AIR & WASTE MANAGEMENT ASSOCIATION
New England Section

Live Free or Die

(But not from bad air quality)

New Hampshire's Air Toxics Rule Update

March 5, 2026

12:00 PM

Air & Waste Management Association

- Founded in 1907, the **Air & Waste Management Association** (**A&WMA**) is a nonprofit, nonpartisan professional organization.
- A&WMA provides a neutral forum for:
  - Information exchange
  - Professional development & networking
  - Public education & outreach

Air & Waste Management Association

- Connects 5,000+ environmental professionals across 65 countries.
- Promotes global environmental responsibility and empowers organizations to make critical, society-benefiting decisions.



Air & Waste Management Association
New England Section

- **A&WMA New England Section** (NES) is an active regional section of the national A&WMA
- Volunteer-run



Air & Waste Management Association
New England Section

- The A&WMA Executive Board consists of:
  - 4 Officers
    - Chair, Vice Chair, Secretary, and Treasurer
  - 8 Directors
  - 1 Past Chair



Air & Waste Management Association
New England Section

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Air & Waste Management Association
New England Section

- The mission of the A&WMA NES is to assist in the professional development and critical environmental decision-making of its members to benefit society. The core purpose of the A&WMA NES is to improve environmental knowledge and decisions by providing a neutral forum for exchanging information.



Air & Waste Management Association
New England Section

- A&WMA NES provides a **local connection** for members to **learn**, **network**, and **share knowledge** through:
  - Technical programs
  - Social and networking events



Air & Waste Management Association
New England Section

- What We Do
  - Plan and host:
    - Conferences
    - Dinner Meetings
    - Webinars
  - Support Education
    - Participate in and provide donations to high school and middle school science fairs across New England



AIR & WASTE MANAGEMENT ASSOCIATION
New England Section

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Rule Update: New Hampshire's Air Toxics Rule (Env-A 1400)

- A review of the rule updates and required actions
- A primer on preparing compliance demonstrations
- Open discussion and audience questions

Air & Waste Management Association
New England Section

- Slides will be available on A&WMA NES website (www.awmanewengland.org) later this week.
- This webinar is not being recorded.



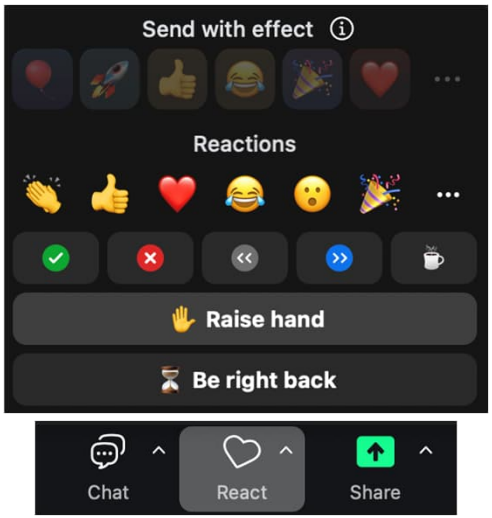
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New England Section

- Format
  - o Two speakers
  - o 15-minute presentation each, followed by
  - o Open Q&A Forum



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- If your name and organization does not appear in your displayed username, please drop this in the chat.
- You can share questions to the chat, but we will wait to the end of the presentations to answer and discuss.



AIR & WASTE MANAGEMENT ASSOCIATION
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NH Air Toxics Rule Env-A 1400 2026 Update

