

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
WASTE MANAGEMENT COUNCIL

Docket # \_\_\_\_\_ WMC

In re: Granite State Landfill, LLC

**NOTICE OF APPEAL**

Granite State Landfill, LLC (“GSL”) submits this notice of appeal pursuant to N.H. Code Admin. R. Ec-Wst 203.01 and RSA 21-O:14.

**I. Appellant**

The appellant’s full legal name and contact information are as follows:

Granite State Landfill, LLC  
P.O. Box 866  
Rutland, VT 05702  
Telephone: (802) 772-2201

**II. Appellant’s Representative**

This notice of appeal is filed on GSL’s behalf by the following authorized representatives:

Bryan K. Gould, Esq. (NH Bar #8165)  
Jacob M. Rhodes, Esq. (NH Bar #274590)  
Cleveland, Waters and Bass, P.A.  
2 Capital Plaza, Fifth Floor  
Concord, NH 03301  
Tel. (603) 224-7761  
Fax (603) 224-6457  
[gouldb@cwbp.com](mailto:gouldb@cwbp.com)  
[rhodesj@cwbp.com](mailto:rhodesj@cwbp.com)

Richard J. Lehmann, Esq. (NH Bar #9339)  
Lehmann Major List PLLC  
6 Garvins Falls Road  
Concord, NH 03301  
(603) 212-4099  
[rick@nhlawyer.com](mailto:rick@nhlawyer.com)

### **III. Clear and Concise Statement of Relief Sought and Statutory Provision Under Which the Relief is Sought**

GSL requests that the council determine that the department's denial of GSL's October 16, 2023, solid waste permit application was unlawful and/or unreasonable and that GSL's application was administratively complete. GSL further requests that the council remand to the commissioner for further consideration of the application in accordance with the governing statutes and rules. This relief is sought pursuant to RSA 149-M:8, RSA 21-O:9, V, RSA 21-O:14, RSA 21-M:3, VIII and IX, and RSA 541-A:30-a through :36.

### **IV. Copy of the Order Subject to Appeal**

The department issued a letter entitled "Denial by Dormancy of Standard Permit Application," dated April 3, 2025 (the "Denial"), a copy of which is attached as Exhibit 1.

### **V. Clear and Concise Statement of Facts and Law That Explains why the Department Decision was Unlawful or Unreasonable**

#### *a. Introduction*

This appeal challenges an extraordinary and draconian decision by NHDES to deny an application as "dormant" despite the applicant's active and extensive submissions to NHDES seeking to respond to the agency's conclusory assertions that it lacked information to find the application complete. The appeal also presents the factual question of why NHDES would single out this project for this unprecedented use of the agency's dormancy rules.

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"). On April 3, 2025, despite multiple submissions consisting of several thousand pages of technical reports, land-acquisition agreements, calculations, design plans, legal

analyses, disclosures, and narratives, NHDES denied the application as dormant pursuant to N.H. Code Admin. R. Env-Sw 304.06(d) and Env-Sw 305.03(b)(6).

NHDES found that GSL's application was dormant for two reasons, neither of which is valid. First, NHDES claimed that GSL did not provide "copies of the documents that demonstrate that the applicant and their successors and assigns will have a legal right for the use of the properties as proposed in the application as required by Env-Sw 314.03(a)(3)." Exhibit 1 at page 3. Second, NHDES claimed that the application did not include a site report that complied with Env-Sw 314.03(a)(5) and that certain application materials were not updated to comply with newly revised rules which first went into effect only on December 21, 2024, less than four months before the application was deemed dormant. *Id.*

GSL provided all the documents necessary for NHDES to determine that GSL's application was in compliance with the statutes and rules. NHDES, however, maintained that GSL's submissions were insufficient, but did not specify why the submissions did not satisfy the rules. Specifically, GSL provided property agreement documents that clearly established GSL's legal right to purchase the project property. GSL redacted those documents to protect confidential, proprietary information unnecessary to NHDES's narrow task of determining whether GSL had the right to acquire the property before siting a landfill on it. The Denial implied that GSL's redactions and failure to furnish other documents<sup>1</sup> prevented the agency from determining whether GSL had the right to purchase the property. NHDES never explained how withholding this irrelevant information interfered with its straightforward assessment of the right to acquire the landfill property, and as a factual and legal matter NHDES had ample documentation to satisfy the property ownership requirement under the rules.

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<sup>1</sup> The other documents to which the Denial obliquely refers have no bearing on GSL's right to acquire the property.

Similarly, NHDES also unlawfully and unreasonably found that GSL did not provide necessary information to satisfy the requirement for a site report in Env-Sw 314.03(a)(5). *See* Exhibit 1 at page 3. The Denial implies that GSL had not met the requirements of the siting rules in effect when it filed the application but goes on to conclude that GSL had not shown compliance with the siting rules that only went into effect on December 21, 2024<sup>2</sup>. In fact, GSL had provided all the information necessary to satisfy the site report requirement in effect when it submitted its response to the second incompleteness letter dated June 22, 2024. After that submission, NHDES issued a third incompleteness letter dated October 22, 2024, and this letter identified no deficiency or incompleteness related to the site report. NHDES did not identify siting rules as an issue affecting completeness until the January 27, 2025 letter, sent shortly after the new rules went into effect. In that letter, NHDES advised GSL – for the first time – that it was required to update its application to comply with the new rules by February 28, 2025. GSL attempted to address the new siting rules in the five-week period between the January 27<sup>th</sup> letter and the February 27<sup>th</sup> submission<sup>3</sup>, but NHDES concluded without explanation that these efforts did not meet the rules’ requirements.

In addition to its error on the merits of the application, NHDES’s denial on dormancy grounds lacks statutory authorization. The enabling act provides NHDES with only four grounds to deny an application. *See* RSA ch. 149-M. Dormancy is not among them. Accordingly, GSL is separately challenging the validity of that rule in a declaratory judgment action filed in Merrimack Superior Court, Docket No. 217-2025-CV-00316.

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<sup>2</sup> This means that one of the grounds on which NHDES found the application to be dormant for failing to complete the application within a year was a set of rules that had only been in effect for a little over three months.

<sup>3</sup> This attempt was pursuant to guidance provided to GSL by NHDES to the effect that GSL could present a summary of how the proposed project’s siting would meet the new requirements, and GSL could flesh out that summary during technical review (which takes place after an application is found complete).

*b. Factual Background*

**1. Timeline of Permitting Events**

Since 2019, GSL has actively pursued the development of a landfill in Dalton, New Hampshire, relying upon the existing statutory and regulatory scheme. Historically, as required by law, NHDES issued permits for waste management and disposal facilities based solely on the applicant's satisfaction of the legal and technical requirements of the administrative rules. Since the announcement of the GSL project, however, there has been a concerted effort on the part of various state officials to influence NHDES's objective consideration of GSL's applications. These public officials have sought to inject extra-legal standards into the regulatory scheme and to discourage NHDES from approving GSL's applications.<sup>4</sup>

During the application process, NHDES provided GSL with four letters apprising it of NHDES's evaluation of the completeness of the application. This is a routine part of the application process for standard municipal landfill licensing. On February 28, 2024, NHDES sent its first letter to GSL advising it that its application was incomplete and identifying the grounds for its findings. Relevant to this notice of appeal, the incompleteness determination was based upon the status of the landowner agreement, *see post*, and on the alleged failure to submit a complete site report. GSL addressed the property ownership concern by providing NHDES with a redacted memorandum of understanding between GSL and the property owner that gave GSL the right to purchase the property on which the landfill would be sited. GSL addressed the

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<sup>4</sup> There have likely been non-public communications between these officials and NHDES to the same effect. GSL has filed a request for these communications pursuant to RSA ch. 91-A, and NHDES has informed GSL that it will not have the responsive documents until approximately September 2, 2025. For purposes of preservation of issues, GSL alleges that elected state officials have had non-public communications with NHDES seeking to prevent NHDES from approving GSL's applications.

siting issues NHDES raised by substantively answering the incompleteness comments and providing several hundred pages of additional exhibits.

On June 24, 2024, NHDES sent a second letter addressing the information GSL submitted in response to the February 28, 2024 incompleteness determination. In this second letter, NHDES requested that GSL identify certain “relevant legal agreements” related to the landowner requirement and other information related to the previous siting issue responses. Once again, GSL provided substantive responses to these issues identified in the letter.

On October 22, 2024, NHDES sent a third incompleteness. This letter did not identify any issues with GSL issues but again requested that NHDES be provided with unspecified “relevant legal agreements” concerning property ownership.

Finally, on January 27, 2025, NHDES sent a fourth letter, again requesting unspecified “relevant legal agreements” related to property ownership. It also requested updates to the application addressing requirements imposed by the newly adopted rules that went into effect on December 21, 2024. In response to the January 27, 2025 letter, GSL submitted a memorandum and interpolated agreement explaining in detail how the agreements granted GSL the necessary rights to the property. Despite repeatedly asking to be provided with “relevant legal agreements,” NHDES never identified in the incompleteness letters which specific agreements it believed needed to be provided or what it specifically believed was missing from GSL’s submissions concerning its rights to the property. GSL also submitted in-line narrative analysis explaining how GSL satisfied the newly adopted rules. Finally, GSL clarified that it would submit updated maps, figures, and a hydrogeological report to NHDES during the post-completeness technical review process to be conducted under the new rules.

## **2. GSL Provided Proof Of Its Right To Purchase The Property**

In late 2018, GSL's affiliate North Country Environmental Services, Inc. ("NCES") entered into an option agreement with the owners of multiple parcels of land in Dalton.<sup>5</sup> Under the terms of the agreement, NCES had "the exclusive right and option" for five years (and subject to extension by the parties) to purchase a parcel of land on which the proposed landfill was to be developed. The twenty-page option agreement contained multiple business terms of the kind regularly considered confidential. These provisions are completely unrelated to whether the applicant had the right to own the property before siting the landfill. NCES and the landowners entered into amendments of the original option agreement in April and September of 2019, but those amendments did not affect NCES's right to acquire the necessary property before constructing the landfill.

