

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #203  
12/19/11**

**MEMBERS PRESENT:** Chairman Robert Duval, Ryan Bielagus  
William Smagula, Deborah Chabot, Steven Walker,  
Georgia Murray, Raymond Donald,  
Carmela Amato-Wierda

**MEMBERS NOT PRESENT:** Vice-Chairman David Collins, Debra Hale

**NHDES – ARD PERSONNEL:** Robert Scott, Anne Keach, Paula Scott, Charles Martone  
Michael Fitzgerald, Michele Roberge, Karla McManus,  
Gary Milbury, Jeffrey Underhill

**OTHER INTERESTED PARTIES:**

**Call to Order:**

Chairman Duval called Meeting #203 of the Air Resources Council (ARC) to order at 9:05 a.m. on Monday, December 19, 2011. Chairman Duval announced that a quorum was present.

**Approval of Minutes:**

Steven Walker entered a motion to accept the minutes of meeting #202. Ryan Bielagus seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting #202 were approved and accepted by the ARC.

**Division Activities & Legislative Update:**

Chairman Duval introduced Robert Scott, Director of the Air Resources Division (ARD). Director Scott provided members of the ARC with an update regarding the following issues relevant to the Air Resources Division.

**Legislation**

Director Scott discussed the following Legislative issues impacting the Air Resources Division this session, including:

HB 1490 – repealing New Hampshire’s regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

HB 1487 – relative to prior legislative approval for the expenditure of funds for low carbon fuel standards programs.

SB 218 – relative to electric renewable portfolio standards.

HB 1428 – relative to public utilities commission orders concerning renewable portfolio standards.

HB 1214 – relative to banning corn-based ethanol as an additive to gasoline sold in New Hampshire.

LSR2840 – requesting the Governor to enter into an anti-ethanol compact with other northeastern states.

HB 1239 – requiring the site evaluation committee to consider economic impact prior to issuing a certificate for an energy facility.

SB 264 – relative to energy facility site evaluations.

### Fine Particulate Air Pollution in Keene Area

Director Scott provided members of the ARC with an overview of the PM<sub>2.5</sub> exceedances in the Keene area which are linked to homeowner wood burning practices. Director Scott explained the following issues related to these events:

#### PM<sub>2.5</sub> Attainment Issues

- PM<sub>2.5</sub> standards was recently lowered to 35 ug/m<sup>3</sup> from 65 ug/m<sup>3</sup>
  - Based on 3-year average of 98th percentile data
  - A new review could further lower the standard to around 33 ug/m<sup>3</sup> in the future
- New Hampshire is currently designated as in attainment state-wide for PM<sub>2.5</sub>
- PM<sub>2.5</sub> concentrations continue to decline throughout the state, but has remained somewhat flat in the Keene area.
- In the past few years, residential wood burning has increased.
- Wood burning has recently been linked with PM<sub>2.5</sub> exceedances in Keene on some winter nights.
- If the standard were to change to a 24-hour rolling average from midnight to midnight, Keene/Cheshire County would likely be designated as non-attainment for PM<sub>2.5</sub>.

#### Thermal Inversions (at night)

- In the evening, under calm winds, temperatures near the ground cool faster than the air above. This creates a stable layer that no longer mixes vertically.
- PM concentrations above the inversion remain stable as it no longer mixes with air from below.
- PM is trapped under the inversion as calm winds and lack of vertical mixing fail to disperse local pollution.

#### Non-attainment Impacts

- Under the Clean Air Act, non-attainment designations are generally made on a county-wide basis, so Cheshire County (not just the City of Keene) would be in non-attainment.
- Upon designation, NH must implement steps to improve air quality including stricter controls on industrial sources, and additional planning requirements for transportation-related sources.
- Industrial Sector – New Source Review (NSR) for new or modified major sources
  - Lowest Achievable Emissions Reductions (LAER) level control
  - Offsets requirements
- Transportation Sector – Conformity requirements
  - Local transportation sources and State must coordinate planning to ensure transportation projects, including road construction projects, do not impact air quality.
  - Regional Planning Commissions may not have sufficient staff or training available.

Director Scott informed members of the ARC that a meeting has been planned to discuss the City of Keene's air quality issues on December 6, 2011 with Senator Molly Kelly, Rhett Lamb (City Of Keene), Tim Murphy (Southwest Regional Planning, and Art Nichols (Cheshire Medical Center).

### Regional Greenhouse Gas Initiative (RGGI) Contract

Director Scott reported that the Governor and Executive Council voted 4-1 to approve the auction process with RGGI Inc.

