

# AOP-04-025a  
DEC#RU97-0001

Operating Permit Expiration Date: September 2, 2009

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



**Air Pollution Control Division  
Waterbury, Vermont**

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

**Date Original Permit Issued: September 2, 2004  
Date Amended Permit Issued: June 14, 2007**

Operator/Manager: Killington/Pico Ski Resort Partners, LLC  
P.O. Box 95  
Killington, VT 05751

Source: Killington and Pico Ski Resorts (Snowmaking Operations)  
Killington/Pico Ski Resort Partners, LLC  
Killington, Vermont

## **FINDINGS OF FACT**

### (A) FACILITY DESCRIPTION







Killington/Pico Ski Resort Partners, LLC (also referred to herein as "Permittee"), are the operator/managers of both the Killington and Pico ski resorts. The Killington Resort is located off Killington Road and the Pico Resort is located off U.S. Route 4, both within the town of Killington. Since the two resort properties are under common ownership and are on adjacent and contiguous property, the two resorts are considered to be one Facility for purposes of this Permit (the two resorts are also referred to herein as the "Killington Resort" and the "Pico Resort" and/or collectively as "Facility").

The Facility currently operates under Air Pollution Control Permit #AP-04-025 issued September 2, 2004. The Permittee has requested the transfer of ownership and change of name of the Facility from Killington Ltd. to Killington/Pico Ski Resort Partners, LLC. No other changes were requested as part of this administrative permit amendment.

Both resorts currently consist of mixed-use development that combines ski resort operations, lodging, and various commercial activities. Prior to commencing implementation of the Nitrogen Oxide (NO<sub>x</sub>) Reasonably Available Control Technology (RACT) provision of §5-251(3) of the Vermont Air Pollution Control Regulations (Regulations), air contaminant sources at the Killington Resort include twenty-two (22) diesel-powered air compressors for snowmaking operation and numerous insignificant activities. Snowmaking operations at the Killington Resort were further divided between the Bear Mountain pad consisting of twelve (12) engines with a combined rating of 9,635 bhp and the Snow Shed pad with ten (10) engines with a combined rating of 6,625 bhp for a Facility total of 16,260 bhp (see Appendix A to this Permit). The Pico Resort currently only uses electric-powered air compressors for its snowmaking operations and all other potential air contaminant sources at the Pico Resort are considered insignificant.

Concurrent with the original Permit to Operate (#AOP-04-025) the Permittee requested approval for a Permit to Construct minor modification for the installation of additional snowmaking capacity to be comprised of up to four (4) additional engines rated at not more than 560 bhp each.

<b>Equipment Specifications</b>				
Unit	Make and model	BHP <sup>1</sup>	CFM <sup>2</sup>	Date Installed
Bear #1	Caterpillar 3508	775	3,000	1984
Bear #2	Caterpillar 3508	775	3,000	1985
Bear #3	Caterpillar 3508	775	3,000	1984
Bear #11	Caterpillar 3516 (equipped with SCR in fall 2002)	1,485	6,000	1993

Equipment Specifications				
Unit	Make and model	BHP <sup>1</sup>	CFM <sup>2</sup>	Date Installed
 als #1-10	Ten (10) Cummins QSX15 Tier II or equivalent (these units replaced Bear units #4-10 and 12)	560	1,600	Rentals Fall 2002
Bear New Unit #1	Cummins QSX15 Tier II or equivalent (this engine is part of proposed new capacity)	560	1,600	Proposed
Bear New Unit #2	Cummins QSX15 Tier II or equivalent (this engine is part of proposed new capacity)	560	1,600	Proposed
Snow Shed #1	Caterpillar 3508	775	3,000	1985
Snow Shed #2	Cummins VTA-28-P	650	2,700	1988
 w Shed #3	Caterpillar 3508 (replaced 650 hp unit Fall 2003)	775	3,000	1985
Snow Shed #4	Cummins VTA-28-P	650	2,700	1988
Snow Shed #5	Cummins VTA-28-P	650	2,700	1988
Snow Shed #6	Cummins VTA-28-P	650	2,700	1990
Snow Shed #7	Cummins VTA-28-P	650	2,700	1988
Snow Shed #8	Cummins VTA-28-P	650	2,700	1988
 w Shed #9	Caterpillar 3508 (replaced 650 hp unit Fall 2003)	775	3,000	1985
 w Shed #10	Caterpillar 3508 (replaced 650 hp unit Fall 2003)	775	3,000	1985
 e Park #1	Cummins QSX15 Tier II or equivalent (this engine is part of proposed new capacity)	560	1,600	Rental Fall 2003
 e Park #2	Cummins QSX15 Tier II or equivalent (this engine is part of proposed new capacity)	560	1,600	Rental Fall 2003

<sup>1</sup> BHP – brake horsepower rated output as specified by the manufacturer.

