

Bill as Introduced

HB 1542-FN - AS INTRODUCED

2010 SESSION

10-2232

08/10

HOUSE BILL ***1542-FN***

AN ACT repealing nitrogen oxide emitting generation source requirements.

SPONSORS: Rep. Kaen, Straf 7

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill repeals nitrogen oxide emitting generation source requirements and the nitrogen oxide emissions reduction fund in 2014.

.....

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT repealing nitrogen oxide emitting generation source requirements.

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

1 1 Departmental Responsibilities. Amend the introductory paragraph of RSA 125-J:13, II(c) to
2 read as follows:

3 (c) There is hereby established the nitrogen oxide emissions reduction fund. This
4 nonlapsing, revolving special fund shall be continually appropriated to be expended by the
5 department of environmental services in accordance with this section. The state treasurer shall
6 invest the moneys so deposited as provided by law. Interest received on investments made by the
7 state treasurer shall also be credited to the fund. All payments collected by the department under
8 this paragraph shall be deposited in the nitrogen oxide emissions reduction fund and used *for the*
9 *administration of the department's responsibilities under this chapter and* to reduce NOx
10 emissions by NOx-emitting generation sources. Fund moneys may be used for:

11 2 Repeal. The following are repealed:

- 12 I. RSA 125-J:1, XIX-c relative to the definition of nitrogen oxide-emitting generation sources.
- 13 II. RSA 125-J:13, relative to nitrogen oxide emitting generation source requirements.
- 14 III. RSA 125-J:14, relative to nitrogen oxide-emitting generation source rulemaking.
- 15 IV. RSA 6:12, I(b)(69), relative to the nitrogen oxide emissions reduction fund.

16 3 Transfer of Nitrogen Oxide Emissions Reduction Fund. All payments collected under
17 RSA 125-J:13 prior to its repeal and deposited in the nitrogen oxide emissions reduction fund shall
18 be transferred to the special account established in RSA 125-J:5, IX.

19 4 Effective Date.

- 20 I. Section 1 of this act shall take effect 30 days after its passage.
- 21 II. The remainder of this act shall take effect January 1, 2014.

LBAO
10-2232
11/30/09

HB 1542-FN - FISCAL NOTE

AN ACT repealing nitrogen oxide emitting generation source requirements.

FISCAL IMPACT:

The Department of Environmental Services states this bill will decrease state restricted revenue by \$14,697 in FY 2014. There will be no fiscal impact on county and local revenue or state, county, and local expenditures.

METHODOLOGY:

The Department of Environmental Services states this bill will repeal the nitrogen oxide emitting generation source requirements, including the annual fee payments made to the Nitrogen Oxide Emissions Reduction Fund in FY 2014. The Department assumes revenue in FY 2014 will be equal to the \$29,394 of revenue collected in FY 2009. With the January 1, 2014 effective date, the Department assumes restricted revenue will decrease by half of the FY 2009 revenue or \$14,697 in FY 2014.

This bill also allows the Department to charge the Nitrogen Oxide Emissions Reduction Fund for administrative costs until the fund is repealed. The Department has charged the Air Resources Fund for administrative costs associated with the Nitrogen Oxide Emissions Reduction Fund in the past, which is about \$10,000 each year. The fiscal impact will be a \$10,000 decrease in expenditures for the Air Resources Fund and a \$10,000 increase in expenditures for the Nitrogen Oxide Emissions Reduction Fund in FY 2010 through FY 2014. The net fiscal impact of this change will be zero.

CHAPTER 59
HB 1542-FN - FINAL VERSION

2010 SESSION

10-2232
08/10

HOUSE BILL ***1542-FN***

AN ACT repealing nitrogen oxide-emitting generation source requirements.

SPONSORS: Rep. Kaen, Straf 7

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill repeals nitrogen oxide-emitting generation source requirements and the nitrogen oxide emissions reduction fund in 2014.

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

CHAPTER 59
HB 1542-FN – FINAL VERSION

10-2232
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT repealing nitrogen oxide-emitting generation source requirements.

