

#OP-95-066
DEC#NS94-0008

Operating Permit Expiration Date: April 19, 2011

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



**Air Pollution Control Division
Waterbury, Vermont**

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

Date Permit Issued: April 19, 2006

**Owner/Operator: Putney Paper Company, Inc.
P.O. Box 226
Putney, Vermont 05346**

**Source: Paper Products Manufacturing Facility
Putney Paper Company, Inc.
U.S. Route 5 and Mill Street
Putney, Vermont 05346**

FINDINGS OF FACT

(A) FACILITY DESCRIPTION

Putney Paper Company, Inc. (hereinafter "Putney Paper" and also referred to herein as "Owner/Operator") owns and operates a tissue paper manufacturing facility off U.S. Route 5 and Mill Street in the town of Putney, Vermont (also referred to herein as "Facility"). The Facility is listed under the Standard Industrial Classification ("SIC") Codes - 2621 (Paper Mills) and 2627 (Sanitary Paper Products). The regulated sources of air contaminant emissions at the Facility are the paper making processes and the central heating plant boilers. The boilers include: two (2) existing No. 6 fuel oil-fired boilers manufactured by Cleaver Brooks and rated at 25 million British Thermal Units per hour (MMBTU/hr) each of heat input.

(B) FACILITY CLASSIFICATION

The Facility is classified as a source of air contaminants pursuant to §5-401(6)(a), Fuel burning equipment, of the *Vermont Air Pollution Control Regulations* (hereinafter "*Regulations*"). In addition, §5-101 of the *Regulations* defines a stationary source as any structure(s), equipment, installation(s), or operation(s), or combinations thereof, which emit or may emit any air contaminant, which is located on one or more contiguous or adjacent properties and which is owned or operated under common control. Based on this definition, all of the equipment, operations, and structures at the Facility are grouped together by the Agency of Natural Resources, Department of Environmental Conservation, Air Pollution Control Division (hereinafter "Agency") as one stationary air contaminant source for purposes of review under the *Regulations*.

(C) PRIOR APPROVALS

The Facility was originally constructed prior to July 1, 1979. The Agency has never required Putney Paper to obtain approval for the construction, modification, or modification of the Facility pursuant to the requirements of Title 10 *Vermont Statutes Annotated* (10 V.S.A.) §556 and §5-501 of the *Regulations*. Additionally, since the operating permit application is the initial application under Subchapter X of the *Regulations*, this Facility does not currently operate under an existing Air Pollution Control Permit to Operate.

(D) PERMIT APPLICABILITY

As noted above, Putney Paper is classified as a source of air contaminants under §5-401 of the *Regulations*. Additionally, allowable emissions of all air contaminants from the Facility are estimated to be greater than ten (10) tons per year (tpy), and allowable emissions of sulfur dioxide (SO₂) exceed 100 tpy. Therefore, pursuant to §§5-1002, 5-1003, and 5-1005 of the *Regulations*, the Facility is classified as a "Title V Subject Source" and Putney Paper must obtain an Air Pollution Control Permit to Operate (Permit to Operate) consistent with the requirements of Subchapter X of the *Regulations* and Title 40 *Code of Federal Regulations* (40 CFR) Part 70. The allowable emissions for the Facility are summarized below:

Future Allowable Air Contaminant Emissions (tons/year) *					
PM/PM ₁₀	SO ₂	NO _x	CO	VOCs	Total HAPs
55	361	84	6	<50	<1

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

(E) APPLICATION PROCESSING AND PUBLIC PARTICIPATION

On January 30, 1996, the Agency received an application from Putney Paper for an Air Pollution Control Permit to Operate the Facility. The Agency reviewed the application and determined that it was administratively complete on February 14, 1996. Pursuant to 10 VSA §556a and §5-1007 of the *Regulations*, the Agency published notice in the *Brattleboro Reformer* on February 15, 1996, that it had received an administratively complete application from Putney Paper to operate the Facility.

