

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.



STATE IMPLEMENTATION PLANS 101

OVERVIEW



STATE IMPLEMENTATION PLANS

There are several types of SIPs to meet Clean Air Act requirements.

IMPACT TO ARD

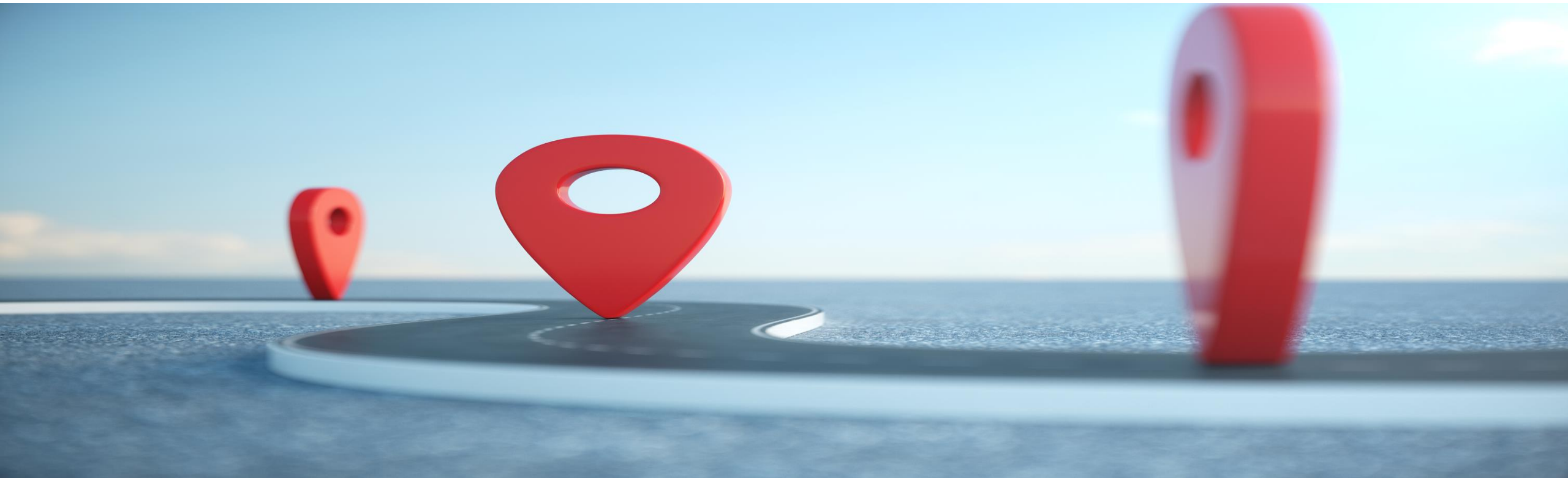
Day-to-day functions of ARD are essential elements of the SIP.

DELEGATION OF AUTHORITY

NH takes delegation for various federal rules and plans for local implementation and enforcement.

ABOUT

A State Implementation Plan (SIP) is a collection of regulations and documents used by a state, territory, or local air district to implement, maintain, and enforce the National Ambient Air Quality Standards, or NAAQS, and to fulfill other requirements of the Clean Air Act.



SIP CATEGORIES

NAAQS

Must meet or plan to meet standards for NO₂, SO₂, CO, PM, Ozone and Lead.

PROGRAMS

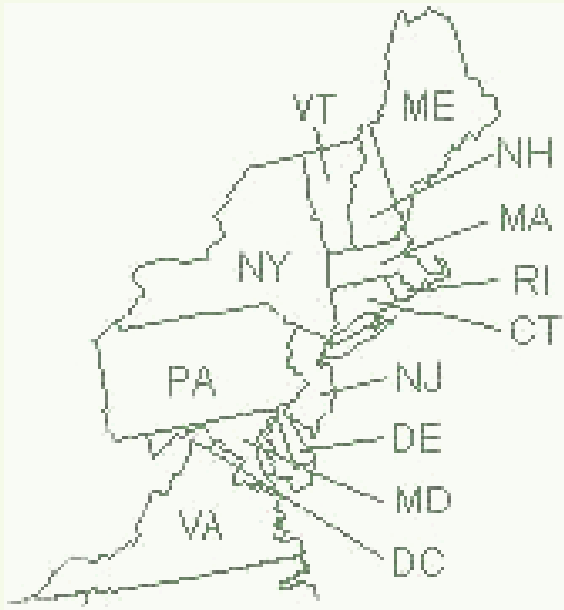
Permitting/Title V
Regional Haze
RACT Orders
Vehicle Inspections & Maintenance
State Plans

RULES

EPA approved rules become federally enforceable



NAAQS



ATTAINMENT STATUS

NH is currently in attainment for all criteria pollutants

Attainment status dictates type of SIP required:

| Status | SIP Name |
|---------------------------|-----------------|
| Attainment | Infrastructure |
| Nonattainment | Attainment Plan |
| Nonattainment->Attainment | Maintenance |

INTERSTATE CONSIDERATIONS

NH is located in the Ozone Transport Region which requires SIPs for NO₂ and VOCs regardless of attainment status.

