

#AOP-06-040
DEC#NS98-0188

Operating Permit Expiration Date: February 6, 2013

State of Vermont
Agency of Natural Resources
Department of Environmental Conservation



Air Pollution Control Division
Waterbury, Vermont

TITLE V
AIR POLLUTION CONTROL PERMIT
TO CONSTRUCT AND OPERATE

Date Permit Issued: February 6, 2008

Owner/Operator: Churchill Coatings Corporation
PO Box 309
Grafton, MA 01519

Source: Churchill Coatings Corporation
Box 3, Precision Drive
North Springfield, Vermont 05150

FINDINGS OF FACT

(A) FACILITY DESCRIPTION

Churchill Coatings Corporation (also referred to herein as "Permittee") owns and operates a clapboard painting facility in the Precision Drive Industrial Park in North Springfield, Vermont (also referred to herein as "Facility"). The Facility consists of two roll coating units to prime and paint clapboards, trim boards and various other lumber products. Churchill Coatings Corporation purchased the Facility from Prestained Lumber Products, Inc. in 2001.

Upon issuance of this Permit, the Facility will have approval to operate the following air contaminant sources:

Equipment Specifications Coating Lines	
Description	Installation Date
Roll coating line #1	Prior to 1979
Roll coating line #2	2000
Fuel Burning Equipment	
Description	Manufacturer/Installation Date
5 Small Propane Heaters, space heat	2000
No. 2 Fuel Oil Fired Furnace, space heat	Prior to 1998

(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(9) [Surface finishing and coating operations] of the *Vermont Air Pollution Control Regulations* (hereinafter "*Regulations*"). In addition, §5-101 of the *Regulations* defines a *stationary source* as any structure(s), equipment, installation(s), or operation(s), or combination thereof, which emit or may emit any air contaminant, which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person or persons under common control. Based on this definition, all of the equipment, operations, and structures at the Facility are grouped together by the Agency of Natural Resources, Department of Environmental Conservation, Air Pollution Control Division (hereinafter "Agency") as one stationary air contaminant source for purposes of review under the *Regulations*.

(C) PRIOR AGENCY ACTIONS/APPROVALS

The Facility has been issued the following "Permit to Construct" approvals pursuant to 10

VSA §556 and §5-501 of the *Regulations* and the following “Permit to Operate” approvals pursuant to 10 VSA §556a and Subchapter X of the *Regulations*.

Prior Agency Approvals and Actions	
Date of Action	Description of Agency Approval/Action
November 5, 1998	#OP-98-228 – Initial Agency “Permit to Operate” approval for Facility to operate one roll coating unit to prime and paint clapboards, trim boards and various other lumber products. The line was installed prior to 1979.
October 17, 2000	#AOP-00-016 – “Permit to Operate” renewal and Permit to Construct which included approval for installation of a second roll coating line bringing facility total VOC emissions to less than 100 tons per year.
August 29, 2002	#AOP-00-016a – “Permit to Operate” renewal which included an amendment to change averaging time for VOC emission limit to monthly, instead of daily, and changed name of facility from Prestained Lumber, Inc. to Churchill Coatings Corporation.

(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 §556a and Subchapter X of the *Regulations* a Permit to Operate is required for any air contaminant source with allowable emissions of all air contaminants combined of ten (10) tons per year (“tpy”) or more or that is subject to a standard, limitation or other requirement under §111 and/or §112 of the Clean Air Act.

The Facility currently operates under a Permit to Operate issued on August 29, 2002. The allowable emissions from the Facility are estimated to be greater than ten (10) tpy and emissions of volatile organic compounds (VOC) are estimated to be in excess of the fifty (50) tpy threshold for applicability to Title V of the federal Clean Air Act. Therefore, pursuant to §§5-1002, 5-1003, and 5-1005 of the *Regulations* the Facility is classified as a “Title V Subject Source” and must obtain a Permit to Operate consistent with the requirements of Subchapter X of the *Regulations* and Title 40 *Code of Federal Regulations* (“40 CFR”) Part 70. In accordance with §5-1009 of the *Regulations*, the agency is issuing the Permit to Operate herein as a renewal of the previous Permit to Operate for the Facility and the Permit herein supercedes all prior Permits for the Facility.

