

ANNUAL REPORT
Of The
AIR RESOURCES COUNCIL
2018

SUBMITTED TO

His Excellency, Governor Christopher T. Sununu



Executive Council

The Honorable Joseph D. Kenney
The Honorable Colin Van Ostern
The Honorable Christopher C. Pappas
The Honorable David K. Wheeler
Commissioner Robert Scott

RESPECTFULLY SUBMITTED
Robert Duval, Chairman
February 12, 2019

Air Resources Council

Eleven members appointed by the governor with consent of the executive council to serve **four-year terms** as follows: one representing the steam power generating industry; one representing the oil industry; one representing the natural gas industry; one the manufacturing component of industry; one the general public, one of whom shall be a licensed practicing physician or other health care professional possessing expertise in the field of public health and the health-related impacts of air pollution, one who shall represent the field of recreation and at least one of whom shall represent environmental interests. Members representing public interest may not derive and significant portion of their income from persons subject to permits or enforcement orders, and may not serve as attorney for, act as consultant for, serve as officer or director of, or hold any other official or contractual relationship with any persons subject to permits or enforcement orders. All potential conflicts of interest shall be adequately disclosed. All members shall be residents of N.H. RSA 21-0 (Ch. 62, 2006. Eff. 6/23/06)

DAVID G. COLLINS, Bow – Vice-Chairman
June 6, 2001 to September 6, 2019
(Fuel Oil Industry)

ROBERT DUVAL, Manchester-Chairman
September 17, 2003 to November 21, 2018
(General Public)

KRIS NILS BLOMBACK, Henniker
October 24, 2013 to October 24, 2019
(Recreation Industry)

DEBORAH CHABOT, Hancock
June 8, 2011 to October 24, 2018
(Health Care Professional)

GEORGIA MURRAY, Conway
January 11, 2006 to October 24, 2021
(Environmental Interest)

VACANT
(AT LARGE / PUBLIC INTEREST)

VACANT
(Manufacturing Government)

ELIZABETH TILLOTSON, Bow
October 24, 2018 to October 24, 2021
(Steam Power Generating Industry)

J. RYAN BIELAGUS, Amherst
January 4, 2005 to December 6, 2010
(General Public)

DAVID CRIBBIE, Merrimack
November 15, 2018 to November 15, 2021
(General Public)

MARK LAMBERT, Laconia
July 13, 2005 to October 4, 2019
(Natural Gas Industry)

VACANT
(At Large / Public Interest)

AIR RESOURCES COUNCIL MEMBERS

CHAIR/AT LARGE/PUBLIC INTEREST

Robert Duval
T.F. Moran, Inc.
48 Constitution Drive
Bedford, NH 03110-6000

Work: 472-4488
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rduval@tfmoran.com

Term Exp: 11/21/18

VICE-CHAIR/FUEL OIL INDUSTRY:

David G. Collins
22 Van Ger Drive
Bow, NH 03304

Work: 226-2600
Home:
Fax: 226-2700

Mail All ARC Correspondence To:

dgc@rathlaw.com

Rath, Young & Pignatelli, PA
1 Capital Plaza
PO Box 1500
Concord, NH 03302-1500

Term Exp: 09/06/19

AT LARGE/ENVIRONMENTAL INTEREST:

Georgia Murray
Staff Scientist, Appalachian Mountain Club
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Work: 466-2721 Ext. 8111
Home: 447-6837
Fax: 466-2822

Term Exp: 10/24/21

gmurray@outdoors.org

AT LARGE/RECREATION INDUSTRY:

Kris Nils Blomback
203 Highland Drive
Henniker, NH 03242

Work: 428-3245
Home:
Fax: 428-7821

Term Exp: 10/24/19

kris@patspeak.com

AT LARGE/PUBLIC INTEREST:

VACANT

Work:
Home:

GENERAL PUBLIC

J. Ryan Bielagus
Andover Consulting Group, Inc.
47 Heritage Hill Rd
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Fax:

Work: 668-7046 X 503
Cell: 867-4064

Term Exp: 12/9/19

ryan@andoverconsulting.com

STEAM POWER GENERATING INDUSTRY:

Elizabeth Tillotson
Granite Shore Power
431 River Road
Bow, NH 03304

Work: 230-7968
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Elizabeth.tillotson@graniteshorepower.com

Term Exp: 10/24/21

MUNICIPAL GOVERNMENT:

VACANT

Work:
Home:
Fax:

Term Exp:

NATURAL GAS INDUSTRY:

Mark Lambert
Unitil Corporation
43 Windjammer Ridge
Laconia, NH 03246

Work: 773-6470
Cell: 944-7406
Fax:
lambert@unitil.com

Term Exp: 10/04/19

AT LARGE/HEALTH CARE PROFESSIONAL:

VACANT

Work:
Home:
Fax:

Term Exp.

Email:

MANUFACTURING COMPONENT OF INDUSTRY:

David Cribbie
Anheuser-Bush LLC
221 Daniel Webster Hwy
Merrimack NH 03054

Cell: 603-393-4973

Term Exp: 11/15/21

david.cribbie@anheuser-bush.com

VACANCIES: (3)

Counsel:

J.D. Lavallee
Assistant Attorney General
State of NH, Office of the Attorney General
Phone: 271-4097
Fax: 271-2110

**AIR RESOURCES COUNCIL
NOTICE OF MEETINGS**

NOTICE OF MEETINGS

**The Air Resources Council will meet on the following dates at
9:00 a.m., in Conference Rooms 112 & 113 at the
New Hampshire Department of Environmental Services
29 Hazen Drive, Concord, New Hampshire:**

January 08, 2018

February 12, 2018

March 12, 2018

April 09, 2018

May 14, 2018

June 11, 2018

July 09, 2018

August 13, 2018

September 10, 2018

October 08, 2018

November 19, 2018

December 10, 2018

AIR RESOURCES COUNCIL RECORD OF ATTENDANCE

RECORD OF ATTENDANCE Air Resources Council 2018

	January	February	March	April	May	June
Robert Duval	NO QUORUM	Absent	Canceled	Present by conf. call	Absent	Present
David Collins	NO QUORUM	Present	Canceled	Present	Present	Absent
Ryan Bielagus	NO QUORUM	Absent	Canceled	Present	Present	Present
Kris Blomback	NO QUORUM	Present	Canceled	Present	Absent	Absent
Deborah Chabot	NO QUORUM	Present	Canceled	Absent	Present	Present
Mark Lambert	NO QUORUM	Present	Canceled	Present	Present	Absent
Georgia Murray	NO QUORUM	Present	Canceled	Present by conf. call	Present	Present
Elizabeth Tillston	NO QUORUM	N/A	Canceled	N/A	Present	Present

AIR RESOURCES COUNCIL RECORD OF ATTENDANCE

RECORD OF ATTENDANCE Air Resources Council 2018

	July	August	September	October	November	December
Robert Duval	Canceled	Present	Canceled	Canceled	Present	Canceled
David Collins	Canceled	Absent	Canceled	Canceled	Absent	Canceled
Ryan Bielagus	Canceled	Absent	Canceled	Canceled	Absent	Canceled
Kris Blomback	Canceled	Present	Canceled	Canceled	Present	Canceled
Deborah Chabot	Canceled	Present	Canceled	Did not Renew term	Did not Renew term	Did not Renew term
David Cribbie	Canceled	N/A	Canceled	Canceled	Present	Canceled
Mark Lambert	Canceled	Absent	Canceled	Canceled	Absent	Canceled
Georgia Murray	Canceled	Present	Canceled	Canceled	Present	Canceled
Elizabeth Tillotson	Canceled	Present	Canceled	Canceled	Present	Canceled

NOTICE OF MEETING
February 12, 2018

The New Hampshire Air Resources Council will convene at 9:00 a.m.
Monday, January 8, 2018, in Conference Rooms 112 & 113
NH Department of Environmental Services
29 Hazen Drive, Concord, New Hampshire 03301

- 1. Call to Order**
- 2. Approval of Minutes (Meeting #249)**
- 3. Air Resources Division Report**
Craig Wright, Director
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
 - Stationary Source Fee
- 4. Status of Appeals – Paula Scott, ARC Appeals Clerk**
- 5. Rules – Env-A 1300, Nitrogen Oxides (NOx) Reasonably Available Control Technology (RACT)**
Karla McManus, Planning and Rulemaking Manager
Catherine Beahm, Air Permit Programs Manager
- 6. New Business**
- 7. Public Commentary**
 - Opportunity for the public to comment on matters affecting the Air Resources Council or the Air Resources Division
- 8. Adjourn**

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #250
02/12/18**

MEMBERS PRESENT: Vice-Chairman David Collins,
Kris Blomback, Mark Lambert, Deborah Chabot,
Georgia Murray

MEMBERS NOT PRESENT: Chairman, Robert Duval, J. Ryan Bielagus, Elizabeth Tillotson

NHDES – ARD PERSONNEL: Craig Wright, Evan Mulholland, Gary Milbury, Catherine Beahm, Karla McManus, Michele Roberge

OTHERS PRESENT: Valerie David, Appeals Clerk, Paula Scott

**MEMBERS OF
THE PUBLIC PRESENT:** Katherine Lajoie, Viggo Fish, John Tuthill

Call to Order:

Vice Chairman David Collins called Meeting #250 of the Air Resources Council (ARC) to order at 9:06 a.m. on Monday, February 12, 2018. Vice Chairman Collins announced that a quorum of the ARC was present.

