



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 10, 2010

Mr. Stephen S. Perkins
Director, Office of Ecosystems Protection
USEPA New England, Region I
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Re: New Hampshire State Implementation Plan for Regional Haze

Dear Mr. Stephen Perkins:

Thank you for your letter of February 26, 2010 regarding the New Hampshire Regional Haze State Implementation Plan (SIP) revision. As you know, New Hampshire is a Class I Area state and takes seriously its obligations and those of states contributing to the haze observed in our state. We appreciate your work to ensure regional and national consistency in SIP commitments to improve air quality nationwide.

On January 29, 2010, the New Hampshire Department of Environmental Services (NHDES) submitted its final Regional Haze SIP in order to fulfill the requirements of the Clean Air Act (CAA) section 169A, pertaining to protection of visibility and regional haze. This filing followed years of extensive study and planning and an ongoing commitment that does not end upon implementation. Unfortunately, the SIP filing was delayed beyond our target date due to several factors including complications arising from inter-state consultation and the vacated Clean Air Interstate Rule – the backbone of the regional haze compliance for many states.

In addition, New Hampshire and the other MANE-VU states looked beyond the basic BART and CAIR compliance requirements in order to identify “other reasonable measures” to incorporate into the long term strategies. Some of these measures were to be developed and incorporated immediately into the SIPs and others were known to require more time to study and implement and were to be phased in over a period of 10 years. The low sulfur oil strategy identified in the New Hampshire SIP is one of those measures intended for finalization and adoption after the filing of this SIP but before May 2013. There were three primary reasons for this timeline. First, the strategy is not a specified requirement of the federal regional haze rule. It was selected as a reasonable extra measure to become part of the SIP when it is fully developed. Second, when the MANE-VU commission signed the strategy statement (see attached), they took into account that supplies and costs would vary across the region and that more research was going to be needed before all the member states could finalize their rules. The statement specifies that states are to “pursue” the adoption of rules within 10 years as “appropriate and necessary.” The statement provides flexibility on the terms and timing of the measures. And third, in New Hampshire’s case, rule adoption of the low sulfur strategy at this time is not possible because the rule will sunset prior to actual implementation and so this will not survive the legal and public process required by the state. NHDES chose instead to commit in its January 2010 SIP an implementation schedule for the low sulfur oil strategy that meets the MANE-VU timeline and can be included in the required mid-course look-back report.

Your letter also raises concerns about lacking enforceable emission limits, work practices, and recordkeeping provisions of the BART requirement. This information was submitted in a draft rule (Env-A 2300) on a CD disk mailed to EPA as part of the formal submission. NHDES would appreciate EPA comments on this draft rule. NHDES would also like to inform EPA that this rulemaking process has already started and we anticipate final adoption in December 2010 and thus is well ahead of the timeline indicated in the SIP.

Finally, NHDES would like to accept EPA's offer to meet regarding these issues. My staff will be contacting you shortly to arrange for such a meeting.

Please contact me at (603) 271-1088 if you have any questions regarding the information contained in this letter.

Sincerely,



Robert R. Scott
Director, Air Resources Division

enclosure: MANE-VU Statement

cc: Thomas Burack, NHDES
David Conroy, USEPA Region I
Anne Arnold, USEPA Region I
Anne McWilliams, USEPA Region I