

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

TABLE OF CONTENTS

CHAPTER Env-A 2800 SAND AND GRAVEL SOURCES; NON-METALLIC MINERAL PROCESSING PLANTS; CEMENT AND CONCRETE SOURCES

PART Env-A 2801 PURPOSE AND APPLICABILITY

- Env-A 2801.01 Purpose
- Env-A 2801.02 Applicability

PART Env-A 2802 DEFINITIONS

- Env-A 2802.01 Affected Equipment
- Env-A 2802.02 Affected Facility
- Env-A 2802.03 Electronic Means
- Env-A 2802.04 Non-metallic Mineral Processing Plant
- Env-A 2802.05 Sand and Gravel Source
- Env-A 2802.06 Submit in Writing
- Env-A 2802.07 Successful Compliance Test

PART Env-A 2803 REQUIREMENTS FOR NON-METALLIC MINERAL PROCESSING PLANTS

- Env-A 2803.01 Visible Emission and Particulate Matter Standards for Non-Metallic Mineral Processing Plants
- Env-A 2803.02 Compliance Testing Requirements for Non-Metallic Mineral Processing Plants
- Env-A 2803.03 Fugitive Emission Control Systems for Non-Metallic Mineral Processing Plants

PART Env-A 2804 VISIBLE EMISSION STANDARD FOR CEMENT, READY MIX CONCRETE, AND CEMENT BLOCK SOURCES

- Env-A 2804.01 Visible Emission Standard for Cement, Ready Mix Concrete, and Cement Block Sources

PART Env-A 2805 FUGITIVE DUST CONTROL FOR ALL SOURCES

- Env-A 2805.01 Fugitive Dust Control for All Sources

PART Env-A 2806 PERMIT-BY-NOTIFICATION FOR NON-METALLIC MINERAL PROCESSING PLANTS

- Env-A 2806.01 Permit-By-Notification Required
- Env-A 2806.02 Permit-By-Notification Procedures
- Env-A 2806.03 Notification of Changes Required
- Env-A 2806.04 Application Content
- Env-A 2806.05 Signature and Certification
- Env-A 2806.06 Application Fee
- Env-A 2806.07 Recordkeeping and Reporting

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Env-A 2800 SAND AND GRAVEL SOURCES; NON-METALLIC MINERAL PROCESSING PLANTS; CEMENT AND CONCRETE SOURCES

Statutory Authority: RSA 125-C:4, I

PART Env-A 2801 PURPOSE AND APPLICABILITY

Env-A 2801.01 Purpose. The purpose of this chapter is to establish:

- (a) Standards for particulate matter emissions and visible emissions for sand and gravel sources, non-metallic mineral processing plants, and cement and concrete sources;
- (b) Fugitive dust requirements for sand and gravel sources, non-metallic mineral processing plants, and cement and concrete sources; and
- (c) Permit-by-notification requirements for non-metallic mineral processing plants.

Source. #6428-B, eff 1-18-97 (formerly Env-A 1210); ss by #8218, eff 11-24-04; ss by #9793, eff 10-1-10; ss by #12693, eff 12-22-18

Env-A 2801.02 Applicability. This chapter shall apply to any:

- (a) Sand and gravel source;
- (b) Non-metallic mineral processing plant; and
- (c) Cement, ready mix concrete, or cement block source.

Source. #6428-B, eff 1-18-97 (formerly Env-A 1210); ss by #8218, eff 11-24-04; ss by #9793, eff 10-1-10 (from Env-A 2802.01); ss by #12693, eff 12-22-18

PART Env-A 2802 DEFINITIONS

Env-A 2802.01 “Affected equipment” means each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station at an affected facility, as well as each crusher and grinding mill at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement.

Source. #9793, eff 10-1-10; ss by #12693, eff 12-22-18

Env-A 2802.02 “Affected facility” means a non-metallic mineral processing plant other than the following:

- (a) A facility located in an underground mine;
- (b) A wet material processing operation;
- (c) A fixed non-metallic mineral processing plant with a capacity of 25 tons per hour or less;
- (d) A portable non-metallic mineral processing plant with a capacity of 150 tons per hour or less; and
- (e) A common clay plant or pumice plant with a capacity of 10 tons per hour or less.

