

ANNUAL REPORT
Of The
AIR RESOURCES COUNCIL
2022
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

DES Commissioner Robert Scott

RESPECTFULLY SUBMITTED

Robert Duval, Chairman

March 28, 2023

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

ROBERT DUVAL, Manchester-Chairman
September 17, 2003 to November 21, 2026
(General Public)

JAY LEDUC, Portsmouth
June 2, 2021 to September 6, 2023
(Fuel Oil Industry)

RUDOLPH A. CARTIER JR. Assistant Chair
September 23, 2020 to October 24, 2025
(Municipal Government)

VACANT
(Health Care Professional)

KRIS NILS BLOMBACK, Henniker
November 6, 2013 to October 24, 2023
(Recreation Industry)

ELIZABETH TILLOTSON, Bow
October 24, 2018 to October 24, 2025
(Steam Power Generating Industry)

GEORGIA MURRAY, Conway
January 11, 2006 to October 24, 2025
(Environmental Interest)

VACANT
(At Large / Public Interest)

DAVID CRIBBIE, Merrimack
November 14, 2018 to November 1, 2026
(Manufacturing)

J. RYAN BIELAGUS, Amherst
January 4, 2005 to December 6, 2023
(General Public)

MARK LAMBERT, Laconia
March 25, 2015 to October 4, 2023
(Natural Gas Industry)

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

Term Exp: 11/21/26

VICE-CHAIR/ MUNICIPAL GOVERNMENT

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

Cell: 603-540-9149
Home: 603-483-5185

2racbs@comcast.net

Term Exp: 10/24/24

AT LARGE/ENVIRONMENTAL INTEREST:

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

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

gmurray@outdoors.org

Term Exp: 10/24/25

AT LARGE/RECREATION INDUSTRY:

Kris Nils Blomback
203 Highland Drive
Henniker, NH 03242

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

kris@patspeak.com

Term Exp: 10/24/23

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

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

ryan@andoverconsulting.com

Term Exp: 12/9/23

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: 10/24/25 :

Elizabeth.tillotson@graniteshorepower.com

NATURAL GAS INDUSTRY:

Mark Lambert
Unitil Corporation
43 Windjammer Ridge
Laconia, NH 03246

Work: 773-6470
Cell: 944-7406

lambert@unitil.com

Term Exp: 10/04/23

AT LARGE/PUBLIC INTEREST:

VACANT

Work:
Home:
Fax:

Term Exp.

Email:

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: 11/15/26

d.cribbiearc@gmail.com

VACANCIES: (2)

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

Air Resources Council Members

Updated: 07/07/2021

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 10, 2022
February 14, 2022
March 14, 2022

April 11, 2022
May 09, 2022
June 13, 2022

July 11, 2022
August 08, 2022
September 12, 2022

October 17, 2022
November 14, 2022
December 12, 2022

RECORD OF ATTENDANCE
Air Resources Council
2022

| | January | February | March | April | May | June |
|---------------------|-----------|-----------|-------------|-----------|------------|-------------|
| Robert Duval | Cancelled | Cancelled | Present | Cancelled | Present | Present |
| Rudy Cartier | Cancelled | Cancelled | Not Present | Cancelled | Present | Present |
| Ryan Bielagus | Cancelled | Cancelled | Not Present | Cancelled | Present | Present |
| Kris Blomback | Cancelled | Cancelled | Not Present | Cancelled | Present | Present |
| Jay Leduc | Cancelled | Cancelled | Present | Cancelled | Present | Present |
| David Cribbie | Cancelled | Cancelled | Present | Cancelled | Present | Not Present |
| Mark Lambert | Cancelled | Cancelled | Not Present | Cancelled | Conf. call | Present |
| Georgia Murray | Cancelled | Cancelled | Present | Cancelled | Conf. call | Present |
| Elizabeth Tillotson | Cancelled | Cancelled | Present | Cancelled | Present | Present |

RECORD OF ATTENDANCE
Air Resources Council
2022

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



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: <https://www.nhec.nh.gov/air/index.htm>

NOTICE OF MEETING

March 14, 2022

#275

The New Hampshire Air Resources Council will convene at:

9:00 am Monday, March 14, 2022

Rooms 208-C 2nd 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 #274)
3. **Air Resources Division Report:** *Craig Wright, Director Air Resources Division*
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
4. **Status of Appeals:** *Pam Monroe, Legal Unit Administrator*
5. **ARD Technical Service Update:** *Tim White, Supervisor VII*
"Volkswagen Settlement Update"
6. New Business
7. Public Commentary
8. Adjourn

**AIR RESOURCES COUNCIL
MINUTES OF ONLINE MEETING #275
03/14/2022**

MEMBERS PRESENT: Chairman Robert Duval, Jay Leduc, Elizabeth (Lynn) Tillotson, Georgia Murray, David Cribbie,

MEMBERS NOT PRESENT: Mark Lambert, J. Ryan Bielagus, Kris Blomback, and Rudy Cartier Jr.

NHDES – ARD PERSONNEL: Director Craig Wright, Assistant Director Mike Fitzgerald, Cathy Beahm,
Tim White

OTHERS PRESENT: Shelley Marshall and Mike Haley

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

Call to Order:

Chairman Robert Duval called meeting #275 of the Air Resources Council (ARC) to order at 9:07 a.m. on Monday March 14, 2022. Chair Robert Duval announced that the council had a quorum.

Approval of Minutes:

A motion to approve the minutes of meeting #274 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 Director Craig Wright of the Air Resources Division (ARD), who updated members of the ARC regarding issues relative to the ARD, including:

New Staff in ARD:

Pat North – Pat, a former administrator of ARD’s Environmental Health Program, has returned on a part time basis to assist with our rollout of the new air toxics rule and to assist with some permitting projects. She will also be providing her expertise to the Environmental Health Program as needed.

