

Revise the heading of CHAPTER Env-A 2800 as follows:

CHAPTER Env-A 2800 SAND AND GRAVEL SOURCES, ***NON-METALLIC MINERAL PROCESSING PLANTS***, AND CEMENT AND CONCRETE SOURCES

Statutory Authority: RSA 125-C:4, ***I***

Revise the heading of PART Env-A 2801 as follows:

PART Env-A 2801 PURPOSE AND APPLICABILITY

Readopt with amendments Env-A 2801.01, eff. 11-24-04 (doc. #8218), to read as follows:

Env-A 2801.01 Purpose. The purpose of this chapter is to establish:

- (a) Standards for particulate matter emissions and visible emissions for sand and gravel sources, ***non-metallic mineral processing plants***, and cement and concrete sources;
- (b) ***Fugitive dust requirements for and sand and gravel sources, non-metallic mineral processing plants, and cement and concrete sources; and***
- (c) ***Permit by notification requirements for non-metallic mineral processing plants.***

Readopt with amendments Env-A 2802.01, eff. 11-24-04 (doc. #8218), and renumber as Env-A 2801.02, to read as follows:

Env-A ~~2802.01~~ ***2801.02 Scope-Applicability***. This chapter shall apply to any:

- (a) Sand and gravel source; ~~and~~
- (b) ***Non-metallic mineral processing plant; and***
- (~~b~~-c) Cement, ready mix concrete, or cement block source.

Revise the heading of PART Env-A 2802 as follows:

PART Env-A 2802 ~~SCOPE-DEFINITIONS~~

Adopt Env-A 2802.01 through Env-A 2802.03 to read as follows:

***Env-A 2802.01 "Affected equipment" means each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station at an affected facility, as well as each crusher and grinding mill at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement.***

***Env-A 2802.02 "Affected facility" means a non-metallic mineral processing plant other than the following:***

- (a) ***A facility located in an underground mine;***
- (b) ***A wet material processing operation;***
- (c) ***A fixed non-metallic mineral processing plant with a capacity of 25 tons per hour or less;***
- (d) ***A portable non-metallic mineral processing plant with a capacity of 150 tons per hour or less; and***
- (e) ***A common clay plant or pumice plant with a capacity of 10 tons per hour or less.***

***Env-A 2802.03 "Non-metallic mineral processing plant" means any combination of equipment used to grind or crush any non-metallic mineral, such as stone, sand, gravel, clay, rock salt, vermiculite. The term includes all equipment used in conjunction with the grinding or crushing equipment to dry,***

***mix, convey, size, or blend the processed material.***

Readopt with amendments Env-A 101.166, eff. 1-18-97 (doc. #6428-A), and renumber as Env-A 2802.04, to read as follows:

Env-A ~~101.166~~**2802.04** “Sand and gravel source” means any source ~~where grinding, crushing, at which~~ drying, mixing, conveying, sizing, or blending of rock, sand, or gravel products is conducted, and is ~~comprised of~~**includes** all equipment and auxiliaries ~~utilized in these functions~~**used to dry, mix, convey, size, or blend such materials. The term does not include any equipment or activities related to grinding or crushing.**

Adopt Env-A 2802.05 to read as follows:

***Env-A 2802.05 “Successful compliance test ” means a completed test that is performed for the purpose of demonstrating compliance and that does demonstrate that the source is in compliance with the requirement(s) for which the test is conducted.***

Revise the heading of PART Env-A 2803 as follows:

PART Env-A 2803 EMISSION STANDARDS FOR ~~SAND AND GRAVEL SOURCES NON-~~  
**METALLIC MINERAL PROCESSING PLANTS**

Readopt with amendments Env-A 2803.01 and Env-A 2803.02, eff. 11-24-04 (doc. #8218), to read as follows:

Env-A 2803.01 Visible Emission and Particulate Standards for ~~Sand and Gravel Sources Non-metallic Mineral Processing Plants.~~

{ (a) has been moved and renumbered as (e), below }

~~(b) Opacity shall be determined in accordance with Env A 807.~~

***(a) A non-metallic mineral processing plant that is an affected facility shall be subject to the new source performance standards of 40 CFR 60, subpart OOO, as set forth in Env-A 503.01.***

