STATE OF NEW HAMPSHIRE
Department of Environmental Services
Air Resources Division

TITLE V OPERATING PERMIT

Permit No: **TV-0058**
Date Issued: **June 21, 2010**
Minor Modification: **December 16, 2011**
Administrative Amendment(s): **January 26, 2012 & June 6, 2012**

This certifies that:
EP Newington Energy, LLC
200 Shattuck Way
Newington, NH 03801

has been granted a Title V Operating Permit for the following facility and location:
EP Newington Energy, LLC
200 Shattuck Way
Newington, NH 03801
Rockingham County
Facility ID No: **3301590793**
ORIS Code **55661**
Application No: **FY03-0331**, received on June 20, 2003, with additional information submitted on September 22, 2003 - Initial Title V Operating Permit
FY06-0114, received on October 5, 2006 - Acid rain permit renewal
11-0129, received on September 21, 2011 - Minor Modification
12-0003, received on January 4, 2012 - Administrative Amendment
12-0087, received on May 14, 2012 - Administrative Amendment

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 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:
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Alan J. Douglass
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James Peach

This Permit is issued by the New Hampshire Department of Environmental Services, Air Resources Division pursuant to its authority under New Hampshire RSA 125-C and in accordance with the provisions of the Code of Federal Regulations, Title 40, Part 70.

This Permit is effective upon issuance and expires on **June 30, 2015.**

Craig Wright COPY

Acting Director, Air Resources Division

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ABBREVIATIONS

AAL	Ambient Air Limit
AAR	Authorized account representative
AP-42	Compilation of Air Pollutant Emission Factors
ARD	Air Resources Division
ASTM	American Society for Testing and Materials
BACT	Best Available Control Technology
BTU	British Thermal Units
CAA	Clean Air Act
CAS	Chemical Abstract Service
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CGA	Cylinder Gas Audit
CO	Carbon monoxide
CO_2	Carbon dioxide
CT	Combustion turbine
DER	Discrete Emission Reduction
DSCF	Dry standard cubic foot
Env-A	New Hampshire Code of Administrative Rules - Air Resources Division
ERC	Emission Reduction Credit
FR	Federal Register
GCP	Good Combustion Practices
gpm	Gallons per minute
H_2SO_4	Sulfuric Acid Mist
HAP	Hazardous Air Pollutant
HHV	High heating value
hr	Hour
HRSG	Heat recovery steam generator
LAER	Lowest Achievable Emission Rate
lb	Pound
lb/hr	Pounds per hour
LNB	Low NOx Burner
mg/L	Milligrams per liter
mm	million
MMBtu	Million British Thermal Units
NAAQS	National Ambient Air Quality Standard
NATS	NOx allowance tracking system
NETS	NOx emissions tracking system
NH_3	Ammonia

ABBREVIATIONS (cont.)

NHDES (or DES)	New Hampshire Department of Environmental Services
NO_x	Oxides of Nitrogen
NO	Nitric oxide
NO_2	Nitrogen dioxide
NSPS	New Source Performance Standard
NSR	New Source Review
PM_{10}	Particulate Matter less than 10 microns diameter
ppm	Parts per million
ppmv	Parts per million by volume
ppmw	Parts per million by weight
ppmdv	Parts per million by dry volume
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
RAA	Relative Accuracy Audit
RACT	Reasonably Available Control Technology
RATA	Relative Accuracy Test Audit
RICE	Reciprocating Internal Combustion Engine
RTAP	Regulated Toxic Air Pollutant
scf	Standard cubic feet
SCR	Selective catalytic reduction
SIP	State Implementation Plan
SO_2	Sulfur Dioxide
TSP	Total Suspended Particulate Matter
TPY	Tons per Year
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compound

Facility Specific Title V Operating Permit Conditions

I. Facility Description of Operations

EP Newington Energy, LLC (NEL) currently operates a nominal 518 Megawatt (MW) (at 95°F) (gross electrical output) combined cycle combustion turbine facility in Newington, NH. The NEL facility consists of two combustion turbines (CTs) with two heat recovery steam generators (HRSGs) and a single steam turbine, one natural gas-fired auxiliary boiler, six natural gas-fired fuel gas heaters, one diesel-fired emergency generator and one diesel-fired emergency firewater pump. The NEL facility is classified as a "combined cycle" plant, as it produces electrical power with two gas turbines and a steam turbine. Each combustion turbine is rated at approximately 154 MW (at 95°F). The exhaust gas from each turbine passes through separate HRSGs connected to a single steam turbine producing approximately an additional 224 MW. At lower ambient temperatures (0°F) the turbine output ratings would increase to approximately 195 MW each, producing a plant capacity of 595 MW.

Excess heat in the HRSG water exhausting from the steam turbine is removed by cooling towers. The auxiliary boiler is for preheating combined cycle components during startup and to initially provide sealing steam for the steam turbines. NEL operates six natural gas fired gas heaters to heat the pipeline natural gas for the combustion turbines during cold weather. The emergency generators are used to help power down equipment, provide standby emergency lighting and control power and maintain operation of lubricating pumps in the event of a system power outage. The diesel fire water pump is used for fire suppression when the electrical power system is down.

During limited hours, the NEL facility will operate in a supplemental firing mode to boost power output. During the supplemental firing mode, duct burners within the HRSGs are fired to increase the heat of the exhaust gas from the combustion turbine. Air pollution control for the combustion turbines at the facility includes Selective Catalytic Reduction (SCR) system to control nitrogen oxides (NOx) while firing natural gas and a combustion control system to minimize carbon monoxide (CO). Water injection system is used in conjunction with SCR while firing the turbines on distillate fuel oil. Emissions of carbon monoxide, nitrogen oxides, opacity and certain operational parameters are continuously monitored and recorded.

NEL received Prevention of Significant Deterioration (PSD) permit # PSD 044-121NH10 from the United States Environmental Protection Agency (USEPA) and a Temporary Permit FP-T-0036 on April 26, 1999. NEL is a major source for particulate matter, sulfur dioxide, nitrogen oxides and carbon monoxide and is therefore required to obtain a Title V Operating Permit.

II. Permitted Activities

In accordance with all of the applicable requirements identified in the Permit, the Permittee is authorized to operate the devices and/or processes identified in Sections III, IV, V, and VI within the terms and conditions specified in this permit.

III. Emission Unit Identification

A. Significant Activities

The activities identified in Table 1 are subject to and regulated by this Title V Operating Permit.

Table 1 - Significant Activity Identification

Emission Unit #	Description of Emission Unit	Date of Installation	Maximum Operating Conditions
EU01	Combustion Turbine #1 (designated as CT #1) with Heat Recovery Steam Generator General Electric Frame 7FA	June 2002	1. Combustion Turbines #1 and #2 shall each be limited to 2,115 MMBtu/hr (HHV) gross heat input while firing natural gas or 2,218 MMBtu/hr (HHV) gross heat input while firing low sulfur distillate fuel oil. 2. Supplemental fuel firing in each HRSG shall be limited to 177.7 MMBtu/hr (HHV) gross heat input. Fuel is limited to natural gas only.
EU02	Combustion Turbine #2 (designated as CT #2) with Heat Recovery Steam Generator General Electric Frame 7FA	June 2002	
EU03	10-cell Wet Mechanical draft cooling tower equipped with high efficiency drift eliminators Manufactured by Marley	2002	1. Cooling Tower drift = 0.0005% of the circulating water flow rate 2. Nominal circulation rate = 150,000 gallons/minute
EU04	Auxiliary Boiler Hurst Boiler Model No. S2XID-G-600-200	June 2002	25.2 MMBtu/hr Natural gas - equivalent to 25,200 scf/hr (HHV)
EU05	Six Fuel Gas Heaters Laars Model No. 2400	August 2004	2.4 MMBtu/hr - each heater Natural gas - equivalent to 2,400 scf/hr (HHV) Each fuel gas heater is equipped with a low-NOx burner.
EU06	Emergency Generator Cummins Model No. QSX15-G9	June 2002	5.2 MMBtu/hr Distillate oil - equivalent to 37.1 gal/hr[1]
EU07	Fire Pump John Deere Model No. JDFP-06WR	June 2002	1.9 MMBtu/hr Distillate oil - equivalent to 13.6 gal/hr

[1] Based on a heating value of 140,000 BTU/gal for distillate oil

B. Stack Criteria

1. The following devices at the Facility shall have exhaust stacks that discharge vertically, without obstruction, and meet the criteria in Table 2:

Table 2 - Stack Criteria		
Emission Unit #	**Minimum Stack Height (Feet)**	**Maximum Stack Diameter (Feet)**
Combustion Turbine #1	150	16.75
Combustion Turbine #2	150	16.75
10 Cooling Tower Exhaust Fans	54.5 `	33.7
Auxiliary Boiler[2]	38	2
Six Fuel Gas Heaters	50	4.0

2. Stack criteria described in Table 2 may be changed without prior approval from the Division provided that:
   a. An air quality impact analysis is performed either by the facility or the Division (if requested by the facility in writing) in accordance with Env-A 606, Air Pollution Dispersion Modeling Impact Analysis Requirements, and the "Guidance and Procedure for Performing Air Quality Impact Modeling in New Hampshire," and
   b. The analysis demonstrates that emissions from the modified stack will continue to comply with all applicable emission limitations and ambient air limits.
3. All air modeling data and analyses shall be kept on file at the facility for review by the Division upon request.
4. The Owner or Operator shall provide written notification to the Division of the stack change within 15 days after making the change. Such notification shall include:
   a. A description of the change; and
   b. The date on which the change occurred.

IV. Insignificant Activities Identification

All activities at this facility, which meet the criteria identified in Env-A 609.04, shall be considered insignificant activities. Emissions from the insignificant activities shall be included in the total facility emissions for the emission-based fee calculation described in Section XXIII of this Permit.

V. Exempt Activities Identification

All activities identified in Env-A 609.03(c) shall be considered exempt activities and shall not be included in the total facility emissions for the emission-based fee calculation described in Section XXIII of this permit.

[2] The stack for this device has a rain sleeve.

VI. Pollution Control Equipment Identification

Air pollution control equipment listed in Table 3 shall be operated at all times that the associated devices are operating in order to meet permit conditions.

Table 3 - Pollution Control Equipment Identification

Pollution Control Equipment Number	Description of Equipment	Purpose	Emission Unit Number
PCE1	1. Dry low-NOx (DLN) in conjunction with Selective Catalytic Reduction (SCR) - for natural gas combustion 2. Water injection system in conjunction with SCR - for distillate oil combustion	For NOx Control	EU01
PCE2	1. Dry low-NOx in conjunction with SCR - for natural gas combustion 2. Water injection system in conjunction with SCR - for distillate oil combustion	For NOx Control	EU02
PCE3	Each cooling tower cell is equipped with a single layer of Marley drift eliminator plus a suspended layer of Marley honeycomb cooling tower fill.	To minimize water drift losses and plume visibility	EU03

VII. Alternative Operating Scenarios

No alternative operating scenarios were identified for this permit.

