

#OP-03-008  
DEC#BR96-0082  
Operating Permit Expiration Date: April 29, 2008

**State of Vermont  
Agency of Natural Resources  
Department of Environmental Conservation**



**Air Pollution Control Division  
Waterbury, Vermont**

**TITLE V  
AIR POLLUTION CONTROL PERMIT  
TO OPERATE**

**Date Permit Issued: April 29, 2003**

Owner/Operator: Green Mountain Power Corporation  
163 Acorn Lane  
Colchester, Vermont 05446

Source: Electric Power Generating Facility - Unit #5  
Green Mountain Power Corporation  
Dog River Road  
Berlin, Vermont 05602

## **FINDINGS OF FACT**

### (A) FACILITY DESCRIPTION

Green Mountain Power Corporation (hereinafter "GMP" and also referred to herein as "Owner/Operator") owns and operates an electric power generating facility referred to as Unit #5 off Dog River Road in the town of Berlin, Vermont (also referred to herein as "Facility"). The Facility is comprised of two Pratt & Whitney simple cycle combustion gas turbines connected to a single generator rated at approximately 50 megawatts (MW). The Facility was constructed in 1972 and is currently operated as a peaking station. The combustion gas turbines are fueled exclusively with liquid kerosene.

GMP has proposed to limit nitrogen oxide (NOx) emissions to less than 100 tons per year to remain below the applicability threshold of §5-251(3) of the *Vermont Air Pollution Control Regulations (Regulations)* which otherwise would impose Reasonably Available Control Technology (RACT) to reduce NOx emissions from the Facility.

Upon issuance of this Permit, the following equipment is approved for use under the terms and conditions of this Permit:

- 50 MW electric power generator powered by two combustion gas turbines
  - 385.1 MMBtu/hr<sup>1</sup> Pratt&Whitney FT4C-1 kerosene combustion gas turbine (Unit A)
  - 355.5 MMBtu/hr<sup>1</sup> Pratt&Whitney FT4A-11 kerosene combustion gas turbine (Unit B)
- Two 1,050,000 gallon above ground fixed roof fuel oil (kerosene) storage tanks

<sup>1</sup> MMBtu/hr - Million British Thermal Units per hour maximum rated heat input.

### (B) FACILITY CLASSIFICATION

The Facility is classified as a source of air contaminants pursuant to Title 10 of the *Vermont Statutes Annotated* ("10 V.S.A.") §555 and §5-401(3) [Electrical power generation facilities] of the *Vermont Air Pollution Control Regulations* (hereinafter "*Regulations*"). In addition, §5-101 of the *Regulations* defines a *stationary source* as any structure(s), equipment, installation(s), or operation(s), or combination thereof, which emit or may emit any air contaminant, which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person or persons under common control. Based on this definition, all of the equipment, operations, and structures at the Facility are grouped together by the Agency of Natural Resources, Department of Environmental Conservation, Air Pollution Control Division (hereinafter "Agency") as one stationary air contaminant source for purposes of review under the *Regulations*.

### (C) PRIOR AGENCY ACTIONS/APPROVALS

The Facility was originally constructed prior to the adoption of the current "Permit to Construct" program under 10 V.S.A. §556 and §§5-501 and 5-502 of the *Regulations* on July 1, 1979. The Facility has not undergone any modifications subject to review under §§5-501 and 5-502 of the *Regulations* since that time. Consequently, the Facility does not currently operate under a Permit to Construct at this time.

Additionally, the Facility has been issued the following “Permit to Operate” approvals under 10 V.S.A. §556a and Subchapter X of the *Regulations*.

