



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



Robert R. Scott, Commissioner

July 29, 2021

Deborah Szaro, Acting Regional Administrator  
U.S. Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**Re: NH State Implementation Plan Revision  
Limited Maintenance Plan for 1997 8-hour Ozone NAAQS**

Dear Acting Administrator Szaro:

Pursuant to Section 110 of the federal Clean Air Act as amended, the New Hampshire Department of Environmental Services (NHDES) submits for EPA's approval this State Implementation Plan (SIP) revision containing a Limited Maintenance Plan for the Boston-Manchester-Portsmouth Area pertaining to the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS).

The enclosed document fulfills the requirement for submitting a second maintenance plan for orphan maintenance areas under Clean Air Act (CAA) section 175A(b), as determined by the D.C. Circuit Court decision *South Coast Air Quality Management District v. EPA*. New Hampshire must submit this SIP revision to ensure maintenance through the full 20-year period following the effective date of redesignation for the 1997 ozone NAAQS.

Portions of southeastern NH were classified as moderate nonattainment for the 1997 ozone standard in 2004 and then redesignated unclassifiable/attainment in 2012. Part of NH's 2012 redesignation submittal included a maintenance plan for the first 10-year period (through 2022). Therefore, this maintenance plan covers the second 10-year period (2023 through 2032).

This Limited Maintenance Plan includes all required elements for a SIP, such as, measures needed to ensure maintenance, a contingency plan should monitored ozone values increase, and transportation conformity requirements. This submission also meets the completeness criteria of Appendix V to 40 CFR 51 Section 2.1.

As the Governor's designee, my signature on this letter is evidence that the State of New Hampshire has adopted this revision to the State Implementation Plan (SIP). The only state requirement for SIP submittals is that at least 30 days before the date of any public hearing related to SIP revisions, public notice shall be published in a newspaper of general daily statewide circulation.

If you have any questions, please contact me at (603) 271-1088 or Lisa Camire of my staff at (603) 271-4848.

Sincerely,

Craig A. Wright  
Director  
Air Resources Division

Enclosure: Limited Maintenance Plan for the 1997 8-hour Ozone NAAQS Standard

ec: Eric Rackauskas, EPA Region 1  
John Rogan, EPA Region 1

## **STATE IMPLEMENTATION PLAN REVISION**

### **Limited Maintenance Plan for the BOSTON-MANCHESTER-PORTSMOUTH (Southeast New Hampshire Area) 1997 Ozone NAAQS Standard**

**July 29, 2021**



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**Limited Maintenance Plan for the  
BOSTON-MANCHESTER-PORTSMOUTH  
(Southeast New Hampshire Area)  
1997 Ozone NAAQS Standard**

Prepared by  
**Air Resources Division**  
**New Hampshire Department of Environmental Services**  
**PO Box 95, Concord, NH 03302-0095**  
**[des.nh.gov](http://des.nh.gov) | (603) 271-3503**

**Robert R. Scott, Commissioner**  
**Craig Wright, Director, Air Resources Division**



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Attachment A: Administrative Documents

## 1.0 Purpose

This document fulfills the requirement for submitting a second maintenance plan for orphan maintenance areas<sup>1</sup> under Clean Air Act (CAA) section 175A(b), as determined by the D.C. Circuit Court decision *South Coast Air Quality Management District v. EPA* (South Coast II).<sup>2</sup> As granted in the petition, these areas must submit a second maintenance State Implementation Plan (SIP) revision to ensure maintenance through the full 20-year period following the effective date of redesignation for the 1997 ozone National Ambient Air Quality Standard (NAAQS). New Hampshire's nonattainment area was redesignated to attainment for the 1997 ozone NAAQS by the EPA effective March 4, 2013 on the basis of a redesignation request that was submitted in 2012 and included a maintenance plan for the first 10-year period. [78 FR 6741] Because the first maintenance plan included projected emissions inventory to the year 2022, this maintenance plan will cover the period 2023 through 2032.

## 2.0 Background

Ozone that occurs at ground level is a pollutant that is formed by a chemical reaction between nitrogen oxides (NOx) and volatile organic compounds (VOC) in the presence of strong sunlight. When present in sufficient quantity, ozone exposure has been associated with increased susceptibility to respiratory infections, medication use by asthmatics, doctor visits, and emergency department visits and hospital admissions for individuals with respiratory disease. Ozone exposure may also contribute to premature death, especially in people with heart and lung disease.

On July 18, 1997, EPA set the 8-hour ozone NAAQS at 0.08 parts per million (ppm) and replaced the former 1-hour ozone standard of 0.12 ppm. EPA found that the newer standard more directly related to ground-level ozone levels associated with adverse health effects. The 1997 standard is met when the annual fourth-highest daily maximum 8-hour concentration, averaged over 3 years, is less than or equal to 0.08 ppm. Portions of New Hampshire (Table 1) were classified as "Subpart 2/moderate" nonattainment of this standard effective June 15, 2004. [69 FR 23857]

**Table 1: New Hampshire Areas Designated Nonattainment for the 1997 Ozone NAAQS**

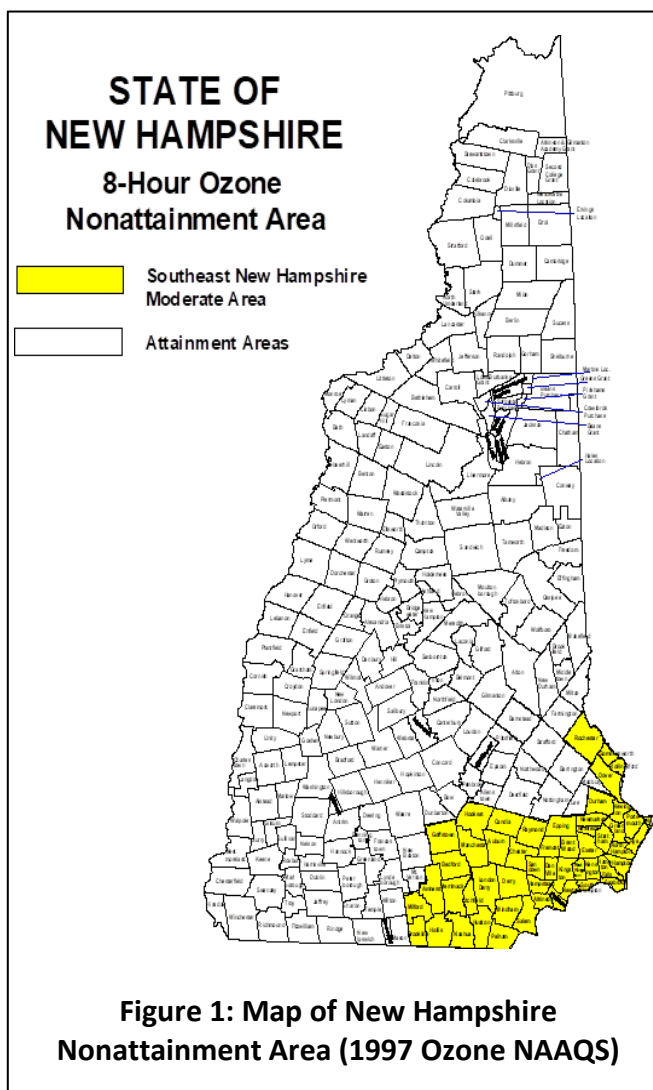
Area	County	Cities and Towns Included
Boston-Manchester-Portsmouth Area (Southeast New Hampshire Area)	Hillsborough (part)	Amherst, Bedford, Brookline, Goffstown, Hollis, Hudson, Litchfield, Manchester, Merrimack, Milford, Nashua, Pelham
	Merrimack (part)	Hooksett
	Rockingham (part)	Atkinson, Auburn, Brentwood, Candia, Chester, Danville, Derry, E. Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, Londonderry, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Plaistow, Portsmouth, Raymond, Rye, Salem, Sandown, Seabrook, South Hampton, Stratham, Windham
	Strafford (part)	Dover, Durham, Rochester, Rollinsford, and Somersworth

<sup>1</sup> Areas that have been redesignated to attainment for the 1997 ozone NAAQS and were initially designated attainment for the 2008 ozone NAAQS.

<sup>2</sup> [South Coast Management District v. EPA](#)

The Boston-Manchester-Portsmouth (Southeast New Hampshire Area) (SE), New Hampshire 8-hour ozone nonattainment area includes 52 cities and towns with a combined population of 729,071 in Hillsborough, Merrimack, Rockingham and Strafford counties, in the southeastern-most portion of the state (Figure 1). The area designations/classifications were based on 2000-2002 data and the recommendations of the New Hampshire Department of Environmental Services (NHDES) in a letter submitted to EPA on July 15, 2003. The moderate nonattainment classification was selected to be consistent with contiguous nonattainment areas in Massachusetts and Maine. A chronology of the SIP revisions related to the 1997 ozone standard is provided in Table 2.

NHDES asked EPA to redesignate the Boston-Manchester-Portsmouth (SE), New Hampshire 8-hour ozone nonattainment area to attainment of the 1997 ozone standard in a SIP revision submitted March 2, 2012, with amendments provided on September 21, 2012. The request was based on ground-level ozone monitoring data from 2002-2011 that show these counties to be in attainment of the 1997 8-hour ozone NAAQS. The attainment designation was granted effective March 4, 2013. [[78 FR 6741](#)]



**Table 2: Chronology of NH 1997 8-hour Ozone NAAQS SIP Submittals, Designations and Approvals**

July 15, 2003	Based on monitoring data from 2000-2002, NHDES recommends that portions of New Hampshire counties Hillsborough, Merrimack, Rockingham and Strafford be designated nonattainment for the 1997 ozone 8-hour NAAQS.
June 15, 2004	EPA designates the Boston-Manchester-Portsmouth (SE) Subpart 2/moderate nonattainment.
March 2, 2012	NHDES submits SIP revision to redesignate the area to attainment. Submission includes a 10-year maintenance plan.
September 21, 2012	NHDES submits additional information in support of the redesignation March 2012 request.
March 4, 2013	EPA redesignates the Boston-Manchester-Portsmouth (SE) unclassifiable/attainment.
February 16, 2018	D.C. Circuit Court issues a decision in <i>South Coast Air Quality Management District v. EPA (South Coast II)</i> that holds that “orphan maintenance areas” for the 1997 8-hour NAAQS are required to submit second maintenance plans under CAA section 175A(b).



On March 12, 2008, EPA promulgated the 2008 8-hour ozone NAAQS which became effective on May 27, 2008. [\[73 FR 16436\]](#) This final rule reduced the ozone standard from 0.08 ppm to 0.075 ppm. In an October 27, 2011 letter from New Hampshire to the EPA, New Hampshire provided certified ambient air quality design value data with all sites monitoring attainment and recommended all counties be designated as attainment. On May 21, 2012, EPA designated all New Hampshire counties as attainment/unclassifiable with the 2008 8-hour ozone NAAQS. [\[77 FR 30088\]](#) On March 6, 2015, the EPA established a final SIP rule for implementing the 2008 ozone NAAQS. [\[80 FR 12264\]](#)

On October 26, 2015, EPA strengthened the 8-hour ozone standard by promulgating the 2015 NAAQS. [\[80 FR 65292\]](#) This standard reduced the ground level ozone from 0.075 ppm to 0.070 ppm. In a September 28, 2016 letter to the EPA, New Hampshire recommended all New Hampshire counties be designated attainment with the 2015 8-hour ozone NAAQS based on certified ambient air monitoring design value data for 2013-2015. On November 16, 2017, the EPA designated all areas in New Hampshire as attainment/unclassifiable for the 2015 8-hour ozone NAAQS. [\[82 FR 54232\]](#)

EPA revoked the 1997 ozone NAAQS effective April 5, 2015. Under the EPA's regulations implementing the ozone NAAQS, states were no longer responsible, under certain conditions, for developing and submitting maintenance plans for former 1997 ozone NAAQS nonattainment areas. [\[80 FR 12264\]](#) Environmental groups filed a petition for judicial review of the EPA's regulation, challenging certain aspects of the decision. On February 16, 2018, the D.C. Circuit Court issued a decision in *South Coast Air Quality Management District v. EPA (South Coast II)* that held that "orphan maintenance areas" are required to submit second maintenance plans under Clean Air Act Section 175A(b). These areas, therefore, must submit a second maintenance SIP revision to ensure maintenance through the full 20-year period following the effective date of redesignation. As previously stated, New Hampshire is fulfilling this requirement by providing this 10-year limited maintenance plan covering the period 2023 through 2032.

It is worth noting that the Boston-Manchester-Portsmouth (SE) Area has continued to maintain attainment for the 1997 8-hour ozone NAAQS following the approval of the 1997 8-hour ozone maintenance plan by the EPA. Furthermore, this area has demonstrated attainment under the more stringent 2008 and 2015 8-hour ozone NAAQS. Ambient air quality monitoring data for these areas indicates ozone concentrations in these areas are continuing a downward trend.

