

#AOP-05-018b

DEC#EJ96-0028

Operating Permit Expiration Date: February 12, 2013

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



**Air Pollution Control Division
Waterbury, Vermont**

TITLE V
AIR POLLUTION CONTROL PERMIT
TO CONSTRUCT AND OPERATE

Date Permit Issued: February 12, 2008

Owner/Operator: Rock-Tenn Converting Company
P.O. Box 4098
Norcross, GA 30091

Source: Rock-Tenn Company – Missisquoi Mill
PO Box 98
369 Mill Street
Sheldon Springs, Vermont 05485

FINDINGS OF FACT

(A) FACILITY DESCRIPTION

Rock-Tenn Converting Company (also referred to herein as "Permittee") owns and operates a paperboard manufacturing facility, known as the Missisquoi Mill, located off Mill Street in the town of Sheldon, Vermont (also referred to herein as "Facility"). The Permittee has proposed to replace the Boiler #2, currently a 27 MMBtu/hr Wicks boiler, with a 27.2 MMBtu/hr (700 hp) Cleaver-Brooks boiler, which will primarily burn natural gas. This boiler shall also have the ability to burn No. 6 fuel oil at 0.5% sulfur content. Additionally, the Facility has proposed to replace the "blow-off" pan located below the metering section of the air knife coater on the paperboard machine #1.

Upon issuance of this permit the Facility will consist of the following equipment:

Equipment Specifications Combustion			
Equipment/Make/Model	Capacity/Size MMBtu/hr¹ (hp)²	Fuel Type	Date of Manufacture (installation)
Wicks Boiler #1	89 MMBtu/hr 80 MMBtu/hr	Natural Gas No. 6 Fuel Oil	1950
Cleaver-Brooks Boiler #2 Model CBLE400-700-250ST with 4 Pass Wet and Dry Back	27.2 MMBtu/hr 27.0 MMBtu/hr (700 hp)	Natural Gas No. 6 Fuel Oil	2008
B&W Boiler #3	33 MMBtu/hr 33 MMBtu/hr	Natural Gas No. 6 Fuel Oil	1950
B&W Boiler #4	31 MMBtu/hr 31 MMBtu/hr	Natural Gas No. 6 Fuel Oil	1950
Paperboard Machine #1	5 MMBtu/hr	Natural Gas	1969
Paperboard Machine #1b	2.98 MMBtu/hr	Natural Gas	2001
Paperboard Machine #2	Steam supplied from Boilers		1969
Paperboard Machine #2b	3.264 MMBtu/hr	Natural Gas	1998
	1.67 MMBtu/hr	Natural Gas	2001
Emergency Diesel Generator	16	No. 2	1950

¹ MMBtu/hr - Million British Thermal Units per hour maximum rated heat input.

² hp. - Rated engine horsepower output as specified by the manufacturer.

(B) FACILITY CLASSIFICATION

The Facility is classified as a source of air contaminants pursuant to Title 10 of the *Vermont Statutes Annotated* ("10 VSA") §555 and §5-401 (6)(a) and 9 [fossil fuel-burning equipment and surface finishing and coating operations, including application of paints, lacquers, solvents and related materials] of the *Vermont Air Pollution Control Regulations* (hereinafter "*Regulations*"). In addition, §5-101 of the *Regulations* defines a *stationary source* as any

structure(s), equipment, installation(s), or operation(s), or combination thereof, which emit or may emit any air contaminant, which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person or persons under common control. Based on this definition, all of the equipment, operations, and structures at the Facility are grouped together by the Agency of Natural Resources, Department of Environmental Conservation, Air Pollution Control Division (hereinafter "Agency") as one stationary air contaminant source for purposes of review under the *Regulations*.

(C) PRIOR AGENCY ACTIONS/APPROVALS

The Facility has been issued the following "Permit to Construct" approvals pursuant to 10 VSA §556 and §§5-501 and/or 5-502 of the *Regulations* and the following "Permit to Operate" approvals pursuant to 10 VSA §556a and Subchapter X of the *Regulations*.

Prior Agency Approvals and Actions	
Date of Action	Description of Agency Approval/Action
December 2, 1996	#AP-96-019 – Original Agency "Permit to Construct" approval to operate four natural gas/No. 6 fuel oil boilers. The existing boilers were used to supply heat to coating oven. The Facility removed the natural gas burners which contributed twenty million cubic feet of natural gas from paper coating lines 1 and 2. This was equivalent to 140,000 gallons of residual fuel oil.
June 13, 1997	#AP-96-019a – Administrative amendment to correct the PM limits as per 5-231 of the <i>Regulations</i> .
December 30, 1998	#AP-96-019b – Administrative amendment to install a new coating stage with infrared drying on existing paper machine #2.
July 16, 1999	#AOP-95-148 - Initial Agency "Permit to Operate" approval for the Facility to operate four boilers, one emergency generator, and two paper coating lines 1 and 2.
March 8, 2001	#AOP-95-148a – Administrative amendment to modify two paper machines, including additional coating stage and drying.
November 17, 2005	#AOP-05-018 – Application for renewal terminated. New application file for AOP-05-018a.
January 11, 2006	#AOP-05-018a –The fuel cap was increased from 1,020,000 gallons per year to the maximum of 1,024,800 gallons per year. Because the increase did not exceed the 161 tons per year SO2 emission limit, the modification was considered minor.

