

Draft Title V Air Pollution Control Permit to Construct and Operate
Issued July 15, 2004 to
Ethan Allen Operations, Inc. Beecher Fall Division

Response to Comments

No public comments or affected state comments were received. Only the applicant provided comments on the draft permit. Their comments are addressed below.

Comment on Findings of Fact (A) – Facility Description: EA requested additional language to note that: (1) the equipment specified in the table may change from time to time, (2) the table is for informational purposes only and does not constitute specific enforceable conditions, and (3) that specifications are in some cases best estimates due to certain assumption and calculations for site engineered/fabricated equipment.

Response: The Agency maintains that the table is intended to be a comprehensive listing of all relevant equipment and operations at the Facility and that changes to that equipment must be approved by the Agency. Thus the table is intended to be enforceable, however, the Agency has clarified via a footnote that Equipment specifications are based on the best available information at the time of permit issuance and may be subject to some uncertainty due to use of certain assumptions and calculations for older and site engineered/fabricated equipment. In addition, permit condition (1) which states “including the equipment specifications as listed in FoF (A) or their regulatory equivalents as approved by the Agency” , allows some flexibility in the equipment and specifications if the Agency determines it is equivalent and not subject to further regulation.

Comment on Findings of Fact (D) – Future Allowable Emissions: EA requested that the table of Future Allowable Emissions be based on the highest emission level of the respective pollutant over the past 10 years plus an additional amount of just less than the respective significant modification level (50 tpy for VOC and CO, 40 tpy for NOx and SO2, 25 tpy for PM and 15 tpy for PM10). EA also requested clarification that the table of Future Allowable Emissions was for informational purposes only and did not constitute separate enforceable conditions or limitations.

Response: The allowable emissions for each respective pollutant, except NOx and VOC, were based on maximum capacity of the Facility equipment taking into account any existing permit restrictions from prior permits. Any increases above these levels would be considered a modification and be subject to possible review under §5-501 of the Regulations which would likely include an ambient impact evaluation. Thus the Agency is not able to preapprove modification increases in this Permit to Operate. NOx allowable emissions are limited to less than 100 tons per year to avoid applicability to the NOx RACT requirements of §5-251(3) of the Regulations. Due to the variability in potential coatings and application rates, a VOC emission rate based on maximum capacity can not be reliably calculated. In the Draft Permit to Operate, the Agency initially attempted to estimate VOC emissions based on past actual emissions. Upon further consideration and in light of EA's comments, the Agency has determined that VOC emissions need only be estimated as >50 tons per year since this

is the Title V threshold and there are no further applicable requirement thresholds above this level. Any future modifications to the Facility in accordance with the definition of “modification” in the *Regulations* will continue to be subject to permitting requirements under §5-501 of the *Regulations*.

The table of Future Allowable Emissions is intended to be a best estimate of the Facility’s potential emissions for the purpose of determining applicable requirements. While not intended as separate enforceable conditions or limitations, to the extent the applicant’s information submitted to the Agency on which these emission levels are based is inaccurate or incomplete the applicant may still be considered liable.

▫Comment on Findings of Fact (F)(a)(iv) – Federal Requirements: EA requested several clarifications to the table of Potentially Applicable Requirements from Federal Regulations and the Clean Air Act.

Response: The requested substantive changes were all incorporated.

▫Comment on Findings of Fact (F)(b) – Non-Applicable Requirements: EA requested inclusion of a Permit Shield for all existing State and federal regulations and standards that were not identified in the Permit.

Response: Pursuant to §5-1015(a)(14) the Permit Shield must specifically identify and list each requirement for which a Shield is granted. A blanket Shield for all requirements not otherwise specifically listed in the Permit is not allowed. A table was added to the Permit identifying those requirements for which the Agency is granting a Permit Shield. The Agency has denied the Permit Shield request for the following requirements for the reasons respectively stated:

