

#AOP-07-008
DEC# NS94-0007

Operating Permit Expiration Date: July 25, 2012

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: July 25, 2007

Owner/Operator: **FiberMark North America, Inc.**
P.O. Box 498
Brattleboro, Vermont 05302

Source: **Paperboard Manufacturing Facility**
FiberMark North America, Inc.
161 Wellington Road
Brattleboro, Vermont 05302

FINDINGS OF FACT

(A) FACILITY DESCRIPTION

FiberMark North America, Inc. (hereinafter "FiberMark" and also referred to herein as "Permittee") owns and operates a paperboard manufacturing facility at 161 Wellington Road in Brattleboro, Vermont (also referred to herein as "Facility"). The Facility is listed under the Standard Industrial Classification ("SIC") Code 2631 - Paperboard Mills. The regulated sources of air contaminant emissions at the Facility are the paper making processes, two (2) No. 6 fuel oil-fired Bigelow boilers rated at 38 million British Thermal Units per hour ("MMBTU/hr") each of heat input, and a temporary No. 2 fuel oil-fired supplemental boiler (hereinafter "supplemental boiler") rated at less than 15 MMBTU/hr of heat input.

The Facility currently operates under a combined construction and operating permit issued on January 13, 2005 (#AOP-04-027). The Permittee has submitted an application for renewal of this permit, and for Facility modifications. Specifically, the Permittee is requesting approval to utilize used straight vegetable oil (SVO), either as blends of fuel oil or straight, as an alternate fuel in the Facility's Bigelow boilers. The Permittee has proposed a maximum daily limit of 13,870 gallons per day of vegetable oil in the two Bigelow boilers firing No. 6 fuel, which is the quantity required for both boilers to run at full capacity for a 24-hour time period.

Upon issuance of this Permit, the Facility has approval to operate the following air contaminant sources:

Equipment Specifications			
Equipment/Make/Model	capacity/size	fuel type	date of installation
Two (2) Bigelow boilers	38 (each) MMBTU/hr ¹	No. 6/SVO	1960
Cleaver Brooks Model 200-350 water tube boiler (rental)	14.8 MMBTU/hr	No. 2	1997
Three (3) Safety-Kleen Model 16 parts cleaner	na	na	unknown
One (1) Safety-Kleen Model 81 parts cleaner	na	na	unknown
Paper Coating Line #1	na	na	1988
Paper Coating Line #2	na	na	1985

¹ MMBtu/hr - Million British Thermal Units per hour maximum rated heat input.
na – not applicable

(B) FACILITY CLASSIFICATION

The Facility is classified as a source of air contaminants pursuant to Title 10 of the *Vermont Statutes Annotated* ("10 VSA.") §555 and §5-401(6)(a), fuel burning equipment, 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 July 1, 1979. The Facility has been issued the following "Permit to Construct" approvals pursuant to 10 VSA §556 and §§5-501 and 5-502 of the *Regulations* and the following "Permit to Operate" approvals pursuant to 10 VSA §556a and Subchapter X of the *Regulations*.

Prior Agency Approvals and Actions	
Date of Action	Description of Agency Approval/Action
June 14, 1984	Original Agency Permit to Construct approval for installation of a supplemental boiler.
March 12, 1986	Amendment to June 14, 1984 permit extending construction deadline. This amendment expired March 12, 1987 because construction was not begun.
December 17, 1997	#AP-97-022 – Agency Permit to Construct approval to allow for installation of a 10 MMBtu/hr supplemental boiler.
January 7, 1998	#AP-97-022a – Amendment to the #AP-97-022 Permit to Construct approval for installation of a 15 MMBtu/hr supplemental boiler instead of a 10 MMBtu/hr boiler.
April 29, 1998	#AP-97-022b – Amendment to the Agency Permit to Construct approval to increase the allowable No. 2 fuel oil usage in the supplemental boiler from 200,000 gallons per year to 280,000 gallons per year. The total 280,000 gallons per year does not result in greater than 10 tons per year of any one pollutant nor does the 80,000 gallon increase exceed 10 tons per year of all pollutants combined, therefore modeling was not required.
October 4, 2002	#AOP-95-174 – Initial Agency "Permit to Operate" approval for Facility issued as a combined permit incorporating the previously issued "Permit to Construct" approvals for the Facility.
March 7, 2003	#AOP-95-174a – Administrative amendment to #AOP-95-174 changing the name of Facility owner from FiberMark, Inc. to FiberMark North America, Inc.
January 13, 2005	#AOP-04-027 – Operating renewal and incorporation of hazardous most stringent emission rate determination for formaldehyde emissions.

(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 VSA §556 and §5-501 of the *Regulations* a Permit to Construct, or an amendment to any existing Permit to Construct, must be obtained before commencing the construction, installation, modification or operation of an air contaminant source. The proposed use of up to 100% straight vegetable oil in place of No. 6 fuel oil in the Facility boilers is considered a modification to the Facility under the *Regulations* and consequently a Permit to Construct must be obtained.