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

1 59:1 Departmental Responsibilities. Amend the introductory paragraph of RSA 125-J:13, II(c)
2 to read as follows:

3 (c) There is hereby established the nitrogen oxide emissions reduction fund. This
4 nonlapsing, revolving special fund shall be continually appropriated to be expended by the
5 department of environmental services in accordance with this section. The state treasurer shall
6 invest the moneys so deposited as provided by law. Interest received on investments made by the
7 state treasurer shall also be credited to the fund. All payments collected by the department under
8 this paragraph shall be deposited in the nitrogen oxide emissions reduction fund and used *for the*
9 *administration of the department's responsibilities under this chapter and* to reduce NOx
10 emissions by NOx-emitting generation sources. Fund moneys may be used for:

11 59:2 Repeal. The following are repealed:

12 I. RSA 125-J:1, XIX-c relative to the definition of nitrogen oxide-emitting generation sources.

13 II. RSA 125-J:13, relative to nitrogen oxide-emitting generation source requirements.

14 III. RSA 125-J:14, relative to nitrogen oxide-emitting generation source rulemaking.

15 IV. RSA 6:12, I(b)(69), relative to the nitrogen oxide emissions reduction fund.

16 59:3 Transfer of Nitrogen Oxide Emissions Reduction Fund. All payments collected under
17 RSA 125-J:13 prior to its repeal and deposited in the nitrogen oxide emissions reduction fund shall
18 be transferred to the special account established in RSA 125-J:5, IX.

19 59:4 Effective Date.

20 I. Section 1 of this act shall take effect 30 days after its passage.

21 II. The remainder of this act shall take effect January 1, 2014.

22

23 Approved: May 18, 2010

24 Effective Date: I. Section 1 shall take effect June 17, 2010.

25 II. Remainder shall take effect January 1, 2014.

Committee Minutes

SENATE CALENDAR NOTICE
ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT

Senator Martha Fuller Clark Chairman ✓
 Senator Amanda Merrill V Chairman ✓
 Senator Jacalyn Cilley ✓
 Senator Bette Lasky ✓
 Senator Bob Odell ✓
 Senator Jeb Bradley ✓

9:45
open

9:53
close

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/> Bill Status	
<input type="checkbox"/> Docket	
<input type="checkbox"/> Calendar	
Proof: <input type="checkbox"/> Calendar	<input type="checkbox"/> Bill Status

Date: April 1, 2010

HEARINGS

Thursday

4/8/2010

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT LOB 102 8:30 AM

(Name of Committee) (Place) (Time)

EXECUTIVE SESSION MAY FOLLOW

8:30 AM	HB1153	relative to membership of the commission to study water infrastructure sustainability funding.
8:35 AM	HB431-FN	requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.
8:55 AM	HB1542-FN	repealing nitrogen oxide emitting generation source requirements.
9:15 AM	HB232-FN	(New Title) increasing manufacturers' pesticide registration fees.
9:30 AM	HB1292-FN	relative to underground storage tank facility permits, compliance, and cleanup fund eligibility.
9:50 AM	HB1353	relative to group net energy metering.

Sponsors:

HB1153

Rep. Karen Umberger

Rep. Thomas Buco

Sen. Martha Fuller Clark

HB431-FN

Rep. Mary Gile

Sen. Sheila Roberge

Sen. Sharon Carson

Rep. Frank Davis

Rep. Mary Cooney

Rep. Jayne Spaulding

Rep. Carla Skinder

HB1542-FN

Rep. Naida Kaen

HB232-FN

Rep. Stella Scamman

HB1292-FN

Rep. Chris Christensen

Rep. Leigh Webb

HB1353

Rep. Suzanne Harvey

Sen. Martha Fuller Clark

Sen. Amanda Merrill

Rep. Beatriz Pastor

Rep. Suzanne Butcher

Rep. Charles Townsend

Marty Cote 271-3045

Sen. Martha Fuller Clark

Chairman

Energy, Environment and Economic Development Committee

Hearing Report

TO: Members of the Senate

FROM: Michael Rollo, *Legislative Aide*

RE: Hearing report on **HB 1542-FN** -An act repealing nitrogen oxide emitting generation source requirements.

HEARING DATE: April 8, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Fuller Clark, Merrill, Cilley, Lasky, Odell, and Bradley.

MEMBERS OF THE COMMITTEE ABSENT: None

Sponsor(s): Rep. Kaen, Straf 7

What the bill does: This bill repeals nitrogen oxide emitting generation source requirements and the nitrogen oxide emissions reduction fund in 2014.

