

AOP-07-020a
DEC#EJ95-0448

Operating Permit Expiration Date: April 21, 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
AND ACID RAIN PHASE II PERMIT

Date Permit Issued: February 2, 2009

Owner/Operator:
Burlington Electric Department
585 Pine Street
Burlington, Vermont 05401-4891

Source:
Unit ID# 1
Joseph C. McNeil Generating Station (ORIS Code: 589)
111 Intervale Road
Burlington, Vermont 05401

FINDINGS OF FACT

(A) FACILITY DESCRIPTION

Burlington Electric Company (also referred to herein as "Permittee") owns and operates a fifty (50) megawatt (net) multi-fuel fired power plant located at 111 Intervale Road in the town of Burlington, Vermont (also referred to herein as "Facility"). Other joint owners of the McNeil Station include: Central Vermont Public Service ("CVPS"), Green Mountain Power Corporation ("GMPC"), and Vermont Public Power Supply Authority. Operations performed at the McNeil Station are classified within the Standard Industrial Classification Code - 4911 (Electrical Services). The McNeil Station is designated as an "intermediate" power generation plant, and is subject to central dispatch by the Independent System Operator New England ("ISO New England"), a regional consortium of electrical utilities.

Permit AOP-07-020 approved the renewal of the Facility's combined Permit to Construct and Operate. In addition, the Permittee had proposed to install and operate a selective catalytic reduction (SCR) system in order to reduce the facility's emissions of NO_x. The reduced NO_x emissions are required for the Facility to qualify for Class 1 renewable energy credits (RECs) in New England. While the installation of the SCR system is voluntary, once the system is operational, the Permittee must operate the system to meet new NO_x RACT limits.

This permit amendment (AOP-07-020a) reauthorizes the installation and operation of the NO_x SCR system with changes to address the Notice of Appeal for Air Pollution Control Permit AOP-07-020 filed by the Permittee on May 21, 2008 with the Vermont Environmental Court. As a result of this appeal, additional language has been added to Condition (11)(g). Also Condition (11)(g) is now enforceable by the state authorities only.

This permit also includes a clerical amendment to Condition (21).

The following equipment is operated at the facility:

- 50 MW¹ Main Boiler: 750 MMBtu/hr² Wood / 660 MMBtu/hr Natural Gas & Biomass Gas / <250 MMBtu/hr No.2 fuel oil. Installed 1981
- 4 MMBtu/hr¹ natural gas / No. 2 fuel oil boiler ("Auxiliary Boiler") Installed 1983
- 0.28 MMBtu/hr waste oil furnace ("Waste Oil Furnace") Inst. 2003

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

² MW – Mega Watt electrical output.

(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 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/COURT ACTIONS/APPROVALS

The Facility has been issued the following "Permit to Construct" approvals pursuant to 10 VSA §556 and §§5-501 and 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/Court Approvals and Actions	
Date of Action	Description of Agency Approval/Action
May 2, 1980	Original Agency Permit to Construct: approved construction and operation of wood fired electric power plant. (Major New Source Review)
July 13, 1982	Court Order imposed NO _x emission limits (short term and annual) and required continuous emission monitoring.
September 15, 1989	#AP-89-010 - Agency approval for installation and operation of natural gas burners. (Major Modification)
January 22, 1992	Assurance of Discontinuance: Required Flue Gas Recirculation installation and operation in order to bring NO _x emissions from Main Boiler into compliance with Permit limits. Also required ESP maintenance and reporting actions.
June 9, 1995	#AP-89-010a - Agency approval for combustion of gasifier gas and installation of new burner (FERCO). (Administrative Amendment)
April 1, 1996	#AP-89-010 b - Administrative amendment updating boiler specifications and lb/hr emission limits for NO _x .
March 11, 1998	#AOP-95-047 – Initial Title V Operating Permit issued.
November 28, 2001	Settlement Agreement eliminated annual cap on NO _x emissions attributable to wood combustion imposed by July 13, 1982 Court Order.
October 28, 2003	#AOP-01-057 – Renewal of Title V Operating Permit that included a fuel neutral SO ₂ limit for the Main Boiler as well as lower NO _x emission rates for the main boiler.
April 21, 2008	#AOP-07-020 – Renewal of Title V Operating Permit and a Construction Permit for the installation of a regenerative selective catalytic reduction NO _x control device.

(D) FACILITY PERMIT APPLICABILITY

As noted above, the Facility is classified as a source of air contaminants under §5-401 of the *Regulations*. Pursuant to 10 VSA §556 and §5-501 of the *Regulations* a Permit to Construct, or an amendment to any existing Permit to Construct, must be obtained before commencing the construction, installation, modification or operation of an air contaminant source. The proposed installation of the selective catalytic reduction system 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.

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 nitrogen oxides (NO_x), and carbon monoxide (CO) 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/PM₁₀	SO₂	NO_x	CO	VOCs	Total Criteria	HAPs
42	44.6	>100	1469	<50	>10	<10/25

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

² Emissions of individual HAPs each < 10 tpy and emissions of total HAPs combined <25 tpy.

(E) REVIEW FOR THE PERMIT TO CONSTRUCT

(a) New Source Review Designation

The Facility, prior to the construction of the proposed modification, is designated as a 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 major 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*.

Prior MSER Evaluations:

Most Stringent Emission Rate Determinations		
Date of Determination/ Permit #	Pollutant	Description/Emission limit
May 2, 1980 Original Permit to Construct Wood Fired Power Plant (Major New Source Review)	SO ₂	Wood as primary fuel and low sulfur fuel oil (0.39% S)
	NO _x	Modern combustion design of boiler and low flame temperature due to wood combustion.
	CO	Modern combustion design of boiler.
September 15, 1989 #AP-89-010 Approval for Natural Gas Combustion (Major Modification)	PM ₁₀	Existing controls: cyclones with ESP. Emission limit of 0.007 gr/dscf corrected to 12% CO ₂ . (Emission rate from May 2, 1980 permit)
	NO _x	Low NO _x burners for natural gas combustion. Emission rate: 0.16 lb/MMBtu until 10/31/92. After 10/31/92, emission rate of 0.13 lb/MMBtu (8 hour rolling average).
	CO	Modern design and monitoring (CEM). 1500 ppmv (one hour rolling average) emission limit.

(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.

Ambient air quality impact analyses were performed in 1980 and 1989. An ambient impact analysis was performed in 1980 as part of the original review for the Facility. The pollutants CO, SO₂ and NO_x were modeled and it was determined that the proposed impacts would not cause a violation of any National Ambient Air Quality Standard (NAAQS), exceed any PSD Increment or significantly contribute to an existing violation of a NAAQS.

An ambient air quality analysis was performed again in 1989 for permit #AP-89-010. The pollutants PM, NO_x, SO₂ and CO were modeled and it was again determined that the proposed impacts would not cause a violation of any NAAQS, exceed any PSD Increment or significantly contribute to an existing violation of an NAAQS.

