

WASTE MANAGEMENT COUNCIL

Minutes of June 18, 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. Blayney; Arthur Cunningham; Steven Crean; Charles Connell; Michael Dufor; Nancy Kinner; Elaine Lauterborn; Carl Quiram; David Tooley; and Duncan Watson,

(1) Introduction

(A) Vice Chairman Allard brought the meeting to order at 10:09 a.m. verifying that a quorum was present.

(2) Pending Business

(A) Acceptance of Minutes for Meeting May 21, 2009: A motion was made to accept the minutes of the May 21, 2009 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 July 16, 2009 and will be held at the NHDES offices.

**(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 Customer Service Awards, NEMOA Projects, and C&D Debris.

(4) Chairman Bradley made a motion to go into non meeting to meet with there council. 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 Blayney. Chuck Connell and Steve Crean and

Dave Tooley have recused themselves from these proceedings and did not participate in the Non Meeting.

(5) 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. On 5/21/09, Council tabled the appeal until the 6/18/09 Council meeting.

Action; Ron Allard made a motion to accept the Appeal. Michael Blayney seconds the motion. All in favor

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, 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.

On June 5, 2009 Notice Regarding Upcoming Council Meeting and Pre-hearing Order

On June 10, 2009 Joint Motion to Continue PHC filed by Attorney Gould

On June 15, 2009 Renewed Motion to Stay filed by Attorney Gould

On June 17, 2009 DES Objection to Renewed Motion to Stay

Action: Motion to Disqualify the Waste Management Council
Elaine Lauterborn Made the Motion to Deny the Motion to Disqualify the Waste Management Council. Seconded by Michael Blayney. All in Favor

Ron Allard Rescues himself at 12.01

Noted for the record a Proceeding Officer will need to be assigned

Action; Motion to Disqualify Attorney Generals Office
Michael Blayney made the Motion to Deny the Motion to Disqualify the
Attorney Generals Office, Seconded by Duncan Watson. All in Favor

Action; First Amended Notice of Appeal April 08, 2009
Elaine Lauterborn made the Motion to Accept First Amended Notice of Appeal,
seconded by Nancy Kinner, All in Favor

Action; Renewed Motion to Stay filed on June 15, 2009
Nancy Kinner made a Motion to Accept the Renewed Motion to Stay PHC and
Motion to Compel Seconded by Duncan Watson. All in Favor

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 July 16, 2009
Meeting

(6) Adjournment

At 1:35 p.m., Brad Richards 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 available upon request . Please contact
Mrs. Werner at (603) 271-2905 for more information.*