



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

Thomas S. Burack, Commissioner



August 12, 2011

Mr. Peter Bloomfield, President  
Concord Power & Steam, LLC  
291 South Main Street  
Concord, NH 03301

**Re: Reissuance of Temporary Permit TP-0014  
Concord Power & Steam, LLC  
291 South Main Street, Concord, NH  
Facility ID # 3301390533; Application # 11-0077**

Dear Mr. Bloomfield:

The New Hampshire Department of Environmental Services, Air Resources Division (DES) has reviewed the request submitted by Concord Power & Steam, LLC (Concord Power & Steam) on June 1, 2011, to reissue Temporary Permit TP-0014 for the Concord Power & Steam facility proposed to be located at 291 South Main Street in Concord. The Temporary Permit allowed for the installation of a wood-fired boiler, 2 auxiliary boilers, 2 emergency generators and a cooling pond. This Temporary Permit currently expires on August 31, 2011.

New Hampshire Code of Administrative Rules Env-A 607.09, *Permit Reissuance* lists the criteria under which DES may reissue a Temporary Permit. Concord Power & Steam referenced several criteria under which it was requesting reissuance. DES has determined that Concord Steam & Power has met two of the criteria and is approving the request for reissuance as described below.

Env-A 607.09(a)(3) Binding Agreement or contractual obligation

Concord Steam provided a copy of a contract between Concord Power & Steam and Energy Resources Group for rebuilding and installing a turbine generator set for the proposed facility. Concord Steam & Power stated in its June 1, 2011 letter that it cannot cancel the contract without incurring losses in excess of \$1,000,000. DES has determined that this contract and the potential losses meet the criteria established in Env-A 607.09(a)(3) and, as a result, Concord Steam & Power is eligible to have its Temporary Permit reissued.

Env-A 607.09(a)(4) Permits from another governmental entity

Electricity generation facilities such as Concord Power & Steam are required to establish an interconnection agreement with ISO New England in order for the facility to connect to the power grid. While ISO New England is not a government agency, it carries out electric grid management activities under authorization from the Federal Energy Regulatory Commission and, as such, acts on behalf of a governmental entity.

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

**P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095**

Telephone: (603) 271-1370 • Fax: (603) 271-1381 • TDD Access: Relay NH 1-800-735-2964

According to the information provided in the June 1, 2011 request, Concord Power & Steam has requested and paid for interconnection facilities study. An interconnection agreement for Concord Power & Steam has not yet been issued by ISO New England. Therefore, Concord Power & Steam is essentially waiting for an approval from a government entity.

Under Env-A 607.09(a)(4), a Temporary Permit may be reissued if “*The owner or operator is in the process of obtaining a permit or permits from another governmental entity*”. Therefore, considering the fact that Concord Power & Steam is in the process of obtaining an interconnection agreement with ISO New England, DES has determined that Concord Steam & Power is eligible to have its Temporary Permit reissued in accordance with Env-A 607.09(a)(4).

In consideration of the reasons noted above, DES hereby approves Concord Steam & Power’s request and reissues the Temporary Permit for a period of one year. The reissued Temporary Permit will expire on August 31, 2012.

Please note that, on March 21, 2011, the United States Environmental Protection Agency (USEPA) adopted a new rule in the Code of Federal Regulations, 40 CFR 63 Subpart JJJJJ, *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources*. Air permits issued by DES contain all applicable State requirements, and all applicable federal requirements for which NH has been delegated authority by USEPA to enforce. However, DES does not have delegation to enforce this federal regulation and, even if the rule was in place when the Temporary Permit was originally issued, its requirements would not have been included in the permit. Although the requirements are not included in the permit, Concord Power & Steam is still subject to this federal rule and it is the responsibility of Concord Power & Steam to determine if they are subject to additional requirements under this rule. USEPA has developed a website to assist affected sources in understanding the new boiler rules – see <http://www.epa.gov/region1/boilers/>.

If you have any questions concerning this matter, please contact Todd Moore of the Permitting and Environmental Health Bureau at (603) 271-6798 or via email at [todd.moore@des.nh.gov](mailto:todd.moore@des.nh.gov).

Sincerely,



Robert R. Scott  
Director  
Air Resources Division

rrs/tam

Enclosures: Temporary Permit TP-0014

By certified mail #7002 3150 0004 7243 6002

cc: Donald Dahl, USEPA Region I (via email)  
Brendan McCahill, USEPA Region I (via email)  
City Clerk, City of Concord