



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Clark B. Freise, Assistant, Commissioner

June 16, 2017

David Conroy, Chief
Air Programs Branch
U.S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: Revision to New Hampshire State Implementation Plan to Meet the Requirements of the Clean Air Act, Section 110(a)(2)(D)(i)(II)

Dear Mr. Conroy:

The New Hampshire Department of Environmental Services (NHDES) requests approval of this State Implementation Plan (SIP) prepared in accordance with CAA Section 110(a)(2), the general SIP submittal requirements of 40 CFR Part 51 Appendix V, and guidance provided by United States Environmental Protection Agency (EPA). This amendment addresses CAA Section 110(a)(2)(D) relative to interstate transport, contributing to nonattainment or interfering with the maintenance of a NAAQS in another state, that was not included as part of NHDES' Infrastructure SIP for the 2010 Sulfur Dioxide NAAQS submitted on September 13, 2013. In its July 8, 2016 final rule [\[81 FR 44542\]](#) the EPA did not take action relative to the transport requirement, section 110(a)(2)(D)(i)(II).

This amendment completes the 2010 SO₂ NAAQS infrastructure SIP and meets the completeness criteria of Appendix V to 40 CFR 51 Section 2.1 by including:

- Enclosure A: Revision to New Hampshire State Implementation Plan to Meet the Requirements of the Clean Air Act, Section 110(a)(2)(D)(i)
- Enclosure B: New Hampshire Statute Title X, Chapter 125-C:4 that provides authority for Air Pollution Control
- Enclosure C: Public Participation Documentation
 - Hearing report and responses to all comments received
 - Notice of Public Hearing and Comment Period
 - Certification of Public Hearing

As the Governor's designee, my signature on this letter is evidence that the State of New Hampshire has adopted this Certification of Adequacy and 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 regarding this submittal, please contact Felice Janelle at (603) 271-4848.

Sincerely,

A handwritten signature in black ink that reads "Craig Wright". The signature is written in a cursive, slightly slanted style.

Craig Wright
Director
Air Resources Division

Enclosures

cc: Anne Arnold, USEPA, Region 1

Amendment to New Hampshire 2010 Sulfur Dioxide NAAQS
Infrastructure SIP to Address the Good Neighbor Requirements
of Clean Air Act Section 110(a)(2)(D)(i)(I)

June 16, 2017



This page intentionally left blank.

Revision to the
**New Hampshire
State Implementation Plan**

**Amendment to New Hampshire 2010 Sulfur Dioxide NAAQS
Infrastructure SIP to Address the Good Neighbor Requirements
of Clean Air Act Section 110(a)(2)(D)(i)(I)**

June 16, 2017

Prepared by
Air Resources Division
New Hampshire Department of Environmental Services
29 Hazen Drive
Concord, NH 03302-0095
(603) 271-3503
www.des.nh.gov

Clark B. Freise, Assistant Commissioner
Craig Wright, Director, Air Resources Division



CONTENTS

INTRODUCTION 1
BACKGROUND 1
AIR QUALITY MONITORING IN NEW HAMPSHIRE 1
SO₂ SOURCES IN NEW HAMPSHIRE 4
AIR QUALITY IN NEIGHBORING STATES 6
NH SO₂ CONTROL PROGRAMS 8
SUMMARY 10

LIST OF FIGURES

Figure 1. SO₂ Monitoring Locations in New Hampshire 2
Figure 2. Reported SO₂ Emissions, 2013-2015 6
Figure 3. Trends in Statewide Annual SO₂ Emissions 2005-2014, tons. 6

LIST OF TABLES

Table 1. New Hampshire SO₂ Air Monitoring Stations Network 1
Table 2. SO₂ Annual 99th Percentile (P_{0.99}) and Design Values (ppb): 2013 -2015..... 3
Table 3. Schiller and Newington Station Modeling: 5-yr Average 4th-High Maximum Daily 1-hour SO₂ Predicted Concentrations 4
Table 4. Total County SO₂ Emissions and Large County Source (>10 tpy) 4
Table 5. SO₂ Annual 99th Percentile (P_{0.99}) and Design Values (ppb) in surrounding states: 2013 - 2015 7

2010 SULFUR DIOXIDE NAAQS GOOD NEIGHBOR SIP

INTRODUCTION

Sections 110(a)(1) and (2) of the Clean Air Act (CAA) require states to submit a State Implementation Plan (SIP) amendment that addresses the procedural, timing and infrastructure elements identified in those sections within three years of promulgation of a new National Ambient Air Quality Standard (NAAQS). On June 2, 2010, EPA strengthened the primary NAAQS for sulfur dioxide (SO₂) by promulgating a revised standard based on 1-hour average concentrations. EPA set the new 1-hour SO₂ NAAQS at the level of 75 parts per billion (ppb). At an ambient air quality monitoring site, compliance with the standard is achieved when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations is less than or equal to 75 ppb. In setting the new NAAQS, EPA also revoked both the existing 24-hour and annual primary SO₂ standards, subject to certain conditions.

