

WATER COUNCIL MEETING

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

July 13, 2016
9:00 a.m.

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

Members absent: Councilor: Hardy

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

Chairman Gilbert called the meeting to order at 9:02 a.m.

1. Approval of Minutes of the June 8, 2016 Meeting

- ***Councilor Tremblay made a motion to accept the minutes of the June 8, 2016, second by Councilor Joubert. Motion passed unanimously. Councilors Hinds and Rawnsley abstained.***

2. Status of Appeals

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

I. New Appeals

Docket No. 16-10 WC (PNA) – Town of Lincoln Appeal

Re: 5/20/16 Administrative Order No. 16-012 WD

Hearing Officer: Not assigned

Status: June 17, 2016 received Notice of Appeal. 6/20/16 issued receipt of Appeal letter.

Council to accept at their July 13, 2016 meeting.

- ***Councilor Rawnsley made a motion to accept the Appeal, second by Councilor Butler. Motion passed unanimously.***

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

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. (See Sept. 2015 minutes for full list of filings.) December 24, 2014 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. 6/10/15 issued Notice of Hearing time change per request from the Council. Hearing is now scheduled for October 14, 2015 at 9 a.m. July 2, 2015 received Amended Appearance – Atty. Robert Best and Assented-to motion to Stay All Deadlines. 7/14/15 issued letter granting Assented-to Motion and directing the parties to submit a status report by July 30, 2015. 7/30/15 received Motion for Extension of Stay. 7/31/15 received permittee's status update. August 5, 2015 issued letter with new filing deadlines. September 9, 2015 received Motion to Compel. 9/16/15 received Objection to Motion to Compel. 9/16/15 received Appellants' and State's Witness and Exhibit Lists. 9/17/15 issued order on Motion to Compel. 9/17/15 received Appellant's Assented-To Motion to Compel Responses to Discovery Requests. 9/21/15 received Intervenor's Witness and Exhibit List. 9/24/15 received Request that Assented-To Motion to Compel Responses be taken up at PHC. October 14, 2015 issued Pre-Hearing Order with hearing scheduled for Feb. 10, 2016 at 9 a.m. 10/22/15 received Site Visit Report and Second Amended Notice of Appeal. December 23, 2015 received Appellants' Amended Witness and Exhibit Lists. January 4, 2016 received State's Amended Witness and Exhibit List. February 10th and 11th, 2016 the Hearing and Deliberations were held. Decision to be issued within 90 days (5/11/16). June 8, 2016 issued Decision and Order remanding Notice of Appeal. July 8, 2016 received State's Motion for Reconsideration.

- ***Councilor Joubert made a motion to Table the Reconsideration until the September meeting, second by Councilor Hinds. Motion passed unanimously.***

Docket No. 16-07 WC – Patricia Twarog Appeal

Re: 2/24/16 Waiver approval for Individual Sewage Disposal System issued to Lynn Perkins
Hearing Officer: Not assigned

Status: 4/28/16 received Notice of Appeal. 5/2/16 issued receipt of Appeal letter. Appeal appears to be untimely filed and is insufficient. Council moved dismiss Appeal at their May 11, 2016 meeting. 5/11/16 received Appearance of Attorney Thomas Quinn, Motion to Intervene and Motion to Dismiss. 5/12/16 received Withdrawal of Motion to Intervene and Motion to Dismiss. 5/19/16 issued Decision and Order declining to accept Notice of Appeal. June 1, 2016 received Request for Reconsideration. June 8, 2016 Council denied the Request for Reconsideration. June 23, 2016 issued Decision and Order denying Request for Reconsideration. Docket is now closed.

III. Hearings or PHCs Pending

IV. Inactive/Status Letter or Pending Settlement/Withdrawal

3. New Business

5. Old Business

a. Env-Wq 1700 Surface Water Quality Regulations

Ted Diers, Watershed Bureau Administrator and Gregg Comstock, Supervisor of Water Quality Planning Section

Ted reviewed the Watershed Management Bureau, its programs, and goals. These are approved by EPA. Gregg went over the complex rule set and summarized where they are at with this rule set as they expired May 2016. There was a need to clarify some of the rules and he noted there are 170 numeric criteria for toxins. The Water Quality Advisory Committee

meets 3 times per year going over any water quality standards concerns and they have reviewed the changes. Written comments can be made until July 22, 2016. See the handout attached to these minutes. Questions, comments, and concerns were received and addressed.

5. Next Meeting

September 14, 2016 at 9 a.m. Note – there will not be an August meeting of the Water Council.

6. Adjournment

- ***Councilor Butler made a motion for adjournment, second by Councilor Beaurivage. Motion passed unanimously.***

Meeting adjourned at 10:19 a.m.