Jennifer Galbraith – Jen previously worked at DES in the early 2000s as an air quality modeler. She left to teach at the NH Technical Institute for several years and worked in the solar industry prior to returning to DES as an air permit engineer.

Dr. Kelly Thrippleton-Hunter – Kelly has joined the Environmental Health Program as a health risk assessor in our APPLETREE Program. Prior to coming to DES, Kelly was a professor at Southern NH University.

Director Wright mentioned that David Smith who is one of ARD's Inspector in our Compliance Bureau is on active military leave with the Army Reserves – Mr. Smith is expected to be gone 4 months minimum.

Open Recruitments – 7 Positions

- 3 positions in the Technical Services Bureau
- 3 positions in the Compliance Bureau
- 1 position in the Director's Office

Future Retirements – Currently estimate that 8 senior level staff will retire within 3 years.

Permitting Environmental Health Updates:

1. **Presentation to NH Chapter of American Council of Engineering Companies (ACEC):** On January 21st, 2022, the NHDES Environmental Health Program presented an overview of their program to the NH chapter of the ACEC. The presentation covered the work the Environmental Health Program is doing to establish ambient groundwater quality standards, as well its work under a (3-year) cooperative agreement with the Centers for Disease Control and Prevention, Air Toxics Substances and Disease Registry (CDC-ATSDR).

2. **Updates to Chapter Env-A 1400, *Regulated Toxic Air Pollutants*:**

Changes to Env-A 1400, *Regulated Toxic Air Pollutants* were most recently adopted on February 3, 2022. Sources subject to the air toxics rule have 90 days from adoption of the most recent updates to evaluate their compliance status and demonstrate that their emissions comply with the revised rule. If a new permit or permit revision is needed, facilities need to submit a compliance plan and permit application by May 3, 2022.

Budget Related Items

DES received an additional \$149,000 from EPA in our Section 103 Grant to establish a new air monitoring site in Laconia. The new site will monitor for both PM2.5 and ozone.

We have started the FY 24/25 budget process for both the Operating and Capital Budgets

Our first step is related to Capital Budgets – for the last 3 cycles we have requested and received about \$200,000 for each 2-year cycle

ARD's first request this year is to double that request – pending approval by the CO

Federal Updates:

EPA proposed a new Cross State Air Pollution Rule on March 11

Supreme Court held oral arguments on a climate case related to EPA's authorities on February 28. A decision is expected in June

On March 9 EPA reinstated the California waiver which allows California and other 177 states to enforce more stringent auto emission standards. 16 other states have adopted the California Standards. NH has not adopted CA standards. The waiver was revoked under the previous administration

ARD Technical Service Update:

Tim White, Supervisor VII gave an [update on the Volkswagen Settlement](#).

New Business:

Mike Haley the Attorney from the New Hampshire Department of Justice addressed the Council in reference to updating Rule ENV-AC 200 *Procedural Rules-Air Resources Council*. Mr. Haley stated that the Wetlands Bureau has recently updated theirs and feels that the Air Council should compare Wetlands rules with the existing rules that are already in place for the Air Council. This will be a topic of discussion at our next Air Council meeting that is scheduled for Monday April 11, 2022.

Public Commentary: None at this time

Adjourn:

Having no further business to discuss, a motion to adjourn was moved by Jay Leduc and seconded by David Cribbie. All were in favor motion passed. Meeting #275 of the Air Resources Council adjourned at 10:14 am on March 14, 2022.



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: <https://www.nhec.nh.gov/air-resources-council>

NOTICE OF MEETING

May 09, 2022

#276

The New Hampshire Air Resources Council will convene at:

9:00 am Monday, May 09, 2022

Rooms 208-C 2nd 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 #275)**
3. **Air Resources Division Report:** *Craig Wright, Director Air Resources Division*
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
4. **Status of Appeals:** *Pam Monroe, Legal Unit Administrator*
5. **Rules:**
 - Readoption of Env-A 200, *Procedural Rules*
 - Karla McManus, Planning and Rules Manager
 - Readoption of Env-A 600, *Statewide Permit System*
 - Catherine Beahm, SIP Planning Administrator
 - Readoption of Env-A 2400, *Ferrous and Non-Ferrous Foundries, Smelters, and Investment Casting Operations*
 - Karla McManus, Planning and Rules Manager
 - Sheila Rydel, NSR Program Manager
 - Readoption of Env-A 2700, *Hot Mix Asphalt Plants*
 - Karla McManus, Planning and Rules Manager
 - Sheila Rydel, NSR Program Manager
6. **New Business**
7. **Public Commentary**
8. **Adjourn**

AIR RESOURCES COUNCIL
MINUTES OF ONLINE MEETING #276
05/09/2022

MEMBERS PRESENT: Chairman Robert Duval, Jay Leduc, Elizabeth (Lynn) Tillotson, David Cribbie, J. Ryan Bielagus, Kris Blomback, and Rudy Cartier Jr.

MEMBERS PRESENT BY PHONE: Mark Lambert and Georgia Murray.

NHDES – ARD PERSONNEL: Director Craig Wright, Asst. Director Mike Fitzgerald, Cathy Beahm Gary Milbury, Sheila Rydel, Karla McManus,

OTHERS PRESENT: Shelley Marshall

MEMBERS OF

THE PUBLIC PRESENT: John Tuthill

Call to Order:

Chairman Robert Duval called meeting #276 of the Air Resources Council (ARC) to order at 9:05 a.m. on Monday May 9, 2022. Chair Robert Duval announced that the council had a quorum present.

Approval of Minutes:

A motion to approve the minutes of meeting #275 moved by J. Ryan Bielagus and seconded by David Cribbie. All were in favor, motion passed.