BACKGROUND

New Hampshire Department of Environmental Services (NHDES) submitted its "Certification of State Implementation Plan Adequacy Regarding Clean Air Act Section 110(a)(1) and (2) for the 2010 1-Hour Sulfur Dioxide Standard" (also referred to as an infrastructure SIP or iSIP) to the EPA as a SIP amendment in September 2013. In its July 2016 Final Rule (81 FR 44542), the EPA certified that the SIP was sufficient to meet the required infrastructure elements under sections 110(a)(1) and (2) for the 2010 SO₂ NAAQS, with the exception of certain aspects relating to the state's Prevention of Significant Deterioration (PSD) program relating to notification of neighboring states, which was provisionally approved. The interstate transport provision, Section 110(a)(2)(D)(i)(I), was not addressed in the iSIP, and EPA took no action other than to state "...New Hampshire's and EPA's obligations regarding interstate transport for the 2010 SO₂ NAAQS will be addressed in later rulemakings."¹ NHDES addressed the PSD aspect in a rule revision that was submitted as a SIP amendment in October 2016. Interstate transport is addressed in this amendment.

AIR QUALITY MONITORING IN NEW HAMPSHIRE

The State of New Hampshire currently monitors SO₂ at five locations as shown in Table 1 and Figure 1.

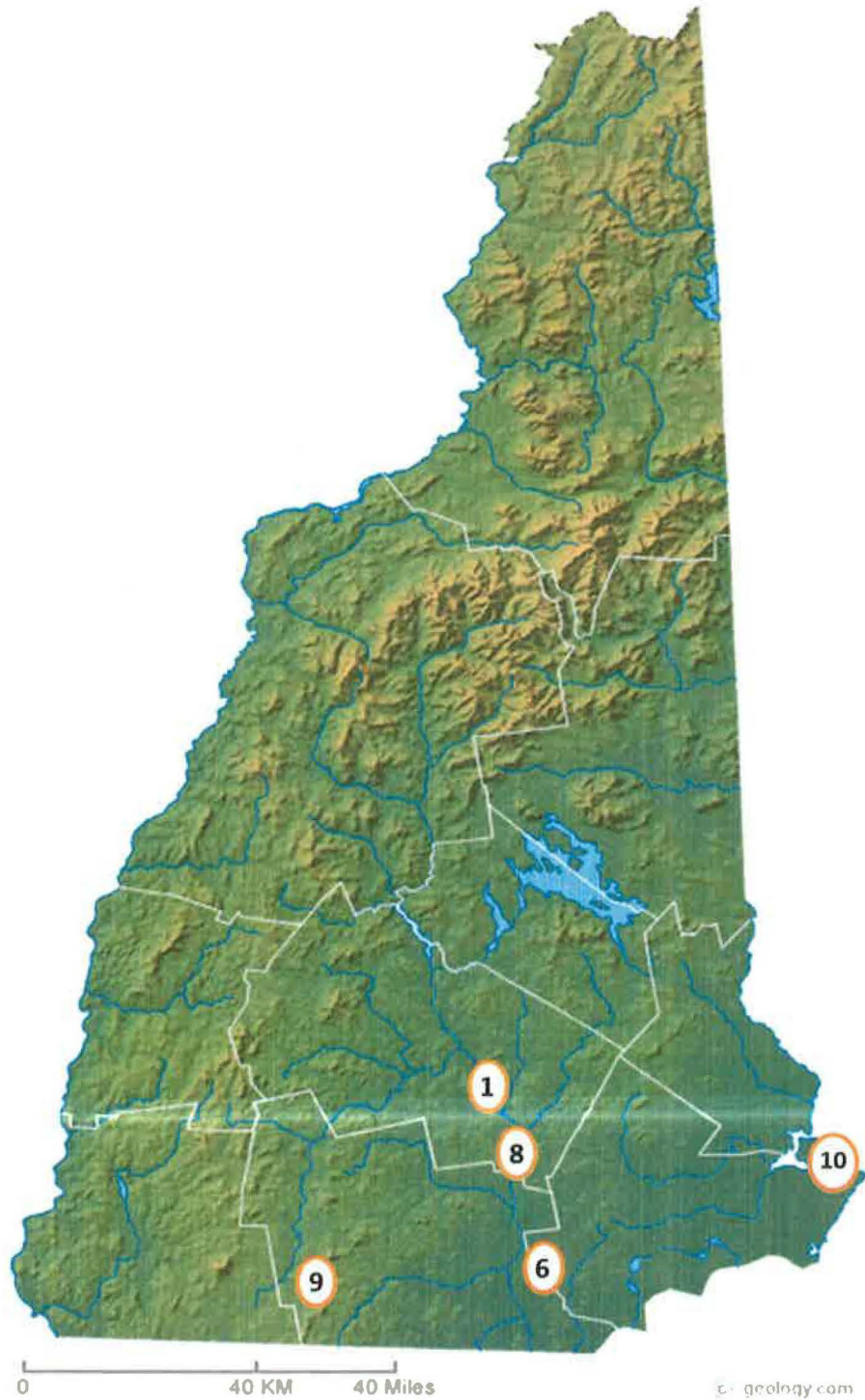
Table 1. New Hampshire SO₂ Air Monitoring Stations Network

Town	Name	AIRS #	Frequency
Londonderry	Moose Hill School	33 015 0018	Continuous
Pembroke	Pembroke Highway Dept.	33 013 1006	Continuous
Peterborough	Pack Monadnock	33 011 5001	Continuous
Portsmouth	Pierce Island	33 015 0014	Continuous
Concord	Hazen Drive	33 013 1007	Continuous

¹ [81 FR 44542](#)

Figure 1. SO₂ Monitoring Locations in New Hampshire

- 1. Concord
- 6. Londonderry
- 8. Pembroke
- 9. Peterborough
- 10. Portsmouth



Existing SO₂ monitoring indicates that these areas have SO₂ concentrations that are below the 2010 1-hour primary SO₂ NAAQS, as shown in Table 2.