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Administrator

Permitting & Env Health Bureau

NEW HAMPSHIRE DEPARTMENT OF Environmental Services



MK1

Key Areas for Discussion

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

NEW HAMPSHIRE DEPARTMENT OF Environmental Services

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

NEW HAMPSHIRE DEPARTMENT OF Environmental Services

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

NEW HAMPSHIRE DEPARTMENT OF Environmental Services

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

NEW HAMPSHIRE DEPARTMENT OF Environmental Services

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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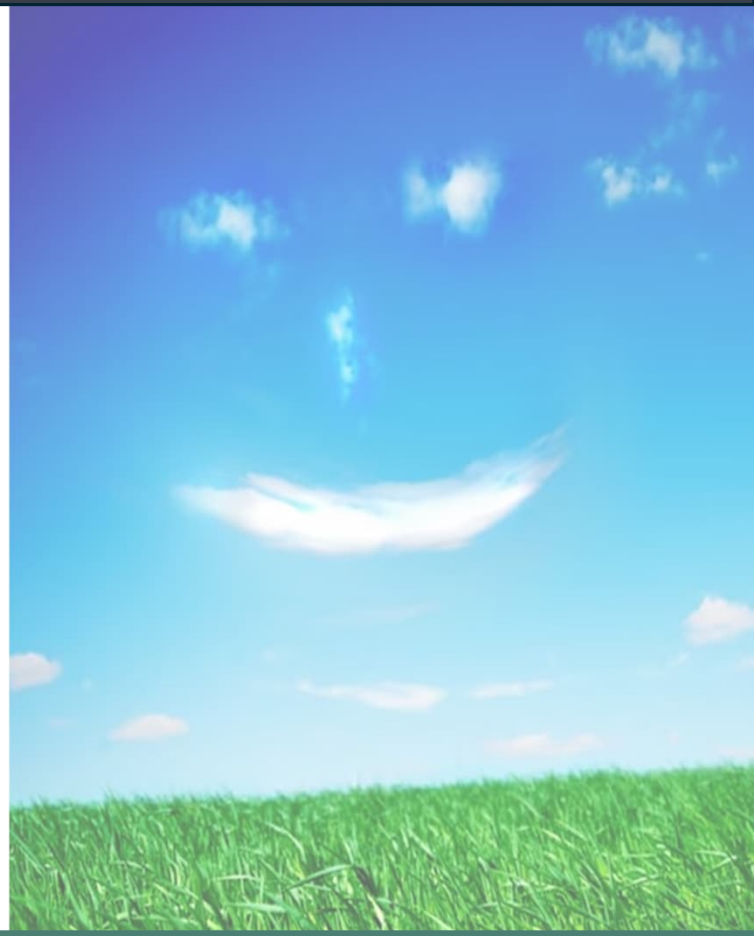
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NEW HAMPSHIRE DEPARTMENT OF Environmental Services

New Hampshire Code of Administrative Rules

Chapter Env-A 1400, Regulated Toxic Air Pollutants

The purpose of this chapter is to prevent, control, abate, and limit the emissions of toxic air pollutants into the ambient air.



Env-A 1400 Approach

General Approach

- Review the rule applicability
- Define terms to understand what is regulated
- Review exemptions to understand what is not included
- Identify emission sources subject to the rule
- Quantify emissions and evaluate applicability

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES
Effective 1-8-2026

CHAPTER Env-A 1400 REGULATED TOXIC AIR POLLUTANTS

Statutory Authority: RSA 125-I:6

PART Env-A 1401 PURPOSE AND APPLICABILITY; DEFINITION

Env-A 1401.01 Purpose.

(a) The purpose of this chapter is to implement RSA 125-I relative to preventing, controlling, abating, and limiting the emissions of toxic air pollutants into the ambient air.

(b) The ambient air limits (AALs) established in this chapter are intended to promote public health by reducing human exposure to toxic air pollutants as required by RSA 125-I:1.

Source. #4489, EMERGENCY, eff 9-15-88; EXPIRED: 1-13-89

New. #6328, INTERIM, eff 8-24-96, EXPIRED: 12-22-96

New. #6468-B, eff 3-5-97; ss by #8278, eff 2-4-05; ss by #9601, eff 11-25-09; ss by #12443, eff 1-5-18; ss by #13334, eff 2-3-22

Env-A 1401.02 Applicability. This chapter shall apply to the owner or operator of any new, modified, or existing process or device located at a stationary source that emits a regulated toxic air pollutant (RTAP) into the ambient air, unless exempted under Env-A 1402.

Source. #9601, eff 11-25-09; ss by #9865, eff 2-18-11; ss by #12443, eff 1-5-18; ss by #13334, eff 2-3-22

Env-A 1400 Applicability

This chapter applies to the owner or operator of any new, modified, or existing process or device located at a stationary source that emits a regulated toxic air pollutant (RTAP) into the ambient air, unless exempted under Env-A 1402.



1. Definition of Terms

Process:
Any operation which combines devices, equipment, raw materials, utilities, and manpower for the production of goods, services, energy, pollution control, or other purposes which emits a regulated toxic air pollutant into the ambient air (RSA 125-I:2).

Device:
Any burner, furnace, machine, equipment, or article which emits a regulated toxic air pollutant or air contaminant into the ambient air.

Stationary source:
Any building, structure, facility, or installation that emits or may emit a regulated toxic air pollutant or air contaminant into the ambient air.

