



THE STATE OF NEW HAMPSHIRE

Air Resources Council

Robert Duval, Chairman

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Council Clerk (non-appeal related): (603) 271-1386; Appeals Clerk (appeal related only): (603) 271-6072
TDD Access: Relay NH 1-800-735-2964
Council Website: <http://www.des.nh.gov/councils/>

ANNUAL REPORT *Of The* AIR RESOURCES COUNCIL 2019

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 24, 2020

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 field of municipal government; and six members at large who shall represent 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 any 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-O:11

DAVID G. COLLINS, Bow – Vice Chairman
June 6, 2001 to September 6, 2023
(Fuel Oil Industry)

ROBERT DUVAL, Manchester-Chairman
September 17, 2003 to November 21, 2022
(General Public)

KRIS NILS BLOMBACK, Henniker
November 6, 2013 to October 24, 2019
(Recreation Industry)

VACANT
(Health Care Professional)

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

VACANT
(Municipal Government)

DAVID CRIBBIE, Merrimack
November 14, 2018 to November 1, 2022
(Manufacturing)

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

J. RYAN BIELAGUS, Amherst
January 4, 2005 to December 6, 2019
(General Public)

VACANT
(General Public)

MARK LAMBERT, Laconia
March 25, 2015 to October 4, 2023
(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
Fax: 472-9747
Cell: 540-7393

rduval@tfmoran.com

Term Exp: 11/21/22

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: 09/06/23

AT LARGE/ENVIRONMENTAL INTEREST:

Georgia Murray
Staff Scientist, Appalachian Mountain Club
P.O. Box 1747
Conway, NH 03818

Work: 466-2721 Ext. 8111
Home: 447-6837
Fax: 466-2822

gmurray@outdoors.org

Term Exp: 10/24/21

AT LARGE/RECREATION INDUSTRY:

Kris Nils Blomback
203 Highland Drive
Henniker, NH 03242

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

kris@patspeak.com

Term Exp: 10/24/19

AT LARGE/PUBLIC INTEREST:

VACANT

Work:
Home:
Fax:

J. Ryan Bielagus
Andover Consulting Group, Inc.
47 Heritage Hill Rd
Windham, NH 03087

Work: 668-7046 X 503
Cell: 867-4064
ryan@andoverconsulting.com

Term Exp: 12/06/19

STEAM POWER GENERATING INDUSTRY:

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

Work: 230-7968
Home: 228-3622

Fax: 230-7954

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: 11/1/22

d.cribbiearc@gmail.com

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

Jon.lavallee@doj.nh.gov

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 14, 2019
February 11, 2019
March 11, 2019**

**April 08, 2019
May 13, 2019
June 10, 2019**

**July 08, 2019
August 12, 2019
Sept. 10, 2019**

**October 14, 2019
Nov. 8, 2019
Dec. 09, 2019**

RECORD OF ATTENDANCE
Air Resources Council
2019

	January	February	March	April	May	June
Robert Duval	Present	Canceled	Present	Present	Present	Canceled
David Collins	Present	Canceled	Present	Present	Absent	Canceled
Ryan Bielagus	Present	Canceled	Present	Present	Present	Canceled
Kris Blomback	Present	Canceled	Absent	Absent	Present	Canceled
Deborah Chabot	Did not renew term	Did not renew term	Did not renew term	Did not renew term	Did not renew term	Did not renew term
David Cribbie	Present	Canceled	Present	Present	Present	Canceled
Mark Lambert	Present	Canceled	Present	Absent	Present	Canceled
Georgia Murray	Via Conf. Call	Canceled	Via Conf. Call	Absent	Via Conf. Call	Canceled
Elizabeth Tillotson	Present	Canceled	Present	Present	Present	Canceled

RECORD OF ATTENDANCE
Air Resources Council
2019

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



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Robert Duval, Chairman

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NOTICE OF MEETING

January 14, 2019

#256

The New Hampshire Air Resources Council will convene at 9:00 a.m.
Monday, January 14, 2019 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 #255)
3. Air Resources Division Report Craig Wright, Director
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
4. Status of Appeals
Paula Scott, ARC Appeals Clerk
5. Rules
Review Env-AC200 Procedural Rules
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 #256
01/14/2019**

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: Mike Fitzgerald,

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

**MEMBERS OF
THE PUBLIC PRESENT:** N/A

Call to Order:

Chairman Robert Duval called Meeting #256 of the Air Resources Council (ARC) to order at 9:03 a.m. on Monday, January 14, 2019. Chairman Robert Duval announced that a quorum of the ARC was present.