Approval of Minutes:

Kris Blomback entered a motion to accept the minutes of meeting #251. Deborah Chabot seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting #249 of December, 2017 were accepted.

Division Activities and Legislative Update:

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

Permit Fees

LBA Performance Audit

Rules:

Karla McManus, Planning and Rules Manager

Catherin Beahm, Air Permits Program Manager

Readoption of Env-A 1300, *Nitrogen Oxides (NOx) Reasonably Available Control Technology (RACT)*, and amendment to Env-A 101.671, “*Emergency Generator*” definition.

Status of Appeals

Paula Scott, Appeals Clerk

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New Business

None

Other Business

None

Public Commentary

No members of the public were present.

Adjourn

Having no further business to discuss, Vice Chairman David Collins suggested a motion to adjourn, moved by Georgia Murray, seconded by Deborah Chabot. All were in favor. Meeting #251 of the Air Resources Council adjourned at 9:28 a.m. on Monday, February 12, 2018.

NOTICE OF MEETING
April 9, 2018

The New Hampshire Air Resources Council will convene at 9:00 a.m.
Monday, April 9, 2018, in Conference Rooms 112 & 113
NH Department of Environmental Services
29 Hazen Drive, Concord, New Hampshire 03301

- 1. Call to Order**
- 2. Approval of Minutes (Meeting #251)**
- 3. Air Resources Division Report**
Craig Wright, Director
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
 - Stationary Source Fee
- 4. Status of Appeals**
Paula Scott, ARC Appeals Clerk
- 5. Rules – Env-A 2800-Sand and Gravel sources; Non-metallic mineral processing plants; cement and concrete sources.**
Karla McManus, Planning and Rulemaking Manager
- 6. Compliance Update**
Evan Mulholland, Administrator IV
- 7. New Business**
- 8. Public Commentary – Opportunity for the public to comment on matters affecting the Air Resources Council or the Air Resources Division.**
- 9. Adjourn**

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #251
04/09/18**

MEMBERS PRESENT: Vice-Chairman David Collins, Kris Blomback, Mark Lambert, J. Ryan Bielagus, Elizabeth Tillotson.
Via conference call: Chairman; Robert Duval & Georgia Murray

MEMBERS NOT PRESENT: Deborah Chabot,

NHDES – ARD PERSONNEL: Craig Wright, Evan Mulholland, Gary Milbury, Catherine Beahm, Karla McManus, Barbara Georgitis

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

**MEMBERS OF
THE PUBLIC PRESENT:** None present

Call to Order:

Vice Chairman David Collins called Meeting #251 of the Air Resources Council (ARC) to order at 9:07 a.m. on Monday, April 9, 2018. Vice Chairman Collins announced that a quorum of the ARC was present.

Approval of Minutes:

J. Ryan Bielagus entered a motion to accept the minutes of meeting #250. Mark Lambert seconded the motion. Vice-Chairman Collins stated that we did not have enough members for a quorum to accept the minutes, because the new council member Elizabeth Tillotson was not present at the last Air Council meeting that was held on February 12, 2018. The motion to accept was denied. The minutes of ARC meeting #250 and #251 will be up for approval at our next Air Resources Council meeting scheduled for May 14, 2018.

Introduction of new ARD Council Member:

Vice Chairman Collins introduced our newest ARD Council Member Elizabeth (Lynn) Tillotson. Council member Tillotson gave us a brief update of her background of over 30 years' experience in supporting the Utility Business.

Division Activities and Legislative Update:

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

ARD Director Craig Wright showed the Air Resources Council member a State Seal showing ten years of service to Bill Smagula as a member on the Air Resources Council, and would like all members of the Council

and the ARD team to sign around the seal so ARD could present the seal to him at an upcoming Air Resources Council meeting. The seal was passed around to the Air Resources Council members that were present for their signatures.

Permitting:

Director Wright reported on the following:

1. **Volkswagon Settlement:** The State of New Hampshire has received thirty two million dollars of a portion of the settlement and the Governor Sununu has stated that he would like the money to be spent over a seven year period. Director Wright advised that this will go towards replacement of diesel engines throughout the State.
2. **Wheelabrator Claremont Facility:** Wheelabrator is preparing its reports (as required under their Title V Operating Permit) for calendar year 2017 that need to be submitted by April 15, 2018. ARD's understanding is that they will be requesting the cancellation of their Title V Operating Permit.
3. **Temporary (Construction) Permits:** ARD has been processing a number of requests for new construction over the past couple of months.
 - **Hitchiner Manufacturing Expansion Project:** Hitchiner Manufacturing officially announced plans to build a new 85,000 square foot facility on its existing Milford campus which is expected to create about 85 new jobs. Hitchiner, which manufactures automotive components and other types of investment castings, plans to construct a new building to house their new "Master Melt" and "Single Crystal" processes. These high tech processes will allow them to make their own specialty alloys, which can then be used to make products such as improved turbine blades, which can be made out of thinner metals yet still hold up to the rigorous thermal demands. ARD's permitting group is coordinating very closely with the company to meet a very tight permitting timeframe. Director Wright expressed his appreciation in the hard work that Sheila Rydel and Lisa Landry have put forth.

Status of Appeals

Paula Scott, Appeals Clerk briefly updated members of the two recent appeals to ARD, including:

Docket No. 18-01 ARC – Jane Marie Ingram Appeal

- On 2/12/18 Air Council accepted appeal as timely. 2/12/18 issued insufficient appeal letter. 3/15/18 received revised notice of appeal. 3/16/18 issued receipt of revised appeal letter. The revised appeal appears to have been filed 31 days after the insufficient appeal letter and the required original document did not contain the attachments that were included with the copies. J. Ryan Bielagus moved the motion to accept the appeal and Kris Blomback second the motion. Council motioned to accept the appeal stating that from this day forward Ms. Ingram will need to meet deadlines on time.

Docket No. 18-02 ARC- Anthony Caplin, et al Appeal

On 2/12/18 issued appeal accepted letter. 2/26/18 received appearance from Attorneys Grey Smith, Adam Dumville and Viggo Fish for the applicant. 2/28/18 received Appearance from Attorney Christopher Aslin for the Department. 3/7/18 issued Notice of Pre-hearing Conferenced scheduled for April 2, 2018 at 10:00a.m. 3/21/18 received Partially Assented-to Motion to continue Pre-hearing Conference and motion to assent to the Motion to continue Pre-hearing conference. 3/22/18 issued letter granting partially assented-to motion to continue pre-hearing conference and rescheduling it for May 4, 2018 at 9:00 a.m.

Rules:

Karla McManus, Planning and Rules Manager
 Barbara Georgitses – APC Engineer III

Readoption of Env-A 2800-*Sand and Gravel sources Non-metallic mineral processing plants; cement and concrete sources*, is due to expire on October 31, 2018. The purpose of this chapter is to establish standards for particulate matter emissions, visible emissions and fugitive dust requirements for sand and gravel sources, non-metallic mineral processing plants, and cement and concrete sources. It also contains the Permit by Notification requirements for non-metallic mineral processing plants. ARD is proposing to readopt Env-A 2800 with minor changes. Karla McManus stated that the only change they are adding is that within 10 days after initial startup of an affected facility, the owner or operator shall notify the department by fax, email, **electronic submittal**, or postal mail of the actual date of startup.

Mark Lambert motioned to approve a 15 day review and J of Env-A 2800 and J. Ryan Bielagus second the motion. All were in favor.

Compliance Update:

Evan Mulholland, Administrator IV members of the ARC regarding issues relative to the ARD, includes:

Facility Name & Violation Address	Enforcement Action Type	Description of Violations	Issued
Foss Manufacturing Co., LLC 11 Merrill Industrial Drive, Hampton	Consent Decree \$100,000.00	Env-A 505.01(cc), citing 40 CFR 63, Subpart ZZZZ- failed to operate five non-emergency stationary reciprocating internal combustion engines in compliance with the emission, operating, testing, monitoring, recordkeeping, and reporting requirements of 40 CFR 63, Subpart ZZZZ.	2/7/2018
Pinetree Power-Tamworth 469 Plains Road Tamworth, NH	Administrative Fine by Consent \$1,50.00	Title V Permit Emission Limit- exceeded the ammonia slip emissions limit for the Boiler at the Facility from July 1 st through August 5 th 2016.	2/23/2018
Form-Up Foundations, LLC 300 Goddard Road, Rindge	Administrative Fine by Consent \$1,500.00	RSA 125, Env-A 1001.09, and Env-A 1001.04- burning construction and demolition debris and other non-conforming materials.	4/6/2018
Prim America Corporation 248 State Street, Northumberland	Administrative Fine by Consent \$1,500.00	Env-A 125-C and Env-A 603.01- Failed to obtain a permit prior to installing an engine.	4/6/2018

New Business

None

Other Business

None

Public Commentary

No members of the public were present.

Adjourn

Having no further business to discuss, Vice Chairman David Collins suggested a motion to adjourn, moved by Kris Blomback, seconded by J. Ryan Bielagus. All were in favor. Meeting #251 of the Air Resources Council adjourned at 10:05 a.m. on Monday, April 9, 2018.

