

contacting the Public Information Center at (603) 271-2975. Statutes are available via the State of NH website, www.nh.gov.

We appreciate NCES' cooperation in addressing the deficiency noted herein. Issuance of this LOD and your response to the requested corrective actions does not limit or otherwise preclude NHDES from taking enforcement action pursuant to RSA 149-M with regards to the noted deficiency.

Thank you for your prompt attention to this matter.

Sincerely,



Pamela Hoyt-Denison, P.E., Administrator

Waste Programs

Waste Management Division

Tel: (603) 271-2945

Email: pamela.hoyt-denison@des.nh.gov

encl. Solid Waste Facility Inspection Report, dated August 15, 2019


cc: NHDES Legal Unit

ec: Kevin Roy, NCES, email: kevin.roy@casella.com

Gabe Boisseau, Chair-Board of Selectmen, Town of Bethlehem, Email: selectman3@bethlehemnh.org

Town Clerk, Town of Bethlehem, Email: townclerk@bethlehemnh.org

April Hibberd, Administrative Assistant, Town of Bethlehem, Email: admin@bethlehemnh.org

	SOLID WASTE FACILITY INSPECTION REPORT	New Hampshire Department of Environmental Services Waste Management Division P.O. Box 95, 29 Hazen Drive Concord, NH 03302-0095 Phone: 603-271-2925 Fax: 603-271-2456
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Facility/ Site Information			
Facility Permit No.	DES-SW-SP-03-002		
Name	North Country Environmental Services, Inc. (NCES) Landfill		
Physical Address	581 Trudeau Road, Bethlehem, NH 03574		
Mailing Address	1855 VT Route 100, Hyde Park, VT 05655		
Contact	Name	Title	Telephone
Unannounced	N/A	N/A	N/A
Facility Type / Waste Accepted	Other Permit No. / Date Issued		
Landfill (see permit for waste types accepted)	N/A		

Visit Information			
Date of Inspection	August 15, 2019	NHDES Staff Conducting Site Inspection	Robert Bishop, NHDES Tyler Davidson, NHDES Don Watson, NHDES
Time Arrival / Departure	5:45 a.m. – 8:15 a.m.	Weather	Partly cloudy, 50s – 60s°F
Purpose of Inspection	Assess compliance with select Solid Waste Rules, specifically Env-Sw 806.03, <u>Landfill Cover During Operations</u> , and NCES' Approved Operating Plan of Record, dated October 2016.		
Photos Taken: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, see photo log, Attachment A)			
Samples Collected: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, see sample collection log)			

PARTICIPANTS (Name/Title of others present)

Bruce Grover, Operations Manager, NCES
Stephen Allen, Environmental Technician, NCES

FACILITY/ SITE DESCRIPTION

NCES Landfill is an active commercial municipal solid waste landfill. The landfill was operating (receiving waste) on the day of the inspection.

ACTIVITIES AND OBSERVATIONS

The following is a summary of activities and general observations made by NHDES staff during inspection of the NCES landfill on August 15, 2019. Additional observations related to NHDES' assessment of compliance for select Solid Waste Rules and Approved Operating Plan of Record are provided in attachments to this report. A log of photographs taken by NHDES, as well as copies of select photographs referenced in this report, are included in Attachment B.

NHDES staff Robert Bishop, Tyler Davidson, and Don Watson arrived at the facility at 5:45 a.m., before the

facility opened. The gate was opened by the first arriving NCEs staff person shortly after NHDES's arrival, at which time NHDES staff entered the facility. NCEs personnel informed NHDES that the NCEs Operations Manager would arrive on-site shortly.

NCEs Operations Manager Bruce Grover arrived on-site at approximately 6:00 a.m. NHDES personnel introduced themselves and explained that the purpose of the visit was to inspect the facility for compliance with select Solid Waste Rules, specifically those rules related to daily cover. NHDES requested to see all working faces at the site prior to the commencement of daily operations. Mr. Grover stated that there were two working faces at the site: one in Stage IV/Phase II, and one in Stage V/Phase II. Mr. Grover then escorted NHDES personnel to the working face located in Stage IV/Phase II.

NHDES personnel arrived at the working face located in the southern portion of Stage IV/Phase II at approximately 6:05 a.m. Photographs P8150001 through P8150008 reflect the conditions associated with the working face at the time of inspection. NHDES personnel noted that daily cover at this working face comprised two (2) temporary tarps placed directly over waste. On the northern edge of the tarps, NHDES personnel observed a mixture of soil and exposed waste (see Photograph P8150005). Mr. Bishop notified Mr. Grover that the daily cover in this area was inadequate. Mr. Grover noted that the facility has been having problems with wildlife, in particular bears, scavenging the working faces at night and compromising the integrity of the daily cover. Mr. Grover then briefly discussed some of the wildlife control measures in place at the facility, which include wildlife propane cannons.

At approximately 6:27 a.m., NHDES personnel detected a distinct landfill gas-type odor while standing in the vicinity of Stage IV/Phase II. Mr. Grover attributed the odor to the landfill gas flaring system, which led to a brief discussion of the facility's landfill gas system maintenance procedures. Mr. Grover stated that the landfill gas collection system was without vacuum on the previous day (August 14, 2019). Mr. Bishop inquired as to how often landfill gas extraction wells were monitored and adjusted, and Mr. Grover stated that landfill gas extraction well monitoring and adjustment rounds are ideally conducted two times per month. Mr. Bishop inquired further as to the frequency of odor complaints to the facility in recent days; Mr. Grover stated that a resident of Main Street (U.S. Route 302) complained of a sludge odor the week prior to the inspection. Mr. Grover stated that the sludge odor complaint was likely legitimate, but was unable to be confirmed by NCEs personnel when they responded to the site of the complaint.

