

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 regulate the operation and modification of new and existing stationary sources, area sources, and devices in order to achieve and maintain the ambient air quality standards established pursuant to Env-A 300 and the ambient air limits established pursuant to Env-A 1400 for the State of New Hampshire.

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

Env-A 601.02 Statutory Applicability Requirements.

(a) Pursuant to RSA 125-C:11, a stationary source, area source, or device shall possess a temporary permit, state permit to operate, or title V operating permit prior to construction, installation, operation, or material modification of such source or device.

(b) For the purposes of these rules, the owner or operator of a stationary source, area source, or device shall comply with the statutory requirements found in RSA 125-C and the requirements of this chapter relative to applying for, obtaining, and maintaining a permit.

(c) 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. #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)

PART Env-A 602 REFERENCES

Env-A 602.01 References. For the purpose of this chapter, unless otherwise specified, the July 1, 2003 edition of title 40 of the Code of Federal Regulations shall control all references to 40 CFR 70, 40 CFR 72, 40 CFR 73, 40 CFR 76, 40 CFR 78, and Appendix W to 40 CFR 51.

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

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.

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

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

Env-A 604.01 Permit Content. A temporary permit or permit to operate issued by the department shall contain terms and conditions establishing the parameters under which a stationary source, area source, or device shall be constructed or operated. Upon the issuance of a temporary permit or permit to operate, the permittee shall comply with all such terms and conditions.

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

Env-A 604.02 Permit Terms and Conditions.

(a) For each stationary source, area source, or device, permit terms and conditions imposed to ensure synthetic minor source status shall include:

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

(b) All emission limitations, controls, and other requirements imposed to ensure synthetic minor source status 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

PART Env-A 605 OBLIGATION OF APPLICANT

Env-A 605.01 Applicability. This part shall apply to each person who requests a permit or other form of license from the department on behalf of himself or an owner or operator.

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

Env-A 605.02 Proof of Source Ownership or Permissible Use. The department shall consider an application only when the applicant has certified by affidavit that the owner or operator 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. The owner or operator shall bear the burden of proving right, title, and interest in the property.

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

Env-A 605.03 Proof of Legal Authority. Where the applicant is not the legal owner 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 for purposes of the application shall be submitted 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

Env-A 605.04 Certification of the Responsible Official.

(a) An application form, report, or compliance certification submitted to the department pursuant to this chapter shall contain a written statement certifying the truth, accuracy, and completeness of the document and shall be signed by the responsible official. Unless otherwise specified, this certification 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.

(b) Within 30 days of any change in the identity of the responsible official, the applicant, or the owner or operator, the owner or operator shall submit to 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

PART Env-A 606 AIR POLLUTION DISPERSION MODELING IMPACT ANALYSIS REQUIREMENTS

Env-A 606.01 Purpose. The purpose of this part is to specify the air pollution dispersion modeling impact analysis requirements that shall apply to owners or operators of certain sources and devices in order to demonstrate compliance with the SIP, RSA 125-C, RSA 125-I, and any 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

Env-A 606.02 Applicability.

(a) Subject to (b), below, as part of the application for any permit, a complete air pollution dispersion modeling impact analysis shall be performed in accordance with this part on behalf of an owner or operator of any one of the following sources or devices:

- (1) A new stationary source, area source, or device; or
- (2) A modification of a stationary source, area source, or device.

(b) An owner or operator of one of the following stationary sources, area sources, or devices shall be exempt from the requirement to perform an air pollution dispersion modeling impact analysis:

- (1) An emergency generator subject to Env-A 1211.11, where the hours of operation are limited to 500 hours per year or less by an enforceable permit condition;
- (2) An emergency generator exempt from Env-A 1211.11 pursuant to Env-A 1211.01(j); or
- (3) Rock and stone crushing equipment equipped with dust suppression controls operated to prevent, abate, and control the emission of fugitive dust.

Source. #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03

Env-A 606.03 Responsibility for the Conducting of the Air Pollution Dispersion Modeling Impact Analysis. Where the owner or operator is required to perform an air pollution dispersion modeling analysis according to this part, the owner or operator shall submit to the department as part of the permit application the following information:

- (a) A request that the department conduct an air pollution dispersion modeling impact analysis; or
- (b) The results of an air pollution dispersion modeling impact analysis.

Source. #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03

Env-A 606.04 Air Pollution Dispersion Modeling Impact Analysis. An air pollution dispersion modeling impact 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.

Source. #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03

Env-A 606.05 Specific Emissions Included in an Air Pollution Dispersion Modeling Impact Analysis.

- (a) An air pollution dispersion modeling impact analysis shall include emissions from the following:

- (1) The applicable source or device required to be modeled pursuant to the applicability section of this part;
 - (2) All area sources or devices located at the site of the applicable source or device and which emit one or more of the same air pollutants or regulated toxic air pollutants as the applicable source or device; and
 - (3) All interactive sources identified by the department in accordance with 40 CFR 51, Appendix W.
- (b) An air pollution dispersion modeling impact analysis shall not include emissions from any of the following:
- (1) An exempt activity as specified in Env-A 609.03(c);
 - (2) An insignificant activity as specified in Env-A 609.04(d) where such activity is not regulated pursuant to Env-A 1400; or
 - (3) A hazardous air pollutant or regulated toxic air pollutant from a fuel burning device which burns coal, natural gas, propane, wood in the form of whole tree chips, untreated wood, or liquid fuel, where the term "liquid fuel" does not include the following:
 - a. "Waste oil", which is oil that is no longer suitable for further use or economic recycling; or
 - b. "Used oil" as defined in Env-A 101.209.

