbestos-containing waste (see Env-Sw 102.14 and Env-Sw 901)
 - ASH = Ash residue remaining after combustion of various materials in an incinerator or other device
 - SLUDGE = Sludges from various water, wastewater and air pollution control processes
 - C-SOIL = Soil with contamination (e.g., petroleum, other substances) that is disposed or soil otherwise unsuitable for use as ADC (see Env-Sw 903)
 - OTH SPW = Any other waste received that is not categorized above, including industrial process wastes
 - TOTAL RECEIPTS = Sum of all waste receipts, which should be equal to the summation of all waste received as shown in this table (excluding ADC)
 - ADC = Soils and other materials permitted for use as alternative daily cover (see Env-Sw 806.03)

Jon Swan
December 30, 2023 at 4:23 PM · 🌐

Casey MacDonald As I said, Turnkey...which, like Carberry, takes out of state waste, which can easily be displaced by any C or S NH towns that wish to send their waste there, due to geographic location...of course, some might stay with Casella who will likely charge more to haul to NY. No one has ever stated or implied that AVRRDD/Mt Carberry would replace NCES, that's a silly argument Casella supporters like to use. As you can see from this 2020 WM Turnkey facility report, they have plenty of capacity to handle any leftover NCES waste regardless of location. Not really sure what other responses you are looking for, as I've clearly stated, there is no need for Casella and NCES, especially since NCES is failing to contain harmful contaminants like PFAS and 1,4-Dioxane, with recent sampling of surface water runoff revealing 4 PFAS compounds directly entering the Ammonoosuc River...so, NCES will close, by 2026 or sooner, and will likely become a Superfund site. As for the proposed GSL project at Forest Lake, it's not needed, nor wanted. Hope that clears things up for you. See less

Like

EXHIBIT 18

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Casella Waste Systems, Inc.

v.

Jon Swan

Docket #217-2020-CV-212

**SWAN ANSWERS TO
PLAINTIFF'S REQUESTS FOR ADMISSIONS**

Casella Waste Systems, Inc. ("CWS") hereby requests that Jon Swan admit the following facts within 30 days in accordance with N.H. Super. Ct. R. 28.

DEFINITIONS

The following definitions apply to these requests.

1. **"Complaint"** shall mean the second amended complaint filed in this case on February 22, 2024 and approved by the court's March 27, 2024 order.
2. **"NCES Landfill"** shall mean the North Country Environmental Services, Inc. landfill located in Bethlehem, New Hampshire, which is a CWS subsidiary.
3. **"You"** shall mean the defendant in this action, Jon Swan.

REQUESTS FOR ADMISSIONS

1. Admit that **you** own an X (formerly Twitter) account with the handle @SaveForestLake1.

Response: Admitted.

2. Admit that **you** authored and published the X (formerly Twitter) post contained as Exhibit 3 to the **Complaint**.

Response: Admitted, with the qualification that I did not "author" the text, which was authored by the Caledonian Record.

3. Admit that **you** authored and published the Facebook post contained as Exhibit 4 to the **Complaint**.

Response: Admitted in part. Exhibit 4 appears to be part of a letter to or from John Gay, DES #1987040333 with yellow highlighting. I did not author that letter. I did author and publish the July 18 post on the same Exhibit.

4. Admit that the Facebook post attached as Exhibit 4 to the **Complaint** does not contain, cite, include, or refer to the source of the information on which **you** rely for **your** statement in that post: “The bad stuff is not being contained, and it’s flowing with the groundwater within the watershed of the Ammonoosuc River.” See **Complaint**, Exhibit 4.

Response: Denied. The information on which I relied in my statement in the July 18 post is contained in the letter in Exhibit 4, specifically, the statement: “NHDES notes that six individual Per and Polyfluroalkyl Substances (PFAS) were detected in groundwater samples collected from release detection monitoring wells... and at groundwater management monitoring well B-102S during the initial PFAS sampling round...”

5. Admit that **you** authored and published the Facebook post contained as Exhibit 5 to the **Complaint**.

Response: Admitted in part. Exhibit 5 appears to be part of a letter to John Gay, DES #1987040333 with yellow highlighting. I did not author that letter. I did author and publish the July 18 post on the same Exhibit.

6. Admit that the Facebook post contained as Exhibit 5 to the **Complaint** does not contain, cite, include, or refer to the source of the information on which **you** rely for **your** statement in that post: “Regardless, contaminants are not being contained within the lined landfill still in operation....” See **Complaint**, Exhibit 5.

