



TITLE V OPERATING PERMIT

Permit No: **TV-OP-015**
Date Issued: **October 6, 2008**

This certifies that:

Georgia-Pacific Gypsum, LLC
133 Peachtree Street, NE
Atlanta, GA 30303

has been granted a Title V Operating Permit for the following facility and location:

Georgia-Pacific Gypsum, LLC
170 Shattuck Way
Newington, NH 03801

Facility ID No: **3301500077**
Application No: **FY04-0168**

This Title V Operating Permit is hereby issued under the terms and conditions specified in the Title V application referenced above filed with the New Hampshire Department of Environmental Services on October 30, 2003 under the signature of the responsible official certifying to the best of his knowledge that the statements and information therein are true, accurate and complete.

Responsible Official:

Ronald Bal
Plant Manager
(603) 433-8000

Technical Contact:

Dwayne Weiss
Environmental Coordinator
(603) 433-8000

This Permit is issued by the New Hampshire Department of Environmental Services, Air Resources Division pursuant to its authority under New Hampshire RSA 125-C and in accordance with the provisions of the Code of Federal Regulations, Title 40, Part 70.

This permit is effective upon issuance and expires **October 13, 2013**.


COPY

Director, Air Resources Division

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ABBREVIATIONS

ARD	Air Resources Division
AAL	Ambient Air Limit
acf	actual cubic foot
ags	above ground surface
ASTM	American Society of Testing and Materials
Btu	British thermal units
CAA	Clean Air Act
CAAA	Clean Air Act Amendments
CAM	Compliance Assurance Monitoring
CAS	Chemical Abstracts Service
cfm	cubic feet per minute
CFR	Code of Federal Regulations
CO	Carbon Monoxide
DER	Discrete Emission Reduction
DES	New Hampshire Department of Environmental Services
Env-A	New Hampshire Code of Administrative Rules – Air Resources Division
ERC	Emission Reduction Credit
ft	foot or feet
ft ³	cubic feet
gal	gallon
HAP	Hazardous Air Pollutant
hp	horsepower
hr	hour
kW	kilowatt
lb	pound
LPG	Liquified Petroleum Gas
MM	million
MSDS	Material Safety Data Sheet
MW	megawatt
NAAQS	National Ambient Air Quality Standard
NG	Natural Gas
NO _x	Oxides of Nitrogen
NSPS	New Source Performance Standard
PM ₁₀	Particulate Matter < 10 microns
ppm	parts per million
psi	pounds per square inch
QIP	Quality Improvement Plan
RACT	Reasonably Available Control Technology
RSA	Revised Statues Annotated
RTAP	Regulated Toxic Air Pollutant
scf	standard cubic foot
SIP	State Implementation Plan
SO ₂	Sulfur Dioxide
TSP	Total Suspended Particulate
tpy	tons per consecutive 12-month period
USEPA	United States Environmental Protection Agency

Facility Specific Title V Operating Permit Conditions

I. Facility Description of Operations

Georgia-Pacific Gypsum, LLC (G-P Gypsum) is a producer of gypsum wallboard. The wallboard is manufactured using gypsum rock, paper or fiberglass mat facers and backing materials and wet and dry additives. The gypsum rock is first fed into a rock crusher where it is crushed and subsequently feed into either Claudius Peters Mills (C.P. Mill) or a Williams Mills to produce two different products. The C.P. Mills calcines the rock into powder which is referred to as stucco. The Williams Mill heats up the crushed rock only to drive off the surface moisture in the rocks without calcination. The powdered product of the Williams Mill is called landplaster. The landplaster is transported to ball mills where it is further ground with sugar to form ball mill accelerator (BMA). The stucco is transported to the Pin Mixer at which point multiple wet and dry additives are mixed to form a product with specific setting rates. The mixture of stucco, additives and water forms a slurry which is discharged between two continuous rolls of facer and backing materials and is passed through a board forming station. After setting, the wet board is cut to a specific length using an automatic rotating knife. From the cutting area the wet boards are transferred to the dryers. The dried boards are trimmed to the finish size and shape. Cull board from the manufacturing process is shredded in a crusher. Both the gypsum and facers/backing materials are then recycled in the manufacturing process. The recycled material is used in the C.P. Mills to produce stucco. Some cull board is used to produce dunnage which is used as spacers between lifts (stacked units) of boards.

The major emissions from the manufacturing process are particulate matter from the processing of gypsum rock and solid additives. Also, criteria pollutants are being emitted as products of combustion from the calcining mills and dryers as well as from other ancillary sources.

II. Permitted Activities

In accordance with all of the applicable requirements identified in the Permit, the Permittee is authorized to operate the devices and/or processes identified in Sections III, IV, V, and VI within the terms and conditions specified in this permit.

III. Emission Unit Identification

A. Significant Activities

The activities identified in Table 1 are subject to and regulated by this Title V Operating Permit.

Table 1 - Significant Activities			
Emission Unit ID	Description of Emission Unit	Installation Date	Maximum Design/Permitted Capacity¹
R1	Rock Crusher	1989	150 tons/hr of gypsum rock
R1A	Rock Crusher Feed Conveyor	1989	150 tons/hr of gypsum rock

¹ The hourly fuel rates presented in Table 1 are set assuming a heating value of 1,020 Btu/scf for natural gas, 140,000 Btu/gal for #2 fuel oil, and 94,000 Btu/gal for propane, excluding the C.P. Mills. Natural gas throughput for the C.P. Mills is based on manufacturer's design specifications.

Table 1 - Significant Activities

Emission Unit ID	Description of Emission Unit	Installation Date	Maximum Design/Permitted Capacity¹
R1B	Rock Bin Feed Conveyor, Bottom Transfer	1989	150 tons/hr of gypsum rock
R1C	Norba Crusher	1989	150 tons/hr gypsum rock
R2	Rock Bins 1, 2, and 3	1989	150 tons/hr of gypsum rock
R2A	Williams Mill Rock Bin	1989	2.25 tons/hr of gypsum rock
R2B	Rock Bin Feed Conveyor, Top Transfer	1989	150 tons/hr of gypsum rock
R2C	Rock Bin Shuttle Conveyor	1989	150 tons/hr of gypsum rock
R3	C.P. Mill #1	1989	23 MMBtu/hr equivalent to 24,731 cf/hr natural gas or 164 gal/hr #2 fuel oil 35.6 tons/hr of crushed gypsum rock
R4	C.P. Mill #2	1989	23 MMBtu/hr equivalent to 24,731 cf/hr natural gas or 164 gal/hr #2 fuel oil 35.6 tons/hr of crushed gypsum rock
R5	Williams Mill	1989	0.89 MMBtu/hr equivalent to 872 cf/hr natural gas or 9.5 gal/hr of propane 2.25 tons/hr of crushed gypsum rock
R6	Stucco Screen	1989	106.8 tons/hr of stucco
R7	Stucco Storage Bin 1	1989	106.8 tons/hr of stucco
R7A	West Recirculating Elevator	1989	106.8 tons/hr of stucco
R8	Stucco Storage Bin 2	1989	106.8 tons/hr of stucco
R8A	East Recirculating Elevator	1989	106.8 tons/hr of stucco
R9	Stucco Cooling Tower	1989	106.8 tons/hr of stucco
R9A	Stucco Supply Elevator	1989	106.8 tons/hr of stucco
R9B	Stucco Return Elevator	1989	106.8 tons/hr of stucco
R9C	Bucket Elevators	1989	106.8 tons/hr of stucco
R10	Additive Bin Filling	1989	9.0 tons/hr of additives (potassium sulfate, vermiculite, clay, BMA, dextrose, boric acid, and landplaster)
R11	Starch Bin	1989	30 tons/hr of starch
R12	End Trim System 1	1989	54.5 tons/hr of wallboard
R13	End Trim System 2	1989	54.5 tons/hr of wallboard
R14	Board Dryer 1	1989	67 MMBtu/hr equivalent to 65,686 cf/hr natural gas or 713 gal/hr propane 54.5 tons/hr of wallboard