GSL submitted its first application to develop the landfill on the Dalton site on February 5, 2021. GSL withdrew its first application in May of 2022. On October 31, 2023, GSL submitted a new application proposing a smaller, reconfigured landfill footprint. This modification required GSL to negotiate changes to the option agreement with the landowners. These changes enabled GSL to acquire parcels other than those included in the original option agreement. These negotiations ultimately culminated in a memorandum of understanding dated April 15, 2024, (the "MOU") between the landowners and GSL. Pursuant to the terms of the MOU, GSL owned an option to purchase the parcels on which it planned to site the landfill.

In the February 28, 2024 letter, which was sent prior to the effective date of the MOU, NHDES found the application incomplete noting:

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

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<sup>5</sup> NCES eventually assigned its rights to GSL.

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.*

Exhibit 2 (emphasis supplied). The two rules referenced in this first letter require that “a landfill or landfill expansion shall be *sited* only on property which is owned by the permittee,” Env-Sw 804.06 (emphasis supplied), and “the location of a facility shall be on property owned by the permittee or on property for which the property owner has granted a lease, easement, or other legal right to the permittee for use of the property for said purpose, including access to the property when required by the permittee and department for closure and post-closure monitoring of the facility and site.” Env-Sw 1003.03(a).

On April 22, 2024, GSL submitted the MOU it had entered into on April 15, 2024.<sup>6</sup> The MOU provided that the parties would attempt to negotiate an amendment to the 2018 option agreement reflecting the MOU’s terms but specified that they intended “to be bound by this MOU irrespective of whether they successfully negotiate or execute such an amendment . . . .” The MOU modified the 2018 option agreement, giving GSL the same “exclusive right and option” to acquire the property on which the redesigned landfill was to be sited. The option period was extended to November 1, 2025, and GSL had the further option to extend it to December 31, 2027.

After the initial February 28, 2024, incompleteness letter, NHDES sent three additional incompleteness letters, the last of which was dated January 27, 2025. The January 27 letter required GSL to provide copies of the legal agreements which demonstrated GSL’s “legal right for the use of the properties as proposed in the application.” On February 27, 2025, GSL submitted a detailed,

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<sup>6</sup> GSL did not initially include a signed signature page on April 22, 2024, but did provide the signed version on June 17, 2024.



interpolated agreement<sup>7</sup> and memorandum explaining the relevant portions of the agreement and describing how the agreement satisfied the ownership requirements.

The interpolated agreement and memorandum demonstrated conclusively that GSL had “the legal right for the use of the properties as proposed in the application” as DES had requested in the January 27 incompleteness letter. Just 35 days later, and despite GSL’s demonstration of its compliance with Env-Sw 804.06 and Env-Sw 1003.03, NHDES unlawfully and unreasonably concluded without explanation that GSL had not complied with the rules and its application was “dormant.”

### **3. GSL’s Compliance with Siting Requirements**

The Denial suggests, without clearly so stating, that NHDES relies on two deficiencies: (1) an unidentified alleged deficiency relating to Env-Sw 314.03(a)(5); and (2) an alleged failure to update previously submitted information as required by the newly effective rules contained in Env-SW 800.

First, the letter claims:

The information submitted does not include a site report that demonstrates that the location of the proposed facility complies with all applicable siting requirements and that the site is a suitable location for the proposed facility as required by Env-Sw 314.03(a)(5).

Env-Sw 314.03(a)(5) requires that the facility site be “a suitable location,” and enumerates seven other requirements. Nothing in the Denial (or in the previous incompleteness letters) identifies why the site is not “suitable” or which of the additional seven factors caused NHDES to conclude that the application was not complete.

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<sup>7</sup> This document integrated all of the changes to the original option agreement made by two earlier amendments and the MOU. Once again, GSL redacted from the interpolated agreement all provisions that were irrelevant to GSL’s right to acquire the property.

NHDES's reliance on an allegation that GSL did not submit information required by Env-Sw 314.03(a)(5) cannot withstand scrutiny. In the February 28, 2024 incompleteness letter, NHDES requested additional information relating to several different siting requirements. *See* Exhibit 2. GSL provided narrative responses to each of those requests in addition to responsive exhibits. *See* Exhibit 3, GSL Responses to Incompleteness Letter Dated April 19, 2024.

On June 24, 2024, NHDES sent GSL a second incompleteness letter, which included a request for additional information relating to Env-Sw 314.03(a)(3):

4. Appendix K-5 of the Hydrogeological Report submitted on February 8, 2024, (WMD Log No. 2023-66600-11) was missing at least the first ten pages of analytical results. Provide the missing analytical data in support of Env-Sw 314.10(b)(5).

*See* Exhibit 4, Incompleteness Letter dated June 24, 2024.

On August 23, 2024, GSL provided narrative responses and additional required exhibits. *See* Exhibit 5, GSL Responses to Incompleteness Letter Date August 23, 2024.

On October 22, 2024, NHDES sent a third incompleteness letter. This letter did not identify *any* portion of the application related to any siting requirements as incomplete. It was silent on the issue. Therefore, the only reasonable conclusion that can be drawn is that NHDES *determined that no additional information was required* to complete the application in connection with the siting rules.

In order for NHDES to conclude that the application was incomplete with regard to siting, something must have changed. And it was a change NHDES did not communicate to GSL. Either the siting deficiencies relate to the new Env-Sw 800 rules that only became applicable on December 21, 2024, or there were deficiencies that NHDES failed to mention in its October 22, 2024, incompleteness letter. As a factual and legal matter, GSL satisfied the

requirements of Env-Sw 314.03(a)(5) in effect when it filed its application, and it was unreasonable and unlawful for NHDES to conclude otherwise in the Denial.

Furthermore, the Denial states that “in addition” to the above:

figures, and hydrogeological report submitted as part of the site report initially provided by the applicant on October 23, 2023 as Volume 2, Parts 1 & 2 (WMD Log No. 2023-66600-02 and -03) were not updated to demonstrate compliance with the re-adopted Part Env-Sw 804, Siting Requirements, of the Rules, which became effective on December 21, 2024.

*See Exhibit 1 at pages 2-3.*

On January 27, 2025, NHDES found the application incomplete in part based on the following:

Chapter Env-Sw 800: Landfill Requirements, of the Rules was recently updated and became effective as of December 21, 2024. Several significant changes were made to Parts Env-Sw 804 Siting Requirements, Env-Sw 805 Design and Construction Requirements, and Env-Sw 806 Operating Requirements. Update the application, including the site report required by Env-Sw 314.03(a)(5), and provide additional information as needed for the department to make a determination as to whether the proposed facility will comply with the requirements of Chapter Env-Sw 800, as required by Env-Sw 314.04.

*See Exhibit 6, Incompleteness Letter Dated January 27, 2025.* This was the first time that NHDES found the application incomplete based on the newly enacted rules. Before the January 27 letter, NHDES provided no indication that it would apply the new rules, which came into effect in the later stages of the application process, to determine whether GSL’s pending application was complete. Under NHDES’s application of the dormancy provision, this provided insufficient time for GSL to update the application and show compliance with the new rules or be deemed dormant and have the application denied.

As applied here, the dormancy provision is neither reasonable nor constitutional. Under NHDES’s application of the dormancy rule, NHDES could continue to issue incompleteness letters on newly discovered issues with an application until one-year had passed from the “first”

incompleteness letter. At the very least, an applicant must have reasonable notice of the claimed deficiencies. NHDES cannot claim that one year for the initial incompleteness determination is fair notice and also claim one month's notice for a wholly and completely new basis for an incompleteness determination is just and fair. Such an interpretation would render the dormancy provision unconstitutionally vague as an applicant could not ultimately know what is required of it.

Additionally, NHDES and GSL staff discussed the new rule requirements in a meeting on or about January 2, 2025. At this meeting, it was agreed that GSL could submit an in-line narrative response to the new siting rules and that maps, figures, and the hydrogeological report could be updated during the technical review. Despite this agreement, NHDES denied the application as dormant based on the alleged failure to update the maps, figures, and hydrogeological report to show compliance with the newly adopted rules. Such arbitrary and capricious action cannot be allowed in a permitting process that is allegedly free from political interference.

*c. The Order is Unlawful and Unreasonable.*

The Order is unlawful and unreasonable for the following reasons:

**Dormancy**

1. Its reliance on “denial by dormancy” to justify denial of the application is not authorized by statute and is therefore *ultra vires*. Enacting and enforcing the dormancy provisions would allow NHDES to circumvent RSA ch. 149-M and the legislature and unconstitutionally usurps the General Court’s authority under Part II, Article 5 of the New Hampshire Constitution.
2. Its interpretation and application of the so-called “dormancy rule” is contrary to NHDES’s established interpretation and application of the rule. NHDES has not applied the so-called “dormancy rule” when the applicant has actively and continuously pursued the permit as GSL has. NHDES has only applied dormancy determinations when there

has been no action related to the application, and its purpose is to allow NHDES to close out applications that have in fact been abandoned. NHDES's new interpretation of "dormancy" to include applications that are being actively pursued is unreasonable, unlawful, and contrary to the administrative gloss NHDES has placed on the rule.

3. It misapplies the dormancy rule as written because NHDES's determination that an application is incomplete following a submission by an applicant in response to an earlier incompleteness determination is itself an incompleteness determination, restarting the clock on the dormancy period.

### **Proof of Land Ownership**

4. It erroneously relies on its finding that GSL submitted insufficient documentation to establish its right to own the property as required by 314.03(a)(3) to justify its denial of the application. But NHDES's rules cannot reasonably or lawfully be interpreted to require an applicant to produce information that goes beyond the requirements of the rule or to submit documents not relevant to proof of its right to acquire the land.
5. It improperly relies on redactions of information that were irrelevant to the determination of GSL's right to purchase the property, as required by 314.03(a)(3), to justify its denial of the application.
6. It finds that GSL provided inadequate documents to meet the requirements of Env-Sw 314.03(a)(3), even though NHDES failed to notify GSL why NHDES believed the documents provided were insufficient. As a result, GSL was never provided with adequate notice of the standard of proof it was required to meet in violation of its right to due process of law under the New Hampshire and United States Constitutions in that it authorizes or even encourages arbitrary and discriminatory enforcement.