VIII. Applicable Requirements

A. State-only Enforceable Operational and Emission Limitations

The Owner or Operator shall be subject to the state-only[3] operational and emission limitations identified in Table 4 below:

Table 4 - State-only Enforceable Operational and Emission Limitations

Item #	Applicable Requirements	Applicable Emission Unit	Regulatory Cite
1.	<u>*24-hour and Annual Ambient Air Limit*</u> The emissions of any Regulated Toxic Air Pollutant (RTAP) shall not cause an exceedance of its associated 24-hour or annual Ambient Air Limit (AAL) as set forth in Env-A 1450.01, *Table Containing the List Naming All Regulated Toxic Air Pollutants*. Compliance was demonstrated at the time of permit issuance as described in the Division's Application Review Summary for application # FY03-0331. The source must update the compliance demonstration using one of the methods provided in Env-A 1405 if: a. There is a revision to the list of RTAPs lowering the AAL for any RTAP emission from the Facility; b. The amount of any RTAP emitted is greater than the amount that was evaluated in the Application Review Summary (e.g., use of a coating will increase); c. An RTAP that was not evaluated in the Application Review Summary will be emitted (e.g., a new coating will be used); or d. Stack conditions (e.g. air flow rate) change.	Facility Wide	Env-A 1400
2.	<u>*Revisions of the List of RTAPs*</u> In accordance with RSA 125-I:5 IV, if the Division revises the list of RTAPs or their respective AALs or classifications under RSA 125-I:4, II and III, and as a result of such revision the Owner or Operator is required to obtain or modify the permit under the provisions of RSA 125-I or RSA 125-C, the Owner or Operator 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.	Facility Wide	RSA 125-I:5, IV

[3] The term "state-only requirement" is used to refer to those requirements that are not federally enforceable but are state requirements as defined in Env-A 101.184.

B. Federally Enforceable Operational and Emission Limitations

The Owner or Operator 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 Cite
1.	Combustion turbines #1 and #2 shall each be limited to 2,115 MMBtu/hr (HHV) gross heat input while firing natural gas or 2,218 MMBtu/hr (HHV) gross heat input while firing low sulfur distillate fuel oil.	EU01 & EU02	TP-B-0526
2.	NEL is permitted to combust natural gas and ultra low sulfur distillate oil in the combustion turbines. The sulfur content of distillate oil shall be limited to 0.0015% by weight.	EU01 & EU02	PSD Permit 044-121NH10 & TP-B-0526
3.	The combustion of low sulfur distillate fuel oil in combustion turbines #1 and #2 combined shall be limited to 33,120,000 gallons during any 12 consecutive month period.	EU01 & EU02	TP-B-0526
4.	Combustion turbines #1 and #2 shall not fire natural gas and fuel oil simultaneously except during periods of transition from one fuel to the other. Such transition periods shall, to the extent practical, be minimized.	EU01 & EU02	PSD Permit 044-121NH10
5.	Supplemental fuel firing in each HRSG shall be limited to 177.7 MMBtu/hr (HHV) gross heat input.	EU01 & EU02	TP-B-0526
6.	Combustion of supplemental fuel in the HRSGs shall be limited to natural gas only.	EU01 & EU02	PSD Permit 044-121NH10
7.	Supplemental fuel firing for each combustion turbine shall not exceed 320 million cubic feet (mmcf) of natural gas during any 12 consecutive month period[4].	EU01 & EU02	PSD Permit 044-121NH10 & TP-B-0526
8.	The natural gas burned in the auxiliary boiler and the fuel gas heaters shall contain no more than 15 grains of sulfur per 100 cubic feet of gas at standard temperature and pressure.	EU04 & EU05	Env-A 1605.01 & TP-B-0483
9.	The sulfur content of No. 2 fuel oil burned in the emergency generator and fire pump shall not exceed 0.40 percent by weight.	EU06 & EU07	Env-A 1604.01 & TP-B-0483
10.	NEL shall maintain a program of best management practices for the minimization of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust.	EU01 & EU02	PSD Permit 044-121NH10
11.	With the exception of startup, shutdown and combustion turbine tuning periods, NEL shall operate the SCR systems at all times to reduce NOx emissions.	EU01 & EU02	TP-B-0526

[4] Note that the restriction on the hours of operation (1,800 hours/yr - each duct burner) that was included in the previous permit is replaced with an equivalent fuel throughput. (Minor modification to TV-0058 dated December 16, 2011)

Table 5 - Federally Enforceable Operational and Emission Limitations

Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Cite
12.	The Cooling Tower shall be equipped with high efficiency drift eliminators to minimize water drift losses and plume visibility. Drift from the Cooling Tower shall be limited to 0.0005% of the circulating water flow rate.	EU03	PSD Permit 044-121NH10
13.	The combustion turbines shall comply with the following emission limitations:	EU01 & EU02	PSD Permit 044-121NH10 & TP-B-0526

Table 5A - Emission Limitations

Pollutant	Emission Limitation	Control Technology	Averaging Time
Sulfur Dioxide (Gas Firing)	0.0071 lb/MMBtu	Low Sulfur Fuels (BACT)	3 hour rolling
Sulfur Dioxide (Oil Firing)	0.0015 lb/MMBtu	Low Sulfur Fuels (BACT)	3 hour rolling
Carbon Monoxide (Gas Firing)	15 ppmdv @ 15%O_2 at all loads	Low NOx Burner with Good Combustion Practices (BACT)	1 hour block average
Carbon Monoxide (Oil Firing)	20 ppmdv @ 15 %O_2 at 75 to 100% load 30 ppmdv @ 15%O_2 at 50 to 74% load	Low NOx Burner with Good Combustion Practices (BACT)	1 hour block average
TSP/PM_{10} (Gas Firing)	0.015 lb/MMBtu	Low Sulfur Fuels (BACT)	1 hour block average
TSP/PM_{10} (Oil Firing)	0.040 lb/MMBtu	Low Sulfur Fuels (BACT)	1 hour block average
Opacity	20%	Good Combustion Practices	6 minute block average
Nitrogen Oxides (Gas Firing)	2.5 ppmdv @ 15% O_2	Low NOx Burner with SCR (LAER/BACT)	3 hour block average
Nitrogen Oxides (Oil Firing)	9.0 ppmdv @ 15% O_2	Low NOx Burner with Water Injection and SCR (LAER/BACT)	1 hour block average
VOCs (Gas Firing)	0.002 lb/MMBtu	Good Combustion Practices	1 hour block average
VOCs (Oil firing)	0.0038 lb/MMBtu	Good Combustion Practices	1 hour block average
Sulfuric Acid Mist (H_2SO_4) (Gas Firing)	0.00083 lb/MMBtu	Low Sulfur Fuels (BACT)	1 hour block average
Sulfuric Acid Mist (Oil Firing)	0.0116 lb/MMBtu	Low Sulfur Fuels (BACT)	1 hour block average
Ammonia	10 ppmdv @ 15% O_2	N/A	24 hour block average

- Emission limits for nitrogen oxides apply at all times, except during start-up, shutdown and combustion turbine tuning.
- Emission limits for carbon monoxide apply at all times, except during start-up and shutdown.
- Emission limits for sulfur dioxide, particulate matter, volatile organic compounds and ammonia apply at all times.
- Emission limit for opacity applies at all times, except as provided in Item #26 of Table 5.

14.	The emission limits for startup conditions shall apply for fuel transition periods.	EU01 & EU02	TP-B-0526

Table 5 - Federally Enforceable Operational and Emission Limitations

Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Cite
15.	Maximum hourly emissions of regulated pollutants from each combustion turbine shall be limited as specified in Table 5B below:	EU01 & EU02	TP-B-0526

Table 5B - Maximum Hourly Emission Rates

Pollutant	Maximum Rate lb/hr on Natural Gas @ 100% load and 0° F	Maximum Rate lb/hr on Fuel Oil @ 100% load and 0° F	Averaging Time
NOx	19.48	77.60	1-hour (oil) & 3-hour (NG) block average
SO_2	15.1	3.33	3-hour rolling average
CO	71.16	104.98	1-hour block average
TSP/PM_{10}	11.00	20.00	1-hour block average
Sulfuric Acid Mist (H_2SO_4)	0.92	0.5	1-hour block average
VOCs	4.23	8.43	1-hour block average
Ammonia	28.84	31.91	24-hour block average

The above emission rates are calculated based on heating values of 1,000 Btu/scf for Natural Gas and 140,000 Btu/gallon for low sulfur distillate oil.

16.	Maximum 12-month rolling emissions of regulated pollutants shall be limited as specified in Table 5C below:	Facility wide	TP-B-0526

Table 5C - Maximum 12-Month Rolling Emissions Limits

Pollutant	Maximum Rate on Natural Gas (for two CTs combined) (tons)	Maximum Rate on Fuel Oil[a] (for two CTs combined) (tons)	Maximum Rate for Two CTs Combined on Both Fuels[b] (tons)	Facility wide Emission Limits[5] (tons)
NOx	151.4	93.1	223.8	229.5
SO_2	55.2	4.0	55.2	56.4
CO	464.3	126.0	526.7	529.7
PM_{10}	96.4	24.0	107.2	119.1[6]
Sulfuric Acid Mist	12.3	17.0	27.6	27.6
VOCs	32.9	10.1	38.5	39.0
Ammonia	245.3	38.3	256.4	256.4

a. Maximum rate on fuel oil for two combustion turbines combined - Assumes that the facility operates up to 1,200 hrs/yr at 100% load (equal to 33,120,000 gal/yr) on low sulfur distillate fuel oil.

[5] Includes emissions from combustion turbines, cooling tower, auxiliary boiler, fuel gas heaters, emergency generator and fire pump combined.
[6] Includes 11.2 tpy from cooling tower.

Table 5 - Federally Enforceable Operational and Emission Limitations

Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Cite
	operates 1,200 hr/yr on fuel oil and 7,560 hrs/yr on natural gas at 100% load. For SO_2, assume operation on natural gas for 8,760 hrs/yr at 100% load.		
17.	NEL shall, to the extent practical, minimize emissions from the combustion turbines during startup, shutdown and fuel transition, inclusive of emissions of opacity.	EU01 & EU02	TP-B-0526
18.	Combustion turbine startup shall be defined as the period of time from initiation of turbine firing until steady state operation above 60% load at ambient conditions.	EU01 & EU02	TP-B-0526
19.	Combustion turbine shutdown shall be defined as the period from steady-state operation at or above 60% load at ambient conditions to cessation of fuel combustion in the turbine.	EU01 & EU02	TP-B-0526
20.	Combustion turbine fuel transitions shall be defined as the period of time from the reduction of load below 60% load on one fuel , or the introduction of the other fuel, whichever occurs first, to the achievement of compliance at steady state operation above 60% load on the other fuel at ambient conditions. Each fuel transition shall be achieved as soon as practical and in no case shall exceed 180 minutes.	EU01 & EU02	TP-B-0526
21.	When firing on natural gas or low sulfur distillate fuel oil, NEL shall comply with the following emission limits per each CT unit for each startup and shutdown event: **Table 5D - Startup and Shutdown Emission Limits For Each Event** | | CO Limit (pounds) Per Turbine | NOx Limit (pounds) Per Turbine | | Startup | 1,800 | 750 | | Shutdown | 780 | 170 |	EU01 & EU02	TP-B-0526
22.	Natural gas consumption for the auxiliary boiler shall be limited to 50,400,000 cubic feet per consecutive 12-month period.	EU04	TP-B-0483
23.	Operating hours for the emergency generator shall be limited to 500 hours during any consecutive 12-month period.	EU06	TP-B-0483
24.	Operating hours for the firewater pump shall be limited to 500 hours during any consecutive 12-month period.	EU07	TP-B-0483
25.	*Visible Emission Standard for Fuel Burning Devices Installed After May 13, 1970* The average opacity from fuel burning devices installed after May 13, 1970 shall not exceed 20 percent for any continuous 6-minute period[7].	EU04 through EU07	Env-A 2002.02
26.	Exceedances of the opacity standard in Env-A 2002 shall not be considered violations if the Owner or Operator demonstrates to the Division that such exceedances:	EU01, EU02 & EU04	Env-A 2002.04(d) and (f) & TP-B-0526

[7] Compliance with visible emission limitations shall be determined using 40 CFR 60, Appendix A, Method 9, upon request by the Division.