Table 2. SO₂ Annual 99th Percentile (P_{0.99}) and Design Values (ppb): 2013 -2015

Location	Site ID	2013	2014	2015	Design Value
Concord	33-013-1007	9	10	7	8.7
Londonderry	33-015-0018	5	5	6	5.3
Pembroke	33-013-1006	17	26	17	20
Peterborough	33-011-5001	5	5	3	4.3
Portsmouth	33-015-0014	31	32	23	28.7

Data from <https://www.epa.gov/outdoor-air-quality-data>

Based on the most recent three year period of quality assured data subsequent to the NAAQS revision (2009-2011), the air quality measured at the Pembroke Station did not meet the standard. Therefore, in accordance with Clean Air Act Section 107(d)(1)(A), in July 2011 New Hampshire submitted its designation recommendation and supporting information to designate 13 towns and 1 city located in three counties as the New Hampshire nonattainment area for the revised SO₂ NAAQS.² In addition to air quality data, emissions data, topography and meteorological data were evaluated. Since that designation, the state's largest source of SO₂ emissions, Eversource Energy's Merrimack Station located in Bow, has installed a flue gas desulfurization system. That, combined with emission limits imposed in the stations recent Temporary Permit (TP-0189) issued on September 1, 2016, will result in current and future attainment of the SO₂ standard. NHDES submitted a nonattainment plan in February 2017 that includes specific permit conditions and will request the redesignation of the area to attainment later this year.

In addition, NHDES has submitted a designation recommendation for the remaining portions of the state as "attainment," and "attainment/unclassifiable." The areas identified as "attainment/unclassifiable" included Belknap, Carroll, Cheshire, Coos, Grafton and Sullivan Counties, and undesignated portions of Merrimack and Hillsborough Counties. "Attainment" status was recommended for Strafford County and undesignated portions of Rockingham County. The latter designation recommendation was based on the results of an air dispersion modeling analysis conducted in accordance with the Data Requirements Rule for the 2010 1-Hour Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard (NAAQS) [80 FR 51052], that primarily focused on two facilities in Rockingham County (Eversource Newington and Schiller Stations) that have the potential to emit more than 2,000 tons per year.³ The results of ambient monitoring and air dispersion modeling analysis indicate that the area is in attainment with the revised standard through the establishment of federally enforceable permit conditions contained in Temporary Permit (TP-0197) issued to Eversource Newington

² The Central New Hampshire Nonattainment Area was established by EPA on August 5, 2013 in concurrence with New Hampshire's recommendation (78 FR 47191).

³ Wright, Craig. December 13, 2016. Letter to H. Curtis Spaulding, Administrator, EPA Region1, Re: Designation of Attainment/Attainment-Unclassifiable for the 2010 SO₂ NAAQS for portions of New Hampshire.

Station on December 22, 2016 and the final Title V Operating Permit (TV-0053) issued to Eversource Schiller Station on June 15, 2017.

As described in the Data Requirements Rule submittal, Eversource Schiller and Newington Stations were modeled for five meteorological years (2010-2014) along with selected background sources using the current version of AERMOD (v16216r). The modeling used allowable emissions for Schiller and Newington Stations and five recent calendar years of available processed meteorological data (2010-2014) to establish the area attainment designation with respect to the 1-hour NAAQS for SO₂. The five-year averaged, 4th high, maximum daily, one-hour SO₂ predicted concentrations at all receptors for Schiller Station at 100%, 75%, and 50% loads are in compliance with the NAAQS value of 75 parts per billion (ppb) as shown in Table 3.

Table 3. Schiller and Newington Station Modeling: 5-yr Average 4th-High Maximum Daily 1-hour SO₂ Predicted Concentrations⁴

Pollutant and Averaging Period	Schiller Station Load	Schiller Station Contribution (ppb)	Newington Station Contribution (ppb)	Monitored Background Contribution (ppb)	Total Concentration (ppb)	NAAQS (ppb)
SO ₂ 1-hour	100%	48.9	22.8	3.1	74.8	75
	75%	47.6	17.7	2.3	67.6	
	50%	58.5	0.3	3.1	61.9	

SO₂ SOURCES IN NEW HAMPSHIRE

Table 4 identifies total county emissions from all point sources, and largest point sources for the years 2013-2015. No New Hampshire sources emit more than 2,000 tons of SO₂ per year. Ambient air monitoring, air dispersion modeling and/or federally enforceable permit limitations on certain sources identified as requiring further characterization in accordance with the Data Requirements Rule for the 2010 1-Hour Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard (NAAQS) [80 FR 51052] indicate that the NAAQS will be met in these counties.⁵

Table 4. Total County SO₂ Emissions and Large County Source (>10 tpy)

	2013	2014	2015
Belknap	6.2	3.6	12.0
TILTON SCHOOL	0.0	3.3	11.7
Carroll	14.3	13.8	9.4
Cheshire	99.1	79.6	64.2
CHESHIRE MEDICAL CENTER	13.8	9.3	0.2
KEENE STATE COLLEGE	30.9	33.1	34.0

