



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



March 8, 2011

Mr. David Conroy
Chief, Air Programs Branch
US EPA New England
5 Post Office Square, Suite 100
Boston MA 02109-3912

Re: Section 110(a) 8-Hour Ozone SIP and Greenhouse Gas PSD Permitting Requirements

Dear Mr. Conroy:

On December 14, 2007, the New Hampshire Department of Environmental Services (NHDES) submitted a State Implementation Plan (SIP) revision addressing Clean Air Act section 110(a)(1) and (2) infrastructure requirements pertaining to the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS). NHDES understands that the Environmental Protection Agency (EPA) is working to complete its review of this SIP.

We wish to make note of recent changes to New Hampshire administrative rules referenced in the infrastructure SIP. Specifically, New Hampshire has amended portions of administrative rules Env-A 100 *Organizational Rules* and Env-A 619 *Prevention of Significant Deterioration (PSD) of Air Quality Permit Requirements* to incorporate permitting requirements consistent with EPA's Greenhouse Gas Tailoring Rule. These rule changes became effective on December 21, 2010, and were submitted to EPA as a SIP revision on February 7, 2011.

NHDES requests that EPA, in completing its review of New Hampshire's infrastructure SIP, consider the amended rules Env-A 100 and Env-A 619, rather than the older versions of those rules referenced in the infrastructure SIP submittal. For your convenience, we are attaching copies of the amended rules and associated cover letter.

Sincerely,

Robert R. Scott
Director, Air Resources Division

rrs/chm
enclosure
cc: Anne Arnold, Region I

The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



December 14, 2007

David Conroy
EPA – New England, Region I
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Dear Mr. Conroy:

As you are aware, Sections 110(a) (1) and (2) of the Clean Air Act (CAA) provide procedural, timing and infrastructure requirements related to compliance with the National Ambient Air Quality Standards (NAAQS). In 2005, the U.S. Environmental Protection Agency (EPA) entered into a Consent Decree with Earth Justice which obligates EPA to determine whether states have made submissions necessary to meet the 110(a) (1) and (2) requirements for the 8-hour ozone NAAQS by December 15, 2007. To meet this obligation, EPA issued a guidance memo on October 2, 2007 directing states to review existing ozone State Implementation Plans (SIPs) and, if the existing SIP is adequate to meet the 110(a) requirements, to certify that adequacy in a letter to EPA. This letter will serve as the certification for New Hampshire.

The guidance memo identifies fourteen elements required Section 110(a) (1) and (2). Those elements and the sections of the New Hampshire program that are consistent with those elements are identified in the attached table. The New Hampshire SIP that was officially submitted to EPA on January 27, 1972 and its numerous subsequent revisions fulfill most of these requirements. Other Section 110(a)(2) requirements are fulfilled in section of the New Hampshire Revised Statutes Annotated (RSA) pertaining to the duties and powers of the Commissioner of the Department of Environmental Services as well as the New Hampshire Code of Administrative Rules Governing the Control of Air Pollution, NH Admin. Rules Env-A 100 et seq., that have been incorporated into the New Hampshire SIP in 40 CFR Part 52 Subpart EE or submitted to EPA for incorporation into the New Hampshire SIP.

If you have any questions, please contact me at (603) 271-1088 or Andrew M. Bodnarik of my staff at (603) 271-6800.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", is written over a horizontal line.

Robert R. Scott
Director
Air Resources Division

Cc: Anne Arnold, EPA New England, Region I
Jeff Underhill, DES
Andrew M. Bodnarik, DES

**Certification of State Implementation Plan Adequacy
Regarding Clean Air Act Section 110(a)(1) and (2)**

December 2007

Prepared by

**The New Hampshire
Department of Environmental Services**



Certification of New Hampshire's State Implementation Plan Adequacy Regarding Clean Air Act Sections 110(a)(1) and (2)

The purpose of this document is to provide the U.S. Environmental Protection Agency (EPA) with certification that New Hampshire's State Implementation Plan (SIP) for air quality adequately meets the "infrastructure" requirements of sections 110(a)(1) and (2) of the Clean Air Act (CAA). This certification was requested in an October 2, 2007 EPA memo from William Harnett, Director of EPA's Air Quality Policy Division.

