

# **ATTACHMENT A**

STATE OF NEW HAMPSHIRE  
Department of Environmental Services  
Air Resources Division



## TITLE V OPERATING PERMIT

Permit No: **TV-OP-018**  
Date Issued: **October 17, 2005**

This certifies that:  
**Suez Energy Generation North America**  
**1990 Post Oak Boulevard, Suite 1900**  
**Houston, TX 77056-4499**

has been granted a Title V Operating Permit for the following facility and location:  
**Pinetree Power - Tamworth, Inc.**  
**469 Plains Road, Route 41**  
**Tamworth, NH**  
**Carroll County**  
**AFS No. 3300300019**

This Title V Operating Permit is hereby issued under the terms and conditions specified in the Title V Operating Permit Application filed with the New Hampshire Department of Environmental Services on **March 31, 2004** under the signature of the following responsible official certifying to the best of his knowledge that the statements and information therein are true, accurate and complete.

Responsible Official:  
**Russell F. Dowd**  
**Plant Manager**  
**(603) 323-8187 (Ext. 303)**  
Technical Contact:  
**Russell F. Dowd**  
**Plant Manager**  
**(603) 323-8187 (Ext. 303)**

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.

This Title V Operating Permit shall expire on **October 31, 2010**.

**SEE ATTACHED SHEETS FOR ADDITIONAL PERMIT CONDITIONS**

For the New Hampshire Department of Environmental Services, Air Resources Division

  
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Director, Air Resources Division

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**ABBREVIATIONS**

AAL	Ambient Air Limit
AP-42	Compilation of Air Pollutant Emission Factors
ARD	Air Resources Division
ASTM	American Society for Testing and Materials
BTU	British Thermal Units
CAA	Clean Air Act
CAAA	Clean Air Act Amendments
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CO	Carbon monoxide
CO <sub>2</sub>	Carbon dioxide
COMS	Continuous Opacity Monitoring System
DER	Discrete Emission Reduction
DSCFM	Dry standard cubic feet per minute
Env-A	New Hampshire Code of Administrative Rules - Air Resources Division
ERC	Emission Reduction Credit
ESP	Electrostatic Precipitator
Hr	Hour
Lb/hr	Pounds per hour
MMBTU	Million British Thermal Units
NAAQS	National Ambient Air Quality Standard
NHDES (or DES)	New Hampshire Department of Environmental Services
NO <sub>x</sub>	Oxides of Nitrogen
NSPS	New Source Performance Standard
PM	Particulate Matter
PM <sub>10</sub>	Particulate Matter less than 10 microns diameter
PSD	Prevention of Significant Deterioration
PSI	Pounds per Square Inch
PTE	Potential to Emit
RACT	Reasonably Available Control Technology
RTAP	Regulated Toxic Air Pollutant
SIP	State Implementation Plan
SO <sub>2</sub>	Sulfur Dioxide
TPY	Tons per Year
USEPA	United States Environmental Protection Agency

## TV-OP-018

**Facility Specific Title V Operating Permit Conditions****I. Facility Description of Operations**

Pinetree Power-Tamworth, Inc. (the Permittee) operates a 25 megawatt (MW) gross output, power generation facility located in Tamworth, New Hampshire. The primary sources of emissions at the facility are a wood-fired boiler, an emergency diesel generator, a fire pump and a cooling tower. The facility is a major source for nitrogen oxides and carbon monoxide and is therefore required to obtain a Title V Operating Permit. Pinetree-Tamworth received a Prevention of Significant Deterioration (PSD) permit from United States Environmental Agency (USEPA) on November 15, 1990.

**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.

<b>Table 1 - Significant Activity Identification</b>		
<b>Emission Unit #</b>	<b>Description of Emission Unit</b>	<b>Emissions Unit Maximum Permitted Capacity</b>
EU01	Zurn Two Drum Waterwall Wood-fired Boiler Model No: 2-Drum Open Pass Type of Burner: Spreader Stoker Date of installation: July 1987	The maximum operating rate of the boiler is limited to 404.13 MMBTU/hr of heat input, which is equivalent to 47.5 tons/hour of wood chips with a heating value of 4,250 BTU/lb, assuming approximately 50% moisture. This is equivalent to 220,000 lbs/hr of steam production as averaged over any consecutive 24-hour period at 900 °F and 700 PSIG, assuming a boiler efficiency of 71.47% and boiler feedwater temperature of 405 °F.
EU02	745 hp Caterpillar Emergency Diesel Generator, Model #3412 Date of installation: November 1987	All emergency generators including the fire pump, are limited to operate less than 500 hours each during any consecutive 12 month-period and the combined theoretical potential emissions of NOx from all such generators are limited to less than 25 tons for any consecutive 12-month period.
EU04	187 hp Fire pump	
EU03	Cooling Tower Date of installation: 1987	Drift Factor = 0.002% (Manufacturer's data) Circulation Rate = 26,000 gallons/minute

**B. Stack Criteria**

The stacks listed in Table 2 - Stack Criteria, for the significant devices described in Table 1 and listed below, shall discharge vertically without obstruction (including rain caps) and meet the following criteria in accordance with the state-only requirements<sup>1</sup> of Env-A 606.