Source. #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03

PART Env-A 607 TEMPORARY PERMITS

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

- (a) A device using natural gas, liquefied petroleum gas, #2 fuel oil, diesel fuel oil, or any combination thereof, with a design rating greater than or equal to 10,000,000 British thermal units (BTUs) per hour of gross heat input;
- (b) A device using #4 fuel oil with a design rating greater than or equal to 4,000,000 BTUs per hour of gross heat input;
- (c) A device using coal, wood, #6 fuel oil, used oil as defined in Env-A 101.209, or any combination thereof, with a design rating greater than or equal to 2,000,000 BTUs per hour of gross heat input;
- (d) One or more internal combustion engines, excluding any unit with a design rating less than or equal to 150,000 BTUs per hour of gross heat input, at a source which either:
 - (1) Combusts liquid fuel oil for which the combined total design gross heat input for all such engines is greater than or equal to 1,500,000 BTUs per hour;

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- (2) Combusts natural gas or liquefied propane gas for which the combined total design gross heat input of all such engines is greater than or equal to 10,000,000 BTUs per hour; or
- (3) Has the potential to emit any single regulated air pollutant in an amount greater than 25 tons per year;
- (e) An incinerator using any combination of type 0, 1, 2, or 3 waste with a design rating greater than or equal to 1000 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 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 employing a pneumatic transfer system, which does not use a baghouse or filter for controlling dust emissions, for collecting any amount of sander dust at a total wood waste collection rate greater than or equal to 20 tons per year;
- (k) Pneumatic dust transfer equipment used to convey materials, other than wood waste, into bins or silos, and not using a baghouse or filter for controlling dust;
- (l) A fixed non-metallic mineral processing plant or coal crusher with a design throughput greater than or equal to 25 tons per hour;
- (m) 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 that restrict its hours of operation, type or amount of material combusted, stored, or processed or 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 found in Env-A 400 et seq.;
- (p) A stationary source, area source, or device at which documented and repeated violations of any of the national ambient air quality standards (NAAQS) as found in Env-A 300 occur and the source is a significant contributor to the violation, 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.
- (q) A stationary source, area source, or device subject to the new source performance standards (NSPS) contained in 40 CFR 60, except a source or device that is subject only to recordkeeping requirements in the applicable NSPS;

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(r) A stationary source, area source, or device subject to the national emission standards for hazardous air pollutants (NESHAP) contained in 40 CFR 61;

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

(t) A stationary source, area source, or device subject to rules governing non-attainment areas as contained in Env-A 618;

(u) A stationary source or area source operating as a treatment, storage, or disposal facility under Env-Wm 100 - 1000;

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

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

(x) A stationary source or device subject to the rules governing reasonably available control technology (RACT) as contained in Env-A 1200, except for any source whose solvent metal cleaning operations have combined actual emissions of less than 5 tons of VOCs per year;

(y) 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;

(z) A source affected by or opting into the Acid Rain program under title IV of the Act;

(aa) A stationary source, area source, or device that is a major source of hazardous air pollutants subject to section 112(g) of the Act and 40 CFR 63;

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

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

(ad) 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

Env-A 607.02 Timely Application.

(a) For an initial temporary permit, an application shall be considered timely if it is received by 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 received by 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

Env-A 607.03 Application Procedures for Temporary Permits. An application package for a temporary permit shall include the following:

- (a) The information specified in Env-A 1703 through Env-A 1708, as applicable;
- (b) Any additional information requested by the department in order for the department to deem the application complete;
- (c) The fee(s) specified in Env-A 702 through Env-A 705, as applicable;
- (d) For a major source, all information specified in Env-A 1709;
- (e) 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);
- (f) 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; and
- (g) For a source subject to RSA 125-C:10-b, the information required pursuant to Env-A 624.

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

Env-A 607.04 Department Review of Applications. The department shall review each application for a temporary permit to ensure compliance with;

- (a) All applicable elements of the SIP;
- (b) Env-A 300 et seq.;
- (c) Applicable state law governing air pollution; and
- (d) Applicable requirements, as defined in Env-A 101.26.

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

Env-A 607.05 Acknowledgment and Completeness of Application. Pursuant to RSA 541-A:29, I, within 60 days of receipt of an application, the department shall notify the applicant that said application is deemed complete or shall request that the applicant submit information in accordance with Env-A 607.03(b).

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

Env-A 607.06 Application Deficiencies.

(a) Any applicant who fails to submit any relevant or required information or who has submitted incorrect information in an application for a temporary permit shall, upon becoming aware or being notified by the department of such failure or incorrect submittal, submit in writing to 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 requests additional information in order to evaluate or take final action on that application, the information shall be submitted in writing within 30 days of receipt of such a 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

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

Env-A 607.08 Permit Expiration.

(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) The expiration of a temporary permit shall terminate the owner or operator's right to construct or operate a new or modified source or device pursuant to the permit, unless a timely and complete application for a state permit to operate, title V operating permit, or an amendment thereto, has been received by the department. Upon the submittal of a timely and complete application for any of the foregoing permits, the right to construct shall continue, under the terms and conditions of the expired temporary permit, pending the department's decision on the application.

(d) Unless reissued in accordance with Env-A 607.09, a temporary permit shall expire on the expiration date listed on the temporary permit.

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

Env-A 607.09 Permit Reissuance.

(a) The owner or operator may request a reissuance of a 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 it 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 permits from another governmental entity; or
- (5) The owner or operator is involved in litigation where a permit from another governmental entity has been issued and appealed.

(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(a).

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03

Env-A 607.10 Application Shield: Temporary Permits.

