Welcome

Robert Varney

Chair, EBC New Hampshire Chapter

President, Normandeau Associates, Inc.
Welcome to Eversource Energy

Bill Quinlan

President, New Hampshire Operations
Eversource
Program Purpose & What You Will Learn

Harry Stewart

Program Co-Chair

Senior Associate

Normandeau Associates, Inc.

Environmental Business Council of New England
Energy Environment Economy
NH DES Divisional Leadership Briefing

- Rene Pelletier, Assistant Director
  Water Division
- Michael Wimsatt, Director
  Waste Management Division
- Craig Wright, Director
  Air Resources Division
Presentation to NH EBC

2019 Priorities and Emerging Issues

Craig A. Wright
Director
NH Department of Environmental Services
Air Resources Division

February 15, 2019
Summary of Topics

- ARD Overview and Staff Changes at ARD
- Status of Air Quality in NH
- Rules/Program Updates
- RGGI Program Updates – Post 2020
NHDES Air Resources Division

Director: Craig A. Wright
Assistant Director: Mike Fitzgerald

Three Bureaus & Director’s Office

- Permitting and Environmental Health Bureau
- Compliance Bureau
- Technical Services Bureau
- Director’s Office
  - Regional and National Section
  - Program and Rules Planning Section
  - Division Business Planning Section
In addition to State laws, ARD implements the vast majority of federal Clean Air Act (CAA) programs, including:

- Monitoring air quality for federal air quality standards (NAAQS)
- Developing, implementing and enforcing control strategies to meet federal air quality standards
- Issuing state and federal air permits – Title V, NSR
- Conducting compliance inspections, complaint investigations and enforcement actions

ARD Staffing

- 69 full time positions, 18 currently vacant – 26% vacant
- Engineers (Mechanical, Chemical, Civil), Environmental and Life Sciences, Atmospheric Sciences, Health Sciences and Attorneys
Staff Changes @ ARD

- **Compliance Bureau Administrator**
  - Evan Mulholland → Sheri Eldridge

- **SIP Planning Manager**
  - Michele Roberge → Cathy Beahm

- **Division Leadership Team – 5 of 7 Staff**
  - Ave 57 YO w/ 25 Yrs Exp
2019 NHDES Air Monitoring Network

- **Ozone** \((O_3)\) 12
- **Carbon Monoxide** (CO) 2
- **Nitrogen Dioxide** \((NO_2)\) 1
- **Particles**
  - \((PM_{2.5}\) 7 and \(PM_{10}\) 1)
- **Sulfur Dioxide** \((SO_2)\) 4
Does New Hampshire Really Have Bad Air?

Yes! Sometimes.

Air Quality Ratings by County 2014-2016 (Percent of Days)
Ozone Trend

New Hampshire Maximum 8-Hour Ozone Design Values

Health Standard

NAAQS = 85 ppb

NAAQS = 75 ppb

NAAQS = 70 ppb

Three-Year Design Value Period

Parts per Billion (ppb)
Fine Particle (PM$_{2.5}$) Trends

New Hampshire Maximum 24-Hour Fine Particulate Matter Design Values *

NAAQS = 65 ug/m$^3$

NAAQS = 35 ug/m$^3$

* 2016 data are preliminary.
New Hampshire Air Pollution Emissions

Note: CO emissions should be multiplied by 10.
NOx Emissions in New Hampshire (Tons Per Year)
2019 Planned Rule Updates

- Permit Rules - Env-A 600
  - Incorporate revisions from LBA Performance Audit
  - External workgroup meetings will be held

- Regional Haze – Env-A 2300
  - Primarily focused on EGUs > 25 MW
  - Have begun work with impacted sources and will be consulting with the NH Federal Land Manager

- PFAS – Env-A 625 (New)
  - DES needs to adopt permitting regulations for deposition under SB 309

- Affirmative Defense – holding up federal approval of number of our administrative rules
2018 Rule Updates

- Permit Fee Rules - Env-A 700
  - Major revision after a one year stakeholder process
  - First revision since 2003 and only the second since 1993

- Major changes
  - Annual Administrative Fee (about 35% of revenue)
  - Annual Emission-based Fee (about 65% of revenue)
  - Provides significant more lead time to sources
    - DES to publish fee rate by October vs February
    - Payment date moved from April to May

- Should provide more stability and predictability
- DES has again requested General Fund monies in FY 20/21
In 2017 DES applied approx. $600,000 GF credit decrease of $58/ton

In 2018 new rule further drops the rate $36/ton
2019 Program Updates - VW

- DES is working closely with OSI (the Lead Agency) on implementing the VW Mitigation Plan - $31 M = NH Share
  - 50% ($15.5 M) for State/Municipal vehicle replacement
  - 20% ($6.2 M) competitive process for projects
  - 15% ($4.6 M) EV Infrastructure
  - 15% ($4.6 M) Admin costs
  - Will use to leverage DERA
  - $1.2 M VW/DERA project
  - School Bus Initiative next
Maintains similar glide-path to existing

