

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Env-A 2100 PARTICULATE MATTER AND VISIBLE EMISSIONS STANDARDS

Statutory Authority: RSA 125-C:4:I, (a) and (e)

PART Env-A 2101 PURPOSE

Env-A 2101.01 Purpose. The purpose of this chapter is to establish standards for particulate matter and visible emissions for those stationary sources or devices that are not specifically regulated pursuant to any other chapter, part, or section of this subtitle.

Source. #6428-B, eff 1-18-97 (formerly Env-A 1203); ss by #8215, eff 11-24-04; ss by #10314, eff 4-23-13

Env-A 2101.02 Applicability. The rules in this chapter shall apply within New Hampshire as specified in Env-A 2102.01 and Env-A 2103.01.

Source. #10314, eff 4-23-13

PART Env-A 2102 EMISSION STANDARDS FOR PARTICULATE MATTER

Env-A 2102.01 Applicability.

(a) Subject to (b), below, this part shall apply to any stationary source or device that is a source of particulate matter emissions discharged to the ambient air through a stack or through an exhaust and ventilation system.

(b) Those sources of particulate matter emissions that are governed specifically by other chapters, parts, or sections of this subtitle shall be controlled by those particular chapters, parts, or sections.

Source. #6428-B, eff 1-18-97 (formerly Env-A 1203); ss by #8215, eff 11-24-04 (from Env-A 2103); ss by #10314, eff 4-23-13

Env-A 2102.02 Definitions. “Exhaust and ventilation system” means any system that removes and transports particulate matter from the point of generation to the ambient air.

Source. #8215, eff 11-24-04 (from Env-A 2103); ss by #10314, eff 4-23-13

Env-A 2102.03 Emission Standards for Particulate Matter.

(a) For any stationary source or device installed after February 18, 1972, the owner or operator shall not cause or allow the emission of particulate matter at such source or device to exceed the emission standards specified for “New Devices” as listed in Table 2102-1, in (c), below.

(b) For any stationary source or device installed prior to or on February 18, 1972, the owner or operator shall not cause or allow the emission of particulate matter at such source or device to exceed the emission standards specified for “Existing Devices” as listed in Table 2102-1, in (c), below.

(c) Particulate matter emission standards shall be as set forth in Table 2102-1, below:

Table 2102-1 Particulate Matter Emission Standards

Process Weight Rate (tons per hour)	Emission Standard for “New Devices” (pounds per hour)	Emission Standard for “Existing Devices” (pounds per hour)
0.025	0.36	0.43
0.05	0.55	0.68

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Process Weight Rate (tons per hour)	Emission Standard for “New Devices” (pounds per hour)	Emission Standard for “Existing Devices” (pounds per hour)
0.25	1.53	1.99
0.5	2.58	3.17
2.5	7.58	9.35
5	12.0	14.85
10	19.2	23.62
30	40.0	49.31
40	42.5	51.03
60	46.3	55.55
90	49.0	58.88
100	51.2	61.53
500	69.0	82.75
1,000	77.6	93.11

Source. #8215, eff 11-24-04 (from Env-A 2103); ss by #10314, eff 4-23-13

Env-A 2102.04 Calculation of Particulate Matter Emission Standards.

(a) Where the process weight rate is not explicitly listed in Table 2102-1, the maximum allowable particulate matter emission rate shall be calculated using the applicable equation in (b) or (c), below, where:

- (1) “E” means the maximum allowable particulate matter emission rate in pounds per hour (lb/hr); and
- (2) “P” means the process weight rate in tons per hour (tons/hr).

