

WATER COUNCIL MEETING

NH Dept. of Environmental Services
29 Hazen Dr., Concord, N.H.

April 8, 2015
9:00 a.m.

Members present: Chairman Gilbert, Councilors Beaurivage, Boisvert, Butler, Clark, Henderson, Hinds, Joubert, O'Brien, Gegas, and Varotsis

Members absent: Councilor Rawnsley

Also present were Paula Scott, Appeals Clerk and Carolyn Guerdet, Council Clerk

Chairman Gilbert called the meeting to order at 9:00 a.m. with a quorum present.

1. Approval of Minutes of the March 11, 2015 Meeting

- ***Councilor Varotsis made a motion to accept the minutes of the March 11, 2015 meeting with correction, second by Councilor Henderson. Motion passed unanimously. Councilor Hinds and Clark abstained.***

2. Status of Appeals

Appeals Clerk, Paula Scott, presented an update on the following appeals:

I. New Appeals

II. Decision and Orders that need to be written finalized and issued.

III. Hearings or PHCs Pending

Dockets No. 12-01 WC – David Sundman, et al.

Re: 12/19/11 Alteration of Terrain Permit No. AoT-0353 for Dalton Valley Drag

Hearing Officer: David Conley assigned on 2/9/12

Status: Received appeal that appears to be timely on January 18, 2012. Issued receipt of appeal letter on January 20, 2012. Council accepted the appeal Feb. 8, 2012, notice was issued Feb.9, 2012. 8/27/12 received Stipulation to Dismissal of Appeal of Permit WPS-8289A. 8/30/12 Order regarding Dismissal of Appeal by agreement was issued. In accordance with the dismissal, Docket No. 09-05 WC Dalton Valley Drag, LLC is withdrawn from the Council's docket. September 4, 2012 received Status Update from the Department regarding Docket No.12-01 WC. The license action is under Reconsideration. November 15, 2013 issued letter regarding request for hearing, which states that the matter is not within the Water Council's jurisdiction. August 4, 2014 received request to schedule PHC. 8/6/14 issued Notice of PHC scheduled for Sept. 8, 2014. 8/18/14 received Appellant's Partially Assented-to Motion to Continue Prehearing Conference. 8/25/14 issued letter granting Motion to Continue and reschedule PHC for Sept. 29, 2014 at 1 p.m. 9/19/14 received withdrawal of counsel for DES-Allen Brooks and Appearance of counsel for DES-Christopher Aslin. 9/19/14 received Appearance of Counsel for permittee-Philip Braley and Cooley Arroyo and Assented-to Motion to Intervene. 9/23/14 issued letter granting Motion to Intervene. 9/26/14 received Withdrawal of Attorney Joly and an Appearance of Attorney Brown for the appellants. 9/29/14 received revised Withdrawal of Rose Marie Joly and revised Appearance for Marcia Brown. November 18, 2014 received Assented-to Emergency Motion for Extension. 1//1/119 14

issued letter granting Eminency Motion for Extension. 11/26/14 received Amended Notice of Appeal. December 8, 2014 received Withdrawal of permittee's counsel. 12/10/14 issued ruling on amended Notice of Appeal and new Deadlines. 12/24/14 received Assented-to Motion to Stay Pre-hearing Conference and hearing. 12/30/14 issued letter granting Motion and scheduling PHC for 4/16/15 at 8:30 a.m. February 13, 2015 received Appellants' Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment. 2/27/15 received DES' Partial Objection to Appellants' Motion for Summary Judgment. Discussion was held as to procedure and questions were answered. No comments were provided on the draft Order. March 11, 2015 issued Order Granting Summary Judgment in part. Docket closed.

Docket No. 14-02 WC – Monadnock Paper Mills, Inc.

Re: 1/13/14 State Water Quality Certificate, WQC #2013-FERC-001, Conditions

Hearing Officer: David Conley, Esq. assigned on 5/19/14

Recused Member: Carol Henderson and Mike Butler recused.

Status: February 28, 2014 received Notice of Appeal. March 11, 2014 issued receipt of appeal letter. May 5, 2014 received Appearance from Atty. Mary Maloney for DES. Council to accept or dismiss appeal. Appeal was accepted at the May 14, 2014 Council meeting. 5/14/14 issued Appeal accepted letter. 5/20/14 issued Notice of Prehearing Conference (PHC). 5/23/14 received Assented to Motion to Continue PHC. 5/29/14 issued letter granting Motion to Continue and rescheduled PHC for Sept. 10th at 8 a.m. August 13, 2014 received Assented to Motion to continue Prehearing conference. 8/14/14 issued letter granting Motion to Continue and rescheduled PHC for Oct. 27, 2014 at 8:30 a.m. 10/20/14 received Assented-to Motion to Continue PHC. 10/21/14 issued letter granting Motion to Continue and rescheduled PHC for January 12, 2015 at 8:30 a.m. 12/31/14 sent notice of rescheduled Prehearing Conference due to scheduling conflict. PHC is scheduled for 1/16/15 at 11 a.m. 1/4/15 received Assented-to Motion to Continue PHC. 1/6/15 issued letter granting Motion and rescheduling PHC for March 16, 2015 at 11 a.m. February 20, 2015 received Assented-To Motion to Continue Prehearing Conference. March 2, 2015 issued letter rescheduling PHC to June 17, 2015 at 9 a.m.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal

None

Councilman Hinds thanked Paula for her work on getting the appeals cleared up.

1. New Business

- a. Env-Wq 1106.02 (amendment re: Public Bathing Facility Rules)
Gretchen Hamel, Legal Unit, shared the purpose of the change in the rules is to clarify the color of pool bottoms.
- b. Discussion of Water Council roles, rules and procedures. Discussion is postponed to next month. Gretchen has begun and outline of items.

4. Old Business

- a. Env-Wq 500 State Clean Water Pollution Control Revolving Loan Fund
Gretchen Hamel and Paul Heitzler
Copies of the rules were distributed. Paul shared about the changes to the State Revolving Fund(SRF)program. He reviewed changes made by the Clean Water Rules and the new interest rates that allow them to be more competitive. Also procedures for

selecting a consulting engineer have been changed. Discussion was held and questions answered.

b. Env-Wq 800 Sludge Management

Mike Rainey

The process started last year meeting with stakeholder groups and then rules were drafted.

Major issues are:

- This is a permit system with 4 permits: Hauler, Sludge Quality, Land Applications, and Facility Permits.
- Policy issues for site and facility permits.
- 5 – 10 years permit terms.
- Hearings will be held upon request.
- Reduced frequency and scope of testing.
- Requirements in rules for continuity.
- Phosphorus may be the qualifier for land applications.

c. Director Forbes went over the remaining bills the Water Division is tracking as cross-over has occurred between the House and Senate.

5. Next Meeting

May 13, 2015

6. Adjournment

- ***Councilor Varotsis made a motion to adjourn, second by Councilor Butler. Motion passed unanimously.***

Meeting was concluded at 10:27 a.m.