### **Late Enacted Administrative Rule Siting Requirements**

7. It bases the denial on non-conformity with rules that did not become effective until December 21, 2024, mere months before NHDES denied the application, in violation of the express terms of the dormancy rule, due process of law, and the prohibition on ex post facto laws.
8. Its failure to provide a reasonable period of time for GSL to address alleged shortcomings following the effective date of the new rules was itself unlawful and unreasonable.

9. It bases the denial on claims that, based on the absence of any reference to siting rules in the October 22, 2024, incompleteness letter, did not arise until the new rules went into effect.
10. It is unconstitutionally vague because it bases its denial on a broad rule without identifying any specific instance of GSL failing to comply with Env-Sw 314.03(a)(5).

**Government Duty to Act In Good Faith and to Assist Its Citizenry**

11. By not specifying what it required beyond GSL's submissions to find the application complete, NHDES violated its constitutional duty to assist citizens to comply with laws administered and enforced by NHDES, which arises under N.H. Const. pt. I, art. 1. *See, e.g. Carbonneau v. Town of Rye*, 120 N.H. 96, 99 (1980) (constitutional duty "to provide assistance to all their citizens.").
12. Because NHDES has never applied its dormancy rule to an application when the applicant is actively attempting to comply with the agency's request for further information, NHDES's denial of the application based on alleged dormancy violates GSL's right to equal protection of the laws and its right not to be subject to selective enforcement.

**VIII. Reservation of Rights**

GSL reserves the right to amend and supplement this notice of appeal with memoranda, briefs, and other written materials prior to the hearing and with testimony, exhibits, and other evidence at the hearing. GSL also reserves its right to seek relief in the courts for any claim or request set forth in this notice that does not fall within the council's exclusive jurisdiction.

Respectfully submitted,  
GRANITE STATE LANDFILL, LLC,  
By Its Attorneys,  
CLEVELAND, WATERS AND BASS, P.A..

Date: May 5, 2025

By: /s/ Jacob M. Rhodes  
Bryan K. Gould, Esq. (NH Bar #8165)  
[gouldb@cwbp.com](mailto:gouldb@cwbp.com)  
Jacob M. Rhodes, Esq. (NH Bar #274590)  
[rhodesj@cwbp.com](mailto:rhodesj@cwbp.com)  
Cleveland, Waters and Bass, P.A.  
Two Capital Plaza, 5th Floor  
Concord, NH 03301  
Tel. (603) 224-7761  
Fax (603) 224-6457

-and-

Richard J. Lehmann, Esq. (NH Bar #9339)  
Lehmann Major List PLLC  
6 Garvins Falls Road  
Concord, NH 03301  
(603) 212-4099  
[rick@nhlawyer.com](mailto:rick@nhlawyer.com)

Email to:  
[appeals@des.nh.gov](mailto:appeals@des.nh.gov)

cc to:

[robert.r.scott@des.nh.gov](mailto:robert.r.scott@des.nh.gov); [michael.j.wimsatt@des.nh.gov](mailto:michael.j.wimsatt@des.nh.gov); [selectmen@townofdaltont.com](mailto:selectmen@townofdaltont.com);  
[townadmin@townofdaltont.com](mailto:townadmin@townofdaltont.com); [town.clerk@townofdaltont.nh.gov](mailto:town.clerk@townofdaltont.nh.gov);  
[selectman1@bethlehemnh.org](mailto:selectman1@bethlehemnh.org); [selectman2@bethlehemnh.org](mailto:selectman2@bethlehemnh.org); [selectman3@bethlehemnh.org](mailto:selectman3@bethlehemnh.org);  
[selectman4@bethlehemnh.org](mailto:selectman4@bethlehemnh.org); [selectman5@bethlehemnh.org](mailto:selectman5@bethlehemnh.org); [admin@bethlehemnh.org](mailto:admin@bethlehemnh.org);  
[townclerk@bethlehemnh.org](mailto:townclerk@bethlehemnh.org); [vpotter@townoflittleton.org](mailto:vpotter@townoflittleton.org); [abrousseau@townoflittleton.org](mailto:abrousseau@townoflittleton.org);  
[administrativeassistant@whitefieldnh.org](mailto:administrativeassistant@whitefieldnh.org); [townclerk@whitefieldnh.org](mailto:townclerk@whitefieldnh.org);  
[cf.bowler90@gmail.com](mailto:cf.bowler90@gmail.com); [tracie.j.sales@des.nh.gov](mailto:tracie.j.sales@des.nh.gov); [michael.marchand@wildlife.nh.gov](mailto:michael.marchand@wildlife.nh.gov);  
[sabrina.stanwood@dncr.nh.gov](mailto:sabrina.stanwood@dncr.nh.gov); [nhbreview@dncr.nh.gov](mailto:nhbreview@dncr.nh.gov); [Nicholas.Sanders@dot.nh.gov](mailto:Nicholas.Sanders@dot.nh.gov);  
[Kelvin.A.Brooks@doj.nh.gov](mailto:Kelvin.A.Brooks@doj.nh.gov); [Joshua.C.Harrison@doj.nh.gov](mailto:Joshua.C.Harrison@doj.nh.gov); [rgrillo@cmaengineers.com](mailto:rgrillo@cmaengineers.com);  
[asandahl@cmaengineers.com](mailto:asandahl@cmaengineers.com); [twhite@sanbornhead.com](mailto:twhite@sanbornhead.com); [James.W.Orourke@des.nh.gov](mailto:James.W.Orourke@des.nh.gov);  
[Jaime.M.Colby@des.nh.gov](mailto:Jaime.M.Colby@des.nh.gov); [mary.f.daun@des.nh.gov](mailto:mary.f.daun@des.nh.gov)

## CERTIFICATE OF SERVICE

I hereby certify that the within Notice of Appeal has been served in accordance with Ec-Wst 201.03 and Ec-Wst 203.01(d) by email transmission to the parties and persons listed below on May 5, 2025.

|   |  |
|---|--|
| Robert R. Scott, Commissioner,<br>NH Department of Environmental Services | <a href="mailto:robert.r.scott@des.nh.gov">robert.r.scott@des.nh.gov</a>   |
| Michael J. Wimsatt, P.G., Director,<br>Waste Management Division          | <a href="mailto:michael.j.wimsatt@des.nh.gov">michael.j.wimsatt@des.nh.gov</a>   |
| Select Board, Town of Dalton  | <a href="mailto:selectmen@townofdalton.com">selectmen@townofdalton.com</a><br><a href="mailto:townadmin@townofdalton.com">townadmin@townofdalton.com</a>   |
| Town Clerk, Town of Dalton  | <a href="mailto:town.clerk@townofdaltonnh.gov">town.clerk@townofdaltonnh.gov</a>   |
| Board of Selectmen, Town of Bethlehem                                     | <a href="mailto:selectman1@bethlehemnh.org">selectman1@bethlehemnh.org</a><br><a href="mailto:selectman2@bethlehemnh.org">selectman2@bethlehemnh.org</a><br><a href="mailto:selectman3@bethlehemnh.org">selectman3@bethlehemnh.org</a><br><a href="mailto:selectman4@bethlehemnh.org">selectman4@bethlehemnh.org</a><br><a href="mailto:selectman5@bethlehemnh.org">selectman5@bethlehemnh.org</a><br><a href="mailto:admin@bethlehemnh.org">admin@bethlehemnh.org</a> |
| Town Clerk, Town of Bethlehem   | <a href="mailto:townclerk@bethlehemnh.org">townclerk@bethlehemnh.org</a>   |
| Board of Selectmen, Town of Littleton                                     | <a href="mailto:vpotter@townoflittleton.org">vpotter@townoflittleton.org</a>   |
| Town Clerk, Town of Littleton   | <a href="mailto:abrousseau@townoflittleton.org">abrousseau@townoflittleton.org</a>   |
| Board of Selectmen, Town of Whitefield                                    | <a href="mailto:administrativeassistant@whitefieldnh.org">administrativeassistant@whitefieldnh.org</a>   |
| Town Clerk, Town of Whitefield  | <a href="mailto:townclerk@whitefieldnh.org">townclerk@whitefieldnh.org</a>   |
| Courtney Bowler, Chair,<br>Ammonoosuc River LAC                           | <a href="mailto:cf.bowler90@gmail.com">cf.bowler90@gmail.com</a>   |
| Tracie Sales, Rivers Coordinator, NHDES                                   | <a href="mailto:tracie.j.sales@des.nh.gov">tracie.j.sales@des.nh.gov</a>   |
| Michael Marchand, NH Fish & Game,<br>Nongame & Endangered Species         | <a href="mailto:michael.marchand@wildlife.nh.gov">michael.marchand@wildlife.nh.gov</a>   |
| Sabrina Stanwood, NH Div. of Forests & Lands,<br>Natural Heritage Bureau  | <a href="mailto:sabrina.stanwood@dnr.nh.gov">sabrina.stanwood@dnr.nh.gov</a>   |
| Maddie Severance, NH Div. of Forests & Lands,                             |  |



|  |  |
|--|--|
| Natural Heritage Bureau                                    | <a href="mailto:nhbreview@dncr.nh.gov">nhbreview@dncr.nh.gov</a>               |
| Nicholas Sanders, NHDOT Traffic                            | <a href="mailto:Nicholas.Sanders@dot.nh.gov">Nicholas.Sanders@dot.nh.gov</a>   |
| K. Allen Brooks, NHDOJ                                     | <a href="mailto:Kelvin.A.Brooks@doj.nh.gov">Kelvin.A.Brooks@doj.nh.gov</a>     |
| Joshua Harrison, NHDOJ                                     | <a href="mailto:Joshua.C.Harrison@doj.nh.gov">Joshua.C.Harrison@doj.nh.gov</a> |
| Robert J. Grillo, P.E., CMA Engineers                      | <a href="mailto:rgrillo@cmaengineers.com">rgrillo@cmaengineers.com</a>         |
| Adam Sandahl, P.E., CMA Engineers                          | <a href="mailto:asandahl@cmaengineers.com">asandahl@cmaengineers.com</a>       |
| Timothy J. White, P.G., Sanborn Head &<br>Associates, Inc. | <a href="mailto:twhite@sanbornhead.com">twhite@sanbornhead.com</a>             |
| James O'Rourke, P.G., NHDES                                | <a href="mailto:James.W.Orourke@des.nh.gov">James.W.Orourke@des.nh.gov</a>     |
| Jaime Colby, P.E., NHDES                                   | <a href="mailto:Jaime.M.Colby@des.nh.gov">Jaime.M.Colby@des.nh.gov</a>         |
| Mary Daun, P.E., NHDES, Solid Waste<br>Management Bureau   | <a href="mailto:mary.f.daun@des.nh.gov">mary.f.daun@des.nh.gov</a>             |

Date: May 5, 2025

By: /s/Jacob M. Rhodes  
Jacob M. Rhodes, Esq.

