



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

July 28, 2011

Nicholas S. Devonshire
[REDACTED]
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Alec Loorz and Victoria Loorz
Kids vs Global Warming
331 Prospect Street
Oak View, CA 93022

Re: Petition for Rulemaking

Dear Ms. Loorz and Messrs. Devonshire and Loorz:

The New Hampshire Department of Environmental Services (DES) has received and considered your Petition for Rulemaking (Petition), which requests DES to adopt rules that would require the agency to establish an emissions reduction strategy to achieve a concentration not greater than 350 ppm of atmospheric carbon dioxide (CO₂) by 2100. DES hereby denies your Petition, for the reasons stated below.

In December 2007, Governor Lynch issued Executive Order Number 2007-3¹ to establish a Climate Change Policy Task Force; the Task Force was charged with developing a Climate Change Action Plan for the State of New Hampshire. DES staff members coordinated the Plan's development process and provided technical support to the Task Force. The resulting Climate Change Action Plan addresses the long-term goal of reducing New Hampshire's CO₂ emissions by 80% below 1990 levels by 2050.²

DES leadership and staff incorporated the Climate Change Action Plan into the agency's 2010-2015 Strategic Plan³ with the intent of integrating climate change and land use considerations across all program areas.

New Hampshire is also one of 10 Northeast and Mid-Atlantic states participating in the Regional Greenhouse Gas Initiative (RGGI), a collaborative effort of the member states to regulate CO₂ emissions from the power sector. Our joint efforts under this initiative will reduce regional emissions from the power generation sector as follows: From 2009 to 2014, the total number of CO₂ allowances issued by the participating states is capped at 188 million tons of CO₂ per year. Beginning in 2015, the cap will decrease by 2.5% per year, for a total reduction of 10%, equivalent to 19 million tons, by 2018. This is a very significant reduction and, in conjunction with other measures, will help the region achieve our joint climate goals while

¹ Available on-line at http://www.governor.nh.gov/media/orders/documents/Executive_Order_2007-03.pdf

² See http://des.nh.gov/organization/divisions/air/tsb/tps/climate/action_plan/index.htm.

³ See <http://www.des.state.nh.us/organization/commissioner/strategic-plan/index.htm>

helping to secure energy independence and promote the transition to a new energy economy with associated job creation.

Effective December 21, 2010, DES amended NH CODE ADMIN. RULES Env-A 600, the air permitting rules, to establish permitting requirements for Greenhouse Gas (GHG) emissions under the Prevention of Significant Deterioration (PSD) and Title V permitting programs. This extends the regulatory net beyond the utility power sector and requires major sources of GHG emissions to use best available control technology (BACT) when constructing or installing their facilities.

In addition to the Climate Change Action Plan, RGGI, and Title V GHG rules, New Hampshire has adopted or participates in several other initiatives intended to either directly reduce GHG emissions or to reap a potential co-benefit (*e.g.*, renewable energy programs that promote non-emitting technologies such as wind, solar, hydro, or carbon neutral biomass, and energy efficiency programs that reduce demand and, hence, emissions).

Since all of these programs are specifically designed to reduce CO₂ emissions in both the near-term and the future, I hereby deny the Petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas S. Burack". The signature is written in a cursive, slightly slanted style.

Thomas S. Burack
Commissioner

cc: Robert R. Scott, DES Air Resources Director