Table 1 - Significant Activities			
Emission Unit ID	Description of Emission Unit	Installation Date	Maximum Design/Permitted Capacity¹
R16	Board Dryer 2	1989	67 MMBtu/hr equivalent to 65,686 cf/hr natural gas or 713 gal/hr propane 54.5 tons/hr of wallboard
R18	Dunnage Trimmer	1989	54.5 tons/hr of wallboard
R19	Pin Mixer	1989	98.1 tons/hr of stucco and dry additives
R19A	Ball Mills 1, 2, 3, 4, 5, and 6	1989	2.5 tons/hr of BMA
R19B	BMA Bucket Elevator	2007	2.5 tons/hr of BMA
R20	C.P. Mill #3	1995	23 MMBtu/hr equivalent to 24,731 cf/hr natural gas or 164 gal/hr #2 fuel oil 35.6 tons/hr of crushed gypsum rock

B. Stack Criteria

The following devices at the Facility shall have exhaust stacks that discharge vertically, without obstruction, and meet the criteria in Table 2:

Table 2 - Stack Criteria			
Stack #	Emission Unit ID	Minimum Height (feet above ground surface)	Maximum Exit Diameter (feet)
S1	R1, R12, R13, R18	100	2.75
S2	R2, R2A, R5, R19	117	1.75
S3	R3	120	2.92
S4	R4	120	2.92
S5	R6, R7, R8, R9, R9A	117	3.42
S6	R10	90	1.00
S7	R11	90	0.83
S8	R14	110	4.50
S10	R16	110	4.50
S12	R20	120	2.92

1. The Owner or Operator may change the stack criteria described in Table 2 without obtaining approval from DES provided that:
 - a. An air quality impact analysis is performed either by the facility or DES (if requested by the facility in writing) in accordance with Env-A 606 and the “Guidance and Procedure for Performing Air Quality Impact Modeling in New Hampshire,” and
 - b. The analysis demonstrates that emissions from the modified stack will continue to comply with all applicable emission limitations and ambient air limits.

2. All air modeling data and analyses shall be kept on file at the facility for review by DES upon request.

IV. Insignificant Activities Identification

All activities at this facility, that meet the criteria identified in Env-A 609.04(d), shall be considered insignificant activities. Emissions from the insignificant activities shall be included in the total facility emissions for the emission-based fee calculation described in Section XXIII of this Permit.

V. Exempt Activities Identification

All activities at this facility that meet the criteria identified in Env-A 609.03(c) shall be considered exempt activities and shall not be included in the total facility emissions for the emission-based fee calculation described in Section XXIII of this permit.

VI. Pollution Control Equipment Identification

The devices and/or processes identified in Table 3 are considered pollution control equipment or techniques for each identified emission unit.

Table 3 - Pollution Control Equipment Identification			
Pollution Control Equipment ID	Description	Purpose	Emission Unit Controlled
PCE1	Baghouse	For control of particulate matter	R1
PCE2	Baghouse	For control of particulate matter	R2 and R2A
PCE3	Baghouse	For control of particulate matter	R3
PCE4	Baghouse	For control of particulate matter	R4
PCE5	Baghouse	For control of particulate matter	R5
PCE6	Baghouse	For control of particulate matter	R6
PCE12	Baghouse	For control of particulate matter	R12
PCE13	Baghouse	For control of particulate matter	R13
PCE18	Baghouse	For control of particulate matter	R18
PCE19	Baghouse	For control of particulate matter	R19
PCE20	Baghouse	For control of particulate matter	R20

1. All air pollution control equipment installed and used to achieve compliance with the terms and conditions of this Permit shall at all times be maintained in good working order and shall be operated in accordance with manufacturer’s specifications or written standard operating procedures so as to minimize air pollutant emissions.
2. Manufacturer’s recommended maintenance schedules or written preventative maintenance and inspection schedules shall be kept on file for review by DES/EPA upon request.

VII. Alternative Operating Scenarios

No alternative operating scenarios were identified for this permit.

VIII. Applicable Requirements

A. State-only Enforceable Operational and Emission Limitations

The Permittee shall be subject to the state-only² operational and emission limitations identified in Table 4 below:

Table 4 - State-only Enforceable Operational and Emission Limitations			
Item #	Applicable Requirements	Applicable Emission Unit	Regulatory Citation
1.	<p><u>24-hour and Annual Ambient Air Limit</u></p> <p>The emissions of any Regulated Toxic Air Pollutant (RTAP) shall not cause an exceedance of its associated 24-hour or annual Ambient Air Limit (AAL) as set forth in Env-A 1450.01, <i>Table Containing the List Naming All Regulated Toxic Air Pollutants</i>.</p> <p>Compliance was demonstrated at the time of permit issuance as described in the Application Review Summary prepared by DES for application #FY04-0168. G-P Gypsum must update the compliance demonstration using one of the methods provided in Env-A 1405 if:</p> <ul style="list-style-type: none"> a. There is a revision to the list of RTAPs; b. The amount of any RTAP emitted is greater than the amount that was evaluated in the Application Review Summary (e.g., use of a coating will increase); or c. An RTAP that was not evaluated in the Application Review Summary will be emitted (e.g., a new coating will be used). 	Facility Wide	Env-A 1400
2.	<p><u>Methods of Demonstrating Compliance</u></p> <p>The owner of any device or process that emits a RTAP shall determine compliance with the ambient air limits by using one of the methods provided in Env-A 1405.02, Env-A 1405.03, Env-A 1405.04, Env-A 1405.05 or Env-A 1405.06.</p>	Facility Wide	Env-A 1405.01
3.	Documentation for the demonstration of compliance with Env-A 1400 shall be retained at the facility and shall be made available to DES for inspection.	Facility Wide	Env-A 1403.01(d)
4.	<p><u>Revisions of the List of RTAPs</u></p> <p>In accordance with RSA 125-I:5 IV, if DES revises the list of RTAPs or their respective AALs or classifications under RSA 125-I:4, II and III, and as a result of such revision the Owner or Operator is required to obtain or modify the permit under the provisions of RSA 125-I or RSA 125-C, the Owner or Operator shall have 90 days following publication of notice of such final revision in the New Hampshire Rulemaking Register to file a complete application for such permit or permit modification.</p>	Facility Wide	RSA 125-I:5, IV
5.	<p><u>RTAP Operating Limitations</u></p> <p>Emissions of particulate RTAPs shall be controlled by baghouses to maintain compliance with the associated 24-hour and annual AAL as set forth in Env-A 1450.01, <i>Table Containing the List Naming All Regulated Toxic Air Pollutants</i>.</p>	R1, R2, R2A, R3, R4, R5, R6, R12, R13, R18, R19, and R20	Env-A 1400