On May 23, 2001, the Agency found that it had received complete plans, specifications and analyses regarding the proposed project. Public notice was published in the *Brattleboro Reformer* on June 21, 2001, of the Agency's plans to issue an Air Pollution Control Permit to Operate the Facility. The notice solicited public comments on the application, the Agency's technical review, and draft decision for thirty (30) days. The notice also provided an opportunity to request an informational meeting on the matter, if requested in writing at least five (5) days before the close of the comment period. The comment period was originally set to close on July 20, 2001. Additionally, the affected states of New Hampshire, New York, Massachusetts along with the U.S. Environmental Protection Agency were notified of the Agency's draft decision.

Requests for an informational meeting were received by the Agency. On August 6, 2001, a public meeting was held. The public comment period closed on October 15, 2001. Pursuant to 10 V.S.A. §556a, the Agency is required to fully consider all written and oral public comments submitted concerning the draft permit prior to taking final action on the draft permit. Written responses to the written public comments were sent out on January 23, 2006.

(F) REVIEW FOR OPERATING PERMIT

(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 Vermont Air Pollution Control Regulations
Section 5-201- Prohibition of Open burning
Section 5-211(1) - Prohibition of Visible Air Contaminants, Installations Constructed Prior to April 30, 1970
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 5-253.14 – Control of Volatile Organic Compounds from Solvent Metal Cleaning
Section 5-261 – Control of Hazardous Air Contaminants
Section 5-403 – Circumvention
Subchapter VIII – Registration of Air Contaminant Sources
Subchapter X – Operating Permits

(ii) *Title 40 Code of Federal Regulations Part 64*

Sections 502(b) and 114(a)(3) of the *Clean Air Act* require enhanced monitoring for major sources of air contaminants. Putney Paper is classified as a major source and is required to comply with any regulations promulgated by the U.S. EPA implementing these sections. On October 22, 1997, U.S. EPA published in the *Federal Register* new compliance assurance monitoring requirements implementing Section 502(b) of the *Clean Air Act*. Within the final regulations U.S. EPA provided specific criteria for applicability and an implementation schedule for the new compliance monitoring requirements. Based upon the criteria specified in regulation, 40 *CFR* Part 64, Putney Paper is not subject to additional monitoring requirements for compliance assurance monitoring.

(b) Non-Applicable Requirements

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

(c) Enforceability

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

(d) Compliance Certification

Condition (28) of this Permit requires Putney Paper to certify compliance as part of its annual registration with the Agency pursuant to the requirements of Subchapter VIII of the *Regulations*. Additionally, Condition (19) requires the submission of semi-annual reports demonstrating compliance with limitations on fuel usage, as well as compliance with sulfur in fuel restrictions and summaries of periodic monitoring records.

(G) HAZARDOUS MOST STRINGENT EMISSION RATE

Pursuant to §5-261(1)(a) 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 ("HMSE") 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 use of sodium hypochlorite as a process chemical in the papermaking process will produce chloroform as a by product. If the Permittee proposes to continue the use of more than 500 gallons per year of sodium hypochlorite at the Facility, then within 180 days of the permit issuance, the Permittee shall conduct and submit to the Agency a Hazardous Most Stringent Emission Rate evaluation for the hazardous air contaminant chloroform resulting from the use of chlorinated oxidants/bleaching agents in their papermaking processes.

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

PERMIT CONDITIONS

- Construction and Equipment Specifications -

- (1) Putney Paper shall operate its Facility in accordance with the plans and specifications submitted to the Agency on January 30, 1996 and November 7, 1997, and in accordance with the conditions set forth herein. [10 V.S.A. §556(c)]
- (2) Putney Paper shall vent the exhaust gases from the two (2) Cleaver Brooks No. 6 fuel oil-fired boilers vertically through a stack which extends a minimum of sixty (60) feet above the stack base grade elevation. The stack shall not be equipped with any device that may obstruct the upward discharge of the exhaust gases such as a fixed rain cap. [10 V.S.A. §556(c)]

