



# State Permit to Operate Guidance

March 2020

A State Permit to Operate serves to regulate air emissions from an operating source to attain and maintain National Ambient Air Quality Standards for criteria pollutants, as well as ambient air limits for regulated toxic air pollutants.

## Applicability

The State Permit to Operate applies to sources that have completed construction, started operation, and demonstrated compliance with all applicable air regulations. State Permits to Operate are issued to sources or devices that were required to hold Temporary Permits and: 1) are not subject to the Title V operating permit program, or 2) are choosing to limit their potential emissions to a level below the major source threshold that would trigger a Title V operating permit (called a “synthetic minor source”).

## 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*
- [RSA 125-I:3](#) *Air Toxic Control Act/Toxic Air Pollutant Control; Exemptions*
- [RSA 125-I:5](#) *Air Toxic Control Act/Compliance; Permit Required*
- Env-A 608 *State Permit to Operate (Env-A 600 Statewide Permit System)*

## Application

The owner or operator shall submit the following data:

- 1) Form ARD-1 General Information for All Permit Applications.
- 2) Applicable source or device specific application form(s) (Forms ARD-2 through ARD 8).
- 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*, the information required pursuant to Env-A 606.03 *Responsibility for Conducting Air Pollution Dispersion Modeling Impact Analysis*.
- 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 810.0, *Monitoring Plans for Air Pollution Control Equipment, (Env-A 800 Testing and Monitoring Procedures)*.

**Fee**

No application fee. Source is still subject to emission-based fees and applicable testing and monitoring fees.

**Processing Time**

The estimated processing time after an application is deemed complete is 60-180 days. This timeframe includes a required minimum 30-day public notice period, which affords the public an opportunity to comment on (or request a public hearing for) a draft permit.

**Term/Renewal**

A State Permit to Operate is valid for 5 years. NHDES Air Resources Division must receive a renewal application 90 days prior to permit expiration.

**Modification/Amendments**

The applicant must provide NHDES Air Resources Division a written request to modify an existing permit or application (e.g., changing owner or operator, changing equipment, fuel type or usage, operation schedules, etc.) as described in Env-A 600 *Statewide Permit System* (see Env-A 612.01 *Administrative Permit Amendments*, 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*) and Env-A 100 *Organizational Rules* (see definitions in Env-A 101.08 *Administrative permit amendment* and 101.118 *Minor permit modification*).

**Transferability**

Thirty (30) 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; and
- 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.