### **3.0 Statutory Requirements**

#### **3.1 Maintenance plan for the first 10 years after redesignation (2012 – 2022)**

New Hampshire's redesignation request for the 1997 ozone NAAQS included a maintenance plan to ensure that the ambient air quality would continue to meet the 8-hour ozone standard of 0.08 ppm for at least 10 years into the future. NHDES used an emissions inventory approach to demonstrate that in-state future emissions of ozone precursors would not exceed 2008 ozone NAAQS levels of 0.075 ppm. Projections showed that future emissions of the ozone precursors NO<sub>x</sub> and VOCs would continue to decline through 2022 (Table 3). Total NO<sub>x</sub> emissions were down about 23% in 2012 from 2008 and are expected to be down about 48% in 2022 from 2008 levels. Total VOC emissions were down about 10% between 2008 and 2012, and are expected to drop another 3% by 2022. The rationale and methodologies used to prepare these inventories was contained in New Hampshire's 2012 [Request for Redesignation of the Boston-Manchester-Portsmouth \(SE\), New Hampshire Nonattainment Area](#).



The request contained the following items required by the EPA Administrator:

- A determination that the area had attained the 1997 8-hour ozone standard of 0.08 ppm.
- An approvable SIP for the area under Section 110(k) of the Clean Air Act.
- A determination that the improvement in air quality was due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and other federal requirements.
- An approvable maintenance plan under Section 175A of the Clean Air Act.
- A determination that the state had met all Title I, Part A, Section 110, and Part D requirements for the area.

The EPA determined that New Hampshire had satisfied the requirements of CAA section 107(d)(3)(E) and granted an attainment designation for the 1997 8-hour ozone NAAQS effective March 4, 2013. [78 FR 6741]

**Table 3: 2008, 2012, and 2022 NO<sub>x</sub> and VOC Emissions in the Boston-Manchester-Portsmouth (SE), New Hampshire 8-Hour Ozone Nonattainment Area (lb/day)**

Source Category	NO <sub>x</sub> Emissions			VOC Emissions		
	2008	2012	2022	2008	2012	2022
Point	24,289	21,655	22,742	5,762	5,288	6,605
Area	6,528	6,243	6,432	55,871	57,885	70,195
Non-Road Mobile	31,364	26,121	17,670	33,512	26,863	19,152
On-Road Mobile	74,352	51,204	23,558	35,666	28,470	18,410
<b>Total</b>	<b>136,533</b>	<b>105,223</b>	<b>70,402</b>	<b>130,811</b>	<b>118,506</b>	<b>114,362</b>

### 3.2 Maintenance Plan for the second 10 years after redesignation (2023 – 2032)

CAA section 175A(b) requires New Hampshire to submit a second plan for maintaining the NAAQS for another 10 years (i.e., 20 years after redesignation). In most cases, the EPA guidance instructs states to “provide for the maintenance of the [NAAQS]” using projected emissions inventories or air quality modeling showing continued maintenance until the end of the relevant maintenance period.<sup>3</sup>

The EPA’s resource document<sup>4</sup> pertaining to the South Coast II decision indicates that in three past guidance documents describing limited maintenance plans (LMP), EPA has interpreted section 175A to indicate that an area can “provide for maintenance of the NAAQS” if it meets certain air quality-related criteria. Specifically, the key criteria outlined in these documents are that the current air quality levels for ambient monitoring sites in the area should be substantially below the level of the standard (e.g., below 85% of the level of the standard), and that air quality levels had not been highly variable during preceding years.

<sup>3</sup> See memorandum dated September 4, 1992, from John Calcagni, Director of OAQPS Air Quality Management Division, to the EPA Regional Office Air Division Directors, “Procedures for Processing Requests to Redesignate Areas to Attainment,” pages 9-11.

[https://www3.epa.gov/ttn/naaqs/aqmguidance/collection/cp2/19920904\\_calcagni\\_process\\_redesignation\\_guidance.pdf](https://www3.epa.gov/ttn/naaqs/aqmguidance/collection/cp2/19920904_calcagni_process_redesignation_guidance.pdf)

<sup>4</sup> Resource Document of 1997 Ozone NAAQS Areas: Supporting Information for States Developing Maintenance Plans; [https://www.epa.gov/sites/production/files/2018-11/documents/ozone\\_1997\\_naags\\_lmp\\_resource\\_document\\_nov\\_20\\_2018.pdf](https://www.epa.gov/sites/production/files/2018-11/documents/ozone_1997_naags_lmp_resource_document_nov_20_2018.pdf)

The three previously-issued limited maintenance plan memoranda are the following:

- [“Limited Maintenance Plan Option for Nonclassifiable Ozone Nonattainment Areas.” November 16, 1994.](#) This document addressed the LMP option available for the 1979 1-hour ozone NAAQS.
- [“Limited Maintenance Plan Option for Nonclassifiable Carbon Monoxide Nonattainment Areas.” October 6, 1995.](#) This document addressed the LMP option available for the 1971 carbon monoxide NAAQS.
- [“Limited Maintenance Plan Option for Moderate PM<sub>10</sub> Nonattainment Areas.” August 9, 2001.](#) This document addressed the LMP option for the 1987 PM<sub>10</sub> NAAQS.

These memoranda cite specific NAAQS, but states have also developed – and the EPA has also approved – LMPs for other specific NAAQS when those NAAQS were under active implementation planning.<sup>5</sup> Accordingly, the EPA believes that in appropriate cases states can apply the principles outlined in these existing guidance documents in developing LMPs for certain 1997 ozone NAAQS maintenance areas. As compared to developing a regular maintenance plan, development of an approvable LMP generally should be less resource intensive for local, state, and federal air quality and transportation agencies. A LMP submission may primarily rely on air quality data to demonstrate that the area is not expected to experience a future NAAQS violation, and it does not need to include projected future year emissions inventories or air quality modeling to make that demonstration, though including such information could further support the maintenance demonstration.

As noted, the EPA’s prior guidance describes that states may satisfy the section 175A requirement to “provide for maintenance of the NAAQS” with a LMP according to the following criteria:

- **Current air quality levels significantly below the level of the standard:** As indicated in prior memoranda, the EPA believes that an air quality design value below 85% of the level of the standard (i.e., a design value of 0.071 ppm as compared to a level of 0.084 ppm, which is considered to be in compliance with the 1997 ozone standard to three digits) could be considered significantly below the standard and may be a good indicator that air quality is not likely to deteriorate to a level that would violate the NAAQS over the next 10 year period.
- **Stable or improving air quality trend:** Several kinds of analyses can be performed to assess whether an area has had relatively stable or consistently improving air quality levels over the long term such that the probability of the area violating the standard in the future would be considered low.

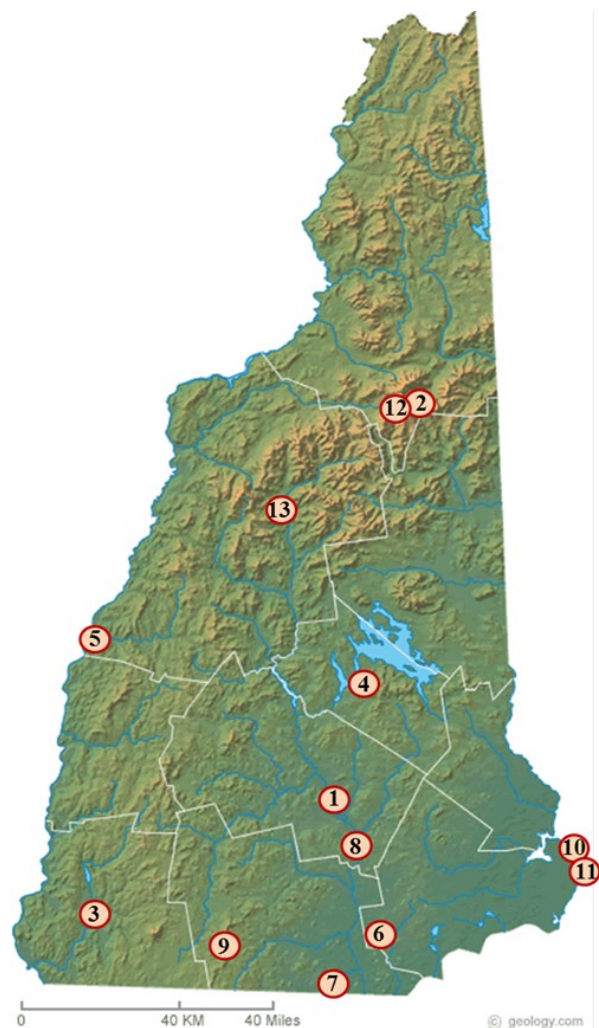
NHDES has elected therefore to rely on ample existing air quality monitoring data, which demonstrates that current air quality ozone levels are significantly below the level of the standard and therefore the area is not expected to experience a future ozone NAAQS violation. In addition, NHDES is including historical and future emissions ozone precursor (NO<sub>x</sub> and VOCs) inventories which demonstrate that the air quality trends in the area are stable or improving.

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<sup>5</sup> See, e.g., [79 FR 41900](#) (July 18, 2014). Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Grant County Sulfur Dioxide Limited Maintenance Plan.

### 3.2.1 Ozone Monitoring Data

Ozone data is collected at 12 monitoring locations throughout the state (Figure 2), including four within the former nonattainment area (Shown in **blue text**). Air monitoring data from NHDES' network helps assess air quality within New Hampshire, evaluate the status of air quality coming from areas upwind and also helps assess our contribution to downwind areas. NHDES has provided EPA with an annual network review and plan for its ambient air monitoring program since 2010, and provides data to the EPA's Air Quality Index (AQI) system.



**Figure 2: Map of New Hampshire Ozone Monitoring Network**

southeastern portion of the state to reflect potential air quality concerns in heavily populated region with diverse geography. As such, the former nonattainment area is well represented with monitors located in Londonderry, Manchester (discontinued in 2011), Nashua, Portsmouth and Rye, and others just outside the former nonattainment area (Concord and Peterborough/Pack Monadnock).

**Figure 2. Ozone Monitoring Stations in NH**

1.	Concord
2.	Green's Grant/Camp Dodge
3.	Keene
4.	Laconia
5.	Lebanon
6.	Londonderry
7.	Nashua
9.	Peterborough/Pack Monadnock
10.	Portsmouth
11.	Rye
12.	Sargent's Purchase/Mt Washington
13.	Woodstock

*(Monitors located within 1997 nonattainment area in blue)*

Ambient air pollution monitoring began in New Hampshire in the 1970s at a few locations. Over subsequent years, it grew to where each of the state's 10 counties hosted monitoring stations for air pollutants known to exist in the area. The current New Hampshire ambient air monitoring network is carefully configured based on air pollution emission patterns to provide air quality data in populated areas, which are potentially at risk for unhealthy air quality of one or more pollutants. Most populated areas are represented by an air monitoring station unless previous monitoring has demonstrated that either the community is not at risk or can be adequately represented by a nearby monitor. The New Hampshire monitoring network is densest in the

Figure 3 shows the results of air monitoring at these stations since 2000. As shown, the annual 4<sup>th</sup> highest 8-hour ozone reading has not exceeded the NAAQS as an average annual since 2010. There are occasionally ozone NAAQS exceedances, discussed in section 3.2.4 below.

**Figure 3: Ozone Trends – Southern and Southeastern New Hampshire**

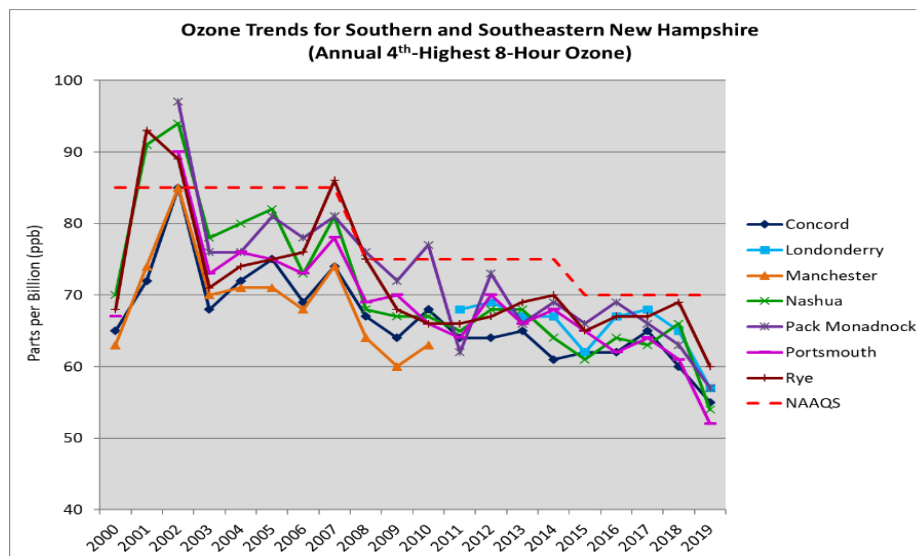
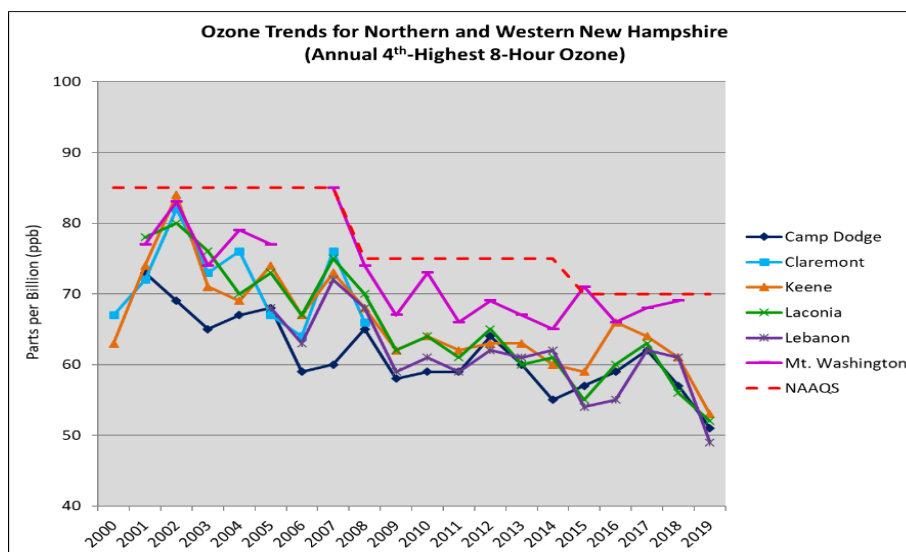


Figure 4 shows these results for monitors located in the north and western portions of the state, outside of the former nonattainment area. Here again, annual 4<sup>th</sup> highest 8-hour ozone concentrations are lower than the NAAQS. Higher concentrations are occasionally recorded at the Mount Washington monitoring station, which, at 6,288 feet, is heavily impacted by ozone transported from other states. This phenomenon is well documented in New Hampshire’s 2012 redesignation request.<sup>6</sup> Ozone concentrations measured at the base of Mount Washington (Camp Dodge) do not parallel those measured aloft.