Response: Denied. The information on which I relied in my statement in the July 18 post is contained in the letter in Exhibit 5, specifically, the statement “we note concentrations of PFOA have been detected above the new AGQS during the most recent monitoring rounds at monitoring wells MW-701 [etc.]... located within the GMZ for the former unlined landfill.” Thus, the statement is both true and reflective of the data reproduced in the same post.

7. Admit that **you** authored and published the Facebook post contained as Exhibit 6 to the **Complaint**.

Response: Admitted.

8. Admit that the Facebook post contained as Exhibit 6 to the **Complaint** does not contain, cite, include, or refer to the source of the information on which **you** rely for **your** statement in that post that the **NCES Landfill** is “releasing contaminants into the Ammonoosuc River watershed.” See **Complaint**, Exhibit 6.

Response: Denied. None of my individual posts can be taken out of context. Shortly after/before that post, I posted the attached materials, references, and citations all of which bear on, explain and reference the arbitrarily isolated statement you have identified.. My statement is unambiguously an opinion or conclusion based upon extensive published facts, all part of the public record, that I have relied on, cited, reposted, and referenced hundreds, if not thousands of times.

9. Admit that **you** authored and published the X (formerly Twitter) post contained as Exhibit 7 to the **Complaint**.

Response: Admitted.

10. Admit that the X (formerly Twitter) post contained as Exhibit 7 to the **Complaint** does not contain, cite, include, or refer to the source of the information on which **you** rely for **your** statement in that post: “**NCES Landfill** is releasing 1,4-dioxane & #PFAS contaminants into the watershed of the Ammonoosuc River.” See **Complaint**, Exhibit 7.

Response: Denied. Shortly after/before that post, I posted the attached materials, references, and citations all of which bear on, explain and reference the arbitrarily isolated statement you have identified.. My statement is unambiguously an opinion or conclusion based upon extensive published facts, all part of the public record, that I have relied on, cited, reposted, and referenced hundreds, if not thousands of times.

Furthermore, the post I was reacting to, by Rosmarie Rung, was citing specific PFAS data from N.H. DES, and my reference was to DES and its own findings that NCES Landfill is releasing 1,4-dioxane & PFAS contaminants into the watershed of the Ammonoosuc River, which is an incontestable fact.

11. Admit that **you** authored and published the Facebook post contained as Exhibit 8 to the **Complaint**.

Response: Admitted.

12. Admit that the Facebook post contained as Exhibit 8 to the **Complaint** does not contain, cite, include, or refer to the source of the information on which **you** rely for **your** statement in that post: “These chemicals [1,4-dioxane and PFAS] are being released within the Ammonoosuc River watershed.” See **Complaint**, Exhibit 8.

Response: Denied. I reference expressly the “Groundwater reports submitted to NHDES by Sanborn & Head.” These reports admit that 1,4-dioxane and PFAS are being released within the Ammonoosuc River watershed.

13. Admit that **you** created and published the image shared on Facebook shown in Exhibits 9 and 10 of the **Complaint**.

Response: Admitted.

14. Admit that the Facebook image contained in Exhibits 9 and 10 of the **Complaint** does not contain, cite, include, or refer to the source of the information on which **you** rely for **your** statement in that post: “Call NHDES and EPA and ask them what they are going to do about the PFAS contaminants that are leaking from the landfill within the watershed of the Ammonoosuc River.” *See* **Complaint**, Exhibits 9 and 10.

Response: Shortly after/before that post, I posted the attached materials, references, and citations all of which bear on, explain and reference the arbitrarily isolated statement you have identified. My statement is unambiguously an opinion or conclusion based upon extensive published facts, all part of the public record, that I have relied on, cited, reposted, and referenced hundreds, if not thousands of times. Furthermore, at the bottom of the post, there is an explainer under the portion of the page entitled “Meet your Host” that describes the background, history and salient facts. I have numerous snippets from this page which depict the numerous docs I use to support my objectively supported belief that the liner system is leaking up to the event on October 7 2023.

15. Admit that **you** authored and published the X (formerly Twitter) post contained as Exhibit 11 to the **Complaint**.

Response: Admitted.

16. Admit that the X (formerly Twitter) post contained as Exhibit 11 to the **Complaint** does not contain, cite, include, or refer to the source of the information on which **you** rely for **your** statement in that post: “...as we watch the nightmare unfold that is the **NCES**

Landfill in neighboring Bethlehem and its continued release of PFAS contaminants into the watershed of the Ammonoosuc River.” See **Complaint**, Exhibit 11.