As discussed in the Harnett memo, on July 18, 1997, the EPA promulgated new and revised National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter (PM). For ozone, EPA revised the NAAQS to provide an 8-hour averaging period (versus a 1-hour averaging period for the pre-existing NAAQS), and set the level of the standard at 0.08 ppm (versus 0.12 ppm for the pre-existing NAAQS). For PM, EPA promulgated a new 24-hour and a new annual NAAQS for PM_{2.5} (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers). Under sections 110(a)(1) and (2) of the CAA, all States are required to submit plans SIPs to provide for the implementation, maintenance, and enforcement of the 8-hour ozone and PM_{2.5} standards. Sections 110(a)(1) and (2) require States to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance of the standards. By statute, SIPs meeting the requirements of sections 110(a)(1) and (2) are to be submitted by States within 3 years after promulgation of a new or revised standard. This being the case, States were required to submit such SIPs for the 1997 standards to EPA no later than July 2000. However, intervening litigation over the 1997 8-hour ozone and PM_{2.5} NAAQS created uncertainty about how to proceed and, to date, states have not submitted SIPs to meet the basic or infrastructure requirements enumerated in sections 110(a)(1) and (2).

In March of 2004, Earth Justice initiated a lawsuit against EPA for failure to take action against States that had not made SIP submissions to meet the requirements of sections 110(a)(1) and (2), i.e., failure to make a "finding of failure to submit." On March 10, 2005, EPA entered into a Consent Decree with Earth Justice that obligated EPA to determine whether States have made SIP submissions required to meet CAA section 110(a)(2)(D)(i) relating to interstate transport by no later than March 15, 2005. The Consent Decree also obligated EPA to make a determination whether States have made submissions necessary to meet the remaining requirements of sections 110(a)(1) and (2) by December 15, 2007, for the 8-hour ozone NAAQS, and by October 5, 2008, for the PM_{2.5} NAAQS. To the extent that existing SIPs for ozone and particulate matter already meet these requirements, States need only certify that fact to the EPA.

The New Hampshire Department of Environmental Services is submitting this document to certify that its SIP already meets most of these requirements. The State of New Hampshire Implementation Plan, officially submitted to EPA on January 27, 1972 and numerous subsequent revisions, explicitly fulfilled most of these requirements. Other section 110(a)(2) requirements are fulfilled in sections from the New Hampshire Revised Statutes Annotated (RSA) pertaining to the duties and powers of the Commissioner of the Department of Environmental Services (NHDES) as well as the New Hampshire Rules Governing the Control of Air Pollution, NH Admin. Rules Env-A 100 *et seq.*, which have been incorporated into the New Hampshire SIP in 40 CFR Part 52 Subpart EE.

A draft of the Revision to the New Hampshire State Implementation Plan, addressing the Interstate Air Pollution Transport Requirements of CAA section 110(a)(2)(D)(i), was submitted to EPA on November 1, 2007. The remainder of this document outlines how the New Hampshire program fulfills the requirements of CAA section 110(a)(1) and (2).

Overview of How New Hampshire's Program Satisfies the CAA Section 110(a)(1) and (2) SIP requirements*

CAA Section	SIP requirement (Each such plan shall...)	New Hampshire Program
110(a)(2)(A) Emission limits and other control measures	... “include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance...”	RSA 21-O and RSA 125-C. Powers of the Commissioner. Regulations. Fees. General Permits CHAPTERS: Env-A 300, Env-A 600, Env-A 700, Env-A 1200, Env-A 3200 The regulations more specific to new source review and the control of ozone and ozone precursors are found in: PART Env-A 307, Section Env-A 307.03 Measurement of Ozone in Ambient Air to Determine Attainment of Standards PART Env-A 606 Air Pollution Dispersion Modeling Impact Analysis Requirements PART Env-A 618 Additional Requirements in Non-Attainment Areas & the NH Portion of the Northeast Ozone Transport Region PART Env-A 619 PSD Chapter Env-A 700 Permit Fee System PART Env-A 1204 Stationary Sources of Volatile Organic Compounds (VOCs) PART Env-A 1211 Nitrogen Oxides (NOx) CHAPTER Env-A 3200 NOx Budget Trading Program New Hampshire Code of Administrative Rules Department of Safety, CHAPTER 900, Emissions Inspections, PARTs Saf-901 through Saf-910 Effective October 6, 1986. Revisions to the NH SIP submitted on September 4, 1998 and November 20, 1998 New Hampshire Code of Administrative Rules PART Saf-C 3221A “Emission Amendments to