**Figure 4: Ozone Trends – Northern and Western New Hampshire**



<sup>6</sup> [Request for Redesignation of the Boston-Manchester-Portsmouth \(SE\), New Hampshire Nonattainment Area.](#)

While meteorological conditions contribute to yearly variations, it is clear that ambient ozone concentrations in both attainment and nonattainment areas are trending downward and have been meeting the most stringent standard (2015 ozone NAAQS of 0.070 ppm).

### 3.2.2 Ozone Design Values

A violation of the 8-hour standard occurs if the three-year average of the annual 4<sup>th</sup> highest daily maximum 8-hour values at a specific site (referred to as the design values) is greater than 0.070 ppm, the current 2015 NAAQS. When portions of New Hampshire were designated nonattainment for the 1997 ozone NAAQS, ozone concentrations in New Hampshire were consistently higher than they are today. Table 4 below shows the 8-hour ozone design values since 1998 for the New Hampshire counties, portions of which were included in the Boston-Manchester-Portsmouth (SE) nonattainment area.<sup>7</sup>

**Table 4: 8-Hour Ozone Design Values for Former Nonattainment Counties (partial), 1998-2019**

Year	Design Value (DV) Period	Hillsborough	Merrimack	Rockingham	Strafford
1998	1996-1998	81	73	88	78
1999	1997-1999	89	74	89	81
2000	1998-2000	81	71	76	76
2001	1999-2001	83	70	79	75
2002	2000-2002	85	74	82	77
2003	2001-2003	82	75	82	80
2004	2002-2004	79			
2005	2003-2005	73		73	
2006	2004-2006	75	72	75	
2007	2005-2007	76	72	77	
2008	2006-2008	73	70	76	
2009	2007-2009	71	68	74	
2010	2008-2010	68	66	69	
2011	2009-2011	68	65	66	
2012	2010-2012	68	65	66	
2013	2011-2013	67	64	67	
2014	2012-2014	68	63	68	
2015	2013-2015	66	62	66	
2016	2014-2016	66	61	66	
2017	2015-2017	65	63	65	
2018	2016-2018	65	62	65	
2019	2017-2019	62	60	62	

<sup>7</sup> Cities and towns designated nonattainment in these counties are given in Table 1.

In making designations and classifications for the 1997 ozone NAAQS, the EPA used the most recent three years of monitoring data at the time.<sup>8</sup> Therefore, designations and classifications were generally based on monitoring data collected in 2000-2002.

For guidance on determining the nonattainment boundary for the 8-hour ozone standard, the EPA looked to CAA section 107(d)(4) that established the Consolidated Metropolitan Statistical Area (CMSA) or Metropolitan Statistical Area (MSA) as presumptive boundaries for more polluted areas when designation actions in 1991 for the 1-hour ozone standard were promulgated. NHDES worked with EPA to refine the boundaries for the 1997 8-hour ozone NAAQS, thus the Boston-Manchester-Portsmouth (SE) nonattainment area was designated.

In support of the 8-hour ozone standard attainment of the 1997 ozone NAAQS, NHDES provided the design values shown in Table 5.

**Table 5: 8-Hour Ozone Monitoring Data: 2012 Threshold Values and 2010-2011 Design Values Based on Fourth-Highest Annual Maxima (ppb)**

Monitor Location	AQS Number	4 <sup>th</sup> Highest Value				Design Value*		2012 Threshold Value**	Most Recent Year at/or above Threshold	
		2008	2009	2010	2011	2010	2011		1 <sup>st</sup> Highest	4 <sup>th</sup> Highest
Manchester	330110020	64	60	63	***	62	***	***	None	None
Nashua	330111011	67	66	67	65	66	66	123	None	None
Portsmouth	330150014	69	70	66	64	68	66	125	1988	None
Rye	330150016	75	68	66	66	69	66	123	1991	None

\* Example: The 2010 design value is the 3-year average of the annual fourth-highest 8-hour ozone concentration for the period 2008-2010.

\*\* The 2012 threshold value is the fourth-highest monitored daily maximum 8-hour ozone value during the 2012 ozone season that would cause the 2012 design value to exceed the 8-hour ozone NAAQS.

\*\*\* No data: monitor was moved to Londonderry in 2011.

### 3.2.3 LMP Qualification

Based on the LMP requirements established by the EPA in their August 9, 2001 documentation, New Hampshire has concluded that the Boston-Manchester-Portsmouth (SE) Area qualifies for a LMP based on our analysis of air quality data. Support for this position is provided in the following discussion where several deciding factors are evaluated.

The 1997 8-hour ozone NAAQS is 0.080 ppm. The EPA has made the determination that a design value of 0.084 ppm would meet the NAAQS, following standard rounding procedure. Therefore, the LMP qualifying threshold value of 85% of the NAAQS equates to 0.071 ppm. As stated in 40 CFR, §50.15, the ozone design value for a monitoring site is the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration. For the weighted design value presented in this document, the five most recent design values available cover the 2013-2019 ambient air monitoring data. This includes 3-year design values for 2013-2015, 2014-2016, 2015-2017, 2016-2018, and 2017-2019. Data from 2015, 2016, and 2017 is included in three out of five design values. Therefore, the 2013-2019 average design value is commonly referred to as a 5-year weighted average design value since data from 2015, 2016 and 2017 is given more weight. With overall ambient ozone concentrations levels trending downward, using a weighted average design value, which amplifies typically older and

<sup>8</sup> To determine whether an area is attaining the 8-hour ozone NAAQS, EPA considers the most recent 3 consecutive years of data in accordance with 40 Code of Federal Regulations (CFR) part 50, appendix I.

higher values, provides the most conservative approach at demonstrating area ozone levels are equal to or less than 85% of the 8-hour NAAQS.

NHDES evaluated the most recent five years of ambient ozone air quality 3-year design values. Certified area design values, as provided to the EPA and included in EPA's Air Quality System (AQS), were used in this evaluation. Based on these values, the 5-year weighted average design values for each of the air monitors in the Boston-Manchester-Portsmouth (SE) Area was calculated to be 0.063, 0.063, and 0.067 ppm, which is below the threshold of 85% of the 8-hour NAAQS (0.071 ppm or 71 ppb). This evaluation demonstrates that 8-hour ozone air quality levels are significantly below the level of the standard. Table 6 below summarizes these values.

**Table 6: 8-Hour Ozone Monitoring Data: 2013-2019 Design Values Based on Fourth-Highest Annual Maxima (ppb)**

Monitor Location	AQS Number	Design Value					5-Year Weighted Ave Design Value	% of NAAQS
		2013-2015	2014-2016	2015-2017	2016-2018	2017-2019		
Nashua	330111011	64	63	62	64	61	63	75
Portsmouth	330150014	66	65	63	62	59	63	75
Rye	330150016	68	67	66	67	65	67	79

### 3.2.4 Ozone Exceedances

Exceedances of the 8-hour ozone NAAQS thresholds, including the 2008 and 2015 revisions, are occasionally measured at New Hampshire's monitoring stations. Table 7 indicates such instances since 2014. Events listed for 2014 exceeded the 2008 ozone NAAQS of 75 ppb and those listed for 2015 through 2019 exceeded the 2015 ozone NAAQS of 70 ppb. Although these exceedances are noteworthy, they are not frequent or severe enough to constitute a violation.

It is also noteworthy that more than half of these were measured at the state's mountain top monitoring stations (22% at Pack Monadnock and 33% at Mt. Washington, see Figure 5). As mentioned, ozone concentrations in the state are influenced by transport. Pack Monadnock, at 2,290 feet elevation is located in the south-central portion of New Hampshire in an ideal location to track air pollution transport into the state. Mt. Washington in Pinkham Notch, New Hampshire, is tall enough (elev. 6,288 feet) to reach well up into the upper ozone transport layers with minimal obstruction by other terrain features. Because these monitoring stations are located in primary transport zones and because the primary source of ozone in New Hampshire is from out-of-state transport, exceedance events are most likely to occur at these two locations.

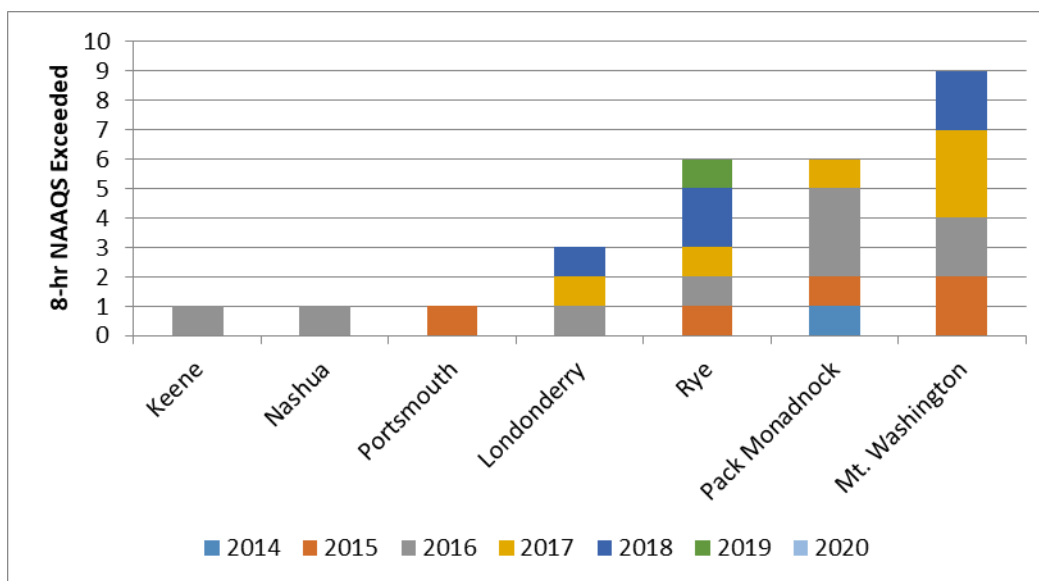
**Table 7: 8-hour Ozone NAAQS Exceedances at New Hampshire Monitoring Stations**

2014		2015		2016		2017		2018		2019	
Date	Location	Date	Location	Date	Location	Date	Location	Date	Location	Date	Location
06/03/14	Pack Monadnock	05/08/15	Mt. Washington	05/25/16	Nashua	03/17/17	Mt. Washington	04/14/18	Mt. Washington	07/30/19	Rye
		05/09/15	Mt. Washington	05/25/16	Pack Monadnock	03/18/17	Mt. Washington	05/15/18	Mt. Washington		
		09/18/15	Pack Monadnock	05/26/16	Mt. Washington	04/11/17	Londonderry	05/26/18	Londonderry		
		09/18/15	Portsmouth	05/26/16	Pack Monadnock	04/11/17	Pack Monadnock	07/10/18	Rye		
		09/18/15	Rye	05/27/16	Keene	04/30/17	Mt. Washington	08/07/18	Rye		
				05/27/16	Pack Monadnock	06/12/17	Rye				
				07/06/16	Rye						
				07/25/16	Londonderry						
				10/07/16	Mt. Washington						

Pack Monadnock, Mt. Washington and Keene monitoring stations are not within the former nonattainment area. 2020 did not experience any exceedances of the 8-hour Ozone NAAQS



**Figure 5: Number of Instances of 8-hour Ozone NAAQS Exceedance 2014-2020**



### 3.2.5 National Emissions Inventory

The EPA with state, tribal, local air pollution control agencies, and industry contributors compile the National Emissions Inventory (NEI) every three years. It includes emissions for the six criteria air pollutants and 187 hazardous air pollutants (HAPs). Because ground level ozone is not emitted directly into the air but is created by chemical reactions between NO<sub>x</sub> and VOCs, NHDES looked at emissions of both of these compounds for the past eight NEI cycles. In addition, the figures that follow include emissions projected to 2023 and 2028. These future emissions estimates were used for Ozone Transport Commission (OTC) modeling of ozone and regional haze and are documented in Sections 8 and 9 of the OTC/MANE-VU 2011 Based Modeling Support Document<sup>9</sup>.