NOTICE OF MEETING
May 14, 2018

The New Hampshire Air Resources Council will convene at 9:00 a.m.
Monday, May 14, 2018, in Conference Rooms 112 & 113
NH Department of Environmental Services
29 Hazen Drive, Concord, New Hampshire 03301

- 1. Call to Order**
- 2. Approval of Minutes (Meeting # 250 & 251)**
- 3. Air Resources Division Report**
Craig Wright, Director
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
 - Stationary Source Fee
- 4. Status of Appeals**
Paula Scott, ARC Appeals Clerk
- 5. Rules – Env- A 700 amendments to the Permit Fee System**
Env-A 800 Testing and Monitoring Procedures
Karla McManus, Planning and Rulemaking Manager
- 6. New Business**
- 7. Public Commentary – Opportunity for the public to comment on matters affecting the Air Resources Council or the Air Resources Division.**
- 8. Adjourn**

**AIR RESOURCES COUNCIL MINUTES
OF MEETING #252 05/14/18**

MEMBERS PRESENT: Vice-Chairman David Collins, Mark Lambert, J. Ryan Bielagus,
Elizabeth Tillotson, Deborah Chabot, Georgia Murray,

MEMBERS NOT PRESENT: Chairman Robert Duval, Kris Blomback

NHDES – ARD PERSONNEL: Craig Wright, Mike Fitzgerald, Evan Mulholland, Catherine
Beahm, Ray Walters, Newton Strickland, Karla McManus, Gary
Milbury.

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

MEMBERS OF

THE PUBLIC PRESENT: David Cribbie, John Tuthill

Call to Order:

Vice Chairman David Collins called Meeting #252 of the Air Resources Council (ARC) to order at 9:03 a.m. on Monday, May 14, 2018. Vice Chairman Collins announced that a quorum of the ARC was present.

Approval of Minutes:

Mark Lambert entered a motion to accept the minutes of meeting #250. J. Ryan Bielagus seconded the motion. Elizabeth Tillotson entered a motion to accept the minutes of meeting #251. Deborah Chabot seconded the motion.

Division Activities and Legislative Update:

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

Permitting:

Director Wright reported on the following:

1. Wheelabrator Claremont Facility: Wheelabrator submitted a request on April 16th to cancel their Title V Operating Permit. Air Resource Division (ARD) staff will be reviewing all the reports to verify that they have satisfied all the requirements of their permit prior to termination of the permit.
 1. Temporary (Construction) Permits: ARD has been processing a number of requests for new construction over the past couple of months. The most prominent one is:

- **Hitchiner Manufacturing Expansion Project**: Hitchiner Manufacturing submitted an application on April 23rd for the expansion of their investment casting operations at the Elm Street, Milford location. NHDES, Air Resources personnel conducted a technical review and drafted a permit which was sent on May 4th for the company to review. A public notice of the intent to issue the permit will be published in the newspaper on May 17th and includes a pre-scheduled public hearing which will take place on Tuesday, June 19th at 6:00 p.m. in the Board of Selectman's Meeting Room, 1 Union Square, Milford, New Hampshire.

Status of Appeals

Paula Scott, Appeals Clerk briefly updated members of the two recent appeals to ARD, including:

Docket No. 18-01 ARC – Jane Marie Ingram Appeal

- On April 10, 2018 Hearing Officer was requested to be assigned. David Conley was appointed on April 12, 2018 by the Attorney General. April 10, 2018 issued Appeal Accepted letter. April 18, 2018 issued Notice of Pre-hearing Conference scheduled for May 21, 2018 at 11:30 a.m.

Docket No. 18-02 ARC- Anthony Caplin, et al Appeal

- Rescheduled Pre-hearing Conference was on May 4, 2018 at 9:00 a.m. May 4, 2018 issued Pre-hearing Order and received Permittee's Pre-hearing Conference Memorandum.

Rules:

Karla McManus, Planning and Rules Manager

Evan Mulholland, Administrator IV ARD Compliance Bureau

Re: Env-A 700 amendments to the Permit Fee System

Evan Mulholland, Administrator IV and Karla McManus updated members of the ARC regarding issues relative to the readoption with amendments of Env-A 700, including:

ARD is proposing to amend Env-A 700, *Permit Fee System*. The purpose of this chapter is to establish a fee system requiring the payment of fees to cover the reasonable direct and indirect costs of permitting, administration, and compliance for the stationary source program. Due to changes in the regional electricity markets, emissions of regulated air pollutants have decreased significantly, which has resulted in a higher per ton emission-based fee in recent years. A detailed explanation of this effect was presented at a previous ARC meeting.

After months of meetings with stakeholders, ARD has proposed amending the rule to ensure a more equitable and sustainable basis for funding the stationary source program. Specifically, the proposed rule would reset the emission based fee and shift some of the necessary revenue to a new

annual administrative fee. The annual administrative fee would be set at \$500 for each source, but the following sources would be assessed a higher annual administrative fee, as follows:

- RTAP / VOC sources would pay a fee for each non-combustion RTAP / VOC emission unit (EU) consisting of \$500 per EU (with the first EU assessed a charge of \$750), up to a maximum of 10 units.
- Title V Landfills would be assessed an annual fee of \$25,000.
- Small (10-25MW) Electric Generating Units (EGUs) would be assessed an annual fee of \$25,000. Stand-alone single-cycle gas-fired generators would be excluded.
- Large (25-plus MW) Electric Generating Units (EGUs) would be assessed an annual fee of \$100,000. Nuclear EGUs would be excluded.

The proposed rule would provide that sources with zero emission and zero operations would be assessed only the across the board \$500 annual fee. Although these administrative fees are new, they do not increase the total revenue to be received by the Department. ARD projects that the 2018 emission fee will be approximately \$263 per ton of emissions, which is a 30% reduction from the \$377 per ton assessed in 2016. For many sources, especially less complex sources, this new proposal will result in a lower payment.

In response to industry comments regarding the pace of fee increases in recent years, the proposed rule includes a three-year rolling average to temper the effect of a changing emission inventory.

Finally, the timeframe for payment has been altered from the existing rule to give sources adequate time to budget for and submit the required fee. The payment will be due by May 15 of the year, with the emission report due by April 15. More importantly, the rule mandates that ARD calculate and disseminate the dollar per ton fee rate by the previous September 15th, giving the sources a full two and a half quarters to budget for the fee. This proposed change was universally requested by the sources.

David Cribbie from Newington Energy was asked to comment by Vice Chairman Dave Collins of his thoughts about Env-A 700. David Cribbie stated that he feels that the Air Resource should seek additional revenue. They feel that vehicle registration fees should be reevaluated, that there is an opportunity of on road/off road source. David Cribbie feels that the six facilities should not be the on supporting the fees. Vice Chairman Dave Collins asked if David Cribbie or anyone else with Newington Energy has submitted his comments in writing, and David Cribbie's reply was no, but has drawn up a draft.

Mark Lambert motioned to table and wait another 30 days and review it again at the June 11, 2018 Air Council meeting. Ryan Bielagus second the motion. Vice Chairman Collins took a vote with the Air Council members present and the vote was 4 to 2 in favor to wait another 30 days.

Re: Proposed readoption of Env-A 800 Testing and Monitoring Procedures

Raymond Walters, Compliance Measurement & Data Program Manager and Karla McManus updated members of the ARC regarding issues relative to the readoption with amendments of Env-A800 including:

Env-A 800, *Testing and Monitoring Procedures*, is due to expire on October 31, 2018. The purpose of this chapter is to establish minimum testing and monitoring procedures, calculation procedures,

standards, and requirements in order to determine compliance with applicable state and federal statutes and rules. ARD is proposing to readopt Env-A 800 with the following changes:

- Clarification of pre-test, sampling, and report submittal procedures for conducting Relative Accuracy Test Audits (RATA) for recertifying Continuous Emission Monitoring (CEM) systems installed at stationary sources;
- Require that when compliance testing is conducted for either NO_x or CO, that testing be done for both gases;
- Simplify the non-compliance testing requirements for gaseous concentration measurements for NO_x-RACT subject devices and tune-ups, to be consistent with Federal testing requirements;
- Add definitions for 7-day, 30-day and 365-day rolling emissions averages, and specify how each average shall be calculated on a pound per hour or pound per million Btu basis;
- Remove language pertaining to time-shared CEM systems which are no longer installed at any NH sources;
- Modify quarterly audit requirements for continuous opacity monitors to follow 40 CFR 60 Appendix F, Procedure 3 procedures instead of following 40 CFR 60 Appendix B, Performance Specification 1 requirements (consistent with federal rule change); and
- Modify Env-A 800 language for the installation, operation and auditing of CEM systems to cover the inclusion of future federal NSPS and NESHAP requirements for CEM systems.

The proposed draft of this rule was emailed to stakeholders on April 10, 2018. We have received only positive feedback.

J. Ryan Bielagus motioned to approve a 15 day review of Env-A 800 and Deborah Chabot second the motion. All were in favor.

New Business

None

Other Business

None

Public Commentary

None

Adjourn

Having no further business to discuss, Vice Chairman David Collins suggested a motion to adjourn, moved by Mark Lambert and, seconded by Deborah Chabot. All were in favor. Meeting #252 of the Air Resources Council adjourned at 10:38 a.m. on Monday, May 14, 2018.