² The term “state-only requirement” is used to refer to those requirements that are not federally enforceable but are state requirements as defined in Env-A 101.184.

Table 4 - State-only Enforceable Operational and Emission Limitations			
Item #	Applicable Requirements	Applicable Emission Unit	Regulatory Citation
6.	<p><u>Activities Exempt from Visible Emission Standards</u></p> <p>The average opacity shall be allowed to be in excess of those standards specified in Env-A 2002.02 for one period of 6 continuous minutes in any 60 minute period during startup, shutdown, or malfunction.</p>	R3, R4, R5, R14, R16, and R20	Env-A 2002.04(c) (effective 4- 23-2005)

B. Federally Enforceable Operational and Emission Limitations

The Permittee shall be subject to the Federally enforceable operational and emission limitations identified in Table 5 below:

Table 5 - Federally Enforceable Operational and Emission Limitations			
Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Citation
1.	The Facility shall comply with the National Ambient Air Quality Standards (NAAQS) and the applicable requirements of RSA 125-C:11 and Env-A 606.04.	Facility Wide	RSA 125-C:11 and Env-A 606.04
2.	<p><u>Accidental Release Program Requirements</u></p> <p>The quantities of regulated chemicals stored at the facility are less than the applicable threshold quantities established in 40 CFR 68.130. The facility is subject to the Purpose and General Duty clause of the 1990 Clean Air Act, Section 112(r)(1). General Duty includes the following responsibilities:</p> <ol style="list-style-type: none"> a. Identify potential hazards which result from such releases using appropriate hazard assessment techniques; b. Design and maintain a safe facility; c. Take steps necessary to prevent releases; and d. Minimize the consequences of accidental releases that do occur. 	Facility wide	CAA 112(r)(1)
3.	<p><u>Visible Emission Standard for Fuel Burning Devices Installed After May 13, 1970</u></p> <p>The average opacity from the Board Dryers shall not exceed 20 percent for any continuous 6-minute period.</p>	R14 and R16	Env-A 2002.02 effective 4-23- 2005 (formerly Env-A 1202)
4.	<p><u>Maximum Sulfur Content Allowable in Liquid Fuels</u></p> <p>The sulfur content of No. 2 fuel oil shall not exceed 0.15 percent sulfur by weight.</p>	R3, R4, and R20	Env-A 607.01(y)
5.	<p><u>NSPS for Calciners and Dryers in Mineral Industries – Particulate Matter</u></p> <ol style="list-style-type: none"> a. Particulate matter emissions from the C.P. Mills shall be limited to 0.040 gr/dscf. b. The average opacity from the C.P. Mills shall not exceed 10 percent for any continuous 6-minute period. 	R3, R4, and R20	40 CFR 60.732 (a) and (b) (Subpart UUU)

Table 5 - Federally Enforceable Operational and Emission Limitations			
Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Citation
6.	<u>NOx RACT</u> All wallboard dryers and calcining mills firing natural gas or No. 2 fuel oil shall limit NOx emissions to 0.10 lb/MMBtu based on an hourly average.	R3, R4, R14, R16, and R20	Env-A 1211.10(b)(1)
7.	<u>Sulfur Content Limitations for Gaseous Fuels</u> Gaseous fuels shall contain no more than 5 grains of sulfur per 100 cubic feet of gas, calculated as hydrogen sulfide at standard conditions.	R3, R4, R5, R14, R16, and R20	40 CFR 52.1520 ³
8.	<u>Particulate Emission Standards for Fuel Burning Devices Installed on or After January 1, 1985</u> The Permittee shall not cause or allow emissions of particulate matter from fuel burning devices installed on or after January 1, 1985 in excess of 0.30 lb/MMBtu.	R3, R4, R5, R14, R16, and R20	Env-A 2002.08 effective 4-23- 2005 (formerly Env-A 1202)
9.	<u>NSPS for Nonmetallic Mineral Processing Plants – Particulate Matter</u> a. Particulate matter emissions shall be limited to 0.022 gr/dscf. b. The average opacity shall not exceed 7 percent for any continuous 6-minute period.	R1, R2, R2A, R5, R6, R7, R8, R9A, R10, and R11	40 CFR 60.672(a), (f) and (g) (Subpart OOO)
10.	<u>NSPS for Nonmetallic Mineral Processing Plants – Particulate Matter</u> For transfer points on a conveyor belt or any other affected facility that is enclosed in a building there shall be no visible fugitive emissions.	R1A, R1B, R2B, R2C, R7A, R8A, R9B, R9C, R19A, and R19B	40 CFR 60.672(e)(1) (Subpart OOO)
11.	<u>NSPS for Nonmetallic Mineral Processing Plants – Particulate Matter</u> The opacity of fugitive emissions from any crusher shall not exceed 15% for any continuous 6-minute period.	R1C	40 CFR 60.672(c) (Subpart OOO)

³ Env-A 402.03, effective December 27, 1990 was adopted as part of the State Implementation Plan (SIP) on September 14, 1992 and is considered federally enforceable until such time as the SIP is amended and approved by EPA.

Table 5 - Federally Enforceable Operational and Emission Limitations			
Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Citation
12.	<p><u>Visible Emission Standards</u> The average opacity shall not exceed 20 percent for any continuous 6-minute period.</p>	R9, R12, R13, R18, R19	Env-A 2103.02 effective 11-24-2004 (formerly Env-A 1203)
13.	<p><u>Calculation of Particulate Matter Emission Standards for New Process Devices</u> Particulate matter emissions from a 'New Device'⁴:</p> <p>a. With a process weight rate up to 30 tons per hour, shall not exceed the emission rate averaged over a one hour period, as specified in the formula below:</p> $E = 4.10 \times P^{0.67}$ <p style="text-align: center;">or</p> <p>b. With a process weight rate in excess of 30 tons per hour, shall not exceed the emission rate averaged over a one hour period, as in the formula below:</p> $E = 55.0 \times P^{0.11} - 40$ <p>Where: E = the maximum allowable particulate matter emission rate in pounds per hour; P = the process weight rate in tons per hour</p>	R9, R12, R13, R18, R19	Env-A 2102.04(c) effective 11-24-2004 (formerly Env-A 1203)

C. Emission Reductions Trading Requirements

The Permittee did not request emissions reductions trading in its operating permit application. At this point, DES has not included any permit terms authorizing emissions trading in this permit. All emission reduction trading, must be authorized under the applicable requirements of either Env-A 3000 *Emissions Reductions Credits Trading Program*, or Env-A 3100 *Discrete Emissions Reductions Trading Program* and 42 U.S.C §§7401 et seq. (the "Act"), and must be provided for in this permit.