(a) If an applicant submits a timely application that has been deemed complete by the department for the reissuance of a temporary permit or the issuance of an initial state permit to operate, the failure to have a current and valid temporary permit shall not be considered a violation of RSA 125-C:11,I or Env-A 607.01 unless and until the department takes final action on the application by denying the requested reissuance of a temporary permit or issuance of a state permit to operate.

(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 submit 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

PART Env-A 608 STATE PERMITS TO OPERATE

Env-A 608.01 Specific Applicability. The owner or operator of any stationary source, area source, or device specified in Env-A 607.01 shall make timely application for and obtain a state permit to operate in accordance with the provisions of 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

Env-A 608.02 Timely Application.

(a) For a source or device that has been issued a temporary permit, completed construction, and demonstrated compliance through testing, an application for a state permit to operate shall be considered timely if it is received by 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 the renewal of such permit shall be considered timely if it is received by 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

Env-A 608.03 Application Procedures For State Permits to Operate. An application package for a state permit to operate shall include the following:

- (a) The information specified in Env-A 1703 through Env-A 1708, as applicable;
- (b) Any additional information requested by the department in order to deem the application complete;
- (c) The fee(s) specified in Env-A 702 through Env-A 705, as applicable; and
- (d) 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. #6057-B, eff 6-30-95; amd by #6342-B, eff 9-28-96; ss by #7879, eff 4-26-03

Env-A 608.04 Department Review of Applications. 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 300 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

Env-A 608.05 Acknowledgment and Completeness of Application. Pursuant to RSA 541-A:29, I, within 60 days of receipt of an application, the department shall notify the applicant that said application is deemed complete, or shall request that the applicant submit information to the department in accordance with Env-A 608.03(b).

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03

Env-A 608.06 Application Deficiencies.

(a) Any applicant who fails to submit any required information or who has submitted incorrect information in an application for a state permit to operate shall, upon becoming aware or being notified by the department of such failure or incorrect submittal, submit in writing to 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 requests information in order to evaluate or take final action on that application, the department shall request such information be submitted in writing within 30 days of receipt of such a request.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03

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

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 submitted to the department.

(c) After the date of submittal of a timely and complete application for renewal, 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.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03

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

Env-A 608.10 Permit Renewal.

(a) The owner or operator shall submit to 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) In addition to the application for permit renewal, the owner or operator shall submit to the department any applicable fee as established in Env-A 700.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03

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;
- (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(a), 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

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

(a) If an applicant submits 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 takes final action on the application by denying the requested permit.

(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 submit 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

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
- (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

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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

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

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 (16), 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;

(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;

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- (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

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.
- (d) A device, source, or activity shall be classified as an insignificant activity if it:
 - (1) Is below any applicable threshold specified in Env-A 607.01; and
 - (2) Emits less than 1,000 lbs. per year of all regulated air pollutants in aggregate.

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

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

(a) All title V operating permits issued by the department shall establish the parameters under which a stationary source, area source, or device 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

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 submit an application for such permit to 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) The fee(s) specified in Env-A 702 through Env-A 705, as applicable; and

(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.

(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 application for a title V operating permit with the department, the applicant shall forward a 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

Env-A 609.07 Timely Application.

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

(1) Subject to (2), below, each source that becomes subject to the title V program after the effective date of this chapter shall submit a title V operating permit application no later than 12 months after the source becomes subject to the title V program;

(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 submit 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 submit 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 received by the department at least 6 months prior to the designated expiration date of the current title V operating permit.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03

Env-A 609.08 Application Shield.

(a) If an applicant submits 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 takes final action on the application by denying the requested permit.

(b) The protection granted in (a), above shall cease to apply if the applicant fails to submit 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

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 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 300 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:

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- 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 300 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.

(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

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(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

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 300 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

Env-A 609.11 Completeness Determination. An application for the issuance or renewal of a title V operating permit shall be deemed complete in accordance with Env-A 609.06 within 60 days of receipt by the department, unless the department requests additional information or otherwise notifies the applicant of incompleteness.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03

Env-A 609.12 Application Deficiencies.

(a) An applicant who fails to submit any required information or who has submitted incorrect information in any permit application shall, upon being notified by the department or otherwise becoming aware of such failure or incorrect submittal, submit 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 submitted in writing, and specify the date by which it shall be submitted.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03

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:

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(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

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 either of the following:

(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.

(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, the EPA may issue or deny the permit in accordance with the provisions of the federal program promulgated under title V of the Act.

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

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 submits a timely and complete renewal application to the department.

(c) After the date of submittal of a timely and complete renewal application, 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.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03

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

Env-A 609.17 Notification of Permit Renewal.

(a) The department shall provide written notice to the owner or operator that the owner or operator's title V operating permit is scheduled to expire.

(b) Each renewal notice shall:

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

(2) 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 notice as described in this section shall not relieve the source 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

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 300 et seq. and the Act.

(b) The department shall take final action on a permit renewal of a title V operating permit providing that:

(1) The owner or operator has submitted a timely and complete application for renewal, including:

a. All fees specified in Env-A 702 through Env-A 705, as applicable; and

b. 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;

(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 300 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

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;

(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 reissue a revised title V operating permit as required by EPA, if a citizen petition is filed in accordance with the provisions of Env-A 614 and the title V operating permit was revoked by EPA.

