

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #256  
01/14/2019**

**MEMBERS PRESENT:** Chairman Robert Duval, Vice-Chair David Collins, Elizabeth Tillotson, Kris Blomback, J. Ryan Bielagus, Mark Lambert, David Cribbie

**MEMBERS NOT PRESENT:** Georgia Murray (Via- conference call)

**NHDES – ARD PERSONNEL:** Mike Fitzgerald,

**OTHERS PRESENT:** Shelley Marshall, and Appeals Clerk, Paula Scott

**MEMBERS OF  
THE PUBLIC PRESENT:** N/A

**Call to Order:**

Chairman Robert Duval called Meeting #256 of the Air Resources Council (ARC) to order at 9:03 a.m. on Monday, January 14, 2019. Chairman Robert Duval announced that a quorum of the ARC was present.

**Approval of Minutes:**

David Cribbie entered a motion to accept the minutes of meeting #255. Mark Lambert seconded the motion, all in favor and the motion passed.

**Division Activities and Legislative Update:**

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

**Permitting Update:**

- On December 6, 2018 Department of Environmental Services held their Annual DES Award Ceremony and Air Resources employee Cathy Beahm, our Air Permit Programs Manager, received the David S. Chase Award for Extraordinary Achievements in Science. This award is named in honor of the late David Chase, who passed away very unexpectedly in November, 2008. David served as the Radon Program Manager at NHDES and the Department of Health and Human Services for over 16 years. David was extremely dedicated and devoted to the radon program and, under his guidance; New Hampshire's radon program received national and international recognition.

For over two years, Cathy has been the go to person for Air Resources Division for the Southern NH PFAS investigation. A particularly challenging issue has been the significant lack of data on specific types of PFAS and precursors currently being emitted into the air. While this has caused many states to wait until other federal agencies (such as EPA) are able to gather more information, Cathy recognized the urgency of the potential implications to public health and undertook an effort to increase her knowledge. She reached out to partners in other states, and also engaged the EPA Office of Research and Development (ORD) and established a very effective partnership, which has helped NHDES with laboratory expertise, and increased the knowledge base of both agencies. Cathy's work culminated in her organization of a two-day NHDES/ORD meeting that was incredibly beneficial to both agencies' understanding of PFAS in the environment. Due to her extraordinary efforts, she has quickly become a leading authority on PFAS and continues to be an invaluable resource both to NHDES and other environmental and public health agencies.

- Public Hearing – draft Title V Operating Permit for Bridgewater Power: In September, ARD commenced a 30-day public comment period on the draft Title V Operating Permit renewal for the Bridgewater Power Company facility. Written comments were received on the draft permit, and we also received a number of requests for a public hearing. The public comments and hearing requests mentioned concerns about emissions of particulates, heavy metals, and also requested more information on VOCs, NOx, and air pollution controls. In response, we held a public hearing at the Bridgewater Town Hall on December 13<sup>th</sup>. In accordance with NH Administrative Rule Env-A 622.08 *Decisions*, NHDES has 30 working days to issue a final decision on the permit; ARD will issue a decision by January 24, 2019.
- Director Wright said that 2 of the 4 citizens who requested a public hearing did not attend the hearing (and the 2 others were late to the hearing – we were ready to close the hearing when they arrived). In the *Findings of Fact and Director's Decision*, NHDES plans to note the considerable time and expense that NHDES goes through to prepare and conduct a public hearing, and while we are happy to do so, that the expectation is that those who request a hearing will in fact attend.
- Proposed Title V Operating Permit for Wheelabrator Concord: On September 5, 2018, the ARC issued a Decision and Order on State's Motion to dismiss the appeal of Kaplan et. al., which denied the appeal. On November 26, 2018, the ARC denied a Motion for Reconsideration on the September 5 decision. NHDES subsequently requested EPA to re-initiate its 45-day review of the Proposed Title V Operating Permit, starting on November 29, 2018. However, before the 45-day review period ended, the federal government shutdown went into effect, furloughing the EPA staff that would review the Proposed Permit.