<sup>2</sup> CFM – Cubic feet per minute rated output of compressor. For the Cummins QSX15 engines the rating is specified by the manufacturer at 150 psi.

## (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)(c) [Stationary reciprocating internal combustion engines...having a rating of 450 brake horsepower output or greater] 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 both the Killington Resort and the Pico Resort are grouped together by the Agency of Natural Resources, Department of Environmental

Conservation, Air Pollution Control Division (hereinafter "Agency") as one stationary air contaminant source for purposes of review under the *Regulations*.

(C) PRIOR AGENCY ACTIONS/APPROVALS

The Facility was originally constructed prior to the adoption of the current "Permit to Construct" program under 10 VSA §556 and §§5-501 and 5-502 of the *Regulations* on July 1, 1979. Consequently, the Facility does not currently operate under a Permit to Construct issued under §5-501 of the *Regulations* at this time. Additionally, since the "Permit to Operate" application is the initial application under 10 VSA §556a and Subchapter X of the *Regulations*, the Facility does not currently operate under a Permit to Operate at this time. While both the Killington Resort and the Pico Resort have been issued "Indirect Source Permits" under the authority of §5-503 of the *Regulations* for their automotive traffic and parking related activities, these Indirect Source Permits are unaffected by the Permit to Operate herein and remain in effect. The Permit to Operate herein is limited in applicability to the stationary sources of air pollution at the Facility.

<b>Prior Agency Approvals and Actions</b>	
Date of Action	Description of Agency Approval/Action
May 4, 2004	#AP-04-012 - Amendment to the Killington Resort and Pico Resort Indirect Source Permits combining them into one Permit to reflect the common ownership of the two Resorts by Killington, LTD. Amendment also granted an extension of the construction completion deadlines and modified the intersection monitoring requirements.
January 7, 1997	#AP-91-004a and #AP-90-056a – Amendments to the Killington Resort and Pico Resort Indirect Source Permits, respectively, granting an extension of the construction completion deadlines and reflecting a change in ownership of the Pico Resort to Pico Ski Area Management Company, a subsidiary of Killington, LTD.
July 1, 1991	#AP-90-056 - Original Agency Indirect Source Permit approval for the Pico Resort granting an increase in parking capacity of 1,800 spaces for a build-out total of 3,150 spaces.
April 26, 1991	#AP-91-004 – Amendment to initial Killington Indirect Source Permit granting an extension of the construction completion deadline.
October 30, 1985	Original Agency Indirect Source Permit approval for the Killington Resort granting an increase in parking capacity of 2,740 spaces for a build-out total of 12,305 spaces.

(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 additional snowmaking capacity comprised of up to four additional engine compressor units of 560 bhp each 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 also 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. Allowable emissions from the Facility are estimated to be greater than ten (10) tpy combined and emissions of nitrogen oxides (NO<sub>x</sub>) are estimated to be in excess of the one-hundred (100) tpy threshold for applicability to Title V of the federal Clean Air Act. Therefore, pursuant to §§5-1002, 5-1003, and 5-1005 of the *Regulations*, the Facility is classified as a "Title V Subject Source" and must obtain a Permit to Operate consistent with the requirements of Subchapter X of the *Regulations* and Title 40 *Code of Federal Regulations* ("40 CFR") Part 70.

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) <sup>1</sup>						
PM/PM <sub>10</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOCs	Total Criteria	HAPs <sup>2</sup>
7.5	38.0	239.7	63.7	6.1	>10	<10/25

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

<sup>2</sup> Emissions of individual HAPs each < 10 tpy and emissions of total HAPs combined <25 tpy. 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 any proposed modifications, 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 addition of snow making capacity at the Facility through the installation of up to four (4) additional diesel engine compressor units of not more than 560 bhp each, 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 significant increase in emissions since the combined emissions from these engines will be restricted to less than forty (40) tons per year of NO<sub>x</sub> as well as restricted to less than significant levels for all

other pollutants. For purposes of aggregating all previous minor modifications at the Facility since 1979, all twenty-two (22) of the engines at the Facility prior to commencement of replacement engines under the NOx RACT agreement, representing 16,260 bhp of capacity, are considered to be preexisting and not subject to aggregation toward the current capacity expansion. 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*.

