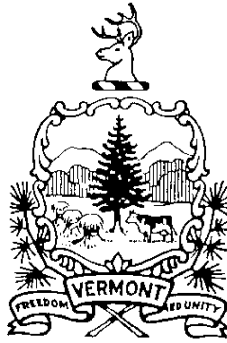


STATE OF VERMONT
AGENCY OF NATURAL RESOURCES

**AIR POLLUTION CONTROL
REGULATIONS**



INCLUDING AMENDMENTS TO THE REGULATIONS
ADOPTED THROUGH: ?Month?September 20131

AIR Quality ~~POLLUTION CONTROL~~ & Climate DIVISION
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
AGENCY OF NATURAL RESOURCES

BUILDING 3 SOUTH Davis 2
103 SOUTH MAIN STREET One National Life Drive
WATERBURY Montpelier, VERMONT 05671 20-04023802

TELEPHONE: (802) 241-3840828-1288

TOLL FREE PHONE: (888) 520-4879

FAX: (802) 241-2590

WEBSITE: <http://www.anr.state.vt.us/air/>



PERSONS REQUIRING ADDITIONAL INFORMATION REGARDING THESE REGULATIONS OR OTHER MATTERS RELATING TO AIR POLLUTION IN VERMONT SHOULD WRITE TO:

~~RICHARD A. VALENTINETTI, DIRECTOR~~
~~AIR POLLUTION CONTROL DIVISION~~
~~DEPARTMENT OF ENVIRONMENTAL CONSERVATION~~
~~AGENCY OF NATURAL RESOURCES~~
~~BUILDING 3 SOUTH~~
~~103 SOUTH MAIN STREET~~
~~WATERBURY, VT 05671-0402~~
~~ELAINE O'GRADY, DIRECTOR~~
~~AIR QUALITY & CLIMATE DIVISION~~
~~DAVIS 2~~
~~ONE NATIONAL LIFE DRIVE~~
~~MONTPELIER, VERMONT 05620-3802~~

VERMONT AIR POLLUTION CONTROL REGULATIONS

TABLE OF CONTENTS

SUBCHAPTER I. DEFINITIONS

5-101	AS USED IN THIS PART, ALL TERMS NOT DEFINED HEREIN SHALL HAVE THE MEANING GIVEN THEM IN THE ACT.....	8
-------	--	---

SUBCHAPTER II. PROHIBITIONS

5-201	OPEN BURNING PROHIBITED.....	23
5-202	PERMISSIBLE OPEN BURNING.....	23
5-203	PROCEDURES FOR LOCAL AUTHORITIES TO BURN NATURAL WOOD.....	24
5-204	OUTDOOR WOOD FIRED BOILERS.....	24
5-205	[REPEALED].....	32
5-211	PROHIBITION OF VISIBLE AIR CONTAMINANTS.....	32
5-221	PROHIBITION OF POTENTIALLY POLLUTING MATERIALS IN FUEL.....	33
5-231	PROHIBITION OF PARTICULATE MATTER.....	38
5-241	PROHIBITION OF NUISANCE AND ODOR.....	42
5-251	CONTROL OF NITROGEN OXIDES EMISSIONS.....	43
5-252	CONTROL OF SULFUR DIOXIDE EMISSIONS.....	43
5-253	CONTROL OF VOLATILE ORGANIC COMPOUNDS	
5-253.1	Petroleum Liquid Storage in Fixed Roof Tanks.....	44
5-253.2	Bulk Gasoline Terminals.....	45
5-253.3	Bulk Gasoline Plants.....	48
5-253.4	Gasoline Tank Trucks.....	50
5-253.5	Stage I Vapor Recovery Controls at Gasoline Dispensing Facilities.....	52
5-253.6	Volatility of <i>Gasoline</i>	54
5-253.7	Stage II Vapor Recovery Controls at Gasoline Dispensing Facilities.....	55
5-253.8	Reserved.....	61
5-253.9	Reserved.....	61
5-253.10	Paper Coating.....	61
5-253.11	Perchloroethylene Dry Cleaning.....	63
5-253.12	Coating of Flat Wood Paneling.....	67
5-253.13	<i>Coating</i> of Miscellaneous Metal Parts.....	69
5-253.14	Solvent Metal Cleaning.....	72

5-253.15	Cutback and Emulsified Asphalt.....	78
5-253.16	Wood Furniture Manufacturing.....	79
5-253.17	Reserved.....	93
5-253.18	Reserved.....	93
5-253.19	Reserved.....	93
5-253.20	Other Sources That Emit Volatile Organic Compounds.....	93
5-261	CONTROL OF HAZARDOUS AIR CONTAMINANTS.....	95
5-271	CONTROL OF AIR CONTAMINANTS FROM STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES.....	98

SUBCHAPTER III. AMBIENT AIR QUALITY STANDARDS

5-301	SCOPE.....	100
5-302	SULFUR OXIDES (SULFUR DIOXIDE) PRIMARY AMBIENT AIR QUALITY STANDARD	100
5-303	RESERVED SULFUR OXIDES (SULFUR DIOXIDE) SECONDARY AMBIENT AIR QUALITY STANDARD	100
5-304	PARTICULATE MATTER PM_{2.5} (TOTAL SUSPENDED PARTICULATE) PRIMARY AMBIENT AIR QUALITY STANDARD	100
5-305	RESERVED PARTICULATE MATTER (TOTAL SUSPENDED PARTICULATE) SECONDARY AMBIENT AIR QUALITY STANDARD	101
5-306	PARTICULATE MATTER (PM₁₀) PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS	101
5-307	CARBON MONOXIDE PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS	101
5-308	OZONE PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS	102
5-309	NITROGEN DIOXIDE PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS	102
5-310	LEAD PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS	102
5-311	RESERVED.....	102
5-312	SULFATES SECONDARY AMBIENT AIR QUALITY STANDARDS	102

SUBCHAPTER IV. OPERATIONS AND PROCEDURES

5-401	CLASSIFICATION OF AIR CONTAMINANT SOURCES.....	104
5-402	WRITTEN REPORTS WHEN REQUESTED.....	105
5-403	CIRCUMVENTION.....	105
5-404	METHODS FOR SAMPLING AND TESTING OF SOURCES.....	106
5-405	REQUIRED AIR MONITORING.....	106
5-406	REQUIRED AIR MODELING.....	106

SUBCHAPTER V. REVIEW OF NEW AIR CONTAMINANT SOURCES

5-501	REVIEW OF CONSTRUCTION OR MODIFICATION OF AIR CONTAMINANT SOURCES.....	108
5-502	MAJOR STATIONARY SOURCES AND MAJOR MODIFICATIONS.....	110
5-503	[REPEALED].....	116
5-504	PERMIT FEES.....	116
5-505	FALSE OR MISLEADING INFORMATION.....	117

SUBCHAPTER VI. RULES OF PRACTICE GOVERNING HEARINGS UNDER THE AIR POLLUTION CONTROL ACT

5-601	SCOPE OF THIS SUBCHAPTER.....	118
5-602	PARTIES.....	118
5-603	PLEADINGS AND DOCUMENTS; FILING AND SERVICE THEREOF.....	118
5-604	PETITIONS FOR RULE-MAKING AND DECLARATORY RULINGS.....	119
5-605	APPEARANCES.....	120
5-606	PRE-HEARING CONFERENCES.....	120
5-607	SUBPOENAS.....	121
5-608	HEARING SCHEDULES.....	121
5-609	NOTICE AND TRANSCRIPT OF HEARINGS.....	121
5-610	CONDUCT OF HEARINGS.....	122
5-611	PROPOSED DECISION.....	123
5-612	FINAL DECISION AND ORDER.....	123
5-613	APPEALS.....	123

SUBCHAPTER VII. MOTOR VEHICLE EMISSIONS

5-701	MAINTENANCE AND REMOVAL OF CONTROL DEVICES.....	124
5-702	EXCESSIVE SMOKE EMISSIONS FROM MOTOR VEHICLES.....	124
5-703	INSPECTION OF CONTROL DEVICES.....	124

SUBCHAPTER VIII. REGISTRATION OF AIR CONTAMINANT SOURCES

5-801	DEFINITIONS.....	125
5-802	REQUIREMENT OF REGISTRATION.....	125
5-803	REGISTRATION PROCEDURE.....	125
5-804	FALSE OR MISLEADING INFORMATION.....	126
5-805	COMMENCEMENT OR RECOMMENCEMENT OF OPERATION.....	126
5-806	TRANSFER OF OPERATION.....	127
5-807	FEES.....	127

5-808	DETERMINATION OF FEE.....	127
-------	---------------------------	-----

SUBCHAPTER IX. CONTROL OF OZONE-DEPLETING CHEMICALS

5-901	DEFINITIONS.....	128
5-911	MOTOR VEHICLE AIR CONDITIONING.....	128
5-921	REGULATION OF OZONE-DEPLETING PRODUCTS.....	129

SUBCHAPTER X. OPERATING PERMITS

5-1001	PURPOSE AND AUTHORITY.....	130
5-1002	DEFINITIONS.....	130
5-1003	APPLICABILITY.....	134
5-1004	DUTY TO APPLY.....	134
5-1005	TIMELY APPLICATIONS.....	134
5-1006	COMPLETE APPLICATION.....	135
5-1007	PUBLIC PARTICIPATION.....	139
5-1008	SECRETARY'S POWERS AND DUTIES.....	141
5-1009	ACTION ON OPERATING PERMIT APPLICATIONS.....	143
5-1010	REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT).....	144
5-1011	TERM OF OPERATING PERMIT.....	144
5-1012	PERMIT EXPIRATION AND RENEWAL.....	144
5-1013	OPERATING PERMIT AMENDMENTS.....	145
5-1014	OPERATIONAL FLEXIBILITY.....	146
5-1015	PERMIT CONTENT.....	146
5-1016	LIMITING ALLOWABLE EMISSIONS.....	149

SUBCHAPTER XI. LOW EMISSION VEHICLE PROGRAM

5-1101	DEFINITIONS.....	151
5-1102	INCORPORATION BY REFERENCE.....	153
5-1103	NEW VEHICLE EMISSION REQUIREMENTS.....	153
5-1104	WARRANTY.....	155
5-1105	RECALL.....	155
5-1106	MANUFACTURER FLEET REQUIREMENTS.....	155
5-1107	MANUFACTURER REPORTING REQUIREMENTS.....	156
5-1108	INSPECTIONS.....	158
5-1109	SEVERABILITY.....	158

APPENDICES AND TABLES

APPENDIX A	RULES OF EVIDENCE, OFFICIAL NOTICE.....	160
APPENDIX B	HAZARDOUS AIR CONTAMINANTS.....	161
APPENDIX C	HAZARDOUS AMBIENT AIR STANDARDS.....	171
APPENDIX D	METHOD FOR THE DERIVATION OF HAZARDOUS AMBIENT AIR STANDARD....	181
APPENDIX E	METHOD FOR THE DERIVATION OF ACTION LEVELS.....	183
APPENDIX F	184
TABLE 1	Industrial Process Weight Standards.....	189
TABLE 2	Prevention of Significant Deterioration (PSD) Increments.....	190
TABLE 3	Levels of Significant Impact for Nonattainment Areas	191
TABLE 4	Sections Added or Amended.....	192

AGENCY OF NATURAL RESOURCES

WATERBURY, VERMONT

ENVIRONMENTAL PROTECTION REGULATIONS

CHAPTER 5

AIR POLLUTION CONTROL

SUBCHAPTER I. DEFINITIONS*

5-101 AS USED IN THIS PART, ALL TERMS NOT DEFINED HEREIN SHALL HAVE THE MEANING GIVEN THEM IN THE ACT

"Act" refers to the Air Pollution Control Act, 10 V.S.A. §551 et seq., as amended.

"Action Level" means a rate of *emissions* of a *hazardous air contaminant* as specified in Appendix C or as may be determined under Section 5-261(3) of these regulations. *Action Levels* are used to determine the applicability of Section 5-261 to *stationary sources* and shall be derived in accordance with the method prescribed in Appendix E of these regulations.

"Actual Emissions" means the rate of *emissions*, as of a particular date, which equals the average rate at which a source actually emitted the contaminant during the preceding two-year period. The Secretary may allow the use of a different time period upon a determination that it is more representative of normal source operation. For any source which has not begun normal operations on the particular date, *actual emissions* shall equal the *allowable emissions* of the source on that date.

"Adverse Impact on Visibility" means *visibility impairment* which, as determined on a case-by-case basis by the Air Pollution Control Officer, interferes with the management, protection, preservation or enjoyment of a person's visual experience when visiting any *sensitive area* or any *Class I Federal area*. Any such determination will take into account the geographic extent, intensity, duration, frequency and time of *visibility impairment* and how these factors correlate with (1) times of visitor use and (2) the frequency and timing of natural conditions that reduce visibility.

"Agency" means the Agency of Natural Resources.

"Air Contaminant" means dust, fumes, mist, *smoke*, other *particulate matter*, vapor, gas, odorous substances, or any combination thereof.

* NOTE: All terms defined within these regulations are printed in italics wherever they appear. Terms which are used in all subchapters of the regulations are defined in Section 5-101, while supplemental definitions intended for use with a specific section of the regulations are found within that section.

"Air Pollution" means the presence in the outdoor atmosphere of one or more *air contaminants* in such quantities, and duration as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life, or property. Such effects may result from direct exposure to *air contaminants*, from deposition of *air contaminants* to other environmental media, or from alterations caused by *air contaminants* to the physical or chemical properties of the atmosphere.

"Air Pollution Control Officer" means the person whose functional responsibility is to direct and coordinate the *air pollution* control activities and program for the State.

"Air Pollution Control Regulations" means Chapter V of the Vermont Environmental Protection Regulations.

"Air Quality Impact Evaluation" means an analysis of the degree to which *emissions* from stationary or *motor vehicles* contribute to *air contaminant* concentrations in the *ambient air*. Such analysis shall include air quality modeling or other methods determined by the *Secretary* to be reliable.

"Allowable Emissions" means the *emission* rate calculated using the maximum rated capacity of the source and, if applicable, either:

- (a) The applicable *emission* standard contained in these regulations, if any, or
- (b) The *emission* rate or design, operational or equipment standard specified in any order or agreement issued under these regulations that is state and federally enforceable.

"Ambient Air" means that portion of the atmosphere, external to buildings, to which the general public has access.

"Ambient Air Quality Standards" means any standard which establishes the largest allowable concentration of a specific *air contaminant* in the *ambient air* space as specified in Subchapter III of these regulations.

"Applicant" means a person who seeks the approval of the *Secretary*, as required by Section 5-501, prior to the construction, installation or modification of a *stationary source*.

"ASTM" means the American Society for Testing and Materials.

"Attainment Area" (see definition of *nonattainment area*).

"Brake Horsepower" means the maximum continuous brake horsepower output rating for an engine as specified by the manufacturer.

"Bulk Gasoline Plant" means a *gasoline* storage and distribution facility with an average daily throughput of 20,000 gallons (76,000 liters) of *gasoline* or less on a 30-day rolling average.

"Bulk Gasoline Terminal" means a *gasoline* storage facility which receives *gasoline* from refineries and delivers *gasoline* to *bulk gasoline plants* or to

commercial or retail accounts; and has a daily throughput of more than 20,000 gallons (76,000 liters) of gasoline on a 30-day rolling average.

"C.F.R." means the Code of Federal Regulations.

"Capture Efficiency" means the weight per unit time of VOC entering a capture system and delivered to a control device divided by the weight per unit time of total VOC generated by a source of VOC, expressed as a percentage.

"Capture System" means all equipment (including, but not limited to, hoods, ducts, fans, booths, ovens, dryers, etc.) that contains, collects, and transports an air contaminant to a control device.

"Class I Federal Area" means any area identified in 40 C.F.R. 81, Subpart D.

"Coating" means a material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealants, adhesives, inks, maskants, and temporary protective coatings.

"Coating Unit" means a series of one or more coating applicators and any associated drying area and/or oven wherein a coating is applied dried and/or cured. A coating unit ends at the point where the coating is dried or cured, or prior to any subsequent application of a different coating. It is not necessary to have an oven or a flashoff area in order to be included in this definition.

"Combustion Contaminants" are air contaminants discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

"Combustion Efficiency (C.E.)" means a measure of the completeness of combustion, determined by the measurement of the proportion by volume of carbon dioxide (CO₂) and carbon monoxide (CO) in flue gas (on a dry basis) where;

$$C.E.(%) = \frac{CO_2}{(CO_2 + CO)} \times 100$$

"Commence Operation" means to begin using, on a full time basis, any equipment in a manner that represents normal operational procedures.

"Control Device" means equipment (such as an incinerator or carbon adsorber) used to reduce, by destruction or removal, the amount of air contaminants in an air stream prior to discharge to the ambient air.

"Crematory" means an incinerator used solely to reduce the volume and weight of human and animal remains, limited amounts of associated surgical wastes including but not limited to disposable sharps, gloves, gowns and dressings, and associated combustible waste containers which have been approved by the Air Pollution Control Officer.

"*Emergency use engine*" means an engine used only for emergency purposes and up to 100 hours per year for routine testing and maintenance. Emergency purposes are limited to periods of time when:

- (1) The usual source of power, heat or lighting is temporarily unavailable due to reasons beyond the reasonable control of the owner/operator;
- (2) The Independent System Operator has determined a power capacity deficiency exists and has implemented a voltage reduction of five (5) percent or more of normal operating voltage; or
- (3) A fire or flood makes it necessary to pump water to minimize property damage.

"*Emission*" means a release of *air contaminants* into the *ambient air* space.

"*Emission Reduction Credit*" or "*ERC*" means the certified quantity of an *emission* reduction from a source that may be stored or used as described in Section 5-502.

"*EPA*" means the Federal Environmental Protection Agency, the Administrator of the Environmental Protection Agency, or the Administrator's designee.

"*Equivalent Method*" means any method of sampling and/or analyzing for an *air contaminant* which has been demonstrated to the *Air Pollution Control Officer's* satisfaction to have a consistent and quantitatively known relationship to a reference method under specific conditions.

"*Federal Land Manager*" means the *Secretary* of the department with authority over a *Class I Federal area* or his or her representative.

"*Federally Enforceable*" means all limitations and conditions which are enforceable by the U.S. Environmental Protection Agency, whether contained in federal regulations, a state implementation plan, or construction or operating permits.

"*Flashoff Area*" means the space between the *coating* application area and the oven.

"*Flue Gas*" means *air contaminants* which enter the *ambient air* through a flue or stack.

"*Forest Land Area*" means at least 25 acres of land that is at least 10% stocked with trees of any size.

"*Fossil Fuel*" means coal, coke, distillate oil, residual oil, and natural gas.

"*Fuel*" means any form of combustible matter--solid, liquid or gas, including combustible refuse.

"*Fuel-Burning Equipment*" means any individual furnace, boiler, and/or apparatus used in the process of burning fuel for the primary purpose of producing heat or power.

"Fuel Oil" means a liquid or liquefiable petroleum product either virgin or rerefined which is burned for the generation of heat or power and derived, whether in whole or in part, from crude oil.

"Fugitive Emissions" means air contaminant(s) emitted into the ambient air from points other than a stack. For purposes of determining the applicability of Subchapter V and Subchapter X of the Air Pollution Control Regulations, "fugitive emissions" shall include only those emissions which are reasonably quantifiable.

"Fugitive Particulate Matter" means any particulate matter generated by a process operation which is emitted into the ambient air space from points other than a stack.

"Garbage" -- waste resulting from distribution, preparation and serving of food.

"Gaseous Matter" means any material that exists in the gaseous state at standard conditions.

"Gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds per square inch (27.6 kilopascals) or greater.

"Gasoline Dispensing Facility" means any site where gasoline is transferred from a stationary storage tank to a motor vehicle gasoline tank used to provide fuel to the engine of that motor vehicle.

"Gasoline Tank Truck" means a delivery tank truck with a capacity of 4000 gallons or greater used at bulk gasoline plants, bulk gasoline terminals or gasoline dispensing facilities that is loading or unloading gasoline.

"Greenhouse Gases" means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any other chemical or physical substance emitted into the air that the Secretary may reasonably anticipate to cause or contribute to climate change.

"Hazardous Air Contaminant" means an air contaminant which in the judgment of the Secretary, taking into account its quantity, concentration or physical, chemical or infectious characteristics, causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness.

"Hazardous Air Pollutant (HAP)" means any air pollutant listed in or pursuant to Section 112(b) of the federal Clean Air Act.

"Hazardous Ambient Air Standard (HAAS)" means the highest acceptable concentration in the ambient air of a hazardous air contaminant as specified in Appendix C or as may be determined under Section 5-261(6) of these regulations. All HAAS's shall be derived in accordance with the methods prescribed in Appendix D of these regulations.

"Hazardous Most Stringent Emission Rate (HMSER)" means a rate of emissions, including a visible emissions standard, which the Secretary, on a case-by-

case basis, determines is achievable for a *stationary source* based on the lowest *emission* rate achieved in practice by such category of source. If a source demonstrates that due to economic impacts and costs, it cannot achieve the lowest *emission* rate achieved in practice by such source category, *HMSER* shall be the lowest *emission* rate which the *Secretary* determines said source is capable of achieving, *HMSER* may be achieved through application of pollution control equipment, production processes or techniques, equipment design, work practices, chemical substitution, or innovative pollution control techniques. In no event shall application of *HMSER* permit a *stationary source* to emit any contaminants in excess of any Federal *emission* standard or any *emission* standard in these regulations.

"*Hearing Officer*" means an employee or representative of the *Agency* appointed by the *Secretary* to hear any or all matters in any case properly before the *Secretary* under Subchapter VI of these regulations.

"*Heat Input*" shall be the aggregate heat content of all *fuels* introduced into any *fuel burning equipment*. For the purposes of review of the construction or installation of an *air contaminant* source, the *heat input* value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater.

"*Horsepower (H.P.)*" is a unit that is equal to 10 square feet of boiler heating surface.

"*Implementation Plan for the Protection of Visibility in Vermont*" means the plan with that name developed for the purpose of meeting the requirements contained in Section 169A of the Clean Air Act (42 U.S.C. 7401 et seq.).

"*Incinerator*" means any structure or furnace in which combustion takes place, the primary purpose of which is the reduction in volume and weight of an unwanted material.

"*Leak Free*" means no more than 3 drops per minute of product is leaked.

"*Loading Rack*" means an aggregation or combination of *gasoline* loading equipment arranged so that all loading outlets in the combination can be connected to a tank truck or trailer parked in a specified loading space.

"*Major Modification*" means any *modification* of a *major stationary source* that would result in a *significant* increase in *actual emissions* of any *air contaminant*.

"*Major Source of HAPs*" means any *stationary source* that has allowable emissions, in the aggregate, of 10 tons per year or more of any single HAP, 25 tons per year or more of any combination of HAPs, or such lesser quantity that EPA may establish by rule.

"*Major Stationary Source*" means any *stationary source* or *modification* whose allowable emissions of any *air contaminant*, except for lead and *greenhouse gases*, are equal to or greater than 50 tons per year. For the *air contaminant* lead, "*major stationary source*" means any *stationary source* or *modification* whose allowable emissions of lead are equal to or greater than five tons per year. For the *air contaminant* that is *greenhouse gases*, "*major stationary*

source" means any *stationary source* or modification whose allowable emissions of total greenhouse gases are:

- (1) On a mass basis, equal to or greater than the thresholds in 40 C.F.R. §~~51.166~~(b)(1)(i), and
- (2) On a carbon dioxide equivalent (CO₂e) basis, subject to regulation at that stationary source or modification.

"*Material safety data sheet (MSDS)*" means the documentation required for hazardous chemicals by the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (29 C.F.R. 1910) for a solvent, cleaning material, contact *adhesive*, coating, or other material that identifies select reportable hazardous ingredients of the material, safety and health considerations, and handling procedures.

"*Modification*" means any physical change in, or change in the method of operation of, a *stationary source* which increases the actual emission rate of any *air contaminant*, regardless of any *emission* reductions achieved at the source. A physical change or change in the method of operation shall not include:

- (a) Routine maintenance, repair and replacement; or
- (b) An increase in the hours of operation or in the production rate, unless such change is prohibited under any condition of a permit issued pursuant to these Regulations.

"*Most Stringent Emission Rate (MSER)*" a rate of *emissions* which the *Secretary*, on a case-by-case basis, determines is achievable for a source based on the lowest *emission* rate achieved in practice by such category of source, unless the source demonstrates it cannot achieve such a rate due to economic impacts and costs. Costs of achievement of *MSER* will be accorded less weight for sources or *modifications* locating in *non-attainment* areas than for sources or *modifications* locating in *attainment* areas for the applicable *air contaminant*. In no event shall application of *MSER* result in *emissions* of any contaminants in excess of any federal *emission* standard or any *emission* standard contained in these regulations. If the *Secretary* determines that imposition of an *emission* standard is infeasible, a design, equipment, work practice or operational standard, or combination thereof, may be prescribed instead as constituting *MSER*.

"*Motor Vehicle*" shall include all vehicles propelled or drawn by power other than muscular power, except tractors used entirely for work on the farm, vehicles running only on stationary rails or tracks, motorized highway building equipment, road making appliances or snowmobiles, or implements of husbandry.

"*Multiple Chamber Incinerator*" means any article, machine, equipment, contrivance, structure, or part of a structure used to dispose of combustible *refuse* by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

"Municipal Waste Combustor Acid Gases (measured as sulfur dioxide and hydrogen chloride)" means all acid gases emitted in the exhaust gases from MWC units including, but not limited to, sulfur dioxide and hydrogen chloride gases, measured as sulfur dioxide and hydrogen chloride.

"Municipal Waste Combustor Metals (measured as particulate matter)" means metals and metal compounds emitted in the exhaust gases from MWC units, measured as particulate matter.

"Municipal Waste Combustor Organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)" means organic compounds emitted in the exhaust gases from MWC units and includes total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans, measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans.

"Municipal Solid Waste Landfill Emissions (measured as nonmethane organic compounds)" means gas generated by the decomposition of organic waste deposited in an MSW landfill or derived from the evolution of organic compounds in the waste, measured as nonmethane organic compounds.

"*Natural Wood*" -- for the purposes of these regulations, *natural wood* means 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.

"*Nonattainment Area*" means, for any *air contaminant*, an area which is shown by monitored data or which is calculated by air quality modeling (or other methods determined by the Secretary to be reliable) to exceed any applicable *ambient air quality standard* for such contaminant. "*Attainment Area*" means all other areas, except those areas for which there is not sufficient data to allow classification ("*unclassified areas*").

"*Odor*" means that property of gaseous, liquid, or solid materials that elicits a physiologic response by the human sense of smell.

"*Opacity*" means the degree to which *emissions* reduce the transmission of light and obscure the view of any object in the background.

"*Open Burning*" -- the burning of any type of combustible material in the open where the products of combustion are emitted directly into the *ambient air* space without passing through a *stack*, chimney, or other enclosure. Burning shall include ignition, permitting or causing ignition and suffering, allowing or maintaining burning.

"*Oven*" means a chamber which is used to bake, cure, polymerize, and/or dry a *coating*.

"*Overall Emission Reduction Efficiency*" means the weight per unit time of *VOC* removed or destroyed by a *control device* divided by the weight per unit time of *VOC* generated by a source, expressed as a percentage. The *overall emission reduction efficiency* can also be calculated as the product of the *capture efficiency* and the *control device* destruction or removal efficiency.

"Owner/operator" means the owner(s), operator(s), lessor(s), lessee(s) and/or supervisor(s) of an air contaminant source and/or a person authorized to represent such person(s).

~~"Particulate Matter" means any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.~~

"Particulate Matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than one-hundred (100) micrometers.

"Particulate Matter Emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method, specified in 40 C.F.R. Chapter 1. Emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures.

~~"PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method specified in Title 40 C.F.R. Part 50, Appendix J and in accordance with Title 40 C.F.R. Part 53, or an equivalent method designated in accordance with Title 40 C.F.R. Part 53.~~

"PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on appendix J of 40 C.F.R. Part 50 and designated in accordance with 40 C.F.R. Part 53, or by an equivalent method designated in accordance with 40 C.F.R. Part 53.

"PM₁₀ Emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in 40 C.F.R. Chapter 1. Emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures.

"PM_{2.5}" means particulate matter with an aerodynamic diameter less than or equal to a nominal two-and-a-half (2.5) micrometers as measured by a reference method based on Appendix L of 40 C.F.R. Part 50 and designated in accordance with 40 C.F.R. Part 53, or by an equivalent method designated in accordance with 40 C.F.R. Part 53.

"PM_{2.5} direct emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal two-and-a-half (2.5) micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in 40 C.F.R. Chapter 1. Emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. It does not include emissions of other gaseous precursors which may subsequently contribute to formation of secondary PM_{2.5} particles through chemical reactions.

"Party" means any person named or admitted as a party under the Act or Subchapter VI of these regulations, or properly seeking and entitled as of right to be admitted as a party thereunder.

"Pathological Waste" -- human and animal remains consisting of carcasses, organs and solid organic waste.

"Permanent", in reference to emission reductions, means that the emission reduction is assured for the life of the corresponding emission increase. The permanence of the subject reduction shall be guaranteed through an enforceable permit limitation confirming the amount and duration of the decrease, or other enforceable mechanism (e.g., permanently dismantling and removing the emissions source, surrendering the permit, etc).

"Person" means an individual, partnership, corporation, association, unincorporated organization, trust or any other legal or commercial entity, including a joint venture or affiliated ownership. The word "person" also means any subdivision, agency, or instrumentality of the State of Vermont, of any other state, of the United States, or of any interstate body.

"Prevention of Significant Deterioration (PSD)" means the protection of the public health and welfare from any actual or potential adverse effect which in the Secretary's judgment may reasonably be anticipated to occur from air pollution which would deteriorate air quality in any portion of the State where existing air quality is better than the ambient air quality standards.

"Process Unit" refers to a unique and/or distinct part of the total process, where raw or partially processed materials undergo a chemical or physical change which generates air contaminants. Within any process unit when any material undergoes a series of operations which are capable of emitting particulate matter and which employ any combination of machines, equipment, or other devices used for processing the material either continuously or in batches, the total process weight for the series of operations shall be the weight of materials introduced to the series as a whole. Any material which is the product of any operation in the series shall not be counted as part of the process weight for any other operation in the series.

"Process Weight" means the total weight of all materials introduced into any process unit which may cause discharge into the ambient air space of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "THE PROCESS WEIGHT PER HOUR" will be derived by dividing the total process weight by the number of hours in a complete operation from beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

"Quantifiable", in reference to emission reductions, means that the amount, rate and characteristics of the emission reduction can be determined through an accurate and reliable method (e.g., through emissions tests, continuous emissions monitoring, material balance, etc.).

"Reasonable Progress Toward the Remedying of Existing Man-made Visibility Impairment in a Sensitive Area" means achieving and maintaining a statewide average emission rate of less than or equal to 1.2 pounds of sulfur dioxide

released per million British thermal units of *heat input* for the category of sources including all *fuel-burning equipment* with a rated *heat input* greater than or equal to 100 million British thermal units per hour, by no later than 1995 as described in the *Implementation Plan for the Protection of Visibility in Vermont*.

"*Reasonably Available Control Technology*" means devices, systems, process modifications, or other apparatus or techniques designed to prevent or control *emissions* that are reasonably available, taking into account the social, environmental and economic impact of such controls, and alternative means of *emission control*.

"*Reciprocating Internal Combustion Engine*" means any spark ignited or compression ignited engine in which power, produced by heat and/or pressure in the engine cylinder(s) through the burning of a mixture of air and fuel, is subsequently converted to mechanical work by means of one or more pistons.

"*Reconstructed Source*" means a source wherein the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new source. A *reconstructed source* will be treated as a new source for the purposes of these regulations.

"*Refuse*" -- *garbage, rubbish, and mixed municipal wastes*.

"*Reid Vapor Pressure*" means the absolute vapor pressure of a liquid or solid petroleum product at 100°F (37.8°C) in pounds per square inch (kilopascals).

"*Rerefined Oil*" means any *waste oil* which has been processed in such a manner as to make it substantially equivalent, in the judgment of the *Air Pollution Control Officer*, to virgin oil with regard to the *emissions* caused when it is used as a *fuel*.

"*Respondent*" means any adverse *party* in a case or enforcement action under these regulations.

"*Ringelmann Chart*" -- the chart published and described in U.S. Bureau of Mines Information Circular 8333 (May 1967) and on which are illustrated graduated shades of grey for use in estimating the light obscuring capacity of *smoke*.

"*Rubbish*" -- solids or liquids not considered to be highly flammable or explosive, such as, but not limited to, paper, rags, ashes, leaves, tree branches, yard trimmings, furniture, tin cans, glass, crockery, demolition wastes, junk automobiles, tires, automotive parts and other similar materials.

"*Schedule of compliance*" means a schedule of remedial measures, including an enforceable sequence of actions or operations, leading to timely compliance with applicable requirements related to the control of *air contaminant emissions* or the prevention or control of *air pollution*.

"*Secretary*" means the Secretary of the Agency of Natural Resources or such *person* as the *Secretary* may designate.

"Sensitive Area" means for the purpose of these regulations, any portion of the area comprising Lye Brook Wilderness Area and all other terrain in Vermont at or above the elevation of 2500 feet above mean sea level.

"Significant" means, in reference to a modification's increase in actual emissions or a source's allowable emissions of any of the following air contaminants, a rate of emissions that would equal or exceed any of the following rates:

<u>Air Contaminant</u>	<u>Tons Per Year</u>
Carbon monoxide	50
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter	25
PM ₁₀	15
<u>PM_{2.5}¹</u>	
<u>PM_{2.5} direct emissions</u>	<u>10</u>
<u>Sulfur dioxide</u>	<u>40</u>
<u>Nitrogen oxides</u>	<u>40</u>
Volatile organic compounds(VOC)	40
Lead	0.6
Asbestos	0.007
Beryllium	0.0004
Mercury	0.1
Vinyl chloride	1
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H ₂ S)	10
Total reduced sulfur (including H ₂ S)	10
Reduced sulfur compounds (including H ₂ S)	10
<u>Municipal waste combustor organics (measured as total tetra-through octa- chlorinated dibenzo-p-dioxins and dibenzofurans)</u>	<u>3.5×10^{-6}</u>
<u>Municipal waste combustor metals (measured as particulate matter)</u>	<u>15</u>
<u>Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)</u>	<u>40</u>
<u>Municipal solid waste landfill emissions (measured as nonmethane organic compounds)</u>	<u>50</u>
Greenhouse gases	1. 2
<u>¹ For PM_{2.5}, significant means either 10 tons per year or more of direct</u>	

<u>Air Contaminant</u>	Tons Per Year
<u>PM_{2.5} emissions, 40 tons per year or more of sulfur dioxide emissions or 40 tons per year or more of nitrogen oxides emissions.</u>	
^{2*} For greenhouse gases, "significant" means a rate of emissions for total greenhouse gases, on a carbon dioxide equivalent (CO ₂ e) basis, that (1) is subject to regulation at that source or modification, and (2) would equal or exceed the significance level established by EPA.	

"Smoke" means the visible aerosol, resulting from incomplete combustion, which contains fly ash and/or other *combustion contaminants*, excluding condensed water vapor.

"Stack" means any chimney, flue, conduit, or duct arranged to conduct *emissions* to the *ambient air*.

"Standard Conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of Hg.

"State Enforceable" means all limitations and conditions which are enforceable by the Agency by means of state regulations, construction or operating permits, administrative orders, assurances of discontinuance, court orders, or contracts.

"Stationary Reciprocating Internal Combustion Engine" means a *reciprocating internal combustion engine* that remains at a *stationary source* for more than twelve consecutive months or a shorter period of time for a *reciprocating internal combustion engine* located at a seasonal source. A *reciprocating internal combustion engine* located at a seasonal source is an engine that remains or will remain at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a *stationary source* that remains or will remain at a single location on a permanent basis (i.e., at least two years) and that operates at the location for three months or more each year.

"Stationary Source" means any structure(s), building(s), facility(ies), equipment, installation(s), or operation(s) (or combination thereof) which emits 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). The phrase "emits or may emit any *air contaminant*" as used in this definition applies to both *fugitive emissions* and stack emissions.

"Stationary Source Hazardous Air Impact Standard" means a concentration in the *ambient air* of a *hazardous air contaminant* attributable to the air quality impacts of a *stationary source*, in conjunction with the air quality impacts from other *stationary sources* as determined in accordance with the Agency's air quality impact evaluation guidelines (revised November 20, 1992). *Stationary source hazardous impact standards* are specified in Appendix C or may be determined under Section 5-261(6) of these regulations.

"Subject To Regulation" means subject to regulation as defined by EPA at 40 C.F.R. § ~~51.166~~(48)(b) and any references therein to "major stationary source" shall be interpreted as defined in 40 C.F.R. § 51.166(b)(1)(i) rather than as defined in this Section 5-101 of these regulations.

"Submerged Fill" means the method of filling a gasoline tank truck or storage tank in which gasoline enters within six inches of the bottom of the tank. Bottom filling of gasoline tank trucks and storage tanks is included in this definition.

"Surplus", in reference to emission reductions, means emission reductions that are voluntarily created by a source and are not required by any state or federal laws or regulations or related permits, orders or agreements and are not relied upon for Agency planning purposes.

"Ton" means "short ton" or 2000 pounds.

~~"Total Organic Halogens" means the total organic halides (fluorine, chlorine, bromine, iodine) expressed as organic chloride present in a waste fuel, in parts per million by weight (water free basis).~~

"Total Suspended Particulate (TSP)" means particulate matter as measured by the reference method specified in Title 40 C.F.R. Part 50, Appendix B.

"True Vapor Pressure" means the absolute pressure in pounds per square inch (kilopascals) of a pure vapor in equilibrium with its pure liquid or solid form at a given temperature.

"Used Oil" means any petroleum product that has been refined from crude oil (in whole or in part), or any synthetic oil, that has been used and unrefined, or is unfit for its intended use as a result of contamination by physical or chemical impurities. Used oil is a free-flowing liquid at standard temperature and pressure and has a flash point of greater than 100 degrees (F). Used oil includes oils used as lubricants, heat transfer fluids, hydraulic fluids, and for other similar uses, but does not include materials derived from crude or synthetic oils that are fuels (e.g. gasoline, jet fuel and diesel fuel), cleaning agents or solvents (e.g. naptha or mineral spirits). These materials are subject to regulation under the Hazardous Waste Management Regulations Subchapters 1 through 7, as applicable.

"Vapor Balance System" means a combination of pipes or hoses which create a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

"Vapor Collection System" means all piping, seals, hoses, connections, pressure vacuum vents and other equipment between the gasoline tank truck and the vapor processing unit and/or the storage tanks and vapor holder.

"Vapor Control System" means a system that limits or prevents release to the atmosphere of organic compounds in the vapors displaced from a tank during the transfer of gasoline.

"Vapor Recovery System" means a vapor gathering system capable of collecting volatile organic compound vapors and gases emitted during the operation of any transfer, storage or process equipment.

"Vapor-Tight" means equipment that allows no loss of vapors. Compliance with vapor-tight requirements can be determined by checking to ensure that the concentration at a potential leak source is not equal to or greater than 100 percent of the lower explosive limit (LEL) when measured with a combustible gas detector, calibrated with propane, at a distance of 1 inch (2.54 cm) from the source.

"Vapor-Tight Gasoline Tank Truck" means a gasoline tank truck with a product delivery tank that sustains a pressure change of not more than 3.0 inches (75 mm) of water within 5 minutes after it is pressurized to 18 inches (450 mm) of water; or when evacuated to 5.9 inches (150 mm) of water, the same tank will sustain a pressure change of not more than 3.0 inches (75 mm) of water within 5 minutes. This capacity shall be demonstrated by annual testing using the procedures specified in Method 27 of 40 C.F.R. Part 60, Appendix A.

"Visibility Impairment" means any humanly perceptible change in visual range, contrast, or coloration from that which would have existed under natural visibility conditions.

"Volatile Organic Compound (VOC)" means any organic compound (i.e., chemical compound of carbon) that participates in atmospheric photochemical reactions. This includes any organic compound other than those determined by the Administrator of the U.S. Environmental Protection Agency to have no or negligible photochemical reactivity.

~~"Waste Oil" means any petroleum product which:~~

- ~~(a) has been refined from crude oil, directly or indirectly, in whole or in part, and~~
- ~~(b) has been used and not rerefined, or is unfit for its intended use as a result of contamination by chemical or physical impurities.~~

"Wood Fuel" for the purposes of these regulations means natural wood, as well as, sawdust or other wood waste generated by wood processing operations.

SUBCHAPTER II. PROHIBITIONS

5-201 OPEN BURNING PROHIBITED

- (1) No *person* shall engage in any *open burning* except in conformity with the provisions of Section 5-201, 5-202, and 5-203.
- (2) No *person* shall cause, suffer, allow or permit the *open burning* of *garbage, tires, rubber, plastic, waste oil, asphalt materials, materials containing asbestos, or pressure treated wood*, except as may be allowed under subsections (3) and (7) of Section 5-202.

5-202 PERMISSIBLE OPEN BURNING

When not prohibited by local ordinances or officials having jurisdiction such as local, state or federal fire wardens or other fire prevention officials, the following types of burning are permissible, provided no public or private nuisance is created.

- (1) *Natural wood fires* in conjunction with holiday and festive celebrations.
- (2) Campfires, outdoor grills, and fireplaces for recreation or preparing of food.
- (3) Burning of solid or liquid *fuels* or structures for the purpose of bona fide instruction and training of municipal, volunteer, and industrial firefighters in the methods of fighting fires when conducted under the direct control and supervision of qualified instructors. Said firefighters shall be residents of the State of Vermont or affiliated with the mutual aid systems within the State of Vermont. Notification by the fire training officer or the fire chief of the training exercise shall be made to the *Air Pollution Control Officer* on prescribed forms at least 14 days prior to the exercise.
- (4) Burning in *forest land areas* of brush, tree cuttings and slash when the cuttings accrue from logging or site clearing operations.
- (5) Burning for the purpose of weed abatement; disease, forest fire and pest prevention or control; and for the purpose of agricultural, forestry or wildlife habitat management.
- (6) On-premise burning of leaves, brush, deadwood, or tree cuttings accrued from normal property maintenance by the owner, his or her agent, or lessee thereof.
- (7) *Open burning*, as follows, if prior approval in writing is obtained from the *Air Pollution Control Officer*. Approvals granted under this subsection shall be subject to such reasonable conditions as are necessary to avoid a nuisance or to protect the health, safety or comfort of the public. The requirement for approval in writing may be waived by the *Air Pollution Control Officer* and oral approval may be granted instead when, in his or her judgment, the impacts of the burning will be insignificant.

- (a) Burning in remote areas, of highly explosive or other dangerous, or unusual materials for which there is no other feasible method of disposal.
 - (b) Burning in remote areas of *natural wood* resulting from the construction or demolition of buildings and other structures originating from within the State.
 - (c) Fires to thwart a hazard which cannot properly be managed by any other means or that are necessary for the protection of public health.
 - (d) Burning of other combustible materials for which there is no other feasible method or disposal.
- (8) Burning of *natural wood* in an area designated by the selectmen or city council, with the permission of the selectmen or city council of that municipality and the fire warden in that jurisdiction, and in conformance with the procedures outlined in Section 5-203 of these regulations.