***(b) The owner or operator of an affected facility shall conduct a successful compliance test on the affected equipment in accordance with 40 CFR 60.675 within one year after the 2010 effective date of this rule if the affected facility:***

***(1) Is in existence on the 2010 effective date of this rule; and***

***(2) Has never been successfully tested prior to that date.***

***(c) The owner or operator of an affected facility shall conduct a successful compliance test if the owner or operator changes the method of dust suppression employed for the affected facility or the test is otherwise required by 40 CFR 60 subpart OOO.***

***(d) The owner or operator of an affected facility shall not be required to conduct a compliance test solely because the location of the affected facility has changed.***

***(ae) The owner or operator of a sand and gravel source non-metallic mineral processing plant that is not an affected facility shall not cause or allow visible fugitive emissions or visible stack emissions from the source to exceed an average of 20 percent opacity for any continuous 6-minute period at crushers, transfer points, and-or screens.***

Env-A 2803.02 Fugitive Emission Control Systems for ~~Sand and Gravel Sources Non-Metallic Mineral Processing Plants.~~ The owner or operator of a ~~sand and gravel source non-metallic mineral processing plant~~ shall not operate the ~~source-plant~~ unless it is equipped with a fugitive emission control system that is operated and maintained to control the emission of particulate matter.

Readopt PART Env-A 2804, eff. 11-24-04 (doc. #8218), to read as follows:

PART Env-A 2804 VISIBLE EMISSION STANDARD FOR CEMENT, READY MIX CONCRETE,  
AND CEMENT BLOCK SOURCES

Env-A 2804.01 Visible Emission Standard for Cement, Ready Mix Concrete, and Cement Block Sources.

(a) Visible fugitive emissions or visible stack emissions from a cement, ready mix concrete, or cement block source shall not exceed an average of 20 percent opacity for any continuous 6-minute period.

(b) Opacity shall be determined in accordance with Env-A 807.

Revise the heading of PART Env-A 2805 as follows:

PART Env-A 2805 FUGITIVE DUST CONTROL ~~WITHIN THE PLANT PROPERTY~~ ***FOR ALL SOURCES***

Readopt with amendments Env-A 2803.01 and Env-A 2803.02, eff. 11-24-04 (doc. #8218), to read as follows:

Env-A 2805.01 Fugitive Dust Control ~~Within Plant Property~~ ***for All Sources.***

(a) For ***any*** source or plant subject to this chapter, the owner or operator shall control emissions of dust from vehicular movement within the plant property boundaries: ***by using*** ~~F~~fugitive dust control methods ~~shall include, but shall not be limited to,~~ ***such as*** paving or wetting the roadways.

(b) For ***any*** source or plant subject to this chapter, the owner or operator shall control emissions of dust from stockpiling: ***by using*** ~~F~~fugitive dust control methods ~~shall include, but shall not be limited to,~~ ***such as*** wet suppression, windbreaks, enclosures, or soil stabilization.

Adopt PART Env-A 2806 to read as follows:

PART Env-A 2806 ***PERMIT-BY-NOTIFICATION FOR NON-METALLIC MINERAL PROCESSING PLANTS***

***Env-A 2806.01 Permit-By-Notification Required. Prior to operating any non-metallic mineral processing plant, the owner or operator shall obtain:***

(a) ***A standard permit, as specified in Env-A 600; or***

(b) ***A permit-by-notification, as specified in this part.***

***Env-A 2806.02 Permit-By-Notification Procedures.***

(a) ***To obtain a permit-by-notification, the owner or operator of a non-metallic mineral processing plant shall file the information required by Env-A 2806.04 in writing to the department, together with the signature and certification specified in Env-A 2806.05 and the fee specified in Env-A 2806.06. The filing shall constitute a permit application for the plant.***

(b) ***The department shall issue a permit-by-notification for a non-metallic mineral processing plant if:***

(1) ***The applicant has filed all required information and the required fee; and***

(2) ***The filing demonstrates that the plant will meet the applicable requirements of Env-A 2803, Env-A 2805, and Env-A 2806.***

