The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

January 28, 2008

Mr. Robert Varney
Regional Administrator
U.S. EPA Region 1
1 Congress Street
Suite 1100
Boston, MA 02114-2023

Re: Revision to New Hampshire State Implementation Plan Certifying Reasonably Available Control Technology Under the 8-Hour Ozone Standard

Dear Mr. Varney:

Pursuant to 40 CFR 51.912 and Clean Air Act Sections 172(c)(1), 182(b)(2), and 184(b)(1), the New Hampshire Department of Environmental Services (NHDES) hereby submits for your approval a revision to the New Hampshire State Implementation Plan (SIP) to certify reasonably available control technology (RACT) requirements under the 8-hour ozone national ambient air quality standard. The NHDES submits this SIP in accordance with the general SIP submittal requirements of 40 CFR Part 51, Appendix V and guidance provided by the US Environmental Protection Agency (USEPA).

On September 15, 2006, the NHDES published a notice in the Union Leader requesting public comment on the proposed SIP revision. A public hearing for the proposed SIP revision was held on October 20, 2006, at 10:00 a.m. The USEPA provided comments on the proposed SIP on October 27, 2006. NHDES addressed these comments and incorporated documentation certifying the public hearing in the attached SIP revision.

If you have any questions regarding this submittal, please contact Elizabeth Nixon at (603) 271-0883.

Sincerely,

Robert R. Scott
Director
Air Resources Division

rrs/ern
Enclosure
cc: Anne Arnold, USEPA, Region 1

Revision to the

New Hampshire
State Implementation Plan

For the

Certification of
Reasonably Available Control Technology
For the 8-hour Ozone
National Ambient Air Quality Standard

January 2008

Prepared by

The New Hampshire
Department of Environmental Services

Table of Contents

1.0 Summary

The New Hampshire Department of Environmental Services (NH DES) is submitting this state implementation plan (SIP) revision to meet the requirements of the Clean Air Act (CAA) Section 172(c)(1), CAA Section 182(b)(2), CAA Section 184(b)(1)(B) and 40 CFR 51.912 to certify reasonably available control technology (RACT) requirements. NH DES submits this in accordance with these requirements, the general SIP submittal requirements of 40 CFR Part 51 Appendix V, and guidance provided by the U.S. Environmental Protection Agency (US EPA).[1]

In this submittal, NH DES certifies that the RACT regulations originally submitted under the provisions for the 1-hour ozone National Ambient Air Quality Standard (NAAQS) with a few minor revisions over the years and all RACT Orders that have been issued by NH DES are considered to be RACT under the new 8-hour ozone NAAQS. Note that in 2002, NH DES updated the nitrogen oxide (NOx) RACT requirements for gas-fired turbines constructed after May 27, 1999, because NH DES found that facilities with new turbines were obtaining manufacturer guarantees with NOx emission limitations lower than the current RACT limits. The new emission limitation is only applicable to new turbines, because currently it is not economically feasible for existing turbines to meet this more stringent limit. Therefore, NH DES considers this new regulation for turbines as RACT. In addition, NH DES submitted revised portions of Env-A 1204 and Env-A 1211 to EPA for SIP approval on July 9, 2007. Note that Env-A 1205, *VOC: Gasoline Dispensing Facilities and Cargo Trucks*, was approved by EPA in 1998. Subsequently, this rule was superseded by Env-Wm 1404 in 2004. However, DES is again considering further revision of this rule in accordance with the discussions of the Northeast States for Coordinated Air Use Management (NESCAUM) Stage II workgroup addressing widespread use of Onboard Refueling Vapor Recovery (ORVR) and the potential elimination of Stage II in New Hampshire. Therefore, NH DES is withdrawing the 2004 version of this rule and plans to submit a revision addressing widespread use later this year.

On September 15, 2006, NH DES published in a statewide newspaper a public notice soliciting comment and announcing a public hearing for this SIP Revision. The public hearing was held on October 20, 2006 at the NH DES offices at 29 Hazen Drive. NH DES has documented and reviewed the comments received and provided a response in Appendix G. NH DES amends the proposed SIP Revision submitted in September 2006 and resubmits it, with the additional documentation required to certify the SIP submittal.

2.0 Background

On July 18, 1997, the US EPA adopted a new 8-hour ozone NAAQS. The new 8-hour ozone NAAQS is 0.08 parts per million (ppm) based on the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations measured at each

[1] Memorandum from William Harnett, Director, Air Quality Policy Division, EPA to Regional Air Quality Directors, US EPA dated May 18, 2006.

monitor. One of the strategies NH DES has used to attain and maintain the ozone NAAQS is to require stationary sources of air pollution to reduce volatile organic compound (VOC) and nitrogen oxide (NOx) emissions. Ozone is not typically emitted directly into the atmosphere; instead NOx and VOC emissions chemically react to form ground-level ozone.

In the past 3 years (2003 – 2005), New Hampshire did not exceed the new 8-hour ozone NAAQS. Based on this monitored data, NH DES does not need to require additional emission reductions in order to attain and maintain the new 8-hour ozone NAAQS. According to the "Final Rule to Implement the 8-hour Ozone National Ambient Air Quality Standard" (70 FR 71612, November 29, 2006), states must develop and submit the following SIP revisions related to the new 8-hour ozone NAAQS:

- Attainment demonstration
- RACT determination.

With the new 8-hour ozone NAAQS, the US EPA classified the nonattainment areas based on measured design values and then further divided the areas into two sub-classifications based on the 1-hour ozone design value (the fourth highest daily maximum ozone level (in ppm) monitored over the 3 year period (2001-2003)) as listed below:

- Subpart 1 for areas where the 1-hour ozone design value is less than 0.121 ppm; and
- Subpart 2 for areas where the 1-hour ozone design value is greater than 0.121 ppm.

The 1-hour ozone design value for 2001 to 2003 for the Boston-Manchester-Portsmouth, NH area is 0.124 ppm. This area includes portions of Hillsborough, Merrimack, Rockingham, and Strafford Counties. On April 30, 2004 (69 FR 23951), the US EPA designated these counties as a moderate nonattainment area for the 8-hour ozone NAAQS, even though no New Hampshire monitor had an 8-hour ozone design value equal to or greater than 0.092 ppm. NH DES agreed to the higher classification for regional consistency.

The 1990 Clean Air Act Amendments (CAAA) under Section 184 created the Ozone Transport Region (OTR) consisting of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, northern Virginia, Pennsylvania, Rhode Island, and Vermont. The OTR is required to meet certain requirements, including additional control measures, more stringent major source emission thresholds, and the implementation of RACT throughout the region.

According to the "Final Rule to Implement the 8-hour Ozone National Ambient Air Quality Standard" (70 FR 71612, November 29, 2006), Subpart 2 moderate and above areas and areas within the OTR are required to submit a RACT SIP. The State's SIP must assure that RACT is met through certification that previously required RACT

controls represent RACT for 8-hour ozone NAAQS implementation purposes or through a new RACT determination.

The federal provisions require the application of RACT to major NOx and VOC sources and VOC sources for which a Control Technique Guideline (CTG) or Achievable Control Technology (ACT) document is published. The major source emission threshold is dependent upon the attainment/nonattainment classification and location in the OTR. The federal requirement for the emission threshold for major NOx sources in New Hampshire under the 8-hour ozone NAAQS is 100 tons per year (tpy) statewide because the minimum federal emission threshold in the OTR is 100 tpy and also is 100 tpy in a moderate 8-hour ozone nonattainment area. The federal emission threshold for major VOC sources under the 8-hour ozone NAAQS is 50 tpy statewide because the minimum federal emission threshold in the OTR is 50 tpy even though the federal emission threshold for moderate 8-hour ozone nonattainment areas is 100 tpy. For RACT applicability purposes, NH DES is currently more stringent than the federal emission threshold requirements under the 8-hour ozone NAAQS because NH DES currently uses the emission thresholds that NH DES adopted for the 1-hour ozone NAAQS, which were more stringent than required at that time as well. NH DES imposes RACT requirements on NOx sources with potential emissions equal to or greater than 50 tpy and on VOC sources with potential emissions equal to or greater than 10-50 tpy depending upon the source category.

RACT is defined as the application of a control technology that is reasonably available and economically and technically feasible. As recommended by the US EPA, NH DES used the 1-hour ozone RACT regulations and RACT Orders as the basis for conducting the 8-hour ozone SIP determination.