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- * CAA refers to the Clean Air Act
RSA refers to the New Hampshire Revised Statutes Annotated
Env-A refers to New Hampshire Code of Administrative Rules (New Hampshire Rules Governing the Control of Air Pollution)
CFR refers to the U.S. Code of Federal Regulations
NHDES refers to the New Hampshire Department of Environmental Services

CAA Section	SIP requirement (Each such plan shall...)	New Hampshire Program
		Official Motor Vehicle Inspection Requirements” as adopted on November 17, 1998 and Part Saf-C 5800 “Roadside Diesel Opacity Inspection Rules” as adopted November 17, 1998. (Periodic motor vehicle inspection and maintenance)
110(a)(2)(B) Ambient Air quality monitoring/data system	... “provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data available to the Administrator.”	<p>RSA 125-C:6, XVI, authorizes the Commissioner to establish an air quality monitoring equipment replacement program to provide for sufficient annual replacement to meet federal Environmental Protection Agency guidelines and to assure the reliability and accuracy of the network equipment.</p> <p>RSA 125-C:6, IV, authorizes the Commissioner to collect and disseminate the results of studies relating to air quality.</p> <p>RSA 125-C:6, V, authorizes the Commissioner to consult and cooperate with agencies of the federal government.</p> <p>40CFR § 52.370 (13) A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR part 58, was submitted by the NHDES to EPA on July 17, 2007. The latest annual air monitoring network plan was also submitted to EPA on July 17, 2007 with the comprehensive air quality monitoring plan. NHDES collects and reports ambient air quality data for O₃, SO₂, NO₂, Pb, CO, PM₁₀ and PM_{2.5}. These data are reviewed and validated before being sent to the EPA air quality system “AQS”, no later than 90 days after the end of a calendar quarter.</p>
110(a)(2)(C) Program for enforcement of control measures	... “include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;”	<p>RSA 125-C:4 Rulemaking Authority; Subpoena Power</p> <p>RSA 125-C:4, I. Authorizes rulemaking to control emissions and establish a permit program.</p> <p>RSA 125-C:11 Permit Required. Provides for a permit program, permits with enforceable emission limits, and emission control measures.</p> <p>RSA 125-C:15 Enforcement</p>

CAA Section	SIP requirement (Each such plan shall...)	New Hampshire Program
		<p>RSA 125-C:15, I. Authorizes NHDES to issue orders to correct violations.</p> <p>RSA 125-C:15, I. Authorizes the commissioner to issue a stop use order and impose a compliance schedule on a gasoline dispensing facility subject to Stage II vapor recovery system requirements for violations of such requirements.</p> <p>RSA 125-C:15, I.-b, II., III. and IV. Penalties for Violations.</p> <p>These statutes provide legal authority for the enforcement of:</p> <p>PART Env-A 618 Additional Requirements in Non-Attainment Areas & the NH Portion of the Northeast Ozone Transport Region and</p> <p>PART Env-A 619 PSD.</p>
<p>110(a)(2)(D) Interstate transport</p>	<p>... “contain adequate provisions - (i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will - (I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or (II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility, (ii) insuring compliance with the</p>	<p>Revision to the New Hampshire State Implementation Plan –a preliminary draft of the New Hampshire SIP revision Addressing the Interstate Air Pollution Transport Requirements of CAA section 110(a)(2)(D)(i) was submitted to EPA for comment on November 1, 2007.</p>

