
STATE OF NEW HAMPSHIRE

INTRA-DEPARTMENT COMMUNICATION



TO: File

FROM: Jaime M. Colby, P.E., SWMB, NHDES

SUBJECT: Public Comments on Application for Expansion (Stage VI)
North Country Environmental Services, Inc. (NCES) landfill
581 Trudeau Road, Bethlehem, NH
Permit No. DES-SW-SP-03-002

DATE: December 27, 2019

Following are the written public comments received during the public comment period for the application (Type I-A) to expand the North Country Environmental Services, Inc. (NCES) landfill located in Bethlehem, NH. The public comment period closed on December 20, 2019 at 4 pm. Comments received after this date and time, if any, are not included.

JMC:jmc

From: [Colby, Jaime](#)
To: [DES: SWpublic.comment](#)
Cc: julie.j.seely@hotmail.com
Subject: FW: Question about NCES Stage VI permit
Date: Friday, November 8, 2019 1:37:49 PM

See email below.

Regards,
Jaime

Jaime M. Colby, P.E.

Solid Waste Management Bureau | NH Department of Environmental Services

29 Hazen Drive, Concord, NH 03302-0095 | Phone: (603) 271-5185

jaime.colby@des.nh.gov

From: Julie Seely <julie.j.seely@hotmail.com>
Sent: Friday, November 8, 2019 10:05 AM
To: Colby, Jaime <Jaime.Colby@des.nh.gov>; Wimsatt, Mike <Michael.Wimsatt@des.nh.gov>
Cc: Elaine French <elaine.french@leg.state.nh.us>; Tim Egan <tim.egan@leg.state.nh.us>; Edith Tucker <edith.tucker@leg.state.nh.us>; susan.ford@leg.state.nh.us; Linda Massimilla <Linda.Massimilla@leg.state.nh.us>
Subject: Question about NCES Stage VI permit

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Jaime,

I have been reading some of the documents related to NCES's Stage VI expansion permit, and I have some questions relating capacity and anticipated annual tonnage. Although I know that questions are taken at the Public Hearing, which I understand has been scheduled for December 3rd, answers to those questions typically aren't supplied until the "Response to Public Comment" letter is issued by DES, which has historically been at the same time that the permit itself is issued. Given the NH Legislature's recent study of the solid waste issue, I believe that the following issue is important in the context of New Hampshire solid waste planning, and should be discussed at the hearing itself rather than answered after-the-fact. I hope that you and other DES officials agree, and will consider addressing the following at the hearing, if not before.

My understanding is that the permit that Casella is currently operating under estimates annual tonnage of 280,000 tons per year, based on the cubic yardage of the expansion, the anticipated compaction rate, and the 5.3 year requirement. During the three years (2016, 2017, 2018) that this permit has been in effect, Casella has always taken far less than 280,000

tons of New Hampshire solid waste (2016: 251,699; 2017: 237,853; 2018 231,515), and used the rest of their capacity for out-of-state waste. Since their compaction rate is apparently far better than they claimed it would be in their Stage V Permit calculations, the annual out-of-state figures have been in the 120K - 180K per year range.

So why -- if NCES has never reached even 90% of the 280,000 figure per year in in-state waste -- would DES even consider allowing NCES to increase their annual anticipated tonnage by over 40% (from 280,000 tons/year to the 400,000 tons/year they are guesstimating) on the Stage VI permit? It would seem that this is wasting a resource of increasing value to and importance the State (available landfill space) by inviting in even more out-of-state waste. I do realize that the State is not allowed to restrict out-of-state waste due to Interstate Commerce issues, but NH DES *does* have the ability to deny a permit with a tonnage increase for which there is no demonstrated need or benefit to New Hampshire.

Assuming that the permit application passes muster in other areas, if DES has the ability to grant this permit with a different (longer) time frame than NCES requested, DES should do so, returning to the 280,000 ton/year calculation. If DES does not have that ability, then this permit should be denied for that reason alone.

Sincerely,

Julie Seely
(Bethlehem resident)

From: [Joyce Menard](#)
To: [DES: SWpublic.comment](#)
Subject: NCES/Casella Type 1A Permit Modification Application
Date: Sunday, November 17, 2019 1:19:37 PM

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

RE: NCES LF Stage VI Expansion Permit/ Type 1A Permit Modification Application

Please find this letter in opposition to granting a permit for the Stage VI expansion of the NCES/Casella landfill on Trudeau Rd., Bethlehem, NH. Instead of granting another permit, the state needs to immediately fine Casella for all its violations, close them down and change our laws regarding landfilling. It is time that NHDES starts protecting us from the deluge of out of state trash as well as in-state trash which has filled this commercial landfill with a mountain of pollutants. The only winner here is Casella enabling this corporation to become a multi-million dollar business while destroying our environment and healthy way of life. Bethlehem has done its duty and it is now time to finally protect us.

Published in the Concord Monitor on 11/9/2019 , “The state’s problem with waste is big and complex, meaning solutions have to follow suit ” by David Brooks. He states very clearly that “there are a lot of surprises in a new state report about solid waste, including the fact that other states are shipping tons of thousands of trash to our landfills because it is cheaper.” It mentioned that in 2018, the Turnkey Landfill accepted 2/3 of their trash from out of state and now NCES/Casella is asking for 400,000 tons a year for this new permit. Don’t you think that Bethlehem and its residents deserve more than to be the dumping grounds, again, for 400,000 tons a year of uninspected, TOXIC hazardous waste created miles and miles away from our small town? Have you seen the size and height of that LANDFILL? It is just that, *a mountain of TRASH!!*

The article clearly stated that NH is the only state that does not charge an extra per-ton disposal fee therefore making our landfills very appealing and profitable for the corporations that own them. It also mentions that surrounding states have passed specific bans on disposal

of food, construction and demolition debris, once again making NH landfills look very appealing for out of state trucking of trash to NH. The present closing of many of the landfills in the NE (not including the ones that are close to capacity) leads us to believe that this is the just the beginning of the end for us. Bethlehem **WILL** become the scapegoat of the solid waste industry if this permit is granted!

Even more difficult to comprehend is that NHDES has recently sited the NCES landfill with numerous violations; improper coverage and tests coming back showing high levels of serious contamination/PFA's and yet NCES is still allowed to ask for another modification permit for expansion. We are talking about irreversible pollution to our air, water and great and unimaginable health hazards to our children, our adults and our wildlife! **The New Hampshire Department of Environmental Services was created to protect our environment so please do your job and protect Bethlehem's environment for the future. Your mission is "to help sustain a high quality of life for all citizens by protecting and restoring the environment and public health of New Hampshire** which

also includes our town of Bethlehem. We have paid our dues for almost three decades by taking in uninspected trash and sludge from all over NE and beyond and warring with Casella over expansion and taxes. In the end, our town was(and still is) spending thousands and thousands and thousands of dollars we didn't have fighting them in court. Battle after battle, using our tax dollars that we should have been using to improve our schools, our fire and police departments, our town infrastructure, and economic development while lowering our tax bills but Casella doesn't let up! They are relentless in achieving their ultimate goal which is making millions while burying Bethlehem in trash.

In closing, we have called, written, emailed and even met with DES personnel to complain directly about the negative impact the NCES/Casella landfill has had on our personal life; excessive noise, rancid odors, endless hours of grinding machinery, backup beepers, Jake breaks and the influxes of vectors on our lawn, driveways, and in our trees due to improper coverage at the landfill. Our right to "peace and quiet" has been taken from us. We have all suffered by having this landfill in our town.....It is time NHDES says "NO" to NCES/Casella and

honors their own mission statement” by protecting and restoring the environment and public health of NH.” Thank you.

Sincerely,
Mr. and Mrs. Peter Menard
51 Peppersass Lane
Bethlehem, NH

From: [Save Forest Lake](#)
To: letters@caledonian-record.com
Cc: [Robert Blechl](#); [Scott, Robert](#); [Wimsatt, Mike](#); [DES: SWpublic.comment](#)
Subject: Letter To The Editor
Date: Wednesday, November 20, 2019 2:56:29 PM

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Caledonian Editor:

First off, I would like to commend both Robert Blechl and Robin Smith on their excellent coverage of the slew of issues relevant to Casella Waste Systems, they have done a bang up job raising public awareness of just how bad of a neighbor and business partner this company is not only here in New Hampshire, but Vermont as well. Many of us saw firsthand the true nature of this corporate predator over the course of the past summer as they tried to influence the vote on zoning in the Town of Dalton with their blatant distortions of reality in their numerous mailers sent to voters. Despite their efforts, and the unpopularity of zoning itself, the citizens of Dalton voted yes to empower the town with Emergency Temporary Zoning in an effort to fight off the unsolicited and very unpopular landfill development proposed by Casella adjacent to Forest Lake. (I wish I had a nickel for every time someone asked me if I was pulling their leg about a landfill next to the State Park!) The North Country has also been forced to suffer thru the tone-deaf lobbying efforts of Casella surrogate Cliff Crosby to somehow introduce yet again another vote on expansion of the landfill in Bethlehem in spite of the will of the citizens there. How many times do we have to tell Casella that we do not want them as a neighbor, nor business partner, anymore?

On Tuesday, December 3rd at 6pm at Profile School citizens of the North Country will have the opportunity to share with NH DES just how they feel about Casella Waste Systems as there will be a public hearing held to offer input on what Casella is saying will be their last expansion of the landfill in Bethlehem (has anyone broken the bad news to Cliff yet?). Casella is seeking a waiver from NH DES for its Stage VI, 5.7 acre expansion relative to the liner system to be implemented as well as a leak detection system. Based on what I have witnessed and learned about Casella Waste Systems, I do not trust them to do what is right for Bethlehem, the North Country, nor the state of New Hampshire. If DES has systems and standards in place relative to landfill regulation, they must be there for a reason. I have read thru past site inspection reports of the NCES landfill conducted by DES and those reports seem to be filled with numerous instances where deficiencies in its operations are numerous. Just recently, the Caledonian reported that not one, but two areas at the landfill lacked adequate cover! Casella is also currently involved in a lawsuit relative to contaminants from the landfill being discharged into the Ammonoosuc River and the same news story mentioned elevated levels of 1,4-dioxane and PFAS at several of the monitoring wells. Did you know that this landfill generates at least 7.2 MILLION gallons of leachate a year? That is a lot of toxic waste, and it is trucked daily to the Franklin and Concord Wastewater Treatment Plants, neither of which has the ability at this time to treat that waste for PFAS removal. Ultimately, those toxins either make

their way into the Merrimack River with the WWTP effluent, or is dispersed on lands permitted by the state for biosolid aka WWTP sludge application. By the way, this corporation that makes millions of dollars handling our trash pays the state of NH the pittance of \$.0475/gallon to get rid of the leachate they generate at their NCES landfill. Talk about a bargain!

Simply put, I do not trust that Casella is capable of putting the interests of the community over its own and I strongly feel that not only should DES deny their waiver request, but their Stage VI permit request as well. Its time to close the NCES landfill in Bethlehem. New Hampshire does not need Casella Waste Systems and its greedy practice of importing out of state trash in order to increase its own profitability. The recently-released state legislature committee on waste and recycling report confirms this fact. Over 50% of the trash going into NH landfills is from OUT OF STATE! The committee acknowledges that this has become a very alarming situation for the state of NH, but currently we are at a point in time where we can rid ourselves of 1 of the 2 companies responsible for this. If you read the committee report, available online and on the Save Forest Lake website, pages 8 and 9 of the report detail landfill capacity, NH in-state trash, and out of state volume. Those North Country towns currently utilizing NCES for its waste could very easily be accommodated by the AVRRDD Mt. Carberry landfill and the southern part of the state could still utilize the Turnkey Landfill in Rochester run by Waste Management. We do not need Casella and its greed, On the contrary, Casella needs NH to continue to profit from importing trash. Imagine that, no more MBI trucks rolling thru the Notch! Lastly, Mike Wimsatt, Director of Waste Management at NH DES, even sent Casella a letter in October, as reported by the Caledonian, citing a deficiency relative to its landfill capacity, falling short by a year! Seriously! Talk about over-snacking before dinner is served, Casella is FULL! Hopefully DES, fueled by public comment and the proven inability of Casella to properly own and operate its NCES landfill in a way that satisfies the Public Benefit requirement of NH Statute 149-M, will deny Casella its Stage VI expansion permit and commence with the closure of the NCES landfill beginning in April, 2020. Hey, come on, Christmas is right around the corner, right?

I Believe!

Jon Swan
Founder, Save Forest Lake

From: [Yvonne Eames](#)
To: [Save Forest Lake](#)
Cc: letters@caledonian-record.com; [Robert Blechl](#); [Scott, Robert](#); [Wimsatt, Mike](#); [DES: SWpublic.comment](#)
Subject: Re: Letter To The Editor
Date: Thursday, November 21, 2019 10:46:48 AM

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Hello Jon and All,

Well stated! We have got to get Casella's dumping grounds out of the North Country! The Mt. Carberry landfill option has been discussed for many years. Although there will be a increase in costs to us as a result of utilizing Carberry, it will be very minor in comparison to the irrefutable signs of ecological damage going on now which is just the tip of the iceberg which grows dangerously larger, and larger, with every dump load!!!

Thank you,

Jere Eames

On Nov 20, 2019, at 2:56 PM, Save Forest Lake wrote:

Dear Caledonian Editor:

First off, I would like to commend both Robert Blechl and Robin Smith on their excellent coverage of the slew of issues relevant to Casella Waste Systems, they have done a bang up job raising public awareness of just how bad of a neighbor and business partner this company is not only here in New Hampshire, but Vermont as well. Many of us saw firsthand the true nature of this corporate predator over the course of the past summer as they tried to influence the vote on zoning in the Town of Dalton with their blatant distortions of reality in their numerous mailers sent to voters. Despite their efforts, and the unpopularity of zoning itself, the citizens of Dalton voted yes to empower the town with Emergency Temporary Zoning in an effort to fight off the unsolicited and very unpopular landfill development proposed by Casella adjacent to Forest Lake. (I wish I had a nickel for every time someone asked me if I was pulling their leg about a landfill next to the State Park!) The North Country has also been forced to suffer thru the tone-deaf lobbying efforts of Casella surrogate Cliff Crosby to somehow introduce yet again another vote on expansion of the landfill in Bethlehem in spite of the will of the citizens there. How many times do we have to tell Casella that we do not want them as a neighbor, nor business partner, anymore?

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no more MBI trucks rolling thru the Notch! Lastly, Mike Wimsatt, Director of Waste Management at NH DES, even sent Casella a letter in October, as reported by the Caledonian, citing a deficiency relative to its landfill capacity, falling short by a year! Seriously! Talk about over-snacking before dinner is served, Casella is FULL! Hopefully DES, fueled by public comment and the proven inability of Casella to properly own and operate its NCES landfill in a way that satisfies the Public Benefit requirement of NH Statute 149-M, will deny Casella its Stage VI expansion permit and commence with the closure of the NCES landfill beginning in April, 2020. Hey, come on, Christmas is right around the corner, right?

I Believe!

Jon Swan
Founder, Save Forest Lake

From: [The Cooks](#)
To: [DES: SWpublic.comment](#)
Cc: [The Cooks](#); [Heidi Cook](#)
Subject: NCES Landfill Expansion (Permit #DES-SW-SP-03-002)
Date: Tuesday, November 26, 2019 8:40:40 AM

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11/5/2019

To: NHDES

From: Brian and Kathy Cook (residents of Bethlehem, NH)

Subject: NCES Landfill Expansion (Permit #DES-SW-SP-03-002)

Kathy and I are residents of Bethlehem NH. We are abutters to the NCES landfill, live along the Ammonoosuc River, and use well water. I am writing this letter to make my case as to why the landfill expansion waiver should not be granted to NCES.

The landfill and its expansions have been a difficult subject for Bethlehem residents over the years. The town has voted "NO" repeatedly against the landfill expansions; many times ending in New Hampshire Superior Court for a decision. The town majority wants the landfill capped and closed.

In 2012, the town voted on a compromise agreement with NCES where:

- 1) NCES would not expand the landfill or develop new landfill capacity within Bethlehem outside of District V.
- 2) NCES would not purchase land for the purpose of developing or operating a landfill outside of District V.
- 3) NCES would not seek additional permits from federal, state, or local level to develop or operate a landfill outside of District V.
- 4) The final height of the NCES landfill would not exceed 1483 feet above sea-level after capping.

In 2016, NCES did in fact purchase land abutting District V. Though the company stated the purchase was not for expansion but to provide a source for cover material, the company actively started an expansion campaign, where a host community agreement proposal (for landfill expansion) was written and on the 2017 and 2018 warrant article list for vote. The warrant articles, both years, were voted down. This action appears to be in direct violation of items 1 and 2 above.

Today, NCES is requesting a waiver to allow waste filling into the buffer zone along the southern and eastern boundaries of District V. Their justification for this waiver is that they now own the adjacent land, and this buffer is no longer needed. However, this expansion is only possible because of the purchased land.

This expansion will allow an additional 1.22 million cubic yards of waste to be dumped in Bethlehem, and allow the landfill to operate into 2023, neither of which this town wants. With the District V test wells showing levels of PFAS and Dioxane chemicals, with occasional leachate run-off into the Ammonoosuc River, there are many reasons (environmental contamination, resident sentiment, contractual agreements) why the expansion should not be approved. Meanwhile, NCES is adding waste on top of stages that have been previously filled, potentially violating the maximum height

restriction.

Brian Cook

Kathryn Cook

From: [Colby, Jaime](#)
To: [DES: SWpublic.comment](#)
Cc: noelcliff@msn.com
Subject: FW: Response to Your Inquiry
Date: Sunday, December 1, 2019 11:02:27 AM

From: CLIFF CROSBY <noelcliff@msn.com>
Sent: Friday, November 29, 2019 7:57 PM
To: Colby, Jaime <Jaime.Colby@des.nh.gov>; Hoyt-Denison, Pamela <Pamela.Hoyt-Denison@des.nh.gov>
Subject: Re: Response to Your Inquiry

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From: CLIFF CROSBY <noelcliff@msn.com>
Sent: Friday, November 29, 2019 7:45 PM
To: Colby, Jaime <Jaime.Colby@des.nh.gov>
Subject: Re: Response to Your Inquiry

Hi Jaime + Pam:

Thank you for your time on Tuesday and for the very helpful information below.

I do not see a link for public comment so perhaps you can forward the comment below:

Many years ago Bethlehem had a Town Dump in the center of town near Brezfelder Park. It was unlined and uniped ... smelled and contaminated water.

The Board of Selectmen asked Mr. Sanborn and Mr. Brown to find a new site.

They found a site on the Eastern end of town tucked into the 800,000 acre WMNForest.

Unfortunately, their expertise in building a modern landfill and DES-WMD permitting expertise was not available and the same problems existed, even after selling the landfill to a private firm.

In 1995 Casella purchased the site, dug up the polluting landfill and constructed modern landfill technology. I moved to the North Country in 1992 and to Bethlehem in 2000.

My opinion is that the fight that has gone on for almost 25 years is uncalled for and unmerited. Having a fully integrated, technically sound Waste Management System is a benefit to Bethlehem not a disadvantage.

The current very modest expansion that you are asking for comment on is really just part of the 2011 agreement overwhelmingly approved by the voters.

The failure to approve a 20 year expansion tucked behind the current landfill in a sand and gravel pit is a mistake that I am trying to correct.

The benefit to Bethlehem of this business starts with the education of the homeowner on proper waste management procedures, it continues with the only cart based, weekly curbside free pick-up in the North Country.

The driver is dependable, courteous and goes out of his way to pick up trash knocked over by bears or the wind. He saves over 70,000 "trips to the dump" per year and over 1,000,000 miles of car pollution.

The free Transfer Station and Swap Shop offered by Casella is very helpful for larger items. The landfill itself is becoming a waste to natural gas facility, is really not an odor problem and is protected from water pollution by your fine department. This is the finest Waste Management site in New Hampshire and beyond. The 800,000 acres of WMNF absorb over 2 1/2 tons of pollutant per acre, the RT 3 access(x35 rt 93) eliminates any traffic impact. The acceptance of trash from all over NH and from out of state is a testament to the efficiency and quality of service of Casella. The \$75 million dollars over the next 25 years offered to Bethlehem is the saving of one rural town that could use the help. CLIFF CROSBY 45 HEDGEROSE LN BETHLEHEM NH 03574 603-869-2582 noelcliff@msn.com.

From: Colby, Jaime <Jaime.Colby@des.nh.gov>
Sent: Wednesday, November 27, 2019 4:02 PM
To: noelcliff@msn.com <noelcliff@msn.com>
Cc: Hoyt-Denison, Pamela <Pamela.Hoyt-Denison@des.nh.gov>
Subject: Response to Your Inquiry

Mr. Crosby,

As requested, NHDES is providing the following information for your use.

