



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 26, 2025

Mr. Jon Swan
Save Forest Lake
25 Cashman Road
Dalton, NH 03598

via email to saveforestlake@yahoo.com

**Re: Confidentiality of certain documents related to easements and rights-of-way in the
GSL solid waste permit application plans**

Dear Mr. Swan:

The New Hampshire Department of Environmental Services ("Department") received your request on March 21, 2025, pursuant to the New Hampshire Right-to-Know Law, RSA 91-A, as follows:

I am writing to request a copy of all relevant legal agreements submitted to the department by the applicant, which clearly identify all easements and rights-of-way in the GSL solid waste permit application plans, pursuant to Env-Sw 314.03(a)(3), (a)(4), and Env-Sw 314.04, and as previously requested by NHDES in RFMI letters dated February 28, 2024, June 24, 2024, and October 22, 2024, which was apparently provided to the department by the applicant in the attached response letter, dated February 27, 2025, see item 1. As such, these documents and agreements are thus, a part of the public record.

According to the applicant's response, "The landowner agreement, including plans and describing easements and rights of-way has been submitted for review by separate submission. These documents have been omitted from the service copies of this letter because they are confidential business information and exempt from RSA ch. 91-A."

I disagree with the applicant's premise that this is confidential business information as this information is obviously a key requirement in the department's decision-making process for the solid waste permit application. Such information is

needed for the public to be able to weigh in on any determinations made by the department. By submitting this information to the department, the claim of confidentiality by the applicant for an application and project of great public interest should be considered moot by the department. Thus, I request a full and un-redacted copy of the applicant's submittal(s) to the department in accordance with RSA 91-A RTK Law. Thank you.

After reviewing the files, program staff have determined that the files contain the following documents responsive to the request:

A letter with attachments dated April 22, 2024, from Attorney Cooley Arroyo on behalf of applicant Granite State Landfill, LLC to Mary Daun, P.E. of the Solid Waste Management Bureau NHDE, captioned Granite State Landfill, LLC Proposed Lined Landfill – Dalton, New Hampshire Standard Permit Modification – Application # 2023-66600 Submittal of Additional Information Responding to NHDES Incomplete Application Correspondence. This letter is marked "CONFIDENTIAL".

A letter with attachments dated June 17, 2024, from Attorney Cooley Arroyo on behalf of applicant Granite State Landfill, LLC to Mary Daun, P.E. of the Solid Waste Management Bureau NHDE, captioned Granite State Landfill, LLC Proposed Lined Landfill – Dalton, New Hampshire Standard Permit Modification – Application # 2023-66600 Submittal of Additional Information Responding to NHDES Incomplete Application Correspondence. This letter is marked "CONFIDENTIAL".

A letter with attachments dated February 27, 2025, from Attorney Jacob Rhodes, Esquire on behalf of applicant Granite State Landfill, LLC to Mary Daun, P.E. of the Solid Waste Management Bureau NHDES attaching a memorandum and interpolated agreement addressing the facility ownership requirements in the Env-Sw rules. This letter is marked "CONFIDENTIAL".

Generally, RSA 91-A requires that all governmental records, which include any information created, accepted, or obtained by an agency in furtherance of its official function, must be made available for inspection upon request, unless an exemption applies. The documents referenced above are governmental record pursuant to RSA 91-A and, therefore, subject to disclosure. However, Env-C 208.07, provides as follows:

When the department receives a request for the release of information that has been designated by the person who submitted the information as CBI and that has not been determined to be non-confidential pursuant to Env-C 208.05(b), the department shall notify, in writing:

The person requesting the information that the information is subject to a claim of confidentiality but will be released on a specified date unless an objection is received from the person who submitted the information; and

The person asserting the claim of confidentiality that the information will be released pursuant to the request on a specific date unless the person submits a written objection with the department prior to the specified release date that clearly explains all of the reasons why the person believes the information should not be released

Accordingly, the Department will withhold the requested records in order to allow Granite State Landfill, LLC to submit a written objection that clearly explains and identifies the exact records, or portions thereof, that Granite State Landfill, LLC claims to be confidential. The Department is notifying Granite State Landfill, LLC that any objection must be received no later than 4:00 p.m. on April 16, 2025. The requested records will be released if no objection from Granite State Landfill, LLC is received by 4:00 PM on April 16, 2025.

If NHDES receives an objection, pursuant to Env-C 208.07(c)(2), the Department will provide a copy of the objection to you, as the requestor, and will request assistance from the New Hampshire Department of Justice to resolve the dispute. If the Department does not receive an objection from Granite State Landfill, LLC prior to the date specified above, the requested records will be released.

If you have any questions concerning this matter, please contact me directly using the information below.

Sincerely,

A handwritten signature in blue ink that reads "Thane Joyal".

Ms. Thane Joyal, Esq., NHDES Legal Unit Administrator

thanejoyal@des.nh.gov

(603)271-3137

cc: K. Allen Brooks, Esq., NH Department of Justice

Joshua Harrison, Esq. NH Department of Justice

Sarah Chance, NHDES Public Information Office