⁴ New Device - A process or device, used by a manufacturing and service-based industry installed after February 18, 1972.

D. Monitoring and Testing Requirements

The Permittee is subject to the monitoring and testing requirements as contained in Tables 6 and 6A below:

Table 6 - Monitoring/Testing Requirements					
Item #	Parameter	Method of Compliance	Frequency of Method	Applicable Emission Unit	Regulatory Citation
1.	Sulfur Content of Liquid Fuels	Conduct testing in accordance with appropriate ASTM test methods or retain delivery tickets in accordance with Table 7, Item #4 in order to demonstrate compliance with the sulfur content limitation provisions specified in this permit for liquid fuels.	For each delivery of fuel oil to the facility	Facility Wide	Env-A 806.02 & Env-A 806.05 (effective 04-27-2007)
2.	Sulfur content of gaseous fuels	Conduct testing to determine the sulfur content in grains of sulfur per 100 cubic feet, of gaseous fuels.	Upon written request by EPA or DES	Facility Wide	Env-A 806.03 (effective 10-31-2002)
3.	Opacity Measurement	Opacity measurements shall be conducted following the procedures set forth in 40 CFR 60, Appendix A, Method 9, <i>Visual Determination of the Opacity of Emissions from Stationary Sources</i> .	Upon request by DES/EPA	Facility Wide	Env-A 807.02 effective 10-31-2002
4.	NO _x RACT Testing	The Permittee shall determine compliance with the NO _x emission limits specified in Table 5 Item #6 of this Permit for the C.P. Mills and the Board Dryers by conducting stack testing every three years. Compliance stack testing shall be conducted in accordance with Env-A 802. The following test methods shall be used as applicable: a. Method 7, 7A, 7C, 7D or 7E as described in 40 CFR 60, Appendix A, to determine NO _x concentrations in stack gases; b. Method 10 as described in 40 CFR 60, Appendix A, to determine carbon monoxide concentrations in stack gases; c. Methods 1 and 2, 2C, 2F, 2G, or 2H, 40 CFR 60, as described in Appendix A, to determine the exit flowrate of stack gases; d. Method 3 or 3A, as described in 40 CFR 60, Appendix A, to determine carbon dioxide, oxygen, excess air and molecular weight (dry basis) of stack gases; and e. Method 4, as described in 40 CFR 60, Appendix A, to determine volume fraction of water vapor in stack gases.	Once every 3 years	R3, R4, R14, R16, and R20	Env-A 802, Env-A 803.02 (effective 10-31-2002)

Table 6 - Monitoring/Testing Requirements

Item #	Parameter	Method of Compliance	Frequency of Method	Applicable Emission Unit	Regulatory Citation
5.	NO _x RACT Testing	<p>Compliance testing shall be planned and carried out in accordance with the following schedule:</p> <ul style="list-style-type: none"> a. A pre-test protocol shall be submitted to the Division at least 30 days prior to the commencement of testing; b. The Owner or Operator and any contractor retained by the Owner or Operator to conduct the test shall meet with a Division representative at least 15 days prior to the test date to finalize the details of the testing; and c. A test report shall be submitted to the Division within 60 days after the completion of testing. 	Once every 3 years	R3, R4, R14, R16, and R20	Env-A 802 (effective 10-31-2002)
6.	Periodic Monitoring	<p>If the indicator ranges specified in Table 6A, Item 2 accumulate excursions⁵ exceeding 5% of the total annual operating time for each pollution control device listed, the Permittee shall prepare and submit a Quality Improvement Plan (QIP) to the Division. The QIP shall include procedures for evaluating the control performance problems. Based on the evaluation, the Permittee shall modify the plan to include procedures for conducting one or more of the following:</p> <ul style="list-style-type: none"> a. Improve preventive maintenance practices; b. Operational changes; c. Appropriate improvements to control methods; d. Other steps to improve control performance; and e. More frequent or improved monitoring. 	Continuous	PCE1, PCE2, PCE3, PCE4, PCE5, PCE6, PCE12, PCE13, PCE18, PCE19, PCE20	40 CFR 64.8

⁵ Excursion shall mean a departure from the indicator range established for monitoring under 40 CFR 64, consistent with any averaging period specified for averaging the results of the monitoring.

**Table 6A - Compliance Assurance Monitoring (CAM) - 40 CFR 64
 Baghouses (PCE1, PCE2, PCE3, PCE4, PCE5, PCE6, PCE12, PCE13, PCE18, PCE19, PCE20) for
 the control of Particulate Matter**

Indicator	Indicator No. 1 - Pressure Differential Across the Baghouse	Indicator No. 2 - Inspection/Maintenance	Indicator No. 3 – Visible Emissions
1. Measurement Approach	The pressure differential is monitored with magnahelic gauges.	a) Annual inspections are performed and documented in MP2 work order system or other maintenance tracking system. b) Weekly inspections of compressed/reversed air system, hopper and associated conveying equipment are performed to verify proper operation. c) Maintenance is performed as needed.	Observations for visible emissions (VE) are performed daily pursuant to the following procedure: The person performing the VE check shall stand at a distance of at least 15 feet which is sufficient to provide a clear view of the plume against a contrasting background with the sun in the 140 degree sector at his/her back. Consistent with this requirement, the determination shall be made from a position such that the line of vision is approximately perpendicular to the plume direction. Only one plume shall be in the line of sight at any time when multiple stacks are in proximity to each other. The VE check shall be conducted for at least one minute.
2. Indicator Range	Indicator range is defined as a pressure differential reading between 0.5 and 9 inches of water. Excursion triggers an inspection and corrective action. An excursion not corrected within 24-hours is considered a permit deviation and triggers a reporting requirement.	Failure to perform an inspection is considered a permit deviation and triggers a reporting requirement. Equipment failures identified during the inspection trigger corrective action, and if not corrected within 24-hours are considered a permit deviation and triggers a reporting requirement.	Indicator range is defined as the presence of visible emissions. Excursion triggers an inspection and corrective action. An excursion not corrected within 24-hours is considered a permit deviation and triggers a reporting requirement.
3. Performance Criteria			
a) Data Representativeness	The differential pressure transmitter is located on the baghouse PLC. The minimum acceptable accuracy is $\pm 2\%$ of the full scale at 70°F.	Inspection shall be performed at the baghouse.	Observations of the emission point are performed while the baghouse is operating.
b) QA/QC Practices and Criteria	The differential pressure transmitter is calibrated annually.	Inspections shall be performed by qualified personnel.	The observer shall be familiar with the VE procedures stated above.

