

ANNUAL REPORT
Of The
AIR RESOURCES COUNCIL
2021

SUBMITTED TO

His Excellency, Governor Christopher T. Sununu



Executive Council

The Honorable Joseph D. Kenney
The Honorable Cinde Warmington
The Honorable Janet Stevens
The Honorable Theodore L. Gatsas
The Honorable David K. Wheeler
Commissioner Robert Scott

RESPECTFULLY SUBMITTED
Robert Duval, Chairman
March 28, 2022

Air Resources Council

The Air Resources Council is established pursuant to NH RSA 21-O:11.

The council shall be composed of 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.

AIR RESOURCES COUNCIL MEMBERS

CHAIR/AT LARGE/PUBLIC INTEREST

Robert Duval
TFMoran, Inc.
48 Constitution Drive
Bedford, NH 03110-6000
Term Exp: 11/21/22

Work: 472-4488 X325
Fax: 472-9747
Cell: 540-7393
rduval@tfmoran.com

VICE-CHAIR/FUEL OIL INDUSTRY: *(resigned March 2021)*

David G. Collins
Bow, NH 03304
Rath, Young & Pignatelli, PA
PO Box 1500
Concord, NH 03302-1500
Term Exp: 09/06/19

Work: 226-2600
Fax: 226-2700
dgc@rathlaw.com

FUEL OIL INDUSTRY:

Jason Leduc
Sprague Resources GP LLC
185 International Drive
Portsmouth, NH 03801
Term Exp: 09/06/23

Work: 603-430-7298
Cell: 603-312-6880
jleduc@spragueenergy.com

STEAM POWER GENERATING INDUSTRY:

Elizabeth Tillotson
Granite Shore Power
431 River Road
Bow, NH 03304
Term Exp: 10/24/21

Work: 230-7968
Home: 228-3622
Fax: 230-7954
Elizabeth.tillotson@graniteshorepower.com

NATURAL GAS INDUSTRY:

Mark Lambert
Unitil Corporation
43 Windjammer Ridge
Laconia, NH 03246
Term Exp: 10/04/23

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

MANUFACTURING COMPONENT OF INDUSTRY:

David Cribbie
Anheuser-Bush LLC
221 Daniel Webster Hwy
Merrimack NH 03054
Term Exp: 11/15/22

Cell: 603-393-4973
d.cribbiearc@gmail.com

MUNICIPAL GOVERNMENT:

Rudy Cartier Jr.
553 North Road
Candia, NH 03034
Term Exp: 10/24/24

Cell: 603-540-9149
Home: 603-483-5185
2racbs@comcast.net

AT LARGE/HEALTH CARE PROFESSIONAL:

VACANT

AT LARGE/RECREATION INDUSTRY:

Kris Nils Blomback
203 Highland Drive
Henniker, NH 03242
Term Exp: 10/24/23

Work: 428-3245
Home:
Fax: 428-7821
kris@patspeak.com

AT LARGE/ENVIRONMENTAL INTEREST:

Georgia Murray
Staff Scientist, Appalachian Mountain Club
PO Box 1747
Conway, NH 03818
Term Exp: 10/24/25

Work: 466-2721 Ext. 8111
Home: 447-6837
Fax: 466-2822
gmurray@outdoors.org

AT LARGE/PUBLIC INTEREST:

J. Ryan Bielagus
Andover Consulting Group, Inc.
47 Heritage Hill Rd
Windham, NH 03087
Term Exp: 12/9/21

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

AT LARGE/PUBLIC INTEREST:

VACANT

Legal Counsel:

Michael Haley
Attorney, Client Counseling Unit
New Hampshire Department of Justice
33 Capitol Street
Concord, NH 03301

Phone: 271-6771
Fax: 271-2110
Michael.R.Haley@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 11, 2021

February 08, 2021

March 08, 2021

April 12, 2021

May 10, 2021

June 14, 2021

July 12, 2021

August 09, 2021

September 27, 2021

October 11, 2021

November 08, 2021

December 13, 2021

RECORD OF ATTENDANCE
Air Resources Council
2021

	January	February	March	April	May	June
Robert Duval	Present	Cancelled	Present	Present	Present	Present
David Collins	Present	Cancelled	Not Present	Not Present	Not Present	Not Present
Ryan Bielagus	Present	Cancelled	Not Present	Present	Present	Not Present
Kris Blomback	Present	Cancelled	Present	Present	Present	Present
Rudy Cartier	Present	Cancelled	Present	Present	Not Present	Present
David Cribbie	Present	Cancelled	Present	Present	Not Present	Not Present
Mark Lambert	Present	Cancelled	Present	Not Present	Present	Present
Georgia Murray	Present	Cancelled	Present	Present	Present	Present
Elizabeth Tillotson	Present	Cancelled	Present	Present	Present	Present

RECORD OF ATTENDANCE
Air Resources Council
2021

	July	August	September	October	November	December
Robert Duval	Cancelled	Cancelled	Present	Cancelled	Present	Cancelled
David Collins	Cancelled	Cancelled	Not Present	Cancelled	Not Present	Cancelled
Ryan Bielagus	Cancelled	Cancelled	Not Present	Cancelled	Not Present	Cancelled
Kris Blomback	Cancelled	Cancelled	Present	Cancelled	Not Present	Cancelled
Rudy Cartier	Cancelled	Cancelled	Present	Cancelled	Present	Cancelled
David Cribbie	Cancelled	Cancelled	Present	Cancelled	Not Present	Cancelled
Mark Lambert	Cancelled	Cancelled	Not Present	Cancelled	Not Present	Cancelled
Georgia Murray	Cancelled	Cancelled	Via Conf. room phone	Cancelled	Via Conf. room phone	Cancelled
Elizabeth Tillotson	Cancelled	Cancelled	Present	Cancelled	Present	Cancelled
Jay Leduc	Cancelled	Cancelled	Present	Cancelled	Present	Cancelled

**RECORD OF MEETINGS
Air Resources Council
2021**



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

January 11, 2021

#268

**The New Hampshire Air Resources Council will convene at 9:00 a.m.
Monday, January 11, 2021 via Zoom Conference Call
NH Department of Environmental Services
29 Hazen Drive, Concord, New Hampshire 03301**

- 1. Call to Order**
- 2. Approval of Minutes (Meeting #267)**
- 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 1400, Regulated Toxic Air Pollutants**
Karla McManus, Planning and Rulemaking / Todd Moore, Air Permits Program 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

Meeting #268

11 January 2021

Date of Notice – 06 January 2021

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) for this electronic meeting.¹ 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/81673761599?pwd=b3dGUDhWNTg2K1Eyc2c5OW5rbGdGUT09>

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

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 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 #268
01/11/2021

MEMBERS PRESENT VIA

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

NHDES – ARD PERSONNEL: Director Craig Wright, Cathy Beahm, Karla McManus, Todd Moore, David Larson
and Robert Thistle, and Gary Milbury.

OTHERS PRESENT: Shelley Marshall, Paula Scott, Dave Connolly

MEMBERS OF

THE PUBLIC PRESENT: Jody Grimbilas, Joanna Tourangeau, Bill Howard, Erin Desantis,
and Kuper Jones,

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.

Approval of Minutes:

A motion to approve the minutes of meeting #267 moved by David Collins 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:

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 has a limited amount of Support Staff working in the building on a rotating schedule so that ARD continues to follow the precautionary guidelines.

Issuance of Temporary Permit for the Turnkey Landfill in Rochester, NH:

On December 10th, we issued a Temporary Permit for the Turnkey Landfill in Rochester. The Temporary Permit authorizes Turnkey 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.

Issuance of Proposed Title V Operating Permit – North Country Environmental Services (NCES) Landfill in Bethlehem:

This week, we plan to make a decision on the issuance of a Proposed Title V Operating Permit to NCES for operation of their existing landfill in Bethlehem. If issued, this will renew their current Title V Operating Permit.

