

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

CASELLA WASTE SYSTEMS, INC.

v.

Docket #217-2023-CV-00285

JON SWAN

SECOND AMENDED COMPLAINT

Plaintiff, Casella Waste Systems, Inc., by and through its attorneys, Cleveland, Waters and Bass, P.A., complains against the defendant, Jon Swan, for breach of the settlement agreement between Casella and Swan dated May 11, 2023.

1. Casella is a corporation organized under the laws of Delaware with a principal office address of 25 Greens Hill Lane, Rutland, VT 05701. Casella is the parent company of North Country Environmental Services, Inc., which owns and operates a commercial solid-waste landfill located at 581 Trudeau Road in Bethlehem and Granite State Landfill, LLC (“GSL”), which has rights to acquire property in Dalton for development of a new solid-waste landfill.

2. Defendant Swan is an individual with an address of 25 Cashman Rd., Dalton, NH 03598.

3. Casella was the plaintiff and Swan the defendant in litigation before this court captioned *Casella Waste Systems, Inc. v. Jon Swan f/k/a Jon Alvarez*, Case No. 217-2020-CV-212 (the “Litigation”). The Litigation arose out of Swan’s opposition to the GSL project in Dalton and his published statements that Casella maintained were defamatory.

4. On May 11, 2023, Casella and Swan participated in a mediation before Hon. Kathleen McGuire and reached agreement on a resolution of the Litigation. The agreement,

which is being submitted separately to the court with a motion to seal, includes a confidentiality agreement which provides:

The Parties agree that the terms and existence of this Agreement shall be confidential. No Party shall disclose the terms set forth in this Agreement to any person, other than members of a Party's immediate family, legal counsel, or tax advisors, or by order of the court, and none of these persons shall disclose the terms of this agreement.

5. On May 12, 2023, counsel for Casella and for Swan communicated about how Swan could acknowledge that the case had concluded without disclosing the terms of the agreement. Exhibit 1. Counsel agreed that Swan could post the neither-party docket markings that the parties were preparing to file but that he would not make any statement other than, "The lawsuit is now concluded – no further comment." Casella agreed to this proposal "as long as [Swan] sticks to it exactly."

6. Six days after reaching this agreement, an article appeared in the Caledonian Record newspaper with the headline, "Casella Drops Defamation Lawsuit Against Dalton Landfill Opponent." Exhibit 2. The reporter who wrote the story reported only sporadically on the Litigation while it was pending, making it reasonable to infer that Swan steered the reporter to review the court docket. Swan has been interviewed multiple times by the same reporter, and the reporter has repeatedly manifested sympathy for Swan and antipathy toward Casella.

7. The newspaper story states that Casella dropped the Litigation against Swan and implied that the reason for Casella's alleged abandonment of its claims was the court's rulings on Swan's motions to dismiss and for summary judgment. Swan knew that the newspaper story misrepresented the nature of the resolution of the Litigation at mediation.

8. Notwithstanding Swan's knowledge that Casella did not simply "drop" the Litigation, shortly after the article appeared in the newspaper Swan not only posted the article on

Twitter without correcting it but he included with the post a photograph of him and his lawyer holding a “Save Forest Lake” sign and smiling. Exhibit 3. This post, taken in its totality, was tantamount to a statement by Swan that Casella had simply dropped the Litigation and that he had prevailed.

9. In fact, the agreement reached in mediation imposed obligations on Swan. By posting the newspaper article that he likely precipitated and the photograph, Swan misrepresented the nature of the resolution and violated the agreement negotiated between counsel regarding what he could say about the docket markings if he posted them. His misrepresentation of the resolution also violated the implied covenant of good faith and fair dealing in that an agreement to maintain as confidential the existence and terms of a resolution of litigation implicitly includes a prohibition on misrepresenting the terms of the agreement.

10. Pursuant to the agreement, Swan also agreed to conditions regarding his future public communications that “impute[] conduct or intent to Casella.” Motion to File Under Seal (5/25/23), Exhibit A at p. 1, ¶2. Casella’s corporate subsidiaries, including North Country Environmental Services, Inc. (“NCES”), are included in the definition of “Casella.” *Id.* at ¶1.

11. When making such public statements, Swan was to disclose the source of facts upon which he relied in making the statement and preface the statements with words such as “I understand” to convey that the statement is an expression of opinion rather than a statement of fact. *Id.* at ¶2.

