



# THE STATE OF NEW HAMPSHIRE

## Air Resources Council

Robert Duval, Chairman

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095  
Council Clerk (non-appeal related): (603) 271-1386; Appeals Clerk (appeal related only): (603) 271-6072  
TDD Access: Relay NH 1-800-735-2964  
Council Website: <http://www.des.nh.gov/councils/>

## ANNUAL REPORT *Of The* AIR RESOURCES COUNCIL 2014

SUBMITTED TO

Her Excellency, Governor Margaret Wood Hassan



Executive Council

The Honorable Joseph D. Kenney  
The Honorable Colin Van Ostern  
The Honorable Christopher T. Sununu  
The Honorable Christopher C. Pappas  
The Honorable David K. Wheeler

Commissioner Thomas S. Burack

RESPECTFULLY SUBMITTED

Robert Duval, Chairman

February 9, 2015

**AIR RESOURCES COUNCIL**  
**MEMBERSHIP CONTACT INFORMATION**

## Air Resources Council

Eleven members appointed by the governor with consent of the executive council to serve **four-year terms** as follows: one representing the steam power generating industry; one representing the oil industry; one representing the natural gas industry; one the manufacturing component of industry; one the field of municipal government; and six members at large who shall represent the general public, one of whom shall be a licensed practicing physician or other health care professional possessing expertise in the field of public health and the health-related impacts of air pollution, one who shall represent the field of recreation and at least one of whom shall represent environmental interests. Members representing public interest may not derive any significant portion of their income from persons subject to permits or enforcement orders, and may not serve as attorney for, act as consultant for, serve as officer or director of, or hold any other official or contractual relationship with any persons subject to permits or enforcement orders. All potential conflicts of interest shall be adequately disclosed. All members shall be residents of N.H. RSA 21-O (Ch. 62, 2006. Eff. 6/23/06)

DAVID G. COLLINS, Bow - Vice-Chairman  
June 6, 2001 to September 6, 2015  
(Fuel Oils Industry)

ROBERT DUVAL, Manchester - Chairman  
September 17, 2003 to November 21, 2014  
(General Public)

KRIS NILS BLOMBACK, Henniker  
November 6, 2013 to October 24, 2015  
(Recreation)

DEBORAH CHABOT, Hancock  
June 8, 2011 to October 24, 2014  
(Health Care Professional)  
GEORGIA MURRAY, Conway  
January 11, 2006 to October 24, 2017  
(Environmental Interest)

RAYMOND R. DONALD, Kingston  
January 10, 1996 to October 24, 2017  
(Municipal Government)

WILLIAM H. SMAGULA, Bedford  
September 5, 2007 to October 24, 2017  
(Steam Power Generating Industry)

VACANT  
(Manufacturing Component of Industry)

J. RYAN BIELAGUS, Amherst  
January 4, 2005 to December 6, 2015  
(General Public)

CARMELA C. AMATO-WIERDA, Durham  
November 9, 2011 to December 6, 2014  
(General Public)

\*DEBRA I. HALE, Hooksett  
July 13, 2005 to October 4, 2015  
(Natural Gas Industry)

\*Deceased, December 2014

## AIR RESOURCES COUNCIL MEMBERS

### CHAIR/AT LARGE/PUBLIC INTEREST

Robert Duval  
T.F. Moran, Inc.  
48 Constitution Drive  
Bedford, NH 03110-6000

Work: 472-4488  
Fax: 472-9747  
Home:

[rduval@tfmoran.com](mailto:rduval@tfmoran.com)

Term Exp: 11/21/14

### VICE-CHAIR/FUEL OIL INDUSTRY:

David G. Collins  
22 Van Ger Drive  
Bow, NH 03304  
Mail All ARC Correspondance To:

Work: 226-2600  
Home:  
Fax: 226-2700  
[dgc@rathlaw.com](mailto:dgc@rathlaw.com)

Rath, Young & Pignatelli, PA  
1 Capital Plaza  
PO Box 1500  
Concord, NH 03302-1500

Term Exp: 09/06/15

### AT LARGE/ENVIRONMENTAL INTEREST:

Georgia Murray  
Staff Scientist, Appalachian Mountain Club  
P.O. Box 1747  
Conway, NH 03818

Work: 466-2721 Ext. 8111  
Home: 447-6837  
Fax: 466-2822

Term Exp: 10/24/17

[gmurray@outdoors.org](mailto:gmurray@outdoors.org)

### AT LARGE/RECREATION INDUSTRY:

Kris Nils Blomback  
203 Highland Drive  
Henniker, NH 03242

Work: 428-3245  
Home:  
Fax: 428-7821

Term Exp: 10/24/15

[kris@patspeak.com](mailto:kris@patspeak.com)

### AT LARGE/PUBLIC INTEREST:

Carmela Amato-Wierda, Ph.D.  
22 Orchard Drive  
Durham, NH 03824

Bus: 862-2526  
Home:  
Fax:

Term Exp: 12/06/14

[ccaw@unh.edu](mailto:ccaw@unh.edu)

J. Ryan Bielagus  
Andover Consulting Group, Inc.  
302 Riverway Place  
Amherst, NH 03031

Work: 668-7046  
Cell: 867-4064

Term Exp: 12/6/15

[ryan@andovercolsulting.com](mailto:ryan@andovercolsulting.com)

**AIR RESOURCES COUNCIL**

**RECORD OF ATTENDANCE**



**AIR RESOURCES COUNCIL**

**NOTICE OF MEETINGS**



# THE STATE OF NEW HAMPSHIRE

## Air Resources Council

Robert Duval, Chairman

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Council Clerk (non-appeal related): (603) 271-1386; Appeals Clerk (appeal related only): (603) 271-6072

TDD Access: Relay NH 1-800-735-2964

Council Website: <http://www.des.nh.gov/councils/>

## NOTICE OF MEETINGS

**The Air Resources Council will meet on the following dates at  
9:00 a.m., in Conference Rooms 112 & 113 at the  
New Hampshire Department of Environmental Services  
29 Hazen Drive, Concord, New Hampshire:**

January 13, 2014  
February 10, 2014  
March 17, 2014

April 21, 2014  
May 19, 2014  
June 16, 2014

July 21, 2014  
August 18, 2014  
September 15, 2014

October 20, 2014  
November 17, 2014  
December 15, 2014

**AIR RESOURCES COUNCIL**

**MEETING AGENDAS  
&  
MEETING MINUTES**



# THE STATE OF NEW HAMPSHIRE

## Air Resources Council

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### NOTICE OF MEETING January 13, 2014

