

WASTE MANAGEMENT COUNCIL

Minutes of September 17, 2009

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

MEMBERS PRESENT: Ronald Allard, Vice Chairman; Michael B. Blayney; Chuck Connell; Steven Crean; 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 June 18, 2009: A motion was made to accept the minutes as amended of the June 18, 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 October 15, 2009 and will be held at the NHDES offices.

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

Docket No. 09-29 WMC –Sprague Energy Corp.

Subject of Appeal: 6/1/09 Administrative Order No. 09-49 WMC

Status: Appeal received insufficiently on 7/1/09. On 7/2/09 a letter was sent to the Appellant regarding the insufficiency of the appeal. On 7/2/09, Appellant filed a sufficient appeal.

Action: Ronald Allard made a motion to hold a hearing at the October 15, 2009 meeting. Duncan Watson seconded, all in favor. Nancy Kinner has recused herself from that hearing.

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.

Action: Council Accepted this appeal on 6/18/09

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 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 June 5, 2009 Motion To Disqualify the Waste Management Council Filed By Attorney Gould.

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: Nancy Kinner made the motion to Grant the Motion to Stay. Seconded by Mike Blayney, 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 parties are finalizing an agreement and will file a copy with the Council once it's finalized.

Action: Nancy Kinner made the motion to hold a hearing at the October 15, meeting. Seconded by, Carl Quiram. All in favor

Docket Number: 08-49 WMC

Appellant: Russell Thomas

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

Status: Attorney Somers filed a status report on July 2, 2009 informing the Council that the site is now clean and was the recent subject of a site visit. Attorney Maloney and Attorney Somers have reached an agreement and expect to file the same with boards in the near future.

Action: Nancy Kinner made the motion to request an update by the October 15, 2009 meeting. Second by Elaine Lauterborn. All in favor

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.

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

Mr. Wimsatt gave a brief summery to the council relative to Budget updates, Layoffs, personal changes, and Operator Training for Underground storage tanks. He also informed them of the upcoming SONS drill (Spills of national significance) that will be held the 24th of March 2010.

(5) Readopting of Asbestos Disposal Sites Rules

Ms. Pamela Hoyt-Dennison gave a presentation of the readopting of the Asbestos Disposal Sites Rules. The Council Approves of the rules and Ronald Allard will write a letter from the council in favor of the readopting of these rules.

(6) Adjournment

At 12:15 p.m., Ms. Kinner moved to adjourn the meeting. Mr. Allard seconded. All in favor, All wish Chairman Richards a speedy recovery

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.