



TITLE V OPERATING PERMIT

Permit No: **TV-OP-013**
Date Issued: **July 13, 2005**

This certifies that:

Atlantic Paper Mills of New Hampshire, LLC
116 Lost Road
P.O. Box 126
Ashuelot, NH 03441-0126

has been granted a Title V Operating Permit for the following facility and location:

Atlantic Paper Mills of New Hampshire, LLC
116 Lost Road
Winchester, NH 03470
AFS Point Source Number - 3300500004

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 **September 30, 2003** 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:

Mr. Brian Caisse
Plant Manager
603-336-8600

Technical Contact:

Mr. Brian Caisse
Plant Manager
603-336-8600

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 **July 31, 2010**.

SEE ATTACHED SHEETS FOR ADDITIONAL PERMIT CONDITIONS

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

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
CAS	Chemical Abstracts Service
CFR	Code of Federal Regulations
DER	Discrete Emission Reduction
Env-A	New Hampshire Code of Administrative Rules - Air Resources Division
ERC	Emission Reduction Credit
FR	Federal Register
gal	Gallon
HAP	Hazardous Air Pollutant
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 _x	Oxides of Nitrogen
PM	Particulate Matter
RTAP	Regulated Toxic Air Pollutant
SIP	State Implementation Plan
SO ₂	Sulfur Dioxide
TSP	Total Suspended Particulate Matter
TPY	Tons per Year
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compound

Facility Specific Title V Operating Permit Conditions

I. Facility Description of Operations

Atlantic Paper Mills of New Hampshire, LLC produces rolls of napkin grade paper products derived from recycled paper (double lined kraft and cut book paper). Recycled paper products are repulped in one of two pulpers and processed through various stock preparation equipment (refiners, screens, and cleaners) prior to delivery to the two paper machines for final formation and drying of napkin grade paper products. Steam for the pulping, papermaking, and building heat is provided by one boiler. The facility is a major source for sulfur dioxide based on burning #6 fuel oil at 2% sulfur by weight and is therefore required to obtain a Title V Operating Permit (Permit).

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.

Table 1 - Significant Activity Identification		
Emission Unit Number (EU#)	Description of Emission Unit	Emissions Unit Maximum Capacity
EU01	Cleaver Brooks Boiler rated at 25.1 MMBTU/hr gross heat input Date Installed: 1986	167.33 gallons per hour (gal/hr) of #6 fuel oil with a heating value of 150,000 BTU/gallon. 179.3 gal/hr of #2 fuel oil with a heating value of 140,000 BTU/gallon.
EU02	#1 Paper Machine Date Installed: 1970	N/A
EU03	#2 Paper Machine Date Installed: 1999	N/A
EU04	Propane-fired Gas Dryer Date installed: 2000	7.0 MMBTU/hr gross heat input from propane

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B. Stack Criteria

The stacks listed in Table 2 - Stack Criteria, for the significant devices described in Table 1 and listed below, shall meet the following criteria in accordance with the state-only requirements¹ of Env-A 606.

Table 2 - Stack Criteria		
Stack #	Minimum Stack Height (Feet) Above Ground Level	Maximum Stack Diameter (Feet)
Stack #1 (Cleaver Brooks Boiler)	85	3.167
Dryer #1 Stack	26.5	4.0
Yankee Dryer Stack	21.0	1.66

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, that 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

There are no add-on pollution control devices at this facility.

VII. Alternative Operating Scenarios

No alternative operating scenarios were identified for this permit.

¹ 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.

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 3 below.