3.0 8-hour Ozone RACT SIP Determination

On May 18, 2006, the US EPA issued guidance on RACT in the form of a questions and answers document. States must certify RACT by reviewing all source categories for which either a Control Technique Guideline (CTG) or an Alternative Control Technique (ACT) document have been published, and for all major non-CTG sources. States must review the CTG and ACT documents as well as other available guidance to determine whether current levels of controls are RACT.

To certify RACT, NH DES followed the general approach outlined below:

- Develop a list of source categories based on the ACT/CTG documents;
- Develop a list of source-specific RACT Orders for miscellaneous or multi-category source or sources seeking alternative RACT limits;
- Develop a list of affected VOC and NOx sources and emissions over time;
- Make a negative declaration for any source categories not present in New Hampshire;
- Certify RACT; and
- Indicate compliance and enforcement strategies.

3.1. *Source Categories*

To certify RACT, NH DES first developed a list of source categories based on the ACT and CTG documents and determined which state regulation was adopted for each source category as shown in Appendix A. Note that NH DES originally adopted these regulations for the applicable source categories to meet RACT for the 1-hour ozone NAAQS. In 2002, NH DES readopted these regulations and updated the NOx regulation with respect to new turbines. On July 9, 2007, NH DES submitted revised portions of Env-A 1204 and Env-A 1211 to EPA for approval. NH DES also developed source-specific RACT Orders as summarized in Appendix B. All of the sources for which RACT orders were developed or to which a specific RACT regulation is applicable are included in Appendix C. Env-A 1204.05 includes provisions for sources to obtain a VOC RACT Order if the facility wants to seek alternative VOC RACT emission limitations or control technology requirements, or the VOC source is a multi-category source or in the miscellaneous category. Similarly for NOx sources, a facility may obtain a NOx RACT Order pursuant to Env-A 1211.18 if the source falls under the miscellaneous source category pursuant to Env-A 1211.14 or seeks alternative RACT emission limitations pursuant to Env-A 1211.15.

3.2. *Affected Sources*

NH DES developed a list as shown in Appendix C of VOC and NOx sources for which RACT is applicable, that is, those sources with potential emissions exceeding 50 tons of NOx per year or, depending upon the source category, 10-50 tons of VOC per year. These lists also show the actual NOx emissions for these NOx sources and the actual VOC emissions for the VOC sources. Figures 1 and 2 show the NOx and VOC emissions from these RACT sources for 1990, 1996, 1999, and 2002. Emission data for 2005 have not been finalized yet and thus was not included in this SIP revision. As shown, the NOx and VOC emissions have decreased over time, either as a result of the application of RACT, the installation of controls to meet other emission reduction requirements, or facility shutdowns. Actual VOC emissions from these RACT sources have decreased from 2,805 tpy in 1990 to 1,153 tpy in 2002. Similarly, actual NOx emissions from these sources have decreased from 41,300 tpy in 1990 to 9,450 tpy in 2002.

**Figure 1. New Hampshire NOx RACT Source Emissions
1990 - 2002**

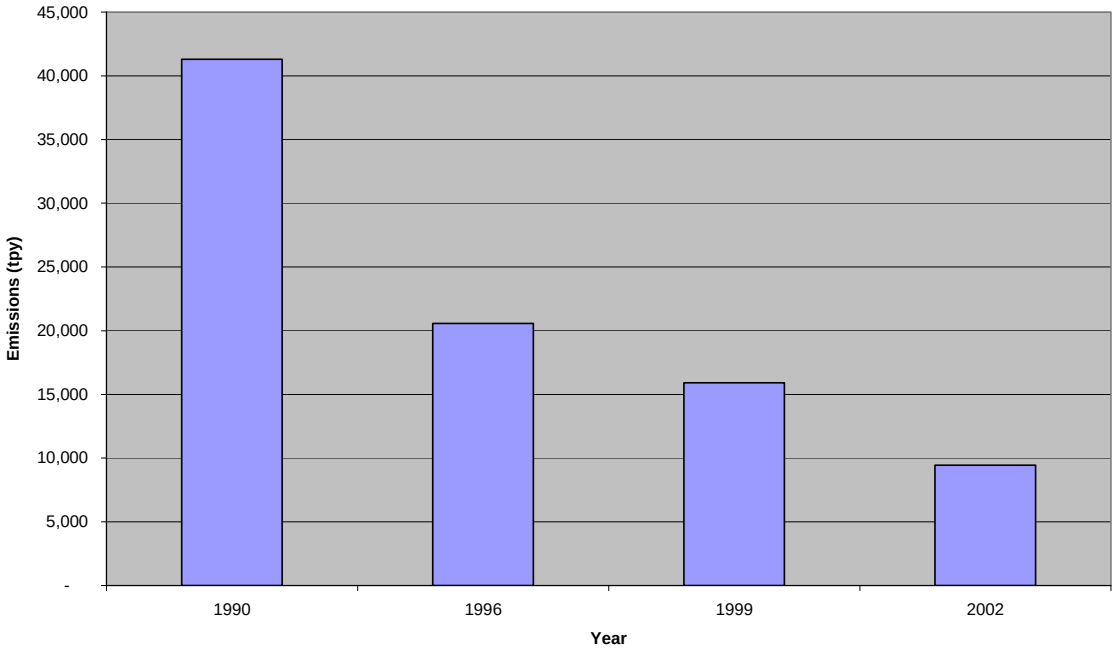
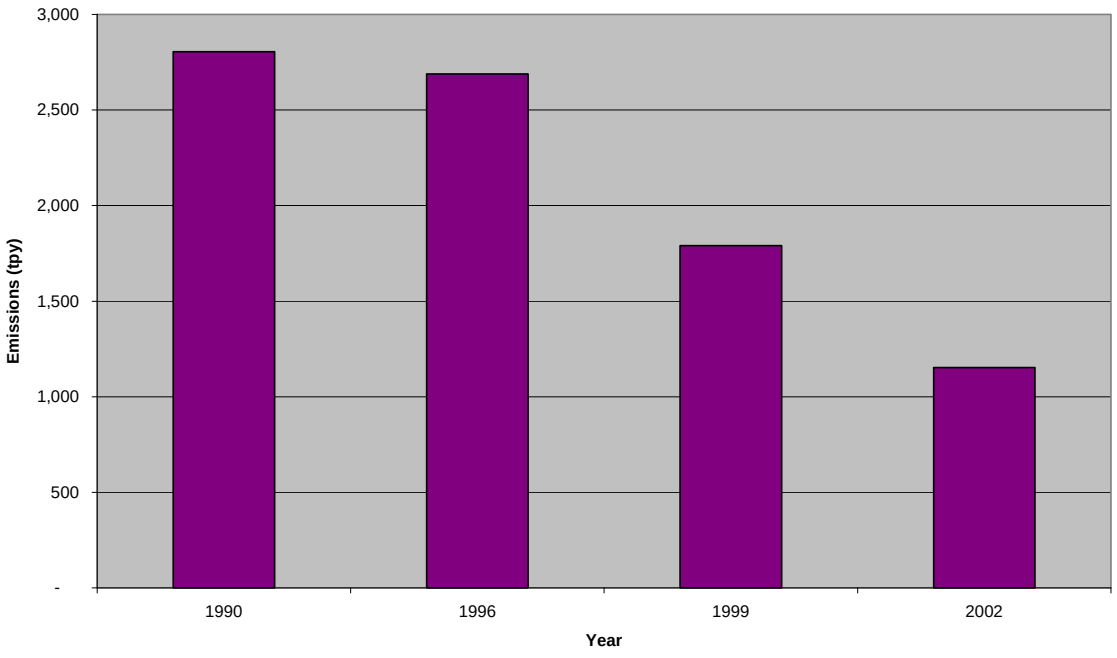


**Figure 2. New Hampshire VOC RACT Source Emissions
1990 - 2002**



3.3. *Negative Declaration*

NH DES did not adopt a RACT regulation for the following source categories and hereby declares that no such major sources or sources for which RACT is applicable are present in New Hampshire. This declaration is based on periodic field inspections, a comprehensive air permitting program, and a search, by SIC code of data bases maintained both by NH DES and by the New Hampshire Manufacturers' Association. NH DES conducted inspections at specific facilities that potentially matched the applicable SIC codes, but NH DES found that RACT is not applicable.

- Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds
- Surface Coating of Large Appliances
- Factory Surface Coating of Flat Wood Paneling
- Volatile Organic Compound Leaks from Petroleum Refinery Equipment
- Manufacture of Synthesized Pharmaceutical Products
- Manufacture of Pneumatic Rubber Tires
- Large Petroleum Dry Cleaners
- Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins
- Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants
- Volatile Organic Compound Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment
- Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry (SOCMI)
- SOCMI Distillation and Reactor Processes
- Shipbuilding and Ship Repair Operations (Surface Coating)
- Aerospace Coatings
- Plywood Veneer Dryers
- Halogenated Solvent Cleaners
- Organic Waste Process Vents
- Polystyrene Foam Manufacturing
- Bakery Ovens
- Industrial Wastewater
- Application of Agricultural Pesticides
- Batch Processes
- Nitric and Adipic Acid Manufacturing Plants
- Process Heaters
- Cement Manufacturing
- Glass Manufacturing
- Iron and Steel Manufacturing

3.4. *Certification*

As discussed in Section 2.0, New Hampshire is now monitoring attainment for the 8-hour ozone NAAQS statewide based on data for 2003 through 2005. As such, these monitoring data indicate that NH DES does not currently need additional NOx and VOC emission reductions since the 8-hour ozone NAAQS has been met. Over time, however, New Hampshire may need additional reductions to maintain this standard, and NH DES will address such reductions in the attainment plan or other SIP revisions, if necessary.

NH DES certifies that the current VOC and NOx RACT regulations are RACT under the 8-hour ozone NAAQS. This RACT certification is based on the fact that additional controls are not economically feasible at this time. In addition, current ozone monitoring data show that New Hampshire does not currently need additional emission reductions. NH DES also certifies that the current RACT regulations are RACT because NH DES developed regulations for each applicable source category listed in the CTG and ACT documents for which New Hampshire has a major source. The current RACT regulations are either as stringent as or more stringent than the requirements in the CTG and ACT documents issued as of September 2006. In 2002, NH DES readopted all of the VOC and NOx regulations. In 2002, NH DES also updated the state NOx RACT requirements for gas-fired turbines constructed after May 27, 1999, because NH DES found that facilities with new turbines were obtaining manufacturer guarantees with NOx emission limitations lower than the current RACT. The new emission limitation is only applicable to new turbines, because currently, it is not economically feasible for existing turbines. Therefore, NH DES certifies that this updated regulation for turbines is RACT. In July 2007, NH DES submitted the most recent version of the VOC and NOx regulations to the US EPA for approval.

Note that Env-A 1205, *VOC: Gasoline Dispensing Facilities and Cargo Trucks,* was approved by EPA in 1998. Subsequently, this rule was superseded by Env-Wm 1404 in 2004. However, DES is again considering further revision of this rule in accordance with the discussions of the Northeast States for Coordinated Air Use Management (NESCAUM) Stage II workgroup addressing widespread use of Onboard Refueling Vapor Recovery (ORVR) and the potential elimination of Stage II in New Hampshire. Therefore, NH DES is withdrawing the 2004 version of this rule and plans to submit a revision addressing widespread use later this year.

NH DES regulations also allow the use of source-specific RACT Orders to meet RACT requirements. RACT Orders are for miscellaneous VOC and NOx source categories or VOC and NOx multi-category sources wishing to meet the RACT Order compliance option. RACT Orders are also for sources seeking alternative emission limits. For the alternative emission limits, the sources achieve the same amount of reductions as would be required under the RACT regulation. The minimum VOC RACT requirements for miscellaneous or multi-category sources is an 81% reduction in actual VOC emissions, a 20% reduction from 1990 emission levels, a 3.5 lb VOC/gallon excluding water and exempt compound coating limit, or the source category specific RACT. A NOx source seeking an alternative emission limit must evaluate the economic and technical feasibility

of various NOx control options. To comply with either VOC or NOx RACT, sources may alternatively achieve the reduction by obtaining emission credits. For the miscellaneous source category and multi-category source, NH DES reviews the RACT/BACT/LAER clearinghouse and other state regulations to determine reasonably achievable emission limitations that are economically and technically feasible.

In summary, NH DES certifies that its current RACT regulations are RACT under the new 8-hour ozone NAAQS. To make this determination, NH DES is not required to and did not need to rely upon air quality dispersion modeling.

3.5. *Compliance and Enforcement Strategies*

NH DES requires facilities to determine compliance with the RACT requirements. Env-A 1200 describes the specific testing and monitoring requirements for each source category. In general, facilities using VOC add-on control technologies must follow the procedures of Env-A 800 for testing capture and control efficiency. Env-A 800 also requires sources to conduct NOx testing every three years to determine compliance with the NOx RACT requirements, unless the facility employs a certified continuous emissions monitor. Any testing conducted at the facilities must be witnessed by NH DES and follow an approved protocol. Facilities complying with RACT also must meet the recordkeeping and reporting requirements pursuant to Env-A 900, including the submittal of annual emission inventories. On July 9, 2007, NH DES submitted revisions to Env-A 800 and Env-A 900 to the US EPA for SIP approval. NH DES also monitors compliance with RACT requirements through permit deviation reports, Title V operating permit annual compliance certification reports, and periodic facility inspections.

4.0 Additional Control Measures

The Ozone Transport Commission is evaluating additional controls that the region and/or states may pursue for additional emission reductions. These measures may be more stringent than the basic RACT requirement or in addition to the RACT requirements. If NH DES chooses to adopt any of these requirements, they will be included in future SIP revisions.

NH DES is also considering adopting regulations for flares, especially landfill gas flares, so that NH DES will not have to develop a RACT Order and submit a SIP revision for each new flare.

5.0 Administrative Materials

This SIP submittal references the regulations that were adopted to meet RACT. Revisions to these regulations were most recently submitted to EPA for approval on July 9, 2007. These regulations became effective on the dates indicated in the summary table in Appendix A. The evidence of the rule adoption for each regulation was included in the original SIP submittal for the regulations. Refer to the SIP submittal dates in Appendix A. Appendix D includes a copy of the public notice of the comment period and public hearing for this SIP revision. This public notice appeared in the *Union Leader*, a statewide newspaper, on September 15, 2006. NH DES has the legal authority to develop and adopt these regulations pursuant to RSA 125 C:4. Refer to Appendix E for a copy of this state law. The Governor has designated the Director of the Air Resources Division as his designee per a copy of the letter included in Appendix E. Appendices F and G contain the certification of the public hearing and the comments received on this SIP revision and NH DES' responses.

Appendix A
List of Source Categories

Table A-1. List of Source Categories				
ACT/CTG Document	**State Regulatory Cite**	**State Effective Date**	**SIP Submittal Date**	**EPA SIP Approval Date**
Pre-1990 VOC CTG Document (Groups I, II, III)				
1. Design Criteria for Stage I Vapor Control Systems - Gasoline Service Stations; November 1975. (Group I) No document number assigned.	Env-A 1205 (Env-Wm 1404 effecitve 8-21-04[2]) (Gasoline dispensing facilities, bulk gasoline plants, and cargo trucks)	2-22-96; 9-28-96	8-7-95 (sent draft rule)	12-07-98 (63 FR 67405)
2 Control of Volatile Organic Emissions from Existing Stationary Sources, Volume I: Control Methods for Surface Coating Operations; EPA-450/2-76-028; November 1976. (Group I)	Env-A 1204	8-31-95; 12-31-02; 2-26-05	10-24-96 3-17-03 7-9-07	3-10-98 (63 FR 11600)
3. Control of Volatile Organic Emissions from Existing Stationary Sources, Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks; EPA-450/2-77-008; May 1977. (Group I)	Env-A 1204.09 (Metal Cans); Env-A 1204.10 (Paper, Fabrics, Film and Foil Substrates); Env-A 1204.14 (Metal Coils);	8-31-95; 12-31-02	10-24-96 3-17-03	3-10-98 (63 FR 11600)
4. Control of Volatile Organic Emissions from Solvent Metal Cleaning; EPA-450/2-77-022; November 1977. (Group I)	Env-A 1204.43 – 1204.47 (Solvent Metal Cleaning)	12-31-02 2-26-05	3-17-03 7-9-07	3-10-98 (63 FR 11600)
5. Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds; EPA-450/2-77-025; October 1977. (Group I)	NA	NA	NA	NA
6. Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals; EPA-450/2-77-026; December 1977. (Group I)	Env-A 1204.40 (Bulk Gasoline Loading Terminals); formerly 1204.22	8-31-95; 12-31-02	10-24-96 3-17-03	3-10-98 (63 FR 11600)

[2] Note that Env-Wm 1404 supercedes the SIP-approved Env-A 1205. However, DES is again considering further revision of this rule in accordance with the discussions of the NESCAUM Stage II work group addressing widespread use of Onboard Refueling Vapor Recovery (ORVR) and the potential elimination of Stage II in New Hampshire. Therefore, we are withdrawing the 2004 version of this rule and will submit a revision addressing widespread use in the future.