<b>Table 2 - Stack Criteria</b>		
<b>Stack #</b>	<b>Minimum Stack Height (Feet)</b>	<b>Maximum Stack Diameter (Feet)</b>
Stack #1	197.5	8.5

The Permittee may change the stack criteria described in Table 2 without obtaining approval from the DES provided that an air quality impact analysis is performed either by the facility or the DES (if requested by the facility in writing) in accordance with Env-A 606 and the “NHDES-ARD Procedure for Air Quality Impact Modeling”, and that the analysis demonstrates that emissions from the modified stack will continue to comply with all applicable emission limitations and ambient air limits. All air modeling data and analyses shall be kept on file at the facility for review by the DES upon request.

**IV. Insignificant Activities Identification**

All activities at this facility, which meet the criteria identified in Env-A 609.04, 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 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:

<b>Table 3 - Pollution Control Equipment Identification</b>		
<b>Pollution Control Equipment Number (PCE#)</b>	<b>Description of Equipment</b>	<b>EU#</b>
PCE1	Multiclone - primary particulate control	EU01
PCE2	Electrostatic Precipitator (ESP) - secondary particulate control	

A. The PCE1-Multiclone shall be operated in series with the PCE2-ESP unit (emissions from the Multiclone are pulled to the ESP by an ID fan).

<sup>1</sup> 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 101.263.

- B. All equipment, techniques, facilities and systems 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 manufacturers specifications so as to minimize air pollutant emissions. These controls<sup>2</sup> shall be fully operational upon Pinetree-Tamworth startup and shall not be bypassed during startup, operation, or shutdown of the steam generating unit.
- C. Manufacturer's recommended maintenance schedules and specifications shall be kept on file for review by the DES and/or 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-only operational and emission limitations identified in Table 4 below:

<b>Table 4 - State-only Enforceable Operational and Emission Limitations</b>			
<b>Item #</b>	<b>Applicable Requirements</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
1.	The emissions of any regulated toxic air pollutant (RTAP) shall not cause an exceedance of its associated 24-hour or annual ambient air limit as set forth in Env-A 1450.01, <i>Table Containing the List Naming All Regulated Toxic Air Pollutants</i> .	Facility Wide	Env-A 1400
2.	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.	Facility Wide	Env-A 1405.01
3.	Documentation for the demonstration of compliance shall be retained at the facility and shall be made available to DES for inspection.	Facility Wide	Env-A 1403.01(d)
4.	If DES revises the list of RTAPs or their respective ambient air limits or classifications under RSA 125-I:4, II and III, and as a result of such revision the Permittee is required to obtain or modify the Permit under the provisions of RSA 125-I or RSA 125-C, the Permittee 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. DES shall include as conditions in any permit issued as a result of a revision to the list of RTAPs a compliance plan and a schedule for achieving compliance based on public health, economic and technical consideration, not to exceed 3 years.	Facility Wide	RSA 125-I:5, IV

<sup>2</sup> PCE1 and PCE2 can be shutdown when the facility is shutdown for maintenance.

**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:

<b>Table 5 - Federally Enforceable Operational and Emission Limitations</b>			
<b>Item #</b>	<b>Applicable Requirement</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
1.	Pinetree-Tamworth shall burn in the boiler only wood chips uncontaminated by glues, preservatives, oils or similar substances. Pinetree-Tamworth shall notify DES/EPA of all proposed sources of wood-fuel other than wood chips and of the nature of said fuels. Pinetree-Tamworth shall obtain written permission from DES/EPA prior to the securing of any purchase/utilization agreements for said fuels.	EU01	PSD Permit No. 040-149NH06
2.	Based on equipment design, the maximum operating rate of the boiler shall be limited to 404.13 MMBTU/hr gross heat input. This is equivalent to 47.54 tons/hr of wood chips with a heating value of 4,250 BTU/lb, assuming approximately 50% moisture.	EU01	PSD Permit No. 040-149NH06
3.	Maximum steam production is limited to 220,000 lbs/hr at 900°F and 700 PSIG, as averaged over any consecutive 24-hour period.	EU01	PSD Permit No. 040-149NH06
4.	Annual sulfur dioxide (SO <sub>2</sub> ) emissions from the facility shall not exceed 40 tons during any consecutive 12-month period.	Facility wide	PSD Permit No. 040-149NH06
5.	The startup and shutdown periods for the Boiler are defined as follows: (a) Startup periods are those periods of time from the initiation of wood firing until the unit reaches steady-state operation (85% to 100% load conditions). This period shall not exceed 8 hours (480 minutes) for a cold startup, nor 4 hours (240 minutes) for a hot startup. A cold startup shall be defined as startup when the boiler has been down for more than 24 hours. (b) Shutdown periods shall not exceed 4 hours (240 minutes) from the moment the wood fuel supply to the boiler is eliminated. (c) The number of hours that the boiler can operate in a startup or shutdown mode shall not exceed 15% of the total operating hours of the plant.	EU01	PSD Permit No. 040-149NH06
6.	Pinetree-Tamworth is subject to the following opacity limits: (a) Startup/Shutdown Conditions Pinetree-Tamworth shall not cause or allow visible emissions from the boiler to exceed 20 percent (6-minute average), except for one 6-minute average per hour of not more than 27 percent opacity. (b) Steady State Operating Conditions Pinetree-Tamworth shall not cause or allow visible emissions from the boiler to exceed 15 percent (6-minute average), except for one 6-minute average per hour of not more than 27 percent opacity. (c) Opacity shall be determined in accordance with procedures set forth in 40 CFR 60, Appendix A, Method 9 during Continuous Opacity Monitoring System (COMS) down times.	EU01	PSD Permit No. 040-149NH06 and PO-B-1706