Table 3 - State-only Enforceable Operational and Emission Limitations			
Item #	Applicable Requirements	Applicable Emission Unit	Regulatory Cite
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 1406.02, Env-A 1406.03, or Env-A 1406.04.	Facility Wide	Env-A 1406.01
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 1404.01(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
5.	Pursuant to RSA 125-D:3,I(e) annual sulfur dioxide emissions from each Class B major source, except as provided by Env-A 405.02, shall have an average calendar year emission rate not to exceed 1.6 pounds of sulfur dioxide per million BTU input, which is 75 percent of the baseline average emission rate for Class B major sources.	EU01	Env-A 404.01

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B. Federally Enforceable Operational and Emission Limitations:

The Permittee shall be subject to the Federally enforceable operational and emission limitations identified in Table 4 below:

Table 4 - Federally Enforceable Operational and Emission Limitations			
Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Cite
1.	The Facility shall comply with the National Ambient Air Quality Standards (NAAQS) and the applicable requirements of RSA 125-C:11 and Env-A 606.04.	Facility Wide	RSA 125-C:11 & Env-A 606.04
2.	No owner or operator shall cause or allow average opacity from fuel burning devices installed after May 13, 1970 in excess of 20 percent for any continuous 6-minute period in any 60-minute period.	EU01	Env-A 2003.02 (formerly Env-A 1202.02)
3.	The average opacity shall be allowed to be in excess of the standard specified in Env-A 2003.02 for one period of 6 continuous minutes in any 60-minute period during startup, shutdown, malfunction, soot blowing, grate cleaning, and cleaning of fires.	EU01	Env-A 2003.04(c) (formerly Env-A 1202)
4.	Exceedances of the opacity standard shall not be considered violations of limits specified in Env-A 2000 if the facility demonstrates to the Division that such exceedances were the result of the adherence to good boiler operating practices which, in the long term, results in the most efficient or safe operation of the boiler.	EU01	Env-A 2003.04(d)
5.	The particulate matter emissions from fuel burning devices installed on or after January 1, 1985 shall not exceed 0.3 lb/10 ⁶ BTU.	EU01	Env-A 2003.08 (formerly Env-A 1202.07)
6.	For paper manufacturing facility fuel burning devices installed after February 18, 1972, the owner or operator shall not cause or allow particulate matter emissions to exceed 0.3 lb/10 ⁶ BTU.	EU04	Env-A 2508.01 (formerly Env-A 1207)
7.	The owner or operator shall not cause or allow average visible fugitive emissions or average visible stack emissions from any paper manufacturing facility non-fuel burning device installed prior to or on February 18, 1972 to exceed an average of 20% opacity for any continuous 6-minute period, except for one period of 6 continuous minutes in any 60-minute period during startup, shutdown, or malfunction. Opacity shall be determined in accordance with Env-A 807.	EU02	Env-A 2507.03 (formerly Env-A 1207)
8.	The owner or operator shall not cause or allow visible fugitive emissions or visible stack emissions from any paper manufacturing facility fuel burning device or non-fuel burning device installed after February 18, 1972 to exceed an average of 20% opacity for any continuous 6-minute period, except for one period of 6 continuous minutes in any 60-minute period during startup, shutdown, or malfunction. Opacity shall be determined in accordance with Env-A 807.	EU03 & EU04	Env-A 2508.02 (formerly Env-A 1207)
9.	The sulfur content of #6 fuel oil shall not exceed 2.0 percent sulfur by weight.	EU01	Env-A 1604.01(c)
10.	The sulfur content of #2 fuel oil shall not exceed 0.40 percent sulfur by weight.	EU01	Env-A 1604.01(a)

Table 4 - Federally Enforceable Operational and Emission Limitations			
Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Cite
11.	Gaseous fuels shall contain no more than 5 grains of sulfur per 100 cubic feet of gas, calculated as hydrogen sulfide at standard temperature and pressure.	EU04	40 CFR 52 ²
12.	<p><u>Accidental Release Program Requirements</u></p> <p>The quantities of regulated chemicals (except propane³) 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:</p> <ul style="list-style-type: none"> (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.

² Env-A 402.03, effective December 27, 1990 was adopted as part of the State Implementation Plan (SIP) on September 14, 1992 and is considered federally enforceable until such time as the SIP is amended and approved by EPA.

³ Storage of propane at the facility, which includes six 1,000 gallon tanks is above the 10,000 pound applicability threshold presented in 40 CFR 68.130 Tables 1 and 2. However, any facility where propane is used as a fuel is exempt from Section 112(r).

