

March 18, 2026

Robert R. Scott, Commissioner
Department of Environmental Services
29 Hazen Drive
Concord, NH 03302-0095

John M. Formella, Attorney General
NH Department of Justice
Office of the Attorney General
1 Granite Place South
Concord, NH 03301

Re: North Country Environmental Services' Bethlehem Landfill

Dear Commissioner Scott and Attorney General Formella:

I write in continued representation of my client, Jon Swan and Save Forest Lake. On his behalf, I commend you both for the legal actions taken against Casella Waste Systems and its subsidiary, North Country Environmental Services, the operator of the NCES Landfill in Bethlehem, New Hampshire.

However, several issues raised in previous communications with your respective offices continue to remain unaddressed by the 59-page, 39 count civil Complaint of January 9, 2026, and consent decree of January 12, 2026.

Capacity Exceedances

In particular, Mr. Swan wishes to draw your attention to the discrepancies in NCES permitted capacity. Based on NCES Facility Reports and Town of Bethlehem HCA documentation, the NCES Landfill has exhausted its lawful, permitted capacity under the current Stage VI Operating Permit as of the end of Q2 2025, or June 30, 2025.

At paragraph 60, the January 9, 2026 Complaint states:

Upon information and belief, the waste placed outside of the permitted vertical limits amounted to approximately 197,465 cubic yards.

In the attached January 30, 2026 response letter to the department, CMA Engineers claims that NCES has 246,600 Cubic Yards of remaining capacity, as of January 6, 2026. Exhibit 1.

In his letter to me dated August 21, 2025, Commissioner Scott cites the NCES 2024 "airspace consumption analysis" and settlement as a reason for not finding NCES to be non-compliant. Exhibit 2 (August 21, 2025 Letter from Commissioner Scott to Jeremy Eggleton o/b/o Mr. Swan). This seems to not square with the new information resulting from the January 9, 2026 Complaint and January 30, 2026 Casella/NCES response letter, with CMA survey analysis.

All of which seems supportive of our position that NCES has indeed exceeded the terms and conditions of the October 9, 2020 NCES Stage VI Operating Permit.

To date, we have not been provided with any legal rationale for a reliance upon "settlement" as a basis for the assertion by Commissioner Scott that "a facility may accept additional volumes of waste that are greater than its permitted airspace usage[.]" See Exhibit 2.

However, even operating under the Department's assumptions and Casella's asserted capacity, NCES is no longer operating in compliance with the Stage VI permit. Specifically, if 197,465 Cubic Yards of waste was placed outside of the permitted vertical limits,¹ then using CMA's aerial survey estimating 246,600 Cubic Yards of remaining capacity, it would appear that the NCES Landfill only has 49,135 Cubic Yards of lawful, permitted remaining capacity. This is certainly not enough to meet the terms and conditions of the October 9, 2020 NCES Stage VI Operating Permit, Condition 27(a), which required a minimum of 150,000 Cubic Yards of capacity be preserved for use through the end of December 31, 2026, minimum permitted life.

¹And by as much as 27 feet, as stated at paragraph 59 of the Complaint.

As you know, Env-Sw 1005.01 states:

- (a) A facility shall not exceed the capacity limits specified in its permit
- (b) A facility shall operate in a manner consistent with the design limitations of the facility

It should be apparent from the issues raised within the 59-page, 39-count Complaint, and notwithstanding the consent decree entered-into, that the NCES facility in Bethlehem remains non-compliant with the rules and statutes in place to ensure the safety of the environment and the public.

Casella/NCES is in violation of its 2020 Permit and N.H. Admin. R. Env-Sw 1105.04 by failing to operate the NCES Landfill in compliance with the terms and conditions of its permit and associated plans with respect to its placement of waste beyond permitted limits and exceedances of permitted capacity and minimal permitted operational life.

Water contamination

Furthermore, the complaint and subsequent fine failed to address the ongoing, site wide groundwater contamination at the NCES Landfill, as reported to the department in tri-annual groundwater monitoring reports. Numerous analytical characteristics of NCES Landfill leachate, including but not limited to PFAS, continue to be detected at numerous groundwater monitoring wells.

In fact, in November 2025 testing at the NCES Landfill, 29 groundwater monitoring wells and two surface water locations had exceedances of AGQS or SMCL limits. *See* Exhibit 3 (November 2025 Tri-Annual WQM Results (Dec. 18, 2025)). Seven of the nine (only) wells tested for PFAS reporting detections for PFOA, with six wells reporting AGQS exceedances for PFOA, deemed hazardous by the EPA under CERCLA. *Id.* PFAS levels also saw an increase of 4.3% over July 2025 levels at those wells/couplets tested for PFAS in November. *Id.*

Twenty of the twenty-nine wells tested reported a total of 128 total exceedances of background levels for a variety of landfill leachate analytical characteristics at fourteen unique locations at the NCES Landfill, as reported to the department in the November 2025 Tri-Annual Water Quality Monitoring Results. *Id.*

As you may recall, Bromide was used as a leak tracer in the early stages of the landfill. Bromide was reported as being detected at two locations outside the GMZ with slight exceedances of the bromide background outside of the GMZ (0.1 mg/L): B-918U (0.16 mg/L) and B-926U (0.11 mg/L). Bromide was also detected at MW-803 .14 mg/L, inside

the GMZ.

Despite the data reported to the department there is no Corrective Action Plan (“CAP”) in place to address this very problematic situation at the NCES Landfill, with site groundwater likely inevitably finding its way into the nearby Ammonoosuc River.

Party Accountability

Lastly, the civil Complaint and consent agreement named the Casella subsidiary North Country Environmental Services, or NCES, as the “Respondent.” It did not reference or name Casella Waste Systems, the parent company, thus raising concerns about potential future liability for future site remediation, potentially leaving the town and the state holding the bag. *See* attached Town of Bethlehem letter to DES on this matter (January 21, 2026) (Exhibit 4); Exhibit 5 (April 19, 2024 Letter from Mr. Wimsatt to Save Forest Lake (financial assurance and liability); and 2023 NCES Closing Costs Estimator (March 17, 2023) (Exhibit 6)(with no monies set aside for PFAS remediation at the site, upon closure). Per Env-Sw 1005.08 Financial Assurance: “(a) The permittee shall be responsible for the cost of facility closure, including all post-closure obligations.”

From Casella’s 2025 Form 10-K Report, page 13: “Due primarily to market factors beyond our control, the insurance market is increasingly restrictive, potentially limiting our ability to obtain adequate coverage at reasonable prices, if at all.” *Id.* The 10-K Report expands on this further adding to the very distinct possibility that Casella may attempt to limit its liabilities at NCES in Bethlehem. *See* 10-K Report at 26. As evidenced by the January 21, 2026 letter from the Town of Bethlehem, this is a very serious concern which needs to be addressed, to ensure that Casella Waste Systems, not just its subsidiary NCES, is held liable for any and all potential, future environmental remediation required at the facility site in Bethlehem. Taxpayers should not be left holding the bag.

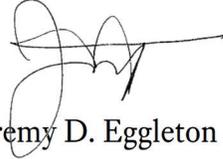
To conclude, I would like to request on behalf of Mr. Swan that:

- A. The Department suspend operations at NCES until it can be determined by the department that NCES is operating within the terms and conditions of the Stage VI Operating Permit;
- B. The Department revoke the Operating Permit and terminate operations immediately;
- C. The Department impose a CAP to address contaminant release into the surrounding watershed;

Robert R. Scott Commissioner
John M. Formella, Attorney General
March 18, 2026
Page 5 of 5

- D. The Department revise its orders and the Consent Decree to ensure that Casella Waste Systems ultimately bears financial responsibility for future costs associated with the NCES site.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jeremy D. Eggleton', with a long horizontal stroke extending to the right.

Jeremy D. Eggleton

JDE/mem
Attachments

EXHIBIT 1

Davidson, Tyler

From: Lindsey Menard <lindsey.menard@casella.com>
Sent: Friday, January 30, 2026 2:57 PM
To: Davidson, Tyler
Cc: Kim Crosby; Samuel Nicolai; Melissa Stevens; Bob Cox; Marc Morgan
Subject: NCES LOD #SWMB 26-001 Workplan and Response
Attachments: NCES LOD Response 1.30.26.pdf

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Good afternoon,

Please find attached response to LOD # SWMB 26-001, which includes the required updated site survey and capacity analysis as well as the plan and schedule for waste relocation.

Feel free to reach out with any questions.

Thank you,

Lindsey Menard
Environmental Manager

Permits, Compliance, & Engineering (PCE)
c. 802-585-0551
e. lindsey.menard@casella.com • w. casella.com

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RECYCLING • SOLUTIONS • ORGANICS • COLLECTION • ENERGY • LANDFILLS

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ESTABLISHED 1975

January 30, 2026

Tyler J. Davidson, Enforcement Program Coordinator
NH Department of Environmental Services
Solid Waste Management Bureau
29 Hazen Dr. / P.O. Box 95
Concord, NH 03302-0095
swmbenforcement@des.nh.gov

**RE: North Country Environmental Services, Inc.
Lined Landfill Facility – Bethlehem, New Hampshire
Response to NHDES Letter of Deficiency No. SWMB 26-001**

Dear Mr. Davidson,

Pursuant to the requirements of the January 16, 2026 Letter of Deficiency (LOD) for the Landfill Facility owned and operated by North Country Environmental Services, Inc. (NCES) and located in Bethlehem, New Hampshire, we are providing a plan and schedule for waste relocation as requested. Please be aware that, notwithstanding NCES's compliance with this LOD, NCES does not waive and expressly reserves any rights or claims it may have.

LOD Item #1

An updated site survey plan is provided in Attachment 1, required by LOD Item #1, based on the annual flyover completed on January 6, 2026. This survey indicates a remaining facility capacity of 246,600 cubic yards, and 38,700 cubic yards of material above the top of waste grading plan. Note that this material includes both cover soils and the approved stockpiles of cover soil and BUD materials stored on the top deck of the landfill.

LOD Item #2

A written incident report as required by Condition #2 of the LOD was submitted to NHDES on 01/26/2026.

LOD Item #3

NCES proposes to use the updated survey data from January 6, 2026 to relocate approximately 38,700 cubic yards of soil materials and/or waste materials from the top deck of the landfill. The precise quantity of material relocated will depend on the depths of cover soil in the identified areas. However, the new grading will include a minimum of one foot of intermediate cover soil and will be at or below the top-of-waste grades shown on the facility surveys.

Plan for Relocation

NCES will temporarily relocate the soil cover and BUD stockpiles currently stored on the top deck to be the footprint of Stage VI Phase II prior to material relocation activities. Generally, the work will begin in the southernmost area of the top deck and progress northward. Material removed from the top deck will be placed in either the daily operating workface, or in nearby top deck areas that are below the top-of-waste grades. Excess clean soil cover materials identified during the work will be utilized as daily cover at the workface or in other disturbed areas, NCES will track the amount of material being relocated through truck counts and surveys to ensure that all material is placed in the appropriate locations.

Throughout the project, NCES will follow the Odor Control Plan submitted with the Type II Permit Modification for the Cap 5 Closure Project. After all work is completed, the site will be surveyed and the results submitted to NHDES.

Reporting

NCES will continue to submit surveys every other month until facility closure as required by Condition #1 of the LOD. The first of these surveys is included in Attachment 1.

Following the successful material relocation, NCES will submit to NHDES an additional site survey with the newly established grades.

Planned Schedule

NCES plans to begin relocating material with internal equipment beginning in mid-February, weather permitting. NCES expects that the contractor selected for the Cap 5 construction work will supplement internal equipment upon mobilization to the site in March. NCES estimates that the total project will take four to six weeks, depending on weather conditions and contractor availability. However, all work will be completed prior to the April 30, 2026 deadline indicated in the LOD.

If you have any questions or concerns, please contact me at (802) 585-0551.

Sincerely,

NORTH COUNTRY ENVIRONMENTAL SERVICES, INC.



Lindsey Menard
Permits, Compliance, and Engineering

- c. Samuel Nicolai, NCES (via. email w/ enc.)
- Kim Crosby, NCES (via. email w/ enc.)
- Marc Morgan, NCES (via. email w/ enc.)
- Melissa Stevens, NCES (via. email w/ enc.)
- Bob Cox, NCES (via. email w/ enc.)

Attachments: Revised Site Survey
 Odor Control Plan for Cap 5 Closure Project



35 Bow Street
Portsmouth, NH 03801

Project: NCES Landfill
Project No: 665
Date: 01/22/26
Calc. By: ATR
Chkd. By: AJS
Sheet: 1 of 1

**NCES - 12/31/25 Volume Remaining Calculation
Bethlehem, New Hampshire**

Volume Remaining Calculation

Surface 1 January 6, 2026 Site Survey
Surface 2 Permitted Top of Waste Closure Grades 3(V):1(H)

Volume Remaining based on January 6, 2026 Survey **246,600 CY** (REFER TO CMA VOLUME REMAINING FIGURE)

NCES Scale Material Report (1/1/26 to 1/6/26)

Net Tons	1,462	TONS
Compaction Rate	0.80	CY/TON
Conversion to CY	1,828	CY

Calculated Volume Remaining on December 31, 2025

$$\begin{array}{r} 246,600 \\ (1/6/26 \text{ Survey}) \end{array} + \begin{array}{r} 1,828 \\ (1/1/26-1/6/26) \end{array} = \boxed{248,428 \text{ CY}}$$

Cap 5 Closure Project
ODOR CONTROL PLAN

PART 1 **GENERAL**

1.01 **REQUIREMENTS INCLUDED**

- A. This Odor Control Plan has been prepared to organize and supplement in a single document the contract requirements for controlling emission of odors during the Contractor’s excavation and relocation of waste materials.
- B. The project includes excavation of waste and relocation required to access the anchor trench for the Cap 5 closure project.
- C. Contractor shall coordinate with the Owner for relocation of waste materials to the active filling area and as required for working around the existing landfill gas collection system piping and structures.
- D. Contractor shall coordinate with the Owner for the Owner’s daily evaluation of odor migration off-site. If odors are noted or reported by the Owner or the public, Contractor may be required to enhance the use of the soil cover and odor neutralizing agents or other protocol.
- E. Odor complaints from the public are to be received at the facility by calling (603) 969-3366. The Facility Manager, Marc Morgan, will be responsible for coordinating with the Contractor to mitigate odor complaints.