# Exhibit 1



The State of New Hampshire  
**Department of Environmental Services**

**Robert R. Scott, Commissioner**



**VIA EMAIL ONLY**

April 3, 2025

Toni King, Regional Environmental & Compliance Manager  
Granite State Landfill LLC  
c/o Casella Waste Systems, Inc.  
25 Green Hill Lane  
Rutland, VT 05702  
Email: [toni.king@casella.com](mailto:toni.king@casella.com)

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

**Denial by Dormancy of Standard Permit Application**

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

Dear Toni King:

The New Hampshire Department of Environmental Services, Waste Management Division (NHDES) is notifying you that pursuant to the New Hampshire Solid Waste Rules (the Rules), the below-described application for a solid waste landfill in Dalton, NH is incomplete and became dormant on February 28, 2025. As defined by Env-Sw 102.65 of the Rules, a dormant application is one for which the applicant fails to submit the information required to complete the application within 12 months of the date NHDES first notified the applicant that the application is incomplete. Pursuant to Env-Sw 304.06, "[a]n incomplete application that becomes a dormant application as defined in Env-Sw 102 shall be deemed denied without further action by the department." The application as of February 28, 2025, consisted of the following submittals:

- 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.

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- 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.
- 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.
- Granite State Landfill, LLC. (19 April 2024). Response to NHDES Incomplete Application (Part 1: Exhibits 1-8; Part 2: Exhibits 9-16). Received April 22 and 25, 2024. Assigned WMD Log No. 2023-66600-13.
- Cleveland, Waters and Bass, PA. (22 April 2024). Submittal of Additional Information Responding to NHDES Incomplete Application Correspondence. Received April 22, 2024, stamped “confidential” by the applicant, and described in the Cleveland, Waters and Bass cover letter as “confidential business information, as that term is defined in Env-C 208.03(a)....”.
- Cleveland, Waters and Bass, PA. (17 June 2024). Submittal of Additional Information Responding to NHDES Incomplete Application Correspondence. Received June 17, 2024, stamped “confidential” by the applicant, and described in the Cleveland, Waters and Bass cover letter as “confidential business information, as that term is defined in Env-C 208.03(a)....”. Assigned WMD Log No. 2023-66600-14.
- Granite State Landfill, LLC. (23 August 2024). Response to NHDES Incomplete Application. Received August 28, 2024. Assigned WMD Log No. 2023-66600-15.
- Granite State Landfill, LLC. (26 November 2024). Response to NHDES Incomplete Application (#2023-66600). Received November 26, 2024. Assigned WMD Log No. 2023-66600-16.
- Cleveland, Waters and Bass, PA. (27 February 2025). Submittal of Additional Information Responding to NHDES Incomplete Application Correspondence. Received February 27, 2025, and stamped “confidential” by the applicant, and described in the Cleveland, Waters and Bass cover letter as “confidential business information, as that term is defined in Env-C 208.03(a)....”.
- Granite State Landfill, LLC. (27 February 2025). Response to NHDES Incomplete Application. Received February 27, 2025. Assigned WMD Log No. 2023-66600-17.

NHDES issued letters deeming the application incomplete on February 28, 2024; June 24, 2024; October 22, 2024; and January 27, 2025. These letters requested information necessary to deem the application complete. The letters also provided notice of the dormancy deadline. Based upon its review of your most recent submittals, NHDES has determined that the application remains incomplete for the following reasons:

1. The information submitted does not include a site report that demonstrates that the location of the proposed facility complies with all applicable siting requirements and that the site is a suitable location for the proposed facility as required by Env-Sw 314.03(a)(5). In addition, the maps, figures, and hydrogeological report submitted as part of the site report initially provided by the applicant

on October 23, 2023 as Volume 2, Parts 1 & 2 (WMD Log No. 2023-66600-02 and -03) were not updated to demonstrate compliance with the re-adopted Part Env-Sw 804, *Siting Requirements*, of the Rules, which became effective on December 21, 2024.

2. The information submitted also does not include copies of the documents that demonstrate that the applicant and their successors and assigns will have a legal right for the use of the properties as proposed in the application as required by Env-Sw 314.03(a)(3).

The February 28, 2024 incompleteness determination letter explained that the submitted legal agreements were heavily redacted, preventing NHDES review. Each of the subsequent incompleteness determination letters reiterated that copies of the legal agreements as required by Env-Sw 314.03 needed to be provided. The legal agreements submitted by the applicant failed to fulfill application requirements because they were heavily redacted and referenced other legal agreements, which were not provided. For instance, the Access Agreement and Option to Purchase Real Estate dated December 11, 2018, ("Option Agreement") included in Attachment IV(3) of Volume 1 of the Standard Permit Application for a Solid Waste Landfill dated October 16, 2023 (WMD Log No. 2023-66600-01) was heavily redacted. These redactions rendered it unable to fulfill permit application requirements.

Similarly, the applicant submitted a Memorandum of Understanding (MOU), under separate cover by Cleveland, Waters and Bass. NHDES received this MOU on April 22, 2024. The document was undated and unsigned. The applicant later submitted a signed version of the MOU (updated MOU), with signatures dated April 15, 2024, under separate cover by Cleveland, Waters and Bass, as indicated above. The updated MOU was received by NHDES on June 17, 2024 (WMD Log No. 2023-66600-14). However, the updated MOU does not fulfill application requirements because it was heavily redacted and references and relies on the terms of the Option Agreement, an April 23, 2019 amendment to that agreement, and a September 9, 2019 second amendment to that agreement, copies of which NHDES did not receive from the applicant. Additionally, the Option Agreement was between the current property owners and North Country Environmental Services, Inc. ("NCES"). In the applicant's April 19, 2024 response letter, the applicant references the modifications to the Option Agreement via the updated MOU and other amendments and that under the modified Option Agreement, the applicant has the right to acquire certain property. However, NHDES did not receive a copy of any assignment agreement between NCES and the applicant.

Finally, a separate submittal dated February 27, 2025, was provided under separate cover by Cleveland, Waters and Bass. NHDES received this document on February 27, 2025. While the applicant provided a short memorandum and an "interpolated agreement" discussing the legal agreements, no copies of such agreements were provided as required by Env-Sw 314.03(a)(3). Therefore, it does not satisfy application requirements.

As discussed, the following information was referenced in the documents submitted by the applicant but was not provided:

- An April 23, 2019 amendment to the Option Agreement referenced in Item B of the updated MOU;
- A September 9, 2019 amendment to the Option Agreement referenced in Item B of the updated MOU; and
- The assignment of rights from NCES to the applicant as referenced in Item D of the updated MOU.

Because the applicant did not submit information necessary to complete the application within one year of NHDES's initial determination of incompleteness, the application has been deemed denied in accordance with Env-Sw 304.06(d) and Env-Sw 305.03(b)(6). Any person aggrieved by this decision can file an appeal with the NH Waste Management Council (Council). Any such appeal must be filed directly with the Council in accordance with the Council's rules, [Env-WMC 204](#), *Appeals: Filing; Notice; Parties and Representatives; Scheduling; Motions*. The appeal must be filed **directly with the Council within 30 days** of the date of this decision and must set forth fully **every ground** upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the Council. Information about the Council, including a link to the Council's rules, is available on the [Waste Management Council's website](#).

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

Sincerely,



Michael J. Wimsatt, P.G., Director

Waste Management Division

Tel.: (603) 271-1997

Email: [michael.j.wimsatt@des.nh.gov](mailto:michael.j.wimsatt@des.nh.gov)