Who supports the bill: Rep. Kaen, Straf. 7, Rep. Harvey, Hills. 21, Bob Scott, NH DES

Who opposes the bill: None.

Neutral position: None.

Summary of testimony received:

Rep. Kaen, Straf. 7- Prime Sponsor of HB 1542-FN

- Hearing called to order at 9:40am
- In support.
- Bill is at the request of DES.
- Very little money is collected for running these generators.
- DES is asking to repeal in 2014 as there will then be federal standards.
- Sen. Lasky asked if there was no policy reason to keep the requirements. Rep. Kaen replied no, as there would be federal standards.

Bob Scott, NH DES

- In support.
- This repeal will streamline the process and lessen the burden on both the department and industry at the same time keeping environmental protections in place under federal law.
- Sen. Cilley asked why there was little money coming in. Mr. Scott replied that there were many exemptions in state law.
- Sen. Fuller Clark reminded Senators that next week the committee will take up HB 1251 a companion bill and that questions might be better suited for that bill.

Hearing was closed at 9:47am.

Funding:

FISCAL IMPACT:

The Department of Environmental Services states this bill will decrease state restricted revenue by \$14,697 in FY 2014. There will be no fiscal impact on county and local revenue or state, county, and local expenditures.

METHODOLOGY:

The Department of Environmental Services states this bill will repeal the nitrogen oxide emitting generation source requirements, including the annual fee payments made to the Nitrogen Oxide Emissions Reduction Fund in FY 2014. The Department assumes revenue in FY 2014 will be equal to the \$29,394 of revenue collected in FY 2009. With the January 1, 2014 effective date, the Department assumes restricted revenue will decrease by half of the FY 2009 revenue or \$14,697 in FY 2014.

This bill also allows the Department to charge the Nitrogen Oxide Emissions Reduction Fund for administrative costs until the fund is repealed. The Department has charged the Air Resources Fund for administrative costs associated with the Nitrogen Oxide Emissions Reduction Fund in the past, which is about \$10,000 each year. The fiscal impact will be a \$10,000 decrease in expenditures for the Air Resources Fund and a \$10,000 increase in expenditures for the Nitrogen Oxide

Emissions Reduction Fund in FY 2010 through FY 2014. The net fiscal impact of this change will be zero.

Future Action: Executive action pending.

MSR

File: HB 1542-FN
Date: April 8, 2010

ML

Date: April 8, 2010
Time: 9:45 a.m.
Room: LOB Room 102

The Senate Committee on Energy, Environment and Economic Development held a hearing on the following:

House Bill 1542-FN repealing nitrogen oxide emitting generation source requirements.

Members of Committee present: Senator Fuller Clark
Senator Merrill
Senator Cilley
Senator Lasky
Senator Odell
Senator Bradley

The Chair, Senator Martha Fuller Clark, opened the hearing on House Bill 1542-FN and invited the prime sponsor, Representative Naida Kaen, to introduce the legislation.

Representative Naida Kaen: I'm Representative Naida Kaen from Strafford District 7. I sponsored this legislation at the request of the Department of Environmental Services. The brainchild of the underlying language in the current bill was then-Representative Jeff McGillivray, and, perhaps, one of the members of this Committee recalls the impetus for having put this language in place to begin with, having to do with a concern that, as we de-regulated the electric industry, that individuals might try to escape. Individual businesses might try to escape some of the costs associated with connecting to the grid and use their own generators instead, which would be more polluting than staying on-grid.

In the process of the negotiations in order to get that law passed, there were a large number of exemptions to the legislation that restricted generators at that time. As a result, there's been very little money collected as compensation for actually running those generators. It's accumulated over the years, since 1999, to only \$90,000. So, in the meantime, DES has not had the capability of charging for the administrative costs of this program. And

the \$90,000 has not amounted to enough to do anything with, as specified in the law.

So, they are now asking that this be repealed and that the \$90,000 fund be repealed effective 2014, when the federal law will be more restrictive than what we currently have in law. So, in the meantime, they will have to continue to use their administrative labor and would ask that that \$90,000 be drawn down on in response...

Senator Martha Fuller Clark, D. 24: To cover their cost.

Representative Kaen: ...to that to cover their costs only. And obviously, there are other people behind me could answer the technical questions. I'm just trying to set the scene.