1. The most recent decisions issued by NHDES regarding landfill expansions were for the Mt. Carberry Landfill located in Success, NH and the TLR-III Refuse Disposal Facility (aka Turnkey Landfill) located in Rochester, NH. Those decision documents are available online through the following links:
 - a. Mt Carberry Landfill, expansion approved on 2/25/2019
 - i. Cover letter: <http://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4762438>
 - ii. Permit Modification (Approval): <http://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4762443>
 - iii. Application Review Summary: <http://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4762441>
 - iv. Response to Public Comments: <http://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4762440>
 - b. Turnkey Landfill, expansion approved on 6/11/2018
 - i. Cover letter: <http://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4715895>
 - ii. Permit Modification (Approval): <http://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4715891>
 - iii. Waiver Approval: <http://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4715892>
 - iv. Application Review Summary: <http://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4715893>
 - v. Response to Public Comments: <http://www4.des.state.nh.us/IISProxy/IISProxy.dll?ContentId=4715894>
2. Links to the NCES application for expansion into Stage VI can be found on the second page of the Notice of Public Hearing found online here:

- <https://www.des.nh.gov/organization/divisions/waste/swmb/documents/20191203-nces-pub-hearing-notice.pdf>. Note that public comments on the application can be submitted to NHDES using one of the methods described on the first page of the public notice (fourth paragraph).
3. Additional information or files regarding the NCES facility can be obtained one of two ways:
 - a. Making a file review request by contacting NHDES' Public Information Office at (603) 271-8876 or info@des.nh.gov, or through the NHDES website here: [https://nhdes.govqa.us/WEBAPP/_rs/\(S\(gbjbZR5ay51d3z3epd0eavr1\)\)/SupportHome.aspx](https://nhdes.govqa.us/WEBAPP/_rs/(S(gbjbZR5ay51d3z3epd0eavr1))/SupportHome.aspx).
 - b. Searching NHDES' OneStop database for records (starting January 1, 2018) at a particular solid waste facility as follows:
 - i. Go to <http://www4.des.state.nh.us/DESONestop/BasicSearch.aspx>.
 - ii. In the Areas of Interest table, check "Solid Waste Facility."
 - iii. Uncheck the "Include other interests found at location(s)" box
 - iv. Check the "Return only results that exist in ALL selected areas of interest" box.
 - v. Scroll down to the "Interest Specific Criteria" table for "Solid Waste Facility," and check the boxes for all of the types of facilities you are interested in (i.e., "Lined Landfill" for MSW landfills).
 - vi. For a list of active solid waste facilities, check the status box "Operating."
 - vii. Click "Enter" (at the top of the "Solid Waste Facility" table) and you will get a list.
 - viii. Select the hyperlink under "Interest(s) at this location and you will be able to see additional details about the facility and links to solid waste records for the facility.
 4. In October 2019, NHDES issued a Biennial Solid Waste Report, which can be found online here: <https://www.des.nh.gov/organization/commissioner/pip/publications/documents/r-wmd-19-02.pdf>.
 5. NHDES posts enforcement documents on the NHDES Legal Unit webpage found here: <https://www4.des.state.nh.us/Legal/>.

We hope this information fulfills your requests. Please contact me if you have additional questions.

Regards,
Jaime

Jaime M. Colby, P.E.

Solid Waste Management Bureau | NH Department of Environmental Services

29 Hazen Drive, Concord, NH 03302-0095 | Phone: (603) 271-5185

jaime.colby@des.nh.gov

From: [Kris pastoriza](#)
To: [DES: SWpublic.comment](#)
Subject: Casella expansion in Bethlehem
Date: Tuesday, December 3, 2019 9:23:24 AM

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Once again, a request that DES protect our water, soil and residents and deny Casella's request for expansion and exemptions. Your previous waivers have served only Casella. Bethlehem deserves your protection.

Kris Pastoriza
Easton, NH

Mr. Michael Wimsatt, Director
Solid Waste Management Bureau
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

December 3, 2019

RE: North Country Environmental Services, Inc.
Stage VI, Application #2019-36785
Modification to Standard Permit No. DES-SW_SP-03-002



Dear Mr. Wimsatt and DES Staff,

NCES Standard Permit No. DES-SW-SP-03-002. As I prepared for tonight's hearing, I asked myself: how many times have I stood in a public hearing or before the legislature to request that the DES intervene in the never-ending expansion of the NCES landfill under this permit? How many times have I, along with countless others, asked the DES to stop permitting the facility that enables Casella Waste Systems to dump millions of tons of trash, much of it from out-of-state, in the small, rural New Hampshire community of Bethlehem? Answer: too many to count.

What I have to say to you tonight is no different from other testimony I have presented to you before; therefore, I am simply entering a sampling of past testimonies into the record tonight- because the issues haven't changed. It's been over **25 YEARS**- and the issues haven't changed. All of us here tonight, have been voicing the same concerns since the 1990's: noise, odor, contaminated test wells, contamination detected in the Ammonoosuc River, documented cancer clusters, leachate spills, safety issues, and a long and sordid list of operational permit violations on the part of NCES. Honestly, I have stood here so many times, as both a private citizen and a Bethlehem Selectboard member, that I regard these public hearings as little more than a charade. Because I know the outcome: you'll listen, nod your heads, and tomorrow there will be a letter of response in the mail, that clearly does not offer any meaningful solutions or address any of the concerns that have been raised in public hearings over and over again, year after year, for 25+ years.

Standard Permit No. DES-SW-SP-03-002. Back in 2010, I reminded the DES that in 2003, the incumbent DES administration KNOWINGLY issued a permit for expansion to NCES that was erroneous and contrary to RSA 149-M. NCES did not have local approval and the DES knew it. I cited the legal judgement that precluded the DES from issuing that permit for expansion. I also cited the statute that gave the DES the authority to suspend or revoke the permit, in its entirety, because of this error. I asked the DES to right the great wrong it perpetrated on the town of Bethlehem. That has always been my ask: every permit application holds the potential for the DES to right its wrongs. Perhaps, one day, the DES will shock me by exercising its statutory authority, but I'm not holding my breath...

So now it's 2019 and NCES' latest monitoring test well results reveal elevated levels of PFAS and the suspected carcinogen 1,4-dioxane. Elevated levels of 1,4-dioxane have also been detected in water quality tests of the Ammonoosuc River, a watershed with *protected* status. With so much focus on PFAS in the Merrimack River, I would think the current administration at DES would be very concerned about how they handle NCES' current

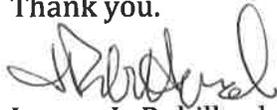
expansion request, in light of the recent PFAS detection. It is well known that capping and closing a landfill significantly reduces the leachate it generates. Less leachate equals less PFAS and other contaminants and carcinogens from entering into the environment either via liner failure or direct discharge into watersheds via leachate 'treatment' at waste water treatment facilities.

I imagine that as you drive home tonight, you may ask yourself: Do I want to be the DES administration that allowed documented PFAS contamination to continue unchecked at the NCES landfill in Bethlehem, because I approved another expansion? Well, do you?

And just because- I leave you tonight with an ear worm for your trip back south as you contemplate doing what is right versus doing what is easy:

"This is the dump that never ends,
Yes, it goes on and on my friends.
Somebody gave it a permit
Not knowing what it was
Please don't keep approving it
forever just because..."

Thank you.



Jeanne L. Robillard
Bethlehem Citizen

(Private Citizen...)
"

Science, Technology, and Energy Committee
Chairman Robert Introne
107 North Main Street
Concord, NH 03301

copy

RE: HB 1502 Testimony

January 14, 2016

Dear Committee Members,

I write to express my strong support of HB1502, establishing a committee to study odor emissions from landfills. I've been a resident of Bethlehem, NH for 18 years. Odor from the NCES landfill on Trudeau Road in Bethlehem reaches my home, almost 3 miles from the landfill. I have smelled landfill odors as far away as Rt 3 in Twin Mountain and in the Franconia Notch Parkway. Landfill odors are not just unpleasant. I was informed by Paul Gildersleeve of the Air Resources Division of the NHDES many, many years ago, during a phone call to complain of odor at my home, that landfill odors are a significant incident because they may be indicative of a larger problem at the landfill.

It is my understanding that the other two largest landfills in the state, Mt Carberry and Turnkey in Rochester, do not generate the volume of complaints that the NCES landfill does. Theoretically, if a landfill has proper daily cover, odor emissions should be minimal. And if other landfills in the state do not experience the frequency and volume of odor complains as the NCES Landfill does, then a committee should study, compare and analyze best practices to determine why. Certainly, the strength, duration, and frequency of odor(s) generated by the NCES landfill should be of great concern. Why does this particular landfill generate so many odors? Is there a larger underlying problem? Is there a difference in the way NCES is operated that creates this problem, and if so, how can the state hope to remedy and ameliorate the problem without further study? What can be learned from other landfills that do not generate odor complaints? Is there a best practice they employ that can be incorporated into the NHDES regulations for all landfills in the state?

I imagine that unless one lives relatively close to a landfill, it could perhaps be difficult to envision the impact that odor can have on residents and their quality of life. Allow me to share a few brief examples. At one time several years ago, I arrived at my home after work to find a firetruck and several emergency vehicles parked in front of my neighbor's house. Firemen were walking around my neighbor's home – in particular checking the propane gas tanks- and the propane company was also there checking the tanks. There was a very strong methane "rotten egg" smell in the air. My neighbor had called the fire department thinking the tanks were leaking. The tanks were fine. The odor was coming from the landfill, almost 3 miles away. At the time, I was rather shocked by the whole incident. And then it happened to me, in January of 2006.

I arrived home, smelled a strong methane "rotten egg odor" and immediately thought my propane tanks were leaking. I called the gas company in a panic and shut down my tanks. I was terrified that my home was in danger of blowing up. And while I was waiting for a technician to arrive, I recalled the incident

with my neighbor, and it occurred to me that maybe it wasn't my propane tanks. They were shut off and the smell was just as strong- inside my home and outside. I walked down the block – the smell remained. And then I knew- it was landfill odor. This may seem like a small thing, but I cannot describe to you the fear I experienced that night thinking that my home was in danger from a propane leak and possible explosion.

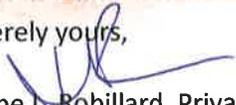
I have smelled landfill odor at my home on more occasions than I can count or have time to report. Mostly, I smell landfill odor when I am on my way to work, or to another appointment, and I can't stop to make a phone call or wait for someone to come to my house. And as you will see from the emails I attach to this testimony, odor complaints aren't particularly productive. And they don't solve the problem.

The first time I called the NCES landfill directly to complain of odor, they sent an employee in a truck to investigate the smell. I stood on my front porch and watched as the employee drove past my home in a blue truck with the window rolled down. He was smoking a cigarette. Twenty minutes later I got a return call from NCES stating that the employee didn't smell anything. Other complaints to NCES yield about the same results. Furthermore, if odor occurs after hours, there is no one to call. I have asked the DES at every public hearing and in numerous emails to establish a 24 hour call line to report odors. Again, if odor is indicative of a problem, shouldn't the DES be the first entity to call and respond to the problem?

Last, while it is sad that the quality of life for so many Bethlehem residents is compromised due to landfill odor, it is ineffably sad that odor than can be smelled in the Franconia Notch Parkway. Not only have I personally smelled strong garbage and methane odors while driving through the notch, but I have heard other people who drive it regularly also comment on smelling garbage/methane odor. The Franconia Notch Park and Cannon Ski area are the mainstays of tourism in our area. It is unconscionable that odor from the NCES landfill should be allowed to destroy one of our state's most precious and valuable natural resources.

I strongly support passage of HB 1502 and hope the committee will as well. It is vital to the protection of New Hampshire's health and well-being and the first step to finding a genuine solution.

Sincerely yours,


Jeanne L. Robillard, Private Citizen
Bethlehem, NH

Cc: attachments

Testimony from Jeanne Robillard relative to HB 1502

Various email odor complaints from 2008 to 2015

From: Jeanne Robillard [mailto:hoopla624@yahoo.com]

> > Sent: Tuesday, December 02, 2008 9:57 PM

> > To: Wheeler, Wayne

> > Subject: Re: NCES odor complaint contacts

Hi Wayne,

Just giving you a head's up that I have been smelling a lot of odors at my home on Jefferson Street-- as is my neighbor across the street, Paul Rueben. Mostly a garbage-y smell, with a sort of burnt odor. This has been going on for at least 6 weeks or so-- often every single day. Tonight's odor was at about 5:30 pm. If I recall correctly, at the public information meeting, there is work on the stage III cap going on? and there is a tarp over that section of the landfill. Is the CAP gone from that section and possibly the source of the ongoing odors?
Just wondering...

thanks—JR

Date: Friday, January 23, 2009, 11:56 PM

> Hi Wayne-

>

> It is 11:51 pm Saturday, 1/23/09, and I've been
> smelling a STRONG garbage odor since @ 10:30 pm. This is NOT
> a dumpster a few blocks over, or someone's stove or a
> bag of trash left on someone's porch overnight. It's
> BAD. Very frustrating as there is no one to call and as I
> understand it, a strong odor, such I can smell tonight,
> could indicate a problem at the landfill.

>

> Is there some protocol for late night complaints that you
> could pass on to me?

>

> Thank you.

>

> Jeanne Robillard

01/24/09 at 12:22 AM

To Wimsatt, Mike

Hi Mike,

Passing this on-- FYI. If there is some protocol for complaints in the middle of the night, please let me know. Or if there isn't, maybe you could work up one with NCES? There have been quite a few nights like this over the past month and I haven't bothered to call or email anyone. Tonight is about the worst I've smelled it in a long time.

JR

Sent: Tuesday, May 06, 2014 5:44 PM

To: Wimsatt, Mike

Cc: Burack, Thomas S

Subject: NCES ODOR COMPLAINT

Gentlemen, It is @ 5:30 pm on TUESDAY 5/6/14 and I have pulled over in the FRANCONIA Notch PARKWAY TO WRITE THIS ODOR COMPLAINT. I can smell horrible trash/garbage odor. It begins near Echo Lake and exit 36 and goes all the way to exit 37. I ask you: is this the great outdoors of the North Country that we want to draw tourists to? Is this how the DES wants to treat our states natural resources? PLEASE ENTER THIS INTO THE PUBLIC COMMENT FOR THE PROPOSED EXPANSION OF THE NCES LANDFILL. This odor will only get worse- not better. It is an outrage that this should be the legacy left to the North COUNTRY OF NH by Casella or that the DES WOULD ALLOW IT! jeanette Robillard

Hello Gentlemen,

Last night, 2/18/15 at approximately 6:30 p.m. while driving on Rt 302 by Trudeau Road there was a VERY strong odor of methane (rotten egg smell). The smell began just right around the Flower Farm on Rt 302 and lasted until I got up the hill to the Maplewood Hotel. Since we all know that odor can indicate a problem at the landfill, at 6:30 p.m. at night, who is there to call? The recording at the NCES office? I'll answer for you: NO ONE.

2/19/15

This morning, at approximately 9:30 a.m., I could smell the same methane odor at my home on Jefferson Street. I didn't bother to call because it just seems pointless. They will simply send someone to drive down my street and tell me they don't smell a thing.

05/12/14 at 10:18 AM

Thank you Paul- Just to let you know, this is not the first time I have smelled garbage odors in Franconia notch. Often times it is in the morning when I am headed down south to a meeting and I cannot pull over and email or call without making myself late. I can't help but think what a terrible experience that must be for campers at the Lafayette campground right in the notch. They come to the mountains for our scenery and "fresh mountain air"- and they end up smelling garbage.... It is simply unacceptable. And cannot continue.

Jeanne

On Mon, 5/12/14, Gildersleeve, Paul M. <Paul.Gildersleeve@des.nh.gov> wrote:

Subject: FW: NCES ODOR COMPLAINT

To: "Jeanne Robillard" <hoopla624@yahoo.com>

Cc: "Wheeler, Wayne" <Wayne.Wheeler@des.nh.gov>

Date: Monday, May 12, 2014, 9:12 AM

Thanks for notifying us Jeanne.

I have alerted Kevin Roy of the odor.

Your complaint and written testimony will be entered into the public comments.

Mr. Michael Wimsatt, Director
Solid Waste Management Bureau
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

copy

June 29, 2010

Re: North Country Environmental Services, Inc.'s
Stage IV, Phase II, Type 1-B and II Modification Permit Application
Standard Permit No. DES-SW-SP-03-002

I begin my testimony on NCES' current application for a Type I B Modification with a history lesson.

The events I am about to describe happened under the direction of the previous DES commissioner, Michael Nolin. Therefore, Commissioner Burack and the current DES administration may not be aware of these events and how they impact NCES' current application for expansion.

Prior to the DES granting NCES Standard Permit No. DES-SW-SP-03-002, the DES was aware that NCES had not obtained local approval to expand their landfill beyond the lawfully zoned 51 acre boundary. The DES was also aware that NCES had filed a lawsuit against the town in Grafton Superior Court challenging the ordinance that confined NCES' landfill and landfill operations to a 51 acre footprint. The last documented correspondence between the DES and NCES regarding the permit application was on February 28, 2003. At this time, the lawsuit against the town wherein NCES sought a court ruling to obtain Standard Permit DES-SW-SP-03-002 without local approval had concluded. Both parties were waiting for the court's decision. I repeat: when the DES permitted NCES' application for expansion outside the 51 acre boundary, the DES was aware that NCES did not have local approval; the DES was aware that NCES could not lawfully landfill any area located outside the 51 acre boundary. Yet the DES ignored the law and the intent of the legislature. The DES issued a permit for NCES to landfill the area known as Stage IV, Tax Map 419, Lot No. I. on March 13, 2003.

On April 24, 2003, Judge Burling issued a decision on NCES' lawsuit against the town. I would like to quote several passages from the court decision because it is the controlling document that the DES should have relied on as guidance when considering NCES' application, had the DES not ignored its inherent responsibility to wait for that guidance.

“RSA 149-M is a statute that expressly permits local control.”

“The Court rules that the plain meaning of the statute clearly allocates a role for local regulation in the field of waste management alongside the State.”

“The Court rules that the legislature intended to require landfill operators to get permission from local authorities to site or locate landfills within their boundaries...”

“It is, in fact, the explicit goal of the statute [RSA 149-M] to give towns (or their functional equivalent) such discretionary power...”

“The issuance of a facility permit by the department shall not affect any obligation to obtain local approvals required under all applicable, lawful local ordinances...”

“... the State’s technical rules are relevant only to the physical consideration of the land that affect its scientific suitability for a landfill, **and which pertain only after the land is legally allocated for landfill use.**” (emphasis added)

“NCES is extending its facility beyond the area locally approved for landfill use”.

“Private landfill owners, [NCES] therefore, draw a distinction between the "location" of a landfill and the "siting" of a landfill that is not made by the towns. NCES extends this distinction in the case at hand by arguing that the second sentence of the codified version of RSA 149 – M:9 (VII), "local land use regulation of the facility location shall be presumed lawful if administered in good faith," refers only to where a facility can go (its "location"), not whether a facility may be permitted (its "siting").

The Court does not agree. The legislature did not choose to codify any distinction between "location" and "siting." RSA 149 - M:4, Definitions.” (emphasis added)

“NCES’ claim for a declaration from the Court that it may proceed with the development of the landfill subject only to state regulation, but without interference from the town, is DENIED. The Town’s counterclaim that the 1992 zoning ordinance apply to that part of Stage IV that projects beyond the boundaries of the 51 acres is GRANTED.”

NCES’ permit for expansion was granted by the DES barely a month before the Court affirmed the town’s lawful zoning ordinance. The Court also ruled that there is no distinction between siting (permitting) a landfill and where it is located. If a landfill cannot legally be located on a specific tract of land because of local ordinances

prohibiting same, then it also cannot be permitted by the state. NCES did not have local approval to landfill the area on Tax Map 419, Lot No.1, known as Stage IV; the DES had no authority, under RSA 149-M, to give NCES a permit in the absence of local approval. In fact, it had an obligation to uphold the tenants of RSA 149-M prohibiting granting a permit to an applicant that had not obtained local approvals. The DES ignored its responsibility to the town of Bethlehem and the general public. It was wrong. It was not only wrong, it was an egregious error. **Egregious**. And it is unconscionable for this DES administration to even consider perpetuating this error indefinitely by allowing the modification of a permit that should never have been granted in the first place.

It is ironic that even the permit itself states on the first page that "This permit shall not eliminate the permittee's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district and local permits, ordinances, laws, approvals or conditions relating to the facility." The permit also states that "this authorization is based on information and representations provided to the Department by the permittee... if the information is false, misleading or incomplete, the permit may be revoked or suspended..." The permit may be revoked.

Mike Guilfooy recently told a Bethlehem resident that "We (the DES) follow in its entirety RSA 149-M". I have also heard other members of the Department state that they (the DES) review all applications according to the law and administrative rules governing solid waste. That doesn't appear to have been the case in 2003. The current DES administration should consider NCES' current application as a unique opportunity to undo the unimaginable harm that was inflicted on Bethlehem in 2003 and the suffering that the town has endured ever since. Not only should the DES deny this permit modification, it should revoke NCES standard permit No. DES-SW-SP-03-002 in its entirety.

Sincerely,


Jeanne L. Robillard
Private Citizen

Director Michael Wimsatt
DES, Solid Waste Division
Hazen Drive
Concord, NH

copy

October 15, 2008

RE: NCES Type I B Modification to Standard Permit -----

Dear Director Wimsatt,

The Bethlehem Board of Selectmen submits this letter as commentary for the public record regarding NCES' request for a permit modification.

At the public information meeting of October 7th, 2008 and the DES' presentation of health risk assessment information, there was much discussion regarding the testing, or lack thereof, of private wells and natural springs that abut, are located near or are down gradient from the NCES solid waste facility on Trudeau Road in Bethlehem. The Board of Selectmen write to officially request that the DES facilitate the testing of private wells and springs located near or down gradient of the NCES landfill - particularly on Much More Road and Laurel Lane. We understand that the town is providing bottled water to homes in this area. We specifically request that the samples be gathered and the tests be conducted by an independent agent without an interest in the outcome and that the testing be blind. We also specifically request that the tests screen for not only heavy metals but also for volatile organic compounds, including those that have been identified in the NCES test wells. It is our contention that testing of the private wells and nearby springs should be completed before any further consideration is given to NCES' application for a permit modification.

Respectfully submitted,

Richard Ubaldo, Chairman

Jeanne Robillard, Selectman

Dan Inghram, Selectman

Harold Friedman, Selectman

Mark Fiorentino, Selectman

URGENT: Re; Executive Council meeting with the Governor scheduled for March 20, 2013 at 10 a.m.

PUBLIC INPUT



Dear Honorable Governor of New Hampshire Maggie Hassan and members of the New Hampshire Executive Council:

I write to bring to your attention information and documentation that the decision by the Business Finance Authority (BFA) recommending approval by the Governor and the Executive Council of Casella Waste System's application for an \$11 million tax free bond may not have followed proper procedure as set forth by legislation, may not have been given proper and due diligence and consideration, and is furthermore contrary to the best interests of New Hampshire citizens.

I attach information for your consideration and strongly urge you to reconsider any decision to approve Casella Waste System's current application at today's meeting, or any future application. At issue is the following: the applicant's credit rating, its ability to meet the eligibility requirements of the BFA, the completeness of its application, a due diligence analysis of the applicant, and whether RSA 162-I was properly applied. There is no evidence available that due diligence was performed on this application or the applicant prior to recommendation by the BFA for approval.