ec: Select Board, Town of Dalton, email: [selectmen@townofdalton.com](mailto:selectmen@townofdalton.com) and [townadmin@townofdalton.com](mailto:townadmin@townofdalton.com)  
Town Clerk, Town of Dalton, email: [town.clerk@townofdaltonnh.gov](mailto:town.clerk@townofdaltonnh.gov)  
Board of Selectmen, Town of Bethlehem, email: [selectman1@bethlehemnh.org](mailto:selectman1@bethlehemnh.org) [selectman2@bethlehemnh.org](mailto:selectman2@bethlehemnh.org); [selectman3@bethlehemnh.org](mailto:selectman3@bethlehemnh.org); [selectman4@bethlehemnh.org](mailto:selectman4@bethlehemnh.org); [selectman5@bethlehemnh.org](mailto:selectman5@bethlehemnh.org); [admin@bethlehemnh.org](mailto:admin@bethlehemnh.org)  
Town Clerk, Town of Bethlehem, email: [townclerk@bethlehemnh.org](mailto:townclerk@bethlehemnh.org)  
Board of Selectmen, Town of Littleton, email: [vpotter@townoflittleton.org](mailto:vpotter@townoflittleton.org)  
Town Clerk, Town of Littleton, email: [abrousseau@townoflittleton.org](mailto:abrousseau@townoflittleton.org)  
Board of Selectmen, Town of Whitefield, email: [administrativeassistant@whitefieldnh.org](mailto:administrativeassistant@whitefieldnh.org)  
Town Clerk, Town of Whitefield, email: [townclerk@whitefieldnh.org](mailto:townclerk@whitefieldnh.org)  
Courtney Bowler, Chair, Ammonoosuc River LAC, email: [cf.bowler90@gmail.com](mailto:cf.bowler90@gmail.com)  
Tracie Sales, Rivers Coordinator, NHDES, email: [tracie.j.sales@des.nh.gov](mailto:tracie.j.sales@des.nh.gov)  
Michael Marchand, NH Fish & Game, Nongame & Endangered Species, email: [michael.marchand@wildlife.nh.gov](mailto:michael.marchand@wildlife.nh.gov)  
Sabrina Stanwood, NH Div. of Forests & Lands, Natural Heritage Bureau, email: [sabrina.stanwood@dncr.nh.gov](mailto:sabrina.stanwood@dncr.nh.gov)  
Maddie Severance, NH Div. of Forests & Lands, Natural Heritage Bureau, email: [nhbreview@dncr.nh.gov](mailto:nhbreview@dncr.nh.gov)  
Nicholas Sanders, NHDOT Traffic, email: [Nicholas.Sanders@dot.nh.gov](mailto:Nicholas.Sanders@dot.nh.gov)  
K. Allen Brooks, NHDOJ, email: [Kelvin.A.Brooks@doj.nh.gov](mailto:Kelvin.A.Brooks@doj.nh.gov)  
Joshua Harrison, NHDOJ, email: [Joshua.C.Harrison@doj.nh.gov](mailto:Joshua.C.Harrison@doj.nh.gov)  
Samuel Nicolai, P.E., Granite State Landfill, LLC., email: [samuel.nicolai@casella.com](mailto:samuel.nicolai@casella.com)  
Marc Morgan, Granite State Landfill LLC, email: [marc.morgan@casella.com](mailto:marc.morgan@casella.com)  
Robert J. Grillo, P.E., CMA Engineers, email: [rgrillo@cmaengineers.com](mailto:rgrillo@cmaengineers.com)  
Adam Sandahl, P.E., CMA Engineers, email: [asandahl@cmaengineers.com](mailto:asandahl@cmaengineers.com)  
Timothy J. White, P.G., Sanborn Head & Associates, Inc., email: [twhite@sanbornhead.com](mailto:twhite@sanbornhead.com)  
James O'Rourke, P.G., NHDES  
Jaime Colby, P.E., NHDES  
Mary Daun, P.E., NHDES

# Exhibit 2



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](mailto: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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(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](mailto:mary.f.daun@des.nh.gov)

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

Town Clerk, Town of Bethlehem, email: [townclerk@bethlehemnh.org](mailto:townclerk@bethlehemnh.org)  
Board of Selectmen, Town of Littleton, email: [vpotter@townoflitteton.org](mailto:vpotter@townoflitteton.org)  
Town Clerk, Town of Littleton, email: [abrousseau@townoflitteton.org](mailto:abrousseau@townoflitteton.org)  
Board of Selectmen, Town of Whitefield, email: [administrativeassistant@whitefieldnh.org](mailto:administrativeassistant@whitefieldnh.org)  
Town Clerk, Town of Whitefield, email: [townclerk@whitefieldnh.org](mailto:townclerk@whitefieldnh.org)  
Richard Walling, Chair, Ammonoosuc River LAC, email: [onthefarm21@gmail.com](mailto:onthefarm21@gmail.com)  
Tracie Sales, Rivers Coordinator, NHDES, email: [tracie.j.sales@des.nh.gov](mailto:tracie.j.sales@des.nh.gov)  
Michael Marchand, NH Fish & Game, Nongame & Endangered Species, email:  
[michael.marchand@wildlife.nh.gov](mailto:michael.marchand@wildlife.nh.gov)  
Sabrina Stanwood, NH Div. of Forests & Lands, Natural Heritage Bureau, email:  
[sabrina.stanwood@dn-cr.nh.gov](mailto:sabrina.stanwood@dn-cr.nh.gov)  
Amy Lamb, NH Div. of Forests & Lands, Natural Heritage Bureau, email: [amy.lamb@dn-cr.nh.gov](mailto:amy.lamb@dn-cr.nh.gov)  
Nicholas Sanders, NHDOT Traffic, email: [Nicholas.Sanders@dot.nh.gov](mailto:Nicholas.Sanders@dot.nh.gov)  
K. Allen Brooks, NHDOJ, email: [Kelvin.A.Brooks@doh.nh.gov](mailto:Kelvin.A.Brooks@doh.nh.gov)  
Kevin Roy, Casella, email: [kevin.roy@casella.com](mailto:kevin.roy@casella.com)  
Robert J. Grillo, P.E., CMA Engineers, email: [rgrillo@cmaengineers.com](mailto:rgrillo@cmaengineers.com)  
Adam Sandahl, P.E., CMA Engineers, email: [asandahl@cmaengineers.com](mailto:asandahl@cmaengineers.com)  
Timothy J. White, P.G., Sanborn Head & Associates, Inc., email: [twhite@sanbornhead.com](mailto:twhite@sanbornhead.com)  
James O'Rourke, P.G., NHDES, email: [James.W.Orourke@des.nh.gov](mailto:James.W.Orourke@des.nh.gov)  
Jaime Colby, P.E., NHDES, email: [Jaime.M.Colby@des.nh.gov](mailto:Jaime.M.Colby@des.nh.gov)  
Michael J. Wimsatt, P.G., NHDES, email: [Michael.J.Wimsatt@des.nh.gov](mailto:Michael.J.Wimsatt@des.nh.gov)

# Exhibit 3



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

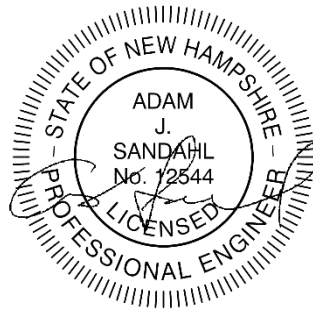


**Standard Permit for Solid Waste Landfill  
Granite State Landfill  
Response to NHDES Incomplete Application (#2023-66600)  
Douglas Drive  
Dalton, NH 03598  
NHDES Site #: TBD  
Project Type: SW-LNDFILL  
Project Number: TBD  
Permit: DES-SW-SP-XX-XXX (TBD)**

**Victoria  
Penrose  
Tarbell**

Digitally signed by  
Victoria Penrose Tarbell  
Date: 2024.04.19  
16:32:27 -04'00'

*Prepared for:*  
Granite State Landfill, LLC  
1855 VT Route 100  
Hyde Park, VT 05655  
Phone Number (802) 651-5454  
RP Contact Name: John Gay  
RP Contact Email: [john.gay@casella.com](mailto:john.gay@casella.com)



*Prepared by:*  
CMA Engineers, Inc.  
35 Bow Street  
Portsmouth, NH 03801  
Phone Number: (603) 431-6196  
Contact Name: Adam Sandahl, P.E.  
Contact Email: [asandahl@cmaengineers.com](mailto:asandahl@cmaengineers.com)

Date of Report: April 19, 2024

Cover Sheet for Reports Template - Revised December 2020



**GRANITE STATE LANDFILL, LLC**

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

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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  $1 \times 10^{-4}$  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*

# Exhibit 4





The State of New Hampshire  
**Department of Environmental Services**

**Robert R. Scott, Commissioner**



**VIA EMAIL ONLY**

June 24, 2024

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

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

**Incomplete Application – Request for Additional Information**

Standard Permit Application for Granite State Landfill, initially 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 (GSL) 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**.

In addition to the documents listed in the NHDES letter dated February 28, 2024, the subject application also consists of the following:

- Granite State Landfill, LLC. (19 April 2024). Response to NHDES Incomplete Application (Part 1: Exhibits 1-8; Part 2: Exhibits 9-16). Received April 22 and 25, 2024. Assigned WMD Log No. 2023-66600-13.
- Cleveland, Waters and Bass (17 June 2024). Submittal of Additional Information Responding to NHDES Incomplete Application Correspondence. Received June 17, 2024 as confidential business information under Env-C 208. Assigned WMD Log No. 2023-66600-14.

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. Based upon a review of the application submitted, GSL has not provided all relevant legal agreements pursuant to Env-Sw 314.09. Provide all relevant legal agreements to demonstrate the applicant meets the landowner requirement under Env-Sw 804.06 and all easements and right of ways meet the requirements of Env-Sw 1003.02 and 1003.03. Clearly identify all easements and right of ways in the plans.
2. Appendix 2 of the Geotechnical Report submitted on February 8, 2024, (WMD Log No. 2023-66600-11), did not include the shear strength calculations for GCL/drainage sand and GCL/drainage geocomposite. Provide the referenced shear strength data as required by Env-Sw 314.11(a), Env-Sw 805.06(i)(3) and Env-Sw 1103.05(h).
3. Appendix 3 of the Geotechnical Report submitted on February 8, 2024, (WMD Log No. 2023-66600-11) did not include static and seismic stability calculations for the proposed cap. Provide cap stability calculations as required by Env-Sw 314.11 and Env-Sw 805.10(i).