Status of Appeals

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

10/27/20 rec'd Joint Proposed Procedural Schedule. 11/4/20 rec'd Appellant's Updated Responses to Permittee's First Request for Information and Appellant's Renewed Request for Information. 11/9/20 rec'd Permittee's Second Motion to Compel Responses from Appellant to the First Set of Information Requests. 11/13/20 rec'd Permittee's Responses to Appellant's Renewed Request for Information. 11/16/20 rec'd Appellant's Objection to Permittee's Second Motion to Compel. 11/20/20 rec'd Permittee's First Supplement to Appellant's Requests for Information. 12/2/20 rec'd three reports from Appellant in response to Permittee's information request. 12/3/20 issued Order on Permittee's Second Motion to Compel and Notice of Scheduled Second Pre-Hearing Teleconference scheduled for Dec. 14, 2020 at 10 a.m. 12/4/20 rec'd Assented-To Motion to Modify Procedural Schedule and Appellant's Report in Response to Permittee's Information Sharing Requests. 12/8/20 issued Letter Granting Assented-To Motion to Modify the Procedural Schedule. 12/14/20 rec'd Appellant's Request for Information from DES.

Appeals clerk Paula Scott stated that the Air Council needs to discuss when to schedule an upcoming Hearing. Dave Connolly the Hearing officer stated that we would need to schedule at least 2-3 days for a Hearing. Dates that were recommended were April 5th, 6th and 12th with the 19th being an extra day if needed. A roll call was made by the council and most members were in favor of the recommended dates of the 5th, 6th and 12th being full days for a Hearing. Still undetermined if the Hearing will be done using Zoom or WebEx as the platform.

Rules: Update of Readoption of Env-A 1400, Regulated Toxic Air Pollutants

The New Hampshire Department of Environmental Services, Air Resources Division (ARD) is proposing to amend Env-A 1400, Regulated Toxic Air Pollutants. The existing rule implements the Air Toxic Control Act established under RSA 125-I. The purpose of this chapter is to prevent, control, abate, and limit the emissions of toxic air pollutants into the ambient air. The ambient air limits established under this rule are intended to promote public health by reducing human exposure to toxic air pollutants.

Pursuant to RSA 125-I:4, ARD is proposing changes to the list of regulated toxic air pollutants (RTAPs) and their ambient air limits (AALs). The majority of these changes are based on updates made to the list of chemical substances by the American Conference of Governmental Industrial Hygienists (ACGIH) and the US EPA's Integrated Risk Information System (IRIS). This year, ARD is incorporating ACGIH and IRIS updates for 2017, 2018 and 2019. In addition to changes based on updates to ACGIH and IRIS information, ARD is proposing changes to the AALs for formaldehyde based on information from IRIS and the Agency for Toxic Substances and Disease Registry (ATSDR).

In addition to the required updates, ARD has made some changes to the rules. The rule language has been reorganized to clarify the requirements and options for compliance. Specifically, sections Env-A 1403 through Env-A 1413 have been rearranged and renumbered. The following are the significant changes being proposed:

1. Added the following definitions to Env-A 1401.03, Definitions: "Inhalable fraction" "Inhalable fraction and vapor" "Respirable fraction" "Thoracic particulate matter" "Uncontrolled emission" The particulate fraction notations are used and defined by ACGIH to delineate which portion of a chemical is subject to the occupational exposure value used by ARD to calculate the corresponding AALs. Inclusion of these definitions will give clarity to the regulated community that is necessary when determining compliance with the rule. The definition of "uncontrolled emissions" comes directly from RSA 12-I:2 XVII and has been added to clarify the meaning and use in the rule.
2. Env-A 1403, Compliance Standards – formerly Permit Requirements; this section will now describe the compliance obligations under the rule.
3. Env-A 1404, Methods of Demonstrating Compliance – formerly Env-A 1405, Application Procedures; This revised section will outline the calculation methods a source may use to determine the emissions of RTAPs.

Two sections within Env-A 1404 have been revised as follows: §Section Env-A 1404.06, Alternative Methods – clarifies what information will be required for sources requesting the use of the alternative compliance method, and that with any alternative method used, the source must still demonstrate compliance with the AALs §Section Env-A 1404.07, Alternate Compliance Boundaries contains added language to identify information that a source will be required to submit when requesting an “alternate compliance boundary” pursuant to RSA 125-I:6 III (c).

4. Env-A 1405, Permit Required – formerly Env-A 1403, Methods of Demonstrating Compliance; This section describes the conditions under which a permit would be required by a facility.

5. Env-A 1406, Application Procedures – formerly Env-A 1404, Application Procedures; This section describes the application procedures for new and existing sources, application submission timing, additional information required in a permit application, and specific information required in a compliance plan, if applicable.

6. The following changes to the list of RTAPs are being proposed: Addition of 18 chemical substances newly added by ACGIH; Removal of 19 RTAPs; Changes to 37 RTAP ambient air limits due to changes in Occupational Exposure Limits (OEL) by ACGIH; Name corrections/changes for 87 RTAPs mainly due to the addition of “inhalable fraction”, “respirable fraction” or “inhalable fraction and vapor” by ACGIH; Addition of 103 chemical substances which are included within a compound class as listed in the ACGIH supporting documentation.

ARD has adopted the US EPA guidance document Issuance of the Clean Air Act National Stack Testing Guidance from Lisa Lund, Director of the Office of Compliance, issued April 27, 2009 to the EPA Regional Compliance/Enforcement Division Directors, for rounding AALs to two significant figures.

ARD convened an informational stakeholder meeting on September 8, 2020 via webinar to present these proposed changes. Notification of the webinar, registration information, and a copy of the informational draft proposed rule were emailed to 900 interested members of the public two weeks prior to the event. Among those notified included trade associations, consultants, individuals and permitted sources.

ARD received comments from multiple stakeholders and updated our proposed amendments based on consideration of those comments.

Council member Elizabeth Tillotson stated that she had questions around the alternate compliance boundaries and was looking for the Air Resource Divisions (ARD) perspective.

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 Dave Collins and seconded by J. Ryan Bielagus. Meeting #268 of the Air Resources Council adjourned at 10:43 am on January 11, 2021.



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

March 08, 2021

#269

**The New Hampshire Air Resources Council will convene at 9:00 a.m.
Monday, March 08, 2021 via Zoom Conference Call
NH Department of Environmental Services
29 Hazen Drive, Concord, New Hampshire 03301**

- 1. Call to Order**
- 2. Approval of Minutes (Meeting #268)**
- 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 - Env - A 1400, Regulated Toxic Air Pollutants**
Karla McManus, Planning and Rulemaking / Todd Moore, Air Permits Program Manager
Rule – Env - A 2300 Mitigation of Regional Haze
Karla McManus, Planning and Rulemaking /Cathy Beahm, SIP Planning Administrator
- 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 #269

08 March 2021

Date of Notice – 02 March 2021

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) for this electronic meeting.² 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/81673761599?pwd=b3dGUDhWNTg2K1Eyc2c5OW5rbGdGUT09>

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

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.

² 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 #269
03/08/2021

MEMBERS PRESENT VIA

ZOOM CONFERENCE CALL: Chairman Robert Duval, Georgia Murray, Elizabeth Tillotson, Kris Blomback, Rudy Cartier Jr, Mark Lambert and David Cribbie.

NHDES – ARD PERSONNEL: Director Craig Wright, Cathy Beahm, Karla McManus, Todd Moore, David Larson, Gary Milbury, Sheila Rydel and Barbara Dorfschmidt

OTHERS PRESENT: Shelley Marshall, Paula Scott, and Pamela Monroe

MEMBERS OF

THE PUBLIC PRESENT: Bill Howard, Erin DeSantis, John Tuthill, Steven Poggi, Julianne Ogden, Michael North and Gregory Smith.

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 #269 of the Air Resources Council (ARC) to order at 9:01 a.m. on Monday March 8, 2021. 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 announced that the Vice-Chair Dave Collins as resigned from the position.

Vice-Chair Dave Collins had been on the council for over 25 years and will truly be missed.

