

April 22, 2024

Via Email

Mr. Frank J. DelGiudice
(frank.j.delgiudice@usace.army.mil and
CENAE-R-PN-NH@usace.army.mil)
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742

RE: Request for 30 Day Extension on Public Comments—USACE Public Notice File
NAE-2021-02240 (Granite State Landfill, Dalton, NH)

Dear Mr. DelGiudice,

On behalf of the North Country Alliance for Balanced Change (NCABC), I write to you requesting a 30-day extension to the public comment period for the above referenced permit application. Public Notice soliciting comment was issued by your office on or about April 9, 2024. The current public comment period is set to close on May 8, 2024. We request that you extend this period until Friday, June 7, 2024.

About The Requestor: The NCABC works to advance initiatives and policies that balance our region’s natural attributes and economic interests. The organization, its leadership, and many of its members are in New Hampshire’s Great North Woods — Coös and northern Grafton counties. The organizations’ work focuses on Forest Lake, Burns Pond, the Ammonoosuc and Johns rivers, and surrounding communities of Dalton, Whitefield, Littleton, and Bethlehem. Since early 2019, NCABC has been engaged in evaluating the potential environmental consequences of the proposed construction of a large regional landfill in Dalton, NH. NCABC is actively engaging government regulators, elected officials, and the public to make sure that this project does not threaten the preservation of important ecosystem and natural habitat in the area.

Basis For Request To Extend Public Comment Deadline: 33 CFR§ 325.2(d), provides that the “comment period on the public notice should be for a reasonable period of time within which interested parties may express their views concerning the permit. The comment period should not be more than 30 days nor less than 15 days from the date of the notice.” However, the agency is also authorized, “[a]fter considering the length of the original comment period” to “extend the comment period up to an additional 30 days if warranted.”

In considering whether to extend the comment period an additional thirty days, the USACE must consider, among other things, whether the proposal is routine or noncontroversial, mail time, and need for comments from remote areas, and the need for a site visit.

1. The proposal is neither routine nor noncontroversial. As an initial matter, the proposal is to construct a landfill of up to 70 acres that would receive 1,800 tons of waste every day if constructed for at least 18 years. There are concerns about increased traffic and environmental hazards, and that the landfill will be used for out-of-state trash. Moreover, the proposal is contrary to New Hampshire's goal to reduce waste 25% by 2030 and 45% by 2050, laid out in state law.

Second, the property the landfill is to be located on is next to Forest Lake State Park, and at its closest point, the landfill would be located 2,400 feet from Forest Lake. It is also located above a pristine aquifer that is utilized as source of drinking water for residents in this rural area of the state. Based upon material submitted by the applicant to state regulators, the potential impacts to surface and groundwaters have yet to be adequately evaluated. This has raised concerns among area residents and local conservation commissions.

Third, the applicant has a poor environmental track record of constructing and operating landfills of this size and nature at other locations. For instance, the applicants Bethlehem, NH facility, located just miles from the proposed new landfill in Dalton, has been the subject of multiple government investigations and citizen suits over environmental violations, including groundwater contamination. This raises significant concern over the possibility of negative and far-reaching environmental impacts of developing a significant landfill at this greenfield location.

Fourth, the controversial nature of this proposal has been recognized by local conservation commissions and county officials. In their letters, these officials express concern over the impact on the environment, public health and safety, property values, quality of life, and the rural character of the area. See attached letters.

2. The proposed landfill is also located among rural communities and many would-be-commentors on the application need additional time to review the application, prepare comments, and mail them to the USACE. In addition, Dalton is also home to many low-income (the poverty rate is more than double than the state average). These individuals and families are equally likely to be impacted by the noise, traffic, and pollution associated with a new landfill, and should be provided sufficient time to understand the issues and participate in the public comment process.