Pursuant to 10 VSA §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 or that is subject to a standard, limitation or other requirement under §111 and/or §112 of the Clean Air Act.

In addition, an amendment to any existing Permit to Operate is required prior to commencing any modifications to the Facility not previously allowed under the Permit to Operate. The proposed changes to the Facility are considered a modification under the *Regulations* and consequently an amendment to the Permit to Operate must be obtained consistent with the requirements of Subchapter X of the *Regulations*. Allowable emissions from the Facility are estimated to be greater than ten (10) tpy combined and emissions of particulate matter (PM/PM₁₀), sulfur dioxide (SO₂), nitrogen oxides (NO_x), carbon monoxide (CO), volatile organic compounds (VOC) are estimated to be in excess of the one-hundred (100) tpy threshold (fifty (50) tpy threshold for VOC) 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".

In accordance with 10 VSA §556(e) the Agency has combined the Permit to Construct approving the use of up to 100% straight vegetable oil in the Facility's two Bigelow boilers currently firing No. 6 fuel oil, and the Permit to Operate amendment and renewal for the Facility into one combined Permit to Construct and Operate. **This Permit supercedes all prior Permits for the Facility.** The allowable emissions for the Facility are summarized below:

Future Allowable Air Contaminant Emissions (tons/year) ¹						
PM/PM ₁₀	SO ₂	NO _x	CO	VOCs	Total Criteria	HAPs ²
32.2	441.5	<100	7.6	<50	>10	<10/25

¹ PM/PM₁₀ - particulate matter and particulate matter of 10 micrometers in size or smaller; SO₂ - sulfur dioxide; NO_x - oxides of nitrogen measured as NO₂ equivalent; CO - carbon monoxide; VOCs - volatile organic compounds; HAPs - hazardous air pollutants as defined in §112 of the federal Clean Air Act.

² Emissions of individual HAPs each < 10 tpy and emissions of total HAPs combined <25 tpy. Actual total combined HAPs estimated at <1 tpy.

(E) REVIEW FOR THE PERMIT TO CONSTRUCT

(a) New Source Review Designation

The Facility, prior to the construction of the proposed modification, is designated as a major stationary source of air contaminants since it has allowable emissions of a single air contaminant of fifty (50) tons per year or greater. Consequently, any *modification* of the source that would result in a significant increase in emissions of any air contaminant, as defined in §5-101 of the *Regulations*, is designated as a major modification and is subject to review under §5-501 and §5-502 of the *Regulations*. The proposed project identified in Findings of Fact (A) above, together with all previous minor modifications constructed at the Facility since July 1, 1979, and which have not been previously reviewed under §5-502 of the *Regulations*, will not result in a significant increase in emissions. Consequently, the proposed modification is designated as a non-major modification and is not subject to the requirements of §5-502 of the *Regulations*.

(b) Most Stringent Emission Rate

Pursuant to §5-502 of the *Regulations*, the owner/operator of 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 proposed project is designated as a non-major modification of a stationary source and therefore is not subject to review under the MSER requirements in §5-502 of the *Regulations*. In addition, there have been no prior MSER evaluations conducted for any of the previous modifications to the Facility.

(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 §5-406(1) 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.

Based on the level of emissions from this Facility, it is not expected to cause or contribute to a violation of any ambient air quality standard or significantly deteriorate air quality. Therefore, an air quality impact evaluation was not required by the Agency for the proposed project. In addition, there has been no prior ambient air quality impact evaluations conducted for any of the previous modifications to the Facility.

(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:*

Applicable Requirements from the Vermont Air Pollution Control Regulations *
<p>Section 5-211(1) - Prohibition of Visible Air Contaminants, Installations Constructed Prior to April 30, 1970. This regulation applies to the two Bigelow boilers.</p>
<p>Section 5-211(2) - Prohibition of Visible Air Contaminants, Installations Constructed Subsequent to April 30, 1970. This regulation applies to the supplemental boiler and the coating lines.</p>
<p>Section 5-221(1) - Prohibition of Potentially Polluting Materials in Fuel, Sulfur Limitation in Fuel. This regulation applies to all fuel burned in the facility boilers.</p>
<p>Section 5-231(3) - Prohibition of Particulate Matter; Combustion Contaminants. This regulation applies to the facility boilers.</p>
<p>Section 5-231(4) - Prohibition of Particulate Matter; Fugitive Particulate Matter.</p>
<p>Section 5-241 – Prohibition of Nuisance and Odor.</p>
<p>Section 5-251.3 – Control of Nitrogen Oxide Emissions (NO_x RACT) This regulation applies to stationary sources with NO_x emissions greater than 100 tons per year. NO_x emissions are capped at 100 tons per year, as a result the facility is not subject to this regulation.</p>
<p>Section 5-253.10 - Control of Volatile Organic Compounds from Paper Coating. This regulation applies to the coating lines.</p>
<p>Section 5-253.14 - Control of Volatile Organic Compounds from Solvent Metal Cleaning. This regulation applies to the parts cleaners in use at the facility.</p>
<p>Section 5-261(3) – Control of Hazardous Air Contaminants - Hazardous Most Stringent Emission Rate. The HMSER determination limits formaldehyde emissions from the facility to less than 65 pounds per year.</p>
<p>Section 5-402 – Written Reports When Requested.</p>
<p>Section 5-403 – Circumvention.</p>
<p>Subchapter VIII – Registration of Air Contaminant Sources.</p>
<p>Subchapter X – Operating Permits.</p>

