

**AIR RESOURCES
COUNCIL MINUTES OF
MEETING #262
01/13/20
DRAFT**

MEMBERS PRESENT: Chairman Robert Duval, Vice Chair David Collins, Elizabeth Tillotson, Kris Blomback, David Cribbie, Mark Lambert, Georgia Murray

MEMBERS NOT PRESENT: J. Ryan Bielagus

NHDES – ARD PERSONNEL: Director Craig Wright, Assistant Director Mike Fitzgerald, Cathy Beahm, Sheri Eldridge, James Tilley, Gary Milbury, Alyssa Moodie, Jon Lavallee and Paula Scott.

OTHERS PRESENT: Shelley Marshall

MEMBERS OF THE PUBLIC PRESENT: John Tuthill, Viggo Fish, Attorney, William Howard, Gail Lynch, Katherine Lajoie, and Janet Ward

Call to Order:

Chairman Robert Duval called Meeting #262 of the Air Resources Council (ARC) to order at 9:30 a.m. on Monday, January 13, 2020. Chair Robert Duval announced that a quorum of the ARC was present.

Approval of Minutes:

A motion to approve the minutes of meeting #261 moved by Elizabeth Tillotson and seconded by David Cribbie. Air Council all in favor.

Division Activities and Legislative Update:

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

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

On November 5th, the Permitting Unit held a public hearing in Merrimack on a draft Temporary Permit for Saint-Gobain Performance Plastic Corporation. The permit would authorize them 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”.

On the night of the November 5th hearing, ARD extended the public comment period on the draft Temporary permit to December 6, 2019. Based on a subsequent request, ARD further extended the comment period to December 31, 2019. The public comment period has closed, ARD has 30 working days to review the comments, prepare responses, and issue a final decision.

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

On December 12th, the Permitting Unit held a public hearing in Bethlehem on a draft Temporary Permit (an air permit to construct) for Rudarpa Inc. As previously explained, Rudarpa applied to install a system to treat/convert landfill gas from the adjacent landfill (owned and operated by North Country Environmental Services) into high BTU content natural gas. The gas then would be compressed for loading to tanker trucks for introduction into a local or regional gas pipeline (e.g., Keene gas distribution system).

The public hearing lasted approximately 45 minutes, with 6 people providing oral testimony. Written comments were submitted prior to the comment deadline. ARD now has 30 working days to review the comments received and make a final decision on the application.

Dr. Jonathan Ali receives David S. Chase Award for Extraordinary Achievements in Science: The David S. Chase Memorial Award for Extraordinary Achievements in Science is presented annually to a deserving NHDES scientist who possesses the special skills and dedication necessary to continue the pursuit of scientific discovery at the agency. The award is named in honor of the late Dr. David S. Chase, who served as the Radon Program Manager at NHDES and the Department of Health and Human Services for 16 years. Dr. Chase's work made a significant impact on our understanding of radon, and how the public can mitigate the risks associated with this compound. After Dr. Chase's passing, this award was established to recognize other NHDES employees who have made important accomplishments in the field of science.

This year, the Award was presented to Dr. Jonathan Ali, our toxicologist in the Permitting & Environmental Health Bureau. Dr. A came to NHDES in October 2018 and immediately dove into the challenge of meeting the legislature's aggressive timeline to have standards in place for per and poly fluorinated compounds (PFAS). He identified and used both internal and external resources and experts, and established a number of partnerships for ongoing research and work at NHDES. In addition to his technical expertise, project planning and management skills, Jon has shown an exceptional ability to explain extremely technical information to both the public, the regulated community and his co-workers. During this time, he also collaborated with other scientists at the University of Florida to co-author a scientific paper on PFHxS that will be published soon in the scientific journal *Regulatory Toxicology and Pharmacology*. As a result of all of his work on PFAS, Jon has become recognized nationally among his peers.

Status of Appeals

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

Docket No. 19-11 ARC – Katie Lajoie and John Tuthill Appeal

12/9/19 issued Ruling denying Acceptance of Appeal. 12/30/19 received Motion for Reconsideration. 1/2/20 received Partially Assented - To Motion to Extend Deadline to Object to Appellants' Motion for Reconsideration 1/6/20 received DES' and Permittee's Objections to Motion for Reconsideration. 1/13/20 Council received the responses to the objection from the Appellants.

Chair Duval briefly reviewed the ARC's prior actions and current status of this matter, and what constitutes grounds for Reconsideration.

Chair Duval pointed out that he had originally voted in the minority to accept this appeal, but upon further review, has come to agree that the ARC's decision to deny the appeal was correct, since the DES' decision not to hold a public hearing was procedural, and not in itself a "final permitting decision" under ARC purview. Member Murray said she also voted the same way, but now agrees the majority was correct. However, in general, she urges the DES to hold more public hearings.

The ARC then discussed whether the various issues raised in the Motion for Reconsideration warranted reconsideration of its prior decision to deny the appeal. Finding none, David Cribbie moved to Deny reconsideration, and Mark Lambert seconded the motion. The ARC voted not to reconsider its decision to deny the appeal. Georgia Murray abstained, six members voted in favor, and the motion passed.

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

Waiting on Hearing officer to issue a decision.

