

## WATER COUNCIL MEETING

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

June 10, 2015  
9:00 a.m.

**Members present:** Councilors Beurivage, Boisvert, Clark, Hardy, Henderson, Hinds, Joubert, Rawnsley, and Varotsis

**Members absent:** Chairman Gilbert, Councilors Butler, O'Brien, Gegas

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

As Chairman Gilbert was unable to attend the meeting Council Rawnsley was asked to chair the meeting by the Council. Councilor Rawnsley called the meeting to order at 9:00 a.m. with a quorum present. He introduced the two newest members to the Council, Eugene Clark representing Recreational Interests and Chip Hardy representing Agriculture. Each of the gentlemen shared about themselves. The Council was then introduced.

### 1. Approval of Minutes of the April 8, 2015 Meeting

- ***Councilor Varotsis made a motion to accept the minutes of the April 8, 2015, second by Councilor Hinds. Motion passed unanimously. Councilor Rawnsley abstained.***

### 2. Status of Appeals

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

#### I. New Appeals

##### **Docket No. 15-04 WC (PNA) – Woodmere Association, Inc. Appeal**

Re: 3/3/15 Administrative Order No. 15-005 WD

Hearing Officer: Not assigned

Status: April 2, 2015 received Preliminary Notice of Appeal (PNA). 5/18/15 received Notice of Appeal. 5/18/15 issued receipt of appeal letter. Appeal was received 76 days after decision was issued as well as there were deficiencies in the appeal.

- ***Councilor Henderson made a motion to deny the appeal, second by Councilor Lievens. Motion passed unanimously.***

##### **Docket No. 15-07 WC (PNA) – Board of Governors of the Black Cat Island Civic Assoc. Appeal**

Re: 4/7/15 approval for subdivision #SA2015010642 issued to Goldsmith Children's Trust

Hearing Officer: Not assigned

Status: May 4, 2015 received Preliminary Notice of Appeal (PNA). 5/19/15 received Notice of Appeal. 5/20/15 issued receipt of appeal letter.

- ***Council Varotsis made a motion to accept the appeal, second by Councilor Hinds. Motion passed unanimously.***

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

III. Hearings or PHCs Pending
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**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. 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 Assented-to Motion to Intervene. November 18, 2014 received Assented-to Emergency Motion for Extension. 11/1/14 issued letter granting Eminency Motion for Extension. 11/26/14 received Amended Notice of Appeal. 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. March 11, 2015 issued Order Granting Summary Judgment in part. April 10, 2015 received Appearance from Robert Best and Motion for Rehearing. 4/15/15 received Objection to Applicant's Motion for Rehearing. 4/16/15 issued Decision and Order on Motion for Rehearing and issued Notice of Prehearing Conference scheduled for 5/13/15 at 10 a.m. Prehearing Order issued 5/13/15 with hearing scheduled for October 14, 2015 at 10 a.m. 5/15/15 received Request for Waiver of Rules. 5/18/15 issued letter regarding Request for Waiver of Rules. June 3, 2015 received permittee's status update.

Council decided to have the meeting on October 14<sup>th</sup> to start at 8 a.m. with hearing to start at 9 a.m.

**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. 10<sup>th</sup> 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. 1/4/1115 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

### 3. **New Business**

#### a. Env-Wq 402 Groundwater Discharge Permits and Registrations

Debra Sonderegger and Mitch Locker presented the rules. This program monitors and regulates large ground water discharges of domestic, commercial, industrial, and wastewater that enters or infiltrates groundwater. Discussion was held and questions addressed. These expire July 26, 2015. If there are any comments you can email them directly to Debra. A public hearing will also be held in the future.

### 4. **Old Business**

Discussion of Water Council roles, rules and procedures to be discussed in September.

Director Forbes distributed the 2015 session bills of interest to the Water Council. He pointed out that HB 306 has been passed and signed by the Governor which relates to the membership of this council. The state agencies removed are the Dept. of Office of Energy & Planning, Dept. of Health & Human Services, and the Dept. of Safety. Added to the Council are a representative of the New Hampshire rivers, to be nominated by the NH Rivers Council and a representative of the New Hampshire lakes, nominated by the NH Lakes Association. This could possibly have an effect on Councilor O'Brien. This new law is effective August 1<sup>st</sup>. SB 168 had to do with Great Bay. A brief review of the proposed budget and its implications was given.

### 5. **Next Meeting**

September 9, 2015

### 6. **Adjournment**

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

Meeting was concluded at 9:42 a.m.