12. On July 18, 2023, Swan published a post to his Facebook page in which he reproduced the second page of a letter from NHDES to NCES on November 1, 2017. Exhibit 4. In this portion of the letter NHDES informs NCES regarding the results of testing groundwater from monitoring wells that NCES is required to maintain by NHDES. *Id.* The letter informs

NCES that PFAS were detected in the groundwater taken from some of the wells during an initial sampling to test for such substances. *Id.* The letter does not identify any source from which the PFAS may have come.

13. Commenting on this part of the letter in his post, Swan stated:

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 that 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.*"

Id. (emphasis supplied).

14. Swan's claim that "this data says otherwise" and that "[t]he bad stuff is not being contained" imputes conduct to NCES and makes a false and defamatory claim. *Id.* The data Swan speaks to here merely reflects that some level of contaminants were detected in certain monitoring wells near the NCES landfill. *Id.* There is no indication in the second page of the letter regarding from where these contaminants may have originated. *Id.*

15. Swan does not state any words to the effect that his statement is his opinion based on this data, but instead states his view as a factual assertion, though it is apparent from the letter that his view is factually unsupported. *Id.* Since Swan imputes conduct to NCES's landfill, baselessly accusing it of not containing contaminants, and his statement reflects no indication that he is expressing his opinion, this post breaches the agreement between the parties.

16. Also on July 18, 2023, Swan published a post reflecting a portion of another letter, dated October 21, 2019, from NHDES to NCES regarding testing at the NCES monitoring wells. Exhibit 5. In light of new laws revising or establishing new standards for various PFAS contaminants, NHDES reported that PFOA had been detected above the newly-established standards at some of the groundwater monitoring wells near the landfill. *Id.* NHDES notes that

some of these wells are within the groundwater management zone established to track contamination from the “former unlined landfill” and that other wells also have previously reflected contamination from this source, not the current lined landfill. *Id.*

17. Commenting on this portion of the letter, Swan states: “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...” *Id.* Here, Swan imputes conduct to NCES by claiming that “contaminants are not being contained within the lined landfill still in operation”, yet the facts he provides reflect a contradictory conclusion, that the detection of contaminants was likely caused by historical contamination from the site of the former unlined landfill located close to the new lined landfill site. *Id.* Swan states no words to the effect that this imputation is his opinion, and instead makes this false and defamatory claim as a factual assertion. *Id.* Because Swan imputes conduct to NCES without stating that he is expressing his opinion, this post breaches the agreement between the parties.

18. On August 9, 2023, at 6:33 am, Swan published a post to a Facebook group named “Twin Mountain and Carroll, NH Community and News Group” that imputed conduct to Casella. Exhibit 6. In the post, Swan stated in relevant part: “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).” *Id.*

19. Swan’s claim is both false and defamatory. The NCES landfill is not releasing contaminants into the Ammonoosuc River watershed.

20. Swan neither discloses the facts upon which he relies to make this statement, nor does he add any words to the effect that the statement is his opinion. *Id.*

21. Swan's August 9, 2023 post thus contained a false, defamatory public statement of fact that imputed conduct to NCES without expressing that the statement was his opinion or providing the facts upon which he was basing his statement, and thus breached the agreement between the parties.

22. On August 16, 2023, at 4:45 pm, Swan published a post on his Twitter / X account that imputed conduct to Casella. In the post, Swan stated in relevant part: "NCES Landfill is releasing 1,4-dioxane & #PFAS contaminants into the watershed of the Ammonoosuc River." Exhibit 7.

23. Swan's claim is both false and defamatory. The NCES landfill is not releasing contaminants into the Ammonoosuc River watershed.

24. Swan neither discloses the facts upon which he relies to make this statement, nor does he add any words to the effect that the statement is his opinion. *Id.*

25. Swan's August 16, 2023 post thus contained a false, defamatory public statement of fact that imputed conduct to NCES without expressing that the statement was his opinion or providing the facts upon which he was basing his statement, and thus breached the agreement between the parties.