Compliance Update: See below

James W. Tilley – Enforcement Supervisor VII

NHDES

Air Resources Division

Enforcement Summary

Federal Fiscal Year 2019

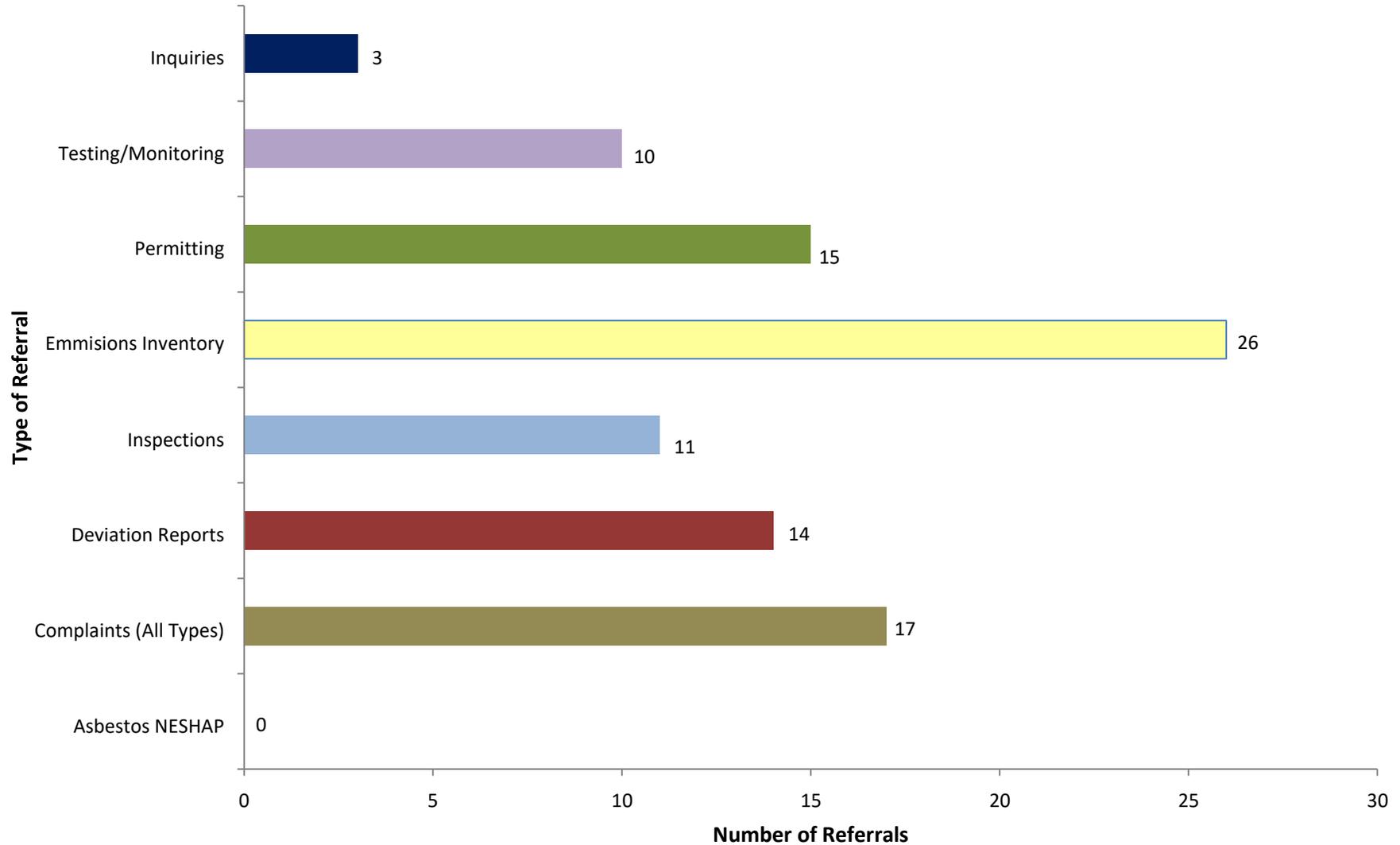
96 referrals for enforcement were sent to the Enforcement Section

