

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #231  
05/18/15**

**MEMBERS PRESENT:** Chairman Robert Duval, Vice-Chairman David Collins, Kris Blomback, Georgia Murray, Deborah Chabot, Mark Lambert

**MEMBERS NOT PRESENT:** Raymond Donald, Ryan Bielagus, William Smagula, C. Amato-Wierda

**NHDES – ARD PERSONNEL:** Michael Fitzgerald, Gary Milbury, Becky Ohler, Michele, Roberge, K. McManus

**OTHERS PRESENT:** Anne Keach

**Call to Order:**

Chairman Duval called Meeting #231 of the Air Resources Council (ARC) to order at 9:10 a.m. on Monday, May 18, 2015. Chairman Duval announced that a quorum of the ARC was not present, therefore he directed Michael Fitzgerald, Assistant Director of the Air Resources Division (ARD) to provide an update of recent ARD activities and legislation relative to the ARD.

**Division Activities & Legislative Update:**

Chairman Duval introduced Michael Fitzgerald, Assistant Director of the Air Resources Division (ARD). Mr. Fitzgerald briefly updated members of the ARC regarding issues relative to the ARD, including:

**Permitting**

On April 15, 2015, the ARD issued a temporary permit to Schiller Station, Eversource (formerly Public Service of New Hampshire) Portsmouth, NH –for the installation of air pollution control equipment on Units SR4 and SR6 to reduce mercury and air toxics. The source has a one-year extension (4/16/16) to comply with Mercury and Air Toxics Standards (MATS).

Ammonoosuc Asphalt, Inc., Lisbon, NH - has applied for a temporary permit to operate a Hot Mix Asphalt Batch Plant and a Prime Power Generating Engine. A public hearing to receive oral and written public comments was held on May 13, 2015, at the Lisbon Town Hall in Lisbon, NH.

North Country Environmental Services (NCES), Bethlehem, NH – has applied for a permit for the installation of an additional flare that will serve as a backup control device for the existing flare. The temporary permit allows for the construction of a new landfill cell as part of the footprint expansion agreed upon by NCES and the Town of Bethlehem. A public hearing has been scheduled for June 24, 2015, 6:00 p.m. at Profile High School in Bethlehem, NH.

Chairman Duval asked if the approval process has been completed for the solid waste permit for NCES. Gary Milbury responded that the solid waste issues have been resolved.

Wheelabrator, Inc., Claremont, NH – according to the press, the source was sold at auction. The new owner of the facility has contacted the NHDES to discuss the transfer of the air permit.

## Legislation

HB 208 - relative to allowance sales under the New Hampshire Regional Greenhouse Gas Initiative (RGGI) program, requires all amounts from allowance sales under the New Hampshire (RGGI) program to be rebated to retail electric ratepayers in this state. All amounts in excess of the threshold price, minus administrative costs for any allowance sale shall be rebated to all retail electric ratepayers in the State on a per-kilowatt-hour basis in a timely manner determined by the Commission. A committee report is due out on May 27, 2015.

SB 208 – establishing a committee to study limiting the sulfur content of liquid fuels. Effective 5/7/15. The study committee will convene during the summer months.

HB 460 - establishes a commission to study revenue alternatives to the road toll for the funding of the state's highways and bridges. The commission will study alternatives to the road toll for electric-powered, hybrid, and fuel-efficient vehicles, and may study other emerging vehicles fuels and technologies.

### **Approval of Minutes:**

At 9:25 a.m., a quorum of the ARC was present. Deborah Chabot entered a motion to accept the minutes of meeting #230. Kris Blomback seconded the motion. All others were in favor. The motion carried. The minutes of ARC meeting #230 of March 16, 2015 were approved and accepted by the ARC.

### **Env-A 500, Standards Applicable to Certain New or Modified Facilities and Sources of Hazardous Air Pollutants:**

Karla McManus, Planning and Rules Manager of the Air Resources Division presented the proposed amendments to Env- 500, *Standards Applicable To Certain New Or Modified Facilities And Sources Of Hazardous Air Pollutants*. The existing rule incorporates by reference certain federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and NESHAP for specific source categories (also known as MACT, for Maximum Achievable Control Technology). These three groups of federal standards, codified at 40 CFR 60, 61 and 63, respectively, are currently in effect and applicable to numerous state sources.

Under our delegation agreement with the United States Environmental Protection Agency (U.S. EPA), New Hampshire's rule is updated annually to incorporate new and revised federal NSPS, NESHAP, and MACT standards that have been promulgated since the last annual update. Unfortunately, due to an overwhelming number of rules that were up for re-adoption over the past two years and the change in staffing, this rule was not updated last year, so we are doing a two year update now.

From July 1 of 2012 until June 30 of 2014, EPA promulgated two NSPS, as codified in 40 CFR 60. The first NSPS is Subpart Ja, *Standards of Performance for Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced after May 14, 2007*, and Subpart OOOO, *Standards for Oil and Natural Gas Sector*. These federal standards are already in effect for existing sources, so adopting them by reference into Env-A 500 will not impose new requirements on any sources in New Hampshire. It will, however, allow DES to perform certain administrative functions on behalf of the regulated entities, such as making applicability determinations and alternative monitoring decisions that are routine in nature.

In addition, DES is taking partial delegation of a MACT Standard, as codified in 40 CFR 63. This is Subpart JJJJJ, *National Emission Standards for Hazardous Air Pollutants for Area Sources from Industrial, Commercial, and Institutional Boilers*. This standard is only in effect for sources which are currently permitted or required to be permitted under Env-A 607.01(a), (b), or (c).

Kris Blomback entered a motion to accept the proposed amendments of Env-A 500. Mark Lambert seconded the motion. David Collins opposed the motion stating that the EPA continues to place obligations on the ARD which is struggling to undertake its current workload. All others were in favor. Env-A 500 was accepted by the ARC for review. Chairman Duval instructed members of the ARC to contact Vice-Chairman Collins with further comments regarding Env-A 500 within fifteen days.

#### **Status of Appeals**

Currently, there are no appeals before the ARC.

#### **New Business**

No new business of the ARC was discussed.

#### **Other Business**

Michael Fitzgerald invited the support of the ARC as the EPA reconsiders its funding for the states, focusing on the reallocation of funds for areas of non-attainment in the Northeast.

Chairman Duval scheduled the next meeting of the ARC to be held on Monday, June 22, 2015.

#### **Public Commentary**

No members of the public were present.

#### **Adjourn**

Having no further business to discuss, Deborah Chabot entered a motion to adjourn, seconded by Kris Blomback. All were in favor. Meeting #231 of the Air Resources Council adjourned at 10:00 a.m., on March 16, 2015.