1.02 **RELATED REQUIREMENTS**

- A. Section 02222 – Excavation
- B. Section 02223 – Filling
- C. Section 13001 – Site Safety and Contingency Work Plan Outline

PART 2 **PRODUCTS**

2.01 **MATERIALS**

- A. Daily Cover – Contractor shall cover the open waste surface with soil cover or other NHDES approved methods at the end of each working day.
- B. Odor Neutralizing Agents – The odor neutralizing agents shall be manufactured by New Waste Concepts, Inc., or approved equivalent. Products and equipment shall include liquid Odor Ranger

for application to the waste face, and SWAT RF mobile dispensing equipment or approved equivalent.

1. Contractor shall submit proposed odor neutralizing agents and dispensing equipment to the Engineer for review prior to commencing waste relocation activities.
 2. Contractor shall have on-site the neutralizing liquid to apply to the waste materials each day and setup the mobile mist dispensing equipment and neutralizer, for use as needed.
- D. Spray-on Daily or Intermediate Covers – Spray-on Intermediate Covers shall be manufactured by ConCover, Topcoat, Posi-Shell or an approved equivalent. The Contractor shall follow the manufacturer’s recommendations for proper mix ratios, setting times and application rates, and fully cover exposed waste.

PART 3 EXECUTION

3.01 PREPARATION

- A. Prepare stockpile of cover soils for placement over excavated wastes in advance of excavation. Mobilize spray on daily or intermediate cover and odor neutralizing materials and application equipment.
- B. Waste excavation may be restricted by the Owner during periods when winds are out of the east-southeast or strong enough to carry potential odors well off-site.

3.02 EXCAVATION

- A. Excavation of Unclassified Waste Material: Any excavation of existing intermediate cover material and waste material will be completed in accordance with the Site Safety and Contingency Work Plan developed by the Contractor, in accordance with Section 13001. Excavated waste materials shall be relocated to the active filling area for placement and compaction by the Owner.
- B. Excavation of waste materials shall be performed in a timely manner which controls odors, dust, vectors, and migration of waste. Contractor shall install a minimum of 6” of soil cover, or spray-on cover, at the end of each day. Waste shall be completely covered with no waste exposed.
- C. Owner shall spread and compact the relocated waste materials using the same protocol as daily waste disposal operations that include installing a minimum of 6” soil cover over the placed waste materials at the end of each day. Waste shall be completely covered with no waste exposed.

3.03 ODOR CONTROL DURING WASTE EXCAVATION

- A. The Contractor shall limit the amount of time that waste is exposed to the extent practical. There shall be no exposed waste at the end of each working day.
- B. In order to prevent potential odors from moving off-site, Contractor shall apply the liquid neutralizing agent over the waste materials during waste excavation, as needed to mitigate odors, and prior to application of spray on intermediate cover and installation of the temporary tarp.
- C. In addition to 3.03B above, Contractor may need to operate a mobile misting station during waste excavation, as recommended by the manufacturer, to further mitigate odor generation and migration.
- D. Coordinate with the Owner to monitor the LFG collection system on a daily basis for gas quality and vacuum during waste relocation.
- E. Coordinate with the Owner for their evaluation of odors off-site on a daily basis, with reconnaissance to all areas surrounding the excavation and relocation area. If odors are noted or reported, Contractor may be required to enhance the use of the waste cover placement and odor neutralizing agents.
- F. If the facility receives an odor complaint, in accordance with the Operating Plan, NCES will implement an odor inspection to confirm the odors at the alleged source and if necessary to identify the source of the odor. For those persons who may be calling during hours when the facility is not open, the call is automatically forwarded to an answering service which will contact an NCES representative. The NCES representative will follow the procedures outline above.
- G. The facility maintains a log of odor complaints in its Operating Plan. The completed form provides a log of the time and place odors were noted, and identifies the response implemented by the facility.

3.04 ODOR CONTROL DURING WASTE RELOCATION

- A. Limit the area of waste placement each day to the minimum area practical and cover the area with a minimum 6" of daily soil cover. Waste shall be completely covered with no waste exposed. In order to prevent potential odors from moving off-site, Owner shall apply odor neutralizing agents over the waste during waste placement, prior to installation of the daily soil cover materials.
- B. The Owner shall operate its mobile misting station in the waste relocation area to further mitigate odor generation and migration.
- C. Monitor the LFG collection system on a daily basis for gas quality and vacuum during waste relocation.

- D. Coordinate with the Contractor for the evaluation of odors off-site on a daily basis, with reconnaissance to all areas surrounding the excavation and relocation area. If odors are noted or reported, Contractor and/or Owner may be required to enhance the use of the soil placement and odor neutralizing agents.

END OF SECTION

EXHIBIT 2



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: jeegleton@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 NCE's 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, or to me.

Sincerely,

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

Robert R. Scott
Commissioner

cc: Governor Kelly Ayotte
Michael Wimsatt, NHDES

EXHIBIT 3



Report Cover Waste Management Division



November 2025 Tri-Annual Water Quality Monitoring Results
North Country Environmental Services, Inc. Landfill
581 Trudeau Road
Bethlehem, New Hampshire 03574

NHDES Site #: 198704033
Project Type: Water Quality Monitoring
Project #: 1737

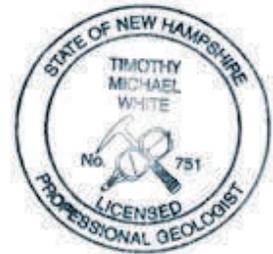
PREPARED FOR

North Country Environmental Services, Inc. (NCES)
581 Trudeau Road, P.O. Box 9
Bethlehem, New Hampshire 03574-0009
(603) 869-3366
Mr. Marc Morgan
marc.morgan@casella.com

**Sanborn
, Head &
Associat
es, Inc.**
Digitally signed by
Sanborn, Head
& Associates,
Inc.
Date: 2025.12.18
11:21:08 -05'00

PREPARED BY

Sanborn, Head & Associates, Inc.
6 Bedford Farms Drive, Suite 201
Bedford, New Hampshire 03110
(603) 229-1900
Timothy M. White, P.G
twhite@sanbornhead.com



Date of Report: December 18, 2025

Tina.A.Clark@des.nh.gov or phone (603) 271-7379
PO Box 95, Concord, NH 03302-0095
www.des.nh.gov

Mr. James W. O'Rourke, P.G.
New Hampshire Department of Environmental Services
Waste Management Division
29 Hazen Drive, P.O. Box 95
Concord, New Hampshire 03302-0095

December 18, 2025
File No. 2637.012

Re: November 2025 Water Quality Monitoring Results
Groundwater Management and Release Detection Permit GWP-198704033-B-008
North Country Environmental Services, Inc. (NCES) Landfill
Bethlehem, New Hampshire

Dear Mr. O'Rourke:

On behalf of NCES, Sanborn, Head & Associates, Inc. (Sanborn Head) performed groundwater and surface water quality sampling at the NCES Landfill (Site) on November 3 to 5, 2025. Sanborn Head collected groundwater and surface water samples from the locations required by the Site Groundwater Management and Release Detection Permit GWP-198704033-B-008 (the "Permit"), issued by New Hampshire Department of Environmental Services (NHDES) on September 18, 2023.

The Permit locations specified for the November 2025 sampling round included: 29 groundwater monitoring wells, two seeps/springs on the slope between the Site and the Ammonoosuc River, and water level measurements (only) at 12 groundwater monitoring wells, as summarized in Exhibit 1 (following page).

A Site Features Plan is provided as Figure 1. A Groundwater Elevation Contour Plan is provided as Figure 2. An evaluation of background groundwater exceedances is provided as Table 1. A summary of sitewide background conditions is included in Appendix A. A summary of historical monitoring data is included in Appendix B. Time series plots of groundwater analytical parameters are included in Appendix C. PFAS groundwater analytical results are provided as Appendix D. Field Sampling Summary forms are provided as Appendix E. A data quality review is included in Appendix F.1 Analytical Data Reports are included in Appendix F.2. Precipitation information is included in Appendix G.

Exhibit 1
Summary of Permit Monitoring Locations – November 2025

Groundwater Management Wells/Other					
100-Series	B-103S	B-103D	Non-Permit SSI Monitoring Wells: B-932U*, B-932L*, B-933U*, B-933L*, B-934U*, B-934L*, MW-802L*		
900-Series	B-928U	B-928D			
Other	MW-604				
Release Detection Wells					
800-Series	MW-802	MW-803			
900-Series	B-915U	B-915M	B-915D*	B-916U	B-916M
	B-916D*	B-917U	B-909	B-917D*	B-918U
	B-918M	B-918D*	B-919U	B-919M	B-919D*
	B-923U*	B-924U	B-924L*	B-925U*	B-925L*
	B-926U	B-926L	B-927U	B-927M	B-927L
	B-929U	B-929L*	B-930U	B-930L*	B-931U
	B-931L*				
Other	B-304UR	B-304DR	MW-701		
Notes:					
1. Paired “couplet” monitoring well installations include a shallow or upper well (designated S or U) and a deeper or lower well (designated D or L). At triplet well cluster locations, monitoring wells were installed as upper, lower, and mid-level (designated M). 2. “*” indicates water level measurement only for the most recent November 2025 tri-annual monitoring; no sample was collected for field screening parameters or laboratory analysis.					

Surface Water Sampling Locations
Springs/Seeps
S-1 (Main Seep)
SF-1 (surface flow down slope from S-1)

Field parameters pH, specific conductance, temperature, and turbidity (at the locations sampled for PFAS [B-304UR, B-304DR, MW-604, MW-701, B-918M, B-927M, B-927L, B-928U and B-928D]) were measured at the time of sample collection. Groundwater samples were placed into laboratory containers and transported to Eurofins Environment Testing Eastern Analytical (EA) of Concord, New Hampshire in coolers with ice under standard chain-of-custody procedures.

SUMMARY OF BACKGROUND GROUNDWATER CONCENTRATION EXCEEDANCES

This section compares groundwater analytical results of the November 2025 sampling event to the identified background concentrations, consistent with Env-Or 702.03.

Background concentrations, including calculation methods, are described in Appendix A. Refer to Table A.1 for historical data used to identify background values. A summary of background groundwater exceedances is included as Table 1. Refer to Appendix B.2 for recent groundwater analytical data and applicable standards for groundwater.

Detected concentrations exceeding background values for the first time at a monitoring location in November 2025 are summarized in Exhibit 2. Other detected concentrations were



either below background values or have previously exceeded background concentrations in the period of record for a given location.

Exhibit 2
Summary of Initial Background Concentration Exceedances – November 2025

Location	Analyte	Concentration / Value	Previous Max/Min	November 2025 Site Background (refer to Table 1)	GW-1 (AGQS)	SMCL	# of sampling events for analyte
Background Wells							
No initial exceedances of background							
Release Detection Wells Outside the GMZ							
B-927L	pH	8.14 SU	8.36 SU	6.3-7.7 SU	NS	6.5-8.5 SU	7
	Comments: The November 2025 pH result at B-927L (located north of the landfill) was within the range of previous values at this location, but in November 2025 the upper pH background value decreased from 8.4 to 7.7 s.u. resulting in the B-927L value being above background. Given the continued general absence of other potential leachate indicators at this location, the data are not consistent with a new release.						
Release Detection Wells Inside the GMZ – Impacts Anticipated from Former Unlined Landfill							
No initial exceedances of background							
Groundwater Management Wells Inside the GMZ – Impacts Anticipated from Former Unlined Landfill							
No initial exceedances of background							

SUMMARY OF INITIAL DETECTS

As summarized in Exhibit 3 below, only one location (background well B-924U) indicated an initial detection of one or more analytes (chemical oxygen demand [COD]) in November 2025. The COD concentration at B-924U in November 2025 was equal to the site background (15 mg/L).

Exhibit 3
Summary of Initial Detects at Groundwater Monitoring Locations – November 2025

Location	Analyte	Milligrams per liter (mg/L)			
		NHDES AGQS	Site Background	November 2025 Concentration	Laboratory Reporting Limit
B-924U	COD	Not established	15 mg/L	15 mg/L	<10 mg/L

SUMMARY OF GROUNDWATER QUALITY EXCEEDANCES

Detected concentrations in groundwater in November 2025 which exceeded applicable standards are indicated on Table 1 and in Appendix B.2, and summarized in Exhibit 4 below. Concentrations were compared to the GW-1/AGQS; if no GW-1/AGQS is available for an analyte, then concentrations were compared to the USEPA SMCLs¹, if available.

¹ The SMCLs are established as guidelines to assist public water systems in managing their drinking water for aesthetic considerations, such as taste, color, and odor. These analytes are not considered by USEPA to present a risk to human health at the SMCL.



Exhibit 4
Summary of Exceedances of AGQS or SMCL – November 2025

Analyte	AGQS (or SMCL if no AGQS)	Exceedance in November 2025		Initial Exceedance November 2025	
		Within GMZ	Outside GMZ	Within GMZ	Outside GMZ
AGQS Exceedance					
Manganese	0.30 mg/L	B-103S, B-103D, B-304DR, MW-802, MW-803, B-919M	MW-701, B-926U	None	None
Arsenic	0.005 mg/L	MW-802, MW-803, B-919M	None	None	None
PFOA	12	B-304UR, B-304DR, MW-604, B-928U, B-928D	B-918M	None	None
SMCL Exceedance (analytes with no AGQS)					
pH ¹	6.5 to 8.5 s.u.	B-304DR, MW-803	B-915M, B-916U, B-918U, B-926U, B-926L	None	None
Iron	0.3 mg/L	B-103S, B-103D, MW-802, MW-803, B-919M	None	None	None
Notes:					
<ol style="list-style-type: none"> The SMCL for pH is a range from 6.5 to 8.5 s.u. Locations indicated as outside the SMCL range for pH indicated values below 6.5 s.u. No initial exceedances were indicated in November 2025. mg/L = milligrams per liter					

GROUNDWATER QUALITY TREND ASSESSMENT

This section provides a comparison to background values, an assessment of trends for analytes with initial background exceedances, and an assessment of trends for analytes with exceedances of standards for November 2025 results. Refer to Tables 1, B.2, and D.1 for analytical data summaries. Time series plots are included in Appendix C.