Approval of Minutes:

David Cribbie entered a motion to accept the minutes of meeting #255. Mark Lambert seconded the motion, all in favor and the motion passed.

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:

- On December 6, 2018 Department of Environmental Services held their Annual DES Award Ceremony and Air Resources employee Cathy Beahm, our Air Permit Programs Manager, received the David S. Chase Award for Extraordinary Achievements in Science. This award is named in honor of the late David Chase, who passed away very unexpectedly in November, 2008. David served as the Radon Program Manager at NHDES and the Department of Health and Human Services for over 16 years. David was extremely dedicated and devoted to the radon program and, under his guidance; New Hampshire's radon program received national and international recognition.

For over two years, Cathy has been the go to person for Air Resources Division for the Southern NH PFAS investigation. A particularly challenging issue has been the significant lack of data on specific types of PFAS and precursors currently being emitted into the air. While this has caused many states to wait until other federal agencies (such as EPA) are able to gather more information, Cathy recognized the urgency of the potential implications to public health and undertook an effort to increase her knowledge. She reached out to partners in other states, and also engaged the EPA Office of Research and Development (ORD) and established a very effective partnership, which has helped NHDES with laboratory expertise, and increased the knowledge base of both agencies. Cathy's work culminated in her organization of a two-day NHDES/ORD meeting that was incredibly beneficial to both agencies' understanding of PFAS in the environment. Due to her extraordinary efforts, she has quickly become a leading authority on PFAS and continues to be an invaluable resource both to NHDES and other environmental and public health agencies.

- 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 we 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 held a public hearing at the Bridgewater Town Hall on December 13th. In accordance with NH Administrative Rule Env-A 622.08 *Decisions*, NHDES has 30 working days to issue a final decision on the permit; ARD will issue a decision by January 24, 2019.
- Director Wright said that 2 of the 4 citizens who requested a public hearing did not attend the hearing (and the 2 others were late to the hearing – we were ready to close the hearing when they arrived). In the *Findings of Fact and Director's Decision*, NHDES plans to note the considerable time and expense that NHDES goes through to prepare and conduct a public hearing, and while we are happy to do so, that the expectation is that those who request a hearing will in fact attend.
- Proposed Title V Operating Permit for Wheelabrator Concord: On September 5, 2018, the ARC issued a Decision and Order on State's Motion to dismiss the appeal of Kaplan et. al., which denied 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, before the 45-day review period ended, the federal government shutdown went into effect, furloughing the EPA staff that would review the Proposed Permit.

Environmental Health Program Update:

- Water standards for PFAS: At the last ARC meeting in November, we 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 is providing an approximate 60-day period to review the proposed standards and their basis. At least 3 public hearings will be held in March on the proposed rule. Assistant Commissioner Freise and Dr. Jonathan Ali (our new Toxicologist) are also conducting a couple of technical sessions on the proposed standards in the Merrimack and Portsmouth areas the week of January 14th.

Status of Appeals

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

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

November 26, 2018 issued Decision and order denying Appellants “Motion for Reconsideration. Docket No. 18-02 ARC- Anthony Caplin, et al Appeal is now closed.

Rules

Air Resources did not have any new rules to bring to the council at this time, therefore Chair Robert Duval thought that this would be a good time Review Env-AC200 Procedural Rules for Air Council to review. The following rules were discussed by the council, including:

EcX 102.09 “Department enforcement decision” means “department decision” as defined in RSA 21-O: 14, Ic Director Wright suggested verification that this is sufficient to Air Council.