Figure 6 shows New Hampshire state-wide VOC emissions from all data categories during the 1996 to 2028-time period. In general, VOC emissions have declined during this period. The sharp decrease in area source VOC between 2002 and subsequent years is partly due to a revised methodology for residential wood combustion which may make the decrease artificially overstated.

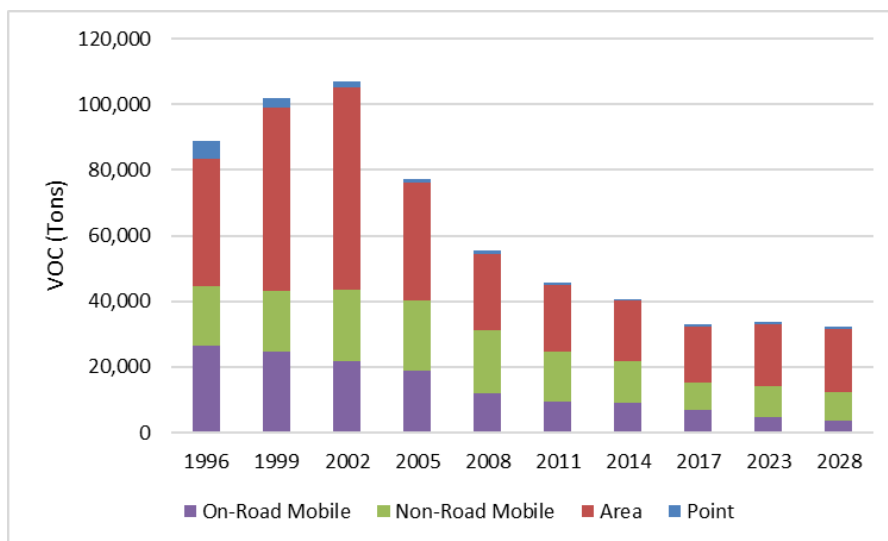
Figure 7 shows New Hampshire state-wide NO<sub>x</sub> emissions have steadily declined and are expected to continue to decline in New Hampshire over the period from 1996 to 2028, particularly in the non-road and on-road mobile sectors. Reductions in non-road emissions are due to a wide range of Federal rules to reduce emissions from non-road vehicles and equipment. On-road mobile emissions reductions are due in part to Federal requirements for on-road vehicles and fuels such as the Tier 2 and Tier 3 standards.<sup>10,11</sup> For both non-road and on-road mobile sources, NO<sub>x</sub> emissions are expected to continue to decrease as fleets turn over, replacing older, more polluting vehicles and equipment with newer, more fuel efficient models.

<sup>9</sup> <https://otcair.org/upload/Documents/Reports/OTC%20MANE-VU%202011%20Based%20Modeling%20Platform%20Support%20Document%20October%202018%20-%20Final.pdf>

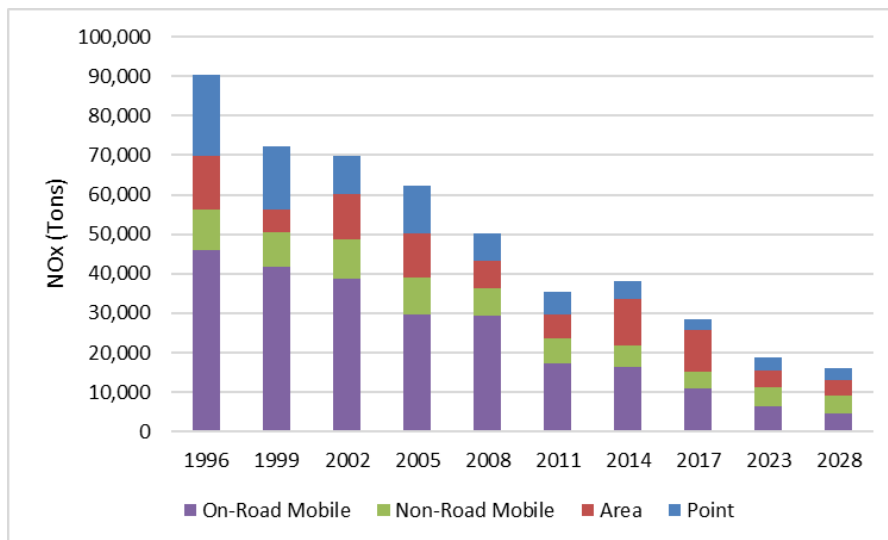
<sup>10</sup> 40 CFR Parts 80, 85, and 86 Control of Air Pollution From New Motor Vehicles: Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements; Final Rule: <https://www.gpo.gov/fdsys/pkg/FR-2000-02-10/pdf/00-19.pdf>.

<sup>11</sup> 40 CFR Parts 79, 80, 85, et al. Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards; Final Rule: <https://www.gpo.gov/fdsys/pkg/FR-2014-04-28/pdf/2014-06954.pdf>.

**Figure 6: VOC Emissions from all Data Categories in New Hampshire, 1996 – 2028 (tpy)**



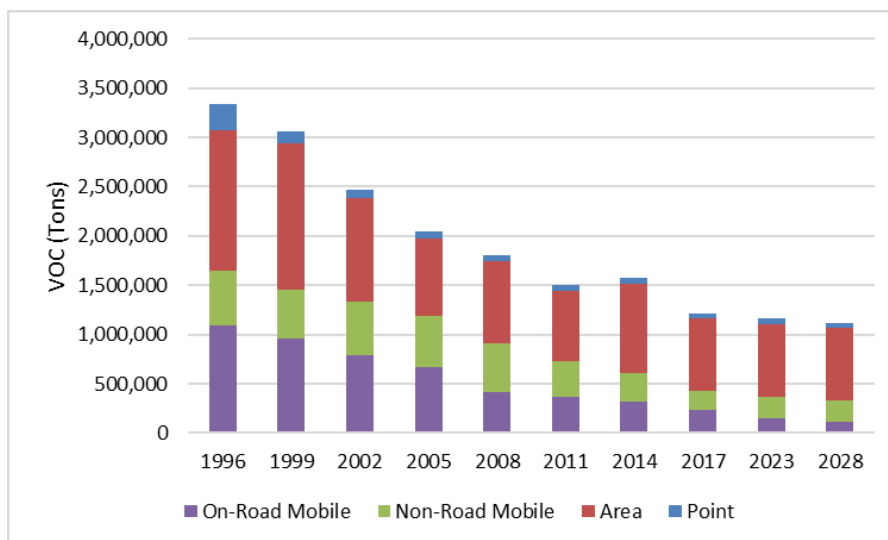
**Figure 7: NOx Emissions from all Data Categories in New Hampshire, 1996 – 2028 (tpy)**



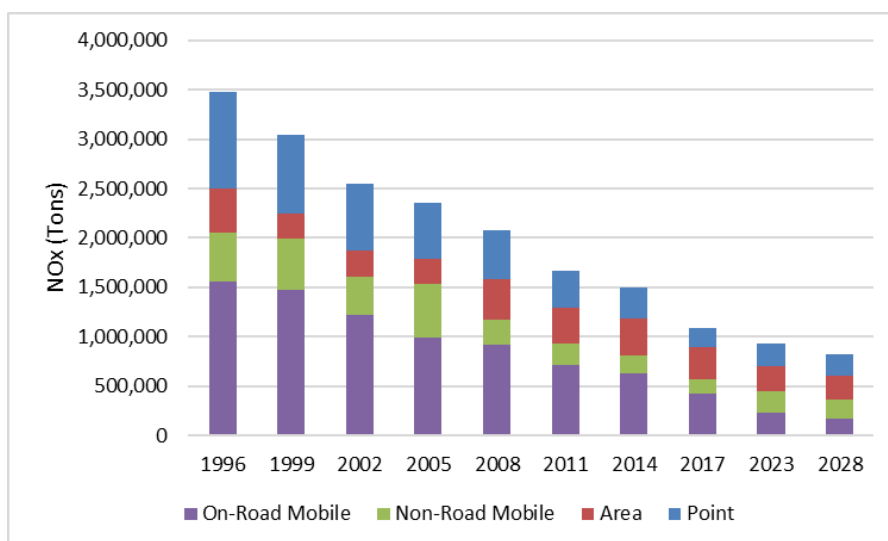
The increase in area source sector NOx emissions between 2011 and 2014/2017 is somewhat artificial. For the 2011 and previous inventories, New Hampshire estimated and reported industrial and commercial distillate oil combustion emissions under a composite Source Classification Code for boilers and internal combustion (IC) engines using a single emission factor for boilers. Due to the recent focus on NOx emissions from IC engines, for the 2014 inventory and beyond, New Hampshire estimated and reported area industrial and commercial distillate oil emissions for boilers and IC engines separately using specific emission factors for boilers and IC engines. Because the NOx emission factor for IC engines is significantly higher than that for boilers, it created the artificial increase in area NOx emissions compared to previous inventories. Also, a revised point source subtraction methodology may be responsible for the perceived sharp decrease in area NOx between 2005 and 2008 and beyond.

Despite the technical changes that affected how data is derived, these NEI histories show that emissions of ozone precursors, NO<sub>x</sub> and VOCs, have significantly declined in New Hampshire. Figures 8 and 9 show VOC and NO<sub>x</sub> emissions for the OTC states<sup>12</sup>. Similar to New Hampshire, emissions of ozone precursors have declined significantly for the OTC region as a whole, which is of significance due to the importance of air pollution transport of ozone into New Hampshire from other states.

**Figure 8: VOC Emissions from all Data Categories in the OTC States, 1996 - 2028 (tpy)**



**Figure 9: NO<sub>x</sub> Emissions from all Data Categories in the OTC States, 1996 - 2028 (tpy)**



The preceding information is indicative of declining NO<sub>x</sub>, VOC and ozone measurements throughout the state and supports NHDES' assertion that these former nonattainment areas will continue to meet the ozone 8-hour NAAQS. NHDES will track the progress of attainment maintenance by making periodic updates to the state emissions inventory. NHDES ordinarily revises the emissions inventory on a 3-year cycle; the latest one, the inventory for 2017, was finalized in 2019. Subsequent updates will be prepared

<sup>12</sup> The OTC states include CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, and VT. The OTC also contains a small portion of northern VA; however, emissions from this area are not included in the figures.

for 2020 and beyond. NHDES will report the results of this tracking program to EPA on the same 3-year cycle, when the emissions inventory data become available.

### 3.3 Additional Measures as Needed to Ensure Maintenance

NHDES continues to monitor ozone throughout the state to verify the state's attainment status. Since the submission of the first maintenance plan in 2012, NHDES has implemented additional measures that will help to ensure even lower emissions of NO<sub>x</sub>, VOC and measured concentrations of ozone. These include:

#### **A. 2018 Revision to the Env-A 1300, *Nitrogen Oxides (NO<sub>x</sub>) Reasonably Available Control Technology (RACT)***

NH's Code of Administrative Rules Env-A 1300, *Nitrogen Oxides (NO<sub>x</sub>) Reasonably Available Control Technology (RACT)* was revised in 2018 as part of New Hampshire's SIP for the 2008 and 2015 8-hour ozone standards. The changes to the NO<sub>x</sub> RACT rule included the following:

- Streamlined the annual performance tune-up on applicable boiler(s) to match federal requirements in 40 CFR 63, Subpart JJJJJ and Subpart DDDDD.
- Lowered the NO<sub>x</sub> emission standards for municipal waste combustors.
- Lowered the NO<sub>x</sub> emission standards for older load shaving, gas-fired engines to match older prime power, gas-fired engine limits.
- Lowered the NO<sub>x</sub> emission standards for older load shaving and older prime power, liquid-fired engines to 40 CFR 60, Subpart IIII Tier 2 levels.
- Lowered the NO<sub>x</sub> emissions standards for cyclone-firing, wet-bottom utility boilers firing coal.

#### **B. Adoption of OTC Model Rules for VOC**

New Hampshire has adopted regulations consistent with the Ozone Transport Commission's Consumer Products Model Rule and Architectural and Industrial Maintenance Model Rule. These rules are codified in NH's Code of Administrative Rules Env-A 4100, *Consumer Products VOC Limits* and Env-A 4200, *AIM Coatings VOC Limits* respectively.