- 2.5% of 2014 cap annually
- No changes before 2021
- 7 states do more in 2021; NH & ME no added reductions and no Emissions Containment Reserve (ECR)
Emissions Reductions Under Agreement

Annual Cap

RGGI Carbon Cap (million Tons)

- Annual Cap

Emissions Reductions Under Agreement
If annual auction revenue = $14,000,000 (assuming $4.30 allowances)

$14,000,000 into Energy Efficiency Fund (less $0.35 million admin costs)

$2.91 million for Core/EERS programs

$10.74 million for ratepayer rebates
Other RGGI News

- 2 State – Virginia and New Jersey are in process of joining RGGI
- Plan to join by 2020
Eversource Components of Electric Rates for 625 kWhs of Consumption as of January 1, 2017

- Energy, $68.22, 53.7%
- Delivery, $26.29, 20.7%
- Transmission, $14.94, 11.8%
- Stranded Cost Recovery, $0.63, 0.5%
- System Benefits, $2.23, 1.8%
- Electricity Consumption Charge, $0.34, 0.3%
- RGGI Allowance, $0.19, 0.2%
- RPS, $1.40, 1.1%
- Customer Charge, $12.89, 10.1%
Questions

- Craig A. Wright
  - Director
- NH Department of Environmental Services
  - Air Resources Division

(603) 271-1088
craig.wright@des.nh.gov
Rene Pelletier, P.G.
Assistant Water Division Director
Water Division
Water Division Organization

Director: Vacant

Assistant Director: Rene Pelletier

Eight Bureaus & Programs

- Alteration of Terrain
- Wetlands Bureau
- Subsurface Systems Bureau
- Drinking Water & Groundwater Bureau
- Dam Bureau
- Wastewater Engineering Bureau
- Watershed Management Bureau
- Winnipesaukee River Basin Program
Land Resource Management Program:

*New LRM Program Manager - Sarah YuhasKirm*

2019 Priorities

- Wetlands Rules Adoption, Subsurface Rules Update
- Workforce Planning
- Planning and Prioritizing Resources
- Performance Measures & Reporting
Wetlands Program Rulemaking
Anticipated Schedule

Overall Schedule

Jan 18, 2019
- Public Comments
- Received
- 7 hearings & 80 letters

Winter 2019
- NHDES to review /consider public comments & Develop Final Proposal & Request FIS

Spring, 2019
- File Final Proposal
- JLCAR review process
- File rules for adoption

We Are Here!
Statewide update to NWI maps underway

- EPA grant funding for majority of work.
- Contractor using aerial imagery and LiDAR.
- Adds to "completed" section of the state.
- Scheduled for completion by early 2021.
THE AQUATIC RESOURCE MITIGATION FUND

NH In-Lieu Fee Program (RSA 482-A:28–33)
- Compensatory mitigation option for projects that have difficulty finding suitable local mitigation
- Watershed approach to mitigation - money is spent where impacts occurred

NHDES Wetlands Bureau is sponsor
- Administers the program and distributes funds as annual grants through a RFP process
- Federal Interagency Review Team and USACE oversight
- 9 member Site Selection Committee
- 106 projects funded since 2006

Lori Sommer
Mitigation Program Coordinator
Cheryl Bondi
Mitigation Program Specialist
FUNDING WETLAND RESTORATION, LAND CONSERVATION, AND STREAM PASSAGE IMPROVEMENTS

• **Preservation of upland buffers**
  – Land acquisition, conservation easements, and stewardship

• **Wetland & stream restoration**
  – Improve hydrology, remove fill, plantings, remove invasive species

• **Tidal and marsh restoration**
  – Living shoreline and coastal stability

• **Restore aquatic connectivity**
  – Dam removal
  – Upgrade deficient stream crossings
ARM PROGRAM SUPPORTS PRESERVATION AND RESTORATION ACROSS THE STATE

• ARM conservation accomplishments since 2006
  – Awarded 18 million dollars
  – 16,025 acres of land conservation
  – 100 acres of wetland restoration
  – Protected 290 vernal pools
  – 50 miles of stream for fish passage
  – Restored 15 acres of tidal marsh

• Leader in the Stream Crossing Initiative
  – Multiagency partnership surveying deficient stream crossings across NH

• Launched Aquatic Restoration Mapper
  – Interactive mapping tool to target stream restoration

• Outreach and community support
  – ARM staff participates in ~12 workshops & conferences annually

• Completed 10-year Status and Trends Report to the USACE
2018 WAS ANOTHER SUCCESSFUL ARM GRANT ROUND

