



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



**Thomas S. Burack, Commissioner**

August 3, 2007

Mr. Thomas Heaney  
Vice President  
Novel Iron Works, Inc.  
250 Ocean Drive  
Greenland, NH 03840

**LETTER OF COMPLIANCE**  
for  
**NOTICE OF FINDINGS**  
**(Sta.S)**

Dear Mr. Heaney:

The New Hampshire Department of Environmental Services, Air Resources Division (“DES”), has reviewed the response of Novel Iron Works, Inc. (“Novel”) to the Notice of Findings (“NOF”) issued by DES on March 21, 2007. DES believes that the specific issues addressed in the NOF have been resolved in a manner consistent with the NH Administrative Rules Env-A 100 *et seq.*, NH Rules Governing the Control of Air Pollution. Based upon a determination by DES that Novel is currently in compliance with 40 CFR 63, Subpart M MMM, DES issues this Letter of Compliance. Enclosed for your convenience is a summary of the Subpart M MMM requirements pertaining to the compliance option chosen by Novel, *i.e.*, the emission rate without add-on controls.

Through Novel’s consultant, Sandra Wyman & Associates, Novel has submitted information to support its claim that its potential to emit hazardous air pollutants (“HAPs”) is now below major source thresholds. Novel has asked to be reclassified as an area source, which would exempt it from the requirements of Subpart M MMM.

Enclosed is a copy of an EPA guidance document that addresses this question. According to the document, a facility may “switch to area source status at any time until the ‘first compliance date’ of the standard. . . . By that date, to avoid being in violation, a major source must either comply with the standard, or obtain and comply with federally enforceable limits ensuring that actual and potential emissions are below major source thresholds.” (John Seitz Memorandum, May 16, 1995, p. 5.)

Novel applied for and obtained a Title V Operating Permit to be a major source of HAPs. Novel was operating under this permit on January 2, 2007, so that even if Novel happened to be using different coatings for which its potential to emit a HAP was less than 10 tons per year on January 2, 2007, it was still authorized to use coatings for which its potential to emit a HAP was 10 tons per year or more on that date. If Novel intended to opt out of Subpart M MMM, it should have applied for and obtained a permit limiting its emissions to below major source thresholds prior to the “first compliance date” of Subpart M MMM, which was January 2, 2007. Novel did not apply for and receive such a permit before January 2, 2007, so it must continue to comply with Subpart M MMM. In addition, because it is subject to Subpart M MMM, Novel is required to continue to maintain an air permit as specified in Env-A 607.01(w).

Please be advised that DES will continue to monitor the compliance status of Novel. This letter does not provide relief against any existing or future violations, and refers only to the compliance issues addressed in the NOF.

DES recognizes the efforts that Novel has taken to respond to the NOF. If you have any questions regarding this Letter of Compliance, please contact Barbara Hoffman, Compliance Bureau, Air Resources Division, at (603) 271-7874. Thank you for your cooperation.

Sincerely,



Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

Enclosures

PGM/blh

cc: R. Kurowski, EPA Region 1  
G. Hamel, DES Legal Unit Administrator  
Karen Anderson, Greenland Town Administrator  
AFS # 3301590778