



Non-Attainment New Source Review and Prevention of Significant Deterioration

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New Source Review (NSR) is a federal preconstruction permitting program serving to establish air pollution emission limitations from large, or “major,” sources of air pollution. NSR includes two primary permitting programs: Nonattainment NSR (NA-NSR) and Prevention of Significant Deterioration (PSD).

NA-NSR applies in nonattainment areas, which are areas where the air quality is classified as not meeting the National Ambient Air Quality Standards (NAAQS) for one or more criteria pollutants regulated under the Clean Air Act. NA-NSR review and permitting is intended to allow construction of new or modified sources of air pollution in these areas while still making progress toward attaining the NAAQS.

The Clean Air Act designates New Hampshire as an “Ozone Transport Region” (OTR) state. While New Hampshire is currently classified as being in attainment for ozone, the Clean Air Act still requires OTR states to implement certain minimum NA-NSR requirements for ozone. Since ozone is not emitted directly from stationary sources and is instead formed by the precursor pollutants nitrogen oxides (NO_x) and volatile organic compounds (VOC), NA-NSR is required for new major sources of NO_x or VOC and for existing major sources of NO_x or VOC making major modifications for those pollutants.

PSD applies in attainment areas, which are areas where the air quality is classified as meeting the NAAQS. PSD review and permitting is intended to allow construction of new or modified sources of air pollution in these areas while protecting (i.e., not significantly degrading) air quality.

Applicability

The NA-NSR and/or PSD permit applies to new major sources of air pollution and existing major sources that are making a significant modification. Sources are considered “major” for NA-NSR if they have the potential to emit the following pollutants at or above any of the levels specified:

- VOCs – 50 tons per consecutive 12-month period (tpy).
- NO_x – 100 tpy.

Sources are considered major for PSD if they have the potential to emit the following pollutants at or above any of the levels specified:

- NO₂, CO, SO₂, PM – 100 tpy of any individual pollutant for any source listed in 40 CFR 52.21(b)(1)(i).
- NO₂, CO, SO₂, PM - 250 tpy of any individual pollutant for all source types not listed at 40 CFR 52.21(b)(1)(i).

- Greenhouse Gases– 100,000 tpy CO₂ equivalent **and major** for at least one other pollutant.

While many sources have the physical potential to emit air pollutants over the above thresholds, most sources accept federally enforceable permit limits (via Temporary Permits, State Permits to Operate and Title V Operating Permits) to opt-out of NA-NSR and PSD permitting.

NA-NSR and/or PSD permits also apply to existing major sources proposing modifications that will result in an increase in a pollutant at or above any of the levels specified:

NA-NSR

- NO_x or VOCs – 40 tpy

PSD

- SO₂– 40 tpy
- TSP – 25 tpy
- PM₁₀ – 15 tpy
- PM_{2.5}– 10 tpy of direct PM_{2.5} emissions, 40 tpy of SO₂ emissions or 40 tpy of NO_x emissions unless demonstrated not be a PM_{2.5} precursor under 50 CFR 52(b)(50)
- CO – 100 tpy
- Lead – 0.6 tpy
- Fluorides – 3 tpy
- Sulfuric acid mist – 7 tpy
- Hydrogen sulfide – 10 tpy
- Total reduced sulfur (including hydrogen sulfide) – 10 tpy
- Greenhouse Gases– 75,000 tpy CO₂ equivalent

Statute and Administrative Rules

[RSA 125-C:11](#) Air Pollution Control/Permit Required

[RSA 125-C:12](#) Air Pollution Control/Administrative Requirements

[RSA 125-C:13](#) Air Pollution Control/Criteria for Denial; Suspension or Revocation; Modification

Env-A 618 *Additional Requirements in Non-Attainment Areas and the New Hampshire Portion of the Northeast Ozone Transport Region* and Env-A 619 *Prevention of Significant Deterioration (PSD) of Air Quality Permit Requirements* ([Env-A 600 Statewide Permit System](#))

Application

The owner or operator seeking an NSR Permit shall submit an application package containing the following data:

- 1) Form ARD-1 General Information for All Permit Applications.
- 2) Complete application form(s) for each significant source or device.
- 3) Where air pollution dispersion modeling is required for a source or device pursuant to Env-A 606.02 *Applicability* or Env-A 1405.02 *Air Dispersion Modeling Analysis*, a request that NHDES perform the modeling and the information required pursuant to Env-A 606.03 *Responsibility for Conducting Air Pollution Dispersion Modeling Impact Analysis*, and/or if the source elects to perform the modeling, a modeling protocol and subsequent modeling.

- 4) 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 *Monitoring Plans for Air Pollution Control Equipment*, ([Env-A 800 Testing and Monitoring Procedures](#)).
- 5) 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.
- 6) A Lowest Achievable Emission Rate (LAER) analysis for applicable NA-NSR pollutants and a Best Achievable Control Technology (BACT) analysis for applicable PSS-NSR pollutants.
- 7) Other project-specific analyses that depend upon the size, type, emission profile and location of the project, e.g., visibility analyses, site-specific baseline air quality monitoring, soil deposition analyses, etc.

Fee

The application review fee is based upon the time required for NHDES staff to review the application according to Env-A 703, Permit Review Fees. Sources are also subject to emission-based fees and applicable testing and monitoring fees.

Processing Time

NSR applications are typically processed within six to nine months of receiving a complete application.

Term/Renewal

An NSR Permit is valid for 18 months. The source must submit an application to NHDES Air Resources Division for an operating permit (if construction & testing is complete) or a request for reissuance 90 days prior to permit expiration.

Modification/Amendments

The applicant must provide NHDES Air Resources Division a written request to modify an existing permit as described in Env-A 612.01 *Administrative Permit Amendments* and Env-A 612.05 *Minor Modifications: Title V Operating Permits*, or Env-A 612.06 *Significant Permit Modifications: Title V Operating Permits* and the definitions in Env-A 101.08 *Administrative permit amendment* and 101.118 *Minor permit modification*.

Transferability

Thirty days after any change of the owner or operator, the new owner or operator must provide NHDES Air Resources Division with the following:

- 1) An ARD-1 Form with the following sections completed: Section 1 through 13 and sections 17 and 18.
- 2) A written agreement pursuant to [Env-A 101.08 Administrative Permit Amendment](#) containing a specific date for transfer of permit responsibility, coverage and liability, including report submittal and payment of annual emission fees.

Once these submittals are received, NHDES Air Resources Division will process an Administrative Amendment according to Env-A 612.01 *Administrative Permit Amendments* and issue the amended permit in the new owner's name.

Appeals

Any person aggrieved by the final decision may file an appeal to Air Resources Council within 30 days of the final decision in accordance with Env-AC 200 *Procedural Rules*.