#### **C. Regional Haze 5-Year Progress Report**

In its 2014 Regional Haze 5-year progress report, New Hampshire was able to demonstrate visibility improvements (measured in deciviews) on track to meet 2018 reasonable progress goals (RPGs) for both best and worst visibility days. Ozone and NO<sub>x</sub> both contribute to visibility impairment. For its part, New Hampshire implemented these measures as part of the long-term strategy developed in conjunction with the Mid-Atlantic/Northeast Visibility Union (MANE-VU)<sup>13</sup>:

- Timely implementation of Best Available Retrofit Technology (BART) at specified EGUs.
- Enforceable reductions in sulfur dioxide emissions from targeted EGUs.
- Adoption of rules to reduce the sulfur content of fuel oil.
- Evaluation of other measures such as expanding the use of alternative clean fuels, increasing energy efficiency, and further reducing emissions from coal and wood combustion.

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<sup>13</sup> MANE-VU includes the following member states: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia.

#### D. Regional Greenhouse Gas Initiative

New Hampshire participates in RGGI, a Northeast and Mid-Atlantic 10-state initiative to reduce greenhouse gas emissions that contribute to global climate change. The initiative creates a market for emissions allowances through a regional cap-and-trade program for greenhouse gas emissions from area power plants. As a co-benefit of this program, emissions of particle producing pollutants are also reduced. New Hampshire emissions allowances are sold at quarterly auctions and the proceeds fund the GHGER Fund. The GHGER Fund is administered by the Public Utilities Commission, which distributes the funds to programs across the state to support energy efficiency, conservation, and demand response programs.

#### 3.4 Contingency Plan

CAA section 175A requires that maintenance plans include contingency provisions that will be implemented in the event that a violation of the NAAQS occurs after redesignation to attainment. In response, New Hampshire's 2012 initial ozone maintenance plan<sup>14</sup> committed to implement a contingency plan if any of the ozone monitors in the redesignated planning area measured a design value above the 1997 8-hour ozone standard, provided that the data met quality assurance criteria.

The contingency measures that New Hampshire committed to in 2012 included the following protocol:

- A. At the conclusion of each ozone season, NHDES will evaluate whether the 8-hour ozone design value for any ozone monitor in the redesignated planning area is above or below the 1997 8-hour ozone standard (the "trigger"). The design value, in the case of this standard, is defined as the average of the annual 4<sup>th</sup> highest daily maximum 8-hour average concentration for the preceding 3-year period.
- B. If the design value is above the standard (0.08 ppm) for any ozone monitor, NHDES will investigate the cause and determine whether the exceedance is due to:
  - an increase in emissions from local, in-state sources;
  - an increase in emissions from upwind, out-of-state sources; or
  - exceptional event as defined in 40 CFR 50.1.
- C. If an increase in in-state emissions is determined to be a contributing factor to the exceedance, NHDES will evaluate the projected in-state emissions for the next ozone season. If the projected in-state emissions are not expected to decrease enough in the next ozone season to mitigate the violation, New Hampshire will implement one or more of the contingency measures listed below or will substitute other NOx or VOC control measures as necessary to achieve additional in-state emission reductions.
- D. The contingency measures(s) will be selected by the Governor or the Governor's designee within six months of the end of the ozone season for which contingency measures have been determined to be needed. New Hampshire will then initiate a course of action to implement enforceable control measure(s) to rectify the problem. New rulemaking can typically be adopted and implemented within a 12-month timeframe. NHDES will update the maintenance plan as necessary and develop and implement required regulations as soon as practicable within the guidelines established in the New Hampshire Administrative Procedures Act, but no later than 18 months after selection of the appropriate measure.

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<sup>14</sup> "Request for Redesignation of the Boston-Manchester-Portsmouth (SE), New Hampshire 8-Hour Ozone (1997 Standard) Nonattainment Area" Submitted March 2, 2012, Amended September 21, 2012.

Potential contingency measures could include:

- NOx controls for industrial, commercial, and institutional (ICI) boilers;
- VOC controls for emulsified and cutback asphalt paving; and
- VOC controls for consumer products.

Despite the fact that protocol steps A through C have never been triggered, New Hampshire adopted additional VOC emission controls for consumer products and architectural and industrial maintenance coatings in accordance with the Ozone Transport Commission model rules, and has strengthened NOx emission controls on boilers. In the unlikely event that the contingency plan is triggered in the future by a monitored violation of the 1997 ozone NAAQS, New Hampshire will act promptly to implement measures necessary to remedy the violation.

### 3.5 Transportation Conformity

CAA section 176(c) requires that federally funded or approved highway and transit activities are consistent with (“conform to”) the purpose of the SIP. Conformity to the purpose of the SIP means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or any interim milestones. EPA’s transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans, transportation improvement programs (TIPs), and federally supported highway and transit projects conform to the SIP.

In November of 2018, EPA issued guidance clarifying transportation conformity requirements resulting from the February 16, 2018 D.C. Circuit Court decision in *South Coast Air Quality Management District v. EPA*.<sup>15</sup> In the guidance, EPA states that “transportation conformity applies for the revoked 1997 ozone NAAQS in these orphan areas...For areas that were maintenance for the 1997 ozone NAAQS at the time it was revoked, the court stated that transportation conformity applies based on the court’s interpretation of Clean Air Act section 176(c)(5)(B).”

On April 23, 2018, the Department of Justice filed a petition with the court on EPA’s behalf seeking rehearing of certain aspects of the decision by the three-judge panel that issued the decision, including portions of the decision that address transportation conformity requirements in the orphan areas. On September 14, 2018, the court agreed to stay its vacatur of the portion of EPA’s rule “that exempts orphan areas from transportation conformity” until February 16, 2019, and denied the other aspects of EPA’s rehearing request. As a result of the court’s September 2018 order, transportation conformity for the 1997 ozone NAAQS applies in orphan areas as of February 16, 2019.

Beginning February 16, 2019, a transportation conformity determination for the 1997 ozone NAAQS will be needed in orphan areas for the following transportation activities:

- A new or amended metropolitan transportation plan or TIP (per 40 CFR 93.104(b) and (c));
- A new non-exempt Federal Highway Administration/Federal Transit Administration (FHWA/FTA) project (per 40 CFR 93.104(d));
- A non-exempt FHWA/FTA project where conformity needs to be redetermined as described in 40 CFR 93.104(d), e.g., as a result of a significant change in the project’s design concept and scope.

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<sup>15</sup> EPA, Transportation and Climate Division, Office of Transportation and Air Quality, (November 2018). *Transportation Conformity Guidance for the South Coast II Court Decision*. EPA-420-B-18-050. Available at: <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100VQME.pdf>

Beginning February 16, 2019, orphan areas with a metropolitan planning organization (MPO) must meet the transportation conformity regulation's frequency requirements at 40 CFR 93.104, which describe when transportation conformity must be determined for metropolitan transportation plans, TIPs, and projects. A new conformity determination is required at least every four years for a new transportation plan and TIP starting on the date Department of Transportation (DOT) makes a 1997 ozone NAAQS conformity determination (per 40 CFR 93.104(b)(3) and (c)(3)).

The South Coast II court decision upheld EPA's revocation of the 1997 ozone NAAQS, which was effective on April 6, 2015. EPA's current transportation conformity regulation requires a regional emissions analysis only during the time period beginning one year after a nonattainment designation for a particular NAAQS until the effective date of revocation of that NAAQS (40 CFR 93.109(c)). Therefore, pursuant to this regulation, a regional emissions analysis is not required for conformity determinations for the 1997 ozone NAAQS because that NAAQS has been revoked (80 FR 12264).

As no regional emissions analysis is required in orphan areas, there is no requirement to use the latest emissions model (40 CFR 93.111), or use either the emissions budget test or interim emissions test (40 CFR 93.118 and 93.119). Therefore, transportation conformity for the 1997 ozone NAAQS can be demonstrated by an MPO and DOT for transportation plans and TIPs by showing that the remaining criteria in 40 CFR 93.109, and 40 CFR 93.108, have been met:

- Use of the latest planning assumptions, per 40 CFR 93.110. These criteria generally apply to regional emissions analyses. In orphan areas, ensuring the latest planning assumptions are used applies to information about transportation control measures (TCMs) in an approved SIP (40 CFR 93.113);
- Consultation requirements, according to 40 CFR 93.112;
- Timely implementation of any approved SIP TCMs, according to the requirements in 40 CFR 93.113; and
- Fiscal constraint, according to 40 CFR 93.108, which states that transportation plans and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450.

Conformity determinations that have been made since the court decision for the 1997 ozone NAAQS in orphan areas that do include a regional emissions analysis are still valid, and do not have to be redone.

There are four metropolitan planning organizations in NH. They are the Southern New Hampshire Planning Commission Metropolitan Planning Organization (SNHPC MPO)<sup>16</sup>, the Strafford Regional Planning Commission Metropolitan Planning Organization (SRPC MPO)<sup>17</sup>, the Rockingham Planning Commission Metropolitan Planning Organization (RPC MPO)<sup>18</sup> and the Nashua Regional Planning Commission Metropolitan Planning Organization (NRPC MPO)<sup>19</sup>. All four of these MPOs have updated

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<sup>16</sup> The SNHPC MPO FY 2021-2024 Transportation Improvement Program can be found at the following link: [https://www.snhpc.org/sites/g/files/vyhli5006/f/uploads/snhpc\\_fy2021-2024tip\\_finaldocument\\_0.pdf](https://www.snhpc.org/sites/g/files/vyhli5006/f/uploads/snhpc_fy2021-2024tip_finaldocument_0.pdf). The SNHPC MPO approved the TIP on February 23, 2021.

<sup>17</sup> The SRPC MPO 2021-2024 Transportation Improvement Program can be found at the following link: [http://www.strafford.org/cmsAdmin/uploads/2021-2024tip\\_final\\_nhdotsigned.pdf](http://www.strafford.org/cmsAdmin/uploads/2021-2024tip_final_nhdotsigned.pdf). The SRPC MPO approved the TIP on March 19, 2021.

<sup>18</sup> The RPC MPO Transportation Improvement Program can be found at the following link: [http://www.therpc.org/application/files/8516/1711/5787/RPC2021\\_24TIP\\_Approved.pdf](http://www.therpc.org/application/files/8516/1711/5787/RPC2021_24TIP_Approved.pdf). The RPC MPO approved the TIP on March 10, 2021.

<sup>19</sup> The NRPC MPO 2021-2024 Transportation Improvement Program (approved Feb 24, 2021) and 2021-2045 Metropolitan Transportation Plan Minor Update (approved June 21, 2021) can be found at the following links: [https://www.nashuarpc.org/files/1416/1961/7509/2021\\_2024\\_Adopted\\_TIP.pdf](https://www.nashuarpc.org/files/1416/1961/7509/2021_2024_Adopted_TIP.pdf)  
[https://www.nashuarpc.org/files/9316/2566/6153/TIP\\_A1\\_MTPupdate\\_Final.pdf](https://www.nashuarpc.org/files/9316/2566/6153/TIP_A1_MTPupdate_Final.pdf)



their TIPs for FY 2021-2024 using the remaining criteria in 40 CFR 93.109, and 40 CFR 93.108 as outlined above.

#### **4.0 Administrative Documents**

In accordance with the requirements for SIP submissions established in 40 CFR 51.103, the following documentation is herewith provided as integral to this maintenance plan:

- A formal letter of submittal from the Governor or his designee, requesting EPA approval of this SIP revision;
- Evidence that the NHDES has the necessary legal authority under state law to adopt and implement the plan;
- Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice;
- Certification that public hearing(s) were held in accordance with the information provided in the public notice and the state's laws and constitution, if applicable and consistent with the public hearing requirements in 40 CFR 51.102; and
- Compilation of public comments and the state's response thereto.

Documentation of legal authority, public notice, certification of the public process, and public comments are provided in Attachment A.

#### **5.0 Conclusion**

Ozone concentrations in the 1997 8-hour ozone NAAQS New Hampshire maintenance area have remained below 0.08 ppm (the 1997 ozone standard) since redesignation to attainment. The current design values for the three counties in the maintenance area (Hillsborough, Merrimack and Rockingham) are almost 25% lower than the 1997 NAAQS. Emissions of NO<sub>x</sub> and VOCs have been and are projected to further decline. The emission controls that New Hampshire has adopted to maintain the 1997 ozone NAAQS continue to be permanent and enforceable. NHDES operates a monitoring network that well represents populations living in the former ozone nonattainment area. This network tracks ozone and its precursor concentrations in order to identify any violations of the NAAQS. NHDES also has a well-considered contingency plan to address such violations and has preemptively reduced ozone precursor emissions beyond what was required in the contingency plan. Finally, NH MPOs have received confirmation from the Federal Highway Administration, Federal Transit Administration, and EPA through the Interagency Consultation process that their current TIP and Plan approval procedures are sufficient to demonstrate transportation conformity to the 1997 Ozone NAAQS as required by the South Coast court case. Therefore, the Limited Maintenance Plan for the Boston-Manchester-Portsmouth (SE) meets the requirements of Section 175A(b) of the Clean Air Act for a second 10-year Maintenance Plan for these areas.

## Attachment A: Administrative Documents

## Evidence of Legal Authority

# 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-d.
  - (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.
  - (r) Standards and testing requirements for biomass and eligible biomass fuel as authorized by RSA 125-C:6, XIV-a.
  - (s) The recordkeeping, reporting, certification requirements, and test methods to be used to demonstrate compliance with RSA 125-C:10-d.
  - (t) The determination of air contaminants subject to regulation, applicability thresholds, determination of best available control technology, and procedures to determine potential impacts of the deposit of such contaminants from the air on soils or water resources to implement RSA 125-C:10-e.
- 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. 2005, 173:3. 2008, 113:3. 2010, 183:6, eff. June 21, 2010. 2016, 94:2, eff. July 1, 2018. 2018, 368:1, eff. Sept. 8, 2018.