Division Activities and Legislative Update:

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

1. EBC New Hampshire Webinar: Efforts to Address Environmental Justice in NH-Update from March 14, 2022 Air Council meeting:

On April 19, 2022, Karen Craver, the Administrator of DES Environmental Health Program, participated in the NH Environmental Business Council webinar on Environmental Justice in New Hampshire. This webinar introduced participants to environmental justice leaders from the EPA, the NH DES, and from local organizations and institutions. The goal of the meeting was to explore how federal; state and Community groups are currently taking action to advance and promote environmental justice. The webinar had approximately 60 attendees, and the EBC has asked us to partner with them again in the future.

2. Updates to Chapter Env-A 1400, *Regulated Toxic Air Pollutants*:

Changes to Env-A 1400, *Regulated Toxic Air Pollutants* were most recently adopted on February 3, 2022. Sources subject to the air toxics rule have 90 days from adoption (until May 3rd, 2022) to evaluate their compliance status and demonstrate that their emissions comply with the revised rule, or if necessary, apply for a new permit or permit revision. To date, we have received submittals from approximately 12 facilities that either need to obtain/amend a permit or have requested determinations from the Department regarding the application of the recent rule revisions.

3. Volkswagen Update: DES has ranked the project and will begin the G&C process to approve the

contracts. DES will provide further information at our upcoming Air Council meetings.

4. **NEVU Update:** DOT is the lead, will have \$17M in federal money for EV infrastructure over 5 years. DES is assisting with the corridor designations and will be assisting with public outreach. In effort to coordinate with DOT and the DES VW funds the lead DOT staff person was on the DES VW RFP scoring committee.
5. **Permit Fee Update:** DES held the fee consistent with the 2021 fee rate Emission report were due April 25, 2022. DES will provide further information at our upcoming Air Council meetings.
6. **Regional HZE SIP:** NHDES Air Resources Division submitted the periodic comprehensive revision to the NH Regional Haze State Implementation Plan (SIP) for the second planning period to EPA on May 5, 2022. The plan was due July 31, 2021. This SIP update represents the culmination of years of technical work performed in partnership with states, tribes, stakeholders, EPA and Federal Land Managers. On April 7, 2022, EPA announced its intent to make findings that certain states have failed to submit regional haze implementation plans for the second planning period. The EPA intends to issue these findings by August 31, 2022, however States that submit their second planning period SIPs by August 15, 2022, may avoid inclusion in the findings of failure to submit.

Rules:

Env-A 600, *Statewide Permit System*

Karla McManus, Planning and Rules Manager

Env-A 600, *Statewide Permit System*, is due to expire on September 1, 2022. The purpose of this chapter is to implement the permitting requirements of RSA 125-C and RSA 125-I to regulate the operation and modification of new and existing stationary sources, area sources and devices in order to achieve and maintain the ambient air quality standards established pursuant to RSA 125-C and Env-A 300; and the ambient air limits for regulated toxic air pollutants established pursuant to RSA 125-I and Env-A 1400. This chapter applies to each stationary source, area source, and device that is required by RSA 125-C:11 to possess a temporary permit or operating permit.

The Air Resources Division (ARD) is readopting this rule without any changes. ARD has spent the past two years working with permitting staff on changes that need to be made to make the rule clearer for sources and to make sure the rule is in compliance with federal laws. The details of the language are still in process and need more time. Since Env-A 600 is the cornerstone of ARD and our State Implementation Plan, we need input from the United States Environmental Protection Agency and from our stakeholders before we move ahead. Therefore, we are proposing to readopt the current rule without any changes so that it doesn't expire while we are working on re-writing Env-A 600.

Several ARC members expressed concern that the public may be misled by this re-adoption without changes is interim in nature and will soon be followed by substantive changes. DES agreed to inform the public of this intent. Council member Elizabeth Tillotson moved to start the 15-day clock, seconded by Kris Blomback; the motion passed unanimously.

Readoption of Env-A 2400, *Ferrous and Non-Ferrous Foundries, Smelters, and Investment Casting Operations*

Karla McManus, Planning and Rules Manager / Sheila Rydel, NSR Program Manager

Env-A 2400, *Ferrous and Non-Ferrous Foundries, Smelters, and Investment Casting Operations*, is due to expire on April 23, 2023. The purpose of this chapter is to establish emissions standards for particulate matter and visible emissions from ferrous and non-ferrous foundries, smelters, and investment casting operations.

The Air Resources Division is readopting this rule without any changes except for the deletion of Part 2405, *Affirmative Defenses for Violations of Visible Emission Standards*. This part is being deleted because on September 17, 2014, the EPA issued a supplemental notice of proposed rulemaking (SNPR, 79 FR 55920) amending its February 22, 2013 (78 FR 12459) proposed rule made in response to a petition for rulemaking that the Sierra Club filed with the EPA. At issue was whether the EPA can allow an affirmative defense for excess emissions from a permitted source during start-up, shut-down, or malfunction (SSM) of equipment because, as asserted by the Sierra Club the EPA's policy with regard to SSM can "undermine the emission limits in SIPs and threaten states' abilities to achieve and maintain the NAAQS, thereby threatening public health and public welfare..." Subsequent to EPA's issuance of the February 2013 proposal, a federal court ruled, based on a case brought by the NRDC, that CAA sections 113 and 304 preclude EPA authority to create affirmative defense provisions in the Agency's own regulations imposing emission limits on sources, because such provisions purport to alter the jurisdiction of federal courts to assess liability and impose penalties for violations of those limits in private civil enforcement cases. Therefore, the EPA is requiring states to remove any affirmative defense language from existing rules and not include them in future rules.

After a discussion between the Council and ARD; ARD decided to withdraw this rule at this time and hold additional meetings with stakeholder groups to discuss SSM policy.

