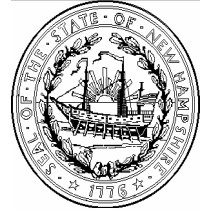


STATE OF NEW HAMPSHIRE
Department of Environmental Services
Air Resources Division



Title V Operating Permit

Permit No: **TV-0032**
Date Issued: **October 23, 2009**

This certifies that:
Wheelabrator Concord Company, L.P.
11 Whitney Road
Penacook, NH 03303

has been granted a Title V Operating Permit for the following facility and location:
Wheelabrator Concord Company, L.P.
11 Whitney Road
Penacook, NH 03303

Facility ID No: **3301300102**
Application No: **FY05-0095**, received on March 31, 2005, Title V Operating Permit

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

Responsible Official:

John D. LaRiviere
General Manager
(603) 753-8411

Technical Contact:

Richard Falk
Manager, Air Quality
(603) 929-3153

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 Code of the Federal Regulations 40 Part 70.

This Title V Operating Permit shall expire on **October 31, 2014**

SEE ATTACHED SHEETS FOR ADDITIONAL PERMIT CONDITIONS

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

A handwritten signature in blue ink is written over a large, bold, blue "COPY" stamp.

Director, Air Resources Division

TABLE OF CONTENTS

ABBREVIATIONS..... 3

FACILITY SPECIFIC TITLE V OPERATING PERMIT CONDITIONS 5

I. FACILITY DESCRIPTION OF OPERATIONS 5

II. PERMITTED ACTIVITIES..... 5

III. SIGNIFICANT ACTIVITIES IDENTIFICATION AND STACK CRITERIA..... 5

 A. Significant Activity Identification..... 5

 B. Stack Criteria..... 6

IV. INSIGNIFICANT ACTIVITIES IDENTIFICATION..... 6

V. EXEMPT ACTIVITIES IDENTIFICATION..... 6

VI. POLLUTION CONTROL EQUIPMENT IDENTIFICATION..... 7

VII. ALTERNATIVE OPERATING SCENARIOS..... 7

VIII. APPLICABLE REQUIREMENTS..... 8

 A. State-only Enforceable Operational and Emission Limitations 8

 B. Federally Enforceable Operational and Emission Limitations..... 9

 C. MWC Operator Training and a Site-Specific Operating Manual..... 12

 D. Emission Reductions Trading Requirements 14

 E. Monitoring/Testing Requirements 14

 F. Recordkeeping Requirements..... 20

 G. Reporting Requirements..... 20

IX. REQUIREMENTS CURRENTLY NOT APPLICABLE..... 20

GENERAL TITLE V OPERATING PERMIT CONDITIONS..... 20

X. ISSUANCE OF A TITLE V OPERATING PERMIT 20

XI. TITLE V OPERATING PERMIT RENEWAL PROCEDURES 20

XII. APPLICATION SHIELD 20

XIII. PERMIT SHIELD 20

XIV. REOPENING FOR CAUSE..... 20

XV. ADMINISTRATIVE PERMIT AMENDMENTS 20

XVI. OPERATIONAL FLEXIBILITY 20

XVII. MINOR PERMIT AMENDMENTS 20

XVIII. SIGNIFICANT PERMIT AMENDMENTS 20

XIX. TITLE V OPERATING PERMIT SUSPENSION, REVOCATION OR NULLIFICATION 20

XX. INSPECTION AND ENTRY 20

XXI. CERTIFICATIONS 20

 A. Compliance Certification Report 20

 B. Certification of Accuracy Statement 20

XXII. ENFORCEMENT 20

XXIII. EMISSION-BASED FEE REQUIREMENTS..... 20

XXIV. DUTY TO PROVIDE INFORMATION..... 20

XXV. PROPERTY RIGHTS 20

XXVI. SEVERABILITY CLAUSE 20

XXVII. EMERGENCY CONDITIONS..... 20

XXVIII. PERMIT DEVIATION..... 20

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
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emissions Monitoring System
CGA	Cylinder Gas Audit
cf	Cubic feet
CFR	Code of Federal Regulations
CO ₂	Carbon dioxide
DER	Discrete Emission Reduction
dscm	Dry standard cubic meter
Env-A	New Hampshire Code of Administrative Rules - Air Resources Division
ERC	Emission Reduction Credit
FR	Federal Register
HAP	Hazardous Air Pollutant
HCl	Hydrochloric acid
Hg	Mercury
Hr	Hour
Lb/hr	Pounds per hour
LPG	Liquefied Petroleum Gas
mg	Milligrams
mg/dscm	Milligrams per dry standard cubic meter
ml	Milliliters
MMBtu	Million British Thermal Units
MSW	Municipal Solid Waste
MWC	Municipal Waste Combustor
NAAQS	National Ambient Air Quality Standard
ng/dscm	Nanograms per dry standard cubic meter
NG	Natural Gas
NHDES	New Hampshire Department of Environmental Services
NO _x	Oxides of Nitrogen
PM	Particulate Matter
PM ₁₀	Particulate Matter less than 10 microns diameter
ppm	Part per million
ppmdv	Part per million by dry volume

PTE	Potential to Emit
RAA	Relative Accuracy Audit
RATA	Relative Accuracy Test Audit
RACT	Reasonably Available Control Technology
RTAP	Regulated Toxic Air Pollutant
SIP	State Implementation Plan
SO ₂	Sulfur Dioxide
TPD	Tons per day
TPY	Tons per year
TSP	Total Suspended Particulate Matter
TPY	Tons per Year
USEPA	United States Environmental Protection Agency

Facility Specific Title V Operating Permit Conditions

I. Facility Description of Operations

Wheelabrator Concord Company, L.P. (Wheelabrator) operates two large municipal waste combustors (MWC) in Penacook, New Hampshire. Wheelabrator burns municipal solid waste (MSW) in two identical mass burn waterwall boilers to generate steam. Each boiler is equipped with two auxiliary propane-fired burners. A single steam driven turbine/generator uses the steam to generate electricity for sale to the local utility. The gross generating capacity of the turbine/generator is 16 MW. The facility is permitted to burn types 0, 1, 2, 3, and 6 wastes, as those terms are defined in Env-A 101.

Each boiler stack is equipped with a continuous opacity monitoring system (COMS) and a continuous emissions monitoring system (CEMS), which measures nitrogen oxides (NO_x), sulfur dioxide (SO₂) and carbon monoxide (CO) emissions.

The two large MWC units are subject to Section 129(e) of the 1990 Clean Air Act Amendments and the facility therefore requires a Title V Operating Permit.