Table 5 - Federally Enforceable Operational and Emission Limitations

Item #	Applicable Requirement	Applicable Emission Unit	Regulatory Cite
	a. Were the result of the adherence to good boiler operating practices which, in the long term, result in the most efficient or safe operation of the boiler[8]; or b. Were the result of the occurrence of an unplanned incident in which the opacity exceedance was beyond the control of the operator and in response to such incident, the operator took appropriate steps in conformance with good boiler operating practice to eliminate the excess opacity as quickly as possible; and c. With respect to EU01 & EU02, were the result of burning fuel oil in the combustion turbines during a cold startup.		
27.	Quarterly Tuning of Combustion Turbines NEL may conduct up to 16 hours of emissions tuning per rolling 12-month period per combustion turbine without injection of ammonia. During these periods, the NOx emission limits in Tables 5A & 5B will not apply. NEL shall monitor NOx emissions during these periods and shall meet the annual emission limits contained in Table 5C of this permit. Please note that the NSPS subpart GG NOx limit (4-hr rolling average - calculated in accordance with 40 CFR 60.332 (a)(1)) and the NOx RACT limit[9] (hourly average) apply at all times.	EU01 & EU02	TP-B-0526
28.	*Particulate Emission Standards for Fuel Burning Devices Installed on or After January 1, 1985* The particulate matter emissions from fuel burning devices installed on or after January 1, 1985 shall not exceed 0.30 lb/MMBtu.	EU04 through EU07	Env-A 2003.08
29.	Emissions from the auxiliary boiler, fuel gas heaters, emergency generator and fire pump shall be limited to the values listed in Table 5E below:	EU04 through EU07	TP-B-0483 and NOx RACT Order ARD-04-001

Table 5E - Maximum Hourly and 12-Month Rolling Emission Rates for Auxiliary Boiler, Fuel Gas Heaters, Emergency Generator and Firewater Pump

Pollutant	Auxiliary Boiler		Six Fuel Gas Heaters Combined		Emergency Generator & Firewater Pump	
	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy
NOx	0.91	0.91	0.17	0.76	16.24	4.06
PM_{10}	0.15	0.15	0.11	0.48	0.18	0.04
SO_2	0.09	0.09	0.11	0.47	2.92	0.73
CO	0.93	0.93	0.32	1.40	2.53	0.63
VOCs	0.15	0.15	0.08	0.35	0.28	0.07

[8] A HRSG is specifically not a boiler but it is still a steam generating unit in that it supplies steam to the steam turbine. During a startup, sufficient time is required to heat the HRSG and steam turbine to allow for efficient operation. The same scenario can occur during a fuel transition when the unit load is reduced below 60% on one fuel and then gradually ramped up until steady state operation (i.e., 60% load) is achieved on the other fuel.
[9] Env-A 1211.06, *Emission Standards for Combustion Turbines*.

Table 5 - Federally Enforceable Operational and Emission Limitations			
Item #	**Applicable Requirement**	**Applicable Emission Unit**	**Regulatory Cite**
30.	*Standard for Nitrogen oxides (NSPS Subpart Db)* NOx emissions from each HRSG shall not exceed 0.20 lb/MMBtu as determined on a 30-day rolling average basis. The NOx emissions rate at the outlet from the HRSGs shall constitute the NOx emissions rate from the duct burner of the combined cycle system.	EU01 & EU02	40 CFR 60.44b(a)
31.	a. Ammonia injection into the catalyst bed shall be initiated only when the bed temperature meets 430°F for Natural Gas firing and 518°F for distillate oil firing. b. SCR shall be operated in accordance with the procedures established in the catalyst management plan[10].	EU01 & EU02	PSD Permit 044-121NH10
32.	NOx emissions from each of the six fuel gas heaters shall not exceed 9.9 ppm at 3% O_2 and 0.012 lb/MMBtu.	EU05	NOx RACT Order ARD-04-001
33.	*Accidental Release Program Requirements* NEL stores anhydrous ammonia in quantities above the level specified in 40 CFR 68, Section 112(r). NEL shall operate the facility in accordance with the risk management plan.	Facility Wide	40 CFR 68 CAAA §112(r)(1)
34.	*Protection of Stratospheric Ozone* If the Owner or Operator performs maintenance on, or services, repairs, or disposes of appliances containing regulated ozone depleting substances, the Owner or Operator shall comply with the standards for *Recycling and Emissions Reduction* pursuant to 40 CFR 82, Subpart F.	Facility wide	40 CFR 82 Subpart F
35.	The emergency generator shall only operate: a. As a mechanical or electrical power source when the primary power source for the facility has been lost during an emergency such as a power outage; b. During normal maintenance and testing as recommended by the manufacturer; or c. During periods in which ISO New England, or any successor Regional Transmission Organization, directs the implementation of operating procedures for voltage reductions of 5% of normal operating voltage requiring more than 10 minutes to implement, voluntary load curtailments by customers, or automatic or manual load-shedding, in response to, or to prevent the occurrence of, unusually low frequency, equipment overload, capacity or energy deficiency, unacceptable voltage levels, or other such emergency conditions.	EU06	Env-A 1302.15 (effective 10-31-2010) (formerly Env-A 1211.02(o))
36.	Beginning May 3, 2013: a. The emergency generator and fire pump shall each be limited to 100 hours per year of operation for maintenance checks and readiness testing; b. The Emergency Stationary RICE may operate up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as	EU06 & EU07	40 CFR 63.6640(f) Subpart ZZZZ

[10] NEL submitted a catalyst management plan on September 28, 2001.

Table 5 - Federally Enforceable Operational and Emission Limitations			
Item #	**Applicable Requirement**	**Applicable Emission Unit**	**Regulatory Cite**
	part of a financial arrangement with another entity; except that owners and operators may operate the emergency engine for a maximum of 15 hours per year as stated in Table 5, Item 35.c, above.		
37.	*Requirements for Emergency Stationary Reciprocating Internal Combustion Engines* The emergency generator and fire pump shall be operated as follows after May 3, 2013: a. Change oil and filter every 500 hours of operation or annually, whichever comes first; b. Inspect air cleaner every 1000 hours of operation or annually, whichever comes first; c. Inspect hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary; d. Minimize idle time during startup and minimize startup time to a period needed for appropriate and safe loading, not to exceed 30 minutes; and e. Operate and maintain the engine according to the manufacturer's emission-related operation and maintenance instructions.	EU06 & EU07	40 CFR 63.6603 & 40 CFR 63.6625 Subpart ZZZZ

C. Annual SO_2 Allowance Programs

1. In accordance with 40 CFR 73, NEL was not allocated any SO_2 allowances pursuant to the Federal Acid Rain program[11].

2. General Provisions

   Pursuant to Env-A 611.07, SO_2 allowances lawfully held or acquired by the Owner or Operator under the acid rain provisions of the Clean Air Act, including 40 CFR 72 shall be governed by the following:

   a. Emissions from the affected units shall not exceed any SO_2 allowances held by the affected unit;

   b. The number of SO_2 allowances held by the affected units shall not be limited;

   c. The Owner or Operator shall not use SO_2 allowances to avoid compliance with any other applicable requirement of either state or federal rules or of the provisions of the Clean Air Act; and

   d. Any SO_2 allowances held by the Owner or Operator shall be accounted for according to the procedures established in the applicable provisions of 40 CFR 72 and 40 CFR 73.

3. Excess Emissions Requirements

   The designated representative of an affected source that has excess SO_2 emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR 77. The Owner and Operator of an affected source that has excess emissions in any calendar year shall:

   a. Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR 77; and

   b. Comply with the terms of an approved offset plan, as required by 40 CFR 77.

4. Allowance Transfer

   The Owner or Operator shall transfer allowances according to the procedures in 40 CFR 73.50.

5. Phase II Acid Rain Permit Application

   The attached Phase II Acid Rain Permit application, dated October 5, 2006, is hereby incorporated by reference into this permit. The Owner and Operator shall comply with the requirements set forth in the Phase II Acid Rain Permit Application and this permit.

D. Emission Reductions Trading Requirements

In accordance with Env-A 3100 *Discrete Emissions Reductions Trading Program* and "Notice of Intent to Use DERs" originally submitted by NEL on June 19, 2002 and annually thereafter, NEL shall be allowed to use DERs to offset NOx emissions.

[11] Please note that NEL is not an affected source under 40 CFR 76, *Acid Rain NOx Emission Reduction Program*.

E. Ozone Season NOx Budget Trading Program (Env-A 3200)

1. NOx Allowance Allocation

   NOx allowances shall be allocated to NEL according to the methodology in Env-A 3207.04, *Future Allowance Allocation Methodology*.

2. General Provisions

   a. Ozone Season NOx Emissions Cap

      Pursuant to Env-A 3208.02, NOx emissions during any control period[12] shall not exceed the amount of NOx allowances held in NEL's NOx Allowance Tracking System (NATS) compliance account for that control period as of the allowance transfer deadline of November 30.

   b. Allowance Banking (Env-A 3210)

      i. Pursuant to Env-A 3210.01, *Retention of Unused Allowances*, the banking of allowances shall be permitted to allow the retention of unused allowances from one year to a future year in either a compliance account, an overdraft account, or a general account.

      ii. Pursuant to Env-A 3210.02, *Account Designation*, unless otherwise permitted under Env-A 3210.04, unused allowances as of the end of the allowance transfer deadline shall be retained in the compliance, overdraft, or general account and designated as banked allowances after the NATS administrator has made all deductions for a given control period from the compliance account or overdraft account pursuant to Env-A 3215.

      iii. NEL shall comply with the NOx allowance banking provisions pursuant to Env-A 3210.03, *Requirements for Use*.

   c. Conversion of Allowances to DERs

      Pursuant to Env-A 3207.05, NEL may convert unused allowances to DERs in accordance with Env-A 3206.02(e) and the procedures for DER generation pursuant to Env-A 3103. Upon conversion, NEL shall surrender those converted allowances as if they had been used for actual emissions. Under no other circumstances shall unused allowances be converted to, or used as, DERs or ERCs.

   d. Request for Deduction of Allowances (Env-A 3215.02)

      i. Each year prior to November 30, the AAR shall request the NATS administrator to deduct current year allowances from the compliance account or overdraft account equivalent to the number of available allowances to cover the NOx emissions during the current control period.

      ii. This request shall be submitted by the AAR to the NATS administrator no later than the allowance transfer deadline, November 30.

      iii. This request shall identify the compliance account or overdraft account from which the deductions should be made.

      iv. This request shall:

[12] Control period means the period beginning May 1 of each year and ending on September 30 of the same year, inclusive.

1. Identify the serial numbers of the allowances to be deducted, if desired by the source; or
2. Not identify serial numbers, in which case allowances usable for that compliance year shall be deducted in the order of their arrival into the unit's account, with allocated allowances being deducted first, followed by the deduction of transferred allowances.

3. Excess Emissions and Enforcement Provisions (Env-A 3217)

   a. If emissions exceed the allowances held by NEL by the allowance transfer deadline (November 30), the NATS administrator shall automatically deduct three tons of allowances from the next control period for every ton of excess emissions from GRE's compliance account or overdraft account.

   b. In accordance with RSA 125-J:4-a, for purposes of enforcement of the NOx Budget Program, in determining the number of days of violation, any excess emissions for the control period shall presume that each day in the control period of 153 days, constitutes a day in violation unless NEL can demonstrate, through use of verifiable emissions data that a lesser number of days should be considered. In addition, each ton of excess emissions shall constitute a separate violation.

4. Allowance Transfer and Use

   a. Pursuant to Env-A 3209.01, *Marketable Emissions Authorization*, an allowance shall be a marketable emissions authorization that may be bought, sold, or traded at any time during any year, not just the current year.

   b. NEL shall comply with the NOx allowance transfer procedures of Env-A 3209.03.