(F) REVIEW FOR THE PERMIT TO OPERATE

(a) Applicable Requirements

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

(i) *Vermont Air Pollution Control Regulations:*

Applicable Requirements from the Vermont Air Pollution Control Regulations
Section 5-201 – Prohibition of Open Burning
Section 5-211(2) and (3) - Prohibition of Visible Air Contaminants, Installations Constructed Subsequent to April 30, 1970. Exceptions – Wood Fuel Burning Equipment.
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 5-251 – Control of Nitrogen Oxide Emissions
Section 5-252 – Control of Sulfur Dioxide Emissions

Applicable Requirements from the Vermont Air Pollution Control Regulations
Section 5-261(3) – Control of Hazardous Air Contaminants – Hazardous Most Stringent Emission Rate.
Section 5-402 – Written Reports When Requested.
Section 5-403 – Circumvention
Section 5-502(3) – Most Stringent Emission Rate
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"). At the request of the Agency and as part of the 2003 Title V renewal application, the Permittee performed a RACT analysis for the pollutants NO_x and CO emitted from the Main Boiler. The RACT analysis was subsequently submitted to the Agency on September 6, 2002 for review.

For permit #AOP-01-057, the Agency determined that RACT for NO_x was a short term (8 hour rolling average) NO_x emission rate for oil and wood combustion of 0.23 lbs/MMBtu. The limit was based on optimized operation of the boiler in its current configuration. The Agency also established a NO_x emission limit of 493 tons per rolling 12 months for the Main Boiler. RACT for CO was reviewed and continued to be good combustion practices and a CO limit of 1500 ppmv (1 hour average).

With the NO_x SCR system, the RACT for the Main Boiler at the Facility, in addition to the above short term limit, will be the operation of the NO_x SCR system in such a manner to achieve a NO_x emission limit of 0.075 lb/MMBtu based on a calendar quarterly average. Condition (11)(g) discusses what operating periods may be excluded from the calendar quarterly average.

CO RACT with or without a NO_x SCR system will continue to be good combustion control with the same limits from permit #AOP-01-057.

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

The Facility currently operates under the confines of a Permit to Construct issued on April 21, 2008 (#AOP-07-020). 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-07-020a).

(iv) Federal Requirements:

Applicable Requirements from Federal Regulations and the Clean Air Act
40 <i>CFR</i> Part 60, New Source Performance Standards, Subpart A - General Provisions.
40 <i>CFR</i> Part 60, Subpart Da - Standards of Performance for Electric Utility Steam Generating Units: §60.42a Standards for particulate matter; §60.43a Standards for sulfur dioxide; §60.44a Standards for nitrogen oxides; §60.47a Emission Monitoring; §60.49a Reporting requirements. Applicable to all units of 250 MMBTU per hour or greater for which Construction is Commenced after September 18, 1978
Clean Air Act §§114(a)(3), 502(b), and 504(a)-(c); 40 <i>CFR</i> Part 70 §§70.6(a)(3)(i)(B) and 70.6(c)(1); and 40 <i>CFR</i> Part 64 - Compliance Assurance Monitoring. Upon renewal of a Title V Permit to Operate, a facility must comply with enhanced monitoring and compliance assurance monitoring requirements for any emission controlled unit subject to an emission standard with uncontrolled emissions from the unit in excess of the Title V major source thresholds.
40 <i>CFR</i> Parts 72, 73, 75, 76, 77, 78, Acid Rain Program

(b) Non-Applicable Requirements

Pursuant to §5-1015(a)(11) of the *Regulations*, an owner or operator of a Facility may request a permit shield from specific state or federally enforceable regulations and standards which are not applicable to the source. The Agency is hereby granting the following permit shield.

Non-Applicable Requirements for which a Permit Shield is Granted
Section 5-261 of the <i>Regulations</i> – Control of Hazardous Air Contaminants. The wood boiler (solid fuel burning equipment constructed prior to January 1, 1993) and all fuel burning equipment which combusts virgin liquid or gaseous fuel are exempt from this regulation per 5-261(1)(b)(2). Future physical modifications to the wood boiler that increase the rate of emissions from the boiler may be subject to Section 5-261.
Note that the emissions of ammonia from the operation of the NO _x SCR system are not exempt from §5-261 of the <i>Regulations</i> .

(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.

Condition (11)(g) is enforceable by the state authorities only. With the exception of Condition (11)(g) 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. This permit was reviewed for compliance with §5-261 of the *Regulations* using the list of HACs and their respective action levels that were amended effective March 28, 2007.

Pursuant to §5-261(1)(c)(ii) of the *Regulations*, all fuel burning equipment which combusts virgin liquid or gaseous fuel and wood boilers constructed before January 1, 1993 are exempt from this section. Therefore, the Main Boiler at the Facility is not subject to §5-261 of the *Regulations* at this time. However the emissions of ammonia (NH₃) from the SCR system would be subject to §5-261

The Agency has determined that the operation of the SCR at the Facility will have regulated emissions of NH₃ in excess of its Action Level. The Agency has determined HMSER to be an emission limit of 20 ppmvd at 6% O₂. 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. This and prior HMSER determinations for this Facility are presented below.

Hazardous Most Stringent Emission Rate Determinations		
Date of Determination/Permit #	Pollutant	Description/Emission limit
April 21, 2008 AOP-07-020	NH ₃	Emission limit of 20 ppmvd ¹ , corrected to 6% O ₂ , based on an 8 hour rolling average.

¹ ppmvd – parts per million by volume on a dry basis.

(H) EQUIVALENCY DETERMINATIONS

Where more than one standard or limit applies, the Facility will be held to the most stringent limit. The following tables summarize various regulatory requirements and their respective emission standard or limit that applies to this Facility: the most stringent limits have been noted.

Visible Emission Standards:

Most Stringent	Regulatory Authority	Standard or Limit
	40 <i>CFR</i> Part 60 Subpart Da §60.42a(b)	20% or less opacity except for one 6 minute period in any hour where emissions may not exceed 27% opacity. Does not apply to startup, shutdown and malfunction.
X	§5-211(2) and (3) of the <i>Regulations</i>	20% opacity for periods aggregating to more than 6 minutes in any hour. Exception for wood burning start up and soot blowing, but never to exceed 80% opacity.