26. On September 1, 2023, at 7:16 am, Swan published another post to his Facebook page that imputed conduct to Casella. Exhibit 8. In the post, Swan stated in relevant part:

Since the Ammonoosuc River is a tributary of the Connecticut River, wouldn't it make sense for our federal delegation to call on NHDES and the EPA to close down the NCES Landfill, once and for all, since it is failing to contain harmful contaminants like 1,4-Dioxane and PFAS? **These chemicals are being released within the Ammonoosuc River watershed.** Groundwater monitor well reports, submitted to NHDES by Sanborn & Head, confirm this. Downgradient migration and dilution of these harmful contaminants, via groundwater and within the watershed, is occurring, with no plans in place for remediation. You can read about this in great detail on my website, www.saveforestlake.com.

Id. (emphasis in original).

27. Swan's claim is both false and defamatory. The NCES landfill is not releasing contaminants into the Ammonoosuc River watershed. At no place in this publication did Swan include any indication that the statement was his opinion and not an objective fact. *Id.* Swan does not disclose the specific facts upon which he bases his statement, nor does he explain what "reports" to which he is referring. *Id.*

28. Swan's September 1, 2023 post contained a false, defamatory public statement of fact that imputed conduct to NCES without expressing that the statement was Swan's opinion, as required by the agreement. Swan also failed to clearly disclose or provide the facts upon which he relied to make his statement. This post, then, also breached the agreement between the parties.

29. On or about September 20, 2023, Swan created a Facebook event page for a "Close The Dump Protest" he stated would take place at NCES's Landfill Open House on October 7, 2023. Exhibit 9-10. Swan included an image regarding the protest to serve as the profile picture for the event, and this image could be viewed without entering the event page and viewing information about the event. Exhibit 9. As Swan included statements that breached the agreement between the parties on both the event image and an additional statement within the event information, this post constitutes two instances of Swan breaching the agreement between the parties. *Id.*

30. In the event image, which includes a photograph of the NCES landfill, Swan stated: "Call NHDES and [sic] 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". *Id.* Below this statement, Swan placed another proclaiming "IT'S LEAKING PFAS" superimposed over the photograph of the NCES landfill. *Id.*

31. In these statements, Swan imputes conduct to NCES, making the false and defamatory claim that its landfill is leaking contaminants. Swan does not include any words in his statement to indicate that this is his opinion, and instead presents these claims as objective facts. Swan also did not include any information regarding what factual sources from which he drew this conclusion. *Id.* Because Swan made a statement that imputes conduct to NCES, failed to disclose his factual sources, and failed to include any indicia that these statement are his opinion, the event image breaches the agreement between the parties.

32. On the event page for the planned protest, Swan included information regarding the event, and also republished the statement that he included on the event image that states, “Call NHDES and [sic] 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”. Exhibit 10. Swan provides no factual sources for this claim, and fails to include any indication that this claim is his opinion. Thus, this separate posting of the same false and defamatory statement also breaches the agreement between the parties.

33. On October 7, 2023, Swan published a post to his Facebook page that purported to comment on a linked video clip from an interview with Executive Councilor Cinde Warmington, a current candidate for governor. Exhibit 11. In this video clip, Warmington makes brief remarks regarding the potential placement of Granite State Landfill near Forest Lake, which has caused some to be concerned about the potential for PFAS contamination of the lake. *Id.* At no time in the video clip does Warmington refer to NCES or its landfill. *Id.*

34. In this post, Swan states, in relevant part, “...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!” With this statement, Swan imputes

conduct to NCES, again making the false and defamatory claim that its landfill is releasing contaminants. The source he provides, the Warmington video clip, evidences no factual basis from which he could have drawn this conclusion, and Swan provides no indication either that his claim regarding NCES is unsupported by the attached video clip, or that the claim is his opinion. Thus, this post breaches the agreement between the parties.

35. Also on October 7, Swan posted an image to his Facebook page that depicted a sign being held by a person who is off-camera. Exhibit 12. The sign states, “Close the Dump It’s Leaking!” *Id.* The image appears to have been taken near the NCES landfill, as a sign in the background of the picture identifies the location of the Annual NCES Landfill Open House, and Swan’s comment on the picture is “at NCES”. *Id.* The image appears to have been taken by Swan to show a sign he carried and displayed at the protest event at NCES on October 7 referred to in his earlier posts. *Id.*; *see also* Exhibits 9-10.