F. Carbon dioxide (CO_2) Budget Trading Program (Env-A 4600)

1. CO_2 Allowance Requirements (Env-A 4605.01)

   a. The Owner or Operator of each CO_2 budget source and each CO_2 budget unit at the source shall hold CO_2 allowances available for compliance deductions under Env-A 4605.04, as of the CO_2 allowance transfer deadline, in the source's compliance account, in an amount not less than the total CO_2 emissions from fossil fuel-fired generation for the control period from all CO_2 budget units at the source, as determined in accordance with Env-A 4605, Env-A 4607, Env-A 4609.18, and VIII.F.1.c, below.

   b. CO_2 allowances shall be held in, deducted from, or transferred among CO_2 allowance tracking system accounts in accordance with Env-A 4606, Env-A 4607, Env-A 4608, and Env-A 4700.

   c. For the purpose of determining compliance with Env-A 4600, total tons of CO_2 emissions for a control period[13] shall be calculated as the sum of all recorded hourly emissions, or the tonnage equivalent of the recorded hourly emissions rates, in accordance with Env-A 4609, with any remaining fraction of a ton equal to or greater than 0.50 ton rounded up to equal one ton and any fraction of a ton less than 0.50 ton rounded down to equal zero tons.

2. CO_2 Allowance Limitations (Env-A 4605.02)

[13] Control period means compliance period as defined in New Hampshire RSA 125-O:20, IV.

a. A CO_2 allowance shall be a limited authorization to emit one ton of CO_2 in accordance with the CO_2 budget trading program.

b. A CO_2 allowance shall not be deducted, in order to comply with the requirements of Env-A 4605.01(a), for a control period that ends prior to the year for which the CO_2 allowance was allocated.

c. A CO_2 offset allowance shall not be deducted, in order to comply with the requirements of Env-A 4605.01(a), beyond the applicable percent limitations set out in Env-A 4605.04(b).

d. Subject to Env-A 4605.02(e) and (f), no provision of the CO_2 budget trading program, the CO_2 budget permit application, or the CO_2 budget permit shall be construed to limit the authority of the Department to terminate or limit such authorization.

e. A CO_2 allowance shall not constitute a property right.

3. Allowances Available for Compliance Deduction (Env-A 4605.04)

a. CO_2 allowances that meet the following criteria shall be available to be deducted for compliance with the requirements of Env-A 4605 for a control period:

i. For CO_2 allowances other than CO_2 offset allowances, the allowances are from allocation years that fall within a prior control period or the same control period for which the allowances will be deducted; and

ii. The CO_2 allowances are:

1. Held in the CO_2 budget source's compliance account as of the CO_2 allowance transfer deadline for that control period; or
2. Transferred into the compliance account by a CO_2 allowance transfer correctly submitted for recordation under Env-A 4608.01 by the CO_2 allowance transfer deadline for that control period;

b. As provided in RSA 125-O:22, II, a CO_2 budget source may use offset allowances for up to 3.3 percent of its compliance obligation, subject to the following:

i. If the Department determines that there has been a stage one trigger event, the CO_2 budget source may use up to 5 percent; and

ii. If the Department determines that there has been a stage 2 trigger event, the CO_2 budget source may use up to 10 percent.

c. CO_2 allowances shall not be available for current compliance if the allowances were deducted for excess CO_2 emissions for a prior control period under Env-A 4605.08.

d. Allowances deducted for the purpose of compliance shall not be available for any other purpose.

4. Excess CO_2 Emissions Requirements (Env-A 4605.07)

   The Owner or Operator of a CO_2 budget source that has excess CO_2 emissions in any control period shall:

   a. Forfeit the CO_2 allowances required for deduction under Env-A 4605.08, provided CO_2 offset allowances shall not be used to cover any part of such excess CO_2 emissions; and

   b. Pay any fine, penalty, or assessment or comply with any other remedy imposed under RSA 125-O:22, V.

5. Deductions for Excess CO_2 Emissions (Env-A 4605.08)

   a. As provided by RSA 125-O:22, V, the deduction of CO_2 allowances for excess CO_2 emissions shall equal to 3 times the number of the source's excess CO_2 emissions.

   b. Within 14 calendar days of receipt of notice by from the regional organization[14] that a shortage exists, the source shall transfer sufficient allowances into its compliance account to cover the shortage.

   c. No CO_2 offset allowances shall be deducted to account for the source's excess CO_2 emissions.

   d. Any CO_2 allowance deduction required under 5.a, above, shall not affect the liability of the owner(s) and operator(s) of the CO_2 budget source or the CO_2 units at the source for any fine, penalty, or assessment, and shall not affect the obligation of the owner(s) and operator(s) to comply with any other remedy, for the same violation, as ordered under applicable state law.

6. Determination of Violations and Deduction of Allowances (Env-A 4605.11)

   a. For purposes of determining the number of days of violation, if a CO_2 budget source has excess CO_2 emissions for a control period, each day in the control period shall constitute a day of violation unless the owner(s) and operator(s) of the unit demonstrate that a lesser number of days should be considered; and

   b. Each ton of excess CO_2 emissions shall constitute a separate violation.

7. Submission of CO_2 Allowance Transfers (Env-A 4608.01)
   Any CO_2 AAR seeking recordation of a CO_2 allowance transfer shall submit the transfer request to the regional organization in accordance with Env-A 4608.01(b).

[14] Regional organization as defined in NH RSA 125-O:20, XIII

G. Monitoring and Testing Requirements

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

Table 6 - Monitoring/Testing Requirements

Item #	Parameter	Method of Compliance	Frequency of Method	Device	Regulatory Cite
1.	Sulfur content of Natural Gas	a. The Owner or Operator may elect not to monitor the total sulfur content of the gaseous fuel combusted in the turbines if the gaseous fuel is demonstrated to meet the definition of natural gas in 40 CFR 60.331(u) provided the facility uses **one** of the following sources of information to make the required compliance demonstration: i. The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20 grains/100 scf or less; or ii. Representative fuel sampling data which shows that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of Appendix D of 40 CFR 75 is required.	Annually and whenever the fuel supply source changes (if fuel sampling is used)	EU01 & EU02	40 CFR 60.334(h)(3) & 40 CFR 75, App. D
2.	Sulfur Content of Liquid Fuels	Conduct testing in accordance with appropriate ASTM test methods **or** retain delivery tickets in accordance with Table 7, Item #10 in order to demonstrate compliance with the sulfur content limitation provisions specified in this permit for liquid fuels.	For each delivery of fuel oil/diesel to the facility	Facility Wide	40 CFR 60.334[15], Env-A 806.02, Env-A 806.05 & 40 CFR 75, App. D
3.	CO	The Owner or Operator shall operate and maintain a continuous emission monitoring system (CEMS) for measuring carbon monoxide. The CO CEMS shall meet the requirements of 40 CFR 60, Appendix B, Performance Specification 4.	Continuously	EU01 & EU02	PSD Permit # 045-121NH11 & Env-A 808
4.	NOx	a. The Owner or Operator shall operate and maintain a NOx-diluent CEMS (consisting of a NOx pollutant concentration monitor and an O_2 diluent gas monitor) with an automated data acquisition and handling system for measuring and recording NOx concentration (in ppm), O_2 concentration (in percent O_2) and NOx emission rate (in lb/MMBtu). NEL shall account for total NOx emissions, both NO and NO_2, either by monitoring for both NO and NO_2 or by monitoring for NO only and adjusting the	Continuously	EU01 & EU02	40 CFR 75.10(a)(2), 75.10(d) & 75.12(c)

[15] Please see DES' letter dated January 13, 2003 approving NEL's Custom Fuel Monitoring Schedule.

Table 6 - Monitoring/Testing Requirements					
Item #	**Parameter**	**Method of Compliance**	**Frequency of Method**	**Device**	**Regulatory Cite**
		emissions data to account for NO_2. b. The Owner or Operator shall calculate hourly, quarterly and annual NOx emission rates (in lb/MMBtu) by combining the NOx concentration (in ppm), diluent concentration (in percent O_2), and percent moisture (if applicable) according to the procedures in 40 CFR 75 Appendix F. c. The Owner or Operator shall ensure that the NOx CEMS is in operation and monitoring emissions from each of the combustion turbines at all times that the emission unit combusts any fuel except during periods of calibration, quality assurance, or preventive maintenance, performed pursuant to 40 CFR 75.21 and Appendix B of 40 CFR 75, periods of repair, periods of backups of data from the data acquisition and handling system, or recertification performed pursuant to 40 CFR 75.20.			
5.	NOx Mass Emissions	a. The Owner or Operator shall calculate hourly NOx mass emissions (in lbs) by multiplying the hourly NOx emission rate (in lbs/MMBtu) by the hourly heat input rate (in MMBtu/hr) and the unit or stack operating time. b. The Owner or Operator shall also calculate quarterly and cumulative year-to-date NOx mass emissions and cumulative NOx mass emissions for the ozone season (in tons) by summing the hourly NOx mass emissions according to the procedures in Appendix F, Section 8 of 40 CFR 75.	Hourly, quarterly, and cumulative year-to-date	EU01 & EU02	40 CFR 75.72 & Env-A 3212
6.	Ozone season heat input & NO_X emission rate	*Additional ozone season calculation procedures for special circumstances* a. The Owner or Operator of a unit that is required to calculate ozone season heat input for purposes of providing data needed for determining allocations, shall do so by summing the unit's hourly heat input determined according to the procedures in 40 CFR 75 for all hours in which the unit operated during the ozone season. b. The Owner or Operator of a unit that is required to determine ozone season NO_X emission rate (in lbs/MMBtu) shall do so by dividing ozone season NO_X mass emissions (in lbs) determined in accordance with 40 CFR 75, by heat input determined in accordance with Item # 6.a above.	During ozone season	EU01 & EU02	40 CFR 75.75(a) & (b)

Table 6 - Monitoring/Testing Requirements					
Item #	**Parameter**	**Method of Compliance**	**Frequency of Method**	**Device**	**Regulatory Cite**
7.	Oxygen	The oxygen content of the flue gas shall be monitored continuously to correct the measured emission rates of NOx, CO & ammonia to 15% O_2.	Continuously	EU01 & EU02	PSD Permit # 045-121NH11
8.	Fuel flow	The Owner or Operator shall measure and record the flow rate of fuel combusted by each combustion turbine. The fuel flow rate shall be measured with an in-line fuel flow meter and automatically recorded with a data acquisition and handling system.	Continuously	EU01 & EU02	40 CFR 75, Appendix D, Section 2.1
9.	Ammonia slip	The Owner or Operator shall operate and maintain a CEMS for measuring ammonia slip.	Continuously	EU01 & EU02	PSD Permit # 045-121NH11
10.	Opacity	The Owner or Operator shall operate and maintain a continuous opacity monitoring system (COMS) for measuring and recording opacity of emissions discharged to the atmosphere.	Continuously	EU01 & EU02	PSD Permit # 045-121NH11
11.	SO_2	The Owner or Operator shall use applicable procedures specified in 40 CFR 75, Appendix D, *Optional SO_2 Emissions Data Protocol for Gas-fired and Oil-fired Units* to calculate SO_2 emissions.	As specified in the regulation	EU01 & EU02	40 CFR 75, Appendix D
12.	CO_2	The Owner or Operator shall use applicable procedures specified in 40 CFR 75, Appendix G, *Determination of CO_2 Emissions* to calculate CO_2 emissions. Please note that equation G-1 in Appendix G of 40 CFR 75 shall not be used to determine CO_2 emissions under Env-A 4609.	As specified in the regulation	EU01 & EU02	40 CFR 75, Appendix G & Env-A 4609
13.	Heat input rate	The Owner or Operator shall determine the heat input rate (in MMBtu/hr) to each unit for every hour or part of an hour any fuel is combusted following the procedures in 40 CFR 75 Appendix F.	Hourly	EU01 & EU02	40 CFR 75.10(c)
14.	NOx CEMS Hourly Operating Requirements	The Owner or Operator shall ensure that the NOx CEMS and components meet the following operating requirements: a. The Owner or Operator shall ensure that each CEM is capable of completing a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute interval; b. The Owner or Operator shall reduce all NOx concentration and NOx emission rate data collected by the monitors to hourly averages; c. The Owner or Operator shall use all valid measurements or data points collected during an hour to calculate the hourly averages. All data points collected during an hour shall be, to the extent practicable, evenly spaced over the hour; d. Failure of a NOx concentration monitor or NOx-diluent CEMS to acquire the minimum number of	Hourly	EU01 & EU02	40 CFR 75.10(d)