Table A-1. List of Source Categories				
ACT/CTG Document	**State Regulatory Cite**	**State Effective Date**	**SIP Submittal Date**	**EPA SIP Approval Date**
7. Control of Volatile Organic Emissions from Existing Stationary Sources, Volume III: Surface Coating of Metal Furniture, EPA-450/2-77-032, December 1977	Env-A 1204.12 (Metal Furniture Coating)	8-31-95; 12-31-02	10-24-96 3-17-03	3-10-98 (63 FR 11600)
8. Control of Volatile Organic Emissions from Existing Stationary Sources, Volume IV: Surface Coating of Insulation of Magnet Wire; EPA-450/2-77-033; December 1977. (Group I)	Env-A 1204.13 (Magnetic Wire Insulation Coating)	8-31-95; 12-31-02	10-24-96 3-17-03	3-10-98 (63 FR 11600)
9. Control of Volatile Organic Emissions from Existing Stationary Sources, Volume V: Surface Coating of Large Appliances; EPA-450/2-77-034; December 1977. (Group I)	NA	NA	NA	NA
10. Control of Volatile Organic Emissions from Bulk Gasoline Plants; EPA-450/2-77-035; December, 1977. (Group I)	Env-A 1204.41 (Bulk Gasoline Plants); formerly Env-A 1204.23	8-31-95; 12-31-02	10-24-96 3-17-03	3-10-98 (63 FR 11600)
11. Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed Roof Tanks; EPA-450/2-77-036; December 1977. (Group I)	Env-A 1204.38 (Fixed Roof Tank VOL Storage); formerly 1204.20	8-31-95; 12-31-02	10-24-96 3-17-03	3-10-98 (63 FR 11600)
12. Control of Volatile Organic Compounds from Use of Cutback Asphalt; EPA-450/2-77-037; December 1977. (Group I)	Env-A 1204.42 (Cutback and Emulsified Asphalt); formerly 1204.25	8-31-95; 12-31-02	10-24-96 3-17-03	3-10-98 (63 FR 11600)
13. Control Techniques for Volatile Organic Emissions from Stationary Sources; EPA-450/2-78-022; May 1978. (Group II)	Guidance Env-A 1204	8-31-95; 12-31-02; 2-26-05	10-24-96 3-17-03 7-9-07	3-10-98 (63 FR 11600)
14. Control of Volatile Organic Emissions from Existing Stationary Sources, Volume VI: Surface Coating of Miscellaneous Metal Parts and Products; EPA-450/2-78-015; June 1978	Env-A 1204.15 (Miscellaneous Metal Parts and Products)	8-31-95; 12-31-02	10-24-96 3-17-03	3-10-98 (63 FR 11600)

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ACT/CTG Document	**State Regulatory Cite**	**State Effective Date**	**SIP Submittal Date**	**EPA SIP Approval Date**
15. Control of Volatile Organic Emissions from Existing Stationary Sources, Volume VII: Factory Surface Coating of Flat Wood Paneling; EPA-450/2-78-032; June 1978.	NA	NA	NA	NA
16. Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment; EPA-450/2-78-036; June 1978. (Group II)	NA	NA	NA	NA
17. Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products; EPA-450/2-78-029; December 1978. (Group II)	NA	NA	NA	NA
18. Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires; EPA-450/2-78-030; December 1978. (Group II)	NA	NA	NA	NA
19. Control of Volatile Organic Emissions from Existing Stationary Sources, Volume VIII: Graphic Arts-Rotogravure and Flexography; EPA-450/2-78-033; December 1978. (Group II)	Env-A 1204.36 (Rotogravure and Flexographic Printing); formerly 1204.18	8-31-95; 12-31-02	10-24-96 3-17-03	3-10-98 (63 FR 11600)
20. Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks; EPA-450-2/78-047; December 1978. (Group II).	Env-A 1204.39 (External Floating Roof Tanks); formerly 1204.21	8-31-95; 12-31-02	10-24-96 3-17-03	3-10-98 (63 FR 11600)

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ACT/CTG Document	**State Regulatory Cite**	**State Effective Date**	**SIP Submittal Date**	**EPA SIP Approval Date**
21. Control of Volatile Organic Emissions from Perchloroethylene Dry Cleaning Systems; EPA-450/2-78-050; December 1978. (Group II)	Perchloroethylene is not a regulated VOC. Env-A 1400 regulates perchloroethylene as a regulated toxic air pollutant.	NA	NA	NA
22. Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems; EPA-450/2-78-051; December 1978. (Group II)	Env-A 1205 (Env-Wm 1404 effective 8-21-04[3]), Gasoline dispensing facilities, bulk gasoline plants, and cargo trucks	2-22-96; 9-28-96	8-7-95 (sent draft rule)	12-07-98 (63 FR 67405)
23. Fugitive Emission Sources of Organic Compounds – Additional Information on Emissions, Emission Reductions, and Costs; EPA-450/3-82-010; April 1982.	Guidance	NA	NA	NA
24. Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners; EPA-450/3-82-009; September 1982. (Group III)	NA	NA	NA	NA
25. Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins; EPA-450/3-83-008; November 1983. (Group III)	NA	NA	NA	NA
26. Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants; EPA-450/2-83-007; December 1983. (Group III)	NA	NA	NA	NA

[3] Note that Env-Wm 1404 supercedes the SIP-approved Env-A 1205. However, DES is again considering further revision of this rule in accordance with the discussions of the NESCAUM Stage II work group addressing widespread use of Onboard Refueling Vapor Recovery (ORVR) and the potential elimination of Stage II in New Hampshire. Therefore, we are withdrawing the 2004 version of this rule and will submit a revision addressing widespread use in the future.

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27. Control of Volatile Organic Compound Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment; EPA-450/3-83-006; March 1984. (Group III)	NA	NA	NA	NA
28. Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry; EPA-450/3-84-015; December 1984. (Group III)	NA	NA	NA	NA
Post-1990 VOC CTG Document				
1. SOCMI Distillation and Reactor Processes CTG (EPA 450/4-91-031, August 1993).	NA	NA	NA	NA
2. Wood Furniture (CTG-MACT) - draft MACT out 5-94; Final CTG, EPA-453/R-96-007, April 1996; see also 61 FR 25223, and, 61 FR 50823, September 27, 1996.	Env-A 1204.25 (Coating of Wood Furniture, Burial Caskets, and Gunstock)	8-31-95; 12-31-02	10-24-96 3-17-03	3-10-98 (63 FR 11600)
3. Shipbuilding/repair ACT (EPA 453/R-94-032, April 1994) and CTG, see 61 FR 44050, August 27, 1996.	NA	NA	NA	NA
4. Aerospace (CTG & MACT) (see 59 FR 29216, June 6, 1994); CTG (Final), EPA-453/R-97-004, December 1997.	NA	NA	NA	NA
VOC ACT Documents				
1.Control Techniques for Organic Emissions from Plywood Veneer Dryers, EPA-450/3-83-012. May 1983. [This document is labeled as a CTG rather than an ACT. However, the information is similar to that in an ACT.]	NA	NA	NA	NA

