

Re: NCES Leachate Hauling Emergency Issues

From: Judy Aron (judy.aron@leg.state.nh.us)

To: michael.j.wimsatt@des.nh.gov; robert.r.scott@des.nh.gov

Cc: governorsununu@nh.gov; senateenergyandnaturalresources@leg.state.nh.us; houseenvironmentandagriculturecommittee@leg.state.nh.us; saveforestlake@yahoo.com; selectman1@bethlehemnh.org; selectman2@bethlehemnh.org; selectman3@bethlehemnh.org; selectman4@bethlehemnh.org; selectman5@bethlehemnh.org; admin@bethlehemnh.org; jared.sullivan@leg.state.nh.us; linda.massimilla@leg.state.nh.us; david.rochefort@leg.state.nh.us; carrie.gendreau@leg.state.nh.us; matthew.simon@leg.state.nh.us; mmcleod@grafftoncountynh.gov; wpiper@grafftoncountynh.gov; omer.ahern.jr@gmail.com; jlibby@grafftoncountynh.gov; chuck_henderson@shaheen.senate.gov; ben_belanger@hassan.senate.gov; stephanie.weiner@mail.house.gov; cinde.warmington@nh.gov; joseph.d.kenney@nh.gov; janet.l.stevens@nh.gov; david.k.wheeler@nh.gov; ted.gatsas@nh.gov; matt.wilhelm@leg.state.nh.us; alisson.turcotte@leg.state.nh.us; jr.hoell@leg.state.nh.us; carol@mcguire4house.com; amanda.bouldin@leg.state.nh.us; jane.beaulieu@leg.state.nh.us; selectmen@townoflittleton.org; codeofficer@bethlehemnh.org; healthofficer@bethlehemnh.org; conservationcommission@bethlehemnh.org; vpotter@townoflittleton.org; john.m.formella@doj.nh.gov; jaime.m.colby@des.nh.gov; sarah.l.yuhaskirn@des.nh.gov; james.w.orourke@des.nh.gov; zachary.d.lorch@des.nh.gov; stergios.spanos@des.nh.gov; mark.a.kondelisjr@des.nh.gov; philip.r.trowbridge@des.nh.gov; hayley.franz@des.nh.gov; teresa.ptak@des.nh.gov; regan.michael@epa.gov; jeb.bradley@leg.state.nh.us; sherman.packard@leg.state.nh.us

Date: Monday, May 27, 2024 at 09:02 PM EDT

Dear Commissioner Scott and Director Wimsatt,

As Chair of the House Environment and Agriculture Committee, and on behalf of my committee, I am responding to the email sent to us (and forwarded to others below) and I am requesting that questions regarding leachate capacity being posed, in the email below, be addressed and answered promptly.

I am very concerned about the issues being raised in this email with regard to leachate totals and its disposal/treatment from the NCES facility, as well as the claim that leachate is being shipped to NH from out of state.

It appears that there may be an issue regarding insufficient leachate treatment capacity from NCES. If this is incorrect, then please explain the error.

If there is a leachate capacity issue, then I would like to know what is being done about it and how, and where, the excess leachate is being handled and processed.

There are very concerning questions contained in Mr. Swan's email that should be answered ...and if there is no issue, I would like to hear an explanation of why there is no issue.

I understand that with the amount of rain we have had in the past few months, that that can be problematic with regard to leachate generation. What is the plan to accommodate the excess leachate generated because of unusually wet weather?

I appreciate your time in getting a response to me and my committee, as well as to other interested parties attached to this email.

Thank You in advance,

Judy Aron
NH State Representative
Sullivan County District 4
(Acworth, Goshen, Langdon, Lempster, Washington)
Environment and Agriculture Committee, Chair
266 Forest Road, South Acworth, NH 03607
603-843-5908

From: Save Forest Lake <saveforestlake@yahoo.com>

Sent: Monday, May 27, 2024 9:02 AM

To: ~House Environment and Agriculture Committee <HouseEnvironmentandAgricultureCommittee@leg.state.nh.us>