Particulate Matter Emission Standards:

Main Boiler: Wood Combustion

Most Stringent	Regulatory Authority	Standard or Limit
	40 <i>CFR</i> Part 60 Subpart Da §60.42a(a)	0.03 lb/MMBtu
	§5-231(3)(b)(iii) of the <i>Regulations</i>	0.10 gr/dscf (corrected to 12% CO ₂)
X	MSER: AP-89-010, September 15, 1989	0.007 gr/dscf (corrected to 12% CO ₂) equivalent to 0.02 lb/MMBtu

Main Boiler: Oil Combustion

Most Stringent	Regulatory Authority	Standard or Limit
	40 <i>CFR</i> Part 60 Subpart Da §60.42a(a)	0.03 lb/MMBtu
	§5-231(3)(a)(ii) of the <i>Regulations</i>	0.11 gr/dscf *
X	MSER: AP-89-010, September 15, 1989	0.007 gr/dscf (corrected to 12% CO ₂) equivalent to 0.02 lb/MMBtu

Main Boiler: Natural Gas Combustion

Most Stringent	Regulatory Authority	Standard or Limit
	40 <i>CFR</i> Part 60 Subpart Da §60.42a(a)	0.03 lb/MMBtu
	§5-231(3)(a)(iii) of the <i>Regulations</i>	0.10 gr/dscf (corrected to 12% CO ₂)
X	MSER: AP-89-010, September 15, 1989	0.007 gr/dscf (corrected to 12% CO ₂) equivalent to 0.02 lb/MMBtu

Sulfur Dioxide Emissions:

Wood, Oil or Natural Gas Combustion: Main Boiler

Most Stringent	Regulatory Authority	Standard or Limit
	40 <i>CFR</i> Part 60 Subpart Da §60.42a(d)	1.2 lb/MMBtu
	§5-252 of the <i>Regulations</i>	0.8 lbs/MMBtu
X	MSER: AP-89-010, September 15, 1989	Wood: 0.0083 lbs/MMBtu Oil: 0.30 lbs/MMBtu Natural Gas: 0.0006 lb/MMBtu

Nitrogen Oxide Emissions:

Wood Combustion: Main Boiler

Most Stringent	Regulatory Authority	Standard or Limit
	40 <i>CFR</i> Part 60 Subpart Da §60.44a(a)	0.60 lb/MMBtu
	MSER: AP-89-010, September 15, 1989	0.249 lb/MMBtu
X	RACT §1010 of the <i>Regulations</i>	0.075 - 0.23 lb/MMBtu

Oil Combustion: Main Boiler

Most Stringent	Regulatory Authority	Standard or Limit
	40 <i>CFR</i> Part 60 Subpart Da §60.44a(a)	0.30 lb/MMBtu
	§5-251(1)(b) of the <i>Regulations</i>	0.30 lb/MMBtu
	MSER: AP-89-010, September 15, 1989	0.30 lb/MMBtu
X	RACT §1010 of the <i>Regulations</i>	0.075 - 0.23 lb/MMBtu

Natural Gas Combustion: Main Boiler

Most Stringent	Regulatory Authority	Standard or Limit
	40 <i>CFR</i> Part 60 Subpart Da §60.44a(a)	0.20 lb/MMBtu
	§5-251(1)(a) of the <i>Regulations</i>	0.20 lb/MMBtu
X	MSER: AP-89-010, September 15, 1989	0.13 lb/MMBtu

Based on the Agency's review of the Facility's application and the above Findings of Fact, the Agency concludes that the Facility, subject to the following Permit conditions, complies with all applicable state and federal air pollution control laws and regulations or is subject to an acceptable schedule of compliance. Therefore, pursuant to 10 V.S.A. §§556 and 556a, as amended, the Agency hereby 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) The Main Boiler shall be equipped with mechanical collectors in series with an electrostatic precipitator ("ESP") and flue gas recirculation system, each of the make and specifications submitted by the Permittee in its application entitled "Air Pollution Operating Permit Application" and dated 13 December 1995. Further, the mechanical collectors and electrostatic precipitator shall be maintained in good working order and operated whenever wood is being combusted, and the flue gas recirculation system shall be maintained in good working order and used as needed during main boiler operation on natural gas to maintain NO_x emissions below current permit limits. [10 V.S.A. §556(c) and 1/22/92 AOD]
- (3) Distillate Oil/Natural Gas Burners
 - (a) The Permittee shall install and operate only three (3) Forney PAF low-NO_x burners, or equivalent, capable of firing both natural gas and oil in the Main Boiler. These burners shall be equipped with nozzles having a maximum capacity of firing distillate oil at a rate of nine gallons per minute each. [10 V.S.A. §556(c)]
 - (b) Modification by the Permittee of the three (3) natural gas only fired Forney PAF low-NO_x burners to allow combustion of distillate oil shall be permitted only if the Permittee receives prior written approval from the Agency for said modification. [10 V.S.A. §556(c)]
- (4) Auxiliary Boiler and Waste Oil Heater
 - (a) The Auxiliary Boiler shall have a maximum rated heat input of four (4) MMBTU/hr or less and shall operate on distillate oil or natural gas fuel. [10 V.S.A. §556(c)]
 - (b) The Waste Oil Furnace shall have a maximum rated heat input of 0.28 MMBTU/hr or less and shall burn only distillate oil or waste oil which complies with the properties and constituent limitations identified in Table A of §5-221(2) of the *Regulations*, as amended. The Permittee shall comply with all necessary requirements for handling, storage, and disposal of waste oil specified in the Vermont Hazardous Waste Management Regulations. [10 V.S.A. §556(c) and §5-221(2) of the *Regulations*]

- (5) Stack heights: The exhaust gases from the Main Boiler shall be vented vertically through a stack which extends a minimum of two hundred fifty seven (257) feet above the stack base grade elevation. The stack shall not be equipped with any device that may obstruct the upward discharge of the exhaust gases such as a fixed raincap. [10 V.S.A. §§556(c) and 556a(d)] [§5-406 of the *Regulations*]

-Operational Limitations -

- (6) The distillate fuel oil combusted in the Main Boiler shall not exceed a maximum sulfur content of 0.3 percent by weight. [10 V.S.A. §556(c)] and §5-502(3)(a)(i) of the *Regulations*
- (7) Wood Fuels:
- (a) The Permittee shall use as solid fuel for the McNeil Station only wood fuel uncontaminated by preservatives, oils, herbicides, or similar foreign substances. Use by the Permittee of any other type of wood such as railroad ties, shall be allowed only if the Permittee receives prior written approval from the Agency.
- (b) In order for the Permittee to obtain written approval for long term use (i.e., one (1) year or longer in duration) of wood fuel containing materials prohibited above, the Permittee shall submit an application and seek approval through an amendment of this Permit consistent with the requirements of Subchapters V and X of the *Regulations*. Upon application by the Permittee and at the discretion of the Secretary of the Agency, the Agency may grant written approval to the Permittee for short-term use of such fuel without a permit amendment.
- (c) Chip Management Plan: The Permittee shall manage the wood chips in accordance with the "Wood Procurement and Storage Plan", including exhibits A through D, enclosed with a letter from Robert Fletcher, Esq., dated March 25, 1986 and any later amendments to the plan.
- [10 V.S.A. §556(c)]
- (8) Engines: The Permittee shall not install or operate a stationary reciprocating internal combustion engine, as defined in the *Regulations*, that is 450 bhp or greater unless the engine complies with §5-271 of the *Regulations*, as applicable. Installation of any size engine, even those below 450 bhp, may still require approval from the Agency in the form of an amended permit prior to installation. [§§5-271 and 5-501 of the *Regulations*]
- (9) Open Burning: When not prohibited by local ordinances or officials having jurisdiction, the following types of burning are permissible, provided no public or private nuisance is created:
- (a) Bona fide fire training that follows the requirements of §5-202(3) of the *Regulations*.
- (b) Burning of highly explosive or other dangerous materials in accordance with §5-202(7)(a) of the *Regulations*.

