

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #257
03/11/2019**

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: Director Craig Wright, Assistant Director Mike Fitzgerald, Sheri Eldridge, Karla McManus, and Gary Milbury.
Cathy Beahm

OTHERS PRESENT: Shelley Marshall, and Appeals Clerk, Paula Scott, Assistant Attorney General Jon Lavallee

**MEMBERS OF
THE PUBLIC PRESENT:** Janet Ward, John Tuthill

Call to Order:

Chairman Robert Duval called Meeting #257 of the Air Resources Council (ARC) to order at 9:03 a.m. on Monday, March 11, 2019. Chair Robert Duval announced that a quorum of the ARC was present.

Approval of Minutes:

Chair Robert Duval entered a motion to approve the minutes of meeting #256. Motion moved by Vice Chair David Collins and seconded by J. Ryan Bielagus. Air Council all in favor.

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:

- New Permit Engineer: ARD's Permitting Unit recently hired Lisa Camire as a permit engineer. Lisa has a Bachelor in Science in Environmental Engineering from Rensselaer Polytechnic Institute (RPI), and joins ARD after spending 20 years working for General Electric Power and Water. In Lisa's most recent position she assisted with commissioning power plant projects, including assisting with permits and emission testing. Lisa also has worked on a couple of groups which she was able to comments on the EPA Clean Power Plan rule and rule updates for New Source Performance Standards for large boilers (Subparts Db and Dc). Her experience working with power plants should greatly benefit the Division.
- Title V Operating Permit for Bridgewater Power: In September 2018, ARD commenced a 30-day public comment period on the draft Title V Operating Permit renewal for the Bridgewater Power Company facility. A public hearing was subsequently held on December 13, 2018. Written comments were also received on the draft permit. **NHDES issued a Proposed Title V Operating Permit on January 24, 2019. The 30-day deadline for an appeal to the Council has passed.**
- Title V Operating Permit for Wheelabrator Concord: On September 5, 2018, the ARC issued a Decision and Order on the State's Motion to Dismiss the appeal of Kaplan ET. al., denying 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, due to the federal government shutdown, review of the Proposed Permit was delayed. EPA finally completed its 45-day review, and **the final Title V Operating Permit was issued on January 24, 2019.**

Environmental Health Program Update:

- Water standards for PFAS: At the November and January ARC meetings, the ARC 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 provided an approximate 60-day period to review the proposed standards and their basis. 2 of the 3 scheduled public hearings were held March 4th and 5th, with the final hearing in Portsmouth to be held March 12th.

Rules: Proposed Readoption of Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution

Karla McManus, Planning and Rulemaking Manager

Linda Magoon, Senior Compliance Assessment Specialist

ARD is proposing to readopt and amend Env-A 1000, *Prevention, Abatement, and Control of Open Source Air Pollution*. There are only a few amendments proposed for this rule.

Specifically, Env-A 1001, Open Burning, sets forth general open burning requirements, definitions, and a list of materials that are allowed to be burned in the state, and lists absolute prohibitions against the burning of certain types of materials, including the statutory ban (RSA 125-C:10-c) on burning the wood component of construction and demolition debris and a prohibition against off-site transport of brush for open burning. Env-A 1002, Fugitive Dust, has been clarified to make sure that emissions generated by specific activities are covered and precautions for limiting fugitive dust are listed. Env-A 1003, Firefighter Instruction and Training Activities, still establishes the procedures for limiting the emissions of particulate matter and toxic air pollutants from firefighter instruction and training activities with only minor edits.

Vice Chair David Collins motioned to start a 15 day review of Proposed Readoption of Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution and Mark Lambert second the motion. All were in favor of starting the 15 day review.

