

THE STATE OF NEW HAMPSHIRE
WASTE MANAGEMENT COUNCIL

Docket No. 20-14 WMC

Appeal of North Country Environmental Services, Inc.'s Type I-A Permit Modification for
Expansion (Permit No. DES-SW-SP-03-02) by Conservation Law Foundation

CONSERVATION LAW FOUNDATION'S MOTION
TO STRIKE

Appellant Conservation Law Foundation ("CLF") hereby moves the Waste Management Council ("Council") to strike exhibits attached to North Country Environmental Services, Inc.'s ("NCES") Motion for Rehearing for the reasons set forth at pages 3 – 11 of its Memorandum in Support of Objection to North Country Environmental Services Inc.'s Motion for Rehearing and in Support of CLF's Motion to Strike ("Memorandum"), which pages CLF hereby incorporates into this motion as if fully set forth herein.

As further described in CLF's Memorandum, the Council should strike the new and additional evidence submitted by NCES as exhibits to its Motion for Rehearing on the grounds that such new and additional evidence (1) does not satisfy any of the criteria for new or additional evidence under Rule Env-WMC 205.16(c); (2) is egregiously out-of-time, in that it could have been submitted during the Council's discovery process, in prehearing briefings, and during the Council's final hearing *but was not*; (3) is without proper foundation; and (4) is not relevant. *See* Memorandum at 3 – 11.

WHEREFORE, CLF respectfully requests that the Council:

- A. Strike from the record, and not consider, the exhibits accompanying NCES's Motion for Rehearing, and
- B. Grant such other relief as it deems appropriate.

Respectfully submitted,

CONSERVATION LAW FOUNDATION
By its attorneys,



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Dated: June 24, 2022

CERTIFICATE OF SERVICE

I certify that the original and thirteen copies of the foregoing Motion was this 24th day of June, 2022 hand-delivered to the Waste Management Council and that a copy of the foregoing is being sent by electronic mail to Joshua C. Harrison, Esq., Bryan K. Gould, Esq., Cooley Arroyo, Esq. and Morgan C. Tanafon, Esq.



Heidi H. Trimarco