Table A-1. List of Source Categories				
ACT/CTG Document	**State Regulatory Cite**	**State Effective Date**	**SIP Submittal Date**	**EPA SIP Approval Date**
2. Reduction of Volatile Organic Compound Emissions from the Application of Traffic Markings, EPA-450/3-88-007, August 1988. [Note – the Architectural and Industrial Maintenance coatings (AIM) national rule issued in 1998 includes limits for traffic coatings and superseded the ACT.]	Federal requirement superseded the ACT. As noted by the US EPA, the federal AIM rule requirements supercede the ACT and thus meet RACT. NH DES will submit Env-A 4200 (AIM) in the future for SIP approval, but it is not included as part of this SIP revision.	NA	NA	NA
3. Alternative Control Technology Document - Ethylene Oxide Sterilization/Fumigation Operations, EPA-450/3-89-007, March 1989.	Federal requirement superseded the ACT.	NA	NA	NA
4. Alternative Control Technology Document – Halogenated Solvent Cleaners – EPA-450/3-89-030. August 1989.	NA	NA	NA	NA
5. Alternative Control Technology Document – Organic Waste Process Vents – EPA-450/3-91-007, December 1990.	NA	NA	NA	NA
6. Polystyrene Foam Manufacturing – EPA-450/3-90-020, 1990.	NA	NA	NA	NA
7. Bakery Ovens ACT (EPA 453/R-92-017, December 1992)	NA	NA	NA	NA
8. Control Techniques for Volatile Organic Compound Emissions from Stationary Sources, EPA-453/R-92-018, December 1992	Guidance Env-A 1204	8-31-95; 12-31-02; 2-26-05	10-24-96 3-17-03 7-9-07	3-10-98 (63 FR 11600)
9. Industrial Wastewater CTG (draft) (EPA-453/D-93-056, September 1992); ACT: April 94 ACT consists of cover memo with option tables + CTG (draft).	NA	NA	NA	NA
10. Control of VOC Emissions from the Application of Agricultural Pesticides, EPA-450/R-92-011, March 1993.	NA	NA	NA	NA

Table A-1. List of Source Categories				
ACT/CTG Document	**State Regulatory Cite**	**State Effective Date**	**SIP Submittal Date**	**EPA SIP Approval Date**
11. Alternative Control Techniques Document: Volatile Organic Liquid Storage In Floating and Fixed Roof Tanks, EPA 453/R-94-001, January 1994.	Env-A 1204.39 (External Floating Roof Tanks); Env-A 1204.38 (Fixed-Roof Tank VOL Storage); formerly 1204.21	8-31-95; 12-31-02	10-24-96 3-17-03	3-10-98 (63 FR 11600)
12. Control of Volatile Organic Compound Emissions from Batch Processes ACT (EPA 453/R-93-017 or EPA 453/R-93-020, February 1994)	NA	NA	NA	NA
13. Alternative Control Techniques Document – Industrial Cleaning Solvents, EPA-453/R-94-015, February 1994	Env-A 1204.48 (Miscellaneous and Multicategory Stationary VOC Sources)	12-31-02	3-17-03	3-10-98 (63 FR 11600)
14. Business Machine Plastic Parts Coating/Automobile Plastic Parts Coating ACT (EPA 453/R-94-017, February 1994)	Env-A 1204.17 (Coating Plastic Components of Automotive Interiors); Env-A 1204.18 (Coating Plastic Components of Automotive Exteriors); Env-A 1204.19 (Specialty Coatings on Automotive Components)	8-31-95; 12-31-02	10-24-96 3-17-03	3-10-98 (63 FR 11600)
15. Automobile Body Refinishing ACT (EPA 453/R-94-031, April 1994) [Note – a national rule for autobody refinishing was issued in 1998 after the ACT.]	Federal requirement superseded the ACT	NA	NA	NA
16. Ship building Coatings ACT, EPA 453/R-94-032, April 1994. [This was superseded by the Ship building CTG which was issued in August 1996.]	NA	NA	NA	NA
17. Offset Lithography ACT (EPA 453/R-94-054, June 1994)	Env-A 1204.37 (Offset Lithographic Printing); formerly 1204.19	8-31-95; 12-31-02	10-24-96 3-17-03	3-10-98 (63 FR 11600)

Table A-1. List of Source Categories				
ACT/CTG Document	**State Regulatory Cite**	**State Effective Date**	**SIP Submittal Date**	**EPA SIP Approval Date**
NOx ACT Documents				
1. NOx Emissions from Nitric and Adipic Acid Manufacturing Plants (EPA-453/3-91-026-December 1991.	NA	NA	NA	NA
2. NOx Emissions from Stationary Combustion Turbines (EPA-453/R-93-007) – January 1993.	Env-A 1211.06 (Combustion Turbines)	5-20-94; 10-31-02	6-17-94; 3-17-03	4-09-97 (62 FR 17087)
3. NOx Emissions from Process Heaters (EPA-453/R-93-034) - revised September 1993.	NA	NA	NA	NA
4. NOx Emissions from Stationary Internal Combustion Engines (EPA-453/R-93-032), July 1993 – [Updated September 2000.]	Env-A 1211.07 (Stationary Internal Combustion Engines)	5-20-94; 10-31-02	6-17-94; 3-17-03	4-09-97 (62 FR 17087)
5. NOx Emissions from Utility Boilers - (EPA 453/R-94-023) March 1994.	Env-A 1211.03 (Utility Boilers)	5-20-94; 5-1-97; 10-31-02	6-17-94; 8-31-00; 3-17-03	4-09-97 (62 FR 17087)
6. NOx Emissions from Cement Manufacturing - (EPA 453/R-94-004) March 1994 – [Updated September 2000.]	NA	NA	NA	NA
7. NOx Emissions from Industrial, Commercial & Institutional Boilers - (EPA 453/R-94-022) March 1994.	Env-A 1211.05 (Industrial Boilers)	5-20-94; 5-1-97; 10-31-02	6-17-94; 8-31-00; 3-17-03	4-09-97 (62 FR 17087)
8. NOx Emissions from Glass Manufacturing - (EPA 453/R-94-037), June 1994.	NA	NA	NA	NA
9. NOx Emissions from Iron and Steel - (EPA 453/R-94-065) September 1994.	NA	NA	NA	NA

Appendix B
List of RACT Orders

Table B-1. RACT Orders

Order Number	Company Name	Type of Order	Final RACT Order Issue and Effective Date	EPA SIP Approval Date	EPA SIP Effective Date
95-001	Groveton Paper Board	NOx	5/10/1995	4/9/1997	6/9/1997
95-002	Plymouth Cogen Limited Partnership	NOx	9/12/1995	4/9/1997	6/9/1997
95-003	Waterville Valley Ski Area	NOx	9/19/1995	4/9/1997	6/9/1997
95-011	Hampshire Chemical Corp.	NOx	5/6/1997	5/10/1998	7/13/1998
97-001	PSNH Merrimack	NOx	4/14/1997	5/13/1998	7/13/1998
97-003	Crown Vantage	NOx	9/24/1997	5/13/1998	7/13/1998
98-001	PSNH Merrimack/Schiller/Newington	NOx	4/14/1998	11/14/2000	1/16/2001
01-001	Waste Mgmt of NH, Inc.- Turnkey	NOx	8/26/2002	Not yet approved	Not yet approved
02-003	Newington Energy, LLC	NOx	9/9/2002	Not yet approved	Not yet approved
04-001	Newington Energy, LLC	NOx	Not yet final		
05-001	Anheuser Busch, Inc.	NOx	5/9/2005	Not yet approved	Not yet approved
06-001	PSNH - Schiller Station - Unit #5	NOx	8/4/2006	Not yet approved	Not yet approved
94-001	L.W. Packard	VOC	5/5/1995	3/10/1998	5/11/1998
95-010	Kalwall-Manchester	VOC	9/10/1996	3/10/1998	5/11/1998
96-001	Textile Tapes Corp.	VOC	12/9/1996	3/10/1998	5/11/1998
96-001 amended	Textile Tapes Corp.	VOC	4/19/2002	Not yet approved	Not yet approved
99-001	Kalwall-Manchester	VOC	11/20/2001	Not yet approved	Not yet approved
00-001	Anheuser Busch, Inc.	VOC	4/15/2002	9/23/2002	7/23/2002
01-002	Hutchinson Sealing Systems, Inc.	VOC	8/8/2002	Not yet approved	Not yet approved
02-001	Hitchiner Mfg. - Milford	VOC	6/20/2002	Not yet approved	Not yet approved
03-001	Parker Hannifin Corporation, Chomerics	VOC	7/17/2002	Not yet approved	Not yet approved
03-001	Sturm, Ruger & Company, Inc.	VOC	10/13/2003	Not yet approved	Not yet approved
03-002	Mectrol Corporation	VOC	6/16/2003	Not yet approved	Not yet approved

Table B-1. RACT Orders

Order Number	Company Name	Type of Order	Final RACT Order Issue and Effective Date	EPA SIP Approval Date	EPA SIP Effective Date
05-001	Metal Works, Inc.	VOC	12/22/2004	Not yet approved	Not yet approved
07-001	Webster Valve, Inc.	VOC	4/20/2007	Not yet approved	Not yet approved
07-002	TFX Medical, Inc.	VOC	8/7/2007	Not yet approved	Not yet approved
07-003	Concord Litho Group, Inc.	VOC	9/17/2007	Not yet approved	Not yet approved
07-004	Polyonics	VOC	12/28/2007	Not yet approved	Not yet approved

Note: Duplicate RACT Order numbers erroneously issued to Parker Hannifin Corporation, Chomerics and Sturm, Ruger, & Company (RACT Order No. 03-001) and to Anheuser Busch Co., Inc. and Metal Works, Inc. (RACT Order No. 05-001).