At approximately 6:30 a.m., NCEs personnel removed the daily cover tarps from the working face in the southern portion of Stage IV/Phase II. Photographs P8150017 through P8150019 depict the condition of the working face following removal of the daily cover tarps. NHDES noted an overt odor upon removal of the daily cover tarps.

At approximately 6:45 a.m., NCEs and NHDES personnel traveled to the working face located in the southern portion of Stage V/Phase II. The conditions of this working face at the time of inspection are shown in Photographs P8150021 through P8150025. Mr. Grover stated that the last filling at this working face occurred approximately one week prior to the date of inspection, but that it had been approximately one month since filling in this area had occurred on a regular basis. Mr. Grover stated that a combination of daily and intermediate cover was being used in this area. During inspection of the working face in Stage V/Phase II, NHDES personnel observed exposed waste throughout the area.

At approximately 6:50 a.m., NCEs personnel removed a layer of cover material on the southern edge of the Stage V/Phase II working face to create room in which to deposit a load of sludge, as seen in Photograph P8150025. An overt odor was noted at this time, and was attributed by NHDES personnel to the disturbance of cover material and waste. Following the inspection of both working faces, NHDES personnel traveled the perimeter road of the landfill, and returned to the facility office at approximately 7:15 a.m.

At the facility office, NHDES personnel met with Mr. Grover and Environmental Technician Stephen Allen.

NHDES personnel requested to review odor complaint logs from the past calendar year, and NCES personnel produced the requested records. During the review of odor complaint logs, NHDES personnel noted that, for many of the odor complaints, the NCES Facility Odor and Noise Complaint Forms indicated that there were no contemporaneous waste excavations, and that the odor control misting system was in operation.

During the records review, NHDES personnel simultaneously interviewed NCES personnel regarding their odor complaint response procedures and odor control measures at the facility. Mr. Allen reported that he conducts routine odor surveillance loops on the way to the facility in the morning. Mr. Allen stated that when conducting the odor surveillance loops, he drives a route that includes most of the locations of repeated odor complaints (Swazey Lane, Peppersass Lane) with a vehicle window down to detect odors, and stops at a few select locations to further assess whether odors are present. Mr. Allen stated that, when responding to odor complaints, only occasionally are NCES personnel able to confirm that an odor is present at the reporting location, and that verified odor complaints are rarely connected to work taking place at the facility. Mr. Allen mentioned that a couple of previous complaints originating on Main Street (U.S. Route 302) were attributed to a sludge load that had been dumped at the facility. Mr. Allen further noted that the vague nature of some of the odor complaints makes it difficult to attribute odors to any particular landfill activity. Mr. Grover then described some of the odor control measures in place at the facility. Specifically, Mr. Grover noted that the odor control misting system is used almost daily, and particularly when construction activities expose waste. When asked about odor control pellets, Mr. Grover stated that they are used in really strong odor situations, for example when a leachate seep is being repaired. Mr. Grover also described the bar sprayer at the facility that is used on an as-needed basis, which sprays a deodorizing solution on the empty bed of trucks following the tipping of a load containing sludge.

At approximately 8:15 a.m., NHDES personnel concluded the records review and departed the site. After leaving the site, NHDES personnel traveled area roads to assess the presence of landfill odors, the results of which are outlined below:

- 8:15 a.m.: Traversed Trudeau Road – No Odors Detected
- 8:19 a.m.: Traversed Swazey Lane to Peppersass Lane – No Odors Detected
- 8:24 a.m.: Traversed Peppersass Lane – No Odors Detected
- 8:28 a.m.: Departed Peppersass Lane – Traversed U.S. Route 302 East – No Odors Detected
- 8:40 a.m.: Stopped at 3738 Main Street (Wayside Inn) – No Odors Detected

At approximately 8:45 a.m., NHDES personnel departed the site vicinity.

COMPLIANCE ASSESSMENT

NHDES performed an assessment of NCES' compliance with select requirements of the New Hampshire Solid Waste Rules, specifically Env-Sw 806, as well as the Approved Operating Plan (dated October 2016). This assessment is based on NHDES' observations during an on-site inspection on August 15, 2019, and discussions with NCES personnel during the on-site inspection on August 15, 2019.

NHDES' assessment and determination of compliance relative to selected Solid Waste Rules is provided in Attachment B. NHDES' assessment and determination of compliance relative to selected sections of the Approved Operating Plan of Record is provided in Attachment C.

In summary, NHDES determined that, on the date of the visit, NCES was not in compliance with the selected Solid Waste Rules or the Approved Operating Plan of Record that relate to landfill cover during operations.

ATTACHMENTS

Attachment A – Photograph Log

Attachment B – Assessment of Compliance: Env-Sw 806

Attachment C – Assessment of Compliance: Approved Operating Plan of Record



P8150017: Overview of the working face in the southern portion of Stage IV/Phase II following the removal of the daily cover tarps, as viewed from the north and looking in a southerly direction.



