

**AIR RESOURCES COUNCIL
MINUTES OF MEETING #212
12/17/12**

MEMBERS PRESENT: Chairman Robert Duval, Vice-Chairman David Collins, William Smagula, Ryan Bielagus, Debra Hale, Georgia Murray (via conf. call), Carmela Amato-Wierda, Steven Walker

MEMBERS NOT PRESENT: Deborah Chabot, Raymond Donald

NHDES – ARD PERSONNEL: Craig Wright, Anne Keach, Paula Scott, Karla McManus

OTHER INTERESTED PARTIES: David Conley, Esq., Hearings Officer, Patrick Queenan, Esq., NHDoJ

Call to Order:

Chairman Duval called Meeting #212 of the Air Resources Council (ARC) to order at 9:15 a.m. on Monday, December 17, 2012. Chairman Duval announced that a quorum of the ARC was present to conduct the regular business of the ARC.

Non-Public Session:

The Air Resources Council met in non-public session from 9:20 a.m. – 9:40 a.m. for consultation with legal counsel, at which time the public session of the meeting resumed.

Status of Appeals

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 ARC received an addendum to the Notice of Appeal on November 15, 2012. The ARC sent a receipt of the revised Notice of Appeal.

Georgia Murray entered a motion to accept the Appeal stipulating that Katherine Lajoie and Rebecca MacKenzie remain as representatives for the other appellants included in the appeal. Ryan Bielagus seconded the motion. William Smagula stated that the appellants' grievance and statement of imminent harm was not well demonstrated. Georgia Murray stated that the merits of the matter will be dealt with in the hearing process, and that the appeal should be accepted based on the appellants standing. The motion carried.

Docket No. 12-11 ARC was accepted by the ARC. A Hearing Officer will be appointed by the Office of the Attorney General.

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

Georgia Murray entered a motion to accept and issue the Final Decision and Order. Ryan Bielagus seconded the motion. All were in favor. The motion to accept and issue the Decision carried.

Approval of Minutes:

David Collins entered a motion to accept the minutes of meeting #209 and #210. William Smagula seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting #209 and #210 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 updated members of the ARC on the following issues relative to the ARD:

PM2.5 Standard

Mr. Wright reported that on December 14, 2012, The U.S. EPA finalized revisions to the annual fine particle (PM_{2.5}) standard to 12 micrograms per cubic meter (µg/m³) and retained the 24-hour fine particle standard of 35 µg/m³. He added that New Hampshire's attainment status and State Implementation Plans will be affected, particularly concerning the Keene area.

Georgia Murray requested that the Air Resources Division provide members of the ARC with a table representing the changes to the PM_{2.5} Standard and the revisions to the Air Quality Index. Mr. Wright agreed to provide the ARC with this information at the next meeting on January 14, 2013.

Regional Greenhouse Gas Initiative (RGGI)

Mr. Wright provided members of the ARC with an overview of the RGGI Agency Heads Meeting held on December 11, 2012. Agency Heads discussed the following changes to strengthen the RGGI Program:

- Modernizing the cap to reflect current market conditions and fulfill the fundamental objectives of RGGI;
- Adjusting the budget to reflect the allowances banked prior to the effective date of the revised cap;
- Implementing a cost containment reserve to guard against unanticipated price impacts and other unexpected contingencies;
- Updating the offset program;
- Retiring or withholding allowances not sold in 2012 and 2013;
- Striving to provide regulatory certainty and market predictability for market participants; and
- Continuing to pursue workable and practicable mechanisms to address emissions leakage to ensure the integrity of the cap.

The Agency Heads directed staff to develop a draft model rule and work program that would achieve these objectives by the end of January 2013.

Legislation

Mr. Wright provided members of the ARC with the Final Report of the Committee to Study the Appeal Process of the Department of Environmental Services (HB 256). Chairman Duval asked Mr. Wright if the Department of Environmental Services (NHDES) has taken a position concerning the recommended systems contained in the Final Report. Mr. Wright stated that the NHDES does not endorse or support the Final Report.

Mr. Wright provided members of the ARC with a draft list of the following legislative Service Requests:

- 2013-H-0011-R, relative to the release of motor vehicle registration information
- 2013-H-0063-R, relative to registration fees for certain special use vehicles
- 2013-H-0220-R, relative to idling by diesel trains
- 2013-H-0223-R, authorizing cottage housing development as an innovative land use control
- 2013-0229-H-R, imposing the road toll as a percentage of the price per gallon
- 2013-H-0230-R, relative to NH's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions
- 2013-H-0253-R, relative to regional planning commissions.
- 2013-H-0256-R, relative to NH's regional greenhouse gas initiative cap and trade program for controlling carbon dioxide emissions
- 2013-H-0269-R, relative to energy efficiency and clean energy districts
- 2013-H-0329-R, relative to including projected sea-level rise in planning implementation of state-funded projects

Permitting

Mr. Wright reported that the Air Resources Division will hold a public hearing for Watts Regulator at 6:00 p.m. at the Franklin City Hall, 316 Central Street, Franklin, on Thursday, January 10, 2013, in order to receive public comment concerning the issuance of the Temporary Permit to operate.

Env-A 400, Acid Deposition Control

Karla McManus 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.

David Collins entered a motion to accept the initial proposal of amendments to Env-A 400. William Smagula 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 400 within fifteen days.

New Business

No new business of the ARC was discussed.

Other Business

Chairman Duval set the next meeting of the Air Resources Council to be held on January 14, 2013.

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. Ryan Bielagus seconded the motion. All were in favor. Meeting #212 of the Air Resources Council adjourned at 10:25 a.m. on December 17, 2012.