

Bill as Introduced

1995 SESSION

0780L
95-0869
05/02

SENATE BILL **136-FN-LOCAL**

AN ACT excluding Strafford county from motor vehicle emissions testing and relative to adding counties to the motor vehicle emissions testing program.

SPONSORS: Sen. Lovejoy, Dist 6; Sen. Fraser, Dist 4; Sen. Barnes, Dist 17

COMMITTEE: Environment

ANALYSIS

This bill excludes Strafford county from the motor vehicle emissions testing program area.

This bill also prohibits the commissioner of the department of environmental services from including additional counties in the motor vehicle emissions testing program.

EXPLANATION: Matter added to current law appears in *bold italics*.
Matter removed from current law appears in [brackets].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 136-FN-LOCAL

STATE OF NEW HAMPSHIRE

In the year of Our Lord
One Thousand Nine Hundred and Ninety-Five

AN ACT

excluding Strafford county from motor vehicle emissions testing and
relative to adding counties to the
motor vehicle emissions testing program.

Be it Enacted by the Senate and House of Representatives
in General Court convened:

1 1 Emissions Testing; Strafford County Excluded. Amend RSA 268:4, I to read as follows:

2 I. Each vehicle registered or to be registered in Hillsborough, Merrimack, *and* Rockingham [and
3 Strafford] counties, each non-program area fleet vehicle primarily operated within the program area,
4 and each commercial design military vehicle and federally registered vehicle operated on federal
5 installations within the program area is subject to the inspection and maintenance requirements
6 of this chapter. [Upon certification by the commissioner of environmental services that an additional
7 county or counties need to be included in the program in order to comply with the Clean Air Act,
8 the commissioner shall, after public hearing and consultation with the advisory committee, and upon
9 approval of the governor, adopt rules to include such county or counties and associated registered
10 vehicles within the coverage of this chapter. The same program requirements shall be instituted in
11 the expanded program area as are in effect for the existing program area, except that, in Coos, Carroll,
12 Grafton, Belknap, Cheshire and Sullivan counties, convenient public access as defined in RSA 268:7,
13 I, shall mean that at least 80 percent of subject vehicles must be registered within a 15-mile radius
14 of a station and 95 percent within a 30-mile radius of a station.]

15 2 Effective Date. This act shall take effect 60 days after its passage.

SB 136-FN-LOCAL

- 2 -

LBAO
LSR 95-0869
1/17/95

FISCAL NOTE for an act excluding Strafford county from motor vehicle emissions testing.

FISCAL IMPACT:

The Department of Safety has determined this bill will reduce state restricted revenue and expenditures by \$71,900 in FY 1995, by \$143,800 in FY 1996, by \$121,331 in FY 1997, by \$98,863 in FY 1998 and each year thereafter. There will be no impact on county and local revenues and expenditures.

METHODOLOGY:

The Department states that for every car tested, the state collects \$2.75 deposited to the emissions inspection account and for two years, to recoup startup costs, \$1.25 per vehicle is collected to reimburse the Highway Fund. For Strafford County, the Department has determined that there are approximately 71,900 vehicles registered that will become exempt upon passage of this bill.

	Total FY # Autos	# Tested	Fee	Total
1995	71,900	1/4	\$4.00	\$ 71,900
1996	71,900	1/2	\$4.00	\$143,800
1997	71,900	1/4	\$4.00	\$ 71,900
		1/4	\$2.75	\$ 49,431
1998	71,900	1/2	\$2.75	\$ 98,863
1999	71,900	1/2	\$2.75	\$ 98,863

The Department anticipates testing half of all cars registered in the county the first calendar year and the remaining half the second calendar year. The schedule above reflects the timing difference (CY vs FY) and the one-time \$1.25 startup cost collected the first time the vehicle is inspected.

Committee Minutes

TIME: 1:05 pm
DATE: February 14th, 1995
ROOM NUMBER: 104 Legislative Office Building

The Senate Committee on Environment held a hearing on the following:

SB 136 FN Local: AN ACT excluding Strafford county from motor vehicle emissions testing and relative to adding counties to the motor vehicle emissions testing program.

Committee members present:

Senator Richard Russman/Chairman
Senator Debora Pignatelli/Vice Chair
Senator Burt Cohen
Senator Beverly Rodeschin
Senator Fred King

Senator Russman opened the hearing by calling upon one of the sponsors of the bills.

Senator George A. Lovejoy, D. 6: I feel very strongly, almost passionately about this bill because it strikes me as being the classic of unfairness, in treating a sector of our society who happen to be, a lot of them, my constituents. With something as unfair as declaring Strafford County as an area that has to be remedial on auto emissions without ever testing the air quality in our county - how unfair can you get. Strafford County has never been tested, has never been tested for air pollution coming from auto emissions, and yet Strafford County has been tagged as one of the four counties in our state that will force our automobile owners to obtain emissions tests, to pay for those tests and to submit the prescription that comes from the tester as to why he or she thinks might be done in the way of repairs and to pay for those repairs.

Without even knowing that we have a problem, now we don't have any requirements as to the qualifications of those who do the testing, they could be hired by answering an ad in the newspaper or a bulletin board ad. We don't know where the test would be conducted or how many test centers there may be; we don't know how long the wait may be if we went to a testing site, whether we would spend an hour, a day - we don't know how long the wait would be, how much time would have to be spent from the job to the home. And then we don't know if the auto will pass the test once the work that was prescribed has been done, we have no knowledge of that. There's nothing to require the tester to be qualified by any qualifications, but we do know these things - we do know that in other parts of the country up to 40% of the autos tested have failed the test.

We do know that test costs have ranged about \$25 per car and this is added to your registration cost once every two years. The cost of the repair in some instances have been capped at \$450, we do know that all diesel vehicles have been exempted, we do know that California has found that if the car was not fixed properly then in California they found that it caused more pollution

then not less. We know this, that it's not fair to declare Strafford County an area of required remediation without at least testing Strafford County air. The tests that were taken were taken in Rockingham County and they were taken along Interstate 95 and they were taken near bogs where the ground level ozone is natural and the heaviest; ground level ozone comes from bogs and from rotting materials, and it's natural defusion comes that way.

We do know that this testing requirement would not in any way affect the cars that come into Strafford County by the thousands daily from the state of Maine for shopping, for work and from other states going up and down our scenic highways, as well as those who travel into work or shop from other New Hampshire counties, not so designated. We do know that the occurrence of smog in Strafford County is non-existent. We do know that the test taken in New Hampshire exceeded the federal standards for ozone which is .120 parts per million for just three one hour periods over a period of three years. That's three hours out of 26,280 hours; none of which occurred in Strafford County.

There was one violation in 1994 with the reading of .135 on the seacoast in Portsmouth, and once in Rye on July 21st. In 1993 the state sole violation was in Nashua on June 25th with a reading of .127 parts per million. In 1992 in the whole state of New Hampshire there were no violations. We do know that if an automobile that is designated as not meeting the standards is tested, that we couldn't sell that car in Strafford County, but we could take it up to Alton and sell it, and it could drive into Rochester to work everyday. We know we could take it into Carroll County and sell it because they're not being tested there. Strafford County air has not been proven to be contaminated with ground level ozone and it's unfair to require these standards.