5-203 PROCEDURES FOR LOCAL AUTHORITIES TO BURN NATURAL WOOD

The legislative branch of a municipality (selectmen or city council) may authorize the burning of *natural wood* and chemically untreated wood at a place within the municipality. The burning of such wood shall be conducted under the direction of and at such times as the fire warden for that municipality determines. If the selectmen or city council intends to exercise this option to burn *natural wood*, the selectmen or city council shall notify the *Secretary* of the location of the site to be utilized for the public disposal of *natural wood* by *open burning*. Prior to burning of any material at this site, the *Secretary* shall certify in writing that this site is the one place within the municipality that will be used for the *open burning* of *natural wood*.

5-204 OUTDOOR WOOD FIRED BOILERS

- (a) Applicability.
 - (1) This section shall apply to any person who owns, operates, installs, allows the installation or operation of, purchases, *distributes* or *sells*, or *manufactures* any *outdoor wood-fired boiler* for use in Vermont, except as provided below.
 - (2) Except for the requirements in subdivision (c)(3) of this section, this section shall not apply to any person who owns, operates, installs, allows the installation or operation of, purchases, *distributes* or *sells*, or *manufactures*:
 - (i) Any continuously fed *outdoor wood-fired boiler* that is specifically designed to burn pellet type fuels with metered fuel and air feed and controlled combustion engineering and that is distributed or sold for use in Vermont before March 31, 2010.

- (ii) Any *outdoor wood-fired boiler* that is or has been owned by such person for his or her own personal use and is distributed or sold to another for his or her own personal use, provided that the installation requirements in subdivision (c)(2) of this section are met. For the purposes of this section, "personal use" means the use of an OWB by an individual solely for residential space or domestic water heating and not to service a commercial or institutional establishment.
- (b) Definitions. For the purposes of this section, the following definitions apply, in addition to those of Section 5-101 of this chapter.

"*Biomass Fuel*" means solid biological material derived from living, or recently living, vegetation, including natural wood or wood pellets made from *natural wood*.

"*Distribute or Sell*" means to distribute, sell, advertise for sale, offer for sale, hold for sale, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. This term also includes conditional sales and long-term leases.

"*Manufacturer*" means any person who constructs, markets as their own, or imports into the United States an outdoor wood-fired boiler.

"*Model*" means all outdoor wood-fired boilers offered for distribution or sale by a single manufacturer that, in the judgment of the Air Pollution Control Officer, have the same heat output capacity and are similar in all other material respects.

"*Outdoor Wood-Fired Boiler*" (a.k.a., OWB, outdoor wood-fired hydronic heater or outdoor wood furnace) means a fuel burning device: (1) designed to burn primarily wood; (2) that the manufacturer specifies should or may be installed outdoors or in structures not normally occupied by humans, such as attached or detached garages or sheds; and, (3) which heats spaces or water by the distribution through pipes of a fluid heated in the device, typically water or a mixture of water and antifreeze. In addition, as used in subsection (c) of this section only, this term also means any wood-fired boiler that, after October 1, 2009, is actually installed outdoors or in structures not normally occupied by humans, such as attached or detached garages or sheds, regardless of whether such use has been specified by the manufacturer.

"*Phase I OWB*" means an OWB that has been certified by the Air Pollution Control Officer as meeting the particulate matter emission limit specified in Section 5-204(e)(2)(i) of this chapter.

"*Phase II OWB*" means an OWB that has been certified by the Air Pollution Control Officer as meeting the particulate matter emission limits specified in Section 5-204(e)(2)(ii) of this chapter.

"Untreated Natural Wood" means *natural wood* that has not been treated with any preservative, herbicide, pesticide, adhesive, paint, stain, oil or other chemical or coating.

(c) Requirements for Purchasers, Installers, and Owners/Operators

(1) Requirements for Purchasers

- (i) On or after October 1, 2009 to March 31, 2010, no person shall purchase any OWB unless it is a *Phase I OWB* or a *Phase II OWB*.
- (ii) On or after March 31, 2010, no person shall purchase any OWB unless it is a *Phase II OWB*.

(2) Installation Requirements

- (i) After October 1, 1997, no person shall install or allow the installation of any OWB that is not a *Phase I OWB* or a *Phase II OWB* unless the *OWB*:
 - (A) Is located more than 200 feet from any residence that is neither served by the *OWB* nor owned by the owner or lessee of the *OWB*; and,
 - (B) Has a permanent *stack* extending higher than the peak of the roof of the structure(s) being served by the *OWB*, if any residence, which is not owned by the owner or lessee of such *OWB*, is located more than 200 but less than 500 feet from the *OWB*.
- (ii) No person shall install or allow the installation of any *Phase I OWB* unless it is located more than 200 feet from any residence that is neither served by the *OWB* nor owned by the owner or lessee of the *OWB*.
- (iii) No person shall install or allow the installation of any *Phase II OWB* unless it is located more than 100 feet from any residence, school or health care facility that is neither served by the *OWB* nor owned by the owner or lessee of the *OWB*.
- (iv) No person shall install or allow the installation of any OWB unless it complies with all applicable laws and regulations, including but not limited to local ordinances, and its operation does not create a public nuisance.

(3) Operation Requirements

- (i) No person shall cause, suffer, allow or permit the operation of any OWB unless it was installed in accordance with the applicable requirements of subdivision (c)(2) of this section.

- (ii) Allowable fuels. No person shall cause, suffer, allow or permit the burning of any material in an OWB except for the following:
 - (A) *Untreated natural wood*, as defined herein;
 - (B) Wood pellets made from *untreated natural wood*;
 - (C) Home heating oil, natural gas or propane that complies with all applicable sulfur content limits and is used as a starter or supplemental fuel for dual-fired OWBs; or
 - (D) Other biomass fuels in Phase II OWBs certified for such fuels or in OWBs described in subdivision (a)(2)(i) of this section.
- (iii) No person shall cause, suffer, allow or permit the operation of any OWB, except in conformance with the manufacturer's operating and maintenance instructions.
- (iv) No person shall cause, suffer, allow or permit the operation of any *OWB* unless it complies with all applicable laws and regulations, including but not limited to local ordinances, and its operation does not create a public nuisance.

(d) Requirements for Sellers

- (1) On or after October 1, 2009 to March 31, 2010, no person shall *distribute or sell* any OWB unless it is a *Phase I OWB* or a *Phase II OWB*.
- (2) On or after March 31, 2010, no person shall *distribute or sell* any OWB unless it is a *Phase II OWB*.
- (3) Notice to Buyers.
 - (i) After October 1, 1997, no person shall *distribute or sell* any OWB unless prior to any retail sales or lease agreement, the seller or dealer provides the prospective buyer or lessee with written notice stating that:
 - (A) Only allowable fuels, as specified in Section 5-204(c)(3)(ii), may be burned in an OWB;
 - (B) Installation of the OWB is subject to the applicable *stack* height and/or distance requirements provided in Section 5-204(c)(2)(i)-(iii). [Each notice shall expressly disclose each such requirement];
 - (C) Use of an OWB that meets the applicable *stack* height and/or distance requirements provided in Section 5-204(c)(2)(i)-(iii) is not appropriate in some areas

due to terrain that could render the operation of an *OWB* to be a nuisance or a public health hazard;

- (D) All *OWBs* must be operated in conformance with the manufacturer's operating and maintenance instructions.
- (ii) The written notice shall be signed and dated by the prospective buyer or lessee to verify timely receipt of the notice prior to the sale or lease and shall contain the name, address and telephone number of both the seller or dealer and the prospective buyer or lessee, the location where the *OWB* will be installed, and the make and model of the *OWB*. Prior to making delivery of an *OWB* into the possession of any buyer or lessee, the seller or dealer shall mail or otherwise provide a copy of the signed notice to the:

~~Air Pollution Control Division~~
~~103 South Main Street~~
~~Building 3 South~~
~~Waterbury, Vermont 05671-0402.~~
Air Quality & Climate Division
Davis 2
One National Life Drive
Montpelier, Vermont 05620-3802

(e) Requirements for Manufacturers

(1) Certification Requirement

- (i) On or after October 1, 2009 to March 31, 2010, no person shall *distribute or sell* an *OWB* unless the Air Pollution Control Officer has issued a certification to the manufacturer that the *OWB*, or *model* it represents, is a *Phase I* or a *Phase II OWB*.
- (ii) On or after March 31, 2010, no person shall *distribute or sell* an *OWB* unless the Air Pollution Control Officer has issued a certification to the manufacturer that the *OWB*, or *model* it represents, is a *Phase II OWB*.
- (iii) A certification issued under this subsection shall be valid for five years from the date of issuance, unless revoked sooner by the Air Pollution Control Officer pursuant to subdivision (e)(3) of this section.

(2) Certification Emission Limits.

- (i) To be certified as a *Phase I OWB* under subdivision (e)(1) of this section, the *OWB* shall not emit, or cause or allow to be emitted, any gases that contain particulate matter in excess of 0.44 pounds per million BTUs of heat input, as determined in accordance with the test methods and procedures in this subsection.

- (ii) To be certified as a *Phase II OWB* under subdivision (e)(1) of this section, the *OWB* shall not emit, or cause or allow to be emitted, any gases that contain particulate matter in excess of 0.32 pounds per million BTUs of heat output, as determined in accordance with the test methods and procedures in this subsection. Separate tests shall be conducted for each biomass fuel type (e.g. wood, corn pellets, etc.) that the manufacturer's owner's manual or sales/marketing information indicates the model is capable of burning. In addition, within each of the burn rate categories established in USEPA test method 28 OWHH (when this method is used), no individual test run shall exceed 18 grams per hour for OWBs with a rated heat output capacity of less than 350,000 BTUs per hour and 20 grams per hour for OWBs with a rated heat output capacity of 350,000 BTU per hour or more.

(3) Certification Testing Requirements

- (i) To demonstrate that an *OWB* complies with the applicable emission limit(s) under subdivision (e)(2) of this section, the *manufacturer* shall have emission test(s) conducted and furnish the Air Pollution Control Officer with a written report of the test results, including a detailed description of the operating conditions of the *OWB* during the tests. Said written report shall contain such documentation and other information and follow such format as may be specified by the Air Pollution Control Officer. Before submitting any such test report to the Air Pollution Control Officer, the *manufacturer* shall have it reviewed and approved by USEPA's Hydronic Heater Program, USEPA's Environmental Technology Verification Program, or any other agent authorized by the Air Pollution Control Officer for this purpose.
- (ii) In the discretion of the Air Pollution Control Officer, a *manufacturer* may have emission tests conducted on an *OWB* that is representative of one of its models and may use those tests to demonstrate compliance of all units it manufactures of that model.
- (iii) Emission tests shall be conducted by independent testing consultants who have no conflict of interest and receive no financial benefit from the outcome of the testing. *Manufacturers* shall not be involved in the conduct of emission tests, nor in the operation of the unit being tested, once actual sampling has begun.
- (iv) Emission tests shall be conducted and data reduced in accordance with:
 - (A) USEPA Test Method 28 OWHH for Measurement of Particulate Emissions and Heating Efficiency of

Outdoor Wood-Fired Hydronic Heating Appliances
("USEPA Test Method 28 OWHH");

- (B) 40 CFRC.F.R. Part 60, Appendix A, Test Methods 1 through 5, and 40 CFRC.F.R. Part 51, Appendix M, Test Method 202; or
 - (C) Alternative methods approved by the Air Pollution Control Officer.
- (v) If there is any deviation from the test methods specified in paragraph (e)(3)(iv) of this section, the *manufacturer* shall provide the Air Pollution Control Officer with a test protocol at least 30 days prior to the certification testing. In this event, the testing will not be considered valid without prior approval of the test protocol by the Air Pollution Control Officer.
- (vi) Emission tests shall be conducted under such conditions as the Air Pollution Control Officer shall specify. Testing conducted using USEPA Test Method 28 OWHH or similar laboratory methods shall be performed only by laboratories that hold a valid certificate of accreditation granted by the USEPA pursuant to 40 CFRC.F.R. §60.535. The conditions during testing conducted using EPA Methods 1 through 5 and 202 shall be based on representative performance of the OWB under actual field operating conditions.
- (vii) The *manufacturer* shall provide the Air Pollution Control Officer with at least 30 days prior notice of any emission test to afford the Air Pollution Control Officer the opportunity to have an observer present. The *manufacturer* of any OWB(s) being tested to meet the requirements of this subsection shall reimburse the state of Vermont for the reasonable expenses incurred by any such observer for out-of-state travel to observe such testing, including among other items the costs of transportation, lodging and meals.
- (viii) Each *manufacturer* that has been issued a certification under subdivision (e)(1) of this section shall maintain all documentation pertaining to the certification test, including the full test report and raw data sheets, laboratory technician notes, field technician notes, if any, calculations and the test results for all test runs for a period of no less than five years from the date the certification is issued.
- (4) Certification Revocation. A certification of an OWB, or *model*, may be revoked by the Air Pollution Control Officer based on any of the following:
- (i) The OWB does not meet the applicable emission limit in subdivision (e)(2) of this section based on test data from a retesting of the original unit on which the certification test was conducted;

- (ii) A finding that the certification test was not valid;
 - (iii) Physical examination showing that a significant percentage of production units inspected are not similar in all material respects to the representative *OWB* submitted for testing;
 - (iv) Failure of the *manufacturer* to maintain all documentation pertaining to the certification test, including the full test report and raw data sheets, laboratory technician notes, field technician notes, if any, calculations and the test results for all test runs;
 - (v) Denial or revocation of emissions certification or qualification for an *OWB*, or *model*, by another state or the USEPA based on any of the grounds in paragraphs (e)(4)(i)-(iv) of this section; or
 - (vi) A finding based on any other evidence that an *OWB*, or *model*, does not comply with the requirements of this subsection.
- (5) Notification by *Manufacturers*
- (i) By March 1st of each year and within 30 days of receiving a certification for an *OWB* from the Air Pollution Control Officer, each *OWB manufacturer* shall provide the following information in writing to any person to whom the manufacturer has distributed or sold, intends to distribute or sell, or actually *distributes or sells OWBs* for use in Vermont:
 - (A) A list of all the models of *OWBs* it manufactures;
 - (B) An identification of which, if any, of said *OWB* models has been issued a certification under subsection (e) of this section and thus may be *distributed or sold* for use in Vermont; and
 - (C) An identification of which, if any, of said *OWB* models are *Phase I OWBs* that may not be *distributed or sold* for use in Vermont on or after March 31, 2010.
 - (ii) By March 15th of each year and within 45 days of receiving a certification for an *OWB* from the Air Pollution Control Officer, a copy of all written information provided to comply with subdivision (e)(5)(i) of this section and a list of persons to whom it was provided and their addresses shall be submitted to the Air Pollution Control Officer.
- (f) Enforcement. With respect to 10 V.S.A. Chapters 201 and 211 and 10 V.S.A. §568, each distribution or sale, purchase, installation, or

operation of each *OWB* in violation of any of the requirements of this section shall constitute a separate violation.

5-205 [REPEALED] Repealed eff. October 1, 2009.

5-211 PROHIBITION OF VISIBLE AIR CONTAMINANTS

(1) Installations constructed prior to April 30, 1970

No *person* shall cause, suffer, allow or permit the *emission* of any visible *air contaminant* from installations constructed prior to April 30, 1970, for more than a period or periods aggregating six (6) minutes in any hour, which has a shade, or density, greater than 40% *opacity* (No. 2 on the *Ringelmann Chart*).

At no time shall the visible *air contaminants* have a shade, density, or appearance greater than 60% *opacity* (No. 3 of the *Ringelmann Chart*).

(2) Installations constructed subsequent to April 30, 1970

No *person* shall cause, suffer, allow or permit the *emission* of any visible *air contaminant* from installations constructed subsequent to April 30, 1970, for more than a period or periods aggregating six (6) minutes in any hour, which has a shade, or density, greater than 20% *opacity* (No. 1 of the *Ringelmann Chart*).

At no time shall the visible *air contaminants* have a shade, density, or appearance greater than 60% *opacity* (No. 3 of the *Ringelmann Chart*).

(3) Exceptions - *Wood Fuel Burning Equipment*

(a) During normal startup operations, *emissions* of visible *air contaminants* in excess of the limits specified in subsections (1) and (2) above may be allowed for a period not to exceed one (1) hour.

(b) During normal soot blowing operations, *emissions* of visible *air contaminants* in excess of the limits specified in subsections (1) and (2) above may be allowed for a period not to exceed 30 minutes during any 24 hour period.

(c) At no time shall the visible *air contaminants* allowed under this subsection have a shade, density, or appearance greater than 80% *opacity* (No. 4 of the *Ringelmann Chart*).

(d) Any wood fuel burning equipment that has a rated output of 40 H.P. or less shall not be subject to this regulation (Section 5-211).

5-221 PROHIBITION OF POTENTIALLY POLLUTING MATERIALS IN FUEL

(1) Sulfur Limitations in *Fuel*

- (a) No person shall cause or permit the use, purchase, or sale for use in stationary combustion installations within the State of Vermont for heat or power generation of:
 - (i) *Fuels* containing more than 2.0% sulfur by weight, except as otherwise provided below;
 - (ii) No. 2 and lighter distillate oils and animal and vegetable oil fuel oils with a sulfur content greater than 0.05% by weight, beginning on July 1, 2014 and ending on June 30, 2018;
 - (iii) No. 2 and lighter distillate oils and animal and vegetable oil fuel oils with a sulfur content greater than 0.0015% by weight, beginning on July 1, 2018;
 - (iv) No. 4 residual oil with a sulfur content greater than 0.25% by weight, beginning on July 1, 2018; and
 - (v) No. 5 and No. 6 residual oils and heavier residual oils and used oils with a sulfur content greater than 0.5% by weight, beginning on July 1, 2018
- (b) Notwithstanding the provisions of subsection (1)(a) of this section, *fuel* stored in Vermont that met the applicable maximum sulfur content limit at the time the fuel was stored in Vermont may continue to be stored, used, delivered or exchanged in trade after the effective date of the applicable limit in subsection (1)(a) of this section, but may not be offered for sale or sold.
- (c) Subsection (1)(a) of this section shall not apply where compounds of sulfur are removed from the *flue gas* to the extent that the emissions of compounds of sulfur to the *ambient air* space are no greater than that which would be emitted under subsection (1)(a) hereof. *Emissions* testing and/or continuous emissions monitoring, coupled with the filing of quarterly emission reports with the Air Pollution Control Officer, shall be required to demonstrate that the sulfur compounds emitted have been adequately reduced.
- (d) The Governor, by executive order, may temporarily suspend the implementation and enforcement of subsection (1)(a) of this section if the Governor determines, after consulting with the *Secretary* and commissioner of public service, that meeting the requirements is not feasible due to an inadequate supply of the required fuel.
- (e) Contravention of National Primary or Secondary *Ambient Air Quality Standards*. If there is a contravention of national primary or secondary *ambient air quality standards* promulgated pursuant to the Federal Clean Air Act, as amended (42 U.S.C. 7401, et seq.), the *Secretary* may impose more stringent sulfur

limitations in fuel than contained in subsection (1)(a) of this section on a regional, or individual basis and for such time periods as is necessary to assure continued compliance with the national *ambient air quality standards*.

(f) Recordkeeping and Reporting

- (i) Any person who imports or receives for wholesale distribution residual oil in the State of Vermont shall submit to the *Air Pollution Control Officer* quarterly reports for each calendar quarter within 30 days after the close of each quarter itemizing the quantity, sulfur content, ash content and heat content for each shipment of such fuel. It is the responsibility of the person importing or receiving such residual oil to maintain a record of the certified fuel analyses upon which the quarterly reports are based and provide the user a copy of the certification.
- (ii) Any person who uses residual oil shall maintain records of the certified fuel analyses provided by the supplier.
- (iii) Copies of all records and reports required by this regulation shall be available during normal business hours and shall be provided to the *Air Pollution Control Officer* upon request.

(2) ~~Used~~Waste Oil

- (a) Effective July 1, 1997, the burning of ~~used~~waste oil in ~~small fuel burning equipment described as "pot burners" or "vaporizing" burners~~ shall be prohibited, as shall the ~~purchase, retail sale, or exchange in trade~~ of these burners.
- (b) No person shall cause or permit the use, purchase, sale or exchange in trade for use as a fuel in *fuel burning equipment* in Vermont of any ~~used~~waste oil unless:
 - ~~(i) The fuel burning equipment in which such fuel will be burned has a maximum operating heat input of 500,000 British Thermal Units (BTU) per hour or greater; and~~
 - (i~~i~~) The ~~used~~waste oil has ~~properties and~~ constituents and properties within the allowable limits set forth in Table A of this section prior to blending ~~except as provided in subsection (e) below. The Air Pollution Control Officer may prohibit the combustion of used oils containing constituents or properties not listed in Table A of this section if he/she determines that combustion of such used oil may present an unreasonable risk to public health or welfare; and~~
 - (ii~~i~~) The seller or user performs all sampling and analysis required under this section; ~~and~~

- (iii) The combustion efficiency of the equipment is demonstrated to the Air Pollution Control Officer to be at least 99 percent while burning ~~usedwaste~~ oil; ~~and~~
- (iv) The emissions of visible air contaminants from the equipment comply with Section 5-211(2) of these regulations; ~~and~~
- (v) All fuel burning equipment must vent to the outside atmosphere in a manner as not to significantly impede the upward dispersion of the exhaust as determined by the Air Pollution Control Officer; and
- (vi) The seller and user ~~comply-manages used oil in accordance~~ with the applicable requirements of Subchapter 8 of the Vermont Hazardous Waste Management Regulations.

TABLE A: ~~USEDWASTE~~ OIL CONSTITUENTS AND PROPERTIES
(Prior to Blending)

Constituent/Property	Allowable ¹
Polychlorinated Biphenyls (PCBs)	< 2 ppm maximum²
Total Halogens	1000 ppm maximum
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Chlorine	500 ppm maximum
Lead	100 ppm maximum
Net Heat of Combustion	8000 BTU/lb minimum
Flash Point	<u>Must be 140</u> degrees F <u>or more</u> minimum
<u>Total Halogens</u>	<u>1000 ppm maximum</u>
<u>Polychlorinated Biphenyls (PCBs)</u>	<u>< 2 ppm maximum</u>
<u>Net Heat of Combustion</u>	<u>8000 BTU/lb minimum</u>
¹ Note: units of parts per million (ppm) are by weight on a water free basis.	

- ~~(c) No person shall cause or permit the use, purchase, sale or exchange in trade for use of waste oils as a fuel in any incinerator or manufacturing process in Vermont unless he first demonstrates compliance with Section 5-261 and any other applicable sections of these regulations and with the Vermont Hazardous Waste Management Regulations.~~
- ~~(d) Blending of oils and wastes~~
- ~~(i) No person shall blend into a waste oil to be used as fuel any waste considered hazardous under the provisions of the~~

~~Vermont Hazardous Waste Management Regulations with the exception of a waste which is considered hazardous solely because it exhibits the characteristics of ignitability, provided the resultant mixture has properties and constituents within the allowed limits set forth in Table A of this section.~~

~~(ii) The Air Pollution Control Officer may prohibit the combustion of waste oils containing chemicals or materials not listed in Table A of this section if he determines that combustion of such fuel may present an unreasonable risk to public health or welfare.~~

(~~de~~) Permitting requirements

(i) No person may construct or modify any fuel burning equipment with a maximum operating heat input rate ~~equal to or~~ greater than 500,000~~10 million~~ BTU's per hour in which ~~usedwaste~~ oil is to be burned if used oil is to be burned in amounts of 5,000 gallons per year facility wide or more until all requirements of this section have been met and a permit has been issued in accordance with Section 5-501 of these regulations.

~~(i)~~(ii) Any person who constructs or modifies such fuel burning equipment with a maximum operating heat input rate of ~~between greater than~~ 500,000 BTU's per hour in which used oil is to be burned and at a facility in which used oil is to be burned in amounts less than 5,000 gallons per year facility wide and 10 million BTU's per hour shall provide written notice to the Air Pollution Control Officer of such activity prior to the date of initial burning of ~~usedwaste~~ oils. Such notice shall include: the type of fuel burning equipment that will be used to combust the used oil, the maximum rated heat input capacity of such fuel burning equipment, the anticipated quantity of used oil to be burned in each device at the facility each year, the type(s) and source(s) of used oil(s) to be burned, the results of analyses representative of the used oil(s) to be burned that includes all constituents and properties listed in Table A of this section, and a statement that the person will comply with the requirements of this section.

(~~ef~~) Exceptions to ~~usedwaste~~ oil constituent and property ~~and constituent~~ limitations

An owner or operator of fuel burning equipment may be exempted by the Air Pollution Control Officer from the ~~usedwaste~~ oil constituent and property ~~and constituent~~ limitations in Table A of this section if such owner or operator:

(i) Demonstrates compliance with Section 5-261 (Control of Hazardous Air Contaminants) of these regulations;~~i-~~

(ii) Submits ~~fuel~~ results of analyses representative of the ~~usedwaste~~ oil(s) to be burned that includes all constituents and properties listed in Table A of this section; and ~~and acceptable to the Air Pollution Control Officer.~~

(iii) Demonstrates that the emissions resulting from the burning of ~~usedwaste~~ oil will not cause or contribute to a violation of any ambient air quality standard or of any prevention of significant deterioration increment and will not impact on any Class I area.

(f) Exemptions from Section 5-261 (Control of Hazardous Air Contaminants)

Notwithstanding Section 5-261(1) of these regulations, any person burning used oil in compliance with Table A and this section in fuel burning equipment equal to or less than 500,000 BTU's per hour or in fuel burning equipment greater than 500,000 BTU's per hour but in amounts less than 5,000 gallons per year facility wide shall not be subject to Section 5-261 (Control of Hazardous Air Contaminants) of these regulations.

~~(g) Small fuel burning equipment~~

~~Any person operating or owning fuel burning equipment used for space heating shall be permitted to burn waste oil and is exempted from this section and Section 5-261 of these regulations, provided that:~~

~~(i) The maximum operating heat input of all fuel burning equipment designated for burning waste oil at a single location aggregates to no more than 500,000 BTU per hour; and~~

~~(ii) The waste oil has properties and constituents within the allowable limits set forth in Table A prior to blending; and~~

~~(iii) Emissions of visible air contaminants from the equipment comply with Section 5-211(2) of these regulations; and~~

~~(iv) The user complies with the requirements of Subchapter 8 of the Vermont Hazardous Waste Management Regulations; and~~

~~(v) All fuel burning equipment must vent to the outside atmosphere in a manner as not to impede the upward dispersion of the exhaust~~

(h) Reports, sampling, and analysis, monitoring and records

~~(i) The Air Pollution Control Officer may require the owner and/or operator of fuel burning equipment an air contaminant source burning usedwaste oil to:~~

- (~~iA~~) ~~Sample, analyze and measure quantities of all fuel received. Conduct sampling and analyses representative of the used oil(s) to be burned that includes all constituents and properties listed in Table A of this section. Sampling and analyses of used oil shall be performed in accordance with methods acceptable to the Air Pollution Control Officer;~~
 - (~~iiB~~) Perform stack monitoring and testing while burning used oil;
 - (~~iiiE~~) Maintain a separate storage tank for any usedwaste oils to be burned; and
 - (~~ivD~~) Maintain records of theall quantities of usedwaste oil burned including used oil generated on-site and used oil received from off-site, dates of receipt of such used oil, and the names and addresses of all usedwaste oil suppliers for three calendar years. Such records shall always be required and maintained for three calendar years if any used oil is burned in any fuel burning equipment at the facility with a maximum operating heat input rate greater than 500,000 BTU's per hour.
- ~~(ii) Any person delivering waste oil to a facility burning such waste oil shall perform analyses to assure compliance with Table A of this section prior to delivery of each shipment of waste oil. The records of such actions and the quantities and identification (including names and addresses) of all buyers and users of such waste oil shall be retained by the supplier for three calendar years.~~
- ~~(iii) Any owner or operator of fuel burning equipment at an air contaminant source which generates and burns or proposes to burn its own waste oil shall perform sampling and analysis to assure compliance with Table A of this section at the following times:~~
- ~~(A) Prior to first burning such waste oil or upon a request by the Air Pollution Control Officer if such burning began before November 1, 1984; and~~
 - ~~(B) At other times whenever there is a reasonable likelihood, in the judgment of the Air Pollution Control Officer, that the waste oil's characteristics have changed due to a change in manufacturing, waste disposal practices or other change.~~
- ~~(iv) Sampling and analysis of fuel samples shall be performed in accordance with methods acceptable to the Air Pollution Control Officer.~~

5-231 PROHIBITION OF PARTICULATE MATTER

(1) *Industrial Process Emissions*

- (a) No *person* shall discharge, cause, suffer, allow, or permit in any one hour from any *stack* whatsoever *particulate matter* in excess of the amount shown in Table 1. For purposes of this regulation the total *process weight* entering a *process unit* shall be used to determine the maximum allowable emissions of *particulate matter* which may pass through the *stack* associated with the *process unit*. When two or more *process units* exhaust through a common *stack*, the combined *process weight* of all of the *process units*, served by the common *stack*, shall be used to determine the allowable *particulate matter emission rate*.
- (b) In cases where *process weight* is not applicable as determined by the *Air Pollution Control Officer*, the concentration of *particulate matter* in the effluent gas stream shall not exceed 0.14 grams per cubic meter (0.06 grains per cubic foot) of undiluted exhaust gas at *standard conditions* on a dry basis. In the case of wood processing operations, *process weight* is not applicable, and instead, the concentration standard specified in this subsection shall apply.

(2) *Incinerator Emissions*

- (a) A *person* shall not discharge, cause, suffer, allow, or permit the *emission* of *particulate matter* from any *incinerator* with a designed charging rate of less than 45.36 metric tons (50 tons) per day and which is not a *crematory*, to exceed 0.05 kilograms (0.10 pounds) per 43.36 kilograms (100 pounds) of refuse burnt. All *incinerators* built and installed after July 1, 1971, shall be *multiple chamber incinerators* or equipment found by the *Air Pollution Control Officer*, in advance of such use, to be equally effective for the purpose of *air pollution control* as an approved *multiple chamber incinerator*. The responsibility for showing that the equipment other than a *multiple chamber incinerator* is in compliance with the *emission* limits of this subsection shall be on the *person* seeking to come within the provisions of this subsection.
- (b) Any *incinerators* with a designed charging rate of 45.36 metric tons (50 tons) per day or more shall be operated in such a manner that *emissions* of *particulate matter* shall not exceed 0.183 grams per dry standard cubic meter (0.08 grains per dry standard cubic foot) corrected to 12 percent carbon dioxide.
- (c) A *person* shall not discharge, cause, suffer, permit, or allow to be emitted from any *crematory* any gases that contain *particulate matter* in excess of 0.14 grams per dry standard cubic meter (0.06 grains per dry standard cubic foot), corrected to 7 percent oxygen. The owner or operator of a *crematory* installed after June 1, 1995 shall ensure that the last combustion chamber or zone of the *crematory* is preheated to a temperature of at least 1,600 degrees Fahrenheit prior to introduction of the charge. All sampling runs conducted as a part of *emission* tests intended to demonstrate compliance with the *emission* limit specified in this

subsection shall begin when waste material is first introduced into the crematory.

- (d) Any incinerator which is designed or operated primarily for the purpose of producing heat or power may be designated as fuel burning equipment by the Air Pollution Control Officer. An incinerator so designated shall be subject to the emission limitations set forth in subsection(3)(a) of this section, concerning combustion contaminants.

(3) Combustion Contaminants

- (a) A person shall not discharge, cause, suffer, allow or permit the emission of particulate matter caused by the combustion of fossil fuel in fuel burning equipment from any stack or chimney in excess of the following emission limits:

- (i) 0.5 pounds per hour per million BTU's of heat input in combustion installations where the heat input is 10 million BTU's or less per hour.
- (ii) For combustion installations where the heat input is greater than 10 million BTU's per hour, but where the heat input is equal to or less than 250 million BTU's per hour, the applicable limit is determined by using the following formula:

$$E_{PM} = 10^{[-0.47039 \times (\log_{10} HI) + 0.16936]}$$

where:

E_{PM} - is the particulate matter emission limit, expressed to the nearest hundredth pound per hour per million BTU's; and

HI - is the heat input in millions of BTU's per hour.

- (iii) 0.1 pounds per hour per million BTU's of heat input in installations where the heat input is greater than 250 million BTU's per hour, but where the heat input is equal to or less than 1000 million BTU's per hour.
- (iv) 0.06 pounds per hour per million BTU's of heat input in installations where the heat input is greater than 1000 million BTU's per hour.
- (b) A person shall not discharge, cause, suffer, allow, or permit the emission of particulate matter caused by the combustion of wood fuel in fuel burning equipment from any stack or chimney:
 - (i) In excess of 0.45 grains per dry standard cubic foot (gr/DSCF) of exhaust gas corrected to 12% CO₂ in any combustion installation that has a rated output of greater

than 90 H.P. which commenced operation prior to December 5, 1977.

- (ii) In excess of 0.20 gr/DSCF corrected to 12% CO₂ in any combustion installation that has a rated output of greater than 90 H.P., but less than 1300 H.P., which commences operation after December 5, 1977.
- (iii) In excess of 0.10 gr/DSCF corrected to 12% CO₂ in any combustion installation that has a rated output of 1300 H.P. or greater which commences operation after December 5, 1977.

Any wood fuel burning equipment that has a rated output of 90 H.P. or less shall not be subject to these *particulate matter emission* standards.

When any fossil fuel is burned in combination with wood fuel, and the fossil fuel contributes less than 50% of the total BTU input, the above *particulate matter* standards shall apply. If the fossil fuel contributes more than 50% of the total BTU input, subsection (3)(a) of this regulation shall apply.

When a soot blowing cycle exceeds 15 minutes, separate *emissions* testing for *particulate matter emissions* during the soot blowing cycle may be required in addition to *emissions* testing during normal operating conditions pursuant to Regulation 5-404 below. In this event, the *emission* rate calculated for the soot blowing cycle shall be prorated over the time period between soot blowing cycles.

- (c) The *emission* standards in this regulation apply to installations in which fuel is burned for the primary purpose of producing steam, hot water, hot air or other liquids, gases, or solids, and in the course of doing so, the products of combustion do not come into direct contact with the process material. Fuel includes coal, coke, lignite, fuel oil, wood, and combustible refuse. When any product or byproducts of a manufacturing process are burned for said purpose, or in conjunction with any fuel, the *emission* standards above shall apply.

(4) *Fugitive Particulate Matter*

A person shall not cause, suffer, allow, or permit any process operation to operate that is not equipped with a *fugitive particulate matter* control system. A person shall not cause, suffer, allow, or permit any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent *particulate matter* from becoming airborne. Public roads will not be subject to this section unless a public nuisance is created.

(5) *Asphalt Concrete Plants*

A *person* shall not discharge or cause, suffer, allow or permit the emission of *particulate matter* in excess of 90 milligrams per dry standard cubic meter (0.04 grains per dry standard cubic foot) from an asphalt concrete plant constructed after April 30, 1971.

For the purposes of this subsection, an asphalt concrete plant is comprised of any combination of the following: rotary drier, screening and classifying equipment, aggregate weighing system, mixer, storage bins, conveying equipment, and transfer systems.

5-241 PROHIBITION OF NUISANCE AND ODOR

(1) Nuisance

A *person* 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.

(2) Odors

A *person* shall not discharge, cause, suffer, allow, or permit any *emissions* of objectionable odors beyond the property line of a premises.

(3) Control of Odor from Industrial Processes

- (a) No *person* shall operate or use any device, machine, equipment or other contrivance for an industrial process which as determined by the *Air Pollution Control Officer* is an odoriferous process per se, unless all gases, vapors, and gas-entrained effluents from such facility are incinerated at a temperature of 871 degrees C (1600 degrees F) for a period of not less than five-tenths (0.5) second, or processed in such manner as determined by the *Air Pollution Control Officer* to be equally or more effective for the purpose of *air pollution* control.
- (b) Effective devices and measures shall be installed and operated in a manner such that no vent, exhaust pipe, blowoff pipe or opening of any kind shall discharge into the open air or atmosphere any odorous matter, *air contaminants*, dusts or any combination thereof which create *odors* or other nuisances.
- (c) *Odor*-producing materials shall be confined and handled in a manner such that *odors* produced within or outside the plant from such materials are controlled. Accumulation of *odor*-producing materials resulting from spillage or other means is prohibited.
- (d) *Odor*-bearing *air contaminants* arising from materials in process shall be confined at the point of origin so as to prevent liberation of odorous matter into the workroom and the confined

air contaminants shall be treated before discharge to the atmosphere, as required in subsection (3)(a).

- (e) Whenever *air contaminants* escape from a building or buildings used for processing, handling or storage of materials used in the industrial processes specified in subsection (3)(a) in such manner and amount as to cause a nuisance or to violate these regulations, the *Air Pollution Control Officer* shall order that said building or buildings be tightly closed and ventilated in such a way that all *air contaminants* are treated by *incinerator* or other means effective for their removal or destruction before discharge to the open air.

5-251 CONTROL OF NITROGEN OXIDES EMISSIONS

- (1) No person shall discharge, or cause, allow or permit *emissions* of oxides of nitrogen, expressed as NO_x , from any steam generating *fuel burning equipment* with a *heat input* capacity of 250 million BTU's per hour or more in excess of:
 - (a) 0.36 grams per million calories *heat input* (0.20 pounds per million BTU) derived from gaseous *fossil fuel*.
 - (b) 0.54 grams per million calories *heat input* (0.30 pounds per million BTU) derived from liquid *fossil fuel*.
 - (c) 1.26 grams per million calories *heat input* (0.70 pounds per million BTU) derived from solid *fossil fuel* (except lignite or a *fossil fuel* containing 25 percent by weight, or more of coal refuse).
- (2) *Reasonably available control technology* for large stationary sources.
 - (a) The owner or operator of any *stationary source* that has *allowable emissions* of one hundred (100) tons per year or more of nitrogen oxides shall install, maintain and use *reasonably available control technology*, approved by the *Secretary*, to limit the discharge of nitrogen oxides from the source by commencement of operation.
 - (b) Any source that becomes or is currently subject to the provisions of this subsection by exceeding the applicability threshold in paragraph (2)(a) of this subsection shall remain subject to these provisions even if its *emissions* later fall below the applicability threshold.
 - (c) Exemptions. Any NO_x *emission unit* required to meet the *most stringent emission rate (MSER)* in a construction permit containing specific *emission limits* is exempt from the requirements of Section 5-251(2).

5-252 CONTROL OF SULFUR DIOXIDE EMISSIONS

No person shall discharge, or cause, allow or permit *emissions* of sulfur dioxide from any steam generating *fuel burning equipment* with a *heat input* capacity of 250 million BTU's per hour or more in excess of:

- (a) 1.4 grams per million calories *heat input* (0.80 pounds per million BTU) derived from liquid *fossil fuel*.
- (b) 2.2 grams per million calories *heat input* (1.2 pounds per million BTU) derived from solid *fossil fuel*.

5-253 CONTROL OF VOLATILE ORGANIC COMPOUNDS

5-253.1 Petroleum Liquid Storage in Fixed Roof Tanks

- (a) Applicability. This subsection shall apply to any above ground fixed roof storage tank with a capacity greater than 40,000 gallons (151,417 liters) used to store petroleum liquid having a *true vapor pressure* equal to or greater than 1.52 pounds per square inch (10.5 kilopascals).
- (b) Standards.
 - (1) The owner or operator of a fixed roof tank subject to this subsection shall equip the tank with an internal floating roof equipped with a closure seal or seals to close the space between the roof edge and tank wall.
 - (2) The owner or operator of a fixed roof tank subject to this subsection shall ensure that:
 - (i) The tank is maintained so that there are no visible holes, tears or other openings in the seal or any seal fabric or materials; and
 - (ii) All openings, except stub drains, are equipped with covers, lids or seals so that:
 - (A) The cover, lid or seal is in the closed position at all times except when in actual use;
 - (B) Automatic bleeder vents are closed at all times except when the roof is being floated off or being landed on the roof leg supports; and
 - (C) Rim vents, if provided, are set to open only when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting.
- (c) Inspection requirements. The owner or operator of a fixed roof tank subject to this subsection shall perform the following inspections:
 - (1) For tanks with a single seal system:

- (i) Visually inspect the internal floating roof and its closure seal or seals through roof hatches at least once every 12 months; and
 - (ii) Perform a complete inspection of any cover and single seal whenever the tank is emptied for reasons other than routine operations or at least every 10 years, whichever is more frequent.
- (2) For tanks equipped with a double seal system:
 - (i) Visually inspect the internal floating roof and its closure seal or seals through the roof hatches at least once every 5 years; and
 - (ii) Perform a complete inspection of any cover and double seal whenever the tank is emptied for reasons other than routine operations or at least every 5 years, whichever is more frequent; or
 - (iii) An alternative means of inspection and compliance monitoring of equal or greater effectiveness as the inspection requirement of paragraph (c)(2)(ii), that is approved by the *Secretary*.
- (d) Record keeping. The owner or operator of a petroleum liquid storage tank with a fixed roof subject to this subsection shall maintain the following records in a readily accessible location for a minimum of three years and shall make copies of the records available to the *Air Pollution Control Officer* upon request:
 - (1) Records of the types of volatile petroleum liquids stored in that tank;
 - (2) Records of the maximum *true vapor pressure* as stored; and
 - (3) Records of the results of inspections required in paragraph (c) of this subsection.
- (e) Compliance. Fixed roof tanks subject to this subsection shall be in compliance on or before the effective date of this rule.

5-253.2 Bulk Gasoline Terminals

- (a) Applicability. This subsection shall apply to all *loading racks* that deliver liquid products into *gasoline tank trucks* at a *bulk gasoline terminal*. Once a facility is subject to this subsection, it shall remain so, even if the throughput falls below the applicability threshold.
- (b) Standards.
 - (1) All of the *loading racks* at a *bulk gasoline terminal* subject to this subsection shall be equipped with a *vapor collection system*

designed to collect the organic compound liquids or vapors displaced from *gasoline tank trucks* during product loading.

- (2) Each *vapor collection system* shall be designed to prevent any *volatile organic compound* vapors collected at one *loading rack* from passing to another *loading rack*.
- (3) The owner or operator of a *bulk gasoline terminal* shall load *gasoline* into *vapor-tight gasoline tank trucks* only, using the following procedures:
 - (i) Obtain the vapor-tightness documentation for each *gasoline tank truck* prior to loading the tank truck at a *loading rack* subject to this subsection;
 - (ii) Record the tank identification number of each *gasoline tank truck* as it is loaded at the terminal;
 - (iii) Cross-check each tank identification number obtained with the tank vapor-tightness documentation on file at the *bulk gasoline terminal* within 2 weeks after the corresponding tank is loaded;
 - (iv) Notify the owner or operator of each previously loaded *gasoline tank truck* that is not *vapor-tight* within 3 weeks after the loading has occurred; and
 - (v) Assure that any non-*vapor-tight gasoline tank truck* will not be reloaded at a *loading rack* until vapor-tightness documentation for that tank truck is obtained.
- (4) The terminal owner or operator shall ensure that the loading of *gasoline tank trucks* at the *loading rack* is limited to tank trucks equipped with vapor collection equipment that is compatible with the *vapor collection system* at the terminal.
- (5) The terminal owner or operator shall ensure that the *vapor collection system* of the terminal and the tank truck are connected during each loading of a *gasoline tank truck* at the *loading rack*.
- (6) The vapor collection and liquid loading equipment shall be designed and operated to prevent gauge pressure in the *gasoline tank truck* from exceeding 450 mm of water during product loading.
- (7) No pressure-vacuum vent in the *bulk gasoline terminal's vapor collection system* shall begin to open at pressure less than 450 mm of water.
- (8) The total amount of organic compounds emitted to the atmosphere released from the *vapor collection system* during the loading of *gasoline tank trucks* shall not exceed 4.7 grains per gallon (80 mg/L) of *gasoline* loaded.

