

STATE OF NEW HAMPSHIRE  
WASTE MANAGEMENT COUNCIL

Conservation Law Foundation, Inc. Appeal

Docket No. 20-14 WMC

**STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES'S  
STATEMENT REGARDING ASSENT TO MOTION TO STAY**

NOW COMES the State of New Hampshire Department of Environmental Services (“Department”), by and through its counsel, the Office of the Attorney General (collectively, the “State”), and hereby submits this statement clarifying its assent to NCES’s recent *Permittee’s Motion to Stay* filed on September 21, 2022.

As NCES indicates in its motion to stay, the Department assents only to the relief sought in their motion. That is, the Department assents to the relief requested to the extent it requests that the Hearing Officer and the Waste Management Council (“Council”) stay the decision on reconsideration pending the resolution of the declaratory judgment action referenced by NCES, which is brought, in part, by a different party to resolve similar issues in this appeal and which may assist in the Hearing Officer’s consideration of this appeal.

The Department does not assent to or agree with NCES’s position in the motion to stay that suggests NCES may seek a declaratory judgment with the superior court relating to its issues pending before this Council.

The Department reserves its right to address any other claim or argument by NCES in its motion in any future proceeding and the fact that a claim or argument is not addressed in this clarifying statement shall not imply assent or agreement to such claim or argument.

Respectfully submitted,

State of New Hampshire  
Department of Environmental  
Services

By its Attorneys,

JOHN M. FORMELLA  
ATTORNEY GENERAL

Dated: September 22, 2022

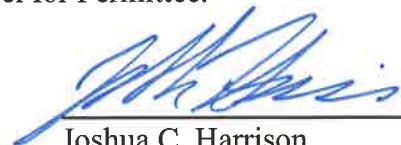


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**Certificate of Service**

I hereby certify that a copy of the foregoing has been e-mailed this day to Thomas Irwin, Esq. and Heidi Trimarco, Esq., Conservation Law Foundation, Inc., counsel for the Appellant, and Morgan Tanafon, Esq., Cooley Arroyo, Esq., and Bryan Gould, Esq., Cleveland Waters and Bass, P.A., counsel for Permittee.



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Joshua C. Harrison