

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Granite State Landfill, LLC

217-2025-CV-00316

v. Docket No. _____

State of New Hampshire Department of Environmental Services

PETITION FOR DECLARATORY JUDGMENT

Granite State Landfill, LLC (“GSL” or the “petitioner”), by and through its attorneys, Cleveland, Waters and Bass, P.A., and Lehmann Major List PLLC, does hereby petition this honorable court for a declaratory judgment that N.H. Code Admin. R. Env-Sw 304.06(d) (the “Dormancy Rule”) and Env-Sw 305.03(b)(6) are ultra vires of RSA ch. 149-M, the enabling legislation of the waste management division of the New Hampshire Department of Environmental Services (“NHDES”), and that NHDES’s denial of GSL’s pending application for a solid waste permit in reliance upon the Dormancy Rule was therefore unlawful.

Introduction

New Hampshire statutes enabling the regulatory programs within NHDES prescribe the manner in which the agency is to process permit applications. Among these prescriptions are timelines for decisions on the applications and the grounds on which an application can be denied. NHDES’s waste management division – which regulates the siting, construction, operation, and closure of landfills and other waste management facilities in the state – is governed by RSA ch. 149-M. RSA 149-M:9, IX, and X and :12 specify the grounds on which NHDES may deny an application. Dormancy is not one of those grounds.

NHDES nonetheless denied GSL's pending application for the development of new landfill capacity on April 3, 2025, on the ground that the application was dormant within the meaning of NHDES's administrative rules. GSL submitted its application in October of 2023 and has made ten substantial submissions to NHDES since then to supplement the application, the last of which was provided on February 27, 2025. Most of GSL's submissions were in response to additional information sought by NHDES in letters finding the application "incomplete." In no way could GSL's application be considered "dormant" within the ordinary meaning of that word.

The New Hampshire waste management council (the "Council") has jurisdiction over appeals "relative to the functions and responsibilities of the [NHDES] division of waste management." RSA 21-O:9, V. The Council does not have jurisdiction, however, to grant declaratory or other equitable relief. Only the superior court has such jurisdiction. GSL will be filing an appeal of NHDES's dormancy decision to the Council on the merits, but because the administrative rule on which NHDES relied for that decision violates the constitutional separation of powers by usurping legislative authority, GSL seeks a declaration by this court that the rule is void as ultra vires.

In support of this relief, GSL alleges as follows:

1. Petitioner, Granite State Landfill, LLC is a New Hampshire limited liability company with a principal office located at 25 Greens Hill Lane, Rutland, Vermont 05701, Telephone (802) 775-0325.

2. The New Hampshire Department of Environmental Services is an executive branch agency of the State of New Hampshire RSA 21-O. One of NHDES's enumerated responsibilities is the regulation of waste disposal. RSA 21-O:1, II(c). As an executive branch

agency, NHDES lacks the power to legislate. NHDES's principal office is located at 29 Hazen Drive, Concord, New Hampshire 03301.

3. The superior court has jurisdiction over this case pursuant to RSA 491:22 and RSA 541-A:24.

4. Venue is proper in Merrimack County because the respondent is located in Merrimack County, and petitions for declaratory judgment requesting a rule be found invalid must be filed in Merrimack Superior Court. *See generally* RSA 507:9 and RSA 541-A:24.

5. On October 31, 2023, GSL submitted to NHDES an application for a standard permit for the development of a municipal solid waste landfill in Dalton, New Hampshire (the "application"). GSL also submitted supplemental documents on December 12, 2023, January 3, 2024, February 8, 2024, and February 12, 2024. In total, these submissions consisted of approximately 4,000 pages of documents and plans.

6. An application for a standard permit for a landfill consists of several thousand pages of legal and technical analyses, disclosures, design plans, calculations, and narratives addressing the wide array of detailed statutory and regulatory requirements for such applications. Well before an applicant files such an application it must conduct extensive studies or "characterization" of the proposed site, including, among other things, composition and stratification of soils, surface water features, groundwater elevations and behavior, and wetlands locations and properties. The results of these studies are incorporated into the application. GSL began these studies for the Dalton site in 2019. Preparation of a standard permit application requires an enormous dedication of time and financial resources.

7. On February 28, 2024, NHDES issued a letter (Exhibit A) advising GSL that it deemed the Application incomplete and requesting additional documentation to complete the Application.

8. In response to the February 28, 2024, letter, GSL submitted additional documentation on April 19, 2024, April 22, 2024, and June 17, 2024.

9. The April 19, 2024 submission consisted of a cover letter to NHDES (Exhibit B) which provided substantive responses to each of the 16 comments and sub-comments, and attached 12 exhibits totaling more than 900 pages.

10. As part of the April 19, 2024, submission, GSL was required to conduct additional analyses, provide further supporting calculations, and other supporting documentation as outlined in the cover letter to this submission.

11. NHDES issued a second letter advising that it deemed the application incomplete on June 24, 2024.

12. In response to the second letter, GSL made an additional submission of 174 pages.

13. NHDES issued a third letter deeming the application incomplete on October 22, 2024.

14. In response to the third letter, GSL made an additional submission of 98 pages.

15. On January 27, 2025, NHDES issued a fourth letter deeming the application incomplete. This letter raised several issues based on changes to NHDES's rules which went into effect while NHDES was assessing the application for completeness.

16. In response to the fourth letter GSL made another submission on February 27, 2025, which comprised over 300 pages.

17. Despite these submissions, and despite lacking any legislative authority, on April 3, 2025, NHDES denied GSL's application on the ground that it was dormant pursuant to N.H. Code Admin. R. Env-Sw 304.06(d) and Env-Sw 305.03(b)(6).

18. NHDES cited two grounds for its determination that the application was dormant: (1) NHDES asserted that from the substantially redacted documents submitted by GSL it was unable to determine that GSL would have the possessory legal interest in the landfill site required by the rules and (2) NHDES asserted that a site report was not updated to demonstrate compliance with amended administrative rules which became effective on December 21, 2024. Substantively, both of these assertions are incorrect because GSL provided all the necessary information to complete the Application by February 27, 2025, at the latest.

19. Pursuant to Env-Sw 314.03(c) (incorporating Env-Sw 314.03(a)(3)), GSL was required to provide a "copy of the document(s) that demonstrate(s) that the applicant and their successors and assigns have or will have a lease, easement or other legal right for use of the property for the purposes proposed in this application" Under this rule, all that NHDES is entitled to request—and all that is necessary to complete the application – is the information necessary to determine that GSL has the legal right to purchase the Property. *See also* Env-Sw 804.06 and 1003.03(a) (ownership requirement). NHDES is not entitled to the entirety of the agreement between GSL and the landowner, where the redacted terms have no bearing on whether GSL will have the requisite ownership interest.

20. The second reason NHDES avers it denied the application is its claim that a site report was not updated to comply with amended administrative rules which became effective on December 21, 2024. This cannot be the basis of a dormancy denial. NHDES cannot deem the application incomplete, and GSL cannot be required to update the application to comply with

new rules that were not in effect at the time of the initial incompleteness determination. Under NHDES's application of the dormancy provision, GSL had only two months to update the application instead of one full year, as contemplated by Env-Sw 304.06(d).