II. Permitted Activities

In accordance with all of the applicable requirements identified in this 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. Significant Activities Identification and Stack Criteria

A. Significant Activity Identification

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	Description of Emission Unit	Install Date	Maximum Design/Permitted Capacity
EU1	MSW Boiler Unit #1 Babcock and Wilcox Serial No. 137-1012	1988	Heat input rate: 107.82 MMBtu/hr of MSW types 0, 1, 2, 3, and 6 wastes. Maximum fuel charge rate: of 23,960 lb/hr and 104,950 tpy of MSW ¹ Maximum steam production: 68,900 lb/hr (8-hour rolling average) Auxiliary burners: 2 burners, 18 MMBtu/hr each equivalent to 383 gal/hr of propane ²
EU2	MSW Boiler Unit #2 Babcock and Wilcox Serial No. 137-1013	1988	Heat input rate: 107.82 MMBtu/hr of MSW types 0, 1, 2, 3, and 6 wastes. Maximum fuel charge rate: of 23,960 lb/hr and 104,950 tpy of MSW Maximum steam production: 68,900 lb/hr (8-hour rolling average) Auxiliary burners: 2 burners, 18 MMBtu/hr each equivalent to 383 gal/hr of propane
EU3	Emergency Generator Caterpillar Serial No. 5YF00349	1987	Heat input rate: 1.64 MMBtu/hr equivalent to 11.7 gal/hr of diesel ³

¹ Based on a heating value of 4,500 Btu/lb for type 2 waste

² Based on a heating value of 94,000 Btu/gal for propane

³ Based on a heating value of 137,000 Btu/gal for diesel

B. Stack Criteria

The stacks listed in Table 2 for the significant devices listed in Table shall discharge vertically without obstruction (no rain caps, but with a silencer) and meet the following criteria in accordance with the state requirement⁴ of Env-A 606.

Table 2 - Stack Criteria			
Stack Number	Emission Unit Number	Minimum Stack Height (Feet) Above Ground Level	Maximum Exit Diameter (Feet)
Stack #1	EU1	240	4
Stack #2	EU2	240	4

1. The Owner or Operator may change the stack criteria described in Table 2 without obtaining approval from DES provided that:
 - i. An air quality impact analysis is performed either by the facility or DES (if requested by the facility in writing) in accordance with Env-A 606 and the “Guidance and Procedure for Performing Air Quality Impact Modeling in New Hampshire,” and
 - ii. The analysis demonstrates that emissions from the modified stack will continue to comply with all applicable emission limitations and ambient air limits.
2. All air modeling data and analyses shall be kept on file at the facility for review by 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 subject to or regulated by this Title V Operating Permit.

⁴ The term “state requirements” is used to refer to those requirements that are not federally enforceable but are state requirements as defined in Env-A 101.184.

VI. Pollution Control Equipment Identification

The devices identified in Table 3 are considered pollution control equipment for the identified emissions unit.

Table 3 - Pollution Control Equipment Identification			
Pollution Control Equipment Number	Description of Equipment	Pollutant Controlled	Emission Unit Number
PCE1	Baghouse	PM & regulated metals	EU1
PCE2	Spray Dryer Absorber (SDA)-lime injection	Acid gas HCl & SO ₂	
PCE3	Powdered Activated Carbon Injection	Hg	
PCE4	Selective Non-Catalytic Reduction (SNCR)-urea injection	NO _x	
PCE5	Baghouse	PM & regulated metals	EU2
PCE6	SDA-lime injection	Acid gas HCl & SO ₂	
PCE7	Powdered Activated Carbon Injection	Hg	
PCE8	SNCR-urea injection	NO _x	

VII. Alternative Operating Scenarios

No alternative operating scenarios were identified for this Permit.

VIII. Applicable Requirements**A. State Enforceable Operational and Emission Limitations**

The Permittee shall be subject to the state operational and emission limitations identified in Table 4 below.

Table 4 - State Enforceable Operational and Emission Limitations			
Item #	Regulatory Citation	Applicable Emission Unit	Applicable Requirement
1.	Env-A 1405.01	Facility wide	<p><u>Methods of Demonstrating Compliance</u></p> <p>In accordance with Env-A 1405.01, the owner of any device or process that emits a regulated toxic air pollutant shall determine compliance with the ambient air limits (AALs) 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.</p>
2.	Env-A 1403.01(d)	Facility wide	<p><u>Compliance Demonstration</u></p> <p>In accordance with Env-A 1403.01(d), documentation for the demonstration of compliance shall be retained at the facility, and shall be made available to the DES for inspection.</p>
3.	Env-A 1400	Facility wide	<p><u>24-hour and Annual Ambient Air Limit</u></p> <p>The emissions of any regulated toxic air pollutant shall not cause an exceedance of its associated 24-hour or annual ambient air limit as set forth in Env-A 1450, <i>Table Containing the List Naming All Regulated Toxic Air Pollutants</i>.</p>
4.	RSA 125-I:5 IV	Facility wide	<p><u>Revisions of the List of RTAPs</u></p> <p>In accordance with RSA 125-I:5 IV, if DES revises the list of regulated toxic air pollutants or their respective ambient air limits or classifications under RSA 125-I:4, II and III, and as a results 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.</p>

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:

Table 5 - Federally Enforceable Operational and Emission Limitations																																																							
Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Citation																																																				
1.	EU1 and EU2 shall comply with the following emission limits:																																																						
	<table border="1"> <thead> <tr> <th>Pollutant</th> <th>Emission Limit⁵</th> <th>Averaging Time</th> <th>Regulatory Citation</th> </tr> </thead> <tbody> <tr> <td>Particulate matter</td> <td>25 mg/dscm</td> <td>3-run average (run duration specified in test method)</td> <td>Env-A 3303⁶</td> </tr> <tr> <td>Cadmium</td> <td>0.035 mg/dscm</td> <td>3-run average (run duration specified in test method)</td> <td>Env-A 3303</td> </tr> <tr> <td>Lead</td> <td>0.4 mg/dscm</td> <td>3-run average (run duration specified in test method)</td> <td>Env-A 3303</td> </tr> <tr> <td>Dioxins/furans</td> <td>30 ng/dscm (total mass)</td> <td>3-run average (minimum run duration is 4 hours)</td> <td>Env-A 3303</td> </tr> <tr> <td>Opacity</td> <td>10% (6-minute average)</td> <td>30 6-minute averages</td> <td>Env-A 3303</td> </tr> <tr> <td>Nitrogen oxides</td> <td>205 ppm_{dv}</td> <td>24-hour daily arithmetic average</td> <td>Env-A 3303</td> </tr> <tr> <td>Sulfur dioxide</td> <td>29 ppm_{dv}, or 25% of the potential sulfur dioxide emission concentration</td> <td>24-hour daily block geometric average</td> <td>Env-A 3303</td> </tr> <tr> <td>Carbon monoxide</td> <td>100 ppm_{dv}</td> <td>4-hour block arithmetic average</td> <td>Env-A 3303</td> </tr> <tr> <td>Mercury</td> <td>0.028 mg/dscm or 85% control efficiency</td> <td>3-run average (run duration specified in test method)</td> <td>Env-A 3303</td> </tr> <tr> <td>Hydrogen chloride</td> <td>29 ppm_{dv}, or 5% of the potential hydrogen chloride emission concentration</td> <td>3-run average (minimum run duration is 1 hour)</td> <td>Env-A 3303</td> </tr> <tr> <td>Fugitive ash</td> <td>No visible emissions in excess of 5% of the observation period (i.e., 9 minutes per 3-hour period).</td> <td>3 1-hour observation periods</td> <td>Env-A 3303</td> </tr> <tr> <td>Ammonia</td> <td>20 ppm_{dv}</td> <td></td> <td>FP-T-0042</td> </tr> </tbody> </table>	Pollutant	Emission Limit⁵	Averaging Time	Regulatory Citation	Particulate matter	25 mg/dscm	3-run average (run duration specified in test method)	Env-A 3303 ⁶	Cadmium	0.035 mg/dscm	3-run average (run duration specified in test method)	Env-A 3303	Lead	0.4 mg/dscm	3-run average (run duration specified in test method)	Env-A 3303	Dioxins/furans	30 ng/dscm (total mass)	3-run average (minimum run duration is 4 hours)	Env-A 3303	Opacity	10% (6-minute average)	30 6-minute averages	Env-A 3303	Nitrogen oxides	205 ppm _{dv}	24-hour daily arithmetic average	Env-A 3303	Sulfur dioxide	29 ppm _{dv} , or 25% of the potential sulfur dioxide emission concentration	24-hour daily block geometric average	Env-A 3303	Carbon monoxide	100 ppm _{dv}	4-hour block arithmetic average	Env-A 3303	Mercury	0.028 mg/dscm or 85% control efficiency	3-run average (run duration specified in test method)	Env-A 3303	Hydrogen chloride	29 ppm _{dv} , or 5% of the potential hydrogen chloride emission concentration	3-run average (minimum run duration is 1 hour)	Env-A 3303	Fugitive ash	No visible emissions in excess of 5% of the observation period (i.e., 9 minutes per 3-hour period).	3 1-hour observation periods	Env-A 3303	Ammonia	20 ppm _{dv}		FP-T-0042		
Pollutant	Emission Limit⁵	Averaging Time	Regulatory Citation																																																				
Particulate matter	25 mg/dscm	3-run average (run duration specified in test method)	Env-A 3303 ⁶																																																				
Cadmium	0.035 mg/dscm	3-run average (run duration specified in test method)	Env-A 3303																																																				
Lead	0.4 mg/dscm	3-run average (run duration specified in test method)	Env-A 3303																																																				
Dioxins/furans	30 ng/dscm (total mass)	3-run average (minimum run duration is 4 hours)	Env-A 3303																																																				
Opacity	10% (6-minute average)	30 6-minute averages	Env-A 3303																																																				
Nitrogen oxides	205 ppm _{dv}	24-hour daily arithmetic average	Env-A 3303																																																				
Sulfur dioxide	29 ppm _{dv} , or 25% of the potential sulfur dioxide emission concentration	24-hour daily block geometric average	Env-A 3303																																																				
Carbon monoxide	100 ppm _{dv}	4-hour block arithmetic average	Env-A 3303																																																				
Mercury	0.028 mg/dscm or 85% control efficiency	3-run average (run duration specified in test method)	Env-A 3303																																																				
Hydrogen chloride	29 ppm _{dv} , or 5% of the potential hydrogen chloride emission concentration	3-run average (minimum run duration is 1 hour)	Env-A 3303																																																				
Fugitive ash	No visible emissions in excess of 5% of the observation period (i.e., 9 minutes per 3-hour period).	3 1-hour observation periods	Env-A 3303																																																				
Ammonia	20 ppm _{dv}		FP-T-0042																																																				
2.	<p><u>Stratospheric Ozone Protection</u></p> <p>In accordance with 40 CFR 82.154 <i>Recycling and Emission Reduction</i>, effective June 13, 2005, no person servicing, maintaining, repairing or disposing of appliances may knowingly vent or otherwise release into the environment any refrigerant or refrigerant substitute from such appliances.</p>	Facility wide	40 CFR 82, Subpart F																																																				

⁵ Corrected to 7% oxygen

⁶ Effective February 2, 2008

Table 5 - Federally Enforceable Operational and Emission Limitations			
Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Citation
3.	<p><u>Emergency Generators</u></p> <p>The emergency generator shall be limited to less than 500 hours of operation in any consecutive 12-month period.</p>	EU3	Env-A 1211.01(j)
4.	<p><u>Sulfur Content for Gaseous Fuels</u></p> <p>The sulfur content of propane shall not exceed 5 grains per 100 cubic feet of gas.</p>	Facility wide	40 CFR 52 ⁷
5.	<p><u>Compliance with Standards and Maintenance Requirements</u></p> <p>At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.</p>	EU1 & EU2	40 CFR 60.11(d)
6.	<p><u>Startup, Shutdown, and Malfunction</u></p> <p>a. The emission standards apply at all times except during periods of startup, shutdown and malfunction. Duration of startup, shutdown or malfunction periods are limited to 3 hours per occurrence, except as provided in item #6.d. below;</p> <p>b. During periods of startup, shutdown or malfunction, monitoring data shall be dismissed or excluded from compliance calculations, but shall be recorded and reported in accordance with the provisions of 40 CFR 60.59b(d)(7);</p> <p>c. The startup period commences when the MWC unit begins the continuous burning of municipal solid waste and does not include any warmup period when the affected facility is combusting fossil fuel or other nonmunicipal solid waste fuel, and no municipal solid waste is being fed to the combustor; and</p> <p>d. For the purpose of compliance with the carbon monoxide emission limit in Item #1 above, if a loss of boiler water level control (<i>e.g.</i>, boiler waterwall tube failure) or a loss of combustion air control (<i>e.g.</i>, loss of combustion air fan, induced draft fan, combustion grate bar failure) is determined to be a malfunction, the duration of the malfunction period is limited to 15 hours per occurrence. During such periods of malfunction, monitoring data shall be dismissed or excluded from compliance calculations, but shall be recorded and reported in accordance with the provisions of 40 CFR 60.59b(d)(7).</p>	EU1 & EU2	Env-A 3306.01(a) & 40 CFR 60.58b(a)

⁷ Env-A 402.03, effective on December 27, 1990, was adopted as part of the State Implementation Plan (SIP) on September 14, 1992 and is still considered to be federally enforceable until such time as the SIP is amended and approved by the EPA.

Table 5 - Federally Enforceable Operational and Emission Limitations			
Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Citation
7.	<p><u>Fugitive Ash Emissions</u></p> <p>The following conditions shall apply to the fugitive ash emission limitation:</p> <ol style="list-style-type: none"> The fugitive ash emission limitation does not cover visible emissions discharged inside buildings or enclosures of ash conveying systems; The fugitive ash emission limitation shall include visible emissions discharged to the atmosphere from buildings or enclosures of ash conveying systems; and The fugitive ash emission limitation does not apply during maintenance and repair of ash conveying systems. 	Facility Wide	Env-A 3303.01(d) & 40 CFR 60.55b(b) & (c)
8.	<p><u>Maximum Operating Conditions</u></p> <p>Each MWC unit shall be limited to:</p> <ol style="list-style-type: none"> 23,960 lb/hr and 104,950 tpy of MSW; Maximum steam production shall be limited to 68,900 lb/hr (8-hour rolling average) at 755°F and 710 psi ; and MSW is limited to types 0, 1, 2, 3, and 6 wastes. 	EU1 & EU2	PSD Permit 037-121NH04
9.	<p><u>Operating Practices</u></p> <ol style="list-style-type: none"> Except as specified in 40 CFR 60.53b(b)(1) & (2), the Owner or Operator shall not operate the MWC units at a steam load level greater than 110% of the maximum demonstrated unit load (4-hour block arithmetic average) as determined during the most recent dioxin/furan performance test; and Except as provided in 40 CFR 60.53b(c)(1) & (c)(2), the Owner or Operator shall not cause the MWC units to operate at an inlet temperature to the particulate control device greater than 17°C (30.6°F) above the maximum (4-hour block arithmetic average) temperature measured during the most recent dioxin/furan performance test. 	EU1 & EU2	Env-A 3304.01
10.	<p><u>Operating Practices</u></p> <p>The Owner or Operator shall comply with the following operating practice requirements:</p> <ol style="list-style-type: none"> No toxic or hazardous wastes which are subject to the Resource Conservation and Recovery Act (RCRA) shall be burned at this facility; Prior to ash loadout and transport, all fires must be extinguished. The bottom ash, fly ash, and scrubber residue must be quenched or otherwise wetted to suppress fugitive dust. Ash transport vehicles must be totally enclosed or covered; and During MWCs startup and while burning municipal solid waste, the control equipment PCE1 and PCE5 shall not be by-passed. 	EU1 & EU2	FP-T-0042
11.	<p><u>Operating Practices</u></p> <p>The Owner or Operator shall comply with the facility staffing requirements specified in Env-Sw 1005.07.</p>	EU1 & EU2	Env-A 3304.03