- 5-253.5 denied since EA does not have gasoline storage tanks on site;
- 5-253.14 denied since EA likely utilizes degreasing solvents to some extent in the maintenance shop;
- Subchapter III denied since the Air Quality Standards are not considered applicable requirements and a Permit Shield is not relevant;
- 5-401 denied since this is not considered an applicable requirement and a Permit Shield is not relevant;
- 5-405 and 406 denied since these are potentially applicable requirements that may be imposed by the Agency and thus a Permit Shield may not be granted even though the Agency is not currently imposing such requirements;
- 5-501, 502 and 503 denied since these are potentially applicable requirements that may apply to future modification at the Facility. With respect to past changes at the facility, more detailed information would be required for the specific situations to determine if a Permit to Construct should have been obtained at the time. The Agency believes it is within its discretion to determine that a Permit to Construct is not now required for the installation of the Rettew furnace. In addition, the installation of a fabric filter for control of wood waste from existing equipment not previously controlled would not be considered a modification subject to a Permit to Construct;
- Subchapter VI denied since these are not considered applicable requirements and a Permit Shield is not relevant;
- 5-801, 805 and 806 denied since these are not considered applicable requirements and a Permit Shield is not relevant;

- 5-901 denied since this is not considered an applicable requirements and a Permit Shield is not relevant;
- 5-1010 denied since this is a potentially applicable requirement that may be imposed by the Agency and thus a Permit Shield may not be granted even though the Agency is not currently imposing such a requirement within this Permit;
- 40 CFR Part 68 – Accidental Release denied since applicability is continuously determined based on on-site storage of chemicals;
- CAA Section 123 Stack Heights denied since this is a general requirement that applies to all facility stacks constructed after enactment of the CAA in 1970.
- CAA Section 183(a) and (b) Control Techniques Guidelines (CTG) denied since these are not applicable requirements that apply directly to a Facility. Rather, these are guidelines that respective states are obligated to adopt into separately enforceable state regulations. It is the state regulation that is the applicable requirement. The only CTG that affects wood furniture operations has been incorporated into the Agency regulation 5-253.16 [Wood Furniture Manufacturing] and is incorporated into this Permit.
- CAA Section 183(c) Alternative Control Techniques (ACT) denied since these are not applicable requirements that apply directly to a Facility. Rather, these are guidelines that respective state may consider in adopting regulations. The states are not required to adopt such guidelines. Vermont has not adopted any ACTs into its regulations.
- 40 CFR Part 82 Stratospheric Ozone Protection denied since Part 82 encompasses a wide array of requirements that could apply to the Facility for certain maintenance activities on air conditioning and refrigeration equipment.

▫Comment on Findings of Fact (F)(c) - Enforceability: EA requested clear delineation of which conditions are state only enforceable and which are jointly enforceable by both the state and federal authorities. In particular, EA requested that all conditions related to the state regulation 5-253.16 [Wood Furniture Manufacturing] be stated as state only enforceable until it is incorporated into the SIP.

Response: The Agency concurs that those conditions in 5-253.16 which relate to the CTG should be considered state only enforceable until such regulation is incorporated into the SIP since the federal CTG has no enforceable authority on the Facility outside of the state regulation. Thus the Agency has clearly stated that any requirements related to 5-253.16(c) are state only enforceable until such time as they are incorporated into the SIP. The remaining requirements of 5-253.16 are equivalent to those requirements of the federal NESHAP for wood furniture manufacturing which is federally enforceable without the state regulation and without incorporation into the SIP. Thus those requirements will remain as both state and federally enforceable. EA has also requested numerous other permit conditions either be removed since they believe they are “new” applicable requirements, or at a minimum be stated as state only enforceable, since they are not direct language from an existing regulation and thus are not incorporated into the SIP. However, the Agency feels it has adequate authority to require these conditions under the operating permit regulations:

- 5-1015(a)(1) Specified emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements;
- 5-1015(a)(4) Conditions for record keeping and periodic monitoring as the Secretary deems necessary to collect reliable data representative of the subject source’s compliance with the operating permit including the installation, use and maintenance of monitoring equipment;

In addition, even though the Vermont Subchapter X regulation is not incorporated into the SIP, it is a U.S. EPA approved program under 40 CFR Part 70 and therefore those permit conditions derived from Subchapter X are both state and federally enforceable.

Comment on Findings of Fact (G) – Hazardous Most Stringent Emission Rate: EA stated that it does not believe the condition requiring them to continue use of the previous emissions reduction measures (reformulations, acetone use, hvlp guns, hot spray, and uv flatline) is necessary in light of the VOC cap.