21. In New Hampshire, a party may challenge the validity of an administrative rule in at least two ways: (1) in an administrative proceeding subject to appellate review, and (2) by petitioning the Merrimack Superior Court for declaratory judgment under 541-A:24.

Count I – Declaratory Judgment

22. The petitioner repeats and restates the factual allegations and arguments contained in all of the foregoing paragraphs as if fully stated herein.

23. NHDES's adoption and reliance upon Env-Sw 304.06(d) and Env-Sw 305.03(b)(6) to deny the application interferes with and impairs the legal rights and privileges of GSL.

24. RSA 149-M:9, VIII, prescribes the timeframes for processing permit applications, and RSA 149-M:9, IX and X and :12 set forth the criteria governing approval and denial of permit applications. Nowhere in RSA ch. 149-M is NHDES empowered to deny an application as dormant.

25. Env-Sw 304.06(d) and Env-Sw 305.03(b)(6) violate the constitutional separation of powers because they purport to enable NHDES to deny a permit application on a ground not included in the agency's enabling statute. Such ultra vires rules are void.

26. Accordingly, GSL is entitled to a declaration that Env-Sw 304.06(d) and Env-Sw 305.03(b)(6) are unlawful because they exceed NHDES's statutory authority.

WHEREFORE, for all the foregoing reasons, GSL respectfully requests this honorable court declare that Env-Sw 304.06(d) and Env-Sw 305.03(b)(6) are ultra vires of NHDES's statutory authority and void.

Respectfully submitted,

GRANITE STATE LANDFILL, LLC,
By Its Attorneys,

Date: 4/8/2025

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EXHIBIT A



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



VIA EMAIL ONLY

February 28, 2024

John Gay, Region Engineer
Granite State Landfill, LLC
1855 VT Route 100
Hyde Park, VT 05655
Email: John.Gay@casella.com

SUBJECT: Proposed Granite State Landfill (GSL), 172 Douglas Drive, Dalton, NH

Incomplete Application – Request for Additional Information

Standard Permit Application – Granite State Landfill, received October 31, 2023 and assigned Application No. 2023-66600

Dear John Gay:

The New Hampshire Department of Environmental Services, Waste Management Division (NHDES) has reviewed the above-cited application by which Granite State Landfill, LLC. seeks approval for a solid waste landfill in Dalton, NH. In accordance with the requirements of the New Hampshire Solid Waste Rules, Env-Sw 100 et seq. (Rules), NHDES has determined that the application is **incomplete**.

The subject application consists of the following documents:

- Granite State Landfill, LLC. (16 October 2023). Volume 1, Sections I-IV, Identification, Facility Description, Status of Other Permits/Approvals, and Legal Notifications and Agreements. Received October 31, 2023. Assigned WMD Log No. 2023-66600-01.
- Granite State Landfill, LLC. (16 October 2023). Volume 2, Part 1, Section V, Site Report with Attachments V(1)-V(4). Received October 31, 2023. Assigned WMD Log No. 2023-66600-02.
- Granite State Landfill, LLC. (16 October 2023). Volume 2, Part 2, Section V, Site Report Attachments V(5)-V(6). Received October 31, 2023. Assigned WMD Log No. 2023-66600-03.
- Granite State Landfill, LLC. (16 October 2023). Volume 3, Section VI, Preliminary Facility Design Plans and Specifications. Received October 31, 2023. Assigned WMD Log No. 2023-66600-04.
- Granite State Landfill, LLC. (16 October 2023). Volume 4, Section VII, Operating Plan. Received October 31, 2023. Assigned WMD Log No. 2023-66600-05.
- Granite State Landfill, LLC. (16 October 2023). Volume 5, Sections VIII-X, Closure Plan, Financial Report, and Performance History. Received October 31, 2023. Assigned WMD Log No. 2023-66600-06.
- Granite State Landfill, LLC. (16 October 2023). Volume 6, Sections XI-XIII, Public Benefit, Signatures, and Fee Calculation Form. Received October 31, 2023. Assigned WMD Log No. 2023-66600-07.
- Granite State Landfill, LLC. (16 October 2023). Volume 7, Full Size Plans for Design Drawings and Closure Plan. Received October 31, 2023. Assigned WMD Log No. 2023-66600-08.
- CMA Engineers, Inc. (8 December 2023). Supplemental Submittal – Certified Mail Receipts. Received December 12, 2023. Assigned WMD Log No. 2023-66600-09.

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29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-2925 • Fax: 271-2456 TDD Access: Relay NH 1-800-735-2964

- CMA Engineers, Inc. (3 January 2024). Supplemental Submittal – Certified Mail Receipts. Received January 3, 2024. Assigned WMD Log No. 2023-66600-10.
- CMA Engineers, Inc. (6 February 2024). Supplemental Submittal – Certified Mail Receipts, and Additional Information for Hydrogeological Report, Traffic Study Report, and Geotechnical Report. Received February 8, 2024. Assigned WMD Log No. 2023-66600-11.
- CMA Engineers, Inc. (12 February 2024). Supplemental Submittal – Delivery Confirmations. Received February 12, 2024. Assigned WMD Log No. 2023-66600-12.

Please address the following comments to satisfy the provisions of Env-Sw 300, and clarify aspects of the application in support of making a technical review pursuant to Env-Sw 304.07:

1. Provide proof of notification that the information required by Env-Sw 316 has been submitted to the New Hampshire Department of Justice (NHDOJ) as required by Env-Sw 314.03(a)(10). Ensure that copies of all signed registered letter receipts or signed acknowledgements of receipt are included in the permit application as required by Env-Sw 314.08(b)(3).
2. Identify all local permits or approvals which are or may be required for the proposed facility, and provide the status of each, as required by Env-Sw 314.07.
3. Facility Identification and Landowner Agreement.
 - a. The application does not consistently identify which property lot numbers the facility is proposed to occupy. Specifically, the parcels listed in Section I(2), Facility Identification, of Volume 1 are not consistent with the “Candidate Land” shown in Section IV, Attachment IV(3), Landowner Agreement. Additionally, the tax maps provided in Figure 1 of Section V, Site Report, in Volume 2, Part 1, do not correspond with the proposed property lines provided in Figures 2, 7, 14 and 15 of the Site Report or with the “Candidate Land” in the Landowner Agreement. Pursuant to Env-Sw 314.04, Env-Sw 314.09 and Env-Sw 314.10, identify the lot(s) on which the facility is proposed to be located, and provide an updated Landowner Agreement and plans, as needed.
 - b. The Landowner Agreement (Section IV, Attachment IV(3) of Volume 1) is redacted in such a manner that NHDES is unable to evaluate certain requirements of the Rules. Pursuant to Env-Sw 314.09, provide a landowner agreement that demonstrates the requirements in Env-Sw 804.06 and Env-Sw 1003.03 can be met. In addition, provide relevant legal agreements regarding access to and from the proposed facility, which NHDES understands is proposed to be located on landlocked parcels.
 - c. Pursuant to Env-Sw 314.13 and Env-Sw 1102.02, provide a demonstration that other activities conducted on-site will not interfere with operation of the proposed landfill. Specifically, identify how co-existing activities such as the sand and gravel facility and a proposed drag strip will not interfere with operating the proposed landfill in compliance with the Rules.
4. Traffic Discussion and Study. The Traffic Discussion does not adequately address all requirements of Env-Sw 314.10(b)(6), Env-Sw 1004.02 and Env-Sw 1005.03. The Traffic Discussion references the Traffic Study in Attachment V(5) of Volume 2 Part 2. The Traffic Study does not include information to support a 25% increase of traffic volume from the North Country Environmental Services, Inc. landfill in Bethlehem. Provide information on how this increase was determined.
5. Site Report. Pursuant to Env-Sw 314.10(b)(7), address the following comments.
 - a. Provide proposed methods and materials for filling wetlands, in keeping with a dredge and fill permit, to accompany the proposed locations shown on Figure 6 and the description provided in