Response: Denied. My statement is unambiguously an opinion or conclusion based upon extensive published facts, all part of the public record, that I have relied on, cited, reposted, and referenced hundreds, if not thousands of times, and all of which bear on, explain and reference the arbitrarily isolated statement you have identified. In addition, it is an incontrovertible truth, established by Casella’s own engineers, that the Bethlehem facility operated by NCES is leaking PFAS and 1,4-dioxane, at minimum.

17. Admit that **you** captured and published the photograph shown in the Facebook post contained as Exhibit 12 to the **Complaint**, which is described as having been taken at the **NCES Landfill** showing a sign that says “CLOSE THE DUMP: IT’S LEAKING!”

Response: Admitted.

18. Admit that the Facebook image contained in Exhibit 12 of the **Complaint** does not contain, cite, include, or refer to the source of the information on which **you** rely for **your** statement in that post that the **NCES Landfill** is “leaking.” See **Complaint**, Exhibit 12.

Response: Denied. My statement is unambiguously an opinion or conclusion based upon extensive published facts, all part of the public record, that I have relied on, cited, reposted, and referenced hundreds, if not thousands of times, and all of which bear on, explain and reference the arbitrarily isolated statement you have identified. In addition, it is an incontrovertible truth, established by Casella’s own engineers, that the Bethlehem facility operated by NCES is leaking PFAS and 1,4-dioxane, at minimum. The very letter included on the post states (by NHDES): “We note that concentrations of PFOA have been detected.”

19. Admit that **you** authored and published the caption to a YouTube video contained as Exhibit 13 to the **Complaint**.

Response: Admitted.

20. Admit that the YouTube caption contained in Exhibit 13 to the **Complaint** does not contain, cite, include, or refer to the source of the information on which **you** rely for **your** statement in that caption characterizing the **NCES Landfill** as “leaking” and “now-leaking.”
See Complaint, Exhibit 13.

Response: Denied. My statement is unambiguously an opinion or conclusion based upon extensive published facts, all part of the public record, that I have relied on, cited, reposted, and referenced hundreds, if not thousands of times, and all of which bear on, explain and reference the arbitrarily isolated statement you have identified. In addition, it is an incontrovertible truth, established by Casella’s own engineers, that the Bethlehem facility operated by NCES is leaking PFAS and 1,4-dioxane, at minimum. Finally, the Exhibit 13 document omits the video itself, or a still of it, which was the thing that the caption shown in Exhibit 13 was commenting on. The YouTube video in question provided substantial background information and facts upon which I base my conclusion that the NCES landfill is leaking PFAS, PFOA and/or 1,4-dioxane, at minimum.

21. Admit that the YouTube caption contained in Exhibit 13 to the **Complaint** does not contain, cite, include, or refer to the source of the information on which **you** rely for **your** statement in that caption: “[NCES’s] Failure to contain and/or properly manage landfill leachate at the facility has lead [sic] to numerous groundwater monitoring well detections of PFAS contaminants, including POFA at incredibly high levels, and in exceedance of AGQS limits.”
See Complaint, Exhibit 13.

Response: Denied. My statement is unambiguously an opinion or conclusion based upon extensive published facts, all part of the public record, that I have relied on, cited, reposted, and referenced hundreds, if not thousands of times, and all of which bear on, explain and reference the arbitrarily isolated statement you have identified. In addition, it is an incontrovertible truth, established by Casella's own engineers, that the Bethlehem facility operated by NCES is leaking PFAS and 1,4-dioxane, at minimum. Finally, the Exhibit 13 document omits the video itself, or a still of it, which was the thing that the caption shown in Exhibit 13 was commenting on. The YouTube video in question provided substantial background information and facts upon which I base my conclusion that the NCES landfill is leaking PFAS, PFOA and/or 1,4-dioxane, at minimum.

22. Admit that **you** authored and published the X (formerly Twitter) post contained as Exhibit 14 to the **Complaint**.

Response: Admitted in part. Portions of the Exhibit were authored by me.

23. Admit that the X (formerly Twitter) post contained as Exhibit 14 to the **Complaint** does not contain, cite, include, or refer to the source of the information on which **you** rely to claim that "surface water runoff" from the **NCES Landfill** contains PFOA. See **Complaint**, Exhibit 14.