Table 5 - Federally Enforceable Operational and Emission Limitations			
Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Citation
12.	<p><u>Accidental Release Program Requirements</u></p> <p>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:</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. MWC Operator Training and a Site-Specific Operating Manual

Pursuant to Env-A 3305.01, Env-A 3305.02 and 40 CFR 60.54b, Wheelabrator-Concord shall comply with the following requirements:

1. General Operator Training and Certification:

- a. In accordance with RSA 149-M:6, XII and 40 CFR 60.54b, operator training and certification shall be obtained through the New Hampshire state program specified in Env-Sw, *Operator Training and Certification*.
- b. The following employees at Wheelabrator-Concord shall complete the operator certification requirements specified in a. above:
 - i. Chief facility operators;
 - ii. Shift supervisors and
 - iii. Control room operators.
- c. An employee specified in b. above shall obtain operator certification no later than six months after the employee transfers to or is hired to work at the MWC unit.
- d. To maintain certification, the trained and certified MWC operator shall complete an annual review or refresher course that meets the requirements specified in Env-Sw 1606.
- e. If all certified operators must be temporarily offsite, the MWC unit Owner or Operator shall comply with the requirements of 40 CFR 60.54b(c).

2. Plant-Specific Operator Training

- a. The following employees at Wheelabrator-Concord shall complete a plant-specific operator training course:
 - i. Chief facility operators;
 - ii. Shift supervisors;
 - iii. Control room operators;
 - iv. Ash handlers;

- v. Maintenance personnel; and
 - vi. Crane or load handlers.
- b. The Owner or Operator shall develop and update on a yearly basis a site-specific operating manual that shall, at a minimum, address the elements of municipal waste combustor unit operation specified below:
- i. A summary of the applicable standards under 40 CFR 60 Subpart Eb;
 - ii. A description of basic combustion theory applicable to a municipal waste combustor unit;
 - iii. Procedures for receiving, handling, and feeding municipal solid waste;
 - iv. Procedures for municipal waste combustor unit startup, shutdown, and malfunction;
 - v. Procedures for maintaining proper combustion air supply levels;
 - vi. Procedures for operating the municipal waste combustor unit within the standards established under 40 CFR 60 Subpart Eb;
 - vii. Procedures for responding to periodic upset or off-specification conditions;
 - viii. Procedures for minimizing particulate matter carryover;
 - ix. Procedures for handling ash;
 - x. Procedures for monitoring municipal waste combustor unit emissions; and
 - xi. Reporting and recordkeeping procedures.
- c. The Owner or Operator shall establish a training program to review the operating manual according to the schedule specified below with each person who has responsibilities affecting the operation of the facility including, but not limited to, chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane/load handlers:
- i. Each person specified in Condition C.2.c. above shall undergo initial training no later than the date prior to the day the person assumes responsibilities affecting municipal waste combustor unit operation; and
 - ii. Each person specified in Condition C.2.c. above shall undergo annual training, following the initial review required in i. above.
- d. The operating manual shall be kept in a location readily accessible to each person required to undergo training. The operating manual and records of training shall be available for inspection by the EPA and DES.

D. 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 42 U.S.C §7401 et seq. (the “Act”) and either Env-A 3000 the *Emissions Reductions Credits (ERCs) Trading Program* or Env-A 3100 the *Discrete Emissions Reductions (DERs) Trading Program* and must be provided for in this permit.

E. Monitoring/Testing Requirements

The Permittee is subject to the monitoring/testing requirements as contained in Table 6⁸ below :

Table 6 - Monitoring/Testing Requirements					
Item #	Device	Parameter	Method of Compliance	Frequency of Method	Regulatory Citation
1.	EU1 & EU2	Stack testing for particulate matter, hydrogen chloride, dioxins/furans, lead, mercury, cadmium & fugitive ash	<ul style="list-style-type: none"> a. Compliance stack tests shall be conducted in accordance with 40 CFR 60.58b, except as provided in item # 1.b below; b. The alternative performance testing schedule for dioxins/furans specified in 40 CFR 60.58b(g)(5)(iii) shall apply when all performance tests for the affected units over a 2-year period achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter, corrected to 7% oxygen; c. Compliance testing shall be planned and carried out in accordance with the following schedule: <ul style="list-style-type: none"> i. A pre-test protocol shall be submitted to the Division at least 30 days prior to the commencement of testing; ii. At least 15 days prior to the test date, the Owner or Operator and any contractor retained by the Owner or Operator to conduct the test shall meet with a Division representative in person or over the telephone.; and iii. A test report shall be submitted to the Division within 60 days after the completion of testing. 	Annually	Env-A 3306.01, 40 CFR 60.58b & Env-A 802 (effective 10-31-2002)

⁸ Except for Env-A 3300, NH rules cited in this section as Federally Enforceable are contained in the EPA-approved State Implementation Plan (SIP), or they are awaiting EPA approval and are at least as stringent as the SIP rule. Each citation of a non-SIP rule is followed by the effective date of that rule and a regulatory cite of the SIP approved rule in parenthesis.

