

Amendment to HB 463-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2
3 1 New Subparagraph; Rulemaking; Air Pollution Impacts on Soil and Water. Amend RSA 125-
4 C:4, I by inserting after subparagraph (s) the following new subparagraph:

5 (t) The determination of air contaminants subject to regulation, applicability thresholds,
6 determination of best available control technology, and procedures to determine potential impacts of
7 the deposit of such contaminants from the air on soils and water resources to implement RSA 125-
8 C:10-e.

9 2 New Section; Requirements for Air Pollutant Emitters Impacting Soil and Water. Amend
10 RSA 125-C by inserting after section 10-d the following new section:

11 125-C:10-e Requirements for Air Contaminant Emitters Impacting Soil and Water.

12 I. For the purposes of this section:

13 (a) "Best available control technology" means "best available control technology" as
14 defined in RSA 125-C:10-b, I(a); and

15 (b) "Ambient groundwater quality standard" means "ambient groundwater quality
16 standards" as defined in RSA 485-C:2, I.

17 II. A device that emits an air contaminant that has caused or contributed to an exceedance
18 of an ambient groundwater quality standard or other applicable standard, as a result of the
19 deposition of the contaminant from the air, shall be subject to the determination and application of
20 best available control technology. Within 6 months of the department determining that the device
21 is subject to such control technology, the owner of the device shall submit to the department an
22 application for a permit. Within 12 months of permit issuance, the applicant shall complete
23 construction and installation of controls consistent with the permit. Operation of the source may
24 continue through the permitting, construction, and installation time period. A source which can
25 demonstrate to the department that its device no longer contributes to an exceedance of an ambient
26 groundwater quality standard or other applicable standard shall be exempt from this section.

27 III. The construction, installation, or modification of any device that has the potential,
28 based on an applicability threshold adopted by the department, to cause or contribute to an
29 exceedance of an ambient groundwater quality standard or other applicable standard as a result of
30 the deposition of contaminants from the air, shall be prohibited without first applying for and
31 obtaining a permit from the department that establishes emission limitations for such device based
32 on best available control technology.

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1 IV. Part of the initial application for a permit under this section shall include an analysis of
2 best available control technology for controlling emissions. Any permit issued shall contain
3 inspection, testing, and reporting requirements, as applicable, to ensure the conditions of the permit
4 are met.

5 V. Any determination of best available control technology under this section shall be subject
6 to the following:

7 (a) In no event shall application of best available control technology result in:

8 (1) Emission of any air contaminant that would exceed the emissions allowed by any
9 applicable standard under RSA 125-C or RSA 125-I or rules adopted pursuant to either chapter.

10 (2) Emission of any air contaminant subject to this section in an amount
11 disproportionate to the emissions of such air contaminant from other similar air pollution control
12 devices for that air contaminant at facilities using similar technology.

13 (3) Emission of any air contaminant subject to this section which causes or
14 contributes to or has the potential to cause or contribute to an exceedance of an ambient
15 groundwater quality standard or other applicable standard, as a result of the deposition of the
16 contaminant from the air.

17 (b) If the department determines that the facility has more than one device that emits
18 such air contaminants, the department shall determine best available control technology emission
19 limitations for each such device.

20 VI. This section shall only pertain to contaminants for which at least one study has been
21 conducted in accordance with generally accepted scientific principles that demonstrates that the
22 contaminant of concern is known to cause or may reasonably be anticipated to cause acute, chronic,
23 mutagenic, reproductive, or developmental health effects in humans as a result of exposure to such
24 contaminant. The implementation of this section shall only rely upon standards that are based on
25 federal maximum contaminant levels, health advisories, provisional health advisories; standards
26 that are derived from federally published toxicological data; or more restrictive New Hampshire
27 state standards.

28 3 Effective Date. This act shall take effect 60 days after its passage.

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2017-0875h

AMENDED ANALYSIS

This bill:

- I. Allows the department of environmental services to make rules regarding air pollution and the deposit of such pollutants on soils and water.
- II. Regulates devices emitting or having the potential to emit air pollutants that may harm soil and water through the deposit of such pollutants.