

## WATER COUNCIL MEETING

Dept. of Environmental Services  
29 Hazen Dr., Concord, N.H.

May 10, 2006  
9:00 a.m.

**Members present:** Councilors Bridges, Bradley, Cowan, Densberger, DiMarzio, Lussier, Lynch, Lyons, Northrop, Patenaude, Phillips and Varotsis

**Members absent:** Councilors Barrett, Butler, Dupee, and Glines

John Bridges, Chairman, called the meeting to order at 9:00 a.m.

Mr. Bridges introduced, Dan Lynch, Assistant Director of NH Fish & Game. Mr. Lynch is Director Lee Perry's designee to the Water Council.

**1. Approval of Minutes of April 12, 2006 Meeting**

***A motion was made by Councilor Bradley to accept the minutes of the April 12, 2006 meeting as presented. The motion was seconded by Councilor Lussier and unanimously voted.***

**2. Approval of State Aid Grants and Amendment**

**State Aid Grants**

Steve Snell of the Wastewater Engineering Bureau requested approval of two state aid grants as set forth in a memo from Bureau Administrator John R. Bush, P.E. to Harry T. Stewart, P.E., Director, Water Division dated April 21, 2006.

***Councilor Varotsis moved to approve the grants and recommend favorable action by the Governor and Executive Council by adoption of the following resolution in its entirety. Councilor Lussier seconded the motion and it was unanimously voted.***

WHEREAS, The following municipalities have applied to the Department of Environmental Services, under the provisions of RSA 486, for grants in the amounts listed to aid in the defraying of the costs resulting from the construction of sewage disposal facilities, as defined in said Chapter:

<u>MUNICIPALITY</u>	<u>PROJ. NO.</u>	<u>PROJECT DESCRIPTION</u>	<u>AMOUNT</u>
Milford	C-719	Compost Area Cover	\$ 121,585
Hanover	C-720	Anaerobic Digester Eval/Upgrade Design & Infiltration/Inflow Flow Monitoring	25,809

WHEREAS, The Department of Environmental Services has examined said applications as to the eligibility of the construction costs for State contributions; and

WHEREAS, The Water Council finds that said projects are intended to control or reduce pollution in the surface waters of the State as defined in RSA 485-A;

NOW THEREFORE, The Water Council finds that all of the provisions of RSA 486 have been met by said applicants and respectfully recommends that the Governor and Executive Council approve said grants and authorize payment thereof through the Department of Environmental Services as provided for in said Chapter.

**State Aid Grant Amendment**

Steve Snell introduced Pat Hannon, Supervisor, Residuals Management Section. Ms. Hannon presented an overview of the Pittsfield Pilot Project.

The Pittsfield Wastewater Treatment Facility developed a process to remove solids from septage and store filtrate in a lagoon to allow an even flow of material into the WWTF year round. The pilot was successful in allowing Pittsfield an enormous increase in septage disposal capacity with no negative affects. Pittsfield now has the prospect of generating revenue as the towns of Alton, Epsom, Barnstead, New Durham and Strafford have signed municipal agreements with Pittsfield, bringing these towns into compliance with their municipal responsibility to assure or provide proper septage disposal for their residents under RSA 485-A:5-b.

Pittsfield will be the first town to receive septage disposal grant money under HB 207 which became effective July 1, 2003. This legislation was enacted to encourage the increase of septage disposal capacity in the State of NH at existing WWTF's. As a result of this pilot study, Pittsfield is moving forward with permanent design and construction criteria for a dewatering facility.

Steve Snell requested approval of a state aid grant amendment as set forth in a memo from Bureau Administrator John R. Bush, P.E. to Harry T. Stewart, P.E., Director, Water Division dated April 21, 2006.

***Councilor Bradley moved to approve the grant amendment and recommend favorable action by the Governor and Executive Council by adoption of the following resolution in its entirety. Councilor Varotsis seconded the motion and it was unanimously voted.***

WHEREAS, The following municipality is eligible for an amended grant, under the provisions of RSA 486:3, III, in the amount listed to aid in the defraying of the original costs resulting from the construction of facilities which will result in increased septage handling and/or treatment capacity, as defined in said Chapter:

<u>MUNICIPALITY</u>	<u>PROJ. NO.</u>	<u>PROJECT DESCRIPTION</u>	<u>AMOUNT</u>
Pittsfield	C-702	Septage Pilot Study	\$ 33,504

WHEREAS, The Department of Environmental Services has examined the documentation submitted by the municipality as to the eligibility for the additional state contribution in accordance with RSA 486:3, III and finds

that the Town of Pittsfield is eligible for the maximum contribution of 50 percent of the eligible project costs as provided by this chapter; and

