

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #227  
10/20/14**

**MEMBERS PRESENT:** Vice-Chairman David Collins, Raymond Donald, Georgia Murray (via conf. call), Carmela Amato-Wierda, Kris Blomback, Deborah Chabot

**MEMBERS NOT PRESENT:** Robert Duval, Debra Hale, William Smagula, Ryan Bielagus

**NHDES – ARD PERSONNEL:** Craig Wright, Gary Milbury, Karla McManus, Felice Janelle, Michele Roberge

**OTHERS PRESENT:** Anne Keach

**Call to Order:**

Vice-Chairman Collins called Meeting #227 of the Air Resources Council (ARC) to order at 9:12 a.m. on Monday, October 20, 2014. Chairman Duval announced that a quorum of the ARC was present.

**Approval of Minutes:**

Raymond Donald entered a motion to accept the minutes of meeting #226. Carmela Amato-Wierda seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting #226 of September 15, 2014, were approved and accepted by the ARC.

**Division Activities & Legislative Update:**

Vice-Chairman Collins introduced Craig Wright, Director of the Air Resources Division (ARD). Director Wright briefly updated members of the ARC regarding issues relative to the ARD, including:

**Clean Power Plan**

Director Wright reported that the comment period has been extended to December 1, 2014, for NH to provide comments on EPA's Clean Power Plan. Director Wright indicated that in terms of equity, that NH's comments will likely include compliance with the Plan through continued participation in the Regional Greenhouse Gas Initiative (RGGI), for which a multi-state, mass-based plan may be submitted in accordance with EPA's proposal. He added that since the inception of RGGI in 2009, regional CO<sub>2</sub> emissions have already been reduced by more than 40% from 2005 levels. NH CO<sub>2</sub> emissions were also reduced by more than 40% (i.e., from 8,972,027 tons in 2005 to 4,642,898 tons in 2012).

**Public Service Company of New Hampshire (PSNH) Merrimack Station Permit Amendment**

Director Wright stated that PSNH has filed a permit amendment to add the applicable requirements of NSPS Subpart OOO, *Standards of Performance for Nonmetallic Mineral Processing Plants* for the limestone handling and processing system for the flue gas desulphurization system.

**Public Service Company of New Hampshire (PSNH) Schiller Station**

Director Wright reported that on September 29, 2014, the Sierra Club Filed a Notice of Intent to Sue under the Federal Clean Air Act petitioning EPA to object to the proposed Title V Permit issued by the NHDES for the PSNH Schiller Station Power Plant in Portsmouth, NH. The EPA has thirty days to respond to the Notice. The NHDES is working with PSNH on a modeling demonstration to facilitate a better understating of local air quality influences associated with emissions from the Schiller Station power plant in Portsmouth, NH relative to the recently revised national ambient air quality standard for SO<sub>2</sub>. The air quality monitoring station will be located in the middle of the cul-de-sac on Sawgrass Lane in Eliot, ME.

## Budget

Director Wright reported that the FY 2016-17 Budget has been submitted to the Governor's Office and includes \$11.3 Million annually over the biennium. He reported that the operating budget has been pared down and cost-control measures are in place to ensure the budget covers salaries and benefits for ARD staff. Director Wright added that ARD's budget is 65% Fees, and only 3% is derived from the General Fund.

## Site Evaluation Committee

Director Wright informed members of the ARC that the 2014 Legislature modified the Site Evaluation Committee, reducing its members from fifteen to nine; two of which shall be members of the public. The Commissioner of the Department of Resources and Economic Development (DRED) will serve as the Chair, and the Commissioner of the Department of Environmental Services will serve as Vice-Chair. Director Wright added that he will no longer serve as a member of the SEC. The SEC must also adopt rules relative to the organization, practices, and procedures of the committee and the criteria for the siting of energy facilities.

## Env-A 4100, VOC Content of Consumer Products

Vice-Chairman Collins introduced Karla McManus, Planning and Rules Manager; and Felice Janelle, Supervisor of the Mobile Sources Section. Ms. McManus provided members of the ARD with an overview concerning the proposed amendments to Env-A 4100, *VOC Content of Consumer Products*. The existing rules, Env-A 4100, reduce emissions of volatile organic compounds (VOCs) by establishing limits on the VOC content of various consumer products. Prior to their expiration, the rules were readopted with amendments effective February 26, 2014. Revisions were made in concurrence with the 2012 Ozone Transport Commission (OTC) Model Rule which added: definitions, consumer product categories, new VOC limits for some products, and specific requirements for paint thinner and multipurpose solvents.

In accordance with the current rule, the new limits are scheduled to go into effect on January 1, 2015. Since adoption, affected entities (manufacturers, distributors, and retailers) voiced concerns to the Department that other OTC states have not progressed as far as New Hampshire in adopting the OTC Model Rule and that compliance with disparate standards in different markets would be unduly burdensome. Until other states adopt the most current OTC Model Rule, thus creating a broader regional market for products manufactured in compliance with those standards, manufacturers would have to change processes in order to meet requirements applicable only in New Hampshire or discontinue sales within the state.

The Department anticipates that other OTC states will adopt the 2012 OTC Model Rule prior to January 1, 2017. In order to have consistent VOC limits for affected consumer products, the Department is proposing amendments to Env-A 4100 that would extend the effective date for the VOC limits on 23 consumer product categories to January 1, 2017. Extension of the effective date for those VOC limits will allow manufacturers to continue to market their products in New Hampshire while affording them an opportunity to adjust their manufacturing processes in response to regionally applicable requirements.

Raymond Donald entered a motion to accept for review, the proposed amendments of Env-A 4100. Carmela Amato-Wierda seconded the motion. All were in favor. Vice-Chairman Collins instructed members of the ARC to contact him with any further comments regarding Env-A 4100 within fifteen days.

## Status of Appeals

Currently, there are no appeals before the ARC.

**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 Monday, November 17, 2014.

**Public Commentary**

No members of the public were present.

**Adjourn**

Having no further business to discuss, meeting #227 of the Air Resources Council adjourned at 9:40a.m., on October 20, 2014.