If Strafford County is to be penalized for non-conforming, if our residents are being penalized by hundreds of dollars let us at least test the air quality in our county. The only fair thing to do is to exempt Strafford County from this one-size-fits-all remedy to a problem that has yet to be identified.

Gilbert Cox/Department of Environmental Services: (see attached A.)

Senator Frederick W. King, D. 1: We heard it said earlier that you've never tested the air in Strafford County, is that true?

Cox: That's absolutely correct, in fact the facts sheet behind the testimony is facts about the Clean Air Act and I/M in Strafford County, and this outlines the federal guidelines. One of the things that first item "boundaries of ozone non-attainment areas" - the Clean Air Act targets population centers. In fact the city of Nashua and towns around there are included in the Boston population center, so even if Boston has violations, that area is pulled in. And Strafford is pulled in because of the violations monitored in Portsmouth; the Portsmouth population center includes all of Strafford and most of Rockingham, including the Portsmouth area.

Senator Frederick W. King, D. 1: Would it make sense before a program like this is in place, it has to do with air quality, you determine if in fact there's a problem there?

Cox: I can only assume the authors of the Clean Air Act thought that the vehicles operated within the entire population center, the vehicles from

Nashua drive to Boston, and the vehicles in Strafford may at times drive into Portsmouth, so it was focused, the Clean Air Act focused on population centers. We are we were required by the 1993 legislation to put a monitoring in Strafford County. That monitor is in the process of being sited and we expect to have a monitor in Strafford this summer; that has been a concern raised by many people.

Becky Berk/American Lung Association: (see attached B.)

Senator Frederick W. King, D. 1: If the air hasn't been tested in Strafford County, how do you know that 50% of those standards?

Berk: It's been classified by the EPA as being seriously...

Senator Frederick W. King, D. 1: On what basis?

Berk: You'd have to refer that question to Mr. Cox.

Representative James Whittemore/Merr 13: I support the bill and its passage. I put a bill in the House for the same reasons because Merrimack County is not in violation of the Clean Air Act standards. I've had correspondence with Senator Gregg's office concerning this and he noted that Rick Murphy his assistant, told me that the I believe state of Arizona is instituting a suit against the federal government because this is a bill that violates the provisions of the 10th amendment of the Constitution. You tell me that there are many changes being proposed at the federal level to modify this act very drastically.

The costs of the initial tests for Merrimack County residents car owners be in the vicinity of \$2,385,000 and that's just the first test, that's not the repairs that 25% of those people would have to make to that. Also car owners in Franklin that drive to Tilton three miles away which is in Belknap County to buy their gas is cheaper and also because their cars have been running very badly with the new gas that they're using. The provision that credit can be given can be built up within reason that this legislation was the original bill was wanting, so that industries which cause pollution could expand or new industries could come in and buy those credits to off-set their pollution. If clean air is so important then I don't think there should be new sources allowed if this is important and supposed to be. Another provision in the law states that if persons spend \$250 or \$415 and they cut it to \$250 for repairs and they still don't pass, they can get a waiver for another two years. I feel that that's a very improper imposition to place on people in the county when they're not in violation.

Another provision in this bill which I had in my bill for Merrimack County was to eliminate the procedure of adding other counties to the testing program. As the law stands now, the Commissioner of DES, if he feels another county should be added, can have a public hearing and then consult with his advisory committee, and then recommend to the government council that such a county be added. It by-passes the legislative process and the law passed last session when then through the legislative process and that's how these counties were designated. If other counties are going to be designated, I think it should be done the same way so that we have the full opportunity of legislative hearings to air the issue. That I think is a very important part of this bill.

Mark Drew/Citizens for Sensible Government: (see attached C.)

Senator Debora B. Pignatelli, D. 13: Did you start the petitions? (Yes I did.) Can you tell us what the petitions said?

Drew: Well the petitions specifically requested the Governor to stop this program because it's unconstitutional; there are several reasons but to put it on hold and look at what we got here. I don't have a copy and I can't read it verbatim to you. I could supply you with something.

Richard deSeve/Society for the Protection of New Hampshire Forests, New Hampshire Audubon, New Hampshire Sierra Club: Some of the other speakers were talking about delaying this bill pending the outcome of those bills and I think that's not a bad idea, but I want to address a couple of things that have been said today. First of all the same argument about the 10th amendment and making this thing unconstitutional was raised in the hearing on HB 303 which would take Merrimack County out of the program. What people need to understand is the 10th amendment says the powers and duties not specifically reserved for the federal government are reserved for the states, and that's fine.

Protecting the public health and safety is a power that is specifically reserved for the federal government by the first article in the constitution, so it is in fact reserved to the state, to the federal government and therefore programs like this protect the public health and safety are not unconstitutional. The reason that Strafford and some of these other counties have been put in this program just like some other counties and other areas of the country is that there are extensive studies done by EPA demonstrating where automobile traffic comes from. It doesn't just come from Rockingham County into Portsmouth; it comes from a wide area but all of that traffic and all of those cars help produce the pollution that causes Rockingham County and that whole seacoast area to be out of compliance.

Addressing the program simply to the area where the problem is without addressing the rest of the area where the problem is coming from doesn't get at the heart of the problem, and yes the fact is that some of the pollution comes in off the ocean, comes from Massachusetts, comes from New York, all the way down from Maryland and Virginia. Three years ago when we first put this program into place, the legislature made a decision, a conscious decision to be a leader on this issue and said all right, we have a problem coming from other areas of the country. We want EPA to do something about that, but we also create a problem for ourselves, for downeast Maine and for Nova Scotia with our air pollution, because the same plume of air that rises up that area takes our pollution over there.

We have a responsibility to those people to do something about the air pollution that we create. This program will do that. To talk about it being an undue burden on the consumers is ridiculous. This program will cost \$25 once every two years; 95% of the vehicles that fail this test will be able to pass following a simple tune up which costs on the order of \$75/\$125 - that's it. Our bill that was passed here, our auto-emissions bill had set a limit of \$125 as the limit before a waiver could be in place. We got permission from EPA to do that because the Clean Air Act had said \$450. Personally I think the waiver as Representative Whittemore has said is tested on newer cars; they don't all have to meet the current standards.

There are different levels depending on what air emissions control each

individual years automobiles have. The other statement that the American Automobile Association has determined that cars are not the problem doesn't surprise me - of course AAA is going to say that cars are not the problem, that's their business. But every other study that's been done has clearly demonstrated that in fact automobiles are the largest source of the precursors of ozone pollution, and we need to accept that fact. We all depend on our cars, all of us drive them, we all are part of the problem - we all need to be part of the solution.

