

**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:

- USEPA Releases “Our Nation’s Air: Trends Through 2021”:** On June 1<sup>st</sup>, 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>).
- Withdrawal of Air Permit Application for Proposed Granite State Landfill in Dalton:** In a letter dated May 31<sup>st</sup>, 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.”
- 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 25<sup>th</sup>. 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 5<sup>th</sup> 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.