

#AOP-95-110
DEC#SJ96-0053

Operating Permit Expiration Date: March 19, 2007

State of Vermont
Agency of Natural Resources
Department of Environmental Conservation



Air Pollution Control Division
Waterbury, Vermont

TITLE V
AIR POLLUTION CONTROL PERMIT
TO
CONSTRUCT AND OPERATE

Date Permit Issued: March 19, 2002

Owner/Operator: Ethan Allen, Inc.
Orleans Division
Railroad Ave., P.O. Box 205
Orleans, Vermont 05860-0205

Source: Wood Furniture Manufacturing and Finishing
Ethan Allen, Inc. - Orleans Division
Orleans, Vermont 05860-0205

FINDINGS OF FACT

(A) FACILITY DESCRIPTION

Ethan Allen, Incorporated (hereinafter "Ethan Allen" and also referred to herein as "Owner/Operator") owns and operates a wood furniture manufacturing and finishing facility on Railroad Avenue in Orleans, Vermont [hereinafter "Ethan Allen (Orleans)" and also referred to herein as "Facility"]. Equipment and activities at the site which contribute to the generation of air contaminants from the Facility include: boilers, wood processing operations, and the finishing of wood products. Air contaminants produced at the site include: combustion contaminants, wood dust, and volatile organic compounds ("VOCs") from the use of glues, stains, paints, solvents, and coatings.

On November 26, 2001, the Agency of Natural Resources, Department of Environmental Conservation, Air Pollution Control Division (hereinafter "Agency") received plans and specifications from Ethan Allen detailing its plans to equip one of their Riley wood-fired boilers (#233) with an oil burner to provide the unit with the ability to burn residual oil. According to Ethan Allen, the conversion was prompted due to a significant reduction in the number of board feet of lumber being processed in the Rough Mill of the Orleans Division, and the consequent decline in waste wood available to feed the boiler. The Orleans Division has begun purchasing panel stock for its mill rather than producing it all on-site. Ethan Allen has requested approval to burn approximately 155,000 gallons of residual oil in this Riley boiler as a substitute for wood waste. The application for the modification of the Riley boiler was submitted during the public comment period for the Facility's initial Title V Permit to Operate. In order to minimize the administrative burden of processing two separate permit applications for the same facility, the Agency is proposing take action on the modification of the Riley boiler simultaneously with the issuance of the Title V Permit to Operate.

(B) FACILITY CLASSIFICATION

The Facility is classified as a source of air contaminants pursuant to §5-401(4) [Wood products industries], §5-401(6)(b): Wood fuel burning equipment greater than 90 H.P. output; and §5-401(9): Surface finishing and coating operations, including application of paints, lacquers, solvents and related materials, 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 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 APPROVALS

The Facility was originally constructed prior to July 1, 1979, however, it has undergone several modifications which have subjected the Facility to Agency review and approval pursuant to the requirements of §556 of Title 10 *Vermont Statutes Annotated*, (hereinafter "10 V.S.A.") and Subchapter V of the *Regulations*. These amendments are summarized in the table below.

Date Approval Issued	Description of Approval/Amendment
July 7, 1985	Approval for conversion of the Wickes boiler to wood fuel and installation of multiple cyclones on existing two Riley wood-fired boilers.
January 13, 1993	#AP-92-024 - Approval for installation of two additional spray booths.
March 10, 1993	#AP-92-024a - Approval for installation of single spray booth for repair work.
April 19, 1993	#AP-92-024b - Approval for installation of three additional spray booths.
November 1, 1999	#AP-92-024c - Approval for the use of pre-catalyzed coatings.
August 14, 2000	#AP-92-024d - Approval to install three (3) MAC fabric filters (designated #1403, 1404, and 1405) as replacements for two (2) existing Carter-Day fabric filters (formerly designated A & B)
August 8, 2001	#AP-92-024e - Approval to install two (2) MAC fabric filters as replacements for a Carter-Day fabric filter (Model #144RJ120), the Moldow unit, & shaker type dust collector

(D) PERMIT APPLICABILITY

As noted in Findings of Fact (B) above, the Facility is classified as a source of air contaminants under §5-401 of the *Regulations*. Additionally, based upon the limitations within its existing Air Pollution Control Permit, allowable emissions of all air contaminants from the Facility are estimated to be greater than ten (10) tons per year ("tpy"). Furthermore, allowable emissions of particulate matter ("PM/PM₁₀"), sulfur dioxide ("SO₂"), oxides of nitrogen ("NO_x"), carbon monoxide ("CO") are greater than 100 tpy, emissions of volatile organic compounds ("VOCs") are greater than fifty (50) tpy, and emissions of all federally regulated hazardous air pollutants ("HAPs") combined exceed twenty-five (25) tpy. Therefore, pursuant to §§5-1002, 5-1003, and 5-1005 of the *Regulations*, the Facility is classified as a "Title V Subject Source" and is subject to the requirement to secure an Air Pollution Control Permit to Operate ("Permit to Operate") pursuant to the requirements of Subchapter X of the *Regulations* and Part 70 of the *Code of Federal Regulations*.

As stated previously, Ethan Allen is proposing to equip one of its Riley boilers (#233) with oil-firing capability. Such alteration of the boiler satisfies the definition of the modification, and consequently is subject to Agency review and approval pursuant to 10 V.S.A. §556 and Subchapter V of the *Regulations*. The Agency proposes to take action regarding the modification and the Title V Permit to Operate simultaneously. This action is consistent with the authority provided the Agency under 10 V.S.A. §556(e).

The allowable emissions for the Facility are summarized below:

Allowable Air Contaminant Emissions (tons/year) *							
PM/PM ₁₀	SO ₂	NO _x	CO	VOCs**	Non-VOCs	Pb	Total HAPs
432	231	99	780	313	113	<0.01	52

* PM/PM₁₀ - particulate matter and particulate matter of 10 micrometers in size or smaller, SO₂ - sulfur dioxide, NO_x - oxides of nitrogen, CO - carbon monoxide, VOCs - volatile organic compounds, Pb - lead, HAPs - hazardous air pollutants as defined in §112 of the federal *Clean Air Act*.