[www.des.nh.gov](http://www.des.nh.gov)

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

4. Appendix K-5 of the Hydrogeological Report submitted on February 8, 2024, (WMD Log No. 2023-66600-11) was missing at least the first ten pages of analytical results. Provide the missing analytical data in support of Env-Sw 314.10(b)(5).
5. Filing notifications to the DOJ, Town of Dalton, NH Fish & Game, NH Department of Resources & Economics, NH Rivers Coordinator, and the Ammonoosuc River Advisory must be sent by certified mail, return receipt requested; or delivered in hand, with a signed acknowledgment from the recipient in accordance with Env-Sw 303.06(b). Provide return receipts or signatures denoting hand delivery of these notifications as required by Env-Sw 314.08.
6. On pdf page 9 of the GSL Response to NHDES Incomplete Letter (WMD Log No. 2023-66600-13), GSL identified a lined leachate pond in the infrastructure area as shown as Pond 1 in Figure G&D-5. GSL stated that any overflow of the underground storage tank will drain to the lined leachate pond. Provide siting and design information on the underground storage tank and the lined leachate pond to demonstrate compliance with Env-Sw 804.03 and Env-Sw 805.06.
7. Section 6.9 of the facility Operating Plan as updated in application supplement (WMD Log No. 2023-66600-13) identified extenuating circumstances in which GSL will be required to operate outside the operating hours of 6 am and 6 pm to pump and remove leachate; however, the demonstration required by Env-Sw 1105.08(b) was not submitted. Submit a demonstration that the facility will not successfully operate within the 6:00 am to 6:00 pm window; and the alternative hours will not result in problems relating to safety, access control or nuisances. Include with the demonstration a flow chart or flow diagram depicting the sequence of leachate management, with flow rates, the number of trucks that can be loaded per hour, and other information as applicable, to show that during the extenuating circumstances identified in the operating plan that GSL cannot successfully operate within the 6 am to 6 pm window.
8. Application supplement (WMD Log No. 2023-66600-13) included a draft financial assurance plan. Update Appendix A of the draft Standby Trust Agreement to ensure the principle (i.e., Granite State Landfill LLC) and the principle's address remain the same throughout the document. Provide a list of individuals from GSL in Appendix B of the draft Standby Agreement that are authorized or designated to provide orders, requests, and instructions to the bank as required by Env-Sw 314.03(a).
9. Update Figure 1 of the Traffic Study (Attachment V(5) of Section V, Volume 2, Part 2) to include the date and plan scale, (e.g. scale bar) as required by Env-Sw 314.11 and Env-Sw 1103.05.
10. Ensure that a copy of all information submitted to complete the application has been provided to each person and entity identified in Env-Sw 303 to whom the applicant was required to provide a copy of the initial application. Pursuant to Env-Sw 304.05(b), provide to NHDES a written and signed statement attesting to the same.

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.

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 issued (dated 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.

John Gay, Region Engineer, GSL  
Granite State Landfill, Dalton, NH  
Application No. 2023-66600  
Incomplete Application – Request for Additional Information  
June 24, 2024  
Page 3 of 3

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](mailto:mary.f.daun@des.nh.gov)

ec: Select Board, Town of Dalton, email: [selectmen@townofdaltontn.com](mailto:selectmen@townofdaltontn.com) and [townadmin@townofdaltontn.com](mailto:townadmin@townofdaltontn.com)  
Town Clerk, Town of Dalton, email: [town.clerk@townofdaltontn.com](mailto:town.clerk@townofdaltontn.com)  
Board of Selectmen, Town of Bethlehem, email: [selectman1@bethlehemnh.org](mailto:selectman1@bethlehemnh.org) [selectman2@bethlehemnh.org](mailto:selectman2@bethlehemnh.org);  
[selectman3@bethlehemnh.org](mailto:selectman3@bethlehemnh.org); [selectman4@bethlehemnh.org](mailto:selectman4@bethlehemnh.org); [selectman5@bethlehemnh.org](mailto:selectman5@bethlehemnh.org);  
[admin@bethlehemnh.org](mailto:admin@bethlehemnh.org)  
Town Clerk, Town of Bethlehem, email: [townclerk@bethlehemnh.org](mailto:townclerk@bethlehemnh.org)  
Board of Selectmen, Town of Littleton, email: [vpotter@townoflittleton.org](mailto:vpotter@townoflittleton.org)  
Town Clerk, Town of Littleton, email: [abrousseau@townoflittleton.org](mailto:abrousseau@townoflittleton.org)  
Board of Selectmen, Town of Whitefield, email: [administrativeassistant@whitefieldnh.org](mailto:administrativeassistant@whitefieldnh.org)  
Town Clerk, Town of Whitefield, email: [townclerk@whitefieldnh.org](mailto:townclerk@whitefieldnh.org)  
Courtney Bowler, Chair, Ammonoosuc River LAC, email: [cf.bowler90@gmail.com](mailto:cf.bowler90@gmail.com)  
Tracie Sales, Rivers Coordinator, NHDES, email: [tracie.j.sales@des.nh.gov](mailto:tracie.j.sales@des.nh.gov)  
Michael Marchand, NH Fish & Game, Nongame & Endangered Species, email: [michael.marchand@wildlife.nh.gov](mailto:michael.marchand@wildlife.nh.gov)  
Sabrina Stanwood, NH Div. of Forests & Lands, Natural Heritage Bureau, email: [sabrina.stanwood@dncr.nh.gov](mailto:sabrina.stanwood@dncr.nh.gov)  
Amy Lamb, NH Div. of Forests & Lands, Natural Heritage Bureau, email: [amy.lamb@dncr.nh.gov](mailto:amy.lamb@dncr.nh.gov)  
Nicholas Sanders, NHDOT Traffic, email: [Nicholas.Sanders@dot.nh.gov](mailto:Nicholas.Sanders@dot.nh.gov)  
K. Allen Brooks, NHDOJ, email: [Kelvin.A.Brooks@doh.nh.gov](mailto:Kelvin.A.Brooks@doh.nh.gov)  
Kevin Roy, Casella, email: [kevin.roy@casella.com](mailto:kevin.roy@casella.com)  
Robert J. Grillo, P.E., CMA Engineers, email: [rgrillo@cmaengineers.com](mailto:rgrillo@cmaengineers.com)  
Adam Sandahl, P.E., CMA Engineers, email: [asandahl@cmaengineers.com](mailto:asandahl@cmaengineers.com)  
Timothy J. White, P.G., Sanborn Head & Associates, Inc., email: [twhite@sanbornhead.com](mailto:twhite@sanbornhead.com)  
James O'Rourke, P.G., NHDES  
Jaime Colby, P.E., NHDES  
Michael J. Wimsatt, P.G., NHDES

# Exhibit 5



## Report Cover Waste Management Division



Response to NHDES Incomplete Application (#2023-66600)

Granite State Landfill

Douglas Drive

Dalton, NH 03598

NHDES Site #: 123456789

Project Type: SW-LANDFILL

Project #:

Victoria  
Penrose  
Tarbell

Digitally signed by  
Victoria Penrose  
Tarbell  
Date: 2024.08.23  
14:36:24 -04'00'

### PREPARED FOR

Granite State Landfill, LLC

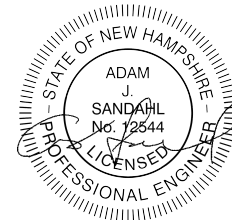
1855 VT Route 100

Hyde Park, VT 05655

802-651-5454

John Gay

john.gay@casella.com



### PREPARED BY

CMA Engineers, Inc.

35 Bow Street

Portsmouth, NH 03801

603-431-6196

Adam Sandahl, P.E.

asandahl@cmaengineers.com

Date of Report: August 23, 2024

[Tina.A.Clark@des.nh.gov](mailto:Tina.A.Clark@des.nh.gov) or phone (603) 271-7379

PO Box 95, Concord, NH 03302-0095

[www.des.nh.gov](http://www.des.nh.gov)



ESTABLISHED 1975

**GRANITE STATE LANDFILL, LLC**

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

---

August 23, 2024

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

**RE: Granite State Landfill, LLC  
Proposed Lined Landfill – Dalton, New Hampshire  
Standard Permit Application #2023-6660  
Response to NHDES Incomplete Application Correspondence dated June 24,  
2024**

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 June 24, 2024. Our responses 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.

In addition to the items below we are also providing revised figures to the Release Detection Permit memo that was part of the April 19<sup>th</sup> supplemental submittal. The figures are presented at a larger scale, which was requested by Jamie O'Rourke at the May 31 meeting with you in Concord. The revised figures are provided in Exhibit 0.

- 1. Based upon a review of the application submitted, GSL has not provided all relevant legal agreements pursuant to Env-Sw 314.09. Provide all relevant legal agreements to demonstrate the applicant meets the landowner requirement under Env-Sw 804.06 and all easements and right of ways meet the requirements of Env-Sw 1003.02 and 1003.03. Clearly identify all easements and right of ways in the plans.*

**Final agreements between Mr. Ingerson and GSL will follow under separate cover.**

- 2. Appendix 2 of the Geotechnical Report submitted on February 8, 2024, (WMD Log No. 2023-66600-11), did not include the shear strength calculations for GCL/drainage sand and GCL/drainage geocomposite. Provide the referenced shear strength data as required by Env-Sw 314.11(a), Env-Sw 805.06(i)(3) and Env-Sw 1103.05(h).*

**Shear strength data between GCL and drainage sand and drainage geocomposite interfaces are provided in Exhibit 2.**

3. *Appendix 3 of the Geotechnical Report submitted on February 8, 2024, (WMD Log No. 2023-66600-11) did not include static and seismic stability calculations for the proposed cap. Provide cap stability calculations as required by Env-Sw 314.11 and Env-Sw 805.10(i).*

**Static calculations for cap stability were provided as Attachment D to the Closure Plan and are provided for reference in this submittal as Exhibit 3. Note that seismic cap stability calculations are documented in the report text on pages 7 and 8 of the text. The text provides the appropriate references, procedures, equations and report figures used in the calculations.**

4. *Appendix K-5 of the Hydrogeological Report submitted on February 8, 2024, (WMD Log No. 2023-66600-11) was missing at least the first ten pages of analytical results. Provide the missing analytical data in support of Env-Sw 314.10(b)(5).*

**The full analytical report that was missing pages is provided in Exhibit 4.**

5. *Filing notifications to the DOJ, Town of Dalton, NH Fish & Game, NH Department of Resources & Economics, NH Rivers Coordinator, and the Ammonoosuc River Advisory must be sent by certified mail, return receipt requested; or delivered in hand, with a signed acknowledgment from the recipient in accordance with Env-Sw 303.06(b). Provide return receipts or signatures denoting hand delivery of these notifications as required by Env-Sw 314.08.*

