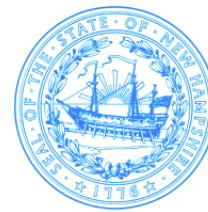




The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



VIA CERTIFIED MAIL AND EMAIL

August 12, 2022

CERTIFIED MAIL NO. 7018 0680 0000 7428 7633
RETURN RECEIPT REQUESTED

Town of Conway
Attn: Andrew Smith, DPW
P.O. Box 2680
Conway, NH 03818
Email: asmith@conwaynh.org

**LETTER OF DEFICIENCY
No. SWMB 22-022**

**Subject: Lower Mt. Washington Valley Secure SW Landfill, 204 Service Rd, Conway, NH
Permit No. DES-SW-90-028**

Dear Andrew Smith:

On August 3, 2022, the New Hampshire Department of Environmental Services, Solid Waste Management Bureau ("NHDES") conducted an inspection of the Town of Conway's (the "Town's") landfill, known as the Lower Mount Washington Valley Secure Landfill, in Conway, New Hampshire (the "Facility"). The purpose of the inspection was to determine compliance with NH RSA 149-M and NH Administrative Rules Env-Sw 100-2000.

The purpose of this Letter of Deficiency is to notify the Town in writing that NHDES identified deficiencies based on the inspection, and request that the Town take specific actions to address the deficiencies. The deficiencies are detailed in the enclosed inspection report and are included below:

1. Facility's sign does not contain the information required in Env-Sw 1105.05(b)(3-5), per citation 1 in the inspection report.
2. Failing to have a complete copy of the last approved closure plan of record accessible to the operator as required by Env-Sw 1105.05(c), per citation 2 in the enclosed report.
3. Failing to have a principal operator at the facility when in operation pursuant to Env-Sw 1005.07, per citation 3 in the enclosed report.
4. Failing to operate and maintain facility equipment in a manner that controls odors to the greatest extent practicable pursuant to Env-Sw 1005.01(d)(4), per citation 4 in the enclosed report.
5. Failing to restrict access to the facility as required by Env-Sw 1005.02(a), per citation 5 in the report.
6. Failing to apply daily cover in a manner to control unsightly conditions and windblown waste as required by Env-Sw 806.03(a)(4).
7. Failing to manage leachate by disposing at an authorized facility as required by Env-Sw 806.05(a)(1). It was estimated by NHDES staff at the Facility, using leachate generation and shipment records, that during the month of July, 2022, a total of 163,918 gallons of leachate was delivered to the Conway Village Fire District cesspool on Cess Pool Drive in Conway, an unapproved treatment / disposal facility.

NHDES believes the facility's non-compliance may be corrected by taking the following actions:

1. **Immediately** comply with the leachate disposal requirements by delivering all future leachate shipments to an approved treatment or disposal facility with which the generating facility has a written agreement pursuant to Env-Sw 806.05(b)(3).

www.des.nh.gov

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

2. **Immediately, but no later than 5 days of the date of this letter**, provide to NHDES the written incident report required by Env-Sw 1005.09(c) for disposing leachate at an unapproved/unauthorized disposal facility.
3. **Immediately, but no later than 5 days of the date of this letter**, apply approved daily cover material over all exposed waste no less than at the end of each operating day, as required by Env-Sw 806.03(c) and Env-Sw 1005.01(d), and notify NHDES in writing that the Town has addressed the daily cover requirements, moving forward. The Town shall continue to comply with Env-Sw 806.03(c) and Env-Sw 1005.01(d) to ensure compliance with daily cover requirements.
4. **Within 30 days of the date of this letter**, submit written documentation to demonstrate correction of citation #s 1, 2, 3, 4, and 5, as detailed in the enclosed inspection report, including confirmation that the Facility's closure plan is available to operators.
5. **Beginning September 14, 2022, and continuing monthly by the 14th of each month through February 14, 2023**, submit records to NHDES showing the quantity and destination of each shipment of leachate removed from the facility during the previous month.

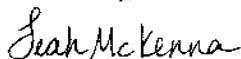
Please submit all items and/or questions related to this Letter of Deficiency to:

Debra Sonderegger
NHDES Solid Waste Management Bureau
P.O. Box 95, Concord, NH 03302-0095
Email: swmbenforcement@des.nh.gov
Phone: (603) 271-0674

A copy of the New Hampshire Solid Waste Rules, Env-Sw 100 et seq. is available on the NHDES website at <https://www.des.nh.gov/rules-and-regulatory/administrative-rules> and then select "filter by Subcategory – solid waste" or by contacting the Public Information Center at (603) 271-2975. Statutes are available via the State of NH website, www.nh.gov.

Failure to respond to this letter may result in enforcement action pursuant to RSA 149-M. Potential enforcement actions include issuance of an administrative order or referral to the New Hampshire Department of Justice (NHDOJ) for enforcement. Also, please be advised that issuance of this Letter of Deficiency and your response actions do not limit NHDES from seeking monetary penalties for the noted deficiencies, either administratively pursuant to RSA 149-M or by referral to the NHDOJ.

Sincerely,



Leah McKenna, Administrator
Solid Waste Management Bureau

Enclosure: August 3, 2022 Inspection Report

cc: NHDES Legal Unit
Andrew Koff, P.G., NHDES Drinking Water and Groundwater Bureau