(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 a boiler is considered a modification to the Facility under the *Regulations* and consequently a Permit to Construct must be obtained. Pursuant to 10 VSA §556a and Subchapter X of the *Regulations* a Permit to Operate is required for

any air contaminant source with allowable emissions of all air contaminants combined of ten (10) tons per year ("tpy") or more or that is subject to a standard, limitation or other requirement under §111 and/or §112 of the Clean Air Act.

The Facility currently operates under a Permit to Construct and Operate issued on January 11, 2006. In addition, an amendment to any existing Permit to Operate is required prior to commencing any modifications to the Facility not previously allowed under the Permit to Operate. The proposed changes to the Facility are considered a modification under the *Regulations* and consequently an amendment to the Permit to Operate must be obtained consistent with the requirements of Subchapter X of the *Regulations*. Allowable emissions from the Facility are estimated to be greater than ten (10) tpy combined and emissions of sulfur dioxide (SO₂) 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".

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

Future Allowable Air Contaminant Emissions (tons/year) ¹						
PM/PM ₁₀	SO ₂	NO _x	CO	VOCs	Total Criteria	HAPs ²
16.3	162.2	<100	63.2	34.9	>10	<10/25

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

² Emissions of individual HAPs each < 10 tpy and emissions of total HAPs combined <25 tpy. Actual total combined HAPs estimated at <9.6 tpy.

(E) REVIEW FOR THE PERMIT TO CONSTRUCT

(a) New Source Review Designation

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

(b) Most Stringent Emission Rate

Pursuant to §5-502 of the *Regulations*, the owner/operator of each new major stationary source or major modification must apply control technology adequate to achieve the Most Stringent Emission Rate ("MSER") with respect to those air contaminants for which there would be a major or significant actual emissions increase, respectively, but only for those currently proposed physical or operational changes which would contribute to the increased emissions.

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

(c) Ambient Air Quality Impact Evaluation

An ambient air quality impact evaluation is performed to demonstrate whether or not a proposed project will cause or contribute to violations of the ambient air quality standards and/or significantly deteriorate existing air quality. The Agency's implementation procedures concerning the need for an ambient air quality impact evaluation under §5-406(1) of the *Regulations*, specifies that such analyses may be required when a project results in an allowable emissions increase of ten (10) tons per year or more of any air contaminant, excluding VOCs. Additionally, the Agency may require an air quality impact evaluation where the short-term allowable emission rates will significantly increase as a result of a project.

Based on the level of emissions from this Facility, it is not expected to cause or contribute to a violation of any ambient air quality standard or significantly deteriorate air quality. Therefore, an air quality impact evaluation was not required by the Agency for the proposed project.

Prior Air Quality Impact Evaluations: The Facility was previously required to conduct an AQIE for modifications to the Facility in August of 1993 and 1995. The modification to the Facility included the operative requirement that no more than two (2) of its four (4) boilers operate on residual fuel oil concurrently due to potential short term SO₂ impacts. The Facility may operate three (3) of its four (4) boilers on fuel oil concurrently if the Facility exclusively burns fuel oil having a sulfur content of 1% by weight or less in the three boilers. The Facility was found to comply with all applicable ambient air quality standards and prevention of significant deterioration increments.

Ambient Air Quality Impact Evaluations		
Date of AQIE/ Permit #	Pollutant(s)	Summary of Results
August 1993	SO ₂	An AQIE was conducted for the pollutant SO ₂ , modeling from the Wickes Boiler #1 resulted in an increase in the stack height to 193 feet, and the operative limit that no two boilers will be operated on No. 6 fuel oil simultaneously. The

Ambient Air Quality Impact Evaluations		
Date of AQIE/ Permit #	Pollutant(s)	Summary of Results
		modeling was necessary to resolve questions about the potential of air quality violations.
August 1995	SO ₂	An AQIE was conducted for the pollutants SO ₂ , NO _x , PM ₁₀ , and CO. The results concluded that in order for the Facility to meet short term ambient standards, the Facility may not run more than two of it's boilers at any given time on No. 6 fuel oil, except three of four boilers may operate simultaneously if 1 percent sulfur by weight, or less, fuel oil is used.