Industry has been hammered in this state and other states and will continue to be. Air Resources and a lot of the groups have been working hard with industry to say get your house in order, get your emissions controls in place. We were told that the Newington plant uses something like fuel equal to 600,000 automobiles, and yet believe it or not the use of that fuel by those plants is actually more efficient than your automobile. Automobiles are about the most inefficient machines that have ever been developed by man. We depend on them - we have to do something about them. They are certainly being made more efficient but we're still selling more of them and we need to do something about those emissions and we have to get them in order, and it is a public health issue.

The lady from the American Lung Association was talking about the fact that the .08 level has been violated 32 times in the areas of Strafford and Rockingham Counties in the last year. The federal government has set that level at .12 - American Lung Association and others are now suggesting that .08 is the level at which health effects start to arise. The European community has done their own studies and found that .08 isn't good enough. They have now set their level at .05 parts per million, so we're dealing obviously with some uncertainties here but we believe that it's necessary to err on the side of the protecting the public health and safety by doing this program and getting us at least at the level of .12.

Senator Burton J. Cohen, D. 24: Has the air been tested in Strafford County?

deSeve: No it has not. The monitors are going in, they are going to test it. The reason that the program was extended to Strafford County is because a significant amount of the automobile traffic going in to the areas along the seacoast and down in to the whole Boston corridor comes from those areas, and that's demonstrated by traffic studies. We know where people from those areas go to work and then come back from, and that's why it was extended there.

I want to also make one other point - Representative Whittemore testified that Merrimack County is not in violation, but they are in violation of the standards. They are in marginal non-attainment, and the only reason they weren't picked up the moderate non-attainment is because of the quirk in New Hampshire with the location of their population. So their air quality is no better than these other areas because of where their population is located, they were considered marginal as opposed to moderate, so I want the committee to understand that.

Senator Burton J. Cohen, D. 24: So Strafford County is the non-attainment area; is it able to say that?

deSeve: Under the way that the EPA does the program right now, they have been designated moderate or serious non-attainment. And again that's for that

whole region, designed to address the problem of the whole region.

Senator Beverly T. Rodeschin, D. 8: (unclear)

deSeve: Screwed it up. Right now they (Maine) are trying to get the program back in order. They had a great deal of problems as I understand it with kick-backs and inefficiencies and things like that. There was a massive scandal as how the program was developed, and unfortunately in this state we have a similar problem. If you remember, one of the Governor's chief aids being also one of the chief spokespeople for one of the largest companies manufacturing the test equipment, and there seemed to be an awful lot of questions about whether that contract was fairly let or not. Maine had even a worse problem and that's why they had stopped their program right now, so try to get that in order, make sure the system is fair and put that back in place.

Senator Beverly T. Rodeschin, D. 8: A lot of discussion was on testing also, where are we doing here?

deSeve: I understand that EPA is starting to look at the possibility of some decentralized testing, that some of these things can in fact be put in some of these smaller operations and still be effective in testing cars and also repairing them. The problem always with testing and repair was that when it was done in other areas under the carbon monoxide program, there was a great deal of fraud in the program and it took two ways to happen. One was there were people going in for tests who were paying off the testing stations to pass them, and then having cars go back on the road that shouldn't.

On the other hand you had cars being failed so that the repair part of it test and repair station could do additional business, so those were being done fraudulently. There's a real conflict in a test and repair station to want to fail cars so that you can do the repairs because that's where the money is.

Senator Beverly T. Rodeschin, D. 8: (unclear)

deSeve: Certainly industry has it's share of the problem and they are having to "ratch" it down and improve their emissions quality, but in terms of ozone which is what the auto emissions program is designed to attack, industry is actually a relatively small part of the problem compared to the automobile, but they are having to seriously "ratch" it down. We just worked out a major re-working of the emissions system for nox at the Merrimack Tube plant, so they are having to pull their weight certainly.

The whole idea of the credits and I think a lot of people misunderstand that it is before credits kick in, you still have to bring the overall emissions level down to a certain set level which is protective of public health and safety. If you get to that point and reduce further, there is a level of credit there that can be used by either new or expanded industry to come in after it has met other requirements of the Clean Air Act for things like new source performance standards, but can raise the level back to that certain level, but that is still a level set to adequately protect the public health and safety. It's not to simply go back to the old level of air pollution and that's what they're there for.

We support the idea that we certainly need to do some economic redevelopment in the state and we work closely with the BIA on the problem and will continue to do so, but we need to do it in a way that protects that aspect and public

health.

Senator Frederick W. King, D. 1: You made a statement about the various times in the past year (unclear)

deSeve: I think it was in the last three years the representative from the Lung Association said that it had fallen below the .08 parts per million level thirty two times. I'm not sure where that came from, it may have come from that larger statistical area of which Strafford County was a part. I think it's significant to realize the fact that the citizens from Strafford County are part of the problem and need to be part of the solution. What I'm saying is even if you could determine that in Strafford County itself attainment air quality limits have been attained. Those people live and work in areas and bring their automobiles and automobile pollution into areas where they're helping to cause the problem. For \$25 every two years it seems like a small price to pay for them to bring those problems to other areas where people are suffering health effects and try to do their part to clean it up.

That's the goal of the Clean Air Act, that's what this program is all about, it's about personal responsibility.

HEARING ADJOURNED: 1:45 pm

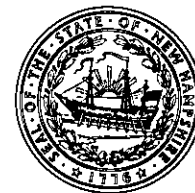
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February 13, 1995

The Honorable Richard Russman
Chairman, Senate Environment Committee
Room 104, Legislative Office Building
Concord, New Hampshire 03301

RE: SB136, Automotive Emission Testing in Strafford County

Dear Senator Russman:

Thank you for the opportunity to testify on SB136 relative to automotive emissions testing in Strafford County. In 1990, the Clean Air Act Amendments designated the four southern counties of New Hampshire including Strafford County as non-attainment areas for violating clean air standards. Cars and trucks are the largest polluters in New Hampshire emitting 50% of the VOCs and 41% of the NOx emissions. VOCs and NOx combine to form ground level ozone (also known as smog). Automobiles are also the largest contributors to air toxic emissions and emit 85% of the carbon monoxide in New Hampshire.

As a serious non-attainment area, the CAAA requires Strafford County to achieve a 15% reduction in emissions by 1996, and a 24% reduction by 1999. Automotive emissions testing or I/M for Inspection and Maintenance, is the most important component of New Hampshire's strategy to achieve those reductions. Those reductions are relative to a 1990 base year, therefore, additional reductions must be made to offset growth. When attainment levels are achieved, and the area is redesignated attainment, emissions are capped and the state must continue to offset any growth in emissions from increases in miles driven which are increasing at the rate of 2-4% per year in New Hampshire. In addition, the New Hampshire highway network is required to demonstrate a reduction in emissions before a highway project is allowed to proceed. Without an emissions testing program, highway projects will have great difficulty meeting this requirement. Therefore, highway projects in Strafford County could be substantially limited without emission testing. Until the area is redesignated as attainment, EPA has the ability to sanction highway funds, restrict economic development and even implement a federal I/M program if the state fails to do so.

