

**THE STATE OF NEW HAMPSHIRE
WASTE MANAGEMENT COUNCIL**

NOTICE OF APPEAL

Type I-A Permit Modification for Expansion (Permit No. DES-SW-SP-95-001)

**Waste Management of New Hampshire, Inc., TLR-III Refuse Disposal Facility
(Turnkey Landfill, Rochester, NH)**

Conservation Law Foundation submits this Notice of Appeal of the above-referenced Type I-A Permit Modification for Expansion ("Permit") issued by the Department of Environmental Services on June 11, 2018 and, in support thereof, provides the following information in accordance with the requirements of Env-WMC 204.02(b):

1. Appellant

Conservation Law Foundation, Inc.

New Hampshire Office:
27 North Main Street
Concord, NH 03301
(603) 225-3060
Email address: tirwin@clf.org

Organizational Headquarters:
62 Summer Street
Boston, MA 02110
(617) 350-0990

2. Appellant's Representative

Thomas F. Irwin, Esq.
Vice President and New Hampshire Director
Conservation Law Foundation
27 North Main Street
Concord, NH 03301
(603) 573-9139
Email: tirwin@clf.org

3. Concise Statement of Relief Sought and Statutory Basis

CLF requests that the Waste Management Council rule that the Permit is unlawful and/or arbitrary and capricious. RSA 149-M:8; Env-WMC 205.14.

The Permit is unlawful, and arbitrary and capricious, because it is inconsistent with and undermines the state's statutorily-established waste reduction goals, including but not limited to achieving by the year 2000 a per capita 40 percent minimum weight diversion of solid waste away from landfills and incinerators, discouraging the disposal of recyclable materials in landfills, and requiring the use and consideration of criteria relevant to the state's waste reduction goal and disposal hierarchy; and because it is inconsistent with, and premised on a failure to comply with, public benefit requirements pertaining to solid waste management planning, and statutorily required state solid waste planning and reporting. RSA 149-M:1; RSA 149-M:2; RSA 149-M:3; RSA 149-M:11,I, III, V, VIII, IX; RSA 149-M:29.

The Permit is unlawful, and arbitrary and capricious, because it was issued without proper consideration of, and is inconsistent with, the Department of Environmental Services' Environmental Equity Policy.

The Permit is unlawful, and arbitrary and capricious, because it fails to protect groundwater and surface water resources, in violation of RSA Chapter 149-M's purpose to protect human health and preserve the natural environment, and in violation of public benefit requirements requiring the design and operation of facilities in a manner which will protect the public health and the state's environment. RSA 149-M:1; RSA 149-M:11,I, II.

The Permit is unlawful, and arbitrary and capricious, because the facility's handling of leachate and emissions of methane violate RSA Chapter 149-M's purpose to protect human health and preserve the natural environment, and public benefit requirements requiring the design and operation of facilities in a manner which will protect the public health and the environment. RSA 149-M:1; RSA 149-M:11,I, II.

4. Concise Statement of Facts Upon Which the Council is Expected to Rely in Granting Relief

The Permit authorizes the Turnkey landfill to increase its permitted disposal capacity by approximately 15.9 million cubic yards and to remain in operation until at least June 2034. A substantial portion of the landfill's capacity will be consumed by waste that can be diverted through source reduction, recycling, and composting strategies, including waste generated by out-of-state sources. The Permit's authorization, including "public benefit" conditions contained in paragraph 21 of the Permit, is inconsistent with and undermines the state's statutorily established waste diversion goals and solid waste management hierarchy; benefits out-of-state sources to the

detriment of New Hampshire and its residents; and is premised on inadequate planning by the Department.

The Department of Environmental Services has adopted an Environmental Equity Policy to “ensure fair and equitable treatment of all New Hampshire citizens in the implementation of federal and state environmental laws, rules, programs, and policies.” Environmental Equity Policy (est. Sept. 1994). The Department’s policy is premised on the recognition that “minority and lower income populations have sometimes borne a disproportionate share of the risks from activities which cause air, water, or soil pollution,” and includes a specific implementation strategy. *Id.* Rochester has a median household income far below the state’s median household income, and its poverty rate exceeds the state average by more than 60 percent. Residents of Rochester have lived with the ongoing environmental, health and economic impacts of the Turnkey landfill for decades. The Permit will continue and exacerbate those impacts until at least June 2034. The Permit, and the process leading up to its issuance, violate the Department’s Environmental Equity Policy.

Groundwater monitoring data at the Turnkey facility have repeatedly demonstrated the presence of volatile organic compounds, including at levels exceeding drinking water standards. *Standard Permit Application for Solid Waste Management Facility, Volume 1, TLR_III South Area* (May 2017) at 24, 26, 208). Perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) also have been detected at the site – PFOA in seven out of ten groundwater monitoring wells, and PFOS in six out of ten monitoring wells – as reported by Waste Management to the Department by letter dated September 29, 2017. These conditions warrant further investigation – and remediation – before authorization of expanded disposal capacity. In light of the facility’s already significant footprint, its substantial generation of leachate, its proximity to the Cocheco and Isinglass Rivers, and the Department’s failure to require a design life for landfill liners, it is unlawful and arbitrary and capricious to authorize further expansion unless and until existing water pollution is fully addressed and future water pollution problems can be demonstrably prevented in perpetuity.

Turnkey Landfill already produces a significant amount of leachate. For example, according to Waste Management’s January 30, 2017 Fourth Quarter Facility Report, in 2016 it produced almost 9 million gallons of leachate. Of that substantial volume, approximately 5.5 million gallons were pre-treated at the site and sent to the City of Rochester’s wastewater treatment plant; approximately 2.8 million gallons were sent to the City of Lowell’s wastewater treatment plant, without pre-treatment; and approximately 500,000 gallons were recirculated at the site. The substantial volumes of leachate sent to wastewater treatment plants – a volume that will only increase, and that will contain a host of harmful pollutants – raises environmental concerns for receiving surface waters. The substantial volumes of leachate recirculated at the landfill increase concerns about the toxicity of leachate sent to wastewater treatment plants and, importantly, increase the generation and emission of methane – a greenhouse gas far more potent than carbon dioxide – from the landfill. In light of

significant water quality and climate change impacts associated with the landfill's generation and handling of leachate, the Permit's authorization of expansion and additional disposal capacity is unlawful and arbitrary and capricious.

5. Standing

Conservation Law Foundation has members who own property and/or reside in close proximity to Waste Management, Inc.'s Turnkey landfill, who are directly and adversely affected by the landfill facility's operation, and who will be directly and adversely affected by the Permit at issue in this appeal. One such member owns and resides on property in Barrington located directly across the Isinglass River from Waste Management's Turnkey property. He can view elevated portions of the landfill; experiences noise and odor from the facility's operation; experiences the presence of trash on his property which he believes to be blown from the landfill during windy conditions; and is concerned that the site has a detrimental effect on the value of his property. Another such member resides in Rochester less than one-half mile from the landfill and experiences adverse effects from the facility and its operation. These members will suffer a direct and adverse effect as a result of the Permit, which authorizes the landfill facility to expand vertically and horizontally to increase its disposal capacity by approximately 15.9 million cubic yards, with disposal operations to continue through at least June 30, 2034, and with a substantial increase in local truck traffic, continuing and/or exacerbating impacts they currently experience.

6. Copy of Decisions Which Are Being Appealed

Please see attached.

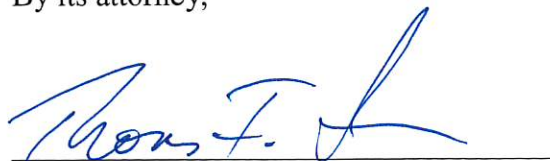
WHEREFORE, Conservation Law Foundation respectfully requests that the Council:

- A. Accept this appeal;
- B. Conduct a hearing on the appeal;
- C. Rule that the permit that is the subject of this appeal is unlawful and/or arbitrary and capricious; and
- D. Grant such further relief as it deems just and reasonable.

Respectfully submitted,

CONSERVATION LAW FOUNDATION

By its attorney,



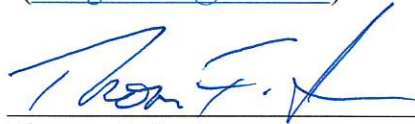
Thomas F. Irwin (NH Bar No. 11302)

Conservation Law Foundation
27 North Main Street
Concord, NH 03301
(603) 225-3060
tirwin@clf.org

Dated: July 11, 2018

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Appeal was this 11th day of July, 2018, hand-delivered to DES Commissioner Robert Scott and DES Waste Division Director Michael Wimsatt, and sent by first class U.S. Mail, postage prepaid, as well as by electronic mail, to Robert S. Magnusson, P.E., Senior District Manager, Waste Management of New Hampshire, Inc., 30 Rochester Neck Road, Rochester, NH 03839 (bmagnusson@wm.com).