Cc: Governor Sununu <governorsununu@nh.gov>; ~Senate Energy and Natural Resources Committee <SenateEnergyandNaturalResources@leg.state.nh.us>; Mary Moritz <selectman1@bethlehemnh.org>; Bruce Caplan <selectman2@bethlehemnh.org>; Gabe Boisseau <selectman3@bethlehemnh.org>; Linda Moore <selectman4@bethlehemnh.org>; Chris Jensen <selectman5@bethlehemnh.org>; Tim Fleury <admin@bethlehemnh.org>; Jared Sullivan <Jared.Sullivan@leg.state.nh.us>; Linda Massimilla <Linda.Massimilla@leg.state.nh.us>; David Rochefort <David.Rochefort@leg.state.nh.us>; Carrie Gendreau <carrie.gendreau@leg.state.nh.us>; Matthew Simon <Matthew.Simon@leg.state.nh.us>; mmcleod@grafftoncountynh.gov <mmcleod@grafftoncountynh.gov>; wpiper@grafftoncountynh.gov <wpiper@grafftoncountynh.gov>; Omer C. Ahern Jr <omer.ahern.jr@gmail.com>; Julie Libby <jlibby@grafftoncountynh.gov>; Chuck Henderson <chuck_henderson@shaheen.senate.gov>; Ben Belanger <ben_belanger@hassan.senate.gov>; Stephanie Weiner <stephanie.weiner@mail.house.gov>; Cinde Warmington <cinde.warmington@nh.gov>; Joseph Kenney <joseph.d.kenney@nh.gov>; Janet <janet.l.stevens@nh.gov>; David <david.k.wheeler@nh.gov>; Theodore <ted.gatsas@nh.gov>; Matt Wilhelm <Matt.Wilhelm@leg.state.nh.us>; Alisson Turcotte <alisson.turcotte@leg.state.nh.us>; JR Hoell <JR.Hoell@leg.state.nh.us>; Carol McGuire <carol@mcguire4house.com>; Howard Pearl <Howard.Pearl@leg.state.nh.us>; Amanda Bouldin <Amanda.Bouldin@leg.state.nh.us>; Jane Beaulieu <Jane.Beaulieu@leg.state.nh.us>; Selectmen <selectmen@townoflittleton.org>; Robert Francis <codeofficer@bethlehemnh.org>; healthofficer@bethlehemnh.org <healthofficer@bethlehemnh.org>; Chair Bethlehem ConsComm <conservationcommission@bethlehemnh.org>; Vicki Potter <vpotter@townoflittleton.org>; John Formella <john.m.formella@doj.nh.gov>; Mike Wimsatt <michael.j.wimsatt@des.nh.gov>; Robert Scott <robert.r.scott@des.nh.gov>; Jaime Colby <jaime.m.colby@des.nh.gov>; Sarah YuhasKirn <sarah.l.yuhaskirn@des.nh.gov>; James O'Rourke <james.w.orourke@des.nh.gov>; zachary.d.lorch@des.nh.gov <zachary.d.lorch@des.nh.gov>; Stergios Spanos <stergios.spanos@des.nh.gov>; mark.a.kondelisjr@des.nh.gov <mark.a.kondelisjr@des.nh.gov>; Philip Trowbridge <philip.r.trowbridge@des.nh.gov>; hayley.franz@des.nh.gov <hayley.franz@des.nh.gov>; teresa.ptak@des.nh.gov <teresa.ptak@des.nh.gov>; Michael Regan <regan.michael@epa.gov>; Jeb Bradley

<Jeb.Bradley@leg.state.nh.us>; Sherman Packard <Sherman.Packard@leg.state.nh.us>

Subject: NCES Leachate Hauling Emergency Issues

Caution! This message was sent from outside your organization.

Good Morning Chair Aron and House E&A Committee Members:

I write to request the assistance of the E&A Committee, relative to the NCES Landfill "Leachate Hauling Emergency" of April 19, 2024. I have attached 2 files from April 22, 2024, the only information made available to the public by NHDES. As of today, May 27, 2024, NHDES OneStop has not been updated, thus, the public has been kept in the dark about this potential environmental disaster for over 5 weeks now. I submitted a 91-A Right-To-Know request to the department on May 13, but have not received any updates. Perhaps the committee can make an inquiry? Director Wimsatt appears to be more responsive to the committee than the public.

Perhaps the committee can inquire further for more information from the department about the leachate disposal situation at the NCES Landfill? I had submitted similar RTK requests to both the Manchester and Allenstown wastewater treatment facilities and am in receipt of some very troubling documents, attached, leading to more concerns about the situation at NCES regarding leachate disposal.

In the January 25, 2024 email to the City of Manchester, it would appear that the primary outlet for NCES leachate disposal, the City of Concord WWTP, had suspended leachate acceptance from February 3-13, 2024, leading Casella/NCES to seek other outlets for disposal. In the January 25 email, Mr. James of Casella shares with Mr. McNeill that the NCES facility "continues to struggle with excess leachate and insufficient treatment capacity". Thus, as far back as January, Casella/NCES was aware that they were having issues with keeping up with leachate generation at the facility. Has the committee been made aware of this alarming situation at all? In 2023, NCES generated over 11 MILLION GALLONS of leachate, all of which must be trucked offsite for disposal. In just the first quarter of 2024, NCES reports leachate generation of over 5 MILLION GALLONS! Where will all of that leachate go if NCES "continues to struggle with excess leachate and insufficient treatment capacity"?