- Operating Limits -

- (3) The annual fuel consumption in the two (2) Cleaver Brooks No. 6 oil-fired boilers shall not exceed a combined 2,300,000 gallons, based upon any rolling twelve (12) consecutive calendar month period. [10 V.S.A. §556a(d)]
- (4) The No. 6 fuel oil burned at the Facility shall not exceed a maximum sulfur content of 2.0 percent by weight. [§5-221(1) of the *Regulations*][Application for OP-95-006]
- (5) The emergency generator at the Facility shall be used only during emergency power failures except for a maximum of 100 hours per year each for routine testing and maintenance. The emergency generator shall not be used as part of any utility peaking or load shedding activities. [10 V.S.A. §556a(d)]
- (6) SOLVENT METAL CLEANING: Putney Paper shall operate the cold, solvent metal cleaning units (parts cleaners) in accordance with the following requirements and shall only use a solvent with a vapor pressure equal to or less than 0.3 pounds per square inch measured at 100°F, which includes but is not limited to the Safety-Kleen 105 hydrocarbon solvent. Prior to the Owner/Operator using any solvent with a maximum true vapor pressure greater than 0.3 psi or using a solvent that is heated, the Owner/Operator shall notify the Agency and comply with any additional applicable requirements of §5-253.14 of the *Regulations*.
 - (a) Provide a permanent, legible, conspicuous label, summarizing the operating requirements;
 - (b) Store waste solvent in covered containers;
 - (c) Close the cover whenever parts are not being handled in the cleaner;
 - (d) Drain the cleaned parts until dripping ceases;

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

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

- (7) Within 180 days of the issuance of this permit, the Permittee shall conduct and submit to the Agency a Hazardous Most Stringent Emission Rate analysis for the hazardous air contaminant chloroform resulting from the use of chlorinated oxidants/bleaching agents in their papermaking processes. If, within this 180 day time frame, the Permittee notifies the Agency in writing that it has successfully eliminated the use of sodium hypochlorite in the manufacture of paper at the Facility, then an HMSER analysis shall not be required. For the purposes of this Permit, elimination of sodium hypochlorite means an annual usage rate of less than 500 gallons of bleach solution with a concentration not exceeding 12.5% sodium hypochlorite, or the equivalent pounds of sodium hypochlorite.

[10 V.S.A. §556(c)] [§5-261 of the *Regulations*]

- Emission Limitations -

- (8) Emissions of particulate matter ("PM") from each of the No. 6 oil-fired boilers shall not exceed the following limits:

Particulate Matter Emission Limitations		
Unit	Emission Limitations	
	lbs/MMBTU	lbs/hour ²
Boiler #1	0.32	8.0
Boiler #2	0.32	8.0

¹ lbs/MMBTU equals pounds of pollutant emitted per million British Thermal Units of heat input.

² lbs/hour equals pounds of pollutant emitted per hour.

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

- (9) Emissions of particulate matter ("PM") from any fuel burning device 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 Title 40 *Code of Federal Regulations* Part 60, Appendix A, Reference Method 5 or an alternative method which has

been published in Title 40 *Code of Federal Regulations*, provided the federally approved alternative method has been accepted in writing by the Agency before testing. [10 V.S.A. §556(c) and §§5-231(3) and 5-404 of the *Regulations*]

- (10) Visible Emissions: Emissions of visible air contaminants from the Cleaver Brooks No. 6 oil-fired boiler installed prior to April 30, 1970 shall not exceed forty (40) percent opacity for more than a period or periods aggregating six (6) minutes in any hour. Emissions of visible air contaminants from all other equipment at the Facility installed subsequent to April 30, 1970 shall not exceed twenty (20) percent opacity for more than a period or periods aggregating six (6) minutes in any hour. At no time shall visible emissions exceed sixty (60) percent opacity from any installation at the Facility.

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

- Nuisance and Odor -

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

- Open Burning -

- (13) Putney Paper shall burn only natural wood in any open burn pile and shall only burn in accordance with Condition (14) of this Permit. For the purposes of this Permit, natural wood shall be defined as trees, including logs, boles, trunks, branches, limbs, and stumps, lumber including timber, logs or slabs, especially when dressed for use. This definition shall also include pallets which are used for the shipment of various materials so long as such pallets are not chemically treated with any preservative, paint, or oil. This definition shall not extend to other wood products such as sawdust, plywood, particle board and press board. [§5-202 of the *Regulations*]
- (14) Prior to conducting any open burning of natural wood, Putney Paper shall notify the Air Pollution Control Officer and shall obtain approval from the Air Pollution Control Officer to conduct open burning at the Facility. [§5-202 of the *Regulations*]

