



For a thriving New England

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Via E-Mail

New Hampshire Department of Environmental Services
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Mike Wimsatt, Waste Management Division Director
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Jaime Colby, Supervisor, Solid Waste Management
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Rene Pelletier, Water Division Director
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RE: PFAS Contamination from the Proposed Granite State Landfill

Dear Director Wimsatt, Ms. Colby, and Director Pelletier,

This letter follows CLF's May 20, 2024, request to the Department of Environmental Services regarding PFAS pollution from the proposed Granite State Landfill. CLF is greatly concerned about PFAS pollution from the landfill, and in May urged DES to require GSL to provide information regarding the fate and impacts of PFAS from the landfill and to fully consider those impacts when evaluating GSL's pending permit applications. To the best of our knowledge, while DES has repeatedly sought additional information regarding the design, operation, and environmental impacts of the proposed landfill from GSL, most recently on June 24, 2024,¹ DES has not yet requested information regarding the fate and impacts of PFAS-laden landfill leachate from GSL.

For the reasons stated in CLF's May 20 correspondence, incorporated herein by reference, in order to fully evaluate the impacts of the proposed landfill, DES must consider (1) the fate and impacts of PFAS in landfill leachate, once it is trucked away from the landfill, and (2) the environmental impacts that will result from PFAS escaping the landfill through runoff, leaks, and catastrophic events.

¹ NHDES Waste Management Division, Proposed Granite State Landfill Incomplete Application – Request for More Information (June 24, 2024); NHDES Water Division, Request for More Information – NHDES File Number 2023-03259 (June 24, 2024).

As DES is aware, GSL's parent company, Casella, currently trucks leachate from the Bethlehem NCES landfill to the Manchester, NH wastewater treatment facility (WWTF). Leachate pollutants, including high amounts of PFAS, pass through WWTFs and reach surface waters and drinking water supplies. In Manchester, the city's WWTF discharges PFAS into the Merrimack River, which provides drinking water to several communities, including Nashua, and the WWTF's sludge incinerator emits PFAS into the air.² A New York appellate court recently recognized the harm that can occur when a solid waste facility sends PFAS-containing leachate to a wastewater treatment facility that does not remove PFAS.³

Moreover, as DES is further aware, Casella has a deeply troubling track record for leachate management. DES recently issued a Letter of Deficiency to NCES, finding that NCES committed violations by – *in 450 instances* – improperly and dangerously storing leachate in the NCES landfill liner system. NHDES, Letter of Deficiency (June 14, 2024) at 1-5. DES found that, due to NCES's improper use of the liner system to store leachate and exceedances of secondary flow rates, NCES “has not controlled to the greatest extent practical the generation of leachate as required by Env-Sw 1005.01(d)(7).” *Id.* at 8. Additionally, NCES failed to record required leachate data collection information, failed to report required information, and failed to notify DES of various leachate management incidents in at least *one thousand* separate instances. *Id.* Making matters worse, the generation and improper handling of excessive leachate may result in GSL operating the leachate management system outside of permitting limitations. See NCES 2024 Operating Plan Update (June 21, 2024), at 19 (Facility Operating Plan June 2024 page 10) (documenting NCES's request to operate the NCES leachate management system 24 hours a day, 7 days a week). Unless and until GSL provides satisfactory information regarding the anticipated volume, fate, and proper treatment of GSL landfill leachate, we can expect GSL to engage in similarly unsafe and improper leachate handling and to release harmful pollutants, include PFAS-laden leachate, into the environment.

As DES is currently considering several permits for the proposed GSL landfill, including a Solid Waste Permit and a State Wetlands Permit, DES must consider the impacts PFAS from the proposed landfill will have on surrounding communities and the environment in each permit evaluation. Such a consideration is necessary to ensure that the total impacts of the proposed landfill are fully evaluated and understood.

Having not received a response to CLF's original May 20 letter, we request that DES respond to this request and inform CLF if DES has requested, or intends to request, additional information

² See PFAS in Manchester WWTF water discharges & air emissions: Brannon A. Seay et al., *Per- and Polyfluoroalkyl Substances Fate and Transport at a Wastewater Treatment Plant with a Collocated Sewage Sludge Incinerator*, 847 SCI. TOTAL ENV'T 1 (2023).

³ See *Matter of Seneca Lake Guardian v. New York State Dep't of Env't Conservation*, CV-23-0838, 2024 at 4 (N.Y. App. Div. 3d Dep't July 18, 2024).

from GSL pertaining to landfill leachate and PFAS and, if it has not and does not intend to do so, explain why DES is not seeking this important information

Thank you for your attention to this matter,



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CC: Robert R. Scott, Commissioner, NH Department of Environmental Services