3. A Site Visit By The USACE Would Benefit The Public Comment Period. On April 16, 2024, the USACE announced that it would hold in-person joint outreach event to inform the general public, applicants, sponsors, consultants, and industry of updates in regulations/policy related to NHDES and the Department of the Army permit evaluation processes. This event is scheduled to be held in Concord, NH on May 8, 2024—the same day that comments are due. As an initial matter, the public should not be required to comment before this public outreach meeting is held. More importantly, an in-person outreach meeting by the USACE should also be held locally—in Dalton, NH—to accommodate local residents. As part of this meeting, the USACE should also plan a site visit to the proposed landfill site. There is significant public controversy over the scope of delineated wetlands that are on the site, and which will be impacted by construction activities. The public would benefit from being at the site with USACE officials to discuss the on-site wetlands and the applicant’s proposed construction activities.

Thank you for your attention to this matter. Please inform me of your decision as soon as possible.

Sincerely,
M. Harris
Mike Harris
harris@nhlandlaw.com
Phone 603-225-2585

Enclosures (3)

CC: Clients
Conservation Law Foundation
Town of Dalton Conservation Commission and Zoning Board,
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Town of Dalton Planning Board, planningboard@townofd Dalton.com
Town of Littleton Selectboard, selectmen@townoflittleton.org;
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Town Clerk, Town of Littleton, email: abrousseau@townoflittleton.org
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Town Clerk, Town of Bethlehem, townclerk@bethlehemnh.org
Town of Carroll Selectboard, selectmen@townofcarroll.org



Town of Whitefield Selectboard c/o Judy Ramsdell, Administrative Assistant,
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North Country Council, mmoren@nccouncil.org; nccinc@nccouncil.org
Ammonoosuc River Local Advisory Committee, Richard Walling, Chair,
onthefarm21@gmail.com
NHDES Rivers Program, Tracie Sales, Rivers Coordinator, tracie.j.sales@des.nh.gov,
riversprogram@des.nh.gov
Michael Marchand, NH Fish & Game, Nongame & Endangered Species,
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Michael J. Wimsatt, P.G., NHDES, Michael.J.Wimsatt@des.nh.gov



Coös County Commissioners' Office

P.O. Box 310
West Stewartstown, N.H. 03597

April 17, 2024

Hon. Robert Scott, Commissioner
New Hampshire Department of Environmental Services
29 Hazen Drive
Concord, NH 03302-0095

Sent Via Email: robert.scott@des.nh.gov

Subject: Granite State Landfill (GSL) Development

Dear Commissioner Scott:

As you may be aware there is a great deal of contention over the proposed GSL development, and the Coös County Commissioners write to share their concerns.

It is reasonable to conclude that the proposed GSL project will impact the environment, public health and safety, and property values of the area.

Many residents in Coös County obtain drinking water from wells. We are concerned the impacts and costs associated with PFAS contamination could potentially occur at this location.

Additionally, the GSL project will disturb approximately 148 acres of forested wildlife habitat, destroy 11.5 acres of wetlands, and 5 vernal pools in the Town of Dalton.

The proposed development would represent yet another commercial landfill sited in the North Country, far removed from the primary sources of waste generation. The average hauling distance for tractor-trailers to the proposed site would be 126 miles, each way, according to the report from the Dalton Conservation Commission. The increase in trash-truck traffic, proposed to be routed thru the Towns of Carroll and Whitefield, up to 102 trips, each way, per day, Monday-Saturday, certainly will negatively impact safety on the roads while accelerating degradation of Route 3 and Route 116 in Coös County.

While we are cognizant of the economics of trash vs "not in my back yard" paradigm, we are very concerned about the quality of life, and the rural character of Coös County and the North Country. A landfill development next to Forest Lake and the state park is inconsistent with our tourism and outdoor recreation industries, which are so vital to the state's economy.

And the reality is that the identity of the state is very much wrapped up with Coös County. After all, we are home to the White Mountain National Forest, the Presidential Range, the Great North Woods, and the Connecticut Lakes.