Readoption of Env-A 2700, *Hot Mix Asphalt Plants*

Karla McManus, Planning and Rules Manager / Sheila Rydel, NSR Program Manager

Env-A 2700, *Hot Mix Asphalt Plants*, is due to expire on February 16, 2023. The purpose of this chapter is to establish standards for regulating visible emissions, particulate matter emissions, and fugitive emissions from hot mix asphalt plants. The Air Resources Division is readopting this rule without any changes.

Council member Rudy Cartier moved to start the 15-day clock, seconded by Elizabeth Tillotson; the motion passed unanimously.

Readoption of Env-A 200, *Procedural Rules*

Karla McManus, Planning and Rules Manager

ARD is proposing to readopt Env-A 200, *Procedural Rules*, with minor changes because it is due to expire on September 25, 2022. Minor edits were made for purposes of clarity.

Council member David Cribbie moved to start the 15-day clock, seconded by J. Ryan Bielagus. Motion passed with all members voting yes, except member Rudy Cartier Jr., who was opposed.

New Business:

Chair Robert Duval advised the council that Rudy Cartier Jr. has volunteered to serve as Vice Chair for the Air Council. Chair Duval expressed thanks to member Cartier for his willingness to take on this role and asked if the ARC would endorse Mr. Cartier for this position to the Governor and Council. Motion by Kris Blomback and second by J. Ryan Bielagus. The motion passed unanimously.

Public Commentary: None at this time

Adjourn:

Having no further business to discuss, a motion to adjourn was moved by Elizabeth (Lynn) Tillotson, and seconded by J. Ryan Bielagus. All were in favor motion passed. Meeting #276 of the Air Resources Council adjourned at 10:21 am on May 9, 2022.



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: <https://www.nhec.nh.gov/air-resources-council>

NOTICE OF MEETING

June 13, 2022

#277

The New Hampshire Air Resources Council will convene at:

9:00 am Monday, June 13, 2022

Rooms 208-C 2nd 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 #276)
3. Air Resources Division Report: *Craig Wright, Director Air Resources Division*
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
4. Status of Appeals: *None currently*
5. (SIP) State Implementation Plans Update: *Lisa Camire, Environmental Program Manager*
6. Rules: *None currently*
7. New Business Council will discuss the new Air Council Rules
8. Public Commentary
9. Adjourn

**AIR RESOURCES COUNCIL MINUTES
OF MEETING #277
06/13/2022**

MEMBERS PRESENT: Chairman Robert Duval, Jay Leduc, Elizabeth (Lynn) Tillotson, J. Ryan Bielagus, Kris Blomback, and Rudy Cartier Jr., Mark Lambert.

MEMBERS PRESENT BY PHONE: Georgia Murray.

NHDES – ARD PERSONNEL: Director Craig Wright

OTHERS PRESENT: Shelley Marshall and Jaime Martinez

THE PUBLIC PRESENT: John Tuthill and Katie Lajoie

Call to Order:

Chairman Robert Duval called meeting #277 of the Air Resources Council (ARC) to order at 9:15 a.m. on Monday June 13, 2022. Chair Robert Duval announced that the council had a quorum present.

Approval of Minutes:

A motion to approve the minutes of meeting #276 moved by Rudy Cartier and seconded by Lynn Tillotson. All were in favor, motion passed.

Division Activities and Legislative Update:

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

- 1. USEPA Releases “Our Nation’s Air: Trends Through 2021”:** On June 1st, the USEPA released its annual report that tracks progress in controlling air pollution. The interactive report, “Our Nation’s Air: Trends Through 2021,” focuses on nation-wide criteria and toxic air pollutants reductions. The report is available on the USEPA website (at <https://gispub.epa.gov/air/trendsreport/2022/#home>).
- 2. Withdrawal of Air Permit Application for Proposed Granite State Landfill in Dalton:** In a letter dated May 31st, Granite State Landfill, LLC (GSL), a subsidiary of Casella Waste Systems, requested the withdrawal of the air permit application they had submitted in June 2021 for a proposed landfill in Dalton. The letter states that GSL intends to “modify and resubmit the Temporary Permit application in a few months.”
- 3. Environmental Health Program Participation in DES Ground Water Trust Drinking Water Source Protection Conference:** The Environmental Health Program (EHP) presented at the NHDES and American Ground Water Trust Drinking Water Source Protection Conference on May 25th. The presentation was aimed at educating audience members about the work that is done by the EHP and promoting partnerships with the EHP.

4. New Resource for Local Community Leaders - NH Environmental Health Guide: With funding from the CDC's Agency for Toxic Substances and Disease Registry (ATSDR), the APPLETREE (ATSDR's Partnership to Promote Local Efforts to Reduce Environmental Exposures) team in the Environmental Health Program established a contract with Dartmouth College to develop several resources aimed at supporting local leaders in their response to community concerns about environmental health. One resource, the [New Hampshire Environmental Health Guide](#), has now been posted on the NHDES website. The guide, which points users to state and federal resources by topic area, was developed with stakeholder input from municipal officials, state elected officials, and health care providers

Status of Appeals: *Jaime Martinez, Legal Coordinator*

Acting Appeals Clerk, Jaime Martinez advised the Council there were no new appeals to report.

Rules:

Chair Robert Duval advised the council that this would be a good time to discuss revisions to the Air Council Organizational Rules.

Chair Duval explained the background and reason for updating Council organizational rules, starting with a legislative change that replaced the Council Chair as presiding officer for appeals with a Hearings Officer appointed by the Attorney General. This change dates back over ten years now.

Chair Duval pointed out that the Wetlands Council recently updated their rules to account for this change along with other updates and clarifications, and these have now been approved by JLCAR. He pointed out that RSA 21 does require the Councils to match up their rules as closely as possible. This will have the additional benefit of facilitating future appeals that may cut across multiple Council jurisdictions.

