

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #211  
11/19/12**

**MEMBERS PRESENT:** Chairman Robert Duval, Raymond Donald, William Smagula, Georgia Murray, Carmela Amato-Wierda, Deborah Chabot

**MEMBERS NOT PRESENT:** Vice-Chairman David Collins, Ryan Bielagus, Debra Hale, Steven Walker

**NHDES – ARD PERSONNEL:** Craig Wright, Anne Keach, Paula Scott, K. McManus

**OTHER INTERESTED PARTIES:** David Conley, Esq., Hearings Officer, John Tuthill

**Call to Order:**

Chairman Duval called Meeting #211 of the Air Resources Council (ARC) to order at 9:13 a.m. on Monday, November 19, 2012. Chairman Duval announced that a quorum of the ARC was not present to conduct the regular business of the ARC.

**Status of Appeals**

Docket No. 11-10 ARC – Public Service of New Hampshire (PSNH) regarding the June 28, 2011 NHDES Final Determination of Baseline Mercury Input.

Chairman Duval announced that a quorum of the ARC hearing the matter of Docket No. 11-10 ARC is present, and deferred to the Hearings Officer, Atty. David Conley.

Atty. Conley stated that a Draft Decision on the Notice of Appeal has been provided to ARC members involved in the deliberations on the matter. Atty. Conley asked non-recused members to vote on the Draft Decision.

Georgia Murray, stated that she would like additional time to review the draft decision. Atty. Conley granted Ms. Murray's request and stated that the matter will be taken up for a vote by the ARC at the next meeting on December 17, 2012.

Docket No. 12-11 ARC – Katherine Lajoie, Rebecca MacKenzie, et al. regarding the September 11, 2012 granting of the Title V Air Permit to Operate Wheelabrator Claremont, Application #09-005. A Notice of Appeal was received on October 11, 2012. On October 18, 2012, a notice of insufficient filing was sent to the parties. The NHDES received an addendum to the Notice of Appeal on November 15, 2012. The NHDES sent a receipt of the revised Notice of Appeal. Because a quorum of the ARC was not present, the matter of accepting or dismissing the appeal will be taken up at the next meeting on December 17, 2012.

**Division Activities & Legislative Update:**

Chairman Duval introduced Craig Wright, Acting Director of the Air Resources Division (ARD). In the absence of a quorum, Mr. Wright informally updated members of the ARC on the following issues relative to the ARD:

**Hurricane Sandy**

Mr. Wright reported that no monitoring stations or equipment were affected by Hurricane Sandy. He added that the NHDES prepares for such events including dam safety, and other emergency operations.

### Legislation

Mr. Wright informed members of the ARC that the deadline for filing Legislative Service Requests is December 7, 2012. He discussed legislative issues impacting the Air Resources Division this session, including:

#### **Regional Greenhouse Gas Initiative**

Two Legislative Service Requests (LSRs) have been filed for the 2013 Legislative Session concerning New Hampshire's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions.

#### **Committee to Study NHDES Appeal Process (HB 256)**

Mr. Wright stated that Chapter 246, relative to the administrative appeals process of the NHDES and establishes a committee to study the appeal process of the NHDES. The Chapter Amends RSA 21-M:3, IX.

William Smagula stated that he attended the conference committee meeting on October 31, 2012, but was not recognized to speak. Mr. Smagula provided members of the ARC with a brief overview of the information exchanged by the committee.

### Public Education and Outreach

Mr. Wright reported that the Air Resources Division will hold an additional Volatile Organic Compounds Reasonable Available Control Technology (VOC RACT) Training Session on December 3, 2012. He added that to date, over thirty interested parties have registered for the event which is presented in coordination with the NHDES Small Business Ombudswoman, Sara Johnson.

### Permitting

Mr. Wright announced that the ARD will hold a public hearing in Newington on December 20, 2012 in order to receive public comment concerning the PSNH Newington Station Permit to operate a portable temporary steam boiler.

#### **Env-A 400, Acid Deposition Control**

Because a quorum of the ARC was not present, Karla McManus informally presented the revisions of Env-A 400, *Acid Deposition Control* to members of the ARC. Ms. McManus explained that the ARD is proposing to readopt Env-A 2100 with minor changes because it is due to expire on December 22, 2012. It was determined that a new section, Definitions, needed to be added to reference three terms currently contained in state statutes (RSA 125-D:2 and 125-D:3). Other minor edits were made for purposes of clarity. Ms. McManus will formally present revisions to Env-A 400 at the next meeting of the ARC on December 17, 2012.

#### **New Business**

Mr. Wright extended an invitation to members of the ARC to attend the Annual NHDES Holiday Celebration held on December 6, 2012 at 11:00 a.m.

#### **Other Business**

Chairman Duval set the next meeting of the Air Resources Council to be held on December 17, 2012.

#### **Public Commentary**

No members of the public in attendance provided comment.

#### **Adjourn**

Having no further business to discuss, William Smagula entered a motion to adjourn. Debra Chabot seconded the motion. All were in favor. Meeting #211 of the Air Resources Council adjourned at 10:00 a.m. on November 19, 2012.