(d) Review for Permit to Construct

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

(i) *Vermont Air Pollution Control Regulations:*

Applicable Requirements from the Vermont Air Pollution Control Regulations
Section 5-201 – Prohibition of Open Burning
Section 5-211(1) - Prohibition of Visible Air Contaminants, Installations Constructed Prior to April 30, 1970. <i>Applicable units: Coating Dryer #1, Wickes Boiler #1, B&W Boiler #3, #4, Diesel Emergency Generator.</i>
Section 5-211(2) - Prohibition of Visible Air Contaminants, Installations Constructed Subsequent to April 30, 1970. <i>Applicable unit: Cleaver-Brooks Boiler #2</i>
Section 5-221(1) - Prohibition of Potentially Polluting Materials in Fuel, Sulfur Limitation in Fuel.
Section 5-221(2) – Prohibition of Potentially Polluting Materials in Fuel, Waste Oil.
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 5-253.10 - Control of Volatile Organic Compounds from Paper Coating.
Section 5-261(3) – Control of Hazardous Air Contaminants - Hazardous Most Stringent Emission Rate.
Section 5-271 – Control of Air Contaminants from Stationary Reciprocating Internal

Applicable Requirements from the Vermont Air Pollution Control Regulations
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) Reasonably Available Control Technology - §5-1010 of the *Regulations*

Pursuant to 10 VSA §556a(d) and §5-1010 of the *Regulations* the Agency may establish and include within any Permit to Operate emission control requirements based on Reasonably Available Control Technology ("RACT"). The Agency has not imposed any RACT requirements on this Facility under this authority at this time.

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

The Facility currently operates under the confines of a Permit to Construct issued on January 11, 2006 (#AOP-05-018a). The conditions within that existing permit are considered applicable requirements pursuant to §5-1002 of the *Regulations*. The requirements of that permit which are not being modified herein are incorporated into this new combined Permit to Construct and Operate (#AOP-05-018b).

(iv) Federal Requirements:

Applicable Requirements from Federal Regulations and the Clean Air Act
40 <i>CFR</i> Part 60, Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units: §60.42c Standards for sulfur dioxide; §60.43c Standards for particulate matter; §60.48c Reporting and recordkeeping requirements. Applicable to all units of 10 MMBTU per hour or greater manufactured after June 9, 1989.
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 unit with uncontrolled emissions in excess of the Title V major source threshold and which is subject to an emission standard and which is equipped with an emission control device. The Compliance Assurance Monitoring requirements do not apply to this Facility since no single unit exceeds the major source threshold and the potentially affected units are not equipped with an emission control device.

(b) Non-Applicable Requirements

Pursuant to §5-1015(a)(14) of the *Regulations*, an owner or operator of a Facility may request a permit shield from specific state or federally enforceable regulations and standards which are not applicable to the source. The applicant has not requested such a permit shield in accordance with the requirements of §5-1015(a)(14) of the *Regulations*.

(c) Enforceability

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

(d) Compliance Certification

The Permittee is required by this Permit to certify compliance as part of its annual registration with the Agency pursuant to the requirements of Subchapter X of the *Regulations*. Additionally, this Permit requires the submission of semi-annual reports of monitoring records used to demonstrate compliance with the limitations contained in this Permit.

(G) HAZARDOUS MOST STRINGENT EMISSION RATE

Pursuant to §5-261 of the *Regulations*, any stationary source whose current or proposed actual emission rate of a hazardous air contaminant ("HAC") is equal to or greater than the respective Action Level (found in Appendix C of the *Regulations*) shall achieve the Hazardous Most Stringent Emission Rate ("HMSER") for the respective HAC.

The Agency has determined that the Facility will have regulated emissions of acetaldehyde and vinyl acetate in excess of their respective Action Level. The Agency has determined the HMSER to be an acetaldehyde content limit of 350 ppm and a vinyl acetate content limit of 450 ppm for all coating components used in the paperboard manufacturing process. This HMSER evaluation shall be subject to re-evaluation five (5) years from the date of its determination and shall remain in effect until revised by the Agency.

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

PERMIT CONDITIONS

- Construction and Equipment Specifications -

- (1) The Permittee shall construct and operate the Facility in accordance with the plans and specifications submitted to the Agency and in accordance with the conditions set forth herein, including the equipment specifications as listed in Findings of Fact (A) or their equivalent as approved by the Agency. [10 V.S.A. §§556(c) and 556a(d)] [§5-501(1) of the *Regulations*]
- (2) Except as provided below, the Facility at no time shall operate more than two (2) of its four (4) boilers on residual fuel oil concurrently. For the purpose of this condition, a third boiler may be available in "standby" mode while the other two (2) boilers are operational. Standby mode shall be defined as a mode of operation which does not produce a measurable steam output. The Facility may operate three (3) of its four (4) boilers on fuel oil concurrently if the Facility exclusively burns fuel oil having a sulfur content of 1% by weight or less in the three boilers. [10 V.S.A. §556(c)] [§5-406 of the *Regulations*]
- (3) The Facility shall vent exhaust from its equipment, vertically through stacks of the following heights:

Exhaust Source	Stack Height (Feet)
Wickes Boiler #1	193
Cleaver Brooks Boiler #2	167
B&W Boiler #3	
B&W Boiler #4	
Coating Mixer	12
Cylinder Exhaust #1	29
Cylinder Exhaust #2	39
Dryer Hood #1	40
Dryer Hood #2	
Paperboard Machine #1	46
Paperboard Machine #1b	
Paperboard Machine #2	
Paperboard Machine #2b	

The Permittee shall at the request of the Agency increase the stack height of any respective stack if, in the judgment of the Agency based on inspections of the actual operations at the Facility, proper or adequate dispersion can not be maintained at the current stack height. The stacks shall not be equipped with any device that may obstruct the upward discharge of the exhaust gases such as a fixed raincap. [10 V.S.A. §§556(c) and 556a(d)] [§5-406 of the *Regulations*] [AP-96-019]

- (4) Each boiler shall be equipped with a steam output chart or equivalent recording device. Each steam chart or recording device shall be operational whenever the boilers are operated. The steam output record shall be made available to the Agency upon request. [10 V.S.A. §556(c)] [AP-96-019]

- Operational Limitations -

- (5) In order to maintain Facility emissions of sulfur dioxide (SO₂) below the major modification threshold, the Facility shall limit the annual consumption of fuel oil burned in all the boilers combined in accordance the following formula based on any rolling twelve (12) consecutive calendar month period.

$$[(\text{GPY}_{\text{fuel oil burned in the boilers}}) * (\%S)] < 2,049,600$$

Where "GPY" means gallons of fuel oil burned in the boilers, "%S" means the weighted average sulfur content of the fuel expressed as percent by weight. [10 V.S.A. §§556(c)] [AP-96-019] [§5-502 avoidance of the *Regulations*]

- (6) The annual fuel consumption in the 27.0 MMBtu/hr (700 hp) Cleaver-Brooks Boiler #2 shall not exceed 946,354 gallons of No. 6 fuel oil based upon any rolling twelve (12) consecutive calendar month period. [10 V.S.A. §§556(c), 556a(d)] [§5-501 of the *Regulations*]
- (7) The No. 6 fuel oil burned in the 27.0 MMBtu/hr (700 hp) Cleaver-Brooks Boiler #2 at the Facility shall not exceed a maximum sulfur content of 0.5 percent by weight. [§§5-221(1)(a) and 5-501 of the *Regulations*] [40 CFR Part 60 Subpart Dc §§60.42c(h) and 60.48c(f)]
- (8) The No. 6 fuel oil burned in the Wickes Boiler #1, B&W Boiler #3 and #4 at the Facility shall not exceed a maximum sulfur content of 2.0 percent by weight. [§5-221(1)(a) of the *Regulations*]
- (9) Only No. 2 fuel oil or lighter grade fuel oils with a maximum sulfur content not to exceed 0.5 percent by weight may be used as fuel in the Emergency Diesel Generator 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)] [§§5-501 and 5-1015(a)(1) of the *Regulations*]

(10) Waste Oil Used as a Fuel

- (a) The combustion efficiency of any boiler burning waste oil, either alone or in combination with any other fuel, shall be ninety-nine (99) % or greater. Combustion efficiency shall be determined using the following equation:

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

Where;

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

- (b) The Permittee shall comply with all necessary requirements for handling, storage, and disposal of waste oil specified in the Vermont Hazardous Waste Management Regulations.
- (c) The Permittee shall only burn waste oil which has properties and constituents within the allowable limits set forth in Table A of the *Regulations* as reproduced below:

Table A Waste Oil Constituents and Properties (Prior to Blending)	
Constituent/Property	Allowable
Polychlorinated Bephenyls (PCBs)	<2 ppm maximum ¹
Total Halogens	1000 ppm maximum
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Chlorine	500 ppm maximum
Lead	100 ppm maximum
Net Heat of Combustion	8000 BTU/lb minimum
Flash Point	140 degree F minimum

Note: ¹units of parts per million (ppm) are by weight on a water free basis.