Volatile Organic Compounds (VOCs)

Dichlorodifluoromethane (DCDFM; Freon 12) at B-927M was the only VOC detected in November 2025. The DCDFM concentration in November 2025 was 7.6 ug/L, which represented the second lowest concentration recorded at this location since initial sampling at this location in November 2017. DCDFM concentrations at B-927M ranged from 7 to 21 ug/L during this time, well below the AGQS of 1,000 ug/L.

Inorganic Parameters

Note: As indicated in previous transmittals, several metals (principally iron, arsenic, and manganese) are naturally occurring in soil at the Site, and elevated concentrations of these metals have been detected in groundwater generally at locations downgradient of the former unlined landfill and at some locations outside of the GMZ and downgradient of the lined landfill (e.g., B-926U, MW-701). Persistent elevated metal concentrations in groundwater at some of the Site’s downgradient release detection wells and wells within the GMZ are generally limited to metals known to be mobilized by reducing conditions created both by the former unlined



landfill and the lined facility. Therefore, locations within and adjacent to the GMZ and generally downgradient from the lined landfill are anticipated to typically exhibit higher metals concentrations in groundwater than other areas of the Site.

A summary of inorganic parameters is provided below.

Metals

- **Arsenic:** Exceedances of the arsenic Site background concentration (0.00051 mg/L) in November 2025 were indicated at three locations inside the GMZ (MW-802, MW-803, B-919M). Arsenic concentrations at these monitoring wells ranged from 0.012 mg/L (MW-802) to 0.06 mg/L (MW-803) and were within range of recent concentrations recorded at these locations. Each of these background exceedances also represent exceedances of the arsenic AGQS of 0.005 mg/L.
- **Manganese:** Exceedances of the manganese Site background concentration (0.072 mg/L) in November 2025 were indicated at six locations inside the GMZ (B-103S, B-103D, B-304DR, MW-802, MW-803, and B-919M), and three locations outside the GMZ (B-926U, B-927M, and MW-701). Concentrations at these wells inside the GMZ ranged from 1.3 mg/L (B-103D) to 6.5 mg/L (MW-803). Concentrations at these wells outside the GMZ ranged from 0.11 mg/L (B-927M) to 1.2 mg/L (MW-701). Manganese concentrations at these monitoring wells in November 2025 were within the range of recent concentrations. Based on the absence or the generally low concentrations of other leachate parameters at these locations, the data are not consistent with a new release. Each of these background exceedances also represented an exceedance of the manganese AGQS of 0.3 mg/L, except for B-927M.
- **Iron:** Exceedances of the iron Site background concentration (0.41 mg/L) in November 2025 were limited to five wells inside the GMZ (B-103S, B-103D, MW-802, MW-803, and B-919M). Concentrations at these wells inside the GMZ ranged from 4.8 mg/L (B-103D) to 64 mg/L (MW-803 primary and duplicate). Iron concentrations at these monitoring wells in November 2025 were within the range of recent concentrations. Based on the absence or the generally low concentrations of other leachate parameters, the data are not consistent with a new release. Each of these background exceedances also represented an exceedance of the iron SMCL of 0.3 mg/L.

Bromide

The bromide background concentration inside the GMZ (0.4 mg/L) was not exceeded in November 2025. Two locations outside the GMZ indicated slight exceedances of the bromide background outside of the GMZ (0.1 mg/L): B-918U (0.16 mg/L) and B-926U (0.11 mg/L). Bromide concentrations at Site monitoring wells in November 2025 were within the range of recent concentrations.

Chloride

As indicated on Table 1 and discussed in Appendix A.1, locations indicating exceedances of the chloride background concentration [3 mg/L] (and sometimes also specific conductance) are typically one of two categories, discussed below.

- Shallow locations near roadways or downgradient of site roadways are inferred to be in part or in whole related to vehicle traffic and associated soil disturbance. Deeper intervals may also indicate elevated chloride concentrations within the GMZ (e.g., B-304DR). Some concentrations may be only modestly above site background. A list of locations is provided below:

Outside the GMZ	MW-701, B-915U, B-916U, B-918U, B-926U, B-927U
Inside the GMZ	B-103S, B-103D, B-304UR, B-304DR, MW-802, MW-803, B-919M, B-919U, B-928U, B-928D

Chloride concentrations at these locations in November 2025 ranged from 3.5 mg/L (B-919M) to 56 mg/L (B-918U) and were generally within the range of recent results. Based on the absence or the generally low concentrations of other leachate parameters at these locations, the data are not consistent with a new release.

- Periodically or consistently elevated chloride (and sometimes also specific conductance) are noted at intermediate and deep wells outside the GMZ, and generally northwest of the landfill. These intermediate and deep wells occasionally indicate the presence of anthropogenic influence (e.g., sporadic historical detection of VOCs presumed to be related to earthwork associated with previous phases of landfill development) and are inferred to be completed in groundwater intervals representative of longer flow paths/travel times. As such, results from these monitoring wells are inferred to be representative of historical conditions which may no longer exist at the Site. Some concentrations may be only modestly above site background. A list of locations is provided below:

- B-915M
- B-916M
- B-918M
- B-926L
- B-927M

Chloride concentrations at these locations in November 2025 ranged from 7.1 mg/L (B-927M) to 43 mg/L (B-915M) and were generally within the range of recent results, with the exception of B-927M, which was slightly higher than the previous maximum concentration of 5.3 mg/L recorded in November 2019.

Nitrate

The nitrate background concentration (3.2 mg/L) was only exceeded at one monitoring well (B-304UR at a concentration of 4.3 mg/L) in November 2025. The nitrate concentration at B-304UR was within the range of recent results, and was below the AGQS (10 mg/L).

Total Kjeldahl Nitrogen (TKN)

One location inside the GMZ and two locations outside the GMZ exceeded the TKN background (0.58 mg/L) in November 2025: MW-803 (2.0 mg/L in the primary and duplicate), and MW-701 (0.63 mg/L) and B-926U (0.67 mg/L). The concentrations at these three locations were within



the range of recent results. MW-701 and B-926U (both located on the west side of the landfill) have had sporadic TKN (and COD) detections. Based on the similarity of November 2025 results to recent results, and the absence or the generally low concentrations of other leachate parameters at these locations, the data are not consistent with a new release.

Sulfate

Sulfate was required by NHDES² to be analyzed in the MW-701 and B-918M samples and select locations under the Permit and SSI programs. The sulfate results in November 2025 were consistent with previous results and were well below the GW-1/AGQS (500 mg/L).

Because analysis for sulfate was not required in the Permit monitoring until the September 18, 2023 Permit, a background value has not yet been established for this parameter. As the period of record is developed for Site wells, a background sulfate value will be established.

Chemical Oxygen Demand (COD)

The COD background concentration (15 mg/L) was exceeded at two locations in November 2025 monitoring: MW-803 (76 mg/L in the primary; 79 mg/L in the duplicate) and B-926U (27 mg/L). The concentration at B-924U was equal to the background concentration. COD concentrations at these wells in November 2025 were generally within the range of recent results.

Per- and Polyfluoroalkyl Substances (PFAS)

Samples for PFAS analysis were collected from seven permit-required monitoring wells (B-304UR, B-304DR, MW-604, MW-701, B-918M, B-928U, and B-928D), as well as B-927M and B-927L at the Site in November 2025. As discussed in the July/2025 Annual Report, based on elevated PFAS reporting limits (RLs) in the July 2025 sampling event, three wells (B-304DR, B-927M, and B-927L) were sampled using bladder pumps and analyzed for PFAS in November 2025. PFAS reporting limits, which had been elevated at several locations in previous rounds, were not elevated in November 2025.

As indicated in Appendix D, of the four NH-regulated PFAS analytes, only PFOA exceeded its AGQS in one or more samples in November 2025:

- **PFOA** was detected at seven sampling locations (B-304UR, B-304DR, MW-604, MW-701, B-918M, B-928U, and B-928D) at concentrations ranging from 10.6 ng/L (MW-701) to 52.5 ng/L (B-304DR). PFOA concentrations exceeded the AGQS (12 ng/L) at these locations, with the exception of MW-701.
- **PFNA** was detected at two sampling locations: B-304DR (3.38 ng/L) and B-918M (2.21 ng/L), below the AGQS (11 ng/L).

² <https://www4.des.state.nh.us/DocViewer/?ContentId=5130124>

- **PFHxS** was detected at three sampling locations (B-304UR, B-304DR and B-918M) at concentrations ranging from 2.62 ng/L (B-304DR) to 13.7 ng/L (B-304UR), below the AGQS of 18 ng/L.
- **PFOS** was detected at two locations: MW-701 (8.52 ng/L) and B-918M (4.08 ng/L), both below the AGQS of 15 ng/L. The PFOS concentrations in November 2025 were within the range of historical results at these locations.

Results for the 21 non-AGQS-regulated PFAS compounds analyzed for in November 2025 are also included in Table D.1. Non-AGQS-regulated PFAS were detected at seven of the nine monitoring wells sampled at the site in November 2025 (B-927M and B-927L did not indicate PFAS detections). Consistent with recent results, detections of non-AGQS-regulated PFAS were limited to seven analytes: PFBA, PFPeA, PFHxA, PFHpA, PFBS, PFPeS, and 6:2FTS, at one or more wells.

All PFAS concentrations were within the range of historical results with the exception of PFPeA at MW-604, which indicated a concentration of 6.50 ng/L, compared to a previous high concentration of 5.42 ng/L in February 2022. There were no new detections of PFAS analytes in November 2025.

Elevated RLs were not indicated in PFAS samples in November 2025.

SURFACE WATER QUALITY RESULTS

In November 2025, VOCs were not detected in surface water samples (Main Seep [S-1] and SF-1), and results for other analytes were within the range of values recorded in the last several years (refer to Table B.3 and Appendix C.2).

- **Main Seep [S-1]:** The total iron concentration (3.8 mg/L) was above both the aquatic life chronic criteria (1 mg/L) and the human health water and fish criteria (0.3 mg/L). The total manganese concentration (0.43 mg/L) exceeded the human health water and fish criteria (0.05 mg/L) and the human health fish only criteria (0.1 mg/L), and was slightly higher than the AGQS (0.3 mg/L).
- **SF-1:** The total iron concentration (0.92 mg/L) was below the aquatic life chronic criteria (1 mg/L) but above the human health water and fish criteria (0.3 mg/L). The total manganese concentration (0.19 mg/L) was above the human health water and fish criteria (0.05 mg/L), and slightly above the human health fish only criteria (0.1 mg/L), but below and the AGQS (0.3 mg/L).

The total iron concentration at Main Seep S-1 was the highest recorded since April 2013, and total manganese concentration was the highest recorded since November 2013, but similar to a value recorded in July 2020 (0.42 mg/L). Other parameters at Main Seep S-1 in November 2025 were within the range of recent results. The total iron and total manganese concentrations at SF-1 were within the range of recent results.

SUMMARY OF DATA QUALITY REVIEW

In consideration of the requirements of Env-Or 600, a review of November 2025 data quality was performed to evaluate if the data are useable for their intended purposes relative to Permit requirements. The data quality review included evaluation of the analytical laboratory report case narrative and associated QC non-conformances in relation to reported data. A summary of the data quality review is included in Appendix F.1.

Based on the information reviewed, we conclude the data collected in November 2025 are useable for their intended purposes relative to Permit requirements.

EVALUATION OF PRECIPITATION CONDITIONS

Data from the U.S. Drought Monitor for Grafton County and USGS Ammonoosuc River gage were reviewed to provide context for the hydrologic conditions at the time of November 2025 sampling (refer to Appendix G).

Beginning in mid-August 2025, abnormally dry conditions were indicated in up to 100% of the Grafton County. During August, dry conditions worsened and by September, nearly 100% of the county was in severe drought. The severe drought conditions continued to worsen during October and extreme drought conditions were noted in an increasing portion of the county. In mid-October for approximately one to two weeks, extreme drought conditions were present in 100% of the county. The extreme drought conditions lessened beginning in late October, and by the time of the November 2025 sampling event, approximately 50% of Grafton County was in extreme drought and 50% was in severe drought.

USGS Ammonoosuc River gage data indicated that average daily flows in the Ammonoosuc River at the time of sample collection in early November 2025 were within the range of flows recorded in the previous four years. From approximately early July to mid-October 2025, the flows in the Ammonoosuc River were generally at the lower end of the range of flows recorded during this approximate interval in the previous four years.

CLOSING

The results from the tri-annual November 2025 round indicated the following:

- **Period of record maximum values:** Only two results (chloride and specific conductance at B-927M) represented a period of record maximum values above background values, but were not first-time background exceedance of those parameters at their respective locations:
 - Chloride indicated a concentration of 7.1 mg/L in November 2025, which was slightly higher than the previous maximum concentration of 5.3 mg/L recorded in November 2019.
 - Specific conductance was 237.8 μ S/cm in November 2025, which was slightly higher than the previous maximum value of 203 μ S/cm in July 2025.
- **Initial background exceedance:** There was one initial exceedance of background in November 2025:

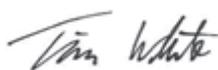
- B-927L (located north of the landfill) indicated an initial background exceedance for pH. The November 2025 pH result at B-927L (8.14 s.u.) was within the range of previous values at this location, but in November 2025 the upper pH background value decreased from 8.4 to 7.7 s.u. resulting in the B-927L value being above background. Given the continued general absence of other potential leachate indicators at this location, the data are not consistent with a new release.
- **Initial detection:** Background well B-924U indicated an initial detection of COD (15 mg/L), which was equal to the November 2025 background value.
- **VOCs:** DCDFM at B-927M was the only VOC detected in groundwater in November 2025. The DCDFM concentration in November 2025 was 7.6 ug/L, which represented the second lowest concentration recorded at this location since November 2017, and was recorded at a concentration well below the AGQS. VOCs were not detected in surface water samples in November 2025.
- **PFAS:** PFOA was the only PFAS analyte to exceed an AGQS. PFOA concentrations exceeded the AGQS at five locations inside the GMZ (B-304UR, B-304DR, MW-604, B-928U, and B-928D) and one location outside the GMZ (B-918M). PFOA and other PFAS concentrations were within the range of previous results.

