

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

TABLE OF CONTENTS

CHAPTER Env-A 600 STATEWIDE PERMIT SYSTEM

PART Env-A 601 PURPOSE AND APPLICABILITY

- Env-A 601.01 Purpose
- Env-A 601.02 Applicability
- Env-A 601.03 Compliance Required; Designation of Agent Allowed

PART Env-A 602 REFERENCES

- Env-A 602.01 References

PART Env-A 603 PERMIT OR NOTICE REQUIRED

- Env-A 603.01 Permit Required
- Env-A 603.02 Permit-by-Notification

PART Env-A 604 PERMIT CONTENT: TEMPORARY PERMITS AND PERMITS TO OPERATE

- Env-A 604.01 Permit Terms and Conditions
- Env-A 604.02 Terms and Conditions to Ensure Synthetic Minor Status

PART Env-A 605 OBLIGATION OF APPLICANT

- Env-A 605.01 Applicability
- Env-A 605.02 Proof of Right, Title, and Interest; Good Standing
- Env-A 605.03 Proof of Legal Authority
- Env-A 605.04 Certification of the Responsible Official

PART Env-A 606 AIR POLLUTION DISPERSION MODELING IMPACT ANALYSIS

- Env-A 606.01 Purpose
- Env-A 606.02 Applicability
- Env-A 606.03 Demonstration of Compliance with Ambient Air Quality Standards and Ambient Air Increment Values
- Env-A 606.04 Responsibility for Conducting Air Pollution Dispersion Modeling Impact Analysis
- Env-A 606.05 Air Pollution Dispersion Modeling Impact Analysis Methods
- Env-A 606.06 Specific Sources, Devices, and Emissions Included in an Air Pollution Dispersion Modeling Impact Analysis

PART Env-A 607 TEMPORARY PERMITS

- Env-A 607.01 Specific Applicability for Temporary Permits
- Env-A 607.02 Timely Application
- Env-A 607.03 Applications for Temporary Permits
- Env-A 607.04 Review Criteria
- Env-A 607.05 Acknowledgment and Completeness Determinations for Temporary Permits
- Env-A 607.06 Temporary Permit Application Deficiencies
- Env-A 607.07 Final Action
- Env-A 607.08 Expiration of Temporary Permits
- Env-A 607.09 Permit Reissuance
- Env-A 607.10 Application Shield: Temporary Permits

PART Env-A 608 STATE PERMITS TO OPERATE

- Env-A 608.01 Specific Applicability for State Permits to Operate
- Env-A 608.02 Timely Applications for Issuance or Renewal of State Permits to Operate
- Env-A 608.03 Application Procedures For State Permits to Operate
- Env-A 608.04 Review Criteria
- Env-A 608.05 Acknowledgment and Completeness Determinations for State Permits to Operate
- Env-A 608.06 State Permit to Operate Application Deficiencies
- Env-A 608.07 Final Action
- Env-A 608.08 Permit Expiration
- Env-A 608.09 Permit Renewal and Expiration Date Established

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- Env-A 608.10 Permit Renewal
- Env-A 608.11 Permit Reissuance
- Env-A 608.12 Application Shield: State Permits to Operate

PART Env-A 609 TITLE V OPERATING PERMITS

- Env-A 609.01 Specific Applicability
- Env-A 609.02 Issuance of Title V Operating Permits
- Env-A 609.03 Exempt Activities
- Env-A 609.04 Insignificant Activities
- Env-A 609.05 Permit Content: Title V Operating Permits
- Env-A 609.06 Application Procedures for Title V Operating Permits
- Env-A 609.07 Timely Application
- Env-A 609.08 Application Shield: Title V Operating Permits
- Env-A 609.09 Permit Shield: Title V Operating Permits
- Env-A 609.10 Department Review of Applications
- Env-A 609.11 Acknowledgement and Completeness Determinations for Title V Operating Permits
- Env-A 609.12 Application Deficiencies
- Env-A 609.13 Final Action
- Env-A 609.14 Department Action Following EPA Objection
- Env-A 609.15 Permit Expiration
- Env-A 609.16 Permit Renewal and Expiration Date Established
- Env-A 609.17 Notification of Need for Permit Renewal
- Env-A 609.18 Criteria for Permit Renewal
- Env-A 609.19 Permit Reopenings for Cause

PART Env-A 610 GENERAL STATE PERMITS AND GENERAL PERMITS UNDER TITLE V

- Env-A 610.01 Purpose
- Env-A 610.02 Applicability
- Env-A 610.03 Definition
- Env-A 610.04 Source Categories for General State Permits
- Env-A 610.05 Petitions to Establish Source Categories for General State Permits
- Env-A 610.06 Decision to Grant or Deny the Petition
- Env-A 610.07 Procedures for Establishing a General State Permit
- Env-A 610.08 Procedures for Registering to Operate Under a General State Permit
- Env-A 610.09 Department Review of Registration Package
- Env-A 610.10 General State Permit Conditions
- Env-A 610.11 Fees, Testing, Monitoring, Recordkeeping and Reporting Requirements
- Env-A 610.12 List of Sources Covered by General State Permits
- Env-A 610.13 Expiration Date and General State Permit Reestablishment Procedures
- Env-A 610.14 Sources Choosing to Comply with the State Permits to Operate Program
- Env-A 610.15 General Permits Under Title V
- Env-A 610.16 Application Procedures For General Permits Under Title V

PART Env-A 611 GENERAL ACID RAIN PERMITTING REQUIREMENTS

- Env-A 611.01 Purpose
- Env-A 611.02 Standard Acid Rain Permitting Requirements
- Env-A 611.03 Title V Operating Permit Interface
- Env-A 611.04 Enforceability of Acid Rain Permit Application
- Env-A 611.05 Acid Rain Compliance Plan
- Env-A 611.06 EPA Review
- Env-A 611.07 Acid Rain Permit Conditions
- Env-A 611.08 Acid Rain Permit Issuance
- Env-A 611.09 Effect of Permit Shield
- Env-A 611.10 Acid Rain Permit Revisions and Limitations
- Env-A 611.11 Permit Amendment Procedures

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- Env-A 611.12 Permit Reopening Procedures
- Env-A 611.13 Acid Rain Appeals Procedures

PART Env-A 612 PERMIT AMENDMENTS, MODIFICATIONS, AND REVISIONS

- Env-A 612.01 Administrative Permit Amendments
- Env-A 612.02 Operational Flexibility for Title V Operating Permits: Emissions Trading, Off-Permit Changes, and Section 502(b)(10) Changes
- Env-A 612.03 Minor Permit Amendments: Temporary Permits and State Permits to Operate
- Env-A 612.04 Significant Permit Amendments: Temporary Permits and State Permits to Operate
- Env-A 612.05 Minor Modifications: Title V Operating Permits
- Env-A 612.06 Significant Permit Modifications: Title V Operating Permits
- Env-A 612.07 Department Proposal to Amend a Permit

PART Env-A 613 CRITERIA FOR DENIAL, SUSPENSION AND REVOCATION OF TEMPORARY PERMITS AND STATE PERMITS TO OPERATE

- Env-A 613.01 Procedures
- Env-A 613.02 Denial of Permit Issuance
- Env-A 613.03 Permit Suspension or Revocation of a Temporary Permit or State Permit to Operate
- Env-A 613.04 False Statements

PART Env-A 614 CITIZEN PETITIONS TO THE EPA

- Env-A 614.01 Citizen Petitions to EPA

PART Env-A 615 INTERSTATE AIR QUALITY IMPACTS

- Env-A 615.01 Special Emission Limitations

PART Env-A 616 DETERMINATION OF ACTUAL EMISSIONS

- Env-A 616.01 Determination of Actual Emissions

PART Env-A 617 RESEARCH AND DEVELOPMENT OPERATIONS

- Env-A 617.01 Exception to Obtaining a Temporary Permit or State Permit to Operate
- Env-A 617.02 Exception to Obtaining a Title V Operating Permit

PART Env-A 618 NONATTAINMENT NEW SOURCE REVIEW

- Env-A 618.01 Purpose
- Env-A 618.02 Applicability
- Env-A 618.03 Definitions
- Env-A 618.04 Owner or Operator Obligations
- Env-A 618.05 Implementation Plan Requirements
- Env-A 618.06 Permit Application Requirements
- Env-A 618.07 Emissions Offset Requirements
- Env-A 618.08 Procedure for Acquiring and Implementing Emissions Offsets
- Env-A 618.09 Establishing a PAL
- Env-A 618.10 Department Review and Public Notice

PART Env-A 619 PREVENTION OF SIGNIFICANT DETERIORATION

- Env-A 619.01 Purpose
- Env-A 619.02 Applicability
- Env-A 619.03 PSD Program Requirements
- Env-A 619.04 Owner or Operator Obligations
- Env-A 619.05 Permit Application Requirements
- Env-A 619.06 Designation of Class I and Class II Areas
- Env-A 619.07 Department Review and Public Notice
- Env-A 619.08 Increment Consumption

PART Env-A 620 PROCEDURES FOR ESTABLISHING AND REESTABLISHING GENERAL STATE PERMITS

- Env-A 620.01 Applicability

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- Env-A 620.02 Public Notice and Comment During the Establishment of a General State Permit
- Env-A 620.03 EPA Review During the Establishment of a General State Permit
- Env-A 620.04 Public Hearing During the Establishment of a General State Permit
- Env-A 620.05 Decisions
- Env-A 620.06 Public Notice and Comment During the Reestablishment of a General State Permit
- Env-A 620.07 EPA Review During the Reestablishment of a General State Permit
- Env-A 620.08 Public Hearing During the Reestablishment of a General State Permit
- Env-A 620.09 Appeals

PART Env-A 621 PERMIT NOTICE AND HEARING PROCEDURES: TEMPORARY PERMITS AND PERMITS TO OPERATE

- Env-A 621.01 Applicability
- Env-A 621.02 Public Notice
- Env-A 621.03 Applications Subject to PSD Requirements
- Env-A 621.04 Applications Subject to Nonattainment Requirements
- Env-A 621.05 Notification to EPA
- Env-A 621.06 Requests for Public Hearing
- Env-A 621.07 Public Access to Information
- Env-A 621.08 Opportunity for Response
- Env-A 621.09 Decisions
- Env-A 621.10 Appeals

PART Env-A 622 PERMIT NOTICE AND HEARING PROCEDURES: TITLE V OPERATING PERMITS

- Env-A 622.01 Applicability
- Env-A 622.02 Public Notice
- Env-A 622.03 Notice to Affected States
- Env-A 622.04 EPA Review
- Env-A 622.05 Requests for Public Hearing
- Env-A 622.06 Public Access to Information
- Env-A 622.07 Opportunity for Response
- Env-A 622.08 Decisions
- Env-A 622.09 Appeals

PART Env-A 623 PERMIT REVOCATION AND SUSPENSION

- Env-A 623.01 Applicability
- Env-A 623.02 Suspension, Revocation or Modification of Permits
- Env-A 623.03 Appeals

PART Env-A 624 PERMITS FOR THE COMBUSTION OF NON-EXEMPT FUEL

- Env-A 624.01 Applicability
- Env-A 624.02 Definitions
- Env-A 624.03 Permit Application Required
- Env-A 624.04 Permit Application Requirements
- Env-A 624.05 BACT Analysis
- Env-A 624.06 BACT Determination
- Env-A 624.07 Duration of BACT Determinations
- Env-A 624.08 Air Pollution Deposition Modeling
- Env-A 624.09 Human Health Risk Assessment
- Env-A 624.10 Permit Conditions
- Env-A 624.11 Stack Testing and CEM Requirements
- Env-A 624.12 Acceptance of Applications

PART Env-A 625 LIMITATIONS ON POTENTIAL TO EMIT

- Env-A 625.01 Applicability
- Env-A 625.02 Definitions
- Env-A 625.03 Written Notification Required

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- Env-A 625.04 Limitations on Potential to Emit
- Env-A 625.05 Material Usage Limits
- Env-A 625.06 Operating Limits
- Env-A 625.07 Emission Limitation
- Env-A 625.08 Recordkeeping Requirements
- Env-A 625.09 Applicable Law

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Env-A 600 STATEWIDE PERMIT SYSTEM

Statutory Authority: RSA 125-C:4, RSA 125-C:6, RSA 125-C:11, RSA 125-C:12, RSA 125-C:13, RSA 125-I:3, and RSA 125-I:5

PART Env-A 601 PURPOSE AND APPLICABILITY

Env-A 601.01 Purpose. The purpose of this chapter is to implement the permitting requirements of RSA 125-C and RSA 125-I to regulate the operation and modification of new and existing stationary sources, area sources, and devices in order to achieve and maintain:

- (a) The ambient air quality standards established pursuant to RSA 125-C and Env-A 300; and
- (b) The ambient air limits for regulated toxic air pollutants established pursuant to RSA 125-I and Env-A 1400.

Source. #120, eff 8-31-73; ss by #721.16 eff 12-7-75; ss by #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #6468-B, eff 3-5-97; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 601.02 Applicability. This chapter shall apply to each stationary source, area source, and device that is required by RSA 125-C:11 to possess a temporary permit or operating permit, whether a permit-by-notification, general permit, or individual operating permit, prior to construction, installation, operation, or modification of such source or device.

Source. #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss and moved by #8129, eff 7-28-04 (formerly Env-A 602.01); ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 601.03 Compliance Required; Designation of Agent Allowed.

- (a) The owner or operator of a stationary source, area source, or device shall comply with applicable statutory requirements in RSA 125-C and the requirements of this chapter relative to applying for, obtaining, and maintaining a permit.
- (b) The owner or operator may designate an agent to act as an applicant in order to comply with any application requirements found in this chapter.

Source. #10000, eff 10-1-11; ss by #10175, eff 9-1-12

PART Env-A 602 REFERENCES

Env-A 602.01 References. For the purpose of this chapter, unless otherwise specified all references to 40 CFR 51, 40 CFR 52, 40 CFR 70, 40 CFR 72, 40 CFR 73, 40 CFR 76, and 40 CFR 78 shall be to the July 1, 2011 edition.

Source. #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #8129, eff 7-28-04; ss by #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

PART Env-A 603 PERMIT OR NOTICE REQUIRED

Env-A 603.01 Permit Required.

(a) No person shall cause or allow the construction or installation of a new or modified stationary source, area source, or device as specified in Env-A 607.01, which is required to hold a temporary permit in accordance with the provisions of this chapter, without having applied for and been issued a temporary permit.

(b) No person shall cause or allow the operation of an existing stationary source, area source, or device as specified in Env-A 608.01, which is required to hold a state permit to operate in accordance with the provisions of this chapter, without having applied for and been issued a state permit to operate.

(c) No person shall cause or allow the operation of a stationary source, area source, or device, which is required to hold a title V operating permit pursuant to Env-A 609.01 in accordance with the provisions of this chapter, without having applied for and been issued a title V operating permit.

(d) The owner or operator of a stationary source, area source, or device that is eligible to be installed and operated pursuant to a general permit, as specified in Env-A 610, shall not be required to obtain a temporary permit or individual operating permit, if a letter of approval is issued by the department pursuant to Env-A 610.09.

(e) The owner or operator of a nonmajor stationary source, area source, or device that is eligible to be installed and operated pursuant to a permit-by-notification as specified in Env-A 603.02(a) shall be exempt from any other permitting requirement in this chapter if a permit-by-notification is obtained as specified in Env-A 603.02(b).

(f) Prior to operating a source in accordance with Env-A 625, the owner or operator shall submit a written notice to the department in accordance with Env-A 625.03.

Source. #120, eff 8-31-73; ss by #721.16 eff 12-7-75; ss by #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #1861, eff 11-16-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #8129, eff 7-28-04; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 603.02 Permit-by-Notification.

(a) A non-metallic mineral processing plant as defined in Env-A 2802.03 that is not a major source shall be eligible to be installed or operated pursuant to a permit-by-notification.

(b) To install or operate a non-metallic mineral processing plant pursuant to a permit-by-notification, the owner or operator shall comply with Env-A 2806.

Source. #9791, eff 10-1-10; ss by #10175, eff 9-1-12

PART Env-A 604 PERMIT CONTENT: TEMPORARY PERMITS AND PERMITS TO OPERATE

Env-A 604.01 Permit Terms and Conditions.

(a) A temporary permit or permit to operate issued by the department shall contain terms and conditions establishing the parameters under which the stationary source, area source, or device to which it applies shall be constructed or operated.

(b) Upon the issuance of a temporary permit or permit to operate, the permittee shall comply with all terms and conditions in the permit.

Source. #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

#1861, eff 11-16-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #5989, eff 2-22-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11 (from Env-A 604.02); ss by #10175, eff 9-1-12

Env-A 604.02 Terms and Conditions to Ensure Synthetic Minor Status.

(a) For each stationary source, area source, or device for which permit terms and conditions are required in order for the source or device to retain synthetic minor source status, such terms and conditions shall include:

- (1) Emission limitations;
- (2) Limitations and controls on production, operation, or both; and
- (3) Monitoring, recordkeeping, and reporting requirements capable of demonstrating compliance with such limitations and controls.

(b) All emission limitations, controls, and other requirements imposed pursuant to (a), above, shall be:

- (1) Permanent and quantifiable;
- (2) At least as stringent as all other applicable limitations, controls and requirements; and
- (3) Enforceable under the state implementation plan (SIP) or federal Clean Air Act.

Source. #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #1861, eff 11-16-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #5989, eff 2-22-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

PART Env-A 605 OBLIGATION OF APPLICANT

Env-A 605.01 Applicability. This part shall apply to each person who files an application for a permit or a request for any other form of approval to construct, install, or operate any source or device for which a permit or other approval is required from the department, whether such application or request is filed by an owner or operator or by an agent as allowed by Env-A 601.03.

Source. #1375, eff 7-1-79; ss by #1615, eff 7-31-80; ss by #1710, eff 1-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 605.02 Proof of Right, Title, and Interest; Good Standing.

(a) The department shall consider an application only when the applicant has certified that the applicant, or the owner or operator the applicant represents, has right, title, or interest in all of the property that is proposed for development or use because the owner or operator owns, leases, or has binding options to purchase all of the property proposed for development or use.

(b) The owner or operator shall bear the burden of proving right, title, and interest in the property.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(c) An owner or operator that is an entity which is required by RSA 292, RSA 293, RSA 293-A, or other applicable provision of New Hampshire law to register with the New Hampshire secretary of state shall show proof of being registered and in good standing to do business in New Hampshire.

Source. #1710, eff 1-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #8129, eff 7-28-04; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 605.03 Proof of Legal Authority. Where the applicant is not the legal owner or operator of the source or device that is the subject of the application, a copy of the agency agreement authorizing the applicant to act on behalf of the owner or operator for purposes of the application shall be filed as part of the application for a permit.

Source. #1710, eff 1-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss and moved by #6057-B, eff 6-30-95 (formerly Env-A 605.05); ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 605.04 Certification of the Responsible Official.

(a) Each applicant, owner or operator shall appoint at least one person to be a responsible official, as that term is defined in Env-A 101.166.

(b) The applicant, owner or operator shall notify the department of the identity of the responsible official(s) by completing and filing an ARD-1 form signed by each appointed responsible official.

(c) Each application form, report, or compliance certification filed with the department pursuant to this chapter shall:

(1) Contain a written statement certifying the truth, accuracy, and completeness of the document; and

(2) Be signed by one responsible official.

(d) Unless otherwise specified, the certification required by (c), above, shall state that, to the best of the responsible official's knowledge and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

(e) Within 30 days of any change in the identity of a responsible official or applicant, the owner or operator shall file with the department an ARD-1 form containing the information specified in Env-A 1703.01(b)(1) through (b)(7) and the signed certification statement specified in Env-A 1703.01(c).

(f) Within 30 days of any change in the identity of the owner or operator, the new owner or operator shall file with the department an ARD-1 form containing the information specified in Env-A 1703.01(b)(1) through (b)(7) and the signed certification statement specified in Env-A 1703.01(c).

Source. #1710, eff 1-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

PART Env-A 606 AIR POLLUTION DISPERSION MODELING IMPACT ANALYSIS

Env-A 606.01 Purpose. The purpose of this part is to establish the air pollution dispersion modeling impact analysis requirements that apply to owners and operators of certain stationary sources in order to demonstrate compliance with the SIP, RSA 125-C, RSA 125-I, and rules adopted thereunder.

Source. #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 606.02 Applicability.

(a) Except as provided in (c), below, an air pollution dispersion modeling impact analysis shall be performed in accordance with this part as part of the application for a permit for any of the following sources or devices:

- (1) A new stationary source with any source or device that, after construction or installation, will meet or exceed any applicable threshold in Env-A 607.01;
- (2) An existing stationary source that constructs or installs a new process or device that, after construction or installation, will meet or exceed any applicable threshold in Env-A 607.01;
- (3) An existing stationary source that modifies an existing source or device that meets or exceeds any applicable threshold in Env-A 607.01, resulting in an increase in allowable emissions as follows:
 - a. Annual or hourly emissions of nitrogen oxides, sulfur dioxide, or PM₁₀; or
 - b. Emissions equal to or greater than 5 pounds per hour of carbon monoxide; or
- (4) Any stationary source with emissions of regulated toxic air pollutants using the compliance demonstration method specified in Env-A 1405.02.

(b) An existing stationary source shall update its air pollution dispersion modeling impact analysis performed pursuant to this part prior to making a modification that will result in any of the following:

- (1) Reduction in stack height;
- (2) Increase in effective stack diameter;
- (3) Obstruction of the stack exit;
- (4) Change in stack exit orientation;
- (5) Reduction in stack exit temperature by the lesser of 10% or 40 degrees F;
- (6) Reduction in stack flow by the lesser of 10% or 1,000 actual cubic feet per minute; or
- (7) Change in stack location.

(c) An air pollutant emission dispersion modeling analysis for regulated air pollutants shall not be required for any of the following devices:

- (1) An emergency generator or other engines used for mechanical power in emergencies, such as fire pump engines, where the hours of operation are limited to 500 hours per year or less by an enforceable permit condition;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (2) A non-metallic mineral processing plant equipped with dust suppression controls operated to prevent, abate, and control the emission of fugitive dust as specified in Env-A 2800;
- (3) Any source or device that meets or exceeds only VOC or HAP thresholds in Env-A 607.01;
- (4) Any source or device being modeled solely to determine compliance with Env-A 1400 in accordance with Env-A 606.02(a)(4); or
- (5) Any device equipped with a vertical and unobstructed emission stack located at a stationary source with facility-wide allowable emission rates less than all of the following:
 - a. 100 tons per calendar year of carbon monoxide;
 - b. 40 tons per calendar year of nitrogen oxides;
 - c. 40 tons per calendar year of sulfur dioxide; and
 - d. 15 tons per calendar year of PM₁₀.

Source. #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03; amd by #9791, eff 10-1-10; amd by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 606.03 Demonstration of Compliance with Ambient Air Quality Standards and Ambient Air Increment Values.

(a) The owner or operator of a source shall demonstrate, using the air pollution dispersion modeling impact analysis required in this part, that the source will not:

- (1) Cause or contribute to a violation of any National Ambient Air Quality Standard (NAAQS) listed in Env-A 300 that is required to be included in the analysis pursuant to Env-A 606.06(b), (c), (d), or (e); or
- (2) Cause an increase in pollutant concentration over the baseline concentration that is greater than the value specified in 40 CFR §52.21(c) resulting from net emissions increases at the source after the baseline date determined pursuant to 40 CFR §52.21(a)(14), if applicable.

(b) A source shall be considered to cause or contribute to a violation of a NAAQS when such source's contribution would exceed the significance levels at any locality that does not or would not meet the applicable national standard, as shown in table 606-1 below:

Table 606-1: NAAQS Significance Levels

Pollutant	Averaging Time and Significance Levels				
	Annual	24-hour	8-hour	3-hour	1-hour
SO ₂	1.0 ug/m ³	5 ug/m ³		25 ug/m ³	
PM ₁₀	1.0 ug/m ³	5 ug/m ³			
PM _{2.5}	0.3 ug/m ³	1.2 ug/m ³			
NO ₂	1.0 ug/m ³				
CO			0.5 mg/m ³		2 mg/m ³

Source. #10175, eff 9-1-12

Env-A 606.04 Responsibility for Conducting Air Pollution Dispersion Modeling Impact Analysis. The owner or operator shall file with the department as part of the permit application for any stationary source subject to this part one of the following:

- (a) A request that the department conduct an air pollution dispersion modeling impact analysis; or

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) A protocol describing the proposed air pollution dispersion modeling impact analysis methods, the report summarizing results of the air pollution dispersion modeling impact analysis, and all data files necessary to verify the results.

Source. #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12 (from Env-A 606.03)

Env-A 606.05 Air Pollution Dispersion Modeling Impact Analysis Methods.

(a) Except as provided in (b), below, an air pollution dispersion modeling impact analysis shall be conducted as specified in 40 CFR 51, Appendix W, using any model or methodology, as applicable, that the administrator has specified, referenced, or proposed for inclusion in 40 CFR 51, Appendix W.

