
ENVIRONMENTAL Fact Sheet



29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • www.des.nh.gov

ARD-17

2009

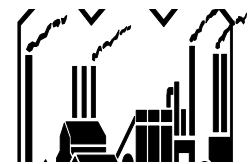
Frequently Asked Questions About New Hampshire's Air Permit Program

What is the Purpose of NH's Air Permit Program?

The New Hampshire Department of Environmental Services, Air Resources Division, regulates and limits air emissions from a variety of sources within New Hampshire through a statewide permitting program. The New Hampshire Code of Administrative Rules *Env-A 100 et seq.*, the Rules Governing the Control of Air Pollution, outline the permitting process and list sources that require permits for air emissions, either by overall source, specific device, or by pollutant. The purpose of the permitting program is to achieve and maintain air quality standards throughout the state. The Rules include established standards (National Ambient Air Quality Standards or NAAQS) for six “criteria” pollutants (ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter, and lead), and standards (Ambient Air Limits or AALs) for Regulated Toxic Air Pollutants (RTAPs).

What Sources Need An Air Permit?

Sources of air emissions that require permits include point sources (stationary commercial and industrial facilities), area sources (smaller stationary sources like dry cleaners and print shops), and devices (individual burners, furnaces, machines, etc.). Table I details the source/device threshold limits which trigger the requirement for obtaining an air permit from DES.



In addition to the specific sources/devices listed in Table I, the Rules contain other conditions under which a source would be required to obtain a permit. Examples of these conditions include:

- Sources choosing to limit their potential to emit by accepting enforceable permit conditions.
- Sources at which documented and repeated violations occur of any of the applicable opacity or emission limits found in the Rules.
- Sources at which documented and repeated violations of any NAAQS occur and the source is a significant contributor to the violation.
- Sources subject to “New Source Review,” a pollutant-specific program for new sources or modifications to sources which have emission levels above certain applicability thresholds.
- Sources subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) for source categories defined in federal regulations 40 CFR Parts 61 and 63.

- Sources operating as treatment, storage or disposal facilities under the NH Hazardous Waste Rules.
- Sources subject to the Rules governing reasonably available control technology (RACT) for volatile organic compounds (VOCs) or nitrogen oxides (NO_x).
- Sources where a permit is required in order to achieve compliance with NAAQS for criteria pollutants.
- Sources where a permit is required in order to achieve compliance with AALs for RTAPs.
- Sources affected by or opting into the Acid Rain program under Title IV of the federal Clean Air Act Amendments of 1990.
- Sources defined in the Rules as “major sources,” as determined by the type and amount of pollutant emitted from the source and the geographical location of the source (required by Title V of the federal Clean Air Act Amendments of 1990).

TABLE I
Devices and Sources Which Require Permits for Air Emissions

Device/Source	Design Rating	Fuel
Fuel Burning Device	≥ 10 million BTU/hr	Natural Gas, LP Gas, #2 fuel oil
Fuel Burning Device	≥ 4 million BTU/hr	#4 fuel oil
Fuel Burning Device	≥ 2 million BTU/hr	coal, wood, #6 fuel oil, used oil
Internal Combustion Engine (One or more at a source; design rating threshold is combined total of all engines)	≥ 1.5 million BTU/hr	liquid fuel oil
	≥ 10 million BTU/hr	Natural Gas or LP Gas
	Potential to emit > 25 tons per year of any single regulated air pollutant	
Incinerator	≥ 1,000 lbs/hr	Type 0, 1, 2, 3 waste
Incinerator	≥ 200 lbs/hr	Type 4, 5, 6, 7 waste
Stationary Source, Area Source, or Device	Total actual photochemically-reactive VOC emissions ≥ 10 tons per year	
Aboveground, Vertical, VOC Storage Tank	Capacity ≥ 40,000 gallons containing VOCs with a true vapor pressure ≥ 1.52 psia at 60 F	
Device for loading tank trucks with gasoline at a gasoline terminal	Design throughput ≥ 20,000 gal/day	
Woodworking Device employing pneumatic transfer system, using a cyclone but no baghouse, for collecting any amount of sander dust	Wood waste collection rate ≥ 20 tons/yr	
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		
Fixed non-metallic mineral processing plant or coal crusher	Design throughput ≥ 25 tons/hr	
Portable sand and gravel or crushed stone plant or coal crusher	Design throughput ≥ 150 tons/hr	

What Permits Are Required?

