

**ANNUAL REPORT**  
*Of The*  
**AIR RESOURCES COUNCIL**  
**2020**

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  
March 9, 2021

## 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)

RUDY CARTIER  
September 11, 2020 to October 24, 2021  
(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 X325  
Fax: 472-9747  
Cell: 540-7393

[rduval@tfmoran.com](mailto:rduval@tfmoran.com)

**Term Exp: 11/21/18**

### **VICE-CHAIR/FUEL OIL INDUSTRY:**

David G. Collins  
22 Van Ger Drive  
Bow, NH 03304  
**Mail All ARC Correspondence To:**

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

[dgc@rathlaw.com](mailto: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  
P.O. Box 1747  
Conway, NH 03818

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

[gmurray@outdoors.org](mailto: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](mailto: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

**Term Exp: 12/9/19**

[ryan@andoverconsulting.com](mailto:ryan@andoverconsulting.com)

**STEAM POWER GENERATING INDUSTRY:**

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

Work: 230-7968  
Home: 228-3622  
Fax: 230-7954

**Term Exp: 10/24/21**

[Elizabeth.tillotson@graniteshorepower.com](mailto:Elizabeth.tillotson@graniteshorepower.com)

**MUNICIPAL GOVERNMENT:**

Rudy Cartier Jr.  
553 North Rd.  
Candia, NH 03034

Cell: 603-540-9149  
Home: 603-483-5185  
[2racbs@comcast.net](mailto:2racbs@comcast.net)

**Term Exp: 10/24/21**

**NATURAL GAS INDUSTRY:**

Mark Lambert  
Unitil Corporation  
43 Windjammer Ridge  
Laconia, NH 03246

Work: 773-6470  
Cell: 944-7406

[lambert@unitil.com](mailto: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**

[d.cribbiearc@gmail.com](mailto:d.cribbiearc@gmail.com)

**VACANCIES: (2)**

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](mailto:Jon.lavallee@doj.nh.gov)

**Air Resources Council Members**

**Updated: 12/26/2020**

## 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 13, 2020  
February 10, 2020  
March 09, 2020

April 13, 2020  
May 11, 2020  
June 08, 2020

July 13, 2020  
August 10, 2020  
September 14, 2020

October 12, 2020  
November 09, 2020  
December 14, 2020

**RECORD OF ATTENDANCE**  
**Air Resources Council**  
**2020**

	January	February	March	April	May	June
Robert Duval	Present	Canceled	Present	Present	Present	Canceled
David Collins	Present	Canceled	Present	Present	Present	Canceled
Ryan Bielagus	Absent	Canceled	Absent	Absent	Present	Canceled
Kris Blomback	Present	Canceled	Present	Present	Present	Canceled
Rudy Cartier	Not yet a member	Not yet a member	Not yet a member	Not yet a member	Not yet a member	Not yet a member
David Cribbie	Present	Canceled	Present	Absent	Present	Canceled
Mark Lambert	Present	Canceled	Present	Absent	Present	Canceled
Georgia Murray	Present	Canceled	Via Conf. Call	Present	Present	Canceled
Elizabeth Tillotson	Present	Canceled	Present	Present	Present	Canceled

**RECORD OF ATTENDANCE**  
**Air Resources Council**  
**2020**

	July	August	September	October	November	December
Robert Duval	Present	Canceled	Canceled	Present	Canceled	Canceled
David Collins	Present	Canceled	Canceled	Present	Canceled	Canceled
Ryan Bielagus	Absent	Canceled	Canceled	Absent	Canceled	Canceled
Kris Blomback	Present	Canceled	Canceled	Present	Canceled	Canceled
Rudy Cartier	Not yet a member	Not yet a member	Not yet a member	Present	Canceled	Canceled
David Cribbie	Present	Canceled	Canceled	Present	Canceled	Canceled
Mark Lambert	Absent	Canceled	Canceled	Present	Canceled	Canceled
Georgia Murray	Present	Canceled	Canceled	Present	Canceled	Canceled
Elizabeth Tillotson	Present	Canceled	Canceled	Present	Canceled	Canceled



# THE STATE OF NEW HAMPSHIRE

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## 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

January 13, 2020

#262

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The New Hampshire Air Resources Council will convene at 9:00 a.m.  
Monday, January 13, 2020, in Conference Rooms 112 & 113  
NH Department of Environmental Services  
29 Hazen Drive, Concord, New Hampshire 03301

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1. Call to Order
2. Approval of Minutes (Meeting #261)
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*  
*Docket No. 19-11 ARC Katie Lajoie and John Tuthill Appeal*
5. Compliance Update - *James W. Tilley – Enforcement Supervisor VII*
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 #262  
01/13/20**

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

**MEMBERS NOT PRESENT:** J. Ryan Bielagus

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

**OTHERS PRESENT:** Shelley Marshall

**MEMBERS OF**

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

**Call to Order:**

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

**Approval of Minutes:**

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

**Division Activities and Legislative Update:**

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

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

On November 5<sup>th</sup>, the Permitting Unit held a public hearing in Merrimack on a draft Temporary Permit for Saint-Gobain Performance Plastic Corporation. The permit would authorize them to install air pollution control equipment to control perfluorinated compounds (PFAS). RSA 125-C:10-e, *Requirements for Air Emissions of Perfluorinated Compounds Impacting Soil and Water*, requires facilities that emit certain PFAS (or precursors) to the air that have caused or contributed to an exceedance of an

ambient groundwater quality standard or surface water quality standard to install “best available control technology (BACT) for air emissions”.

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

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

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

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

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

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

## **Status of Appeals**

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

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

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

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

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

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

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

Waiting on Hearing officer to issue a decision.