#### **Environmental Health Program Update:**

- Water standards for PFAS: At the last ARC meeting in November, we discussed Senate Bill 309 (SB309), which regulates groundwater pollution caused by air emissions and also requires NHDES to establish water standards for perfluorochemicals. SB 309 also authorized General Funds for NHDES to hire a toxicologist and a health risk assessor to complete the tasks in the bill; both of whom started on October 12th.

NHDES proposed the water standards for PFAS on December 31, 2018, in accordance with the deadline specified in the bill. The following standards were proposed:

Compound	Old Limit (ppt)	Proposed Limit (ppt)
PFOS	70	70
PFOA	70	38
PFOS + PFOA	70	70
PFHxS	None	85
PFNA	None	23

NHDES is providing an approximate 60-day period to review the proposed standards and their basis. At least 3 public hearings will be held in March on the proposed rule. Assistant Commissioner Freise and Dr. Jonathan Ali (our new Toxicologist) are also conducting a couple of technical sessions on the proposed standards in the Merrimack and Portsmouth areas the week of January 14th.

### **Status of Appeals**

Paula Scott, Appeals Clerk briefly updated members of the two recent appeals to ARD, including: **Docket No. 18-02 ARC- Anthony Caplin, et al Appeal**

November 26, 2018 issued Decision and order denying Appellants “Motion for Reconsideration. Docket No. 18-02 ARC- Anthony Caplin, et al Appeal is now closed.

### **Rules**

Air Resources did not have any new rules to bring to the council at this time, therefore Chair Robert Duval thought that this would be a good time Review Env-AC200 Procedural Rules for Air Council to review. The following rules were discussed by the council, including:

EcX 102.09 “Department enforcement decision” means “department decision” as defined in RSA 21-0: 14, Ic Director Wright suggested verification that this is sufficient to Air Council.

EcX 203.01 Initiating an Appeal. As required by RSA 21-0:14, the notice shall be filed within 30 days of the date of the decision. Council member Elizabeth Tillotson asked for an explanation or if this was up to the Air Council to decide. Chair Bob Duval stated that the Council should add a paragraph D added with a better explanation.

EcX 207.15 Reopening of the Record. Paragraph (c) If the hearing officer determines that such testimony, exhibits, or arguments are necessary to a full consideration of the issues raised by the appeal, the record shall be reopened to accept the offered items. Chair Robert Duval feels that the final decision should be made after the hearings officer consults with the Air Council.

EcX 208.06 Consideration of a Motion for Rehearing. Paragraph (a) The hearing officer shall, no sooner than 7 days after receipt of a motion for rehearing, either:

- (1) Grant the motion and either:
  - a. Schedule a rehearing; or
  - b. Grant the relief requested; or
- (2) Deny the motion and affirm the decision that was issued

Chair Robert Duval again stated that this also should be a decision between the hearing officer and Air Council together. Director Craig Wright stated that the wording of “no sooner than 7 days after” in 208.06 should state “within 7 days after”.

Chair- Robert Duval advised the council that they should work diligently together for the next Air Council meeting that is scheduled for Monday February 11, 2019.

**New Business:**

There was no new business to report.

**Public Commentary:**

N/A

**Adjourn:** Having no further business to discuss, Chairman Robert Duval suggested a motion to adjourn, moved by Kris Nils Blomback and, seconded by Georgia Murray. All were in favor. Meeting #256 of the Air Resources Council adjourned at 10:21 a.m. on Monday, January 14, 2019.

11753  
Air Resources Division  
Independent Summary  
Public Fund Year 2000

As directed by the Legislature, the Air Resources Division  
has prepared this summary report to provide information  
on the use of public funds for the year 2000.  
The report is organized as follows:  
1. Summary of the year's activities  
2. Summary of the year's expenditures  
3. Summary of the year's revenues  
4. Summary of the year's net position