Based on the absence or the generally low concentrations of other leachate parameters at locations sampled in November 2025, the data are not consistent with a new release. The absence of persistent increasing trends suggest the detections are not associated with an ongoing release from the landfill, but rather residual impacts associated with the former unlined landfill or former, now removed landfill infrastructure. Metals (e.g., iron, arsenic, and manganese) associated with mobilization by reducing conditions northeast of the landfill are consistent with historical data. Concentrations at these wells will continue to be monitored as part of tri-annual monitoring.

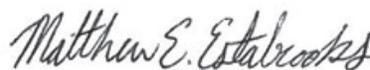
We trust that this report satisfies NHDES' requirements for the tri-annual November 2025 data transmittal of water quality monitoring results under the Permit. Except where limited instances were noted, the overall results for other analytes in the November 2025 monitoring round are generally consistent with the findings from recent tri-annual rounds and the conceptual model of hydrogeologic conditions at the Site. The next planned sampling event is the assessment monitoring at MW-701 and B-918M in January 2026.

Should you have questions regarding the information presented herein or wish to discuss any of our findings and conclusions as presented in this report, please feel free to contact Tim White at Sanborn Head or Marc Morgan at NCES.

Very truly yours,
SANBORN, HEAD & ASSOCIATES, INC.



Timothy M. White, P.G.
Senior Vice President



Matthew E. Estabrooks, P.E.
Senior Project Manager



MEE/TMW: mee

TABLE

Table 1 Evaluation of Background Exceedances – Groundwater Samples – November 2025

FIGURE

Figure 1 Exploration Location Plan

Figure 2 Groundwater Elevation Contour Plan (November 2025)

APPENDICES

Appendix A – Background Groundwater Quality Information

A.1 – Summary of Background Groundwater Quality Conditions

A.2 – Site Background Groundwater Quality Time-Series Plots (select analytes)

A.3 – Exploration Location Plan (with decommissioned locations)

Appendix B – Summary of Historical Monitoring Data

B.1 – Groundwater Elevations

B.2 – Groundwater Analytical Results

B.3 – Surface Water Analytical Results

Appendix C – Time Series Plots

C.1 – Groundwater Analytical Results (Field and Indicator Parameters, VOCs)

Background Wells

Release Detection Wells Outside the GMZ

Release Detection Wells Inside the GMZ

Groundwater Management Wells Inside the GMZ

C.2 – Surface Water Analytical Results

Appendix D – PFAS Groundwater Analytical Results

D.1 – Summary of PFAS Groundwater Analytical Results

D.2 – PFAS Plots

Appendix E – Sanborn Head Field Sampling Summary Forms

Appendix F – Analytical Laboratory Information

F.1 Data Quality Review

F.2 Analytical Laboratory Reports

Appendix G – Precipitation Information

cc: Marc Morgan, Lindsey Menard, Bruce Grover, Sam Nicolai, Kim Crosby, NCES
Town of Bethlehem

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Table

EXHIBIT 4

From: Nancy Strand <selectman5@bethlehemnh.gov>
Sent: Wednesday, January 21, 2026 10:05 AM
To: robert.r.scott@des.nh.gov
Cc: john.m.formella@doj.nh.gov
Subject: Letter from Town of Bethlehem Select Board

Commissioner Scott
New Hampshire Department of Environmental Services
29 Hazen Drive
Concord, NH 03301

Dear Commissioner Scott,

On behalf of the Bethlehem Select Board, we are writing regarding the recent \$1.9 million settlement involving the North Country Environmental Services (NCES) landfill and the potential allocation of those funds for future remediation needs associated with the facility.

As a host community to the NCES landfill, the Town of Bethlehem has borne — and continues to bear — long-term environmental, financial, and administrative impacts associated with landfill operations. While we recognize and appreciate the State's efforts to resolve outstanding matters related to NCES, the Select Board respectfully requests that Bethlehem be recipient of the settlement funds, or that the funds be designated for the Town's future remediation and mitigation needs as a result of landfill operations.

Our concern is not hypothetical. In Casella Waste Systems, Inc.'s most recent annual report, the company explicitly identifies challenges in obtaining adequate insurance coverage within the solid waste industry. This disclosure underscores the very real risk that future environmental remediation costs may not be fully insurable or recoverable, leaving host communities such as Bethlehem exposed to significant financial liability should conditions change or unforeseen impacts emerge. Of particular concern is the documented tear in the landfill liner system and the landfill's close proximity to the Ammonoosuc River. Given the river's significance as a regional water resource, the presence of a compromised liner heightens the Town's concern regarding the potential for leachate migration, groundwater impacts, and downstream environmental consequences. These risks underscore the importance of ensuring that adequate financial resources are available to address future remediation or protective measures should conditions worsen or additional impacts be identified.

Given this context, we respectfully request clarification from the Department on two related issues:

1. Whether settlement proceeds may be allocated or reserved for host communities, specifically Bethlehem, to address future potential remediation or mitigation projects associated with the NCES landfill; and
2. Whether the recent settlement creates any limitations, waivers, or preclusions on future legal or regulatory action by the Town of Bethlehem or the state against Casella or NCES related to environmental impacts, remediation obligations, or host-community protections.

Bethlehem has consistently acted in good faith to work collaboratively with the State, the operator, and regional partners. Our request is rooted in ensuring that the Town is not left

without adequate resources or legal recourse should future environmental conditions or liabilities arise.

We appreciate your time and attention to this matter and would welcome the opportunity to discuss these issues further with you or your staff. Please do not hesitate to contact the Town Administrator's Office if additional information would be helpful.

Thank you for your continued service and consideration.

Respectfully submitted,

Bethlehem Select Board
Town of Bethlehem, New Hampshire

EXHIBIT 5

RE: April 19, 2024 email

From: Wimsatt, Mike (michael.j.wimsatt@des.nh.gov)

To: saveforestlake@yahoo.com

Date: Wednesday, May 22, 2024 at 05:00 PM EDT

Dear Mr. Swan,

Thank you for sharing your opinions and observations. Regarding the questions in your emails:

Inquiries about assignment of responsibility for, and potential sharing of, liability are legal issues upon which NHDES cannot comment.

The financial assurance documentation for this facility is available through file review requests with [NHDES' Public Records Center](#).

NHDES continues to evaluate compliance of the solid waste facility's operations with applicable rules and statutes and follow up on compliance issues in accordance with our Compliance Assurance Response Policy. Our evaluation of groundwater monitoring results submitted under the combined Groundwater Management and Groundwater Release Detection Permit for this facility do not indicate an ongoing discharge or release from the current operations or the landfill liner system.

The active phase of corrective action is complete for the historical leachate management releases that caused the PFAS detections that we are currently seeing in groundwater monitoring wells at this site. Several occurrences of PFAS have been attributed to instances where corrective actions were completed prior to sampling and detection of PFAS. Detections of PFAS at monitoring locations MW-701 and B-918 are attributed to incidents summarized in the [February 19, 2010 Corrective Action Plan](#) [CAP]. In an [October 21, 2019](#) letter, NHDES required Assessment Monitoring (accelerated monitoring with an expanded list of landfill leachate indicator analytical parameters) at monitoring locations MW-701 and B-918 following detections of PFAS (and low level 1,4-dioxane). Data from the continued Assessment Monitoring has supported the premise that the occurrences at MW-701 and B-918 are attributed to the previous leachate management issues at the facility. As a result, a new CAP has not been required at this time to correct previously corrected issues; however, Assessment Monitoring remains in place to confirm low-level trends.

Other occurrences of PFAS, in the northeastern portion of the site, have not been attributed to an active release from the lined landfill or leachate management system, and contaminant concentrations and trends are inconsistent with an ongoing release. However, a Supplemental Site Investigation into historical contaminant sources in the northeast portion of the site has been required by NHDES ([November 7, 2023](#)) and is proceeding (NHDES authorization [April 18, 2024](#)). As a reminder this area is subject to ongoing requirements for both Env-Or 600 and Env-Or 700 under a combined Groundwater Management and Release Detection Permit Number GWP-198704033-B-008.

Sincerely yours,
Mike Wimsatt

Michael J. Wimsatt, P.G., Director
Waste Management Division
NH Department of Environmental Services
PO Box 95, 29 Hazen Drive
Concord, New Hampshire 03302-0095
Tel 603-271-1997 Fax 603-271-2456
michael.j.wimsatt@des.nh.gov
www.des.nh.gov

From: Save Forest Lake <saveforestlake@yahoo.com>
Sent: Friday, April 19, 2024 10:31 AM
To: Wimsatt, Mike <michael.wimsatt@des.nh.gov>
Cc: Scott, Robert <robert.r.scott@des.nh.gov>; Colby, Jaime <jaime.m.colby@des.nh.gov>; Michael Regan <regan.michael@epa.gov>; Tim Fleury <admin@bethlehemnh.org>; Mary Moritz <selectman1@bethlehemnh.org>; Bruce Caplan <selectman2@bethlehemnh.org>; Gabe Boisseau <selectman3@bethlehemnh.org>; Linda Moore <selectman4@bethlehemnh.org>; Chris Jensen <selectman5@bethlehemnh.org>; Julie Libby <jlibby@grafftoncountynh.gov>; wpiper@grafftoncountynh.gov; mmcleod@grafftoncountynh.gov; Omer C. Ahern Jr <omer.ahern.jr@gmail.com>; ~House Environment and Agriculture Committee <houseenvironmentandagriculturecommittee@leg.state.nh.us>; ~Senate Energy and Natural Resources Committee <senateenergyandnaturalresources@leg.state.nh.us>; Governor Sununu <governorsununu@nh.gov>; Warmington, Cinde <cinde.warmington@nh.gov>; Kenney, Joseph <joseph.d.kenney@nh.gov>; Chuck Henderson <chuck_henderson@shaheen.senate.gov>; Ben Belanger <ben_belanger@hassan.senate.gov>; Stephanie Weiner <stephanie.weiner@mail.house.gov>; Becky Whitley <becky.whitley@leg.state.nh.us>; Jared Sullivan <jared.sullivan@leg.state.nh.us>
Subject: Re: Emails dated Feb. 20, 26, 28, March 11, and April 10, 2024

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Good Morning Director Wimsatt:

I appreciate your response to my numerous inquiries, etc. I must admit, your response does not appear to directly address my concerns about financial responsibility for the mitigation of the widespread PFAS contamination issue at the NCES Landfill, including surface water discharges of PFAS directly into the Ammonoosuc River. You cite rules, seemingly to placate. I'm also bothered by what I see is a lack of urgency in addressing and correcting this in order to stop the ongoing migration of PFAS contaminants from entering the Ammonoosuc watershed and river, and to achieve background, which the rules seem to require of the permittee/owner/operator. I strongly feel the department is abdicating its responsibilities under the rules you cite.

You responded:

- Regarding the questions about financial responsibility in your 2/20/2024 email:

In accordance with [40 CFR 258 Subpart G](#); [Env-Sw 1400, Financial Assurance](#); and [Env-Sw 800, Landfill Requirements](#), a landfill facility is required to maintain financial assurance for closure and post-closure inspection, maintenance, and monitoring. The permittee must provide continuous coverage for post-closure inspection, maintenance, and monitoring until released from financial assurance requirements by NHDES. Per Env-Sw 1403.03, an insurance policy is just one of the allowable mechanisms for financial assurance.

While you cite **40 CFR 258 Subpart G**, the issue/concern I have is that there is no current Corrective Action Plan, thus **40 CFR 258.73** seemingly would not apply at this time. This facility

is to close by the end of 2026, or thereabout, once permitted capacity is exhausted and no expansion approvals are obtained from the Town of Bethlehem.

§ 258.73 Financial assurance for corrective action.

An owner or operator of a MSWLF unit **required** to undertake a **corrective action program** under [§ 258.58 of this part](#) **must have a detailed written estimate, in current dollars, of the cost of hiring a third party to perform the corrective action in accordance with the program required under § 258.58 of this part.** The **corrective action cost estimate must account for the total costs of corrective action activities as described in the corrective action plan for the entire corrective action period.**

<https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-258/subpart-G>

- Regarding the question in your 2/20/2024 email about a corrective action plan:

A corrective action plan would be required to be submitted consistent with **Env-Or 703.19** if results of groundwater release detection and/or assessment monitoring indicate detections of analytes at a facility are determined to be the **result of a release from the landfill liner and/or leachate management systems.**

I would also add that it would seem the department is remiss in NOT having a CAP in place, since **Env-Or 703.20** seemingly requires one, in order **to achieve background levels, to eliminate future discharges of regulated contaminants (PFAS), and to protect human health and the environment.**

You cite **Env-703.19**, yet I do not see anything in Env-703.19 that includes "*result of a release from the landfill liner and/or leachate management practices*", which you seem to take liberties with including, as if some kind of disqualifier for requiring a CAP be in place. The department and the permittee both seem to be relying upon the old unlined landfill as the predominant source of the ongoing contamination. Stage II was built over the old unlined landfill, following waste excavation, and the permittee assumed all liability for the site upon purchase and permit modification in 1994, correct? Regardless of the actual source for the ongoing contamination, **background levels have not been achieved**, there is no CAP in place, and you do not directly address financial liability for PFAS mitigation. You do include leachate management systems, which I would believe includes leachate mishandling/spills, like the 154,000 gallon release of May 1-3, 2021, and numerous others of earlier years. I am not sure why a CAP is not required, since you include that as a requirement for a CAP. it would seem the department is not following the rules, as per Env-SW 703.19.

