

WATER COUNCIL MEETING

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

November 9, 2016
9:00 a.m.

Members present: Chairman Gilbert, Councilors: Beurivage, Boisvert, Butler, Clark, Hardy, Henderson, Hinds, O'Brien and Rawnsley

Members absent: Councilors: Gegas, Joubert, and Tremblay

Also present was Carolyn Guerdet, Council Clerk and Peter Demas, Legal Unit

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

1. Approval of Minutes of the October 12, 2016 Meeting

- ***Councilor Butler made a motion to approve the minutes, second by Councilor Clark. Motion passed unanimously with Councilors Hinds and Rawnsley abstaining.***

2. Status of Appeals

Peter Demas, presented an update on the following appeals:

I. New Appeals

Docket No. 16-16 WC Suzanne Fournier, et al. Appeal

Re: 08/22/16 approval of Alteration of Terrain Permit No. AoT-1149 issued to the Town of Milford

Hearing Officer: Has not been assigned

Recused: Councilor Henderson

Status: September 8, 2016 received Notice of Appeal. October 10, 2016 receipt of Appeal letter. Council to accept or decline appeal at their November 9, 2016 meeting

- ***Councilor Rawnsley made a motion to accept the Appeal, second by Councilor Hinds. Councilor Henderson recused herself. Discussion was held. Motion passed unanimously.***

Docket No. 16-19 WC Patricia Rodrigues and John Corduff Appeal

Re: 8/31/16 approval of after-the-fact Alteration of Terrain Permit No. AoT-1154 issued to Gretchen Fowler, Trustee of the George R. Graves Revocable Trust

Hearing Officer: Has not been assigned

Status: October 3, 2016 received Notice of Appeal. 10/10/16 issued receipt of Appeal letter. Appeal initially appeared to be untimely. Based on information subsequently received, Appeal may be timely. At the November 9, 2016, meeting, Council to decide if Appeal is timely or untimely. If the Council determines that the Appeal was timely filed, it is likely that an Insufficient Appeal letter will have to be sent.

- ***Councilor O'Brien made a motion to consider it timely filed, second by Councilor Beurivage. Discussion was held. 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.) 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. 7/13/16 Council voted to table Motion for Reconsideration until their September meeting. 7/14/16 received Objection to Motion for Reconsideration. September 14, 2016 Council denied Motion for Reconsideration. Hearing Officer to issue decision.

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

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

Hearing Officer: David Conley assigned on 7/18/16

Status: June 17, 2016 received Notice of Appeal. 6/20/16 issued receipt of Appeal letter. Council accepted the appeal at their July 13, 2016 meeting. 7/13/16 issued Appeal accepted letter. 7/29/16 received Appearance from Attorney General. PHC to be scheduled.

III. Hearings or PHCs Pending

IV. Inactive/Status Letter or Pending Settlement/Withdrawal

3. New Business

- a. Drinking Water Primacy Amendments (definition of owner or operator) Env-Dw 103.41
Peter Demas and Holly Green
EPA has requested that the definition of owner/operator be changed to mean 'a supplier of water' as defined federally.

Rivers Rules that were distributed were deemed to be public information.

- b. Drinking Water Primacy Amendments (Lead and Copper) Env-Dw 403 & 714
Cindy Klevens and Holly Green
These changes are in response to USEPA comments. The 4 most significant changes were listed at last meeting. Questions were addressed.
- c. Drinking Water Primacy Amendments (Revised Total Coliform Rule) Env-DW 701, 709, 717, 720, AND 1200
Chip Mackey and Holly Green

No questions or comments were received.

d. Flood Forecasting Presentation

Jim Gallagher, Dam Bureau Administrator

There are over 2600 dams in the state of NH. Some of the dams are for flood control many were built for hydropower. Only 30-35 are for flood control. The State owns 276 of the dams. 850 have now been indicated as hazard dams. He reviewed the forecasting models used. The stream gages give helpful information. He then reviewed the information that is available on the NH DES website. Lidar(Light Detection and Ranging) has been shot on the Suncook River. With funding it could now be done on other rivers in the state. The vast majority of dams in NH do not have access to funds for upkeep and repair.

Questions were addressed

4. Old Business

Director Forbes gave an update on the NH Drought Conditions.

The severe drought is still persistent. The recent rains have helped little. The water wells have not been helped as need by the local rains. Ground water levels are at historic lows. Looking for bed rock wells to monitor. Drought outlook is projected to be persistent. It may take a couple of years to see meaningful improvement. Snow making ponds look to be in pretty good shape as the ponds are full.

5. Next Meeting

December 14, 2016 at 9 a.m.

6. Adjournment

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

Meeting adjourned at 10:33 a.m.