



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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NEW HAMPSHIRE

MAR 01 2010

AIR RESOURCES DIVISION

FEB 2⁰ 2010

Thomas S. Burack, Commissioner
New Hampshire Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Re: New Hampshire's Regional Haze State Implementation Plan

Dear Commissioner Burack:

As you know, on January 15, 2009, the Environmental Protection Agency (EPA) made a finding that the state of New Hampshire failed to submit a state implementation plan (SIP) addressing Regional Haze in mandatory class I Federal areas (our Nation's National Parks and wilderness areas) as required by the Clean Air Act (CAA) and federal regulations. The Regional Haze SIP was due to EPA by December 17, 2007. As a result of this finding, EPA must within two years (that is, by January 15, 2011) either fully approve New Hampshire's Regional Haze SIP or promulgate a federal implementation plan (FIP).

On January 29, 2010, the New Hampshire Department of Environmental Services (DES) submitted a final Regional Haze SIP to EPA. We have reviewed New Hampshire's submittal and note that it appropriately addresses many of the necessary components of a Regional Haze SIP. The plan is, however, incomplete with respect to best available retrofit technology (BART) requirements. Consequently, the BART portion of the submittal can not be processed as a revision to the New Hampshire SIP and EPA is returning that portion of the submittal to the DES. Therefore, the incomplete BART portion is no longer pending EPA action.

Specifically, in order for EPA to determine a SIP revision complete, it must include the necessary administrative and technical support materials to meet the criteria outlined in 40 CFR Part 51, Appendix V. New Hampshire's January 29, 2010 Regional Haze SIP submittal does not meet these criteria with respect to BART requirements. In particular, the SIP submittal lacks enforceable emission limitations, work practice standards and recordkeeping/reporting requirements, to ensure BART requirements are implemented.

In addition, EPA is very concerned with the BART rulemaking schedule outlined in the SIP submittal. This schedule calls for a rough draft of the BART rule in January 2012 and a final rule to be adopted in May 2013. As noted above, EPA's deadline to issue a FIP is January 15, 2011.

Also, New Hampshire has not yet submitted an adopted regulation implementing the state's low sulfur fuel oil measure which was included as an element of New Hampshire's long term Regional Haze strategy.

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Therefore, we would like to request a meeting with your Air Director and staff working on the Regional Haze SIP to further discuss this issue, in order to ensure these requirements are met in a timely and effective manner.

My staff will contact DES staff to schedule a mutually acceptable time for this meeting. If you or your staff have any questions on Regional Haze issues, please contact Anne McWilliams at 617-918-1697.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen S. Perkins". The signature is fluid and cursive, with the first name "Stephen" being the most prominent.

Stephen S. Perkins, Director
Office of Ecosystems Protection

cc Robert R. Scott, NH DES
Jeff Underhill, NH DES
Charles Martone, NH DES