



REGION 1

BOSTON, MA 02109

September 25, 2026

Mr. Gary Milbury
Administrator, Permitting and Environmental Health Bureau
New Hampshire Department of Environmental Services
Air Resources Division
29 Hazen Drive
Concord, NH 03302

Dear Mr. Milbury:

Title V of the Clean Air Act (CAA), as amended in November of 1990, requires each state to develop and implement an operating permits program for stationary sources of air pollutants. As provided in 40 CFR 70.10 and as a continued part of EPA's obligation to oversee and review title V programs, EPA conducted a program evaluation on August 19, 2026, of the New Hampshire Department of Environmental Services' (NHDES) title V operating permits program.

We value NHDES's time and effort in providing responses to our inquiries during the evaluation. EPA is pleased with NHDES's implementation of its title V operating permits program and continued efforts to make improvements. We appreciate your partnership and look forward to working with you to implement the title V program into the future. Enclosed, please find EPA's annotated title V program evaluation questionnaire from our recent review. Below is a summary of our findings and recommendations from the evaluation. EPA has two recommendations.

- NHDES currently has a title V backlog of 39%, with 11 open applications out of 28 sources. Efforts to reduce this backlog have been challenged because of staff turnover and ongoing hiring constraints over the past three years. EPA recommends that NHDES continue to track progress and reassess organizational capacity needs periodically to ensure timely permit issuance and continued progress on backlog reduction.
- NHDES demonstrated solvency of the title V program and processes to support annual adjustments to fee rates. EPA acknowledges these programmatic processes and reiterates that all title V programmatic expenses must continue to be funded by fees from sources subject to the program.

If you have any questions, please contact Andre Turner at turner.andre@epa.gov or (617)-918-1216.

Sincerely,

PATRICK BIRD Digitally signed by PATRICK BIRD
Date: 2026.09.25 09:12:51 -04'00'

Patrick Bird, Deputy Director
Air and Radiation Division

Enclosure

ENCLOSURE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

Questionnaire for EPA's 2026 Title V Program Evaluation for New Hampshire Department of Environmental Services

The **red text** represents New Hampshire's Department of Environmental Services (NHDES) responses the State provided to EPA questions prior to the program review on July 27, 2026. The **blue text** represents EPA's findings or commitments made during the program review.

Title V Program and Regulatory Updates

1. Please describe any significant changes your agency has made to the following aspects of your title V program in the last 6 years. What prompted the changes and how have the changes impacted the permitting process? If no changes have been made, write "N/A":

- a. Organizational structure/reorganization.
N/A
- b. Title V application forms.
N/A
- c. Permit and Statement of Basis development and templates.
N/A
- d. Public notification and participation procedures.
N/A
- e. Waivers, exemptions, general permits and permits by rule.

The General State Permit for Source Category: Emergency Engines, which is issued to non-title V sources, was reestablished in 2025 with no significant changes to the permit. No changes have been made to waiver or exemption procedures or to permits by rule.

- f. Permit process in general, including any streamlining efforts.
N/A
 - g. Internal guidance, including any updates made to internal guidance on a) periodic monitoring, b) streamlining, and c) practical enforceability of title I limit; and
N/A
 - h. Other - please describe.
N/A
2. Have any revisions been made to your agency's title V regulations within the last 6 years, including fee requirements, public notice requirements and judicial review? If yes, what is the nature of these revisions?

No, NHDES has not made any revisions to its title V regulations since the last program evaluation.

EPA notes there has been one minor title V program revision by New Hampshire where the state revised its definitions of “hazardous air pollutant” and “regulated air pollutant” at the New Hampshire Code of Administrative Rules, Chapter Env-A – Air Related Programs to maintain consistency with the list of hazardous air pollutants in the CAA and implementing regulations. NHDES submitted this program revision on July 31, 2025, and EPA approved the revision on July 30, 2026 (see 91 FR 47965).

Staffing Resources/Management Support

3. How many full-time equivalent (FTE) staff does your agency have dedicated to implementing your title V permit program? Please provide a breakdown in terms of permit writer, compliance, monitoring, etc.

8 FTE, with approximately 4 in permitting (Permitting & Environmental Health Bureau), 3 in compliance/monitoring (Compliance Bureau) and 1 in program maintenance (Director’s office).