He suggested the best approach would be to follow the numbering format and content of the new Wetlands Council rules as closely as possible, making appropriate markups changes to statutory citations and other water-related items, rather than attempting to re-write the current Air Council rules.

In response to Council questions, Acting Appeals Clerk Jaime Martinez informed the Council that the Wetlands Council's recently adopted rules specifically state that the Hearing Officer determines the legal sufficiency of an appeal including such matters as standing and jurisdiction. It also introduces e-filing as an alternative to paper.

Mr. Martinez suggested the Council seek legal advice from the Council's DOJ attorney, Michael Haley, on specific procedures for adopting revised Air Council rules.

New Business:

Public Commentary: Katie Lajoie addressed the Council to present a letter she had submitted to state government officials on June 5th regarding persistent toxic substances such as lead, mercury, cadmium, dioxin, and PFAS. The letter had not yet been forwarded to the Council. Copies of the letter were made and distributed at the meeting. Ms. Lajoie explained that her group "Working on Waste" believes that current state regulations are inadequate in respect to these materials, and do not consider effects of bio-accumulation and interaction. Chair Duval thanked Ms. Lajoie for her comments and said the Council would read the letter and consider its recommendations within its role as advisor on long-range planning to the Air Division.

Adjourn:

Having no further business to discuss, a motion to adjourn was made by Rudy Carter and seconded Ryan Bielagus. All were in favor and Meeting #276 of the Air Resources Council adjourned at 10:15 am on June 13, 2022.



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: <https://www.nhec.nh.gov/air-resources-council>

NOTICE OF MEETING

September 12, 2022

#278

The New Hampshire Air Resources Council will convene at:

9:00 am Monday, September 12, 2022

Rooms 208-C 2nd 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 #277)
3. Air Resources Division Report: *Craig Wright, Director Air Resources Division*
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
4. Status of Appeals: *None currently*
5. (SIP) State Implementation Plans Overview: *Lisa Camire, Environmental Program Manager*
6. Rules: *Review draft of proposed ARC organizational rules Ec-A100-A200*
7. New Business *Council will discuss the new Air Council Rules*
8. Public Commentary
9. Adjourn

AIR RESOURCES COUNCIL
MINUTES OF ONLINE MEETING #278

09/12/2022

MEMBERS PRESENT: Chairman Robert Duval, Jay Leduc, Elizabeth (Lynn) Tillotson, David Cribbie, Rudy Cartier Jr., and Mark Lambert.

MEMBERS PRESENT BY PHONE: Georgia Murray.

NHDES – ARD PERSONNEL: Director Craig Wright

OTHERS PRESENT: Shelley Marshall and Jaime Martinez

THE PUBLIC PRESENT: None

Call to Order:

Chairman Robert Duval called meeting #278 of the Air Resources Council (ARC) to order at 9:10 a.m. on Monday September 12, 2022. Chair Robert Duval announced that the council had a quorum present.

Approval of Minutes:

A motion to approve the minutes of meeting #277 moved by Mark Lambert and seconded by David Cribbie. All were in favor, motion passed.

Division Activities and Legislative Update:

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

1. **NH Business and Industry Association Air and Water Conference:** On September 21st, The Air Resource Division and Water Divisions will have staff participating in the New Hampshire Air and Water Regulatory Conference, which is put on bi-annually in partnership with the New Hampshire Business and Industry Association. The conference focuses on emerging regulatory issues, as well as practical information that attendees can use to keep their operations compliant with state and federal laws. The conference agenda can be viewed on the BIA website at www.biaofnh.com.
2. **Petition for Rulemaking to Adopt Rules Pertaining to “Advanced Recycling:** On August 16th, the Conservation Law Foundation, New Hampshire Healthcare Workers for Climate Action, and the Union of Concerned Scientists filed a petition with NHDES to “initiate rulemaking and adopt final rules specifically addressing the permitting and operation of “advanced recycling” (AR) facilities in New Hampshire.” The request was filed in response to the recently adopted SB 367, “relative to the regulatory status of advanced recycling and manufacturing facilities.” The petition makes several requests, including a request that DES implement more stringent standards for AR facilities, claiming that under the current permitting structure, these facilities will be able to avoid the use of air pollution controls. The 17-page petition is highly detailed and legally complex, and is currently under review by ARD, WMD, and the DES Legal Unit. NHDES is required to respond to the petition within 30 days (by September 15, 2022).
3. **Work in the Environmental Health Program:** Members of the EHP Team are working on many different projects, including risk evaluations of chemicals in drinking water, assisting with studies of PFAS uptake in vegetables and shellfish, and meeting with various local leaders and legislative

committees to assist them in their work. The EHP Team would be happy to provide an overview of its works at a future Council meeting.

Status of Appeals: *Jaime Martinez, Legal Coordinator*

Acting Appeals Clerk, Jaime Martinez advised the Council there were no new appeals to report.

(SIP) State Implementation Plans Overview: *Lisa Camire, Environmental Program Manager*

Lisa Camire gave a [power point presentation](#) to the Air Council of an overview of the State Implementation plans.

New Business:

The Air council review the proposed ARC organizational rules Ec-A100-A200

Public Commentary: No Public present.

Adjourn:

Having no further business to discuss, a motion to adjourn was made by Elizabeth Tillotson and seconded Jay Leduc. All were in favor and Meeting #278 of the Air Resources Council adjourned at 10:57 am on September 12, 2022.