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The New Hampshire Air Resources Council will convene at 9:00 a.m.  
Monday, January 13, 2014 in Conference Rooms 112 & 113  
NH Department of Environmental Services  
29 Hazen Drive, Concord, New Hampshire 03301

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1. Call to Order
2. Approval of Minutes (Meeting #220)
3. Air Resources Division Report  
*Craig Wright, Director*
  - Legislative Update
  - Significant Permit Activities
  - Other ARD Activities
4. Env-A 702.05, 705.01, and 907.01, General Reporting and Fees Requirements  
*Todd Moore, Construction and Planning Manager*  
*Barbara Hoffman, State Implementation Plans Development Manager*
5. Status of Appeals  
*Paula Scott, Appeals Clerk, NHDES Legal Unit*
6. Old Business
7. New Business
8. Public Commentary
  - Opportunity for public comment on matters affecting the Air Resources Council or the Air Resources Division
9. Adjourn

#### 10:00 a.m. – Discussion

Docket No. 11-10 ARC, Public Service of New Hampshire, Joint Motion to Close Docket

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #221  
01/13/14**

**MEMBERS PRESENT:** Vice-Chairman David Collins, Ryan Bielagus,  
Georgia Murray (via conf. call), William Smagula,  
Kris Nils Blomback

**MEMBERS NOT PRESENT:** Chairman Robert Duval, Debra Hale, Raymond Donald  
Deborah Chabot, Carmela Amato-Wierda,

**NHDES – ARD PERSONNEL:** Craig Wright, Michele Roberge, Gary Milbury,  
Barbara Hoffman

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

**Call to Order:**

Vice-Chairman Collins called Meeting #221 of the Air Resources Council (ARC) to order at 9:15 a.m. on Monday, January 13, 2014. Vice-Chairman Collins announced that a quorum of the ARC was not present.

**Approval of Minutes:**

Quorum not present – Item tabled.

**Division Activities & Legislative Update:**

Vice-Chairman Collins 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.

**Legislation**

Mr. Wright reported that the Air Resources Division (ARD) is tracking and/or developing testimony to support or oppose the following legislation for the upcoming 2014 session:

HB 1129 – establishing a committee to study energy efficiency  
HB 1192 – eliminating the threshold price on the use of proceeds from the regional greenhouse gas initiative program  
HB 1305 – relative to the definition of asbestos abatement  
HB 1443 – relative to renewable portfolio standards  
HB 1385 – relative to changes and additions to energy facilities  
HB 1456 – relative to the issuance of certificate for energy facilities by the site evaluation committee  
SB 268 – relative to allocations from the energy efficiency fund  
SB 281 – relative to the siting of wind turbines

Michele Roberge, Administrator of the Permitting and Environmental Health Bureau added that the Air Resources Division is tracking the following legislation relative to radon and mold:

SB 334 – relative to certification and licensure for mold assessment or remediation services  
HB 1532 – relative to notification of radon level prior to sale or lease of property

Director Wright stated that he will provide members with relevant Legislative activities at the next meeting of the ARC.

NHDES. On January 11, 2013, the ARC received the Appearance of Gregory Smith, and Jarret Duncan of McLane, Graf, Raulerson and Middleton P.A., for Wheelabrator Claremont Company L.P. On January 23, 2013, a notice was issued of the Pre-Hearing Conference scheduled for February 12, 2013 at 1:00 p.m. On February 7, 2013, the ARC received Objection to Motion to Dismiss and Request to Stay. The ARC issued the Pre-Hearing Order on February 12, 2013 with a hearing scheduled for May 20, 2013, at 10:00 a.m. Wheelabrator's Reply to Appellant's Objection was received on February 19, 2013. On February 25, 2013, the ARC received the Appellant's Response to Wheelabrator's Reply to Appellant's Objection. On March 12, 2013, the ARC received a copy of the Department of Environmental Services' file and fifteen CDs of the file for ARC members. The hearing officer sent a draft decision to the ARC for review on March 22, 2013. On April 2, 2013 the order on the Motion to Dismiss was issued. On April 18, 2013 the ARC received a copy of the request for information from Appellants to Wheelabrator's counsel and to Evan Mulholland, counsel for the NHDES. On April 22, 2013, the ARC received a copy of Atty. Smith's response to the Request for Information. On April 22, 2013, the ARC received the Appellants' Motion to Amend. On April 26, 2013 received the Withdrawal of Appearance for Jarrett Duncan and Appearance for Carol Holahan. On April 25, 2013, the Public Notice of Title V Appeal Hearing was published in the Union Leader newspaper. On April 26, 2013, the ARC received a Joint Objection to Motion to Amend Notice of Appeal. On April 29, 2013, the ARC received the Appellants' Response to Joint Objection to Motion to Amend Notice of Appeal and Appellants; Motion to Compel. On May 2, 2013 the ARC received Wheelabrator's Objection to Motion to Compel and Reply to Appellants' Response to Joint Objection to Motion to Amend Notice of Appeal. On May 3, 2013, the Hearing Officer issued an Order on Motion to Amend; which was granted. On May 3, 2013, the Hearing Officer issued an Order on the Motion to Compel; which was granted. On May 6, the ARC received the NHDES' Objection to Motion to Compel. On May 8, 2013, the ARC received Wheelabrator's Motion for Reconsideration or Clarification of Order Granting Appellants' Motion to Amend Notice of Appeal. On May 10, 2013, the ARC received a Motion to Enforce Hearing Officer's Ruling. On May 13, 2013, the ARC received Wheelabrator's, the NHDES' and Appellants' Witness and Exhibit Lists. On May 15, 2013, the Hearing Officer issued an Order on Appellants' Motion to Enforce Hearing Officer's Ruling and Order on Wheelabrator's Motion for Reconsideration or Clarification of Order Granting Appellants; Motion to Amend Notice of Appeal. On May 20, 2013 a hearing on the matter was held and recessed at 12:15 p.m., to resume on June 17, 2013 at 9:30 a.m. On June 5, 2013 the ARC received the Appellants' Response to Wheelabrator's Request for Information. On June 10, 2013 the ARC received Wheelabrator's Objection and Motion to Strike Exhibit A16 File Out of Order by the Appellants. On June 13, 2013, the ARC issued a ruling on the Objection and Motion to Strike. On June 14, 2013, the ARC received an Objection to Appellants' Request for Information. A continued hearing on the matter was held on August 12, 2013. The hearing will resume on September 11, 2013 at 11:00 a.m. On August 20, 2013, the ARC received the Appellant's Submittal of missing data from Exhibit A4. A hearing on the matter will resume on October 21, 2013 following the regular meeting of the ARC at 10:00 a.m. Deliberations were held on November 18, 2013. A Decision will be issued within 90 days (2/16/14).

