

WATER COUNCIL MEETING

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

November 10, 2010
9:00 a.m.

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

Members absent: Councilors Barrett, and Lyons

Vice Chairman Christie called the meeting to order at 9:07 a.m. and thanked those in attendance. William 'Bill' Gosse, representing the NH Association of Septage Haulers, was introduced and welcomed as the newest Council member.

1. Approval of Minutes of October 13, 2010 Meeting

- *A motion was made by Councilor Varotsis to approve the minutes of October 13, 2010, second by Councilor Densberger. The Council unanimously approved.*

4. Other Business -

Rene Pelletier, Assistant Director and Rob Tardiff, Subsurface Acting Administrator
Changes to Env-Wq 1000 were reviewed:

- 1) SB 370 was passed last year and defined the requirement for expansion of dwellings. This will assure there is continuity and placement for the long-term success of individual systems.
- 2) Repair and replacement rule removed
- 3) The well must be installed at the time of inspection.
- 4) Revisions on the section pertaining to tanks.

Additional questions will be addressed in December's meeting and at that time a vote to concur or not will be taken. Any comments or questions can be emailed to them prior to the December meeting.

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.

II. Previously pending cases.

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Status: Expecting the appeal to be withdrawn by the next Council meeting.

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 February 9, 2011 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 Pre-Hearing Conference(PHC) is scheduled for December 7, 2010 at 10 a.m.

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

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. A status request will be sent.

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

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

Presiding Officer: Christopher Rawnsley

Status: A hearing was scheduled for today. An Assented-to-Motion to Continue for 60 days was filed and granted by Councilor Rawnsley. A notice will sent that this hearing will be rescheduled for March.

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: A hearing was held on October 13, 2010 and day 2 of the hearing is scheduled for January 12, 2011. Council will need to discuss establishing other dates in the event this appeal hearing continues beyond January 12th. It was decided to find 2 dates in January. Councilor Cowan announced that the December meeting will be his last meeting as his term has expired.

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: A PHC is scheduled for December 7, 2010 at 11 a.m.

Docket No. 10-09 WC – Lake Waukewan

RE: Notice of Decision, Interim Operating Level issued by DES on 4/12/10

Presiding Officer: Christopher Rawnsley

Status: A PHC is scheduled for December 7, 2010 at 9 a.m.

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

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: Council dismissed at the September 8, 2010 Council meeting. A Decision and Order needs to be finalized.

Docket No. 08-27 WC - Moody Point Company

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

Presiding Officer: Christopher Rawnsley

Status: A Decision and Order will be ready for Council approval on December 8, 2010.

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: A Decision and Order will be ready for Council approval on December 8, 2010.

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 ready for Council approval on December 8, 2010.

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 Decision and Order will be ready for Council approval on December 8, 2010.

3. Legislative Update

Director Stewart

Work is continuing on the general fund operating budget. A budget hearing before the Governor's staff will be November 18th.

Councilor Harrington noted that a list is being created of fees and taxes implemented in the last 2 or 3 years that are being targeted, and many are in DES. Director Stewart shared the fee accounts were established or increased to take programs off the general fund.

4. Other Business - continued

Councilor Butler asked about the Great Bay issues and studies being done. Director Stewart gave an update of what is being worked on. A presentation will be scheduled about Great Bay when there are no hearings. There will also be presentations in the future on lake levels and instream flow rules and their impact.

Director Stewart announced there is a candidate for the position of chair and the Executive Council may vote on him at their next meeting.

5. Next Meeting

Next meeting will be December 8, 2010 at 9 a.m.

6. Adjournment

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

Meeting was adjourned at 10:37 a.m.