(c) Ambient Air Quality Impact Evaluation

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

While the proposed modification consisting of the up to four (4) new engines will have allowable emissions of NOx of just less than forty (40) tons per year, actual NOx emissions from the Facility are expected to decrease as a result of the NOx emission reductions associated with the NOx RACT implementation. Therefore the Facility was not required to conduct an air quality impact analysis under §5-501 of the *Regulations* at this time.

## (F) REVIEW FOR THE PERMIT TO OPERATE

## (a) Applicable Requirements

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

(i) *Vermont Air Pollution Control Regulations:*

<b>Applicable Requirements from the Vermont Air Pollution Control Regulations</b>
Section 5-201 – Prohibition of Open Burning
Section 5-211(2) - Prohibition of Visible Air Contaminants, Installations Constructed Subsequent to April 30, 1970.
Section 5-221(1) - Prohibition of Potentially Polluting Materials in Fuel, Sulfur Limitation in Fuel.
Section 5-231(3) - Prohibition of Particulate Matter; Combustion Contaminants.
Section 5-231(4) - Prohibition of Particulate Matter; Fugitive Particulate Matter.
Section 5-241 – Prohibition of Nuisance and Odor.
Section 5-251(3) - Control of Nitrogen Oxide Emissions; Reasonably Available Control Technology for Large Stationary Sources. (see below)
Section 5-271 – Control of Air Contaminants from Stationary Reciprocating Internal Combustion Engines.
Section 5-402 – Written Reports When Requested.
Section 5-403 – Circumvention.
Subchapter VIII – Registration of Air Contaminant Sources.
Subchapter X – Operating Permits.

(ii) Control of Nitrogen Oxide Emissions, Reasonable Available Control Technology for Large Stationary Sources - §5-251(3) of the *Regulations*

Pursuant to §5-251(3) of the *Regulations* if any stationary source has allowable emissions of one-hundred (100) tons per year or more of nitrogen oxides (NO<sub>x</sub>), the Facility shall install, maintain, and use Reasonably Available Control Technology (RACT) to limit the discharge of nitrogen oxides from the Facility. RACT is defined in the *Regulations* as devices, systems, process modifications, or other apparatus or techniques designed to prevent or control emissions that are reasonably available, taking into

account the social, environmental and economic impact of such controls, and alternative means of emission control.

The Agency has determined that the Facility has existing allowable emissions in excess of the one-hundred (100) tons per year of nitrogen oxides (NOx) threshold, virtually all attributable to the twenty-two (22) preexisting diesel-powered air compressors used for snowmaking operations at the Killington Resort. Therefore, the Facility is subject to the RACT provisions of §5-251(3) of the *Regulations*.

The Permittee submitted an initial NOx RACT proposal on August 24, 1999 as part of application for the Permit to Operate (#OP-99-018). The Agency subsequently determined the NOx RACT proposal to be technically deficient. On May 4, 2001, the Permittee submitted a revised NOx RACT proposal. On October 16, 2001 the Agency determined that the revised proposal would not result in sufficient actual reductions in NOx emissions and failed to meet the minimum requirements of §5-271 of the *Regulations*. On October 16, 2002, the Agency approved a final NOx RACT determination and implementation schedule. The plan calls for the installation of a selective catalytic reduction (SCR) system on the largest diesel engine in the Killington Resort fleet (engine BR11 Caterpillar 3516) by commencement of the 2002-2003 ski season and the replacement of all other diesel engines at the Facility with the cleanest engines reasonably available at the time of replacement, with all required engine replacements occurring prior to July 1, 2007. The SCR system must continuously achieve a minimum of seventy (70) percent reduction in nitrogen oxide (NOx) emissions.