D. Monitoring and Testing Requirements:

The Permittee is subject to the monitoring and testing requirements as contained in Table 5 below:

Table 5 - Monitoring/Testing Requirements					
Item #	Parameter	Method of Compliance	Frequency of Method	Device	Regulatory Cite
1.	Sulfur content of liquid fuels	The owner or operator shall conduct testing in accordance with appropriate ASTM test methods or retain delivery tickets that certify the weight percent of sulfur for each delivery of fuel oil to determine compliance with the sulfur content limitation provisions specified in this permit for liquid fuels.	For each delivery of fuel oil/diesel to the facility	EU01	Env-A 806.02 & Env-A 806.05
2.	Opacity Measurement	Opacity measurements shall be conducted following the procedures set forth in 40 CFR Part 60, Appendix A, Method 9, <i>Visual Determination of the Opacity of Emissions from Stationary Sources</i> .	As needed	EU01	Env-A 807.02

E. Recordkeeping Requirements:

The Permittee shall be subject to the recordkeeping⁴ requirements identified in Table 6 below:

Table 6 - Applicable Recordkeeping Requirements				
Item #	Applicable Recordkeeping Requirement	Records Retention/Frequency	Applicable Emission Unit	Regulatory Cite
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.	The Permittee shall maintain a summary of testing and/or delivery ticket certifications for sulfur content limitation provisions.	Maintain on a continuous basis	Facility Wide	40 CFR 70.6(a)(3)(iii)(A)
3.	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	Significant and insignificant activities	Env-A 705.03 (formerly Env-A 704.03)
4.	<u>General Recordkeeping Requirements</u> Monthly records of fuel utilization and hours of operation for each fuel burning unit shall be kept at the facility and contain the following information:	Monthly	EU01 & EU04	Env-A 901.03 Federally Enforceable

⁴ 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.

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Table 6 - Applicable Recordkeeping Requirements

Item #	Applicable Recordkeeping Requirement	Records Retention/Frequency	Applicable Emission Unit	Regulatory Cite
	(a) Consumption; (b) Fuel type; (c) Sulfur content as percent sulfur by weight of fuel; and (d) Btu content per gallon or cubic feet of fuel.			
5.	The Permittee shall maintain monthly records regarding process operations including the following information: (a) Hours of operation; and (b) Quantity of raw materials.	Monthly	EU02 & EU03	Env-A 901.04 Federally Enforceable
6.	<u>VOC Recordkeeping Requirements</u> The Permittee shall record the following information: (a) Facility information, including: 1) Source name; 2) Source identification; 3) Physical address; and 4) Mailing address. (b) Identification of each VOC-emitting process or device, except: 1) Processes or devices associated exclusively with non-core activities, as defined in Env-A 1204.03(ba); and 2) Processes or devices emitting only exempt VOCs as defined by Env-A 1204.03(z). (c) Operating schedule information for each VOC emitting device or process identified in b) above including: 1) Days of operation per calendar week during the normal operating schedule; 2) Hours of operation per day during normal operating schedule and for a typical high ozone season day; and 3) Hours of operation per year under normal operating conditions. (d) Annual theoretical potential emissions, using the VOC content for the calculation year for each VOC-emitting device or process identified in b) above, for: 1) Each year, in tons/year; and 2) A typical day during the high ozone season of each year, in pounds per day. (e) Actual emissions from each VOC-emitting device or process identified in b) above, in tons per year and a typical day during the high ozone season in pounds per day. (f) Applicable emission factors, if used to calculate emissions.	Maintain on a continuous basis	EU02 & EU03	Env-A 901.06 Federally Enforceable
7.	<u>NO_x Recordkeeping Requirements</u> For fuel burning devices, including boilers, and internal combustion engines, the following information shall be recorded and maintained:	On a continuous basis	EU01 & EU04	Env-A 901.08 Federally Enforceable