(b) Impacts within the property boundary from internal combustion engines and hot mix asphalt plants shall not be included in the air pollution dispersion modeling impact analysis provided that:

- (1) The engine or plant is located at a stationary source with a primary SIC classification of 1442 or 2951;
- (2) The facility at which the engine or plant is located is not a major stationary source as defined in Env-A 101.115; and
- (3) The engine or plant exhausts all emissions through a vertical and unobstructed exhaust stack.

Source. #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12 (from Env-A 606.04)

Env-A 606.06 Specific Sources, Devices, and Emissions Included in an Air Pollution Dispersion Modeling Impact Analysis.

(a) An air pollution dispersion modeling impact analysis for sources subject to Env-A 606.02(a)(1), (2), or (3) shall include emissions from the following:

- (1) Each source or device at the stationary source required to do the air pollution dispersion modeling impact analysis that meets or exceeds any applicable threshold in Env-A 607.01 and which is not exempt from inclusion pursuant to the Env-A 606.02(c); and
- (2) All sources identified as nearby in accordance with 40 CFR 51, Appendix W, that are listed in the department's inventory of sources that meet the applicability thresholds of this part.

(b) Except as provided in (c), below, an air pollution dispersion modeling impact analysis for a source subject to Env-A 606.02(a)(1), (2), or (3)a. shall be performed for nitrogen oxides, sulfur dioxide, carbon monoxide, and PM₁₀ emitted from the device(s) being analyzed.

(c) The following emissions, if from sources or devices located at facility that is not a major source as defined in Env-A 619, are not required to be included in an air pollution dispersion modeling analysis:

- (1) Nitrogen oxides emissions from sources or devices that achieve Reasonably Available Control Technology standards specified in Env-A 1300 for nitrogen oxide;
- (2) Sulfur dioxide emissions from sources or devices with a sulfur dioxide emission rate equal to or less than 0.025 lb/MMBtu of heat input; and
- (3) PM₁₀ emissions from sources or devices with the following:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- a. A PM emission rate equal to or less than 0.10 lb/MMBtu; or
- b. A PM control device which achieves a PM capture and control efficiency of at least 95%.

(d) An air pollution dispersion modeling impact analysis for sources subject to Env-A 619 shall include emissions of PM_{2.5}. For purposes of this analysis, nearby sources of PM_{2.5} shall be identified in accordance with 40 CFR 51, Appendix W, and selected from the department's inventory of sources that are classified as major sources pursuant to Env-A 619.

(e) An air pollution dispersion modeling impact analysis for sources subject only to Env-A 606.02(a)(3)b. shall be performed for carbon monoxide only.

(f) Except as provided in (g), below, an air pollution dispersion modeling impact analysis for sources subject to Env-A 606.02(a)(4) shall include emissions from each source or device at the stationary source which emits the same regulated toxic air pollutant for which the analysis is being performed.

(g) An air pollution dispersion modeling impact analysis for sources subject to Env-A 606.02(a)(4) shall not include emissions from any exempt device or process as specified in Env-A 1402.

Source. #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12 (from Env-A 606.05)

PART Env-A 607 TEMPORARY PERMITS

Env-A 607.01 Specific Applicability for Temporary Permits. The owner or operator of a new or modified stationary source, area source, or device shall obtain a temporary permit as specified in this chapter prior to the construction or installation of the source or device if the source or device is any of the following:

(a) An external combustion device with a design gross heat input greater than or equal to 10 million British thermal units (BTUs) per hour that combusts:

- (1) Gaseous fuel, as defined in Env-A 1302.19;
- (2) Liquefied petroleum gas;
- (3) Distillate weight liquid fuel, including but not limited to #2 fuel oil or diesel fuel oil; or
- (4) Any combination of (1) through (3), above;

(b) An external combustion device with a design gross heat input greater than or equal to 4 million BTUs per hour that combusts #4 fuel oil;

(c) An external combustion device with a design gross heat input greater than or equal to 2 million BTUs per hour that combusts:

- (1) Solid fuel;
- (2) Residual weight liquid fuel, including but not limited to #6 fuel oil;
- (3) Used oil as defined in Env-A 101.212; or
- (4) Any combination of (1) through (3), above;

(d) One or more internal combustion devices at a source where:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (1) Each device combusts liquid fuel oil and has a design gross heat input greater than 0.15 million BTUs per hour, and the combined total design gross heat input for all such devices is greater than or equal to 1.5 million BTUs per hour; or
 - (2) Each device combusts gaseous or liquefied propane gas fuel and has a design gross heat input greater than 1.5 million BTUs per hour, and the combined total design gross heat input of all such devices is greater than or equal to 10 million BTUs per hour;
- (e) An incinerator using any combination of type 0, 1, 2, or 3 waste with a design rating greater than or equal to 1,000 pounds per hour;
- (f) An incinerator using any combination of type 4, 5, 6, and 7 waste with a design rating greater than or equal to 200 pounds per hour;
- (g) A stationary source, area source, or device with total actual volatile organic compound (VOC) emissions greater than or equal to 10 tons per calendar year;
- (h) An aboveground, vertical, VOC storage tank with a capacity greater than or equal to 40,000 gallons and containing VOCs with a true vapor pressure greater than or equal to 1.52 pounds per square inch absolute (psia) at 60° F;
- (i) A device for loading tank trucks with gasoline at a gasoline terminal with a throughput greater than or equal to 20,000 gallons per day;
- (j) A woodworking device that does not use a baghouse or filter for controlling dust emissions, but which employs a pneumatic transfer system to collect any amount of sander dust at a total wood waste transfer rate greater than or equal to 20 tons per calendar year;
- (k) Pneumatic dust transfer equipment used to convey materials other than wood waste into bins or silos, which equipment does not use a baghouse or filter for controlling dust;
- (l) Subject to Env-A 603.02, a fixed non-metallic mineral processing plant or coal crusher with a design throughput greater than or equal to 25 tons per hour;
- (m) Subject to Env-A 603.02, a portable non-metallic mineral processing plant or a coal crusher with a design throughput of greater than or equal to 150 tons per hour;
- (n) A stationary source, area source, or device choosing to limit its potential to emit by accepting enforceable permit conditions, including but not limited to any restrictions on the following:
- (1) The hours of operation of the source or device;
 - (2) The type or amount of material combusted, stored, or processed; or
 - (3) The level of production;
- (o) A stationary source, area source, or device at which documented and repeated violations occur of any of the applicable opacity or emission limits specified in Env-A 400 et seq.;
- (p) A stationary source, area source, or device that is a significant contributor to documented and repeated violations of any of the national ambient air quality standards (NAAQS) as specified in Env-A 300, where discovery of the violation(s) or contribution resulted from one of the following:
- (1) A direct measurement using ambient air quality monitoring; or
 - (2) Calculations based on the technical procedures adopted pursuant to 40 CFR 51, Appendix W;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(q) A stationary source, area source, or device subject to the national emission standards for hazardous air pollutants (NESHAP) contained in 40 CFR 61, except for sources and source categories subject to 40 CFR 61 solely for Subpart M, NESHAP for asbestos;

(r) A stationary source, area source, or device subject to rules governing prevention of significant deterioration (PSD) as specified in Env-A 619;

(s) A stationary source, area source, or device subject to rules governing nonattainment areas as specified in Env-A 618;

(t) A stationary source, area source, or device where a permit is required under the rules governing regulated toxic air pollutants specified in Env-A 1400;

(u) A stationary source, area source, or device where a permit is required by the maximum achievable control technology (MACT) standards for source categories as specified in 40 CFR 63;

(v) A stationary source or device subject to the rules governing reasonably available control technology (RACT) as contained in:

(1) Env-A 1300 for NO_x emissions; or

(2) VOC RACT order provisions as stated in Env-A 1205;

(w) A stationary source, area source, or device determined by the department, based on modeling performed in accordance with 40 CFR 51, Appendix W, to have a significant impact on the air quality where a permit is required to ensure that ambient air quality standards are achieved and maintained;

(x) A source subject to, or opting into, the Acid Rain program under title IV of the Act;

(y) A stationary source, area source, or device that is a major source of hazardous air pollutants;

(z) A nitrogen oxides (NO_x) budget source as defined in Env-A 3203.17;

(aa) A nitrogen oxides (NO_x)-emitting generation source as defined in Env-A 3702; or

(ab) A carbon dioxide (CO₂) budget source as defined in Env-A 4602.

Source. #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; amd by #6344, eff 9-28-96; amd by #6468-B, eff 3-5-97; amd by #6780, eff 6-27-98, EXPIRES: 10-25-98; amd by #6813, eff 7-23-98; amd by #7615, eff 12-20-01; ss by #7879, eff 4-26-03; amd by #8129, eff 7-28-04; amd by #9462, eff 4-22-09; amd by #9791, eff 10-1-10; amd by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 607.02 Timely Application.

(a) For an initial temporary permit, an application shall be considered timely if it is filed with the department prior to the construction or installation of a new or modified source or device.

(b) For the reissuance of a temporary permit, an application shall be considered timely if it is filed with the department at least 90 days prior to the designated expiration date of the temporary permit.

Source. #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-A 607.03 Applications for Temporary Permits.

(a) The owner or operator of any source or device required to obtain a temporary permit pursuant to Env-A 607.01 shall file the original and one copy of an application package as specified in (b) and (c), below, with the department.

(b) The application package shall include the following:

- (1) The forms and information for the specific source or device as specified in Env-A 1703 through Env-A 1708, as applicable;
- (2) The fee(s) specified in Env-A 700, as applicable;
- (3) For a major source, all information specified in Env-A 1709;
- (4) For a major source of hazardous air pollutants subject to 112(g) of the Act, all information required pursuant to 40 CFR §63.43(e);
- (5) If an air pollution dispersion modeling impact analysis is required pursuant to Env-A 606.02, documentation required pursuant to Env-A 606.04;
- (6) For a source subject to RSA 125-C:10-b, the information required pursuant to Env-A 624;
- (7) Certification of right, title, and interest and, if applicable, proof of good standing, as specified in Env-A 605.02;
- (8) Proof of legal authority as specified in Env-A 605.03, if the applicant is not the legal owner or operator of the source or device that is the subject of the application;
- (9) For a source with air pollution control equipment as defined in Env-A 101.17, an air pollution control equipment monitoring plan or catalyst management plan pursuant to Env-A 810.01; and
- (10) If a plan is not required pursuant to Env-A 810.01, a description of the monitoring the source intends to conduct to demonstrate compliance with all applicable state and federal statutes, rules, and permits, as specified in Env-A 810.02.

(c) The information submitted pursuant to (a) and (b), above, shall contain enough detail for the department to reach its own conclusions regarding whether the application meets the requirements specified in Env-A 607.04.

Source. #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; amd by #6342-B, eff 9-28-96; amd by #6780, eff 6-27-98, EXPIRES: 10-25-98; amd by #6813, eff 7-23-98; ss by #7879, eff 4-26-03; ss by 8654, eff 6-8-06; ss by #9791, eff 10-1-10; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 607.04 Review Criteria. The department shall review each application for a temporary permit to ensure compliance with:

- (a) All applicable elements of the SIP;
- (b) Env-A 100 et seq.;
- (c) Applicable state law governing air pollution; and
- (d) Applicable requirements, as defined in Env-A 101.26.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Source. #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; amd by #6780, eff 6-27-98, EXPIRES: 10-25-98; amd by #6813, eff 7-23-98; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 607.05 Acknowledgment and Completeness Determinations for Temporary Permits. Pursuant to RSA 541-A:29, I, within 60 days of receipt of an application for a temporary permit, the department shall:

- (a) Notify the applicant that the application is complete; or
- (b) Notify the applicant of the information that is needed to complete the application and request the applicant to submit the information.

Source. #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 607.06 Temporary Permit Application Deficiencies.

- (a) Any applicant who fails to file any required information or who has filed incorrect information in an application for issuance or amendment of a temporary permit shall, upon becoming aware or being notified by the department of such failure or incorrect filing, file in writing with the department such supplementary facts or corrected information no later than 30 days after such discovery or notification.
- (b) While processing an application that has been deemed complete, if the department determines that the application does not contain enough detail for the department to reach its own conclusions regarding whether the application meets the requirements specified in Env-A 607.04, the department shall request the applicant to provide the additional details in writing within 30 days of receipt of the department's request.

Source. #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 607.07 Final Action. The department shall take final action on an application for a temporary permit after the requirements for public notice and hearing procedures specified in Env-A 621 have been satisfied.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 607.08 Expiration of Temporary Permits.

- (a) The expiration date of each temporary permit shall be 18 months after the date of its issuance.
- (b) The temporary permit shall be in effect until the designated expiration date, unless revoked or suspended at an earlier date by the department pursuant to RSA 125-C:13.
- (c) Unless reissued in accordance with Env-A 607.09, a temporary permit shall expire on the expiration date listed on the temporary permit.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(d) Except as provided in (e), below, the expiration of a temporary permit shall terminate the authority of the owner or operator to construct or operate a new or modified source or device pursuant to the permit.

(e) Pursuant to RSA 541-A:30, I, the authority of the owner or operator to construct or operate a new or modified source or device shall continue, subject to the terms and conditions of a temporary permit that otherwise would have expired, pending the department's decision on:

(1) A timely and complete application for reissuance of the temporary permit, as specified in Env-A 607.09, if the owner or operator demonstrates that any of the circumstances listed in Env-A 607.09(a)(1)-(5) apply; or

(2) A timely and complete application for a state permit to operate or amendment thereto, or a title V operating permit or amendment thereto.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; amd by #8129, eff 7-28-04; ss by #9791, eff 10-1-10; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 607.09 Permit Reissuance.

(a) The owner or operator to whom a temporary permit was issued may request a reissuance of the temporary permit for a period not to exceed one year, provided that at least one of the following is met:

(1) Actual construction has been completed by the expiration date, but any required compliance testing has not been completed;

(2) Actual construction has commenced by the expiration date but has not been completed;

(3) Actual construction has not commenced, but the owner or operator provides a copy of at least one binding agreement or contractual obligation which cannot be canceled or modified without substantial loss to the owner or operator;

(4) The owner or operator is in the process of obtaining a permit or other authorization required for the project from another governmental entity; or

(5) The owner or operator is involved in litigation where a decision regarding a permit or other authorization required for the project from another governmental entity has been issued and appealed.

(b) To obtain a reissuance, the owner or operator shall file a written request for a reissuance that specifies the basis for the request and includes a certification as specified in Env-A 605.04(c).

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 607.10 Application Shield: Temporary Permits.

(a) If an applicant files a timely application that has been deemed complete by the department for the reissuance of a temporary permit, the issuance of an initial state permit to operate, or the incorporation of the provisions of a temporary permit into an existing state permit to operate or Title V operating permit, the failure to have a current and valid temporary permit shall not be considered a violation of RSA 125-C:11 or Env-A 607.01 unless and until the department denies the requested reissuance and:

(1) The applicant does not appeal the denial within the time specified in RSA 125-C:12, III; or

(2) The denial is affirmed after all available appeals have been exhausted.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) If the department deems an application complete, but requests additional information pursuant to Env-A 607.06(b), the protection granted in (a), above, shall cease to apply when the applicant fails to file in writing such additional requested information by the deadline specified in the request.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12; ss by #10175, eff 9-1-12

PART Env-A 608 STATE PERMITS TO OPERATE

Env-A 608.01 Specific Applicability for State Permits to Operate. The owner or operator of any stationary source, area source, or device that is specified in Env-A 607.01 and is not required to obtain a Title V permit pursuant to Env-A 609.01 shall file a timely and complete application for, and obtain, a state permit to operate as specified in this chapter.

Source. #721.16 eff 12-7-75; amd by #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 608.02 Timely Applications for Issuance or Renewal of State Permits to Operate.

(a) For a source or device that has been issued a temporary permit, an application for an initial state permit to operate or the incorporation of the provisions of the temporary permit into an existing state permit to operate shall be considered timely if it is filed with the department at least 90 days prior to the designated expiration date of the temporary permit.

(b) For a source or device that has been issued a state permit to operate, an application for renewal of the permit shall be considered timely if it is filed with the department at least 90 days prior to the designated expiration date of the current state permit to operate.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 608.03 Application Procedures For State Permits to Operate.

(a) The owner or operator of any source or device required to obtain a state permit to operate pursuant to Env-A 608.01 shall file the original and one copy of an application package for the permit as specified in (b) and (c), below, with the department.

(b) The application package shall include the following:

- (1) The forms and information for the specific source or device as specified in Env-A 1703 through Env-A 1708, as applicable;
- (2) The fee(s) specified in Env-A 700, as applicable;
- (3) If an air pollution dispersion modeling impact analysis is required pursuant to Env-A 606.02, documentation required pursuant to Env-A 606.04;
- (4) Certification of right, title, and interest and, if applicable, proof of good standing, as specified in Env-A 605.02;
- (5) Proof of legal authority as specified in Env-A 605.03, if the applicant is not the legal owner or operator of the source or device that is the subject of the application;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(6) For a source with air pollution control equipment, as defined in Env-A 101.17, an air pollution control equipment monitoring plan or catalyst management plan pursuant to Env-A 810.01; and

(7) If a plan is required pursuant to Env-A 810.01, a description of the monitoring the source intends to conduct to demonstrate compliance with all applicable state and federal statutes, rules, and permits, as specified in Env-A 810.02.

(c) The information submitted pursuant to (a) and (b), above, shall contain enough detail for the department to reach its own conclusions regarding whether the application meets the requirements specified in Env-A 608.04.

Source. #6057-B, eff 6-30-95; amd by #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 608.04 Review Criteria. The department shall review each application for a state permit to operate to ensure compliance with:

- (a) All applicable elements of the SIP;
- (b) Env-A 100 et seq.; and
- (c) Applicable state law governing air pollution.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 608.05 Acknowledgment and Completeness Determinations for State Permits to Operate. Pursuant to RSA 541-A:29, I, within 60 days of receipt of an application for a state permit to operate, the department shall:

- (a) Notify the applicant that the application is complete; or
- (b) Notify the applicant of the information that is needed to complete the application and request the applicant to file the information with the department in accordance with Env-A 608.06(a).

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 608.06 State Permit to Operate Application Deficiencies.

(a) Any applicant who fails to file any required information or who has filed incorrect information in an application for issuance or amendment of a state permit to operate shall, upon becoming aware or being notified by the department of such failure or incorrect filing, file in writing with the department such supplementary facts or corrected information no later than 30 days after such discovery or notification.

(b) While processing an application that has been deemed complete, if the department determines that the application does not contain enough detail for the department to reach its own conclusions regarding whether the application meets the requirements specified in Env-A 608.04, the department shall request the applicant to provide the additional details in writing within 30 days of receipt of the department's request.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-A 608.07 Final Action. The department shall take final action on an application for a state permit to operate after the requirements for public notice and hearing procedures specified in Env-A 621 have been satisfied.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 608.08 Permit Expiration.

(a) The state permit to operate shall be in effect until the designated expiration date, unless sooner revoked or suspended by the department pursuant to RSA 125-C:13.

(b) The expiration of a state permit to operate shall terminate the right to operate under the permit unless a timely and complete renewal application has been filed with the department.

(c) After a timely and complete application for renewal is filed with the department, the owner or operator may continue to operate under the terms and conditions of the expired state permit to operate until the department has taken final action on the renewal application.

(d) If the department denies the renewal application, the owner or operator shall cease to operate as of:

(1) The date of the denial, if the applicant does not appeal the denial within the time specified in RSA 125-C:12, III; or

(2) The date the denial is affirmed after all available appeals have been exhausted.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 608.09 Permit Renewal And Expiration Date Established.

(a) Each state permit to operate shall be issued for a period of 5 years and shall be renewed in accordance with Env-A 608.10.

(b) The amendment or modification of a state permit to operate shall not affect the permit expiration date contained in the permit.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #9791, eff 10-1-10; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 608.10 Permit Renewal.

(a) The owner or operator shall file with the department an application for permit renewal at least 90 days prior to the designated expiration date of the existing state permit to operate.

(b) The owner or operator shall pay to the department any applicable fee as established in Env-A 700 with the application for permit renewal.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 608.11 Permit Reissuance.

(a) The owner or operator may request a reissuance of a state permit to operate for a period not to exceed 2 years if:

(1) Required compliance testing is not complete by the designated expiration date;

(2) The owner or operator is in the process of obtaining a permit or permits from another governmental entity;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(3) The owner or operator is involved in a dispute where a permit from another governmental entity has been issued and appealed; or

(4) The operation of the device or source will be discontinued within 2 years after the designated expiration date.

(b) The owner or operator shall file a written request for a reissuance, specifying the basis for such request and including a certification pursuant to Env-A 605.04(c), with the department at least 90 days prior to the designated expiration date of a state permit to operate.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 608.12 Application Shield: State Permits to Operate.

(a) If an applicant files a timely application for a state permit to operate which the department has deemed complete, the failure to have a current state permit to operate shall not be considered a violation of RSA 125-C:11,I, or Env-A 608.01, unless and until the department denies the requested permit and:

(1) The applicant does not appeal the denial within the time specified in RSA 125-C:12, III; or

(2) The denial is affirmed after all available appeals have been exhausted.

(b) If the department deems an application complete but requests additional information pursuant to Env-A 608.06(b), the protection granted in (a), above, shall cease to apply if the applicant fails to file in writing such additional requested information by the deadline specified in the request.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

PART Env-A 609 TITLE V OPERATING PERMITS

Env-A 609.01 Specific Applicability.

(a) For the operation of any stationary source, area source, or device specified below, and which is not specifically exempted by (b), the owner or operator shall obtain a title V operating permit in lieu of a state permit to operate as specified under Env-A 608 for the following:

(1) Any major source;

(2) Any source subject to a standard, limitation, or other requirement under section 111 of the Act;

(3) Any source subject to a standard or other requirement under section 112 of the Act, except that a source shall not be required to obtain a title V operating permit solely because it is subject to regulations or requirements under section 112(r) of the Act;

(4) Any affected source as that term is defined in title IV of the Act; and

(5) Any source in a source category designated by the administrator pursuant to 40 CFR §70.3.

(b) The following shall be exempt from the obligation to obtain a title V operating permit:

(1) All sources and source categories that would be required to obtain a title V operating permit solely because they are subject to 40 CFR 60, subpart AAA, NSPS for New Residential Wood Heaters; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(2) All sources and source categories that would be required to obtain a title V operating permit solely because they are subject to 40 CFR §61, subpart M, NESHAP for Asbestos, section 61.145 Standards for Demolition and Renovation.

(c) The following shall be temporarily exempt from the obligation to obtain a title V operating permit, as indicated:

(1) All sources listed in (a), above that are not major sources, affected sources as defined in title IV of the Act, or solid waste incineration units required to obtain a title V operating permit pursuant to section 129(e) of the Act, until such time as the administrator completes a rulemaking to determine how the program should be structured for nonmajor sources and the appropriateness of any permanent exemptions in addition to those provided for in (c)(2), below; and

(2) All nonmajor sources subject to a standard or other requirement under either section 111 or section 112 of the Act after July 21, 1992, until such time as the administrator determines not to exempt any or all such applicable sources from the requirement to obtain a title V operating permit at the time that the new standard is promulgated.

(d) Pursuant to 40 CFR §70.3(b)(3), a source that is exempt from being required to obtain a title V operating permit may apply for a title V operating permit.

Source. #1375, eff 7-1-79; rpld by #1615, eff 7-31-80; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; amd by #6468-B, eff 3-5-97; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 609.02 Issuance of Title V Operating Permits. A title V operating permit shall be issued by the department and shall remain in effect until the expiration date, or any suspension or revocation date designated by the department pursuant to RSA 125-C:13.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 609.03 Exempt Activities.

(a) A list of exempt activities shall not be included in an application for a title V operating permit.

(b) Exempt activities shall not be subject to emission-based fees specified in Env-A 705.

