

# Orr&Reno

Jeremy D. Eggleton  
jeggleton@orr-reno.com  
Direct Dial 603.223.9122

September 4, 2025

Robert R. Scott, Commissioner  
Department of Environmental Services  
29 Hazen Drive  
Concord, NH 03302-0095

***Re: North Country Environmental Services' Bethlehem Landfill  
Complaint and Request for Investigation***

Dear Commissioner Scott:

I am in receipt of your August 21, 2025 letter declining to take enforcement action against Casella for the exceedances in solid waste weight/volume at the NCES landfill in Bethlehem. I am writing with two requests pursuant to RSA 91-A and a request for clarification.

First, while I appreciate your response to our enforcement requests of April and August, I remain perplexed because I do not see any rule or statute that would permit the Department to refrain from enforcement of its solid waste tipping limits on the basis of compaction or aerial surveys. As you know, the Department operates on the basis of delegated authority, and has only the authority given to it by statute, and codified in its regulations. To my understanding, there is no regulatory authority that would allow the Department not to enforce clear and unambiguous limits once they have been breached. You also did not identify any such authority in your August 21, 2025 letter; therefore, this request is a last effort to request the source of that authority.

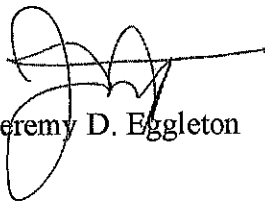
I note that in the Department's February 18, 2021 enforcement letter to Casella regarding NCES Stage V exceedances, the Department's finding of non-compliance due to exceedances beyond the permitted solid waste limitations did not contain any compaction analysis. The analysis was entirely mathematical, based upon the designated conversion factor of .8 found in the Supplemental Memorandum to the 2019 AFR, dated September 15, 2020. Stage VI has a designated conversion factor of .76; on that basis, Stage VI is now non-compliant. Please advise as to when an in-situ compaction rate analysis replaced the permitted conversion factor; and if it has not, what authority supports your determination that NCES is compliant despite its admitted exceedances.

Regarding our requests under RSA 91-A, I am requesting:

1. The final grading plan for NCES Stage VI;
2. Any aerial mapping or other analysis, submission, report or application that analyzes the current surface against the final grading plan for Stage VI and any alleged remaining capacity in the landfill based upon that analysis.
3. Any response provided to the Department by NCES/Casella following the Department's February 18, 2021 letter regarding non-compliance of Stage V's permit.

Thank you for your assistance with this important matter.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Jeremy D. Eggleton', with a long horizontal line extending to the right.

Jeremy D. Eggleton

JDE/mem

cc: Kelly Ayotte, Governor (via 1<sup>st</sup> Class Mail)