CAA Section	SIP requirement (Each such plan shall...)	New Hampshire Program
	applicable; requirements of sections 126 and 115 (relating to interstate and international pollution abatement);”	
110(a)(2)(E) Adequate resources	... “provide (i) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof), (ii) requirements that the State comply with the requirements respecting State boards under section 128, and (iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision;”	<p>RSA 125-C:6 authorizes the NHDES Commissioner to enforce the state’s air laws, establish a permit program, accept and administer grants, and exercise all incidental powers necessary to carry out the law.</p> <p>RSA 125-C:12 authorizes the Commissioner to collect fees to recover the costs of reviewing and acting upon permit applications and enforcing the terms of permits issued.</p> <p>The State of New Hampshire Air Quality Implementation Plan, originally submitted January 27, 1972, with numerous amendments, describes the (A) existing organizations; (B) Manpower; (C) Funding; (D) Physical Resources and (E) Local Agencies.</p> <p>RSA 21-O:11 establishes the NH Air Resources Council, a state board that has the authority to hear enforcement and permit appeals. The Council consists of 11 members, 6 of whom must represent the public interest. Those representing 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..</p> <p>The State of New Hampshire does not rely on any local or regional government, agency, or instrumentality for the implementation of any SIP provision.</p>
110(a)(2)(F) Stationary source emissions monitoring and reporting	... “require, as may be prescribed by the Administrator - (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such	RSA 125-C:6 authorizes the Commissioner to require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the Commissioner on the nature and amounts of emissions from such stationary sources. The Commissioner shall have the authority to make such data available to the public and as correlated with any applicable emission standards.

CAA Section	SIP requirement (Each such plan shall...)	New Hampshire Program
	sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;"	<p>CHAPTER Env-A 800 Testing and Monitoring Procedures establishes minimum testing and monitoring procedures, calculation procedures, standards, and requirements in order to determine compliance with applicable state and federal statutes and rules. This chapter includes the following parts:</p> <p>PART Env-A 802 Compliance Stack Testing for Stationary Sources PART Env-A 803 NOx RACT Testing Procedures PART Env-A 804 Volatile Organic Compound Testing PART Env-A 805 Capture Efficiency PART Env-A 806 Sulfur Content Testing of Fuels PART Env-A 807 Testing for Opacity of Emissions PART Env-A 808 Continuous Emission Monitoring PART Env-A 809 Approval of Alternate Methods</p> <p>CHAPTER Env-A 900 Owner or Operator Recordkeeping and Reporting Obligations establishes the requirement that records be kept at sources which discharge air pollutants so that the emissions of such pollutants may be readily calculated or estimated and reported to the division for the purposes of demonstrating compliance, compiling emission inventories, and developing air related strategic plans. This chapter includes the following parts:</p> <p>PART Env-A 902 Availability of Records PART Env-A 903 General Recordkeeping Requirements PART Env-A 904 VOC Emission Statements Recordkeeping Requirements PART Env-A 905 NOx Emission Statements Recordkeeping Requirements PART Env-A 906 Additional Recordkeeping Requirements PART Env-A 907 General Reporting Requirements PART Env-A 908 VOC Emission Statements Reporting Requirements PART Env-A 909 NOx Emission Statements Reporting Requirements</p>

CAA Section	SIP requirement (Each such plan shall...)	New Hampshire Program
		<p>PART Env-A 910 Additional Reporting Requirements</p> <p>PART Env-A 911 Recordkeeping and Reporting Requirements for Permit Deviations</p> <p>PART Env-A 912 Alternative Time Periods</p> <p>PART Env-A 902, Env-A 902.01(d) reads: “Subject to Env-A 103, all data submitted to the division, including emission data and applicable emission limitations, shall be made available to the public.” Env-A 103 provides a mechanism by which a person who submits information to the director can protect confidential information, to the extent permitted under RSA 125-C:6, VII. Under RSA 125-C:6, VII, emission data is not considered confidential information.</p>
<p>110(a)(2)(G) Emergency power</p>	<p>... “provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;”</p>	<p>RSA 125-C: 4, I. states in part: “The commissioner shall adopt rules under RSA 541-A, relative to: (c) procedures to meet air pollution emergencies, as authorized by RSA 125-C:9”.</p> <p>RSA 125-C:9 Authority of the Commissioner in Cases of Emergency. states: “Whenever the commissioner finds that an air pollution emergency exists requiring immediate action to protect the public health, welfare, or safety, he may with consent of the governor and council issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith. The commissioner shall rescind or abate such order as soon as the emergency ceases to exist.”</p>
<p>110(a)(2)(H) Future SIP revisions</p>	<p>... “provide for revision of such plan - (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such</p>	<p>RSA 125-C:6. Powers and Duties of the Commissioner. – In addition to the other powers and duties granted herein, the commissioner shall have and may exercise the following powers and duties:</p> <p>II. Developing a comprehensive program and provide services for the study, prevention and abatement of air pollution.</p>