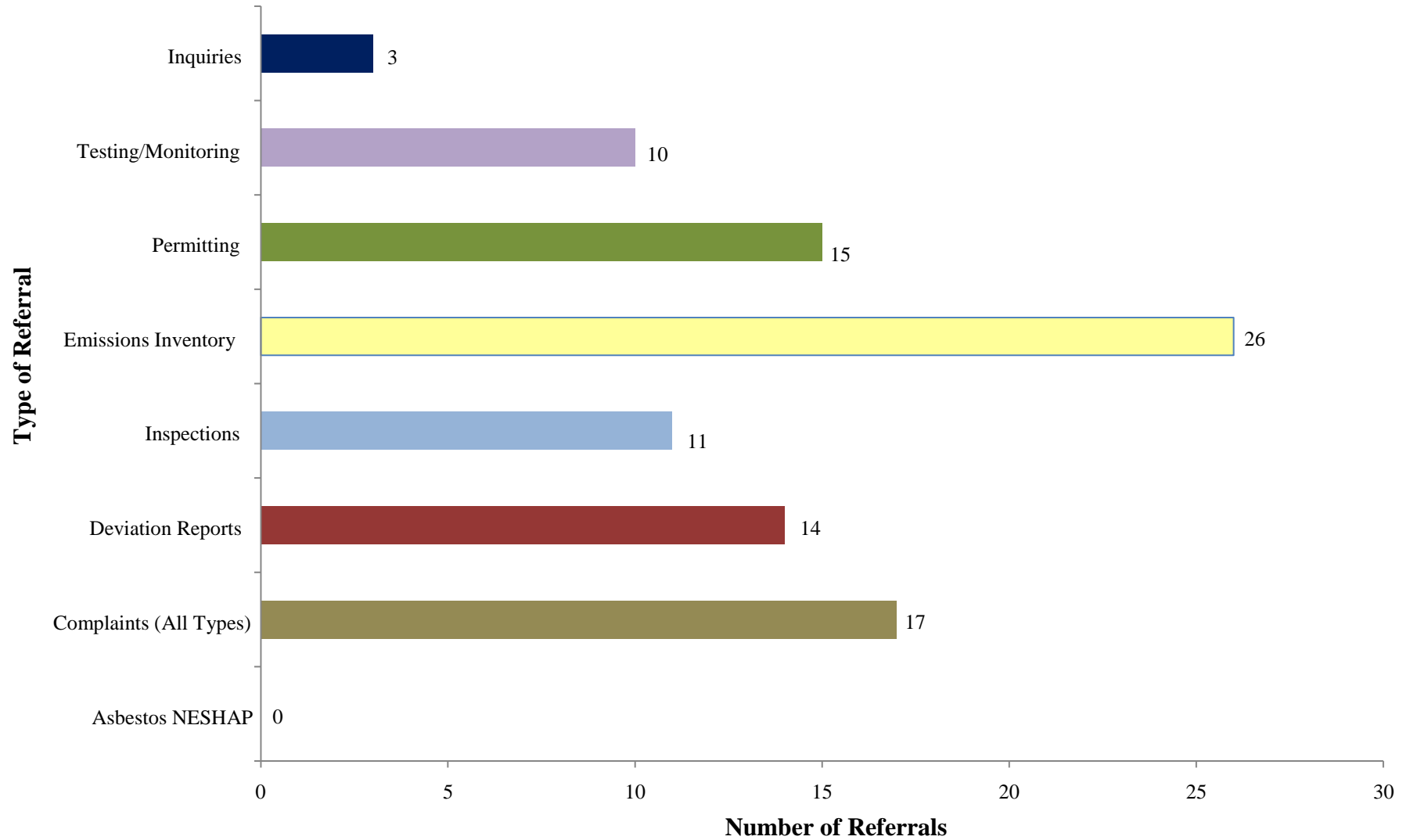
### **Compliance Update: See below**

*James W. Tilley – Enforcement Supervisor VII*

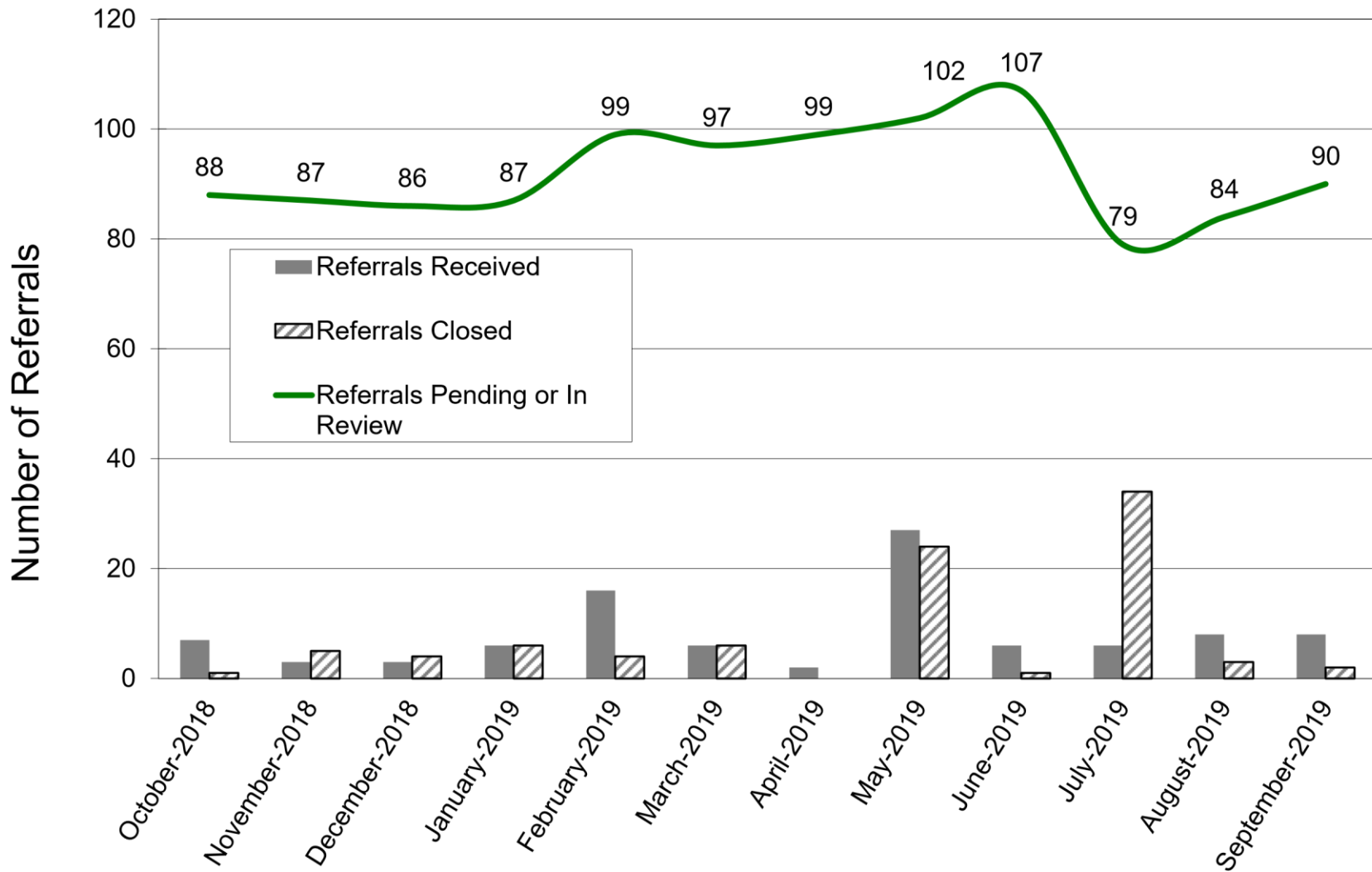
**NHDES  
Air Resources Division  
Enforcement Summary  
Federal Fiscal Year 2019**

- 96 referrals for enforcement were sent to the Enforcement Section
- 77 enforcement actions were issued, executed, or completed
- 5 “No Action Taken” memos were completed
- \$55,987 of fines or penalties were assessed, excluding suspended fines and penalties, as a result of ARD’s enforcement actions

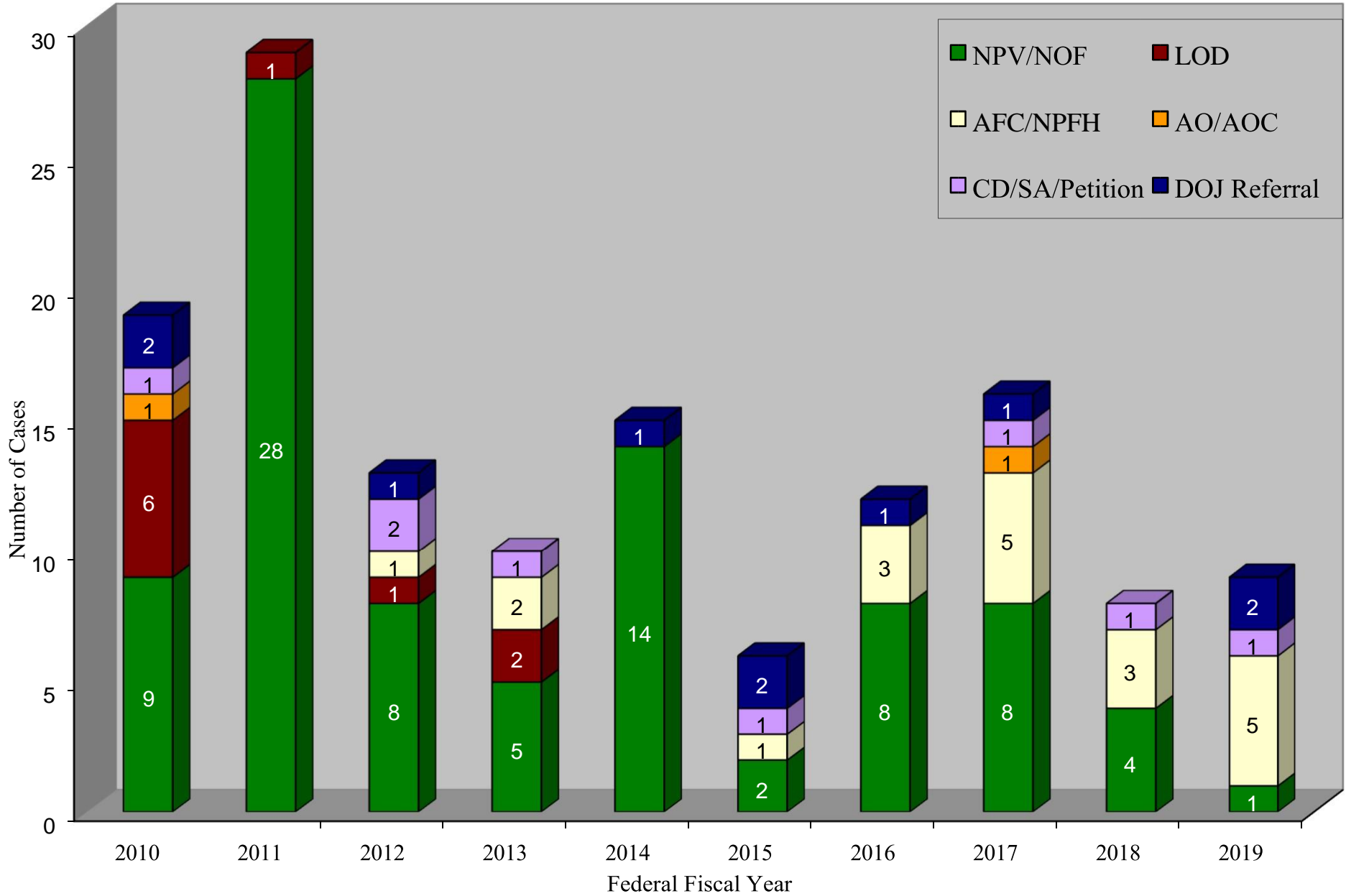
**Referrals to Enforcement  
FFY 2019  
Total = 96**