- (c) Prior to conducting any open burning, the Permittee or its agents 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 -

(10) Particulate Matter

- (a) When firing any fuel or combination of fuels and under any operating load, the Permittee shall not cause to be emitted from the Main Boiler any gases that contain particulate matter ("PM/PM10") in excess of 0.007 grains per dry standard cubic foot of exhaust gas corrected to twelve percent carbon dioxide ("gr/dscf @ 12% CO₂") and 9.7 pounds per hour ("lbs/hr"). [10 V.S.A. §556(c) and §5-502(3)(a)(i) of the *Regulations*]
- (b) PM/PM10 emissions from the Auxiliary Boiler and Waste Oil Burner shall each not exceed 0.5 lbs/MMBTU of heat input. [§5-231(3)(a)(i) of the *Regulations*]
- (c) Any testing performed to demonstrate compliance with the above PM/PM10 emission limits shall be determined by using Federal Reference Method 5 [Title 40, *Code of Federal Regulations* ("40 CFR") Part 60, Appendix A]. The sampling time for each test run on the Main Boiler shall be at least 120 minutes and the minimum sampling volume shall be sixty (60) dry standard cubic feet.
[10 V.S.A. §556(c) and 40 CFR Part 60 Subpart Da §60.48a]
- (d) The Permittee shall record the on/off status of the Main Boiler's ESP transformers/rectifiers ("T/R") at all times. The Permittee shall inspect the ESP T/R primary and secondary voltage and current reading at least once each operating day. The Permittee shall record the ESP T/R primary and secondary voltage and current readings at least once each calendar month during which the unit was operated. The monthly ESP T/R meter readings shall be submitted to the Agency for each calendar quarter within thirty (30) days after the close of each quarter. A record of monthly ESP T/R meter readings shall be kept electronically for at least five (5) years. [§5-1015(a)(3) of the *Regulations* and 40 CFR Part 70 §70.6(a)(3)]

(11) Nitrogen Oxides

- (a) The NO_x emission rate attributable to wood fuel fired in the Main Boiler shall not exceed 0.23 lb/MMBtu of heat input and 145 lb/hr;
- (b) The NO_x emission rate attributable to distillate fuel oil fired in the Main Boiler shall not exceed 0.23 lbs/MMBTU and 57.5 lbs/hr;
- (c) The NO_x emission rate attributable to natural gas fired in the Main Boiler shall not exceed 0.13 lbs/MMBTU and 88 lbs/hr;

- (d) When natural gas is fired simultaneously with any other fuel in the Main Boiler, the applicable NO_x standard shall be determined by proration using the following formula:

$$E_{NO_x} = (0.13w + Ax)/100$$

where:

- E_{NO_x} = the NO_x emission standard, in units of lbs/MMBTU, when multiple fuels are combusted simultaneously;
- w = the percentage of total heat input derived from natural gas;
- x = the percentage of total heat input derived from distillate fuel oil, wood and biomass gas; and

At no time shall the NO_x emission rate exceed 145 lbs/hr. The term "combusted simultaneously" as it applies to the above proration formula shall mean any calendar hour during which natural gas and any other fuel are actually fired coincident with each other for forty-five (45) minutes or more. The standard for any hours with some co-firing of fuels but less than forty-five (45) minutes of actual coincident firing shall have allowable emission rates of 0.23 lb/MMBtu and 145 lbs/hr.

- (e) Compliance with the above NO_x emission limits shall be determined by means of continuous emission monitoring as required in this Permit on the basis of continuously rolling eight-hour average values during actual operating hours when burning each respective fuel (or combination). At the Secretary's discretion, compliance shall, in the alternative, be determined by using Federal Reference Method 7E (40 CFR Part 60, Appendix A). [10 V.S.A. §556(c) and §5-502(3)(a)(i) of the Regulations]
- (f) In the event that CEM data demonstrates that NO_x emissions exceed 0.21 lb/MMBtu on the basis of continuously rolling eight-hour average values during actual operating hours, the Permittee shall take all reasonable measures to reduce and maintain its emissions of NO_x to the greatest extent practicable below 0.21 lb/MMBtu. The Permittee shall report to the Secretary those measures implemented and the degree of improvement derived from them. Such report shall be submitted with quarterly CEM reports and shall include the eight hour average emission rate, the actual hourly data during the period, the gross load (MW) and percent capacity. [§5-1010 of the Regulations]
- (g) The NO_x emission rate from the Main Boiler, when burning any fuel, shall not exceed 0.075 lb/MMBtu, based on a calendar quarterly average. Compliance with this NO_x emission limit shall be determined by means of continuous emission monitoring as required in this permit. The Permittee shall comply with the quarterly emission limit starting with the first calendar quarter following 150 days from the initial operation of the main boiler with the RSCR system.

Notwithstanding the foregoing, if the Permittee is ordered-to-operate by ISO New England or VELCO as part of a regional capacity or reliability event during a time when the NO_x SCR system is not operational due to reasons beyond the reasonable

control of the Permittee, such periods and resulting NO_x emissions may be excluded from the calculation of the calendar quarter average. At the completion of each calendar quarter NO_x compliance period, the Permittee shall provide for each ordered-to-operate event that is proposed to be excluded from the calendar quarter NO_x average, a signed affidavit by an authorized representative of Permittee averring that it was ordered to operate as part of a regional capacity or reliability event and the Permittee's claim or basis for why proper operation of the SCR system was beyond its reasonable control.

[§5-1010 of the *Regulations*][Enforceable by State Only]

- (h) The NO_x emission rate from the Main Boiler when burning any fuels shall not exceed 493 tons for any rolling 12 month period. Compliance with this standard shall be determined by means of hourly continuous emission monitoring as required in this Permit. [Permit AOP-01-057]

(12) Carbon Monoxide

- (a) The CO emission rate shall not exceed 1500 parts per million, determined on a volume basis and a one-hour averaging time, at the outlet of the Main Boiler when combusting wood, either alone or in combination with another fuel.
- (b) The Main Boiler shall be equipped with a CO monitor, located at the outlet of the boiler, in order to assist in the operation of the fuel burning equipment to minimize the formation of CO. The specifications and operational characteristics of the CO monitor shall be approved by the Agency prior to installation. The CO monitor shall not be considered as part of the CEMS, but quality assurance procedures for this monitor shall be contained in the QA Plan required in of this Permit. Also, the quarterly reports required in this Permit shall include CO emission data collected and recorded in said quarter, as well as a summary of the frequency distribution of all data collected. The CO monitor shall be used to satisfy the periodic monitoring requirements of §5-1015(a)(3) of the *Regulations* and 40 *CFR* Part 70 §70.6(a)(3)(i)(B). [10 V.S.A. §556(c) and §5-502(3)(a)(i) of the *Regulations*]