- Awarded $4.2 million dollars to 26 projects
- 8,275 acres of land conservation
- 5 acres of wetland restoration
- 90 vernal pools protected
- 12 miles of stream passage improvements
- Over 90% of the preservation projects also protected
  - Drinking water supplies
  - Rare and threatened species
  - High value habitat ranked by NHFG WAP

Protection of a 30-acre wetland complex in the Great Bay watershed that is Blanding’s Turtle habitat

Protection of 215 acres along the Merrimack River with oxbows that support high quality silver maple floodplain forest
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- **Completed 10-year Status and Trends Report to the USACE**
Regulatory Reform Commission

- **HB 1104** legislation passed and effective January 1, 2019
- Reduces DES wetland application review timelines from 75 to 50 days.
- DES to develop a Certified Application Preparer (CAP) program for certain wetland applications
Certified Application Preparer (CAP)

- To allow Certified Wetland Scientists, PE, Surveyors, and other professionals with NHDES training and certification
  - To submit minimum impact projects
  - With administrative and streamlined review

- **Feb 19, 2019** - CAP Rules Workgroup meeting
Watershed Management Bureau: 2019 Priorities

- Water Quality standards—DO, permitting for nutrient effluent, PFAS
- 303d impaired waters list – 2018 out for public comment
- Instream flow – starting work on the Cold and Warner
- Potential changes to the freshwater beach sampling program
- Potential changes to the Pools program.
- General nutrient permit for the Great Bay estuary (EPA)
- Continued assistance to MS4 communities
- Expansion of the Green SnowPro program.
- FERC relicensing on the CT River
Water Quality Standards

• Major issues that will be taken up at the Water Quality Standards Advisory Committee (WQSAC): Dissolved oxygen standard, 7Q10 for nutrient effluent calculations.


WQSAC is open to anyone. Email gregg.comstock@des.nh.gov to be on the notification.
303d List -- Assessment of water quality

- Every two year assessment of water quality on all the rivers, lakes and marine waters in the state.
- EPA has partially approved both the 2014 and 2016 lists
- Some of the nutrient related changes to the list (delistings) associate with the Great Bay estuary are still under consideration by EPA.
- The 2018 list has been released for public comment. Comments due March 1, 2019
Instream Flow Program

- Protects water in rivers for use by critters and people.
- Establishes a set of protected flows (based on season) and creates management plan to protect those flows.
- 2016 -- Legislature passed a bill to turn the Pilot program into a statewide program.
- Rules have now been approved.
- Work is about to begin on the Cold and Warner Rivers.

Email wayne.ives@des.nh.gov to be notified about program
Other Watershed Bureau

- Potential changes to the freshwater beach sampling program to focus more on places that have poor water quality.
- Potential changes to the Pools program.
- General nutrient permit for the Great Bay estuary (EPA)
- Continued assistance to MS4 communities
- Expansion of the Green SnowPro program.
- FERC relicensing on the CT River
Drinking Water & Groundwater Protection Bureau:

- PFAS Maximum Contaminant Levels (MCLs) and Ambient Groundwater Quality Standards (AGQS)
  Rulemaking initiated for PFOA, PFOS, PFHxS and PFNA and legislation filed for lower limits

- Proposed Arsenic MCL and AGQS
  Report issued and legislation filed to lower from 10ppb to 5ppb

- Lead Testing in Schools
  Drinking Water and Groundwater Trust Fund providing $ to address lead

- Trust Fund Coordination

- Statewide Groundwater Quality Study
Other Water Division
2019 Priorities

- Wastewater Engineering Bureau
  - PFC Residuals
  - EPA Energy Grant work
  - SB 450 – NPDES Delegation

- Dam Bureau
  - Replacement of Ossipee Lake Dam and Installation of Automated Spillway Gates - $6.5 M
  - FY20-21 Capital Budget Request of $4.4 Million for Repair of State-Owned Dams
  - Murphy Dam – Comprehensive condition assessment of Outlet Works
  - Construction of a New Operations and Maintenance Facility
  - Supplemental Watershed Plan to Rehabilitate Site #8 Flood Control Dam in the Baker River Watershed
Legislation We’re Tracking:

HB 324 – operation of ski craft around marsh lands/ flat in Hampton/ Seabrook.

HB 261 - requiring the Commissioner of NHDES to revise rules relative to arsenic contamination in drinking water.

HB 325 – relative to control of marine pollution and aquatic growth

HB 668 – relative to heating, agitation or other devices in public waters.

HB 640 – registration fees for canoes and kayaks

HB 667 – relative to testing wells before issuing a certification of occupancy.

