

#AOP-04-042

DEC#RU02-0262

Operating Permit Expiration Date: September 20, 2010

**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: September 20, 2005

Owner/Operator: Green Mountain Prestain, Inc.
1123 East Arlington Road
Arlington, VT 05201

Source: Prestain Machine Roll Coat Facility
Green Mountain Prestain
Bowen Road
Bennington, VT

FINDINGS OF FACT

(A) FACILITY DESCRIPTION

Green Mountain Prestain, Inc. (also referred to herein as "Permittee") owns and operates a prestaining facility on Bowen Road in the town of Bennington, Vermont (also referred to herein as "Facility"). The prestaining facility currently roll applies oil based and latex exterior house primers and paints to wooden clapboards and trim boards using a single roll coating machine limited to less than fifty (50) tons per year of volatile organic compound (VOC) emissions. The Permittee has proposed to install a second roll coating line which also will be limited to less than fifty (50) tons per year of VOC emissions for a Facility total of less than one-hundred (100) tons per year of VOC emissions. The Facility will consist of the following equipment:

- (2) Olympic Model 7000 4-sided Roll Coating Machines, each with a 50" max. width and 240 linear feet per minute capacity, or equivalent.
- (15) 0.25 MMBTU/hr¹ Propane Space Heating Units

¹MMBTU/hr equals million british thermal units per hour rated heat input capacity

(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(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 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 has been issued the following "Permit to Construct" approvals pursuant to 10 VSA §556 and §5-501 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
January 9, 2003	#AOP-02-046 – Original Agency Permit to Construct and Operate approval for construction of Facility with a single roll coating machine limited to 50 tpy of VOC 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 installation of the second coating line is considered a modification to the Facility under the *Regulations* and consequently an amendment to the 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. The Facility was issued a Permit to Operate on January 9, 2003. In addition, an amendment to an 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*. The new allowable emissions from the Facility are estimated to be greater than ten (10) tpy combined and emissions of volatile organic compounds (VOC) are estimated to now be in excess of the fifty (50) tpy threshold for applicability to Title V of the federal Clean Air Act. Therefore, pursuant to §§5-1002, 5-1003, and 5-1005 of the *Regulations* the Facility is classified as a "Title V Subject Source" and must obtain a Title V Permit to Operate consistent with the requirements of Subchapter X of the *Regulations* and Title 40 *Code of Federal Regulations* ("40 CFR") Part 70.

In accordance with 10 VSA §556(e) the Agency has combined the Permit to Construct and the Permit to Operate for this Facility into one combined Permit to Construct and Operate. The allowable emissions for the Facility are summarized below:

Future Allowable Air Contaminant Emissions (tons/year)¹						
PM/PM₁₀	SO₂	NO_x	CO	VOCs	Total Criteria	HAPs²
0.1	0.2	2.5	0.1	<100	>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.

(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 non-major stationary source of air contaminants since it does not have 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 major 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 now result in a major increase in emissions. Consequently, the proposed modification is designated as a major modification and is subject to the requirements of §5-502 of the *Regulations*.

While the modification is considered a major modification under Vermont Regulations, it is not classified as a major modification under Federal regulations and consequently the Federal VOC emission offset requirements do not apply.

(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.

The proposed project is designated as a major modification of a stationary source and therefore is subject to review under the MSER requirements in §5-502 of the *Regulations*. The following MSER determination was made for the current modification:

Most Stringent Emission Rate Determinations		
Date of Determination/ Permit #	Pollutant	Description/Emission limit
September 20, 2005	VOCs	Oil based primer coatings limited to maximum of 2.9 lbs VOC/gal (less water and exempt compounds), as applied.

(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.

(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
Section 5-201 – Prohibition of Open Burning
Section 5-211(2) - Prohibition of Visible Air Contaminants, Installations Constructed Subsequent to April 30, 1970.
Section 5-221(1) - Prohibition of Potentially Polluting Materials in Fuel, Sulfur Limitation in Fuel.
Section 5-231(1) - Prohibition of Particulate Matter; Industrial Process Emissions.
Section 5-231(3) - Prohibition of Particulate Matter; Combustion Contaminants.
Section 5-231(4) - Prohibition of Particulate Matter; Fugitive Particulate Matter.
Section 5-241 – Prohibition of Nuisance and Odor.
Section 5-253.20 - Control of Volatile Organic Compounds; Other Sources that Emit VOCs
Section 5-402 – Written Reports When Requested.
Section 5-403 – Circumvention.
Subchapter VIII – Registration of Air Contaminant Sources.
Subchapter X – Operating Permits.