- Attachment V(2) of Section V, Site Report. Provide sufficient information to demonstrate compliance with Env-Sw 804.02(d), Env-Sw 805.03(b), Env-Sw 805.03(c), and Env-Sw 805.03(f).
- b. For purposes of demonstrating compliance with Env-Sw 804.02(b) and Env-Sw 805.08, provide proposed locations, materials and specifications for the surface water and groundwater monitoring systems. Include sufficient information to demonstrate that release detection, characterization, and remediation can be conducted prior to a release having an adverse effect on a water supply.
 - c. In accordance with Env-Sw 804.03, the applicant must demonstrate that the landfill and leachate storage units are proposed to be located in areas where potential adverse effects to surface water quality due to a discharge of contaminants can be prevented or minimized and mitigated by facility design. The description provided in Section V, Site Report, Attachment V(2) did not address the discharge of contaminants from the landfill. Provide a demonstration addressing contaminant discharge from the landfill, including leachate outbreaks that reach the stormwater management system.
 - d. The infrastructure leachate loadout area shown in Figure G&D-5, depicts a catch basin and piping directing any releases to a lined pond. During the January 24, 2024 meeting, GSL stated that this area will be redesigned to redirect any spills in the loadout area to the leachate storage tank(s). Provide updated design plan(s) to reflect this proposed change.
6. As discussed during the January 24, 2024 meeting, GSL stated that there is a proposed change to on-site septic system management. Pursuant to Env-Sw 314.11 and in support of Env-Sw 805.02(a)(8), submit updated plans regarding the facility's septic disposal system.
 7. Geotechnical Report. Pursuant to Env-Sw 314.11(a), address the following comments.
 - a. Provide stability calculations for the leachate collection and removal system to demonstrate the system can maintain integrity under both dynamic and static loading events for all phases of landfill development pursuant to Env-Sw 805.06(i)(3).
 - b. Provide all input data for the stability calculations performed using the GeoStudio 2021.3 software to demonstrate compliance with Env-Sw 805.03(e), Env-Sw 805.05(h), Env-Sw 805.10(i), and Env-Sw 1103.05(h).
 - c. Submit bearing capacity analyses calculations for landfill infrastructure pursuant to Env-Sw 805.03(e) and Env-Sw 1103.05(h).
 - d. Provide crush calculations on both the leachate force main and the landfill gas (LFG) main proposed to be located beneath the access road from the landfill to the infrastructure area pursuant to Env-Sw 1103.05(h). Be sure to consider loading due to co-existing sand and gravel operations.
 - e. Provide preliminary calculations and analyses for puncture resistance and anchor trench pullout pursuant to Env-Sw 805.05(f) and (h).
 8. Hydrogeological Report. Test pit logs were not provided in the Hydrogeological Report (Section V, Attachment V(4), Volume 2, Part 1). It does not appear the test pits were considered in the evaluation provided. Additionally, test pits included in the Stormwater Management Report (Section VI, Attachment VI(4), Volume 3) are not referenced in the hydrogeological report, and test pit locations are not identified on a figure. Pursuant to Env-Sw 314.10(b)(5) provide test pit logs and an exploration location plan, and update the evaluation as needed in consideration of test pit information.

9. Leachate Management. HELP model data was partially provided in Section 10 of Attachment VI(5), Volume 3. Pursuant to Env-Sw 314.11(a) provide missing information including, at a minimum, column identification for the output data.
10. Pursuant to Env-Sw 314.11(a) and Env-Sw 805.11(h) submit a plan showing the proposed location of all permanent fencing that will be maintained to catch litter. Be sure to consider the prevailing wind direction.
11. Operating Plan. The Operating Plan (Section VII, Volume 4) did not provide sufficient detail to allow the certified operator and other trained facility personnel to operate the facility in compliance with RSA 149-M and the Rules without further explanation or guidance as required by Env-Sw 314.03(a) and Env-Sw 1105.11(a). Address the following to ensure the Operating Plan is complete.
 - a. An updated leachate management plan must be included as part of the Operating Plan pursuant to Env-Sw 806.05(b). Such plan must address:
 - i. The leachate pump out and removal schedule, including the schedule for loading and shipments of leachate, in accordance with Env-Sw 806.05(b). If the applicant is proposing to load leachate outside routine operating hours of 6 am to 6 pm, then a demonstration pursuant to Env-Sw 1105.08(b) is required to be submitted as part of the application.
 - ii. Regularly scheduled inspections and routine maintenance of the leachate collection and removal system in accordance with Env-Sw 806.05(e).
 - b. Section 5 does not provide information on the maintenance, inspection and monitoring requirements for multiple systems including the following:
 - i. Vector control systems;
 - ii. Landfill gas management and migration monitoring systems, including LFG probes;
 - iii. Leachate management and leak detection systems; and
 - iv. Stormwater management systems
12. The waste identification sections in the facility Operating Plan and the Closure Plan do not match. Provide reconciled plans to ensure the waste proposed to be accepted at the facility are the same in each plan and in Section II, Facility Description.
13. Provide preliminary drawings for a decomposition gas management system and supporting information for the decomposition gas migration monitoring system, as required pursuant to Env-Sw 314.11, Env-Sw 805.02(a)(6), and Env-Sw 806.07.
14. Closure Plan. The Closure Plan (Section VIII, Volume 5) did not provide sufficient detail to allow a third party to implement and complete all required facility closure tasks in compliance with RSA 149-M and the Rules without further explanation or guidance in accordance with Env-Sw 314.03(a) and Env-Sw 1106.04(a). Address the following to ensure the Closure Plan is complete.
 - a. Section 5 Closure Requirements does not identify on-the-ground markers to locate the limits of the capping system. Provide information on such markers pursuant to Env-Sw 805.10(o).
 - b. Section 6 Post-Closure Requirements does not provide sufficient details as required under Env-Sw 1106.04(e)(6). Provide information on the inspection and maintenance schedules for the leachate, stormwater, and LFG management systems.

