

**WASTE MANAGEMENT COUNCIL**

**Minutes of March 15, 2007**

**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; Nancy Kinner; Elaine Lauterborn; and Carl Quiram. A quorum was present.

**NHDES:** Thomas S. Burack, Commissioner, NHDES  
Anthony Giunta, P.G., Director, Waste Management Division  
Michael Guilfooy, P.G., Administrator,  
Solid Waste Management Bureau  
Paul Heirtzler, P.E., Administrator, Waste Programs  
Karlee Kenison, P.G., Hazardous Waste Remediation Bureau  
Frederick J. McGarry, P.E., DEE, Assistant Director,  
Waste Management Division  
Robin Mongeon, P.E., Oil Remediation and Compliance Bureau  
John Regan, P.G., Hazardous Waste Remediation Bureau

**GUESTS:** Philip J. O'Brien

**(1) Introduction**

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

**(2) Pending Business**

(A) Acceptance of Minutes for Meeting January 18, 2007: A motion was made to accept the Minutes of the January 18, 2007 meeting. Motion made by Mr. Allard, seconded by Ms. Lauterborn. Mr. Quiram and Ms. Kinner abstained.

(B) Schedule of Next Meeting: The next meeting is scheduled for April 19, 2007 and will be held at the NHDES offices.

(C) Correspondence:

Ms. Samson provided the Council a schedule of Council meetings for 2007.

Docket Number: 06-07 WMC  
Appellant: General Auto Sales  
Subject of Appeal: February 20, 2006 Groundwater Management Permit  
Permit No. GWP-198706002-C-002

The parties in the matter of the General Auto Sales' appeal 06-07 WMC have submitted a formal notification to the Council to withdraw their appeal.

10:15 a.m. – Mr. McGarry arrived.  
10:25 a.m. – Ms. Mongeon and Mr. Guilfooy arrived.

**(3) Construction and Demolition Debris:  
Paul L. Heirtzler, Esq., Administrator, Waste Programs**

Mr. Heirtzler gave a brief synopsis to the Council regarding the most recent legislation involving Construction and Demolition Debris.

- HB 427, an act relative to construction and demolition debris.
- HB 428, an act relative to prohibiting the combustion of construction and demolition waste.
- HB 672, an act establishing a commission to study requirements for safe and secure landfills.
- HB 924-FN, an act relative to the deconstruction of buildings.

The Council expressed their concerns regarding HB 427 and HB 428. Their concerns included New Hampshire being the only state in New England that would have a law preventing the wood component from construction and demolition debris from becoming unregulated as a solid waste after going through certified waste derived product process in solid waste rules and prohibiting combustion of both clean construction waste and demolition waste.

Chairman Richards would like a Council member to be involved with HB 672, which is an act to establish a commission to study requirements for safe and secure landfills. Chairman Richards will be contacting Representative Hamm regarding this and he will also mention it to Commissioner Burack of DES.

Mr. Heirtzler gave a brief synopsis to the Council regarding the most recent legislation involving solid waste.

- HB 201-FN-A, an act relative to recycling and reconstituting the recycling market development steering committee.
- HB 503-FN, an act relative to establishing a solid waste management fund and assessing a surcharge for the disposal of solid waste.
- HB 540-FN-A, an act relative to solid waste reduction, establishing a solid waste disposal fee, and renaming the recycling market development steering committee.

A letter will be sent to the Director of the Waste Management Division summarizing the Council's concerns regarding HB 427; HB 428; HB 672; and HB 924-FN. A copy will also be sent to Commissioner Burack. Motion made by Mr. Allard, seconded by Ms. Kinner. All in favor.

11:10 a.m. – Ms. Kenison and Mr. Regan arrived.

11:25 a.m. – Mr. Giunta, Mr. Heirtzler, and Mr. Guilfoyle retired.

11:27 a.m. – Mr. Giunta arrived.

**(4) Legislation Affecting the Waste Management Division:  
Frederick J. McGarry, P.E., DEE, Assistant Director**

Mr. McGarry provided a copy of information regarding legislation the Waste Management Division is tracking. He gave a brief synopsis on each of the following bills:

- HB 54, establishing a commission to study automotive recycling issues, including disposal fees.
- HB 98, subjects waste disposal facilities on land owned and operated by one municipality within another municipality to the same use regulations as a private entity.
- HB 107, authorizing towns to discharge property owners for solid waste removal.
- HB 405, an act establishing a committee to study the disposal of end of life vehicles.
- HB 416, relative to mercury reduction.
- HB 472, increases fees for hazardous waste management and contaminated site cleanup, establishes rulemaking authority to set future fees and changes reporting requirements for various waste activities.
- HB 474, an act excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities.
- HB 688, establishes a council on the relationship between public health and the environment.
- HB 877, relative to the state recycling program.
- HB 903-FN, an act prohibiting delivery of oil to non-compliant underground storage facilities.
- HB 907-FN, an act relative to the sale, distribution, and disposal of certain mercury-added products.
- SB 71, increases the setback requirements for new landfills located near designated rivers, making the rural rivers protection program similar to the current natural river protection language.
- SB 207, extend the reporting deadline of the committee to study the funding necessary to operate the hazardous materials program (regional hazardous mitigation teams).

