

# MINUTES

## WATER COUNCIL MEETING

Wednesday, May 10, 2023

The Water Council met on Wednesday, May 10, 2023 at 8:30 a.m., in Rooms 112, 113, 114 at the NH Department of Environmental Services (NHDES), 29 Hazen Drive, Concord, NH.

### ATTENDEES:

Vice Chairman Philip Croasdale, Councilors John Boisvert, Kenneth Conaty, Gary Spaulding, Richard Geisser (left the meeting at 9:30 a.m.), Michael Dionne, Daniel Flores, Larry Maznek, Michele Tremblay; Sarah Richos, Interim Council Secretary; R. Jessie Webb, Council Secretary; Rene Pelletier, Director, Water Division, Tracy Wood, Administrator, Water Division, Wastewater Engineering Bureau; Mark A. Kondelis Sr., Certification & Training Manager, Water Division, Wastewater Engineering Bureau

### ABSENTEES:

Chairman John Gilbert, Christopher Rawnsley, Bill Gegas, Chip Hardy, Charles DeCurtis

The regular Water Council meeting was called to order at 8:31 a.m. by Vice Chairman Croasdale. A roll call was taken. Quorum present.

1. **APPROVAL OF MINUTES:** Motion made by Councilor Tremblay to table the April 12, 2023, meeting minutes due to lack of detail in the meeting minutes. Discussion of adding more detail to the meeting minutes. Minutes to be amended and presented to the Council for approval at the next Water Council monthly meeting. Seconded by Councilor Boisvert. Motion passed without dissent.
2. **STATUS OF APPEALS:**
  - See attached Status Report on Pending Appeals. No verbal presentation of Status Report. Review and discussion by Council of Status Report. No questions.
3. **NEW BUSINESS:**
  - Mark A. Kondelis Sr., Certification & Training Manager  
Discussion of the Rule changes for “Env-Wq 304 CERTIFICATION OF WASTEWATER TREATMENT PLANT OPERATORS”. Highlights of discussion:
    - Env-Wq 301, discussion on language “to achieve the highest quality of effluent”. Consider revise or add language to tie to applicable permits.
    - Mark used the term “providers” during the discussion which is not in the rules. Mark stated it means those providing training and Oeducation.
    - Table 304.1, define acronym HSE here where first used. OIT was removed from Table 304.1 under “Grade” column as OIT is just a status, not a certification grade. OIT is discussed in Env-Wq 304.05.
    - Env-Wq 304.07(c) and (d) Add “in order to take the examination” to each to match Env-Wq 304.07(a) and (b).
    - Env-Wq 304.09(a)(6) and Env-Wq 304.15((b)(3) Discussion on if the fee amount must be referenced. It was discussed legal must be consulted.
    - Env-Wq 304.12 Should there be a limit on the number of attempts at the test? They can’t operate without a license so need for the change.

- Env-Wq 304.16(b) Is “relevant field” defined somewhere? Should the relevant field percentage (50%) be changed? Mark provided insight on “relevant field” and 50% requirement.
- Env-Wq 304.18(d) Should the approved course length of acceptable time be shortened due to changes in the field? No, because the treatment plants have changed little so there is a lot of information that is still relevant even though other parts of it are evolving.
- Env-Wq 304.20 and/or Env-Wq 304.21 Should there be a reference to the appeal process? Can the RSA be referenced. Individuals would appeal to the council.
- Env-Wq 304.26(g) Clarify how many roles would be allowed in total. Should there be a limit on the capacity of the plant?
- Env-Wq 304.31 Certification committee was replaced with department throughout rules. Why? Updated to be consistent with applicable RSAs. Also, to make consistent with what tasks DES performs. Consider balancing the number of DES members to non-DES members.
- NHDES-W-09-004 Wastewater Operator Certification Application Typo on form. It will be corrected.
- Env-Wq 304.32 Who receives a waiver? A reason must be given then they can appeal it to the Water Council.

**4. OLD BUSINESS:** Council asked Sarah Richos, Interim Secretary, to do the following:

- Invite Council attorney, Mark Dell’Orfano, Esquire, to the June 14, 2023, meeting for an explanation of why stakeholders are no longer allowed to offer opinions of Rule revisions.
- Ask Attorney Dell’Orfano to email a copy of the legal opinion issued regarding the above to the Council Secretary for distribution to the Council members.

**4. NEXT MEETING:** Wednesday, June 14, 2023, at 8:30 a.m.

**5. ADJOURNMENT:** Motion made by Councilor Tremblay to adjourn. Seconded by Councilor Boisvert. Motion passed without dissent. Meeting adjourned at 9:40 a.m.

To: Water Council  
From: Pamela Monroe, Legal Unit Administrator (*Acting Appeals Clerk*)  
Re: Status Report on Pending Appeals  
Date: February 3, 2023

**I. New Appeals:**

*NONE*

**II. Decisions that need to be written/finalized and issued.**

*NONE*

**III. Hearings or PHCs Pending**

**Docket No. 20-04 WC – Biological Recycling Co., LLC et al. Appeal**

Subject: 2/7/20 Administrative Order No. 20-004 WD

Hearing Officer: Zachary Towle (appointed by AG 08/31/21)

Recusals: J. Gilbert

7/26/22 - Order Granting Parties' Joint Motion for Stay of Appeal- *Joint Status update received on December 12, 2022. The parties agree that the appeal should remain stayed and will submit a further status update in July 2023 unless either party moves to lift the stay.*

**IV. Misc.**

**Docket No. 20-06 WC – Matthew and Laura Graves, et al. Appeal**

Subject: 4/2/20 Approval of AoT-1780 permit, issued to Dale White

Hearing Officer:

08-03-22 - The certified record was provided to the NH Supreme Court. Oral argument is scheduled for February 14, 2023