

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #247
09/11/2017**

MEMBERS PRESENT: Chairman Robert Duval, Vice-Chairman David Collins, William Smagula, Kris Blomback, Raymond Donald, Deborah Chabot, Georgia Murray,

MEMBERS NOT PRESENT: J. Ryan Bielagus and Mark Lambert

NHDES – ARD PERSONNEL: Mike Fitzgerald, Karla McManus, Felice Janelle, Evan Mulholland, Gary Milbury, Cathy Beahm, Sonny Strickland, Dave Larson

OTHERS PRESENT: Shelley Marshall

Call to Order:

Chairman Duval called Meeting #247 of the Air Resources Council (ARC) to order at 9:11 a.m. on Monday, September 11, 2017.

Approval of Minutes:

Raymond Donald entered a motion to accept the minutes of meeting #244. Kris Blomback seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting #244 of March 13, 2017 were approved and accepted by the ARC.

Division Activities and Legislative Update:

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

Legislative:

Assistant Director Fitzgerald spoke of two Senate bills SB #51- establishing a committee to review subsidies for energy projects provided by the renewable portfolio standard and SB #125- establishing a committee to study transmission, distribution, generation, and other costs in the state's electricity systems. Both Senate Bills are study committees that were requested by Senator Kevin Avard.

Assistant Director Fitzgerald stated that on July 1, 2017 a new statute in place for House Bill 336 – relative to standards for outdoor wood-fired hydronic heaters. Prior to July 1, 2017 all heaters are Grandfathered under the new statute.

Permitting:

Eversource Schiller Title V Permit:

Assistant Director Fitzgerald advised we issued a revised Proposed Eversource Schiller Title V Permit on May 12, 2017; therefore the 30 day timeframe to appeal to the ARC has passed. EPA approved the final Title V Operating Permit on June 15, 2017. The deadline for a citizens Title V petition to EPA on this permit ended August 25th.

Eversource Schiller – Mercury Boiler Removal Project:

NHPUC issued an order on October 16, 2016 authorizing the removal of two mercury boilers at their Schiller Station facility in Portsmouth. The project which involves the removal of approximately 2,500 tons of steel has been ongoing and is anticipated to be completed sometime around early 2018.

Stakeholder Group Meeting on Emission Based Fees:

On August 16, 2017 NHDES Air Resources Division held a stakeholder meeting with nearly 70 stakeholders to receive input on the Divisions emission based fees. The Division heard concerns about the rate of emission-based fee increases, and heard about potential options to reduce the financial burden on stationary sources, which fund the bulk of the Division's Air Permitting and Compliance Programs. A smaller stakeholder workgroup has been formed out of the August meeting and will be meeting on a monthly basis to continue to work together on a solution.

Wheelabrator Concord – Title V Operating Permit Renewal:

On August 7, 2017 the public comment period ended on the draft Title V Operating Permit for the Wheelabrator Concord facility. No comments were received during the comment period. The new deadline for written comments or request for a public hearing is Thursday September 21, 2017.

Rules:

C & D amendments to Env-A 3300, Municipal Waste Combustion

Karla McManus ARD Planning and Rule Manager and Felice Janelle ARD SIP Planning Analyst spoke in reference to Env-A3300.

In 2016, RSA 125-C:10-c was amended to allow the combustion of up to 10,000 tons of wood residue derived from construction and demolition debris by a municipal waste combustor with a design capacity of 250 tons per day or more between November 15th and April 15th. The statute also required, "no combustion shall occur until the department adopts rules regarding fuel quality standards and test methods in accordance with RSA 125-C:6, XIV-a and the department has taken final action on a permit revision for the facility utilizing such fuel."

The New Hampshire Department of Environmental Services, Air Resources Division (ARD) is proposing to amend Env-A 3300, *Municipal Waste Combustion*, by adding rules regarding limited combustion of wood derived from construction and demolition debris. In general, this rule establishes the operating and performance standards for existing municipal waste combustion (MWC) units with the capacity to combust greater than 35 tons per day of municipal solid waste to comply with federal regulations promulgated pursuant to section 111(d) and section 129 of the

Clean Air Act and state regulations promulgated under RSA 125-C:10-a, RSA 125-C:10-c and RSA 125-M:3.

On June 30, 2016, ARD and the Solid Waste Division held a stakeholder meeting open to the public and all interested parties, receiving and responding to comments. These comments were reviewed and incorporated into a Draft Concept Rule which was sent out to the stakeholders to review before the second meeting on May 16, 2017. Comments from that meeting were incorporated into a draft rule which is attached.

