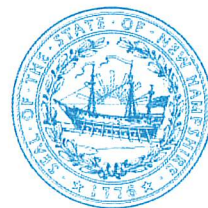




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

**Robert R. Scott, Commissioner**



August 21, 2025

**SENT VIA ELECTRONIC and USPS MAIL**

Jeremy D. Eggleton, Esquire  
Orr & Reno  
45 South Main St.  
Concord, New Hampshire 03302-3550  
Email: [jeggleton@orr-reno.com](mailto:jeggleton@orr-reno.com)

Re: Letters of April 16 and August 5, 2025  
North Country Environmental Services' Bethlehem Landfill  
Complaint and Request for Investigation

Dear Attorney Eggleton:

I'm writing in response to your letters of April 16 and August 5, 2025 on behalf of Save Forest Lake and Jon Swan, regarding your client's request for an investigation into the status of the North Country Environmental Services (NCES) Landfill facility in Bethlehem in relation to its Stage VI permit. In your letters, you assert that NCES has received waste in excess of its "permitted tonnage," and is, therefore, out of compliance with its permit for Stage VI.

NHDES has conducted a review of the information in your letters, the cited reports, and NCES' submittals relevant to its waste receipts and capacity usage. Based upon this review and analysis, NHDES has not identified a current compliance issue relative to airspace usage at NCES.

Your April 16 letter correctly cites Condition (27)(a) of the facility's permit, which states that "(t)he permittee shall limit airspace use to a maximum of 230,200 cubic yards per year, inclusive of cover materials, and preserve for use during calendar year 2026, no less than 150,000 cubic yards of capacity." That condition is the operative condition for determining compliance with capacity usage requirements under the permit. Your letter further asserts, using reported waste tonnage receipts, and assumed compaction rates, that this permit condition has been violated. However, your suggested analysis ignores the impacts of waste settlement.

All solid waste landfills that receive degradable wastes will experience waste settlement over time. In particular, mature landfills, which may have tens or even hundreds of feet of emplaced waste, often experience significant settlement in their later years. Accordingly, a facility may accept additional volumes of waste that are greater than its permitted airspace usage in a given year, without actually exceeding the airspace usage limit, and without exceeding its permitted limits. That point is illustrated in the case of NCES' 2024 airspace consumption analysis. Its analysis of airspace consumption for calendar year 2024, which was based upon waste receipts and surveys of the landfill volume, demonstrates that it consumed a total of 209,047 cubic yards of airspace, which is within its permitted airspace usage limit of 230,200 cubic yards per year. That analysis indeed included a total volume of fill that exceeded 230,200 cubic yards. However, after accounting for settlement volume in the analysis, the actual airspace consumed was reported to be within permitted airspace usage limits.

Your letter dated August 5 also noted previous violations related to leachate management, data collection, and reporting, as well as overliner penetrations. These issues are the subject of pending enforcement actions, and I am not at liberty to discuss them at present. Lastly, your letter references groundwater sampling results relative to detections of PFAS in site groundwater. This topic has been the subject of frequent and detailed correspondence between NHDES and your client, and I would refer you to that correspondence. NHDES of course will continue to require monitoring of groundwater at this site and will review and analyze that data on a continuing basis.

I trust that this letter has been responsive to your request. If you have any further questions, please address them to Michael Wimsatt, Director, Waste Management Division, [michael.j.wimsatt@des.nh.gov](mailto:michael.j.wimsatt@des.nh.gov), or to me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert R. Scott', with a large, stylized flourish extending to the right.

Robert R. Scott  
Commissioner

cc: Governor Kelly Ayotte  
Michael Wimsatt, NHDES