(c) The following activities shall be classified as exempt activities:

(1) Open burning activities conducted in accordance with Env-A 1000;

(2) Activities such as copying and duplication activities performed in an office, and use of typewriters, printers, blueprinting, and pens;

(3) Interior maintenance activities, such as janitorial cleaning and the use of cleaning products and air fresheners other than the cleaning of any process equipment except as allowed under (15), below;

(4) The use of bathroom and locker room ventilation;

(5) The activities of maintenance limited to welding, gluing, painting of process equipment and soldering, but excluding VOC degreasing operations;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (6) First aid or emergency medical care provided at the facility, including related activities such as sterilization of equipment and medicine preparation;
- (7) Laundry operations, other than dry-cleaning, to service uniforms or clothing used at the facility;
- (8) Architectural maintenance activities conducted to take care of the buildings and structures at the facility, including repainting, roofing, and sandblasting, unless subject to an applicable requirement;
- (9) Exterior maintenance activities conducted to take care of the grounds of the facility, including lawn care and pest controls;
- (10) Food preparation, including barbecuing for service facility cafeterias and dining rooms, but excluding such activities which are connected to preparation of packaged food for off-site consumption;
- (11) The use of portable space heaters which can be carried and relocated by an employee;
- (12) The use of steam vents that do not emit any regulated air pollutants, regulated toxic air pollutants, or hazardous air pollutants (HAPs);
- (13) The venting of particulate emissions from processes equipped with removal equipment and which are vented inside the building;
- (14) The use of laboratory ventilation hoods for educational or research and development facilities, excluding hoods used for any production or pilot processes, unless otherwise regulated under section 112 of the Act;
- (15) The use of consumer products in a manner consistent with how the general public would use the product;
- (16) The use of fire control equipment, including maintenance and employee training;
- (17) The characterization of waste sites and feasibility tests;
- (18) The venting of emissions from mobile equipment and off-road equipment such as automobiles, forklifts, trucks, and construction equipment, except for air conditioning systems regulated under section 609 of the Act; and
- (19) The venting of emissions from cooling towers, evaporators, or heating, ventilation, and air conditioning (HVAC) systems that do not emit regulated air pollutants, carbon monoxide (CO), regulated toxic air pollutants, or HAPs, except for devices subject to a MACT standard under 40 CFR 63, or devices subject to title VI of the Act.

Source. #6057-B, eff 6-30-95; amd by #6468-B, eff 3-5-97; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 609.04 Insignificant Activities.

- (a) A list of insignificant activities shall be included in an application for a title V operating permit.
- (b) Emissions from activities identified as insignificant activities in (d), below shall be quantified.
- (c) Insignificant activities shall be subject to emission-based fees specified in Env-A 705.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(d) A device, source, or activity that is not an exempt activity under Env-A 609.03 shall be classified as an insignificant activity if it:

- (1) Is below any applicable threshold specified in Env-A 607.01;
- (2) Emits less than 1,000 lbs. per year of all regulated air pollutants, other than GHGs, in aggregate; and
- (3) Emits less than 200 tons per year of CO₂e.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; amd by #8129, eff 7-28-04; amd by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 609.05 Permit Content: Title V Operating Permits.

(a) Each title V operating permit issued by the department shall establish the parameters under which the source or device to which it applies shall be operated. Upon issuance of a title V operating permit, the owner or operator shall comply with all such terms and conditions.

(b) Each title V operating permit issued under this chapter shall contain all of the elements required by 40 CFR §70.6 (a) through (c), except that the expiration date and frequency of renewal of each title V operating permit shall be as specified in Env-A 609.16.

(c) Except as provided in 40 CFR §70, each title V operating permit issued under this part shall include a permit shield as specified in Env-A 609.09.

Source. #6057-B, eff 6-30-95; amd by #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 609.06 Application Procedures For Title V Operating Permits.

(a) The owner or operator of any source or device required to obtain a title V operating permit pursuant to Env-A 609.01 shall file an application for such permit with the department.

(b) The application shall include the following:

- (1) Complete application forms provided by the department as described in Env-A 1703 through Env-A 1708;
- (2) All information specified in Env-A 1709;
- (3) Certification of right, title, and interest and, if applicable, proof of good standing, as specified in Env-A 605.02;
- (4) The fee(s) specified in Env-A 702 through Env-A 705, as applicable;
- (5) If an air pollution dispersion modeling impact analysis is required pursuant to Env-A 606.02, documentation pursuant to Env-A 606.04;
- (6) For a source with air pollution control equipment as defined in Env-A 101.17, an air pollution control equipment monitoring plan or catalyst management plan pursuant to Env-A 810.01;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(7) If a plan is not required pursuant to Env-A 810.01, a description of the monitoring the source intends to conduct to demonstrate compliance with all applicable state and federal statutes, rules, and permits, as specified in Env-A 810.02; and

(8) A compliance assurance monitoring (CAM) plan, if required by 40 CFR 64, which shall satisfy (6) and (7) above for that control equipment.

(c) The owner or operator shall present the information required under this section in sufficient detail for the department to evaluate the subject source and the application to determine all applicable requirements.

(d) Upon filing an original application for a title V operating permit and one copy thereof with the department, the applicant shall forward a second copy of the items identified in (b)(1) and (b)(2), above, to the EPA.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 609.07 Timely Application.

(a) For an initial title V operating permit, an application shall be considered timely if it is filed with the department according to the following schedule:

(1) Subject to (2), below, each source that becomes subject to the title V program after June 30, 1995 shall file a title V operating permit application no later than 12 months after becoming subject to the title V program or commencing operation pursuant to a temporary permit;

(2) Each major source required to meet the requirements of section 112(g) of the Act or to have a permit under the preconstruction review program approved as part of the New Hampshire SIP under parts C or D of title I of the Act, shall file a permit application to obtain a title V operating permit or title V operating permit revision within 12 months of commencing operation; and

(3) Any source that becomes subject to the provisions of section 112(j) of the Act shall file a title V operating permit application in accordance with the provisions of section 112(j) and 40 CFR §63.50 through 63.56.

(b) For the renewal of a title V operating permit, an application shall be considered timely if it is filed with the department at least 6 months prior to the designated expiration date of the current title V operating permit.

(c) For a source or device with an existing title V operating permit that has also been issued a temporary permit, has completed construction, and has demonstrated compliance through testing, an application to incorporate the conditions of the temporary permit into the title V operating permit shall be considered timely if it is filed with the department at least 90 days prior to the designated expiration date of the temporary permit.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 609.08 Application Shield: Title V Operating Permits.

(a) If an applicant files a timely and complete application for the issuance or renewal of a title V operating permit, the failure to have a title V operating permit shall not be considered a violation of this part unless and until the department denies the requested permit and:

(1) The applicant does not appeal the denial within the time specified in RSA 125-C:12, III; or

(2) The denial is affirmed after all available appeals have been exhausted.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) The protection granted in (a), above, shall cease to apply if the applicant fails to file in writing any information requested by the department pursuant to Env-A 609.12, by the deadline specified.

Source. #6057-B, eff 6-30-95; amd by #7483, eff 4-26-01; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 609.09 Permit Shield: Title V Operating Permits.

(a) A permit shield shall state that compliance with the conditions of the title V operating permit will be deemed in compliance with any applicable requirement and any state requirement as of the date of permit issuance, provided that:

- (1) All such applicable requirements and all such state requirements found in Env-A 100 et seq. are specifically identified and included in the title V operating permit;
- (2) Requirements excluded from the title V operating permit are specifically identified by the department as not applicable to the stationary source or area source; and
- (3) The title V operating permit includes that determination or a permit condition that incorporates that determination by reference.

(b) A permit shield shall apply only to those conditions incorporated into a title V operating permit through:

- (1) Issuance of an initial title V operating permit;
- (2) Issuance of a renewal of a title V operating permit;
- (3) A change made pursuant to the procedures for significant permit modification found in Env-A 612.06; or
- (4) A change made pursuant to the procedures for an administrative permit amendment, provided that the administrative permit amendment:
 - a. Incorporates only those changes of an initial temporary permit or an extended temporary permit that were subject to the same review procedures used for a significant permit modification found in Env-A 612, including an opportunity for public comment; and
 - b. Meets all requirements of 40 CFR §70.6, §70.7, and §70.8.

(c) A permit shield shall not apply to those conditions incorporated into a title V operating permit through:

- (1) Administrative permit amendment except as provided for in (b)(4), above;
- (2) Changes to insignificant source operations;
- (3) Changes made pursuant to Env-A 612.02(d) or (e); or
- (4) Minor permit modifications made in accordance with Env-A 612.05.

(d) If a title V operating permit issued by the department does not expressly include or exclude an applicable requirement or a state requirement found in Env-A 100 et seq., that applicable requirement or state requirement shall not be covered by the permit shield and the applicant, owner, or operator shall comply with the provisions of the requirement to the extent that it applies to the applicant, owner, operator, stationary source, area source, or device.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(e) If the department determines that a title V operating permit was issued based on inaccurate or incomplete information provided by the applicant, owner or operator of a stationary source, area source, or device, any permit shield provision in the title V operating permit shall be void as to the portions of the title V operating permit which are affected, directly or indirectly, by the inaccurate or incomplete information.

(f) Nothing contained in this section shall alter or affect the ability of the department to reopen a title V operating permit for cause pursuant to Env-A 609.19 or to exercise its summary abatement authority pursuant to RSA 125-C:15, I.

(g) Nothing contained in this section or in any title V operating permit issued by the department shall alter or affect the following:

- (1) The ability of the department to order abatement requiring immediate compliance with applicable requirements upon finding that there is an imminent and substantial endangerment to public health, welfare, or the environment;
- (2) The state of New Hampshire's ability to bring an enforcement action pursuant to RSA 125-C:15, II;
- (3) The provisions of section 303 of the Act regarding emergency orders including the authority of the administrator under that section;
- (4) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
- (5) The applicable requirements of the acid rain program, consistent with section 408(a) of the Act;
- (6) The ability of the department or the administrator to obtain information about a stationary source, area source, or device from the owner or operator pursuant to section 114 of the Act; or
- (7) The ability of the department or the administrator to enter, inspect, and monitor a stationary source, area source, or device.

Source. #6057-B, eff 6-30-95; amd by #6780, eff 6-27-98, EXPIRES: 10-25-98; amd by #6813, eff 7-23-98; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 609.10 Department Review of Applications. The department shall review each application for a title V operating permit to ensure compliance with:

- (a) All applicable elements of the SIP;
- (b) Env-A 100 et seq.;
- (c) Applicable state law governing air pollution; and
- (d) Applicable requirements as defined in Env-A 101.26.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 609.11 Acknowledgment and Completeness Determinations for Title V Operating Permits. Pursuant to RSA 541-A:29, I, within 60 days of receipt of an application for the issuance or renewal of a title V operating permit the department shall:

- (a) Notify the applicant that the application is complete; or

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) Notify the applicant of the information that is needed to complete the application and request the applicant to file the information.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 609.12 Application Deficiencies.

(a) An applicant who fails to file any required information or who has filed incorrect information in any permit application shall, upon being notified by the department or otherwise becoming aware of such failure or incorrect filing, file in writing to the department such supplementary facts or corrected information no later than 30 days after such discovery or notification.

(b) Prior to the date of release of the draft permit, an applicant shall provide supplemental information to the department as necessary to address any applicable requirements to which the source becomes subject after the date the application has been deemed complete.

(c) Pursuant to 40 CFR §70.5, if the department determines that additional information is necessary in order to evaluate or to take final action on that application while processing an application that has been previously deemed complete, the department shall request that such information be filed in writing, and specify the date by which it shall be filed.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 609.13 Final Action.

(a) The department shall take final action on an application for a title V operating permit by issuing or denying a proposed permit after the public notice and hearing procedures specified in Env-A 622 and the provisions for notice to affected states specified in Env-A 622.03 have been satisfied.

(b) Notwithstanding (a), above, the department shall take final action on an application for a title V operating permit as specified below:

(1) Pursuant to 40 CFR §70.4(b)(6), the department shall take final action on an application for issuance of a title V operating permit within 18 months of the date on which the department deems an application complete; and

(2) The department shall take final action on an application for an acid rain affected source in accordance with the deadlines contained in title IV of the Act and the regulations promulgated thereunder.

(c) Pursuant to 40 CFR §70.7(a)(3), the department shall give priority to taking action on an application for construction or modification under title I, parts C and D of the Act.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #8129, eff 7-28-04; ss by #10175, eff 9-1-12

Env-A 609.14 Department Action Following EPA Objection.

(a) The department shall not issue a proposed title V operating permit if EPA files a written objection with the department within 45 days of its receipt of:

(1) The proposed title V operating permit referenced in Env-A 622.04(b); or

(2) The department's notice, referenced in Env-A 622.03(c), that it is not incorporating into a permit all comments of an affected state.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) Within 90 days after receipt of an objection by EPA, the department shall revise the proposed title V operating permit and forward to EPA a copy of the revised permit in response to the objection.

(c) Pursuant to 40 CFR §70.8(c)(4), if the department fails to take the action specified in (b), above, EPA may issue or deny the permit in accordance with the provisions of the federal title V permit program.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; amd by #8129, eff 7-28-04; amd by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 609.15 Permit Expiration.

(a) A title V operating permit shall be in effect until the expiration date unless the department suspends the permit in accordance with the provisions of RSA 125-C:13 and Env-A 609.19.

(b) The expiration of a title V operating permit shall terminate the owner or operator's right to operate under the permit unless the owner or operator files a timely and complete renewal application with the department.

(c) After a timely and complete renewal application is filed with the department, the owner or operator may continue to operate under the terms and conditions of the expired title V operating permit until the department has taken final action on the renewal of the application.

(d) If the department denies the renewal application, the owner or operator shall cease to operate as of:

(1) The date of the denial, if applicant does not appeal the denial within the time specified in RSA 125-C:12, III; or

(2) The date the denial is affirmed after all available appeals have been exhausted.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 609.16 Permit Renewal and Expiration Date Established.

(a) Each title V operating permit shall be issued for a period of 5 years and may be renewed in accordance with Env-A 609.18.

(b) The amendment or modification of a title V operating permit shall not affect the permit expiration date contained in the permit.

(c) The acid rain portion of a title V operating permit shall be issued for a period of 5 years and shall be renewed in accordance with Env-A 611.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 609.17 Notification of Need for Permit Renewal.

(a) The department shall notify the owner or operator as specified in (b), below that the owner or operator's title V operating permit is scheduled to expire.

(b) Each renewal notice shall:

(1) Be in writing;

(2) Specify the procedures for filing an application for permit renewal; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(3) Be sent by certified mail no less than 12 months prior to the designated expiration date of the current title V operating permit.

(c) Failure to receive the notice described in this section shall not relieve the owner or operator of the source or device of the obligation to apply for permit renewal.

Source. #6057-B, eff 6-30-95; amd by #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 609.18 Criteria for Permit Renewal.

(a) The department shall determine permit conditions under which a title V operating permit shall be renewed based on:

- (1) All definitions and requirements of Env-A 100 et seq. and the Act; and
- (2) The owner or operator's compliance status with the conditions of the existing permit and all applicable requirements of Env-A 100 et seq. and the Act.

(b) The department shall take final action on a permit renewal of a title V operating permit by issuing a permit renewal only if:

- (1) The owner or operator has filed a complete application for renewal with the department, which includes:
 - a. All fees specified in Env-A 702 through Env-A 705, as applicable;
 - b. Certification of right, title, and interest and, if applicable, proof of good standing, as specified in Env-A 605.02;
 - c. If an air pollution dispersion modeling impact analysis is required for a source or device pursuant to Env-A 606.02, documentation pursuant to Env-A 606.04;
- (2) The requirements for public participation specified in Env-A 622 have been satisfied;
- (3) The requirements for notifying and responding to affected states as specified in Env-A 622.03, have been satisfied;
- (4) The conditions of the proposed title V operating permit provide for compliance with all requirements of Env-A 100 et seq. and the Act; and
- (5) The EPA has received a copy of the proposed title V operating permit and any notices required, and has not objected to the issuance of such permit within the time period specified in 40 CFR §70.8(c).

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 609.19 Permit Reopenings for Cause.

(a) The department shall reopen and revise a title V operating permit for cause if any of the following circumstances exist:

- (1) An additional applicable requirement, adopted after the date of issuance of a title V operating permit, becomes applicable for a source having a permit with 3 or more years remaining prior to the expiration date of the permit;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (2) An additional requirement becomes applicable to an affected unit under the acid rain program;
 - (3) The title V operating permit contains a material mistake or inaccurate statement in the emissions standards or other conditions of the title V operating permit; or
 - (4) A determination is made by EPA or the department pursuant to 40 CFR §70.7(f)(1)(iv) that the title V operating permit shall be suspended or revoked and reissued to ensure compliance with the applicable requirements.
- (b) In a proceeding to reopen and reissue a permit, the department shall:
- (1) Provide notice of intent to reopen and reissue to the owner or operator at least 30 days prior to the date that the permit is to be reopened; and
 - (2) Follow the same procedures as apply to initial permit issuance, including public notice and hearing, notice to affected states, and EPA review, as specified in Env-A 622.
- (c) Only those parts of a title V operating permit for which cause to reopen exists shall be affected by proceedings under this section.
- (d) Where the reopening of a permit is the result of the promulgation of a new applicable requirement, the department shall reopen and reissue the permit no later than 18 months after promulgation of the applicable requirement.
- (e) Where the reopening of a permit is the result of a finding by EPA that cause to reopen exists, the department shall:
- (1) Within 90 days of receipt of notification of such a finding, forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate;
 - (2) Provide a 90-day period to EPA to review the proposed determination; and
 - (3) Upon the expiration of EPA's 90-day review period, terminate, modify, or revoke and reissue, as appropriate.
- (f) Where the reopening of a permit is the result of an objection by EPA filed as a result of a citizen petition to EPA pursuant to Env-A 614, the department shall, within 90 days of receipt of such an objection, resolve the objections by terminating, modifying, or revoking and reissuing the permit.
- (g) The department shall issue a revised title V operating permit as required by EPA if a citizen petition is filed in accordance with Env-A 614 and the title V operating permit was revoked by EPA.

Source. #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

PART Env-A 610 GENERAL STATE PERMITS AND GENERAL PERMITS UNDER TITLE V

Env-A 610.01 Purpose. The purpose of this part is to establish a general permit program which will reduce the administrative burden for owners and operators of certain stationary sources, area sources, and devices while achieving increased consistency in regulating particular source categories in order to maintain the ambient air quality and the ambient air limits that have been established pursuant to federal and state statutes and rules.

Source. #1375, eff 7-1-79; amd by #1615, eff 7-31-80; ss by #1717, eff 2-19-81; amd by #1922, eff 1-18-82; ss by #2332, eff 4-29-83; ss by #2605, eff 1-26-84; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #5626, eff 5-25-93;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

ss and moved by #6057-B, eff 6-30-95 (see Env-A 622); ss by #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 610.02 Applicability. The general state permit program shall apply to:

(a) A stationary source, area source, or device that requires a temporary permit in accordance with Env-A 607 or a state permit to operate in accordance with Env-A 608, except where a permit is required under the rules governing regulated toxic air pollutants specified in Env-A 1400;

(b) A stationary source, area source, or device whose facility-wide actual emissions are less than the major source threshold levels; and

(c) A stationary source, area source, or device for which a source category has been developed in accordance with this part.

Source. #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2605, eff 1-26-84; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #5626, eff 5-25-93; ss and moved by #6057-B, eff 6-30-95 (see Env-A 622); amd by #6342-B, eff 9-28-96; ss by #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 610.03 Definition. For the purpose of this part, the following definition shall apply:

(a) “Emergency generator” means “emergency generator” as defined in Env-A 101.

Source. #8129, eff 7-28-04; amd by #9119-B, eff 4-3-08; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 610.04 Source Categories for General State Permits.

(a) Source categories shall be established by the department using the criteria in Env-A 610.05(b)(3).

(b) The following shall be source categories for general state permits:

(1) An internal combustion engine used as an emergency generator or other engines used for mechanical power in emergencies, such as fire pump engines, that operates no more than 500 hours per year during any consecutive 12-month period;

(2) A paper, fabric, film or foil substrate coating source subject to Env-A 1207 with theoretical potential VOC emissions less than 25 tpy;

(3) A miscellaneous metal and plastic parts and products coating source subject to Env-A 1212 with theoretical potential VOC emissions less than 50 tpy;

(4) A rotogravure and flexographic printing source subject to Env-A 1215 with theoretical potential VOC emissions less than 50 tpy;

(5) A flexible-packaging printing source subject to Env-A 1215 with theoretical potential VOC emissions less than 25 tpy;

(6) An offset lithographic or letterpress printing source subject to Env-A 1216 with theoretical potential VOC emissions less than 25 tpy; and

(7) A miscellaneous industrial adhesives source subject to Env-A 1220 with theoretical potential VOC emissions less than 50 tpy.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Source. #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03; ss by #8129, eff 7-28-04; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 610.05 Petitions to Establish Source Categories for General State Permits.

(a) Any person may petition the department pursuant to RSA 541-A:4 to establish a new source category for a general state permit.

(b) The petition under (a), above, shall contain the following:

- (1) A statement that the petition is for the establishment of a source category for a general state permit;
- (2) The title and description of the source category being proposed; and
- (3) Information that shows that the proposed source category meets the following criteria:
 - a. The stationary source, area source, or devices that would be covered by the proposed source category meet the specific applicability requirements for a state permit to operate in accordance with the provisions of Env-A 608;
 - b. More than one stationary source, area source, or device would be covered by the proposed source category; and
 - c. The stationary sources, area sources, or devices that would be covered by the proposed source category are all subject to the same regulatory requirements.

(c) Within 10 days of the receipt by the department of the petition filed by the petitioner, the department shall notify the petitioner that the information is complete, or identify the information necessary to complete the petition and request that such information be filed within 30 days of such request.

Source. #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 610.06 Decision to Grant or Deny the Petition.

(a) The department shall grant the petition if the proposed source category meets the criteria specified in Env-A 610.05(b)(3).

(b) The department shall deny the petition if:

- (1) The petitioner fails to respond to the department's request in Env-A 610.05(c); or
- (2) The proposed source category does not meet the criteria specified in Env-A 610.05(b)(3).

(c) If the department denies the petition, the department shall notify the petitioner and shall specifically identify the reason(s) for the denial.

Source. #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03; ss by #8129, eff 7-28-04; ss by #10175, eff 9-1-12

Env-A 610.07 Procedures for Establishing a General State Permit. If the department grants the petition, the department shall proceed in accordance with Env-A 620 to establish a general state permit for the approved source category.

Source. #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-A 610.08 Procedures for Registering to Operate Under a General State Permit.

(a) Once a general state permit has been developed for a particular source category, the owner or operator of a stationary source, area source, or device seeking to operate under the general state permit shall file a registration package as described in (b), below, with the department.

(b) The registration package shall contain the following:

(1) A completed Form GSP-1 (dated August 16, 2012) signed by the registrant and, if applicable, a completed Form GSP-2 (dated August 16, 2012) signed by the registrant, available in Appendix D or as noted in Appendix A;

(2) The fee(s) specified in Env-A 702 through Env-A 705, as applicable; and

(3) Certification of right, title, and interest and, if applicable, proof of good standing, as specified in Env-A 605.02;

Source. #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03; ss by #8129, eff 7-28-04; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 610.09 Department Review of Registration Package.

(a) The department shall review each registration package for a general state permit to ensure complete and accurate information is filed in accordance with Env-A 610.08.

(b) If the department finds the registration package to be complete and accurate, within 15 days of receipt by the department of the registration package filed by the source, the department, pursuant to RSA 125-C:11 and RSA 125-C:13, shall issue either:

(1) A letter of approval to the source with a copy of the general permit(s) attached; or

(2) A letter of disapproval which specifically identifies the reason(s) for disapproval.

(c) If the department finds the registration package to be incomplete, inaccurate, or unclear, within 15 days of receipt by the department of the registration package filed by the source, the department shall issue either:

(1) A letter requesting supplementary facts or corrected information in accordance with (d), below; or

(2) A letter requesting clarification of the information submitted in accordance with (e), below.

(d) An owner or operator who has filed a registration package in accordance with Env-A 610.08 and who fails to file any required information or who has filed incorrect information for a general state permit shall, upon becoming aware of or being notified by the department of such failure or incorrect submittal, file with the department such supplementary facts or corrected information in writing no later than 30 days after the discovery or notification.

(e) If the department requests clarification from the owner or operator of the information filed in accordance with Env-A 610.08, the owner or operator shall file the information in writing within 30 days of receipt of the request.

(f) For a source that receives a letter pursuant to (c), above, within 75 days of the department's receipt of the registration package filed by the source, the department, in accordance with RSA 125-C:11 and RSA 125-C:13, shall issue either:

(1) A letter of approval to the source with a copy of the general permit(s) attached; or

(2) A letter of disapproval which specifically identifies the reason(s) for disapproval.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Source. #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03; ss by #8129, eff 7-28-04; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12; ss by #10175, eff 9-1-12

Env-A 610.10 General State Permit Conditions. A general state permit shall contain conditions as specified in Env-A 604.

Source. #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 610.11 Fees, Testing, Monitoring, Recordkeeping and Reporting Requirements. A source or device operating under a general state permit subject to this part, shall comply with the following, where applicable:

- (a) The fee requirements established in Env-A 700;
- (b) The testing and monitoring requirements specified in Env-A 800; and
- (c) The recordkeeping and reporting requirements specified in Env-A 900.

Source. #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 610.12 List of Sources Covered by General State Permits.

(a) The department shall maintain and update a list of sources covered by each general state permit established by the department.

(b) The list shall include the following information:

- (1) The name of the source;
- (2) The location of the source;
- (3) The issuance date of the letter of approval for the general state permit; and
- (4) The number of devices covered by the general state permit(s) for each source category located at the source.