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.



# THE STATE OF NEW HAMPSHIRE

## Air Resources Council

Robert Duval, Chairman

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### NOTICE OF MEETING February 10, 2014

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The New Hampshire Air Resources Council will convene at 9:00 a.m.  
Monday, February 10, 2014 in Conference Rooms 112 & 113  
NH Department of Environmental Services  
29 Hazen Drive, Concord, New Hampshire 03301

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1. **Call to Order**
2. **Approval of Minutes (Meeting #220 and 221)**
3. **Air Resources Division Report**  
*Craig Wright, Director*
  - Legislative Update
  - Significant Permit Activities
  - Other ARD Activities
4. **Section 176A Petition – Briefing**  
*Jeffrey Underhill, Chief Scientist, Atmospheric Science and Analysis Unit*
5. **Env-A 702.05, 705.01, and 907.01, General Reporting and Fees Requirements**  
*Todd Moore, Construction and Planning Manager*  
*Barbara Hoffman, State Implementation Plans Development Manager*
6. **Status of Appeals**  
*Paula Scott, Appeals Clerk, NHDES Legal Unit*
7. **Old Business**
8. **New Business**
9. **Public Commentary**
  - Opportunity for public comment on matters affecting the Air Resources Council or the Air Resources Division
10. **Adjourn**

**10:00 a.m. – Discussion**

Docket No. 11-10 ARC, Public Service of New Hampshire, Joint Motion to Close Docket

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #222  
02/10/14**

**MEMBERS PRESENT:** Chairman Robert Duval, Vice-Chairman David Collins, Raymond Donald, Carmela Amato-Wierda, Georgia Murray (via conf. call), William Smagula, Kris Nils Blomback

**MEMBERS NOT PRESENT:** Debra Hale, Ryan Bielagus, Deborah Chabot,

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

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

**Call to Order:**

Chairman Duval called Meeting #222 of the Air Resources Council (ARC) to order at 9:10 a.m. on Monday, February 10, 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 #'s 220 and 221. William Smagula seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting #'s 220 and 221 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.

**Legislation**

Mr. Wright reported that the Air Resources Division (ARD) is tracking and/or developing testimony to support or oppose the following legislation for the upcoming 2014 session:

HB 1305 – relative to the definition of asbestos abatement. A public hearing was held on January 14, 2014, and an Inexpedient to Legislate vote of 10-7 was made.

Mr. Wright provided NHDES Legislative Tracking Sheet, which includes tracking data for the following legislative items:

HB 1129 – establishing a committee to study energy efficiency  
HB 1192 – eliminating the threshold price on the use of proceeds from the regional greenhouse gas initiative program  
HB 1443 – relative to renewable portfolio standards  
HB 1385 – relative to changes and additions to energy facilities  
HB 1456 – relative to the issuance of certificate for energy facilities by the site evaluation committee  
SB 268 – relative to allocations from the energy efficiency fund  
SB 281 – relative to the siting of wind turbines  
SB 334 – relative to certification and licensure for mold assessment or remediation services  
HB 1532 – relative to notification of radon level prior to sale or lease of property

- Based on the same kind of significant contribution concept used in EPA's Cross-State Air pollution Rule (CSAPR).
- The pros and cons of the 176A Petition include:
  - Pros
    - CSAPR could be used as a good technical justification for the petition
    - Very daunting to non-OTR states and makes federal measures look reasonable
    - Legal
  - Cons
    - Could take years to resolve
    - Never attempted before
    - Would likely generate major push-back from non-OTR states
- Other State options include:
  - Voluntary cooperation – attempted with limited success
  - Section 126 Petitions – seek remedies for specific out-of-state sources
  - Civil suits
  - Good Neighbor Rule – EPA is currently working on a GNR which would set emission budgets for each state that significantly contributes to nonattainment

Director Wright stressed that the 176A Petition correlates to a serious economic issue for the Northeast, not just a public health issue.

Members of the ARC discussed how the science has changed since the Clean Air Act Amendments, and the need to address regional issues with alacrity.

**Env-A 702.05, 705.01, and 907.01, General Reporting and Fees Requirements**

David Collins entered a motion to table the amendments of Env-A 702.05, 705.01, and 907.01 *General Reporting and Fees Requirements* until the next meeting of the ARC. Carmela Amato-Wierda seconded the motion. All present were in favor. The item was table until March 17, 2014.

**Status of Appeals**

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

Docket No. 11-10 ARC – Public Service of New Hampshire (PSNH), regarding the NHDES Final Determination of Baseline Mercury Input. The ARC adopted the draft decision and issued the Final Decision on December 17, 2012. On January 15, 2013, the ARC received the State's Request for Reconsideration and Clarification. On February 1, 2013, the ARC received the Objection to State's Request for Reconsideration and Clarification. The ARC received the State's Assent to PSNH Request to Defer Decision on Reconsideration and State's Motion to Strike. On February 12, 2013, the ARC received PSNH's Objection to the State's Motion to Strike. PSNH filed their Status Report on February 27, 2013. On March 4, 2013, a letter was issued to the parties regarding the hearing officer's rulings. The status report was due by April 1, 2013. On March 29, 2013, the ARC received PSNH's status report. On April 1, 2013 the ARC granted the requested relief to submit status report by May 1, 2013. On April 29, 2013, the ARC received PSNH's status report. On May 1, 2013, the ARC granted the request to submit the status report by June 1, 2013. The ARC received PSNH's status report on June 11, 2013. On June 13, 2013, the ARC granted the request to submit the status report by September 1, 2013. The ARC received PSNH's status report on September 5, 2013. On September 12, 2013, the ARC issued a letter granting the request. On December 4, 2014, the ARC received a Joint Motion to Close this Docket.

Members of the ARC held a non-public session from 9:55 a.m. – 10:10 a.m.

David Collins entered a motion to accept the ARC's Decision and Order to Deny the Appellants' Notice of Appeal. William Smagula seconded the motion. A roll-call vote of William Smagula, David Collins, Carmel Amato-Wierda, Georgia Murray, and Robert Duval all voting aye was taken and recorded. The Decision and Order to Deny the Appellants' Notice of Appeal was accepted by the ARC.

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.

**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 March 17, 2014.

**Public Commentary**

No public comments were received by the ARC.

**Adjourn**

Having no further business to discuss, meeting #222 of the Air Resources Council adjourned at 10:25a.m. on February 10, 2014.