P8150018: Working face in the southern portion of Stage IV/Phase II following the removal of the daily cover tarps, as viewed from the north and looking in a southerly direction.



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 1, 2021

VIA EMAIL AND
CERTIFIED MAIL
7015 3010 0000 1292 9428
RETURN RECEIPT REQUESTED

Letter of Deficiency No. WMD-LOD-21-002
and
Letter of Compliance

North Country Environmental Services, Inc.

1855 VT Route 100
Hyde Park, VT 05655

Email: john.gay@casella.com

Attn: John Gay, E.I., Engineering Manager

SUBJECT: DAILY COVER DEFICIENCY– STAGE VI CONSTRUCTION AREA; Permit No. DES-SW-SP-03-002; North Country Environmental Services, Inc. (NCES) landfill, 581 Trudeau Road, Bethlehem, NH

Dear Mr. Gay:

The New Hampshire Department of Environmental Services (NHDES) issues this combined Letter of Deficiency (LOD) / Letter of Compliance (LOC) to officially notify NCES, and document for record, that NHDES identified a compliance deficiency at the above referenced landfill during an inspection on October 28, 2020, which NCES corrected in the days following. More specifically, on October 28, 2020 NHDES conducted a focused daily cover inspection in the area of the working face in Stage V and in the Stage VI construction area, to determine compliance with the requirement to cover all exposed waste at the end of each operating day, as specified in Conditions (14)(d), (14)(e) and (16)(b) of the facility's modified Solid Waste Facility Permit No. DES-SW-SP-003-002, effective October 9, 2020 (Permit). See attached inspection report for details. The report includes photographs and the compliance assessment.

As noted in the inspection report, NHDES inspected both the area of the working face and an area under construction on the morning of October 28, 2020, before daily operations and construction activities had commenced. No compliance deficiency was identified in the area of the working face relative to the placement of daily cover pursuant to Condition (16)(b). However, NHDES staff did observe exposed waste in a trench that had been excavated in the Stage VI construction area along an interface with Stage V. Because the observation was made prior to commencement of construction on October 28, 2020, NHDES concludes that NCES failed to place cover materials in this area at the end of the prior construction day, contrary to the requirements of Conditions 14(d) and (14)(e) of the Permit. Specifically, Conditions 14(d) and (14)(e) specify that NCES must cover all waste exposed during construction at the end of each operating day. During the October 28, 2020 inspection, NHDES staff informed NCES staff of the deficiency and the need for corrective action.

During a November 4, 2020 construction site visit, NHDES staff observed that the trench, where the exposed waste was observed on October 28, 2020, had been backfilled. The daily field report by NHDES

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-2925 • Fax: 271-2456 TDD Access: Relay NH 1-800-735-2964

John Gay, E.I., Engineering Manager
Solid Waste Permit No. DES-SW-SP-03-002
North Country Environmental Services, Inc.
581 Trudeau Road, Bethlehem, NH
February 1, 2021
Page 2 of 2

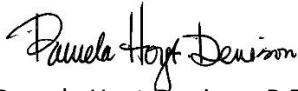
staff documenting this observation is attached. No further action by NCES in response to the noted deficiency is required at this time. For record, this letter serves as both a Letter of Deficiency and Letter of Compliance for the deficiency that existed on October 28, 2020.

Covering all exposed waste at the end of each operating day, whether in facility operating areas or construction areas, is a practicable means for controlling litter, insects, odors, vectors, leachate production, and fires, pursuant to the operating requirements of Env-Sw 1005.01(d). For that reason, the Permit specifies that exposed waste in the construction area is subject to the same cover requirements as in operating areas. NHDES expects operators of permitted landfills to be diligent in their efforts to always apply cover over all exposed waste at the end of each day. It is the responsibility of NCES to ensure that its operators and contractors comply without exception.

NHDES may inspect the facility again to determine whether it is maintaining full compliance with permit requirements and applicable rules. Further, issuance of this letter does not limit NHDES from seeking monetary penalties for the noted deficiency, either administratively pursuant to RSA 149-M or by referral to NHDOJ. NHDES has the right to pursue appropriate enforcement actions for the deficiency noted in this letter as well as any deficiencies noted identified during other inspections of your facility.

A copy of the New Hampshire Solid Waste Rules, Env-Sw 100 et seq. is available on the NHDES website at <http://des.nh.gov/organization/commissioner/legal/rules/index.htm> or by contacting the Public Information Center at (603) 271-2975. Statutes are available via the State of NH website, www.nh.gov.

Sincerely,



Pamela Hoyt-Denison, P.E., Administrator
Solid Waste Management Bureau
Waste Management Division
Tel.: (603) 271-2945
Email: pamela.f.hoyt-denison@des.nh.gov

Encl: 10/28 Inspection Report, with photos (Attachment A) and Compliance Assessment & Determination (Attachment B)
Field Report – construction site visit 11/04/2020

ec: Kevin Roy, NCES, kevin.roy@casella.com
Gabe Boisseau, Chair-Board of Selectmen, Town of Bethlehem, email: selectman3@bethlehemnh.org
Town Clerk, Town of Bethlehem, email: townclerk@bethlehemnh.org
April Hibberd, Administrative Assistant, Town of Bethlehem, email: admin@bethlehemnh.org

https://www.caledonianrecord.com/news/local/casella-admits-it-placed-trash-beyond-final-waste-closure-grades-at-bethlehem-landfill/article_b979f59b-f9c5-5ad8-8e8a-4d868f882cc8.html

Casella Admits It Placed Trash Beyond Final Waste Closure Grades At Bethlehem Landfill

Company Tells State It Could Contest Any Decision That Would Delay Its Proposed Landfill In Dalton

Robert Blechl rblechl@caledonian-record.com Staff Writer

Nov 30, 2021



The state has found Casella Waste Systems to be in violation of its operating permit by placing waste outside the permitted vertical limits of its landfill in Bethlehem. (File photo)

After contesting a finding by the state that it was violating solid waste rules by placing trash outside the permitted vertical limits at its landfill in Bethlehem, Casella Waste Systems has withdrawn its appeal and admitted to placing waste beyond the permitted final waste closure grades.