**VOCs as defined in §5-101(123) of the *Regulations* and 40 *CFR* 51.100(s).

(E) APPLICATION PROCESSING AND PUBLIC PARTICIPATION

The Facility operated by Ethan Allen is classified as a "Title V Subject Source," and consequently, any application for a Permit to Operate is subject to the public participation requirements of §5-1007 of the *Regulations*. As required by this section, the Agency published notice on April 25, 1996, in the *Newport Daily Express* that it had received an administratively complete application from Ethan Allen. On November 6, 2001, the Agency determined it received sufficient information to declare the application technically complete.

On November 8, 2001, the Agency published notice in the *Newport Daily Express* informing the public of the Agency's plans to issue a draft Air Pollution Control Permit to Operate. The notice solicited comments and requests for an informational meeting on the matter. Requests for an informational had to be received by the Agency in writing on or before December 3, 2001. The Agency also notified the U.S. EPA and affected states (i.e., New York, New Hampshire, and Massachusetts) of its draft decision on November 7, 2001. The comment period closed on December 7, 2001, without the Agency receiving comments or a request for a public meeting.

Note, the proposed modification of the Riley (#233) boiler to burn fuel oil is not subject to the public participation requirements in Subchapter V or X of the *Regulations*, since the emissions increase resulting from the modification will be less than ten (10) tpy for all air contaminants. Consequently, the Agency has proposed to combined the issuance of the Permit to Construct approving the modification simultaneously with the issuance of a final Permit to Operate.

(F) REVIEW FOR OPERATING PERMIT

(a) Applicable Requirements

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

(i) State Requirements (*Vermont Air Pollution Control Regulations*):

Applicable Requirements from <i>Vermont Air Pollution Control Regulations</i>
§5-201 and §5-202 - Open Burning Prohibited and Permissible Open Burning
§5-211(1) - Prohibition of Visible Air Contaminants, Installations Constructed Prior to April 30, 1970
§5-211(2) - Prohibition of Visible Air Contaminants, Installations Constructed Subsequent to April 30, 1970
§5-221(1) - Prohibition of Potentially Polluting Materials in Fuel, Sulfur Limitation in Fuel
§5-231(1) - Prohibition of Particulate Matter; Industrial Process Emissions
§5-231(3) - Prohibition of Particulate Matter; Combustion Contaminants
§5-231(4) - Prohibition of Particulate Matter; Fugitive Particulate Matter
§5-241 - Prohibition of Nuisance and Odor
§5-253.14 - Prohibition of Volatile Organic Compounds; Solvent Metal Cleaning
§5-261 - Control of Hazardous Air Contaminants
§5-402 - Written Reports When Required
§5-403 - Circumvention
§5-701 - Maintenance and Removal of Control Devices
§5-702 - Excessive Smoke Emissions From Motor Vehicles
Subchapter VIII - Registration of Air Contaminant Sources

(ii) Air Pollution Control Permit to Construct #AP-92-024e

Ethan Allen currently operates under a Permit to Construct issued on August 8, 2001. The conditions within this existing permit are considered applicable requirements pursuant to §5-1002(d)(1) of the *Regulations*. The Agency will incorporate the conditions of this Permit to Construct within any Permit to Operate issued to Ethan Allen.

(iii) Federal Requirements:

Applicable Requirement from Federal Regulations
40 <i>CFR</i> Part 60, Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. Applicable only to Riley boiler (#233).
40 <i>CFR</i> Part 60, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984. Record keeping requirement in §60.116b(a) and (b) only.
40 <i>CFR</i> Part 63, Subpart JJ, Section 63.802 and 63.803 - National Emission Standards for Wood Furniture Manufacturing Operations, Emission Limits and Work Practice Standards.

(b) Non-Applicable Requirements

Pursuant to §5-1015(a)(11) of the *Regulations*, Ethan Allen has requested a permit shield with respect to several potentially applicable requirements. The Agency has reviewed this request and determined that the operations performed at the Facility are not subject to the below listed air pollution control requirements. In accordance with §5-1015(a)(11), a permit shield is granted for the below listed requirements.

Requirement for Which a Permit Shield has been Requested	Description of Requirement
§5-251(3) of <i>Regulations</i>	Control of NO _x Emissions - RACT for Large Stationary Sources
§5-253.20 of <i>Regulations</i>	Control of VOCs - Other Sources That Emit VOCs

(c) Enforceability

All conditions of this Permit are enforceable by both state and federal authorities.

(d) Compliance Certification

Condition (36) of this Permit requires Ethan Allen to certify compliance as part of its annual registration with the Agency pursuant to the requirements of Subchapter VIII of the *Regulations*. Additionally, Condition (35) requires the submission of semi-annual compliance reports.

(G) EQUIVALENCY DETERMINATIONS

Visible Air Contaminants

Condition (12) of the existing Permit to Construct specifies a more stringent visible emissions standard of twenty (20) % opacity for the boiler manufactured by Wickes. The more stringent permit opacity limits overrule the requirements of §5-211(1) of the *Regulations*.

Particulate Matter

Condition (13) of Ethan Allen's existing Permit to Construct limits the PM/PM₁₀ emission rate from the MAC filters to a value of 0.020 gr/dscf or 0.010 gr/dscf of undiluted exhaust per device (depending upon the year of installation). These more stringent permit emission limits overrule the requirements of §5-231(1) of the *Regulations* for the MAC fabric filters.

Condition (11) of Ethan Allen's existing Permit to Construct specifies a PM/PM₁₀ emission concentration of 0.20 gr/dscf corrected to 12% CO₂ for each of the main boilers when burning wood fuel. This condition overrules the restriction in §5-231(3)(b)(i) of the *Regulations*.

