



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 15, 2010

The Honorable Martha Fuller Clark, Chairman, and Members
Senate Energy, Environment and Economic Development Committee
Legislative Office Building, Room 102
Concord, NH 03301

Re: HB 1534 relative to the issuance of air permits and certain fees relative to air permits

Dear Chairman Fuller Clark and Members of the Committee:

The Department of Environmental Services (DES) is pleased to testify in support of House Bill 1534, which primarily clarifies DES's authority to issue general permits and permits-by-notification for certain source categories. These types of permits will be used by DES to streamline the air permitting process in situations where numerous similar sources exist that emit minor levels of air emissions. DES proposes one minor revision to the bill as passed by the House. Specifically, DES requests that the phrase "the sources and devices are not stationary" be deleted from Section III-c of the bill. This phrase was inadvertently added during bill drafting and would unnecessarily limit the types of sources that would qualify for these streamlined permits. DES discussed the requested revision with the bill sponsor and she concurred with the revision. In addition, the bill clarifies the factors used to establish fees that regulated entities may be required to pay to cover the cost of implementing the air permit program.

DES currently issues the following types of air permits: temporary permits (*i.e.*, construction permits), operating permits (state and Title V) and general permits (a single permit which covers multiple similar small sources). DES intends to modify and expand this approach by establishing a permit-by-notification for certain types of minor sources that by their nature may relocate operations periodically or for minor sources that require a low level of technical review. Requiring such sources to obtain site-specific air permits can create significant administrative burdens on both the facility owners and DES with no commensurate environmental benefit. The permit-by-notification process would allow DES to track and monitor these sources for emissions inventories, planning purposes and compliance status in a streamlined manner.

A permit-by-notification program would establish a mechanism for regulating these types of sources to ensure compliance with applicable state and federal air regulations through a more streamlined approach. Under this program, a source would register its equipment and notify DES of its location in the state (and of any changes in location). This type of program would help to streamline DES's efforts to regulate emissions from these sources and to reduce the administrative burden. For sources that qualify for the permit-by-notification program, the Department would require a one-time registration fee in lieu of the annual emissions-based fee.

Thank you for the opportunity to provide testimony. Should you have further questions or need additional information please feel free to contact Robert R. Scott, Director, Air Resources Division (271-1088, robert.scott@des.nh.gov) or Michele Roberge, Permitting and Environmental Health Bureau Administrator (271-6793, michele.roberge@des.nh.gov).

Sincerely,



Thomas S. Burack
Commissioner

cc: Representative Naida Kaen, sponsor