

WASTE MANAGEMENT COUNCIL

Minutes of March 20, 2008

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

MEMBERS PRESENT: G. Bradley Richards, Chairman; Ronald Allard; Fuat Ari; Michael Blayney; Charles Connell; Arthur Cunningham; Elaine Lauterborn; Carl Quiram; and Duncan Watson.

NHDES: Thomas C. Andrews, P.E., Waste Management Division
Carl W. Baxter, Administrator, Waste Management Division
Michael Juranty, Oil Remediation and Compliance Bureau
George Lombardo, Administrator, Oil Remediation and Compliance Bureau
Frederick J. McGarry, P.E., DEE, Assistant Director, Waste Management Division
Michael J. Wimsatt, P.E., Director, Waste Management Division

GUESTS: Dean Brammer, Weston Solutions, Inc.
John V. Dwyer, Jr., Esq.,
Peter Roth, Esq., Office of the Attorney General
James L. Soucy, Esq., Normand and Associates
Jaonne Wallach, ExxonMobil

(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 February 21, 2008: A motion was made to accept the Minutes of the February 21, 2008 meeting. Motion made by Mr. Allard, seconded by Mr. Quiram. All in favor.

(B) Schedule of Next Meeting: The next meeting is scheduled for April 17, 2008 and will be held at the NHDES offices.

(C) Correspondence: The Council reviewed correspondence regarding Docket No. 07-26 WMC - Simard Family Trust Appeal.

(3) Appeal Status:

Docket Number: 07-26 WMC
Appellant: Simard Family Trust Appeal
Subject of Appeal: October 30, 2007 Auburn Road Landfill Superfund Site
Groundwater Management Permit No. GWP-198803007-L0001

Arthur Cunningham stated that he recuses himself from discussions regarding this appeal.

A motion was made to deny the Motion to Dismiss the Appeal. Motion made by Mr. Allard, seconded by Mr. Blayney. All in favor.

A motion was made to deny the Motion to Compel Production of Information Requested. Motion made by Mr. Allard, seconded by Mr. Watson. Mr. Quiram and Mr. Connell abstain.

Docket Number: 08-17 WMC
Appellant: Simard Family Trust Appeal
Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site
Groundwater Management Permit Modification
No. GWP-198803007-L0001

Arthur Cunningham stated that he recuses himself from discussions regarding this appeal.

The appeal was received today by Attorney Soucy. A motion was made to table the appeal. Motion made by Mr. Quiram, seconded by Mr. Connell. All in favor.

Docket Number: 08-08 WMC
Appellant: Richard A. Mottolo
Subject of Appeal: January 11, 2008, Richard A. Mottolo
Groundwater Management Permit No. GWP-198704094-R-001

A motion made to continue the hearing until the May meeting. Motion made by Mr. Connell, seconded by Mr. Quiram. All in favor.

(4) Guest Speaker: Michael J. Wimsatt, P.E., Director, Waste Management Division

Mr. Wimsatt gave a brief synopsis to the Council regarding the most recent legislation being tracked by the Waste Management Division.

- HB 1332 - (New Title) defining “hauler” of solid waste and requiring haulers to register with the department of environmental service, and relative to the weight and measurement of solid waste.
- HB 1635 - relative to permits for motor vehicle salvage facilities and motor vehicle crushers.

- HB 1426 - relative to motor fuel import fees.
- HB 1429 - relative to private landfills.
- HB 1502 - relative to disposal of used needles.
- HB 1584 – (New Title) creating a commission to study the recycling and disposal of electronic waste.

Mr. Wimsatt gave a brief synopsis regarding the hiring freeze, which effected the Administrator position for the Waste Programs and the Administrative Supervisor position. Mr. Wimsatt submitted waivers, which were denied. Mr. Wimsatt mentioned that the Division is planning to resubmit the waivers.

(5) Appeal Hearing

Docket Number: 07-26 WMC
 Appellant: Simard Family Trust Appeal
 Subject of Appeal: October 30, 2007 Auburn Road Landfill Superfund Site
 Groundwater Management Permit No. GWP-198803007-L0001

Arthur Cunningham stated that he recuses himself from this hearing.

Attorneys Roth and Soucy gave a synopsis regarding the issues in the appeal. Discussions continued and witnesses were asked to testify.

12:40 p.m. – Council adjourned for lunch (appeal hearing to continue at 1:30 p.m.).
 12:50 p.m. – Meeting reconvened.

(6) Guest Speaker: George Lombardo, P.E., Director, Waste Management Division

Mr. Juranty and Mr. Lombardo gave a brief synopsis regarding the proposed revisions to Env-Wm 1402, Control of Aboveground Petroleum Storage Facilities.

1:20 p.m. – Meeting adjourned for recess.
 1:40 p.m. – Meeting reconvened

(7) Appeal Hearing Continued

Docket Number: 07-26 WMC
 Appellant: Simard Family Trust Appeal
 Subject of Appeal: October 30, 2007 Auburn Road Landfill Superfund Site
 Groundwater Management Permit No. GWP-198803007-L0001

Arthur Cunningham stated that he recuses himself from this hearing.

A motion was made to deny the appeal. Motion made by Ms. Lauterborn, seconded by Mr. Quiram and further roll call vote as follows: Mr. Quiram – yes, Mr. Connell – yes, Mr. Watson – yes, Mr. Ari – yes, Mr. Blayney – yes, Mr. Allard – no, and Chairman Richards –Yes. The motion passed 7-1.

Chairman Richards informed the parties in the appeal that a written decision will be issued within the next ten days.

(8) New/Old Business

A motion was made for the Council to enter into a non-public session. Motion made by Mr. Connell, seconded by Mr. Blayney. All in favor.

A motion was made to reconvene the meeting and exit non-public session. Motion made by Mr. Connell, seconded by Mr. Blayney. All in favor.

(9) Adjournment

At 3:10 p.m., Mr. Allard moved to adjourn the meeting. Mr. Blayney 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.*