EcX 203.01 Initiating an Appeal. As required by RSA 21-0:14, the notice shall be filed within 30 days of the date of the decision. Council member Elizabeth Tillotson asked for an explanation or if this was up to the Air Council to decide. Chair Bob Duval stated that the Council should add a paragraph D added with a better explanation.

EcX 207.15 Reopening of the Record. Paragraph (c) If the hearing officer determines that such testimony, exhibits, or arguments are necessary to a full consideration of the issues raised by the appeal, the record shall be reopened to accept the offered items. Chair Robert Duval feels that the final decision should be made after the hearings officer consults with the Air Council.

EcX 208.06 Consideration of a Motion for Rehearing. Paragraph (a) The hearing officer shall, no sooner than 7 days after receipt of a motion for rehearing, either:

- (1) Grant the motion and either:
 - a. Schedule a rehearing; or
 - b. Grant the relief requested; or
- (2) Deny the motion and affirm the decision that was issued

Chair Robert Duval again stated that this also should be a decision between the hearing officer and Air Council together. Director Craig Wright stated that the wording of “no sooner than 7 days after” in 208.06 should state “within 7 days after”.

Chair- Robert Duval advised the council that they should work diligently together for the next Air Council meeting that is scheduled for Monday February 11, 2019.

New Business:

There was no new business to report.

Public Commentary:

N/A

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 #256 of the Air Resources Council adjourned at 10:21 a.m. on Monday, January 14, 2019.



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Robert Duval, Chairman

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NOTICE OF MEETING

March 11, 2019

#257

**The New Hampshire Air Resources Council will convene at 9:00 a.m.
Monday, March 11, 2019, 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 #256)**
- 3. Air Resources Division Report**
Craig Wright, Director
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
- 4. 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
- 5. Compliance Update**
Sheri Eldridge, Administrator IV ARD Compliance Bureau
- 6. Discussion of freedom of information request**
Jon Lavallee, Assistant Attorney General
- 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 #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:



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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
Jeff Underhill	Env-A 2300* Mitigation of Regional Haze Exp. 1-8-2019 <i>*30 days notice for SIP rule</i>		DRAFT				On hold for 4-factor analysis		ARC 19 th	ARC cmts 4 th FIS 7 th RMN 17 th RMN* pub 27 th	PH 31 st	PC 8 th		FP 5 th JLCAR 26 th
Gary M. Cathy B	SB 309 Env-A 626 PFAS Rule								Draft	Draft	Draft	Draft	Draft	Draft
	Env-A					Stakeho			Draft	Draft	Legal	Legal	ARC	RFIS

	SO2-NOx Annual Budget Trading Program Exp 10-1- 2019													
Tim White	Env-A 1500* Transportat ion 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 Comments 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**



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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.



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NOTICE OF MEETING

May 13, 2019

#259

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Monday, May 13, 2019 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 #258)
3. Air Resources Division Report
Craig Wright, Director
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
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 #259
05/13/2019**

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

MEMBERS NOT PRESENT:

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

OTHERS PRESENT: Shelley Marshall, and Georgia Murray (by phone)

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

Call to Order:

Robert Duval called Meeting #259 of the Air Resources Council (ARC) to order at 9:04 a.m. on Monday, May 13, 2019. Chair Robert Duval announced that a quorum of the ARC was present.

Approval of Minutes:

A motion to approve the minutes of meeting #258 moved by Vice Chair David Collins 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 Craig Wright briefly updated members of the ARC regarding issues relative to the ARD, including:

- **Permitting Update:** Saint-Gobain Permit Application: SGPP submitted a permit application with the associated BACT analysis for PFAS on March 26, 2019. We sent a subsequent request for additional information on May 1, 2019. ARD is awaiting their response.
- **Capital Budget Request:** Director Craig Wright stated that DES is requesting \$330,000.00 towards maintaining and purchasing new equipment for our 13 Monitoring Stations. Georgia Murray asked for clarification. Director Wright explained that DES receives a 1.4 million dollar grant from EPA, 60/40. 60 Federal and 40 State. ARD needs to match those figures.

