



Vermont Department of Environmental Conservation

Agency of Natural Resources

MEMORANDUM

To: Louise Corliss, VT State Archives & Records Administration
From: Elaine O'Grady, Director, Air Quality & Climate Division 
Date: June 20, 2014
Re: Adopted Rule to Amend Vermont's Air Pollution Control Regulations

Please find attached a copy of the filing for the adopted rule to amend Vermont's Air Pollution Control Regulations. A copy of the adopted rule filing is being submitted to Katie Pickens at LCAR.

If you have any questions or need additional information, please contact Doug Elliott by telephone at 802-377-5939 or by e-mail at doug.elliott@state.vt.us.

Cc: Katie Pickens, LCAR Committee Staff

Administrative Procedures – Adopted Rule Coversheet

Instructions:

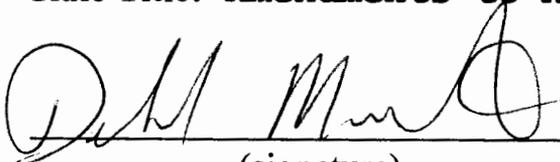
In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this adopted filing will be considered complete upon the submission and acceptance of the following components to the Office of the Secretary of State and to the Legislative Committee on Administrative Rules:

- Adopted Rule Coversheet
- Adopting Page
- Clean text of the rule (Amended text without annotation)
- Letter explaining in detail changes from final proposal.

All forms submitted to the Office of the Secretary of State, requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted, no later than 3:30 pm on the last scheduled day of the work week.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

Rule Title: Amendments to Air Pollution Control Regulations


 _____, on 6-18-14
 (signature) (date)

Printed Name and Title:

Deborah Markowitz, Secretary
Agency of Natural Resources

RECEIVED BY: _____

- Adopted Rule Coversheet
- Adopting Page
- Clean text of the rule (Amended text without annotation)
- Letter explaining in detail changes from final proposal.

1. TITLE OF RULE FILING:
Amendments to Air Pollution Control Regulations
2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE
13P-047
3. ADOPTING AGENCY:
Agency of Natural Resources
4. LEGAL AUTHORITY / ENABLING LEGISLATION:
(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).
10 VSA 553, 10 VSA 554(2) and (11)
5. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE FINAL PROPOSED RULE.
6. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE, INCLUDING CHANGES IN ECONOMIC IMPACT.
7. THE LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES DID NOT OBJECT TO THE FINAL PROPOSAL.
8. PROCEDURAL HISTORY OF ADOPTION:

ICAR Filing: 11/21/2013

Proposal Filed with Office of the Secretary of State: 12/18/2013

Notices Posted Online: 12/25/2013

Notices Published In Newspapers of Record: 01/02/2013

A Hearing WAS Held.

Hearings Held *(PLEASE USE ADDITIONAL SHEETS TO PROVIDE THE DATE, TIME AND LOCATION OF ALL HEARINGS IF THIS FORM IS INSUFFICIENT TO LIST ALL HEARINGS HELD)*:

Date: 2/3/2014

Time: 06:00 PM

Location:

Date:

Time: PM

Location:

Date:

Time: PM

Location:

Date:

Time: PM

Location:

Deadline for Public Comment: 02/10/2014

Final Proposal —

Filed with Secretary of State: 05/23/2014

Filed with LCAR: 05/23/2014

Dates of LCAR Review: 6/12/2014, , ,

Adopted Rule —

Filed with Secretary of State: 06/20/2014

Filed with LCAR: 06/20/2014

9. EFFECTIVE DATE: 07/05/2014

(A RULE MAY TAKE EFFECT 15 DAYS AFTER ADOPTION IS COMPLETE OR AT A LATER TIME PROVIDED IN THE TEXT OF THE RULE SEE 3 V.S.A. §845(d) FOR DETAILS).

Run Spell Check

Administrative Procedures – Adopting Page

Instructions:

This form must be completed for each filing made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

Amendments to Air Pollution Control Regulations

2. ADOPTING AGENCY:

Agency of Natural Resources

3. AGENCY REFERENCE NUMBER, IF ANY:

4. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

5. LAST ADOPTED (*PLEASE PROVIDE THE TITLE AND LAST DATE OF ADOPTION FOR THE EXISTING RULE*):

5-101 Definitions: 2/8/2011

5-221 Prohibition of Potentially Polluting Material in Fuel:
9/28/2011

5-301 Scope: 12/15/1990

5-302 Sulfur Oxides: 3/24/1979

5-303 Sulfur Oxides: 3/24/1979

5-304 Particulate Matter PM2.5: 3/24/1979
5-305 Reserved: 3/24/1979
5-306 Particulate Matter PM10: 11/1/1990
5-307 Carbon Monoxide: 11/1/1990
5-308 Ozone: 8/13/1993
5-309 Nitrogen Dioxide: 12/15/1990
5-310 Lead: 8/13/1993
5-312 Sulfates: 11/1/1990 (formatting only)
5-401 Classification of Air Contaminant Sources: 2/8/2011
5-406 Required Air Modeling: 2/8/2011
5-501 Review of Construction or Modification of Air
Contaminant Sources: 2/8/2011
5-502 Major Stationary Sources and Major Modifications:
2/8/2011
Table 2 Prevention of Significant Deterioration (PSD)
Increments: 7/29/1995
Table 3 Levels of Significant Impact: 11/1/1990

Run Spell Check