



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
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August 10, 2011

Gary Millbury, Manager
Air Permits Program
NHDES Air Resources Division
29 Hazen Drive; PO Box 95
Concord, NH 03302-0095

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AIR RESOURCES DIVISION

Dear Mr. Millbury:

Enclosed please find EPA's comments regarding the proposed title V operating permit for Merrimack Station which New Hampshire sent to EPA on July 21, 2011. We look forward to working with you as you address our comments. If you have any questions please call Donald Dahl at (617) 918-1657.

Sincerely,

A handwritten signature in cursive script that reads "Ida E. McDonnell".

Ida E. McDonnell, Manager
Air Permits, Toxics, and Indoor Programs Unit

Enclosure

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1. EPA understands the purpose of issuing Temporary Permits TP-B-0462 and FP-T-0054 is not directly related to a minor new source review permit program required under 40 CFR 51.160-51.164. We understand the changes made by PSNH, which the temporary permits address, reduced air emissions under the NSR applicability test. Therefore, conditions that exist solely within these permits are not federally enforceable, and should be identified as state-only enforceable within the proposed title V operating permit. The following conditions should be listed as state-only enforceable in the title V operating permit:
 - a. Page 10, condition VII.A.
 - b. Page 12, condition VII.B.
 - c. Page 17, Table 5, Item No. 1
 - d. Page 17, Table 5, Item No. 4
 - e. Page 18, Table 5, Item Nos. 5 and 6
 - f. Page 19, Table 5, Item Nos. 7 and 8
 - g. Page 20, Table 5, Item No. 9
 - h. Page 54, Table 7, Item No. 39
 - i. Page 77, Table 9, Item No. 11
2. New Hampshire should cite its authority under Env-A 609.05 instead of 40 CFR 70.6(a)(3)(i)(B) since the operating parameters associated with the monitoring/testing requirements are state-only enforceable, for the following permitting conditions:
 - a. Page 54, Table 7, Item Nos. 38, 40, and 41
 - b. Page 68, Table 8, Item Nos. 16 E and 16F
 - c. Page 78, Table 9, Item No.15
3. Page 24, Item No. 29 in Table 5 of the proposed title V permit and condition IV.E. contained in the minor new source review permit (Temporary Permit No. TP-B-0490) allow for like-kind replacement of the emergency boiler without going through an analysis of new source review. The section of EPA's PSD rules which allow for like-kind replacement (40 CFR 52.21(cc)) was stayed by a federal court on December 24, 2003. Condition 29 must be removed from the proposed title V permit because there is no authority under the Clean Air Act to allow an exemption from new source review for a like-kind replacement.
4. Page 20, Table 5, Item No. 9: The annual emission cap for SO₂ from PSNH's three major operating sites is not federally enforceable and needs to be identified as state-only enforceable.

5. Page 23, Table 5, Item Nos. 21 and 22: These conditions need to be removed from the federally enforceable Table to the state-only enforceable Table since the permit conditions originate from state operating permits and not new source review permits.
6. Page 22, Table 5, Item No. 19: The exemptions from opacity allowed by Applicable Requirement D are not approved into New Hampshire's SIP and must be removed from Table 5.
7. Page 22, Table 5, Item No. 20: The TSP emission limit approved into New Hampshire's SIP does not contain an averaging time. New Hampshire must remove the language in Item No. 20 that allows PSNH to average the TSP emission limit over 24 hours.

"The TSP emission rate shall not exceed 0.30 lb/MMBtu ~~based on a 24-hour calendar day.~~"

In addition, footnote 21 must be removed because emission factors from AP-42 should not be used to determine compliance with an emission limit.

8. Page 36, Condition VIII.G: Env-A 3100 has not been approved into New Hampshire's SIP and must be identified as state-only enforceable.
9. Page 57, Table 7, Item No. 55: The condition for mercury emission monitoring must be identified as state-only enforceable.
10. Page 59, Table 7, Item No. 56: PSNH should monitor emissions beginning in 2008, not 2002 as currently stated in the proposed title V permit.
11. Page 62, Table 8, Item No. 2, Recordkeeping Requirement J: New Hampshire has not been authorized by EPA to change 40 CFR Part 75 testing procedures for calculating heat input rate. The phrase "other method approved by DES" must be removed from the end of Recordkeeping Requirement J.