



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

VIA EMAIL ONLY

December 15, 2023

Dave Sharples, Town Planner
Town of Exeter
10 Front Street
Exeter, NH 03833
Email: dsharples@exeternh.gov

SUBJECT: TOWN OF EXETER, EXETER MUNICIPAL LANDFILL, EXETER, NH
Permit No. DES-SW-SP-1992-001

Incomplete Application – Request for Additional Information

Application for Type I-B Permit Modification for Closure Plan; received October 16, 2023; and assigned Application No. 2023-66180

Dear Dave Sharples:

The New Hampshire Department of Environmental Services, Waste Management Division (NHDES) has reviewed the above-cited application by which the Town of Exeter seeks approval to install a solar array on the closed and capped Exeter Municipal Landfill. In accordance with the NH Solid Waste Rules, Env-Sw 100 et seq., NHDES has determined that the application is **incomplete**.

Please address the following comment(s) to satisfy the provisions of [Env-Sw 300](#) and clarify aspects of the application in support of making a technical review pursuant to Env-Sw 304.07.

1. Application Form

- A. Correct the permittee name in Section II of the Application Form. The permittee name should be the Town of Exeter.

2. Facility Design Plans & Calculations

- A. Env-Sw 1103.05(a) requires that the plans bear the facility permit number. The design plans submitted do not have the facility's permit number listed on the sheets. Update the design plans to include, at a minimum, the facility permit number on the cover sheet.
- B. Calculations regarding global stability were not complete. Pursuant to Env-Sw 315.05(c)(5) and Env-Sw 1103.05(h), and to assist NHDES in its review of the requirements in Env-Sw 800, please provide an analysis of global stability for the static and seismic conditions using the total loading of the solar array system. Ensure stability calculations incorporate snow loading.
- C. Design specifications for the electrical components were not provided. Provide design details (e.g., specifications, data sheets) sufficient for construction of electrical components in accordance with Env-Sw 315.05(c)(4)a. and Env-Sw 1103.05.
- D. Identify the maximum loading in pounds per square inch (psi) for all low ground pressure equipment that will be used during solar array construction on the landfill cap (off the access road) in accordance with Env-Sw 315.05(c)(5) and ensure the maximum load to be managed by the equipment is accounted for in the calculations.

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3. Closure Plan

- A. Proposed additions to the Closure Plan were provided as attachments to the application, titled "Operations and Maintenance Plan" and "Decommissioning Plan." The attachments include information that satisfies, in part, various content requirements of [Env-Sw 1106.04, Closure Plan, Content and Format](#), but do not follow the format requirements. As required by Env-Sw 315.05(c)(4)c., provide amendments to the closure plan, which may be presented in the form of replacement pages. If the closure plan does not meet the content and format requirements in [Env-Sw 1106.04](#), provide an updated plan that does as required by Env-Sw 315.05(c)(4)e. Ensure that the closure plan is written in plain language and provides sufficient detail to allow a third party to implement and complete all required facility closure tasks, including post-closure tasks. NHDES provides the following more detailed explanation:
- a. Section 1: This section was not provided.
 - b. Section 2: As the facility is already closed, state such.
 - c. Section 3: The waste types collected at the facility were not identified.
 - d. Section 4: As the facility is already closed, state that no notifications are required.
 - e. Section 5: As the facility is already closed, include or reference the closure as-built plans or drawings and specifications for the facility.
 - f. Section 6: This section was not complete. This section is required to address the post-closure inspection, monitoring and maintenance requirements *for the landfill*, which are identified in [Env-Sw 807.05](#).
 - i. Attachment 2, titled "Exeter Landfill Operations and Maintenance," contains operating and monitoring requirements for the solar array system; however, it does not include other post closure inspection, maintenance and monitoring requirements in sufficient detail for a third-party to conduct landfill post-closure care activities as required by Env-Sw 1106.04(a).
 - ii. Attachment 3, titled "Decommissioning Plan," includes a sequence for removal of end-of-life solar panels and other associated equipment. This plan appears to provide detailed closure activities relative to the solar array systems. NHDES suggests this be made an attachment to the closure plan.
 - g. Section 7: This section was not provided.
 - h. Section 8: This section was not provided.
 - i. Section 9: This section is required to contain a closure cost estimate prepared in accordance with [Env-Sw 1403.02](#). See comments on financial assurance below.

4. Financial Assurance

- A. Env-Sw 315.05(c)(4)d. requires a complete financial assurance plan, prepared in accordance with Env-Sw 1400, be provided when changes to such are required. A complete financial assurance plan consists of both a closure cost estimate and a financial assurance mechanism. An updated financial assurance plan (i.e., cost estimate and mechanism) was not submitted with or identified in the application. Because the landfill is closed, only a cost estimate for post-closure care is required. Submit a post-closure care cost estimate prepared in accordance with Env-Sw 1403.02. A [post-closure care cost estimate form](#) may be found on the NHDES website. Ensure the updated

cost estimate includes the cost for removal of the solar array installation and restoration of the site to its original condition. Note that the cost estimate is not allowed to include a credit for the salvage value of the solar array components pursuant to Env-Sw- 1403.02(f). Also, review the options for the financial assurance mechanism identified in 1403.01(b), and provide the financial assurance mechanism to be used for this landfill. NHDES notes that most municipalities use the local government (LOGO) financial test.

Further, because additional information is required to complete the application, the applicant shall provide a copy of all information submitted to complete the application to each person and entity identified in Env-Sw 303 to whom the applicant was required to provide a copy of the initial application pursuant to Env-Sw 304.05(a) and (b). The applicant shall provide a written and signed statement to NHDES attesting to the same pursuant to Env-Sw 304.05(c).

Please address the above comment(s) and submit your response by concurrently submitting one hardcopy and one electronic copy to NHDES. Submit the electronic version through the NHDES OneStop Data Provider portal using the site code "123456789." Please also designate "Application No. 2023-66180" on both the e-submittal and the paper copy.

Pursuant to Env-Sw 304.04, *Incomplete Applications*, review of your application is suspended until the additional requested information is received. Please note that, pursuant to Env-Sw 304.05(d), all of the information needed to complete the application must be submitted within one year of the date of this letter to avoid having the application become dormant and be deemed denied.

Once the application is determined to be complete, NHDES may contact the applicant to request additional information to complete the technical review specified in [Env-Sw 304.07](#).

If you have any questions regarding this correspondence, please contact me.

Sincerely,



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