

New Hampshire Statutes

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* * * NOTE: EPA did not approve these sections into the New Hampshire State Implementation Plan.

TITLE I
THE STATE AND ITS GOVERNMENT
CHAPTER 21-O
DEPARTMENT OF ENVIRONMENTAL SERVICES

Section 21-O:11

21-O:11 Air Resources Council. –

- I. There is hereby established an air resources council which shall be composed of 11 members, including one representing the steam power generating industry; one representing the oil industry; one representing the natural gas industry; one representing the manufacturing component of industry; one representing the field of municipal government; and 6 members appointed at large who shall represent the public interest, 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 of whom shall represent the field of recreation, and at least one of whom shall represent environmental interests. The council members who shall represent the 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 person subject to permits or enforcement orders. All potential conflicts of interest shall be adequately disclosed. The members shall be residents of the state and shall be appointed by the governor with the consent of the executive council. Each member shall serve for a term of 4 years.
- II. The council members shall receive no compensation except for mileage and other expenses incurred while performing council business. Mileage shall be paid at the rate set for state employees. The governor and council shall annually select a chairman from the membership at large and one of the council members to serve as vice-chairman. When the chairman is absent, it shall be the duty of the vice-chairman to assume and administer the duties of the chairman.
- III. The council shall consult with and advise the director of the division of air resources with respect to the policy, programs, goals and operations of the division, with particular emphasis on long-range planning for the division and on education of the public relative to the functions of the division, on a continuing basis. In order to accomplish said purposes, the council shall meet with the director not less frequently than quarterly, or at the call of the chairman or 3 council members. The council shall file annually a report of its deliberations and recommendations with the commissioner of the department of environmental services and the governor and council.
- IV. The air resources council shall hear all administrative appeals from department decisions relative to the functions and responsibilities of the division of air resources and shall decide all disputed issues of fact in such appeals, in accordance with RSA 21-O:14.
- V. The director of air resources shall present all rules proposed to be implemented by the air resources division to the air resources council for consideration prior to filing a notice of proposed rule under RSA 541-A:6. The council shall present any objections to the proposed rule to the director of air resources and to the commissioner in writing within 15 days. The commissioner may adopt a rule to which the council has objected only after presenting a written reply to the council detailing the reasons for adopting the rule over the objections of the council.

Source. 1986, 202:1. 1994, 412:10. 1995, 226:12; 262:1. 2006, 62:1. 2010, 354:6, eff. Sept. 18, 2010.