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Landfill Permitting Process Extended As State Seeks More Info

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During Monday's Dalton Select Board meeting, Joe Gay, engineer for Casella Waste Systems, presented the current status of the company's proposed commercial landfill near Forest Lake.

After a Casella Waste Systems engineer in January told Dalton residents that applications for its proposed Dalton landfill would be submitted in 2024, with public hearings to follow in late summer or early fall, the permitting process has now been extended into 2025 following the state's repeated requests for more information and its multiple declarations of incomplete applications.

Meanwhile, regarding leachate disposal, an opposition group is asking the New Hampshire Department of Environmental Services to deny the solid waste standard permit on the argument that the company has not provided written agreements with at least two wastewater treatment facilities, as required by law, which it said is especially problematic given Casella's mounting leachate disposal issues and violations at its NCES landfill in Bethlehem.

In the past week, John Gay, a Casella engineer, filed another time extension agreement with DES to extend the submission of the alteration of terrain permit application to Jan. 22, 2025 (the previous deadline was Tuesday, Oct. 22) and extend DES's review of the pending wetlands permit application to Jan. 22.

The latter, according to DES's David Price, of the Wetlands Bureau, was revised to reflect the time frame DES has to render a decision.

On Tuesday, Mary Daun, engineer with DES's Solid Waste Management Bureau, wrote Gay to say that after DES's previous letters of incompleteness regarding the standard permit application, Casella has still not provided the information to demonstrate that it meets the landowner requirements and that all easements and rights-of-way meet state requirements.

The land for the proposed Granite State Landfill is currently owned by Douglas Ingerson Jr., with whom Casella has an option to purchase.

Regarding abutters, DES has not received the required signed return receipts for notices of filing for abutters identified by Casella in February, she said.

The company has also not provided information to demonstrate that the facility will not successfully operate within the normal window of 6 a.m. to 6 p.m. and the proposed alternative hours will not result in problems related to safety, access, or nuisances, said Daun.

In addition, Casella has not provided a consistent financial assurance plan.

“The financial assurance plan provided contained inconsistencies between the various submittals,” she wrote. “For example, the principal address is not stated consistently throughout the documents and there were two different cost estimates for closure between separate submittals.”

Daun’s letter was also sent to the towns of Dalton, Bethlehem, Littleton, and Whitefield, the New Hampshire Department of Transportation, and the Ammonoosuc River Local Advisory Commission.

DES is now suspending review of the standard permit application until the requested information is provided.

All of the information needed to complete the application must be submitted by Feb. 28, within one year of the date of the first incomplete application letter issued to Casella on Feb. 28, 2024, to avoid having the application become dormant and be denied, said Daun.

NCABC’s Leachate Concerns

Before the state requested more information on the standard permit application, Amy Manzelli, an environmental attorney representing the North Country Alliance for Balanced Change, wrote DES on Sept. 20 to request that the department deny the permit.

“There are several issues with the Application related to leachate disposal,” said Manzelli. “Namely, GSL has not provided — and appears to not have — agreements with wastewater treatment facilities (WWTFs) to accept leachate from the Landfill during what would be its active life. This is particularly concerning in the wake of recent difficulties and violations Casella’s North Country Environmental Services Landfill (NCES) has had with leachate disposal, culminating in Casella’s recent request to permanently maintain emergency operating hours for hauling an undetermined amount of leachate out of NCES.”

PFAS, including PFAS from landfill leachate, is also a key concern for the U.S. Environmental Protection Agency as it develops a new general permit for New Hampshire’s medium-sized WWTFs, she said.

Casella has identified several facilities for leachate disposal — in Concord, Allenstown and Franklin in New Hampshire, Plattsburgh in New York, Anson-Madison in Maine, and Passaic Valley, N.J. — but has not produced written agreements with at least two of them as required by law, said Manzelli.

“The recent struggles NCES has had with leachate disposal bring into focus the need for the Landfill to meet every state requirement related to leachate disposal, including adequate written agreements with leachate treatment/disposal facilities that can meet the Landfill’s leachate needs over the course of its active life,” said Manzelli. “Without these assurances, the Landfill would undoubtedly encounter the same hurdles that have plagued NCES.”

For example, in April 2024, Casella requested emergency classification for NCES, seeking approval to transport leachate 24/7 for a 14-day period, citing “unforeseen circumstances,” including reductions of disposal capacity from primary wastewater disposal outlets, the need to haul leachate much farther distances, and the need to operate outside of normal operational hours to keep up with leachate generation, she said.

Leachate is generated by decomposing waste and rainwater that percolates through solid waste and leaches out some of the waste elements, including toxins and pollutants.

In presentations to local communities, Tom Tower, vice-president of NCABC, said every ton of trash generates a ton of leachate.

“This emergency episode in April of 2024 perhaps could have been explained away as a one-off situation caused by unforeseen circumstances, but NCES has since requested to maintain emergency conditions on a permanent basis,” said Manzelli.

In her closing argument asking DES to deny the permit, she said, “It is crucial that GSL provide evidence of sufficient written agreements with WWTFs to cover the Landfill’s entire active life, because as shown by the mounting leachate disposal problems at NCES that have led to temporary and permanent emergency requests, leachate issues can compound if they are not adequately addressed from the start.”

What is more, PFAS, including PFAS from landfill leachate, have become a primary concern for the EPA, making it especially important that the Department not place leachate disposal on the backburner when evaluating landfills, she said.

To date, Casella's GSL has been granted one approval, a shoreland impact permit, though that is under appeal by the Dalton Conservation Commission before the New Hampshire Wetlands Council.

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