The Clean Air Act also targets population centers in requiring enhanced automotive emissions testing programs. All areas in the Northeast Ozone Transport Region which have populations exceeding 100,000 must adopt automotive emissions testing programs.

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The Honorable Richard Russman
Chairman, Senate Environment Committee
RE: SB136, Automotive Emission Testing in Strafford County
February 13, 1995

Strafford County is part of the Portsmouth-Dover-Rochester Metropolitan Statistical Area or population center. The Portsmouth-Dover-Rochester area exceeds the 100,000 population threshold significantly. It is under this requirement that Burlington, Vermont must implement an automotive emissions testing program. Burlington, Vermont is in attainment and always has been, yet it will be implementing an enhanced automotive emissions testing program because its population exceeds the population threshold of the Qzone Transport Region (OTR) requirement. I have attached an information sheet on the CAA requirements for emission testing in Strafford County.

The Department of Environmental Services and the Department of Safety are currently evaluating ways to increase consumer convenience of any auto emissions testing program that New Hampshire may implement because the EPA has indicated it would be receptive to offering states more flexibility. In fact, we recently outlined eight different automotive emissions testing options to the House Science, Technology and Energy Committee. The EPA intends to issue a re-draft of its I/M rule in March 1995. At a minimum, these changes will include making it easier and less expensive to have cars repaired and should establish improved consumer awareness provisions. The details of these changes are now being developed and should be available soon. I have attached a matrix of options that DES and DOS are evaluating.

The committee may wish to consider delaying action on SB136 until more information on alternatives is available. However, we welcome the input and comments of this Committee for ways to make auto emission testing in New Hampshire more effective and convenient for our citizens. In addition, I offer our services to work with the Committee in any way necessary. I would be happy to answer any questions concerning this complex but important program.

Sincerely,

Kenneth A. Colburn
Director

Enclosures:
I/M Options Matrix
Clean Air Act & I/M in Strafford County (Fact Sheet)

February 13, 1995

FACTS ABOUT THE CLEAN AIR ACT & I/M IN STRAFFORD COUNTY

Boundaries of Ozone Non-Attainment Areas (Sec. 107)

Section 107(d) of the 1990 Clean Air Act Amendments (CAAA) states that if an Ozone non-attainment area located in a metropolitan statistical area (MSA) is classified as serious or worse, the boundaries of such area are revised by operation of law to include the entire MSA unless the Governor notifies the EPA within a specified time window that a smaller area is to be considered. Further, EPA has to approve any such changes.

All but three towns in Strafford County are in the Portsmouth-Dover-Rochester MSA as is the Rye Harbor Ozone monitor in Rockingham County whose measurements in the 1987-1989 period resulted in a serious Ozone classification. The time window for notification for consideration of alternative boundaries occurred in early 1991 and neither NHDES nor any other party made any recommendation to the Governor regarding such notification.

Requirements for Serious O3 Non-Attainment Areas (Sec. 182)

Section 182(c) of the 1990 CAAA requires an enhanced I/M program for each urbanized area in a serious non-attainment area with a 1980 population of 200,000 or more.

The Portsmouth-Dover-Rochester MSA does not include any urbanized area meeting this criterion so Sec. 182 does not require I/M in Strafford County.

Requirements for the Northeast Ozone Transport Region (Sec. 184)

Section 184(b) requires an enhanced I/M program for each MSA in the Transport Region with a 1990 population of 100,000 or more.

All of New Hampshire, eleven other states and the District of Columbia comprise the Northeast Ozone Transport Region (OTR) as established by Sec. 184(a). The Portsmouth-Dover-Rochester MSA had a 1990 population of 175,000, therefore enhanced I/M is a requirement.

Requirement for Entire Counties in I/M (EPA Regulations)

EPA's final I/M Regulations were issued on 11/5/92. They require that counties which are at least in part within an MSA mandated to have enhanced I/M must be in the program in their entirety. However, if the 1990 population density is less than 200 persons per square mile and over 50% of the MSA is in another county

FACTS ABOUT THE CLEAN AIR ACT & I/M IN STRAFFORD COUNTY

Requirement for Entire Counties in I/M (EPA Regulations)

covered by the I/M program, then EPA allows for exemption of the county. Strafford County's 1990 population density is approximately 290 per square mile, so it does not qualify for this exemption.

Ozone Monitoring in Strafford County (RSA 268)

No ozone monitoring has ever been conducted in Strafford County although there are two monitoring stations nearby in Rockingham County (Portsmouth & Rye Harbor). However, NH RSA 268 (1993 I/M legislation) requires that NHDES purchase equipment to establish and operate ozone monitoring stations in any counties without such monitoring. All equipment for such monitoring has been purchased by ARD. Strafford County is our first priority for this requirement, and ARD is currently negotiating for a monitoring site in Rochester. We expect to have the station operating in time for the 1995 ozone season.

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Velcro USA

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Testimony in Opposition to Senate Bill 136

For the record, my name is Becky Berk and I am speaking as a representative of the American Lung Association of New Hampshire. Our mission in this state is to promote health by preventing and controlling lung disease, to which air pollution is a significant contributor. Ground level ozone is of particular concern in four NH counties, including Strafford County. Although it is especially problematical in the summertime due to hot, sunny conditions, the two pollutants which are essential ingredients for ozone production are produced year-round, in large part by our cars.

Ozone can cause immediate and acute health effects for the 50,000 NH residents who suffer from such lung diseases as emphysema, asthma and chronic bronchitis. 10,285 of these people live in Strafford County. Ozone can also impair lung function in the elderly and in children and adults who are active outdoors, even on days when levels are as low as 0.08 parts per million (ppm). The EPA ozone standard is currently set at 0.12 ppm, but significant research has indicated that symptoms of exposure and lung damage begin occurring at significantly lower levels. While the EPA standard was exceeded one day last summer, the threshold for health effects was exceeded thirty two days.

Strafford County is classified by EPA as a "serious non-attainment area, meaning that ozone levels average up to 50% above the federal standard and a full 125% above the threshold for health effects. Much emphasis has been placed on the cost and potential inconvenience of an I/M program, and we seem to have lost sight of the bottom line. Ground level ozone is a public health issue, first and foremost. We can't afford not to have an I/M program in Strafford County. If cost and inconvenience are issues, then let's work on reasonable compromises to alleviate them without sacrificing improved air quality. We feel strongly that air quality protection should not be denied to the thousands of at-risk residents of a NH county that is already in serious violation of standards.

In summary, we believe that the public health of NH residents would not be well served if emissions testing is not conducted in all counties, including Strafford, which violate federal and health standards for ozone. The American Lung Association and its constituents respectfully recommend "DO NOT PASS" for Senate Bill 136.

Thank you.

When You Can't Breathe, Nothing Else Matters®

Founded in 1904, the American Lung Association includes affiliated associations throughout the U.S., and a medical section, the American Thoracic Society.