Senator Martha Fuller Clark, D. 24: Yes?

Senator Bette R. Lasky, D. 13: A question, please?

Senator Martha Fuller Clark, D. 24: Yes.

Senator Bette R. Lasky, D. 13: Oh, okay. Thank you. As you can see, I'm a little slow this morning, Representative Kaen. I apologize. Is there ... There is no policy reason, then, that you seek to keep this going?

Representative Kaen: Not at this time.

Senator Bette R. Lasky, D. 13: Okay. Thank you.

Representative Kaen: It's effective 2014. At that point, the federal law will take over and control what we are now attempting to control.

Senator Bette R. Lasky, D. 13: So, it's another four years.

Representative Kaen: Yes.

Senator Bette R. Lasky, D. 13: Thank you.

Senator Martha Fuller Clark, D. 24: Thank you. Senator Merrill, do you have a question?

Senator Amanda Merrill, D. 21: Thank you, Madam Chair. And at that time, if there's any money left in the fund, in 2014, if there is...

Senator Martha Fuller Clark, D. 24: That's another...

Representative Kaen: I don't remember what happens.

Senator Martha Fuller Clark, D. 24: That's going to be another bill, okay. So, it's a little complicated process here. And I think the...

Senator Amanda Merrill, D. 21: Oh, okay.

Senator Martha Fuller Clark, D. 24: ...Representative ... Bob Scott will be able to explain that.

Senator Amanda Merrill, D. 21: Okay.

Senator Martha Fuller Clark, D. 24: Okay.

Representative Kaen: Thanks for getting me off the hook. Anyone else? Thank you.

Senator Martha Fuller Clark, D. 24: Bob Scott.

Bob Scott, New Hampshire Department of Environmental Services: Good morning, again. My name is Bob Scott. I'm with the Air Resources Division of the Department of Environmental Services. I think that the Representative pretty much gave a very good summary. Again, this is one of three bills that the Air Division of the Department of Environmental Services has asked for this year. The intent of all of them, frankly, is to streamline what we're doing, reduce some of our burden, reduce the regulated communities' burden without negatively impacting. You're basically getting the same environmental benefit.

So, as the Representative said, this bill, basically, is superseded by federal law effective 2014. The current statute requires sources, even though they may not even qualify, to submit to us and go through a process where we have to administratively say, "No, you do qualify or don't qualify." That has cost us, traditionally, roughly \$10,000 a year for the agency. The existing statute gives us no way to recoup that loss. So, our desire is that the federal law won't totally supersede the need for this until 2014. Until then, we still incur our administrative cost, so we'd like to be able to recoup that cost. So, that is in this bill.

Again, 2014, we would like to see the law sunsetted. And then, as the Senator referred to and has been passed out to you, there's a companion bill,

a related bill, House Bill 1251, which I believe Senator Bradley and Merrill are co-sponsors of, which has to do with emission reduction credits.

Please see Attachment #1 - Letter from the Department of Environmental Services and copy of House Bill 1251.

Mr. Scott: And I can briefly go through that, but that's a fairly convoluted discussion also. The bottom line is, because of our ozone attainment status under the Clean Air Act, new sources coming into the state have to purchase off-sets to come into the state. The State has a pot of those to ensure that these are available for sources coming into the state, so I don't have to be in a position to say, "No, you can't come in." We want to see job growth in New Hampshire, so what we're proposing here is whatever's left in that pot at that time go to the State to purchase more of those shutdown credits, those off-set credits, to put them into the State strategic reserve so we can make them available for companies coming into the state.

I can certainly answer more questions on that. That is a very thumbnail version of that. We've attached to our testimony letter, I believe, the bill, which I believe will be heard next...

Senator Martha Fuller Clark, D. 24: That's correct.

Mr. Scott: ...next week.

Senator Martha Fuller Clark, D. 24: The bill will be heard next week. And so ... And we split these bills because this bill had an FN, and the other bills didn't. And so, it's my recommendation to the Committee that we take this testimony; we hold onto this bill; we hear the companion bill next week as the first bill; and then we, hopefully, will be able to move more comfortably on passage or not passage of this House Bill 1542. Senator Cilley?

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. And thank you for your testimony, Bob. I'm trying to figure out why the fund has - not that it's got a lot to do with it, but just out of curiosity - the fund has so little in it. Is it because the program's working or because we exempted all kinds of sources?