15. Provide a financial assurance plan, including a draft of the financial assurance mechanism (e.g., bond, standby trust), prepared in accordance with Env-Sw 1403 as required by Env-Sw 314.12(f).
16. Design Plans and Specifications. Several design drawings do not include dimensions, labels, and other details required pursuant to Env-Sw 314.11 and Env-Sw 1103.05. Specifically,
 - a. Identify all elevations and sump locations in Figures 4 and 5 in Attachment V(1) of the Site Report (Section V, Volume 2, Part 1). Add groundwater and bedrock separation numbers in the northernmost corner and for the sump area.
 - b. Label the flood hazard areas in Figure 11 in Attachment V(1) of the Site Report (Section V, Volume 2 Part 1).
 - c. Provide elevations in Figures 1 through 7, Fill Sequence plans in the Operating Plan (Section VIII, Volume 4).
 - d. Include elevations in Figure C-2 of the Design Drawings (Volume 7).
 - e. Update Figure 1 of the Traffic Study (Attachment V(5) of Section V, Volume 2, Part 2), to the most recent proposed design and include date and scale information.
 - f. Revise figures within Appendix H of the Hydrogeological Report, (Section V, Attachment V(4), Volume 2, Part 1) to correct legends with formatting issues. Specifically, revise Figures H.1.B, H.3, H.6A, H.6B, H.9A, H.9B, H.12, and H.15.

Please address the above comments and submit your response by concurrently submitting one hardcopy and one electronic copy to NHDES. Submit the electronic version through the NHDES OneStop Data Provider portal using the site code "123456789." Please also designate "Application No. 2023-66600" on both the e-submittal and the paper copy.

Please note that on February 8, 2024 the department received a supplemental submittal to the application (WMD Log Nos. 2023-66600-11), which provided the missing appendices from the original geotechnical report. A review of this supplement has not yet been completed by the Department. NHDES intends to review this supplement for completeness within 60 days of receipt of the supplement.

Pursuant to Env-Sw 304.04, Incomplete Applications, review of your application is suspended until the additional requested information is received. Note that, pursuant to Env-Sw 304.05(d), all of the information needed to complete the application must be submitted within one year of the date of the first incomplete application letter (this letter, issued February 28, 2024) to avoid having the application become dormant and be deemed denied. As such, please provide the requested information as soon as practicable.

If you have any questions regarding this correspondence, please contact me.

Sincerely,



Mary F. Daun, P.E.
Solid Waste Management Bureau
Tel: (603) 271-8573
Email: mary.f.daun@des.nh.gov

Waste
Management
Division

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Management Division
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ec: Select Board, Town of Dalton, email: selectmen@townofdaltont.com and townadmin@townofdaltont.com
Town Clerk, Town of Dalton, email: town.clerk@townofdaltont.com
Board of Selectmen, Town of Bethlehem, email: selectman1@bethlehemnh.org
selectman2@bethlehemnh.org; selectman3@bethlehemnh.org; selectman4@bethlehemnh.org;
selectman5@bethlehemnh.org; and admin@bethlehemnh.org

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Board of Selectmen, Town of Littleton, email: vpotter@townoflitteton.org
Town Clerk, Town of Littleton, email: abrousseau@townoflitteton.org
Board of Selectmen, Town of Whitefield, email: administrativeassistant@whitefieldnh.org
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EXHIBIT B



**NHDES Waste Management Division
29 Hazen Drive; PO Box 95
Concord, NH 03302-0095**

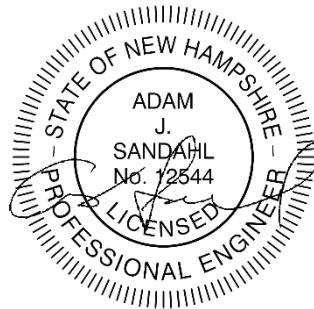


**Standard Permit for Solid Waste Landfill
Granite State Landfill
Response to NHDES Incomplete Application (#2023-66600)
Douglas Drive
Dalton, NH 03598
NHDES Site #: TBD
Project Type: SW-LNDFILL
Project Number: TBD
Permit: DES-SW-SP-XX-XXX (TBD)**

**Victoria
Penrose
Tarbell**

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Victoria Penrose Tarbell
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Prepared for:
Granite State Landfill, LLC
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RP Contact Name: John Gay
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Date of Report: April 19, 2024

Cover Sheet for Reports Template - Revised December 2020



ESTABLISHED 1975

GRANITE STATE LANDFILL, LLC

1855 VT Route 100 • Hyde Park, VT 05655 p. 802.651.5454 f. 802.888.7931

April 19, 2024

Ms. Mary F. Daun, P.E.
Solid Waste Management Bureau
New Hampshire Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

**RE: Granite State Landfill, LLC
Proposed Lined Landfill – Dalton, New Hampshire
Standard Permit Modification – Application # 2023-66600
Response to NHDES Incomplete Application Correspondence**

Dear Ms. Daun:

Granite State Landfill, LLC (GSL) writes to provide a response to the information requested by the New Hampshire Department of Environmental Services (NHDES) in correspondence dated February 28, 2024. Our response to comments are presented in **bold type** following the NHDES comment in *italic type*. We have uploaded an electronic copy of this response to the NHDES One Stop database.

1. *Provide proof of notification that the information required by Env-Sw 316 has been submitted to the New Hampshire Department of Justice (NHDOJ) as required by Env-Sw 314.03(a)(10). Ensure that copies of all signed registered letter receipts or signed acknowledgements of receipt are included in the permit application as required by Env-Sw 314.08(b)(3).*

Proof of notification that the information required by Env-Sw 316 was submitted to the NHDOJ is attached (Exhibit 1). The return receipts on abutter notices have all been forwarded to the Department, those that were undeliverable, we included documentation that multiple attempts were made to deliver them.

2. *Identify all local permits or approvals which are or may be required for the proposed facility, and provide the status of each, as required by Env-Sw 314.07.*

GSL requires no local approvals for the proposed facility. GSL is aware that the board of selectmen and the planning board in Dalton have maintained that GSL requires some form of approval pursuant to RSA 674:41, but GSL has explained to both the town boards and NHDES why RSA 674:41 has no application. We have attached an email thread (Exhibit 2) with the Commissioner documenting these communications.

3. *Facility Identification and Landowner Agreement.*

- a. *The application does not consistently identify which property lot numbers the facility is proposed to occupy. Specifically, the parcels listed in Section I(2), Facility Identification, of Volume 1 are not consistent with the "Candidate Land" shown in Section IV, Attachment IV(3), Landowner Agreement. Additionally, the tax maps provided in Figure 1 of Section V, Site Report, in Volume 2, Part 1, do not correspond with the proposed property lines provided in Figures 2, 7, 14 and 15 of the Site Report or with the "Candidate Land" in the Landowner Agreement. Pursuant to Env-Sw 314.04, Env-Sw 314.09 and Env-Sw 314.10, identify the lot(s) on which the facility is proposed to be located, and provide an updated Landowner Agreement and plans, as needed.*

The modification of the facility's design since the applicant's predecessor in interest entered into the "Landowner Agreement" attached to the application has necessitated an amendment to the Landowner Agreement. We have provided under separate cover pursuant to Part Env-C 208 a redacted memorandum of understanding between the applicant and the current property owner modifying the Landowner Agreement and establishing the applicant's right to acquire the property on which the facility is proposed to be located. Under the modified agreement, GSL has the right to acquire two lots of record designated as Dalton Tax Map 406, Lots 2.1 and 3 unless the Dalton Planning Board approves a lot line adjustment enabling the current owner of those lots to retain ownership of portions of the two lots that are not needed for the siting and operation of the landfill. If the lot line adjustment is granted the applicant will be entitled to acquire that part of the two lots necessary for the siting, construction, and operation of the facility.

