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AUG 17 2005

Before The State of New Hampshire
Waste Management Council

Re: Citizens for a Future New Hampshire (CFNH) Appeal	Docket No. 05-11-WMC APPEAL OF LICENSE REVOCATION

Appearance and Petition to Intervene

1. Please enter the appearance of the undersigned as counsel for the Town of Hopkinton (the "Town"), in the above-referenced appeal.

2. Pursuant to RSA 541-A:32 and Env-WMC 204.05 the Town hereby requests to intervene. The Town qualifies as an intervenor as a matter of law. The decision being appealed pertains to revocation of a Department of Environmental Services ("DES") permit issued to an industrial facility located within the Town. The disposition of the DES permit and this appeal concern activities that directly affect the Town with respect to municipal matters including, without limitation, land use, land development, transportation, fiscal impacts and municipal services.

3. The Town fully participated as a party in the DES proceedings that are the subject of this appeal and is a party of right under RSA 541-A:39. *See*, Order on Motions to Intervene (NH DES, December 22, 2004), attached hereto and incorporated herein.

Respectfully submitted,

The Town of Hopkinton

By Its Attorneys,

McLane, Graf, Raulerson & Middleton,
Professional Association

Date: August 16, 2005

By _____
Barry Needleman
N. Jonathan Peress

15 North Main Street
Concord, NH 03301
(603) 226-0400

COPY

Regenesis Corporation
1994 Maple Street
West Hopkinton, NH 03229

Re: Solid Waste Permit No. DES-SW-SP-002
Bio Energy Solid Waste Facility
West Hopkinton

NOTICE OF PROPOSED
LICENSE ACTION
No. 04-010

December 22, 2004

ORDER ON MOTIONS TO INTERVENE

The above-captioned license proceeding is scheduled for a hearing on the merits on January 7, 2005. Motions to Intervene have been filed by the Town of Hopkinton, Resident's Environmental Action Committee for Health ("REACH") and by the Citizens for a Future New Hampshire ("CFNH"). No objections have been filed to the Motions to Intervene by the parties to the proceeding, the Department of Environmental Services and Regenesis Corporation.

All three Motions to Intervene are granted. The Town of Hopkinton has a statutory right to participate in the proceeding as the host community for the Regenesis facility. RSA 541-A:39. As described in their Motions to Intervene, REACH and CFNH are non-profit corporations who represent persons allegedly affected by the operation of the Regenesis facility in Hopkinton. Neither REACH nor CFNH has standing to participate in this proceeding as a matter of right, because the interests they assert are essentially the interests of the public in general. *See* Appeal of Richards, 134 N.H. 148 (1991). No rights, duties, privileges, immunities, or other substantial legal interests of REACH or CFNH will be directly affected by the outcome of the Regenesis license proceeding. However, the Motions filed by REACH and CFNH describe active participation by both groups in the legal and regulatory issues surrounding the Regenisis facility. Intervention by REACH and CFNH will further the interests of justice by allowing non-governmental community representatives to participate in the proceeding. Both REACH and CFNH are represented by counsel who have demonstrated familiarity with the Administrative Procedure Act, RSA 541-A, and the procedural rules of the Department of Environmental Services, Env-C Chapter 200. Thus, intervention by REACH and CFNH is not likely to impair the orderly and prompt conduct of the proceedings. Intervention is appropriate under RSA 541-A:32, II.

Copies of the Assented-to Motion to Reschedule Prehearing Conference and the Department's letter rescheduling the prehearing conference to January 4, 2005, are attached to this order.

Department of Environmental Services

By: Michael J. Walls, Presiding Officer

COPY

cc: Jennifer J. Patterson, Senior Assistant Attorney General
Edward A. Haffer, Esquire

Certificate of Service

I hereby certify that the foregoing *Appearance and Petition to Intervene* was mailed this 16th day of August 2005, with first class postage prepaid, to counsel of record on the service list below.

COPY

Barry Needleman

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