- (9) Loading of *gasoline tank trucks* at bulk terminals shall be by *submerged fill* only.
- (c) Inspection requirements. The terminal owner or operator shall inspect the *vapor collection system*, the *vapor control system* and each *loading rack* every calendar month for liquid and vapor leaks during transfer operations. Detection methods using sight, sound or smell are acceptable. Each leak detected shall be recorded and the source of the leak repaired within 15 calendar days after it is detected.
- (d) Test methods. Compliance with this subsection shall be determined using the test procedures set forth by the *Air Pollution Control Officer*.
- (e) Record keeping.
 - (1) The owner or operator of a *bulk gasoline terminal* shall maintain records for a minimum of three years on the following:
 - (i) Tank truck tightness documentation shall be kept on file at the terminal in a permanent form available for inspection. The documentation file for each *gasoline tank truck* shall be updated at least once per year to record current test results as determined by test method 27.
 - (ii) Documentation shall include, but is not limited to, the following:
 - (A) Test title: Gasoline Delivery Truck Pressure Test--EPA Reference Method 27;
 - (B) Tank owner name and address;
 - (C) Tank identification number;
 - (D) Testing location;
 - (E) Date of test;
 - (F) Tester's name and signature;
 - (G) Name, signature and affiliation of any witnessing inspector; and
 - (H) Test results: actual pressure change in 5 min., recorded in mm of water (average for two runs).
 - (2) The owner or operator of the *bulk gasoline terminal* shall keep a record of monthly leak inspections on file at the terminal. Inspection records shall include, but are not limited to, the following information:
 - (i) Date of inspection;
 - (ii) Description of leaks found during inspection, if any;

- (iii) Leak determination method used;
 - (iv) Corrective action taken including date leak repaired; and
 - (v) Inspector's name and signature.
- (3) The owner or operator of a *bulk gasoline terminal* shall maintain records of daily throughput.
 - (4) All records required under this subsection shall be made available for inspection during normal business hours and copies shall be provided to the *Air Pollution Control Officer* upon request.
- (f) Compliance. A *bulk gasoline terminal* subject to this subsection shall be in compliance on or before the effective date of this rule.

5-253.3 Bulk Gasoline Plants

(a) Applicability.

- (1) This subsection shall apply to any *bulk gasoline plant* with an average daily throughput of 3,000 gallons or greater calculated on a calendar month basis. Once a *bulk gasoline plant* is subject to this subsection, it shall remain so, even if its throughput later falls below the applicability threshold. Any *bulk gasoline plant* with a throughput which is below the threshold shall comply with the requirements of paragraphs (b)(3)(vii), (viii), (ix) and (d)(1)(i) only.
- (2) This subsection shall also apply to any *bulk gasoline plant*, regardless of its gasoline throughput, for which construction or reconstruction is commenced after January 1, 2001.

(b) Standards.

- (1) The owner or operator of a *bulk gasoline plant* shall equip each *gasoline storage tank* with a *submerged fill pipe* and shall equip the *bulk gasoline plant* with a *vapor balance system* between the *gasoline storage tank* and the incoming *gasoline tank truck*. The lines shall be equipped with fittings that are *vapor-tight* and that automatically and immediately close upon disconnection.
- (2) The owner or operator of a *bulk gasoline plant* shall equip the plant's *loading rack(s)* for *submerged fill* and shall equip the *bulk gasoline plant* with a *vapor balance system* between the *gasoline storage tank* and the outgoing *gasoline tank truck*. The *vapor balance system* shall be designed to prevent any vapors collected at one *loading rack* from passing to another *loading rack*. The lines shall be equipped with fittings that are *vapor-tight* and that automatically and immediately close upon disconnection.
- (3) The owner or operator of a *bulk gasoline plant* required to maintain and operate a *vapor balance system* under this subsection

shall ensure that the following procedures are complied with during gasoline loading and unloading operations and in the storage of gasoline:

- (i) The vapor balance system shall be connected between the gasoline tank truck and the storage tank during all transfer operations and the connection shall be vapor-tight;
- (ii) All storage tank openings, including inspection hatches and gauging and sampling devices, shall be vapor-tight when not in use;
- (iii) The gasoline tank truck compartment hatch covers shall remain closed during the transfer of gasoline;
- (iv) The vapor balance system shall be designed and operated at all times to prevent gauge pressure in the gasoline tank truck from exceeding 18 inches (450 millimeters [mm]) of water and vacuum from exceeding 5.9 inches (150 mm) of water during product transfer;
- (v) No pressure vacuum relief valve in the bulk gasoline plant vapor balance system shall begin to open at a system pressure of less than 18 inches (450 mm) of water or at a vacuum of less than 5.9 inches (150 mm) of water;
- (vi) All product transfers shall be limited to vapor-tight gasoline tank trucks or account trucks [for definition of account truck see Section 5-253.5(b)];
- (vii) The filling of storage tanks shall be accomplished by submerged fill only;
- (viii) The loading of outgoing gasoline tank trucks and account trucks [for definition of account truck see Section 5-253.5(b)] shall be accomplished by submerged fill only; and
- (ix) The owner or operator of the gasoline bulk plant or the gasoline tank truck shall observe the entire transfer operation and shall discontinue transfer if any liquid or vapor leaks are observed.

(c) Inspection and monitoring requirements.

- (1) The bulk gasoline plant owner or operator shall inspect the vapor balance system and each loading rack every calendar month for liquid and vapor leaks during gasoline transfer operations. Detection methods using sight, sound, or smell are acceptable. Each leak detected shall be recorded and the source of the leak repaired within 15 calendar days after it is detected.
- (2) A pressure measurement device (liquid manometer, magnehelic gauge, or equivalent instrument) capable of measuring 20 in. of water gauge pressure within a \pm 0.5 inches of water precision,

shall be calibrated and installed on the *bulk gasoline plant vapor balance system* at a pressure tap, located as close as possible to the connection with the *gasoline tank truck*, to allow determination of compliance with paragraph (b)(3)(iv).

(d) Record keeping.

(1) The owner or operator of a *bulk gasoline plant* which is subject to this subsection shall maintain the following records for a minimum of three years:

(i) Daily records showing the quantity of all *gasoline* transferred into *gasoline tank trucks* and *account trucks* [for definition of account truck see Section 5-253.5(b)].

(ii) A record of each monthly leak inspection shall be kept on file at the plant. The inspection records shall include but are not limited to:

(A) The date of inspection;

(B) Findings, including a description of leaks found, if any;

(C) Leak determination method;

(D) Corrective action taken, including the date each leak was repaired; and

(E) The inspector's name and signature.

(2) All records required under this subsection shall be made available for inspection during normal business hours and copies shall be provided to the *Air Pollution Control Officer* upon request.

(e) Compliance. All *bulk gasoline plants* subject to this subsection shall comply with this subsection by July 1, 1994 or by the commencement of plant operation, whichever occurs later.

5-253.4 Gasoline Tank Trucks

(a) Applicability. This subsection shall apply to all *gasoline tank trucks*.

(b) Standards.

(1) The owner or operator of a *gasoline tank truck* shall ensure that the *gasoline tank truck*:

(i) Is tested and certified as a vapor-tight gasoline tank truck; and

(ii) Displays a sticker consistent with the Department of Transportation regulations regarding certification of cargo tanks that shows the date that the gasoline tank truck last

passed the certification test required in paragraph (b)(1)(i).

- (2) Is maintained with hatches closed at all times except during the measurement of product level or maintenance, which shall not be performed during product loading.
- (3) Is connected to the vapor balance equipment during the loading and unloading of *gasoline*.

(c) Testing.

- (1) The *Air Pollution Control Officer* may, at any time, monitor a *gasoline tank truck* to confirm continuing compliance with this subsection using standard United States Environmental Protection Agency procedures to confirm the continuing existence of *vapor-tight* conditions.
- (2) The owner or operator of a *gasoline tank truck* that fails to meet any of the certification standards shall repair and retest the *gasoline tank truck* within 15 days of the test failure. No owner or operator of any *gasoline tank truck* may use or permit or authorize the use of any *gasoline tank truck* which fails to meet all of the requirements of this subsection after retesting.

(d) Record keeping.

- (1) The owner or operator of a *gasoline tank truck* subject to this subsection shall maintain records of all certification, testing and repairs. The records shall include, at a minimum, the following:
 - (i) The *gasoline tank truck* identification number, which shall include the manufacturer's serial number, vehicle identification number or the owner's identification number; and
 - (ii) The date and location of the most recent pressure-vacuum test, and, if failed, the date and location of the retest shall also be recorded.
- (2) Test records shall contain the following:
 - (i) At the top of each page of the report, the name, title and telephone number of the *person* who conducted the test, the name of the company where the *person* is employed; and
 - (ii) A copy of the test record showing the following:
 - (A) The tank pressure at the start of the pressure test and the time of the reading;
 - (B) The tank pressure at the end of the pressure test and the time of the reading;

- (C) The tank pressure at the start of the vacuum test and the time of the reading;
 - (D) The tank pressure at the end of the vacuum test and the time of the reading; and
 - (E) A list of all repairs which were made to the tank truck to pass all applicable requirements of the test method.
- (3) Copies of the records shall be retained by the owner or operator of the *gasoline tank truck* for a minimum of three years after the date on which the test was conducted. These records shall be available for inspection during normal business hours and copies shall be provided to the *Air Pollution Control Officer* upon request.
- (e) Reporting.
 - (1) The owner or operator of a *gasoline tank truck* subject to this subsection shall certify to the *Air Pollution Control Officer* on an annual basis that it is a *vapor-tight gasoline tank truck*. The certification shall include:
 - (i) The name address and telephone number of the company and the name and telephone number of the company representative whose signature appears on the certification; and
 - (ii) A copy of the information recorded to comply with paragraph (d) of this subsection.
- (f) Reciprocity. The requirements for testing and marking *gasoline tank trucks* subject to this subsection will be satisfied if, in the judgment of the *Secretary*, the vehicle undergoes equivalent certification in another state.
- (g) Compliance. *Gasoline tank trucks* subject to this subsection shall be in compliance on or before the effective date of this rule.

5-253.5 Stage I Vapor Recovery Controls at Gasoline Dispensing Facilities

- (a) Applicability.
 - (1) This subsection shall apply to all *gasoline dispensing facilities* and the appurtenant equipment necessary to a *gasoline dispensing facility*.
 - (2) The following *gasoline dispensing facilities* are exempt from the provisions of this subsection except that *submerged fill* shall be used to fill *gasoline storage tanks*:
 - (i) Gasoline dispensing facilities which receive deliveries from account trucks only; and

- (ii) The owner or operator of a gasoline storage tank with a capacity of less than 550 gallons that is used specifically for the fueling of implements of husbandry.
- (b) Definitions. For the purpose of this subsection, the following definitions apply, in addition to those of Section 5-101 of this chapter:

"Account truck" means a delivery truck with a capacity of less than 4,000 gallons which delivers gasoline to businesses, retail outlets and farms.

"Stage I vapor recovery system" means a system in which gasoline vapors are forced from the storage tank into a vapor-tight gasoline tank truck or vapor collection and control system through direct displacement by the gasoline loaded into the storage tank.
- (c) Standards.
 - (1) The owner or operator of a gasoline dispensing facility which receives deliveries of gasoline into gasoline storage tanks from a gasoline tank truck shall install, operate and maintain a Stage I vapor recovery system and the filling of tanks shall be by submerged fill only.
 - (2) During the transfer of gasoline from the gasoline tank truck to the storage tank, the owner or operator of a gasoline tank truck delivering gasoline to a gasoline dispensing facility subject to this subsection shall ensure that:
 - (i) All hoses in the vapor balance system are properly connected;
 - (ii) All vapor lines on the gasoline storage tank are equipped with closures that seal upon disconnect;
 - (iii) All vapor return hoses, couplers and adapters used in the gasoline delivery are vapor-tight;
 - (iv) All vapor return equipment on the gasoline tank truck is compatible with the Stage I vapor recovery system installed on the gasoline storage tank;
 - (v) All hatches on the gasoline tank truck are closed and securely fastened; and
 - (vi) The filling of gasoline storage tanks at gasoline dispensing facilities is limited to unloading by vapor-tight gasoline tank trucks. Documentation that the gasoline tank truck is a vapor tight gasoline tank truck shall be carried on the tank truck. This documentation shall include test results of the pressure and vacuum tests.
- (d) Inspection requirements. Owners or operators of gasoline dispensing facilities subject to this subsection shall inspect the Stage I vapor

recovery system for visible liquid leaks, and repair and replace any worn or ineffective component or element immediately to ensure the vapor-tight integrity and efficiency of the *Stage I* vapor recovery system.

- (e) Record keeping. The owners or operators of *gasoline dispensing facilities* subject to this subsection shall keep written monthly records showing the quantity of all *gasoline* delivered to the site for a minimum of three years. These records shall be available during normal business hours and copies shall be provided to the *Air Pollution Control Officer* upon request.
- (f) Compliance schedule.
 - (1) *Gasoline dispensing facilities* with an annual throughput of 500,000 gallons or greater shall comply with this subsection on or before January 1, 1994;
 - (2) *Gasoline dispensing facilities* with an annual throughput of less than 500,000 but of 120,000 gallons or greater, shall comply with this subsection on or before May 31, 1995; and
 - (3) *Gasoline dispensing facilities* with an annual throughput of less than 120,000 gallons shall comply with this subsection by January 1, 1997.

5-253.6 Volatility of Gasoline

- (a) No person shall sell or supply as fuel at or from *bulk gasoline terminals* and *bulk gasoline plants* a *gasoline* having a *Reid vapor pressure* greater than 9.0 pounds per square inch during the period May 1 through September 15 of each year, beginning in 1989.
- (b) The owner or operator of any *bulk gasoline plant* or *bulk gasoline terminal* from which *gasoline* is distributed shall maintain records of the *Reid vapor pressure* of any *gasoline* that is delivered to or distributed from the facility for at least two calendar years.
- (c) Any person who sells or supplies *gasoline* to retailers, other merchants, and/or industrial, institutional or commercial users shall clearly designate the maximum *Reid vapor pressure* of the *gasoline* and the time period in which it is intended to be dispensed.
- (d) Sampling and analysis of *gasoline Reid vapor pressure* shall be conducted in accordance with *ASTM Method D270* and *ASTM Method D323*, respectively, or any equivalent method approved by the *Air Pollution Control Officer*.
- (e) The *Secretary*, either upon his or her own initiative or upon application by any person affected by this rule, may grant a temporary exemption from the requirements of Section 5-253.6(a), if he or she finds that quantities of *gasoline* sufficient to meet the demand in the state of Vermont cannot be manufactured or distributed in time to meet all the requirements of Section 5-253.6 or that supply problems would work an undue hardship on any retail outlet.

- (i) An exemption under this subsection shall be granted for a specified time period, not to exceed one year. An exemption may be renewed, if appropriate.
- (ii) The *Secretary* may impose an interim volatility standard and/or restrictions on the quantity of *gasoline* permitted to be supplied as conditions of any exemption granted pursuant to this subsection.

5-253.7 Stage II Vapor Recovery Controls at Gasoline Dispensing Facilities

(a) Applicability.

- (1) This subsection shall apply to any *gasoline dispensing facility* with an annual *gasoline* throughput of 400,000 gallons or more in the 1994 calendar year, or any year thereafter.
- (2) Any *gasoline dispensing facility* is exempt from this subsection if:
 - (i) The average of its annual *gasoline* throughput for the calendar years 1994, 1995, 1996 and 1997 is less than 380,000 gallons per year; and,
 - (ii) Its annual *gasoline* throughput for any calendar year later than 1997 does not exceed 400,000 gallons.
- (3) *Gasoline dispensing facilities* that receive deliveries solely from *account trucks* are exempt from this subsection.
- (4) Once a facility is subject to this subsection, it shall remain so, even if the throughput falls below the applicability threshold.

(b) Definitions. For the purpose of this subsection, the following definitions apply:

Approved Stage II vapor recovery system means a system designed to recover, when properly used, a minimum of 95 percent by weight of the *gasoline* vapors displaced or drawn from a vehicle fuel tank during refueling and remove the vapors to a vapor tight holding system or vapor collection and control system. An *approved Stage II vapor recovery system* shall also:

- (1) be a type certified in an *Executive Order* issued by the California Air Resources Board (CARB), or a type specifically approved by the *Air Pollution Control Officer*; and
- (2) not contain any components (e.g. remote vapor check valves in a balance system) that would significantly impede the performance of the functional tests required in paragraph (e).

Executive Order means a certification document issued by the California Air Resources Board approving a Stage II system for use.

Vapor recovery piping means piping intended to transfer *gasoline* vapor from the dispenser island to a vapor tight holding system or vapor collection and control system for the purpose of accommodating Stage II vapor recovery.

(c) Prohibitions.

- (1) No owner or operator of a gasoline dispensing facility, shall transfer, permit the transfer, or provide equipment for the transfer of *gasoline* from a stationary storage tank at a *gasoline dispensing facility* into a motor vehicle fuel tank after the compliance date for that facility pursuant to paragraph (g)(2), if any, unless an *approved Stage II vapor recovery system* has been installed and is properly used during the transfer.
- (2) No owner or operator of a *gasoline dispensing facility* shall:
 - (i) repair, modify or permit the repair or modification of an *approved Stage II vapor recovery system* or its components in such a manner that they are different from their approved configuration, except as approved in advance by the *Air Pollution Control Officer*, or
 - (ii) alter or otherwise render inoperative any component of an *approved Stage II vapor recovery control system* in a manner that would impair the operation or effectiveness of the system.

(d) Standards.

- (1) The owner or operator of a *gasoline dispensing facility* shall provide adequate training and instruction to all operators and employees of the *gasoline dispensing facility* in the proper operation and maintenance of the *approved Stage II vapor recovery system* installed at the *gasoline dispensing facility* prior to initial operation of the system.
- (2) The owner or operator shall maintain all *approved Stage II vapor recovery systems* and *gasoline* dispensing equipment to be *vapor tight* and *leak-free* as determined by functional testing as described in paragraph (e) or visual observation.
- (3) The owner or operator of a *gasoline dispensing facility* shall maintain all *approved Stage II vapor recovery systems* in good working order, at all times, in accordance with the manufacturer's specifications and such that they are free from any of the following defects:
 - (i) Absence or disconnection of any component required to be used in the *approved Stage II vapor recovery system*.
 - (ii) A vapor recovery hose that is crimped or flattened such that the vapor passage is blocked.

- (iii) A nozzle boot that is torn in one or both of the following ways:
 - (A) A triangular-shaped or similar tear more than 2 inch on a side, or a hole more than 2 inch in diameter.
 - (B) A slit one inch or more in length.
 - (iv) A faceplate vapor escape guard or equivalent device that is damaged in the following manner:
 - (A) For balance nozzles, such damage that the capability to achieve a seal with a fill pipe is affected for 1/4 of the circumference of the faceplate (accumulated).
 - (B) For nozzles for vacuum assist-type systems damage to the vapor escape guard or equivalent device sufficient to render it defective as specified in the relevant *Executive Order*.
 - (v) A nozzle with a malfunctioning shutoff mechanism.
 - (vi) Vapor return lines, including such components as swivels, anti-recirculation valves, and underground piping, that malfunction or are blocked.
 - (vii) A vapor processing unit that is inoperative.
 - (viii) A vacuum producing device that is inoperative.
 - (ix) Pressure/vacuum relief valves, vapor check valves or dry breaks that are inoperative.
 - (x) Any equipment defect identified by an *Agency* representative as substantially impairing the effectiveness of the system in reducing refueling vapor emissions.
- (4) The owner or operator of a *gasoline dispensing facility* shall ensure that weekly equipment inspections are conducted. The weekly inspections shall include all of the following:
- (i) A visual inspection of refueling of motor vehicles to ensure that each flow shut-off mechanism is working properly;
 - (ii) A visual inspection of all boots, hoses, and faceplates for tears or rips;
 - (iii) A visual inspection of all above-ground dispensing equipment for any *gasoline* leaks; and
 - (iv) A visual inspection of all *gasoline* and vapor recovery hoses for tightness and bends which may impede vapor recovery.

- (5) Upon identification of any of the defects described in subparagraph (d)(3), the owner or operator shall immediately tag "Out of Order" any dispensing equipment for which vapor recovery has been impaired and prohibit the use of the system or components until the component is repaired, replaced or adjusted, as necessary; and is in good working order.
- (6) Any component of the system identified as defective that is not listed in subparagraph (d)(3), may remain in operation but shall be repaired or replaced within 15 days after such identification.
- (7) In the case of defects described in subparagraph (d)(3) and identified by an Agency representative, the owner or operator shall not return the defective equipment to service until the defect is corrected, and an Agency representative has reinspected the equipment or has authorized its use.
- (8) By May 15 of each year, the owner or operator of a *gasoline dispensing facility* shall perform one of the following actions:
 - (i) Conduct a functional test or tests of the *approved Stage II vapor recovery system*, using the methods prescribed by the *Air Pollution Control Officer* and in accordance with the procedures in paragraph (e) of this subsection and perform any necessary maintenance and retest until the system passes all tests; or
 - (ii) Perform the following maintenance on the *approved Stage II vapor recovery system*:
 - (A) Replace all Stage I vapor adaptors (dry breaks or poppet valves) in the system;
 - (B) Inspect the following components for vapor leakage and tighten, if necessary: fill caps, fill adaptors, in-tank monitor caps, spill bucket drain valves and other components identified by the *Air Pollution Control Officer*; and,
 - (C) Replace any damaged or defective component that is impairing the effectiveness of the system in reducing refueling vapor emissions.
- (9) The owner or operator of a *gasoline dispensing facility* shall post operating instructions for the proper dispensing of *gasoline* using the *approved Stage II vapor recovery system* in a conspicuous place; visible to, and of a print size easily read by the user of each nozzle. The instructions shall include the following:
 - (i) A clear description of the proper procedure to dispense *gasoline* using the system; and

- (ii) A warning not to attempt to continue refueling after the automatic shutoff has engaged; and
 - (iii) A telephone number to be used to report to the *Air Pollution Control Officer* any problems experienced with the system.
- (e) Testing.
 - (1) Initial testing.
 - (i) Initial compliance testing shall be conducted to verify proper installation and function of the entire *approved Stage II vapor recovery system* (both underground piping and aboveground equipment). The owner or operator shall perform all tests and follow all test procedures required by the *CARB Executive Order*, or other tests or procedures approved by the *Air Pollution Control Officer*, for the system installed.
 - (ii) The owner or operator of a *gasoline dispensing facility* shall notify the *Air Pollution Control Officer* at least 5 days in advance as to when the testing will occur and what party will conduct the testing.
 - (iii) The owner or operator shall ensure the system passes this testing within 30 days of the applicable compliance date listed in paragraph (g) of this subsection. A copy of the test results shall be submitted to the *Air Pollution Control Officer* within 30 days of completion of the testing.
 - (2) The owner or operator shall re-test the function of an *approved Stage II vapor recovery system* at least every 5 years or upon major system replacement or modification, whichever occurs first. This re-testing shall include all tests and procedures required for the initial system certification. Some or all of the functional tests shall also be performed upon the request of the *Air Pollution Control Officer*. Results of any testing shall be submitted to the *Air Pollution Control Officer* within 30 days of completion of the testing. A major system modification is considered to be the occurrence of any of the following:
 - (i) The repair or replacement of any gasoline storage tank that is equipped with an approved Stage II vapor recovery system;
 - (ii) The repair or replacement of any part of an underground piping system attached to a gasoline storage tank equipped with an approved Stage II vapor recovery system, excluding repairs that occur without excavation; or
 - (iii) The replacement of an approved Stage II vapor recovery system of one certified configuration with an approved

Stage II vapor recovery system of a different certified configuration.

- (3) The *Air Pollution Control Officer* may conduct testing of any *approved Stage II vapor recovery system* at any reasonable time to determine compliance with this subsection.

(f) Reporting and Record Keeping.

- (1) Within 10 days of the applicable compliance date listed in paragraph (g), the owner or operator shall verify compliance with this subsection by completing and submitting to the *Air Pollution Control Officer* a compliance form, as provided by the *Air Pollution Control Officer*.
- (2) The owner or operator of a *gasoline dispensing facility* subject to this subsection, shall maintain written records of weekly inspections and the maintenance, repair and/or replacement of the *approved Stage II vapor recovery system* or components. Such records shall contain a description and the duration of any failures of the system and components with the specific dates of repairs and/or replacement and the associated costs. Each record shall be maintained at the facility for a minimum of three years. These records shall be made available for inspection during normal business hours and copies shall be provided to the *Air Pollution Control Officer* upon request.
- (3) By June 15 of each year, in order to document compliance with subparagraph (d)(8) of this subsection, the owner or operator of a *gasoline dispensing facility* shall submit to the *Air Pollution Control Officer* an annual maintenance certification, on a form provided by the *Air Pollution Control Officer*, or the appropriate test report or reports.

(g) Compliance.

- (1) Any *gasoline dispensing facility* with an annual throughput of 400,000 gallons of gasoline, or greater, shall comply with the requirements of this subsection according to the following schedule.
 - (i) By December 31, 1997 for a *gasoline dispensing facility* with an annual throughput of 1,200,000 gallons of gasoline or greater in calendar year 1994 or later; or
 - (ii) By December 31, 1998 for any *gasoline dispensing facility* with an annual throughput of 1,000,000 gallons of gasoline or greater in calendar year 1994 or later; or
 - (iii) By December 31, 1999 for any *gasoline dispensing facility* with an annual throughput of 700,000 gallons of gasoline or greater in calendar year 1994 or later; or
 - (iv) By December 31, 2000 for any other *gasoline dispensing facility* that is subject to this subsection.

- (2) Any *gasoline dispensing facility* constructed after December 31, 2000, shall be in compliance with this subsection by the end of the first calendar year during which the annual *gasoline* throughput of the facility exceeds 400,000 gallons.
- (3) Except for facilities constructed after December 31, 2000, any *gasoline dispensing facility* that is initially exempt from the requirements of this subsection and later becomes subject to this subsection due to an increase in gasoline throughput shall comply with the requirements of this subsection by the end of the first calendar year following the year in which annual *gasoline* throughput exceeds 400,000 gallons.
- (4) Any *gasoline dispensing facility* which, in the judgment of the *Secretary*, is in compliance with this subsection shall also be considered in compliance with Section 5-261 of this chapter.

5-253.8 Reserved.

5-253.9 Reserved.

5-253.10 Paper Coating

- (a) *Applicability.* This subsection applies to all *paper coating units*, except that any *paper coating unit* shall be exempt from this subsection that is within a *paper coating source* that has *actual emissions* without *control devices* from all *paper coating units* within the source of less than 15 lbs of *volatile organic compounds* per day. Once a source becomes subject to this subsection, it shall remain so even if *emission* levels subsequently fall below the applicability threshold.
- (b) *Definitions.* For the purpose of this subsection, the following definitions apply, in addition to those of Section 5-101 of this chapter.

"*Knife coating*" means the application of a *coating* material to a substrate beneath a knife that spreads the *coating* evenly the full width of the *substrate*.

"*Paper coating line*" means a *web coating line* where *coating* is applied to paper. Products produced on a *paper coating line* include, but are not limited to, adhesive tapes and labels, book covers, post cards, office copier paper, drafting paper and pressure sensitive tapes. *Paper coating lines* include, but are not limited to, application by impregnation or saturation or by the use of roll, knife or rotogravure *coating*. Printing presses are not considered *paper coating lines*.

"*Paper coating unit*" means a *coating* application station and its associated flashoff area, drying area and/or oven, where *coating* is applied and dried or cured on a *paper coating line*. A *paper coating line* may include more than one *paper coating unit*.

"*Roll coating*" means the application of a *coating* material to a moving *substrate* by means of hard rubber, elastomeric or metal rolls.

"Rotogravure coating" means the application of a coating material to a substrate by means of a roll coating technique in which the pattern to be applied is recessed relative to the non-image area, and the coating material is picked up in these recessed areas and is transferred to the substrate.

"Substrate" means the surface onto which a coating is applied or into which a coating is impregnated.

"Web coating line" means all of the coating applicators, drying areas or ovens located between an unwind station and a rewind station, that are used to apply coating onto a continuous strip of substrate (the web). A web coating line need not have a drying oven.

(c) Standards.

- (1) An owner or operator of a paper coating unit subject to this subsection shall not cause, allow or permit the application of any coating on that unit with a VOC content in excess of 2.9 pounds per gallon of coating, (excluding water and exempt compounds), as applied; or
- (2) An owner or operator of a paper coating unit subject to this subsection shall not apply, during any day, coatings on that unit whose daily-weighted average of VOC content, calculated in accordance with methods specified by the Air Pollution Control Officer, exceeds the emission limit in paragraph (c)(1) of this subsection.

(d) Control devices.

- (1) As an alternative to compliance with the emission limits in paragraph (c) of this subsection, an owner or operator of a paper coating unit may comply with this subsection by:
 - (i) Installing and operating a capture system and control device on that unit; and
 - (ii) Demonstrating that the overall emission reduction efficiency achieved for that unit is greater than or equal to the required overall emission reduction efficiency. The achieved and the required overall emission reduction efficiencies shall be determined in accordance with procedures and test methods specified by the Air Pollution Control Officer.
- (2) An owner or operator of a paper coating unit subject to this subsection shall ensure that:
 - (i) A capture system and control device, if used, are operated at all times that the coating unit is in operation, and the owner or operator demonstrates compliance with this subsection in accordance with the coating analysis and

capture system and control device efficiency test methods specified by the Air Pollution Control Officer; and

- (ii) The *control device* is equipped with the monitoring equipment required by the *Air Pollution Control Officer*, and such equipment is installed, calibrated, operated and maintained according to the vendor's specifications at all times the *control device* is in use. The monitoring equipment shall monitor the following parameters:

- (A) Combustion chamber temperature of each thermal *incinerator* or afterburner;
- (B) Temperature rise immediately before the catalyst bed and across each catalytic *incinerator* bed; and
- (C) The VOC concentration of the outlet from each carbon adsorption bed.

- (e) Record keeping and reporting.

- (1) The owner or operator of a *coating unit* complying with paragraph (c) of this subsection by means of the use of complying *coatings* shall collect and record all of the following information each day for each *coating unit* and maintain the information at the source for a period of 5 years:

- (i) The name and identification number of each *coating*, as applied, on each *coating unit*; and
- (ii) The mass of VOC per volume of each *coating* (excluding water and exempt compounds) as applied used each day on each *coating unit*.

- (2) The owner or operator of any *coating unit* complying with this subsection by the use of *control devices* shall perform such compliance testing, keep such records and furnish such reports as required by the *Air Pollution Control Officer* to demonstrate continuing compliance with this subsection.

5-253.11 Perchloroethylene Dry Cleaning

- (a) Definitions. For the purpose of this subsection, the following definitions apply, in addition to those of Section 5-101 of this chapter.

"Carbon Adsorber" means a bed of activated carbon into which *perchloroethylene* vapors are introduced and trapped in a fixed bed, cartridge or canister as an adsorbent for subsequent regeneration; and includes an outlet for exhaust gases and a system to regenerate, reclaim or replace the saturated adsorbent.

"Condenser" means a device that removes condensed vapors by a reduction in the temperature of the captured gases. A surface *condenser* effects

condensation by indirect contact between the coolant and process gas stream.

"Dry Cleaner" means a *stationary source* engaged in the cleaning of fabrics in an essentially nonaqueous solvent by means of one or more washes in solvent, extraction of excess solvent by spinning and drying by tumbling in an airstream. The source includes, but is not limited to, any washer, dryer, filter purification system, waste disposal system, holding tank, pump and attendant piping and valves.

"Garment" means any article placed in the washer for purposes of cleaning that article.

"Perceptible Leaks" means vapor or liquid leaks that are obvious from:

- (1) The odor of the perchloroethylene;
- (2) The observation of gas flow by feel, by application of bubble solution or by use of any hand held halogenated carbon detector;
or
- (3) Visual observation, such as pools or droplets of liquid.

"Perchloroethylene" is a colorless volatile chlorinated hydrocarbon. Synonyms for *perchloroethylene* include: "perc", tetrachloroethylene and PCE. The chemical formula, for *perchloroethylene* is C_2Cl_4 .

"Stills" means devices used to evaporate and recover *perchloroethylene* from contaminated solvent removed from the cleaned articles.

(b) Standards.

- (1) Any dry cleaning machine which uses *perchloroethylene* and begins operation on or after the effective date of this rule shall be equipped with a totally enclosed system not requiring venting to the outside atmosphere.
- (2) Any existing dry cleaning machine which uses *perchloroethylene* shall be equipped with one of the following *control devices* within one year of the effective date of this rule:
 - (i) A *carbon adsorber* which reduces *perchloroethylene* emissions to no more than 100 parts per million by volume (ppm) before dilution.
 - (A) All exhaust from the washer, dryer, filter and purification system, holding tanks and attendant piping and valves shall be routed through the *carbon adsorber*;
 - (B) The *carbon adsorber* shall be operated at an air flow capacity of 630 square feet;

- (C) A minimum air velocity of 100 feet per minute shall be maintained through all machine door and exhaust hood openings; and
 - (D) The exhaust from the *carbon adsorber* shall be vented to the outside atmosphere at a point above the roof of the building in which it is located; or
 - (ii) A refrigerated *condenser* system provided that:
 - (A) The *dryer/condenser* system is closed to the atmosphere except when articles are being loaded or unloaded;
 - (B) The temperature at the *dryer/condenser* outlet is less than or equal to 40° F; and
 - (C) A thermometer is installed on the outlet side of all refrigerated *condensers* to monitor the temperature.
 - (iii) Any other equally effective *control device* as approved by the *Air Pollution Control Officer*.
- (3) Any *dry cleaner* which uses a *carbon adsorber* to comply with this subsection shall regenerate the carbon bed at least once per unit of *garments* cleaned. A unit of *garments* is based on a ratio of the weight of the carbon bed compared to the amount of *garments* cleaned. The formula used for determining a unit of *garments* is 3 lbs of *garments* per pound of carbon. The *carbon adsorber* used to comply with this subsection shall not be bypassed to the atmosphere during regeneration.
- (c) Waste Handling; Maintenance.
- All new and existing *perchloroethylene dry cleaners* shall comply with the following requirements:
- (1) Cook or treat all diatomaceous earth filters so that the residue contains 55 pounds or less of VOC per 220 lbs of wet waste material;
 - (2) The residue from the solvent *still* shall not contain more than 132 lbs of *perchloroethylene* per 220 lbs of wet waste material;
 - (3) Drain all filtration cartridges in the filter housing for at least 24 hours. When any filtration cartridge is removed from the filter housing, it shall be placed in a sealed container which does not allow the solvent in the filter to be emitted to the atmosphere;
 - (4) All *perchloroethylene* and waste containing *perchloroethylene* shall be stored in tightly sealed containers which are impervious to the solvent and chemical reaction, so that no *perchloroethylene* is emitted to the atmosphere; all waste

material containing *perchloroethylene* shall be properly disposed of;

- (5) Maintain the system to prevent *perceptible leaks* of *perchloroethylene* from gaskets, seals, ducts and related equipment. An inventory of parts shall be maintained in order to repair all routine malfunctions. All *perceptible leaks* of *perchloroethylene* liquid or vapor shall be repaired within 24 hours;
- (6) All dry cleaning machine doors shall remain open for only as long as necessary to load and unload *garments*.
- (7) Lint traps shall be cleaned weekly and *perchloroethylene* laden lint placed in a tightly sealed container until properly disposed of.

(d) Inspections.

- (1) Compliance with paragraphs (b)(2)(i)(A) and (c)(3) of this subsection shall be determined by means of a visual inspection.
- (2) The owner or operator of each *perchloroethylene dry cleaner* shall perform weekly inspections of the following components in order to comply with the requirements of paragraph (c)(5), either visually or using a halogenated hydrocarbon detector:
 - (1) Hose connections, unions, couplings and valves;
 - (2) Machine door gaskets and seating;
 - (3) Filter head gasket and seating;
 - (4) Pumps;
 - (5) Base tanks and storage containers;
 - (6) Water separators;
 - (7) Filter sludge recovery;
 - (8) Distillation unit;
 - (9) Diverter valves;
 - (10) Saturated lint from the lint basket; and
 - (11) Cartridge filters.

(e) Test methods. Compliance with paragraphs (c)(1) and (c)(2) this subsection shall be determined by using test procedures set forth by the *Air Pollution Control Officer*.

(f) Record keeping.

- (1) The owner or operator of a *perchloroethylene dry cleaner* subject to this subsection shall maintain records of the following for a minimum of five years:
 - (i) The amount of *perchloroethylene* consumed per year;
 - (ii) The results of weekly inspections and records of the dates of repair or purchase orders for repair parts to demonstrate compliance; and

- (iii) The frequency and period of regeneration for each *carbon adsorber*.
 - (2) The owner or operator of a *perchloroethylene dry cleaner* shall keep the above records available for inspection during normal business hours and shall provide copies to the *Air Pollution Control Officer* upon request.
- (g) Compliance.
- (1) Within one year of the effective date of this subsection, the owner or operator of each *perchloroethylene dry cleaner* shall verify compliance with this subsection by submitting an initial statement of compliance to the *Air Pollution Control Officer* listing the type of *control device(s)* used.
 - (2) A *dry cleaner* which, in the judgment of the *Secretary*, is in compliance with this subsection shall also be considered in compliance with Section 5-261 of this chapter.

5-253.12 Coating of Flat Wood Paneling

- (a) Applicability. This subsection applies to any *flat wood paneling coating line*, except any such *coating line* within any source whose *actual emissions* without *control devices* from all *flat wood paneling coating lines* within the source are less than 15 lbs of *volatile organic compounds* per day. Once a source is subject to this subsection, it shall remain so, even if its *emissions* later fall below the applicability threshold.
- (b) Definitions. For the purpose of this subsection, the following definitions apply, in addition to those of Section 5-101 of this chapter.

"*Class II hardboard paneling finish*" means finishes that meet the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.

"*Flat wood paneling coating line*" means a *coating line* used to apply and dry or cure *coatings* applied to one of the following flat wood paneling product categories: *printed interior panels* made of *hardwood plywood* and *thin particle board* (i.e., less than or equal to 0.25 inches in thickness); *natural finish hardwood plywood panels*; and *hardwood paneling* with Class II finishes.

"*Hardboard*" is a panel manufactured primarily from inter-felted ligno-cellulosic fibers that are consolidated under heat and pressure in a hot press.

"*Hardwood plywood*" is plywood whose surface layer is a veneer of hardwood.

"*Natural finish hardwood plywood panels*" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

"*Printed interior panels*" means panels whose grain or natural surface is obscured by fillers and base coats upon which a simulated grain or decorative pattern is printed.

"*Thin particleboard*" is a manufactured board that is 0.25 inches or less in thickness made of individual wood particles that have been coated with a binder and formed into flat sheets by pressure.

- (c) Standards. No owner or operator of a *flat wood paneling coating line* subject to this subsection shall cause or allow, on any day, *volatile organic compound emissions* from the *coating* of any one of the following flat wood paneling product categories in excess of the *emission* limits in paragraphs (c)(1) through (3) of this subsection:

Flat wood paneling product category		lb/1,000 ft ²
(1)	<i>Printed interior panels</i>	6.0
(2)	<i>Natural finish hardwood plywood panels</i>	12.0
(3)	<i>Class II finish on hardboard panels</i>	10.0
Note: The above volatile organic compound emission limits are expressed in units of mass of VOC (lb) per area of surface to which the coating is applied (1,000 square feet [ft ²]).		

- (d) Control devices.

- (1) As an alternative to compliance with the *emission* limits in paragraph (c) of this subsection, an owner or operator of a *flat wood paneling coating line* may comply with this subsection by:

- (i) Installing and operating a *capture system* and *control device* on that line; and
- (ii) Demonstrating that the *overall emission reduction efficiency* achieved for that line is greater than or equal to the applicable standard under paragraph (c). The achieved and the required *overall emission reduction efficiencies* shall be determined in accordance with procedures and test methods specified by the *Air Pollution Control Officer*.

- (2) An owner or operator of a *flat wood paneling coating line* subject to this subsection shall ensure that:

- (i) A *capture system* and *control device*, if used, are operated at all times that the line is in operation, and the owner or operator demonstrates compliance with this subsection in accordance with the *coating analysis* and *capture system* and *control device efficiency* test methods specified by the *Air Pollution Control Officer*; and

(ii) The *control device* is equipped with the monitoring equipment required by the *Air Pollution Control Officer*, and such equipment is installed, calibrated, operated and maintained according to the vendor's specifications at all times the *control device* is in use. The monitoring equipment shall monitor the following parameters:

(A) Combustion chamber temperature of each thermal *incinerator* or afterburner;

(B) Temperature rise before the catalyst bed and across each catalytic *incinerator* bed; and

(C) The *VOC* concentration of the outlet from each carbon adsorption bed.

(e) Record keeping and reporting.

(1) The owner or operator of a *coating* line complying with paragraph (c) of this subsection by means of the use of complying *coatings* shall collect and record all of the following information each day for each *coating* line and maintain the information at the source for a period of 5 years:

(i) The name and identification number of each *coating*, as applied, used to coat each type of flat wood paneling product; and

(ii) The mass of *VOC* per area of surface to which the *coating* is applied to each type of flat wood paneling product (specified in paragraph (c) of this subsection) for each *coating* used each day in terms of lb *VOC*/1,000 ft² and the surface area coated each day of each type of flat wood paneling product.

(2) The owner or operator of any *coating* line complying with this subsection by the use of *control devices* shall perform such compliance testing, keep such records and furnish such reports as required by the *Air Pollution Control Officer* to demonstrate continuing compliance with this subsection.

5-253.13 Coating of Miscellaneous Metal Parts

(a) Applicability.

(1) This subsection applies to any *miscellaneous metal parts* and *products coating unit*, except automobile, light-duty and heavy-duty truck refinishing.

(2) The *emission limits* in this subsection do not apply to any *coating unit* within a source whose *actual emissions* without *control devices* from all *miscellaneous metal part* and product *coating units* within the source are less than 5 tons of *VOCs* per year.

- (3) Any source that becomes or is currently subject to this subsection shall remain so even if *emissions* from the source later fall below the applicability threshold.
- (b) Definitions. For the purpose of this subsection, the following definitions apply, in addition to those of Section 5-101 of this chapter.
- "Air-dried coating"* means a *coating* that is dried by the use of air or forced warm air at temperatures up to 194°F (90°C).
- "Clear Coating"* a *coating* that either lacks color and opacity or is transparent and uses the surface to which it is applied as a reflective base or undertone color.
- "Drum"* means any cylindrical metal shipping container of 13 to 110 gallon capacity.
- "Extreme environmental conditions"* means any of the following: the weather all of the time, temperatures frequently above 203°F (95°C), detergents, abrasive and scouring agents, solvents, corrosive atmospheres, or similar environmental conditions.
- "Extreme performance coatings"* means *coatings* intended for exposure to *extreme environmental conditions*.
- "Miscellaneous metal parts and products coating unit"* means a *coating unit* in which a *coating* is applied to any *miscellaneous metal parts and products*.
- "Miscellaneous parts and products"* means any metal part or metal product, even if attached to or combined with a nonmetal part or product. *Miscellaneous metal parts and products* include, but are not limited to any metal part or product that is within one of the following Standard Industrial Classification Codes: Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (nonelectric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries).
- "Pail"* means any cylindrical metal shipping container of 1 to 12 gallon capacity and constructed of 29 gauge and heavier material.
- "Refinishing"* means the repainting of previously painted equipment.
- (c) Standards.
- (1) No owner or operator of a *miscellaneous metal parts and products coating unit* subject to this subsection shall cause or allow the application of any *coating* with VOC content in excess of the following *emission limits*:

Coating Category		lb/gal ^a
(i)	<i>Clear coating</i>	4.3
(ii)	<i>Steel pail and drum interior</i>	4.3
(iii)	<i>Air-dried coating</i>	3.5
(iv)	<i>Extreme performance coating</i>	3.5
(v)	<i>All other coatings</i>	3.0
^a VOC content values are expressed in units of mass of VOC (lb.) per volume of coatings (gallon), excluding water and exempt compounds, as applied.		