Source. #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 610.13 Expiration Date And General State Permit Reestablishment Procedures.

(a) Each general state permit shall be:

- (1) Established for a period of 5 years; and
- (2) Reestablished in accordance with the procedures for the reestablishment of a general state permit specified in Env-A 620.

(b) The department shall notify each owner or operator of the outcome of the reestablishment process in writing.

(c) If the general state permit is not reestablished, the owner or operator of a source operating under an existing general state permit shall file an application with the department for a state permit to operate pursuant to Env-A 608 within 90 days of being notified by the department that the general state permit was not reestablished.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(d) If the general state permit is reestablished, the owner or operator of a source operating under an existing general state permit shall file a request with the department for re-registration in accordance with Env-A 610.08, within 90 days after the department has reestablished the general state permit.

(e) If a general state permit expires prior to the department reestablishing the general state permit, the department shall:

- (1) Extend the expiration date of the general state permit for a period of not more than one year;
- (2) Publish a public notice in a newspaper of general daily statewide circulation stating the extension of the expiration date of the general state permit; and
- (3) Notify each owner or operator operating under the general state permit regarding the extension of the general state permit.

Source. #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 610.14 Sources Choosing to Comply with the State Permits to Operate Program. At any time, an owner or operator of a stationary source, area source, or device operating under a general state permit may choose to comply instead with a state permit to operate by:

- (a) Filing an application in accordance with Env-A 608 or Env-A 612.03; and
- (b) Filing a written request with the department stating that the facility chooses to be covered under the state permit to operate program.

Source. #6782-B, eff 6-30-98 (formerly Env-A 610.01); ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 610.15 General Permits Under Title V.

(a) An owner, operator, or applicant may apply for coverage under a general permit in lieu of a source-specific title V operating permit upon the adoption of rules establishing criteria and procedures by which sources may qualify for a general permit.

(b) A general permit shall expire 5 years from the date of permit issuance, but may be renewed for additional 5-year periods.

(c) A general permit shall contain conditions to ensure compliance with all applicable requirements.

(d) A general permit shall be issued only after the following conditions are satisfied:

- (1) The EPA is provided the opportunity to object to the issuance of a general permit in accordance with the provisions of Env-A 609.13(b);
- (2) Each affected state is provided the opportunity to comment on the issuance of a general permit, as provided for in Env-A 622.03; and
- (3) The department has complied with all of the procedures and requirements that apply to initial permit issuance for a title V operating permit.

(e) A general permit shall be amended, revoked, or reopened and reissued by the department in accordance with the provisions of this part.

(f) General permits shall not be issued for affected units.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(g) Pursuant to 40 CFR 70.6(d)(2), the department's granting of a request for authorization to operate under a general permit shall not be a final action for purpose of judicial review.

Source. #6782-B, eff 6-30-98 (formerly Env-A 610.02); ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 610.16 Application Procedures For General Permits Under Title V.

(a) The owner or operator of a source qualifying for a general permit shall file an application with the department for a general permit.

(b) The application shall include:

- (1) Complete application forms as described in Env-A 1703 through Env-A 1708, as applicable, and provided by the department;
- (2) All information specified in Env-A 1709, if applicable;
- (3) All additional information necessary to determine qualification for, and to ensure compliance with, the general permit;
- (4) Certification of right, title, and interest and, if applicable, proof of good standing, as specified in Env-A 605.02;
- (5) The fee(s) specified in Env-A 702 through Env-A 705, as applicable; and
- (6) Where air pollution dispersion modeling is required for a source or device pursuant to Env-A 606.02, the information required pursuant to Env-A 606.03.

Source. #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

PART Env-A 611 GENERAL ACID RAIN PERMITTING REQUIREMENTS

Env-A 611.01 Purpose. The purpose of this part is to specify the permitting requirements for those stationary sources subject to title IV and title V of the Act.

Source. #1710, eff 1-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 611.02 Standard Acid Rain Permitting Requirements. Each owner or operator of an affected unit shall comply with the applicable requirements of Env-A 406 and this part regarding:

- (a) Permitting and monitoring of sulfur dioxide (SO₂), NO_x where applicable, and excess emissions; and
- (b) Recordkeeping and reporting requirements, liability, and the effect on other authorities.

Source. #120, eff 8-31-73; ss by #721.16 eff 12-7-75; amd by #1375, eff 7-1-79; ss by #1615, eff 7-31-80; amd by #1710, eff 1-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-A 611.03 Title V Operating Permit Interface.

(a) Under the authority provided by RSA 125-D:3, the provisions of 40 CFR 72 and 40 CFR 76 shall apply for purposes of implementing an acid rain program that meets the requirements of title IV of the Act.

(b) Unless otherwise specified, an acid rain affected source shall comply with the requirements of this part, except where the requirements of 40 CFR 72 and 40 CFR 76 conflict with or are not included in the title V operating permit rules found in this part, in which case the 40 CFR 72 and 40 CFR 76 requirements shall apply and take precedence.

(c) An acid rain affected unit shall comply with 40 CFR 72 and 40 CFR 76 for permit issuance, amendment, revision, reopening, and renewal, including any such requirements for application, public participation, review by affected states, and review by EPA. Where 40 CFR 72 or 40 CFR 76 does not apply and unless otherwise specified, an acid rain affected unit shall comply with the requirements of this part for permit issuance, revision, reopening, and renewal, including any such requirements for application, public participation, and review by affected states and EPA.

Source. #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #6648, INTERIM, eff 12-5-97, EXPIRES: 4-4-98; ss by #6723, eff 3-28-98; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 611.04 Enforceability of Acid Rain Permit Application.

(a) A complete acid rain permit application required pursuant to 40 CFR 72 and 40 CFR 76 shall be binding on:

- (1) The owner, operator, and designated representative of an acid rain affected source;
- (2) All acid rain affected units at an acid rain affected source; and
- (3) Any other unit governed by the acid rain permit application.

(b) A complete acid rain permit application required pursuant to 40 CFR 72 and 40 CFR 76 shall be enforceable as the acid rain permit required pursuant to 40 CFR 72 and 40 CFR 76 and the acid rain portion of the title V operating permit required pursuant to this chapter until the date of issuance, denial, or renewal of said permits.

Source. #6057-B, eff 6-30-95; ss by #6648, INTERIM, eff 12-5-97, EXPIRES: 4-4-98; ss by #6723, eff 3-28-98; ss by #7879, eff 4-26-03; ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 611.05 Acid Rain Compliance Plan. The acid rain compliance plan shall include documentation that the acid rain affected source will meet the applicable acid rain emissions limitations and acid rain emissions reduction requirements pursuant to sections 405, 406, and 407 of the Act.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03 (formerly Env-A 611.06); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 611.06 EPA Review. The department shall submit to EPA a copy of the proposed acid rain portion of the title V operating permit and all other relevant portions of the proposed title V operating permit that might affect the proposed acid rain portion of the title V operating permit.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03 (formerly Env-A 611.07); ss by #9906, INTERIM, eff

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 611.07 Acid Rain Permit Conditions.

(a) Allowances lawfully held or acquired by an affected unit under the acid rain provisions of the Act, including the applicable sections of 40 CFR 72 and 40 CFR 76, shall be governed by the following:

- (1) Emissions from the affected units shall not exceed any allowances held by the affected unit;
- (2) There shall be no limit placed on the number of allowances held by the affected unit;
- (3) Allowances shall not be used by an affected unit or acid rain source to avoid compliance with any other applicable requirement of either state or federal rules or provision of the Act; and
- (4) Any such allowances shall be accounted for according to the procedures established in the applicable provisions of 40 CFR 72, 40 CFR 73, and 40 CFR 76.

(b) Combined SO₂ emissions from affected units located at Class A and Class B major sources in New Hampshire shall not exceed the limits specified in Env-A 405.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03 (formerly Env-A 611.08); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 611.08 Acid Rain Permit Issuance. The department shall review applications for acid rain permits and, provided all applicable criteria have been met, issue the acid rain permit required pursuant to 40 CFR 72 and 40 CFR 76.

Source. #6057-B, eff 6-30-95; ss by #6648, INTERIM, eff 12-5-97, EXPIRES: 4-4-98; ss by #6723, eff 3-28-98; ss by #7879, eff 4-26-03 (formerly Env-A 611.09); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 611.09 Effect of Permit Shield. No applicable requirement of the acid rain permit program shall be altered or affected by the permit shield provisions of Env-A 609.09, or any provision in a title V operating permit. However, each affected unit operated in accordance with its title V operating permit which was issued in compliance with section 408 of the Act and the provisions of this part shall be deemed to be operating in compliance with the acid rain permit program, except as provided in 40 CFR §72.9(g)(6).

Source. #6057-B, eff 6-30-95; ss by #6648, INTERIM, eff 12-5-97, EXPIRES: 4-4-98; ss by #6723, eff 3-28-98; ss by #7879, eff 4-26-03 (formerly Env-A 611.10); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 611.10 Acid Rain Permit Revisions and Limitations.

(a) Where the provisions of this part are inconsistent with other parts of this chapter, the provisions of this part shall take precedence with regard to an amendment to the acid rain portion of any title V operating permit.

(b) No amendment, reopening, or modification to the acid rain portion of a title V operating permit shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit amendment under any other applicable requirement.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(c) Pursuant to the applicable provisions of 40 CFR §72 Subpart H, no amendment to the acid rain portion of a title V operating permit shall:

- (1) Affect the expiration date of the acid rain portion of a title V operating permit being amended;
- (2) Excuse any violation of an acid rain requirement that occurred prior to the effective date of the permit amendment while the applicable requirement was in effect; or
- (3) Modify or void any of the requirements contained in this part.

(d) The existing terms of the title V operating permit shall apply while any amendment to the acid rain portion of the permit is pending.

Source. #6057-B, eff 6-30-95; ss by #6648, INTERIM, eff 12-5-97, EXPIRES: 4-4-98; ss by #6723, eff 3-28-98; ss by #7879, eff 4-26-03 (formerly Env-A 611.11); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 611.11 Permit Amendment Procedures. Permit amendment procedures for affected sources shall be as specified in Env-A 612.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03 (formerly Env-A 611.12); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 611.12 Permit Reopening Procedures. Permit reopening procedures for NOx shall be as specified in Env-A 609.19.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03 (formerly Env-A 611.13); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 611.13 Acid Rain Appeals Procedures.

(a) An appeal of the acid rain portion of a title V operating permit that does not challenge or involve decisions or actions of the EPA under the acid rain provisions of the Act or 40 CFR §72 and 40 CFR §76 shall be filed pursuant to Env-AC 200.

(b) An appeal of the acid rain portion of a title V operating permit that challenges or involves decisions or actions of the EPA shall follow the procedures of 40 CFR §78 and section 307 of the Act.

(c) As specified in 40 CFR §72.72(b)(5)(i), decisions or actions involving the EPA shall include, but not be limited to:

- (1) Allowance allocations;
- (2) Determinations concerning alternative monitoring systems; and
- (3) Determinations of whether a technology is a qualifying repowering technology.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03 (formerly Env-A 611.14); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

PART Env-A 612 PERMIT AMENDMENTS, MODIFICATIONS, AND REVISIONS

Env-A 612.01 Administrative Permit Amendments.

(a) The owner or operator may implement the changes addressed in the request for an administrative amendment immediately upon filing the request with the department.

(b) The department shall take final action on a request for an administrative amendment within 60 days of receipt by the department of a request filed pursuant to (a), above, and shall, in the case of title V operating permits, submit a copy of the revised permit to EPA.

(c) Notice to the public or affected states of the changes incorporated into the permit shall not be required, provided that the department designates any such permit revisions as having been made pursuant to this section.

Source. #1710, eff 1-19-81; ss by #1864, eff 11-16-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 612.02 Operational Flexibility for Title V Operating Permits: Emissions Trading, Off-Permit Changes, and Section 502(b)(10) Changes.

(a) For the purposes of this section, the term “section 502(b)(10) changes” means “section 502(b)(10) changes” as defined in 40 CFR §70.2, namely “changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.”

(b) The owner or operator of a stationary source or area source subject to and operating under an existing title V operating permit may make changes as authorized under (c), (d), or (e) of this section at the permitted stationary source or area source without filing an application for and obtaining an amended title V operating permit, provided that all of the following general conditions, and the specific conditions in (c), (d), or (e) below, as applicable, are met:

- (1) The change is not a modification under any provision of title I of the Act;
- (2) The change does not cause emissions to exceed the emissions allowable under the title V operating permit, whether expressed therein as a rate of emissions or in terms of total emissions;
- (3) The owner or operator has obtained any temporary permit required by Env-A 600;
- (4) The owner or operator has provided written notification to the department and administrator of the proposed change and such written notification includes:
 - a. The date on which each proposed change will occur, or has occurred, as specified under (c), (d), or (e) of this section;
 - b. A description of each such change;
 - c. Any change in emissions that will result;
 - d. A request that the operational flexibility procedures be used; and
 - e. The signature of the responsible official, consistent with Env-A 605.04(d); and
- (5) The owner or operator has attached the notice required pursuant to (b)(4) above to its copy of the current title V operating permit.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(c) Changes involving the trading of emissions under an existing title V operating permit may be made without filing an application for and obtaining an amended title V operating permit, provided that all of the following specific conditions are met:

- (1) The title V operating permit issued to the stationary source or area source already contains terms and conditions, including all terms and conditions which determine compliance required under 40 CFR §70.6(a) and (c), and which allow for the trading of emissions increases and decreases at the permitted stationary source or area source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements;
- (2) The owner or operator has included in the application for the title V operating permit proposed replicable procedures and proposed permit terms which ensure that the emissions trades are quantifiable and federally enforceable for changes at the permitted facility which qualify under a federally-enforceable emissions cap that is established in the title V operating permit independent of the otherwise applicable requirements;
- (3) The department has not included in the emissions trading provision any devices for which emissions are not quantifiable or for which there are no replicable procedures to enforce emissions trades; and
- (4) The written notification required in (b)(4) above:
 - a. Is made at least 7 days prior to the proposed change; and
 - b. Includes a statement as to how any change in emissions will comply with the terms and conditions of the permit.

(d) The owner or operator of a stationary source or area source subject to and operating under an existing title V operating permit may make changes not addressed or prohibited by the existing title V operating permit at a permitted stationary source or area source without filing an application for and obtaining an amended title V operating permit, provided that all of the following specific conditions are met:

- (1) Each off-permit change meets all applicable requirements and does not violate any existing permit term or condition;
- (2) The owner or operator provides contemporaneous written notification to the department and the administrator of each off-permit change, except for changes that qualify as insignificant under the provisions of Env-A 609.04;
- (3) The change is not subject to any requirements under title IV of the Act and the change is not a title I modification;
- (4) The owner or operator keeps a record describing the changes made at the source which result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes; and
- (5) The written notification to the department and administrator required in (b)(4) above includes:
 - a. A list of the pollutants emitted; and
 - b. Any applicable requirement that would apply as a result of the change.

(e) The owner or operator of a stationary source or area source subject to and operating under an existing title V operating permit may make changes pursuant to section 502(b)(10) of the Act without filing an application for and obtaining an amended title V operating permit, provided that the written notification required in (b)(4) above:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (1) Is made at least 7 days prior to the proposed change; and
 - (2) Includes any permit term or condition that is no longer applicable as a result of the change.
- (f) The changes authorized in (d) and (e) above shall not qualify for the permit shield under Env-A 609.09.
- (g) The department and the administrator shall attach each notice required pursuant to (b)(4), above, to their copy of the relevant title V operating permit.

Source. #1710, eff 1-19-81; ss by #1864, eff 11-16-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7483, eff 4-26-01; ss by #7879, eff 4-26-03; ss by #9706, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1011; ss by #10175, eff 9-1-12

Env-A 612.03 Minor Permit Amendments: Temporary Permits and State Permits to Operate.

- (a) The owner or operator of a source or device shall file with the department a request for a minor permit amendment for any proposed change to an existing permit condition which:
- (1) Does not qualify as either an administrative permit amendment, as defined in Env-A 101.08, or a significant permit amendment, as specified in Env-A 612.04; or
 - (2) Incorporates the requirements of a temporary permit, general state permit, or RACT order into an existing state permit to operate.
- (b) The request for a minor permit amendment shall:
- (1) Be in the form of a letter to the department;
 - (2) Describe the proposed change; and
 - (3) Describe any new requirements that will apply if the change occurs.
- (c) The department shall take final action on a request for a minor permit amendment within 90 days of receipt of a request filed pursuant to (a) and (b), above.
- (d) The owner or operator may implement the proposed change immediately upon filing a request for minor permit amendment with the department, but shall be subject to enforcement if the department later determines that the change violated any applicable state or federal requirement.

Source. #1710, eff 1-19-81; ss by #1864, eff 11-16-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; amd by #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03; ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 612.04 Significant Permit Amendments: Temporary Permits and State Permits to Operate.

- (a) The owner or operator shall file an application with the department for a significant permit amendment of a temporary permit or state permit to operate, as applicable, for the following:
- (1) Any proposed change to an existing process or device that results in the following:
 - a. Any increase in allowable hourly or annual emissions of nitrogen oxides, sulfur dioxide, VOCs, HAPs, or PM₁₀; or

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- b. Any increase in potential emissions equal to or greater than 5 pounds per hour of carbon monoxide;
 - (2) Any proposed change to operating or emission limitations in the temporary permit or state permit to operate;
 - (3) Any proposed change in the type of pollution control equipment specified in the existing permit; or
 - (4) Any proposed change that results in an increase in previously-allowed loading of existing pollution control equipment by greater than 50%.
- (b) A request for a significant permit amendment shall include the following:
- (1) A complete application form, as described in Env-A 1703 through Env-A 1708, as applicable and provided by the department, containing all pertinent information with regard to the amendment including, if applicable, the information specified in Env-A 1709;
 - (2) The fee(s) specified in Env-A 702 through Env-A 705, as applicable;
 - (3) A description of:
 - a. The proposed change;
 - b. The emissions resulting from the change; and
 - c. Any new requirements that will apply if the change occurs;
 - (4) If an air pollution dispersion modeling impact analysis is required pursuant to Env-A 606.02, documentation required pursuant to Env-A 606.04;
 - (5) For a source with air pollution control equipment, as defined in Env-A 101.17, an air pollution control equipment monitoring plan or catalyst management plan pursuant to Env-A 810.01; and
 - (6) If a plan is not required pursuant to Env-A 810.01, a description of the monitoring the source intends to conduct to demonstrate compliance with all applicable state and federal statutes, rules, and permits, as specified in Env-A 810.02.
- (c) The department shall take final action on a request for a significant permit amendment within 90 days of receipt by the department of a request filed pursuant to (a) and (b), above, provided that the public notice and hearing procedures specified in Env-A 621 have been satisfied.
- (d) The owner or operator shall not implement the proposed change unless and until the department issues the amended permit.

Source. #1710, eff 1-19-81; ss by #1864, eff 11-16-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; amd by #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03 (formerly Env-A 612.03); ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 612.05 Minor Modifications: Title V Operating Permits.

- (a) Prior to implementing a minor title V operating permit modification, the owner or operator shall file a written request to the department for a minor permit modification for those changes that qualify as minor permit modifications under this section.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) For a source or device that has been issued a temporary permit, an application for a minor permit modification shall be considered timely if it is filed with the department at least 90 days prior to the designated expiration date of the temporary permit.

(c) An application for a minor modification to a title V operating permit shall be deemed complete within 60 days after its filing, unless the department requests additional information or otherwise notifies the applicant of incompleteness.

(d) The request for a minor permit modification shall include the following:

(1) An application form, provided by the department as described in Env-A 1703 through Env-A 1708, as applicable, containing all information pertinent to the modification, including, if applicable, the information specified in Env-A 1709;

(2) The fee(s) specified in Env-A 702 through Env-A 705, as applicable; and

(3) A description of:

a. The change;

b. The emissions resulting from the change; and

c. Any new requirements that will apply if the change occurs;

(4) Where air pollution dispersion modeling is required for a source or device pursuant to Env-A 606.02, the information required pursuant to Env-A 606.03;

(5) The owner or operator's proposed draft permit conditions;

(6) Certification by a responsible official, consistent with the provisions of Env-A 605.04(d), that the proposed change meets the criteria for the use of the minor permit modification procedures; and

(7) A request that minor permit modification procedures be used.

(e) Within 5 working days of the receipt by the department of a request filed pursuant to (a)-(c), above, for a minor permit modification to a title V operating permit, the department shall notify EPA and any affected state(s) of the request.

(f) The department shall not make a final decision on a requested permit modification to a title V operating permit until after EPA's 45-day review period or until EPA has notified the department that EPA will not object to the permit modification, whichever comes first.

(g) By the later of 90 days from receiving an application filed pursuant to (a) - (c), above, or 15 days after the end of EPA's 45-day review period, the department shall:

(1) Issue the requested permit modification if it meets the requirements of this section;

(2) Deny the requested permit modification if it does not meet the requirements of the section;

(3) Determine that the requested modification does not qualify as a minor permit modification and review the request under the significant permit modification procedures in Env-A 612.06; or

(4) Revise the draft permit to the extent that it does not meet the requirements of this section and send to EPA and to the applicant the new proposed permit modification.

(h) The owner or operator may implement the proposed change immediately upon filing a request for minor permit modification with the department.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(i) Pending final action on the permit modification by the department, the owner or operator shall comply with both the applicable requirements governing the change and the proposed permit conditions.

(j) The permit shield specified in Env-A 609.09, shall not apply to minor permit modifications.

Source. #1710, eff 1-19-81; ss by #1864, eff 11-16-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; amd by #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03 (formerly Env-A 612.04); ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 612.06 Significant Permit Modifications: Title V Operating Permits.

(a) A change at a source subject to title V shall qualify as a significant permit modification if the change:

(1) Is a title I modification;

(2) Does not qualify as an administrative amendment or minor permit modification;

(3) Is a removal or a relaxation of existing monitoring terms or conditions, or a substitution in those terms or conditions promulgated pursuant to:

a. NSPS;

b. NESHAP; or

c. Env-A 808;

(4) Is a removal or relaxation of recordkeeping or reporting terms or conditions, or a substitution in a recordkeeping or reporting requirement promulgated pursuant to:

a. NSPS;

b. NESHAP;

c. Env-A 800;

d. Env-A 900; or

e. Env-A 1211 as in effect prior to October 21, 2010 or successor rule in Env-A 1300; or

(5) Seeks to establish or change permit terms or conditions, for which there is no corresponding underlying applicable requirement, that the source has assumed to avoid an applicable requirement to which it would otherwise be subject.

(b) The terms and conditions referred to in (a)(5), above shall include:

(1) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and

(2) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Act.

(c) Prior to implementing a significant permit modification, the owner or operator shall file a written request with the department for a significant permit modification which includes the following:

(1) An application form, provided by the department as described in Env-A 1703 through Env-A 1708, as applicable, containing all information pertinent to the modification, including, if applicable, the supplemental information specified in Env-A 1709;

(2) A description of:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- a. The change;
- b. The emissions resulting from the change; and
- c. Any new applicable requirements that will apply if the change occurs;

(3) The owner or operator's suggested draft permit conditions;

(4) Certification by a responsible official, consistent with the provisions of Env-A 605.04(d), that the proposed change meets the criteria for the use of the significant permit modification procedures;

(5) A request that significant permit modification procedures be used;

(6) Air pollution dispersion modeling impact analysis documentation in accordance with Env-A 606.04, as applicable; and

(7) The fee(s) specified in Env-A 702 through Env-A 705, as applicable.

(d) Upon filing a request for significant modification with the department, the applicant shall forward a copy of the request, including those items listed in (c)(1) through (c)(4), above, to EPA.

(e) An application for a significant modification to a title V operating permit shall be deemed complete by the department within 60 days of its filing, unless the department requests additional information or otherwise notifies the applicant of incompleteness.

(f) The department shall take final action on a request for significant permit modification no later than 9 months after the filing of a complete application provided that:

(1) The procedures for public participation specified in Env-A 622 have been satisfied;

(2) The requirements for notifying and responding to affected states specified in Env-A 622.03 have been satisfied;

(3) The conditions of the permit provide for compliance with all applicable requirements of title V of the Act and all applicable requirements of Env-A 100 et seq.; and

(4) The EPA has received a copy of the proposed permit and any notices required and has not objected to issuance of the significant permit modification within the time period specified in Env-A 609.13(b).

(g) The owner or operator shall obtain an amended title V operating permit incorporating the significant permit modification prior to implementing such modification, except as provided in Env-A 609.07(a)(3).

Source. #7879, eff 4-26-03 (formerly Env-A 612.05); amd by #8129, eff 7-28-04; amd by #9791, eff 10-1-10; amd by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 612.07 Department Proposal to Amend a Permit.

(a) The department shall propose to amend an existing non-title V permit if any of the following circumstances exist:

(1) A requirement, adopted after the date of issuance of the permit, becomes applicable to the source and can only be enforced if incorporated into the permit;

(2) The permit contains a material inaccurate statement or other material error;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(3) A material fact or statement relied upon by the department when issuing the permit was not representative of actual conditions; or

(4) A permit condition needs to be revised, added or deleted to ensure compliance with any applicable regulation.