NOTICE OF MEETING

June 11, 2018

The New Hampshire Air Resources Council will convene at 9:00 a.m.
Monday, June 11, 2018, in Conference Rooms 112 & 113
NH Department of Environmental Services
29 Hazen Drive, Concord, New Hampshire 03301

1. Call to Order

2. Approval of Minutes (Meeting #253)

3. Air Resources Division Report

Craig Wright, Director

- Legislative Update
- Significant Permit Activities
- Other ARD Activities
- Stationary Source Fee

4. Status of Appeals

Paula Scott, ARC Appeals Clerk

5. Rule Env-A 1600 Fuel Specifications

Karla McManus, Planning and Rulemaking Manager

Cathy Beahm, Air Permit Programs Manager

Rule Env-A 700 amendments to the Permit Fee System

Karla McManus, Planning and Rulemaking Manager

Evan Mulholland Administrator IV ARD Compliance Bureau

6. Compliance Update

Evan Mulholland, Administrator IV ARD Compliance Bureau

7. New Business

8. Public Commentary – Opportunity for the public to comment on matters affecting the Air Resources Council or the Air Resources Division.

9. Adjourn

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #253
06/11/18**

MEMBERS PRESENT: Chairman Robert Duval, J. Ryan Bielagus, Elizabeth Tillotson, Deborah Chabot, Georgia Murray,

MEMBERS NOT PRESENT: Vice-Chairman David Collins, Kris Blomback, Mark Lambert

NHDES – ARD PERSONNEL: Craig Wright, Mike Fitzgerald, Evan Mulholland, Catherine Beahm, Karla McManus, Gary Milbury, Kelsey Sullivan

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

**MEMBERS OF
THE PUBLIC PRESENT:** David Cribbie, James Monahan

Call to Order:

Chairman Robert Duval called Meeting #253 of the Air Resources Council (ARC) to order at 9:08 a.m. on Monday, June 11, 2018 and announced that a quorum of the ARC was present.

Chairman Duval asked all members to help identify suitable candidates for filling the vacant Council seats.

Approval of Minutes:

J. Ryan Bielagus entered a motion to accept the minutes of meeting #252. Deborah Chabot seconded the motion and the motion was approved.

Division Activities and Legislative Update:

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

Permitting:

Director Wright reported on the following:

1. Wheelabrator Claremont Facility: At the request of the permittee, the Air Resource Division (ARD) has terminated the Title V Operating Permit for the Wheelabrator Claremont facility. The Department of Environmental Services Solid Waste Management Bureau is reviewing a related request. ARD has not heard about potential plans from the new owner of this property.
2. Hitchiner Manufacturing Expansion Project: On June 19, 2018 ARD will be holding a public hearing on the draft Temporary Permit for the proposed expansion of the investment casting operations at Hitchiner Manufacturing in Milford. The hearing will start at 6:00 p.m. in the Board of Selectman's meeting room located at 1 Union Square in Milford, New Hampshire.
3. Saint Gobain Stack Testing: In late April, 2018 ARD staff observed the testing of pilot air pollution controls at the Saint Gobain facility in Merrimack.

Status of Appeals

Paula Scott, Appeals Clerk briefly updated members of the two recent appeals to ARD, including:

Docket No. 18-01 ARC – Jane Marie Ingram Appeal

- On April 10, 2018 issued Appeal Accepted letter. April 18, 2018 issued Notice of Pre-hearing Conference scheduled for May 21, 2018 at 11:30 a.m. May 18, 2018 received Appearance of Mary Maloney. May 21, 2018 Pre-hearing Order was issued scheduling hearing for August 13, 2018 at 9:00 a.m.

Docket No. 18-02 ARC- Anthony Caplan, et al Appeal

- May 4, 2018 issued Pre-hearing Order and received Permittee's Pre-hearing Conference Memorandum. June 1, 2018 received Appellant's Response to Permittee's PHC Memorandum. June 4, 2018 received Permittee's Motion to Dismiss and/or for Summary Disposition, Motion to Dismiss for Lack of Standing and the State's Motion to Dismiss.

Rules:

Karla McManus, Planning and Rules Manager

Cathy Beahm, Air Permits Program Manager

Re: Env-A 1600 Fuel Specifications

Env-A 1600, *Fuel Specifications*, was first adopted in May 1997 with the purpose of preventing, abating and controlling pollutants emitted into the ambient air by controlling the use of fuels containing specific pollutant elements and compounds, pursuant to RSA 125-C:6, II. ARD is proposing to readopt Env-A 1600 with amendments in order to bring it into agreement with the most recent amendment to RSA 125-C:10-d (formerly SB 577).

DES is proposing to change the maximum sulfur content of imported liquid fuels and the maximum sulfur content of distributed liquid fuels in accordance with RSA 125-C:10-d. The maximum sulfur content of imported liquid fuels are proposed as follows:

- The sulfur content of No. 2 oil shall not exceed 0.0015 percent sulfur by weight.
- The sulfur content of No. 4 oil shall not exceed 0.25 percent sulfur by weight.
- The sulfur content of No. 5 oil, No. 6 oil, and crude oil shall not exceed 0.5 percent sulfur by weight.

In response to a rulemaking petition from Eversource on November 15, 2017, DES is deleting the requirements in Env-A 1604.01(a) (2).

Georgia Murray motioned to approve a 15 day review of Env-1600 and Elizabeth Tillotson seconded the motion. All were in favor and the motion passed.

Re: Env-A 700 amendments to the Permit Fee System

Karla McManus, Planning and Rules Manager

Evan Mulholland, Administrator IV ARD Compliance Bureau

ARD is proposing to amend Env-A 700, *Permit Fee System*. The purpose of this chapter is to establish a fee system requiring the payment of fees to cover the reasonable direct and indirect costs of permitting, administration, and compliance for the stationary source program. Due to changes in the regional electricity markets, emissions of regulated air pollutants have decreased significantly, which has resulted in a higher per ton emission-based fee in recent years. A detailed explanation of this effect was presented at a previous ARC meeting.

After months of meetings with stakeholders, ARD has proposed amending the rule to ensure a more equitable and sustainable basis for funding the stationary source program. Specifically, the proposed rule would reset the emission based fee and shift some of the necessary revenue to a new annual administrative fee. The annual administrative fee would be set at \$500 for each source, but the following sources would be assessed a higher annual administrative fee, as follows:

- RTAP / VOC sources would pay a fee for each non-combustion RTAP / VOC emission unit (EU) consisting of \$500 per EU (with the first EU assessed a charge of \$750), up to a maximum of 10 units.
- Title V Landfills would be assessed an annual fee of \$25,000.
- Small (10-25MW) Electric Generating Units (EGUs) would be assessed an annual fee of \$25,000. Stand-alone single-cycle gas-fired generators would be excluded.
- Large (25-plus MW) Electric Generating Units (EGUs) would be assessed an annual fee of \$100,000. Nuclear EGUs would be excluded.

Additionally, the proposed rule would provide that sources with zero emission and zero operations would be assessed only the across the board \$500 annual fee. Although these administrative fees are new, they do not increase the total revenue to be received by the Department. ARD projects that the 2018 emission fee will be approximately \$263 per ton of emissions, which is a 30% reduction from the \$377 per ton assessed in 2016. For many sources, especially less complex sources, this new proposal will result in a lower payment.

In response to industry comments regarding the pace of fee increases in recent years, the proposed rule includes a three-year rolling average to temper the effect of a changing emission inventory.

Finally, the timeframe for payment has been altered from the existing rule to give sources adequate time to budget for and submit the required fee. The payment will be due by May 15 of the year, with the emission report due by April 15. More importantly, the rule mandates that ARD calculate and disseminate the dollar per ton fee rate by the previous September 15th, giving the sources a full two and a half quarters to budget for the fee. This proposed change was universally requested by the sources.

As part of the proposed rule, the fee for the general state permit (GSP emergency generators) has been changed to \$300 per year. Since payment is due every 5 years, the total will be \$1500. Under the currently existing rule, the GSP fee was tied to the per ton emission fee which was set for that year. The proposed flat fee of \$300/year allows sources to plan ahead and not be tied to the \$/ton rate.

Elizabeth Tillotson expressed concern about the impact of the flat fee for large sources on low tonnage generators such as the Newington Station, which amounts to a \$100,000 increase.

J. Ryan Bielagus motioned to approve a 15 day review of Env-A 700 and Deborah Chabot second the motion. All were in favor and the motion passed for starting the 15 day review.

Compliance Update:

Evan Mulholland, Administrator IV ARD Compliance Bureau.

Late or missing emission fees:

(Fees and reports due April 15):

9 Letters of Deficiency for missing fees or reports

8 NPVs for late fees or reports

Asbestos :

Remi's Block, LLC – Administrative Fine by Consent. \$8,000 with \$4,000 suspended on no asbestos violations for one year.

- Failed to inspect for asbestos prior to full interior demolition
- Mixing asbestos and non-asbestos waste

Ended up hiring an abatement contractor to complete clean-up

Also, several facilities were cited for installing large emergency engines without first getting coverage under the general permit. This includes 4 BJ's locations. NPVs were issued.

DCI, Inc. in Lisbon was ordered by the Compliance Bureau to comply with 6J (NESHAP for area source boilers (40 CFR part 63, subpart JJJJJ)) and conduct tune-ups on its two wood-fired boilers. The tune-ups were successful and resulted in the boilers achieving more complete combustion.