Source. #7879, eff 4-26-03

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; 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

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

(a) A stationary source, area source, or device that requires a state permit to operate in accordance with the provisions of Env-A 608;

(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

Env-A 610.03 Definitions. For the purpose of this part, the following definitions apply:

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

(b) “Fixed plant” means any non-metallic mineral processing plant at which the processing equipment, such as crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station is attached by a cable, chain, turnbuckle, bolt, or other means, not including electrical connections, to any anchor, slab, or structure, including bedrock;

(c) “Non-metallic mineral” means any of the following minerals or any mixture of which the majority is any of the following minerals:

(1) Crushed and broken stone, including limestone, dolomite, granite, trap rock, sandstone, quartz, quartzite, marl, marble, slate, shale, oil shale, and shell;

- (2) Sand and gravel;
- (3) Clay, including kaolin, fireclay, bentonite, fuller's earth, ball clay, and common clay;
- (4) Rock salt;
- (5) Gypsum;
- (6) Sodium compounds, including sodium carbonate, sodium chloride, and sodium sulfate;
- (7) Pumice;
- (8) Gilsonite;
- (9) Talc and pyrophyllite;
- (10) Boron, including borax, kernite, and colemanite;
- (11) Barite;
- (12) Fluorospar;
- (13) Feldspar;
- (14) Diatomite;
- (15) Perlite;
- (16) Vermiculite;
- (17) Mica; and
- (18) Kyanite, including andalusite, sillimanite, topaz and dumortierite;

(d) "Non-metallic mineral processing plant" means any combination of equipment that is used to crush or grind any non-metallic mineral. The term does not include energy generating devices used at the plant; and

(e) "Portable plant" means any non-metallic mineral processing plant that is mounted on a chassis or skids and may be moved by the application of a lifting or pulling force. The term does not include fixed plants.

Source. #8129, eff 7-28-04; amd by #9119-B, eff 4-3-08

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 that operates no more than 500 hours per year during any consecutive 12-month period; and
 - (2) A non-metallic mineral processing plant with a design throughput greater than or equal to the following:

- a. For a fixed plant, 25 tons per hour; or
- b. For a portable plant, 150 tons per hour.

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

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 of the petition, the department shall notify the petitioner that the information is complete, or shall identify the information necessary to complete the petition and request that such information be submitted within 30 days of such request.

Source. #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03

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

Env-A 610.07 Procedures for Establishing a General State Permit. If the department grants the petition, the department shall commence establishment of a general state permit for each source category in accordance with the procedures for the establishment of a general state permit specified in Env-A 620.

Source. #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03

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 submit a registration package as described in (b), below, to the department.

(b) The registration package shall contain the following:

- (1) The information specified in Env-A 1710, as applicable;
- (2) The fee(s) specified in Env-A 702 through Env-A 705, as applicable; and
- (3) Proof of source ownership or permissible use, 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

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 submitted in accordance with Env-A 610.08.

(b) For a source for which the registration package is found to be complete and accurate in accordance with Env-A 610.08, within 15 days of receipt of the registration package the department, pursuant to RSA 125-C:11 and RSA 125-C:13, shall either:

- (1) Issue a letter of approval to the source with a copy of the general permit(s) attached; or
- (2) Issue a letter of disapproval which shall specifically identify the reasons for disapproval.

(c) For a source for which the registration package is found to be incomplete, inaccurate, or unclear in accordance with Env-A 610.08, within 15 days of receipt of the registration package the department shall either:

- (1) Issue a letter requesting supplementary facts or corrected information in accordance with (d), below; or
- (2) Issue a letter requesting clarification of the information submitted in accordance with (e), below.

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

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(e) If the department requests clarification from the owner or operator of the information submitted in accordance with Env-A 610.08, the owner or operator shall submit 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 the department, in accordance with RSA 125-C:11 and RSA 125-C:13, shall either:

- (1) Issue a letter of approval to the source with a copy of the general permit(s) attached; or
- (2) Issue a letter of disapproval which shall specifically identify the reasons for disapproval.

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

Env-A 610.10 General State Permit Conditions.

- (a) A general state permit shall contain conditions as specified in Env-A 604.
- (b) A general state permit shall be a final permit as defined in RSA 125-C:11, III.

Source. #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03

Env-A 610.11 Fees, Testing, Monitoring, Recordkeeping and Reporting Requirements.

(a) A source or device operating under a general state permit subject to this part, shall comply with the following, where applicable:

- (1) The fee requirements established in Env-A 700;
- (2) The testing and monitoring requirements specified in Env-A 800; and
- (3) The recordkeeping and reporting requirements specified in Env-A 900.

Source. #6782-B, eff 6-30-98; ss by #7879, eff 4-26-03

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

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

(a) Each general state permit shall be established for a period of 5 years and shall be 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.

(c) If the general state permit is not reestablished, the owner or operator of a source operating under an existing general state permit shall submit an application 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.

(d) If the general state permit is reestablished, the owner or operator of a source operating under an existing general state permit shall submit a request for reregistration 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

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) Submitting an application in accordance with Env-A 608; and

(b) Submitting a written request to 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

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.

(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

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 for a general permit with the department.

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

(5) 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

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

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

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

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

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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)

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)

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)

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)

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)

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.

(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)

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)

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)

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)

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 submittal of the request.

(b) The department shall take final action on a request for an administrative amendment within 60 days of receipt of such a request, 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

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:

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- 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(b); 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.

(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:

(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

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 submit to the department a request for a minor permit amendment for any proposed change to an existing permit condition which will not result in an increase in the amount of a specific air pollutant currently emitted by the source or device and will not result in the emission of any regulated air pollutant or regulated toxic air pollutant currently not emitted by the source or device.

(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 applicable 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 such a request.

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

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

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

(a) The owner or operator shall submit an application to the department for a significant permit amendment for any proposed change to the physical structure or operation of the source or device covered by the temporary permit or state permit to operate which increases the amount of a specific air pollutant currently emitted by such source or device or which results in the emission of any regulated air pollutant currently not emitted by such source or device.

