The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

September 10, 2020

Gabriel Caridade, Plant Manager
Saint-Gobain Performance Plastics Corporation
701 Daniel Webster Highway
Merrimack, NH 03054

Re: Variance Petition – Findings of Fact and Director's Decision
Saint-Gobain Performance Plastics Corporation
701 Daniel Webster Highway, Merrimack, New Hampshire
Facility Identification #3301100165; Application #20-0145

Dear Mr. Caridade:

On June 4, 2020, Saint-Gobain Performance Plastics Corporation (SGPP), through its counsel, McLane Middleton, Professional Association submitted a variance petition pursuant to NH RSA Chapter 125-C *Air Pollution Control*, Section 125-C:16 *Variances* and the NH Code of Administrative Rules, Env-A 200, *Procedural Rules*. In the petition, SGPP requested a variance of the February 11, 2021 deadline for completing construction and installation of the Regenerative Thermal Oxidizer as required in RSA 125-C:10-e and the air permit TP-0256 (permit) issued by New Hampshire Department of Environmental Services (NHDES), Air Resources Division on February 11, 2020. SGPP cited the Town of Merrimack's appeal of the permit (NH Air Resources Council Appeal Docket No. 20-05 ARC) and the COVID-19 pandemic as the underlying reasons for the request. Specifically, SGPP requested that the variance be granted until February 11, 2022, or one year from the date of the final, non-appealable order disposing of the Town of Merrimack's appeal of the air permit, whichever is earlier.

In accordance with Env-A 202.07, *Decision*, in the matter of the variance petition submitted by SGPP, the Director of the NHDES, Air Resources Division hereby **denies the petition for a variance**. The Findings of Fact upon which this decision is based is enclosed.

Any person aggrieved by this decision may appeal to the NH Air Resources Council ("Council") by filing an appeal that meets the requirements specified in RSA 21-O:14 and the rules adopted by the Council, Env-AC 200. The appeal must be filed **directly with the Council within 30 days** of the date of this decision and must set forth fully **every ground** upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the Council.

Information about the Council, including a link to the Council's rules, is available at https://www.nhec.nh.gov/ (or more directly at https://www.nhec.nh.gov/air/index.htm). Copies of the rules are also available from the NHDES Public Information Center at (603) 271-2975.

If you have any questions regarding this action, please contact Catherine Beahm at (603) 271-6793 or by email at catherine.beahm@des.nh.gov.

Sincerely,

Craig A. Wright
Director
Air Resources Division

Enclosure: Findings of Fact and Director's Decision

By certified mail #7017 3040 0000 7493 7682

ec: Gregory H. Smith, Esq., McLane Middleton, Professional Association
Brett Slensky, Esq., Saint Gobain Performance Plastics Corporation
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Joanna Tourangeau, Esq., Counsel, Town of Merrimackba
Rick Sawyer, Town Manager, Town of Bedford
Troy Brown, Town Administrator, Town of Litchfield
Kevin Smith, Town Manager, Town of Londonderry
Steve Malizia, Town Administrator, Town of Hudson
Public Hearing Attendees
Public Commenters