Approval of Minutes:

A motion to approve the minutes of meeting #268 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 has a limited amount of Support Staff working in the building on a rotating schedule so that ARD continues to follow the precautionary guidelines.

1. Issuance of Proposed Title V Operating Permit – North Country Environmental Services (NCES) Landfill in Bethlehem:

On February 25th, DES issued a Proposed Title V Operating Permit (air permit) to North Country Environmental Services for operation of their landfill in Bethlehem, NH. The proposed permit was issued after reviewing a number of comments from the public.

This permit has been submitted to the U.S. Environmental Protection Agency, Region I (EPA) for review. EPA has 45 days, beginning February 25, 2021, in which to object to the issuance of the permit. If no objection is made by the end of the 45-day period, NHDES will issue a final permit identical to the proposed permit. If an objection is made, NHDES will follow the provisions as outlined in Env-A 609.14, *Department Action Following EPA Objection*.

This proposed permit represents the final action by DES to grant this Title V Operating Permit pursuant. Any person aggrieved by the Director's decision can, within 30 days of the date of the decision, file a petition for appeal or settlement discussions with the Air Resources Council in accordance with the provisions of Env-A 622.09, *Appeals*.

2. Public Hearing – Draft Temporary Permit for Renewable Fuels by Peterson in North Haverhill, NH:

In late April, we will hold a public hearing to receive comments on a draft Temporary Permit for the Renewable Fuels by Peterson (RFP) facility in North Haverhill, NH. RFP has applied for a significant amendment to their Temporary Permit for purposes of increasing their production capacity. The Town of Haverhill and some neighbors of the facility requested the public hearing, expressing concerns about emissions to those who live nearby. The hearing will be conducted online via GoToWebinar.

3. New Member of the ARD Environmental Health Team - Karen Craver:

- Served as Epidemiologist with the NH DHHS, Division of Public Health Services, Chronic Disease Prevention & Screening Program.
- She will be the Principal Investigator under our Federal grant from the CDC, Agency for Toxic Substances and Disease Registry. The grant involves conducting public health assessments on human exposure to hazardous substances in the environment, and we will collaborate with NH DHHS to provide community outreach about the health effects of environmental exposures to those residing in communities where hazardous chemical releases have occurred.

Status of Appeals

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

- Subject: 12/10/20 Temporary Permit issued to Waste Management of NH, Inc. Application # 19-0248 Hearing Officer: Not assigned
- Status: 1/11/21 received Notice of Appeal
- 1/15/21 issued Receipt of Appeal letter. Council to accept or decline appeal today. 3/8/21

Chair Robert Duval motioned to accept the appeal and David Cribbie 2nd the motion. A rollcall was done, and the Council has decided to wait and discuss the appeal at the next Council meeting scheduled for April 12, 2021.

Paula Scott, Appeals Clerk continued with her update of the current ARD appeals status:

- 1/18/21 received DES responses to Appellant's Request for Information.
- 1/19/21 received Appellant's Partially Assented-To Motion to Modify Procedural Schedule.
- 1/22/21 received Assented-To Motion to Waive Rule Env-AC 205.07 and Provide for Alternative Method of Production of Evidence.
- 2/2/21 received Appellant's Motion to Remand Permit to DES to Conduct Required Regulated Toxic Air Pollutant Analysis within the Term of the Temporary Permit.
- 2/11/21 issued Letter Granting Assented-To Motion to Waive Rule Env-AC 205.07 and Provide for Alternative Method of Production of Evidence providing the parties submit four (4) hard copies of the materials.
- 2/12/21 received Objection to Appellant's Motion to Remand and a Motion to Strike Appellant's Improper Filing of a New Report After the Close of Information Sharing Period.
- **2/17/21 issued Order Denying Appellant's Motion to Remand.**

- 2/17/21 received Objection to Permittee's Motion to Strike.
- 2/22/21 received Permittee's Reply to Appellant's Objection to Motion to Strike.
- 2/26/21 received Objection to Permittee's Sur-Rebuttal.

Rules: Update of Readoption of Env-A 1400, Regulated Toxic Air Pollutants

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

This memo is in response to comments received from the ARC at the January 11, 2021 meeting with regard to the draft Env-A 1400 rule, specifically Env-A 1404.07, Compliance with Compliance Boundaries; Alternate Compliance Boundaries. NHDES has edited the language of Env-A 1404.07 for clarity and composed a document with compliance boundary examples and correlating rule references.

All of these changes were posted to the NHDES website on January 25, 2021 and emailed to 900 stakeholders for review and comment. The only response regarding compliance boundaries was a comment noting a typographical error in Env-A 1404.07(f)(1), which NHDES has corrected as shown below. NHDES also received a response from the American Chemistry Council in regard to the ambient air limits for formaldehyde. The comment from the American Chemistry Council will be considered along with any other public comments the Department receives during the formal public hearing and comment period.

The revised Env-A 1404.07, Compliance with Compliance Boundaries; Alternative Compliance Boundaries language is shown below. In addition, the compliance boundary examples and correlating rule references, the entire updated Env-A 1400, Regulated Toxic Air Pollutants rule and the January memo to the ARC regarding this rule are attached for the ARC's reference.

Env-A 140504.07 Compliance with Compliance Boundaries; Alternate Compliance Boundaries. (a) A source shall comply with: (1) The property boundaries as established in the statutorily defined compliance boundary in Env-A 1401.03, if the provisions of (b) or (c) below do not apply; (2) The boundary established pursuant to (b) or (c), below, if applicable; or (3) The source-specific boundary determined pursuant to (d), below. (b) For a facility stationary source operating a process or device located in a building or premises pursuant to a lease, license, or any other agreement granting the right to use or occupy only a limited portion of the property upon which such process or device is located, the compliance boundary shall be the outer edge of that portion of the property under the direct control of the owner or operator of that process or device stationary source. (c) The owner or operator of a process or device at a stationary source subject to this chapter shall consider any part of the property that is leased to another entity either through a lease, license, or other agreement, as being beyond the compliance boundary. (d) An owner or operator wishing to use a compliance boundary other than the boundary of the property on which the stationary source is located, or as described in (b) or (c), above, shall submit a written request to the department for approval of an alternate compliance boundary which shall include, at a minimum, the following information: (1) The identity, location, and description of the facility at which the alternate compliance boundary is proposed to be used; (2) A description of the proposed alternate compliance boundary; (3) The name and CAS registry number for each RTAP emitted from each process or device subject to this chapter to be assessed using the alternative compliance boundary; and (4) Records demonstrating compliance in accordance with Env-A 1404, based upon the proposed alternate compliance boundary. (e) Within 60 days of receipt of a complete request, the department shall make a decision on the request. (f) The department shall approve a request for use of an alternate compliance boundary if: (1) The request contains all of the information required by (c d), above; and (2) The proposed alternate compliance boundary would not pose a risk to public health, in accordance with RSA 125-I:3. (g) If the request is denied, the decision shall specify the reason(s) for the denial.

Council member Elizabeth Tillotson motioned to start the 15-day clock and second by David Cribbie. Roll call was done, and all were in favor.

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

Karla McManus, Planning and Rulemaking / Cathy Beahm, SIP Planning Administrator

The New Hampshire Department of Environmental Services, Air Resources Division (ARD) is proposing to readopt and amend Env-A 2300, Mitigation of Regional Haze. The purpose of this chapter is to establish emission standards for sulfur dioxide (SO₂), nitrogen oxides (NO_x), and total suspended particulate matter (TSP) at certain fossil-fuel-fired and biomass-fired steam generating units in order to reduce emissions that contribute to regional haze. These rules are necessary to ensure compliance with §169A of the Clean Air Act and regional haze program requirements established at 40 CFR 51.308, including but not limited to the provisions for best available retrofit technology (BART). Regional haze is defined as visibility impairment caused by the emission of air pollutants from numerous sources located over a wide geographic area. Section 169A of the Clean Air Act provides for visibility protection for federal Class I areas, which include 156 national parks and wilderness areas in the U.S. The Class I areas most affected by emissions originating in New Hampshire are the Great Gulf and Presidential Range - Dry River Wilderness Areas and Acadia National Park.

