

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #183  
10/19/09**

**MEMBERS PRESENT:** Raymond Donald, Robert Hickey, Ryan Bielagus,  
Steven Walker, Terry Callum

**MEMBERS NOT PRESENT:** Recused: Robert Duval, David Collins, Linda Thomas,  
Georgia Murray, William Smagula, Debra Hale

**NHDES – ARD PERSONNEL:** Robert Scott, Anne Keach, Michele Andy  
Amy Samson

**OTHER INTERESTED PARTIES:** Atty. Anthony Blenkinsop, Atty. Linda Landis,  
Atty. Arthur Cunningham, Atty. Barry Needleman, Catherine  
Corkery

**Call to Order:**

Raymond Donald called Meeting #183 of the Air Resources Council (ARC) to order at 10:02 a.m. on Monday, October 19, 2009 and announced that a quorum was present.

**Other Business:**

**Docket No. 09-10 ARC – New Hampshire Sierra Club, et al.**  
**Docket No. 09-11 ARC – Conservation Law Foundation**

Before taking up the Motion for Disqualification of Raymond Donald filed on September 21, 2009, Raymond Donald stepped down as presiding officer, and recommended that the Air Resources Council vote to have an alternate member act as presiding officer over this motion. The ARC voted to have Dr. Robert Hickey preside while deliberating this motion. Dr. Hickey asked members of the ARC to discuss and deliberate the issue of impartiality and consider whether or not the Motion articulates the facts of impartiality.

Ryan Bielagus stated that members of the ARC have already completed the process of recusal due to impartiality, and asserted that each sitting members has already made the decision to serve as impartial members during the deliberations concerning Docket Nos. 09-10ARC and 09-11 ARC.

Terry Callum stated that the Motion to Disqualify did not articulate Raymond Donald's impartiality and entered a motion to deny the Motion for Raymond Donald's disqualification. Ryan Bielagus seconded the motion. All members were in favor. The Motion was denied.

Raymond Donald returned as presiding officer and expressed that he continues to stand as impartial as the Hearings Officer for Docket Nos. 09-10 and 09-11 ARC.

Presiding Officer Donald announced that the ARC is prepared to take up the Partial Motion to Dismiss filed on September 25, 2009 by Atty. Evan Mulholland, Office of the Attorney General. Presiding Officer Donald directed members of the ARC to deliberate Item 2, Issue D; whether the MK2 turbine modification should have undergone new source review.

Steven Walker stated that the final action has not yet been taken by the Department of Environmental Services.

Ryan Bielagus stated that if the facility meets the threshold limits, then New Source Review will be required, however the NHDES has five years to review complete data from emissions.

Terry Callum added that the ARC only has jurisdiction to rule on the matter if the NHDES has taken a "final action". Because the NHDES has not made a determination regarding New Source Review requirements for the facility, the ARC can not decide on this matter.

Terry Callum entered a motion to grant the Motion to Dismiss item D of the September 11, 2009 Decision & Order Regarding Scope of Issues on Appeal filed by the NHDES and Public Service Company of New Hampshire. Dr. Hickey seconded the motion. All were in favor. Motion granted.

**Adjourn:**

Presiding Officer Donald set the next meeting of the ARC to be held on November 9, 2009. Having no further business to discuss, Terry Callum entered a motion to adjourn. Steven Walker seconded the motion. All present were in favor. Meeting #183 of the ARC adjourned at 10:25 a.m. on October 19, 2009.