

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #238  
05/16/16**

**MEMBERS PRESENT:** Chairman Robert Duval, Vice-Chairman David Collins,  
Mark Lambert, Ryan Bielagus, William Smagula  
Deborah Chabot, Georgia Murray (via. Conf. Call)

**MEMBERS NOT PRESENT:** Raymond Donald, Carmela Amato-Wierda, Kris Blomback

**NHDES – ARD PERSONNEL:** Craig Wright, Evan Mulholland, Mark Ledgard  
Gary Milbury

**OTHERS PRESENT:** Anne Keach

**Call to Order:**

Chairman Duval called Meeting #238 of the Air Resources Council (ARC) to order at 9:05 a.m. on Monday, May 16, 2016. 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 #237. William Smagula seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting #237 of March 21, 2016, 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:

**2016 New Hampshire Air Emissions Regulatory Conference**

Director Wright invited members of the ARC to attend the 2016 New Hampshire Air Emissions Regulatory Conference, from 8:00 a.m. – 3:00 p.m. on June 2, 2016 at the Radisson Hotel in Manchester New Hampshire. The 2016 New Hampshire Air Emissions Regulatory Conference is beneficial for consultants, municipal officials, lawyers, and environmental compliance officials, and stakeholders the opportunity to focus on key air-related challenges in New Hampshire.

**Perfluorooctanoic Acid (PFOA) Contamination in Southern New Hampshire**

Director Wright informed members of the ARC that the New Hampshire Department of Environmental Services (NHDES) is expanding its investigation in to perfluorochemicals (PFCas) in drinking water to Amherst, NH near the former location of Textiles Coated International (TCI). He stated that eleven water well test results received by the NHDES show concentrations of PFOA ranging from non-detection to 620 parts per trillion (ppt). Four of the eleven test results were over 100 ppt. The NHDES has advised properties whose wells showed concentration above 100 ppt not to drink the water, and that bottled water will be provided as an interim measure. Director Wright also provided member with a map of the water sample results for Bedford, Litchfield, Londonderry, Manchester and Merrimack.

Director Wright and members of the ARC discussed the potential discharges from industrial sources and landfills and NHDES' plan to conduct three major compliance inspections by the Air, Water, and Waste Divisions.

Title V Petition for PSNH/Eversource Schiller Station:

Director Wright reported that on July 28, 2015, the USEPA issued an Order in response to a petition submitted by the Sierra Club requesting that USEPA object to the Title V Operating Permit that was issued to the Eversource Schiller Station facility on June 6, 2014. While the USEPA decision denied most claims in the petition, it granted one claim on a provision in state rules regarding air quality impacts from stationary sources on adjacent states. In essence, the USEPA has asked the NHDES to review SO<sub>2</sub> ambient air impacts on the State of Maine and, if warranted, establish new SO<sub>2</sub> limits for Schiller Station. Regardless of whether new SO<sub>2</sub> limits are warranted, NHDES must revise the permit record (application review support document) to reflect the updated analysis and provide a 30-day opportunity for the public to comment on its conclusions.

Director Wright added that in the meantime, all provisions of the Title V Operating Permit are in effect.

**Compliance Bureau Overview**

Director Wright introduced Evan Mulholland, Administrator of the Air Resources Division Compliance Bureau (ARD-CB). Mr. Mulholland stated that the mission of the ARD-CB is to ensure compliance with all state air pollution control statutes, regulations and permits. Mr. Mullholand explained that the ARD-CB currently has twenty full-time positions, sixteen of which are currently filled, and two vacant positions which will be filled over the coming months. Mr. Mulholland described each of the ARD-CB units as follows:

Compliance Assessment & Assistance – Inspections and Complaint Investigations.

## Inspections

- Purpose : To determine a facility's compliance with its permit and relevant regulations.
- FFY 2016 goal = 69 inspections
- 44 inspections through Q2. (Oct. 2015 – March 2016)
  - Inspection breakdown: 10-TV, 4-SM80, and 30-minor sources.
- Staff of 4 (one vacancy) plus an Administrator.

## Complaints

- 150 to 200 complaints logged per year.
- Most are investigated. All are followed up on.

## Stack Testing and Continuous Emission Monitoring (CEM)

- Bureau goal: Observe and perform QC checks on all stack tests.
- FFY 15, 101 tests were observed by DES staff.
- 17 facilities in NH have CEMs and submit reports. Data is audited by DES staff.
- Staff of three, plus an Administrator.

## Emissions Inventory Section

- Maintains the emissions inventory for all regulated pollutants
- Maintains air compliance data and completes timely submissions to federal databases;
- Tracks and collects emission-based fees.
- ~300 annual emission reports
- Staff of two.

## Enforcement Section

- 2 person unit.
  - Works with all Sections, and with Permitting as well.
- Purpose of Enforcement–
  - Eliminating unfair economic benefit
  - Deterrence
  - Appropriate penalty for gravity of violation
- 54 Enforcement Actions taken in FFY 15

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- Administer the Asbestos Licensing & Certification Program.
  - 1200 licenses & certificates / yr.

## Asbestos Management Section

- Inspect Asbestos Abatement activities & respond to complaints regarding asbestos.
  - ~1200 asbestos abatement projects / yr.
  - 150 – 180 Inspections / yr.

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Mr. Mulholland and members of the ARC discussed the ARD-CB's inspection process, observations of stack test monitoring, landfill surface scans, Asbestos Hazard Emergency Response Act (AHERA) school inspections, and public education and outreach efforts in order to bring sources in to voluntary compliance.

### **Status of Appeals**

Currently, there are no appeals before the ARC.

### **New Business**

Michael Fitzgerald, Assistant Director of the Air Resources Division informed members of the ARC that the U.S. Supreme Court refused to review a \$236 million trial judgment against ExxonMobil Corporation in the groundwater contamination case involving the gasoline additive MtBE in New Hampshire.

### **Other Business**

Vice-Chairman Collins scheduled the next meeting of the ARC to be held on Monday, July 18, 2016.

### **Public Commentary**

No members of the public were present.

### **Adjourn**

Having no further business to discuss, William Smagula entered a motion to adjourn, seconded by Deborah Chabot. All were in favor. Meeting #238 of the Air Resources Council adjourned at 9:30 a.m., on May 16, 2016.