

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #196
04/18/11**

MEMBERS PRESENT: Chairman Robert Duval, Vice-Chairman David Collins, Raymond Donald, William Smagula, Ryan Bielagus, Steven Walker, Debra Hale

MEMBERS NOT PRESENT: Terry Callum, Georgia Murray

NHDES – ARD PERSONNEL: Robert Scott, Anne Keach, Amy Samson, Gary Milbury, Michele Roberge, Michael Fitzgerald, Barbara Hoffman

OTHER INTERESTED PARTIES:

Atty. Anthony Blenkinsop, Atty. Evan Mulholland, Atty. Jarrett Duncan, Atty. Barry Needleman, Atty. Linda Landis, Catherine Corkery, Rebecca Matea (Transcriptionist)

Call to Order:

Chairman Duval called Meeting #196 of the Air Resources Council (ARC) to order at 9:05 a.m. on Monday, April 18, 2011. Director Scott attempted to contact ARC Council Member Georgia Murray via conference call, but was unsuccessful. Chairman Duval announced that a quorum was present.

Approval of Minutes:

Raymond Donald entered a motion to accept the minutes of meeting #195. William Smagula seconded the motion. All were in favor of accepting the minutes of meeting #195.

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

On April 21, 2011 the Air Resources Division will hold a public hearing regarding the Gorham Paper Mill energy retrofit landfill gas project at 6:00 p.m. in the Gorham Town Hall.

On April 11, 2011, the Air Resources Division held a public hearing regarding the proposed permit for R.D. Edmunds hot mix asphalt plant in Franklin. The ARD is review comments receiving from concerned parties which include concerns relative to fugitive dust and matters relative to the planned rock crushing operations.

On May 9, 2011, the Air Resources Division will hold a public hearing to receive comments regarding the proposed permit for Mitchell Sand & Gravel hot mix asphalt plant in Winchester.

Legislative Activities

HB519 – repealing New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. A hearing before the Senate Energy and natural Resources Committee is scheduled for 9:00 a.m., April 21, 2011 in rooms 201-203 at the Legislative Office Building. Director Scott stated that he expects the legislation to be amended to reform RGGI instead of repealing the initiative.

Director Scott added that he attended the Business and Industry Association's (BIA) Energy Meeting last week discussing ideas concerning RGGI reform.

Chairman Duval asked Director Scott what specific reforms are being considered at this time concerning the RGGI Legislation. Director Scott reported that some concerns stem from the following:

- How the monies are spent
- Systems Benefit Charge is to be supplemented with RGGI monies and not replaced
- Funds for CORE programs
- Reaffirmation that funds from RGGI proceeds not go to the General Fund

Budget

Director Scott reported that Congress has finalized 2011 budgets. The NHDES was promised over a quarter million dollars for GHG permitting, but did not receive the funds, and although federal funding levels have been restored to historical levels, the ARD is satisfied with the federal allocation for New Hampshire's air programs.

HB 2, relative to state fees, funds, revenues, and expenditures, passed in the House and will be heard in the Senate Finance Committee on April 21, 2011. Director Scott added that the NHDES will testify before the House Ways and Means Committee as the Committee conducts a thorough review of NHDES' dedicated funds and fee accounts.

Director Scott announced that the NHDES Permitting and Environmental Health Bureau has been awarded approximately \$300,000 by the federal Agency for Toxic Substances and Disease Registry (ATSDR) to continue conducting health risk assessments when the Centers for Disease Control (CDC) is petitioned (e.g., Claremont Health Risk Assessment).

Joint Legislative Committee on Administrative Rules (JLCAR)

Director Scott reported that Env-A 700, Permit Fee System rules have been certified by JLCAR.

Upcoming Events

Director Scott informed members of the ARC that Governor John Lynch and officials from the NHDES will showcase the new solar powered air quality monitoring station at Moose Hill School in Londonderry, and will extend an invitation to members of the ARC once a date is set.

The air monitoring station in the parking lot near the Moose Hill School is officially operating. Air quality parameters measured at the site include: carbon monoxide, sulfur dioxide, nitrous oxides, ozone, particulate matter, and meteorological data. Installation of a permanent educational display will take place over the summer.

Site Evaluation Committee (SEC)

Director Scott reported that the SEC has finalized deliberations concerning the Groton Wind Farm and will issue the source a conditional certificate.

Director Scott added that the SEC will begin hearing proposals for the Berlin power Station on Friday, April 22, 2011.

Status of Appeals:

Amy Samson of the NHDES Legal Unit provided members of the ARC with the following status concerning:

Docket No. 10-13 ARC – Kalwall Corporation regarding payment of emission-based fees. Negotiations continue and although the parties were to present a letter of the status of negotiations at the ARC meeting, members requested a status update no later than the next scheduled meeting on May 16, 2011.

Docket No. 09-43 ARC – Public Service of New Hampshire (PSNH) regarding DES' Final Responses to Requests for Bonus Carbon Dioxide (CO₂) Allowances as amended and dated December 3, 2009. On April 11, 2011, the ARC deliberated on the matter. A Decision and Order will be finalized by May 16, 2011.

Docket No. 10-06 ARC – New Hampshire Sierra Club, et. al. regarding the proposed Title V Operating Permit issued to PSNH. A hearing on the matter will commence at 10:00 a.m. after the regular meeting of the ARC adjourns.

Other Business

Chairman Duval set the next meeting of the Air Resources Council to be held on May 16, 2011.

Adjourn

Having no further business to discuss, Raymond Donald entered a motion to adjourn. Ryan Bielagus seconded the motion. All were in favor. Meeting #196 of the Air Resources Council adjourned at 9:30 a.m. on April 18, 2011.