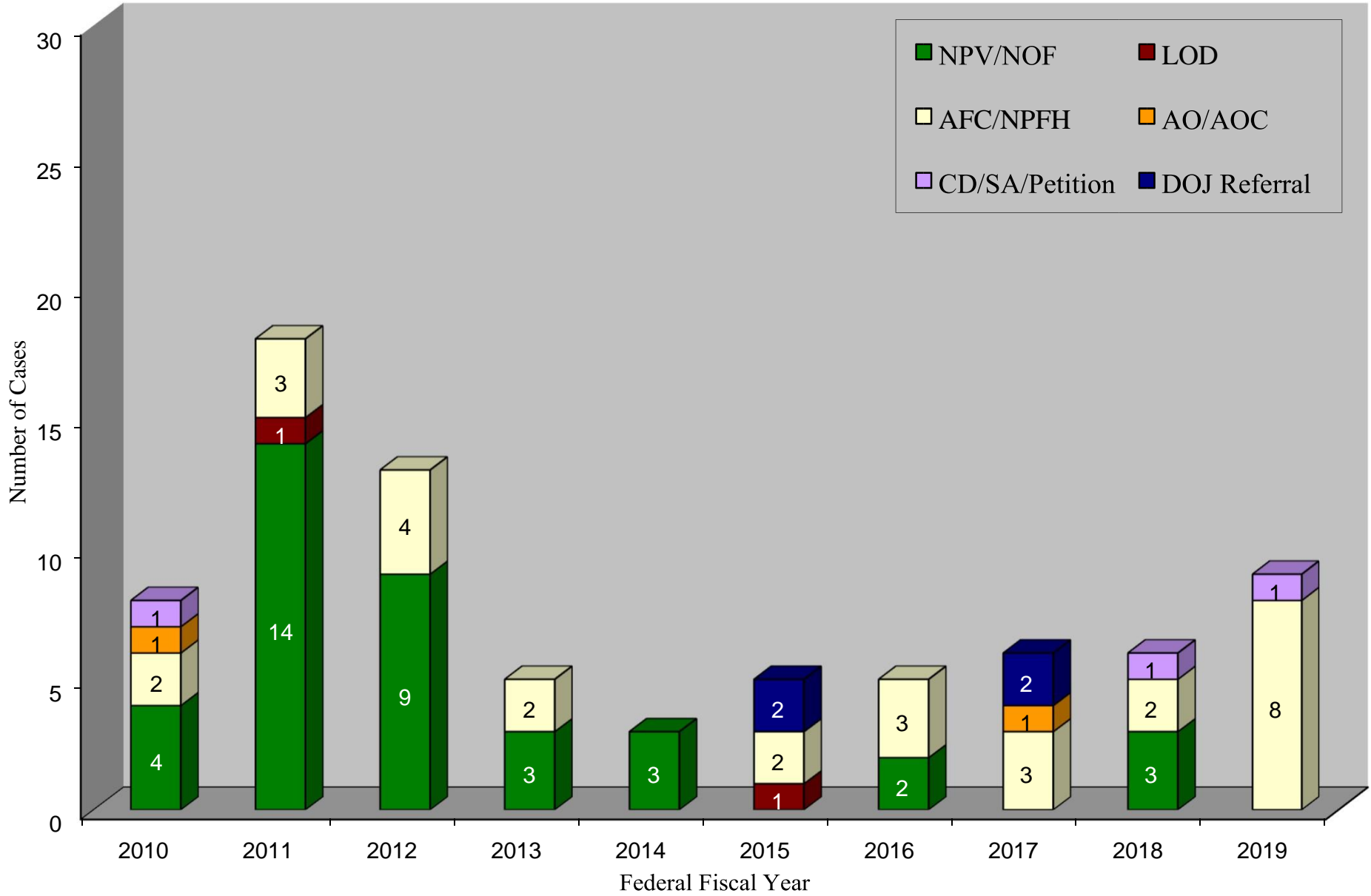
### Enforcement Referral Status During FFY 2019