The PM/PM₁₀ limitations in §5-231(3)(a)(ii) of the *Regulations* are more stringent than the requirements in Condition (11) of Ethan Allen's existing Permit to Construct when burning residual oil in the Wickes boiler. Therefore, the requirements of §5-231(3)(a)(ii) of the *Regulations* overrule the restriction in Condition (11) of the Permit to Construct.

(H) 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 ("HMSE").

The use of pre-catalyzed coatings at the Facility resulted in emissions of the air contaminant, formaldehyde, in excess of its Action Level. Consequently, Ethan Allen was subject to HMSE for formaldehyde as part of the Agency's review of the proposed use of pre-catalyzed coatings. The Agency previously determined HMSE for formaldehyde to be the use of pre-catalyzed coatings containing a maximum of 0.01% free formaldehyde by weight, as applied, and an emission rate of 0.043 lbs/8hours on an "annual average" basis (calculated assuming 100% of the free formaldehyde in the coatings is emitted). Emissions of formaldehyde during any single eight hour period were not restricted, provided the annual average emission rate complied with the HMSE limitation.

In addition to formaldehyde, the Agency determined that Ethan Allen was subject to HMSE for crystalline silica, isobutyl acetate, methyl amyl ketone, and butyl proposal. This determination was based upon calendar year 2000 registration data on actual emissions of HACs. The Agency proposes to require Ethan Allen to reformulate or investigate options to reduce emissions of these contaminants as part of the Permit to Operate.

(I) COMPLIANCE PLAN AND SCHEDULE

As a consequence of exceeding ALs, the Agency will require Ethan Allen to reformulate or investigate control devices to reduce emissions to achieve HMSE within twelve (12) months for crystalline silica, isobutyl acetate, methyl amyl ketone, and butyl proposal.

Based upon the Agency's review of Ethan Allen's application and the above findings of fact,

the Agency concludes that the modification and 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., §556 and §556a, as amended, the Agency hereby issues a Permit approving the modification and operation of the Facility, as described in the above findings of fact, subject to the following:

PERMIT CONDITIONS

- CONSTRUCTION AND EQUIPMENT SPECIFICATIONS -

- (1) Ethan Allen shall construct and operate the Facility in accordance with the plans and specifications submitted to the Agency and in accordance with the conditions set forth herein. [10 V.S.A. §556(c)]
- (2) Ethan Allen shall control particulate matter emissions from the Wickes boiler and the two Riley boilers by installing and operating multiple cyclone flyash collectors of the specifications indicated in its application, or an equivalent device capable of achieving similar emission reductions if approved in writing by the Agency. All elements of these air pollution control systems shall be maintained in good working order at all times and operated in accordance with the manufacturer's operation and maintenance recommendations. Each air pollution control system shall be in operation whenever the respective emission source it serves is in operation. [10 V.S.A. §556(c)]
- (3) Ethan Allen shall equip each spray booth with filters designed to effectively capture and control overspray solids in the exhaust from the spray finishing operations. Discarded filters shall be properly disposed of in accordance with the *Vermont Hazardous Waste Management Regulations*. [10 V.S.A. §556(c)]
- (4) (a) Ethan Allen shall discharge wood dust produced from its wood processing activities in the Finish Mill and Sanding Department, formerly controlled by two Carter-Day Model 144RJ120 fabric filters, to three (3) fabric filter collectors. The fabric filters shall have the below listed specifications or shall be equivalent devices capable of achieving similar emission reductions which have received prior written approval by the Agency:

Manufacturer: MAC Equipment, Inc.
Model: 144MCF494 Medium Pressure Reverse Cleaning Dust Collector
Bag Size: 5-7/8 inches diameter x 120 inches long
Cloth Area: 7,163 square feet minimum
Number of Bags: 494 minimum
Air-to-Cloth Ratio: 7:1
Bag Type: 16 oz. singed Polyester
Pulse Jet Cleaning Mechanism
Equipped with airlock
- (b) Ethan Allen shall discharge wood dust produced from its wood processing

activities in the Rough Mill, formerly controlled by the Moldow unit and Ethan Allen's shaker-type fabric filter, with a new fabric filter collector. The new fabric filter shall have the below listed specifications or shall be an equivalent device capable of achieving a similar emission reduction which has received prior written approval by the Agency:

Manufacturer: MAC Equipment, Inc.
Model: 144MCF361 Medium Pressure Reverse Cleaning Dust Collector
Bag Size: 4.6 inches diameter x 144 inches long
Cloth Area: 5,202 square feet minimum
Number of Bags: 361 minimum
Air-to-Cloth Ratio: 9.8:1
Bag Type: 16 oz. Dacron Polyester
Pulse Jet Cleaning Mechanism
Equipped with airlock

- (c) Ethan Allen shall discharge wood dust produced from its wood processing activities in the Finish Mill, formerly controlled by a Carter-Day Model 144RJ120 fabric filter, with a new fabric filter collector. The fabric filter shall have the below listed specifications or shall be an equivalent device capable of achieving a similar emission reduction which has received prior written approval by the Agency:

Manufacturer: MAC Equipment, Inc.
Model: 144MCF494 Medium Pressure Reverse Cleaning Dust Collector
Bag Size: 4.6 inches diameter x 144 inches long
Cloth Area: 7,118 square feet minimum
Number of Bags: 494 minimum
Air-to-Cloth Ratio: 8.4:1
Bag Type: 16 oz. Dacron Polyester
Pulse Jet Cleaning Mechanism
Equipped with airlock

- (d) Each fabric filter collector shall be equipped with a pressure drop measurement device which continuously measures and displays the pressure drop across the fabric filter collector (e.g., manometer or magnehelic). All elements of these fabric filters, including their pressure drop measurement device, shall be maintained in good working order at all times and shall be operated in accordance with the manufacturer's operation and maintenance recommendations. Each fabric filter shall be in operation whenever the respective emission source(s) it serves are in operation.
- (e) Ethan Allen shall use the pressure drop measurement device, required in Condition (4)(d) of this Permit, to maintain the pressure drop across each fabric filter within acceptable ranges as specified by the manufacturer.
- (f) Each replacement fabric filter, noted in Conditions (4)(a) through (4)(c) of this

Permit, shall be equipped with an exhaust stack with an outlet which extends at least four (4) feet above any roofline or structure that may significantly interfere with the dispersion of the exhaust gases. Furthermore, the stack shall be vertical and shall not be equipped with any device that would obstruct the upward discharge of the exhaust gases.

[10 V.S.A. §556(c)]

- OPERATING LIMITS -

- (5) The sulfur content of the residual fuel oil used in the Wickes boiler shall not exceed 2.0 percent by weight ("% by weight"). Compliance with the fuel oil sulfur limit shall be determined using certification from the fuel supplier. Fuel supplier certification shall include the following: the name of the oil supplier; the location of the oil when the sample was drawn for analysis to determine the sulfur content of the oil, specifically including whether the oil was sampled as delivered to the affected facility, or whether the sample was drawn from oil in storage at the oil supplier's or oil refiner's facility, or other location; the sulfur content of the oil from which the shipment came (or of the shipment itself); and, the method used to determine the sulfur content of the oil. [10 V.S.A. §556a(d) and §5-221(1) of the *Regulations*]
- (6) The sulfur content of fuel oil used in the Bryan and Riley (#233) boilers shall not exceed 0.5 % by weight. Compliance with the fuel oil sulfur limit shall be determined using certification from the fuel supplier. Fuel supplier certification shall include the following:
- (a) For distillate oil:
 - (i) The name of the oil supplier; and
 - (ii) A statement from the oil supplier that the oil complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396, "Standard Specification for Fuel Oils."
 - (b) For residual oil:
 - (i) The name of the oil supplier;
 - (ii) The location of the oil when the sample was drawn for analysis to determine the sulfur content of the oil, specifically including whether the oil was sampled as delivered to the affected facility, or whether the sample was drawn from oil in storage at the oil supplier's or oil refiner's facility, or other location;
 - (iii) The sulfur content of the oil from which the shipment came (or of the shipment itself); and
 - (iv) The method used to determine the sulfur content of the oil.

[10 V.S.A. §556a(d) and 40 *CFR* Part 60 Subpart Dc §60.42c(d)]

- (7) In order to maintain emissions of oxides of nitrogen below 100 tons per year, Ethan Allen

shall not burn fuel in all boilers located at its Facility in quantities greater than the following limit during any rolling twelve (12) consecutive calendar month period:

$$0.0727*X + 1.5*Y + 0.020*Z \leq 198,000$$

where:

X = quantity of No. 6 fuel oil burned in units of gallons;
 Y = quantity of wood fuel burned in units of tons (as fired);
 Z = quantity of No. 2 fuel oil burned in units of gallons.

Compliance with the above limit shall be documented through tracking the fuel type and quantities burned on a monthly basis using a form equivalent to Attachment I of this Permit. [10 V.S.A. §556a(d)]

- (8) Hourly wood fuel consumption in the Wickes boiler shall not exceed 4.0 tons, as-fired including moisture. [10 V.S.A. §556(c)]
- (9) Ethan Allen shall assure that during each shift of boiler operation at least one employee is present who has received instruction in the proper operation and monitoring of boilers to achieve optimum combustion efficiency. [10 V.S.A. §556(c)]
- (10) Ethan Allen is approved to use the Lilly Industries, Inc. Pre-Catalyzed Sealer #1421C00376 and Pre-Catalyzed Lacquer #1431C0098, or equivalent coatings if approved in writing by the Agency. The free formaldehyde content of the coatings shall not exceed 0.01% by weight, as applied. [10 V.S.A. §556(c)]
- (11) Annual usage of the pre-catalyzed sealer and pre-catalyzed lacquer shall not exceed a combined 55,000 gallons per year. [10 V.S.A. §556(c)]
- (12) Ethan Allen 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. Installation of any size stationary reciprocating internal combustion engine may 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]
- (13) Ethan Allen shall not discharge each of the five MAC fabric filter collectors to the ambient air in excess of 3,840 hours per calendar year. [10 V.S.A. §556(c)]

- EMISSION LIMITATIONS -

- (14) Ethan Allen shall use only topcoats containing no more than 1.8 lbs VOC/lb solids, as applied, and sealers containing no more than 1.9 lbs VOC/lb solids, as applied, or the equivalent. Compliance shall be demonstrated by any of the following compliance methods:

- (a) By use of compliant topcoats and sealers as demonstrated by maintaining current certified product data sheets for each topcoat and sealer and by performing, prior to use, calculations to account for dilution;
- (b) By use of topcoats and sealers with a monthly weighted average for each that achieves the emission limitations in pounds of VOC per pound solids of 1.8 for topcoats and 1.9 for sealers, as demonstrated by using the following formula and by maintaining current certified product data sheets for each topcoat and sealer and by performing, prior to use, calculations to account for dilution:

$$E_{VOC} = \frac{\sum_{n=1}^n M_i C_i}{\sum_{n=1}^n M_i}$$

Where:

E_{VOC} = the average VOC content of the topcoats or sealer, respectively, in lbs VOC/lb solids;

M = the mass of solids, in lbs, in a particular topcoat or sealer used during the monthly averaging period; and

C = the VOC content of a particular topcoat or sealer, in lbs of VOC/ lb solids, as applied.

- (c) By achieving equivalent emission reductions through the use of a control system approved by the Agency; or
- (d) By achieving equivalent emission reductions through the use of any combination of compliant topcoats and sealers, an averaging approach and a control system approved by the Agency.

[10 V.S.A. §556a(d)]

- (15) The volatile hazardous air pollutant (“VHAP”) content of all coatings, on a weighted average basis, shall not exceed 1 lb VHAP/lb solids, as applied. The average VHAP content for all finishing materials used at the Facility shall be calculated using the following equation, and Ethan Allen shall maintain a value for E_{VHAP} of no greater than 1.0:

$$E_{VHAP} = \frac{\sum_{n=1}^n M_i C_i + S_i W_i}{\sum_{n=1}^n M_i}$$

Where:

E_{VHAP} = the average VHAP content achieved by an emission point or a set of emission points, in lbs VHAP/lb solids;

M = the mass of solids, in lbs, in a particular finishing material used during the monthly averaging period;

C = the VHAP content of a particular finishing material, in lbs of VHAP per lbs of coating solids, as supplied;

S = the VHAP content of a solvent, expressed as a weight fraction, added to finishing material; and

W = the amount of solvent, in lbs, added to a particular finishing material during the monthly averaging period.

Alternatively, Ethan Allen may demonstrate compliance with the emission limits of 40 CFR Part 63 §63.802(a)(1) using any of the other compliance options of §63.804(a) upon prior approval of the Agency. [40 CFR §63.802(a)(1) and 40 CFR §63.804(a)(1)]

- (16) Ethan Allen shall use only contact adhesives (excluding aerosol adhesives and contact adhesives applied to nonporous substrates) where the VHAP content of the adhesive shall not exceed 1.0 lbs VHAP/lb solids, as applied. For the purposes of this condition, nonporous substrates means a surface that is impermeable to liquids (including metal, rigid plastic, flexible vinyl, and rubber). [40 CFR §63.802(a)(2)(ii)]
- (17) Ethan Allen shall limit VHAP emissions from all strippable spray booth coatings by using coatings that contain no more than 0.8 lbs VOC/lb solids, as applied. [40 CFR §63.802(a)(3)]
- (18) Total emissions of VOCs from the Facility (excluding the boilers) shall not equal or exceed 303 tons per rolling twelve (12) consecutive calendar month period. Compliance with this limit shall be determined based upon the products employed, monthly usage rates, and VOC contents of the various products used by Ethan Allen at the Facility. [10 V.S.A. §556a(d)]

- (19) Total emissions of acetone from the Facility shall not equal or exceed 113 tons per rolling twelve (12) consecutive calendar month period. Compliance with this limit shall be determined based on the products employed, monthly usage rates, and acetone content of the various products used by the Ethan Allen at the Facility. [10 V.S.A. §556a(d)]
- (20) Emissions of particulate matter (“PM”) from boilers operated by Ethan Allen shall not exceed the following limits:

Unit Identification	Emission Limit ¹	
	When burning wood or wood in combination with fuel oil (gr/dscf @ 12%CO ₂)	When burning fuel oil only (lbs/MMBTU)
Wickes	0.20	0.31
Riley #233	0.20	0.33
Riley #234	0.20	---
Bryan	---	0.5

1 - gr/dscf @ 12%CO₂ means grains per dry standard cubic foot corrected to twelve (12) percent carbon dioxide (“CO₂”); lbs/MMBTU means pounds per million British Thermal Units of heat input.

If any emission testing is conducted to demonstrate compliance with the PM emission limits above, Ethan Allen shall use Reference Method 5 in Appendix A of Title 40 *Code of Federal Regulations* (“40 CFR”) Part 60 or an alternative method which has been published in 40 *CFR* 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) and §5-404 of the *Regulations*]

- (21) Visible Emissions: Emissions of visible air contaminants from any installation at the Facility constructed prior to April 30, 1970, including Riley boiler (#234) and Riley boiler (#233) when burning wood fuel, shall not exceed forty (40) percent opacity for more than a period or periods aggregating six (6) minutes in any hour and at no time shall visible emissions exceed sixty (60) percent opacity, except as provided in paragraphs (a) and (b) of this condition. For the purposes of this condition, periods of wood fuel burning shall be defined as any period of time when 50% or more of the heat input into the boiler is due to wood fuel. Emissions of visible emissions from any installation at the Facility constructed subsequent to April 30, 1970, including the Wickes boiler and Riley boiler (#233) when burning fuel oil, shall not exceed twenty (20) percent opacity for more than a period or periods aggregating six (6) minutes in any hour and at no time shall visible emissions exceed sixty (60) percent opacity, except as provided in paragraphs (a) and (b) of this condition when burning wood fuel.

- (a) During normal startup operations of the wood fuel burning equipment, emissions of visible air contaminants in excess of the limits specified above may be allowed for a period not to exceed one (1) hour; however, at no time shall such emissions exceed eighty (80) percent opacity.
- (b) During normal soot blowing operations of the wood fuel burning equipment, emissions of visible air contaminants in excess of the limits specified above may be allowed for a period not to exceed thirty (30) minutes during any twenty-four (24) hour period; however, at no time shall such emissions exceed eighty (80) percent opacity.

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 & §5-404 of the *Regulations*]

- (22) Emissions of PM from each of the below listed fabric filter collectors shall not exceed the corresponding emission limits:

Unit Identification	Emission Limit ¹	
	gr/dscf	lbs/hr
Carter Day #999 (Model 232 RF10)	0.06	---
Proposed MAC (Model 144MCF494)	0.010	5.1
Proposed MAC (Model 144MCF361)	0.010	4.4
AVT (Model 100S)	0.06	---
AVT (Model 100S)	0.06	---
MAC #1403 (Model 144MCF494)	0.020	8.6
MAC #1404 (Model 144MCF494)	0.020	12
MAC #1405 (Model 144MCF494)	0.020	8.6

1 - gr/dscf means grains per dry standard cubic foot of undiluted exhaust gas; lbs/hr means pounds per hour.

If any emission testing is conducted to demonstrate compliance with the PM emission limits above, Ethan Allen shall use Reference Method 5 in Appendix A of 40 *CFR* Part 60 or an alternative method which has been published in 40 *CFR* 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)(b)(ii) and §5-404 of the *Regulations*]

- (23) Fugitive Emissions: Ethan Allen shall take reasonable precautions at all times to control and minimize emissions of fugitive particulate matter and VOCs from the operations at the Facility. This shall include but not be limited to the following:
- (c) Taking precautions to prevent fugitive particulate matter (wood dust) during the handling and disposal of the wood waste material collected from the wood processing operations;
 - (d) The covering of all VOC containing containers when not in use; and
 - (e) The use of wet suppression, calcium chloride applications or other dust control measures as necessary to minimize fugitive dust from all unpaved roads and traffic at the Facility. The paved portions of the traffic areas shall be periodically sprayed with water and swept to prevent buildup of material that may generate fugitive dust emissions. [§5-231(4) and §5-241 of the *Regulations*]
- (24) Nuisance and Odor: Ethan Allen 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 the tendency to cause injury or damage to business or property. Ethan Allen shall not discharge, cause, suffer, allow or permit any emissions of objectionable odors beyond the property line of the facility. [§5-241 of the *Regulations*]

- COMPLIANCE EMISSION TESTING -

- (25) Ethan Allen shall perform emission testing for particulate matter in the discharge from one of the proposed new replacement MAC filters [identified in Condition (4)(b) or Condition (4)(c) of this Permit], and shall submit a written report to the Agency summarizing the results of said testing within 180 days after achieving initial start-up of one of the replacement systems. Said testing shall be performed in order to demonstrate compliance with emission limitations contained in Condition (22) of this Permit. At least thirty (30) days prior to performing the emission testing required herein, Ethan Allen shall submit to the Agency a pre-test report prepared in accordance with the Agency's "Source Emission Testing Guidelines." [10 V.S.A. §556(c)]

- COMPLIANCE PLAN AND SCHEDULE -

- (26) In an effort to reduce overall emissions of crystalline silica (CAS#14808-60-7), isobutyl acetate (CAS#110-19-0), methyl amyl ketone (CAS#110-43-0), and butyl propasol (CAS#5131-66-8) from the wood furniture manufacturing and finishing activities, Ethan Allen shall investigate the feasibility of various methods of reducing its emissions of the previously noted contaminants including, but not necessarily limited to: using finishing materials with a lower content of these materials; the use of alternative products which do not contain the above noted ingredients; and exhaust gas treatment devices. On or before December 31, 2002, Ethan Allen shall submit in writing to the Agency a progress report which summarizes its efforts in accomplishing the reduction in emissions required by this condition. Said report shall include documentation of Ethan Allen's efforts to investigate the feasibility of emission reduction including, but not limited to, responses received from suppliers on the status of their investigations into reducing the content of these ingredients used in the materials employed by Ethan Allen, and responses received from manufacturers of emission control equipment on the feasibility of control devices for abating emissions from processes used by Ethan Allen. [§5-261(3) of the Regulations]

- WORK PRACTICE STANDARDS -

- (27) Ethan Allen shall maintain a written work practice implementation plan that defines environmentally desirable work practices for each wood furniture manufacturing operation and addresses each of the work practice standards presented in 40 *CFR* §63.803(b)-(l). The written work practice implementation plan shall be available for Agency inspection upon request. If the Agency determines that the work practice implementation plan does not adequately address each of the topics specified in 40 *CFR* §63.803(b)-(l) or that the plan does not include sufficient mechanisms for ensuring that the work practice standards are being implemented, the Agency may require Ethan Allen to modify the plan. Revisions or modifications to the plan do not require a revision to this permit. [40 *CFR* §63.803(a)]

- SOLVENT METAL CLEANING -

- (28) Ethan Allen shall operate all cold, solvent metal cleaning units (parts cleaners) in accordance with the following requirements and shall only use a solvent with a vapor pressure equal to or less than 0.3 pounds per square inch measured at 100°F, which includes but is not limited to the Safety-Kleen 105 hydrocarbon solvent. Prior to Ethan Allen using any solvent with a maximum true vapor pressure greater than 0.3 psi or using a solvent that is heated, the Ethan Allen shall notify the Agency and comply with any additional applicable requirements of §5-253.14 of the *Regulations*.
- (i) Provide a permanent, legible, conspicuous label, summarizing the operating requirements;
 - (ii) Store waste solvent in covered containers;
 - (iii) Close the cover whenever parts are not being handled in the cleaner;

- (iv) Drain the cleaned parts until dripping ceases;
- (v) Supply a solvent spray, if used, that ensures a solid fluid stream at a pressure that does not exceed ten (10) pounds per square inch gauge;
- (vi) Degrease only materials that are neither porous nor absorbent; and
- (vii) Cease operation of the unit upon the detection of any visible solvent leak until such solvent leak is repaired.

[§5-253.14 of the Regulations]

- RECORD KEEPING AND REPORTING -

- (29) Ethan Allen shall notify the Agency in writing of the actual date of initial start-up of each proposed replacement fabric filter [identified in Conditions (4)(b) and (4)(c) of this Permit] postmarked within fifteen (15) days after such date. For the purposes of this Permit, the date of initial start-up for each fabric filter shall be defined as the date on which the equipment first begins collecting wood waste produced from the wood processing activities at the Facility. [10 V.S.A. §556(c)]
- (30) Ethan Allen shall keep readily accessible records showing the dimension of its fuel oil storage vessel and an analysis showing the capacity of the storage vessel. Such records shall be kept for the life of the storage vessel at the Facility. [40 CFR Part 60 Subpart Kb]
- (31) Ethan Allen shall maintain records of the following:
 - (a) The monthly usage of each finishing material and glue used at the facility
 - (b) A certified product data sheet for each finishing material, thinner, contact adhesive, and strippable spray booth coating used at the Facility. [40 CFR §63.804(g)(1)]
 - (c) The VHAP content, in lb VHAP/lb solids, as applied, of each finishing material and contact adhesive subject to the emission limit in Conditions (15) and (16) of this Permit. [40 CFR §63.804(g)(1)]
 - (d) Ethan Allen shall maintain copies of the averaging calculation for each month following the issuance of this Permit, as well as the data on the quantity of coatings and thinners used that is necessary to support the calculation of E_{VHAP} in Condition (15) of this Permit. [40 CFR §63.804(g)(1)]
 - (e) The VOC content, in lbs VOC/lb solids, as applied, of each strippable booth coating, topcoat, and sealer. [40 CFR §63.806(b)(3) and 10 V.S.A. §556a(d)]

- (f) The monthly usage of the pre-catalyzed sealer and pre-catalyzed lacquer at the Facility, in units of gallons. At the beginning of each month, Ethan Allen shall calculate the total quantity of each of the pre-catalyzed coatings used at the Facility, in units of gallons, during the previous twelve consecutive month period. [§5-405(1) of the *Regulations*]
- (g) The monthly fuel consumption in each of the boilers at the Facility. [10 VSA §556(c) and §5-405(1) of the *Regulations*]
- (h) The hours per year each MAC fabric filter collector is discharged outside the manufacturing building(s).
- (i) The fuel supplier certifications or sulfur content of all fuel oils delivered to the Facility.

For the purposes of demonstrating compliance with item (i) above, Ethan Allen may supply the Agency with information provided by the fuel oil supplier, such as a fuel supplier certification [referenced in Conditions (5) and (6) of this Permit] or fuel delivery ticket containing a statement regarding the sulfur content of the fuel oil delivered, or periodic fuel oil sampling and analysis results performed by the fuel supplier.

At the beginning of each month, Ethan Allen shall calculate the total quantity of VOC and acetone emissions, and the results of the NO_x emissions calculation in Condition (7) of this Permit, during the previous twelve (12) consecutive calendar month period. [10 VSA §556(c) and §5-405(1) of the *Regulations*]

- (32) Ethan Allen shall maintain onsite the work practice implementation plan required by Condition (27) of this Permit, and all records associated with fulfilling the requirements of that plan, including, but not limited to:
 - (a) Records demonstrating that the operator training program required by 40 *CFR* § 63.803(b) is in place;
 - (b) Records collected in accordance with the inspection and maintenance plan required by 40 *CFR* §63.803(c);
 - (c) Records associated with the cleaning solvent accounting system required by 40 *CFR* §63.803(d);
 - (d) Records associated with the limitation on the use of conventional air spray guns showing total finishing material usage and the percentage of finishing materials applied with conventional air spray guns for each semiannual period as required by 40 *CFR* §63.803(h)(5).
 - (e) Records associated with the formulation assessment plan required by 40 *CFR* §63.803(l); and

- (f) Copies of documentation such as logs developed to demonstrate that the other provisions of the work practice implementation plan are followed.

[40 CFR §63.806(e)]

- (33) Ethan Allen 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 permit condition violated, the cause for the violation and the corrective action or preventative maintenance taken to correct the violation. [§5-402(1) of the *Regulations*]
- (34) Ethan Allen 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 stationary diesel engine, reconfigurations of the finishing lines that could increase capacity, increases in air flow rates to air pollution control devices, or changes in usages limited by this Permit. 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. [§5-501 of the *Regulations*]
- (35) Annual Registration: Ethan Allen 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, Ethan Allen 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. [§§5-802, 5-803, 5-807, and 5-808 of the *Regulations*]
- (36) All records, reports, and notifications that are required to be submitted to the Agency by this Permit shall be submitted to: [§5-402(1) of the *Regulations*]

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

- (37) 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*]

- SEMI-ANNUAL REPORTS -

- (38) Ethan Allen shall submit to the Agency every six (6) months from the date of issuance of this Permit a report containing the following information:
 - (a) A summary of the records on VOC and acetone emissions and results of the NO_x

emissions equation in Condition (7) of this Permit required by Condition (31) of this Permit;

- (b) A statement of the sulfur content or fuel supplier certification of any and all fuel delivered to Ethan Allen during the reporting period.
- (c) A statement that the work practice implementation plan is being followed, or should otherwise identify the provisions of the plan that have not been implemented and each day the provisions were not implemented. During any period of time that Ethan Allen is required to implement the provisions of the plan, each failure to implement an obligation under the plan during any particular day is a violation.
- (d) A statement that compliant contact and/or foam adhesives have been used each day during the reporting period, or should otherwise identify each day noncompliant contact and/or foam adhesives were used. Each day a noncompliant contact or foam adhesive is used is a single violation of the standard.
- (e) A summary of the results of the averaging calculation required in Condition (15) of this Permit, and a statement that the value of E_{VHAP} , as calculated by the equation, is no greater than 1.0. Ethan Allen is in violation of the standard if E_{VHAP} is greater than 1.0 for any month. A violation of the monthly average is a separate violation of the standard for each day of operation during the month, unless Ethan Allen can demonstrate through records that the violation of the monthly average can be attributed to a particular day or days during the period. [40 CFR §63.804(g)(1)(i)]
- (f) A statement that compliant strippable spray booth coatings have been used each day during the reporting period, or should otherwise identify each day noncompliant materials were used. Each day a noncompliant strippable booth coating is used is a single violation of the standard. [40 CFR §63.804(g)(7)(i)]

The semiannual reports shall include the information required by this section, a statement of whether the Facility was in compliance or noncompliance, and, if the Facility was in noncompliance, the measures taken to bring the Facility into compliance. Ethan Allen shall submit a report covering the periods January through June and July through December of each year for the wood furniture manufacturing operations within thirty (30) calendar days after the end of each six (6) month period. The frequency of these reports shall not be reduced from semiannually regardless of the history of Ethan Allen's compliance status. The semiannual report shall be signed by a responsible official of the company that owns or operates the Facility. [§§5-402(1) and 5-1015(a)(4) of the *Regulations* and 40 CFR Part 70 §70.6(a)(3)(iii)(A) and 40 CFR §63.807(c) and 40 CFR §63.804(g)(8)(ii)]

- COMPLIANCE CERTIFICATIONS -

- (39) Ethan Allen shall submit an annual certification of compliance signed by a responsible official by February 1 of each year, concurrent with the annual registration data submitted to the Agency as specified by Condition (35) of this Permit, which identifies the

compliance status during the past year of Ethan Allen with respect to all terms and conditions of this Permit, including but not limited to the following:

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

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

[§5-1015(a)(8) of the *Regulations* and 40 *CFR* Part 70 §70.6(c)(5)(iv)]

- CIRCUMVENTION -

- (40) Ethan Allen shall not build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard of this Permit. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. [§5-403 of the *Regulations*]

- PERMIT SHIELD -

- (41) In accordance with §5-1015(a)(11) of the *Regulations*, Ethan Allen is granted a “permit shield” and is not subject to the regulations and standards listed in Finding of Fact (J)(b) of this Permit. The Agency’s “permit shield” determination is based upon the information submitted by Ethan Allen in its application. The “permit shield” shall be binding only with respect to activities disclosed in Ethan Allen’s operating permit application. [10 *V.S.A.* §556a(d) and §5-1015(a)(11)]

- OPEN BURNING -

- (42) Ethan Allen shall burn only natural wood in any open burn pile and shall only burn in accordance with Condition (43) of this Permit. For the purposes of this Permit, natural wood shall be defined as trees, including logs, boles, trunks, branches, limbs, and

stumps, lumber including timber, logs or slabs, especially when dressed for use. This definition shall also include pallets which are used for the shipment of various materials so long as such pallets are not chemically treated with any preservative, paint, or oil. This definition shall not extend to other wood products such as sawdust, plywood, particle board and press board. [§5-202 of the *Regulations*]

- (43) Prior to conducting any open burning of natural wood, Ethan Allen shall notify the Air Pollution Control Officer and shall obtain approval from the Air Pollution Control Officer granting permission to conduct open burning at the Facility. [§5-202 of the *Regulations*]

- MOTOR VEHICLES -

- (44) Ethan Allen shall not fail to maintain in good working order or remove, alter or otherwise render inoperative, the exhaust emission control system, the evaporative emission control system, or crankcase ventilation, or any other air pollution control device which has been installed as a requirement of the Federal or State laws or regulations. [§5-701 of the *Regulations*]
- (45) Ethan Allen shall not cause, suffer, allow, or permit excessive emissions of visible air contaminants, other than water, from a motor vehicle for longer than five (5) consecutive seconds. [§5-702 of the *Regulations*]
- (46) Ethan Allen shall not service motor vehicles air conditioners, except in conformance with the requirements of §5-911 of the *Regulations*. [10 V.S.A. §556a(d)]

-STANDARD CONDITIONS -

- (47) 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(c), 10 V.S.A. §556a(d), and §§5-1008 and 5-1013 of the *Regulations*]
- (48) 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 the 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 §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*]

- (49) Ethan Allen shall furnish to the Agency, within a reasonable time, any information that the Agency may request in writing to determine whether or not cause exists for modifying, revoking, reissuing, or terminating the permit or to determine compliance with this Permit. Upon request, Ethan Allen shall also furnish to the Agency copies of records required to be kept by this Permit. [10 V.S.A. §556a(d) and 40 *CFR* Part 70 §70.6(a)(6)(v)]
- (50) 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)]
- (51) By acceptance of this Permit, Ethan Allen 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. Ethan Allen 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) and §5-1015(a)(7) of the *Regulations*]
- (52) 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) and §5-1008(f) of the *Regulations*]
- (53) 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)]
- (54) These permit conditions shall be binding upon and enforceable against Ethan Allen and all subsequent owners and operators of the source. Subsequent owners of the source shall file an administratively complete application for an Air Pollution Control Permit to Operate within twelve (12) months of any change of the source's ownership. The terms and conditions of this Permit shall remain in full force and effect until the issuance of a

new Permit to Operate. [10 V.S.A. §556(c) and §5-1005(a) of the *Regulations*]

- (55) 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)]
- (56) Any permit noncompliance constitutes 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*]
- (57) It shall not be a defense for Ethan Allen 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. §556a(d)]
- (58) Ethan Allen 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 Ethan Allen 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*, Ethan Allen 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. [§§5-1005(c) and 5-1012 of the *Regulations*]
- (59) Conditions (1) through (4), (8) through (13), (19) through (21), (25), (29), and (30) are derived from the new source review requirements of Subchapter V of the *Regulations*. With the exception of the cited new source review conditions, the Operating Permit shall expire five (5) years from the date of its issuance. [§§5-1011 and 5-1012(a) of the *Regulations*]
- (60) The conditions set forth above supersede all conditions contained in the Agency's Air Pollution Control Permit to Construct #AP-92-024e granted to Ethan Allen on August 8, 2001, and may only be modified after meeting the requirements of both 10 V.S.A. §556 and §556a and the regulations promulgated thereunder. [10 V.S.A. §556(c) and 10 V.S.A. §556a(d)]

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

Dated this _____ day of _____, 2002, in the town of Waterbury, county of Washington, state of Vermont.

Agency of Natural Resources

Christopher Recchia, Commissioner
Department of Environmental Conservation

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

ATTACHMENT I

**AIR PERMIT COMPLIANCE AND
BOILER FUEL-USE RECORD KEEPING FORM
ETHAN ALLEN (ORLEANS DIVISION)**

FUEL USE FOR 12 MONTH ROLLING PERIOD ENDING:										
MONTH NO.	MONTH	YEAR	ACTUAL FUEL BURNED							
			Wood	2% S	<=0.5% S					
				#6 Oil	Other Oil					
			(Tons)	(gallons)	(gallons)					
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
12 MONTH FUEL USE TOTALS:			0	0	0					
DEMONSTRATE COMPLIANCE USING THE FOLLOWING FORMULA:										
										Complies
Total Wood =			0	<=	91,104 tons					
Total #6 Oil =			0	<=	2,700,000 gallons					
Total #2 Oil =			0	<=	175,200 gallons					
0.0727 x	gals. 2% S #6 oil	+	0.020 x	gals. <=0.5% S oil	+	1.5 x	tons wood	<=	198,000	
0.0727 x	0	+	0.020 x	0	+	1.5 x	0	<=	198,000	
Total							0	<=	198,000	