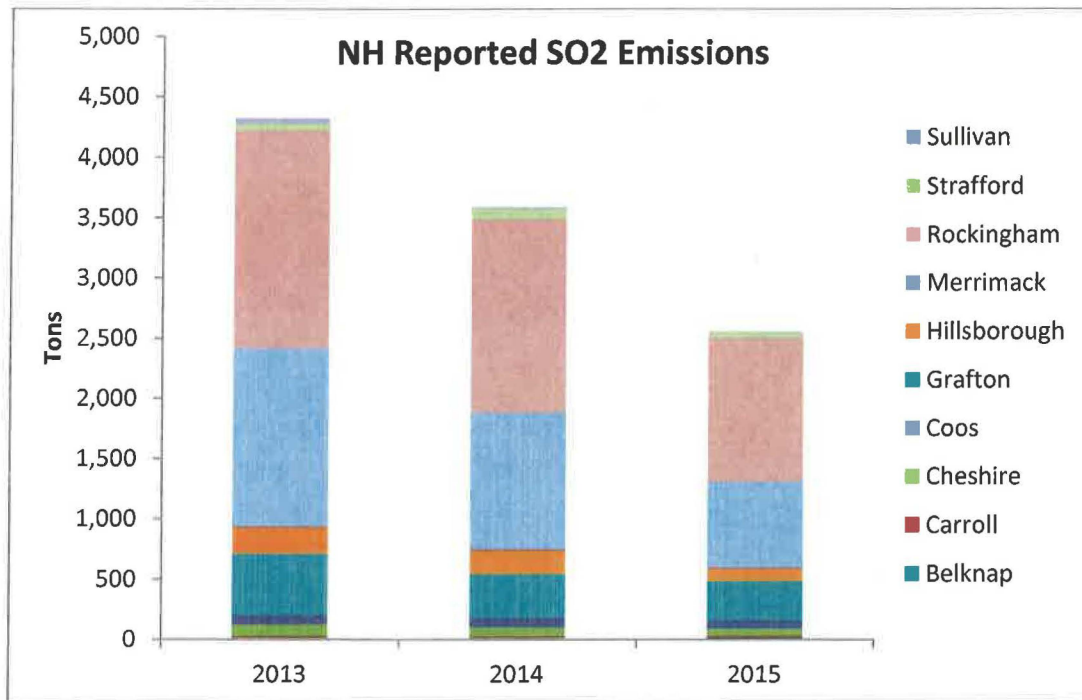
⁴ Modeled background sources had a negligible contribution at the locations where these maximum concentrations were predicted.

⁵ Ibid.

	2013	2014	2015
MARKEM CORPORATION	17.6	5.8	5.8
THE CHESHIRE MEDICAL CENTER	13.8	9.3	0.2
Coos	75.5	74.1	66.2
BURGESS BIOPOWER LLC	1.6	11.5	14.6
FRASER NH LLC	28.8	29.4	26.2
MOUNT CARBERRY LANDFILL	20.1	13.1	6.6
MOUNT WASHINGTON HOTEL	15.5	14.2	14.4
Grafton	514.2	370.5	331.1
DARTMOUTH COLLEGE	241.7	245.6	241.1
DARTMOUTH-HITCHCOCK MEDICAL CENTER	124.6	16.7	2.8
FREUDENBERG-NOK GENERAL PARTNERSHIP – BRISTOL	34.1	23.3	4.1
NORTH COUNTRY ENVIRONMENTAL SERVICES INC	42.9	33.1	50.2
PLYMOUTH STATE UNIVERSITY	28.1	15.2	0.6
UNIFIRST CORPORATION	12.2	11.1	12.4
Hillsborough	220.1	201.7	107.8
FOUR HILLS LANDFILL	14.4	11.1	4.3
MONADNOCK PAPER MILL	156.1	147.9	80.4
NYLON CORPORATION	2.3	13.7	0.0
WARWICK MILLS INC	12.6	5.8	1.1
Merrimack	1484.8	1138.2	713.7
ENVIRONMENTAL SOILS MANAGEMENT INC	9.8	16.0	10.9
PSNH - MERRIMACK STATION	1401.4	1044.0	636.0
WHEELABRATOR CONCORD COMPANY LP	52.2	56.6	50.9
Rockingham	1797.4	1597.8	1191.8
GRANITE RIDGE ENERGY LLC	7.7	7.8	10.1
NEW NGC d/b/a NATIONAL GYPSUM COMPANY	15.3	16.0	17.0
PSNH - NEWINGTON STATION	330.6	316.1	294.8
PSNH - SCHILLER STATION	1428.1	1243.2	856.8
Strafford	58.5	91.8	57.5
TURNKEY RECYCLING & ENVIRONMENTAL ENTERPRISES	31.7	56.3	30.4
UNIVERSITY OF NEW HAMPSHIRE – DURHAM	12.7	18.7	15.7
Sullivan	49.5	16.2	4.7
APC PAPER COMPANY	30.3	13.6	2.1
WHEELABRATOR CLAREMONT COMPANY LP	17.0	0.0	0.0
Total	4319.5	3587.3	2558.6

In general, emissions of SO₂ from point sources have been declining in recent years. As shown in Figure 2, SO₂ emissions from sources reporting to NHDES declined 40% between 2013 and 2015.

