



# 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 August 15, 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, Elaine Lauterborn, Fredrick McGarry, David Tooley

**Members Not Present:** Mike Durfor, Nancy Kinner, Daniel Sweet, Duncan Watson

**Council Clerk:** Pamela Werner

**Council Appeals Clerk:** Paula Scott

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

**Call to Order:**

Vice Chairman Cunningham called the meeting to order at 10:15 AM, verifying that a quorum was present.

**Schedule of Next Meeting:**

The next meeting is scheduled for September 19, 2013, and will be held at the NHDES offices.

**Approval of Minutes:**

Chuck Connell made the motion to accept the June, 2013 minutes, as amended. Phil Bilodeau seconded. All in favor.

**Division Activities & Legislative Update:**

Vice Chairman Cunningham introduced Michael Wimsatt, Waste Management Division Director. Mr. Wimsatt gave a brief synopsis of the 2015 budget, back-of-the-budget cuts, and DES grants for solid waste landfills. Mr. Wimsatt also discussed how DES regulates mildly contaminated soils. Mr. Wimsatt also announced that Mr. George Lombardo, Administrator of the Oil Remediation and Compliance Bureau, would be retiring at the end of August after 30 years of state service.

**Update of Pending Solid Waste Rules Amendments:**

Vice Chairman Cunningham introduced Michael Guilfooy, Administrator of the Solid Waste Management Bureau.

Mr. Guilfooy summarized and discussed the proposed amendments to the Solid Waste Rules and the upcoming rulemaking process.

Discussion will continue at the September 19, 2013 meeting.

**Status of Appeals:**

Vice Chairman Cunningham introduced Paula Scott, Appeals Clerk. Ms. Scott provided members of the WMC with the attached Status of Appeals.

**New/Old Business:**

Elaine Lauterborn announced that she will not seek reappointment after her term expires on November 10, 2013.

**Public Commentary:**

No members of the public provided comments.

**Adjourn**

Having no further business to discuss, Elaine Lauterborn entered the motion to adjourn. Fred McGarry seconded. All were in favor. The Waste Management Council adjourned at 1:35 on August 15, 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: August 15, 2013

*Upcoming Council Meetings: 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. 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: 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. 6/21/13 issued letter granting Request to Continue PHC and the parties are to submit an updated status report by July 15, 2013. 7/12/13 rec'd letter withdrawing appeal from appellant.

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