## ARD Asbestos Enforcement Trends FFY10 - FFY19

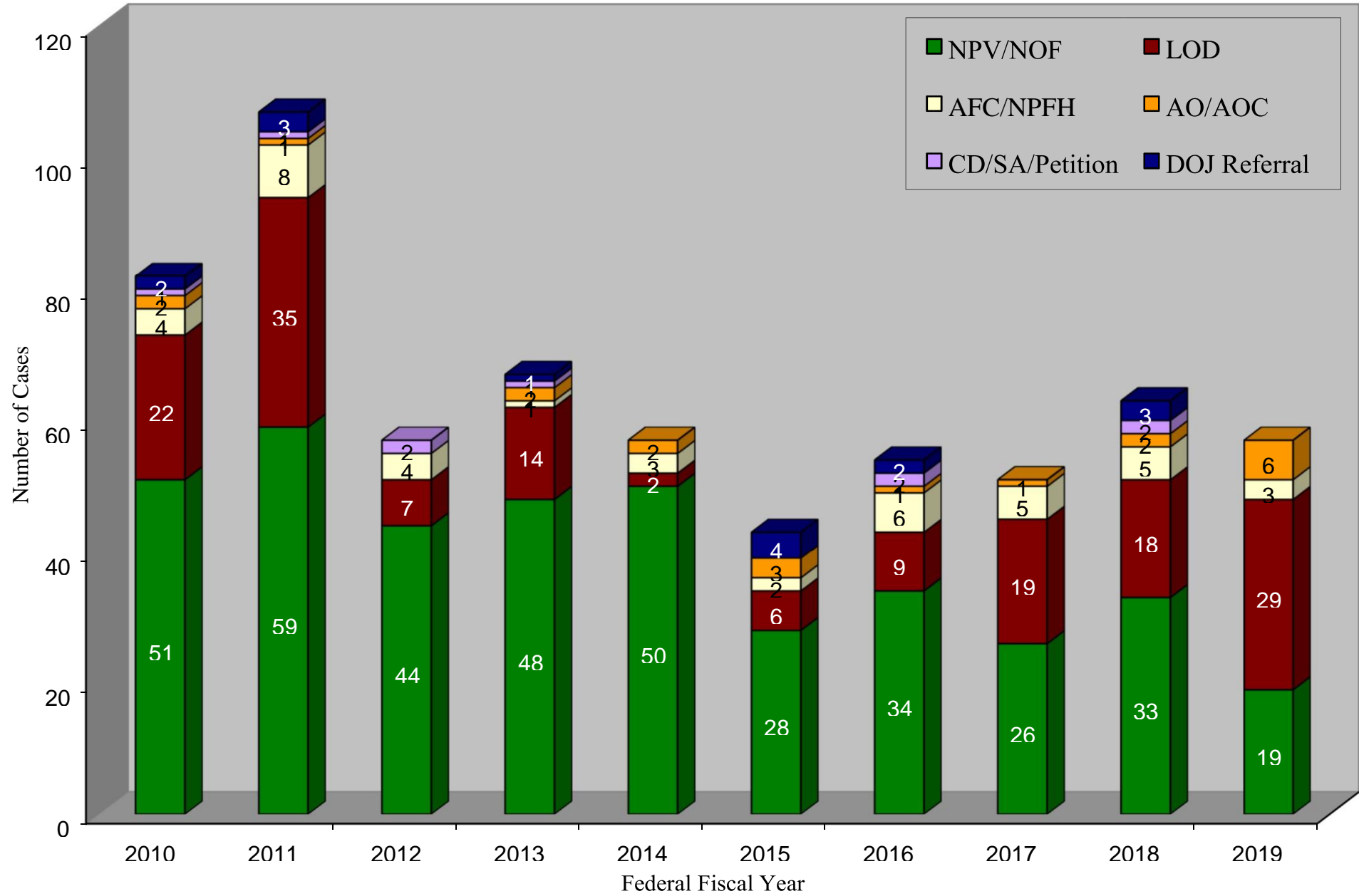


# ARD Open-Burning Enforcement Trends FFY10 - FFY19

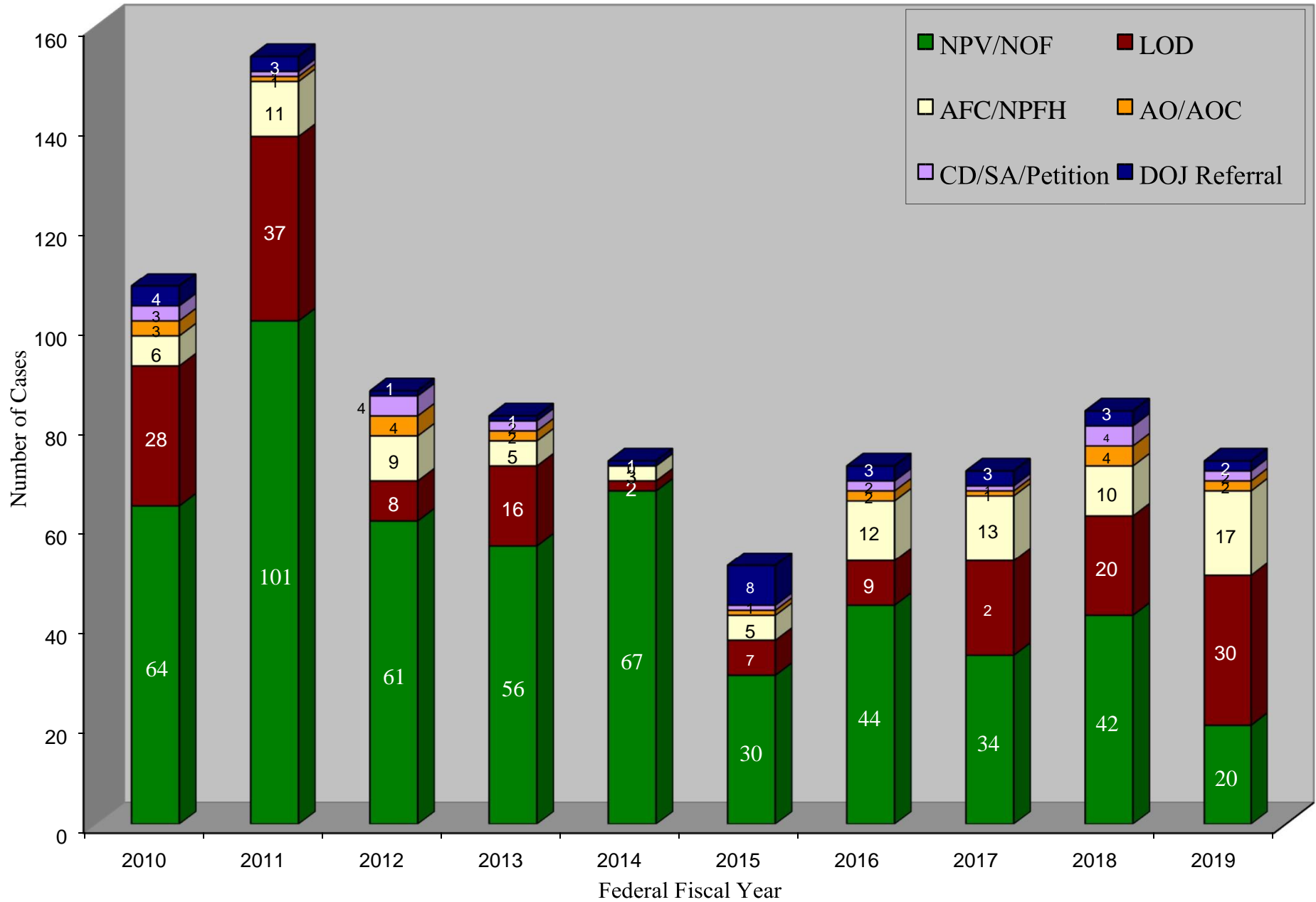




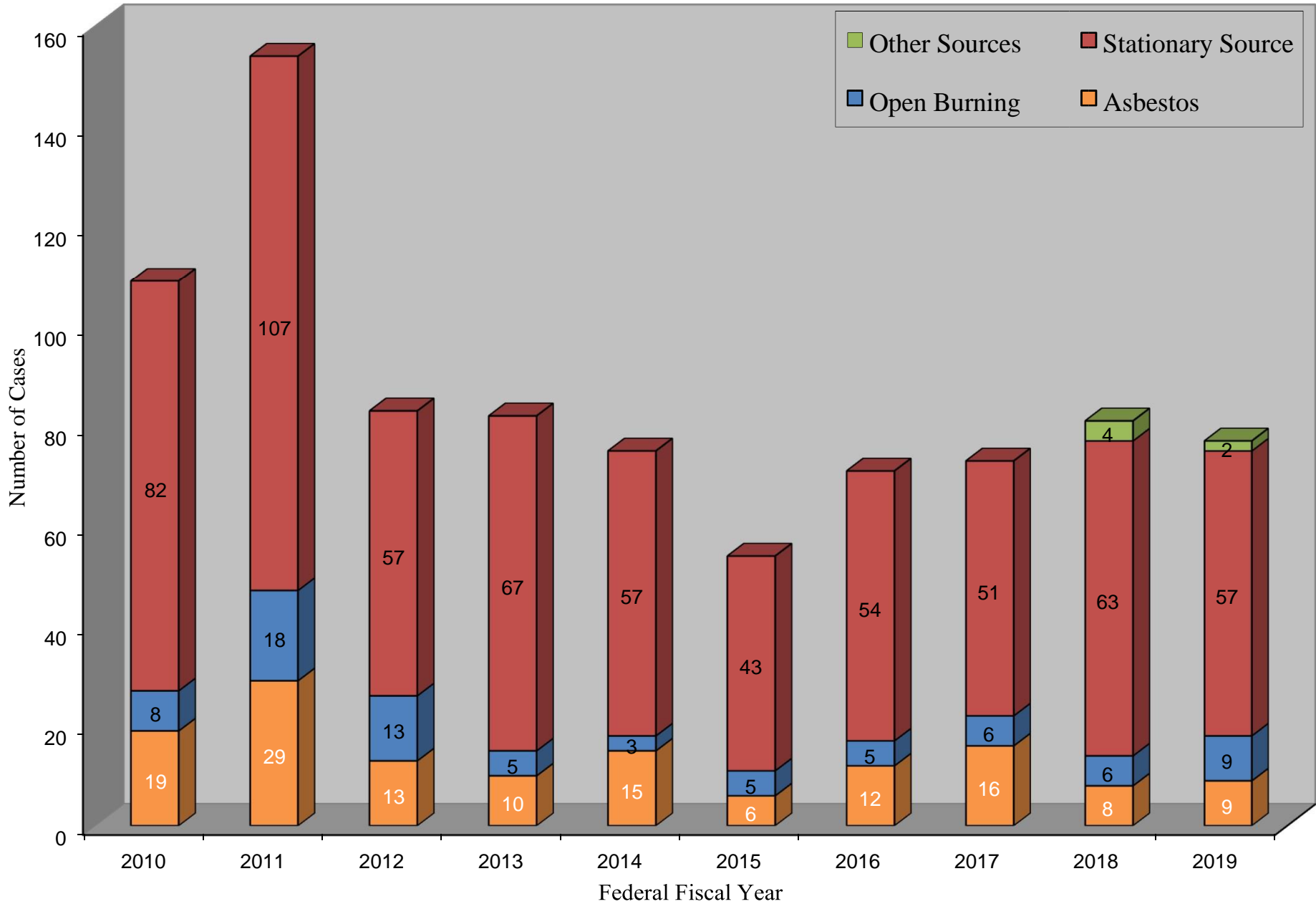
# ARD Stationary Source Enforcement Trends FFY10 - FFY19



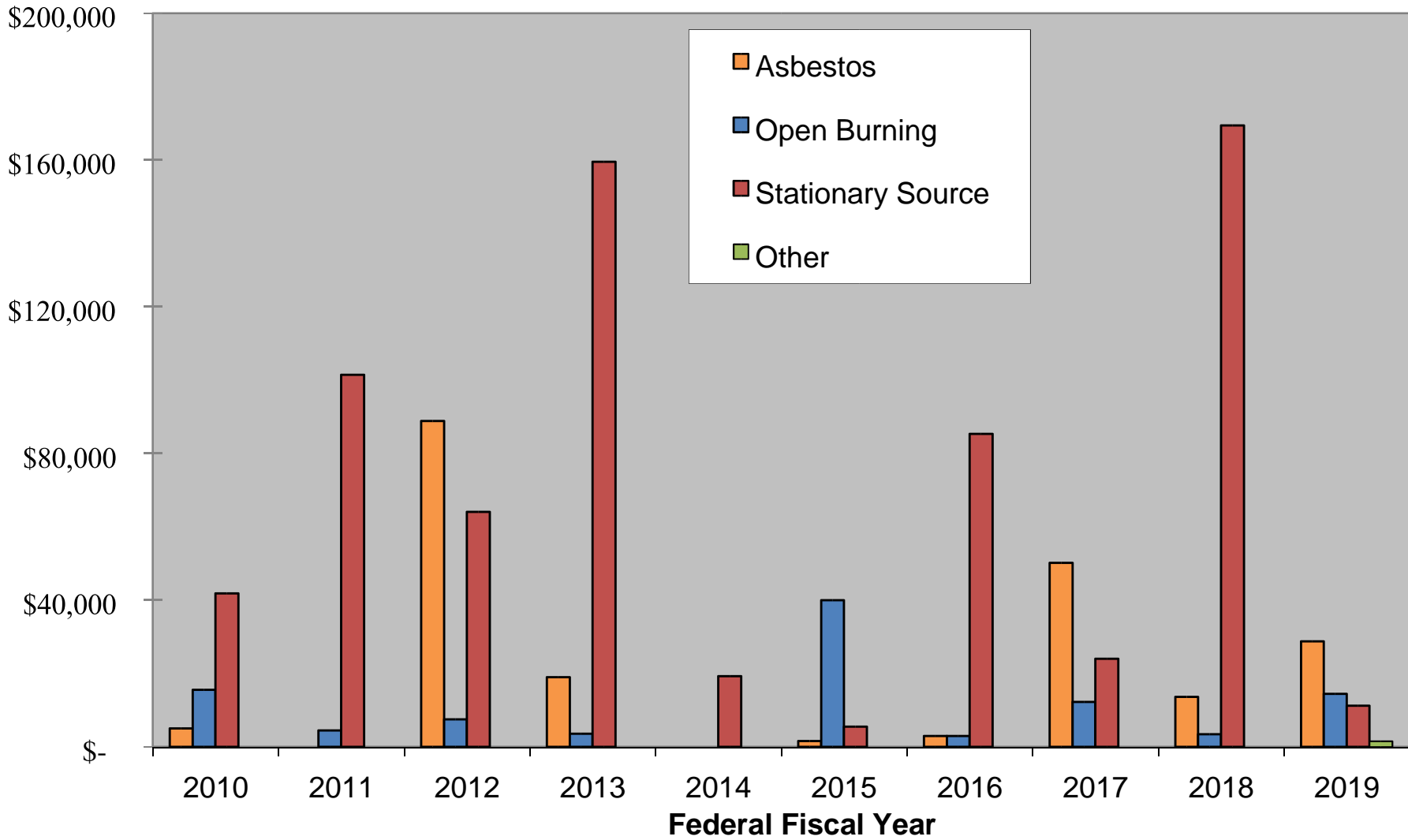
# ARD Enforcement Trends by Action Type FFY10 - FFY19