Karla McManus provided the Council members the following hand out:

**RULEMAKING MILESTONE CHART
APPROX. DATES OF PROPOSED FILINGS FOR FORMAL RULEMAKING
REVISED March 4, 2019**

Staff Contact	Rule	Apr 2018	May 2018	June 2018	July 2018	Aug 2018	Sept 2018	Oct 2018	Nov 2018	Dec 2018	Jan 2019	Feb 2019	Mar 2019	Apr 2019
Ray Walters	Env-A 800* Testing Monitoring Exp 10-31-18 <i>*30 day notice for SIP rule</i>	Email draft to stakeholders 6 th	ARC 14 th ARC Cmts 29 th	FIS and RS to legal 14 th				RFIS 15 th RMN 30 th	RMN* pub 8 th UL pub 9 th	PH 11 th PC 21 st			FP 7 th	JLCAR 26 th

Joe F.	Env-A 4600 RGGI CO2 Budget Trading Program													
Joe F.	Env-A 4700 RGGI CO2 Offsets													
Joe F.	Env-A 4800 RGGI CO2 Auctions													
Joe F.	Env-A 2900 SO2-NOx Annual Budget Trading Program Exp 10-1- 2019													
Tim White	Env-A 1500* Transportati on Conformity Exp 10-1- 2019													
Cathy Beahm	Env-A 1700 Permit Application Forms Exp. 10-1- 2019													
Barbara D	Amds to Env-A 600*, 204, 101													

ARC Air Resources Council
IP Initial Proposal
RFIS Fiscal Impact statement request filed
RS Rule Summary
RMN Rulemaking notice filed
PH Public Hearing
PC Public Comment Deadline

INT Interim Rules Filing Deadline
AF Amended Fiscal Impact Statement request filed
ARC cmts due – 15 days after ARC meeting and presentation
FP Final Proposal filed
JLCAR Joint Legislative Committee on Administrative Rules
PO Preliminary Objection
ORES Objection Response due

* **A rule that is/will be part of the state implementation plan (SIP) or State Plan needs 30days notice for public hearing**

Compliance:

Chair Robert Duval introduced Sheri Eldridge who is the new Administrator IV for the Air Resource Division Compliance Bureau. Sheri gave a brief update of her background with Law and Environmental Services. Sheri stated that she is an Attorney and she attended Northwestern School of Law in Portland, OR with a specialty in Environmental Law. She also has a Bachelors and Master's degree in Environmental Science. Sheri started as an intern for NHDES, ARD in the fall of 2000 and has also worked for ARD doing rulemaking. Sheri most recently supervised the enforcement section for ARD. Sheri briefly left ARD and took a position for the NH Insurance department. Sheri now holds the position of Compliance Bureau Administrator.

Sheri Eldridge stated that she would be at the next scheduled Air Council meeting and will give a complete Compliance update at that time, and will continue to do so every three months like the prior Administrator use to do.

ARC Break:

At 9:27 Chair Bob Duval suggested a 15 minute break while the Council members waited for Assistant Attorney General Jon Lavallee to arrive for meeting.

Meeting Re-opened:

Chair Robert Duval reopened the meeting at 9:50. Chair Robert Duval welcomed Assistant Attorney Jon Lavallee to the ARC meeting. Jon Lavallee thanked the council for welcoming him, gave a brief description of his back ground and how he is new to the Attorney General's office. Mr. Lavallee stated that he has just come off of active duty with the United States Coast Guard. Jon is very happy to be back in the great State of New Hampshire and working with the Attorney General's office. He looks forward to working with all Council members and wants all council members to feel free to contact him anytime with his contact information that was provided to them.

Meeting adjourn for Executive session Chair Robert Duval then suggested that the Air Council temporarily move into a Non Public session at 10:03 so the Air Resources Council members could speak with Jon Lavallee and have an Executive session. Motion was moved by Kris Blomback and seconded by Elizabeth Lynn Tillotson.

Meeting Re-opened:

Chair Robert Duval motioned to reopen the meeting at 11:07, moved by David Collins and seconded by David Cribbie.

New Business:

There was no new business to report.

Public Commentary:

John Tuthill from Acworth spoke in reference to ENVA-3300, Municipal Solid Waste Rules, and how he feels that when a 15 day comment review is done , he is concerned that the public doesn't hear anything in reference to what happens after the 15 day review is started. Mr. Tuthill also stated that he has listened to the recording of the Air Council meeting that was held on January 14, 2019. His concerns for the January meeting was the tone of the meeting and how he feels that the Council needs to be more open to the Public.

Adjourn: Having no further business to discuss, Chairman Robert Duval suggested a motion to adjourn, moved by Mark Lambert and, seconded by David Cribbie. All were in favor. Meeting #257 of the Air Resources Council adjourned at 11:21 a.m. on Monday, March 11, 2019.