77 enforcement actions were issued, executed, or completed

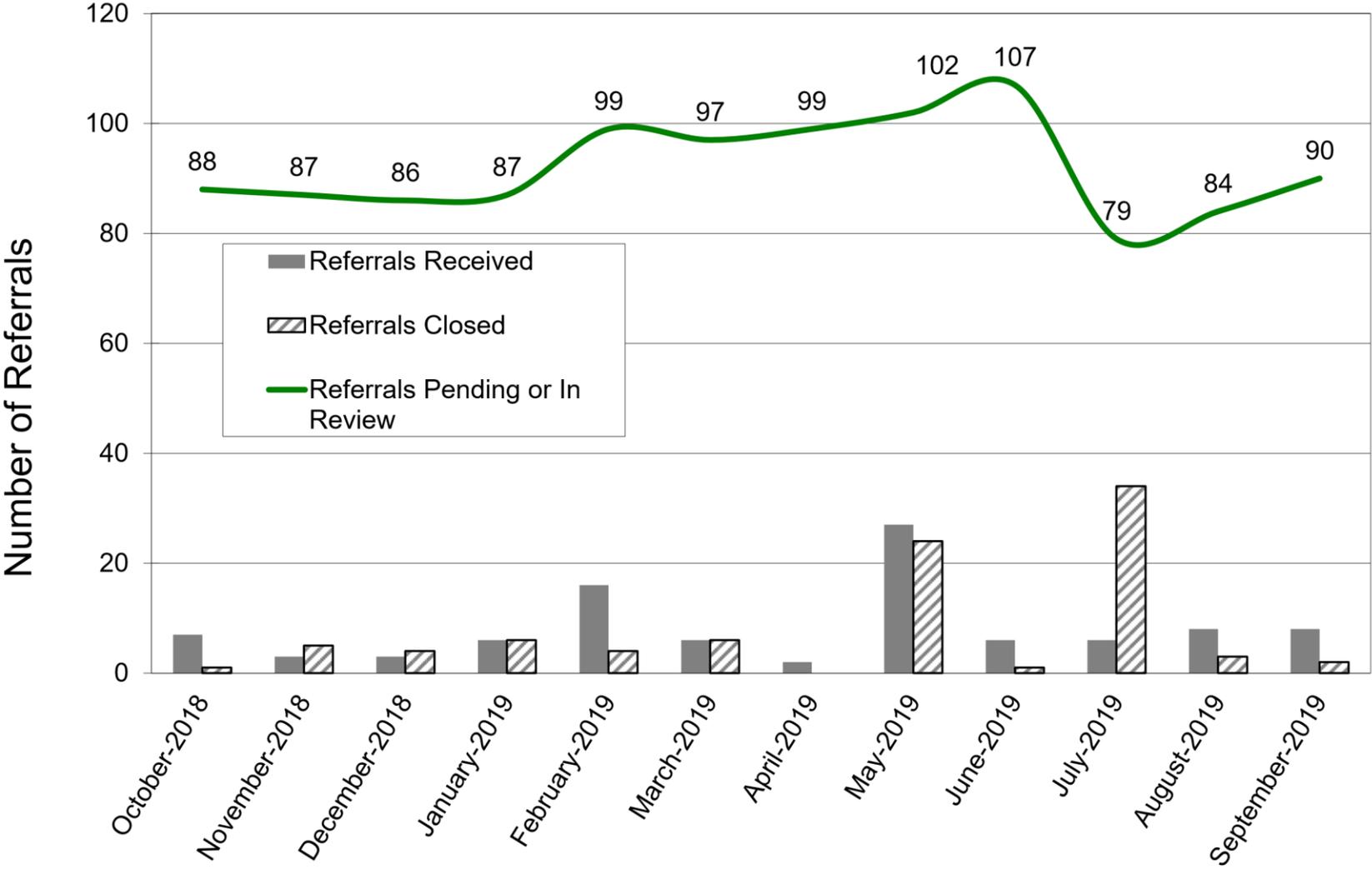
5 “No Action Taken” memos were completed

\$55,987 of fines or penalties were assessed, excluding suspended fines and penalties, as a result of ARD’s enforcement actions

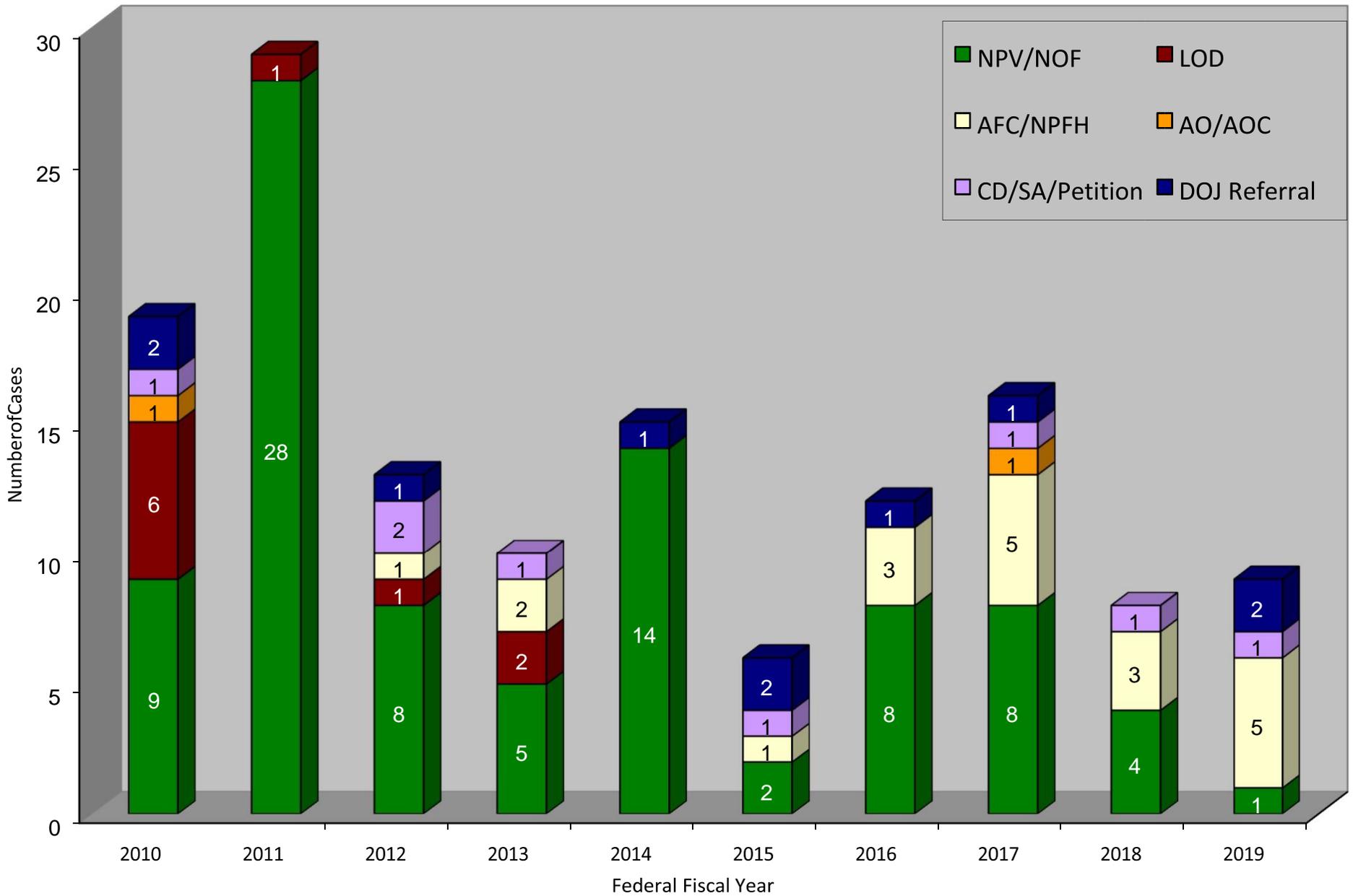
**Referrals to Enforcement
FFY 2019
Total = 96**