COMMISSIONERS

THOMAS M. BRADY, Jefferson • RAYMOND GORMAN, Colebrook • ROBERT THÉBERGE, Berlin

Hon. Robert Scott, Commissioner
April 17, 2024
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Southern Coös is home to iconic New Hampshire tourist destinations such as Santa's Village, the Cog Railway, the Mount Washington Auto Road, the Mount Washington Hotel and Bretton Woods Ski area (the State's largest).

People from all over New England and the world come to Coös County to experience all of this. Mixing trash and tourism does not seem to be a winning strategy.

We appreciate your thoughtful consideration of our concerns.

Respectfully,

COÖS COUNTY BOARD OF COMMISSIONERS

Thomas Brady

Thomas Brady (Apr 17, 2024 15:03 EDT)
Thomas M. Brady, Chairman

Raymond Gorman

Raymond Gorman (Apr 17, 2024 13:49 PDT)
Raymond Gorman

Robert Théberge

Robert Théberge (Apr 17, 2024 14:26 EDT)
Robert Théberge

Cc:

Commissioner William Cass, NHDOT william.j.cass@dot.nh.gov

Commissioner Sarah Stewart, NHDNCR sarah.l.stewart@dncr.nh.gov

Town of Dalton Selectboard selectmen@townofdalton.com

Town of Whitefield Selectboard administrativeassistant@whitefieldnh.org

Town of Carroll Selectboard selectmen@townofcarroll.org

NH State Senator Carrie Gendreau, District 1 Carrie.Gendreau@leg.state.nh.us

NH State Representative Seth King seth.king@leg.state.nh.us

NH State Representative James Tierney james.tierney@leg.state.nh.us

NH State Representative Sean Durkin seandurkin4nh@gmail.com

NH State Representative Eamon Kelley eamon@kelleyforberlin.org

NH Executive Councilor Joe Kenney, District 1 joseph.d.kenney@nh.gov



GRAFTON COUNTY COMMISSIONERS

603-787-6941
603-787-2656 Fax

3855 Dartmouth College Highway Box 1
North Haverhill, NH 03774

March 26, 2024

Robert Scott, Commissioner
New Hampshire Department of Environmental Services
29 Hazen Drive
Concord, NH 03302-0095
robert.scott@des.nh.gov
(Via Email Only)

Subject: NCES Landfill, Granite State Landfill (GSL) Development

Dear Commissioner Scott:

The Grafton County Commissioners write to share concerns about several issues brought to our attention by citizens in Grafton County, which include the following:

- Widespread PFAS groundwater contamination within the watershed of the Ammonoosuc River at the NCES Landfill in the Town of Bethlehem, in Grafton County
- PFAS-contaminated surface water runoff from the NCES Landfill property directly entering the Ammonoosuc River, including PFOA, which the EPA is proposing to be deemed a hazardous substance under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund
- Costs to the Town of Bethlehem, Grafton County, and the State of New Hampshire, relative to PFAS remediation at the NCES Landfill
- Negative impacts to the North Country tourism and outdoor recreation industries as a result of the stigma associated with the ongoing contamination issue at the NCES Landfill, as well as the potential for that facility to become a Superfund site
- Health impacts to the public, particularly those who utilize the Ammonoosuc River for outdoor activities such as swimming and fishing in the vicinity of the NCES Landfill
- The site access road for the proposed Granite State Landfill (GSL) development project at Douglas Drive and Route 116 is located in the Town of Bethlehem, in Grafton County. This development represents a significant “change of use” for this property at this location. While the developer has maintained that local approvals are not required, the developer is legally obligated to seek approvals under the site plan review regulations of the Town of Bethlehem, in order to “provide for the safe and attractive



COMMISSIONERS

Wendy A. Piper ★ P.O. Box 311 • Enfield, NH 03748 • (603) 632-7179
Martha S. McLeod ★ 348 Wells Road • Franconia, NH 03580 • (603) 491-0542
Omer C. Ahern Jr. ★ P.O. Box 293 • Wentworth, NH 03282 • (603) 764-6024