- (2) If more than one *emission* limit in paragraph (c)(1) applies to a specific *coating*, the least stringent *emission* limit shall apply.
- (3) No owner or operator of a *miscellaneous metal parts and products coating unit* that applies multiple *coatings*, all of which are subject to the same numerical *emission* limitation within paragraph (c)(1) above, during the same day (e.g., all *coatings* used on the unit are subject to 3.5 lb/gal), shall apply, during any day, *coatings* on that unit whose daily-weighted average VOC content calculated, in accordance with the method specified by the *Air Pollution Control Officer*, exceeds the *coating* VOC content limit corresponding to the category of *coating* used.
- (d) Control devices.
 - (1) As an alternative to compliance with the *emission* limits in paragraph (c) of this subsection, an owner or operator of a *miscellaneous metal parts and products coating unit* may comply with this subsection by:
 - (i) Installing and operating a *capture system* and *control device* on that unit; and
 - (ii) Demonstrating that the overall *emission reduction efficiency* achieved for that unit is greater than or equal to the required overall *emission reduction efficiency*. The achieved and the required overall *emission reduction efficiencies* shall be determined in accordance with procedures and test methods specified by the *Air Pollution Control Officer*.
 - (2) An owner or operator of a *miscellaneous metal parts and products coating unit* subject to this subsection shall ensure that:
 - (i) A *capture system* and *control device*, if used, are operated at all times that the unit is in operation, and the owner or operator demonstrates compliance with his subsection in accordance with the *coating analysis* and *capture system* and *control device* efficiency test methods specified by the *Air Pollution Control Officer*; and

- (ii) The *control device* is equipped with the monitoring equipment required by the *Air Pollution Control Officer*, and such equipment is installed, calibrated, operated and maintained according to the vendor's specifications at all times the *control device* is in use.
- (e) Record keeping and reporting.
 - (1) Within one year following the effective date of this subsection, the owner or operator of a *coating unit* complying with paragraph (c) of this subsection by means of the use of complying *coatings* shall collect and record all of the following information each day for each *coating unit* and maintain the information at the source for a period of 5 years:
 - (i) The name and identification number of each *coating*, as applied, used to coat each type of *miscellaneous metal part or product*; and
 - (ii) The mass of VOC per volume of each *coating* (excluding water and exempt compounds), as applied, used each day, on each *coating unit* and for each type of *miscellaneous metal part or product* (specified in paragraph (c) of this subsection).
 - (2) The *Air Pollution Control Officer* may require the owner or operator of any *coating unit* complying with this subsection by the use of *control devices* to perform such compliance testing, keep such records and furnish such reports as necessary to demonstrate continuing compliance with this subsection.
- (f) Compliance. A *coating unit* subject to this subsection shall comply with the requirements of this subsection on or before November 15, 1994.

5-253.14 Solvent Metal Cleaning

- (a) Applicability. This subsection applies to all *solvent metal cleaning* sources with the following exemptions:
 - (1) Any *open-top vapor degreasing* operation with an open area smaller than 10.8 square feet (ft²) is exempt from paragraphs (c)(2)(iii)(B) and (c)(2)(iii)(D) of this subsection, and
 - (2) Any conveyORIZED degreaser with an *air/solvent interface* smaller than 21.5 ft² is exempt from paragraph (c)(3)(ii) of this subsection.
- (b) Definitions. For the purposes of this subsection, the following definitions apply, in addition to those of Section 5-101.

"*Air/solvent interface*" means the surface area defined by points of contact between the solvent liquid or vapor in the cleaner/degreaser and the surrounding air.

"*Cold cleaning*" means the batch process of cleaning and removing soils from a metal surface by spraying, brushing, flushing, or immersion

while maintaining the solvent below its boiling point. Wipe cleaning is not included in this definition.

"*Conveyorized degreasing*" means the process of cleaning and removing soils from a continuous stream of metal parts using either cold or vaporized solvent.

"*Freeboard height*" means, for a cold cleaner, the distance from the liquid solvent level in the degreaser tank to the lip of the tank. For an *open-top vapor degreaser*, it is the distance from the vapor level in the tank during idling to the lip of the tank. For a vapor-conveyorized degreaser, it is the distance from the vapor level to the bottom of the entrance or exit opening, whichever is lower. For a cold-conveyorized degreaser, it is the distance from the liquid solvent level to the bottom of the entrance or exit opening, whichever is lower.

"*Freeboard ratio*" means the freeboard height divided by the smaller interior dimension (length, width, or diameter) of the degreaser tank.

"*Open-top vapor degreaser*" means the process using condensation of hot solvent vapor to clean and remove soils from a batch of metal parts.

"*Refrigerated chiller*" means a device mounted above both the water-jacket and the primary condenser coils consisting of secondary coils which carries a refrigerant that provides a chilled air blanket above the solvent vapor, thereby reducing *emissions* from the degreaser bath. The chilled air blanket temperature, measured at the centroid of the degreaser at the coldest point, shall be no greater than thirty percent of the solvent's boiling point in degrees Fahrenheit.

"*Solvent metal cleaning*" means the process of cleaning soils from metal surfaces by *cold cleaning*, *open-top vapor degreasing*, or *conveyorized degreasing*.

(c) Standards.

(1) *Cold cleaning* operations. The owner or operator of a *cold cleaning* operation shall:

(i) Equip the cleaner with a cover that is easily operated with one hand, if:

(A) The solvent *true vapor pressure* is greater than 0.3 pounds per square inch (psi) measured at 100°F by ASTM D323-89;

(B) The solvent is agitated; or

(C) The solvent is heated;

(ii) Equip the cleaner with an internal drainage facility so that parts are enclosed under the cover while draining if the solvent *true vapor pressure* is greater than 0.6 psi measured at 100°F by ASTM D323-89, except that the drainage

facility may be external for applications where an internal type cannot fit into the cleaning system;

- (iii) Implement one of the following control measures if the solvent *true vapor pressure* is greater than 0.6 psi measured at 100°F by ASTM D323-89, or if the solvent is heated above 120°F:
 - (A) Freeboard that gives a *freeboard ratio* greater than or equal to 0.7;
 - (B) Water cover at least 1 in. in depth (solvent shall be insoluble in and heavier than water); or
 - (C) Another system of equivalent control, equal to that of a *refrigerated chiller* or a carbon adsorber, approved by the *Air Pollution Control Officer* by order or permit.
 - (iv) Provide a permanent, legible, conspicuous label, summarizing the operating requirements;
 - (v) Store waste solvent in covered containers;
 - (vi) Close the cover whenever parts are not being handled in the cleaner;
 - (vii) Drain the cleaned parts until dripping ceases;
 - (viii) Supply a solvent spray, if used, that ensures a solid fluid stream at a pressure that does not exceed 10 pounds per square inch gauge; and
 - (ix) Degrease only materials that are neither porous nor absorbent.
 - (x) Cease operation of the unit upon the detection of any visible solvent leak until such solvent leak is repaired.
- (2) Open top vapor degreasers. Except as provided under paragraph (a)(1) of this subsection, the owner or operator of an open top vapor degreaser shall:
- (i) Equip the vapor degreaser with a cover that can be opened and closed easily without disturbing the vapor zone;
 - (ii) Provide the following safety switches:
 - (A) A vapor level thermostat that shuts off the sump heat if the condenser coolant is either not circulating or too warm or if the vapor level rises above the height of the primary condenser; and

- (B) A spray safety switch that shuts off the spray pump if the vapor level drops more than 4 inches below the lowest condensing coil;
- (iii) Implement one of the following control measures:
 - (A) *Freeboard ratio* greater than or equal to 0.75 and a powered cover;
 - (B) *Refrigerated chiller*;
 - (C) Enclosed design (cover or door opens only when the dry part is actually entering or exiting the degreaser);
 - (D) Carbon adsorption system, with a ventilation rate greater than or equal to 50 cubic feet per minute per square foot ($\text{ft}^3/\text{min}/\text{ft}^2$) of *air/solvent interface* (when cover is open), and exhausting less than 25 parts per million (ppm) of solvent averaged over one complete adsorption cycle, or 24 hours, whichever is less; or
 - (E) A *control system*, demonstrated to have a control efficiency equivalent to or greater than any of the above and approved by the *Air Pollution Control Officer* by permit or order.
- (iv) Keep the cover closed at all times except when processing a workload through the degreaser;
- (v) Minimize solvent carryout by:
 - (A) Racking parts so that solvent drains freely and is trapped;
 - (B) Moving parts in and out of the degreaser at less than 11 feet per minute;
 - (C) Holding the parts in the vapor zone for at least 30 seconds or until condensation ceases, whichever is longer;
 - (D) Tipping out any pools of solvent on the cleaned parts before removal from the vapor zone; and
 - (E) Allowing parts to dry within the degreaser for at least 15 seconds or until visually dry, whichever is longer;
- (vi) Degrease only materials that are neither porous nor absorbent;
- (vii) Occupy no more than one-half of the degreaser's open-top area with a workload

- (viii) Always spray within the vapor level;
 - (ix) Repair solvent leaks immediately, or shut down the degreaser;
 - (x) Store waste solvent only in covered containers;
 - (xi) Operate the cleaner so that water cannot be visually detected in solvent exiting the water separator;
 - (xii) Use no ventilation fans near the degreaser opening;
 - (xiii) When the cover is open, not expose the open-top vapor degreaser to drafts greater than 131 ft/min, as measured between 3 and 6 feet upwind and at the same elevation as the tank lip;
 - (xiv) If a lip exhaust is used on the open top vapor degreaser, not use a ventilation rate that exceeds 65 ft³/min/ft² of degreaser open area, unless a higher rate is needed to meet VOSHA requirements;
 - (xv) Provide a permanent, conspicuous label, summarizing the operating procedures of paragraphs (c)(2)(iv) through (c)(2)(xiv) of this subsection;
 - (xvi) Not load the degreasing unit to the point where the vapor level would drop more than 4 inches when the workload is removed from the vapor zone; and
 - (xvii) Locate the top cover below the lip exhaust if the open top degreaser is equipped with a lip.
- (3) *Conveyorized degreasing.* Except as provided in paragraph (a)(2) of this subsection, the owner or operator of a conveyorized degreaser shall:
- (i) Not use work place fans near the degreaser opening, and ensure that exhaust ventilation does not exceed 65 ft³/min/ft² of degreaser opening, unless a higher rate is necessary to meet VOSHA requirements;
 - (ii) Install one of the following *control devices*:
 - (A) Refrigerated chiller;
 - (B) Carbon adsorption system, with a ventilation rate greater than or equal to 50 ft³/min/ft² of air/solvent interface (when downtime covers are open), and exhausting less than 25 ppm of solvent by volume averaged per one complete adsorption cycle, or 24 hours, whichever is less; or

- (C) A control system, demonstrated to have a control efficiency equivalent to or greater than any of the above and approved by the Air Pollution Control Officer by permit or order.
 - (iii) Equip the cleaner with equipment, such as a drying tunnel or rotating (tumbling) basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor;
 - (iv) Provide the following safety switches:
 - (A) A condenser flow switch and vapor level control thermostat that shut off the sump heat if the condenser coolant is either not circulating or if the vapor level rises above the height of the primary coil;
 - (B) A spray safety switch that shuts off the spray pump or the conveyor if the vapor level drops more than 4 inches below the lowest condensing coil.
 - (v) Minimize openings during operation so that entrances and exits silhouette workloads with an average clearance between the parts and the edge of the degreaser opening of less than 4 in. or less than 10 percent of the width of the opening;
 - (vi) Provide downtime covers for closing off the entrance and exit during shutdown hours;
 - (vii) Minimize carryout *emissions* by:
 - (A) Racking parts so that solvent drains freely from parts and is not trapped; and
 - (B) Maintaining the vertical conveyor speed at less than 11 ft/min;
 - (viii) Repair solvent leaks immediately, or shut down the degreaser;
 - (ix) Store waste solvent only in covered containers;
 - (x) Operate the cleaner so that water cannot be visually detected in solvent exiting the water separator;
 - (xi) Place downtime covers over entrances and exits of the conveyORIZED degreaser at all times when the conveyors and exhausts are not being operated; and
 - (xii) Degrease only materials that are neither porous nor absorbent.
- (d) Testing and record keeping. The *Air Pollution Control Officer* may require the owner or operator of any source subject to this subsection

to perform such testing, keep such records and furnish such reports as necessary to demonstrate continuing compliance with this subsection.

- (e) Compliance. A source which is subject to the requirements of this subsection shall achieve compliance on or before November 15, 1994.

5-253.15 Cutback and Emulsified Asphalt

- (a) Applicability. This subsection applies to the manufacture, mixing, storage, and use of *cutback asphalts* and *emulsified asphalts*. No exemptions are allowable based on the size or throughput of an operation.
- (b) Definitions. For the purposes of this subsection, the following definitions apply, in addition to those of Section 5-101 of this chapter.

"*Asphalt*" means a dark-brown to black cementitious material which is solid, semisolid, or liquid in consistency and in which the main constituents are bitumens that occur naturally or are obtained as a residue of petroleum refining.

"*Cutback Asphalt*" means asphalt that has been liquefied by blending with organic compounds (dilutents). Upon exposure to atmospheric conditions, the dilutents evaporate, leaving the *asphalt* to perform its function.

"*Emulsified Asphalt*" means an emulsion of *asphalt* and water that contains a small amount of an emulsifying agent; it is a heterogeneous system containing two normally immiscible phases (*asphalt* and water) in which the water forms the continuous phase of the emulsion, and minute globules of *asphalt* form the discontinuous phase.

"*Medium Curing Cutback Asphalt*" means material which meets the specifications of the ASTM Designation D2027.

"*Penetrating Prime Coat*" means an application of low-viscosity liquid *asphalt* to an absorbent surface. It is used to prepare an untreated base for an asphalt surface. The prime coat penetrates the base, plugs voids, and hardens and helps bind the top to the overlying asphalt course. The penetrating prime coat also reduces the necessity of maintaining an untreated base course prior to placing the asphalt pavement.

- (c) Standards.
 - (1) No person shall cause, allow, or permit the manufacture, mixing, storage, or use of *cutback asphalts* or *emulsified asphalts* which contain 5% by weight or greater volatile organic compounds, as determined in accordance with test methods and procedures specified by the Air Pollution Control Officer, with the following exceptions:

- (i) A *medium curing cutback asphalt* may be used for the manufacture of and long-term stockpile storage of patching mixes used in pavement maintenance.
- (ii) A *medium curing cutback asphalt* may be used as a *penetrating prime coat* for aggregate bases prior to paving.

5-253.16 Wood Furniture Manufacturing

(a) Applicability.

- (1) This subsection applies to all *stationary sources* that are engaged, either in part or in whole, in the manufacture of *wood furniture* or *wood furniture components*, except as provided in paragraphs (a) (2) and (3) below.
- (2) A *stationary source* engaged, either in part or in whole, in the manufacture of *wood furniture* or *wood furniture components* that has allowable VOC emissions of less than 25 tons per year and that is not located at a major source of hazardous air pollutants is exempt from all provisions of this subsection, except for paragraph (c)(4) regarding the control of individual hazardous air contaminants.
- (3) *Stationary sources* that are primarily engaged in the manufacture of products other than *wood furniture* or *wood furniture components* and that use no more than 100 gallons per month of *finishing material* and *contact adhesives* combined in the manufacture of *wood furniture* or *wood furniture components* are not subject to this subsection, except that each such source shall maintain records of monthly *finishing material* and *adhesive* usage.

(b) Definitions. For the purpose of this subsection, the following definitions apply, in addition to those of Section 5-101 of this chapter:

"*Adhesive*" means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means. *Adhesives* shall not be considered *coatings* or *finishing materials*. Products used on humans and animals, *adhesive* tape, contact paper, or any other product with an *adhesive* incorporated onto or in an inert *substrate* shall not be considered *adhesives*.

"*Aerosol Adhesive*" means an *adhesive* that is dispensed from a pressurized container as a suspension of fine solid or liquid particles in gas.

"*As Applied*" means the *VOC*, *HAP* and *solids* content of the *coating* or *contact adhesive* that is actually used for *coating* or gluing the *substrate*. It includes the contribution of materials used for in-house dilution of the *coating* or *contact adhesive*.

"Basecoat" means a coat of colored material, usually opaque, that is applied before graining inks, glazing coats, or other opaque *finishing materials*, and is usually *topcoated* for protection.

"*Certified Product Data Sheet (CPDS)*" means documentation furnished by *coating* or *adhesive* suppliers or an outside laboratory that provides the *HAP* content of a *finishing material*, *contact adhesive*, or *solvent*, by percent weight, measured using EPA Method 311, or an equivalent or alternative method approved by the *Air Pollution Control Officer* and *EPA*; the *VOC* content and *solids* content of a *finishing material*, *strippable booth coating*, *solvent* or *contact adhesive*, by percent weight, measured using EPA Method 24, or an alternative or equivalent method approved by the *Air Pollution Control Officer*; and the density, measured by EPA Method 24 or an alternative or equivalent method approved by the *Air Pollution Control Officer*. Therefore, the reportable *VOC* and *HAP* contents should represent the maximum aggregate emissions potential of the *finishing material*, *strippable booth coating*, *adhesive*, or *solvent* in concentrations greater than or equal to 1.0 percent by weight or 0.1 percent for *VOCs* or *HAPs* that are carcinogens, as defined by the Occupational Safety and Health Administration Hazard Communication Standard (29 C.F.R. 1910), as formulated.

"*Cleaning Operations*" means operations in which *organic solvent* is used to remove *coating materials* or *adhesives* from equipment used in *wood furniture manufacturing operations*.

"*Coating*" means a protective, decorative, or functional film applied in a thin layer to a surface. Such materials include, but are not limited to, *paints*, *topcoats*, *varnishes*, *sealers*, *stains*, *washcoats*, *basecoats*, *enamels*, *inks*, and temporary protective *coatings*.

"*Coating Application Station*" means the part of a *coating operation* where the *coating* is applied, e.g., a spray booth.

"*Coating Operation*" means those activities in which a *coating* is applied to a *substrate* and is subsequently air-dried, cured in an oven, or cured by radiation.

"*Coating Solids (or solids)*" means the part of the *coating* which remains after the *coating* is dried or cured; *solids* content is determined using data from the EPA Method 24, or an equivalent or alternative method approved by the *Air Pollution Control Officer* and *EPA*.

"*Contact Adhesive*" means an *adhesive* that is applied to two *substrates*, dried, and mated under only enough pressure to result in good contact. The bond is immediate and sufficiently strong to hold pieces together without further clamping, pressure, or airing.

"*Continuous Coater*" means a *finishing system* that continuously applies *finishing materials* onto furniture parts moving along a conveyor. *Finishing materials* that are not transferred to the part are recycled to a reservoir. Several types of application methods can be used with a

continuous coater including spraying, curtain coating, roll coating, dip coating, and flow coating.

"*Conventional Air Spray*" means a spray coating method in which the coating is atomized by mixing it with compressed air and applied at an air pressure greater than 10 pounds per square inch (gauge) at the point of atomization. Airless and air assisted airless spray technologies are not *conventional air spray* because the coating is not atomized by mixing it with compressed air. Electrostatic spray technology is also not considered *conventional air spray* because an electrostatic charge is employed to attract the coating to the workpiece.

"*Enamel*" means a coat of colored material, usually opaque, that is applied as a protective *topcoat* over a *basecoat*, primer, or previously applied *enamel* coats. In some cases, another *finishing material* may be applied as a *topcoat* over the *enamel*.

"*Equipment Leak*" means emissions of *volatile organic compounds* or *volatile hazardous air pollutants* from pumps, valves, flanges, or other equipment used to transfer or apply coatings, adhesives, or organic solvents.

"*Finishing Material*" means a coating used in the wood furniture industry. Such materials include, but are not limited to, stains, *basecoats*, *washcoats*, *enamels*, *sealers*, and *topcoats*.

"*Finishing Operation*" means those operations in which a *finishing material* is applied to a substrate and is subsequently air-dried, cured in an oven, or cured by radiation.

"*Foam Adhesive*" means a *contact adhesive* used for gluing foam to fabric, foam to foam, and fabric to wood.

"*Nonporous Substrate*" means a surface that is impermeable to liquids. Examples include metal, rigid plastic, flexible vinyl, and rubber.

"*Normally Closed Container*" means a container that is closed unless an operator is actively engaged in activities such as emptying or filling the container.

"*Organic Solvent*" means a liquid containing *volatile organic compounds* or *volatile hazardous air pollutant* that is used for dissolving or dispersing constituents in a coating or *contact adhesive*, adjusting the viscosity of a coating or *contact adhesive*, or cleaning equipment. When used in a coating or *contact adhesive*, the *organic solvent* evaporates during drying and does not become a part of the dried film.

"*Sealer*" means a *finishing material* used to seal the pores of a wood substrate before additional coats of *finishing material* are applied. Special purpose *finishing materials* that are used in some finishing systems to optimize aesthetics are not *sealers*.

"Solvent" means a liquid used in a *coating* or *contact adhesive* to dissolve or disperse constituents and/or to adjust viscosity. It evaporates during drying and does not become a part of the dried film.

"Stain" means any color coat having a *solids* content by weight of no more than 8.0 percent that is applied in single or multiple coats directly to the *substrate*. It includes, but is not limited to, nongrain raising *stains*, equalizer *stains*, prestains, sap *stains*, body *stains*, no-wipe *stains*, penetrating *stains*, and toners.

"Strippable Spray Booth Coating" means a *coating* that: (1) is applied to a spray booth wall to provide a protective film to receive overspray during *finishing operations*; (2) that is subsequently peeled off and disposed; and (3) by achieving (1) and (2), reduces or eliminates the need to use *organic solvents* to clean spray booth walls.

"Substrate" means the surface onto which a *coating* or *contact adhesive* is applied (or into which a *coating* or *contact adhesive* is impregnated).

"Thinner" means a volatile liquid that is used to dilute *coatings* or *contact adhesives* (to reduce viscosity, color strength, and *solids*, or to modify drying conditions).

"Topcoat" means the last film-building *finishing material* that is applied in a finishing system.

"Touchup and Repair" means the application of *finishing materials* to cover minor finishing imperfections.

"Volatile Hazardous Air Pollutant (VHAP)" means any volatile hazardous air pollutant listed in Table 2 to Subpart JJ of ~~Title 40 of the Code of Federal Regulations~~ (C.F.R.) Part 63.

"Washcoat" means a transparent special purpose *finishing material* having a *solids* content by weight of 12.0 percent by weight or less. Washcoats are applied over initial *stains* to protect, to control color, and to stiffen the wood fibers in order to aid sanding.

"Washoff Operations" means those operations in which *organic solvent* is used to remove *coating* from wood furniture or a wood furniture component.

"Wood Furniture" means any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as particleboard that is manufactured under any of the following standard industrial classification codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712.

A "Wood Furniture Component" means any part that is used in the manufacture of wood furniture. Examples include, but are not limited to, drawer sides, cabinet doors, seat cushions, and laminated tops.

A "Wood Furniture Manufacturing Operations" means the finishing, gluing, cleaning, and/or washoff operations associated with the production of wood furniture or wood furniture components.

(c) Standards

(1) VOC Emission Limitations. Each owner or operator of a *stationary source* subject to this subsection which has allowable emissions of 25 tons per year or more of VOC shall limit VOC emissions from *wood furniture manufacturing operations* by:

(i) Using only *topcoats* containing no more than 1.8 lbs VOC/lb *solids, as applied*, and *sealers* containing no more than 1.9 lbs VOC/lb *solids, as applied*, or the equivalent. Compliance shall be demonstrated by any of the compliance methods in (e)(1);

(ii) Using acid-cured alkyd amino vinyl *sealers* containing no more than 2.3 lbs VOC/lb *solids, as applied*, and acid-cured alkyd amino conversion varnish *topcoats* containing no more than 2.0 lbs VOC/lb *solids, as applied*, or the equivalent. Compliance shall be demonstrated by any of the compliance methods in (e)(1); and

(iii) Using only *strippable spray booth coatings* containing no more than 0.8 lbs VOC/lb *solids, as applied*.

(2) VHAP Emission Limitations for Existing Sources. Each owner or operator of a *stationary source* subject to this subsection which is located at a major source of *HAPs* and which began operations before December 6, 1994 shall:

(i) Use only *stains, washcoats, sealers, topcoats, basecoats* and *enamels* with VHAP contents of no more than 1.0 lbs VHAP/lb *solids, as applied*; *thinners* for *stains, sealers* and *topcoats* that contain no more than 10% VHAP by weight; and *thinners* for *washcoats, basecoats* and *enamels* that contain no more than 3% VHAP by weight; or the equivalent. Compliance shall be demonstrated by any of the compliance methods in (e)(2). The formaldehyde content of a *finishing material* shall be calculated as the amount of free formaldehyde present in the *finishing material* when it is applied. The styrene content of a *finishing material* shall be based on an estimate of the unreacted styrene, which shall be calculated by multiplying the amount of styrene monomer in the *finishing material* when it is applied by a factor of 0.16;

(ii) Limit VHAP emissions from *contact adhesives* by achieving a VHAP limit for *contact adhesives* based on the following criteria:

(A) For *foam adhesives* (*contact adhesives* used for upholstery operations) used in products that meet the upholstered seating flammability requirements of

California Technical Bulletin 116, 117, or 133, the Business and Institutional Furniture Manufacturers Association's (BIFMA's) X5.7, UFAC flammability testing, or any similar requirements from local, State, or Federal fire regulatory agencies, the *VHAP* content of the adhesive shall not exceed 1.8 lb *VHAP/lb solids*, as applied; or

- (B) For all other *contact adhesives* (including *foam adhesives* used in products that do not meet the standards presented in (c)(2)(ii)(A), but excluding *aerosol adhesives* and excluding *contact adhesives* applied to *nonporous substrates*, the *VHAP* content of the adhesive shall not exceed 1.0 lb *VHAP/lb solids*, as applied, or the equivalent. Compliance shall be demonstrated by either of the methods in (e)(3).

- (iii) Use only *strippable spray booth coatings* that contain no more than 0.8 lb *VOC/lb solids*, as applied.

- (3) *VHAP* Emission Limitations for New Sources. Each owner or operator of a *stationary source* subject to this subsection which is located at a major source of *HAPs* and which began operations on or after December 6, 1994 shall:

- (i) Use only *stains* with a *VHAP* content of no more than 1.0 lbs *VHAP/lb solids*, as applied; *washcoats*, *sealers*, *topcoats*, *basecoats* and *enamels* with a *VHAP* content of no more than 0.8 lbs *VHAP/lb solids*, as applied; *thinners* for *stains*, *sealers* and *topcoats* that contain no more than 10% *VHAP* by weight; and *thinners* for *washcoats*, *basecoats* and *enamels* that contain no more than 3% *VHAP* by weight; or the equivalent. Compliance shall be demonstrated by any of the methods in (e)(2). The formaldehyde content of a *finishing material* shall be calculated as the amount of free formaldehyde present in the *finishing material* when it is applied. The styrene content of a *finishing material* shall be based on an estimate of the unreacted styrene, which shall be calculated by multiplying the amount of styrene monomer in the *finishing material* when it is applied by a factor of 0.16;

- (ii) Limit *VHAP* emissions from *contact adhesives* by achieving a *VHAP* limit for *contact adhesives*, excluding *aerosol adhesives* and excluding *contact adhesives* applied to *nonporous substrates*, of no more than 0.2 lb *VHAP/lb solids*, as applied, or the equivalent. Compliance shall be demonstrated by either of the methods in (e)(3); and

- (iii) Use only *strippable spray booth coatings* that contain no more than 0.8 lb *VOC/lb solids*, as applied.

- (4) Control of Emissions of Individual Hazardous Air Contaminants. Each owner or operator of a *stationary source* subject to this

subsection shall comply with Section 5-261 of this chapter with regards to volatile hazardous air contaminants as provided below:

- (i) With regard to any volatile hazardous air contaminant whose emission rate from the entire *stationary source* is found to exceed its *Action Level*, the owner or operator shall achieve HMSER, as provided in subsection (2) of Section 5-261; and
- (ii) The owner or operator shall be subject to the requirements of subsections (3), (4) and (5) of Section 5-261, where applicable, except that said requirements shall not apply to any emissions of volatile hazardous air contaminants caused by the use of water based *coatings* or *coatings* cured by means of ultraviolet radiation provided that the owner or operator complies with the standards established in paragraphs (c)(1), (2) and (3) of this subsection.

(d) Work Practice Standards

- (1) Work practice implementation plan. Each owner or operator of a *stationary source* subject to this subsection shall prepare, maintain and adhere to a written work practice implementation plan that defines environmentally desirable work practices for each *wood furniture manufacturing operation* and for all other finishing, gluing, cleaning and *washoff operations* at the source and addresses each of the work practice standards presented in sub paragraphs (2) through (11) of this paragraph. The plan shall be developed no more than 60 days after the compliance date for each subject source. The written work practice implementation plan shall be available for inspection by the *Air Pollution Control Officer* upon request. If the *Air Pollution Control Officer* determines that the work practice implementation plan does not adequately address each of the topics specified in paragraphs (2) through (11) of this paragraph, as applicable, or that the plan does not include sufficient mechanisms for ensuring that the work practice standards are being implemented, the *Air Pollution Control Officer* may require the owner or operator to modify the plan.
- (2) Operator training course. Each owner or operator of a *stationary source* subject to this subsection shall train all new and existing personnel, including contract personnel, who are involved in finishing, gluing, cleaning, and *washoff operations* or implementation of the requirements of this subsection. All new personnel shall be trained upon hiring. All existing personnel shall be trained within 6 months of the effective date of this subsection. All personnel shall be given refresher training annually. The owner or operator shall maintain a copy of the training program with the work practice implementation plan. The training program shall include, at a minimum, the following:
 - (i) A list of all current personnel by name and job description that are required to be trained;

- (ii) An outline of the subjects to be covered in the initial and refresher training for each position or group of personnel;
 - (iii) Lesson plans for courses to be given at the initial and the annual refresher training that include, at a minimum, appropriate application techniques, appropriate cleaning and washoff procedures, appropriate equipment setup and adjustment to minimize *finishing material* usage and overspray, and appropriate management of cleanup wastes; and
 - (iv) A description of the methods to be used at the completion of initial or refresher training to demonstrate and document successful completion.
- (3) Inspection and maintenance plan. Each owner or operator of a *stationary source* subject to this subsection shall prepare, maintain and adhere to a written *equipment leak* inspection and maintenance plan that specifies:
- (i) A minimum visual inspection frequency of once per month for all equipment used to transfer or apply coatings, adhesives, or organic solvents;
 - (ii) An inspection schedule;
 - (iii) Methods for documenting the date and results of each inspection and any repairs that were made;
 - (iv) The timeframe between identifying the leak and making the repair, which adheres, at a minimum, to the following schedule:
 - (A) A first attempt at repair (e.g., tightening of packing glands) shall be made no later than five calendar days after the leak is detected; and
 - (B) Final repairs shall be made within 15 calendar days after the leak is detected, unless the leaking equipment is to be replaced by a new purchase, in which case repairs shall be completed within three months.
- (4) Cleaning and washoff *solvent* accounting system. Each owner or operator of a *stationary source* subject to this subsection shall develop and use an *organic solvent* accounting form to record:
- (i) The quantity and type of *organic solvent* used each month for washoff and cleaning;
 - (ii) The number of pieces washed off, and the reason for the washoff; and

- (iii) The quantity of spent *organic solvent* generated from each washoff and *cleaning operation* each month, and whether it is recycled onsite or disposed offsite.
- (5) Chemical composition of cleaning and washoff solvents. Each owner or operator of a *stationary source* subject to this subsection shall not use cleaning or washoff solvents that contain any of the pollutants listed in Table 4 to Subpart JJ of ~~Title 40 of the Code of Federal Regulations (C.F.R.)~~ Part 63 in concentrations subject to MSDS reporting as required by OSHA.
- (6) Spray booth cleaning. Each owner or operator of a *stationary source* subject to this subsection shall not use compounds containing more than 8.0 percent by weight of VOC for cleaning spray booth components other than conveyors, *continuous coaters* and their enclosures, or metal filters. However, when the spray booth *coating* or other protective material used to cover the booth is being replaced, the owner or operator shall use no more than 1.0 gallon of *organic solvent* per booth to prepare the surface of the booth prior to applying the booth *coating*.
- (7) Storage requirements. Each owner or operator of a *stationary source* subject to this subsection shall use *normally closed containers* for storing finishing, gluing, cleaning, and washoff materials.
- (8) Application equipment requirements. Each owner or operator of a *stationary source* subject to this subsection shall not use *conventional air spray guns* to apply *finishing materials*, except as provided below:
 - (i) When applying *finishing materials* that have a VOC content no greater than 1.0 lb VOC/lb solids, as applied;
 - (ii) When performing *touchup and repair* under the following conditions:
 - (A) The touchup and repair occurs after completion of the finishing operation; or
 - (B) The touchup and repair occurs after the application of stain and before the application of any other type of finishing material, and the materials used for touchup and repair are applied from a container that has a volume of no more than 2.0 gallons.
 - (iii) When the spray gun is aimed and triggered automatically, not manually;
 - (iv) When emissions from the *coating application station* are directed to a *VHAP* or *VOC* control device;
 - (v) When the conventional air gun is used to apply *finishing materials* and the cumulative total usage of that *finishing material* is no more than 5.0 percent of the total gallons

of *finishing material* used during the semiannual reporting period; or

(vi) When the conventional air gun is used to apply *stain* on a part for which it is technically or economically infeasible to use any other spray application technology and the *Air Pollution Control Officer* has approved, in writing, a submission from the owner or operator demonstrating such infeasibility on the basis, alone or in combination, that:

(1) The production speed is too high or the part shape is too complex for one operator to coat the part and the application station is not large enough to accommodate an additional operator; or

(2) The excessively large vertical spray area of the part makes it difficult to avoid sagging or runs in the *stain*.

(9) Line cleaning. Each owner or operator of a *stationary source* subject to this subsection shall pump or drain all *organic solvent* used for line cleaning into a *normally closed container*.

(10) Gun cleaning. Each owner or operator of a *stationary source* subject to this subsection shall collect all *organic solvent* used to clean spray guns into a *normally closed container*.

(11) *Washoff operations*. Each owner or operator of a *stationary source* subject to this subsection shall control emissions from *washoff operations* by:

(i) Using normally closed tanks for washoff; and

(ii) Minimizing dripping by tilting or rotating the part to drain as much *solvent* as possible.

(e) Compliance procedures and monitoring requirements

(1) Each owner or operator of a *stationary source* subject to this subsection must demonstrate compliance with the provisions of (c)(1)(i) and (c)(1)(ii), as applicable, by using one of the following methods:

(i) By use of compliant *topcoats* and *sealers*, including acid-cured *topcoats* and *sealers*, as demonstrated by maintaining current *certified product data sheets* for each *topcoat* and *sealer* and by performing, prior to use, calculations to account for any dilution;

(ii) By use of *topcoats* and *sealers* with a monthly weighted average for each that achieves the emission limitations in pounds of *VOC* per pound *solids* of 1.8 for *topcoats* and 1.9 for *sealers*, or 2.3 for acid-cured alkyd amino vinyl *sealers* and 2.0 for acid-cured alkyd amino conversion varnish *topcoats*, as demonstrated by using the following

formula and by maintaining current *certified product data sheets* for each *topcoat* and *sealer* and by performing, prior to use, calculations to account for any dilution:

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

Where:

E_{VOC} = the average VOC content of the *topcoats* or *sealer*, respectively, in lbs VOC/lb *solids*;

C = the VOC content of a particular *topcoat* or *sealer*, in lbs VOC/lb *solids*, as *applied*;

M = the mass of *solids*, in pounds, in a particular *topcoat* or *sealer* used during the monthly averaging period.

- (iii) By achieving equivalent emission reductions through the use of a control system and monitoring requirements approved by the *Air Pollution Control Officer*; or
 - (iv) By achieving equivalent emission reductions through the use of any combination, approved by the *Air Pollution Control Officer*, of compliant *topcoats* and *sealers*, an averaging approach and a control system, each as provided for above.
- (2) Each owner or operator of a *stationary source* subject to this subsection must demonstrate compliance with the provisions of (c)(2)(i) and (c)(3)(i), as applicable, by using one of the following methods:
- (i) By use of compliant *finishing materials* as demonstrated by maintaining current *certified product data sheets* for each *finishing material* and by performing, prior to use, calculations to account for any dilution;
 - (ii) By use of *finishing materials* with a monthly weighted average that achieves the emission limitation in pounds of VHAP per pound *solids* of 1.0 for existing sources and 0.8 for new sources, as demonstrated by using the following formula and by maintaining current *certified product data sheets* for each *finishing material* and by performing, prior to use, calculations to account for any dilution:

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

Where:

E_{HAP} = the average *HAP* content of the *finishing material*, in lbs *HAP/lb solids*;
C = the *HAP* content of a particular *finishing material*, in lbs *HAP/lb solids*, as applied;
M = the mass of *solids*, in pounds, in a particular *finishing material* used during the monthly averaging period.

- (iii) By achieving equivalent emission reductions through the use of a control system and monitoring requirements approved by the *Air Pollution Control Officer*; or
 - (iv) By achieving equivalent emission reductions through the use of a combination, approved by the *Air Pollution Control Officer*, of compliant *finishing materials*, an averaging approach and a control system, each as provided for above.
- (3) Each owner or operator of a *stationary source* subject to this subsection must demonstrate compliance with the provisions of (c)(2)(ii) and (c)(3)(ii), as applicable, by using one of the following methods:
- (i) By use of compliant *adhesives*; or
 - (ii) By achieving equivalent emission reductions through the use of a control system and monitoring requirements approved by the *Air Pollution Control Officer*.
- (f) Record keeping requirements. The owner or operator of a *stationary source* subject to this subsection shall maintain records of the following and shall retain such records for a minimum period of five years:
- (1) A certified product data sheet for each finishing material, thinner, contact adhesive, and strippable spray booth coating used at the source.
 - (2) The *VHAP* content in lb *VHAP/lb solids*, as applied, of each finishing material, thinner, and contact adhesive used at the source.
 - (3) The *VOC* content in lb *VOC/lb solids*, as applied, of each topcoat, sealer, and strippable spray booth coating used at the source.
 - (4) The quantity of each finishing material, thinner, contact adhesive, and strippable spray booth coating used at the source each month.
 - (5) For stationary sources demonstrating compliance with (c)(1)(i), (c)(1)(ii), (c)(2)(i), or (c)(3)(i) through monthly averaging, the averaging calculation completed in accordance with (e)(1)(ii) and (e)(2)(ii), as applicable, for each month.
 - (6) For stationary sources with continuous coaters demonstrating compliance with (c)(1)(i), (c)(1)(ii), (c)(2)(i), or (c)(3)(i)

through the use of compliant coatings where the VHAP or VOC content of the coating in the reservoir is not calculated from records, the owner or operator shall maintain records of the following:

- (i) *Solvent and coating additions to the continuous coater reservoir;*
 - (ii) Viscosity measurements; and
 - (iii) Data demonstrating that viscosity is an appropriate parameter for demonstrating compliance, as applicable.
- (7) For *stationary sources* demonstrating compliance with (c)(1)(i), (c)(1)(ii), (c)(2)(i), or (c)(3)(i) by use of a control device, any records required by the *Air Pollution Control Officer*.
- (8) The work practice implementation plan and all records associated with fulfilling the requirements of that plan, including, but not limited to:
- (i) Records demonstrating that the operator training program is in place;
 - (ii) Records collected in accordance with the inspection and maintenance plan;
 - (iii) Records associated with the cleaning *solvent* accounting system;
 - (iv) Records associated with the limitation on the use of *conventional air spray guns* showing total *finishing material* usage and the percentage of *finishing materials* applied with *conventional air spray guns* for each semiannual period; and
 - (v) Copies of documentation such as logs developed to demonstrate that the other provisions of the work practice implementation plan are followed.
- (9) All compliance status reports and all other information submitted with those reports.
- (g) Reporting requirements.
- (1) The owner or operator of a *stationary source* subject to this subsection shall submit a semi-annual compliance status report covering the previous 6 months of *wood furniture manufacturing operations*. The semiannual reports shall cover the periods January 1 through June 30 and July 1 through December 31. The first report shall be submitted within 30 calendar days after the end of the 6-month period in which the source becomes subject to this subsection. Subsequent reports shall be submitted within 30 calendar days after the end of the 6-month reporting periods. The semiannual reports shall include:

- (i) For *stationary sources* demonstrating compliance with (c)(1)(i), (c)(1)(ii), (c)(2)(i), or (c)(3)(i) through the use of compliant *coatings*, a statement that compliant *coatings* and *thinners* have been used each day in the semiannual reporting period;
- (ii) For *stationary sources* demonstrating compliance with (c)(1)(i), (c)(1)(ii), (c)(2)(i), or (c)(3)(i) through monthly averaging, the averaging calculations completed in accordance with (e)(1)(ii) and (e)(2)(ii), as applicable, for each month within the semiannual reporting period and a statement that the source is in compliance with the respective standard;
- (iii) For *stationary sources* with *continuous coaters* demonstrating compliance with (c)(1)(i), (c)(1)(ii), (c)(2)(i) or (c)(3)(i) through the use of compliant *coatings*:
 - (A) A statement that compliant *coatings*, as determined by the *VHAP* or *VOC* content of the *coating* in the reservoir and the *VHAP* or *VOC* content as calculated from records, and compliant *thinners* have been used each day in the semiannual reporting period; or
 - (B) A statement that compliant *coatings*, as determined by the *VHAP* or *VOC* content of the *coating* in the reservoir, have been used each day in the semiannual reporting period. Additionally, a statement that the viscosity of the *coating* in the reservoir has not been less than the viscosity of the initial *coating*, that is, the *coating* that is initially mixed and placed in the reservoir, for any day in the semiannual reporting period.

A *stationary source* is in violation of the standard when a sample of the as-applied *coating* exceeds the applicable limit, as determined using EPA Method 311 and/or Method 24, or the viscosity of the *coating* in the reservoir is less than the viscosity of the initial *coating*.
- (iv) For *stationary sources* demonstrating compliance with (c)(1)(i), (c)(1)(ii), (c)(2)(i), or (c)(3)(i) by use of a *control device*, an excess emissions report that includes all elements required by the *Air Pollution Control Officer*.
- (v) For *stationary sources* demonstrating compliance with (c)(2)(ii), or (c)(3)(ii) through the use of compliant *contact adhesives*, a statement that compliant *contact adhesives* have been used each day in the semiannual reporting period;

- (vi) For *stationary sources* demonstrating compliance with (c)(2)(ii), or (c)(3)(ii) by use of a *control device for contact adhesives*, an excess emissions report that includes all elements required by the *Air Pollution Control Officer*.
 - (vii) A statement that compliant *strippable spray booth coatings* have been used each day in the semiannual reporting period;
 - (viii) A statement that the work practice implementation plan is being followed; and
 - (ix) If the *stationary source* was in violation of any provision of this subsection, the measures taken to bring the source into compliance.
- (h) Compliance. A *stationary source* subject to this subsection shall be in compliance on or before the effective date of this rule, immediately upon commencement of operation, or when the source becomes subject to this subsection, whichever occurs later.