36. Swan’s claim that the NCES landfill is “leaking PFAS” is false and defamatory. Exhibit 12.

37. Swan’s October 7 post regarding the image of his sign at the protest constitutes a breach of the agreement. In that post, Swan chose to publish via social media the message on his sign falsely claiming that the NCES landfill is leaking. *Id.* Such a publication allowed Swan a chance to provide commentary on his claim, such as explaining that the statement is his opinion and providing the source(s) from which he formed his opinion, but aside from identifying the location as “at NCES” Swan did not provide any additional information or disclaimer. *Id.* Since Swan chose to impute conduct to NCES without disclosing the facts from which he drew his opinion, nor identify his claim as his opinion, his post breached the agreement between the parties.

38. On October 10, 2023, Swan posted a video to his YouTube channel regarding his October 7, 2023 protest at NCES. Exhibit 13. In the caption under this video, Swan made the following statements:

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[sic] to numerous groundwater monitoring well detections of PFAS contaminants*, including PFOA at incredibly high levels, and in exceedance of the 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[sic], nor wanted, and, [sic] *it’s failing to contain harmful contaminants from being released within the watershed of the Ammonoosuc River. #CloseTheDump!*

Id. (emphasis supplied).

39. In this public statement, Swan makes several claims imputing conduct to NCES, including characterizing the NCES landfill as “now-leaking” and “leaking”, claiming that the NCES landfill has “fail[ed] to contain and/or properly manage landfill leachate at the facility”, and claiming that this “failure” has caused PFAS to enter the groundwater near the facility. Swan does not include the factual basis for any of these claims. *Id.* The video he appends his statement to is merely a clip of protesters holding signs and chanting, and provides no factual source for his claims. *Id.*¹

40. Swan includes no words in his statements that would inform readers that these claims are his opinion and not objective facts. *Id.*

41. Since Swan imputed conduct to NCES without providing the facts from which he drew these conclusions or stating that these claims were his opinion, the post breached the agreement between the parties.

¹ The video can be found here: <https://youtu.be/89JU1yQCiz0?si=qPAbTIVWnYyDfzIM> (last visited November 3, 2023).

42. On November 15, 2023, Swan published a post to his X (formerly Twitter) account that stated, in relevant part: “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?” Exhibit 14.

43. This rhetorical question contains a statement of fact; namely, that the NCES landfill surface water runoff is contaminated with PFOA, which then enters the Ammonoosuc River. This statement is false and defamatory.

44. Swan’s post imputes conduct to NCES by claiming that its landfill is contaminating the Ammonoosuc River. *Id.*

45. Swan does not include any words in his statement to indicate that this is his opinion, and instead presents this claim as an objective fact. *Id.*

46. Swan does not provide any information in or attached to his post to show how he formed this opinion. *Id.*

47. Since Swan imputed conduct to NCES in his November 15, 2023 post without stating that the claim was his opinion, or providing the source(s) from which he formed this opinion, the post breaches the agreement between the parties.

48. On November 19, 2023, Swan published a post to his X (formerly Twitter) account that stated, in relevant part: “Lab results confirm NCES Landfill #PFAS contaminants are being discharged into the Ammonoosuc River via surface water runoff at 2 locations!” Exhibit 15.

49. This statement is false and defamatory.

50. Swan’s post imputes conduct to NCES by claiming that its landfill is contaminating the Ammonoosuc River. *Id.*

51. Swan does not include any words in his statement to indicate that this is his opinion, and instead presents this claim as an objective fact. *Id.*

52. Since Swan imputed conduct to NCES in his November 19, 2023 post without stating that the claim was his opinion, the post breaches the agreement between the parties.

53. On December 12, 2023, Swan published three separate posts to his X (formerly Twitter) account that stated, in relevant part: “Casella Waste Systems seeks new greenfield landfill permits next to Forest Lake as their 30-yr old NCES Landfill discharges #PFOA into the Ammonoosuc River” Exhibit 16. In each iteration of the statement, Swan “tagged” different other X accounts, including both major news outlets and high-profile individuals.

54. These statements are false and defamatory.

55. Swan did not include any words in his statements to indicate that they are his opinion, and instead presents these claims as objective facts. *Id.*

56. Because Swan published the statements imputing conduct to Casella without indicating that the statements are his opinion, these posts breached the agreement between the parties.

57. On December 30, 2023, Swan published a post to the Town of Bethlehem Facebook page in reply to a poster’s comment on another one of Swan’s posts. Exhibit 17. This post stated, in relevant part:

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.

