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NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Env-A 3800 VOLUNTARY GREENHOUSE GAS EMISSIONS REDUCTIONS REGISTRY

Statutory Authority: RSA 125-L:3

PART Env-A 3801 PURPOSE

Env-A 3801.01 Purpose. In accordance with RSA 125-L, the purpose of this chapter is to ensure, to the greatest extent possible, that efforts to reduce greenhouse gas emissions undertaken voluntarily by New Hampshire sources prior to the implementation of any mandatory federal program are recognized through the establishment of a registry for early reductions of greenhouse gas emissions. Participation in the New Hampshire voluntary greenhouse gas emissions reductions registry does not guarantee that recognition or credit will be awarded towards any future mandatory federal greenhouse gas reduction program.

Source. #7456, eff 2-24-01

PART Env-A 3802 APPLICABILITY

Env-A 3802.01 Applicability. This chapter shall apply to greenhouse gas emissions reductions registered in accordance with this chapter by the following sources:

- (a) Any business or other entity located in New Hampshire which reduces greenhouse gas emissions in the state;
- (b) Any business or other entity located in New Hampshire which reduces greenhouse gas emissions out of state; and
- (c) Any person(s) as defined in Env-A 101.206, that reduces greenhouse gas emissions.

Source. #7456, eff 2-24-01

PART Env-A 3803 DEFINITIONS

Env-A 3803.01 “Greenhouse gas” (GHG) means “greenhouse gas” as defined in RSA 125-L:1,IV, namely, “means but is not limited to such gases as carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.”

Source. #7456, eff 2-24-01

Env-A 3803.02 “Protocol” means a replicable and workable method to estimate the mass of emissions reductions.

Source. #7456, eff 2-24-01

Env-A 3803.03 “Quantifiable” means the amount and rate of a voluntary emission reduction (VER) that has been calculated using:

- (a) Applicable guidance documents issued by the division;
- (b) Stack testing performed in accordance with Env-A 800;
- (c) Continuous emissions monitoring;
- (d) Applicable guidance documents issued by EPA or DOE; or
- (e) Any other proposed method approved by the department in accordance with Env-A 800.

Source. #7456, eff 2-24-01

Env-A 3803.04 “Source” means “source” as defined in RSA 125-L:1,V, namely “any entity, building, structure, facility, installation, article, or thing which, in the opinion of the commissioner, emits or may emit a greenhouse gas.”

Source. #7456, eff 2-24-01

Env-A 3803.05 “Voluntary Emission Reduction” (VER) means a voluntary emission reduction of a greenhouse gas(es) generated over a discrete period of time, and measured in weight.

Source. #7456, eff 2-24-01

PART Env-A 3804 GHG VER REGISTRATION AND FORMS

Env-A 3804.01 Limitations on Registration. Emissions reductions achieved prior to January 1, 1991 shall not be eligible for registration under this chapter.

Source. #7456, eff 2-24-01

Env-A 3804.02 Registration. The owner or operator of a source shall submit a completed form GHG-1 and GHG-2, or GHG-3 in accordance with Env-A 3804.03 to register and certify GHG VERs.

Source. #7456, eff 2-24-01

Env-A 3804.03 Time Frames for VER Registration.

(a) For initial registration of VERs under this chapter, the owner or operator of a source shall:

- (1) Complete forms GHG-1 and GHG-2 in accordance with Env-A 3804.04 and Env-A 3804.05; and
- (2) Submit the forms to the department as follows:
 - a. No later than July 1, 2003, for VERs achieved between 1991 and July 1, 2001; and
 - b. No later than 180 days after the initial VER registration activity is completed for VERs achieved after July 1, 2001.

(b) For VERs achieved in a subsequent calendar year that result from the registration activity in (a) above, the owner or operator of a source shall complete form GHG-3 in accordance with Env-A 3804.05 and submit it to the department annually.

(c) Subject to Env-A 103, the information provided pursuant to this chapter shall be available for public inspection in accordance with RSA 91-A.

