RESPONSE TO PUBLIC COMMENT

Application to Modify Permit #DES-SW-SP-05-002
Bestway Disposal C&D Debris Processing and Single Stream Recycling Facility
43 Industrial Drive, Belmont, NH 01501
December 4, 2015

On January 2, 2015, the New Hampshire Department of Environmental Services (DES) received an application from Blow Bros., dba Bestway Disposal Services (Bestway) to modify its solid waste facility Permit #DES-SW-SP-05-002 applicable to operating a solid waste transfer station at 43 Industrial Drive, Belmont, NH. The application proposed the following modifications:

a. Increase the capacity of the facility from 153 tons per day (TPD) to an average of 503 TPD, not to exceed 600 TPD; and
b. Authorize the receipt of municipal solid waste (MSW).

DES held a public hearing on the application in Belmont on March 26, 2015 and kept the public comment period/hearing record open through April 3, 2015. During that time period, a number of people raised questions and expressed concerns about the application, in particular concerns about the facility being located in the wellhead protection area for the water supply serving the towns of Tilton and Northfield.

On December 4, 2015, DES issued the requested permit modification, subject to conditions. In making its decision to grant the requested modification, DES considered the many public concerns expressed during the public comment and hearing process, as summarized below.

(1) This facility is located over an important aquifer and within the wellhead protection area that supplies drinking water to the towns of Tilton and Northfield. The area should be reclassified to GAA for the maximum protection.

DES understands the Tilton-Northfield Water District notified DES it intends to apply for reclassification of the wellhead protection area to GAA. DES supports the reclassification.

(2) In order to protect the aquifer, there should be groundwater monitoring wells to monitor the groundwater for potential releases.

Condition #(15) of the permit modification requires the permittee to establish, maintain and operate a groundwater monitoring system for the facility, and to regularly report groundwater quality information to DES.

(3) Increasing the capacity of the facility and allowing it to receive municipal solid waste (MSW) poses an increased risk to the underlying aquifer.

The modified permit includes several requirements that are protective of the aquifer. In accordance with the provisions of the facility's approved Operating Plan, all waste received by the facility must be managed inside of the transfer station building. Because the building has a concrete floor and does not have floor drains, the potential for contaminants to be released to the environment is limited. Additionally, condition #(14) of the modified permit requires the Permittee to construct and operate a containment pad for temporarily staging leaking vehicles and containers, and containing and extinguishing hot loads. In addition, as noted above, condition #(15) of the modified permit requires the Permittee to monitor groundwater quality at the site. DES believes the modified permit is more protective of the aquifer than the unmodified permit.

(4) If a load of waste received at the facility is discovered to be on fire and requires extinguishing by either on-site personnel or the local fire department, how is the water generated from extinguishing the fire managed?

Condition #(14) of the permit modification requires the Permittee to submit for DES approval plans and specifications for constructing and operating a containment pad for extinguishing "hot loads." Because the methods for managing the wastewater collected on the containment pad depend in part on the design of the pad, condition #(14) of the modified permit also requires the Permittee to submit a plan identifying the procedures for properly managing the collected wastewater and assuring the containment system does not overflow.

(5) The applicant has disclosed there is a 3,000-gallon petroleum above ground tank on-site. Is this an appropriate use in this area?

This fuel storage facility is regulated independently of the solid waste facility. It is a DES approved above-ground storage tank system (reference: AST Facility ID #0000859, approved on January 31, 2011) and meets required design standards, including secondary containment. DES records indicate the fuel storage facility is currently in compliance and there is no history of non-compliance or petroleum releases.

(6) Leachate from the municipal solid waste (MSW) is a potential source of contamination. How is leachate managed?

Unlike landfills where rainwater infiltrates the waste and generates significant quantities of leachate, management of MSW by transfer stations does not typically result in significant leachate generation because the waste is not exposed to rainfall. Free liquids that may be in the waste when it arrives at the facility are often reabsorbed into the waste as it is tipped and reloaded. This facility will manage the waste inside a building on a concrete floor with no floor

drains and will use an absorbant such as "speedi-dri" to manage excess liquid, if any, on the tipping floor.

(7) Many things are disposed of in MSW and it is impossible to monitor the actual content. How do the facility operators monitor waste coming into the transfer station?

All permitted solid waste facilities are required to have an Operating Plan that specifies provisions for inspecting incoming waste for unacceptable materials. Waste inspection, acceptance and rejection procedures are addressed in Section 3.3 of this facility's Operating Plan. The provisions include educating customers as to acceptable and prohibited wastes in order to limit the potential to receive prohibited wastes, inspections of loaded trucks upon arrival by trained facility personnel, signed statements by delivery drivers that the load contains no prohibited waste, and additional inspection of waste during off-loading inside the processing building. The Operating Plan also includes provisions for segregating and temporarily storing unacceptable waste pending its removal to an authorized facility, and notification of the owner of the truck that delivered the unacceptable waste. In addition, DES provides training for solid waste facility operators to help them identify unacceptable materials that may be in waste.