Response: The Agency has determined that such measures are required to achieve HMSER, especially in light of the fact the VOC cap has been removed. Since the regulation 5-261 is incorporated into the SIP, such requirements are state and federally enforceable. EA also stated that HMSER should be limited to only those HACs in excess of their respective Action Levels. The Agency concurs and has made the requested change. EA also requested clarification that the prior HMSER determination for formaldehyde from the catalyzed coating was reevaluated and reaffirmed as achieving HMSER. The Agency concurs and has made the changes to reflect this.

Comment Permit Condition (1) – Condition (1) requires the Permittee to construct and operate the Facility in accordance with the plans and specification submitted to the Agency including the equipment specifications of FoF (A). EA believes this is a new applicable requirement not otherwise specifically required by law, regulation or existing permits and does not provide the flexibility they need to make changes without DEC approval provided they comply with the annual limits of the Permit. In addition, EA states that at a minimum since it is not part of the SIP it should be considered state enforceable only.

Response: The Agency does have adequate authority for this condition under both the Permit to Construct (10 VSA §556 and §5-501 of the *Regulations*) and the Permit to Operate (10 VSA 556a and Subchapter X of the *Regulations*) authorities in the Statutes and Regulations which are either incorporated into the SIP or separately approved by the U.S. EPA and thus are federally enforceable. The condition simply requires the Permittee to construct and operate the Facility in accordance with their application. To the extent EA makes changes to the equipment or operations that are not classified as “modifications” under either the Permit to Construct or the Permit to Operate authorities they are free to do so without approval and the permit condition has been revised slightly to reflect this.

Comment Permit Condition (3) - Condition (3) requires the Permittee to maintain the wood waste dust collection systems in good working order and operate them in accordance with the manufacturer’s operation and maintenance recommendations. EA believes this is a new applicable requirement not otherwise specifically required by law, regulation or existing permits and at a minimum should be considered state enforceable only since it is not specifically incorporated into the SIP.

Response: The Agency does have adequate authority for this condition under the Permit to Operate authority, specifically §5-1015(a)(1) of the *Regulations* [Specified emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements;] which, although

not incorporated into the SIP, it from a U.S. EPA approved program under 40 CFR Part 70 and therefore those permit conditions derived from Subchapter X are both state and federally enforceable. Since the emission control devices are necessary to ensure compliance with the particulate matter emission standards, a permit condition that requires the devices to be properly maintained and operated is within the authority stated above.

◦Comment Permit Condition (4) - Condition (4) requires the Permittee to equip the dust collectors with a pressure drop device and to maintain the device in good working order and operate them in accordance with the manufacturer's operation and maintenance recommendations. EA believes this is a new applicable requirement not otherwise specifically required by law, regulation or existing permits and at a minimum should be considered state enforceable only since it is not specifically incorporated into the SIP. EA also requests the condition be modified to clarify that failures due to harsh weather conditions not reasonably preventable shall not be considered a violation.

Response: The Agency does have adequate authority for this condition under the Permit to Operate authority, specifically §5-1015(a)(1) of the *Regulations* [Specified emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements;] and §5-1015(a)(4) of the *Regulations* [Conditions for record keeping and periodic monitoring as the Secretary deems necessary to collect reliable data representative of the subject source's compliance with the operating permit including the installation, use and maintenance of monitoring equipment;] which, although not incorporated into the SIP, is from a U.S. EPA approved program under 40 CFR Part 70 and therefore those permit conditions derived from Subchapter X are both state and federally enforceable. The pressure drop devices and their proper operation and maintenance are parametric periodic monitoring measure intended to ensure compliance with the particulate matter emission standards and within the authority stated above. The Agency has agreed to add the suggested language regarding failure due to harsh weather beyond the reasonable control of the Permittee.

◦Comment Permit Condition (5) – Condition (5) requires, in part, the Permittee to discard overspray filters in accordance with Vermont Hazardous Waste Management Regulations. EA objects to inclusion of this requirement in the Title V Air Permit.

Response: The Agency agrees to remove this language since the Permittee is required to follow Hazardous Waste Management Regulations regardless of whether it is in the Title V permit.

◦Comment Permit Condition (7) – Condition (7) requires the Permittee to limit NO_x emissions to less than 100 tons per year by limiting consumption of fuel oils, wet wood and dry wood in accordance with the formula in the Permit. EA has proposed a method for calculating the quantity of wet and dry wood consumed since there is no direct measure of wood weight fed to the boilers.