[§5-221(2) of the *Regulations*]

- (11) **Emergency Engines:** Emergency engines shall only be used: (1) during emergency power failures, (2) when requested by the Independent Systems Operator for New England (ISO New England) for an OP 4 event or OP 7 event, and (3) for periods of routine testing and maintenance not to exceed 100 hours per year. Emergency power failures are defined as those times when the normal power source is temporarily unavailable due to circumstances beyond the reasonable control of the Permittee. In the event the Permittee must take action to restore the normal power source, the Permittee must take such action in a reasonable period of time. Emergency engines shall not be operated as part of any other ISO or utility peaking or load shedding activities. [10 V.S.A. §§556(c) and 556a(d)] [§§5-401(6)(c) and 5-501 of the *Regulations*]
- (12) **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 to conduct open burning at the Facility, if required. [§5-202 of the *Regulations*]

- Emission Limitations -

- (13) **Nitrogen Oxides [Facility Wide]:** In order to maintain Facility emissions of nitrogen oxides (NO_x) below the threshold of §5-251(3) of the *Regulations*, the Permittee shall limit emissions of nitrogen oxides from the entire Facility, including the boilers, the emergency stationary diesel engine, as well as all other stationary fuel burning equipment, to less than one-hundred (100) tons per year based on any rolling twelve (12) consecutive calendar month period. For the purposes of this condition, NO_x emissions shall be calculated in accordance with the following:

$$\text{NO}_x \text{ Tons} = \{ [\text{Residual oil used (gal)} \times 55.0 \text{ lbs}/10^3 \text{ gal}] + [\text{Distillate oil used (gal)} \times 20.0 \text{ lbs}/10^3 \text{ gal}] + [\text{Natural gas used (ft}^3\text{)} \times 100.0 \text{ lbs}/10^6 \text{ ft}^3\text{}] \} / (2000.0 \text{ lbs/ton})$$

[Application for #AP-96-019] [10 V.S.A. §§556(c) and 556a(d)] [§5-251(3) of the *Regulations*]

- (14) Particulate Matter [Boilers]: Emissions of PM from the Wickes Boiler #1, Cleaver-Brooks Boiler #2, and the B&W Boilers #3 and #4 shall not exceed the following limits:

PM Emission Limitations		
Unit	Emission Limitations	
	lbs/MMBTU ¹	lbs/hour ²
Wickes Boiler #1	0.18	16.0
27.0 MMBtu/hr (700 hp) Cleaver-Brooks Boiler #2	0.30	8.9
B&W Boiler #3	0.29	9.6
B&W Boiler #4	0.29	9.0

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 40 *CFR* Part 60, Appendix A, Reference Method 5 and 202 or alternative methods which have been published in 40 *CFR*, provided the federally approved alternative method has been accepted in writing by the Agency before testing. [10 V.S.A. §§556(c) and 556a(d)] [§§5- 231 and 5-404 of the *Regulations*]

- (15) 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*]

- (16) Visible Emissions [Facility Wide]: Emissions of visible air contaminants from any installation at the Facility, except where otherwise noted in the Permit condition below, 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 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. [§§5-211(2), 5-211(3) and 5-404 of the *Regulations*]

- (17) Visible Emissions [Specific Installations prior to April 30, 1970]: Emissions of visible air contaminants from Coating Dryer #1 and #2, Wickes Boiler #1, B & W #3 and #4 and any other installation at the Facility installed prior to April 30, 1970 shall not exceed forty (40)

percent opacity for more than a period or periods aggregating six (6) minutes in any hour and at no time shall visible emissions exceed sixty (60) percent opacity.

Any emission testing conducted to demonstrate compliance with the above emission limits shall be performed in accordance with the proposed Federal Reference Method F-1 contained in the Federal Register Vol.51, No.168, pp. 31076-31081, August 29, 1986 or an 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. [§§5-211(1), 5-211(3) and 5-404 of the *Regulations*]

- (18) Visible Emissions [Waste Oil]: Emissions of visible air contaminants from any boiler stack where waste oil is being fired shall not exceed twenty (20) percent opacity for 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 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. [AP-96-019][§§5-211(2), 5-211(3) and 5-404 of the *Regulations*]

- (19) Coating Limit: With the exception of the paragraph below, the Facility shall not cause or allow the application of any coatings on its paper coating lines with a VOC content in excess of 2.9 pounds per gallon of coating, (excluding water and exempt compounds), as applied. [10 V.S.A. §556(c)] [§5-253.10 of the *Regulations*]

If multiple coatings are applied during the same day, the Facility shall not cause or allow the application of coatings whose daily-weighted average VOC content exceeds 2.9 pounds per gallon (“lbs/gallon”), excluding water and exempted compounds, as applied. The daily-weighted average VOC content shall be calculated as follows:

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

Where:

- E_{VOC} Is the daily weighted average VOC content in lbs/gallon, excluding water and exempted compounds, as applied.
- M_i The total mass usage of an individual coating applied in 24-hour period in units of gallons per day.
- C_i The VOC content of the individual coating applied during the 24-hour period in units of lbs/gallon, excluding water and exempted compounds, as applied.
- i Each individual coating applied in the 24-hour period.