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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NOTICE OF MEETING

October 17, 2022

#279

The New Hampshire Air Resources Council will convene at:

9:00 am Monday, October 17, 2022

Rooms 208-C 2nd 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 #278)
3. Air Resources Division Report: *Craig Wright, Director Air Resources Division*
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
4. Status of Appeals: None
5. Rules *Proposed Readoption of Env-A 1800, Asbestos Management and Control*
Karla McManus, Planning and Rules Manager
Sheri Eldridge, Compliance Bureau Administrator
Ray Walters, Field Manager
6. New Business
7. Public Commentary
8. Adjourn

AIR RESOURCES COUNCIL
MINUTES OF ONLINE MEETING #279
10/17/2022

MEMBERS PRESENT: Chairman Robert Duval, Jay Leduc, Rudy Cartier Jr., Dave Cribbie, Mark Lambert, and J. Ryan Bielagus.

MEMBERS PRESENT BY PHONE: Georgia Murray.

NHDES – ARD PERSONNEL: Director Craig Wright, Karla McManus, Ray Walters, Sheri Eldridge
Cathy Beahm, Gary Milbury

OTHERS PRESENT: Shelley Marshall and Jaime Martinez

THE PUBLIC PRESENT: John Tuthill

Call to Order:

Chairman Robert Duval called meeting #279 of the Air Resources Council (ARC) to order at 9:04 a.m. on Monday October 17, 2022. Chair Robert Duval announced that the council had a quorum present.

Approval of Minutes:

A motion to approve the minutes of meeting #278 moved by Mark Lambert and seconded by Rudy Cartier Jr. All were in favor, motion passed.

Division Activities and Legislative Update:

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

1. **Update - NH Business and Industry Association Air and Water Conference:** On September 21st, staff from the Air and Water Divisions participated in the New Hampshire Air and Water Regulatory Conference, which is put on bi-annually in partnership with the New Hampshire Business and Industry Association. The conference focused on emerging regulatory issues, as well as practical information that attendees can use to keep their operations compliant with state and federal laws. Approximately 90 people attended the conference
2. **Update - Petition for Rulemaking to Adopt Rules Pertaining to “Advanced Recycling:** ARD mentioned during the last Council meeting, on August 16th, the Conservation Law Foundation, New Hampshire Healthcare Workers for Climate Action, and the Union of Concerned Scientists filed a petition with NHDES to “initiate rulemaking and adopt final rules specifically addressing the permitting and operation of “advanced recycling” (AR) facilities in New Hampshire.” The request was filed in response to the recently adopted SB 367, “relative to the regulatory status of advanced recycling and manufacturing facilities.” The petition included several requests, including a request that DES implement more stringent standards for AR facilities, claiming that under the current permitting structure, these facilities will be able to avoid the use of air pollution controls.

NHDES denied the petition on September 15, 2022. A copy of the response can be provided to the Council members.

3. **NH Environmental Health Conference:** On October 27th, several staff from DES will be participating in the NH Environmental Health Conference at the Grappone Center in Concord. Formerly known

as the NH Healthy Homes Conference, the event will focus on the relationship between people and their environment; and fostering healthy and safe communities by promoting sound policy that protects the health, well-being, and quality of life in all communities throughout New Hampshire. The conference agenda and registration details can be found at <https://nhehc.com/>.

Status of Appeals: None

Rules Proposed Readoption of Env-A 1800, Asbestos Management and Control

Karla McManus, Planning and Rules Manager

Sheri Eldridge, Compliance Bureau Administrator

Ray Walters, Field Manager

ARD has drafted a proposed readoption with amendments to Env-A 1800, *Asbestos Management and Control*, with stakeholder and EPA input. ARD conducted two stakeholder meetings to receive feedback on the proposed changes. This rule protects the health of the general public by ensuring that asbestos is managed in a manner that minimizes the release of asbestos fibers to the environment and human exposure thereto.

Env-A 1800 has been reorganized and re-written to:

Fulfill the RSA 141-E:1 directive for NHDES "... to control the exposure of the public to asbestos by regulation of asbestos abatement and asbestos disposal site activities. The intent of this chapter is not to overburden the unknowing homeowner, but rather to assure commercial and industrial compliance with asbestos disposal site regulation and asbestos abatement efforts."

Maintain minimum requirements that will be at least as stringent as the federal requirements in 40 CFR 61, Subpart M.

Implement enforceable, practical changes which streamline and clarify requirements in the rule.

Changes to the rule include the following:

Revise and consolidate all requirements for homeowners into one part of the rule (Env-A 1803)

Definition changes

Add definitions of dwelling (Env-A 1802.22) and homeowner (Env-A 1802.32)

Simplify the definition of major asbestos abatement (Env-A 1802.36)

Revise definition of rental dwelling (Env-A 1802.44)

Changes to inspections

Expand inspection requirements (Env-A 1804.01(a) – (d), (g) (h))

Add exemptions to inspections (Env-A 1804.01(e) and (f))

Revise recordkeeping requirements (Env-A 1805)

Revise notification requirements (Env-A 1806)

Clarify the procedures for ordered demolition (Env-A 1806.04(e)) and emergency abatement (Env-A 1806.05)

Add an exemption to demolition work practice requirement for moving intact structures (Env-A 1809.01(c))

Streamline glovebag requirements (Env-A 1811.01) and alternative procedure process (Env-A 1811.02)

Revise asbestos removal requirements to allow for no wetting if below freezing (Env-A 1812.01)

Expand and clarify waste shipment record requirements (Env-A 1812.03)

Clarify requirements for approved training and accredited training (Env-A 1814)
Modify application fees in Env-A 1815.09 for entities (same initial and renewal) and replacements (free for 1st one, then \$20)
Revise license and certification denial, suspension, and revocation (Env-A 1815.03/1815.08/1815.10; Env-A 1817.07/1817.08; and Env-A 1818.05/1818.06)
Clarify training requirements for all license/certification types (Env-A 1815.13 and 1815.14; Env-A 1819)
Streamline requirements for entity licenses and personnel certifications (Env-A 1815 and Env-A 1816)
Revise asbestos disposal site contractor and worker requirements (Env-A 1817 and 1818)

If you have any questions about the proposed readoption of Env-A 1800, please contact Karla McManus at 271-6854, karla.mcmanus@des.nh.gov or Sheri Eldridge at 271-0882, sheri.r.eldridge@des.nh.gov.