Appendix C
List of Affected NOx and VOC Sources and Associated Emissions For 1990, 1996, 1999 and 2002

Table C-1. NOx RACT Emission Sources and Associated Emissions (1990, 1996, 1999, 2002)

County	Company Name	2002 (tpy)	1999 (tpy)	1996 (tpy)	1990 (tpy)
BELKNAP CO	TIMCO INCORPORATED	9	8	7	58
CARROLL CO	PINETREE POWER/TAMWORTH	312	249	303	243
CHESHIRE CO	CHESHIRE MEDICAL CENTER	10	59	69	99
COOS CO	WAUSAU PAPERS	76	357	291	485
COOS CO	WHITEFIELD POWER & LIGHT	202	205	191	185
GRAFTON CO	BRIDGEWATER POWER COMPANY	170	176	189	223
GRAFTON CO	DARTMOUTH COLLEGE	152	113	103	92
GRAFTON CO	DARTMOUTH-HITCHCOCK MEDICAL CENTER	34	0	0	0
GRAFTON CO	INDECK ENERGY	0	0	0	153
GRAFTON CO	PINETREE POWER/BETHLEHEM	209	231	277	237
GRAFTON CO	PLYMOUTH COGENERATION, LP	49	50	0	0
HILLSBOROUGH CO	ANHEUSER-BUSCH INCORPORATED	84	89	93	173
HILLSBOROUGH CO	HAMPSHIRE CHEMICAL	7	59	64	80
HILLSBOROUGH CO	MONADNOCK PAPER MILL	53	59	58	0
HILLSBOROUGH CO	VELCRO USA, INC	12	94	107	48
MERRIMACK CO	BIO-ENERGY CORPORATION	37	142	144	162
MERRIMACK CO	CONCORD STEAM	46	52	59	114
MERRIMACK CO	PSNH/MERRIMACK STATION	3846	8146	13586	27200
MERRIMACK CO	WHEELABRATOR/CONCORD	281	332	325	327
ROCKINGHAM CO	GRANITE RIDGE ENERGY LLC	84	0	0	0
ROCKINGHAM CO	FOSS MANUFACTURING	85	152	149	389
ROCKINGHAM CO	G-P GYPSUM	31	50	30	0
ROCKINGHAM CO	NEWINGTON ENERGY, LLC	123	0	0	0
ROCKINGHAM CO	PSNH/NEWINGTON	949	2220	1292	5834
ROCKINGHAM CO	PSNH/SCHILLER	1860	1791	2013	3461
STRAFFORD CO	UNIVERSITY OF NH/DURHAM	61	63	67	0
STRAFFORD CO	TURNKEY RECYCLING ENTERPRISES	97	90	65	0
SULLIVAN CO	APC PAPER COMPANY	39	0	0	0
SULLIVAN CO	DURGIN & CROWELL LUMBER COMPANY	89	0	0	0
SULLIVAN CO	HEMPHILL POWER & LIGHT	202	185	176	141
SULLIVAN CO	WHEELABRATOR/CLAREMONT	186	187	175	132
TOTAL		9,395	15,156	19,832	39,835

Shading indicates that the source has closed

Table C-2. VOC RACT Emission Sources and Associated Emissions (1990, 1996, 1999, 2002)

County	Company Name	2002 (tpy)	1999 (tpy)	1996 (tpy)	1990 (tpy)
BELKNAP CO	SCOTIA TECHNOLOGY	0	0	0	0
CARROLL CO	WHITE MOUNTAIN OIL & PROPANE	2	0	0	0
CARROLL CO	YIELD HOUSE INDUSTRIES	6	2	6	0
CHESHIRE CO	TFX MEDICAL	13	9	41	0
COOS CO	BROWN STREET FURNITURE	31	45	60	0
COOS CO	PAK 2000	1	2	68	0
GRAFTON CO	DARTMOUTH PRINTING COMPANY	29	27	27	0
GRAFTON CO	LW PACKARD/ASHLAND	1	2	34	0
GRAFTON CO	NEW HAMPSHIRE INDUSTRIES	5	15	13	0
HILLSBOROUGH CO	ANHEUSER-BUSCH INCORPORATED	50	46	60	58
HILLSBOROUGH CO	BATESVILLE CASKET COMPANY	123	148	149	220
HILLSBOROUGH CO	CHOMERICS LAMINATES	5	3	11	0
HILLSBOROUGH CO	HITCHINER MANUFACTURING/ELM STREET	46	72	859	439
HILLSBOROUGH CO	KALWALL CORP/MANCHESTER	44	81	61	112
HILLSBOROUGH CO	MONADNOCK PAPER MILL	6	18	20	0
HILLSBOROUGH CO	NASHUA CORPORATION - MERRIMACK	63	90	118	218
HILLSBOROUGH CO	PRESSTEK INC	2	0	0	0
HILLSBOROUGH CO	ST GOBAIN PERFORMANCE PLASTICS	14	0	0	0
HILLSBOROUGH CO	VELCRO USA, INC	15	20	15	40
MERRIMACK CO	CONCORD LITHO COMPANY	13	30	42	0
MERRIMACK CO	ELEKTRISOLA INCORPORATED	29	59	67	59
MERRIMACK CO	ENVIRONMENTAL SOILS MANAGEMENT	2	1	2	0
MERRIMACK CO	POLYCLAD LAMINATES/INDUSTRIAL	7	12	8	47
MERRIMACK CO	POLYCLAD LAMINATES/TANNERY	3	12	21	105
MERRIMACK CO	STRUCTURES UNLIMITED	7	8	10	0
MERRIMACK CO	WEBSTER VALVE COMPANY	14	5	4	56
ROCKINGHAM CO	VENTURE HOLDINGS/BAILEY MANUFACTURING	396	611	553	248
ROCKINGHAM CO	FOSS MANUFACTURING	10	32	22	36
ROCKINGHAM CO	GATES MECTROL INC	8	12	4	0
ROCKINGHAM CO	HUTCHINSON SEALING SYSTEMS	16	39	51	81
ROCKINGHAM CO	JOHNSON & JOHNSTON	18	29	27	0

Table C-2. VOC RACT Emission Sources and Associated Emissions (1990, 1996, 1999, 2002)

County	Company Name	2002 (tpy)	1999 (tpy)	1996 (tpy)	1990 (tpy)
ROCKINGHAM CO	METAL WORKS INC	7	11	0	0
ROCKINGHAM CO	NOVEL IRON WORKS	11	0	0	0
ROCKINGHAM CO	SPRAGUE ENERGY/AVERY LANE	40	41	0	53
STRAFFORD CO	COLLINS & AIKMAN AUTOMOTIVE/DOVER	0	29	69	297
STRAFFORD CO	COLLINS & AIKMAN AUTOMOTIVE/FARMINGTON	19	36	36	412
STRAFFORD CO	FORSHEDA PALMER-CHENARD	3	21	0	0
STRAFFORD CO	TAPE-O-CORPORATION	45	56	62	0
STRAFFORD CO	TEXTILE TAPES CORPORATION	7	44	26	90
SULLIVAN CO	STURM RUGER & COMPANY	25	78	93	0
TOTAL		1,135	1,747	2,640	2,571

Shading indicates that the source has closed

Appendix D
Public Notice for SIP Revision

STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
AIR RESOURCES DIVISION
CONCORD, NH

NOTICE OF PUBLIC HEARING

In accordance with N.H. Administrative Rule Env-A 204.01(b) and Env-C 205.03(b), notice is hereby given that the New Hampshire Department of Environmental Services, Air Resources Division (the Department) will hold a public hearing on a proposed revision to the state implementation plan (SIP) to certify reasonably available control technology (RACT) requirements under the 8-hour ozone national ambient air quality standard (NAAQS) on **October 20, 2006 at 10:00 a.m.** The public hearing will be held in **Room 111, on the 1st floor of the offices of the Department of Environmental Services, 29 Hazen Drive, Concord, NH**.