(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 applicable requirements that will apply if the change occurs; and

(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.

(c) The department shall take final action on a request for a significant permit amendment within 90 days of receipt of such a request, 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 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)

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

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

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

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- (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 applicable 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(b), that the proposed change meets the criteria for the use of the minor permit modification procedures;
- (7) A request that minor permit modification procedures be used; and
- (8) For use in notifying EPA and affected states, 2 additional copies of the information required in (1), above.

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

(d) The department shall not issue a final 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.

(e) By the later of 90 days from receiving an application or 15 days after the end of EPA's 45-day review period the department shall:

- (1) Issue the permit modification as proposed if it meets the requirements of this section;
- (2) Deny the permit modification application 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 the new proposed permit modification.

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

(g) 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.

(h) 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)

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; 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 submit a written request to the department for a significant permit modification which includes the following:

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- (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:
 - 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(b), 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) 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; 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 within 60 days of receipt by the department, 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 receipt 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 300 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

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 by #6057-B, eff 6-30-95 (from Env-A 607.02); ss by #7879, eff 4-26-03 (formerly Env-A 615.01)

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 300 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)

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)

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)

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.

(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)

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)

PART Env-A 616 DETERMINATION OF ACTUAL EMISSIONS

Env-A 616.01 Determination of Actual Emissions.

(a) The department shall determine the actual annual emissions from stationary sources, area sources, or devices in this part by using:

- (1) EPA's Compilation of Air Pollutant Emission Factors, AP-42, as revised, incorporated herein by reference, in conjunction with the operating conditions specified on any permit issued pursuant to this chapter;
- (2) Test methods approved by the department pursuant to Env-A 802 or EPA in conjunction with the operating conditions specified on any permit issued pursuant to this chapter;
- (3) Reported test data in conjunction with the operating conditions specified on any permit issued pursuant to this chapter, where such test data was collected through the use of test methods approved by the department pursuant to Env-A 802 or Env-A 809 or EPA; or
- (4) Engineering calculations, such as mass balance calculations, in conjunction with the operating conditions specified on any permit issued pursuant to this chapter.

(b) As an alternative to (a), above, the owner or operator of a stationary source, area source, or device may determine its actual emissions by using either:

- (1) An emission factor, test method or other reported test data approved by the department in accordance with (a), above, in conjunction with the operating conditions specified on any permit issued pursuant to this chapter; or
- (2) Another test method approved by the department pursuant to Env-A 809 or EPA in conjunction with the operating conditions specified on any permit issued pursuant to this chapter.

(c) The department shall review all reports and determinations of actual emissions submitted to the department by the owner or operator of a stationary source, area source, or device for accuracy and completeness.

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)

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 submits a written request to 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 submitted a written request to 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;

(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)

Env-A 617.02 Exception to Obtaining a Title V Operating Permit. Notwithstanding the provisions of 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 submits a written request to 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 submits a written request to 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;

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- (2) The date on which the research and development operation commenced;
 - (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 non-attainment areas, the total VOC emissions from the research and development operation are less than or equal to 3 pounds per hour, and the individual VOC emissions from the research and development operation are equal to or less than 15 pounds per day and equal to or less than 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 non-attainment 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)

PART Env-A 618 ADDITIONAL REQUIREMENTS IN NON-ATTAINMENT AREAS AND THE NEW HAMPSHIRE PORTION OF THE NORTHEAST OZONE TRANSPORT REGION

Env-A 618.01 Applicability. All new major stationary sources and major modifications to existing stationary sources of criteria pollutants shall be subject to the applicable requirements of this part with the following exceptions:

(a) Those new major stationary sources and major modifications to existing stationary sources with emissions of pollutants, other than VOCs or NO_x, in an area designated as being in attainment, or unclassifiable, shall be subject to the PSD requirements specified in Env-A 619; and

(b) New sources or modifications with major source status resulting only from the inclusion of quantifiable fugitive emissions, as specified by and including the exceptions listed in 40 CFR 51.165(a)(4) as revised June 28, 1989.

Source. #6057-B, eff 6-30-95; ss by #7879, eff 4-26-03 (formerly Env-A 622.02)

Env-A 618.02 Definitions.

(a) For the purposes of this part, the definitions contained in 40 CFR 51.165(a)(1), dated July 21, 1992, shall apply as follows:

(1) "Reasonable period", as used in the definition of "net emissions increase" specified in 40 CFR 51.165(a)(1)(vi)(C)(1) as revised July 21, 1992, means a period of 5 years; and

(2) With revisions such that:

a. "Major modification" means any modification to a major stationary source that results in significant increases in emissions of one or more applicable pollutants.

b. "Major stationary source" means any stationary source which emits or has the potential to emit:

1. VOCs at a rate of 50 tons per year (TPY) or more;

2. NO_x at a rate of 50 TPY or more if located in the 4-county ozone classified nonattainment region;

3. NO_x at a rate of 100 TPY or more if located in New Hampshire, outside the 4-county ozone classified nonattainment region; or

4. Any other pollutant subject to regulation under the Act at a rate of 100 TPY or more.

(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 for the purpose of allowing a new source or source modification to commence operations;

