

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #249  
12/11/2017**

**MEMBERS PRESENT:** Chairman Robert Duval, Vice-Chairman David Collins, William Smagula, Kris Blomback, Deborah Chabot, Mark Lambert, Georgia Murray (via conference call)

**MEMBERS NOT PRESENT:** J. Ryan Bielagus

**NHDES – ARD PERSONNEL:** Mike Fitzgerald, Evan Mulholland, Cathy Beahm

**OTHERS PRESENT:** Shelley Marshall, John Tuthill

**Call to Order:**

Chairman Robert Duval called Meeting #249 of the Air Resources Council (ARC) to order at 9:02 a.m. on Monday December 11, 2017. Chairman Duval announced that a quorum of the ARC was present.

**Approval of Minutes:**

Mark Lambert entered a motion to accept the minutes of meeting #248. Kris Blomback seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting #248 of October 16, 2017 were approved and accepted by the ARC.

**Welcome New DES Commissioner**

Chairman Robert Duval introduced the new Department of Environmental Services Commissioner Robert R. Scott.

**Division Activities and Legislative Update:**

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

1. Eliot ME Section 126 Petition Withdrawn - On November 9<sup>th</sup>, the Eliot Board of Selectman voted on an article to withdraw the town's Clean Air Act Section 126 Petition with EPA. Our understanding is that prior to voting on the article, the Board reached out the Eliot Conservation Commission, who in turn consulted with Sierra Club, and both groups recommended withdrawing because the substantive concerns alleged in the petition have been resolved (by addressing the Title V Petition for Schiller Station).
2. **\*\* Update - Wheelabrator Concord – Title V Operating Permit Renewal**: On November 7<sup>th</sup>, ARD held a public hearing in regard to the draft Title V Operating Permit for the Wheelabrator facility in Concord. This is a renewal of their operating permit. Approximately 20 people attended the 2 ½ hour hearing. Citizen testimony primarily focused on concerns about lead, mercury, and dioxin/furan emissions from the facility, the impacts of cumulative deposition of these pollutants to soil and water bodies over the past 25+ years, and emissions monitoring/testing

requirements. While outside the scope of this permitting action, several citizens also raised concerns about RSA 125-C:10-c, which allows this specific facility to combust up to 10,000 tons per year of processed construction and demolition (C&D) wood. The public was informed that prior to this being allowed, RSA 125-C:10-c specifically requires the Department to establish rules for such combustion and requires Wheelabrator to obtain a permit for this activity. Division staff explained that the current Title V permit renewal does not address this because the rules for combusting C&D wood have not yet been established, and that this would be conducted under a separate permitting action in 2018.

Pursuant to Env-A 622.08, the department is required to issue a decision to either approve or deny an application within 30 working days of the close of the comment period. Given the date on which the public hearing for the Wheelabrator Concord Title V application was held, the deadline for the department would be December 26, 2017. Given that this is the day after Christmas and it commences the 30-day timeframe in which to file an appeal with the ARC, we are postponing our decision to January 2, 2018.

3. Waiver – Mount Carberry Landfill - On December 1<sup>st</sup>, a waiver was issued to the Androscoggin Valley Regional Refuse Disposal District (the District) for the Mount Carberry Landfill, which is located in Success, NH. The District had requested a waiver of the requirement to obtain a Temporary Permit prior to increasing the flow capacity of their utility flare in the current Title V Operating Permit. The District requested the waiver so that they could be allowed to temporarily increase the landfill gas flow capacity of the utility flare and have the operational flexibility to control odors until the full permitting process is completed to permanently increase the flare capacity.
4. Environmental Health Taskforce Meeting - On December 5<sup>th</sup>, the Environmental Health Program and the NH DHHS Public Health Tracking Program held its first Environmental Health Taskforce Meeting. This Taskforce is one of the initiatives under the Environmental Public Health Tracking Grant that was awarded to NH DHHS' Public Health Tracking Program by the U.S. Centers for Disease Control and Prevention. The goals of this task force are to:
  - Solidify a stakeholder engagement process to evaluate environmental health risks across NH;
  - Build on previous work focused on standardizing data and systematically evaluating spatial and temporal trends; and
  - Support a process to ensure that NH continues to build environmental health capacity within the State.

#### **Legislative:**

There was no legislation to report.

#### **Compliance Update**

Chairman Duval introduced Evan Mulholland, ARD Compliance Bureau Administrator. Mr. Mulholland updated members of the council on the following enforcement actions:

**Air Resources Division  
June 10, 2017 to December 8, 2017  
Enforcement Actions**

**Stationary Sources**

Facility Name & Violation Address	Enforcement Action Type	Description of Violations	Issued
GMI Asphalt, LLC (Facility previously owned by Hard Drives of New England, LLC)  33 Punch Brook Road, Franklin, NH	Administrative Fine by Consent  Penalty: \$1,851	<ul style="list-style-type: none"> <li>• Env-A 608.01 and RSA 125-C:11, I - Failed to file a timely and complete application for a State Permit to Operate.</li> <li>• Failed to conduct emissions testing within 180 days of startup of HMA Plant.</li> </ul>	8/31/2017
RJ Chipping Enterprises, Inc.  1608 Route 2, Shelburne	Notice of Proposed Administrative Fine  Penalty: \$4,500	<ul style="list-style-type: none"> <li>• Env-A 604.02(a)(2), and Condition V, Table 4, Item 6 of the Permit – Exceeded the consecutive 12-month diesel fuel consumption limit on the Kohler engine at the Facility during multiple 12-month periods in 2013, 2014, and 2015.</li> </ul>	9/14/2017
Torromeo Industries, Inc.  18 Dorre Road in Kingston	Administrative Order by Consent with a Civil Penalty  Penalty: \$40,835; \$20,417.50 (50%) suspended for 2 years	<ul style="list-style-type: none"> <li>• RSA 125-C:11 and Env-A 603.01 – Failed to obtain a permit prior to installing two generators (engines).</li> <li>• Env-A 505.01(cc), citing 40 CFR 63, Subpart ZZZZ – Failed to conduct initial compliance stack testing of a generator within 180 days of the compliance date.</li> <li>• Env-A 907.02 – Failed to report emissions from a generator in an annual emissions report.</li> <li>• Env-A 705 – Failed to submit an emission-based fees for emissions from a generator.</li> </ul>	10/25/2017
DCI, Inc.  265 South Main Street in Lisbon	Administrative Order	<ul style="list-style-type: none"> <li>• Env-A 906 and Env-A 604.01 – Failed to conduct inspections of control device; failed to maintain records for operation , maintenance, and inspection of a control device.</li> <li>• Env-A 505.01(cx) and 40 CFR 63, Subpart JJJJJ – Failed to conduct tune-up and an energy assessment of boilers and failed to submit documentation related to indicate compliance status related to a tune-ups and an energy assessment.</li> <li>• Env-A 903.03 – Failed to maintain records of type and amount of fuel burned in boilers.</li> <li>• Env-A 903.02 – Failed to maintain hours of operation of wood coating operations.</li> <li>• Env-A 906 – Failed to maintain records of 12-month running total of volatile organic compounds and hazardous air pollutants emitted from the facility.</li> </ul>	10/25/2017

**Asbestos & Open Burning**

<b>Owner/Operator Violation Address</b>	<b>Type</b>	<b>Description of Violations</b>	<b>Issued</b>
Aurora Log Homes, LLC  2433 Route 302, Lsibon, NH	Administrative Hearing Notice of Decision  Penalty \$5,500	<ul style="list-style-type: none"> <li>• Env-A 1001.09, and Env-A 1001.04 - Burned construction and demolition debris and other non-conforming materials on the property.</li> <li>• Env-A 1803.01, and Env-A 1803.03 - Failed to provide written notification to DES at least 10 working days prior to undertaking asbestos and demolition activities on the property.</li> <li>• Env-A 1805.01 - Failed to ensure compliance with the work practice requirements contained in Env-A 1805 during the major asbestos abatement activity undertaken on the property.</li> </ul>	10/5/2017

**Asbestos**

<b>Owner/Operator Violation Address</b>	<b>Type</b>	<b>Description of Violations</b>	<b>Issued</b>
SMC Sundial Limited Partnership  1, 3, 25, & 77 Sundial Av., Manchester	Administrative Fine by Consent  Penalty: \$4,401 (\$400 suspended for 2 years)	<ul style="list-style-type: none"> <li>• Env-A 1803.01 – Failed to provide for an asbestos inspection prior to undertaking a major asbestos abatement project ( 2 counts).</li> <li>• Env-A 1804.01(b)(3) – Failed to provide written notification at least 10 working days prior to undertaking a major asbestos abatement project.</li> </ul>	9/14/2017
JD Demolition and Asbestos Services, LLC  20 Highland St., Ashland, NH (Ashland Town Hall)	Administrative Hearing Notice of Decision  Penalty assessed: \$7750 (\$2750 suspended for 3 years)	<ul style="list-style-type: none"> <li>• Env-A 1805.02 - Failed to ensure that the personnel involved in the major asbestos abatement project at the Facility were certified.</li> <li>• Env-A 1805.03- Failed to ensure that required documentation was retained on-site during the abatement project.</li> <li>• Env-A 1805.04(d)- Failed to post warning signs at all entrances to the work area.</li> <li>• Env-A 1805.06- Failed to ensure that a worker decontamination enclosure system was installed.</li> <li>• Env-A 1805.07(a) – Failed to ensure all ACM was adequately wetted, and maintained wet, during and after removal.</li> <li>• Env-A 1805.08(d)- Failed to submit to DES waste shipment records within 30 days after delivery of RACM to a disposal site.</li> <li>• Env-A 1810.12(c)(5) – Failed to ensure that all employees and contract workers engaged in the asbestos abatement activity were certified and had current training certificates.</li> </ul>	10/2/2017 Date of Administrative Hearing

**Status of Appeals**

Currently, there are no appeals before the ARC.

**New Business**

There was no new business to report.

**Public Commentary**

Opportunity for the public to comment on matters affecting the Air Resources Council or the Air Resources Division, John Tuthill was present and chose not to speak at this time.

**Adjourn**

Having no further business to discuss, Vice-Chairman David Collins suggested a motion to adjourn, moved by Deborah Chabot, seconded by Mark Lambert. All were in favor. Meeting #249 of the Air Resources Council adjourned at 10:13am.