Source. #9793, eff 10-1-10; ss by #12693, eff 12-22-18

Env-A 2802.03 “Electronic means” means the method of sending documents, including but not limited to reports and notifications, to the department by fax, as an email or an attachment to an email, or through an electronic reporting system designed and intended to be used for submitting documents electronically to the department.

Source. #12693, eff 12-22-18

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-A 2802.04 “Non-metallic mineral processing plant” means any combination of equipment used to grind or crush any non-metallic mineral, such as stone, sand, gravel, clay, rock salt, or vermiculite. The term includes all equipment used in conjunction with the grinding or crushing equipment to dry, mix, convey, size, or blend the processed material.

Source. #9793, eff 10-1-10 (formerly Env-A 101.166); ss by #12693, eff 12-22-18 (formerly Env-A 2802.03)

Env-A 2802.05 “Sand and gravel source” means any source at which drying, mixing, conveying, sizing, or blending of rock, sand, or gravel products is conducted, and includes all equipment and auxiliaries used to dry, mix, convey, size, or blend such materials. The term does not include any equipment or activities related to grinding or crushing.

Source. #9793, eff 10-1-10); ss by #12693, eff 12-22-18 (formerly Env-A 2802.04)

Env-A 2802.06 “Submit in writing” means to submit required information in documents, including but not limited to reports and notifications, to the department using electronic means, U.S. Postal Service mail, or private delivery service.

Source. #12693, eff 12-22-18

Env-A 2802.07 “Successful compliance test” means a completed test that is performed for the purpose of demonstrating compliance and that does demonstrate that the source is in compliance with the requirement(s) for which the test is conducted.

Source. #12693, eff 12-22-18 (formerly Env-A 2802.05)

PART Env-A 2803 REQUIREMENTS FOR NON-METALLIC MINERAL PROCESSING PLANTS

Env-A 2803.01 Visible Emission and Particulate Matter Standards for Non-Metallic Mineral Processing Plants.

(a) A non-metallic mineral processing plant that is an affected facility shall comply with the visible emission and particulate matter standards specified in 40 CFR 60, subpart OOO, regardless of when construction, modification, or reconstruction of the plant commenced, provided, however, that the differentiation in subpart OOO between affected facilities that commenced construction, modification, or reconstruction prior to April 22, 2008 and those that commenced construction, modification, or reconstruction on or after April 22, 2008 shall still apply.

(b) The owner or operator of a non-metallic mineral processing plant that is not an affected facility shall not cause or allow visible fugitive emissions or visible stack emissions from the source to exceed an average of 20 percent opacity, determined in accordance with Env-A 807, for any continuous 6-minute period at crushers, transfer points, or screens.

Source. #6428-B, eff 1-18-97 (formerly Env-A 1210); ss by #8218, eff 11-24-04; ss by #9793, eff 10-1-10; ss by #12693, eff 12-22-18

Env-A 2803.02 Compliance Testing Requirements for Non-Metallic Mineral Processing Plants.

(a) The owner or operator of an affected facility shall conduct a successful compliance test on the affected facility or specific affected equipment, as applicable, in accordance with 40 CFR 60.675 within 60 days of achieving the maximum production rate at which the affected facility or affected equipment will be operated or 180 days after startup, whichever is sooner.

(b) In addition to the compliance test required by (a), above, the owner or operator of an affected facility shall conduct a successful compliance test:

- (1) Within 60 days after changing the method of dust suppression used at the affected facility;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(2) Within 60 days after achieving the maximum production rate at which the affected equipment will be operated or 180 days after initial startup, whichever is sooner, if the owner or operator replaces a piece of affected equipment; or

(3) If the test is otherwise required by 40 CFR 60 subpart OOO.

(c) The owner or operator of an affected facility shall not be required to conduct a compliance test solely because the location of the affected facility has changed.

Source. #6428-B, eff 1-18-97 (formerly Env-A 1210); ss by #8218, eff 11-24-04; ss by #9793, eff 10-1-10; ss by #12693, eff 12-22-18

Env-A 2803.03 Fugitive Emission Control Systems for Non-Metallic Mineral Processing Plants. The owner or operator of a non-metallic mineral processing plant shall not operate the plant unless it is equipped with a fugitive emission control system that is operated and maintained to control the emission of particulate matter.