For sources that fit into one or more of the categories described above, DES issues four types of permits: a Temporary Permit, a State Permit to Operate, a General State Permit, and a Title V Operating Permit.

Temporary Permits

A temporary permit is issued prior to the commencement of construction or installation of any new or modified source or device. A temporary permit is issued for a period no longer than 18 months and contains terms and conditions establishing the parameters under which the source or device is constructed or operated. A temporary permit is issued to sources or devices based on several criteria including the source or device type, design ratings, levels of production, and annual emission levels. A temporary permit will contain conditions to confirm that the source or device can operate as proposed and in compliance with applicable air standards and regulations (e.g. stack testing, monitoring, and record keeping requirements). A temporary permit is the first step toward obtaining either a state permit to operate or a Title V operating permit.

State Permits to Operate

A state permit to operate is issued, once a source has been constructed, started operation, and shown that it can operate in compliance with all applicable air regulations, for a period not to exceed 5 years. A state permit to operate contains the emission limits and any other conditions the source is required to meet to ensure that the operation of the source will not result in a violation of any air quality standard or regulation.

State permits to operate are issued to sources or devices which were required to hold temporary permits and:

- 1) Are not subject to the Title V operating permit program; or
- 2) Are choosing to limit their potential emissions to a level below the major source threshold which would trigger a Title V operating permit (called a “synthetic minor source”).

General State Permits

A general state Permit is issued for a specific source category for a period not to exceed five years. A source that falls under one of the General State Permit categories may choose to comply with the terms and conditions of the General State Permit instead of obtaining a State Permit to Operate. Currently, there are two General State Permits:

- (1) Internal Combustion Engines Used as Emergency Generators; and
- (2) Nonmetallic Mineral Processing Plants.

Title V Operating Permits

The Title V operating permit program, effective June 30, 1995, is a requirement of Title V (Permits) of the federal Clean Air Act Amendments of 1990. Title V Operating Permits are issued to sources, called “major sources,” which emit or have the potential to emit the following pollutants at the levels specified:

- 10 tons per year (TPY) or more of any one hazardous air pollutant.
- 25 TPY or more of any combination of hazardous air pollutants.
- 100 TPY or more of NO_x for sources located in Belknap, Carroll, Cheshire, Coos, Grafton and Sullivan counties.

- 50 TPY or more of NO_x for sources located in Hillsborough, Merrimack, Rockingham, and Strafford Counties.
- 50 TPY or more of VOCs.
- Or, 100 TPY or more of any criteria pollutant, e.g., sulfur dioxide.

Other sources, including area sources, may also be required to obtain Title V Operating Permits if they are subject to federal requirements relating to new source performance standards, hazardous air pollutants, or acid rain control.

What Fees Are Required for an Air Permit?

The permit fee structure was established in 1995 as an emission-based fee structure with limited charges for permit reviews, stack testing, and monitoring. Since that time, program complexity has increased dramatically in all function areas, resulting in increasing costs for required programs, including stationary source permitting, air toxics, stationary source planning, rule development, public outreach, emissions trading programs, dispersion modeling, and compliance functions such as inspections, reporting, and enforcement. The revenue generated by the previous emission-based fees was not sufficient to meet these increasing costs. As a result, a revised permit fee system was adopted and became effective on June 26, 2004. The following information summarizes the requirements of Env-A 700.

Emission-Based Fees for All Permitted Sources (Holders of Temporary Permits, Title V Operating Permits, State Permits to Operate, and General State Permits)

All permitted sources that emit regulated air pollutants are required to pay annual fees based on their actual emissions.

Emission-Based Fee rate: \$125.85 per ton of emissions for calendar year 2008.

