

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #194  
02/14/11**

- MEMBERS PRESENT:** Chairman Robert Duval, Vice-Chairman David Collins, Raymond Donald, Steven Walker, Georgia Murray, Debra Hale, William Smagula, Ryan Bielagus
- MEMBERS NOT PRESENT:** Terry Callum
- NHDES – ARD PERSONNEL:** Robert Scott, Anne Keach, Amy Samson, Pamela Monroe, Craig Wright, Karla McManus, Todd Moore, Joseph Fontaine, Catherine Beahm
- OTHER INTERESTED PARTIES:** Atty. Anthony Blenkinsop, Atty. Evan Mulholland, Atty. Allen Brooks, Atty. Jarrett Duncan, Atty. Linda Landis, Atty. Barry Needleman, Atty. Arthur Cunningham, Catherine Corkery, David Harrison, Terry Large, Lynn Tillotson, Kimberly Smith (Transcriptionist for McLane Law Firm)

**Call to Order:**

Chairman Duval called Meeting #194 of the Air Resources Council (ARC) to order at 9:05 a.m. on Monday, February 14, 2011. Chairman Duval announced that a quorum was present.

**Approval of Minutes:**

William Smagula entered a motion to accept the minutes of meeting #193. Debra Hale seconded the motion. All were in favor. The minutes of meeting #193 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**

Director Scott announced that Counsel RB Capitol (CRB) has purchased the Fraser Paper Mill in Gorham, New Hampshire. He added that CRB typically works on liquidating assets, but in this case CRB is involved the planning stages of a landfill gas project involving Mount Carberry Landfill and modifications to the boiler unit.

**Press Releases**

Director Scott presented members of the ARC with the following overview of recent press releases:

General Linen Service, Somersworth

On January 25, 2011, an Administrative Fine by Consent Agreement was executed to resolve alleged violations of the Federal Clean Air Act and the State's Air pollution Control Act.

Under the terms of the agreement, the company has not admitted liability for the alleged violations but has paid administrative fines totaling \$3,750 to the State. The fines resolve allegations that the company failed to renew the air permit for its boilers in a timely manner and failed to apply for a permit when it increased the amount of solvent-soaked ink wipers accepted for laundering in 2009.

The company has informed its customers that it has stopped accepting ink wipers, and it will request a cap on volatile organic compound (VOC) emissions in its air permit.

DCI, Inc., Lisbon

On January 26, 2011, an Administrative Fine by Consent Agreement was executed. The Agreement resolves alleged violations of the State's Air Toxics Control Act.

Under the terms of the Agreement with DCI, Inc., the company has not admitted liability for the alleged violations but will pay administrative fines totaling \$3,900 to the State. The NHDES has agreed to suspend \$500 of the fine, provided that DCI, Inc. does not violate its permit or the Act for the next two years. The fines resolve allegations that the company violated numerous recordkeeping and reporting requirements as set forth in its permit and the NHDES' administrative rules.

Antifreeze Technology Systems, Londonderry; U.S. Postal Service, Manchester; River Woods at Exeter, Exeter; and Fidelity Real Estate Company, LLC, of Merrimack

On February 1, 2011, Administrative Fine by Consent Agreements were executed with four New Hampshire entities.

Under the terms of the agreements, the four companies have paid administrative fines totaling \$5,700 to the State. The fines resolve alleged violations of the Federal Clean Air Act and the State's Air Pollution Control Act that occurred when each of the companies failed to apply for renewal of the required air permits in a timely manner, resulting in the companies temporarily operating without permits.

Budget

Director Scott informed members of the ARC that Governor Lynch is scheduled to present his budget on 2/15/11 which includes a 5% reduction in actual expenditures.

Legislation

Director Scott provided members of the ARC with an overview of the following ARD-related legislation:

HB 519 – repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. This bill also clarifies how the moneys in the greenhouse gas emissions reduction fund may be used. Status: Committee hearing scheduled for 2/23/11.

HB 645 – eliminating various taxes and fees and tax and fee increases enacted in fiscal years 2007 through 2010. Status: Public hearing scheduled for 2/17/11.

HB 646 – eliminating various taxes and fees and tax and fee increases enacted in fiscal years 2006 through 2010. Status: Public hearing scheduled for 2/17/11.

HB -239 – prohibiting a state agency from establishing a fee without legislative approval. Status: Executive session scheduled for 2/16/11.

The Air Resources Council suspended its proceedings at 9:05 a.m. and reconvened at 9:20 a.m.

**Other Business:**

Chairman Duval requested that any other business be taken up by the ARC while waiting for the reports concerning the status of appeals.

Chairman Duval stated that Linda Garrish Thomas has resigned as an At-Large member of the ARC and conveyed his appreciations for her consistent voice on issues before the ARC. Steven Walker entered a motion to issue a formal letter of gratitude to Ms. Thomas for her long standing service. Georgia Murray seconded the motion. All were in favor. The motion carried.

### **Status of Appeals**

The ARC took the following actions regarding the following appeals:

#### **Docket No. 09-10 & 09-11 ARC – NH Sierra Club, et. al and Conservation Law Foundation**

On December 13, 2010, the ARC denied NH Sierra Club's Motion for Reconsideration and Rehearing. A decision and order needs to be finalized and issued.

#### **Docket No. 10-06 ARC – NH Sierra Club, et. al**

A hearing on the matter has been scheduled for April 18, 2011.

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

Steven Walker entered a motion to accept and issue the Decision and Order regarding the Petition to Intervene by Conservation Law Foundation as written. Raymond Donald seconded the motion. All were in favor. The motion carried.

A hearing is scheduled for 10:00 a.m., following the regular meeting of the ARC.

#### **Docket #10-13 ARC, Kalwall Corporation**

David Collins requested a status update from the parties at the November 15, 2010 ARC meeting. Pamela Monroe, Administrator of the Compliance Bureau stated that the parties are continuing negotiations. The parties must file a status update by March 21, 2011 with the ARC.

### **Adjourn:**

Vice-Chairman Collins entered a motion to adjourn the regular meeting of the ARC. Steven Walker seconded the motion. All were in favor. The motion carried. The regular meeting of the ARC adjourned at 9:55 a.m. on February 14, 2011, and recused members Duval, Collins, Hale, and Smagula left the meeting.