(b) The department shall provide written notice to the owner or operator of the intent to amend the permit at least 30 days prior to the date that the permit is to be amended.

(c) The written notice to the owner or operator shall contain the following information:

(1) The specific permit which the department proposes to amend;

(2) A brief description of the nature of the proposed amendment;

(3) The name and telephone number of the department staff person who may be contacted for further information; and

(4) A statement that the owner or operator shall, within 30 days, respond to the notice of proposed amendment by:

a. Consenting to the proposed amendment;

b. Filing an objection to the proposed amendment; or

c. Requesting a meeting with the department regarding the proposed amendment.

(d) If the owner or operator consents to the proposed amendment or fails to file a timely objection or request for a meeting, the department shall follow the procedures for an administrative permit amendment, minor permit amendment, or significant permit amendment, as specified in Env-A 621 and as appropriate for the proposed amendment.

(e) If, after a meeting held pursuant to (c)(4)c., above, the owner or operator consents to the amendment as originally proposed or as modified at such meeting, the department shall follow the procedures for an administrative permit amendment, minor permit amendment, or significant permit amendment, as specified in Env-A 621 and as appropriate for the proposed amendment.

(f) If the owner or operator files an objection or, after a meeting held pursuant to (c)(4)c., above, objects to the proposed amendment, the department shall either:

(1) Not amend the permit and notify the owner or operator if the source might be in violation of the permit or applicable regulation; or

(2) If the department believes the amendment is necessary to ensure compliance, commence an adjudicative proceeding in accordance with the provisions of RSA 541-A and Env-C 200 that apply to such proceedings.

(g) Only those provisions of a permit for which cause to amend exists shall be affected by proceedings under this section.

Source. #10175, eff 9-1-12

PART Env-A 613 CRITERIA FOR DENIAL, SUSPENSION AND REVOCATION OF TEMPORARY PERMITS AND STATE PERMITS TO OPERATE

Env-A 613.01 Procedures. The procedures concerning denial, suspension, and revocation of temporary permits and state permits to operate shall be as specified in Env-A 623.

Source. #1710, eff 1-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss and moved

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

by #6057-B, eff 6-30-95 (from Env-A 607.02); ss by #7879, eff 4-26-03 (formerly Env-A 615.01); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 613.02 Denial of Permit Issuance. The department shall deny the issuance of a temporary permit or state permit to operate if, on the basis of available evidence, a determination is made that:

(a) The use of the device for which the temporary permit or state permit to operate is sought shall result in a violation of any provision of Env-A 100 et seq.;

(b) The use of the device shall contribute disproportionately to pollution of the air in comparison with other similar devices able to perform the same function; or

(c) The device is located in an area where air quality levels have attained the NAAQS and air pollution dispersion modeling impact analysis indicates that the device will cause significant deterioration of the existing air quality as defined in 40 CFR §51.165(b)(2), or 40 CFR §51.166(b)(23)(iii), in some or all of the attainment area, as determined pursuant to 40 CFR §51, Appendix W.

Source. #6057-B, eff 6-30-95 (from Env-A 607.01); ss by #7879, eff 4-26-03 (formerly Env-A 615.02); ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 613.03 Permit Suspension or Revocation of a Temporary Permit or State Permit to Operate. As specified in RSA 125-C:13, the following shall constitute good cause for the department to suspend or revoke any permit issued pursuant to this chapter:

(a) That the permit holder has committed a violation of RSA 125-C or any rule, order or permit condition in force and applicable to it; or

(b) That emissions from the device to which the permit applies, alone or in conjunction with other sources of the same pollutants, present an immediate danger to the public health.

Source. #6057-B, eff 6-30-95 (from Env-A 607.03); ss by #7879, eff 4-26-03 (formerly Env-A 615.03); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 613.04 False Statements. The department shall revoke any permit if, following opportunity for a hearing in accordance with RSA 541-A:30, II, a finding is made that the permit was issued in whole or in part based upon any information proven to be materially false or misleading.

Source. #6057-B, eff 6-30-95 (from Env-A 607.04); ss by #7879, eff 4-26-03 (formerly Env-A 615.04); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

PART Env-A 614 CITIZEN PETITIONS TO THE EPA

Env-A 614.01 Citizen Petitions to EPA.

(a) If EPA does not object in writing pursuant to 40 CFR §70.8(c), any person, including the applicant, owner, or operator, may petition the administrator pursuant to 40 CFR §70.8(d) within 60 days after the administrator's 45-day review period to make such an objection.

(b) As required by 40 CFR §70, the petitioner shall provide a copy of the petition to the department and to the applicant.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(c) The petition shall identify all objections and be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in Env-A 622.02, unless:

- (1) The petitioner demonstrates in the petition to the EPA that it was impracticable to raise such objections within the public comment period; or
- (2) The grounds for such objection arose after the close of the public comment period.

(d) If EPA objects to the title V operating permit as a result of a citizen petition:

- (1) Prior to the issuance of the permit, the department shall not issue the title V operating permit until EPA's objection has been resolved; or
- (2) After the issuance of a permit, the department shall, within 90 days from the receipt of the EPA's objection, resolve the objection and terminate, modify, or revoke and reissue the permit.

(e) A citizen petition shall not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection.

(f) If the department fails to resolve the objection, EPA may modify, terminate, or revoke the title V operating permit as required by 40 CFR §70.7(g), and the department shall thereafter issue only a revised permit that satisfies EPA's objection.

(g) An application that has been deemed timely pursuant to Env-A 609.07 and complete pursuant to Env-A 609.11 shall remain timely and complete even though EPA objects to the resulting title V operating permit or any person files a citizen petition.

Source. #1710, eff 1-19-81; ss by #1864, eff 11-16-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03 (formerly Env-A 618.01); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

PART Env-A 615 INTERSTATE AIR QUALITY IMPACTS

Env-A 615.01 Special Emission Limitations. The department shall apply special emission limits to a stationary source to ensure that its air quality impacts on adjacent states shall not interfere with the measures taken in those states to prevent significant deterioration of air quality and shall not prevent the attainment or maintenance of the NAAQS in those states. Significant deterioration shall be determined using the procedures found in 40 CFR 51, Appendix W.

Source. #1375, eff 7-1-79; ss by #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss and moved by #6057-B, eff 6-30-95 (from Env-A 614.01); ss by #7879, eff 4-26-03 (formerly Env-A 619.01); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

PART Env-A 616 DETERMINATION OF ACTUAL EMISSIONS

Env-A 616.01 Determination of Actual Emissions. The owner or operator of a stationary source, area source, or device shall determine the actual annual emissions from the source or device as specified in Env-A 705.02.

Source. #1717, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss and moved by #6057-B, eff 6-30-95 (from Env-A 615.01); ss by #7879, eff

4-26-03 (formerly Env-A 620.01); ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

PART Env-A 617 RESEARCH AND DEVELOPMENT OPERATIONS

Env-A 617.01 Exception to Obtaining a Temporary Permit or State Permit to Operate. Notwithstanding the provisions of Env-A 603.01(a) or (b), a temporary permit or a state permit to operate shall not be required for any research and development operation provided that all of the following conditions are met:

(a) The owner of an existing stationary source, area source, or device files a written request with the department to treat the stationary source, area source, or device as a research and development operation, and receives a written determination from the department that the stationary source, area source, or device meets the definition of a research and development operation according to the requirements found in (c) through (e), below;

(b) The owner of a new stationary source, area source, or device filed a written request with the department prior to the construction, installation, or operation of the stationary source, area source, or device to treat the stationary source, area source, or device as a research and development operation, and has received a written determination from the department that the stationary source, area source, or device meets the definition of a research and development operation according to the requirements found in (c) through (e), below;

(c) The request to treat a stationary source, area source, or device as a research and development operation contains all of the following information:

- (1) A brief narrative description of the research and development operation and the stationary source(s), area source(s), or device(s) involved;
- (2) The date on which the research and development operation commenced or will commence operation;
- (3) An estimate of the total number of days that the stationary source, area source, or device has been and will be used as a research and development operation;
- (4) An estimate of the amount of emissions of each regulated pollutant and each toxic air pollutant to be emitted by the research and development operation in pounds per hour, pounds per day, and pounds per year; and
- (5) The name and title of the person at the facility directly responsible for supervising each research and development operation;

(d) A written operating log is maintained at the stationary source, area source, or device; and

(e) The written operating log describes each research and development operation by providing the following information:

- (1) A brief narrative description of the research and development operation and the stationary sources, area sources, or devices involved;
- (2) The date on which the research and development operation commenced or will commence operation;
- (3) The total number of days that an existing stationary source, area source, or device has been used as a research and development operation;
- (4) When finished, the date on which the research and development operation ended;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(5) The amount of actual emissions of each regulated pollutant and each toxic air pollutant emitted by the research and development operation in pounds per hour, pounds per day, and pounds per year; and

(6) The name and title of the person at the facility directly responsible for supervising the research and development operation.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03 (formerly Env-A 621.01); amd by #9791, eff 10-1-10; amd by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #9791, eff 10-1-10; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 617.02 Exception to Obtaining a Title V Operating Permit. Notwithstanding Env-A 603.01(a) or (b), a title V operating permit shall not be required for any research and development operation provided that all of the following conditions are met:

(a) The owner of an existing stationary source, area source, or device files a written request with the department to treat the stationary source, area source, or device as a research and development operation and receives a written determination from the department that the stationary source, area source, or device meets the definition of a research and development operation according to the requirements found in (c) through (q), below;

(b) The owner of a new stationary source, area source, or device files a written request with the department prior to the construction, installation, or operation of the stationary source, area source, or device to treat the stationary source, area source, or device as a research and development operation and receives a written determination from the department that the stationary source, area source, or device meets the definition of a research and development operation according to the requirements found in (c) through (q), below;

(c) The request to treat a stationary source, area source, or device as a research and development operation contains all of the following information:

(1) A brief narrative description of the research and development operation and the stationary source(s), area source(s), or device(s) involved;

(2) The date on which the research and development operation commenced or will commence;

(3) An estimate of the total number of days that the stationary source, area source, or device will be used as a research and development operation;

(4) An estimate of the amount of emissions of each regulated pollutant and each toxic air pollutant to be emitted by the research and development operation in pound per hour, pounds per day, and pounds per year; and

(5) The name and title of the person at the facility directly responsible for supervising each research and development operation;

(d) A written operating log is maintained at the stationary source, area source, or device;

(e) The written operating log describes each research and development operation by providing the following information:

(1) A brief narrative description of the research and development operation and the stationary source(s), area source(s), or device(s) involved;

(2) The date on which the research and development operation commenced;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (3) The total number of days that a stationary source, area source, or device was used as a research and development operation;
 - (4) The date on which the research and development operation ended;
 - (5) The amount of actual emissions of each regulated pollutant and each toxic air pollutant emitted by the research and development operation in pounds per hour, pounds per day, and pounds per year; and
 - (6) The name and title of the person at the facility directly responsible for supervising the research and development operation;
- (f) In moderate, serious, or severe ozone nonattainment areas, the total VOC emissions from the research and development operation are less than or equal to 3 pounds per hour, 15 pounds per day, and 1,000 pounds per year;
- (g) In any area of the state, the total emissions of all hazardous air pollutants from the research and development operation are less than or equal to 3 pounds per hour and the individual emissions of any hazardous air pollutant from the research and development operation is equal to or less than 15 pounds per day and equal to or less than 1,000 pounds per year;
- (h) In any area of the state, the total emissions of all toxic air pollutants from the research and development operation are less than or equal to 3 pounds per hour, and the individual emission of any toxic air pollutant from the research and development operation is equal to or less than 15 pounds per day and equal to or less than 1,000 pounds per year;
- (i) The research and development operation is not otherwise required to hold a title V operating permit by a NESHAP contained in 40 CFR 61;
- (j) The research and development operation is not otherwise required to hold a title V operating permit by a MACT standard for source categories contained in 40 CFR 63;
- (k) The research and development operation is not subject to the NSPS contained in 40 CFR 60;
- (l) The research and development operation is not subject to the rules governing PSD contained in Env-A 619;
- (m) The research and development operation is not subject to the rules governing nonattainment areas as contained in Env-A 618;
- (n) The department has not made a determination in accordance with 40 CFR 51, Appendix W, that the emissions from the research and development operation have a significant impact on air quality and that a title V operating permit is required to ensure that ambient air quality standards are achieved and maintained;
- (o) The research and development operation is not subject to any applicable requirement;
- (p) The research and development operation is included as an insignificant activity in any application for a title V operating permit; and
- (q) The emissions from any research and development operation are included in determining the applicability of a title V operating permit to any stationary source or area source.

Source. #7879, eff 4-26-03 (formerly Env-A 621.02); amd by #9791, eff 10-1-10; amd by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

PART Env-A 618 NONATTAINMENT NEW SOURCE REVIEW

Env-A 618.01 Purpose. The purpose of this part is to implement the nonattainment new source review (NSR) program as set forth in 171 through 193 of the Clean Air Act (Act) and the July 1, 2016 edition of 40 CFR §51.165.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03 (formerly Env-A 622.02); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12; ss by #12011, eff 10-22-16

Env-A 618.02 Applicability.

(a) This part shall apply to each new major stationary source or major modification that is major for the following:

- (1) The pollutant for which the area in which the source is or would be located is designated nonattainment under 40 CFR §81.330; or
- (2) NO_x or VOC if the source is or would be located in the Northeast Ozone Transport Region (OTR), as defined in Env-A 618.03(b)(3).

(b) Classification of a project relative to whether or not it is a major modification and therefore subject to this part pursuant to (a) above, shall be performed as described in 40 CFR §51.165(a)(2)(ii)(A) through (F) and by taking the sum of the emissions increase from each emissions unit affected by the project.

(c) In accordance with 40 CFR 51.165(a)(6), except as otherwise provided in 40 CFR 51.165(a)(6)(vi), the specific provisions of 40 CFR 51.165(a)(6)(i) through (v) shall apply with respect to any regulated NSR pollutant emitted from projects at existing emissions units at a major stationary source (other than projects at a source with a plant-wide applicability limit (PAL) as per Env-A 618.09) in circumstances where:

- (1) There is a reasonable possibility, within the meaning of 40 CFR 51.165(a)(6)(vi), that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant; and
- (2) The owner or operator elects to use the method specified in paragraphs 40 CFR 51.165(a)(1)(xxviii)(B)(1) through (3) for calculating projected actual emissions.

(d) If a source or modification is determined to be a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction of hours of operation, then the provisions of this part shall apply to the source or modification as though construction had not yet commenced on the source or modification.

Source. #7879, eff 4-26-03 (formerly Env-A 621.01); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12 (from Env-A 618.01); ss by #12011, eff 10-22-16

Env-A 618.03 Definitions.

(a) For the purposes of this part, the definitions contained in 40 CFR §51.165(a)(1) and (f)(2), shall apply with the following clarifications and revisions:

- (1) “Baseline actual emissions” means the definition as specified in 40 CFR §51.165(a)(1)(xxxv) with the following revisions:
 - a. The same consecutive 24-month period shall be used for all pollutants;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

b. The 24-month period shall be selected from the 5-year period immediately preceding the date when the owner or operator begins actual construction of the project; and

c. The department shall allow the use of a time period up to 10 years immediately preceding the date when the owner or operator begins actual construction of the project or allow the use of a different consecutive 24-month period for different pollutants upon determining that the alternative time period is more representative of normal source operations, upon adequate demonstration by the applicant;

(2) “Reasonable period” as used in the definition of “net emissions increase” in 40 CFR §51.165(a)(1)(vi)(C)(1) means the period from 5 years prior to the date that a complete permit application for the subject project is received by the department to the expiration date of the air permit issued for the project; and

(b) For the purpose of this part, the following additional definitions shall apply:

(1) “Emissions offset” means a reduction in pollutant emissions achieved at an existing source meeting the criteria specified in 40 CFR §51.165(a)(3).

(2) “Emissions offset ratio” means the ratio of the total actual emissions reduction obtained to the total allowable emissions increase of the subject pollutant from a new source or source modification;

(3) “Northeast Ozone Transport Region” means, pursuant to Part D, Subpart 2, Section 184(a) of the Act, the geographical area comprising of the states of:

- a. Connecticut;
- b. Delaware;
- c. Maine;
- d. Maryland;
- e. Massachusetts;
- f. New Hampshire;
- g. New Jersey;
- h. New York;
- i. Pennsylvania;
- j. Rhode Island;
- k. Vermont; and

l. The Consolidated Metropolitan Statistical Area that includes the District of Columbia;

(4) “Offset source” means a source, stationary or mobile, from which a new or modified source obtains or seeks to obtain an emission offset; and

(5) “Ozone season” means the continuous period between April 1 and October 31, inclusive.

Source. #7879, eff 4-26-03 (formerly Env-A 622.04); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12 (from Env-A 618.02)

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-A 618.04 Owner or Operator Obligations.

(a) Except as provided in (b) below, the owner or operator of any new major stationary source or major modification subject to this part shall:

- (1) Comply with the lowest achievable emission rate (LAER);
- (2) Obtain offsets for the increase in emissions for the project in accordance with Env-A 618.07; and
- (3) Obtain a nonattainment NSR permit before beginning actual construction of the project.

(b) Approval of an application to comply with NSR, as specified in Env-A 618.06, or establish a PAL, as specified in Env-A 618.09, shall not relieve the owner or operator of responsibility to otherwise comply with these rules or local, state, or federal law.

(c) The owner or operator of an existing major source with a plantwide applicability limit (PAL) shall comply with the provisions of its PAL.

(d) The owner or operator of a source shall make the information specified in 40 CFR 51.165(a)(6) available for review upon a request for inspection by the department or the general public as specified in 40 CFR 70.4(b)(3)(viii).

Source. #7879, eff 4-26-03 (formerly Env-A 622.05(a)-(c)); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12; ss by #12011, eff 10-22-16

Env-A 618.05 Implementation Plan Requirements. In accordance with section 173(a)(4) of the Act, the department shall not issue a permit or permits to a stationary source to which the requirements of this part apply if the administrator has determined that the applicable implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified.

Source. #7879, eff 4-26-03 (formerly Env-A 622.05(c)(5)-(d)); amd by #9791, eff 10-1-10; amd by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12 (from Env-A 618.06)

Env-A 618.06 Permit Application Requirements.

(a) Nonattainment NSR and plantwide applicability limit (PAL) permit applications required under this part shall be filed in accordance with the procedures set forth in Env-A 607.03.

(b) An application for a nonattainment NSR permit shall contain the following items:

- (1) A control technology evaluation to demonstrate that any new major stationary source or major modification will meet the LAER for all new or modified emission units;
- (2) A documented plan to obtain creditable emission reduction offsets in accordance with Env-A 618.07;
- (3) A demonstration showing that all major stationary sources in New Hampshire, which are owned or operated by such person or any entity controlling, controlled by, or under common control with such person, are subject to emission limitations and are in compliance, or are on a schedule for compliance which is federally enforceable or contained in a court decree, with all applicable emission limitations and standards under the Act; and
- (4) A demonstration showing that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

by providing an analysis of alternative sites, sizes, production processes, and environmental control techniques in accordance with section 173(a)(5) of the Act.

(c) An application for a permit to establish a PAL shall contain the information required pursuant to 40 CFR §51.165(f)(3).

Source. #7879, eff 4-26-03 (formerly Env-A 622.06); amd by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12 (from Env-A 618.03)

Env-A 618.07 Emissions Offset Requirements.

(a) The baseline for an emission offset shall be the actual emissions of the source from which the offset credit is to be obtained.

(b) Offset credit shall not include:

(1) Any reductions from compliance, or scheduled compliance, with applicable rules in effect prior to the permit application of the new or modified source;

(2) Reductions required to meet RACT or acid deposition provisions of the Act, as stipulated in the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, 57 FR 13553, III.G.2.e; or

(3) Reductions required to meet any other provisions of Env-A 100 et seq. and the Act.

(c) Emissions offsets shall achieve, at a minimum, a ratio of total actual emissions reductions to emissions increases of at least 1:1, except as listed in Table 618-1, below, subject to the notes in (d), below:

Table 618-1
NSR Offset Ratio Requirements for 8-hour Ozone Nonattainment Designations

Nonattainment Classification	NOx Offset Ratio Requirement	VOC Offset Ratio Requirement
Transitional/Submarginal	1:1	1:1
Marginal	1.1:1	1.1:1
Moderate	1.15:1	1.15:1
Ozone Transport Region	1.15:1	1.15:1
Serious	1.2:1	1.2:1
Severe	1.3:1	1.3:1
Extreme	1.5:1	1.5:1

(d) The following shall apply to table 618-1:

(1) In accordance with 40 CFR Part 51 Appendix S, Paragraph IV.G, in any severe nonattainment area for ozone, the NOx and VOC offset ratios shall be at least 1.3:1, except that the ratios may be at least 1.2:1 if the department also requires all existing major sources in such nonattainment area to use best available control technology (BACT) for the control of NOx and VOC; and

(2) In accordance with 40 CFR Part 51 Appendix S, Paragraph IV.G, in any extreme nonattainment area for ozone, the NOx and VOC offset ratios shall be at least 1.5:1, except that the ratios may be at least 1.2:1 if the department also requires all existing major sources in such nonattainment area to use BACT for the control of NOx and VOC.

(e) Emissions offsets shall be obtained from offset sources that are located:

(1) Within the OTR for NOx and VOC; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(2) For all other pollutants, within the same nonattainment area or within another area of equal or higher nonattainment classification, subject to the provisions of (f), below.

(f) The owner or operator of a source seeking to obtain emissions offsets from offset sources located in the areas specified in (e)(2), above, shall demonstrate that the emissions from the nonattainment area in which the offset source is located contribute to a violation of the national ambient air quality standard in the nonattainment area in which the new or modified source is seeking to locate.

(g) Offsets obtained outside New Hampshire shall be subject to the approval of the state or governing jurisdiction in which the offset source is located, as ensured by a federally enforceable permit, or other federally enforceable document.

Source. #7879, eff 4-26-03 (formerly Env-A 622.07); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12 (Env-A 618.04)

Env-A 618.08 Procedure for Acquiring and Implementing Emissions Offsets. Emissions offsets for a new major stationary source or major modification shall be acquired and implemented in accordance with the following procedure:

(a) The owner or operator shall submit documentation to the department identifying the following:

(1) Offset pollutant(s);

(2) Actual annual emissions estimates of each pollutant identified in (1), above, during normal operation of the new or modified source prior to the modification;

(3) Potential annual emissions estimates of each pollutant identified in (1) above, of the new or modified source after the modification;

(4) Offset source(s) and location(s);

(5) Actual and allowable annual emissions estimates of each pollutant identified in (1), above, for the offset source(s) identified in (3), above, prior to the effective date of the offset(s);

(6) Potential annual emissions estimates of each pollutant identified in (1), above, for the offset source(s) identified in (3), above, during normal operation of the new or modified source, that would occur after the effective date of the offset(s); and

(7) For NO_x and VOC, the ozone season emissions in addition to the annual estimates required in (2), (4), and (5) above;

(b) A new or modified source obtaining offset(s) from sources outside New Hampshire shall file with the department documentation verifying that the offset source(s) has obtained a federally enforceable permit, or other federally enforceable document, for the emissions reduction control measures pertaining to the offset(s) for which the new or modified source is seeking approval;

(c) The emissions reductions obtained from the offset source in accordance with (a) and (b), above, shall be:

(1) Ensured by a federally enforceable permit or other federally enforceable document; and

(2) In effect no later than the date on which the new or modified source commences operations;

(d) Stationary sources may use ERCs, in accordance with Env-A 3006.04, to satisfy any requirement under the Act or RSA 125-C for offsets; and

(e) All DERs used to meet offset requirements under this part shall comply with the requirements of Section 173 of the Act, 40 CFR §51.165(a), and Env-A 3108.02.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Source. #7879, eff 4-26-03 (formerly Env-A 622.08); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12 (Env-A 618.05)

Env-A 618.09 Establishing a PAL. A PAL shall be established, re-opened, renewed, increased, monitored, recorded, and reported in accordance with 40 CFR §51.165(f)(1), (4), and (6)-(14), except that offsets shall be created and used in accordance with Env-A 618.07 and Env-A 618.08, and the public participation requirements shall be replaced by Env-A 618.10(b) and (c).

Source. #7879, eff 4-26-03 (formerly Env-A 622.09); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 618.10 Department Review and Public Notice.

(a) A permit application to comply with NSR or establish a PAL filed with the department pursuant to this part shall be reviewed in accordance with the criteria set forth in Env-A 607.04.

(b) A permit application to comply with NSR or establish a PAL pursuant to this part shall be subject to the public notice procedures specified in Env-A 621.04.