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

Future Allowable Air Contaminant Emissions (tons/year) ¹						
PM/PM ₁₀	SO ₂	NO _x	CO	VOCs	Total Criteria	HAPs ²
0.0	0.0	0.0	0.0	<100	>10	<10/25

- ¹ PM/PM₁₀ - particulate matter and particulate matter of 10 micrometers in size or smaller; SO₂ - sulfur dioxide; NO_x - oxides of nitrogen measured as NO₂ equivalent; CO - carbon monoxide; VOCs - volatile organic compounds; HAPs - hazardous air pollutants as defined in §112 of the federal Clean Air Act.
- ² Emissions of individual HAPs each < 10 tpy and emissions of total HAPs combined <25 tpy. Actual total combined HAPs estimated at <1 tpy.

(E) REVIEW FOR THE PERMIT TO CONSTRUCT

(a) New Source Review Designation

The Permittee has not proposed any modifications to the Facility in conjunction with the review for this Permit to Operate and therefore is not subject to review under the New Source Review requirements in §5-501 or §5-502 of the *Regulations* at this time.

(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 Permittee has not proposed any modifications to the Facility in conjunction with the review for this Permit to Operate and therefore is not subject to review under the MSER requirements in §5-502 of the *Regulations* at this time.

Note that there are two roll coatings lines permitted for operation at the Facility. The initial line was installed prior to 1979 and was issued an Operating Permit limiting VOC emissions to less than 50 tpy. The second line (installed in 2001) was limited to less than 50 tpy in Permit # AOP-00-016. As the initial line was installed prior to 1979 and emissions from the second line do not exceed 50 tons per year, the Facility has not been reviewed under §5-502 of the *Regulations*. Any future increases in VOC emissions will be subject to major source review under §5-502 of the *Regulations*.

(c) Ambient Air Quality Impact Evaluation

An ambient air quality impact evaluation is performed to demonstrate whether or not a proposed project will cause or contribute to violations of the ambient air quality standards and/or significantly deteriorate existing air quality. The Agency's implementation procedures concerning the need for an ambient air quality impact evaluation under §5-406(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.

The Permittee has not proposed any modifications to the Facility in conjunction with

the review for this Permit to Operate and therefore is not subject to an air quality impact analysis under §5-501 of the *Regulations* at this time. In addition, there has been no prior ambient air quality impact evaluations conducted for any of the previous modifications to the Facility.

(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) - Prohibition of Visible Air Contaminants, Installations Constructed Subsequent to April 30, 1970.
Section 5-221(1) - Prohibition of Potentially Polluting Materials in Fuel, Sulfur Limitation in Fuel.
Section 5-231(3) - Prohibition of Particulate Matter; Combustion Contaminants.
Section 5-241 – Prohibition of Nuisance and Odor.
Section 5-253.20 – Other Sources That Emit Volatile Organic Compounds
Section 5-402 – Written Reports When Requested
Section 5-403 – Circumvention
Subchapter VIII – Registration of Air Contaminant Sources.
Subchapter X – Operating Permits.

(ii) Reasonably Available Control Technology - §5-1010 of the *Regulations*

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

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

The Facility currently operates under the confines of a Permit to Construct and Operate issued on August 29, 2002 (#AOP-00-016a). 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-06-040).

(iv) Federal Requirements:

Applicable Requirements from Federal Regulations and the Clean Air Act
Clean Air Act §§114(a)(3), 502(b), and 504(a)-(c); 40 <i>CFR</i> Part 70 §§70.6(a)(3)(i)(B) and 70.6(c)(1); and 40 <i>CFR</i> Part 64 - Compliance Assurance Monitoring. Upon renewal of a Title V Permit to Operate, a facility must comply with enhanced monitoring and compliance assurance monitoring requirements for any emission unit with uncontrolled emissions in excess of the Title V major source threshold and which is subject to an emission standard and which is equipped with an emission control device. The Compliance Assurance Monitoring requirements do not apply to this Facility since no single unit exceeds the major source threshold and the potentially affected units are not equipped with an emission control device.

(b) Non-Applicable Requirements

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

(c) Enforceability

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

(d) Compliance Certification

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

(G) HAZARDOUS MOST STRINGENT EMISSION RATE

Pursuant to §5-261 of the *Regulations*, any stationary source whose current or proposed actual emission rate of a hazardous air contaminant ("HAC") is equal to or greater than the respective Action Level (found in Appendix C of the *Regulations*) shall achieve the Hazardous Most Stringent Emission Rate ("HMSEER") for the respective HAC. As part of the phase-in process for the March 28, 2007 amendments to §5-261 of the *Regulations*, this permit was reviewed for compliance with 5-261 using the list of HACs and their respective Action Levels that were in place prior to March 28, 2007. The Facility is not expected to

have regulated emissions of any HAC in excess of an Action Level. Therefore, the Facility is not subject to §5-261 of the *Regulations* at this time.