**The notice and application materials were shipped together via FedEx which provided documentation that the materials were delivered and who received the delivery at each location. FedEx receipts were provided to NHDES-WMD on December 11, 2023 for those that received full copies of the application including NHDES-WMD, Town of Dalton, New Hampshire Fish and Game, Natural Heritage Inventory, Ammonoosuc River Local Advisory Committee, and NHDES Water Pollution Division.**

**Section Env-Sw 303.05(b) of the Solid Waste Rules require that the notices be sent by certified mail (return receipt requested) or delivered by hand with signed acknowledgement of receipt. To close the loop on this item, CMA Engineers and GSL mailed letters via certified mail to the entities listed above requesting signed acknowledgement of receiving the application, and also provided the original**

**notice and flow diagram<sup>1</sup>. Copies of the notices and returned letters are provided in Exhibit 5.**

6. *On PDF page 9 of the GSL Response to NHDES Incomplete Letter (WMD Log No. 2023-66600-13), GSL identified a lined leachate pond in the infrastructure area as shown as Pond 1 in Figure G&D-5. GSL stated that any overflow of the underground storage tank will drain to the lined leachate pond. Provide siting and design information on the underground storage tank and the lined leachate pond to demonstrate compliance with Env-Sw 804.03 and Env-Sw 805.06.*

**The underground storage tank is a double walled 10,000-gallon leachate contingency tank shown as Detail 2 on sheet D-10 of the permitting plan set. The purpose of this tank is to capture spillage from leachate loadout activities inside the building. Leachate collected in this tank will be pumped into the above ground storage tank.**

**Pond 1 is a lined stormwater pond and not a leachate pond. The purpose of Pond 1 is to provide contingency in the extreme occurrence that there is a leachate spill or event in the leachate AST (tank within a contingency tank) area or the leachate loadout building that exceeds the capacity of the 10,000-gallon double-wall tank. The intent is that this pond does not see leachate. Under normal operations, water from the lined pond will be used for dust suppression and the pond does not overtop through the 50-year storm event.**

**Section Env-Sw-805.06(b) requires that leachate collection systems be separate from stormwater collection systems. The systems are designed to be separate and will only be combined under extreme conditions to provide the highest level of protection to the environment by providing a lined area for a leachate event to drain to. If required by NHDES-WMD, leachate overflow connections to the pond can be removed and the lined pond redesigned to a bioretention or infiltration basin.**

7. *Section 6.9 of the facility Operating Plan as updated in application supplement (WMD Log No. 2023-66600-13) identified extenuating circumstances in which GSL will be required to operate outside the operating hours of 6 am and 6 pm to pump and remove leachate; however, the demonstration required by Env-Sw 1105.08(b) was not submitted. Submit a demonstration that the facility will not successfully operate within the 6:00 am to 6:00 pm window; and the alternative hours will not result in problems relating to safety, access*

---

<sup>1</sup> The applicant provided the DOJ with a confirmatory copy of the business and personal disclosures it previously provided, together with a copy of CMA Engineer's notice, by certified mail, sent on August 16, 2024. A copy of that notice and certified mail receipt is provided with Exhibit 5.



*control or nuisances. Include with the demonstration a flow chart or flow diagram depicting the sequence of leachate management, with flow rates, the number of trucks that can be loaded per hour, and other information as applicable, to show that during the extenuating circumstances identified in the operating plan that GSL cannot successfully operate within the 6 am to 6 pm window.*

**A revised Operating Plan that provides additional detail on leachate hauling requirements is provided in Exhibit 7. The revisions are consistent with the recent changes submitted for the NCES landfill as part of a Type II Permit Modification submitted on July 26, 2024. The revision also updates expected leachate disposal facilities.**

8. *Application supplement (WMD Log No. 2023-66600-13) included a draft financial assurance plan. Update Appendix A of the draft Standby Trust Agreement to ensure the principle (i.e., Granite State Landfill LLC) and the principle's address remain the same throughout the document. Provide a list of individuals from GSL in Appendix B of the draft Standby Agreement that are authorized or designated to provide orders, requests, and instructions to the bank as required by Env-Sw 314.03(a).*

**Appendix B of the draft Standby Trust Agreement has been updated to include a list of individuals that are authorized or designated to provide orders, requests, and instructions to the bank as required by Env-Sw 314.03(a). The update is provided in Exhibit 8.**

9. *Update Figure 1 of the Traffic Study (Attachment V(5) of Section V, Volume 2, Part 2) to include the date and plan scale, (e.g. scale bar) as required by Env-Sw 314.11 and Env-Sw 1103.05.*

**A revised Figure 1 is provided in Exhibit 9.**

10. *Ensure that a copy of all information submitted to complete the application has been provided to each person and entity identified in Env-Sw 303 to whom the applicant was required to provide a copy of the initial application. Pursuant to Env-Sw 304.05(b), provide to NHDES a written and signed statement attesting to the same.*

**See response to Comment 5. Supplemental submittals were provided to application holders via FedEx and those receipts are enclosed as Exhibit 10. These supplemental submittals include:**

- **Supplemental Submittal (February 6, 2024)**
- **Incomplete letter response (April 19, 2024)**

**Electronic copies of this submittal are being provided to the EC list at the conclusion of this letter. Hard copies will be mailed out via FedEx to the cc list below and will require signatures to receive the submittals moving forward. Please consider this response as the signed statement attesting that all information to date has been provided to the application holders.**

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:      Exhibit 0: Release Detection Permit Figures  
                         Exhibit 2: Interface Shear Strength Data  
                         Exhibit 3: Cap Stability Calculations  
                         Exhibit 4: Eastern Analytical Laboratory Report  
                         Exhibit 5: Notice Letters  
                         Exhibit 7: Operating Plan Update  
                         Exhibit 8: Standby Trust Agreement  
                         Exhibit 9: Revised Traffic Study Figure  
                         Exhibit 10: FedEx Receipts for Supplemental Submittals

ec      Select Board, Town of Dalton, email: [selectmen@townofdaltontown.com](mailto:selectmen@townofdaltontown.com) and [townadmin@townofdaltontown.com](mailto:townadmin@townofdaltontown.com)  
Town Clerk, Town of Dalton, email: [town.clerk@townofdaltontown.com](mailto:town.clerk@townofdaltontown.com)  
Board of Selectmen, Town of Bethlehem, email: [selectman1@bethlehemnh.org](mailto:selectman1@bethlehemnh.org); [selectman2@bethlehemnh.org](mailto:selectman2@bethlehemnh.org);  
[selectman3@bethlehemnh.org](mailto:selectman3@bethlehemnh.org); [selectman4@bethlehemnh.org](mailto:selectman4@bethlehemnh.org); [selectman5@bethlehemnh.org](mailto:selectman5@bethlehemnh.org);  
[admin@bethlehemnh.org](mailto:admin@bethlehemnh.org)  
Town Clerk, Town of Bethlehem, email: [townclerk@bethlehemnh.org](mailto:townclerk@bethlehemnh.org)  
Board of Selectmen, Town of Littleton, email: [vpotter@townoflittleton.org](mailto:vpotter@townoflittleton.org)  
Town Clerk, Town of Littleton, email: [abrousseau@townoflittleton.org](mailto:abrousseau@townoflittleton.org)  
Board of Selectmen, Town of Whitefield, email: [administrativeassistant@whitefieldnh.org](mailto:administrativeassistant@whitefieldnh.org)  
Town Clerk, Town of Whitefield, email: [townclerk@whitefieldnh.org](mailto:townclerk@whitefieldnh.org)  
Courtney Bowler, Chair, Ammonoosuc River LAC, email: [cf.bowler90@gmail.com](mailto:cf.bowler90@gmail.com)  
Tracie Sales, Rivers Coordinator, NHDES, email: [tracie.j.sales@des.nh.gov](mailto:tracie.j.sales@des.nh.gov)  
Michael Marchand, NH Fish & Game, Nongame & Endangered Species, email: [michael.marchand@wildlife.nh.gov](mailto:michael.marchand@wildlife.nh.gov)  
Sabrina Stanwood, NH Div. of Forests & Lands, Natural Heritage Bureau, email: [sabrina.stanwood@dn-cr.nh.gov](mailto:sabrina.stanwood@dn-cr.nh.gov)  
Amy Lamb, NH Div. of Forests & Lands, Natural Heritage Bureau, email: [amy.lamb@dn-cr.nh.gov](mailto:amy.lamb@dn-cr.nh.gov)  
Nicholas Sanders, NHDOT Traffic, email: [Nicholas.Sanders@dot.nh.gov](mailto:Nicholas.Sanders@dot.nh.gov)  
K. Allen Brooks, NHDOJ, email: [Kelvin.A.Brooks@doh.nh.gov](mailto:Kelvin.A.Brooks@doh.nh.gov)  
Kevin Roy, Casella, email: [kevin.roy@casella.com](mailto:kevin.roy@casella.com)  
Bryan Gould, CWB, email: [gouldb@cwbp.com](mailto:gouldb@cwbp.com)

Cooley Arroyo, CWB, email: [arroyoc@cwbp.com](mailto:arroyoc@cwbp.com)  
Robert J. Grillo, P.E., CMA Engineers, email: [rgrillo@cmaengineers.com](mailto:rgrillo@cmaengineers.com)  
Adam Sandahl, P.E., CMA Engineers, email: [asandahl@cmaengineers.com](mailto:asandahl@cmaengineers.com)  
Adam Roy, P.E., CMA Engineers, email: [aroy@cmaengineers.com](mailto:aroy@cmaengineers.com)  
Timothy J. White, P.G., Sanborn Head & Associates, Inc., email: [twhite@sanbornhead.com](mailto:twhite@sanbornhead.com)  
Jamie O'Rourke, P.G., NHDES, email: [James.W.ORourke@des.nh.gov](mailto:James.W.ORourke@des.nh.gov)  
Jaime Colby, P.E., NHDES, email: [jaime.M.Colby@des.nh.gov](mailto:jaime.M.Colby@des.nh.gov)  
Michael J. Wimsatt, P.G., NHDES, email: [Michael.J.Wimsatt@des.nh.gov](mailto:Michael.J.Wimsatt@des.nh.gov)  
NHDES Onestop

cc: Select Board/Town Clerk, Town of Dalton  
Ammonoosuc River Local Advisory Committee  
NH Fish and Game Department  
NHDES Water Pollution Division  
NH Department of Resources and Economic Development - Natural Heritage Inventory

# Exhibit 6



The State of New Hampshire  
**Department of Environmental Services**

**Robert R. Scott, Commissioner**



**VIA EMAIL ONLY**

January 27, 2025

Toni King, Regional Environmental & Compliance Manager  
Casella Waste Systems, Inc.  
25 Green Hill Lane  
Rutland, VT 05702  
Email: [toni.king@casella.com](mailto:toni.king@casella.com)

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

**Incomplete Application – Request for Additional Information**

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

Dear Toni King:

The New Hampshire Department of Environmental Services, Waste Management Division (NHDES) has reviewed the above-cited application by which Granite State Landfill, LLC (GSL) 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**.