C.

**Citizens For Sensible Government
RR2 Box 712
Chichester NH 03263
2-14-95**

**Governor Stephen Merrill
State House
Concord NH**

Re: Auto emissions

Dear Governor Merrill;

It is now obvious, to even the casual observer that our legislature was coerced into producing legislation that would not have served the public.

Although I am encouraged with MOST of the action being taken to reverse these mistakes, the reformulated gas program needs your immediate attention.

This watered down gasoline is causing numerous problems for New Hampshire's people and rates right up there with the centralized testing boondoggle.

The reformulated gas reduces fuel mileage by about 10%.

Motorists will be forced to BUY and BURN an additional 38 million gallons each year.

It seems that the effect RFG has on performance gets progressively worse with vehicle age.

The RFG will raise the cost of gas about 7 cents.

Government gets a kick too. \$14 MILLION yearly in increased tax dollars.

It all adds up to an increased fuel cost of about 17% for motorist in the four counties.

Other States have realized this scam and either have or are working to scrap the RFG program.

Again, New Hampshire's people will pay the price to solve a bonafide problem, but they also have the capacity to tell the difference between making clean air and making millions for contractor cartels.

The only thing being cleaned is our wallets.

Thank You

**Mark
Mark Drew**

2.

Citizens For Sensible Government
RR 2 Box 712
Chichester NH 03263
Ph/Fax 798-5793

January 25 , 1995

Senate Environment and Agriculture Committee
Re: Auto Emissions Legislation

Dear Committee Members;

As you know, the auto emissions program is on the front burner this session. When I learned of the programs short comings last summer I organized a rebellion as well as this citizen collation, which will represent the people throughout this process. If we are to have an emissions program, we need one that is right for New Hampshire.

I have spent the past six months researching and dealing with this business. I have heard and read a lot of rhetoric. My daughter suffers from asthma, and four years ago I had open heart surgery. I have worked as a Firefighter/EMT in Concord for seventeen years, I have seen a lot of sick people. I have also been instrumental in adopting programs and equipment that will spare firefighters the adverse effects of diesel engine exhaust in the fire stations. I am well aware of the possible side-effects of pollution, but the program before us is not only unjust, unrealistic, and unconstitutional, it will do little to clear the air in New Hampshire.

As you know, only four of New Hampshires ten counties are included in the program. Rockingham, Hillsborough, and Strafford Counties were included due to violations that occurred seven years ago. Merrimack county was included to generate *pollution credits*, not because of violations.

Lawmakers have been told that the auto emissions program is needed to reduce the occurrence of smog (ground level ozone). New Hampshire exceeded the federal standards for ozone (.120 parts per million) once in 1994, with a reading of .135 on the sea coast in Portsmouth and in Rye on the 21st of July. In 1993, the states sole violation was in Nashua on June 25th, with a reading of .127ppm. In 1992 there were no violations.

Three years - 26,280 hours and we had three one hour violations. Most likely, these violations were caused by transient ozone, some of it manmade, but the majority from natural sources.

Lets assume for a moment that we needed to address a real smog problem here. Smog can form when certain pollutants become suspended in a warm stagnate air mass in the presence of sunlight. The main chemical precursors for smog are VOCs (volatile organic compounds) and NOx (nitrogen oxide). Both contribute, but in different ways.

but in a more complicated way. They react with NO_x to make NO₂. thus supplying more fuel for the first ozone-making reaction. Biogenic sources, (vegetation, mainly trees) contribute 75% of the VOCs while Anthropogenic sources (industry, trucks and automobiles) contribute 25%.

Whats the best way to reduce ozone - focus on the cutback of VOCs or NO_x ? The EPAs so-called mandated program targets VOCs. According to atmospheric chemist's this strategy can make a difference in places like Los Angeles, but in urban areas, reducing VOCs will not work. The reason, research now shows that biogenic sources in areas like New England, emit at least three times the VOCs that come from man-made sources. Even eliminating manmade VOC emissions will not solve the smog problem. The focus on VOCS and not NO_x may have been the best known solution when the 1990 clean air act was passed, but the correct strategy now is the aggressive reduction of NO_x.

Even if we had a "smog" problem in New Hampshire this program would not work.. For one, it targets VOCs, the wrong choice, and unless the perpetuation of the past mistakes is not stopped, taxpayers, motorists and businesses will be forced to spend millions on ineffective, costly non-solutions.

At best, the EPA mandated auto emissions program would reduce VOCs by less than 3% in New Hampshire. It is highly unlikely that anyones lungs would ever sense this reduction.

In the last session Lawmakers were told that "diesels do not contribute to the smog problem, that they emit particulates that are unsightly, but not part of the problem.". This is complete horse pucky! Diesels are a major contributor of VOCs , the noxious diesel exhaust odor tells all. The black smoke is also chiefly unburned fuel, or VOCs.

- "Particulates", are a by-product of the diesel engine. Sometimes called PM10 (particle matter less than 10 microns) it is a known carcinogen. It is unlikely you would actually see these cancer causing particles, being 5 times smaller than the smallest particle the human eye can see (50 microns).

Most important, at least in terms of smog, diesels do emit NO_x. Recent studies show that diesel trucks and buses are a major source of NO_x.

If there is a so-called smog problem in New Hampshire, then-

Why are all diesel powered vehicles exempt (including my own)

Why are all large trucks and buses exempt (gasoline and diesel)

Why are certain " green groups supporting this particular I/M 240 testing program"

Why will people be able to "buy out of the program" for as little as \$125.00.

Why would the so-called "reduction" attained in Merrimack county be given away. Some claim that without these "credits", businesses will not be able to move into the area. NOT TRUE The fact is, without these "credits", it could be *difficult* for dirty businesses to move into the area. Whats so bad about that ! Merrimack County is already home of one of the dirties industries in the country. PSNH says it will reduce NO_x

4.

emissions by 65% at its Merrimack Station. Problem is, the system they plan to use has never been tried on a plant as "dirty as Merrimack Station". Even if the plan works, it does not address the real problem with Merrimack Station - 34,169 tons of sulfur dioxide into the air yearly.

It is interesting that Power Companies are advocating the mandate of electric vehicles in New Hampshire, the so-called "emission free vehicle". The truth is, these vehicles will only shift the pollution from autos to the power plants, who will determine the price you pay to fuel your vehicle. Electric vehicles may hold some promise for Los Angeles County, where the power plants are outside of the Smog areas and burn relatively clean natural gas.

Why is the American Lung Association paying for press conferences and adds supporting a big government centralized smog check program? The fact is, a front group for the centralized testing industry has made major contributions to the Lung Association, as well as other green "groups." The Lung Association advocates lowering the federal standard of ozone from .120ppm to .080ppm. I am sure they are unaware that would drum up the business for the centralizing testing industry. I wonder if that would mean its safe to breath .079ppm?