Per **Env-Or 703.19: Requirements for Corrective Action Plan.**

(a) *The corrective action plan submitted by the permittee pursuant to Env-Or 703.18(f)(2) shall include the following:*

- (1) *Inspection and audit of activities and procedures at the facility to **determine possible sources of contamination**;*
- (2) ***Remediation of the source of the exceedance**;*
- (3) *Further groundwater investigation;*
- (4) *Modification of facility operation as needed to **eliminate the cause of the exceedance**;*
- (5) *Treatment of the waste stream as needed to eliminate the cause of the exceedance;*
- (6) ***Groundwater restoration**; and*
- (7) ***If the facility operations cannot be modified to eliminate the cause of the exceedance or if the groundwater cannot be restored or remediated, a schedule of activities that will be implemented for facility closure.***

Per **Env-Or 703.20 Corrective Action Plan Approval and Implementation:**

(a) *The department shall approve the corrective action plan if the department determines that the plan*

is reasonably designed to:

- (1) ***Achieve compliance with background concentrations**;*
- (2) ***Eliminate any future discharges of regulated contaminants to the groundwater**; and*
- (3) ***Protect human health and the environment.***

You didn't really address y question about financial liability, instead simply citing rules, etc. Per **Env-Sw 1403.02 Closure Cost Estimation:**

(a) *The dollar amount guaranteed by a financial assurance plan shall be no less than the estimated total closure, including post-closure costs determined pursuant to (b) through (h), below. (b) The closure cost estimate shall be figured based on representative current market rates for having a third party perform all required closure activities at the point in the facility's active life when the **extent and manner of facility operations in compliance with permit conditions and applicable laws and rules makes closure the most expensive**, as indicated by the approved facility closure plan. For landfills, the closure cost estimate shall also include the cost of having a third party perform all required post-closure activities for a period of 30 years from the date of the estimate unless the post-closure period has been modified pursuant to Env-Sw 807.05(d).*

To date, the 2023 Cost Estimate Form for NCES, attached, does not include any provision for PFAS mitigation, particularly since the department is not addressing remediation, as per Env-SW 703.19.

You cite Env-Sw 1403.03, as an insurance policy is an allowable mechanism for financial assurance. Might I be able to obtain a copy of this insurance policy? I would like to ensure that it includes provisions for PFAS mitigation, as such will likely to be very costly.

Being that you cite **Env-Sw 800**, I would mention that under **Env-Sw 807.03**:

(13) *Meeting all requirements in **Env-Sw 807.05** and filing all reports with the department in accordance with Env-Sw 1105.14; and*

(14) *Undertaking any other activities, including **remedial activities**, as necessary to achieve compliance with **Env-Sw 807.04**.*

Per **Env-Sw 807.04 Performance Standards**: *The permittee shall implement an approved closure plan requiring that:*

(d) *The **facility and site have no adverse impact to air, groundwater or surface water**;*
and

(e) *The **facility and site not otherwise pose a risk to human health or the environment**.*

Per **Env-Sw 807.05 Post-Closure Inspections, Monitoring, Maintenance and Reporting Requirements**:

(a) *The post-closure period of a landfill **shall be the period of time required to demonstrate the facility has achieved the performance standards specified in Env-Sw 807.04**.*

Is it the position of the department that the NCES Landfill is meeting the performance standards under the very rules you cited?

I'm very concerned, as it seems the agency has abdicated its responsibilities as a regulatory agency, instead relying on industry to self-regulate and self-report. The very fact there there is no current Corrective Action Plan for the NCES Landfill, despite the numerous detections and exceedances of PFAS and 1,4-Dioxane reported to the department in the groundwater monitoring reports, seems to confirm this. As you are aware, I am in the midst of a second lawsuit filed against me by this company, for the very claims I am making here based on their own groundwater monitoring reports. Within their amended complaint, all centered around the PFAS contamination at the NCES Landfill, they repeatedly state that **"Swan's claim is both false and defamatory. The NCES landfill is not releasing contaminants into the Ammonoosuc River watershed"**. That is a direct quote, asserted numerous times in their court filing. I share this merely to support my belief that this company is somehow trying to avoid mitigation costs for the widespread PFAS contamination at the NCES facility, as if placing

the blame and responsibility on the old Sanco Landfill they purchased in 1994 somehow frees them from being held financially responsible. They purchased the Sanco Landfill in 1994. They assumed responsibility in 1994. The entire NCES property lies within the watershed of the Ammonoosuc River. Stage II was built over the old Sanco Landfill, approved by the department. I believe that by making such an obviously false claim in court documents, that is this company's end game, to place blame squarely on the old, unlined landfill, aided in part by your department's acceptance and reliance upon that assertion, as the source of the widespread contamination, as if it is somehow distinct from the NCES Landfill.

I would hate to see the State of New Hampshire, Grafton County, or the Town of Bethlehem bear the costs of mitigation for PFAS contamination, especially in light of recent developments from the EPA relative to the regulation of these harmful "forever chemicals".

In order to not get sued a third time by Casella, I need you to understand that all of this is my opinion, based on my research and experience.

Thank you!

Jon Swan

On Thursday, April 18, 2024 at 12:39:21 PM EDT, Wimsatt, Mike <michael.j.wimsatt@des.nh.gov> wrote:

Dear Mr. Swan,

This email is sent in response to your email inquiries dated February 20, 26, 28, March 11, and April 10, 2024.

- Regarding the questions about financial responsibility in your 2/20/2024 email:

In accordance with [40 CFR 258 Subpart G](#); [Env-Sw 1400, Financial Assurance](#); and [Env-Sw 800, Landfill Requirements](#), a landfill facility is required to maintain financial assurance for closure and post-closure inspection, maintenance, and monitoring. The permittee must provide continuous coverage for post-closure inspection, maintenance, and monitoring until released from financial assurance requirements by NHDES. Per Env-Sw 1403.03, an insurance policy is just one of the allowable mechanisms for financial assurance.

- Regarding the question in your 2/20/2024 email about a corrective action plan:

A corrective action plan would be required to be submitted consistent with Env-Or 703.19 if results of groundwater release detection and/or assessment monitoring indicate detections of analytes at a facility are determined to be the result of a release from the landfill liner and/or leachate management systems.

- Regarding the questions, in your 2/26/2024, 2/28/2024, and 4/10/2024 emails about waste receipt, capacity, and life expectancy of the landfill:

Permit [Condition \(27\)\(a\)](#) requires the permittee to limit airspace use to 230,200 cubic yards per year. Airspace use is determined through landfill surveys, not through the quantity of waste received. The waste received in a year will not correlate exactly to the airspace used due to waste settlement, the nature of the waste, and compaction rates. In NCES' 2023 annual facility report, the permittee reports a total airspace usage of 227,700 cy.

Permit [Condition \(27\)\(b\)](#) requires the permittee to operate the facility through December 31, 2026. In the annual facility report, the permittee identifies that bringing Stage VI Phase II online adds 534,000 cubic yards of capacity.

In keeping with our usual procedures, we will continue to monitor and evaluate airspace usage.

- Regarding your questions about inspections in your 2/28/2024 email:

The Solid Waste Management Bureau has begun conducting focused facility inspections for compliance review of specific areas such as for daily cover, signage, litter, odors and paperwork. These are not intended to replace full facility inspections.

- Regarding your 3/11/2024 email:

NHDES does not interject into correspondence between other entities and legislators, so we will not be addressing Mr. Best's letter of testimony. NHDES will continue to monitor and evaluate waste management system capacity, and will continue supporting communities with waste diversion efforts within its authority, as resources allow.

Sincerely,

Mike Wimsatt

Michael J. Wimsatt, P.G., Director

Waste Management Division

NH Department of Environmental Services

PO Box 95, 29 Hazen Drive

Concord, New Hampshire 03302-0095

Tel 603-271-1997 Fax 603-271-2456

michael.j.imsatt@des.nh.gov

www.des.nh.gov

From: Save Forest Lake <saveforestlake@yahoo.com>
Sent: Wednesday, April 10, 2024 12:46 PM
To: Wimsatt, Mike <michael.j.wimsatt@des.nh.gov>
Cc: ~House Environment and Agriculture Committee <houseenvironmentandagriculturecommittee@leg.state.nh.us>; ~Senate Energy and Natural Resources Committee <senateenergyandnaturalresources@leg.state.nh.us>; Governor Sununu <governorsununu@nh.gov>; Mary Moritz <selectman1@bethlehemnh.org>; Bruce Caplan <selectman2@bethlehemnh.org>; Gabe Boisseau <selectman3@bethlehemnh.org>; Linda Moore <selectman4@bethlehemnh.org>; Chris Jensen <selectman5@bethlehemnh.org>; Tim Fleury <admin@bethlehemnh.org>; Selectmen <selectmen@townoflittleton.org>; Jared Sullivan <jared.sullivan@leg.state.nh.us>; Linda Massimilla <linda.massimilla@leg.state.nh.us>; David Rochefort <david.rochefort@leg.state.nh.us>; Matthew Simon <matthew.simon@leg.state.nh.us>; Carrie Gendreau <carrie.gendreau@leg.state.nh.us>; Kenney, Joseph <joseph.d.kenney@nh.gov>; Warmington, Cinde <cinde.warmington@nh.gov>; mmcleod@grafftoncountynh.gov; wpiper@grafftoncountynh.gov; Julie Libby <jlibby@grafftoncountynh.gov>; Omer C. Ahern Jr <omer.ahern.jr@gmail.com>; Tom Brady <tom.brady@cooscountynh.us>; Chuck Henderson <chuck_henderson@shaheen.senate.gov>; Ben Belanger <ben_belanger@hassan.senate.gov>; Stephanie Weiner <stephanie.weiner@mail.house.gov>; Scott, Robert <robert.r.scott@des.nh.gov>; Colby, Jaime <jaimem.colby@des.nh.gov>; Michael Regan <regan.michael@epa.gov>
Subject: Re: NCES Landfill: News, Congratulations, and Questions

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Good Afternoon Director Wimsatt:

I write as a follow-up to my February 26, 2024 email regarding the NCES Landfill and questions about capacity, etc. I've not heard back from the department.

Attached is the 2023 annual tonnage for NCES, as reported in the Annual Facility Report, page 3. NCES is NOW reporting that **178,413.69 tons** of waste was received for year 2023. However, that figure does not match the data reported in the quarterly reports provided by NCES to the department. I've attached the data from each of those reports as well, totaling **221,227.82 tons** for 2023 (which would seemingly be a violation of their permit?). I would hope this is something the department will look into.

Also, considering the news today regarding PFAS and drinking water standards, I look forward to learning about how the department intends to deal with the leachate situation at the NCES

Landfill, which generated and shipped over 11 MILLION gallons of PFAS-laden leachate to the Concord and Franklin WWTPs for disposal.

<https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-first-ever-national-drinking-water-standard>

I do hope the department will come to realize that a pause in permitting new landfills, despite its testimony before the Senate E&NR on HB1620, is indeed needed. The last thing the State of New Hampshire needs at this point in time is a new landfill to generate millions of gallons of toxic PFAS-laden leachate to be transported hundreds of miles across the state for disposal at facilities unable to treat for the removal of these toxic PFAS chemicals.

In order to not get sued a third time by Casella, I need you to understand that all of this is my opinion, based on my research and experience.

Thank you!

Jon Swan

25 Cashman Rd

Dalton, NH 03598

(603) 991-2078

Founder, [Save Forest Lake](#)

From: Save Forest Lake <saveforestlake@yahoo.com>

Sent: Monday, March 11, 2024 1:12 PM

To: Wimsatt, Mike <michael.j.wimsatt@des.nh.gov>

Cc: ~House Environment and Agriculture Committee

<houseenvironmentandagriculturecommittee@leg.state.nh.us>; LRiendeau@avrrdd.org; David Rochefort

<david.rochefort@leg.state.nh.us>; Linda Massimilla <linda.massimilla@leg.state.nh.us>; Colby, Jaime

<jaime.m.colby@des.nh.gov>; Selectmen <selectmen@townoflittleton.org>; Jared Sullivan

<jared.sullivan@leg.state.nh.us>; Matthew Simon <matthew.simon@leg.state.nh.us>;

mmcleod@graftoncountynh.gov; wpiper@graftoncountynh.gov; Omer C. Ahern Jr <omer.ahern,jr@gmail.com>;

~Senate Energy and Natural Resources Committee <senateenergyandnaturalresources@leg.state.nh.us>; Carrie

Gendreau <carrie.gendreau@leg.state.nh.us>; Kenney, Joseph <joseph.d.kenney@nh.gov>; Warmington, Cinde

<cinde.warmington@nh.gov>; Chuck Henderson <chuck_henderson@shaheen.senate.gov>; Ben Belanger

<ben_belanger@hassan.senate.gov>; Stephanie Weiner <stephanie.weiner@mail.house.gov>; Scott, Robert

<robert.scott@des.nh.gov>; Caswell, Taylor <taylor.caswell@nh.gov>; Michelle Moren-Grey

<mmoren@nccouncil.org>; Kaela Tavares <ktavares@nccouncil.org>; Robert Theberge

<yeni19681@hotmail.com>; Tom Brady <tom.brady@cooscountynh.us>; raymond.gorman@cooscountynh.us;

Tim Fleury <admin@bethlehemnh.org>

Subject: NH Post-NCES Disposal Preparation

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Good Afternoon Director Wimsatt:

I am writing to share a concern I have, and to seek clarification from the department, relative to a letter from Robert Best, on behalf of the AVRRDD Mt. Carberry Landfill, to the NH House E&A Committee, dated April 25, 2023, attached. This letter was referenced by an anonymous attendee during a "Meet The Candidates Night" event on Friday, March 8, 2024 in the Town of Littleton.

During the Q&A with the candidates, a question was asked about Littleton reaching out to AVRRDD for its waste disposal needs to prepare for the closure of the NCES Landfill in Bethlehem in 2026. During the response from candidate Harrington, the anonymous attendee interrupted her mid-sentence by stating something to the effect that AVRRDD is not taking on any new customers. Apparently, the anonymous attendee also sent Ms. Harrington a copy of Attorney Best's letter to the House E&A Committee.

The Q&A about AVRRDD begins at 56:10 in the video:

<https://www.facebook.com/mudfoot/videos/1606915460082467/>

Obviously, we have been here before, as former AVRRDD Executive Director Sharon Gauthier had informed the Town of Dalton Selectboard that they were not interested in accepting Dalton waste back in 2019. Dalton eventually began sending its MSW/CD to Mt. Carberry by mid-2020, after a complaint was filed with the department.

