

WASTE MANAGEMENT COUNCIL

Minutes of December 18, 2008

State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301

MEMBERS PRESENT: Ronald Allard, Vice Chairman; Charles Connell;
Arthur Cunningham; Elaine Lauterborn; Carl Quiram;
David Tooley; and Duncan Watson, Nancy Kinner, Steven Crean.

NHDES: Fred Mc Garry, Waste Management Division
Michael Wimsatt, Waste Management Division

(1) Introduction

- (A) Vice Chairman Allard brought the meeting to order at 10:10a.m. Verifying that a quorum was present.

10:13 a.m. – Mr. Watson arrived.

(2) Pending Business

- (A) Acceptance of Minutes for Meeting September 18, 2008: A motion was made to accept the Minutes of the September 18, 2008 meeting. Motion made by Ms. Lauterborn, seconded by Mr. Connell. All in favor.
- (B) Schedule of Next Meeting: The next meeting is scheduled for January 15, 2008 and will be held at the NHDES offices.

10:15 a.m. – Mr. Tooley arrived.

(3) Guest Speaker: Michael J. Wimsatt, P.E., Director, Waste Management Division

Mr. Wimsatt gave a brief synopsis to the Council regarding the recent power outages, and the current & future budget. Mr. Wimsatt also introduced the new Administrative Supervisor for the Waste Management Division Pamela Werner. Mr. Wimsatt gave a brief synopsis regarding the most recent Legislation being tracked by the Waste Management Division. Mr. Wimsatt's synopsis also included information about HB-1471

RSA 149-M and he will go into more detail at the January meeting. He also stated that Hazardous Waste rules will be going before GELCAR in January. Mr. Wimsatt also gave an update on the new covers that were made available to protect the oil filters from ice and snow for home heating oil tanks that are outside.

10:50 a.m. – Mr. Cunningham retired.

(4) Appeal Status Update: Amy Samson, Appeals Clerk

Docket Number: 08-49 WMC

Appellant: Russell Thomas

Subject of Appeal: July 2, 2008 Administrative Order No. WMD 08-033

Status: A motion was made to accept the Assented-To Motion to Stay. Motion made by Ms. Lauterborn, seconded by Ms. Kinner. All in favor.

Docket Number: 07-26 WMC

Appellant: Simard Family Trust

Subject of Appeal: October 30, 2007 Auburn Road Landfill Superfund Site, Groundwater Management Permit No. GWP-198803007-L0001

Status: Action pending on the following items per Council's discussion with their counsel.

On November 20, 2008, Atty. Roberts filed an Appearance on behalf of Simard Family Trust.

On November 20, 2008, Atty. Roberts filed a Motion to Stay Recording of Groundwater Management Permit.

On November 26, 2008, Atty. Roth filed an Objection of the DES to Appellant's Motion to Stay Recording of Groundwater Management Permit.

On December 3, 2008, Atty. Roberts filed a Reply to Simard Family Trust to Objection of DES to Motion to Stay Recording of Groundwater Management Permit.

Action: Discuss w/Anthony.

A motion was made that from the date of an appeal hearing, the Appeals Clerk is to notify Chairman Richards that a decision needs to be written within two weeks. If after two weeks, the Chairman has not written a decision, the Appeals Clerk is to notify Vice-Chairman Allard and the Vice-Chairman has one week to complete a written decision. If it's not completed thereafter, the Appeals Clerk is to notify the entire Council. Motion made by Ms. Kinner, seconded by Ms. Lauterborn. All in favor.

Docket Number: 08-08 WMC

Appellant: Richard A. Mottolo

Subject of Appeal: 1/11/08 Groundwater Management Permit No. 198704094-R-001

Status: The parties have reached an agreement. The agreement needs to be written and the parties would like more time to finalize that agreement.

Docket Number: 08-17 WMC
Appellant: Simard Family Trust
Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site,
Groundwater Management Permit Modification No. 198704094-R-001
Status: An appeal hearing was held on June 19, 2008. A decision and order needs to be
finalized and issued.

Docket Number: 08-50 WMC
Appellant: Simard Family Trust
Subject of Appeal: July 10, 2008 Modification to Groundwater Management Permit No.
GWP-198803007-L-001
Status: Appellant withdrew the appeal.

11:30 a.m. – Ms. Samson retired.

**(5) Guest Speaker: Frederick McGarry, P.E., DEE, Assistant Director,
Waste Management Division**

Mr. McGarry gave a PowerPoint presentation on 1,4 Dioxane.

12:11 p.m. – Council adjourned for lunch.

12:26 p.m. – Council reconvened.

(6) Adjournment

At 12:30 p.m., Ms. Kinner moved to adjourn the meeting. Ms. Lauterborn seconded. All
in favor.

*Respectfully submitted by Pamela Werner, Waste Management Council Clerk.
A copy of the audio taped recording of this meeting is available upon request. Please contact
Mrs. Werner at (603) 271-2905 for more information.*