This attached summary includes links to a March 15, 2013 report by the credit-rating company Moody's Investor Services. The link to the transcript of the March 5, 2013 Third Quarter Earnings Report of the applicant, Casella Waste Systems, and major investors (institutional) is as follows:

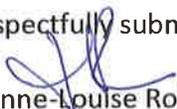
<http://seekingalpha.com/article/1248281-casella-waste-systems-management-discusses-q3-2013-results-earnings-call-transcript>

I have also included seven pages of transcript of a conference call between John Casella and investors where he expresses uncertainty about the company's economic viability in the coming fiscal year. I would like these to also be entered into the public record.

Last, I am concerned about Casella's NCES facility and its ongoing problems with leaks in the landfill liner system and contamination of groundwater. The most recent facility report from the applicant to the NHDES suggests possible contamination issues and warrants more in-depth study to determine whether leachate pollution from the applicant's NH landfill facility is leaking into the groundwater/aquifer underlying the double-lined landfill. I anticipate that the Governor of NH, the Governor's Executive Council, and the BFA would not wish to finance a project that is polluting the water resources of NH residents and despoiling the quality of living we value so highly here in NH.

I respectfully request that this application be denied further consideration or approval until it is first properly vetted to determine if it is, indeed, complete and accurate, that the application, applicants, and project meets the guidelines for eligibility as required by RSA 162-I, and that it is in the best interests of New Hampshire citizens.

Respectfully submitted,



Jeanne-Louise Robillard

Resident, Bethlehem, NH; home of Casella's NCES Landfill

Cc: attachments

[Faint, illegible text, possibly a list of attachments or a signature block]

Mr. Michael Wimsatt, Director
Solid Waste Management Bureau
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095

Copy

June 29, 2010 - *I actually think this was in 2012 - date incorrect*

Re: North Country Environmental Services, Inc.'s
Stage IV, Phase II, Type 1-B and II Modification Permit Application
Standard Permit No. DES-SW-SP-03-002

Dear Director Wimsatt,

I write to present commentary on NCES' current Type I B Modification to Standard Permit for Stage IV of its Trudeau Road solid waste facility.

I would like the DES to provide written commentary on how it has applied its own Environmental Equity Policy to NCES' proposed landfill expansion and to the siting of a commercial landfill in a rural community. I would like the specific methodology and standards used to determine that the siting of a commercial landfill in Bethlehem and permitting its continued expansion is environmentally equitable and in keeping with the DES' stated policy.

According to the DES policy, "the core issue is one of fairness in the siting, monitoring, and/or cleanup of facilities and the regulation of activities that represent environmental hazards." The policy further recognizes that "lower income citizens / neighborhoods /communities have faced an inequitable share of the risks associated with environmental hazards." Bethlehem is a small, rural town of approximately 2,200 people. According to US Census figures, the average income of Northern Grafton County residents is substantially below that of other portions of the state. The Town of Bethlehem has an annual budget of approximately 2.5 million dollars. The town is not prepared, financially or in terms of infrastructure, to handle the risks associated with a large landfill, including but not limited to, general failure, landfill fires, and contamination that could affect the public health of the entire town. We don't have the emergency response personnel and specialized equipment necessary to contain and control hazardous landfill disasters, not to mention the resources necessary for proper cleanup. Furthermore, it is unfair and in contradiction of the DES' policy to force the town to bear the burden of ten more years of environmental risks and financial risks associated with being a host community for this private, for-profit landfill.

While NCES has outlined emergency response measures for its own personnel, including evacuation and the immediate shut down of operations, their plans do not include provisions on how to inform the residents of the town of a disaster. Many residents live adjacent to the landfill. The elementary school is less than 2 ½ miles from the landfill. Should a disaster occur, including the unintentional excavation of hazardous material (asbestos, etc) and the release of same into the environment, how will residents living nearby be informed? If landfill personnel need to be evacuated, surely residents living next to the landfill will also need to be evacuated. At the informational meeting on June 7, 2010, the DES stated that the applicant will be responsible for the costs. Please point to the place in the application, by page and paragraph, where the applicant has expressly committed, in writing, to bearing the financial burden of a town wide evacuation, compensation to and for emergency personnel, compensation to nearby homeowners whose property may be irrevocably impacted, unsalable and/or uninhabitable, and to what extent NCES has provided financial assurances that they are able to provide such financial compensation, including clean-up and future monitoring, after a catastrophic event.

Furthermore, the Town of Bethlehem has had to shoulder a disproportionate amount of financial risk and expense simply because we are the host community to this private, for-profit landfill. Basic expenses such as the review of permit requests, leachate monitoring reports, test well results, etc., by the town's engineer costs the town thousands of dollars a year. It would be irresponsible for the town NOT to have these reports reviewed professionally, so this becomes a non-negotiable expense. The last permit application cost the town approximately \$18,000 to review. The landfill costs us money—plain and simple—from the wear and tear on our roads, to monitoring costs and the legal expenses we would not have to shell out were it not for the NCES facility. How does the DES factor these financial burdens and risks into the Environmental Equity Policy? What methodology and standards are employed to arrive at a conclusion? How does the DES justify the town's burden of these financial risks as equitable?

I look forward to your response and explanation of how DES has aligned the proposed NCES Type I B Modification to Standard Permit for Stage IV with its Environmental Equity Policy with regards to the Town of Bethlehem. I also look forward to a detailed plan and explanation of how the environmental and financial risks to the town and its residents will be handled.

Sincerely yours,



Jeanne Robillard
Resident of Bethlehem

December 3, 2019
To Department of Environmental Services,
Public Comment for NCES Landfill Permit,



Margaret Mead said, "We won't have a society if we destroy the environment." and that is the reason Bethlehem has been torn apart for almost three decade. Our small town has been plagued with constant legal battles because of the continuous massive expansion of the NCES landfill. North Country Environmental Services is already polluting the environment and has been non-compliant with the DES permit and regulations many times over the years. NCES landfill should not be granted a permit to increase the size since it is already failing. I am here to ask that you follow the Statement of Purpose in 149-M, *"It is the declared purpose of the general court to protect human health, to preserve the natural environment, and to conserve precious and dwindling natural resources through the proper and integrated management of solid waste."*

There are many questions that need to be answered. I hope that you consider and investigate all the questions and concerns that are being raised during this public comment period before making a decision about this permit.

One extremely important reason that this landfill needs to be stopped from expanding is that the risks to the health and well-being of those living near a landfill are real. Putrid odors and intrusive noises invade our homes, businesses, and yards. It's not just in the neighborhood, landfill odors are detectable at many locations. The nauseating odors are a combination of a stench from garbage, sludge and the rotten egg scent that comes from the greenhouse gases being released. Many residents, as well as tourists, have been offended by these odors as they drive past NCES. Of course, NCES denies odor and noise complaints.

Here is an example of how NCES is not being forthright in those denials. This fall I contacted NCES and DES with an "extreme noise" complaint. I received a message from the landfill manager that said there is no way that I was hearing loud noise. It was a DES representative who informed me that the reason the landfill had been being excessively loud was because NCES was actively capping the section of the landfill that was facing my home. A drive by showed that a bulldozer going up and down the side of the landfill was responsible for the constant beeping and loud grinding sounds that had been disturbing my sleep and outside activities for days. It seems that if NCES can't be upfront and honest with this type of information... one has to wonder what else do they deny?

Presently, a lawsuit has been filed by National Environmental Law Center on behalf of Toxic Action Center and Conservation Law Foundation challenging that the drainage channel that is flowing directly into the Ammonoosuc River is a violation of the Federal Clean Water Act. DES has a ruling, that if the court concurs, could prohibit expansion. DES should at least hold off considering this permit until the court rules on whether or not the toxic seep is a violation of the Clean Water Act. *NH RSA 149-M :12 Criteria for Approval, Suspension, or Revocation Section I: The Department shall approve an application for a permit only if it determines that the facility or activity for which the permit is sought will: in paragraph (c) Comply with federal and state air or water pollution statutes, regulations, and rules."* How can DES approve a permit with the uncertainty

of a possible violation of a Federal Law? Has DES actually investigated the drainage channel recently?

Furthermore, water contamination is a major concern with this landfill. Water tests have, for years, shown dangerous levels of toxins such as the cancer-causing compounds 1,4 dioxin and arsenic. The most recent tests by Sanborn and Head proves elevated toxins in the test wells. This further jeopardizes the Protected Ammonoosuc River and the Stratified Drift Aquifer underneath. There are many homes with wells tapping into the same aquifer. The USEPA says all liners will eventually leak. Allowing more trash to be piled on top of an already faulty system with a risk of a major contamination is not acceptable. Especially since *RSA 149-M :6 IV (b) It is DES's responsibility to investigate any condition which is believed to be in violation, or which presents a substantial threat to human health or the environment*" How long will it be before people in Bethlehem find themselves in the same predicament with contaminated wells as Southbridge, Massachusetts?

Speaking of investigating, when was the last time DES had a surveyor check the height of the landfill? Do you know if NCES is at or above the height specified in their permit? The landfill is definitely getting higher and higher, it rises well above tree line. With all their other violations, it's your duty to be sure this is not another area where NCES is violating conditions before even considering allowing this expansion.

Another area that needs investigating is NCES' recycling rate. *New Hampshire's RSA 149-M:2 Waste Reduction Goal I: The general court declares its concern that there are environmental and economic issues pertaining to the disposal of solid waste in landfills and incinerators. It is important to reserve landfill and incinerator capacity for solid waste which cannot be reduced, reused, recycled or composted. The general court declares that the goal of the state, by the year 2000, is to achieve a 40% minimum weight diversion of solid waste landfilled or incinerated on a per capita basis.*" NCES doesn't require haulers to be free of recyclables like Mt. Carberry. It is rumored around Bethlehem that our recycling is just dumped into the landfill. Do you have proof that Bethlehem's recycling is sent to a zero-sort recycling plant? Do you know if NCES is helping NH's reach it's 40% recycling goal?

Also, NCES is not compliant with 149M and their permit because they have been fast filling and therefore, will not meet the requirements set forth in their operating permit for Public Benefit of NH trash. This is unacceptable and they should not be rewarded with a new permit. This brings me, however, to a red flag that I found in *149-M: 6 Responsibilities paragraph XI : Assess a surcharge on the disposal of out-of-state solid waste in the amount of \$1 per ton, which shall be assessed against the person transporting the out-of-state solid waste to the facility and not assessed against the facility....The proceeds shall be used by the department to reduce and offset general fund expenditures for solid waste management"*

So, I have to ask, how much does this income weigh in the decision of granting permits to this landfill versus the weight of the community's repeated 14 votes that rejected expansion? the negative impact on the Ammonoosuc River Watershed and all the towns downstream? and NCES's repeated violations? How much revenue does DES receive for out of state waste being trucked to NCES? And since this revenue is being generated

from out of state trash being trucked into and polluting Bethlehem how much does DES return in value to our community? It seems that if there is money being collected at the expense of Bethlehem there should be more manpower for DES to inspect NCES landfill more regularly. I firmly believe that had there been more unannounced and more frequent and comprehensive inspections DES would find more violations, and in the end, better protected New Hampshire's environment and the health of the residents of Bethlehem.

Finally, DES knows that for years NCES landfill has frequently been delinquent and non-compliant with following the rules set forth in their operating permit, 149M and ENV-SW 800s. A few of the non-compliant areas that tests have shown or DES personal have reported and/or witnessing at NCES during random site visits over the past years include problems such as polluting the groundwater, insufficient cover, not reporting required leachate data, sediment blocking drainage culverts, illegally accepting asbestos, landfilling truckloads of American flags, odor and noise migrating off site, spilling leachate, attracting wild animals such as bears and ravens, having clogged storm drains, fast filling and running out of room for NH waste. Do you know how many more protocols established in the Waste Management rules and important procedures are being neglected or violated that are set forth to protect the environment and the well-being of the people of New Hampshire? Since NCES does not follow the rules it is up to NHDES to deny this permit in order stop the landfill from further jeopardizing the health of residents of Bethlehem and the Ammonoosuc River Watershed.

Thank you,



Andrea Bryant
633 Swazey Lane
Bethlehem, NH 03574
andreambryant@myfairpoint.net

From: [The Cooks](#)
To: [DES: SWpublic.comment](#)
Subject: NCES Landfill Expansion onto Adjacent Land (Permit #DES-SW-SP-03-002)
Date: Saturday, December 7, 2019 4:56:30 PM

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12/7/2019

To: NHDES

From: Brian and Kathy Cook (residents of Bethlehem, NH)

Subject: NCES Landfill Expansion (Permit #DES-SW-SP-03-002)

Kathy and I are residents of Bethlehem NH. We are abutters to the NCES landfill, live along the Ammonoosuc River, and use well water. I am writing this letter to make my case as to why the landfill expansion waiver should not be granted to NCES.

The landfill and its expansions have been a difficult subject for Bethlehem residents over the years. The town has voted "NO" repeatedly against landfill expansions; many times ending in New Hampshire Superior Court for a decision. The town majority wants the landfill capped and closed.

On November 22, 2011, a settlement agreement between NCES and the Town of Bethlehem was signed. This agreement included the following expansion conditions:

- 1) NCES would not expand the landfill or develop new landfill capacity within Bethlehem outside of District V.
- 2) NCES would not purchase land for the purpose of developing or operating a landfill outside of District V.
- 3) NCES would not seek additional permits from federal, state, or local level to develop or operate a landfill outside of District V.
- 4) The final height of the NCES landfill would not exceed 1483 feet above sea-level after capping.

Kathy and I attended the December 3rd 2019 public hearing at Profile School, where NCES presented their landfill expansion plan. The Stage VI expansion would be along the southern and eastern limits of District V, and would add an additional capacity of 1.22 million cubic yards. The disturbing issue with this expansion is that the perimeter berm for Stage VI would be on adjacent land, outside of District V. A landfill requires a perimeter berm; the berm is a component of a landfill. The berm cannot be separated from the landfill. As a result, this expansion directly violates items 1, 2, and 3 above. Not only that, the adjacent land is not zoned for landfill operation and should not be used for landfill purposes. NHDES must take Bethlehem zoning rules and past legal agreements into account when evaluating this application. Any expansion must be contained within the District V boundary, including the berm. Any decision that allows Stage VI to extend beyond the District V boundary is in violation of Bethlehem zoning, the 2011 agreement between NCES and the Town of Bethlehem, and would have legal ramifications.

Brian Cook

Kathryn Cook

From: [Amy Delventhal](#)
To: [DES: SWpublic.comment](#)
Subject: Bethlehem landfill opposition
Date: Sunday, December 8, 2019 12:00:39 PM

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I am writing in hopes that you will deliberate more carefully than ever as you consider the most recent application by NCES to expand their landfill in Bethlehem. This is just another in a long list of agreements that NCES has bullied the Town of Bethlehem into *and then broken*.

On November 22, 2011, a settlement agreement between NCES and the Town of Bethlehem was signed. This agreement included the following expansion conditions:

- 1) NCES would not expand the landfill or develop new landfill capacity within Bethlehem outside of District V.
- 2) NCES would not purchase land for the purpose of developing or operating a landfill outside of District V.
- 3) NCES would not seek additional permits from federal, state, or local level to develop or operate a landfill outside of District V.
- 4) The final height of the NCES landfill would not exceed 1483 feet above sea-level after capping.

The Stage VI expansion would be along the southern and eastern limits of District V, and would add an additional capacity of 1.22 million cubic yards. The disturbing issue with this expansion is that the perimeter berm for Stage VI would be on adjacent land, outside of District V. A landfill requires a perimeter berm; the berm is a component of a landfill. The berm cannot be separated from the landfill. As a result, this expansion directly violates items 1, 2, and 3 above. Not only that, the adjacent land is not zoned for landfill operation and should not be used for landfill purposes. NHDES must take Bethlehem zoning rules and past legal agreements into account when evaluating this application. Any expansion must be contained within the District V boundary, including the berm.

Any decision that allows Stage VI to extend beyond the District V boundary is in violation of Bethlehem zoning, the 2011 agreement between NCES and the Town of Bethlehem, and would have legal ramifications. Our Town has been financially drained by the legal battles required to stay abreast of this profit-driven company. You have the power to stop this madness and get on the side of right here.

Please also consider two pieces of proposed legislation recently introduced. One seeks a 2 year moratorium on any new landfills or expansion of existing landfills in order to allow NH time to begin addressing very real solid waste concerns and how they impact our State. The other seeks to protect our natural resources and tourism industry by prohibiting that any landfill be sited near national, agricultural or State park lands. The latter, which would shut down NCES's push on Forest Lake, is what has precipitated their renewed run at Bethlehem.

NCES has been cited for reaching Stage V capacity a full year earlier than their current permit allows. This fast-filling for greatest financial gain with no regard for signed agreements or community benefit is criminal, in my opinion.

Consider, too, the current lawsuit brought by Toxic Action due to high levels of PFAS found in the

water due to NCEC's poor management of the Bethlehem site. There is a national awareness of the impact of PFAS on people that is just beginning to reveal the layers of insidious issues to be dealt with on this issue alone.

Please--let's get ahead of this a bit if we can. Put on the brakes and allow time to take a closer look at alternate possibilities and solutions rather than continue to give this conscious-less corporation another mile for their inch.

Thank you in advance for your eagle-eye scrutiny in this deeply important matter, on behalf of my grandchildren (and yours).

Sincerely,

From: [Save Forest Lake](#)
To: [DES: SWpublic.comment](#)
Cc: [Colby, Jaime](#); [Wimsatt, Mike](#); [Scott, Robert](#); [Drew, Tim](#); [Pelletier, Rene](#); [Freise, Clark](#); [DOJ: Attorney General](#); [Cota-Robles, Lisa](#)
Subject: Public Comment: NCES Landfill Expansion onto Adjacent Land (Permit #DES-SW-SP-03-002)
Date: Monday, December 9, 2019 8:36:37 AM

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Dear NH DES:

I am writing to urge you to DENY the Stage VI expansion permit sought by Casella Waste Systems/NCES which would be along the southern and eastern limits of District V in the Town of Bethlehem, adding an additional landfill capacity of 1.22 million cubic yards. Apparently, the perimeter berm necessary for the Stage VI expansion would be on adjacent land, **outside of District V, the only district in the Town of Bethlehem where a landfill is allowed per its zoning ordinance.** The landfill expansion requires a perimeter berm; and thus, the perimeter berm is a necessary component of the landfill expansion. The berm cannot be separated from the landfill and as a result of this fact, this expansion directly violates items 1, 2, and 3 of the 2011 MOU between the Town of Bethlehem and NCES/Casella. see as noted below. Not only that, the adjacent land is not zoned for landfill operation and should not be used for landfill purposes. NH DES must take Bethlehem zoning rules and past legal agreements into account when evaluating this application. Any expansion must be contained within the District V boundary, including the berm. Any decision that allows Stage VI to extend beyond the District V boundary is in direct violation of Bethlehem zoning, the 2011 agreement between NCES and the Town of Bethlehem, and would have legal ramifications which may be pursued by groups opposed.

On November 22, 2011, a settlement agreement (MOU) between NCES and the Town of Bethlehem was signed, parts cited and full MOU linked below for reference. This agreement included the following expansion conditions:

- 1) NCES would not expand the landfill or develop new landfill capacity within Bethlehem outside of District V. (MOU Paragraph 5. a)
- 2) NCES would not purchase land for the purpose of developing or operating a landfill outside of District V. (MOU Paragraph 5. b.)
- 3) NCES would not seek additional permits from federal, state, or local level to develop or operate a landfill outside of District V. (MOU Paragraph 5. c.)

Furthermore, Casella Waste Systems/NCES has clearly stated its intent to expand its landfill operations in the North Country into the Town of Dalton with a pre-application meeting held at NH DES offices in May, 2019. This further expansion into the proposed Dalton location would also constitute clear violation of the 2011 MOU, Paragraph 5, a. since the necessary ROW to access the Dalton landfill site resides in District III on Route 116 in the Town of Bethlehem and is required for access of all vehicles to enter the proposed landfill. Landfill operations are prohibited in District III and only permitted, and agreed upon by NCES and Casella Waste Systems in the aforementioned MOU of November 22, 2011. Furthermore, permitting will be required for that ROW from NH DOT as well as the Town of Bethlehem as landfilling at that location would constitute a "change of use" for Douglas Drive, which resides in District III in the Town of Bethlehem and is currently permitted for sand and gravel operations, not landfilling, thus a violation of the MOU paragraph 5, C.

http://bethlehemnh.org/PDF/Early%20Website%20Miscellaneous/Agreement%20signed%20by%20BOS.pdf?fbclid=IwAR1XI75ktLXEa7Tm7r8CqnYLwTXdv4-gdObPQuxET9Wq97wlaS_V4qHg0Vo

Clearly, the Stage VI expansion as presented is in violation of the Zoning Ordinance of the Town of Bethlehem and should require a variance request to the Town of Bethlehem in order for NH DES to then be able to make a proper decision relative to the merits of the proposed expansion request. By seeking expansion of their landfill operations into the Town of Dalton, which requires the use of a ROW in the Town of Bethlehem and outside of District V, NCES/Casella Waste Systems is also in violation of the 2011 MOU signed with the Town of Bethlehem and neither should be considered by NH DES until the Town of Bethlehem is given the opportunity to examine the legality of both proposed expansion under the signed 2011 MOU and the town zoning ordinance.

Thank you!

Jon Swan
25 Cashman Road
Dalton, NH 03598
(603) 991-2078
Founder, Save Forest Lake
Please Help Us To Save Forest Lake!
<http://www.SaveForestLake.com>

From: [Robillard, Jeanne](#)
To: [Wimsatt, Mike](#)
Cc: [Robillard, Jeanne](#); [DES: SWpublic.comment](#)
Subject: DES-SW-SP-03-002
Date: Monday, December 9, 2019 11:05:43 AM

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Hello Mike,

Borrowing from Jon Swan's submitted testimony- this is almost exactly like the incident of 2003 that I referred to in my testimony, and previous testimony before the DES regarding permit DES-SW-SP-03-002.

I hope history is not going to repeat itself- yet again. There is not local approval attached to this permit modification for expansion beyond the boundary of District V.