Prior Agency Approvals and Actions	
Date of Action	Description of Agency Approval/Action
September 20, 1999	#OP-95-105 – Initial Agency “Title V Permit to Operate” approval for Facility. GMP initially submitted a non-Title V application in 1996 since actual emissions from the Facility were below the 50% threshold for applicability to Title V. Prior to the Agency taking action on the application, GMP exceeded the 50% of major source threshold for nitrogen oxides due to increased operation as a result of the ice storm of 1998. GMP was subsequently required to amend their application to a Title V application and permit #OP-95-105 was issued. This permit imposed NOx reasonably available control technology per §5-251(3) of the Regulations; requiring GMP, if the facility ever exceeded 50 tons per year of NOx in the future, to either accept a cap on NOx emissions of <100 tons per year, install DLN to achieve a NOx emission rate of 1.0 and 0.9 lbs/MMBtu from units A and B respectively, or shutdown the facility. The Facility subsequently exceeded the 50 tons per year NOx level in calendar year 2000. GMP initially intended to pursue installation of DLN but the development of the DLN kits for these turbines was delayed for numerous reasons which were beyond the reasonable control of GMP. GMP is now amending this permit to accept a cap on NOx emissions of <100 tons per year.

(D) FACILITY PERMIT APPLICABILITY

As noted above, the Facility is classified as a source of air contaminants under §5-401 of the *Regulations*. Pursuant to 10 V.S.A. §556a and Subchapter X of the *Regulations* a Permit to Operate is required for any air contaminant source with allowable emissions of all air contaminants combined of ten (10) tons per year (“tpy”) or more. Allowable emissions from the Facility are estimated to be greater than ten (10) tpy combined and emissions of particulate matter (PM/PM<sub>10</sub>), sulfur dioxide (SO<sub>2</sub>), and carbon monoxide (CO) are each estimated to be in excess of the 100 tpy threshold for applicability to Title V of the federal Clean Air Act. Therefore, pursuant to §§5-1002, 5-1003, and 5-1005 of the *Regulations*, the Facility is classified as a “Title V Subject Source” and must obtain a Permit to Operate consistent with the requirements of Subchapter X of the *Regulations* and Title 40 Code of Federal Regulations (“40 CFR”) Part 70. The allowable emissions for the Facility are summarized below:

Future Allowable Air Contaminant Emissions (tons/year) <sup>1</sup>						
PM/PM <sub>10</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOCs	Total Criteria	HAPs <sup>2</sup>
324	1,638	<100	401	48	>10	<10/25

<sup>1</sup> PM/PM<sub>10</sub> - particulate matter and particulate matter of 10 micrometers in size or smaller; SO<sub>2</sub> - sulfur dioxide; NO<sub>x</sub> - oxides of nitrogen measured as NO<sub>2</sub> equivalent; CO - carbon monoxide; VOCs - volatile organic compounds; HAPs - hazardous air pollutants as defined in §112 of the federal *Clean Air Act*.

<sup>2</sup> Emissions of individual HAPs each < 10 tpy and emissions of total HAPs combined <25 tpy.

## (E) REVIEW FOR THE PERMIT TO CONSTRUCT

## (a) New Source Review Designation

The Owner/Operator has not proposed any *modifications* to the Facility in conjunction with the review for this Permit to Operate and therefore is not subject to review under the New Source Review requirements in §5-501 or §5-502 of the *Regulations* at this time. If GMP applies for approval in the future to remove the 100 tons per year NOx cap, the Facility will be required to achieve NOx RACT under §5-251(3) of the *Regulations* but will not necessarily be subject to New Source Review for reinstatement of the previous allowable emissions.

## (b) Most Stringent Emission Rate

Pursuant to §5-502 of the *Regulations*, each new major stationary source or major modification must apply control technology adequate to achieve the Most Stringent Emission Rate (MSER) with respect to those air contaminants for which there would be a major or significant actual emissions increase, respectively, but only for those currently proposed physical or operational changes which would contribute to the increased emissions.

The Owner/Operator has not proposed any *modifications* to the Facility in conjunction with the review for this Permit to Operate and therefore is not subject to review under the MSER requirements in §5-502 of the *Regulations* at this time.