J. Ryan Bielagus motioned to start the 15-day clock and council member Jay Leduc second the motion. All were in favor, motion passed.

Chair Robert Duval had asked the council if they had a chance to go over the rules for Env-AC 200 or the organizational rules. Pam Monroe the Legal Unit Administrator for DES spoke about the next step in the update to the organizational rules. She stated that she would need a draft of the rules from the council, and a request from the Air Council.

Chair Robert Duval motioned to submit the draft rule for Env-AC 200 that the Air Council has updated to the DES Legal unit for review, Mark Lambert second the motion. All were in favor, motion passed.

New Business: None

Public Commentary: John Tuthill from Acworth NH wanted to submit to the Air Council the petition for Rulemaking Received on August 16, 2022. Director Wright also stated that he would submit a link the New Jersey statute and the NJ proposed rule and would also make sure that Mr. Tuthill received them as well.

Adjourn:

Having no further business to discuss, a motion to adjourn was made by J. Ryan Bielagus and seconded by Vice Chair Rudy Cartier Jr. All were in favor and Meeting #278 of the Air Resources Council adjourned at 10:25 am on October 17, 2022.



THE STATE OF NEW HAMPSHIRE

Air Resources Council

Robert Duval, Chairman

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NOTICE OF MEETING

November 14, 2022

#280

The New Hampshire Air Resources Council will convene at:

9:00 am Monday, November 14, 2022

Rooms 208-C 2nd 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. **Other** Update on Env-AC 200 organizational rules - *Pam Monroe, Legal Unit Administrator*
3. **Approval of Minutes (Meeting #279)**
4. **Air Resources Division Report:** *Craig Wright, Director Air Resources Division*
 - Legislative Update
 - Significant Permit Activities
 - Other ARD Activities
5. **Status of Appeals:** None
6. **Rules**

Proposed Readoption of Env-A 400, Acid Deposition Control Program – *Karla McManus, Planning and Rules Manager. Todd Moore, Air Permit Programs Manager*

Proposed Readoption of Env-A 1100, Prevention, Abatement, and Control of Mobile Source Air Pollution – *Karla McManus, Planning and Rules Manager. Rebecca Ohler, Technical Services Bureau Administrator.*

Amendments to Env-A 1303.02 and Env-A 1303.04, Definitions and Recordkeeping for Startup, Shutdown and Low-Load Operation. *Karla McManus, Planning and Rules Manager, Cathy Beahm, SIP Planning Administrator, Lisa Camire, SIP Planning Analyst.*

Proposed Readoption of Env-A 1600, Fuel Specifications. *Karla McManus, Planning and Rules Manager, John McCutcheon, Title V Permit Engineer.*

7. **New Business**
8. **Public Commentary**
9. **Adjourn**

AIR RESOURCES COUNCIL
MINUTES OF ONLINE MEETING #280

11/14/2022

MEMBERS PRESENT: Chairman Robert Duval, Jay Leduc, Rudy Cartier Jr., Dave Cribbie, Mark Lambert, Kris Blomback, Elizabeth Tillotson, and J. Ryan Bielagus.

MEMBERS PRESENT BY PHONE: Georgia Murray.

NHDES – ARD PERSONNEL: Director Craig Wright, Karla McManus, Lisa Camire, Todd Moore, Ray Walters, Sheri Eldridge Cathy Beahm, John McCutcheon, and Mike Fitzgerald

OTHERS PRESENT: Shelley Marshall and Pam Monroe

THE PUBLIC PRESENT: John Tuthill

Call to Order:

Chairman Robert Duval called meeting #280 of the Air Resources Council (ARC) to order at 9:06 a.m. on Monday November 14, 2022. Chair Robert Duval announced that the Council had a quorum present.

Update on EC-Air 100 200 organizational rules:

Chair Duval introduced Legal Unit Administrator Pamela Monroe out of order for a brief update on the rule-making process in regard to the proposed ARC organizational rules update.

Administrator Monroe asked for approval from the Air Council of the draft that was submitted to the Legal unit at last month's Air Council meeting. On motion by Chair Duval seconded by Member Cartier, the Air Council voted all in favor to approve the draft organizational rules. A hearing will be scheduled for Monday February 13th, 2023.

Approval of Minutes:

Chair Robert Duval decided that at each Air Council meeting we will start with a roll call of who is attending the Air Council meeting. Chair Robert Duval announced which Council members were at this month's meeting before a motion was made to approve last month's meeting.

A motion to approve the minutes of meeting #279 moved by Elizabeth Tillotson and seconded by J. Ryan Bielagus. All were in favor, motion passed.

Division Activities and Legislative Update:

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

1. **NH Environmental Health Conference:** On October 27th, several staff from DES participated in the NH Environmental Health Conference at the Grappone Center in Concord. Formerly known as the NH Healthy Homes Conference, the event focused on the relationship between people and their environment; and fostering healthy and safe communities by promoting sound policy that protects the health, well-being, and quality of life in all communities throughout New Hampshire.

Environmental Health Program staff were involved in sessions on:

- Common water contaminants found in NH, providing residents, community leaders, and others with informational tools intended to address water quality concerns and reduce exposure to harmful contaminants.
- Environmental health and the State's process for responding to environmental concerns.
- ARD's Kathleen Errington and Marcus Chase - Forecasting and monitoring air quality, declaring Air Quality Action Days, and explaining the details of these events.
- A primer on what PFAS is and where they have been detected in New Hampshire, as well as explaining existing regulatory tools to address PFAS.

The following links were mailed to the Council per requested on November 15th, 2022.

