



THE STATE OF NEW HAMPSHIRE

Waste Management Council Arthur J. Cunningham Vice Chairman/Acting Chairman

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January 31, 2014

Her Excellency, Governor Margaret Wood Hassan
And the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Accept, under the provisions of RSA 21-0:9, IV, the Waste Management Council 2012 annual report.

EXPLANATION

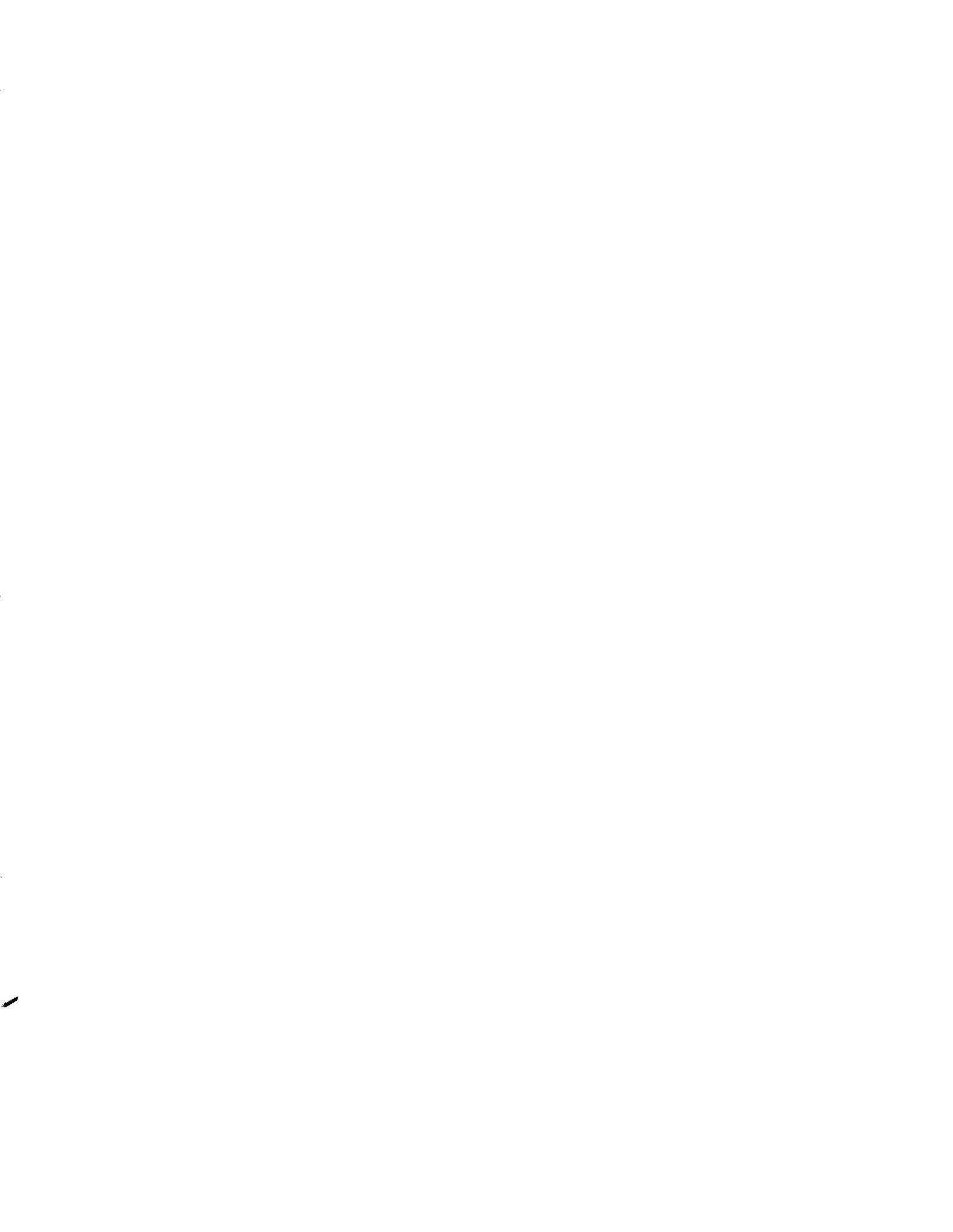
The members of the New Hampshire Waste Management Council (Arthur Cunningham, Vice Chairman / Acting Chairman) are pleased to submit the 2012 report of Council activities as required by RSA 21-0:9, IV. This report summarizes the Council's activities and appeals brought before the Council during the calendar year 2012. Also included are the Council's agendas, meeting minutes, councilor attendance and their terms of office.

The Council met seven times at the New Hampshire Department of Environmental Services Offices on 29 Hazen Drive in 2012.

We respectfully request your acceptance of this report.



Arthur J. Cunningham
Vice Chairman / Acting Chairman



**ANNUAL REPORT
WASTE MANAGEMENT COUNCIL
2012**

SUBMITTED TO

Governor Margaret, Wood Hassan

Executive Council

The Honorable Raymond S. Burton

The Honorable Colin Van Ostern

The Honorable Christopher Sununu

The Honorable Christopher C. Pappas

The Honorable Debora B. Pignatelli

Commissioner Thomas S. Burack
New Hampshire Department
Of Environmental Services

RESPECTFULLY SUBMITTED

Arthur J. Cunningham, Vice Chairman/Acting Chairman

January 31, 2014

2012 Annual Report is dedicated in the memory of G. Bradley Richards, Chairman of the Waste Management Council

2012 WASTE MANAGEMENT COUNCIL APPEALS

Received	Docket # / Council	Decision Appealed	Appellant; Relationship	Intervenor(s); Relationship	Result	Further Action
12/05/12	12-18 WMC	11/6/12 approval of Groundwater Mgmt Permit Transfer Application GWP 200001038-H-002 with 1 added condition	Southern NH Commons, LLC, et al. (permittee)			

2012 WASTE MANAGEMENT COUNCIL PRIOR YEAR DOCKET ACTIVITY

Received	Docket # / Council	Decision Appealed	Appellant; Relationship	Intervenor(s); Relationship	Result	Further Action
08/22/07	07-20 WMC	7/24/04 Groundwater Remedial Services Award to Weston Solutions Inc.	Shaw Environmental, Inc. (unsuccessful bidder)	Weston Solutions; (successful bidder)	Appeal denied-12/20/12	
03/20/08	08-17 WMC	2/19/08 Issued Groundwater Management Permit Modification No. GWP-198803007-L-0001	Simard Family Trust (abutter)	Auburn Road Performing Party Group; permittee	Appeal Denied-12/20/12	
01/12/09	09-02 WMC	Denied Permit Modification Stage IV Phase II - DES-SW-SP-03	NCES, Inc.; permittee	Town of Bethlehem; (interested party)	Withdrawn-3/2/12	
04/23/09	09-19 WMC	Denied Permit Modification - Permit # DES-SW-SP-03-002 for Stage IV Phase II	NCES; applicant		Withdrawn-3/2/12	
09/27/10	10-22 WMC	Issued Stage IV Landfill Permit - No. DES-SW-SP-03-002	Seth Goldstein, et al; (resident)	North County Environmental Services, Inc.; permittee	Dismissed; DES decision upheld-9/15/11	Reconsideration-denied-1/26/12
11/24/10	10-26 WMC	Issued Standard Fill Permit - DES-SW-SP-10-005	Old Dutch Mustard Co., Inc. d/b/a Pilgrim Foods; abutter	Pioneer Point Enterprises, LLC; permittee	Appeal dismissed 8/16/12	Reconsideration denied 9/21/12-Appealed to Supreme Court
03/21/11	11-04 WMC	2/14/11 Record of Modification to SW Mgmt Facility Permit	Seth Goldstein, et al. (resident)	North County Environmental Services-Permittee	Motion to Dismiss Un timely Appeal-Granted 9/27/11	Motion for Rehearing - Denied 1/9/12
12/02/11	11-14 WMC	Final Decision of Hazardous Waste Remediation Bureau on Remedial Action Plan for Lower Liberty Hill Rd. in Gilford	EnergyNorth Gas, Inc. d/b/a National Grid (site owner)	Town of Gilford; (interested party)	Appeal withdrawn-12/19/12	



AGENDA

WASTE MANAGEMENT COUNCIL

Thursday, January 19, 2012

9:00 AM to 4:00 PM

State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113, and 114
Concord, New Hampshire 03301

- 9:00 AM 1. Introduction
- A. Verify that a quorum is present
- 9:05 AM 2. Pending Business
- A. Acceptance of Minutes for Meeting of December 15, 2011
 - B. Scheduling of Next Meeting
 - C. Correspondence
- 9:15 AM 3. Appeals Status Update
- Paula Scott, Appeals Clerk
 - Docket No 10-22 WMC NCES
- 10:00 AM 4. Hearing
- Docket No. 10-26 WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal Cancelled
- 12:00 PM 6. Lunch
- 1:00 PM 7. Hearing resumes
- 4.00 PM 8. Adjournment (or sooner if operation of business is completed before)

WASTE MANAGEMENT COUNCIL

Minutes of January 19, 2012

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Michael Blayney Charles E. Connell; Steven Crean; Arthur Cunningham; Michael Dufor; Nancy Kinner;

(1) Introduction

(A) Chairman Richards brought the meeting to order at 9:08 a.m. verifying that a quorum was present.

(2) Pending Business

(A) Schedule of Next Meeting: The next meeting is scheduled for February 16, 2012 and will be held at the NHDES offices.

(B) Accept Minutes of the December 15, 2011 meeting. Chuck Connell Moved to except the minutes as amended, Michael Blayney seconded. All in favor.

(C) Schedule Presentation of Waste Options.

(3) Appeal Status Update: Paula Scott, Appeals Clerk

Pending, Appeal's.

Docket No 10-22 WMC –Seth Goldstein, et al Appeal

Subject of Appeal: August 27, 2010 Type 1B permit Modification for NCES Stage IV Landfill, 581 Trudeau Road Permit# DES-SW-03-002

Presiding Officer: Attorney David Conley, Esq.

Status: Council deliberated on July 21, 2011. PO to issue draft order to the council and issue final Order within 90 days (October 19, 2011). Draft Decision and Order was accepted by the Council On September 15, 2011, Final decision and order was mailed on September 16, 2011. October 14, 2011 received Motion for Rehearing. On October 24, 2011 received Objection to Appellants Motion for Rehearing. Council did not have a quorum at the November meeting therefore, Council

to Act on Motion and Objection. Council accepted the Motion for the Rehearing at the Dec 15, 2011 meeting with the following conditions. The appellant is to submit offer of proof on. A-h by December 30, 2011. Attorney Gould may respond by January 13, 2012. Any new or additional Evidence will be considered in accordance with our rules and relevant statutes. December 30, 2011, received partial offer of proof. January 10, 2012 received NCES Objection to Uncaptioned Motion for extension of Time. January 13, 2012 received NCES Response to Appellant's partial Offer of proof. January 19, 2012 Council deliberated, on Items II a,b,c,e,f,g,h, Charles Connell Made the motion to Deny, Arthur Cunningham seconded all in favor. Item II d Charles Connell Made the motion to deny, Michael Blayne seconded. 4 members voted for the motion 2 opposed. Motion was denied.

Docket No. 11-04 WMC –Seth Goldstein, et al Appeal

Subject of Appeal: February 14, 2011 Type II Modification Stage IV Phase II-A Permit number DES-SW-SP-003-002.

Presiding Officer: David Conley: Esq.

Recusal: Stephen Crean

Status; Appellant filed Motion to Compel on August 8, 2011. NCES filed Objection to Motion to Compel and Motion for Extension of time on September 8, 2011. NCES filed its reply In Support Of its Motion for Extension of Time on September 9, 2011. Decision and Order on Motion to Dismiss untimely appeal was granted and issued on September 27, 2011. Motion for Rehearing Was filed on October 26, 2011. Objection to Motion for Rehearing was filed on November 1, 2011. Order on Appellants Motion for Rehearing was issued on January 9, 2012 and mailed That same day. Motion was denied.

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal

Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and - 004.

Presiding Officer: David Conley, Esq.

Status: PHC was held on August 25, 2011 at 9.00 am.

Second PHC was held on October 14, 2011, and notice given per PHO issued August 25, 2011.

Presiding Officer issued decision on Motion to Dismiss and Objection to Motion to Dismiss On August 29, 2011. September 21, 2011 Appellant filed Motion to Compel. Intervener's Response to Motion to Compel was filed on September 28, 2011. Order on Appellants Motion to Compel was issued on October 2, 2011. Partially Assented-To Motion to Reschedule Hearing and certain Pre-hearing deadlines. filed October 3, 2011. October 4, 2011 received Appellants Witness & Exhibit lists and Intervener's Objection to Motion to Reschedule Hearing & Certain Pre-hearing deadlines. October 5, 2011 received response to Objection to Motion to Reschedule Hearing and certain Pre-hearing deadlines. Order on partially Assented-to-motion to Reschedule Hearing and certain pre-hearing deadlines was issued on October 6, 2011. Second PHC is rescheduled to December 12, 2011 at 9:15 am. And Hearing is rescheduled to December 15, 2011@ 9:00.notice given per Order on Partially Assented – To Motion to Reschedule Hearing. October 10, 2011. Received Intervenor's Witness and exhibit list. December 5, 2011 received Appellants Witness and Exhibit List and Intervenor's Witness and Exhibit List. December 5,

2011 received supplement to Intervenor's Witness and Exhibit List and DES' Motion to Strike. Witness Designations of Appellant and Appellee. December 8, 2011 received Appellants Qualified Assent to Motion to Strike and Appellants revised exhibits. December 12, 2011 PHO was issued and also, received Intervenor's Exhibit List and Exhibits. December 12, 2011 At the PHC a motion was made to continue hearing and was granted. Hearing was rescheduled To January 19, 2012 at 10:00 am notice given per PHO. Third PHO is scheduled for January 13, 2012. December 13, 2011 Notice of change in time for PHC was issued. January 12, 2012 received e-mail requesting hearing be moved out 30 days. PO agreed to postpone the hearing and reschedule with due notice given. PHC is rescheduled to February 16, 2012 at 10:00 am. Notice issued on January 13, 2012

Docket No. 11-14 WMC – Energy North Natural Gas, Inc. dba National Grid

Subject of Appeal: November 2, 2011 Final Decision on Remedial Action Plan for Lower Liberty Hill site in Gilford.

Presiding Officer: Not Assigned

Recusals:

Status: 12/2/11 received notice of Appeal which was timely filed. 12/6/11. Issued receipt Of Appeal letter. Council to accept or decline Notice of Appeal. Council Accepted Appeal At there December 15, 2011 meeting, notice was sent on December 16, 2011. December 19, 2011 received motion to intervene from the town of Gilford. December 27, 2011 received Appearance by Evan Mulholland for the DES and received Objection to the town of Gilford's Motion to Intervene. On January 6, 2012 received Town of Gilford's response to Objection To Motion to Intervene. January 10, 2012 received Appellants Sur-Reply to the Town of Gilford's Response to Objection. Hearing Officer to act on Motion and Objection.

Docket Number: 09-02 WMC

Appellant: North Country Environmental Services. Inc. (NCES, INC.)

Subject of Appeal: December 12, 2008 Applications to Modify Permit # DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road, Bethlehem NH

Presiding Officer: Not Assigned

Recusals: Stephen Crean

Status: Stay remains in affect Sent request for status report on September 21, 2011. 10/04/11 received joint status report. It appears both sides agree this can be dismissed.

Action needed by Council: Council may dismiss the Appeal if council chooses to treat this as a joint motion for dismissal. Template can be forwarded for the draft order to be prepared and presented to Council for issuing. Council accepted Joint Status Report. Council Tabled until a quorum was present. Clarification of status report is that the Appellant will withdraw appeal once Docket Nos 10-22 WMC and 11-04 WMC are resolved with finality.

Docket Number: 09-19 WMC

Appellant: North Country Environmental Services, Inc. (NCES, INC.)

Subject of Appeal: March 25, 2009 Notice of Decision Regarding Applications to Modify Permit #DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road, Bethlehem, NH

Presiding Officer: Not Assigned

Recusals: Stephen Crean

Status: Stay remains in affect. Sent request for status report on September 21, 2011. October 4, 2011 received joint status report. It appears both sides agree this can be dismissed.

Action Needed by Council: Council may dismiss the appeal; If Council chooses to treat this as a joint motion for dismissal. Template can be forwarded for draft order to be prepared and presented to Council for issuing. Council Accepted Joint Statue Report. Council tabled until a Quorum was present. Clarification of Status report is that appellant will withdraw appeal once Docket Nos. 10-22 WMC and 11-04 WMC are resolved with finality.

Docket No 08-17 WMC- Simard Family Trust

Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site Groundwater Management Permit No. GPW-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued. Chairman was Sent draft Decision and Order on November 10, 2011 to review and prepare for Presentation To the Council. Chairman is working with Council on preparing final draft order to be presented to the Council.

Docket No 07-20 WMC Shaw Environmental, Inc.

Subject of Appeal: July 24, 2007 Groundwater Remedial Services Award to Weston Solutions Inc.

Presiding Officer

Status: Hearing was held on November 15, 2007 and appeal denied. However, the Decision and Order was never issued in written form. On November 18, 2011, Chairman was sent Draft Decision And Order that had been on our H drive. Chairman is working with Council on preparing final Draft order to be presented to the council.

(4) Adjournment

Meeting was adjourned at 1:00 Charles Connell made the motion to adjourn the January 19, 2012 meeting Michael Blayney seconded. All in favor

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.



AGENDA

WASTE MANAGEMENT COUNCIL

**Thursday, February 16, 2012
10:00 AM to 2:00 PM**

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113, and 114
Concord, New Hampshire 03301**

- 10:00 AM 1. Introduction**
- A. Verify that a quorum is present
- 10:05 AM 2. Pending Business**
- A. Acceptance of Minutes for Meeting of January 19, 2012
 - B. Scheduling of Next Meeting
 - C. Correspondence
- 10:15 AM 3. Appeals Status Update**
- Paula Scott, Appeals Clerk
Docket No. 11-14 WMC – Energy North
- 10:30 AM 4. Vapor Recover Rules Update**
- Michael Juranty**
- 10:45 AM 5. Waste Management Division Update**
- Michael J. Wimsatt, P.G., Director
- 12:00 PM 6. Lunch**
- 1:00 PM 7. New/Old Business**
- 2:00 PM 8. Adjournment (or sooner if operation of business is completed before)**

WASTE MANAGEMENT COUNCIL

Minutes of February 16, 2012

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Phillip Bilodeau; Michael Blayney; Arthur Cunningham; Michael Dufor; Nancy Kinner; Elaine Lauterborn;

(1) Introduction

(A) Chairman Richards brought the meeting to order at 10:15 a.m. verifying that a quorum was present.