NOTE: Section 5-253.16 became effective on March 1, 2004.

5-253.17 Reserved.

5-253.18 Reserved.

5-253.19 Reserved.

5-253.20 Other Sources That Emit Volatile Organic Compounds

- (a) Applicability.
- (1) This subsection shall apply to any operation that emits VOCs and that is not subject to any other subsection of Section 5-253. A source is subject to this subsection if it has operations or processes not otherwise regulated under Section 5-253, that, as a group, have *allowable emissions* of 50 tons or more of VOCs per calendar year since January 1, 1990.
 - (2) Any source that becomes or is currently subject to the provisions of this subsection by exceeding the applicability threshold shall remain subject to the provisions of this subsection even if its *emissions* later fall below the applicability threshold.
 - (3) This subsection does not apply to *fuel combustion sources*, ~~the surface coating of wood and~~ or waste water treatment plants.
- (b) Standards. The owner or operator of any operation at a source subject to this subsection shall:
- (1) Install and operate *emission capture and control techniques* or use complying *coatings* that achieve an overall reduction in uncontrolled *VOC emissions* of at least 81 weight percent;

- (2) For any *coating unit*, limit the daily weighted average VOC content to 3.5 pounds of VOC per gallon or less of *coating*, as applied (excluding water and exempt compounds) as calculated in accordance with methods specified by the *Air Pollution Control Officer*; or
- (3) Comply with an alternative control plan approved by the *Air Pollution Control Officer*. The alternative control plan shall contain, at a minimum, the following:
 - (i) An inventory of all VOC emitting equipment at the facility;
 - (ii) An inventory of all affected VOC-emitting equipment at the facility not exempt under paragraph (a)(3), and the maximum capacity of each piece of nonexempt VOC emitting equipment;
 - (iii) The actual amount of VOC emitted each day from each piece of equipment subject to this section;
 - (iv) An examination of the technical and economic feasibility of available add-on *control devices* for all VOC emitting equipment;
 - (v) An examination of the technical and economic feasibility of changing to low VOC emitting processes;
 - (vi) The control option selected, stating the *emission* limits and test methods used to demonstrate compliance;
 - (vii) The proposed amount of VOC to be controlled from each affected piece of VOC emitting equipment; and
 - (viii) An implementation schedule, including a schedule for compliance.
- (c) Record keeping and reporting. The *Air Pollution Control Officer* may require the owner or operator of any operation at a source complying with this subsection to perform such compliance testing, keep such records and furnish such reports as necessary to demonstrate continuing compliance with this subsection.
- (d) Compliance.
 - (1) The owner or operator of a source subject to this subsection shall achieve compliance with the standards in paragraph (b) of this subsection or file an approved alternative control plan with the Agency by November 15, 1993.
 - (2) The owner or operator of a source subject to an approved alternative control plan shall achieve compliance with said plan as expeditiously as practicable, but no later than November 15, 1994.
- (e) Exemptions

- (1) Each affected facility that has not emitted 50 *tons of VOC* per calendar year since January 1, 1990, shall be exempt from the requirements of paragraph (b) provided that the owner or operator submits a report to the *Agency* that contains the following:
 - (a) The actual amount of *VOC* emitted from each piece of affected *VOC*-emitting equipment in each calendar year beginning on January 1, 1990;
 - (b) The design and operation of the affected *VOC*-emitting equipment; and
 - (c) Any other information that the *Agency* may require to establish enforceable conditions.
- (2) The *Agency* shall issue an order to the owner or operator which shall contain, but is not limited to, enforceable short-term limits on hours of operation, raw material use, or operational variables to effectively limit the *emissions* from the source to a maximum of 4.16 *tons* per month.

5-261 CONTROL OF HAZARDOUS AIR CONTAMINANTS

(1) Applicability

- (a) No *person* shall discharge, or cause or allow the discharge of, *emissions* of any *hazardous air contaminant*, except in conformity with the provisions of this section. Any *stationary source* whose actual *emission* rate of a contaminant is below the *Action Level* for such contaminant specified in Appendix C of these regulations shall not be subject to this section for that contaminant. In the case of a *stationary source* with multiple *process units*, the *actual emissions* of a contaminant from the entire *stationary source* shall be compared to the appropriate *Action Level* to determine the applicability of this section. If the increase in *emissions* from a *modification* of such a *stationary source*, in conjunction with all other *emissions* from the source, would result in an exceedance of an *Action Level*, the *modification* shall be subject to this section.
- (b) The 2007 amendments to Appendix C of these regulations shall take effect 15 days after adoption is complete, unless a *stationary source* operating in conformity with the provisions of this section and Appendix C in effect prior to the 2007 amendments requests an extension by providing the *Secretary* with an alternative timetable and compelling justifications for such timetable and the request for the extension is approved by the *Secretary*.
- (c) The following categories of *air contaminant* sources or sources engaged in the following activities are exempt from the requirements of Section 5-261:
 - (i) Operations conducted for the purpose of spraying or applying agricultural herbicides, pesticides, insecticides,

or other agricultural chemicals under a program approved by the Vermont Department of Agriculture; and

- (ii) Solid *fuel burning equipment* (not including *incinerators*) installed or constructed prior to January 1, 1993, and all *fuel burning equipment* which combusts virgin liquid or gaseous *fuel*.

(2) *Hazardous Most Stringent Emission Rate*

For each *hazardous air contaminant* listed in Appendix B herein and emitted by a *stationary source*, the source shall apply control technology, production processes or other techniques adequate to achieve the *hazardous most stringent emission rate (HMSER)*. Once the *Secretary* has determined *HMSER* for a *stationary source* and this determination has been included in an order or agreement entered into or issued under the authority of the Act, 3 V.S.A. §2822 or other State statutes, said determination shall remain in effect for five years, unless the source is modified or *reconstructed* during said five years. At the end of said five years, the determination shall expire unless the source demonstrates to the *Secretary* that such *emission rate* still represents *HMSER*.

(3) *Air Quality Impact Evaluation*

The *Secretary* may require any *person* subject to this section to submit to him or her an *air quality impact evaluation* which shall demonstrate whether the *actual emissions* from the source, in conjunction with *emissions* from all other sources, will or will not cause or contribute to *ambient air* concentrations in excess of any *Hazardous Ambient Air Standard* as set forth in Appendix C of these regulations. Said evaluation shall be performed in accordance with the *Agency's air quality impact evaluation* guidelines (revised November 20, 1992) and shall include an analysis of *ambient air* monitoring data for each contaminant evaluated, if reliable and representative data exists. In determining whether such an impact evaluation is warranted, the *Secretary* shall take into consideration the following factors:

- (a) The degree of toxicity of the *air contaminant* and the *emission rate*;
- (b) The proximity of the source to residences, population centers and other sensitive human receptors; and
- (c) *Emission* dispersion characteristics at or near the source, taking into account the physical location of the source relative to surrounding buildings and terrain.

(4) *Hazardous Ambient Air Standards*

No *person* shall discharge, or cause or allow the discharge of, any *hazardous air contaminants* from a *stationary source* which cause or contribute to *ambient air* concentrations in excess of any *Hazardous Ambient Air Standard*.

(5) Special Procedures for Contaminants In Appendix C, Category I

- (a) Notwithstanding any other provisions of Section 5-261, beginning January 1, 1993, no person shall discharge, or cause or allow the discharge of, any Appendix C, Category I contaminants from a *stationary source* which would exceed any *stationary source hazardous air impact standard*. Emissions subject to this subsection shall not be subject to the requirements of subsections (3) or (4) of this section.
- (b) The Secretary may require the owner or operator of a *stationary source* subject to this section with respect to *emissions* of any Appendix C, Category I contaminant to submit to the Secretary an *air quality impact evaluation* which shall demonstrate whether the *actual emissions* from the subject source will violate subsection (5)(a) of this section. Said evaluation shall be performed in accordance with the *Agency's air quality impact evaluation guidelines* (revised November 20, 1992).
- (c) If the Secretary determines, through air quality monitoring, that the annual concentration of a contaminant listed in Appendix C, Category I has exceeded its *hazardous ambient air standard*, the Secretary shall adopt a Toxic Action Plan (TAP) for the contaminant. Each TAP shall contain a strategy to reduce *ambient air concentrations* of the contaminant. The Secretary may also adopt TAPs for other *hazardous air contaminants*.

(6) Interim Standards

- (a) If any stationary source emits or proposes to emit a *hazardous air contaminant* which is not listed in Appendix B of these regulations, the Secretary shall determine an interim *Hazardous Ambient Air Standard* or interim *Stationary Source Hazardous Air Impact Standard*, if appropriate and an interim *Action Level* for said contaminant, provided that sufficient health data are available. In that event, such source shall be subject to all requirements of this section in the same manner as if said contaminant were listed in Appendices B and C herein. Such interim standards shall remain in effect until revised by rulemaking or adjusted in accordance with this subsection.
- (b) If additional scientific data becomes available that warrants adjusting a standard, including default values, for a chemical or compound listed in Appendices B and C herein, the data along with the underlying studies may be submitted to the Secretary for review. After evaluating such information in consultation with the Department of Health, the Secretary may on a case-by-case basis adjust the standard or maintain the existing standard for the chemical or compound. If the Secretary adjusts the standard, the interim standard shall remain in effect until revised by rulemaking or adjusted in accordance with this subsection.
- (c) Prior to making a determination under (a) or (b) of this subsection, the Secretary may provide an opportunity for public participation in such manner as determined in the discretion of

the Secretary, including public notification on the Agency's website.

5-271 CONTROL OF AIR CONTAMINANTS FROM STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES

(a) Applicability.

- (1) For all stationary reciprocating internal combustion engines, excluding *emergency use engines*, with a brake horsepower output rating of 450 bhp or greater installed prior to July 1, 1999, the Tier 1 standards specified in subsection (b) of this section shall become effective beginning July 1, 2007.
- (2) For all stationary reciprocating internal combustion engines, including *emergency use engines*, with a brake horsepower output rating of 450 bhp or greater installed on or after July 1, 1999 and prior to July 1, 2007, the Tier 1 standards specified in subsection (b) of this section shall apply upon installation.
- (3) For all stationary reciprocating internal combustion engines, including *emergency use engines*, with a brake horsepower output rating of 450 bhp or greater installed on or after July 1, 2007, the Tier 2 standards specified in subsection (c) of this section shall apply upon installation.

(b) Tier 1 Standards for *Stationary Reciprocating Internal Combustion Engines* Combusting Liquid or Gaseous Fossil Fuel.

- (1) A person shall not discharge, cause, allow, or permit the emission of oxides of nitrogen from any *stationary reciprocating internal combustion engine* subject to this subsection in excess of 6.9 grams per *brake horsepower* hour.
- (2) A person shall not discharge, cause, allow, or permit the emission of carbon monoxide from any *stationary reciprocating internal combustion engine* subject to this subsection in excess of 8.5 grams per *brake horsepower* hour.
- (3) A person shall not discharge, cause, allow, or permit the emission of *particulate matter* from any *stationary reciprocating internal combustion engine* subject to this subsection in excess of 0.40 grams per *brake horsepower* hour.

(c) Tier 2 Standards for *Stationary Reciprocating Internal Combustion Engines* Combusting Liquid or Gaseous Fossil Fuel.

- (1) A person shall not discharge, cause, allow, or permit the emission of oxides of nitrogen from any *stationary reciprocating internal combustion engine* subject to this subsection in excess of 4.8 grams per *brake horsepower* hour.
- (2) A person shall not discharge, cause, allow, or permit the emission of carbon monoxide from any *stationary reciprocating*

internal combustion engine subject to this subsection in excess of 2.6 grams per *brake horsepower* hour.

- (3) A *person* shall not discharge, cause, allow, or permit the *emission* of *particulate matter* from any *stationary reciprocating internal combustion engine* subject to this subsection in excess of 0.15 grams per *brake horsepower* hour.
- (d) Test Methods for *Stationary Reciprocating Internal Combustion Engines* Combusting Liquid or Gaseous *Fossil Fuel*.
 - (1) Compliance with the *emission* standards specified in subsections (b) and (c) of this section shall be determined either by demonstrating the engine has met the engine certification requirements of ~~Title 40 C.F.R. of the Code of Federal Regulations~~ | Part 89 or by using test procedures set forth by the *Air Pollution Control Officer* at rated load and speed of the *stationary reciprocating internal combustion engine*.

SUBCHAPTER III. AMBIENT AIR QUALITY STANDARDS

5-301 SCOPE

The ambient air quality standards contained in this subchapter are based on national ambient air quality standards, with the exception of sulfates which are a state standard only.~~where such national standards exist.~~ The primary standards define levels of air quality judged adequate to protect the public health. The secondary standards define levels of air quality judged adequate to protect the public welfare, to prevent injury to animal or plant life or property, and to prevent unreasonable interference with the enjoyment of life or property.

5-302 SULFUR OXIDES (SULFUR DIOXIDE) ~~— PRIMARY AMBIENT AIR QUALITY STANDARD~~

The ~~primary~~ ambient air quality standards for sulfur oxides, measured as sulfur dioxide in accordance with 40 C.F.R. Part 50, are:~~by the pulse fluorescent method, or by an equivalent method, are:~~

75 parts per billion (ppb), with a 1-hour averaging time and a form of the 99th percentile of 1-hour daily maximum concentrations, averaged over 3 years (Primary Standard).

0.5 parts per million (ppm), with a 3-hour averaging time and a form that is not to be exceeded more than once per year (Secondary Standard).

~~(a) 80 micrograms per cubic meter ($\mu\text{g}/\text{M}^3$) (0.03 ppm) — annual arithmetic mean.~~

~~(b) 365 $\mu\text{g}/\text{M}^3$ (0.14 ppm) — maximum 24-hour concentration not to be exceeded more than once per year.~~

~~5-303 SULFUR OXIDES (SULFUR DIOXIDE) — SECONDARY AMBIENT AIR QUALITY STANDARD~~

~~The secondary ambient air quality standard for sulfur oxides measured as sulfur dioxide by the pulse fluorescent method, or by an equivalent method, is 1,300 $\mu\text{g}/\text{M}^3$ (0.5 ppm) — maximum 3-hour concentration not to be exceeded more than once per year.~~

5-303 RESERVED

5-304 PARTICULATE MATTER PM_{2.5} ~~(TOTAL SUSPENDED PARTICULATE) — PRIMARY AMBIENT AIR QUALITY STANDARD~~

The ~~primary~~ ambient air quality standards for particulate matter PM_{2.5}, measured in accordance with 40 C.F.R. Part 50, are: ~~as Total Suspended Particulate by the High Volume Air Sampling procedure, are:~~

35 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), with a 24-hour averaging time and a form of the 98th percentile, averaged over 3 years (Primary and Secondary Standard).

12 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), with an annual averaging time and a form of the annual mean averaged over 3 years (Primary Standard).

15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), with an annual averaging time and a form of the annual mean averaged over 3 years (Secondary Standard).

~~(a) 75 $\mu\text{g}/\text{M}^3$ annual geometric mean.~~

~~(b) 260 $\mu\text{g}/\text{M}^3$ maximum 24-hour concentration not to be exceeded more than once per year.~~

~~5-305 PARTICULATE MATTER (TOTAL SUSPENDED PARTICULATE) SECONDARY AMBIENT AIR QUALITY STANDARD~~

~~The secondary ambient air quality standard for particulate matter, measured as Total Suspended Particulate by the High Volume Air Sampling procedure, is 150 $\mu\text{g}/\text{M}^3$ maximum 24-hour concentration not to be exceeded more than once per year.~~

5-305 RESERVED

5-306 PARTICULATE MATTER (PM_{10}) PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

The ~~primary and secondary ambient air quality standards~~ for particulate matter PM_{10} , measured in accordance with 40 C.F.R. Part 50, are: ~~as PM_{10} , are:~~

150 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), with a 24-hour averaging time and a form not to be exceeded more than once per year on average over 3 years (Primary and Secondary Standard).

~~(a) 50 micrograms per cubic meter ($\mu\text{g}/\text{M}^3$) annual arithmetic mean.~~

~~The standard is attained when the expected annual arithmetic mean concentration, as determined in accordance with Title 40 C.F.R. Part 50, Appendix K, is less than or equal to 50 $\mu\text{g}/\text{M}^3$.~~

~~(b) 150 micrograms per cubic meter ($\mu\text{g}/\text{M}^3$) 24-hour average concentration.~~

~~The standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu\text{g}/\text{M}^3$, as determined in accordance with Title 40 C.F.R. Part 50, Appendix K, is equal to or less than one.~~

5-307 CARBON MONOXIDE PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS

The ~~primary and secondary ambient air quality standards~~ for carbon monoxide, measured in accordance with 40 C.F.R. Part 50, are: ~~by the Non-dispersive Infrared procedure, or by an equivalent method, are:~~

35 parts per million (ppm), with a 1-hour averaging time and a form not to be exceeded more than once per year (Primary Standard).

9 parts per million (ppm), with an 8-hour averaging time and a form not to be exceeded more than once per year (Primary Standard).

~~(a) 10 milligrams per cubic meter (9 ppm) maximum 8-hour concentration not to be exceeded more than once per year.~~

~~(b) 40 milligrams per cubic meter (35 ppm) maximum 1-hour concentration not to be exceeded more than once per year.~~

5-308 OZONE ~~— PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS~~

The ~~primary and secondary ambient air quality standards~~ for ozone, measured in accordance with 40 C.F.R. Part 50, are: ~~by the Chemiluminescence Test procedure, or by an equivalent method, are 235 $\mu\text{g}/\text{M}^3$ (0.12 ppm). The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above 235 $\mu\text{g}/\text{M}^3$ (0.12 ppm) is equal to or less than one, as determined by Appendix H of 40 C.F.R. Part 50.~~

0.075 parts per million (ppm), with an 8-hour averaging time and a form of the annual fourth-highest daily maximum 8-hour concentration, averaged over 3 years (Primary and Secondary Standard).

5-309 NITROGEN DIOXIDE ~~— PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS~~

The ~~primary and secondary ambient air quality standards~~ for nitrogen dioxide, measured in accordance with 40 C.F.R. Part 50, are: ~~by (1) a reference method based on 40 C.F.R. Part 50, Appendix F and designated in accordance with 40 C.F.R. Part 53, or (2) an equivalent method designated in accordance with 40 C.F.R. Part 53 are:~~

~~100 micrograms per cubic meter ($\mu\text{g}/\text{M}^3$) (0.05 ppm) annual arithmetic mean.~~
100 parts per billion (ppb), with a 1 hour averaging time, and a form of the 98th percentile, averaged over 3 years (Primary Standard).

53 parts per billion (ppb), with an annual averaging time, and a form of the annual mean (Primary and Secondary Standard).

5-310 LEAD ~~— PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS~~

The ~~primary and secondary ambient air quality standards~~ for lead and its compounds, measured in accordance with 40 C.F.R. Part 50, are: ~~as elemental lead by a reference method based on Appendix G of 40 C.F.R. Part 50, or by an equivalent method, are: 0.25 micrograms per cubic meter, maximum arithmetic mean averaged over three consecutive calendar months.~~

0.15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), with a rolling 3-month average averaging time and a not-to-be-exceeded form, evaluated over a 3-year period (Primary and Secondary Standard).

5-311 RESERVED

5-312 SULFATES ~~— SECONDARY AMBIENT AIR QUALITY STANDARDS~~

The ~~secondary~~ ambient air quality standards for sulfates, measured by methods approved by the Air Pollution Control Officer, are:

~~(a) 2 $\mu\text{g}/\text{Mm}^3$ - maximum 24-hour concentration (Secondary Standard).~~

~~(b) 2 $\mu\text{g}/\text{Mm}^3$ - summer seasonal arithmetic mean, (April to September inclusive) (Secondary Standard).~~

These standards shall apply in any area defined as a *sensitive area* under these regulations.

SUBCHAPTER IV. OPERATIONS AND PROCEDURES

5-401 CLASSIFICATION OF AIR CONTAMINANT SOURCES

- (a) ~~Except as provided in Section 5-401(b) below, the following source or sources engaged in the following operations, processes or activities are classified as air contaminant sources which may cause or contribute to air pollution.~~
- (1) *Incinerators*
 - (2) *Hot-mix asphalt plants*
 - (3) *Electrical power generation facilities*
 - (4) *Wood products industries*
 - (5) *Mineral product ~~industries, including mining, quarrying and~~ crushing operations comprised of any fixed sand and gravel plant or crushed stone plant with a maximum rated capacity of greater 25 tons per hour, or any portable sand and gravel plant or crushed stone plant with a maximum rated capacity of greater than 150 tons per hour.*
 - (6) *Fuel burning installations:*
 - (a) *Fossil fuel burning equipment as specified below:*
 - (i) *For fuel-burning equipment which solely burns gaseous fuels, individual units of 10 million BTU per hour rated heat input or greater;*
 - (ii) *For fuel-burning equipment which burns fuel oil, individual units of 3 million BTU per hour rated heat input or greater which aggregate to 10 million BTU per hour or greater;*
 - (iii) *For fuel-burning equipment which burns anthracite coal, individual units of 5 million BTU per hour rated heat input or greater; and*
 - (iv) *Any fuel-burning equipment which burns bituminous coal.*
 - (b) *Wood fuel burning equipment of greater than 90 H.P. rated output;*
 - (c) *Stationary reciprocating internal combustion engines using any fuel type and having a rating of 450 brake horsepower output or greater, except that emergency use engines shall not be classified as air contaminant sources for purposes of Section 5-501 of these regulations.*
 - (7) *Metal melting and reclamation furnaces*
 - (8) *Metal fabrication processes*
 - (9) *Surface finishing and coating operations, including application of paints, lacquers, solvents and related materials*

- (10) Petroleum or petro-chemical processing or marketing
 - (11) Manufacturing, processing and application of chemicals, including the processing or application of plastics, rubbers or resins
 - (12) Operations involving the handling or transferring of sand or dust producing materials
 - (13) Kraft pulping processes
 - (14) Leather tanning and finishing operations
 - (15) Animal byproduct processes
 - (16) Any source not listed above, including sources of *greenhouse gases* that are subject to regulation, which would otherwise be subject to permitting requirements pursuant to the Clean Air Act, as amended (42 U.S.C. 7401, et seq.)
 - (17) Such other sources as may be designated as *air contaminant* sources by the *Air Pollution Control Officer* on a case-by-case basis.
- (b) Unless otherwise required by the Air Pollution Control Officer, any stationary source with actual emissions from the entire source of less than five (5) tons per year of all air contaminants combined and that is not engaged in the operations, processes, or activities identified above in Section 5-401(a)(1), (2), (5), (6), (13), (16), or (17) shall not be classified as an air contaminant source provided that the owner/operator maintains records that are adequate for the Air Pollution Control Officer to verify actual emissions for three (3) years and makes such records available to the Air Pollution Control Officer upon request.

5-402 WRITTEN REPORTS WHEN REQUESTED

The *Air Pollution Control Officer* may at any time require written reports from the *person* operating or responsible for any proposed or existing *air contaminant* source, which reports shall contain information concerning location, siting, size and height of contaminant outlets, processes employed, pertinent process and material flow, *fuels* used, nature and amount and time periods or durations of *emissions* and such other information as may be relevant to the *air pollution* potential of the source. These reports shall also include the results of such source testing as may be required under Section 5-404 herein.

5-403 CIRCUMVENTION

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.

5-404 METHODS FOR SAMPLING AND TESTING OF SOURCES

- (1) Whenever the *Air Pollution Control Officer* has reason to believe that the *emission* limits of these regulations are being violated by a source, he or she may require the owner or operator of said source to conduct tests to determine the quantity of *particulate* and/or *gaseous matter* being emitted, which tests shall include *stack* tests if circumstances so demand. In the event that *stack* testing is required, the tests shall be performed in accordance with procedures specified in 40 C.F.R. Part 60, Appendix A, or other methods approved by the *Air Pollution Control Officer*. Testing to determine the quantity of *particulate matter emissions* from cyclones shall be performed by using the high volume sampling method, or an *equivalent method* approved by the *Air Pollution Control Officer*.
- (2) Should the *Air Pollution Control Officer* wish to conduct tests of his or her own to determine compliance with the *emission* limits of these regulations, the owner or operator of the source to be tested shall provide at no expense to the state of Vermont, reasonable and necessary openings in *stacks*, vents and ducts, along with safe and easy access thereto, including a suitable power source to the point of testing.
- (3) The *Air Pollution Control Officer* shall be supplied with such data as he or she may require to establish test conditions.
- (4) The method, or any conditions associated with the method, of source testing required under this section shall be approved by the *Air Pollution Control Officer*.

5-405 REQUIRED AIR MONITORING

- (1) The *Air Pollution Control Officer* may require the owner or operator of any *air contaminant* source to install, use and maintain such monitoring equipment and records, establish and maintain such records, and make such periodic *emission* reports as the Officer shall prescribe.
- (2) The method, or any conditions associated with the method, of air monitoring required under this section shall be approved by the *Air Pollution Control Officer*.

5-406 REQUIRED AIR MODELING

- (1) The *Air Pollution Control Officer* may require the owner or operator of any proposed *air contaminant* source subject to review pursuant to Sections 5-501 ~~or 5-503~~ herein to conduct ~~diffusion-dispersion~~ or other air quality modeling and to submit an *air quality impact evaluation* to demonstrate that operation of the proposed source as described to the *Air Pollution Control Officer* will not directly or indirectly result in a violation of any *ambient air quality standard*, interfere with the attainment of any *ambient air quality standard*, or violate any applicable *prevention of significant deterioration* increment (Table 2).
- (2) For proposed *stationary sources*, the appropriate air quality modeling techniques shall be determined on a case-by-case basis in accordance

with procedures established in 40 C.F.R. Part 51 Appendix W~~by the Air
Pollution Control Officer.~~

SUBCHAPTER V. REVIEW OF NEW AIR CONTAMINANT SOURCES

5-501 REVIEW OF CONSTRUCTION OR MODIFICATION OF AIR CONTAMINANT SOURCES

- (1) No person shall cause, suffer, allow or permit the new construction, installation or *modification* of any *stationary source* classified as an *air contaminant* source under Section 5-401 herein, unless he or she first submits a complete application to and obtains a permit from the Secretary.
- (2) A complete application shall contain such plans, specifications, and other information as the Secretary deems necessary in order to determine whether the proposed construction, installation or *modification* will comply with these regulations and Vermont statutes at Title 10, chapter 23. Other information may include analyses of the impact on any Class I area, including visibility and any other air quality related value specified by the *Federal Land Manager*, and comments, if any, from the *Federal Land Manager*.
- (3) The Secretary may require an applicant to submit any additional information the Secretary considers necessary to make a determination that the application is complete and shall not grant a permit until such information is furnished and evaluated.
- (4) The Secretary shall issue a permit if the Secretary determines that the proposed construction, installation, or modification of an air contaminant source will be in compliance with all requirements of these regulations and Vermont statutes at Title 10, chapter 23. If the Secretary determines that the proposed construction, installation or modification will not be in compliance with all requirements of these regulations and Vermont statutes at Title 10, chapter 23, the Secretary shall deny the permit and shall notify the applicant in writing of the reasons for the denial.
- (5) If allowable emission increases of any air contaminant from a source subject to this section will cause or contribute to a violation of any ambient air quality standard or cause or contribute to a violation of any applicable prevention of significant deterioration increment (Table 2), or if such source is located within 10 kilometers of a Class I area and will have an impact on any such Class I area of equal to or greater than 1 ug/m³ (24-hour average) for any air contaminant, such ~~source-air contaminant shall be considered significant~~shall achieve MSER with respect to any such contaminant and such source will be treated as a major stationary source or a major modification for the purposes of its review under these regulations. With regard to a modification of a source, the allowable emission increases mean the difference between the source's actual emissions before the modification and its allowable emissions after the modification.
- (6) Within 30 days of receipt of an application for a major stationary source, major modification, or other source in the discretion of the Secretary that may affect a Class I area, the Secretary shall notify the *Federal Land Manager*. Such notice shall be provided at least sixty (60) days before holding a public informational meeting.

- (7) Upon making a determination to issue a draft permit under this section for a major stationary source, major *modification*, or other source in the discretion of the *Secretary*, opportunity for public participation shall be provided as follows:
- (a) The *Secretary* shall give notice to the general public either by publishing a notice in a newspaper having general circulation in the area affected by the subject source or in an electronic state publication designed to give notice to the public.
 - (b) The content of the notice shall identify:
 - (i) The name and address of the *air contaminant source* and the *owner/operator*;
 - (ii) The name and address of the *Secretary* or his/her pertinent designee;
 - (iii) A brief description of the construction, installation, or *modification* proposed by the application, the preliminary determination, and, if applicable, the degree of increment consumption that is expected;
 - (iv) The name, mailing address, email address, and telephone number of a *person* from whom interested persons may obtain additional information, including the completed application form, the draft construction permit, the *Agency's* analysis, comments or analyses submitted by a *Federal Land Manager* of the effect of the construction or *modification* on the *ambient air quality*, and all other materials available to the *Secretary* which are relevant to the construction permit application.
 - (v) A brief description of the comment procedures required by this section; and
 - (vi) The time and place of any public informational meeting that may be held or a statement of procedures to request such a meeting.
 - (c) If required by 40 C.F.R. §~~51.166~~(q)(2)(iv), the *Secretary* will send a copy of the notice to the applicant, the EPA Regional Administrator, and to officials and agencies having cognizance over the location where the proposed construction would occur, including: any other State or local air pollution control agencies, the chief executives of the city or town and county where the source would be located, any comprehensive regional land use planning agency, and any State, Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification.
 - (d) Following the notice specified in paragraph (a) of this subsection, the public comment period on a draft construction permit shall be at least thirty (30) days for a *major stationary*

source, major modification, or other source in the discretion of the Secretary.

- (e) The *Secretary* will provide opportunity for a public informational meeting regarding the draft construction permit if requested in writing prior to the close of the public comment period. The *Secretary* shall provide timely notice by advertisement in a newspaper having general circulation in the area affected by the subject source or in an electronic state publication designed to give notice to the public.
 - (f) The *Secretary* will keep a record of the commenters and also of the issues raised during the public comment period and the public informational meeting, if conducted, take into consideration such comments, and make all comments available for public inspection in the same location that the application, draft permit, and other materials relevant to the construction permit application are made available.
 - (g) At his or her discretion, the *Secretary* may hold any public comment period or public informational meeting pursuant to this section jointly and concurrently with any public comment period or public informational meeting pursuant to Section 5-1007 of the *Air Pollution Control Regulations*.
- (8) (a) Upon making a determination to issue a draft permit under this section for an *air contaminant source* that has *allowable emissions* of more than 10 tons per year of all contaminants, excluding *greenhouse gases*, and is not a *major stationary source* or *major modification*, opportunity for public participation shall be provided as set forth in Section 5-501(7) of this subchapter, except that the public comment period on a draft construction permit shall be at least ten (10) days.
- (b) Regarding applications for the construction, installation or *modification* of any *air contaminant source* that has *allowable emissions* of less than ten tons per year of all contaminants, excluding *greenhouse gases*, opportunity for public participation may be provided at the discretion of the *Secretary*. In determining whether to provide for such public participation, the *Secretary* shall consider the degree of toxicity of the *air contaminant* and the emission rate, the proximity of the *air contaminant source* to residences, population centers and other sensitive human receptors, and emission dispersion characteristics at or near the source. If the *Secretary* requires such an opportunity for public participation, it will be in such manner as determined in the discretion of the *Secretary*.
- (9) Nothing in this section or no action taken under this section shall be construed as relieving any *person* from compliance with any *emission* standard prescribed in these regulations or with any other provision of law.

5-502 MAJOR STATIONARY SOURCES AND MAJOR MODIFICATIONS

(1) Applicability

- (a) This section applies to all *major stationary sources* and *major modifications* which are constructed subsequent to July 1, 1979 and are subject to review under Section 5-501 herein.
- (b) Where a source is constructed or modified in increments:
 - (i) Which individually are not subject to review under this section,
 - (ii) Which have not previously been aggregated for purposes of their review under this section, and
 - (iii) Which are not a part of a program of construction or *modification* in planned incremental phases previously approved by the *Secretary*.

All such increments shall be added together for determining the applicability of this section.

(2) Prohibition

No *person* shall initiate construction of any *major stationary source* or *major modification* until the applicable requirements of this section have been complied with and a permit approving construction has been issued in accordance with Section 5-501 herein.

(3) *Most Stringent Emission Rate*

- (a)
 - (i) Each *major stationary source* shall apply control technology adequate to achieve the *most stringent emission rate* with respect to those *air contaminants* for which it would have *significant allowable emissions*.
 - (ii) Each *major modification* shall apply control technology adequate to achieve the *most stringent emission rate* with respect to any *air contaminant* for which there would be a *significant* increase in *actual emissions* at the source, but only for those proposed physical or operational changes which would contribute to increased *emissions* of the *air contaminant*.
- (b) Any source or *modification* subject to this section shall submit information at the time it applies for approval to construct to establish that the *most stringent emission rate* will be achieved.

(4) *Air Quality Impact Evaluation*

- (a) A source or *modification* subject to this section for air contaminants designated attainment with respect to any air contaminant other than volatile organic compounds or greenhouse gases, shall submit to the *Secretary* an *air quality impact evaluation* at the time it applies for approval to construct under Section 5-501 herein for each air contaminant, other than

volatile organic compounds or greenhouse gases, for which there would be a significant net increase in actual emissions at the source, or any other contaminant at the discretion of the Secretary.

- (b) Ambient Air Quality Standards review: The evaluation shall demonstrate that the increase in allowable emissions will not cause a violation~~s~~ of any applicable ambient air quality standard in any area, and will not significantly contribute to a violation of any applicable ambient air quality standard in a designated nonattainment area —for the above air contaminants. A source or modification will be considered to significantly contribute to, a violation of any ambient air quality standard for the above air contaminants if the increase in the allowable emissions from the source or modification will cause any~~y~~ increase in ambient concentrations of the above air contaminants in the designated nonattainment area in excess of any of the levels of significant impact shown in Table 3 herein. If a source or modification will significantly contribute to such a violation, the evaluation shall demonstrate that the source or modification will comply with the requirements of paragraph (6) herein.
- (c) Prevention of Significant Deterioration (PSD) Increment review: The evaluation shall demonstrate that, as of the source's or modification's start-up date, the increase in allowable emissions, in conjunction with all other applicable emissions increases or reductions, will not cause or contribute to any increase in ambient concentrations exceeding the remaining available prevention of significant deterioration (PSD) increment for the specified air contaminants, as determined by the Secretary. Notwithstanding the above, if a Class I PSD Increment is predicted to be exceeded the applicant must demonstrate to the Federal Land Manager's satisfaction that there will be no adverse impact on any Air Quality Related Value in the Class I area and that the impacts in the Class I area will be less than the remaining Class II PSD increments. A demonstration under this paragraph is not required if a source is modified, but there is no net increase in the source's allowable emissions of the air contaminants specified in Table 2.
- (d) Sensitive Area review: The evaluation shall demonstrate that the increase in allowable emissions will not cause an adverse impact on visibility, or interfere with reasonable progress toward remedying of existing man-made visibility impairment, in any sensitive area.
- (e) Class I Federal Area review: For sources within 100 kilometers of a Class I area, or further at the discretion of the Secretary, in addition to PSD increment requirements in (c) above the evaluation shall demonstrate that the increase in allowable emissions will not cause an adverse impact on visibility or any other Air Quality Related Value ~~or~~ —in any Class I Federal area and will not interfere with reasonable progress toward the remedying of existing man-made visibility impairment in a sensitive area. —Said demonstration shall be submitted to the

~~Agency and the appropriate Federal Land Manager at least 60 days prior to the close of the public comment period on the source or modification.~~

- (~~ef~~) Any air quality impact evaluation or modeling required by this section shall be prepared in accordance with procedures acceptable to the *Secretary* and with Section 5-406 of these regulations. The evaluation shall exclude the effect of that portion of the height of any stack which exceeds good engineering practice and the effect of any other dispersion technique.

(5) Increment Allocation

- (a) The evaluation required in paragraph (4)(c) above shall demonstrate that the increase in allowable emissions thereunder will not consume more than 25% of the remaining annual PSD increment, nor more than 75% of the remaining 24 hour PSD increment for the specified air contaminants.
- (b) The remaining available PSD increment, in either case, shall be determined by the *Secretary*.
- (c) Once a source has demonstrated that it will comply with paragraph (5)(a) above, the appropriate portions of the PSD increments shall be allocated in accordance with procedures established by the *Secretary*, which may provide for local or regional participation.

(6) Emission Reductions

- (a) The *Secretary* shall not issue a permit approving construction of any source or modification subject to this section if the source or modification is unable to demonstrate, as required under Paragraph (4)(~~b~~), that the increase in allowable emissions from it will not significantly contribute to a violation of any applicable ambient air quality standard in a designated nonattainment area unless, prior to issuance of any such permit:
- (i) The source owner or operator secures legally binding offsetting emission reductions of said air contaminant, not otherwise to be utilized as part of the State's attainment strategies, ~~of the air contaminant contributing to such a violation~~ from existing sources located in or impacting on the same area (whether or not under the same ownership) such as to provide a net emission reduction acceptable to the *Secretary*, and
- (ii) The source owner or operator certifies that all existing sources of the source owner located in the State are in compliance with all applicable rules or are meeting all steps of any compliance schedules contained in any administrative orders or court decrees.
- (b) Regardless of whether a source or modification is subject to the requirements of paragraph (6)(a) of this section, the *Secretary*

shall not issue a permit approving construction of any source or *modification* of nitrogen oxides or volatile organic compounds (VOCs) subject to this section and meeting the federal definition of major stationary source or major *modification* contained in 40 C.F.R. ~~Part~~ §51.165 as applicable to the Ozone Transport Region unless, prior to issuance of such permit, the owner or operator of said source shall:

- (i) Secure legally binding offsetting *emission* reductions (not otherwise required by law) of nitrogen oxides or VOCs, as applicable, from existing sources;
 - (ii) Obtain an offset ratio of a minimum of 1.15:1; and
 - (iii) Certify that all existing sources of the source owner located in the state are subject to *emissions* limitations and are in compliance, or on an enforceable schedule for compliance with all applicable *emissions* limitations and standards.
- (c) Only *emission* reductions that meet the following criteria shall be eligible for use as offsetting *emission* reductions under Section 5-502(6):
- (i) Except for ozone precursors, *emission* reductions of a contaminant may only be used to offset *emissions* of the same contaminant. *Emission* reductions of *particulate matter* may only be used to offset *emissions* of equally or less hazardous forms of *particulate matter*. For the purpose of offsetting ozone precursors, *emission* reductions for nitrogen oxides or VOCs can be used to offset *emissions* of each other if approved by the *Secretary* and EPA on a case-by-case basis;
 - (ii) *Emission* reductions must have occurred after January 1, 1990, or within ten years previous to the date of any application under this section in which the reduction is proposed to be used, whichever is more recent; and
 - (iii) The *emissions* reductions must be *emission reductions credits* pursuant to Subsection 5-502(7) or ERCs generated in another state where a reciprocal trading agreement has been established between Vermont and such other state.

(7) *Emission Reduction Credits*

- (a) The owner or operator of a source at which a reduction in *emissions* of nitrogen oxides or VOCs has occurred may apply to the *Secretary* for certification of the reduction as an *emission reduction credit* (ERC). Ten percent of all *actual emission* reductions identified by the *owner or operator* for certification will revert to the Agency for its use as it sees fit. Once certified by the *Secretary*, an *ERC* may be used to offset increased *emissions* from new or modified sources or for other purposes approved by the *Secretary*.

(b) Only *emission* reductions that meet the following eligibility criteria shall be certified as *ERC's*:

(i) *Emission* reductions may be created by shutdown, curtailment, or over control of emissions beyond an applicable limit, or any other reduction method acceptable to the *Secretary*.

(ii) *Emission* reductions shall be real, surplus, quantifiable, permanent, and state and *federally enforceable*.

(iii) *Emissions* from sources which have been issued permits but never operated, or which have engaged in normal operations for less than one (1) year, shall not be used as offsetting *emission* reductions.

(iv) *Emission* reductions may be certified as *ERC's* only after the reductions have actually occurred.

(c) An application for certification shall be submitted within 18 months after the *emission* reduction occurs.

(d) In order to confirm *emission* reductions claimed in conjunction with an application for *ERC* certification, the *Secretary* may require the submission of production, *fuel* use or other records or *emissions* testing or the use of continuous *emissions* monitoring or other appropriate means of measurement. The same or an *equivalent method* of measurement shall be used to quantify *emissions* both before and after the reduction.

(e) Where a reciprocal trading agreement has been established between Vermont and another state, *ERCs* generated in Vermont may be used in such other state.

(8) *Ambient Air Quality Monitoring*

(a) A *major stationary source* or *major modification* required to submit an *air quality impact evaluation* shall include in such evaluation an analysis of *ambient air* monitoring data for any *attainment areas* impacted by each of the following *air contaminants*;

(i) For the source, each contaminant for which it would have significant allowable emissions;

(ii) For the modification, each contaminant for which it would result in a significant increase in actual emissions.

(b) Ambient monitoring data shall be based on sampling conducted for a time period of ~~up to at least~~ one year immediately preceding submission of any application for approval to construct such a source or *modification*. Ambient monitoring data collected for a time period of less than one year, but not less than four (4)

months, or for a time period other than immediately preceding submission of any such application may be acceptable if such data is adequate for determining whether the *source* or *modification* will cause a violation of any applicable *ambient air quality standard* or consume more than the remaining available *PSD* increment.

- (c) Subparagraphs (a) and (b) above shall not apply to any *air contaminant* for which no *ambient air quality standard* has been adopted.

(9) Alternative Site Analysis

Any source or modification subject to this section that would be constructed in an area designated as non-attainment for a pollutant for which the source or modification is major, shall conduct an analysis of alternative sites, sizes, production processes and environmental control techniques for such proposed source that demonstrates that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

5-503 [REPEALED] Repealed eff. February 8, 2011.

5-504 PERMIT FEES

(1) Applicability

- (a) Except as provided in 3 V.S.A. §2822(i) and 32 V.S.A. §710, any *person* who is required to obtain a permit from the *Secretary* under Section 5-501 prior to construction, installation or *modification* of a *stationary source* shall submit permit fees in accordance with this section. Additionally, where a request is made to amend an existing permit or the *Secretary* proposes to amend an existing permit on his or her own motion, permit fees shall be submitted in accordance with this section.

(2) Base Permit Fee

- (a) A base permit fee shall be submitted with each application for and each request to amend a permit required by Section 5-501(1) of this subchapter.
- (b) The base permit fee shall be determined in accordance with the base fee schedule in 3 V.S.A. §2822(j).
- (c) The *Secretary* shall not make a completeness determination under Section 5-501 of this subchapter until the base permit fee is paid in full.
- (d) The entire base permit fee shall be nonrefundable.

(3) Supplementary Fee

- (a) The *Secretary* shall assess supplementary fee(s) for each stationary source that is not a major stationary source.
- (b) Supplementary fee(s) shall be determined in accordance with the supplementary fee schedule in 3 V.S.A. §2822(j).
- (c) The *Secretary* shall not issue a permit or grant a permit amendment until all supplementary fees are paid in full.
- (d) Once the *Secretary* makes a completeness determination under Section 5-501 of this subchapter, the entire amount of any assessed supplementary fees submitted before or after such determination shall be nonrefundable.