Table 6 - Monitoring/Testing Requirements					
Item #	**Parameter**	**Method of Compliance**	**Frequency of Method**	**Device**	**Regulatory Cite**
		data points for calculation of an hourly average shall result in the failure to obtain a valid hour of data and the loss of such component data for the entire hour; e. For a NOx-diluent monitoring system, an hourly average NOx emission rate in lb/MMBtu is valid only if the minimum number of data points is acquired by both the NOx pollutant concentration monitor and the diluent monitor (O_2); and f. If a valid hour of data is not obtained, the Owner or Operator shall estimate and record emissions for the missing hour by means of the automated data acquisition and handling system, in accordance with the applicable procedure for missing data substitution in 40 CFR 75, Subpart D.			
15.	Minimum Specifications for all CEMS	The Owner or Operator shall ensure that each CEMS meets the following operating requirements: a. The CEM system for measuring opacity emissions shall average the opacity data to result in consecutive, non-overlapping 6-minute averages; b. The CEM system for measuring gaseous emissions shall average and record the data for each calendar hour; c. All CEM systems shall include a means to display instantaneous values of percent opacity and gaseous emissions and complete a minimum of one cycle of operation which shall include measurement, analyzing, and data recording for each successive 5-minute period for systems measuring gaseous emissions and each 10-second period for systems measuring opacity, unless a longer time period is approved in accordance with Env-A 809; and d. A valid hour of CEM emissions data means a minimum of 42 minutes of CEM readings taken in any calendar hour, during which the CEM is not in an out of control period and the facility is in operation[16].	N/A	EU01 & EU02	Env-A 808.03 (effective 10-31-2002) Env-A 808.01(i)
16.	General Audit Requirements	a. CEM audits shall be conducted in accordance with Env-A 808.07.	Quarterly	EU01 & EU02	Env-A 808.07 & 40 CFR

[16] Please note that 40 CFR 75 requires hourly averages to be computed using at least one data point in each fifteen-minute quadrant of an hour, where the unit combusted fuel during that quadrant of an hour. 40 CFR 75 allows an hourly average to be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant of an hour) if data are unavailable as a result of the performance of calibration, quality assurance, or preventive maintenance activities pursuant to 40 CFR 75.21 and 40 CFR Appendix B or backups of data from the data acquisition and handling system, or recertification, pursuant to 40 CFR 75.20.

Table 6 - Monitoring/Testing Requirements					
Item #	**Parameter**	**Method of Compliance**	**Frequency of Method**	**Device**	**Regulatory Cite**
		b. The Owner or Operator shall notify the Division at least 30 days[17] prior to the performance of a RATA. c. Testing may be performed on a date other than that already provided in the notice under Item #16.b above as long as notice of the new date is provided either in writing or by telephone, and the notice is provided as soon as practicable after the new testing date is known, but no later than twenty-four (24) hours in advance of the new date of testing. Written notification may be provided by mail, facsimile or electronic mail. d. The Owner or Operator shall provide at least 2 weeks' notice prior to any other planned audit or test procedure.			75.61(a)(5)
17.	Gaseous CEM Audit Requirements	Audit requirements for gaseous CEM systems shall be performed in accordance with procedures described in 40 CFR 60, Appendix F, Env-A 808.08 and 40 CFR 75, Appendix B.	Quarterly	EU01 & EU02	Env-A 808.08, 40 CFR 75.21 & 40 CFR 75.74(a)
18.	Opacity CEM Audit Requirements	Audit requirements for opacity CEM systems shall be performed in accordance with procedures described in Env-A 808.09 and 40 CFR 60, Appendix B, Specification 1.	Quarterly	EU01 & EU02	Env-A 808.09
19.	Reference Test Methods for Certification & Recertification of NOx CEMS	The Owner or Operator shall use the reference test methods listed in 40 CFR 75.22 and included in Appendix A to 40 CFR 60 to conduct monitoring system tests for certification or recertification of CEMS.	During certification or recertification tests	EU01 & EU02	40 CFR 75.22
20.	Recertification of NOx CEMS	Whenever the Owner or Operator makes a replacement, modification, or change in a certified continuous emission monitoring system that may significantly affect the ability of the system to accurately measure or record the requisite data, the Owner or Operator shall recertify the continuous emission monitoring system according to the procedures outlined in 40 CFR 75.20(b).	As specified	EU01 & EU02	40 CFR 75.20, 40 CFR 75.70(d), Env-A 3212.06 & Env-A 3212.10
21.	Out-of-control periods for NOx CEMS	a. Whenever a CEMS fails a quality assurance audit or any other audit, the system is out-of-control and the Owner or Operator shall follow the procedures for out-of-control periods in 40 CFR 75.24. b. If an out-of-control period occurs to a monitor or CEMS, the Owner or Operator shall take corrective action and repeat the tests applicable to the out of control parameter as described in	As specified by regulation	EU01 & EU02	40 CFR 75.21(e)(2), 40 CFR 75.24 & Env-A 3212.10

[17] Please note that pursuant to 40 CFR 75.61(a)(5), NEL is required to notify DES at least 21 days prior to the first scheduled day of testing. This requirement is less stringent than Env-A 808.07(c).

Table 6 - Monitoring/Testing Requirements					
Item #	**Parameter**	**Method of Compliance**	**Frequency of Method**	**Device**	**Regulatory Cite**
		40 CFR 75, Appendix B. i. For daily calibration error tests, an out of control period occurs when the calibration error of a pollutant concentration monitor exceeds the applicable specification in Section 2.1.4 of Appendix B of 40 CFR 75. ii. For quarterly linearity checks, an out of control period occurs when the error in linearity at any of the three gas concentrations (low, mid-range, and high) exceeds the applicable specification in 40 CFR 75 Appendix A. iii. For relative accuracy test audits (RATA), an out of control period occurs when the relative accuracy exceeds the applicable specification in Appendix A of 40 CFR 75. c. When a monitor or continuous emission monitoring system is out-of-control, any data recorded by the monitor or monitoring system are not quality-assured and shall not be used in calculating monitor data availabilities pursuant to 40 CFR 75.32. d. When a CEMS is out of control, the Owner or Operator shall apply the procedures in 40 CFR 75, Subpart D for missing data substitution from the affected units.			
22.	Missing Data Substitution Procedures for 40 CFR 75	The Owner or Operator shall provide substitute data for each affected unit according to the missing data procedures in Subpart D of 40 CFR 75 whenever the unit combusts any fuel and a valid, quality-assured hour of NO_X emission rate data (in lb/MMBtu) has not been measured or recorded for an affected unit by the certified NO_X-diluent continuous emission monitoring system.	As specified by regulation	EU01 & EU02	40 CFR 75.30
23.	NOx Mass Emissions Provisions-Prohibitions	NEL is prohibited from the following: a. Using alternative monitoring system, reference method, or any other alternative for the required CEMS without approval through petition process in 40 CFR 75.70(h). b. Discharging or allowing discharge of NOx emissions without accounting for all emissions in accordance with the provisions of Subpart H, except as provided in 40 CFR 75.74. c. Disrupting the CEMS or any other approved emission monitoring method, and thereby avoid monitoring and recording NOx mass emissions, except for periods of re-certification or periods when calibration, quality assurance testing, or	Continuously	EU01 & EU02	40CFR 75.70(c) & Env-A 3212.05

Table 6 - Monitoring/Testing Requirements					
Item #	**Parameter**	**Method of Compliance**	**Frequency of Method**	**Device**	**Regulatory Cite**
		maintenance is performed in accordance with the provisions of 40 CFR 75. d. Retiring or permanently discontinuing the use of the CEMS, or any other approved emission monitoring system except under one of the following circumstances: i. During a period that the unit is covered by a retired unit exemption that is in effect under the state or federal NOx mass emission reduction program that adopts the requirements of 40 CFR 75 Subpart H; ii. The Owner or Operator is monitoring NOx mass emissions from the affected unit with another certified monitoring system approved, in accordance with the provisions of 40 CFR 75.70(d); or iii. The designated representative submits notification of the date of certification testing of a replacement monitoring system in accordance with 40 CFR 75.61.			
24.	NOx Mass Emissions - Petitions for Alternatives	The Owner or Operator may submit a petition to DES and EPA requesting an alternative to any requirement of 40 CFR 75 Subpart H. Such a petition shall meet the requirements of 40 CFR 75.66 and any additional requirements established by Env-A 3200.	Not applicable	EU01 & EU02	40 CFR 75.70(h) and Env-A 3212.09
25.	Quality Assurance Test for fuel flow meters	The Owner or Operator shall test the accuracy of each fuel flowmeter at least once every four fuel flowmeter QA operating quarters, as defined in 40 CFR 72.2. Notwithstanding this requirement, no more than 20 successive calendar quarters shall elapse after the quarter in which a fuel flowmeter was last tested for accuracy without a subsequent flowmeter accuracy test having been conducted. The QA test for the flowmeter shall be conducted more frequently if required by manufacturer specifications.	Once every four operating quarters	EU01 & EU02	40 CFR 75, Appendix D, Section 2.1.6
26.	Data Availability Requirements	a. The Owner or Operator of a source with a CEM shall operate the CEM at all times during the operation of the source, except for periods of CEM breakdown, repairs, calibration checks, preventive maintenance, and zero/span adjustments b. The percentage CEM data availability for opacity and all gaseous concentration monitors shall be maintained at a minimum of 90% on a calendar quarter basis. c. The percentage CEM data availability for opacity and all gaseous concentration monitors shall be maintained at a minimum of 75% for any calendar month.	N/A	EU01 & EU02	Env-A 808.10 & TP-B-0526

Table 6 - Monitoring/Testing Requirements					
Item #	**Parameter**	**Method of Compliance**	**Frequency of Method**	**Device**	**Regulatory Cite**
27.	Data Availability Calculations	NEL shall use the following equation for calculating percentage data availability: *Percentage Data Availability* = $\frac{(VH + CalDT) \times 100}{(OH - AH)}$ Where: VH = Number of valid hours of CEM data in a given time period for which the data availability is being calculated when the plant is in operation; CalDT = Number of hours, not to exceed one hour per day, during facility operation when the CEM is not operating due to the performance of the daily CEM calibrations as required in 40 CFR 60, Appendix F or 40 CFR 75, Appendix B, section 2.1; OH = Number of facility operating hours during a given time period for which the data availability is being calculated; and AH = Number of hours during facility operation when the performance of quarterly audits as required by those procedures specified in Env A 808.08 or Env-A 808.09, as applicable, require that the CEM be taken out of service in order to conduct the audit.	As specified	EU01 & EU02	Env-A 808.10
28.	Efficiency test for auxiliary boiler	*NOx RACT Testing for Auxiliary Boilers* The Owner or Operator of an auxiliary boiler with heat input rates of at least 5,000,000 Btu per hour but less than 50,000,000 Btu per hour shall comply with the requirements of Env-A 1211.05(b), which are stated below: a. Before April 1st of each year: i. Perform an efficiency test using the test procedures specified in chapter 3, Combustion Efficiency Tables, Taplin, Harry, R., Fairmont Press, 1991; and ii. Adjust the combustion process of the boiler in accordance with the procedures specified in chapter 5, Combustion Efficiency Tables, Taplin, Harry R., Fairmont Press, 1991; and b. Maintain, in a permanently bound log book the following information: i. The date(s) on which: 1. The efficiency test was conducted; and 2. The combustion process was last adjusted; ii. The name(s), title and affiliation of the person(s) who: 1. Conducted the efficiency test; and	Annually	EU04	Env-A 1211.12(b) & Env-A 803.04