(2) Pending Business

(A) Schedule of Next Meeting: The next meeting is scheduled for March 15, 2012 and will be held at the NHDES offices.

(B) Accept Minutes of the January 19, 2011 meeting. Michael Blayney Moved to except the minutes, Michael Durfor seconded. All in favor.

(3) Appeal Status Update: Paula Scott, Appeals Clerk

Pending, Appeal's.

Docket No 10-22 WMC –Seth Goldstein, et al Appeal

Subject of Appeal: August 27, 2010 Type 1B permit Modification for NCES Stage IV

Landfill, 581 Trudeau Road Permit# DES-SW-03-002

Presiding Officer: Attorney David Conley, Esq.

Status: Council deliberated on July 21, 2011. PO to issue draft order to the council and issue final Order within 90 days (October 19, 2011). Draft Decision and Order was accepted by the Council On September 15, 2011, Final decision and order was mailed on September 16, 2011. October 14, 2011 received Motion for Rehearing. On October 24, 2011 received Objection to Appellants Motion for Rehearing. Council did not have a quorum at the November meeting therefore, Council to Act on Motion and Objection. Council accepted the Motion for the Rehearing at the Dec 15, 2011 meeting with the following conditions. The appellant is to submit offer of proof on. A-h by December 30, 2011. Attorney Gould may respond by January 13, 2012. Any new or additional

Evidence will be considered in accordance with our rules and relevant statutes. December 30, 2011, received partial offer of proof. January 10, 2012 received NCES Objection to Uncaptioned Motion for extension of Time. January 13, 2012 received NCES Response to Appellant's partial Offer of proof. January 19, 2012 Council deliberated, on Items II a,b,c,e,f,g,h, Charles Connell Made the motion to Deny, Arthur Cunningham seconded all in favor. Item II d Charles Connell Made the motion to deny, Michael Blayney seconded. 4 members voted for the motion 2 opposed. Motion was denied. On January 26, 2012 Order was issued on Motion for Rehearing.

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal

Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and -004.

Presiding Officer: David Conley, Esq.

Status: PHC was held on August 25, 2011 at 9:00 am.

Second PHC was held on October 14, 2011, and notice given per PHO issued August 25, 2011.

Presiding Officer issued decision on Motion to Dismiss and Objection to Motion to Dismiss

On August 29, 2011. September 21, 2011 Appellant filed Motion to Compel. Intervener's

Response to Motion to Compel was filed on September 28, 2011. Order on Appellants

Motion to Compel was issued on October 2, 2011. Partially Assented-To Motion to Reschedule

Hearing and certain Pre-hearing deadlines. filed October 3, 2011. October 4, 2011 received

Appellants Witness & Exhibit lists and Intervener's Objection to Motion to Reschedule Hearing

& Certain Pre-hearing deadlines. October 5, 2011 received response to Objection to Motion to

Reschedule Hearing and certain Pre-hearing deadlines. Order on partially Assented-to-motion to

Reschedule Hearing and certain pre-hearing deadlines was issued on October 6, 2011. Second

PHC is rescheduled to December 12, 2011 at 9:15 am. And Hearing is rescheduled to December

15, 2011 @ 9:00. notice given per Order on Partially Assented – To Motion to Reschedule Hearing.

October 10, 2011. Received Intervenor's Witness and exhibit list. December 5, 2011 received

Appellants Witness and Exhibit List and Intervenor's Witness and Exhibit List. December 5,

2011 received supplement to Intervenor's Witness and Exhibit List and DES' Motion to Strike.

Witness Designations of Appellant and Appellee. December 8, 2011 received Appellants

Qualified Assent to Motion to Strike and Appellants revised exhibits. December 12, 2011

PHO was issued and also, received Intervenor's Exhibit List and Exhibits. December 12, 2011

At the PHC a motion was made to continue hearing and was granted. Hearing was rescheduled

To January 19, 2012 at 10:00 am notice given per PHO. Third PHO is scheduled for January

13, 2012. December 13, 2011 Notice of change in time for PHC was issued. January 12, 2012

received e-mail requesting hearing be moved out 30 days. PO agreed to postpone the hearing

and reschedule with due notice given. PHC is rescheduled to February 16, 2012 at 10:00 am.

Notice issued on January 13, 2012. February 12, 2012 Motion to Adjourn or Continue PHC &

Hearing was filed by DES. February 9, 2012 Intervener filed Objection to Motion to Adjourn or

Continue PHC & Hearing. February 9, 2012 Appellant filed Response to Objection to Motion to

Reschedule Hearing and certain pre hearing deadlines. Order on Motion to Adjourn or continue

PHC and hearing was issued on February 10, 2012. PHC is scheduled for April 16, 2012, and

Hearing for April 19, 2012.

Docket No. 11-14 WMC – Energy North Natural Gas, Inc. dba National Grid

Subject of Appeal: November 2, 2011 Final Decision on Remedial Action Plan for Lower

Liberty Hill site in Gilford.

Presiding Officer: David Conley

Recusals:

Status: 12/2/11 received notice of Appeal which was timely filed. 12/6/11. Issued receipt Of Appeal letter. Council to accept or decline Notice of Appeal. Council Accepted Appeal At there December 15, 2011 meeting, notice was sent on December 16, 2011. December 19, 2011 received motion to intervene from the town of Gilford. December 27, 2011 received Appearance by Evan Mulholland for the DES and received Objection to the town of Gilford's Motion to Intervene. On January 6, 2012 received Town of Gilford's response to Objection To Motion to Intervene. January 10, 2012 received Appellants Sur-Reply to the Town of Gilford's Response to Objection. Hearing Officer to act on Motion and Objection. On February 16, 2012, Elaine Lauterborn made the motion to accept the town of Gilford's Motion to Intervene. And Mike Durfor seconded the motion. All in favor.

Docket Number: 09-02 WMC

Appellant: North Country Environmental Services. Inc. (NCES, INC.)

Subject of Appeal: December 12, 2008 Applications to Modify Permit # DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road, Bethlehem NH

Presiding Officer: Not Assigned

Recusals: Stephen Crean

Status: Stay remains in affect Sent request for status report on September 21, 2011. 10/04/11 received joint status report. It appears both sides agree this can be dismissed.

Action needed by Council: Council may dismiss the Appeal if council chooses to treat this as a joint motion for dismissal. Template can be forwarded for the draft order to be prepared and presented to Council for issuing. Council accepted Joint Status Report. Council Tabled until a quorum was present. Clarification of status report is that the Appellant will withdraw appeal once Docket Nos 10-22 WMC and 11-04 WMC are resolved with finality.

Docket Number: 09-19 WMC

Appellant: North Country Environmental Services, Inc. (NCES, INC.)

Subject of Appeal: March 25, 2009 Notice of Decision Regarding Applications to Modify Permit #DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road, Bethlehem, NH

Presiding Officer: Not Assigned

Recusals: Stephen Crean

Status: Stay remains in affect. Sent request for status report on September 21, 2011. October 4, 2011 received joint status report. It appears both sides agree this can be dismissed.

Action Needed by Council: Council may dismiss the appeal; If Council chooses to treat this as a joint motion for dismissal. Template can be forwarded for draft order to be prepared and presented to Council for issuing. Council Accepted Joint Statue Report. Council tabled until a Quorum was present. Clarification of Status report is that appellant will withdraw appeal once Docket Nos. 10-22 WMC and 11-04 WMC are resolved with finality.

Docket No 08-17 WMC- Simard Family Trust

Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site Groundwater Management Permit No. GPW-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued. Chairman was Sent draft Decision and Order on November 10, 2011 to review and prepare for Presentation To the Council. Chairman is working with Council on preparing final draft order to be presented to the Council.

Docket No 07-20 WMC Shaw Environmental, Inc.

Subject of Appeal: July 24, 2007 Groundwater Remedial Services Award to Weston Solutions Inc. Presiding Officer

Status: Hearing was held on November 15, 2007 and appeal denied. However, the Decision and Order was never issued in written form. On November 18, 2011, Chairman was sent Draft Decision And Order that had been on our H drive. Chairman is working with Council on preparing final Draft order to be presented to the council.

(4) Waste Management Division Update; Director Michael Wimsatt

Mr. Wimsatt gave an update to the Council on the 2014-2015 Budget. He also gave an update on The disbandment of the PRC to the Department of Environmental Services. The Spill Response Section will now be in charge of all of the equipment that used to be managed by the coop. The Council would like to thank the Spill Response group for all of there hard work with this transition. Mr. Wimsatt also gave a brief synopsis of the Farmington Landfill and also on the Legislative Session in regards to HB 1489 Repeal of the Fod fund, HB 1721 Spcc plans and self certification, HB 1477, Spent materials an also HB 1234- 1435 establishing a grievance committee.

(5) Vapor Recovery Rules Update; Mr. Michael Juranty

The Vapor recovery Stage II rules will expire in August of 2012. The State of NH would like to Modify the stage II rules and tie the Federal Neshap rules to the vapor recovery rules and readopt The stage I Rules. Arthur Cunningham made the motion to concur with the changes to the Vapor Recovery Rules. And was seconded by Michel Blayne. All were in favor

(6) Adjournment

Meeting was adjourned at 12:10 Nancy Kinner made the motion to adjourn the February 16, 2012 meeting Arthur Cunningham seconded. All in favor

*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.*



AGENDA

WASTE MANAGEMENT COUNCIL

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10:00 AM to 2:00 PM**

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Department of Environmental Services
29 Hazen Drive, Rooms 112, 113, and 114
Concord, New Hampshire 03301**

- 10:00 AM 1. Introduction**
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- 10:05 AM 2. Pending Business**
- A. Acceptance of Minutes for Meeting of February 16, 2012
 - B. Scheduling of Next Meeting
 - C. Correspondence
- 10:10 AM 3. Waste Management Division Update**
- Michael J. Wimsatt, P.G., Director
- 10:20 AM 4. Appeals Status Update**
- Paula Scott, Appeals Clerk
- 10:30 AM 5. Hearing**
- Docket No. 10-26 WMC-Old Dutch Mustard Co., inc. of Pioneer Point**
- 12:00 PM 6. Lunch**
- 1:00 PM 7. Hearing Resumes**
- 4:00 PM 8. Adjournment (or sooner if operation of business is completed before)**

WASTE MANAGEMENT COUNCIL

Minutes of April 19, 2012

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Phillip Bilodeau; Michael Blayney; Arthur Cunningham; Steve Crean; Michael Dufor; Nancy Kinner; Elaine Lauterborn; Daniel Sweet;

(1) Introduction

(A) Chairman Richards brought the meeting to order at 9:10 a.m. verifying that a quorum was present.

(2) Pending Business

(A) Schedule of Next Meeting: The next meeting is scheduled for May 17, 2012, and will be held at the NHDES offices.

(B) Accept Minutes of the February 16, 2011 meeting. Elaine Lauterborn Moved to except the minutes, Nancy Kinner seconded. All in favor.

(C) Correspondence:

(3) Appeal Status Update: Paula Scott, Appeals Clerk

Pending, Appeal's.

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal
Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and -004.

Presiding Officer: David Conley, Esq.

Status: PHC was held on August 25, 2011 at 9.00 am.

Second PHC was held on October 14, 2011, and notice given per PHO issued August 25, 2011.

Presiding Officer issued decision on Motion to Dismiss and Objection to Motion to Dismiss

On August 29, 2011. September 21, 2011 Appellant filed Motion to Compel. Intervener's Response to Motion to Compel was filed on September 28, 2011. Order on Appellants Motion to Compel was issued on October 2, 2011. Partially Assented-To Motion to Reschedule Hearing and certain Pre-hearing deadlines. filed October 3, 2011. October 4, 2011 received Appellants Witness & Exhibit lists and Intervener's Objection to Motion to Reschedule Hearing & Certain Pre-hearing deadlines. October 5, 2011 received response to Objection to Motion to Reschedule Hearing and certain Pre-hearing deadlines. Order on partially Assented-to-motion to Reschedule Hearing and certain pre-hearing deadlines was issued on October 6, 2011. Second PHC is rescheduled to December 12, 2011 at 9:15 am. And Hearing is rescheduled to December 15, 2011@ 9:00.notice given per Order on Partially Assented – To Motion to Reschedule Hearing. October 10, 2011. Received Intervenor's Witness and exhibit list. December 5, 2011 received Appellants Witness and Exhibit List and Intervenor's Witness and Exhibit List. December 5, 2011 received supplement to Intervenor's Witness and Exhibit List and DES' Motion to Strike. Witness Designations of Appellant and Appellee. December 8, 2011 received Appellants Qualified Assent to Motion to Strike and Appellants revised exhibits. December 12, 2011 PHO was issued and also, received Intervenor's Exhibit List and Exhibits. December 12, 2011 At the PHC a motion was made to continue hearing and was granted. Hearing was rescheduled To January 19, 2012 at 10:00 am notice given per PHO. Third PHO is scheduled for January 13, 2012. December 13, 2011 Notice of change in time for PHC was issued. January 12, 2012 received e-mail requesting hearing be moved out 30 days. PO agreed to postpone the hearing and reschedule with due notice given. PHC is rescheduled to February 16, 2012 at 10:00 am. Notice issued on January 13, 2012. February 12, 2012 Motion to Adjourn or Continue PHC & Hearing was filed by DES. February 9, 2012 Intervener filed Objection to Motion to Adjourn or Continue PHC & Hearing. February 9, 2012 Appellant filed Response to Objection to Motion to Reschedule Hearing and certain pre hearing deadlines. Order on Motion to Adjourn or continue PHC and hearing was issued on February 10, 2012. PHC is scheduled for April 16, 2012, and Hearing for April 19, 2012. Third Pre Hearing Notice was issued on March 13, 2012 with Pre Conference scheduled for April 16, 2012 at 11:Am. April 16, 2012 received Appellant's Supplemental exhibits. Pre Hearing Order was issued on April 16, 2012. Hearing is scheduled for April 19, 2012 at 10:30 Am.

Docket No. 11-14 WMC – Energy North Natural Gas, Inc. dba National Grid

Subject of Appeal: November 2, 2011 Final Decision on Remedial Action Plan for Lower Liberty Hill site in Gilford.

Presiding Officer: David Conley

Recusals:

Status: 12/2/11 received notice of Appeal which was timely filed. 12/6/11. Issued receipt Of Appeal letter. Council to accept or decline Notice of Appeal. Council Accepted Appeal At there December 15, 2011 meeting, notice was sent on December 16, 2011. December 19, 2011 received motion to intervene from the town of Gilford. December 27, 2011 received Appearance by Evan Mulholland for the DES and received Objection to the town of Gilford's Motion to Intervene. On January 6, 2012 received Town of Gilford's response to Objection To Motion to Intervene. January 10, 2012 received Appellants Sur-Reply to the Town of Gilford's Response to Objection. Hearing Officer to act on Motion and Objection. On February 16, 2012. Order granting the town of Gilford's Motion to intervene was issued on February 16, 2012. Pre Hearing Conference notice was issued on February 16, 2012. The Pre Hearing Conference is Scheduled for March 12, 2012 at 10:30 Am, and the hearing is scheduled for October 18, 2012 and November 15, 2012 at 10: Am, notice given per Pre hearing Order.

Docket Number: 09-02 WMC

Appellant: North Country Environmental Services, Inc. (NCES, INC.)

Subject of Appeal: December 12, 2008 Applications to Modify Permit # DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road, Bethlehem NH

Presiding Officer: Not Assigned

Recusals: Stephen Crean

Status: Stay remains in affect Sent request for status report on September 21, 2011. 10/04/11 received joint status report. It appears both sides agree this can be dismissed.

Action needed by Council: Council may dismiss the Appeal if council chooses to treat this as a joint motion for dismissal. Template can be forwarded for the draft order to be prepared and presented to Council for issuing. Council accepted Joint Status Report. Council Tabled until a quorum was present. Clarification of status report is that the Appellant will withdraw appeal once Docket Nos 10-22 WMC and 11-04 WMC are resolved with finality. March 5, 2012, received Appellants Withdrawal of Appeal.

Docket Number: 09-19 WMC

Appellant: North Country Environmental Services, Inc. (NCES, INC.)

Subject of Appeal: March 25, 2009 Notice of Decision Regarding Applications to Modify Permit #DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road, Bethlehem, NH

Presiding Officer: Not Assigned

Recusals: Stephen Crean

Status: Stay remains in affect. Sent request for status report on September 21, 2011. October 4, 2011 received joint status report. It appears both sides agree this can be dismissed.

Action Needed by Council: Council may dismiss the appeal; If Council chooses to treat this as a joint motion for dismissal. Template can be forwarded for draft order to be prepared and presented to Council for issuing. Council Accepted Joint Statue Report. Council tabled until a Quorum was present. Clarification of Status report is that appellant will withdraw appeal once Docket Nos. 10-22 WMC and 11-04 WMC are resolved with finality. March 5, 2012, received Appellants Withdrawal of Appeal.

Docket No 08-17 WMC- Simard Family Trust

Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site Groundwater Management Permit No. GPW-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued. Chairman was Sent draft Decision and Order on November 10, 2011 to review and prepare for Presentation To the Council. Chairman is working with Council on preparing final draft order to be presented to Council. Waiting for the draft order from the Chairman

Docket No 07-20 WMC Shaw Environmental, Inc.

Subject of Appeal: July 24, 2007 Groundwater Remedial Services Award to Weston Solutions Inc.

Presiding Officer

Status: Hearing was held on November 15, 2007 and appeal denied. However, the Decision and Order was never issued in written form. On November 18, 2011, Chairman was sent Draft Decision

And Order that had been on our H drive. Chairman is working with Council on preparing final Draft order to be presented to the council. Waiting for the Draft Order from the Chairman

(4) Waste Management Division Update; Director Michael Wimsatt

Mr. Wimsatt gave an update on the 1.4 Dioxin contaminations that has been found in Atkinson.