4. What are the number of Part 70 sources in the agency’s jurisdiction?

28

5. What is the ratio of FTE working on the Part 70 title V program to Part 70 source?

1:3.5

6. Is your title V program currently fully staffed? If not, please describe.

No. There is currently 1 FTE position vacant in the Permitting & Environmental Health Bureau and 2 vacant FTE positions in the Compliance Bureau. There are no vacancies in the Director’s office related to title V staff.

7. Please describe title V staff turnover over the past 3 years.

Overall staff turnover within both the title V and non-title V programs has been significant over the past 3 years. This includes 4 staff retirements, 1 experienced person leaving the department, and 3 internal staff switching roles within the program. Currently, NHDES has been limited to hiring internal candidates, which has resulted in the filling of a position with a staff member who faces a period of training. This also results in a vacancy elsewhere within the agency or state government that needs to be filled and trained, all without an increase to total number of staff. Prior to the pause on hiring external candidates, the Permitting & Environmental Health Bureau hired 2 permit engineers, and the Compliance Bureau hired 1 inspector from outside state government.

- a. How does this impact permit issuance?

Staffing has had a significant impact on the issuance of permits. Focus has shifted to training the new employees and to less complex permits (typically for non-title V sources) to introduce concepts of permitting, increasing difficulty over time. Because of this, NHDES has seen a significant decrease in the overall backlog of permits, mostly comprised of non-title V sources (true minor and synthetic minor), but there has been little movement in the title V permit backlog. The recently hired engineers have just begun working on various title V projects. With 2 additional retirements of the more senior permit engineers within the past 8 months, the rate of permit issuances is anticipated to be impacted.

EPA encourages NHDES to utilize training resources like those offered by NESCAUM and EPA's Air Knowledge program to assist in training newer staff on air permitting and stationary source control programs.

- b. How does the permitting authority minimize turnover and/or ensure consistency of implementation when there is turnover?

The Permitting & Environmental Health Bureau is actively recruiting staff for open positions and working closely with new staff. SOPs and guidance documents are available and circulated to the staff, and the bureau meets weekly to check in and discuss any projects, questions, or issues that may be encountered by individuals to both allow other staff to provide input and ensure information is shared within the group. In addition, attendance at training courses from groups such as NESCAUM is highly encouraged for the group.

8. Do your title V permit writers work full-time on title V? If not, please describe the other activities and the approximate percentage of time spent on title V permits.

As noted above and in Item 9 below, title V permit engineers do not work full time on title V projects. Those staff also work on permitting related projects for non-title V sources. In addition, some permitting staff not dedicated to title V permit work also occasionally work on title V permits. In both cases, staff track their time spent working on title V projects by using a separate accounting unit (9103) for title V work. When working on non-title V projects, staff utilize a different accounting unit (9101) on their time sheets. Based upon program supervisor's knowledge of workload, most staff spend less than 30% of their time working on title V permits.

9. Are there any competing resource priorities for your title V staff in issuing title V permits? If yes, please describe.

New Hampshire does not have a large enough universe of title V sources to dedicate staff solely to working on title V permits. All permitting staff work in varying ratios on title V permits, other permits and actions for title V sources, and non-title V duties.

State law changes within the past few years have placed a focus on non-title V application processing timelines and associated tracking and reporting ([RSA 541-A:29](#), [RSA 541-A:29-a](#), [RSA 20:6-a](#), and [RSA 125-C:12](#) II and II-a). This focus on non-title V applications has reduced our title V capacity. NHDES expects that to resolve within the next year as NHDES absorbs and becomes more proficient at addressing the non-title V application processing requirements.

10. Please describe any best practices and internal concerns with respect to staffing resources or management support that affect permit issuance.

As noted above, the two biggest concerns with staffing resources affecting permit issuances are multiple vacant permitting positions and the newness of most of the current staff. Our current 'best practice' for staffing resources includes recruiting and training new staff on permitting requirements and our procedures.

11. Overall, what is the biggest internal roadblock to permit issuance from the perspective of resources and internal management support?

As noted above, NH air permitting staff that work on title V permits also perform other duties. The primary internal resource limitation that affects work on title V permits is competition with other priorities. Internal management considers title V permit issuance goals together with goals of other issues when allocating resources.