WHEREAS, The Water Council finds that said project is intended to meet the septage disposal needs for each additional New Hampshire municipality pursuant to RSA 485-A:5-b; and

WHEREAS, The Department of Environmental Services has made a tentative offer of said grant amendment, subject to final approval and authorization by the Governor and Executive Council; and

WHEREAS, The listed municipality has accepted the tentative offer; and

WHEREAS, Based on the determination of eligibility for the additional state contribution, the State Aid Grant for this project has been recalculated and is greater than the grant amount originally approved by the Governor and Executive Council. Eligible project costs for the septage pilot study have been determined to be \$67,007.88 resulting in a state contribution of \$33,504. It should be noted that the present state grant in the amount of \$21,586 was approved by the Water Council on August 10, 2005 and by the Governor and Executive Council on September 21, 2005.

NOW THEREFORE, The Water Council finds that all of the provisions of RSA 486 have been met by said grantee and respectfully recommends that the Governor and Executive Council approve said grant increase of \$11,918 and authorize payment thereof through the Department of Environmental Services as provided for in said Chapter.

### 3. **Status of Appeals**

Michael Sclafani distributed an Appeals Status Report and reviewed pending appeals with the council.

- **Docket No. 03-10 WC - Appeal of Conservation Law Foundation**

At the April 12, 2006 council meeting, appellant's Motion for Rehearing was tabled. Councilor Cowan led the discussion as the council reviewed each of the twelve statements set forth in the Motion for Rehearing.

*Councilor Varotsis made a motion to deny the Motion for Rehearing.  
Councilor Bradley seconded the motion and it was unanimously voted.*

- **Docket No. 03-14 WC - Appeal of Gerald A. Bell**

A stay remains in effect on this appeal pending the resolution of a declaratory judgment action before the Merrimack County Superior Court which is scheduled for trial on June 2, 2006.

- **Docket No. 04-05 WC - Appeal of Freudenberg-NOK General Partnership**

A consented-to stay remains in effect on this appeal pending a ruling by the Grafton County Superior Court on the state's petition for declaratory judgment.

- **Docket No. 04-18 WC - Appeal of Thaddeus Dymon**  
A stay remains in effect pending the resolution of a boundary line dispute in Sullivan County Superior Court. A tentative trial date has been set for the end of May 2006.
  - **Docket No. 04-19 WC - Appeal of Town of Newport**  
See Docket No. 04-18 above.
  - **Docket No. 05-16 WC - Appeal of Pollard Realty Trust**  
A request for reconsideration has not been filed and this appeal is closed.
  - **Docket No. 05-17 WC - Appeal of Daniel Osborn**  
This appeal was heard on April 12, 2006 and the council voted to deny the appeal. A written Decision & Order has not been issued.
  - **Docket No. 05-21 WC - Appeal of Save Our Groundwater**  
Action on this appeal is tabled pending a ruling by the Supreme Court.
  - **Docket No. 05-22 WC - Appeal of Town of Nottingham**  
Action on this appeal is tabled pending a ruling by the Supreme Court.
  - **Docket No. 06-04 WC - Appeal of Andrews and Carpenter**  
On May 4, 2006 Attorney Esther Piszczek filed an appearance on behalf of DES. On May 5, 2006, a Motion to Intervene on behalf of the Town of Salem was filed by Attorney Gordon Graham. A pre-hearing conference was held on May 8, 2006 and the Motion to Intervene was granted. An appeal hearing is scheduled for July 12, 2006.
4. **Rules: Env-Ws 510-522 (now Env-Dw 1100) Drinking Water State Revolving Loan Fund Program Rule**
- Karla McManus, Rules Coordinator, and Richard Skarinka, P.E., both of the Water Supply Engineering Bureau, came before the council to discuss the proposed rules as requested by the council at its April meeting. The council's input on clarification of several sections was noted. Ms. McManus commented that a public hearing is scheduled for June 16, 2006 at 10:00 a.m. at DES.
- Councilor Varotsis made a motion to approve the rules and to authorize the bureau to proceed with the rulemaking process to readopt with amendments Env-Dw 1100. Councilor Bradley seconded the motion and it was unanimously voted.***
5. **TMDLs - 2006 303(d) List Presentation**  
The presentation on TMDLs was postponed until the council's June meeting.
6. **2006 Legislation**  
Harry T. Stewart, P.E., Water Division Director, distributed a summary of water-related legislation and discussed the status of pending bills.
7. **Other Business**

At Councilor Phillips' request, Chairman Bridges will consult with council's attorney regarding voting rights of the chairperson.

**8. Next Meeting**

The next meeting is scheduled for June 14, 2006.

**9. Adjournment**

***A motion was made by Councilor Densberger to adjourn. The motion was seconded by Councilor Butler and unanimously voted.***

The meeting adjourned at approximately 10:20 a.m.