Mr. Scott: The program does have a lot of exemptions in it. I'll leave it at that.

Senator Jacalyn L. Cilley, D. 6: All right.

Mr. Scott: And you may ask, "Well, why haven't we used it?" The intent of the program is to, in effect, fund NOX controls on off-generation engines, off-grid engines that provide electricity to sources. Typically, we're talking on order of \$400,000 type projects. We haven't had enough money to do anything with, which is why we're struggling with this.

Senator Jacalyn L. Cilley, D. 6: Thank you.

Senator Martha Fuller Clark, D. 24: Thank you. Other questions? Then, I'll close the hearing on House Bill 1542.

Hearing concluded at 9:53 a.m.

Respectfully submitted,

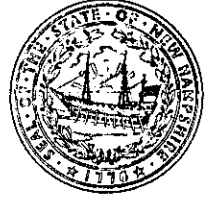
Marty Cote
Senate Secretary
8/18/10

1 Attachment



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Attachment #1



Thomas S. Burack, Commissioner

April 8, 2010

The Honorable Martha Fuller Clark, Chairman, and Members
Senate Energy, Environment and Economic Development Committee
Legislative Office Building, Room 102
Concord, NH 03301

Re: HB 1542-FN relative to repealing nitrogen oxide emitting generation source requirements

Dear Chairman Fuller Clark and Members of the Committee:

The Department of Environmental Services (DES) is pleased to offer testimony in support of House Bill 1542-FN, which would repeal the Nitrogen Oxide (NOx)-Emitting Generation Source requirements, effective January 2014. House Bill 1542-FN also amends RSA 125-J:13, II (c), to provide that DES can use the funds for the time it spends administering the requirements in the current law until such time as it is repealed.

The provisions in RSA 125-J that apply to NOx-emitting generation sources were adopted in 1999 (Chapter 343). In enacting the law, the General Court found that: "due to high retail electric rates in the state that businesses had sought to control their electric costs by use of internal combustion engine electricity generators that run on fossil fuels." As stated in the purpose section, the General Court also found that: "[t]hese generators have increased nitrogen oxide (NOx) emissions and use of additional units has the future potential to substantially increase such emissions and to increase electric rates for customers purchasing electricity from sources subject to more stringent NOx regulations."

As currently defined, there are 5 categories of generators that are exempt from the law. These exemptions apply to emergency generators, generators that provide start-up or temporary power to a facility that generates electric power for use or sale, portable generators, generators at facilities that emit less than 5 tons of NOx per calendar year, and generators located in an area where electrical power is not reasonably or, considering the type of power needed by the user, reliably available. In addition, the law provided that NOx-emitting generation sources that were in existence as of July 1, 1999 and had an air permit from DES were exempt from the requirements of the law until November 18, 2007 and sources that had applied for an air permit as of May 1, 1999, but had not been issued a permit as of July 1, 1999, were exempt from the requirements of the law until November 18, 2005.

The law then established a program whereby sources that were defined as NOx-Emitting Generation Sources were required to pay up to \$1,000 for every ton of NOx

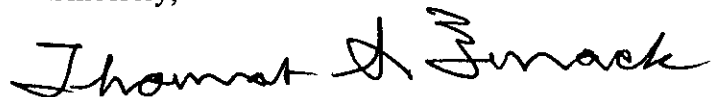
emissions above 7 pounds of NOx emitted per megawatt-hour of electricity produced. The law also established a non-lapsing, revolving special fund and set forth uses for the money deposited into the fund. To date, no money from the fund has been expended and there is currently a net balance of approximately \$90,000 in the fund.

During the past 10 years since the law went into effect, EPA has adopted a more stringent set of standards for comparable new generators. For example, when the law went into effect, NOx emissions from these generators were approximately 35 pounds per megawatt-hour of electricity produced. Under the current federal rules, as of 2006, new generators can emit no more than 14 pounds of NOx per megawatt-hour of electricity produced and by 2014 new generators will be required to emit no more than 1.5 pounds of NOx per megawatt-hour of electricity produced. The current fleet of devices will eventually be replaced with these new, lower emitting generators. Given that the federal requirements for the installation of new devices in 2014 will be more stringent than the current state law, no further devices will qualify for payment into this fund.