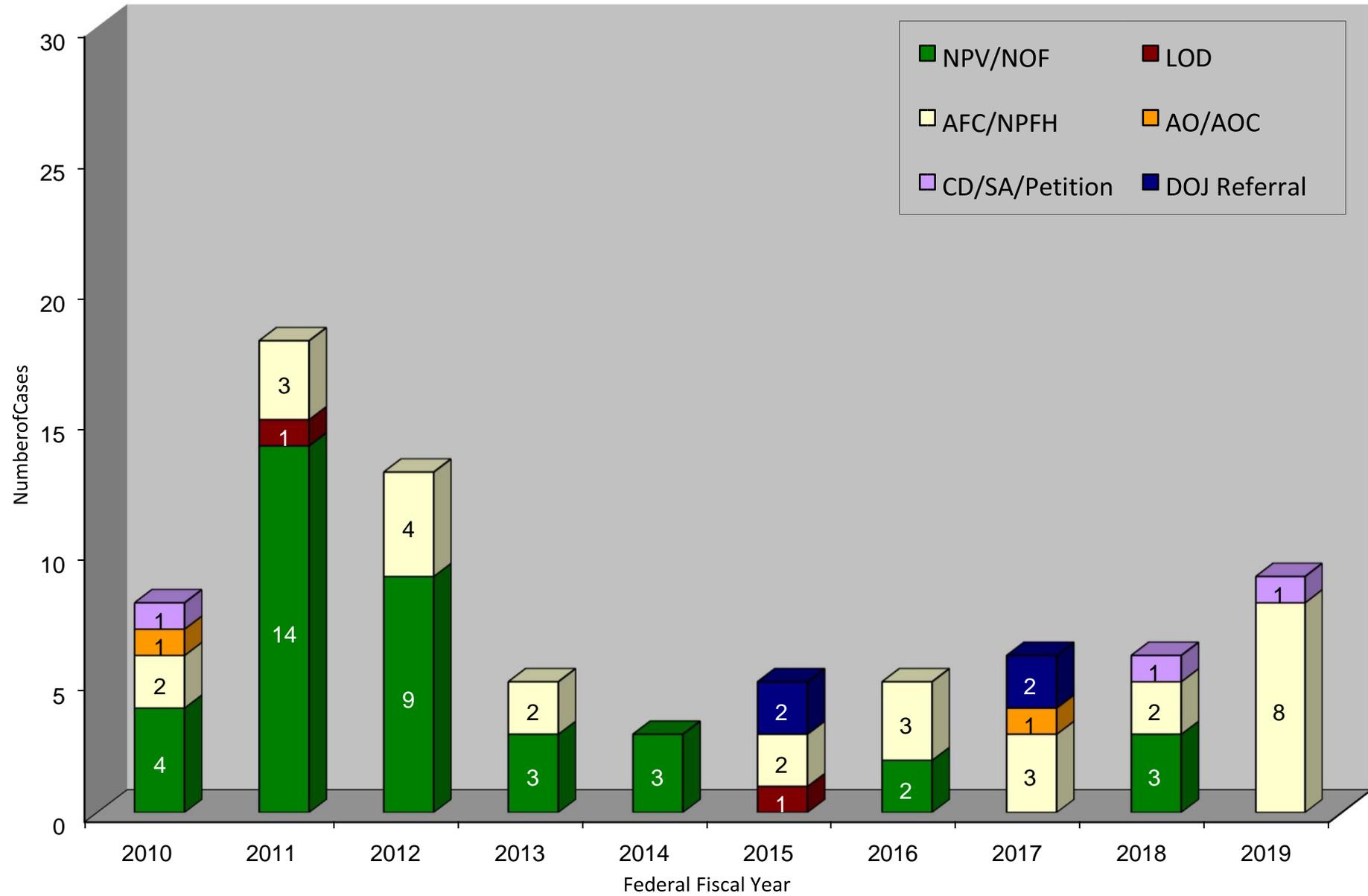
Enforcement Referral Status During FFY 2019