Any testing that is conducted to demonstrate compliance with the above VOC contents limits shall be performed in accordance with Reference Method 24 of Appendix A of 40 CFR Part 60 or an alternative method which has been published in 40 CFR provided the federally approved alternative method has been accepted in writing by the Agency before testing. [10 V.S.A. §556a(d)] [AOP-95-148]

- (20) Volatile Organic Compounds: Emissions of volatile organic compounds from the Facility shall not equal or exceed fifty (50) tons per year based on any rolling twelve (12) consecutive calendar month period. [§5-502 of the *Regulations*]
- (21) 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]
- (22) 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(3) of the *Regulations*. [§5-261 of the *Regulations*]
- (23) Fugitive Emissions: The Permittee shall take reasonable precautions at all times to control and minimize emissions of fugitive particulate matter and volatile organic compounds from the operations at the Facility. This shall include but not be limited to covering coating and solvent containers containing VOC materials when not in use.
[10 V.S.A. §§556(c) and 556a(d)] [§5-231(4) of the *Regulations*]
- (24) 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 -

- (25) The annual mean concentrations of acetaldehyde and vinyl acetate in each latex product used in paper coatings at the Facility shall not exceed 350 ppm and 450 ppm, respectively. The Permittee shall either obtain test data from the manufacturer for each batch of latex product delivered to the Facility or shall test each latex product quarterly for the acetaldehyde and vinyl acetate concentrations, beginning with the first calendar quarter of 2008. Testing for new latex products shall also be completed prior to first use. The Permittee shall furnish the Agency with a written annual report of the results of each such test and the annual mean concentration of acetaldehyde and vinyl acetate. The report shall also include the date of the test(s), the name and contact of the laboratory that conducted

the test, and the procedure and or test method used to conduct the test. At least thirty (30) days prior to performing the first test of the acetaldehyde and vinyl acetate content of a latex coating, the Permittee shall submit the procedure and test method to be used for conducting the test for approval to the Agency. [§§5-402(1), 5-404(1), 5-405(1) and 5-1015(a)(3) and (4) of the *Regulations*] [§5-261 of the *Regulations*]

- (26) The Permittee shall perform emission testing on the Wickes Boiler #1 for NO_x, PM, and Combustion Efficiency and shall furnish the Agency with a written report of the results within thirty (30) days after the completion of the testing. The initial emission testing shall be performed during calendar year 2006; emission testing shall be conducted at a minimum once every five years. The emission testing shall be performed in order to demonstrate compliance with the emission limitations specified within the conditions of this Permit. At least thirty (30) days prior to performing the emission testing required above, the Permittee shall submit to the Agency a pretest report prepared in accordance with the Agency's "Source Emission Testing Guidelines". [§§5-402(1), 5-404(1), 5-405(1) and 5-1015(a)(3) and (4) of the *Regulations*]
- (27) Boiler combustion efficiency: The Permittee shall perform combustion efficiency testing of each of the boilers by measuring the concentrations of carbon dioxide ("CO₂") and carbon monoxide ("CO") in the exhaust gases. Said testing shall be performed every six months at a minimum except more frequent testing shall be performed initially to develop the trigger level required as part of the O&M plan permit condition. The Permittee shall perform said testing of the CO₂ and CO concentrations using methods which have been approved in writing in advance by the Agency. Any instruments and/or equipment used for said testing shall be calibrated and maintained in accordance with the manufacturer's recommendations. Each time testing of the boiler exhaust gas is conducted to determine the concentrations of CO₂ and CO, the Permittee shall calculate and record the combustion efficiency of the boiler using methods approved in writing in advance by the Agency. For the purposes of this Permit combustion efficiency shall be determined using the following equation:

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

Where;

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

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

- (28) Operation and Maintenance Plan [Boilers]: The Permittee shall develop and implement an operation and maintenance plan (O&M Plan) for the 27.0 MMBtu/hr (700 hp) Cleaver-Brooks Boiler #2 within ninety (90) days following commencement of operation of the unit and for the Wickes Boiler #1, B&W Boiler #3 and #4 within ninety (90) days of issuance of this Permit. The purpose of said O&M Plan shall be to ensure the proper operation and maintenance of the boilers in order to ensure continuous compliance with the respective conditions and emission limits of this Permit. Additionally the O&M Plan shall help ensure

good control of carbon monoxide emissions. The O&M Plan shall include, but not be limited to:

- (a) The actual trigger level and the method used for determining a combustion efficiency trigger level for each affected boiler. For boilers that only operate seasonally, the testing must be completed within 180 days of the start of its operating season;
- (b) The procedures to be followed to increase combustion efficiency whenever the combustion efficiency is determined to be less than the trigger level;
- (c) Descriptions of routine maintenance and inspection procedures;
- (d) Provisions for maintaining records of maintenance and inspection procedures, including both routine activities and actions taken in response to observations of low combustion efficiency.