The nine-month process that began in February with a notice of finding from the New Hampshire Department of Environmental Services (DES), led to an administrative order and cease and desist notice by DES in April, and prompted an appeal by Casella in August, ended Nov. 23 with a settlement agreement between DES and Casella.

On Nov. 23, Bryan Gould, an attorney for Casella, filed a notice of withdrawal of appeal without prejudice, giving no explanation.

The withdrawal comes after an October drone site survey of the landfill area and one week after a Nov. 16 order by the state Waste Management Council denying a motion by Casella to have Zachary Towle, the hearing officer for what would be a hearing in the appeal, removed.

In a Sept. 28 motion to disqualify Towle, Gould argued that hearing officers, like judges, are bound by impartiality and there is an appearance of bias as Towle has a “duty of loyalty to the clients of the attorney general’s office, including NHDES ...”

In the denial, Towle, of the New Hampshire Attorney General’s Office, said NHAGO attorneys may represent and advise agencies with conflicting interests, and therefore be in conflict with their own colleagues ... [and] there is no evidence provided to support the conclusion that an informed, objective observer would conclude that all NHAGO attorneys are so reluctant to act against agencies and their own colleagues as to raise significant doubt whether justice will occur ...”

The denial order states, “Attorney Towle is not required to disqualify himself ... The burden is on [Casella] to [provide] evidence of the existence of bias, a likelihood of bias, or an appearance of bias ... As affirmed by [Casella], it does not allege any facts that show the existence of actual bias.”

Before the Nov. 23 settlement agreement, DES had ordered North Country Environmental Services (NCES), Casella’s New Hampshire subsidiary, to relocate the waste outside of the permitted limits to within the limits allowed under its landfill operating permit.

In its notice of appeal, NCES had contested the phrase “permitted ... vertical limits” and charged DES with acting unlawfully and unreasonably in its order.

Casella also filed a petition for declaratory judgment in Merrimack Superior Court against DES Commissioner Robert Scott regarding the DES order.

Under the settlement agreement, Casella agrees to withdraw its appeal, end its lawsuit against Scott, and “admits that it has placed waste beyond permitted final waste closure grades at the NCES landfill in Bethlehem” as depicted in an Oct. 5 drone site survey of landfill volume remaining.

On Nov. 1, as part of a provision under the agreement, NCES submitted engineering analyses reviewing and evaluating the current conditions, stability, and waste settlement at the landfill.

DES, after reviewing them, will determine whether the waste beyond the permit limits will be relocated in whole (roughly about 35,000 tons, according to department calculations) or part.

If DES determines that a waste relocation to within permitted limits might be more harmful to the environment and to human health or safety than leaving it placed outside of any permitted limits, the department can allow the waste to remain upon successful application by NCES for a permit modification.

If DES determines that all or some waste must be relocated, it can take any action it deems necessary, including enforcement under the law, to address violations and order a relocation.

The agreement and any DES decisions made subsequent to it “shall not relieve NCES of liability for civil penalties due to alleged placement of waste outside permitted limits from the date waste was first allegedly placed outside of the permitted limits or for any other violations.”

In a Feb. 18 notice of findings, DES said Casella buried trash outside the permitted vertical limits of the northeast area of the landfill by up to 16 feet, in violation of state rules, and failed to notify the department of the violations.

The NCES landfill is projected to close in about 2026.

Proposed Landfill In Dalton

While one legal issue appears to be heading toward a resolution, a possible future one regarding Casella’s proposed landfill beside Forest Lake State Park in Dalton and Casella’s interpretation of solid waste rules was suggested by Casella engineer John Gay in an Oct. 29 response to Jaime Colby, engineer in DES’s solid waste permitting and review section.

On Oct. 14, Colby wrote Gay to state that DES, coming out of an August department meeting with the company, understands that Casella will be providing additional information to complete its standard permit application submitted in February.

DES determines that a solid waste application is complete when the requirements of the application are satisfied under solid waste rule Env-Sw 304.03, she said.

As there are no provisions in the rules for an applicant to submit additional information once the application is determined complete, for the public to review and comment on that information, or for DES to stop the decision-making process to consider such additional information, DES seeks the substantive content necessary to undertake a technical review during the completeness phase of an application's review, wrote Colby.

"As such, to be determined complete, a solid waste application must have the substantive content necessary for NHDES to conduct a technical review," she said.

Following receipt of a complete response, DES will review the supplemental submittals and comment on the revised design, and once the application is deemed complete, will concurrently conduct a technical review and hold a public hearing, and issue a decision on the application after the public comment period has ended, said Colby.