It is frustrating to see AVRRDD continuing to maintain this kind of position as late as April of 2023, as evidenced by Mr. Best's letter. While it is seemingly true that Mt. Carberry appears to be operating at near max capacity of 305k cubic yards/year, with approximately 302k cubic yards of combined waste landfilled according to the 2022 Annual Facility Report, it should be noted that Mt Carberry accepted approximately 26,760 tons of out-of-state MSW/DC in 2022. In 2022, Littleton's combined MSW/CD waste was approximately 1187 tons. Thus, accepting Littleton's waste in 2022 would most likely required no displacement of out-of-state waste accepted by AVRRDD, and they would have remained in compliance with its operating permit, despite Mr. Best's unsubstantiated assertions. I suspect the results will be similar when waste from Bethlehem is also received by Mt. Carberry in the near future. Regardless, according to the April 22, 2022 Phase IIIA permit, under condition 24(c), AVRRDD "shall make available disposal capacity for NH-generated waste for the entire operating life of the facility", attached.

I bring this matter to your attention because there needs to be leadership and guidance provided by the department to NH towns like Littleton, so as to assist them in preparing for the eventual closure of the NCES Landfill in Bethlehem in 2026. Is the department doing anything to assist those towns in NH which utilize NCES to consider the available options? As you can see from the attachments, the Towns of Dalton, Franconia, Easton, Sugar Hill, and even Bethlehem have been proactive in preparing for a post-NCES world. However, misinformation from permittees like AVRRDD is not helpful, and I ask that the department address Mr. Best's letter sent to the House E&A Committee Committee. AVRRDD's operating permit requires them to prioritize capacity for NH waste over out-of-state waste, whether they like it or not. No one has ever made the assertion that Mt. Carberry has the capacity to replace NCES, it doesn't, and geographically, that wouldn't make sense. In fact, many in the North Country see the Mt. Carberry Landfill as a precious resource, whose capacity we wish to preserve solely for North Country waste, and we would welcome the opportunity to work with AVRRDD and NHDES for a concerted, proactive effort to reduce waste generation in the North Country as well as statewide, so as to ensure that a new landfill in the North Country, and elsewhere in the state, is never needed.

I am not alone in requesting that the department be more proactive in ensuring a smooth transition to a post-NCES landscape for the solid waste disposal needs of municipalities in New Hampshire.

In order to not get sued a 3rd time by Casella, I need you to understand that all of this is my opinion, based on my research and experience.

Thank you!

Jon Swan

25 Cashman Rd

Dalton, NH 03598

(603) 991-2078

Founder, [Save Forest Lake](#)

From: Save Forest Lake <saveforestlake@yahoo.com>
Sent: Wednesday, February 28, 2024 8:30 AM
To: Wimsatt, Mike <michael.j.wimsatt@des.nh.gov>
Cc: Colby, Jaime <jaime.m.colby@des.nh.gov>
Subject: 2021 NCES Permit Violation? Site Visit Question

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Good Morning Director Wimsatt:

As a follow up to my prior email about NCES and potential violations of the Stage VI operating permit, under 27(a), I was reminded that in 2021, NCES reported 227,038.07 tons of waste intake, or 283,797.59 cubic yards, at a compaction rate of .8. Would that not also be a violation of the Stage VI operating permit, under 27(a)?

Also, at what point in time did the limited facility site visits for just daily cover replace the complete facility site visits? What initiated that change in facility oversight by NHDES?

I appreciate your time.

In order to not get sued a 3rd time by Casella, I need you to understand that all of this is my opinion, based on my research and experience.

Thank you!

Jon Swan

25 Cashman Rd

Dalton, NH 03598

(603) 991-2078

Founder, [Save Forest Lake](#)

From: Save Forest Lake <saveforestlake@yahoo.com>

Sent: Monday, February 26, 2024 10:34 AM

To: Wimsatt, Mike <michael.j.wimsatt@des.nh.gov>

Cc: ~House Environment and Agriculture Committee

<houseenvironmentandagriculturecommittee@leg.state.nh.us>; ~Senate Energy and Natural Resources Committee <senateenergyandnaturalresources@leg.state.nh.us>; Governor Sununu <governorsununu@nh.gov>;

Mary Moritz <selectman1@bethlehemnh.org>; Bruce Caplan <selectman2@bethlehemnh.org>; Gabe Boisseau

<selectman3@bethlehemnh.org>; Linda Moore <selectman4@bethlehemnh.org>; Chris Jensen

<selectman5@bethlehemnh.org>; Tim Fleury <admin@bethlehemnh.org>; Selectmen

<selectmen@townoflittleton.org>; Jared Sullivan <jared.sullivan@leg.state.nh.us>; Linda Massimilla

<linda.massimilla@leg.state.nh.us>; David Rochefort <david.rochefort@leg.state.nh.us>; Matthew Simon

<matthew.simon@leg.state.nh.us>; Carrie Gendreau <carrie.gendreau@leg.state.nh.us>; Kenney, Joseph

<joseph.d.kenney@nh.gov>; Warmington, Cinde <cinde.warmington@nh.gov>; mmcleod@grafftoncountynh.gov;

wpiper@grafftoncountynh.gov; Julie Libby <jlibby@grafftoncountynh.gov>; Omer C. Ahern Jr <omer.ahern.jr@gmail.com>; Tom Brady <tom.brady@cooscountynh.us>; Chuck Henderson <chuck_henderson@shaheen.senate.gov>; Ben Belanger <ben_belanger@hassan.senate.gov>; Stephanie Weiner <stephanie.weiner@mail.house.gov>; Scott, Robert <robert.r.scott@des.nh.gov>; Colby, Jaime <jaimem.colby@des.nh.gov>; Michael Regan <regan.michael@epa.gov>

Subject: Re: NCES Landfill: News, Congratulations, and Questions

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Good Morning Director Wimsatt:

I hope all is well and you had an enjoyable weekend! I write in response to your below-email reply of January 24, 2024, in which I had inquired as to whether or not NCES has enough remaining capacity to meet its permit obligations, particularly since the 2022 Annual Facility Report, pages 2 and 23, attached below, noted that remaining capacity as of 12/31/2022 is approximately 349,890 cubic yards, with 4 years of minimum permitted life remaining.

Your response was:

"NHDES is in receipt of the 2022 annual facility report, which indicates there is sufficient capacity at the NCES landfill to meet its permit obligations. NHDES will continue to monitor and evaluate airspace usage."

I have a few points to raise, and hopefully you can provide some clarity.

1. According to the Stage VI operating permit, DES-SW-SP-03-002, attached from page 8 of the Stage VI Approval of October 9, 2020, under Determination of Public Benefit, term 27 (a) notes that 230,200 cubic yards (or 184,160 tons, using a .8 cy/ton compaction rate) is the maximum amount of annual capacity permitted. I am now in receipt of the 4 quarterly reports for the NCES Landfill, year 2023, and have attached page 2 of each quarterly report, as each provides quarterly totals of waste intake in tonnage. By my calculations, it would appear that NCES is in violation of its operating permit for year 2023, as total waste intake, according to the facility reports, was 221,227.82 tons, or 276,534 cubic yards, using the .8 compaction rate cited by CMA Engineers. Thus, in 2023, NCES took in 46,334 cubic yards of waste (or 37,067.82 tons) **over its permitted annual allowance** under the Stage VI operating permit. Will the department be addressing this apparent violation of the Stage VI operating permit? Or am I missing something?

2. According to pages 2 and 23 of the NCES 2022 Annual Facility Report, as of 12/31/2022, the landfill had 349,890 cubic yards, or approximately 279,912 tons, of remaining permitted capacity (.8 compaction rate). If you add up the waste intake reported for 2023, as stated above, NCES took in 276,534 cubic yards, or 221,227.82 tons of waste. If you subtract the

2023 totals from the reported remaining capacity as of 12/31/2022, NCES has approximately 73,356 cubic yards, or 58,684.18 tons, of remaining permitted capacity as of 12/31/2023. According to the Stage VI operating permit, NCES is to operate the facility "through at least December 31, 2026". That's 3 years from 12/31/2023. By my estimation, it would appear that the NCES Landfill will exhaust that remaining permitted capacity sometime this spring, 2024, nearly 2.5 years short of the minimum permitted capacity life required by the Stage VI operating permit. What happens then?

I have attached your "Notice of Findings" letter of October 18, 2019 because it feels like deja vu all over again. Do towns utilizing NCES for waste disposal need to be forewarned of possible closure? There are no expansion plans awaiting approval to save the day or prolong the inevitable, it would seem.

I look forward to your response, and please, if I am wrong, please explain what I am missing. I feel like my calculations have been pretty spot on, to date, based on available data.

In order to not get sued a 3rd time by Casella, I need you to understand that all of this is my opinion, based on my research and experience.

Thank you!

Jon Swan

25 Cashman Rd

Dalton, NH 03598

(603) 991-2078

Founder, [Save Forest Lake](#)

From: Save Forest Lake <saveforestlake@yahoo.com>

Sent: Tuesday, February 20, 2024 10:19 AM

To: Wimsatt, Mike <michael.j.wimsatt@des.nh.gov>

Cc: ~House Environment and Agriculture Committee

<houseenvironmentandagriculturecommittee@leg.state.nh.us>; ~Senate Energy and Natural Resources Committee <senateenergyandnaturalresources@leg.state.nh.us>; Michael Regan <regan.michael@epa.gov>; Tim Fleury <admin@bethlehemnh.org>; Julie Libby <jlibby@grafftoncountynh.gov>; wpiper@grafftoncountynh.gov; mmcleod@grafftoncountynh.gov; oahern@grafftoncountynh.gov; Grafton County Commissioners <cmsroffice@co.graffton.nh.us>; Linda Moore <selectman4@bethlehemnh.org>; Bruce Caplan

<selectman2@bethlehemnh.org>; Chris Jensen <selectman5@bethlehemnh.org>; Gabe Boisseau <selectman3@bethlehemnh.org>; Mary Moritz <selectman1@bethlehemnh.org>; Warmington, Cinde <cinde.warmington@nh.gov>; Kenney, Joseph <joseph.d.kenney@nh.gov>; Chuck Henderson <chuck_henderson@shaheen.senate.gov>; Ben Belanger <ben_belanger@hassan.senate.gov>; Stephanie Weiner <stephanie.weiner@mail.house.gov>; Jared Sullivan <jared.sullivan@leg.state.nh.us>; Scott, Robert <robert.r.scott@des.nh.gov>; Governor Sununu <governorsununu@nh.gov>
Subject: Re: NCES Landfill: News, Congratulations, and Questions

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Good Morning Director Wimsatt:

Thank you for your response email of January 24, 2024. Below, you had answered my question relative to PFAS contamination and liability. I have a new one, based on Casella's recently-released Form 10-K.

Q: [On NCES'] 2023 "Cost Estimate Form" [...] I do not see monies set aside for any potential remediation/mitigation for PFAS contamination. Am I missing something? [W]hich entity will be liable for any potential [PFAS-related] cleanups which may be required in the future, post-NCES closure?

A: In accordance with 40 CFR 258.73, a cost estimate is only required to include costs for remediation/mitigation when a corrective action plan is required. This facility is not currently subject to a corrective action plan for PFAS. Post-closure, the facility permittee would remain responsible for potential future required corrective actions.

I have attached a copy of Casella's recent 10-K form, as well as 2 snippets of pages 23-24 from the report. Of particular concern is the statement in the first paragraph of page 24, in which the company informed investors of the risk to the company posed by PFAS contamination and liability. The last sentence reads: *"Any such liability is likely to be uninsurable, with no coverage likely under our pollution or product liability policies."*

How does the department and the state intend to hold Casella responsible when they have informed investors that *"such liability is likely to be uninsurable"*? Considering the fact that the NCES Landfill is likely to close by 2027 at the latest, according to Casella, what mechanisms are in place to ensure that Casella will be held responsible and, able to meet those future costs? At what point will the department require a corrective action plan be in place for the NCES Landfill?

I appreciate your time and attention to this.

Jon Swan

25 Cashman Rd

Dalton, NH 03598

(603) 991-2078

Founder, [Save Forest Lake](#)

"Forest Lake's water is tested annually with NHDES, is extraordinarily clean, and it is free of PFAS.

We want to keep it that way."

Fred Anderson, President

Forest Lake Association

On Wednesday, January 24, 2024 at 02:07:11 PM EST, Wimsatt, Mike <michael.j.wimsatt@des.nh.gov> wrote:

Dear Mr. Swan,

This email follows up on questions in your December 31, 2023 email, below. Your questions are provided in italics, and the answers are in plain text.

Does the department have any data confirming any of these claims of service?

NHDES does not maintain this type of data. The waste management market is fluid, involving both contracts and the spot market. The customers served by a particular company may change quickly.

Has the department received any complaints from NH municipalities or customers/haulers that they are being turned away by NCES/Casella?

NHDES has not received complaints of the nature you describe.

Does NCES have enough remaining capacity to make it to the required minimum permitted life of December 31, 2026?

NHDES is in receipt of the 2022 annual facility report, which indicates there is sufficient capacity at the NCES landfill to meet its permit obligations. NHDES will continue to monitor and evaluate airspace usage.

[On NCES'] 2023 "Cost Estimate Form" [...] I do not see monies set aside for any potential remediation/mitigation for PFAS contamination. Am I missing something? [W]hich entity will be liable for any potential [PFAS-related] cleanups which may be required in the future, post-NCES closure?

In accordance with 40 CFR 258.73, a cost estimate is only required to include costs for remediation/mitigation when a corrective action plan is required. This facility is not currently subject to a corrective action plan for PFAS. Post-closure, the facility permittee would remain responsible for potential future required corrective actions.

