NH Air Toxics Rule
Env-A 1400
2026 Update

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Key Areas for Discussion

- Rule Background
- January 2026 Rule Updates
- Key Requirements for Compliance
- Deadline for Compliance
- Compliance Assistance Resources

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Rule Background

- Statutory Authority – RSA 125-I
  - Air Toxic Control Act
- Gives DES authority to establish:
  - Ambient Air Limits (AALs) for compounds
  - Rule exemptions for various devices and activities
  - Requirements for compliance with AALs
    - Potential permit required, or current permit amendments
- AALs established via NH Administrative Rule Env-A 1400

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January 2026 Env-A 1400 Updates

- Relies largely on changes to ACGIH “Threshold Limit Values” (AALs are scaled from the TLVs)
- Covers multiple years of ACGIH updates
  - New compounds added
  - Form of standard changed for some air toxics
    - Ex: AALs eliminated for individual trimethylbenzene isomers
    - All trimethylbenzene isomers now added and compared to single AAL
  - Only changes made to Env-A 1450 (table of the AALs)
    - No other sections of Env-A 1400 were amended

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Key Requirements for Compliance

- Rule change became effective January 8, 2026
- Sources have 90 days to review updates to AALs and confirm whether:
    1. Permit still not required to comply with AALs;
    2. Permit not previously required, but now must obtain an air permit due to change in AALs
    3. Source currently holds a permit to comply with AALs, but permit amendment needed to comply with new AALs.
- Methods for demonstrating compliance - Env-A 1404

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Deadline for Compliance

- Env-A 1405.04 Revision of List
- If the department revises the list of RTAPs, their respective AALs, or compliance boundary in accordance with Env-A 1404.07(b) or (c) and as a result of such revision the owner or operator is required to obtain or modify a permit, the owner or operator shall file a complete application for such permit or permit modification, including a compliance plan, within 90 days of publication of such notice of final revision in the NHRulemaking Register
- Application Procedures specified in Env-A 1406.02
- **__**Filing Deadline is April 8, 2026 **__**

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Compliance Assistance Resources

- NHDES Air Toxics Website - https://www.des.nh.gov/air/industrial-sources/air-toxics-compliance – contains links to the following:
- List of compiled changes to Env-A 1400
  - https://www.des.nh.gov/sites/g/files/ehbemt341/files/media/media_document/annual-tox-list-update-2000-to-2026.pdf
- Excel spreadsheet with AALs (and deminimus values):
  - https://www.des.nh.gov/sites/g/files/ehbemt341/files/media/media_document/env-a-1400-list-2025-cas.xlsx

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Thank you!

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