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Table 6 - Applicable Recordkeeping Requirements				
Item #	Applicable Recordkeeping Requirement	Records Retention/Frequency	Applicable Emission Unit	Regulatory Cite
	<p>(a) Facility information, including:</p> <ul style="list-style-type: none"> 1) Source name; 2) Source identification; 3) Physical address; 4) Mailing address; and 5) A copy of the certificate of accuracy required to be maintained pursuant to Env-A 901.08(b). <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> <ul style="list-style-type: none"> 1) Days per calendar week during the normal operating schedule; 2) Hours per day during the normal operating schedule and for a typical ozone season day, if different from the normal operating schedule; and 3) Hours per year during the normal operating schedule. <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_x emission data, including records of total annual emissions, in tons per year, and typical ozone season day emissions, in pounds per day:</p> <ul style="list-style-type: none"> 1) Theoretical potential emissions for the calculation year for each fuel burning device; and 2) Actual NO_x emissions for each fuel-burning device. 			

F. Reporting Requirements:

The Permittee shall be subject to the reporting requirements⁴ identified in Table 7 below:

Table 7 - Applicable Reporting Requirements				
Item #	Reporting Requirements	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite
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 including:</p> <ul style="list-style-type: none"> (a) Summary of testing and/or delivery ticket certifications for fuel sulfur content limitation provisions; and (b) Permit deviations. 	Semiannually (by July 31 st and January 31 st)	Facility Wide	40 CFR 70.6(a)(3)(iii)(A)

Table 7 - Applicable Reporting Requirements

Item #	Reporting Requirements	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite
3.	Prompt reporting of deviations from Permit requirements shall be conducted in accordance with Section XXVIII of this Permit.	Prompt reporting (within 24 hours of an occurrence)	Facility wide	40 CFR 70.6(a)(3)(iii)(B)
4.	<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 October 15, 2004 for emissions from calendar year 2003;</p> <p>(b) By July 15, 2005 for emissions from calendar year 2004; and</p> <p>(c) By April 15 each subsequent year for emissions from the previous calendar year.</p>	As specified	Facility wide	Env-A 705.04 ⁵
5.	<p><u>NO_x Reporting Requirements</u></p> <p>For fuel burning devices, the Permittee shall submit to the Director, annually (no later than April 15th of the following year), a report of data required by item #7 of Table 6, including total annual quantities of all NO_x emissions.</p>	Annually (no later than April 15 th of the following year)	EU01 & EU04	Env-A 901.09
6.	<p><u>VOC Reporting Requirements</u></p> <p>The Permittee shall submit the following information to the Director in accordance with the schedule set forth in Env-A 907.07(h):</p> <p>(a) Facility information including:</p> <ol style="list-style-type: none"> 1) Source name; 2) Standard Industrial Classification (SIC) code; 3) Physical address; 4) Mailing address; and 5) A copy of certification of accuracy required to be maintained pursuant to Env-A 901.06(c). <p>(b) Identification of each VOC emitting device or process identified in item # 6(b) of Table 6;</p> <p>(c) Operating schedule information for each VOC emitting process or device, including such information for:</p> <ol style="list-style-type: none"> 1) A typical business day; and 6) A typical high ozone season day. <p>(d) Total quantities of actual VOC emissions for the entire facility and for each process or device including:</p> <ol style="list-style-type: none"> 1) Annual VOC emissions, in tons; and 	By April 15, 2006 for calendar year 2005; every third calendar year, beginning with 2005, by April 15 of the following year	EU02 & EU03	Env-A 901.07 Federally Enforceable

⁵ Effective June 26, 2004.

Table 7 - Applicable Reporting Requirements				
Item #	Reporting Requirements	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite
	2) Typical high ozone season day VOC emissions, in pounds per day.			
7.	Annual compliance certification shall be submitted in accordance with Section XXI of this Permit.	Annually (no later than April 15 th of the following year)	Facility Wide	40 CFR 70.6(c)(1)

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 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

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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.

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- 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 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

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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.
- D. 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.
- E. 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).
- C. Pursuant to Env-A 612.05(g), 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.

TV-OP-013**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 15th of the following year. The report shall be submitted to the DES and to the U.S. Environmental Protection Agency – 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;

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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.

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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_m = 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:

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

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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 based⁶ emission limitations specified in this Permit as a result of an emergency⁷. 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 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.

⁶ 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.

⁷ 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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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.