"I am writing to urge you to DENY the Stage VI expansion permit sought by Casella Waste Systems/NCES which would be along the southern and eastern limits of District V in the Town of Bethlehem, adding an additional landfill capacity of 1.22 million cubic yards. Apparently, the perimeter berm necessary for the Stage VI expansion would be on adjacent land, **outside of District V, the only district in the Town of Bethlehem where a landfill is allowed per its zoning ordinance.** The landfill expansion requires a perimeter berm; and thus, the perimeter berm is a necessary component of the landfill expansion. The berm cannot be separated from the landfill and as a result of this fact, this expansion directly violates items 1, 2, and 3 of the 2011 MOU between the Town of Bethlehem and NCES/Casella. see as noted below. Not only that, the adjacent land is not zoned for landfill operation and should not be used for landfill purposes. NH DES must take Bethlehem zoning rules and past legal agreements into account when evaluating this application. Any expansion must be contained within the District V boundary, including the berm. Any decision that allows Stage VI to extend beyond the District V boundary is in direct violation of Bethlehem zoning, the 2011 agreement between NCES and the Town of Bethlehem, and would have legal ramifications which may be pursued by groups opposed."

Best-
Jeanne Robillard

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From: [Sugar Hill Selectmen](#)
To: [DES: SWpublic.comment](#)
Subject: Town of Sugar Hill Comment DES-SW-SP-03-oo2
Date: Thursday, December 12, 2019 3:27:48 PM

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Comment regarding 581 Trudeau Road expansion
DES-SW-SP-03-002

Dear Sir,

A representative from the town of Sugar Hill was unable to attend the public hearing on December 3, 2019 at the Profile School in Bethlehem regarding the Trudeau Road Landfill Expansion.

The Sugar Hill Select Board is concerned that NH DES will grant a waiver of design requirements for this expansion.

We hope that DES will be more proactive in protecting our communities and not grant the waiver.

Sugar Hill has been impacted by a large number of waste hauling trucks driving through our village center, leaking fluids and emitting foul odors at all hours of the day and night. We are fearful of an increase in this activity.

We are also concerned about contaminant seepage into the Ammonoosuc River. As Bethlehem's neighbors, we all share in our concern for the town's public health and safety.

It is time for the state to implement a thoughtful Solid Waste Management Plan that would encourage communities to handle their own trash regionally, not take trash from out of state, and not let industry dictate our solid waste management regulations and policies.

Thank you,

Margaret Connors
Sugar Hill Select Board.

From: [Bryan Bailey](#)
To: [DES: SWpublic.comment](#)
Subject: NCES Permit No. DES-SW-SP-03-002
Date: Monday, December 16, 2019 1:28:52 PM

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To whom it may concern,

I would like to voice my support for the NCES Bethlehem expansion project. I was at the Public Hearing on December 3, 2019 and listened to both the proponents and opponents sides and one topic that seemed to have a lot of discussion was under the Public Benefit. One point that was never brought up were jobs, and as we all know jobs are a vital part of any economy. I have been working at the Bethlehem Landfill for the construction company, Alvin J. Coleman and Son, Inc. for the past several months. Construction projects like this in the North Country are a vital part of our construction industry. The landfill appears to account for 10 to 12 full time workers at the landfill alone (non-construction/Cassela employees), but the seasonal construction projects that our industry needs, especially in the North Country, is just as valuable and accounts for even more jobs. Our industry is built on stringing together temporary construction projects year to year or project to project. If you take away a business that accounts for probably several projects per year (and many more on the horizon) the impact would certainly be felt, especially in the North Country where good construction projects such as these are very hard to come by. I am sure there are other indirect jobs that would also be affected that I am not aware of also. I would also like to give my support to the Cassela company in General, as being part of the project meetings and visually witnessing their operations, they are extremely sensitive to the public's perception and comments and run a very clean and well managed Landfill.

Thank you for your consideration.

Sincerely,

Bryan Bailey
Estimator/Project Manager
Alvin J. Coleman & Son Inc
9 NH Route 113
Conway NH 03818
Ph: (603) 447-5936

From: [Colby, Jaime](#)
To: [DES: SWpublic.comment](#)
Subject: FW: Permit #DES-SW-SP-03-002 Type I-A Permit Application Stage VI Landfill Expansion
Date: Wednesday, December 18, 2019 3:36:12 PM
Attachments: [NCES StageVI Expansion.pdf](#)

Jaime M. Colby, P.E.

Solid Waste Management Bureau | NH Department of Environmental Services

29 Hazen Drive, Concord, NH 03302-0095 | Phone: (603) 271-5185

jaime.colby@des.nh.gov

From: Connie McDade <cmcnaid@gmail.com>
Sent: Wednesday, December 18, 2019 3:35 PM
To: Colby, Jaime <Jaime.Colby@des.nh.gov>
Cc: Walling, Richard <wsqw@myfairpoint.net>; Dennis McFadden <dennis.j.mcfadden@gmail.com>; Greene, Arthur <afgreene@roadrunner.com>; Peters, Errol <landaff@juno.com>; Karpf, Joan <megellana3@aol.com>; Sue McClain <suemcclain@bethlehemnh.org>; Johnson, Marilyn <mpj442@gmail.com>
Subject: Permit #DES-SW-SP-03-002 Type I-A Permit Application Stage VI Landfill Expansion

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To: Jaime Colby, P.E., Supervisor
Permitting & Design Review Section
NDES Waste Management Division

Date: December 18, 2019

Re: Permit No. DES-SW-SP-03-002 North Country Environmental Services (NCES) Type I-A Permit Modification Application Stage VI Landfill Expansion, Bethlehem

Jaime,

A letter of comment for the NCES Stage VI Landfill Expansion in Bethlehem from the Ammonoosuc River Local Advisory Committee (LAC) is attached.

From Connie McDade, Corresponding Secretary
Ammonoosuc River LAC

To: Jaime Colby, P.E., and Supervisor
Permitting & Design Review Section
NHDES Waste Management Division
29 Hazen Drive, P.O. Box 95
Concord, N.H. 03302-0095

Date: December 18, 2019

Re: **Permit No. DES-SW-SP-03-002** North Country Environmental Services (NCES)
Type I-A Permit Modification Application Stage VI Landfill Expansion in
Bethlehem

Location: 5.71-acre, 100-foot lateral expansion of southern and eastern limits of the landfill.
NCES seeks Waiver of NH Solid Waste Rules ENV-SW 805.07 (a) (1) and (b)
(I) of Administrative Rules that would effect certain design requirements,
regarding leak detection and location systems for the Stage VI footprint proposed
to overlie existing Stage 1. Waste would be disposed of on the newly lined area
and over the adjacent slopes of Stages II, III, IV, and V.

Dear Jaime Colby,

The Ammonoosuc River Local Advisory Committee (LAC) members reviewed the scanned information received about the proposed project at their December 11, 2019 meeting. The Plan states “Stage VI does not include a vertical expansion; maximum permitted landfill height is not being proposed.” Because Stage VI footprint overlies existing Stage 1 and the waste disposal will be dumped over newly lined area and over the adjacent slope area of Stages II, III, IV, and V, it is evident the landfill height will increase above the current height. If there is not a limit placed on height of the expanded landfill, the total amount of pressure exerted on existing landfill contents is left unregulated. Previous landfill analysis done has indicated there are adequate factors of safety against foundation failure and sliding among liner and cap system components under the expected static loading conditions. Standards used have been based on historical data but with climate change some of those standards are now in question and may need to be revised.

The Ammonoosuc River, a Designated River in the NH Rivers Management and Protection Program, is classified rural in the project area (RSA 483:15, Chapter 66: Section 1, 2007). The rural classification imposes certain restrictions within the 1/4-mile (1,320 feet) corridor on both sides of the river. One of the protection measures deals with expansion of existing landfills within the 500-year floodplain, indicating the additional area of risk associated with the moderate flood hazard (RSA 483:9-a). The proximity of the landfill to the designated river calls for extra measures how the site is constructed, operated, and monitored to ensure protection of the water quality in the river.

“Topographic grade of the site goes from the landfill towards the Ammonoosuc River. The stormwater from the landfill footprint flows to the north and northwest through stormwater swales, culverts, and detention ponds and infiltrates to groundwater or eventually discharges into the Ammonoosuc River.” Technical concerns include how the height of expanded landfill will

affect stormwater management, slope stability, waste settlement, leachate flow, and pollution of ground water.

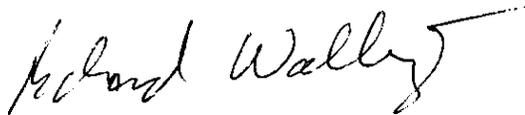
The Bethlehem aquifer extends to the banks of the Ammonoosuc River, moreover, it goes underneath the river to the far side of Muchmore Road. This is significant because the river provides the public drinking water supply for the Town of Woodsville. The Lisbon wellhead protection area extends to both sides of the river. In addition people obtain their well water from the Bethlehem aquifer.

Everything considered, leachate production from a municipal landfill is an important environmental issue, as it could be responsible for polluting the local groundwater and soil. A study done by the American Society of Civil Engineers in 2015 confirmed the importance of landfill height on the formation of lateral leachate flow. "The model showed a critical landfill height exists below which the perched leachate zone does not exist."

Dr. John Fields's Geomorphic Study of the Ammonoosuc River, October 2011 described moderate to very high erosion flood hazard rating for Bethlehem due to steep confined channels within that town. The reaches upstream of Pierce Bridge, which would include the segment of the river adjacent to NCES by Muchmore Road, were found to have very high erosion potential. There's a very steep slope (approximately 25-30%) descending Muchmore Road to the bank of the river. The slope grade augments the rate of storm water runoff.

The NCES seeks Waiver of Administrative Rules that would effect design requirements, regarding leak detection and the location systems. Untreated leachate is an environmental hazard, which puts leak detection front and center in importance. The location and mitigating factors call for a complete review. Waiver of NH Solid Waste Rules should not be granted.

Sincerely,

A handwritten signature in black ink that reads "Richard Walling". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Richard Walling, Chair
Ammonoosuc River Local Advisory Committee

PEMI-BAKER SOLID WASTE DISTRICT

December 13th, 2019

Pemi-Baker Solid Waste District
161 Main Street
Littleton, NH 03561
(603) 444-6303 ext 2025
dmlone@nccouncil.org



New Hampshire Department of Environmental Services
29 Hazen Drive
Concord, NH 03302

To Whom It May Concern:

Please accept this letter as formal written testimony giving full support for the landfill expansion as proposed by NCES (Permit # DES-SW-SP-03-002).

This letter is respectfully submitted on behalf of the Pemi-Baker Solid Waste District. The Pemi-Baker Solid Waste District is a regional disposal district, pursuant to §RSA 53:B, and serves the purpose of providing refuse disposal facilities at a realistic cost for its nineteen member municipalities. Those member municipalities, all within the State of New Hampshire, include: Town of Ashland, Town of Campton, Town of Danbury, Town of Dorchester, Town of Easton, Town of Ellsworth, Town of Franconia, Town of Groton, Town of Landaff, Town of Lisbon, Town of Littleton, Town of Lyman, Town of Plymouth, Town of Rumney, Town of Sugar Hill, Town of Thornton, Town of Warren, Town of Waterville Valley, and the Town of Wentworth. Each municipality is represented in the District by at least one town-appointed representative, typically the local transfer station manager or public works director. The District is committed to protecting the interests of small towns as well as larger ones by developing solutions to our mutual problems in waste disposal.

An example of the services Pemi-Baker Solid Waste District provides includes holding at least two Household Hazardous Waste collections annually. The intent of these collections is to divert hazardous waste from becoming litter, poured down drains, or being added to the current NCES landfill. The District's Household Hazardous Waste collections are not limited to its nineteen member communities but is open for anyone to participate, thereby improving regional access to hazardous waste disposal services.

In the past year, public awareness revolving around solid waste disposal and the costs associated, has increased tremendously. Individuals have begun to realize that trash does not magically disappear and must instead be carefully planned for and properly disposed of in order to avoid externalities on surrounding communities and the State's precious natural resources. But finding adequate disposal sites has proven to be extremely difficult over the years as appropriate disposal sites must satisfactorily meet social considerations and environmental restrictions. That being said, **approving the NCES proposed landfill expansion is crucial for the public benefit of District residents, businesses, and municipalities through maintaining access to an appropriate solid waste disposal site while also providing time for solid waste stakeholders in the State of New Hampshire to strategize an effective, sustainable solution for solid waste disposal once the NCES site reaches capacity.**

Ashland - Campton - Danbury - Dorchester - Easton - Ellsworth - Franconia - Groton - Landaff - Lisbon - Littleton - Lyman
Plymouth - Rumney - Sugar Hill - Thornton - Warren - Waterville Valley - Wentworth

PEMI-BAKER SOLID WASTE DISTRICT

In the event that the proposed NCES landfill expansion is not approved, there will be a significant financial burden on all New Hampshire residents, businesses, and municipalities who rely on access to the NCES landfill; every town in the Pemi-Baker Solid Waste District will be negatively impacted. Pemi-Baker Solid Waste District respectfully encourages that there be constructive cooperative conversations to take immediate action at finding an effective solution for disposing of solid waste once the NCES landfill, with or without the expansion, reaches capacity. There are numerous solid waste disposal options such as incinerators or new landfills, **the most ideal solution being a plasma trash facility**. Without access to the NCES landfill, communities across the state will be forced to pay significant additional fees in order to be able to transport solid waste to a different location.

Additionally, the Pemi-Baker Solid Waste District would like to respectfully encourage the State of New Hampshire to limit the amount of out-of-state solid waste that is allowed to be disposed of in the NCES landfill site and impose a strict minimum that at least 75% of all solid waste disposal at the site be generated within in New Hampshire; therefore no more than 25% of the solid waste being generated by out-of-state sources.

The Pemi-Baker Solid Waste District fully supports the proposed NCES landfill expansion and finds that it will directly benefit the public by meeting critical solid waste disposal needs. Without approval of the NCES landfill expansion, communities will be forced to utilize options which are either significantly more expensive or near inaccessible. Approving the proposed NCES landfill expansion will also allow additional time for solid waste stakeholders to identify the best possible solution for solid waste disposal once the NCES landfill reaches capacity, while also providing opportunity to impose limits on how much out-of-state solid waste is permitted to be disposed of at the NCES site. Approval of the proposed NCES landfill expansion is essential to the public benefit of residents, businesses, and municipalities in the State of New Hampshire who rely on the current NCES site.

Best regards,



Brian Patnoe, Chairman
Pemi-Baker Solid Waste District

From: [Julie Seely](#)
To: [DES: SWpublic.comment](#)
Subject: Public comment on North Country Environmental Services proposed expansion
Date: Friday, December 20, 2019 12:42:17 PM
Attachments: [NHBiennialSolidWasteReport.pdf](#)

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Dear DES,

Though a previous email that I wrote to Jaime Colby prior to the December 3 Public Hearing in November was forwarded to you as my public comment (and I also spoke at the hearing), I would like to provide these supplemental comments regarding the expansion, and the reasons that I believe that NCES simply can't prove a needed public benefit from this request, and in fact will be harming the environment via excessive additional exhaust fumes if this permit is granted.

First, though, I neglected to mention during my oral comments on December 3rd that not only is a Bethlehem Transfer Station Committee researching options for solid waste management after NCES is closed, we have also been preparing financially for that day, with \$135,000 already set aside in Capital Reserve funds by voters for future solid waste infrastructure needs.

Back to Public Benefit: As I previously noted, NCES is currently operating under a permit wherein they estimated that they would be accepting 280,000 tons per year. During *no* year of their operation have they ever accepted that much in New Hampshire solid waste. Never. Yet now, in this new permit application, they are requesting a 43% increase from an estimated 280,000 tons to 400,000 tons per year. This alone should be a reason to reject this permit request, as that additional tonnage is not needed for NH waste, meaning the "public benefit" is, inevitably, going to go to other states.

Additionally, New Hampshire's solid waste capacity needs are *not* increasing by 43%, meaning that NCES's estimated permitted tonnage also shouldn't increase. In fact, the NH Legislature has made it clear that New Hampshire *already* has more than enough already-permitted capacity to last for the requested 2.3 year estimated life of the permit application, *without* any further expansions at NCES, even if that clock doesn't start ticking until their existing space is exhausted in April of 2021 (and as you know, NCES argues that clocks start ticking far sooner than the exhaustion of the previously permitted space). I attach the most recent NH Biennial Solid Waste Report, and direct your attention specifically to the chart on page 6, showing that New Hampshire already has enough permitted capacity for its own needs during the entire duration of the proposed expansion.

New Hampshire is already being excessively dumped on by other states. Granting this permit will serve not only to enable, but indeed encourage further acceptance of out-of-state waste, which is not in New Hampshire's best interests, either from a solid waste planning basis, or from an air quality basis: how much diesel exhaust will be spewed into the New Hampshire air by additional trucks driving 30-ton loads of garbage hundreds of miles round trip from Massachusetts to Bethlehem using up those additional 120,000 tons/year? Given that the Interstate Commerce Clause does not allow the NH Legislature to address this issue head-on, DES must do so instead. One of the tools at your disposal is the permitting process, and permitting only that capacity that is truly needed is a necessary first step.

Your stated mission at DES, per your own Mission Statement is "To help sustain a high quality of life for all citizens by protecting and restoring the environment and public health in New Hampshire." Please help protect our quality of life and our environment by denying this permit. This capacity isn't needed.

Sincerely,

Julie Seely
Bethlehem NH (residence on Blaney Rd)

(mailing: PO Box 422, Franconia NH 03580)

BIENNIAL SOLID WASTE REPORT

OCTOBER 2019

Prepared by the New Hampshire Department of
Environmental Services



State of New Hampshire Department of Environmental Services

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I. Introduction

This report has been prepared pursuant to NH RSA 149-M:29, II, which directs the New Hampshire Department of Environmental Services (NHDES) to prepare a report on New Hampshire’s progress toward reaching the 40% solid waste diversion goal established in RSA 149-M:2, as well as proposed strategies for achieving the goal, proposed changes to the goal, and various other details, which are addressed in the body of this document.

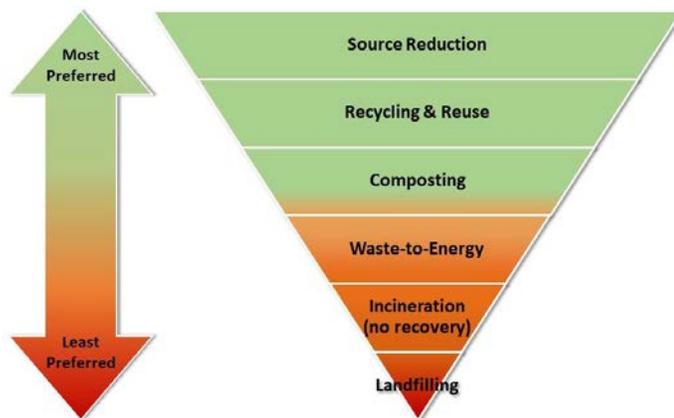
In 1990, RSA 149-M was amended to establish a Waste Reduction Goal, which has been subsequently revised over the years. The current version of this goal, established in 1999, sets a target to divert at least 40% of New Hampshire’s solid waste from final disposal by the year 2000 in order to reduce the quantity of solid waste disposed in the state’s landfills and incinerators, as measured on a per capita basis. As stated in RSA 149-M:2:

The general court declares its concern that there are environmental and economic issues pertaining to the disposal of solid waste in landfills and incinerators. It is important to reserve landfill and incinerator capacity for solid wastes which cannot be reduced, reused, recycled or composted. The general court declares that the goal of the state, by the year 2000, is to achieve a 40 percent minimum weight diversion of solid waste landfilled or incinerated on a per capita basis. Diversion shall be measured with respect to changes in waste generated and subsequently landfilled or incinerated in New Hampshire. The goal of weight diversion may be achieved through source reduction, recycling, reuse, and composting, or any combination of such methods. The general court discourages the disposal of recyclable materials in landfills or processing of recyclable materials in incinerators. (RSA 149-M:2, I. – effective July 20, 1999)

While the terminology used to express this goal emphasizes diversion, it is evident that the intention was to reduce the overall quantity of waste generated (via source reduction) while also diverting from disposal waste that cannot be reduced (via reuse, recycling, or composting). Although RSA 149-M:2 discourages the disposal of recyclable materials, it does not establish recycling, composting or other forms of waste diversion as mandatory.

To promote achievement of the waste reduction goal, RSA 149-M:3 establishes a hierarchy of waste management methods to be used in New Hampshire (see Figure 1).

Figure 1. New Hampshire’s Waste Management Hierarchy



This hierarchy provides a standard of preference for management of solid waste in the state, with priority placed on methods that reduce the generation of waste or divert recoverable materials from disposal. Source reduction is at the top of the hierarchy because such practices prevent a waste from being generated, which results in less waste needing end-of-life management, conserves resources and reduces overall environmental impact. When a waste is generated, managing it via reuse, recycling or composting is preferred because these methods recover and divert materials from disposal, thereby encouraging circular use of resources. Waste-to-energy technologies include incineration with energy recovery, anaerobic digestion, and emerging conversion processes that turn waste into fuel. These technologies are preferable to outright disposal in a traditional incinerator or a landfill because they recover energy, reduce volume and weight, and in some cases may produce useful by-products.

As established by the General Court, the waste management hierarchy, in conjunction with the waste reduction goal, was envisioned to support an integrated waste management system in New Hampshire, combining a variety of approaches to reduce the quantity of waste generated while managing the waste that is generated in the most environmentally-responsible manner available. In this way, the hierarchy serves as a guiding principle not only for NHDES and the state at large, but also for municipalities, commercial and industrial waste generators, solid waste management companies, and the general public. However, it is worth noting that since the hierarchy was established in 1990, waste management infrastructure in New Hampshire has not significantly shifted from disposal (landfilling and incineration) toward more preferred management methods.

In preparing this report, NHDES used readily-available information to address the topic areas required by statute (RSA 149-M:29, II). However, NHDES acknowledges that some of the content contained herein may not meet the robust level of detail that was likely intended by the statute. This is partly due to data and resource limitations, in addition to a lack of statutory clarity. The conclusion of this report provides suggestions on how the waste reduction goal might be revised to enable NHDES to better measure and track progress toward attainment.

II. Generation of Solid Waste in New Hampshire

The term “generation” refers to the act of producing a waste, which is something that happens every day in New Hampshire as a result of the routine activities of residents, visitors, businesses, institutions and industry. RSA 149-M generally defines “solid waste” as any abandoned or discarded material, excluding hazardous waste, nuclear waste, sludge and septage, point source discharges of certain municipal and industrial wastewater, and yard waste. Given these broad boundaries, the category of solid waste encompasses a wide variety of potential materials, including household trash, recyclable materials, food waste, commercial and industrial waste, construction and demolition debris, electronic waste, asbestos waste, non-hazardous contaminated soils, end-of-life motor vehicles, animal carcasses, infectious waste, or anything else that qualifies as abandoned or discarded material.