**Table 5 - Federally Enforceable Operational and Emission Limitations**

<b>Item #</b>	<b>Applicable Requirement</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
7.	The NO <sub>x</sub> emission rate from the boiler shall be limited to 107.10 lb/hr and 0.265 lb/MMBTU, as averaged over any consecutive 24-hour period. Compliance with this emission limit shall be demonstrated using the NO <sub>x</sub> Continuous Emissions Monitoring System (CEMS) data. <sup>3</sup>	EU01	PSD Permit No. 040-149NH06
8.	(a) During steady state operating conditions, the carbon monoxide emission rate for the boiler shall be limited to 0.5 lb/MMBTU heat input and 202.10 lbs/hr as averaged over any consecutive 24-hour period. Compliance with this emission limit shall be demonstrated using the CO CEMS data.  (b) During startup and shutdown conditions, the carbon monoxide emission rate for the boiler shall be limited to 202.1 lb/hr as averaged over any consecutive 24-hour period.	EU01	PSD Permit No. 040-149NH06
9.	The particulate matter emission rate for the boiler shall be limited to 0.025 lb/MMBTU heat input and 10.10 lb/hr at all times <sup>4,5</sup> .	EU01	PSD Permit No. 040-149NH06
10.	The volatile organic compound emission rate for the boiler shall be limited to 0.096 lb/MMBTU heat input and 38.80 lb/hr at all times.	EU01	PSD Permit No. 040-149NH06
11.	Pinetree-Tamworth shall not allow fugitive emissions from the facility to exceed 5% opacity at any time.	Facility wide	PSD Permit No. 040-149NH06
12.	Pinetree-Tamworth shall not cause or allow average opacity from fuel burning devices installed after May 13, 1970 in excess of 20% for any continuous 6-minute period.	EU02 & EU04	Env-A 2003.02
13.	The particulate matter emissions from fuel burning devices (with heat input rates less than 100 MMBTU/hr) installed on or after January 1, 1985 shall not exceed 0.3 lb/MMBTU.	EU02 & EU04	Env-A 2003.08 (formerly Env-A 1202.07)
14.	<u>Emergency Generators</u> The emergency generators, including fire pumps, at a stationary source operating less than 500 hours each during any consecutive 12-month period and having combined theoretical potential emissions of NO <sub>x</sub> , from all such generators limited to less than 25 tons for any consecutive 12-month period, shall be exempt from the requirements of Env-A 1211.11.	EU02 & EU04	Env-A 1211.01(j)
15.	Unless otherwise specified in Env-A 2100, the Permittee shall not cause or allow visible fugitive emissions or visible stack emissions to exceed an average of 20 percent opacity for any continuous 6-minute period in any 60-minute period, except where opacity is specified differently for fuel burning devices in Env-A 2000.	EU03	Env-A 2107.01(a) (formerly Env-A 1203.05)

<sup>3</sup> This device is subject to both the Prevention of Significant Deterioration (PSD) limit of 0.265 lb NO<sub>x</sub>/MMBTU and to the NO<sub>x</sub> Reasonable Achievable Control Technology (RACT) limit of 0.33 lb/MMBTU (Env-A 1211.04(d) and Env-A 1211.05(d)(5)), although the PSD limit shall take priority as the most stringent federally enforceable limit.

<sup>4</sup> The boiler is also subject *New Source Performance Standards (NSPS) for Industrial-Commercial-Institutional Steam Generating Units* (40 CFR 60, subpart Db). NSPS limit for particulate matter is 0.1 lb/MMBTU. However, PSD limit is more stringent.

<sup>5</sup> The boiler is also subject to Env-A 2003.08 *Particulate Emission Standards from Fuel Burning Devices Installed after January 1, 1985*, which limits the particulate matter emissions to 0.1 lb/MMBTU. PSD limit is more stringent.

<b>Table 5 - Federally Enforceable Operational and Emission Limitations</b>			
<b>Item #</b>	<b>Applicable Requirement</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
16.	Pinetree-Tamworth shall take precautions to prevent, abate and control the emission of fugitive dust for those activities described in Env-A 1002.02. Such precautions shall include but are not limited to wetting, covering, shielding, or vacuuming.	Facility Wide	Env-A 1002.04
17.	<u>Control of NO<sub>x</sub> and CO Emissions</u> The Permittee shall control CO emissions by varying the total quantity of input combustion air and/or the local distribution of that air into the boiler. The amount of combustion air required to optimize the boiler efficiency and reduce CO emissions is dependent on the wood moisture content and the type of wood, among other factors. The steam generating unit shall be equipped with fuel distribution, overfire air and undergrate air control systems for optimum NO <sub>x</sub> and CO emission control.	EU01	Env-A 305 & Env-A 306
18.	<u>Accidental Release Program Requirements</u> 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: (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	CAAA 112(r)(1)

