

# New Hampshire Statutes

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\* \* \* NOTE: EPA did not approve these sections into the New Hampshire State Implementation Plan.

TITLE X  
PUBLIC HEALTH  
CHAPTER 125-O  
MULTIPLE POLLUTANT REDUCTION PROGRAM  
Section 125-O:1

**125-O:1 Findings and Purpose. –**

- I. The general court finds that while air quality has improved in recent years, scientific advances have demonstrated that adequate protection of public health, environmental quality, and economic well-being--the 3 cornerstones of New Hampshire's quality of life--requires additional, concerted reductions in air pollutant emissions. The general court also finds that the state's tradition of environmental leadership--setting an example for similarly feasible air pollution reductions from upwind jurisdictions--is also well served by additional emission reductions.
- II. Recent studies and scientific evidence, documented in the New Hampshire Clean Power Strategy issued in January 2001 by the department of environmental services, indicates that significant negative human health and ecosystem impacts continue to be caused by air pollution. The general court finds that the substantial quantities of several harmful air pollutants that continue to be emitted from existing fossil fuel burning steam electric power plants, despite recent reductions in the emission of certain air pollutants from some of these facilities, contribute to these harmful impacts and that additional emissions reductions from these sources are warranted.
- III. Specifically, the general court finds that aggressive further reductions in emissions of sulfur dioxide (SO<sub>2</sub>), oxides of nitrogen (NO<sub>x</sub>), mercury, and carbon dioxide (CO<sub>2</sub>) must be pursued. These pollutants are primarily responsible for the human health and ecosystem impacts documented in the New Hampshire Clean Power Strategy issued in January 2001 by the department of environmental services.
- IV. The general court finds that, as demonstrated by recent analyses, a high quality-of-life environment has been, and will continue to be, essential to New Hampshire's economic well-being. The general court further finds that protecting New Hampshire's high quality-of-life environment by reducing air pollutant emissions returns substantial economic benefit to the state through avoided health care costs; greater tourism resulting from healthier lakes and improved vistas; more visits by fishermen, hunters, and wildlife viewers to wildlife ecosystems, and a more productive forest and agricultural sector.
- V. For the above reasons and others, the general court finds that substantial additional reductions in emissions of SO<sub>2</sub>, NO<sub>x</sub>, mercury, and CO<sub>2</sub> must be required of New Hampshire's existing fossil fuel burning steam electric power plants. Due to the collateral benefits and economies of scale associated with reducing multiple pollutant emissions at the same time, the general court finds that such aggressive emission reductions are both feasible and cost-effective if implemented simultaneously through a comprehensive, integrated power plant strategy.
- VI. The general court also finds that the environmental benefits of air pollutant reductions can be most cost-effectively achieved if implemented in a fashion that allows for regulatory and compliance flexibility under a strictly limited overall emissions cap. Specifically, market-based approaches, such as trading and banking of emission reductions within a cap-and-trade system, allow sources to choose the most cost-effective ways to comply with established emission reduction requirements. This approach also provides sources with an incentive to reduce air pollutant emissions sooner and by greater amounts, promotes the development and use of innovative new emission control technologies, and specifies to the greatest extent possible performance results regarding environmental improvement rather than dictating expensive, facility-specific, command-

and-control regulatory requirements. The general court acknowledges that future federal regulations may mandate some facility-specific requirements regarding mercury reductions.

VII. The general court also finds that energy conservation results in direct reductions in air pollutant emissions. Thus, incentives for energy conservation are an important component of an overall clean power strategy. The general court recognizes that energy conservation expenditures made by utilities using system benefits charge funds can benefit all citizens and ratepayers.

Source. 2002, 130:2, eff. July 1, 2002.

### **Section 125-O:3**

#### **125-O:3 Integrated Power Plant Strategy. –**

I. The department shall implement an integrated, multi-pollutant strategy to reduce air emissions from affected sources.

II. The integrated, multi-pollutant strategy shall be implemented in a market-based fashion that allows trading and banking of emission reductions to comply with the overall statewide annual emission caps established under RSA 125-O:3, III. Allowances, up to the amount of these caps, shall be allocated to each affected source based on the output of each affected source. The department shall make publicly available all allocations prior to the effective date of such allocations.

III. The strategy shall include implementation of the following statewide annual emissions caps:

- (a) 7,289 tons annually applicable to total sulfur dioxide (SO<sub>2</sub>) emissions from the affected sources;
- (b) 3,644 tons annually applicable to total oxides of nitrogen (NO<sub>x</sub>) emissions from the affected sources;
- (c) [Repealed.]

[Paragraph III(d) repealed by 2012, 281:11, I, effective as provided by 2012, 281:17.]

- (d) 5,425,866 tons annually applicable to total carbon dioxide (CO<sub>2</sub>) emissions from the affected sources until December 31, 2008.

Source. 2002, 130:2. 2006, 105:2, I. 2008, 182:3. 2012, 281:11, I, eff. as provided by 2012, 281:17.