Table 6 - Monitoring/Testing Requirements

Item #	Device	Parameter	Method of Compliance	Frequency of Method	Regulatory Citation
2.	EU1 & EU2	Sulfur dioxide	The SO ₂ CEM system shall meet the requirements of 40 CFR 60, Appendix B, Performance Specification 2 and Env-A 808. Determination of compliance with SO ₂ emission limit established in Table 5, Item #1 of this permit shall be made using data from the facility SO ₂ CEM.	Continuously	Env-A 3306.01(a)
3.	EU1 & EU2	Carbon monoxide	The CO CEM system shall meet the requirements of 40 CFR 60, Appendix B, Performance Specification 4A and Env-A 808. Determination of compliance with CO emission limit established in Table 5, Item #1 of this permit shall be made using data from the facility CO CEM.	Continuously	Env-A 3306.01(a)
4.	EU1 & EU2	Nitrogen Oxides	The NO _x CEM system shall meet the requirements of 40 CFR 60, Appendix B, Performance Specification 2 and Env-A 808. Determination of compliance with NO _x emission limit established in Table 5, Item #1 of this permit shall be made using data from the facility NO _x CEM.	Continuously	Env-A 3306.01(a)
5.	EU1 & EU2	Opacity	The continuous opacity monitoring system shall meet the requirements of 40 CFR 60, Appendix B, Performance Specification 1 and Env-A 808.	Continuously	Env-A 3306.01(a)
6.	EU1, EU2	O ₂ CEM	The O ₂ CEM shall meet the requirements of 40 CFR 60, Appendix B, Performance Specification 3 and Env-A 808.	Continuous	Env-A 3306.01(a)
7.	EU1 & EU2	Steam load	<p>The procedures specified below shall be used to determine compliance with load level requirements:</p> <ol style="list-style-type: none"> The Owner or Operator shall install, calibrate, maintain, and operate a steam flow meter or a feedwater flow meter; measure steam (or feedwater) flow in pounds per hour on a continuous basis; and record the output of the monitor. Steam (or feedwater) flow shall be calculated in 4-hour block arithmetic averages; The method included in the “American Society of Mechanical Engineers Power Test Codes: Test Code for Steam Generating Units, Power Test Code 4.1-1964 (R1991)” section 4 shall be used for calculating the steam (or feedwater) flow; Measurement devices such as flow nozzles and orifices are not required to be recalibrated after they are installed; and All signal conversion elements associated with steam (or feedwater) flow measurements 	Continuously	Env-A 3306.01(a) & 40 CFR 60.58b(i)(6)

Table 6 - Monitoring/Testing Requirements

Item #	Device	Parameter	Method of Compliance	Frequency of Method	Regulatory Citation
			must be calibrated according to the manufacturer's instructions before each dioxin/furan performance test, and at least once per year.		
8.	EU1 & EU2	Maximum demonstrated steam load	The maximum demonstrated steam load shall be determined during the performance tests for dioxins/furans. The maximum demonstrated MWC unit load shall be the highest 4-hour arithmetic average load achieved during the most recent dioxin/furan performance test.	During dioxins/furans test	Env-A 3306.01(a) & 40 CFR 60.58b(i)(8)
9.	EU1 & EU2	Inlet temperature to the baghouse	The Owner or Operator shall install, calibrate, maintain and operate a DES approved temperature sensor system for measuring the temperature of the flue gas stream at the inlet of each baghouse. Temperature shall be calculated in 4-hour block arithmetic averages.	Continuously	Env-A 3306.01(a), PSD Permit 037-121NH04 & 40 CFR 60.58b(i)(7)
10.	EU1 & EU2	Dioxins/Furans	EPA Reference Method 23 shall be used to determine compliance with the dioxins/furans emission limit.	Annually	Env-A 3306.01(a) & (b)
11.	EU1 & EU2	Particulate matter	EPA Reference Method 5 shall be used to determine compliance with the particulate matter emission limit.	Annually	Env-A 3306.01(a)
12.	EU1 & EU2	Hydrogen chloride	EPA Reference Method 26 or 26A (modified) shall be used to determine compliance with the hydrogen chloride emission limit.	Annually	Env-A 3306.01(a)
13.	EU1 & EU2	Cadmium	EPA Reference Method 29 shall be used to determine compliance with the cadmium emission limit.	Annually	Env-A 3306.01(a)
14.	EU1 & EU2	Lead	EPA Reference Method 29 shall be used to determine compliance with the lead emission limit.	Annually	Env-A 3306.01(a)
16.	EU1, EU2	Mercury	EPA Reference Method 29 shall be used to determine compliance with the mercury emission limit.	Annually	Env-A 3306.01(a)
17.	Facility wide	Fugitive ash	EPA Reference Method 22 shall be used to determine compliance with the fugitive ash emission limit.	Annually	Env-A 3306.01(a)
18.	EU1, EU2	Ammonia	DES approved method shall be used to determine compliance with the ammonia emission limit.	Upon request by DES	Env-A 802
19.	Facility wide	Sulfur content in gaseous fuels	Conduct testing to determine the sulfur content, in grains of sulfur per 100 cubic feet, of gaseous fuels.	Upon written request by DES or EPA	Env-A 806.03 (effective 10-31-2002)

Table 6 - Monitoring/Testing Requirements

Item #	Device	Parameter	Method of Compliance	Frequency of Method	Regulatory Citation
20.	EU1, EU2	Carbon feed rate	<p>a. During the annual performance test for mercury and dioxins/furans emissions, the Owner or Operator shall estimate average carbon mass feed rate (in lb/hr) based on carbon injection system operating parameters such as the screw feeder speed, hopper volume, hopper refill frequency etc.</p> <p>b. During the operation of the MWC unit, the carbon injection system operating parameter(s) that are the primary indicator(s) of the carbon mass feed rate (e.g., screw feed setting) shall be averaged over a block 8-hour period and the 8-hour block average must equal or exceed the level(s) documented during the performance tests.</p> <p>c. During the annual dioxin/furans or mercury performance test and two weeks preceding the annual dioxin/furans or mercury performance test, no limit is applicable for average mass carbon feed rate if the provisions of 40 CFR 60.58b(m)(2)(ii) are met.</p> <p>d. The Owner or Operator shall estimate the total carbon usage of the plant for each quarter by two independent methods:</p> <ul style="list-style-type: none"> i. The weight of carbon delivered to the plant; ii. Estimate the average carbon mass feed rate in lb/hr for each hour of operation based on carbon injection system operating parameters as specified in paragraph b. above and sum the results for both the MWC units at the facility for the total number of hours of operation during the calendar quarter. <p>e. Pneumatic injection pressure or other carbon injection system operational indicator shall be used to provide additional verification of proper carbon injection system operation. The operational indicator shall provide an instantaneous visual and/or audible alarm to alert the operator of a potential interruption in the carbon feed that would not normally be indicated by direct monitoring of carbon mass feed rate (e.g., continuous weight loss feeder) or monitoring of the carbon system operating parameter(s) that are the indicator(s) of carbon mass feed rate (e.g., screw feeder speed).</p>	Continuously	Env-A 3306.01 & 40 CFR 60.58b(m)

Table 6 - Monitoring/Testing Requirements

Item #	Device	Parameter	Method of Compliance	Frequency of Method	Regulatory Citation
21.	EU1, EU2	QA/QC Plan	<p>The Owner or Operator of a source required to operate and maintain an opacity and gaseous CEM system shall:</p> <ol style="list-style-type: none"> 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; Review the QA/QC plan and all data generated by its implementation at least once each year; 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; Make the revised QA/QC plan available for on-site review by the Division at any time; and Within 30 days of completion of the annual QA/QC plan review, certify in writing that the Owner or Operator will continue to implement the source's existing QA/QC plan or submit in writing any changes to the plan and the reasons for change. 	Annually	Env-A 808.06 eff 10-31-02 (formerly Env-A 805.06) Federally Enforceable
22.	EU1, EU2	General Audit Requirements for All CEM Systems	<ol style="list-style-type: none"> Required quarterly CEM audits (RAA or CGA) shall be done anytime during each calendar quarter, but successive quarterly audits shall occur no more than 4 months apart; The Owner or Operator shall notify the Division at least 30 days prior to the performance of an annual Relative Accuracy Test Audit (RATA); and Within 30 days following the end of each quarter, the Owner or Operator shall submit to the Division a written summary report of the results of all required audits that were performed in that quarter. 	Quarterly and Annually	Env-A 808.07 eff 10-31-02 (formerly Env-A 805.06) Federally Enforceable
23.	EU1& EU2	Gaseous CEM Audit Requirements	Audits for gaseous CEM systems shall be performed in accordance with procedures described in 40 CFR 60, Appendix F and Env-A 808.08.	Quarterly	Env-A 808.08 eff 10-31-02 (formerly Env-A 805.06) Federally Enforceable
24.	EU1& EU2	COMS Audit Requirements	Audits for COMS shall be performed in accordance with procedures described in 40 CFR 60, Appendix B, Performance Specification 1 and Env-A 808.09 <i>Audit Requirements for Opacity CEM Systems.</i>	Quarterly	Env-A 808.09 eff 10-31-02 (formerly Env-A 805.06) Federally Enforceable