- b. *The Landowner Agreement (Section IV, Attachment IV(3) of Volume 1) is redacted in such a manner that NHDES is unable to evaluate certain requirements of the Rules. Pursuant to Env-Sw 314.09, provide a landowner agreement that demonstrates the requirements in Env-Sw 804.06 and Env-Sw 1003.03 can be met. In addition, provide relevant legal agreements regarding access to and from the proposed facility, which NHDES understands is proposed to be located on landlocked parcels.*

The Landowner Agreement as modified by the memorandum of understanding submitted under separate cover pursuant to Part Env-C 208 establishes that:

- 1. The applicant has the right to acquire the land on which the facility is to be located, satisfying the ownership requirements of Env-Sw 804.06 and Env-Sw 1003.03(a).**

2. **The Landowner Agreement includes a form of easement which is attached to the Landowner Agreement as Attachment C. This easement, which the current landowner must deliver to the applicant upon the closing on the applicant's acquisition of the two lots described in the previous response above, establishes a perpetual right for all types of vehicles and pedestrian traffic to pass over the current landowner's property to the property on which the facility is located. Only the "general public" is excluded from using the easement. Accordingly, the permittee and the department will have access to the facility property as required by Env-Sw 1003.03(a).**
 3. **The current landowner will have the right to operate a sand and gravel pit at its current location, use or improve the existing logging road as access to the landowner's other property, and use the facility's proposed truck staging area for parking on weekends if the landowner ever develops a drag strip on his other property. All of these uses by the landowner are subject to a contractual requirement that they not interfere with the operation of the facility as required by Env-Sw 1003.03(b).**
- c. *Pursuant to Env-Sw 314.13 and Env-Sw 1102.02, provide a demonstration that other activities conducted on-site will not interfere with operation of the proposed landfill. Specifically, identify how co-existing activities such as the sand and gravel facility and a proposed drag strip will not interfere with operating the proposed landfill in compliance with the Rules.*

With regard to the proposed drag strip operation, the Traffic Study submitted on February 12, 2024 as part of the Applicant's supplemental submittal explains that the prospective drag strip traffic is not included in the Study, because landfill hours of operation would not coincide with future drag strip events. Please note that GSL has advised NHDOT that it is amenable to a condition to that effect being included in the facility's driveway permit, for which an application is pending.

Regarding the sand and gravel operation, the basis for the Traffic Study includes counts completed in May 2021 and July 2023, which include the sand and gravel operation traffic. The sand and gravel operation and the landfill will be accessed from Route 116 via shared access along Douglas Drive. Traffic for these operations will share access up to the point of the landfill operations, where traffic accessing the sand and gravel operation will bypass the landfill and continue to the sand and gravel operation. Douglas Drive is proposed to be expanded to a width of 32 feet to safely accommodate two-way traffic for these purposes.

Reference is made to the Traffic Pattern & Waste Fill Sequencing Plans that are provided as part of Exhibit A to the Operating Plan which depicts how the various site entities interact for each cell development including landfill traffic, daily cover traffic, and the sand and gravel operation. Road access gates will be located at each access point of the Infrastructure Area as well as at the entrance to the landfill proper so that access is restricted (please refer to Exhibit 16 for a site plan depicting gate locations).

4. *Traffic Discussion and Study. The Traffic Discussion does not adequately address all requirements of Env-Sw 314.10(b)(6), Env-Sw 1004.02 and Env-Sw 1005.03. The Traffic Discussion references the Traffic Study in Attachment V(5) of Volume 2 Part 2. The Traffic Study does not include information to support a 25% increase of traffic volume from the North Country Environmental Services, Inc. landfill in Bethlehem. Provide information on how this increase was determined.*

The reference to the “25% increase” in the traffic study should have been for a 25% increase in the GSL waste acceptance rate relative to NCES and not traffic. The annual rate increase to 600,000 cubic yards was projected by GSL based on estimated market conditions during the GSL operating period. We note that the 2020 permit modification for NCES Stage VI limited airspace utilization to a restricted below market rate of 230,200 cubic yards per year. The annual NCES facility reports for 2017 through 2019, prior to the Stage VI restrictions, indicate NCES averaged 367,000 tons per year in those years. GSL has proposed an annual airspace utilization of 600,000 cubic yards, equating to 456,000 tons per year (0.76 tons/cy), which is approximately 25% higher than the rate waste accepted at NCES from 2017 through 2019.

Although the waste acceptance rate is expected to increase 25% at GSL compared to NCES, waste hauling traffic is only expected to increase by about 12%, or 91 trucks versus 81 trucks as indicated in the traffic study. The number of smaller local hauling trucks using the facility will likely stay about the same, with the increased GSL tonnage handled from out of the immediate region by larger tractor trailer trucks. GSL also expects to employ higher capacity tipper style trailers, reducing the number of tractor trailers required for waste transport. The tipper trailers would be feasible at GSL as this larger landfill can logistically support the active disposal area size needed for these operations. The tipper trucks also discharge the waste at a faster rate than the push out and moving floor trailers currently used at NCES, adding to the efficiency of the operation.

The traffic study indicates an average of four leachate tanker trucks access the NCES landfill per day during peak summer 2018/2019 months. We do not expect an increase in the number of tanker truck trips at GSL as that landfill will limit leachate generation by capping sequentially and use of geomembrane intermediate cover versus more

permeable soil intermediate cover at NCES; however, we conservatively assumed 7 leachate tanker trips per day at GSL.

The NHDOT Driveway permit for the site, originally submitted in November 2020, is currently under review.

5. *Site Report. Pursuant to Env-Sw 314.10(b)(7), address the following comments.*
 - a. *Provide proposed methods and materials for filling wetlands, in keeping with a dredge and fill permit, to accompany the proposed locations shown on Figure 6 and the description provided in Attachment V(2) of Section V, Site Report. Provide sufficient information to demonstrate compliance with Env-Sw 804.02(d), Env-Sw 805.03(b), Env-Sw 805.03(c), and Env-Sw 805.03(f).*

Wetland filling will be completed in conformance with the conditions of the NHDES Standard Dredge and Fill permit, that is currently under review by NHDES. Specification Section 02234 – Select Sand Part 3.03 describes provisions for filling wetlands with select sand in loose lifts of 12-inches and compacting to 95% of Modified Proctor maximum density. Subgrade will be compacted in accordance with the requirements of Section 02222 – Excavation Part 3.03.

We anticipate that the wetlands permit conditions will require that wetland filling procedures will be reviewed in the field by a certified wetland scientist. Wetland vegetation and immediately underlying hydric soil will be removed from the fill area and subgrade inspected prior to filling with sand. Sand depth will vary but is expected to be between two and three feet on average. During construction of the landfill cell, soils meeting the common borrow requirements will be placed above the sand to achieve final grades. Wetlands will be filled sequentially, from south to north as the Stage I landfill develops; however, all remaining Stage II wetlands will be filled in this manner at the end of the wetland permit term and prior to constructing Stage II.

To meet the requirements of Env-Sw 804.02(d), GSL proposes to complete the sand portion of the wetland filling at least one year prior to common borrow placement and monitor these areas visually and via standpipes to document that water levels remain below the required 6-foot separation to the bottom of the lining system. GSL expects to construct surface water diversion swales to minimize the potential for recharge of these areas. We note that groundwater separation in wetland areas is expected to be greater than the minimum 7-foot separation in surrounding areas as the wetland areas are depressed low points in the terrain.