For the purposes of this report, the concept of generation is intended to consider the entirety of solid waste produced in the state, not only wastes disposed in a landfill or incinerator, but also wastes that are diverted (for example, reused, recycled, composted). Estimating statewide generation of solid waste is complex. There are a variety of generators across various sectors in New Hampshire, but NHDES does not specifically track solid waste from the point of generation. Instead, NHDES regulates the management of solid waste at permitted solid waste facilities within the state. This only provides NHDES with data on wastes managed at these facilities and does not capture all solid waste actually generated within the state. For example, some industrial, commercial or institutional generators may use hauling services that directly transport refuse and recycling to destinations outside of New Hampshire. Further, there is an indeterminable quantity of waste that is generated but never reaches a permitted solid waste facility because it is managed at the site of generation, such as home composting, or is diverted directly to reuse (for instance, donation).

According to 2015 data from the United States Environmental Protection Agency (EPA), U.S. consumers generate an average 4.48 pounds of municipal solid waste (MSW) per person per day.¹ It is worth noting that this figure does not include generation of construction and demolition debris (C&D), industrial wastes, end-of-life motor vehicles, and contaminated soils.

Applying EPA’s generation rate to New Hampshire’s 2018 population² would suggest that just over 1.1 million tons of MSW were generated within the state in 2018. However, as noted above, there are broad categories of solid waste not included in this estimate. Because this figure only represents an estimate of MSW generation, we know that New Hampshire’s actual generation rate for all solid waste is likely considerably higher. However, NHDES does not have data to support a definitive figure.

¹ United State Environmental Protection Agency. *National Overview: Facts and Figures on Materials, Wastes and Recycling*. <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials#Generation>

² According to NH Office of Strategic Initiatives, New Hampshire’s population in 2018 was 1,365,458.

III. Disposal of Solid Waste in New Hampshire

The term “disposal,” defined in RSA 149-M:4, VI, generally refers to the act of depositing waste in or on land or water. The term is most commonly used to refer to “final” management methods, including deposition in a landfill or combustion in an incinerator. As noted in the introduction, disposal methods such as incineration and landfilling are least-preferred on the waste management hierarchy established by RSA 149-M:3, while source reduction (reducing the quantity of waste generated at the source) and diversion (such as, reuse, recycling, composting) are at the top of the hierarchy. However, since the hierarchy was established, New Hampshire’s waste management infrastructure has not significantly shifted from a reliance on disposal. With three commercial landfills, three limited-service public landfills, and one commercial waste-to-energy facility operating in New Hampshire, the state is somewhat unique among its neighboring states in terms of active disposal capacity.

Table 1 below illustrates total quantities of waste disposed over the last four years at New Hampshire’s landfills and waste-to-energy facility. The data are broken down by waste received from in-state sources, as well as out-of-state sources. The vast majority of out-of-state waste disposed in New Hampshire is received by the three commercial landfills. As the table shows, disposal tonnages have increased incrementally over the last several years, while the ratio of in-state waste compared to out-of-state waste has hovered around 50%.

Table 1. New Hampshire Disposal Figures 2015 – 2018

Year	Total Tons Disposed	Tons from In-State Sources	Tons from Out-of-State Sources	Percentage In-State Sources
2015	1,973,561	1,053,130	920,431	53%
2016	2,076,656	1,082,138	994,518	52%
2017	2,329,946	1,225,366	1,104,580	53%
2018	2,388,877	1,228,819	1,160,058	51%

Table 2. Disposal of NH-generated Waste, Normalized Per-Capita

Year	NH Population*	Total Tons Disposed From In-State Sources	Tons Disposed per Capita
2015	1,330,608	1,053,130	0.79
2016	1,334,795	1,082,138	0.81
2017	1,342,795	1,225,366	0.91
2018	1,356,458	1,228,819	0.91

* Population estimates from New Hampshire Office of Strategic Initiatives
<https://www.nh.gov/osi/data-center/population-estimates.htm>

Table 2 shows disposal of waste generated in New Hampshire relative to the state’s population. The data show an increase in per capita disposal from 2016 to 2017, with 0.81 tons disposed per person in 2016 to 0.91 tons disposed per person in 2017. While there is not enough information to conclusively

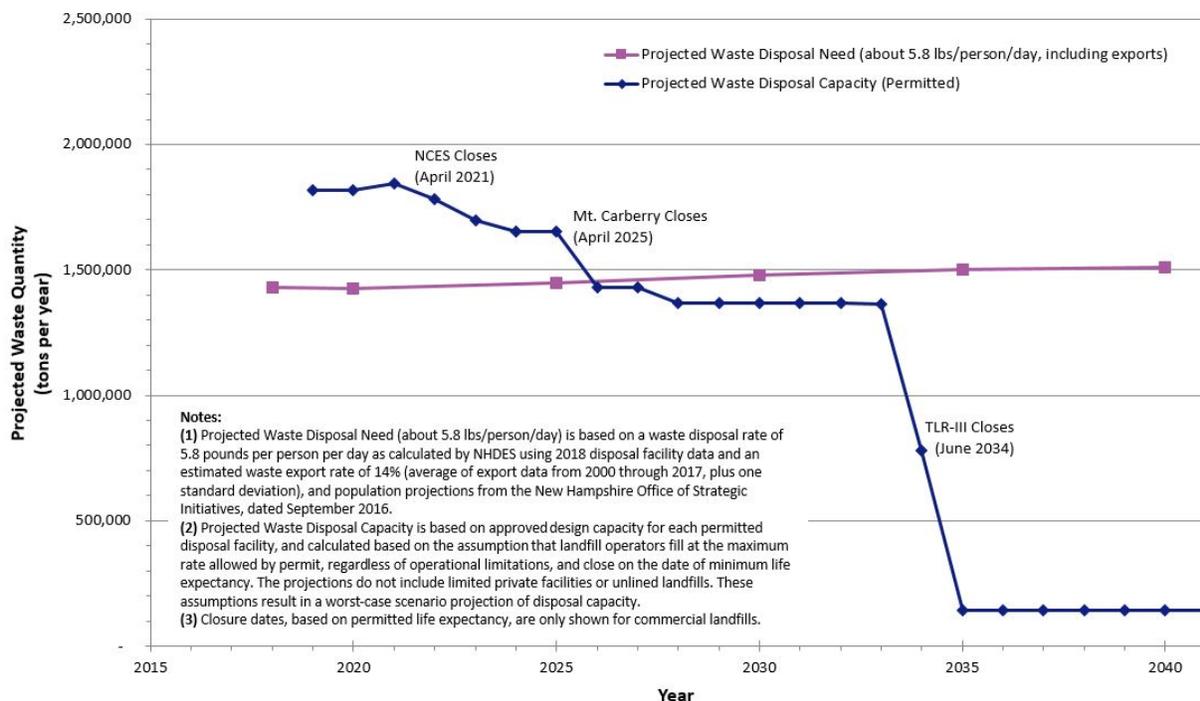
determine the cause for this increase, it is likely due to a number of factors, including increased waste generation resulting from increased economic activity. In addition, international recycling markets began to experience disruptions in the second half of 2017, and the situation worsened considerably in 2018. However, it is unclear to what degree this impacted per capita disposal rates, especially in light of the fact that the rate of 0.91 tons disposed per person did not change from 2017 to 2018, despite growing challenges for recycling markets over the same period.

Disposal is a metric that NHDES can definitively track and measure. However, relative to the hierarchy of preferred waste management methods, NHDES acknowledges that the agency has some blind spots in terms of tracking management trends higher on the hierarchy. Source reduction is something the agency does not track, and, even if it attempted to do so, it would be inherently difficult to estimate source reduction in a meaningful way. For example, source reduction is a common occurrence in today's consumer marketplace, where packaging manufacturers have been using increasingly thinner, lighter materials to produce product packaging, such as lighter weight plastic water bottles and flexible plastic pouches instead of paperboard. However, NHDES is not in a position to measure or quantify how this trend has been affecting New Hampshire's waste stream. Similarly, NHDES does not currently have reliable information on New Hampshire's recent recycling trends. Obtaining and analyzing data to produce meaningful statewide estimates is a complex task, and NHDES has been limited in terms of both its ability to obtain comprehensive data as well as the necessary program resources to allow the department to measure recycling trends, or other diversion trends, with a high degree of confidence.

IV. Projected Solid Waste Disposal Need and Disposal Capacity

Figure 2 illustrates NHDES’ projections for the quantity of solid waste generated in New Hampshire needing disposal compared to available permitted disposal capacity at New Hampshire’s landfills and incinerators. Further explanation of the figure and how NHDES derived these projections is provided below.

Figure 2. Projected Waste Disposal Need & Capacity for New Hampshire (2020 - 2040)



Projected Waste Disposal Need

For this report, NHDES projected New Hampshire’s solid waste disposal need in accordance with RSA 149-M:11, V, which requires the department to consider disposal need over a 20-year planning period. There are numerous methods by which such disposal need projections might be made. NHDES based its projections on the following:

- Disposal tonnage reported by NH’s operating landfills and incinerators in their 2018 annual facility reports (AFRs).
- Export data reported to NHDES from 2000 through 2017.
- Population projections made by the NH Office of Strategic Initiatives (NHOSI), dated September 2016, which are the most current population projections available for the 20-year planning period.
- The statutory requirement in RSA 149-M:11, V(a) that disposal projections account for all waste generated in New Hampshire (including waste exported to out-of-state disposal facilities).
- The assumption that New Hampshire’s rate of disposal will remain constant over the 20-year planning period.
- The assumption that diversion rates will remain constant over the 20-year planning period.

NHDES estimated the disposal rate at New Hampshire landfills and incinerators for in-state generated solid waste in 2018 as about 5.0 pounds per person per day, and assumed this to be the baseline waste disposal need for New Hampshire. Consistent with RSA 149-M:11, NHDES attempted to account for all solid waste generated within New Hampshire destined for disposal by including the amount of solid waste generated in New Hampshire that is exported to out-of-state disposal facilities. NHDES estimates this disposal export rate at 14%, based on the average export rate from 2000 to 2017 plus one standard deviation (to account for variability and unreported exports).³ Based on this estimate, waste exported for disposal outside of New Hampshire equates to approximately 0.8 pounds per person per day. Therefore, New Hampshire's total solid waste disposal rate, inclusive of exports, is estimated to be about 5.8 pounds per person per day. Because this estimate relates solely to disposal, it does not account for solid waste diverted from disposal by way of reuse, recycling or composting. The "Projected Waste Disposal Need" line depicted in Figure 2 represents 5.8 pounds per person per day multiplied by the population projections made on 5-year intervals by NHOSI. Changes in any of the factors and assumptions noted above may affect actual disposal need.

Projected Waste Disposal Capacity

Projected waste disposal capacity is based on a combination of factors, including specific conditions relative to operational lifespan contained in each disposal facility's permit. NHDES estimated the statewide "Projected Waste Disposal Capacity" line shown in Figure 2 based on the following:

- The total permitted capacity of New Hampshire solid waste disposal facilities, excluding unlined landfills pursuant to RSA 149-M:11, V(a) and limited private facilities, which are closed loop facilities that only serve the capacity needs of the generator who owns the facility and therefore do not provide disposal capacity for the general public.
- The assumption that landfill operators will fill at the maximum rate allowed by the facility's permit, regardless of operational limitations.
- The assumption that a facility will close on the minimum operational date required by permit, which NHDES considers the earliest anticipated closure date of a disposal facility.

These assumptions result in a slightly conservative but reasonable scenario for projected disposal capacity in New Hampshire. Note that Figure 2 shows the earliest anticipated closure dates for the state's commercial landfills, which accept the majority of New Hampshire's solid waste, and Table 3 below shows the earliest anticipated closure date of each disposal facility in New Hampshire, excluding unlined landfills and limited private facilities.

³ The average export rate for solid waste during this 17-year period was about 10% and the standard deviation was about 4%.

Table 3. Active New Hampshire Disposal Facilities, Listed by Earliest Anticipated Closure Date

Facility Type	Facility Name	Location	Service Type / Service Area	Earliest Anticipated Closure Date
Waste-to-Energy Incinerator	Wheelabrator Concord Company L.P.	Concord, NH	Commercial / Unlimited	None
Incinerator (no resource recovery)	Hebron-Bridgewater Refuse District	Bridgewater, NH	Limited Public / Limited	None
Landfill	North Country Environmental Services, Inc.	Bethlehem, NH	Commercial / Unlimited	April 16, 2021 ⁴
	Four Hills Secure Landfill Expansion	Nashua, NH	Limited Public / Limited	April 15, 2023 ⁵
	Mount Carberry Secure Landfill	Success, NH	Commercial / Unlimited	April 29, 2025 ⁶
	Lebanon Regional Solid Waste Facility	Lebanon, NH	Limited Public / Limited	est. 2027 ⁷
	Lower Mount Washington Valley Secure Solid Waste Landfill	Conway, NH	Limited Public / Limited	est. 2033 ⁸
	TLR-III Refuse Disposal Facility	Rochester, NH	Commercial / Unlimited	June 30, 2034 ⁹

Assessment of Waste Disposal Need Relative to Waste Disposal Capacity

Based on a review of Figure 2, NHDES predicts a limited shortfall in disposal capacity between 2025 and 2034, ranging between about 20,000 and 120,000 tons per year. In 2034, assuming that TLR-III Refuse Disposal Facility in Rochester, NH closes, the Wheelabrator Concord Company L.P. waste-to-energy plant in Concord, NH remains operational, and there are no changes in current solid waste diversion rates, the state will experience a shortfall in disposal capacity of about 1.35 million tons per year thereafter. Although some landfills may have physical space to accommodate future expansions, NHDES' projections do not consider hypothetical capacity, but are based solely on permitted capacity as of the date of this report. As disposal facilities seek approvals for additional permitted capacity, the projections made herein are subject to change.

⁴ North Country Environmental Services, Inc.: Condition (13)(a) of the permit modification effective August 15, 2014 stipulates that the permittee shall operate Stage V in a manner that provides 5.3 or more years of disposal capacity. The permittee began operations in Stage V on December 28, 2015.

⁵ Four Hills Secure Landfill Expansion: Condition (7) of the facility's Standard Permit, effective June 26, 1995, stipulates that the permittee shall operate the facility in a manner that provides 20 or more years of disposal capacity. The permittee began operations in Phase I on April 15, 2003.

⁶ Mount Carberry Secure Landfill: Condition (20)(b) of the permit modification effective February 25, 2019 stipulates that the permittee shall operate the facility through at least April 29, 2025.

⁷ Lebanon Regional Solid Waste Facility: There is no minimum operating life expectancy in the facility permit. The anticipated closure date is estimated based on projected remaining capacity and life expectancy reported in the facility's 2018 Annual Facility Report.

⁸ Lower Mount Washington Valley Secure Solid Waste Landfill: There is no minimum operating life expectancy in the facility permit. The anticipated closure date is estimated based on projected remaining capacity reported in the facility's 2018 Annual Facility Report, and a proposed fill rate in the initial facility permit application of 10,000 tons per year.

⁹ TLR-III Refuse Disposal Facility (aka Turnkey Landfill): Condition (21)(b) of the permit modification effective June 11, 2018 stipulates that the permittee shall operate the facility through at least June 30, 2034.

V. State and Regional Trends in Solid Waste Management

Trends in New Hampshire

Landfill Expansions – Applications for landfill expansions constitute the vast majority of requests for new permitted solid waste management capacity received by NHDES. At the same time, there continues to be significant public opposition to expanding existing facilities or siting new disposal facilities.

Waste Imports – Out-of-state waste comprises roughly 50% of total waste disposed in New Hampshire facilities. Most of the out-of-state waste disposed in New Hampshire is received by three commercial landfills. Commercial disposal facilities in New Hampshire are permitted to receive waste from out-of-state sources, provided they also provide capacity for New Hampshire-generated waste. The Commerce Clause of the U.S. Constitution has commonly been interpreted to preempt a state from explicitly prohibiting or adopting protectionist policies against the acceptance and disposal of out-of-state waste.¹⁰

Legislative Attention to Waste Issues – There has been increased interest in issues related to solid waste within the last year, with several bills introduced during the 2019 legislative session focused on recycling and plastic waste reduction, including:

- HB 102 and HB 559 – both of these bills relate to enabling municipalities to ban or otherwise regulate the distribution of disposable, single-use plastic items such as plastic shopping bags, straws, and take-out food containers. Both of these bills were retained in committee.
- HB 558 – an act relative to restricting the distribution of plastic straws at food service businesses, unless a customer specifically requests one. The bill passed the House, but was deemed inexpedient to legislate by the Senate.
- HB 560 – initially introduced as an act relative to restricting the distribution of single-use carryout bags by retail stores and food service businesses, this bill passed the House. It was subsequently amended by the Senate, but the House did not concur with the Senate's amended version.
- HB 617 – an act establishing a committee to study recycling streams and solid waste management in New Hampshire. The bill passed the House and Senate, and was signed into law by Governor Sununu. The committee convened for the first time on August 28, 2019 and is required to produce a report of findings and recommendations by November 1, 2019.
- SB 79 – an act relative to required reporting on waste reduction. To help NHDES better assess achievement of the 40% diversion goal in RSA 149-M and further solid waste management planning efforts, the bill requires New Hampshire towns to report certain recycling and diversion information to NHDES. NHDES worked with the prime sponsor to amend the bill, which passed the Senate, but was retained in the House.

Organic Waste Diversion – In recent years, there has been rising interest among legislators, municipalities, regional organizations, commercial/institutional entities, and members of the general public in the topic of composting and organic waste diversion. Diverting organics is consistent with the hierarchy, recovers resources, reduces disposal need, and has the potential to reduce waste

¹⁰ The 1978 Supreme Court Case, *Philadelphia v. New Jersey*, struck down a New Jersey law that prohibited the importation of waste into the state. For additional information, see:

<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/statecommerce.htm>

management costs. In an effort to encourage development of food waste composting infrastructure, NHDES convened a stakeholder workgroup in 2017-2018 to look at potential revisions to the New Hampshire Solid Waste Rules (see discussion of on-going efforts in Section VII. herein).

Regional Trends

Recycling Market Downturn – Regional (and international) recycling markets experienced a significant downturn starting in late 2017, spurred by China’s National Sword Policy, which effectively banned that country’s importation of certain recyclable commodities in response to contamination issues (such as unacceptable or non-recyclable items mixed with recyclables). Prior to this policy, China had been a leading importer of the world’s secondary materials, which provided feedstock for China’s manufacturing sector. The implementation of National Sword significantly lowered the value of recycled commodities worldwide. Mixed plastics and mixed paper were particularly affected, as these streams have traditionally been dependent on export markets and are commonly prone to higher contamination rates, especially when sourced from single stream recycling programs. With the world’s largest consumer of secondary materials no longer available, recycling markets worsened through 2018 to present. As a result, municipal single stream recycling programs across the United States are experiencing rising costs as waste management companies that process and sort recyclables at material recovery facilities (MRFs) are facing depressed revenues and increased processing costs.¹¹ Municipalities that have not adopted single stream recycling have also been affected by depressed commodity revenues, but in many cases are faring slightly better overall. In response to this economic shift, some communities have decided to suspend recycling programs, either entirely or in part. Some New England states with mandatory recycling policies are reacting by temporarily lifting disposal bans for certain recycling streams that currently have no viable outlet. States like Massachusetts, Connecticut and Rhode Island are attempting to get at the root of the problem by addressing the issue of contamination and increasing outreach to educate the public about how to “recycle right.” Waste management companies are investing in MRF upgrades to more effectively sort materials and meet market expectations for lower contamination. Meanwhile, the manufacturing industry in the U.S. is starting to respond by developing increased domestic capacity for use of recycled feedstocks—such as mixed paper or plastics—to produce new products and packaging.

Disposal Capacity Challenges – Over the last year, two commercial landfills in Massachusetts ceased operations. The closure of these facilities, one in Chicopee and the other in Southbridge, represents a loss in regional disposal capacity of approximately 500,000 tons per year. This development puts pressure on the region’s remaining disposal infrastructure, and exports of waste from Massachusetts are expected to increase. As a result, there has been heightened interest in hauling waste by rail or truck to locations outside the Northeast that have ample disposal capacity, such as Pennsylvania or Ohio. Meanwhile, waste-to-energy facilities face economic pressures as they compete in a marketplace with

¹¹ A recent report published by the Northeast Recycling Council (NERC) surveyed 15 MRFs across 10 Northeast states to learn more about average value of material processed through these facilities, as well as the average composition of the recycling stream. The report indicates that, on average, roughly 12% of the material received by these facilities is considered “residue” (i.e. contaminants that can’t be processed through the MRF’s system). Rising contamination rates in recycling streams have been a growing challenge for MRFs in recent years (especially for those that process single stream), which in turn has affected processing costs for these facilities. The full report is available here:

https://nerc.org/documents/Recycling%20Market%20Development/Blended_Commodity_Values_in_the_Northeast%20-%20August_2019.pdf

other electricity producers that use relatively inexpensive natural gas and have comparatively lower operational costs.

Organic Waste Disposal Bans – Several Northeast states have enacted laws banning the disposal of food waste in recent years. In 2014, Vermont enacted Act 148 (a.k.a. The Universal Recycling Law), which includes requirements for diversion of food scraps. Vermont Act 148 uses a phase-in approach, targeting the largest food waste generators first and incrementally decreasing the generation threshold until all generators will be required to divert food scraps, regardless of quantities generated. Vermont’s approach has gained attention as the most aggressive statewide organics diversion policy. Connecticut, Massachusetts, Rhode Island and New York have taken a different approach by enacting food waste disposal bans that target large-scale generators. In most cases, these bans apply to commercial or institutional generators that produce a ton or more of food waste per week. States across the region have adopted these statutory requirements to reduce disposal need and spur development of infrastructure for composting and anaerobic digestion.