**Table 6A - Compliance Assurance Monitoring (CAM) - 40 CFR 64
 Baghouses (PCE1, PCE2, PCE3, PCE4, PCE5, PCE6, PCE12, PCE13, PCE18, PCE19, PCE20) for
 the control of Particulate Matter**

Indicator	Indicator No. 1 - Pressure Differential Across the Baghouse	Indicator No. 2 - Inspection/Maintenance	Indicator No. 3 – Visible Emissions
c) Monitoring Frequency	The pressure drop across the baghouse is recorded once per day.	a) Baghouse inspections shall be performed annually. b) Inspections of the air system, hopper and conveying system to identify leaks or malfunctions shall be performed weekly. c) Maintenance is performed as needed.	Visible emission observations from the designated stack shall be performed daily.
i) Data Collection Procedure	Recorded electronically.	Recorded manually in a log book or electronic database.	The visible emissions observations are documented by the observer in a log book or electronic database.
ii) Averaging Period	Not Applicable	Not Applicable	Not Applicable

E. Recordkeeping Requirements

The Permittee shall be subject to the recordkeeping⁶ requirements identified in Table 7 below:

Table 7 - Applicable Recordkeeping Requirements

Item #	Applicable Recordkeeping Requirement	Records Retention/ Frequency	Applicable Emission Unit	Regulatory Citation
1.	The Permittee shall retain records of all required monitoring data, recordkeeping and reporting requirements, and support information for a period of at least 5 years from the date of origination.	Retain for a minimum of 5 years	Facility Wide	40 CFR 70.6(a)(3)(ii) (B)
2.	<u>Records on Process Operations</u> Monthly records shall be kept regarding process operations including the following information for each process/device: a. Monthly hours of operation; and b. Quantity of raw materials used per month.	Monthly	Facility Wide	Env-A 901.04
3.	The Permittee shall maintain annual records of actual emissions for each significant and insignificant activity for determination of emission based fees.	Maintain at facility at all times	Facility wide	Env-A 705.03

⁶ NH rules cited in this section as Federally Enforceable are contained in the EPA-approved State Implementation Plan (SIP), or they are awaiting EPA approval and are at least as stringent as the SIP rule. Each citation of a non-SIP rule is followed by the effective date of that rule.

Table 7 - Applicable Recordkeeping Requirements

Item #	Applicable Recordkeeping Requirement	Records Retention/ Frequency	Applicable Emission Unit	Regulatory Citation
4.	<p><u>Liquid Fuel Oil Recordkeeping Requirements</u> In lieu of sulfur testing pursuant to Table 6, Item #1, the Owner or Operator may maintain a written statement from the fuel supplier that the sulfur content of the fuel as delivered does not exceed the limit listed in Table 5, Item #4.</p>	For each delivery of No. 2 fuel oil to the facility	R3, R4, and R20	Env-A 806.05 (Effective 4-27-2007)
5.	<p><u>General Recordkeeping Requirements</u> For each fuel burning device at the facility, the Permittee shall keep records of fuel utilization in accordance with the following:</p> <ul style="list-style-type: none"> a. Consumption; b. Fuel type; c. Documentation that the fuel meets state sulfur limits; d. For gaseous fuels, one of the following: <ul style="list-style-type: none"> i. Sulfur content as percent sulfur by weight or in grains per 100 cubic feet of fuel; ii. Documentation that the fuel source is from a utility pipeline; or iii. Documentation that the fuel meets state sulfur limits. e. Heating value (in MMBtu/gallon or MMBtu/cf) of fuel; and f. Hours of operation. 	Monthly	R3, R4, R5, R14, R16, and R20	Env-A 901.03 (SIP approved rule) & Env-A 903.03 (Effective 4-21-2007)

Table 7 - Applicable Recordkeeping Requirements

Item #	Applicable Recordkeeping Requirement	Records Retention/ Frequency	Applicable Emission Unit	Regulatory Citation
6.	<p><u>NO_x Recordkeeping Requirements</u></p> <p>For fuel burning devices, the following information shall be recorded and maintained:</p> <ul style="list-style-type: none"> a. Facility information, including: <ul style="list-style-type: none"> i. Source name; ii. Source identification; iii. Physical address; and iv. Mailing address. b. Identification of each fuel burning device; c. Operating schedule information for each fuel burning device identified in b., above, including: <ul style="list-style-type: none"> i. Days per calendar week during the normal operating schedule; ii. Hours per day during the normal operating schedule and for a typical ozone season day, if different from the normal operating schedule; and iii. Hours per year during the normal operating schedule; d. Type, and amount of fuel burned, for each fuel burning device, during normal operating conditions and for a typical ozone season day, if different from normal operating conditions, on an hourly basis in million Btu's per hour and; e. The following NO_x emission data, including records of total annual emissions, in tons per year, facility wide emissions in tons per month, and typical ozone season day emissions, in pounds per day; <ul style="list-style-type: none"> i. Theoretical potential emissions for the calculation year for each fuel burning device; ii. Actual NO_x emissions for each fuel-burning device; and iii. The actual facility wide NO_x emissions per month and on a rolling 12-month basis. 	On a continuous basis	R3, R4, R5, R14, R16, and R20	Env-A 901.08

Table 7 - Applicable Recordkeeping Requirements

Item #	Applicable Recordkeeping Requirement	Records Retention/ Frequency	Applicable Emission Unit	Regulatory Citation
7.	<p><u>VOC Recordkeeping Requirements</u></p> <p>The Owner or Operator shall record and maintain the following information at the facility:</p> <ul style="list-style-type: none"> a. Facility information, including: <ul style="list-style-type: none"> i. Source name; ii. Source identification; iii. Physical address; iv. Mailing address; b. Identification of each VOC emitting device or process, except: <ul style="list-style-type: none"> i. Processes or devices associated exclusively with non-core activities; and ii. Processes or devices emitting only exempt VOCs. c. Operating schedule information for each VOC emitting device/process identified in b. above, including: <ul style="list-style-type: none"> i. Days of operation per calendar week during the normal operating schedule; ii. Hours of operation per day during normal operating schedule and for a typical high ozone season day, if different from the normal operating schedule; and iii. Hours of operation per year under normal operating conditions; d. The following VOC emissions data for each VOC-emitting process/device identified in b. above: <ul style="list-style-type: none"> i. Annual theoretical potential emissions, using the VOC content for the calculation year, in tons per year and during a typical day during the high ozone season of each year, in pounds per day; ii. Applicable emission factors, if used to calculate emissions; iii. Actual emissions from each VOC-emitting device or process identified in b. above, in tons per year and a typical day during the high ozone season in pounds per day. iv. Estimated emissions code; and v. Applicable emission factors, if used to calculate emissions. 	On a continuous basis	R3, R4, R5, R14, R16, and R20	Env-A 901.06