**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.

**D. Monitoring and Testing Requirements**

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

<b>Table 6 - Monitoring/Testing Requirements</b>					
<b>Item #</b>	<b>Parameter</b>	<b>Method of Compliance</b>	<b>Frequency of Method</b>	<b>Device</b>	<b>Regulatory Cite</b>
1.	Opacity	Continuous Opacity Monitoring System shall be maintained on the ESP outlet. This system shall meet the requirements of 40 CFR 60, Appendix B, Performance Specification 1 and Env-A 808. Determination of compliance with the opacity limits established in item #6 of Table 5 of this permit shall be made by the COMS or, during any COMS downtime, by visible emission readings taken once per shift following the procedures specified in 40 CFR 60, Appendix A, Method 9.	Continuous	EU01	PSD Permit No. 040-149NH06
2.	NO <sub>x</sub>	The NO <sub>x</sub> CEMS shall meet the requirements of 40 CFR 60, Appendix B, Performance Specification 2 and Env-A 808. Determination of compliance with the NO <sub>x</sub> emission limits established in item #7 of Table 5 of this permit shall be made by the NO <sub>x</sub> CEMS.	Continuous	EU01	PSD Permit No. 040-149NH06
3.	CO	The CO CEMS shall meet the requirements of 40 CFR 60, Appendix B, Performance Specification 4 and Env-A 808. Determination of compliance with the CO emission limits established in item #8 of Table 5 of this permit shall be made by the facility CO CEMS.	Continuous	EU01	PSD Permit No. 040-149NH06
4.	O <sub>2</sub>	The O <sub>2</sub> CEMS shall meet the requirements of 40 CFR 60, Appendix B, Performance Specification 3 and Env-A 808.	Continuous	EU01	PSD Permit No. 040-149NH06
5.	Volumetric Flow	Stack Volumetric Flow The stack volumetric flow measuring device shall meet all of the requirements of 40 CFR 60, Appendix B, Performance Specification 6. The stack volumetric flow measuring device combined with the CEMS data for CO and NO <sub>x</sub> shall be used to calculate mass emission rates for comparison with the emission standards specified in Table 5. The stack volumetric flow monitor shall meet the following requirements:  (a) All differential pressure flow monitors shall have an automatic blow-back purge system installed and in wet stack emissions shall have the capability for drainage of the sensing lines; and  (b) The stack flow monitoring system shall have the capability for on-line manual transducer calibration and for a zero check.	Continuous	EU01	Env-A 808.03(d)
6.	Continuous steam flow monitor	Pinetree-Tamworth shall maintain and operate a continuous steam flow rate monitoring/recording system on the boiler output steam pipe which shall meet all applicable ASME specifications. Calibration of the steam flow transducer shall occur at least once annually in accordance with manufacturer's specifications. If adequate straight length of piping is not available, then in lieu of a measuring system that meets ASME specifications, the owner or	Continuous	EU01	PSD Permit No. 040-149NH06

**Table 6 - Monitoring/Testing Requirements**

<b>Item #</b>	<b>Parameter</b>	<b>Method of Compliance</b>	<b>Frequency of Method</b>	<b>Device</b>	<b>Regulatory Cite</b>
		operator may use a steam flow rate monitoring system that can be calibrated by instruments installed, maintained and calibrated per ASME specifications or by other methods approved by the DES.			
7.	Stack Testing Requirements for Total suspended particulate matter (TSP)	<p>Compliance stack testing for particulate matter shall be planned and carried out upon at the frequency specified. The pre-test protocol must be submitted by the facility at least 30 days prior to the commencement of testing.</p> <p>(a) The pre-test report shall contain the following information:</p> <ol style="list-style-type: none"> <li>1. Calibration methods and sample data sheets;</li> <li>2. Description of the test methods to be used;</li> <li>3. Pre-test preparation procedures;</li> <li>4. Sample collection and analysis methods;</li> <li>5. Process data to be collected; and</li> <li>6. Complete test program description.</li> </ol> <p>(b) At least 15 days prior to the test date, the facility and any contractor that the facility retains for performance of the test, shall participate in pre-test conference with a Division representative.</p> <p>(c) Emission testing shall be carried out under the observation of a Division representative. Upon commencement of any performance test, the performance test shall not be aborted unless approved by DES.</p> <p>(d) The Permittee shall submit stack test report to DES within 60 days of completion of the actual testing.</p>	Every 5 years, within 90 days of the anniversary of the last stack test <sup>6</sup>	EU01	40 CFR 70.6(a)(3) & Env-A 802
8.	Minimum Specifications for CEM Systems	<p>The CEMS for Opacity, NO<sub>x</sub>, CO and O<sub>2</sub> shall meet the following minimum specifications:</p> <p>(a) A CEM system for measuring gaseous emissions shall average and record the data for each calendar hour;</p> <p>(b) A CEM system for measuring opacity emissions shall average the opacity data to result in consecutive, non-overlapping 6-minute averages;</p> <p>(c) All CEM systems, opacity and gaseous measuring shall:</p> <ol style="list-style-type: none"> <li>1. Include a means to display instantaneous values of percent opacity and gaseous emissions concentrations; and</li> <li>2. Complete a minimum of one cycle of operation, which shall include measurement, analyzing, and data recording for each successive 5-minute period for systems measuring gaseous emissions and each 10-second period for systems measuring opacity, unless a longer time period is approved in accordance with Env-A 809.</li> </ol>	N/A	EU01	Env-A 808.03

<sup>6</sup> At the time of this permit issuance, the last stack test for particulate matter was conducted on June 9, 2004.