Source. #7456, eff 2-24-01

Env-A 3804.04 Form GHG-1, Information Required for Source Identification and Certification. For initial registration of VERs under this chapter, the owner or operator of a source shall complete and submit to the department form GHG-1, including the following information, as applicable:

- (a) The name, title, address, and telephone number of the owner or operator;
- (b) The name and title of a responsible official;
- (c) Regarding the contact for general and technical information, the contact's:

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- (1) Name;
 - (2) Title;
 - (3) Telephone number;
 - (4) Fax number; and
 - (5) E-mail address;
- (d) The month and year in which the registration activity first began to achieve emission reductions;
- (e) The 2-digit standard industrial classification code of the owner or operator, if applicable;
- (f) A statement as to whether the activity was or will be reported under any other GHG registry or trading program by either the same owner or operator of a source, or by other owner(s) or operator(s) of a source;
- (g) The geographic area where the VERs were achieved;
- (h) The method used to calculate the VERs;
- (i) A statement signed by a responsible official that the reductions were calculated in accordance with Env-A 3808 or Env-A 3809;
- (j) The date that the responsible official signed the statement in (i) above; and
- (k) If the source identification and certification form is completed by a third party, then the following information:
- (1) The company name of the third party;
 - (2) A statement by the third party that the reductions were calculated in accordance with Env-A 3808 or Env-A 3809;
 - (3) The third party contact name;
 - (4) The third party contact's title;
 - (5) Signature of the third party; and
 - (6) The date that the third party signed the statement.

Source. #7456, eff 2-24-01

Env-A 3804.05 Form GHG-2, Information Required for Registration Activity Information. For initial registration of VERs under this chapter, the owner or operator of a source shall complete and submit to the department form GHG-2, including the following information, as applicable:

- (a) A detailed description of the activity that is the subject of the registration;
- (b) The year in which the activity took place;
- (c) Whether a third party verified the VERs;
- (d) If the activity was undertaken as part of participation in a voluntary program, then the program type and program sponsor;

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(e) The code for the type of activity, using the applicable code as specified in Appendix C of the U.S. Department of Energy Form EIA-1605EZ, "Reporting Form and Instructions, Form EIA-1605EZ, Voluntary Reporting of Greenhouse Gases," OMB No. 1905-0194, February 2000;

(f) The size, quantity, and unit of measure of the activity;

(g) The type, quantity, and unit of measure of the energy or fuel saved; and

(h) The type, quantity, and unit of measure of GHG VERs generated during the registration period.

Source. #7456, eff 2-24-01

Env-A 3804.06 Form GHG-3, Information Required for Source Renewal.

(a) VERs achieved in a subsequent calendar year that result from a registration activity pursuant to Env-A 3804.03(a), shall be renewed annually by the owner or operator of the source.

(b) In order to renew VERs achieved in a subsequent calendar year, the owner or operator of a source shall complete and submit to the department form GHG-3, including the following information, as applicable:

(1) The name, address, and telephone number of the owner or operator of the source;

(2) Regarding the contact for general and technical information, the contact's:

a. Name;

b. Title;

c. Telephone number;

d. Fax number; and

e. E-mail address;

(3) A brief description of the activity that is the subject of the registration;

(4) The year the initial VER notification was submitted to the department;

(5) Any subsequent years in which the initial VERs were renewed;

(6) A statement signed by a responsible official that the reductions were calculated in accordance with Env-A 3808 or Env-A 3809;

(7) The title of the responsible official who signed the statement in (6) above;

(8) The date that the responsible official signed the statement in (6) above; and

(9) If the source renewal form is completed by a third party, then the following information:

a. The company name of the third party;

b. A statement by the third party that the reductions were calculated in accordance with Env-A 3808 or Env-A 3809;

c. The third party contact name and title;

d. The signature of the third party; and

- e. The date that the third party signed the statement in b. above.

Source. #7456, eff 2-24-01

PART Env-A 3805 RECORDKEEPING REQUIREMENTS

Env-A 3805.01 Recordkeeping.

(a) The owner or operator of a source shall maintain records that document the quantification protocols used to calculate the GHG VERs including, but not limited to:

- (1) Hours of operation;
- (2) Heat input rates;
- (3) Quantities of all raw materials used in each process;
- (4) Fuel type;
- (5) Fuel consumption;
- (6) Energy usage;
- (7) Vehicle miles traveled; and
- (8) Production data.

(b) The owner or operator of a source that transfers ownership of a VER shall transfer all records pursuant to (a) above to the transferee at the time that ownership of a VER is transferred.