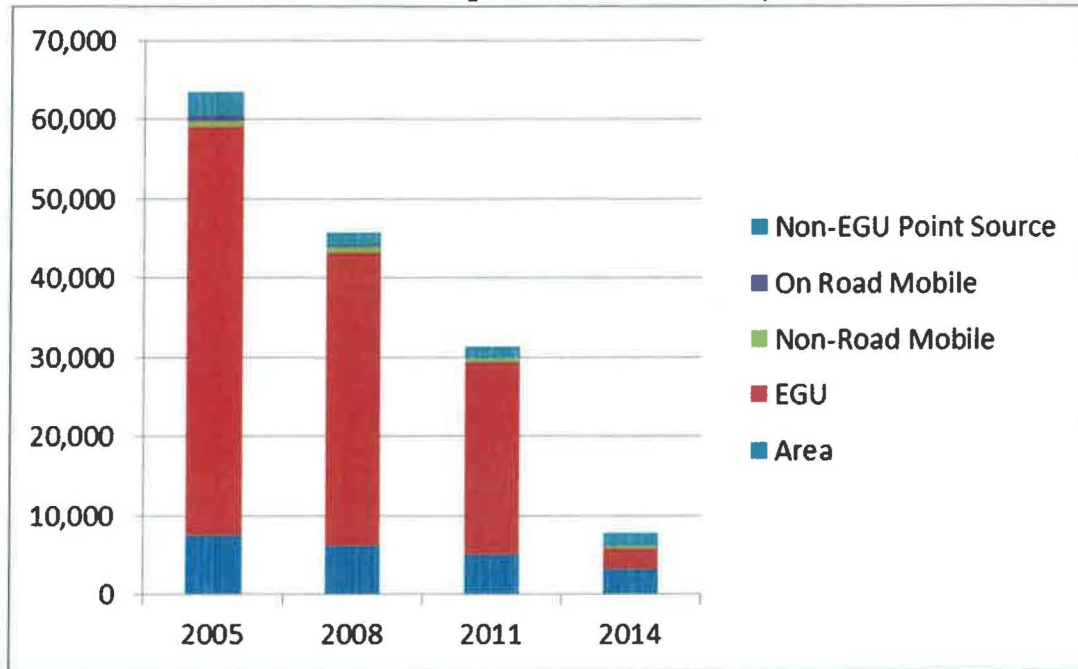
Figure 2. Reported SO₂ Emissions from Permitted Sources, 2013-2015



Statewide SO₂ emissions in general have been declining also, as evidenced in National Emission Inventory reporting for 2005-2014 (Figure 3). Specifically:

- Area sources of SO₂, characterized by residential fuel consumption, have declined 58% since 2008. Beginning July 2018, fuel sold in New Hampshire will be required to have reduced sulfur content – 0.0015 percent for No. 2 fuel oil, 0.25 percent for No. 4 fuel oil and 0.5 percent for Nos. 5 or 6 fuel oil. Any growth in the use of residential fuel oil is expected to be offset by fuel sulfur content limits. These changes will be incorporated into Env-A 1600: *Fuel Specifications* later this year.
- Non-EGU point source emissions have decreased 47%. As with area sources, growth is expected to be offset by fuel sulfur content limits.
- Decreases in SO₂ emissions from nonroad mobile sources (69%) may be attributed to tightening of heavy-duty emission standards and accompanying use of ultra-low sulfur diesel (ULSD).
- Gradual decline in SO₂ emissions from the on-road mobile sector (81%) is likely due to increased fuel efficiency. These reductions are expected to stabilize as the fleet turns over, then may be impacted by changes – increases or decreases – in vehicle miles travelled (VMT).

Figure 3. Trends in Statewide Annual SO₂ Emissions 2005-2014, tons.⁶



AIR QUALITY IN NEIGHBORING STATES

Since SO₂ will most likely either disperse in the atmosphere or chemically react to form a secondary pollutant within a few miles of the source, only large pollutant sources in proximity to the state boundary would be expected to significantly contribute to or interfere with air quality in adjacent states.

According to the EPA's Green Book⁷, there are no nonattainment areas or maintenance areas in states surrounding New Hampshire (Massachusetts, Maine, Vermont) for the 1971 or 2010 SO₂ NAAQS. In addition, air monitoring stations throughout these adjacent states indicated 2013-2015 design values well below the 2010 NAAQS (Table 2).⁸ Two of these monitors are in counties adjacent to New Hampshire (York County, ME and Worcester County, MA).

Table 5. SO₂ Annual 99th Percentile (P_{0.99}) and Design Values (ppb) in surrounding states: 2013 -2015

State	County	City	2013	2014	2015	Design Value
MA	Bristol	Fall River	62	13	10	28.3
MA	Hampden	Springfield	11	7	5	7.7
MA	Hampshire	Ware	6	5	5	5.3
MA	Suffolk	Boston (Kenmore Sq.)	12	10	6	9.3

⁶ <https://www.epa.gov/air-emissions-inventories/national-emissions-inventory-nei>