Transport or Good Neighbor SIPs are necessary to address pollutants that cross over state boundaries.

ELEMENTS OF A SIP



EMISSION INVENTORIES

Emissions and accounting of air pollutants emitted from various sources



MONITORING NETWORK

A system to collect and track ambient air quality data



MODELING

Methods to predict future emissions and evaluate control strategies



CONTROL MEASURES

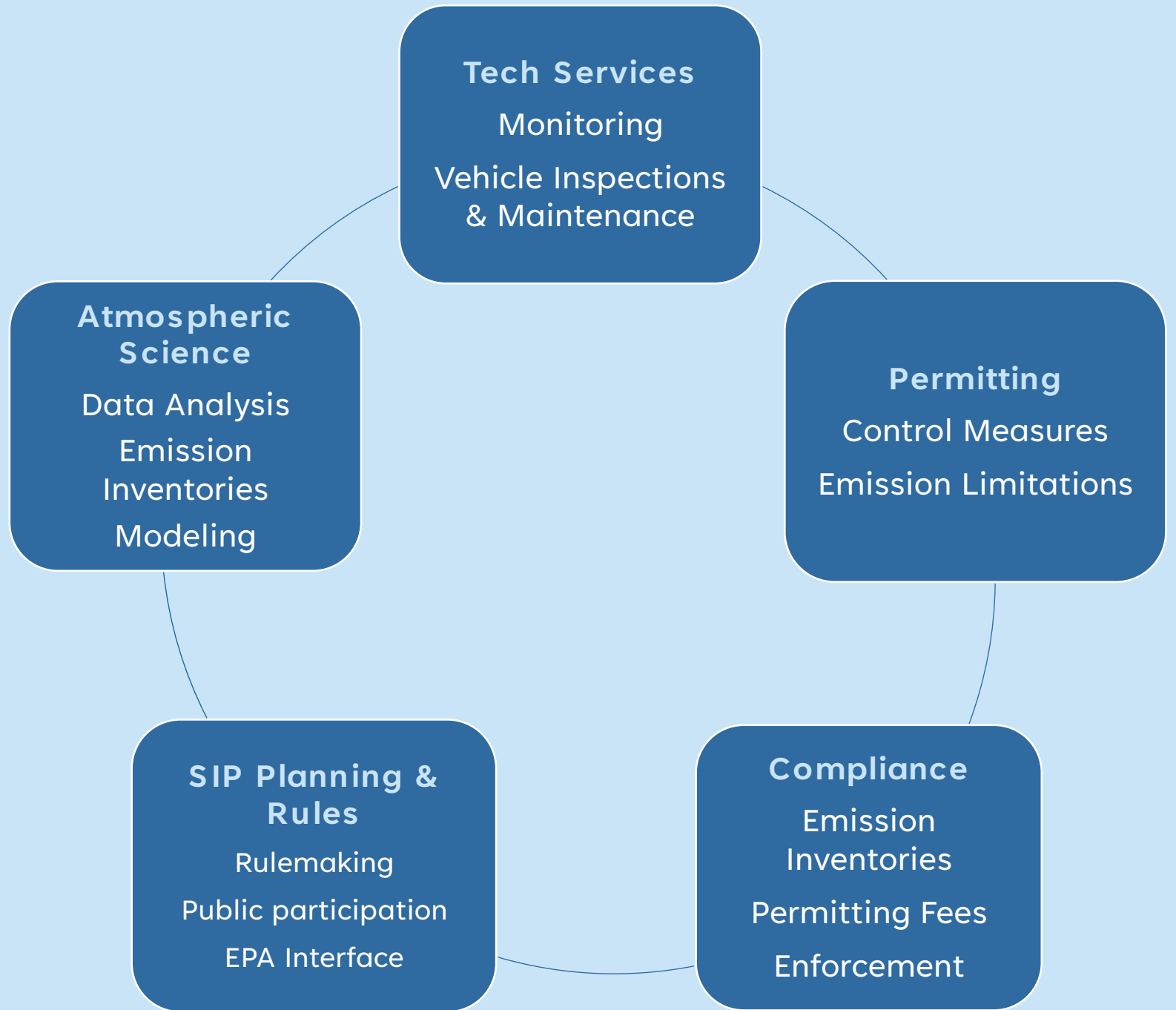
Enforceable rules, emission limits, other control mechanisms