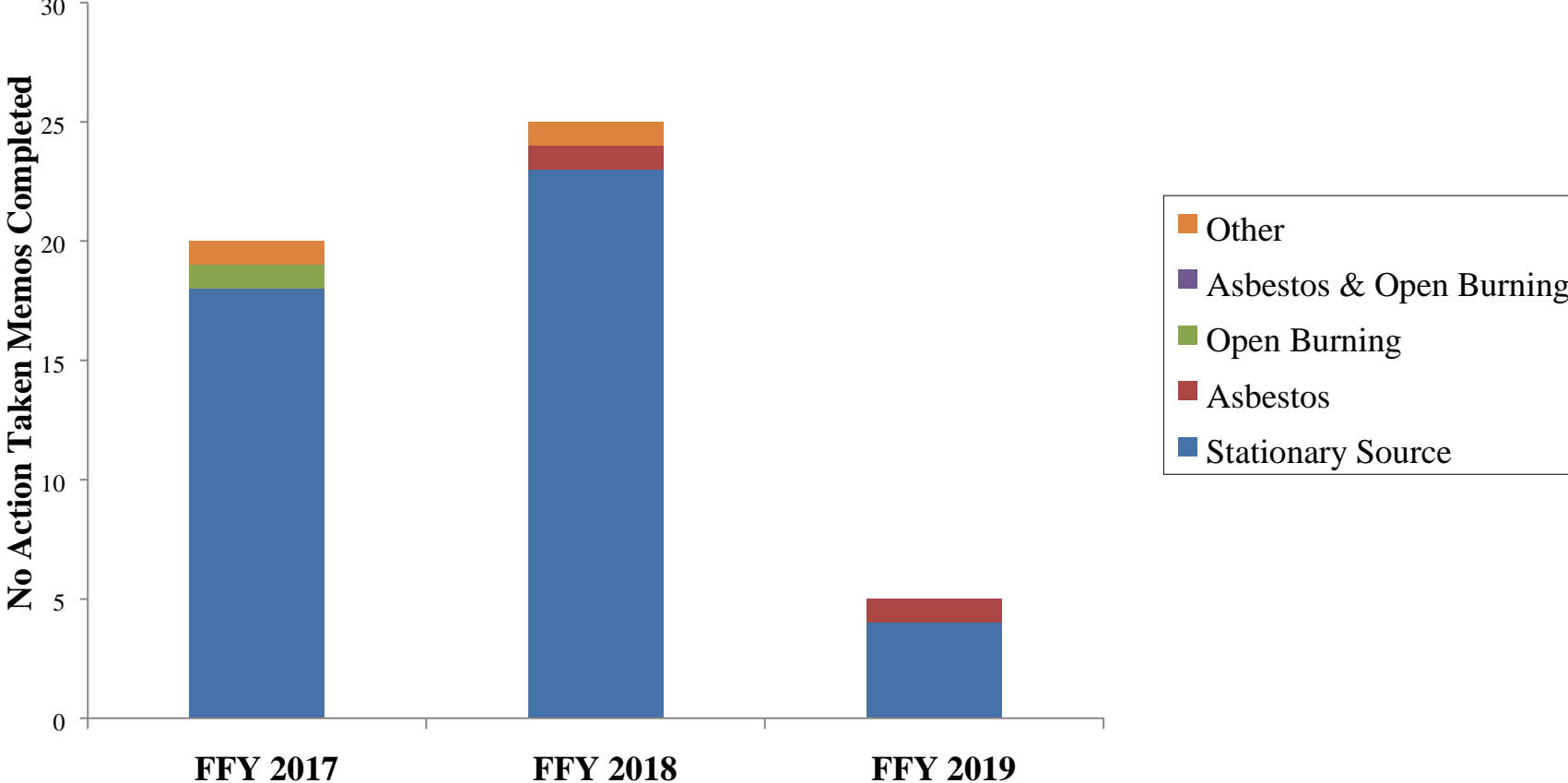
# ARD Enforcement Trends by Violation Type FFY10 - FFY19



### Fines and Penalties Assessed FFY 2010 -2019



# No Action Taken Memos Completed FFY 17 to FFY9





# THE STATE OF NEW HAMPSHIRE

## Air Resources Council

Robert Duval, Chairman

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095  
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TDD Access: Relay NH 1-800-735-2964  
Council Website: <http://www.des.nh.gov/councils/>

### NOTICE OF MEETING

March 09, 2020

#263

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The New Hampshire Air Resources Council will convene at 9:00 a.m.  
Monday, March 09, 2020, in Conference Rooms 112 & 113  
NH Department of Environmental Services  
29 Hazen Drive, Concord, New Hampshire 03301

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1. **Call to Order**
2. **Approval of Minutes (Meeting #262)**
3. **Review and Approve 2019 Annual Report**
4. **Air Resources Division Report**  
*Craig Wright, Director*
  - Legislative Update
  - Significant Permit Activities
  - Other ARD Activities
5. **Status of Appeals**  
*Paula Scott, ARC Appeals Clerk*  
*Docket No. 19-11 ARC Katie Lajoie and John Tuthill Appeal*
6. **Rules**  
**Env-A 100 Purpose; Definitions**  
*Karla McManus, Planning and Rulemaking Manager*
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 #263  
03/09/2020**

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

**MEMBERS NOT PRESENT:** J.Ryan Bielagus.

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

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

**MEMBERS OF**

**THE PUBLIC PRESENT:** John Tuthill

**Call to Order:**

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

**Approval of Minutes:**

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

**Approval of 2019 Annual Report:**

A motion to approve the 2019 Annual Report was moved by David Cribbie and second by Elizabeth Tillotson. Air Council all in favor.

**Division Activities and Legislative Update:**

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

- 1. Department of Environmental Services are taking necessary precautions in reference to the Coronavirus.**  
DES is working with Governor Sununu's office and Homeland Security to take the necessary precautions towards the Coronavirus. DES has basic COOP (Emergency Planning / Continuity of Operations) planning

tips and Resources on our Intranet page. For ARD employees who will be working remotely from home this will give employees information on how to access NHDES E-mail, phones, and emergency contact information, everything they would need to work from home.

**2. \*\* Status Update \*\* - Issuance of Temporary Permit for Installation of Air Pollution Control Equipment at Saint-Gobain Performance Plastics, Merrimack, NH:**

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

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

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

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

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

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

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

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

Department of Health and Human Services will focus on providing health education activities and evaluating prospective childcare locations and developing education materials to prevent new facilities



from being located in places where there may be an increased risk of exposure to harmful environmental contamination.

### **Status of Appeals**

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

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

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

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

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

On February 26, 2020 issued Final Order Denying Appeal.

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

### **Rules:**

#### ***Env-A 100 Purpose; Definitions***

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

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

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

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

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

### **New Business:**

There was no new business to report.

**Public Commentary:**

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

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

**Adjourn:**

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

# THE STATE OF NEW HAMPSHIRE

## Air Resources Council

Robert Duval, Chairman

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095  
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TDD Access: Relay NH 1-800-735-2964  
Council Website: <http://www.des.nh.gov/councils/>

### NOTICE OF MEETING

April 13, 2020

#264

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**The New Hampshire Air Resources Council will convene at 9:00 a.m.  
Monday, April 13, 2020, Via Zoom Conference call  
NH Department of Environmental Services  
29 Hazen Drive, Concord, New Hampshire 03301**

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#### Procedure to call into Zoom Conference call

#### Air Resources Council

Meeting #264

13 April 2020

Date of Notice - 09 April 2020

As Chair of the Air Resources Council, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

*a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:*

We are utilizing "Zoom" (available for download at [www.Zoom.com](http://www.Zoom.com)) for this electronic meeting.<sup>1</sup> All members of the Council have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone number: (301) 715 8592 or by clicking on the following website address: <https://zoom.us/j/941557764>.

*b) Providing public notice of the necessary information for accessing the meeting:*

We are also hereby giving notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically, on the website of the Air Council at <https://www.nhec.nh.gov/air>.

*c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:*

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<sup>1</sup> Many public bodies are utilizing video teleconferencing technology, such as Zoom, to ensure the electronic meeting complies with the Right-to-Know law and any applicable due process requirements.

If anybody experiences a problem with access, please call (*Shelley Marshall at 271-4848*) or email at: (*Shelley.Marshall@des.nh.gov*)

*d) Adjourning the meeting if the public is unable to access the meeting:*

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**. Note also that the meeting will be recorded in a digital audio format.

The meeting will start by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

**1. Call to order**

**2. Approval of Minutes (Meeting #263)**

**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*  
*Docket No. 20-05 ARC – Town of Merrimack*

**5. Rules** *No rules at this time*

**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 ONLINE MEETING #264**  
**04/13/2020**

**MEMBERS PRESENT VIA**

**ZOOM CONFERENCE CALL:** Chairman Robert Duval, Vice Chair David Collins, Georgia Murray Elizabeth Tillotson, Kris Blomback

**MEMBERS NOT PRESENT:** J.Ryan Bielagus, David Cribbie, Mark Lambert

**NHDES – ARD PERSONNEL:** Director Craig Wright, Cathy Beahm, Gary Milbury,

**OTHERS PRESENT:** Shelley Marshall, Paula Scott, David Conley

**MEMBERS OF**

**THE PUBLIC PRESENT:** John Tuthill, Greg Smith, Joanna Tourangeau, Brett Slensky, Charles Wright, Paula Tracey

**Call to Order:**

Chairman Robert Duval read over the Online Meeting procedures outlined in the Governor’s Emergency Order #12 pursuant to Executive Order 2020-04, and called meeting #264 of the Air Resources Council (ARC) to order at 9:19 a.m. on Monday, April 13, 2020. Chair Robert Duval announced that a quorum of the ARC was present. All Council Members and other attendees participated via Zoom audio/video or audio-only connections.