(c) The department shall address all material comments received during the public comment period before taking final action on a PAL permit application.

Source. #10175, eff 9-1-12 (from Env-A 618.07)

PART Env-A 619 PREVENTION OF SIGNIFICANT DETERIORATION

Env-A 619.01 Purpose. The purpose of this part is to implement the prevention of significant deterioration (PSD) program, as set forth in Sections 160 through 169B of the Act and 40 CFR §52.21.

Source. #6057-B, eff 6-30-95 (from Env-A 616.01); ss by #7879, eff 4-26-03 (formerly Env-A 623.01); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 619.02 Applicability.

(a) This part shall apply to each new major stationary source or major modification for a source located in an area designated as attainment or unclassifiable under §107(d)(1)(B) of the Act for which the regulated NSR pollutant is subject to regulation.

(b) This part shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment under §107 of the Act.

Source. #7879, eff 4-26-03 (formerly Env-A 623.02); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 619.03 PSD Program Requirements.

(a) In furtherance of RSA 125-C:11 and except as provided in (b), below, the provisions of 40 CFR §52.21(a)(2), (b) through (e), (h) through (k)(1), (l) through (p), (r), (v), (w), (aa), and (bb), and 40 CFR 51.165(b), July 1, 2016 edition, shall apply for the purpose of implementing a PSD permit program that meets the requirements of Title I of the Act.

(b) For the purposes of this part, the word “department” shall replace the word “administrator” in the paragraphs of 40 CFR §52.21 referenced in (a), above, except in the following paragraphs:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (1) Paragraph (b)(17);
- (2) Paragraph (b)(37)(i);
- (3) Paragraph (b)(43);
- (4) Paragraph (b)(48)(ii)(c);
- (5) Paragraph (b)(50)(i);
- (6) Paragraph (b)(51);
- (7) Paragraph (l)(2); and
- (8) Paragraph (v).

(c) For the purpose of this part, the definitions contained in 40 CFR §52.21(b), shall apply with the following revisions:

- (1) For the purposes of calculating baseline actual emissions pursuant to 40 CFR §52.21(b)(48):
 - a. The same consecutive 24-month period shall be used for all pollutants;
 - b. The 24-month period shall be selected from the 5-year period immediately preceding the date the owner or operator begins actual construction of the project; and
 - c. The department shall allow the use of a different time period up to 10 years immediately preceding the date the owner or operator begins actual construction of the project or allow use of a different consecutive 24-month period for different pollutants upon demonstration by the applicant that it is more representative of normal source operations.

Source. #7879, eff 4-26-03 (formerly Env-A 623.03); ss by #9840, eff 12-21-10; ss by #10175, eff 9-1-12; ss by #12011, eff 10-22-16

Env-A 619.04 Owner or Operator Obligations.

(a) Except as provided in (b), below, the owner or operator of any new major stationary source or major modification subject to this part shall comply with BACT.

(b) The owner or operator of an existing major source with a PAL shall comply with the provisions of its PAL.

Source. #7879, eff 4-26-03 (formerly Env-A 623.04); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12

Env-A 619.05 Permit Application Requirements.

(a) PSD and PAL permit applications required under this part shall be filed in accordance with the procedures set forth in Env-A 607.03;

(b) An application to comply with PSD shall contain additional information as follows:

- (1) A control technology evaluation, in accordance with 40 CFR §52.21(j), to demonstrate that any new major stationary source or major modification will meet the BACT for all new or modified emissions units;
- (2) A source impact analysis, in accordance with 40 CFR §52.21(k)(1);
- (3) An air quality analysis in accordance with 40 CFR §52.21(m);

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (4) Source information required in accordance with 40 CFR §52.21(n);
- (5) Additional impact analyses required pursuant to 40 CFR §52.21(o); and
- (6) For sources impacting federal class I areas, a class I area impact analysis required in accordance with 40 CFR §52.21(p);

(c) An application for a permit to establish a PAL, shall contain the information required pursuant to 40 CFR §52.21(aa)(3); and

(d) The department shall provide written notice of an application for a PSD permit to the federal land manager(s) in accordance with 40 CFR §52.21(p).

Source. #7879, eff 4-26-03 (formerly Env-A 623.05); ss by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 619.06 Designation of Class I and Class II Areas.

(a) Pursuant to 40 CFR §52.21(e)(1) and Section 162 of the Act, the following areas shall be designated as Class I areas in New Hampshire:

- (1) The Great Gulf Wilderness, of approximately 6,000 acres, as specified in P.L. 88-577; and
- (2) The Presidential Range - Dry River Wilderness, of approximately 20,000 acres, as specified in P.L. 93-622.

(b) Pursuant to 40 CFR §52.21(g)(1) and Section 162 of the Act, all other areas in New Hampshire not listed in (a) above, shall be considered Class II areas.

Source. #7879, eff 4-26-03 (formerly Env-A 623.06); ss by #9906, INTERIM, eff 4-26-11, EXPIRES: 10-24-11; ss by #10000, eff 10-1-11; ss by #10175, eff 9-1-12 (from Env-A 619.04)

Env-A 619.07 Department Review and Public Notice.

(a) A permit application to comply with PSD or to establish a PAL filed with the department pursuant to this part shall be reviewed in accordance with the criteria set forth in Env-A 607.04 and 40 CFR §52.21(j)-(p).

(b) In the event of a deficiency in a permit application to comply with PSD or to establish a PAL for which the department notifies the applicant in writing pursuant to Env-A 607.06(a), the date of filing of the application for purposes of (c), below, shall be the date on which the department receives all required information.

(c) Within one year after the filing of a complete permit application to comply with PSD or to establish a PAL, the department shall make a final determination of whether construction should be approved, approved with conditions, or denied.

(d) A permit application filed in accordance with this part shall be subject to the public notice procedures specified in Env-A 621.03.

Source. #10175, eff 9-1-12 (from Env-A 619.05); ss by #12011, eff 10-22-16

Env-A 619.08 Increment Consumption.

(a) The department shall periodically perform a review of increases in pollutant concentrations over the baseline concentration, as that term is defined in 40 CFR §52.21(b)(13), to determine whether the

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

ambient air increments, as established in 40 CFR §52.21(c), have been violated in any PSD area within the state.

(b) Within 60 days of the discovery of a violation of an ambient air increment, as established in 40 CFR 52.21(c), the department shall submit to the administrator a plan for insuring that the violation shall be mitigated as soon as possible.

Source. #10175, eff 9-1-12 (from Env-A 619.06)

PART Env-A 620 PROCEDURES FOR ESTABLISHING AND REESTABLISHING GENERAL STATE PERMITS

Env-A 620.01 Applicability. The public notice and comment, EPA review, public hearing and appeal procedures specified in this part shall apply to the establishment and reestablishment of general state permits.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; rpld by #6057-B, eff 6-30-95; ss by #6782-B, eff 6-30-98; ss and moved by #8129, eff 7-28-04 (formerly Env-A 204.01); ss by #10175, eff 9-1-12

Env-A 620.02 Public Notice and Comment During the Establishment of a General State Permit. The department shall provide public notice and a public comment period for each proposed general state permit in accordance with the following provisions:

(a) Within 10 days after the completion of a proposed general state permit, the department shall publish a public notice of intent to establish the general state permit;

(b) The public notice shall be published in a newspaper of general daily statewide circulation;

(c) The public notice shall contain the following information:

(1) A statement of the department's intent to establish the general state permit and a brief description of the general state permit;

(2) A statement specifying that any person who wishes to request a public hearing regarding the proposed general state permit, shall do so within 30 days of publication of the public notice;

(3) An explanation of how to request such hearing; and

(4) The deadline by which and the address to which written comments or requests for a public hearing shall be sent, the date to be no sooner than 30 days after publication of the notice; and

(d) The department shall make a copy of the proposed general state permit available to the public for inspection upon request.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; rpld by #6057-B, eff 6-30-95; ss by #6782-B, eff 6-30-98; ss and moved by #8129, eff 7-28-04 (formerly Env-A 204.02); ss by #10175, eff 9-1-12

Env-A 620.03 EPA Review During the Establishment of a General State Permit. The department shall provide the following information to EPA for its review pertaining to the proposed general state permit established for each source category:

(a) A copy of the public notice and the proposed general state permit, within 10 days of completion of the proposal by the department;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) All written correspondence received by the department relative to the petition for the establishment of the source category pursuant to Env-A 610.05, upon request; and

(c) Within 10 days of the department's decision to issue or deny the proposed general state permit, either:

(1) A copy of the final permit if established, and the findings that support the decision to establish; or

(2) A copy of the findings that support the decision to deny.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; rpld by #6057-B, eff 6-30-95; ss by #6782-B, eff 6-30-98; ss and moved by #8129, eff 7-28-04 (formerly Env-A 204.03); ss by #10175, eff 9-1-12

Env-A 620.04 Public Hearing During the Establishment of a General State Permit.

(a) The department shall provide an opportunity for a public hearing prior to establishing a general state permit for a source category in accordance with the following provisions:

(1) Any person who raises a material issue of fact may request that a public hearing be held by the department regarding the establishment of the general state permit described in the public notice; and

(2) Any such request shall indicate the name and address of the person(s) filing such a request, the reason(s) that a public hearing is requested, and the material issue(s) which the person(s) would like to have addressed at the hearing.

(b) The department shall grant the request for a public hearing upon finding that the person making the request is entitled under (a)(1), above, to request a hearing.

(c) Upon granting a request for a public hearing, the department shall:

(1) Schedule a public hearing, which shall be conducted in accordance with the non-adjudicatory public hearing procedures specified in Env-C 200, as supplemented by Env-A 200;

(2) Notify the requesting party via first class mail of the hearing date, location, and time; and

(3) Notify the general public of the public hearing by publishing the date, time, and location of the public hearing in a newspaper of general daily statewide circulation, at least 30 days prior to the public hearing.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; rpld by #6057-B, eff 6-30-95; ss by #6782-B, eff 6-30-98; ss and moved by #8129, eff 7-28-04 (formerly Env-A 204.04); ss by #10175, eff 9-1-12

Env-A 620.05 Decisions.

(a) Within 15 days after the close of the comment period specified pursuant to Env-A 620.02, in accordance with the provisions of Env-A 610.05(b)(3) and 610.06(b)(2), the department shall:

(1) Establish the general state permit, and set forth in writing the findings that support the decision to establish the permit;

(2) Deny the establishment of the general state permit and set forth in writing the findings that support the decision to deny the permit; or

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(3) Schedule a public hearing in accordance with the provisions of Env-A 620.04.

(b) Subject to (d), below, within 15 days of the close of the record of the public hearing, the department shall issue a decision pursuant to either (a)(1) or (a)(2), above.

(c) The department shall consider all written comments received during the public comment period provided pursuant to Env-A 620.02.

(d) In the event the department determines that additional information is necessary to make an informed decision, the department shall request such information and issue a decision in accordance with (a)(1) or (a)(2), above, within 15 days of receiving such information.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; rpld by #6057-B, eff 6-30-95; ss by #6782-B, eff 6-30-98; ss and moved by #8129, eff 7-28-04 (formerly Env-A 204.05); amd by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 620.06 Public Notice and Comment During the Reestablishment of a General State Permit. The department shall provide public notice and a public comment period for the reestablishment of a general state permit for a particular source category in accordance with the following provisions:

(a) Within 7 months prior to the end of the 5-year general state permit period, the department shall publish a public notice of intent to reestablish the general state permit;

(b) The public notice shall be published in a newspaper of general daily statewide circulation; and

(c) The public notice shall contain the following information:

(1) A statement of the department's intent to reestablish the general state permit and a brief description of the general state permit;

(2) The location(s) where, and hours during which, the draft general state permit and a list of the sources currently covered by the general state permit, including source location, may be examined;

(3) A statement specifying that any person who wishes to request a public hearing regarding the reestablishment of the general state permit, shall do so within 30 days of publication of the public notice;

(4) An explanation of how to request such a hearing; and

(5) The deadline by which and the address to which written comments or requests for a public hearing shall be sent, the date to be no sooner than 30 days after publication of the notice.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; rpld by #6057-B, eff 6-30-95; ss by #6782-B, eff 6-30-98; ss and moved by #8129, eff 7-28-04 (formerly Env-A 204.06); ss by #10175, eff 9-1-12

Env-A 620.07 EPA Review During the Reestablishment of a General State Permit. The department shall provide the following information pertaining to the proposed reestablishment of the general state permit for each source category, to EPA for review:

(a) A copy of the public notice and the proposed general state permit, within 10 days of completion of the proposal by the department; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) Within 10 days of the department's decision to reestablish or deny reestablishment of the general state permit provide either:

- (1) A copy of the final permit if reestablished, and the findings that support the decision to reestablish; or
- (2) A copy of the findings that support the decision to deny.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; rpld by #6057-B, eff 6-30-95; ss by #6782-B, eff 6-30-98; ss and moved by #8129, eff 7-28-04 (formerly Env-A 204.07); ss by #10175, eff 9-1-12

Env-A 620.08 Public Hearing During the Reestablishment of a General State Permit. The department shall provide an opportunity for a public hearing on the reestablishment of the general state permit for each source category in accordance with Env-A 620.04.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; rpld by #6057-B, eff 6-30-95; ss by #6782-B, eff 6-30-98; ss and moved by #8129, eff 7-28-04 (formerly Env-A 204.08); ss by #10175, eff 9-1-12

Env-A 620.09 Appeals. An appeal may be taken in accordance with RSA 125-C:12, III.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; rpld by #6057-B, eff 6-30-95; ss by #6782-B, eff 6-30-98; ss and moved by #8129, eff 7-28-04 (formerly Env-A 204.09); ss by #10175, eff 9-1-12

PART Env-A 621 PERMIT NOTICE AND HEARING PROCEDURES: TEMPORARY PERMITS AND PERMITS TO OPERATE

Env-A 621.01 Applicability. The public notice and hearing procedures specified in this part shall apply to all applications for the issuance of, amendment to, or denial of temporary permits and permits to operate.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #5989, eff 2-22-95; EXPIRED: 2-22-03

New. #8129, eff 7-28-04 (formerly Env-A 205.01)); ss by #10175, eff 9-1-12

Env-A 621.02 Public Notice.

(a) This section shall apply to all permit applications except those subject to the requirements of:

- (1) Env-A 609, relating to title V permits;
- (2) Env-A 610, relating to general permits;
- (3) Env-A 611, relating to acid rain permits;
- (4) Env-A 612, relating to:
 - a. Amendments, modifications, and revisions of title V permits; and
 - b. Minor permit amendments of temporary permits and state permits to operate;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(5) Env-A 618, relating to temporary permits subject to nonattainment requirements; and

(6) Env-A 619, relating to PSD permits.

(b) Within 10 days after the completion of a draft temporary permit, draft permit to operate, or draft decision to deny the application with supporting findings of fact, the department shall prepare a public notice of the receipt of the permit application and the intent to issue, amend, or deny such permit.

(c) Public notice of the intent to issue, amend, or deny a temporary permit or permit to operate shall contain the following information:

(1) The name and address of the applicant;

(2) The location of the source;

(3) A brief description of the stationary source, area source or device sought to be permitted;

(4) The location(s) where, and the hours during which, the completed application and other pertinent information may be examined; and

(5) The date by which, and the address where, written comments or requests for a public hearing shall be filed.

(d) The deadline for written comments or public hearing requests shall not be sooner than 30 days after the publication of the notice.

(e) The public notice shall be published by either the department or the applicant, at the applicant's option, once in a newspaper of general daily circulation and once in a newspaper of general circulation in the area in which the source is located.

(f) The applicant shall provide to the department:

(1) Proof of each publication of the notice if the applicant publishes it; or

(2) Payment of the publication costs incurred by the department and an administrative fee of \$15.00 if the applicant requests the department to publish the notice.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #5989, eff 2-22-95; amd by #7541, eff 7-27-01; paragraphs (b)-(e)
EXPIRED: 2-22-03

New. #8129, eff 7-28-04 (formerly Env-A 205.02); ss by #10175, eff 9-1-12

Env-A 621.03 Applications Subject to PSD Requirements. For permit applications subject to the requirements of Env-A 619, the public notice procedures of Env-A 621.04, with the following changes, shall supersede the provisions specified in Env-A 621.02:

(a) In place of the requirements of Env-A 621.04(c)(6), the public notice shall indicate the degree of increment consumption that is expected from the source or modification; and

(b) In Env-A 621.04(c)(7), substitute "BACT" for "LAER".

Source. #2204, eff 12-9-82; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #5989, eff 2-22-95 (formerly Env-A 205.10); ss by #7541, eff 7-27-01

New. #8129, eff 7-28-04 (formerly Env-A 205.03); ss by #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-A 621.04 Applications Subject to Nonattainment Requirements. For permit applications subject to the requirements of Env-A 618, the following public notice procedures shall supersede the provisions specified in Env-A 621.02:

(a) Within 10 days after the completion of a draft temporary permit, or draft decision and findings of fact, the department shall issue a public notice of the receipt of the permit application and the preliminary determination to issue, amend, or deny such permit.

(b) The public notice shall be published once in a newspaper of general daily statewide circulation and once in a newspaper circulated at least once per week in the immediate area of the proposed source.

(c) Public notice of the preliminary determination to issue, amend, or deny a temporary permit shall contain the following information:

- (1) The name and address of the applicant;
- (2) The location of the source;
- (3) A brief description of the stationary source, area source or device sought to be permitted;
- (4) For new sources or devices, the emissions resulting from the installation;
- (5) For modified sources or devices, the significant net emissions increase resulting from the modification, if any;
- (6) For new or modified sources or devices, the quantity and geographical location(s), in terms of street address, if applicable, or longitude and latitude, of the offset source(s) and devices from which the offsets will be obtained;
- (7) The determination of LAER, including the type of equipment, such as a carbon adsorption system, and, if applicable, the prescribed emission limit;
- (8) The location(s) where, and the hours during which, the completed application and other pertinent information may be examined; and
- (9) The date by which, and the address where, written comments or requests for a public hearing shall be filed.

(d) The deadline for written comments or public hearing requests shall not be sooner than 30 days after the publication of the notice.

(e) The department shall distribute copies of the public notice to the following parties:

- (1) The applicant;
- (2) The EPA;
- (3) Any state or Indian governing body whose lands may be affected by emissions from the source or modification;
- (4) The current official(s) of the city or town where the source is or would be located;
- (5) The regional planning agency, if applicable, where the source is or would be located; and
- (6) The Federal Land Manager.

(f) The department shall make available for public inspection, at a location in the immediate area of the proposed source, copies of the following materials:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (1) All information, to the extent required or permitted by RSA 91-A and RSA 125-C:6, VII, submitted by the applicant;
- (2) The department's analysis of the effect of the proposed facility on air quality; and
- (3) The preliminary determination to issue, amend, or deny the permit and all other materials, if any, considered in making such determination.

Source. #5989, eff 2-22-95; amd by #7541, eff 7-27-01; subparagraphs (c)(1)-(9) and paragraphs (d)-(f) EXPIRED: 2-22-03

New. #8129, eff 7-28-04 (formerly Env-A 205.04); ss by #10175, eff 9-1-12; ss by #12011, eff 10-22-16

Env-A 621.05 Notification to EPA. The department shall submit to EPA:

- (a) Copies of the public notice and the draft temporary permit, draft permit to operate, or draft decision and findings of fact within 10 days of completion of the draft; and
- (b) Copies of the final temporary permit, final permit to operate, or final decision and findings of fact within 10 days of issuance.

Source. #5989, eff 2-22-95; EXPIRED: 2-22-03

New. #8129, eff 7-28-04 (formerly Env-A 205.05); ss by #10175, eff 9-1-12

Env-A 621.06 Requests for Public Hearing.

- (a) The department shall provide an opportunity for a public hearing on all applications for new or amended temporary permits or permits to operate.
- (b) Any person or group of persons who raises an issue of fact relevant to a term or condition in a draft permit may request that a public hearing be held by the department regarding the issuance of, amendment to, or denial of a temporary permit or permit to operate.
- (c) A request for a public hearing on a permit application shall:
 - (1) Indicate the basis on which the person(s) filing the request meets the requirements of (b), above;
 - (2) Be in writing; and
 - (3) Be delivered to the department office by 4:00 p.m. on or before the date stated in the public notice required under Env-A 621.02.
- (d) The department shall grant the request for a public hearing on a permit application upon finding that the person or group making the request:
 - (1) Is entitled under (b), above, to request a hearing; and
 - (2) Has met the requirements of (c), above.
- (e) Upon granting a request for a public hearing, the department shall:
 - (1) Schedule a public hearing to be conducted in accordance with the procedures specified in Env-A 203; and
 - (2) Notify the applicant and the requesting party in writing of the hearing date, location, and time.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(f) The notice specified in (e)(2), above, shall be published by either the department or the applicant, at the applicant's option, at least 30 days prior to the public hearing in a newspaper of general daily circulation and in a newspaper of general circulation in the area in which the source is or is proposed to be located.

(g) The applicant shall provide to the department:

(1) Proof of each publication of the notice if the applicant publishes it; or

(2) Payment of the publication costs incurred by the department and an administrative fee of \$15.00 if the applicant asks the department to publish the notice.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #5989, eff 2-22-95 (formerly Env-A 205.03); EXPIRED: 2-22-03

New. #8129, eff 7-28-04 (formerly Env-A 205.06); ss by #10175, eff 9-1-12

Env-A 621.07 Public Access to Information.

(a) If the applicant is not a municipality, the applicant shall file 2 copies of the permit application with the department.

(b) If the applicant is a municipality, the applicant shall file one copy of the permit application with the department and shall make another copy available to the public for review.

(c) If the applicant is not a municipality, the department shall deliver one copy of the permit application to the municipality in which the source is or will be located.

(d) To the extent permitted by RSA 125-C:6, VII, and Env-A 103, the department shall make the following information available to the public for inspection:

(1) All applications and other forms or information submitted by the applicant in support of a permit application;

(2) All correspondence with regard to an application and any attachments thereto;

(3) Written comments received during the comment period provided in Env-A 621.02(d)(5); and

(4) All temporary permits or permits to operate or other determinations of the department.

(e) The department shall provide copies of the information listed above upon request.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #5989, eff 2-22-95 (formerly Env-A 205.04); EXPIRED: 2-22-03

New. #8129, eff 7-28-04 (formerly Env-A 205.07); amd by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 621.08 Opportunity for Response. The department shall provide a copy of all written comments and requests for a public hearing to the applicant upon request. Within 10 working days of the close of the comment period specified in Env-A 621.02(d)(5), Env-A 621.03, or Env-A 621.04(c)(9), the applicant may file with the department a written response to any of the written comments received during the comment period.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #5989, eff 2-22-95 (formerly Env-A 205.05); EXPIRED: 2-22-03

New. #8129, eff 7-28-04 (formerly Env-A 205.08); ss by

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

#10175, eff 9-1-12

Env-A 621.09 Decisions.

(a) Within 30 working days after the close of the comment period specified in Env-A 621.02(d)(5), Env-A 621.03, or Env-A 621.04(c)(9), in accordance with the requirements of RSA 125-C:11, the department shall:

- (1) Approve the application, issue the permit(s) subject to conditions, and set forth in writing the findings with an explanation of the basis of such approval;
- (2) Deny the application and set forth in writing the findings with an explanation of the basis of such disapproval; or
- (3) Schedule a hearing to be conducted in accordance with the provisions of Env-A 203, and notify the applicant and the person(s) who requested such hearing.

(b) Within 30 working days after the close of the comment period following a public hearing, the department shall issue a decision pursuant to either (a)(1) or (a)(2), above.

(c) In making the decision, the department shall consider the application, all written comments received during the public comment period specified in the public notice issued pursuant to Env-A 621.02(d)(5), Env-A 621.03, or Env-A 621.04(c)(9), as well as the applicant's written response thereto, and any testimony presented at the public hearing, if one was held.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #5989, eff 2-22-95 (formerly Env-A 205.06); EXPIRED: 2-22-03

New. #8129, eff 7-28-04 (formerly Env-A 205.09); ss by #10175, eff 9-1-12

Env-A 621.10 Appeals. The procedures and deadlines for appeals shall be as stated in RSA 125-C, RSA 21-O:14, and the rules of the air resources council, Env-AC 200.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #5989, eff 2-22-95 (formerly Env-A 205.07); EXPIRED: 2-22-03

New. #8129, eff 7-28-04 (formerly Env-A 205.10); ss by #10175, eff 9-1-12

PART Env-A 622 PERMIT NOTICE AND HEARING PROCEDURES: TITLE V OPERATING PERMITS

Env-A 622.01 Applicability. The public notice and hearing procedures specified in this part shall apply to:

(a) All applications for the issuance, significant modification to, or renewal of title V operating permits filed with the department; and

(b) All requests for title V permit reopenings.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by 2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; EXPIRED: 6-30-03

New. #8129, eff 7-28-04 (formerly Env-A 206.01); ss by #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-A 622.02 Public Notice.