Thomas F. Irwin



RECORD OF MODIFICATION TO SOLID WASTE MANAGEMENT FACILITY PERMIT

Issued by the NH Department of Environmental Services, Waste Management Division (NHDES)
pursuant to RSA 149-M and Part Env-Sw 315 of the New Hampshire Solid Waste Rules (Rules)

I. PERMIT/FACILITY IDENTIFICATION:

Permit No.: DES-SW-SP-95-001
Permittee: Waste Management of New Hampshire, Inc.
Facility Name: TLR-III Refuse Disposal Facility
Facility Location: 90 Rochester Neck Road, Rochester, NH
Facility Type: Lined Landfill
Service Type: Unlimited
Permit Modification Type: Type I-A

II. FILE REFERENCE/RECORD OF APPLICATION:

Initial Application Received: May 24, 2017
Activity No.: 2017-28465
See Appendix B for list of submittals.

III. MODIFICATION: This permit modification provides conditional approval to vertically and horizontally expand the TLR-III Refuse Disposal Facility in such a manner as to increase its permitted disposal capacity by approximately 15.9 million cubic yards. The horizontal expansion is referred to as Phases 15-17 and the vertical expansion is over previously permitted Phases 1-7 and 9-14, as depicted in the submittals referenced in Section II herein. The combined horizontal and vertical expansion is hereinafter collectively referred to as "the facility expansion".

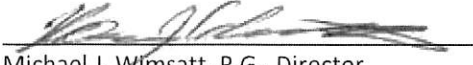
IV. TERMS AND CONDITIONS: Attached.

V. EFFECTIVE DATE: Date of signature below.

VI. AUTHORIZING SIGNATURE: The permit identified in Section I above is hereby modified as specified in Section III above, subject to terms and conditions provided in Section IV above. This authorization is based on information provided to NHDES by the permittee in documents referenced in Section II above. If the information is false, misleading or incomplete, the modified permit may be revoked or suspended in accordance with Part Env-Sw 306 of the New Hampshire Solid Waste Rules.

BY EXERCISING ANY RIGHTS UNDER THIS PERMIT, THE PERMITTEE HAS AGREED TO ALL TERMS AND CONDITIONS OF THE PERMIT. Failure to comply with the terms and conditions of the permit could result in administrative, civil or criminal enforcement action and penalties, and suspension or revocation of the permit. No liability is incurred by the State of New Hampshire by reason of any approval of this solid waste facility. No warranty/guarantee is intended or implied by reason of any advice given by NHDES or its staff.

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.


Michael J. Wimsatt, P.G., Director
Waste Management Division

Environmental
Services
June 11, 2018
Date

Digitally signed by Environmental Services
DN: cn=Environmental Services, o=Waste
Management, email=pamela.Werner@des.nh.gov, c=US
Date: 2018.06.11 10:23:02 -04'00'

Section IV: Terms and Conditions

General Requirements:

- (1) This facility (Phases 1-17) shall comply with the requirements of the Solid Waste Management Act, RSA 149-M; the New Hampshire Solid Waste Rules (Env-Sw 100 et seq.), as may be amended from time to time; and the terms and conditions of Standard Permit No. DES-SW-SP-95-001 issued on April 10, 1995, and all modifications and approvals thereof, including this permit modification, listed for reference in Appendix A of this modification.
- (2) This permit modification is approved on the basis of information provided by the permittee in the permit modification application documents referenced in Section II and listed for reference in Appendix B of this permit modification, hereinafter collectively referred to as the Permit Modification Application.
- (3) Where conflicts exist between the Permit Modification Application and the terms and conditions of this permit modification, the terms and conditions of this permit modification shall apply.
- (4) The terms and conditions of this permit modification, if in conflict with any other permit modification or approval issued prior to the effective date of this permit modification, shall supersede the earlier provision.

Siting Requirements:

- (5) Phases 15-17 shall be sited in compliance with the following requirements, as in effect on the issue date of this permit modification:
 - (a) The landfill siting requirements identified in Env-Sw 804, subject to Waiver No. DES-SW-WV-18-002;
 - (b) The universal siting requirements identified in Env-Sw 1003;
 - (c) The additional siting requirements identified in Env-Sw 1102; and
 - (d) All terms and conditions of this permit modification.
- (6) The approved footprint of this facility shall be as shown on plan Sheet No. 21 of the Design Drawings prepared by Sanborn, Head & Associates, Inc., dated May 2017, and entitled "Final Grading Plan", provided in the Permit Modification Application document submitted May 24, 2017 and assigned WMD Log No. 2017-28465-01.

Design Requirements:

- (7) The facility expansion shall be designed in conformance with the preliminary design provided in the Permit Modification Application and in compliance with the requirements in effect at the



time of final design approval including the following:

- (a) The landfill design requirements identified in Env-Sw 805;
- (b) The universal design requirements identified in Env-Sw 1004;
- (c) The additional design requirements identified in Env-Sw 1103; and
- (d) All terms and conditions of this permit modification.

(8) With the application for final design approval of the mechanically-stabilized earth (MSE) berm that supports the landfill footprint for Phases 15-17, the permittee shall submit:

- (a) Final design plans and supporting calculations for the MSE berm prepared in accordance with Env-Sw 1103.05; and
- (b) An MSE berm inspection, monitoring and maintenance plan for all MSE berms at the facility, to be appended to both the Operating Plan and Closure Plan, that includes, as appropriate for the type, design and function of each MSE berm:
 - 1. Identification of the zone of influence of each MSE berm;
 - 2. Visual inspection protocols;
 - 3. Geotechnical instrumentation (e.g., inclinometers, piezometers, settlement plates) monitoring requirements and action levels; and
 - 4. A contingency plan for unacceptable berm performance.

(9) With the application for final design approval of the first phase or portion thereof of the facility expansion, the permittee shall submit:

- (a) An affirmation that the permittee owns the property on which Phases 15-17, including the buffer zones required by Env-Sw 804.04, is sited as required by Env-Sw 804.06;
- (b) A demonstration that Phases 15-17 containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site, pursuant to Env-Sw 803.04(a)(1) and 40 CFR Part 258.14;
- (c) An affirmation that Phases 15-17 are designed to provide the capability to operate in a manner that promotes rapid biological stabilization of landfilled wastes, as required by Env-Sw 805.12(b);
- (d) A statement identifying the requested approved design capacity of the facility, namely the average weekly tonnage to be received at the facility during the quarter in which the most waste is anticipated to be received, as defined in Env-Sw 102.09(a); and
- (e) With the updated operating plan, odor control provisions for all operations and construction that involve exposing or removing waste.

(10) Prior to filing the notice of intent to construct for any liner system, inclusive of final subgrade preparation, in Phases 15-17 or portion thereof, the permittee shall submit a demonstration that the phase or portion meets the requirements of Env-Sw 804.02(d). The demonstration shall be made in accordance with the proposal submitted as part of the Permit Modification Application (ref. WMD Log No. 2017-28465-10, dated January 25, 2018), with the groundwater monitoring period extending from at least September 1 through June 30. During the monitoring period, the permittee shall submit progress reports no less than quarterly.

Construction Requirements:

(11) Prior to commencing construction of the facility, or any phase or portion thereof, the permittee shall:

- (a) Satisfy the requirements of Condition (10) above;
- (b) Satisfy the prerequisites for construction specified in Env-Sw 1104.01;
- (c) File a Notice of Intent to Construct in accordance with Env-Sw 1104.02; and
- (d) Obtain construction approval as specified in Env-Sw 1104.03.

(12) This facility shall be constructed in accordance with the following requirements:

- (a) The landfill construction requirements in Env-Sw 805;
- (b) The additional construction requirements in Env-Sw 1104;
- (c) All terms and conditions of this permit; and
- (d) The final design plans and specifications approved for construction.

Operating Requirements:

(13) Prior to commencing operation of the facility, or any phase or portion thereof, the permittee shall:

- (a) Satisfy the prerequisites for operations specified in Env-Sw 1105.01;
- (b) File a Notice of Intent to Operate in accordance with Env-Sw 1105.02; and
- (c) Obtain operating approval as specified in Env-Sw 1105.03.

(14) This facility shall be operated in accordance with:

- (a) The Solid Waste Management Act, RSA 149-M;
- (b) The New Hampshire Solid Waste Rules, Env-Sw 100-2000, as applicable;
- (c) The Approved Operating Plan of Record, which on the effective date of this permit modification is the operating plan revised August 6, 2014, received by NHDES on August 12, 2014 (WMD Log # 14072) and approved by NHDES on August 27, 2014;
- (d) The facility vertical and horizontal limits as shown on plan Sheet No. 21 of the Design Drawings prepared by Sanborn, Head & Associates, Inc., dated May 2017, and entitled "Final Grading Plan", provided in the Permit Modification Application document submitted May 24, 2017 and assigned WMD Log No. 2017-28465-01.

(15) Prior to January 1, 2021, this facility shall be operated in accordance with the public benefit provisions of the permit modification approved October 8, 2009.

(16) Starting on January 1, 2021, this facility shall be operated in accordance with the public benefit provisions provided in Condition (21) below.