**Table 6 - Monitoring/Testing Requirements**

<b>Item #</b>	<b>Parameter</b>	<b>Method of Compliance</b>	<b>Frequency of Method</b>	<b>Device</b>	<b>Regulatory Cite</b>
9.	QA/QC Plan Requirements	<p>The owner or operator of a source required to operate or maintain an opacity or gaseous CEM system shall:</p> <ul style="list-style-type: none"> <li>(a) Maintain a quality assurance/quality control (QA/QC) plan, which shall contain written procedures for implementation of its QA/QC program for each CEM system;</li> <li>(b) Review the QA/QC plan and all data generated by its implementation at least once each year;</li> <li>(c) Revise or update the QA/QC plan, as necessary, based on the results of the annual review, by documenting any changes made to the CEM or changes to any information provided in the monitoring plan;</li> <li>(d) Make the revised QA/QC plan available for on-site review by the Division at any time; and</li> <li>(e) Within 30 days of completion of the annual QA/QC plan review, certify in writing that the Permittee will continue to implement the source's existing QA/QC plan or submit in writing any changes to the plan and the reasons for the change.</li> </ul>	Annually	EU01	Env-A 808.06
10.	General Audit Requirements	<ul style="list-style-type: none"> <li>(a) Required quarterly audits shall be done anytime during each calendar quarter, but successive quarterly audits shall occur no more than 4 months apart;</li> <li>(b) Within 30 calendar days following the end of each quarter, the owner or operator of the source shall submit to the Division a written summary report of the results of all required audits that were performed in that quarter, in accordance with the following: <ul style="list-style-type: none"> <li>1. For gaseous CEM audits, the report format shall conform to that presented in 40 CFR 60, Appendix F, Procedure 1, section 7;</li> <li>2. For opacity CEM audits, the report format shall conform to that presented in EPA-600/8-87-025, April 1992, "Technical Assistance Document: Performance Audit Procedures for Opacity Monitors." and</li> </ul> </li> <li>(c) The Permittee shall notify the Division at least 30 days prior to the performance of a RATA.</li> </ul>	Quarterly	EU01	Env-A 808.07
11.	Gaseous CEM Audit Requirements	Audit requirements for gaseous CEM systems shall be performed in accordance with procedures described in 40 CFR 60, Appendix F and Env-A 808.08.	Quarterly	EU01	Env-A 808.08
12.	Opacity CEM Audit Requirements	Audit requirements for opacity CEM systems shall be performed in accordance with procedures described in 40 CFR 60, Appendix B, Specification 1 and Env-A 808.09.	Quarterly	EU01	Env-A 808.09
13.	Data Availability Requirements	(a) Pinetree-Tamworth shall operate the gaseous, volumetric and steam flow CEM systems at all times during operation of the source, <b>except</b> when the stack flow is less than 39,384 DSCFM or during periods of CEM breakdown, repairs,	As specified	EU01	Env-A 808.10

**Table 6 - Monitoring/Testing Requirements**

Item #	Parameter	Method of Compliance	Frequency of Method	Device	Regulatory Cite
		<p>calibration checks, preventive maintenance, and zero/span adjustments. The COMS shall be continuously monitoring and recording opacity data during all periods of operation, regardless of the stack flow rate.</p> <p>(b) The percentage CEM data availability for opacity and all gaseous concentration monitors shall be maintained at a minimum of 90% on a calendar quarter basis.</p> <p>(c) The percentage CEM data availability for opacity and all gaseous concentration monitors shall be maintained at a minimum of 75% for any calendar month.</p>			
14.	Calculations of CEM Averages	<p><u>Calendar day averages (which is required pursuant to Env-A 808.13(a)(3))</u> shall be calculated as follows:</p> <p>(a) Calendar day average=(Sum of all valid hour lb/hr averages for the calendar day)/(24 hours - hours of CEM system downtime for the day);</p> <p>(b) Calendar day averages shall only be valid for days with 18 or more valid hours of CEM data;</p> <p>(c) A valid hour of CEM data shall be defined as a minimum of 42 minutes collection of CEM readings taken in a calendar hour;</p> <p>(d) Hours of CEM system downtime shall be defined as the number of calendar hours when the CEM system has not collected data or is out-of-control for greater than 18 minutes for any reason (i.e. audits, CEM system calibration, CEM system failures, etc.); and</p> <p>(e) Hours or days when the CEM system has been intentionally shutdown when the facility is not operating shall not be counted as CEM system downtime.</p>	N/A	EU01	40 CFR 60, Appendix B & Env-A 808
15.	Periodic Monitoring	<p>If the indicator ranges specified in Tables 6A and 6B, Item 2 accumulate exceedances over 5% of the rolling 12-month total operating time for PCE1 and PCE2, 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> <p>(a) Improve preventive maintenance practices;</p> <p>(b) Operational changes;</p> <p>(c) Appropriate improvements to control methods;</p> <p>(d) Other steps to improve control performance; and</p> <p>(e) More frequent or improved monitoring.</p>	Continuous	PCE1 & PCE2	40 CFR 64.8