Since the date of approval of the NOx RACT plan, the Permittee has begun implementation of the NOx RACT Plan. In correspondence dated December 5, 2002 and December 13, 2002, respectively, the Permittee notified the Agency that the SCR unit had been successfully installed on unit BR11 and that units BR6, BR7, BR10, and BR12 had been replaced with six (6) Cummins QSX 15 560 bhp diesel units, each Tier 2 certified in accordance with 40 *CFR* Part 89 and compliant with §5-271(c) of the *Regulations*. Additionally, on December 17, 2003 the Permittee notified the Agency that SS3, SS9, SS10 and BR9 also had been replaced with four (4) Cummins QSX 15 560 bhp diesel units, each Tier 2 certified as above. The four new units however were installed at Bear and three of the existing Bear units (BR4, 5 and 8) were moved to Snow Shed.

(iii) 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.

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

The Facility does not currently operate under the confines of a Permit to Construct or Operate issued under the authority of §5-501 or Subchapter X of the Regulations. As discussed previously, the Facility does operate under two Indirect Source Permits issued under the authority of §5-503 of the *Regulations* but these Indirect Source Permits are unaffected by the Permit to Operate herein and remain in effect.

(v) Federal Requirements:

<b>Applicable Requirements from Federal Regulations and the Clean Air Act</b>
40 <i>CFR</i> Part 60, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984: §60.116b Monitoring of operations. Applicable to all storage vessels of 10,000 gallons or greater manufactured after July 23, 1984. Requires maintaining records of dimensions and capacity of storage vessel only.
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. Since this is the initial Permit to Operate the above requirements are not applicable at this time. Upon renewal, the above requirements may apply to the engine equipped with the SCR control device for NOx emissions.
Clean Air Act §608; 40 <i>CFR</i> Part 82, Subpart F – Recycling and Emissions Reductions. This requirement is applicable to any facility that owns, services, maintains, repairs, and disposes of appliances containing ozone depleting substances.

(b) Non-Applicable Requirements

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

(c) Enforceability

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

(d) Compliance Certifications

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 ("HMSEER") 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 V.S.A. §§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 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 and Appendix A to this Permit, as may be revised with the approval of the Agency for engine replacements as required by this Permit. [10 V.S.A. §§556(c) and 556a(d)]
- (2) Stack heights: The exhaust gases from each of the regulated engines at the Facility, including all snowmaking related engines and any emergency units, shall be vented vertically through a stack or stacks which extends a minimum of four (4) feet above the building roofline in which the engine is located or above the engine's outdoor housing as may be applicable. The stacks shall not be equipped with any device that may obstruct the upward discharge of the exhaust gases such as a fixed raincap. Standard diesel engine exhaust flapper valves that are forced completely open by the exhaust flow during engine operation are acceptable devices for purposes of this condition. [10 V.S.A. §§556(c) and 556a(d)]
- (3) The Permittee shall, by the commencement of the 2002-2003 ski season, control emissions of nitrogen oxides (NOx) from the existing Caterpillar 3516 diesel engine (unit BR11) located at the Killington Resort by installing and operating a Selective Catalytic Reduction (SCR) system that is designed and operated to achieve a minimum of seventy (70) percent reduction in the emissions of nitrogen oxides (NOx) during all periods of operation of the engine. The SCR control device system shall also be designed and operated to limit ammonia slip emissions to a maximum of ten (10) parts per million by volume on a dry basis (ppmvd) in the outlet exhaust during all periods of operation of the engine. All elements of these air pollution control systems shall be maintained in good working order at all times and operated in accordance with the manufacturer's operation and maintenance recommendations. The air pollution control systems shall be in operation whenever the respective emission source is in operation. [10 V.S.A. §§556(c) and 556a(d)] [§5-251(3) of the Regulations]
- (4) The Permittee shall, by July 1, 2007, either remove, render inoperable or replace all remaining existing engines as identified in Appendix A to this Permit with the exception of unit BR11 as noted above. For each engine being replaced, the Permittee shall replace said engine with the cleanest air pollution emitting engine reasonably available at the time of replacement and shall at a minimum meet the emission limitations as provided in the

Emission Limitations section of this Permit below. [10 V.S.A. §§556(c) and 556a(d)] [§§5-251(3), 5-271 and 5-404 of the *Regulations*]