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

Pursuant to 10 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 9, 2003 (#AOP-02-046). The conditions within that existing permit are considered applicable requirements pursuant to §5-1002 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-04-042).

(iv) Federal Requirements:

Applicable Requirements from Federal Regulations and the Clean Air Act
40 <i>CFR</i> Part 63, Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations: §63.802 Emission limits; §63.803 Work practice Standards; §63.806 Recordkeeping requirements; §63.807 Reporting requirements. Applicable to all facilities engaged in the manufacture of wood furniture and that are major HAP sources. The Permittee's operations are not considered wood furniture operations and the facility is not a major HAP source therefore these requirements are not applicable.
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. The Facility does not employ any emission control devices thus these requirements are not applicable at this time.

(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. The Facility is not expected to have regulated emissions of any HAC in excess of an Action Level. Therefore, the Facility is not subject to §5-261 of the *Regulations* at this time.

Based on the Agency's review of the Facility's application and the above Findings of Fact, the Agency concludes that the 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 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)] [§5-501(1) of the *Regulations*]

- Operational Limitations -

- (2) From time of permit issuance until January 1, 2006, the Permittee shall not use oil based primers that exceed 3.2 pounds of VOC per gallon of coating, less water and exempt compounds, as applied. For purposes of this condition, primers shall be defined as the initial coating applied to the wood substrate but does not include clear or semi-transparent stains for which no additional coatings are intended to be applied after it and also does not include spot application of knot sealers. [10 V.S.A. §§556(c) and 556a(d)] [§5-502(3) of the *Regulations*]
- (3) Beginning January 1, 2006 and thereafter, the Permittee shall not use oil based primers that exceed 2.9 pounds of VOC per gallon of coating, less water and exempt compounds, as applied. For purposes of this condition, primers shall be defined as the initial coating applied to the wood substrate but does not include clear or semi-transparent stains for which no additional coatings are intended to be applied after it and also does not include spot application of knot sealers. [10 V.S.A. §§556(c) and 556a(d)] [§5-502(3) of the *Regulations*]
- (4) The Permittee shall not use paints that exceed 0.7 pounds of VOC per gallon of coating, less water and exempt compounds, as applied. For purposes of this condition, paints shall be defined as any coatings applied after or over the primers. [10 V.S.A. §§556(c) and 556a(d)] [§5-502(3) of the *Regulations*]
- (5) The Permittee shall not use stains or knot sealers that exceed 4.6 pounds of VOC per gallon of coating, less water and exempt compounds, as applied. [10 V.S.A. §§556(c) and 556a(d)] [§5-502(3) of the *Regulations*]

- (6) The Permittee shall limit the monthly weighted average VOC content of all coatings applied at the Facility to a maximum of 3.5 pounds of VOC per gallon of coating, as applied (excluding water and exempt compounds). [10 V.S.A. §§556(c) and 556a(d)] [§5-253.20(b)(2) of the *Regulations*]

Compliance with this limitation shall be based on the use of coatings that each contain less than 3.5 pounds of VOC per gallon of coating, less water and exempt compounds, as applied, or alternatively in the event any coating is applied during any given month that exceeds this limit, the Permittee shall calculate the monthly weighted average for that coating line for that month. [§§5-405(1) and 5-1015(a)(3) and (4) of the *Regulations*]



- Emission Limitations -

- (7) Volatile Organic Compounds: Emissions of VOCs from each of the two coating lines shall not equal or exceed fifty (50) tons per year each, based on any rolling twelve (12) consecutive calendar month period. [10 V.S.A. §§556(c) and 556a(d)] [§5-501(1) of the *Regulations*]

Compliance with this limitation shall be based on monthly records, at a minimum, of the quantity of each coating used in each coating line and monthly calculations of the quantity of VOCs emitted from each coating line. For the purposes of these calculations, 100 percent of the VOC content of the coatings shall be assumed to be emitted. [§§5-405(1) and 5-1015(a)(3) and (4) of the *Regulations*]

- (8) Particulate Matter: Emissions of particulate matter ("PM") from any fuel burning device, except motorized vehicles, with a heat input rating of less than ten (10) million British Thermal Units per hour ("MMBTU/hr") shall not exceed 0.5 pounds per MMBTU.