## (c) Ambient Air Quality Impact Evaluation

An ambient air quality impact evaluation is performed to demonstrate whether or not a proposed project will cause or contribute to violations of the ambient air quality standards and/or significantly deteriorate existing air quality. The Agency's implementation procedures concerning the need for an ambient air quality impact evaluation under §5-501 of the *Regulations*, specifies that such analyses may be required when a project results in an allowable emissions increase of ten (10) tons per year or more of any air contaminant, excluding VOCs. Additionally, the Agency may require an air quality impact evaluation where the short-term allowable emission rates will significantly increase as a result of a project.

The Owner/Operator has not proposed any modifications to the Facility in conjunction with the review for this Permit to Operate and therefore is not subject to an air quality impact analysis under §5-501 of the *Regulations* at this time.

(F) REVIEW FOR THE PERMIT TO OPERATE

(a) Applicable Requirements

The operations at the Facility are subject to the following state and federal laws and regulations, the requirements of which are embodied in the conditions of this Permit:

(i) *Vermont Air Pollution Control Regulations:*

<b>Applicable Requirements from the <i>Vermont Air Pollution Control Regulations</i></b>
Section 5-201 – Prohibition of Open Burning
Section 5-211(2) - Prohibition of Visible Air Contaminants, Installations Constructed Subsequent to April 30, 1970.
Section 5-221(1) - Prohibition of Potentially Polluting Materials in Fuel, Sulfur Limitation in Fuel.
Section 5-231(3) - Prohibition of Particulate Matter; Combustion Contaminants.
Section 5-231(4) - Prohibition of Particulate Matter; Fugitive Particulate Matter.
Section 5-241 – Prohibition of Nuisance and Odor.
Section 5-251(1) – Control of Nitrogen Oxide Emissions (not applicable since rule does not apply to gas turbines).
Section 5-251(3) – Reasonably Available Control Technology (no longer applicable since NOx emissions now being restricted to less than 100 tpy).
Section 5-252 – Control of Sulfur Dioxide Emissions (not applicable since rule does not apply to gas turbines).
Section 5-253.1 – Petroleum Liquid Storage in Fixed Roof Tanks (not applicable since kerosene has a vapor pressure less than 1.52 psi).
Section 5-402 – Written Reports When Requested.
Section 5-403 – Circumvention.
Subchapter VIII – Registration of Air Contaminant Sources.
Subchapter X – Operating Permits.

(ii) Reasonably Available Control Technology - §5-1010 of the *Regulations*

Pursuant to 10 V.S.A. §556a(d) and §5-1010 of the *Regulations* the Agency may establish and include within any Permit to Operate emission control requirements based on Reasonably Available Control Technology ("RACT").

The Agency has not imposed any RACT requirements under this authority at this time.

(iii) Existing Air Pollution Control Permit to Construct and/or Operate

The Facility does not currently operate under the confines of a Permit to Construct and the applicable requirements of the existing Permit to Operate (#OP-95-105) are being incorporated into the permit herein.

(iv) Federal Requirements:

<b>Applicable Requirements from Federal Regulations and the Clean Air Act</b>
40 <i>CFR</i> Part 60, Subpart GG - Standards of Performance for Stationary Gas Turbines: Applicable to gas turbines 10.7 gigajoules (10.1 MMBTU) per hour or greater, based on the fuel lower heating value, manufactured after October 3, 1977. Not applicable to Facility since the Facility's gas turbines were installed in 1972.
40 <i>CFR</i> Part 60, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels): Applicable to all storage vessels of 10,000 gallons or greater manufactured after July 23, 1984. While kerosene is an applicable fuel, the regulation is not applicable to the Facility since the Facility's storage vessels were installed in 1972.
40 <i>CFR</i> Part 63, Subpart YYYY - National Emission Standards for Stationary Gas Turbines: Applicable to stationary gas turbines that are major HAP sources or are located at a major HAP source. This regulation was proposed on January 14, 2003 and has not yet been finalized. As proposed, the regulation is not applicable since the Facility is not a major HAP source.
§502(b) and §114(a)(3) of the Clean Air Act – Enhanced Monitoring. Upon renewal of a Title V Permit to Operate, a facility must comply with enhanced monitoring requirements for any emission controlled unit with uncontrolled emissions in excess of the Title V major source thresholds. Not applicable to Facility since no emission control devices are currently utilized.

(b) Non-Applicable Requirements

Pursuant to §5-1015(a)(11) of the *Regulations*, an owner or operator of a Facility may request a permit shield from specific state or federally enforceable regulations and standards which are not applicable to the source. The applicant has not requested a permit shield in accordance with the requirements of §5-1015(a)(11) of the *Regulations*.

(c) Enforceability

This section delineates which permit conditions are federally enforceable and which conditions are state only enforceable. All federal enforceable conditions are subject to federal citizen suit provisions. All conditions of this Permit are enforceable by

both state and federal authorities.

(d) Compliance Certification

The Owner/Operator is required by this Permit to certify compliance as part of its annual registration with the Agency pursuant to the requirements of Subchapter VIII of the *Regulations*. Additionally, this Permit requires the submission of semi-annual reports of monitoring records used to demonstrate compliance with the limitations contained in this Permit.

(G) HAZARDOUS MOST STRINGENT EMISSION RATE

Pursuant to §5-261 of the *Regulations* if a source discharges emissions of a hazardous air contaminant ("HAC") equal to or above an Action Level (found in Appendix C of the *Regulations*), the source must achieve the Hazardous Most Stringent Emission Rate ("HMSEER"). Hazardous air contaminant emissions from virgin fuel combustion at the facility are not subject to §5-261 of the *Regulations* per §5-261(1)(b)(ii) of the *Regulations*. Therefore the Facility is not expected to have regulated emissions of any hazardous air contaminants in excess of an Action Level and is thus not subject to §5-261 of the *Regulations* at this time.

Based on the Agency's review of the Facility's application and the above Findings of Fact, the Agency concludes that the operation of the Facility, subject to the following Permit conditions, complies with all applicable state and federal air pollution control laws and regulations or is subject to an acceptable schedule of compliance. Therefore, pursuant to 10 V.S.A. §556a, as amended, the Agency hereby proposes to issue a Permit approving the operation of the Facility, as described in the above Findings of Fact, subject to the following:

## **PERMIT CONDITIONS**

### **- Construction and Equipment Specifications -**

- (1) GMP shall operate its Facility in accordance with the plans and specifications submitted to the Agency and in accordance with the conditions set forth herein, including the specifications as listed in Findings of Fact (A) above. [10 V.S.A. §556a(d)]
- (2) The exhaust gases from the combined gas turbine exhaust shall be vented vertically through a stack which extends a minimum of forty (40) feet above the stack base grade elevation. The stack shall not be equipped with any device that may obstruct the upward discharge of the exhaust gases such as a fixed raincap. [Initial Facility design] [10 V.S.A. §556a(d)]

### **- Operating Limits -**

- (3) Only No. 2 grade fuel oil or lighter grade fuel oils with a maximum sulfur content not to exceed 0.5 percent by weight may be used as fuel in the gas turbines or diesel generator unless GMP obtains prior written approval from the Agency to use another type of fuel. [Initial Facility design] [10 V.S.A. §556a(d)] [5-221(1)(a) of the *Regulations*]
- (4) GMP shall not install or operate a stationary reciprocating internal combustion engine, as defined in the *Regulations*, that is 450 bhp or greater unless the engine complies with §5-271 of the *Regulations*, as applicable. Engines installed after July 1, 1999 must comply with the emission standards of §5-271 of the *Regulations* immediately upon installation. Engines installed prior to July 1, 1999 must comply with the emission standards of §5-271 of the *Regulations* by no later than July 1, 2007. Installation of any size stationary reciprocating internal combustion engine may still require approval from the Agency in the form of an amended Permit prior to installation. Stationary reciprocating internal combustion engines include those used to power generator sets or to provide shaft power for equipment but does not include engines used to power motor vehicles. [5-501 and 5-271 of the *Regulations*]

**- Emission Limitations -**

(5) Nitrogen Oxides [Facility wide]: Emissions of nitrogen oxides (measured as NO<sub>2</sub>) from the Facility shall not equal or exceed one-hundred (100) tons per year, based on any rolling twelve (12) consecutive calendar month period. GMP will be required to obtain written approval from the Agency and implement NOx RACT in accordance with §5-231(3) of the *Regulations* prior to exceeding this emission limit. [§5-251(3) of the *Regulations*]

(6) Particulate Matter [Combustion Turbines]: Emissions of particulate matter from each of the combustion turbines shall not exceed 0.1 lbs/MMBtu of heat input.

Any emission testing conducted to demonstrate compliance with the above emission limit shall be performed in accordance with Title 40 *Code of Federal Regulations* Part 60, Appendix A, Reference Method 5 or an alternative method which has been published in Title 40 *Code of Federal Regulations*, provided the federally approved alternative method has been accepted in writing by the Agency before testing. [10 V.S.A. §556(c) and §§5-231(3)(a)(iii) and 5-404 of the *Regulations*]

(7) Visible Emissions [Facility wide]: Emissions of visible air contaminants from any installation at the Facility shall not exceed twenty (20) percent opacity for more than a period or periods aggregating six (6) minutes in any hour. At no time shall visible emissions exceed sixty (60) percent opacity from any installation at the Facility.

Any emission testing conducted to demonstrate compliance with the above emission limits shall be performed in accordance with the proposed Federal Reference Method F-1 contained in the Federal Register Vol.51, No.168, pp. 31076-31081, August 29, 1986 or an equivalent method approved in writing by the Agency. [§§5-211 and 5-404 of the *Regulations*]

(8) Hazardous Air Pollutants [Facility wide]: Emissions of federal hazardous air pollutants (“HAPs”) from the Facility shall not equal or exceed 10 tons per year of any one HAP or 25 tons per year of all HAPs combined, based on any rolling twelve(12) consecutive calendar month period. [10 V.S.A. §556a(d)] [§5-404 of the *Regulations*]

**- Nuisance and Odor -**

- (9) GMP shall not discharge, cause, suffer, allow, or permit from any source whatsoever such quantities of air contaminants or other material which will cause injury, detriment, nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort, repose, health or safety of any such persons or the public or which causes or has a natural tendency to cause injury or damage to business or property. [§5-241 of the *Regulations*]
- (10) GMP shall not discharge, cause, suffer, allow, or permit any emissions of objectionable odors beyond the property line of the premises. [§5-241 of the *Regulations*]

**- Monitoring, Recordkeeping and Reporting -**

- (11) GMP shall maintain records of the total hours of operation of the combustion turbines, to the nearest quarter hour, and the quantity of fuel oil consumed by the combustion turbines, to the nearest gallon, each month. GMP shall install, calibrate, maintain and operate a continuous monitoring system to measure and record the quantity of fuel oil, in gallons, combusted in each of the combustion turbines. The continuous monitoring system must have a minimum measurement accuracy of 5% and its output must be recorded with a resolution of +/- 1 gallon in a permanent form acceptable to the Agency which includes at a minimum:
1. records of all valid and invalid monitoring data during all turbine operations;
  2. inspection, maintenance and repair log for all system components;
  3. documentation of annual calibration and quarterly verification checks;
  4. documentation of monthly data capture; and
  5. a record of all corrective actions taken in response to excess emissions, invalid data or data capture deficiencies.

GMP shall install, maintain, and calibrate the system following the manufacturer's recommended procedures. GMP shall inspect and verify the performance of the monitoring system each calendar quarter and shall calibrate the system at least annually.

The fuel monitoring system shall be operational at all times, continuously recording data without substantial interruption, during all periods of turbine operation including periods of turbine startup, shutdown, malfunction or emergency conditions except for periods of continuous monitoring system calibration, maintenance, quality assurance testing or uncontrolled malfunction. Nevertheless, GMP shall minimize system downtime and must record valid data from the continuous monitoring system for a minimum of 95% of the turbine operating periods during each calendar month. Any time this limit is not met, GMP shall immediately inspect the monitoring system and take timely appropriate corrective actions to meet the limit. All corrective actions must be properly documented.

Beginning at the end of the first full calendar month after the date of issuance of this Permit, and at the end of each month thereafter, GMP shall calculate the total quantity of fuel oil consumed in the combustion turbines, in gallons, and shall calculate the total quantity of NO<sub>x</sub> emissions to the atmosphere, in tons, during the previous twelve consecutive month period. For the purposes of calculating the total quantity of NO<sub>x</sub> emissions to the

atmosphere based on fuel oil usage as required by this Condition, GMP shall use an emission factor of 1.0 pounds per million BTU for combustion turbine A (Pratt & Whitney model FT4C-1) and 0.9 pounds per million BTU for combustion turbine B (Pratt & Whitney model FT4A-11) and a heating value of 137,000 BTU per gallon for kerosene fuel oil. The numerical factors for calculating the total quantity of NOx emissions to the atmosphere required by this Condition may be revised if approved in writing by the Agency. [§5-405(1) of the Regulations]

- (12) GMP shall perform inspection and maintenance of the combustion systems at least once every 220 hours of actual operation of the Facility. Such inspection and maintenance shall include, but not be limited to, inspection, cleaning, adjustments and repair, as necessary, of the burner cans, nozzles, and first stage guide vanes of combustion components in accordance with the manufacturer's maintenance procedures. A written logbook shall be maintained by GMP containing the date and time (in hours of actual operation since last inspection) of each inspection, and a written description of adjustments, maintenance, and repairs performed on the combustion turbines. [§5-405(1) of the Regulations]
- (13) GMP shall obtain from the fuel supplier, for each shipment of fuel oil received at the Facility for use in the combustion turbines, a certification or invoice stating the sulfur content of the fuel oil. The certification or invoice shall include the name of the fuel oil supplier, date of delivery, fuel type, quantity of fuel oil delivered, and a statement from the fuel oil supplier that the oil complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society of Testing and Materials in ASTM D396, "Standard Specifications for Fuel Oils" and a statement as to the sulfur content of the fuel oil in percent sulfur by weight. [§5-402(1) of the Regulations]
- (14) Within thirty (30) days after July 1 and January 1 of each year, GMP shall submit to the Agency a report containing the following information regarding the preceding six (6) months:
- (a) a summary of the hours of operation, fuel usage and NOx emissions required by Condition (11) of this Permit;
  - (b) a summary of the number of inspection and maintenance events performed, if any, required by Condition (12) of this Permit; and
  - (c) a statement of the sulfur content of any and all fuel delivered to GMP during the reporting period required by condition (13) of this Permit.

[§5-405(1) of the Regulations] [Section 5-1015(a)(5) of the Regulations]

- (15) GMP shall notify the Agency in writing within ten (10) days of any violation, of which it is aware, of any requirements of this Permit. This notification shall include, at a minimum, the cause for the violation and corrective action or preventative maintenance taken to correct the violation. [10 V.S.A. §556(c) and §5-1015(a)(12) of the Regulations]
- (16) GMP shall notify the Agency in writing of any proposed physical or operational change at the Facility which may increase the emission rate of any air contaminant to the ambient air. Such changes shall include, but are not limited to, the addition of a new fuel burning or process equipment. If the Agency determines that a permit amendment is required, a new application and the appropriate application fee shall be submitted. The permit amendment shall be obtained prior to commencing any such change. [10 V.S.A. §556(c)]

(17) Annual Registration: GMP shall calculate the quantity of emissions of air contaminants from the Facility annually. If the Facility emits more than five (5) tons of any and all air contaminants per year, GMP shall register the source with the Secretary of the Agency (hereinafter "Secretary"), and shall renew such registration annually. Each day of operating a source which is subject to registration without a valid, current registration shall constitute a separate violation and subject the owner/operator to civil penalties. The registration process shall follow the procedures set forth in Subchapter VIII of the Air Pollution Control Regulations, including the payment of the annual registration fee on or before May 15 of each year. Annual registration forms submitted to the Agency shall contain a compliance certification statement in accordance with Condition (20) of this Permit. [§§5-802, 5-803, 5-807, 5-808, and 5-1015(8) of the *Regulations*]

(18) All records, reports, and notifications that are required to be submitted to the Agency by this Permit shall be submitted to:

Agency of Natural Resources  
Air Pollution Control Division  
103 South Main Street, Bldg 3 South  
Waterbury, Vermont 05671-0402.

[10 V.S.A. §556(c)]

(19) All records shall be retained for a minimum period of five (5) years from the date of record and shall be made available to the Agency upon request. [§5-402(1) of the *Regulations*]

**- Compliance Certification -**

(20) By February 1 of each year, GMP shall submit an annual certification of compliance, concurrent with the annual registration data submitted to the Agency, which identifies the compliance status during the past calendar year of the Facility with respect to all terms and conditions of this Permit, including but not limited to the following: [§114(a)(3) of the CAA] [Section 5-1015(a)(8) of the *Regulations*]

- (a) Identification of each term or condition of the permit that is the basis of the certification;
- (b) The compliance status;
- (c) Whether compliance was continuous or intermittent; and
- (d) The methods used for determining the compliance status of the Facility over the reporting period.

A copy of the compliance certification shall also be sent to the U.S. Environmental Protection Agency at the following address:

Air Technical Unit (Mail Code SEA)  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency  
John F. Kennedy Federal Building  
Boston, MA 02203

**- Standard Permit Conditions -**

- (21) These Permit conditions may be modified, suspended, terminated, or revoked for cause and reissued upon the filing of a written request with the Secretary of the Agency (hereinafter "Secretary") or upon the Secretary's own motion. Any modification shall be granted only with the written approval of the Secretary. If the Secretary finds that modification is appropriate, only the conditions subject to modification shall be re-opened. The filing of a request for modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated non-compliance does not stay any terms or conditions of this Permit. The Secretary may provide opportunity for public comment on any proposed modification of these conditions. If public comments are solicited, the Secretary shall follow the procedures set forth in 10 V.S.A., §556 and §556a, as amended. [10 V.S.A. §556 and 10 V.S.A. §556a]
- (22) Cause for reopening, modification, termination and revocation of this Permit includes, but is not limited to:
- (a) Inclusion of additional applicable requirements pursuant to state or federal law;
  - (b) A determination that the permit contains a material mistake or that inaccurate information was used to establish emissions standards or other terms or conditions of the operating permit;
  - (c) A determination that the operating permit must be modified or revoked to ensure compliance with applicable requirements;
  - (d) A determination that the subject source has failed to comply with a permit condition;
  - (e) For Title V subject sources, a determination by U.S. EPA that cause exists to terminate, modify, revoke or reissue an operating permit;
  - (f) Those causes which are stated as grounds for refusal to issue, renew or modify an operating permit under Section 5-1008(a) of the Regulations; or
  - (g) If more than three (3) years remain in the permit term and the source becomes subject to a new applicable requirement.
- [§5-1008(e)(4) of the *Regulations*]
- (23) GMP shall furnish to the Agency, within a reasonable time, any information that the Agency may request in writing to determine whether or cause exists for modifying, revoking, reissuing, or terminating the permit or to determine compliance with this Permit. Upon request, GMP shall also furnish to the Agency copies of records required to be kept by this Permit. [40 CFR Part 70 §70.6(a)(6)(v)]
- (24) This Permit does not convey any property rights of any sort or any exclusive privilege, nor does it authorize any injury to private property or any invasion of personal rights. [10 V.S.A. §556(c)]
- (25) By acceptance of this Permit, GMP agrees to allow representatives of the State of Vermont access to the properties covered by the Permit, at reasonable times, to ascertain compliance with Vermont environmental and health statutes and regulations and with this Permit. GMP also agrees to give the Agency access to review and copy any records required to be maintained by this Permit, and to sample or monitor at reasonable times to ascertain compliance with this Permit. [10 V.S.A. §556(c)]

- (26) All data, plans, specifications, analyses and other information submitted or caused to be submitted to the Agency as part of the application for this Permit or an amendment to this Permit shall be complete and truthful and certified by a responsible official whose designation has been approved by the Secretary. Any such submission which is false or misleading shall be sufficient grounds for denial or revocation of this Permit, and may result in a fine and/or imprisonment under the authority of Vermont statutes. [10 V.S.A. §556(c), 10 V.S.A. §556a(d) and §5-1008(f) of the *Regulations*]
- (27) For the purpose of establishing whether or not a person has violated or is in violation of any condition of this Permit, nothing in this Permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. [10 V.S.A. §556a(d)]
- (28) All subsequent owners and/or operators of this Facility must request an amendment of this Permit prior to commencing any operations covered by this Permit. All subsequent owners and/or operators shall submit to the Agency as part of the request for amendment all such information the Agency deems necessary to establish legal ownership and/or interest in the property and all such information the Agency deems necessary to ensure the new owners and/or operators will construct and operate the Facility in compliance with the regulations and this Permit. The terms and conditions of this Permit shall remain in full force and effect after submittal of the request for amendment and until the issuance of an amended Permit or denial. Should the Secretary deny the request, the new owner and/or operator must take whatever action is necessary to comply with the denial. [10 V.S.A. §'556 and '556a] [§§5-501, 5-1004, and 5-1013(a) of the *Regulations*]
- (29) The provisions of this Permit are severable. If any provision of this Permit, or its application to any person or circumstances is held invalid, illegal, or unenforceable by a court of competent jurisdiction, the invalidity shall not apply to any other portion of this Permit which can be given effect without the invalid provision or application thereof. [10 V.S.A. §556(c)]
- (30) Any permit noncompliance could constitute a violation of the federal Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. [§§5-1008(a) and 5-1008(e) of the *Regulations*]
- (31) It shall not be a defense for GMP in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this Permit. [10 V.S.A. §556(c) and 10 V.S.A. §556a(d)]
- (32) GMP shall submit to the Agency a complete application for renewal of the Operating Permit at least twelve (12) months before the expiration of the Operating Permit. If a timely and administratively complete application for an operating permit renewal is submitted to the Secretary, but the Secretary has failed to issue or deny such renewal before the end of the term of this Operating Permit, then GMP may continue to operate the subject source and all terms and conditions of this Operating Permit shall remain in effect until the Secretary has issued or denied the operating permit renewal. However, this Operating Permit shall automatically expire if, subsequent to the renewal application being determined or deemed

administratively complete pursuant to §5-1006 of the Regulations, GMP fails to submit any additional information required by the Secretary as well as information pertaining to changes to the Facility within thirty (30) days or such other period as specified in writing by the Secretary. [Sections 5-1005(c) and 5-1012 of the *Regulations*]

- (33) The operating permit shall expire five (5) years from the date of its issuance. [§§5-1011 and 5-1012(a) of the *Regulations*]
- (34) The conditions set forth above supercede all conditions contained in the Agency's Air Pollution Control Permit #OP-95-105 granted to GMP on September 20, 1999. [10 V.S.A. §556(c)]

The Agency's issuance of this Air Pollution Control Permit to Operate relies upon the data, judgement, and other information supplied by GMP. The Agency makes no assurances that the air contaminant source approved herein will meet performance objectives or vendor guarantees supplied to the source owner/operator. It is the sole responsibility of GMP to operate the source in accordance with the conditions herein and with all applicable state and federal standards and regulations.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2003, in the town of Waterbury, county of Washington, state of Vermont.

Agency of Natural Resources

Jeffrey Wennberg, Commissioner  
Department of Environmental Conservation

By: \_\_\_\_\_  
Richard A. Valentinetti, Director  
Air Pollution Control Division

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A2 GMP Unit #5 - Berlin