* Unless otherwise noted the entire facility is subject to the listed regulations

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

Pursuant to 10 VSA §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 on this Facility under this authority at this time.

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

The Facility currently operates under the confines of a Permit to Construct and Operate issued on January 13, 2005 (#AOP-04-027). The conditions within that existing permit are considered applicable requirements pursuant to §5-1002(d) of the *Regulations*. The requirements of that permit which are not being modified herein are incorporated into this new combined Permit to Construct and Operate (#AOP-04-027).

(iv) Federal Requirements:

Applicable Requirements from Federal Regulations and the Clean Air Act
<p>40 <i>CFR</i> Part 60, Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units: §60.42c Standards for sulfur dioxide; §60.43c Standards for particulate matter; §60.48c Reporting and recordkeeping requirements. Applicable to all units of 10 MMBTU per hour or greater manufactured after June 9, 1989. This regulation applies to the supplemental boiler.</p>
<p>Clean Air Act §§114(a)(3), 502(b), and 504(a)-(c); 40 <i>CFR</i> Part 70 §§70.6(a)(3)(i)(B) and 70.6(c)(1); and 40 <i>CFR</i> Part 64 - Compliance Assurance Monitoring. Upon renewal of a Title V Permit to Operate, a facility must comply with enhanced monitoring and compliance assurance monitoring requirements for any emission controlled unit subject to an emission standard with uncontrolled emissions from the unit in excess of the Title V major source thresholds.</p> <p>As detailed in the Technical Support Document prepared in conjunction with #AOP-04-027 issued on January 13, 2005, the Facility is not currently subject to CAM as equipment at the Facility does not meet the three part test specified in 40 <i>CFR</i> Part 64.</p>

(b) Non-Applicable Requirements

Pursuant to §5-1015(a)(14) 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 such a permit shield in accordance with the requirements of §5-1015(a)(14) 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 Permittee is required by this Permit to certify compliance as part of its annual registration with the Agency pursuant to the requirements of Subchapter X 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*, any stationary source whose current or proposed actual emission rate of a hazardous air contaminant ("HAC") is equal to or greater than the respective Action Level (found in Appendix C of the *Regulations*) shall achieve the Hazardous Most Stringent Emission Rate ("HMSER") for the respective HAC. Pursuant to §5-261(1)(b)(ii) of the *Regulations*, all fuel burning equipment which combusts virgin liquid or gaseous fuel is exempt from this section.

Based on review of the Facility's annual product usage the Agency has determined that the Facility will have emissions of formaldehyde in excess of its respective Action Levels. With this permit, the Agency is reestablishing that HMSER for formaldehyde is an emission limit of 65 pounds per year, correlating to an emission rate of 0.059 pounds per 8 hour period. This HMSER evaluation shall be subject to re-evaluation five (5) years from the date of its determination and shall remain in effect until revised by the Agency.

This and prior HMSER determinations for this Facility are presented below.

Hazardous Most Stringent Emission Rate Determinations		
Date of Determination/ Permit #	HAC	Description/Emission limit
January 13, 2005 #AOP-04-027	formaldehyde	<p>Analytical testing confirmed formaldehyde/ammonia scavenging occurred during the paper making process. Maximum formaldehyde emissions from the standard coating were estimated to be 5 parts per million (ppm). Maximum formaldehyde emissions from the pigment coating were estimated to be 43 ppm. Formaldehyde emissions remained in excess of the 0.0067 pound per 8 hour Action Level for formaldehyde.</p> <p>The Agency determined HMSER for formaldehyde to be an emission limit of 65 pounds per year, correlating to an emission rate of 0.059 pounds per 8 hour period. The Permittee must notify the Agency in writing of any change in the formulation of formaldehyde-containing products utilized in the standard or pigment coating.</p>
	benzyl alcohol	The Permittee discontinued use of products containing benzyl alcohol and a HMSER determination was not made. If products containing benzyl alcohol are used in the future, the Permittee must report (through annual registration) actual benzyl alcohol emissions using mass balance methods, assuming all benzyl alcohol contained in said products is emitted.
To be determined #AOP-07-008	formaldehyde	HMSER was reevaluated for the paper making process and the previous HMSE determination reestablished.