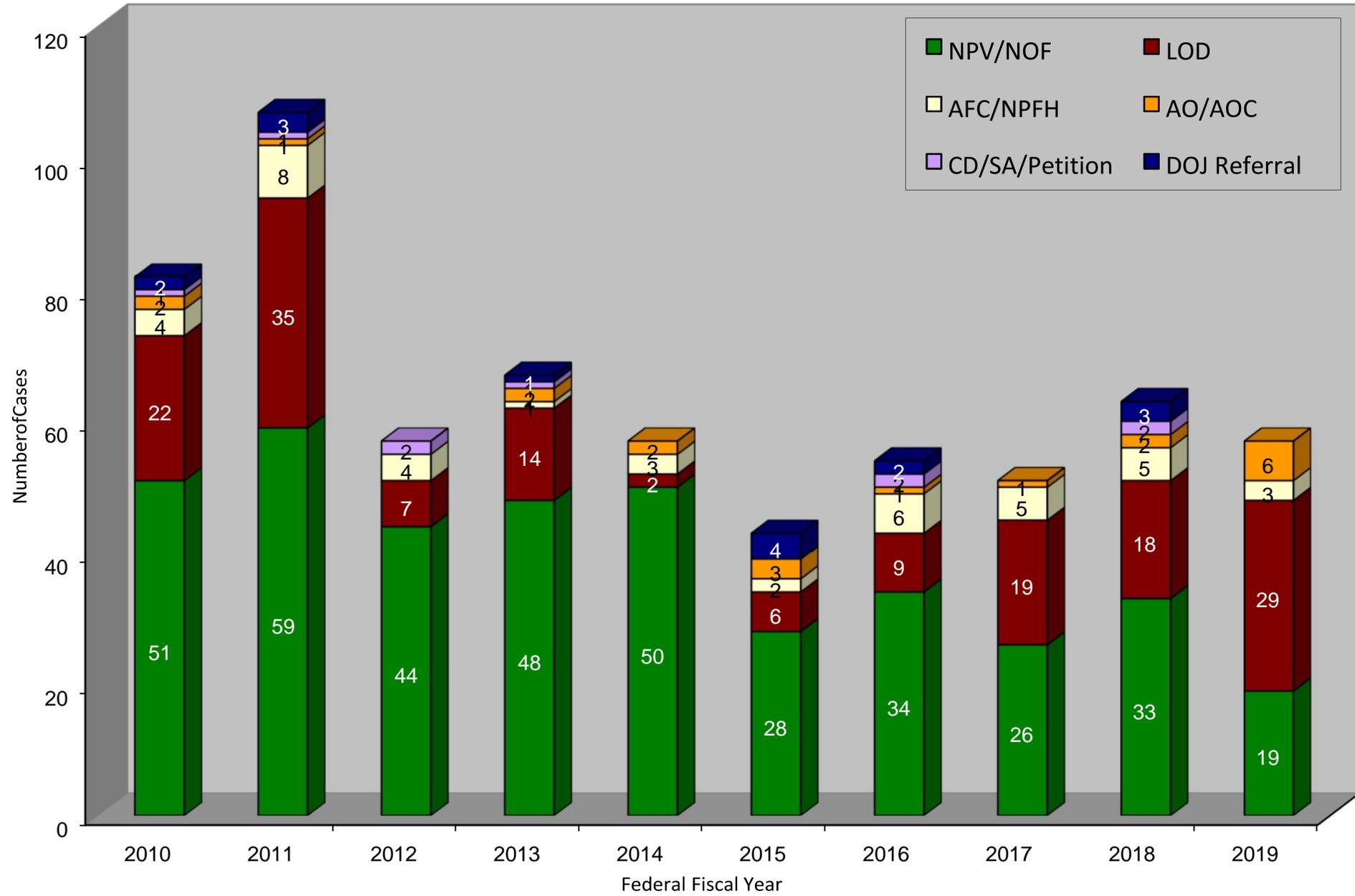
ARD Asbestos Enforcement Trends FFY10 - FFY19



