

# WASTE MANAGEMENT COUNCIL

Minutes of March 19, 2009

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

**MEMBERS PRESENT:** Bradley Richards, Chairman, Ronald Allard, Vice Chairman; Charles Connell; Arthur Cunningham; Elaine Lauterborn; Carl Quiram; David Tooley; and Duncan Watson,

## (1) Introduction

- (A) Chairman Bradley brought the meeting to order at 10:08a.m. Verifying that a quorum was present.
- (B) Chairman Bradley would like to go over all of the paperwork that has been submitted to the Council. The council took a vote on whether or not they should go into non- public session. Opposed Chuck Connell, Elaine Lauterborn, and Carl Quiram. For Bradley Richards, Dave Tooley, Mike Blayney, Arthur Cunningham, Ron Allard, and Duncan Watson. The motion to return from non public session at 10.35 was made by Ron Allard, and seconded by Duncan Watson.

## (2) Pending Business

- (A) Acceptance of Minutes for Meeting December 18, 2008: A motion was made to accept the minutes of the December 18, 2008 meeting with amendments made by Ron Allard to include timelines. The motion was made by Ms. Lauterborn, seconded by Mr. Allard. All in favor.
- (B) Schedule of Next Meeting: The next meeting is scheduled for April 16, 2008 and will be held at the NHDES offices.
- (C) Resignation of Fuat Ari; Chairman Richards

**(3) Appeal Status Update: Amy Samson, Appeals Clerk**

Docket Number: 09-02 WMC

Appellant: North Country Environmental Services, Inc. (NCES, Inc.)

Subject of Appeal: December 12, 2008 Applications to Modify Permit # DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road, Bethlehem, NH

Status: On January 12, 2009 Attorney Gould filed Notice of Appeal for NCES.

On January 23, Attorney Head & Noether filed Appearances for DES.

On February 13, 2009, Attorneys Keith, Boutin, Boutin and Clark filed Appearances and filed a Motion to intervene for the Town of Bethlehem.

On February 18, 2009, Assented to Motion for Extension and Motion to stay filed by, Attorney Gould

On February 19, 2009, Objection to Motion to Intervene filed by Attorney Gould.

On February 23, 2009, DES objection to Motion to Stay

On February 26, 2009 Filed by Attorney Gould Exhibit 2 to the objection to Motion to Intervene

On March 4, 2009 Filed by Attorney Gould, Reply of NCES in support of Motion to Stay

Charles Connell and David Tooley stated that they will reclude from any discussions and/or hearings relative to the North Country Environmental Services appeal.

Action: A motion was made to accept the Notice of Appeal. Motion made by Mr. Allard, seconded by Mr. Blayney. All in favor

On February 13 2009, Attorney Keith filed a Motion to Intervene. After discussing the motion Mr. Cunningham made a motion to accept the Motion to Intervene, seconded by Ms. Lauterborn and further roll call vote as follows: Mr. Richards - yes; Mr. Allard – Yes; Mr. Blayney – yes; Mr. Quiram – no; and Mr. Watson – no. The motion passed 5-2.

On February 18, 2009, Attorney Gould filed a Motion to Stay. After discussing the motion Mr. Blayney made a motion to deny the Motion to Stay, seconded by Mr. Allard and further roll call vote as follows: Mr. Richards – yes; Mr. Cunningham – yes; Ms Lauterborn – yes; Mr. Quiram – yes; Mr. Watson – yes. The motion passed 7-0.

Chairman Richards stated that the hearing for the North Country Environmental Services, Inc. appeal be scheduled for April 16, 2009. Attorney Gould noted that he would prefer a pre-hearing conference prior to that date and will file a motion indicating so.

Docket Number: 08-08 WMC

Appellant: Richard A. Mottolo

Subject of Appeal: 1/11/08 Groundwater Management Permit No. 198704094-R-001

Status: The parties have reached an agreement. The agreement needs to be written and the parties would like more time to finalize that agreement.

Docket Number: 08-49 WMC

Appellant: Russell Thomas

Subject of Appeal: July 2, 2008 Administrative Order No. WMD 08-033

Status: Appeal was received on July 31, 2008. The appeal was filed timely. On August 11, 2008 Attorney Maloney filed an appearance on behalf of DES. On September 18, 2008 the Council accepted the appeal. On December 15, 2008, Attorney Somers filed an Assented- To Motion to Stay, which was accepted by the council on December 15, 2008.

11:30 a.m. – Ms. Samson retired.

11:30 am - Council took a break to await DES Atty

12: 00 p.m. – Council reconvened.

12:15 pm Carl Quiram retired

**(4) Waste Management Division Update**  
**Frederick McGarry, P.E., DEE, Assistant Director,**  
**Waste Management Division**

Mr. McGarry gave a brief summary to the council relative to Legislation the Waste Management Division is tracking.

**(5) Adjournment**

At 12:30 p.m., Mr. Allard moved to adjourn the meeting. Ms. Lauterborn seconded. All in favor.

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