- (5) For any given year in which engines are being replaced in accordance with the above condition, the total rated horsepower output of the replacement engines as specified by the manufacturer shall not exceed the total horsepower of the engines being replaced as specified in Appendix A to this Permit. The Agency may grant an exception to the above where the Permittee can demonstrate that the total cumulative rated horsepower output of the replacement engines since the initiation of replacements does not exceed the total horsepower of the engines replaced as specified in Appendix A to this Permit. [10 V.S.A. §§556(c) and 556a(d)] [§5-251(3) of the *Regulations*]
- (6) Prior to replacing each engine as required above, the Permittee shall provide the Agency with the following:
- (a) A listing of each engine being replaced;
  - (b) The engine specifications and emission specifications of each proposed replacement engine;
  - (c) A cumulative listing of the manufacturer's rated horsepower output of all prior engine replacements and the currently proposed engine replacements compared to the horsepower ratings of all existing engines that have been replaced and that are currently being proposed to be replaced; and
  - (d) Documentation and certification by the Permittee that the proposed replacement engines are the cleanest engines that are reasonably available to the best of their knowledge after reasonable inquiry.

[10 V.S.A. §§556(c) and 556a(d)] [§§5-251(3), 5-271 and 5-404 of the *Regulations*]

- (7) Prior to all existing engines being replaced as required above, unit BR11 shall be operated as the primary engine for the Bear Mtn. snowmaking pad, being the first engine to be used when feasible when snowmaking compressed air is required at the Bear Mountain location. [10 V.S.A. §§556(c) and 556a(d)] [§§5-251(3) of the *Regulations*]

#### - Operational Limitations -

- (8) The annual fuel consumption in the stationary diesel engine units identified in Appendix A to this Permit, including those engines installed as replacements for such engines as well as any new installation of an engine installed as part of the increased capacity approved in this Permit, shall not exceed a combined 1,070,000 gallons per calendar year, based upon any rolling twelve (12) consecutive calendar month period. [10 V.S.A. §§556(c) and 556a(d)] [§5-251(3) of the *Regulations*] [application for #AOP-04-025]
- (9) Emissions of Nitrogen oxides (NOx) from the installation of engines installed as part of the increased capacity approved in this permit as identified in Findings of Fact A, consisting of up to four (4) engines of not more than 560 bhp each, shall not equal or exceed a combined forty (40) tons per year, based on any rolling twelve (12) consecutive calendar month period. [10 V.S.A. §§556(c) and 556a(d)] [§§5-501 and 5-502 of the *Regulations*] [application for #AOP-04-025]
- (10) Only No. 2 fuel oil, off-road diesel fuel, highway-grade diesel fuel, 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 Facility's snowmaking and emergency diesel engines unless the Permittee obtains prior written approval from the Agency to use another type of fuel. [10 V.S.A. §§556(c) and 556a(d)] [§5-221(1)(a) of the *Regulations*]

- (11) Engines: The Permittee shall not install or operate a stationary reciprocating internal combustion engine, as defined in the *Regulations*, that is 450 bhp or greater unless the engine complies with, at a minimum, §5-271 of the *Regulations*, as applicable. Engines installed after July 1, 1999 must comply with the emission standards of §5-271 of the *Regulations* immediately upon installation. Engines installed prior to July 1, 1999 must comply with the emission standards of §5-271 of the *Regulations* by no later than July 1, 2007. Installation of any size stationary reciprocating internal combustion engine may still require approval from the Agency in the form of an amended Permit prior to installation. Stationary reciprocating internal combustion engines include those used to power generator sets or to provide shaft power for equipment but does not include engines used to power motor vehicles. [§§5-501 and 5-271 of the *Regulations*]
- (12) Engines: The emergency diesel engines at the Facility shall be used only during emergency power failures except for a maximum period of 200 hours per year each for routine testing and maintenance. Emergency power failures are defined as those times when the normal power source to the Facility is temporarily unavailable due to circumstances beyond the reasonable control of the Permittee. The emergency generator(s) shall not be used as part of any peaking or load shedding activities without the prior written approval of the Agency. [10 V.S.A. §§556(c) and 556a(d)] [§§5-401(6)(c) and 5-501 of the *Regulations*]
- (13) Open Burning: The Permittee shall burn only natural wood in any open burn pile and shall only burn in accordance with this Permit and the *Regulations*. For the purposes of this Permit, natural wood shall be defined as trees, including logs, boles, trunks, branches, limbs, and stumps, lumber including timber, logs or slabs, especially when dressed for use. This definition shall also include pallets which are used for the shipment of various materials so long as such pallets are not chemically treated with any preservative, paint, or oil. This definition shall not extend to other wood products such as sawdust, plywood, particle board and press board. Prior to conducting any open burning of natural wood, the Permittee shall notify the Air Pollution Control Officer and shall obtain approval from the Air Pollution Control Officer, if necessary, to conduct open burning at the Facility. [§5-202 of the *Regulations*]