**Approval of Minutes:**

A motion to approve the minutes of meeting #263 moved by Kris Blomback and seconded by Elizabeth Tillotson. A roll call was done and all in favor.

**Division Activities and Legislative Update:**

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

**5. NHDES ARD Protection against Covid-19:**

- Director Craig Wright stated that the Air Resource Department has minimal staffing working in the office, and that the employees have the proper equipment to work from home. Support Staff is alternating days to work in the office to make sure deposits are being made.
- Starting April 14, 2020 health screenings will start at 27 and 29 Hazen drive before employees can enter the building.
- NHDES and DHHS building is now closed to the public, only essential employees can enter after they are safe to do so after health screening.

**6. Extension of Permit Expiration Dates:** In order to address permit application submittal concerns, he said the Division is taking the following actions:

- For non-Title V sources, we are extending the term of the permit to 5 years 6 months (6-month extension) for those that expire from March to June 30 of 2020.
- We are also reducing how far in advance a permit renewal application must be filed, from 90 to 30 days before expiration. This will be for permit renewals that are due to be submitted from March to June 30 of 2020.
- For Title V (major) facilities, the permit term is a federal requirement that cannot be changed.

Council member Murray asked Director Wright how the public is being informed of the 6-month extension, and is there a way that the public can comment. Director Wright explained that the extensions have been granted through the emergency order. At this time there has not been any public outreach; although all regulated sources have been notified by Environmental Services Public Information office.

**Extension of General State Permit for Emergency Generators and Fire Pump Engines:** In light of the current situation with COVID-19, we made the decision to reissue the current General State Permit (GSP) for a period of 3 months. This will allow additional time for the Department and permit holders to prepare for the reestablishment of the new GSP this summer. The expiration date of the permit has been extended to **July 31, 2020**.

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

8. **NH Air Quality:**

Due to the Covid-19 shelter-in-place orders, the State of New Hampshire is witnessing better air quality. Because of the large amount of business shutdowns, and fewer vehicles on the road, we are witnessing significant improvements in air quality, specifically in the northeast. Air quality results for nitrogen dioxide, as of March 2020, are 30% lower than the previous five years. This shows that people do have an effect on Air Quality.

### **Status of Appeals**

Paula Scott, Appeals Clerk briefly updated members of the current ARD appeals status, including:

#### **Docket No. 20-05 ARC – Town of Merrimack**

On 2/11/20, Temporary Permit No. TP-0256 was issued to Saint-Gobain Performance Plastic Corp. On 3/10/20 the ARC received Notice of Appeal. On 3/13/20, Insufficient Appeal letter was issued. On 3/24/20, ARC received Revised Appeal. On 3/26/20, Receipt of Revised Appeal letter was issued. The Air Council is scheduled to decide whether to accept or deny the appeal today.

Chair Duval explained considerations of standing and jurisdiction relative to the practice of the Council in reviewing appeals. David Collins moved to accept the Appeal, and Lynn Tillotson second the motion. A roll

call vote was taken with all in favor. A Hearings Officer will be appointed. David Conley stated the he expects that due to Covid-19, it may be three months before a hearing date is set.

**Rules: None at this time**

**New Business:**

There was no new business to report.

**Public Commentary:**

John Tuthill from Acworth thanked the Air Resources Council for holding an online Air Council meeting to allow public participation.

**Adjourn:**

Having no further business to discuss, a motion to adjourn was made by David Collins and seconded by Georgia Murray. Meeting #264 of the Air Resources Council was adjourned at 9:45 am April 13, 2020.



**THE STATE OF NEW HAMPSHIRE**

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**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**

**May 11, 2020**

The New Hampshire Air Resources Council will convene at 9:00 a.m.  
Monday, May 11, 2020 via Zoom Conference Call  
NH Department of Environmental Services  
29 Hazen Drive, Concord, New Hampshire 03301

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1. **Call to Order**
2. **Approval of Minutes (Meeting #264)**
3. **Review and Approve 2019 Annual Report**
4. **Air Resources Division Report**

*Craig Wright, Director*

- Legislative Update
- Significant Permit Activities
- Other ARD Activities

5. **Status of Appeals:**

*Paula Scott, ARC Appeals Clerk*

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

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**

**Meeting #265**

**11 May 2020**

Date of Notice – 08 May 2020

As Chair of the Air Resources Council, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.



Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

*a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:*

We are utilizing "Zoom" (available for download at [www.Zoom.com](http://www.Zoom.com)) for this electronic meeting.<sup>2</sup> All members of the Council have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone number: (301) 715 8592 or by clicking on the following website address: <https://us02web.zoom.us/j/2158110944>

*b) Providing public notice of the necessary information for accessing the meeting:*

We are also hereby giving notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically, on the website of the Air Council at <https://www.nhec.nh.gov/air>.

*c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:*

If anybody experiences a problem with access, please call Shelley Marshall or email at: 271-1386

*d) Adjourning the meeting if the public is unable to access the meeting:*

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**. Note also that the meeting will be recorded in a digital audio format.

The meeting will start by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

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<sup>2</sup> Many public bodies are utilizing video teleconferencing technology, such as Zoom, to ensure the electronic meeting complies with the Right-to-Know law and any applicable due process requirements.



# 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

July 13, 2020

#266

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The New Hampshire Air Resources Council will convene at 9:00 a.m.  
Monday, July 13, 2020 via Zoom Conference Call  
NH Department of Environmental Services  
29 Hazen Drive, Concord, New Hampshire 03301

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1. **Call to Order**
2. **Approval of Minutes (Meeting #265)**
3. **Air Resources Division Report**

*Craig Wright, Director*

- Legislative Update
- Significant Permit Activities
- Other ARD Activities

4. **Rules Amendment to Env-A 619.03, PSD Program Requirements**

*Karla McManus, Planning and Rulemaking Manager*  
*Cathy Beahm, SIP Development Manager*

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**

## Air Resources Council

### Meeting #266

13 July 2020

Date of Notice – 08 July 2020

As Chair of the Air Resources Council, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

*a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:*

We are utilizing "Zoom" (available for download at [www.Zoom.com](http://www.Zoom.com)) for this electronic meeting.<sup>3</sup> All members of the Council have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting at the following website address:

Website address: <https://us02web.zoom.us/j/82625456692>

Alternatively, you may also use your telephone to participate by dialing the following phone number:

Telephone number: (301) 715 8592

*b) Providing public notice of the necessary information for accessing the meeting:*

We are also hereby giving notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically, on the website of the Air Council at <https://www.nhec.nh.gov/air>.

*c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:*

If anybody experiences a problem with access, please call 1-603-271-1386 or email at: [Shelley.Marshall@des.nh.gov](mailto:Shelley.Marshall@des.nh.gov)

*d) Adjourning the meeting if the public is unable to access the meeting:*

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**. Note also that the meeting will be recorded in a digital audio format.

The meeting will start by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

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<sup>3</sup> Many public bodies are utilizing video teleconferencing technology, such as Zoom, to ensure the electronic meeting complies with the Right-to-Know law and any applicable due process requirements.

**AIR RESOURCES COUNCIL  
MINUTES OF ONLINE MEETING #266  
07/13/2020**

**MEMBERS PRESENT VIA**

**ZOOM CONFERENCE CALL:** Chairman Robert Duval, Vice Chair David Collins, Georgia Murray Elizabeth Tillotson, Kris Blomback, David Cribbie,

**NHDES – ARD PERSONNEL:** Director Craig Wright, Cathy Beahm, Karla McManus

**OTHERS PRESENT:** Shelley Marshall, Paula Scott,

**MEMBERS OF**

**THE PUBLIC PRESENT:** None

**Call to Order:**

Chairman Robert Duval read over the Online Meeting procedures outlined in the Governor’s Emergency Order #12 pursuant to Executive Order 2020-04, and called meeting #265 of the Air Resources Council (ARC) to order at 9:07 a.m. on Monday July 13, 2020. Chair Robert Duval announced that a quorum of the ARC was present. All Council Members and other attendees participated via Zoom audio/video or audio-only connections.

**Approval of Minutes:**

A motion to approve the minutes of meeting #264 moved by Kris Blomback and seconded by David Cribbie. A roll call was done and all in favor.

**Division Activities and Legislative Update:**

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

**NHDES ARD Protection against Covid-19:**

Air Resource Division (ARD) is continuing following the Department of Environmental Service(DES) protocol of working remotely from home. ARD alternates one support staff in the office on a daily basis, and 3-6 employees part time in the office. At this time DES will continue working remotely to minimize the amount of employees in the office.