New Business

None

Other Business

None

Public Commentary

None

Adjourn

Having no further business to discuss, Chairman Robert Duval suggested a motion to adjourn, moved by Deborah Chabot and, seconded by J. Ryan Bielagus. All were in favor. Meeting #253 of the Air Resources Council adjourned at 10:26 a.m. on Monday, June 11, 2018.

NOTICE OF MEETING
August 13, 2018
#254

The New Hampshire Air Resources Council will convene at 9:00 a.m.
Monday, August 13, 2018, in Conference Rooms 112 & 113
NH Department of Environmental Services
29 Hazen Drive, Concord, New Hampshire 03301

Hearing

9:15 Hearing - Docket No. 18-01 ARC – JaneMarie Ingram Appeal

- 1. Call to Order**
- 2. Approval of Minutes (Meeting #253)**
- 3. Air Resources Division Report**
Craig Wright, Director
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
 - Stationary Source Fee
- 4. Status of Appeals**
Paula Scott, ARC Appeals Clerk
- 5. Rule: *None at this time***
Karla McManus, Planning and Rulemaking Manager
Cathy Beahm, Air Permit Programs Manager
- 6. New Business**
- 7. Public Commentary – Opportunity for the public to comment on matters affecting the Air Resources Council or the Air Resources Division.**
- 8. Adjourn**

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #254
08/13/18**

MEMBERS PRESENT: Chairman Robert Duval, Elizabeth Tillotson, Deborah Chabot, Georgia Murray, Kris Blomback

MEMBERS NOT PRESENT: Vice-Chairman David Collins, J. Ryan Bielagus, Mark Lambert

NHDES – ARD PERSONNEL: Craig Wright, Mike Fitzgerald, Evan Mulholland, Catherine Beahm, Gary Milbury

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

MEMBERS OF THE PUBLIC PRESENT: John Tuthill, Jane Ingram

Call to Order:

Vice Chairman David Collins called Meeting #254 of the Air Resources Council (ARC) to order at 9:10 a.m. on Monday, August 13, 2018. Chairman Robert Duval announced that a quorum of the ARC was present.

Approval of Minutes:

Deborah Chabot entered a motion to accept the minutes of meeting #253. Georgia Murray seconded the motion.

Division Activities and Legislative Update:

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

Permitting:

Director Wright reported on the following:

- 1. Hitchiner Manufacturing Expansion Project:** During the ARC meeting we had on June 11, 2018 ARD discussed the upcoming public hearing on the draft Temporary Permit for the proposed expansion of the investment casting operations at Hitchiner Manufacturing in Milford. No written comments were received, and no testimony was provided at the public hearing. The Temporary Permit was issued on June 22, ²⁰¹⁸. According to the company, this expansion is expected to add approximately 80 new manufacturing jobs. Director Craig Wright wanted to give a special recognition to ARD employees Lisa Landry and Sheila Rydel for their exceptional work in meeting the expedited permit schedule.
- 2. Environmental Health Section - PFAS:** DES has contracted with Dr. Stephen M. Roberts, PhD, to assist with the review and evaluation of the recently released draft ATSDR Per- and Polyfluoroalkyl Substances (PFAS) Toxicological Profiles. Dr. Roberts is the Director of the Center for Environmental & Human Toxicology at the

University of Florida. He also serves as an Advisor to the Florida Department of Environmental Protection on issues pertaining to toxicology and risk assessment. Dr. Roberts has been asked to review the draft ATSDR profiles and to provide an analysis of how the minimum risk levels (MRL) within the report relate to drinking water and groundwater standards, and how the information can inform the development of appropriate drinking water concentration guidelines that are protective of public health for the four compounds addressed.

3. Additionally, the Permitting & Environmental Health Bureau has posted full-time Toxicologist and Health Risk Assessor positions to assist with developing drinking water standards for the following PFAS chemicals: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS). Pursuant to SB 309 (also known as HB 1101), which was recently signed into law by Governor Sununu, the Department is required to initiate rulemaking for these compounds by January 1, 2019.
4. Legislative Budget Audit: As a follow up to the LBA Audit of the Air Permitting and Compliance Programs, ARD is drafting an action plan to address the observations contained in the Audit Report.

Status of Appeals

Paula Scott, Appeals Clerk briefly updated members of the two recent appeals to ARD, including:

Docket No. 18-01 ARC – Jane Marie Ingram Appeal

- Pre-hearing Order was issued scheduling hearing for August 13, 2018 at 9:00 a.m. July 12, 2018 received DES received a witness and Exhibit list. Hearing is scheduled for today immediately following this ARC meeting.

Docket No. 18-02 ARC- Anthony Caplin, et al Appeal

- On July 16, 2018, DES received Objection to Motions to Dismiss, the Hearings officer will make final rule.

Rules:

None

Karla McManus, Planning and Rules Manager

Compliance Update:

None

Evan Mulholland, Administrator IV ARD Compliance Bureau.

New Business

None

Other Business

None

Public Commentary

John Tuthill from Acworth NH stated that he and others are reviewing the Wheelabrator in Concord in the 2017 Emissions report and expressed their concerns with the spikes in heavy metal issues.

Adjourn

Having no further business to discuss, Chairman Robert Duval suggested a motion to adjourn, moved by Kris Nils Blomback and, seconded by Elizabeth Tillotson. All were in favor. Meeting #254 of the Air Resources Council adjourned at 9:22 a.m. on Monday, August 13, 2018.

NOTICE OF MEETING November 19, 2018 #255

**The New Hampshire Air Resources Council will convene at 9:00 a.m.
Monday, November 19, 2018, in Conference Rooms 112 & 113 NH Department
of Environmental Services
29 Hazen Drive, Concord, New Hampshire 03301**

2. Call to Order

3. Approval of Minutes (Meeting #254)

4. Air Resources Division Report

Craig Wright, Director

- Legislative Update
- Significant Permit Activities
- Other ARD Activities
- Stationary Source Fee

5. Status of Appeals

Paula Scott, ARC Appeals Clerk

6. Proposed Readoption of Rule Env-A 2300, *Mitigation of Regional Haze*

*Karla McManus, Planning and Rulemaking Manager Gary Milbury,
Administrator IV - Permitting*

7. Compliance Update

James Tilley, Enforcement Supervisor VII

8. New Business

9. Public Commentary – Opportunity for the public to comment on matters affecting the Air Resources Council or the Air Resources Division.

10. Adjourn

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #255
11/19/18**

MEMBERS PRESENT: Chairman Robert Duval, Elizabeth Tillotson, Georgia Murray, Kris Blomback, David Cribbie

MEMBERS NOT PRESENT: Vice-Chairman David Collins, J. Ryan Bielagus, Mark Lambert

NHDES – ARD PERSONNEL: Mike Fitzgerald, Gary Milbury, Sonny Strickland, Karla McManus

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

**MEMBERS OF
THE PUBLIC PRESENT:** Janet Ward

Call to Order:

Vice Chairman David Collins called Meeting #255 of the Air Resources Council (ARC) to order at 9:06 a.m. on Monday, November 19, 2018. Chairman Robert Duval announced that a quorum of the ARC was present.

Approval of Minutes:

Lynn Tillotson entered a motion to accept the minutes of meeting #254. Georgia Murray seconded the motion.

Introduction of newest Council Member: David Cribbie

Chair Robert Duval introduced our newest member of the Council, Mr. David Cribbie, who will now be representing the “Manufacturing Component of Industry”. Councilman David Cribbie advised the council members that he has over 4 years’ experience working at the Department of Environmental Services as a Title V Permitting engineer; and also has worked with the Governor Enforcement Bureau. Mr. Cribbie worked for the power industry with PSNH and that has always been involved with Environmental Health and Safety his whole career. Councilman Cribbie stated that he is happy to be a part of the Air Council team and is looking forward to getting more involved. Each council member went around the table introducing themselves and who they represent to our newest council member and welcomed him aboard.

Division Activities and Legislative Update:

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

Permitting:

- 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 ARD 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 have scheduled a public hearing at the Bridgewater Town Hall for Thursday, December 13th at 6:00 p.m.**

- **Proposed Hydrogen Energy Plant:** Air permitting was contacted by Q Hydrogen Solutions, who is proposing to construct a hydrogen energy plant at the former Groveton Wausau paper mill site. According to an article in the “Berlin Reporter,” it would generate approximately 30 megawatts of energy using hydrogen. Hydrogen would be created by stripping hydrogen molecules out of water and using the hydrogen to power engines.

The energy would not be interconnected with the large portion of the power grid and is close to the minimum capacity that the NH Site Evaluation Committee approves. The company stated that it will be applying for an exception from SEC.

ARD is waiting for an air permit application.

- **Potential CHP Project:** Combined heat and power (CHP) could substantially increase the overall efficiency of this biomass plant, including in terms of air emissions. The original plan for the Burgess BioPower facility was to be CHP when it was initially approved by the NHCSEC.

In late October, Cate Street Operations (the owner of Burgess BioPower) discussed a proposal with the Berlin City Council to use steam from the biomass plant for a 4 acre greenhouse that would be constructed at the former Burgess Mill site. Burgess BioPower would be the developer and the greenhouse would be owned and operated by an unnamed third party.

