

WASTE MANAGEMENT COUNCIL

Minutes of November 17, 2011

**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; Phillip Bilodeau; Charles E. Connell; Steven Crean; Arthur Cunningham; Nancy Kinner

(1) Introduction

(A) Chairman Richards brought the meeting to order at 10:20 a.m. verifying that a quorum was present.

(2) Pending Business

(A) Schedule of Next Meeting: The next meeting is scheduled for December 15, 2011 and will be held at the NHDES offices.

(B) Accept Minutes of the September 15, 2011 meeting. Charles Connell moved to except the minutes Phillip Bilodeau seconded. All in favor.

(3) Appeal Status Update: Paula Scott, Appeals Clerk

Pending, Appeal's.

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

Presiding Officer: Not Assigned

Status: Stay remains in affect Sent request for status report on September 21, 2011. 10/04/11 received joint status report. It appears both sides agree this can be dismissed.

Action needed by Council: Council may dismiss the Appeal if council chooses to treat this as a joint motion for dismissal. Template can be forwarded for the draft order to be prepared and presented to Council for issuing. Council will address at December 15, 2011 meeting.

Docket Number: 09-19 WMC

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

Subject of Appeal: March 25, 2009 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

Presiding Officer: Not Assigned

Status: Stay remains in affect. Sent request for status report on September 21, 2011. October 4, 2011 received joint status report. It appears both sides agree this can be dismissed.

Action Needed by Council: Council may dismiss the appeal; If Council chooses to treat this as a joint motion for dismissal. Template can be forwarded for draft order to be prepared and presented to Council for issuing. Council will address at December 15, 2011 meeting.

Docket No. 10-26-AWMC – Old Dutch Mustard co. Inc. of Pioneer Point Appeal

Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and -004.

Presiding Officer: David Conley, Esq.

Status: PHC was held on August 25, 2011 at 9:00 am.

Second PHC was held on October 14, 2011, and notice given per PHO issued August 25, 2011.

Presiding Officer issued decision on Motion to Dismiss and Objection to Motion to Dismiss

On August 29, 2011. September 21, 2011 Appellant filed Motion to Compel. Intervener's

Response to Motion to Compel was filed on September 28, 2011. Order on Appellants

Motion to Compel was issued on October 2, 2011. Partially Assented-To Motion to Reschedule

Hearing and certain Pre-hearing deadlines was filed October 3, 2011. October 4, 2011 received

Appellants Witness & Exhibit lists and Intervener's Objection to Motion to Reschedule Hearing

& Certain Pre-hearing deadlines. October 5, 2011 received response to Objection to Motion to

Reschedule Hearing and certain Pre-hearing deadlines. Order on partially Assented-to-motion to

Reschedule Hearing and certain pre-hearing deadlines was issued on October 6, 2011. Second

PHC is rescheduled to December 12, 2011 at 9:00 am. October 10, 2011 received Intervener's

Witness and exhibit list.

Action needed by Council; None

Docket No. 11-04 WMC –Seth Goldstein, et al Appeal

Council's Attorney: Attorney Lisa English

Presiding Officer: David Conley: Esq.

Status; PHC scheduled for August 25, 2011 at 10:00 Am., Notice sent July 28, 2011. July 28th

Email was received from NCES requesting to postpone PHC. August 1, 2011 presiding officer

Granted NCES's request. Objection to NCES request for information filed August 2, 2011.

Opposition to Appellants Objection was filed August 8, 2011. August 17, 2011 Appellant

Withdrew its Objection to NCES request for information. Appellant filed motion to compel on

August 29, 2011. NCES filed Objection to Motion to Compel and Motion for Extension of time on

August 30, 2011. Appellant filed Objection to Motion for Extension of Time on September 8,

2011. NCES filed its Reply in support of its Motion for Extension of Time on September 9, 2011

Decision and Order on Motion to Dismiss untimely appeal was granted and issued on September

27, 2011. Motion for Rehearing was filed on October 26, 2011. Objection to Motion for Rehearing

Was filed on October 26, 2011. Objection to Motion for Rehearing was filed November 1, 2011.

Presiding Officer to act on Motion and Objection. Motion Denied

Docket No. 09-41 WMC – Petsmart, Inc. Appeal

Subject of Appeal: Administrative Order No. 09-088 WMD- Toxics in Packaging File No.

TP-2009-003

Presiding Officer:

Status: Need order on Joint Motion for Entry and Closure which was granted on October 21, 2010. Template was emailed to chairman on September 12, 2011. Decision and Order was Approved and issued (mailed) on September 15, 2011.

Docket Number 10-22 WMC –Seth Goldstein, et al Appeal

Subject of Appeal: August 27, 2010 Type 1B permit Modification for NCES Stage IV

Landfill, 581 Trudeau Road Permit# DES-SW-03-002

Presiding Officer: Attorney David Conley, Esq.

Status: Council deliberated on July 21, 2011. PO to issue draft order to the council and issue final Order within 90 days (October 19, 2011). Draft Decision and Order was accepted by the Council On September 15, 2011, Final decision and order was mailed on September 16, 2011. October 14, 2011 received Motion for Rehearing. On October 24, 2011 received Objection to Appellants Motion for Rehearing. Council to act on Motion and Objection.

Docket Number 0817 WMC- Simard Family Trust

Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site Groundwater Management Permit No. GPW-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued. Chairman was Sent draft Decision and Order on November 10, 2011 to review and prepare for Presentation To the Council.

(4) Waste Management Update: Michael Wimsatt Director

Mr. Wimsatt gave a brief update on the Federal Budget, The State Budget and also The Solid Waste Operator Training is Back up and running. He also gave a brief update on the Vapor Recovery rules that were presented by Mike Juranty and Mike Fitzgerald.

(5) Adjournment

Meeting was adjourned at 1:35 Arthur Cunningham made the motion to adjourn the November 17, 2011 meeting Ms. Kinner 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.