HB 107 - making appropriations for costs involved in controlling invasive aquatic species.
Legislation We’re Tracking:

HB 542 – establishing a grant program to support municipalities in updating their wetlands regulations
HB 557 – relative to control of marine pollution and aquatic growth
HB 625 – relative to aquatic invasive species decals for boats
HB 682 – establishing a water resources fund in NHDES and charging certain application and permit fees.
HB 727 – relative to boat ramp and parking improvements at Mount Sunapee state park beach and making an appropriation therefor.
HB 543 – relating to the protection of wetlands
HB 326 – relating to the definition of prime wetlands
NHDES Waste Management Division
Priorities for 2019 and Beyond

Presented by
Mike Wimsatt, Director, Waste Management Division
at the Environmental Business Council of New England – NH Meeting
February 15, 2019
Waste Management Division Programs

- Waste Programs
  - Hazardous Waste Management Bureau
  - Solid Waste Management Bureau

- Site Remediation Programs
  - Oil Remediation & Compliance Bureau
  - Hazardous Waste Remediation Bureau
  - MtBE Remediation Bureau
RCRA Re-Authorization
- September 2018 Application
- Anticipated Federal Register Notice

Rulemaking
- E-manifest (launched June 2018)
- Automotive airbags conditional exemption
- Nicotine patches, gums, lozenges exemption
- Exemption – Aluminum conversion coating in auto mfg.

Revise the used oil rules

New inspector – more inspections
Solid Waste Management Bureau

- Improve permit application review
  - Clearer communication
  - Clearer permit conditions
  - Reduced application processing times

- Establish General Permit Rules for certain sectors, e.g.:
  - Motor Vehicle Salvage Yards & Crushers
  - Scrap metal facilities
  - Publicly owned transfer stations
  - Management of certain “Limited Reuse Soils”
Organics composting
- Review results of 2017-2018 stakeholder process
- Evaluate appropriate changes to Env-Sw 600
- Rulemaking (tentatively beginning Spring 2019)

Review of closed, unlined landfills
- Review research conducted 2016-2018
- Develop/implement guidance to owners/operators relative to:
  - Post closure care and monitoring
  - Post closure alternative use
- Develop winter version of Great Bay Protection Strategy (requires different equipment)
- Partner with USCG and MEDEP on major revision of the 2014 Area Contingency Plan
- Work with OSFM to obtain clarification on fire codes related to day tanks
- Prepare for October 2021 UST containment sump testing requirement (many will fail)
- Enhance SAFETANK Program to help more low income homeowners
- Update Oil Fund Board rules to incorporate the oil fund consolidation bill (2015/2017)
- Implement quarterly cost recovery for non-Fund eligible sites
- Staff development following recent changes – fill vacancies and train new staff
Ambient Groundwater Quality Standards

- Phase 1: Rulemaking for AGQS updates
  - PFOS, PFOA, PFHxS, PFNA
  - Arsenic (10 ug/L to 5 ug/L)
  - Manganese (840 ug/L to 300 ug/L)

- Phase 2: Review of AGQS that are based on EPA Health Advisory (Per SB 309)

- Phase 3: Update AGQS to incorporate 2014 OSWER body weight and ingestion defaults
  - Updates to corresponding soil standards
Emerging Contaminants

- Continued response to southern NH and statewide PFOA investigations
- Continue to integrate response activities into existing programs and procedures
- Continue education and outreach to the public and the regulated community

Staff development

- Four vacancies filled / increased project management capacity
- Training
MtBE Remediation Bureau

- **Continue work using MtBE Settlement Fund**
  - Drinking water well sampling program
  - Site Investigation and gasoline UST Removal
  - Motor Vehicle Recycling Facility Release Prevention
  - >$5 million in waterline extension projects completed
  - Pending drinking water infrastructure projects

- **Drinking Water and Groundwater Trust Fund (DWGTF)**
  - DWGTF Advisory Commission Rules and Funding Plan
  - DWGTF Program Administrative Rules
  - Administration of construction and non-construction projects
Drinking Water and Groundwater Trust Fund

- An additional $26M awarded in 2018
  - 19 drinking water infrastructure projects, with grants totaling $14.1M and loans totaling $9.8M
  - 15 source water protection grants totaling $2.4M

- Statewide drinking water and biomonitoring sample program via $500k grant

- Southern NH Regional Water Project 30% design complete, construction commencing this year
Southern NH Interconnection Project

FIGURE 1
SOUTHERN NEW HAMPSHIRE REGIONAL WATER INITIATIVE
PROPOSED REGIONAL WATER SYSTEM IMPROVEMENTS PHASE I
JANUARY 2018 SCALE: NOTED
Questions and Answers
Moderated Discussion

Moderator: Muriel Robinette, GZA

Panelists:

• Rene Pelletier, Water Division
• Michael Wimsatt, Waste Division
• Craig Wright, Air Resources Division
EBC New Hampshire Briefing from the New Hampshire Department of Environmental Services Divisional Leadership