⁷ <https://www.epa.gov/green-book>

⁸ <https://www.epa.gov/outdoor-air-quality-data>

State	County	City	2013	2014	2015	Design Value
MA	Suffolk	Boston (Harrison Ave.)	11	12	9	10.7
MA	Worcester	Worcester	8	9	5	7.3
ME	Aroostook	Presque Isle	3	3	3	3.0
ME	Cumberland	Portland	12	11	13	12.0
ME	Hancock	Not in a City	2	2	2	2.0
ME	Kennebec	Gardiner	14	11	11	12.0
ME	York	South Eliot		26	27	26.5*
VT	Chittenden	Underhill	3	3	3	3.0
VT	Rutland	Rutland	10	14	2	8.7
*incomplete data						

The air quality modeling discussed earlier resulted in a five-year averaged 4th highest daily maximum SO₂ concentration of 74.8 ppb (Table 3). This maximum impact was predicted at a receptor location in Eliot, ME. This result is only slightly below the level of the NAAQS, however this is intentional since the modeling was specifically designed to find the "critical emission rate," that is, the level of emissions that would just meet the standard. The modeled critical emission rate was used to set an enforceable permit condition for Eversource Schiller Station that would protect the 1-hour SO₂ NAAQS in New Hampshire and in neighboring states.

The modeling for Eversource Schiller Station was conducted in accordance with an approved protocol⁹ and included a conservative characterization of modeled and monitored background SO₂. The enforceable permit condition that resulted from this conservative modeling analysis allows the two coal units at Schiller Station (i.e. units SR4 and SR6) to emit approximately 4,100 tons per year while still maintaining protection of the NAAQS. As shown in Table 4, Schiller Station has emitted far less than this amount in recent years. The modeling analysis and resulting enforceable permit condition, as well as recent actual emissions data, demonstrate that Schiller Station and other SO₂ sources in the area will not interfere with attainment or maintenance of the NAAQS in Maine.

The receptor grid used in the Schiller Station modeling extended into parts of northeastern Massachusetts. The highest predicted 1-hour SO₂ concentration in this area was approximately 24 ppb, which includes modeled and monitored background contributions. This result is well below the 1-hour SO₂ NAAQS (24 vs. 75 ppb) and demonstrates that Schiller Station and other SO₂ sources in the area will not interfere with attainment or maintenance of the NAAQS in Massachusetts.

NH SO₂ CONTROL PROGRAMS

Chief among the state control measures for attainment of the 2010 SO₂ NAAQS is the requirement for the installation and operation of a flue gas desulfurization system for Eversource

⁹ *Technical Memorandum, Air Quality Modeling Protocol for Schiller Station*, March 21, 2016, approved by EPA Region 1 on May 2, 2016.

Merrimack Station located in Bow, NH. The FGD system has its origins in RSA 125-O, *Multiple Pollutant Reduction Program*, which requires the reduction of mercury emissions by at least 80 percent on an annual basis from the baseline mercury input from all affected sources beginning in July of 2013. The removal of most SO₂ emissions at Merrimack Station occurs as a co-benefit of FGD for mercury control.

More specifically, RSA 125-O sets limits on the aggregate mercury emissions from Merrimack and Schiller Stations. Sections 1 and 3 of this statute, requiring an integrated, multi-pollutant reduction strategy for certain power plants, were submitted to EPA on September 13, 2013, as part of New Hampshire's infrastructure SIP for the 2010 SO₂ NAAQS.

Other provisions of New Hampshire's SIP are relevant to the SO₂ nonattainment area control strategy. These include, but are not limited to, the following administrative rules:

- [Env-A 600: Statewide Permit System](#)¹⁰

NHDES regulates and limits air emissions from a variety of sources through a statewide permitting program. Env-A 600 outlines the permitting process and lists sources that require permits for air emissions, either by overall source, specific device, or by pollutant. In order to limit SO₂ from electricity generating units, specified permit conditions were established for: Eversource Merrimack Station in Temporary Permit TP-0189 (September 1, 2016), Newington Station in Temporary Permit TP-0197 (December 22, 2016) and for Eversource Schiller Station Title V renewal permit, TV-0053 (June 15, 2017). Results of the modeling that was used to establish federally enforceable emission limits were presented to EPA by NHDES in its nonattainment plan submission¹¹ for Merrimack Station, and the data requirements rule submission¹² for Newington and Schiller Stations.

- [Env-A 800: Testing and Monitoring Procedures](#)¹³

Env-A 800, effective October 31, 2010, establishes minimum testing and monitoring procedures, calculation procedures, standards, and requirements in order to determine compliance with applicable state and federal statutes and rules.

- [Env-A 900: Owner or Operator Recordkeeping and Reporting Obligations](#)¹⁴

Env-A 900 sets forth requirements for the owner or operator of sources that discharge air pollutants to maintain records so that the emissions of such pollutants can be readily calculated or estimated and reported to the department for the purposes of demonstrating compliance, compiling emission inventories, and developing air-related strategic plans.

¹⁰ NH amended Env-A 600: Statewide Permit Systems, effective September 1, 2012. NHDES submitted the amended rule, including updates to Env-A 618, 619, as a SIP revision for EPA's approval on November 15, 2012. NH received conditional approval of Env-A 618 and 619 on September 9, 2015.

¹¹ Central New Hampshire Nonattainment Area Plan for the 2010 Primary 1-Hour Sulfur Dioxide NAAQS, January 20, 2017

¹² Designation of Attainment/Attainment-Unclassifiable for the 2010 SO₂ NAAQS for portions of New Hampshire submitted January 3, 2017.