Amendments are being made to this rule in accordance with a request by EPA and to update our Regional Haze State Implementation Plan (SIP). According to the regional haze program requirements (40 CFR 51.308 (f)(2)(i) through (iv)), all states must consider the emission reduction measures identified by Class I States as being necessary to make reasonable progress in any Federal Class I area. The Class I states identified reasonable measures for the controls for SO₂ and NO_x emissions. One such measure identified as necessary to meet the 2028 reasonable progress goal for regional haze included ensuring the most effective use of already installed NO_x and/or SO₂ controls on electric generating units with a nameplate capacity larger than or equal to 25 megawatts (MW) on a year-round basis to consistently minimize emissions of haze precursors or obtain equivalent alternative emission reductions.

The proposed changes to Env-A 2300 include expanding the applicability of the rule to spreader stoker, biomass boilers capable of producing at least 25 MW of electricity and establishing year-round NO_x emission limitations for these units. Additionally, the proposed rule incorporates the NO_x RACT emission limits found in Env-A 1303 for any cyclone-firing, wet-bottom boiler whose maximum heat input rate is less than or equal to 3,000 million BTUs per hour. This is consistent with changes made to the rule for larger cyclone-firing, wet-bottom boilers in 2018.

Council member Georgia Murray motioned to start the 15-day clock and second by Elizabeth Tillotson.

Roll call was done and all were in favor.

New Business:

Chair Robert Duval announced that now that Vice-Chair Dave Collins has resigned from Air Council that he would like any of the existing council members to please email him if they are interested in the position of Vice-Chair and that it will be voted on at the next Air Council meeting. Meantime while we are waiting to fill the Vice-Chair position, please email any questions to the Chair, Robert Duval.

Public Commentary:

John Tuthill from Acworth commented on his concerns on the process of Council reviews. Mr. Tuthill also had concerns on the States regulation on permitting and emissions.

Adjourn:

Having no further business to discuss, a motion to adjourn was made by Kris Blomback and seconded by Georgia Murray. Meeting #269 of the Air Resources Council adjourned at 10:19 am on March 8, 2021.



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

APRIL 12, 2021

#270

The New Hampshire Air Resources Council will convene at 9:00 a.m.

Monday, April 12, 2021, via Zoom Conference Call

NH Department of Environmental Services

29 Hazen Drive, Concord, New Hampshire 03301

<https://us02web.zoom.us/j/81673761599?pwd=b3dGUDhWNTg2K1Eyc2c5OW5rbGdGUT09>

-
1. **Call to Order**
 2. **Approval of Minutes (Meeting #269)**
 3. **Air Resources Division Report**
Craig Wright, Director
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
 4. **Environmental Health Program Update:** *Dr. Jonathan Ali, Toxicologist / Karen Craver, Principal Investigator.*
 5. **Status of Appeals:** *Paula Scott, ARC Appeals Clerk*
Decision on acceptance of appeal by Tony Caplan et al in the matter of Temporary Permit to Waste Management Inc. in Rochester, NH – Docket No. 21-01 ARC
 6. **Rules:** *None at this time*
 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

Meeting #270

12 April 2021

Date of Notice – 08 April 2021

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) for this electronic meeting.³ 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/81673761599?pwd=b3dGUDhWNTg2K1Eyc2c5OW5rbGdGUT09>

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

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.

³ 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 #270
04/12/2021**

MEMBERS PRESENT VIA

ZOOM CONFERENCE CALL: Chairman Robert Duval, Georgia Murray, Elizabeth Tillotson, Kris Blomback, Rudy Cartier Jr, David Cribbie and J. Ryan Bielagus.

NHDES – ARD PERSONNEL: Director Craig Wright, Assistant Director Mike Fitzgerald, Cathy Beahm, Todd Moore, Jon Ali, David Larson, Gary Milbury, Caren Craver, Dave Larson and Mary Butow.

OTHERS PRESENT: Shelley Marshall and Paula Scott

MEMBERS OF

THE PUBLIC PRESENT: Janet Ward, Viggo Fish, John Tuthill, Jackie Elliot, Bill Howard, Katie Lajoie and Mary Dschissel.

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 #270 of the Air Resources Council (ARC) to order at 9:01 a.m. on Monday April 12, 2021. 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 #269 moved by Elizabeth Tillotson 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:

BUDGET:

This afternoon Air Resource Division (ARD) will be presenting a budget presentation to Senate Finance. The House version did not contain any general fund money for the State permit program. ARD received notice last week from the Governor’s office that ARD will ask the Senate to add this back into the State budget.

Update - Public Hearing – Draft Temporary Permit for Renewable Fuels by Peterson in North Haverhill, NH:

At the March 8, 2021 ARC Meeting, ARD informed the Council that in late April ARD will hold a public hearing to receive comments on a draft Temporary Permit for the Renewable Fuels by Peterson (RFP) facility in North Haverhill, NH. The hearing is scheduled for Tuesday, April 27th at 6:00 p.m. Notice of the April 27 hearing, with a link for interested parties to register for the event, is on the DES events webpage at <https://www.des.nh.gov/events/public-hearing-renewable-fuels-peterson-llc-draft-permit>.

RFP applied for a significant amendment to their Temporary Permit for purposes of increasing their production capacity. The Town of Haverhill and some neighbors of the facility requested the public hearing, expressing concerns about emissions to those who live nearby. The hearing will be conducted online via GoToWebinar.

Issuance of Proposed Title V Operating Permit for City of Manchester Sewage Sludge Incineration Unit:

On April 12, 2021 ARD will be issuing a Proposed Title V Operating Permit to the City of Manchester for operation of their wastewater treatment facility. The permit covers a sewage sludge incineration unit, emergency generators, and certain portions of the treatment process.

This permit has been submitted to the U.S. Environmental Protection Agency, Region I (EPA) for review. EPA has 45 days, beginning today, in which to object to the issuance of the permit. If no objection are made by the end of the 45-day period, NHDES will issue a final permit identical to the proposed permit. If an objection is made, NHDES will follow the provisions as outlined in Env-A 609.14, *Department Action Following EPA Objection*.

This proposed permit also represents the final action by DES to grant this Title V Operating Permit pursuant. Any person aggrieved by the Director's decision can, within 30 days of the date of the decision, file a petition for appeal or settlement discussions with the Air Resources Council in accordance with the provisions of Env-A 622.09, *Appeals*.

March 19, 2021 DES through the Attorney General's office submitted a signed consent decree between the State of NH and Saint Gobain to the Hillsborough Superior Court. The original date for the installation of the controlled equipment was July 11, 2021, and the new due date will be July 30, 2021.

Environmental Health Program Update: *Dr. Jonathan Ali, Toxicologist / Karen Craver, Principal Investigator.*

Power point presentation shown at the end of these Air Council minutes.

Status of Appeals

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

New Appeals:

Docket No. 21-01 ARC – Tony Caplan, et al. Appeal

- 3/8/21 Council voted to defer action on appeal until next meeting, April 12th. Council to accept or decline appeal today, 4/12/21.

Chair Duval began the discussion on acceptance of this appeal with a summary of the ARC standards for accepting appeals relative to standing, and whether the substance of the appeal and relief sought fell within the purview of the Council. Based on the materials provided by the appellants, Chair Duval said he believed the appeal did not meet these acceptance thresholds.

After deliberation of these issues, Member Murray motioned to accept the appeal, and J. Ryan Bielagus second the motion. A roll call vote was taken with two yeas and five nays, so the motion failed. Chair Duval will write the decision and will submit it to Paula Scott the Appeals Clerk for distribution.

Hearings or PHCs Pending:

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

- 3/31/21 rec'd Withdrawal of Appeal. Docket closed.

Appeals Clerk Paula Scott explained that the Appellant's Withdrawal of Appeal effectively closed the docket, and no further action was required of the Council.