Table 6 - Monitoring/Testing Requirements

Item #	Device	Parameter	Method of Compliance	Frequency of Method	Regulatory Citation
25.	EU1& EU2	Data Availability Requirements	<p>a. The Owner or Operator shall operate the CEM at all times during operation of the source, except for periods of CEM breakdown, repairs, calibration checks, preventive maintenance, and zero/span adjustments.</p> <p>b. The percentage CEM data availability for opacity and all gaseous concentration monitors shall be maintained at:</p> <p>i. A minimum of 75% for any calendar month; and</p> <p>ii. A minimum of 90% on a calendar quarter basis.</p> <p>iii. A minimum of 95% per calendar year.</p> <p>c. A valid hour of CEM data shall be defined as a minimum of 42 minutes collection of CEM readings taken in any calendar hour during which time the CEM is not in an out of control period as defined in Env-A 808.01(g), and the emission unit on which the CEM is installed is in operation.</p>	Continuously	Env-A 808.01(i), Env-A 808.10 & 40 CFR 60.58b(i)(10)
26.	PCE1 & PCE5	Inspection/ Maintenance	The Owner or Operator shall annually inspect and perform maintenance on each baghouse according to manufacturer's recommendations and/or current facility maintenance practices.	As specified	40 CFR 70.6(a)(3)
27.	EU1 & EU2	Alternate test methods	The Owner or Operator shall follow the procedures outlined Env-A 809 in order to use alternative test methods during compliance stack test.	N/A	Env-A 809 eff 10-31-2002 (formerly Env-A 802.04) Federally Enforceable

F. Recordkeeping Requirements

The Permittee is subject to the Recordkeeping requirements as contained in Table 7⁹ below:

Table 7 - Applicable Recordkeeping Requirements				
Item #	Recordkeeping Requirement	Records Retention/ Frequency	Applicable Emission Unit	Regulatory Citation
1.	<p><u>Retention of Records</u></p> <p>The Owner or Operator 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.</p>	Retain for a minimum of 5 years	Facility Wide	40 CFR 70.6(a)(3)(ii)(B)
2.	<p><u>Monitoring Data</u></p> <p>The Owner or Operator shall maintain records of monitoring requirements as specified in Table 6 of this Permit including but not limited to:</p> <ul style="list-style-type: none"> a. Maintenance and repair records for EU1, EU2, EU3 and the pollution control equipment listed in Table 3; b. Maintenance and repair records of the CEM and COM systems; c. Maintenance, calibration, and repair records associated with steam measuring device; d. Records of testing and/or delivery ticket certifications for sulfur content limitation provisions; and e. Records of annual inspection and maintenance conducted on the baghouses. 	Maintain on a continuous basis	Facility Wide	40 CFR 70.6 (a)(3)(iii)(A)
3.	<p><u>General Recordkeeping Requirements</u></p> <ul style="list-style-type: none"> a. For each MWC unit, the Owner or Operator shall keep records of fuel utilization in accordance with the following: <ul style="list-style-type: none"> i. Amount of waste consumed; ii. Type of waste consumed; and iii. Hours of operation of each MWC unit. b. For applicable gaseous fuels: <ul style="list-style-type: none"> i. Consumption; ii. Fuel type; and iii. Sulfur content as percent sulfur by weight of fuel or in grains per 100 cubic feet of fuel. c. Type and amount of fuel combusted in the emergency generator and the hours of operation. 	Monthly	Facility Wide	Env-A 903.03 eff 4-21-2007 & FP-T-0042

⁹ Except for Env-A 3300, NH rules cited in this section as Federally Enforceable are contained in the EPA-approved State Implementation Plan (SIP), or they are awaiting EPA approval and are at least as stringent as the SIP rule. Each citation of a non-SIP rule is followed by the effective date of that rule and a regulatory cite of the SIP approved rule if different from the current rule.

Table 7 - Applicable Recordkeeping Requirements

Item #	Recordkeeping Requirement	Records Retention/ Frequency	Applicable Emission Unit	Regulatory Citation
4.	<p><u>NO_x Recordkeeping Requirements</u></p> <p>For fuel burning devices, including boilers, and internal combustion engines, the following information shall be recorded and maintained:</p> <ul style="list-style-type: none"> a. Identification of each fuel burning device; b. Operating schedule during the high ozone season for each fuel burning device identified in a. above, including: <ul style="list-style-type: none"> i. Typical hours of operation per day; ii. Typical days of operation per calendar month; iii. Number of weeks of operation; iv. Type and amount of fuel burned; v. Heat input rate in million Btus per hour or, for incinerators, in tons per hour; and vi. The following NO_x emission data: <ul style="list-style-type: none"> 1) Actual calendar year NO_x emissions; 2) The typical high ozone season day NO_x emissions, in pounds per day; and 3) The emission factors and the origin of the emission factors used to calculate the NO_x emissions. 	Maintain on a continuous basis	Facility Wide	Env-A 905.02 eff 4-21-2007 & FP-T-0042
5.	<p><u>Add-on NO_x Control Equipment Records</u></p> <p>The Owner or Operator shall record and maintain the following information for NO_x pollution control devices:</p> <ul style="list-style-type: none"> a. The identification number, type, model number, and manufacturer; b. Installation date; c. Units controlled; and d. Information as to whether the control device is always in operation during operation of the fuel burning device that the control device is serving. 	Annually	PCE4, PCE8	Env-A 905.03 eff 4-21-2007 & FP-T-0042
6.	<p><u>CEMS and Operational Parameters Records</u></p> <ul style="list-style-type: none"> a. The Owner or Operator shall keep the dated records of emission data for each CEM system including: <ul style="list-style-type: none"> i. All 6-minute average opacity levels; ii. All 1-hour average CO emission concentrations; iii. All 1-hour arithmetic averages of SO₂ emission concentrations; iv. All 1-hour arithmetic averages of NO_x emission concentrations; v. All 1-hour arithmetic average of steam load levels; vi. All 1-hour average PCE1 and PCE5 inlet temperatures; 	Continuously	EU1, EU2, PCE1 & PCE5	Env-A 3307.01 & 40 CFR 60.59b (d)