Table 6 - Monitoring/Testing Requirements					
Item #	**Parameter**	**Method of Compliance**	**Frequency of Method**	**Device**	**Regulatory Cite**
		2. Made the adjustments; iii. The NOx emission concentration, in ppmvd, corrected to 15% oxygen, after the adjustments are made; iv. The CO emission concentration, in ppmvd, corrected to 15% oxygen, after the adjustments are made; and v. The opacity readings.			
29.	Efficiency test for fuel gas heaters	Perform annual efficiency tests to determine the combustion efficiency (percent), the NOx emission concentration (ppmdv), CO concentration (ppmdv), oxygen levels (percent) and carbon dioxide levels (percent).	Annually	EU05	NOx RACT Order ARD-04-001
30.	Hours of Operation	Emergency generator and fire pump shall each be equipped with a non-resettable hour meter by May 3, 2013.	Continuous	EU06 & EU07	40 CFR 63.6625 Subpart ZZZZ
31.	To Be Determined	When conditions warrant, the Division may require the Owner or Operator to conduct stack testing in accordance with USEPA or other Division approved methods.	Upon request by the Division	Facility Wide	RSA 125-C:6 XI

H. Recordkeeping Requirements

The Owner or Operator shall be subject to the recordkeeping[18] requirements identified in Table 7 below:

Table 7 - Applicable Recordkeeping Requirements

Item #	Applicable Recordkeeping Requirement	Records Retention/ Frequency	Applicable Emission Unit	Regulatory Cite
1.	Except as noted in Item #20 of this Table (i.e., Env-A 4605.03(a)), 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[19].	Retain for a minimum of 5 years	Facility wide	Env-A 902.01(a), Env-A 3213, 40 CFR 70.6(a)(3)(ii)(B) and 40 CFR 72.9(f)
2.	*Certificate of Representation* The Owner or Operator shall complete and retain a certificate of representation for a designated representative or an alternate designated representative including the elements pursuant to 40 CFR 72.24, *Certificate of representation*. This certificate of representation shall be retained at the facility beyond the 5-yr period (as required by Item #1 above) until such documents are superseded because of the submission of a new certificate of representation changing the designated representative.	Maintain at the facility at all times	EU01 & EU02	40 CFR 72.9(f) & 40 CFR 72.24
3.	The Owner or Operator shall maintain annual records of actual emissions for each significant and insignificant activity for determination of emission based fees.	Maintain at facility at all times	Facility wide	Env-A 705.03
4.	*Air Pollution Control Device Operational Records* The Owner or Operator shall maintain records of all malfunctions, routine maintenance, and other downtimes of any air pollution control equipment in whole or part. These records must be available for review by DES/EPA upon request.	At each occurrence	PCE1, PCE2 & PCE3	Env-A 906.01 (effective 4-21-2007) & TP-B-0526
5.	*General Recordkeeping Requirements for Sources with Continuous Emissions Monitoring Systems* NEL shall maintain records for the continuous emission monitoring systems in accordance with Env-A 800 and all applicable federal regulations.	Maintain on a continuous basis	EU01 & EU02	Env-A 903.04 (effective 4-21-2007) & TP-B-0526
6.	NEL shall maintain records of the following information by device on a calendar day basis: a. Hours of operation, including any startup, shutdown, or malfunction; b. Time frames when duct burner supplemental fuel firing is utilized; c. The total daily fuel consumption by device (in cubic feet for natural gas and in gallons for fuel oil);	Maintain on a continuous basis	EU01 & EU02	PSD Permit 044-121NH10 & Env-A 906.01

[18] 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.

[19] Note that record retention for five years is more stringent than the three year record retention required in some sections of 40 CFR 75 and 40 CFR 60.

Table 7 - Applicable Recordkeeping Requirements				
Item #	**Applicable Recordkeeping Requirement**	**Records Retention/ Frequency**	**Applicable Emission Unit**	**Regulatory Cite**
	d. The total daily amount of ammonia, in pounds, used in the SCR Systems; and e. Records of combustion turbine tuning conducted in accordance with Item #27 of Table 5.			
7.	NEL shall maintain the following records: a. Records of stack testing for PM, SO_2, NOx, CO, VOCs, NH_3 and H_2SO_4; b. CEM audits; c. NOx RACT testing for the auxiliary boiler and the fuel gas heaters; and d. Records of each start-up and shutdown event (including NOx and CO emissions data) for the combustion turbines.	Maintain on a continuous basis	EU01 through EU05	Env-A 906.01 (effective 4-21-2007) & TP-B-0526
8.	*General Recordkeeping Requirements for Combustion Devices* a. Amount and type of fuel consumed; b. Sulfur content as percent sulfur by weight of fuel or in grains per 100 cubic feet of fuel; c. Hours of operation for the emergency generator and the fire pump; and d. The occurrence and duration of any startup, shutdown, or malfunction in the operation of the auxiliary boiler.	Monthly	EU04, EU05, EU06 & EU07	Env-A 903.03, 40 CFR 60.48c(g) & 40 CFR 60.7(b)
9.	*Gaseous Fuel Recordkeeping Requirements* Maintain **one** of the following documents: a. Sulfur content as percent sulfur by weight or in grains per 100 cubic feet of fuel; b. Documentation that the fuel source is from a utility pipeline; or c. Documentation that the fuel meets state sulfur limits.	Annually and whenever the fuel supply source changes (if fuel sampling is used)	EU01, EU02, EU04 & EU05	Env-A 903.03 (effective 4-21-2007) & 40 CFR 75, App. D
10.	*Liquid Fuel Oil Recordkeeping Requirements* In lieu of sulfur testing pursuant to Table 6, Item #2, the Owner or Operator may maintain fuel delivery tickets that contain a written statement from the fuel supplier that the sulfur content of the fuel as delivered does not exceed state or federal standards for that fuel.	For each delivery of fuel oil/diesel to the facility	Facility Wide	Env-A 806.05 & 40 CFR 75, App. D
11.	*General NO_x Recordkeeping* The Owner or Operator shall record the following information and maintain such records at the facility: a. Identification of each combustion device; b. Operating schedule during the *high ozone season* (June 1 through August 31) for each combustion device identified in Item #11.a above, including: i. Typical hours of operation per day;	On a continuous basis	Facility wide	Env-A 905.02 & TP-B-0526

Table 7 - Applicable Recordkeeping Requirements				
Item #	**Applicable Recordkeeping Requirement**	**Records Retention/ Frequency**	**Applicable Emission Unit**	**Regulatory Cite**
	ii. Typical days of operation per calendar month; iii. Number of weeks of operation; iv. Type and amount of each fuel burned; v. Heat input rate in MMBtu/hr; vi. Actual NOx emissions for the calendar year and a typical high ozone day during that calendar year; and vii. Emission factors and the origin of the emission factors used to calculate the NOx emissions.			
12.	*Recordkeeping for Sources or Devices with Add-on NOx Air Pollution Control Equipment* The Owner or Operator shall record and maintain the following information for the add-on NOx air pollution control equipment: a. The air pollution control device identification number, type, model number, and manufacturer; b. Installation date; c. Unit(s) controlled; d. Type and location of the capture system, capture efficiency percent, and method of determination; e. Information as to whether or not the air pollution control device is always in operation when the fuel burning device it is serving is in operation; and f. The destruction or removal efficiency of the add-on air pollution control equipment, including the following information: i. Destruction or removal efficiency, in percent; ii. Date tested; iii. The emission test results, if tested, including the inlet and the outlet concentration in ppm and the method of determination of the concentration; and iv. The method of determining destruction or removal efficiency, if not tested.	Maintain on a continuous basis	EU01 & EU02	Env-A 905.03 (effective 4-21-2007) & TP-B-0526
13.	*VOC Emission Statements Recordkeeping Requirements* If the actual annual VOC emissions from the Facility are greater than or equal to 10 tpy, then record the following information: a. Identification of each VOC-emitting process or device; b. The operating schedule during the high ozone season for each VOC-emitting process or device identified in a. above, including: i. Typical hours of operation per day; and ii. Typical days of operation per calendar month. c. The following VOC emission data: i. Actual calendar year VOC emissions, in tons, from	Maintain on a continuous basis	Facility wide	Env-A 904.02 (effective 4-21-2007)

Table 7 - Applicable Recordkeeping Requirements				
Item #	**Applicable Recordkeeping Requirement**	**Records Retention/ Frequency**	**Applicable Emission Unit**	**Regulatory Cite**
	each VOC-emitting process or device identified in Item # 13.a above; ii. A typical high ozone season day VOC emissions, in pounds per day, from each VOC-emitting process or device identified in Item #13.a above; and iii. The emission factors and the origin of the emission factors used to calculate the VOC emissions.			
14.	*QA/QC Plan* The Owner or Operator of a source operating a gaseous CEM system shall: a. Prepare and 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; b. Review the QA/QC plan and all data generated by its implementation at least once each year; c. Revise or update the QA/QC plan, as necessary, based on the results of the annual review, by: 1. Documenting any changes made to the CEM or changes to any information provided in the monitoring plan; 2. Including a schedule of, and describing, all maintenance activities that are required by the CEM manufacturer or that might have an effect on the operation of the system; 3. Describing how the audits and testing required by Env-A 808 will be performed; and 4. Including examples of the reports that will be used to document the audits and tests required by Env-A 808; d. Make the revised QA/QC plan available for on-site review by the Division at any time; e. 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 each change; f. The QA/QC plan shall be considered an update to the CEM monitoring plan required by Env-A 808.04.	Review annually and revise as necessary	EU01 & EU02	Env-A 808.06 (effective 10-31-2002) & TP-B-0526
15.	*Monitoring Plan* a. The Owner or Operator shall prepare and maintain a monitoring plan. The monitoring plan shall contain the information in 40 CFR 75.53(e)(1) in electronic format and the information in 40 CFR 75.53(e)(2) in hardcopy format. The monitoring plan shall also contain information regarding the usage of optional protocol in	Maintain on a continuous basis and update as necessary	EU01 & EU02	40 CFR 75.53, 40 CFR 75.73, Env-A 3212.13 & Env-A 4609

