



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

October 3, 2013

Sharon Gauthier, Executive Director  
Androscoggin Valley Regional Refuse Disposal District (AVRRDD)  
15 Mount Forist Street  
P.O. Box 336  
Berlin, NH 03570

**SUBJECT: Type I-A Permit Modification Application for Mt. Carberry Landfill Phase III North; WMD Log #s. 200900133, 2010563, 2010634, 2010651, 2011602, 2011614, and 2011708.**

Dear Ms. Gauthier:

The Department of Environmental Services, Waste Management Division (Department) has completed its review of the above referenced application to modify permit #DES-SW-88-029 to permit a 30-acre expansion of the Mt. Carberry Solid Waste Landfill in an area referred to as "Phase III North." In accordance with RSA 149-M:11,IX and Env-Sw 305.03(b)(1), the application is hereby denied because the Department has determined that the proposed facility does not meet the requirements for providing a substantial public benefit in accordance with RSA 149-M:11. Specifically, the proposed expansion fails at this time to satisfy the criteria for public benefit specified in RSA 149-M:11,III(a), relative to capacity need, and RSA 149-M:11,III(b), relative to assisting the state in achieving the implementation of the hierarchy and goals in RSA 149-M:2 and RSA 149-M:3. Further explanation is provided below.

Per RSA 149-M:11,VIII, all applicants for a solid waste facility permit must demonstrate that the proposed facility provides a substantial public benefit by showing how the proposed facility satisfies certain criteria listed in RSA 149-M:11,III. The first of those criteria (see RSA 149-M:11,III,(a)) is to identify a short- or long-term capacity need that will be accommodated by the proposed facility, given its type, size and location. The second criterion (see RSA 149-M:11,III(b)) specifies that the proposed facility must be able to assist the state in achieving both the 40% waste reduction goal established in RSA 149-M:2 and implementation of the hierarchy of waste management alternatives specified in RSA 149-M:3. Following a careful review of the application and the statute, the Department has determined that the proposed 30-acre expansion does not satisfy either of the noted criteria, as follows.

**Failure to satisfy the capacity need criterion in RSA 149-M:11,III(a)**

RSA 149-M:11,V specifies that the determination of capacity need required by RSA 149-M:11,III(a) shall be based on the amount of solid waste projected to be generated within a 20-year planning period. According to information provided in Section 1.6 of the application for



expansion, the Mt. Carberry Landfill has enough existing permitted capacity to operate until the year 2048 at its present waste acceptance rate. The proposed expansion would add approximately 30 acres of new disposal capacity, which would extend the operating life of the landfill an additional 12 years from 2048 to the year 2060, providing a total of 47 years of landfill capacity at the facility. The public benefit statement provided in the application does not address how adding 12 years of additional capacity to a landfill that already has 35 years of existing capacity could help to satisfy a capacity shortfall in the region during the next 20 years. Moreover, the application does not identify any capacity shortfall during the next 20 years within the region being served by the Mt. Carberry Landfill that the proposed expansion would accommodate.

Therefore, given that the Mt. Carberry Landfill currently has disposal capacity for 35 years, which is well beyond the 20-year statutory planning period, and given that AVRRDD has not identified a capacity shortfall within the next 20 years that the proposed expansion would accommodate, the Department has determined that the requested permit modification fails to meet the criterion in RSA 149-M:11,III(a) for providing a substantial public benefit.

**Failure to satisfy the waste reduction/hierarchy criterion in RSA 149-M:11,III(b)**

The 20-year planning period specified in the statute provides a reasonable basis for permitting landfill capacity because it provides sufficient time to assure that capacity shortfalls do not materialize, but does not commit the state to meeting its waste disposal needs by landfilling so far into the future that it deters efforts to achieve the waste reduction goal in RSA 149-M:2 and implementation of more preferred waste management methods in RSA 149-M:3, including use of future improved waste management technologies. In making a public benefit determination, the Department is required under RSA 149-M:11,III(b) to consider the ability of a proposed facility to assist the state in achieving the implementation of the hierarchy and goals under RSA 149-M:2 and RSA 149-M:3. Upon consideration, the Department concludes that the proposed 30-acre expansion does not have the ability to assist in this manner because the proposed facility's capacity is not needed at this time, and may in fact serve to deter future development of non-landfilling waste management alternatives that could include more preferred waste management methods under RSA 149-M:3, and which could aid in achieving the waste reduction goals in RSA 149-M:2. Therefore, it is the Department's determination that the subject application does not satisfy the criterion in RSA 149-M:11,III(b) for providing a substantial public benefit.

In summary, the proposed 30-acre expansion of the Mt. Carberry Landfill does not, at this time, meet the requirements in RSA 149-M:11,III(a) and RSA 149-M:11,III(b) relative to providing a substantial public benefit. Therefore, as required by RSA 149-M:11,IX, the Department denies

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the application.

In accordance with RSA 149-M:8, this decision issued by Department may be appealed to the Waste Management Council as provided under RSA 21-O:9,V and Env-WMC 200.

If you have any questions regarding this letter, please contact Mike Guilfoy, Administrator of the Solid Waste Management Bureau, at 271-6467, or me at 271-1997.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Michael J. Wimsatt". The signature is fluid and cursive.

Michael J. Wimsatt, P.G. Director  
Waste Management Division

ec: Mike Guilfoy, P.E. – DES-Solid Waste Management Bureau  
Pam Hoyt-Denison, P.E. – DES-Waste Mgmt. Programs