Table 7 - Applicable Recordkeeping Requirements

Item #	Applicable Recordkeeping Requirement	Records Retention/ Frequency	Applicable Emission Unit	Regulatory Citation
8.	The Permittee shall maintain records of monitoring requirements as specified in Table 6A of this Permit for pollution control equipment listed in Table 3, including: <ul style="list-style-type: none"> a. Summary of maintenance and repair records; b. Daily visible emission observations; c. All baghouse filter changes; and d. Daily pressure differential measurements 	Maintain on a continuous basis	PCE1, PCE2, PCE3, PCE4, PCE5, PCE6, PCE12, PCE13, PCE18, PCE19, and PCE20	40 CFR 70.6(a)(3)(iii)(A)
9.	<u>CAM Recordkeeping</u> The CAM monitoring report shall include the information required under 40 CFR 70.6(a)(3)(iii) and the following information: <ul style="list-style-type: none"> a. Summary information on the number, duration and cause of excursions and the corrective actions taken; and b. Summary information on the number, duration and cause for monitor downtime incidents. 	Maintain on a continuous basis	PCE1, PCE2, PCE3, PCE4, PCE5, PCE6, PCE12, PCE13, PCE18, PCE19, and PCE20	40 CFR 64.9(a)(2)
10.	<u>Quality Improvement Plan</u> The Permittee shall prepare a QIP when the conditions in Item #6 of Table 6 are met.	As expeditiously as practicable	PCE1, PCE2, PCE3, PCE4, PCE5, PCE6, PCE12, PCE13, PCE18, PCE19, and PCE20	40 CFR 64.8

F. Reporting Requirements

The Permittee shall be subject to the reporting requirements identified in Table 8 below. All emissions data submitted to the Division shall be available to the public. Claims of confidentiality for any other information required to be submitted to the Division pursuant to this permit shall be made at the time of submission in accordance with Env-A 103, *Claims of Confidentiality*.

Table 8 - Applicable Reporting Requirements

Item #	Reporting Requirements	Frequency of Reporting	Applicable Emission Unit	Regulatory Citation
1.	Any report submitted to DES and/or EPA shall include the certification of accuracy statement outlined in Section XXI.B. of this Permit and shall be signed by the responsible official.	As specified in Section XXI. B.	Facility Wide	40 CFR 70.6(c)(1)
2.	<u><i>Semi-annual Permit Deviation and Monitoring Report</i></u> The Permittee shall submit a summary report of monitoring, testing, and permit deviations every 6 months. The report shall contain the following data: a. Summary of maintenance and repair records for pollution control equipment listed in Table 3; b. Summary of the results of NOx RACT testing conducted on R3, R4, R14, R16, and R20 during the reporting period; and c. Summary of permit deviations that occurred during the reporting period.	Semi-annually by July 31 st and January 31 st of each calendar year.	Facility Wide	40 CFR 70.6(a)(3)(iii)(A)
3.	<u><i>Annual Emissions Report</i></u> The Owner or Operator shall submit an annual emissions report which shall include the following information: a. Actual calendar year emissions from each device of NOx, CO, SO ₂ , TSP, and VOCs (speciated by individual VOC), HAPs (speciated by individual HAP), and RTAPs (speciated by individual RTAP); b. The methods used in calculating such emissions in accordance with Env-A 705.02, <i>Determination of Actual Emissions for Use in Calculating Emission-Based Fees</i> ; and c. All information recorded in accordance with Items #2 and #5 of Table 7.	Annually (no later than April 15 th of the following year)	Facility Wide	Env-A 907.01
4.	Prompt reporting of deviations from Permit requirements shall be conducted in accordance with Section XXVIII of this Permit.	Prompt reporting (within 24 hours of an occurrence)	Facility Wide	40 CFR 70.6(a)(3)(iii)(B)
5.	Annual compliance certification shall be submitted in accordance with Section XXI of this Permit.	Annually (no later than April 15 th of the following year)	Facility wide	40 CFR 70.6(c)(1)

Table 8 - Applicable Reporting Requirements

Item #	Reporting Requirements	Frequency of Reporting	Applicable Emission Unit	Regulatory Citation
6.	<p><u>Payment of Emission-Based Fee</u></p> <p>Annual reporting of emission based fees shall be conducted in accordance with Section XXIII of this Permit. The Owner or Operator shall submit, to the Division, payment of the emission-based fee by April 15th for emissions during the previous calendar year. For example, the fees for calendar year 2008 shall be submitted on or before April 15, 2009.</p>	Annually by April 15 th	Significant & Insignificant Activities	Env-A 705.04
7.	<p><u>NO_x Reporting Requirements</u></p> <p>For fuel burning devices, the owner or operator shall submit to the Director, annually (no later than April 15th of the following year), reports of the data required by Item #6 of Table 7, including total annual quantities of all NO_x emissions.</p>	Annually (no later than April 15 th of the following year)	R3, R4, R5, R14, R16, and R20	Env-A 901.09
8.	<p><u>VOC Reporting Requirements</u></p> <p>The Permittee shall submit each year the following information:</p> <ol style="list-style-type: none"> a. Facility information including: <ol style="list-style-type: none"> i. Source name; ii. Standard Industrial Classification (SIC) code; iii. Physical address; and iv. Mailing address. b. Identification of each VOC emitting device or process identified in item # 7.b. of Table 7; c. Operating schedule information for each VOC emitting process or device, including such information for: <ol style="list-style-type: none"> i. A typical business day; and ii. A typical high ozone season day, if different from a typical business day; d. Total quantities of actual VOC emissions for the entire facility and for each process or device including: <ol style="list-style-type: none"> i. Annual VOC emissions, in tons; and ii. Typical high ozone season day VOC emissions, in pounds per day. 	Annually (no later than April 15 th of the following year)	R3, R4, R5, R14, R16, and R20	Env-A 901.07
9.	<p><u>Quality Improvement Plan Notice</u></p> <p>The Permittee shall notify DES if the period for completing improvements contained in the QIP required in Item #10 of Table 7 will exceed 180 days from the day the source becomes subject to the permit condition.</p>	As applicable	PCE1, PCE2, PCE3, PCE4, PCE5, PCE6, PCE12, PCE13, PCE18, PCE19, and PCE20	40 CFR 64.8

IX. Requirements Currently Not Applicable

Requirements not currently applicable to the facility were not identified by the Permittee.

General Title V Operating Permit Conditions

X. Issuance of a Title V Operating Permit

- A. This Permit is issued in accordance with the provisions of Env-A 609. In accordance with 40 CFR 70.6(a)(2), this Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date five (5) years after issuance of this Permit.
- B. Permit expiration terminates the Permittee's right to operate the Permittee's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

XI. Title V Operating Permit Renewal Procedures

Pursuant to Env-A 609.07(b), an application for renewal of this Permit shall be considered timely if it is submitted to the Director at least six months prior to the designated expiration date of this Permit.

