

# WASTE MANAGEMENT COUNCIL

Minutes of August 17, 2006

State of New Hampshire  
Department of Environmental Services  
29 Hazen Drive, Rooms 112, 113 and 114  
Concord, New Hampshire 03301

**MEMBERS PRESENT:** G. Bradley Richards, Chairman; Ronald Allard; Michael Blayney; Charles Connell; Steven Crean; Anthony Illacqua; Elaine Lauterborn; John Osgood; and Duncan Watson. A quorum was present.

**NHDES:** Michael McCluseky, Hazardous Waste Remediation Bureau  
Frederick McGarry, P.E., DEE, Assistant Director  
Robin Mongeon, Oil Remediation and Compliance Bureau  
John Regan, Hazardous Waste Remediation Bureau  
Michael P. Sclafani, Council Appeals Clerk

**GUESTS:** Robert P. Cheney, Esq., Sheehan, Phinney, Bass + Green, PA  
Anne Edwards, Esq., Attorney General's Office  
John Friberg, Citizen  
Edward A. Haffer, Esq., Sheehan, Phinney, Bass + Green, PA  
Scott Lacy, Citizen  
Ronald Lajoie, Wadleigh Law Firm  
Barry Needleman, Esq., McLane, Graf, Raulerson and Middleton, PA  
Ed Woinowski, Citizen

## (1) Introduction

- (A) Chairman Richards brought the meeting to order at 10:01 a.m. verifying that a quorum was present.

## (2) Pending Business

- (A) Acceptance of Minutes for Meeting of June 15, 2006: A motion was made to accept the Minutes of the June 15, 2006 meeting. Motion made by Mr. Allard, seconded by Mr. Connell. All in favor.
- (B) Schedule of Next Meeting: The next meeting is scheduled for September 21, 2006 and will be held at the NHDES offices.

10:10 a.m. – Ms. Lauterborn arrived.

**(3) Appeals/Updates: Michael P. Sclafani, Council Appeals Clerk**

Docket Number: 06-07 WMC

Appellant: General Auto Sales  
Subject of Appeal: February 20, 2006 Groundwater Management Permit  
Permit No. GWP-198706002-C-002

DES filed a Joint Motion to Stay on June 30, 2006. The Motion requests that the July 20, 2006 appeal hearing be continued and a status conference be scheduled for September 21, 2006. The Council granted the motion on July 14, 2006. The parties are to appear before the Council in September to offer the Council a status report relative to settlement progress.

No action is need from the Council at this time.

10:15 a.m. – Duncan Watson arrived.  
10:30 a.m. – Anne Edwards arrived.

Docket Number: 05-09 WMC

Appellant: Regenesis Corporation  
Subject of Appeal: June 23, 2005 Decision on Revocation of Solid Waste  
Permit No. 04-010 (This appeal combines Docket No.  
05-09 WMC, 05-10 WMC and 05-11 WMC)

On June 16, 2006, Regenesis filed a Motion for Hearing. After considerable discussion Mr. Allard made a motion to dismiss the motion. Mr. Connell seconded. The motion passed 8-0.

On June 19, 2006, DES filed a Motion for Clarification/Rehearing. After discussing the motion Mr. Allard made a motion to dismiss the motion, seconded by Mr. Osgood and further roll call vote as follows: Mr. Allard – yes, Mr. Blayney – yes, Mr. Connell – abstained, Mr. Crean – yes, Mr. Illacqua – yes, Ms. Lauterborn – no, Mr. Osgood – yes, Chairman Richards – yes. The motion passed 6-1 with one abstention.

On June 19, 2006, CFNH filed a Motion for Rehearing. After discussing the motion Mr. Crean made a motion to dismiss the motion, seconded by Mr. Allard and further roll call vote as follows: Mr. Allard – yes, Mr. Blayney – yes, Mr. Connell – abstained, Mr. Crean – yes, Mr. Illacqua – yes, Ms. Lauterborn – no, Mr. Osgood – yes, Chairman Richards – yes. The motion passed 6-1 with one abstention.

On June 19, 2006, REACH filed a Motion for Clarification/Rehearing. After discussing the motion Mr. Watson made a motion to dismiss the motion, seconded by Mr. Osgood and further roll call vote as follows: Mr. Allard – yes, Mr. Blayney – yes, Mr. Connell – abstained, Mr. Crean – yes, Mr. Illacqua – yes, Ms. Lauterborn – no, Mr. Osgood – yes, Chairman Richards – yes. The motion passed 6-1 with one abstention.

10:40 a.m. – Council went into a non-public session.  
11:02 a.m. – Council reconvened.  
11:04 a.m. – Mr. Blayney retired.

**(4) Guest Speakers: Robin Mongeon, Oil Remediation and Compliance Bureau  
Michael McCluskey, Hazardous Waste Remediation Bureau**

Env-Or 600 Contaminated Site Management and Env-Or 700 Groundwater Release Detection Permits: Ms. Mongeon presented a PowerPoint™ presentation to the Council and discussed the following:

- Related Statues:
  - RSA 485-C Groundwater Protection Act
  - RSA 146-A Oil Discharge or Spillage
  - RSA 146-C Underground Storage Facilities
  - RSA 147-A Hazardous Waste Management
  - RSA 147-F Brownfields Program
- Existing Site Remediation Framework
- Proposed Rule Modifications
- Env-Or 600 Contaminated Site Management Rule
- General Provisions
- Groundwater Quality Criteria
- Notification
- Preliminary Response Actions
- Site Investigation
- Remedial Action Criteria
- Permitting, AURs and Site Closure
- Sampling and Analysis
- Contaminated Soil
- Summary of Proposed Contaminated Site Rule
- Env-Or 700 Groundwater Release Detection Permits

11:30 a.m. – Mr. McGarry arrived.

Env-Or 800 Brownfields Covenant Program: Mr. McCluskey presented a PowerPoint™ presentation to the Council and discussed the following:

- New Rules
- Statutory Authority RSA 147-F:18
- Summary of Proposed Rules
  - Env-Or 801 General Provisions
  - Env-Or 802 Application Procedures
  - Env-Or 803 Eligibility Determinations
  - Env-Or 804 Program Fees
  - Env-Or 805 Withdrawal from Program
  - Env-Or 806 Transfer of Brownfields Covenant Program Properties
  - Env-Or 807 Subdivision of Brownfields
  - Env-Or 808 Site Investigation
  - Env-Or 809 Remedial Action

**(5) New/Old Business**

At 12:01 p.m., Ms. Allard moved to adjourn the meeting. Mr. Osgood seconded. The Council unanimously agreed to adjourn.

*Respectfully submitted by Almorinda M. Samson, Waste Management Council Clerk.  
A copy of the audio taped recording of this meeting is available upon request. Please contact Ms. Samson at (603) 271-2905 for more information.*