

**AIR RESOURCES
COUNCIL MINUTES OF
MEETING #263
03/09/2020
DRAFT**

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

MEMBERS NOT PRESENT: J.Ryan Bielagus.

NHDES – ARD PERSONNEL: Assistant Director Mike Fitzgerald, Cathy Beahm, Gary Milbury, Alyssa Moodie, Todd Moore, Paula Scott and Peter Brunette

OTHERS PRESENT: Shelley Marshall, Georgia Murray (by conference call)

**MEMBERS OF
THE PUBLIC PRESENT:** John Tuthill

Call to Order:

Chairman Robert Duval called Meeting #263 of the Air Resources Council (ARC) to order at 9:11 a.m. on Monday, March 9, 2020. Chair Robert Duval announced that a quorum of the ARC was present.

Approval of Minutes:

A motion to approve the minutes of meeting #262 moved by Kris Blomback and seconded by David Cribbie. Air Council all in favor.

Approval of 2019 Annual Report:

A motion to approve the 2019 Annual Report was moved by David Cribbie and second by Elizabeth Tillotson. 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:

1. **Department of Environmental Services are taking necessary precautions in reference to the Coronavirus.**
DES is working with Governor Sununu's office and Homeland Security to take the necessary precautions towards the Coronavirus. DES has basic COOP (Emergency Planning / Continuity of Operations) planning tips and Resources on our Intranet page. For ARD employees who will be working remotely from home this will give employees information on how to access NHDES E-mail, phones, and emergency contact information, everything they would need to work from home.
2. **** Status Update ** - Issuance of Temporary Permit for Installation of Air Pollution Control Equipment at Saint-Gobain Performance Plastics, Merrimack, NH:**

In November, 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”.

A Temporary Permit was issued on February 11, 2020.. The deadline for an appeal to the Council is March 13, 2020.

Chair Robert Duval asked if there are any other applications pending; Director Wright stated ARD does not at this time.

3. Public Hearing - Draft Temporary Permit for Expansion of the NCES Landfill, Bethlehem, NH:

On March 4, 2020 a public hearing was held in Bethlehem on a draft Temporary Permit (an air permit to construct) for North Country Environmental Services (NCES). NCES has applied to increase the permitted landfill capacity, from the current 5.1 million tons to 6.2 million tons.

The public hearing lasted approximately 1 hour, with three people providing oral testimony. ARD granted to extend the public comment period until this Friday, March 13, 2020. Once the comment period closes, ARD will have 30 working days to review the comments received and make a final decision on the application.

On a related note, the Waste Management Division had been evaluating a Solid Waste Facility Permit application from NCES for this same expansion. Based on the Waste Division’s determination, they recently informed NCES that they intended to deny the expansion. In response, NCES withdrew their Solid Waste Facility application. However, they did not withdraw the application for the Temporary Permit. If a Temporary Permit is ultimately issued (note that it evaluates different criteria than for the Solid Waste Facility Permit), NCES still cannot move forward with the expansion unless they receive a Solid Waste Facility Permit (and any other required local approvals).

4. **CDC - Agency for Toxic Substances and Disease Registry (ATSDR) APPLETREE Grant:** The Environmental Health Program (EHP) and the DHHS Division of Public Health Services have been awarded a grant by the U.S. Centers for Disease Control, Agency for Toxic Substances and Disease Registry. The grant money will fund a Health Risk Assessor and Principal Investigator within the EHP, who will conduct public health assessment activities of hazardous waste sites and other locations. They will work with DHHS to identify, coordinate and carry out the necessary public health actions to eliminate or minimize human exposures to hazardous substances that are found to be at levels of human health concern.

Department of Health and Human Services will focus on providing health education activities and evaluating prospective childcare locations and developing education materials to prevent new facilities from being located in places where there may be an increased risk of exposure to harmful environmental contamination.

Status of Appeals

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

Paula Scott introduced her new Supervisor Brunette who will fill in for Paula at any Air Council meetings that she is unable to attend.

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

Paula Scott stated she was handed a written decision from Chair Robert Duval just prior to today's Air Council meeting. Paula Scott stated that the date on the document reads March 5, 2020; and that she will need the date changed to today March 9, 2020 the date she received it. Chair Robert Duval stated that he would submit a new one with today's date of March 9, 2020.

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

On February 26, 2020 issued Final Order Denying Appeal.

Chair Robert Duval clarified that there are no new appeals, which Paula Scott confirmed.

Rules: None at this time

Env-A 100 Purpose; Definitions

Karla McManus, Planning and Rulemaking Manager / Todd Moore, Air Permit Program Manager

ARD is proposing to readopt and amend Env-A 100, *Purpose; Definitions*. The rules have been reorganized and edited for clarity. The amendments are not substantive and not intended to add, delete, or change the meaning of any definitions.

The amendments include removing PART Env-A 103 CLAIMS OF CONFIDENTIALITY. These provisions are now contained in NHDES cross-program rules at PART Env-C 208 CLAIMS OF CONFIDENTIALITY and air-specific rules are no longer necessary.

Council member Kris Blomback stated that one of our members submitted some commentary regarding some states on emergency generators, and wondered if that interfaces with Env-A 100 or something else. Director Wright stated that he just received that information last week and forwarded them to the Permitting Department. Todd Moore stated that these concerns meet the current definition of emergency generator.

Mark Lambert motioned to approve a 15-day review of Env-A 100 and Elizabeth Tillotson second the motion. All were in favor.

New Business:

There was no new business to report.

Public Commentary:

John Tuthill from Acworth New Hampshire thanked Air Resources for holding the hearing in Bethlehem on March 4, 2020. Mr. Tuthill believes that it would be a good idea if there were public hearings for every Title V permit.

Mr. Tuthill asked for clarification on the 15-day period and when it actually goes onto rule making. Chair Robert Duval stated that the 15 days allows the council members to comment on the rule before it goes to the public.

Adjourn:

Having no further business to discuss, a motion to adjourn made by David Collins and seconded by Kris Blomback; all were in favor. Meeting #263 of the Air Resources Council adjourned at 9:42 a.m. Monday March 9, 2020.