The Permittee shall revise said O&M Plan at the Agency's request or on its own motion based on operating experience or to reflect equipment or operational changes. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*]

- Record Keeping and Reporting -

- (29) Records of Fuel Use: The Permittee shall maintain records of the total quantity of natural gas and fuel oil consumed in the boilers, in ft³ and gallons respectively, each month. At the beginning of each month, the Permittee shall calculate the total quantity of natural gas and fuel oil consumed in the boilers, in ft³ and gallons respectively, during the previous twelve (12) consecutive month period. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*] [40 C.F.R. §60.48c(g)]
- (30) Whenever the Facility adds waste oil to its boiler's fuel tank, it shall record the date and approximate amount of waste oil added. [10 V.S.A. §556(c)] [AP-96-019]
- (31) Records of Coatings Use: The Permittee shall maintain the following records regarding the coatings use at the Facility:
 - (a) For its paper coating lines each day the name and identification number of the coatings, as applied, on each paper coating unit.
 - (b) The mass of VOC per volume of the coatings (excluding water and exempt compounds), as applied, used each day on each paper coating unit.
 - (c) For the coatings used at the Facility the Permittee shall maintain the following records:
 - (i) The weight of the coatings expressed in pounds;
 - (ii) The volatile organic compound (VOC) content of the coatings, expressed as a weight percentage;
 - (iii) The content of each individual known hazardous air contaminant (HAC) and hazardous air pollutant (HAP) contained in the coatings, expressed as a weight percentage.
 - (d) At the beginning of each month, the Permittee shall calculate the total quantity of coatings used the previous month, expressed in pounds for each.
 - (e) At the beginning of each month, the Permittee shall also calculate the total quantity of VOC, each individual HAC and each individual HAP emissions from the use of all

coatings combined for the previous month and the previous twelve (12) consecutive calendar months, expressed in tons of VOC and pounds of each individual HAC and HAP.

- (f) For the purposes of these calculations, 100 percent of the VOC, volatile HAC and volatile HAP content of the coatings shall be assumed to be emitted unless a lower percentage is approved in writing by the Agency.
- (g) At the beginning of the calendar year, the Facility will verify and log the certified test result to ensure compliance of the HMSER limit for acetaldehyde and vinyl acetate. The Permittee will include the mean acetaldehyde and vinyl acetate concentration in ppm in each product, the name and contact information of the laboratory that conducted the test, and the procedure and or test method used to conduct the test.

[10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*]

- (32) In addition to the record keeping requirements above, the Facility shall maintain the following records. Each month, the Facility shall calculate and record the total quantity of SO₂ and NO_x emissions during the previous (12) consecutive calendar month period.
- (33) Records of Combustion Efficiency Testing: The Permittee shall maintain records of the results of the combustion efficiency testing conducted on the four boilers. These records shall at least include the test date, identification of boiler tested, a measurement of the load on the boiler (such as fuel feed rate or steam production rate), the concentration of oxygen if available, carbon monoxide and carbon dioxide in the exhaust gas as well as the calculated combustion efficiency. [10 V.S.A. §§556(c) and 556a(d)] [§§5-405(1) and 5-1015(a)(3) and (4) of the *Regulations*]
- (34) Records of Emergency Diesel/Generator Usage: The Permittee shall maintain records in a log book of all hours of operation of each emergency generator and shall make such records available to the Agency upon request. The records shall include: the dates on which each engine was operated; the number of hours the engine was operated on the respective date, the purpose of the operation be it emergency, testing or maintenance; and, if the purpose of the operation was for an emergency, the records shall include a brief description of the emergency and its cause. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*]
- (35) Records of Fuel Oil Certifications: The Permittee shall obtain from the fuel supplier, for each shipment of fuel oil received at the Facility, a certification or invoice regarding the sulfur content of the fuel oil. The certification or invoice shall include the name of the fuel oil supplier, date of delivery, fuel type, quantity of fuel oil delivered, and a statement from the fuel oil supplier that the oil complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society of Testing and Materials in ASTM D396, "Standard Specifications for Fuel Oils" or a statement as to the sulfur content of the fuel oil in percent sulfur by weight. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*] [40 CFR Part 60 Subpart Dc §§60.42c(h) and 60.48c(f)]
- (36) Semi-Annual Periodic Monitoring Reports: Within thirty (30) days after January 1st and July 1st of each year, the Permittee shall submit to the Agency a report, signed by a responsible official of the Facility, containing the following information regarding the preceding six (6) months:

- (a) A summary of the fuel usage records required by this Permit;
- (b) A summary of the NO_x, SO₂, and VOC emission calculations as required by this Permit;
- (c) A statement of the sulfur content of any and all fuel used or delivered to the Facility during the reporting period;

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

(37) 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), 5-405(1) and 5-1015(5) of the *Regulations*]

(38) 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*]

(39) 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*]

(40) The Permittee shall notify the U.S. EPA of the date construction commenced on the 27.0 MMBtu/hr (700 hp) Cleaver-Brooks Boiler #2 boiler postmarked no later than thirty (30) days after such date. This notification shall include:

- (a) The design heat input capacity of the boiler and identification of fuels to be combusted in the boiler.
- (b) The annual capacity factor at which the Permittee anticipates operating the boiler.