Regulated toxic air pollutant



Any substance or compound emitted into the ambient air by a stationary source and designated a regulated toxic air pollutant pursuant to RSA 125-I:4. Regulated toxic air pollutants are classified as:

a) **Class I**, meaning any regulated toxic air pollutant recognized by the United States Environmental Protection Agency as a **Group A-Human Carcinogen or Group B-Probable Human Carcinogen**, as referenced in 51 Federal Register 34,000 (1986), or otherwise designated a regulated toxic air pollutant-Class I by the commissioner pursuant to rules adopted under RSA 125-I:3.

b) **Class II**, meaning any regulated toxic air pollutant other than a regulated toxic air pollutant Class I, which is recognized by the United States Environmental Protection Agency as a **Group C-Possible Human Carcinogen**, as referenced in 51 Federal Register 34,000 (1986), or otherwise designated a regulated toxic air pollutant-Class II by the commissioner pursuant to rules adopted under RSA 125-I:3.

c) **Class III**, meaning any regulated toxic air pollutant other than a regulated toxic air pollutant-Class I or Class II.

The RTAP list is published in table format in Env-A 1450

2. Exemptions

Statutory Exemptions for Sources and Activities - **Env-A 1402.01**

a) Normal agricultural operations

b) The application of pesticides regulated pursuant to RSA 430:28 through RSA 430:48

c) Emissions of RTAPs resulting from mobile sources

d) Emissions of RTAPs resulting from the combustion of virgin petroleum products at stationary sources



Photo Source: https://foundationfar.org/grants-funding/grants/circular-economy-that-reimagines-corn-agriculture

2. Exemptions

Additional Exemptions for Sources and Activities are listed in Env-A **1402.02**

- (a) Fuel combustion: Coal, natural gas, propane, biofuels (as defined in Env-A 1401.03(c)), biomass (as defined in Env-A 1401.03(d)), processed landfill gas (as defined in Env-A 1401.03(k))
- (c) An exempt activity as classified in Env-A 609
- (h) Spray coating operations used for maintenance limited to painting of process equipment using commercially available paints or coatings, but excluding VOC degreasing operations;
- (l) The use of consumer products in a manner consistent with how the general public would use the product;
- (s) Solvent cleaning of parts and equipment performed exclusively by hand wiping or hand cleaning, provided that:
  - (1) Less than 20 gallons per year are used; and
  - (2) The used wipes are kept in closed containers;
- (w) Powder coating operations;
- (x) Surface coating at facilities that do not spray apply coatings containing strontium chromate (CAS #7789-06-02) and have actual VOC emissions of 1,000 pounds or less in any 12-month period from all coating materials, coating material components, other materials mixed with coating materials prior to application, and cleaning solvents; and
- (y) Particulate RTAP emissions that are vented inside the building and, in aggregate, do not exceed 1,000 pounds in any consecutive 12-month period.

2. Exemptions

Additional Exemptions for Certain Air Contaminants are listed in Env-A **1402.03**

- (a) Emissions of a hazardous air pollutant (HAP), as defined in Env-A 103, from a process or device, provided that process or device uses the requisite pollution control equipment to comply with a national emission standard for HAPs as codified in 40 CFR 61 or 40 CFR 63;
- (b) RTAP emissions from the process or device specified in (a), above, that are controlled by the requisite pollution control equipment to the same degree of efficiency as required by the national emission standard for the HAP emitted from that process or device;

Example: Coating operation in compliance with the requirements of

40 CFR 63 Subpart HHHHHH



Pro Tip:
If your source is exempt, document and justify it (this makes inspections a lot easier).

3. Identify emission sources subject to the rule

Excluding exempt sources, identify the potential sources of emissions by reviewing the process looking for the following:

1. Use of volatile organic compounds
    1. Solvents
    2. Coatings
    3. Cleaners, degreasers
2. Sources generating particulate
    1. Sanding
    2. Grinding
    3. Cutting
    4. Media blasting
3. Sources generating aerosol or fume
    1. Plating lines
    2. Welding
    3. Aeration



4. Quantify Emissions and Evaluate Compliance

Methods of Demonstrations Compliance

1. De minimis emission level method
2. In-stack concentration method
3. Adjusted in-stack concentration method
4. Air dispersion modeling analysis

METHOD	Vertical and unobstructed stack required?
De minimis	Yes
In-stack	No
Adjusted in-stack	Yes
Modeling	No

4. Quantify Emissions and Evaluate Compliance

De minimis emission level method

1. Vertical and unobstructed stacks only
    1. No impediment to vertical flow from the exhaust stack
    2. The exhaust stack extends at least 2 feet higher than any roofline within 10 feet of the exhaust stack exit, measured horizontally
2. Emissions are compared to the De minimis values in Table 1450-1: RTAP list
    1. Pounds per day
    2. Pounds per year
3. Compliance is demonstrated and no permit required if actual or potential emissions are less than the de minimis level