(8) Are vehicles washed on-site and if so, where does that occur?

Vehicle washing is not an activity that requires a solid waste facility permit. However, DES understands that vehicles are washed by a contractor at the facility. DES further understands that water from vehicle washing is collected and managed by the contractor and is not allowed to run off into the storm water system.

(9) Are there contingency plans in case there is contamination at the site?

The facility's Operating Plan includes a contingency plan covering fire, explosions, injury, petroleum spills, vehicle accidents, receipt of unauthorized waste and vandalism. In the event that groundwater or surface water quality impacts are detected at the facility, the Permittee is obligated to investigate the source of the contamination and take appropriate corrective action based on the actual occurrence and conditions.

(10) There should be a bond in place in case corrective action is required.

This facility is required to provide financial assurance to guarantee the cost of properly closing the facility in accordance with Chapter Env-Sw 1400 of the Solid Waste Rules. Although the rules do not require financial assurance for the cost of potential corrective action, DES believes the likelihood of corrective action is limited by having included special design features and operating requirements in the modified permit to reduce the potential for contaminants to be released to the environment at the site. However, in the event that corrective action is needed,

the Permittee is responsible for such action by law and there are legal mechanisms for enforcement if required.

(11) Who is responsible for cleanup if there is a spill? Would DES pay for cleanup?

The Permittee and landowner are responsible for cleanup of spills occurring on the property. There are legal mechanisms available to DES to assure the Permittee and landowner meet their responsibilities. To the extent that DES might incur costs, those costs are recoverable.

(12) How is stormwater treated for hazardous constituents?

The opportunity for stormwater at this facility to become contaminated with hazardous constituents is limited by the following provisions of the modified permit: The facility is not permitted to receive hazardous waste or bulk liquids; all waste must be managed inside a building on a concrete floor with no floor drains; waste cannot be stored outdoors and therefore cannot be exposed to precipitation or run-off; and the facility will be equipped with a containment pad for temporary storage of leaking vehicles and containers, and for extinguishing hot loads, thus not allowing contaminants to enter stormwater conveyance systems.

(13) Surfaces where there is truck traffic should be impervious to protect groundwater.

Paved surfaces alone do not provide protection of groundwater quality. As noted above, the provisions of the modified permit include other design and operating requirements that are protective of groundwater at the facility.

(14) The Tilton-Northfield Water District (TNWD) should be notified in the event there is a spill.

There is no specific requirement for notification of the TNWD in the event of a spill at the facility. However, per Env-Sw 1005.09, the Permittee is required to report spills to DES. In the event DES determines that a spill may place the aquifer at risk, DES would take appropriate action, including notification of the TNWD.

(15) Does DES monitor compliance at the facility?

DES monitors facility compliance by various means, including unannounced inspections and random audits, and review of compliance monitoring and reporting information submitted by the Permittee. DES also believes that effective training is a key component of compliance assurance and, through its operator certification program, provides regular training to assist operators in running a compliant facility.

(16) There were incidents at the site that involved the Belmont Fire Department. Water from fire extinguishing could contaminate the aquifer.

DES is aware of three incidents of fire at the facility involving response by the Belmont Fire Department. These include an incident involving portable toilets on October 16, 2007 and two incidents involving solid waste on July 9, 2010 and November 11, 2012. All three occurred when the facility was owned and operated by a different permittee. As a condition of the modified permit, DES is requiring the Permittee to provide a containment pad for managing hot loads, with sufficient capacity to manage water from extinguishing a fire.

(17) The applicant should find another location for this facility.

The facility is sited in conformance with the NH Solid Waste Rules. Therefore, DES has no grounds for requiring the facility to close or relocate. DES believes that the modified permit provides a number of protections that mitigate public concerns about the location of this facility.

(18) The application should be denied because it is a danger to the aquifer.

Following careful review of the application, DES does not find grounds in Env-Sw 305.03(b) for denying the application. Further, as detailed above, the modified permit obligates the Permittee to make operational and physical improvements at the facility that will provide more aquifer protection than is currently provided.

(19) The permit should be revoked because it is a danger to the aquifer.

DES cannot revoke a solid waste permit without good cause, as provided in Env-Sw 306.05. DES has determined that no such cause exists. Operation of the facility, in conformance with the rules and its permit, does not present an immediate and substantial threat to the aquifer. Further, the above noted permit conditions provide an extra level of protection.