

CHAPTER Env-A 400 ACID DEPOSITION CONTROL PROGRAM

Statutory Authority: RSA 125-D:3

PART Env-A 401 PURPOSE; APPLICABILITY; DEFINITIONS

Env-A 401.01 Purpose. The purpose of this chapter is to implement RSA 125-D, the Acid Rain Control Act, so as to reduce the adverse effects of acid deposition on ecosystems and public health by reducing sulfur dioxide (SO₂) emissions from sulfur-emitting sources within New Hampshire.

Source. #120, eff 8-31-73; ss by #721.5, eff 12-7-75; ss by #718, eff 12-7-75; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; EXPIRED 12-27-96

New. #6424, INTERIM, eff 1-9-97, EXPIRES 5-9-97; ss and moved by #6469-B, eff 3-5-97 (from Env-A 406); ss by #8233, eff 12-22-04, ss by #10288, eff 3-19-13; ss by #13641, eff 5-23-23

Env-A 401.02 Applicability. This chapter shall apply to all sources currently in operation that emitted 100 tons or more of SO₂ per year on average during 1979 through 1982.

Source. #8233, eff 12-22-04 (from Env-A 402.01); ss by #10288, eff 3-19-13; ss by #13641, eff 5-23-23

Env-A 401.03 Definitions. For purposes of this chapter, the following definitions shall apply:

(a) “Average emission rate” means “average emission rate” as defined in RSA 125-D:2, VII, reprinted in Appendix B;

(b) “Baseline average emission rate” means “baseline average emission rate” as defined in RSA 125-D:2, VIII, reprinted in Appendix B;

(c) “Baseline emissions” means “baseline emissions” as defined in RSA 125-D:2, III, reprinted in Appendix B;

(d) “Class A major source” means a source within the group identified in RSA 125-D:3, I(a)(1), reprinted in Appendix B;

(e) “Class B major source” means a source within the group identified in RSA 125-D:3, I(a)(2), reprinted in Appendix B; and

(f) “Maximum total heat input capacity” means “maximum total heat input capacity” as defined in RSA 125-D:2, IX, reprinted in Appendix B.

Source. #10288, eff 3-19-13; ss by #13641, eff 5-23-23

PART Env-A 402 REQUIRED EMISSION REDUCTIONS

Env-A 402.01 Limitations on Percentage of Baseline for Class A Major Sources. Pursuant to RSA 125-D:3, I(b), unless otherwise authorized by RSA 125-D:3, I(f) relative to 2 or more sources under a single ownership, the annual SO₂ emissions from each class A major source shall not exceed 75 percent of such source’s portion of the baseline emissions.

Source. #120, eff 8-31-73; ss by #721.5, eff 12-7-75; ss by #718, eff 12-7-75; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; EXPIRED 12-27-96

New. #6424, INTERIM, eff 1-9-97, EXPIRES 5-9-97; ss and moved by #6469-B, eff 3-5-97 (from Env-A 406); ss and moved by #8233, eff 12-22-04 (from Env-A 403.01); ss by #10288, eff 3-19-13; ss by #13641, eff 5-23-23

Env-A 402.02 Maximum Total Emissions for Class B Major Sources. Pursuant to RSA 125-D:3, I(c), for each running 4-year period the combined SO₂ emissions from all class B major sources shall not exceed 75 percent of their combined baseline SO₂ emissions.

Source. #10288, eff 3-19-13; ss by #13641, eff 5-23-23

Env-A 402.03 Limitations on Individual Sources for Class B Major Sources. Pursuant to RSA 125-D:3, I(e), unless otherwise authorized by RSA 125-D:3, I(f) relative to 2 or more sources under a single ownership, each class B major source shall have an average emission rate not to exceed 1.6 pounds of SO₂ per million BTU heat input, equivalent to no. 6 oil with 1.5% sulfur by weight, which is 75 percent of the baseline average emission rate for class B major sources.