New Business:

There was no new business to report

Public Commentary:

Janet Ward from Contoocook New Hampshire thanked the Council for taking the time to consider the appeal for Docket No. 21-01 ARC – Tony Caplan, et al. However, Mrs. Ward feels that methane emissions will not only affect her but all other residents of New Hampshire if landfills keep growing.

John Tuthill from Acworth New Hampshire expressed concern over the number of Council Meetings that were cancelled in the past year, and for the number of vacancies on the Air Council. Mr. Tuthill stated that he feels that this is a problem and that it is the Air Resource Council statutory duty to work on long-range planning and on policies that protect the State of New Hampshire.

Chair Duval responded that some vacancies were recently filled, and the Council is actively seeking to fill the remaining vacancies.

Jackie Elliot originally from New Hampshire now retired to Waterborough Maine said she feels that even though because she is no longer a resident from New Hampshire, she and others should all have standing in these decisions about air pollution. Mrs. Elliot feels that the whole planet is under assault by the choices that people are making. She appreciates that the Council is willing to work with the public and it should be continually bringing new ideas to improve Air Quality. Mrs. Elliot feels that not only is the pollution affecting the air, but it eventually affects our waters and land as well.

Adjourn:

Having no further business to discuss, a motion to adjourn was made by Kris Blomback and seconded by Rudy Cartier. Meeting #270 of the Air Resources Council adjourned at 10:31 am on April 12, 2021.



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

MAY 10, 2021

#271

The New Hampshire Air Resources Council will convene at 9:00 a.m.

Monday, May 10, 2021 via Zoom Conference Call

NH Department of Environmental Services

29 Hazen Drive, Concord, New Hampshire 03301

<https://us02web.zoom.us/j/81673761599?pwd=b3dGUDhWNTg2K1Eyc2c5OW5rbGdGUT09>

- 1. Call to Order**
- 2. Approval of Minutes (Meeting #270)**
- 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:** *None 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

Meeting #271

10 May 2021

Date of Notice – 04 May 2021

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) for this electronic meeting.⁵ 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/81673761599?pwd=b3dGUDhWNTg2K1Eyc2c5OW5rbGdGUT09>

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

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.

⁵ 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 #271
05/10/2021**

MEMBERS PRESENT VIA

ZOOM CONFERENCE CALL: Chairman Robert Duval, Georgia Murray, Elizabeth Tillotson, Kris Blomback, Rudy Cartier Jr. and Mark Lambert.

NHDES – ARD PERSONNEL: Director Craig Wright and Gary Milbury.

OTHERS PRESENT: Shelley Marshall and Paula Scott

MEMBERS OF

THE PUBLIC PRESENT: John Tuthill and Bill Howard,

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 #271 of the Air Resources Council (ARC) to order at 9:03 a.m. on Monday May 10, 2021. 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 #270 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:

Update – Re-opening of DES building:

As of May 7, 2021 the DES and DHHS building has re-opened to the public for the first time in over a year. The public will not go beyond the lobby of the building. Tables with Plexiglass dividers are available in the lobby for ARD to safely meet with the public. ARD will use an alternating flex schedule to maintain coverage in the office to meet the needs of our customers.

Update – Budget:

State Budget has moved from the house to the Senate. ARD did not get approval for the general support for the Permitting program, ARD has requested from the Governor’s office that it be placed back into the budget.

May 11, 2021 is the Senate Capital Budget hearing. ARD equipment is supported by these funds.

Update - Public Hearing – Draft Temporary Permit for Renewable Fuels by Peterson in North Haverhill, NH:

On April 27th, the Air Resources Division held a public hearing to receive comments on a draft Temporary Permit for the Renewable Fuels by Peterson (RFP) facility in North Haverhill, NH. RFP applied for a significant amendment to their Temporary Permit for purposes of increasing their biofuel production capacity. The Town of Haverhill and some neighbors of the facility had requested the public hearing, expressing concerns about emissions to those who live nearby.

The hearing was conducted online via GoToWebinar, and the Town of Haverhill also provided for in person attendance at their town hall. Four people provided oral testimony.

The deadline to submit written comments on the draft permit was Tuesday, May 4th. We have 30 days (from the 4th) to issue a final decision on the application.

Presentation to the Hooksett Town Council Regarding Water Sampling Results for Uranium and Radon:

On April 28, 2021 staff from NHDES' Environmental Health Program (EHP) went before the Hooksett Town Council to discuss recent water sampling which shows many private wells contain very high levels of (naturally occurring) uranium and radon.

There were several questions from Town Councilors, indicating an interest in pursuing further action to get the word out among community members. The EHP offered to take the lead on facilitating next steps, with the support of a designee from the town of Hooksett. The anticipated next steps will include the following:

1. The EHP (through its federal CDC-ATSDR APPLETREE grant) will provide the town of Hooksett with a summary document to include in an upcoming town mailing;
2. Coordination and facilitation of a community meeting; and
3. Coordination and facilitation of community testing- EHP will work with the DHHS lab to implement a plan to promote additional water testing. While this testing would be at the cost of the homeowners, EHP will help to make the process easier for residents by handling some of the logistics.

Public Information Meeting in Bedford Regarding PFAS:

On May 6th, EHP staff participated in a public information meeting for Bedford residents to provide updates on the status of PFAS in the community and address the community's questions. The meeting included a discussion of PFAS health effects, what this means to a resident, and actions to help mitigate exposure.

This is the first in a series of public information meetings to be held over the next month in other neighboring communities (Litchfield, Londonderry).

Filling Air Council Vacant positions:

Director Wright will contact New Hampshire Medical society and the States Nursing Association to fill the Health Care Professional vacancy for the Air council.

Status of Appeals

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

New Appeals:

Docket No. 21-01 ARC – Tony Caplan, et al. Appeal

- 4/12/21 Air Council voted not to accept this appeal. Chair Robert Duval to issue written decision next meeting.

Chair Robert Duval read the Decision regarding non-acceptance of the appeal to the Council members. Council member Georgia Murray suggested clarifying one sentence of the Decision. Chair Duval made the appropriate adjustments after discussion and moved that the ruling be adopted as amended. Elizabeth Tillotson second the motion, a rollcall was done and the Decision was adopted unanimously.

New Business:

The Emergency Order that authorizes electronic-format state Boards and Commissions meetings will expire on June 1, 2021. After that such public meetings will start being held in person. Director Wright expressed concern that this will create logistic challenges for ARD. The DES building is still occupied by the National Guard operating a call center for Covid Vaccine appointments. Air Council secretary Shelley Marshall has booked a large conference room for the June 14, 2021 Air Council meeting with a maximum capacity of 16 people. Chair Duval asked what happens if more than 16 people wish to attend. Director Wright will consult

with the Attorney General's office in reference to guidelines for in-person meetings and report back to the Council before the June meeting.

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 Mark Lambert. Meeting #271 of the Air Resources Council adjourned at 10:47 am on May 10, 2021.



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

June 14, 2021

#272

The New Hampshire Air Resources Council will convene at:

9:00 am Monday, June 14, 2021

Room 208-C

NH Department of Environmental Services

29 Hazen Drive, Concord, New Hampshire 03301

PLEASE NOTE THIS MEETING WILL BE HELD IN-PERSON AT THE LOCATION SPECIFIED ABOVE

1. **Call to Order**
2. **Approval of Minutes (Meeting #271)**
3. **Consultation with Commissioner Scott (non-public session):** *Robert R. Scott, Commissioner of Environmental Services*
4. **Air Resources Division Report:** *Craig Wright, Director Air Resources Division*
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
5. **Status of Appeals:** *Paula Scott, ARC Appeals Clerk*
RE: Docket No. 21-01 ARC / Motion for Reconsideration
6. **Rules:** *None at this time*
7. **New Business**
8. **Public Commentary**
9. **Adjourn**

**AIR RESOURCES COUNCIL
MINUTES OF ONLINE MEETING #272
06/14/2021**

MEMBERS PRESENT: Chairman Robert Duval, Jay Leduc, Kris Blomback, Rudy Cartier Jr., Mark Lambert, David Cribbie

MEMBERS NOT PRESENT: Elizabeth Tillotson, Georgia Murray – Via Conference phone

NHDES – ARD PERSONNEL: Director Craig Wright, Assistant Director Mike Fitzgerald, Barbara Dorfschmidt, Kat Abdelwahid, and Ash Bustead.

