

**AIR RESOURCES
COUNCIL MINUTES OF
MEETING #261
11/18/2019
DRAFT**

MEMBERS PRESENT: Chairman Robert Duval, Elizabeth Tillotson, J. Ryan Bielagus, David Cribbie, Mark Lambert, Georgia Murray

MEMBERS NOT PRESENT: Kris Blomback, Vice Chair David Collins,

NHDES – ARD PERSONNEL: Assistant Director Mike Fitzgerald, Cathy Beahm, Sheri Eldridge, James Tilley, Gary Milbury and Paula Scott.

OTHERS PRESENT: Shelley Marshall

MEMBERS OF THE PUBLIC PRESENT: John Tuthill, Viggo Fish, Attorney, William Howard, Nicols Holms, John Tippet, Stephen Wesley and Dave Connolly

Call to Order:

Chairman Robert Duval called Meeting #261 of the Air Resources Council (ARC) to order at 9:05 a.m. on Monday, November 18, 2019. Chair Robert Duval announced that a quorum of the ARC was present.

Approval of Minutes:

A motion to approve the minutes of meeting #260 moved by J. Ryan Bielagus and seconded by David Cribbie. Air Council all in favor.

Division Activities and Legislative Update:

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

- **Public Hearing - Draft Temporary Permit for Installation of Air Pollution Control Equipment at Saint-Gobain Performance Plastics, Merrimack, NH:**

On November 5th, the Permitting Department held a public hearing in Merrimack on a draft Temporary Permit for Saint-Gobain Performance Plastic Corporation. The permit would authorize Saint-Gobain to install air pollution control equipment to control perfluorinated compounds (PFAS). RSA 125-C:10-e, *Requirements for Air Emissions of Perfluorinated Compounds Impacting Soil and Water*, requires facilities that emit certain PFAS (or precursors) to the air that have caused or contributed to an exceedance of an ambient groundwater quality standard or surface water quality standard to install “best available control technology (BACT) for air emissions”.

Approximately 100 people attended the hearing, with 20 people providing oral testimony on the draft Temporary permit. We also received many written comments.

NHDES has extended the public comment period on the draft Temporary Permit to **December 6, 2019**. Once the public comment period closes, Saint-Gobain has 10 working days to respond to written comments (if they wish to do so). NHDES then has 30 working days to review the comments, prepare responses, and issue a final decision.

- **Public Hearing - Draft Temporary Permit for RUDARPA, Inc., Bethlehem, NH:**

On December 12th, ARD will hold a public hearing in Bethlehem on a draft Temporary Permit for Rudarpa Inc. They have applied to install a system to convert landfill gas (LFG) from the adjacent landfill (owned and operated by North Country Environmental Services) into high BTU content natural gas. The gas would then be compressed for loading to tanker trucks.

- **USEPA Denial of Citizen Petition on the Wheelabrator Concord Title V Operating Permit:**

On January 2nd, 2018, ARD issued a Proposed Title V Operating Permit to Wheelabrator Concord. This permit was appealed to the Air Resources Council (Docket No. 18-02 ARC); the Council ultimately denied the appeal in November 2018. The USEPA's 45-day review of the proposed permit ended on January 14, 2019, during which time the USEPA did not object to the Permit. NHDES issued the final Permit on January 24, 2019. A Title V Petition was subsequently filed on March 14, 2019. On 10/30/2019, the EPA Administrator denied the Title V Petition. The decision can be found on EPA's Title V Petition webpage at https://www.epa.gov/sites/production/files/2019-11/documents/wheelabrator_response2019.pdf.

Status of Appeals

Paula Scott, Appeals Clerk briefly updated members of a recent appeal to ARD, including:

Docket No, 19-05 ARC- Textile Coated, Inc. (TCI) Appeal

Subject: 3/27/19 Administrative Order No. 19-007 ARD

Hearing Officer: David Conley (appointed by AG 5/17/19)

Status: 4/25/19 received Notice of Appeal. 4/30/19 issued receipt of appeal letter. Council to accept or decline appeal today (5/13/19). 5/13/19 issued appeal accepted letter. 5/20/19 issued Notice of Pre-hearing Conference scheduled for June 17th at 8:30 a.m. 5/21/19 rec'd Appearance for Allen Brooks for the Department. 6/17/19 issued Pre-hearing Order scheduling a 2nd Pre-hearing Conference for August 7, 2019 at 9 a.m., 7/24/19 issued follow-up written Pre-hearing Order. 8/7/19 issued 2nd Pre-hearing order scheduling hearing for Sept. 10, 2019 at 10 a.m. 8/14/19 rec'd Motion for Reconsideration and Motion for Stay. 8/21/19 received Objection to Motion to Stay, Objection to Motion for Reconsideration and DES' Witness and Exhibit List. 8/29/19 issued Order on Appellant's Motion for Reconsideration and Motion for Stay. 8/30/19 received Motion to Continue. 9/3/19 received Stipulation Regarding DES' Motion to Continue. 9 4 19 issued ruling Granting Motion to Continue and rescheduling hearing to Nov. 18, 2019 at 9 a.m. 10/1/19 rec'd State's Amended Witness and Exhibit List. 10/10/19 issued Notice of change to hearing start time from 9 a.m. to 9:30 a.m.

Rules: None at this time

New Business:

There was no new business to report.

Public Commentary:

No one from the public spoke when asked from the council.

Adjourn:

Having no further business to discuss, a motion to adjourn made by Mark Lambert and seconded by Georgia Murray; all were in favor. Meeting #260 of the Air Resources Council adjourned at 9:17 a.m. on Monday November 18, 2019.