- Compliance Testing and Monitoring -

- (15) Within 180 days after issuance of this Permit, Putney Paper shall perform testing of the exhaust gases from its Cleaver Brooks boilers to determine the opacity of the exhaust exiting the stack and each boiler's combustion efficiency, and shall furnish the Agency with

a written report summarizing the results of such testing. At least thirty (30) days before performing the testing required herein, Putney Paper shall submit to the Agency a pretest report prepared in accordance with the Agency's "Source Emission Testing Guidelines." [§5-202 of the *Regulations*]

- (16) When conducting combustion efficiency testing, Putney Paper shall use methods approved in writing by the Agency prior to the testing. For the purposes of this Permit, combustion efficiency is defined as the concentration of carbon dioxide ("CO₂ ") in the boiler exhaust gas divided by the sum of the concentrations of CO₂ and carbon monoxide ("CO"). For the purpose of this Permit, "concentration" shall be defined as the concentration by volume on a dry basis. The concentration of CO₂ in the exhaust gas may be determined by measuring the concentration of oxygen ("O₂ ") in the exhaust gas and using the following formula:

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

where:

F_c = 1,420 standard cubic feet of CO₂ per MMBTU; and

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

[§§5-402(1) and 5-404(1) of the *Regulations*]

- (17) Putney Paper shall perform periodic testing of its boiler exhaust gases to determine the concentrations CO and either CO₂ or O₂ in the exhaust gases. Beginning on the day of the initial emission testing required by Condition (15) of this Permit, Putney Paper shall perform said testing of the CO₂/O₂ and CO concentrations at least once per month. Putney Paper shall perform said testing of the CO₂/O₂ and CO concentrations using methods which have been approved in writing in advance by the Agency. Any instruments and/or equipment used for said testing shall be calibrated and maintained in accordance with the manufacturers' recommendations. Each time testing of the boiler exhaust gas is conducted to determine the concentrations of O₂ and CO, Putney Paper shall calculate and record the combustion efficiency of the boiler using methods approved in writing in advance by the Agency. [§§5-402(1) and 5-404(1) of the *Regulations*]
- (18) Putney Paper shall develop and carry out an operation and maintenance plan for its two Cleaver Brooks boilers within 180 days after the issuance of this Permit. The purpose of said plan shall be to ensure that the boiler remains in continuous compliance with the opacity and particulate emission limits contained in this Permit. Putney Paper 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 always and shall be made available to representatives of the Agency upon request. The initial plan and any subsequent revisions thereof shall be subject to review and approval by the Agency. Failure to take reasonable steps, in accordance with said plan, to increase the combustion efficiency, once it has fallen below the trigger level, shall be considered credible evidence of possible exceedance of the opacity and particulate emission limits set forth in Conditions (8) and (10) of this Permit. The operation and maintenance plan shall include, but not be limited to:

- (a) the procedures to be followed to increase combustion efficiency whenever the combustion efficiency is determined to be less than the trigger level;
- (b) identification of the combustion efficiency trigger level, which will trigger action under said plan;
- (c) descriptions of routine inspection and maintenance procedures;
- (d) provisions for maintaining records of inspections and maintenance procedures, including both routine activities and actions taken in response to observations of low combustion efficiency; and
- (e) provisions for calibration and maintenance of any testing instruments and/or equipment used to measure the concentrations of CO₂/O₂ and CO in the boiler exhaust gases. [10 V.S.A. §556a(d)]

- Record Keeping and Reporting -

- (19) Within thirty (30) days after July 1 and January 1 of each year, Putney Paper shall submit to the Agency a report containing the following information regarding the preceding six (6) months:
 - (a) a summary of the periodic combustion efficiency calculations required by Condition (17) of this Permit;
 - (b) a summary of the fuel usage records required by Condition (21) of this Permit; and
 - (c) a statement of the sulfur content of any and all fuel delivered to Putney Paper during the reporting period.