To meet the requirements of Env-Sw 805.03(b), GSL has proposed to underlie the secondary liner with 12-inches of screened till (select subgrade layer). As required by specification section 02223 – Filling Part 2.01C, the screened till is required to have a hydraulic conductivity of less than 1×10^{-4} cm/s.

To meet the requirements of Env-Sw 805.03, GSL has demonstrated throughout the various sections of the application that the proposed subgrade has sufficient structural integrity to support the facility under anticipated loading conditions, including:

1. A uniform, consistent, and compacted natural subgrade layer is provided that is stable under loading (Section 02222, Part 3.03);
 2. Select sand backfill in wetland areas will be placed in loose, 12-inch lifts and compacted to 95% of Modified Proctor maximum density (Section 02234, Part 3.03).
 3. Common borrow placement for embankments and general raises in grade below the lining system will be placed in 12-inch loose lifts and compacted to 95% of maximum dry density (Section 02223 Part 3.02).
 4. The screened till layer immediately below the geomembrane liner contains no stones greater than one inch in diameter (Section 02223 Part 2.01C), and be compacted in a 12-inch loose lift to 95% of maximum dry density (Section 02223 Part 3.02);
- b. *For purposes of demonstrating compliance with Env-Sw 804.02(b) and Env-Sw 805.08, provide proposed locations, materials and specifications for the surface water and groundwater monitoring systems. Include sufficient information to demonstrate that release detection, characterization, and remediation can be conducted prior to a release having an adverse effect on a water supply.*

The preliminary release detection monitoring network was described in general terms on Page 5 of Attachment V(2) of the Site Report (Section V of the Standard Permit Application). Additional information summarizing the preliminary release detection monitoring locations, materials and specifications for the planned surface water and groundwater monitoring network is provided in a technical memorandum in Exhibit 5 of this response. The monitoring program has been prepared consistent with the requirements of Env-Sw 805.08 to provide for detection of potential impacts to groundwater quality.

The release detection network information included in Exhibit 5 is preliminary. A Release Detection Permit application is anticipated to be submitted later in 2024. Consistent with the permitting period referenced in Env-Or 703.10, the Release Detection Permit application will be for the first five-year period of the

landfill's operation. As such, the proposed release detection networks for two phases of landfill development are presented in Exhibit 5 of this response:

- 1) Years 1 through 5: the first five-year period of operation (Stage 1 Cells 1 and 2); and
- 2) Full build-out of the landfill: the full RDP network once the landfill is fully constructed.

Site plans depicting the proposed monitoring locations and tables summarizing the proposed monitoring program are included in the technical memo in Exhibit 5.

- c. *In accordance with Env-Sw 804.03, the applicant must demonstrate that the landfill and leachate storage units are proposed to be located in areas where potential adverse effects to surface water quality due to a discharge of contaminants can be prevented or minimized and mitigated by facility design. The description provided in Section V, Site Report, Attachment V(2) did not address the discharge of contaminants from the landfill. Provide a demonstration addressing contaminant discharge from the landfill, including leachate outbreaks that reach the stormwater management system.*

As described in the Standard Permit application, GSL will be a double-lined landfill that incorporates a GCL layer not required by the Rules to enhance the protection that the liner system provides. GSL has also added several protective layers of redundancy for the leachate collection system including:

- Dual-walled HDPE piping,
- Oversized sump in the pump station building,
- 10,000 gallon dual-wall contingency leachate overflow tank for the pump station building (overflow from sump) with alarm,
- Forcemain leak detection manhole at low point of Douglas Drive overflows to landfill gas condensate knockout,
- Overflow from knockout drains to 10,000 gallon dual-wall contingency tank with alarm,
- Enclosed leachate load out area and the leachate tank area drains to a 10,000 gallon dual-wall contingency underground storage tank with alarm to capture a spill and transfer the liquid to the above ground storage tank(s), &
- Underground storage tanks have overflow to drain directly to a lined containment.

Regarding leachate outbreaks, the Alteration of Terrain (AoT) permit application for this project included a Stormwater Pollution Prevention Plan (SWPPP), which is a required component of EPA's Multi-Sector General Permit (MSGP) of which GSL will be subject to. The SWPPP was submitted with the AoT application to meet their Source Control Plan requirements.

The SWPPP describes protocols for weekly and monthly inspections and quarterly sampling at stormwater discharge locations. The weekly (routine) inspection form is provided in Exhibit 5, which requires a review of the landfill slopes for evidence of breakouts (See item #14). Inspecting the slopes on a weekly basis (minimum) allows for the timely response for repairs and eliminates the potential for stormwater to contact any breakout. Versions of this inspection form have been successfully used at NCES for many years. A full copy of the SWPPP can be made available to NHDES-WMD upon request.

The MSGP requires quarterly sampling of indicator parameters (TSS, COD, and pH) at surface water discharge locations, which would help to identify a potential contaminant release. In the event that a release has occurred, surface water would need to be tested for Effluent Limitation Guideline parameters and reported to EPA. These parameters for landfills include BOD, TSS, ammonia, alpha terpineol, benzoic acid, p-cresol, phenol, total zinc, and pH.

- d. *The infrastructure leachate loadout area shown in Figure G&D-5, depicts a catch basin and piping directing any releases to a lined pond. During the January 24, 2024 meeting, GSL stated that this area will be redesigned to redirect any spills in the loadout area to the leachate storage tank(s). Provide updated design plan(s) to reflect this proposed change.*

A revised sheet G&D-5 is enclosed in Exhibit 5 which depicts the catch basin inside the enclosed load out area draining to a dual-wall 10,000-gallon underground storage tank. Liquid collected in the underground storage tank will be pumped into the above ground storage tank. Any overflow of the underground storage tank will drain to the lined leachate pond.

6. *As discussed during the January 24, 2024 meeting, GSL stated that there is a proposed change to on- site septic system management. Pursuant to Env-Sw 314.11 and in support of Env-Sw 805.02(a)(8), submit updated plans regarding the facility's septic disposal system.*

Domestic wastewater from the infrastructure area, operations office, and maintenance garage is now proposed to be managed by a single septic system and leach field. The change is depicted on sheet G&D-5 enclosed in Exhibit 5.

7. *Geotechnical Report. Pursuant to Env-Sw 314.11(a), address the following comments.*

- a. *Provide stability calculations for the leachate collection and removal system to demonstrate the system can maintain integrity under both dynamic and static loading events for all phases of landfill development pursuant to Env-Sw 805.06(i)(3).*

A calculation for the dynamic condition of placing drainage sand over the liner system on side slopes using heavy equipment is provided in Exhibit 7. Response to this comment will also address Comment No. 7(e) regarding anchor trench pullout.

- b. *Provide all input data for the stability calculations performed using the GeoStudio 2021.3 software to demonstrate compliance with Env-Sw 805.03(e), Env-Sw 805.05(h), Env-Sw 805.10(i), and Env-Sw 1103.05(h).*

The requested input data is provided in Exhibit 7.