# THE STATE OF NEW HAMPSHIRE

## Air Resources Council

Robert Duval, Chairman

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### NOTICE OF MEETING March 17, 2014

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The New Hampshire Air Resources Council will convene at 9:00 a.m.  
Monday, March 17, 2014 in Conference Rooms 112 & 113  
NH Department of Environmental Services  
29 Hazen Drive, Concord, New Hampshire 03301

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1. Call to Order
2. Approval of Minutes (Meeting #222)
3. Air Resources Division Report  
*Craig Wright, Director*
  - Legislative Update
  - Significant Permit Activities
  - Other ARD Activities
4. Env-A 702.05, 705.01, and 907.01, General Reporting and Fees Requirements  
*Karla McManus, Planning and Rules Manager*  
*Todd Moore, Construction and Planning Manager*
5. Env-A 4200, Architectural and Industrial Maintenance Coatings  
*Karla McManus, Planning and Rules Manager*  
*Felice Janelle, Supervisor, Mobile Sources Section*
6. Status of Appeals  
*Paula Scott, Appeals Clerk, NHDES Legal Unit*
7. Old Business
8. New Business
  - Docket No. 12-11 ARC, Katherine Lajoie, Rebecca MacKenzie, et al  
Motion for Reconsideration
9. Public Commentary
  - Opportunity for public comment on matters affecting the Air Resources Council or the  
Air Resources Division
10. Adjourn

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #223  
03/17/14**

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

**MEMBERS NOT PRESENT:** Debra Hale

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

**OTHERS PRESENT:** Anne Keach, Paula Scott, David Conley, Katherine Lajoie

**Call to Order:**

Chairman Duval called Meeting #223 of the Air Resources Council (ARC) to order at 9:05 a.m. on Monday, March 17, 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 #'s 221 and 222. William Smagula seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting #'s 220 and 221 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.

**Regional Greenhouse Gas Auction Results**

Director Wright reported that the nine Northeastern and Mid-Atlantic states participated in the 23<sup>rd</sup> RGGI Auction on March 7, 2014. 23,491,350 CO<sub>2</sub> allowances were sold at the auction at a clearing price of \$4.00. The allowances sold include the 18,491,350 allowances offered for sale by the nine states and all of the 5,000,000 allocation year 2014 cost containment reserve (CCR) allowances.

The auction generated \$93.96 million for reinvestment by the RGGI states in a variety of consumer investment benefit initiatives, energy efficiency, renewable energy, and greenhouse gas abatement programs.

**176A Petition**

The 176A petition seeks to expand the Northeast Ozone Transport Region (OTR) to include the states of Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, Virginia and West Virginia. It alleges that the targeted upwind states have failed to fulfill all Clean Air Act requirements because their air pollution control programs do not require the installation of controls as stringent as required by the OTR and because air pollution from the upwind states is transported into the OTR, thus contributing to violations of the 2008 National Ambient Air Quality Standard for ozone within the OTR states. The Petitioners hope that the petition, if granted, will subject the targeted states to more stringent requirements in the form of revised State Implementation Plans for VOC and NOx

### **Env-A 702.05, 705.01, and 907.01, General Reporting and Fees Requirements**

Chairman Duval introduced Karla McManus, Planning and Rules Manager and Todd Moore, Construction and Planning Manager. Ms. Mcmanus and Mr. Moore presented members of the ARC with proposed changes to the annual emission reporting and fee rules for sources with air permits. The changes are intended to address two issues:

1. Annual Emissions Reports For All Permitted Sources – Current Rules require all permitted sources to report to the ARD actual emissions of all regulated air pollutants and all regulated toxic air pollutants on an annual basis. The ARD has determined that we do not need all sources to report all emissions. The proposed rules set up a tiered system by which all sources report a limited subset of emissions, with additional pollutants required to be included only for sources that meet certain thresholds. This change will reduce the reporting obligations for many sources while still providing the ARD with the minimum required data.
2. Annual Emissions Reports and Fees for Emergency Generators Registered Under the General State Permit – Current rules require operating emergency use engines under the General State Permit (GSP-EGs) to submit an annual emissions report (the same report referenced above), and pay an annual emission-based fee. New Hampshire currently has over 300 such sources. The vast majority of GSP-EGs emit less than one ton of regulated pollutants per year and therefore pay the annual minimum fee based on one ton of emissions. The ARD has determined that, since the actual annual emissions from GSP-EGs do not typically vary (e.g., is usually less than one ton), we do not need GSP-EGs to file an annual emissions report. The ARD also proposes to switch from the current annual emission-based fee to a GSP-EG registration fee. The ARD proposes to set the registration fee at the ton/year multiplier times the number of years remaining in the permit term when the owner files the registration. Since most GSP-EGs currently pay based on the one ton minimum, this change is not expected to result in an increase in fees for GSP-EGs. The change will, however, eliminate state reporting obligations for GSP-EGs.

The ARD proposes to affect these changes by adding a new rule, Env-A 702.05, *General State Permit Registration Fee*, and amending Env-A 705.01, *Emission-based Fee*, and Env-A 907.01, *General Reporting Requirements*.

The current GSP-EG will expire in 2015 and the NHDES intends to re-issue it in the spring of 2015. The NHDES intends to coordinate the fee changes such that the new registration fee will become effective upon the reissuance of the GSP-EG in 2015.

Members of the ARC engaged in a discussion to ensure that that all general reporting requirements will be met under the revised rule. Raymond Donald entered a motion to accept the revisions to Env-A 702.05, 705.01, and 907.01. Vice-Chairman Collins 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 500 within fifteen days.

### **Env-A 4200, Architectural and Industrial Maintenance Coatings**

Chairman Duval introduced Felice Janelle, Supervisor of the Mobile Sources Section. Ms. Janelle and Ms. McManus presented members of the ARC with the proposed readoption of Env-A 4200, *Architectural and Industrial Maintenance Coatings*.