(13) Sulfur Dioxide

- (a) The SO₂ emission rate attributable to distillate fuel oil fired in the Main Boiler shall not exceed 0.3 lbs/MMBtu and 75 lbs/hr. [10 V.S.A. §556(c) and §5-502(3)(a)(i) of the *Regulations*]
- (b) At no time shall the SO₂ emission rate from the Main Boiler exceed 100 lbs/hr. [10 V.S.A. §556(c) and §5-502(3)(a)(i) of the *Regulations*]
- (c) Compliance with the above SO₂ emission limits shall be determined based on the sulfur content of the fuel. At the Secretary's discretion, compliance with the above standards shall be determined by using Federal Reference Method 6C (40 *CFR* Part 60, Appendix A). [10 V.S.A. §556(c)]
- (d) The SO₂ emissions from the Main Boiler shall not exceed 39 tons per rolling twelve month period. Compliance with the annual limit shall be determined by Equation F-

23 of 40 *CFR* Part 75, Appendix F, Section 7 using the calculated Custom Default Sulfur Dioxide Emission Rate (E) from the following equation. However, the Agency may require an alternative method of compliance determination (such as the use of a sulfur dioxide continuous emission monitor) in response to changes in the amount of distillate fuel oil combusted in the Main Boiler.

$$E = \sum_{i=1}^3 E_i / 3$$

$$E_i = (\%t_{ig\&w})(0.0006 \text{ lb/MMBtu}) + (\%t_{ioil})(E_{ioil})$$

$$E_{ioil} = (20000)(\%S_i) / GCV_i$$

Where:

E = Custom default sulfur dioxide emission rate, lb/MMBtu
 E_i = Sulfur Dioxide emission rate for year i, lb/MMBtu
 i = Each year in the three year period immediately preceding the year for which E is being calculated
 E_{oil} = Sulfur dioxide emission rate of oil delivered in year i, lb/MMBtu
 %t_{ig&w} = Percent of total operating hours when gas or wood is combusted in year i.
 %t_{oil} = Percent of total operating hours when oil is combusted in year i.
 %S_i = Annual average percent sulfur, by weight, of oil delivered in year i.
 GCV_i = Annual average gross calorific value of oil delivered in year i, Btu/lb.
 [10 V.S.A. §556(c)]

(14) Ammonia (NH₃)

- (a) Emissions of ammonia from the Main Boiler shall not exceed 20 parts per million by volume on a dry basis (ppmvd) corrected to 6% oxygen whenever the NO_x SCR system is operating.
- (b) Ammonia shall only be added to the exhaust gas in conjunction with the proper operation of the SCR system.
- (c) Compliance with the above ammonia emission limits shall be determined by means of continuous emission monitoring as required in this Permit on the basis of continuously rolling eight-hour average values during actual operating hours.

[10 V.S.A. §556(c) and §5-261(2)]

(15) Visible Emissions: Emissions of visible air contaminants from stacks and vents at the Facility, except where otherwise noted in this Permit, shall not exceed twenty (20) percent opacity for more than a period or periods aggregating six (6) minutes in any hour and at no time shall visible emissions exceed sixty (60) percent opacity. For wood fuel burning equipment, the exceptions as provided in paragraphs (a) and (b) of this condition shall apply.

- (a) During normal startup operations of the wood fuel burning equipment, emissions of visible air contaminants in excess of the limits specified above may be allowed for a period not to exceed one (1) hour; however, at no time shall such emissions exceed eighty (80) percent opacity.

- (b) During normal soot blowing operations of the wood fuel burning equipment, emissions of visible air contaminants in excess of the limits specified above may be allowed for a period not to exceed thirty (30) minutes during any twenty-four (24) hour period; however, at no time shall such emissions exceed eighty (80) percent opacity.

Compliance with the above visible emission standards for the Main Boiler shall be determined by means of continuous emission monitoring. For all other installations and operations at the Facility, any emission testing conducted to demonstrate compliance with the above emission limits shall be performed in accordance with the proposed Federal Reference Method F-1 contained in the Federal Register Vol.51, No.168, pp. 31076-31081, August 29, 1986 or an equivalent method approved in writing by the Agency. [§§5-211(2), 5-211(3) and 5-404 of the *Regulations*]

- (16) 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]
- (17) 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*]
- (18) Fugitive Particulate Matter Control

The Permittee shall take reasonable precautions to prevent emissions of fugitive particulate matter, including, but not limited to, the following measures:

- (a) The railcar unloading enclosure, including curtains and windscreens, shall be properly maintained. All woodchip rail car unloading shall occur within this enclosure.
- (b) All roads, traffic areas, and storage piles on the premises shall be maintained and treated as necessary to control fugitive dust, and all trucks which may be sources of fugitive dust shall be covered or treated as necessary.
- (c) Techniques such as, but not limited to, enclosing or spraying with surfactant shall be employed by the Permittee to prevent particulate matter from becoming airborne from the handling and transportation of ash.

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

- (19) 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 -

- (20) Particulate Matter Compliance Testing:
- (a) Continued compliance with the particulate matter emission standards specified in condition (10) of this Permit shall be determined by biennial emissions testing, to be conducted beginning in 2010 and every other year thereafter. The Permittee shall conduct such testing and furnish the Agency with a written report of the results of such testing within 60 days of the test date.
- (b) 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". The pretest report shall include plans for testing at a variety of operating conditions as required by paragraph (b) above. The testing shall be performed in accordance with a pretest report that has received prior approval from the Agency.

[§§5-402(1), 5-404(1) and 5-405(1) of the *Regulations*]

- Continuous Assurance Monitoring -

- (21) Compliance Assurance Monitoring (CAM)
- (a) The Permittee shall install, operate and maintain a continuous opacity monitoring system as specified in Condition (22) of this Permit to measure and permanently record visible emissions, as % opacity, discharged to the atmosphere from the Main Boiler exhaust. In addition, the Permittee shall automatically record electronically the on/off status of the 18 fields of the electrostatic precipitator (ESP) using the onsite control system and visually determine the ESP operating status once per operating shift by observing the appropriate gauges.
- (b) During periods of ESP operation, 1-hour average % opacity data shall be recorded electronically by the COMS. At a minimum, the COMS shall record a measurement at least every 10 seconds. Six, 10-second readings shall be used to calculate 1-minute averages. Valid 1-hour % opacity averages shall consist of a minimum of 45 valid 1-minute % opacity averages recorded during each clock hour.
- (c) An excursion is defined as a valid 1-hour % opacity average greater than 7 % opacity (i.e., the "indicator range"). [40 CFR Part 64.6 (c)]