EPA acknowledges that staffing constraints are a common challenge across New England states. EPA encourages NHDES to continue to hire new staff and cross-train existing staff to help mitigate capacity issues.

12. Is there anything that EPA can do to assist/improve your training? If yes, please describe.

An informal meeting among NHDES staff – including permitting staff – and EPA staff where EPA staff describe the title V program from EPA's perspective. This may help NHDES permitting staff, especially those newer to air permitting, understand and appreciate some of the goals of title V and help them recognize that people other than just their supervisors and the regulated sources value and rely on their work.

EPA appreciates the suggestion and is open to providing targeted training or resources, as needed, to support staff in navigating any future regulatory changes or program updates. EPA also acknowledges NHDES' preference for hybrid/online training offerings as their budget for travel is a constraining factor.

Permit Issuance Rates:

13. What is the current title V permit backlog? What is the title V permit backlog that is greater than 24 months?

Total open title V permit applications: 18

- 12 renewals
- 1 reopening for cause
- 3 temporary permits¹
- 2 modifications/amendments

Title V permit applications greater than 24 months (as of 7/31/26): 8

- 6 renewals
- 1 reopening for cause
- 1 temporary permit

NHDES reports 12 open renewal Title V applications, 11 of those sources are active permits with terms extended past 5 years, 6 of those sources have been open applications for more than 2 years. NHDES noted that “temporary permits” are the state’s preconstruction permits and not Title V operating permits.

NHDES currently has a Title V backlog of 39%, with 11 open applications out of 28 sources. EPA recognizes NHDES’s efforts to reduce this backlog have been challenged because of staff turnover and ongoing hiring constraints over the past three years.

14. If one exists, does your program have a plan in place to reduce and eventually eliminate the Title V backlog? Please describe or provide.

Priority of permits was shifted over the last year to train new staff on permitting with a focus on non-title V sources. Staff priorities are being refocused to include title V permitting moving forward now that staff are more familiar with air permitting and regulations.

NHDES’s approach of refocusing staff to support the Title V program is a positive step towards reducing the backlog. EPA encourages NHDES to continue to track progress and reassess organizational capacity needs periodically to ensure timely permit issuance and continued backlog reduction.

15. Please describe any additional comments on resources and internal management support or permit issuance.

None.

16. Please describe any factors that you find affect your ability to issue title V initial, renewal, or significant modification permits within 18 months.

¹ Two of the temporary permit applications are to set permit limits for facilities to opt out of the title V program. Once these are issued, two of the title V permit renewal applications, kept open for application shield, will be withdrawn.

Recently, staffing and staff training have been the main factors affecting the issuance of title V permits.

Compliance Related Factors:

17. Does your agency verify that the source is in compliance before a permit is issued, and if so, how?

Yes, as part of the application, facilities must include an analysis of their compliance. In addition, permitting staff review the results of any inspections (generally every 2 years for title V sources) performed during the previous permit term, confirm required reporting was completed, and are in communication with compliance staff throughout the permit drafting and review process.

18. In cases where the facility is known to be out of compliance, or may be out of compliance (based on pending NOVs, or other evidence suggesting a compliance problem), are specific milestones and dates for returning to compliance included in the permit, or do you delay issuance until compliance is attained?

Matters of compliance are handled separately from permitting, by the compliance bureau as opposed to the permitting bureau, though the two groups do often work together and are in frequent communication on such matters. It is the goal of the permitting bureau to continue moving a permit application forward as best they can, even if/while compliance may be working on a compliance issue. If there are specific items or dates the compliance bureau has identified that would need to be included in a permit, those may be added or referenced in the draft permit. If a specific compliance plan is required, those are handled by the compliance bureau in an administrative order, which can then be referenced in the permit. As long as the draft permit remains applicable and relevant in light of the compliance issues, permitting tries not to delay issuance. If changes are deemed necessary by the compliance bureau, these may be handled in separate permitting actions (i.e. modifications) specific to the issue at hand.

19. Have any unresolved permit violations created a delay in issuing title V renewals? If so, please describe.

No.

20. What practice or guidance does your agency use to ensure that each limitation of PTE of a source is enforceable as a practical matter? (e.g., inclusion of throughput limits, short-term averaging periods, etc.).