Env-A 4200, *Architectural and Industrial Maintenance Coatings*, is due to expire on July 27, 2014. The ARD is proposing to readopt Env-A 4200 with minor changes to clarify the rule. The Ozone Transport Commission (OTC) Model Rule, upon which the chapter is based, has not been updated since 2005, so there are no significant changes which need to be incorporated into our rules.

to Wheelabrator's Reply to Appellant's Objection. On March 12, 2013, the ARC received a copy of the Department of Environmental Services' file and fifteen CDs of the file for ARC members. The hearing officer sent a draft decision to the ARC for review on March 22, 2013. On April 2, 2013 the order on the Motion to Dismiss was issued. On April 18, 2013 the ARC received a copy of the request for information from Appellants to Wheelabrator's counsel and to Evan Mulholland, counsel for the NHDES. On April 22, 2013, the ARC received a copy of Atty. Smith's response to the Request for Information. On April 22, 2013, the ARC received the Appellants' Motion to Amend. On April 26, 2013 received the Withdrawal of Appearance for Jarrett Duncan and Appearance for Carol Holahan. On April 25, 2013, the Public Notice of Title V Appeal Hearing was published in the Union Leader newspaper. On April 26, 2013, the ARC received a Joint Objection to Motion to Amend Notice of Appeal. On April 29, 2013, the ARC received the Appellants' Response to Joint Objection to Motion to Amend Notice of Appeal and Appellants' Motion to Compel. On May 2, 2013 the ARC received Wheelabrator's Objection to Motion to Compel and Reply to Appellants' Response to Joint Objection to Motion to Amend Notice of Appeal. On May 3, 2013, the Hearing Officer issued an Order on Motion to Amend; which was granted. On May 3, 2013, the Hearing Officer issued an Order on the Motion to Compel; which was granted. On May 6, 2013, the ARC received the NHDES' Objection to Motion to Compel. On May 8, 2013, the ARC received Wheelabrator's Motion for Reconsideration or Clarification of Order Granting Appellants' Motion to Amend Notice of Appeal. On May 10, 2013, the ARC received a Motion to Enforce Hearing Officer's Ruling. On May 13, 2013, the ARC received Wheelabrator's, the NHDES' and Appellants' Witness and Exhibit Lists. On May 15, 2013, the Hearing Officer issued an Order on Appellants' Motion to Enforce Hearing Officer's Ruling and Order on Wheelabrator's Motion for Reconsideration or Clarification of Order Granting Appellants' Motion to Amend Notice of Appeal. On May 20, 2013 a hearing on the matter was held and recessed at 12:15 p.m., to resume on June 17, 2013 at 9:30 a.m. On June 5, 2013 the ARC received the Appellants' Response to Wheelabrator's Request for Information. On June 10, 2013 the ARC received Wheelabrator's Objection and Motion to Strike Exhibit A16 File Out of Order by the Appellants. On June 13, 2013, the ARC issued a ruling on the Objection and Motion to Strike. On June 14, 2013, the ARC received an Objection to Appellants' Request for Information. A continued hearing on the matter was held on August 12, 2013. The hearing will resume on September 11, 2013 at 11:00 a.m. On August 20, 2013, the ARC received the Appellant's Submittal of missing data from Exhibit A4. A hearing on the matter will resume on October 21, 2013 following the regular meeting of the ARC at 10:00 a.m. Deliberations were held on November 18, 2013. A Decision will be issued within 90 days (2/16/14).

Members of the ARC held a non-public session from 9:55 a.m. – 10:10 a.m.

David Collins entered a motion to accept the ARC's Decision and Order to Deny the Appellants' Notice of Appeal. William Smagula seconded the motion. A roll-call vote of William Smagula, David Collins, Carmel Amato-Wierda, Georgia Murray, and Robert Duval all voting aye was taken and recorded. The Decision and Order to Deny the Appellants' Notice of Appeal was accepted by the ARC.

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.

Vice-Chairman Collins stated that the Appellants have provided no new evidence in the matter and entered a motion to deny the Request for Reconsideration. Raymond Donald seconded the motion. Georgia Murray and Carmela Amato-Wierda asserted clarifying comments and questions concerning specific data relevant to the issuance of the draft permit.

The ARC then voted on the motion to deny the Request for Reconsideration. Kris Blomback abstained; Georgia Murray voted not in favor, all others present were in favor. The motion carried.



# THE STATE OF NEW HAMPSHIRE

## Air Resources Council

Robert Duval, Chairman

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095  
Council Clerk (non-appeal related): (603) 271-1386; Appeals Clerk (appeal related only): (603) 271-6072  
TDD Access: Relay NH 1-800-735-2964  
Council Website: <http://www.des.nh.gov/councils/>

### NOTICE OF MEETING

April 21, 2014

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The New Hampshire Air Resources Council will convene at 9:00 a.m.  
Monday, April 21, 2014 in Conference Rooms 112 & 113  
NH Department of Environmental Services  
29 Hazen Drive, Concord, New Hampshire 03301

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1. Call to Order
2. Approval of Minutes (Meeting #223)
3. Air Resources Division Report  
*Craig Wright, Director*
  - Legislative Update
  - Significant Permit Activities
  - Other ARD Activities
4. **Env-A 2302.02, Emission Standards Applicable to Tangential-Firing, Dry Bottom Boilers**  
*Karla McManus, Planning and Rules Manager, SIP Planning and Rules Section*  
*Michele Roberge, Administrator, Permitting and Environmental Health Bureau*
5. Status of Appeals  
*Paula Scott, Appeals Clerk, NHDES Legal Unit*
6. Old Business
7. New Business
8. Public Commentary
  - Opportunity for public comment on matters affecting the Air Resources Council or the Air Resources Division
9. Adjourn

**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.

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.



# THE STATE OF NEW HAMPSHIRE

## Air Resources Council

Robert Duval, Chairman

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095  
Council Clerk (non-appeal related): (603) 271-1386; Appeals Clerk (appeal related only): (603) 271-6072  
TDD Access: Relay NH 1-800-735-2964  
Council Website: <http://www.des.nh.gov/councils/>

### NOTICE OF MEETING August 18, 2014

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The New Hampshire Air Resources Council will convene at 9:00 a.m.  
Monday, August 18, 2014 in Conference Rooms 112 & 113  
NH Department of Environmental Services  
29 Hazen Drive, Concord, New Hampshire 03301

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1. Call to Order
2. Approval of Minutes (Meeting #224)
3. Air Resources Division Report  
*Craig Wright, Director*
  - Legislative Update
  - Significant Permit Activities
  - Other ARD Activities
4. Section 111D Overview  
*Craig Wright, Director*
5. Status of Appeals  
*Paula Scott, Appeals Clerk, NHDES Legal Unit*
6. Old Business
7. New Business
8. Public Commentary
  - Opportunity for the public to comment on matters affecting the Air Resources Council or the Air Resources Division
9. Adjourn

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #225  
08/18/14**

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

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

**NHDES – ARD PERSONNEL:** Craig Wright, Gary Milbury

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

**Call to Order:**

Vice-Chairman David Collins called Meeting #225 of the Air Resources Council (ARC) to order at 9:05 a.m. on Monday, August 18, 2014. Vice-Chairman Collins announced that a quorum of the ARC was present.

