

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #224  
04/21/14**

**MEMBERS PRESENT:** Chairman Robert Duval, Vice-Chairman David Collins, Raymond Donald, Carmela Amato-Wierda, William Smagula, Kris Blomback, Deborah Chabot

**MEMBERS NOT PRESENT:** Debra Hale, Georgia Murray, Ryan Bielagus

**NHDES – ARD PERSONNEL:** Craig Wright, Jeffrey Underhill, Karla McManus, Michele Roberge, Gary Milbury, Barbara Hoffman

**OTHERS PRESENT:** Anne Keach, Paula Scott

**Call to Order:**

Chairman Duval called Meeting #224 of the Air Resources Council (ARC) to order at 9:05 a.m. on Monday, April 21, 2014. Chairman Duval announced that a quorum of the ARC was present.

**Approval of Minutes:**

David Collins entered a motion to accept the minutes of meeting # 223. Raymond Donald seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting # 223 of March 17, 2014, were approved and accepted by the ARC.

**Division Activities & Legislative Update:**

Chairman Duval introduced Craig Wright, Director of the Air Resources Division (ARD). Mr. Wright briefly updated members of the ARC on legislative and budgetary issues relative to the Air Resources Division.

**SB 245, relative to modifying the membership and duties of the Site Evaluation Committee and modifying the requirements for energy facility certificates**

Director Wright reported that the subcommittee report regarding SB 245 was voted *Ought to Pass with Amendment*. SB 245 will reduce the Site Evaluation Committee (SEC) membership from fifteen (15) to nine (9) with two (2) members of the public. The Commissioner of the Department of Resources and Economic Development (DRED) will act in the capacity of Chairman, and the Commissioner of the Department of Environmental Services (DES) becomes the Vice-Chair. He added that the Air Resources Division Director will no longer serve on the SEC and DRED will become administratively attached to the Public Utilities Commission (PUC). SB245 is expected to pass with amendments.

**Permitting Activities**

Director Wright announced that on April 14, 2014, the NHDES issued a Proposed Findings of Fact for the permit renewal of Schiller Station in Portsmouth. Interested parties have filed comments concerning the permit renewal; however, a public hearing has not been requested.

The NHDES is in the process of reissuing a Title V Permit for North Country Environmental Services (NCES) in Bethlehem. Director Wright expects a decision to be rendered by the end of April 2014. The Waste Management Division will hold a public hearing on the expansion of the NHCES landfill.

### 2014 New Hampshire Air Conference

Director Wright invited members of the ARC to attend the 2014 NH Air Conference on June 5, 2014, from 8:00 a.m. – 2:00 p.m. at the Radisson Hotel in Manchester, NH. The Conference, hosted by the NH Business and Industry Association and the NHDES will feature presentations from the NHDES and some of the State's most prominent environmental consultants and lawyers, including:

- Air Permitting Overview
- Air Toxics
- NH Climate Action Plan
- Emerging Issues
- Boiler Area Source and Reciprocating Internal Combustion Engines (RICE) Rules
- Compliance Strategies

### Air Permit Fee Rates

Director Wright stated that the current emissions fee rate is \$285.50/ton. He added that the NHDES will be holding stakeholder discussions to develop strategies and fee mechanisms to comport with the Agency's current budget.

### **Env-A 2302.02 Emission Standards Applicable to Tangential-Firing, Dry Bottom Boilers**

Chairman Duval introduced Karla McManus, Planning and Rules Manager and Michele Roberge, Administrator of the Permitting and Environmental Health Bureau. Ms. McManus and Ms. Roberge presented members of the ARC with proposed amendments to Env-A 2302.02.

Env-A 2302.02, *Emission Standards Applicable to Tangential-Firing, Dry-Bottom Boilers*, is being amended to address EPA's comments on New Hampshire's Regional Haze State Implementation Plan (SIP) submitted in 2010, as revised in 2011. EPA approved NH's Regional Haze SIP, including Env-A 2300 – *Mitigation of Regional Haze*, based in part on the condition that DES revise the Newington Station particulate matter (PM) limit. This new PM limit was to be established based on data obtained in a more recent stack test. The stack testing was completed in January of 2012 and DES is proposing a new, more stringent PM limit for the boiler at PSNH Newington Station in Env-A 2302.02(c). The amended rule will be submitted to EPA for approval along with the Regional Haze progress report, due at the end of the year.

William Smagula stated the dialogue has been good between the NHDES and NH's only affected source which is the tangential-firing, dry bottom boiler located at Newington Station.

Raymond Donald entered a motion to accept the proposed amendments of Env-A 2302.02. Kris Blomback seconded the motion. All present were in favor. Chairman Duval instructed members of the ARC to contact Vice-Chairman Collins with further comments regarding Env-A 2302.02 within fifteen days.

### **Status of Appeals**

Paula Scott, Appeals Clerk presented the status of appeals before the ARC as follows:

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 for Wheelabrator Claremont, Application #09-005. Requested Hearing Officer on December 17, 2012. David Conley was assigned by the AGO on December 19, 2012. Status: On February 10, 2014 the ARC issued a Decision and Order on Notice of Appeal. On March 3, 2014, the ARC received a Motion for Reconsideration. On March 10, 2014 the ARC received an Objection by Wheelabrator to Appellants' Motion for Reconsideration. On March 14, 2014, the ARC received an Objection to Motion for Reconsideration filed by the NHDES.

On March 18, 2014, the ARC issued an Order on Motion for Reconsideration. On April 17, 2014, the ARC received a copy of the appellants' Supreme Court filing.

Docket No. 13-4 ARC – Winmill Equipment Co., Inc. regarding Administrative Order No. 13-009 ARD issued on May 30, 2013. The ARC received the Notice of Appeal on July 1, 2013. On July 2, 2013, the ARC issued an insufficient appeal letter. On July 15, 2013, the ARC received a revised Notice of Appeal. On July 22, 2013, the ARC issued a receipt of the Revised Appeal. On August 19, 2013, the ARC received a Notice of Appearance from Kerry Barnsley for the NHDES. On September 13, 2013, the ARC issued a Notice of Pre-hearing Conference scheduled for October 8, 2013 at 4:00 p.m. On September 24, 2013, the ARC issued notice of the Pre-Hearing Conference time change from 4:00 p.m. to 8:30 a.m. on October 8, 2013. The Pre-hearing Conference was held on October 8, 2013 and a Pre-Hearing Order was issued. The continued Pre-Hearing Conference is scheduled for January 14, 2014, at 8:30 a.m. On November 15, 2013, a notice of the rescheduled continued Pre-hearing Conference for January 13, 2013 was sent. On January 10, 2014, the ARC received an Assented to Motion to Continue. On January 10, 2014, the ARC issued a letter granting the Motion to Continue and rescheduling the PHC to March 13, 2014. On March 7, 2014 the ARC received a Motion to Continue. On March 12, 2014, the ARC received the Department's response to the Motion. On March 12, 2014 the ARC issued a letter denying Appellant's Motion to Continue the Pre-hearing Conference and on March 13, 2014, issued a second Pre-Hearing Conference with the third Pre-hearing Conference scheduled for May 20, 2014 and a Hearing scheduled for June 16, 2014.

**New Business**

No new business was taken up by the ARC.

**Other Business**

Chairman Duval scheduled the next meeting of the ARC to be held on May 19, 2014.

**Public Commentary**

No members of the public were present.

**Adjourn**

Having no further business to discuss, meeting #224 of the Air Resources Council adjourned at 10:20 a.m. on April 21, 2014.