Based on the Agency's review of the Facility's application and the above Findings of Fact, the Agency concludes that the Facility, subject to the following Permit conditions, complies with all applicable state and federal air pollution control laws and regulations or is subject to an acceptable schedule of compliance. Therefore, pursuant to 10 V.S.A. §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

- 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). [10 V.S.A. §§556(c) and 556a(d)] [§5-501(1) of the *Regulations*]

- Operational Limitations -

- (2) **Open Burning:** The Permittee shall burn only natural wood in any open burn pile and shall only burn in accordance with this Permit and the *Regulations*. For the purposes of this Permit, natural wood shall be defined as trees, including logs, boles, trunks, branches, limbs, and stumps, lumber including timber, logs or slabs, especially when dressed for use. This definition shall also include pallets which are used for the shipment of various materials so long as such pallets are not chemically treated with any preservative, paint, or oil. This definition shall not extend to other wood products such as sawdust, plywood, particle board and press board. Prior to conducting any open burning of natural wood, other than leaves, brush, or tree cuttings from normal grounds maintenance, the Permittee shall obtain approval from the Air Pollution Control Officer for such burning, if required. [§5-202 of the *Regulations*]

- Emission Limitations -

- (3) **Coating Limits:** For each coating line, the Facility shall limit the monthly weighted average VOC content of all coating applied on that coating line to 3.5 pounds of VOC per gallon or less of coating, as applied (excluding water and exempt compounds). [§5-253.20(b)(2) of the *Regulations*]

Compliance with this limitation shall be based on the use of coatings that each contain less than 3.5 pounds of VOC per gallon of coating, as applied (excluding water and exempt compounds) or in the event any coating is applied during any given day that exceeds this limit, the Facility shall calculate the monthly weighted average for that coating line for that month. [§5-404 of the *Regulations*] [Permit AOP-00-016a]

- (4) **Volatile Organic Compounds:** Emissions of volatile organic compounds ("VOCs") from coating line #1 shall not equal or exceed fifty (50) tons per year based on any rolling twelve consecutive calendar month period. [10 V.S.A. §§556(c) and 556a(d)] [Permit OP-98-228]

Compliance with this limitation shall be based on daily recordkeeping of the quantity of each

coating used in the coating line and monthly calculations of the quantity of VOC emitted. For the purposes of these calculations, one-hundred (100) percent of the VOC content of the coatings and solvents shall be assumed to be emitted. [§5-404 of the *Regulations*]

[Permit AOP-00-016a]

- (5) Volatile Organic Compounds: Emissions of volatile organic compounds (“VOCs”) from coating line #2 shall not equal or exceed fifty (50) tons per year based on any rolling twelve consecutive calendar month period. [10 V.S.A. §§556(c) and 556a(d)] [Permit OP-98-228] [§5-501 of the *Regulations*]

Compliance with this limitation shall be based on daily recordkeeping of the quantity of each coating used in the coating line and monthly calculations of the quantity of VOC emitted. For the purposes of these calculations, one-hundred (100) percent of the VOC content of the coatings and solvents shall be assumed to be emitted. [§5-404 of the *Regulations*]

[Permit AOP-00-016a]

- (6) VOC Content: For conditions 3, 4 and 5 above, the VOC content of each coating shall be determined in accordance with 40 CFR Part 60, Appendix A, Reference Method 24 or an alternative method which has been published in 40 CFR, provided the federally approved alternative method has been accepted in writing by the Agency before testing. [§§5-231(3)(a)(i) and 5-404 of the *Regulations*]

- (7) Particulate Matter: Emissions of particulate matter (“PM”) from any fuel burning device, except motorized vehicles, with a heat input rating of less than ten (10) million British Thermal Units per hour (“MMBTU/hr”) shall not exceed 0.5 pounds per MMBTU.

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

- (8) Visible Emissions [Facility Wide]: Emissions of visible air contaminants from any installation at the Facility, except where otherwise noted in this Permit, shall not exceed twenty (20) percent opacity for more than a period or periods aggregating six (6) minutes in any hour and at no time shall visible emissions exceed sixty (60) percent opacity

Any emission testing conducted to demonstrate compliance with the above emission limits shall be performed in accordance with the proposed Federal Reference Method F-1 contained in the Federal Register Vol.51, No.168, pp. 31076-31081, August 29, 1986 or an alternative method which has been published in 40 CFR, provided the federally approved alternative method has been accepted in writing by the Agency before testing. [§§5-211(2), 5-211(3) and 5-404 of the *Regulations*]

- (9) 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 calendar year per year based on any rolling twelve (12) consecutive calendar month period. [40 CFR Part 63]

Compliance with these emission limits shall be based on records of coating usage and the respective volatile HAP content of those coatings as well as any other source of HAP emissions at the Facility [§5-404 of the *Regulations*]

- (10) 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*]
- (11) Fugitive Emissions: The Permittee shall take reasonable precautions at all times to control and minimize emissions of fugitive particulate matter and volatile organic compounds from the operations at the Facility. This shall include but not be limited to the following:
- (a) Coating and solvent containers containing VOC materials shall be covered when not in use;
 - (b) Solvent containing VOC materials used for gun/line cleaning shall be collected into a closed container, not sprayed in a manner which would allow the VOCs to be emitted into the ambient air, and all containers associated with the cleaning shall be covered when not in use.

