

WATER COUNCIL MEETING

NH Dept. of Environmental Services
11 Hazen Dr., Concord, N.H.

February 10, 2010
9:00 a.m.

Members present: Chairman Bridges, Vice Chairman Christie, Councilors Butler, Czysz, Densberger, Harrington, Henderson, Hinds, Lyons, Rastallis, Rawnsley, and Varotsis

Members absent: Councilors Barrett, Cowan, Dupee, and Phillips

Chairman Bridges called the meeting to order at 9:00 a.m. with the introduction of our new member Deborah Hinds, representing Granite State Designers and Installers.

1. Approval of Minutes of January 13, 2010 Meeting

- *A motion was made by Councilor Henderson to accept the minutes with corrections of January 13, 2010, second by Councilor Butler. The Council unanimously voted to approve this motion.*

2. Status of Appeals

Amy Samson, Appeals Clerk, presented an update on a number of appeals and requested Council action on several, as noted below.

I. New appeals.

Docket No. 09-38 WC – Town of Jaffrey

RE: Final Certification for the Jaffrey Wastewater Treatment Plant, NPDES Permit No. NH0100595

Presiding Officer: Christopher Rawnsley

Status: Appeal received on November 2, 2009 insufficiently. A letter was sent to the appellant's representative and a sufficient appeal has been received.

Action: Accept or Deny the Notice of Appeal.

- *Councilor Butler made a motion to accept the appeal of the Town of Jaffrey, second by Councilor Rawnsley. Motion passed unanimously.*

II. Previously pending cases.

Docket No. 04-05 WC - Freudenburg-NOK General Partnership

RE: AO WD 04-001

Presiding Officer: Joel Harrington

Status: Request for status sent and the parties are expected to respond by next Council meeting.

Docket No. 04-18 WC - Thaddeus Dymon

RE: Denial of a Request for Waiver of Env-Ws 386.56(h)(12), (14), (18)

Presiding Officer: Joel Harrington

Status: Request for status sent and the parties are expected to respond by next Council meeting.

Docket No. 04-19 WC - Town of Newport

RE: Denial of a Request for Waiver of Env-Ws 386.56(h)(12), (14), (18)

Presiding Officer: Joel Harrington

Status: Request for status sent and the parties are expected to respond by next Council meeting.

Docket No. 08-27 WC - Moody Point Company

RE: 5/19/08 Administrative Order No. 08-027 WD

Presiding Officer: Christopher Rawnsley

Status: A PHC was held on 12/7/09. A hearing is scheduled for 5/12/10 at 9:00 a.m. (Please note the Council will need to discuss whether or not to meet at an earlier time on this date. Appellant requires 300 minutes of presentation time at the hearing.) It was decided to start the regular meeting at 8 a.m. on 5/12/10.

Docket No. 08-29 WC - Silver Lake

RE: Notice of Determination of Natural Mean High Water Mark Evaluation dated 5/29/08

Presiding Officer: Stephen Densberger

Status: Motion to Dismiss was granted and a Decision and Order needs to be finalized.

Docket No. 08-54 WC - Loretta Simonds

RE: 8/8/08 Decision on Request for Reconsideration

Presiding Officer: Christopher Rawnsley

Status: A hearing is scheduled for 3/10/10 at 10:00 a.m.

Docket Nos. 08-57 & 08-59 WC - Eric W. Waleryszak, Brian T. and Adela J. Griset Appeal

RE: Notice and Decision on the Determination of Lake Level issued by DES on 9/29/08

Presiding Officer: Christopher Rawnsley

Status: A hearing is scheduled for 6/9/10 at 10:00 a.m. A PHC will be held 3/29/10 at 9 a.m.

Docket No. 08-61 WC - Norman and Patricia Bureau

RE: 11/4/08 Administrative Order No. 08-044 WD - Alteration of Terrain at 5 Christopher Road & 6 Steep St., in Merrimack

Presiding Officer: Joel Harrington

Status: A decision and order will be completed and ready for the Council to review by the 3/9/10 meeting.