(a) Within 10 days after the completion of a draft title V operating permit, the department shall prepare a public notice of the receipt of application and the intent to issue such permit.

(b) The public notice shall contain the following information:

- (1) The name and address of the applicant;
- (2) The location of the site or the proposed site;
- (3) A brief description of the source and the activity or activities involved in the permit action;
- (4) For permit modifications, the change in emissions resulting from such modification;
- (5) The name, address, and phone number of the person to be contacted for further information;
- (6) The location(s) where, and the hours during which, the completed application and other pertinent information may be examined and obtained;
- (7) A statement that any person may request a public hearing and an explanation of how to request such hearing;
- (8) The date, no sooner than 30 days after the publication of the notice, by which and the address where written comments and requests for a public hearing shall be filed;
- (9) The number of allowances authorized pursuant to 40 CFR §73.10(b) for any acid rain affected source;
- (10) The name and address of the permitting authority; and
- (11) The identity of the title V source.

(c) The public notice shall be published by either the department or the applicant, at the applicant's option, once in a newspaper of general daily statewide circulation and once in a newspaper of general circulation in the area in which the source is located.

(d) The applicant shall provide to the department:

- (1) Proof of each publication of the notice if the applicant publishes it; or
- (2) Payment of the publication costs incurred by the department and an administrative fee of \$15.00 if the applicant asks the department to publish the notice.

(e) The public notice shall be given to persons on a mailing list developed by the department which shall include all persons who request in writing to be on such list.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by 2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; EXPIRED: 6-30-03

New. #8129, eff 7-28-04 (formerly Env-A 206.02); ss by #10175, eff 9-1-12

Env-A 622.03 Notice to Affected States.

(a) The department shall provide a copy of the notice of a draft title V operating permit, including the deadline by which comments shall be received, to all affected states at or before the time notice is provided to the public.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) The department shall provide a copy of the draft title V operating permit to an affected state upon request.

(c) The department shall send written notification to any affected state and EPA of its refusal to incorporate any or all recommendations submitted by an affected state into the proposed permit together with the reason(s) for not accepting such recommendations.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by 2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; EXPIRED: 6-30-03

New. #8129, eff 7-28-04 (formerly Env-A 206.03); ss by #10175, eff 9-1-12

Env-A 622.04 EPA Review.

(a) The department shall provide the following to EPA:

- (1) A copy of the permit application or, upon agreement with EPA, a summary thereof, unless the applicant has filed a copy of the permit application with EPA pursuant to Env-A 609.06(d);
- (2) A written statement regarding the legal and factual basis for all permit conditions contained in any draft title V operating permit, including references to the applicable statutory or regulatory provisions;
- (3) After the end of the public comment period specified in Env-A 622.02, a copy of the proposed title V operating permit; and
- (4) A copy of the final title V operating permit, if issued.

(b) Pursuant to 40 CFR §70.8(c), the EPA shall have 45 days from the date of receipt of a proposed title V operating permit to object, in writing, to the issuance of the proposed permit if EPA determines the proposed permit is not in compliance with applicable requirements of the title V operating permit program or the rules promulgated thereunder.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by 2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; EXPIRED: 6-30-03

New. #8129, eff 7-28-04 (formerly Env-A 206.04); amd by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 622.05 Requests for Public Hearing.

(a) Any person or group of persons may make a request during the public comment period to the department that a public hearing be held by the department regarding the issuance of a title V operating permit.

(b) Any such request shall:

- (1) Indicate the interest of the person(s) filing such a request;
- (2) Indicate the reason(s) that a public hearing is warranted;
- (3) Indicate the material issues which the person(s) would like to have addressed at such hearing;
- (4) Be in writing; and
- (5) Be delivered to the department office by 4:00 p.m. on or before the date stated in the public notice required under Env-A 622.02.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(c) The department shall grant the request for a public hearing on a title V operating permit unless it is determined that:

- (1) The issue(s) raised in the request for a public hearing is immaterial or irrelevant; or
- (2) The person or group making the request did not comply with (b), above.

(d) The department shall provide written notice of the grant or denial of a request for hearing to the person(s) making the request and to the applicant of the title V operating permit. If the request is denied, the department shall also provide the reason(s) for the denial.

(e) Upon granting a request for a public hearing, the department shall:

- (1) Schedule a public hearing to be conducted in accordance with the procedures specified in Env-A 203; and
- (2) Notify the applicant and the requesting party of the hearing date, location, and time.

(f) The notice specified in (e)(2), above, shall be published by either the department or the applicant, at the applicant's option, at least 30 days prior to the public hearing in a newspaper of general daily circulation and in a newspaper of general circulation in an area in which the site is located.

(g) The applicant shall provide to the department:

- (1) Proof of each publication of the notice if the applicant publishes it; or
- (2) Payment of the publication costs incurred by the department and an administrative fee of \$15.00 if the applicant asks the department to publish the notice.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by 2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; EXPIRED: 6-30-03

New. #8129, eff 7-28-04 (formerly Env-A 206.05); ss by #10175, eff 9-1-12

Env-A 622.06 Public Access to Information.

(a) When applying to the department for a permit or permit modification, the applicant shall file 2 copies of the permit application with the department, except as noted in (b), below.

(b) If the applicant is a municipality, the applicant shall file one copy of the permit application with the department and shall make another copy available to the public for review.

(c) If the applicant is not a municipality, the department shall deliver one copy of the permit application to the municipality in which the source is or will be located.

(d) To the extent permitted by RSA 125-C:6, VII, and Env-A 103, the department shall make available for public inspection and provide copies upon request of the following:

- (1) All applications and other forms of information submitted in support of a permit application, including the compliance plan and the compliance certification and monitoring reports, if applicable;
- (2) All correspondence with regard to an application and any attachments thereto;
- (3) Written comments received during the comment period held pursuant to Env-A 622.02;
- (4) The draft title V operating permit; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(5) A written statement regarding the legal and factual basis for all permit conditions contained in any draft title V operating permit, including references to the applicable statutory or regulatory provisions.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by 2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; EXPIRED: 6-30-03

New. #8129, eff 7-28-04 (formerly Env-A 206.06); amd by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 622.07 Opportunity for Response. The department shall make available to the applicant all written comments and requests for a public hearing upon request. Within 10 working days after the close of the public comment period specified in Env-A 622.02, the applicant may file with the department a written response to any of the written comments received during the comment period.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by 2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; EXPIRED: 6-30-03

New. #8129, eff 7-28-04 (formerly Env-A 206.07); ss by #10175, eff -9-1-12

Env-A 622.08 Decisions.

(a) Within 30 working days after the close of the comment period specified in Env-A 622.02, the department shall either:

- (1) Approve the application providing that no objection has been filed by EPA, issue the proposed permit, and set forth in writing the findings that support the decision to issue the permit;
- (2) Deny the application and set forth in writing the findings that support the decision to deny the application; or
- (3) Schedule a public hearing to be conducted in accordance with the provisions of Env-A 203.

(b) Subject to (d), below, within 30 working days after the close of the comment period following a public hearing, the department shall issue a decision pursuant to either (a)(1) or (a)(2), above.

(c) The department shall consider all written comments received during the public comment period provided pursuant to Env-A 622.02, as well as the applicant's written response thereto, and any testimony presented at the public hearing, if one was held.

(d) In the event the department determines that additional information is necessary to an informed decision, the department shall request such information and shall issue a decision in accordance with (a)(1) or (a)(2), above, within 30 working days after receiving such information.

(e) The department shall issue the final permit:

- (1) After receiving notice from EPA that EPA will not object to the proposed permit; or
- (2) If EPA does not file a written objection within 45 days of its receipt of a proposed permit.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by 2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; EXPIRED: 6-30-03

New. #8129, eff 7-28-04 (formerly Env-A 206.08) ss by #10175, eff 9-1-12; ss by #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-A 622.09 Appeals.

(a) The procedures and deadlines for appeals shall be as stated in RSA 125-C, RSA 21-O:14, and the rules of the air resources council, Env-AC 200.

(b) In the event that a petition for appeal is filed and an appeal hearing is conducted by the council, upon a decision by the council the department shall take such action as is necessary to reflect the council's decision. Any action taken by the department shall occur after expiration of the 45-day review period by EPA under Env-A 622.04(b) and 40 CFR §70.8(c).

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; EXPIRED: 6-30-03

New. #8129, eff 7-28-04 (formerly Env-A 206.09); ss by #10175, eff 9-1-12

PART Env-A 623 PERMIT REVOCATION AND SUSPENSION

Env-A 623.01 Applicability. The provisions of this part shall not apply to any revocation of a title V operating permit which is a result of a permit reopening pursuant to Env-A 609.19.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss by #6057-B, eff 6-30-95; EXPIRED: 6-30-03

New. #8129, eff 7-28-04 (formerly Env-A 209.01); ss by #10175, eff 9-1-12

Env-A 623.02 Suspension, Revocation or Modification of Permits.

(a) The department shall make an initial decision to suspend, revoke, or modify a stationary source's permit whenever information is received that supports a conclusion that the owner or operator is not in compliance with the terms of the permit.

(b) Upon making such an initial decision, the department shall notify the owner or operator in writing of the intention to suspend, revoke, or modify said permit and an explanation of the basis for the department's decision.

(c) Pursuant to RSA 541-A:30 and RSA 125-C:13, the department shall schedule a hearing on the notice of proposed permit suspension, revocation, or modification.

(d) Such hearing shall be conducted in accordance with the provisions of Env-A 203.

(e) Within 15 days of the close of any hearing conducted pursuant to (d), above, the department shall issue a decision to the owner or operator to suspend, revoke, or modify a permit. The decision shall be in writing and shall state the basis for the decision.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss and moved by #6057-B, eff 6-30-95 (from Env-A 209.01); EXPIRED: 6-30-03

New. #8129, eff 7-28-04 (formerly Env-A 209.02); ss by #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-A 623.03 Appeals. The procedures and deadlines for appeals shall be as stated in RSA 125-C, RSA 21-O:14, and the rules of the air resources council, Env-AC 200.

Source. #1710, eff 2-19-81; ss by #2332, eff 4-29-83; ss by #2938, eff 12-27-84; ss by #5033, eff 12-27-90; ss and moved by #6057-B, eff 6-30-95 (from Env-A 209.02); EXPIRED: 6-30-03

New. #8129, eff 7-28-04 (formerly Env-A 209.03); ss by #10175, eff 9-1-12

PART Env-A 624 PERMITS FOR THE COMBUSTION OF NON-EXEMPT FUEL

Env-A 624.01 Applicability.

(a) Except as provided in (b) or (c), below, this part applies to the owner or operator of a source that is required to obtain a title V operating permit and which will combust a non-exempt fuel.

(b) As specified in RSA 125-C:10-b, VII, the following sources shall not be subject to this part:

- (1) A municipal waste combustor subject to RSA 125-M;
- (2) A chemical recovery combustion source at a pulp and paper mill subject to 40 CFR 63, Subpart MM;
- (3) A device at an affected source that combusts material of which at least 90 percent by weight is exempt fuel;
- (4) An affected source that is within a listed source category and subject to a performance standard or emission guidelines established by the United States Environmental Protection Agency (U.S. EPA) pursuant to either section 111 or section 112 or section 129 of the Clean Air Act, provided that these standards and guidelines are at least as stringent as those achieved by applying BACT as specified under Env-A 624.06; or
- (5) A device at an affected source that, as of June 29, 2005, is allowed by permit to combust non-exempt fuel unless there is a significant modification of such device after that date.

(c) As provided in RSA 125-C:10-b, VII(f), a source shall be exempt from this part if its potential uncontrolled emissions are less than the following:

- (1) For particulate matter containing lead, 16 pounds of lead per year;
- (2) For mercury, 1.2 pounds per year; and
- (3) For dioxin, 0.0013 grams per year.

Source. #8654, eff 6-8-06; ss by #10175, eff 9-1-12

Env-A 624.02 Definitions. For purposes of this part, the following definitions shall apply:

(a) “Best available control technology (BACT)” means “best available control technology” as defined in RSA 125-C:10-b, I(a), as reprinted in Appendix C;

(b) “Dioxin” means “dioxin” as defined in RSA 125-C:2, VI-a, as reprinted in Appendix C. The term includes the net summed mass of each of 17 CDDs and CDFs after applying the EPA approved toxic equivalency factors (TEFs) to each of the 17 CDDs and CDFs;

(c) “Exempt fuel” means “exempt fuel” as defined in RSA 125-C:10-b, I(b), as reprinted in Appendix C;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(d) “Non-exempt fuel” means any combustible material other than exempt fuel; and

(e) “Particulate matter” means “particulate matter” as defined in RSA 125-C:2, IX-f, as reprinted in Appendix C.

Source. #8654, eff 6-8-06; ss by #10175, eff 9-1-12

Env-A 624.03 Permit Application Required.

(a) As specified in RSA 125-C:10-b, II, the construction, installation, operation, or significant modification of any source subject to this part shall be prohibited unless a permit is first obtained from the department.

(b) Prior to initiating construction, installation, or operation, the owner or operator of a source that is subject to RSA 125-C:10-b shall obtain a temporary permit from the department that establishes emission limitations for such source based on BACT for controlling the emissions of mercury, dioxin, or particulate matter, including lead, from such source in accordance with Env-A 624.06.

(c) The owner or operator of a source subject to (b), above, shall file a timely application for and obtain a title V operating permit or amendment thereof in accordance with Env-A 609 or Env-A 612, as applicable, for the continued operation of that source.

Source. #8654, eff 6-8-06; amd by #9791, eff 10-1-10; ss by #10175, eff 9-1-12

Env-A 624.04 Permit Application Requirements. In addition to the information required in Env-A 607.03, the permit application required in Env-A 624.03 shall include:

(a) A description of the nature, location, design capacity, and typical operating schedule of the source or modification, including specifications and drawings showing its design and plant layout;

(b) A detailed schedule for construction of the source or modification;

(c) A detailed description of the system of emission reduction proposed for the source or modification and emission estimates;

(d) A BACT analysis for mercury, dioxin, and particulate matter, including lead, as specified in Env-A 624.05, if the potential uncontrolled emissions of any one of these 3 pollutants exceed the applicable threshold in Env-A 624.01(c);

(e) The results of deposition modeling conducted pursuant to Env-A 624.08;

(f) A human health risk assessment conducted in accordance with Env-A 624.09;

(g) A fuel monitoring plan demonstrating how the owner or operator will comply with permit emission limits by periodically monitoring the fuel for lead, mercury, and dioxin at the source, prior to combustion; and

(h) A soil sampling plan to determine existing background environmental concentrations of lead, mercury, and dioxin.

Source. #8654, eff 6-8-06; ss by #10154, eff 9-1-12

Env-A 624.05 BACT Analysis. The BACT analysis required under Env-A 624.04(d) shall be conducted in accordance with the following:

(a) The applicant shall identify all control options, such as the use of lower-emitting raw materials, lower-emitting process equipment, or add-on control equipment, that have the potential to reduce emissions;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(b) The applicant shall provide information on any control option that the applicant deems to be technically infeasible that is sufficient to allow the department to evaluate the feasibility of said control option;

(c) The applicant shall rank the remaining control technologies and list them in order of control effectiveness, with the most effective alternative at the top;

(d) The applicant shall further evaluate the top-ranked control option and may eliminate it from further consideration if, based on its energy, economic, or environmental impact, the control option would result in unusual or prohibitive impacts as described in (f), below, at the source under review when compared to other similar sources;

(e) The applicant shall provide the department with documentation of all steps taken to comply with (a) through (d) above and the reasoning behind each step; and

(f) For purposes of (d), above, the following shall apply:

(1) An unusual or prohibitive environmental impact would arise if using the most effective technology would create adverse environmental impacts greater than those sought to be minimized through the use of the technology;

(2) An unusual or prohibitive economic impact would arise if the costs of the most effective technology were clearly excessive in relation to the benefit to be obtained from the technology; and

(3) An unusual or prohibitive energy impact would arise if the electricity required to operate a BACT level of control would be so large that it would make the operation of the device infeasible.

Source. #8654, eff 6-8-06; ss by #10175, eff 9-1-12

Env-A 624.06 BACT Determination. The department shall select as BACT for the source under review the top-ranked control option remaining after the procedures in Env-A 624.05 have been followed, provided that the option does not result in either:

(a) Emissions of any air contaminant that would exceed the emissions allowed by any applicable standard under RSA 125-C or RSA 125-I or rules adopted pursuant to either chapter; or

(b) Emissions of particulate matter, mercury, or dioxin in an amount disproportionate to the emissions of any of those 3 air contaminants from other similar air pollution control devices for those air contaminants at facilities using similar combustion technology and similar fuels. For the purpose of this requirement, an amount disproportionate shall be an emission rate that is more than 20 percent greater, as expressed in terms of pounds of contaminant emitted per million British Thermal Units of heat input.

Source. #8654, eff 6-8-06; ss by #10175, eff 9-1-12

Env-A 624.07 Duration of BACT Determinations.

(a) At the time a significant modification is made or, if no significant modification is made, no later than 7 years after the date of issuance of the permit, the owner or operator of an affected source shall perform a new BACT analysis and submit it to the department.

(b) If as a result of the BACT analysis the department establishes any BACT limit that is more stringent than the existing BACT limit, the source shall comply with the new limit(s) within 3 years of the date the limit is established.

Source. #8654, eff 6-8-06; ss by #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-A 624.08 Air Pollution Deposition Modeling.

(a) In addition to the modeling required under Env-A 606, the owner or operator of a source subject to RSA 125-C:10-b shall conduct a complete air pollution dispersion modeling analysis to determine the deposition of lead, mercury, and dioxin from the source's emissions.

(b) The modeling analysis shall be conducted in accordance with 40 CFR 51, Appendix W, using any model or methodology, as applicable, that the administrator has specified or proposed for inclusion in 40 CFR 51, Appendix W.

(c) The modeling analysis shall quantitatively evaluate the deposition of lead, mercury, and dioxin from the source's emissions.

(d) For the purpose of the modeling required in (a), above, the numerical value representing the estimated air emissions of lead from the source shall be doubled as a safety factor prior to being used in the model.

(e) The owner or operator shall determine background environmental concentrations of lead, mercury, and dioxin and shall add those concentrations to the modeling analysis.

(f) The modeling analysis shall include the combined effects of all sources subject to a title V operating permit and which are within 100 km of the source seeking a permit application under this part.

(g) The modeling analysis shall be presented in a form that can be used in a human health risk assessment, as detailed in Env-A 624.09.

Source. #8654, eff 6-8-06; ss by #10175, eff 9-1-12

Env-A 624.09 Human Health Risk Assessment.

(a) The owner or operator shall estimate worst case soil concentrations for lead, mercury, and dioxin, incorporating background concentrations with estimated soil concentrations derived using the deposition rates estimated pursuant to Env-A 624.08, and guidance from the 1998 U.S. EPA Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities (HHRAP), with a 20-year deposition period and a mixing depth of one centimeter.

(b) Human health risk from the modeled soil lead concentrations shall be estimated using the U.S. EPA Integrated Exposure Uptake Biokinetic Model for Lead in Children default dietary intake (IEUBK), February 2010 version, which is available as noted in Appendix A, and incorporating background environmental lead exposures.

(c) The department shall deny the application if:

(1) The estimate of the cumulative soil concentration of either lead, mercury, or dioxin at the location of maximum deposition, as modeled pursuant to (a), above, exceeds the following values:

- a. For lead, 400 milligrams per kilogram (mg/kg);
- b. For mercury, 13 mg/kg; and
- c. For dioxin, 0.000007 mg/kg; or

(2) There is a greater than 5 percent probability of a child's estimated blood lead level, as modeled pursuant to (b), above, exceeding the United States Centers for Disease Control's level of concern, namely 10 micrograms per deciliter.

Source. #8654, eff 6-8-06; ss by #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-A 624.10 Permit Conditions. Any permit issued to the owner or operator of a source subject to RSA 125-C:10-b shall:

- (a) Establish fuel specifications for lead, mercury, and chlorine content; and
- (b) Establish test methods for the fuel, using U.S. EPA SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods and applicable American Society for Testing and Materials (ASTM) sampling methods, to certify that the fuel meets the fuel specifications established in (a), above, prior to being combusted.

Source. #8654, eff 6-8-06; ss by #10175, eff 9-1-12

Env-A 624.11 Stack Testing and CEM Requirements.

(a) Within 60 days after achieving the maximum production rate at which a source subject to this part will be operated, but not later than 180 days after initial startup of such facility, the owner or operator of the source shall conduct an initial compliance stack test in accordance with Env-A 802 to demonstrate compliance with the emission limits established under Env-A 624.06.

(b) As specified in RSA 125 -C:10-b, III:

- (1) If stack testing results show that emissions from the source are less than but within 10 percent of the emission limitation for a specific air contaminant established under Env-A 624.06, the owner or operator shall install a continuous emission monitor (CEM) system for that air contaminant pursuant to Env-A 808;
- (2) If a CEM system that complies with Env-A 808 is not available for that air contaminant, the owner or operator of the source shall submit a plan, including monitoring and stack testing requirements, for ensuring that the emission limitation for that air contaminant is not exceeded until such time as a CEM system becomes available; and
- (3) Once a CEM system is available, the owner or operator shall install that system within 24 months of department approval of the CEM monitoring plan submitted pursuant to Env-A 808.04.

Source. #8654, eff 6-8-06; ss by #10175, eff 9-1-12

Env-A 624.12 Acceptance of Applications. The department shall not act on any permit application for the combustion of fuel derived from construction and demolition debris until the studies conducted pursuant to Chapters 169 and 205 of the Laws of 2005 have been completed and the moratorium on burning construction and demolition debris has been terminated.

Source. #8654, eff 6-8-06; ss by #10175, eff 9-1-12

PART Env-A 625 LIMITATIONS ON POTENTIAL TO EMIT

Env-A 625.01 Applicability. This part shall apply to the owner or operator of a VOC- or HAP-emitting source who is limiting the potential to emit of that operation to less than 50 tons of VOCs, 10 tons of any individual HAP, and 25 tons of combined HAPs for any consecutive 12-month period in accordance with this part, except for those facilities using control equipment to limit potential emissions.

Source. #10175, eff 9-1-12

Env-A 625.02 Definitions. For the purposes of this part, the following definitions shall apply:

- (a) “Digital printing line” means an operation where the transfer of electronic files occurs directly from the computer to an electronically driven output device that prints the image directly on the selected media substrate with inks and not dry toners;
- (b) “Industrial laundry operation” means an establishment primarily engaged in supplying, on a rental or contract basis, laundered industrial work uniforms and related work clothing, such as protective apparel,

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

flame and heat resistant, and clean room apparel; dust control items, such as treated mops, rugs, mats, dust tool covers, cloths, and shop or wiping towels;

(c) “Print towels” means towels or other fabric used to remove ink from a printing operation;

(d) “Screen printing” means a printing process in which printing ink, coating, or adhesive material is passed through a taut web or fabric to which a refined form of stencil has been applied, and where the stencil openings determine the form and dimension of the imprint;

(e) “Shop towels” means towels or other fabric used to remove dust, oil, or grease and wipe down parts or operations;

(f) “Soils” means contaminants that are removed from the parts being cleaned, including, but not limited to, grease, oils, waxes, metal chips, carbon deposits, fluxes, and tars;

(g) “Solvent cleaning operation” means a process using a device or piece of equipment that uses solvent-containing liquid or solvent vapor to remove soils from the surfaces of materials. Types of solvent cleaning machines include, but are not limited to, batch vapor, in-line vapor, in-line cold, and batch cold solvent cleaning machines; and

(h) “Surface coating operation” means a process or processes used to apply a layer of material onto a substrate including manual brushing, spray painting, dip coating, roller coating and electrostatic deposition, but exclusive of printing, publishing or packaging operations and auto body shops.

Source. #10175, eff 9-1-12

Env-A 625.03 Written Notification Required. An owner or operator electing to comply with this part shall send a written notification to the department stating their intention to operate under the emission caps established in this part, including a statement that the facility has determined that the stationary source, area source or device does not meet any of the applicability thresholds in accordance with Env-A 607.01.

Source. #10175, eff 9-1-12

Env-A 625.04 Limitations on Potential to Emit. Notwithstanding the definition of “potential to emit” in Env-A 101.147 and unless otherwise determined by a permit or order of the department, a stationary source identified in Env-A 625.01 whose owner or operator operates the source in compliance with all applicable requirements of Env-A 625 shall be considered to have a potential to emit for any consecutive 12-month period less than:

- (a) 50 tons of VOCs;
- (b) 10 tons of any individual HAP; and
- (c) 25 tons of combined HAPs.

Source. #10175, eff 9-1-12

Env-A 625.05 Material Usage Limits.