Why does the president of the Audubon society insist that a de-centralized program will not work, do to corruption among local garages. We have a statewide safety inspection program in place, operated by capable "local" people in "local" garages and enforced by the state department of safety. The program works. If an inspection station breaks the rules, he is out of the inspection business. Motorist's can not "buy their way out" of a safety inspection, you need brakes, you get brakes. If you need an emission repair thats what you get.

If we need an emission program in this state we can handle it ourselves. These people can do it right. The "experts" have said most of the cars need a simple tune-up, costing less than \$75.00. We certainly do not need the capricious and oppressive federal program that will only test cars, not fix them, that will allow gross polluters to buy out, a program driven by profit.

When the 1990 clean air act was debated in Washington DC, Senator Steven Symms called this program " the biggest fraud ever perpetrated on the people of this Country". I think he was right. I do not believe we have a real smog problem in this state. I am now convinced that the EPA is using all those colored charts and graphs along with bogus and contrived information to sell us something we do not need. We do have some isolated pollution problems, as well as a small percentage of vehicles on the road that need repairs. The currently proposed program will not solve these problems.

Most important, the people deserve a choice in who tests and repairs their vehicles. I have thousands of individual petitions and letters from citizens who are against centralized testing. If you need anything further please let me know.

Sincerely;



Mark Drew



STEPHEN MERRILL
GOVERNOR

State House
Concord, New Hampshire

February 7, 1995

Carol Browner, Administrator
Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460

Dear Ms. Browner:

I write to urge your support and assistance for the redesignation of New Hampshire's air quality status. Presently, four Counties are designated as "non-attainment" areas. Because of the improvement in New Hampshire's air quality in recent years, the designation should change to "attainment" for both carbon monoxide and ground level ozone, throughout the entire State.

In the unclassified Counties of Cheshire, Sullivan and Belknap, in addition to the marginal area containing Merrimack County and parts of Hillsborough and Rockingham, New Hampshire has not once exceeded clean air standards since 1990. The Portsmouth-Dover-Rochester MSA (Seacoast area) classified as serious non-attainment for ozone has exceeded clean air standards only twice in the last three years making it also eligible for redesignation to attainment. While the Boston-Lawrence-Salem CMSA non-attainment area which includes eastern Massachusetts and southern New Hampshire (parts of Hillsborough and Rockingham Counties) has exceeded standards five times in the last three years, only two of those instances have been within New Hampshire's borders. In 1994, the New Hampshire portion of the Boston-Lawrence-Salem CMSA met federal standards every single day.

New Hampshire has demonstrated clean air levels within our own borders and should not be punished because dirty air flows into the State from Massachusetts and other upwind states. New Hampshire takes seriously its responsibility for achieving pollution reductions. We should be rewarded for our success and should not be held liable for violations occurring and measured in another state. Excluding violations occurring in Massachusetts the Southern New Hampshire area is eligible for redesignation to attainment status.

6.

Carol Browner, Administrator
Environmental Protection Agency
February 7, 1995
Page Two

If New Hampshire's air quality were considered on its own as a single New Hampshire-only average, the four violation days occurring during the last three years (at two different stations) would generate a design value achieving attainment. The fourth-highest violation among all stations is 125 parts per billion (PPB), less than five percent (5%) above the national health standard (120 PPB). The enclosed copy of our ozone monitoring data from 1990 to 1994 demonstrates the wisdom of redesignation.

Finally, the City of Manchester and the City of Nashua are currently designated non-attainment for carbon monoxide (CO). New Hampshire has not experienced a CO violation for over five years thus making all areas within our State eligible for CO attainment status. In fact, even under the criteria of the Clean Air Act Amendment of 1990, these cities should not have been designated non-attainment; it is only because non-attainment areas are prohibited from being re-classified until a comprehensive maintenance plan has been created that attainment status has not been awarded. These areas should be redesignated as attainment areas even without a maintenance plan, based on observed monitoring data.

New Hampshire citizens desire clean air. We have demonstrated, through local control and innovation that we can come up with ways to keep our air clean. The redesignation of the State to attainment status will appropriately reflect our achievements in recent years. I look forward to hearing from you.

Very truly yours,



Stephen Merrill
Governor

SM/prg
Enclosure

cc: John DeVillars, Regional Administrator
EPA Region I

Commissioner Robert W. Varney
Department of Environmental Services

7.

Citizens For Sensible Government
RR 2 Box 712
Chichester NH 03263
Ph/Fax 798-5793
January 25 , 1995

Senate Environment and Agriculture Committee
Re: Auto Emissions Legislation

PSNH's Merrimack Station in Bow, burns 4000 tons of coal per day, which is equal to the fuel consumed by 498,203 automobiles.

According to the National Traffic Safety Institute, fuel consumption for New Hampshire automobiles averages 611 gallons per year or 1.67 gallons per day.

Merrimack Station	4000 tons coal day	Average Auto	1.67 gal per day
	x <u>26,000 Mbtu per ton</u>		x <u>125,000 btu per gallon</u>
	= 104,000,000,000 BTU per day	=	208,750 btu per day each vehicle
			x <u>498,203 automobiles</u>
			104,000,000,000 BTU per day

The Merrimack station emits yearly;
18,606 tons of Nitrogen Oxides,
34,169 tons of Sulfur Dioxide
50 tons of Particulates

The so-called "violations" that gave Merrimack County a *marginal status* were recorded in the years 1988, 1989 and 1990 at Bow junction.

The smoke stack at Merrimack Station is designed to get the pollutants up and away from the plant, this provides workers around the plant a reasonable amount of safety.

To measure the effects at ground level, one would have to look for a site away from the plant.

The tests for Merrimack County were taken two miles north of the plant, at the intersections of interstate 93 , interstate 89 and route 3A.

Merrimack County includes 29 towns, and covers nearly 1000 square miles.

The tests were taken at Bow Junction. Seven years ago.

Sincerely


Mark Drew

Stafford County
Auto Emissions

8.

Citizens For Sensible Government
RR 2 Box 712
Chichester NH 03263
Ph/Fax 798-5793

January 16, 1994

Senator George A. Lovejoy
P.O. Box 28
Rochester NH 03866

Dear Senator;

As you know, the auto emissions program is on the front burner this session. When I learned of the programs short comings last summer I organized a rebellion as well as this citizen collation, which will represent the people throughout this process. If we are to have an emissions program, we need one that is right for New Hampshire.

I have spent the past six months researching and dealing with this business. I have heard and read a lot of rhetoric. My daughter suffers from asthma, and four years ago I had open heart surgery. I have worked as a Firefighter/EMT in Concord for seventeen years, I have seen a lot of sick people. I have also been instrumental in adopting programs and equipment that will spare firefighters the adverse effects of diesel engine exhaust in the fire stations. I am well aware of the possible side-effects of pollution, but the program before us is not only unjust, unrealistic, and unconstitutional, it will do little to clear the air in New Hampshire.

As you know, only four of New Hampshire's ten counties are included in the program. Rockingham, Hillsborough, and Stafford Counties were included due to violations that occurred seven years ago. Merrimack county was included to generate *pollution credits*, not because of violations.