5-505 FALSE OR MISLEADING INFORMATION

All data, plans, specifications, analyses and other information submitted or caused to be submitted to the *Agency* shall be complete and truthful. Any such submission which is false or misleading shall be sufficient grounds for the denial of a permit, and may result in a fine and/or imprisonment under the authority of Vermont statutes.

**SUBCHAPTER VI. RULES OF PRACTICE GOVERNING HEARINGS UNDER THE AIR
POLLUTION CONTROL ACT**

5-601 SCOPE OF THIS SUBCHAPTER

The provisions of this subchapter shall govern all hearings before the *Secretary* pursuant to the provisions of the *Act* and of 3 V.S.A. §2822 concerning orders prohibiting the construction or installation of new *air contaminant* sources, enforcement action against violating sources, *air pollution* emergencies, and declaratory rulings. This subchapter shall also govern the procedures for submission to and consideration by the *Secretary* of petitions for rule-making pursuant to 3 V.S.A. §806.

5-602 PARTIES

The following *persons* shall be considered parties to a case under these rules:

- (1) Any *person* aggrieved by an order issued pursuant to Section 556 of the *Act* which prohibits the construction or installation of a new *air contaminant* source;
- (2) A *person* named in any enforcement order issued pursuant to Section 559 of the *Act* or named in any notice to appear before the *Secretary* to answer charges thereunder;
- (3) The Attorney General in connection with any Assurance of Discontinuance of any violation of the *Act* or regulations accepted pursuant to 3 V.S.A. §2822.
- (4) A *person* named in any order to reduce or discontinue *emissions* of *air contaminants* issued pursuant to Section 560 of the *Act*;
- (5) Any *person* submitting a petition for a declaratory ruling on which a hearing is held by the *Secretary* pursuant to Rule 5-604 herein;
- (6) Any *person* who adequately demonstrates that his interest may be adversely affected by a final order of the *Secretary*.

5-603 PLEADINGS AND DOCUMENTS; FILING AND SERVICE THEREOF

- (1) All pleadings addressed to the *Secretary* or other documents filed in cases shall be on paper measuring eight and one-half by eleven inches. Filing with the *Secretary* shall be deemed to occur when a document is received by the *Secretary* except that filing shall also be deemed to occur upon receipt by the *hearing officer* when a document is submitted to the *hearing officer* during a hearing.
- (2) A petition or other pleading initiating a case under these rules shall be signed by the petitioner or an officer thereof and shall be filed with the *Secretary* in triplicate.
- (3) The initial pleading shall contain the following:

- (a) A reference to the order by which the petitioner is aggrieved, or to the provisions of the Act or regulations of which the petitioner is alleged to be in violation or which are otherwise at issue.
 - (b) A concise statement of the relief sought and the reasons therefore.
- (4) Service of the initial pleading upon each other party entitled to be served a copy will be completed by the *Secretary*.
- (5) In his discretion the *Secretary* may treat any written communication to him concerning a matter within his jurisdiction as a pleading initiating a case for determination.
- (6) Every document or paper filed by any party subsequent to the initial pleading in a case shall be served upon the attorneys of record for all other parties and upon all parties who have appeared for themselves. Service upon an attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address. Delivery of a copy means handing it to the attorney or to the party, or leaving it at his office with the person in charge thereof or if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail shall mean first-class mail, in a sealed and properly stamped envelope. Service by mail is deemed complete upon posting the mail in a proper United States post office receptacle. The document or paper shall contain an attorney's certificate, or an affidavit of a party, stating upon whom, and the means by which, the document has been served.

5-604 PETITIONS FOR RULE-MAKING AND DECLARATORY RULINGS

- (1) Petitions for the promulgation, amendment or repeal of any rule will be entertained by the *Secretary*. Such petitions shall be signed by the petitioner and filed with the *Secretary* as provided in Rule 5-603(1) herein.
 - (a) Petitions shall describe the requested nature and elements of the proposed or amended rule as fully as possible or may suggest appropriate wording for the rule. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question shall be set out or cited. The petition shall also include all reasons for the requested promulgation, amendment or repeal of the rule.
 - (b) Within 30 days after submission of a petition, the *Secretary* either will deny the petition in writing (stating his reasons for the denial) or will initiate rule-making proceedings in accordance with 3 V.S.A. §803.
- (2) Petitions for declaratory rulings as to the applicability of any statutory provision or of any rule or order of the *Secretary* will be entertained by the *Secretary*. Such petitions shall be filed with the *Secretary* pursuant to Rule 5-603 herein and will be considered and

disposed of promptly. After due consideration of the petition, the *Secretary* will:

- (a) Issue a declaratory ruling; or
- (b) Notify the petitioner that no declaratory ruling is to be issued;
or
- (c) Hold a hearing on the petition in accordance with these rules.

5-605 APPEARANCES

- (1) A *party* to a case under these rules may appear for himself or he may be represented by an attorney admitted to practice in the state of Vermont.
- (2) Upon the filing of a petition or other pleading initiating a case under these rules, the name of the attorney or *person* who has signed such pleading will be entered on the docket of the *Secretary*. Except for appearances entered during a hearing, all other appearances by attorneys or *persons* appearing for themselves shall be by notice in writing filed with the *Secretary* and served pursuant to Rule 5-603 herein.
- (3) All notice given to or by an attorney of record for a *party* shall be considered in all respects as notice to or from the *party* represented by such attorney.
- (4) When an attorney has entered his appearance for a *party*, he shall remain counsel for such *party* until he has been granted leave to withdraw by order of the *Secretary*.
- (5) An attorney not residing or not admitted to practice in the state of Vermont may appear for a *party* if he is associated with a resident and admitted attorney who has entered his appearance for the same *party*.

5-606 PRE-HEARING CONFERENCES

- (1) The *Secretary* or the *hearing officer* may hold such pre-hearing conferences, upon due notice, as may be useful in expediting hearings held under these rules. The purpose of such pre-hearing conferences shall be to:
 - (a) Clarify the issues in controversy.
 - (b) Identify documents, witnesses and other offers of proof to be presented at a hearing by any *party*.
 - (c) Obtain such stipulations of parties as to issues, offers of proof and other matters as may be appropriate.
- (2) The results of any pre-hearing conference including any orders shall be in writing and signed by the *Secretary* or the *hearing officer*, and copies shall be forwarded to all parties to the case at least 5 days prior to a hearing. Parties who have received notice of the pre-hearing

conference shall be bound by the pre-hearing order except upon showing of cause, filing of timely objection or if fairness requires otherwise.

5-607 SUBPOENAS

In connection with any hearing held under these rules, the *Secretary* shall have the power, and upon written application by any *party* pursuant to 10 V.S.A. §559(d) shall have the duty, to subpoena witnesses and the production of documentary or other evidence on behalf of all parties. In all other respects, Rule 45 of the Vermont Rules of Civil Procedure shall apply and is incorporated into these rules by reference.

5-608 HEARING SCHEDULES

- (1) Orders prohibiting the construction or installation of a new *air contaminant* source. No later than 30 days after the date the order is served, any *person* aggrieved thereby may request in writing a hearing under these rules. The hearing will be held within 30 days of receipt of the request.
- (2) Enforcement orders.
 - (a) No later than 30 days after the date the notice and order are served, the *persons* named therein may request in writing a hearing under these rules. The hearing will be held within 30 days of receipt of the request.
 - (b) In lieu of an order, the *Secretary* may require that the alleged violator or violators appear before the *Secretary* for a hearing under these rules at a time and place specified in the notice and answer the charges complained of.
- (3) Assurances of Discontinuance. Within ten days of receipt of any assurance filed with him, the Attorney General may petition the *Secretary* for a hearing on the violation under these rules. The hearing will be held within 30 days of receipt of the petition.
- (4) Orders to reduce or discontinue *emissions of air contaminants*.
 - (a) Orders issued by the *Secretary* pursuant to Section 560(a) of the Act will fix a place and time not later than 24 hours after the time of service thereof for a hearing under these rules.
 - (b) No later than 30 days after the date an order by the *Secretary* pursuant to Section 560(b) of the Act is served, the *persons* named therein may request in writing a hearing under these rules. The hearing will be held within 30 days of receipt of the request.

5-609 NOTICE AND TRANSCRIPT OF HEARINGS

- (1) Upon filing of a pleading initiating a case under these rules, or upon the initiating of such a proceeding by the *Secretary* on his own motion, the *Secretary* will cause written notice of the hearing thereon to be served upon each *party*. The notice will include:

- (a) A statement of the time, place and nature of the hearing;
 - (b) A statement of the legal authority and jurisdiction under which the hearing is to be held;
 - (c) A reference to the particular sections of the statutes and regulations involved;
 - (d) A short and plain statement of the matters at issue. If the *Secretary* or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issue involved. Thereafter upon application a more definite and detailed statement will be furnished.
- (2) Upon request in writing from a party ten days before a hearing, a hearing will be transcribed by a qualified stenographer designated by the *Secretary* or will be recorded on an electronic sound recording device, said choice between a stenographer and an electronic sound recording device to be made by the *Secretary*. All requests for a stenographer shall be accompanied by a fee of \$100.00 which will be applied toward the costs of said stenographer, if used. The *Secretary*, after review of a petition and/or during the course of a hearing, can require an additional fee as security for stenographic costs. Any fees received in excess of final stenographic costs will be refunded. Copies of any transcript will be available to anyone at a reasonable cost to be set by the stenographer.

5-610 CONDUCT OF HEARINGS

- (1) The *Secretary* may appoint a *hearing officer* to hear any or all matters in any case under these rules. The *Secretary*, or the *hearing officer*, shall have the power to administer oaths to witnesses, rule on questions of evidence and offers of proof, take depositions or order such to be taken, rule on the validity of service of subpoenas and other notices, and do whatever is necessary and proper to conduct the hearing in a judicious and fair manner.
- (2) Every party and counsel representing the *Secretary*, if any, shall have the right to participate fully in any hearing under these rules.
- (3) The admissibility of evidence in all cases under these rules will be determined under the criteria specified in 3 V.S.A. §810(1)-(4), which are attached hereto as Appendix A.
- (4) The testimony of a hearing witness on direct examination may be offered in written form, either by having it read into the record or by offering it for incorporation in the record without reading, provided that a copy of such testimony shall be supplied to the *Secretary*, each attorney of record, and each party appearing for himself at a reasonable time in advance of the hearing at which such testimony will be offered. Such testimony shall be subject to the same rules of admissibility and cross-examined as oral testimony.

- (5) The burden of proof and of going forward with the evidence shall be upon the petitioner. In the case of a hearing called by the *Secretary*, the burden of proof and of going forward with the evidence shall be upon the *respondent*.

5-611 PROPOSED DECISION

- (1) In the event the *Secretary* appoints a *hearing officer* to conduct any hearing pursuant to Rule 5-610 herein, the final decision shall not be made by the *Secretary* until a proposed decision, if adverse to a *party* to the proceeding other than the *Agency* itself, is served upon the other parties by the *hearing officer*.
- (2) The proposed decision shall contain a statement of the reasons supporting it and of each issue of fact or law necessary to it, prepared by the *hearing officer*.
- (3) The proposed decision shall be served upon the parties within 15 days of the close of the hearing, and each *party* adversely affected shall be allowed to file exceptions and present briefs and oral argument to the *Secretary* in his discretion before he renders the final decision.
- (4) The parties may waive compliance with this rule by written stipulation.

5-612 FINAL DECISION AND ORDER

- (1) Unless otherwise agreed to by the parties or otherwise required by statute, the final decision in any case will be made by the *Secretary* within 20 days of the close of the hearing, or within 20 days of his receipt of the transcript and proposed decision therein, if the hearing was held before a *hearing officer*. Any *party* may file briefs and proposed findings of fact and conclusions of law with the *Secretary* within such time period.
- (2) A final decision or order adverse to a *party* will be in writing or stated in record. A final decision will include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, will be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If a *party* submitted proposed findings of fact, the decision will include a ruling upon each proposed finding.
- (3) Parties will be notified forthwith either personally or by mail of any decision or order. A copy of the decision or order will be served upon each *party*, as provided in Rule 5-603 herein.

5-613 APPEALS

Any *party* aggrieved by an adverse final determination of the *Secretary* may appeal to the Vermont Supreme Court under the provisions of 10 V.S.A. §562, 3 V.S.A. §815 and the Vermont Rules of Appellate Procedure.

SUBCHAPTER VII. MOTOR VEHICLE EMISSIONS

5-701 MAINTENANCE AND REMOVAL OF CONTROL DEVICES

No *person* shall fail to maintain in good working order or remove, alter or otherwise render inoperative, the exhaust *emission* control system, the evaporative *emission* control system, or crankcase ventilation, or any other *air pollution control device* which has been installed as a requirement of the Federal or State laws or regulations.

5-702 EXCESSIVE SMOKE EMISSIONS FROM MOTOR VEHICLES

No *person* shall cause, suffer, allow, or permit excessive *emissions* of visible *air contaminants*, other than water, from a *motor vehicle* for longer than five (5) consecutive seconds.

5-703 INSPECTION OF CONTROL DEVICES

No *motor vehicle* shall be issued an inspection sticker unless the *emission control devices* as identified below have been inspected in accordance with the Vermont Periodic Inspection Manual distributed by the Department of Motor Vehicles, according to the following schedule:

- (1) beginning January 1, 1997 and thereafter, for the presence and proper connection of the catalytic converter or converters; and
- (2) beginning January 1, 1998 and thereafter, for the proper functioning of the *fuel* tank pressure-vacuum relief cap; and
- (3) beginning January 1, 1999 and thereafter, for the proper functioning of the on-board diagnostic system.

SUBCHAPTER VIII. REGISTRATION OF AIR CONTAMINANT SOURCES

5-801 DEFINITIONS

"Source" means, for the purposes of this Subchapter only, all stationary structures, facilities, equipment, installations, or operations which emit or may emit any *air contaminant* and which are:

- (a) Operated by the same *person* or by *persons* under common control, and
- (b) Located on one or more contiguous or adjacent properties where all such property is owned by the same *person* or by *persons* under common control.

(Note that the *person* or *persons* operating the *source* will not necessarily be the same *person* or *persons* who own the property upon which the *source* is located.)

"Operator" means, for purposes of this Subchapter only, any *person* operating or responsible for the operation of a *source*.

5-802 REQUIREMENT OF REGISTRATION

Each *operator* of a *source* which emits more than five *tons* of any and all *air contaminants* per year shall register the *source* with the *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 operator to a civil penalty not to exceed \$100.00 per violation.

5-803 REGISTRATION PROCEDURE

- (1) On or before February 1 of each year, the *operator* of each *source* subject to registration shall submit to the *Air Pollution Control Officer* *source emissions* data and any other information required to determine the appropriate registration fee. This data shall be supplied by completion of forms which are available from the *Air Pollution Control Officer*. The forms will not be deemed completed unless and until all information required by the forms has been supplied. The *Air Pollution Control Officer* may require such information to be submitted with respect to any *source* which he or she has reason to believe may be a *source* subject to registration. This subsection is not intended to limit any powers otherwise held by the *Air Pollution Control Officer*.
- (2) The *Air Pollution Control Officer* shall determine the registration fee based upon the information required by the preceding subsection, upon other information reasonably required by him or her, and any other relevant information. Upon such determination, the *Air Pollution Control Officer* shall promptly notify each operator in writing of the registration fee required, if any.
- (3) Any *operator* may request reconsideration of a fee determination within 30 calendar days of receiving notice of such determination. Such request shall be in writing addressed to the *Air Pollution Control*

Officer and shall include the operator's own calculation of the fee due along with all supporting documentation. Within 20 calendar days of receipt of such timely written request, the *Air Pollution Control Officer* shall notify the operator of the decision.

- (4) Any operator who chooses to contest the decision of the *Air Pollution Control Officer* described in the preceding subsection may, within 15 calendar days after receipt of such decision, request an administrative conference of the Commissioner of Environmental Conservation. Said conference shall be held as soon as reasonably possible, shall be informal in nature and shall serve as an opportunity for the operator to contest the decision of the *Air Pollution Control Officer* to the Commissioner by presenting *emissions* data and any other relevant information to the Commissioner or his or her representative. Such administrative conference shall not be considered a "contested case" as defined by 3 V.S.A. Ch. 25. The Commissioner shall notify the operator of the decision within 30 days of the administrative conference. Should the Commissioner's decision be wholly or partially adverse to the operator, such notice shall include an explanation of the grounds for the decision.
- (5) Each operator from whom a registration fee is due shall pay said fee to the *Air Pollution Control Officer* on or before May 15 of each year. Payment shall be by check or money order made payable to the state of Vermont. If the amount of the fee is at that time the subject of an administrative appeal or judicial review, the fee amount most recently decided or determined by the *Air Pollution Control Officer* or Commissioner of Environmental Conservation is due. No registration will be issued for those sources for which a required registration fee has not been paid in full. If, however, at the conclusion of any and all administrative appeals and judicial review, the fee paid is greater than that which has been determined to be correct, the difference shall be promptly refunded to the operator.
- (6) The period of each registration or renewal shall be from the first day of July of each year through the last day of June of the following calendar year.

5-804 FALSE OR MISLEADING INFORMATION

All data and other information submitted or caused to be submitted by an operator to the Agency shall be complete and truthful. Any such submission which is false or misleading shall be sufficient grounds for the denial or revocation of registration, and may result in a fine and/or imprisonment under the authority of the applicable Vermont statutes.

5-805 COMMENCEMENT OR RECOMMENCEMENT OF OPERATION

A source otherwise subject to registration is not required to register for the next period of registration unless it emitted more than five tons of air contaminants during the calendar year immediately preceding said next period of registration.

5-806 TRANSFER OF OPERATION

Should the operation or responsibility for operation of a *source* subject to registration be transferred, the registration will, nonetheless, remain valid until the end of the then-current registration period.

5-807 FEES

- (1) The registration fee shall be determined in accordance with the fee schedule set forth in 3 V.S.A. §2822.
- (2) With respect to the fees for the emission of hazardous air contaminants, the 2007 amendments to Appendix C of these regulations shall not take effect until January 1, 2008.

5-808 DETERMINATION OF FEE

- (1) Each *operator* shall determine the registration fee, if any, based on calculation of the quantity of *air contaminants* emitted by his or her *source* during the calendar year immediately preceding the period of registration.
- (2) The following techniques, or combinations thereof, are acceptable methods of measuring and calculating *source emissions*. The *Air Pollution Control Officer* will determine which method(s) is (are) most appropriate for each *source*. As applied to most *sources*, the methods listed below are in order of preference, the first listed method being deemed the most reliable and accurate:
 - (a) *Emission testing (stack testing) of source;*
 - (b) *Emission testing of similar sources;*
 - (c) *Mass balance calculations, where appropriate;*
 - (d) *Use of emission factors published by the U.S. Environmental Protection Agency in its Compilation of Air Pollutant Emission Factors (AP-42);*
 - (e) *Other methods receiving the prior written approval of the Air Pollution Control Officer.*
- (3) *Emissions* of all *air contaminants* from a *source*, either through *stacks* or from points other than *stacks* (i.e., *fugitive emissions*) shall be added together for purposes of determining the registration fee. *Fugitive emissions* shall be included only when, in the judgment of the *Air Pollution Control Officer*, such *emissions* are reasonably *quantifiable*.

SUBCHAPTER IX. CONTROL OF OZONE-DEPLETING CHEMICALS

5-901 DEFINITIONS

"Ozone Depleting Chemical" means manufactured substances which are known or reasonably may be anticipated to cause or contribute to depletion of ozone in the earth's stratosphere.

(A) Primary ozone depleting chemicals include:

- (i) chlorofluorocarbon-11,
- (ii) chlorofluorocarbon-12,
- (iii) chlorofluorocarbon-113,
- (iv) chlorofluorocarbon-114,
- (v) chlorofluorocarbon-115,
- (vi) halon 1211,
- (vii) halon-1301
- (viii) halon-2402,
- (ix) carbon tetrachloride,
- (x) methyl chloroform.

(B) Other ozone depleting chemicals include:

- (i) hydrochlorofluorocarbon-22,
- (ii) hydrochlorofluorocarbon-123
- (iii) hydrochlorofluorocarbon-124,
- (iv) hydrochlorofluorocarbon-141b,
- (v) hydrochlorofluorocarbon-142b.

(C) The Secretary may list by rule other manufactured substances which are known or reasonably may be anticipated to cause or contribute to depletion of stratospheric ozone.

"Fire extinguisher" means a portable device containing chemicals that can be sprayed onto a fire to put it out.

"Halon" means, for the purposes of this subchapter, any bromine containing compound used for fighting fires, including, but not limited to: Halon 1211 (CF_2BrCl), Halon 1301 (CF_3Br) and Halon 2402 ($\text{C}_2\text{F}_4\text{Br}_2$).

"Ozone-depleting products" means any of the following:

- (a) Fire extinguishers containing halons; and
- (b) Pressurized containers holding CFC's and used for cleaning electronic and photographic equipment, propelling plastic party streamers, and operating noise-making horns.

5-911 MOTOR VEHICLE AIR CONDITIONING

- (1) After January 1, 1991, no person, for compensation, may perform service on motor vehicle air conditioners unless that person uses equipment that is certified by the Secretary as meeting the requirements and specifications of Underwriters Laboratories (UL) standard UL 1963 and

the Society of Automotive Engineers (SAE) standard J1991, or other standards determined by the *Secretary* to be equivalent.

- (2) All establishments that repair *motor vehicles* and plan to continue to service *motor vehicle* air conditioners shall purchase refrigerant recovery and recycling equipment according to the following schedule:
 - (a) By November 1, 1990 all establishments which employ more than 4 mechanics or service personnel on a full time or temporary basis shall purchase certified refrigerant recovery and recycling equipment for use in all service work on *motor vehicle* air conditioning systems;
 - (b) By January 1, 1991 all other establishments subject to this section shall purchase certified refrigerant recovery and recycling equipment for use in all service work on *motor vehicle* air conditioning systems.
- (3) No *person* shall sell or offer for sale any *CFC* coolant in containers with a net weight of less than 15 pounds, unless they bear a warning label indicating the product's danger to the stratospheric ozone layer. The appearance, typesize, location and contents of a product's warning label shall conform to any guidelines established by the *Secretary*.
- (4) After January 1, 1991, no *person* shall sell or offer for sale any *CFC* coolant suitable for use in *motor vehicle* air conditioners unless for commercial or industrial usage, and unless sold in containers with a net weight of at least 15 pounds.
- (5) No *motor vehicle* with a model year of 1995 or later may be registered in the state of Vermont or sold to a consumer or dealer in the state, if it contains air conditioning equipment that uses *CFC's*.
- (6) All establishments which repair and service *motor vehicle* air conditioners after January 1, 1991 shall maintain records of the number of *motor vehicle* air conditioners serviced and the quantity of *CFC's* purchased for use in automotive air conditioners. Such records shall be retained for a minimum period of five years from the date of record and shall be made available to representatives of the *Secretary* upon request.

5-921 REGULATION OF OZONE-DEPLETING PRODUCTS

- (1) No *person* shall sell or offer for sale *fire extinguishers* containing *halons*, unless for commercial or industrial usage, or unless sold to fire departments for their own use in fighting fires.
- (2) Except as provided in subsection (1) of this section, no *person* shall sell or offer for sale *ozone-depleting products* as defined in this subchapter, except for commercial or industrial usage.

SUBCHAPTER X. OPERATING PERMITS

5-1001 PURPOSE AND AUTHORITY

The regulations in this Subchapter X are promulgated with the intention of providing for the establishment of a comprehensive statewide air quality operating permit program consistent with the federal Clean Air Act (42 U.S.C. 7401, et seq.), and Vermont statutes at Title 10, chapter 23.

5-1002 DEFINITIONS

The terms defined in this section shall apply to this subchapter only, and for purposes of this subchapter shall supersede definitions contained in any other regulation or in statutes. The definitions contained in Air Pollution Control Regulations Section 5-101 shall govern in the absence of a superseding definition in this section.

"*Administrative operating permit amendment*" is a permit revision that:

- (1) Corrects typographical errors;
- (2) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides for a similar minor administrative change at the *subject source*;
- (3) Requires more frequent monitoring or reporting by the permittee; or,
- (4) Allows for a change in ownership or operational control of a *subject source* where the *Secretary* determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the *Secretary*.

"*Administratively complete application*" means a good faith submission to the *Secretary* of all information required by the *Secretary* for operating permit applications.

"*Affected States*" means the states contiguous to Vermont, those being New York, New Hampshire and Massachusetts and those States:

- (1) Whose air quality may be affected by an *operating permit*, *operating permit amendment*, or *operating permit renewal* that is being proposed; or,
- (2) That are within fifty (50) miles of the *stationary source* which is the subject of an *operating permit application*.

"*Applicable requirement*" means all of the following as they apply to *subject sources* including requirements that have been promulgated or approved by *EPA* or the *Agency* through rulemaking including those which have future-effective compliance dates:

- (1) Any term or condition of any construction or *modification* permits issued pursuant to 10 V.S.A. §556 or the regulations promulgated thereunder which is pertinent to the continuing operations of the *subject source*;
- (2) Any standard or other requirement regarding standards of performance for new *stationary sources* pursuant to section 111 of the federal Clean Air Act and/or regarding hazardous air pollutants pursuant to section 112 of the federal Clean Air Act [42 U.S.C. 7411, 7412];
- (3) Any standard or other requirement of the acid rain program under Title IV of the federal Clean Air Act [42 U.S.C. 7651-7651o] or the regulations promulgated thereunder;
- (4) Any requirements regarding monitoring or compliance certification pursuant to section 504(b) or section 114(a)(3) of the federal Clean Air Act [42 U.S.C. 7661c(b), 7414(a)(3)];
- (5) Any standard or other requirement governing solid waste incineration pursuant to section 129 of the federal Clean Air Act [42 U.S.C. 7429];
- (6) Any standard or other requirement pursuant to section 183 of the federal Clean Air Act [42 U.S.C. 7511b];
- (7) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the federal Clean Air Act, unless the *EPA* has determined that such requirements need not be contained in an *operating permit* to be in compliance with the federal Clean Air Act. [42 U.S.C. 7671-7671q];
- (8) Any standard or requirement contained in an applicable implementation plan approved and/or promulgated pursuant to the federal Clean Air Act [42 U.S.C. 7401, et seq.];
- (9) Any standard or other requirement under the *Air Pollution Control Regulations*; and,
- (10) Any standard or other requirement of 10 V.S.A. §556a and 3 V.S.A. §2822.

"*Draft operating permit*" means the version of a permit for which the *Secretary* offers public participation under Section 5-1007 of this subchapter.

"*Emissions allowable under the permit*" means a permit term or condition that establishes an emissions limit (including a work practice standard.)

"*Final operating permit*" means the version of an *operating permit* issued by the *Secretary* after the applicant has successfully completed all review procedures required by this subchapter.

"*Insignificant Activities*" means any of the following:

- (1) Any of the following activities, if the activity supports one or more production processes of the facility and does not itself constitute a facility production process or a part thereof:
 - (i) Natural gas, propane, and distillate oil space heating/hot water heaters rated at less than 3.0 million British Thermal Units (BTUs) per hour;
 - (ii) Automotive storage garages and automotive repair shops that perform no autobody repair activities;
 - (iii) Construction activities excluding fugitive dust;
 - (iv) Internal combustion engine generator sets rated less than 37 kW (50 hp).
 - (v) Bench scale laboratory equipment and laboratory equipment used exclusively for chemical and physical analysis excluding research and development facilities.
 - (vi) Emergency use engines.
 - (vii) Interior maintenance activities and the equipment and supplies used therein, such as janitorial cleaning products. This subparagraph does not include cleaning of production equipment and products.
 - (viii) Any other activity determined to be insignificant by the *Secretary* on the basis of the minimal quantity of emissions and impracticality with respect to quantifying emissions provided such determination is consistent with the federal Clean Air Act [42 U.S.C. 7401, et seq.], the Vermont Air Pollution Control Act [10 V.S.A. §551, et seq., as amended] and the regulations promulgated thereunder.
- (2) The engine of any *motor vehicle* including, but not limited to, any forklift or tractor.

"*Minor permit amendment*" means an *operating permit amendment* for a change to a subject source or operating permit which:

- (1) Does not require or alter an *MSER*, *HMSER*, or source specific *RACT* *emission* limitation;
- (2) Does not involve the construction or modification of a stationary source where the proposed construction or modification itself will have allowable emissions of ten tons per year or more of all contaminants;
- (3) Does not subject the source to a federal requirement under section 111 or 112 of the federal Clean Air Act
- (4) Does not subject the source to Title V of the federal Clean Air Act [42 U.S.C. 7661-7661f];

- (5) Does not violate an underlying applicable requirement;
- (6) Does not involve significant changes to existing monitoring, reporting, or record keeping;
- (7) Does not alter or establish an emissions cap for which there is no underlying applicable requirement;
- (8) Does not require a significant permit modification; and,
- (9) Cannot be accomplished under the Operational Flexibility provisions (Section 5-1014) of this subchapter.

"*Operating permit*" means any permit covering a *subject source* that is issued, renewed, amended, modified, or revised pursuant to this subchapter.

"*Operating permit amendment*" means a revision to an *operating permit*.

"*Operating permit application*" means an application for an initial *operating permit*, an *operating permit* renewal, or an *operating permit amendment*.

"*Proposed operating permit*" means the version of an *operating permit*, developed by the *Secretary* after the close of the public comment period, that the *Secretary* proposes to issue and forwards to the *EPA* for review in accordance with Section 5-1008(b) of this subchapter.

"*Responsible official*" means one of the following:

- (1) For a corporation:
 - (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or,
 - (ii) a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for an *operating permit* or subject to this subchapter and the *Secretary* is notified in writing and approves of the delegation of authority to such representative.
- (2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively; or,
- (3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this subchapter, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

"*Subchapter X major source*" means any *stationary source*, which, regardless of whether the emissions are fugitive or emitted via stack(s), has *allowable emissions* of all *air contaminants* in the aggregate of ten (10) or more tons per year excluding greenhouse gas emissions and emissions resulting from *insignificant activities*.

"*Subject source*" means any *stationary source* subject to the permitting requirements of this subchapter.

"*Title IV affected source*" means a *stationary source* which is subject to emission reduction requirements or limitations under Title IV of the federal Clean Air Act [42 U.S.C. 7651-7651o].

"*Title V subject source*" means any *stationary source* subject to the permitting requirements of Title V of the federal Clean Air Act [42 U.S.C. 7661-7661f] and the regulations promulgated thereunder.

5-1003 APPLICABILITY

- (a) Any *owner/operator* of an *air contaminant source* listed in Air Pollution Control Regulations Sections 5-401(1)-(17) is subject to the requirement to secure an *operating permit* under this subchapter if the *stationary source* is:
 - (1) A *Subchapter X major source*;
 - (2) A Title V *subject source*;
 - (3) A Title IV *affected source*;
 - (4) A *stationary source* subject to Air Pollution Control Regulation Section 5-261, at the discretion of the *Secretary*, upon determining that the toxicity and quantity of hazardous air contaminants emitted may adversely affect susceptible populations; or,
- (b) Any *owner/operator* of a *stationary source* category that the *Secretary*, in his/her discretion, exempts by declaratory ruling, so long as such exemption is consistent with Vermont statutes at Title 10, chapter 23 and with the federal Clean Air Act, as amended [42 U.S.C. 7401, et seq.], and the regulations promulgated thereunder, is not subject to the requirement to secure an *operating permit* regarding such *stationary source* under this subchapter.

5-1004 DUTY TO APPLY

For each *subject source*, the *owner/operator* shall submit a timely and *administratively complete application* and all other information required by the *Secretary* in accordance with this subchapter.

5-1005 TIMELY APPLICATIONS

- (a) A *subject source* applying for an *operating permit* for the first time must submit an *administratively complete application* within twelve (12)

months after the *subject source* becomes subject to the provisions of this subchapter.

- (b) The *owner/operator* of a *subject source* that is required to meet the requirements under section 112(g) of the federal Clean Air Act [42 U.S.C. 7412(g)] or to have a permit under Subchapter V of the *Air Pollution Control Regulations* shall file an *administratively complete operating permit application* within the later of twelve (12) months after the effective date of this subchapter or twelve (12) months after commencing operation. Where an existing *operating permit* would prohibit such construction or change in operation, the *owner/operator* must obtain an *operating permit amendment* before commencing operation. Notwithstanding the preceding two sentences, the *Secretary* may, at his/her discretion, consolidate the application and/or permit for construction or *modification* of a *stationary source* with the application and permit for operation of the *stationary source*.
- (c) For purposes of *operating permit* renewal, a timely application is one that is submitted twelve (12) months prior to the date of *operating permit* expiration.
- (d) Applications for initial phase II acid rain permits shall be submitted to the *Secretary* by January 1, 1996 for sulphur dioxide, and by January 1, 1998 for nitrogen oxides.
- (e) No *subject source* may operate after the date by which the *owner/operator* is required to submit a timely and *administratively complete application* in accordance with this section, except in compliance with an *operating permit* issued in accordance with this subchapter. Notwithstanding the preceding sentence, if an *owner/operator* submits a timely and *administratively complete application*, the *owner/operator's* failure to have an *operating permit* is not a violation of this subchapter until the *Secretary* takes final action on the application. This protection shall cease to apply if, subsequent to the application being determined or deemed *administratively complete* pursuant to Section 5-1006 of this subchapter, the *owner/operator* fails to submit any additional information required by the *Secretary* as well as information pertaining to changes to the *subject source* within thirty (30) days or such other period specified in writing by the *Secretary*.

5-1006 COMPLETE APPLICATION

- (a) Unless and until the information specified in subsection (e) of this section is provided, an *operating permit application* will not be determined *administratively complete*, except that applications for *operating permit amendment(s)* need supply such information only if it is related to the proposed change(s).
- (b) Unless the *Secretary* determines that an *operating permit application* is not *administratively complete*, such an application will automatically be deemed *administratively complete* at the later of sixty (60) days after receipt of the application or sixty (60) days after receipt of information responsive to the *Secretary's* last request for additional information regarding the application.

- (c) If, while processing an *operating permit application* that has been determined or deemed administratively complete, the *Secretary* determines that additional information is necessary to evaluate or take final action on that application, the *owner/operator* shall submit such information in writing within thirty (30) days of notification by the *Secretary* that such information is necessary or within such other period specified in writing by the *Secretary* as reasonably necessary to provide such information.
- (d) Any *owner/operator* who fails to submit any relevant facts or who has submitted incorrect information in an *operating permit application* shall, upon becoming aware of such failure or incorrect submittal, within five (5) working days or within such other period specified in writing by the *Secretary* as reasonably necessary to provide such information, submit such supplementary facts or corrected information. In addition, an *owner/operator* shall provide additional information as necessary to address any requirements that become applicable to the subject source after the date it files an *administratively complete application* but prior to release of a *draft operating permit*.
- (e) The *owner/operator* shall complete the forms provided by the *Secretary* for *operating permit applications*. Information as described below for each *process unit* and each *fuel burning equipment unit* at a *subject source* shall be included in the application:
 - (1) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, name of other *responsible officials*, and telephone numbers and names of *subject source* site contact person(s);
 - (2) A description of the subject source's processes and products (including Standard Industrial Classification Code) including any associated with each alternative operating scenario identified by the owner/operator;
 - (3) The following *emission-related* information:
 - (i) All *emissions* of *air contaminants* unless resulting from *insignificant activities* or exempted under this subchapter. The *owner/operator* shall provide additional information, as determined by the *Secretary* to be necessary, related to the *emissions* of *air contaminants* to verify which requirements are applicable to the *subject source*;
 - (ii) Identification and description of all points of air contaminant emissions;
 - (iii) Allowable *emission* rates in tons per year, and any other unit determined by the *Secretary* to be necessary to establish compliance consistent with the applicable standard reference test method;

- (iv) The following information as determined by the *Secretary* to be necessary to determine or regulate *emissions: fuels, fuel use, raw materials, production rates, and operating schedules*;
 - (v) Identification and description of *air pollution* control equipment and compliance monitoring devices or activities;
 - (vi) Identification and description of all *insignificant activities* as defined in this Subchapter;
 - (vii) A proposed enhanced monitoring protocol if required under Section 114(a)(3) of the federal Clean Air Act [42 U.S.C. 7414(a)(3)] or the regulations promulgated thereunder;
 - (viii) Limitations on *subject source* operations affecting *emissions* or any work practice standards, where applicable, for all *air contaminants* at a *subject source*;
 - (ix) Research and development activities and such activities' *emission* amounts;
 - (x) Other information relating to any *applicable requirement*; and,
 - (xi) All calculations, data, assumptions and conclusions on which the information in items (i) through (x) of this paragraph, above, are based;
- (4) The following *air pollution* control requirements:
- (i) Citation and description of all *applicable requirements*; and,
 - (ii) Description of, or reference to, any applicable test method for determining compliance with each *applicable requirement*;
- (5) Other specific information that may be necessary to implement and enforce other *applicable requirements* of this subchapter or to determine the applicability of any such requirement;
- (6) An explanation of any proposed exemptions from otherwise *applicable requirements*;
- (7) Additional information necessary to define reasonably anticipated alternative operating scenarios or as needed by the *Secretary* to determine the applicability of any other provision of this subchapter;
- (8) A compliance plan for all *subject sources* that contains the following:
- (i) A description of the compliance status of the *subject source* with respect to all *applicable requirements*;

(ii) A description as follows:

- (A) For *applicable requirements* with which the *subject source* is in compliance, a statement that the *subject source* will continue to comply with such requirements;
- (B) For *applicable requirements* that will become effective during the permit term, a statement that the *subject source* will meet such requirements on a timely basis; and,
- (C) For *applicable requirements* for which the *subject source* is not in compliance at the time of application for an *operating permit*, a narrative description of how the *owner/operator* will achieve compliance with such requirements;

(iii) A schedule of compliance as follows:

- (A) For *applicable requirements* with which the *subject source* is in compliance, a statement that the *subject source* will continue to comply with such requirements;
- (B) For *applicable requirements* that will become effective during the *operating permit* term, a statement that the *subject source* will meet such requirements on a timely basis. A statement that the *subject source* will meet in a timely manner *applicable requirements* that become effective during the *operating permit* term shall satisfy this provision, unless a more detailed schedule is expressly required by the *applicable requirement*; and,
- (C) A *schedule of compliance* for *subject sources* that are not in compliance with all *applicable requirements* at the time of application for an *operating permit*. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any *applicable requirements* for which the *subject source* will be in noncompliance at the time of application for an *operating permit*. Such compliance schedule shall be at least as stringent as that contained in any judicial consent decree or administrative order to which the *subject source* is subject; and,

(iv) A schedule for submission of certified progress reports no less frequently than every six (6) months for an *owner/operator* required to have a *schedule of compliance* to remedy a violation.

- (9) Requirements for compliance certification, including the following:
 - (i) A certification of compliance with all *applicable requirements* by a *responsible official* consistent with subsection (f) of this section and with section 114(a)(3) of the federal Clean Air Act [42 U.S.C. 7414(a)(3)];
 - (ii) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods;
 - (iii) A schedule for submission of compliance certifications during the *operating permit* term, to be submitted no less frequently than annually, or more frequently if specified by the underlying *applicable requirement* or by the *Secretary*;
 - (iv) A statement indicating the *subject source's* compliance status with any applicable enhanced monitoring and compliance certification requirements of the federal Clean Air Act; and,
- (10) Analysis for each *hazardous air contaminant* subject to Section 5-261 of the *Air Pollution Control Regulations* that shall include:
 - (i) The proposed *Hazardous Most Stringent Emission Rate (HMSER)* emission limit for each *hazardous air contaminant emission* from a *subject source* and all calculations, data, assumptions and conclusions supporting the proposed *HMSER emission limit*;
 - (ii) An *air quality impact evaluation* if required or a demonstration of compliance with any other requirement of Section 5-261 of the *Air Pollution Control Regulations*; and
 - (iii) Any other *applicable requirement* under Section 112 of the federal Clean Air Act.
- (f) Any application form, report, or compliance certification submitted pursuant to this subchapter shall contain certification of truth, accuracy, and completeness signed by a *responsible official*. This certification and any other certification required under this subchapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

5-1007 PUBLIC PARTICIPATION

- (a) Upon making a determination to issue a draft operating permit for a *Subchapter X major source* or a *Title V subject source*, opportunity for public participation shall be provided as follows:
 - (1) The *Secretary* shall give notice:

- (i) To the general public either by publishing a notice in a newspaper having general circulation in the area affected by the *subject source* or in an electronic state publication designed to give notice to the public; and
 - (ii) To affected states for *Title V subject sources*.
- (2) The content of the notice shall identify:
 - (i) The name and address of the subject source and the *owner/operator*;
 - (ii) The name and address of the *Secretary* or his/her pertinent designee;
 - (iii) A brief description of the activity(ies) proposed by the *operating permit application*;
 - (iv) The *emissions* change proposed in any application for an *operating permit amendment*;
 - (v) The name, mailing address, email address, and telephone number of a *person* from whom interested *persons* may obtain additional information, including the completed application form, the draft operating permit, the Agency's analysis, and all other materials available to the *Secretary* that are relevant to the operating permit application;
 - (vi) A brief description of the comment procedures required by this section; and,
 - (vii) The time and place of any public informational meeting that may be held or a statement of procedures to request such a meeting.
- (3) Following the notice specified in paragraph (1) of this subsection (a), the public comment period on a draft permit shall be at least thirty (30) days for a *Title V subject source* and shall otherwise be at least ten (10) days for a *Subchapter X major source*.
- (4) The *Secretary* will provide opportunity for a public informational meeting regarding the *draft operating permit* if requested in writing prior to the close of the public comment period, or, in the case of a permit renewal that is not subject to the public notice and comment requirements pursuant to subsection (c) of this section, if requested in writing prior to renewal. Notice shall be given at least thirty (30) days in advance of any such meeting for a *Title V subject source* and shall be given at least fourteen (14) days in advance of any such meeting for a *Subchapter X major source*.

- (5) The Secretary will keep a record of the commenters and also of the issues raised during the public comment period and the public informational meeting, if conducted.
- (b) For *operating permit applications* for all *subject sources* which are neither a *Subchapter X major source* nor *Title V subject source* and for applications for all *administrative and minor permit amendments* pursuant to Section 5-1013(a) and (b) of this subchapter, opportunity for public participation may be provided at the discretion of the Secretary. In determining whether to provide for such public participation, the Secretary shall consider the degree of toxicity of the *air contaminant* and the emission rate, the proximity of the *subject source* to residences, population centers and other sensitive human receptors, and emission dispersion characteristics at or near the *subject source*. If the Secretary requires such an opportunity for public participation, it will be in such manner as determined in the discretion of the Secretary.
- (c) Applications for *operating permit* renewal are subject to the same public participation requirements that apply to initial *operating permit applications*, except that a permit being renewed shall not be subject to the public notice and comment requirements of subsection (a) of this section if:
 - (1) The Secretary determines that no substantive changes have occurred at the *subject source* that would affect emissions or require changes to the permit;
 - (2) The Secretary determines no new statutory or regulatory requirements need to be added to the permit; and
 - (3) The *subject source* is not a *Title V subject source*.
- (d) At his/her discretion, the Secretary may hold any public comment period or public informational meeting pursuant to this section jointly and concurrently with any public comment period or public informational meeting pursuant to Section 5-501 of the *Air Pollution Control Regulations*.