58. In this December 30, 2023 post, Swan imputes conduct to NCES and Casella, including that the NCES landfill is failing to contain contaminants and that the NCES landfill will likely become a Superfund site. *Id.*

59. The claims Swan makes in this post are false and defamatory.

60. Swan does not include any words in his statement to indicate that this is his opinion, and instead presents these claims as objective facts. *Id.*

61. Swan did not provide any information or sources with his post. *Id.*

62. Because Swan published this statement imputing conduct to Casella without indicating that the statement is his opinion or providing his sources, the post breached the agreement between the parties.

63. Under the agreement reached in mediation, Swan is obligated, in addition to any other remedy Casella may have, to pay Casella five thousand dollars for any breach of the agreement.

WHEREFORE, plaintiff respectfully requests that this Honorable Court:

- A. Determine that Swan has breached the agreement for resolution of the Litigation;
- B. Award Casella the contractually prescribed damages of eighty-five thousand dollars; and
- C. Grant plaintiff such other and further relief for defendant's breach as justice and equity require.

Respectfully submitted,

CASELLA WASTE SYSTEMS, INC.,
By Its Attorneys,

Date: 2/22/24

By: /s/ Morgan G. Tanafon
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CERTIFICATE OF SERVICE

I hereby certify that the within pleading is being served electronically through the court's ECF system upon counsel of record and all other parties who have entered electronic service contacts in this case.

Date: 2/22/24

/s/ Morgan G. Tanafon
Morgan G. Tanafon, 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

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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



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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

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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



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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.

- 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



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 NCS 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](#)



👍❤️😬 15 1 comment

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Top comments ▼

Submit your first comment...



Jeanne Stapleton

Thank you Brian 🙏

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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

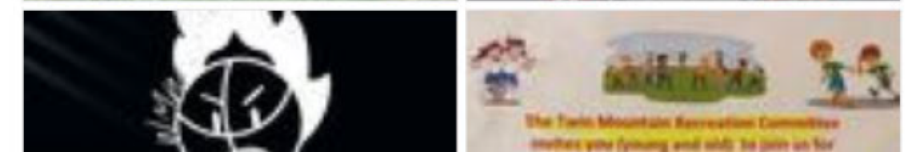


EXHIBIT 7



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



Bethlehem, NH, USA. **Local Chat**
Public group · 3.7K members

Community home



Bethlehem, NH, USA. **Local Chat**

Join group

Discussion Featured People Events Media Files



Jon Swan
September 1 at 7:16 AM · 🌐

Since the Ammonoosuc River is a tributary of the Connecticut River, wouldn't it make sense for our federal delegation to call on NHDES and the EPA to close down the NCES Landfill, once and for all, since it is failing to contain harmful contaminants like 1,4-Dioxane and PFAS? **These chemicals are being released within the Ammonoosuc River watershed.** Groundwater monitor well reports, submitted to NHDES by Sanborn & Head, confirm this. Downgradient migration and dilution of these harmful contaminants, via groundwater and within the watershed, is occurring, with no plans in place for remediation. You can read about this in great detail on my website, www.SaveForestLake.com.

Also, in case you weren't aware, the Conservation Law Foundation has been challenging the continued operation of the NCES Landfill, with their appeal of the now-deemed unlawful NHDES approval of Stage VI expansion to be heard before the NH Supreme Court in November:

Our Fight to Stop a New Hampshire Landfill Is Headed to State Supreme Court

<https://www.clf.org/.../progress-report-stop-casella.../>

Please, take a moment and reach out to our elected officials and ask them to intervene. It's time to stop feeding the source of the contamination and close the dump.

- Contact Senator Jeanne Shaheen: <https://www.shaheen.senate.gov/contact/contact-jeanne>
- Contact Senator Maggie Hassan: <https://www.hassan.senate.gov/contact/email>
- Contact Congresswoman Anne Kuster: <https://kuster.house.gov/contact/>

LEGISLATION INTRODUCED IN CONGRESS TO ENHANCE THE PROTECTION OF THE CONNECTICUT RIVER WATERSHED

<https://forestsociety.org/.../legislation-introduced...>



FORESTSOCIETY.ORG

Legislation Introduced in Congress to Enhance the Protection of the Connecticut River Watershed

6

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EXHIBIT 9



 **Jon Swan**
September 20 at 11:08 AM · 🌐

 1  1

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 **Chuck Taylor**
Are they seriously dumb enough to host an open house?