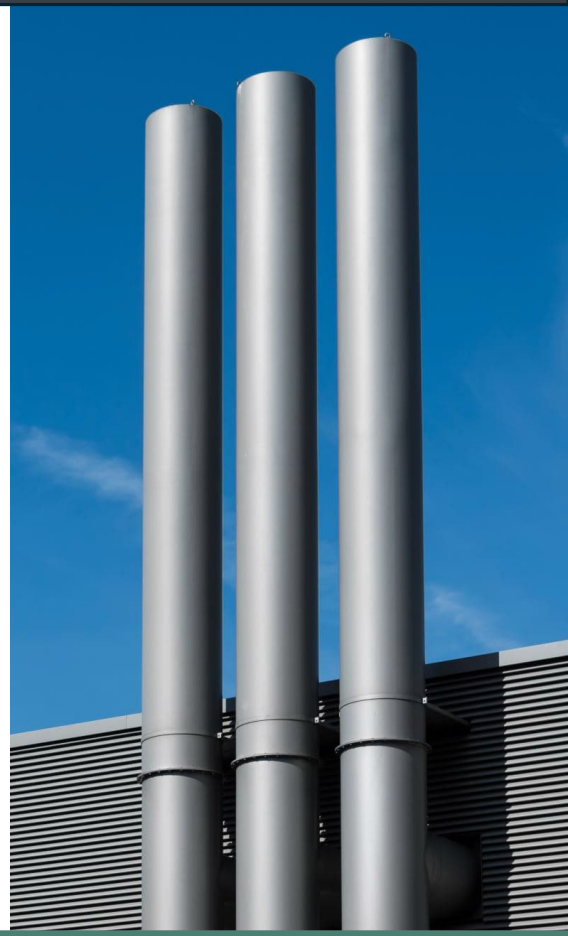


Pro Tip:
While most chemicals are regulated by CAS number, check the compound categories at the top of the list with no specific CAS number (0-00-0)

In-stack Concentration method

1. Calculate stack emissions in micrograms per cubic meter (ug/m3)
2. Use the equations in Env-A 1404.04
3. In-stack concentrations are compared to the Ambient Air Limits (AALs) in Table 1450-1:L RTAP list
4. Compliance is demonstrated and no permit required if actual or potential emissions are less than the AALs

This method is useful if your stacks discharge downward or horizontally or are equipped with a rain cap.



4. Quantify Emissions and Evaluate Compliance



Adjusted In-stack Concentration method

1. Vertical and unobstructed stacks only
    1. No impediment to vertical flow from the exhaust stack
    2. The exhaust stack extends at least 2 feet higher than any roofline within 10 feet of the exhaust stack exit, measured horizontally
2. Calculate stack emissions in micrograms per cubic meter (ug/m3) using the equations in Env-A 1404.04
3. Apply a dispersion factor from Env-A 1404.05 c or d as appropriate:
    1. If the edge of the building housing the process or device is less than 40 feet to the nearest compliance boundary, divide the in-stack concentration by 250.
    2. If the edge of the building housing the process or device is greater than or equal to 40 feet to the nearest compliance boundary, divide the in-stack by 700.
4. Adjusted in-stack concentrations are compared to the AALs in Table 1450-1:L RTAP list
5. Compliance is demonstrated and no permit required if actual emissions are less than the 50% of the AALs or potential emissions are less than the AALs

4. Quantify Emissions and Evaluate Compliance

Air Dispersion Modeling Analysis

1. Prepare a modeling protocol in using the Guidance and Procedure for Performing Air Quality Impact Modeling in New Hampshire.
2. Conduct an air pollution dispersion modeling impact analysis, in accordance with Env A 606
3. Demonstrating that the concentration of emissions of each RTAP is equal to or below the corresponding AAL at and beyond the compliance boundary.



4. Quantify Emissions and Evaluate Compliance

Permit Exempt Conditions:

Emissions Basis	De Minimis	In-stack	Adj-In-STK	Modeling
Uncontrolled Actual	< de minimis	< AAL	< 50% AAL	< 50% AAL
Uncontrolled	< de minimis	< AAL	< AAL	< AAL

Uncontrolled emissions means any emission of a regulated toxic air pollutant from a device or process at a stationary source that is not subject to treatment or removal by pollution control equipment prior to being emitted to the ambient air or is emitted to the ambient air in amounts which have not been limited by conditions in an enforceable permit or document (i.e., PTE).

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THANK YOU!

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