(17) Authorized and Prohibited Wastes:

- (a) Authorized Wastes: Subject to (b) below, this facility is authorized to landfill the following types of solid waste only:
1. Municipal solid waste, as defined in Env-Sw 103.47;
 2. Construction and demolition debris, as defined in Env-Sw 102.42;
 3. Bulky waste, as defined in Env-Sw 102.23;
 4. Bottom ash, as defined in Env-Sw 102.22, and fly ash, as defined in Env-Sw 103.04;
 5. Asbestos waste, as defined in Env-Sw 102.14;
 6. Infectious waste, as defined in Env-Sw 103.28, treated to achieve the standard specified in Env-Sw 904.03(a);
 7. Solid wastes listed below that have been determined to be non-hazardous pursuant to the New Hampshire Hazardous Waste Rules (Env-Hw 100 et seq.) and which have been profiled and approved through the permittee's approval process identified in the Approved Operating Plan of Record.
 - a. Sludge and septage solids for which alternative management options, such as composting, landspreading and/or incineration are not available or appropriate for identified reasons;
 - b. Waste from industrial processes;
 - c. Waste from pollution control devices;
 - d. Residue from a spill of non-hazardous chemical substance or commercial product or an authorized waste listed herein;
 - e. Contaminated residuals from the clean-up of a facility generating, storing, treating, recycling, or disposing wastes, chemical substances, or commercial product wastes listed above;
 - f. Commercial products which are off-specification, outdated, or unused;
 - g. Waste produced from the demolition or dismantling of industrial process equipment or facilities contaminated from the industrial process;
 - h. Soils and other media with contamination, as defined in Env-Or 602.07, that are not regulated as hazardous waste; and
 - i. Other non-hazardous waste not specifically listed above that has the potential to be hazardous so as to require completion of a hazardous waste determination prior to acceptance, or that requires special handling so as to require the additional measures specified in the Approved Operating Plan of Record prior to acceptance.
 8. Other non-hazardous, non-recyclable solid waste not specifically listed above, subject to written approval from NHDES based on information provided by the permittee that identifies the source, type, quantity, age if known, physical characteristics, and analytical characteristics of the waste.
- (b) Prohibited Wastes: This facility is not permitted to landfill:
1. Hazardous waste as defined by RSA 147-A:2 and the New Hampshire Hazardous Waste Rules (Env-Hw 100 et seq.), including hazardous waste from out-of-state conditionally exempt small quantity generators;



2. Polychlorinated biphenyls (PCBs) that are regulated under the Toxic Substances Control Act, as amended (ref. 40 CFR Part 761);
3. Chlorofluorocarbons (CFCs), as prohibited by Title 6 of the Clean Air Act, as amended (ref. 40 CFR Part 82);
4. Infectious waste, as defined in Env-Sw 103.28, that has not achieved the standard specified in Env-Sw 904.03(a);
5. Contained gaseous waste;
6. Liquid waste (i.e., waste deemed to contain "free liquids" as determined by Method 9095B, *Paint Filter Liquids Test*, described in "Test Methods for Evaluating Solid Wastes: Physical/Chemical Methods Compendium", EPA Pub No. SW-846), except leachate recirculated in accordance with the Approved Operating Plan of Record;
7. Wet cell batteries, pursuant to RSA 149-M:27,II;
8. Leaf or yard waste, pursuant to RSA 149-M:27,III;
9. Video display devices, central processing units from computers, or non-mobile video display media recorders or players, pursuant to RSA 149-M:27,IV;
10. Mercuric oxide batteries, pursuant to RSA 149-M:28,IV;
11. Mercury-added products, pursuant to RSA 149-M:58,I;
12. Radioactive materials as defined and regulated by the New Hampshire rules for the control of radiation, He-P 4000; and
13. Any other waste that is prohibited from disposal in a solid waste landfill under RSA 149-M, Env-Sw 806.12, or any other state or federal regulation.

Closure Requirements:

(18) The permittee shall close and provide post-closure inspection, maintenance and monitoring of this facility in accordance with:

- (a) The Solid Waste Management Act, RSA 149-M;
- (b) The New Hampshire Solid Waste Rules, Env-Sw 100-2000, as amended;
- (c) The Approved Closure Plan of Record, which on the effective date of this permit modification is the Closure Plan received by NHDES on September 8, 2008 and October 9, 2008 (WMD Log Nos. 200800139 and 200800159) and approved by NHDES on October 16, 2008; and
- (d) The facility vertical and horizontal limits as shown on plan Sheet No. 21 of the Design Drawings prepared by Sanborn, Head & Associates, Inc., dated May 2017, and entitled "Final Grading Plan", provided in the Permit Modification Application document submitted May 24, 2017 and assigned WMD Log No. 2017-28465-01.

(19) Prior to construction of the capping system or any portion thereof, the permittee shall submit and obtain approval of final design plans and specifications for constructing the capping system or the relevant portion thereof, prepared on the basis of the preliminary design plans provided in the Approved Closure Plan of Record.



Financial Assurance:

- (20) The permittee shall provide and continually maintain financial assurance in accordance with:
- (a) The Solid Waste Management Act, RSA 149-M;
 - (b) The New Hampshire Solid Waste Rules, Env-Sw 100-2000, as amended; and
 - (c) The approved Financial Assurance Plan, which on the effective date of this permit modification is the Financial Assurance Plan received by NHDES on September 23, 2016, February 16, 2017, and March 7, 2017 (WMD Log Nos. 2016-24185-01, 2016-24185-02, 2016-24185-03) and approved by NHDES on March 22, 2017.

Determination of Public Benefit:

(21) It is the determination of NHDES under RSA 149-M:11,X that operation of this facility provides a substantial public benefit, as required by RSA 149-M:11,III and IV, when facility operations, starting on January 1, 2021 as specified in Condition (16), conform to the following conditions:

- (a) The permittee shall limit airspace use to 1.55 million cubic yards per year averaged over a rolling three consecutive years.
- (b) The permittee shall operate the facility through at least June 30, 2034.
- (c) The permittee shall make available disposal capacity for New Hampshire generated solid waste for the entire operating life of the facility.
- (d) The permittee shall, for each calendar year in which the facility operates:
 - 1. Demonstrate that the sources, in aggregate, from which the permittee accepted municipal solid waste (MSW) and/or construction and demolition (C&D) debris for disposal achieved a minimum 30 percent waste diversion rate to more preferred methods than landfilling as outlined in the hierarchy in RSA 149-M:3. If a minimum 30 percent diversion rate cannot be demonstrated, then the permittee shall submit to NHDES by July 1 of the following year a waste diversion report which presents the permittee's evaluation of:
 - a. The actual MSW and C&D debris waste diversion rate achieved;
 - b. The primary factors affecting that diversion rate; and
 - c. The practicable measures that the permittee will undertake to improve the diversion rate and an implementation schedule for doing so.
 - 2. The demonstration under Condition (21)(d)1 above shall not be required to include certain sub-types of MSW and C&D debris waste based upon a demonstration by the permittee that there are no environmentally safe or economically sound diversion alternatives to landfilling such wastes.
- (e) The permittee shall assist 15 or more New Hampshire solid waste generators per year with establishing or improving programs that assist in the implementation of the goals and hierarchy under RSA 149-M:2 and RSA 149-M:3, respectively.

Additional Submittals Required:

- (22) No later than December 11, 2018, the permittee shall submit to NHDES:
- (a) An evaluation of its existing communication practices with the public regarding landfill nuisances, including reports of noise and odor, and recommendations to improve communication with the public.
 - (b) A report regarding noise at the facility, certified by a third-party professional engineer licensed in New Hampshire. The report shall include the following:
 - 1. An evaluation of the methods currently used at the facility to control noise; and
 - 2. Identification of deficiencies or issues related to the noise control methods, and proposed recommendations and solutions for minimizing noise.

Appendix A
Modification of Permit No. DES-SW-SP-95-001 Issued June 11, 2018
Permittee: Waste Management of New Hampshire, Inc.
Facility Name: TLR-III Refuse Disposal Facility
Facility Location: 90 Rochester Neck Road, Rochester, NH

The following permit, permit modifications, approvals, and waivers, have been issued by the New Hampshire Department of Environmental Services for the TLR-III Refuse Disposal Facility, assigned Permit No. DES-SW-SP-95-001, located at 90 Rochester Neck Road in Rochester, NH. The information listed below is transcribed from the approved documents.

