



Temporary Permit Guidance

March 2020

A Temporary Permit is issued prior to the commencement of construction or installation of any new or modified source or device that produces air emissions. A Temporary Permit serves to regulate the air emissions from a 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

A Temporary Permit is issued based on several criteria, including the source or device type, design ratings, levels of production, and annual emission levels. Refer to Env-A 607.01 *Specific Applicability for Temporary Permits*.

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 607 *Temporary Permits (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

The temporary application review fee is \$2,000 and applies to new sources only, i.e. a source location that has not been paying emission-based fees. Additional or different permit review fees may be required for air quality modeling, air toxic review, or other application reviews. These fees are detailed in the guidance document entitled "Fees Associated with Obtaining and Maintaining an Air permit."

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 Temporary Permit is valid for 18 months. Applicants are expected to apply for a State Permit to Operate 90 days prior to expiration of the Temporary Permit, or for a Title V Operating Permit within 12 months after the source becomes subject to the Title V program, or within 12 months of commencing operation in accordance with Env-A 609.07 (*Env-A 600 Statewide Permit System*).

Modifications/Amendments

The applicant must provide NHDES Air Resources Division a written request to modify an existing permit or application (e.g., 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: Sections 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, the 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*.