



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 1, 2021

**VIA EMAIL AND
CERTIFIED MAIL
7015 3010 0000 1292 9428
RETURN RECEIPT REQUESTED**

**Letter of Deficiency No. WMD-LOD-21-002
and
Letter of Compliance**

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: DAILY COVER DEFICIENCY– STAGE VI CONSTRUCTION AREA; Permit No. DES-SW-SP-03-002;
North Country Environmental Services, Inc. (NCES) landfill, 581 Trudeau Road, Bethlehem, NH**

Dear Mr. Gay:

The New Hampshire Department of Environmental Services (NHDES) issues this combined Letter of Deficiency (LOD) / Letter of Compliance (LOC) to officially notify NCES, and document for record, that NHDES identified a compliance deficiency at the above referenced landfill during an inspection on October 28, 2020, which NCES corrected in the days following. More specifically, on October 28, 2020 NHDES conducted a focused daily cover inspection in the area of the working face in Stage V and in the Stage VI construction area, to determine compliance with the requirement to cover all exposed waste at the end of each operating day, as specified in Conditions (14)(d), (14)(e) and (16)(b) of the facility's modified Solid Waste Facility Permit No. DES-SW-SP-003-002, effective October 9, 2020 (Permit). See attached inspection report for details. The report includes photographs and the compliance assessment.

As noted in the inspection report, NHDES inspected both the area of the working face and an area under construction on the morning of October 28, 2020, before daily operations and construction activities had commenced. No compliance deficiency was identified in the area of the working face relative to the placement of daily cover pursuant to Condition (16)(b). However, NHDES staff did observe exposed waste in a trench that had been excavated in the Stage VI construction area along an interface with Stage V. Because the observation was made prior to commencement of construction on October 28, 2020, NHDES concludes that NCES failed to place cover materials in this area at the end of the prior construction day, contrary to the requirements of Conditions 14(d) and (14)(e) of the Permit. Specifically, Conditions 14(d) and (14)(e) specify that NCES must cover all waste exposed during construction at the end of each operating day. During the October 28, 2020 inspection, NHDES staff informed NCES staff of the deficiency and the need for corrective action.

During a November 4, 2020 construction site visit, NHDES staff observed that the trench, where the exposed waste was observed on October 28, 2020, had been backfilled. The daily field report by NHDES

www.des.nh.gov

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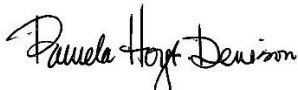
staff documenting this observation is attached. No further action by NCES in response to the noted deficiency is required at this time. For record, this letter serves as both a Letter of Deficiency and Letter of Compliance for the deficiency that existed on October 28, 2020.

Covering all exposed waste at the end of each operating day, whether in facility operating areas or construction areas, is a practicable means for controlling litter, insects, odors, vectors, leachate production, and fires, pursuant to the operating requirements of Env-Sw 1005.01(d). For that reason, the Permit specifies that exposed waste in the construction area is subject to the same cover requirements as in operating areas. NHDES expects operators of permitted landfills to be diligent in their efforts to always apply cover over all exposed waste at the end of each day. It is the responsibility of NCES to ensure that its operators and contractors comply without exception.

NHDES may inspect the facility again to determine whether it is maintaining full compliance with permit requirements and applicable rules. Further, issuance of this letter does not limit NHDES from seeking monetary penalties for the noted deficiency, either administratively pursuant to RSA 149-M or by referral to NHDOJ. NHDES has the right to pursue appropriate enforcement actions for the deficiency noted in this letter as well as any deficiencies noted identified during other inspections of your facility.

A copy of the New Hampshire Solid Waste Rules, Env-Sw 100 et seq. is available on the NHDES website at <http://des.nh.gov/organization/commissioner/legal/rules/index.htm> or by contacting the Public Information Center at (603) 271-2975. Statutes are available via the State of NH website, www.nh.gov.

Sincerely,



Pamela Hoyt-Denison, P.E., Administrator
Solid Waste Management Bureau
Waste Management Division
Tel.: (603) 271-2945
Email: pamela.f.hoyt-denison@des.nh.gov

Encl: 10/28 Inspection Report, with photos (Attachment A) and Compliance Assessment & Determination (Attachment B)
Field Report – construction site visit 11/04/2020

ec: Kevin Roy, NCES, kevin.roy@casella.com
Gabe Boisseau, Chair-Board of Selectmen, Town of Bethlehem, email: selectman3@bethlehemnh.org
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