A. Permit, permit modifications, and approvals:

- (1) Solid Waste Management Facility Standard Permit No. DES-SW-SP-95-001 for a commercial, double lined landfill for the disposal of solid waste (19 million cubic yards of capacity), named TLR-III Refuse Disposal Facility. Application received 04/30/93, 06/22/93, 07/23/93, 03/23/94, 05/16/94, 06/16/94, 06/21/94, 12/27/94, 03/08/95; and assigned WMD Log #s 043-93, 065-93, 101-93, 199400225, 199400191, 199400214, 199400213, 19950007, 199500155, respectively. Approved April 10, 1995.
- (2) Construction Approval for construction of Phases 1 and 2. Request received 04/12/95 and 04/18/95; and assigned WMD Log #s 199500182 and 199500183, respectively. Approved 4/21/95.
- (3) Record of Modification to Solid Waste Management Facility Permit to alter the interim grading of phases 1 through 6. Application received September 18, 1995; and assigned WMD Log # 199500512. Approved October 3, 1995.
- (4) Operation Approval for commencement of landfill operations in Phases 1 and 2 of TLR-III, citizen drop-off area, and the wood chipping operation. Request received November 6, 1995; and assigned WMD Log # 199500586. Approved November 30, 1995.
- (5) Authorization for Use of Alternative Daily Cover at RCRA Subtitle D Landfill: Sandblast grit from Ingersoll Rand Company – WPS # 24664. Application received 1/22/96; and assigned WMD Log # 199600040. Approved 2-1-96.
- (6) Construction Approval for construction of Phase 3 liner and leachate collection system. Request received March 11, 1996; and assigned WMD Log # 199600128. Approved April 12, 1996.
- (7) Construction Approval for initial construction of the landfill gas management system. Request received June 28, 1996; and assigned WMD Log # 199600339. Approved July 22, 1996.
- (8) Authorization for Use of Alternative Daily Cover at RCRA Subtitle D Landfill: Ceramic Shell from K.W. Thompson Tool Company – WPS # 032255. Application received July 2, 1996;



and assigned WMD Log # 199600345. Approved 7-26-96.

- (9) Record of Modification to Solid Waste Management Facility Permit to modify the operating plan to add the liquid waste solidification process. Application received June 10, 1996; and assigned WMD Log # 199600307. Approved August 14, 1996.
- (10) Record of Modification to a Solid Waste Management Facility Permit to allow leachate recirculation at phases that have not undergone final closure. Application received December 11, 1996, and assigned WMD Log # 199700015. Approved February 3, 1997.
- (11) Operation Approval for commencement of landfill operations in Phase 3. Request received 12/24/96, 12/24/96 & 01/24/97; and assigned WMD Log #s 199700009, 199700049 & 19970050. Approved February 13, 1997.
- (12) Authorization for Use of Alternative Daily Cover at RCRA Subtitle D Landfill: Lime stabilized biosolids produced by the BIO*FIX[®] unit owned and operated by Wheelabrator Technologies, Inc. – Bio Gro Division. Application received January 24, 1997; and assigned WMD Log # 199700035. Approved February 18, 1997.
- (13) Construction Approval for construction of Phases 1 and 2 of the landfill gas management system. Request received March 11, 1997; and assigned WMD Log # 199700111. Approved March 31, 1997.
- (14) Construction Approval for construction of the Phase 4 liner system. Request received March 20, 1997, April 21, 1997 and April 28, 1997; and assigned WMD Log #s 199700105, 199700192, and 199700196, respectively. Approved April 29, 1997.
- (15) Authorization for Use of Alternative Daily Cover at RCRA Subtitle D Landfill: Processing fines/dirt from the Lowell Road Wood Processing Facility, LL&S, Inc., Salem, New Hampshire. Application received on June 18, 1997; and assigned WMD Log # 199700297. Approved July 24, 1997.
- (16) Approval to commence operations of Phase 4. Request received November 6, 1997; and assigned WMD Log # 199700625. Approved December 9, 1997.
- (17) Record of Modification to Solid Waste Management Facility Permit to acknowledge the Irrevocable Standby Letter of Credit No. SDC-743-003090 as amended to reflect the increased closure and post-closure maintenance costs of the TLR-III Refuse Disposal Facility resulting from the operation of Phase 4. Application received November 6, 1997 and assigned WMD Log # 199700625. Approved December 9, 1997.
- (18) Record of Modification to Solid Waste Management Facility Permit to approve the use of contaminated soils as cover material at the facility. Application received December 8, 1997; and assigned WMD Log # 199700657. Approved December 15, 1997.

- (19) Record of Modification to Solid Waste Management Facility Permit to approve use of a mixture of soil and processed construction and demolition debris as cover material at the facility. Application received December 16, 1997; and assigned WMD Log # 199700686. Approved January 14, 1998.
- (20) Record of Modification to Solid Waste Management Facility Permit of final plans for Phase 5 liner and leachate collection system construction. Application received March 6, 1998 and March 9, 1998; and assigned WMD Log # 199800105. Approved April 9, 1998.
- (21) Record of Modification to Solid Waste Management Facility Permit to approve final plans for the Phase 3 temporary landfill gas management system construction. Application received March 26, 1998; and assigned WMD Log # 199800117. Approved April 17, 1998.
- (22) Record of Modification to Solid Waste Management Facility Permit to approve and incorporate by reference the construction plans for the partial capping and landfill gas management system for portions of the Phase 1 and 2 area of TLR-III. Application received May 12, 1998 and assigned WMD Log # 199800225. Approved July 1, 1998.
- (23) Approval to commence construction of partial cap and landfill gas collection system in Phases 1 and 2. Request received July 9, 1998 and July 10, 1998; and assigned WMD Log #s 199800295 and 199800299, respectively.
- (24) Record of Modification to Solid Waste Management Facility Permit to approve conducting a 90-day trial demonstration period to assess the suitability of shredder residue generated at NEMR, LLC - Madbury, NH (formerly Madbury Metals) as cover material at the facility. Application received March 26, 1998, August 25, 1998 and October 8, 1998; and assigned WMD Log #s 199800222, 199800396, and 199800461. Approved November 4, 1998.
- (25) Record of Modification to Solid Waste Management Facility Permit to approve revised base grades for Phase 6 of TLR-III. Application received October 27, 1998; and assigned WMD Log # 199800469. Approved December 16, 1998.
- (26) Record of Modification to Solid Waste Management Facility Permit to acknowledge Irrevocable Standby Letter of Credit No. 50061972 issued by BankBoston to reflect the closure and post-closure maintenance costs of the TLR-III Refuse Disposal Facility resulting from the operation of Phases 1 through 5. Application received November 13, 1998 and January 15, 1999; and assigned WMD Log #s 199800494 and 199900024, respectively. Approved January 19, 1999.
- (27) Approval to commence operations of Phases 1-5. Request received January 15, 1999; and assigned WMD Log # 199900023. Approved January 26, 1999.



- (28) Record of Modification to Solid Waste Management Facility Permit to approve a three month trial demonstration period to assess the suitability of dynamic compaction to achieve greater in-place density of previously compacted solid waste. Application received February 8, 1999; and assigned WMD Log # 199900048. Approved 2-16-99.
- (29) Record of Modification to Solid Waste Management Facility Permit to authorize the processing of construction and demolition debris (C&D) at the TLR-III facility for use in the production of Certified Waste-Derived Product No. 6, Processed C&D and Soil Mixture - Alternative Daily Cover for RCRA Subtitle D Lined Landfills. Application received February 23, 1999 and March 12, 1999; and assigned WMD Log #s 199900078 and 199900112. Approved April 2, 1999.
- (30) Approval to commence construction of Phase 6. Request received April 9, 1999; and assigned WMD Log #199900139. Approved June 18, 1999.
- (31) Record of Modification to Solid Waste Management Facility Permit for approve and incorporate by reference the construction plans for the 1999 partial capping and landfill gas management system construction for portions of the Phase 1 and 2 area of TLR-III. Application received March 24, 1999; and assigned WMD Log # 199900114. Approved April 30, 1999.
- (32) Record of Modification to Solid Waste Management Facility Permit to approve and incorporate by reference the construction plans for the liner and leachate collection system for Phase 6 of TLR-III. Application received March 24, 1999 and June 17, 1999; and assigned WMD Log #s 199900113 and 199900226. Approved June 17, 1999.
- (33) Record of Modification to Solid Waste Management Facility Permit to approve and incorporate by reference the construction plans for the temporary landfill gas collection system for Phase 4 and portions of the Phase 1 and 2 areas of TLR-III. Application received June 8, 1999; and assigned WMD Log # 199900217. Approved July 23, 1999.
- (34) Type III Permit Modification to approve casting sands for use as alternative daily cover. Application received June 28, 1999; and assigned WMD Log # 199900246. Approved 7/23/99.
- (35) Record of Modification to Solid Waste Management Facility Permit to establish an airspace utilization schedule for the remaining disposal capacity at the TLR-III Refuse Disposal Facility. Application received August 5, 1999; and assigned WMD Log # 199900277. Approved August 18, 1999.
- (36) Type III Permit Modification to approve Propat, auto shredder residue stabilized with cement kiln dust, produced by New England Metal Recycling, Madbury, NH for use as alternative daily cover. Application dated August 20, 1999; and assigned WMD Log # 199900313. Approved 9/17/99.