Only one facility in New Hampshire qualifies to burn C & D under this statute. This facility has air pollution control equipment to minimize toxic air pollutants before they can be emitted into the ambient air. The law also directs DES to amend the permit if needed to make sure they meet their emission requirements.

Raymond Donald motioned to approve a 15 day review and Bill Smagula second the motion. Air council passed the motion.

The ARC submitted comments in reference to the proposed C & D amendments to Env-A 3300, Municipal Waste Combustion. A summary of the comments and the responses from ARD are in the following memorandum dated November 28,

2017: <https://www.des.nh.gov/organization/commissioner/documents/arc-responses-112217.pdf>

Readoption of Env-A1400, Regulated Toxic Air Pollutants

Karla McManus ARD Planning and Rules Manager and Cathy Beahm ARD Air Permit Programs Manager spoke in reference to Env-A1400.

The New Hampshire Department of Environmental Services, 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 and IRIS updates for both 2015 and 2016. As a result of changes made by these organizations, twenty-eight chemical substances were added and four were removed. Twenty substances have had their Occupational Exposure Limit (OEL) or reference concentration (RfC) changed which results in a change to the AALs. There were also several name corrections made to the table that were found during internal review.

In addition to the required annual updates, DES has made some changes to the rules. These changes were made in order to utilize the latest scientific data, to streamline the compliance determination and permitting process, and to allow DES and businesses to concentrate their efforts on those toxic chemicals that pose the greatest health risk to the public. This year DES is proposing the following rule changes:

1. Add the following definitions to Env-A 1401.03:
 - "Accidental release"

- “Compliance boundary”
 - “Particulate RTAP”
2. Add exemptions for sources and activities in Env-A 1402.02, including:
- An exempt activity as classified in Env-A 609.03
 - Air strippers and equipment associated with soil venting used to remediate petroleum or gasoline contaminated sites.
 - An accidental release as defined in Env-A 1401.03.
 - Air strippers and soil venting equipment, or equipment used to control contaminated vapors operating for test purposes.
 - Solvent cleaning of parts and equipment performed exclusively by hand wiping or hand cleaning.
 - All process emissions which are located at private, public, or vocational educational institutions.
 - Degreasing/cleaning units which exclusively use aqueous caustic solutions at ambient temperatures in non-aerated baths or tanks.
 - Rooms, buildings and warehouses used for the purpose of chemical storage, filling, transfer, and sampling for quality assurance/quality control purposes.
 - Powder coating operations
 - Surface coating at facilities with actual VOC emissions of 1,000 pounds or less from coating materials in any 12-month period in accordance with restrictions.
 - Propose changes to the wording for the classification of chemicals for health related assessments in accordance with EPA changes to wording.

Bill Smagula motioned to approve a 15 day review, and Raymond Donald second the motion. Air council passed the motion.

Review of Draft Rule Env-A 705.03(g), Calculation of Emission-Based Fee

Karla McManus ARD Planning and Rules Manager and Evan Mulholland ARD Administrator IV for the Compliance Bureau spoke in reference to ENV-A 705.03 (g)

ARD is proposing to amend Env-A 705.03, *Calculation of Emission-Based Fee*, by adding a new paragraph (g) to reduce the emission-based fees paid by stationary sources for calendar year 2017, to fulfill an agreement with the General Court reached during the most recent budget cycle.

Specifically, the ARD agreed to reduce the emission-based fees paid by stationary sources for calendar year 2017 by the same dollar amount as was added to the Department’s budget for state fiscal year 2018. This step is one of several being considered to reduce the fiscal burden on businesses in New Hampshire.

Compliance Update

N/A

Status of Appeals

Currently, there are no appeals before the ARC.

New Business

Assistant Director Fitzgerald introduce Vilay Skidds of MPA,CIA who is presently conducting an audit on NHDES Air Resources division. Vilay Skidds gave a brief description of what consist with the audits and how most likely it should be completed by Spring of 2018.

Public Commentary

John Tuthill a citizen of Acworth NH spoke on the rule Env-A3300 had a question for Raymond Donald in reference to wood preservatives with materials such as arsenics, copper if they would be allowed for combustion. Tuthill pointed out that in Env-A3308.03 it states that such materials will be allowed up to 150 tons per year. Tuthill asked the council to please that into consideration.

Adjourn

Having no further business to discuss, Chairman Robert Duval suggested a motion to adjourn, moved by Vice-Chairman Dave Collins, seconded by Raymond Donald. All were in favor. Meeting #247 of the Air Resources Council adjourned at 10:04 on September 11, 2017.