#### - Emission Limitations -

- (14) Diesel Engine - Unit BR11 - Nitrogen Oxides and Ammonia Emission Limits: Emissions of nitrogen oxides (NO<sub>x</sub>) from the existing Caterpillar 3516 diesel engine unit BR11 after installation of the SCR catalyst emission control system shall not exceed 4.8 grams per brake horsepower (g/bhphr) and shall continuously achieve a minimum of seventy (70) percent reduction in NO<sub>x</sub> emissions during all periods of engine operation. Emissions of ammonia shall not exceed ten (10) parts per million by volume on a dry basis (ppmv) during all periods of engine operation.

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 Method 7E for NO<sub>x</sub> 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. The Agency is requiring elsewhere in this Permit the use of a portable NOx analyzer to serve as an indication of compliance but if the Agency has reason to believe the above emission limits are being exceeded it may require a compliance test in accordance with the above specified test methods. [10 V.S.A. §§556(c) and 556a(d)] [§§5-251(3) and 5-404 of the *Regulations*]

- (15) **Diesel Engines – Replacement Units and Installation of New Units after July 1, 2002:** Emissions from all stationary diesel engines purchased, rented or leased after July 1, 2002, including those engines installed as replacements for the existing engines identified in Appendix A to this Permit as well as any new installation of an engine installed as part of the increased capacity approved in this Permit, shall at a minimum comply with the following limits:

Pollutant Emission Limitations		
Replacement engines	Emission Limitations	
	g/bhphr <sup>1</sup>	ppmvd <sup>2</sup>
Nitrogen oxides (as NO <sub>2</sub> )	4.8	350
Carbon monoxide	2.6	315
Particulate matter	0.15	0.021 g/dscm

<sup>1</sup> g/bhphr equals grams of pollutant emitted per brake horsepower hour.

<sup>2</sup> ppmvd equals parts per million volume on a dry basis corrected to fifteen (15) % oxygen.

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 Methods 5, 7E, and 10 or equivalent methods approved in writing by the Agency at the rated load and speed of the engine. Alternatively, compliance may be demonstrated by verifying that the engine has met the engine certification requirements of 40 *CFR* Part 89 for the Tier II emission standards or better. [10 V.S.A. §§556(c) and 556a(d)] [§§5-251(3), 5-271 and 5-404 of the *Regulations*]

- (16) **Diesel Engines – Replacement Units and Installation of New Units After July 1, 2006:** Emissions from all stationary diesel engines purchased, rented or leased after July 1, 2006, including those engines installed as replacements for the existing engines identified in Appendix A to this Permit as well as any new installation of an engine installed as part of the increased capacity approved in this Permit, shall at a minimum comply with the following limits unless the Permittee demonstrates to the Agency that after reasonable effort such engines are not available and the Permittee obtains prior written approval from the Agency to install alternative engines:

Pollutant Emission Limitations		
Replacement engines	Emission Limitations	
	g/bhphr <sup>1</sup>	ppmvd <sup>2</sup>
Nitrogen oxides (as NO <sub>2</sub> )	3.0	220
Carbon monoxide	2.6	315
Particulate matter	0.15	0.021 g/dscm

<sup>1</sup> g/bhphr equals grams of pollutant emitted per brake horsepower hour.

<sup>2</sup> ppmvd equals parts per million volume on a dry basis corrected to fifteen (15) % oxygen.

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 Methods 5, 7E, and 10 or equivalent methods approved in writing by the Agency at the rated load and speed of the engine. Alternatively, compliance may be demonstrated by verifying that the engine has met the engine certification requirements of 40 *CFR* Part 89 for the Tier III emission standards or better. [10 V.S.A. §§556(c) and 556a(d)] [§§5-251(3), 5-271 and 5-404 of the *Regulations*]

- (17) 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*]

- (18) 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*]

- (19) 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]

- (20) 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*]
- (21) Fugitive Emissions: The Permittee shall take reasonable precautions at all times to control and minimize emissions of fugitive particulate matter from the operations at the Facility. This shall include but not be limited to the following:
- (a) The use of wet suppression, calcium chloride applications or other dust control measures as necessary to minimize fugitive dust from all unpaved roads, traffic areas, parking lots and disturbed areas on the Facility property.