Response: The Agency agrees in concept with the proposed methodology for calculating green and wet wood from sawmill and plant production records. However,

the Agency prefers not to include the methodology as a permit requirement in order to more readily accommodate modifications to the methodology based on what works best in practice and as operations change.

◦Comment Permit Condition (9) – Condition (9) requires the Permittee to have a properly trained boiler operator on site at all times the wood boilers are operating. EA has requested this condition be deleted.

Response: The Agency feels that a properly trained boiler operator should be present at the Facility while the boilers are in operation to ensure continued proper operation of the units. The Agency also feels is has adequate authority for this condition under the Permit to Operate authority, specifically §5-1015(a)(1) of the *Regulations* [Specified emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements;]. However, the Agency agreed to modify the condition to allow the boiler operator to be present or “on call” at all times.

◦Comment Permit Condition (10) – Condition (10) limits the types of wood fuel that may be used as well as states “In addition, the wood fuel burning equipment shall only be used when there is a need for space or process heat and shall not be used where the primary purpose is the reduction in volume and weight of an unwanted material.” EA has requested this last portion of the condition be deleted and believes this is a new applicable requirement not otherwise specifically required by law, regulation or existing permits and at a minimum should be considered state enforceable only since it is not specifically incorporated into the SIP.

Response: The Agency has agreed to change its definition of wood fuel capable of being burned to be consistent with the *Regulations*. However, the Agency considers the combustion of wood waste when there is no need for the heat at the Facility to be “incineration” under the *Regulations* and the boilers would thus need to meet the requirements of an incinerator. Therefore the Agency intends to keep this part of the condition unless EA agrees to upgrade the boiler to meet the requirements of an incinerator. The Agency also feels is has adequate authority for this condition under §5-231(2) of the *Regulations* which is incorporated into the SIP and thus federally enforceable.

◦Comment Permit Condition (11) – Condition (11) approves the use of specific catalyzed coatings or their equivalent if approved by the Agency. EA has instead requested they be approved to use “coatings necessary to perform its wood furniture and finishing operations”.

Response: Since these specific catalyzed coatings were approved under §5-261 [Control of Hazardous Air Contaminants] only these coatings or their equivalent may be used. In addition, the annual use quantity of these catalyzed coatings is further limited by the Permit. However, the Agency has clarified that these specific coatings are not meant to be the “only” coatings approved but rather the only “catalyzed” coatings currently approved. Equivalent coatings would be approved by letter from the Agency if necessary.

◦Comment Permit Condition (15) – Condition (15) specifies requirements for Stage I vapor recovery controls. EA states it receives deliveries of gasoline from account trucks only and therefore is not required to install Stage I.

Response: The Agency concurs that Stage I controls are not required if deliveries are by account trucks only. However, the condition is properly worded such that Stage I controls would only be required in the event they receive deliveries from other than account trucks. In addition, the condition requires submerged fill which is a regulatory requirement regardless of type of delivery vehicle. Therefore, the Agency intends to keep this permit condition.

◦Comment Permit Condition (16) – Condition (16) refers to requirements for open burning. EA has requested clarification of what materials may be burned.

Response: The permit restricts open burning to “natural wood” as defined in the Regulations and in accordance with 5-202 of the Regulations. With the exception of certain limited situations, 5-202 requires separate written approval each time a facility wishes to open burn materials.

◦Comment Permit Conditions regarding Wood Furniture Manufacturing Rule – The Permit contains several conditions that impose the requirements of Vermont’s wood furniture manufacturing rule (5-253.16 of the Regulations). EA has requested that all such conditions be stated as state enforceable only since they are not incorporated into the SIP.

Response: Vermont’s regulation 5-253.16 combines the requirements of both the federal CTG and the federal NESHAP (40 CFR Part 63 Subpart JJ) for wood furniture manufacturing. The Vermont regulation has not yet been incorporated into the SIP. The Agency concurs that those conditions in 5-253.16 which relate to the CTG should be considered state only enforceable until such regulation is incorporated into the SIP since the federal CTG has no enforceable authority on the Facility outside of the state regulation. Thus the Agency has clearly stated in Findings of Fact (F)(c) that any requirements related to 5-253.16(c) are state only enforceable until such time as they are incorporated into the SIP. The remaining requirements of 5-253.16 are equivalent to those requirements of the federal NESHAP for wood furniture manufacturing which is federally enforceable without the state regulation and without incorporation into the SIP. Thus those requirements will remain as both state and federally enforceable. See also response to comments regarding Findings of Fact (F)(c) above.