[40 CFR 60.7(a)(1)] [40 CFR Subpart Dc 60.48c (a)]

(41) The Permittee shall notify the Agency in writing of the actual date of initial start-up of 27.0 MMBtu/hr (700 hp) Cleaver-Brooks Boiler #2 boiler postmarked within fifteen (15) days of initial boiler start-up. For the purposes of this Permit, the date of initial start-up for the boiler shall be defined as the date on which fuel is first burned in the boiler. Along with this notification, the Permittee shall include the following information: boiler manufacturer, boiler model, boiler serial number, maximum boiler rated heat input in units of MMBTU/hr. A copy of the notification shall be sent in duplicate to the U.S. EPA. [10 V.S.A. §556(c)] [40 CFR §60.7(a)(3)]

(42) All records, reports, and notifications that are required to be submitted to the U.S. EPA by this Permit shall be submitted to:

Air Technical Unit
Office of Environmental Stewardship
U.S. Environmental Protection Agency
1 Congress Street, Suite 1100 (SEA)
Boston, MA 02114-2023

[40 CFR 60.4 (a)]

- (43) 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. This notification requirement includes, but is not limited to, the proposed installation of any new equipment that is a source of air pollution, including the replacement of an existing permitted air pollution source. 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 except as may otherwise be allowed by the *Regulations*. [10 V.S.A. §556(c)] [§§5-402(1) and 5-501 of the *Regulations*]
- (44) Annual Compliance Certification: By February 1st of each year, the Permittee shall submit an annual certification of compliance for the previous calendar year which ascertains and identifies the compliance status of the Facility with respect to all terms and conditions of this Permit, including but not limited to the following:
- (a) Identification of each term or condition of the permit that is the basis of the certification;
 - (b) The compliance status;
 - (c) Whether compliance was continuous or intermittent;
 - (d) The methods used for determining the compliance status of the Facility over the reporting period.
 - (e) The emissions of VOCs from the Facility are less than fifty (50) tons per year;
 - (f) The emissions of federal HAPs from the Facility are less than ten (10) tons per year for each individual HAP and less than twenty-five (25) tons per year for total HAPs; and
 - (g) The emissions of each regulated state HAC is less than its respective Action Level (found in Appendix C of the *Regulations*) or the emission of the respective HAC has previously been reviewed and approved by the Agency under §5-261(3) of the *Regulations*.

A copy of the compliance certification shall also be sent to the U.S. Environmental Protection Agency at the following address:

Air Technical Unit
Office of Environmental Stewardship
U.S. Environmental Protection Agency
1 Congress Street, Suite 1100 (SEA)
Boston, MA 02114-2023

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

- (45) 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*]
- (46) All records, reports, and notifications that are required to be submitted to the Agency by this Permit shall be submitted to:

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

[§5-402(1) of the *Regulations*]

- Standard Permit Conditions -

- (47) 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*]

- (48) 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*]

- (49) 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*]

- (50) 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)]
- (51) 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*]
- (52) All data, plans, specifications, analyses and other information submitted or caused to be submitted to the Agency as part of the application for this Permit or an amendment to this Permit shall be complete and truthful and, 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*]
- (53) For the purpose of establishing whether or not a person has violated or is in violation of any condition of this Permit, nothing in this Permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. [10 V.S.A. §§556(c) and 556a(d)]

- (54) 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*]
- (55) 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)]
- (56) 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*]
- (57) 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)]
- (58) 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)]
- (59) 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*]
- (60) 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).

- (61) Conditions (1) through (7) are derived from the new source review requirements of Subchapter V of the Regulations. With the exception of the cited new source review conditions, this Operating Permit shall expire on February 12, 2013. 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, judgment, and other information supplied by the Permittee. The Agency makes no assurances that the air contaminant source approved herein will meet performance objectives or vendor guarantees supplied to the source Permittee. It is the sole responsibility of the Permittee to operate the source in accordance with the conditions herein and with all applicable state and federal standards and regulations.

Dated this _____ day of _____, 200__, in the town of Waterbury, county of Washington, state of Vermont.

Agency of Natural Resources

Laura Q. Pelosi, Commissioner
 Department of Environmental Conservation

By: _____
 Harold Garabedian, Director
 Air Pollution Control Division

JT
A2 File – Rock-Tenn Converting Company - Sheldon Springs