The permitting group has a summary document with links to USEPA-published guidance on this matter. It is general practice and understood by the permit engineers that emission limits should be accompanied by a permit requirement as method of meeting that limit, be it a throughput or hourly limit, use of controls, averaging periods, etc. In addition, draft permits are reviewed internally by compliance staff to verify enforceability of limits.

EPA has issued over 230 policy and guidance documents that help to interpret Part 70 permit requirements. Please see the following source for the most recent policy and guidance documents: [Title V Operating Permit Policy and Guidance Document Index](#)

Other Questions Related to Permit Development

21. Describe the process by which the permit writers ensure all requirements from applicable construction permits are incorporated into the title V permit.

Construction permits in NH are called 'temporary permits.' When incorporating a temporary permit into a title V permit, permit writers use the temporary permit as a guide, ensuring any applicable requirements are transferred into the title V permit. In general, the only items that are not transferred are items that have already been completed (such as a notification that construction was completed). Review by internal staff also compares the changes in the title V permit to the temporary permit to ensure all requirements are captured.

22. Are synthetic minor limits specifically identified in title V permits, and if so, how?

Synthetic minor limits are included in the table of Federally Enforceable Operational and Emission Limitations in title V permits. They are not generally specifically identified as synthetic minor limits; the regulatory basis is typically the temporary permit they were initially set in, becoming federally enforceable. In those temporary permits, the regulatory basis does indicate that the limit is for synthetic minor status.

23. Does your agency have a formal process for quality assuring permits before issuance? What are the steps in the typical review process for the final permit before it is issued (*i.e.*, attorney, inspector, technical expert, compliance, manager, or peer review)? Does the involvement in review differ based on whether comments were received?

Once a permit is drafted, it is first reviewed by either the Operating Permits Program Manager for anything related to a title V operating permit, or the New Construction & Planning Manager for any temporary permits related to a title V facility. The permit is then reviewed internally by additional senior permitting staff as well as compliance (enforcement, inspection, and monitoring groups). The facility is then given a chance to review the permit draft before the draft is sent for a mandatory 30-day public comment period. The permit is then provided to EPA for 45-day review prior to NHDES issuing a decision.

Comments from any steps in the review process are evaluated and generally do not change the process, unless changes are significant enough it is determined a group (typically internal or the facility) would need to review the newer draft as well before moving forward.

24. What do you believe are the strengths and weaknesses of the format of your agency's permits (e.g., length, readability, compliance certifications, etc.)? Why?

For each permit condition, NHDES includes the citation for the underlying applicable requirement so that the basis of each condition is clear to any interested parties (the source, regulators, public, etc.).

EPA appreciates NHDES's clear and complete "statements of basis" and "engineering summaries" that accompany all permit actions. These documents, available upon issuances of draft permits, provide EPA and the general public with important information on how and why certain requirements may (or may not) apply to a source and provide details on underlying calculations to support numerical permit limits.

Public Participation & Community Engagement

25. What media (web, email, mail) and methods does your agency use for public noticing initial and renewal permits? Modifications?

Initial permits, permit renewals, and significant modifications are sent to public notice in the Union Leader newspaper, as well as a local newspaper for facilities outside of Manchester, NH (where the Union Leader is based). Notice is also posted on the NHDES website and online calendar, as well as posted on a bulletin board in the NHDES lobby. Notice is also emailed to the facility as well as anyone who has been listed or signed up as an interested party. In some cases, the notice may be announced via NHDES social media (Facebook, X) as well.

26. What is your opinion on the most effective avenues for public notice?

NHDES believes that modern electronic communication tools including posting on NHDES's website and postings on NHDES's social media (e.g. Facebook, X) are becoming more effective than traditional (e.g., newspaper) notices. Emails and notices with links to where interested parties can obtain additional information are easier for recipients to forward or distribute to others than hard copies.

27. On an annual basis how much is spent on public notices?

Approximately \$2,000-\$5000 per year. These costs include the public notice cost for the newspaper and a \$15 per publication fee for administrative costs associated with permitting staff time. These costs are passed on to the applicant.