XII. Application Shield

Pursuant to Env-A 609.08, if an applicant submits a timely and complete application for the issuance or renewal of a Permit, the failure to have a Permit shall not be considered a violation of this part until the Director takes final action on the application.

XIII. Permit Shield

- A. Pursuant to Env-A 609.09(a), a permit shield shall provide that:
 - 1. For any applicable requirement or any state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically included in this Permit, compliance with the conditions of this Permit shall be deemed compliance with said applicable requirement or said state requirement as of the date of permit issuance; and
 - 2. The Permittee need not comply with any applicable requirement or state requirement found in the New Hampshire Rules Governing the Control of Air Pollution and specifically identified in Section IX of this Title V Operating Permit as not applicable to the stationary source or area source.
- B. The permit shield identified in Section XIII.A. of this Permit shall apply only to those conditions incorporated into this Permit in accordance with the provisions of Env-A 609.09(b). It shall not apply to certain conditions as specified in Env-A 609.09(c) that may be incorporated into this Permit following permit issuance by DES.
- C. If a Title V Operating Permit and amendments thereto issued by the DES does not expressly include or exclude an applicable requirement or a state requirement found in the New Hampshire Rules Governing the Control of Air Pollution, that applicable requirement or state requirement shall not be covered by the permit shield and the Permittee shall comply with the provisions of said requirement to the extent that it applies to the Permittee.
- D. If the DES determines that this Title V Operating Permit was issued based upon inaccurate or incomplete information provided by the applicant or Permittee, any permit shield provisions in said Title V Operating Permit shall be void as to the portions of said Title V Operating Permit which are affected, directly or indirectly, by the inaccurate or incomplete information.

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- E. Pursuant to Env-A 609.09(f), nothing contained in Section XIII of this Permit shall alter or affect the ability of the DES to reopen this Permit for cause in accordance with Env-A 609.19 or to exercise its summary abatement authority.
- F. Pursuant to Env-A 609.09(g), nothing contained in this section or in any title V operating permit issued by the DES shall alter or affect the following:
 - 1. The ability of the DES 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 CAA regarding emergency orders including the authority of the EPA 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 CAA;
 - 6. The ability of the DES or the EPA Administrator to obtain information about a stationary source, area source, or device from the owner or operator pursuant to section 114 of the CAA; or
 - 7. The ability of the DES or the EPA Administrator to enter, inspect, and/or monitor a stationary source, area source, or device.

XIV. Reopening for Cause

The Director shall reopen and revise a Title V Operating Permit for cause if any of the circumstances contained in Env-A 609.19(a) exist. In all proceedings to reopen and reissue a Title V Operating Permit, the Director shall follow the provisions specified in Env-A 609.19(b) through (g).

XV. Administrative Permit Amendments

- A. Pursuant to Env-A 612.01, the Permittee may implement the changes addressed in the request for an administrative permit amendment as defined in Env-A 101 immediately upon submittal of the request.
- B. Pursuant to Env-A 612.01, the Director shall take final action on a request for an administrative permit amendment in accordance with the provisions of Env-A 612.01(b) and (c).

XVI. Operational Flexibility

- A. Pursuant to Env-A 612.02, the Permittee subject to and operating under this Title V Operating Permit may make changes involving trading of emissions, off-permit changes, and section 502(b)(10) changes at the permitted stationary source or area source without filing a Title V Operating Permit application for and obtaining an amended Title V Operating Permit, provided that all of the following conditions are met, as well as conditions specified in Section XVI. B through E of this permit, as applicable. At this point, DES has not included any permit terms authorizing emissions trading in this permit.

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1. The change is not a modification under any provision of Title I of the CAA;
 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 director and administrator of the proposed change and such written notification includes:
 - a. The date on which each proposed change will occur;
 - 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);
 5. The change does not exceed any emissions limitations established under any of the following:
 - a. The New Hampshire Code of Administrative Rules, Env-A 100-3800;
 - b. The CAA; or
 - c. This Title V Operating Permit; and
 6. The Permittee, DES, and EPA have attached each written notice required above to their copy of this Title V Operating Permit.
- B. For changes involving the trading of emissions, the Permittee must also meet the following conditions:
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 to the Title V Operating Permit 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 Director 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 above is made at least 7 days prior to the proposed change and includes a statement as to how any change in emissions will comply with the terms and conditions of the Title V Operating Permit.
- C. For off-permit changes, the Permittee must also meet the following conditions:

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1. Each off-permit change meets all applicable requirements and does not violate any existing permit term or condition;
 2. The written notification required above is made contemporaneously with 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 CAA and the change is not a Title I modification;
 4. The Permittee 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 this Permit, and the emissions resulting from those changes; and
 5. The written notification required above includes a list of the pollutants emitted and any applicable requirement that would apply as a result of the change.
- D. For section 502(b)(10) changes, the Permittee must also meet the following conditions:
1. The written notification required above is made at least 7 days prior to the proposed change; and
 2. The written notification required above includes any permit term or condition that is no longer applicable as a result of the change.
- E. Pursuant to Env-A 612.02(f), the off-permit change and section 502(b)(10) change shall not qualify for the permit shield under Env-A 609.09.

XVII. Minor Modifications

- A. Prior to implementing a minor permit modification, the Permittee shall submit a written request to the Director in accordance with the requirements of Env-A 612.05(b).
- B. The Director shall take final action on the minor permit amendment request in accordance with the provisions of Env-A 612.05(c) through (g).
- C. Pursuant to Env-A 612.05(h), the permit shield specified in Env-A 609.09 shall not apply to minor permit amendments under Section XVII. of this Permit.
- D. Pursuant to Env-A 612.05(a), the Permittee shall be subject to the provisions of RSA 125-C:15 if the change is made prior to the filing with the Director of a request for a minor permit amendment.

XVIII. Significant Permit Modifications

- A. Pursuant to Env-A 612.06, a change at the facility shall qualify as a significant permit amendment if it meets the criteria specified in Env-A 612.06(a)(1) through (5).
- B. Prior to implementing the significant permit amendment, the Permittee shall submit a written request to the Director which includes all the information as referenced in Env-A 612.06(b) and (c) and shall be issued an amended Title V Operating Permit from the DES. The Permittee shall be subject to the provisions of RSA 125-C:15 if a request for a significant permit amendment is not filed with the Director and/or the change is made prior to the issuance of an amended Title V Operating Permit.
- C. The Director shall take final action on the significant permit amendment in accordance with the Procedures specified in Env-A 612.06(d), (e) and (f).

