

IX. New Business:

1. Discussion on the Rye Landfill

Chair Ditto summarized his review of the Rye Water District's Landfill files:

- **1976** – Town of Rye met with Thomas Sweeney from NH DES Solid Waste Bureau to review a new sanitary landfill. It is unclear if the sanitary landfill is where the transfer station is now, or off Route 1. At that time, Sweeney explained that the old site would have to be properly closed. The question was asked who would be responsible for closing the site. Sweeney responded that normally it would be the town; however, in this case, because the water district owned the property at that time, the two parties would have to work it out. Sweeney had said that if it was not done soon, action would be taken against the owner of the property.
- **1978** – A letter from Thomas Sweeney stated; **"Monday, April 3, 1978, an engineer from the bureau visited your landfill, brush dump, transfer station and old dumpsite and the following remedial actions of these things is needed. The old dumpsite has trash, dump and transfer area"**. Handwritten on the letter was **"the sanitary landfill – town; brush dump and transfer area – town; and old dumpsite – Rye Water District"**. The letter explains what has to be done.
- **May 4, 1983** - NH DES, wrote to the water district stating; **"a recent inspection of the old town dump, now owned by the Rye Water District, has revealed that the site has not been properly closed. You are directed to close this site properly by June 30, 1983"**. This letter put the water district on notice.
- **May 13, 1983** - A letter was received from the town addressed to the water district. **"The Town of Rye has received a copy of the May 4th letter, from NH DES, directive to your department from the State Department of Health and Welfare Division of Public Health Services. We have been informed that failure to fulfill this directive will result in the Attorney General taking over directive, as of July 1, 1983. We feel it is therefore imperative that the Rye Water District take positive action to fulfill their obligations and set their plan of action, to be forwarded to Tom Sweeney, as soon as possible."**
- **1987** – A letter was received from NH DES confirming that the Waste Management Division had completed review of the water district's submittal addressing closure.
- **June 21, 1990**- Attorney Bill Scott, on behalf of the water district, wrote a letter to the Selectmen in regards to the closure of the town dump. The letter stated; **"It is the opinion of the Water District that the responsibility for closing this dump rests with The Town of Rye, not the Water District"**. The Rye Water District did not receive a response from the town in regards to Attorney Scott's letter.
- **July 10, 1990** – A letter was sent to the Board of Selectmen from Richard Reed, NH DES Solid Waste Compliance Section of the Waste Management Bureau, confirming that he was in receipt of the town's draft work plan for hydrology site investigation at the Grove Road Landfill.

- **July 17, 1990** – The Selectmen sent a letter back to Richard Reed, NH DES, stating that the July 10, 1990 letter was the first letter the Town of Rye has received regarding the Grove Road Landfill. The Selectmen requested a time extension in order to provide required additional information.
- A memo was sent from Bill Jenness (town code enforcement officer) to the Selectmen stating; **“There seems to be an inconsistency on the part of the Department of Environmental Services regarding the closure of the Grove Road Landfill. Initiated in 1976, all correspondence from the department on the subject was directed to the Rye Water District, as owner of the site. It’s a matter of record that the Rye Water District agreed to and budget for closure plans. Prior to July 10, 1990, no communication of any kind regarding the Grove Road Landfill has been directed to the Rye Board of Selectmen. Since our executive session with the Rye Water Commissioners Ciolek and Tucker, during which they renounced the responsibility for closure and announced cancellation of their contract with Weston. I have held a meeting with Chairman Ciolek in August 1990. The commission has now decided to fund Weston’s engineering services regarding development of a closure plan but feel that they require the town’s cooperation in order to proceed with the actual closure”.**
- A letter was sent to Frank Ciolek (RWD) from the Selectmen confirming that they received notice from Richard Reed, NH DES, that the town must bring the Grove Road Landfill into compliance.
- A letter was received from NH DES confirming that they had completed review of “subject document” submitted on behalf of the Town of Rye by Weston. DES is still looking at the town for closure.
- **1996** – CMA Engineering was hired by the town to complete final closure of the landfill.
- A letter was received from NH DES stating; **“The Department of Environmental Services has completed review of the subject documents by CMA Engineers regarding groundwater quality closure issues associated with the Grove Road Landfill. Based upon information available at this time, the landfill does not have a significant negative impact on water quality downgradient of the site. Therefore, the department accepts the recommendation proposed by the town and CMA, which includes maintaining an existing vegetative cover and soil cover over the landfill and increase monitoring of the groundwater quality downgradient of the site. However, if at a later date the groundwater at the site becomes further impacted by the landfill, and/or department determines that conditions exist at the site that could cause a threat to human health or the environment, the town will be required to reevaluate the closure of the landfill. The Department will work for the Town, and the Rye Water District as property owner, to implement formal use restrictions”.**
- **September 16, 1996** – A Groundwater Permit was issued by NH DES to the Town of Rye.

The commissioners agreed that the Rye Water District may own the property but it seems clear the Town is the responsible party for the closure of the site.