Sincerely,

Mike Wimsatt

Michael J. Wimsatt, P.G., Director

Waste Management Division

NH Department of Environmental Services

PO Box 95, 29 Hazen Drive

Concord, New Hampshire 03302-0095

Tel 603-271-1997 Fax 603-271-2456

michael.j.wimsatt@des.nh.gov

www.des.nh.gov

From: Save Forest Lake <saveforestlake@yahoo.com>

Sent: Sunday, December 31, 2023 12:07 PM

To: Scott, Robert <robert.r.scott@des.nh.gov>; Wimsatt, Mike <michael.j.wimsatt@des.nh.gov>; Colby, Jaime <jaimem.colby@des.nh.gov>

Cc: Jared Sullivan <jared.sullivan@leg.state.nh.us>; Linda Massimilla <linda.massimilla@leg.state.nh.us>; David Rochefort <david.rochefort@leg.state.nh.us>; Matthew Simon <matthew.simon@leg.state.nh.us>; Carrie Gendreau <carrie.gendreau@leg.state.nh.us>; ~House Environment and Agriculture Committee <houseenvironmentandagriculturecommittee@leg.state.nh.us>; ~Senate Energy and Natural Resources Committee <senateenergyandnaturalresources@leg.state.nh.us>; Kenney, Joseph <joseph.d.kenney@nh.gov>; Warmington, Cinde <cinde.warmington@nh.gov>; mmcleod@grafftoncountynh.gov; Julie Libby <jlibby@grafftoncountynh.gov>; wpiper@grafftoncountynh.gov; Tim Fleury <admin@bethlehemnh.org>; Selectmen <selectmen@townoflittleton.org>; Ben Belanger <ben_belanger@hassan.senate.gov>; Chuck Henderson <chuck_henderson@shaheen.senate.gov>; Stephanie Weiner <stephanie.weiner@mail.house.gov>; Michael Regan <regan.michael@epa.gov>

Subject: NCES Landfill: News, Congratulations, and Questions

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Good Morning Commissioner Scott, Director Wimsatt, and Ms. Colby:

I am writing to share a couple of news reports about the recent decision of the NH State Supreme Court, concluding that the department acted lawfully in issuing the Stage VI expansion permit for the NCES Landfill. I offer my congratulations on the department's victory over the citizens of the North Country! Besides, what difference does a few more years matter, considering 30 years of opposition, lawsuits, noise, odor, contamination, and community strife, all of which has plagued Bethlehem in hosting this corporation and its unwanted, unwelcomed landfill?

In light of that, there were several items which caught my eye and I feel need to be addressed, and hopefully the department can help provide clarification.

1. In the attached press release from Casella Waste Systems, dated 12/29/23, it is stated:

"North Country Environmental Services is a wholly owned subsidiary of [Casella](#), and provides disposal capacity for more than **60,000 businesses and residents** in nearly **200 towns** throughout the state of New Hampshire."

Yet, figures consistently touted by Casella, as recently as a 2022 press release, those numbers were a bit lower: "**50,000 households, 5500 businesses, and 150 cities and towns**"

https://issuu.com/mcleancommunications/docs/casella_waste_systems/s/16343220

Does the department have any data confirming any of these claims of service?

I would assume that the addition of 4500 more businesses and households/residents and 50 more cities and/or towns in NH would have resulted in a spike in waste intake at NCES.

However, the numbers reported in the annual facility reports do not reflect that. In fact, the numbers for yearly waste intake at NCES show a decline, from approximately 433k tons in 2016 to approximately 227k tons in 2021 and 181k tons in 2022.

2. Which begs the question, has the department received any complaints from the reported 150-200 NH municipalities or 55,500-60,000 NH businesses and residents/households, particularly waste haulers, that the NCES facility is not willing to accept their NH-generated waste?

I have attached a copy of a 2019 news report, in which AVRRDD, owners of the Mt. Carberry Landfill in Success, NH, did just that, initially responding to inquiries for service from Dalton town officials, that it was not interested in accepting waste from Dalton. Dalton, of course, now sends its waste to the AVRRDD Mt. Carberry facility, thanks to the department reminding them of their permit requirements to make available disposal capacity for NH-generated solid waste!

Has the department received any complaints from NH municipalities or customers/haulers that they are being turned away by NCES/Casella, despite the permit requirement that they make available disposal capacity for NH generated waste for the entire operating life of the facility, as per Stage VI permit condition 27(c)?

3. Within the attached Waste Today news report, there is a link to a November, 2023 story about the GSL project: **RELATED: [Casella applies for permit to construct New Hampshire landfill](#)**

In the article, it is reported: "The proposed 70-acre lined landfill is intended to replace the North Country Environmental Services Landfill in Bethlehem, New Hampshire, which **will stop accepting waste in 2028.**"

Also, on page 3, Volume 2, part 1 of the current GSL Solid Waste Permit Application, it is stated:

Section V – Site Report

*The Granite State Landfill (GSL) is proposed to be sited on properties located in the Town of Dalton off NH Route 116. It is expected that GSL will begin operations **around the time that the North Country Environmental Services Landfill in Bethlehem (NCES, also owned by Casella) closes in 2027.***

In light of these conflicting dates for when NCES is to actually close down operations, I thought it prudent to review the remaining capacity numbers for NCES. According to the 2022 Annual Facility Report, as of end of year 2022, there was 349,890 cubic yards of remaining capacity, and 4 years of remaining life. However, if converted to tons, using .78 or .8 for compaction, I rounded up and used .8, thus calculating approximately 279k tons as remaining capacity. Considering that the 3 submitted quarterly facility reports for 2023 report waste intake at 117,812.52 tons, not counting ADC, just MSW/CD, the facility would have a remaining capacity of approximately 162,099.48 tons, give or take, after Q3, September 2023.

So, my question would be, **does NCES have enough remaining capacity to make it to the required minimum permitted life of December 31, 2026?**

It would seem not, and perhaps by nearly 2 years, according to my math and intake volume, unless I'm missing something, based on the data being reported by the permittee.

As I see it, there appears to be a potential conflict fast approaching, relative to the ability of NCES to adequately service its NH customers, as required by condition 27(c), and/or remain in compliance with the minimum permitted life of the Stage VI operating permit.

I hope the department can provide clarification, correction, or timely response, so as to address potential permit violations, as well as to avoid leaving those utilizing NCES for disposal in the lurch, scrambling for disposal elsewhere, particularly while there is time to plan accordingly now.

4. Lastly, I have attached a copy of the 2023 "Cost Estimate Form" for NCES closure. I do not see monies set aside for any potential remediation/mitigation for PFAS contamination. Am I missing something? Considering the fact that PFOA has been detected at a minimum of 4 different locations in surface water at NCES, with my own 2 distinct samplings revealing detections, directly entering the Ammonoosuc River, I am wondering which entity will be liable for any potential cleanups which may be required in the future, post-NCES closure? Casella/NCES? NHDES/The State of NH? The Town of Bethlehem? Grafton County? EPA under Superfund?

I appreciate your time and I hope you were able to celebrate your Supreme Court victory in conjunction with the New Year's Eve celebrations.

All of this, of course, is my opinion, based on my research and experience. Thank you!

Jon Swan

25 Cashman Rd

Dalton, NH 03598

(603) 991-2078

Founder, [Save Forest Lake](#)

"Forest Lake's water is tested annually with NHDES, is extraordinarily clean, and it is free of PFAS.

We want to keep it that way."

Fred Anderson, President

Forest Lake Association

"Unless someone like you cares a whole awful lot, nothing is going to get better. It's not."

-The Lorax

****Is the NCES Landfill in Bethlehem, NH releasing 1,4-Dioxane and PFAS into the Ammonoosuc River watershed?**

Read all about it at [Save Forest Lake](#)

[Save Forest Lake YouTube Channel](#)

[Save Forest Lake on Facebook](#)

[Save Forest Lake on Twitter](#)

Casella Has Sued Me Again: <https://www.gofundme.com/f/casella-has-sued-me-again>

Granite State Landfill LLC State Permitting: [Read the permit applications here](#)

Is it time for an overhaul of NHDES? Based on their reaction to NCES PFOA discharges into the Ammonoosuc River, YES!

[State Says NCES Landfill Not Leaking](#)

EXHIBIT 6



Cost Estimate Form for the Closure of a Lined Landfill

Submit to:
 Waste Management Division, SWMB
 PO Box 95, Concord, NH 03302-0095
 (603) 271-2925 or solidwasteinfo@des.nh.gov
<https://www.des.nh.gov>



RSA 149-M/Env-Sw 1400

Facility Name: North Country Environmental Services Landfill	
Facility Address: 581 Trudeau Road, Bethlehem, NH 03574	
NHDES Permit #: DES-SW-SP-03-002	
Owner: North Country Environmental Services, Inc.	
Phase: Stage I through Stage VI	Acreage: 51.90 total, 47.79 acres require closure

Task	Unit	Unit Cost	Quantity	Total Cost
I Design of Final Closure Plans				
Engineering Cost	LS	\$125,000.00	1	\$125,000.00
Plans	LS	\$9,000.00	1	\$9,000.00
Modification/Closure Plan Review Fees	LS	\$13,900.00	1	\$13,900.00
II Mobilization, Demobilization & Insurance				
Total Cost	LS	\$250,000.00	1	\$250,000.00
Other - Health and Safety Plan	LS	\$6,000.00	1	\$6,000.00
III Erosion Control				
Silt Fence	LF	\$2.91	2,500	\$7,275.00
Erosion Matting/ Blanket	LS	\$5,000.00	1	\$5,000.00
Hay Bale Sediment Barrier				\$0.00
Hay Mulch Cover				\$0.00
Check Dams	EA	\$50.00	50	\$2,500.00
Other	LS	\$10,000.00	1	\$10,000.00
IV Waste Relocation				
Test Pits (to define limits of refuse and/or groundwater to refuse contact)				
Clearing & Grubbing				
Waste Regrading (Refuse Excavation/Relocation & Compaction)				
Other				
V Capping				
A Cap (Material and Installation)				
Geomembrane	SF	\$1.00	2,082,000	\$2,082,000.00
Soil				
Testing				
Anchor Trench	LS	\$20.00	5,800	\$116,000.00
Other - Drainage Geocomposite	SF	\$1.00	2,082,000	\$2,082,000.00
B Gas Vents Devices				
Gas Vents/Wells	EA	\$300.00	125	\$37,500.00
Other				
C Layers				
Drainage Layer - Free Draining Sand - 12" thick	CY	\$10.50	77,100	\$809,550.00
Intermediate Cover Placement				\$0.00
Sand - Protective Gas Venting Layer - 6" thick	CY	\$10.50	38,600	\$405,300.00
Topsoil/Loam or Manufactured Soil - 4"	CY	\$11.50	25,400	\$292,100.00
Other - Screened Till (6" bedding & 6" moisture retention layers)	CY	\$11.50	77,100	\$886,650.00
VI Stabilization, Run-off Control				
Seed & Mulch (Include Lime, Fertilizer, Seed & Hay Mulch)	AC	\$2,800.00	47.8	\$133,812.00
Surface Water Diversion Swales	LF	\$40.00	20,000	\$800,000.00
Stone Rip-Rap	CY	\$58.00	1,000	\$58,000.00
Catch Basins, Manholes & Drop Inlets				
Toe Drain	LF	\$50.00	5,800	\$290,000.00
Detention Pond and Associated Outlet Devices				
Other				
VII Monitoring Devices				
Settlement Monuments/Plates				
Groundwater Monitoring Wells				
Gas Monitoring Probes				
Other				

Table 1
 Estimated Post-Closure Monitoring/Maintenance Costs
 North Country Environmental Services, Inc.
 Mar-23

Task		Annual Cost Years 1-5	Annual Cost Years 6-10	Annual Cost Years 11-20	Annual Cost Years 21-30
I-a	Water Quality Monitoring	\$ 45,000.00	\$ 36,000.00	\$ 26,000.00	\$ 26,000.00
I-b	Repair of Monitoring Wells	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
II-a	Landfill Gas Migration Monitoring	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
II-b	Landfill Gas Collection System O&M	\$ 154,110.00	\$ 91,810.00	\$ 44,810.00	\$ 30,810.00
II-c	Replacing 20% of the Active Gas Collection System	\$ 15,900.00	\$ 15,900.00	\$ 15,900.00	\$ 15,900.00
III	Settlement Monitoring	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 700.00
IV-a	Leachate/Condensate Disposal	\$ 230,200.00	\$ 159,100.00	\$ 107,300.00	\$ 87,200.00
IV-b	Leachate Monitoring	\$ 4,800.00	\$ 4,800.00	\$ 3,200.00	\$ 3,200.00
IV-c	Leachate Pump Station O&M	\$ 25,300.00	\$ 18,100.00	\$ 15,700.00	\$ 14,100.00
V	Air Quality Monitoring	\$ 125,300.00	\$ 63,000.00	\$ 33,000.00	\$ 18,000.00
VI	Repair & Site Maintenance Costs	\$ 12,800.00	\$ 11,000.00	\$ 7,750.00	\$ 6,000.00
VII	Inspections	\$ 12,500.00	\$ 8,500.00	\$ 8,500.00	\$ 8,500.00
VIII	Other	\$ -	\$ -	\$ -	\$ -
IX	10% Contingency	\$ 64,000.00	\$ 42,200.00	\$ 27,600.00	\$ 22,100.00
TOTAL		\$ 703,410.00	\$ 463,910.00	\$ 303,260.00	\$ 243,010.00

Notes:

A summary of the assumptions made in developing the estimate is attached

Costs presented are in 2023 dollars

Costs are based on our experience and data and information provided by NCES. Actual costs may vary.