**Approval of Minutes:**

Raymond Donald entered a motion to accept the minutes of meeting #224. William Smagula seconded the motion. All were in favor. The motion carried. The minutes of ARC meeting # 224 of April 21, 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). Mr. Wright briefly updated members of the ARC issues relative to the Air Resources Division, including:

**Ozone Action Days**

Director Wright reported that no ozone action days have been declared in New Hampshire in 2014. He stated that one exceedance was reported on Pack Monadnock, which was an indicator of transport. In early August, a moderate reading on the lower end of the Air Quality Index threshold was recorded for particulate matter due to the wildfires in the West.

**Budget**

Director Wright reported that the Maintenance Budget will be submitted to the Governor's Office in September, which included the elimination of approximately nineteen vacant positions. He added that the Operating Budget will maintain level funding.

**Permitting Activities**

Director Wright announced that on August 4, 2014, the New Hampshire Supreme Court accepted the Appeal of Katherine Lajoie & a., Case No. 2014-0242, regarding Wheelabrator Claremont Company. The Order states that the case is eligible for mediation. Director Wright added that Ms. Lajoie has filed a Petition for the EPA to investigate New Hampshire's Title V Permitting Program.

Director Wright stated that a Title V Operating permit was issued to Public Service Company of New Hampshire – Schiller Station. The deadline for appeal to the ARC expired on May 14, 2014, however a Citizen Petition was filed with the EPA by the New Hampshire Sierra Club. Director Wright expects to have monitoring established in Eliot, Maine by the end of September 2014.

- June 2016 – Initial state plans due
- June 2018 - Regional plans due
- Using NH emissions as an example – 2012 Unadjusted Fossil Rate (lb/MWh):

<u>Coal</u>	<u>Gas</u>	<u>Oil</u>	<u>Total</u>
2,382	878	1,889	-
MWh	MWh	MWh	MWh
1,281,341	6,946,869	72,614	8,300,824

MWh weighted total NH fossil emissions

= 4.64 million tons base emissions in 2012

= 1,117 lb/MWh = NH's Starting Point

- New Hampshire's Building Block #1 – Coal Plant Heat Rate Improvement
  - Coal – EOA assumes a potential 6% improvement  
 $2,382 \text{ lb/MWh coal rate} \times 0.06 = 143 \times 1,281,341 \text{ MWh} (\div 2000)$   
 $= 0.091 \text{ million tons reduction to } = 4.55 \text{ million tons}$
- New Hampshire's Building Block #2 – Re-Dispatch to More Natural Gas
  - If coal and oil fired generation were re-dispatched to gas  
 $878 \text{ lb/MWh gas rate} \times 8,300,824 \text{ MWh total fossil generation} = 3.64 \text{ million tons}$
- New Hampshire's Building Block #3 – Renewables and Partial Avoidance of Nuclear Retirement
- 
- New Hampshire's Building Block #4 – Increasing Energy Efficiency
- 
- Prior Northeast State Leadership Action
  - Regional Greenhouse Gas initiative (RGGI) implemented in 2009 in NH, CT, DE, MA, MD, ME, NJ, NY, RI, VT
  - Updated more stringent cap – 2014
  - Key 11(d) issues include:
    - 9 state implementation plan
    - 111(d) proposes 2012 baseline – No credit for early reductions
    - EPA assumes all states will achieve RPS goals
    - Equity across states
    -
- ISO NE grid states with RGGI partner states are analyzing EPA proposal, and anticipate that any 111(d) plan will include RGGI as a cornerstone



# THE STATE OF NEW HAMPSHIRE

## Air Resources Council

Robert Duval, Chairman

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

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TDD Access: Relay NH 1-800-735-2964

Council Website: <http://www.des.nh.gov/councils/>

### NOTICE OF MEETING

September 15, 2014

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The New Hampshire Air Resources Council will convene at 9:00 a.m.  
Monday, September 15, 2014 in Conference Rooms 112 & 113  
NH Department of Environmental Services  
29 Hazen Drive, Concord, New Hampshire 03301

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1. Call to Order
2. Approval of Minutes (Meeting #225)
3. Air Resources Division Report  
*Craig Wright, Director*
  - Legislative Update
  - Significant Permit Activities
  - Other ARD Activities
4. Climate, Energy, and Transportation Programs Overview  
*Rebecca Ohler, Technical Programs Manager, Technical Services Bureau*
5. Env-A 4300, Other Solid Waste Incineration  
*Karla McManus, Planning and Rules Manager*  
*Gary Milbury, Air Permit Programs Manager*
6. Status of Appeals  
*Paula Scott, Appeals Clerk, NHDES Legal Unit*
7. Old Business
8. New Business
9. Public Commentary
  - Opportunity for the public to comment on matters affecting the Air Resources Council or the Air Resources Division
10. Adjourn

**AIR RESOURCES COUNCIL  
MINUTES OF MEETING #226  
09/15/14**

**MEMBERS PRESENT:** Robert Duval, Raymond Donald, Ryan Bielagus  
Georgia Murray (via conf. call), Carmela Amato-Wierda,  
William Smagula, Kris Blomback

**MEMBERS NOT PRESENT:** Vice-Chairman David Collins, Debra Hale, Deborah Chabot

**NHDES – ARD PERSONNEL:** Michael Fitzgerald, Rebecca Ohler, Gary Milbury,  
Joseph Fontaine, Chris Skoglund, Karla McManus,  
Felice Janelle, Michele Roberge, Pamela Monroe

**OTHERS PRESENT:** Anne Keach

**Call to Order:**

Chairman Duval called Meeting #226 of the Air Resources Council (ARC) to order at 9:05 a.m. on Monday, September 15, 2014. Chairman Duval announced that a quorum of the ARC was present.

**Approval of Minutes:**

William Smagula entered a motion to accept the minutes of meeting #225. Raymond Donald seconded the motion. Chairman Duval abstained, all others were in favor. The motion carried. The minutes of ARC meeting # 225 of August 20, 2014, were approved and accepted by the ARC.