**Saint-Gobain Performance Plastics - Request for a Variance Related to Air Permit:**

On June 4, 2020, Saint Gobain Performance Plastics (SGPP) submitted a request for a variance of the February 11, 2021 deadline for completing construction and installation of the PFAS air emission controls as required in RSA 125-C:10-e and the air permit TP-0256 issued by NHDES on February 11, 2020. In the variance request, SGPP cited the [Town of Merrimack’s appeal](#) of the permit and the COVID-19 pandemic as the underlying

reasons for the request. Specifically, SGPP requested that the variance be granted until February 11, 2022, or one year from the date of the final, non-appealable order disposing of the Town of Merrimack's appeal of the air permit, whichever is earlier.

As required under its procedural rules, NHDES has published a public notice of receipt of the variance request, for the purpose of receiving public comments. Also, as required under Env-A 202.06, NHDES has scheduled a public hearing to receive comments on the variance request. The public hearing will be held on **Wednesday, August 5, 2020 at 6:00 p.m. This hearing will be conducted via GoToWebinar.**

Council member Georgia Murray asked a clarifying question of other than ARD's website, was there any other form of advertisements posted for the public for the upcoming hearing. Director Wright stated that other than ARD's website notices were sent to the cities and towns; Merrimack, Londonderry, Litchfield, Manchester, Hudson. Cathy Beahm added that it was also posted in the Union Leader, and Merrimack newspaper.

Council member David Cribbie ask if ARD's projections were accurate in reference to State revenues and Air Permit fees. Director Wright stated that ARD is still looking at the final numbers and believes that ARD will be lower than projected. Director Wright stated that he would give a report at the next Air Council meeting.

### **Status of Appeals**

Paula Scott, Appeals Clerk briefly updated members of the current ARD appeals status, including:

#### **Docket No. 20-05 ARC – Town of Merrimack, NH Appeal**

5/14/20 received Appearance of Allen Brooks. 6/1/20 issued Notice of Pre-hearing Teleconference scheduled for June 29th at 1:30 via GoToMeeting. 6/12/20 rec'd Appearances for Greg Smith and Adam Dumville for the Permittee. 6/24/20 received Appearance of Jeremy Walker for the Permittee. 6/30/20 issued 6/29/20 Pre-hearing Order scheduling a hearing for Dec. 14, 2020 at 9 a.m.

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

5/12/20 issued Order denying Appellant's Motion for Rehearing. Docket No. 19-05 ARC- Textile Coated, Inc. is now closed.

### **Rules: Amendment to Env-A 619.03, PSD Program Requirements**

ARD is proposing to amend Env-A 619.03, *PSD Program Requirements*, in accordance with a request by EPA to align our rules with the federal standards, so our infrastructure SIP can be approved. The current rule outlines the provisions of federal law used for the purpose of implementing a PSD permit program that meets the requirements of Title I of the Clean Air Act.

EPA staff identified the following change that is necessary in order for EPA to take final action on NH SIP submittals, specifically the infrastructure SIP for the 2012 PM<sub>2.5</sub> NAAQS and the infrastructure and interstate transport SIP for the 2015 ozone NAAQS:

- Change the date for reference to Appendix W in Env-A 619.03 by adding a new sub-section (d) and referring to (d) in (a). The proposed rule language is attached.

On June 1, 2020 ARD sent EPA a “Commitment Letter Regarding Correcting the Reference Date to Appendix W in NH Administrative Rule Part 619.” As required under section 110(k)(4) of the Clean Air Act, New Hampshire committed, in this letter, to adopting and submitting the revisions of Env-A 619 identified above, no later than one year from the date of EPA’s conditional approval of the 2015 ozone NAAQS. Therefore, we need to start the rulemaking on this rule amendment as soon as possible.

Council member Georgia Murray moved to start the 15-day clock, second by Kris Blomback. A roll call was done and all in favor.

**New Business:**

There was no new business to report.

**Public Commentary:**

None at this time

**Adjourn:**

Having no further business to discuss, a motion to adjourn was made by Elizabeth Tillotson and seconded by Kris Blomback. Meeting #266 of the Air Resources Council adjourned at 9:39 am on July 13, 2020.



# 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

October 19, 2020

#267

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The New Hampshire Air Resources Council will convene at 9:00 a.m.  
Monday, October 19, 2020 via Zoom Conference Call  
NH Department of Environmental Services  
29 Hazen Drive, Concord, New Hampshire 03301

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1. **Call to Order**
2. **Approval of Minutes (Meeting #266)**
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 - Env-A 500- Standards Applicable to New or Modified Facilities and Sources of Hazardous Air Pollutants**  
*Karla McManus, Planning and Rulemaking / Cathy Beahm, SIP Development Manager*
6. **New Business**
7. **Public Commentary – Opportunity for the public to comment on matters affecting the Air Resources Council or the Air Resources**
8. **Adjourn**

**Air Resources Council**

# Meeting #267

19 October 2020

Date of Notice – 13 October 2020

As Chair of the Air Resources Council, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

*a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:*

We are utilizing "Zoom" (available for download at [www.Zoom.com](http://www.Zoom.com)) for this electronic meeting.<sup>4</sup> All members of the Council have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting at the following website address:

<https://us02web.zoom.us/j/86591837408?pwd=TS9lQlFBUnI5VkhjcmpRQT09>

Alternatively, you may also use your telephone to participate by dialing the following phone number:

Telephone number: (301) 715 8592

*b) Providing public notice of the necessary information for accessing the meeting:*

We are also hereby giving notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically, on the website of the Air Council at <https://www.nhec.nh.gov/air>.

*c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:*

If anybody experiences a problem with access, please call Shelley Marshall at 271-1386 or email her at [Shelley.Marshall@des.nh.gov](mailto:Shelley.Marshall@des.nh.gov)

*d) Adjourning the meeting if the public is unable to access the meeting:*

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**. Note also that the meeting will be recorded in a digital audio format. The meeting will start by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

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<sup>4</sup> Many public bodies are utilizing video teleconferencing technology, such as Zoom, to ensure the electronic meeting complies with the Right-to-Know law and any applicable due process requirements.



**AIR RESOURCES COUNCIL**  
**MINUTES OF ONLINE MEETING #267**  
**10/19/2020**

**MEMBERS PRESENT VIA**

**ZOOM CONFERENCE CALL:** Chairman Robert Duval, Vice Chair David Collins, Georgia Murray Elizabeth Tillotson, Kris Blomback, David Cribbie, Rudy Cartier, and Mark Lambert

**NHDES – ARD PERSONNEL:** Director Craig Wright, Cathy Beahm, Karla McManus

**OTHERS PRESENT:** Shelley Marshall, Paula Scott,

**MEMBERS OF**

**THE PUBLIC PRESENT:** John Tuthill

**Call to Order:**

Chairman Robert Duval read over the Online Meeting procedures outlined in the Governor’s Emergency Order #12 pursuant to Executive Order 2020-04, and called meeting #265 of the Air Resources Council (ARC) to order at 9:07 a.m. on Monday October 19, 2020. Chair Robert Duval announced that a quorum of the ARC was present. All Council Members and other attendees participated via Zoom audio/video or audio-only connections.

Chair Robert Duval introduced the newest member of the council Rudy Cartier. Rudy Cartier gave a brief summary of his past experiences with New Hampshire Department of Environmental Service. He had worked for the Air Resource Division for 17 years prior. His last position he held was working for Honey Well as an Energy Engineer and continues to work for them as a consultant. Rudy’s background is as a mechanical engineer, and he stated that he wanted to become a council member so he can continue to support Air Resources.

**Approval of Minutes:**

A motion to approve the minutes of meeting #266 moved by Kris Blomback and seconded by David Cribbie. A roll call was done and all in favor.

**Division Activities and Legislative Update:**

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

**NHDES ARD Protection against Covid-19:**

Air Resource Division (ARD) is continuing following the Department of Environmental Service(DES) protocol of working remotely from home. ARD’s continues to work with EPA on next year Inspection plan and the goal is to be 100% functional through this epidemic.

### **Budget Update:**

ARD has just completed the Fiscal year 2022-2023. DES had to meet a general fund reduction of 15%. DES was able to fund a budget as an agency with no layoffs. DES Accounting Department and Sue Carlson were commended on helping with leading the ARD through accomplishing this challenging exercise. The Budget proposal has been presented to the Governor's office and was also posted online October 1<sup>st</sup>, 2020. The Governor's office will now review DES request and will make a formal proposal to Legislature in February. Budget proposal most likely will not be finalized till June 2021.

- **Retirement of Patricia North, Environmental Health Program Manager:**

Director Wright said that Patricia North, the ARD Environmental Health Program Manager, is retiring at the end of October after 21 years of service with the Air Resources Division. Pat initially came to us as a permit engineer, then proceeded to do a lot of valuable implementation and outreach work when major changes were made to our state air toxics program in the late 1990s. She then went on to be our lead on not just the state air toxics program, but also in implementing federal regulations for hazardous air pollutants for sources in NH. For the past few years, she has managed the Environmental Health Program, which has played a key role in establishing drinking water and groundwater standards for PFAS. Pat has also done a great job obtaining federal grants from the Centers for Disease Control, ATSDR - Air Toxics Substances and Disease Registry, which will help us improve public health in NH by helping cities and towns better understand the environmental health risks that may exist in their communities.

