



Permit Deviations

A permit deviation is defined in Env-A 101.138 as “any occurrence that results in an excursion from any emission limitation, operating condition, or work practice standard as specified in either a title V permit, state permit to operate or temporary permit issued by the division.”

[Env-A 911](#) *Recordkeeping and Reporting Requirements for Permit Deviations* specifies the:

- Requirements for reporting permit deviations (and air pollution control equipment monitoring excursions);
- Circumstances for reporting permit deviations; and
- Deadlines for reporting permit deviations.

Env-A 911 requires **all permitted sources** to notify NHDES by telephone, fax or email within 24 hours* of discovery of a permit deviation **that results in excess emissions**. A follow-up, complete report must be submitted to the department within 10 days of the permit deviation unless the original notification contained all the information required to be in the complete report, specified in Env-A 911.04(d), in which case the notification will serve as both 24-hour notification and 10-day report.

Note that a direct measurement of a pollutant emissions rate by a continuous emissions monitoring (CEM) system or by a US EPA Method 9 opacity observation is not necessary to discover an excess emission. Failures of air pollution control equipment, exceeding fuel consumption or material usage rates, or operating more than the allowable hours in a 24-hour period are just some of the events likely to result in excess emissions and which would require 24-hour permit deviation notification.

Env-A 911 specifies **additional permit deviation reporting requirements for Title V sources**. In addition to reporting excess emissions, any Title V source that has a permit deviation that does not cause excess emissions but continues for a period greater than nine consecutive days shall notify the department of the subsequent corrective actions to be taken by telephone, electronic mail, or fax on the 10th day* of the permit deviation. These include, but are not limited to, deviations of operating, monitoring, recordkeeping or reporting requirements to which the Title V source is subject.

In addition, a source with an opacity or a gaseous continuous emissions monitoring system that fails to comply with the minimum data availability requirement of 90 percent per calendar quarter specified in Env-A 800 shall notify DES within 10 days of discovery of the deviation. It must also report the failure to comply with the minimum data availability requirement in the quarterly (excess) emissions report.

Title V sources must also **summarize** in the [semi-annual permit deviation and monitoring \(SA PD/M\) report](#) the occurrence of **ALL** deviations from any permit requirement that occurred during the semi-annual period. Any permit deviations that have already been reported to the department must be summarized using Part 4 of the SA PD/M report. Any deviations not previously reported must be reported using Part 5 of the SA PD/M report.

Sources are encouraged to use the [Permit Deviation Reporting Form](#) to report permit deviations electronically to DES at pdeviations@des.nh.gov. Sources do not need to use the [Compliance Report Cover Sheet](#) when reporting a permit deviation.

Air Pollution Control Equipment Monitoring Excursions: A source that is required to limit its emissions by operating air pollution control equipment (“APCE”) is typically required by its permit to monitor one or more operational parameters associated with the APCE (e.g. temperature, differential pressure, recycle rate) in order to verify that the equipment is working correctly and achieving the required level of pollution control. In the event that a parameter is above a maximum or below a minimum set point or is outside of the required operating range for that parameter and it cannot be brought into the necessary range specified for normal operation within 48 hours of the excursion, Env-A 911.04(d) requires the source to notify DES by telephone or electronic means within the next 24 hours* following the initial 48 hours.

(* unless it is a Saturday, Sunday, or state legal holiday, in which event the department shall be notified on the next day which is not a Saturday, Sunday, or state legal holiday.)