Response: Denied. My statement is unambiguously an opinion or conclusion based upon extensive published facts, all part of the public record, that I have relied on, cited, reposted, and referenced hundreds, if not thousands of times, and all of which bear on, explain and reference the arbitrarily isolated statement you have identified. In addition, it is an incontrovertible truth, established by Casella's own engineers and NHDES, that the Bethlehem facility operated by NCES is leaking PFAS and 1,4-dioxane, at minimum.

24. Admit that **you** authored and published the X (formerly Twitter) post contained as Exhibit 15 to the **Complaint**.

Response: Admitted in part. Portions of the data interpreted in the post were gathered, compiled and presented by Casella's engineers and/or DES.

25. Admit that the X (formerly Twitter) post contained as Exhibit 15 to the **Complaint** does not contain, cite, include, or refer to the source of the information on which **you** rely for **your** statement in that post: "Lab results confirm **NCES Landfill** #PFAS contaminants are being discharged into the Ammonoosuc River via surface water runoff at 2 locations!" *See***Complaint**, Exhibit 15.

Response: Denied. The data I am drawing conclusions from is in the post itself and was produced in part by DES and/or Casella's own engineers.

26. Admit that **you** authored and published the three X (formerly Twitter) posts contained as Exhibit 16 to the **Complaint**.

Response: Admitted.

27. Admit that the X (formerly Twitter) posts contained as Exhibit 16 to the **Complaint** does not contain, cite, include, or refer to the source of the information on which **you** rely for **your** statement in those posts that the **NCES Landfill** "discharges #PFOA into Ammonoosuc River." *See***Complaint**, Exhibit 16.

Response: Denied. My statement is unambiguously an opinion or conclusion based upon extensive published facts, all part of the public record, that I have relied on, cited, reposted, and referenced hundreds, if not thousands of times, and all of which bear on, explain and reference the arbitrarily isolated statement you have identified. In addition,

it is an incontrovertible truth, established by Casella's own engineers, that the Bethlehem facility operated by NCES is leaking PFAS and 1,4-dioxane, at minimum.

28. Admit that **you** authored and published the X (formerly Twitter) post contained as Exhibit 17 to the **Complaint**.

Response: Admitted in part. The chart is an accumulation of data in table format from what appears to be a DES file.

29. Admit that the X (formerly Twitter) post contained as Exhibit 17 to the **Complaint** does not contain, cite, include, or refer to the source of the information on which **you** rely for **your** statement in that post that the **NCES Landfill** is “failing to contain harmful contaminants like PFAS and 1,4-Dioxane, with recent sampling of surface water runoff revealing 4 PFAS compounds directly entering the Ammonoosuc River . . . so, NCES will close, by 2026 or sooner, and will likely become a Superfund site.” *See Complaint*, Exhibit 17.

Response: Denied. The statement predicts the future and is by definition, and unambiguously, an opinion or conclusion based upon extensive published facts, all part of the public record, that I have relied on, cited, reposted, and referenced hundreds, if not thousands of times, and all of which bear on, explain and reference the arbitrarily isolated statement you have identified. In addition, it is an incontrovertible truth, established by Casella's own engineers, that the Bethlehem facility operated by NCES is leaking PFAS and 1,4-dioxane, at minimum.

Respectfully submitted,
CASELLA WASTE SYSTEMS, INC.,
By Its Attorneys,

Date: May 6, 2024

By: /s/ Cooley A. Arroyo
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CERTIFICATE OF SERVICE

I hereby certify that the within document was this day e-mailed and/or mailed, postage prepaid, Jeremy D. Eggleton, Esq., Orr & Reno, P.A., 45 S. Main Street, Ste. 400, P.O. Box 3550, Concord, NH 03302-3550.

Date: May 6, 2024

/s/ Cooley A. Arroyo

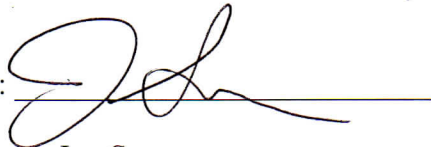
Cooley A. Arroyo, Esq.

VERIFICATION

Signed and sworn before me as true to the best of his knowledge and belief by Jon Swan on this date.

Date: June 6, 2024

By: _____



Jon Swan

By: _____



Notary/Justice of the Peace

My commission expires:

August 26, 2025

<p>Teresa Cormier Notary Public, State of New Hampshire My Commission Expires Aug 26, 2025</p>