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- (2) "Emissions offset ratio" means the ratio of the total actual emissions reduction obtained from an offset to the total allowable emissions increase of the subject pollutant from a new source or source modification;
- (3) "Extreme ozone nonattainment area" means any geographical area so designated for ozone by Section 107 of the Act and classified by the administrator as provided in Part D, Subpart 2, Section 181(a) of the Act;
- (4) "4-County Ozone Classified Nonattainment Region" means the 4 counties in New Hampshire that have designated nonattainment classifications for ozone, namely:
- a. Hillsborough;
 - b. Merrimack;
 - c. Rockingham; and
 - d. Strafford;
- (5) "Marginal ozone nonattainment area" means any geographical area so designated for ozone by Section 107 of the Act and classified by the administrator as provided in Part D, Subpart 2, Section 181(a) of the Act;
- (6) "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;
- (7) "Offset donor source" means a source, stationary or mobile, from which a new or modified source obtains or seeks to obtain an emission offset;
- (8) "Ozone season" means the continuous period between April 1 and October 31, inclusive;

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(9) "Serious ozone nonattainment area" means any geographical area so designated for ozone by Section 107 of the Act and classified by the administrator as provided in Part D, Subpart 2, Section 181(a) of the Act;

(10) "Severe ozone nonattainment area" means any geographical area so designated for ozone by Section 107 of the Act and classified by the administrator as provided in Part D, Subpart 2, Section 181(a) of the Act;

(11) "Significant" means, in reference to a net emissions increase or potential to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

- a. For SO₂, 40 TPY;
- b. For total suspended particulates, 25 TPY;
- c. For PM₁₀, 15 TPY;
- d. For CO, 100 TPY;
- e. For lead, 0.6 TPY;
- f. For VOCs:
 1. For a source within the 4-county ozone classified nonattainment region when the increase in net emissions from the source over any period of 5 consecutive calendar years, which includes the most recent calendar year in which the increase occurred, 25 TPY;
 2. For a source in New Hampshire outside the 4-county ozone classified nonattainment region, 40 TPY; and
- g. For NO_x:
 1. For a source within the 4-county ozone classified nonattainment region when the increase in net emissions of NO_x from the source is aggregated with all other net increases in emissions from the source over any period of 5 consecutive calendar years, which includes the most recent calendar year in which the increase occurred, 25 TPY; and
 2. For a source in New Hampshire outside the 4-county ozone classified nonattainment region, 40 TPY; and

(12) "3-county ozone not classified nonattainment region" means the 3 counties in New Hampshire that have been designated not classified nonattainment for ozone, namely:

- a. Belknap;
- b. Cheshire; and
- c. Sullivan.

Source. #7879, eff 4-26-03 (formerly Env-A 621.01)

Env-A 618.03 Permitting Requirements. Prior to the issuance of a permit or permits to a stationary source to which the requirements of this part apply, the department shall determine that the new or modified source will meet the following requirements:

(a) The source shall emit the applicable pollutant or pollutants at a rate that does not exceed the lowest achievable emission rate for each pollutant subject to the provisions of this section:

(1) For each new emissions unit at a new major stationary source such that the aggregate of all such units emit or have the potential to emit major quantities of the subject pollutant, as specified in Env-A 618.02(a)(2)b.; and

(2) For each new emissions unit and each modified emissions unit at a modified stationary source such that the net emissions increase from all such units is not significant for the subject pollutant;

(b) The owner or operator of the new or modified source shall demonstrate 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;

(c) The source shall obtain sufficient emission reductions of the applicable pollutant or pollutants from other sources, including emitting units at the same facility, such that the emissions from the new source or the net emissions increase from the modified source shall be less than the emission reductions in accordance with the provisions of Env-A 618.04; and

(d) The owner or operator of the new or modified source shall demonstrate that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification by providing an analysis of alternative sites, sizes, production processes, and environmental control techniques in accordance with section 173(a)(5) of the Act.

Source. #7879, eff 4-26-03 (formerly Env-A 622.04)

Env-A 618.04 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 300 et seq. and the Act.

(c) For emissions of VOCs and NO_x, the following special offset provisions shall apply:

(1) A new or modified source seeking to locate in New Hampshire shall achieve an emissions offset ratio of at least:

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- a. For a source seeking to locate in the 4-county ozone classified nonattainment region, 1.2 to 1; or
- b. For a source seeking to locate outside the 4-county ozone classified nonattainment region, 1.15 to 1;

(2) Offsets obtained by a new or modified source seeking to locate in New Hampshire shall be restricted to the geographical areas described below:

- a. For a source seeking to locate within the 4-county ozone classified nonattainment region and within a serious ozone nonattainment area, from offset donor sources that are located:
 1. Within the same serious ozone nonattainment area; or
 2. Within another serious, severe or extreme ozone nonattainment area, subject to the provisions of (3), below;
- b. For a source seeking to locate within the 4-county ozone classified nonattainment region and within a marginal ozone nonattainment area, from offset donor sources that are located:
 1. Within the same marginal ozone nonattainment area; or
 2. Within another marginal, moderate, serious, severe, or extreme ozone nonattainment area, subject to the provisions of (3), below;
- c. For a source seeking to locate within the 3-county ozone not classified nonattainment region, from offset donor sources that are located:
 1. Within the same 3-county ozone not classified nonattainment region; or
 2. Within another not classified, marginal, moderate, serious, severe or extreme ozone nonattainment area, subject to the provisions of (3), below; and
- d. For a source seeking to locate in Carroll, Coos, or Grafton County, from offset donor sources anywhere within the northeast ozone transport region;

(3) A source seeking to locate within the 4-county ozone classified nonattainment region or the 3-county ozone not classified nonattainment region shall fulfill the intent of Section 173(c)(1)(B) of the Act by demonstrating that the emissions from the ozone nonattainment area in which the offset donor source is located contribute to a violation of the national ambient air quality standard in the ozone nonattainment area in which the new or modified source is seeking to locate; and

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

Source. #7879, eff 4-26-03 (formerly Env-A 622.05(a)-(c))