5-1008 SECRETARY'S POWERS AND DUTIES

- (a) The Secretary may refuse to issue, renew, amend or modify an *operating permit* upon any of the following grounds:
 - (1) The *owner/operator* fails to submit pertinent and material information requested by the Secretary;
 - (2) There exists at the *subject source* unresolved noncompliance with *applicable requirements* or conditions of an existing permit issued under this Chapter and the *owner/operator* will not undertake a *schedule of compliance* that is acceptable to the Secretary to resolve the noncompliance;

- (3) An owner/operator fails to fully disclose all facts relevant to the subject source, or knowingly submits false or misleading information to the Secretary; or,
 - (4) With respect to a subject source proposed to be permitted, the owner/operator has failed to pay a penalty or other sums owed pursuant to, or has otherwise failed to comply with, a court order, consent decree, stipulation agreement, schedule of compliance, or an order issued under Vermont statutes.
- (b) For Title V subject sources, the Secretary will forward the operating permit application, proposed operating permit, and the legal and factual basis for proposed operating permit conditions to EPA for review. Within the later of forty five (45) days of its receipt of the proposed operating permit or forty-five (45) days of its receipt of Vermont's notice relating to nonacceptance of Affected State comments, EPA may object to the issuance of a final operating permit if it determines that the issuance of a final operating permit will not comply with the requirements of 40 C.F.R. Part 70. This subsection (b) shall not apply to applications for administrative operating permit amendments.
- (c) Within ninety (90) days of the date of an EPA objection to a proposed operating permit, the Secretary will respond in writing to the objection, revise the proposed operating permit if necessary, and either issue or deny a final operating permit in accordance with EPA's objection. For Title V subject sources, the Secretary shall provide copies of issued operating permits, including amended operating permits, to EPA.
- (d) The Secretary may issue an operating permit to a subject source which is not in compliance with applicable requirements. Such permit will include an appropriate schedule of compliance which is acceptable to the Secretary.
- (e) (1) For Title V subject sources, the Secretary shall reopen an operating permit and, then, shall reissue, amend, suspend or terminate, as appropriate, the permit when:
- (i) There are additional applicable requirements with a remaining operating permit term of 3 or more years, and shall complete the reopening within eighteen months of the promulgation of the requirement;
 - (ii) There are additional applicable requirements for a Title IV affected source under the acid rain program;
 - (iii) The Secretary or EPA determines that the permit contains a material mistake or that inaccurate information was used to establish emissions standards or other terms or conditions of the permit; or
 - (iv) The Secretary or EPA determines such action is necessary to assure compliance with applicable requirements.

- (2) For any *subject source*, the *Secretary* may reopen and, then, reissue, amend, suspend or terminate an *operating permit* for good cause. Good cause includes, but is not limited to, situations where:
- (i) there are additional applicable requirements;
 - (ii) the permit contains a material mistake or that inaccurate information was used to establish emissions standards or other terms or conditions of the permit;
 - (iii) the subject source has failed to comply with a permit condition; or
 - (iv) the grounds for refusal to issue, renew or modify an operating permit under subsection (a) of this section exist.
- (3) In the event the *Secretary* reopens a permit pursuant to paragraph (e)(1) or (e)(2) of this subsection, the procedures required for initial *operating permit application* and issuance or permit amendments shall apply, except that they shall apply only to those parts of the *operating permit* for which cause to reopen exists. Except in an emergency, the *Secretary* shall provide at least thirty (30) days notice to the *owner/operator*, of the *Secretary's* intent to reopen. Such procedures need not be followed for suspension, termination, or revocation of a permit.
- (f) The *Secretary* may issue a single permit authorizing *emissions* from similar operations by the same *owner/operator* at multiple temporary locations. The operations must be temporary and involve at least one change of location during the term of the permit. Such permits shall require at least ten (10) days notice to the *Secretary* prior to each change in location.
- (g) The *Secretary* shall implement the requirements and provisions of Title IV of the federal Clean Air Act [42 U.S.C. 7651-7651o] and the regulations promulgated thereunder. If any provisions or requirements of Title IV of the federal Clean Air Act and the regulations promulgated thereunder conflict with or are not included in this Subchapter, the requirements and provisions of Title IV of the federal Clean Air Act shall apply and take precedence.

5-1009 ACTION ON OPERATING PERMIT APPLICATIONS

- (a) An initial *operating permit*, an *operating permit* renewal, or an *operating permit amendment* will be issued only if all of the following conditions have been met:
- (1) The *Secretary* has received an *administratively complete application* as described in Section 5-1006 of this subchapter;
 - (2) The *owner/operator* has provided all additional information requested by the *Secretary* pursuant to Sections 5-1005(e), 5-1006(c), 5-1006(d), and 5-1012(c) of this subchapter;

- (3) An opportunity for public participation, if required by Section 5-1007 of this subchapter, is provided; and,
 - (4) The terms and conditions of the *operating permit*, including any *schedule of compliance*, provide for compliance with all *applicable requirements* and the requirements of this subchapter.
- (b) The *Secretary* will take final action on each *operating permit application* within eighteen (18) months after receiving an *administratively complete application*.

5-1010 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT)

- (a) The owner/operator of a Subchapter X major source shall install, maintain, and use *reasonably available control technology (RACT)* to limit the discharge of *air contaminants* from each *process unit* and each *fuel burning equipment unit* at such *subject source*, if and as required by the conditions of an *operating permit*.
- (b) Except as provided in subsection (c) of this section, any *RACT* requirement pursuant to subsection (a) of this section shall be determined by the *Secretary* for each *subject source* or category of *subject sources* after consideration of all available pertinent information. Before final action is taken on an *operating permit application*, the *Secretary* may require the owner/operator of a *stationary source* subject to this section to submit information to the *Secretary* to establish whether *RACT* will be achieved.
- (c) Any *RACT* requirement for *VOCs* pursuant to Section 5-253 of this Chapter or nitrogen oxides pursuant to Section 5-251(3), or any *most stringent emission rate (MSER)* requirement to which a *stationary source* is otherwise subject for a *process unit* and/or *fuel burning equipment unit* at the time of application for an *operating permit*, shall be the applicable *RACT* requirement pursuant to subsection (a) of this section for such *process unit* and/or *fuel burning equipment unit* provided that such *MSER* or *RACT* requirement was established less than ten (10) years prior to the *operating permit application* being determined or deemed administratively complete.

5-1011 TERM OF OPERATING PERMIT

Each *operating permit* issued under this subchapter shall be for a fixed term determined by the *Secretary*, not to exceed five (5) years.

5-1012 PERMIT EXPIRATION AND RENEWAL

- (a) Each *operating permit*, unless sooner terminated in accordance with Section 5-1008(e), will expire at the end of its term except as provided in subsection (c) of this section.
- (b) Applications for *operating permit* renewal are subject to the same requirements, including those for public participation, that apply to initial *operating permit applications*, except as provided under Section 5-1007(c) of this subchapter.

- (c) If a timely and *administratively complete application* for *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 the previous permit, then the *owner/operator* may continue to operate the *subject source* and all terms and conditions of such previous *operating permit* shall remain in effect until the *Secretary* has issued or denied the *operating permit* renewal. However, such previous *operating permit* shall automatically expire if, subsequent to the application being determined or deemed *administratively complete* pursuant to Section 5-1006 of this subchapter, the *owner/operator* fails to submit any additional information required by the *Secretary* as well as information pertaining to changes to the *subject source* within thirty (30) days or such other period specified in writing by the *Secretary*.

5-1013 OPERATING PERMIT AMENDMENTS

- (a) An *administrative operating permit amendment* may be made by the *Secretary* consistent with the following:
- (1) The *Secretary* may incorporate such changes without providing notice to the public or *affected States*.
 - (2) The *owner/operator* may implement the changes addressed in the request for an *administrative operating permit amendment* immediately upon submittal of the request to the *Secretary*. Notwithstanding Section 5-1009(b) of this subchapter, the *Secretary* will act on the request within 60 days of its receipt by the *Secretary*. Should the *Secretary* deny the request, the *owner/operator* must take whatever action is necessary to comply with the denial.
- (b) The *Secretary* may issue a *minor permit amendment* without providing opportunity for public participation (Section 5-1007) provided the applicant submits an *administratively complete application* which includes:
- (1) a description of the proposed change, the *emissions* which would result from the proposed change, and any new requirements that will apply if the change occurs;
 - (2) citation of all requirements applicable to the *subject source* as a result of the change and a description of how compliance with such requirements can be determined;
 - (3) certification by a *responsible official* that the proposed change is eligible to be processed as a *minor permit amendment* in accordance with Section 5-1002 of this subchapter.
- (c) Except as provided in (a) and (b) above, the procedure for processing an application for an *operating permit amendment* shall be the same as that used to process an application for an initial *operating permit*. In the case of a *minor permit amendment* for a *Title V subject source*, the *Secretary* shall notify *affected states* and *EPA* upon receipt of an

administratively complete application and the proposed permit shall be subject to Section 5-1008(b) and (c) of this subchapter.

- (d) An *operating permit amendment* for the purposes of the acid rain portion of an *operating permit* shall be subject to regulations promulgated under Title IV of the federal Clean Air Act [42 U.S.C. 7651-7651o].

5-1014 OPERATIONAL FLEXIBILITY

- (a) An *owner/operator* may make a change to a permitted *subject source* without securing approval of the *Secretary* or requesting an *operating permit amendment* provided that:
 - (1) The change does not constitute a modification under any provision of the Air Pollution Control Regulations;
 - (2) The change is not subject to Title IV of the federal Clean Air Act [42 U.S.C. 7651-7651o];
 - (3) The change does not cause any subject source to exceed the emissions allowable under the operating permit (whether expressed therein as a rate of emissions or in terms of total emissions);
 - (4) The change meets all applicable requirements and the change does not contravene a permit term and condition for monitoring, record keeping, reporting, or compliance certification;
 - (5) For the balancing of emissions increases and decreases between emission units at a Title V subject source, all emissions from the change are quantifiable and there are replicable procedures to enforce the emission trades; and,
 - (6) The owner/operator of the permitted subject source provides the Secretary (and the EPA for Title V subject sources) with written notice received at least fifteen (15) days in advance of the proposed change. Such notice shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term that is no longer applicable as a result of the change. The owner/operator shall attach a copy of such written notice to the operating permit.

5-1015 PERMIT CONTENT

- (a) Each *operating permit* issued to a *Title V subject source* under this subchapter will include the following elements:
 - (1) Specified *emission* limitations and standards, including those operational requirements and limitations that assure compliance with all *applicable requirements*;
 - (2) A reference, but not necessarily all references, of the origin and authority for each term or condition;

- (3) Emission monitoring and analysis procedures or test methods required under the *applicable requirements*;
- (4) Conditions for record keeping and periodic monitoring as the *Secretary* deems necessary to collect reliable data representative of the *subject source's* compliance with the *operating permit* including the installation, use and maintenance of monitoring equipment;
- (5) Reporting requirements requiring, at a minimum, submittal of reports of any required monitoring, certified by a *responsible official* in accordance with Section 5-1006(f) of this subchapter, at least every six (6) months;
- (6) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventative measures taken. Prompt shall be defined on a case-by-case basis in each *operating permit*, shall be at least as stringent as is required for permits issued to *Title V subject sources* by *EPA*, and shall be determined in relation to the degree and type of deviation likely to occur and the applicable requirements;
- (7) A provision requiring that reports, records of all monitoring data and related information required by the *operating permit* be retained by the *subject source* for at least five (5) years from the date of the monitoring, measurement, or report;
- (8) Terms and conditions, including the requirement to maintain records of switches in operating scenario, for reasonably anticipated alternative operating scenarios identified by the *subject source* in its application as approved by the *Secretary*;
- (9) Specific designation by the *Secretary* in the Findings of Fact of any operating permit for a *Title V subject source*, of terms and conditions which are not federally enforceable under the Act or under any of its applicable requirements;
- (10) Inspection and entry requirements requiring that, upon presentation of credentials, the permittee shall allow an authorized representative of the *Secretary* access, at reasonable times, to all properties covered by the permit and where *emissions* related activity is conducted for the purpose of ascertaining compliance with the permit and *applicable requirements*;
- (11) Requirements for submittal of compliance certifications, including, but not limited to, the frequency of submission of compliance certifications;
- (12) If necessary, a *schedule of compliance* and requirements for submittal of progress reports;

- (13) Provisions indicating that the *Secretary* may reopen an *operating permit* prior to the expiration of the *operating permit* in accordance with Section 5-1008(e); and,
- (14) If requested by an *owner/operator* in accordance with the provisions of this subsection, a "permit shield" provision that identifies specific *state* or *federally enforceable* regulations and standards derived therefrom which are not applicable to a source. Enforcement actions based on those identified regulations and standards may not be initiated against the source covered by the shield. However, a *permit shield* is not available as part of an *administrative* or *minor permit amendment* and does not apply to changes permitted under Section 5-1014.
- (i) Such a shield shall only have legal effect if:
- (A) The *Secretary*, in acting on an *operating permit application*, determines in writing which specific *state* or *federally enforceable* regulations and standards derived therefrom are not applicable to the *stationary source* and the *operating permit* contains an express delineation of each such regulation or standard;
- (B) The *applicant* includes, in its application, a draft permit shield provision in the form and with the elements specified by the *Secretary*, itemizing each specific *state* or *federally enforceable* regulation or standard derived therefrom which said *applicant* believes is not applicable to such *stationary source*; and,
- (C) An *operating permit* expressly states that a "permit shield" exists in accordance with this subsection, otherwise the *operating permit* shall not provide such a shield;
- (ii) A permit shield shall not limit the *Secretary's* ability to reopen and/or amend an *operating permit* pursuant to Section 5-1008(e) of this subchapter. Notwithstanding any other provision of this subchapter, the *Secretary* need not receive an *operating permit application* from the *owner/operator* of a *subject source* in order to reopen and/or amend a "permit shield" provision.
- (iii) Notwithstanding paragraph (14) of this subsection, the *stationary source* must comply with those *state* or *federally enforceable* regulations and standards that become applicable during the term of the *operating permit*, even if those requirements are not set forth in the *operating permit*.
- (iv) Notwithstanding this paragraph (14) of this subsection, an *owner/operator* shall remain liable for any violation of

applicable provisions of law that occurred prior to or at the time of issuance of an *operating permit*.

- (v) The permit shield shall be void if it is based on or affected by any false, inaccurate, or incomplete information provided by the *applicant*.
 - (vi) The permit shield shall not limit in any way or prevent the *Secretary* from issuing an emergency administrative order in accordance with 10 V.S.A. §8009 or an emergency order pursuant to 10 V.S.A. §560. The permit shield shall remain in effect with respect to any regulations or standards delineated in the permit shield provision which are not affected by, or the basis for such emergency orders. No emergency administrative order issued to an *owner/operator* which is based on regulations or standards that are delineated in such source's permit shield provision shall contain monetary penalties.
 - (vii) The permit shield shall not apply to, or affect those provisions of law which implement the requirements and provisions of Title IV of the federal Clean Air Act (42 U.S.C. 7651-7651o) and the regulations promulgated thereunder.
- (15) If requested by the *owner/operator*, terms and conditions for the balancing of *emissions* increases and decreases between emission units at a *Title V subject source* for the purpose of complying with a federally enforceable *emissions* cap contained in the *operating permit* if such balancing of emissions is permissible under Section 5-1014;
- (16) Such other provisions, consistent with this subchapter, 10 V.S.A. Chapter 23, the federal Clean Air Act [42 U.S.C. 7401, et seq.] and the regulations promulgated thereunder, as the *Secretary* may incorporate.
- (b) For *subject sources* other than *Title V subject sources*, each *operating permit* may include any or all of the elements set forth in subsection (a), above.

5-1016 LIMITING ALLOWABLE EMISSIONS

- (a) For any air contaminant source that is not a *Title V subject source* and which is subject to this subchapter solely due to Section 5-1003(a)(1), if the *owner/operator* demonstrates to the satisfaction of the *Secretary* that *actual emissions* of air contaminants from the *stationary source* have not equaled or exceeded ten (10) tons in any calendar year commencing January 1, 1995, then the *actual emissions* of such *stationary source* for such calendar year shall be deemed to be the *stationary source's allowable emissions*, notwithstanding Section 5-101 of these regulations. Such *stationary source* need not secure an *operating permit* which would otherwise be required by this subchapter so long as *actual emissions* of air contaminants from the *stationary source* are less than ten (10) tons per calendar year.

- (b) In order to make such a demonstration to the *Secretary*, the *owner/operator* must submit an annual registration to the *Secretary*, in accordance with the procedures specified in Subchapter VIII of these regulations, certifying that *actual emissions* of *air contaminants* from the *stationary source*, for the preceding year, did not exceed ten (10) tons.
- (c) No air contaminant source, which is exempt under this section from the *operating permit* requirement, shall emit ten (10) tons or more of *air contaminants* in a calendar year or violate any provision of this section.
- (d) The *owner/operator* of an air contaminant source making an annual certification under this section shall keep and maintain records to determine *actual emissions*. Such records shall include, but not be limited to, *emissions* monitoring, monitoring of *fuel* usage, production rates, hours of operation, product purchases, and any other information that the *Secretary* may require to calculate *actual emissions* from the air contaminant source. Such information shall be summarized in a monthly log, maintained on-site for a minimum of five (5) years from the date of record, and shall be made available to the *Secretary* upon request. Additionally, such *owner/operator* shall consent, in writing, to provide authorized representatives of the *Secretary* with access, at reasonable times, to all properties where *emissions* related activity is conducted for the purpose of verifying the accuracy of such annual certification.

SUBCHAPTER XI. LOW EMISSION VEHICLE PROGRAM

Note: Subchapter XI is undergoing separate, overlapping rulemaking and this Subchapter is not part of the current rulemaking herein. To avoid confusion neither the existing language nor the separately proposed language is included as part of the current rulemaking herein. The entire text of Subchapter XI has thus been shaded out below.

5-1101 DEFINITIONS

The terms defined in this section shall apply to this subchapter only, and for purposes of this subchapter shall supersede definitions contained in any other regulation or in statutes. The definitions contained in *Air Pollution Control Regulations* Section 5-101 shall govern in the absence of a superseding definition in this section.

- (a) "California-certified" means approved by CARB for sale in California.
- (b) "CARB" means the California Air Resources Board.
- (c) "Dealer" means any person engaged in the business of selling, offering to sell, soliciting or advertising the sale of new vehicles who holds a valid sales and service agreement, franchise or contract, granted by the manufacturer or distributor for the retail sale of said manufacturer's or distributor's new vehicles.
- (d) "Emergency Vehicle" means any authorized vehicle publicly owned and operated that is used by a peace officer, used for fighting fires or responding to emergency fire calls, used by emergency medical technicians or paramedics, used for towing or servicing other vehicles, or used for repairing damaged lighting or electrical equipment.
- (e) "Emission Control Label" means a paper, plastic, metal or other permanent material, welded, riveted or otherwise permanently attached to an area within the engine compartment (if any), or to the engine, in such a way that it will be visible to the average person after installation of the engine in all new vehicles certified for sale in California, in accordance with Title 13, California Code of Regulations Section 1965.
- (f) "Environmental Performance Label" means a paper or plastic decal securely affixed by the manufacturer to a window of all passenger cars, light-duty trucks, and medium-duty passenger vehicles which discloses the global warming and smog score for the vehicle in accordance with Title 13, California Code of Regulations Section 1965.
- (g) "Fleet Average Emission" means a vehicle manufacturer's average vehicle emissions of all greenhouse and non-methane organic gases from all new vehicles delivered for sale or lease in Vermont in any model-year.
- (h) "Greenhouse gas" means the following gases: carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons.
- (i) "GHG Credit" means greenhouse gas credit.

- (j) "Light-duty Truck" means any 2000 and subsequent model vehicle certified to standards in Title 13, California Code of Regulations Section 1961 (a) (1) rated at 8500 pounds gross vehicle weight or less, and any other vehicle rated at 6000 pounds gross vehicle weight or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.
- (k) "Manufacturer" means any small, intermediate or large volume vehicle manufacturer as defined in Title 13, California Code of Regulations Section 1900.
- (l) "Medium-duty passenger vehicle" means any medium-duty vehicle with a gross vehicle weight rating of less than 10,000 pounds that is designed primarily for the transportation of persons. The medium-duty passenger vehicle definition does not include any vehicle which:
- (1) Is an "incomplete truck," i.e., a truck that does not have the primary load carrying device or container attached; or
 - (2) Has a seating capacity of more than 12 persons; or
 - (3) Is designed for more than 9 persons in seating rearward of the driver's seat; or
 - (4) Is equipped with an open cargo area of 72.0 inches in interior length or more.
- A covered box not readily accessible from the passenger compartment will be considered an open cargo area, for purposes of this definition.
- (m) "Medium-duty Vehicle" means any 2000 through 2006 model-year heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in Title 13, California Code of Regulations Sections 1956.8 (g) or (h) or 1960.1(h) (2), having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; any 2000 through 2003 model-year heavy duty vehicle certified to the standards in Title 13, California Code of Regulations Section 1960.1(h)(1) having a manufacturer's gross vehicle weight rating of 14,000 lbs. or less; and any 2000 and subsequent model heavy-duty low-emission, ultra-low emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in Title 13, California Code of Regulations Sections 1956.8 (g) or (h), 1961(a)(1) or 1962 having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 pounds.
- (n) "Model Year" means, for each vehicle manufacturer, the period which begins January 1 of the calendar year in which the model is first offered for sale and ends December 31 of the final calendar year of sale or, if the manufacturer has no annual production period, the calendar year. In case of any vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

- (o) "New Vehicle" means any vehicle with 7,500 miles or fewer on its odometer.
- (p) "NMOG Credit" means non-methane organic gas credit.
- (q) "Passenger Car" means any vehicle designed primarily for transportation of persons and having a design capacity of twelve persons or less.
- (r) "PZEV Credit" means partial zero emission vehicle credit.
- (s) "Recall" means:
 - (1) The issuing of notices directly to consumers that vehicles in their possession or control should be corrected, and/or
 - (2) Efforts to actively locate and correct vehicles in the possession or control of consumers.
- (t) "Smog Index Label" means a decal securely affixed by the manufacturer to a window of all passenger cars and light-duty trucks which discloses the smog index for the vehicle in accordance with Title 13, California Code of Regulations Section 1965.
- (u) "VECs" means vehicle equivalent credits.
- (v) "Vehicle" means a motor vehicle.
- (w) "ZEV Credit" means zero emission vehicle credit.

5-1102 INCORPORATION BY REFERENCE

- (a) This subchapter incorporates by reference certain sections of Title 13, California Code of Regulations. Appendix F lists the sections of Title 13, California Code of Regulations incorporated by reference and the respective amended date for each section. The sections of Title 13, California Code of Regulations incorporated by reference in this subchapter are the version of the section as of the amended date in Appendix F.
- (b) For purposes of applying the incorporated sections of the California Code of Regulations, unless clearly inappropriate, "California" shall mean "Vermont". For example, "delivered for sale in California" and "placed in service" are interpreted, except for determinations of whether a manufacturer is a large, medium, small or independent low volume manufacturer, as referring to vehicles in "Vermont".

5-1103 NEW VEHICLE EMISSION REQUIREMENTS

- (a) No person, including a manufacturer or dealer, shall deliver for sale or lease, offer for sale or lease, sell or lease, import, acquire, receive, purchase, or rent a new vehicle that is a 2000 or subsequent model-year passenger car or light-duty truck or a 2004 or subsequent model-year medium-duty vehicle in Vermont unless the vehicle is California-certified and complies with the following criteria:

- (1) The exhaust emissions standards in Title 13, California Code of Regulations Sections 1956.8(g) or (h), 1960.1, 1961(a), 1962(a), or 1962.1(a) and
 - (2) The emission control label requirements, the smog index label or the environmental performance label requirements for 2002 through 2009 model-year vehicles, and the environmental performance label requirements for 2010 and subsequent model year vehicles in accordance with Title 13, California Code of Regulations Section 1965, except as otherwise provided by 10 V.S.A. §579(d), and
 - (3) The evaporative emissions standards in Title 13, California Code of Regulations Sections 1976, and
 - (4) The refueling emissions standards in Title 13, California Code of Regulations Section 1978, and
 - (5) The malfunction and diagnostic system requirements in Title 13, California Code of Regulations Sections 1968.1 and 1968.2, and
 - (6) The assembly-line testing procedure requirements in Title 13, California Code of Regulations Section 2062, and
 - (7) The specifications for fill pipes and openings of motor vehicle fuel tanks in Title 13, California Code of Regulations Section 2235.
- (b) No person, including a manufacturer or dealer, shall deliver for sale or lease, offer for sale or lease, sell or lease, import, acquire, receive, purchase, or rent a new 2009 or subsequent model-year passenger car, light-duty truck, or a medium-duty passenger vehicle in Vermont unless the vehicle is California-certified and complies with the California greenhouse gas exhaust emission standards and meets all other applicable requirements of California Code, Title 13, Section 1961.1 and this Subchapter.
- (c) Subsections 5-1103(a) and 5-1103(b) shall not apply to a new vehicle:
- (1) Defined as an emergency vehicle;
 - (2) With a right-hand drive configuration that is not available in a California-certified model, purchased by a rural route postal carrier and used primarily for work;
 - (3) Designed exclusively for off-highway use; or
 - (4) Certified to standards promulgated pursuant to the authority contained in 42 U.S.C. 7521 and which is in the possession of a vehicle rental agency in Vermont and is next rented with a final destination outside of Vermont.
- (d) Subsections 5-1103(a) and 5-1103(b) shall not apply to new vehicles in the following transactions:

- (1) A transfer by court decree;
- (2) A transfer by inheritance;
- (3) A purchase by a nonresident prior to establishing residency in Vermont; or
- (4) A sale for the purpose of being wrecked or dismantled.

5-1104 WARRANTY

- (a) For all 2000 and subsequent *model-year California-certified vehicles* delivered for sale or lease in Vermont, each *manufacturer* shall provide a warranty for the ultimate purchaser and each subsequent purchaser that complies with the requirements of Title 13, California Code of Regulations Sections 2035 through 2038, 2040 and 2046.
- (b) For 2002 and subsequent *model-years*, each *manufacturer* shall include the emission control system warranty statement required by Title 13, California Code of Regulations Sections 2039, modified by some means (e.g. printed within the text or a sticker) to clearly inform Vermont owners of *California-certified vehicles* that the California Warranty applies to the *vehicle*. This statement shall provide a telephone number appropriate for Vermont.

5-1105 RECALL

- (a) For all 2000 and subsequent *model-year California-certified vehicles* registered in Vermont, each *manufacturer* shall undertake an action equivalent to that which is required by any order or enforcement action taken by CARB, or any voluntary or influenced emission related recall initiated by any *manufacturer* pursuant to Title 13, California Code of Regulations Sections 2101 through 2120, 2122 through 2133, 2135 through 2149, and 2166 through 2174 unless within 30 days of CARB approval of said *recall*, the *manufacturer* demonstrates to the Agency that such recall is not applicable to *vehicles* registered in Vermont. Each *manufacturer* must send to owners of Vermont registered *California-certified vehicles* the same notice that is used for California owners required by Title 13, California Code of Regulations Sections 2118 or 2127, except that it should contain a telephone number appropriate for Vermont.

5-1106 MANUFACTURER FLEET REQUIREMENTS

- (a) Each *manufacturer* shall meet the following fleet requirements for the *new vehicles* delivered for sale or lease in Vermont.
 - (1) Effective for 2004 and subsequent *model-years*, each *manufacturer* shall comply with the *fleet average emission* requirements and, for 2000 and subsequent *model-years*, may earn and bank *NMOG credits*, both in accordance with Title 13, California Code of Regulations Section 1961, except *NMOG credits* earned prior to *model-year* 2004 shall be treated as though they were earned in *model-year* 2004.

- (2) Each manufacturer shall comply with the *medium-duty vehicle* phase-in requirements and, for 2004 and subsequent *model-years*, may earn and bank VECs, both in accordance with Title 13, California Code of Regulations Section 1961, except VECs earned prior to model-year 2007 shall be treated as though they were earned in model-year 2007. Starting with MY 2007, all *medium-duty vehicles* must be LEV II certified in accordance with Title 13, California Code of Regulations Section 1961.
- (3) Effective for 2004 and subsequent *model-years*, each manufacturer shall comply with the LEV II phase-in requirements, in accordance Title 13, California Code of Regulations Section 1961.
- (4) Effective for 2007 and subsequent *model year vehicles*, each manufacturer shall comply with the Zero Emission Vehicle sales requirement and, for 2000 and subsequent *model year vehicles*, may earn and bank ZEV and PZEV credit, both in accordance Title 13, California Code of Regulations Sections 1962 and 1962.1.
- (5) Effective for the 2009 and subsequent *model-year passenger cars, light-duty trucks, and medium-duty passenger vehicles*, each manufacturer shall comply with the *fleet average emission greenhouse gas* requirements, and for 2000 and subsequent *model-years* may earn and bank GHG credits, both in accordance with Title 13, California Code of Regulations Section 1961.1.
- (6) If the ZEV and PZEV credit provisions in Title 13, California Code of Regulations Sections 1962 and 1962.1 or the GHG provisions in Title 13, California Code of Regulations Section 1961.1 are changed, application of the revised credit provisions will be taken into account in any enforcement decisions regarding compliance with the sales requirement imposed by paragraph (4).

5-1107 MANUFACTURER REPORTING REQUIREMENTS

(a) Delivery Reporting.

- (1) Commencing with the 1999 *model-year* for *passenger cars and light-duty trucks* and the 2000 *model-year* for *medium-duty vehicles*, each manufacturer shall submit annually, to the Agency, by March 1 following the end of each *model-year*, a report, itemized by test group and emission standard, documenting total *new vehicles* delivered for sale or lease in Vermont.

(b) Fleet Reporting.

- (1) Each manufacturer shall submit annually to the Agency, by March 1 following the end of each *model-year*, a report, itemized by test group and emission standard, that demonstrates that the manufacturer has met the fleet requirements of subsection 5-1106(a) in Vermont.
- (2) For 2000 and subsequent *model-year passenger cars and light-duty trucks*, and for 2004 and subsequent *model-year medium-duty vehicles*, each manufacturer shall submit by March 1 of the *model-*

year, a report, itemized by test group, emissions standard, and California Executive Order, projecting the manufacturer's compliance with the model-year fleet requirements of subsection 5-1106(a) in Vermont. Manufacturers shall supply copies of CARB certification of test groups and Executive Orders in advance of projected sales.

- (3) If a manufacturer wants to bank VECs or GHG, NMOG, ZEV or PZEV credits, the manufacturer shall submit annually, by March 1 following the end of the model-year, a report which demonstrates that such manufacturer has earned VECs or GHG, NMOG, ZEV or PZEV credits in Vermont. Credits are to be calculated to three (3) decimal places.

(c) Recall Reporting.

- (1) For information and not for approval by Vermont, for 2000 and subsequent model-year vehicles, each manufacturer shall submit, within 30 days of CARB approval, a copy of any CARB approved voluntary, influenced or ordered recall plan specified by Title 13, California Code of Regulations Sections 2114 and 2125, and 2166 through 2174, supplemented with the number of affected vehicles registered in Vermont.
- (2) For information and not for approval by Vermont, each manufacturer shall submit recall campaign progress reports for vehicles registered in Vermont, within the timelines of, and containing the information required by, Title 13, California Code of Regulations Sections 2119 and 2133, and 2166 through 2174. Reports need not be submitted to the Agency if the equivalent reports have been waived by CARB.

(e) Documentation.

A manufacturer, a dealer or a transporter of new vehicles shall, upon request, provide to the Agency of Natural Resources or the Agency of Transportation any documentation which either Agency determines to be necessary for the effective administration and enforcement of this subchapter.

- (f) Reports and other information required by this subsection must be sent to:

Director, Air Pollution Control Division
Vermont Agency of Natural Resources
Department of Environmental Conservation
Building 3 South
103 South Main Street
Waterbury, Vermont, 05671-0402.

NOTE: The outline numbering of Section 5-1107 will be corrected in the next update of the Regulations.

5-1108 INSPECTIONS

- (a) The Secretary of the Agency of Natural Resources or the Secretary of the Agency of Transportation or their designees may conduct inspections of any new and used vehicles and any related documentation for the purpose of determining compliance with the requirements of this subchapter.
- (1) Inspections may be conducted on any conveyance used to transport new vehicles or on any premises owned or controlled by any dealer or manufacturer.
- (2) Inspections may extend to all emission-related parts and may require the on-premises operation and testing of an engine or vehicle.
- (3) Inspections may include functional tests and other tests as necessary to verify compliance with this subchapter.
- (b) Upon request, during an inspection, such dealer or manufacturer must make available to either Agency any related records, including records documenting vehicle origin, certification, delivery, or sales and records of emission related part repairs performed under warranty.

5-1109 SEVERABILITY

Each provision of this Subchapter is severable, and in the event that any provision of this Subchapter is held to be invalid, the remainder of the Subchapter shall continue in full force and effect.

APPENDICES AND TABLES

APPENDIX A
RULES OF EVIDENCE, OFFICIAL NOTICE

- (1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the superior courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;
- (2) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original;
- (3) A party may conduct cross-examinations required for a full and true disclosure of the facts;
- (4) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

APPENDIX B
HAZARDOUS AIR CONTAMINANTS

CONTAMINANT	CAS RN
Acetaldehyde	75-07-0
Acetamide	60-35-5
Acetic acid	64-19-7
Acetic anhydride	108-24-7
Acetone	67-64-1
Acetonitrile	75-05-8
Acetophenone	98-86-2
2-Acetylaminofluorene	53-96-3
Acrolein	107-02-8
Acrylamide	79-06-1
Acrylic acid	79-10-7
Acrylonitrile	107-13-1
Allyl chloride	107-05-1
4-Aminobiphenyl	92-67-1
2-Amino-2-methyl-1-propanol	124-68-5
Ammonia	7664-41-7
Ammonium sulfamate	7773-06-0
n-Amyl acetate	628-63-7
s-Amyl acetate	626-38-0
Aniline	62-53-3
o-Anisidine	90-04-0
Antimony compounds	0
Antimony trioxide	1309-64-4
Arsenic compounds (inorganic including arsine)	0
Arsine	7784-42-1
Asbestos	1332-21-4
Barium compounds	0
Benzene	71-43-2
1,2-Benzenedicarboxylic acid	88-99-3
Benzidine	92-87-5
Benzo-a-pyrene	50-32-8
Benzotrichloride	98-07-7
Benzyl alcohol	100-51-6
Benzyl chloride	100-44-7
Beryllium compounds	0
Biphenyl	92-52-4
Bis(chloromethyl)ether	542-88-1
Bis(2-ethylhexy)phthalate (DEHP)	117-81-7

CONTAMINANT	CAS RN
Bisphenol A epichlorohydrin	25068-38-6
Bisphenol A resin	80-05-7
Bromodichloromethane	75-27-4
Bromoform	75-25-2
1,3-Butadiene	106-99-0
2-Butoxyethanol	111-76-2
2-(2-Butoxyethoxy)-ethanol	112-34-5
Butoxyethyl acetate	112-07-2
n-Butyl acetate	123-86-4
s-Butyl acetate	105-46-4
t-Butyl acetate	540-88-5
n-Butyl alcohol	71-36-3
s-Butyl alcohol	78-92-2
t-Butyl alcohol	75-65-0
Butylamine	109-73-9
Butyl propasol	5131-66-8
para-tert-Butyltoluene	98-51-1
1,4-Butynediol	110-65-6
4-Butyrolactone	96-48-0
Cadmium compounds	0
Calcium cyanamide	156-62-7
Calcium oxide	1305-78-8
Caprolactam	105-60-2
Captan	133-06-2
Carbaryl	63-25-2
Carbon disulfide	75-15-0
Carbon tetrachloride	56-23-5
Carbonyl sulfide	463-58-1
Catechol	120-80-9
Chloramben	133-90-4
Chlordane	57-74-9
Chlorine	7782-50-5
Chlorine dioxide	10049-04-4
Chloroacetic acid	79-11-8
2-Chloroacetophenone	532-27-4
Chlorobenzene	108-90-7
Chlorobenzilate	510-15-6
Chlorodibenzodioxins/chlorodibenzofurans	1746-01-6
2-Chloroethyl vinyl ether	110-75-8
Chloroform	67-66-3

CONTAMINANT	CAS RN
Chloromethyl methyl ether	107-30-2
Chloroprene	126-99-8
Chromium compounds, except for Cr (VI) compounds	0
Chromium (VI) compounds	0
Cobalt compounds	0
Coke Oven Emissions	0
Copper (dusts and mists)	0
Cresols/Cresylic acid (isomers and mixture)	1319-77-3
m-Cresol	108-39-4
o-Cresol	95-48-7
p-Cresol	106-44-5
Cumene	98-82-8
Cyanide compounds	0
Cyclohexane	110-82-7
Cyclohexanol	108-93-0
Cyclohexanone	108-94-1
Cyclohexene	110-83-8
Cyclohexylamine	108-91-8
2,4-D, salts and esters	94-75-7
DDE	3547-04-4
Decaborane	17702-41-9
Decane	124-18-5
Diacetone alcohol	123-42-2
Diazomethane	334-88-3
Dibenzofurans	132-64-9
Dibenzoyl peroxide	94-36-0
Dibromochloromethane	124-48-1
1,2-Dibromo-3-chloropropane	96-12-8
Dibutyl phthalate	84-74-2
o-Dichlorobenzene	95-50-1
p-Dichlorobenzene	106-46-7
3,3-Dichlorobenzidene	91-94-1
Dichlorodifluoromethane	75-71-8
1,1-Dichloroethane	75-34-3
trans-1,2-Dichloroethylene	156-60-5
Dichloroethyl ether	111-44-4
1,3-Dichloropropane	542-75-6
s-Dichlorotetrafluoroethane	76-14-2
Dichlorvos	62-73-7
Diethanolamine	111-42-2

CONTAMINANT	CAS RN
Diethylamine	109-89-7
Diethylaminoethanol	100-37-8
n,n-Diethyl aniline (n,n-Dimethyl aniline)	121-69-7
Diethylene glycol ethyl ether	111-90-0
Diethyl sulfate	64-67-5
3,3-Dimethoxybenzidine	119-90-4
Dimethoxyethane	110-71-4
Dimethoxymethane	109-87-5
Dimethylamine	124-40-3
Dimethyl aminoazobenzene	60-11-7
Dimethyl ammonium chloride	506-59-2
3,3-Dimethyl benzidine	119-93-7
Dimethyl carbamoyl chloride	79-44-7
n,n-Dimethyl dodecylamine	112-18-5
Dimethylethanolamine	108-01-0
Dimethyl formamide	68-12-2
2,6-Dimethyl-4-heptanone	108-83-8
1,1-Dimethyl hydrazine	57-14-7
n,n-Dimethyl octadecylamine	124-28-7
Dimethylphthalate	131-11-3
Dimethyl sulfate	77-78-1
4,6-Dinitro-o-cresol, and salts	534-52-1
2,4-Dinitrophenol	51-28-5
2,4-Dinitrotoluene	121-14-2
Dioxane	123-91-1
1,3-Dioxolane	646-06-0
1,2-Diphenylhydrazine	122-66-7
Diphenylmethane diisocyanate (Methylene bisphenyl isocyanate)	101-68-8
Dipropylene glycol	110-98-5
Dipropylene glycol methyl ether	34590-94-8
Dodecylguanidine hydrochloride	13590-97-1
Doxorubicin	23214-92-8
Epichlorohydrin	106-89-8
1,2-Epoxybutane	106-88-7
Ethanolamine	141-43-5
2-Ethoxyethanol	110-80-5
2-Ethoxyethyl acetate	111-15-9
Ethyl acetate	141-78-6
Ethyl acrylate	140-88-5
Ethyl alcohol	64-17-5

CONTAMINANT	CAS RN
Ethylamine	75-04-7
Ethyl benzene	100-41-4
Ethyl bromide	74-96-4
Ethyl butyl ketone	106-35-4
Ethyl carbamate (Urethane)	51-79-6
Ethyl chloride (Chloroethane)	75-00-3
Ethylene diamine	107-15-3
Ethylene dibromide	106-93-4
Ethylene dichloride (1,2-dichloroethane)	107-06-2
Ethylene glycol	107-21-1
Ethylene imine (Aziridine)	151-56-4
Ethylene oxide	75-21-8
Ethylene thiourea	96-45-7
Ethyl ether	60-29-7
Ethyl 3-ethoxypropionate	763-69-9
2-Ethylhexanol	104-76-7
2-Ethylhexyl ester acrylic acid	103-11-7
Ethyl mercaptan	75-08-1
Fine mineral fibers ¹	0
Fluoranthene	206-44-0
Fluoride compounds, inorganic	0
Fluorine	7782-41-4
Formaldehyde	50-00-0
Formic acid	64-18-6
Furfural	98-01-1
Glutaraldehyde	111-30-8
Glycol ethers	0
Glyoxal	107-22-2
Heptachlor	76-44-8
Heptane	142-82-5
Hexachlorobenzene	118-74-1
Hexachlorobutadiene	87-68-3
Hexachlorocyclopentadiene	77-47-4
Hexachloroethane	67-72-1
Hexamethylene-1,6-diisocyanate	822-06-0
Hexamethylphosphoramide	680-31-9
n-Hexane	110-54-3
Hydrazine	302-01-2
Hydrogen chloride	7647-01-0
Hydrogen fluoride	7664-39-3

CONTAMINANT	CAS RN
Hydrogen peroxide	7722-84-1
Hydrogen sulfide	7783-06-4
Hydroquinone	123-31-9
Iodine	7553-56-2
Iron oxides, dust and fume	0
Isoamyl acetate	123-92-2
Isoamyl alcohol	123-51-3
Isobutyl acetate	110-19-0
Isobutyl alcohol	78-83-1
Isobutyl ester isobutyric acid	97-85-8
Isophorone	78-59-1
Isopropyl acetate	108-21-4
Isopropyl alcohol	67-63-0
Isopropylamine	75-31-0
Isopropyl ether	108-20-3
Kerosene	8008-20-6
Lead compounds	0
Lindane (all isomers)	58-89-9
Maleic anhydride	108-31-6
Manganese compounds	0
Mercury compounds	0
Mercury, alkyl compounds	0
Methoxychlor	72-43-5
2-Methoxyethanol	109-86-4
Methoxyethoxyethanol	111-77-3
o-Methoxyphenol	90-05-1
1-Methoxy-2-propanol	107-98-2
Methyl acetate	79-20-9
Methyl alcohol	67-56-1
Methylamine	74-89-5
p-Methylaminophenol sulfate	55-55-0
Methyl amyl ketone (2-heptanone)	110-43-0
Methyl bromide	74-83-9
Methyl tert butyl ether	1634-04-4
Methyl chloride	74-87-3
Methylcyclohexanol	25639-42-3
4,4-Methylene bis (2-chloroaniline)	101-14-4
Methylene chloride	75-09-2
4,4-Methylenedianiline	101-77-9
Methyl ester salicylic acid	0

CONTAMINANT	CAS RN
Methyl ethyl ketone	78-93-3
Methyl ethyl ketone peroxide	1338-23-4
Methyl hydrazine	60-34-4
Methyl iodide	74-88-4
Methyl isoamyl ketone	110-12-3
Methyl isobutyl ketone	108-10-1
Methyl isocyanate	624-83-9
Methyl methacrylate	80-62-6
3-Methyl-2-oxazolidone	19836-78-3
1-Methyl-2-pyrrolidone	872-50-4
Mineral spirits	8030-30-6
Molybdenum compounds- metal & insoluble	0
Molybdenum compounds- soluble	0
Morpholine	110-91-8
Naphthalene	91-20-3
Nickel carbonyl	13463-39-3
Nickel compounds	0
Nitric acid	7697-37-2
Nitric oxide	10102-43-9
Nitrobenzene	98-95-3
4-Nitrobiphenyl	92-93-3
p-Nitrochlorobenzene	100-00-5
Nitroethane	79-24-3
Nitromethane	75-52-5
4-Nitrophenol	100-02-7
1-Nitropropane	108-03-2
2-Nitropropane	79-46-9
n-Nitrosodimethylamine	62-75-9
n-Nitroso-n-methylurea	684-93-5
n-Nitrosomorpholine	59-89-2
Octachloronaphthalene	2234-13-1
Oxalic acid	144-62-7
Parathion	56-38-2
Pentachloronaphthalene	1321-64-8
Pentachloronitrobenzene (Quintobenzene)	82-68-8
Pentachlorophenol	87-86-5
1-Pentanol (Amyl alcohol)	71-41-0
2-Pentanone	107-87-9
Perchloric acid	7601-90-3
Phenanthrene	85-01-8

CONTAMINANT	CAS RN
Phenol	108-95-2
Phenoxyethanol	122-99-6
p-Phenylenediamine	106-50-3
Phenyl ether	101-84-8
1-Phenyl-3-pyrazolidone	92-43-3
Phosgene	75-44-5
Phosphine	7803-51-2
Phosphoric acid	7664-38-2
Phosphorus	7723-14-0
Phosphorus pentachloride	10026-13-8
Phosphorus pentasulfide	1314-80-3
Phosphorus trichloride	7719-12-2
Phthalic anhydride	85-44-9
Picric acid	88-89-1
Platinum compounds, metal	0
Platinum, soluble salts	0
Polychlorinated biphenyls (Aroclors)	1336-36-3
Polycyclic Organic Matter ²	0
Potassium hydroxide	1310-58-3
1,2-Propanediol	57-55-6
1,3-Propane sultone	1120-71-4
beta-Propiolactone	57-57-8
Propionaldehyde	123-38-6
Propoxur (Baygon)	114-26-1
2-Propoxyethanol	2807-30-9
Propoxypropanol	1569-01-3
n-Propyl acetate	109-60-4
n-Propyl alcohol	71-23-8
1,2-Propylene carbonate	108-32-7
Propylene dichloride	78-87-5
Propyleneimine	75-55-8
Propylene oxide	75-56-9
Pyrene	129-00-0
Pyridine	110-86-1
Quinoline	91-22-5
Quinone	106-51-4
Sebacic Acid	111-20-6
Selenium compounds	0
Silica, amorphous (<1% quartz)	61790-53-2
Silica, crystalline	14808-60-7

CONTAMINANT	CAS RN
Silica, fused	60676-86-0
Silicon tetrahydride	7803-62-5
Silver compounds- metal	0
Silver compounds- soluble	0
Sodium bromide	7647-15-6
Sodium hydroxide	1310-73-2
Sodium tripolyphosphate	7758-29-4
Stoddard solvent	8052-41-3
Styrene monomer	100-42-5
Styrene oxide	96-09-3
Sulfuric acid mist	7664-93-9
Sulfur monochloride	10025-67-9
Tellurium compounds	0
1,1,2,2-Tetrachloro-1,2-difluoroethane (Freon-112)	76-12-0
1,1,2,2-Tetrachloroethane	79-34-5
Tetrachloroethylene	127-18-4
Tetrachloronaphthalene	1335-88-2
Tetrahydrofuran	109-99-9
Texanol	25265-77-4
Tin compounds- metal and inorganic	0
Tin compounds-organic	0
Titanium dioxide	13463-67-7
Titanium tetrachloride	7550-45-0
Toluene	108-88-3
2,4-Toluene diamine	95-80-7
Toluene-2,4-diisocyanate/toluene, 2,6-diisocyanate	584-84-9
p-Toluenesulfonic acid	104-15-4
o-Toluidine	95-53-4
Toxaphene (chlorinated camphene)	8001-35-2
1,2,4-Trichlorobenzene	120-82-1
1,1,1-Trichloroethane (methyl chloroform)	71-55-6
1,1,2-Trichloroethane	79-00-5
Trichloroethylene	79-01-6
Trichlorofluoromethane (Freon-11)	75-69-4
Trichloronaphthalene	1321-65-9
2,4,5-Trichlorophenol	95-95-4
2,4,6-Trichlorophenol	88-06-2
1,2,3-Trichloropropane	96-18-4
1,1,2-Trichloro-1,2,2-trifluoroethane (Freon-113)	76-13-1
2,4,6-Tri(dimethyl aminomethyl) phenol	90-72-2

CONTAMINANT	CAS RN
Triethanoalmine	102-71-6
Triethylamine	121-44-8
Triethyl ester phosphoric acid	78-40-0
Triethylenetetramine	112-24-3
Triethyl orthoformate	122-51-0
Trifluorobromomethane	75-63-8
Trifluralin	1582-09-8
Trimethyl benzene (including mixed isomers)	25551-13-7
1,2,4-Trimethyl benzene	95-63-6
s,s,s-Trimethyl ester phosphorotrithioic acid	150-50-5
2,2,4-Trimethylpentane	540-84-1
Triorthocresyl phosphate	78-30-8
Turpentine	8006-64-2
4-Undecanol, 7-ethyl-2-methyl hydrogen sulfate	139-88-8
Vanadium pentoxide	0
Vinyl acetate	108-05-4
Vinyl bromide	593-60-2
Vinyl chloride	75-01-4
Vinylidene chloride (1,1-Dichloroethylene)	75-35-4
Vinyl toluene	25013-15-4
VM & P naphtha	8032-32-4
Xylene	1330-20-7
m-Xylenes	108-38-3
o-xylenes	95-47-6
p-xylenes	106-42-3
Zinc chloride	7646-85-7
Zinc oxide	0
¹ Includes mineral fiber emissions from facilities manufacturing or processing glass, rock or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.	
² Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.	