In his response letter to Colby, Gay said that Casella expects to continue submitting information to DES and "appreciates that you interpret Env-Sw 304.3 as requiring that a 'solid waste application must have the substantive content necessary for NHDES to conduct a technical review' for an application to be deemed complete."

"Please understand," wrote Gay, "that we must reserve our right to contest this interpretation if it results in an unreasonable delay in the processing of GSL's application."

Robert Blechl

State fines Casella, county over violations at Ontario County Landfill

By DAVID L. SHAW dshaw@fltimes.com Nov 4, 2022



An Ontario County landfill worker picks up trash around the facility in this file photo. The operator and the county have been fined \$500,000 for multiple violations at the facility.

File photo

CANANDAIGUA — The state Department of Environmental Conservation announced Thursday it is imposing a \$500,000 fine against the owner and operators of the Ontario County Landfill in the town of Seneca.

The fine is part of a recent consent order and enforcement action taken by the DEC against Ontario County, New England Waste Services of NY Inc. and Casella Waste Services of Ontario LLC to address seven years of violations at the 389-acre landfill.

Basil Seggos, DEC commissioner, said the consent order also requires the implementation of a comprehensive corrective action plan to prevent future violations at the Routes 5&20 facility, roughly halfway between Geneva and Canandaigua.

Half of the fine, or \$250,000, will go to the city of Geneva toward an environmental benefit project. The city will invest the funds in a capital improvement that includes the installation of a bio-filtration system at the city's Marsh Creek Wastewater Treatment Plant on Doran Avenue. The plant's treated effluent discharges into the north end of Seneca Lake.

The other half of the fine will see \$220,000 go to the state and \$30,000 that will be suspended, pending full compliance with terms of the consent order.

"DEC is committed to ensuring landfill operations do not negatively impact the surrounding community," Seggos said in a written statement. "This enforcement action holds the parties responsible for years of violations and will invest in the community and Seneca Lake by directing a portion of the settlement to the city of Geneva to install a bio-filtration system to treat odorous air at the solids handling system."

He said DEC continues to "rigorously" monitor the landfill and "holds its owner and operators accountable for any future violations."

The consent order covers many environmental permit violations from 2015 to the present that affected air quality, water quality, and solid-waste operations, Seggos said.

"And it covers the overall quality of life for the community," he said.


Issues at the facility include multiple releases of leachate and contaminated storm water as the result of the landfill's inadequate leachate storage facilities; failure to install gas-collection infrastructure; and 225 documented violations of the one-hour ambient air quality standard for hydrogen sulfide.

DEC officials said the landfill violates its Division of Materials Management, Division of Air Resources and Division of Water rules and regulations.

The county and Casella are required to:

- Repair all existing stormwater retention infrastructure.
- Establish vegetative cover on berms.
- Increase monitoring of landfill gas collectors.
- Install a new leachate storage tank.

Casella poised to spread sewage sludge over hundreds of acres in Steuben County

November 10, 2022 5:24 AM  Peter Mantius

A unit of Casella Waste Systems Inc. has acquired or leased 2,789 acres from a Steuben County farming family that has spread sewage sludge on the properties for decades, a practice Casella plans to continue.



While Maine has banned sewage sludge spreading on farm fields due to widespread PFAS chemical contamination, New York's sludge is not systematically tested for PFAS. *Photo by pennlive.com*

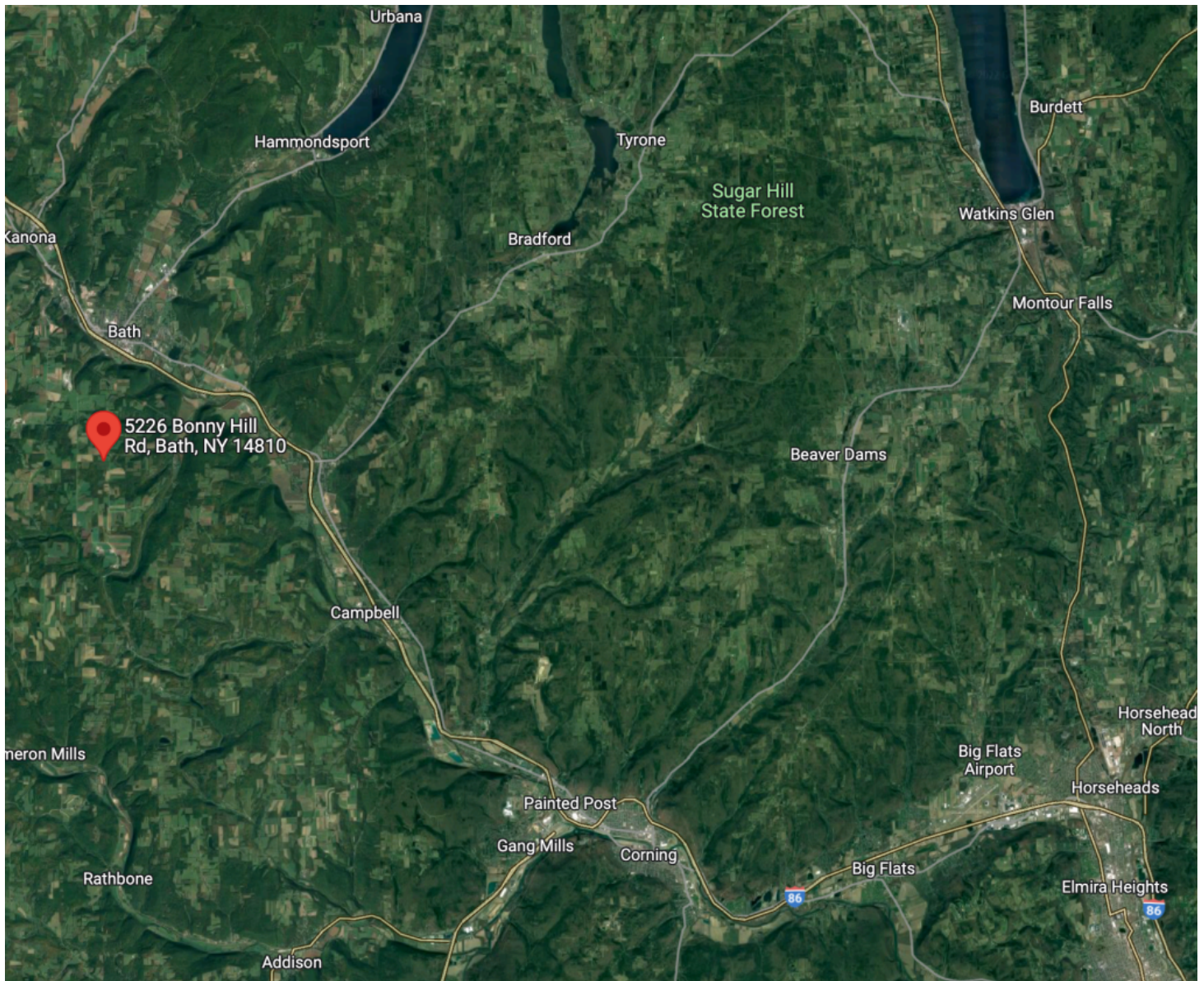
County [land records](#) show Casella Organics acquired 126 acres and obtained 10-year leases on 34 additional tracts totaling 2,663.7 acres from Leo Dickson & Sons Inc. or its affiliates in July.