# TITLE X

## PUBLIC HEALTH

### CHAPTER 125-C

### AIR POLLUTION CONTROL

#### Section 125-C:6

##### **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:

- I. Exercising general supervision of the administration and enforcement of this chapter and all rules adopted and orders promulgated under it;
- II. Developing a comprehensive program and provide services for the study, prevention, and abatement of air pollution;
- III. Conducting and encouraging studies relating to air quality;
- IV. Collecting and disseminating the results of studies relating to air quality;
- 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;
- VI. Encouraging local units to promote cooperation by the people, political subdivisions, industries, and others in preventing and controlling air pollution in the state;
- 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;
- VII. Entering at all reasonable times in or upon any private or public property, except private residences, for the purpose of inspecting or investigating any condition which is believed to be either an air pollution source or in violation of any of the rules or orders promulgated hereunder. Any information, other than emission data, relating to secret processes or methods of manufacture or production obtained in the course of such inspection or investigation shall not be disclosed by the commissioner without permission of the person whose source is inspected or investigated;
- VIII. Accepting, receiving, and administering grants or other funds or gifts for the purpose of carrying out any of the functions of this chapter, including such monies given under any federal law to the state for air quality control activities, surveys, or programs;
- IX. Consulting the air resources council established by RSA 21-O:11 on the policies and plans for the control and prevention of air pollution;
- X. Exercising all incidental powers necessary to carry out the purposes of this chapter;
- XI. Conducting emission tests and requiring 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;
- XII. Carrying out a program of inspection and testing of all modes of transportation, to enforce compliance with applicable emission standards when necessary and practicable and to control or limit the operation of motor vehicular and other modes of transportation when in the opinion of the commissioner such modes of transportation are producing or pose an imminent danger of producing levels of air pollutants that will result in a violation of an ambient air quality standard, or that will result in a significant deterioration, as defined in applicable federal regulations, of existing air quality in an area classified as a "clean air" area by state or federal regulations;
- 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;

XIV. Establishing and operating a statewide system under which permits shall be required for the construction, installation, operation, or modification of air pollution devices and sources, which system shall be established pursuant to RSA 125-C:11 and the sections which follow. The authority vested in the commissioner by this section shall include the power to delay or prevent any construction, modification, or operation of said air pollution sources and modifications which, in the opinion of the commissioner, would cause the ambient air pollution level in the locality of such construction, modification, or operation to exceed limits for ambient concentrations established by the New Hampshire state implementation plan adopted pursuant to the Clean Air Act as amended, or which construction, modification, or operation would, in the opinion of the commissioner, violate any provision of any land use plan established by the New Hampshire state implementation plan;

XIV-a. Establishing fuel quality standards and testing requirements for biomass other than round wood and wood chips derived from round wood or waste wood such as limbs, branches, brush, slash, bark, stumps, sawdust, saw mill trimmings, clean pallets, and untreated wood scraps from furniture and other manufacture and eligible biomass fuel related to the combustion of such materials at stationary sources, and clean processed wood residue for use in accordance with RSA 125-C:10-c, II(b). The commissioner may establish such standards as necessary to maintain statewide compliance with Clean Air Act standards and RSA 125-I.

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;

XVI. Establishing 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.

XVII. Implementing a program to control the emissions of air contaminants from consumer products for purposes of RSA 485:16-c, by establishing limits on the manufacture, use, or sale of such products, provided that such limits are not less stringent than those established under the Clean Air Act and amendments thereto, and in regulations promulgated under the Clean Air Act.

**Source.** 1979, 359:2. 1981, 332:3. 1986, 202:6, I(h), 9, 10. 1988, 277:1. 1995, 192:1. 1996, 228:104. 2001, 293:6. 2008, 113:4. 2010, 183:8, eff. June 21, 2010. 2016, 319:19, eff. Aug. 23, 2016.



## Certification of Public Process



The State of New Hampshire  
**Department of Environmental Services**

**Robert S. Scott, Commissioner**



**CERTIFICATION OF PUBLIC PROCESS**

I hereby certify that:

In accordance with N.H. Administrative Rule Env-A 204.01(b) and 40 CFR § 51.102, public notice was given that the New Hampshire Department of Environmental Services (NHDES), Air Resources Division, intended to submit for the approval of the U.S. Environmental Protection Agency (EPA) revisions to the New Hampshire State Implementation Plan (SIP) pertaining to the 1997 8-hour ozone National Ambient Air Quality Standard.

A public hearing was arranged online at 1 PM on Wednesday April 21, 2021, however due to technical issues the hearing was not conducted. A second hearing was offered on Wednesday, June 30, 2021 at 10 AM in Room 208C at Hazen Drive, Concord, NH and online if requested. No requests for a hearing on June 30 were received. Opportunity was provided to receive oral comments during the hearing(s) or written comments at any time between March 11 and April 21 as well as between May 27 and June 30. Copies of all documentation pertaining to this SIP revision were available for inspection online via the NHDES website.

The notices were published in the *Union Leader*, a newspaper of general, statewide circulation, on March 11, 2021 and May 27, 2021, more than 30 days prior to the date of each hearing.

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

Craig A. Wright, Director  
Air Resources Division

Date

## Copy of Public Notice





NEW HAMPSHIRE

# MARKETPLACE

Call 669-1010 between 8 a.m. and 5:00 p.m.  
Monday thru Friday to place an ad.






## Automotive

### AUTOS

**'08 CHEVY COLORADO**, 127K miles, ext. cab, 2 WD, with cap, \$3995. Call 603-668-6250

**'08 KIA SEDONA VAN**, dk blue, 80,010 miles, all power, exc. cond., \$12,500. Call 781-309-2326

**'11 TOYOTA CAMRY LE**, green, all power, 1 owner, showroom condition, \$17,995. Call 603-234-6214

**'17 FORD FUSION TIT**, color gold, 1 owner, showroom condition, \$17,995. Call 603-234-6214

**'17 HYUNDAI ELANTRA**, silver, 80,010 miles, all power, exc. cond., in/out, \$8,500/BO. 603-219-6270

# Merchandise Mart



### MISCELLANEOUS FOR SALE

WHITE PICKETT FENCE, 120", 42"H (16) 8 ft sections, (13) 5 ft PT 4x4's \$300. Call Rico 603-569-0273

### FUEL

**"BUG FREE" FIREWOOD**  
Green or Seasoned  
Partial Cords, 437-0940  
[www.firewoodguy.com](http://www.firewoodguy.com)

**N.H. DEPT. OF AGRICULTURE WEIGHTS & MEASURES LAW REQUIRES:** that cordwood (firewood) must: 1. Be sold by the cord or fraction of a cord; 2. Contain 128 cubic feet per cord when stacked; 3. Be accompanied by sales slip stating the amount of wood sold & the price.

**North Atlantic Firewood**  
Cordwood and premium wood pellets. Delivered.  
603-605-8797  
[www.northatlanticfirewood.com](http://www.northatlanticfirewood.com)

**Trouble With Your Pellet Stove?**  
The absolute best wood pellets available. Okies, Vermont, Cubex, Northern Warmth, Hearth Works, Hooksett 634-4242

**LOOKING FOR A JOB?**  
Check Under  
**EMPLOYMENT**



**Town of Hooksett - Department of Public Works RECYCLING & TRANSFER DIVISION CREW CHIEF**

Applications are being accepted for the full-time position of Crew Chief. This position works in a supervisory capacity and performs routine work semi-skilled/skilled tasks in collection, transfer and recycling of solid wastes. Mandatory CDL-A with endorsements for equipment and tractor trailer, must possess Level IV Solid Waste Operator License. Solid Waste Operator Certification with Hazmat endorsement and a NH Weighmaster's license is preferred or must be obtained within 1 year of employment. Duties include operating a tractor-trailer, excavator, loader, backhoe, automated collection truck, baler, lifts, hand tools, snow plowing w/plow and wing for the Highway Division, general facility maintenance, and assisting residents, etc. Successful candidate will be placed in a 6-months' probation. This is a union position.

Must pass all background checks and tests, including criminal, motor vehicle, physical, references, and DOT drug and alcohol testing. Starting pay commensurate with experience. Full benefit package. 6-months' probation. Random DOT testing. Work hours Monday-Friday, 7:00 am 3:30 pm, and rotating Saturdays, 8:00 am 1:00 pm, as scheduled. Emergency call-outs and overtime as needed or required.

You may either refer to the town website at [www.hooksett.org](http://www.hooksett.org) for an application and job description, or pick one up at the Public Works building located at 210 West River Road, Hooksett, NH 03106.

Please hand-deliver or mail completed Town Application, resume, and cover letter to: Town of Hooksett, 35 Main Street, Hooksett, NH 03106, Attn: Town Administrator or email [townadministrator@hooksett.org](mailto:townadministrator@hooksett.org)  
**Closing Date: March 23, 2021**  
*The Town of Hooksett is an Equal Opportunity Employment Employer.*



# DELTA DENTAL®

## Director, Provider Relations

### Northeast Delta Dental

### Concord NH

The Director, Provider Relations will lead a team in enhancing the Company's positive relationships with the dental community. She/he will oversee network development, contract negotiation, recruitment of dentists, and the development of strategic relationships with dental practices in New Hampshire, Maine and Vermont. The Director will also play a role in ensuring that our processing policies and benefit plans are consistent with current validated dental science and best practices. She/he will create proactive communication opportunities with dentists and staff members, initiate the improvement of processes, and ensure compliance with policies and procedures.

Must have BA/BS degree in Business or related field plus at least 10 years related experience as well as leadership, managerial or direct supervisory experience. Candidates with dental office experience and background in process improvement preferred.

Apply on line at:  
<https://www.applicantpro.com/openings/nedelta/jobs/1702034-84083>  
**Apply by: March 26, 2021**

Any questions, please email [HR@nedelta.com](mailto:HR@nedelta.com), Northeast Delta Dental, One Delta Drive, Concord, NH 03301.

**Visit us on the web at: [www.nedelta.com](http://www.nedelta.com)**

# Classified Advertising DELIVERS

Call 669-1010 to place your ad today!

## Legal Notice

Notification is hereby given that JPMorgan Chase Bank, N.A., 1111 Polaris Parkway, Columbus, Ohio 43240 has filed an application with the Office of the Comptroller of the Currency (the "OCC") on or about March 11, 2021, as specified in 12 CFR Part 5, for permission to establish a domestic branch at the northwest corner of the intersection of Elm Street (aka Route 3) and West Merrimack Street, Manchester, Hillsborough County, NH 03101. Any person wishing to comment on this application may file comments in writing with the Licensing Manager, Large Banks Licensing Operations, 400 7th Street, SW, Washington, D.C. 20219 within 30 days of the date of this publication. The public portion of the filing is available upon request from the OCC. The public may find information about the filing (including the closing date of the comment period) in the OCC's Weekly Bulletin available at [www.occ.gov](http://www.occ.gov). (UL - Mar. 11)

## Legal Notice

**Notice to All Members and Past Members of Association Doucet, Inc.**  
Please be advised that the Annual Meeting of Association Doucet Inc. of Nashua, New Hampshire, having a mailing address of PO Box 3848, Nashua, New Hampshire 03061-3848, is hereby holding its Annual Meeting of Members to be held virtually on the 7th day of April, 2021 at 7:00 p.m. If you are a present or a former Member or other person having a membership interest and would like to attend the virtual meeting, please contact Mr. Bob Cormier at 164 Rideout Road, Hollis, New Hampshire 03049 or email him at [rcormier.nh@gmail.com](mailto:rcormier.nh@gmail.com) by the 25th day of March, 2021 to receive a copy of the Agenda for the Annual Meeting and an invitation to the Meeting to be held via Zoom. Association Doucet, Inc. reserves the right to postpone or reschedule the Meeting without notice. (UL - Mar. 4, 11, 18)

## Legal Notice

**THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION IS SOLICITING BIDS:**  
The State of New Hampshire is soliciting bids for resurfacing 3 sections of various tier 3 and 4 roads throughout 3 towns in District 3. The sections total approximately 12.5 miles in length. A complete Invitation to Bid and project description may be obtained at <http://www.nh.gov/dot/org/administration/finance/bids/invitations/index.htm>. Project No. 42786. Plans and specifications can be purchased from the NHDOT, Finance & Contracts, 7 Hazen Drive, Room 130, Concord, NH. Sealed bids must be submitted electronically via <https://icx.evision.com/nhdot/icx/Index.aspx> no later than 2:00 PM EST on Thursday, April 1, 2021.  
Peter E. Stamnas, P.E.,  
Director of Project Development  
(UL - Mar. 11)

### FURNISHED ROOMS

**AMASKEAG RESIDENCES**  
Exc neighborhood, professionally maintained. Clean, quiet, secure bldg., Indry, cable, wifi & fridge inc. Walk distance to downtown. **603-626-4434 amaskeag.com**

CADILLAC MOTEL  
Beautiful rms some w/prvt baths  
Caring owner, 624-2223

EDMOND Terrace, Clean rms with refrig, sink, kitch, laundry & prkng. Utills incl. On bus line 935-9119

**Westside Private** bdrn available in shared apt, secure & quiet, all utills & HD cable incld. **603-722-2734**

## Rentals

### DUPLEXES FOR RENT

MANCHESTER 2-3BR TWNHMS, 1.5 BA, W/D HKUP, BSMNT, PKNG, PETS WELCOME, \$1450-\$2400 603-627-8993  
[www.sochacompanies.com](http://www.sochacompanies.com)

### MOBILE HOME RENTALS

Derry/Londonderry  
**Starting at \$1,150/month FREE HEAT & HOT WATER**  
Large yard, 2 car prkg, laundromat, trash p/u, beauty salon on premises. No pets. Refs. **432-9681**  
Monday - Friday 9am-6pm  
Saturday 9am-4pm  
[www.whisperingpines.com](http://www.whisperingpines.com)

### UNFURNISHED APARTMENTS

**NASHUA** cute 2 BR, 2 flrs, w/w, apps, 1 car prkng, yard, \$240/wk. + utils, dep & ref's. 603-888-5445

### OFFICE & DESK ROOM

**Goffstown/Pinardville: 1200 sq ft** commercial/ industrial space. Finished office in the front, warehouse in the back with garage door. **603-669-2326**

## Real Estate

### WANTED - REAL ESTATE

**Land Wanted**  
Southern NH  
Buying Lots &  
Approved Subdivisions.  
Call Dana 668-7933 x138

**NH-** Want money but don't want to leave your home? - Family will pay you for your property, which you can continue to live on for free. [hdcrenh@hotmail.com](mailto:hdcrenh@hotmail.com).