Environmental Health Program Update:

- **New staff under SB 309:** Senate Bill 309 (SB309) was passed during the 2018 General Court Session. The bill regulates groundwater pollution caused by air emissions and requires NHDES to establish water standards for perfluorochemicals. SB 309 (which became effective September 8th) also authorized General Funds for NHDES to hire a toxicologist and a health risk assessor to complete the tasks in the bill. NHDES is pleased to report that we have hired two extremely well-qualified people for these positions and they started October 12th.
 - **Dr. Jonathan Ali** came to DES from the University of Nebraska, where much of his graduate and post-doctorate work focused on aquatic toxicology. Jonathan holds a Bachelor of Science Degree in Biology from Wright State University and a Doctorate in Environmental Toxicology from U. Nebraska. Jonathans experience with evaluating the toxicity of contaminated water/sediments on the environment, and his work with emerging contaminants have already proven to be extremely helpful to the rulemaking effort.
 - **Mary Butow** came to DES from the Toxics Use Reduction Institute (TURI) at University of Massachusetts, Lowell (UMass Lowell). At TURI, Mary served as their Research and Reference Specialist and managed the TURI library. She holds a Bachelor of Arts degree in Chemistry and Music

from Lehigh University and a Master of Science degree in Occupational Epidemiology from UMass Lowell. She also recently completed a Graduate Certificate from UMass Lowell in Clinical Pathology. Mary's recent experience working on the health and environmental effects of per fluorinated substances has been very valuable to DES.

Status of Appeals

Paula Scott, Appeals Clerk briefly updated members of the two recent appeals to ARD, including:

Docket No. 18-01 ARC – Jane Marie Ingram Appeal

- 8/13/18 Deliberations were held at the close of the hearing. 9/5/18 issued Decision and Order on Notice of Appeal. 10/8/18 received DES motion to reconsider. 11/1/18 distributed draft decision on reconsideration to the Council. 11/7/18 issued Decision and order denying DES motion to reconsider.

Docket No. 18-02 ARC- Anthony Caplin, et al Appeal

- 9/5/18 issued decision and order granting the State's motion to dismiss. 10/5/18 received motion for reconsideration. 10/9/18 State's objection to motion for reconsideration. 10/10/18 received motion for extension of time to file Memorandum of Law and preliminary objection to appellants' motion for reconsideration. 10/11/18 issued ruling granting motion for extension of time. 10/15/18 received appellants' response to objection to motion for reconsideration. 10/24/18 received Permittees Memorandum in support of its preliminary objection to appellants' motion for reconsideration. 10/29/18 received appellant's response to Memorandum of law and correction to page 7 of the motion for reconsideration.

Rules: Proposed Readoption of Rule Env-A 2300, Mitigation of Regional Haze

Karla McManus, Planning and Rules Manager

Gary Milbury, Administrator IV - Permitting

- Env-A 2300, *Mitigation of Regional Haze*, is due to expire on January 8, 2019. The purpose of this chapter is to establish emission standards for sulfur dioxide (SO₂), nitrogen oxides (NO_x), and total suspended particulate matter (TSP) at certain fossil-fuel-fired steam generating units in order to reduce emissions that contribute to regional haze. These rules are necessary to ensure compliance with §169A of the Clean Air Act and regional haze program requirements established at 40 CFR 51.308, including but not limited to the provisions for best available retrofit technology (BART). ARD is proposing to readopt Env-A 2300 with minor edits.

Compliance Update:

James Tilley, Enforcement Supervisor VII

Air Resources Division

Enforcement Summary

Federal Fiscal Year 2018

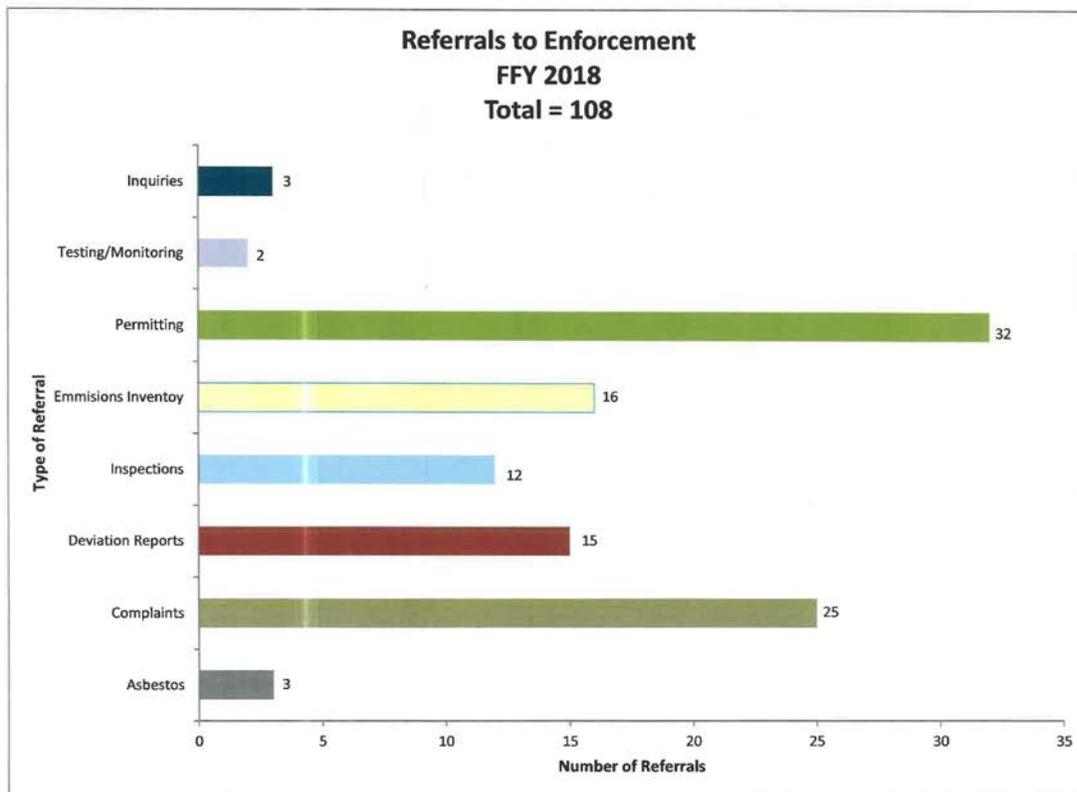
108 referrals for enforcement were sent to the Enforcement Section

81 enforcement actions were issued, executed, or completed

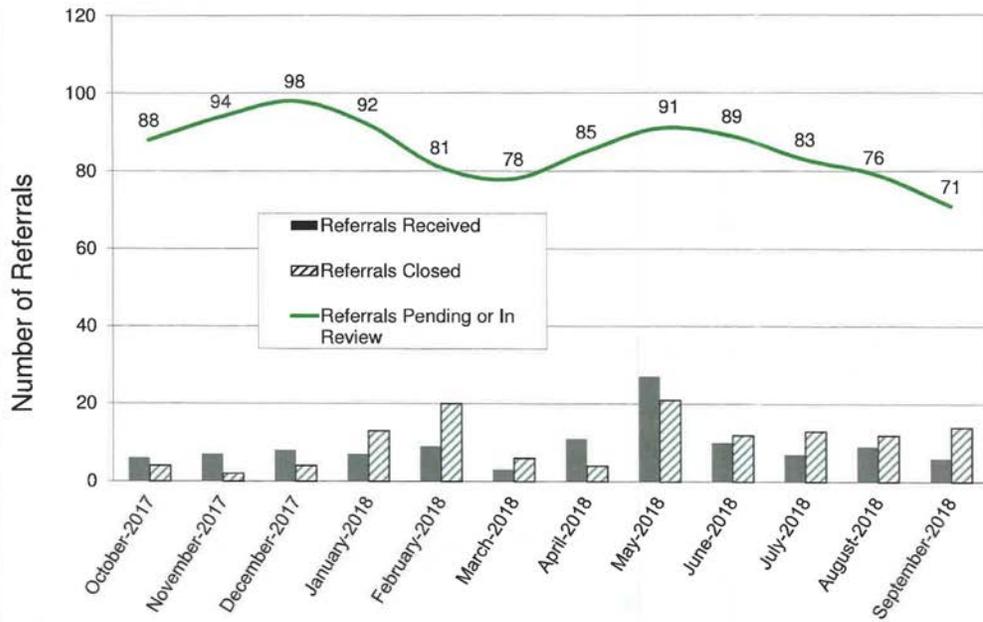
25 "No Action Taken" memos were completed

\$186,451 of fines and penalties were paid as a result of ARD's enforcement actions.

