



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

October 18, 2019

**Via E-Mail and  
CERTIFIED MAIL  
7018 2290 0001 5884 8267  
RETURN RECEIPT REQUESTED**

**NOTICE OF FINDINGS**

North Country Environmental Services, Inc.  
1855 VT Route 100  
Hyde Park, VT 05655

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

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

Dear Mr. Gay:

The New Hampshire Department of Environmental Services, Waste Management Division, Solid Waste Management Bureau (NHDES) has conducted a review of the North Country Environmental Services' (NCES') 2018 Annual Facility Report for the NCES landfill located in Bethlehem, NH. The purpose of the review was to determine NCES' compliance status relative to the facility's minimum permitted operating life, which is a component of its public benefit requirement, in accordance with NH Solid Waste Rule Env-Sw 1105.13(k) and Conditions (8)(e), (13)(a) and (13)(c)(i) of the facility's permit modification, effective August 15, 2014.

Please note that the findings summarized in this letter relate solely to the facility's minimum permitted operating life. These findings do not preclude findings under other requirements of NCES' solid waste facility permit, the NH Solid Waste Rules, RSA 149-M, or other NHDES programs.

Based on the results of the review, NHDES has identified the following potential solid waste compliance deficiency. You are requested to take immediate action to evaluate the potential deficiency and take the appropriate corrective measures to achieve compliance.

1. Env-Sw 1105.13(k), and Conditions (8)(e), (13)(a) and (13)(c)(i) of the Permit Modification effective August 15, 2014

NH Solid Waste Rule Env-Sw 1105.13(k) requires the permittee, in its annual facility report, to provide a "discussion of how facility operations satisfied the public benefit requirements specified in the permit, if any." Condition (8)(e) of the permit modification effective August 15, 2014,

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requires NCES to operate Stage V of the facility in accordance with the provisions of the public benefit determination provided in Conditions (13) and (14) of said permit modification.

Condition (13)(a) states:

“The permittee shall operate Stage V in a manner that provides 5.3 or more years of disposal capacity for New Hampshire solid waste generators, as represented in the application for permit modification. Although facility capacity may be depleted at a variable rate over the life of the facility, the permittee shall control the capacity depletion rate so as to fulfill the 5.3 year requirement in good faith, which shall preclude operating the facility at token capacity levels in order to achieve 5.3 years of life.”

Further, Condition (13)(c) states:

“[...] in the annual facility report required by Env-Sw 1105.07(b) during the period of Stage V operations, the permittee shall provide:

- (i) A capacity availability analysis that identifies the remaining operating life of Stage V, based on current and historic rates of use and the total projected life of the facility. If the total projected life identified in any annual facility report is less than 5.3 years, the permittee shall identify measures to be taken to adjust facility operations to provide at least 5.3 years of total facility life.”

Operations began in Stage V on December 28, 2015, as stated in the December 2015 facility monthly report dated January 8, 2016. As such, Stage V must remain operational at non-token capacity levels through **April 16, 2021**.

NCES’ 2018 Annual Facility Report, which summarizes facility operations from January 1, 2018 through December 31, 2018, includes the facility’s estimated remaining life and capacity pursuant to NH Solid Waste Rule Env-Sw 1105.13(d). NCES reported that the facility has an estimated remaining life of 2 years and an estimated remaining capacity of 599,000 cubic yards as of December 31, 2018. As such, the reported end-date of facility operations is December 31, 2020, approximately 4 months short of the minimum permitted operating life. A discussion of the facility’s total operating life, a capacity availability analysis, and measures to be taken to adjust facility operations to provide at least 5.3 years of total facility life for Stage V were not included in the annual facility report.

NHDES conducted its own analysis of facility operating life expectancy based on the information provided in NCES’ 2018 Annual Facility Report and the inbound waste tonnage summaries (titled “Origin/Material Report”) included in the facility monthly reports for August 2018 through July 2019. NHDES projects that, at the current average daily waste receipt rate,<sup>1</sup> Stage V of the facility

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<sup>1</sup> The average daily waste receipt rate for August 2018 through July 2019 is about 938 tons (per calendar day). Using a conversion factor of 0.76 tons per cubic yard, as reported in NCES’ application for expansion (Stage VI), the

Mr. John Gay, Engineering Manager  
North Country Environmental Services, Inc., Bethlehem, NH  
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will run out of operational capacity on or before April 29, 2020, about one year short of the minimum permitted operating life.

To facilitate NHDES review of the facility's operating life expectancy, NHDES requests NCES provide the following:

- a. A capacity availability analysis that identifies the remaining operating life of Stage V, based on current and historic rates of use and the total projected life of the facility.
- b. If the total projected life of Stage V is less than 5.3 years, identify measures to be taken to adjust facility operations to provide at least 5.3 years of life for Stage V.

This letter is NHDES' initial response to the potential deficiency identified during review of the facility's 2018 Annual Facility Report. This letter does not limit or otherwise preclude NHDES from taking an enforcement action pursuant to RSA 149-M and the NH Solid Waste Rules with regard to this or other deficiencies that may be identified through further review.

NHDES believes the information requested in this Notice of Findings can be submitted within thirty (30) days of receipt of this letter. The submittal should be addressed as follows:

Jaime M. Colby, P.E.  
NHDWES/WMD/SWMB  
P.O. Box 95  
Concord, NH 03302-0095  
Or email to [solidwasteinfo@des.nh.gov](mailto:solidwasteinfo@des.nh.gov)

Should you have any questions concerning this letter, please contact me. Thank you for your cooperation.

Sincerely,



Michael J. Wimsatt, P.G., Director  
Waste Management Division  
Tel: (603) 271-1997  
Email: [michael.wimsatt@des.nh.gov](mailto:michael.wimsatt@des.nh.gov)

Environmental  
Services

Digitally signed by Environmental  
Services  
DN: cn=Environmental Services, o,  
ou=Waste Management,  
email=pamela.Werner@des.nh.gov,  
c=US  
Date: 2019.10.18 10:45:16 -04'00'

cc: John Gay, NCES, email: [John.gay@casella.com](mailto:John.gay@casella.com)  
Kevin Roy, NCES, email: [kevin.roy@casella.com](mailto:kevin.roy@casella.com)

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average daily receipt rate is about 1,233 cubic yards. Projected life expectancy of 599,000 cubic yards at the average daily waste receipt rate of 1,233 cubic yards is about 486 days, or about 1.3 years.