- c. *Submit bearing capacity analyses calculations for landfill infrastructure pursuant to Env-Sw 805.03(e) and Env-Sw 1103.05(h).*

The requested bearing capacity analyses are provided in Exhibit 7.

- d. *Provide crush calculations on both the leachate force main and the landfill gas (LFG) main proposed to be located beneath the access road from the landfill to the infrastructure area pursuant to Env-Sw 1103.05(h). Be sure to consider loading due to co-existing sand and gravel operations.*

The requested crush calculations are provided in Exhibit 7.

- e. *Provide preliminary calculations and analyses for puncture resistance and anchor trench pullout pursuant to Env-Sw 805.05(f) and (h).*

The requested preliminary calculation and analyses for puncture resistance are provided in Exhibit 7.

8. *Hydrogeological Report. Test pit logs were not provided in the Hydrogeological Report (Section V, Attachment V(4), Volume 2, Part 1). It does not appear the test pits were considered in the evaluation provided. Additionally, test pits included in the Stormwater Management Report (Section VI, Attachment VI(4), Volume 3) are not referenced in the hydrogeological report, and test pit locations are not identified on a figure. Pursuant to Env-Sw 314.10(b)(5) provide test pit logs and an exploration location plan, and update the evaluation as needed in consideration of test pit information.*

Test pit logs were included in the Site-Specific Soil Map Report (Soil Report) and the Proposed Infiltration Feasibility Report (Infiltration Report) which are Appendices L and M, respectively, of the Application of Terrain Permit Application (AoT), submitted to the New Hampshire Department of Environmental Services (NHDES) in November 2023. The Soil Report was also included in the Solid Waste Permit Application (Appendix B of the Stormwater Management Report (Section VI, Attachment VI(4))).

Observations from the test pits and borings completed as part of the Soil and Infiltration Reports were evaluated as part of preparation of the Hydrogeologic Report. The technical memorandum included as Exhibit 8 of this response was prepared to centralize and summarize the soil test pit and boring information and provide a context for findings relative to the information in the Hydrogeologic Report.

The findings of the soil test pit and infiltration studies were generally consistent with the evaluation of hydrogeologic conditions described in the Hydrogeologic Report, including summaries of overburden materials and interpretations of shallow soil conditions, bedrock elevation, and groundwater flow conditions.

9. *Leachate Management. HELP model data was partially provided in Section 10 of Attachment VI(5),
Volume 3. Pursuant to Env-Sw 314.11(a) provide missing information including, at a minimum, column identification for the output data.*

Revised HELP model output is provided in Exhibit 9 that includes column identification for the output. The original output only included the relevant pages. The enclosed includes the full model for each scenario considered.

10. *Pursuant to Env-Sw 314.11(a) and Env-Sw 805.11(h) submit a plan showing the proposed location of all permanent fencing that will be maintained to catch litter. Be sure to consider the prevailing wind direction.*

Detail 1 on sheet D-6 (Typical Landfill Berm & Roadway) depicts litter fencing along the edge of the perimeter road that will fully encircle the perimeter of the landfill as the detail shows. The enclosed figure in Exhibit 10 depicts the proposed limit of litter fence.

Additionally, GSL will utilize portable fencing at the working face that can be adjusted for wind conditions (similar to operations at NCES). No other litter fence is necessary outside those areas.

11. *Operating Plan. The Operating Plan (Section VII, Volume 4) did not provide sufficient detail to allow the certified operator and other trained facility personnel to operate the facility in*

compliance with RSA 149-M and the Rules without further explanation or guidance as required by Env-Sw 314.03(a) and Env-Sw 1105.11(a). Address the following to ensure the Operating Plan is complete.

A revised Operating Plan is provided in Exhibit 11. Modifications are presented as tracked changes.

- a. *An updated leachate management plan must be included as part of the Operating Plan pursuant to Env-Sw 806.05(b). Such plan must address:*
 - i) *The leachate pump out and removal schedule, including the schedule for loading and shipments of leachate, in accordance with Env-Sw 806.05(b). If the applicant is proposing to load leachate outside routine operating hours of 6 am to 6 pm, then a demonstration pursuant to Env-Sw 1105.08(b) is required to be submitted as part of the application.*

Section 4.1.3 Pumping/Removal Schedule of the Operating Plan has been amended to indicate “Hauling of leachate from the site is to occur during normal facility operating hours unless the Extenuating Leachate Management provisions of Section 6.9 are enacted.”

Extenuating circumstances beyond GSL control can include:

- **WWTPs being unavailable (eliminating or reducing acceptance, hour restrictions, etc.),**
- **Availability of leachate haulers,**
- **Roads are impassible due to weather events or emergency construction.**

These leachate removal events are allowed within NHDES Rules (Env-Sw 1105.08)(b) as they can affect the successful operation of the facility if leachate cannot be removed from the site due to the conditions described above.

Additionally, GSL is proposing to add a second 459,000 gallon AST for leachate storage during the initial construction of the facility. The plans show that there is room for a second tank, however the leachate calculations provided with the application only consider one tank. The facility has been designed to manage leachate with one tank under worst-case conditions (25-year storm, 6-feet of waste, largest cell (Stage 1 Cell 1), but assumes that the tank will be pumped down prior to the storm. The

second tank will remain empty during normal operating conditions and provide contingency for these events.

- ii) Regularly scheduled inspections and routine maintenance of the leachate collection and removal system in accordance with Env-Sw 806.05(e).*

Section 5.7 of the Operating Plan has been updated to include inspection and maintenance criteria for the leachate collection and removal systems.

- b. Section 5 does not provide information on the maintenance, inspection and monitoring requirements for multiple systems including the following:*

A table has been added to the beginning of Section 5.0 which summarizes the regular inspections at GSL including the frequency of each inspection, and if applicable, where an inspection form can be obtained.

- i) Vector control systems;*

Section 5.2 of the Operating Plan has been updated to provide additional detail on vector control systems.

- ii) Landfill gas management and migration monitoring systems, including LFG probes;*

A complete Operations and Maintenance Manual for the gas management system is provided as Exhibit C of the Operating Plan, which is included as Exhibit 11 of this submittal. The O&M plan includes information of maintenance, inspection, and monitoring requirements for the gas system.

- iii) Leachate management and leak detection systems; and*

Section 5.7 of the Operating Plan has been updated to provide additional detail on leachate management and leak detection systems.

- iv) Stormwater management systems*

Section 5.9 of the Operating Plan has been updated to reference the Inspection and Maintenance (I&M) Manual for the Stormwater Best Management Practices (BMPs), which the inspections will be a required component of the project's Alteration of Terrain permit. The I&M manual will be provided as Appendix F to the Operating Plan and is included in Exhibit 11.

12. *The waste identification sections in the facility Operating Plan and the Closure Plan do not match. Provide reconciled plans to ensure the waste proposed to be accepted at the facility are the same in each plan and in Section II, Facility Description.*

A revised Closure Plan, which updates Section 3.0 Waste Identification to match the Operating Plan is provided in Exhibit 12. The Section II Facility Description checklist section of the application form is consistent with Section 3.0 of the Operating Plan but does not provide the same level of detail.