(5) Hearing

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal

(6) Adjournment

Meeting was adjourned May 17, 2012 at 9:10 Steve Crean made the motion to adjourn the April 19, 2012 meeting and Daniel Sweet seconded. Chuck Connell Abstained, All in favor

*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.*



AGENDA

WASTE MANAGEMENT COUNCIL

Thursday, May 17, 2012
9:00 AM to 4:00 PM

State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113, and 114
Concord, New Hampshire 03301

- 9:00 AM** **1. Introduction**
- A. Verify that a quorum is present
- 9:05 AM** **2. Pending Business**
- A. Adjournment of Aprils Meeting
 B. Scheduling of Next Meeting
 C. Correspondence
- 9:10 AM** **3. Appeals Status Update**
- Paula Scott, Appeals Clerk
- 9:15 AM** **4. Updating of the Hazardous Waste Rules**
- Michael Wimsatt P.G,
 Wendy Bonner
- 9:20 AM** **5. Adjournment of Business Meeting**
- 9:30 AM** **6. Hearing Resumes**
- Docket No. 10-26 WMC-Old Dutch Mustard Co., inc. of Pioneer Point
- 12:00 PM** **7. Lunch**
- 1:00 PM** **8. Hearing Resumes**
- 4:00 PM** **9. Adjournment**

WASTE MANAGEMENT COUNCIL

Minutes of May 17, 2012

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Phillip Bilodeau; Michael Blayney; Chuck Connell; Steve Crean; Michael Dufor; Nancy Kinner; Elaine Lauterborn; Daniel Sweet;

(1) Introduction

- (A) Chairman Richards brought the meeting to order at 9:05 a.m. verifying that a quorum was present.

(2) Pending Business

- (A) Schedule of Next Meeting: The next meeting is scheduled for June 21, 2012, and will be held at the NHDES offices.
- (B) Adjourn April 19, 2012 meeting. Steve Crean Moved to Adjourn the April Business meeting, Daniel Sweet seconded. All in favor.
- (C) Correspondence:
Invitation to the NRRRA Conference
- (D) Old/New Business
Brad would like to dedicate the Waste Management Councils Annual Report to a Deceased member. Council will take it under advisement.

(3) Appeal Status Update: Paula Scott, Appeals Clerk

Pending, Appeal's.

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal
Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and -004.

Presiding Officer: David Conley, Esq.

Status: PHC was held on August 25, 2011 at 9.00 am.

Second PHC was held on October 14, 2011, and notice given per PHO issued August 25, 2011. Presiding Officer issued decision on Motion to Dismiss and Objection to Motion to Dismiss On August 29, 2011. September 21, 2011 Appellant filed Motion to Compel. Intervener's Response to Motion to Compel was filed on September 28, 2011. Order on Appellants Motion to Compel was issued on October 2, 2011. Partially Assented-To Motion to Reschedule Hearing and certain Pre-hearing deadlines. filed October 3, 2011. October 4, 2011 received Appellants Witness & Exhibit lists and Intervener's Objection to Motion to Reschedule Hearing & Certain Pre-hearing deadlines. October 5, 2011 received response to Objection to Motion to Reschedule Hearing and certain Pre-hearing deadlines. Order on partially Assented-to-motion to Reschedule Hearing and certain pre-hearing deadlines was issued on October 6, 2011. Second PHC is rescheduled to December 12, 2011 at 9:15 am. And Hearing is rescheduled to December 15, 2011@ 9:00. notice given per Order on Partially Assented – To Motion to Reschedule Hearing. October 10, 2011. Received Intervenor's Witness and exhibit list. December 5, 2011 received Appellants Witness and Exhibit List and Intervenor's Witness and Exhibit List. December 5, 2011 received supplement to Intervenor's Witness and Exhibit List and DES' Motion to Strike. Witness Designations of Appellant and Appellee. December 8, 2011 received Appellants Qualified Assent to Motion to Strike and Appellants revised exhibits. December 12, 2011 PHO was issued and also, received Intervenor's Exhibit List and Exhibits. December 12, 2011 At the PHC a motion was made to continue hearing and was granted. Hearing was rescheduled To January 19, 2012 at 10:00 am notice given per PHO. Third PHO is scheduled for January 13, 2012. December 13, 2011 Notice of change in time for PHC was issued. January 12, 2012 received e-mail requesting hearing be moved out 30 days. PO agreed to postpone the hearing and reschedule with due notice given. PHC is rescheduled to February 16, 2012 at 10:00 am. Notice issued on January 13, 2012. February 12, 2012 Motion to Adjourn or Continue PHC & Hearing was filed by DES. February 9, 2012 Intervener filed Objection to Motion to Adjourn or Continue PHC & Hearing. February 9, 2012 Appellant filed Response to Objection to Motion to Reschedule Hearing and certain pre hearing deadlines. Order on Motion to Adjourn or continue PHC and hearing was issued on February 10, 2012. PHC is scheduled for April 16, 2012, and Hearing for April 19, 2012. Third Pre Hearing Notice was issued on March 13, 2012 with Pre Conference scheduled for April 16, 2012 at 11:Am. April 16, 2012 received Appellant's Supplemental exhibits. Pre Hearing Order was issued on April 16, 2012. Hearing is scheduled for April 19, 2012 at 10:30 Am. May 15, 2012, received parties stipulated Findings of Fact and ruling Of law, as well as Motion to Amend Pre-hearing Order. May 16, 2012 Hearing officer advised Parties, the appellant will have 1 hour to finish their direct. Hearing to resume at today's meeting.

Docket No. 11-14 WMC – Energy North Natural Gas, Inc. dba National Grid

Subject of Appeal: November 2, 2011 Final Decision on Remedial Action Plan for Lower Liberty Hill site in Gilford.

Presiding Officer: David Conley

Recusals:

Status: 12/2/11 received notice of Appeal which was timely filed. 12/6/11. Issued receipt Of Appeal letter. Council to accept or decline Notice of Appeal. Council Accepted Appeal At there December 15, 2011 meeting, notice was sent on December 16, 2011. December 19, 2011 received motion to intervene from the town of Gilford. December 27, 2011 received Appearance by Evan Mulholland for the DES and received Objection to the town of Gilford's Motion to Intervene. On January 6, 2012 received Town of Gilford's response to Objection To Motion to Intervene. January 10, 2012 received Appellants Sur-Reply to the Town of Gilford's Response to Objection. Hearing Officer to act on Motion and Objection. On February 16, 2012. Order granting the town of Gilford's Motion to intervene was issued on February 16, 2012. Pre Hearing Conference notice was issued on February 16, 2012. The Pre Hearing Conference is Scheduled for March 12, 2012 at 10:30 Am, and the hearing is scheduled for October 18, 2012 and

November 15, 2012 at 10: Am, notice given per Pre hearing Order.

Docket No 08-17 WMC- Simard Family Trust

Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site Groundwater Management Permit No. GPW-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued. Chairman was Sent draft Decision and Order on November 10, 2011 to review and prepare for Presentation To the Council. Chairman is working with Council on preparing final draft order to be presented to Council. Waiting for the draft order from the Chairman

Docket No 07-20 WMC Shaw Environmental, Inc.

Subject of Appeal: July 24, 2007 Groundwater Remedial Services Award to Weston Solutions Inc. Presiding Officer

Status: Hearing was held on November 15, 2007 and appeal denied. However, the Decision and Order was never issued in written form. On November 18, 2011, Chairman was sent Draft Decision And Order that had been on our H drive. Chairman is working with Council on preparing final Draft order to be presented to the council. Waiting for the Draft Order from the Chairman

(4) Hazardous Waste Management Division Rules Update;

Mike Wimsatt, Director

Mr. John Duclos and Ms Wendy Bonner

Mr. Duclos and Ms. Bonner gave a brief synopsis of the revisions of Env-Hw 103.67 through Env-103.71

(5) Adjournment

Chuck Connell made the motion to adjourn the May 17, 2012 meeting and Elaine Lauterborn seconded. All in favor

(6) Hearing

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal

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.



AGENDA

WASTE MANAGEMENT COUNCIL

Friday, June 29, 2012

9:00 AM to 2:00 PM

State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113, and 114
Concord, New Hampshire 03301

- 9:00 AM 1. **Introduction**
- A. Verify that a quorum is present
- 9:05 AM 2. **Pending Business**
- A. Acceptance of Minutes for the April & May Meeting
 B. Scheduling of Next Meeting
 C. Correspondence
- 9:10 AM 3. **Appeals Status Update**
- Paula Scott, Appeals Clerk
- 9:15 AM 4. **Updating of the Hazardous Waste Rules**
- John Duclos
 Wendy Bonner
- 9:20 AM 5. **Public Commentary**
- Opportunity for Public Comment on matters affecting the Waste
 Management Council or the Waste Management Division.
- 9: 25 AM 6. **Adjournment of Business Meeting**
- 9:30 AM 7. **Deliberations**
- Docket No. 10-26 WMC-Old Dutch Mustard Co., inc. of Pioneer Point
- 12:00 PM 8. **Lunch**
- 1:00 PM 9. **Deliberations Resumes**
- 2:00 PM 10. **Adjournment**

WASTE MANAGEMENT COUNCIL

Minutes of June 29, 2012

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Phillip Bilodeau; Michael Blayney; Chuck Connell; Steve Crean; Arthur Cunningham; Nancy Kinner; Elaine Lauterborn; Daniel Sweet; Duncan Watson;

(1) Introduction

(A) Chairman Richards brought the meeting to order at 9:05 a.m. verifying that a quorum was present.

(2) Pending Business

(A) Schedule of Next Meeting: The next meeting is scheduled for July 19, 2012, and will be held at the NHDES offices.

(B) Accept the minutes of the April 19, 2012 meeting. Elaine Lauterborn, Nancy Kinner seconded. All in favor. Elaine Lauterborn Moved to accept the minutes of the May 17, 2012. Steve Crean seconded. All in favor Chuck Connell abstained.

(C) Old/New Business; Arthur Cunningham read an Accommodation to Mr. Blayney from Governor John Lynch for his years of service and dedication to the State of NH.

(3) Appeal Status Update: Paula Scott, Appeals Clerk

Docket No 08-17 WMC- Simard Family Trust

Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site Groundwater Management Permit No. GPW-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued.

Chairman was Sent draft Decision and Order on November 10, 2011 to review and prepare for Presentation to the Council. Chairman is working with Council on preparing final draft order to be presented to final draft order to be presented to Council, Chairman gave draft order to the Appeals Clerk

Docket No 07-20 WMC Shaw Environmental, Inc.

Subject of Appeal: July 24, 2007 Groundwater Remedial Services Award to Weston Solutions Inc.

Presiding Officer

Status: Hearing was held on November 15, 2007 and appeal denied. However, the Decision and Order was never issued in written form. On November 18, 2011, Chairman was sent Draft Decision and Order that had been on our H drive. Chairman is working with Council on preparing final Draft order to be presented to the council. Chairman gave the Draft Order to the Appeals Clerk

Pending, Appeal's.

Docket No. 10-26- WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal

Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and – 004.

Presiding Officer: David Conley, Esq.

Status: PHC was held on August 25, 2011 at 9.00 am.

Second PHC was held on October 14, 2011, and notice given per PHO issued August 25, 2011.

Presiding Officer issued decision on Motion to Dismiss and Objection to Motion to Dismiss

On August 29, 2011. September 21, 2011 Appellant filed Motion to Compel. Intervener's Response to Motion to Compel was filed on September 28, 2011. Order on Appellants Motion to Compel was issued on October 2, 2011. Partially Assented-To Motion to Reschedule

Hearing and certain Pre-hearing deadlines filed October 3, 2011. October 4, 2011 received Appellants Witness & Exhibit lists and Intervener's Objection to Motion to Reschedule Hearing & Certain Pre-hearing deadlines October 5, 2011 received response to Objection to Motion to Reschedule Hearing and certain Pre-hearing deadlines. Order on partially Assented-to-motion to Reschedule Hearing and certain pre-hearing deadlines was issued on October 6, 2011. Second PHC is rescheduled to December 12, 2011 at 9:15 am. And Hearing is rescheduled to December

15, 2011@ 9:00.notice given per Order on Partially Assented – To Motion to Reschedule Hearing.

October 10, 2011. Received Intervenor's Witness and exhibit list. December 5, 2011 received

Appellants Witness and Exhibit List and Intervenor's Witness and Exhibit List. December 5, 2011 received supplement to Intervenor's Witness and Exhibit List and DES' Motion to

received supplement to Intervenor's Witness and Exhibit List and DES' Motion to Strike. Witness Designations of Appellant and Appellee. December 8, 2011 received Appellants Qualified Assent to Motion to Strike and Appellants revised exhibits. December 12, 2011 PHO was issued and also, received Intervenor's Exhibit List and Exhibits. December 12, 2011 At the PHC a motion was made to continue hearing and was granted. Hearing was rescheduled To January 19, 2012 at 10:00 am notice given per PHO, Third PHO is scheduled for January 13, 2012. December 13, 2011 Notice of change in time for PHC was issued. January 12, 2012. Received e-mail requesting hearing is moved out 30 days. PO agreed to postpone the hearing and reschedule with due notice given. PHC is rescheduled to February 16, 2012 at 10:00 am. Notice issued on January 13, 2012. February 12, 2012 Motion to Adjourn or Continue PHC & Hearing was filed by DES. February 9, 2012 Intervener filed Objection to Motion to Adjourn or Continue PHC & Hearing. February 9, 2012 Appellant filed Response to Objection to Motion to Reschedule Hearing and certain pre hearing deadlines. Order on Motion to Adjourn or continue PHC and hearing was issued on February 10, 2012. PHC is scheduled for April 16, 2012, and Hearing for April 19, 2012. Third Pre Hearing Notice was issued on March 13, 2012 with Pre Conference scheduled for April 16, 2012 at 11:Am. April 16, 2012 received Appellant's Supplemental exhibits. Pre Hearing Order was issued on April 16, 2012. Hearing is scheduled for April 19, 2012 at 10:30 Am. May 15, 2012, received parties stipulated Findings of Fact and ruling of law, as well as Motion to Amend Pre-hearing Order May 16, 2012 Hearing officer advised Parties, the appellant will have 1 hour to finish their direct. Hearing to resume at todays meeting.

Docket No. 11-14 WMC – Energy North Natural Gas, Inc. dba National Grid

Subject of Appeal: November 2, 2011 Final Decision on Remedial Action Plan for Lower Liberty Hill site in Gilford,

Presiding Officer: David Conley

Recusals:

Status: 12/2/11 received notice of Appeal which was timely filed. 12/6/11. Issued receipt Of Appeal letter, Council to accept or decline Notice of Appeal, Council Accepted Appeal At there December 15, 2011 meeting, notice was sent on December 16, 2011. December 19, 2011 received motion to intervene from the town of Gilford. December 27, 2011 received appearance by Evan Mulholland for the DES and received objection to the town of Gilford's Motion to Intervene, On January 6, 2012 received Town of Gilford's response to Objection To Motion to Intervene, January 10, 2012 received Appellants Sur-Reply to the Town of Gilford's Response to Objection, Hearing Officer to act on Motion and Objection, On February 16, 2012 Order granting the town of Gilford's Motion to intervene was issued on February 16, 2012. Pre Hearing Conference notice was issued on February 16, 2012. The Pre Hearing Conference is scheduled for March 12, 2012 at 10:30 am, and the hearing is scheduled for October 18, 2012 And November 15, 2012 at 10: am, notice given per Pre hearing Order.

- (4) **Hazardous Waste Management Division Rules Update;
Mr. John Duclos and Ms Wendy Bonner**

Mr. Duclos and Ms. Bonner gave a brief synopsis of the revisions of Env-Hw 103.67 Through Env-103.71.

(5) Public Commentary;

There was no public comment

(6) Waste Management Division Update; Director Michael Wimsatt

Mr. Wimsatt gave an update on HB-1435 Concerning Public comment. The Bill has Gone into interim study and they would like to have the Council Chairs testify before the Committee. Mr. Wimsatt also gave a brief synopsis of HB 1234.

(7) Adjournment

Nancy Kinner made the motion to adjourn the June 29, 2012 meeting and Elaine Lauterborn seconded. All in favor

(8) Hearing

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal

Present at the hearing Phillip Bilodeau, Nancy Kinner, Stephen Crean, Elaine Lauterborn, Daniel Sweet, Michael Blayney, Bradley Richards, and David Conley Hearing officer. The Vote was 6 to 1 to deny the appeal. Elaine Lauterborn voted to except the appeal and the other council members voted to deny.

*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.*



AGENDA

WASTE MANAGEMENT COUNCIL

Thursday, September 20, 2012
10:00 AM to 2:00 PM

State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113, and 114
Concord, New Hampshire 03301

- 10:00 AM 1. **Introduction**
- A. Verify that a quorum is present
- 10:05 AM 2. **Pending Business**
- A. Acceptance of Minutes for the June Meeting
B. Scheduling of Next Meeting
C. Correspondence
- 10:15 AM 3. **Waste Management Division Update**
- Michael J. Wimsatt, P.G., Director
- 10:30 AM 4. **Appeals Status Update**
- Paula Scott, Appeals Clerk
- Docket No. 10-26 WMC-Old Dutch Mustard Co., inc. of Pioneer Point
In re Appeal of Old Dutch Mustard co Inc.
Motion for Rehearing/Reconsideration on Councils final decision**
- 11:45 AM 5. **Public Commentary**
- Opportunity for Public Comment on matters affecting the Waste Management Council or the Waste Management Division
- 12:00 AM 6. **Lunch**
- 1;00 PM 7. **New/Old Business**
- 1;15 PM 8. **Adjournment (or sooner if operation of business is completed before)**

WASTE MANAGEMENT COUNCIL

Minutes of September 20, 2012

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Phillip Bilodeau; Chuck Connell; Steve Crean; Arthur Cunningham; Nancy Kinner; Elaine Lauterborn; Fredrick McGarry; Daniel Sweet; and Duncan Watson.

(1) Introduction

(A) Vice Chairman Cunningham brought the meeting to order at 10:05 a.m. verifying that a quorum was present.

(2) Pending Business

(A) Schedule of Next Meeting: The next meeting is scheduled for October, 2012, and will be held at the NHDES offices.

(B) Accept the minutes of the June 19, 2012 meeting. Daniel Sweet Moved to accept the minutes of the June 19th meeting as Amended. And Phillip Bilodeau seconded. All were in favor. Chuck Connell and Fred McGarry abstained.

(C) Old/New Business

10:20 Nancy Kinner arrives

10:25 Bradley Richards arrives; Mr. Cunningham turns the meeting over to the chair.

