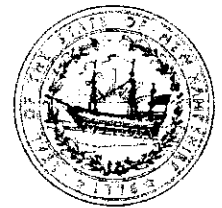




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 25, 2009

John Gay, E.I.
North Country, Environmental Services, Inc.
3 Pitkin Court
Montpelier, Vermont 05602

Subject: North Country Environmental Services (NCES) application to modify Permit # DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road, Bethlehem, New Hampshire / Document Log # 200900018

Dear Mr. Gay:

In accordance with the provisions of Env-Sw 304.03, the New Hampshire Department of Environmental Services (DES) has reviewed the above-referenced application and determined it is administratively complete.

In addition, DES completed a limited technical review of the application, resulting in the following determinations:

1. The application provides no information to determine the source of the continuing groundwater contamination at the site, and does not provide additional information responsive to the reasons for denial stated in Section II-B of DES's denial letter dated December 12, 2008. Therefore, DES has determined that the reasons for denial of NCES's previous application, as stated in Section II-B of DES's December 12, 2008 denial letter, still exist. See enclosed letter, which is incorporated herewith as part of this record of decision. In accordance with the provisions of Env-Sw 305.03, the current application is hereby denied for those same stated reasons.
2. The revised berm and liner design is conceptually approvable, to the extent that it eliminates those design features that provided a basis for having denied NCES's previous application, as stated in Section II-A of the December 12, 2008 letter referenced above. Because DES performed a limited technical review of the application, and because the application was denied for the reasons stated in Paragraph 1 of this letter, DES reserves the right to perform a detailed technical review of the design, in accordance with Env-Sw 304.07, as part of any new permit application review, should NCES be able to demonstrate to DES's satisfaction that the issues for denial have been addressed.

DES Web Site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-3644 Fax: (603) 271-2181 TDD Access: Relay NH 1-800-735-2964

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In accordance with RSA 149-M:8 and Env-Sw 305.03(a)(3), this decision issued by DES may be appealed to the Waste Management Council as provided under RSA 21-O:9 and Env-WMC 200.

If you have questions regarding this decision, please contact me at the letterhead address, by telephone at (603) 271-1997, or via e-mail at michael.wimsatt@des.nh.gov.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael J. Wimsatt". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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

Enc: DES denial letter dated December 12, 2008

CC: Bryan Gould, Esq, Brown, Olson & Gould
Town of Bethlehem
Brenda Keith, Esq., Boutin & Altieri
Robert Grillo, P.E., CMA Engineers
Paul Rydel, P.G., SHA Associates
Thomas Burack, Commissioner, DES
Richard Head, Esq. NHDOJ