- (37) Approval to commence construction of landfill gas collection system for Phase 4. Request received September 15, 1999; and assigned WMD Log # 199900326. Approved September 24, 1999.
- (38) Record of Modification to Solid Waste Management Facility Permit to eliminate the research and development project status of those portions of Phases 7 and 8 that overlay the TLR-I Refuse Disposal Facility, and to amend the facility Operating Plan by insertion of Overliner Settlement Monitoring Plan. Application received October 13, 1999, February 1, 2000, and February 10, 2000; and assigned WMD Log #s 199900351, 200000057, and 200000052, respectively. Approved February 28, 2000.
- (39) Record of Modification to Solid Waste Management Facility Permit to acknowledge the amendment to the Irrevocable Standby Letter of Credit No. 50061972 issued by BankBoston to reflect the closure and post-closure maintenance costs of the TLR-III Refuse Disposal Facility resulting from the operation of Phases 1 through 6. Application received December 27, 1999 and March 2, 2000; and assigned WMD Log #s 199900407 and 200000071, respectively. Approved March 8, 2000.
- (40) Approval to commence operation of Phase 6. Request received March 6, 2000; and assigned WMD Log # 200000072. Approved March 8, 2000.
- (41) Record of Modification to Solid Waste Management Facility Permit to approve and incorporate by reference the construction plans and specifications for the Phase 7 liner and TLR-III/TLR-I overliner systems. Application received February 10, 2000 and March 31, 2000; and assigned WMD Log #s 200000052 and 200000096, respectively. Approved April 7, 2000.
- (42) Approval to commence construction of Phase 7. Request received April 14, 2000; and assigned WMD Log # 200000103. Approved April 17, 2000.
- (43) Record of Modification to Solid Waste Management Facility Permit to approve and incorporate by reference the construction plans for the temporary landfill gas collection system for Phase 4 and Phase 5 of TLR-III. Application received June 2, 2000; and assigned WMD Log # 200000144. Approved June 7, 2000.
- (44) Approval to commence construction of landfill gas collection system for Phase 5. Request received June 30, 2000; and assigned WMD Log # 2000000175. Approved July 13, 2000.
- (45) Record of Modification to Solid Waste Management Facility Permit to approve and incorporate by reference revisions to Table 1: Anticipated Final Capping Sequence of the facility Closure Plan. Application received May 26, 2000; and assigned WMD Log # 200000139. Approved August 25, 2000.



- (46) Record of Modification to Solid Waste Management Facility Permit to approve and incorporate by reference revisions to the Leachate Recirculation section of the facility Operating Plan. Application received June 12, 2000, and assigned WMD Log # 200000159. Approved August 25, 2000.
- (47) Type III Permit Modification to approve Posi-Shell[®] Cover System from Landfill Service Corporation, Apalachin, New York for use as alternative daily cover. Application dated August 15, 2000, and assigned WMD Log # 200000232. Approved November 17, 2000.
- (48) Type III Permit Modification to approve Shredder Residue, with conditions per November 21, 2000 letter, from NEMR, LLC-Madbury, Madbury, NH for use as alternative daily cover. Application received November 3, 2000; and assigned WMD Log # 200000300. Approved November 29, 2000.
- (49) Record of Modification to Solid Waste Management Facility Permit to approve and incorporate by reference the construction plans for Phase 6 temporary landfill gas management system. Application received November 17, 2000; and assigned WMD Log # 200000319. Approved December 11, 2000.
- (50) Approval to commence operation of Phase 7A. Request received June 15, 2001; and assigned WMD Log # 200100170.
- (51) Record of Modification to Solid Waste Management Facility Permit to acknowledge Surety Bond No. SG6126 issued by St. Paul Fire and Marine Insurance Company to reflect the closure costs and the amendment to the Irrevocable Standby Letter of Credit No. 50061972 issued by Fleet National Bank to reflect the post-closure maintenance costs of the TLR-III Refuse Disposal Facility resulting from the operation of Phases 1 through 7a. Application received March 21, 2001 and June 12, 2001; and assigned WMD Log #s 2001-119 and 2001-144, respectively. Approved July 6, 2001.
- (52) Approval to commence construction of Phase 6 Landfill Gas Management System. Request received July 6, 2001; and assigned WMD Log # 200100173. Approved July 18, 2001.
- (53) Record of Modification to Solid Waste Management Facility Permit to approve additional disposal capacity resulting from a horizontal and vertical expansion of the TLR-III Refuse Disposal Facility. Approximately two million cubic yards of air space available for disposal is approved to be added by the use of two mechanically stabilized earth berms and related changes in the approved landfill finish grades. Application received 08/07/01, 09/04/01, 09/20/01, 12/21/01, and 01/31/02; and assigned WMD Log Nos. 2001-241, 2001-216, 2001-223, 2002-012 and 2002-013, respectively. Approved February 14, 2002.
- (54) Record of Modification to Solid Waste Management Facility Permit to approve and incorporate by reference the construction plans for the north MSE berm. Application



- received March 29, 2002 and May 7, 2002; and assigned WMD Log #s 2002-104 and 2002-105, respectively. Approved May 7, 2002.
- (55) Approval to commence construction of North MSE Berm. Request received May 31, 2002; and assigned WMD Log # 2002-137. Approved June 4, 2002.
 - (56) Approval to commence operation of Phase 7B. Request received June 14, 2002; and assigned WMD Log # 2002-161.
 - (57) Record of Modification to Solid Waste Management Facility Permit to acknowledge Surety Bond No. SG6126 issued by St. Paul Fire and Marine Insurance Company to reflect the closure costs and the amendment to the Irrevocable Standby Letter of Credit No. SL001251646 issued by Fleet National Bank to reflect the post-closure maintenance costs of the TLR-III Refuse Disposal Facility resulting from the operation of Phases 1 through 7b. Application received February 19, 2002 and June 14, 2002; and assigned WMD Log #s 2002-23 and 2002-161, respectively. Approved July 9, 2002.
 - (58) Approval to commence operation of Phase 1-7 & North MSE Berm Area. Request received December 24, 2003; and assigned WMD Log # 200300356. Approved January 5, 2004.
 - (59) Record of Modification to Solid Waste Management Facility Permit to approve the proposed interim landfill gas management system for Phase 7 of the TLR-III landfill. Application received February 10, 2003; and assigned WMD Log # 200300037. Approved February 18, 2003.
 - (60) Approval to commence construction of Phase 7 Interim Landfill Gas Collection System. Request received February 10, 2003; and assigned WMD Log #200300038. Approved February 18, 2003.
 - (61) Record of Modification to Solid Waste Management Facility Permit to approve the design plans and specifications for the construction of Phase 8. Application received February 20, 2003 and April 29, 2003; and assigned WMD Log #s 200300051 and 200300150, respectively. Approved May 2, 2003.
 - (62) Approval to commence construction of Phase 8 liner and leachate collection system. Request received May 23, 2003; and assigned WMD Log #200300175. Approved May 27, 2003.
 - (63) Record of Modification to Solid Waste Management Facility Permit to approve the proposed landfill gas management system for Phase 8 and North MSE Berm Area of the TLR-III landfill. Application received October 3, 2003; and assigned WMD Log # 200300286. Approved October 13, 2003.
 - (64) Approval to commence operations in Phase 5, North MSE Berm Area. Request dated

October 9, 2003; and assigned WMD Log #200300300. Approved October 22, 2003.

- (65) Record of Modification to Solid Waste Management Facility Permit to acknowledge that financial assurance for the closure of TLR-III is procured by a Surety Bond (No. 850184) issued by Evergreen National Indemnity Company in the amount of \$8,000,000.00 and by an Irrevocable Letter of Credit (No. 1S1335033) issued by Fleet National Bank in the amount of \$5,424,524.00. Financial assurance for the post-closure costs are covered by a Surety Bond (No. 850181) issued by Evergreen National Indemnity Company in the amount of \$4,265, 649.00. A Standby Trust Agreement is in place with Oak Brook Bank. Application received November 17, 2003; and assigned WMD Log # 200300328. Approved December 31, 2003.
- (66) Approval to commence operations in Phases 1-7 & North MSE Berm Area of the facility. Request received December 24, 2003; and assigned WMD Log #200300356. Approved January 5, 2004.
- (67) Record of Modification to Solid Waste Management Facility Permit to acknowledge financial assurance for the closure of TLR-III is procured by a Surety Bond (No. 850184) issued by Evergreen National Indemnity Company in the amount of \$8,000,000.00 and by an Irrevocable Letter of Credit (No. 1S1335033) issued by Fleet National Bank in the amount of \$6,847,416.00. Financial assurance for the post-closure costs are covered by a Surety Bond (No. 850181) issued by Evergreen National Indemnity Company in the amount of \$4,619,787.00. A Standby Trust Agreement is in place with Oak Brook Bank. Application received February 5, 2004; and assigned WMD Log # 200400028. Approved March 8, 2004.
- (68) Approval to commence operations in Phase 8A of the facility. Request received March 11, 2004; and assigned WMD Log #200400073. Approved March 16, 2004.
- (69) Record of Modification to Solid Waste Management Facility Permit to approve of the design plans and specifications required for the construction of Phase 7 final cap and landfill gas collection system. Application received February 26, 2004 and April 30, 2004; and assigned WMD Log #s 200400039 and 200400120, respectively. Approved April 30, 2004.
- (70) Approval to commence construction of Phase 7 final cap and landfill gas collection system. Request received May 24, 2004; and assigned WMD Log #200400149. Approved May 27, 2004
- (71) Record of Modification to Solid Waste Management Facility Permit to approve of the design plans and specifications required for the construction of the Phases 1-8, 2004 landfill gas collection system enhancements. Application received July 2, 2004 and July 22, 2004; and assigned WMD Log #s 200400191 and 200400199, respectively. Approved September 1, 2004.