- (d) If the Permittee maintains the 1-hour % opacity averages at or below 7 % opacity during ESP operation, this will provide a reasonable assurance that the facility is operating in compliance with the particulate matter emission limits in the Permit, and no reporting or corrective action is necessary. Once an excursion is measured as defined in (c) of this condition, the Permittee shall immediately record the present voltage and current readings from the ESP (using local gauges; consistent with permit Condition (10)(d)) and continue recording the ESP voltage and current readings once during each 12-hour operating shift as long as the excursion continues. During excursion periods, the Permittee shall also verify and document the on/off field status using automated electronic records and shall perform appropriate and timely corrective action to reduce emissions and return operations to a point that results in 1-hour % opacity averages below the indicator range.
- (e) The Permittee shall record valid 1-hour % opacity averages for at least 90% of the ESP operating hours, based on a calendar quarter.
- (f) If the indicator range is determined to be inadequate to reasonably assure compliance with Condition (10), the Permittee shall propose a permit modification to the Agency requesting the re-establishment of the indicator range value. Any changes to the indicator range shall take effect only upon written approval by the Agency.
- (g) The Permittee shall submit a summary report for each calendar quarter, within thirty (30) days after the close of the quarter, in a format acceptable to the Agency. The summary shall contain information on the number, duration, value (% opacity) and cause (including unknown cause, if applicable) of excursions (as defined in (c) of this condition) and any corrective actions taken. In addition, the on/off field status and ESP voltage and current readings shall be provided for each reported excursion. If there are no excursions to report, then "none" or an equivalent statement shall be indicated. The report shall include a summary of the invalid 1-hour COMS averages with duration, cause and corrective action and the valid % data capture value.
- (h) The Permittee shall maintain all COMS records consistent with Permit Condition (22). Other records used to comply with this Condition shall be stored for a minimum of five (5) years in a format suitable for inspection.
- (i) Nothing in this Condition shall restrict or abrogate the authority of the Agency or USEPA to take any enforcement action for any violation of an applicable requirement or of any person to take action under section 304 of the Clean Air Act (42 U.S.C. 7401, et seq., as amended).

[40 CFR Part 64]

- Continuous Emissions Monitoring -

(22) The Permittee shall install a continuous emission monitoring system (CEMS) and continuous opacity monitoring system (COMS) approved by the Agency, to measure and permanently record, NO_x ppm, lb/MMBtu, lb/hr, NH₃ ppmvd emissions, O₂ or CO₂ content, stack gas volumetric flow rate and visible emissions discharged to the atmosphere from the Main Boiler exhaust. The Permittee shall operate and maintain such system in good working order, within manufacturer's specifications and as specified below:

- (a) Except for NH₃, the CEMS and COMS shall be designed, installed, calibrated, maintained and operated in such a manner as to meet the requirements of 40 CFR Part 60, Standards of Performance for New Stationary Sources, Subparts A, and Da, 40 CFR Part 60, Appendix B, Performance Specification 1, 2, 3 and 6, 40 CFR Part 60, Appendix F-Quality Assurance Procedures, and latest revision of the Agency's Continuous Emission Monitoring Requirements ("CEM Requirements").
- (b) The NH₃ CEMS shall be designed, installed, calibrated, maintained, operated and audited in such a manner as to meet the requirements of 40 CFR Part 60, Appendix F-Procedure 1. *Quality Assurance Requirements for Gas Continuous Emission Monitoring Systems Used For Compliance Determination* and the latest revision of the Agency's CEM Requirements. Ninety (90) days following the issuance of the permit, the Permittee shall file with the Agency a CEM Plan consistent with the Agency's CEM Requirements, identifying how this condition will be satisfied. By March 31, 2009, the NH₃ CEMS shall be operational and conditionally certified.

Conditional certification requires the successful completion of a 7-day Calibration Drift Test and Cylinder Gas Audit consistent with the requirements above. Final certification will require the successful completion of a Relative Accuracy Test Audit (RATA) consistent with the requirements above during the next regularly scheduled RATA for the Permittee's other CEMS. Proposed amendments to the QA Plan, condition (d) below, associated with the NH₃ CEMS must be submitted to Agency by March 31, 2009

- (c) The CEMS and COMS shall be operated, calibrated and maintained continuously, independent of the Main Boiler's operation. The Permittee must measure and record valid continuous emission data for the parameters listed in this condition during all periods of the Main Boiler's operation including periods of boiler startup, shutdown, malfunction or emergency conditions, except for periods of CEMS and COMS quality assurance/quality control ("QA/QC") identified in the approved Quality Assurance Plan, routine maintenance, or uncontrolled malfunction. Nevertheless, the Permittee must obtain valid data for all CEMS parameters listed in this condition and COMS for a minimum of 90% of the Main Boiler's operating hours, based on the calendar quarter.
- (d) The Permittee shall develop a Quality Assurance Plan ("QA Plan") for the above CEMS and COMS that is acceptable to the Agency. Said QA Plan shall satisfactorily document instrumentation, monitoring procedures, calibration procedures, QA/QC procedures, data acquisition and reporting procedures as required to demonstrate

compliance with this Permit. The Permittee shall formally review the QA Plan annually. The Permittee shall revise and update the QA Plan as necessary, based on the results of this review, or at the request of the Agency or at any other appropriate time to accurately document CEMS and COMS operations. The Permittee shall notify the Agency in writing of the results of the annual QA Plan review. QA Plan modifications are subject to Agency review and shall not be implemented until approval has been received from the Agency.

- (e) The Permittee shall submit a summary report for each calendar quarter, within thirty (30) days after the close of the quarter, in a format acceptable to the Agency and in accordance with the Agency's CEM Requirements and the Permittee's approved QA Plan. The report shall include at a minimum, all valid NO_x lb/MMBtu, NO_x lb/hr, NH₃ ppmvd (corrected to 6% O₂) and visible emissions data in excess of the emissions standards specified in this Permit, as well as a frequency distribution summary of all valid NO_x lb/MMBtu, NO_x lb/hr, NH₃ ppmvd (corrected to 6% O₂) data collected, a summary of valid CEMS and COMS data capture, periods of CEMS and COMS downtime, CEMS and COMS invalid data, CEMS and COMS calibration and QA/QC results.
- (f) Continuing compliance with the NO_x lb/MMBtu, NO_x lb/hr, NH₃ ppmvd (corrected to 6% O₂) and visible emission standards specified in this Permit shall be determined by means of a CEMS and COMS as required by this Condition.
- (g) The CEMS NO_x data shall be recorded and reported in units of lb/MMBtu (of heat input) and lb/hour (both as NO₂ and in terms of 8-hour rolling averages, calculated on an hourly basis). The CEM NO_x data shall also be recorded and reported in units of lb/MMBtu on a calendar quarter based on an average of the valid CEMS 1-hour data. NH₃ data shall be recorded and reported in units of ppmvd (corrected to 6% O₂) in terms of 8-hour rolling averages, calculated on an hourly basis. Valid CEMS 8-hour rolling averages during source operation must be calculated from valid CEMS 1-hour sub-average data representing at least 75% of the particular averaging period.
- (h) The COMS shall measure and record visible emissions at least every 10-seconds. COMS data shall be reported in whole numbers in units of % Opacity in terms of 1-minute averages. Valid COMS 1-minute averages during source operation must be calculated from at least 6 valid 10-second measurements. One (1)-minute averages shall be used for determining compliance with the twenty (20) % opacity aggregated six (6) minute standard and two (2) minute rolling averages (calculated using 1-minute averages) shall be used for determining compliance with the sixty (60) % opacity and eighty (80) % opacity standards.
- (i) The Permittee shall maintain a file of all information reported in the quarterly summaries and all other supporting information and data collected by the monitoring system for at least five (5) years from the date of collection of such data or submission of such summaries.