Further, due to a number of factors, not the least of which includes the number and nature of exemptions in the law and the complexity of calculating the actual emissions that are subject to the fee provisions, DES has found that there is a significant administrative burden associated with implementing the law. Accordingly, the provisions of RSA 125-J that apply to these generators has a decreasing environmental benefit with a high administrative burden for DES. Under the bill, DES will be allowed to recover its administrative cost until such time that the program is repealed in 2014. Any funds remaining at that time will be transferred to the special account established in RSA 125-J:5, IX for the acquisition and generation of Emission Reduction Credits (ERCs) for future economic development.

Thank you for the opportunity to provide testimony. Should you have further questions or need additional information, please feel free to contact Robert R. Scott, Director, Air Resources Division (271-1088, robert.scott@des.nh.gov) or Craig A. Wright, Assistant Director, Air Resources Division (271-6791, craig.wright@des.nh.gov).

Sincerely,



Thomas S. Burack
Commissioner

cc: HB 1542-FN Sponsors

HB 1251 – AS AMENDED BY THE HOUSE

27Jan2010... 0180h

2010 SESSION

10-2230

08/09

HOUSE BILL ***1251***

AN ACT relative to the sale and transfer procedures for shutdown emissions credits.

SPONSORS: Rep. Kaen, Straf 7; Rep. Townsend, Graf 10; Sen. Merrill, Dist 21; Sen. Bradley, Dist 3

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill clarifies the sale and transfer procedures for shutdown emissions credits.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

27Jan2010... 0180h

10-2230

08/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to the sale and transfer procedures for shutdown emissions credits.

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

1 Shutdown Emissions Credits. RSA 125-J:5, VIII-X are repealed and reenacted to read as follows:

VIII. Shutdown emissions credits obtained by the state pursuant to this chapter shall be used or held for use by the governor and council for meeting any requirement of the state implementation plan, any attainment demonstration under the Clean Air Act, or for the transfer to new or existing devices and

sources in the state which require offsets under the Clean Air Act. No less than 75 percent of shutdown emissions credits generated in serious nonattainment areas shall be applied to requirements applicable in serious nonattainment areas.

IX. Transfers of shutdown emissions credits to new or existing sources and devices to meet offset requirements shall be temporary in nature and at no cost, except as otherwise provided in this section. An owner of a source or device who desires to receive a transfer of credits shall file an application with the department setting forth the following information:

- (a) Whether and to what extent the acquisition of the credits will result in job retention;
- (b) How use of the credits will result in economic development in New Hampshire;
- (c) Whether the applicant's company offers prospects for long-term growth and job creation;
- (d) Whether the applicant's company is a New Hampshire business or is relocating to New Hampshire;
- (e) The market value of the credits and the information used to make such determination;
- (f) The date that the applicant submitted or will submit to the department an application for an air permit under RSA 125-C:11, which shall be a prerequisite for the transfer of credits;
- (g) The air quality classification of the area where the source or device will be located;
- (h) The date that the source or device is estimated to commence operation; and
- (i) The number of offsets required to comply with requirements of the Clean Air Act.

X. The department shall review the application and provide the governor and council with a written recommendation that addresses the information submitted by the applicant. Priority shall be given to applications that result in job retention and that assist existing New Hampshire businesses.

XI. An applicant that receives a transfer of shutdown emissions credits from the governor and council shall:

- (a) Return the credits to the state, upon notice of the department, if the applicant's permit application under RSA 125-C:13 is denied or the source or device is not constructed or fails to commence operation; or
- (b) Within 18 months of commencing operation of the source or device:
 - (1) Return the shutdown emissions credits to the state and acquire the necessary ERCs from elsewhere to continue operation, as approved by the department; or
 - (2) If some or all of the necessary ERCs to continue operation are not readily available to the applicant, as determined by the department, retain such quantity of shutdown emissions credits and purchase them from the state at a value, as can best be determined by the department, that will enable the state to later acquire a number of ERCs equal to the number of shutdown emissions credits retained and purchased by the applicant. If the department does not anticipate that ERCs will be readily available in the foreseeable future for the state to purchase, the governor and council shall determine the purchase value of the

retained shutdown emissions credits after receipt of a written recommendation from the department.

XII. Funds from the sale of shutdown emissions credits shall be deposited in a special account within the air resources permit fund to be used by the governor and council for the acquisition and generation of ERCs that shall be used for the same purposes and administered in the same manner as shutdown emission credits.