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

- (12) 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*]

- Record Keeping and Reporting -

- (13) Records of Fuel Use: The Permittee shall maintain records of the total quantity of propane and No. 2 Fuel Oil consumed in the fuel burning equipment, each month. At the beginning of each calendar year, the Permittee shall calculate the total quantity of propane and No. 2 fuel oil consumed in the fuel burning equipment, in gallons, during the previous calendar year. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*]
- (14) Records of Coating Used (lbs/gal limit): The Permittee shall, for each coating line, maintain records of the daily quantity of each coating and solvent applied on each day, in units of gallons. If any coating applied during a respective day exceeds 3.5 pounds of VOC per gallon of coating, as applied (excluding water and exempt compounds), then the Permittee shall calculate the monthly weighted average VOC content of all coatings applied on that coating line for that respective month. [§5-405(1) of the *Regulations*] [Permit AOP-00-016a]
- (15) Record of Coating Used (tpy limit): The Permittee shall, for each coating line, maintain records of the total daily quantity of all coatings and solvents used in each coating line, in

units of gallons. At the beginning of each month, the Permittee shall, for each coating line, calculate the total monthly quantity of all coatings and solvents used, in units of gallons, and calculate the resultant VOC and HAP emissions from each respective coating line, in units of tons, for the previous month and the previous twelve consecutive month period. For the purposes of these calculations, 100 percent of the VOC and volatile HAP content of the coatings and solvents shall be assumed to be emitted. [§5-405(1) of the *Regulations*] [Permit AOP-00-016a]

- (16) Semi-Annual Periodic Monitoring Reports: Within thirty (30) days after July 1 and January 1 of each year, the Permittee shall submit to the Agency a report containing the following information regarding the preceding six (6) months:

- (a) A summary of the coating usage records required by this Permit;
- (b) A summary of the VOC emission calculations as required by this Permit.

[§§5-402(1), 5-405(1), and 5-1015(5) of the *Regulations*] [Permit AOP-00-016a]

- (17) 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*]

- (18) 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*]

- (19) The Permittee shall notify the Agency in writing within ten (10) days of any violation, of which it is aware, of any requirements of this Permit. This notification shall include, at a minimum, the cause for the violation and corrective action or preventative maintenance taken to correct the violation. [§5-402(1) and 5-1015(a)(6) of the *Regulations*]

- (20) 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*]

- (21) 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 1100 (SEA)
Boston, MA 02114-2023

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

- (22) 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*]
- (23) All records, reports, and notifications that are required to be submitted to the Agency by this Permit shall be submitted to:

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

[§5-402(1) of the *Regulations*]

- Standard Permit Conditions -

- (24) 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*]

- (25) 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*]
- (26) 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)]
- (27) 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*]
- (28) 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*]
- (29) 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)]

- (30) 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*]
- (31) 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)]
- (32) 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*]
- (33) 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)]
- (34) 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)]
- (35) 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*]
- (36) 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).

- (37) Conditions (1), and (5) are derived from the new source review requirements of Subchapter V of the Regulations. With the exception of the cited new source review conditions, this Operating Permit shall expire on February 6, 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*]
- (38) The conditions of this Permit as set forth above supercede all conditions contained in all prior Permits issued by the Agency to the Permittee for this Facility. [10 V.S.A. §§556(c) and 556a(d)]

The Agency's issuance of this Air Pollution Control Permit relies upon the data, judgment, and other information supplied by the Permittee. The Agency makes no assurances that the air contaminant source approved herein will meet performance objectives or vendor guarantees supplied to the source Permittee. It is the sole responsibility of the Permittee to operate the source in accordance with the conditions herein and with all applicable state and federal standards and regulations.

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

Agency of Natural Resources

Laura Q. Pelosi, Commissioner
Department of Environmental Conservation

By: _____
Harold Garabedian, Director
Air Pollution Control Division

jtb
A2 file: Churchill Coatings Corporation - North Springfield