Table 7 - Applicable Recordkeeping Requirements

Item #	Recordkeeping Requirement	Records Retention/ Frequency	Applicable Emission Unit	Regulatory Citation
	<p>b. The average concentrations shall be computed and recorded as follows:</p> <ul style="list-style-type: none"> i. All 4-hour block average CO emission concentrations; ii. All 24-hour daily geometric average SO₂ emission concentrations; iii. All 24-hour daily arithmetic average NO_x emission concentrations; iv. All 4-hour block arithmetic average MWC unit load levels; v. All 4-hour block PCE1 and PCE5 inlet temperatures; <p>c. Identification of the calendar dates when any of the average emission concentrations, or operating parameters listed in Item #6 b. above, or the opacity levels recorded under Item # 6.a. i, are above the applicable limits, with reasons for such exceedances and a description of corrective actions taken;</p> <p>d. The results of daily drift tests and quarterly accuracy determinations for SO₂, CO and NO_x CEM systems, as required under 40 CFR 60, Appendix F, Procedure 1;</p> <p>e. Stack test results for PM, Opacity, HCl, Cd, Pb, Hg, dioxins/furans, and fugitive ash along with supporting calculations; and</p> <p>f. For the dioxin/furans tests, the maximum demonstrated MWC steam load and maximum demonstrated baghouse inlet temperature for each device.</p>			
7.	<p><u>Data Availability</u></p> <p>a. The Owner or Operator shall maintain records of the calendar dates and times (hours) for which valid hourly data have not been obtained, including reasons for not obtaining sufficient data and a description of the corrective action taken:</p> <ul style="list-style-type: none"> i. Nitrogen oxide; ii. Sulfur dioxide; iii. Carbon monoxide; iv. MWC unit load; and v. Particulate matter control device inlet temperature. <p>b. The Owner or Operator shall maintain records of each occurrence when the emissions data (for SO₂ and NO_x) or operational data (CO emissions, unit load and particulate matter control device temperature) have been excluded from the calculation of average emission concentrations or parameters and the reason for excluding the data.</p>	At each occurrence	EU1, EU2	Env-A 3307.01 & 40 CFR 60.59b (d)

Table 7 - Applicable Recordkeeping Requirements

Item #	Recordkeeping Requirement	Records Retention/ Frequency	Applicable Emission Unit	Regulatory Citation
8.	<p><u>Carbon Feed Rate</u></p> <p>The Owner or Operator shall maintain the following records of the carbon feed rate:</p> <ul style="list-style-type: none"> a. Average carbon mass feed rate (in lb/hour) estimated during the annual mercury and dioxin/furan performance tests, with supporting calculations; b. Average carbon mass feed rate (in lb/hour) estimated for each hour of operation as required under 40 CFR 60.58b(m)(3)(ii), with supporting calculations; c. Total carbon usage for each calendar quarter estimated as specified in 40 CFR 60.58b(m)(3), with supporting calculations; and d. Carbon injection system operating parameters data that are primary indicators of carbon feed rate (e.g., screw feeder speed). 	Continuously	EU1, EU2	Env-A 3307.01 & 40 CFR 60.59b(d)(4)
9.	<p><u>When Average Carbon Feed Rates Do Not Meet the Required Level</u></p> <p>The Owner or Operator shall maintain records of the calendar dates when the following occurs:</p> <ul style="list-style-type: none"> a. Average carbon mass feed rates recorded under Item #8.b of Table 7 (based on 8-hour block average) are less than the hourly rate estimated during the performance tests for mercury/dioxins and furans, including reasons for such feed rates and any corrective actions taken; and b. Carbon injection system operating parameters that are the primary indicators of the carbon feed rate (based on 8-hour block average) are below the level(s) estimated during the performance test, including the reason for such occurrence and any corrective actions taken. 	At each occurrence	EU1, EU2	Env-A 3307.01 & 40 CFR 60.59b (d)(14) & (15)
10.	<p><u>Records of Certified Operators</u></p> <p>The Owner or Operator shall maintain the following records:</p> <ul style="list-style-type: none"> a. The names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have obtained provisional certification by the American Society of Mechanical Engineers, or an equivalent State-approved certification program as required by 40 CFR 60.54b(a) including the dates of initial and renewal certifications and documentation of current certification; b. The names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have obtained full certification by the American Society of Mechanical Engineers, or an equivalent State-approved certification program as required by 40 CFR 60.54b(b) including the dates of initial and renewal certifications and 	Maintain on a continuous basis	Facility wide	Env-A 3307.01 & 40 CFR 60.59b (d)(12)

Table 7 - Applicable Recordkeeping Requirements

Item #	Recordkeeping Requirement	Records Retention/ Frequency	Applicable Emission Unit	Regulatory Citation
	<p>documentation of current certification;</p> <p>c. The names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have completed EPA municipal waste combustor operator training course, or an equivalent State-approved equivalent course as required by 40 CFR 60.54b(d) including the documentation of training completion; and</p> <p>d. When a certified operator is temporarily off site including the following:</p> <p>i. Record the dates when the certified chief facility operator and certified shift supervisor are off site for more than 12 hours, but for 2 weeks or less, and no other certified operator is on site;</p> <p>ii. When the certified chief facility operators and certified shift supervisors are off site for more than 2 weeks and no other certified operator is on site, keep the following records:</p> <p>a) Time of day that all certified persons are off site;</p> <p>b) The conditions that caused those people to be off site;</p> <p>c) The corrective action taken to ensure that a certified chief facility operator or certified shift supervisor is on site as soon as practicable; and</p> <p>d) Copies of the written reports submitted every 4 weeks that summarize the corrective actions taken to ensure that certified personnel are on site.</p>			
11.	<p><u>Records of Operating Manual Review</u></p> <p>The Owner or Operator shall maintain records showing the names of persons who have completed a review of the operating manual as required by Condition VIII.C.2.c, including the date of initial and subsequent annual reviews.</p>	Maintain on a continuous basis	Facility wide	Env-A 3307.01 & 40 CFR 60.59b (d)(13)

G. Reporting Requirements

The Permittee shall be subject to the reporting requirements identified in Table 8¹⁰ below:

Table 8 - Applicable Reporting Requirements				
Item #	Reporting Requirement	Frequency of Reporting	Applicable Emission Unit	Regulatory Citation
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.	<u>Annual Emissions Report</u> The Owner or Operator shall submit an annual emissions report which shall include the following information: <ul style="list-style-type: none"> a. Actual calendar year emissions from each device of NO_x, CO, SO₂, TSP, VOCs, HAPs and RTAPs; b. The methods used in calculating such emissions in accordance with Env-A 705.02, <i>Determination of Actual Emissions for Use in Calculating Emission-Based Fee</i>; and c. All information recorded in accordance with Table 7, Item #3. 	Annually (no later than April 15 th of the following year)	Facility Wide	Env-A 907.01 (effective 4-21-2007)
3.	<u>Emission Based Fees Report</u> Annual reporting of emission based fees shall be conducted in accordance with Section XXIII of this Permit.	Annually by April 15 th	Facility wide	Env-A 705.04
4.	<u>Semi-annual Permit Deviation and Monitoring Report</u> The Owner or Operator shall submit a summary report of monitoring and permit deviations including the following: <ul style="list-style-type: none"> a. Summary of inspection and maintenance conducted on the baghouses in accordance with Item #26 of Table 6; b. Summary of testing and/or delivery ticket information for fuel sulfur content; and c. Summary of permit deviations. 	Semiannually (by July 31 st and January 31 st)	Facility wide	40 CFR 70.6(a)(3)(iii)(A)
5.	<u>NO_x Reporting Requirements</u> The Owner or Operator shall submit to the Director, annually (no later than April 15 th of the following year), a report of data required by Item #4 of Table 7.	Annually (no later than April 15 th of the following year)	Facility wide	Env-A 909 (effective 4-21-2007) & FP-T-0042
6.	<u>Excess Emissions¹¹ Report</u>	Quarterly (within	Facility wide	40 CFR 60.7 (c),

¹⁰ NH rules cited in this section as Federally Enforceable are contained in the EPA-approved State Implementation Plan (SIP), or they are awaiting EPA approval and are at least as stringent as the SIP rule. Each citation of a non-SIP rule is followed by the effective date of that rule and a regulatory cite of the SIP approved rule if different from the current rule.