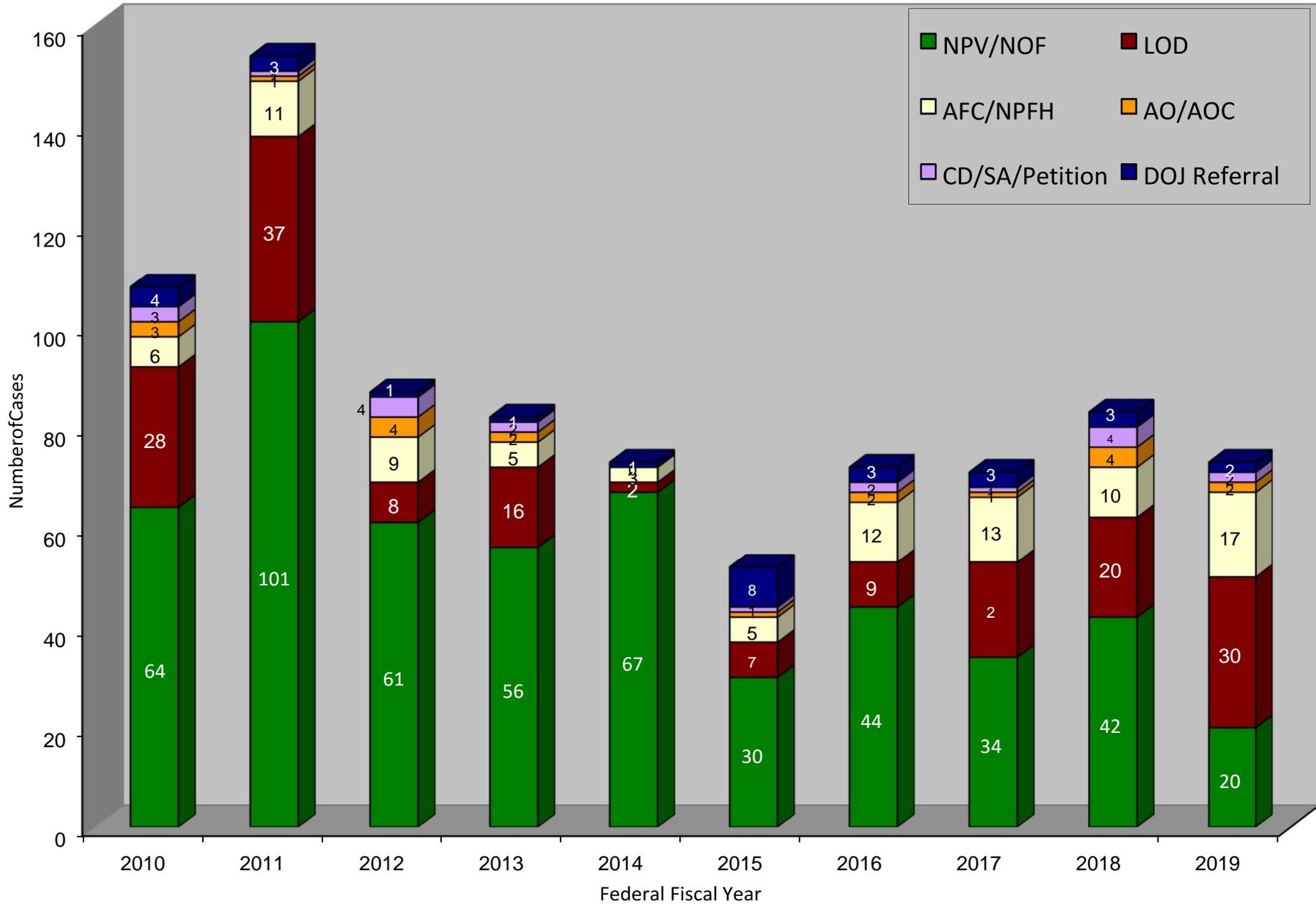
ARD Open-Burning Enforcement Trends FFY10 -FFY19