Source. #9793, eff 10-1-10; ss by #12693, eff 12-22-18

PART Env-A 2804 VISIBLE EMISSION STANDARD FOR CEMENT, READY MIX CONCRETE, AND CEMENT BLOCK SOURCES

Env-A 2804.01 Visible Emission Standard for Cement, Ready Mix Concrete, and Cement Block Sources.

(a) Neither visible fugitive emissions nor visible stack emissions from a cement, ready mix concrete, or cement block source shall exceed an average of 20 percent opacity for any continuous 6-minute period.

(b) Opacity shall be determined in accordance with Env-A 807.

Source. #6428-B, eff 1-18-97 (formerly Env-A 1210); ss by #8218, eff 11-24-04; ss by #9793, eff 10-1-10; ss by #12693, eff 12-22-18

PART Env-A 2805 FUGITIVE DUST CONTROL FOR ALL SOURCES

Env-A 2805.01 Fugitive Dust Control for All Sources.

(a) For any source or plant subject to this chapter, the owner or operator shall control emissions of dust from vehicular movement within the plant property boundaries by using fugitive dust control methods such as paving or wetting the roadways.

(b) For any source or plant subject to this chapter, the owner or operator shall control emissions of dust from stockpiling by using fugitive dust control methods such as wet suppression, windbreaks, enclosures, or soil stabilization.

Source. #6428-B, eff 1-18-97 (formerly Env-A 1210); ss by #8218, eff 11-24-04; ss by #9793, eff 10-1-10; ss by #12693, eff 12-22-18

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

PART Env-A 2806 PERMIT-BY-NOTIFICATION FOR NON-METALLIC MINERAL PROCESSING PLANTS

Env-A 2806.01 Permit-By-Notification Required. Prior to operating any non-metallic mineral processing plant, the owner or operator shall obtain:

- (a) A standard permit, as specified in Env-A 600; or
- (b) A permit-by-notification, as specified in this part.

Source. #9793, eff 10-1-10; ss by #12693, eff 12-22-18

Env-A 2806.02 Permit-By-Notification Procedures.

(a) To obtain a permit-by-notification, the owner or operator of a non-metallic mineral processing plant shall submit the information required by Env-A 2806.04 in writing to the department, together with the signature and certification specified in Env-A 2806.05 and the fee specified in Env-A 2806.06. The filing shall constitute a permit application for the plant.

(b) The department shall issue a permit-by-notification for a non-metallic mineral processing plant if:

- (1) The applicant has submitted all required information and the required fee; and
- (2) The filing demonstrates that the plant will meet the applicable requirements of Env-A 2803, Env-A 2805, and Env-A 2806.

(c) Within 10 days after initial startup of an affected facility, the owner or operator shall notify the department in writing by electronic means, U.S. Postal Service (USPS) mail, or private delivery service of the actual date of startup.

Source. #9793, eff 10-1-10; ss by #12693, eff 12-22-18

Env-A 2806.03 Notification of Changes Required.

(a) Within 10 days after a permit-by-notification facility has commenced operation in a location other than that identified in the information submitted pursuant to Env-A 2806.02, the owner or operator shall submit in writing to the department a location change notice that contains the information listed in (c), below.

(b) At the same time the information is submitted to the department, the owner or operator shall send a copy of the written information to the town where the facility was previously located and to the town in which the facility is now located, if different.

(c) The information required by (a), above, shall be as follows:

- (1) The unique facility identification assigned by the department in the initial permit-by-notification;
- (2) The physical location from which the facility was moved; and
- (3) The physical location to which the facility was moved.

(d) Within 10 days after the replacement of any affected equipment, the owner or operator shall submit in writing to the department a notification that contains:

- (1) The information specified in 40 CFR 60.676(a)(1), (2), (3), and (4), as applicable; and
- (2) The date on which testing of the new equipment will be conducted.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (e) Any notice filed pursuant to (a) or (d), above, shall be signed as specified in Env-A 2806.05.