Table 8 - Applicable Reporting Requirements

Item #	Reporting Requirement	Frequency of Reporting	Applicable Emission Unit	Regulatory Citation
	<p>The Owner or Operator shall submit quarterly reports including the following:</p> <ol style="list-style-type: none"> a. The magnitude of excess emissions, the date and time of commencement and completion of each period of excess emissions, the specific cause of the excess emissions and the corrective action taken; b. Specific identification of each period of excess emissions that occurs during start-ups, shutdowns, and malfunctions of the boiler/boiler system. The nature and cause of any malfunction (if known) and the corrective action taken or preventative measures adopted shall also be reported; c. When no excess emissions have occurred such information shall be stated in the report; d. Daily averages of gaseous CEM measurements and calculated emission rates; e. If the CEM system was inoperative, repaired, or adjusted during the reporting period, the following information: <ol style="list-style-type: none"> i. The date and time of the beginning and ending of each period when the CEM was inoperative; ii. The reason why the CEM was not operating; iii. The corrective action taken; and iv. The percent data availability calculated in accordance with Env-A 808.10 for each flow, diluent, or pollutant analyzer in the CEM system. f. For all "out of control periods" as defined in Env-A 808.01(g) and 40 CFR 60, Appendix F, the following information: <ol style="list-style-type: none"> i. The times beginning and ending the out of control period; ii. The reason for the out of control period; and iii. The corrective action taken. g. The date and time beginning and ending each period when the source of emissions which the CEM system is monitoring was not operating. h. The span value of each analyzer in the CEM system and units of measurement for each instrument; i. When calibration gas is used, the following 	30 days of the end of each quarter)		FP-T-0042, Env-A 808.11 & Env-A 808.12

¹¹ Excess emissions means a CEM system measurement of any gases listed in Env-A 808.01(e), above the emission limit specified in any state or federal standard, based on the averaging time specified in that standard.

Table 8 - Applicable Reporting Requirements

Item #	Reporting Requirement	Frequency of Reporting	Applicable Emission Unit	Regulatory Citation
	<p>information:</p> <ul style="list-style-type: none"> i. The calibration gas concentration; and ii. If a gas bottle was changed during the quarter: <ul style="list-style-type: none"> a) The date of the calibration gas bottle change; b) The gas bottle concentration before the change; c) The gas bottle concentration after the change; and iii. The expiration date for all calibration gas bottles used. 			
7.	<p><u>Semi-Annual Report</u></p> <p>The Permittee shall submit semi-annual reports including the following information to DES and EPA. The summary of data specified under Item #7.a.i. through a.v. below shall cover 2-year period (reporting year and the calendar year preceding the year being reported):</p> <ul style="list-style-type: none"> a. A summary of following data collected for all pollutants and parameters: <ul style="list-style-type: none"> i. The emission levels achieved during the performance tests for particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash; ii. The highest emission/parameter level recorded for SO₂, NO_x, CO, MWC load level and baghouse inlet temperature; iii. The highest opacity level recorded; iv. The total number of hours per calendar quarter and hours per calendar year that valid data for pollutants/parameters listed below were not obtained: <ul style="list-style-type: none"> a) Sulfur dioxide; b) Nitrogen oxide; c) Carbon monoxide; d) Steam load level; e) Baghouse inlet temperature; v. The total number of hours that data for SO₂, NO_x, CO, MWC load level and baghouse inlet temperature were excluded from calculation of average emission concentrations or parameters based on data recorded under Item #7.b of Table 7; b. The summary of data included in item #7.a above shall highlight any emission or parameter levels 	By August 1 and February 1	EU1, EU2	40 CFR 60.59b (g), (h)

Table 8 - Applicable Reporting Requirements

Item #	Reporting Requirement	Frequency of Reporting	Applicable Emission Unit	Regulatory Citation
	<p>that did not achieve the emission or parameter limits;</p> <p>c. Documentation of periods when all certified chief facility operators and certified shift supervisors are off site for more than 12 hours;</p> <p>d. A notification of intent to begin the reduced dioxin/furan performance testing schedule specified in Env-A 3306.01(b);</p> <p>e. Information recorded under Item #6.c of Table 7 for opacity, SO₂, CO, NO_x, load level and particulate matter control device inlet temperature that exceed the applicable limits with reasons for such exceedances and corrective actions taken;</p> <p>f. For each date recorded and reported as in Item #7.e above, the semi-annual report shall include SO₂, CO, NO_x, load level and particulate matter control device inlet temperature data recorded under Item #6.b of Table 7 and opacity data recorded under Item #6.a.i of Table 7 as applicable.</p> <p>g. A copy of any test report for particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash that documents the levels above the applicable limits and any corrective action taken;</p> <p>h. The calendar dates when the carbon injection system operating parameter(s) (based on 8-hour block average) that are the primary indicator(s) of the carbon mass feed rate are below the level(s) estimated during the stack tests, reason for such occurrences and a description of the corrective action taken; and</p> <p>i. For each operating date reported in paragraph h. above, the semiannual report shall include the average carbon mass feed rate estimated for each hour of operation (based on 8-hour block average).</p>			
8.	<p>Prompt reporting of deviations from Permit requirements shall be conducted in accordance with Section XXVIII of this Permit.</p>	<p>Prompt reporting (within 24 hours of an occurrence)</p>	<p>Facility wide</p>	<p>40 CFR 70.6(a)(3)(iii)(B)</p>
9.	<p>Annual compliance certification shall be submitted in accordance with Section XXI of this Permit.</p>	<p>Annually (no later than April 15th of the following year)</p>	<p>Facility wide</p>	<p>40 CFR 70.6(c)(1)</p>

IX. Requirements Currently Not Applicable

At the time of issuance of this Permit, the Permittee is not subject to the requirements of 40 CFR 60, Subpart Db (*Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units*) and Subpart E (*Standards of Performance for Incinerators*).

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 **received by the Department** 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 if it is **received by the Department** at least six months prior to the designated expiration date of the current Title V operating 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 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 100 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 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.
- 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 Modifications

- 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(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 Modifications

- 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;
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:

US EPA, Region I

Attn: Compliance Clerk (mailcode: SEA)
One Congress St., Suite 1100
Boston, MA 02114

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_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 April 15 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 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 based¹² emission limitations specified in this Permit as a result of an emergency¹³. 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;

¹²Technology 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.

¹³An "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.

- 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.

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.