Appliance Repair? WCDD!

## Legal Notice

### NOTICE OF MORTGAGEE'S SALE

For breach of the conditions set forth in a certain Mortgage Deed from **PAUL VIEL**, now or formerly of 67 Coral Lane, Seabrook, New Hampshire 03874, to 21st Mortgage Corporation, having an address of 620 Market Street, Knoxville, TN 37902, dated April 3, 2015 and recorded in the Rockingham County Registry of Deeds at Book 5623, Page 2195, and by virtue of the Power of Sale contained in said Mortgage, for the purpose of Foreclosing the same, default having been made in the conditions thereof, for reason of nonpayment, will sell at:

**PUBLIC AUCTION**  
To be held on the premises which are located at 67 Coral Lane, Seabrook, New Hampshire 03874, on **Monday, April 19, 2021 at 10:30 in the morning**, the premises conveyed by and described in said Mortgage.

The premises are more particularly described in said Mortgage. The premises are to be conveyed subject to and together with all the recitations that may exist in said Mortgage and subject to applicable park rules and regulations.

Terms: One Thousand and no/100 (\$1,000.00) Dollars cash, certified check or other form acceptable to the said mortgagee, to be paid at the time of the sale, and the balance of the purchase price to be paid within forty-five (45) days of the date of sale. The successful bidder(s) will be required to execute a Purchase and Sales Agreement immediately after the close of the bidding.

The original Mortgage instrument is located at Gauthier & MacMartin, PLLC, of 123 Elm Street, Milford, New Hampshire, and may be examined by giving notice to Dustin N. Gauthier, Esq. at (603) 673-7220.

**NOTICE:** To the Mortgagor, any grantee of the mortgage or any other person claiming a lien or any other encumbrance on the mortgaged premises.

YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED, WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

THE NAME AND ADDRESS OF THE MORTGAGEE FOR SERVICE OF PROCESS IS 21ST MORTGAGE CORPORATION, 620 MARKET STREET, KNOXVILLE, TN 37902. AND THE NAME AND ADDRESS OF THE MORTGAGEE'S AGENT FOR SERVICE OF PROCESS IS DUSTIN N. GAUTHIER, ESQ. OF 123 ELM STREET, MILFORD, NH 03055.

YOU CAN CONTACT THE NEW HAMPSHIRE BANKING DEPARTMENT BY E-MAIL AT [NHBD@BANKING.NH.GOV](mailto:NHBD@BANKING.NH.GOV). FOR INFORMATION ON GETTING HELP WITH HOUSING AND FORECLOSURE ISSUES, PLEASE CALL THE FORECLOSURE INFORMATION HOTLINE AT 1-800-437-5991. THE HOTLINE IS A SERVICE OF THE NEW HAMPSHIRE BANKING DEPARTMENT. THERE IS NO CHARGE FOR THIS CALL.

The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale. The property to be sold at the sale will be sold "AS IS WHERE IS".

Said premises shall be sold subject to (i) all unpaid real estate taxes and liens therefore, whether or not of record, (ii) mortgages, tax or other liens, attachments and all other encumbrances and rights, title and interest of third persons of any and every nature whatsoever which are, or may be entitled to precedence over the mortgage, and (iii) the other matters affecting the title of the mortgagor to the premises.

Dated at Milford, New Hampshire, this 3rd day of March 2021.  
21st Mortgage Corporation  
By Its Attorney,  
Dustin N. Gauthier  
Gauthier & MacMartin, PLLC  
123 Elm Street, Milford, NH (603) 673-7220  
By: Dustin N. Gauthier, NHB 20086  
(UL - Mar. 11, 18, 25)

**More notices at [www.unionleader.com](http://www.unionleader.com)**

## Legal Notice

**STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES AIR RESOURCES DIVISION CONCORD, NEW HAMPSHIRE NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY FOR PUBLIC HEARING**

In accordance with New Hampshire Administrative Rule Env A 204.01 and Title 40 of the Code of Federal Regulations Section 51.102, notice is hereby given that the New Hampshire Department of Environmental Services, Air Resources Division (the Department) has prepared, and intends to submit to the U.S. Environmental Protection Agency, a revision to the New Hampshire's State Implementation Plan (SIP) to meet the requirements for submitting a second maintenance plan under Clean Air Act section 175A(b), pertaining to the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) and the Boston-Manchester-Portsmouth (SE) Area.

Portions of southeastern NH were classified as moderate nonattainment for the 1997 ozone standard in 2004 and then redesignated unclassifiable/attainment in 2012. Part of NH's 2012 redesignation submittal included a maintenance plan for the first 10-year period (through 2022). Therefore, this maintenance plan covers the second 10-year period (2023 through 2032). The Boston-Manchester-Portsmouth (SE) Area has continued to maintain attain-

ment for the 1997 8-hour ozone NAAQS since 2012. Furthermore, this area has demonstrated attainment under the more stringent 2008 and 2015 8-hour ozone NAAQS. Ambient air quality monitoring data for these areas indicates ozone concentrations in these areas are continuing a downward trend.

The Department is hereby soliciting comments on the proposed SIP revision. Due to the COVID-19 pandemic, the Department will conduct an online public hearing on the SIP revision at **1:00 p.m. on Wednesday, April 21, 2021**. The public hearing will be held using the virtual meeting software WebEx. Please contact Karla S. McManus at [Karla.S.McManus@des.nh.gov](mailto:Karla.S.McManus@des.nh.gov) to obtain the WebEx link, meeting number and password. Participants may also participate by phone. Call-in number: 1-415-655-0001; Access Code: 160 522 2799; Meeting Password: jePnmVat353. Testimony may be presented orally at the public hearing. The Department will receive written comments on the proposed SIP revision until **4:00 p.m. on Wednesday, April 21, 2021**. Please submit written comments to Catherine Beahm, SIP Planning Administrator, NHDES, Air Resources Division, PO Box 95, Concord, NH 03302-0095, Fax (603) 271-7053 or e-mail at [Catherine.A.Beahm@des.nh.gov](mailto:Catherine.A.Beahm@des.nh.gov).

Copies of all documentation pertaining to NH's SIP are available for inspection at the offices of the Department at the address stated above. The proposed SIP revision is also posted at <https://www.des.nh.gov/sites/g/files/ehbemt341/files/inline-documents/2021-03/r-ard-21-01.pdf>. Questions regarding the proposed SIP revision should be directed to Catherine Beahm at [Catherine.Beahm@des.nh.gov](mailto:Catherine.Beahm@des.nh.gov) or (603) 271-6793.

Robert R. Scott  
Commissioner  
NH Department of  
Environmental Services

Dated: March 11, 2021  
(UL - Mar. 11)

## Legal Notice

**REQUEST FOR PROPOSAL**  
The Manchester School District is accepting proposals for: **Copy/Laser Printer Paper**  
Proposals are to be received by **Thursday, April 1, 2021 at 10:00 AM EST** at the Manchester School District, 20 Hecker Street, Manchester, NH 03102.  
A copy of the RFP can be accessed at the main Manchester School District web page <http://www.mansd.org> using the "About" tab "Vendors-Requests for Proposals".

Forms may be obtained at the Administration Office or by calling Tammy Hanna at 603-624-6300 Ext. 150.  
(UL - Mar. 11)

## Legal Notice

**REQUEST FOR PROPOSAL**  
The Manchester School District is accepting proposals for: **School & Office Supplies**  
Proposals are to be received by **Thursday, April 1, 2021 at 10:00 AM EST** at the Manchester School District, 20 Hecker Street, Manchester, NH 03102.  
A copy of the RFP can be accessed at the main Manchester School District web page <http://www.mansd.org> using the "About" tab "Vendors-Requests for Proposals".

Forms may be obtained at the Administration Office or by calling Tammy Hanna at 603-624-6300 Ext. 150.  
(UL - Mar. 11)

## Legal Notice

**"Public Notice"**  
LVC USA INC., DBA BIT-FRONT, with a principal place of business at 366 Cambridge Ave., Suite 100, Palo Alto, CA 94306, hereby gives notice that as of 12/31/2020 it has ceased conducting business as a Money Transmitter, License # 22574-MT, in New Hampshire and has surrendered its license(s) to the New Hampshire Bank Commissioner. For information about pending transactions, contact Maggy Hyun at 3101 Park Blvd., Palo Alto, CA 94306, 415-231-2422 and [maggy.hyun@lincorp.com](mailto:maggy.hyun@lincorp.com).  
(UL - Mar. 11, 18)

## Legal Notice

The New England Telehealth Consortium (NETC) is soliciting proposals for network management, staffing for monitoring, alerting, and repairing network problems, and staffing, maintaining, and operating the NETC Network Operations Center (NOC) in Bangor, Maine on a 24/7/365 basis. A link to the NETC Request for Proposals can be found at [www.netele.org](http://www.netele.org). Proposals will be accepted no later than close of business April 5, 2021. All questions concerning the RFP can be directed to Brian Thibeau, President, NETC [bthibeau@outlook.com](mailto:bthibeau@outlook.com).  
(UL - Mar. 11, 12)

## Legal Notice

A special meeting of the Manchester Board of School Committee will be held on **Monday, March 22nd, 2021, at 5:55 p.m.**, remotely, for a public hearing on the following donation: acceptance of a \$14,000 book donation from Scholastic's Jerry Pallotta Who Would Win. A district wide author study will be held immersing the students in these books and allowing them an opportunity for a digital visit with Jerry Pallotta. Public comments regarding this item can be sent to [publiccomment@mansd.org](mailto:publiccomment@mansd.org) and MUST be 400 words or less, and include your name and physical address.  
(UL - Mar. 11)



# UNION LEADER CORPORATION

PO BOX 9555

MANCHESTER, NH 03108

## PUBLISHER'S CERTIFICATE

STATE OF New Hampshire} ss:  
COUNTY OF Hillsborough}

Personally appeared before the undersigned, a  
notary public within and for said county and  
State, ROSA GONZALEZ  
publisher representative of the  
**New Hampshire Union Leader,**  
a newspaper published at Hillsborough County,  
State of New Hampshire who, being  
duly sworn, state on oath that the  
advertisement of: Second MAINTENANCE PLAN for 1997

STATE OF NH - AIR RESOURCES COMM  
(Name of Institution)

OZONE NAAQS (2023-2032)  
Ad # 13790

a true copy of which is hereto annexed, was  
published in said newspaper on the following dates:  
05/27/2021, , ,

Rosa Gonzalez  
Publisher Representative

Subscribed and sworn to before me this day 05/27/2021

NR  
Notary Public

My commission expires: 2/20/24

(Seal)



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# New Hampshire Public Notices