**Table 6A - Compliance Assurance Monitoring (CAM) - 40 CFR 64  
Electrostatic Precipitator (ESP) for the control of Particulate Matter**

<b>Indicator</b>	<b>Indicator No. 1 - Secondary Voltage</b>	<b>Indicator No. 2 - Inspection/Maintenance</b>
1. Measurement Approach	Secondary voltage is transmitted through a serial connection which sends the signal to a data acquisition system. Standard voltmeters are used as backup. All three ESP fields must be in operation.	<ul style="list-style-type: none"> <li>a) Inspections shall be conducted according to the I/M checklist;</li> <li>b) Inspections of casing, piping, ducts, and ash conveyor for leaks, abnormal noise, hot spots, and fires;</li> <li>c) Inspection of the ash hopper, high-level probes and remote alarms for correction operation; and</li> <li>d) Maintenance performed as needed.</li> </ul>
2. Indicator Range	The indicator range is a secondary voltage between 3 kilovolts and 60 kilovolts for each field, with all three fields of the ESP in operation. Excursions <sup>7</sup> trigger an inspection, corrective action, and a reporting requirement.	<p>Failure to perform an inspection triggers a reporting requirement.</p> <p>Failure of mechanical inspections listed in Item 1 above, triggers corrective action, and recordkeeping requirement.</p>
3. Performance Criteria		
a) Data Representativeness	The minimum accuracy of the readings is $\pm 3\%$ of span.	Inspections are performed at the ESP.
b) QA/QC Practices and Criteria	<p>The local secondary voltmeter shall be calibrated annually and the results recorded.</p> <p>The Permittee shall maintain the monitoring equipment at all times, including but not limited to, maintaining necessary parts for routine repair and maintenance.</p>	Inspections shall be conducted by qualified personnel.
c) Monitoring Frequency	The secondary voltage shall be recorded once per shift.	<ul style="list-style-type: none"> <li>a) Annual inspection according to the I/M checklist;</li> <li>b) Once per shift inspections shall include inspections of casing, piping, ducts, and ash conveyor for leaks, abnormal noise, hot spots, and fires; and</li> <li>c) Annual inspections shall include inspection of the ash hopper, high-level probes and remote alarms for correction operation.</li> </ul>
i) Data Collection Procedure	Records to be maintained on standard operating logs.	Record results of all inspection and maintenance in a logbook.
ii) Averaging Period	NA	NA

<sup>7</sup> Excursion shall mean a departure from an indicator range established for monitoring under 40 CFR 64, consistent with any averaging period specified for averaging the results of the monitoring.

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**Table 6B - Compliance Assurance Monitoring (CAM) - 40 CFR 64  
Multiclone for the control of Particulate Matter**

Indicator	Indicator No. 1 - Pressure differential across the multiclone	Indicator No. 2 - Inspection/Maintenance
1. Measurement Approach	Measurement of pressure using a pressure transmitter to data acquisition system.	a) Inspections shall be conducted according to the I/M checklist including inspection of the inlet and outlet vanes and boots for any buildup of caked dust; b) Inspections of the multiclone shall include checking for any apparent abnormalities or damage that would cause air leakage into the unit; and c) Maintenance performed as needed.
2. Indicator Range	The indicator range is a pressure differential reading between 2" and 8" of water column. Excursions trigger an inspection, corrective action, and a reporting requirement.	Failure to perform an inspection triggers a reporting requirement. Failure of mechanical inspections listed in Item 1 above, triggers corrective action, and recordkeeping requirement.
3. Performance Criteria		
a) Data Representativeness	The pressure transmitter is located at the inlet and outlet of multiclone. The minimum accuracy of the gage is $\pm 0.5$ inches of water column.	Inspections are performed at the multiclone.
b) QA/QC Practices and Criteria	The pressure transmitter shall be calibrated annually.	Inspections shall be conducted by qualified personnel.
c) Monitoring Frequency	Pressure drop shall be recorded once per shift.	a) Annual inspection according to the I/M checklist including inspection of the inlet and outlet vanes and boots for any buildup of caked dust; and b) Daily Inspections of the multiclone shall include checking for any apparent abnormalities or damage that would cause air leakage into the unit.
i) Data Collection Procedure	Records to be maintained on standard operating logs.	Record results of all inspection and maintenance in a logbook.
ii) Averaging Period	NA	NA

**E. Recordkeeping Requirements**

The Permittee shall be subject to the recordkeeping<sup>8</sup> requirements identified in Table 7 below:

<b>Table 7 - Applicable Recordkeeping Requirements</b>				
<b>Item #</b>	<b>Applicable Recordkeeping Requirement</b>	<b>Records Retention/ Frequency</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite.</b>
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>Monitoring Data</u> The Permittee shall maintain records of monitoring requirements as specified in Table 6 of this Permit including: (a) Summary of maintenance and repair records for pollution control equipment listed in Table 3. (b) Summary of maintenance and repair records of the CEMS, COMS and stack volumetric flow measuring device; and (c) Summary of maintenance, calibration and repair records associated with steam flow measuring device.	Maintain on a continuous basis	EU01	40 CFR 70.6(a)(3)(iii)(A)
3.	To meet the requirements of item #5 of Table 5, the facility shall record the number of hours that the facility is operated in startup or shutdown modes, the total number of hours of operation and the total number of hours that the facility is down for maintenance and repairs. This information shall be used to demonstrate that the number of hours that the boiler operates in a startup or shutdown mode does not exceed 15% of the total operating hours of the plant.	Maintain on a continuous basis	EU01	Env-A 906.01
4.	<u>General Recordkeeping Requirements for Sources with Continuous Emissions Monitoring Systems</u> The Permittee shall maintain records for the continuous emission monitoring systems in accordance with Env-A 800 and all applicable federal regulations.	Maintain on a continuous basis	EU01	Env-A 903.04
5.	<u>Records on Fuel Utilization</u> For each fuel burning device at the facility, the Permittee shall keep records of fuel utilization in accordance with the following: (a) Consumption; (b) Fuel type; (c) Viscosity (for liquid fuels); (d) Btu content (lb/gal or lb/ton wood chips); and (e) Estimated amount in tons (wet basis) of wood chips consumed per month and a consecutive twelve month total.	Monthly	Facility wide	Env-A 901.03 Federally Enforceable

<sup>8</sup> On April 23, 1999, DES promulgated new Env-A 900 regulations in an attempt to streamline the recordkeeping and reporting requirements Sections of the New Hampshire Code of Administrative Rules. Until such time that the new Env-A 900 regulations are approved and adopted into the State Implementation Plan (SIP) by EPA, all Title V permits will be incorporating the old Env-A 900 regulations (which became effective on November 11, 1992), unless the new Env-A 900 regulations are more stringent. The recordkeeping and reporting requirements contained in this permit are those requirements, which the facility shall be required to comply with. These recordkeeping and reporting requirements shall fall under the Permit Shield provisions as contained in Section XIII of this permit.

**Table 7 - Applicable Recordkeeping Requirements**

Item #	Applicable Recordkeeping Requirement	Records Retention/ Frequency	Applicable Emission Unit	Regulatory Cite.
6.	The Permittee shall maintain daily records of the amount of fuel combusted in the boiler.	Daily	EU01	40 CFR 60.49b(d)
7.	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 (formerly Env-A 704.03)
8.	<p><u>NO<sub>x</sub> Recordkeeping Requirements</u></p> <p>For fuel burning devices, including boilers and internal combustion engines, the following information shall be recorded and maintained:</p> <p>(a) Facility information, including:</p> <ol style="list-style-type: none"> <li>1. Source name;</li> <li>2. Source identification;</li> <li>3. Physical address;</li> <li>4. Mailing address; and</li> <li>5. A copy of the certificate of accuracy required to be maintained pursuant to Env-A 901.08(b).</li> </ol> <p>(b) Identification of each fuel burning device;</p> <p>(c) Operating schedule information for each fuel burning device identified in b), above, including:</p> <ol style="list-style-type: none"> <li>1. Days per calendar week during the normal operating schedule;</li> <li>2. Hours per day during the normal operating schedule and for a typical ozone season day, if different from the normal operating schedule; and</li> <li>3. Hours per year during the normal operating schedule.</li> </ol> <p>(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;</p> <p>(e) The following NO<sub>x</sub> emission data, including records of total annual emissions, in tons per year, and typical ozone season day emissions, in pounds per day;</p> <ol style="list-style-type: none"> <li>1. Theoretical potential emissions for the calculation year for each fuel burning device; and</li> <li>2. Actual NO<sub>x</sub> emissions for each fuel-burning device.</li> </ol>	On a continuous basis	Facility wide	Env-A 901.08 Federally Enforceable
9.	<p><u>Quality Improvement Plan</u></p> <p>The Permittee shall prepare and submit to DES a QIP when the conditions in Table 6, Item 15 are met.</p>	Initially within 180 days of becoming subject to this condition. Maintain on a continuous basis	PCE1 & PCE2	40 CFR 64.8

**F. Reporting Requirements**

The Permittee shall be subject to the reporting requirements<sup>6</sup> identified in Table 8 below:

<b>Table 8 - Applicable Reporting Requirements</b>				
<b>Item #</b>	<b>Reporting Requirements</b>	<b>Frequency of Reporting</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
1.	Any report submitted to the 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.	<p><u>Semi-annual Permit Deviation and Monitoring Report</u></p> <p>The Permittee shall submit a summary report of the monitoring and permit deviations including:</p> <p>(a) Summary of maintenance and repair records for the pollution control devices, CEMS, COMS, stack volumetric flow measuring device and the steam flow measuring device;</p> <p>(b) Permit deviations;</p> <p>(c) Summary information on the number, duration and cause of excursions or exceedances and the corrective actions taken; and</p> <p>(d) Summary information on the number, duration and cause for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks).</p>	Semiannually (by July 31 <sup>st</sup> and January 31 <sup>st</sup> )	Facility wide	40 CFR 70.6(a)(3)(iii)(A)
3.	<p><u>Emission Reports</u></p> <p>The Permittee shall submit quarterly emission reports containing the following information:</p> <p>(a) Excess emission data recorded by the CEM system, including:</p> <ol style="list-style-type: none"> <li>1. The date and time of the beginning and ending of each period of excess emission;</li> <li>2. The magnitude of each excess emission;</li> <li>3. The specific cause of the excess emission; and</li> <li>4. The corrective action taken.</li> </ol> <p>(b) If no excess emissions have occurred, a statement to that effect;</p> <p>(c) For gaseous measuring CEM systems, the daily averages of the measurements made and emission rates calculated;</p> <p>(d) Daily average steam production rate;</p> <p>(e) A statement as to whether the CEM system was inoperative, repaired, or adjusted during the reporting period;</p> <p>(f) If the CEM system was inoperative, repaired, or adjusted during the reporting period, the following information:</p> <ol style="list-style-type: none"> <li>1. The date and time of the beginning and ending of each period when the CEM was inoperative;</li> </ol>	Quarterly (no later than 30 days following the end of each quarterly reporting period)	EU01	Env-A 808.11 & Env-A 808.13 (Formerly Env-A 805.08)

**Table 8 - Applicable Reporting Requirements**

Item #	Reporting Requirements	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite
	<p>2. The reason why the CEM was inoperative;</p> <p>3. The corrective action taken; and</p> <p>4. The percent data availability calculated in accordance with Env-A 808.10 for each flow, diluent, or pollutant analyzer in the CEM system.</p> <p>(g) For all "out of control periods" the following information;</p> <p>1. The times beginning and ending the out of control period;</p> <p>2. The reason for the out of control period; and</p> <p>3. The corrective action taken.</p> <p>(h) The date and time beginning and ending each period when the source of emissions which the CEM system is monitoring was not operating.</p> <p>(i) The span value, as defined in Env-A 101.255, of each analyzer in the CEM system and units of measurement for each instrument; and</p> <p>(j) When calibration gas is used, the following information:</p> <p>1. The calibration gas concentration;</p> <p>2. If a gas bottle was changed during the quarter:</p> <p>i. The date of the calibration gas bottle change;</p> <p>ii. The gas bottle concentration before the change;</p> <p>iii. The gas bottle concentration after the change; and</p> <p>3. The expiration date for all calibration gas bottles used.</p>			
4.	<p><u>NO<sub>x</sub> Reporting Requirements</u></p> <p>For fuel burning devices, the Permittee shall submit to the Director, annually (no later than April 15<sup>th</sup> of the following year), a report of data required by item #8 of Table 7, including total annual quantities of all NO<sub>x</sub> emissions.</p>	Annually (no later than April 15 <sup>th</sup> of the following year)	Facility Wide	Env-A 901.09 Federally Enforceable
5.	<p><u>Emission Based Fees Report</u></p> <p>Annual reporting of emission based fees shall be conducted in accordance with Section XXIII of this Permit. The owner or operator of a stationary source, an area source, or device having actual emissions of 1,000 tons or less shall pay to the Department the annual emission-based fee no later than:</p> <p>(a) By July 15, 2005 for emissions from calendar year 2004; and</p> <p>(b) By April 15 each subsequent year for emissions from the previous calendar year.</p>	As specified	Facility Wide	Env-A 705.04
6.	<p>Prompt reporting of deviations from Permit requirements shall be conducted in accordance with Section XXVIII of this Permit.</p>	Prompt reporting (within 24 hours of an occurrence)	Facility Wide	40 CFR 70.6(a)(3)(iii)(B)

<b>Table 8 - Applicable Reporting Requirements</b>				
<b>Item #</b>	<b>Reporting Requirements</b>	<b>Frequency of Reporting</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
7.	Annual compliance certification shall be submitted in accordance with Section XXI of this Permit.	Annually (no later than April 15 <sup>th</sup> of the following year)	Facility Wide	40 CFR 70.6(c)(1)
8.	<u>Quality Improvement Plan Submittal</u> The Permittee shall submit to DES the QIP required in Table 7, Item 9 and notify DES if submittal will exceed 180 days from the day the source becomes subject to the permit condition.	As expeditiously as practicable	PCE1 & PCE2	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

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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.
- 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.
  - 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

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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:
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.
- C. 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.
- D. 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 Permit Amendments**

- 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).

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- 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 Amendments**

- 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) 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 15<sup>th</sup> of the following year. The report shall be submitted to the DES and to the U.S. Environmental Protection Agency –

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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:

"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:

Office of Environmental Stewardship  
Director Air Compliance Program  
United States Environmental Protection Agency  
1 Congress Street  
Suite 1100 (SEA)  
Boston, MA 02114-2023  
ATTN: Air Compliance Clerk

**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.
- 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<sub>m</sub> = 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:
  - 1. July 15, 2005 for emissions from calendar year 2004; and
  - 2. April 15 each subsequent year for the emissions from the previous calendar year. The emission-based fee and summary of the calculations shall be submitted to the following address:

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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 based<sup>9</sup> emission limitations specified in this Permit as a result of an emergency<sup>10</sup>. 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

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<sup>9</sup> 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.

<sup>10</sup> 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.

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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.