Env-A 618.05 Procedure for Acquiring and Implementing Emissions Offsets. Emissions offsets shall be acquired and implemented in accordance with the following procedure:

- (a) A new or modified source shall submit documentation to the department identifying the following:

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- (1) Offset pollutant(s);
- (2) Actual annual and ozone season emissions estimates of each pollutant identified in (1), above, during normal operation of the new or modified source;
- (3) Offset donor source(s) and location(s);
- (4) Actual annual and ozone season emissions estimates of each pollutant identified in (1), above, for the offset donor source(s) identified in (3), above, during normal operation of the offset donor source, prior to the effective date of the offset(s); and
- (5) Actual annual and ozone season emissions estimates of each pollutant identified in (1), above, for the offset donor 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);

(b) A new or modified source obtaining offset(s) from sources outside New Hampshire shall submit to the department documentation verifying that the offset donor 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 donor 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) Documentation required pursuant to the provisions of this section shall be submitted as part of the permit application, as required under Env-A 600; and

(e) The emission reduction credits shall conform to the provisions set forth in 40 CFR 51.165 as revised June 28, 1989.

Source. #7879, eff 4-26-03 (formerly Env-A 622.05(c)(5)-(d))

Env-A 618.06 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 622.06)

Env-A 618.07 Department Review and Public Notice.

(a) An owner or operator of a new or modified source shall file a permit application in accordance with the procedures set forth in Env-A 607.03.

(b) A permit application filed with the department shall be reviewed in accordance with the criteria set forth in Env-A 607.04.

(c) A permit application subject to this part shall be subject to the public notice procedures specified in Env-A 621.04.

(d) After determining that a permit application is complete within the meaning of Env-A 607.05, the department shall make a preliminary determination, in accordance with the provisions of Env-A 618.04, Env-A 618.06, and this section, to grant or deny a permit.

(e) The department shall make a final determination in accordance with the provisions of Env-A 618.04, Env-A 618.06, and this section, to grant or deny a permit.

Source. #7879, eff 4-26-03 (formerly Env-A 622.07)

Env-A 618.08 Relaxation of Limitation. At such time that a source or modification becomes 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 on 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 622.08)

Env-A 618.09 Responsibility to Comply. Approval of an application with regard to the requirements of this part shall not relieve the owner or operator of the responsibility to comply fully with other applicable provisions of these rules and any other requirements under local, state, or federal law.

Source. #7879, eff 4-26-03 (formerly Env-A 622.09)

PART Env-A 619 PREVENTION OF SIGNIFICANT DETERIORATION (PSD) OF AIR QUALITY PERMIT REQUIREMENTS

Env-A 619.01 Purpose. The purpose of this part is to incorporate by reference federal provisions regarding the implementation of preconstruction and premodification review procedures in order to determine whether the proposed construction or modification will cause or contribute to significant deterioration of air quality in the state. This is required of the department in order to comply with 40 CFR 51.166, 40 CFR 52.21 and RSA 125-C.

Source. #6057-B, eff 6-30-95 (from Env-A 616.01); ss by #7879, eff 4-26-03 (formerly Env-A 623.01)

Env-A 619.02 Applicability. Pursuant to 40 CFR 52.21, this part shall apply to all new major stationary sources and major modifications to existing sources in any portion of the state where the existing air quality meets the NAAQS.

Source. #7879, eff 4-26-03 (formerly Env-A 623.02)

Env-A 619.03 PSD Permit Requirements.

(a) In accordance with RSA 125-C:11, the provisions of 40 CFR 52.21 (b) through (p), (r), (t), (v), and (w) shall apply for the purposes 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:

- (1) Paragraph (b)(17);
- (2) Paragraphs (g)(1) through (6);

(3) Paragraph (l)(2); and

(4) Paragraph (t).

(c) An owner or operator of a new or modified source subject to this part shall file a permit application in accordance with the procedures set forth in Env-A 607.

(d) A permit application subject to this part shall be subject to the public notice procedures set forth in Env-A 621.03.

Source. #7879, eff 4-26-03 (formerly Env-A 623.03)

Env-A 619.04 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 623.04)

Env-A 619.05 Department Review.

(a) The department shall notify an applicant within 30 days of receipt of the application as to the completeness of the application or any deficiency in the application or information submitted.

(b) In the event of a deficiency in a permit application, the date of receipt of the application shall be the date on which the department receives all required information.

(c) Within one year after receipt of a complete application, the department shall make a final determination of whether construction should be approved, approved with conditions, or disapproved, in accordance with the provisions of 40 CFR 52.21(j) - (p).

Source. #7879, eff 4-26-03 (formerly Env-A 623.05)

Env-A 619.06 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 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. #7879, eff 4-26-03 (formerly Env-A 623.06)

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)

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)

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;
- (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)

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)

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

(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 shall 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)

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)

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:

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(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

(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)

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)

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)

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)

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;

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- (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;
- (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)

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:

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(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)

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 donor 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;

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- (2) The EPA;
- (3) The current official(s) of the city or town where the source is or would be located;
- (4) The regional planning agency, if applicable, where the source is or would be located; and
- (5) 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:

- (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)

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)

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

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(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.

(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)

Env-A 621.07 Public Access to Information.

(a) If the applicant is not a municipality, the applicant shall submit 2 copies of the permit application to the department.

(b) If the applicant is a municipality, the applicant shall submit one copy of the permit application to 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;

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- (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)

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)

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)

Env-A 621.10 Appeals.

- (a) Within 10 days of a decision by the department granting or denying a permit, any person aggrieved by the decision may file a petition for appeal with the council.
- (b) Any person filing a petition for appeal shall do so in accordance with Env-AC 200.
- (c) If no petition for appeal is filed within the 10-day period specified, the department's decision shall become final upon the expiration of that 10-day 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 205.07); EXPIRED: 2-22-03

New. #8129, eff 7-28-04 (formerly Env-A 205.10)

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)

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;

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- (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)

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.

