

**THE STATE OF NEW HAMPSHIRE
SUPREME COURT**

No. 2020-0049

APPEAL OF CONSERVATION LAW FOUNDATION

**APPEAL PURSUANT TO RULE 10 FROM AN ORDER OF THE NEW HAMPSHIRE
WASTE MANAGEMENT COUNCIL**

Waste Management Council Docket No. 18-10 WMC

**MEMORANDUM OF LAW OF THE NEW HAMPSHIRE DEPARTMENT OF
ENVIRONMENTAL SERVICES**

The New Hampshire Department of Environmental Services (“NHDES” or “Department”), through its counsel, the Office of the Attorney General, (collectively, the “State”) hereby submits this memorandum of law to concur in Waste Management of New Hampshire, Inc.’s (“WMNH”) brief. Conservation Law Foundation, Inc. (“CLF”) appeals the New Hampshire Waste Management Council’s decisions upholding the Department’s issuance of a Type I-A Permit Modification to WMNH to expand its Turnkey solid waste facility in Rochester, New Hampshire. The State has reviewed CLF’s opening brief and that of WMNH.

The State concurs in the arguments and positions of WMNH in its brief. Rather than file a brief with similar arguments and statements of fact, the State submits this memorandum of law to concur in the positions of WMNH, as outlined in its brief. CLF has failed to meet its burden of demonstrating that the Waste Management Council’s decisions regarding NHDES’ issuance of a Type I-A Permit Modification to WMNH’s Turnkey facility were clearly unreasonable or unlawful.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL
SERVICES

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Certificate of Compliance

This memorandum of law complies with the word limitation set forth in Supreme Court Rule 16(11), by containing 320 words.

Certificate of Service

I hereby certify that a copy of the foregoing was sent by service through the New Hampshire Supreme Court's electronic filing system to all counsel of record.

Date: September 16, 2020

/s/ Joshua C. Harrison
Joshua C. Harrison