XIX. Title V Operating Permit Suspension, Revocation or Nullification

- A. Pursuant to RSA 125-C:13, the Director may suspend or revoke any final permit issued hereunder if, following a hearing, the Director determines that:
1. The Permittee has committed a violation of any applicable statute or state requirement found in the New Hampshire Rules Governing the Control of Air Pollution, order or permit condition in force and applicable to it; or
 2. The emissions from any device to which this Permit applies, alone or in conjunction with other sources of the same pollutants, presents an immediate danger to the public health.
- B. The Director shall nullify any Permit if, following 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 intentionally false or misleading.

XX. Inspection and Entry

EPA and DES personnel shall be granted access to the facility covered by this Permit, in accordance with RSA 125-C:6,VII for the purposes of: inspecting the proposed or permitted site; investigating a complaint; and assuring compliance with any applicable requirement or state requirement found in the New Hampshire Rules Governing the Control of Air Pollution and/or conditions of any Permit issued pursuant to Chapter Env-A 600.

XXI. Certifications

A. Compliance Certification Report

In accordance with 40 CFR 70.6(c) and Env-A 907.04(a), the Responsible Official shall certify for the previous calendar year that the facility is in compliance with the requirements of this permit. The report shall be submitted annually, no later than April 15th of the following year. The report shall be submitted to the DES and to the U.S. Environmental Protection Agency – Region I. The report shall be submitted in compliance with the submission requirements below.

In accordance with 40 CFR 70.6(c)(5), the report shall describe:

1. The terms and conditions of the Permit that are the basis of the certification;
2. The current compliance status of the source with respect to the terms and conditions of this Permit, and whether compliance was continuous or intermittent during the reporting period;
3. The methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
4. Any additional information required by the DES to determine the compliance status of the source.

B. Certification of Accuracy Statement

All documents submitted to the DES shall contain a certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in accordance with the requirements of 40 CFR 70.5(d) and contain the following language:

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"I am authorized to make this submission on behalf of the facility for which the submission is made. Based on information and belief formed after reasonable inquiry, I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

All reports submitted to DES (except those submitted as emission based fees as outlined in Section XXIII of this Permit) shall be submitted to the following address:

New Hampshire Department of Environmental Services
Air Resources Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
ATTN: Section Supervisor, Compliance Bureau

All reports submitted to EPA shall be submitted to the following address:

US EPA, Region I
Attn: Compliance Clerk (mailcode: SEA)
One Congress St., Suite 1100
Boston, MA 02114

XXII. Enforcement

Any noncompliance with a permit condition constitutes a violation of RSA 125-C:15, and, as to the conditions in this permit which are federally enforceable, a violation of the Clean Air Act, 42 U.S.C. Section 7401 et seq., and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the DES and/or EPA. Noncompliance may also be grounds for assessment of administrative, civil or criminal penalties in accordance with RSA 125-C:15 and/or the Clean Air Act. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of RSA 125-C, the New Hampshire Rules Governing the Control of Air Pollution, or the Clean Air Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

In accordance with 40 CFR 70.6 (a)(6)(ii), a Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

XXIII. Emission-Based Fee Requirements

- A. The Permittee shall pay an emission-based fee annually for this facility as calculated each calendar year pursuant to Env-A 705.03.
- B. The Permittee shall determine the total actual annual emissions from the facility to be included in the emission-based multiplier specified in Env-A 705.03(a) for each calendar year in accordance with the methods specified in Env-A 616.

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- C. The Permittee shall calculate the annual emission-based fee for each calendar year in accordance with the procedures specified in Env-A 705.03 and the following equation:

$$FEE = E * DPT * CPI_m * ISF$$

Where:

- FEE = The annual emission-based fee for each calendar year as specified in Env-A 705.
- E = The calculation of total annual emissions as specified in Env-A 705.02 and the provisions specified in Env-A 705.03(a).
- DPT = The dollar per ton fee the DES has specified in Env-A 705.03(b).
- CPI_m = The Consumer Price Index Multiplier as calculated in Env-A 705.03(c).
- ISF = The Inventory Stabilization Factor as specified in Env-A 705.03(d).
- D. The Permittee shall contact the DES each calendar year for the value of the Inventory Stabilization Factor.
- E. The Permittee shall contact the DES each calendar year for the value of the Consumer Price Index Multiplier.
- F. The Permittee shall submit, to the DES, payment of the emission-based fee and a summary of the calculations referenced in Sections XXIII.B. and C of this Permit for each calendar year no later than April 15 for the emissions from the previous calendar year. The emission-based fee and summary of the calculations shall be submitted to the following address:
- New Hampshire Department of Environmental Services
Air Resources Division
P.O. Box 95
Concord, NH 03302-0095
ATTN.: Emissions Inventory
- G. The DES shall notify the Permittee of any under payments or over payments of the annual emission-based fee in accordance with Env-A 705.05.

XXIV. Duty To Provide Information

In accordance with 40 CFR 70.6 (a)(6)(v), upon the DES's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the DES copies of records that the Permittee is required to retain by this Permit. The Permittee may make a claim of confidentiality as to any information submitted pursuant to this condition in accordance with Env-A 103 at the time such information is submitted to DES. DES shall evaluate such requests in accordance with the provisions of Env-A 103.

XXV. Property Rights

Pursuant to 40 CFR 70.6 (a)(6)(iv), this Permit does not convey any property rights of any sort, or any exclusive privilege.

XXVI. Severability Clause

Pursuant to 40 CFR 70.6 (a)(5), the provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances is held invalid,

the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

XXVII. Emergency Conditions

Pursuant to 40 CFR 70.6 (g), the Permittee shall be shielded from enforcement action brought for noncompliance with technology based⁷ emission limitations specified in this Permit as a result of an emergency⁸. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. The permitted facility was at the time being properly operated;
- C. During the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. The Permittee submitted notice of the emergency to the DES within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

XXVIII. Permit Deviation

In accordance with 40 CFR 70.6(a)(3)(iii)(B), the Permittee shall report to the DES all instances of deviations from Permit requirements, by telephone, fax, or e-mail (pdeviations@des.state.nh.us) within 24 hours of discovery of such deviation. This report shall include the deviation itself, including those attributable to upset conditions as defined in this Permit, the probable cause of such deviations, and any corrective actions or preventative measures taken.

Within 10 days of discovery of the permit deviation, the Permittee shall submit a written report including the above information as well as the following: preventive measures taken to prevent future occurrences; date and time the permitted device returned to normal operation; specific device, process or air pollution control equipment that contributed to the permit deviation; type and quantity of excess emissions emitted to the atmosphere due to permit deviation; and an explanation of the calculation or estimation used to quantify excess emissions.

Said Permit deviation shall also be submitted in writing to the DES in the semi-annual summary report of monitoring and testing requirements due July 31st and January 31st of each calendar year. Deviations are instances where any Permit condition is violated and has not already been reported as an emergency pursuant to Section XXVII. of this Permit.

Reporting a Permit deviation is not an affirmative defense for action brought for noncompliance.

⁷ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

⁸ An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.