¹³ Env-A 800: Testing and Monitoring Procedures was submitted to the SIP on March 31, 2011. A previous version had been approved by EPA on November 5, 2012.

¹⁴ Env-A 900: Owner or Operator Recordkeeping and Reporting Obligations was submitted as a SIP amendment on July 6, 2012. It was approved by EPA on November 5, 2012.

- [Env-A 1600: Fuel Specifications](#)¹⁵

In accordance with RSA CHAPTER 125-C:10-d, fuel oil sold in New Hampshire, beginning July 2018, may not exceed the following sulfur content: No. 2 fuel oil – 0.0015 percent, No. 4 fuel oil – 0.25 percent, and Nos. 5 or 6 fuel oil – 0.5 percent. These changes will be incorporated into Env-A 1600: *Fuel Specifications* later this year.

- [Env-A 2300: Mitigation of Regional Haze](#)¹⁶

EPA approved New Hampshire's December 16, 2014 Regional Haze 5-Year Progress report as meeting the requirements of [40 CFR 51.308\(g\)](#) and (h) in 2016 [\[81 FR 70360\]](#).

SUMMARY

Considering this information, New Hampshire certifies that it does not contribute to nonattainment, nor interfere with maintenance of the 2010 1-hr SO₂ NAAQS in neighboring states and therefore meets the “Good Neighbor” provision of section (D)(i)(I).

The submittal of this document to the EPA as an amendment to the New Hampshire SIP fulfills the “Good Neighbor” Provision requirements in Section 110(a)(2)(D)(i)(I) of the CAA and completes New Hampshire’s fulfillment of the elements specified in Sections 110(a) (1) and (2) of the CAA for the 2010 1-hr SO₂ NAAQS. In accordance with New Hampshire Code of Administrative Rules Env-A 204.01(b) and Title 40 of the Code of Federal Regulations (CFR) Section 51.102, public notice was given that NHDES prepared and intended to submit to the EPA a revision to the state’s SIP to meet the requirements of CAA section 110(a)(2)(D)(i)(I). The notice solicited comments and offered the public the opportunity to participate in a public hearing on the SIP revision. The public hearing was held on May 16, 2017 and written comments were accepted until 4 PM on the same day.

¹⁵ NH adopted Env-A 1600: Fuel Specifications (formerly numbered Env-A 400), effective December 24, 1990. EPA approved this rule into the SIP. NHDES subsequently submitted and withdrew version of the rule in 2003 and 2005. NH is again readopting this rule which will include the SO₂ fuel limits described in this document.

¹⁶ NH adopted revisions to Env-A 2300: Mitigation of Regional Haze on the same date as the 5-Year Progress Report, November 14, 2016.

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.

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.

Enclosure C – Public Participation

June 6, 2017, 10 AM, DES Room 114

Hearing Officer: Karla McManus

DES Personnel: Felice Janelle, Michele Roberge

Comments to Open Sulfur Dioxide Infrastructure SIP Amendment Public Hearing

Good morning, my name is Karla McManus and I am the Planning and Rules Manager of the Air Resources Division. It is Tuesday, June 6, 2017 at 10:00am. In accordance with New Hampshire Administrative Rule Env-A 204.01(b) and Title 40 of the Code of Federal Regulations (CFR) Section 51.102, notice was given on May 5, 2017 in the Union Leader 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, amendments to New Hampshire's State Implementation Plan (SIP) to meet the requirements of the federal Clean Air Act, section 110 (a) (1) and (2), pertaining to infrastructure elements for implementation of the federal air quality standards for sulfur dioxide. These standards that New Hampshire and other states must meet are contained in Title 40: Protection of Environment, section 50.17, National Primary Air Quality Standards Sulfur Dioxide.

This hearing is being held to receive public comment on amendments to the interstate transport provision, Section 110(a)(2)(D)(i)(I), of the SO₂ Infrastructure SIP. This hearing is being held on the date and at the time and location indicated in the notice.

Anyone wishing to make oral comments or to submit written comments on the SIP for the Department's consideration may do so during this hearing or by submitting written comments to the Department by the close of business (4:00 p.m.) today, Tuesday, June 6, 2017.

After the close of the comment period, the Department will consider all comments received and will decide whether to revise the SIP in response to such comments.

Briefly, New Hampshire Department of Environmental Services (NHDES) submitted its "Certification of State Implementation Plan Adequacy Regarding Clean Air Act Section 110(a)(1) and (2) for the 2010 1-Hour Sulfur Dioxide Standard to the EPA as a SIP amendment in September 2013. In its July 2016 Final Rule (81 FR 44542), the EPA certified that the SIP was sufficient to meet the required infrastructure elements under sections 110(a)(1) and (2) for the 2010 SO₂ NAAQS, with the exception of the interstate transport provision, Section 110(a)(2)(D)(i)(I), that was not addressed in that submittal. Interstate transport is addressed in this amendment.

No comments were received during this period, nor were there any participants or commenters at the public hearing.

Prior to the comment period, New Hampshire shared a draft document with EPA Region 1 who provided the following informal comments during a phone conversation on April 6, 2017.

