

October 23, 2019

Jaime M. Colby, P.E.
Waste Management Bureau
Waste Management Division
New Hampshire Department of Environmental Services
P.O. Box 95, 29 Hazen Drive
Concord, New Hampshire 03302-0095



**Re: North Country Environmental Services Landfill
Trudeau Road – Bethlehem, NH
Response to October 18, 2019 Notice of Findings**

Dear Ms. Colby:

North Country Environmental Services, Inc. (NCES) is in receipt of a Notice of Findings (NOF) letter dated October 18, 2019, inquiring about the Stage V operating life. While we will have non-token Stage V capacity in those areas of the site considered in the Stage V public benefit determination at least up to April 2021, we believe the commencement of the Stage V public benefit capacity began upon the issuance of the Stage V Permit for the following reasons:

- A. Analysis by the New Hampshire Department of Environmental Services, Waste Management Division (WMD) of the remaining NCES Stage V operating capacity within the recent WMD Turnkey Permit Decision (attached).
- B. The New Hampshire solid waste management statute (RSA Ch. 149-M) supports the approval of the Type I-A permit modification for Stage V as the trigger for the 5.3-year period. RSA 149-M:11 governs the public benefit element of applications for new capacity. In describing the 20-year planning period, the statute consistently describes the beginning of that period as “the date a determination [i.e., that the capacity provides a public benefit] is made under this section.” RSA 149-M:11, V(c) and (d).
- C. The approved Stage V public benefit capacity included operational volume beyond that of the Stage V footprint as is often the case with horizontal expansions. NCES began utilizing that operational capacity within days of the Stage V permit issuance.

Nonetheless, NCES reiterates those items that the NHDES requests more information on below (normal font) with our response following in **bold font**:

- 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.
NCES has based the Stage V capacity availability analysis (attached) on projected rates (vs. current or historic) that have been carefully considered given the expected permitting timelines for Stage VI, the need to be operational in late summer, early Fall 2020 with fluff layer placement, and the remaining capacity at 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.

The total projected life of Stage V will exceed the 5.3 year life expectancy requirement as measured by statute and as outlined in Conditions 8(e), 13(a) and 13(c)(i). Although not required by law, Stage V capacity will also be available for at least 5.3 years from December 28, 2015.

As you know, NCES always encourages you to contact us and perhaps we could meet to discuss matters such as this where there is a misunderstanding to lessen administrative inefficiency for both the WMD and NCES.

If you have any questions, please call me at (802) 236-5973 or contact me via email at john.gay@casella.com.

Sincerely,

NORTH COUNTRY ENVIRONMENTAL SERVICES, INC.



John Gay, E.I.
Permits, Compliance & Engineering

- c. Kevin Roy, NCES (via email)
Brian Oliver, NCES (via email)
Michael Wimsatt, NHDES (via email)

NCES Landfill Capacity Analysis (Stage V Permit)

Remaining Capacity as of a
10/2/19 survey in (CY)

421,000

Calendar Month	Estimated Monthly Capacity Consumption (CY)	Estimated Remaining Capacity (CY)
Oct-19	33,800	387,200
Nov-19	27,500	359,700
Dec-19	25,700	334,000
Jan-20	22,500	311,500
Feb-20	21,300	290,200
Mar-20	23,800	266,400
Apr-20	27,500	238,900
May-20	27,500	211,400
Jun-20	26,300	185,100
Jul-20	25,000	160,100
Aug-20	23,800	136,300
Sep-20	21,300	115,000
Oct-20	21,300	93,700
Nov-20	18,800	74,900
Dec-20	18,800	56,100
Jan-21	15,000	41,100
Feb-21	15,000	26,100
Mar-21	15,700	10,400
Apr-21	10,000	400

- (d) “Identify any shortfall in the capacity of existing facilities to accommodate the type of solid waste to be received at the proposed facility for 20 years from the date a determination is made under this section. If such a shortfall is identified, a capacity need for the proposed type of facility shall be deemed to exist to the extent that the proposed facility satisfies that need.”

There is currently no other permitted landfill in New Hampshire that can accept bulked liquid wastes. Two facilities that are similar to TLR-III include the NCES Landfill in Bethlehem, NH, which has a permitted life expectancy through 12/1/2019; and the Mt. Carberry Secure Landfill in Success, NH, which has a permitted life expectancy through 12/31/2022.

WMNH has projected the waste disposal capacity for New Hampshire from 2017 through 2036. Refer to Table 4 of the Public Benefit Statement in Section XI of the application for WMNH’s assumptions. The projections predict a shortfall in waste disposal capacity starting in 2023.

NHDES Assessment & Determination-- RSA 149-M:11,III(a):

NHDES reviewed WMNH’s waste disposal capacity calculations and notes the following:

- Mt. Carberry Secure Landfill in Success, NH has an approved capacity through 2022; as such, WMNH’s calculations overestimate the disposal capacity available in NH starting in the year 2023.
- Facilities with unlimited service areas (i.e., commercial facilities) have a minimum permitted life expectancy; that is, the facility must remain operational at non-token capacity levels through a specified date. The following facilities must remain operational as follows:
 - Mt. Carberry Secure Landfill, Success, NH: December 31, 2022
 - North Country Environmental Services (NCES), Bethlehem, NH: December 1, 2019
 - TLR-III Refuse Disposal Facility (not including the subject expansion), Rochester, NH: December 31, 2020.
- WMNH’s calculations overestimate the disposal capacity available in NH if these facilities cease operations at the minimum permitted life expectancy date. If these facilities cease operations on the permitted schedule, New Hampshire will experience a shortfall in disposal capacity starting in 2020.
- While the limited service area landfills (Four Hills Secure Landfill Expansion in Nashua, NH; Lebanon Regional Solid Waste Facility in Lebanon, NH; Lower Mount Washington Valley Secure Solid Waste Landfill in Conway, NH) and the solid waste waste-to-energy facility (Wheelabrator in Concord, NH) have sufficient capacity to dispose of wastes generated in the New Hampshire communities that they serve, they are not authorized to accept waste from sources outside of their limited service area. TLR-III is currently authorized to accept waste from any source. Numerous New Hampshire sources currently send their waste to TLR-III for disposal (approximately 38% of New Hampshire’s solid waste was disposed of at TLR-III in 2017).

The planning period for this evaluation is 2018 through 2038. Without the proposed expansion of TLR-III, NHDES projects a shortfall in disposal capacity starting in 2020. If the application is approved, New Hampshire will have a short-term excess of disposal capacity from 2021 through about 2025, disposal capacity approximately equal to projected need from 2026 through 2034, and a shortfall from 2035 through the end of the planning period of this evaluation (2038).

²¹ NHDES. Record of Modification to Solid Waste Management Facility Permit. Approved August 12, 2002.