Total emission-based fee payment for a source is calculated by multiplying together total actual emissions (maximum of 6,000 tons per pollutant per facility) by the emission-based fee rate. For example:

Facility A reports total actual emissions for calendar year 2008 as follows:

Pollutant	Tons
Nitrogen Oxides	25
Sulfur Dioxide	125
Carbon Monoxide	5
Particulate Matter	3
Volatile Organic Compounds	10
Total Emissions	168

Total emission-based fee payment for Facility A = 168 X \$125.85 = \$21,142.80

Permitted sources whose total actual emissions are less than one ton are charged a one-ton minimum fee. For example, a facility that operates an emergency internal combustion engine whose total emissions equal 0.45 tons for calendar year 2008 would pay an emission-based fee of \$125.85.

Emission-Based Fees are due by April 15th of the following year.

Permit Application Review Fees: Apply to new sources only, i.e., source locations that have not been paying emission-based fees as of June 2004.

All new sources of air pollution are subject to **either** an Application Review Fee for Temporary Permits **or** an Application Fee for Air Toxics Reviews:

Application Review Fee for Temporary Permits: \$2,000

For all sources subject to Env-A 607.01, which requires a temporary permit prior to construction or installation of certain listed sources or devices. Sources that are only subject to the regulated air toxic pollutant regulations Env-A 1400 are excluded from this fee and will only pay the Application Fee for Air Toxics Reviews.

Application Fee for Air Toxic Reviews: For sources that submit a compliance determination application for regulated air toxic pollutants under Env-A 1400 and are not otherwise required to obtain a permit under Env-A 607.01. (Note: Under Env-A 1400, a source can make its own compliance determination and thus would not be required to submit an application.)

\$500 – Initial application fee for air toxics review. No other review fee is required with a finding of “No Permit Required.”

\$500 – Additional review fee with a determination that a permit is required (total review fee of \$1,000).

Modeling Fees for Initial Permit Applications:

For all sources that are subject to the application review fees described above that require air dispersion modeling as part of the application review, the following additional fees apply:

\$2,500 for all devices subject to 607.01.

\$1,500 for sources that are only subject to the regulated air toxic pollutant regulations.

Discounted rates for applications that include consultant prepared modeling are as follows:

\$1,875 for devices subject to 607.01.

\$1,125 for sources that are subject to air toxics reviews.

Major Source - Permit Review Fees:

As previously required, these permit review fees apply to new “major” sources and modifications to existing “major” sources (i.e., those that emit at specified threshold levels) and include reviews for National Emission Standards for Hazardous Air Pollutants and federal New Source Review (Prevention of Significant Deterioration and Non-Attainment reviews).

Fees are determined by the number of employee hours spent on the review multiplied by the employee’s hourly rate plus all travel and public notification costs.

Testing and Monitoring Fees for Temporary Permits:

All sources, including Title V sources which were previously exempt from these fees, will be charged for Department oversight of testing and monitoring conducted as required by temporary permits. Charges will be determined by the number of employee hours spent on the testing and monitoring oversight, multiplied by the employee's hourly rate plus any costs incurred for travel, lodging, meals, equipment, and supplies to carry out the required testing.

Public Notices:

The applicant shall pay for the costs for publication of all public notices required for issuance of any permits as follows:

The applicant may publish the notice directly and show proof of publication; **or**

The applicant may request that the Department publish the notice and the applicant will pay the publication costs plus an administrative fee of \$15.00 to DES.

How Can I Get More Information?

The air permit program is a complex process involving multiple conditions, requirements, and procedures. The information presented in this fact sheet provides an overview of the statewide air permit program; it is a starting point to help sources determine if they need to enter the process. As always, DES is pleased to provide assistance to companies throughout the process. Additional information may be obtained by contacting the DES Air Resources Bureau of Permitting and Environmental Health Administrator, Michele Andy at michele.andy@des.nh.gov or (603) 271-1370 or visit <http://des.nh.gov/organization/divisions/air/pehb/apps/index.htm> .