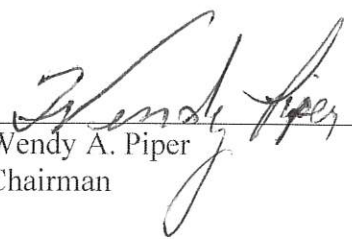
- *development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity.”¹*
- The introduction of a significant amount of heavy-duty, trash-related vehicular traffic (102 trips, each way, per day, Monday-Saturday) through town centers, destined for Douglas Drive and Route 116, poses a significant threat to the safety and well-being of pedestrians, commuters, and tourists
- The GSL project would be the second commercial landfill sited in Grafton County, the second commercial landfill sited along the Ammonoosuc River, and the second commercial landfill sited upstream of the Town of Littleton. There are valid concerns that this development will have far-reaching, negative impacts, not only to the environment, but also to public health and safety, property values, quality of life, the rural character of the North Country, and our vitally-important tourism and outdoor recreation industries
- The potential for ground and surface water contamination within the vicinity of the proposed GSL development, particularly from PFAS compounds so prevalent within the waste stream, is a risk we find unacceptable and one we would prefer to avoid. This is an area, tested by both property owners and the GSL developer, currently free of such contamination
- The proposed GSL development will disturb approximately 148 acres of forested wildlife habitat, will add 25 acres of impervious surface, destroy 11.5 acres of wetlands, and have adverse effects on both Alder Brook and the Ammonoosuc River, particularly due to the loss of wetlands and the very important role they play in reducing the severity of downstream flooding, which has been problematic in the Town of Littleton and other downstream communities in Grafton County

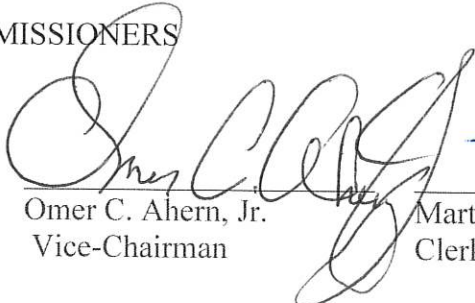
In closing, we concur with the reports submitted to NHDES by both the Bethlehem and Dalton Conservation Commissions, and we urge NHDES and NHDOT to deny the wetlands permit application, NHDES File Number: 2023-03259, and the driveway permit application, NHDOT File Number: 14656, for the GSL Landfill Project.

Thank you for your attention to these matters.

Respectfully,

GRAFTON COUNTY COMMISSIONERS


 Wendy A. Piper
 Chairman


 Omer C. Ahern, Jr.
 Vice-Chairman


 Martha S. McLeod
 Clerk

¹ Bethlehem Site Plan Regulations

Cc:

Commissioner William Cass, NHDOT william.j.cass@dot.nh.gov

Commissioner Sarah Stewart, NHDNCR sarah.l.stewart@dncr.nh.gov

NH House Environment and Agriculture Committee
houseenvironmentandagriculturecommittee@leg.state.nh.us

NH Senate Energy and Natural Resources Committee
SenateEnergyandNaturalResources@leg.state.nh.us

Town of Bethlehem Selectboard admin@bethlehemnh.org

Town of Littleton Selectboard selectmen@townoflittleton.org

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NH State Representative Linda Massimilla, Grafton 1 Linda.Massimilla@leg.state.nh.us

NH State Representative Matt Simon, Grafton 1 Matthew.Simon@leg.state.nh.us

NH State Representative David Rochefort, Grafton 1 David.Rochefort@leg.state.nh.us

NH State Senator Carrie Gendreau, District 1 Carrie.Gendreau@leg.state.nh.us

NH Executive Councilor Joe Kenney, District 1 joseph.d.kenney@nh.gov

NH Executive Councilor Cinde Warmington, District 2 cinde.warmington@nh.gov

NH Governor Chris Sununu governorsununu@nh.gov

U.S. Senator Jeanne Shaheen chuck_henderson@shaheen.senate.gov

U.S. Senator Maggie Hassan ben_belanger@hassan.senate.gov

U.S. Representative Anne Kuster stephanie.weiner@mail.house.gov