OTHERS PRESENT: Shelley Marshall, Paula Scott and Dave Connolly.

MEMBERS OF THE PUBLIC PRESENT: John Tuthill and Katie Lajoie

Call to Order:

Chairman Robert Duval made a few announcements.

- The Executive order has been lifted from Governor Sununu, therefore Air Council meeting being held in person in room 208-C. Announced wearing a mask is optional.
- Chair Duval also announce that there will be a non-public session and would have to ask everyone but the council to leave the room at that time.

Chair Duval called meeting #272 of the Air Resources Council (ARC) to order at 9:08 a.m. on Monday June 14, 2021. Chair Robert Duval announced that a quorum of the ARC was present.

Approval of Minutes:

A motion to approve the minutes of meeting #271 moved by Kris Blomback and seconded by Mark Lambert. All in favor, motion passed.

Non-Public Session:

Chair Duval motioned to start a non-public session. Moved by Kris Blomback and seconded by David Cribbie. John Tuthill from the public had asked if the council had a copy of 91-A. Chair Duval stated that he did not have a copy in front of him and Mr. Tuthill offered a copy to him. Chair Duval read the section stating that the subject that was being discussed during the Non-Public session needs to be aware of such meeting and that they need to give the council approval to go into a non-public session. At that time Chair Duval asked Director Wright for his approval to go into a non-public session, and Director Craig Wright approved of the non-public session. Following Directors Wright approval Chair Duval asked everyone except the Council, Commissioner Robert Scott and the Council Secretary to leave the room. Non-Public session started.

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:

Director Craig Wright announced that on June 6, 2021 the State of New Hampshire had an Ozone event and that the council has a hand out in front of them. Director Wright explained that he emailed a copy to council

member Georgia Murray for she was joining the council meeting via conference phone from Conway NH. You will find the power point at the end of the minutes.

Draft Temporary Permit for Renewable Fuels by Peterson in North Haverhill, NH:

At the May 10 Council Meeting, the Air Resources Division reported that ARD held a public hearing on April 27, 2021 to receive comments on a draft Temporary Permit for the Renewable Fuels by Peterson (RFP) facility in North Haverhill, NH. RFP had applied for a significant amendment to their Temporary Permit for purposes of increasing their biofuel production capacity. The Town of Haverhill and some neighbors of the facility had requested the public hearing, expressing concerns about emissions to those who live nearby.

We will be issuing a final decision on the application this week. This decision will initiate a 30-day period where anyone aggrieved by the decision can file an appeal with the Council.

Public Information Meetings Regarding PFAS:

Last month, ARD informed the Council that Environmental Health Program staff participated in a public information meeting for Bedford residents to provide updates on the status of PFAS in the community and address the community's questions. The meeting included a discussion of PFAS health effects, what this means to a resident, and actions to help mitigate exposure.

Since the last meeting, ARD has held three additional meetings in Litchfield, Londonderry, and Merrimack. Special thanks to Dr. Jonathan Ali for all of his work at these meetings.

New Environmental Health Program Manager:

ARD is pleased to announce that Karen Craver has accepted the position as the new Environmental Health Program Manager in the Permitting & Environmental Health Bureau. This position was previously held by Pat North, who retired last fall.

Karen recently joined the EHP Program as the Principal Investigator under our [Appletree Grant](#) from the Centers for Disease Control, Agency for Toxic Substances & Disease Registry. She has done an exceptional job in the short time she has been with DES, working with local communities, producing outreach materials, and building/strengthening relationships with our partners at the Department of Health & Human Services (DHHS), Dartmouth and UNH, as well as other environmental/public health organizations.

Karen has also been a leader in the Department's efforts to strengthen its implementation of Environmental Justice policy in its regulatory programs.

Karen holds a BA in Social Work from Sacred Heart University and a Master's degree in Public Health from UNH, and has extensive experience as an epidemiologist in her prior role at DHHS, Division of Public Health Services.

New Program Assistant in Permitting & Environmental Health Bureau:

ARD is also pleased to announce that Kathryn Abdelwahid is our new Program Assistant for the Permitting & Environmental Health Bureau. Kathryn comes over from NHDOT, where she worked in the Office of Federal Compliance.

Retirement of Anne Bailey, PEHB Program Specialist:

ARD is losing a long-time member of the Permitting & Environmental Health Bureau, our Program Specialist Anne Bailey. Anne has been in the Bureau for over 10 years and previously worked in other DES Air and Water Division programs. While she has many responsibilities, a major one has been to process General State Permits for Emergency Engines, about 400 of which were done in 2020. Anne works closely with our regulated facilities and regularly receives kudos for all of the assistance she provides to them.

Status of Appeals

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

New Appeals:

Docket No. 21-01 ARC – Tony Caplan, et al. Appeal

- 5/11/21 issued Ruling to Not Accept Appeal.
- 6/1/21 Received Motion for Reconsideration.
- 6/7/21 Received Appearances for Gregory Smith, Mark Rouvalis, Viggo Fish and Gail Lynch along with Objection to Motion for Reconsideration.
- 6/14/21 Objection to Motion for Reconsideration.

Chair Robert Duval suggested that with Council members not being available for our scheduled July and August Air Council meetings due to members being on Summer vacation, that the Council should take the time to review the document today and vote on a decision. Council took a short break.

David Cribbie motioned to deny the Motion for Reconsideration, seconded by Mark Lambert. A roll call was done and there were Six Council members voted to deny the Motion for Reconsideration, and two council members were in favor. Motion to deny the Reconsideration was passed.

New Business:

- Chair Robert Duval introduce Jay Leduc who is now the Air Councils Vice-Chair who represents the Fuel Oil Industry for the Council. Vice Chair Jay Leduc is currently the Managing Director of Health & Safety Environment from Sprague Energy. Vice Chair Leduc was born in Germany, raised in Canada and now is a resident of Portsmouth NH for over 20 years. Mr. Leduc is honored to be a part of the Air Council and looks forward to giving back to the State of New Hampshire. After Vice Chair Leduc introduction each board member of the Air Council also gave a brief description of themselves.
- David Connolly who is the Hearing's Officer for Environmental Services announced that as of June 30, 2021 he will be retiring. Mr. Connolly has been the Hearings Officer for all four of the Environmental Councils for over 10 years. He has enjoyed working with Environmental Services and looks forward to spending more time with his wife at their house in Colorado.

Public Commentary:

- Pam Monroe who is ARD's new Legal Unit Administrator wanted to introduce herself to the Air Council. She explained that the Legal Unit at the moment is short staffed and now that the Freeze of hiring has been lifted, she hopes to fill the open positions as soon as possible. She is excited about her new position with ARD and looks forward to working with the councils.

Adjourn:

Having no further business to discuss, a motion to adjourn was made by Kris Blomback and seconded by Mark Lambert. Meeting #272 of the Air Resources Council adjourned at 10:47 am on June 14, 2021.



