

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #207
05/21/12**

- MEMBERS PRESENT:** Chairman Robert Duval, William Smagula
Georgia Murray (via conf. call), Steven Walker,
Deborah Chabot, Ryan Bielagus
- 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, Annie Kock (intern)
Pamela Monroe
- OTHER INTERESTED PARTIES:**

Call to Order:

Chairman Duval called Meeting #207 of the Air Resources Council (ARC) to order at 9:10 a.m. on Monday, May 21, 2012. Chairman Duval announced that a quorum was present.

Approval of Minutes:

William Smagula entered a motion to accept the minutes of meeting #206. Ryan Bielagus seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting #206 were approved and accepted by the ARC.

Division Activities & Legislative Update:

Chairman Duval introduced Craig Wright, Acting Director of the Air Resources Division (ARD). Mr. Wright informed the members of the ARC that he was confirmed as Acting Director of the ARD by the Governor and Executive Council on May 9, 2012, and will serve in this capacity until July 2013. 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 Conference Committee Meeting is scheduled for May 25, 2012.

SB 218 – relative to electric renewable portfolio standards. Senator Odell moved to non-concur with the House Amendment, and requested a Committee of Conference to study the inclusion of a thermal energy class and changes to other energy class percentages.

Air Quality Monitoring

Mr. Wright stated that the ARD currently operates and maintains fifteen (15) air quality monitoring stations state-wide, one of which is located in Manchester on Pearl Street. The station monitors SO₂, CO, and Particulate Matter. He reported that due to recent vandalism and concerns for staff safety, the ARD plans to shut down the site.

Stage II Vapor Recovery

Mr. Wright reported that the NHDES is no longer requiring gasoline stations to install Stage II vapor recovery systems. He added that New Hampshire will identify comparable measures to avoid the Ozone Transport Region (OTR) State II requirement and attain SIP credits for emissions reductions.

Permitting Activities

Mr. Wright announced that Wheelabrator-Claremont is renewing the facility's Title V Permit. The ARD will hold a public hearing on June 26, 2012, at the Claremont Senior Center at 6:00 p.m. Mr. Wright added that the permit may be appealed.

Mr. Wright reported that the old wood-fired boiler at the Balsams Resort in Dixville Notch failed emissions testing and has been shut down. The boiler will be removed from the site. The Tillotson Rubber Manufacturing building on site will be demolished following the completion of asbestos abatement work. The Balsams Resort has filed a permit application for two (2) 6.5 Mm/btu steam boilers.

SO₂ Maximum Achievable Control Technology (MACT)

Mr. Wright reported that there is a delay in the modeling portion of the SO₂ MACT. Stakeholder meetings will be held in North Carolina at the end of May and a representative of the ARD will attend.

Chairman Duval asked Michele Roberge, Administrator of the Permitting and Environmental Health Bureau what impacts the new SO₂ MACT standards will have on sources in New Hampshire. Ms. Roberge responded that the ARD will conduct monitoring and modeling to determine attainment and expects further guidance from the Environmental Protection Agency (EPA); however the more stringent 1-hour standard will result in additional rulemaking.

Georgia Murray asked Craig Wright if the removal of the old wood-fired boilers will trigger Prevention of Significant Deterioration (PSD). Mr. Wright responded that it will not as the site is classified as a minor source.

Env-A 200, Procedural Rules

Chairman Duval introduced Karla McManus, SIP Planning and Rules Manager. Ms. McManus provided members of the ARC with the proposed readoption of Env-A 200, *Procedural Rules*, with minor changes. The rule is due to expire on July 28, 2012. Ms. McManus stated that it was determined that the Waiver Rule, Part Env-A 205, needed an additional section regarding compliance with waiver conditions. This was added after research into language from other Divisions within the NHDES in order to maintain consistency. Other minor edits were made for the purposes of clarity.

William Smagula stated that the language in Env-A 205.06 (c) which states; "***Failure to comply with the condition of a waiver shall constitute grounds for reopening and revising the underlying permit for cause..., as applicable, or suspension or revocation of the underlying permit as specified in Env-A 613, as well as enforcement in accordance with the authority set forth in RSA 125-C:15.***" seems onerous.

MS. McManus responded that the waiver is to the Rule, this language ensures compliance with the waiver and the permit and the language is consistent with all NHDES rules.

J. Ryan Bielagus entered a motion to accept the amendments to Env-A 200, *Procedural Rules*. Steven Walker seconded the motion. All were in favor. Chairman Duval instructed members of the ARC to contact Vice-Chairman David Collins with further comments regarding Env-A 200 within fifteen days.

Status of Appeals:

Chairman Duval introduced Paula Scott, Appeals Clerk. Ms. Scott provided members of the ARC with the following status of appeals:

Docket No. 10-13 ARC – Kalwall Corporation regarding payment of emission-based fees. All parties were present at the April 16, 2012 ARC meeting and presented to the ARC that they have an agreement in principle and once the agreement is formalized, the Appellant will withdraw the appeal. On May 18, 2012, the appellant filed a Notice of Withdrawal by way of a settlement resolving the matter.

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.

New Business

No new business was conducted by the ARC.

Other Business

Chairman Duval set the next meeting of the Air Resources Council to be held on June 18, 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 #207 of the Air Resources Council adjourned at 9:40 a.m. on May 21, 2012.