- **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

April 25, 2019 Department of Environmental Services received a notice of appeal. On April 30, 2019 issued receipt of appeal letter. Council to accept or decline appeal on May 13, 2019. Chair Robert Duval motioned to accept the appeal and to schedule a hearing. Moved by J. Ryan Bielagus and second by Kris Blomback.

New Business:

There was no new business to report.

Public Commentary:

John Tuthill from Acworth stated that he feels the DES website could be easier to access when it comes to public notices. Mr. Tuthill feels that ARD should find other ways to notify the public of when council meetings are scheduled other than the website.

Mr. Tuthill stated at the last Waste Management hearing some concerns of Air issues came up, and he has concerns with the amount of LED with solid waste and in the air.

Adjourn: Having no further business to discuss, a motion to adjourn made by Mark Lambert and seconded by David Cribbie; all were in favor. Meeting #259 of the Air Resources Council adjourned at 9:47 a.m. on Monday May 13, 2019.



THE STATE OF NEW HAMPSHIRE

Air Resources Council

Robert Duval, Chairman

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Council Clerk (non-appeal related): (603) 271-1386; Appeals Clerk (appeal related only): (603) 271-6072
TDD Access: Relay NH 1-800-735-2964
Council Website: <http://www.des.nh.gov/councils/>

NOTICE OF MEETING

September 10, 2019

#260

The New Hampshire Air Resources Council will convene at 9:30 a.m.
Tuesday, September 10, 2019, in Conference Rooms 208-C
NH Department of Environmental Services
29 Hazen Drive, Concord, New Hampshire 03301

1. Call to Order

2. Approval of Minutes (Meeting #259)

3. Air Resources Division Report

Craig Wright, Director

- Legislative Update
- Significant Permit Activities
- Other ARD Activities

4. Status of Appeals : 19-11 ARC

Paula Scott, ARC Appeals Clerk

5. Rules

- **Env-A 1500 Conformity**
- **Env-A 1700 Permit Application Forms**
- **Env-A 2900 Sulfur dioxide and Nitrogen Oxides Annual Budget Trading and Banking Program**
- **Env-A 4600 Carbon Dioxide (CO₂) Budget Trading Program**
- **Env-A 4700 Carbon Dioxide (CO₂) Offset Projects**
- **Env-A 4801.03, RGGI - Auctions**

Karla McManus, Planning and Rulemaking Manager

Joseph Fontaine, Technical 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

Public Hearing – Docket No. 19-05 Textiles Coated, Inc.
Conference Rooms 111- 114 first floor.

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #260
09/10/2019**

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

MEMBERS NOT PRESENT: Kris Blomback

NHDES – ARD PERSONNEL: Director Craig Wright, Cathy Beahm, Karla McManus, Timothy White, Joe Fontaine, Megan King, Sheila Rydel, Barbara Dorfschmidt and Paula Scott.

OTHERS PRESENT: Shelley Marshall

MEMBERS OF THE PUBLIC PRESENT: John Tuthill, Viggo Fish, Attorney, William Howard,

Call to Order:

Chairman Robert Duval called Meeting #260 of the Air Resources Council (ARC) to order at 9:34 a.m. on Tuesday, September 10, 2019. Chair Robert Duval announced that a quorum of the ARC was present.

Approval of Minutes:

A motion to approve the minutes of meeting #259 moved by Mark Lambert 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 Craig Wright briefly updated members of the ARC regarding issues relative to the ARD, including:

- Budget: On September 30, 2019, ARD was given a 25% budget based on Fiscal Year (FY) 2019. Two of ARD's positions not funded. Travel and training budgets were impacted. Operating on Director level approval requirements for all expenditures EPA FY 2020 priorities and commitment list. U.S. Environmental Protection Agency (EPA) and ARD met on Aug 28, 2019 to negotiate the federal work plan for Fiscal Year 2020.
- Transportation and Climate Initiative: Department of Environmental Services (DES) continues to participate in discussions – no commitment to join Draft Framework – CO2 emission from gasoline and on-road diesel “prime suppliers” = regulated entities, 2022-2032 timeline, cap and invest Baseline modeling for 2022-2032 indicates a 20% reduction – business as usual. Ongoing modeling to look at different policy scenarios' Current Goal – A draft MOU by Dec 2019, Final MOU March 2020

