



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 18, 2021

**VIA EMAIL AND
CERTIFIED MAIL
7017 0190 0000 2379 5397
RETURN RECEIPT REQUESTED**

NOTICE OF FINDINGS - #WMD NOF 21-001

North Country Environmental Services, Inc.
1855 VT Route 100
Hyde Park, VT 05655
Email: john.gay@casella.com

Attn: John Gay, E.I., Engineering Manager

**Subject: North Country Environmental Services, Inc. Landfill, 581 Trudeau Rd., Bethlehem, NH
Permit No. DES-SW-SP-03-002**

Facility Capacity (Stages I-V)

Dear Mr. Gay:

The New Hampshire Department of Environmental Services, Waste Management Division, Solid Waste Management Bureau (NHDES) conducted a review of the 2019 Annual Facility Report¹, 2020 monthly facility reports, and January 2021 monthly facility report for North Country Environmental Services, Inc.'s (NCES') landfill located in Bethlehem, NH. The purpose of the review was to determine NCES' compliance status relative to the facility's capacity limitations specified by Conditions (3) and (8) of the facility's permit modification issued August 15, 2014 for development of Stage V and the facility's most recently issued operating approval, i.e., the approval issued on December 23, 2015 authorizing operations in the Stage V airspace.

The purpose of this letter is to: (a) notify NCES that the findings of the compliance status review indicate a potential compliance deficiency, further described below; and (b) provide an opportunity for NCES to submit any additional information that it believes NHDES should consider prior to making a final compliance determination relative to the following potential compliance deficiency.

Potential Deficiency

Failure to comply with the capacity limitations specified in Conditions (3) and (8) of the permit modification effective August 15, 2014 and the operating approval issued on December 23, 2015 relative to operation of the facility in Stages I-V.

NCES holds approval to operate in Stages I-V, such approval issued December 23, 2015. NCES does not as yet hold approval to operate in the Stage VI airspace. Operating capacity is therefore limited to that which is authorized by the August 15, 2014 permit modification for development of Stage V. Condition (8) therein specifies that operations shall occur within the permitted facility limits specified in Condition

¹ NCES' 2019 Annual Facility Report was received by NHDES on March 25, 2020, with supplements received by NHDES on September 16, 2020 and September 17, 2020.

(3). Condition (3) identifies, by reference to plans, the approved footprint and final grades of the facility encompassing Stage I-V, (i.e., the permitted airspace to which the December 23, 2015 operating approval applies). In its 2019 Annual Facility Report (AFR), NCES reported that the facility’s remaining capacity as of the close of business on December 31, 2019 was approximately 331,056 cubic yards. NHDES understands that the reported remaining capacity at the end of calendar year 2019 was based in part on topographic survey data obtained on October 1, 2019 and January 7, 2020, and data from a site aerial survey performed on June 7, 2019, which were compared to the permitted final grades identified in Condition (3). According to the facility’s monthly reports, the total quantity of waste received during calendar year 2020 and January 2021, was 273,252 tons. Using NCES’ conversion factor of 0.8 tons/cubic yard,² this equates to NCES receiving approximately 341,565 cubic yards of waste (compacted) during the time period of calendar year 2020 and January 2021. Based on that information, NHDES estimates that the facility’s permitted operating capacity was depleted prior to the end of January 2021 as shown in Table 1.

Table 1.

Month - Year	Monthly Usage (Tons)	Monthly Usage (Cubic Yards)	Remaining Capacity (Cubic Yards)
			331,056
Jan-2020	25,740	32,176	298,880
Feb-2020	15,478	19,348	279,533
Mar-2020	15,650	19,562	259,971
Apr-2020	16,522	20,652	239,319
May-2020	21,224	26,530	212,788
Jun-2020	23,852	29,815	182,974
Jul-2020	25,779	32,224	150,750
Aug-2020	29,726	37,158	113,592
Sep-2020	21,911	27,389	86,204
Oct-2020	20,010	25,012	61,191
Nov-2020	17,580	21,975	39,216
Dec-2020	19,856	24,820	14,397
Jan-2021	19,925	24,906	(10,509)
Annual Total	273,252	341,565	-

Requested Action

This finding of non-compliance is preliminary. Before NHDES makes a final compliance determination, NCES has the opportunity to provide additional information for consideration by NHDES in making that determination. Accordingly, NHDES requests NCES take the following actions in response to this Notice of Findings:

- (1) By March 5, 2021, provide any additional information for consideration by NHDES in making a final determination as to remaining Stages I-V capacity.
- (2) If the facility has no more approved operating capacity:
 - a. Immediately implement contingency measures to cease acceptance of additional waste and divert customer waste to alternative authorized facilities;

² Supplemental memorandum to the 2019 AFR, dated September 15, 2020.

- c. Immediately notify NHDES pursuant to the relevant provisions of Env-Sw 1006 and Env-Sw 1106.05;
- d. Do not resume facility operations until Stage VI capacity is approved for operation pursuant to Condition (15)³ of the permit modification effective October 9, 2020; and
- e. Provide in writing by close of business on March 5, 2021, an estimate of the airspace usage in cubic yards exceeding the permitted capacity limits of Stages I-V and the basis for that estimate.

This letter is NHDES' initial response to the potential deficiency identified during review of the facility's Annual Facility Report for 2019 and the facility's 2020/2021 monthly reports. This letter does not limit or otherwise preclude NHDES from taking enforcement action pursuant to RSA 149-M and the NH Solid Waste Rules with regards to this or other compliance deficiencies that may be identified through further review.

Please address the submittal of all information to my attention. Please submit the information via the NHDES OneStop information system, using the universal solid waste site code "123456789".

Thank you for your prompt attention to this matter.

Sincerely,



Pamela Hoyt-Denison, P.E., Administrator
Waste Programs, Waste Management Division
Phone: (603) 271-2945
Email: Pamela.Hoyt-Denison@des.nh.gov

ec: Kevin Roy, NCES, email: kevin.roy@casella.com

³ NHDES has received a notice of intent to operate Stage VI Phase I; however, on February 15, 2021, NHDES notified NCES that it is withholding operating approval in accordance with Env-Sw 1105.03(e) until NCES satisfies certain prerequisites to operations.