

WASTE MANAGEMENT COUNCIL

Minutes of May 21, 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; Michael B. Blaney; Arthur Cunningham; Steven Crean; Michael Dufor; Nancy Kinner; Elaine Lauterborn; Carl Quiram; David Tooley; and Duncan Watson,

(1) Introduction

- (A) Chairman Bradley brought the meeting to order at 10:04 a.m. verifying that a quorum was present.
- (B) Chairman Bradley made a motion to go into non meeting. And it was seconded by Nancy Kinner. All in favor. The motion to return from non meeting at 10.49 was made by Ron Allard and seconded by Michael Blaney.

(2) Pending Business

- (A) Acceptance of Minutes for Meeting March 19, 2009: A motion was made to accept the minutes of the March 19, 2008 meeting. 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 June 18, 2009 and will be held at the NHDES offices.
- (C) Introduction Of Michael Dufor our New Council member: Chairman Richards

**(3) Waste Management Division Update: Michael J. Wimsatt, PG Director,
Waste Management Division**

Mr. Wimsatt gave a brief summary to the council relative to Legislation and Budget updates as well as Consultants Day, Enforcement actions, and the Deadlines for Secondary Containment for Above Ground Storage Tanks.

(4) Appeal Status Update: Amy Samson, Appeals Clerk

Docket Number: 09-19 WMC

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

Subject of Appeal: 3/25/09 Notice of Decision Regarding Applications to Modify Permit # DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road Bethlehem, NH.

Status: Appeal was received on 4/23/09.

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 January 12, 2009 Receipt of Appeal.

On January 23, 2009 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
On March 25, 2009 Assented-To Motion for Pre Hearing Conference and Request for Expedited Decision on Motion.

On March 25, 2009 Per Right to Know Request Digital Recording of March 19, 2009 Council Meeting sent to Attorney Gould.

On April 3, 2009 Assented to Motion to Continue and Motion for Expedited Decision.

On April 8, 2009 First Amended Notice of Appeal.

On April 14, 2009 Motion To Compel Filed By Attorney Gould.

On April 15, 2009 DES Assented –To Request for Extension of Time.

On April 20, 2009 DES Assented-To Request for Extension of Time to Respond to Second Set Of Requests for Information.

On April 20, 2009 NCES 2nd Set Of Request for Information filed by Attorney Gould.

On April 23, 2009 Memorandum of Law in Support of Motion to Compel Filed by Attorney Gould.

On May 4, 2009 DES Objection to Motion to Compel Filed by Attorney Head.

On May 4, 2009 NCES 2nd Set of Requests for Information filed by Attorney Head.

On May 7, 2009 Motion To Compel – 2nd Set of Requests for Information Filed by Attorney Gould.

On May 12, 2009 DES Objection to Motion to Compel Filed by Attorney Head.

On May 15, 2009 Motion To Disqualify Office Of The Attorney General Filed by Attorney Gould.

On March 15, 2009 Motion To Disqualify the Waste Management Council Filed By Attorney Gould.

Action: All Pending Motions have been tabled until the June 18, 2009 Meeting

Docket Number: 08-08 WMC

Appellant: Richard A. Mottolo

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

Status: The Waste Management Council has requested an update By the July 16, 2009 Meeting

Docket Number: 08-49 WMC
Appellant: Russell Thomas
Subject of Appeal: July 2, 2008 Administrative Order No. WMD 08-033

Status: The Waste Management Council has requested an Update by the June 18 Meeting

Docket Number: 09-15 WMC
Appellant: ENPRO Services Inc.
Subject of Appeal: Hazardous Waste Transporter Registration
Status: Appeal was received on April 7, 2009, On April 21, 2009, a notice Was sent to the appellant-the appeal was filed insufficiently. To date, A sufficient appeal has not been filed.

(5) Adjournment

At 11:45 p.m., Ms. Kinner moved to adjourn the meeting. Mr. Allard seconded. All in favor.

*Respectfully submitted by Pamela Werner, Waste Management Council Clerk.
A copy of the audio taped recording of this meeting is not available due to a technical malfunction. Please contact Mrs. Werner at (603) 271-2905 for more information.*