[§5-405(1) of the *Regulations*]
- (20) Putney Paper shall maintain records of the total quantity of fuel oil consumed in the boilers, in gallons, each month. At the beginning of each month, Putney Paper shall calculate the total quantity of fuel oil consumed in the boilers, in gallons, during the previous twelve (12) consecutive month period. [10 V.S.A. §556a(d) and §5-405(1) of the *Regulations*]
- (21) Putney Paper shall obtain from the fuel supplier, for each shipment of fuel oil received at the Facility, a certification or invoice stating the sulfur content of the fuel oil. The certification or invoice shall include the name of the fuel oil supplier, date of delivery, fuel type, quantity of fuel oil delivered, and a statement from the fuel oil supplier as to the sulfur content of the fuel oil in percent sulfur by weight. [10 V.S.A. §556(c) and §5-405(1) of the *Regulations*]
- (22) Putney Paper shall notify the Agency in writing within ten (10) days of any violation, of which it is aware, of any requirements of this Permit. This notification shall include, at a minimum, the cause for the violation and corrective action or preventative maintenance taken to correct the violation. [10 V.S.A. §556(c) and §5-1015(a)(12) of the *Regulations*]
- (23) Putney Paper shall notify the Agency in writing of any proposed physical or operational change at the Facility which may increase the emission rate of any air contaminant to the ambient air. Such changes shall include, but are not limited to, the addition of a new fuel burning or process equipment. If the Agency determines that a permit amendment is required, a new application and the appropriate application fee shall be submitted. The permit amendment shall be obtained prior to commencing any such change. [10 V.S.A. §556(c)]

- (24) Records of all required compliance testing shall include the following:
- (a) the date, place, and time of sampling or measurements;
 - (b) the date analyses were performed;
 - (c) the company or entity that performed the analyses;
 - (d) the analytical techniques or methods used;
 - (e) the results of all such analyses; and
 - (f) the operating conditions existing at the time of sampling or measurement.

[§5-402(1) of the *Regulations*]

- (25) Annual Registration: Putney Paper 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, Putney Paper shall register the source with the Secretary of the Agency (hereinafter "Secretary"), and shall renew such registration annually. Each day of operating a source which is subject to registration without a valid, current registration shall constitute a separate violation and subject the owner/operator to civil penalties. The registration process shall follow the procedures set forth in Subchapter VIII of the Air Pollution Control Regulations, including the payment of the annual registration fee on or before May 15 of each year. Annual registration forms submitted to the Agency shall contain a compliance certification statement in accordance with Condition (28) of this Permit. [§§5-802, 5-803, 5-807, 5-808, and 5-1015(8) of the *Regulations*]

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

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

[10 V.S.A. §556(c)]

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

- Compliance Certification -

- (28) By February 1 of each year, Putney Paper shall submit an annual certification of compliance, concurrent with the annual registration data submitted to the Agency, which identifies the compliance status during the past year of the Facility with respect to all terms and conditions of this Permit, including but not limited to the following: [§5-1015(a)(8) of the *Regulations*]
- (a) Identification of each term or condition of the permit that is the basis of the certification;
 - (b) The compliance status;
 - (c) Whether compliance was continuous or intermittent; and
 - (d) The methods used for determining the compliance status of Putney Paper 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:

U.S. Environmental Protection Agency
1 Congress Street, Suite 1100 (SEA)
Boston, MA 02114-2023

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

- Standard Permit Conditions -

- (29) 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*]
- (30) 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*]

- (31) 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)]
- (32) 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*]
- (33) 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*]
- (34) 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)]
- (35) 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*]
- (36) 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)]
- (37) 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*]

- (38) 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)]
- (39) 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)]
- (40) 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*]
- (41) Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$225.00 payable to the State of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with the Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings, available on-line at www.vermontjudiciary.org. The address for the Environmental Court is 2418 Airport Road, Suite 1, Barre, Vermont 05641 (Tel. #802-828-1660).
- (42) This Operating Permit shall expire on April 19, 2011. 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*]

- (43) 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 to Construct and Operate relies upon the data, judgement, and other information supplied by Putney Paper. The Agency makes no assurances that the air contaminant source approved herein will meet performance objectives or vendor guarantees supplied to the source owner/operator. It is the sole responsibility of Putney Paper to operate the source in accordance with the conditions herein and with all applicable state and federal standards and regulations.

Dated this _____ day of _____, 2006, in the town of Waterbury, county of Washington, state of Vermont.

Agency of Natural Resources

Jeffrey Wennberg, Commissioner
Department of Environmental Conservation

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

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A2: Putney Paper Co., Inc., Putney