Mr. Heirtzler discussed HB 201, HB 427, HB 428, HB 503, HB 540, HB 672, and HB 924 earlier in the meeting.

Ms. Kinner mentioned her concerns regarding recycling fluorescent light bulbs. Mr. Giunta briefly discussed Wal-mart's initiative to work on a recycling program to take back non-working fluorescent light bulbs.

**(5) Notification of Property Owners within a Groundwater Management Zone:  
Frederick J. McGarry, P.E., DEE, Assistant Director**

Mr. McGarry gave a brief Powerpoint® presentation regarding the procedures for notifying property owners within the Groundwater Management Zone (GMZ). Mr. McGarry continued further with discussion regarding the process and answered several questions from the Council.

Currently, the procedure for notifying property owners within a GMZ is as follows:

- Consultant defines GMZ by groundwater monitoring
- Consultant submits proposed GMZ
- DES agrees or directs consultant to revise
- DES issues a permit
- Within 30 days of permit issuance permittee provides notice of permit
- Within 60 days of permit issuance permittee submit documentation of notice to DES
- Within 60 days of permit issuance, record notice at registry of deeds
- Within 30 days of recordation (90 days overall), provide a copy of the document to DES.

The Council recommends the following procedures:

- Consultant defines GMZ by groundwater monitoring.
- Applicant will be responsible for notifying those in the GMZ and provide copies of the Returned Certified Mail receipts to DES.
- Consultant submits proposed GMZ and certifies that all property owners within the GMZ have been noticed.
- DES agrees or directs consultant to revise.
- Once DES & the Applicant agree on the proposed GMZ, applicant will be responsible for notifying those in the GMZ and provide copies of the Returned Certified Mail receipts to DES. Notification in the letter will state that the permit is expected to be issued on or about a certain date (i.e. April 1st). Everyone will be notified even those that were originally included but are now no longer included in the GMZ.
- Permit will not be issued until DES receives copies of the Certified Mail receipts
- DES issues a permit.
- Within 30 days of permit issuance permittee provides notice of permit.
- Within 60 days of permit issuance permittee submit documentation of notice to DES.
- Within 60 days of permit issuance, record notice at registry of deeds.
- Within 30 days of recordation (90 days overall), provide a copy of the document to DES.

Motion made by Mr. Allard, seconded by Mr. Quiram. All in favor.

12:10 p.m. – Commissioner Burack arrived.

12:15 p.m. – Mr. Heitzler arrived.

12:20 p.m. – Dr. O'Brien arrived.

**(6) Guest Speaker: Thomas S. Burack, Commissioner,  
Department of Environmental Services**

Mr. Burack thanked the Council on behalf of the Department and the State of New Hampshire for volunteering their services to ensure that the people of the State of New Hampshire can be heard with regards to issues they have regarding the Department's decisions.

Mr. Burack discussed the appeal process as stated in the Department's rules with the Council.

12:30 p.m. – Council adjourned for lunch.

1:00 p.m. – Meeting reconvened.

**(7) New/Old Business**

Mr. Blayney discussed a new program, New Hampshire College and University Compliance Assistance Cooperative (NHC3UA), which involves the University of New Hampshire (UNH) and Dartmouth College (DC) to assist one another and other educational institutions in New Hampshire in the development of their occupational and environmental health and safety programs. UNH and DC have provided other educational institutions programs with information, resources and assistance whenever possible.

NHC3UA's long term goals are to develop a cohesive, integrated Environmental Management System for all the colleges and universities throughout the State of New Hampshire using a common set of goals and objectives.

Mr. Burack mentioned how Bob Minicucci secured an EPA grant last year (state innovation grant) similar as to what the colleges are doing, which is to work with interested businesses to go beyond individual compliance. Mr. Burack applauds the efforts of the universities for doing something similar.

**(8) Adjournment**

At 1:45 p.m., Mr. Allard moved to adjourn the meeting. Mr. Quiram 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.*