2w

September 29 at 8:34 AM

Peaceful

PROTEST! - *You're Invited to the -*

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!

JOIN US!

Learn More

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

NCES Landfill Open House

Casella Waste Systems

It's Time To

CLOSE THE DUMP!

Bring A Sign!


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

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!

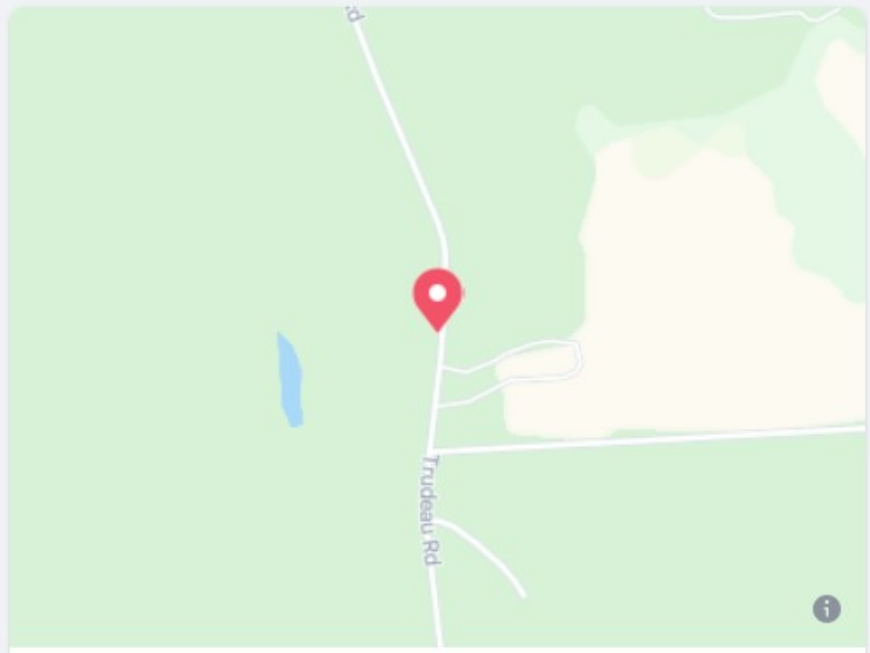
Call NHDES and EPA and ask them what they are going to do about the PFAS contaminants that are leaking from the landfill within the watershed of the Ammonoosuc River:

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

THIS SUNDAY AT 9 AM
Japanese Car and Motorcycle Day
 Larz Anderson Auto Museum

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>



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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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 Yahoo/Inbox ☆

J **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
Perfluorobutanoic Acid (PFBA)	0.634	U	ng/L	2.00	0.634	0.634 ng/L
Perfluoropentanoic Acid (PFPA)	1.75	U	ng/L	2.00	0.625	1.75 ng/L
Perfluorohexanoic Acid (PFHxA)	ND		ng/L	2.00	0.625	
Perfluorooctanoic Acid (PFHxA)	0.784	U	ng/L	2.00	0.625	0.784 ng/L
Perfluorodecanoic Acid (PFDA)	ND		ng/L	2.00	0.625	
11-Dechloro-3,3,4,4-Tetrafluorobutanoic Acid (ADONA)	ND		ng/L	2.00	0.625	
Perfluorooctanesulfonic Acid (PFOS)	1.60	U	ng/L	2.00	0.625	1.60 ng/L
Perfluorodecane sulfonic Acid (PFDS)	ND		ng/L	2.00	0.625	
Perfluorododecane sulfonic Acid (PFDDA)	ND		ng/L	2.00	0.625	
Perfluorotridecane sulfonic Acid (PFDDA)	ND		ng/L	2.00	0.625	