- (72) Approval to commence construction of the Phase 8 & North MSE berm area landfill gas management system and 2004 landfill gas collection system enhancement projects. Request received September 20, 2004; and assigned WMD Log #200400232. Approved October 6, 2004.
- (73) Approval for use of Short Paper Fiber as a Component of Intermediate Cover. Approved November 8, 2004.
- (74) Record of Modification to Solid Waste Management Facility Permit to approve of the design plans and specifications required for the construction of the Phase 3 & 4 north sideslope final cap and gas management system. Application received April 14, 2005 and June 2, 2005; and assigned WMD Log #s 200500098 and 200500128, respectively. Approved June 10, 2005.
- (75) Approval of Landfill Gas Well Radius of Influence Testing Protocol. Approved January 3, 2005.
- (76) Record of Modification to Solid Waste Management Facility Permit to approve of the design plans and specifications required for the construction of a landfill gas collection header pipe and associated laterals to replace an existing sagged header pipe in Phase 6 of TLR-III. Application received June 23, 2005; and assigned WMD Log # 200500149. Approved June 28, 2005.
- (77) Record of Modification to Solid Waste Management Facility Permit to approve of the revised airspace utilization rate schedule and associated conditions. Application received July 25, 2005 and August 8, 2005; and assigned WMD Log #s 200500171 and 200500185, respectively. Approved August 12, 2005.
- (78) Record of Modification to Solid Waste Management Facility Permit to approve of the design plans and specifications for the 2005 2nd Quarter Surface Emissions Monitoring (SEM) Corrective Action Plan and the Landfill Gas Collector Decommissioning Plan. Application received August 29, 2005, September 29, 2005, and September 16, 2005; and assigned WMD Log #s 200500193, 200500201, and 200500215, respectively. Approved October 25, 2005.
- (79) Record of Modification to Solid Waste Management Facility Permit to approve of 2005 4th quarter SEM corrective action plan. Application received 01/26/06; and assigned WMD Log # 200600020. Approved 2/03/06.
- (80) Approval to commence construction of the Phases 3 & 4 North sideslope final cap & landfill gas collection system. Request received April 3, 2006; and assigned WMD Log #200600065. Approved April 6, 2006.



- (81) Record of Modification to Solid Waste Management Facility Permit to approve the plans and specifications for the North Flare Station. Application received May 8, 2006 and May 30, 2006; and assigned WMD Log #s 200600100 and 200600129, respectively. Approved 6/5/06.
- (82) Record of Modification to Solid Waste Management Facility Permit in accordance with the Consent Decree between the permittee and the State of New Hampshire entered as an order of the Strafford County Superior Court on Feb. 28, 2006. Approval is for revision of the Operating Plan (various sections) as required for control of odors involved with leachate condensate and wastewater treatment plant sludge handling. Application received Mar. 27, 2006; and assigned WMD Log #s 200600060 and 200600101, respectively. Approved 6/5/06.
- (83) Record of Modification to Solid Waste Management Facility Permit to acknowledge that financial assurance for the closure of TLR-III is procured by Policy No. 850184 issued by Evergreen National Indemnity Company in the amount of \$8,000,000.00, by an Irrevocable Letter of Credit (No. 1S1335033) issued by Fleet National Bank in the amount of \$6,847,416.00, and by Policy No. 850181 issued Evergreen National Indemnity Company in the amount of \$497,574.00. Financial assurance for the post-closure costs are covered by Policy No. 850181 issued by Evergreen National Indemnity Company in the amount of \$3,216,814.00. A Standby Trust Agreement is in place with Oak Brook Bank. Application received April 3, 2006; and assigned WMD Log # 200600084. Approved 6/22/06.
- (84) Record of Modification to Solid Waste Management Facility Permit to approve of additional capacity resulting from a vertical and horizontal expansion of the TLR-III Refuse Disposal Facility. Approximately 12 million cubic yards of air space available for disposal is approved to be added by the construction of Phases 9-14 and other related changes in the approved landfill. Application received 12/30/2003, 1/30/2004, 4/6/2004, 5/28/2004, 7/28/2004, 4/20/2006, 4/25/2006, 6/1/2006, 6/26/2006; and assigned WMD Log #s 200300359, 20040023, 200400106, 200400159, 200400203, 200600091, 200600135, 200600132, and 200600147, respectively. Approved 6/30/06.
- (85) Approval to commence construction of the North flare station. Request received July 6, 2006; and assigned WMD Log #200600150. Approved on July 11, 2006.
- (86) Record of Modification to Solid Waste Management Facility Permit to approve of the use of MSW Incinerator Ash, Certified Waste-Derived Product # 21, as alternative daily cover at the TLR-III Refuse Disposal Facility. Application received Aug. 14, 2006; and assigned WMD Log # 200600170. Approved 8/22/06.
- (87) Record of Modification to Solid Waste Management Facility Permit to approve of the plans and specifications for the Phases 1-8 LFG management system enhancements. Application received Aug. 28, 2006 and Sep. 6, 2006; and assigned WMD Log #s



200600174 and 200600177. Approved 9/12/06.

- (88) Approval to commence construction of the 2006 landfill gas system enhancements project. Request received October 4, 2006; and assigned WMD Log #200600197. Approved October 5, 2006.
- (89) Record of Modification to Solid Waste Management Facility Permit to approve of the plans and specifications for the Residential Drop-Off Relocation. Application received Oct 13, 2006; and assigned WMD Log # 200600200. Approved 10/27/06.
- (90) Approval to commence operations of Phase 8B of the facility. Request received October 4, 2006 and October 26, 2006; and assigned WMD Log #s 200600198 and 200600205, respectively. Approved October 30, 2006.
- (91) Approval to commence construction of the residential drop off facility. Request received November 27, 2006; and assigned WMD Log #200600216. Approved December 4, 2006.
- (92) Record of Modification to Solid Waste Management Facility Permit to approve of the plans and specifications for the South MSE Wall. Application received March 29, 2007 and May 10, 2007; and assigned WMD Log #s 200700056 and 200700107. Approved 6/11/07.
- (93) Approval to commence construction of the South MSE wall. Request received July 11, 2007; and assigned WMD Log #200700149. Approved July 17, 2007.
- (94) Record of Modification to Solid Waste Management Facility Permit to approve of the 2007 second quarter TLR-III LFG management and cover system modifications. Application received July 24, 2007, and assigned WMD Log # 200700158. Approved 8/8/07.
- (95) Approval-to operate the residential drop off facility. Request received August 13, 2007; and assigned WMD Log #200700167. Approved August 14, 2007.
- (96) Record of Modification to Solid Waste Management Facility Permit to approve of the Operating Plan revisions dated September 28, 2007. Application received October 4, 2007; and assigned WMD Log # 200700188. Approved 10/29/07.
- (97) Record of Modification to Solid Waste Management Facility Permit to approve plans and specifications for modification to the gas management system. Application received November 2, 2007; and assigned WMD Log # 200700202. Approved 11/14/07.
- (98) Approval to commence construction of modifications to the landfill gas system. Request received December 7, 2007; and assigned WMD Log #200700214. Approved December 7, 2007.

- (99) Record of Modification to Solid Waste Management Facility Permit to approve of the plans and specifications for construction of the phases 5 and 8 North Sideslope Landfill Closure. Application received November 30, 2007 and January 17, 2008; and assigned WMD Log #s 200700212 and 200800012. Approved 1-23-08.
- (100) Record of Modification to Solid Waste Management Facility Permit to approve the plans and specifications for Phases 9-14 Initial Construction. Application received January 31, 2008 and March 24, 2008; and assigned WMD Log #s 200800026 and 200800048. Approved 3/27/08.
- (101) Approval to commence construction of Phases 5 & 8A Final Cap. Request received April 23, 2008; and assigned WMD Log #200800074. Approved April 24, 2008.
- (102) Approval to commence construction of Phase 9-14 initial construction. Request received May 15, 2008; and assigned WMD Log #200800085. Approved May 19, 2008.
- (103) Record of Modification to Solid Waste Management Facility Permit to approve the design plans and specifications for modifications to the TLR-III, phase 7B gas management system. Application received June 3, 2008; and assigned WMD Log # 200800106. Approved 7/1/08.
- (104) Approval to commence construction of Phase 7B landfill gas management system. Request received September 8, 2008; and assigned WMD Log #200800138. Approved September 9, 2008.
- (105) Record of Modification to Solid Waste Management Facility Permit to approve revisions to the Closure Plan. Application received September 8, 2008 and October 9, 2008; and assigned WMD Log #s 200800139 and 200800159. Approved 10/16/08.
- (106) Approval to operate South MSE Berm Area. Request received March 11, 2009; and assigned WMD Log #200900031. Approved March 17, 2009.
- (107) Record of Modification to Solid Waste Management Facility Permit to approve the design plans and specifications modifying the TLR-III, phase 7B, 8B and SMSE berm area gas management systems. Application received July 24, 2009; and assigned WMD Log # 200900111. Approved 8/31/09.
- (108) Approval to commence construction of Phases 7B & 8B Stage 1 landfill gas management system. Request received September 30, 2009; and assigned WMD Log # 2009500. Approved October 6, 2009.
- (109) Record of Modification to Solid Waste Management Facility Permit to (a) approve of the revisions to the base grades in phases 9 through 13 resulting in an additional 280,000 cubic yards of landfill capacity and (b) approve of an alternate design detail for the



primary leachate collection system in certain future areas of phases 9 through 14. Application received February 24, 2009 and April 23, 2009; and assigned WMD Log #s 200900025 and 200900057, respectively. Approved 10/8/09.