(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)

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 submitted a copy of the permit application to 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)

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.

(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)

Env-A 622.06 Public Access to Information.

(a) When applying to the department for a permit or permit modification, the applicant shall submit 2 copies of the permit application to the department, except as noted in (b), below.

(b) If the applicant is a municipality, the applicant shall submit one copy of the permit application to 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

(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)

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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)

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)

Env-A 622.09 Appeals.

(a) Within 10 days after a decision by the department granting or denying a title V operating permit pursuant to Env-A 622.08(a), or at any time after expiration of the time period in which the department is required under Env-A 609.13(b) to take final action on an application for permit issuance, permit renewal, or

permit revision and before the application is granted or denied, any person aggrieved by the decision or failure to act may file a petition for appeal with the council as authorized by RSA 125-C:12, III.

(b) Any person filing a petition for appeal shall do so in accordance with Env-AC 200.

(c) Pursuant to RSA 125-C:12, III, if no petition for appeal is filed within the 10-day period specified, the department's decision becomes final upon the expiration of that 10-day period.

(d) 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 modify, revoke, or reissue a permit, or take other action as necessary to carry out a final decision of the council with regard to an appeal. Any such 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)

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)

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)

Env-A 623.03 Appeals.

(a) Any person aggrieved by the decision of the department to suspend, revoke, or modify a permit pursuant to this part may file a petition for appeal with the council within 10 days of such decision.

(b) Any person filing a petition for appeal shall do so in accordance with Env-AC 200.

(c) If no petition for appeal is filed within the 10-day period specified in (a), above, the department's decision becomes final upon the expiration of that 10-day 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 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)

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 material 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

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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), namely “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) “Dioxin” means “dioxin” as defined in RSA 125-C:2, VI-a, namely “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).” This term includes the net summed mass of each of 17 CDDs and CDFs after applying the U.S. 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), namely “coal, natural gas, landfill gas, digester or bio gas, untreated wood, virgin petroleum products, or any mixture thereof”;

(d) “Material modification” means “material modification” as defined in RSA 125-C:2, IX, namely “a modification the result of which is an increase in the amount or the number of pollutants emitted into the atmosphere”;

(e) “Non-exempt fuel” means any combustible material other than exempt fuel; and

(f) “Particulate matter” means “particulate matter” as defined in RSA 125-C:2, IX-f, namely “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.”

Source. #8654, eff 6-8-06

Env-A 624.03 Permit Application Required.

(a) As specified in RSA 125-C:10-b, II, the construction, installation, operation, or material 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 make 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

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:

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- (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

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;
- (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

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

Env-A 624.07 Duration of BACT Determinations.

(a) At the time a material modification is made or, if no material 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

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

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), December 2005 version, 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

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

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

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

APPENDIX

Rule	Specific Section of State or Federal Statute or Regulation which the Rule Implements
Env-A 601.01	RSA 125-C:6; RSA 125-C:11; RSA 125-I:3
Env-A 601.02	RSA 125-C:11, RSA 125-C:12 and 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 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 606.05	RSA 125-C:11, II & IV; RSA 125-I:5, V; 42 U.S.C. §7410(a)(2)(K)
Env-A 607.01 & 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 – 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)

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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 609.08(c)(3)	RSA 125-C:4, I(d), RSA 125-C:6, XIV, 42 U.S.C. § 7661c(f) and 40 CFR § 70.4(b)(12)
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)
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 609.13(d)	RSA 125-C:12, II; 42 U.S.C. §7661a(b)(6); 40 CFR §70.7(a)
Env-A 609.13(e)	RSA 125-C:6, X; 42 U.S.C. §7661d(a)(1)(B); 40 CFR §70.8(a)
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	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)

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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)
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 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, IV; 42 U.S.C. §7502(c)(5); 40 CFR §51.165(a)(2)
Env-A 618.02	RSA 125-C:11, IV; 42 U.S.C. §7511a(c); 42 U.S.C. §7602; 40 CFR §51.165(a)(1)
Env-A 618.03	RSA 125-C:11, IV; 42 U.S.C. §7503(a); 40 CFR §51.165(a)(2)
Env-A 618.04 & Env-A 618.05	RSA 125-C:11, IV; 42 U.S.C. §§7503(c) & 7511a(c)(10); 40 CFR §51.165(a)(3)
Env-A 618.06	RSA 125-C:13, I; 42 U.S.C. §7503(a)(4)
Env-A 618.07(a)	RSA 125-C:12, I
Env-A 618.07(b)	RSA 125-C:11, II & IV
Env-A 618.07(c) & (e)	RSA 125-C:12, II
Env-A 618.07(d)	RSA 541-A:29, II
Env-A 618.08	RSA 125-C:11, IV; 42 U.S.C. §7502(c)(5); 40 CFR §51.165(a)(5)(ii)
Env-A 618.09	RSA 125-C:11, IV; 42 U.S.C. §7502(c)(5); 40 CFR §51.165(a)(5)(i)
Env-A 619.01 - Env-A 619.03	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

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Env-A 619.04(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 619.04(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 619.05	RSA 125-C:4, I(j); 42 U.S.C. §7475(d); 40 CFR §51.166
Env-A 619.06	RSA 125-C:4, I(a); RSA 125-C:6, XV; 42 U.S.C. §7473; 40 CFR §51.166
Env-A 620 & 621	RSA 125-C:12, II
Env-A 622.01 & 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 & 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)