28. On average, how much does it cost to publish a public notice in the newspaper (or state publication), if applicable?

The newspaper in which the notice is published varies by location throughout the state and the cost varies by newspaper. Typical costs range from \$220-\$500 for each notice.

- a. \$ \$220-\$500 (per publication)

29. Does your agency maintain mailing lists of people you think might be interested in the title V permits you propose?

Yes, interested parties are stored as contacts associated with specific facilities in our stationary source database.

30. How does a person or group get on the list (e.g., by calling, sending an email or other written request, filling out a form on the website)?

People may sign up as interested parties [online](#) or by getting in contact with NHDES permitting staff and providing their contact information. The link to the online form or a sheet to sign up as an interested party is provided at public hearings as well.

31. Does your agency provide notices in languages besides English? If yes, please list the languages.

No. NHDES does provide links to free translation assistance on the NHDES website where all department notices are published (see [translation assistance](#) on [public comment opportunities](#)).

32. What information does your agency post on your website during the public notice period? How long is this information available on the website?

The public notice itself includes the facility location and a brief (~ 1 paragraph) summary of what is permitted at the facility (included for title V permits; temporary permits include a list of emission units/processes included in the permit). The draft permit and an application review summary, as well as a calculations document and modeling memo, when available and relevant, and the application package are posted to [NHDES OneStop](#). The public notice itself remains on the NHDES website at a minimum until the comment period ends. The draft documents remain on OneStop until a decision is issued by the department and the draft documents are replaced with the final documents.

EPA commends NHDES for its continued use of the OneStop system and working to make all of their online documents fully accessible. The system provides a centralized mechanism for tracking permit applications and supporting documentation, which improves transparency and public engagement.

33. What is your agency's process for the public to obtain permit-related information (such as permit applications, draft permits, deviation reports, monitoring reports, compliance certifications)?

As mentioned in Item 32 above, permit application documents, which include the application and drafts or final documents, as well as inspection reports, stack test reports, and prior enforcement actions are available on NHDES's OneStop. Additional reports are available on request.

34. What criteria does your agency use to determine whether an informational meeting or public hearing will be held on a draft title V permit?

The criteria for when notices and/or opportunity for a public hearing are available for a draft title v permit are contained in [Env-A 622, Permit Notice and Hearing Procedures: Title V Operating Permits](#). Generally, permitting only schedules a public hearing for a draft title V operating permit upon request during the public comment period. On occasion, if the department anticipates the project has a lot of public interest and will likely get a hearing request and/or scheduling a hearing after the public comment period would have a significant impact on construction schedules, a hearing may be pre-scheduled in tandem with the public comment period.

If NHDES anticipates significant public interest, NHDES may provide a public information meeting prior to publishing notice of a draft decision. NHDES provides guidance at these meetings on how interested parties can participate (e.g., submit public comments and/or request a public hearing) when notice of the draft decision is published.

NHDES indicated that the structure of its public meetings varies depending on the type of meeting and the context of the project. For informal informational meetings, there are no regulatory requirements, so the format is flexible. These sessions may be held online, in person, or hybrid. For public hearings, NHDES indicated that they strive to hold them in the communities where the source is located and generally try to incorporate an online participation option. However, hybrid formats can be challenging to set up in some community venues, so certain hearings may be conducted fully in person. All hearings are recorded and posted online. The comment period is then extended to one week, during which the public can submit comments based on the recording. All such comments are reviewed and included as part of the record.

35. Does your agency reach out to specific communities beyond the standard public notification processes? If so, how does your agency determine if a community will receive enhanced public outreach?

See response under #34 re: 'If NHDES anticipates significant public interest'.

Note that the standard process includes forwarding a copy of the application to the host municipality and copying them on application correspondence.

36. What do you believe is going well with respect to your agency's public notice procedures?

NHDES is pleased with the extent of reach of public notice utilizing online means, such as posting to the NHDES website or utilizing social media.

EPA appreciates NHDES' willingness to embrace communication tools such as social media platforms to communicate permitting information and other air quality updates to the public. These platforms provide an accessible means of sharing information and expanding public awareness of the State's air quality programs and permitting activities.

37. What do you believe could be improved with respect to your agency's public notice procedures?

NHDES believes traditional physical media, such as publishing in the newspapers, is less effective at getting the information to the public, especially as local newspapers become less available. Scheduling public notices is reliant on the newspaper schedules, and as the list of local newspapers that are available to publish gets smaller and they change to circulate less frequently, timeframes are also affected.

