

STATE OF NEW HAMPSHIRE
Department of Environmental Services
Air Resources Division – Performance Audit
AUDIT FINDING Corrective Action Plan

Completion Status:

- Open** •
- Partially Resolved** ••
- Substantially Resolved** •••
- Fully Resolved** ••••

Initial Plan Submittal

Obs #	Observation Title	Recommendation	Action Item	Due Date	Completion Status	Comments
1	Implement A Strategic Approach To Succession Planning	Evaluate current policies and procedures for gaps, identify areas for additional improvement, and finalize all policies. Work with management to update guidance and ensure all references reflect current statute, administrative rules, and federal policies. Implement succession, workforce development, and knowledge management plans to enhance Department-wide planning initiatives.	Continue ongoing efforts to review and update all written operating procedures across all programs. Under FY 20/21 budget request, ARD intends to budget funds in key program areas with the goal of refilling certain key positions prior to existing senior staff leaving state government, particularly in cases where long-serving staff have pre-announced plans to retire.	06/2021	•••	ARD has made a concerted effort to review, update and finalize existing SOPs. Collectively, Permitting and Compliance continues to review and update the remaining existing SOPs. Efforts in this area have been impacted due to COVID-19
2	Improve Permitting Process	Improve the permit process by tracking length of time between an application’s arrival and when it is assigned to a permit	Continuously tracking how long applications have been at ARD before they are assigned to an		••••	

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		<p>engineer, ensuring application forms request all necessary information, reviewing renewal applications to ensure timely processing, reviewing timing of permit applications, and consider recruiting to fill vacant positions.</p> <p>Explore the cost and benefits of expanding online permitting.</p>	<p>engineer – ARD permit program managers now continuously track this metric.</p> <p>Assigning applications sooner after being submitted</p> <p>Review application forms to ensure facilities include all necessary information in permit applications.</p> <p>Review the renewal process to ensure timely permit processing despite competing priorities.</p> <p>Initial focus on: (1) whether to extend the terms of State Permits to Operate beyond the current 5 year term, and</p> <p>(2) whether it would be appropriate to regulate certain sources under a General State Permit.</p>	<p>03/31/2021</p> <p>12/31/2020</p>	<p>●●●●</p> <p>●●●●</p> <p>●●●●</p>	<p>(1) Extending the 5-year permit term for SPOs requires a revision to RSA 125-C:11, <i>Permit Required</i>. ARD has decided not to recommend a revision at this time.</p> <p>(2) After reviewing various source categories for potential coverage under a General State Permit (such as gas-fired boilers), ARD has</p>

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			<p>(3) Evaluate the costs and benefits of expanding its online permit system.</p> <p>(4) Review internal timelines for when renewal applications must be submitted and request EPA approval for modifications to Title V applications, if necessary</p> <p>(5) Fill two currently vacant permit processing positions.</p>		<p>••••</p>	<p>determined that there are not enough sources under any particular category that warrant the establishment of a General State Permit.</p> <p>(3) ARD evaluated the costs/benefits of online permitting and believes expansion is warranted. In response, ARD has made IT investments to expand its internal database (for example, creation of “device” and “modeling” modules) that will facilitate its ability to transition over to online permitting.</p> <p>(4) Internal timelines have been evaluated and determined to be appropriate.</p> <p>(5) <i>These efforts were temporarily delayed due to COVID-19.</i> Due to anticipated future budget limitations, ARD has chosen to fill only one</p>

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						of the two vacant permitting positions at this time.
3	Review Public Comment Period For Permit Applications	Review public comment requirements to determine whether all permit types require the same amount of time for public comment and amend administrative rules accordingly.	<p>Conduct stakeholder process to receive input from the public, environmental groups, and the regulated community on public notices.</p> <p>If warranted, propose revisions to public notice timeframes in Env-A 600.</p>	03/31/2021	●●●●	<p><u>Update:</u> Issue presented to stakeholders at BIA Air/Water Conference in September 2020.</p> <p>ARD not proposing to change any public notice timeframes at this time. However, this may change based on input received from stakeholders during 2021 rulemaking process for Env-A 600.</p>
4	Review Inspection Frequency At Permitted Facilities	<p>Improve the inspection process:</p> <p>Review inspection schedules to ensure inspections occur at recommended frequencies. Review minor sources which have not been inspected in a long time to determine risk of non-compliance.</p>	Confer with EPA about inspecting certain Title V facilities that consistently demonstrate ongoing compliance and have advanced levels of emission monitoring by means of a lower level compliance assessment for every other inspection.	11/2018	<p>●●●●</p> <p>●●●●</p> <p>●●●●</p>	

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		<p>Consider staffing constraints and anticipated workload when determining priorities.</p> <p>Work with EPA to establish an alternative inspection schedule.</p>		9/2019	●●●●	
5	Develop Criteria To Determine Whether Devices Should Be Operating During Inspections	<p>Develop risk-based criteria to assist inspectors in determining whether seeing a device in operation is warranted.</p> <p>Consider seasonal variations in device operation when scheduling inspections.</p>	Develop risk-based criteria to guide inspectors on when to assess visible emissions from a particular device.	8/2019	●●●●	
6	Improve Follow-up From Inspections	Establish a follow-up process to ensure deficiencies not referred to Enforcement are corrected and additional information requested is received. Consider developing criteria for when a deficiency should be referred to Enforcement or monitored internally.	Continue updating data handling procedures to ensure that deficiencies not referred for enforcement are tracked and reviewed periodically.		●●●●	
7	Determine Whether An ARD Representative Is Needed At All Compliance Stack Tests	Consider whether compliance stack test resources could be more efficiently and effectively allocated by evaluating whether all stack tests require an ARD representative to be present and by developing relevant criteria to determine when it would be beneficial to observe a compliance stack test.	<p>ARD will consider whether all stack tests require that an ARD representative be present.</p> <p>Assess the different types of tests being conducted and the type and frequency of the sources being tested.</p> <p>Evaluate the results of the stack testing surveys</p>		●●●●	

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			conducted as part of this performance audit.			
8	Follow Pre-test Administrative Rules	Enforce administrative rules related to pretest protocol and pre-testing meeting requirements. Determine whether certain requirements are necessary to meet ARD's goals and objectives. Amend administrative rules to reflect current practices, as warranted.	<p>Evaluate adding database feature to document the occurrence of the pretest meeting.</p> <p>Ensure that the protocols and the protocol approvals are adequately documented in the database.</p> <p>ARD will require facilities to submit the appropriate safety information in the pre-test protocol.</p>		<p>••••</p> <p>••••</p> <p>••••</p>	
9	Improve Compliance Stack Test Follow-up Documentation	Clarify follow-up requirements and consistently document when follow-up may be needed and completed.	Review the applicable operating procedures and make any changes necessary to match the database inputs with the activity of the section.		••••	
10	Review The Administrative Aspects Of Enforcement	Review the enforcement process to determine whether staffing constraints negatively affected timeliness. Consider recruiting to fill a vacant position, or consider allocating administrative support to assist with some tasks.	<p>Assess the staffing of the Enforcement Section and will examine whether the addition of administrative support would be an effective use of resources.</p> <p>Review the operating procedures of the Enforcement Section to continue to reduce the time needed to review</p>		••••	

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			and process enforcement responses.			