

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #187  
03/15/10**

- MEMBERS PRESENT:** Chairman Robert Duval, Vice-Chairman David Collins, Steven Walker, Georgia Murray, Raymond Donald, Terry Callum, Debra Hale, Robert Hickey, Ryan Bielagus
- MEMBERS NOT PRESENT:** William Smagula, Linda Thomas
- NHDES – ARD PERSONNEL:** Robert Scott, Anne Keach, Amy Samson, Pamela Monroe, Gary Milbury
- OTHER INTERESTED PARTIES:** Atty. Anthony Blenkinsop, Atty. Linda Landis, Atty. Gregory Smith, Atty. Evan Mulholland, Catherine Corkery

**Call to Order:**

Chairman Duval called Meeting #187 of the Air Resources Council (ARC) to order at 9:10a.m. on Monday, March 15, 2010. Chairman Duval announced that a quorum was present. Chairman Duval announced that the public hearing regarding Docket Nos. 09-10 and 09-11 ARC is scheduled to begin at 9:30a.m., and asked that presentations before the ARC be brief to allow for the timely commencement of the public hearing.

**Approval of Minutes:**

Raymond Donald entered a motion to accept the minutes of meeting #186 with revisions to pages three and five concerning the reference to Env-A 600 and replacing it with *Env-A 800, Testing and Monitoring Procedures*. Steven Walker seconded the motion. All were in favor. The minutes of meeting #185 were accepted by the ARC.

**Division Activities & Legislative Update:**

Chairman Duval introduced Robert Scott, Director of the Air Resources Division (ARD). Director Scott provided members of the ARC with an update regarding the following issues relevant to the Air Resources Division:

**Permitting Activities**

PSNH Merrimack Station, Bow, NH – Director announced that the proposed Draft Title V Permit will be issued on this date (March 15, 2010). He explained that the permit is a compilation of eleven permits and a NOx RACT Order. The issuance of this permit begins the 10-day clock for concerned parties to file an appeal on the Draft Title V Permit.

**Legislation**

Director Scott informed members of the ARC that Senate Bill 480, relative to appeals of decisions by the Department of Environmental Services will be taken up in the Senate Energy, Environment and Economic Development Committee which is chaired by Senator Martha Fuller-Clark.

Director Scott reported that the following three bills were approved by a straw vote with minor changes to the language:

- HB 1542 - Repealing NOx emitting generation source requirements. (Rep. Kaen).
- HB 1251 - Relative to the sale and transfer procedures for shutdown emission credits. (Rep. Kaen).
- HB 1534 - Relative to the issuance of air permits and certain fees relative to air permits. (Rep. Kaen).

### Seventh Regional Greenhouse Gas Initiative Auction

Director Scott reported that the Seventh RGGI Auction which took place on March 10, 2010 yielded a clearing price of \$2.07, up from \$2.05 at the auction held on December 2, 2010. The next RGGI Auction is scheduled for June 9, 2010.

### Woodstove Changeout Program, Keene, NH

Director Scott announced that the Woodstove Changeout Program with the City of Keene, NH has closed and reported that approximately seventy old woodstoves have been changed out and replaced by cleaner burning, more efficient new stoves. The program was originally planned to end in January 2010, however the program had been extended until March 12, 2010 in order to distribute the remaining vouchers. Director Scott added that Corey Canning, the intern who helped plan and manage the program has accepted a position in Washington, DC and offered his praise for Mr. Canning's efforts towards the success of the program.

### New Hampshire Regional Haze State Implementation Plan (SIP)

Director Scott reported that the Air Resources Division filed its Regional Haze SIP with the U.S. EPA-Region I on January 29, 2010, and although EPA's response states that the NH's SIP addresses many of the necessary components of a Regional Haze SIP, the SIP is incomplete with respect to the best available retrofit technology (BART) requirements. In particular, EPA states that the SIP submittal lacks enforceable emission limitations, work practice standards and recordkeeping/reporting requirements. Director Scott added that NH still must submit an adopted regulation implementing the State's low sulfur fuels requirements. Director Scott informed members of the ARC that a meeting has been scheduled with staff of the U.S. EPA-Region I to discuss the issue to ensure requirements are met in a timely and effective manner. Director Scott stated that he will report the outcome(s) of this meeting to the ARC at a later date.

### **Status of Appeals:**

Chairman Duval introduced Amy Samson, Appeals Clerk, NHDES Legal Unit. Ms. Samson provided members of the ARC with a status update concerning appeals before the ARC as follows:

#### Docket No. 09-40 ARC, Appeal of Katherine Lajoie and Tony Caplan

Appellants filed an incomplete appeal by omitting a copy of the permit concerning the October 23, 2009 NHDES' Final Title V Operating Permit to Wheelabrator Concord. The appellants still have time to file a sufficient appeal.

#### Docket No. 09-43 ARC, Appeal of Public Service of New Hampshire (PSNH)

Ms. Samson stated that on December 3, 2009, the NHDES issued its amended response to Requests for Bonus Carbon Dioxide Allowances. Georgia Murray entered a motion to table the item until the next meeting of the ARC on April 19, 2010. Terry Callum seconded the motion. All present were in favor. The motion carried.

#### Docket #09-10 ARC and Docket # 09-11 ARC Appeal of NH Sierra Club et al., and Conservation Law Foundation

Ms. Samson reported that a Hearing is scheduled for today at 9:30 a.m.

Docket Nos. 09-03 ARC and 09-04 ARC Appeal of Mink Hills Center for Sustainable Development and Katherine Lajoie.

Ms. Samson provided members of the ARC with a draft Decision and Order and reminded members of the ARC that this item was tabled at the last meeting. Debra Hale entered a motion to remove the matter from the table. Raymond Donald seconded the motion.

Raymond Donald entered a motion to issue the Decision and Order in this matter as written. David Collins seconded the motion. Terry Callum and Ryan Bielagus abstained. All others were in favor. The motion carried.

**Other Business:**

Having no further business to discuss, Chairman Duval set the next meeting of the ARC to be held on April 19, 2010, at 9:00 a.m. in conference rooms 112 and 113.

**Adjourn:**

Debra Hale entered a motion to adjourn. Terry Callum seconded the motion. All were in favor. Meeting #187 of the ARC adjourned at 9:26 a.m. on March 15, 2010.