◦Comment Permit Condition (18) – Condition (18) requires the Permittee to train new personnel involved in finishing, gluing, cleaning and washoff operations. The condition required existing personnel to be trained by September 1, 2004. EA requested this be deleted as the date has already passed.

Response: The Agency concurs and has removed the part of the condition. Since the permit is worded such that “In accordance with...., the Permittee shall train....” EA is still obligated to train its personnel in accordance with all applicable requirements.

Comment Permit Condition (28) – Condition (28) requires the Permittee to continue implementation of the measures that were considered to achieve HMSER under 5-261 of the Regulations. EA has requested this condition be removed in light of the annual VOC cap or at least clarify exactly what EA has to do to document compliance.

Response: The Agency feels the condition is necessary to ensure continued use of the measures that were implemented to achieve HMSER. The Agency has reworded the condition to more clearly state how EA is to demonstrate compliance.

Comment Permit Condition (30) – Condition (30) specifies the particulate matter emission limits for the various wood waste handling operations. EA noted one correction to the table regarding the MAC #2 unit and requested a higher gr/dscf emission limit for the Pneumafil #3 unit in exchange for a limit on hours of operation.

Response: The Agency has made the correction to the MAC #2 unit and agrees to the emission limit modification for the Pneumafil #3 unit with an added hour cap that results in an equivalent emission rate in tons per year of particulate matter.

Comment Permit Condition (33) – Condition (33) requires the Permittee to take reasonable measures to control fugitive particulate matter emissions. EA has raised a concern with whether the Agency currently considers their wood waste drop loading area in compliance with this condition. EA also states that such a condition is not in the SIP and thus must be designated as state only enforceable.

Response: The Agency has conducted several inspections of this Facility in the past and has not determined the drop loading operations to be in violation of the fugitive dust regulations 5-231(4). However, should any future inspection determine the fugitive dust emissions to be excessive from these operations than additional dust control measure may be required in accordance with the regulation. The Agency has reworded the condition slightly to provide more clarity. Since 5-231(4) is incorporated into the SIP it is considered state and federally enforceable.

Comment Regarding Annual Emission Limits– EA recommended annual tons per year emission limits for particulate matter, sulfur dioxide and carbon monoxide as well as a revised annual emission limit for volatile organic compounds based on the allowable emission levels.

Response: The Agency has calculate the allowable emissions as set forth in the table within Findings of Fact (D). This table of Future Allowable Emissions is intended to be a best estimate of the Facility's potential emissions for the purpose of determining applicable requirements. While not intended as separate enforceable conditions or limitations, to the extent the applicant's information submitted to the Agency on which these emission levels are based is inaccurate or incomplete the applicant may still be considered liable. The Agency does not intend to make these allowable emissions separate enforceable conditions within the Permit.

Comment Permit Condition (35) – Condition (35) limits emissions of HACs to less than their respective Action Level unless the Agency has reviewed and approved such HAC emission under 5-261 of the Regulations. EA believes the Agency does not have authority for this condition based on its understanding of 5-261.

Response: 5-261 of the Regulations states that “No person shall discharge...emissions of hazardous air contaminants, except in conformity with the provisions of this section. Any stationary source whose actual emission rate of a contaminant is below the Action Level for such contaminant specified in Appendix C of these regulations shall not be subject to this section for that contaminant.” Thus, with the exception of those activities specifically exempt under 5-261(b), the emission of any HAC over its Action Level is subject to the rule and per 5-261(3) is required to achieve HMSER. EA misinterpreted the rule in assuming that HMSER only applies if the Facility exceeds the respective Hazardous Ambient Air Standard and only applies to those contaminants in Appendix B not Appendix C. Appendix B and C list the exact same HACs with the exception that Appendix B contains a few compounds that do not appear in Appendix C. Thus the Permittee is not allowed to increase emissions of a HAC in excess of its respective Action Level without first achieving HMSER as determined by the Agency. The permit condition will be retained without changes.

