



# THE STATE OF NEW HAMPSHIRE

## Waste Management Council

Arthur Cunningham, Vice Chairman, Acting/ Chairman

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Council Clerk/Secretary (non-appeal related): (603) 271-2905; Appeals Clerk (appeal related only): (603) 271-6072

TDD Access: Relay NH 1-800-735-2964

Council Website: <http://www.des.nh.gov/councils/>

**Minutes of June 20, 2013**

**Waste Management Council Meeting  
29 Hazen Drive, Room 112, 113, and 114  
Concord, New Hampshire 03301**

**MEMBERS PRESENT:** Vice Chairman Arthur Cunningham, Phillip Bilodeau, Steve Crean, Chuck Connell, Michael Dufor, Nancy Kinner, Fredrick McGarry, Daniel Sweet, Duncan Watson

**Members Not Present:** Elaine Lauterborn, David Tooley

**Council Clerk** Pamela Werner

**Council Appeals Clerk** Paula Scott

**NHDES-WMD Personnel:** Michael Wimsatt, Keith DuBois, Michael Guilfooy

**Call to Order:**

Vice Chairman Cunningham brought the meeting to order at 10:15 A.M. verifying that a quorum was present.

**Schedule of next meeting:**

The next meeting is scheduled for August 15, 2013, and will be held at the NHDES offices.

**Approval of Minutes:**

Chuck Connell made the motion to accept the April 2013 minutes, Fred McGarry seconded all in favor.

**Division Activities & Legislative Update:**

Vice Chairman Cunningham introduced Michael J Wimsatt, P.G Director.

Mr. Wimsatt gave a brief synopsis on the MTBE trial, and the recent passing of the 2014 budget.

The 25% Reduction of Brownfield Funding, Atkinson and 1,4 dioxane, Water line should be completed by 2014. Legislation, house bill 184 &185 passed and adopted. Mr. Wimsatt also touched on the 2015 budget.

**Upcoming changes to ENV-SW 300**

Vice Chairman Cunningham introduced Michael Guilfooy

Mr. Guilfooy summarized for the members the proposed rules (for existing rules and proposed amendments for Solid Waste)

**Status of Appeals:**

Vice Chairman Cunningham introduced Paula Scott, Appeals Clerk. Ms. Scott provided members of the WMC with the following status appeals:

Please see attached for Status on pending appeals.

**New/Old Business:**

Dedication of the Memorial Plaque in remembrance of G. Bradley Richards

**Public Commentary:**

No members of the public were in attendance.

**Adjourn**

Having no further business to discuss Nancy Kinner entered the motion to adjourn. Fred McGarry seconded. All were in favor. The Waste Management Council adjourned at 11:20 on June 20, 2013.

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.

To: Waste Management Council

From: Paula Scott, Appeals Clerk

Re: Status on Pending Appeals

Date: June 20, 2013

*Upcoming Council Meetings: Jul. 18, 2013; Aug. 15, 2013; Sep. 19, 2013; Oct. 17, 2013; Nov. 21, 2013; Dec. 19, 2013*

**I. New Appeals**

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

**III. Hearings or PHCs Pending**

**Docket No. 12-18 WMC – Southern NH Commons, LLC, et al.**

Subject: 11/6/12 Approval of Groundwater Management Permit Transfer Application GWP-200001038 with an added Condition.

Hearing Officer: David Conley (Assigned 12/21/12 by AG)

Recusals: None

Status: On Dec. 6, 2012 rec'd Notice of Appeal and issued insufficient appeal letter. 12/6/12 rec'd revised appeal. 12/7/12 sent receipt of revised appeal letter. Council to accept or decline appeal. The appeal was accepted by the Council at its Dec. 20, 2012, meeting. Appeal accepted letter was issued on 12/21/12. 1/8/13 rec'd appearance from Evan Mulholland. 1/23/13 sent notice of PHC scheduled for Feb. 12, 2013 at 11 a.m. 2/7/13 rec'd Assented-To Motion to Reschedule PHC. 2/11/13 issued letter regarding Motion to Reschedule PHC was granted by the hearing officer and PHC was rescheduled to March 12, 2013 at 4:00 p.m. 3/12/13 PHC was held and a hearing was scheduled for June 20, 2013 at 10 a.m., notice given in the Pre-hearing Order. 3/29/13 rec'd DES' Document Request to Appellant. 4/4/13 issued notice of hearing time change from 10 a.m. to 9 a.m. 4/5/13 rec'd appearance from Mary Maloney for DES. 4/26/13 rec'd Withdrawal of Appeal from Appellant.

**Docket No. 13-02 WMC – Town of Colebrook**

Subject of Appeal: 1/11/13 decision that the Town is ineligible to use the "LOGO" test

Hearing Officer: Requested Hearing Officer be assigned 3/21/13 David Conley (assigned 3/21/13 by AG)

Status: 2/11/13 rec'd Notice of Appeal. 2/12/13 issued insufficient appeal letter. 2/13/13 rec'd Revised Notice of Appeal. 2/14/13 issued receipt of revised appeal letter. Council to accept or decline appeal. Appeal was accepted by the Council on 3/21/13. Council accepted the appeal on 3/21/13. 3/28/13 issued appeal accepted letter. 4/10/13 sent notice of PHC scheduled for May 13, 2013. 4/16/13 rec'd Appearance from Lauren Noether for DES. 5/7/13 rec'd Request to Continue PHC from Appellant. 5/8/13 issued ruling granting Request to Continue. 6/3/13 rec'd Appellant's status report requesting continuance of PHC. 6/7/13 issued ruling granting Request to Continue and the parties are to submit an updated status report by June 17, 2013. 6/19/13 rec'd Appellant's status report.

**IV. Inactive/Status Letter or Pending Settlement/Withdrawal**