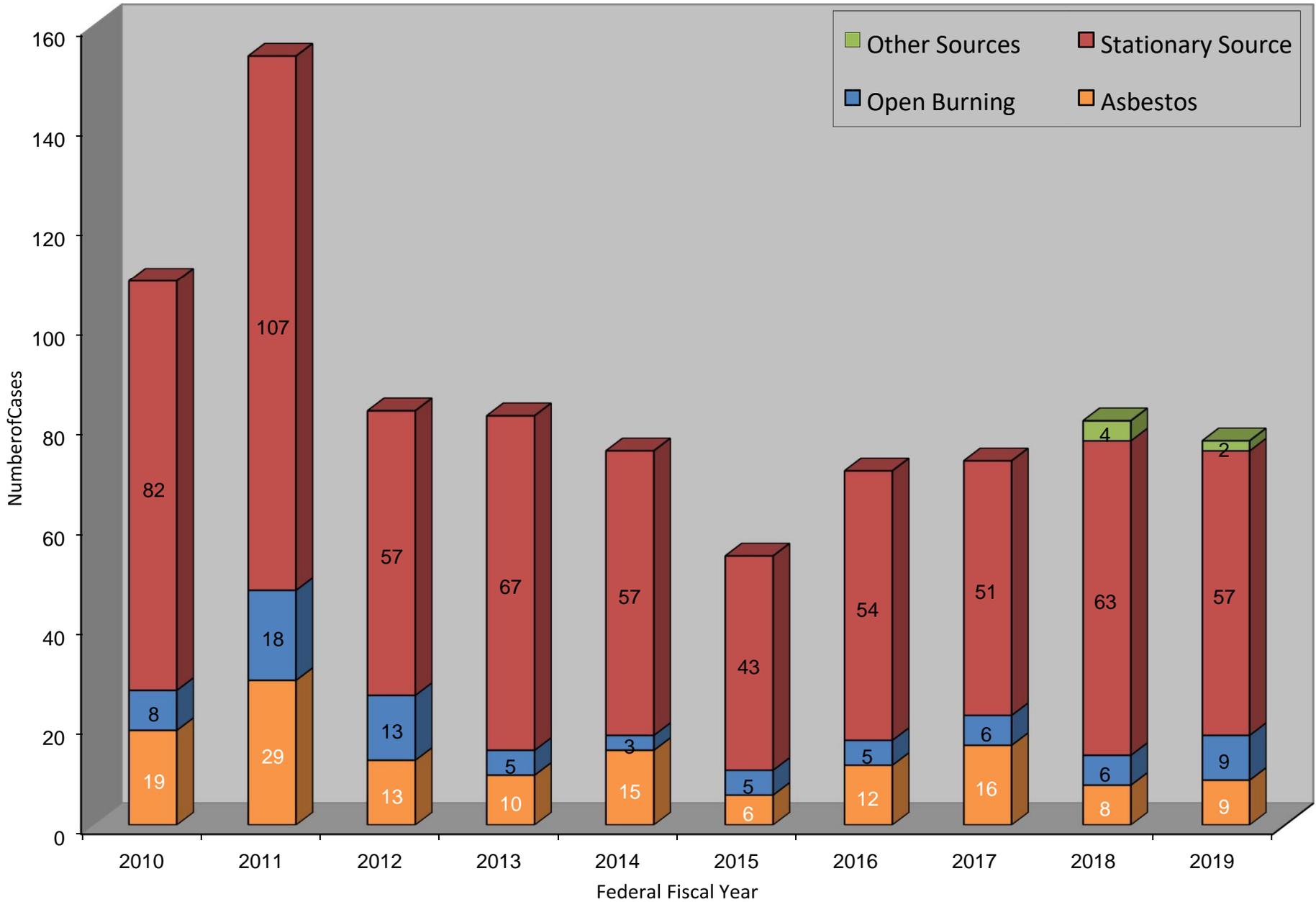
ARD Stationary Source Enforcement Trends FFY10 - FFY19



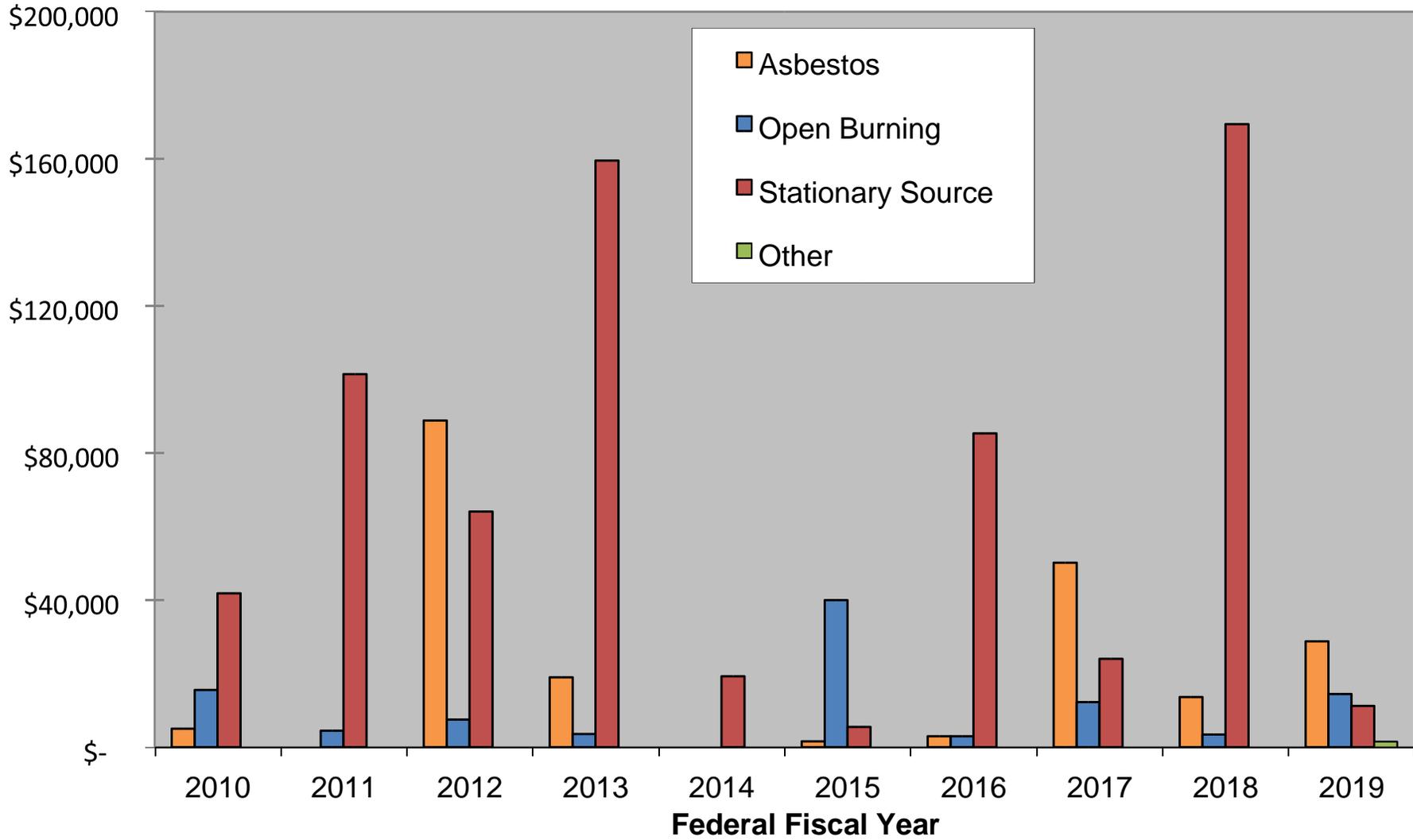
ARD Enforcement Trends by Action Type FFY10 - FFY19