Table 7 - Applicable Recordkeeping Requirements				
Item #	**Applicable Recordkeeping Requirement**	**Records Retention/ Frequency**	**Applicable Emission Unit**	**Regulatory Cite**
	Appendix D of 40 CFR 75 for estimating heat input and/or SO_2 mass emissions. b. The Owner or Operator shall update the monitoring plan by the deadline specified in Table 8, Item #13 whenever the Owner or Operator makes a replacement, modification, or change in the certified CEMS including a change in the automated data acquisition and handling system that affects information reported in the monitoring plan (e.g., a change to a serial number for a component of a monitoring system).			
16.	*General Recordkeeping Provisions* a. For each affected unit, the Owner or Operator shall maintain records of operating parameters (operating time, heat input and load), SO_2, NOx and CO_2 emissions. b. Missing data records: The Owner or Operator shall record the causes of any missing data periods and the actions taken by the Owner or Operator to correct such causes.	Maintain on a continuous basis	EU01 & EU02	40 CFR 75.57
17.	*Certification, Quality Assurance and Quality Control Record Provisions* The Owner or Operator shall maintain records of certification and QA/QC tests. This shall include records of all daily & 7-day calibration tests, cycle time tests, linearity checks and relative accuracy test audits, as applicable.	Maintain on a continuous basis	EU01 & EU02	40 CFR 75.59
18.	The catalyst management plan shall be maintained at the facility and must be available for review by DES/EPA upon request.	Maintain on a continuous basis	PCE1 & PCE2	Env-A 906.01 (effective 4-21-2007)
19.	*Regulated Toxic Air Pollutants* Maintain records documenting compliance with Env-A 1400.	Maintain Up-to-Date Data	Facility Wide	Env-A 902.01
20.	*CO_2 Budget Trading Program Recordkeeping Requirements* Unless otherwise provided, the Owner or Operator of the CO_2 budget source and each CO_2 budget unit at the source shall keep on site each of the following documents for a period of 10 years from the date the document is created: a. The account certificate of representation for the CO_2 AAR for the source and each CO_2 budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation prepared in accordance with Env-A 4604.05, provided that the certificate and documents shall be retained on site at the source beyond such 10-year period until such documents are superseded because of the submission of a new account certificate of representation changing the CO_2 AAR; b. All emissions monitoring information, in accordance with Env-A 4609 and 40 CFR 75; c. Copies of all reports, compliance certifications and other submissions and all records made or required under	Retain for a minimum of 10 years	EU01 & EU02	Env-A 4605.03(a)

Table 7 - Applicable Recordkeeping Requirements				
Item #	**Applicable Recordkeeping Requirement**	**Records Retention/ Frequency**	**Applicable Emission Unit**	**Regulatory Cite**
	Env-A 4600; and d. Copies of all documents used to complete a CO_2 budget permit application and any other submission under the CO_2 Budget Trading Program or to demonstrate compliance with the requirements of Env-A 4600.			
21.	*Operation Log for the Emergency Stationary RICE* The Owner or Operator shall keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The Owner or Operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for demand response operation, the Owner or Operator must keep records of the notification of the emergency situation, and the time the engine was operated as part of demand response.	Keep a running Log	EU06 & EU07	40 CFR 63.6655 Subpart ZZZZ
22.	The Owner or Operator shall maintain records of the maintenance conducted on the emergency stationary RICE.	On a continuous basis	EU06 & EU07	40 CFR 63.6655 Subpart ZZZZ

I. Reporting Requirements

The Owner or Operator shall be subject to the reporting requirements[18] identified in Table 8 below:

Table 8 - Applicable Reporting Requirements

Item #	Reporting Requirements	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite
1.	Any report submitted to the DES and/or EPA shall include the certification of accuracy statement outlined in Section XXI.B. of this Permit and shall be signed by the responsible official.	As specified in Section XXI. B.	Facility Wide	40 CFR 70.6(c)(1)
2.	*Annual Emissions Report* The Owner or Operator shall submit an annual emissions report which shall include the following information: a. Actual calendar year emissions from each device of NOx, CO, SO_2, TSP, VOCs, HAPs and RTAPs (speciated by individual RTAP); b. The methods used in calculating such emissions in accordance with Env-A 705.02, *Determination of Actual Emissions for Use in Calculating Emission-Based Fee*.	Annually (received by DES no later than April 15th of the following year)	Facility Wide	Env-A 907.01 (effective 4-21-2007)
3.	*Emission Based Fees Report* Annual reporting of emission based fees shall be conducted in accordance with Section XXIII of this Permit.	Annually (received by DES no later than April 15th of the following year)	Facility wide	Env-A 705.04
4.	*Semi-annual Permit Deviation and Monitoring Report* The Owner or Operator shall submit a semi-annual permit deviation and monitoring report, which contains: a. Summaries of all monitoring and testing requirements contained in this permit; and a. A summary of all permit deviations that have occurred during the reporting period.	Semi-annually received by DES no later than July 31st and January 31st of each calendar year	Facility wide	40 CFR 70.6(a)(3)(iii)(A)
5.	NEL shall submit a quarterly report containing all information required by Item #6 of Table 7. This report shall also include data for each startup/shutdown event (duration and CO & NOx emissions from each unit) that occurred during the reporting period.	Quarterly (no later than 30 days following the end of each quarterly reporting period)	EU01 & EU02	Env-A 910 (effective 4-21-2007) & TP-B-0526
6.	*NO_x Reporting Requirements* The Owner or Operator shall submit to the Director, annually (no later than April 15th of the following year), a report of data required by Item #11 of Table 7.	Annually (received by DES no later than April 15th of the following year)	Facility wide	Env-A 909 (effective 4-21-2007) & TP-B-0526

Table 8 - Applicable Reporting Requirements				
Item #	**Reporting Requirements**	**Frequency of Reporting**	**Applicable Emission Unit**	**Regulatory Cite**
7.	*VOC Emission Statements Reporting Requirements* If the actual annual VOC emissions for the Facility are greater than or equal to 10 tpy, then include the following information with the annual emission report: a. Facility information, including: 1. Source name; 2. Standard Industrial Classification (SIC) code; 3. North American Industrial Classification System (NAICS) code; 4. Physical and mailing addresses; and b. A breakdown of VOC emissions reported pursuant to Table 8, Item #2 by month; and c. All data recorded pursuant to Table 7, Item #13.	Annually (received by DES no later than April 15th of the following year)	Facility wide	Env-A 908 (effective 4-21-2007)
8.	*Quarterly Emission Reports* The Owner or Operator shall submit to DES quarterly emission reports containing the following information: a. Excess emission data recorded by the CEM system, including: 1. The date and time of the beginning and ending of each period of excess emission; 2. The magnitude of each excess emission; 3. The specific cause of the excess emission; and 4. The corrective action taken. b. If no excess emissions have occurred, a statement to that effect; c. For gaseous measuring CEM systems, the daily averages of the measurements made and emission rates calculated; d. A statement as to whether the CEM system was inoperative, repaired, or adjusted during the reporting period; e. If the CEM system was inoperative, repaired, or adjusted during the reporting period, the following information: 1. The date and time of the beginning and ending of each period when the CEM was inoperative; 2. The reason why the CEM was inoperative; 3. The corrective action taken; and 4. The percent data availability calculated in accordance with Item #27 of Table 6 for each diluent and pollutant analyzer in the CEM system. f. For all "out of control periods" the following information; 1. Beginning and ending times of the out of control period; 2. The reason for the out of control period; and 3. The corrective action taken. g. The date and time of the beginning and ending of each period when the source of emissions which the CEM system is monitoring was not operating;	Quarterly (received by DES no later than 30 days following the end of each quarterly reporting period)	EU01 & EU02	Env-A 808.11, Env-A 808.13 (effective 10-31-2002) & TP-B-0526

Table 8 - Applicable Reporting Requirements				
Item #	**Reporting Requirements**	**Frequency of Reporting**	**Applicable Emission Unit**	**Regulatory Cite**
	h. The span value, as defined in Env-A 101, of each analyzer in the CEM system and units of measurement for each instrument; and i. When calibration gas is used, the following information: 1. The calibration gas concentration; 2. If a gas bottle was changed during the quarter: i. The date of the calibration gas bottle change; ii. The gas bottle concentration before the change; iii. The gas bottle concentration after the change; and 3. The expiration date for all calibration gas bottles used; j. Emissions data to demonstrate compliance with the short term emission limits listed in Tables 5A and 5B for NOx and CO, specifically: 1. 1-hour block averages of the measurements made and emission rates calculated for CO; 2. 1-hour (for oil firing) & 3-hour (for natural gas firing) block averages of the measurements made and emission rates calculated for NOx; k. Emissions data required by Item #8.j above shall be submitted to DES electronically.			Env-A 910 (effective 4-21-2007)
9.	*NSPS Subpart GG Excess Emission Reports* Excess emission reports for NOx shall be submitted to USEPA on a semi-annual basis. These reports shall be based on NSPS Subpart GG NOx limit calculated on a 4-operating hour rolling average basis using the equation specified in 40 CFR 60.332(a)(1).	Semi-annually (no later than 30 days following the end of each 6- month period)	EU01 & EU02	40 CFR 60.334(j)(1)(iii) & 40 CFR 60.7(c)
10.	*CEMS Recertification Reports* Within 45 calendar days after completing all recertification tests, the Owner or Operator shall submit to EPA and DES the electronic and hardcopy information contained in 40 CFR 75.63.	As specified	EU01 & EU02	40 CFR 75.63, 75.73 and Env-A 3212
11.	*Performance Specification Testing Reports* The Owner or Operator shall submit to DES a written report summarizing the testing within 30 days of the completion of the test.	As specified	EU01 & EU02	Env-A 808.05 (effective 10-31-02)

Table 8 - Applicable Reporting Requirements				
Item #	**Reporting Requirements**	**Frequency of Reporting**	**Applicable Emission Unit**	**Regulatory Cite**
12.	*Relative Accuracy Test Audit Reports* a. Within 30 calendar 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, in accordance with the following: 1. For gaseous CEM audits, the report format shall conform to that presented in 40 CFR 60, Appendix F, Procedure 1, section 7; b. If requested, the Owner or Operator shall submit a hardcopy RATA report to EPA within 45 days after completing the RATA or within 15 days of receiving the request, whichever is later.	Quarterly (no later than 30 days following the end of each quarterly reporting period) Upon request by EPA	EU01 & EU02	40 CFR 75.60(a)(6), 75.73(d), Env-A 3212 & Env-A 808.07(c)
13.	*Monitoring Plan Submittals* a. Electronic copy: The Owner or Operator shall submit a complete, electronic, up-to-date monitoring plan to EPA and DES as follows: 1. No later than 21 days prior to the initial certification tests; 2. At the time of recertification application submission; 3. In each electronic quarterly report (Item #14 of Table 8); and 4. Whenever an update of the electronic monitoring plan information is required under 40 CFR 75.53(b). b. Hardcopy: The Owner or Operator shall submit all of the hardcopy information required by 40 CFR 75.53 to EPA and DES prior to initial certification. Thereafter, the Owner or Operator shall submit hardcopy information only if that portion of the monitoring plan is revised. The Owner or Operator shall submit the required hardcopy information as follows: no later than 21 days prior to the initial certification test; with any certification or recertification application, if a hardcopy monitoring plan change is associated with the certification or recertification event; and within 30 days of any other event with which a hardcopy monitoring plan change is associated, pursuant to 40 CFR 75.53(b). Electronic submittal of all monitoring plan information, including hardcopy portions, is permissible provided that a paper copy of the hardcopy portions can be furnished upon request. c. Contents: The monitoring plan shall contain the information specified in 40 CFR 75.53. d. Format: The designated representative shall submit each monitoring plan in a format specified by EPA.	As specified	EU01 & EU02	40 CFR 75.62 & 40 CFR 75.73(e)