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

- (22) 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 -

- (23) General O&M: The Permittee shall, by January 1, 2005, develop and implement an operation and maintenance plan for the Facility engines as well as for the SCR catalyst emission control system on unit BR11. The plan shall address standard operation and maintenance procedures such as routine engine tune-ups, filter changes, catalyst cleaning frequencies (not to exceed every 500 hours) and routine inspections, including inspection of the urea injection nozzles. The plan shall also include, but not be limited to, predicted equipment replacement intervals, appropriate monitoring parameters to ensure proper operation, provisions for maintaining records of routine maintenance inspections, findings of those inspections, and any corrective actions which were taken. In additions, the plan shall also include provisions for testing the exhaust gases from, at a minimum, unit BR11 with a portable NOx analyzer and computing the NOx destruction efficiency. Such testing shall be conducted at the beginning and midpoint of each snowmaking season. The portable analyzer shall be operated, maintained and calibrated in accordance with the manufacturer's recommendations. The Permittee shall revise this plan at the Agency's request or on its own motion to reflect equipment or operational changes. 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. [10 V.S.A. §§556(c) and 556a(d)] [§§5-251(3) and 5-404 of the *Regulations*]
- (24) The Permittee shall monitor and record the urea injection quantities on a daily basis during periods of engine operation in order to establish the normal operating parameters for the SCR system and to thereafter determine periods of abnormally high or low urea usage which could indicate stuck open or plugged injectors, respectively, or other problems requiring immediate maintenance. [10 V.S.A. §§556(c) and 556a(d)] [§§5-251(3) and 5-404 of the *Regulations*]

**- Record Keeping and Reporting -**

- (25) Records of Fuel Use: The Permittee shall maintain records of the total quantity of fuel oil consumed in the Facility engines combined, in gallons, each month. At the beginning of each month, the Permittee shall calculate the total quantity of fuel oil consumed in the engines, 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*]
- (26) Records of NOx Emissions: The Permittee shall maintain records of the NOx emissions from the engines installed as part of the increase capacity approved in this Permit, in units of tons of emissions, each month. At the beginning of each month, the Permittee shall calculate the total combined tons of NOx emissions from said engines during the previous twelve (12) consecutive month period. [10 V.S.A. §§556(c) and 556a(d)] [§§5-405(1), 5-501 and 5-502 of the *Regulations*]
- (27) Records of Fuel Certifications: The Permittee shall obtain from the fuel supplier, for each shipment of fuel oil received at the Facility for use in the engines, 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*]
- (28) Records for Storage Vessels: For all volatile organic liquid storage vessel at the Facility, including the fuel oil and diesel fuel storage tanks, that were installed after July 23, 1984 and that have a design capacity equal to or greater than 40 m<sup>3</sup> (10,562 gallons), the Permittee shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. Such records shall be kept for the life of the source. Prior to the Permittee storing any volatile organic liquid with a maximum true vapor pressure equal to or greater than 3.5 kPa (0.5 psia) in any of the above tanks which have a design capacity equal to or greater than 75 m<sup>3</sup> (19,805 gallons), the Permittee shall notify the Agency and comply with any additional applicable requirements of 40 *CFR* Part 60 Subpart Kb. For the purposes of this condition, No. 2, No. 4 and No. 6 fuel oils are assumed to have a maximum true vapor pressure less than 3.5 kPa (0.5 psia). [10 V.S.A. §§556(c) and 556a(d)] [40 *CFR* Part 60 Subpart Kb]
- (29) Records of all required monitoring and testing, including that required by the conditions within the Compliance Testing and Monitoring section of this Permit, shall include the following:
- (a) the date, place, and time of sampling or measurements;
  - (b) the date measurements or analyses were performed;
  - (c) the company or entity that performed the measurements or analyses;
  - (d) the analytical techniques or methods used;
  - (e) the results of all such measurements and analyses; and
  - (f) the operating conditions existing at the time of sampling or measurement.