- Use 2016 design values if available
- Include information relative to NH law that reduces fuel sulfur content effective July 1, 2018
- Add a table of NEI data
- Include the results of any receptors in Massachusetts if there were any with our Schiller/Newington Station SO₂ modeling



The State of New Hampshire
Department of Environmental Services



Clark B. Freise, Assistant Commissioner

CERTIFICATION OF PUBLIC PROCESS:

Amendment to New Hampshire 2010 Sulfur Dioxide Infrastructure SIP to Address the Good Neighbor Requirements of Clean Air Act Section 110(a)(2)(D)(i)(I)

I hereby certify that:

In accordance with New Hampshire Administrative Rule Env-A 204.01(b) and Federal regulations at 40 CFR § 51.102, public notice was given that the New Hampshire Department of Environmental Services (the Department) intended to submit for the approval of the U.S. Environmental Protection Agency (EPA) a certification that New Hampshire's State Implementation Plan (SIP) fulfills the "infrastructure" requirements established in sections 110(a)(1) and (2) of the Clean Air Act (CAA) for sulfur dioxide.

A public hearing on the SIP submittal was held at 10:00 a.m., Tuesday, June 6, 2017, at the Department's offices in Room 114 at 29 Hazen Drive, Concord, NH 03301. Opportunity was provided for members of the public to submit oral comments during the hearing or written comments at any time up to 4:00 p.m. on the hearing date, for consideration by the Department in preparing the final SIP submittal.

A copy of the draft SIP submittal was available for public inspection at the Department's offices at 29 Hazen Drive, Concord, NH, during regular working hours from 8:00 a.m. to 4:00 p.m., Monday through Friday, throughout the comment period. The draft SIP revision was also available for downloading from the Department's website at <http://des.nh.gov>.

The notice was published in the *Union Leader*, a newspaper of general, statewide circulation, on Friday, April 21, 2017, more than 30 days prior to the date of the hearing. Notice was also providing to the air agencies of neighboring states Maine, Massachusetts and Vermont. These states were afforded additional time to submit comments beyond June 6.

Since no members of the public attended the hearing, the presentation of the draft SIP revision and recordation of the presentation were determined to be unnecessary. Therefore, the hearing was closed at 10:10 a.m., and a memo stating the circumstances was added to the file.

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

Michele Roberge
SIP Planning Manager, Air Resources Division

6/15/2017

Date

UNION LEADER CORPORATION

P O BOX 9513
MANCHESTER, NH 03108

RECEIVED
NEW HAMPSHIRE

MAY 17 2017

AIR RESOURCES DIVISION

0000059625
STATE OF NH - AIR RESOURCES CO
ATTN: ELAINE BOLDOC
PO BOX 95
CONCORD NH 03302-0095

I hereby certify that the legal notice: (0002130130) PUB HEARING 6/6/17 AT 10AM
was published in the New Hampshire Union Leader
On:
05/05/2017.

Kelly McCross
Kelly McCross
May 6 2017

State of New Hampshire
Hillsborough County

Subscribed and sworn to before me this

5th

day of

May 2017

Terry M. Clark

Notary Public



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

NOTICE OF PUBLIC COMMENT PERIOD AND PUBLIC HEARING

In accordance with New Hampshire Administrative Rule Env-A 204.01(b) and Title 40 of the Code of Federal Regulations (CFR) 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, amendments to New Hampshire's State Implementation Plan (SIP) to meet the requirements of the federal Clean Air Act, section 110 (a) (1) and (2), pertaining to infrastructure elements for implementation of the federal air quality standards for sulfur dioxide. **These standards that New Hampshire and other states must meet are contained in Title 40: Protection of Environment, section 50.17, National Primary Air Quality Standards Sulfur Dioxide.**

New Hampshire Department of Environmental Services (NHDES) submitted its "Certification of State Implementation Plan Adequacy Regarding Clean Air Act Section 110(a)(1) and (2) for the 2010 1-Hour Sulfur Dioxide Standard to the EPA as a SIP amendment in September 2013. In its July 2016 Final Rule (81 FR 44542), the EPA certified that the SIP was sufficient to meet the required infrastructure elements under sections 110(a)(1) and (2) for the 2010 SO₂ NAAQS, with the exception of the interstate transport provision, Section 110(a)(2)(D)(i)(I), that was not addressed in that submittal. Interstate transport is addressed in this amendment.

The Department hereby solicits comments and has scheduled a public hearing on this SIP certification. Comments must be submitted *in writing* or *by email* or *fax* to Felice Janelle, Air Resources Division, NH Department of Environmental Services, P.O. Box 95, Concord, NH 03302-0095; email Felice.Janelle@des.nh.gov; fax (603)271-1381.

A public hearing at the Department offices has been scheduled for 10:00 a.m., Tuesday, June 6, 2017, in Room 114 at 29 Hazen Drive, Concord, NH 03301. All comments on the proposed SIP submission must be received by 4:00 p.m. on Tuesday, June 6, 2017, to be entered into the record.

A copy of the SIP submission is available for public inspection at the Department's offices at 29 Hazen Drive, Concord, NH, during regular working hours from 8:00 a.m. to 4:00 p.m., Monday through Friday. The main text of the SIP submission may be downloaded at <http://des.nh.gov/organization/divisions/air/do/sip/index.htm> under "Sulfur Dioxide." For more information or to make arrangements for anyone wishing to attend the hearing who may need special assistance, please call Felice Janelle (603)271-4848.

Craig A. Wright
Director, Air Resources Division
NH Department of Environmental Services

Dated: May 3, 2017