Source. #10288, eff 3-19-13; ss by #13641, eff 5-23-23

PART Env-A 403 EMISSIONS FROM MULTIPLE SOURCES UNDER COMMON OWNERSHIP

Env-A 403.01 Class A Major Sources. Pursuant to RSA 125-D:3, I(f)(1), as an alternative to complying with the emissions reductions specified in RSA 125-D:3, I(b) the owner or operator of 2 or more sources under common ownership may combine the annual emissions of all such sources to demonstrate that the total annual emissions of such sources do not exceed 75 percent of their baseline emissions for class A major sources.

Source. #120, eff 8-31-73; ss by #721.5, eff 12-7-75; ss by #718, eff 12-7-75; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; EXPIRED 12-27-96

New. #6424, INTERIM, eff 1-9-97, EXPIRES 5-9-97; ss and moved by #6469-B, eff 3-5-97 (from Env-A 406); ss and moved by #8233, eff 12-22-04; ss by #10288, eff 3-19-13; ss by #13641, eff 5-23-23

Env-A 403.02 Class B Major Sources. Pursuant to RSA 125-D:3, I(f)(2), as an alternative to complying with the emissions reductions specified in RSA 125-D:3, I(e) the owner or operator of applicable sources under common ownership may average the emission rates of all such sources on a BTU heat input basis to demonstrate compliance with the average emission rate for class B major sources.

Source. #6469-B, eff 3-5-97 (from Env-A 406); ss and moved by #8233, eff 12-22-04; ss by #10288, eff 3-19-13; ss by #13641, eff 5-23-23

PART Env-A 404 RECORDKEEPING AND REPORTING REQUIREMENTS

Env-A 404.01 Recordkeeping Requirements. The owner or operator of a source that is subject to this chapter shall comply with the recordkeeping requirements specified in Env-A 903.03.

Source. #120, eff 8-31-73; ss by #721.5, eff 12-7-75; ss by #718, eff 12-7-75; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; EXPIRED 12-27-96

New. #6424, INTERIM, eff 1-9-97, EXPIRES 5-9-97; ss and moved by #6469-B, eff 3-5-97 (from Env-A 406); ss and moved by #8233, eff 12-22-04 (from Env-A 405.01); ss by #10288, eff 3-19-13 (from Env-A 405.01); ss by #13641, eff 5-23-23

Env-A 404.02 Reporting Requirements. The owner or operator of a source that is subject to this chapter shall comply with the reporting requirements specified in Env-A 907.02.

Source. #6469-B, eff 3-5-97 (from Env-A 406); ss and moved by #8233, eff 12-22-04 (from Env-A 405.02); ss by #10288, eff 3-19-13 (from Env-A 405.02); ss by #13641, eff 5-23-23

Appendix A: Statutes Implemented

Rule	Specific State or Federal Statutes or Regulations which the Rule is Intended to Implement
Env-A 401	RSA 125-D:1; RSA 125-D:3
Env-A 402.01	RSA 125-D:3, I(b)
Env-A 402.02	RSA 125-D:3, I(c)
Env-A 402.03	RSA 125-D:3, I(e)
Env-A 403.01	RSA 125-D:3, I(f)(1)
Env-A 403.02	RSA 125-D:3, I(f)(2)
Env-A 404	RSA 125-D:3, II(b); RSA 125-C:6, XI

Appendix B: Statutory Definitions

RSA 125-D:2 Definitions. –

III. “Baseline emissions” means the total sulfur dioxide emissions in tons per calendar year averaged over the period 1979 through 1982 from all major sources.

VII. “Average emission rate” means the weighted average on a BTU input basis of the emission rates of a major source, all major sources under a single ownership, or some other specified group of major sources during any calendar year. VIII. “Baseline average emission rate” means the weighted average on a BTU input basis of the emissions rates of a specified group of major sources over the period 1979 through 1982.

VIII. “Baseline average emission rate” means the weighted average on a BTU input basis of the emissions rates of a specified group of major sources over the period 1979 through 1982.

IX. “Maximum total heat input capacity” means the designed gross heat input capacity of a major source in millions of BTU per hour.

RSA 125-D:3 Acid Deposition Control Program. –

I. ...

(a) All major sources of sulfur dioxide in operation during the baseline period shall be divided into 2 groups:

- (1) Sources with a maximum total heat input capacity equal to or greater than 1,000 MBTU/HR; or
- (2) Sources with a maximum total heat input capacity less than 1,000 MBTU/HR.