Docket No. 09-05 WC - North Country Alliance for Balanced Change (Dalton Valley Drag)

RE: 12/12/08 Alteration of Terrain Permit WPS 8289 for Dalton Valley Drag

Presiding Officer: Christopher Rawnsley

Members Recused: Nancy Christie

Status: Presiding Officer Rawnsley granted the Appellant's Motion to Continue the Hearing and Stay Proceedings, which was filed on 12/22/09, without objection from the Applicant. The parties were notified that the Water Council is not re-scheduling a hearing at this time, continuance and stay are indefinite until NHDES renders a decision on either Appellant's 12/21/09 request to rescind the current AOT and require new application, or in the alternative, Applicant's 6/10/09 request to amend AOT application, as pleaded in Appellant's Motion.

Docket No. 09-14 WC - Andrew and Karen Goldstein

RE: 3/17/09 Administrative Order No. 09-006 WD

Presiding Officer: Christopher Rawnsley

Status: On 11/17/09, the Council denied the Motion to Dismiss. PHC scheduled for 3/29/10 at 11 a.m.

Docket No. 09-24 WC – Lake Sunapee Protective Association

RE: 4/16/09 Alteration of Terrain Permit WPS-8382

Presiding Officer: Stephen Densberger

Recused Members: Carol Henderson; Johanna Lyons; and Nancy Christie

Status: PHC was held on 2/8/10 at 2:00 p.m. A hearing is scheduled for 10/13/10 at 10:00 a.m.

Docket No. 09-27 WC – Homes for a Life Time, LLC

RE: 5/28/09 Denial of Alteration of Terrain Permit Application No. 081231025

Presiding Officer: Christopher Rawnsley

Status: A hearing is scheduled for 4/14/10 at 10:00 a.m.

Docket No. 09-34 WC – Ashuelot Pond Association

RE: 8/28/09 Notice of Decision on Determination of Lake Level for Ashuelot Pond Dam Village District

Presiding Officer: Christopher Rawnsley

Status PHC scheduled for March 29, 2010 at 1 p.m.

Docket No. 09-39 WC – Gary Hamm

RE: Revised Administrative Order No. 09-081 WD issued on November 5, 2009

Presiding Officer: Not Assigned

Status: The Council voted not to accept the appeal at its 1/13/10 Council meeting. A decision and order needs to be finalized.

3. Env-Wq 1500 Terrain Alteration Rules

[Ridge Mauck & Amy Clark, Alteration of Terrain Bureau]

Ridge Mauck noted the changes made and answered questions to the modifications to the rules.

- ***Councilor Densberger made a motion to approve the Rules, second by Councilor Rawnsley. Motion passed unanimously.***

3. **Env-Dw 701-706 (previously Env-Ws 310-316)**

Drinking Water Contaminant Levels

[Selina Makofsky, Drinking Water & Ground Water Bureau]

Env-Dw 707-713 (previously Env-Ws 321, 323-330)

Drinking Water Monitoring, Laboratory Analytical Methods, Sampling

Schedule

[Selina Makofsky, Drinking Water & Ground Water Bureau]

Env-Dw 719 (previously Env-Ws 322) Drinking Water Reporting Monitoring

Data

[Selina Makofsky, Drinking Water & Ground Water Bureau]

Selina Makofsky answered questions about the rules from the Council.

- ***Councilor Butler made a motion to accept the Rules, second by Councilor Harrington. Motion passed unanimously.***

4. **Legislative Update**

[Harry Stewart, Director]

Harry distributed the listing of DES Bills of Interest, 2010 Session. He began with an explanation of the acronyms before going through the listing. He then reviewed the House and Senate bills that would be of interest to the Water Council.

SB 480 – relative to appeals of decisions by DES. As Joel Harrington had attended the hearing Harry had him explain that it would establish a person from the AG's office to oversee appeals. The Council would still act as the jury with the AG representative presiding and writing the decisions. At this time there is no opposition to this bill.

6. **Other Business** -

Updates were noted for the Water Council membership list.

Harry noted that approximately \$110 – \$120 million of construction will occur from the ARRA money that has been distributed thru DES.

Councilor Butler shared that he will not be able to serve on the Water Quality Advisory Committee and Steve Densberger has accepted being the Water Council's representative to this committee.

7. **Next Meeting**

Next meeting will be March 10, 2010.

8. **Adjournment**

- ***Councilor Densberger made a motion to adjourn, second by Councilor Butler. Motion passed unanimously.***

Meeting was adjourned at 10:12 a.m.