(3) Waste Management Division Update: Michael Wimsatt Director Waste Management Division

Mr. Wimsatt gave a brief synopsis on the 2013-2014 budgets, the Consolidation of the Lab to DHHS. And Also discussed the Beede Oil and the Motolo site. Mr. Wimsatt also wanted to recognize Rick Berry and Carroll Brown of the emergency response section for doing an amazing job since the PRC disbanded. They have brought all of the boats back up into running order and have also done many drills. They were Able to deploy all of the booms in the last exercise in 2hrs and that is the first time that has ever Been achieved.

(4) Appeal Status Update: Paula Scott, Appeals Clerk

Appeals Clerk Paula Scott presented the Appeals Status Update. (Please see attached)

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Motion for Rehearing and Reconsideration. Steve Crean made the motion to deny the motion for rehearing and reconsideration Phillip Bilodeau second. Daniel Sweet also voted to deny. Nancy Kinner, Elaine Lauterborn and Brad Richards voted against denying the Motion for reconsideration. The vote was 3 to 3.

Elaine Lauterborn made the motion to except the motion for rehearing and reconsideration, Nancy Kinner Second the motion. Daniel sweet also voted in favor. Steve Crean, Phillip Bilodeau and Brad Richards Voted against the motion. The vote was 3 to 3.

(5) Public Commentary;

There was no one present for Public Commentary.

(6) Adjournment

Chuck Connell made the motion to adjourn the September 20, 2012 meeting and Elaine Lauterborn seconded. All in favor

*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: September 20, 2012

Upcoming Council Meetings: Oct. 18, 2012; Nov. 15, 2012; Dec. 20, 2012

I. New Appeals

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

Docket No. 08-17 WMC – Simard Family Trust

Subject of Appeal: 2/19/08 Auburn Rd Landfill Superfund Site Groundwater Management Permit No. GWP-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued. Chairman was send draft Decision and Order on Nov. 10, 2011 to review and prepare for presentation to the Council. Chairman was send draft Decision and Order on Nov. 18, 2011. Chairman is working with Counsel on preparing final draft order to be presented to the Council. Lisa sent comments to the Chairman on Nov. 29, 2011. Dec. 16, 2011, appeals clerk forwarded Lisa's email and comments of 11/29/11 regarding order to Chairman. 1/13/12, per chairman's request appeals clerk emailed draft order and decision to Lisa English again. Chairman will review the hearing tapes which have been given to him today 2/16/12. Waiting for Decision and Order from Chairman

Docket No. 07-20 WMC – Shaw Environmental, Inc.

Subject of Appeal: 7/24/07 Groundwater Remedial Services Award to Weston Solutions Inc.

Presiding Officer

Status: Hearing was held 11/15/07 and appeal was denied. However, the Decision and Order was never issued in written form. On Nov. 18, 2011, Chairman was send draft Decision and Order that had been on our H drive. Chairman is working with Counsel on preparing final draft order to be presented to the Council. Lisa sent comments to the Chairman on Nov. 29, 2011. Dec. 16, 2011, appeals clerk forwarded Lisa's email and comments from 11/29/11 regarding order to Chairman. 1/13/12, per chairman's request, appeals clerk emailed draft order and decision to Lisa English again. Chairman will review the hearing tapes which have been given to him today 2/16/12. Waiting for Decision and Order from Chairman

Docket No.10-26 WMC – Old Dutch Mustard Co., Inc. of Pioneer Point Appeal

Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and -004

Presiding Officer: David Conley, Esq.

Status: 12/12/11 PHO was issued and also, rec'd Intervenor's Exhibit List and Exhibits. 12/12/11 at the PHC a motion was made to continue hearing and was granted. Hearing was rescheduled to 1/19/12 @ 10:00 a.m., notice given per PHO. 3rd PHC is scheduled for Jan. 13, 2012. 12/13/11 Notice of Change in Time for next PHC was issued. 1/12/12 rec'd email requesting hearing be moved out 30 days from Attorney Roth with appellant assenting to the request and the intervenor objected. PO noted the objection and agreed to postpone the hearing and will reschedule with due notice given. 3rd PHC is rescheduled to 2/14/12 @ 11 a.m. and the Hearing is rescheduled to 2/16/12 @ 10 a.m., notice issued on Jan. 13, 2012. 2/9/12 Motion to Adjourn or Continue PHC & Hearing was filed by DES. 2/9/12 Intervener filed Objection to Motion to Adjourn or Continue PHC & Hearing. 2/9/12 Appellant filed Response to Obj. to Motion to Reschedule Hearing and Certain Prehearing Deadlines. Order on Motion to Adjourn or continue PHC and Hearing was issued on 2/10/12. 3rd PHC is rescheduled for 4/16/12 and the hearing is scheduled for 4/19/12. 3rd PHC notice was issued on 3/13/12 with PHC scheduled for Apr. 16, 2012 @ 11 a.m. 4/16/12 rec'd Appellant's Supplemental Exhibits. PHO was issued on 4/16/12; hearing is scheduled for 4/19/12 at 10:30 a.m. 5/15/12 rec'd parties Stipulated Findings of Fact and Rulings of Law, as well as a Motion to Amend Pre-hearing Order. 5/16/12 Hearing officer advised the parties, the appellant will have 1 hour to finish their direct. Hearing to resume at today's meeting (May 17, 2012) of the Council. Deliberations are being held today, (June 29, 2012). Decision to be issued in 90 days (Aug. 16, 2012). Decision on Notice of Appeal was issued on 8/16/12. 9/5/12 rec'd Motion for Rehearing/Reconsideration.

III. Hearings or PHCs Pending

Docket No. 11-14 WMC – EnergyNorth Natural Gas, Inc. dba National Grid

Subject of Appeal: November 2, 2011 Final Decision on Remedial Action Plan for Lower Liberty Hill site in Gilford.

Presiding Officer: David Conley (appointed 1/19/12)

Recusals: None

Status: 12/2/11 rec'd Notice of Appeal which was timely filed. 12/6/11 issued Receipt of Appeal letter. Council accepted appeal at their 12/15/11 meeting, notice was sent 12/16/11. 12/19/11 rec'd Motion to Intervene from the Town of Gilford. 12/27/11 Rec'd appearance by Evan Mulholland for the DES and rec'd appellants Objection to the Town of Gilford's Motion to Intervene. 1/6/12 rec'd Town of Gilford's Response to Objection to Motion to Intervene. 1/10/12 rec'd Appellant's Sur-Reply to the Town of Gilford's Response to Objection. Hearing Officer to act on Motions and Objection at the 2/16/12 meeting. Order granting the Town of Gilford's Motion to Intervene was issued 2/16/12. Pre-hearing Conference notice was issued on 2/16/12; PHC scheduled for Mar. 12, 2012 @ 10:30 a.m. PHC was held on 3/12/12 and **hearing** is scheduled for **Oct 18th and Nov. 15, 2012 @ 10 a.m.**, notice given per PHO. 7/25/12 rec'd Assented-To Motion to Continue. 7/26/12 Motion to Continue was granted and issued. 7/27/12 rec'd Notice of Change of Ownership of Appellant.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal

17th 9 24



AGENDA

WASTE MANAGEMENT COUNCIL

Thursday, December 20, 2012
10:00 AM to 2:00 PM

State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113, and 114
Concord, New Hampshire 03301

- 10:00 AM** **1. Introduction**
- A. Verify that a quorum is present
- 10:05 AM** **2. Pending Business**
- A. Acceptance of Minutes for the September Meeting
 B. Scheduling of Next Meeting (January 17th)
 C. Correspondence
- 10:15 AM** **3. Appeals Status Update**
- Paula Scott, Appeals Clerk
- Docket No. 12-18 WMC- Appeal of Groundwater Management Permit
Transfer Application Decision dated November 6, 2012**
- 10:30 AM** **4. Hazardous Waste update on Quick Fix Rules**
 Wendy Bonner
- 10:45 AM** **5. Revision of ENV-WM-1401 Rules**
 Michael Juranty
- 11:00 AM** **6. Waste Management Division Update**
- Michael J. Wimsatt, P.G., Director
- 11:45 AM** **7. Public Commentary**
- Opportunity for Public Comment on matters affecting the Waste
Management Council or the Waste Management Division
- 12:00 PM** **8. Lunch**
- 1:00 PM** **9. New/Old Business**
- 1:15 PM** **10. Adjournment (or sooner if operation of business is completed before)**



THE STATE OF NEW HAMPSHIRE

Waste Management Council

G. Bradley Richards, 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/>

WASTE MANAGEMENT COUNCIL

Minutes of December 20, 2012

State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301

MEMBERS PRESENT:

G. Bradley Richards, Chairman; Phillip Bilodeau; Chuck Connell; Steve Crean; Arthur Cunningham; Nancy Kinner; Elaine Lauterborn; Fredrick McGarry; Daniel Sweet; and Duncan Watson.

(1) Introduction

(A) Chairman Richards brought the meeting to order at 10:10 a.m. verifying that a quorum was present.

(2) Pending Business

(A) Schedule of Next Meeting: The next meeting is scheduled for January, 2013, and will be held at the NHDES offices.

(B) Accept the minutes of the Sept 20, 2012 meeting. Daniel Sweet Moved to accept the minutes of the June 19th meeting as Amended. And Phillip Bilodeau seconded. All were in favor. Chuck Connell and Fred McGarry abstained.

(3) Appeal Status Update: Paula Scott, Appeals Clerk

Appeals Clerk Paula Scott presented the Appeals Status Update. (Please see attached)

Docket No. 12-18 WMC-Southern NH Commons

Duncan Watson made the motion to accept the appeal and Elaine Lauterborn Seconded, all were in favor. Fred McGarry abstained

Docket No. 08-17 WMC – Simard Family Trust

Nancy Kinner made the motion to accept the draft decision and Duncan Watson second, all were in favor.

Docket No 07-20 WMC – Shaw Environmental, Inc

Steve Crean made the motion to accept the draft decision, Elaine Lauterborn seconded, all were in favor.

(4) Hazardous Waste Rules Update

John Duclos

Mr. Duclos went over the revisions in the Hazardous waste rules.

(5) Revision of the ENV-WM-1401

Michael Juranty

Mr. Juranty reviewed the key proposed ENV-WM-1401 revisions to the Underground storage facilities Rules. The proposed rules were presented to the ADHOC committee on Nov 30, 2012.

(6) Waste Management Division Update: Michael Wimsatt Director Waste Management Division

Mr. Wimsatt gave a brief synopsis on the 2013-2014 budgets; He also talked about the closure of the Farnington Cardinal Landfill. He also talked about two bills that will restore the clean up fee to 1 ¼ cents Per gallon. There are substandard tanks that need replacing It would cost us \$1,500 for a new tank compared to \$18,000 dollars for the cleanup of a release.

(7) Public Commentary;

There was no one present for Public Commentary.

(8) Adjournment

At 12:30 Nancy Kinner made the motion to adjourn the December 20, 2012 meeting and Elaine Lauterborn seconded. All were in favor

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: December 20, 2012

Upcoming Council Meetings: Jan. 17, 2013; Feb. 21, 2013; Mar. 21, 2013; Apr. 18, 2013; 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

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: Not Assigned

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.

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

Docket No. 08-17 WMC – Simard Family Trust

Subject of Appeal: 2/19/08 Auburn Rd Landfill Superfund Site Groundwater Management Permit No. GWP-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued. Chairman was send draft Decision and Order on Nov. 10, 2011 to review and prepare for presentation to the Council. Chairman was send draft Decision and Order on Nov. 18, 2011. Chairman is working with Counsel on preparing final draft order to be presented to the Council. Lisa sent comments to the Chairman on Nov. 29, 2011. Dec. 16, 2011, appeals clerk forwarded Lisa's email and comments of 11/29/11 regarding order to Chairman. 1/13/12, per chairman's request appeals clerk emailed draft order and decision to Lisa English again. Chairman will review the hearing tapes which have been given to him today 2/16/12. Waiting for Decision and Order from Chairman. Dec. 3, 2012, sent final draft decision to Chairman. 12/4/12 sent draft decision to council. Draft decision to be considered by the council.

Docket No. 07-20 WMC – Shaw Environmental, Inc.

Subject of Appeal: 7/24/07 Groundwater Remedial Services Award to Weston Solutions Inc.

Presiding Officer

Status: Hearing was held 11/15/07 and appeal was denied. However, the Decision and Order was never issued in written form. On Nov. 18, 2011, Chairman was send draft Decision and Order that had been on our H drive. Chairman is working with Counsel on preparing final draft order to be presented to the Council. Lisa sent comments to the Chairman on Nov. 29, 2011. Dec. 16, 2011, appeals clerk forwarded Lisa's email and comments from 11/29/11 regarding order to Chairman. 1/13/12, per chairman's request, appeals clerk emailed draft order and decision to Lisa English again. Chairman will review the hearing tapes which have been given to him today 2/16/12. Waiting for Decision and Order from Chairman. Dec. 3, 2012, sent final draft of decision to Chairman. 12/4/12 sent draft decision to council. Draft decision to be considered by the council.

Docket No.10-26 WMC – Old Dutch Mustard Co., Inc. of Pioneer Point Appeal

Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and -004

Presiding Officer: David Conley, Esq.

Status: 12/12/11 PHO was issued and also, rec'd Intervenor's Exhibit List and Exhibits. 12/12/11 at the PHC a motion was made to continue hearing and was granted. Hearing was rescheduled to 1/19/12 @ 10:00 a.m., notice given per PHO. 3rd PHC is scheduled for Jan. 13, 2012. 12/13/11 Notice of Change in Time for next PHC was issued. 1/12/12 rec'd email requesting hearing be moved out 30 days from Attorney Roth with appellant

assenting to the request and the intervenor objected. PO noted the objection and agreed to postpone the hearing and will reschedule with due notice given. 3rd PHC is rescheduled to 2/14/12 @ 11 a.m. and the Hearing is rescheduled to 2/16/12 @ 10 a.m., notice issued on Jan. 13, 2012. 2/9/12 Motion to Adjourn or Continue PHC & Hearing was filed by DES. 2/9/12 Intervener filed Objection to Motion to Adjourn or Continue PHC & Hearing. 2/9/12 Appellant filed Response to Obj. to Motion to Reschedule Hearing and Certain Prehearing Deadlines. Order on Motion to Adjourn or continue PHC and Hearing was issued on 2/10/12. 3rd PHC is rescheduled for 4/16/12 and the hearing is scheduled for 4/19/12. 3rd PHC notice was issued on 3/13/12 with PHC scheduled for Apr. 16, 2012 @ 11 a.m. 4/16/12 rec'd Appellant's Supplemental Exhibits. PHO was issued on 4/16/12; hearing is scheduled for 4/19/12 at 10:30 a.m. 5/15/12 rec'd parties Stipulated Findings of Fact and Rulings of Law, as well as a Motion to Amend Pre-hearing Order. 5/16/12 Hearing officer advised the parties, the appellant will have 1 hour to finish their direct. Hearing to resume at today's meeting (May 17, 2012) of the Council. Deliberations are being held today, (June 29, 2012). Decision to be issued in 90 days (Aug. 16, 2012). Decision on Notice of Appeal was issued on 8/16/12. 9/5/12 rec'd Motion for Rehearing/Reconsideration. Motion for Rehearing/Reconsideration was discussed at the Sept. 20, 2012 meeting. Order was issued on 9/21/12 denying rehearing/Reconsideration. 12/4/12 informed Chairman Appellant appealed to Supreme Court and was accepted.

III. Hearings or PHCs Pending

Docket No. 11-14 WMC – EnergyNorth Natural Gas, Inc. dba National Grid

Subject of Appeal: November 2, 2011 Final Decision on Remedial Action Plan for Lower Liberty Hill site in Gilford.

Presiding Officer: David Conley (appointed 1/19/12)

Recusals: None

Status: 12/2/11 rec'd Notice of Appeal which was timely filed. 12/6/11 issued Receipt of Appeal letter. Council accepted appeal at their 12/15/11 meeting, notice was sent 12/16/11. 12/19/11 rec'd Motion to Intervene from the Town of Gilford. 12/27/11 Rec'd appearance by Evan Mulholland for the DES and rec'd appellants Objection to the Town of Gilford's Motion to Intervene. 1/6/12 rec'd Town of Gilford's Response to Objection to Motion to Intervene. 1/10/12 rec'd Appellant's Sur-Reply to the Town of Gilford's Response to Objection. Hearing Officer to act on Motions and Objection at the 2/16/12 meeting. Order granting the Town of Gilford's Motion to Intervene was issued 2/16/12. Pre-hearing Conference notice was issued on 2/16/12; PHC scheduled for Mar. 12, 2012 @ 10:30 a.m. PHC was held on 3/12/12 and hearing is scheduled for Oct 18th and Nov. 15, 2012 @ 10 a.m., notice given per PHO. 7/25/12 rec'd Assented-To Motion to Continue. 7/26/12 Motion to Continue was granted and issued. 7/27/12 rec'd Notice of Change of Ownership of Appellant. 9/25/12 issued hearing notice with hearings scheduled for Jan. 17 and 24, 2013 at 10 a.m. each day. 10/2/12 rec'd Assented-To Motion for Additional Continuance: 10/5/12 Motion was granted and notice was issued. Hearing rescheduled to May 16th and 30th, 2013 at 10 a.m., notice sent 10/23/12.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal

**Waste Management Council Members
2012 Attendance**

	January	February	March	April	May	June	July	August	September	October	November	December
Phillip Bilodeau		X	N/A	X	X	X	N/A	N/A	X	NA	NA	X
Michael B. Blayney	X	X		X	X	NA	NA	NA	NA	NA	NA	NA
Chuck Connell	X			X	X	X			X			X
Steven Crean	X	X		X	X	X			X			
Arthur Cunningham	X	X		X	X	X			X			X
Mike Durfor	X	X		X	X							
Nancy Kinner	X			X	X	X			X			X
Elaine Lauterborn		X		X	X	X			X			X
Fredrick McGarry	N/A	N/A	N/A	NA	NA	NA	NA	NA	X			X
G. Bradley Richards	X	X		X	X	X			X			X
Daniel Sweet	N/A	N/A		X	X	X			X			X
David Tooley												
Duncan Watson						X			X			X

Waste Management Council Members

<p>G. Bradley Richards, Chairman P.O. Box 399 Rye Beach, NH 03871 Cell: (603) 944-6883 Fax: (603) 964-2060 E-mail: bradleywyn@gmail.com Term Expires: November 10, 2013</p>	<p>Arthur Cunningham, Vice Chairman 8 Heather Lane Bow, NH 03304-3503 Phone: (603) 656-5400 Fax: (603) 656-5401 E-mail: arthur.cunningham@westonsolutions.com Term Expires: April 21, 2016</p>
<p>Phillip H. Blodeau Deputy Director of General Services City Of Concord 311 North State Street Concord NH 03301 Phone (603-) 228-2737 Fax (603) 224 - 6729 E-mail pblodeau@concord.com Term Expires Nov 10, 2013</p>	<p>Michael B. Blayney Office of Environmental Health & Safety Dartmouth College 7 College Hill PO Box 5495 Hanover, NH 03750 Phone: (603) 646-1794 Fax: (603) 646-2622 E-mail: Michael.B.Blayney@Dartmouth.EDU Term Expires: December 23, 2013</p>
<p>Stephen R. Crean 6 Gorham Pond Road Goffstown, NH 03045 Phone: (603) 472-2767 Fax: (603) 472-4572 E-mail: screan@ci.bedford.nh.us Term Expires: September 7, 2015</p>	<p>Charles E. Connell 9 Countryside Lane P.O. Box 1153 Moultonborough, NH 03254 Phone: (603) 253-3899 (home) Phone: (603) 444-3996, Ext. 13 (office) E-mail: ceconnell@roadrunner.com Term Expires: December 23, 2013</p>
<p>Michael W. Durfor Northeast Resource Recovery Association 2101 Dover Road Epsom, NH 03234 Phone: (603) 763-2989 Office Phone: (603) 736-4401 E-mail : mdurfor@nrna.net Term Expires: September 7, 2015</p>	<p>Fredrick J. McGarry 21 Old Centre Road Deerfield, NH 03824 Phone: (603) 463-7662 E-mail: mcgarry128@myfairpoint.net Term Expires: December 23, 2013</p>
<p>Nancy Kinner Environmental Research Group - ETB 236 University of NH 35 Colovos Road Durham, NH 03824 Phone: (603) 862-1422 E-mail: Nancy.Kinner@unh.edu Term Expires: November 10, 2013</p>	<p>Elaine M. Lauterborn 140 Old Dover Road Rochester, NH 03867 Phone: (603) 332-9444 Fax: (603) 332-9444 (same as phone) E-mail: elauterborn@aol.com Term Expires: November 10, 2013</p>
<p>Daniel P. Sweet 77c Little River Road Kingston NH 03848 Phone: (603) 642-8176 (home) E-mail: d-tsweet@comcast.net Term Expires: December 23, 2014</p>	<p>David J. Tooley 166 New Castle Avenue Portsmouth, NH 03801 Phone: (603) 373-8294 (home) Cell: (914) 714-4600 E-mail: dtooley@wm.com Term Expires: December 23, 2014</p>
<p>Duncan Watson P.O. Box 12 Drewsville, NH 03604 Phone: (603) 352-5739 Ext. 2 Fax: (603) 357-0106 E-mail: dwatson@ci.keene.nh.us Term Expires: November 10, 2013</p>	<p style="text-align: center;"><i>Updated: March, 2012</i></p>

**ANNUAL REPORT
WASTE MANAGEMENT COUNCIL
2012**

SUBMITTED TO

Governor Margaret Wood Hassan

Executive Council

The Honorable Raymond S. Burton

The Honorable Colin Van Ostern

The Honorable Christopher Sununu

The Honorable Christopher C. Pappas

The Honorable Debora B. Pignatelli

Commissioner Thomas S. Burack
New Hampshire Department
Of Environmental Services

RESPECTFULLY SUBMITTED

Arthur J. Cunningham, Vice Chairman/Acting Chairman

September 30, 2012

2012 Annual Report is dedicated in the memory of G. Bradley Richards, Chairman of the Waste Management Council

2012 WASTE MANAGEMENT COUNCIL APPEALS

Received	Docket # / Council	Decision Appealed	Appellant; Relationship	Intervenor(s); Relationship	Result	Further Action
12/05/12	12-18 WMC	11/6/12 approval of Groundwater Mgmt Permit Transfer Application GWP 200001038-H-002 with 1 added condition	Southern NH Commons, LLC, et al. (permittee)			

2012 WASTE MANAGEMENT COUNCIL PRIOR YEAR DOCKET ACTIVITY

Received	Docket # / Council	Decision Appealed	Appellant; Relationship	Intervenor(s); Relationship	Result	Further Action
08/22/07	07-20 WMC	7/24/04 Groundwater Remedial Services Award to Weston Solutions Inc.	Shaw Environmental, Inc. (unsuccessful bidder)	Weston Solutions; (successful bidder)	Appeal denied-12/20/12	
03/20/08	08-17 WMC	2/19/08 Issued Groundwater Management Permit Modification No. GWP-198803007-L-0001	Simard Family Trust (abutter)	Auburn Road Performing Party Group; permittee	Appeal Denied-12/20/12	
01/12/09	09-02 WMC	Denied Permit Modification Stage IV Phase II - DES-SW-SP-03	NCES, Inc.; permittee	Town of Bethlehem; (interested party)	Withdrawn-3/2/12	
04/23/09	09-19 WMC	Denied Permit Modification - Permit # DES-SW-SP-03-002 for Stage IV Phase II	NCES; applicant		Withdrawn-3/2/12	
09/27/10	10-22 WMC	Issued Stage IV Landfill Permit - No. DES-SW-SP-03-002	Seth Goldstein, et al; (resident)	North County Environmental Services, Inc.; permittee	Dismissed; DES decision upheld-9/15/11	Reconsideration-denied-1/26/12
11/24/10	10-26 WMC	Issued Standard Fill Permit - DES-SW-SP-10-005	Old Dutch Mustard Co., Inc. d/b/a Pilgrim Foods; abutter	Pioneer Point Enterprises, LLC; permittee	Appeal dismissed 8/16/12	Reconsideration denied 9/21/12-Appealed to Supreme Court
03/21/11	11-04 WMC	2/14/11 Record of Modification to SW Mgmt Facility Permit	Seth Goldstein, et al. (resident)	North County Environmental Services-Permittee	Motion to Dismiss Unintimely Appeal-Granted 9/27/11	Motion for Rehearing - Denied 1/9/12
12/02/11	11-14 WMC	Final Decision of Hazardous Waste Remediation Bureau on Remedial Action Plan for Lower Liberty Hill Rd. in Gilford	Energy/North Gas, Inc. d/b/a National Grid (site owner)	Town of Gilford; (interested party)	Appeal withdrawn-12/19/12	



AGENDA

WASTE MANAGEMENT COUNCIL

Thursday, January 19, 2012

9:00 AM to 4:00 PM

State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113, and 114
Concord, New Hampshire 03301

- 9:00 AM 1. Introduction
- A. Verify that a quorum is present
- 9:05 AM 2. Pending Business
- A. Acceptance of Minutes for Meeting of December 15, 2011
 - B. Scheduling of Next Meeting
 - C. Correspondence
- 9:15 AM 3. Appeals Status Update
- Paula Scott, Appeals Clerk
 - Docket No 10-22 WMC NCES
- 10:00 AM 4. Hearing
- Docket No. 10-26 WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal Cancelled
- 12:00 PM 6. Lunch
- 1:00 PM 7. Hearing resumes
- 4:00 PM 8. Adjournment (or sooner if operation of business is completed before)

WASTE MANAGEMENT COUNCIL

Minutes of January 19, 2012

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Michael Blayney Charles E. Connell; Steven Crean; Arthur Cunningham; Michael Dufor; Nancy Kinner;

(1) Introduction

(A) Chairman Richards brought the meeting to order at 9:08 a.m. verifying that a quorum was present.

(2) Pending Business

(A) Schedule of Next Meeting: The next meeting is scheduled for February 16, 2012 and will be held at the NHDES offices.

(B) Accept Minutes of the December 15, 2011 meeting. Chuck Connell Moved to except the minutes as amended, Michael Blayney seconded. All in favor.

(C) Schedule Presentation of Waste Options.

(3) Appeal Status Update: Paula Scott, Appeals Clerk

Pending, Appeal's.

Docket No 10-22 WMC –Seth Goldstein, et al Appeal

Subject of Appeal: August 27, 2010 Type 1B permit Modification for NCES Stage IV

Landfill, 581 Trudeau Road Permit# DES-SW-03-002

Presiding Officer: Attorney David Conley, Esq.

Status: Council deliberated on July 21, 2011. PO to issue draft order to the council and issue final Order within 90 days (October 19, 2011). Draft Decision and Order was accepted by the Council On September 15, 2011, Final decision and order was mailed on September 16, 2011. October 14, 2011 received Motion for Rehearing. On October 24, 2011 received Objection to Appellants Motion for Rehearing. Council did not have a quorum at the November meeting therefore, Council

to Act on Motion and Objection. Council accepted the Motion for the Rehearing at the Dec 15, 2011 meeting with the following conditions. The appellant is to submit offer of proof on. A-h by December 30, 2011. Attorney Gould may respond by January 13, 2012. Any new or additional Evidence will be considered in accordance with our rules and relevant statutes. December 30, 2011, received partial offer of proof. January 10, 2012 received NCES Objection to Uncaptioned Motion for extension of Time. January 13, 2012 received NCES Response to Appellant's partial Offer of proof. January 19, 2012 Council deliberated, on Items II a,b,c,e,f,g,h, Charles Connell Made the motion to Deny, Arthur Cunningham seconded all in favor. Item II d Charles Connell Made the motion to deny, Michael Blayne seconded. 4 members voted for the motion 2 opposed. Motion was denied.

Docket No. 11-04 WMC –Seth Goldstein, et al Appeal

Subject of Appeal: February 14, 2011 Type II Modification Stage IV Phase II-A Permit number DES-SW-SP-003-002.

Presiding Officer: David Conley: Esq.

Recusal: Stephen Crean

Status; Appellant filed Motion to Compel on August 8, 2011. NCES filed Objection to Motion to Compel and Motion for Extension of time on September 8, 2011. NCES filed its reply In Support Of its Motion for Extension of Time on September 9, 2011. Decision and Order on Motion to Dismiss untimely appeal was granted and issued on September 27, 2011. Motion for Rehearing Was filed on October 26, 2011. Objection to Motion for Rehearing was filed on November 1, 2011. Order on Appellants Motion for Rehearing was issued on January 9, 2012 and mailed That same day. Motion was denied.

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal

Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and - 004.

Presiding Officer: David Conley, Esq.

Status: PHC was held on August 25, 2011 at 9.00 am.

Second PHC was held on October 14, 2011, and notice given per PHO issued August 25, 2011. Presiding Officer issued decision on Motion to Dismiss and Objection to Motion to Dismiss On August 29, 2011. September 21, 2011 Appellant filed Motion to Compel. Intervener's Response to Motion to Compel was filed on September 28, 2011. Order on Appellants Motion to Compel was issued on October 2, 2011. Partially Assented-To Motion to Reschedule Hearing and certain Pre-hearing deadlines. filed October 3, 2011. October 4, 2011 received Appellants Witness & Exhibit lists and Intervener's Objection to Motion to Reschedule Hearing & Certain Pre-hearing deadlines. October 5, 2011 received response to Objection to Motion to Reschedule Hearing and certain Pre-hearing deadlines. Order on partially Assented-to-motion to Reschedule Hearing and certain pre-hearing deadlines was issued on October 6, 2011. Second PHC is rescheduled to December 12, 2011 at 9:15 am. And Hearing is rescheduled to December 15, 2011@ 9:00.notice given per Order on Partially Assented – To Motion to Reschedule Hearing. October 10, 2011. Received Intervenor's Witness and exhibit list. December 5, 2011 received Appellants Witness and Exhibit List and Intervenor's Witness and Exhibit List. December 5,

2011 received supplement to Intervenor's Witness and Exhibit List and DES' Motion to Strike. Witness Designations of Appellant and Appellee. December 8, 2011 received Appellants Qualified Assent to Motion to Strike and Appellants revised exhibits. December 12, 2011 PHO was issued and also, received Intervenor's Exhibit List and Exhibits. December 12, 2011 At the PHC a motion was made to continue hearing and was granted. Hearing was rescheduled To January 19, 2012 at 10:00 am notice given per PHO. Third PHO is scheduled for January 13, 2012. December 13, 2011 Notice of change in time for PHC was issued. January 12, 2012 received e-mail requesting hearing be moved out 30 days. PO agreed to postpone the hearing and reschedule with due notice given. PHC is rescheduled to February 16, 2012 at 10:00 am. Notice issued on January 13, 2012

Docket No. 11-14 WMC – Energy North Natural Gas, Inc. dba National Grid

Subject of Appeal: November 2, 2011 Final Decision on Remedial Action Plan for Lower Liberty Hill site in Gilford.

Presiding Officer: Not Assigned

Recusals:

Status: 12/2/11 received notice of Appeal which was timely filed. 12/6/11. Issued receipt Of Appeal letter. Council to accept or decline Notice of Appeal. Council Accepted Appeal At there December 15, 2011 meeting, notice was sent on December 16, 2011. December 19, 2011 received motion to intervene from the town of Gilford. December 27, 2011 received Appearance by Evan Mulholland for the DES and received Objection to the town of Gilford's Motion to Intervene. On January 6, 2012 received Town of Gilford's response to Objection To Motion to Intervene. January 10, 2012 received Appellants Sur-Reply to the Town of Gilford's Response to Objection. Hearing Officer to act on Motion and Objection.

Docket Number: 09-02 WMC

Appellant: North Country Environmental Services. Inc. (NCES, INC.)

Subject of Appeal: December 12, 2008 Applications to Modify Permit # DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road, Bethlehem NH

Presiding Officer: Not Assigned

Recusals: Stephen Crean

Status: Stay remains in affect Sent request for status report on September 21, 2011. 10/04/11 received joint status report. It appears both sides agree this can be dismissed.

Action needed by Council: Council may dismiss the Appeal if council chooses to treat this as a joint motion for dismissal. Template can be forwarded for the draft order to be prepared and presented to Council for issuing. Council accepted Joint Status Report. Council Tabled until a quorum was present. Clarification of status report is that the Appellant will withdraw appeal once Docket Nos 10-22 WMC and 11-04 WMC are resolved with finality.

Docket Number: 09-19 WMC

Appellant: North Country Environmental Services, Inc. (NCES, INC.)

Subject of Appeal: March 25, 2009 Notice of Decision Regarding Applications to Modify Permit #DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road, Bethlehem, NH

Presiding Officer: Not Assigned

Recusals: Stephen Crean

Status: Stay remains in affect. Sent request for status report on September 21, 2011. October 4, 2011 received joint status report. It appears both sides agree this can be dismissed.
Action Needed by Council: Council may dismiss the appeal; If Council chooses to treat this as a joint motion for dismissal. Template can be forwarded for draft order to be prepared and presented to Council for issuing. Council Accepted Joint Statue Report. Council tabled until a Quorum was present. Clarification of Status report is that appellant will withdraw appeal once Docket Nos. 10-22 WMC and 11-04 WMC are resolved with finality.

Docket No 08-17 WMC- Simard Family Trust

Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site Groundwater Management Permit No. GPW-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued. Chairman was Sent draft Decision and Order on November 10, 2011 to review and prepare for Presentation To the Council. Chairman is working with Council on preparing final draft order to be presented to the Council.

Docket No 07-20 WMC Shaw Environmental, Inc.

Subject of Appeal: July 24, 2007 Groundwater Remedial Services Award to Weston Solutions Inc.

Presiding Officer

Status: Hearing was held on November 15, 2007 and appeal denied. However, the Decision and Order was never issued in written form. On November 18, 2011, Chairman was sent Draft Decision And Order that had been on our H drive. Chairman is working with Council on preparing final Draft order to be presented to the council.

(4) Adjournment

Meeting was adjourned at 1:00 Charles Connell made the motion to adjourn the January 19, 2012 meeting Michael Blayney seconded. All in favor

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.



AGENDA

WASTE MANAGEMENT COUNCIL

**Thursday, February 16, 2012
10:00 AM to 2:00 PM**

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113, and 114
Concord, New Hampshire 03301**

- 10:00 AM 1. Introduction**
- A. Verify that a quorum is present
- 10:05 AM 2. Pending Business**
- A. Acceptance of Minutes for Meeting of January 19, 2012
 - B. Scheduling of Next Meeting
 - C. Correspondence
- 10:15 AM 3. Appeals Status Update**
- Paula Scott, Appeals Clerk
Docket No. 11-14 WMC – Energy North
- 10:30 AM 4. Vapor Recover Rules Update**
- Michael Juranty**
- 10:45 AM 5. Waste Management Division Update**
- Michael J. Wimsatt, P.G., Director
- 12:00 PM 6. Lunch**
- 1:00 PM 7. New/Old Business**
- 2:00 PM 8. Adjournment (or sooner if operation of business is completed before)**

WASTE MANAGEMENT COUNCIL

Minutes of February 16, 2012

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Phillip Bilodeau; Michael Blayney; Arthur Cunningham; Michael Dufor; Nancy Kinner; Elaine Lauterborn;

(1) Introduction

(A) Chairman Richards brought the meeting to order at 10:15 a.m. verifying that a quorum was present.

(2) Pending Business

(A) Schedule of Next Meeting: The next meeting is scheduled for March 15, 2012 and will be held at the NHDES offices.

(B) Accept Minutes of the January 19, 2011 meeting. Michael Blayney Moved to except the minutes, Michael Durfor seconded. All in favor.

(3) Appeal Status Update: Paula Scott, Appeals Clerk

Pending, Appeal's.

Docket No 10-22 WMC –Seth Goldstein, et al Appeal

Subject of Appeal: August 27, 2010 Type 1B permit Modification for NCES Stage IV Landfill, 581 Trudeau Road Permit# DES-SW-03-002

Presiding Officer: Attorney David Conley, Esq.

Status: Council deliberated on July 21, 2011. PO to issue draft order to the council and issue final Order within 90 days (October 19, 2011). Draft Decision and Order was accepted by the Council On September 15, 2011, Final decision and order was mailed on September 16, 2011. October 14, 2011 received Motion for Rehearing. On October 24, 2011 received Objection to Appellants Motion for Rehearing. Council did not have a quorum at the November meeting therefore, Council to Act on Motion and Objection. Council accepted the Motion for the Rehearing at the Dec 15, 2011 meeting with the following conditions. The appellant is to submit offer of proof on. A-h by December 30, 2011. Attorney Gould may respond by January 13, 2012. Any new or additional

Evidence will be considered in accordance with our rules and relevant statutes. December 30, 2011, received partial offer of proof. January 10, 2012 received NCES Objection to Uncaptioned Motion for extension of Time. January 13, 2012 received NCES Response to Appellant's partial Offer of proof. January 19, 2012 Council deliberated, on Items II a,b,c,e,f,g,h, Charles Connell Made the motion to Deny, Arthur Cunningham seconded all in favor. Item II d Charles Connell Made the motion to deny, Michael Blayney seconded. 4 members voted for the motion 2 opposed. Motion was denied. On January 26, 2012 Order was issued on Motion for Rehearing.

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal
Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and -004.

Presiding Officer: David Conley, Esq.

Status: PHC was held on August 25, 2011 at 9.00 am.

Second PHC was held on October 14, 2011, and notice given per PHO issued August 25, 2011.

Presiding Officer issued decision on Motion to Dismiss and Objection to Motion to Dismiss

On August 29, 2011. September 21, 2011 Appellant filed Motion to Compel. Intervener's

Response to Motion to Compel was filed on September 28, 2011. Order on Appellants

Motion to Compel was issued on October 2, 2011. Partially Assented-To Motion to Reschedule

Hearing and certain Pre-hearing deadlines. filed October 3, 2011. October 4, 2011 received

Appellants Witness & Exhibit lists and Intervener's Objection to Motion to Reschedule Hearing

& Certain Pre-hearing deadlines. October 5, 2011 received response to Objection to Motion to

Reschedule Hearing and certain Pre-hearing deadlines. Order on partially Assented-to-motion to

Reschedule Hearing and certain pre-hearing deadlines was issued on October 6, 2011. Second

PHC is rescheduled to December 12, 2011 at 9:15 am. And Hearing is rescheduled to December

15, 2011 @ 9:00. notice given per Order on Partially Assented – To Motion to Reschedule Hearing.

October 10, 2011. Received Intervenor's Witness and exhibit list. December 5, 2011 received

Appellants Witness and Exhibit List and Intervenor's Witness and Exhibit List. December 5,

2011 received supplement to Intervenor's Witness and Exhibit List and DES' Motion to Strike.

Witness Designations of Appellant and Appellee. December 8, 2011 received Appellants

Qualified Assent to Motion to Strike and Appellants revised exhibits. December 12, 2011

PHO was issued and also, received Intervenor's Exhibit List and Exhibits. December 12, 2011

At the PHC a motion was made to continue hearing and was granted. Hearing was rescheduled

To January 19, 2012 at 10:00 am notice given per PHO. Third PHO is scheduled for January

13, 2012. December 13, 2011 Notice of change in time for PHC was issued. January 12, 2012

received e-mail requesting hearing be moved out 30 days. PO agreed to postpone the hearing

and reschedule with due notice given. PHC is rescheduled to February 16, 2012 at 10:00 am.

Notice issued on January 13, 2012. February 12, 2012 Motion to Adjourn or Continue PHC &

Hearing was filed by DES. February 9, 2012 Intervener filed Objection to Motion to Adjourn or

Continue PHC & Hearing. February 9, 2012 Appellant filed Response to Objection to Motion to

Reschedule Hearing and certain pre hearing deadlines. Order on Motion to Adjourn or continue

PHC and hearing was issued on February 10, 2012. PHC is scheduled for April 16, 2012, and

Hearing for April 19, 2012.

Docket No. 11-14 WMC – Energy North Natural Gas, Inc. dba National Grid

Subject of Appeal: November 2, 2011 Final Decision on Remedial Action Plan for Lower

Liberty Hill site in Gilford.

Presiding Officer: David Conley

Recusals:

Status: 12/2/11 received notice of Appeal which was timely filed. 12/6/11. Issued receipt Of Appeal letter. Council to accept or decline Notice of Appeal. Council Accepted Appeal At there December 15, 2011 meeting, notice was sent on December 16, 2011. December 19, 2011 received motion to intervene from the town of Gilford. December 27, 2011 received Appearance by Evan Mulholland for the DES and received Objection to the town of Gilford's Motion to Intervene. On January 6, 2012 received Town of Gilford's response to Objection To Motion to Intervene. January 10, 2012 received Appellants Sur-Reply to the Town of Gilford's Response to Objection. Hearing Officer to act on Motion and Objection. On February 16, 2012, Elaine Lauterborn made the motion to accept the town of Gilford's Motion to Intervene. And Mike Durfor seconded the motion. All in favor.

Docket Number: 09-02 WMC

Appellant: North Country Environmental Services, Inc. (NCES, INC.)

Subject of Appeal: December 12, 2008 Applications to Modify Permit # DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road, Bethlehem NH

Presiding Officer: Not Assigned

Recusals: Stephen Crean

Status: Stay remains in affect Sent request for status report on September 21, 2011. 10/04/11 received joint status report. It appears both sides agree this can be dismissed.

Action needed by Council: Council may dismiss the Appeal if council chooses to treat this as a joint motion for dismissal. Template can be forwarded for the draft order to be prepared and presented to Council for issuing. Council accepted Joint Status Report. Council Tabled until a quorum was present. Clarification of status report is that the Appellant will withdraw appeal once Docket Nos 10-22 WMC and 11-04 WMC are resolved with finality.

Docket Number: 09-19 WMC

Appellant: North Country Environmental Services, Inc. (NCES, INC.)

Subject of Appeal: March 25, 2009 Notice of Decision Regarding Applications to Modify Permit #DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road, Bethlehem, NH

Presiding Officer: Not Assigned

Recusals: Stephen Crean

Status: Stay remains in affect. Sent request for status report on September 21, 2011. October 4, 2011 received joint status report. It appears both sides agree this can be dismissed.

Action Needed by Council: Council may dismiss the appeal; If Council chooses to treat this as a joint motion for dismissal. Template can be forwarded for draft order to be prepared and presented to Council for issuing. Council Accepted Joint Statue Report. Council tabled until a Quorum was present. Clarification of Status report is that appellant will withdraw appeal once Docket Nos. 10-22 WMC and 11-04 WMC are resolved with finality.

Docket No 08-17 WMC- Simard Family Trust

Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site Groundwater Management Permit No. GPW-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued. Chairman was Sent draft Decision and Order on November 10, 2011 to review and prepare for Presentation To the Council. Chairman is working with Council on preparing final draft order to be presented to the Council.

Docket No 07-20 WMC Shaw Environmental, Inc.

Subject of Appeal: July 24, 2007 Groundwater Remedial Services Award to Weston Solutions Inc. Presiding Officer

Status: Hearing was held on November 15, 2007 and appeal denied. However, the Decision and Order was never issued in written form. On November 18, 2011, Chairman was sent Draft Decision And Order that had been on our H drive. Chairman is working with Council on preparing final Draft order to be presented to the council.

(4) Waste Management Division Update; Director Michael Wimsatt

Mr. Wimsatt gave an update to the Council on the 2014-2015 Budget. He also gave an update on The disbandment of the PRC to the Department of Environmental Services. The Spill Response Section will now be in charge of all of the equipment that used to be managed by the coop. The Council would like to thank the Spill Response group for all of there hard work with this transition. Mr. Wimsatt also gave a brief synopsis of the Farmington Landfill and also on the Legislative Session in regards to HB 1489 Repeal of the Fod fund, HB 1721 Spcc plans and self certification, HB 1477, Spent materials an also HB 1234- 1435 establishing a grievance committee.

(5) Vapor Recovery Rules Update; Mr. Michael Juranty

The Vapor recovery Stage II rules will expire in August of 2012. The State of NH would like to Modify the stage II rules and tie the Federal Neshap rules to the vapor recovery rules and readopt The stage I Rules. Arthur Cunningham made the motion to concur with the changes to the Vapor Recovery Rules. And was seconded by Michel Blayney. All were in favor

(6) Adjournment

Meeting was adjourned at 12:10 Nancy Kinner made the motion to adjourn the February 16, 2012 meeting Arthur Cunningham seconded. All in favor

*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.*



AGENDA

WASTE MANAGEMENT COUNCIL

**Thursday, April 19, 2012
10:00 AM to 2:00 PM**

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113, and 114
Concord, New Hampshire 03301**

- 10:00 AM 1. Introduction**
- A. Verify that a quorum is present
- 10:05 AM 2. Pending Business**
- A. Acceptance of Minutes for Meeting of February 16, 2012
 - B. Scheduling of Next Meeting
 - C. Correspondence
- 10:10 AM 3. Waste Management Division Update**
- Michael J. Wimsatt, P.G., Director
- 10:20 AM 4. Appeals Status Update**
- Paula Scott, Appeals Clerk
- 10:30 AM 5. Hearing**
- Docket No. 10-26 WMC-Old Dutch Mustard Co., inc. of Pioneer Point**
- 12:00 PM 6. Lunch**
- 1:00 PM 7. Hearing Resumes**
- 4:00 PM 8. Adjournment (or sooner if operation of business is completed before)**

WASTE MANAGEMENT COUNCIL

Minutes of April 19, 2012

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Phillip Bilodeau; Michael Blayney; Arthur Cunningham; Steve Crean; Michael Dufor; Nancy Kinner; Elaine Lauterborn; Daniel Sweet;

(1) Introduction

(A) Chairman Richards brought the meeting to order at 9:10 a.m. verifying that a quorum was present.

(2) Pending Business

(A) Schedule of Next Meeting: The next meeting is scheduled for May 17, 2012, and will be held at the NHDES offices.

(B) Accept Minutes of the February 16, 2011 meeting. Elaine Lauterborn Moved to except the minutes, Nancy Kinner seconded. All in favor.

(C) Correspondence:

(3) Appeal Status Update: Paula Scott, Appeals Clerk

Pending, Appeal's.

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal

Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and -004.

Presiding Officer: David Conley, Esq.

Status: PHC was held on August 25, 2011 at 9.00 am.

Second PHC was held on October 14, 2011, and notice given per PHO issued August 25, 2011.

Presiding Officer issued decision on Motion to Dismiss and Objection to Motion to Dismiss

On August 29, 2011. September 21, 2011 Appellant filed Motion to Compel. Intervener's Response to Motion to Compel was filed on September 28, 2011. Order on Appellants Motion to Compel was issued on October 2, 2011. Partially Assented-To Motion to Reschedule Hearing and certain Pre-hearing deadlines. filed October 3, 2011. October 4, 2011 received Appellants Witness & Exhibit lists and Intervener's Objection to Motion to Reschedule Hearing & Certain Pre-hearing deadlines. October 5, 2011 received response to Objection to Motion to Reschedule Hearing and certain Pre-hearing deadlines. Order on partially Assented-to-motion to Reschedule Hearing and certain pre-hearing deadlines was issued on October 6, 2011. Second PHC is rescheduled to December 12, 2011 at 9:15 am. And Hearing is rescheduled to December 15, 2011@ 9:00.notice given per Order on Partially Assented – To Motion to Reschedule Hearing. October 10, 2011. Received Intervenor's Witness and exhibit list. December 5, 2011 received Appellants Witness and Exhibit List and Intervenor's Witness and Exhibit List. December 5, 2011 received supplement to Intervenor's Witness and Exhibit List and DES' Motion to Strike. Witness Designations of Appellant and Appellee. December 8, 2011 received Appellants Qualified Assent to Motion to Strike and Appellants revised exhibits. December 12, 2011 PHO was issued and also, received Intervenor's Exhibit List and Exhibits. December 12, 2011 At the PHC a motion was made to continue hearing and was granted. Hearing was rescheduled To January 19, 2012 at 10:00 am notice given per PHO. Third PHO is scheduled for January 13, 2012. December 13, 2011 Notice of change in time for PHC was issued. January 12, 2012 received e-mail requesting hearing be moved out 30 days. PO agreed to postpone the hearing and reschedule with due notice given. PHC is rescheduled to February 16, 2012 at 10:00 am. Notice issued on January 13, 2012. February 12, 2012 Motion to Adjourn or Continue PHC & Hearing was filed by DES. February 9, 2012 Intervener filed Objection to Motion to Adjourn or Continue PHC & Hearing. February 9, 2012 Appellant filed Response to Objection to Motion to Reschedule Hearing and certain pre hearing deadlines. Order on Motion to Adjourn or continue PHC and hearing was issued on February 10, 2012. PHC is scheduled for April 16, 2012, and Hearing for April 19, 2012. Third Pre Hearing Notice was issued on March 13, 2012 with Pre Conference scheduled for April 16, 2012 at 11:Am. April 16, 2012 received Appellant's Supplemental exhibits. Pre Hearing Order was issued on April 16, 2012. Hearing is scheduled for April 19, 2012 at 10:30 Am.

Docket No. 11-14 WMC – Energy North Natural Gas, Inc. dba National Grid

Subject of Appeal: November 2, 2011 Final Decision on Remedial Action Plan for Lower Liberty Hill site in Gilford.

Presiding Officer: David Conley

Recusals:

Status: 12/2/11 received notice of Appeal which was timely filed. 12/6/11. Issued receipt Of Appeal letter. Council to accept or decline Notice of Appeal. Council Accepted Appeal At there December 15, 2011 meeting, notice was sent on December 16, 2011. December 19, 2011 received motion to intervene from the town of Gilford. December 27, 2011 received Appearance by Evan Mulholland for the DES and received Objection to the town of Gilford's Motion to Intervene. On January 6, 2012 received Town of Gilford's response to Objection To Motion to Intervene. January 10, 2012 received Appellants Sur-Reply to the Town of Gilford's Response to Objection. Hearing Officer to act on Motion and Objection. On February 16, 2012. Order granting the town of Gilford's Motion to intervene was issued on February 16, 2012. Pre Hearing Conference notice was issued on February 16, 2012. The Pre Hearing Conference is Scheduled for March 12, 2012 at 10:30 Am, and the hearing is scheduled for October 18, 2012 and November 15, 2012 at 10: Am, notice given per Pre hearing Order.

Docket Number: 09-02 WMC

Appellant: North Country Environmental Services, Inc. (NCES, INC.)

Subject of Appeal: December 12, 2008 Applications to Modify Permit # DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road, Bethlehem NH

Presiding Officer: Not Assigned

Recusals: Stephen Crean

Status: Stay remains in affect Sent request for status report on September 21, 2011. 10/04/11 received joint status report. It appears both sides agree this can be dismissed.

Action needed by Council: Council may dismiss the Appeal if council chooses to treat this as a joint motion for dismissal. Template can be forwarded for the draft order to be prepared and presented to Council for issuing. Council accepted Joint Status Report. Council Tabled until a quorum was present. Clarification of status report is that the Appellant will withdraw appeal once Docket Nos 10-22 WMC and 11-04 WMC are resolved with finality. March 5, 2012, received Appellants Withdrawal of Appeal.

Docket Number: 09-19 WMC

Appellant: North Country Environmental Services, Inc. (NCES, INC.)

Subject of Appeal: March 25, 2009 Notice of Decision Regarding Applications to Modify Permit #DES-SW-SP-03-002 for Stage IV Phase II of the NCES Landfill, Trudeau Road, Bethlehem, NH

Presiding Officer: Not Assigned

Recusals: Stephen Crean

Status: Stay remains in affect. Sent request for status report on September 21, 2011. October 4, 2011 received joint status report. It appears both sides agree this can be dismissed.

Action Needed by Council: Council may dismiss the appeal; If Council chooses to treat this as a joint motion for dismissal. Template can be forwarded for draft order to be prepared and presented to Council for issuing. Council Accepted Joint Statue Report. Council tabled until a Quorum was present. Clarification of Status report is that appellant will withdraw appeal once Docket Nos. 10-22 WMC and 11-04 WMC are resolved with finality. March 5, 2012, received Appellants Withdrawal of Appeal.

Docket No 08-17 WMC- Simard Family Trust

Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site Groundwater Management Permit No. GPW-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued. Chairman was Sent draft Decision and Order on November 10, 2011 to review and prepare for Presentation To the Council. Chairman is working with Council on preparing final draft order to be presented to Council. Waiting for the draft order from the Chairman

Docket No 07-20 WMC Shaw Environmental, Inc.

Subject of Appeal: July 24, 2007 Groundwater Remedial Services Award to Weston Solutions Inc.

Presiding Officer

Status: Hearing was held on November 15, 2007 and appeal denied. However, the Decision and Order was never issued in written form. On November 18, 2011, Chairman was sent Draft Decision

And Order that had been on our H drive. Chairman is working with Council on preparing final Draft order to be presented to the council. Waiting for the Draft Order from the Chairman

(4) Waste Management Division Update; Director Michael Wimsatt

Mr. Wimsatt gave an update on the 1.4 Dioxin contaminations that has been found in Atkinson.

(5) Hearing

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal

(6) Adjournment

Meeting was adjourned May 17, 2012 at 9:10 Steve Crean made the motion to adjourn the April 19, 2012 meeting and Daniel Sweet seconded. Chuck Connell Abstained, All in favor

*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.*



AGENDA

WASTE MANAGEMENT COUNCIL

Thursday, May 17, 2012

9:00 AM to 4:00 PM

State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113, and 114
Concord, New Hampshire 03301

- 9:00 AM 1. **Introduction**
- A. Verify that a quorum is present
- 9:05 AM 2. **Pending Business**
- A. Adjournment of Aprils Meeting
 B. Scheduling of Next Meeting
 C. Correspondence
- 9:10 AM 3. **Appeals Status Update**
- Paula Scott, Appeals Clerk
- 9:15 AM 4. **Updating of the Hazardous Waste Rules**
- Michael Wimsatt P.G,
 Wendy Bonner
- 9:20 AM 5. **Adjournment of Business Meeting**
- 9:30 AM 6. **Hearing Resumes**
- Docket No. 10-26 WMC-Old Dutch Mustard Co., inc. of Pioneer Point
- 12:00 PM 7. **Lunch**
- 1:00 PM 8. **Hearing Resumes**
- 4:00 PM 9. **Adjournment**

WASTE MANAGEMENT COUNCIL

Minutes of May 17, 2012

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Phillip Bilodeau; Michael Blayney; Chuck Connell; Steve Crean; Michael Dufor; Nancy Kinner; Elaine Lauterborn; Daniel Sweet;

(1) Introduction

- (A) Chairman Richards brought the meeting to order at 9:05 a.m. verifying that a quorum was present.

(2) Pending Business

- (A) Schedule of Next Meeting: The next meeting is scheduled for June 21, 2012, and will be held at the NHDES offices.
- (B) Adjourn April 19, 2012 meeting. Steve Crean Moved to Adjourn the April Business meeting, Daniel Sweet seconded. All in favor.
- (C) Correspondence:
Invitation to the NRRA Conference
- (D) Old/New Business
Brad would like to dedicate the Waste Management Councils Annual Report to a Deceased member. Council will take it under advisement.

(3) Appeal Status Update: Paula Scott, Appeals Clerk

Pending, Appeal's.

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal
Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and -004.
Presiding Officer: David Conley, Esq.
Status: PHC was held on August 25, 2011 at 9.00 am.

Second PHC was held on October 14, 2011, and notice given per PHO issued August 25, 2011. Presiding Officer issued decision on Motion to Dismiss and Objection to Motion to Dismiss On August 29, 2011. September 21, 2011 Appellant filed Motion to Compel. Intervener's Response to Motion to Compel was filed on September 28, 2011. Order on Appellants Motion to Compel was issued on October 2, 2011. Partially Assented-To Motion to Reschedule Hearing and certain Pre-hearing deadlines. filed October 3, 2011. October 4, 2011 received Appellants Witness & Exhibit lists and Intervener's Objection to Motion to Reschedule Hearing & Certain Pre-hearing deadlines. October 5, 2011 received response to Objection to Motion to Reschedule Hearing and certain Pre-hearing deadlines. Order on partially Assented-to-motion to Reschedule Hearing and certain pre-hearing deadlines was issued on October 6, 2011. Second PHC is rescheduled to December 12, 2011 at 9:15 am. And Hearing is rescheduled to December 15, 2011@ 9:00.notice given per Order on Partially Assented – To Motion to Reschedule Hearing. October 10, 2011. Received Intervenor's Witness and exhibit list. December 5, 2011 received Appellants Witness and Exhibit List and Intervenor's Witness and Exhibit List. December 5, 2011 received supplement to Intervenor's Witness and Exhibit List and DES' Motion to Strike. Witness Designations of Appellant and Appellee. December 8, 2011 received Appellants Qualified Assent to Motion to Strike and Appellants revised exhibits. December 12, 2011 PHO was issued and also, received Intervenor's Exhibit List and Exhibits. December 12, 2011 At the PHC a motion was made to continue hearing and was granted. Hearing was rescheduled To January 19, 2012 at 10:00 am notice given per PHO. Third PHO is scheduled for January 13, 2012. December 13, 2011 Notice of change in time for PHC was issued. January 12, 2012 received e-mail requesting hearing be moved out 30 days. PO agreed to postpone the hearing and reschedule with due notice given. PHC is rescheduled to February 16, 2012 at 10:00 am. Notice issued on January 13, 2012. February 12, 2012 Motion to Adjourn or Continue PHC & Hearing was filed by DES. February 9, 2012 Intervener filed Objection to Motion to Adjourn or Continue PHC & Hearing. February 9, 2012 Appellant filed Response to Objection to Motion to Reschedule Hearing and certain pre hearing deadlines. Order on Motion to Adjourn or continue PHC and hearing was issued on February 10, 2012. PHC is scheduled for April 16, 2012, and Hearing for April 19, 2012. Third Pre Hearing Notice was issued on March 13, 2012 with Pre Conference scheduled for April 16, 2012 at 11:Am. April 16, 2012 received Appellant's Supplemental exhibits. Pre Hearing Order was issued on April 16, 2012. Hearing is scheduled for April 19, 2012 at 10:30 Am. May 15, 2012, received parties stipulated Findings of Fact and ruling Of law, as well as Motion to Amend Pre-hearing Order. May 16, 2012 Hearing officer advised Parties, the appellant will have 1 hour to finish their direct. Hearing to resume at today's meeting.

Docket No. 11-14 WMC – Energy North Natural Gas, Inc. dba National Grid

Subject of Appeal: November 2, 2011 Final Decision on Remedial Action Plan for Lower Liberty Hill site in Gilford.

Presiding Officer: David Conley

Recusals:

Status: 12/2/11 received notice of Appeal which was timely filed. 12/6/11. Issued receipt Of Appeal letter. Council to accept or decline Notice of Appeal. Council Accepted Appeal At there December 15, 2011 meeting, notice was sent on December 16, 2011. December 19, 2011 received motion to intervene from the town of Gilford. December 27, 2011 received Appearance by Evan Mulholland for the DES and received Objection to the town of Gilford's Motion to Intervene. On January 6, 2012 received Town of Gilford's response to Objection To Motion to Intervene. January 10, 2012 received Appellants Sur-Reply to the Town of Gilford's Response to Objection. Hearing Officer to act on Motion and Objection. On February 16, 2012. Order granting the town of Gilford's Motion to intervene was issued on February 16, 2012. Pre Hearing Conference notice was issued on February 16, 2012. The Pre Hearing Conference is Scheduled for March 12, 2012 at 10:30 Am, and the hearing is scheduled for October 18, 2012 and

November 15, 2012 at 10: Am, notice given per Pre hearing Order.

Docket No 08-17 WMC- Simard Family Trust

Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site Groundwater Management Permit No. GPW-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued. Chairman was Sent draft Decision and Order on November 10, 2011 to review and prepare for Presentation To the Council. Chairman is working with Council on preparing final draft order to be presented to Council. Waiting for the draft order from the Chairman

Docket No 07-20 WMC Shaw Environmental, Inc.

Subject of Appeal: July 24, 2007 Groundwater Remedial Services Award to Weston Solutions Inc.

Presiding Officer

Status: Hearing was held on November 15, 2007 and appeal denied. However, the Decision and Order was never issued in written form. On November 18, 2011, Chairman was sent Draft Decision And Order that had been on our H drive. Chairman is working with Council on preparing final Draft order to be presented to the council. Waiting for the Draft Order from the Chairman

(4) Hazardous Waste Management Division Rules Update;

Mike Wimsatt, Director

Mr. John Duclos and Ms Wendy Bonner

Mr. Duclos and Ms. Bonner gave a brief synopsis of the revisions of Env-Hw 103.67 through Env-103.71

(5) Adjournment

Chuck Connell made the motion to adjourn the May 17, 2012 meeting and Elaine Lauterborn seconded. All in favor

(6) Hearing

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal

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.



AGENDA

WASTE MANAGEMENT COUNCIL

Friday, June 29, 2012

9:00 AM to 2:00 PM

State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113, and 114
Concord, New Hampshire 03301

- 9:00 AM** **1. Introduction**
- A. Verify that a quorum is present
- 9:05 AM** **2. Pending Business**
- A. Acceptance of Minutes for the April & May Meeting
B. Scheduling of Next Meeting
C. Correspondence
- 9:10 AM** **3. Appeals Status Update**
- Paula Scott, Appeals Clerk
- 9:15 AM** **4. Updating of the Hazardous Waste Rules**
- John Duclos
Wendy Bonner
- 9:20 AM** **5. Public Commentary**
- Opportunity for Public Comment on matters affecting the Waste Management Council or the Waste Management Division.
- 9: 25 AM** **6. Adjournment of Business Meeting**
- 9:30 AM** **7. Deliberations**
- Docket No. 10-26 WMC-Old Dutch Mustard Co., inc. of Pioneer Point**
- 12:00 PM** **8. Lunch**
- 1:00 PM** **9. Deliberations Resumes**
- 2:00 PM** **10. Adjournment**

WASTE MANAGEMENT COUNCIL

Minutes of June 29, 2012

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Phillip Bilodeau; Michael Blayney; Chuck Connell; Steve Crean; Arthur Cunningham; Nancy Kinner; Elaine Lauterborn; Daniel Sweet; Duncan Watson;

(1) Introduction

(A) Chairman Richards brought the meeting to order at 9:05 a.m. verifying that a quorum was present.

(2) Pending Business

(A) Schedule of Next Meeting: The next meeting is scheduled for July 19, 2012, and will be held at the NHDES offices.

(B) Accept the minutes of the April 19, 2012 meeting. Elaine Lauterborn, Nancy Kinner seconded. All in favor. Elaine Lauterborn Moved to accept the minutes of the May 17, 2012. Steve Crean seconded. All in favor Chuck Connell abstained.

(C) Old/New Business; Arthur Cunningham read an Accommodation to Mr. Blayney from Governor John Lynch for his years of service and dedication to the State of NH.

(3) Appeal Status Update: Paula Scott, Appeals Clerk

Docket No 08-17 WMC- Simard Family Trust

Subject of Appeal: February 19, 2008 Auburn Road Landfill Superfund Site Groundwater Management Permit No. GPW-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued.

Chairman was Sent draft Decision and Order on November 10, 2011 to review and prepare for Presentation to the Council. Chairman is working with Council on preparing final draft order to be presented to final draft order to be presented to Council, Chairman gave draft order to the Appeals Clerk

Docket No 07-20 WMC Shaw Environmental, Inc.

Subject of Appeal: July 24, 2007 Groundwater Remedial Services Award to Weston Solutions Inc.

Presiding Officer

Status: Hearing was held on November 15, 2007 and appeal denied. However, the Decision and Order was never issued in written form. On November 18, 2011, Chairman was sent Draft Decision and Order that had been on our H drive. Chairman is working with Council on preparing final Draft order to be presented to the council. Chairman gave the Draft Order to the Appeals Clerk

Pending, Appeal's.

Docket No. 10-26- WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal

Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and – 004.

Presiding Officer: David Conley, Esq.

Status: PHC was held on August 25, 2011 at 9.00 am.

Second PHC was held on October 14, 2011, and notice given per PHO issued August 25, 2011.

Presiding Officer issued decision on Motion to Dismiss and Objection to Motion to Dismiss

On August 29, 2011. September 21, 2011 Appellant filed Motion to Compel. Intervener's Response to Motion to Compel was filed on September 28, 2011. Order on Appellants Motion to Compel was issued on October 2, 2011. Partially Assented-To Motion to Reschedule

Hearing and certain Pre-hearing deadlines filed October 3, 2011. October 4, 2011 received Appellants Witness & Exhibit lists and Intervener's Objection to Motion to Reschedule Hearing & Certain Pre-hearing deadlines October 5, 2011 received response to Objection to Motion to Reschedule Hearing and certain Pre-hearing deadlines. Order on partially Assented-to-motion to Reschedule Hearing and certain pre-hearing deadlines was issued on October 6, 2011. Second PHC is rescheduled to December 12, 2011 at 9:15 am. And Hearing is rescheduled to December

15, 2011@ 9:00.notice given per Order on Partially Assented – To Motion to Reschedule Hearing.

October 10, 2011. Received Intervenor's Witness and exhibit list. December 5, 2011 received

Appellants Witness and Exhibit List and Intervenor's Witness and Exhibit List. December 5, 2011 received supplement to Intervenor's Witness and Exhibit List and DES' Motion to

received supplement to Intervenor's Witness and Exhibit List and DES' Motion to Strike. Witness Designations of Appellant and Appellee. December 8, 2011 received Appellants Qualified Assent to Motion to Strike and Appellants revised exhibits. December 12, 2011 PHO was issued and also, received Intervenor's Exhibit List and Exhibits. December 12, 2011 At the PHC a motion was made to continue hearing and was granted. Hearing was rescheduled To January 19, 2012 at 10:00 am notice given per PHO, Third PHO is scheduled for January 13, 2012. December 13, 2011 Notice of change in time for PHC was issued. January 12, 2012. Received e-mail requesting hearing is moved out 30 days. PO agreed to postpone the hearing and reschedule with due notice given. PHC is rescheduled to February 16, 2012 at 10:00 am. Notice issued on January 13, 2012. February 12, 2012 Motion to Adjourn or Continue PHC & Hearing was filed by DES. February 9, 2012 Intervener filed Objection to Motion to Adjourn or Continue PHC & Hearing. February 9, 2012 Appellant filed Response to Objection to Motion to Reschedule Hearing and certain pre hearing deadlines. Order on Motion to Adjourn or continue PHC and hearing was issued on February 10, 2012. PHC is scheduled for April 16, 2012, and Hearing for April 19, 2012. Third Pre Hearing Notice was issued on March 13, 2012 with Pre Conference scheduled for April 16, 2012 at 11:Am. April 16, 2012 received Appellant's Supplemental exhibits. Pre Hearing Order was issued on April 16, 2012. Hearing is scheduled for April 19, 2012 at 10:30 Am. May 15, 2012, received parties stipulated Findings of Fact and ruling of law, as well as Motion to Amend Pre-hearing Order May 16, 2012 Hearing officer advised Parties, the appellant will have 1 hour to finish their direct. Hearing to resume at todays meeting.

Docket No. 11-14 WMC – Energy North Natural Gas, Inc. dba National Grid

Subject of Appeal: November 2, 2011 Final Decision on Remedial Action Plan for Lower Liberty Hill site in Gilford,

Presiding Officer: David Conley

Recusals:

Status: 12/2/11 received notice of Appeal which was timely filed. 12/6/11. Issued receipt Of Appeal letter, Council to accept or decline Notice of Appeal, Council Accepted Appeal At there December 15, 2011 meeting, notice was sent on December 16, 2011. December 19, 2011 received motion to intervene from the town of Gilford. December 27, 2011 received appearance by Evan Mulholland for the DES and received objection to the town of Gilford's Motion to Intervene, On January 6, 2012 received Town of Gilford's response to Objection To Motion to Intervene, January 10, 2012 received Appellants Sur-Reply to the Town of Gilford's Response to Objection, Hearing Officer to act on Motion and Objection, On February 16, 2012 Order granting the town of Gilford's Motion to intervene was issued on February 16, 2012. Pre Hearing Conference notice was issued on February 16, 2012. The Pre Hearing Conference is scheduled for March 12, 2012 at 10:30 am, and the hearing is scheduled for October 18, 2012 And November 15, 2012 at 10: am, notice given per Pre hearing Order.

- (4) **Hazardous Waste Management Division Rules Update;
Mr. John Duclos and Ms Wendy Bonner**

Mr. Duclos and Ms. Bonner gave a brief synopsis of the revisions of Env-Hw 103.67 Through Env-103.71.

(5) Public Commentary;

There was no public comment

(6) Waste Management Division Update; Director Michael Wimsatt

Mr. Wimsatt gave an update on HB-1435 Concerning Public comment. The Bill has Gone into interim study and they would like to have the Council Chairs testify before the Committee. Mr. Wimsatt also gave a brief synopsis of HB 1234.

(7) Adjournment

Nancy Kinner made the motion to adjourn the June 29, 2012 meeting and Elaine Lauterborn seconded. All in favor

(8) Hearing

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Appeal

Present at the hearing Phillip Bilodeau, Nancy Kinner, Stephen Crean, Elaine Lauterborn, Daniel Sweet, Michael Blayney, Bradley Richards, and David Conley Hearing officer. The Vote was 6 to 1 to deny the appeal. Elaine Lauterborn voted to except the appeal and the other council members voted to deny.

*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.*



AGENDA

WASTE MANAGEMENT COUNCIL

Thursday, September 20, 2012
10:00 AM to 2:00 PM

State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113, and 114
Concord, New Hampshire 03301

- 10:00 AM 1. **Introduction**
- A. Verify that a quorum is present
- 10:05 AM 2. **Pending Business**
- A. Acceptance of Minutes for the June Meeting
B. Scheduling of Next Meeting
C. Correspondence
- 10:15 AM 3. **Waste Management Division Update**
- Michael J. Wimsatt, P.G., Director
- 10:30 AM 4. **Appeals Status Update**
- Paula Scott, Appeals Clerk
- Docket No. 10-26 WMC-Old Dutch Mustard Co., inc. of Pioneer Point
In re Appeal of Old Dutch Mustard co Inc.
Motion for Rehearing/Reconsideration on Councils final decision**
- 11:45 AM 5. **Public Commentary**
- Opportunity for Public Comment on matters affecting the Waste Management Council or the Waste Management Division
- 12:00 AM 6. **Lunch**
- 1:00 PM 7. **New/Old Business**
- 1:15 PM 8. **Adjournment (or sooner if operation of business is completed before)**

WASTE MANAGEMENT COUNCIL

Minutes of September 20, 2012

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Phillip Bilodeau; Chuck Connell; Steve Crean; Arthur Cunningham; Nancy Kinner; Elaine Lauterborn; Fredrick McGarry; Daniel Sweet; and Duncan Watson.

(1) Introduction

- (A) Vice Chairman Cunningham brought the meeting to order at 10:05 a.m. verifying that a quorum was present.

(2) Pending Business

- (A) Schedule of Next Meeting: The next meeting is scheduled for October, 2012, and will be held at the NHDES offices.
- (B) Accept the minutes of the June 19, 2012 meeting. Daniel Sweet Moved to accept the minutes of the June 19th meeting as Amended. And Phillip Bilodeau seconded. All were in favor. Chuck Connell and Fred McGarry abstained.
- (C) Old/New Business

10:20 Nancy Kinner arrives

10:25 Bradley Richards arrives; Mr. Cunningham turns the meeting over to the chair.

(3) Waste Management Division Update: Michael Wimsatt Director Waste Management Division

Mr. Wimsatt gave a brief synopsis on the 2013-2014 budgets, the Consolidation of the Lab to DHHS. And Also discussed the Beede Oil and the Motolo site. Mr. Wimsatt also wanted to recognize Rick Berry and Carroll Brown of the emergency response section for doing an amazing job since the PRC disbanded. They have brought all of the boats back up into running order and have also done many drills. They were Able to deploy all of the booms in the last exercise in 2hrs and that is the first time that has ever Been achieved.

(4) Appeal Status Update: Paula Scott, Appeals Clerk

Appeals Clerk Paula Scott presented the Appeals Status Update. (Please see attached)

Docket No. 10-26-WMC – Old Dutch Mustard Co. Inc. of Pioneer Point Motion for Rehearing and Reconsideration. Steve Crean made the motion to deny the motion for rehearing and reconsideration Phillip Bilodeau second. Daniel Sweet also voted to deny. Nancy Kinner, Elaine Lauterborn and Brad Richards voted against denying the Motion for reconsideration. The vote was 3 to 3.

Elaine Lauterborn made the motion to except the motion for rehearing and reconsideration, Nancy Kinner Second the motion. Daniel sweet also voted in favor. Steve Crean, Phillip Bilodeau and Brad Richards Voted against the motion. The vote was 3 to 3.

(5) Public Commentary;

There was no one present for Public Commentary.

(6) Adjournment

Chuck Connell made the motion to adjourn the September 20, 2012 meeting and Elaine Lauterborn seconded. All in favor

*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: September 20, 2012

Upcoming Council Meetings: Oct. 18, 2012; Nov. 15, 2012; Dec. 20, 2012

I. New Appeals

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

Docket No. 08-17 WMC – Simard Family Trust

Subject of Appeal: 2/19/08 Auburn Rd Landfill Superfund Site Groundwater Management Permit No. GWP-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued. Chairman was send draft Decision and Order on Nov. 10, 2011 to review and prepare for presentation to the Council. Chairman was send draft Decision and Order on Nov. 18, 2011. Chairman is working with Counsel on preparing final draft order to be presented to the Council. Lisa sent comments to the Chairman on Nov. 29, 2011. Dec. 16, 2011, appeals clerk forwarded Lisa's email and comments of 11/29/11 regarding order to Chairman. 1/13/12, per chairman's request appeals clerk emailed draft order and decision to Lisa English again. Chairman will review the hearing tapes which have been given to him today 2/16/12. Waiting for Decision and Order from Chairman

Docket No. 07-20 WMC – Shaw Environmental, Inc.

Subject of Appeal: 7/24/07 Groundwater Remedial Services Award to Weston Solutions Inc.

Presiding Officer

Status: Hearing was held 11/15/07 and appeal was denied. However, the Decision and Order was never issued in written form. On Nov. 18, 2011, Chairman was send draft Decision and Order that had been on our H drive. Chairman is working with Counsel on preparing final draft order to be presented to the Council. Lisa sent comments to the Chairman on Nov. 29, 2011. Dec. 16, 2011, appeals clerk forwarded Lisa's email and comments from 11/29/11 regarding order to Chairman. 1/13/12, per chairman's request, appeals clerk emailed draft order and decision to Lisa English again. Chairman will review the hearing tapes which have been given to him today 2/16/12. Waiting for Decision and Order from Chairman

Docket No.10-26 WMC – Old Dutch Mustard Co., Inc. of Pioneer Point Appeal

Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and -004

Presiding Officer: David Conley, Esq.

Status: 12/12/11 PHO was issued and also, rec'd Intervenor's Exhibit List and Exhibits. 12/12/11 at the PHC a motion was made to continue hearing and was granted. Hearing was rescheduled to 1/19/12 @ 10:00 a.m., notice given per PHO. 3rd PHC is scheduled for Jan. 13, 2012. 12/13/11 Notice of Change in Time for next PHC was issued. 1/12/12 rec'd email requesting hearing be moved out 30 days from Attorney Roth with appellant assenting to the request and the intervenor objected. PO noted the objection and agreed to postpone the hearing and will reschedule with due notice given. 3rd PHC is rescheduled to 2/14/12 @ 11 a.m. and the Hearing is rescheduled to 2/16/12 @ 10 a.m., notice issued on Jan. 13, 2012. 2/9/12 Motion to Adjourn or Continue PHC & Hearing was filed by DES. 2/9/12 Intervener filed Objection to Motion to Adjourn or Continue PHC & Hearing. 2/9/12 Appellant filed Response to Obj. to Motion to Reschedule Hearing and Certain Prehearing Deadlines. Order on Motion to Adjourn or continue PHC and Hearing was issued on 2/10/12. 3rd PHC is rescheduled for 4/16/12 and the hearing is scheduled for 4/19/12. 3rd PHC notice was issued on 3/13/12 with PHC scheduled for Apr. 16, 2012 @ 11 a.m. 4/16/12 rec'd Appellant's Supplemental Exhibits. PHO was issued on 4/16/12; hearing is scheduled for 4/19/12 at 10:30 a.m. 5/15/12 rec'd parties Stipulated Findings of Fact and Rulings of Law, as well as a Motion to Amend Pre-hearing Order. 5/16/12 Hearing officer advised the parties, the appellant will have 1 hour to finish their direct. Hearing to resume at today's meeting (May 17, 2012) of the Council. Deliberations are being held today, (June 29, 2012). Decision to be issued in 90 days (Aug. 16, 2012). Decision on Notice of Appeal was issued on 8/16/12. 9/5/12 rec'd Motion for Rehearing/Reconsideration.

III. Hearings or PHCs Pending

Docket No. 11-14 WMC – EnergyNorth Natural Gas, Inc. dba National Grid

Subject of Appeal: November 2, 2011 Final Decision on Remedial Action Plan for Lower Liberty Hill site in Gilford.

Presiding Officer: David Conley (appointed 1/19/12)

Recusals: None

Status: 12/2/11 rec'd Notice of Appeal which was timely filed. 12/6/11 issued Receipt of Appeal letter. Council accepted appeal at their 12/15/11 meeting, notice was sent 12/16/11. 12/19/11 rec'd Motion to Intervene from the Town of Gilford. 12/27/11 Rec'd appearance by Evan Mulholland for the DES and rec'd appellants Objection to the Town of Gilford's Motion to Intervene. 1/6/12 rec'd Town of Gilford's Response to Objection to Motion to Intervene. 1/10/12 rec'd Appellant's Sur-Reply to the Town of Gilford's Response to Objection. Hearing Officer to act on Motions and Objection at the 2/16/12 meeting. Order granting the Town of Gilford's Motion to Intervene was issued 2/16/12. Pre-hearing Conference notice was issued on 2/16/12; PHC scheduled for Mar. 12, 2012 @ 10:30 a.m. PHC was held on 3/12/12 and hearing is scheduled for Oct 18th and Nov. 15, 2012 @ 10 a.m., notice given per PHO. 7/25/12 rec'd Assented-To Motion to Continue. 7/26/12 Motion to Continue was granted and issued. 7/27/12 rec'd Notice of Change of Ownership of Appellant.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal

17th 9 24



AGENDA

WASTE MANAGEMENT COUNCIL

Thursday, December 20, 2012
10:00 AM to 2:00 PM

State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113, and 114
Concord, New Hampshire 03301

- 10:00 AM** **1. Introduction**
- A. Verify that a quorum is present
- 10:05 AM** **2. Pending Business**
- A. Acceptance of Minutes for the September Meeting
 B. Scheduling of Next Meeting (January 17th)
 C. Correspondence
- 10:15 AM** **3. Appeals Status Update**
- Paula Scott, Appeals Clerk
- Docket No. 12-18 WMC- Appeal of Groundwater Management Permit
Transfer Application Decision dated November 6, 2012**
- 10:30 AM** **4. Hazardous Waste update on Quick Fix Rules**
 Wendy Bonner
- 10:45 AM** **5. Revision of ENV-WM-1401 Rules**
 Michael Juranty
- 11:00 AM** **6. Waste Management Division Update**
- Michael J. Wimsatt, P.G., Director
- 11:45 AM** **7. Public Commentary**
- Opportunity for Public Comment on matters affecting the Waste
Management Council or the Waste Management Division
- 12:00 PM** **8. Lunch**
- 1:00 PM** **9. New/Old Business**
- 1:15 PM** **10. Adjournment (or sooner if operation of business is completed before)**



THE STATE OF NEW HAMPSHIRE

Waste Management Council

G. Bradley Richards, 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/>

WASTE MANAGEMENT COUNCIL

Minutes of December 20, 2012

State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301

MEMBERS PRESENT:

G. Bradley Richards, Chairman; Phillip Bilodeau; Chuck Connell; Steve Crean; Arthur Cunningham; Nancy Kinner; Elaine Lauterborn; Fredrick McGarry; Daniel Sweet; and Duncan Watson.

(1) Introduction

(A) Chairman Richards brought the meeting to order at 10:10 a.m. verifying that a quorum was present.

(2) Pending Business

(A) Schedule of Next Meeting: The next meeting is scheduled for January, 2013, and will be held at the NHDES offices.

(B) Accept the minutes of the Sept 20, 2012 meeting. Daniel Sweet Moved to accept the minutes of the June 19th meeting as Amended. And Phillip Bilodeau seconded. All were in favor. Chuck Connell and Fred McGarry abstained.

(3) Appeal Status Update: Paula Scott, Appeals Clerk

Appeals Clerk Paula Scott presented the Appeals Status Update. (Please see attached)

Docket No. 12-18 WMC-Southern NH Commons

Duncan Watson made the motion to accept the appeal and Elaine Lauterborn Seconded, all were in favor. Fred McGarry abstained

Docket No. 08-17 WMC – Simard Family Trust

Nancy Kinner made the motion to accept the draft decision and Duncan Watson second, all were in favor.

Docket No 07-20 WMC – Shaw Environmental, Inc

Steve Crean made the motion to accept the draft decision, Elaine Lauterborn seconded, all were in favor.

(4) Hazardous Waste Rules Update

John Duclos

Mr. Duclos went over the revisions in the Hazardous waste rules.

(5) Revision of the ENV-WM-1401

Michael Juranty

Mr. Juranty reviewed the key proposed ENV-WM-1401 revisions to the Underground storage facilities Rules. The proposed rules were presented to the ADHOC committee on Nov 30, 2012.

(6) Waste Management Division Update: Michael Wimsatt Director Waste Management Division

Mr. Wimsatt gave a brief synopsis on the 2013-2014 budgets; He also talked about the closure of the Farmington Cardinal Landfill. He also talked about two bills that will restore the clean up fee to 1 ¼ cents Per gallon. There are substandard tanks that need replacing It would cost us \$1,500 for a new tank compared to \$18,000 dollars for the cleanup of a release.

(7) Public Commentary;

There was no one present for Public Commentary.

(8) Adjournment

At 12:30 Nancy Kinner made the motion to adjourn the December 20, 2012 meeting and Elaine Lauterborn seconded. All were in favor

*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: December 20, 2012

Upcoming Council Meetings: Jan. 17, 2013; Feb. 21, 2013; Mar. 21, 2013; Apr. 18, 2013; 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

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: Not Assigned

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.

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

Docket No. 08-17 WMC – Simard Family Trust

Subject of Appeal: 2/19/08 Auburn Rd Landfill Superfund Site Groundwater Management Permit No. GWP-198803007-L0001.

Presiding Officer:

Status: Hearing was held on June 19, 2008, Decision and Order was never issued. Chairman was send draft Decision and Order on Nov. 10, 2011 to review and prepare for presentation to the Council. Chairman was send draft Decision and Order on Nov. 18, 2011. Chairman is working with Counsel on preparing final draft order to be presented to the Council. Lisa sent comments to the Chairman on Nov. 29, 2011. Dec. 16, 2011, appeals clerk forwarded Lisa's email and comments of 11/29/11 regarding order to Chairman. 1/13/12, per chairman's request appeals clerk emailed draft order and decision to Lisa English again. Chairman will review the hearing tapes which have been given to him today 2/16/12. Waiting for Decision and Order from Chairman. Dec. 3, 2012, sent final draft decision to Chairman. 12/4/12 sent draft decision to council. Draft decision to be considered by the council.

Docket No. 07-20 WMC – Shaw Environmental, Inc.

Subject of Appeal: 7/24/07 Groundwater Remedial Services Award to Weston Solutions Inc.

Presiding Officer

Status: Hearing was held 11/15/07 and appeal was denied. However, the Decision and Order was never issued in written form. On Nov. 18, 2011, Chairman was send draft Decision and Order that had been on our H drive. Chairman is working with Counsel on preparing final draft order to be presented to the Council. Lisa sent comments to the Chairman on Nov. 29, 2011. Dec. 16, 2011, appeals clerk forwarded Lisa's email and comments from 11/29/11 regarding order to Chairman. 1/13/12, per chairman's request, appeals clerk emailed draft order and decision to Lisa English again. Chairman will review the hearing tapes which have been given to him today 2/16/12. Waiting for Decision and Order from Chairman. Dec. 3, 2012, sent final draft of decision to Chairman. 12/4/12 sent draft decision to council. Draft decision to be considered by the council.

Docket No.10-26 WMC – Old Dutch Mustard Co., Inc. of Pioneer Point Appeal

Subject of Appeal: Issuance of Standard Permit DES-SW-SP-10-005 issued on October 26, 2010 to Pioneer Point Ent. As well as waiver approvals DES-SW-WV-10-003 and -004

Presiding Officer: David Conley, Esq.

Status: 12/12/11 PHO was issued and also, rec'd Intervenor's Exhibit List and Exhibits. 12/12/11 at the PHC a motion was made to continue hearing and was granted. Hearing was rescheduled to 1/19/12 @ 10:00 a.m., notice given per PHO. 3rd PHC is scheduled for Jan. 13, 2012. 12/13/11 Notice of Change in Time for next PHC was issued. 1/12/12 rec'd email requesting hearing be moved out 30 days from Attorney Roth with appellant

assenting to the request and the intervenor objected. PO noted the objection and agreed to postpone the hearing and will reschedule with due notice given. 3rd PHC is rescheduled to 2/14/12 @ 11 a.m. and the Hearing is rescheduled to 2/16/12 @ 10 a.m., notice issued on Jan. 13, 2012. 2/9/12 Motion to Adjourn or Continue PHC & Hearing was filed by DES. 2/9/12 Intervener filed Objection to Motion to Adjourn or Continue PHC & Hearing. 2/9/12 Appellant filed Response to Obj. to Motion to Reschedule Hearing and Certain Prehearing Deadlines. Order on Motion to Adjourn or continue PHC and Hearing was issued on 2/10/12. 3rd PHC is rescheduled for 4/16/12 and the hearing is scheduled for 4/19/12. 3rd PHC notice was issued on 3/13/12 with PHC scheduled for Apr. 16, 2012 @ 11 a.m. 4/16/12 rec'd Appellant's Supplemental Exhibits. PHO was issued on 4/16/12; hearing is scheduled for 4/19/12 at 10:30 a.m. 5/15/12 rec'd parties Stipulated Findings of Fact and Rulings of Law, as well as a Motion to Amend Pre-hearing Order. 5/16/12 Hearing officer advised the parties, the appellant will have 1 hour to finish their direct. Hearing to resume at today's meeting (May 17, 2012) of the Council. Deliberations are being held today, (June 29, 2012). Decision to be issued in 90 days (Aug. 16, 2012). Decision on Notice of Appeal was issued on 8/16/12. 9/5/12 rec'd Motion for Rehearing/Reconsideration. Motion for Rehearing/Reconsideration was discussed at the Sept. 20, 2012 meeting. Order was issued on 9/21/12 denying rehearing/Reconsideration. 12/4/12 informed Chairman Appellant appealed to Supreme Court and was accepted.

III. Hearings or PHCs Pending

Docket No. 11-14 WMC – EnergyNorth Natural Gas, Inc. dba National Grid

Subject of Appeal: November 2, 2011 Final Decision on Remedial Action Plan for Lower Liberty Hill site in Gilford.

Presiding Officer: David Conley (appointed 1/19/12)

Recusals: None

Status: 12/2/11 rec'd Notice of Appeal which was timely filed. 12/6/11 issued Receipt of Appeal letter. Council accepted appeal at their 12/15/11 meeting, notice was sent 12/16/11. 12/19/11 rec'd Motion to Intervene from the Town of Gilford. 12/27/11 Rec'd appearance by Evan Mulholland for the DES and rec'd appellants Objection to the Town of Gilford's Motion to Intervene. 1/6/12 rec'd Town of Gilford's Response to Objection to Motion to Intervene. 1/10/12 rec'd Appellant's Sur-Reply to the Town of Gilford's Response to Objection. Hearing Officer to act on Motions and Objection at the 2/16/12 meeting. Order granting the Town of Gilford's Motion to Intervene was issued 2/16/12. Pre-hearing Conference notice was issued on 2/16/12; PHC scheduled for Mar. 12, 2012 @ 10:30 a.m. PHC was held on 3/12/12 and hearing is scheduled for Oct 18th and Nov. 15, 2012 @ 10 a.m., notice given per PHO. 7/25/12 rec'd Assented-To Motion to Continue. 7/26/12 Motion to Continue was granted and issued. 7/27/12 rec'd Notice of Change of Ownership of Appellant. 9/25/12 issued hearing notice with hearings scheduled for Jan. 17 and 24, 2013 at 10 a.m. each day. 10/2/12 rec'd Assented-To Motion for Additional Continuance. 10/5/12 Motion was granted and notice was issued. Hearing rescheduled to May 16th and 30th, 2013 at 10 a.m., notice sent 10/23/12.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal

**Waste Management Council Members
2012 Attendance**

	January	February	March	April	May	June	July	August	September	October	November	December
Phillip Bilodeau		X	N/A	X	X	X	N/A	N/A	X	NA	NA	X
Michael B. Blayney	X	X		X	X	NA	NA	NA	NA	NA	NA	NA
Chuck Connell	X			X	X	X			X			X
Steven Crean	X	X		X	X	X			X			
Arthur Cunningham	X	X		X	X	X			X			X
Mike Durfor	X	X		X	X							
Nancy Kinner	X			X	X	X			X			X
Elaine Lauterborn		X		X	X	X			X			X
Fredrick McGarry	N/A	N/A	N/A	NA	NA	NA	NA	NA	X			X
G. Bradley Richards	X	X		X	X	X			X			X
Daniel Sweet	N/A	N/A		X	X	X			X			X
David Tooley												
Duncan Watson						X			X			X

Waste Management Council Members

<p>G. Bradley Richards, Chairman P.O. Box 399 Rye Beach, NH 03871 Cell: (603) 944-6883 Fax: (603) 964-2060 E-mail: bradleywyn@gmail.com Term Expires: November 10, 2013</p>	<p>Arthur Cunningham, Vice Chairman 8 Heather Lane Bow, NH 03304-3503 Phone: (603) 656-5400 Fax: (603) 656-5401 E-mail: arthur.cunningham@westonsolutions.com Term Expires: April 21, 2016</p>
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<p>Nancy Kinner Environmental Research Group – ETB 236 University of NH 35 Colovos Road Durham, NH 03824 Phone: (603) 862-1422 E-mail: Nancy.Kinner@unh.edu Term Expires: November 10, 2013</p>	<p>Elaine M. Lauterborn 140 Old Dover Road Rochester, NH 03867 Phone: (603) 332-9444 Fax: (603) 332-9444 (same as phone) E-mail: elauterborn@aol.com Term Expires: November 10, 2013</p>
<p>Daniel P. Sweet 77c Little River Road Kingston NH 03848 Phone: (603) 642-8176 (home) E-mail: d-tsweet@comcast.net Term Expires: December 23, 2014</p>	<p>David J. Tooley 166 New Castle Avenue Portsmouth, NH 03801 Phone: (603) 373-8294 (home) Cell: (914) 714-4600 E-mail: dtooley@wm.com Term Expires: December 23, 2014</p>
<p>Duncan Watson P.O. Box 12 Drewsville, NH 03604 Phone: (603) 352-5739 Ext. 2 Fax: (603) 357-0106 E-mail: dwatson@ci.keene.nh.us Term Expires: November 10, 2013</p>	<p style="text-align: center;"><i>Updated: March, 2012</i></p>