I also noted that the Manchester facility scale tickets for February leachate delivery included a trucking company from Vermont, J. Fenoff:

<https://brokersnapshot.com/Company?dot=4158443&prefix=MC&docket=1597677>

and the Allenstown facility scale tickets for April leachate delivery included a trucking company from Vermont, JC Trucking:

https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&query_string=1306001

Which begs the question, is/was leachate from Casella's NEWSVT Landfill in Coventry, VT being trucked into New Hampshire for disposal at these 2 facilities? If so, that would be a violation of the discharge permit for each of those facilities, since each facility discharge permit authorizes leachate deliveries from the NCES Landfill in Bethlehem? While the City of Concord agreement does allow for leachate to be delivered from NEWSVT, neither the Manchester, nor Allenstown discharge permits include NEWSVT for leachate discharge into their systems. I have also attached photographs from January 31, 2024 of a J. Fenoff

tractor trailer and tanker, marked as Coventry, VT, with the trailer ID of 2056 clearly displayed, the same number for the Fenoff deliveries to Manchester in the February scale tickets. I would think that were this to be true, would the delivery of PFAS-laden leachate from NEWSVT, under the guise of NCES deliveries, be illegal? While I could be completely wrong, it would seem grossly inefficient for a large-scale operator like Casella and trucking company MBI (Mr. Builts) to retain trucking firms from Vermont to haul leachate from NCES in Bethlehem. Or, does that possibly reflect the level of desperation in finding enough drivers/operators to make the required number of trips to dispose of NCES leachate? As Mr. Nicolai of Casella informed Mr. Mills of NHDES in his April 19 email, "the current window of operational hours is not sufficient to keep up with leachate generation".

Questions that are currently unanswered and need to be addressed, which the department seemingly appears to be unwilling to do, to date. Is the department and the permittee/owner/operator in over their heads when it comes to leachate generation and disposal at NCES? I would note the same setup for leachate disposal is being proposed for the GSL project in Dalton, a dependence upon acceptance of leachate trucked from the proposed facility to WWTPs.

I would also note that according to the City of Manchester invoice, dated March 5, 2024 for the February leachate discharges to the facility, Casella was charged \$1997.48 for the disposal of 443,336 gallons of leachate, a mere \$.0045 per gallon, a very outrageous sweetheart deal, in my opinion, and one that should be investigated. At least Concord is charging a whopping 6 cents a gallon! I can't get rid of a can of paint for half a cent! I am certain downstream communities would not be appreciative of learning that Manchester is now accepting NCES leachate.

What happens if EPA further restricts leachate deliveries to WWTPs, due to the new designations for PFOA and PFOS as hazardous substances? Where will all of that leachate to be generated at NCES go? There's only 210,000 gallons of leachate storage at the NCES facility, which was at capacity as of the April 19 email from Mr. Nicolai of Casella. Are we witnessing a potential environmental disaster unfolding before our eyes? Don't forget, this entire facility is sited within the watershed of the Ammonoosuc River, upstream of the Town of Littleton. Connect the dots, this could be disastrous for the North Country should NCES fail to keep up with leachate generation and disposal.

I appreciate the committee looking into all of this.

In order to not get sued a third time by Casella, I need you to understand that all of this is my opinion, based on my research and experience.

Thank you!

Jon Swan
25 Cashman Rd
Dalton, NH 03598
(603) 991-2078
Founder, [Save Forest Lake](#)

Granite State Landfill LLC State Permitting Documents: [Read the permit applications here](#)

[The Report of the Dalton Conservation Commission](#)

Attorney Manzelli Letter To NHDES:

[Applicant's Extensive Environmental Noncompliance Means Ineligible for New Landfill](#)

"Forest Lake's water is tested annually with NHDES, is extraordinarily clean, and it is free of PFAS.

We want to keep it that way."

Fred Anderson, President, Forest Lake Association

"Unless someone like you cares a whole awful lot, nothing is going to get better. It's not."

-The Lorax

****The NCES Landfill in Bethlehem, NH is and has been releasing PFAS contaminants into the Ammonoosuc River watershed**

Read all about it at: [Save Forest Lake](#)

Grafton County Commissioners Share Concerns About The NCES Landfill & Opposition To GSL: [Letter To NHDES](#)

Calex Environmental Consulting Report: [Hydrogeological Report: Release Events at the NCES Landfill Site](#)

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