

STATE OF NEW HAMPSHIRE
WASTE MANAGEMENT COUNCIL

DOCKET No. 25-07 WMC

IN RE: APPEAL OF GRANITE STATE LANDFILL LLC.

ORDER ON MOTION FOR REHEARING AND CLARIFICATION

I. BACKGROUND

On July 10, 2026, North Country Alliance for Balanced Change (“NCABC” or “Petitioner”) filed a second Motion for Rehearing of the Waste Management Council’s June 10, 2026, Order on Petitioners’ prior Motion for Rehearing and Clarification.

RSA 541:3 permits any party or person directly affected by an order of a commission to apply for rehearing within 30 days of that order. The motion must specify all grounds for rehearing. RSA 541:4 requires the motion to fully set forth every ground on which the decision is claimed to be unlawful or unreasonable.

N.H. ADMIN R. EC-WST 203.18 governs the process for rehearing a matter. It provides that: (a) motion for rehearing shall conform the requirements of RSA 541 and EC-WST 203.09. Within 10 days of receipt of the motion for rehearing, the presiding officer shall deny the motion if he or she concludes that the Motion was not timely filed; or that the motion does not identify any error of fact, reasoning or law that could change outcome of the appeal.

Neither RSA 541 nor the Council’s rules provide for parties to file a Motion for Rehearing to an Order on a Motion for Rehearing. However, because the pleading is titled a Motion for Rehearing, it is appropriate to evaluate it under RSA 541 and EC-WST 203.18.

The June 10, 2026, Order triggered a 30-day filing deadline, making any motion for rehearing due on or before July 10, 2026. Petitioners submitted their motion on July 10, 2026 at 4:32 p.m. Under Ec-Wst 201.02(b), “[c]omputation of any period of time referred to in [the Council’s] rules begins with the day after the action which sets the time period in motion and ends at the close of council business on the last day of the period so computed.” Pursuant to EC-WST

103.01 the Wetland Council's regular business hours coincide with the Department of Environmental Services' business hours, which are 8:00 am to 4:00 pm.

Because the motion arrived after business hours on July 10, 2026, a Friday, it is deemed filed on the next business day, July 13, 2026, making it untimely under RSA 541:3. See also *Cardinal Dev. Corp. v. Town of Winchester Zoning Bd. of Adjustment*, 157 N.H. 710 (2008) (holding that a motion for rehearing filed after business hours is untimely where there are no rules permitting after-hours filing.)

The Council's rules require pleadings to be filed no later than the close of business on the day they are due. Because Petitioners' motion was not timely filed, the Council lacks subject matter jurisdiction to consider it. *Cardinal Dev. Corp.*, 157 N.H. at 716.

CONCLUSION

For the reasons stated above, Petitioners Motion for Rehearing and Clarification is **DENIED.**

So Ordered,

Date: July 21, 2026

/s/ Mary E. Maloney
Mary E. Maloney, Esq., NH Bar 1603
Hearing Officer, Waste Management Council