**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:

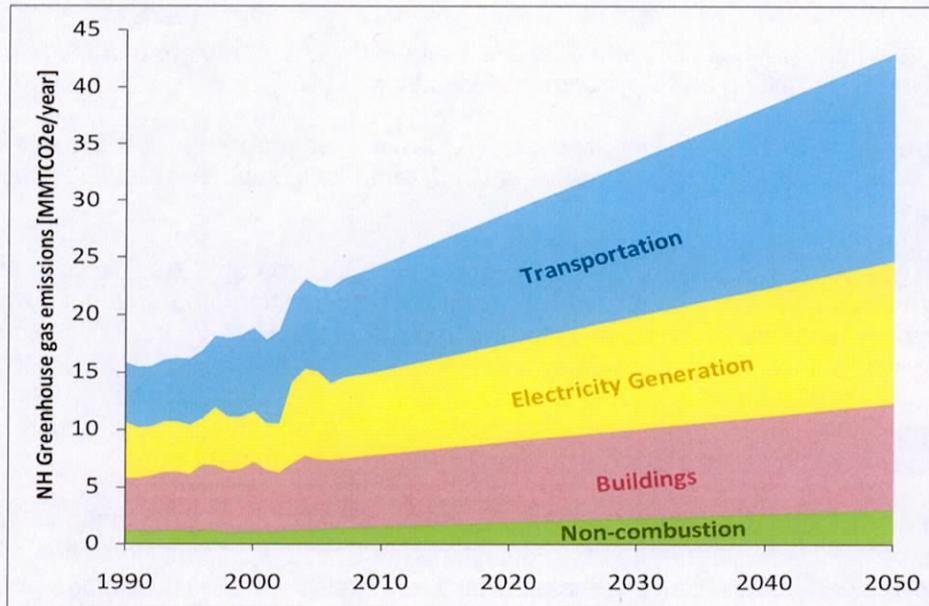
**State Energy Strategy**

Mr. Fitzgerald reported that as a result of SB191 of the 2013 Legislative Session, the New Hampshire State Energy Strategy will be released on September 19, 2014. The Strategy ensures the state's energy policies and programs support the state's economic, environmental, and public health goals. SB191 also created an Advisory Council to assist the Office of Energy and Planning in the development of the State Energy Strategy. The Full Strategy, Appendices and Public Comments may be found at <http://www.nh.gov/oep/energy/programs/SB191.htm>

**Market Street Marine Terminal**

Mr. Fitzgerald informed members of the ARC that the New Hampshire Department of Environmental Services (NHDES) will hold a public forum on the *Fugitive Dust/Particulate Air Monitoring Report* on Tuesday, September 30, 2014 at 6:30 p.m., at the Portsmouth City Hall Chambers. The Forum will provide representatives of the NHDES to offer a brief presentation, and an opportunity for the public to ask questions regarding the air monitoring in the area of the Pease Development Authority, Division of Ports and Harbors, Market Street Marine Terminal in Portsmouth.

## Projected Greenhouse Gas Emissions



Ms. Ohler explained that the 2009 *New Hampshire Climate Change Action Plan*, was the result of an extensive stakeholder project chaired by Commissioner Thomas Burack. A task force of twenty-nine members representing business and industry, non-governmental organization, municipalities, health advocates, academia, and state government developed, with the help of six working groups and the input of over one hundred private citizens, sixty-seven recommendations to achieve long-term reduction of greenhouse gas emissions of eighty percent below 1990 levels by the year 2050. The NH recommendations of the NH Climate Change Action Plan are:

- Maximize energy efficiency in buildings and transportation;
- Increase renewable and low-CO<sub>2</sub>-emitting heat and electric power sources;
- Protect our natural resources to maintain the amount of carbon sequestered;
- Raise the awareness, knowledge and skills related to climate change and solutions; and
- Adapt to the impacts of existing and potential climate change.

As an outcome of the Action Plan, two very successful regional workgroups were formed:

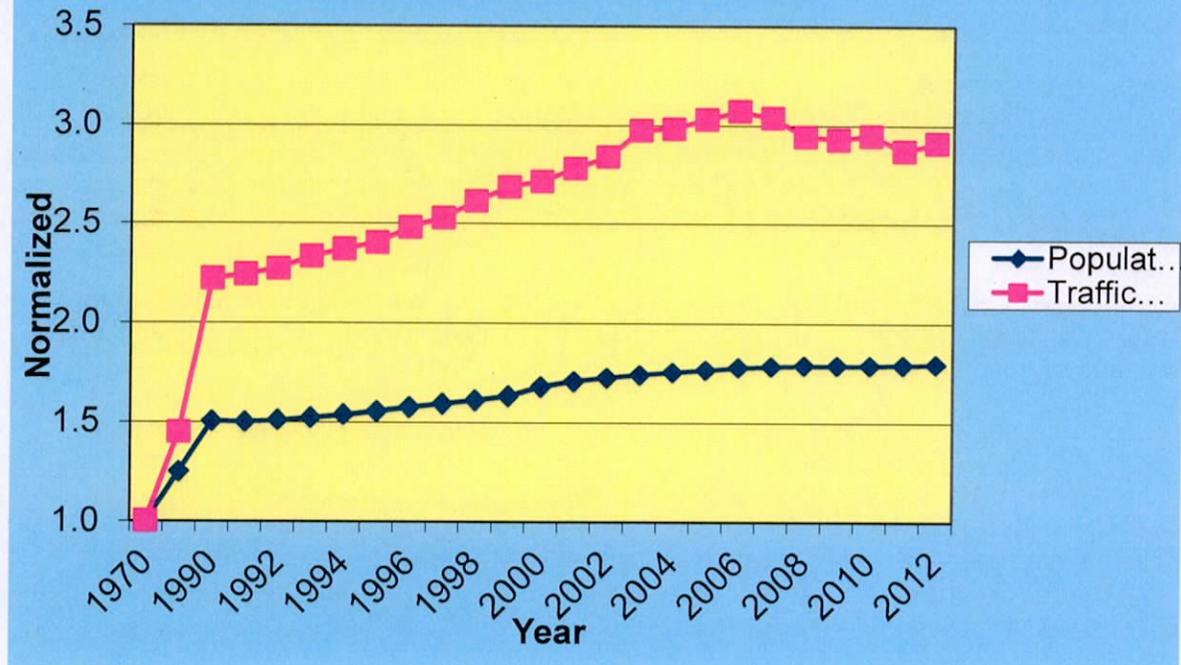
- Coastal Adaptation Workgroup
- Upper Valley Adaptation Workgroup.

Each workgroup works locally within communities to help them and their decision makers to make sound scientifically based choices as future endeavors are planned.

The NHDES 2010-2015 Strategic Plan contains a commitment to incorporate climate change mitigation and adaptation strategies into state operations and into our dealings with our state, regional and federal partners; and also a commitment to “strive for efficient land use and development patterns that reduce energy use, support sustainable use and conservation of natural resources, and maintain a viable working landscape.

