

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 OBJECTION TO NORTH COUNTRY ENVIRONMENTAL SERVICES, INC.'S MOTION FOR REHEARING

Appellant Conservation Law Foundation ("CLF") hereby objects to North Country Environmental Services, Inc.'s ("NCES") Motion for Rehearing. In support of this objection, CLF hereby provides, and incorporates by reference as if fully set forth herein, an accompanying 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").

As further set forth in CLF's Memorandum, the Council should deny NCES's motion for rehearing on numerous grounds, including the grounds that Section C of the Council's decision and order is premised on a correct statutory interpretation of RSA 149-M:11, III(a), V; the Council (including the Hearing Officer) correctly complied with RSA 21-M:3 in rendering its decision and order; NCES's administrative gloss and dormant commerce clause arguments have been waived and are without merit; NCES's motion improperly relies on exhibits that should be stricken from the record; NCES fails to satisfy the standard for obtaining a new hearing with respect to CLF's standing and statutory interpretation of RSA 149-M:11's capacity language, as it simply rehashes prior arguments in the hope of a different outcome; and the Council correctly ruled that CLF has standing.

WHEREFORE, CLF respectfully requests that the Council:

A. Deny 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 Objection 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