At **10:00 a.m. on October 20, 2006**, the Department will receive testimony from the public concerning the proposed revision to the SIP to certify RACT requirements under the 8-hour ozone NAAQS. The proposed revision is required under the provisions of the federal Clean Air Act (CAA) Sections 172(c)(1), 182(b)(2), and 184(b)(1)(B), and 40 CFR 51.912. RACT requirements are applicable to certain sources of volatile organic compound and nitrogen oxide statewide. The proposed SIP revision certifies that the current 1-hour ozone RACT requirements are determined to meet RACT requirements for the 8-hour ozone standard.

Testimony may be presented orally and/or in writing at the public hearing. The Department will receive written comments on the proposed revisions until **4:00 p.m. on October 27, 2006.** Please submit written comments to **Elizabeth R. Nixon**, Air Resources Division, NH Department of Environmental Services, P.O. Box 95, Concord, NH 03302-0095, (603) 271-1370, Fax (603) 271-1381 or enixon@des.state.nh.us. A copy of the proposed revision to the SIP is available for inspection at the offices of the Department at the address listed above from 8:00 a.m. to 4:00 p.m., Monday through Friday.

Robert R. Scott
Director
Air Resources Division
NH Department of Environmental Services

Dated: September 13, 2006

Appendix E
Evidence of Legal Authority

JOHN H. LYNCH
Governor

State of New Hampshire
OFFICE OF THE GOVERNOR
107 North Main Street, State House - Rm 208
Concord, New Hampshire 03301
Telephone (603) 271-2121
www.nh.gov/governor
governorlynch@nh.gov

May 25, 2006

Robert W. Varney, Regional Administrator
U.S. EPA Region I
Suite 1100 (RAA)
1 Congress Street
Boston, MA 02114-2023

Dear Mr. Varney:

I have designated Robert R. Scott, Director of the New Hampshire Air Resources Division, as the official having the authority to request the U.S. Environmental Protection Agency approval of all New Hampshire State Implementation Plan revisions. Mr. Scott replaces Mr. Kenneth Colburn who previously held this authority.

Sincerely,

John H. Lynch
Governor

cc: Michael P. Nolin, NHDES Commissioner
Robert R. Scott, NHDES ARD Director

TITLE X
PUBLIC HEALTH

CHAPTER 125-C
AIR POLLUTION CONTROL

Section 125-C:4

125-C:4 Rulemaking Authority; Subpoena Power. –

I. The commissioner shall adopt rules under RSA 541-A, relative to:

(a) The prevention, control, abatement, and limitation of air pollution, including, but not limited to, open air source pollution, mobile source pollution, and stationary source pollution.

(b) Primary and secondary ambient air quality standards.

(c) Procedures to meet air pollution emergencies, as authorized by RSA 125-C:9.

(d) The establishment and operation of a statewide permit system, as authorized by RSA 125-C:6, XIV, RSA 125-C:11, I and RSA 125-C:11, I-a.

(e) Devices, in addition to those devices defined under RSA 125-C:2, subject to the permit requirements of RSA 125-C:11, as authorized by RSA 125-C:11, II.

(f) The exemption of certain devices and non-Title V sources from the permit requirements of RSA 125-C:11, I and the conformance of exempted devices to established standards, as authorized by RSA 125-C:11, I.

(g) The forms and information required on applications for temporary and permanent permits required under RSA 125-C:11, as authorized by RSA 125-C:12, I.

(h) Notification of and public hearing on permit applications, including exemptions from those requirements, as authorized by RSA 125-C:12, II.

(i) Fees for permit application and review, as authorized by RSA 125-C:12, IV.

(j) Procedures for permit application review, as authorized by RSA 125-C:11, IV, and criteria for permit denial, suspension or revocation, as authorized by RSA 125-C:13.

(k) Procedures for air testing and monitoring and recordkeeping, as authorized by RSA 125-C:6, XI.

(l) Procedures for receiving violation complaints and for rules enforcement, as authorized by RSA 125-C:15, I.

(m) Procedures for granting variances, as authorized by RSA 125-C:16.

(n) The manufacture, use, or sale of consumer products for purposes of implementing RSA 485:16-c.

(o) Applicability thresholds for emissions of particulate matter, mercury, and dioxin as provided in RSA 125-C:10-b, VII(f).

(p) The duration of time during which no additional best available control technology determination is required as provided in RSA 125-C:10-b, IV and VI.

(q) Procedures for establishing standards for and certification of any material, that is not an exempt fuel, to be combusted in a device at an affected source subject to RSA 125-C:10-b.

I-a. In adopting rules under paragraph I, the department may incorporate by reference standards issued by the California air resources board relative to certification and testing of vapor recovery equipment.

I-b. In adopting rules under subparagraph I(n), the department may incorporate by reference other state test methods and procedures that are referenced in the model rules of the Ozone Transport Commission (OTC) concerning consumer products, as defined in RSA 125-C:2, V-c.

II. The commissioner is authorized to issue subpoenas requiring the attendance of such witnesses and the production of such evidence and to administer such oaths and to take such testimony as he may deem necessary.

Source. 1979, 359:2. 1986, 202:8. 1996, 228:19, 104; 278:2, 3. 2001, 293:5. 2003, 137:3. 2004, 175:2, eff. May 27, 2004. 2005, 173:3, eff. June 29, 2005.

Appendix F
Certification of Public Hearing

The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner

January 24, 2008

I Hereby Certify:

That, in accordance with the provisions of N.H. Administrative Rule Env-A 204.01(b), and section 110(a) of the Clean Air Act, as amended, public notice was given specifying that a public hearing on a **proposed revision to the state implementation plan (SIP) to certify reasonably available control technology (RACT) requirements under the 8-hour ozone national ambient air quality standard (NAAQS)** was to be held on October 20, 2006 at 10:00 a.m. in Room 111 of the offices of the NH Department of Environmental Services, 29 Hazen Drive, Concord, NH. The notice was published at least 30 days prior to the date of said hearing in a newspaper of general circulation. The notice stated that a copy of the proposed SIP revision may be obtained from the Department upon request.

That the public hearing was held on October 20, 2006 at 10:00 a.m. in Room 111 of the offices of the NH Department of Environmental Services, 29 Hazen Drive, Concord, NH, in accordance with the public notice.

That a complete record of the public hearing held on October 20, 2006 is available on tape at the offices of the NH Department of Environmental Services, 29 Hazen Drive, Concord, NH.

That the above statements are true to the best of my knowledge and belief.

Robert R. Scott
Director, Air Resources Division

Dated January 24, 2008

Appendix G
Public Comments and NH DES Response

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

October 27, 2006

Elizabeth Nixon
Air Resources Division
NH Dept. of Environmental Services
P.O. Box 95
Concord, NH 03302-0095

Dear Ms. Nixon:

New Hampshire has proposed its State Implementation Plan (SIP) revision to address reasonably available control technology (RACT) requirements under the 8-hour ozone standard.

EPA Region I staff have reviewed the proposed SIP and comments are provided in the Enclosure. Please enter these comments into the hearing record for this SIP revision.

If you have any questions on the enclosed comments, please contact Anne Arnold of my staff at 617-918-1047.

Sincerely,

David B. Conroy, Chief
Air Programs Branch

Enclosure

Enclosure

EPA COMMENTS ON NEW HAMPSHIRE'S PROPOSED
RACT SIP FOR THE 8-HOUR OZONE STANDARD

1. Pages 5 and 6 of New Hampshire's proposal contains a listing of source categories for which no facilities exist in the state, and indicates that the state has not adopted RACT for these source categories. EPA notes that a number of the source categories listed are the subject of Alternative Control Technology (ACT) documents issued by EPA but are not covered by Control Technique Guidelines (CTGs). States are required to submit rules or negative declarations only for CTG source categories and major sources. Additionally, the proposal does not mention how New Hampshire verified that no sources exist in the state for the CTG source categories for which it is making a negative declaration. The state's final submittal should document the basis for these negative declarations (e.g., searches of telephone directories, interviews with field inspection staff, etc.).

