

AIR RESOURCES COUNCIL
MINUTES OF MEETING #284
06/12/2023

MEMBERS PRESENT: Chairman Robert Duval, Vice Chair Rudy Cartier Jr., Dave Cribbie, Mark Lambert, Kris Blomback, and Elizabeth Tillotson.

MEMBERS PRESENT BY PHONE: Georgia Murray

MEMBERS NOT PRESENT: J. Ryan Bielagus, and Jay Leduc.

NHDES – ARD PERSONNEL: Director Craig Wright, Cathy Beahm, Karla McManus, Lisa Camire, and Gary Milbury.

OTHERS PRESENT: Shelley Marshall

THE PUBLIC PRESENT: John Tuthill and Robert Muckenthaler.

Call to Order:

Chairman Duval called meeting #284 of the Air Resources Council (ARC) to order at 9:04 am on Monday June 12, 2023, and announced the Council had a quorum present.

Approval of Minutes:

A motion to approve the minutes of meeting #283 was 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:

Director Wright handed out a map to the council showing the difference of air quality due to the wildfires happening in Canada. Air Resource Division (ARD) is preparing on how to address the issue if the wildfires come to New Hampshire. ARD has been working with Emergency Management.

Director Wright gave an update on the Volkswagen (VW) funding of ten million dollars trust going toward installing more charging stations for municipalities; public transit facilities and school districts.

On May 19th NHDES released a draft State Permit to Operate for Saint-Gobain performance plastics in Merrimack. The draft permit incorporates all regulatory requirements for the facility for manufacturing of polytetrafluoroethylene (PTFE) coated fabrics and films, including operation of air pollution control equipment for the purposes of removing per- and polyfluoroalkyl substances (PFAS)

The public comment period is open through June 28, 2023, and a public hearing is scheduled for June 21, 2023 at 6:00 pm at the Merrimack High School Little Theatre in Merrimack New Hampshire and online.

Interested parties may participate remotely by registering for the Public Hearing on Microsoft Teams.

The draft permit and supporting documents related to this action can be accessed electronically through the DES One Stop Data and Information portal.

Status of Appeals: None currently

Rules: Readoption of Env-2000, Fuel Burning Devices

Env-A 2000, *Fuel Burning Devices*, is being readopted without any amendments. The purpose of this rule is to establish emission standards for particulate matter and visible emissions from stationary fuel burning devices pursuant to RSA 125-C:6, II. The rule is due to expire on September 24, 2023.

The issue with this rule is similar to the issue with Env-A 1900, Env-A 2100 and Env-A 2400, which the Council heard at their meeting on February 13, 2023. The difference is that Env-A 2000 has open-ended exemption language instead of affirmative defense language. In addition, Env-A 2000 has language which allows for exemptions during periods of normal operation for maintenance activities such as soot blowing, grate cleaning, and cleaning of fires. Both exemptions and affirmative defense provisions for startup, shutdown, and malfunctions are inconsistent with CAA requirements for SIP provisions. The existing federal requirements are further explained in an EPA Memorandum dated September 30, 2021, available at the following link: oar-21-000-6324 [Scanned Document \(epa.gov\)](#).

ARD staff met with EPA Region 1 to discuss whether language could be added to the rule to include alternative limits during start-up and shutdown as well as maintenance activities. EPA Region 1 stated that for rule language to be federally approvable in the NH SIP, the alternative limits must meet the 7 criteria outlined in the 2015 SIP Call (80 FR 33840, page 33914).

At this time, EPA Region 1 has provided initial feedback regarding an approach being proposed by Maine that is still in development. Therefore, since Env-A 2000 is expiring in September, it is being presented to the Council today without additional alternative limit language or any other changes. ARD plans to monitor the Maine approach and any guidance EPA issues regarding the alternative limits included in their rule. After the Maine approach has been reviewed, ARD will consider potential changes to Env-A 2000 and request stakeholder input on these changes.

There was extensive discussion among the Council about applying emission limits intended for steady-state operations to transient events. Members Tillotson and Cribbie explained this puts industry in potential violation during routine events that have no significant contribution to overall emissions. Chair Duval requested ARD to move quickly on providing new guidance to industry for these events.

Member Cartier motioned to start the 15-day clock and Member Cribbie seconded the motion. All in favor except Member Murray was opposed; the motion passed.

New Business: None

Public Commentary: Robert Muckenthaler and John Tuthill from the public were present, though neither one had any comments when asked by Chair Duval.

Adjourn:

Having no further business to discuss, motion to adjourn was made by Member Tillotson and seconded by Member Cartier. All were in favor and Meeting #284 of the Air Resources Council adjourned at 10:26 am.