Lawmakers have been told that the auto emissions program is needed to reduce the occurrence of smog (ground level ozone). New Hampshire exceeded the federal standards for ozone (.120 parts per million) once in 1994, with a reading of .135 on the sea coast in Portsmouth and in Rye on the 21st of July. In 1993, the states sole violation was in Nashua on June 25th, with a reading of .127ppm. In 1992 there were no violations.

Three years - 26,280 hours and we had three one hour violations. Most likely, these violations were caused by transient ozone, some of it manmade, but the majority from natural sources.

Lets assume for a moment that we needed to address a real smog problem here. Smog can form when certain pollutants become suspended in a warm stagnate air mass in the presence of sunlight. The main chemical precursors for smog are VOCs (volatile organic compounds) and NOx (nitrogen oxide). Both contribute, but in different ways.

Nitrogen Dioxide (NO2) a form of NOx comes from smokestacks and tailpipes, it forms ozone directly. VOCs, (mainly non-methane hydrocarbons) contribute to ozone, but in a more complicated way. They react with NOx to make NO2. thus supplying more fuel for the first ozone-making reaction. Biogenic sources, (vegetation, mainly trees) contribute 75% of the VOCs while Anthropogenic sources (industry, trucks and automobiles) contribute 25%.

Whats the best way to reduce ozone - focus on the cutback of VOCs or NOx ? The EPAs so-called mandated program targets VOCs. According to atmospheric chemist's this strategy can make a difference in places like Los Angeles, but in urban areas, reducing VOCs will not work. The reason, research now shows that biogenic sources in areas like New England, emit at least three times the VOCs that come from man-made sources. Even eliminating manmade VOC emissions will not solve the smog problem. The focus on VOCS and not NOx may have been the best known solution when the 1990 clean air act was passed, but the correct strategy now is the aggressive reduction of NOx.

Even if we had a "smog" problem in New Hampshire this program would not work.. For one, it targets VOCs, the wrong choice, and unless the perpetuation of the past mistakes is not stopped, taxpayers, motorists and businesses will be forced to spend millions on ineffective, costly non-solutions.

At best. the EPA mandated auto emissions program would reduce VOCs by less than 3% in New Hampshire. It is highly unlikely that anyones lungs would ever sense this reduction.

In the last session Lawmakers were told that "diesels do not contribute to the smog problem, that they emit particulates that are unsightly, but not part of the problem.". This is complete horse pucky! Diesels are a major contributor of VOCs , the noxious diesel exhaust odor tells all. The black smoke is also chiefly unburned fuel, or VOCs.

"Particulates", are a by-product of the diesel engine. Sometimes called PM10 (particle matter less than 10 microns) it is a known carcinogen. It is unlikely you would actually see these cancer causing particles, being 5 times smaller than the smallest particle the human eye can see (50 microns).

Most important, at least in terms of smog, diesels do emit NOx. Recent studies show that diesel trucks and buses are a major source of NOx.

If there is a so-called smog problem in New Hampshire, then-

Why are all diesel powered vehicles exempt (including my own)

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businesses to move into the area. Whats so bad about that ! Merrimack County is already home of one of the dirties industries in the country. PSNH says it will reduce NOx emissions by 65% at its Merrimack Station. Problem is, the system they plan to use has never been tried on a plant as "dirty as Merrimack Station". Even if the plan works, it does not address the real problem with Merrimack Station - 34,169 tons of sulfur dioxide into the air yearly.

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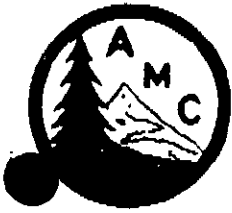
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Most important, the people deserve a choice in who tests and repairs their vehicles. I have thousands of individual petitions and letters from citizens who are against centralized testing. If you need anything further please let me know.

Sincerely;



Mark Drew



**Appalachian
Mountain
Club**

P.O. Box 298
Route 16
Gorham, NH 03581

Northern New England Regional Office

**TESTIMONY by the APPALACHIAN MOUNTAIN CLUB in OPPOSITION TO
SB 136 EXCLUDING STRAFFORD COUNTY FROM THE MOTOR VEHICLES
EMISSIONS TESTING PROGRAM**

L. Bruce Hill PhD Staff Scientist, AMC Research Department, Pinkham Notch, NH

February 14, 1995

The Appalachian Mountain Club (AMC) is non-profit recreation and conservation organization with over 6,000 members in our New Hampshire Chapter. The AMC serves half a million people annually at its NH facilities. The mission of the AMC promotes not only enjoyment of the Northeast's mountains, rivers and open spaces but their protection as well.

We are submitting written testimony because we are concerned with the unabated persistence of ozone smog in the White Mountain National Forest (WMNF), where many of our backcountry facilities are located. This concern is based on our extensive air pollution monitoring conducted in cooperation with the Harvard School of Public Health (HSPH) and the WMNF. For example, we are currently finalizing a health impacts study with HSPH and Brigham and Womens Hospital that examined the effects of ozone and particles on 1000 day-hikers to Mount Washington's 6,288 foot summit. In 1988 and 1989, our monitoring recorded ozone concentrations of 0.13 and 0.15 ppm exceeding the federal health standard of 0.12 ppm. And there is very little statistical difference in ozone concentrations, over the past seven years. AMC air monitoring also shows that exposure to ozone commonly increases with elevation in the mountains. Acid rain and cloud measurements taken for over a decade show that acidification of the atmosphere remains unabated. Studies at UNH show that nitrogen loading (from NOx) is a problem in the forest. AMC visibility monitoring indicates that the 133 mile views to the Adirondacks in NY state from the summit of Mount Washington, are commonly reduced to 2-15 miles during warm summer days. And from a poll of over 600 visitors to Mount Washington, the majority said that they would not return if hazy conditions were predicted. From this we conclude that clean air is an important economic resource for NH.

The bill before you seeks to remove Strafford County from the I/M program. The I/M program as set forth in NH law, was not simply a federal mandate but the product of two or more years of debate and the support of a diverse group of NH organizations. Stakeholders in the process agreed that an effective automobile emissions testing program in the regions with the most concentration of cars--southern New Hampshire-- would be one of the most cost effective ways to reduce ozone-forming emissions in New Hampshire.

The NH SIP is right on track to reduce ozone and a resulting pollutant, nitrate, an acid particulate formed by auto emissions that forms haze and acid clouds and rain (nitric acid) by 1996 as required under the Clean Air Act--so why jeopardize it? Under the I/M program, automobile owners will take the responsibility for maintaining the emissions performance of their cars in the same way as we take responsibility for the trash we create. We believe that the program is important to protect the health of New Hampshire residents as well as the health of our visitors and forest ecology downwind of southern NH non-attainment areas. Lets not continue to derail the auto emissions program by passing this bill.