The Dickson firm, based in Thurston about 10 miles northwest of Corning, spread sludge on 2,061 acres in 2018, according to its [2019 annual report](#) filed with the state. It grows a variety of crops on the land, including corn, alfalfa and soy beans.

Sewage sludge is residual waste produced by sewage treatment plants or food processors.

The Dickson firm is authorized to accept so-called “biosolids” from more than two dozen wastewater treatment plants, including several in the Finger Lakes: Cayuga Heights, Dryden, Dundee, Perry, Trumansburg and Watkins Glen.

For decades, farmers across the country have been spreading sludge on fields used to grow hay or other crops, most of which are fed to cattle. But recent evidence showing the sludge is often contaminated with PFAS ‘forever’ chemicals has made the practice highly controversial in several New England states.



Leo Dickson & Sons Inc. has headquarters on Bonny Hill Road about 10 miles northwest of Corning.

In Maine, several dairy herds that fed off sludge-spread fields produced milk that was too contaminated to sell. The Maine Legislature enacted a law in April that categorically bans the spread of sewage sludge on fields.

“No one can undo the historic contamination of our land,” Adam Nordell, co-owner of a PFAS-stricken farm in Unity, told The Maine Monitor. “But we know enough now to turn off the tap.”

New York does not systematically test sewage sludge for PFAS, a class of thousands of common man-made chemicals used to make cookware, water-resistant clothing, stain-resistant furniture and dozens of other household items. They are toxic in doses as low as a few parts per trillion and are long-lasting.

New York is in the process of regulating several common PFAS compounds found in drinking water, but it hasn't required systematic testing for PFAS in landfill leachate or sewage sludge.

Sludges, which are notably smelly, are often sent to landfills if it not spread on remote fields.

Casella Organics claims to process and compost sludge before distributing it to farmers, landscapers and homeowners.

"Casella has worked with the Dickson family for a long time and is delighted to have acquired this piece of land," Clark James, director of operations for Casella Waste Systems, said in a Nov. 7 email to WaterFront. "We are still in the planning stages, but ultimately we expect that the property will continue to support traditional beneficial reuse activities for Casella's customers in the region."

Some residents of Thurston have expressed concern that Casella might eventually convert its acquired property into a new landfill.

Michael Volino, a member of the Thurston town board, said the matter is on the agenda for the board's regular meeting Nov. 9. "We are just going to decide how to move forward with a local law prohibiting landfills," Volino said.

But Larry Shilling, Casella's regional supervisor who oversees the Hakes, Hyland and Ontario County landfills, dismissed the possibility of a future landfill at the site.

"It's not about a landfill at all," he said. "It would be used for land spreading and processing of organic materials. But I'm not in charge of (Casella) Organics. I have no say in what they do or don't do. If it were going to be a landfill, I would know about that."

Casella Organics, which has produced a video that touts its efforts to reuse sewage waste in beneficial ways, opposed the Maine legislation banning sludge spreading.

In fact, the new law, LD1911, directly threatens Casella Organics' Hawk Ridge composting facility, about 20 miles northeast of Augusta, according to Sarah Woodbury, director of advocacy at the non-profit Defend Our Health.

Woodbury noted that an early version of the bill would have applied PFAS screening standards to sludge-based compost.