Table 8 - Applicable Reporting Requirements				
Item #	**Reporting Requirements**	**Frequency of Reporting**	**Applicable Emission Unit**	**Regulatory Cite**
14.	*Quarterly Reports (required by Part 75)* a. The Owner or Operator for an affected unit shall electronically report the data and information in 40 CFR 75.64(a), (b) & (c) to EPA & DES on a quarterly basis. b. Electronic format: Each quarterly report shall be submitted in a format to be specified by EPA, including both electronic submission of data and (unless otherwise approved by EPA) electronic submission of compliance certifications. c. Method of submission: All quarterly reports shall be submitted to EPA by direct computer-to-computer electronic transfer via EPA-provided software, unless otherwise approved by EPA. d. Any cover letter text accompanying a quarterly report shall either be submitted in hardcopy to EPA or be provided in electronic format compatible with the other data required to be reported under this section. e. Pursuant to Env-A 3214.02, the Owner or Operator shall also submit to the NOx Emissions Tracking System (NETS) administrator in the quarterly reports, NOx emissions in lb/hr for every hour during the control period and cumulative quarterly and seasonal NOx emission data in pounds.	Quarterly (no later than 30 days following the end of each quarterly reporting period)	EU01 & EU02	40 CFR 75.64, 40 CFR 75.73(f), 40 CFR 75.57(f), 40 CFR 75.74, Env-A 3212 & Env-A 3214
15.	*Offset Plans for Excess Emissions of SO_2* The designated representative shall submit an offset plan no later than 60 days after the end of any calendar year during which a unit has excess SO_2 emissions. The offset plan shall contain the information specified in 40 CFR 77.3(d).	60 days after the end of any calendar year	EU01 & EU02	40 CFR 77.3
16.	*Net Electrical Output Reporting* The Owner or Operator shall report to DES monthly net electrical output data of each affected source for the ozone season (May 1 - September 30).	Annually (no later than April 15th of the following year)	EU01 & EU02	Env-A 3207.04(h)
17.	*Certification by the Designated Representative or the Alternate Designated Representative* Any document submitted under the Acid Rain program shall be signed and certified by the designated representative or the alternate designated representative and include the statements pursuant to 40 CFR 72.21(a)(1) and (2).	With each submittal	EU01 & EU02	40 CFR 72.21
18.	*NOx Budget Program Compliance Certification* For each control period, the AAR shall submit to DES an annual compliance certification containing the information listed in Env-A 3216.03.	By November 30th of each year	EU01 & EU02	Env-A 3216

Table 8 - Applicable Reporting Requirements				
Item #	**Reporting Requirements**	**Frequency of Reporting**	**Applicable Emission Unit**	**Regulatory Cite**
19.	*CO_2 Budget Trading Program Reports* The CO_2 AAR shall submit quarterly reports as follows: a. The CO_2 AAR shall report the CO_2 mass emissions data for the CO_2 budget unit, in an electronic format prescribed by the Administrator unless otherwise prescribed by the regional organization, for each calendar quarter beginning with the calendar quarter covering January 1, 2009 through March 31, 2009; b. The CO_2 AAR shall submit each quarterly report to the regional organization within 30 days following the end of the calendar quarter covered by the report, in the manner specified in Subpart H of 40 CFR 75 and 40 CFR 75.64; c. Quarterly reports shall be submitted for each CO_2 budget unit which include all of the data and information required in Subpart G of 40 CFR 75, except for opacity, NOx, and SO_2 provisions; and d. The CO_2 AAR shall include a compliance certification with, and in support of, each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that: i. The monitoring data submitted were recorded in accordance with the applicable requirements of both 40 CFR 75 and Env-A 4600, including the quality assurance procedures and specifications; and ii. The CO_2 concentration values substituted for missing data under Subpart D of 40 CFR 75 do not systematically underestimate CO_2 emissions.	Quarterly (no later than 30 days following the end of each quarterly reporting period)	EU01 & EU02	Env-A 4609.16(c)
20.	Each submission under the CO_2 budget trading program shall be submitted, signed, and certified by the CO_2 AAR for each CO_2 budget source on behalf of which the submission is made. Each such submission shall include the certification statement by the CO_2 AAR as specified in Env-A 4604.02(a).	N/A	EU01 & EU02	Env-A 4604.02(a)
21.	*Compliance Certification Report* a. For each control period in which a CO_2 budget source is subject to the requirements of Env-A 4605, the CO_2 AAR of the source shall submit to the Department by March 1 following the relevant control period, a compliance certification report. b. The CO_2 AAR shall include in the compliance certification report under (a), above, the following elements, in a format prescribed by the Department: i. Identification of the source and each CO_2 budget unit at the source; ii. At the CO_2 AAR's option, the serial numbers of the CO_2 allowances that are to be deducted from the source's compliance account under Env-A 4605.06 for the	March 1st following the relevant control period	EU01 & EU02	Env-A 4605.09

Table 8 - Applicable Reporting Requirements				
Item #	**Reporting Requirements**	**Frequency of Reporting**	**Applicable Emission Unit**	**Regulatory Cite**
	control period, including the serial numbers of any CO_2 offset allowances that are to be deducted subject to the limitations of Env-A 4605.04; and iii. The compliance certification specified in (c), below. c. In the compliance certification report required by (a), above, the CO_2 AAR shall certify, based on reasonable inquiry of those individuals with primary responsibility for operating the source and the CO_2 budget units at the source in compliance with the CO_2 Budget Trading Program, whether the source and each CO_2 budget unit at the source for which the compliance certification is submitted was operated during the calendar years covered by the report in compliance with the requirements of the CO_2 Budget Trading Program , including: i. Whether the source was operated in compliance with the requirements of Env-A 4605; ii. Whether the monitoring plan applicable to each unit at the source has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute CO_2 emissions to the unit, in accordance with Env-A 4609; iii. Whether all CO_2 emissions from the units at the source were monitored or accounted for through the missing data procedures specified in 40 CFR 75 Subpart D, or 40 CFR 75 appendix D or appendix E and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with Env-A 4609. If conditional data were reported, the Owner or Operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made; iv. Whether the facts that form the basis for certification under Env-A 4609 of each monitor at each unit at the source, or for using an excepted monitoring method or alternative monitoring method approved under Env-A 4609, if any, have changed; and v. If a change is required to be reported under (c)(iv), above, the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.			
22.	Prompt reporting of deviations from Permit requirements shall be conducted in accordance with Section XXVIII of this Permit.	Prompt reporting (within 24 hours of an occurrence)	Facility wide	40 CFR 70.6(a)(3)(iii)(B)

Table 8 - Applicable Reporting Requirements				
Item #	**Reporting Requirements**	**Frequency of Reporting**	**Applicable Emission Unit**	**Regulatory Cite**
23.	Annual compliance certification shall be submitted in accordance with Section XXI of this Permit.	Annually (no later than April 15th of the following year)	Facility wide	40 CFR 70.6(c)(1)

IX. Requirements Currently Not Applicable

At the time of issuance of this Permit, the Owner or Operator is not subject to the requirements of: 40 CFR 63, Subpart YYYY (*National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines*), 40 CFR 60, Subpart KKKK (*Standards of Performance for Stationary Gas Turbines*) and 40 CFR 60, Subpart IIII (*Standards Of Performance For Stationary Compression Ignition Internal Combustion Engines*).

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 five (5) years after issuance of this Permit.

B. Permit expiration terminates the Owner or Operator's right to operate the 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 **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 Owner or Operator 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 Owner or Operator shall comply with the provisions of said requirement to the extent that it applies to the Owner or Operator, or device.

D. If DES determines that this Title V Operating Permit was issued based upon inaccurate or incomplete information provided by the applicant, 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 Owner or Operator may implement the changes addressed in the request for an administrative permit amendment as defined in Env-A 101 immediately upon submittal of the request.

B. Pursuant to Env-A 612.01, the Director shall take final action on a request for an administrative permit amendment in accordance with the provisions of Env-A 612.01(b) and (c).

XVI. Operational Flexibility

A. Pursuant to Env-A 612.02, the Owner or Operator 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);
6. 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
7. The Owner or Operator, 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 Owner or Operator 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 Owner or Operator 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 Owner or Operator 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 Owner or Operator 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 Modifications

A. Prior to implementing a minor permit modification, the Owner or Operator 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 Owner or Operator 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 Owner or Operator 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 Owner or Operator 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 Owner or Operator 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:

EPA-New England, Region 1
5 Post Office Sq. Suite 100
Mail Code OES04-2
Boston, MA 02109-3912

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 Owner or Operator 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), the Owner or Operator 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. Env-A 705.01, *Emission-based Fees*: The Owner or Operator shall pay to the Division each year an emission-based fee for emissions from the facility.

B. Env-A 705.02, *Determination of Actual Emissions for use in Calculating of Emission-based Fees*: The Owner or Operator shall determine the total actual annual emissions from the facility for each calendar year in accordance with the methods specified in Env-A 616, *Determination of Actual Emissions*.

C. Env-A 705.03, *Calculation of Emission-based Fees*: The Owner or Operator 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:

$$FEE = E * DPT$$

where:

FEE = The annual emission-based fee for each calendar year as specified in Env-A 705;
E = Total actual emissions as determined pursuant to Condition XXIII.B; and
DPT = The dollar per ton fee the Division has specified in Env-A 705.03[20].

D. Env-A 705.04, *Payment of Emission-based Fee*: The Owner or Operator shall submit, to the Division, payment of the emission-based fee so that the Division <u>receives it on or before April 15th</u> for emissions during the previous calendar year.

XXIV. Duty To Provide Information

In accordance with 40 CFR 70.6 (a)(6)(v), upon the DES's written request, the Owner or Operator 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 Owner or Operator shall furnish to the DES copies of records that the Owner or Operator is required to retain by this Permit. The Owner or Operator 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.

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[20] For additional information on emission-based fees, visit the DES website at http://des.nh.gov/organization/divisions/air/pehb/apps/fees.htm

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 Owner or Operator shall be shielded from enforcement action brought for noncompliance with technology based[21] emission limitations specified in this Permit as a result of an emergency[22]. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Owner or Operator shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

A. An emergency occurred and that the Owner or Operator can identify the cause(s) of the emergency;

B. The permitted facility was at the time being properly operated;

C. During the period of the emergency, the Owner or Operator 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 Owner or Operator 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 Owner or Operator 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 Owner or Operator 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;

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[21] Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

[22] An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

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.

United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258

Acid Rain Permit Application

For more information, see instructions and refer to 40 CFR 72.30 and 72.31

This submission is: ☐ New ☒ Revised

STEP 1

Identify the source by plant name, State, and ORIS code.

Plant Name: Newington Power Facility State: NH ORIS Code: 055661

STEP 2

Enter the unit ID# for every affected unit at the affected source in column "a." For new units, enter the requested information in columns "c" and "d."

a	b	c	d
Unit ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)	New Units Commence Operation Date	New Units Monitor Certification Deadline
0001	Yes	N/A	N/A
0002	Yes	N/A	N/A
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		

Newington Power Facility
Plant Name (from Step 1)

STEP 3

Read the standard requirements

Permit Requirements

(1) The designated representative of each affected source and each affected unit at the source shall:
(i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
(2) The owners and operators of each affected source and each affected unit at the source shall:
(i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
(ii) Have an Acid Rain Permit.

Monitoring Requirements

(1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
(2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
(3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

(1) The owners and operators of each source and each affected unit at the source shall:
(i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another affected unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
(ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
(2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
(3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
(i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
(ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
(4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
(5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
(6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

STEP 3, Cont'd.

Nitrogen Oxides Requirements The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements

(1) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
(2) The owners and operators of an affected unit that has excess emissions in any calendar year shall:
(i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
(ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

(1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting
authority:
(i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
(ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
(iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
(2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

(1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
(2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
(3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
(4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.

Newington Power Facility
Plant Name (from Step 1)

Step 3, Cont'd.

Liability, Cont'd.

(5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
(6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO_x averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
(7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:
(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
(2) Limiting the number of allowances a unit can hold; *provided,* that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

STEP 4

Read the certification statement, sign, and date

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information 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.

Name Alan J. Douglass	
Signature Alan J. Douglass	Date 4/5/07