



WAIVER APPROVAL

Issued by the New Hampshire Department of Environmental Services, Waste Management Division (NHDES)
pursuant to RSA 149-M and Part Env-Sw 202 of the New Hampshire Solid Waste Rules (Rules)

I. IDENTIFICATION OF FACILITY/ACTIVITY:

Waiver Approval No.: DES-SW-WV-19-001

Applicant Name/Address: City of Concord, NH

Facility Name and Location: Concord Municipal Landfill, 77 Old Turnpike Road, Concord, NH

Related Regulatory Activity: Unlined Landfill (Permit No. DES-SW-TP-94-016)

II. FILE REFERENCE/RECORD OF APPLICATION:

Application No.: 2018-36505

Date(s) Received: December 24, 2018; January 28, 2019; and January 31, 2019

WMD Log #(s): 2018-36505-01; 2018-36505-02; and 2018-36505-03, respectively

III. SECTION OF RULES BEING WAIVED: Env-Sw 804.04(a), requiring a minimum 100-foot buffer strip between the property line and the footprint of the landfill. The waiver request was triggered by subdivision of the landfill property into two parcels and the City of Concord's application to have Permit No. DES-SW-TP-94-016 apply only to the parcel on which the landfill footprint is located.

IV. TERMS AND CONDITIONS: Three terms and conditions are attached on page 2.

V. EFFECTIVE DATE/DURATION OF WAIVER: This waiver shall be effective upon recordation of the easement as described by Conditions (2) and (3) herein and shall be in effect for the duration of the easement.

VI. AUTHORIZATION: This approval grants to the applicant (identified in Section I above) a waiver to the requirements set forth in the rules cited in Section III above, as the rules relate to the facility or activity specified in Section I above, subject to the conditions specified in Section IV above. The waiver is valid for the period of time specified in Section V above and is granted on the basis of information supplied by the applicant. If that information is false, misleading or incomplete, this approval may be revoked or suspended in accordance with Part Env-Sw 306 of the Rules.

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

This approval shall not eliminate the applicant'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 approved activity.


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

March 4, 2019
Date



Section IV: Terms and Conditions

- (1) Subject to complying with Conditions (2) and (3) herein, the requirement in Env-Sw 804.04(a) for maintaining a 100-foot buffer strip between the footprint of the subject landfill and the property line dividing Block 6, Lot 3 (the parcel with the landfill) and Block 6, Lot 8 (the parcel without the landfill) on City of Concord Tax Map 110, as the lots are shown on the Resubdivision Plat prepared for the City of Concord by Richard D. Bartlett & Associates, LLC, dated September 17, 2018, which was received by NHDES on December 24, 2018 and assigned WMD Document Log No. 2018-36505-01, shall be waived and replaced with the requirement to maintain a minimum 50-foot buffer strip.
- (2) The permittee shall establish and record in the chain of title at the Merrimack County Registry of Deeds a permanent 30-foot wide maintenance easement, that includes the provisions in Condition (3) herein, on the property identified on the local tax map as City of Concord Tax Map 110, Block 6, Lot 8 (the parcel without the landfill).
- (3) The maintenance easement required by Condition (2) herein shall include the following provisions:
 - a. No permanent structures shall be located within the 30-foot maintenance easement;
 - b. The City of Concord and any subsequent landfill owner or responsible party, NHDES, and their designees, shall be granted access to the easement and authorization to perform any work required within the easement to maintain compliance with the subject landfill's permit, the NH Solid Waste Rules (Env-Sw 100 et seq.), and RSA 149-M, as each may be amended from time to time, including landfill related post-closure inspection, monitoring, maintenance, and repair;
 - c. No activity or use of the 30-foot maintenance easement shall restrict or impede landfill related post-closure inspection, monitoring, maintenance and repair work, or compliance with any other requirements of the landfill's permit, the NH Solid Waste Rules (Env-Sw 100 et seq.), or RSA 149-M, as each may be amended from time to time; and
 - d. The terms of the easement shall not be modified without the written consent of the New Hampshire Department of Environmental Services.