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

- Record Keeping and Reporting -

- (23) The Permittee shall maintain records of the following data:
- (a) the quantity of wood fuel fired during each calendar month;
 - (b) the quantity of natural gas fired during each calendar month;
 - (c) the quantity of distillate fuel oil fired during each calendar month;
 - (d) sulfur content of fuel oil delivered to the Facility.

Summaries of such records shall be submitted to the Agency for each calendar quarter within thirty (30) days after the close of each quarter. [10 V.S.A. §556(c) and §5-1015(a)(3) of the *Regulations*] [AOP-01-057]

- (24) Records of Fuel Oil Certifications: The Permittee shall obtain from the fuel supplier or independent certified laboratory, 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 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*]

- (25) 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*][AOP-01-057]

- (26) The Permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of the Main Boiler; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative. [40 CFR Part 60 Subpart A §60.7(b)][AOP-01-057]

- (27) (a) The Permittee shall notify the Agency in writing within ten (10) days of the occurrence of any of the violations listed below, of which it is aware. This notification shall include, at a minimum, the cause of the violation and any corrective action taken or maintenance performed to correct the violation.

- (i) Emissions of CO and NO_x and NH₃ in excess of any applicable limit in this Permit which meet any of the following additional criteria:
 - (A) The emissions occurred during a period of malfunction or during abnormal operating conditions; and
 - (B) The emissions were greater than 150% of the applicable eight (8) hour NO_x and NH₃ limit; or
 - (C) The emissions were greater than 200% of the one (1) hour CO limit.

- (ii) Emissions of visible air contaminants in excess of any applicable limit in this Permit.
 - (iii) Any other violation of the conditions of this Permit.
- (b) The Permittee shall notify the Agency of any violations of or deviations from the requirements of this Permit, of which it is aware, that are not listed in this Condition by including such violations or deviations in the appropriate quarterly excess emissions report as required by this Permit.

[§5-1015(a)(12) of the *Regulations* and 40 CFR Part 70 §70.6(a)(3)(iii)(B)]

- (28) 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*]
- (29) The Permittee shall notify the Agency in writing of the date of initial start-up of the selective catalytic reduction system within fifteen (15) days after such date. [§5-402(1) of the *Regulations*]
- (30) 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*]
- (31) Annual Compliance Certification: By February 1st of each year, the Permittee shall submit an annual certification of compliance for the previous calendar year which ascertains and identifies the compliance status of the Facility with respect to all terms and conditions of this Permit, including but not limited to the following:
- (a) Identification of each term or condition of the permit that is the basis of the certification;
 - (b) The compliance status;
 - (c) Whether compliance was continuous or intermittent; and
 - (d) The methods used for determining the compliance status of the Facility over the reporting period.

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 110 (SEA)
Boston, MA 02114-0203

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

- (32) 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*]
- (33) 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*]

- Permit Shield -

- (34) In accordance with §5-1015(a)(14) of the *Regulations*, the Facility is granted a "permit shield" and is not subject to the regulations and standards listed in Finding of Fact (F)(b) of this Permit. The Agency's "permit shield" determination is based upon the information submitted by the Permittee in its application. The "permit shield" shall be binding only with respect to activities disclosed in the Permittee's application. [§5-1015(a)(14) of the *Regulations*]

- Standard Permit Conditions -

- (35) 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*]

- (36) 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*]
- (37) 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*]

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

- (40) 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*]
- (41) 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)]
- (42) 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*]
- (43) 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)]
- (44) 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*]
- (45) 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)]
- (46) 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)]
- (47) 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*]

- (48) 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).
- (49) Conditions (1) - (7) and (10) - (14) are derived from the new source review requirements of Subchapter V of the *Regulations*. With the exception of the cited new source review conditions, the Operating Permit shall expire on April 21, 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*]
- (50) The conditions of this Permit as set forth above supercede all conditions contained in all prior Permits issued by the Agency to the Permittee for this Facility. [10 V.S.A. §§556(c) and 556a(d)]

- ACID RAIN PORTION OF PERMIT TO OPERATE -

Statement of Basis: Statutory and Regulatory Authorities: This portion of the Permit to Operate is issued pursuant to Titles IV and V of the federal Clean Air Act ("Act").

- (51) Acid Rain Permit Effective Dates: April 21, 2008 through April 21, 2013. [40 CFR Part 72 §72.9 (c)(3)(iii)]
- (52) Duty to Reapply: The designated representative shall submit a complete Acid Rain permit application at least six (6) months before this permit expires. [40 CFR Part 72 §72.30 (c)]

- Specific Requirements for Unit 1 -

- (53) Sulfur Dioxide
 - (a) SO₂ emissions from Unit 1 may not exceed the number of allowances that the source lawfully holds under the Acid Rain Program, including allowances allocated directly to the source through the Acid Rain Program, as summarized in Table A below, and allowances obtained through the emissions trading provisions of the Acid Rain Program, subject to the following qualifications:
 - (i) No permit revision may be required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program, provided that the increases do not require a permit revision under any other applicable requirement;
 - (ii) No limit may be placed on the number of allowances that may be held by the stationary source;
 - (iii) A stationary source may not use allowances as a defense to noncompliance with any applicable requirements other than the requirements of the Acid Rain Program; and
 - (iv) Any Acid Rain allowance shall be accounted for according to the procedures established in the Acid Rain Program. [10 V.S.A. §556a(d)]

Table A
SO₂ Allowances by Year under Tables 2, 3, or 4 of 40 CFR Part 73 in Tons

Unit Identification	2008 - 2009	2010 and beyond
Unit 1	104	38

- (b) The owners and operators shall, as of the allowance transfer deadline for this Phase II unit, hold allowances in the unit's compliance subaccount [after deductions under 40 CFR 73.34(c)] not less than the total annual emissions of sulfur dioxide from the unit. For the purposes of this condition, allowance transfer deadline is midnight of January 30 or, if January 30 is not a business day, midnight of the first business day thereafter. [10 V.S.A. §556a(d)]

(54) Nitrogen Oxides

This unit is not subject to a NO_x limit under 40 CFR part 76 and section 407 of the Act.

- Standard Requirements -

(55) Permit Requirements.

- (a) The designated representative of each affected source and each affected unit at the source shall:
- (i) Except for a phase I acid rain permit to be issued by U.S. EPA, submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
 - (ii) Submit in a timely manner any supplemental information that the Agency determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit.

[40 CFR Part 72 §72.9(a)(1)]

- (b) The owners and operators of each affected source and each affected unit at the source shall:
- (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the Agency; and
 - (ii) Have an Acid Rain permit. [40 CFR Part 72 §72.9(a)(2)]

(56) Monitoring Requirements.