### Env-A 300, Ambient Air Quality Issues

Director Scott introduced Karla McManus, Planning and Rules Manager. Ms. McManus informed members of the ARC that the Air Resources Division (ARD) is proposing to readopt and amend Env-A 300, *Ambient Air Quality Standards*. The purpose of this rule is to establish state ambient air

quality standards for various types of pollutants emitted in or transported into New Hampshire, in accordance with RSA 125-C:1 and the federal Clean Air Act (CAA). Changes to the standards for particulate matter, sulfur dioxide, nitrogen dioxide, ozone, and lead are proposed to make them consistent with recently revised national ambient air quality standards, as required by the CAA. Specifically, the ARD is proposing the following substantive changes:

- Env-A 303, Ambient Air Quality Standards for Particulate Matter (PM)  
The annual primary and secondary standards for PM<sub>10</sub> are revoked, and the 24-hour primary and secondary standards for PM<sub>2.5</sub> are strengthened from 65 to 35 micrograms per cubic meter ( $\mu\text{m}^3$ );
- Env-A 304, Ambient Air Quality Standards for Sulfur Dioxide  
The 24-hour and annual primary standards are revoked; they are replaced by a more protective 1-hour primary standard of 75 parts per billion (ppb);
- Env-A 306, Ambient Air Quality Standards for Nitrogen Dioxide  
A new 1-hour primary standard of 100 ppb is added;
- Env-A 307, Ambient Air Quality Standards for Ozone  
The 1-hour primary and secondary standards are revoked, and the 8-hour primary and secondary standards are strengthened from 0.08 to 0.075 parts per million (ppm); and
- Env-A 308, Ambient Air Quality Standards for Lead  
The primary and secondary standards are strengthened from 1.5 to 0.15  $\mu\text{g}/\text{m}^3$ .

ARD has made additional minor word changes for clarity and consistency. She instructed ARC members with any questions about the proposed readoption of Env-A 300, to contact her at 271-6854, or Charlie Martone at 271-1089.

William Smagula entered a motion to accept the revisions to Env-A 300. Steven Walker seconded the motion. All were in favor. Chairman Duval instructed members of the ARC to contact Vice-Chairman Collins with further comments regarding Env-A 300 within fifteen days.

#### **Status of Appeals:**

Chairman Duval introduced Paula Scott, Appeals Clerk. Ms. Scott provided members of the ARC with an update regarding the following appeals before the ARC:

Docket No. 09-40 ARC – Appeal of Katie Lajoie and Tony Caplan regarding the issuance of the Final Title V Operating Permit TV-0032 for Wheelabrator Concord. Ms. Scott stated that on November 9, 2009 the appeal was received. After the related appeal on the Proposed Title V Permit was adjudicated, on June 14, 2010, the ARC discussed the Docket 09-40 appeal and determined that there was no basis for the appeal because the Final Title V permit was an EPA action, not a DES action. The ARC requested that Ms. Samson, the former Appeals Clerk, notify the parties that the correct process would be to file an objection with the EPA, not the DES. The Order denying the Appeal was issued on October 12, 2011. A Motion for Reconsideration was received on November 1, 2011. On November 7, 2011, the DES filed an Objection to Motion for Reconsideration and the applicant filed an Objection to the Motion for Reconsideration. On November 14, 2011 a Rebuttal to Wheelabrator and DES' Objections was filed.

Chairman Duval stated that a draft Order will be before the ARC at the January 23, 2012 meeting.

Docket No. 09-43 ARC – Public Service of New Hampshire (PSNH) regarding DES' Final Responses to Requests for Bonus Carbon Dioxide (CO<sub>2</sub>) Allowances as amended and dated December 3, 2009. The order granting the appeal, remand back to the NHDES and granted Assented-To Motion to Retain Jurisdiction was sent on June 27, 2011. Also, the Decision and Order on the Motion for Reconsideration by CLF was denied and sent to the parties on June 27, 2011.

Ms. Scott reported that on September 14, 2011, a Joint Motion to Accept the Final Settlement Agreement Between the Parties and Close the Docket was received. The Order was issued on November 21, 2011.

Docket No. 11-10 ARC – Public Service of New Hampshire (PSNH) regarding the NHDES Final Determination of Baseline Mercury Input. On August 22, 2011, the ARC accepted the Appeal. Ms. Scott reported that a Pre-Hearing Conference was held on October 17, 2011 and a hearing on the matter is scheduled for March 19, 2012. On October 31, 2011, the Appellant's Request for information was received. No action is required of the ARC at this time.

Docket No. 10-13 ARC – Kalwall Corporation regarding payment of emission-based fees. Pamela Monroe, Administrator of the Compliance Bureau provided members of the ARC with a status report at the September 19, 2011 meeting. Negotiations continue. No action by the ARC is needed at this time.

### **Other Business**

Chairman Duval set the next meeting of the Air Resources Council to be held on January 23, 2012, and requested that an electronic meeting notice be sent to all members of the ARC in order to determine that a quorum will be present.

Director Scott invited members of the ARC to attend the ARD Inspection and Maintenance Program Presentation at the next Governor and Council Meeting on January 11, 2012 at 1:00 p.m.

### **Public Commentary**

No interested parties were in attendance.

### **Adjourn**

Having no further business to discuss, Deborah Chabot entered a motion to adjourn. Steven Walker seconded the motion. All were in favor. Meeting #203 of the Air Resources Council adjourned at 10:20 a.m. on December 19, 2011.