Extended Producer Responsibility – In order to encourage resource recovery and minimize the impacts to public health, safety and the environment from the use and disposal of consumer products, several Northeastern states have adopted extended producer responsibility (EPR) laws that require manufacturers to share responsibility for end-of-life management of the product(s) they produce. A long-standing example of one such policy in New Hampshire is the mercury thermostat take-back program established in 2008 (RSA 149-M:58-a). More recent examples of EPR programs in other states include:

- Paint take-back programs in Connecticut, Maine, Rhode Island, and Vermont.
- Electronic waste recycling programs in Connecticut, Maine, New York, Rhode Island, and Vermont.
- A battery recycling program in Vermont that targets single-use and rechargeable batteries.
- A recent initiative in Maine that seeks to assist municipal recycling programs by requiring manufacturers of packaging/containers to share in the costs of managing and recycling packaging products sold in the state. The Maine Legislature has charged MaineDEP with developing proposed legislation for this purpose, which is largely a response to the recent upheaval of recycling markets.

Bans on Single-use Products – in 2019, several Northeastern states passed laws restricting the distribution of single-use plastic consumer products, including:

- Connecticut, Maine and New York will restrict the distribution of plastic shopping bags.
- Maine will ban expanded polystyrene (EPS) foam food and beverage containers.
- Vermont has passed a comprehensive law targeting several single-use plastic products, including plastic bags, plastic straws, and polystyrene foam food and beverage containers.

VI. Congressional Actions and Court Rulings

NHDES is not aware of any recent federal legislation or court rulings that have affected the management of solid waste on a national level.

VII. NHDES' Solid Waste Programs and On-going Efforts

RSA 149-M grants NHDES authority to administer and enforce the provisions of RSA 149-M, and the Solid Waste Rules adopted pursuant to RSA 149-M. This work is carried out by the Solid Waste Management Bureau (Bureau) within NHDES' Waste Management Division. The Bureau ensures that management of solid waste in New Hampshire is protective of human health and the environment by regulating the facilities and practices associated with the collection, processing, treatment, recycling, re-use, and disposal of solid waste in New Hampshire. Examples of the types of facilities regulated by the Bureau include transfer stations, recycling centers, scrap yards, composting facilities, incinerators, and landfills. The Bureau oversees and assures compliance for approximately 260 active permitted solid waste facilities, 120 motor vehicle salvage yards, and 600+ closed, inactive solid waste disposal sites (consisting of inactive landfills and asbestos disposal sites).

NHDES' Solid Waste Programs

Although at one time NHDES had resources dedicated specifically to waste reduction through technical assistance, outreach and planning, those resources were incrementally lost over time due to general fund budget constraints. Unfortunately, the resultant deficiencies have not allowed the Bureau to pursue these program areas in recent years. Using its current resources, the Bureau focuses its efforts on two essential program areas:

1. *Permitting of solid waste facilities:*

In accordance with RSA 149-M:6, III, the Bureau regulates solid waste facilities through the administration of a permit system. The Bureau's Permitting and Design Review Section is responsible for processing applications for facility permits, permit modifications, and other requests requiring approval by NHDES. The Permitting and Design Review Section also provides permitting technical assistance, inspects and monitors the operation, construction and closure of New Hampshire's active landfills and processing/treatment facilities, and reviews environmental monitoring data and proposed plans for corrective actions when problems are identified.

2. *Compliance assurance for solid waste facilities:*

The Bureau's Compliance Assurance Section is responsible for assuring that solid waste facilities are operated and closed in compliance with permit requirements, the Solid Waste Rules (Env-Sw 100 et seq.) and RSA 149-M. This involves providing compliance technical assistance, reviewing reports, conducting facility inspections, investigating complaints, and pursuing enforcement when necessary. The Compliance Assurance Section also assures that facility owners maintain adequate funds to guarantee proper closure and post-closure care of facilities, and distributes grant money to reimburse municipalities for eligible costs for closure of old landfills and incinerators. In addition, and as required by RSA 149-M:6, XIII, the Bureau administers a training and certification program for solid waste facility operators, known as the Solid Waste Operator Training (SWOT) Program. Each year the Bureau hosts multiple 'Basic Training' SWOT workshops for new operators and also provides numerous continuing education opportunities (provided by NHDES staff and/or 3rd parties). The SWOT Program equips facility operators with an awareness of regulatory requirements, fosters a direct relationship between the Bureau and the regulated community, and promotes voluntary compliance. There are over 1,200 solid waste operators currently certified under this program.

On-going Program Efforts

On-going efforts by the Bureau include the following:

- The Permitting and Design Review Section has been working to streamline application processing procedures in response to recent changes to RSA 541-A:29 and the addition of RSA 541-A:29-a that imposed shortened application processing time limits and provisions for automatic approval should the agency fail to act within the prescribed time limits, respectively. These changes, which took effect on January 1, 2019, required the Bureau to devote intensive efforts to completing application reviews and avoiding automatic, default approvals. As a result, other program obligations could not be fulfilled. During the Spring 2019 legislative session, NHDES supported Senate Bill 163 to restore application processing time limits to those previously allowed by the Solid Waste Rules. Senate Bill 163 passed the House and Senate, was signed by Governor Sununu, and took effect September 17, 2019. Senate Bill 163 has provided some relief for application processing time limits; however, the default approval provision in RSA 541-A:29-a remains a significant concern. If program resource levels are not adequately maintained, default approvals may occur, and other important program functions will also suffer.
- The Compliance Assurance Section has put an emphasis on closed/inactive landfill monitoring and maintenance to ensure facility owners and permittees are aware of ongoing requirements. With over 300 closed landfills across the state, nearly every New Hampshire municipality is host to at least one such facility, the majority of which are unlined. Although perhaps not always considered part of the state's solid waste management infrastructure, these closed landfills continue to perform a critical function as waste containment systems. As these facilities age, it is important that they are properly monitored and maintained to minimize adverse impacts to public health, safety and the environment.

As resources allow, the Bureau has been also been working on the following:

- Updating the State's Solid Waste Management Plan, as required by RSA 149-M:29. The last plan was published in 2003.¹²
- Revising regulatory requirements for composting facilities in New Hampshire. In 2017-2018, under the direction of RSA 149-M:7, XV, NHDES convened a stakeholder workgroup to look at potential revisions to the current composting rules, which regulate the siting, design and operating requirements for composting facilities. The workgroup provided NHDES feedback on numerous aspects of the rules, especially with regard to composting of meat and dairy food scraps – an activity that is currently allowed in New Hampshire, but only under a standard permit, which involves a detailed application and review process. Stakeholders have expressed a desire to conduct meat and dairy composting under the more streamlined “permit-by-notification” provisions of the rules. NHDES intends to implement rule revisions to improve the permitting framework as soon as feasible. In the meantime, NHDES has been communicating with interested parties on potential pathways to accommodate development of meat and dairy composting operations under the current regulatory framework. Despite these efforts, NHDES has not received any applications for additional composting capacity to date.

¹² The 2003 New Hampshire Solid Waste Management Plan is available on NHDES' website: <https://www.des.nh.gov/organization/commissioner/pip/publications/documents/r-wmd-03-2.pdf>

- Identifying wastes that may warrant specific attention, such as street sweepings, contaminated soils and wastes containing per- and polyfluoroalkyl substances (PFAS), as well as considerations for management of landfill leachate that contains PFAS contamination.

Other Organizations Involved in Solid Waste Management

For a list of other organizations involved in solid waste issues in New Hampshire, see Appendix A. The list includes a brief description of each organization. Further details for each organization can be obtained by going to its website or contacting the organization directly.

VIII. Conclusions and Recommendations

As stated in RSA 149-M:29, II, one of the primary purposes of this report is to assess the level of achievement in reaching the 40% diversion goal established in RSA 149-M:2 (Waste Reduction Goal). Considering the information provided above, NHDES is not able to adequately assess the state's achievement of the 40% diversion goal. This is due in large part to the noted resource deficiencies within the Solid Waste Management Bureau, as well as difficulty obtaining and analyzing data. More importantly, NHDES notes that successive revisions to the Waste Reduction Goal have obscured the original intention of the goal, making it unclear what exactly the goal intends to measure or how diversion should be defined.

In light of this, and in consideration of the difficulties inherent in measuring solid waste generation, source reduction and diversion (as noted previously in this report), NHDES respectfully submits that the Waste Reduction Goal might be revised and restructured as a Disposal Reduction Goal. Because disposal tonnage is something that NHDES can definitively measure, NHDES believes it would be much more feasible to track changes in waste disposed over time than to track changes in waste generated.

It is worth noting that challenges with measuring waste generation, source reduction and diversion are not unique to New Hampshire. For example, in Massachusetts, the Department of Environmental Protection (MassDEP) has recently shifted from using a waste reduction/diversion target, to instead use a disposal reduction target as an indicator of overall waste reduction and diversion progress.¹³ NHDES believes that adopting a similar practice for New Hampshire could provide a clear and measurable metric for tracking waste reduction and diversion in the state.

NHDES would suggest a Disposal Reduction Goal that defines a baseline year and sets a specific target to reduce annual tonnage disposed by X%, as compared to the baseline, within a specified time period. For example, MassDEP's 2010-2020 Solid Waste Master Plan sets 2008 as the baseline, with short- and long-term goals to reduce annual solid waste disposal 30% by 2030, and 80% by 2050. Annual disposal could also be measured on a per capita basis to account for changes in population over time.

In light of New Hampshire's continued reliance on disposal and limited progress toward advancing more preferable management methods identified in the Waste Management Hierarchy, it is clear that the Waste Reduction Goal in RSA 149-M:2 warrants reconsideration. No matter what course of action the General Court decides to take, NHDES would recommend a goal that is relevant, achievable, and measurable. Furthermore, if NHDES is directed to encourage, promote, and measure achievement of the goal, the agency will need to have clear statutory authority and the tools necessary to perform such functions.

As required by statute, the recommendations in this report are focused specifically on the Waste Reduction Goal. NHDES may provide additional recommendations related to broader solid waste management issues in other communications with the General Court. NHDES looks forward to its continuing work with the HB 617 Study Committee and the General Court at large with respect to vital solid waste policy issues, and NHDES will continue in its efforts to achieve the goals and mandates of RSA 149-M to the extent its resources allow.

¹³ MassDEP, 2010-2020 Solid Waste Master Plan – p. 17, bottom:
<https://www.mass.gov/files/documents/2016/08/nw/swmp13f.pdf>

Appendix A: Organizations Involved with Solid Waste Management

State/Local Organizations

Auto and Truck Recyclers Association of NH (ATRA)

Address: PO Box 2761, Concord, NH 03302-2761
Telephone: (603) 529-7211
Website: <http://www.atranh.org/>
Contact: David Wilusz, President, allied10@aol.com

The Auto and Truck Recyclers Association of New Hampshire (ATRA) promotes environmentally friendly business practices for facilities engaged in automobile and truck recycling, dismantling and salvage within the state of New Hampshire. ATRA encourages uniform commercial practices among its members and provides leadership in ensuring familiarity with local, state, and federal laws and regulations governing the conduct of such businesses. It represents the interests of its members before governing bodies, seeking to ensure recognition of the contributions of the vehicle recycling industry. ATRA seeks to work closely with regulatory bodies such as the Department of Environmental Services, the Department of Safety and the Department of Transportation, as well as organizations with similar goals, such as the New Hampshire Municipal Association, New Hampshire Auto Dealers Association, the New Hampshire Towing Association and many others.

Lakes Region Planning Commission (LRPC)

Address: Humiston Building, 103 Main Street, Suite 3, Meredith, NH 03253
Telephone: (603) 279-5341
Website: <https://www.lakesrpc.org/>
Contact: Dave Jeffers, Regional Planner, djeffers@lakesrpc.org

The Lakes Region Planning Commission (LRPC) is a unique association of local governments that provides comprehensive planning services to meet the diverse needs of New Hampshire's Lakes Region. Their mission is to provide effective planning, in order to achieve and sustain a quality environment, a dynamic economy, and local cultural values by supporting community efforts through leadership, education, technical assistance, information, advocacy, coordination and responsive representation. During the tenure of this report, the LRPC has developed a series of Solid Waste Roundtable events where they invite attendees to learn about solid waste issues in the region and offer solutions. Topics range from capped landfill maintenance, to disposal and use of glass, to food waste composting. In addition, they coordinate the household hazardous waste collection events for the Lakes Region.

New Hampshire the Beautiful

Address: 2101 Dover Road, Epsom, NH 03234
Telephone: 1-888-784-4442 Toll-Free in NH, (603) 736-4401
Website: <http://www.nhthebeautiful.org/>
Email: nhtb@nrra.net

New Hampshire the Beautiful, Inc. (NHtB) is a private, non-profit Charitable Trust established in 1983 and voluntarily funded by the soft drink distributors and bottlers, retail grocers, and the malt beverage industry. The Board of Directors of NHtB has awarded the Northeast Resource Recovery Association (NRRRA) a contract to administer the grants and solid waste facility sign programs in addition to overseeing the distribution of litter bags for roadside cleanups across New Hampshire.

UNH Cooperative Extension

Address: Taylor Hall, 59 College Road, Durham, NH
Telephone: 1-800-735-2964 Toll-Free in NH, (603) 862-1520
Website: <https://extension.unh.edu/>

The Cooperative Extension Network provides information and outreach on a multitude of topics to the citizens of New Hampshire. For example, through their Master Gardeners Program, they provide information on backyard composting and community gardens. They also continue to provide information on the use of wood ash as an agricultural soil amendment and promote the reduction of marine debris through a project that recycles derelict fishing gear.

Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC)

Address: 10 Water Street, Suite 225, Lebanon, NH 03766
Telephone: (603) 448-1680
Website: <https://www.uvlsrpc.org/>
Contact: Vickie Davis, Planner, vdavis@uvlsrpc.org

The Upper Valley Lakes Sunapee Regional Planning Commission (UVLSRPC) has been providing professional planning assistance to municipal boards since 1963. UVLSRPC coordinates all aspects of planning, act as a liaison between local and state/federal governments and provide advisory technical assistance to the 27 communities and committees in its region who affect the future land use of the region. UVLSRPC has provided training to solid waste operators on implementing organics recycling at rural transfer stations, reduction of HHW in the waste stream and improper disposal of medicines. The group also worked with business owners who are small quantity generators of hazardous waste for better solutions for managing their waste.

Regional and National Organizations

Association of State and Territorial Solid Waste Management Officials (ASTSWMO)

Address: 1101 17th Street NW, Suite 707, Washington, DC 20036
Telephone: (202) 640-1060
Website: <http://astswmo.org>
Contact: Cathy Jamieson, Materials Management Subcommittee Chair, cathy.jamieson@vermont.gov

The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) supports the environmental agencies of the States and trust territories. ASTSWMO focusses on the needs of State hazardous waste programs; non-hazardous municipal solid waste and industrial waste programs; recycling, waste minimization, and reduction programs; Superfund and State cleanup programs; waste management and cleanup activities at federal facilities, and underground storage tank and leaking underground storage tank programs. The association's mission is: "To Enhance and Promote Effective State and Territorial Waste Management Programs, and Affect National Waste Management Policies." The organization is structured to accomplish this two-part mission through both member committees and Association staff efforts.

Northeast Recycling Council (NERC)

Address: 139 Main Street, Suite 401, Brattleboro, VT 05301
Telephone: (802) 254-3636
Web Site: <https://nerc.org>
Contact: Lynn Rubinstein, Executive Director, lynn@nerc.org

The Northeast Recycling Council provides technical assistance, information access, research and networking opportunities on recycling market development for state and regional programs in the six New England states as well as New York, New Jersey, Pennsylvania and Delaware. In addition to providing a forum for the exchange of information between states and state agencies, NERC undertakes research and education projects that address regional recycling, market development and waste management issues.

Northeast Resource Recovery Association (NRRRA)

Address: 2101 Dover Road, Epsom, NH 03234
Telephone: (603) 736-4401 or (800) 223-0150
Web Site: <https://nrra.net>
Contact: Reagan Bissonnette, Executive Director, rbissonnette@nrra.net

Founded in 1981 as a private, non-profit organization, NRRRA provides technical, educational, and marketing support to New Hampshire municipal recycling programs. NRRRA provides marketing and brokerage services for municipalities in New Hampshire, Massachusetts, Maine and Vermont. This cooperative approach combines materials from many communities to gain economies of scale in transportation and offers access to markets which would typically be denied to individual small communities. NRRRA also provides extensive outreach and technical assistance to its member communities designed to strengthen and expand recycling and waste diversion activities.

Northeast Waste Management Officials' Association (NEWMOA)

Address: 89 South Street, Suite 600, Boston, MA 02111
Telephone: (617) 367-8558
Website: <http://www.newmoa.org/>
Contact: Jennifer Griffith, jgriffith@newmoa.org

The Northeast Waste Management Officials' Association (NEWMOA) is a non-profit, non-partisan, interstate association established in 1986 by the governors of the New England states as an official interstate regional organization. The membership is composed of state environmental agency directors of the hazardous waste, solid waste, waste site cleanup, pollution prevention and underground storage tank programs in Connecticut, Maine, Massachusetts, New Hampshire, New York, New Jersey, Rhode Island, and Vermont. NEWMOA's mission is to help states articulate, promote, and implement economically sound regional programs for the enhancement of environmental protection. The group fulfills this mission by providing a variety of support services that facilitate communication and cooperation among member states and between the states and EPA, and promoting the efficient sharing of state and federal program resources.

Solid Waste Association of North America (SWANA)

Address: 1100 Wayne Avenue, Suite 650, Silver Spring, MD 20910
Telephone: 1-800-GO-SWANA (1-800-467-9262)
Website: <https://swana.org/>
Contact: Meri Beth Wojtaszek, Deputy Executive Director

The Solid Waste Association of North America (SWANA) is the largest member-based solid waste association in the world with 45 Chapters, in the U.S., Canada and the Caribbean and over 10,000 members. SWANA is

the U.S. and Canadian National Member of the International Solid Waste Association (ISWA), and participates and supports ISWA events and programs. SWANA's conferences and training programs cover all aspects of integrated municipal solid waste management, and the Association is a policy and technical representative of solid waste management practitioners, executives, companies and government organizations.

The Composting Collaborative

Email: Info@compostingcollaborative.org
Website: www.compostingcollaborative.org

The Composting Collaborative is a project of the GreenBlue, BioCycle Magazine, and the U.S. Composting Council. Their mission is to accelerate composting access and infrastructure to improve soil health and divert compostable materials from landfills. As a collaborative, they are able to provide educational support to groups looking to implement composting in their community or business. Since 2017 The Composting Collaborative has focused on projects to gather better data on organics processing capacity, provide information about pretreatment and preprocessing technologies, and establish optimized soil sampling methodologies. They are presenting at three national conferences in 2019 and 2020 and have provided numerous webinars for anyone looking for information regarding composting.

The Recycling Partnership

Address: 125 Rowell Court, Falls Church, VA 22046
Website: <https://recyclingpartnership.org/>

The Recycling Partnership is a national nonprofit organization that is transforming recycling in towns, cities and states all across America. Their mission is to encourage recycling by offering a different perspective on the role of recycling in our society. They have created tools to enhance recycling that can be customized to specific needs of a town, city or organization or even a business. In the last five years, they have partnered with various stakeholders on recycling enhancement projects. The Recycling Partnership tracks each of these projects to create baseline data and case studies in order to train others on how to implement the tools they have created.

Toxics in Packaging Clearinghouse (TPCH)

Address: c/o NERC, 139 Main Street, Suite 401, Brattleboro, VT 05301
Telephone: (802) 254-8911
Email: info@toxicsinpackaging.org
Website: <https://toxicsinpackaging.org/>
Contact: Melissa Walsh Innes, Program Manager

In 1990, New Hampshire was the second state in the nation to adopt the toxics-in-packaging model legislation developed by the Coalition of Northeastern Governors (CONEG). Nineteen states have adopted a toxics-in-packaging law based on the CONEG model and the model has been used internationally. To ensure consistent and effective implementation of the laws, the Toxics in Packaging Clearinghouse (TPCH) was created in 1992 to simplify the law's administrative procedures, promote cooperation and information sharing between participating states, minimize procedural burdens on affected industries, and promote understanding and greater awareness of the law's objectives. TPCH is assisted in its mission by technical advisers from representatives of industry and public interest organizations.

The US Composting Council (USCC)

Address: 3801 Lake Boone Trail, Suite 190, Raleigh, NC 27607
Telephone: (301) 897-2715
Email: uscc@compostingcouncil.org
Website: <https://www.compostingcouncil.org>

The US Composting Council (USCC) was established in 1990 and is a national member-based organization dedicated to the development and promotion of the composting industry, including the manufacturing, marketing and utilization of compost. USCC members include compost manufacturers, compost marketers, equipment manufacturers, product suppliers, academic institutions, public agencies, nonprofit groups and consulting/engineering firms.

United States Department of Agriculture Rural Development

Grants Contact: Water & Environmental Programs National Office
Telephone: (202) 720-9583
Website: <https://www.rd.usda.gov/programs-services/solid-waste-management-grants>

NH Contact: Anthony Linardos, State Director
Address: 87 State Street, Suite 324, PO Box 249, Montpelier, VT 05601
Telephone: (802) 828-6080
Website: <https://www.rd.usda.gov/nh>

The United States Department of Agriculture Rural Development provides annual solid waste management grants. The goal is to reduce or eliminate pollution of water resources by providing funding for organizations that provide technical assistance or training to improve the planning and management of solid waste sites. This grant program has helped organizations in New Hampshire provide technical assistance where NHDES has been unable to.

United States Environmental Protection Agency (U.S. EPA) – Sustainable Materials Management

Address: Office of Resource Conservation and Recovery, 1200 Pennsylvania Ave., NW (5305P),
Washington, DC 20460
Website: <https://www.epa.gov/smm>

The United States Environmental Protection Agency – Sustainable Materials Management Program (SMM) provides information to the regulated community as well as the public on managing materials from cradle-to-grave. It is a systematic approach to using and reusing materials over the entire life cycle by highlighting changes in how society thinks about natural resources and environmental protection. EPA's SMM program provides webinars and training free of charge on all things solid waste including food waste reduction, electronics recycling, C&D recovery, and partnership opportunities for communities. The SMM program has also gathered data from the states regarding solid waste management, created a waste reduction model (WARM) and other sustainable materials management tools for users.