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 27, 2021

#273

The New Hampshire Air Resources Council will convene at:

9:00 am Monday, September 27, 2021

Room 208-C second floor

NH Department of Environmental Services

29 Hazen Drive, Concord, New Hampshire 03301

PLEASE NOTE THIS MEETING WILL BE HELD IN-PERSON AT THE LOCATION SPECIFIED ABOVE

- 1. Call to Order**
- 2. Approval of Minutes (Meeting #272)**
- 3. Air Resources Division Report:** *Craig Wright, Director Air Resources Division*
 - Introduction of new Assistant Commissioner Mark A. Sanborn
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
- 4. Status of Appeals:** *Pam Monroe, Legal Unit Administrator*
- 5. Rules:** *None at this time*
- 6. Technical Service Update:** *Kathleen Errington, Air Quality Analyst Supervisor*
Air Forecasting 101
- 7. New Business**
- 8. Public Commentary**
- 9. Adjourn**

AIR RESOURCES COUNCIL
MINUTES OF ONLINE MEETING #273
09/27/2021

MEMBERS PRESENT: Chairman Robert Duval, Jay Leduc, Kris Blomback, David Cribbie, Rudy Cartier Jr., Elizabeth (Lynn) Tillotson,
Georgia Murray – Via conference phone from Conway, NH

MEMBERS NOT PRESENT: Mark Lambert, J. Ryan Bielagus

NHDES – ARD PERSONNEL: Director Craig Wright, Assistant Director Mike Fitzgerald,
Cathy Beahm, Gary Milbury, Kathleen Errington, Sharon Crane

OTHER DES PERSONNEL PRESENT: Mark Sanborn, DES Assistant Commissioner, Jaime Martinez, Legal

MEMBERS OF

THE PUBLIC PRESENT: none

Call to Order:

Chairman Robert Duval called meeting #273 of the Air Resources Council (ARC) to order at 9:03 a.m. on Monday September 27, 2021. Chair Robert Duval announced that a quorum of the ARC was present.

Approval of Minutes:

A motion to approve the minutes of meeting #272 moved by Rudy Cartier, Jr. and seconded by Kris Blomback. All in favor, motion passed.

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.

- An introduction of the new Assistant Commissioner Mark A. Sanborn who shared his education and past work history before coming to DES.
- Division Operations Update:
 - o Key positions recently filled: Ricky DiCillo (Grants Manager within the Technical Services Bureau), Tim Carney (Compliance Programs Manager), Brendan Wyman (Enforcement Section).
 - o Recruiting for permit engineer in Permitting, Health Risk Assessor in Environmental Health and the VW/DERA position in Technical Services.
 - o Update on staff returning to the office at least 3 days per week with Craig Wright, Michael Fitzgerald and Cathy Beahm returning to the office full-time. There were 5 cases of COVID in the building but no indication of staff-to-staff transmission.
- Significant Permit Activities:
 - o **Request for Public Hearing – Draft Title V Operating Permit for Hebron-Bridgewater Refuse District in Bridgewater, NH:** On August 6th, 2021 the Air Resources Division issued a public notice soliciting comments and requests for a public hearing regarding the draft Title V Operating Permit for a solid waste incinerator owned by the Hebron-Bridgewater Regional Refuse Disposal District. In response to this notice, a request for a public hearing was received. A date has not yet been set for a hearing.

- **Public Information Meeting Regarding Granit State Landfill:** The Department has scheduled a public information session on Wednesday, September 29th, 2021 to provide information about the NHDES permits required for the proposed Granite State Landfill project in Dalton. While this was originally scheduled as a hybrid meeting that included an in-person option, NHDES made the decision to switch to a fully online meeting, in consultation with the host location, due to the expected size of audience relative to the venue, to eliminate COVID-19 exposure, and to allow more time for questions and answers. The agenda for the meeting includes a brief description of the project and the permitting process for each permit required under NHDES jurisdiction, including water resources, solid waste and air permits; the regulations and state law that guide that process; and a question and answer session regarding the permitting process.
- **Stack Testing at Saint-Gobain Performance Plastics:** Saint-Gobain Performance Plastics in Merrimack conducted air emission testing of their RTO during the week of September 6th, 2021. These tests were performed by a third party consult and witnessed by multiple Air Division staff. The tests are intended to demonstrate the performance of the control equipment as required by their construction permit but will also provide some sample for EPA's Office of Research and Development (ORD). NHDES continues to support efforts at the national level to better understand PFAS. We are currently awaiting the results of the samples that were collected.

Member Cartier asked about a recent lawsuit filed against St. Gobain. Cathy Beahm responded that the Merrimack Valley District water supplier sued St. Gobain, TCI and DiaCom in Amherst for PFAS impact on wells.

- **Volkswagen Update:** NHDES is now the lead agency (formerly OSI). On Friday, September 17, 2021, NHDES released a request for proposal for DC Fast Chargers to be located along major travel corridors in the state. We are proposing to award up to \$3 million of VW funds for this purpose which represents about 65% of the funds available for this purpose. NHDES will host an informational webinar on October 6, 2021 at 1pm. Proposals are due on January 7, 2022 by 4 pm. We are hopeful that contracts will be issued by the end of March and will need to be approved by G&C.

Chair Duval and Director Wright spoke about the amounts available and types of projects eligible for the VW settlement. Georgia Murray asked if fast chargers would be available in the north country. Director Wright will send out a link for this activity to the council.

Status of Appeals

Jaime Martinez from the Legal Unit took a few minutes to introduce himself to the council. He was there to take place of Pam Monroe in matters of the legal unit.

- Jamie started with a description of his background and his relevant experience.
- He briefly updated members of the current ARD appeals status, including the just-received information that the NH Supreme Court has declined to review the ARC decision in the Caplan/Lajoie appeal (copy of NHSC appeal attached)
- He updated the Council on Right to Know activities in general– GovQA w/ Sarah Chance, and Certification plan for training staff.
- Casella's permitting information pertaining to Granite State Landfill in Dalton is on GovQA. All relevant documents will be put out and available for transparency.
- Appeals Clerk position is still pending.

- Member Cribbie asked questions regarding number of Right to Know requests and how staff are affected.

Rules – None at this time.

Technical Service Update: Kathleen Errington, Air Quality Analyst Supervisor gave a PowerPoint presentation to the council on Air Forecasting 101 related to particulate matter (pm) and O3 in general and about a specific wildfire event from Summer 2021. Member Murray asked about the source of the data and additional information available. Kathleen discussed the number of exceedances and changes in air quality over the past four years since she has been with NHDES.

New Business:

- Chair Duval pointed out that since Dave Collins has retired, the vice-chairman position is open and available if anyone is interested in applying.
- Term expirations will be coming up soon for a few of the council members. They need to submit resumes and letter to Governor if interested in reappointment.

Public Commentary: none

Adjourn:

Having no further business to discuss, a motion to adjourn was made by Member Cribbie and seconded by Member Tillotson. All in favor. Meeting #273 of the Air Resources Council adjourned at 10:10 am on September 27, 2021.



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

November 08, 2021

#274

The New Hampshire Air Resources Council will convene at:

9:00 am Monday, November 08, 2021

Rooms 111 & 112 first floor

NH Department of Environmental Services

29 Hazen Drive, Concord, New Hampshire 03301

PLEASE NOTE THIS MEETING WILL BE HELD IN-PERSON AT THE LOCATION SPECIFIED ABOVE

- 1. Call to Order**
- 2. Approval of Minutes (Meeting #273)**
- 3. Air Resources Division Report:** *Craig Wright, Director Air Resources Division*
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
- 4. Status of Appeals:** *None at this time*
- 5. Rules: Env-A 300 and Env-A 500**

Env-A 300, Ambient Air Quality Standards

– *Karla McManus, Planning and Rules Manager* – *Lisa Camire, SIP Planning Analyst*

Env-A 500, Standards Applicable to Certain New or Modified Facilities and Sources of Hazardous Air Pollutants

– *Karla McManus, Planning and Rules Manager* – *Cathy Beahm, Administrator, SIP Planning and Rulemaking*

- 6. New Business**
- 7. Public Commentary**
- 8. Adjourn**

AIR RESOURCES COUNCIL
MINUTES OF ONLINE MEETING #274
11/08/2021

MEMBERS PRESENT: Chairman Robert Duval, Jay Leduc, Rudy Cartier Jr., Elizabeth (Lynn) Tillotson,
MEMBERS NOT PRESENT: Mark Lambert, J. Ryan Bielagus, Kris Blomback, David Cribbie,
and Georgia Murray – Via conference call.
NHDES – ARD PERSONNEL: Assistant Director Mike Fitzgerald, Cathy Beahm, Karla McManus,
Lisa Camire, Sheri Eldridge, Tim Carney
OTHERS PRESENT: Shelley Marshall
**MEMBERS OF
THE PUBLIC PRESENT:** None at this time

Call to Order:

Chairman Robert Duval called meeting #274 of the Air Resources Council (ARC) to order at 9:04 a.m. on Monday November 8th, 2021. Chair Robert Duval announced that a quorum was with Georgia Murray attending via conference phone.