CAA Section	SIP requirement (Each such plan shall...)	New Hampshire Program
	standard, and (ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this Act;”	In addition to this legal authority, CHAPTER Env-A 200 Procedural Rules, PART Env-A 204 Public Hearings on the State Implementation Plan provides procedures for SIP hearings.
110(a)(2)(J) Consultation with government officials	... “meet the applicable requirements of section 121 (relating to consultation)	<p>RSA 125-C:6, V. , RSA 125-C:6, VI., RSA 125-C:6-A, VI. , and RSA 125-C:6, XIII.</p> <p>RSA 125-C:6 Powers and Duties of the Commissioner. – In addition to the other powers and duties granted herein, the commissioner shall have and may exercise the following powers and duties:</p> <p>V. Advising, consulting, and cooperating with the cities and towns and other agencies of the state, federal government, interstate agencies, and other affected agencies or groups in matters relating to air quality;</p> <p>VI. Encouraging local units to promote cooperation by the people, political subdivisions, industries, and others in preventing and controlling air pollution in the state;</p> <p>VI-a. Encouraging the recycling of waste oil by allowing qualified marketers to sell, and qualified facilities to burn, a mixture that consists of at least 90 percent virgin no. 6 oil and the remainder complying with the used fuel oil specifications in 40 CFR, section 279.11, table 1;</p> <p>XIII. Coordinating and regulating the air pollution control programs of political subdivisions of the state and entering agreements with said subdivisions to plan or implement programs for the control and abatement of air pollution.</p>

CAA Section	SIP requirement (Each such plan shall...)	New Hampshire Program
		<p>Chapter Env-A 600 Statewide Permit System</p> <p>PART Env-A 621 Permit Notice and Hearing Procedures : Temporary Permits and Permits to Operate specifies the public notice and hearing procedures that apply to all applications for the issuance of, amendment to, or denial of temporary permits and permits to operate.</p> <p>PART Env-A 622 Permit Notice and Hearing Procedures : Title V Operating Permits specifies the public notice and hearing procedures that apply to all applications for the issuance, significant modification to or renewal of Title V operating permits files with the department and all requests for Title V operating permit re-openings.</p> <p>Chapter Env-A 1500 Conformity provides for consultation with local agencies and planning commissions with respect to transportation conformity and the conformity of federal actions related to transportation projects.</p>
110(a)(2)(J) Public notification	... “meet the applicable requirements of section 127 (relating to public notification),	<p>RSA 125-C:6, IV., RSA 125-C:6, V., RSA 125-C:6, VI., RSA 125-C:12, II., and RSA 125-C:12, III.,</p> <p>RSA 125-C:6 Powers and Duties of the Commissioner. – In addition to the other powers and duties granted herein, the commissioner shall have and may exercise the following powers and duties:</p> <p>IV. Collecting and disseminating the results of studies relating to air quality;</p> <p>V. Advising, consulting, and cooperating with the cities and towns and other agencies of the state, federal government, interstate agencies, and other affected agencies or groups in matters relating to air quality;</p> <p>VI. Encouraging local units to promote cooperation by the people, political subdivisions, industries, and others in preventing and controlling air pollution in the state;</p> <p>In implementing this authority, NHDES issues press releases in advance of bad ozone days and posts warnings on its website, advising people what they can do help prevent NAAQS exceedances and to prevent adverse health effects of poor quality air days.</p>
110(a)(2)(J)	... “meet the applicable requirements of part	RSA 125-C:6, XV. and PART Env-A 619