- (110) Approval to commence construction of Phases 7B & 8B Stage 2 landfill gas management system. Request received March 12, 2010; and assigned WMD Log #2010550. Approved March 22, 2010.
- (111) Record of Modification to Solid Waste Management Facility Permit to approve the design plans and specifications for the construction of Phase 9A and Phase 9B of the TLR-III Refuse Disposal Facility. Application received February 19, 2010 and April 27, 2010; and assigned WMD Log #s 2010547 and 2010566, respectively. Approved 5/5/10.
- (112) Approval to commence construction of Phases 9A and 9B. Request received June 24, 2010; and assigned WMD Log #2010586. Approved July 1, 2010.
- (113) Record of Modification to Solid Waste Management Facility Permit to approve the revised Earthwork Specifications and Typical Base Liner Section (in bedrock excavation areas). Application received July 21, 2010; and assigned WMD Log # 2010605. Approved 9/8/10.
- (114) Record of Modification to Solid Waste Management Facility Permit to approve the design plans and specifications, Phases 4 and 5 LFG Management System Construction. Application received September 29, 2010; and assigned WMD Log # 2010635. Approved 11/1/10.
- (115) Approval to commence construction of Phases 4 and 5 landfill gas management system. Request received November 5, 2010; and assigned WMD Log # 2010646. Approved November 9, 2010.
- (116) Record of Modification to Solid Waste Management Facility Permit to remove the permit condition requiring the permittee to provide instrumentation to monitor the sideslope settlement over TLR-I. Application received August 13, 2010 and September 17, 2010; and assigned WMD Log #s 2010619 and 2010640, respectively. Approved 11/1/10.
- (117) Type III Modification to Solid Waste Management Facility Permit to approve Bottom Ash, CWDP # 10, from PSNH Schiller Station for use as alternative daily cover. Application received April 26, 2011, and assigned WMD Log # 2011642. Approved 5/4/11.
- (118) Record of Modification to Solid Waste Management Facility Permit to replace Operating Plan Appendix G – North Berm Stability Monitoring Plan, which revises the stability monitoring plan for geotechnically monitoring the north mechanically stabilized earth berm. Application received January 24, 2012; and assigned WMD Log # 2012012. Approved 2/24/12.

- (119) Approval to commence construction of Phase 9. Request received April 10, 2012; and assigned WMD Log # 10349. Approved April 12, 2012.
- (120) Record of Modification to Solid Waste Management Facility Permit to approve the design plans and specifications for the final closure of 7.24 acres on the south slope and the construction of the associated above-cap landfill gas management system infrastructure. Application received March 15, 2012, March 19, 2012, and March 30, 2012; and assigned WMD Log #s 10097 and 10098, 10433, and 10448 and 10451, respectively. Approved 05-08-2012.
- (121) Approval to commence construction of the South MSE berm closure and landfill gas management system. Request received May 14, 2012; and assigned WMD Log # 10533. Approved May 15, 2012.
- (122) Approval--Final Construction Plans & Specifications, Record of Solid Waste Facility Permit Modification (Type II) to approve the final construction plans. The plans apply to the removal of existing final cover from within portions of Phases 1 and 2 and Phases 6 and 7 in order to capture disposal capacity due to settlement of the landfill. Application received July 2, 2012, July 26, 2012, and August 15, 2012; and assigned WMD Log #s 10767, 10819, and 10929, respectively. Approved 9/7/12.
- (123) Approval--Final Construction Plans & Specifications, Record of Solid Waste Facility Permit Modification (Type II) to approve the final construction plans and specifications referenced. The plans apply to construction and operation of vertical landfill gas extraction wells, horizontal collection trenches, landfill gas conveyance pipe, dewatering force mains, and compressed air supply pipes in Phases 1-4. Application received July 2, 2012, July 26, 2012 and August 9, 2012; and WMD Log #s 10764, 10818, 10949, respectively. Approved 9/7/12.
- (124) Approval to commence construction of the Phase 1-4 landfill gas management system. Request received November 7, 2012; and assigned WMD Log # 11518. Approved November 7, 2012.
- (125) Approval to commence construction of the Phase 1 and 2 final cap removal. Request received November 14, 2012; and assigned WMD Log # 11557. Approved November 14, 2012.
- (126) Approval--Final Construction Plans & Specifications, Record of Solid Waste Facility Permit Modification (Type II) to approve the final construction plans and specifications referenced. The plans apply to construction of approximately 5.4 acres of final cap and the associated above-cap LFG extraction system infrastructure on the northwest slop of Phases 5 and 8. Application received February 21, 2013 and March 26, 2013, and assigned WMD Log #s 11910 and 12031, respectively. Approved 4/24/13.

- (127) Approval to commence operations of Phase 9 of the facility. Request received April 29, 2013; and assigned WMD Log # 12216. Approved May 17, 2013.
- (128) Approval to commence construction of the 2013 closure and landfill gas management system. Request received June 28, 2013; and assigned WMD Log # 12489. Approved July 2, 2013.
- (129) Approval to commence operations of Phases 1 and 2 final cap removal. Request received September 6, 2013; and assigned WMD Log # 12870. Approved September 11, 2013.
- (130) Approval--Final Construction Plans & Specifications, Record of Solid Waste Facility Permit Modification (Type II) to approve the final plans and specifications for construction of Phase 10. Application received July 31, 2013 and September 6, 2013; and assigned WMD Log #s 12737 and 12882, respectively. Approved 9/24/13.
- (131) Approval to commence construction of Phase 10 of the facility. Request received October 25, 2013; and assigned WMD Log # 13007. Approved October 25, 2013.
- (132) Approval--Final Construction Plans & Specifications, Record of Solid Waste Facility Permit Modification (Type II) to approve final plans and specifications for construction of the 6 sequential parts of Phase 9 landfill gas infrastructure. Application received November 6, 2013 and November 22, 2013; and assigned WMD Log #s 13048 and 13092, respectively. Approved 12/9/13.
- (133) Approval--Final Construction Plans & Specifications, Record of Solid Waste Facility Permit Modification (Type II) to approve the final construction plans and specifications referenced. The plans apply to the construction of approximately 15.1 acres of final cap and the associated above-cap LFG extraction system infrastructure, on the northeast slope of Phases 1-4. Application received February 4, 2014 and February 14, 2014; and assigned WMD Log #s 13320 and 13323, respectively. Approved 2/28/14.
- (134) Approval to construct the 2014 closure and landfill gas management system. Request dated May 1, 2014; and assigned WMD Log # 13611. Approved May 5, 2014.
- (135) Record of Modification to Solid Waste Management Facility Permit to approve the proposed revisions to the facility's Operating Plan to include operating procedures of a new leachate force main system and updates to existing procedures at the facility. Application received November 21, 2013, July 21, 2014 and August 12, 2014; and assigned WMD Log #s 13111, 13934, and 14072, respectively. Approved 8/27/14.
- (136) Approval-to commence operation of Phase 10 of the facility. Request dated November 14, 2014; and assigned WMD Log # 15377. Approved December 12, 2014.



