



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

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.

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

- 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

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