

# HOEFLE, PHOENIX, GORMLEY & ROBERTS, P.A.

ATTORNEYS AT LAW

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August 16, 2019

**Via email: [Judith.houston@des.nh.gov](mailto:Judith.houston@des.nh.gov)  
and U.S. Mail**

Judith E. Sears Houston, P.E.  
NH Department of Environmental Services  
Water Division  
PO Box 95  
Concord NH 03302-0095

Re: Biological Recycling Company, LLC  
**NHDES #198401066**

Dear Ms. Houston:

On behalf of Biological Recycling Company, LLC (“BRC”), we would like to thank you and the other New Hampshire Department of Environmental Services (“NHDES”) members for meeting last week. In light of that discussion and after significant consideration of the Department’s requests and BRC’s current financial status, BRC has come to the reluctant conclusion that it is unable to undertake the actions specified in NHDES’s April 22, 2019 Letter of Deficiency (“LOD”) and July 9, 2019 comments to BRC’s Response Plan.

BRC has had no income since ceasing operations in late April in direct response to the LOD. Based upon our discussions at the meeting and in prior conversations with NHDES staff, it is apparent that there is little to no pathway forward to allow renewed operations or an alternative income stream. Simply put, BRC is insolvent and without any prospective income, is therefore, unable to undertake the response actions sought by NHDES.

BRC hoped to install point-of-entry treatment systems at affected properties, as it has done with initial success at 89 North Road; however, after the recent solicitation of costs for six treatment options from four individual vendors and the reluctance of NHDES to allow the installation of either a single carbon cannister POE or a reverse osmosis point-of-use system, the remaining dual granular carbon vessel treatment system installation, sampling and maintenance obligations required by NHDES are far beyond BRC’s financial abilities.

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OF COUNSEL:  
SAMUEL R. REID

This is a disappointing end to BRC's business and longstanding operations within the East Kingston community. The Company is proud of its legacy and historical collaboration with NHDES, to create an innovative treatment facility at the property. It is with great sadness that the circumstances force closure of the Company and facility in such an abrupt manner.

While BRC is unable to complete the NHDES's investigation and supply well request, BRC intends to cooperate with any response or investigatory efforts to the extent financially feasible. BRC intends to close the facility and will work with you and the appropriate Department staff to implement the Closure Plan.

Please do not hesitate to contact me or Andrea Kenter of GeoInsight, Inc. for any additional information or further discussion.

Very truly yours,

A handwritten signature in black ink, appearing to read 'KMB', with a long horizontal flourish extending to the right.

Kevin M. Baum

KMB:pcb

cc: Biological Recycling Company, LLC  
Andrea Kenter, GeoInsight, Inc.  
Joshua Whipple, NHDES  
Kerry Barnsley, NHDES