Incorporation of MACT Requirements into Permits

38. How does the permitting authority incorporate MACT requirements into the permit?

- a. Describe the permitting authority's MACT permit content structure and approach for both major and area source standards.

NHDES attempts to include all applicable requirements, including MACT requirements, for which NH is the implementing authority, into title V (and all other) air permits. NHDES attempts to strike a balance between straight IBR (e.g. "Comply with MACT Subpart ____") and repeating the full text of the applicable rule. Permit engineers attempt to distill and summarize all parts of applicable requirements that, based upon NHDES's knowledge of the facility, the facility is likely to encounter during the permit term. NHDES provides citations with each permit condition so that the source and other interested parties can further research the basis of the requirement if additional detail is required to determine required actions or assess compliance.

- b. How does the permitting authority make clear which compliance option the source is using?

When multiple options are possible and only a limited subset are selected/included in the permit, NHDES documents the reason for the selection in the associated application review summary (i.e. "Statement of Basis").

- c. What process does the permitting authority have for incorporating new or revised MACT requirements into permits?

Under Env-A 609.19, Permit Reopenings for Cause, there are requirements for the state to reopen and revise a title V operating permit if additional applicable requirements are adopted after the issuance of the permit.

Title V Fees

39. Consistent with EPA's [2018 Program and Fee Evaluation Strategy and Guidance](#) and [2023 Fee Evaluation and Oversight Guidance for 40 CFR Part 70](#), please complete the Financial Data Form, provided as an attachment to this questionnaire. Include relevant financial information for the past three calendar years of 2023, 2024, and 2025.

See attached completed Financial Data Form.

NHDES's Title V financial data for 2023 through 2025 show several notable trends. Program revenue exceeded the presumptive minimum cost in each year. Actual annual emission from title V sources, used to calculate \$/ton fees, declined annually. NHDES's direct labor costs decreased by approximately 19%, over the three-year period, due to staff losses and a focuses on non-title V permitting over the last few years. Despite sufficient revenues relative to the presumptive minimum, the program experienced significant fluctuations in annual operating revenue, resulting in an \$11,127 deficit in 2023, a \$489,390 deficit in 2024 followed by a \$273,713 surplus in 2025.

NHDES explained that year-to-year fluctuations in its annual operating balances are due, in part, to the timing of the state's fiscal year and the schedule for Title V fee collections. According to NHDES, these factors can distort balances reported for a given calendar year. NHDES believes the program's underlying financial position is more consistent than the calendar year figures suggest, and the state is confident the program is solvent and fees adequately cover program costs year over year, as evidenced by positive end of year balances in 2023, 2024, and 2025.

40. Describe the design of your title V program fee schedule, such as, fees based on allowable emissions or actual emissions; include any fixed fees for specific permit-related processes, complexity, application fees, etc.

NHDES's title V fee schedule is based primarily on actual annual emissions. The title V sources submit annual emissions reports by April 15 for the previous calendar year. The reports include actual annual emissions of nitrogen oxides (NOx), total volatile organic compounds (VOCs), filterable particulate matter (PM), carbon monoxide (CO), sulfur dioxide (SO₂), and, as applicable, hazardous air pollutants (HAPs) by Chemical Abstracts Service (CAS) number, filterable particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀), filterable particulate matter with an aerodynamic diameter of 2.5 microns or less (PM_{2.5}), carbon dioxide equivalent (CO₂e), ammonia, lead, and pollutants subject to New Source Performance Standards (NSPS) or Prevention of Significant Deterioration (PSD) requirements. CO₂e and condensable PM must be reported but are not subject to Env-A 705 fees, which is specified under Env-A 907.02(g).

The annual emission fee consists of a baseline emission fee and an emission-based fee. The emission-based fee is calculated each calendar year using the source's total adjusted annual

actual emissions multiplied by the annual dollar-per-ton rate. Actual emissions may be calculated using continuous emission monitoring system (CEMS) data, stack test-based emission factors, mass balance, AP-42 emission factors, approved manufacturer or EPA-certified data, or representative engineering calculations. HAPs already included as particulate matter or VOC are excluded from the fee total to avoid double counting.

If a source's total annual actual emissions exceed 250 tons, excluding CO₂e and condensable PM, emissions over 250 tons are adjusted by a factor of 1.1 for fee-calculation purposes.

NHDES also assesses a fixed annual baseline emission fee. If all permitted emission units at a facility had zero operating hours and zero emissions for the calendar year, the annual baseline fee defaults to \$500. Otherwise, NHDES applies the highest applicable baseline fee category for the source. These categories include \$750 for the first non-combustion VOC emissions unit and \$500 for each additional non-combustion VOC emissions unit, up to 10 units; \$25,000 for title V landfills; \$20,000 for electrical generating units (EGUs) capable of generating 10 to 25 megawatts (MW); \$75,000 for non-nuclear EGUs capable of generating 25 MW or more; and \$1,500 for title V sources that are not otherwise subject to one of these specific baseline fee categories.

In addition, Env-A 700 includes separate permit-related fees where applicable. These include temporary permit application review fees under Env-A 702.01, modeling fees under Env-A 702.03, cost-based permit review fees for NESHAP reviews in accordance with case-by-case MACT under Section 112(g), PSD/PSD avoidance, and nonattainment or nonattainment-avoidance reviews under Env-A 703, and cost-based testing and monitoring fees under Env-A 704 for title V sources that must obtain a temporary permit prior to the title V operating permit.

41. Describe your agency's process for revising the title V fee schedule. Discuss if the schedule is automatically updated based on previous year's expenditures and revenues.

The annual emission-based dollar-per-ton rate is recalculated each year under Env-A 705.04. The calculation uses the annual cost of permit program operation, which includes costs associated with both title V and non-title V sources; a Consumer Price Index (CPI) adjustment; the prior year's total administrative fees, meaning annual baseline emission fees received; the prior year's statewide adjusted annual actual emissions; and any appropriation by the New Hampshire General Court to the air emission-based fee program.² NHDES calculates the CPI multiplier and posts the dollar-per-ton rate on its website before the May 15 emission-based fee due date.

² Any appropriations by the New Hampshire General Court are deposited in and used to support work done with respect to non-title V sources. However, since the dollar-per-ton rate is calculated based on total annual cost of the permit program operations (both title V and non-title V sources) and is set at the same rate for both types of sources, these appropriations have a small impact on the calculation of the dollar-per-ton rate applied to title V sources

The annual dollar-per-ton rate is calculated as:

Dollar-per-ton rate = $[(\$3,500,000 \times (1 + \text{CPI multiplier})) - \text{prior-year total annual baseline emission fees} - \text{General Court appropriation}] \div \text{prior-year statewide adjusted annual actual emissions}$.

The emission-based dollar-per-ton rate is therefore automatically updated each year based on the rule formula, including CPI and prior-year statewide fee and emissions data. Fixed baseline fee amounts and changes to the overall fee methodology are established in rule and would require rulemaking to revise.

42. Provide a citation to your current title V fee rules and attach a copy of any state issued fee guidance.

NHDES's current title V fee rules are in [Env-A 700, Permit Fee System](#), including Env-A 702, Env-A 703, Env-A 704, and Env-A 705. The annual emissions reporting requirements that support the annual emission fee program of [Env-A 705](#) are in [Env-A 907.02, Annual Emissions Reporting Requirements](#). Fee guidance is available on NHDES's website at [Fact Sheet ARD-64 Calculating Annual Emission Fees](#).

43. Does your agency collect at least the presumptive minimum as defined in part 70? If not, please discuss why.

Yes

44. How often does your agency re-evaluate whether the fees assessed for the title V sources in your program are sufficient to cover the costs of administering the title V program? Please describe the method used.

NHDES re-evaluates title V fee sufficiency annually before setting and posting the new emission-based dollar-per-ton fee rate. Although NHDES receives some permit-related fees outside of Env-A 705, annual emission fees under Env-A 705 represent the vast majority of fee revenue. Any change to fixed fee amounts or the overall fee methodology would require rulemaking to amend or readopt the applicable sections of Env-A 700.

As part of the annual review, NHDES evaluates whether fees collected from title V sources are sufficient to implement the title V program, including permitting, compliance, emissions inventory, and program administration activities. NHDES considers the number and complexity of title V sources, anticipated source closures, redesignation of title V sources to non-title V status, and any new title V sources expected to enter the program. NHDES also considers workload factors that affect staff time, including permit complexity, public comment, applicant responsiveness, stack testing activity, compliance issues, and efficiencies developed within the program.

NHDES also considers the relative amount of title V and non-title V fee revenue received and adjusts program focus and priorities, where appropriate, to help align staff time and program resources with the sources and activities supported by those fees.

45. How does your agency track title V expenses and revenue (*i.e.*, separate accounts, work codes, etc.)? Specify how you track staff time allocated to title V activities versus non-title V activities.

NHDES tracks title V revenue and expenses separately from non-title V revenue and expenses. When staff submit payments to NHDES's accounting section, they identify whether the payment should be attributed to the title V or non-title V account, allowing fees paid by title V sources to be tracked separately.

NHDES also uses separate work codes, referred to as accounting units, to track staff time and expenses. Staff are directed to record time at the end of each day based on whether the work was performed for a title V source, a non-title V source, or another applicable program activity.

46. Does your agency have any plans to update its title V fees or fee calculation methodology in the next 2 years? Please describe.

Yes. NHDES has begun evaluating updates to Env-A 700, which contains the title V fee requirements and fee-calculation methodology. The current fee rules were last readopted with amendments effective October 24, 2018, and RSA 541-A:17 provides that "[n]o rule shall be effective for a period of longer than 10 years..."

State Feedback

Opportunity for the permitting authority to raise any issues and concerns

47. What concerns does the permitting authority have with the national program that are not addressed elsewhere in the program evaluation?

No concerns.

48. What issues, if any, are affecting the Title V program in your state right now that you consider particularly important?

NHDES would like to increase our ability to conduct business electronically (e.g., receiving applications, reports and fees, transmitting correspondence, and issuing decisions). Conducting business electronically is common practice for many other business functions and is constantly requested by the regulated community and NHDES staff for our air regulatory functions. However, some functions are still required to be conducted via hard copy with original signatures.

NHDES and EPA should work together to update the department's electronic communications rules (Env-C 214) to comply with the Cross-Media Electronic Reporting Rule (CROMERR) so NHDES can enhance and expand use of electronic submittal of applications and reports for title V sources.

EPA would welcome the opportunity to work with NHDES on modernizations to their permit systems.

49. What recommendations does the permitting authority have for EPA regarding the implementation or oversight of the national Title V program?

None at this time.

50. What are the permitting authority's Title V program priorities for the next two years?

Improving the quality and consistency of NH's title V permits and basis documentation. Decrease the title V backlog now that new permitting staff are more familiar with air permitting requirements and have been introduced to title V. Review of the title V program elements and work with EPA to update Env-A 600 rules to address concerns, questions, and/or issues raised by EPA in the past.

51. What can EPA do to help foster a successful Title V program in your state?

NHDES appreciates the relationship with our colleagues at EPA Region 1 and the assistance they provide when questions arise. NHDES believes that there is good communication with EPA Region 1, and that EPA staff generally provide NHDES staff with the necessary flexibility to effectively administer the NH title V program.

NHDES notes that it is not easy for NHDES staff to keep track of who is the best USEPA contact for different topics. In addition to normal staff turnover (with which we are familiar) EPA's system of temporary reassignments makes it even more difficult to keep track of who at USEPA is responsible for what function. While email updates are helpful, they are not as helpful as consistency or single location/resource that lists current contacts. USEPA's elimination of the online staff directory has made this situation even more difficult. While the online directory did not list individual's specific functions/expertise, it was at least a resource for basic contact information.

A general 'meet and greet' meeting such as that suggested in #12 would likely help current USEPA and NHDES staff understand each other's roles and expertise.

Like NHDES, EPA Region 1 has undergone significant staff turnover and rotations at the first-line supervisor level for the group that oversees the title v program. We fully support the idea of a meet and greet with the state for a discussion on roles and responsibilities and will reach out soon to schedule a meeting. While the staff directory is no longer public, EPA

Region 1 air permitting contacts are posted at [CAA Permitting in EPA's New England Region](#) under “Region 1 Contacts”.