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Thursday, May 27, 2021

## STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES AIR RESOURCES DIVISION CONCORD, NEW HAMPSHIRE  
NOTICE OF PUBLIC COMMENT PERIOD AND OPPORTUNITY FOR PUBLIC HEARING In accordance with RSA 541-A:6 and New Hampshire Administrative Rule Env 204.01 and Title 40 of the Code of Federal Regulations Section 51.102, notice is hereby given that the New Hampshire Department of Environmental Services, Air Resources Division (the Department) has prepared, and intends to submit to the U.S. Environmental Protection Agency, a revision to the New Hampshire's State Implementation Plan (SIP) to meet the requirements for submitting a second maintenance plan under Clean Air Act section 175A(b), pertaining to the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) and the Boston-Manchester-Portsmouth (SE) Area. The purpose of this notice is to identify that public comments regarding this action will be received, and that a public hearing regarding this action will be held if one is requested. Portions of southeastern NH were classified as moderate nonattainment for the 1997 ozone standard in 2004 and then redesignated unclassifiable/attainment in 2012. Part of NH's 2012 redesignation submittal included a maintenance plan for the first 10-year period (through 2022). Therefore, this maintenance plan covers the second 10-year period (2023 through 2032). The Boston-Manchester-Portsmouth (SE) Area has continued to maintain attainment for the 1997 8-hour ozone NAAQS since 2012. Furthermore, this area has demonstrated attainment under the more stringent 2008 and 2015 8-hour ozone NAAQS. Ambient air quality monitoring data for these areas indicates ozone concentrations in these areas are continuing a downward trend. The Department is hereby soliciting comments on the proposed SIP revision. The Department will receive written comments on the proposed SIP revision until 4:00 p.m. on Wednesday, June 30, 2021. If a request for a public hearing is received by Friday, June 25 at 4 p.m., the hearing will be held on Wednesday, June 30 at 10 a.m. in Room 208C, at the office of the New Hampshire Department of Environmental Services, located at 29 Hazen Drive in Concord, NH. The hearing will also be held online using the virtual meeting software WebEx. Please contact Karla McManus at Karla.S.McManus@des.nh.gov to obtain the WebEx link, meeting number and password. Participants may also participate by phone. Call-in number: 1-415-655-0001; Access Code: 1722 25 0067; Meeting Password: mDy59G8UPqr. Testimony may be presented orally at the public hearing. If a request for a public hearing is not received by Friday, June 25 at 4 p.m., the hearing will be cancelled. Notification of cancellation will be posted on the calendar of the Department website at <https://www.des.nh.gov/events>. Please submit written comments to Lisa Camire, SIP Planning Analyst, NHDES, Air Resources Division, PO Box 95, Concord, NH 03302-0095, Fax (603) 271-7053 or e-mail at Lisa.J.Camire@des.nh.gov. Copies of all documentation pertaining to NH's SIP are available for inspection at the offices of the Department at the address stated above. The proposed SIP revision is also posted at <https://www.des.nh.gov/sites/g/files/ehbemt341/files/inline-documents/2021-03/r-ard-21-01.pdf>. Questions regarding the proposed SIP revision should be directed to Lisa Camire at Lisa.J.Camire@des.nh.gov or (603) 271-4848. Robert R. Scott Commissioner NH Department of Environmental Services Dated: May 25, 2021

Appeared in: **The Union Leader** on Thursday, 05/27/2021



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<http://nh.mypublicnotices.com/PublicNotice.asp?Page=PublicNotice&AdId=5171749>

## Public Comments and State's Response





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**Region 1**

**5 Post Office Square, Suite 100**

**Boston, MA 02109-3912**

April 21, 2021

Karla S. McManus  
Planning and Rules Manager  
Air Division  
New Hampshire Department of Environmental Services  
29 Hazen Drive, PO Box 95  
Concord, NH 03302

Dear Ms. McManus:

We are writing to provide comment for the New Hampshire Department of Environmental Services' proposed "Limited Maintenance Plan for the BOSTON-MANCHESTER-PORTSMOUTH (Southeast New Hampshire Area) 1997 Ozone NAAQS Standard." EPA staff reviewed the proposed plan and found that it is generally consistent with EPA guidance.

As you know, New Hampshire should submit the revised chapter to EPA as a State Implementation Plan (SIP) revision once it is adopted by the State. If you have any further questions on this issue, please contact Eric Rackauskas at 617-918-1628.

Sincerely,

A handwritten signature in black ink, appearing to read "John Rogan", is positioned above the typed name.

John Rogan, Chief  
Air Quality Branch



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



Robert R. Scott, Commissioner

December 23, 2021

Deborah Szaro, Acting Regional Administrator  
U.S. Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**Re: Supplement to NH State Implementation Plan Revision  
Limited Maintenance Plan for 1997 8-hour Ozone NAAQS**

Dear Acting Administrator Szaro:

Pursuant to Section 110 of the federal Clean Air Act as amended, the New Hampshire Department of Environmental Services submits for EPA's approval a supplement to the State Implementation Plan (SIP) revision containing a Limited Maintenance Plan for the Boston-Manchester-Portsmouth Area pertaining to the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) previously submitted on July 29, 2021.

An enclosed document contains data supporting Figures 6 and 7 in Section 3.2.5 of the SIP submitted in July. The table provides a summary of National Emissions Inventory data for New Hampshire from 1996 through 2017 and projected emissions from 2023 through 2028 for NOx and VOC emissions from point, area, non-road mobile and on-road mobile sources.

In addition, the second document includes tables of statewide VOCs and NOx for the years 1999, 2002, and 2008 in pounds per summer day for point, area, non-road mobile, and on-road mobile sources. These tables were originally submitted in 2012 as Tables 1-3 and 1-4 in Attachment G of New Hampshire's re-designation request for the 1997 ozone NAAQS.

If you have any questions, please contact Lisa Camire at (603) 271-4848 or [Lisa.J.Camire@des.nh.gov](mailto:Lisa.J.Camire@des.nh.gov).

Sincerely,

Craig A. Wright  
Director  
Air Resources Division

Enclosure: Supporting Data for Figures 6 and 7  
Attachment G\_9-21-2012 Amendment to Redesignation Request

cc: Eric Rackauskas, EPA Region 1  
John Rogan, EPA Region 1

## Supporting Data for Figures 6 and 7 in Section 3.2.5 of July 29, 2021 O3 LMP SIP Submittal

### Summary of National Emissions Inventory (NEI) Data for New Hampshire, 1996 - 2017, with Projections to 2023 and 2028

#### Nitrogen Oxides (NOx)

	Tons per Year									
<u>Category</u>	<u>1996</u>	<u>1999</u>	<u>2002</u>	<u>2005</u>	<u>2008</u>	<u>2011</u>	<u>2014</u>	<u>2017</u>	<u>2023</u>	<u>2028</u>
Point	20,690	16,170	9,786	12,068	6,969	5,887	4,343	2,691	3,362	2,975
Area	13,506	5,724	11,259	11,259	6,874	5,758	11,894	10,544	4,244	3,900
Non-Road Mobile	10,265	8,547	10,015	9,246	7,116	6,532	5,565	4,262	4,808	4,564
<u>On-Road Mobile</u>	<u>45,984</u>	<u>41,873</u>	<u>38,799</u>	<u>29,750</u>	<u>29,308</u>	<u>17,243</u>	<u>16,292</u>	<u>11,036</u>	<u>6,355</u>	<u>4,539</u>
Total	90,444	72,314	69,859	62,323	50,267	35,421	38,093	28,533	18,769	15,978

#### Volatile Organic Compounds (VOC)

	Tons per Year									
<u>Category</u>	<u>1996</u>	<u>1999</u>	<u>2002</u>	<u>2005</u>	<u>2008</u>	<u>2011</u>	<u>2014</u>	<u>2017</u>	<u>2023</u>	<u>2028</u>
Point	5,421	2,991	1,599	1,104	783	652	441	757	637	625
Area	38,766	55,921	61,554	36,105	23,335	20,352	18,560	17,017	19,029	18,955
Non-Road Mobile	18,177	18,468	21,950	21,255	19,415	15,094	12,598	8,510	9,197	8,812
<u>On-Road Mobile</u>	<u>26,419</u>	<u>24,511</u>	<u>21,681</u>	<u>18,927</u>	<u>11,811</u>	<u>9,417</u>	<u>9,168</u>	<u>6,804</u>	<u>4,846</u>	<u>3,716</u>
Total	88,783	101,891	106,784	77,391	55,344	45,515	40,767	33,088	33,709	32,108

#### Data Sources:

1) 1996, and 1999 emissions taken from EPA's AirData website ([www.epa.gov/air/data/reports.html](http://www.epa.gov/air/data/reports.html)).

2) 2002 emissions taken from the 2002 NEI Version 3.

3) 2005 emissions taken from the 2005 NEI.

4) 2008 emissions taken from the 2008 NEI Version 3.0 General Purpose Release.

5) 2011 emissions taken from the 2011 NEI v2 with Biogenics.

6) 2014 emissions taken from the 2014 NEI Final v2

7) 2017 emissions taken from 2017NEI\_Apr2020

8) 2023/2028 projected emissions taken from MARAMA Gamma modeling inventories

Extracted from the EIS Gateway

[\\Committee Work\MANE-VU\MANE-VU TSC\EI Trends Workgroup\Modeling Inventory Summaries 180611.xlsx](#)

Figure 6: VOC Emissions from all Data Categories in New Hampshire, 1996 – 2028 (tpy)

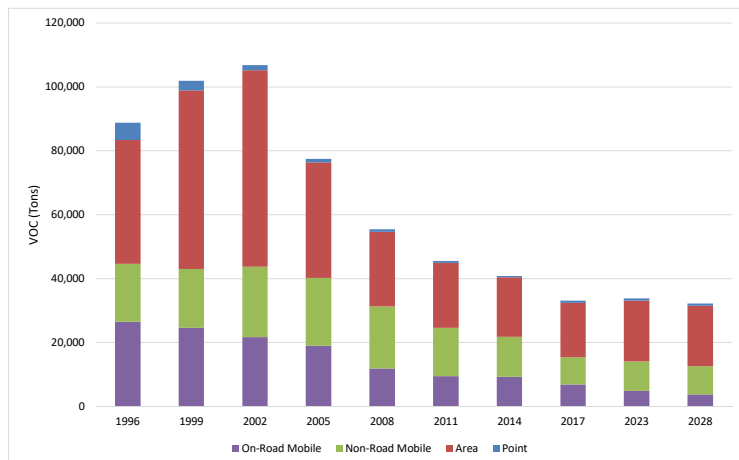
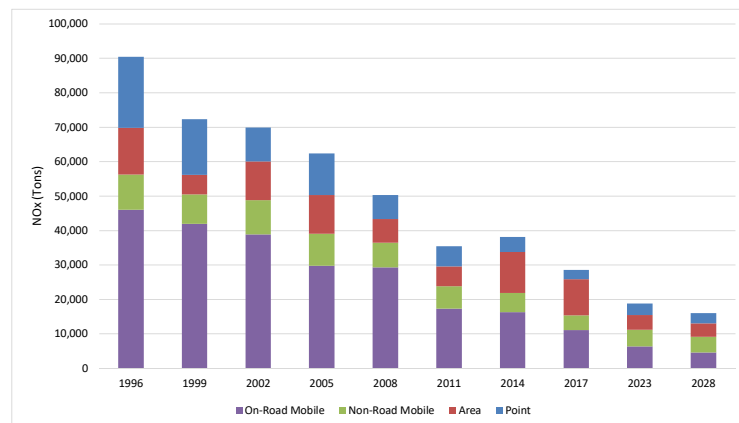


Figure 7: NOx Emissions from all Data Categories in New Hampshire, 1996 – 2028 (tpy)



## 1.4 Inventory Summary

A summary of New Hampshire's 2008 PEI is presented in the following tables. Estimates in pounds per summer day for VOC and NOx are shown for the 8-hour non-attainment area in Table 1-1 and for the entire state in Table 1-2. Emissions are broken down into the point, area, non-road, and on-road sectors. Tables 1-3 and 1-4 compare the 2008 estimates with New Hampshire's two most recent PEIs from 2002 and 1999. Statewide 2008 emissions estimates decreased by approximately 28% and 10% respectively for VOC and NOx when compared with 2002.

**Table 1-1: Summary of NH 2008 PEI for the 8-Hour Non-Attainment Area**

Category	Emissions in Pounds Per Summer Day	
	VOC	NOx
Point	5,762	24,289
Area	55,871	6,528
Non-Road Mobile	33,512	31,364
On-Road Mobile	35,666	74,352
Total	130,811	136,533

**Table 1-2: Summary of NH 2008 PEI, Statewide Total**

Category	Emissions in Pounds Per Summer Day	
	VOC	NOx
Point	8,722	62,551
Area	106,150	12,515
Non-Road Mobile	98,345	61,863
On-Road Mobile	62,652	188,699
Total	275,869	325,628

**Table 1-3: Comparison of NH 2008 PEI with 2002 and 1999, Statewide VOC**

Category	VOC Emissions in Pounds Per Summer Day		
	1999	2002	2008
Point	21,698	18,096	8,722
Area	112,660	136,347	106,150
Non-Road Mobile	89,248	124,582	98,345
On-Road Mobile	142,440	105,775	62,652
Total	366,046	384,800	275,869

**Table 1-4: Comparison of NH 2008 PEI with 2002 and 1999, Statewide NOx**

Category	NOx Emissions in Pounds Per Summer Day		
	1999	2002	2008
Point	127,187	87,667	62,551
Area	11,514	14,932	12,515
Non-Road Mobile	93,209	65,881	61,863
On-Road Mobile	248,920	195,136	188,699
Total	480,830	363,616	325,628

## 2. POINT SOURCES

Each year, NHDES collects emissions information from point source facilities within the state, tracks construction and modification actions by these facilities, and monitors compliance and enforcement