Source. #7456, eff 2-24-01

PART Env-A 3806 AUDIT PROVISIONS AND THIRD PARTY VERIFICATION

Env-A 3806.01 Verification.

(a) GHG emissions reductions, registered in accordance with Env-A 3804, shall be subject to verification pursuant to (b) through (d) below.

(b) Verification shall consist of:

- (1) Checking that VERs are quantifiable as defined in Env-A 3803.03;
- (2) Checking that calculations of VERs are mathematically correct; and
- (3) Confirming through on-site inspection that claimed VERs have occurred.

(c) Verification shall occur:

- (1) Prior to registration, by a third party verifier contracted by the owner or operator; or
- (2) Subsequent to registration, by the department.

(d) Verification performed by a third party verifier:

- (1) Shall be documented by affidavit; and
- (2) Shall be accepted by the department provided:

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- a. The third party verifier has had at least 5 years of experience in conducting compliance testing of air emissions; and
 - b. Verification documentation accompanies the GHG VER registration submittal.
- (e) The department shall strike from the registry any GHG VER that can not be verified.

Source. #7456, eff 2-24-01

PART Env-A 3807 GHG VER CONVERSION TO TRADABLE CREDITS

Env-A 3807.01 Use Limitation. GHG VERs registered in accordance with this chapter shall not be converted to tradable credits or used under any circumstances until this chapter is amended to establish a trading program.

Source. #7456, eff 2-24-01

PART Env-A 3808 GREENHOUSE GAS VOLUNTARY EMISSION REDUCTION QUANTIFICATION PROTOCOLS

Env-A 3808.01 Computation of GHG VERs. The amount of GHG VERs shall be calculated in accordance with the general guidelines for the voluntary reporting of GHGs under section 1605(b) of the Energy Policy Act of 1992 and this part.

Source. #7456, eff 2-24-01

Env-A 3808.02 Quantification Protocols. The amount of GHG VERs shall be calculated using quantification protocols, as applicable, in accordance with the following:

- (a) The U.S. Department of Energy Form EIA-1605EZ, "Reporting Form and Instructions, Form EIA-1605EZ, Voluntary Reporting of Greenhouse Gases" (OMB No. 1905-0194);
- (b) The U.S. Department of Energy Form EIA-1605, "Reporting Form and Instructions, Form EIA-1605, Voluntary Reporting of Greenhouse Gases" (OMB No. 1905-0194); or
- (c) The U.S. Environmental Protection Agency publication "Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-1997" (EPA 236-R-99-003).

Source. #7456, eff 2-24-01

PART Env-A 3809 ALTERNATIVE QUANTIFICATION PROTOCOLS

Env-A 3809.01 Approval of Alternative Quantification Protocols. For any quantification protocol that is an alternative to a quantification protocol specified by this chapter, the following procedure shall apply:

- (a) The person seeking approval of the alternative quantification protocol shall submit the following information, as applicable, to the department:
 - (1) A description of the method(s) used to calculate the GHG VERs;
 - (2) A complete description of any published guidance documents that were used to develop the quantification protocol;
 - (3) A complete description of the records that will be maintained in order to verify the GHG VERs; and

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(4) Any additional information that demonstrates that the alternative quantification protocol will result in verifiable and quantifiable GHG VERs.

(b) The department shall review the information submitted pursuant to (a) above within 30 days of receipt and approve the request if the department determines that all of the information specified in (a) above has been submitted and that the alternative quantification protocol will result in verifiable and quantifiable GHG VERs.

(c) If the department denies the request, the department shall notify in writing the person that made the request and specify the reason(s) for denial.

Source. #7456, eff 2-24-01

PART Env-A 3810 CARBON SEQUESTRATION

Env-A 3810.01 Reserved.

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RULE	STATE OR FEDERAL STATUTE
Env-A 3801	RSA 125-L:2
Env-A 3802	RSA 125-L:2
Env-A 3803	RSA 125-L:1 and RSA 125-L:3
Env-A 3804	RSA 125-L:3, I, IV
Env-A 3805	RSA 125-L:3, II
Env-A 3806	RSA 125-L:3, III
Env-A 3807	RSA 125-L:3, V
Env-A 3808	RSA 125-L:3, II
Env-A 3809	RSA 125-L:3, II