Source. #9793, eff 10-1-10; ss by #12693, eff 12-22-18

Env-A 2806.04 Application Content. The applicant for a permit-by-notification for nonmetallic mineral processing plants shall submit in writing to the department the following information:

- (a) The name, mailing address, daytime telephone number including area code, and email address of the owner or operator, and, if an email address is not available, a fax number for the person;
- (b) The name or identification number, or both, the owner or operator uses to identify the plant;
- (c) The physical location of the plant, including street address and municipality;
- (d) Any previous permit number;
- (e) The raw material throughput operating at maximum capacity, in pounds per hour and tons per year;
- (f) A list of all affected equipment at the plant, not including any energy-generating devices;
- (g) For each listed piece of equipment, the following:
  - (1) A description and the name or identification number, or both, the owner or operator uses to identify the equipment;
  - (2) The manufacturer and serial number, if available;
  - (3) The rated capacity of each crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station in tons per hour;
  - (4) The total surface area of the top screen of each screening operation;
  - (5) The width of each conveyor belt;
  - (6) The rated capacity in tons of each storage bin; and
  - (7) The date of:
    - a. Initial construction or installation in New Hampshire;
    - b. The most recent modification, if any;
    - c. The most recent replacement, if any; and
    - d. The most recent successful compliance test, if any;
- (h) For a new or modified non-metallic mineral processing plant or for one that has never been tested, the date(s) on which compliance testing will be conducted; and
- (i) A brief explanation of the methods that will be used to control emissions and fugitive dust.

Source. #9793, eff 10-1-10 (formerly Env-A 1710.04); ss by #12693, eff 12-22-18

Env-A 2806.05 Signature and Certification.

- (a) The owner or operator of the non-metallic mineral processing plant shall sign each application filed pursuant to Env-A 2806.02 and each notification filed pursuant to Env-A 2806.03.
- (b) The signature of the owner or operator shall constitute certification that:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (1) The owner or operator has read Env-A 2803, Env-A 2805, Env-A 2806, and 40 CFR 60, subpart 000;
- (2) The owner or operator understands and will comply with the requirements;
- (3) The owner or operator has notified the clerk of the town or city in which the facility is located of its pending operation;
- (4) All information filed is true, complete, and not misleading to the knowledge and belief of the signer; and
- (5) The signer understands that:
  - a. Any permit-by-notification issued based on false, incomplete, or misleading information is subject to revocation; and
  - b. The signer is subject to the penalties for falsification in official matters currently specified in RSA 641.

Source. #9793, eff 10-1-10); ss by #12693, eff 12-22-18

Env-A 2806.06 Application Fee. The applicant shall pay an application fee of \$1,000 with the permit-by-notification application.

Source. #9793, eff 10-1-10; ss by #12693, eff 12-22-18

Env-A 2806.07 Recordkeeping and Reporting.

(a) The owner or operator of a non-metallic mineral processing plant shall retain records for a minimum of 5 years on:

- (1) The total quantity of all materials processed on an annual basis; and
- (2) The results of all performance testing conducted to determine compliance with the standards specified in Env-A 2803, including 40 CFR 60, subpart 000.

(b) The owner or operator of a non-metallic mineral processing plant shall submit to the department the results of any performance test conducted to determine compliance with the standards set forth in Env-A 2803, including 40 CFR 60, subpart 000, within 60 days of the test.

Source. #9793, eff 10-1-10; ss by #12693, eff 12-22-18

**APPENDIX A: STATE STATUTE(S) AND FEDERAL REGULATIONS IMPLEMENTED**

<b>Rule Section(s)</b>	<b>State Statute(s) Implemented</b>	<b>Federal Regulations Implemented</b>
Env-A 2801	RSA 125-C:6, II	
Env-A 2802	RSA 125-C:6, II	
Env-A 2803	RSA 125-C:6, II	40 CFR 60.675; 40 CFR 60 subpart 000
Env-A 2804	RSA 125-C:6, II	
Env-A 2805	RSA 125-C:6, II	
Env-A 2806 (also see specific section below)	RSA 125-C:11, III-c	40 CFR 60.676(a)(1), (2), (3), and (4) 40 CFR 60 subpart 000
Env-A 2806.06	RSA 125-C:12, IV-c	