

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #206
04/16/12**

MEMBERS PRESENT: Chairman Robert Duval, William Smagula
Georgia Murray (via conf. call), Steven Walker,
Deborah Chabot, Ryan Bielagus (via conf. call)

MEMBERS NOT PRESENT: Vice-Chairman David Collins, Debra Hale, Raymond Donald
Carmela Amato-Wierda

NHDES – ARD PERSONNEL: Craig Wright, Anne Keach, Paula Scott, Gary Milbury
Karla McManus, Michele Roberge, Todd Moore,
Pamela Monroe, Barbara Hoffman, Bonnie Bleggi

OTHER INTERESTED PARTIES: Atty. Robert Cheney

Call to Order:

Chairman Duval called Meeting #206 of the Air Resources Council (ARC) to order at 9:25 a.m. on Monday, April 16, 2012. Chairman Duval announced that a quorum was present.

Approval of Minutes:

William Smagula entered a motion to accept the minutes of meeting #205. Steven Walker seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting #205 were approved and accepted by the ARC.

Division Activities & Legislative Update:

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

Legislation

Mr. Wright discussed the following Legislative issues impacting the Air Resources Division this session, including:

HB 1490 – repealing New Hampshire’s regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions. A hearing is scheduled on April 19, 2012.

HB 1428 – relative to public utilities commission orders concerning renewable portfolio standards. At a hearing on March 28, 2012, the House voted HB1428 Inexpedient to Legislate.

SB 215 – establishing a study committee on updating and improving the procedures and criteria for review of projects by the site evaluation committee. A public hearing was held on April 10, 2012, and a Full Committee Work Session/Executive Session will be scheduled for May 2012.

SB 218 – relative to electric renewable portfolio standards. A public hearing was held on April 5, 2012, and a Full Committee Work Session/Executive Session will be scheduled for May 2012.

Environmental Protection Agency's (EPA) Draft SO₂ Modeling Guidance

Mr. Wright stated that the New Hampshire Department of Environmental Services (NHDES) is planning to attend a stakeholder meeting in June 2012, and intends to submit comments to the EPA concerning the 1-Hour SO₂ National Ambient Air Quality Standard. Mr. Wright asserted that analysis under the new standard could trigger non-attainment review for additional sources in New Hampshire.

Georgia Murray asked Mr. Wright to explain why the EPA is taking this direction. Mr. Wright responded that EPA believes the existing monitoring network in some areas may not sufficiently capture data for all existing sources.

25th Anniversary of the New Hampshire Department of Environmental Services

Mr. Wright explained that as the NHDES celebrates twenty-five years of environmental protection, each Division will have an opportunity to provide three or more op-ed pieces concerning the environmental protection programs of each Division. He added that in June 2012, the Air Resources Division intends to highlight the following issues:

1. Ozone
2. Particulate Matter
3. Mercury Emissions Reductions/ARD Monitoring Network

New Hampshire Business and Industry Association (NHBIA) Air Conference

Mr. Wright announced that the NHBIA is sponsoring an Air Conference on June 19, 2012 at the Center of New Hampshire. Agenda items include:

- Air Toxics Program
- Permitting Process
- Compliance and Enforcement (including the Compliance Assurance Plan)

Break-out sessions will be held in the afternoon concerning more technical issues related to the protection of New Hampshire's air quality.

Permitting

Mr. Wright announced that Wheelabrator-Claremont is renewing the facility's Title V Permit. The ARD has received a request for a public hearing which will be held in late May or early June. Mr. Wright added that the permit may be appealed.

NHDES Rulemaking Process

Karla McManus, Planning and Rules Manager provided members of the ARC with an overview of the rulemaking process. As an example, Ms. McManus presented a flow chart and a schematic schedule of the process for Env-A 600, Statewide Permit System. Using this particular rule as a model, Ms. McManus provided members with a detailed summary of the rulemaking process which outlined the internal NHDES system, as well as a summary of procedures for rule adoption through the Joint Legislative Committee on Administrative Rules (JLCAR).

Status of Appeals:

Chairman Duval introduced Paula Scott, Appeals Clerk. Chairman Duval requested that Ms. Scott provide a status report regarding Docket No. 11-10 ARC – Public Service of New Hampshire (PSNH) prior to discussing Docket No. 10-13 ARC – Kalwall Corporation.

Docket No. 11-10 ARC – Public Service of New Hampshire (PSNH) regarding the NHDES Final Determination of Baseline Mercury Input. On August 22, 2011, the ARC accepted the Appeal. Ms. Scott reported that a Pre-Hearing Conference was held on October 17, 2011 and a hearing on the matter is scheduled for March 19, 2012. On October 31, 2011, the Appellant's Request for information was received. On January 27, 2012, an Assented-To Motion to Reschedule Hearing

was filed. On January 31, 2012, PSNH submitted Expert Disclosure. On February 10, 2012, an Order on Motion to Reschedule Hearing was issued with a new hearing date of May 21, 2012.

On February 15, 2012 a Notice of Conflict and Assented-to-Motion to Continue the Hearing was received. On February 21, 2012 Sarah Knowlton filed an appearance representing PSNH. On March 12, 2012, PSNH Filed and Assented-to Motion to Revise Certain Deadlines. On May 21, 2012, the Assented-to Motion was granted and hearing date of June 18, 2012 was scheduled.

Docket No. 10-13 ARC – Kalwall Corporation regarding payment of emission-based fees. Pamela Monroe, Administrator of the Compliance Bureau provided members of the ARC with a status report at the September 19, 2011 meeting and reported that negotiations continue. At the request of the Chairman, an e-mail was sent to all parties explaining that the ARC will discuss this appeal at its April 16, 2012 meeting.

Atty. Robert Cheney informed members of the ARC that on April 13, 2012, parties had reached an agreement in principle concerning the payment of emission-based fees, and have agreed to withdraw the appeal and end the matter.

William Smagula asked Atty. Cheeney how much Kalwall owed the NHDES in outstanding fees. Atty. Cheney responded that the fees equate to approximately \$9,000-\$10,000 since 2003.

William Smagula stated that the ARD should make future efforts to resolve such matters in a more timely manner, adding that four years is a long time for the public to have to wait to get a definitive answer.

Chairman Duval stated that the ARC is always available to help bring matters such as this appeal to closure.

New Business

Executive Council Questionnaire

Deborah Chabot entered a motion to accept and file the completed questionnaire concerning the functions of the ARC with the Governor and Executive Council. Georgia Murray requested that the sector representing “environmental interests” be added to the response in section five of the questionnaire. William Smagula seconded the Motion. All were in favor and the motion carried.

Other Business

Bonnie Bleggi of the NHDES Human Resources Unit provided members of the ARC with forms which must be completed in order for members to be reimbursed for mileage for ARC meetings and hearings.

Chairman Duval set the next meeting of the Air Resources Council to be held on May 21, 2012.

Public Commentary

No members of the public were in attendance.

Adjourn

Having no further business to discuss, Steven Walker entered a motion to adjourn. William Smagula seconded the motion. All were in favor. Meeting #206 of the Air Resources Council adjourned at 10:36 a.m. on April 16, 2012.