In addition to the documents listed in the NHDES letters dated February 28, 2024, June 24, 2024, and October 22, 2024 the subject application also consists of the following:

- Granite State Landfill, LLC. (26 November 2024). Response to NHDES Incomplete Application. Received November 26, 2024. Assigned WMD Log No. 2023-66600-16.

Please address the following comments to satisfy the provisions of Env-Sw 300, and clarify aspects of the application in support of making a review pursuant to Env-Sw 304.08:

1. Provide all relevant legal agreements and clearly identify all easements and rights-of-way in the plans pursuant to Env-Sw 314.03(a)(3), (a)(4), and Env-Sw 314.04 and as previously requested in NHDES' letters dated February 28, 2024, June 24, 2024, and October 22, 2024.
2. Filing notifications to abutters must be sent by certified mail, return receipt requested, or delivered in hand, with a signed acknowledgment from the recipient in accordance with Env-Sw 303.05(b). NHDES has not received the required signature for the following:

- Whitefield Tax Map 243 Lot 20 (Avgerakis/McLure)
- Bethlehem Tax Map 406 Lot 3 (83 Airport Rd Solar, LLC)
- Bethlehem Tax Map 506 Lot 54 and Tax Map 405 Lot 55 (Dupont)
- Bethlehem Tax Map 406 Lot 6 (Bryan)
- Littleton Tax Map 25 Lot 10 (Pierce)

As required by Env-Sw 314.03(a)(2), provide signed certified mail, return receipt cards or, if hand delivered, signed acknowledgment from the recipients for these notifications. If delivery by certified mail, return receipt requested failed, provide proof of multiple delivery attempts by the U.S. Postal Service.

3. Chapter Env-Sw 300: Solid Waste Program: Permits, of the Rules was recently updated and became effective as of November 22, 2024.

[www.des.nh.gov](http://www.des.nh.gov)

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

- a. Env-Sw 303.07(b)(1) requires the notice of filing be sent to the host municipality's town administrator or manager. Additionally, Env-SW 303.07(d) requires a copy of the application be sent to the host municipality's town clerk. Confirm that the Town of Dalton does not have a town manager or administrator. If the Town of Dalton has a town manager or administrator, then provide the required notice and proof of filing.
- b. Env-Sw 303.07(c)(3) requires the notice of filing be sent to the municipality(s) and district(s) in which abutters are required to be notified, and Env-Sw 303.07(d) requires a single copy of the application be sent to each municipality's clerk. Provide certified mail, return receipt requested or signatures of hand delivery for notices of filing sent to the Towns of Whitefield, Bethlehem and Littleton selectboards, clerks, and town managers or administrators (if present). Ensure a copy of the application is provided to each Town clerk.

Provide documentation that all notices of filing were delivered accordingly and the notices included information required by Env-Sw 303.05(d) and a copy of the application when required by Env-Sw 303.07(d).

4. On November 15, 2024, GSL provided NHDES with a Solid Waste Contact Change Request which included new contact personnel for the application and proposed facility. In accordance with Env-Sw 316.03, provide the NH Department of Justice (NHDOJ) updated personnel disclosure forms required by Env-Sw 316.04 as needed, for all individuals identified in Env-Sw 316.05.
5. Chapter Env-Sw 800: Landfill Requirements, of the Rules was recently updated and became effective as of December 21, 2024. Several significant changes were made to Parts Env-Sw 804 Siting Requirements, Env-Sw 805 Design and Construction Requirements, and Env-Sw 806 Operating Requirements. Update the application, including the site report required by Env-Sw 314.03(a)(5), and provide additional information as needed for the department to make a determination as to whether the proposed facility will comply with the requirements of Chapter Env-Sw 800, as required by Env-Sw 314.04.
6. Chapters Env-Sw 900: Management of Certain Wastes; Env-Sw 1000: Universal Solid Waste Facility Requirements, Env-Sw 1100: Additional Solid Waste Facility Requirements; and Env-Sw 1400: Financial Assurance were recently updated and became effective August 28, 2024, February 6, 2024, November 13, 2024, and August 28, 2024, respectively. Provide additional information as required by Env-Sw 314.04 for the department to make a determination as to whether the proposed facility will comply with the requirements of all updated Rules.
7. Provide a facility site plan that identifies all fuel storage locations and identify the status of registration requirements for above ground and underground storage tanks on-site as required by Env-Sw 314.04.
8. Ensure that a copy of all information submitted to complete the application has been provided to each person and entity identified in Env-Sw 303 to whom the applicant was required to provide a copy of the initial application. Pursuant to Env-Sw 304.06(b), provide to NHDES a written and signed statement attesting to the same.

Please address the above comments and submit your response by concurrently submitting 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 the e-submittal.

Pursuant to Env-Sw 304.05, *Incomplete Applications*, review of your application is suspended until the additional requested information is received. Note that, pursuant to Env-Sw 304.06(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 issued (dated 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](mailto:mary.f.daun@des.nh.gov)

ec: Select Board, Town of Dalton, email: [selectmen@townofdalton.com](mailto:selectmen@townofdalton.com) and [townadmin@townofdalton.com](mailto:townadmin@townofdalton.com)  
Town Clerk, Town of Dalton, email: [town.clerk@townofdaltonnh.gov](mailto:town.clerk@townofdaltonnh.gov)  
Board of Selectmen, Town of Bethlehem, email: [selectman1@bethlehemnh.org](mailto:selectman1@bethlehemnh.org) [selectman2@bethlehemnh.org](mailto:selectman2@bethlehemnh.org);  
[selectman3@bethlehemnh.org](mailto:selectman3@bethlehemnh.org); [selectman4@bethlehemnh.org](mailto:selectman4@bethlehemnh.org); [selectman5@bethlehemnh.org](mailto:selectman5@bethlehemnh.org);  
[admin@bethlehemnh.org](mailto:admin@bethlehemnh.org)  
Town Clerk, Town of Bethlehem, email: [townclerk@bethlehemnh.org](mailto:townclerk@bethlehemnh.org)  
Board of Selectmen, Town of Littleton, email: [vpotter@townoflittleton.org](mailto:vpotter@townoflittleton.org)  
Town Clerk, Town of Littleton, email: [abrousseau@townoflittleton.org](mailto:abrousseau@townoflittleton.org)  
Board of Selectmen, Town of Whitefield, email: [administrativeassistant@whitefieldnh.org](mailto:administrativeassistant@whitefieldnh.org)  
Town Clerk, Town of Whitefield, email: [townclerk@whitefieldnh.org](mailto:townclerk@whitefieldnh.org)  
Courtney Bowler, Chair, Ammonoosuc River LAC, email: [cf.bowler90@gmail.com](mailto:cf.bowler90@gmail.com)  
Tracie Sales, Rivers Coordinator, NHDES, email: [tracie.j.sales@des.nh.gov](mailto:tracie.j.sales@des.nh.gov)  
Michael Marchand, NH Fish & Game, Nongame & Endangered Species, email: [michael.marchand@wildlife.nh.gov](mailto:michael.marchand@wildlife.nh.gov)  
Sabrina Stanwood, NH Div. of Forests & Lands, Natural Heritage Bureau, email: [sabrina.stanwood@dncr.nh.gov](mailto:sabrina.stanwood@dncr.nh.gov)  
Maddie Severance, NH Div. of Forests & Lands, Natural Heritage Bureau, email: [nhbreview@dncr.nh.gov](mailto:nhbreview@dncr.nh.gov)  
Nicholas Sanders, NHDOT Traffic, email: [Nicholas.Sanders@dot.nh.gov](mailto:Nicholas.Sanders@dot.nh.gov)  
K. Allen Brooks, NHDOJ, email: [Kelvin.A.Brooks@doj.nh.gov](mailto:Kelvin.A.Brooks@doj.nh.gov)  
Josh Harrison, NHDOJ, email: [Joshua.C.Harrison@doj.nh.gov](mailto:Joshua.C.Harrison@doj.nh.gov)  
Samuel Nicolai, P.E., Casella Waste Systems, Inc., [samuel.nicolai@casella.com](mailto:samuel.nicolai@casella.com)  
Robert Cox, Casella Waste Systems Inc., [Robert.cox@casella.com](mailto:Robert.cox@casella.com)  
Robert J. Grillo, P.E., CMA Engineers, email: [rgrillo@cmaengineers.com](mailto:rgrillo@cmaengineers.com)  
Adam Sandahl, P.E., CMA Engineers, email: [asandahl@cmaengineers.com](mailto:asandahl@cmaengineers.com)  
Timothy J. White, P.G., Sanborn Head & Associates, Inc., email: [twhite@sanbornhead.com](mailto:twhite@sanbornhead.com)  
James O'Rourke, P.G., NHDES  
Jaime Colby, P.E., NHDES  
Michael J. Wimsatt, P.G., NHDES