[Civil Rights and Environmental Justice | NH Department of Environmental Services](#) DES Civil Rights and Nondiscrimination Web Page

[New Hampshire Department of Environmental Services Civil Rights and Nondiscrimination Implementation Plan \(nh.gov\)](#) DES Civil Rights and Nondiscrimination Plan

[Environmental Justice Index \(EJI\) \(cdc.gov\)](#) CDC Environmental Justice Index Web Page

[EJI Launcher \(cdc.gov\)](#) CDC Environmental Justice Index Map Based Tool

Status of Appeals: None

Rules:

1. Proposed Readoption of Env-A 400, *Acid Deposition Control Program*

Karla McManus, Planning and Rules Manager

Todd Moore, Air Permit Programs Manager

ARD is proposing to readopt Env-A 400, *Acid Deposition Control Program*, with just a few edits. The purpose of this rule is to implement RSA 125-D, the Acid Rain Control Act, so as to reduce the adverse effects of acid deposition on ecosystems and public health by reducing sulfur dioxide (SO₂) emissions from sulfur-emitting sources within New Hampshire. It is due to expire on March 19, 2023. Member Murray asked whether the role of NO_x should be considered in these rules. Director Wright said that NO_x emissions were already covered under separate rules.

David Cribbie motioned to start the 15-day clock and Council member Kris Blomback second the motion. All were in favor, motion passed.

2. Proposed Readoption of Env-A 1100, *Prevention, Abatement, and Control of Mobile Source Air Pollution*

Karla McManus, Planning and Rules Manager

Rebecca Ohler, Technical Services Bureau Administrator via cell phone

ARD is proposing to readopt Env-A 1100, *Prevention, Abatement, and Control of Mobile Source Air Pollution*, without any amendments. The purpose of this rule is to regulate emissions from all motor vehicles pursuant to RSA 125-C:6, XII. It is due to expire on May 22, 2023. There was a brief discussion of limitations on vehicle idling emissions.

Lynn Tillotson motioned to start the 15-day clock and Council member J. Ryan Bielagus second the motion. All were in favor, motion passed.

3. Amendments to Env-A 1303.02 and Env-A 1303.04, *Definitions and Recordkeeping for Startup, Shutdown and Low-Load Operation*

Karla McManus, Planning and Rules Manager

Cathy Beahm, SIP Planning Administrator

Lisa Camire, SIP Planning Analyst

ARD is proposing to amend Env-A 1303.02 and Env-A 1303.04, *Definitions and Recordkeeping for Startup, Shutdown and Low-Load Operation*, in accordance with a request by EPA to align our rules with the federal standards, so our NO_x Reasonably Available Control Technology (RACT) requirements can be approved as part of the RACT Certification for the 2008 Ozone NAAQS State Implementation Plan (SIP) that ARD submitted to EPA on September 5, 2018.

The current rule outlines the provisions of RACT applicable to utility boilers with a combined maximum heat output rate which exceeds 50 million British thermal units (Btu) per hour at any time after December 31, 1989, to satisfy the RACT SIP requirements for a major source of NO_x. As a state located within the Ozone Transport Region, New Hampshire is required to adopt RACT requirements into the SIP under Title I of the Clean Air Act, Section 184(b).

EPA staff identified the attached rule changes that are necessary for them to take final action on the NH SIP submittal, specifically a revision to the definition of low-load operation and additional recordkeeping requirements for startup, shutdown, and low-load operations. The proposed changes were also reviewed and developed with input from the affected facility.

New Hampshire submitted the RACT Certification after EPA issued a Finding of Failure to Submit on March 6, 2017 (82 FR 9158). The proposed revisions support EPA's approval of New Hampshire's submitted RACT Certification, so EPA will not have to issue a Federal Implementation Plan (FIP) to New Hampshire. Chairman Duval asked Director Wright about the "Failure to Submit" notice. Director Wright explained that startup/shutdown guidance rules were evolving at the time, and ARD was working with EPA to identify appropriate changes to NH rules before completing the SIP.

Chairman Duval asked Member Tillotson whether she had any comments on these proposed rules. She explained she had previous discussions with ARD staff in previous workshops on these rules, and had no further comments at this time.

J. Ryan Bielagus motioned to start the 15-day clock and Council member David Cribbie second the motion. All were in favor, motion passed.

4. Proposed Readoption of Env-A 1600, *Fuel Specifications*

Karla McManus, Planning and Rules Manager

John McCutcheon, Title V Permit Engineer

ARD is proposing to readopt Env-A 1600, *Fuel Specifications*, without any changes. The purpose of this rule is to prevent, abate, and control pollutants emitted into the ambient air by controlling the use of fuels containing specific pollutant elements and compounds, pursuant to RSA 125-C:6, II. It is due to expire on September 23, 2023. There was general discussion of fuel specifications in nearby states.

Lynn Tillotson motioned to start the 15-day clock and Council member Georgia Murray second the motion. All were in favor, motion passed.

New Business: None

Public Commentary: John Tuthill from Acworth asked the Council if the drafts that were discussed at today's meeting will be available to the public. Chair Robert Duval clarified to Mr. Tuthill that under state statutes, DES' draft rules are reviewed first with the Air Council members, who have 15 days to make advance comments before the drafts are released by DES to the general public. Chair Duval explained that in general all materials discussed at ARC meetings are public information, and copies can be provided upon request; alternatively, the drafts will be made public to all in 15 days' time.

Adjourn:

Having no further business to discuss, a motion to adjourn was made by J. Ryan Bielagus and seconded by Vice Chair Rudy Cartier Jr. All were in favor and Meeting #278 of the Air Resources Council adjourned at 9:59 am on November 14, 2022.

2022 AIR RESOURCES COUNCIL APPEALS: NONE

END OF REPORT