CONTINGENCY

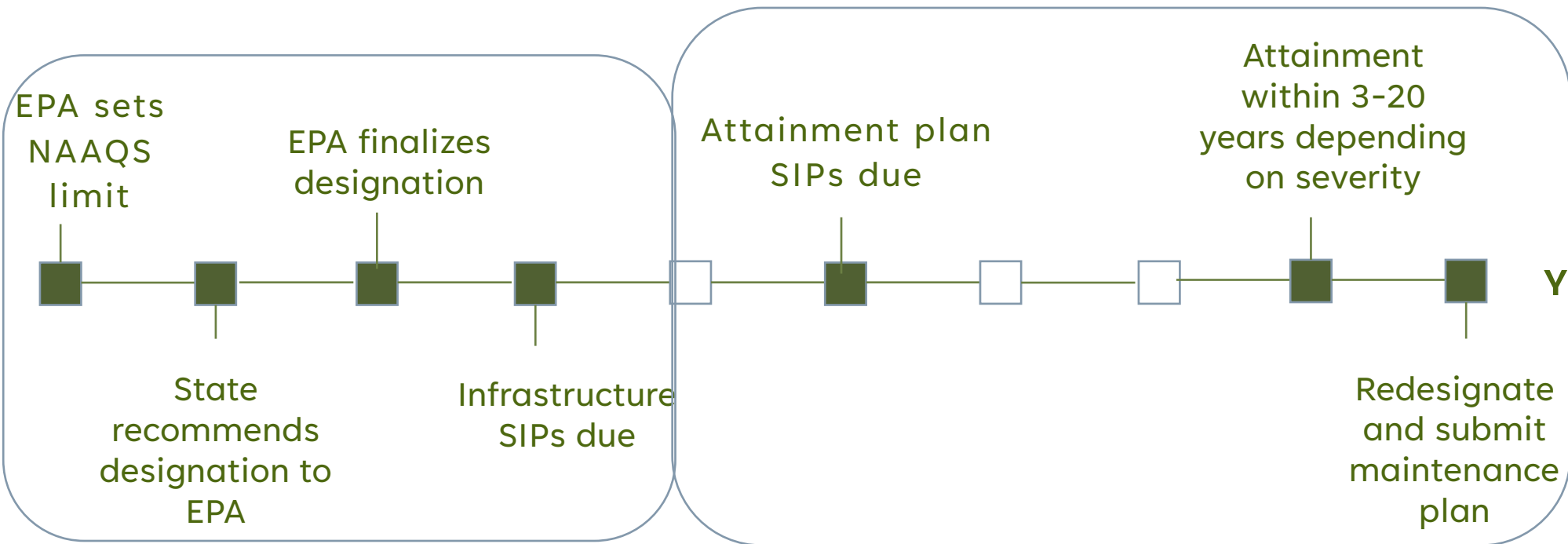
Measures that automatically go into effect if progress is insufficient

SIP ELEMENTS BY BUREAU



SIP TIMELINE EXAMPLE: NEW NAAQS LIMIT

MILESTONES



YEARS

PLANNING

Control
strategy
development

Monitor
progress



PARTNERSHIPS

Collaboration is a critical part of assembling a SIP. These groups provide forums to work cross-functionally on modeling projects, interstate transport, and interactions with national, state and tribal agencies.





EPA ACTIONS

APPROVAL

EPA approves a SIP and codifies it in 40 CFR Part 52.

DISAPPROVAL

Federal Implementation Plan promulgation within 24 months

FINDING OF FAILURE

States that do not meet deadlines are identified and put on a compliance schedule.

SIP CALL

When EPA finds an approved SIP is substantially inadequate.

SANCTIONS

States that do not meet SIP deadlines or requirements can have highway or grant funding penalties or additional stationary source requirements.

DELEGATION OF AUTHORITY

NH takes delegation of certain New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants and incorporates them into Env-A 500.

For source categories with emission guidelines, NH can choose to develop state plans or adopt the federal plan. EPA specifies authorities that cannot be delegated. For example, approval of major alternatives to test methods.

FEDERAL PLANS

- Sewage Sludge Incinerators
- MSW Landfills (request in 2022)

STATE PLANS

- Municipal Waste Combustors
- Other Solid Waste Incinerators



NH prefers to take authority for sources/categories that are significant in our state.

SUMMARY

NH uses a combination of SIPs and delegation of authority to comply with the Clean Air Act. Collaboration across bureaus within ARD as well as partnerships with other states and agencies are critical for meeting the requirements.



QUESTIONS

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