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

Parameter	Result	Qualifier	Units	RL	MCL	Detection Factor
Perfluorobutanoic Acid (PFBA)	4.35	U	ng/L	2.00	0.617	4.35 ng/L
Perfluoropentanoic Acid (PFPA)	4.73	U	ng/L	2.00	0.617	4.73 ng/L
Perfluorohexanoic Acid (PFHxA)	ND		ng/L	2.00	0.617	
Perfluorooctanoic Acid (PFHxA)	1.37	U	ng/L	2.00	0.617	1.37 ng/L
Perfluorodecanoic Acid (PFDA)	ND		ng/L	2.00	0.617	
11-Dechloro-3,3,4,4-Tetrafluorobutanoic Acid (ADONA)	ND		ng/L	2.00	0.617	
Perfluorooctanesulfonic Acid (PFOS)	2.39	U	ng/L	2.00	0.617	2.39 ng/L
Perfluorodecane sulfonic Acid (PFDS)	ND		ng/L	2.00	0.617	
Perfluorododecane sulfonic Acid (PFDDA)	ND		ng/L	2.00	0.617	
Perfluorotridecane sulfonic Acid (PFDDA)	ND		ng/L	2.00	0.617	



September 2023 sampling NCES surface water discharge

October 2023 sampling NCES "seep" surface water discharge

Groundwater Monitoring Well PFAS Detection



B-304 Monitoring Wells Lab Results 2017-2023

Highlighted wells: 1, 2, 3, 4

9:42 AM · Nov 19, 2023 · 1,180 Views



NCES Surface Water Discharge Into The Ammonoosuc River Sampling Location 9/7/2023



NCES Landfill Site Map

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 0.634 ng/L
Perfluorohexanoic Acid (PFHxA)	1.75	J	ng/l	2.00	0.623	1 1.75 ng/L
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 .784 ng/L
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 1.60 ng/L
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 (PFTTrDA)	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)

Search

Our mission is to protect, maintain and enhance environmental quality and public health in NH. Social Media Policy: rb.gy/dive6y

U.S. EPA @EPA

Our mission is to protect human health and the environment.

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What's happening

NFL - Last night Eagles at Seahawks

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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Trending in United States

Bras 15.7K posts

Trending in United States

Prince Andrew 4,332 posts

Trending in United States

F-5s

Politics - Trending

Marine One 13K posts

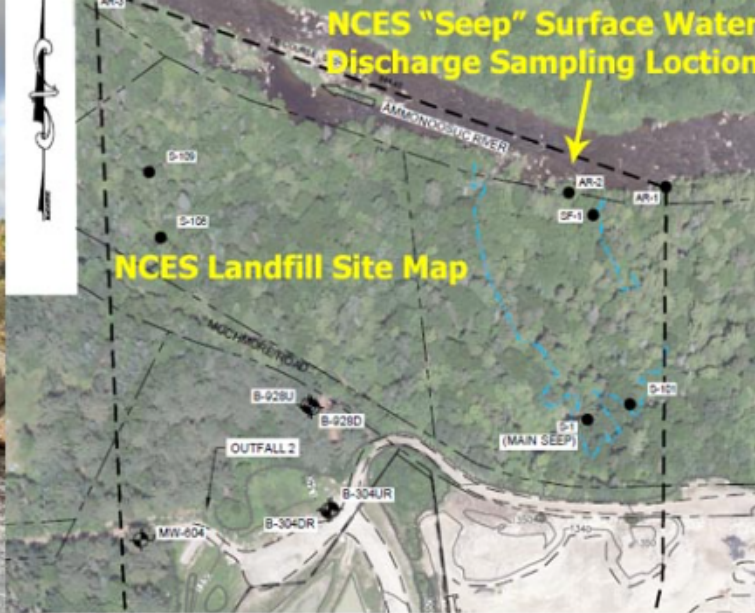
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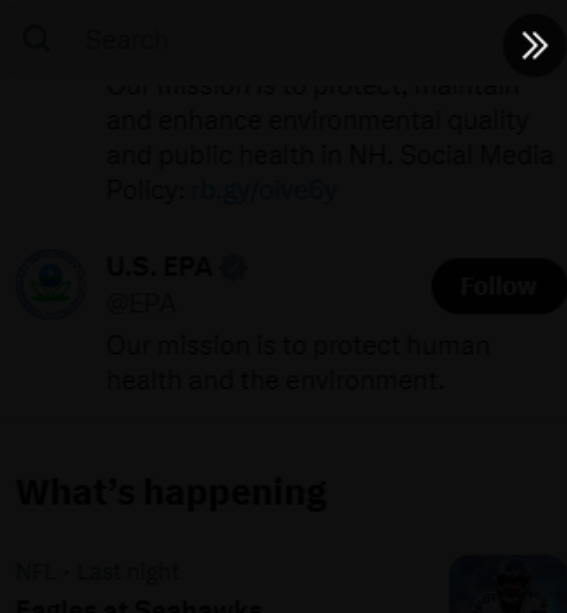
NCES "Seep" Surface Water Discharge Into The Ammonoosuc River Sampling Location 10/20/2023