Next Leadership meeting – Sept 18/19 in Vermont

- **Permitting:** ST Gobain Permit Application for BACT – Public Hearing tentatively date for November 5, 2019 in Merrimack. Cathy Beahm is the lead; engineering review is largely completed. Preparing the engineering summary and draft permit is being prepared and due to be complete by October 5, 2019.
Scheduled for September 16, 2019 DES/GSCCC will sponsor the “Charge Forward Electric Vehicle Relay” This will be a press event – 7 stop relay – Jessica Wilcox will represent ARD. Each leg will host a different EV, driver and a NH landmark, and Governor Chris Sununu is invited! Commissioner Sheehan representative of Department of Transportation has already attending the event.
- **New Hires:** ARD recently filled the Air Permit Programs manager position with Todd Moore who has previously worked with the Air Resource Department. ARD has also filled our support staff position. Alyssa Moody was hired from the Waste Management Department. ARD re-classed the position from a Data Control Clerk to a Program Assistant II position, which fits the Permitting Department better.

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

Subject: 6/6/19 denial of request for public hearing regarding draft Title V Operating permit for Waste Management of NH, application #'s 16-0124 and 18-0247. Hearing Officer: Not assigned.
Status: 7/5/19 received Notice of Appeal. 7/8/19 issued receipt of appeal letter. 7/22/19 received Motion to Deny Acceptance of Appeal as a Matter of Law. 7/29/19 received Objection to Motion to Deny Acceptance of Appeal. 9/4/19 received Appearance of Heather Neville for the Department.

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

Subject: 3/27/19 Administrative Order No. 19-007 ARD. Hearing Officer: 5/13/19 Requested Hearing Officer to be assigned. 5/17/19 Attorney General appointed David Conley. 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 17, 2019 at 8:30 a.m. 5/21/19 received appearance for Allen Brooks for the Department. 6/17/19 issued Pre-hearing Order scheduling another 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 another Pre-hearing order scheduling hearing for Sept. 10, 2019 at 10 a.m. 8/14/19 received 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.

Rules:

- **Env-A 1500 Conformity**

Tim White & Karla McManus

ARD is proposing to readopt and amend Env-A 1500, *Conformity*, which implements the Clean Air Act and the code of federal regulations relative to transportation conformity (40 CFR 93). There are only a few amendments proposed for this rule.

Specifically, the reference date for the CFR was updated from July 1, 2011 to July 1, 2018. Additional edits include, but are not limited to updated language; clarification of agency responsibilities; modifications to the New Hampshire Department of Transportation (NHDOT) responsibilities related to travel demand modeling and project-level conformity determinations; changes to the frequency of interagency consultation meetings and to the length of public comment periods. A reference to the NHDOT State Transportation Implementation Plan (STIP) Revisions Procedures has also been added to the language in Env-A 1503.19.

Elizabeth Tillotson motioned to start a 15-day review and J. Ryan Bielagus second the motion. All council members were in favor.

- ☐ **Env-A 1700 Permit Application Forms**

Meg King & Karla McManus

ARD is proposing to readopt and amend Env-A 1700, *Permit Application Forms*, because it is due to expire on October 1, 2019.

Specifically, the forms are being streamlined, clarified and updated to more accurately obtain data for regulatory applicability and in response to a recommendation from the 2018 Performance Audit by the Office of the Legislative Budget Assistant. Due to a change in the rulemaking standards, forms can now be incorporated by reference as an appendix to the rule. Since these forms will be used electronically in the future, they are being reformatted to fit that goal.

Break: 10:25 – Needed to switch rooms

Re-opened meeting – 10:34

Mark Lambert motioned to start a 15-day review and J. Ryan Bielagus second the motion. All council members were in favor.

- ☐ **Env-A 2900 Sulfur dioxide and Nitrogen Oxides Annual Budget Trading and Banking Program**

Joe Fontaine & Karla McManus

- ARD is proposing to readopt and amend Env-A 2900, *Sulfur dioxide and Nitrogen Oxides Annual Budget Trading and Banking Program*. There are only a few amendments proposed for this rule.