XIII. The use of emissions reduction credits by a utility, as defined in RSA 362:2, shall be subject to such additional conditions as ordered pursuant to applicable law by the public utilities commission.

2 Effective Date. This act shall take effect upon its passage.

Speakers

Voting Sheets

Senate Energy, Environment & Economic Development Committee EXECUTIVE SESSION

Bill # HB 1542

Hearing date: 4/8/10

Executive session date: 4/15/10

Motion of: OTP

VOTE: 4-0

Made by	Fuller Clark <input type="checkbox"/>	Seconded	Fuller Clark <input type="checkbox"/>	Reported	Fuller Clark <input type="checkbox"/>
Senator:	Merrill <input checked="" type="checkbox"/>	by Senator:	Merrill <input type="checkbox"/>	by Senator:	Merrill <input checked="" type="checkbox"/>
	Lasky <input type="checkbox"/>		Lasky <input type="checkbox"/>		Lasky <input type="checkbox"/>
	Cilley <input type="checkbox"/>		Cilley <input type="checkbox"/>		Cilley <input type="checkbox"/>
	Odell <input type="checkbox"/>		Odell <input type="checkbox"/>		Odell <input type="checkbox"/>
	Bradley <input type="checkbox"/>		Bradley <input checked="" type="checkbox"/>		Bradley <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Fuller Clark, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Merrill, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cilley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Odell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 15, 2010

THE COMMITTEE ON Energy, Environment and Economic Development
to which was referred House Bill 1542-FN

AN ACT **repealing nitrogen oxide emitting generation source requirements.**

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 4 - 0

AMENDMENT # s

Senator Amanda Merrill
For the Committee

Marty Cote 271-3045

New Hampshire General Court - Bill Status System

Docket of HB1542

Docket Abbreviations

Bill Title: repealing nitrogen oxide emitting generation source requirements.*Official Docket of HB1542:*

Date	Body	Description
12/10/2009	H	Introduced 1/6/2010 and Referred to Science, Technology and Energy; HJ 6 , PG.243
12/16/2009	H	Public Hearing: 1/12/2010 1:00 PM LOB 304
01/14/2010	H	Executive Session: 1/20/2010 11:30 AM LOB 304
01/20/2010	H	Committee Report: Ought to Pass for Jan 27 CC (vote 14-0); HC 8 , PG.337
01/27/2010	H	Ought to Pass: MA VV; HJ 12 , PG.507
01/27/2010	H	Referred to Ways and Means; HJ 12 , PG.507
02/17/2010	H	Full Committee Work Session: 3/2/2010 10:00 AM LOB 202
03/10/2010	H	Executive Session: 3/16/2010 10:00 AM LOB 202 (Continued 3/17/10 9:00 AM LOB 202 If Necessary)
03/18/2010	H	Committee Report: Ought to Pass for March 24 (Vote 16-0; CC); HC 22 , PG.1221
03/24/2010	H	Ought to Pass: MA VV; HJ 30 , PG.1480
03/24/2010	S	Introduced and Referred to Energy, Environment and Economic Development; SJ 11 , Pg.264
04/01/2010	S	Hearing: April 8, 2010, Room 102, LOB, 8:55 a.m.; SC14
04/15/2010	S	Committee Report: Ought to Pass 4/21/10; SC16
04/21/2010	S	Ought to Pass, MA, VV; OT3rdg; SJ 15 , Pg.317
04/21/2010	S	Passed by Third Reading Resolution; SJ 15 , Pg.325
05/05/2010	S	Enrolled; SJ 17 , Pg.412
05/05/2010	H	Enrolled; HJ 38 , PG.1914
05/24/2010	H	Signed by the Governor 05/18/2010; Chapter 0059
05/24/2010	H	I. Section 1 Effective 06/17/2010
05/24/2010	H	II. Remainder Effective 01/01/2014

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB1542 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: Attachment #1

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

___ - AMENDMENT # _____ - AMENDMENT # _____
___ - AMENDMENT # _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED _____ AS AMENDED BY THE HOUSE
 FINAL VERSION _____ AS AMENDED BY THE SENATE

___ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

___ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

8/18/10

Mandy Cole
COMMITTEE SECRETARY