

MINUTES
WATER COUNCIL MEETING
Wednesday, December 14, 2022

The Water Council met on Wednesday, December 14, 2022, at 8:30 a.m. in Room 208C at the NH Department of Environmental Services (NHDES), 29 Hazen Drive, Concord, NH.

ATTENDEES:

Chairman John Gilbert; Vice Chairman Philip Croasdale; Councilors Kenneth Conaty, Michelle Davis (Farnum), Michael Dionne, Daniel Flores, Vasilios (Bill) Gegas, Richard Geisser, Chip Hardy, Larry Maznek, Gary Spaulding, Michele Tremblay; Sarah Richos, Interim Council Secretary; Mark DellOrfano, Esquire, counselor to the Water Council; Tracy Wood, Administrator, NHDES Wastewater Engineering Bureau; Stergios Spanos, P&C Section Supervisor, NHDES Wastewater Engineering Bureau; Zachary Lorch, Permit Engineer, NHDES Wastewater Engineering Bureau; Hayley Franz, Permit Engineer, NHDES Wastewater Engineering Bureau; Pamela Monroe, Legal Unit Administrator, NHDES Legal Unit.

ABSENTEES:

Councilors John Boisvert, Charles DeCurtis, Christopher Rawsley

The regular Water Council meeting was called to order at 8:33 a.m. by Chairman Gilbert. Quorum present. Introduction of new Council member, Daniel Flores.

1. **APPROVAL OF MINUTES:** Motion made by Councilor Maznek to approve the November 9, 2022 meeting minutes. Seconded by Councilor Tremblay. Motion was passed without dissent. Councilors Gegas, Conaty, Croasdale, Davis (Farnum), and Flores abstained.
2. **PUBLIC INPUT:** No public input.
3. **STATUS OF APPEALS:**
 - See attached Status Report on Pending Appeals provided by Pamela Monroe. Discussion held.
4. **NEW BUSINESS:**
 - Introduction of Mark DellOrfano, Esquire. Attorney DellOrfano replaces Michael Haley, Esquire, as counsel to the Water Council. Discussion held.
 - Env-Wq 301 Rule Update presented by Zachary Lorch. Discussion held.
5. **OLD BUSINESS:** No old business presented before the Council.
6. **NEXT MEETING:** Wednesday, January 11, 2023, 8:30 a.m.
7. **ADJOURNMENT:** Motion made by Councilor Spaulding to adjourn. Seconded by Councilor Conaty. Motion passed without dissent. Meeting adjourned at 9:30.

To: Water Council
From: Pamela Monroe, Legal Unit Administrator (*Acting Appeals Clerk*)
Re: Status Report on Pending Appeals
Date: December 14, 2022

I. New Appeals

NONE

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

Docket No 21-13 WC – Elyata Tonnesen, Caitlin Duggar & Mark Mrzoeck, Appeal

Subject: 11/17/21 AoT-2054 Permit WD
Hearing Officer: Attorney Zachary Towle (appointed by AG 2/28/22)
Recusals:

Status: Accepted by Council *February 9, 2022*

09-15-22 – Final Order on Appeal
10-10-22 – Appellant’s Motion for Rehearing
10-14-22 – State’s Objection to Appellant’s Motion for Rehearing
12-06-22 – Order Issued Denying Appellant’s Motion for Rehearing-Case closed (pending appeal with the NH Supreme Court)

III. Hearings or PHCs Pending

Docket No. 20-04 WC – Biological Recycling Co., LLC et al. Appeal

Subject: 2/7/20 Administrative Order No. 20-004 WD
Hearing Officer: Zachary Towle (appointed by AG 08/31/21)
Recusals: J. Gilbert

7/26/22 - Order Granting Parties’ Joint Motion for Stay of Appeal- *Joint Status update received on December 12, 2022. The parties agree that the appeal should remain stayed and will submit a further status update in July 2023 unless either party moves to lift the stay.*

IV. Inactive/Status Letter or Pending Settlement/Withdrawal

V. Misc.

Docket No. 20-06 WC – Matthew and Laura Graves, et al. Appeal

Subject: 4/2/20 Approval of AoT-1780 permit, issued to Dale White
Hearing Officer:

08-03-22 - The certified record was provided to the NH Supreme Court. Oral argument has not yet been scheduled

Docket No. 22-02 WC – Kristen Adams, Kenneth Adams, Michael Sebas & Ruth Sebas

Subject: 12/21/21 AoT Timber Harvesting Permit #21-303-09-T
Hearing Officer:
Recusals:

08-26-22 – Order Granting State’s Motion to Dismiss issued. Case closed