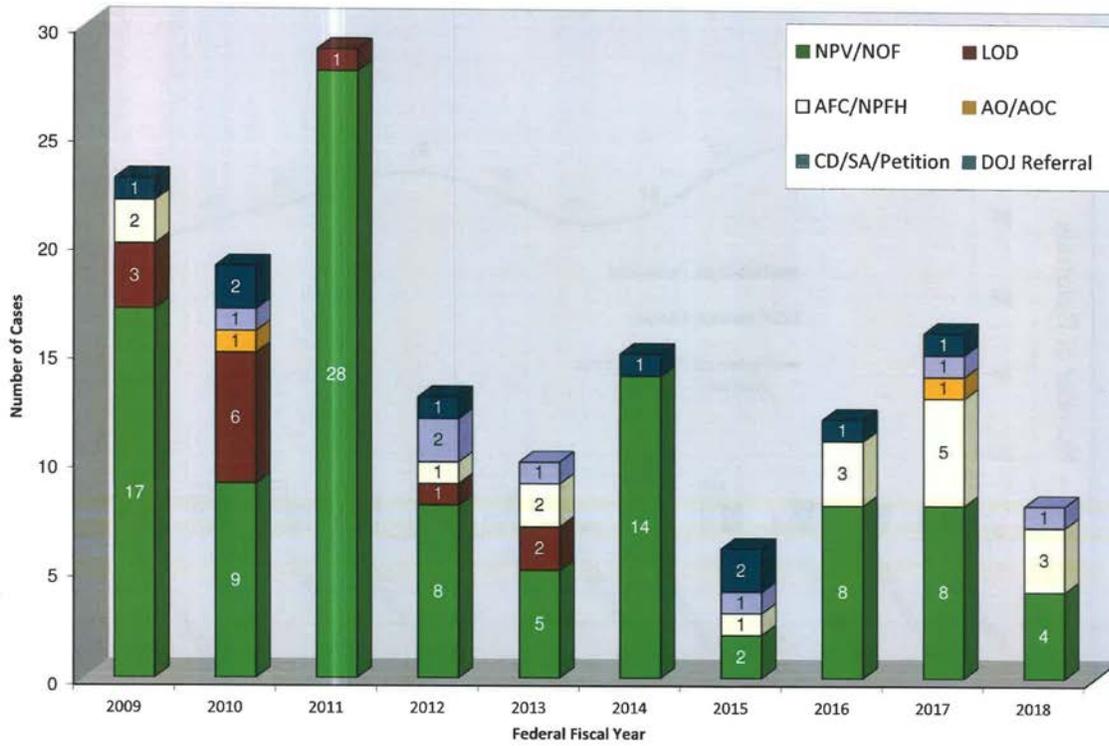
NHDES



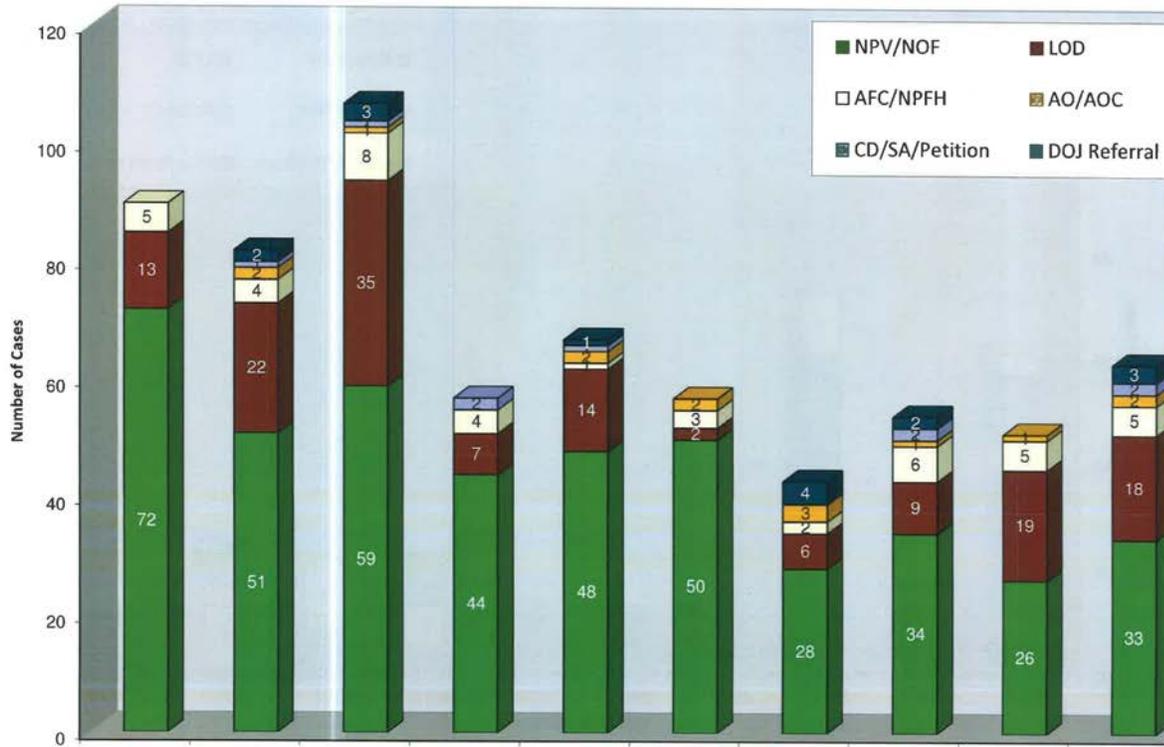
Enforcement Referral Status During FFY 2018



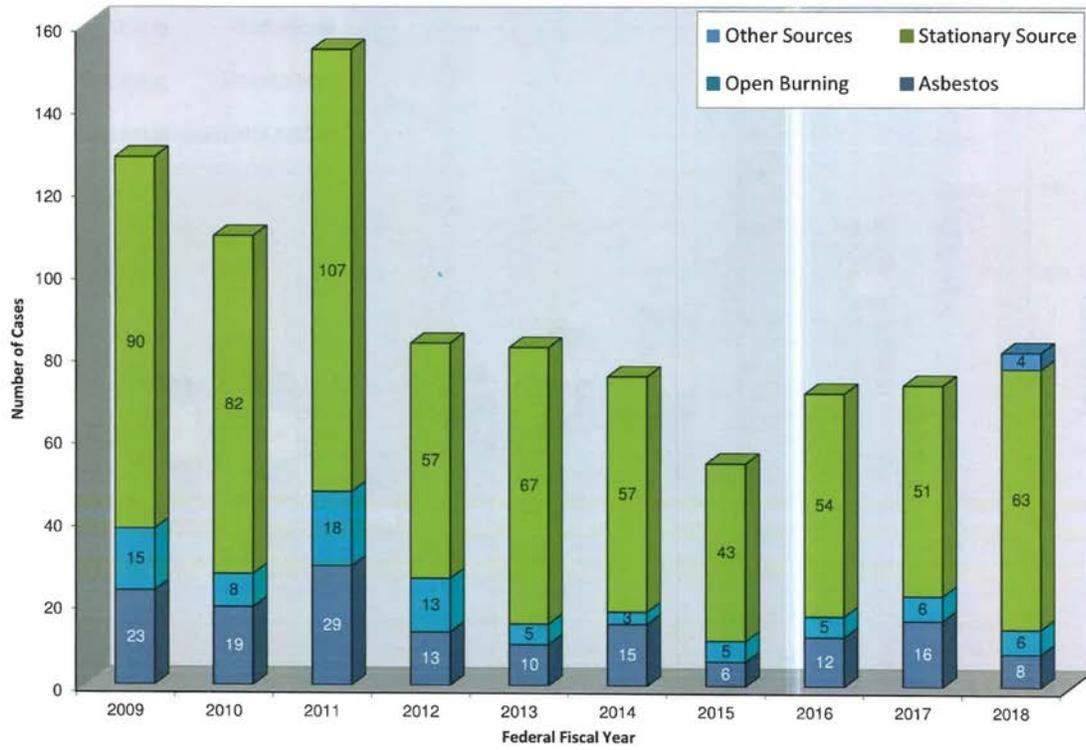
**ARD Asbestos Enforcement Trends
FFY09 - FFY18**



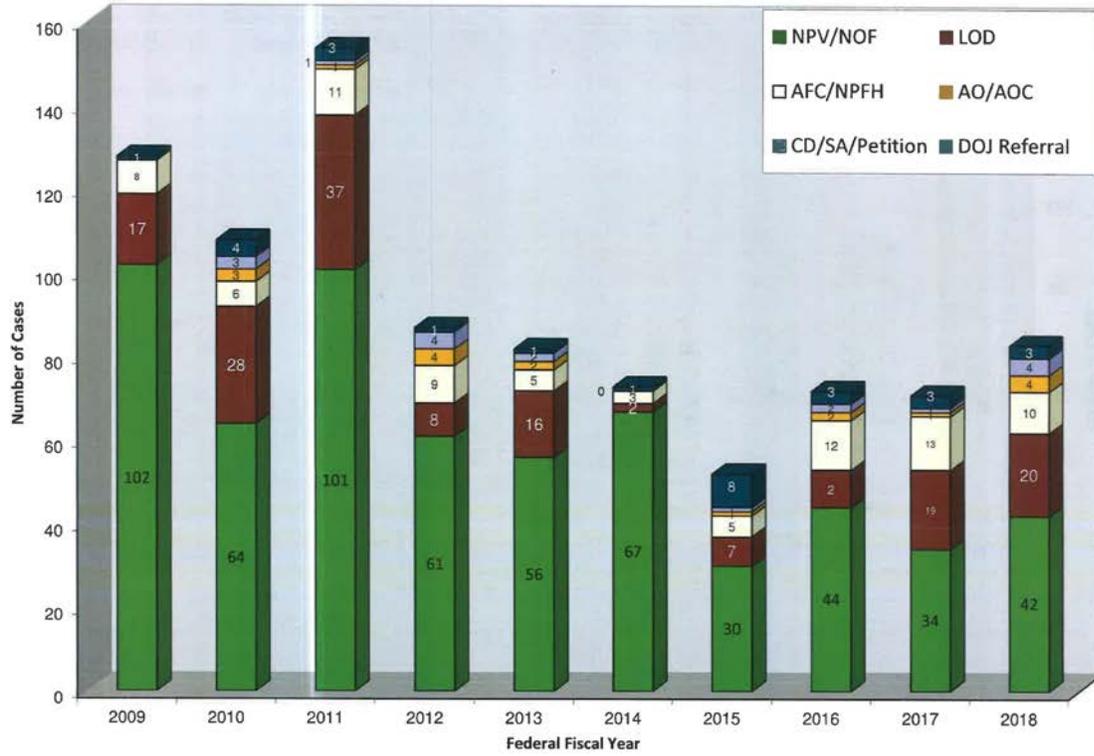
ARD Stationary Source Enforcement Trends
FFY09 - FFY18



