

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #235
11/16/15**

MEMBERS PRESENT: Chairman Robert Duval, Vice-Chairman David Collins, Kris Blomback, Deborah Chabot, Carmela Amato-Wierda, Georgia Murray (via. Conf. Call) William Smagula, Ryan Bielagus

MEMBERS NOT PRESENT: Mark Lambert, Raymond Donald

NHDES – ARD PERSONNEL: Craig Wright, Thomas Niejadlik, Todd Moore, Michael Fitzgerald, Rebecca Ohler, Karla McManus, David Larson

OTHERS PRESENT: Anne Keach

Call to Order:

Chairman Duval called Meeting #235 of the Air Resources Council (ARC) to order at 9:05 a.m. on Monday, November 16, 2015. Chairman Duval announced that a quorum of the ARC was present.

Approval of Minutes:

Vice-Chairman David Collins entered a motion to accept the minutes of meeting #234. Kris Blomback seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting #234 of October 19, 2015, were approved and accepted by the ARC.

Division Activities & Legislative Update:

Chairman Duval introduced Craig Wright, Director of the Air Resources Division (ARD). Director Wright briefly updated members of the ARC regarding issues relative to the ARD, including:

Permitting

Kinder Morgan Pipeline – NHDES-ARD Permitting and Environmental Health staff attended a meeting in Temple, NH to discuss the NHDES permitting review process. No application had been filed by the source at this time.

Clean Power Plan

Director Wright reported that the Regional Greenhouse Gas Initiative (RGGI) states intend to incorporate an emissions and measures plan in their state plans. Director Wright stated that four states have filed a law suit in opposition to the Clean power Plan (CPP), and that the State of New Hampshire joins nineteen states in support of the CPP. He announced that stakeholder meetings are scheduled for November 17, 2015 at 10:00 a.m. in New York, and November 20, 2015 at NHDES.

Legislation

Director Wright introduced Assistant Director Michael Fitzgerald who reported that the ARD is tracking approximately thirty to forty Legislative Service Requests (LSRs) on the following issues:

- Net Metering
- Site Evaluation Committee (imminent domain legislation)
- Road Tolls (electric and alternative fuel vehicles)
- Motor Vehicle Inspection Program
- Energy Code (building code review board)

- Fuel Sulfur Levels
- Electric Vehicle Charging Stations
- Municipal Waste Combustor Emissions (three in NH; Concord, Bridgewater, and Claremont)

Assistant Director Fitzgerald will provide members of the ARC with updates on legislation as information becomes available.

Rules

Env-A 904.04, *VOC Recordkeeping for Surface Coating and Printing Operations*

Karla McManus, Planning and Rules Manager of the Air Resources Division presented the proposed amendments to Env-A 904.04, *Owner or Operator Recordkeeping and Reporting Obligations*, was readopted with amendments on July 18, 2015. This rule includes recordkeeping and reporting requirements associated with maintaining an air permit, including requirements for maintaining records of production and operation, maintaining records of actual emissions of air pollutants, and periodically providing reports of actual operations and emissions to ARD. It also specifies the recordkeeping and reporting obligations for sources when deviations from their permit conditions occur.

After reviewing the VOC recordkeeping requirements, it was determined that the rules required more recordkeeping than was necessary for certain sources to demonstrate compliance with applicable VOC requirements. The attached amendments to Env-A 904.03 have been drafted to resolve this issue.

William Smagula entered a motion to accept the proposed amendments of Env-A 904.04. Carmela Amato-Wierda seconded the motion. All were in favor. Env-A 904.04 was accepted by the ARC for review. Chairman Duval instructed members of the ARC to contact Vice-Chairman Collins with further comments regarding Env-A 904.04 within fifteen days.

Env-A 1400, *Regulated Toxic Air Pollutants*

Karla McManus introduced Thomas Niejadlik, Environmental Health Manager to members of the ARC. Mr. Niejadlik stated that the New Hampshire Department of Environmental Services (NHDES), Air Resources Division (ARD) is proposing to amend Env-A 1400, *Regulated Toxic Air Pollutants*. The existing rule implements the Air Toxic Control Act established under RSA 125-I. The purpose of this chapter is to prevent, control, abate, and limit the emissions of toxic air pollutants into the ambient air. The ambient air limits established under this rule are intended to promote public health by reducing human exposure to toxic air pollutants.

Every year, as required by RSA 125-I:4, ARD proposes changes to the list of regulated toxic air pollutants (RTAPs) and their ambient air limits (AALs). These changes are based on updates made to the list of chemical substances by the American Conference of Governmental Industrial Hygienists (ACGIH) and the US EPA's Integrated Risk Information System (IRIS).

This year we are incorporating ACGIH updates for both 2013 and 2014. As a result of changes made by ACGIH, three chemical substances were added and nine substances have had their Occupational Exposure Limit (OEL) changed which results in a change to the AALs. As a result of changes made by IRIS, five chemical substances had their annual AAL changed. There were also several corrections made to the table that were found during an upgrade to the data base.

In addition to the required annual updates, the NHDES has made many changes to the list of RTAPs and to the rules over the years. These changes were made in order to utilize the latest scientific

data, to streamline the compliance determination and permitting process, and to allow the NHDES and businesses to concentrate their efforts on those toxic chemicals that pose the greatest health risk to the public. The NHDES is also proposing the following rule changes:

- Broadening the exemption criteria for publicly owned wastewater treatment facilities, resulting in more facilities being exempt from the rule. Pump stations associated with these treatment facilities were also added to the exemption.
- Exempting Cooling Towers.
- Exempting the combustion of landfill gas.
- Exempting routine maintenance activities associated with boilers.
- Exempting the use of isopropyl alcohol, nitrous oxide, and ethylene oxide at health care facilities.

Members of the ARC discussed the private facility exemption and the exemptions for the combustion of various synthetic fuels.

William Smagula entered a motion to accept the proposed amendments of Env-A 1400. Carmela Amato-Wierda seconded the motion. All were in favor. Env-A 1400 was accepted by the ARC for review. Chairman Duval instructed members of the ARC to contact Vice-Chairman Collins with further comments regarding Env-A 1400 within fifteen days.

Karla McManus informed members of the ARC that she will present the readoption of Env-A 3300, Municipal Waste Combustion, at the December 14, 2015, meeting of the ARC.

Status of Appeals

Currently, there are no appeals before the ARC.

New Business

Chairman Duval requested that ARC members, whose terms are expiring contact Jennifer Kuzma of the Office of the Governor should they desire to continue to serve.

Chairman Duval requested that members of the ARC review the proposed 2016 ARC Meeting Schedule and Notice provided. With the revision to the February meeting date changed from February 22, 2016, to February 29, 2016, the ARC approved the 2016 ARC Meeting Schedule and Notice.

Other Business

Chairman Duval scheduled the next meeting of the ARC to be held on Monday, December 16, 2015.

Public Commentary

No members of the public were present.

Adjourn

Having no further business to discuss, Deborah Chabot entered a motion to adjourn, seconded by Carmela Amato-Wierda. All were in favor. Meeting #235 of the Air Resources Council adjourned at 10:05 a.m., on November 16, 2015.