13. *Provide preliminary drawings for a decomposition gas management system and supporting information for the decomposition gas migration monitoring system, as required pursuant to Env-Sw 314.11, Env-Sw 805.02(a)(6), and Env-Sw 806.07.*

Decomposition gas management system preliminary drawings: The preliminary design of the gas collection & control system (GCCS) is shown on the Closure Plan drawings included in Volume 7 of the application. Sheet C-2 depicts the planned full build-out of the GCCS and shows the proposed locations of LFG conveyance pipes, blower systems, isolation valves, and condensate management infrastructure. Sheet C-2 also shows the locations of each LFG extraction well that is proposed to exist at time of closure. The LFG extraction wells are spaced based on an effective radius of influence of 100 feet with overlapping coverage between wells, consistent with industry standard practice. Construction details for the LFG extraction wells, pipe trenches, condensate traps, condensate knockout, wellheads, and associated components are included on Sheets C-4 and C-5.

Interim gas collection measures are not shown on the Closure Plan but will include a combination of gas collection trenches (GCTs) and vertical LFG extraction wells constructed within the waste mass during active filling to capture LFG early in its generation phase. Each GCT will consist of a 6-inch diameter perforated high-density polyethylene (HDPE) pipe embedded within crushed stone (refer to Detail 2 on Sheet C-5). The GCTs are intended to be replaced by vertical LFG extraction wells after final grades are achieved.

Supporting information for the decomposition gas migration monitoring system: The proposed gas migration monitoring system is depicted on the “Gas Probe Locations Plan,” included as Appendix C of the Facility Operating Plan (Volume 4, Section VII of the Solid Waste Application).

The proposed gas migration monitoring system is discussed in the “Landfill Gas Screening” section of the Site Report (Section V, Volume 2 of the Solid Waste Application). The gas probe locations were selected to be close to the landfill anchor

trench without interfering with site operations (e.g., traffic, cap maintenance, etc.). The gas probes will each consist of a 1-inch diameter slotted schedule 40 PVC pipe surrounded by filter sand. The bottom of screen will be installed slightly above the water table and extend vertically to within approximately 3 feet of proposed ground surface. The probes will be completed with a locking steel standpipe. A schematic of an example gas probe is included in the O&M plan as Figure A-2. Quarterly monitoring will be performed at the gas probes, with modifications made when needed as discussed in Section 5.3 of the Facility Operating Plan. The majority of the gas probes screens will be within the soil of the perimeter berm. Details of the perimeter berm can be found on the Typical Landfill Berm detail provided with the permitting plans. The locations of buildings and the property boundaries are also shown on the permitting plans.

14. *Closure Plan. The Closure Plan (Section VIII, Volume 5) did not provide sufficient detail to allow a third party to implement and complete all required facility closure tasks in compliance with RSA 149-M and the Rules without further explanation or guidance in accordance with Env-Sw 314.03(a) and Env-Sw 1106.04(a). Address the following to ensure the Closure Plan is complete.*

- a. *Section 5 Closure Requirements does not identify on-the-ground markers to locate the limits of the capping system. Provide information on such markers pursuant to Env-Sw 805.10(o).*

Sheet C-2 of the Closure Plan drawing set has been updated to depict on-the-ground markers to locate the limit of the capping system. The markers will be placed at an average spacing of 150 feet. A detail for the markers is provided on Sheet C-3 of the Closure Plan set, which is also enclosed. Section 5.0 of the Closure Plan has been amended to describe the on-the-ground markers.

- b. *Section 6 Post-Closure Requirements does not provide sufficient details as required under Env-Sw 1106.04(e)(6). Provide information on the inspection and maintenance schedules for the leachate, stormwater, and LFG management systems.*

Section 6.0 of the Closure Plan has been amended to include the inspection and maintenance schedules of these systems. Stormwater inspection schedules now reference the I&M Manual (Appendix F) of the Operating Plan and gas system schedules now reference the gas system O&M manual Appendix C) of the Operating Plan. Section 6.0 text has been enhanced to further describe leachate system inspection and maintenance requirements. The updated Closure Plan is provided in Exhibit 12.

15. *Provide a financial assurance plan, including a draft of the financial assurance mechanism (e.g., bond, standby trust), prepared in accordance with Env-Sw 1403 as required by Env-Sw 314.12(f).*

A draft financial assurance mechanism is attached for your consideration as Exhibit 15.

16. *Design Plans and Specifications. Several design drawings do not include dimensions, labels, and other details required pursuant to Env-Sw 314.11 and Env-Sw 1103.05. Specifically,*
- a. *Identify all elevations and sump locations in Figures 4 and 5 in Attachment V(1) of the Site Report (Section V, Volume 2, Part 1). Add groundwater and bedrock separation numbers in the northernmost corner and for the sump area.*

Figures 4 and 5 have been updated. Additional contour labels have been added to the proposed topography and seasonal high/bedrock surfaces. In addition to the surface separation tick marks, a surface separation hatching layer has been added to show the surface separation more clearly. A table is included which shows the color range. The updated figures are provided in Exhibit 16.

- b. *Label the flood hazard areas in Figure 11 in Attachment V(1) of the Site Report (Section V, Volume 2 Part 1).*

Figure 11 has been updated to include a Legend and is provided in Exhibit 16.

- c. *Provide elevations in Figures 1 through 7, Fill Sequence plans in the Operating Plan (Section VIII, Volume 4).*

Figures 1 through 7 have been updated to include elevations and are provided in Exhibit 16.

- d. *Include elevations in Figure C-2 of the Design Drawings (Volume 7).*

Figure C-2 of the Closure Plan has been updated to include elevations and is provided in Exhibit 16.

- e. *Update Figure 1 of the Traffic Study (Attachment V(5) of Section V, Volume 2, Part 2), to the most recent proposed design and include date and scale information.*

An updated Figure 1 is provided in Exhibit 16.

- f. *Revise figures within Appendix H of the Hydrogeological Report, (Section V, Attachment V(4), Volume 2, Part 1) to correct legends with formatting issues. Specifically, revise Figures H.1.B, H.3, H.6A, H.6B, H.9A, H.9B, H.12, and H.15.*

The legends on some figures in Appendix H of the Hydrogeologic Report were truncated when they were originally printed from the NHDES OneStop Data Mapper. Legends have been revised for the figures as requested, which are provided in Exhibit 16.

We appreciate your time spent while considering our application and should you have any further questions, please do not hesitate to contact me at (802) 651-5454.

Sincerely,

GRANITE STATE LANDFILL, LLC



John Gay, E.I.
Permits, Compliance & Engineering

Enclosures as noted:

- Exhibit 1: DoJ verification*
- Exhibit 2: Local Approval Correspondence*
- Exhibit 5: GSL Routine Inspection Checklist Form*
Revised Sheet G&D-5 Infrastructure Area Plan
SHA Release Detection Memo
- Exhibit 7: Geotechnical Report Supplement*
- Exhibit 8: Hydrogeological Report Supplement*
- Exhibit 9: HELP Model Output*
- Exhibit 10: Litter Fence Figure*
- Exhibit 11: Operating Plan Update*
- Exhibit 12: Closure Plan Update*
- Exhibit 15: Draft Financial Assurance Mechanism*
- Exhibit 14: Revised Closure Plan Sheets*
- Exhibit 16: Updated Plans and Figures*