Comment Permit Condition (36) – Condition (36) establishes annual emission caps for those HACs that exceeded Action Levels and that have been reviewed under 5-261. EA requested an increased annual cap for silica emissions based on a formula related to VOC emissions used by the Agency in the draft permit.

Response: This condition has been expanded from an annual limit for just silica to 5 additional HACs since the Agency dropped the use of VOCs as a surrogate for regulating HAC emissions. The new emission caps are based on the maximum emissions since the year 2000; the year the final HMSER measure was employed. A growth factor of 33% was added to account for the equivalent of an additional shift that could be accommodated at the facility without trigger a modification under 5-261 since applicability is based on emissions per 8 hour period.

Comment Permit Condition (38) – Condition (38) requires the Permittee to comply with the requirements of 5-253.16(c)(1) of the Regulations that implements the CTG requirements for top coat and sealer VOC coating limitations. EA has requested additional language be added to both subsections (a) and (b) to allow higher VOC content coatings if EA can demonstrate they result in lower VOC emissions. EA has also stated that since this regulation is not yet incorporated into the SIP that it be designated as state only enforceable.

Response: The Agency feels the regulation as worded provides the flexibility to use higher VOC content coatings through the language that reads...”as applied, or the equivalent” and thus has not modified this condition. The Agency concurs with EA that this part of the wood furniture regulation 5-253.16 is based on the CTG which has no federal enforceability on the facility until it is incorporated into the SIP. Since it is not incorporated into the SIP at this time, the Agency has stated in the Findings of Fact (F)(c) that it is state only enforceable until such time as it is approved into the SIP.

Comment Permit Conditions (41), (42) and (43) – These permit conditions require boiler O&M measures (41) including combustion efficiency testing (42) as well as O&M requirements for the wood waste dust collection systems (43). EA has requested these conditions each be deleted since they believe they are new applicable requirements not otherwise specifically required by law regulation or existing permits. At a minimum, EA requests these conditions be identified as state only enforceable as they are not included in the SIP.

Response: The Agency does have adequate authority for this condition under the Permit to Operate authority, specifically §5-1015(a)(1) of the *Regulations* [Specified emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements;] and §5-1015(a)(4) of the *Regulations* [Conditions for record keeping and periodic monitoring as the Secretary deems necessary to collect reliable data representative of the subject source's compliance with the operating permit including the installation, use and maintenance of monitoring equipment;] which, although not incorporated into the SIP, is from a U.S. EPA approved program under 40 CFR Part 70 and therefore those permit conditions derived from Subchapter X are both state and federally enforceable. The Agency feels the O&M measures including periodic combustion efficiency testing are reasonable operational requirements and monitoring measures for ensuring these emission units continue to comply with the respective particulate matter emission standards and are within the authority stated above. With respect to the O&M requirements for the wood waste dust collection systems, since these emission control devices are necessary to ensure compliance with the particulate matter emission standards, a permit condition that requires the devices to be properly maintained and operated is within the authority stated above.

Comment Permit Condition Regarding Storage Vessels for volatile organic liquids – this condition stated the requirements of 40 CFR Part 60 Subpart Kb. EA stated it has not storage vessels subject to this NSPS and requested the condition be deleted.

Response: The Agency concurs. Recent amendments to this NSPS on October 15, 2003 revised the applicability such that it no longer applies to storage vessels less than 20,000 gallons nor to any size vessel storing a liquid with a vapor pressure less than 3.5 kPa (0.51 psi). Thus the Permittee has no affected vessels and is unlikely to ever have any since No.2 fuel oil has a vapor pressure of 0.15 kPa (0.02 psi).

Comment Permit Condition (57) – Condition (57) is a standard permit condition that requires the Permittee to notify the Agency of any proposed changes at the facility that may be considered modifications subject to a permit amendment under 5-501 of the *Regulations*. EA has requested additional language be added to the condition to reflect the operational flexibility provisions of 5-1014 of the *Regulations*.

Response: The permit condition accurately reflects the regulatory requirements as written but the Agency has agreed to add a clarification to the condition to reflect the provisions of 5-1014: “The permit amendment shall be obtained prior to commencing any such change except as may otherwise may be allowed by the *Regulations*.”