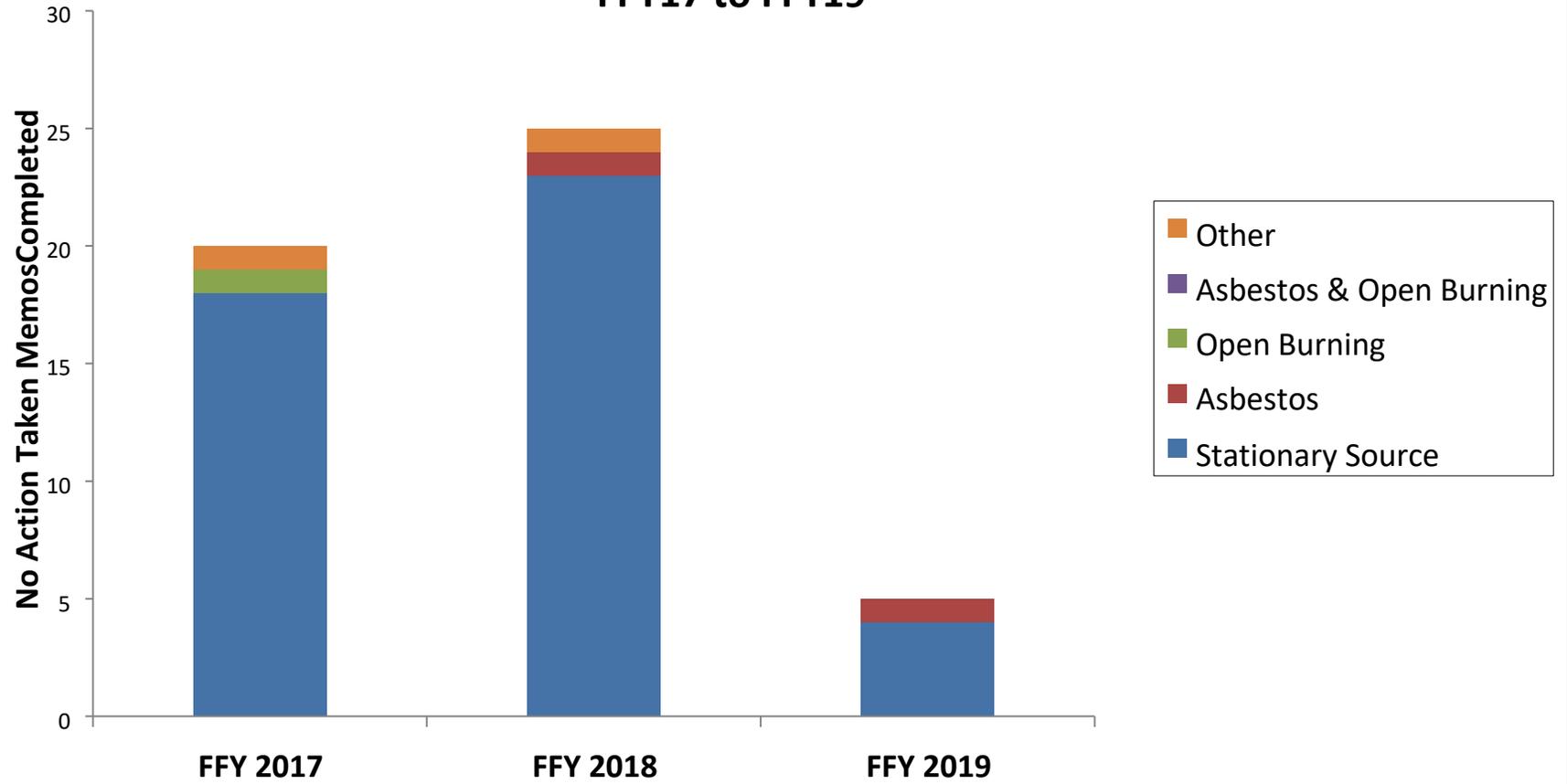
ARD Enforcement Trends by Violation Type FFY10 - FFY19



Fines and Penalties Assessed FFY 2010 -2019



No Action Taken Memos Completed FFY17 to FFY19



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 Kris Blomback and seconded by Georgia Murray; all were in favor. Meeting #262 of the Air Resources Council adjourned at 10:18 a.m. on Monday January 13, 2020.