Table 2
Present Value of Post-Closure Monitoring/Maintenance Costs
North Country Environmental Services, Inc.
Mar-23

Assumptions:

Discount Rate (ir)	2.60%
Inflation Rate (j1)*	3.00%
Inflation Rate (j2)*	1.00%

Years After Closure	Annual Post Closure Cost	Annual Present Value Cost
1	\$ 703,410.00	\$ 706,789.00
2	\$ 703,410.00	\$ 710,184.00
3	\$ 703,410.00	\$ 672,246.00
4	\$ 703,410.00	\$ 662,168.00
5	\$ 703,410.00	\$ 652,241.00
6	\$ 463,910.00	\$ 423,714.00
7	\$ 463,910.00	\$ 417,362.00
8	\$ 463,910.00	\$ 411,105.00
9	\$ 463,910.00	\$ 404,942.00
10	\$ 463,910.00	\$ 398,871.00
11	\$ 303,260.00	\$ 256,835.00
12	\$ 303,260.00	\$ 252,985.00
13	\$ 303,260.00	\$ 249,192.00
14	\$ 303,260.00	\$ 245,456.00
15	\$ 303,260.00	\$ 241,776.00
16	\$ 303,260.00	\$ 238,152.00
17	\$ 303,260.00	\$ 234,581.00
18	\$ 303,260.00	\$ 231,064.00
19	\$ 303,260.00	\$ 227,600.00
20	\$ 303,260.00	\$ 224,188.00
21	\$ 243,010.00	\$ 176,955.00
22	\$ 243,010.00	\$ 174,302.00
23	\$ 243,010.00	\$ 171,689.00
24	\$ 243,010.00	\$ 169,115.00
25	\$ 243,010.00	\$ 166,579.00
26	\$ 243,010.00	\$ 164,082.00
27	\$ 243,010.00	\$ 161,622.00
28	\$ 243,010.00	\$ 159,199.00
29	\$ 243,010.00	\$ 156,813.00
30	\$ 243,010.00	\$ 154,462.00

Total Cost in 2023 \$ \$ 11,299,300.00
Total Present Value Cost \$ 9,516,269.00

Notes:

Annual present value cost calculated by multiplying the annual post closure cost by a discount factor (DF) calculated as follows:

$$DF = (1 + ir - j - ir^*)^t$$

where:

ir = 2.6% per OMB Circular A-94 for a 30 year period (2022 version [<https://www.whitehouse.gov/wp-content/uploads/2022/05/Appendix-C.pdf>])

j = Inflation rates are taken from CPI Tables Northeast, All Urban Consumers

t = years since closure

Annual present value cost is rounded up to the nearest dollar

*Interest rates over the past 2 years have averaged 5.6% per year per the CPI tables referenced above. In the 7 years prior, interest rates averaged 1%. Assume that interest rates will remain elevated at 3% for the next 2 years before returning to 1% thereafter.

Supporting Documentation for 2023 Post-Closure Costs

March 2023

The following assumptions were made in developing the post-closure cost estimate. The estimated initial annual cost is summarized in the NHDES Post-Closure Cost Estimate form and the estimated annual costs for the entire 30-year post-closure period are summarized in Table 1 with the present value for the annual costs presented in Table 2. The costs were developed based on information provided by North Country Environmental Services, previous cost estimates developed for the facility, and our experience.

Item Ia – Water Quality Monitoring

Years 1 – 5

- Annual Costs for sampling and reporting were estimated to be **\$45,000**. These costs will remain unchanged in the first five years of the post-closure monitoring program.

Years 6 - 10

- We have assumed that after the first five years of monitoring, that a reduction from tri-annual to bi-annual sampling will be allowed by NHDES, based on our experience at many unlined landfill closure sites. This will reduce the annual costs by approximately \$9,000 to an annual cost of **\$37,000**.

Years 11 – 30

- We have assumed that after ten years of monitoring that a further reduction in sampling parameters or locations will be allowed by NHDES. This will reduce the annual sampling costs to an estimated **\$27,000**

Item Ib – Repair of Monitoring Wells

Years 1 - 30

- Carry an annual cost of \$500, which provides additional funds for minor repairs.

Item IIa - Landfill Gas Migration Monitoring

- The annual costs of **\$10,000** for the quarterly monitoring of landfill gas migration will be required to be completed throughout the post-closure monitoring period. It is possible that NHDES may permit some reductions to the frequency and locations, after several years of monitoring and data gathering, but this is not relied upon in the estimate.

Item IIb – Landfill Gas Collection System Operation and Maintenance

Maintenance Costs

Years 1 - 5

- Routine maintenance of control system and flare, monthly monitoring of collection system and balancing. Assumed 4 hours per week for weekly tasks and 10 hours per month for monthly tasks. Estimated labor costs at \$70/hr are \$2,450/month, or approximately **\$29,400** per year.

Years 6 – 10

- With reduction in landfill gas generation following closure, the routine maintenance of control system and flare, and regular monitoring of collection system and balancing is anticipated to be reduced. Assumed 12 hours per month with estimated labor costs at \$70/hr are \$840/month, or approximately **\$10,100** per year.

Years 11 -30

- With further reduction in landfill gas generation following closure, the routine maintenance of control system and flare, and monitoring of collection system and balancing is anticipated to be reduced. Assumed 6 hours per month with estimated labor costs at \$70/hr are \$420/month, or approximately **\$5,100** per year.

Years 1 - 30

- Semi-annual maintenance of blower bearings, testing automated devices, gas canister maintenance/refill, and coordinating any unscheduled maintenance. Assuming 4 hours per event, \$280 per event or **\$560** per year.
- Annual calibration and maintenance of GEM field instrument are estimated to be **\$1,650** per year.
- Replacement of condensate knockout pump every 10-years. Assuming a cost of \$5,000 installed an annual cost of **\$500** has been included.
- Assuming unscheduled responses to alarm conditions occurs 4 times per year. At 6 hours per event, and 24 hours per year, **\$2,000** has been included in the annual cost for alarm conditions.
- Included **\$4,000** per year for replacement parts for blower/flare/controls etc.

Therefore, the annual costs for years 1 through 5 shall include \$38,100 per year, Years 6-10 shall include \$18,110 and years 11-30 shall include \$13,810.

Operational Costs

Years 1 – 5

Landfill gas wells will tend to accumulate liquid over time. Based on the existing operational experience, we have assumed that the purchase and installation of 2 pneumatic pumps for insertion in the landfill gas extraction wells will be required by year 5. These 2 pumps can then be rotated between remaining wells as needed to remove accumulated liquid from the wells. Assume the pumps discharge through a short hose to the LFG lateral pipe. Assume the pumps cost about \$10,000 each, installed. The total pump cost will be **\$20,000**.

The pumps require a compressed air delivery system, including a compressor and air drying equipment. The cost of a typical air compressor of sufficient capacity with an 80-gallon receiver tank is about \$4,000, and air drying equipment, including a refrigerated dryer and a desiccant dryer, costs about \$3,500. The equipment has to be sheltered from the elements. Therefore, assume \$5,000 for a shelter and installation of the equipment. The total assumed cost of the compressed air system is **\$12,500**.

Assume that a compressed air distribution system has to be constructed to deliver air to the pneumatic pumps at the LFG wells. Assume 2,000 linear feet of pipe is required for initial construction with an average burial depth of 1-foot installed with a "Ditch Witch" type of pipe installation. Based on an assumed pipe cost of \$4.50 per linear foot and an installation cost of approximately \$5.00 per linear foot, plus \$3,500 of fittings and detail work at the terminations, the cost is **\$22,500**.

Therefore, the cost of the pumps and compressed air delivery system is about \$55,000, or **\$11,000 per year to be added to the routine annual costs in years 1 through 5**.

Assume that quarterly surface scans will be required for the first five years of the post-closure period, along with 20 hours per quarter of labor and equipment associated with addressing methane emission exceedances. Assume that the cost of a surface scan, excluding reporting, is about \$3,000, and the labor and equipment cost associated with correcting exceedances is about \$5,750 per quarter. Therefore, **the annual cost for surface scans and repair is about \$35,000 in years 1 through 5**.

Years 6 - 30

Assume that annual surface scans are required for years 6 through 30, with no repair of cap associated with exceedances required through the period. Assume the same \$3,000 per surface scan cost. Therefore, **the annual cost for surface scans is \$3,000 for years 6 through 30**.

Electricity Costs

Years 1 - 10

Based on historical information, the annual electricity cost to operate the LFG system in the current configuration is estimated to be approximately **\$70,000 per year**.

Years 11 - 20

Assume that starting in year 11, the LFG collection system operates on one blower and one flare. Assume the electricity cost, in 2023 dollars, would be 40 percent of the current total electricity cost, or about **\$28,000 per year for 10 years.**

Years 20 - 30

Assume that the one blower and one flare operate on a part-time basis with a 50 percent duty cycle. Therefore, the annual electricity cost would be about **\$14,000 per year for the last 10 years of the period.**

Item IIc – Replacing 20% of the Active Gas Collection System

This item is to replace 20% of the active landfill gas system per Env-Sw 1403.02(g)(7) within the footprint of the landfill through Stage VI. This cost is presented as an annual value with the full replacement cost spread out over 30 years. **The annual cost for replacement of 20% of the landfill gas system is \$15,900 for years 1 through 30.**

Item III – Settlement Monitoring

Years 1 - 30

- **Assume settlement survey costs will average about \$3,000 per year for years 1 through 20. Years 20 through 30 will not require instrument survey and only a visual inspection at an estimated cost of \$700 per year.**

Item IV-a – Leachate/Condensate Disposal

Leachate generated at NCES is hauled to an off-site disposal facility. Based on information provided by NCES, the average transportation and disposal cost is \$0.115 per gallon of leachate.

Years 1 - 5

- Assume 2.7 acres of the West Side cap and 1.4 acres of the Eastern Slope cap remains and will have been in place for at least 6 years at the time of closure and that the leachate flow rate will average 55 gallons per acre per day (gpad), which would produce about 226 gallons per day (gpd).
- Assume 47.8 acres of cap are constructed in Year 1 and that leachate is produced in this area at the rate of 110 gpad or 5,258 gpd.
- **Therefore, the annual cost for years 1 through 5 is approximately \$230,200.**

Years 6 - 10

- Assume flow rate of 50 gpad over 4.1 acres, or 205 gpd.
- Assume a flow rate of 75 gpad for the remaining 47.8 acres, or 3,585 gpd.
- **Therefore, the annual cost for years 6 through 10 is approximately \$159,100.**

Years 11 - 20

- Assume a flow rate of 40 gpad over 4.1 acres, or 164 gpd.
- Assume a flow rate of 50 gpad over 47.8 acres, or 2,390 gpd.
- **Therefore, the annual cost for years 11 through 20 is approximately \$107,300.**

Years 21 - 30

- Assume flow rate of 40 gpad over the entire 51.90 acres, or 2,067 gpd.

Therefore, the annual cost for years 21 through 30 is approximately \$87,200.

Item IV-b - Leachate Monitoring

Years 1 - 10

- Assume leachate is collected for analysis for the parameters required by the Solid Waste Rules three times per year from all Stages.
- Based on current costs for analytical testing, the annual laboratory cost is \$2,400.
- Assume labor and expenses total \$800 per round or \$2,400 annually.
- **Therefore, the annual cost for years 1 through 10 is \$4,800.**

Years 11 - 30

- Assume based on diminishing flows and stabilization of the leachate that the frequency of sampling may be cut by one-third so that the cost of monitoring is two-thirds of the initial cost. During years 11-20 following closure, sampling will be conducted twice per year. With stabilization, it is likely that the parameters for which analyses are required could also be reduced resulting in a further reduction in the monitoring cost, which is not reflected here.
- **Therefore, the annual cost for years 11 through 30 is about \$3,200.**

Item IV-c Leachate Pump Station Operation & Maintenance

Years 1 - 30

- Assume routine inspections coincide with gas system maintenance under Item 2 at a cost of **\$3,600** per year.
- Assume replacement parts and repairs for system components cost approximately **\$3,100** per year.
- Assume pipes are cleaned every two years at a cost of \$5,200 (annualized cost of **\$2,600**).
- **Therefore, the annual maintenance cost for years 1 through 30 is about \$9,300.**

Electricity Costs

Years 1 - 5

- Assume the annual electricity cost for years 1 through 5 is about **\$16,000**.

Years 6 -10

- Assume the leachate flow rates drops to about 55 percent of flow at closure on average over the 5 year period due to the cap so that the annual electricity cost for years 6 through 10 is about **\$8,800**.

Years 11 - 20

- Assume the leachate flow rates drop to about 40 percent of the flow at closure on average over the 10 year period so that the annual electricity cost for years 11 through 15 is about **\$6,400**.

Years 21 - 30

- Assume the leachate flow rates drop to about 30 percent of the flow at closure on average over the 10 year period so that the annual electricity cost for years 21 through 30 is about **\$4,800**.

Item V – Air Quality Monitoring

Surface Scans

Years 1 - 5

Assume that quarterly surface scans will be required for the first five years of the post-closure period, along with 20 hours per quarter of labor and equipment associated with addressing methane emission exceedances. Assume that the cost of a surface scan, excluding reporting, is about \$3,000, and the labor and equipment cost associated with correcting exceedances is about \$5,825 per quarter. Therefore, **the annual cost for surface scans and repair is about \$35,300 in years 1 through 5.**

Years 6 - 30

Assume that annual surface scans are required for years 6 through 30, with no repair of cap associated with exceedances required through the period. Assume the same \$3,000 per surface scan cost. Therefore, **the annual cost for surface scans is \$3,000 for years 6 through 30.**

Emission Fees

Assume that NHDES Emissions Fees will remain constant for the first five years of the post-closure period at **\$90,000** per year. Assume the fee drops to **\$60,000** in years 6-10, **\$30,000** in years 11-20 and **\$15,000**, by year 21.

Item VI – Repair and Site Maintenance Costs

Years 1 - 5

- Assume snow removal of **\$500** per year.
- Assume mowing costs will be approximately \$100/acre or **\$5,300** per year.
- Assume costs for repair of minor erosion of the final capping system will involve a day for an excavator, truck and laborer every two years at a cost of \$6,000 (annualized cost of **\$3,000**).
- Assume costs for repair of capping system settlement at a cost of \$10,000 every five years (annualized cost of **\$2,000**).
- Assume stormwater maintenance including removal of sediments which collect in ponds and swales will be required on a yearly basis. Costs assumed to be **\$2,000** per year.
- **Therefore the annual cost for years 1 through 5 is approximately \$12,800.**

Years 6 - 10

- Snow removal and mowing costs remain the same. Stabilization of the capping system and slowing of settlement results in a reduction in the repair work required.

- **An annual cost of \$11,000 is estimated.**

Years 11 - 20

- Further stabilization of the capping system and the annualized cost is reduced to **\$7,750** per year.

Years 21 - 30

- Further stabilization of the capping system and the annualized cost is reduced to **\$6,000** per year, and primarily includes mowing costs.

Item VII - Inspections

Years 1 - 5

- Assume semi-annual site inspections and reporting for the first 5 years of the post-closure period to be **\$12,500** per year. Work includes groundwater reporting, site inspection reporting, settlement reporting and reporting on the landfill gas collection system.

Years 6 - 30

- Site inspections continue to be conducted semi-annually, assume the reporting becomes more straightforward over time. Assume that annual inspection and reporting costs are **\$8,500** per year.