Pat has been behind a lot of the Department's most important work, and she has always carried out her roles with the utmost skill and professionalism. Her colleagues at ARD will miss her greatly!

- **Saint-Gobain Performance Plastics – Denial of Petition for a Variance Related to Air Permit:**

On June 4<sup>th</sup>, 2020 Saint Gobain Performance Plastics submitted a request for a variance of the February 11, 2021 deadline for completing construction and installation of the PFAS air emission controls as required in RSA 125-C:10-e and the air permit TP-0256 issued by NHDES on February 11, 2020. In the variance request, Saint-Gobain cited the Town of Merrimack's appeal of the permit and the COVID-19 pandemic as the underlying reasons for the request. Specifically, Saint-Gobain requested that the variance be granted until February 11, 2022, or one year from the date of the final, non-appealable order disposing of the Town of Merrimack's appeal of the air permit, whichever is earlier.

On September 10<sup>th</sup>, ARD denied the variance petition based on the requirements of RSA 125-C:16, *Variances*. The statute states that "no variance shall be granted to any person applying for a variance under the statute who is causing air pollution which creates a danger to public health, welfare or safety." Since the current emissions of perfluorinated chemicals (PFAS) and precursors continue to contribute to an exceedance of ambient groundwater quality standards, we concluded that granting a variance would create a danger to public health.

*The deadline to file an appeal with the Council has now passed.*

Chair Robert Duval asked Director Wright what does that mean in terms of implementation date.

Director Wright responded that the permit has always remained in effect even when it is under appeal. The deadline with the date of February 2021 remains in effect. That is a direct requirement of the statute. One year from permit issued.

At 9:14 council member Mark Lambert joined the zoom Air Council meeting.

- **Public Hearing – Draft Temporary Permit for the Turnkey Landfill in Rochester, NH:**

ARD will be holding a public hearing this Wednesday October 21<sup>st</sup>, 2020 to receive comments on a draft Temporary Permit for the Turnkey Landfill in Rochester. Turnkey has applied to modify the existing landfill by constructing three additional phases, designated as Phases 15 – 17. The proposed modification is estimated to extend the life of the landfill by at least another 10 years. The hearing will be conducted online via GoToWebinar.

On a related note, the Waste Management Division has issued the Solid Waste Permit for this proposed expansion. It is currently being appealed to the NH Supreme Court.

- **Renewal of General State Permit – Emergency Generators:**

ARD is wrapping up our registration of over 400 facilities under the recently renewed General State Permit for Emergency Generators. Registrants had filed their applications electronically during the last renewal cycle in 2015, so this time around, they just had to verify that the existing information on file was still accurate and electronically submit the registration (i.e., no need to re-fill all of the forms unless something changed). We believe that this helped save a great deal of time and minimized the possibility for errors.

All 400+ registrations were submitted in approximately 6 weeks, and we have processed the fee payments for all but about 20 sources. We also utilized a new online payment option, which did present challenges since we were the first at DES to implement it.

Andrew Cornwell, our Business Analyst, and Casey Horner, our developer in DOIT, deserve recognition for helping us navigate the new payment system and work through technical issues.

A special thanks go to our Program Specialist Anne Bailey, who did a great job helping facilities with the electronic submittals, and Alyssa Moodie, who has been processing all of the electronic payments and helping facilities navigate the new payment system.

Chair Duval thanked Director Wright for this significant milestone achievement, and expressed hope that similar online permitting would expand into other programs soon.

- **Pre-draft Stakeholder Meeting: Proposed changes to Chapter Env-A 1400, Regulated Toxic Air Pollutants:**

On September 8<sup>th</sup>, ARD held an online stakeholder meeting to present proposed changes to Chapter Env-A 1400, *Regulated Toxic Air Pollutants*. ARD staff gave a presentation on the changes, received feedback, and answered questions from the attendees. This meeting was intended to solicit informal input before we proceed with the formal rulemaking process, which we expect to initiate in the next couple of months.

Councilor Georgia Murray asked if minutes were recorded at the Stake holders meeting for the public to view. Karla McManus stated that there was a power point presentation that can be viewed on ARDs website as well as a recording of the meeting.

Georgia also asked if the Director had an update on the Emission commission and the process and the expectations. Director Wright stated that ARDs Assistant Director Mike Fitzgerald has been working on that and he would need to get back to Georgia with an answer.

Chair Bob Duval suggested that at our next Air Council meeting that Mike Fitzgerald could give the council an update.

Councilor Georgia's said she realized that New Hampshire is not a full participant in t (TCI) – Transportation Climate Initiative, and wanted to know if ARD still tracks the process. Director Wright stated that ARD did participate in the committee calls and leadership calls in the past for about a year. When the draft plan came out last December there was a strong negative reaction from the Governor. Since then ARD has not been active at the table with participation in TCI but continues to track it by following the TCI website. Director Wright also stated that ARD is part of NESCAUM, and at those meetings there is always an update about TCI.

### **Status of Appeals**

Paula Scott, Appeals Clerk briefly updated members of the current ARD appeals status, including:

**Docket No. 20-05 ARC** – Town of Merrimack, NH Appeal Subject: 2/11/20 Temporary Permit No. TP-0256 issued to Saint-Gobain Performance Plastics Corp.

8/21/20 rec'd Motion to Dismiss Appeal Based on Lack of Standing. 8/26/20 rec'd Appellant's Response to Motion to Dismiss Appeal.

8/28/20 rec'd Appellant's Witness and Exhibit List. 8/31/20 rec'd Permittee's Witness and Exhibit lists and Reply to Appellant's Response to Motion to Dismiss Appeal.

9/1/20 rec'd Appellant's Objection to Permittee's Reply to the Appellant's Response to the Motion to Dismiss Appeal.

9/3/20 rec'd Appearance of Demetrio Aspiras for the Appellant. 9/11/20 rec'd Permittee's First Request for Information. 9/22/20 rec'd Appellant's Response to Permittee's First Request for Information.

9/23/20 rec'd Appellant's First Request for Information. 9/25/20 rec'd Appellant's Rebuttal Witness and Exhibit List. 9/28/20 rec'd Permittee's Motion to Compel Responses from the Appellant.

**10/5/20 issued Order on Permittee's Motion to Dismiss Appeal.**

10/5/20 rec'd Permittee's Responses to Appellant's First Request for Information. 10/6/20 rec'd Appellant's Objection to Motion to Compel.

**10/14/20 issued Order denying Permittee's Motion to Compel Responses from Appellant and postponing hearing scheduled for December 14, 2020.**

10/15/20 rec'd Parties Agreed Joint Schedule per Pre-Hearing Order.

### **Rules: Update of Env-A 500**

Karla McManus explained that ARD is proposing to amend Env-A 500, *Standards Applicable to Certain New or Modified Facilities and Sources of Hazardous Air Pollutants*. The existing rule incorporates by reference certain federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and NESHAP for specific source categories (also known as MACT, for Maximum Achievable Control

Technology). These three groups of federal standards, codified at 40 CFR 60, 61 and 63, respectively, are currently in effect and applicable to numerous state sources.

Under our delegation agreement with the United States Environmental Protection Agency (U.S. EPA), New Hampshire's rule is updated to incorporate new and revised federal NSPS, NESHAP, and MACT standards that have been promulgated since the last update.

From July 1, 2016 until June 30, 2020, EPA promulgated two NSPS, as codified in 40 CFR 60. The first is Subpart VVa, *Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced after November 7, 2006*. The second is Subpart OOOOa, *Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced after September 18, 2015*. In addition, there is an amendment to Subpart OOOO.

These federal standards are already in effect for existing sources, so adopting them by reference into Env-A 500 will not impose new requirements on any sources in New Hampshire. It will, however, allow DES to include these requirements in state permits and be the lead on enforcement, so that sources can work with DES if they have any compliance issues, rather than having to work with EPA.

Council member moved Dave Collins to start the 15-day clock, second by Georgia Murray. A roll call was done and all in favor.

**New Business:**

There was no new business to report.

**Introduction: Pam Monroe**

Director Wright introduce Pam Monroe who is the new head for Department of Environmental Services Legal unit. Pam worked prior for DES in the Air Resource Division for eighteen years and left DES five years ago to take on being an Administrator of the Site Evaluation Committee who was responsible for siting energy facilities in the state of New Hampshire.

She is happy to be back at DES and looks forward to working with everyone.

**Public Commentary:**

None at this time

**Adjourn:**

Having no further business to discuss, a motion to adjourn was made by Dave Cribbie and seconded by Mark Lambert. Meeting #267 of the Air Resources Council adjourned at 9:41 am on October 19, 2020.

**2020 AIR RESOURCES COUNCIL APPEALS**

Received	Docket # / Council	Decision Appealed	Appellant; Relationship	Intervenor(s); Relationship	Result	Further Action
03/10/2020	20-05 ARC	2/11/20 Temporary Permit No. TP0256 issued to Saint-Gobain Performance Plastics Corp.	Town of Merrimack, NH	Saint-Gobain Performance Plastics, Corp. (permittee)		

**2020 AIR RESOURCES COUNCIL PRIOR YEAR DOCKET ACTIVITY**

Received	Docket # / Council	Decision Appealed	Appellant; Relationship	Intervenor(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)		2/26/20 Appeal Denied 5/12/20 Motion for Rehearing Denied	