(c) *Within 15 days after initial startup of an affected facility, the owner or operator shall notify the department by fax, email, or postal mail of the actual date of startup.*

***Env-A 2806.03 Notification of Changes Required.***

(a) *Within 10 days after a permit-by-notification facility is moved to a different location, the owner or operator shall file a location change notice to the department via fax, email, or postal mail, containing the following information:*

- (1) *The unique facility identification assigned by the department in the initial permit-by-notification;*
- (2) *The physical location from which the facility was moved; and*
- (3) *The physical location to which the facility was moved.*

(b) *Within 15 days after the replacement of any affected equipment, the owner or operator shall file a notification with the department that contains:*

- (1) *The information specified in 40 CFR 60.676(a)(1), (2), and (3), as applicable; and*
- (2) *The date on which testing of the new equipment will be conducted.*

(c) *Any notice filed pursuant to (a) or (b), above, shall be signed as specified in Env-A 2806.05.*

***Env-A 2806.04 Application Content.*** *The applicant for a permit-by-notification for a non-metallic mineral processing plant shall file the following information with the department:*

(a) *The name, mailing address, and daytime telephone number of the owner or operator, and, if available, an e-mail address and fax number;*

(b) *The name or number, or both, the owner or operator uses to identify the plant;*

(c) *The physical location of the plant, including street address and municipality;*

(d) *Any previous air permit number;*

(e) *The raw material throughput operating at maximum capacity, in pounds per hour and tons per year;*

(f) *A list of all affected equipment at the plant, not including any energy-generating devices;*

(g) *For each listed piece of equipment:*

(1) *A description and the name or number, or both, the owner or operator uses to identify the equipment;*

(2) *The manufacturer and serial number, if available;*

(3) *The rated capacity of each crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station in tons per hour;*

(4) *The total surface area of the top screen of each screening operation;*

(5) *The width of each conveyor belt;*

(6) *The rated capacity in tons of each storage bin; and*

(7) *The date of:*

- a. Initial construction or installation;*
- b. The most recent modification, if applicable;*
- c. The most recent replacement, if applicable; and*
- d. The most recent successful compliance test, if applicable;*

*(h) For a new or modified non-metallic mineral processing plant or for one that has never been tested, the date(s) on which compliance testing will be conducted; and*

*(i) A brief explanation of the methods that will be used to control emissions and fugitive dust.*

*Env-A 2806.05 Signature and Certification.*

*(a) The owner or operator of the non-metallic mineral processing plant shall sign each application filed pursuant to Env-A 2806.02 and each notification filed pursuant to Env-A 2806.03.*

*(b) The signature of the owner or operator shall constitute certification that:*

*(1) The owner or operator has read Env-A 2803, Env-A 2805, Env-A 2806, and 40 CFR 60, subpart 000;*

*(2) The owner or operator understands and will comply with the requirements; and*

*(3) All information filed is true, complete, and not misleading to the knowledge and belief of the signor.*

*Env-A 2806.06 Application Fee. The applicant shall pay an application fee of \$1,000 with the permit application.*

*Env-A 2806.07 Recordkeeping and Reporting.*

*(a) The owner or operator of a non-metallic mineral processing plant shall retain records for a minimum of 5 years on :*

*(1) The total quantity of all materials processed on an annual basis; and*

*(2) The results of all performance testing conducted to determine compliance with the standards specified in Env-A 2803, including 40 CFR 60, subpart 000.*

*(b) The owner or operator of a non-metallic mineral processing plant shall file the results of any performance test conducted to determine compliance with the standards set forth in Env-A 2803, including 40 CFR 60, subpart 000, within 60 days of the test.*

**APPENDIX**

<b>Rule Section(s)</b>	<b>State Statute(s) Implemented</b>	<b>Federal Regulation(s) Implemented</b>
Env-A 2801		
Env-A 2802		
Env-A 2803		
Env-A 2804		
Env-A 2805		
Env-A 2806		
Env-A 2806.06	RSA 125-C:12, IV	

Added language in ***bold italics***;  
deleted language ~~struck through~~

**PRELIMINARY DRAFT**

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