



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

**VIA EMAIL AND REGULAR MAIL**

January 15, 2015

John Gay, Engineering Manager  
North Country Environmental Services, Inc.  
220 Avenue B  
Williston, VT 05495  
Email: [john.gay@casella.com](mailto:john.gay@casella.com)

**SUBJECT: BETHLEHEM - North Country Environmental Services Landfill--Stage IV,  
581 Trudeau Rd.; Permit #DES-SW-SP-03-002.**

**Application for Permit Modification (Type V) *re*: Request to Destroy Paper  
Scale House Records; Ref.: WMD Document Log # 13734**

Dear Mr. Gay:

The New Hampshire Department of Environmental Services, Waste Management Division (Department) has completed its review of the above-referenced permit modification application, by which North Country Environmental Services, Inc. (NCES) seeks approval to destroy certain paper scale house records in order to conserve storage space. Based on the discussion below, the application is **denied**.

Through the application and subsequent communications between NCES and the Department, the Department understands that NCES wishes to destroy all paper scale house records dated June 1, 2007 or earlier. While some of the data collected on the records may be in a database, NCES does not have scanned copies of the records and does not intend to create such copies. The total volume of records to be destroyed is estimated to be 30 cubic feet. NCES has not made any demonstration of any hardship associated with continuing to store the records.

Solid waste facilities are required by Env-Sw 1105.06(a) to “compile and maintain records at the facility which document all phases of facility operations ....” Subparagraph (a)(4) requires the facility to maintain records on the quantity, type, source, and destination of all solid waste received by the facility. Env-Sw 1105.06(b) requires the records to be maintained at the facility during its active life “unless approval is granted pursuant to the provisions for a type V permit modification in Env-Sw 315 or a waiver to relocate or destroy the record[s].”

Env-Sw 305.03(b) identifies the conditions that necessitate a denial of an application. Relevant to the subject application are (b)(1), the proposed activity “does not meet the applicable requirements of RSA 149-M and the solid waste rules,” and (b)(2), the application “provides insufficient or ambiguous information that precludes a determination that the proposed [activity] will comply with RSA 149-M and the ... solid waste rules, and the deficiencies are so substantial as to not be remedied by subjecting the approval to compensating terms and conditions.” While

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Env-Sw 1105.06(b) does contemplate that records required by Env-Sw 1105.06(a) can be destroyed if approval is obtained, it does not identify specific types of records that can or cannot be destroyed and so each request must be evaluated on its own merits.

Records pertaining to the quantity, type, source, and destination of all solid waste received by a landfill facility are important to the long-term operation of the facility, as well as to its closure and post-closure monitoring. The Department believes that such records should not be destroyed, especially if legible electronic facsimiles of the records are not available. Asserting that the data is captured in a database offers insufficient assurances that the data would continue to be available as required by RSA 149-M and the Solid Waste Rules. The request is, therefore, denied.

Any person aggrieved by this decision may appeal to the N.H. Waste Management Council (“Council”) by filing an appeal that meets the requirements specified in RSA 21-O:14 and the rules adopted by the Council, Env-WMC 200. The appeal must be filed **directly with the Council within 30 days** of the date of this decision and must set forth fully **every ground** upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the Council.

Information about the Council, including a link to the Council’s rules, is available at <http://nhec.nh.gov/> (or more directly at <http://nhec.nh.gov/waste/index.htm>). Copies of the rules also are available from the DES Public Information Center at (603) 271-2975.

If you have questions concerning this decision, please contact Michael Guilfooy, P.E., Administrator, Solid Waste Management Bureau, at the Department’s address shown on page one of this letter, by email at [Michael.guilfooy@des.nh.gov](mailto:Michael.guilfooy@des.nh.gov), or by telephone at (603) 271-6467.

Sincerely,



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