Specifically, the reference date for the code of federal regulations (CFR) was updated from 2011 to 2018.

Elizabeth Tillotson motioned to start a 15-day review and J. Ryan Bielagus second the motion. All council members were in favor.

Regional Greenhouse Gas Initiative - (RGGI)

Joe Fontaine – Technical Programs Manager

- **Env-A 4600 Carbon Dioxide (CO2) Budget Trading Program**
- **Env-A 4700 Carbon Dioxide (CO2) Offset Projects**
- **Env-A 4801.03, RGGI - Auctions**

Joe Fontaine handed out a power point to the council members and reviewed it with the council members.

The Regional Greenhouse Gas Initiative (RGGI) RGGI is composed of individual CO2 Budget Trading Programs in each of the nine RGGI participating states. Each participating state's CO2 Budget Trading Program is based on the 2008 RGGI Model Rule, which was developed to provide guidance to states as they implemented the RGGI program. RGGI participating states completed a 2012 Program Review and made amendments to the 2008 RGGI Model Rule which were finalized in February 2013. RGGI participating states completed another Program Review in 2017 which resulted in amendments to the RGGI Model Rule, finalized in December 2017.

In response to changes made to the RGGI Model Rule in 2017, the New Hampshire Legislature proposed amendments to RSA 125-O:8, and RSA 125-O:20-29, and Governor Sununu signed them into Law on July 11, 2019. The amendments will go into effect on January 1, 2020.

The proposed rule implements the changes to the Model Rule and the above-referenced Statutes. Specifically, the Statute repeals the Carbon Dioxide (CO2) Offset Projects portion of RGGI, the Env-A 4700 rule, in New Hampshire. As a result, the Env-A 4700 rule is being repealed and the reference to Env-A 4700 in Env-A 4801.03 is being deleted. Major changes to the NH Law, and proposed amendments to our Env-A 4600 RGGI Rules, are attached (see the regional summary at https://www.rggi.org/sites/default/files/Uploads/Program-Review/12-19-2017/Summary_Model_Rule_Updates.pdf).

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 David Cribbie and seconded by J. Ryan Bielagus; all were in favor. Meeting #260 of the Air Resources Council adjourned at 11:15 a.m. on Tuesday September 10, 2019.



THE STATE OF NEW HAMPSHIRE

Air Resources Council

Robert Duval, Chairman

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Council Clerk (non-appeal related): (603) 271-1386; Appeals Clerk (appeal related only): (603) 271-6072
TDD Access: Relay NH 1-800-735-2964
Council Website: <http://www.des.nh.gov/councils/>

NOTICE OF MEETING

November 18, 2019

#261

The New Hampshire Air Resources Council will convene at 9:00 a.m.
Monday November 18, 2019, 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 #260)
 3. Air Resources Division Report
Craig Wright, Director
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
 4. Status of Appeals : 19-11 ARC
Paula Scott, ARC Appeals Clerk
 5. New Business
 6. Public Commentary – *Opportunity for the public to comment on matters affecting the Air Resources Council or the Air Resources Division.*
 7. Adjourn
-

PUBLIC HEARING

9:30 A.M. Docket No. 19-05 Textiles Coated, Inc.

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

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_rensponse2019.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.

2019 AIR RESOURCES COUNCIL APPEALS

Received	Docket # / Council	Decision Appealed	Appellant; Relationship	Intervener(s); Relationship	Result	Further Action
04/25/19	19-05 ARC	3/27/19 Administrative Order No. 19-007 ARD	Textiles Coated, Inc. (TCI) (respondent)			
07/05/19	19-11 ARC	6/6/19 denial of Requested Public Hearing on Draft Title V permit for WMNH application #16- 0124 and #18- 0247	Katie Lajoie and John Tuthill	Waste Management of NH (permittee)	12/09/19 Council Denied Acceptance of Appeal	

2019 AIR RESOURCES COUNCIL PRIOR YEAR DOCKET ACTIVITY

Received	Docket # / Council	Decision Appealed	Appellant; Relationship	Intervener(s); Relationship	Result	Further Action