- (137) Approval--Financial Assurance Plan, Record of Solid Waste Facility Permit Modification (Type II) to approve the Financial Assurance Plan dated December 4, 2014, referenced as document log # 15531, as amended by document log #15532 that provides a correction on page 2 of the closure cost estimate. This approved Financial Assurance Plan supersedes the plan previously approved. Application received October 27, 2014, October 29, 2014, December 8, 2014, and December 8, 2014; and assigned WMD Log #s 15141, 15182, 15531, and 15532, respectively. Approved 12/11/14.
- (138) Approval--Final Construction Plans & Specifications, Record of Solid Waste Facility Permit Modification (Type II) to approve the final plans and specifications for construction of horizontal landfill gas collection trenches and vertical landfill gas extraction wells in Phase 10. Application received March 25, 2015; and assigned WMD Log # 16063. Approved April 27, 2015.
- (139) Approval--Final Construction Plans & Specifications, Record of Solid Waste Facility Permit Modification (Type II) to approve the final plans and specifications for construction of Phase 11. Application received March 12, 2015, March 12, 2015, and March 12, 2015; and assigned WMD Logs #s 16031, 16032 and 16033, respectively. Approved April 30, 2015.
- (140) Approval to commence construction of Phase 11. Request received May 8, 2015; and assigned WMD Log # 16287. Approved May 11, 2015.
- (141) Approval to commence construction of Phase 10 landfill gas management system. Request received November 12, 2015; and assigned WMD Log # 17292. Approved November 18, 2015.
- (142) Approval--Financial Assurance Plan, Record of Solid Waste Facility Permit Modification (Type II) to approve the cost estimate for closure of the facility including Phase 11A. See also corresponding and updated Evergreen National Indemnity Company insurance policies 850181 and 850184. Application received December 11, 2015 and February 2, 2016; and assigned WMD Log # 2015-1002-01. Approved March 9, 2016.
- (143) Approval to commence construction of Phase 10 landfill gas management system. Request received April 19, 2016; and assigned WMD Log # 2016-21626. Approved April 20, 2016.
- (144) Approval--Final Construction Plans & Specifications, Record of Solid Waste Facility Permit Modification (Type II) to approve the final plans and specifications for construction of the horizontal landfill gas collection (LFG) trenches during filling and installation of vertical landfill gas extraction wells, and for the construction of LFG conveyance pipes, dewatering force mains, and compressed air supply lines in Phase 11 at the facility. Application received June 10, 2016 and July 25, 2016; and assigned WMD Log #s 22745-01 and 22745-02, respectively. Approved August 5, 2016.



- (145) Approval to commence construction of Phase 11 landfill gas management system. Request received August 9, 2016; and assigned WMD Log # 2016-23545-01. Approved August 12, 2016.
- (146) Approval--Final Construction Plans & Specifications, Record of Solid Waste Facility Permit Modification (Type II) to approve the final plans and specifications for construction of Phase 12 of the facility. Application received August 11, 2016, August 15, 2016, and January 27, 2017; and assigned WMD Log #s 2016-23605-01, 2016-23605-02 and 2016-23605-03, respectively. Approved February 7, 2017.
- (147) Approval to commence construction of Phase 12 of the facility. Request received February 9, 2017; and assigned WMD Log # 2017-25625-01. Approved February 10, 2017.
- (148) Approval--Financial Assurance Plan, Record of Solid Waste Facility Permit Modification (Type II) to approve modification of the previously approved financial assurance plan to increase the dollar amount to cover the cost of closure and post-closure care of the facility (Phases 1 through 11). Application received September 23, 2016, February 16, 2017 and March 8, 2017; and assigned WMD Log #s 2016-24185-01, 2016-24185-02 and 2016-24185-03, respectively. Approved March 22, 2017.
- (149) Approval to commence operations in Phase 11B of the facility. Request dated September 19, 2016; and assigned WMD Log # 2016-24105-01. Approved March 29, 2017.
- (150) Approval to commence construction of Phase 11 landfill gas management system. Request received October 17, 2017; and assigned WMD Log # 2017-30065-01. Approved October 17, 2017.
- (151) Approval--Final Construction Plans & Specifications, Record of Solid Waste Facility Permit Modification (Type II) to approve the final plans and specifications for construction of Phase 13. Application received November 8, 2017 and May 10, 2018; and assigned WMD Log #s 2017-30405-01 and 2017-30405-02, respectively. Approved May 14, 2018.
- (152) Record of Modification to a Solid Waste Management Facility Permit to approve the vertical and horizontal expansion of the TLR-III Refuse Disposal Facility in such a manner as to increase its permitted disposal capacity by approximately 15.9 million cubic yards. Application received May 24, 2017, June 19, 2017, August 1, 2017, August 30, 2017, September 1, 2017, September 6, 2017, November 6, 2017, November 8, 2017, December 15, 2017, January 26, 2018, March 28, 2018, and March 28, 2018; and assigned WMD Log #s 2017-28465-01, 2017-28465-02, 2017-28465-03, 2017-28465-04, 2017-28465-05, 2017-28465-06, 2017-28465-07, 2017-28465-08, 2017-28465-09, 2017-28465-10, 2017-28465-11, and 2017-28465-12, respectively. Approved June 11, 2018.

B. Waivers:



- (1) Waiver Approval (#DES-SW-WV-02-001) of Env-Wm 2504.03(e) to allow the landfill footprint to be sited within 90 feet of a wetland as depicted in the referenced drawings. Application received 08/07/01, 09/04/01, 09/20/01, 12/21/01, and 01/31/02; and assigned WMD Log #s 2001-241, 2001-216, 2001-223, 2002-012 and 2002-013, respectively. Approved February 14, 2002.
- (2) Waiver Approval (#DES-SW-WV-06-002) of Env-Sw 804.03(e) to allow the landfill footprint of Phases 9-14, to be located less than 200 ft upgradient and 100 ft downgradient setback limit of wetlands. The locations are depicted in the referenced submittals showing the upgradient wetland to be approximately 95 ft. and the closest downgradient wetland approximately 150 ft from the landfill footprint. Application received Dec. 30, 2003; and assigned WMD Log # 200300359. Approved 6/30/06.
- (3) Waiver Approval (#DES-SW-WV-18-002) of Env-Sw 804.03(e) to allow the landfill footprint to be located within 200 feet upgradient of wetlands Area M and Area J with setback distances of approximately 146 feet and 126 feet, respectively. Application received May 24, 2017, August 30, 2017, and March 28, 2018; and assigned WMD Log #s 2017-28465-01, -04 and -11, respectively. Approved June 11, 2018.

Appendix B
Modification of Permit No. DES-SW-SP-95-001 Issued June 11, 2018
Permittee: Waste Management of New Hampshire, Inc.
Facility Name: TLR-III Refuse Disposal Facility
Facility Location: 90 Rochester Neck Road, Rochester, NH

The following submittals constitute the Permit Modification Application, assigned Activity # 2017-28465, for the TLR-III Refuse Disposal Facility, Standard Permit # DES-SW-SP-95-001, located at 90 Rochester Neck Road in Rochester, NH.

- (1) Waste Management of New Hampshire, Inc. (2017 May 19). Type I-A Permit Modification Application: TLR-III South Area. Received May 24, 2017. Assigned WMD Log No. 2017-28465-01.
- (2) Waste Management of New Hampshire, Inc. (2017 June 15). Letter regarding Standard Permit Application – TLR-III South Notice to Property Abutters. Received June 19, 2017. Assigned WMD Log No. 2017-28465-02.
- (3) Waste Management of New Hampshire, Inc. (2017 July 31). Letter regarding Type I-A Permit Application – Section IV - Legal Notices. Received August 1, 2017. Assigned WMD Log No. 2017-28465-03.
- (4) Waste Management of New Hampshire, Inc. (2017 August 28). Letter regarding Response to Administrative Comments – Waiver Application, Standard Permit Application – TLR-III South Area Expansion. Received August 30, 2017. Assigned WMD Log No. 2017-28465-04.
- (5) Waste Management of New Hampshire, Inc. (2017 August 31). Letter regarding Response to Administrative Comments – Section IX Financial Report, Standard Permit Application – TLR-III South Area Expansion. Received September 1, 2017. Assigned WMD Log No. 2017-28465-05.
- (6) Waste Management of New Hampshire, Inc. (2017 September 5). Letter regarding Response to Administrative Comments – Section IX Financial Report & Claim for Confidential Business Information, Standard Permit Application – TLR-III South Area Expansion. Received September 6, 2017. Assigned WMD Log No. 2017-28465-06.
- (7) Waste Management of New Hampshire, Inc. (2017 October 23). Letter regarding Personal Disclosure Forms sent to NH Department of Justice (Copy forwarded to NHDES by NHDOJ). Received November 6, 2017. Assigned WMD Log No. 2017-28465-07.
- (8) Waste Management of New Hampshire, Inc. and Sanborn, Head & Associates, Inc. (2017 November 8). Supplemental Information Type I-A Permit Modification, Proposed TLR-III South Area. Received November 8, 2017. Assigned WMD Log No. 2017-28465-08.
- (9) Waste Management of New Hampshire, Inc. (2017 December 12). Letter regarding Standard Permit Application – TLR-III South Notice of Public Hearing. Received December 15, 2017.

Assigned WMD Log No. 2017-28465-09.

- (10) Waste Management of New Hampshire, Inc. (2018 January 25). Letter regarding TLR-III South Area Permit Application Review Meeting – Response to Comments (Groundwater and Bedrock Separation). Received January 26, 2018. Assigned WMD Log No. 2017-28465-10.
- (11) Waste Management of New Hampshire, Inc. (2018 March 28). Letter regarding Response to Request for Additional Information, Standard Permit Application – TLR-III South Area Expansion (Industrial Discharge Permits). Received March 28, 2018. Assigned WMD Log No. 2017-28465-11.
- (12) Waste Management of New Hampshire, Inc. (2018 March 28). Letter regarding Response to Request for Additional Information, Standard Permit Application – TLR-III South Area Expansion (Public Benefit and Waiver Request). Received March 28, 2018. Assigned WMD Log No. 2017-28465-12.