Any emission testing conducted to demonstrate compliance with the above emission limit shall be performed in accordance with 40 *CFR* Part 60, Appendix A, Reference Method 5 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. [§§5-231(3)(a)(i) and 5-404 of the *Regulations*]

- (9) 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), 5-211(3) and 5-404 of the *Regulations*]

- (10) 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 year based on any rolling twelve (12) consecutive calendar month period. [40 *CFR* Part 63]

- (11) 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*]
- (12) 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 covering of containers used for storing coatings, solvents and any other VOC containing materials when not in use and promptly cleaning and properly disposing of any spilled materials. [10 V.S.A. §§556(c) and 556a(d)] [§5-231(4) of the *Regulations*]
- (13) 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*]

- Record Keeping and Reporting -

- (14) Records of Coating Use and Emissions: The Permittee shall maintain records of the quantity of each coating used in each of the two coating lines each calendar month. At the beginning of each month, the Permittee shall calculate the total quantity of VOCs emitted from each of the two coatings lines for the previous month and for the previous twelve (12) consecutive month period. [10 V.S.A. §§556(c) and 556a(d)] [§§5-405(1) and 5-1015(a)(3) and (4) of the *Regulations*]
- (15) 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*]
- (16) 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*]
- (17) The Permittee shall notify the Agency in writing of the date of initial start-up of the second coating line within fifteen (15) days after such date. [§5-402(1) of the *Regulations*]
- (18) 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*]

- (19) Semi-Annual Periodic Monitoring 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) A summary of the monthly coating usage and emission calculations for each coating line as required above;

[§§5-402(1), 5-405(1) and 5-1015(a)(5) of the *Regulations*]

- (20) Annual Report on Status of Emission Reduction Options: By February 1st of each year, the Permittee shall submit a report to the Agency summarizing the status of lower VOC content coatings available to the pre stain industry and any other emission reduction measures employed in the industry that the Permittee may reasonably be aware of. [§5-402(1) and §5-1015(a)(5) of the *Regulations*]

- (21) 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.
- (e) Emissions of VOCs from each coating line were each less than fifty (50) tons for each rolling twelve (12) consecutive calendar month period in the year;
- (f) Emissions of federal HAPs from each coating line were each less than ten (10) tons per year for each individual HAP and less than twenty-five (25) tons per year for total HAPs; and
- (g) Emissions of each regulated state HACs was less than its respective Action Level (found in Appendix C of the *Regulations*) unless the emission of the respective HAC has previously been reviewed and approved by the Agency under §5-261(3) of the *Regulations*.

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

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

- (22) 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*]
- (23) 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*]

- Motor Vehicles -

- (24) The Permittee 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*]
- (25) The Permittee 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*]
- (26) The Permittee shall not service motor vehicles air conditioners, except in conformance with the requirements of §5-911 of the *Regulations*. [§5-911 of the *Regulations*]

- Standard Permit Conditions -

- (27) Approval to construct or modify under this Permit shall become invalid if construction or modification is not commenced within eighteen (18) months after issuance of this Permit, if construction or modification is discontinued for a period of eighteen (18) months or more, or if construction is not substantially completed within a reasonable time. The Agency may extend any one of these periods upon a satisfactory showing that an extension is justified. The term "commence" as applied to the proposed construction or modification of a source means that the Permittee either has:
- (a) Begun, or caused to begin, a continuous program of actual on-site construction or

- modification of the source, to be completed within a reasonable time; or
- (b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the Permittee, to undertake a continuous program of actual on-site construction or modification of the source to be completed within a reasonable time.

[10 V.S.A. §556(c)] [§5-501 of the *Regulations*]

- (28) 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*]
- (29) 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*]

- (30) 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)]
- (31) 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*]

- (32) 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*]
- (33) 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)]
- (34) 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*]
- (35) 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)]
- (36) 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*]
- (37) 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)]
- (38) 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)]
- (39) 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*]

- (40) This Operating Permit shall expire on September 20, 2010. 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*]
- (41) 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