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

PERMIT CONDITIONS

- Construction and Equipment Specifications -

- (1) The Permittee 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, including the equipment specifications as listed in Findings of Fact (A) or their equivalent as approved by the Agency. [10 V.S.A. §§556(c) and 556a(d)]
- (2) The heating capacity of the supplemental boiler shall not exceed 15 MMBTU/hr. [10 V.S.A. §§556(c)] [AP-97-022a]
- (3) Stack heights: The exhaust gases from the two (2) Bigelow boilers shall be vented vertically through a stack which extends a minimum of sixty-five (65) feet above the stack base grade elevation. The stacks, including the stack for the supplemental boiler, shall not be equipped with any device that may obstruct the upward discharge of the exhaust gases such as a fixed raincap. [10 V.S.A. §§556(c) and 556a(d)] [§5-406 of the *Regulations*] [AP-97-022]

- Operational Limitations -

- (4) The No. 6 fuel oil burned at the Facility shall not exceed a maximum sulfur content of 2.0 percent by weight. [§5-221(1)(a) of the *Regulations*] [AP-97-022]
- (5) The combined daily fuel consumption of straight vegetable oil in the two (2) Bigelow boilers shall not exceed a total of 13,870 gallons. [10 V.S.A. §§556(c) of the *Regulations*] [application for AOP-07-008]
- (6) Only No. 2 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 supplemental boiler unless the Permittee requests a permit modification and obtains permit approval from the Agency prior to the use another type of fuel. [10 V.S.A. §§556(c) and 556a(d)] [§§5-221(1)(a) and 5-1015(a)(1) of the *Regulations*] [40 *CFR* Part 60 Subpart Dc §§60.42c(h) and 60.48c(f)] [AP-97-022]
- (7) The annual fuel consumption in the supplemental No. 2 fuel oil fired boiler shall not exceed 280,000 gallons, based on any rolling twelve (12) consecutive calendar month period. [10 V.S.A. §§556(c) of the *Regulations*] [AP-97-022b]
- (8) If the supplemental boiler is removed from the Facility after the initial installation, FiberMark shall obtain written approval from the Agency prior to reinstalling the boiler. Any request to install the boiler shall include the make, model, and maximum heat input capacity of the boiler. [10 V.S.A. §§556(c) of the *Regulations*] [AP-97-022]
- (9) The Facility shall not cause, allow or permit the application, during any day, of coatings on a paper coating unit whose daily-weighted average of VOC content exceeds 2.9 pounds per gallon of coating (excluding water and exempt compounds), as applied, if VOC emissions from all paper coating units combined at the Facility equal or exceed fifteen (15) pounds per day. The VOC content of the coatings shall be determined in accordance with Method 24 of 40 *CFR* Part 60, Appendix A, 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. [10 V.S.A. §556(c) and §5-253.10 of the *Regulations*] [AP-97-022]

- (10) Solvent Metal Cleaning: The Permittee shall operate the 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 the Permittee using any solvent with a maximum true vapor pressure greater than 0.3 psi or using a solvent that is heated, the Permittee shall notify the Agency and comply with any additional applicable requirements of §5-253.14 of the *Regulations*.
- (a) Provide a permanent, legible, conspicuous label, summarizing the operating requirements;
 - (b) Store waste solvent in covered containers;
 - (c) Close the cover whenever parts are not being handled in the cleaner;
 - (d) Drain the cleaned parts until dripping ceases;
 - (e) 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;
 - (f) Degrease only materials that are neither porous nor absorbent; and
 - (g) Cease operation of the unit upon the detection of any visible solvent leak until such solvent leak is repaired.

[10 V.S.A. §§556(c) and 556a(d)] [§5-253.14 of the *Regulations*] [AP-97-022]

- Emission Limitations -

- (11) Annual emissions of formaldehyde from the Facility shall not exceed sixty-five (65) pounds per calendar year. Compliance with this limit shall be demonstrated using the equations and additional record keeping requirements specified in this Permit. [10 V.S.A. §§556(c) of the *Regulations*] [§5-261 of the *Regulations*] [AOP-04-027]
- (12) Total emissions of NO_x from the two (2) Bigelow boilers and supplemental boiler combined shall not equal or exceed 100 tons per rolling twelve (12) consecutive month period. Compliance with this limit shall be demonstrated using the equations and additional record keeping requirements specified in this Permit. [10 V.S.A. §§556(c) of the *Regulations*]
- (13) Emissions of particulate matter (“PM”) from the Facility boilers, comprised of the two Bigelow boilers (38 MMBTU/hr each) and the supplemental boiler (<15 MMBTU/hr), shall not exceed the following limits:

Pollutant Emission Limitations		
Boiler	lbs/MMBTU	lbs/hour
Bigelow 38 MMBTU/hr boiler	0.27	10.3
Bigelow 38 MMBTU/hr boiler	0.27	10.3
Supplemental <15 MMBTU/hr boiler	0.43	6.0

Any emission testing conducted to demonstrate compliance with the above emission limits

shall be performed in accordance with 40 *CFR* Part 60, Appendix A, Reference Methods 5. [10 V.S.A. §§556(c) and 556a(d)] [§5-404 of the *Regulations*] [AP-97-022a]

- (14) Visible Emissions [Facility Wide]: Emissions of visible air contaminants from any installation at the Facility, except where otherwise noted in this Permit, 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.

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(2) and 5-404 of the *Regulations*]

- (15) Visible Emissions [Specific Installations prior to April 30, 1970]: Emissions of visible air contaminants from the two (2) Bigelow boilers and any other installation at the Facility installed prior to April 30, 1970 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.

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(1) and 5-404 of the *Regulations*] [AP-97-022]

- (16) Volatile Organic Compounds: Emissions of volatile organic compounds from the Facility shall not equal or exceed fifty (50) tons per calendar year per year based on any rolling twelve (12) consecutive calendar month period. [§5-502 of the *Regulations*]

- (17) Hazardous Air Pollutants: Emission of federally regulated hazardous air pollutants (HAPs) from the Facility shall not equal or exceed ten (10) tons per year of any single HAP or twenty-five (25) tons per year of all HAPs combined per calendar year per year based on any rolling twelve (12) consecutive calendar month period. [40 *CFR* Part 63]

- (18) Hazardous Air Contaminants: Emissions of state hazardous air contaminants (HACs) from the applicable operations at the Facility shall not equal or exceed their respective Action Level (found in Appendix C of the *Regulations*) unless the Agency has reviewed and approved such HAC emission under §5-261 of the *Regulations*. [§5-261 of the *Regulations*]

- (19) Fugitive Emissions: The Permittee shall take reasonable precautions at all times to control and minimize emissions of fugitive particulate matter and volatile organic compounds from the operations at the Facility. This shall include but not be limited to the following:

- (a) Coating and solvent containers containing VOC materials shall be covered when not in use;
- (b) Solvent containing VOC materials used for gun/line cleaning shall be collected into a closed container, not sprayed in a manner which would allow the VOCs to be emitted into the ambient air, and all containers associated with the cleaning shall be covered when not in use; and

[10 V.S.A. §§556(c) and 556a(d)] [§5-231(4) of the *Regulations*]

- (20) Nuisance and Odor: The Permittee 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. The Permittee shall not discharge, cause, suffer, allow, or permit any emissions of objectionable odors beyond the property line of the premises. [§5-241(1) and (2) of the *Regulations*]

- Compliance Testing and Monitoring -

- (21) The Permittee shall perform emission testing on one of the Bigelow boilers for nitrogen oxides (NO_x), particulate matter (PM), and combustion efficiency while firing 100% straight vegetable oil (SVO). The Permittee shall also test the vegetable oil being burned for nitrogen content, sulfur content, ash content, and heat content. Said testing shall be performed, and a written report of the results furnished to the Agency, within ninety (90) days following issuance of this Permit, and repeated every five years. Emission testing shall be performed in order to demonstrate compliance with the emission limitations specified in this Permit, and to establish emission rates for NO_x and PM. At least thirty (30) days prior to performing the emission testing required above, the Permittee shall submit to the Agency a pretest report prepared in accordance with the Agency's "Source Emission Testing Guidelines". [§§5-402(1), 5-404(1) and 5-405(1) of the *Regulations*]
- (22) Boiler combustion efficiency: At least once every 6 months the Permittee shall perform combustion efficiency testing of the two (2) Bigelow boilers by measuring the concentrations of carbon dioxide ("CO₂") and carbon monoxide ("CO") in the exhaust gases. For the purposes of this Permit, combustion efficiency is defined as the concentration of CO₂ in the boiler exhaust gas divided by the sum of the concentrations of CO₂ and CO. The Permittee shall perform said testing of the CO₂ and CO concentrations using methods which have been approved in writing in advance by the Agency. Any instruments and/or equipment used for said testing shall be calibrated and maintained in accordance with the manufacturer's recommendations. Each time testing of the boiler exhaust gas is conducted to determine the concentrations of CO₂ and CO, the Permittee shall calculate and record the combustion efficiency of the boiler using methods approved in writing in advance by the Agency. Combustion efficiency shall be determined using the following equation:

$$CE (\%) = \frac{CO_2}{CO_2 + CO} \times 100$$

Where;

CE = Combustion efficiency,
 CO₂ = % by volume of carbon dioxide in the flue gas on a dry basis, and
 CO = % by volume of carbon monoxide in the flue gas on a dry basis.

[§§5-404(1), 5-405(1) and 5-1015(a)(3) and (4) of the *Regulations*]

- (23) Boiler combustion efficiency: The concentration of CO₂ in the exhaust gas may be determined indirectly by measuring the concentration of oxygen ("O₂ ") in the exhaust gas

and using the following formula:

$$\text{CO}_2 = 100 \times \frac{F_c}{F} \times \frac{(20.9 - \text{O}_2)}{20.9}$$

Where:

$F_c = 1,420$ standard cubic feet of CO_2 per MMBTU; and

$F = 9,190$ dry standard cubic feet per MMBTU.

[§§5-404(1) and 5-405(1) of the *Regulations*]

- (24) Boiler O&M: The Permittee shall maintain an operation and maintenance (O&M) plan for its boilers. The purpose of said plan shall be to ensure that the boilers remain in continuous compliance with the opacity and particulate emission limits contained in this Permit. The operation and maintenance plan shall include, but not be limited to:
- (a) identification of a combustion efficiency trigger level, which will trigger action under said plan;
 - (b) the procedures to be followed to increase combustion efficiency whenever the combustion efficiency is determined to be less than the trigger level;
 - (c) descriptions of routine maintenance and inspection procedures;
 - (d) provisions for maintaining records of maintenance and inspection procedures, including both routine activities and actions taken in response to observations of low combustion efficiency; and
 - (e) provisions for calibration and maintenance of any testing instruments and/or equipment used to measure the concentrations of CO_2 and CO in the boiler exhaust gases.

Failure to take reasonable steps, in accordance with said plan, to increase the combustion efficiency, once it has fallen below the trigger level, may be considered credible evidence of an exceedance of the opacity and particulate emission limits set forth in this Permit. Said operation and maintenance plan shall be present at the Facility at all times and shall be made available to representatives of the Agency upon request. The Permittee shall revise this plan at the Agency's request or on its own motion to reflect equipment or operational changes. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*] [AOP-95-174]

- Record Keeping and Reporting -

- (25) The Permittee shall install, calibrate, maintain, and operate fuel consumption meters on each boiler. [§5-405(1) of the *Regulations*] [AOP-95-174]
- (26) Records of Fuel Use: The Permittee shall maintain records of the total quantity of No. 6 fuel oil consumed in the two Bigelow boilers, in gallons, each month. At the beginning of each month, the Permittee shall calculate the total quantity of No. 6 fuel oil consumed in the boilers, in gallons, during the previous twelve (12) consecutive month period. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*] [AP-97-022]
- (27) Records of Fuel Use: The Permittee shall maintain records of the total quantity of straight vegetable oil (SVO) consumed in the two Bigelow boilers, in gallons, each month. At the

beginning of each month, the Permittee shall calculate the total quantity of VO consumed in the boilers, in gallons, during the previous twelve (12) consecutive month period. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*]

- (28) **Records of Fuel Use:** The Permittee shall maintain records of the total quantity of No. 2 fuel oil consumed in the supplemental boiler, in gallons, each month. At the beginning of each month, the Permittee shall calculate the total quantity of No. 2 fuel oil consumed in the supplemental boiler, in gallons, during the previous twelve (12) consecutive month period. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*] [AP-97-022]
- (29) **Records of Combustion Efficiency Testing:** The Permittee shall maintain records of the results of the combustion efficiency testing conducted on the respective boilers each month. [10 V.S.A. §§556(c) and 556a(d)] [§§5-405(1) and 5-1015(a)(3) and (4) of the *Regulations*] [AOP-95-174]
- (30) **Records of No. 2 Fuel Oil Certifications:** The Permittee shall obtain from the fuel supplier, for each shipment of **No. 2 fuel oil** received at the Facility, 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" or a statement as to the sulfur content of the fuel oil in percent sulfur by weight. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*] [40 CFR Part 60 Subpart Dc §§60.42c(h) and 60.48c(f)]
- (31) **Records of No. 6 Fuel Oil Certifications:** The Permittee shall obtain from the fuel supplier, for each shipment of **No. 6 fuel oil** received at the Facility, a certification or invoice stating the sulfur content and the nitrogen 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 as to the sulfur content of the fuel oil in percent sulfur by weight, and to the nitrogen content of the fuel oil in percent nitrogen, by weight. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*]
- (32) **Records of Vegetable Oil Certifications:** The Permittee shall obtain from the fuel supplier, for each shipment of **vegetable oil** received at the Facility, a certification or invoice stating the sulfur content, nitrogen content, ash content, and heat value of the oil. The certification or invoice shall include the name of the fuel oil supplier, date of delivery, quantity of vegetable oil delivered, and a statement from the fuel oil supplier as to the sulfur content of the fuel oil in percent sulfur by weight, the nitrogen content of the fuel oil in percent nitrogen, by weight, the heat value in British Thermal units per pound, and the ash content in percent by weight. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*]
- (33) Each month the Permittee shall compute the weighted average nitrogen fuel content of the **No. 6 fuel oil** fired in the Bigelow boilers using the following equation:

$$\frac{Q_f N_f + \sum_{i=1}^n Q_{d_i} N_{d_i}}{Q_f + \sum_{i=1}^n Q_{d_i}} = N_{No.6}$$

Where:

Q_f = quantity, in gallons, of No. 6 fuel oil remaining in fuel tank on the first of the month;

N_f = percent nitrogen content, by weight, of No. 6 fuel oil remaining in fuel tank on the first of each month;

Q_d = quantity, in gallons, of No. 6 fuel oil received during each delivery (i) made during the month;

N_d = percent nitrogen content, by weight, on No. 6 fuel oil received during each delivery (i) during the month.

In the event that a fuel supplier does not state the nitrogen content of a specific delivery of No. 6 fuel oil, the Permittee shall assume that the No. 6 fuel oil contains 0.5% nitrogen, by weight. [10 V.S.A. §§556(c) and 556a(d)] [AOP-95-174]

- (34) Each month the Permittee shall compute the weighted average nitrogen fuel content of the **straight vegetable oil** fired in the Bigelow boilers using the following equation:

$$\frac{Q_f N_f + \sum_{i=1}^n Q_{d_i} N_{d_i}}{Q_f + \sum_{i=1}^n Q_{d_i}} = N_{SVO}$$

Where:

Q_f = quantity, in gallons, of vegetable oil remaining in fuel tank on the first of the month;

N_f = percent nitrogen content, by weight, of vegetable oil remaining in fuel tank on the first of each month;

Q_d = quantity, in gallons, of vegetable oil received during each delivery (i) made during the month;

N_d = percent nitrogen content, by weight, of vegetable oil received during each delivery (i) during the month.

In the event that a fuel supplier does not state the nitrogen content of a specific delivery of vegetable oil, the Permittee shall assume that the vegetable oil contains 0.5% nitrogen, by weight. [10 V.S.A. §§556(c) and 556a(d)]

- (35) In order to maintain emissions of nitrogen oxides (NO_x) below the one hundred (100) tons per year threshold of §5-251(3) of the *Regulations*, the Permittee shall not burn fuel in all Facility boilers combined in quantities greater than the following limit during any rolling twelve (12) consecutive calendar month period: :

$$(5 \times 10^{-7}) [(20 + 104.39 N_{SVO}] X_{SVO} + (20 + 104.39 N_{No.6}] X_{No.6} + (+ 20 X_{No.2}) < 100 \text{ tons}$$

where: X_{SVO} = total monthly straight vegetable oil consumption, in gallons, and
 $X_{No.6}$ = total monthly No. 6 fuel oil consumption, in gallons, and
 $X_{No.2}$ = total monthly No. 2 fuel oil consumption, in gallons

N_{SVO} = monthly weighted average nitrogen content of the straight vegetable oil (e.g. if fuel contains 0.5% nitrogen by weight, $N = 0.5$).

$N_{No.6}$ = monthly weighted average nitrogen content of the No. 6 fuel oil (e.g. if fuel contains 0.5% nitrogen by weight, $N = 0.5$).

[10 V.S.A. §§556(c) and 556a(d)] [§5-231(3) of the *Regulations*]

- (36) The Permittee shall maintain monthly records describing each paper coating used at the Facility. The records shall include the total gallons of each paper coating, the density of each paper coating, the volatile organic compound content (expressed as a weight percentage and a volume percentage) of each paper coating, and the solids content (expressed as a weight percentage) of each paper coating. All information used to derive the above-listed items shall be kept as part of the records. These usage records shall be kept available for inspection or submittal for five years from the date of the record. [10 V.S.A. §§556(c) and 556a(d)] [AOP-95-174]
- (37) The Permittee shall maintain monthly records of the quantities of Rhoplex HA-12, Michem, and Tamol 165A used in the standard and pigment coating, the quantity of standard and pigment coating produced, and the computed formaldehyde emissions from these coatings, in pounds.

At the beginning of each month, the Permittee shall calculate and report formaldehyde emissions during the previous consecutive twelve month period using the formulas below:

Standard Coating:

$$Fa_{sc} = \frac{5 \times C_s}{1 \times 10^6} \quad \text{where:}$$

Fa_{sc} = Annual Formaldehyde Emissions, in lbs/year, from the standard clear coating.

C_s = Annual Standard Coating Usage, in lbs/year

Pigment Coating:

$$Fa_{pc} = \frac{43 \times C_p}{1 \times 10^6} \quad \text{where:}$$

Fa_{pc} = Annual Formaldehyde Emissions, in lbs/year, from the standard pigment coating.

C_p = Annual Pigment Coating Usage, in lbs/year

- (38) All information used to derive the above-listed items shall be kept as part of the records. These usage records shall be kept available for inspection or submittal for five years from the date of the record. [10 V.S.A. §§556(c) and 556a(d)] [§5-261(3) of the *Regulations*] [§5-261 of the *Regulations*] [#AOP-04-027]
- (39) 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), 5-405(1) and 5-1015(a)(7) of the *Regulations*]

- (40) The Permittee 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. [§§5-402(1) and 5-1015(a)(6) of the *Regulations*]
- (41) The Permittee 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 regardless of any concurrent emission reductions that may be achieved. 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)] [§§5-402(1) and 5-501 of the *Regulations*]
- (42) Semi-Annual Compliance Reports: Within thirty (30) days after July 1 and January 1 of each year, the Permittee shall submit to the Agency a report, signed by a responsible official of the Facility, containing the following information regarding the preceding six (6) months:
- (a) the calendar dates covered in the reporting period;
 - (b) a summary of the periodic combustion efficiency calculations required by this Permit;
 - (c) A summary of the sulfur content (weight percent) of the No. 6 fuel oil fired in the Bigelow boilers during the reporting period, reasons for any noncompliance with the emission standards, and a description of the corrective action taken;
 - (d) a summary of the sulfur content of the No. 2 fuel oil delivered to the Facility during the reporting period;
 - (e) a summary of the fuel usage records required by this Permit;
 - (f) a summary of the rolling twelve consecutive month total NO_x emissions, including the calculations required by this Permit;
 - (g) records of fuel supplier certifications as required by this Permit;
 - (h) a certified statement signed by a responsible official that the records of fuel supplier certifications submitted represent all of the fuel combusted in the Bigelow and supplemental boilers during the semi-annual reporting period;
 - (i) a summary of the paper coating and product usage records required by this Permit;
 - (j) a summary of the rolling twelve consecutive month total formaldehyde emissions, including the calculations required by this Permit.
- [§§5-402(1), 5-405(1) and 5-1015(a)(5) of the *Regulations*]
- (43) Annual Compliance Certification: By February 1st of each year, the Permittee shall submit an annual certification of compliance for the previous calendar year which ascertains and identifies the compliance status of the Facility 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) 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
Office of Environmental Stewardship
U.S. Environmental Protection Agency
1 Congress Street, Suite 1100 (SEA)
Boston, MA 02114-2023

[§114(a)(3) of the CAA] [§§5-402(1) and 5-1015(a)(11) of the *Regulations*]

- (44) Annual Registration: The Permittee 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, the Permittee 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 Permittee to civil penalties. The registration process shall follow the procedures set forth in Subchapter VIII of the *Regulations*, including the payment of the annual registration fee on or before May 15 of each year. [Subchapter VIII §§5-802, 5-803, 5-807, 5-808 of the *Regulations*]
- (45) 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.

[§5-402(1) of the *Regulations*]

- Standard Permit Conditions -

- (46) These Permit conditions may be suspended, terminated, modified, 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(d) and 556a(g)] [§§5-1008(a) and 5-1008(e) of the *Regulations*]
- (47) 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 §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*]

- (48) The Permittee shall furnish to the Agency, within a reasonable time, any information that the Agency may request in writing to determine whether cause exists to modify, revoke, reissue, or terminate the Permit or to determine compliance with this Permit. Upon request, the Permittee shall also furnish to the Agency copies of records required to be kept by this Permit. [10 V.S.A. §§556(c) and 556a(d)] [§5-402(1) of the *Regulations*] [40 CFR Part 70 §70.6(a)(6)(v)]
- (49) By acceptance of this Permit, the Permittee 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. The Permittee 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), 556a(d) and 557] [§§5-402(1), 5-404, and 5-1015(a)(10) of the *Regulations*]
- (50) 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, for Title V permit applications, 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 556a(d)] [§§5-505 and 5-1006(f) of the *Regulations*]
- (51) 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. §§556(c) and 556a(d)]
- (52) 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. [10 V.S.A. §§556(c) and 556a(d)] [§§5-1008(a) and 5-1008(e) of the *Regulations*]
- (53) It shall not be a defense for the Permittee 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 556a(d)]

- (54) No person shall build, erect, install or use any article, machine, equipment or other contrivances, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which otherwise would constitute a violation of these *Regulations*. [§5-403 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) and 556a(d)]
- (56) 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) and 556a(d)]
- (57) All subsequent owners and/or operators of this Facility must request an amendment and transfer 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*]
- (58) Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$225.00 payable to the State of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with the Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings, available on-line at www.vermontjudiciary.org. The address for the Environmental Court is 2418 Airport Road, Suite 1, Barre, Vermont 05641 (Tel. #802-828-1660).
- (59) Conditions 2, 5, 6, 7, 8, 27, 28, and 34 are derived from the new source review requirements of Subchapter V of the *Regulations*. With the exception of the cited new source review conditions, this Operating Permit shall expire on 25 July 2012. The Permittee 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 the Permittee 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*, the Permittee 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. [§§5-1011 and 5-1012(a) of the *Regulations*] [§§5-1005(c) and 5-1012 of the *Regulations*]

- (60) The conditions of this Permit as set forth above supercede all conditions contained in all prior Permits issued by the Agency to the Permittee for this Facility. [10 V.S.A. §§556(c) and 556a(d)]

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

Dated this _____ day of _____, 200__, 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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