2. Page 6 states, "NH DES certifies that the current VOC and NOx RACT regulations are RACT under the 8-hour ozone NAAQS." The discussion also mentions that, in 2002, DES readopted all of the NOx and VOC regulations and submitted them to EPA for approval (SIP submittal dated March 12, 2003). The version of the VOC rules included in Appendix D of the current RACT proposal differs, however, from the version submitted to EPA in March 2003. Specifically, Appendix D includes the version of Env-A 1204, effective on February 26, 2005, that contains revised solvent metal cleaning provisions (Env-A 1204.43 and 1204.44) and associated applicability and definition provisions (Env-A 1204.02 and 1204.03) based on the OTC model rule. This version of Env-A 1204 has not yet been submitted to EPA as a SIP revision. NH DES should submit the revised Env-A 1204 to EPA as a SIP revision. In addition, the version of New Hampshire's Env-A 1211 NOx rule included in Appendix D of the current RACT proposal differs from the version of Env-A 1211submitted to EPA in March 2003. The Appendix D version includes some revised provisions that were effective on December 22, 2004. NH DES should submit the revised Env-A 1211 to EPA as a SIP revision.

3. Page 7 references the testing and monitoring procedures in Env-A 800 and the recordkeeping and reporting procedures in Env-A 900. EPA recommends that the narrative also reference that Env-A 800 was submitted to EPA for approval on March 12, 2003, and that Env-A 900 was submitted to EPA for approval on November 14, 2003. Furthermore, EPA has identified some

issues/questions regarding Env-A 900. These were articulated in an e-mail to DES dated May 9, 2006. Some of the provisions in Env-A 900 are needed to make some of the provisions in Env-A 1204 and Env-A 1211 enforceable. Therefore, DES will need to resolve the issues associated with Env-A 900 in order for New Hampshire to fully meet its obligation under the RACT requirement.

4. Page 7 states that NH plans to prepare an attainment demonstration for the 8-hour ozone standard, due on June 15, 2007. As referenced on page 1 of the proposal, however, New Hampshire is not violating the 8-hour ozone standard based on 2003-2005 ozone monitoring data. In addition, preliminary data from 2006 indicates that New Hampshire continues to be in attainment of the 8-hour ozone standard. Therefore, EPA encourages the DES to move forward with a redesignation request for its 8-hour ozone nonattainment area, rather than preparing an attainment demonstration.

5. On page A-2, item #4 references the February 26, 2005 version of New Hampshire's solvent metal cleaning rule. See comment #2 above.

6. The Table A-1 list of source categories, includes categories for which a CTG or an ACT document has been issued. For purposes of the RACT submittal, states only need to address VOC CTG source categories and major VOC and NOx sources (i.e., categories covered by an ACT only need to be addressed if the state has a major source in that category).

7. Page A-6 lists the traffic markings ACT. The second column indicates that the national rule superseded the ACT and that New Hampshire's Env-A 4200 architectural and industrial maintenance (AIM) coatings rule will soon become effective. This entry appears to indicate that the AIM rule would be part of the RACT submittal. NH has not yet submitted this rule to EPA as a SIP revision. Also, it is EPA's understanding that NH does not intend for this rule to be part of the RACT submittal. NH should clarify this issue in its final RACT submittal.

8. On page A-7, item #13 lists the ACT for industrial cleaning solvents and references New Hampshire's Env-A 1204.43 to 1204.47 solvent metal cleaning rule. The ACT and the referenced rule, however, cover different types of operations. The referenced rule covers degreasing operations, specifically cold cleaning, open top vapor and conveyorized degreasing. Also, the rule's definition of cold cleaning specifically excludes wipe cleaning. The ACT covers various types of cleaning operations such as the cleaning of spray guns and spray booths, large and small manufactured components, and floors but specifically states that solvent metal cleaning operations, such as cold cleaning and vapor degreasing, were not addressed in this report since they were already addressed in the solvent metal cleaning CTG. Therefore, in item #13, DES should delete the reference to New

Hampshire's solvent metal cleaning rule and instead state that if a facility's emissions from industrial cleaning operations were large enough, they would be covered by New Hampshire's Env-A 1204.48 miscellaneous VOC source rule.

9. Tables C-1 and C-2 contain a list of RACT applicable NOx and VOC sources, respectively. Some of the sources in these tables also appear in Appendix B which means that orders have been issued for those sources. However, not all of the Table C-1 and Table C-2 sources appear in Appendix B. Presumably, each of the remaining Table C-1 and Table C-2 sources are subject to one of the CTG-based rules that New Hampshire has adopted. This should be clarified in the final RACT submittal.

10. A footnote to Table C-1 and Table C-2 states that a shaded entry "indicates that the source has closed." It is not clear, however, if these closures are permanent and enforceable. For example, it EPA's understanding that the Bio-Energy facility is only temporarily shut down.

11. In Table C-1, there is a typographical error in the heading of the 4th column. This column appears to list 1999, not 1991, NOx emissions.

12. Appendix D includes New Hampshire's Env-A 1204, Env-A 1211, and Env-Wm 1404. (See comment #2 above regarding Env-A 1204 and Env-A 1211.) Env-Wm 1404 addresses VOC emissions from gasoline dispensing facilities, bulk gasoline plants, and cargo tank trucks. The version of this rule included in Appendix D is effective August 21, 2004. EPA approved a previous version of this rule which was formerly numbered Env-A 1205. (See 63 FR 67405; December 7, 1998.) The version of the rule included in Appendix D has not been submitted to EPA as a SIP revision. NH DES should submit the revised rule to EPA as a SIP revision.

NH DES Responses to EPA's Comments on NH's Proposed RACT SIP for the 8-Hour Ozone NAAQS

Response to Comment #1: NH DES submitted a list of source categories for which a CTG or ACT is not applicable because no facilities exist in the state or no facility in the state exceeds the applicability threshold. As noted in the SIP, NH DES made these negative declarations based on periodic field inspections, a comprehensive air permitting program, and a search, by SIC code of data bases maintained both by NH DES and by the New Hampshire Manufacturers' Association. NH DES conducted inspections at specific facilities that potentially matched the applicable SIC codes, but NH DES found that RACT is not applicable.

Response to Comment #2: NH DES submitted the following rules for SIP approval on July 9, 2007, per EPA's request:

Env-A 1204.02
Env-A 1204.03
Env-A 1204.43
Env-A 1204.44

Env-A 1211.02
Env-A 1211.12
Env-A 1221.21.

Response to Comment #3: DES submitted Env-A 800 on March 12, 2003 and Env-A 900 on November 14, 2003 to EPA for approval. On July 9, 2007, DES submitted revisions to Env-A 800 and Env-A 900, which reflect responses to EPA's comments. DES is currently awaiting approval from EPA of these revised regulations.

Response to Comment #4: On June 15, 2007, NH DES submitted the *New Hampshire 8-Hour Ozone State Implementation Plan*. The SIP was submitted with the knowledge that New Hampshire falls under the Clean Data Policy since New Hampshire is monitoring attainment for the 8-hour ozone standard.

Response to Comment #5: See response to comment #2.

Response to Comment #6: Table A-1 lists the source categories for which a CTG or ACT was published by September 2006. The table lists the applicable regulation or indicates NA (not applicable) if no applicable sources exist in the state. Section 3.3 declares a negative declaration for the source categories for which no applicable sources exist in the state.

Response to Comment #7: NH DES does not plan to submit Env-A 4200*, Architectural and Industrial Maintenance Coatings*, for inclusion as part of this SIP. The federal rule supercedes the ACT, and thus, meets RACT. In accordance with the Performance Partnership Agreement, NH DES plans to submit Env-A 4200 in the future as part of a separate SIP revision.

Response to Comment #8: On page A-7, item #13, DES deleted the reference to the solvent metal cleaning rules and instead referenced Env-A 1204.48 because if a facility's emissions from industrial cleaning operations exceed the applicability threshold, they would be covered as a miscellaneous VOC source.

Response to Comment #9: DES added language in Section 3.1 clarifying that Appendix C includes sources for which a RACT order was developed and to which a specific RACT regulation is applicable. Appendix B only includes those sources for which a RACT order was developed.

Response to Comment #10: The table has been revised to highlight only the sources that have permanently shutdown.

Response to Comment #11: The typographical error was fixed. The column is labeled 1999, not 1991, NOx Emissions.

Response to Comment #12: DES concurs with EPA's comment - the currently approved version of the Stage I/II rule is Env-A 1205 as approved in 1998. This rule was superseded by Env-Wm 1404 in 2004. However, DES is again considering further revision of this rule in accordance with the discussions of the NESCAUM Stage II workgroup addressing widespread use of Onboard Refueling Vapor Recovery (ORVR) and the potential elimination of Stage II in New Hampshire. Therefore, we are withdrawing the 2004 version of this rule and will submit a revision addressing widespread use later this year