



THE STATE OF NEW HAMPSHIRE

Waste Management Council

Arthur Cunningham, Vice Chairman, Acting/ Chairman

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Council Clerk/Secretary (non-appeal related): (603) 271-2905; Appeals Clerk (appeal related only): (603) 271-6072

TDD Access: Relay NH 1-800-735-2964

Council Website: <http://www.des.nh.gov/councils/>

Minutes of April 18, 2013

**Waste Management Council Meeting
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: Vice Chairman Arthur Cunningham, Steve Crean, Chuck Connell, Elaine Lauterborn, Fredrick McGarry, Daniel Sweet, David Tooley

Members Not Present: Phillip Bilodeau, Michael Durfor, Nancy Kinner, Duncan Watson

Council Clerk Pamela Werner

Council Appeals Clerk Paula Scott

NHDES-WMD Personnel: Michael Wimsatt, Keith DuBois

Call to Order:

Vice Chairman Cunningham brought the meeting to order at 10:10 A.M. verifying that a quorum was present.

Schedule of next meeting:

The next meeting is scheduled for May 16, 2013, and will be held at the NHDES offices.

Approval of Minutes:

Fred McGarry made the motion to accept the December 2012 minutes, Steve Crean seconded all in favor.

Fred McGarry made the motion to accept the March minutes, Elaine Lauterborn seconded. All in favor. Chuck Connell Abstained.

Division Activities & Legislative Update:

Vice Chairman Cunningham introduced Michael J Wimsatt, P.G Director. And Keith DuBois Mr. DuBois and the council discussed a memorial plaque for G. Bradley Richards.

He also gave a brief synopsis on the MTBE trial, Odd fund board and the recent 2014 budget talks.

Atkinson and 1,4 dioxan. Legislation, house bill 184 &185 passed the house and is continuing on to the Senate

Upcoming changes to ENV-WM 1402

Vice Chairman Cunningham introduced Bob Daniels

Mr. Daniels summarized for the members the proposed rules (for existing rules and proposed amendments for AST)

Status of Appeals:

Vice Chairman Cunningham introduced Paula Scott, Appeals Clerk. Ms. Scott provided members of the WMC with the following status appeals:

Please see attached for Status on pending appeals.

Public Commentary:

No members of the public were in attendance.

Adjourn

Having no further business to discuss Elaine Lauterborn entered the motion to adjourn. Dan Sweet seconded. All were in favor. The Waste Management Council adjourned at 11:20 on March 21, 2013. The Councils Thoughts and Prayers are with the people of Boston

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.

To: Waste Management Council

From: Paula Scott, Appeals Clerk

Re: Status on Pending Appeals

Date: April 18, 2013

Upcoming Council Meetings: May 16, 2013; Jun. 20, 2013; Jul. 18, 2013; Aug. 15, 2013; Sep. 19, 2013; Oct. 17, 2013; Nov. 21, 2013; Dec. 19, 2013

I. New Appeals

II. Decisions that need to be written/finalized and issued.

III. Hearings or PHCs Pending

Docket No.: 12-18 WMC – Southern NH Commons, LLC, et al.

Subject: 11/6/12 Approval of Groundwater Management Permit Transfer Application GWP-200001038 with an added Condition.

Hearing Officer: David Conley (Assigned 12/21/12 by AG)

Recusals: None

Status: On Dec. 6, 2012 rec'd Notice of Appeal and issued insufficient appeal letter. 12/6/12 rec'd revised appeal. 12/7/12 sent receipt of revised appeal letter. Council to accept or decline appeal. The appeal was accepted by the Council at its Dec. 20, 2012, meeting. Appeal accepted letter was issued on 12/21/12. 1/8/13 rec'd appearance from Evan Mulholland. 1/23/13 sent notice of PHC scheduled for Feb. 12, 2013 at 11 a.m. 2/7/13 rec'd Assented-To Motion to Reschedule PHC. 2/11/13 issued letter regarding Motion to Reschedule PHC was granted by the hearing officer and PHC was rescheduled to March 12, 2013 at 4:00 p.m. 3/12/13 PHC was held and a hearing was scheduled for June 20, 2013 at 10 a.m., notice given in the Pre-hearing Order. 3/29/13 rec'd DES' Document Request to Appellant. 4/4/13 issued notice of hearing time change from 10 a.m. to 9 a.m. 4/5/13 rec'd appearance from Mary Maloney for DES.

Docket No. 13-02 WMC – Town of Colebrook

Subject of Appeal: 1/11/13 decision that the Town is ineligible to use the "LOGO" test

Hearing Officer: Requested Hearing Officer be assigned 3/21/13 David Conley (assigned 3/21/13 by AG)

Status: 2/11/13 rec'd Notice of Appeal. 2/12/13 issued insufficient appeal letter. 2/13/13 rec'd Revised Notice of Appeal. 2/14/13 issued receipt of revised appeal letter. Council to accept or decline appeal. Appeal was accepted by the Council on 3/21/13. Council accepted the appeal on 3/21/13. 3/28/13 issued appeal accepted letter. 4/10/13 sent notice of PHC scheduled for May 13, 2013. 4/16/13 rec'd Appearance from Lauren Noether for DES.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal