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THE STATE OF NEW HAMPSHIRE

Waste Management Council

Arthur J. Cunningham, Vice Chairman/Acting Chairman

May 30, 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 2013 annual report.

EXPLANATION

The members of the New Hampshire Waste Management Council (Arthur Cunningham, Vice Chairman / Acting Chairman) are pleased to submit the 2013 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 2013. Also included are the Council's agendas, meeting minutes, councilor attendance and their terms of office.

The Council met six times at the New Hampshire Department of Environmental Services Offices on 29 Hazen Drive in 2013.

We respectfully request your acceptance of this report.

Handwritten signature of Arthur J. Cunningham
Arthur J. Cunningham
Vice Chairman

**ANNUAL REPORT
WASTE MANAGEMENT COUNCIL
2013**

SUBMITTED TO

Governor Margaret Wood Hassan

Executive Council

The Honorable Joseph D. Kenney

The Honorable Colin Van Ostern

The Honorable Christopher T. 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

May 30, 2014



THE STATE OF NEW HAMPSHIRE

Waste Management Council Arthur Cunningham, Vice Chairman/Acting Chairman

Waste Management Council Introduction 2013

The members of the New Hampshire Waste Management Council (Arthur Cunningham, Vice Chairman/Acting Chairman) are pleased to present the 2013 report of Council activities as required by RSA 21-0:9, IV. Included in this report are summaries of the Council's activities and appeals brought before the Council. Also included are the Council's agendas, meeting minutes, councilor attendance and their terms of office.

The Council met six times in at the New Hampshire Department of Environmental Services (NH DES) Offices on Hazen Drive in 2013.

The Council wishes to thank Ms. Paula Scott (Council Appeals Clerk) and Ms. Pamela Werner (Council Clerk) of the Waste Management Division for their dedication and assistance to the Council—their help makes the Council's work possible.

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/>

2013 WASTE MANAGEMENT COUNCIL APPEALS

Received	Docket # / Council	Decision Appealed	Appellant; Relationship	Intervenor(s) Relationship	Result	Further Action
02/11/13	13-02 WMC	1/11/13 Decision Town is ineligible to use the "LOGO" test	Town of Colebrook (Respondent)		Appeal withdrawn- 7/10/13	
11/15/13	13-16 WMC	10/17/13 Revised and Amended Imminent Hazard AO #13-017 WMD	M.T. McCarthy Unit 1 Realty Holdings, LLC			

2013 WASTE MANAGEMENT COUNCIL PRIOR YEAR DOCKET ACTIVITY

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)		Appeal withdrawn 4/24/13	



AGENDA

WASTE MANAGEMENT COUNCIL

Thursday, March 21, 2013
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 December 20, 2012 Meeting
B. Scheduling of Next Meeting (April 18, 2013)
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
- 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)**



THE STATE OF NEW HAMPSHIRE

Waste Management Council

Arthur Cunningham, Vice Chairman, Acting/ Chairman

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

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TDD Access: Relay NH 1-800-735-2964

Council Website: <http://www.des.nh.gov/councils/>

Minutes of March 21, 2013

Waste Management Council Meeting

29 Hazen Drive, Room 112, 113, and 114

Concord, New Hampshire 03301

MEMBERS PRESENT: Vice Chairman Arthur Cunningham, Steve Crean, Michael Durfor, Elaine Lauterborn, Fredrick McGarry, Daniel Sweet, Duncan Watson

Members Not Present: Phillip Bilodeau. Chuck Connell, Nancy Kinner, David Tooley

NHDES-WMD Personnel: Michael Wimsatt. Michele Regan, Paula Scott

Call to Order:

Vice Chairman Cunningham brought the meeting to order at 10:10 A.M. verifying that a quorum was present. There was a moment of silence in memory of Chairman G. Bradley Richards.

Schedule of next meeting:

The next meeting is scheduled for April 18, 2013, and will be held at the NHDES offices.

Approval of Minutes:

Changes need to be made the December 20, 2012 minutes, Minutes not approved

Division Activities & Legislative Update:

Vice Chairman Cunningham introduced Michael J Wimsatt, P.G Director.

Mr. Wimsatt and the council discussed a memorial plaque for G. Bradley Richards.

He also gave a brief synopsis of the budget, Odd fund board, and also the MTBE trial.

Status of Appeals:

Vice Chairman Cunningham introduced Paula Scott, Appeals Clerk. Ms. Scott provided members of the WMC with the following status appeals:

Docket No. 13-02 WMC Town of Colebrook

Subject of Appeal; 1/11/13 decision that the Town is ineligible to use the "LOGO" test

Elaine Lauterborn made the motion to except the appeal and Duncan Watson second. All in favor

Hearing Officer: Not Assigned

Docket No. 12-18 WMC – Southern NH Commons LLC, et al.

Subject of Appeal; 11/6/12 Approval of Groundwater Management Permit Transfer Application GWP-200001038 with and add on condition.

Fred McGarry made the motion to change the time of the June 20th hearing from 10:00 Am to 9:00Am. If the Parties haven't reached a settlement, the matter will be heard at the June 20th meeting. Michel Durfor seconded, all were in favor.

Please see attached for Status on pending appeals.

Public Commentary:

No members of the public were in attendance.

Adjourn

Having no further business to discuss Elaine Lauterborn entered the motion to adjourn. Duncan Watson seconded. All were in favor. The Waste Management Council adjourned at 11:20 on March 21, 2013.

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: March 21, 2013

Upcoming Council Meetings: 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. 13-02 WMC – Town of Colebrook

Subject of Appeal: 1/11/13 decision that the Town is ineligible to use the "LOGO" test

Hearing Officer: Not Assigned

Status: 2/11/13 rec'd Notice of Appeal. 2/12/13 issued insufficient appeal letter. 2/13/13 rec'd Revised Notice of Appeal. 2/14/13 issued 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 today. Decision was adopted by the Council and issued on 12/20/12.

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 today. Decision was adopted by the Council and issued on 12/20/12.

III. Hearings or PHCs Pending

Docket No. 11-14 WMC – EnergyNorth Natural Gas, Inc. dba Liberty Utilities

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

Waste Management Council
Status of Appeals
March 21, 2013
Page 2 of 2

Additional Continuance. 10/5/12 Motion was granted by Hearing Officer, and notice was issued. Hearing rescheduled to May 16th and 30th, 2013 at 10 a.m., notice sent 10/23/12. 12/24/12 rec'd Withdrawal of Appeal.

Docket No.: 12-18 WMC – Southern NH Commons, LLC, et al.

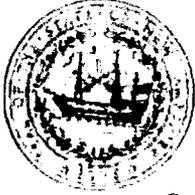
Subject: 11/6/12 Approval of Groundwater Management Permit Transfer Application GWP-200001038 with an added Condition.

Hearing Officer: Not Assigned David Conley (Assigned 12/21/12 by AG)

Recusals: None

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. Appeal accepted letter was issued on 12/21/12. 1/8/13 rec'd appearance from Evan Mulholland. 1/23/13 sent notice of PHC scheduled for Feb. 12, 2013 at 11 a.m. 2/7/13 rec'd Assented-To Motion to Reschedule PHC. 2/11/13 issued letter regarding Motion to Reschedule PHC was granted by the hearing officer and PHC was rescheduled to March 12, 2013 at 4:00 a.m. 3/12/13 PHC was held and a hearing was scheduled for June 20, 2013 at 10 a.m., notice given in the Pre-hearing Order.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal



THE STATE OF NEW HAMPSHIRE

Waste Management Council

Arthur Cunningham, Vice Chairman/Acting 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/>

AGENDA

WASTE MANAGEMENT COUNCIL

Thursday, April 18, 2013

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 December 20, 2012 meeting and the May 16, 2013 Meeting
- B. Scheduling of Next Meeting (May 16, 2013)
- C. Correspondence
- 10:15 AM** **3. Appeals Status Update**
- Paula Scott, Appeals Clerk
- 10:30 AM** **4. Waste Management Division Update**
- Michael J. Wimsatt, P.G., Director
- 11:45 AM** **5. Upcoming changes to Env-Wm 1402**
- Michael Juranty, PE
- 12:00 PM** **6. Public Commentary**
- Opportunity for Public Comment on matters affecting the Waste Management Council or the Waste Management Division
- 12:15 PM** **7. Lunch**
- 1:00 PM** **8. New/Old Business**
- Resolution in honor of G. Bradley Richards
- Update regarding Council Rules
- 1:15 PM** **9. Adjournment (or sooner if operation of business is completed before)**



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Minutes of April 18, 2013

**Waste Management Council Meeting
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: Vice Chairman Arthur Cunningham, Steve Crean, Chuck Connell, Elaine Lauterborn, Fredrick McGarry, Daniel Sweet, David Tooley

Members Not Present: Phillip Bilodeau, Michael Durfor, Nancy Kinner, Duncan Watson

Council Clerk Pamela Werner

Council Appeals Clerk Paula Scott

NHDES-WMD Personnel: Michael Wimsatt, Keith DuBois

Call to Order:

Vice Chairman Cunningham brought the meeting to order at 10:10 A.M. verifying that a quorum was present.

Schedule of next meeting:

The next meeting is scheduled for May 16, 2013, and will be held at the NHDES offices.

Approval of Minutes:

Fred McGarry made the motion to accept the December 2012 minutes, Steve Crean seconded all in favor.

Fred McGarry made the motion to accept the March minutes. Elaine Lauterborn seconded. All in favor. Chuck Connell Abstained.

Division Activities & Legislative Update:

Vice Chairman Cunningham introduced Michael J Wimsatt, P.G Director. And Keith DuBois Mr. DuBois and the council discussed a memorial plaque for G. Bradley Richards.

He also gave a brief synopsis on the MTBE trial, Odd fund board and the recent 2014 budget talks.

Atkinson and 1,4 dioxan. Legislation, house bill 184 &185 passed the house and is continuing on to the Senate

Upcoming changes to ENV-WM 1402

Vice Chairman Cunningham introduced Bob Daniels

Mr. Daniels summarized for the members the proposed rules (for existing rules and proposed amendments for AST)

Status of Appeals:

Vice Chairman Cunningham introduced Paula Scott, Appeals Clerk. Ms. Scott provided members of the WMC with the following status appeals:

Please see attached for Status on pending appeals.

Public Commentary:

No members of the public were in attendance.

Adjourn

Having no further business to discuss Elaine Lauterborn entered the motion to adjourn. Dan Sweet seconded. All were in favor. The Waste Management Council adjourned at 11:20 on March 21, 2013. The Councils Thoughts and Prayers are with the people of Boston

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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: April 18, 2013

Upcoming Council Meetings: 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

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

III. Hearings or PHCs Pending

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: David Conley (Assigned 12/21/12 by AG)
Recusals: None
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. The appeal was accepted by the Council at its Dec. 20, 2012, meeting. Appeal accepted letter was issued on 12/21/12. 1/8/13 rec'd appearance from Evan Mulholland. 1/23/13 sent notice of PHC scheduled for Feb. 12, 2013 at 11 a.m. 2/7/13 rec'd Assented-To Motion to Reschedule PHC. 2/11/13 issued letter regarding Motion to Reschedule PHC was granted by the hearing officer and PHC was rescheduled to March 12, 2013 at 4:00 p.m. 3/12/13 PHC was held and a hearing was scheduled for June 20, 2013 at 10 a.m., notice given in the Pre-hearing Order. 3/29/13 rec'd DES' Document Request to Appellant. 4/4/13 issued notice of hearing time change from 10 a.m. to 9 a.m. 4/5/13 rec'd appearance from Mary Maloney for DES.

Docket No. 13-02 WMC – Town of Colebrook
Subject of Appeal: 1/11/13 decision that the Town is ineligible to use the "LOGO" test
Hearing Officer: Requested Hearing Officer be assigned 3/21/13 David Conley (assigned 3/21/13 by AG)
Status: 2/11/13 rec'd Notice of Appeal. 2/12/13 issued insufficient appeal letter. 2/13/13 rec'd Revised Notice of Appeal. 2/14/13 issued receipt of revised appeal letter. Council to accept or decline appeal. Appeal was accepted by the Council on 3/21/13. Council accepted the appeal on 3/21/13. 3/28/13 issued appeal accepted letter. 4/10/13 sent notice of PHC scheduled for May 13, 2013. 4/16/13 rec'd Appearance from Lauren Noether for DES.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal



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Council Website: <http://www.des.nh.gov/councils/>

AGENDA WASTE MANAGEMENT COUNCIL

Thursday, June 20, 2013

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 April 18, 2012 Meeting
- B. Scheduling of Next Meeting (July 18, 2013)
- C. Correspondence
- 10:15 AM** **3. Appeals Status Update**
- Paula Scott, Appeals Clerk
- 10:30 AM** **4. Waste Management Division Update**
- Michael J. Wimsatt, P.G., Director
- 10:45 AM** **5. Pending Solid Waste Rules Readopting with Amendments**
- Mike Guilfooy
- 11:00 PM** **6. Public Commentary**
- Opportunity for Public Comment on matters affecting the Waste Management Council or the Waste Management Division
- 11:15** **7. New/Old Business**
- Dedication of memorial Plaque in honor of G. Bradley Richards
- 12:15 PM** **8. Lunch**
- 2:00 PM** **9. Adjournment (or sooner if operation of business is completed before)**



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Minutes of June 20, 2013

Waste Management Council Meeting

29 Hazen Drive, Room 112, 113, and 114

Concord, New Hampshire 03301

MEMBERS PRESENT: Vice Chairman Arthur Cunningham, Phillip Bilodeau, Steve Crean, Chuck Connell, Michael Dufor, Nancy Kinner, Fredrick McGarry, Daniel Sweet, Duncan Watson

Members Not Present: Elaine Lauterborn, David Tooley

Council Clerk Pamela Werner

Council Appeals Clerk Paula Scott

NHDES-WMD Personnel: Michael Wimsatt, Keith DuBois, Michael Guilfooy

Call to Order:

Vice Chairman Cunningham brought the meeting to order at 10:15 A.M. verifying that a quorum was present.

Schedule of next meeting:

The next meeting is scheduled for August 15, 2013, and will be held at the NHDES offices.

Approval of Minutes:

Chuck Connell made the motion to accept the April 2013 minutes, Fred McGarry seconded all in favor.

Division Activities & Legislative Update:

Vice Chairman Cunningham introduced Michael J Wimsatt, P.G Director.

Mr. Wimsatt gave a brief synopsis on the MTBE trial, and the recent passing of the 2014 budget.

The 25% Reduction of Brownfield Funding. Atkinson and 1,4 dioxane, Water line should be completed by 2014. Legislation, house bill 184 & 185 passed and adopted. Mr. Wimsatt also touched on the 2015 budget.

Upcoming changes to ENV-SW 300

Vice Chairman Cunningham introduced Michael Guilfooy

Mr. Guilfooy summarized for the members the proposed rules (for existing rules and proposed amendments for Solid Waste)

Status of Appeals:

Vice Chairman Cunningham introduced Paula Scott, Appeals Clerk. Ms. Scott provided members of the WMC with the following status appeals:

Please see attached for Status on pending appeals.

New/Old Business:

Dedication of the Memorial Plaque in remembrance of G. Bradley Richards

Public Commentary:

No members of the public were in attendance.

Adjourn

Having no further business to discuss Nancy Kinner entered the motion to adjourn. Fred McGarry seconded. All were in favor. The Waste Management Council adjourned at 11:20 on June 20, 2013.

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: June 20, 2013

Upcoming Council Meetings: Jul. 18, 2013; Aug. 15, 2013; Sep. 19, 2013; Oct. 17, 2013; Nov. 21, 2013; Dec. 19, 2013

I. New Appeals

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

III. Hearings or PHCs Pending

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: David Conley (Assigned 12/21/12 by AG)

Recusals: None

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. The appeal was accepted by the Council at its Dec. 20, 2012, meeting. Appeal accepted letter was issued on 12/21/12. 1/8/13 rec'd appearance from Evan Mulholland. 1/23/13 sent notice of PHC scheduled for Feb. 12, 2013 at 11 a.m. 2/7/13 rec'd Assented-To Motion to Reschedule PHC. 2/11/13 issued letter regarding Motion to Reschedule PHC was granted by the hearing officer and PHC was rescheduled to March 12, 2013 at 4:00 p.m. 3/12/13 PHC was held and a hearing was scheduled for June 20, 2013 at 10 a.m., notice given in the Pre-hearing Order. 3/29/13 rec'd DES' Document Request to Appellant. 4/4/13 issued notice of hearing time change from 10 a.m. to 9 a.m. 4/5/13 rec'd appearance from Mary Maloney for DES. 4/26/13 rec'd Withdrawal of Appeal from Appellant.

Docket No. 13-02 WMC – Town of Colebrook

Subject of Appeal: 1/11/13 decision that the Town is ineligible to use the "LOGO" test

Hearing Officer: Requested Hearing Officer be assigned 3/21/13 David Conley (assigned 3/21/13 by AG)

Status: 2/11/13 rec'd Notice of Appeal. 2/12/13 issued insufficient appeal letter. 2/13/13 rec'd Revised Notice of Appeal. 2/14/13 issued receipt of revised appeal letter. Council to accept or decline appeal. Appeal was accepted by the Council on 3/21/13. Council accepted the appeal on 3/21/13. 3/28/13 issued appeal accepted letter. 4/10/13 sent notice of PHC scheduled for May 13, 2013. 4/16/13 rec'd Appearance from Lauren Noether for DES. 5/7/13 rec'd Request to Continue PHC from Appellant. 5/8/13 issued ruling granting Request to Continue. 6/3/13 rec'd Appellant's status report requesting continuance of PHC. 6/7/13 issued ruling granting Request to Continue and the parties are to submit an updated status report by June 17, 2013. 6/19/13 rec'd Appellant's status report.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal



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AGENDA WASTE MANAGEMENT COUNCIL

Thursday, August 15, 2013

10:00 AM to 24:00 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 20, 2012 Meeting
- B. Scheduling of Next Meeting (September 19, 2013)
- C. Correspondence
- 10:15 AM 3. **Appeals Status Update**
- Paula Scott, Appeals Clerk
- 10:30 AM 4. **Waste Management Division Update**
- Michael J. Wimsatt, P.G., Director
- 10:45 AM 5. **Update Pending Solid Waste Rules Readopting with Amendments**
- Mike Guilfooy
- 11:00 PM 6. **Public Commentary**
- Opportunity for Public Comment on matters affecting the Waste Management Council or the Waste Management Division
- 11:15 7. **New/Old Business**
- 12:15 PM 8. **Lunch**
- 2:00 PM 9. **Adjournment (or sooner if operation of business is completed before)**



THE STATE OF NEW HAMPSHIRE

Waste Management Council

Arthur Cunningham, Vice Chairman, Acting/ Chairman

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Minutes of August 15, 2013

Waste Management Council Meeting
29 Hazen Drive, Room 112, 113, and 114
Concord, New Hampshire 03301

Members Present: Vice Chairman Arthur Cunningham, Phillip Bilodeau, Steve Crean, Chuck Connell, Elaine Lauterborn, Fredrick McGarry, David Tooley

Members Not Present: Mike Durfor, Nancy Kinner, Daniel Sweet, Duncan Watson

Council Clerk: Pamela Werner

Council Appeals Clerk: Paula Scott

NHDES-WMD Personnel: Michael Wimsatt, Keith DuBois, Michael Guilfooy, Pamela Hoyt-Denison

Call to Order:

Vice Chairman Cunningham called the meeting to order at 10:15 AM, verifying that a quorum was present.

Schedule of Next Meeting:

The next meeting is scheduled for September 19, 2013, and will be held at the NHDES offices.

Approval of Minutes:

Chuck Connell made the motion to accept the June, 2013 minutes, as amended. Phil Bilodeau seconded. All in favor.

Division Activities & Legislative Update:

Vice Chairman Cunningham introduced Michael Wimsatt, Waste Management Division Director. Mr. Wimsatt gave a brief synopsis of the 2015 budget, back-of-the-budget cuts, and DES grants for solid waste landfills. Mr. Wimsatt also discussed how DES regulates mildly contaminated soils. Mr. Wimsatt also announced that Mr. George Lombardo, Administrator of the Oil Remediation and Compliance Bureau, would be retiring at the end of August after 30 years of state service.

Update of Pending Solid Waste Rules Amendments:

Vice Chairman Cunningham introduced Michael Guilfooy, Administrator of the Solid Waste Management Bureau.

Mr. Guilfooy summarized and discussed the proposed amendments to the Solid Waste Rules and the upcoming rulemaking process.

Discussion will continue at the September 19, 2013 meeting.

Status of Appeals:

Vice Chairman Cunningham introduced Paula Scott, Appeals Clerk. Ms. Scott provided members of the WMC with the attached Status of Appeals.

New/Old Business:

Elaine Lauterborn announced that she will not seek reappointment after her term expires on November 10, 2013.

Public Commentary:

No members of the public provided comments.

Adjourn

Having no further business to discuss, Elaine Lauterborn entered the motion to adjourn. Fred McGarry seconded. All were in favor. The Waste Management Council adjourned at 1:35 on August 15, 2013.

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: August 15, 2013

Upcoming Council Meetings: Sep. 19, 2013; Oct. 17, 2013; Nov. 21, 2013; Dec. 19, 2013

I. New Appeals

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

III. Hearings or PHC's Pending

Docket No. 13-02 WMC – Town of Colebrook

Subject of Appeal: 1/11/13 decision that the Town is ineligible to use the "LOGO" test

Hearing Officer: David Conley (assigned 3/21/13 by AG)

Status: 2/11/13 rec'd Notice of Appeal. 2/12/13 issued insufficient appeal letter. 2/13/13 rec'd Revised Notice of Appeal. 2/14/13 issued receipt of revised appeal letter. Council to accept or decline appeal. Appeal was accepted by the Council on 3/21/13. Council accepted the appeal on 3/21/13. 3/28/13 issued appeal accepted letter. 4/10/13 sent notice of PHC scheduled for May 13, 2013. 4/16/13 rec'd Appearance from Lauren Noether for DES. 5/7/13 rec'd Request to Continue PHC from Appellant. 5/8/13 issued ruling granting Request to Continue. 6/3/13 rec'd Appellant's status report requesting continuance of PHC. 6/7/13 issued ruling granting Request to Continue and the parties are to submit an updated status report by June 17, 2013. 6/19/13 rec'd Appellant's status report. 6/21/13 issued letter granting Request to Continue PHC and the parties are to submit an updated status report by July 15, 2013. 7/12/13 rec'd letter withdrawing appeal from appellant

IV. Inactive/Status Letter or Pending Settlement/Withdrawal



THE STATE OF NEW HAMPSHIRE

Waste Management Council

Arthur Cunningham, Vice Chairman/Acting 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/>

AGENDA WASTE MANAGEMENT COUNCIL

Thursday, September 19, 2013

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 August 15, 2013 meeting
B. Scheduling of next meeting (October 17, 2013)
C. Correspondence
- 10:15 AM.** **3. Appeals Status Update**
- Paula Scott, Appeals Clerk
- 10:30 AM.** **4. Waste Management Division Update**
- Pamela Hoyt-Denison, P.E., Administrator of Waste Programs
- 10:45 AM.** **5. Hazardous Waste Coordinator Certification (HWCC) rules**
- John Duclos and Wendy Bonner
- 11:00 AM.** **6. Update on Solid Waste Rulemaking**
- Mike Guilfooy
- 11:30 PM.** **7. Public Commentary**
- Opportunity for public comment on matters affecting the Waste Management Council or the Waste Management Division
- 12:10.** **8. New/Old Business**
- 12:15 PM.** **9. Lunch**
- 2:00 PM.** **10. Adjournment (or sooner if operation of business is completed)**



THE STATE OF NEW HAMPSHIRE

Waste Management Council

Arthur J. Cunningham, Vice Chairman, Acting/ Chairman

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

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TDD Access: Relay NH 1-800-735-2964

Council Website: <http://www.des.nh.gov/councils/>

Minutes of September 19, 2013 Waste Management Council Meeting 29 Hazen Drive, Room 112, 113, and 114 Concord, New Hampshire 03301

Members Present: Vice Chairman Arthur Cunningham, Philip Bilodeau, Steve Crean, Nancy Kinner, Daniel Sweet, Duncan Watson

Members Not Present: Mike Dufor, Fred McGarry, Chuck Connell, Elaine Lauterborn and David Tooley

Council Clerk: Pamela Werner

Council Appeals Clerk: Paula Scott

NHDES-WMD Personnel: Pamela Hoyt-Denison, Michael Guilfooy, John Duclos and Wendy Bonner;

Call to Order:

Vice Chairman Cunningham called the meeting to order at 10:54 AM, verifying that a quorum was present.

Schedule of Next Meeting:

The next meeting is scheduled for October 17, 2013, and will be held at the NHDES offices.

Approval of Minutes:

Philip Bilodeau made the motion to accept the August, 2013 minutes, Art Cunningham seconded. All in favor, Nancy Kinner and Daniel Sweet abstained.

Update on Pending Hazardous Waste Coordinator Certification Rules:

John Duclos and Wendy Bonner:

Council had numerous questions. The council was concerned that they did not have enough time to be able to go over the rules as a whole. The Council did not vote on the rules.

Update of Pending Solid Waste Rules Amendments:

Michael Guilfooy:

Vice Chairman Cunningham introduced Michael Guilfooy, Administrator of the Solid Waste Management Bureau.

Mr. Guilfooy summarized and discussed the proposed amendments to the Solid Waste Rule Steve Crean made the motion to except the amendments to the Solid Waste rules, Nancy Kinner seconded. All in favor, Daniel Sweet abstained

Status of Appeals:

Vice Chairman Cunningham introduced Paula Scott, Appeals Clerk. There were no new appeals or pending appeals.

New/Old Business:

None

Public Commentary:

No members of the public provided comments.

Adjourn

Having no further business to discuss, Duncan Watson entered the motion to adjourn Nancy Kinner seconded. All were in favor. The Waste Management Council adjourned at 1:12 on September 19, 2013.

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 19, 2013

Upcoming Council Meetings: Oct. 17, 2013; Nov. 21, 2013; Dec. 19, 2013

I. New Appeals

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

III. Hearings or PHCs Pending

IV. Inactive/Status Letter or Pending Settlement/Withdrawal



THE STATE OF NEW HAMPSHIRE

Waste Management Council

Arthur J. Cunningham, Vice Chairman/Acting 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/>

AGENDA

WASTE MANAGEMENT COUNCIL

Thursday, October 17, 2013

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

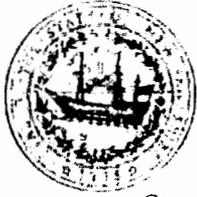
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|-----------------|---|
| 10:00 AM | 1. Introduction

A. Verify that a quorum is present |
| 10:05 AM | 2. Pending Business

A. Acceptance of minutes for the September 19, 2013 meeting
B. Scheduling of next meeting (November 21, 2013)
C. Letter of resignation from Councilor Lauterborn
D. Draft letter to Jennifer Kuzma, Governor's Office
E. Correspondence |
| 10:20 AM | 3. Appeals Status Update

Paula Scott, Appeals Clerk |
| 10:30 AM | 4. Waste Management Division Update

Mike Wimsatt, Director |
| 11:00 AM | 5. Public Commentary
Opportunity for public comment on matters affecting the Waste Management Council or the Waste Management Division |
| 11:30 AM | 6. New/Old Business |
| 12:00 PM | 7. Lunch |
| 1:00 PM | 8. Adjournment (or sooner if business is completed) |



THE STATE OF NEW HAMPSHIRE

Waste Management Council

Arthur J. Cunningham, Vice Chairman, Acting/ 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/>

Minutes of October 17, 2013 Waste Management Council Meeting 29 Hazen Drive, Room 112, 113, and 114 Concord, New Hampshire 03301

Members Present: Vice Chairman Arthur Cunningham, Philip Bilodeau, Chuck Connell, Steve Crean, Nancy Kinner, Fred McGarry, Mike Durfor, Daniel Sweet, David Tooley, Duncan Watson

Members Not Present: Elaine Lauterborn

Council Clerk: Pamela Werner

Council Appeals Clerk: Paula Scott

NHDES-WMD Personnel: Michael Wimsatt, John Duclos, Tim Prospert, Sue Francesco and Wendy Bonner;

Call to Order:

Vice Chairman Cunningham called the meeting to order at 10:00 AM, verifying that a quorum was present.

Schedule of Next Meeting:

The next meeting is scheduled for November 21, 2013, and will be held at the NHDES offices.

Approval of Minutes:

Duncan Watson made the motion to accept the September, 2013 minutes, Nancy Kinner seconded. All in favor, Fred McGarry, Mike Durfor and Chuck Connell abstained.

Status of Appeals:

Vice Chairman Cunningham introduced Paula Scott, Appeals Clerk. There were no new appeals or pending appeals.

Division Activities & Legislative Update:

Vice Chairman Cunningham introduced Michael Wimsatt, Waste Management Division Director.

Mr. Wimsatt gave a brief synopsis of the Federal shutdown and how it will affect the water lines in Atkinson. He also commented on Rail transportation of crude oil and the exercise that DES is having on October 22, 2013. Mr. Wimsatt also welcomed Mr. Gardner Warr to the Spill Response section. He also advised the Council of the date for Consultants day November 20th 2013. Mr. Wimsatt also discussed how all of the divisions within Waste Management will update the council on how they operate.

New/Old Business:

None

Public Commentary:

No members of the public provided comments.

Adjourn

Having no further business to discuss, Duncan Watson entered the motion to adjourn Chuck Connell seconded. All were in favor. The Waste Management Council adjourned at 11:58 on October 17, 2013.

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: October 17, 2013

Upcoming Council Meetings: Nov. 21, 2013; Dec. 19, 2013

I. New Appeals

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

III. Hearings or PHCs Pending

IV. Inactive/Status Letter or Pending Settlement/Withdrawal

**Waste Management Council Members
2013 Attendance**

	January NO MEETING	February NO MEETING	March	April	May NO MEETING	June	July NO MEETING	August	September	October	November NO MEETING	December NO MEETING
Phillip Bilodeau						X		X	X	X		
Chuck Connell				X		X		X		X		
Steven Crean			X	X		X		X	X	X		
Arthur Cunningham			X	X		X		X	X	X		
Mike Durfor			X			X				X		
Nancy Kinner						X			X	X		
Elaine Lauterborn			X	X				X				
Fredrick McGarry			X	X		X		X		X		
G. Bradley Richards												
Daniel Sweet			X	X		X			X	X		
David Tooley				X						X		
Duncan Watson			X			X			X			

Waste Management Council Members

<p><i>Vacant, Chairman</i></p> <p>Public Interest</p>	<p><i>Arthur Cunningham,</i> <i>Vice Chairman</i> 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 Licensed Sanitary Engineer or Sanitary Engineer</p>
<p><i>Phillip H. Bilodeau</i> 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 pbilodeau@concord.com Term Expires Nov 10, 2017 Municipal Public Works Field</p>	<p><i>Stephen R. Crean</i> 6 Gorham Pond Road Goffstown, NH 03045 Phone: (603) 472-2767 Fax: (603) 472-4572 E-mail: screan@ci.bedford.nh.us <i>Term Expires: September 7, 2015</i> Elected Official</p>
<p><i>Charles E. Connell</i> 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 Municipal Official</p>	<p><i>Michael W. Durfor</i> 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 Community that recycles or recovers Solid Waste</p>
<p><i>Nancy Kinner</i> 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, 2017 Associate professor Environmental Sciences or Sanitary Engineer</p>	<p><i>Elaine M. Lauterborn</i> 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 Elected Official</p>
<p><i>Frederick J, McGarry</i> 21 Old Centre Road PO Box 128 Deerfield, NH 03037-0128 Phone: (603) 463-7662 (home) E-mail: Mcgarry128@myfairpoint.net Term Expires: December 23, 2017 Public Health Expert</p>	<p><i>Daniel Sweet</i> 77C Little River Road Kingston, NH 03848 Phone: (603) 642-8176 (home) Office: (603) 885-6831 E-mail: Term Expires: August 22, 2014 Private industries that Generate Hazardous Waste</p>
<p><i>David J. Tooley</i> 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 Private Solid Waste Management Industries</p>	<p><i>Duncan Watson</i> 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, 2017 Local Conservation Commission Member</p>
<p>Vacant Business Or Financial Community</p>	<p><i>Updated: September, 2013</i></p>