(b) For a stationary source or device installed prior to or on February 18, 1972, if the process weight rate is:

(1) Up to 30 tons/hr, P shall be raised to the 0.67 power and multiplied by 5.05, as shown in the formula below:

$$E = 5.05 P^{0.67}$$

(2) In excess of 30 tons/hr, P shall be raised to the 0.11 power and multiplied by 66.0, and then 48 shall be subtracted from that result, as shown in the formula below:

$$E = 66.0 P^{0.11} - 48$$

(c) For a stationary source or device installed after February 18, 1972, if the process weight rate is:

(1) Up to 30 tons/hr, P shall be raised to the 0.67 power and multiplied by 4.10, as in the formula below:

$$E = 4.10 P^{0.67}$$

(2) In excess of 30 tons/hr, P shall be raised to the 0.11 power and multiplied by 55.0, and then 40 shall be subtracted from that result, as in the formula below:

$$E = 55.0 P^{0.11} - 40$$

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Source. #8215, eff 11-24-04 (from Env-A 2103); ss by #10314, eff 4-23-13

PART Env-A 2103 VISIBLE EMISSION STANDARDS

Env-A 2103.01 Applicability.

(a) Subject to (b), below, this part shall apply to any stationary source or device that is a source of visible emissions.

(b) Those sources of visible emissions that are governed specifically by other chapters, parts, or sections of this subtitle shall be controlled by those particular chapters, parts, or sections.

Source. #6428-B, eff 1-18-97 (formerly Env-A 1203); ss by #8215, eff 11-24-04 (formerly Env-A 2107); ss by #10314, eff 4-23-13

Env-A 2103.02 Visible Emission Standards.

(a) The owner or operator shall not cause or allow visible emissions from any stationary source or device subject to this part to exceed an average of 20 percent opacity for any continuous 6-minute period.

(b) Opacity shall be determined in accordance with Env-A 807.

Source. #6428-B, eff 1-18-97 (formerly Env-A 1203); ss by #8215, eff 11-24-04 (formerly Env-A 2107); ss by #10314, eff 4-23-13

Env-A 2103.03 Affirmative Defense to Penalty Action.

(a) An owner or operator against whom a malfunction-based violation of Env-A 2103.02(a) is alleged in a penalty action may raise an affirmative defense to the penalty as specified in this section.

(b) To establish the affirmative defense specified in (a), above, the owner or operator of the facility shall:

- (1) Comply with Env-A 911.04 relative to reporting permit deviations; and
- (2) Prove by a preponderance of the evidence that all of the circumstances identified in (c), below, have occurred.

(c) The circumstances that support an affirmative defense for the violation of a visible emission standard during a malfunction shall be as follows:

- (1) The excess emissions were caused by:
 - a. A sudden and not reasonably preventable breakdown of air pollution control equipment or process equipment; or
 - b. The failure of a process to operate in the normal or usual manner;
- (2) The excess emissions did not stem from any activity or event that could have been planned for or reasonably foreseen and could not have been avoided by better operation and maintenance practices;

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- (3) Subject to (d), below, the air pollution control equipment or process equipment was maintained and operated in a manner consistent with good practice for minimizing emissions to the maximum extent practicable;
- (4) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
- (5) The owner or operator made repairs to the malfunctioning equipment or process as expeditiously as possible after the malfunction was discovered;
- (6) The amount and duration of the excess emissions, including any bypass, were minimized to the maximum extent practicable during periods of such emissions;
- (7) The owner or operator took all reasonable steps to minimize the impact of the excess emissions on ambient air quality;
- (8) The owner or operator ensured the continued operation of any monitoring system except as necessary to correct the malfunction; and
- (9) The owner or operator documented all actions taken during the period of excess emissions using contemporaneous operating logs or other reliable evidence.

(d) The requirement in (c)(3), above, shall not be construed to automatically require the shutdown of process equipment to minimize emissions.

(e) The affirmative defense provisions of this section shall not be available for:

- (1) Claims for injunctive relief; or
- (2) Failure to meet federally promulgated visible emission standards specified in 40 CFR 60 and 40 CFR 63.

(f) In considering an affirmative defense raised by an owner or operator, the department shall review the information provided pursuant to Env-A 911.04 and any other information the department deems material and relevant, which may include, but is not limited to, a physical inspection of the facility and review of documentation pertaining to the maintenance and operation of emission units and air pollution control equipment.

(g) This section shall not be construed as limiting the authority of EPA or citizens under the Act.

Source. #10314, eff 4-23-13

Appendix

Rule Section(s)	State Statute Implemented
Env-A 2101	RSA 125-C:6, II
Env-A 2102	RSA 125-C:6, II
Env-A 2103	RSA 125-C:6, II