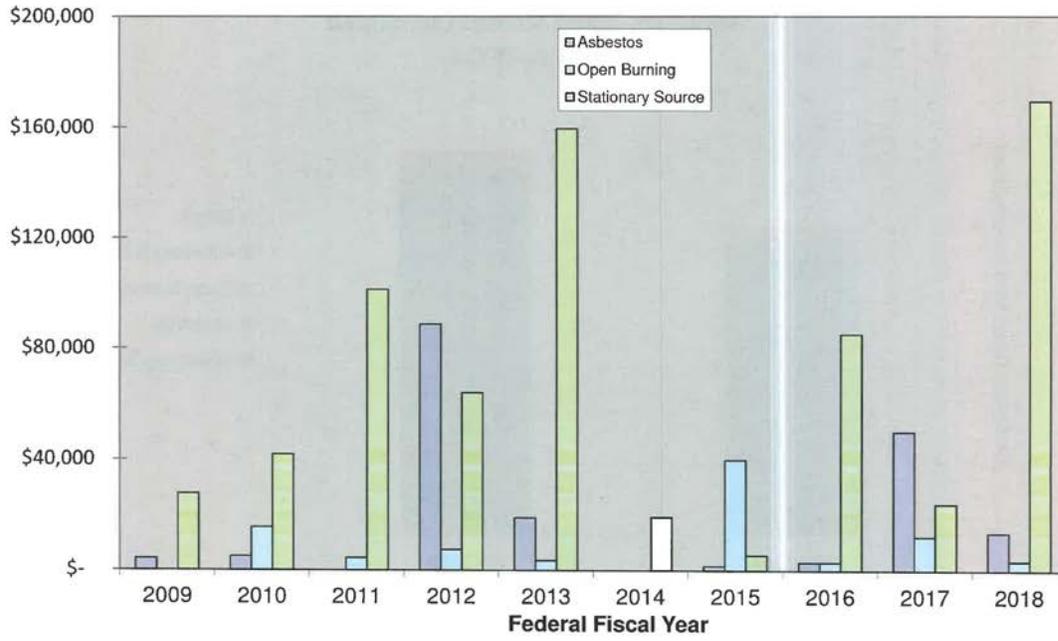
**ARD Enforcement Trends by Violation Type
FFY09 - FFY18**



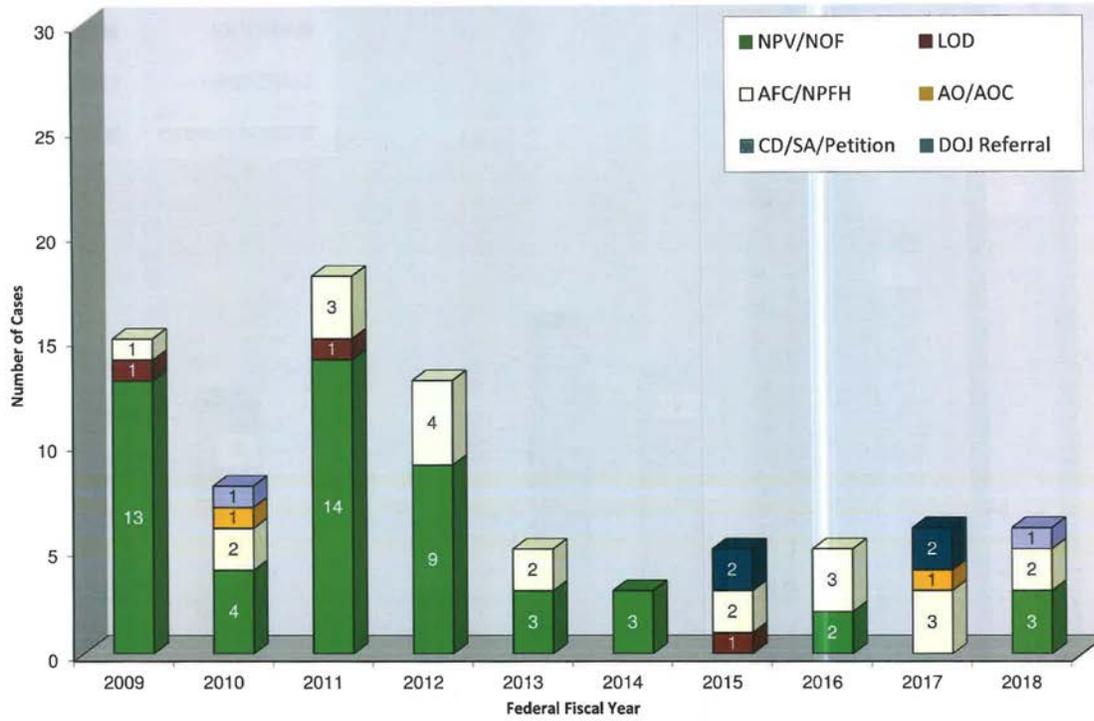
ARD Enforcement Trends by Action Type
FFY09 - FFY18

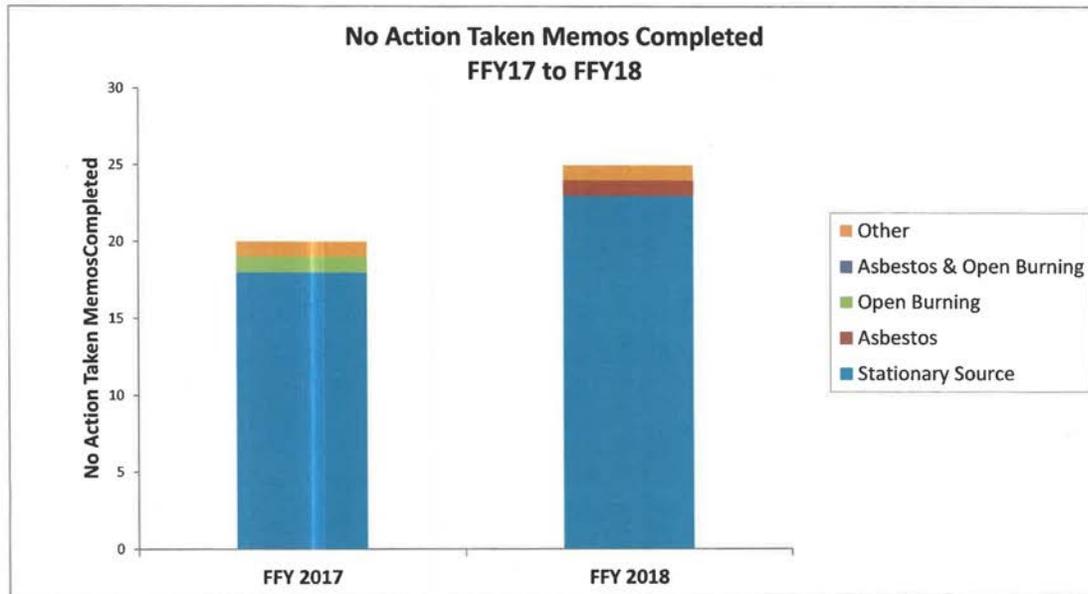


**Fines and Penalties Assessed
FFY 2009 - 2018**



ARD Open-Burning Enforcement Trends FFY09 - FFY18





New Business:

There was no new business to report.

Public Commentary:

Janet Ward from Hopkinton asked Chair Robert Duval if he had concerns across the board in reference for other toxins not only that go into the air, but the ones for our water and ground as well. Chair Robert Duval assured Ms. Ward that yes he does, not only himself but the whole Air Resources Council is concerned.

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 #255 of the Air Resources Council adjourned at 10:46 a.m. on Monday, November 19, 2018.

2018 AIR RESOURCES COUNCIL APPEALS

Received	Docket # Council	Decision Appealed	Appellant Relationship	Intervenor(s) Relationship	Result	Further Action
01/11/18	18-01 ARC	12/11/17 denial of asbestos contractor entity license	Jane Marie Ingram (respondent)		Appeal Granted 9/5/18	11/17/18 Reconsideration Denied
2/01/18	18-02 ARC	1/2/18 Title V Operating Permit to Wheelabrator Concord	Anthony Caplan, er al. (abutters)	Wheelabrator (Permittee)	State's Motion to Dismiss Granted 9/5/18	11/26/18 Reconsideration Denied