Approval of Minutes:

A motion to approve the minutes of meeting #273 moved by moved by Elizabeth (Lynn) Tillotson and seconded by Jay Leduc. All were in favor, motion passed.

Division Activities and Legislative Update:

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

o **Public Hearing - Draft Title V Operating Permit for Hebron-Bridgewater Refuse District in Bridgewater, NH:**

At the last Council meeting, ARD noted that we had received a request for a public hearing regarding the draft Title V Operating Permit for a solid waste incinerator owned by the Hebron-Bridgewater Regional Refuse Disposal District. The hearing is scheduled for December 8th, 2021. The options will be provided for both in person and virtual attendance.

o **Volkswagen Funding:**

DES has been named from OSI to DOE to the lead Agency for implementing the Volkswagen trust funding. Three million dollars in funding for charging intro-structure at various structures around the state of New Hampshire. The RFP has been extended November 2021 to the end of January 2022.

o **Saint Gobain:**

Stack testing were done in August and September 2021, and ARD Director Craig Wright and Cathy Beahm the Administrator for SIP Planning and Rulemaking have a meeting tomorrow to go over the results of the testing. DES also conducted rain water testing which Cathy Beahm gave a brief update. The testing was done in Merrimack, but were also done at two of DES Air monitoring locations; Concord and Nashua to compare results. The results of August testing showed no PFAST detected in the Concord and Nashua locations but 7 PFAST compounds were detected in Merrimack. September testing results showed 3 PFAST compounds detected, and again Concord and Nashua showed none. Testing will continue for one year. Chair Duval requested a quarterly report to the council of these testing's.

o **Clean Air Act: Senator Sheehan’s office phone call.**

Senate voted on a 40% increase for the 105 funding for ARD division. This will add six to seven hundred thousand dollars to ARD’s budget. This money will go to our monitoring division, the SIP Management, and for ARD’s Mobil sources group. Assistant Director Fitzgerald stated that this increase is going to be very detrimental to our Division.

o **Introduction of ARD’s new Compliance Programs Manager**

Assistant Director introduced Tim Carney who is ARD’s new Compliance Programs Manager. Tim joined the Air Resources Division at the end of August 2021. He spent his prior four years as the Administrator of the Bureau of Federal Compliance at the NH Department of Education working with 200 New Hampshire school districts on their management of Federal grant funds. Prior to joining the Department of Education, Tim spent 14 years at DES as a licensed civil engineer working in the Dam Bureau and Wastewater Engineering Bureau. He is very happy to be with DES and is looking forward to working with ARD.

Status of Appeals – None at this time.

Rules – Env-A 300 and Env-A 500

Env-A 300, Ambient Air Quality Standards

– *Karla McManus, Planning and Rules Manager* – *Lisa Camire, SIP Planning Analyst*

ARD is proposing to readopt and amend Env-A 300, *Ambient Air Quality Standards*. The purpose of this rule is to establish state ambient air quality standards for various types of pollutants emitted in or transported into New Hampshire, in accordance with RSA 125-C:1 and Section 110 of the federal Clean Air Act (CAA). In this rulemaking, changes to the standards for particulate matter and ozone are proposed to make them consistent with recently revised national ambient air quality standards, as required by the CAA.

Specifically, ARD is proposing the following substantive changes:

- *Env-A 303, Ambient Air Quality Standards for Particulate Matter (PM)*

The annual primary ambient air quality standard for PM_{2.5} strengthened from 15.0 to 12.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$); and

- *Env-A 307, Ambient Air Quality Standards for Ozone*

The 8-hour primary and secondary standards are strengthened from 0.075 to 0.070 parts per million (ppm).

During the review of Env-A 300 at yesterday’s Air Resources Council meeting Rudy Cartier asked the following question, “How far below the standard (PM_{2.5} annual) is NH?” Lisa Camire advised Council Cartier that she did not know the answer to his question but would research it and get back to him. Later in the day after the Air Council meeting was over Lisa Camire responded to the question. The answer is as follows:

The current PM_{2.5} annual standards are set at 12 $\mu\text{g}/\text{m}^3$. NH evaluates this standard at individual locations across the state. It is not appropriate to average the values measured across locations, however we can use the highest design value calculated at any location to compare to the standard. The design value is calculated by taking the 3-year average of the annual average measurements for PM_{2.5}. The method for calculating design value for each pollutant is provided in the rules by EPA. The highest design value for PM_{2.5} from 2018-2020 was measured in Portsmouth at 6 $\mu\text{g}/\text{m}^3$. Therefore, NH is about 6 $\mu\text{g}/\text{m}^3$ below the standard.

For the 8-hour ozone standard set at 70 ppb, the highest design value in NH from 2018-2020 was measured in Rye at 63 ppb. Therefore, NH is about 7 ppb below the ozone standard. In the case of ozone, the design value is calculated by taking the 3-year average of the annual 4th highest 8-hr average recorded at a location.

Motion was made to start the 15-day clock by Jay Leduc and second by Elizabeth Tillotson. All were in favor, motion passed.

Env-A 500, Standards Applicable to Certain New or Modified Facilities and Sources of Hazardous Air Pollutants

– Karla

McManus, Planning and Rules Manager – Cathy Beahm, Administrator, SIP Planning and Rulemaking

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), State Plans for Designated Facilities and Pollutants, and NESHAP for specific source categories (also known as MACT, for Maximum Achievable Control Technology). These four groups of federal standards, codified at 40 CFR 60, 61, 62 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. This rulemaking will incorporate updates from July 1, 2020 until June 30, 2021.

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.

In addition, DES is taking delegation of a new federal standard, codified at 40 CFR 62, *Approval and Promulgation of State Plans for Designated Facilities and Pollutants*, by amending Part Env-A 506 to take delegation of the state plan for existing municipal solid waste landfills. We will also be amending our delegation agreement with U.S. EPA.

If you have any questions about the proposed re-adoption of Env-A 500 please contact me, Karla McManus, at 271-6854 or karla.mcmanus@des.nh.gov or Cathy Beahm, at 271-6793 or Catherine.Beahm@des.nh.gov.

Motion was made to start the 15-day clock by Elizabeth Tillotson and second by Jay Leduc. All were in favor, motion passed.

New Business: None at this time

Public Commentary: None at this time

Adjourn:

Having no further business to discuss, a motion to adjourn was moved by Elizabeth Tillotson and seconded by Jay Leduc. All were in favor motion passed. Meeting #274 of the Air Resources Council adjourned at 9:50 am on November 8, 2021.

2022 AIR RESOURCES COUNCIL APPEALS

Received	Docket # / Council	Decision Appealed	Appellant; Relationship	Intervenor(s); Relationship	Result	Further Action
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2021 AIR RESOURCES COUNCIL - PRIOR YEAR DOCKET ACTIVITY

Received	Docket # / Council	Decision Appealed	Appellant; Relationship	Intervenor(s); Relationship	Result	Further Action
1/11/21	21-01 ARC	12/10/20 Temporary Permit issued to Waste Management of NH, Inc., Application # 19-0248	Tony Caplan		<p>4/12/21 Council voted to decline appeal</p> <p>6/30/21 issued Ruling denying Motion for Reconsideration of Non-Acceptance of Appeal.</p>	<p>7/30/21 Rule 10 Appeal Filed with NH Supreme Court</p> <p>9/14/21 NH Supreme Court declined Appeal</p>

1. 21-01 ARC was received in 2021 and declined by the Air Resources Council; declined by the NH Supreme Court on September 14, 2021.

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