(a) The owner or operator of a stationary source at which at least 90 percent of the emissions from the source in any calendar year are attributable to one of the operations listed below shall limit material usage to no more than the amount specified in each calendar year:

- (1) For non-heatset offset lithographic printing, 7,125 gallons of cleaning solvent and fountain solution additives, excluding water;
- (2) For heatset web offset lithographic printing, 50,000 pounds of ink, cleaning solvent, fountain solution additives;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (3) For flexography and rotogravure operations using solvent inks, 50,000 pounds of ink, coatings, adhesives, dilution solvents, and cleaning solvents;
- (4) For flexography and rotogravure operations using UV-cured or water-based inks, coatings, and adhesives, 200,000 pounds of inks, coatings, and adhesives;
- (5) For screen printers, 7,125 gallons of solvent based inks, cleaning solvent, adhesives, and coatings;
- (6) For digital printing operations, 6,000 gallons of solvent from inks and clean-up solutions and other solvent containing materials combined;
- (7) For each printing operation listed in (1) through (6), above, 1,333 gallons of HAP-containing material, excluding waste;
- (8) For solvent cleaning operations:
 - a. 6,800 gallons of any solvent-containing material containing no halogenated solvents;
 - b. 800 gallons of solvent-containing materials containing halogenated solvents; and
 - c. 1,200 gallons of any combination of solvent-containing material containing a mixture of both non-halogenated solvents and one or more halogenated solvents; and
- (9) For surface coating operations, 3,000 gallons of solvent-containing material, excluding waste.

(b) For any combination of screen, digital, flexographic, letterpress, non-heatset lithographic, or heatset lithographic printing processes, the owner or operator shall limit the potential to emit pursuant to Env-A 625.07.

Source. #10175, eff 9-1-12

Env-A 625.06 Operating Limits. The owner or operator of a stationary source at which at least 90 percent of the emissions from the source in any calendar year are attributable to one of the operations listed below shall limit operations in each calendar year as follows:

- (a) For auto body shops that paint automobiles or automobile parts:
 - (1) If primarily engaged in collision repair, 2 or fewer bays devoted to painting;
 - (2) If repainting entire vehicles, one bay devoted to painting; and
 - (3) The physical or operational capacity to do no more than 21 jobs per week.

(b) For industrial laundry operations, cleaning less than 1,300 tons of soiled shop towels or 120 tons of soiled print towels, or 120 tons of both soiled shop and print towels.

Source. #10175, eff 9-1-12

Env-A 625.07 Emission Limitation. In lieu of Env-A 625.05 or Env-A 625.06, the owner or operator of a stationary source shall be in compliance with this part if actual emissions without controls in each calendar year period do not exceed any of the following limits:

- (a) 25 tons of VOCs;
- (b) 5 tons of any individual HAP; and
- (c) 12.5 tons of combined HAPs.

Source. #10175, eff 9-1-12

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-A 625.08 Recordkeeping Requirements. The owner or operator of any source that is operating to comply with the requirements of this part shall maintain:

- (a) Purchase records or material usage records to demonstrate compliance with applicable coating, printing, and solvent limitations in Env-A 625.05;
- (b) Customer records to demonstrate compliance with laundering limitations in Env-A 625.06(b); or
- (c) Records of the information used to calculate actual emissions for each calendar year to demonstrate compliance with emission limitations in Env-A 625.07 as follows:
 - (1) Equipment type, description, make and model, and maximum design process rate or throughput;
 - (2) Types and specifications of materials used, including VOC and HAP content, and any process information used in the emissions calculations;
 - (3) Monthly record of raw materials used with support information such as purchase orders or invoices.

Env-A 625.09 Applicable Law. Nothing in this section shall relieve an owner or operator from any obligation to comply with any other applicable federal, state or local law.

Source. #10175, eff 9-1-12

APPENDIX A: INCORPORATION BY REFERENCE INFORMATION

Rule	Title	Obtain at:
Env-A 624.09(b)	U.S. EPA Integrated Exposure Uptake Biokinetic Model for Lead in Children default dietary intake (IEUBK)	A written copy of this material can be obtained by writing to: U.S. Department of Commerce National Technical Information Service Alexandria, VA 22312 Or by calling: 1-800-553-6847 The Windows-based version of the IEUBK model can be downloaded from the website at http://www.epa.gov/superfund/lead/products.htm There is no cost for this material.
Env-A 610.08(b)(1)	Form GSP-1	A written copy of this material is attached as Appendix D, and is available on-line at: http://des.nh.gov/organization/commissioner/pip/forms/ard/documents/gsp-1.doc There is no cost for this material.
	Form GSP-2	A written copy of this material is attached as Appendix D, and is available on-line at: http://des.nh.gov/organization/commissioner/pip/forms/ard/documents/gsp-2.doc There is no cost for this material.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

APPENDIX B: STATE/FEDERAL STATUTES AND REGULATIONS IMPLEMENTED

Rule Section(s)	Specific State Statute or Federal Statute/Regulation Implemented
Env-A 601.01	RSA 125-C:6; RSA 125-C:11; RSA 125-I:3
Env-A 601.02, Env-A 601.03	RSA 125-C:11; RSA 125-C:12; RSA 125-I:5
Env-A 602.01	RSA 125-C:4, I(a)
Env-A 603.01	RSA 125-C:11; RSA 125-I:5
Env-A 603.02	RSA 125-C:6, XIV
Env-A 604.01, Env-A 604.02	RSA 125-C:11, II & III
Env-A 605.01	RSA 125-C:11
Env-A 605.02, Env-A 605.03	RSA 125-C:12, I
Env-A 605.04	RSA 125-C:12, I; 42 U.S.C. §7661b(b) & (c); §40 CFR 70.6(d)
Env-A 606.01 - Env-A 606.06	RSA 125-C:11, II & IV; RSA 125-I:5, V; 42 U.S.C. §410(a)(2)(K)
Env-A 607.01(a) - (x)	RSA 125-C:11
Env-A 607.01(y)	RSA 125-C:11; RSA 125-I
Env-A 607.01(z) - (aa)	RSA 125-C:11; RSA 125-J; RSA 125-O
Env-A 607.01(ab)	RSA 125-C:11; RSA 125-O
Env-A 607.02	RSA 125-C:11
Env-A 607.03	RSA 125-C:4, I(a)
Env-A 607.04	RSA 125-C:11, II & IV
Env-A 607.05	RSA 541-A:29, I
Env-A 607.06	RSA 125-C:12, I
Env-A 607.07	RSA 125-C:12, II
Env-A 607.08	RSA 125-C:11, II; RSA 125-C:13; 40 CFR §52.21(r)(2)
Env-A 607.09	RSA 125-C:11
Env-A 608.01, Env-A 608.02	RSA 125-C:11
Env-A 608.03	RSA 125-C:12, I
Env-A 608.04	RSA 125-C:11, III
Env-A 608.05	RSA 541-A:29, I
Env-A 608.06	RSA 125-C:12, I
Env-A 608.07	RSA 125-C:12, II
Env-A 608.08	RSA 125-C:11, III; RSA 125-C:13
Env-A 608.09	RSA 125-C:11
Env-A 608.10(a)	RSA 125-C:12, I
Env-A 608.10(b)	RSA 125-C:12, IV
Env-A 608.11, Env-A 608.12	RSA 125-C:11
Env-A 609.01	RSA 125-C:11, I-a; 42 U.S.C. §7661a; 40 CFR §70.3
Env-A 609.02	RSA 125-C:11, I-a; RSA 125-C:13
Env-A 609.03	RSA 125-C:11, I
Env-A 609.04	RSA 125-C:12, I; 40 CFR §70.5(c)
Env-A 609.05	RSA 125-C:11, I-a; 42 U.S.C. §7661c; 40 CFR §70.6
Env-A 609.06	RSA 125-C:12, I; ; 42 U.S.C. §7661a(b); 40 CFR §70.5
Env-A 609.07	RSA 125-C:11, I-a; 42 U.S.C. §7661b(c); 40 CFR §70.5(a)(1)
Env-A 609.08(a)	RSA 125-C:11, I-a; 42 U.S.C. §7661b(d); 40 CFR §70.5(a)(2)
Env-A 609.08(b)	RSA 125-C:12, I; 42 U.S.C. §7661b(d); 40 CFR §70.5(a)(2)
Env-A 609.09	RSA 125-C:11, I-a; 42 U.S.C. §7661c(f); 40 CFR §70.6(f)
Env-A 609.10	RSA 125-C:11, IV; 42 U.S.C. §7661a(b)(5); 40 CFR §70.7(a)
Env-A 609.11	RSA 541-A:29, I; 42 U.S.C. §7661a(b)(1); 40 CFR §70.5(a)(2)

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Rule Section(s)	Specific State Statute or Federal Statute/Regulation Implemented
Env-A 609.12	RSA 125-C:12, I; 42 U.S.C. §7661b(d); 40 CFR §70.5(b)
Env-A 609.13(a)	RSA 125-C:12, II; 42 U.S.C. §7661a(b)(6); 40 CFR §70.7(a)
Env-A 609.13(b)	RSA 125-C:6, X; 42 U.S.C. §7661d(b); 40 CFR §70.8(a) & (c)
Env-A 609.13(c)	RSA 125-C:12, II; 42 U.S.C. §7661b(c); 40 CFR §70.7(a)(2)
Env-A 609.14(a)	RSA 125-C:6, X; 42 U.S.C. §7661d(b)(3); 40 CFR §70.8(c)(1)
Env-A 609.14(b) & (c)	RSA 125-C:6, X; 42 U.S.C. §7661d(c); 40 CFR §70.8(c)(4)
Env-A 609.15	RSA 125-C:11, I-a; 42 U.S.C. §7661b(d); 40 CFR §70.7(b) & (c)
Env-A 609.16(a) & (b)	RSA 125-C:11, I-a; 42 U.S.C. §7661a(b)(1); 40 CFR §70.6(a)(2)
Env-A 609.16(c)	RSA 125-C:11, I-a; 42 U.S.C. §7651g(a); 40 CFR §72.73(b)(2)
Env-A 609.17	RSA 125-C:12, I
Env-A 609.18(a)	RSA 125-C:11, I-a; 42 U.S.C. §7661a(b)(5)(C); 40 CFR §70.7(c)
Env-A 609.18(b)	RSA 125-C:12, II & IV; 42 U.S.C. §7661a(b)(6); 40 CFR §70.7(c)
Env-A 609.19(a)(1) & (d)	RSA 125-C:13, IV; 42 U.S.C. §7661a(b)(9); 40 CFR §70.7(f)
Env-A 609.19(a)(2)	RSA 125-C:13, IV; 42 U.S.C. §7661e(b); 40 CFR §70.7(f)
Env-A 609.19(a)(3) & (4)	RSA 125-C:13, IV; 40 CFR §70.7(f)
Env-A 609.19(b) & (c)	RSA 125-C:13, IV; 42 U.S.C. §7661a(b)(6); 40 CFR §70.7(f)
Env-A 609.19(e)	RSA 125-C:13, IV; 42 U.S.C. §7661d(e); 40 CFR §70.7(g)
Env-A 609.19(f) & (g)	RSA 125-C:13, IV; 42 U.S.C. §7661d(c); 40 CFR §70.7(g)
Env-A 610.01	RSA 125-C:6, XIV; RSA 125-C:11, I; 42 U.S.C. §7661c(d); 40 CFR §70.6(d)
Env-A 610.02 – Env-A 610.13	RSA 125-C:6, XIV; RSA 125-C:11, I & III
Env-A 610.14 & Env-A 610.15; Env-A 610.16	RSA 125-C:6, XIV; RSA 125-C:11, I-a; 42 U.S.C. §7661c(d); 40 CFR §70.6(d)
Env-A 611.01	RSA 125-C:6, XIV; RSA 125-C:11, I-a; 42 U.S.C. §7651g(a); 40 CFR §72.72
Env-A 611.02 & Env-A 611.03	RSA 125-C:11, I-a; RSA 125-D:3; 42 U.S.C. §7651g(a); 40 CFR §72.72(a)
Env-A 611.04	RSA 125-C:11, I-a; 42 U.S.C. §7651g(d)(3); 40 CFR §72.72(b)(1)
Env-A 611.05	RSA 125-C:11, I-a; RSA 125-D:3; 42 U.S.C. §7651g(b); 40 CFR §72.72(b)(1)
Env-A 611.06	RSA 125-C:6, X; 42 U.S.C. §7661d(b); 40 CFR §70.8(a)
Env-A 611.07(a)(1)	RSA 125-C:11, I-a; 42 U.S.C. §7651g(a)(1);
Env-A 611.07(a)(2)	RSA 125-C:11, I-a; 40 CFR §72.9(h)(2)
Env-A 611.07(a)(3)	RSA 125-C:11, I-a; 42 U.S.C. §7651b(f); 40 CFR §72.9(h)(1)
Env-A 611.07(a)(4)	RSA 125-C:11, I-a; 42 U.S.C. §7651b(d)(1); 40 CFR §73.30
Env-A 611.07(b)	RSA 125-D:3, I(f)
Env-A 611.08	RSA 125-C:12, II; 40 CFR §72.72(b)(1)
Env-A 611.09	RSA 125-C:11, I-a; 42 U.S.C. §7661c(f); 40 CFR §70.6(f)(3)(iii); 40 CFR §72.51
Env-A 611.10(a)	RSA 125-C:6, XIV; 42 U.S.C. §7651g(a)(4); 40 CFR §72.70(b)
Env-A 611.10(b)	RSA 125-C:6, XIV; 40 CFR §72.84
Env-A 611.10(c)(1)	RSA 125-C:6, XIV; 40 CFR §72.85(d)
Env-A 611.10(c)(2)	RSA 125-C:6, XIV; 40 CFR §72.9(g)(3); 40 CFR §72.80(c)
Env-A 611.10(c)(3)	RSA 125-C:6, XIV; 40 CFR §72.80(e)
Env-A 611.10(d)	RSA 125-C:6, XIV; 40 CFR §72.80(d)
Env-A 611.11	RSA 125-C:6, XIV; 40 CFR §72.72(b)(2); 40 CFR §72.81(c)(ii)

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Rule Section(s)	Specific State Statute or Federal Statute/Regulation Implemented
Env-A 611.12	RSA 125-C:13, III & IV; 40 CFR §72.85
Env-A 611.13	RSA 125-C:14; 40 CFR §72.72(b)(5)(i)
Env-A 612.01	RSA 125-C:12, II; 42 U.S.C. §7661a(b)(6); 40 CFR §70.7(d)(3)
Env-A 612.02	RSA 125-C:4, I(d), RSA 125-C:6, XIV, RSA 125-C:11, I-a, RSA 125-C:12, I; 42 U.S.C. §7661a(b)(10); 40 CFR §70.4(b)(12)
Env-A 612.03	RSA 125-C:6, XIV; RSA 125-C:12, I
Env-A 612.04	RSA 125-C:11, I; RSA 125-C:12, I
Env-A 612.05	RSA 125-C:11, I-a; 42 U.S.C. §7661a(b)(6); 40 CFR §70.7(e)(2)
Env-A 612.06	RSA 125-C:11, I-a; 42 U.S.C. §7661a(b)(6); 40 CFR §70.7(e)(4)
Env-A 612.07	RSA 125-C:11, I; 42 U.S.C. §7661a(b)(6); 40 CFR §70.7(e)
Env-A 613.01 - Env-A 613.03	RSA 125-C:13
Env-A 613.04	RSA 125-C:13; 40 CFR §70.7(f)(1)(iii)
Env-A 614.01	RSA 125-C:6, XIV; 42 U.S.C. §7661d(b)(2); 40 CFR §70.8(d)
Env-A 615.01	RSA 125-C:6, V & XIV; 42 U.S.C. §7410(a)(2)(d)
Env-A 616.01	RSA 125-C:12, I
Env-A 617.01	RSA 125-C:11, I
Env-A 617.02	RSA 125-C:11, I-a; 42 U.S.C. §7661(2); 42 U.S.C. §7661a(a)
Env-A 618.01	RSA 125-C:11, I; 42 U.S.C. §7502(c); 40 CFR §51.165
Env-A 618.02	RSA 125-C:11, IV; 42 U.S.C. §7502(c)(5); 40 CFR §51.165(a)(2)
Env-A 618.03	RSA 125-C:11, IV; 42 U.S.C. §7511a(c); 42 U.S.C. §7602; 40 CFR §51.165(a)(1)
Env-A 618.04	RSA 125-C:11, IV; 42 U.S.C. §7503(a); 40 CFR §51.165(a)(2)
Env-A 618.05	RSA 125-C:11, IV; 42 U.S.C. §7503(a); 40 CFR §51.165(a)(2)
Env-A 618.06	RSA 125-C:11, IV; 42 U.S.C. §7503(a); 40 CFR §51.165(a)(2)
Env-A 618.07, Env-A 618.08	RSA 125-C:11, IV; 42 U.S.C. §§7503(c) & 7511a(c)(10); 40 CFR §51.165(a)(3)
Env-A 618.09	RSA 125-C:11, II & IV; RSA 125-C:12, II; 42 U.S.C. §§7503(c) & 7511a(c)(10); 40 CFR §51.165(a)(3)
Env-A 618.10(a)	RSA 125-C:11, II & IV
Env-A 618.10(b)	RSA 125-C:12, II
Env-A 619.01, Env-A 619.02	RSA 125-C:4, I(d); RSA 125-C:6, XIV; RSA 125-C:11, IV; 42 U.S.C. §7410(a)(2)(C); 40 CFR § 51.166
Env-A 619.03	RSA 125-C:4, I(d); 6, XIV; 11, IV; 42 U.S.C. §7410(a)(2)(C); 40 CFR § 51.166; 40 CFR 52.21
Env-A 619.04	RSA 125-C:4, I(d); RSA 125-C:6, XIV; RSA 125-C:11, IV; 42 U.S.C. §7410(a)(2)(C); 40 CFR §51.166
Env-A 619.05	RSA 125-C:4, I(d); RSA 125-C:6, XIV; RSA 125-C:11, IV; 42 U.S.C. §7410(a)(2)(C); 40 CFR § 51.166
Env-A 619.06(a)	RSA 125-C:4, I(a); RSA 125-C:6, XV; 42 U.S.C. §7472; 40 CFR §52.21(e)(1)
Env-A 619.06(b)	RSA 125-C:4, I(a); RSA 125-C:6, XV; 42 U.S.C. §7472; 40 CFR §52.21(g)(1)
Env-A 619.07	RSA 125-C4, I(j); 42 U.S.C. §7475(d); 40 CFR §52.21(g)(1)
Env-A 619.08	RSA 125-C:4, I(a); RSA 125-C:6, XV; 42 U.S.C. §7473; 40 CFR §51.166
Env-A 619.07	RSA 125-C4, I(j); 42 U.S.C. §7475(d); 40 CFR §52.21(g)(1)
Env-A 620; Env-A 621	RSA 125-C:12, II

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Rule Section(s)	Specific State Statute or Federal Statute/Regulation Implemented
Env-A 621.04	RSA 125-C:12, II; 40 CFR §51.166(q)(2)(iv)
Env-A 622.01, Env-A 622.02	RSA 125-C:12, II; 42 U.S.C. §7661a(b)(6); 40 CFR §70.7(h)
Env-A 622.03	RSA 125-C:12, II; 42 U.S.C. §7661d(a)(2); 40 CFR §70.8(b)
Env-A 622.04(a)	RSA 125-C:12, II; 42 U.S.C. §7661d(a)(1); 40 CFR §70.8(a)
Env-A 622.04(b)	RSA 125-C:12, II; 42 U.S.C. §7661d(b)(1); 40 CFR §70.8(c)
Env-A 622.05	RSA 125-C:12, II; 42 U.S.C. §7661a(b)(6); 40 CFR §70.7(h)
Env-A 622.06	RSA 125-C:12, II; 42 U.S.C. §7661b(e); 40 CFR §70.7(h)
Env-A 622.07	RSA 125-C:12, II
Env-A 622.08	RSA 125-C:12, II; 42 U.S.C. §7661a(b); 40 CFR 70.4(b)
Env-A 622.09	RSA 125-C:12, III; 42 U.S.C. §7661a(b); 40 CFR 70.4(b)
Env-A 623.01, Env-A 623.02	RSA 125-C:13, II & III
Env-A 623.03	RSA 125-C:14
Env-A 624	RSA 125-C:4, I(a); RSA 125-C:10-b, I(a)
Env-A 625	RSA 125-C: 4, I(a); 40 CFR 63

APPENDIX C: STATUTORY DEFINITIONS CITED IN ENV-A 624.02

RSA 125-C:2:

“VI-a. ‘Dioxin’ means a group of chemical compounds that share certain similar chemical structures and mode-of-action biological characteristics, including a total of 17 dioxin-like compounds that are members of 2 closely related families: chlorinated dibenzo-p-dioxins (CDDs) and chlorinated dibenzofurans (CDFs).”

“IX-f. ‘Particulate matter’ means any material, including lead, but not uncombined water, which is or has been suspended in air or other gases and which exists in a finely divided form as a liquid or solid at standard conditions.”

RSA 125-C:10-b, I:

“(a) ‘Best available control technology’ means an emission limitation based on the maximum degree of reduction for each air contaminant that would be emitted from any device that the department, on a case-by-case basis, taking into account energy, environmental, public health, and economic impacts and other costs, determines is achievable for such device through application of production processes or available equipment, methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air contaminant.”

“(b) ‘Exempt fuel’ means coal, natural gas, landfill gas, digester or bio gas, untreated wood, virgin petroleum products, or any mixture thereof.”

Appendix D: Form GSP-1 and Form GSP-2

**STATE OF NEW HAMPSHIRE
Department of Environmental Services
Air Resources Division**

**Form
GSP-1**



**General Facility Information All Registrations
General State Permit Registration Information**

Source Category of requested General State Permit:

- Internal Combustion Engines Used as Emergency Generators
- Nonmetallic Mineral Processing Plants

I. Facility Information - Complete the following:

- A. Facility Name: _____
- B. Mailing Address: _____
Town/City: _____ State: _____ Zip Code: _____
- C. Physical Address: _____
Town/City: _____ Zip Code: _____
- D. Contact Person: _____
- E. Telephone Number: _____ F. Fax Number: _____
- G. E-mail Address: _____
- H. Facility Owner: _____
- I. Mailing Address: _____
Town/City: _____ State: _____ Zip Code: _____

J. USGS Coordinates:

UTM	
Easting:	
Northing:	

or

Latitude/Longitude			
N Latitude:	Deg	Min	Sec
W Longitude:	Deg	Min	Sec

K. Major Activity or Product Descriptions - List all activities performed at this facility and provide SIC code(s).

Description of Activity or Process	SIC Code

II. Statements/Certifications - Check all boxes and sign all certifications where required:

To be completed by a responsible official only.

- The devices listed in the attached forms meet the applicability criteria for the source category listed above, and the source requests to have these devices covered under the General State Permit for this source category.

Print/Type Name: _____ Title: _____

Signed: _____ Date: _____

I am authorized to make this submission on behalf of the affected source or affected units for which this submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the information submitted in this document and all of its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Print/Type Name: _____ Title: _____

Signed: _____ Date: _____

August 16, 2012

**STATE OF NEW HAMPSHIRE
Department of Environmental Services
Air Resources Division**

**Form
GSP-2**



**Internal Combustion Engines Used As Emergency Generators
General State Permit Registration Information**

Facility Name: _____ Page: _____ of: _____

Town/City: _____ Date: _____

I. Internal Combustion Engines Used As Emergency Generators Information - Complete the following. Up to 3 devices on this form, attach additional forms as necessary:

A. Installation description (name that source uses for device, e.g., Emergency Generator #1):

B. Previous Permit Number: (if applicable): _____

C. Date Installed: _____ D. Manufacturer: _____

E. Model Number: _____ F. Serial Number: _____

G. Fuel Type(s) Used: _____

H. Max. Gross Heat Input Rate: _____ Million British thermal units per hour

I. Max. Fuel Flow Rate: _____ Gallons per hour

Cubic feet per minute

J. Max. Engine Output Rating: _____ Horsepower

Kilowatts

A. Installation description (name that source uses for device, e.g., Emergency Generator #1):

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

B. Previous Permit Number: *(if applicable)*: _____

C. Date Installed: _____ D. Manufacturer: _____

E. Model Number: _____ F. Serial Number: _____

G. Fuel Type(s) Used: _____

H. Max. Gross Heat Input Rate: _____ Million British thermal units per hour
 Gallons per hour

I. Max. Fuel Flow Rate: _____ Cubic feet per minute
 Horsepower

J. Max. Engine Output Rating: _____ Kilowatts

A. Installation description *(name that source uses for device, e.g., Emergency Generator #1)*:

B. Previous Permit Number: *(if applicable)*: _____

C. Date Installed: _____ D. Manufacturer: _____

E. Model Number: _____ F. Serial Number: _____

G. Fuel Type(s) Used: _____

H. Max. Gross Heat Input Rate: _____ Million British thermal units per hour
 Gallons per hour

I. Max. Fuel Flow Rate: _____ Cubic feet per minute
 Horsepower

J. Max. Engine Output Rating: _____ Kilowatts

August 16, 2012