"However, based on testimony of the (Maine Department of Environmental Protection) ... nearly all sludge and sludge-derived compost already fails the screening standard," Woodbury said in April. The DEP felt that once those standards were made even more stringent, virtually all sludge and sludge compost would fail, she added. That testimony led legislators to amend the bill to simply ban the use of sludge as a fertilizer or in compost.

In arguing against the bill, Casella officials sought more lenient PFAS standards and asserted that landfills didn't have adequate space to take on the sludge that has routinely been spread on fields. Other officials disputed the landfill capacity argument.

In the Finger Lakes, after the Casella-operated Ontario County landfill began accepting large quantities of sewage sludge several years ago, local residents complained that odors became far more offensive.

Last week the state Department of Environmental Conservation fined the company and Ontario County \$500,000 for exceeding odor limits and other violations over several years.

The landfills' 2021 annual report stated that it had accepted 57,254 tons of sewage sludge the previous year.

Phillip Dickson, president of Leo Dickson & Sons, did not return a phone call requesting an interview.



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By **Frank O'Laughlin, Boston 25 News Staff**

May 31, 2023 at 7:11 am EDT

LOCAL

Firefighter, worker hospitalized after blaze tears through Boston recycling plant



By **Frank O'Laughlin, Boston 25 News Staff**

May 31, 2023 at 7:11 am EDT

A firefighter and worker were hospitalized after a raging blaze tore through a recycling plant in Boston late Tuesday night.

Firefighters responding to a report of a fire at Casella Waste Systems at 24 Bunker Hill Industrial Park in the city's Charlestown section around 11 p.m. found heavy black smoke billowing out of the facility and immediately ordered a second alarm, according to the Boston Fire Department.

Boston Fire Dept. 
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At approximately 11:00 heavy black smoke from the recycling plant at 24 Bunker Hill Industrial Park. A 2nd alarm was ordered.



11:27 PM · May 30, 2023 

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Due to the intensity of the fire, crews were ordered off the roof and were forced to cut holes through the walls of the facility to access the flames, officials said.

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All companies were ordered off the roof. Companies are cutting hole thru the walls from above and below to gain access to the fire.



11:43 PM · May 30, 2023 

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The majority of the fire was knocked down shortly before midnight but crews remained on scene into the early morning hours overhauling debris and monitoring hot spots.

State: Casella must remove flood control berm

ON SEPTEMBER 6, 2023 • (4 COMMENTS)



Photo of Casella flood control work provided by James Ehlers

by Guy Page

The State of Vermont wants the state's largest solid waste disposal company to remove a rocky flood control berm it built in Montpelier after the July flood.

The large berm lacks proper permitting and must be removed, state officials say. Since the flood, the State has insisted that flood restraints like berms actually increase the likelihood of future flooding downstream. Instead, it prefers to slow floodwaters by using floodplains as much as possible.

This morning, water quality advocate James Ehlers sent Vermont media photos of a newly built rocky berm with the following comment: "Hey Vermonters – Which sociopath(s) did this and or issued the permits to destroy the Winooski floodplain not even 6 weeks after the last flood? Location: East Montpelier Road, Montpelier."

Vermont Agency of Natural Resources Secretary Julie Moore this morning confirmed the construction of the berm.

"We have received numerous reports about the large berm that was constructed after flooding severely damaged that facility," Moore told VDC. "The berm was constructed without proper permitting and the Agency is concerned that it is likely to exacerbate future flooding conditions; we are actively working with Casella, the property owner, to remove this unauthorized structure."

According to its website, the Montpelier depot on East Montpelier Road accepts household trash and recycling, and does not accept hazardous waste.

Casella enjoys a reputation as a good corporate citizen and practitioner of environmentally sound practices. It is also a Vermont business success story. On its website: "Casella Waste Systems, Inc., headquartered in Rutland, Vermont, is one of the largest recyclers and most experienced fully integrated resource management companies in the Eastern United States. Founded in 1975 as a single truck collection service, Casella has grown its operations to provide solid waste collection and disposal, transfer, recycling, and organics services to more than one million residential, commercial, municipal, institutional, and industrial customers and provides professional resource management services to over 10,000 customer locations in more than 40 states."



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Media Release

For Immediate Release

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Canandaigua, NY – November 17, 2023 Casella Waste Management of Ontario LLC (Casella), and the New York State Department of Environmental Conservation (NYSDEC) are currently investigating an incident that occurred at the County-owned landfill located in the Town of Seneca late Tuesday afternoon. Approximately three and a half (3.5) acres of a newly constructed seven-acre permanent cap slid down the southwest face of the landfill. Fortunately, no personnel were injured during this incident. The displaced clean construction material remains within the waste area of the landfill and has not impacted surrounding areas.

Throughout the summer construction season, Casella, which operates the landfill under an Operations Management and Lease Agreement with Ontario County, was placing permanent capping material on an approximately seven (7) acre section of the landfill. This work was carried out by third party contractors and engineers retained by Casella in accordance with NYSDEC approved plans and regulatory requirements.

Ontario County officials have been working closely with Casella and the NYSDEC since the incident occurred to understand what happened and how best to mitigate any potential impacts to the surrounding community or the environment. **At this time, the cause of the permanent cap failure is still unknown.** Extensive independent testing is being conducted by all parties involved to understand the cause of the failure and develop remedial action plans.