From: [Christopher Madden](#)
To: [DES: SWpublic.comment](#)
Subject: Fwd: Written Testimony Against North Country Environmental Services Expansion
Date: Friday, December 20, 2019 12:44:51 PM

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Good afternoon,

I am writing to express by grave and staunch opposition to the the expansion request of North Country Environment Services (NCES), Inc - Permit No. DES-SW-SP-03-002 of 581 Trudeau Road, Bethlehem, NH.

As a resident of Bethlehem, and a Neighbor of this facility - I would be remiss if I did not add my written testimony in defense of clean air, water, traffic and noise control for my neighborhood and my town. The facility in question is an aberration to all that is decent in Bethlehem. From the foul smells that this facility emits, the consistent and unabated soiling with 1,4 dioxane and PFAS contaminates of our pure and clean water of town wells and the Ammonoosuc River watershed (which eventually flows into the Connecticut River), the constant loud obnoxious rumblings and noises from 18 wheeler trash hauling trucks which race up and down Rte 3, Rte 302 and Trudeau Rds - producing traffic snarls and causing unsafe traffic patterns through Bethlehem and adjacent towns, the additional noise emanating from the facility's rock crushing operation on Trudeau rd; which provides the additional & necessary sand it needs to continue building 'Mt. Casella' - I consider it a sworn duty of the DES to protect it's citizens against further expansion; and I fully support any and all measure that the DES undertakes to ensure the quickest shutdown of this already outdated facility.

To the Casella facility's integrity, or lack thereof:

This operation negotiated a settlement in 2012 with the town of Bethlehem in which it agreed not to purchase additional land for expansion and agreed to close and cap the landfill by 2021. An agreement which i contend they never intended to honor. Instead they bought land only a few years later and launched an active campaign through warrant articles. What is being proposed now is not the original intent of the settlement agreement of 2012. They continue this ruse by annually trying to force votes on the town hoping to catch a sleeping community and that they will somehow come out on the winning end after the votes are counted.

Additionally, NCES has received numerous public complaints about the noise that emanates from the facility - their response? There is no noise! What? Are you kidding me! This claim was rebuked by the DES when they reported that indeed NCES is using heavy equipment to cap a part of the landfill, never mind the endless parade of trucks in and out of their facility as well as their rock-crushing efforts! I worry that NCES's consistent and continuing flanking maneuvers and outright misrepresentations will only continue as they have since the town mistakenly let them in over 25 years ago.

I further have concerns over the condition of the lining of this facility. The US Dept of Environmental Protection Agency has stated that all landfill liners eventually

leak. To allow for expansion which would result in piling additional trash on an already taxed landfill liner system is, in my opinion, reckless. We know that a similar facility run by Casella in Stockbridge, MA has been on the receiving end of these leaks, with contaminated wells & ground water left to the town to deal with. We already have contamination here in Bethlehem! Why in the world would we even entertain the thought of allowing them to expand when the system has already proved that it's leaking!

To the issue of in-state waste collection versus out-of-state waste collection. I think it is disingenuous of NCES to use as argument for expansion the premise that there is a capacity issue for NH landfills, when they willingly, and to their own profit, accept out-of-state waste because it's more lucrative to them than to accept in-state waste. So they try to hide behind the argument that we must expand NCES because we're at a short fall across the state. We're at a short-fall because of NCES's business tactics which put their own profits and needs above that of the local NH citizens; again showing the true face of those that make the decisions at NCES. They don't care about us as a town; all they care about is their profits; and if we have to deal with increased noise, noxious fumes, and contaminated wells and water systems - well that's just collateral damage which we'll make up for by writing a big check. Despicable in my book. This should no longer be allowed!

I understand that people argue that the town needs revenue; and that the 'free' trash pickup is helpful for many in town who struggle to make ends meet. I can only offer this as a rebuttable: trash pick up is not 'free' - we are paying for it by allowing NCES to do irreparable damage to our environment and our citizens, not only on the east side of town, but across our beloved Bethlehem and beyond. Think of those that drink the contaminated well water or swim in the contaminated rivers; this affects the whole range of our population. And, again, the traffic patterns, noises and smells are felt throughout the town and other local surrounding towns. Big businesses like NCES think they can continue to get away with these transgressions as long as they provide financial incentives for the town in which they do damage. Do we really want to be a town that would accept all the dangers and issues that this facility poses to us now and in the future for the greed of money? I don't think this is what Bethlehem stands for; it's not why I moved here. I implore the DES to shutdown the continued misguided and disingenuous efforts of NCES to expand and finally put this issue to bed. Thank you.

Respectfully,
Christopher Madden, P.E.

From: [The Cooks](#)
To: [DES: SWpublic-comment: The Cooks](#)
Subject: NCES Landfill Expansion Adjacent Land Violation (Permit #DES-SW-SP-03-002)
Date: Friday, December 20, 2019 1:26:54 PM
Attachments: [Agreement signed by NCES.pdf](#)

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To: NHDES

From: Brian and Kathy Cook (residents of Bethlehem, NH)

Subject: NCES Landfill Expansion (Permit #DES-SW-SP-03-002)

Kathy and I are residents of Bethlehem NH. I am writing this letter to make my case as to why the landfill expansion waiver should not be granted to NCES.

The town has voted "NO" repeatedly against landfill expansions; many times ending in New Hampshire Superior Court for a decision. The town majority wants the landfill capped and closed.

On November 22, 2011, a settlement agreement between NCES and the Town of Bethlehem was signed. This agreement included the following expansion conditions:

- 1) NCES would not expand the landfill or develop new landfill capacity within Bethlehem outside of District V.
- 2) NCES would not purchase land for the purpose of developing or operating a landfill outside of District V.
- 3) NCES would not seek additional permits from federal, state, or local level to develop or operate a landfill outside of District V.
- 4) The final height of the NCES landfill would not exceed 1483 feet above sea-level after capping.

I have attached this agreement between NCES and the Town of Bethlehem for your review. What NCES is proposing for the expansion plan is in direct violation of this agreement. The Stage VI expansion would be along the southern and eastern limits of District V. The perimeter berm for Stage VI would be on adjacent land, outside of District V. A landfill requires a perimeter berm; the berm is a component of a landfill. The berm cannot be separated from the landfill. Not only that, the adjacent land is not zoned for landfill operation and should not be used for landfill purposes. NHDES must take Bethlehem zoning rules and past legal agreements into account when evaluating this application. Any expansion must be contained within the District V boundary, including the berm. Any decision that allows Stage VI to extend beyond the District V boundary is in violation of Bethlehem zoning and the 2011 agreement between NCES and the Town of Bethlehem. Such a decision would set the wrong precedence for future decisions on similar matters.

Brian Cook

SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF ALL CLAIMS

This Settlement Agreement and Mutual Release of All Claims ("Agreement"), dated as of November 22, 2011, is made between the Town of Bethlehem (the "Town") and North Country Environmental Services, Inc. ("NCES") (together with the Town, the "Parties").

Recitals

- A. NCES owns and operates a municipal solid waste ("MSW") landfill on Trudeau Road within the Town's boundaries (the "Landfill").
- B. NCES and the Town are parties to the consolidated cases entitled *North Country Environmental Services, Inc. v. Town of Bethlehem, Bethlehem Planning Board, and Bethlehem Zoning Board of Adjustment*, Docket No. 215-2001-EQ-00177, and *Town of Bethlehem v. North Country Environmental Services, Inc.*, Docket No. 215-20090EQ-00025, in the Grafton Superior Court (the "Litigation").
- C. On October 17, 2011, the Parties mediated their dispute pursuant to N.H. Superior Court Rule 170 (as amended effective July 1, 2011) and reached an agreement on the essential terms of a settlement.
- D. On October 21, 2011, the Parties' counsel executed a Memorandum of Understanding ("MOU") memorializing the essential terms upon which the Parties had agreed at the mediation; a copy of the MOU is attached as Attachment 1.
- E. The MOU expressly contemplated the drafting and execution of an agreement setting out the detailed provisions of the settlement.
- F. This Agreement constitutes the agreement contemplated by the MOU.

Terms and Conditions

NOW, THEREFORE, in consideration of the mutual covenants set forth below and of other consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Residential MSW Pickup and Disposal.** Commencing with approval of this Agreement and the Zoning Amendments (as that term is defined in paragraph 4 below) by the voters of the Town at a special town meeting (the "Ratification and Approval Vote") and continuing until all the Landfill's current and future disposal capacity as approved by the New Hampshire Department of Environmental Services ("NHDES") has been exhausted (this period, the "Post-Settlement Life of the Facility"), NCES shall provide to all residences within the Town curbside pickup and disposal of MSW and curbside pickup of commingled recyclables at no charge to the Town or its residents. The frequency with which NCES will provide pickup services will be agreed upon from time to time with the Town, but NCES shall provide such services weekly unless the Town agrees to less

frequent pickups after consultation with NCES. For purposes of this paragraph, NCES' capacity shall be exhausted when it can no longer receive MSW for disposal at the Landfill under its NHDES permits. To the extent that the Bethlehem Village District has independent authority over management of solid waste generated within its borders, it may elect whether to accept the pickup and disposal services provided by NCES under this paragraph. Nothing in this Agreement shall affect the obligation of commercial or industrial enterprises within the town to provide, at their own cost, for the pickup and disposal of the wastes they generate. During the Post-Settlement Life of the Facility, the Landfill will be available for disposal of wastes generated by commercial and industrial enterprises within the Town pursuant to the terms of such agreements as may be negotiated from time to time between any such enterprise and NCES.

2. **Trudeau Road Transfer Station.** During the Post-Settlement Life of the Facility, NCES will, at no charge to the Town or its residents, accept at its transfer station on Trudeau Road for processing or disposal all wastes that are generated by residents of the Town and that NCES is then permitted by NHDES to accept at the transfer station; provided, however, that NCES shall not accept MSW, construction and demolition debris, or any waste generated by any commercial or industrial enterprise at the transfer station. NCES shall operate its transfer station with its own employees for twenty-five hours each week, including 8:00 a.m. to 12:00 noon on Saturdays.
3. **Host Community Payment.** During the Post-Settlement Life of the Facility, NCES will pay the Town a host community payment at the rate of \$0.25 (twenty-five cents) for each ton of waste NCES accepts for disposal in the Landfill through December 31, 2017, and at the rate of \$0.75 (seventy-five cents) for each ton of waste NCES accepts for disposal in the Landfill commencing on January 1, 2018. The host community payment shall not be paid in connection with the placement of daily cover or material approved as alternative daily cover by NHDES. NCES shall make host community payments for each calendar quarter within thirty days of the end of such quarter. For each calendar year, NCES shall, within thirty days of the end of such year, provide the Town with an annual report of all waste disposed of in the Landfill for that year. Such report shall be generated by the "PC Scales" software or any equivalent replacement software used by NCES to track the number of tons of waste accepted for disposal in the Landfill. Within thirty days of its receipt of each report the Town shall be entitled to notify NCES in writing of its appointment of a qualified representative to audit the tonnages of waste accepted by NCES for that year. NCES shall provide such representative access to all records of its waste acceptance as may be reasonably necessary to enable the representative to verify the tonnages included in the report. Under no circumstances shall NCES be required to provide the Town access to records containing financial or any other proprietary business information, including, without limitation, fees charged for waste disposal.
4. **Enlargement of and Exemption Within District V.** Consistent with Paragraph 6 of this Agreement, the Town will place before a special town meeting, in accordance with all applicable statutory provisions but as promptly as reasonably possible, amendments to the Town's zoning ordinance in the form of Attachment 2 to this Agreement to enlarge

the area of Zoning District V from 51 acres to 61 acres as depicted on the plan in Attachment 3 to this Agreement (“District V”) and to exempt from the Town’s “Aquifer Ordinance” the development and operation of a solid waste landfill within District V (together, the “Zoning Amendments”). The Town agrees that the intent and effect of the Ratification and Approval Vote will be to create a vested right in NCES to landfill throughout District V except to the extent expressly stated in Paragraph 5e of this Agreement. The Town agrees that any amendment to its zoning ordinance taking effect after the Ratification and Approval Vote shall not be applicable within District V if application of any such amendment would have the effect of prohibiting or restricting in any way NCES’s use of District V for landfilling as provided for in this Agreement.

5. **Restrictions on Development.** Upon, and only upon, the Ratification and Approval Vote, NCES agrees on behalf of itself and its affiliates, successors, and assigns to the following restrictions upon the expansion of the Landfill and the development of future landfill capacity:
 - a. NCES shall not expand the landfill or develop or operate any other landfill capacity within the Town’s boundaries and outside of District V.
 - b. NCES shall not acquire any real property within the Town’s boundaries for the purpose of developing or operating a landfill on such property.
 - c. NCES shall not seek or acquire any federal, state, or local permits to develop or operate a landfill within the Town’s boundaries and outside of District V.
 - d. The final closed and capped elevation of the Landfill shall not exceed 1,483 (one thousand, four hundred and eighty-three) feet above the North American Vertical Datum of 1988 (NAVD88) at any location on NCES’s property. NCES shall be entitled to deposit waste within those areas of the Landfill site where subsidence has taken place during ongoing landfilling activities. NCES shall not substantially discontinue ongoing landfilling operations for the purpose of allowing subsidence of the waste mass at the Landfill or remove the final cap placed over any landfill cell for the purpose of disposing of waste within airspace created by subsidence of the waste mass. Nothing in this Agreement shall prevent NCES from removing the cap in place at the time of the execution of this Agreement for the purpose of placement of an overliner and construction of airspace for Stage IV Capacity as approved by NHDES by permit modification of August 27, 2010, a copy of which is attached as Attachment 4 to this Agreement.
 - e. NCES shall not expand the Landfill into the two cross-hatched portions of its property as depicted on Attachment 5 to this Agreement, such areas being comprised of (1) the 7.16-acre area of land abutting Trudeau Road and formerly owned by Castello and Vaughn and (2) the approximately 4.33-acre area of land in the northeast corner of the 48.28-acre parcel as shown on a subdivision plan approved by the Town planning board in 1985 and recorded in the Grafton County Registry of Deeds as Plan #2598 (together, the “Infrastructure-Only

Areas”). Within the Infrastructure-Only Areas, NCES shall be permitted to maintain, construct, or replace any infrastructure that is accessory to the land use of landfilling. A metes and bounds description of Infrastructure-Only Areas is set out in Attachment 6 to this Agreement.

- f. NCES shall grant a conservation easement by deed in the form of Attachment 7 on the approximately thirty-seven acres of NCES’s property lying generally to the north of District V and described more particularly by metes and bounds within Attachment 7. Within thirty days after the Ratification and Approval Vote the Town shall notify NCES in writing whether the conservation easement is to be granted to the Town or to an entity that is unaffiliated with the Town, is organized, in whole or in part, for the purpose of administering and enforcing conservation easements, and has reasonable experience in the administration and enforcement of such easements. NCES shall, within fourteen days of receiving such written notice from the Town, execute and deliver to the Town a deed in the form of Attachment 7 naming as the grantee either the Town or the entity identified in such notice.
 - g. Once the 2,050,000 cubic yards of disposal capacity approved by NHDES Standard Permit No. DES-SW-SP-03-002 (“Stage IV Capacity”) is exhausted, NCES shall not use mechanically stabilized earthen (“MSE”) berms or any equivalent structure along the perimeter of any Landfill cell so as to enable it to dispose of additional waste on established sideslopes. NCES shall not use MSE berms in connection with the construction of any Landfill cell to accommodate Stage IV Capacity. Without modifying the foregoing provisions of this paragraph 5g, and for the avoidance of doubt, nothing in this Agreement shall prevent NCES from using conventional berming methods, including, without limitation, compacted earthen materials, riprap, and erosion matting, in the construction of any Landfill cell if such methods constitute reasonable and appropriate elements of the design of any such cell based on such factors as the terrain, sound construction techniques, cost, and landfill stability.
- 6. **Special Town Meeting.** The Town will convene a special town meeting as promptly as reasonably possible to seek the Ratification and Approval Vote.
 - 7. **Board of Selectmen Support.** The Town’s board of selectmen agrees to support publicly the approval of this Agreement and the Zoning Amendments by the Town’s voters.
 - 8. **Property Taxes.** During the Post-Settlement Life of the Facility the Town will continue to use the methodology prescribed by the New Hampshire Board of Tax and Land Appeals (“BTLA”) in Docket Nos. 19709-02PT / 20384-03PT / 21064-04PT to determine the value of the parcels of real property owned by NCES and on which the Landfill and any landfill infrastructure are sited for purposes of assessing ad valorem real property taxes. NCES agrees that it will not seek the introduction of legislation amending New Hampshire law, including N.H. RSA 72:12-a, so that the Landfill will be

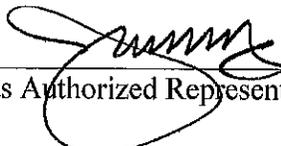
exempt from ad valorem real property taxes. For the tax year commencing April 1, 2011, NCES will pay the Town property taxes on such parcels in an amount of the greater of \$200,000 or the tax payable under the BTLA methodology described in this paragraph.

9. **Dismissal.** Within seven days after the Ratification and Approval Vote, counsel for the Town and for NCES shall execute and file with the Grafton Superior Court the form of docket markings in Attachment 8 to this Agreement. The Parties agree that the dismissal of the Litigation pursuant to such filing shall not vacate any court orders entered in the Litigation and that neither of them shall appeal any such order to the New Hampshire Supreme Court.
10. **No Exactions Claim.** The Parties agree that nothing in this Agreement constitutes an unlawful exaction, and NCES agrees that it shall not seek a judicial declaration or any other form of relief premised upon a claim that any provision of this Agreement is an unlawful exaction.
11. **Mutual Releases.** Upon, and only upon, the Ratification and Approval Vote, each of the Parties (on behalf of themselves and their respective agents, representatives, parents, affiliates, subsidiaries, shareholders, directors, officers, employees, agents, representatives, successors, and assigns, as the case may be) (each, a "Releasing Party") releases and forever discharges the other Party (and their respective agents, representatives, parents, affiliates, subsidiaries, shareholders, directors, officers, employees, agents, representatives, successors, and assigns, as the case may be) (each, a "Released Party") of all claims that the Releasing Party made or could have made in the Litigation, including, without limitation, all manner of action or actions, cause or causes of action, suits, debts, damages, claims, demands, judgments, or executions whatsoever, whether known or unknown, whether under statute or in contract, tort, or otherwise, and whether in law or in equity, that the Releasing Party ever had, has now, or may ever have against any Released Party arising from the subject matter of the Litigation.
12. **Miscellaneous.**
 - 12.1 **No Admission.** This Agreement is not to be construed as an admission of liability on the part of any Party, and each Party expressly denies such liability.
 - 12.2 **Severability.** If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, the other provisions of this Agreement will remain in full force and effect unless such invalidity or unenforceability frustrates the purpose of the Agreement. Any provision of this Agreement held invalid or unenforceable only in part or degree will remain in full force and full effect to the extent not held invalid or unenforceable, unless such invalidity or unenforceability frustrates the purpose of the Agreement.
 - 12.3 **Multiple Counterparts.** This Agreement may be executed in identical counterparts, which shall constitute one agreement when signed by all of the Parties.

- 12.4 **Additional Documents and Acts.** Each Party agrees to execute and deliver, from time to time, such additional documents and instruments and to perform such additional acts as may be reasonably necessary or appropriate to effectuate, carry out, and perform all of the terms, provisions, and conditions of this Agreement and the transactions contemplated hereby.
- 12.5 **Governing Law/Forum Selection.** This Agreement shall be governed, construed, and interpreted by, and in accordance with, New Hampshire law without regard to its conflicts of law rules or rulings. The Parties agree that any litigation concerning the subject matter of this Agreement shall take place exclusively in the Grafton Superior Court. Each of the Parties agrees to submit to such jurisdiction for all purposes hereunder.
- 12.6 **Representations.** Each Party to this Agreement represents that the Party is duly authorized to execute this Agreement and to enter into the settlement described herein. The Parties agree that one of the purposes of this Agreement is to “buy peace” and that this paragraph 12.6 is a substantial inducement for each of the Parties’ entering into this Agreement.
- 12.7 **Fully Integrated Agreement.** The Parties agree that this Agreement sets forth their entire agreement, superseding all prior negotiations and agreements, whether written or oral, including the MOU. There are no collateral or outside agreements of any kind between the Parties other than those expressly reflected herein.
13. **Understanding of Agreement.** THE PARTIES WARRANT THAT THEY HAVE READ THIS SETTLEMENT AGREEMENT WITH MUTUAL RELEASES, HAVE HAD AN OPPORTUNITY TO DISCUSS IT WITH COUNSEL, UNDERSTAND ITS TERMS, AND ARE EXECUTING IT VOLUNTARILY AND OF THEIR OWN FREE WILL.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the date first written above.

Date: North Country Environmental Services, Inc.,

By: 
Its Authorized Representative

Date: TOWN OF BETHLEHEM,

By: _____
David Lovejoy, Chairman,
Bethlehem Selectboard

Date: By: _____
Gerard Blanchard
Bethlehem Selectboard

Date: By: _____
Michael Culver
Bethlehem Selectboard

Date: By: _____
Cassandra Laleme
Bethlehem Selectboard

Date: By: _____
Alecia Loveless
Bethlehem Selectboard

CORPORATE GUARANTY OF PERFORMANCE

Casella Waste Systems, Inc. of 25 Greens Hill Lane, Rutland, VT 05701-0325, as the ultimate parent of North Country Environmental Services, Inc. ("NCES"), for the purpose of inducing the Town of Bethlehem (the "Town") to enter into that certain Settlement Agreement and Mutual Release of all Claims, dated as of November 22, 2011, between NCES and the Town (the "Settlement Agreement") and for other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby guaranty the full and complete performance of the obligations of NCES contained in paragraphs 1, 2, 3, 5f, and 8 of the Settlement Agreement. This guaranty shall be enforceable only by the Town and only (1) to the extent that the Town has sought and obtained a judgment against NCES and is not able to collect upon or otherwise enforce that judgment or (2) if the Town is unable, by action of law such as an automatic stay in bankruptcy, to commence or maintain an action against NCES for breach of such obligations.

CASELLA WASTE SYSTEMS, INC.

Date: 11/22/2011

John W. Casella
Duly authorized

STATE OF Vermont
COUNTY OF Rutland

On this the 22nd day of November, 2011, before me, the undersigned officer, personally appeared John W. Casella, who acknowledged him/herself to be the Chairman & CEO of Casella Waste Systems, Inc., a Delaware Corporation, and that he/she, as such Chairman & CEO, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by him/herself as Chairman & CEO.