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

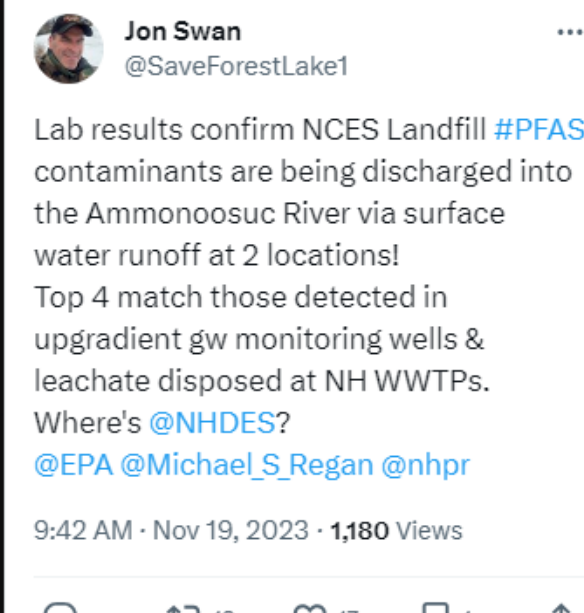
Parameter	Result	*Qualifier	Units	RL	MDL	Dilution Factor
Perfluorinated Alkyl Acids by EPA 537.1 - Mansfield Lab						
Perfluorobutanesulfonic Acid (PFBS)	PFBS	4.35	ng/l	2.00	0.617	1 4.35 ng/L
Perfluorohexanoic Acid (PFHxA)	PFHxA	4.73	ng/l	2.00	0.617	1 4.73 ng/L
Hexafluoropropylene Oxide Dimer Acid (HFPO-DA)	ND		ng/l	2.00	0.617	1
Perfluoroheptanoic Acid (PFHpA)	PFHpA	1.37	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 (PFTrDA)	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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September 2023 sampling
NCES surface water discharge



October 2023 sampling
NCES SEEP surface water discharge

B-928
Newly installed in 2021

MW-604

B-304

B-918

B-927

B-919

MW-803

MW-802

B-915

B-102

B-914

MW-701

B-924

**Groundwater Monitor Well PFAS Detections
NCES Landfill
Bethlehem, NH
2017-2023**

Source: April 2023 Tri-Annual
Water Quality Monitoring Results
North Country Environmental Services, Inc. Landfill
581 Trudeau Road
Bethlehem, New Hampshire 03574
NHDES Site #: 198704033
Submitted To NHDES By
Sanborn, Head & Associates, Inc.

This image was created by Jon Swan, based on the report cited above Google Earth



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](#)

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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
Perfluorohexanoic acid 4	PFHpA	730	812	659	733	619	822

TABLE 0-1
Summary of PFAS Groundwater Analytical Results
North Country Environmental Services Inc.
Bridgewater, New Hampshire
Project No. GMP-18070023-B-007

Table with multiple columns for PFAS compounds and rows for various monitoring wells. Red arrows point from the top 4 PFAS in the summary table to their corresponding rows in this table.

B-304 Monitoring Wells Lab Results 2017-2023

Table showing lab results for B-304 monitoring wells from 2017 to 2023. Red arrows highlight specific data points.

B-928 Monitoring Wells Lab Results 2021-2023 (Installed in 2021)

Table showing lab results for B-928 monitoring wells from 2021 to 2023. Red arrows highlight specific data points.

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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

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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](https://www.saveforestlake.com)

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

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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](https://www.saveforestlake.com)

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Save Forest Lake

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

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Jon Swan

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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](https://www.saveforestlake.com)

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

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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)										
	MSW-R	MSW-C/I	CDD	TREATED INFECTIOUS	ASBESTOS	ASH	SLUDGE	C-SOIL	OTH SPW	TOTAL RECEIPTS	ADC
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, commercial 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

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