During the failure of the permanent cap material, **a large volume of soil migrated down the slope of the landfill face on the Southwest section of the site. This moving soil damaged some landfill gas collection infrastructure in the affected area. Because of this, there is the potential for increased landfill gas odors in the areas surrounding the landfill.**

Due to the safety concerns remaining at the site, the assessment of damages is ongoing. The NYSDEC regulatory specifications for permanent cap design are developed to provide redundancy, ensure isolation of the waste mass, and protect the surrounding environment. At this time, it appears that while the permanent capping soil was displaced and that **some damage was sustained by the synthetic waste barrier**, it does not appear that any waste material was exposed, compromised, or migrated outside the confines of the landfill. This incident occurred in a portion of the landfill that was not actively accepting waste and therefore has no impact on waste acceptance operations.

Staff from Ontario County, Casella, NYSDEC, and the involved contractors continue working to ascertain the cause of this failure and develop a safe and expeditious remedial action plan.

Stop the extension of Casella's Contract!

Maine's Bureau of General Services (BGS) is considering a proposal for a 6-year extension of the Operating Service Agreement (OSA) between the State of Maine and Casella to manage Juniper Ridge Landfill. The OSA would be extended from 2034 until 2040. The current agreement has 10 years remaining.

Over the past two decades, residents, environmental organizations, and legislators have been questioning Casella's ability to manage Juniper Ridge Landfill. Casella's performance has been dismal - not just in Maine, but in *every state* it has operated.

It's time to TERMINATE the existing contract rather than considering an EXTENSION. Please join us & testify against this proposal in person on Thursday, FEBRUARY 15th.

Please also join us for a press conference prior at 5:30 pm outside of Jeff's Catering!

WE fought tooth and nail to get a VIRTUAL OPTION! Here we have it!! Virtual Public Hearing

Link: <https://us02web.zoom.us/j/84496157929>

The hearing will be held at 6:00 p.m. in the Eastern and Veterans room at [Jeff's Catering at 15 Event Center Way, Brewer Maine, 04412](#). Please plan to keep your testimony to 3 minutes.



May 2023 JRL Fire - Sunlight Media Collective

What we asking:

- **Don't put the cart before the horse!** There should be NO renewal or extension of the Operating Service Agreement until there is a full evaluation of Casella's performance at JRL.
- **Renewal or extension of the OSA should NOT be considered without a license for expansion.** Casella has not yet filed for expansion of JRL with DEP and indications are they will not file until early 2025.
- **A license for expansion should NOT be issued until operations at JRL are structured to preserve disposal capacity for Maine-generated waste & environmental justice impacts are fully assessed.** Any extension of Casella's OSA should be preceded by DEP producing an environmental impacts assessment, including a cumulative impacts assessment, of a proposed expansion of Juniper Ridge Landfill.

Below are talking points for your written comments and testimony:

1. Casella mismanages Juniper Ridge Landfill.

There have been numerous instances of landfill mismanagement over the years. In May of 2023, **a fire broke out at Juniper Ridge Landfill** which burned for four hours. Casella nor the DEP still have not identified the cause of the fire. During an uncontrolled burn, dioxins are produced and introduced into the environment when waste is burned, and can settle on vegetation and bio-accumulate within the food chain. Exposure to dioxins has been linked to suppression of the immune system, disruption of hormonal systems, liver damage, skin rashes, reproductive and developmental disorders, as well as certain kinds of cancer.

In February 2023, Casella refused to accept sludge at Juniper Ridge, **creating a sludge crisis** and putting Waste Water Treatment plants in a tough position. Casella claimed increased amounts of sludge caused landfill instability. However, Casella reported no increase in sludge disposal at Juniper Ridge Landfill since LD 1911 became law in 2022. Casella's own data undermined their attempt to scapegoat a law that has helped protect Mainers from serious health consequences of spreading PFAS contaminated sludge on farm lands. There has been *no report* or accountability for the incident, claiming this manufactured emergency as a reason to continue importing out-of-state waste to manage instability.

In their two decades of operation, Casella has been unable to manage odors from their operations at Juniper Ridge landfill. They have admitted that they are unable to control odors from operations, and stated they are afraid to introduce more air into the system to mitigate odors fearing it would cause another landfill fire.

2. Casella has been a bad actor in Maine, with a track record of regulatory and environmental infractions across the region.

For years, Casella exploited a loophole in Maine law to use up precious state-landfill capacity to profit off of the importation of out of state waste. Additionally, Casella dumps minimally treated leachate into the sacred Penobscot River, harming the Penobscot Indian Nation.

In the past five years, Casella has violated environmental laws at their facilities in Bethlehem, NH; Southbridge, MA; and Seneca, NY. Casella's violations across the region demonstrate its lack of competence to operate any facilities, let alone extend their contract in Maine.

3. Casella impedes Maine's waste management hierarchy goals and recycling goals.

Our waste hierarchy statute states landfilling is a *last* resort, and yet Casella charges exorbitant recycling fees that work against our recycling goals. Furthermore, Juniper Ridge is a publicly-owned landfill obligated by statute to provide disposal for waste generated in Maine. However, Casella, a company that profits over a billion dollars annually, makes money off of disposal of waste at Juniper Ridge. Waste becomes a commodity that grows share-holder profits and provides little incentive to create less waste.

Please join us on February 15th and state your opposition to extending this harmful contract with a company that doesn't care about wasting Maine.

Thank you for your continued dedication to keeping Maine safe and healthy for all to enjoy.

The team at Don't Waste ME!