

**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 21<sup>st</sup>, 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 16<sup>th</sup>, 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 27<sup>th</sup>, 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 1<sup>st</sup> 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](mailto:karla.mcmanus@des.nh.gov) or Sheri Eldridge at 271-0882, [sheri.r.eldridge@des.nh.gov](mailto: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.