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

- (30) 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*]
- (31) 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*]
- (32) 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*]
- (33) Semi-Annual Periodic Monitoring Reports: Within thirty (30) days after July 1 and January 1 of each year or an alternative schedule if approved in writing by the Agency, the Permittee shall submit to the Agency a report containing the following information regarding the preceding six (6) months:
- (a) a summary of the fuel usage records required by this Permit;
  - (b) a summary of the NOx emissions calculated for the engines installed as part of the increased capacity approved in this Permit;
  - (c) a summary of all O&M performed on the Facility engines and SCR catalyst emission control system;
  - (d) a summary of the urea injection usage rates;
  - (e) the results of any emission testing performed on the Facility engines including results from the use of the portable NOx analyzer, including the NOx reduction efficiency calculation for unit BR11; and
  - (f) a statement of the sulfur content of any and all fuel delivered to the Facility for use in the engines during the reporting period.
- [§§5-402(1), 5-405(1) and 5-1015(5) of the *Regulations*]
- (34) Annual Compliance Certification: By February 1st of each year or an alternative scheduled date if approved in writing by the Agency, 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 (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*]

- (35) 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*]
- (36) 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*]

#### - Stratospheric Ozone Protection -

- (37) Protection of Stratospheric Ozone - Recycling and Emissions Reduction. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 *CFR* Part 82, Subpart F:
- (a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices specified in 40 *CFR* Part 82, Subpart F §82.156.
  - (b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment as specified in 40 *CFR* Part 82, Subpart F §82.158.
  - (c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program as specified in 40 *CFR* Part 82, Subpart F §82.161.
  - (d) Commercial or industrial process refrigeration equipment must comply with the leak repair requirements specified in 40 *CFR* Part 82, Subpart F §82.156.
  - (e) For each appliance normally containing fifty (50) or more pounds of refrigerant, the Permittee shall keep records of refrigerant purchased and added to such appliances as specified in 40 *CFR* Part 82, Subpart F §82.166.

[40 *CFR* Part 82, Subpart F]

**- Motor Vehicles -**

- (38) 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*]
- (39) 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*]
- (40) 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 -**

- (41) 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*]

- (42) 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*]
- (43) 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*]

- (44) 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)]
- (45) 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*]
- (46) 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*]
- (47) 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)]
- (48) 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*]

- (49) 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)]
- (50) 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*]
- (51) 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)]
- (52) 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)]
- (53) 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*]
- (54) This Operating Permit shall expire on September 2, 2009. 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*]

The Agency's issuance of this Air Pollution Control Permit relies upon the data, judgement, 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

de  
A2 Killington/Pico Ski Resort Partners, LLC . - Killington

## - Appendix A -

<b>Equipment Specifications Prior to Commencement of Replacements Under NOx RACT</b>				
Unit	Make and model	BHP <sup>1</sup>	CFM <sup>2</sup>	Date Installed
Bear #1	Caterpillar 3508	775	3,000	1984
Bear #2	Caterpillar 3508	775	3,000	1985
Bear #3	Caterpillar 3508	775	3,000	1984
Bear #4	Caterpillar 3508	775	3,000	1985
Bear #5	Caterpillar 3508	775	3,000	1985
Bear #6	Caterpillar 3508	775	3,000	1985
Bear #7	Caterpillar 3508	775	3,000	1985
Bear #8	Caterpillar 3508	775	3,000	1985
Bear #9	Cummins VTA-28-P	650	2,700	1990
Bear #10	Cummins VTA-28-P	650	2,700	1990
Bear #11	Caterpillar 3516 (equipped with SCR in fall 2002)	1,485	6,000	1993
Bear #12	Cummins VTA-28-P	650	2,700	1990
Snow Shed #1	Caterpillar 3508	775	3,000	1985
Snow Shed #2	Cummins VTA-28-P	650	2,700	1988
Snow Shed #3	Cummins VTA-28-P	650	2,700	1988
Snow Shed #4	Cummins VTA-28-P	650	2,700	1988
Snow Shed #5	Cummins VTA-28-P	650	2,700	1988
Snow Shed #6	Cummins VTA-28-P	650	2,700	1990
Snow Shed #7	Cummins VTA-28-P	650	2,700	1988
Snow Shed #8	Cummins VTA-28-P	650	2,700	1988
Snow Shed #9	Cummins VTA-28-P	650	2,700	1988
Snow Shed #10	Cummins VTA-28-P	650	2,700	1987
22 total engines	Totals	16,260	-	-

<sup>1</sup> bhp - brake horsepower rated output as specified by the manufacturer.

<sup>2</sup> cfm - cubic feet per minute rated output of compressor.