The Renewable Portfolio Standard establishes criteria for utilities to provide a certain percentage of power from various renewable resources. NH was the first state in the country to include a thermal

## Population vs Traffic Growth Comparison of Growth Rates - 1970 to 2012



As cars became more affordable, two income families became the norm, and southern NH became a bedroom community for jobs in the Boston area the miles driven shot up. We saw our first decline in vehicle miles traveled, or VMT, leading up to the recession, but are seeing an upturn again in recent years.

Approximately 40 million miles are driven on NH roadways every day, so even though cars are getting cleaner and more efficient, a small amount of emissions times 40 million every day adds up to a lot of pollution

There are three main strategies for reducing emissions from the transportation sector:

- Use cleaner fuels
- Reduce vehicle tailpipe emissions
- Reduce the amount of driving

Cleaner Fuels, often referred to as Alternative Fuels, include renewable fuels such as biodiesel and ethanol, as well as natural gas, electricity, propane and hydrogen.

NH participates in the US Department of Energy's Clean Cities program, a program that is designed to foster local solutions through public private partnerships. The Granite State Clean Cities Coalition was formed in 2001 with 40 stakeholders. Today the coalition has over 100 stakeholders and four active working groups that focus on expanding the use of biodiesel, natural gas, propane and electric vehicles. DES hosts the coalition and Dolores Rebolledo is the coalition coordinator.

Electric vehicles are a very fast growing market. In NH, we currently have twenty-nine public charging stations, with the state's first fast chargers (designed to provide a full charge in about 20 minutes) set to open at the new Hooksett rest areas next year.

Diagnostics test, or OBD, is performed on all 1996 and newer light duty vehicles. Currently about 1 million tests are conducted annually.

We also collaborate with the Department of Safety (DOS) to establish diesel opacity standards for on-road diesel trucks and are presently working with DOS to bring NH standards in line with more stringent standards in neighboring states.

NH also utilizes federal Diesel Emission Reduction Act funding to target emissions from the on-road and non-road diesel fleet. We had approximately \$1.3 million in federal ARRA funding to kick off the program, and funding levels now are about \$70,000 per year and declining. The NHDES uses these funds to incentivize early vehicle replacement, changing to cleaner fuels and for idle reduction strategies. Under this program we have given significant attention to school bus fleets in the state, outfitting 110 school buses with idle reduction equipment.

Reducing travel demand is the most effective way to reduce vehicle emissions and the hardest to achieve. Reducing demand can mean either eliminating the need to travel at all, such as creating walkable communities, or to getting cars off the road by putting those passengers into a more efficient mode such as transit or rail. If you look back at slide 16, reducing demand requires that transportation options are available and that the price of those options (both in time and money) are equal to or less than using your own vehicle. How we develop our communities, our land use patterns, directly impact our ability to support transportation options. And, land use decisions will also determine how much travel is needed.

If you recall from the slide on VMT growth, the rate of growth has flattened in recent years. This is attributable in large part to recent demographic changes. First, baby boomers are retiring, thus reducing those commute miles. Second, the millennial generation does not have the same love of cars as previous generations. Millennials are delaying getting a license, foregoing car ownership, and have a relatively strong preference for living near and using public transportation. This will present a challenge for NH in the coming years. As a state we have not invested in a public transportation system, and therefore are not well positioned to attract this next generation workforce.

The NHDES participates in work groups aimed at improving bike and pedestrian facilities and ride share programs. We also work with DOT in support of increased investment in public transportation options and we work with the Regional Planning Commissions to support land use development patterns that reduce the need to travel and support public transit.

A federal requirement, referred to as Transportation Conformity, provides one of the few regulatory tools we have to impact how our transportation network develops. This federal rule requires that transportation plans are in conformance with our state implementation plans and do not exacerbate air quality issues in a nonattainment area or prevent achieving attainment. Compliance with this requirement is determined via computer modeling done in cooperation with NH DOT and the planning commissions.

Much of the work of the Technical Services Bureau is collaborative in nature. We're a small state and don't have the resources to do this work alone, nor would it be efficient or effective to do so. On federal level issues we collaborate with other air quality agencies through the National Association of Air Control Agencies.

The Ozone Transport Commission deals specifically with ozone related emission reductions in the thirteen-state Ozone Transport Corridor, and works to develop model rules to reduce emissions across the corridor.

the ARC to contact Vice-Chairman Collins with further comments regarding Env-A 4300 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, October 20, 2014.

**Public Commentary**

No members of the public were present.

**Adjourn**

Having no further business to discuss, meeting #226 of the Air Resources Council adjourned at 10:45 a.m. on September 15, 2014.



# THE STATE OF NEW HAMPSHIRE

## Air Resources Council

Robert Duval, Chairman

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### NOTICE OF MEETING October 20, 2014

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The New Hampshire Air Resources Council will convene at 9:00 a.m.  
Monday, October 20, 2014 in Conference Rooms 112 & 113  
NH Department of Environmental Services  
29 Hazen Drive, Concord, New Hampshire 03301

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1. Call to Order
2. Approval of Minutes (Meeting #226)
3. Air Resources Division Report  
*Craig Wright, Director*
  - Legislative Update
  - Significant Permit Activities
  - Other ARD Activities
4. Env-A 4100, VOC Content of Consumer Products  
*Karla McManus, Planning and Rules Manager*  
*Felice Janelle, Supervisor, mobile Sources Section*
5. Old Business
6. New Business
7. Public Commentary
  - Opportunity for the public to comment on matters affecting the Air Resources Council or the Air Resources Division
8. Adjourn

**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.

**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.

**AIR RESOURCES COUNCIL  
APPEALS  
&  
ACTIVITY RELATIVE TO APPEALS  
DOCKETED IN PRIOR YEARS**

2014 AIR RESOURCES COUNCIL APPEALS

No Appeals were filed in 2014.

2014 AIR RESOURCES COUNCIL PRIOR YEAR DOCKET ACTIVITY

Received	Docket # / Council	Decision Appealed	Appellant; Relationship	Intervenor(s); Relationship	Result	Further Action
10/11/12	12-11 ARC	Title V Air Permit for Wheelabrator Claremont, application #09-005	Katherine Lajoie & Rebecca MacKenzie, et al. (abutters)	Wheelabrator Claremont (permittee)	2/10/14 Appeal Denied; 3/14/14 Reconsideration Denied	Appealed to Supreme Court
07/01/13	13-04 ARD	5/30/13 Administrative Order No. 13-009 ARD	Winmill Equipment Co. Inc., Robert Winmill, President		7/25/14 Appeal Withdrawn	