- (a) Unless otherwise provided in writing by EPA, the owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR parts 74, 75, and 76. On March 6, 2001, EPA approved an alternate monitoring method for the Permittee. [40 CFR Part 72 §72.9(b)(1)]
- (b) The emissions measurements recorded and reported in accordance with 40 CFR Part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for SO₂ and NO_x under the Acid Rain program. [40 CFR Part 72 §72.9(b)(2)]
- (c) The requirements of 40 CFR parts 74 and 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source. [40 CFR Part 72 §72.9(b)(3)]

(57) Sulfur Dioxide Requirements.

- (a) The owners and operators of each source and each affected unit at the source shall:
- (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount [after deductions under 40 CFR 73.34(c)] not less than the total annual emissions of SO₂ for the previous calendar year from the unit; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for SO₂.

[40 CFR Part 72 §72.9(c)(1)]

- (b) Each ton of SO₂ emitted in excess of the Acid Rain emissions limitations for SO₂ shall constitute a separate violation of the Act. [40 CFR Part 72 §72.9(c)(2)]
- (c) An affected unit shall be subject to the requirements under Condition (4950)(a) of the Acid Rain Permit as follows:
- (i) Starting January 1, 2000, for an affected unit under 40 CFR 72.6(a)(2); or
 - (ii) Starting on the later of January 1, 2000 or the monitor certification deadline under 40 CFR part 75, for an affected unit under 40 CFR 72.6(a)(3).

[40 CFR Part 72 §72.9(c)(3)]

- (d) Allowances shall be held in, deducted from, or transferred among allowance tracking system accounts in accordance with the Acid Rain Program. [40 CFR Part 72 §72.9(c)(4)]
- (e) An allowance shall not be deducted in order to comply with the requirements under (a)(i) of this condition of this Permit prior to the calendar year for which the allowance was allocated. [40 CFR Part 72 §72.9(c)(5)]
- (f) An allowance allocated by the U.S. EPA under the Acid Rain Program is a limited authorization to emit SO₂ in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or the written exemption under 40 CFR 72.7 and 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization. [40 CFR Part 72 §72.9(c)(6)]
- (g) An allowance allocated by the U.S. EPA under the Acid Rain Program does not constitute a property right. [40 CFR Part 72 §72.9(c)(7)]

(58) Excess Emissions Requirements.

- (a) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan to the U.S. EPA, as required under 40 CFR part 77, and submit a copy to the Agency. [40 CFR Part 72 §72.9(e)(1)]

- (b) The owners and operators of an affected unit that has excess emissions in any calendar year shall:
 - (i) Pay to the U.S. EPA without demand the penalty required, and pay to the U.S. EPA upon demand the interest on that penalty, as required by 40 CFR Part 77; and
 - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR Part 77. [40 CFR Part 72 §72.9(e)(2)]
- (59) Record keeping and Reporting Requirements.
- (a) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of five (5) years from the date the document is created. This period may be extended for cause, at any time prior to the end of five (5) years, in writing by the U.S. EPA or the Agency:
 - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
 - (ii) All emissions monitoring information, in accordance with 40 CFR Part 75;
 - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
 - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program. [40 CFR Part 72 §72.9(f)(1)]
 - (b) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 Subpart I and 40 CFR Part 75. [40 CFR Part 72 §72.9(f)(2)]
- (60) Liability
- (a) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or a written exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement by the U.S. EPA pursuant to section 113(c) of the Act. [40 CFR Part 72 §72.9(g)(1)]

- (b) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement by the U.S. EPA pursuant to section 113(c) of the Act and 18 U.S.C. 1001. [40 CFR Part 72 §72.9(g)(2)]
 - (c) No permit revision may excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect. [40 CFR Part 72 §72.9(g)(3)]
 - (d) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program. [40 CFR Part 72 §72.9(g)(4)]
 - (e) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source. [40 CFR Part 72 §72.9(g)(5)]
 - (f) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR part 76.11 (NO_x averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR Part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative. [40 CFR Part 72 §72.9(g)(6)]
 - (g) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act. [40 CFR Part 72 §72.9(g)(7)]
- (61) Effect on Other Authorities
- (a) No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or a written exemption under 40 CFR Part 72.7 or 72.8 shall be construed as:
 - (i) Except as expressly provided in Title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of Title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
 - (ii) Limiting the number of allowances a unit can hold; provided, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;

- (iii) Requiring a change of any kind in any state law regulating electric utility rates and charges, affecting any state law regarding such state regulation, or limiting such state regulation, including any prudence review requirements under such state law;
- (iv) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (v) Interfering with or impairing any program for competitive bidding for power supply in a state in which such program is established.

[40 CFR Part 72 §72.9(h)]

- General Requirements for all Affected Units Subject to Title IV of CAA-

- (62) Reporting: Annual Compliance Certification Report. For each calendar year in which a unit is subject to the Acid Rain emissions limitations, the designated representative shall submit to the U.S. EPA and to the Agency, within sixty (60) days after the end of the calendar year, an annual compliance certification report for the unit in compliance with 40 CFR 72.90. For the purpose of determining compliance with the Acid Rain emissions limitations and reduction requirements, total tons for a year shall be calculated as the sum of all recorded hourly emissions rates (or the tonnage equivalent of the recorded hourly emissions rates) in accordance with 40 CFR part 75, with any remaining fraction of a ton equal to or greater than 0.50 ton deemed to equal one ton and any fraction of a ton less than 0.50 ton deemed not to equal any ton. [40 CFR Part 72 §72.90(a) and §72.2]
- (63) Submissions
 - (a) The designated representative shall submit a certificate of representation, and any superseding certificate of representation, to the U.S. EPA in accordance with Subpart B of 40 CFR Part 72 and, concurrently, shall submit a copy to the Agency. The designated representative may disregard this requirement if the aforementioned certificate has already been submitted to the U.S. EPA and the Agency. [40 CFR Part 72]
 - (b) Each submission under the Acid Rain program shall be submitted, signed and certified by the designated representative for all sources on behalf of which the submission is made. [40 CFR Part 72 §72.21(a)]
 - (c) In each submission under the Acid Rain Program, the designated representative shall certify, by his or her signature:
 - (i) The following statement, which shall be included verbatim in such submission: "I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made."
 - (ii) The following statement which shall be included verbatim in such submission: "I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals

with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment." [40 CFR Part 72 §72.21(b)]

- (d) The designated representative of a source shall serve notice on each owner and operator of the source and of an affected unit at the source:
 - (i) By the date of submission, of any Acid Rain Program submissions by the designated representative;
 - (ii) Within ten (10) business days of receipt of a determination, of any written determination by the U.S. EPA or the Agency; and
 - (iii) Provided that the submission or determination covers the source or the unit.

[40 CFR Part 72 §72.21(d)(1)]

- (e) The designated representative of a source shall provide each owner and operator of an affected unit at the source a copy of any submission or determination under (d) of this condition of the Acid Rain permit, unless the owner or operator expressly waives the right to receive such a copy. [40 CFR Part 72 §72.21(d)(2)]

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