In witness whereof I hereunto set my hand and official seal

Shelley S. Rogers
Notary Public/Justice of the Peace *my comm. expires 10/15*
SHELLEY S. ROGERS
NOTARY PUBLIC
STATE OF VERMONT

From: [Hayley Jones](#)
To: [DES: SWpublic.comment](#)
Subject: Re: North Country Environmental Services, Inc. Permit No. DES-SW-SP-03-002
Date: Friday, December 20, 2019 1:54:49 PM
Attachments: [NCES Permit Comments.pdf](#)

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Greetings all,

Please find my comments attached below.

Thank you, and happy holidays,

Hayley Jones (she/her/hers)

*Vermont and New Hampshire Community
Organizer, **Toxics Action Center***

Cell: 971-400-5197 | VT Office: 802-223-4099 | NH Office:
603-229-1331

hayley@toxicsaction.org | www.toxicsaction.org |

**CONCORD**

30 S. Main St., Suite 301B
Concord, NH 03301
P: (603) 229-1331
F: (603) 229-3221

EMAIL: info@toxicsaction.org
WEB: www.toxicsaction.org

December 18, 2019

To: Department of Environmental Services
swpublic.comment@des.nh.gov

Re: North Country Environmental Services, Inc. Permit No. DES-SW-SP-03-002

Bethlehem residents know the landfill near their homes lowers property values, discharges harmful pollutants into both ground and surface waters, and releases airborne emissions that threaten their health. They have voted many times to reject expansion of a facility that endangers their community.

The DES must reject Casella's permit for expansion. First, it violates a Memorandum of Understanding established in 2011. Second, Casella is being sued in federal court for alleged violation of the Clean Water Act and the DES should be working to hold the company accountable for pollution, not facilitate their expansion.

On November 22nd, 2011, an agreement was made not to expand the landfill, or seek additional permits. The Memorandum of Understanding clearly stated that there would be no expansion of the facility. And yet, early in 2019, the DES Waste Management Division received a request for a Stage VI expansion permit. This permit proposes expansion within the Town's boundaries and outside of District V, directly violating the 2011 MOU. Not only would the landfill expansion threaten human and environmental health, it would breach the previous agreement.

Additionally, the corporation that submitted the permit is currently being sued for violations of the federal Clean Water Act. We urge the DES not to approve a permit request from a company that is under investigation for environmental violations.

In May of 2018, Toxics Action Center and the Conservation Law Foundation filed a citizen suit against the company, showing evidence of discharges of pollutants from the landfill into the Ammonoosuc River without a National Pollutant Discharge Elimination System permit. A drainage channel has been funneling leachate and contaminated groundwater into the river. Contaminants detected include iron, manganese and the suspected carcinogen, 1,4 dioxane.

The DES Waste Management Division must hold this corporation accountable for its many adverse impacts on the community. No company facing serious, credible charges of violating federal law should be able to expand at the expense of our communities' health.

Sincerely,

Hayley Jones
Community Organizer
Toxics Action Center

From: [sarah doucette](#)
To: [DES: SWpublic.comment](#)
Subject: Comment on Permit #DES-SW-SP-03-002/NCES-Casella in Bethlehem,NH
Date: Friday, December 20, 2019 2:23:54 PM
Attachments: [DES COMMENTSSarah Public Hearing 12319 re expansion in Bethlehem.docx](#)

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Permit No. DES-SW-SP-03-002
Comments for DES Hearing, Bethlehem, 12/3/19

I am **Sarah Doucette, a Whitefield Resident** living directly across Forest Lake from the proposed Dalton landfill site. I grew up in Littleton. I have family in Bethlehem. I feel intimately affected by Casella's presence in the north country and I appreciate the opportunity to speak tonight.

Casella's presence is **a regional concern** now more than ever with their proposal of expansion not only in Bethlehem, but also in Dalton.

Everyone who treasures our area is called to the **stewardship** of our land, air and waters. From what we hear tonight it is clear that there have been countless disappointments in 25 plus years of landfill operation in Bethlehem.

As people living with this Casella facility in our back yard **it is up to us to speak for our environmental, health and community values** and **we must depend on you at DES** to listen and step up for us. You are **our gatekeepers** in the face of the corporate wealth, power and willfulness that is an ongoing and intimidating challenge in our small NH towns.

When you DES officials look at the failures in the NCES landfill operation, protocols and regulations presented tonight and at those documented in your own records, **you must be asking as I do:**

1. Why did the April '19 test well numbers at B 304UR in the former unlined landfill area show the highest 1.4 dioxane levels ever recorded there? Casella's engineer stated that the 1.4 dioxane levels were "sporadic and low level", but they have been elevated above the current acceptable level for the last 5 readings. Was the area properly remediated? Is the water there changing for the worse? What is the next step there and in the other wells with elevated readings in newer lined areas?
Is it really enough as Mr. O'Rourke of DES's Waste Management Division said to "track the impacts closely?" **At what point does something remedial happen to address that contaminated water — and what would that restorative action be?**

2. What does DES WMD think of the continuing seep into the Ammonoosuc River, supposedly remedied almost a decade ago, but within a year reverted to its original unacceptable condition, channeling pollutants into the River? Did that seep somehow become acceptable — the success story that the Casella team asserts? If DES required it to be cleaned up once, why didn't DES follow through when the clean up failed? **Does DES WMD agree with the National Environmental Law Center's lawsuit** asserting violation of the Federal Clean Water Act in Bethlehem?

3. Do we have confidence in a company, that tells us repeatedly they are proud of their work, but allows exposed waste faces in an area that hasn't been worked actively for a month? How hard is that to monitor and address?! Does it really require "retraining" as suggested in the Casella response to the notice of violation? Or maybe a new level of corporate commitment to following the most basic of rules is what's needed with dedicated managerial oversight.

4. Is it enough to tell residents experiencing illness in their own yards from landfill odors and gases that the company is meeting the industry's odor and air quality management standards? How helpful is that?! Maybe

the standards are not high enough.

In closing, let's look at Casella's record in Bethlehem. Let's not allow any further expansion for a company that is not meeting even some of the most basic rules for landfilling. Let's acknowledge that **there are other options in the state to handle the NH trash** that is going to Bethlehem. Let's look elsewhere for solid waste management and reduce the likelihood of out of state trash streaming north to fill our beautiful homeland.

Truly, landfills as they exist today are not a sustainable system of waste disposal — that needs to be addressed broadly in our state and our society as our Legislature recently acknowledged. And **economy should NOT be the gold standard for waste disposal.** That makes communities lazy about reducing waste. Trash disposal is massively expensive if we **include the costs of selling out our precious environment and health.**

If landfills are necessary as an interim measure, **northern NH has done its part already** in terms of the sacrifices endured and the ongoing assault to our land and water. Let's be a trash exporter!! There's a novel thought. Better still let's hasten to adopt zero waste measures in our communities and take responsibility for our own trash close to home — as everyone should do.

I ask DES to step up to its highest standards and mandates and end Casella's tenure in NH. Let the company take its considerable treasure from almost 30 years here and leave us the financial resources and commitment to monitor and remediate what they have created here in perpetuity.

Please deny this expansion request and any further development by Casella in NH. **Let's protect our back yard** — which, as we all know, is **the beloved back yard for the whole state of NH.**

Thank you.

Sarah Doucette
59 Newell Lane
Whitefield, NH 03598

Addendum:

After these remarks given on 12/3/19 in Bethlehem, I questioned **whether DES WMD takes into account the record of violations and non-compliance history of landfills operating in NH** in considering their expansion requests. I was assured by the panel that there are protocols for doing that — and clearly, **I hope those standards are applied vigorously in this case.** The people of Bethlehem deserve better than to have another expansion approved for a company that has showed negligence and arrogance, disregarding the degradation of the environment near the facility and the livability of the nearby area — as well as renegeing on legal agreements made with the Town during their long tenure.

Although some in Bethlehem argued for the expansion tonight because of their perception of the tax benefit for the town (which is hotly debated), the reality is that the town can thrive without Casella, as it did in the past and as other North Country towns continue to do.

From: [JACKI KATZMAN](#)
To: [DES: SWpublic.comment](#)
Subject: Public Comment for NCES landfill permit
Date: Friday, December 20, 2019 1:57:48 PM

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

December 20, 2019

To: Department of Environmental Services

Re: Public Comment for NCES landfill permit

Dear DES evaluators:

First, thank you for the opportunity to present public comment on the proposed NCES/Casella landfill. It must be difficult to sit in front of so many unhappy people. It must be difficult to make permitting decisions based on outdated regulations. I don't envy you.

Nonetheless, I write to share my concerns about the proposed NCES landfill permit. Granting this permit goes against our community's and state's best interests. Denying it is the best course of action.

When he was a member of the Executive Council, now Governor Sununu was aggressively vocal about the fact that the state does not do business with criminals. A current lawsuit against NCES and its parent company Casella Waste Systems has yet to be resolved. National Environmental Law Center, on behalf of Toxic Action Center and Conservation Law Foundation, is offering reliable data to prove that leachate flowing into the Ammonoosuc River from the NCES site is a violation of the Federal Clean Water Act. According to *RSA 149-M :12 Criteria for Approval, Suspension, or Revocation Section I: The Department shall approve an application for a permit only if it determines that the facility or activity for which the permit is sought will: in paragraph (c) Comply with federal and state air or water pollution statutes, regulations, and rules.*" At a minimum, DES should defer deciding on this permit until the court makes its ruling. When NCES is found to be in violation, DES must deny the permit. In addition, Casella's purchase of 100 adjacent acres violates a Memorandum of Understanding established with Bethlehem in 2011, and should disqualify Casella to do business in the state.

The Ammonoosuc River is a protected river and multi-state resource for which

NH is responsible. Dangerous levels of toxins such as the cancer-causing compounds 1,4 dioxin and arsenic have been found in test wells linking the landfill to the underlying aquifer. DES should exercise extreme caution in permitting the NCES expansion; by enabling a proven source of groundwater contamination, DES would be complicit in the potential poisoning of our state water resources, as well as downriver contamination.

NCES has been repeatedly busted for: insufficient cover, not reporting required leachate data, sediment blocking drainage culverts, accepting asbestos, landfilling truckloads of American flags, odor and noise migrating off site, attracting wild animals such as bears and ravens, having clogged storm drains, fast filling and running out of room for NH waste, spilling leachate. Since NCES repeatedly ignores the regulations set up by the state, NHDES should deny this permit as a matter of course.

At the hearing, a fellow citizen commented that there are rows and rows of disposable stuff for sale in Walmart; it has to go somewhere. The truth is, NH residents don't pay the real, cradle-to-grave price of disposable plastic junk. Nobody does. Our behavior regarding non-degradable disposables must change, and economics is one tool the state has to guide people to better decision making. If rejecting this expansion application results in even a slight increase in disposal costs, smart people will make the obvious decision NOT to pay for an item twice: once at the cash register and again for disposal. When people stop buying disposable plastics, Walmart will stop stocking them, and manufacturers will shift to better options. It has to start somewhere.

Rejecting this permit represents a positive action: legally, environmentally and economically.

Thank you,

Jacki Katzman
2112 Maple Street/PO Box 116
Bethlehem, NH 03574

Jacki Katzman
Message Mentor: Blurbs, Blogs and Bios
Movement Mentor: Guild Certified Awareness Through Movement®Feldenkrais Method®
Practitioner
Core-LX.com: personalized learning made easy

E: Jackisue@aol.com

M: 781-223-1364

From: [Anamcara](#)
To: [DES: SWpublic.comment](#)
Subject: NCES Expansion Permit - NOOOOO!!
Date: Friday, December 20, 2019 2:31:28 PM

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Please do not approve the NCES expansion permit. They have to go! The odors, contamination's, noise and traffic must end. Please block their latest end-run attempt of the law.

Thank you,
a concerned citizen of Bethlehem

From: [Jerry Blanchard](#)
To: [DES: SWpublic.comment](#)
Subject: NCES Expansion Trudeau Road
Date: Friday, December 20, 2019 3:09:40 PM

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My name is Gerald Blanchard and have been a resident of Bethlehem for close to 19 years. I was a selectman for 6 years and on the board during the 2012 agreement with NCES. I have always found NCES to be good corporate citizens and continually sought ways to provide benefit to the town of Bethlehem. I am in favor of the expansion as believe it is a means to keep our tax exposure reduced rather than seeing taxes rise every year with no visible means of keeping business them under control.

It was said at the hearing that many in town will have trouble keeping their homes if some means to control taxes is not employed. I agree.

Again, I approve of the expansion and hope that upon your deliberations will find in favor of expansion of the Trudeau Road landfill.

Thank you

Gerald Blanchard
3352 Main Street
Bethlehem, NH 03574

From: [Tom Irwin](#)
To: [DES: SWpublic.comment](#)
Cc: [Tom Irwin](#); [Kirstie Pecci](#)
Subject: NCES solid waste landfill expansion permit application
Date: Friday, December 20, 2019 3:25:56 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[2019-12-20 comments on NCES landfill expansion permit.pdf](#)

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Ms. Colby,

Attached, please find CLF's comments on the above-referenced matter. Please confirm receipt of these comments.

Many thanks in advance,

Tom Irwin
Vice President
Director, CLF New Hampshire

27 North Main Street
Concord, NH 03301-4930

P: 603-573-9139

E: tirwin@clf.org



December 20, 2019

By Electronic Mail (swpublic.comment@des.nh.gov)

Jaime M. Colby, P.E.
Supervisor, Permitting & Design Review Section
Solid Waste Management Bureau
N.H. Department of Environmental Services
P.O. Box 95
Concord, NH 03302-0095

Re: North Country Environmental Services, Inc., Permit No. DES-SW-SP-03-002

Dear Ms. Colby:

Conservation Law Foundation (CLF) appreciates the opportunity to provide these comments on the above-referenced permit as it relates to the proposed solid waste landfill expansion at 581 Trudeau Road, Bethlehem, New Hampshire. CLF is a non-profit, member-supported environmental advocacy organization that works to protect New England's environment for the benefit of all people. CLF has a strong interest in addressing the environmental, health, and community impacts associated with solid waste and, through its Zero Waste Project, is working across the region and in New Hampshire to advance waste *reduction* strategies and end the prevailing model with its focus on waste *disposal*.

In 1996, the New Hampshire legislature established a clear statutory goal of achieving, by the year 2000, a 40 percent minimum weight diversion of solid waste away from landfilling or incineration, as well as a clear preference for source reduction, recycling and reuse, and composting as compared to landfilling and incineration. See RSA 149-M:2,I; RSA 149-M:3. In fact, the Legislature has made clear that landfilling is the least preferred method of all solid waste management options and has specifically discouraged the disposal of recyclable materials in landfills and incinerators. *Id.* See also NHDES Biennial Solid Waste Report (Oct. 2019) (hereinafter "Biennial Report") at 1-2.

More than two decades later, there is no evidence that the state has achieved the state's diversion goal or solid waste hierarchy. Rather, the tonnage of solid waste disposed in New Hampshire – from both in-state and out-of-state sources – has only continued to increase, as has the per capita tonnage of disposal from in-state sources. See Biennial Report at 4, Tables 1, 2. As NHDES has itself acknowledged with respect to the statutorily-established solid waste hierarchy and its preference for source reduction, recycling and composting:

[S]ince the hierarchy was established, New Hampshire's waste management infrastructure has not significantly shifted from its reliance on disposal. With three commercial landfills, three limited-service public landfills, and one commercial waste-to-energy facility operating in New Hampshire, the state is somewhat unique in terms of active disposal capacity.

Biennial Report at 4. Indeed, with its perpetuation of a model premised primarily on disposal (contrary to the state's clear preference to move away from such a model), New Hampshire has become a major importer of waste from other states, bearing the environmental and community burdens associated with that waste and, by continuing to provide significant disposal outlets for other states, undermining waste reduction efforts beyond the Granite State. It also remains trapped in a cycle of continuously expanding solid waste disposal capacity.

While the State and at least one member of the disposal industry (Waste Management, Inc.) have attempted to characterize New Hampshire's statutory waste diversion goal and solid waste hierarchy as aspirational and not binding,¹ the state's solid waste statute makes clear that in considering whether to allow a new or expanded solid waste facility, NHDES "shall" determine whether the proposed facility provides "a substantial public benefit" and, in doing so, "shall" determine whether the proposed facility will "assist the state in achieving the implementation of the hierarchy and goals under RSA 149-M:2 and RSA 149-M:3." RSA 149-M:11, III.

The proposed expansion of the NCES landfill in Bethlehem will *not* provide a substantial public benefit. First, NCES's proposed expansion will only further perpetuate the state's current solid waste management infrastructure which, as NHDES concedes, has not shifted from a reliance on disposal. Second, the proposed expansion will contribute to *increasing* as opposed to *decreasing* disposal rates from both in-state and out-of-state sources. Third, the proposed expansion will perpetuate the disposal of recyclable materials in direct contravention of the legislature's stated goal of *not* using disposal capacity for such materials and of the state's solid waste management hierarchy and diversion goal. Finally, the expansion will provide disposal capacity for a substantial and likely increasing volume and percentage of *out-of-state* waste, which, while financially beneficial for NCES and its *private* interests, is of *no* public benefit to the State of New Hampshire and its communities. In light of the foregoing, and applying the criteria required by RSA 149-M:11, the proposed expansion will not provide a substantial public benefit and should be denied.

Based on past practice, as well as testimony before the Waste Management Council in CLF's recent Turnkey landfill appeal, we assume that – to the extent NHDES is inclined to grant NCES a permit to expand its facility – such permit will include conditions specifically related to RSA 149-M:11's substantial-public-benefit requirement. To enable a meaningful opportunity for public participation and comment, CLF hereby requests that NHDES publish a *draft* permit, with conditions, for public review and comment. Absent the ability to review and comment on a draft permit and associated conditions, CLF and members of the public lack critically important information, undermining full, fair, and meaningful participation in this important permitting process.

¹ These arguments were made by Waste Management, Inc. and NHDES in CLF's appeal of NHDES's issuance of a permit allowing the expansion of the Turnkey landfill in Rochester (Appeal of Conservation Law Foundation, Docket No. WMC 18-10).



To the extent NHDES proceeds to grant NCES a permit without providing full and fair public participation by sharing, and allowing comment on, a draft permit, CLF requests that any permit issued by NHDES include conditions requiring, at a minimum:

1. Good faith efforts by NCES, with monitoring and annual reporting requirements, to prevent disposal in its landfill of recyclable materials, including but not limited to paper fibers, glass, and commonly recycled plastics.
2. Good faith efforts by NCES, with monitoring and annual reporting requirements, to reduce by at least 60 percent the weight of organics disposed in the landfill. Such efforts should include outreach and assistance, to all sources of waste sent to the landfill, in ways to eliminate organic wastes through composting, including specific composting options for all such sources.
3. A good faith demonstration by NCES, with monitoring and annual reporting requirements, that all sources, in the aggregate, from which it accepts municipal solid waste and/or construction and demolition debris for disposal are achieving a minimum 40 percent waste diversion rate as a result of source reduction, recycling, and composting. We urge NHDES to unambiguously define the manner in which diversion rates will be calculated, including specific requirements precluding NCES from including in its diversion calculations (a) waste that it is not authorized to accept for disposal, (b) yard waste, (c) waste initially separated for recycling which, as a result of contamination, is ultimately disposed in the landfill, and (d) any waste collected by haulers affiliated with NCES and/or its parent Casella Waste Systems that is delivered to other disposal facilities. We also urge NHDES to unambiguously define the ongoing outreach that NCES must engage in with all sources – including sources in other states – to achieve the minimum 40 percent diversion goal, as well as remedial actions NCES must take if all sources, in the aggregate, are not achieving the goal. As NHDES knows, the lack of clarity in the public benefit condition contained in the Turnkey landfill expansion permit was a source of great concern by members of the Waste Management Council, causing three out of six members to conclude that the condition did not reasonably support a finding of substantial public benefit.

Absent conditions establishing the above-referenced requirements in clear, enforceable terms, the proposed expansion cannot lawfully and reasonably provide a substantial public benefit pursuant to RSA 149-M:11.

Respectfully submitted,

/s/ Tom Irwin
Tom Irwin
V.P. and CLF New Hampshire Director

/s/ Kirstie Pecci
Kirstie Pecci
Zero Waste Project Director

Colby, Jaime

From: John Tuthill <jtuthill@sover.net>
Sent: Friday, December 20, 2019 3:59 PM
To: DES: SWpublic.comment
Subject: Comments / Type I-A Permit Modification Application /NCES / Permit No. DES-SW-SP-03-002 581, Bethlehem, NH

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Re: Type I-A Permit Modification Application

North Country Environmental Services, Inc.

Permit No. DES-SW-SP-03-002 / Facility ID 2831

581 TRUDEAU ROAD, BETHLEHEM, NH

Dear Director Wimsatt,

I respectfully request the NH Department of Environmental Services Waste Management Division deny North Country Environmental Services' (NCES) Type I-A Permit Modification Application. A waiver request related to design requirements for the leak detection and location systems for Stage VI, as proposed, would, if granted, result in waste being placed over a non-compliant liner system in a part of Stage 1. For this reason the permit modification application should be denied.

As Mr. Gay, representing NCES at a recent public hearing, told DES staff and the public, "I don't think there's any guarantee for anything in life." Certainly there is no guarantee that landfill liner systems will not leak eventually. To compromise the leak detection system is not acceptable.

Having reviewed the Standard of Need, the Impact Evaluation and the Public Benefit Demonstration, I conclude that NCES has not met its burden of proof. Given the extraordinary level of waste importation into New Hampshire, and the lack of programs in the state to reduce waste volumes, increase diversion, and particularly the failure to implement source segregation for organic material in municipal solid waste streams, the analysis of capacity needs and public benefit are inadequate. To assume waste imports at 2017 levels is unreasonable.

NH's solid waste management plan is 16 years old and privatization has driven solid waste policy. It is time to pause and re-evaluate a system that has placed undue burdens on a handful of communities in the state. The record of complaints about the NCES landfill in Bethlehem is troubling and should be addressed fully prior to any further consideration of NCES' applications.

Sincerely,

John Tuthill

PO Box 49

Acworth, NH

03601