CAA Section	SIP requirement (Each such plan shall...)	New Hampshire Program
PSD and visibility Protection	C (relating to prevention of significant deterioration of air quality and visibility protection);”	<p>RSA 125-C:6 Powers and Duties of the Commissioner. – In addition to the other powers and duties granted herein, the commissioner shall have and may exercise the following powers and duties:</p> <p>XV. Implementing a program of prevention of significant deterioration of ambient air quality by establishing air quality increments limiting the maximum allowable increases in the amounts of air pollutants provided such increments are not less stringent than those specified in the Clean Air Act and amendments thereto, and in regulations promulgated thereunder;</p> <p>PART Env-A 619 Prevention of Significant Deterioration (PSD) of Air Quality Permit Requirements</p> <p>This PART addresses the prevention of significant deterioration of air quality and visibility protection. This PART is required of the department in order to comply with 40 CFR 51.166, 40 CFR 52.21 and RSA-125-C.</p>
110(a)(2)(K) Air quality modeling/data	... “provide for - (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator;”	<p>PART Env-A 606 Air pollution Dispersion Modeling Impact Analysis Requirements</p> <p>This PART specifies the air pollution dispersion modeling impact analysis requirements that shall apply to owners and operators of certain sources and devices in order to demonstrate compliance with the NH SIP, RSA 125-C, RSA 125-I and any rules adopted thereunder.</p>
110(a)(2)(L) Permitting fees	... “require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover - (i) the reasonable costs of reviewing and acting upon any application for such a permit, and (ii) if the owner or operator receives a permit for such	<p>RSA 125-C:4, RSA 125-C:12, IV., and CHAPTER Env-A 700 Permit Fee System</p> <p>RSA 125-C:4 Rulemaking Authority; Subpoena Power. –</p> <p>I. The commissioner shall adopt rules under RSA 541-A, relative to:</p> <p>(i) Fees for permit application and review, as authorized by RSA 125-C:12, IV.</p> <p>RSA 125-C:12 Administrative Requirements. –</p>

CAA Section	SIP requirement (Each such plan shall...)	New Hampshire Program
	<p>source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;”</p>	<p>V. As a condition of any permit to operate under RSA 125-C:11, I-a, the commissioner may require payment of a fee to cover the reasonable costs of reviewing and acting upon the application for a permit to operate, permit renewal, and permit modification of an affected source, and of implementing or enforcing the terms and conditions of an affected source permit. The applicant shall pay any cost or expense associated with public notices or notifications in the permit process. The commissioner shall adopt rules relative to a fee schedule for applicants and the collection of fees under the schedule. Funds collected by the commissioner under this paragraph from permit fees shall be deposited in the air resources fund, shall be accounted for separately, and shall be used by the commissioner for the establishment and operation of a statewide system of permitting for the construction, operation, or modification of any new or existing affected source.</p> <p>CHAPTER Env-A 700 Permit Fee System</p> <p>The purpose of this chapter is to establish a fee system requiring the payment of fees to cover the reasonable direct and indirect costs of: reviewing and acting upon applications for the issuance of, amendment to, modification to, renewal of, or any combination of the foregoing actions to a temporary permit, state permit to operate, or Title V operating permit; implementing and enforcing the terms and conditions of any temporary permit, state permit to operate, or Title V operating permit; administering the state permit program; and developing, implementing and administering the Title V operating permit program. In particular, Env-A 705 establishes the emission fee program for Title V and non-Title V sources.</p>
<p>110(a)(2)(M) Consultation/ Participation by affected local entities</p>	<p>... “provide for consultation and participation by local political subdivisions affected by the plan.”</p>	<p>RSA 125-C:6, V. , RSA 125-C:6, VI., RSA 125-C:6-A, VI. , and RSA 125-C:6, XIII.</p> <p>RSA 125-C:6 Powers and Duties of the Commissioner. – In addition to the other powers and duties granted herein, the commissioner shall have and may exercise the following powers and duties:</p> <p>V. Advising, consulting, and cooperating with the cities and towns and other</p>

CAA Section	SIP requirement (Each such plan shall...)	New Hampshire Program
		<p>agencies of the state, federal government, interstate agencies, and other affected agencies or groups in matters relating to air quality;</p> <p>VI. Encouraging local units to promote cooperation by the people, political subdivisions, industries, and others in preventing and controlling air pollution in the state;</p> <p>VI-a. Encouraging the recycling of waste oil by allowing qualified marketers to sell, and qualified facilities to burn, a mixture that consists of at least 90 percent virgin no. 6 oil and the remainder complying with the used fuel oil specifications in 40 CFR, section 279.11, table 1;</p> <p>XIII. Coordinating and regulating the air pollution control programs of political subdivisions of the state and entering agreements with said subdivisions to plan or implement programs for the control and abatement of air pollution;</p>