Why is an effective emissions program important for New Hampshire? According to the NH Air Resources Division, automobile emissions in NH accounted for the lion's share of the emissions of the two pollutants that cause ozone: cars contribute 50 percent of the volatile organic compounds (VOCs) and 41 percent of the nitrogen oxides (NOx) in 1990. In real terms, this amounts to 75 tons per day of VOCs and 79 tons per day of NOx for a total of about 22,500 tons of VOCs and 23,700 tons of NOx per year. In fact, while a significant amount of air pollution is transported from states to the south, on a per-capita basis, NH exceeds the upwind states NY, CT, MA, RI in total tonnage for both NOx and VOCs. Finally, automobile emissions are responsible for greater than half of the air toxics in the U.S. such as the well known carcinogens benzene, formaldehyde, particulates and butadiene.

It has been argued that Strafford County has no monitoring, therefore there is no evidence of a problem. It has even been suggested that there is no problem. This is false logic. The areas adjacent to the county have ample monitoring evidence suggesting the air in Strafford county is NOT healthy; the Rye Harbor and Portsmouth monitoring sites are just upwind (south) of Strafford County--two of the "dirtiest" sites in the state and are considered by NHAD to be representative of Strafford County. Moreover, Strafford County is along the coast--one of the areas hardest hit by ozone transport. In fact, Strafford County emissions may have more impact on NH and Maine than inland areas because NOx and VOCs swept off the coast over the ocean will form ozone that will not be reduced by deposition against topography or scavenged by trees. This is the very reason for the concentrated ozone that travels up the coast, through the Gulf of Maine to give the very high readings at Acadia National Park. For this reason, ozone precursor controls are particularly important near coastal areas of New England such as Strafford County.

Under the Clean Air Act, Strafford County must be included in the program because of its population density and thus, the number of cars contributes significantly to the emissions inventory. Also, people in Strafford county regularly commute into the Boston CMSA--yet at the same time it is argued that our problem is coming from the Boston area. The Congressional intent in setting up the auto emissions program with a Northeast corridor mandate for emissions testing based on population and repairs was to abate this regional pollutant transport problem--not to simply bring individual counties into attainment.

In the wake of recently increased flexibility for the states by EPA in meeting the standards for the I/M programs under the Clean Air Act, the NH program is being reexamined and will likely be revamped to allow for maximum customer convenience, the incorporation of a test for diesels, and lowered repair waivers and other areas of concern to the public. And even under attainment redesignation (a very risky step to take without a SIP in place) the I/M program will be essential under redesignation criteria that must include a plan to maintain attainment (emissions would be capped at 1994 levels) to support future growth in the number of cars industry (thus, jobs) in the county.

In summary, because ozone, visibility and acid rain problems persist in NH, we believe that a strong auto emissions program, including Strafford County (or the more equitable solution--a statewide program that we originally argued for) is crucial for achieving NH's part in reducing persistent Northeast regional smog. In doing our part, we will also set an example for, and put pressure on, the upwind states that create smog that is transported into NH.

For the health of our families, forests and economy, we urge you to reject SB 136 to remove Strafford County from the program. However, we offer our support in continuing a constructive public dialogue that will allow NH to move forward as soon as possible with an effective, yet convenient program to reduce auto emissions and meet the goals and deadlines of the Clean Air Act.

On behalf of the Appalachian Mountain Club, thank you for the opportunity to provide testimony on SB-136.

Date: February 14th, 1995 Time: 1:05 pm

The Senate Committee on Environment

held its hearing in Room 104 LOB, Concord, New Hampshire.

BILL NO.: SB 136 FN L **TITLE:** AN ACT excluding Strafford county from motor vehicle emissions testing and relative to adding counties to the motor vehicle emissions testing program.

Members of committee present: Richard Russman, Debora Pignatelli, Burton Cohen, Beverly Rodeschin, Fred King

Those appearing in favor:

<u>Name and Address</u>	<u>Representing</u>
Senator George Lovejoy	District 6
Representative James Whittemore	Merr/13

Those appearing in opposition:

<u>Name and Address</u>	<u>Representing</u>
Gilbert Cox	DES
Becky Berk	Am. Lung Assoc.
Mark Drew	Citizens for Sensible Government
Richard deSeve	SPNHF

REPORT OF COMMITTEE:

Ought to Pass	Interim Study
Ought to Pass w/amendment	Continued Hearing
Inexpedient to Legislate X	Postponed Hearing

Waddy



The State of New Hampshire
Senate

February 14, 1995

State House, Concord

TO: Senators on the Environment Committee

FROM: Miriam Withers

RE: Senate Bill 136-FN-Local (excluding Strafford county from motor vehicle emissions testing and relative to adding counties to the motor vehicle emissions testing program.)

Sponsors: Senators Lovejoy, Fraser and Barnes

What the bill does: Senator Bill 136 would exclude Strafford county from the motor vehicle emissions testing program area and prohibits the department of environmental services from adding counties to this program in the future.

Who supports the bill: Representative Whittemore and Mark Drew all support this legislation.

Who opposes the bill: The American Lung Association, the Society for the Protection of New Hampshire's Forests and the Department of Environmental Services spoke in opposition.

Testimony Report:

Proponents contend that Strafford county has not yet been tested for air quality and therefore should not be required to comply with the vehicle emissions testing program.

They are also concerned with the unfunded mandate issue which requires car owners to have their vehicles tested and requires them to pay for the testing and repairs without any assistance from the state. This they feel is an unjust burden thrust upon the citizens the state. Similar programs in other states indicate that 40% of all cars would need some form of repair, thus affecting a large percentage of the population.

Opponents contend that Strafford county does have a pollution problem and the equipment is now in place to test it. The EPA classifies Strafford county as a "serious non-attainment area" which means that ozone levels average up to 50% above the federal standards.

In addition some 10,285 people in Strafford county suffer from lung diseases and this is further complicated by the area's ozone level which is produced in-large part by cars.

Funding:

The department of environmental services anticipates that \$534,757 will be in state restricted revenue and expenditures between now and FY 1999 if Strafford county is to be exempted from this program. After FY 1999 it is anticipated that the state will lose \$98,863 annually as a result of this exemption.

Future Action: Unclear.

Speakers

Date Feb. 14 Time 1:00

SENATE Environment COMMITTEE

PUBLIC HEARING

ON

SB 136 FN.L

APPEARING IN FAVOR (Please Print)

NAME

ADDRESS

REPRESENTING

Sen. Jack Barnes

*Speak?
Y or N?*

N

APPEARING IN OPPOSITION (Please Print)

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF COMMITTEE

DATE: March 15th, 1995

THE COMMITTEE ON ENVIRONMENT

To which was referred Senate Bill 136 FN Local

AN ACT excluding Strafford county from motor vehicle emissions testing and relative to adding counties to the motor vehicle emissions testing program.

VOTE: 5-1

Having considered the same, report the same with the following resolution: Resolved, that it is: **INEXPEDIENT TO LEGISLATE.**

Senator Richard Russman
For the Committee