APPENDIX C
HAZARDOUS AMBIENT AIR STANDARDS

CATEGORY I

Hazardous Air Contaminants Known or Suspected To Cause Carcinogenicity

Contaminant	CAS RN	Hazardous Ambient Air Standard And Stationary Source Hazardous Air Impact Standard (Annual Average) (µg/m³)	Action Level (lbs/8 hr)
Acetaldehyde	75-07-0	0.46	0.038
Acrylamide	79-06-1	0.00076	0.000063
Acrylonitrile	107-13-1	0.015	0.0012
Allyl chloride	107-05-1	0.1	0.008
Aniline	62-53-3	0.61	0.051
Antimony trioxide	1309-64-4	0.02	0.002
Arsenic compounds, total	0	0.00023	0.000019
Arsine	7784-42-1	0.005	0.0004
Asbestos, all forms	1332-21-4	0.00012	0.000010
Benzene	71-43-2	0.13	0.011
Benzidine	92-87-5	0.000015	0.0000012
Benzo-a-pyrene	50-32-8	0.00048	0.000040
Beryllium compounds	7440-41-7	0.00042	0.000035
Biphenyl	92-52-4	0.0018	0.00015
Bromodichloromethane	75-27-4	0.056	0.0046
Bromoform	75-25-2	0.90	0.074
1,3-Butadiene	106-99-0	0.033	0.0027
2-Butoxyethanol	111-76-2	1,300	107.9
Butoxyethyl acetate	112-07-2	1,300	107.9
Cadmium compounds	7440-43-9	0.00056	0.000046
Carbon tetrachloride	56-23-5	0.066	0.0055
Chlorodibenzodioxins/ chlorodibenzofurans	1746-01-6	2.33E-08	1.93E-09
Chloroform	67-66-3	0.043	0.0036
Chloroprene	126-99-8	0.7	0.06
Chromium (VI) Compounds	0	0.000083	0.0000069
Cobalt compounds	0	0.01	0.00083
Dibromochloromethane	124-48-1	0.042	0.0035
1,1-Dichloroethane	75-34-3	50	4.2
Dichloroethyl ether	111-44-4	0.0029	0.00024
Dimethyl sulfate	77-78-1	0.01	0.00083

Contaminant	CAS RN	Hazardous Ambient Air Standard And Stationary Source Hazardous Air Impact Standard (Annual Average) (µg/m3)	Action Level (lbs/8 hr)
2,4-Dinitrotoluene	121-14-2	0.0051	0.00042
Dioxane	123-91-1	0.32	0.027
Doxorubicin	23214-92-8	0.01	0.00083
Epichlorohydrin	106-89-8	0.83	0.069
1,2-Epoxybutane	106-88-7	2.0	0.17
Ethyl benzene	100-41-4	100	8.30
Ethyl bromide	74-96-4	0.01	0.00083
Ethylene dibromide	106-93-4	0.0045	0.00037
Ethylene dichloride (1,2-dichloroethane)	107-06-2	0.038	0.0032
Ethylene oxide	75-21-8	0.01	0.00083
Formaldehyde	50-00-0	0.078	0.0065
Furfural	98-01-1	0.01	0.00083
Hexachlorobenzene	118-74-1	0.0022	0.00018
Hexachlorobutadiene	87-68-3	0.045	0.0037
Hexachloroethane	67-72-1	0.25	0.021
Hydroquinone	123-31-9	0.01	0.00083
Isophorone	78-59-1	70.7	5.87
Lead compounds	0	0.01	0.00083
Methylene chloride	75-09-2	2.1	0.17
Naphthalene	91-20-3	0.3	0.02
Nickel carbonyl	13463-39-3	0.01	0.00083
Nickel compounds	0	0.0021	0.00017
Nitrobenzene	98-95-3	0.15	0.012
Nitromethane	75-52-5	0.01	0.00083
2-Nitropropane	79-46-9	0.00037	0.000031
Pentachlorophenol	87-86-5	0.029	0.0024
Polychlorinated biphenyls	1336-36-3	0.0018	0.00015
Propylene dichloride	78-87-5	0.051	0.0042
Propylene imine	75-55-8	0.01	0.00083
Propylene oxide	75-56-9	0.27	0.022
Pyridine	110-86-1	0.01	0.00083
Styrene monomer	100-42-5	100	8.30
Sulfuric acid mist	7664-93-9	0.33	0.027
1,1,2,2-Tetrachloroethane	79-34-5	0.018	0.0015
Tetrachloroethylene	127-18-4	0.18	0.015

Contaminant	CAS RN	Hazardous Ambient Air Standard And Stationary Source Hazardous Air Impact Standard (Annual Average) (µg/m3)	Action Level (lbs/8 hr)
Toluene-2,4-diisocyanate/ toluene-2,6-diisocyanate	26471-62-5	0.007	0.0006
o-Toluidine	95-53-4	0.015	0.0012
1,1,2-Trichloroethane	79-00-5	0.063	0.0052
Trichloroethylene	79-01-6	0.5	0.04
2,4,6-Trichlorophenol	88-06-2	0.32	0.027
1,2,3-Trichloropropane	96-18-4	0.0005	0.00004
Vanadium pentoxide	1314-62-1	0.01	0.00083
Vinyl acetate	108-05-4	20	1.7
Vinyl chloride	75-01-4	0.11	0.0091
Vinylidene chloride (1,1- Dichloroethylene)	75-35-4	20	1.7

**HAZARDOUS AMBIENT AIR STANDARDS
CATEGORY II**

**Hazardous Air Contaminants Believed to Cause Chronic
Systemic Toxicity Due to Long Term Exposure**

Contaminant	CAS RN	Hazardous Ambient Air Standard (Annual Average) (µg/m³)	Action Level (lbs/8 hr)
Acetone	67-64-1	315	26.1
Acetonitrile	75-05-8	60	5.0
Acrolein	107-02-8	0.02	0.002
Ammonia	7664-41-7	100	8.3
n-Amyl acetate	628-63-7	18	1.5
s-Amyl acetate	626-38-0	18	1.5
Antimony compounds	0	4	0.3
Barium compounds	0	0.5	0.04
Bisphenol A epichlorohydrin	25068-38-6	0.01	0.00083
Bisphenol A resin	80-05-7	18	1.5
n-Butyl acetate	123-86-4	424	35.2
s-Butyl acetate	105-46-4	141.3	11.73
t-Butyl acetate	540-88-5	141.3	11.73
n-Butyl alcohol	71-36-3	173	14.4
s-Butyl alcohol	78-92-2	58	4.8
t-Butyl alcohol	75-65-0	152	12.6
para-tert-Butyltoluene	98-51-1	14	1.2
4-Butyrolactone	96-48-0	58	4.8
Carbon disulfide	75-15-0	657	54.5
Chlorine dioxide	10049-04-4	0.2	0.02
Chlorobenzene	108-90-7	2.0	0.2
Chromium compounds, except for Cr (VI) compounds	0	0.12	0.010
Copper (dust and mists)	0	0.24	0.020
Cumene	98-82-8	400	33.2
Cyanide compounds	0	7.0	0.6
Cyclohexane	110-82-7	82	6.8
Cyclohexanol	108-93-0	49	4.0
Cyclohexanone	108-94-1	64	5.3
Cyclohexene	110-83-8	800	66.4
Cyclohexylamine	108-91-8	70	5.8
Decaborane	17702-41-9	0.006	0.0005
Diazomethane	334-88-3	0.08	0.007

Contaminant	CAS RN	Hazardous Ambient Air Standard (Annual Average) (µg/m3)	Action Level (lbs/8 hr)
Dibutyl phthalate	84-74-2	3.0	0.25
o-Dichlorobenzene	95-50-1	200	16.6
Dichlorodifluoromethane	75-71-8	200	16.6
trans-1,2-Dichloroethylene	156-60-5	19.0	1.6
s-Dichlorotetrafluoroethane	76-14-2	41,611	3,454
Diethanolamine	111-42-2	3	0.2
Diethylamine	109-89-7	2.9	0.24
Diethylaminoethanol	100-37-8	8.6	0.71
Diethylene glycol ethyl ether	111-90-0	700	58.1
Dimethoxyethane	110-71-4	0.01	0.00083
Dimethoxymethane	109-87-5	988	82.0
Dimethylamine	124-40-3	33	2.7
Dimethylphthalate	131-11-3	119	9.9
1,3-Dioxolane	646-06-0	67.6	5.6
Diphenylmethane diisocyanate	101-68-8	0.2	0.02
Dipropylene glycol	110-98-5	250	20.8
Dipropylene glycol methyl ether	34590-94-8	1,443	120
Ethanolamine	141-43-5	6.0	0.49
2-Ethoxyethanol	110-80-5	70	5.8
2-Ethoxyethyl acetate	111-15-9	30	2.5
Ethyl acetate	141-78-6	1,144	95
Ethyl alcohol	64-17-5	449	37.2
Ethylamine	75-04-7	1.9	0.16
Ethyl butyl ketone	106-35-4	300	24.9
Ethylene diamine	107-15-3	30	2.5
Ethylene glycol	107-21-1	400	33.2
Ethyl ether	60-29-7	144	12.0
Fluoranthene	206-44-0	14	1.2
Fluoride compounds, inorganic	0	60	4.9
Fluorine	7782-41-4	37	3.1
Glutaraldehyde	111-30-8	0.08	0.0066
Glyoxal	107-22-2	0.071	0.0059
Hexamethylene-1,6-diisocyanate	822-06-0	0.01	0.00083
n-Hexane	110-54-3	7,000	581
Hydrogen chloride	7647-01-0	20	1.7
Hydrogen fluoride	7664-39-3	14	1.2
Hydrogen peroxide	7722-84-1	0.6	0.050

Contaminant	CAS RN	Hazardous Ambient Air Standard (Annual Average) (µg/m3)	Action Level (lbs/8 hr)
Hydrogen sulfide	7783-06-4	1.0	0.08
Iron oxides, dust and fumes	0	12	1.0
Isoamyl acetate	123-92-2	127	10.5
Isoamyl alcohol	123-51-3	8.6	0.71
Isobutyl acetate	110-19-0	17	1.4
Isobutyl alcohol	78-83-1	105	8.7
Isopropyl alcohol	67-63-0	2,212	184
Isopropyl ether	108-20-3	497	41.3
Kerosene	8008-20-6	85	7.1
Manganese compounds	0	0.05	0.004
Mercury compounds	0	0.3	0.02
Mercury, alkyl compounds	0	0.24	0.020
2-Methoxyethanol	109-86-4	20	1.7
1-Methoxy-2-propanol	107-98-2	1,990	165
Methyl acetate	79-20-9	117	9.7
Methyl alcohol	67-56-1	1,166	97
Methylamine	74-89-5	1.0	0.084
Methyl amyl ketone (2-heptanone)	110-43-0	364	30.2
Methyl bromide	74-83-9	5	0.4
Methyl chloride	74-87-3	90	7.5
Methylcyclohexanol	25639-42-3	10	0.84
Methyl ethyl ketone	78-93-3	5,000	415
Methyl ethyl ketone peroxide	1338-23-4	0.06	0.005
Methyl iodide	74-88-4	5	0.4
Methyl isoamyl ketone	110-12-3	56	4.6
Methyl isobutyl ketone	108-10-1	3,000	249
Methyl methacrylate	80-62-6	240	19.9
Mineral spirits	8030-30-6	113	9.4
Molybdenum compounds (soluble)	0	1.2	0.099
Molybdenum compounds (metal & insoluble)	0	2.4	0.20
Nitric oxide	10102-43-9	11	0.93
p-Nitrochlorobenzene	100-00-5	0.10	0.0083
Nitroethane	79-24-3	37	3.0
1-Nitropropane	108-03-2	8.7	0.72
Octachloronaphthalene	2234-13-1	0.024	0.0020
Oxalic acid	144-62-7	1.0	0.083

Contaminant	CAS RN	Hazardous Ambient Air Standard (Annual Average) (µg/m3)	Action Level (lbs/8 hr)
Pentachloronaphthalene	1321-64-8	0.040	0.0033
2-Pentanone	107-87-9	167.9	13.9
Phenanthrene	85-01-8	105	8.7
Phenol	108-95-2	64	5.3
Phenoxyethanol	122-99-6	13	1.1
Phosgene	75-44-5	0.2	0.02
Phosphine	7803-51-2	0.3	0.02
Phosphoric acid	7664-38-2	10	0.83
Phosphorus pentachloride	10026-13-8	0.11	0.0091
Phosphorus pentasulfide	1314-80-3	0.33	0.027
Phosphorus trichloride	7719-12-2	3.4	0.28
Phthalic anhydride	85-44-9	20	1.7
Picric acid	88-89-1	20	1.7
Platinum, soluble salts	0	20	1.7
1,2-Propanediol	57-55-6	70	5.8
n-Propyl acetate	109-60-4	114	9.5
n-Propyl alcohol	71-23-8	221	18.4
Pyrene	129-00-0	11	0.87
Selenium compounds	0	1.8	0.15
Silica, amorphous (<1% quartz)	61790-53-2	24	2.0
Silica, crystalline	14808-60-7	0.12	0.010
Silica, fused	60676-86-0	0.02	0.0017
Silicon tetrahydride	7803-62-5	16	1.3
Silver compounds (soluble)	0	0.79	0.066
Silver compounds (metal)	0	7.9	0.66
Sodium bromide	7647-15-6	140	11.6
Stoddard solvent	8052-41-3	4,167	346
Tellurium compounds	0	0.79	0.066
1,1,2,2-Tetrachloro-1,2-difluoroethane (Freon-112)	76-12-0	208	17.3
Tetrachloronaphthalene	1335-88-2	0.16	0.013
Tetrahydrofuran	109-99-9	35.1	2.9
Tin compounds (metal and inorganic)	0	4.8	0.40
Tin compounds (organic)	0	0.3	0.02
Toluene	108-88-3	300	24.9
1,1,1-Trichloroethane	71-55-6	1,000	83.0
Trichlorofluoromethane (Freon-11)	75-69-4	562	46.6

Contaminant	CAS RN	Hazardous Ambient Air Standard (Annual Average) (µg/m3)	Action Level (lbs/8 hr)
Trichloronaphthalene	1321-65-9	0.4	0.03
1,1,2-Trichloro-1,2,2-trifluoroethane (Freon-113)	76-13-1	30,000	2,490
Triethanoalmine	102-71-6	16.7	1.4
Triethylamine	121-44-8	7	0.6
Triethylenetetramine	112-24-3	111	9.2
Trifluorobromomethane	75-63-8	48,340	4,012
Trimethyl benzene (including mixed isomers)	25551-13-7	9.8	0.8
Triorthocresyl phosphate	78-30-8	0.02	0.002
Turpentine	8006-64-2	42	3.5
Vinyl toluene	25013-15-4	4.0	0.33
VM & P naphtha	8032-32-4	113.4	9.41
Xylene	1330-20-7	100	8.3
Zinc chloride	7646-85-7	1.0	0.083
Zinc oxide	1314-13-2	1.0	0.083

**HAZARDOUS AMBIENT AIR STANDARDS
CATEGORY III**

Hazardous Air Contaminants Believed to Cause Short-term Irritant Effects

Contaminant	CAS RN	Hazardous Ambient Air Standard (µg/m³)	Action Level (lbs/8 hr)
Acetic acid	64-19-7	58	3.0
Acetic anhydride	108-24-7	50	2.6
2-Amino-2-methyl-1-propanol	124-68-5	36	1.9
Ammonium sulfamate	7773-06-0	70	3.6
1,2-Benzenedicarboxylic acid	88-99-3	36	1.9
Benzyl alcohol	100-51-6	105	5.5
2-(2-Butoxyethoxy)-ethanol	112-34-5	21	1.1
Butylamine	109-73-9	119	6.2
Butyl propasol	5131-66-8	36	1.9
1,4-Butynediol	110-65-6	36	1.9
Calcium oxide	1305-78-8	4.8	0.25
Chlorine	7782-50-5	0.2	0.01
2-Chloroethyl vinyl ether	110-75-8	36	1.9
Decane	124-18-5	36	1.9
Diacetone alcohol	123-42-2	113	5.9
Dibenzoyl peroxide	94-36-0	13	0.65
Dimethyl ammonium chloride	506-59-2	36	1.9
n,n-Dimethyl dodecylamine	112-18-5	36	1.9
Dimethylethanolamine	108-01-0	36	1.9
2,6-Dimethyl-4-heptanone	108-83-8	35	1.8
n,n-Dimethyl octadecylamine	124-28-7	36	1.9
Dodecylguanidine hydrochloride	13590-97-1	36	1.9
Ethyl 3-ethoxypropionate	763-69-9	62.3	3.2
2-Ethylhexanol	104-76-7	36	1.9
2-Ethylhexyl ester acrylic acid	103-11-7	36	1.9
Ethyl mercaptan	75-08-1	1.9	0.099
Formic acid	64-18-6	36	1.9
Heptane	142-82-5	7,000	364
Iodine	7553-56-2	2	0.1
Isobutyl ester isobutyric acid	97-85-8	36	1.9
Isopropyl acetate	108-21-4	332	17.2
Isopropylamine	75-31-0	81	4.2
Methoxyethoxyethanol	111-77-3	36	1.9
o-Methoxyphenol	90-05-1	36	1.9
p-Methylaminophenol sulfate	55-55-0	36	1.9

Contaminant	CAS RN	Hazardous Ambient Air Standard (µg/m³)	Action Level (lbs/8 hr)
Methyl ester salicylic acid	119-36-8	36	1.9
3-Methyl-2-oxazolidone	19836-78-3	36	1.9
1-Methyl-2-pyrrolidone	872-50-4	172	8.9
Morpholine	110-91-8	159	8.3
Nitric acid	7697-37-2	137	7.1
1-Pentanol (Amyl alcohol)	71-41-0	36	1.9
Perchloric acid	7601-90-3	36	1.9
Phenyl ether	101-84-8	24	1.2
1-Phenyl-3-pyrazolidone	92-43-3	36	1.9
Platinum compounds, metal	7440-06-4	36	1.9
Potassium hydroxide	1310-58-3	0.67	0.035
2-Propoxyethanol	2807-30-9	36	1.9
Propoxypropanol	1569-01-3	36	1.9
1,2-Propylene carbonate	108-32-7	36	1.9
Sebacic Acid	111-20-6	36	1.9
Sodium hydroxide	1310-73-2	6.7	0.35
Sodium tripolyphosphate	7758-29-4	6.7	0.35
Sulfur monochloride	10025-67-9	2	0.1
Texanol	25265-77-4	36	1.9
Titanium dioxide	13463-67-7	6.0	0.31
p-Toluenesulfonic acid	104-15-4	36	1.9
2,4,6-Tri(dimethyl aminomethyl) phenol	90-72-2	36	1.9
Triethyl ester phosphoric acid	78-40-0	36	1.9
Triethyl orthoformate	122-51-0	36	1.9
4-Undecanol, 7-ethyl-2-methyl hydrogen sulfate	139-88-8	36	1.9

APPENDIX D
METHOD FOR THE DERIVATION OF HAZARDOUS AMBIENT AIR STANDARD

This appendix presents the standard procedure which shall be used by the Secretary when deriving a *Hazardous Ambient Air Standard (HAAS)*, in micrograms per cubic meter, for a *hazardous air contaminant*. In the event the United States Environmental Protection Agency (U.S. EPA) adopts an *ambient air quality standard* or a standardized method for determining such a standard for a *hazardous air contaminant*, the Secretary may set the HAAS for the contaminant at the level or by the method so established by the U.S. EPA. The HAAS may be no less stringent than the Federal *ambient air quality standard*.

CATEGORY I: Hazardous Air Contaminants that are Known or Suspected Carcinogens

Hazardous air contaminants that have been listed as potentially carcinogenic by the U.S. EPA, or International Agency for Research on Cancer, shall be classified as Category I: known or suspected carcinogens (except for HACs solely categorized by IARC as Group 1, inhaled in a form from occupational sources). Hazardous air contaminants that are reported to induce cancer in two or more species by the National Toxicological Program may also be classified as known or suspected carcinogens by the Secretary after consultation with the Vermont Department of Health.

The HAAS for each Category 1 *hazardous air contaminant* shall be set at a level estimated to correspond to an excess lifetime carcinogenic risk of one in one million assuming continual inhalation exposure. In cases where there is insufficient data available to derive such a value, the HAAS shall be set at 0.01 µg/m³.

The averaging period for known or suspected carcinogens shall be annual.

CATEGORIES II AND III: Hazardous Air Contaminants Believed to Cause Chronic Systemic Toxicity due to Long-term Exposure or Short-term Irritant Effects

Those *hazardous air contaminants* not identified as potentially carcinogenic as defined above, are referred to as noncarcinogens and are divided into two categories:

Category II: *Hazardous Air Contaminants* Believed to Cause Chronic Systemic Toxicity due to Long-term Exposure; and

Category III: *Hazardous Air Contaminants* Believed to Cause Short-term Irritant Effects.

For both types of effects, it is generally assumed that some threshold level of toxicity exists (i.e. there is some level of exposure below which no adverse health effects are likely to occur).

Because the actual threshold level of exposure will vary from individual to individual, assessment of such compounds focuses on estimating a population threshold level. The HAAS for each Category II and Category III compound shall be set at a level estimated to correspond to such a threshold based on continual inhalation exposure.

Various sources of toxicity information shall be examined in the development of a HAAS for each Category II and Category III *hazardous air contaminants*. These sources shall include, but are not limited to: U.S. EPA RfCs, occupational values (e.g., ACGIH TLVs, NIOSH RELS, VOSHA PELs), ATSDR MRLs, California EPA RELs, National AEGLs and reports published in the peer reviewed literature.

Uncertainty Factor

One or more uncertainty factors, each ranging from 1 to 10, may be applied in the development of a HAAS for each Category II or Category III *hazardous air contaminant*. Where appropriate, an additional modifying factor, typically ranging from 1 to 10, may be included in the calculation. The total adjustment factor applied will depend on the nature and extent of chemical specific toxicity information available for review.

Averaging Time

The averaging period for Category II *hazardous air contaminants* shall be annual. A 24 hour averaging period will be employed for Category III *hazardous air contaminants*.

Alternative Methods

In the event that insufficient toxicological information is available with which to derive a HAAS for Category II and Category III *hazardous air contaminants*, a default value shall be set for each category at the median value of all HAAS published in Appendix C for the given category. The *action level* shall be derived in accordance with Appendix E.

- a. The Category II median HAAS is 20 $\mu\text{g}/\text{m}^3$ and its representative *action level* is 1.7 lbs/8 h.
- b. The Category III median HAAS is 36 $\mu\text{g}/\text{m}^3$ and its representative *action level* is 1.9 lbs/8 h.

APPENDIX E
METHOD FOR THE DERIVATION OF ACTION LEVELS

This appendix presents the standard procedure which shall be used by the *Secretary* when deriving an *Action Level*, in pounds of *emissions* per eight hours, for a *hazardous air contaminant*.

Action Levels shall be calculated for all *hazardous air contaminants* for which the *Secretary* has established a *HAAS* by one of the following methods:

1. For *hazardous air contaminants* with a *HAAS* based on a twenty-four hour averaging period, the *HAAS* shall be multiplied by 0.052.
2. For *hazardous air contaminants* with a *HAAS* based on an annual averaging period, the *HAAS* shall be multiplied by 0.083.

APPENDIX F

Title 13 CCR	Title	Section Amended Date
Chapter 1	<i>Motor Vehicle Pollution Control Devices.</i>	
Article 1	General Provisions.	
1900	Definitions.	12/17/08 (adopted)
1903	Plans Submitted.	Date not listed
1904	Applicability to Vehicles Powered by Fuels Other Than Gasoline.	09/30/91
Article 2	Approval of <i>Motor Vehicle Pollution Control Devices (New Vehicles)</i> .	
1956.8(g) and (h)	Exhaust <i>Emissions</i> Standards and Test Procedures - 1985 and Subsequent Model Heavy-Duty Engines and Vehicles.	01/04/08
1960.1	Exhaust <i>Emissions</i> Standards and Test Procedures - 1981 and through 2006 Model <i>Passenger Cars, Light-Duty and Medium-Duty Vehicles.</i>	10/16/02, 03/26/04
1960.5	Certification of 1983 and Subsequent Model-Year Federally-Certified Light-Duty Motor Vehicles for Sale in California.	10/16/02
1961	Exhaust <i>Emission</i> Standards and Test Procedures - 2004 and Subsequent Model <i>Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.</i>	12/17/08 (adopted)
1961.1	Greenhouse Gas Exhaust <i>Emission</i> Standards and Test Procedures - 2009 and Subsequent Model <i>Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.</i>	01/01/06
1962	Zero-Emission Vehicle Standards for 2005 and Subsequent Model <i>Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.</i>	12/17/08 (adopted)
1962.1	Zero-Emission Vehicle Standards for 2009 and Subsequent Model Year <i>Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.</i>	12/17/08 (adopted)
1964	Special Test Procedures for Certification and Compliance - New Modifier Certified Motor Vehicles.	02/23/90
1965	Emission Control, Smog Index, and Environmental Performance Labels - 1979 and Subsequent <i>Model-Year Motor Vehicles.</i>	06/16/08
1968.1	Malfunction and Diagnostic System Requirements - 1994 and Subsequent Model-Year <i>Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles and Engines.</i>	11/27/99
1968.2	Malfunction and Diagnostic System Requirements - 2004 and Subsequent Model-Year <i>Passenger Cars,</i>	11/09/07

Title 13 CCR	Title	Section Amended Date
	<i>Light-Duty Trucks and Medium-Duty Vehicles and Engines.</i>	
1976	Standards and Test Procedures for Motor Vehicle Fuel Evaporative <i>Emissions</i> .	01/04/08
1978	Standards and Test Procedures for <i>Vehicle Refueling Emissions</i> .	01/04/08
Article 6	<i>Emission Control System Warranty.</i>	
2035	Purpose, Applicability, and Definitions.	11/09/07
2036	Defects Warranty Requirements for 1979 Through 1989 Model <i>Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles</i> ; 1979 and Subsequent Model Motorcycles and Heavy-Duty <i>Vehicles</i> ; and Motor Vehicle Engines Used in Such <i>Vehicles</i> .	05/15/99
2037	Defects Warranty Requirements for 1990 and Subsequent Model <i>Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles</i> , and Motor Vehicle Engines Used in Such <i>Vehicles</i> .	11/09/07
2038	Performance Warranty Requirements for 1990 and Subsequent Model <i>Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles</i> and Motor Vehicle Engines Used in Such <i>Vehicles</i> .	11/09/07
2039	<i>Emissions Control System Warranty Statement.</i>	12/26/90
2040	<i>Vehicle Owner Obligations.</i>	12/26/90
2041	Mediation; Finding of Warrantable Condition.	12/26/90
2046	Defective Catalyst.	01/16/79*
2047	Certification procedures for Used Modifier-certified Motor Vehicles.	05/31/88
Chapter 2	Enforcement of <i>Vehicle Emission Standards and Surveillance Testing.</i>	
Article 1	Assembly-Line Testing.	
2062	Assembly-Line Test Procedures - 1998 and Subsequent <i>Model-years</i> .	11/27/99
Article 2	Enforcement of New and In-Use <i>Vehicle Standards.</i>	
2101	Compliance Testing and Inspection - New <i>Vehicle Selection, Evaluation and Enforcement Action.</i>	11/27/99
2109	New <i>Vehicle Recall Provisions.</i>	11/30/83*
2110	Remedial Action for Assembly-Line Quality Audit Testing of Less Than a Full Calendar Quarter of Production Prior to the 2001 <i>Model-year</i> .	11/27/99
Article 2.1	Procedures for In-Use <i>Vehicle Voluntary and Influenced Recalls.</i>	
2111	Applicability.	01/04/08
2112	Definitions.	08/15/07

Title 13 CCR	Title	Section Amended Date
	Appendix A to Article 2.1.	08/15/07
2113	Initiation and Approval of Voluntary and Influenced Emission-Related <i>Recalls</i> .	01/26/95
2114	Voluntary and Influenced <i>Recall</i> Plans.	11/27/99
2115	Eligibility for Repair.	01/26/95
2116	Repair Label.	01/26/95
2117	Proof of Correction Certificate.	01/26/95
2118	Notification.	01/26/95
2119	Recordkeeping and Reporting Requirements	11/27/99
2120	Other Requirements Not Waived.	01/26/95
Article 2.2	Procedures for In-Use Vehicle Ordered <i>Recalls</i> .	
2121	Penalties.	01/26/95
2122	General Provisions.	01/04/08
2123	Initiation and Notification of Ordered Emission-Related <i>Recalls</i> .	01/26/95
2124	Availability of Public Hearing.	01/26/95
2125	Ordered <i>Recall</i> Plan.	01/26/95
2126	Approval and Implementation of <i>Recall</i> Plan.	01/26/95
2127	Notification of Owners.	01/26/95
2128	Repair Label.	01/26/95
2129	Proof of Correction Certificate.	01/26/95
2130	Capture Rates and Alternative Measures.	11/27/99
2131	Preliminary Tests.	01/26/95
2132	Communication with Repair Personnel.	01/26/95
2133	Recordkeeping and Reporting Requirements.	01/26/95
2134	Penalties.	01/26/95
2135	Extension of Time.	01/26/95
Article 2.3	In-Use Vehicle Enforcement Test Procedures.	
2136	General Provisions.	01/04/08
2137	Vehicle Selection.	12/28/00
2138	Restorative Maintenance.	11/27/99
2139	Testing.	08/21/02
2140	Notification and Use of Test Results.	08/21/02
Article 2.4	Procedures for Reporting Failure of Emission-Related Components.	
2141	General Provisions.	01/04/08
2142	Alternative Procedures	02/23/90

Title 13 CCR	Title	Section Amended Date
2143	Failure Levels Triggering <i>Recall</i> .	11/27/99
2144	<i>Emission</i> Warranty Information Report.	11/27/99
2145	Field Information Report.	11/27/99
2146	<i>Emissions</i> Information Report.	11/27/99
2147	Demonstration of Compliance with <i>Emission</i> Standards.	08/21/02
2148	Evaluation of Need for <i>Recall</i> .	11/27/99
2149	Notification of Subsequent Action.	02/23/90
Article 5	Procedures for Reporting Failures of Emission-Related Equipment and Required Corrective Action.	
2166	General Provisions.	01/04/08
2166.1	Definitions.	01/04/08
2167	Emission Warranty Information Report.	01/04/08
2168	Supplemental Emission Warranty Information Report.	01/04/08
2169	<i>Recall</i> and Corrective Action for Other Emission-Related Component Failures (On-Board Diagnostic-Equipped Vehicles and Engines).	01/04/08
2170	<i>Recall</i> and Corrective Action for Other Emission-Related Component Failures (On-Board Diagnostic-Equipped Vehicles and Engines).	01/04/08
2171	<i>Recall</i> and Corrective Action for Vehicles Without On-Board Diagnostic Systems, Vehicles with Non-Compliant On-Board Diagnostic Systems, or Vehicles with On-Board Computer Malfunction.	01/04/08
2172	Notification of Required <i>Recall</i> or Corrective Action by the Executive Officer.	01/04/08
2172.1	Ordered or Voluntary Corrective Action Plan.	01/04/08
2172.2	Approval and Implementation of Corrective Action Plan.	01/04/08
2172.3	Notification of Owners.	01/04/08
2172.4	Repair Label.	01/04/08
2172.5	Proof of Correction Certificate.	01/04/08
2172.6	Preliminary Tests.	01/04/08
2172.7	Communication with Repair Personnel.	01/04/08
2172.8	Recordkeeping and Reporting Requirements.	01/04/08
2172.9	Extension of Time.	01/04/08
2173	Penalties.	01/04/08
2174	Availability of Public Hearing.	01/04/08
Chapter 4	Criteria for the Evaluation of Motor Vehicle Pollution Control Devices and Fuel Additives.	

Title 13 CCR	Title	Section Amended Date
Article 2	Aftermarket Parts.	
2222	Add-On Parts and Modified Parts.	07/10/08
Chapter 4.4	Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks.	
2235	Requirements.	09/17/91
*Note: Filing date. Effective date is 30 days later.		

TABLE 1

Industrial Process Weight Standards*

Process Weight lbs/hr (kg/hr)	Discharge Maximum Weight lbs/hr (kg/hr)	Process Weight lbs/hr (kg/hr)	Discharge Maximum Weight lbs/hr (kg/hr)
50 (23)	0.24 (0.11)	3400 (1542)	5.44 (2.47)
100 (45)	0.46 (0.21)	3500 (1588)	5.52 (2.50)
150 (68)	0.66 (0.30)	3600 (1633)	5.61 (2.54)
200 (91)	0.85 (0.39)	3700 (1678)	5.69 (2.58)
250 (113)	1.03 (0.47)	3800 (1724)	5.77 (2.62)
300 (136)	1.20 (0.54)	3900 (1769)	5.85 (2.65)
350 (159)	1.35 (0.61)	4000 (1814)	5.93 (2.70)
400 (181)	1.50 (0.68)	4100 (1860)	6.01 (2.73)
450 (204)	1.63 (0.74)	4200 (1905)	6.08 (2.76)
500 (227)	1.77 (0.80)	4300 (1950)	6.15 (2.79)
550 (249)	1.89 (0.86)	4400 (1996)	6.22 (2.82)
600 (272)	2.01 (0.91)	4500 (2041)	6.30 (2.86)
650 (295)	2.12 (0.96)	4600 (2087)	6.37 (2.89)
700 (318)	2.24 (1.02)	4700 (2132)	6.45 (2.93)
750 (340)	2.34 (1.06)	4800 (2177)	6.52 (2.96)
800 (363)	2.43 (1.10)	4900 (2223)	6.60 (2.99)
850 (386)	2.53 (1.15)	5000 (2268)	6.67 (3.03)
900 (408)	2.62 (1.19)	5500 (2495)	7.03 (3.19)
950 (431)	2.72 (1.23)	6000 (2722)	7.37 (3.34)
1000 (454)	2.80 (1.27)	6500 (2948)	7.71 (3.50)
1100 (499)	2.97 (1.35)	7000 (3175)	8.05 (3.65)
1200 (544)	3.12 (1.42)	7500 (3402)	8.39 (3.81)
1300 (590)	3.26 (1.48)	8000 (3629)	8.71 (3.95)
1400 (635)	3.40 (1.54)	8500 (3856)	9.03 (4.10)
1500 (680)	3.54 (1.61)	9000 (4082)	9.36 (4.25)
1600 (726)	3.66 (1.66)	9500 (4309)	9.67 (4.39)
1700 (771)	3.79 (1.72)	10000 (4536)	10.00 (4.54)
1800 (816)	3.91 (1.77)	11000 (4989)	10.63 (4.82)
1900 (862)	4.03 (1.83)	12000 (5443)	11.28 (5.12)
2000 (907)	4.14 (1.88)	13000 (5897)	11.89 (5.39)
2100 (953)	4.24 (1.92)	14000 (6350)	12.50 (5.67)
2200 (998)	4.34 (1.97)	15000 (6804)	13.13 (5.96)
2300 (1043)	4.44 (2.01)	16000 (7257)	13.74 (6.23)
2400 (1089)	4.55 (2.06)	17000 (7711)	14.36 (6.51)
2500 (1134)	4.64 (2.10)	18000 (8165)	14.97 (6.79)
2600 (1179)	4.74 (2.15)	19000 (8618)	15.58 (7.07)
2700 (1225)	4.84 (2.20)	20000 (9072)	16.19 (7.34)
2800 (1270)	4.92 (2.23)	30000 (13608)	22.22 (10.08)
2900 (1315)	5.02 (2.28)	40000 (18144)	28.3 (12.84)
3000 (1361)	5.10 (2.31)	50000 (22680)	34.3 (15.56)
3100 (1406)	5.18 (2.35)	60000 (27215) or More	40.0 (18.14)
3200 (1451)	5.27 (2.39)		
3300 (1497)	5.36 (2.43)		
*Note: In the case of any conflict between the English and Metric units set out in this table, the English units shall prevail.			

TABLE 2

Prevention of Significant Deterioration (PSD) Increments

Air Contaminant/ Ambient Air Quality Standard Averaging Time		Maximum Allowable Increment ($\mu\text{g}/\text{m}^3$)		
		Class I	Class II	Class III
PM ₁₀	Annual Standard (arithmetic mean)	4	17	34
	24-hr Standard (maximum)	8	30	60
PM _{2.5}	<u>Annual (arithmetic mean)</u>	<u>1</u>	<u>4</u>	<u>8</u>
	<u>24-hr (maximum)</u>	<u>2</u>	<u>9</u>	<u>18</u>
Sulfur Dioxide	Annual Standard (arithmetic mean)	2	20	40
	24-hr Standard (maximum)	5	91	182
	3-hr Standard (maximum)	25	512	700
Nitrogen Dioxide	Annual Standard (arithmetic mean)	2.5	25	50

At present all *attainment* areas of the State are Class II, except for the Lye Brook Wilderness Area which is Class I. Increments for Class III areas are shown in the event areas are reclassified in the future to Class III.

TABLE 3

Levels of Significant Impact ~~for Nonattainment Areas~~

Air Contaminant	Averaging Time				
	Annual	24-Hour	8-Hour	3-Hour	1-Hour
Sulfur Dioxide	1.0 $\mu\text{g}/\text{m}^3$	5.0 $\mu\text{g}/\text{m}^3$		25 $\mu\text{g}/\text{m}^3$	
Total Suspended Particulate	1.0 $\mu\text{g}/\text{m}^3$	5.0 $\mu\text{g}/\text{m}^3$			
PM ₁₀	1.0 $\mu\text{g}/\text{m}^3$	5.0 $\mu\text{g}/\text{m}^3$			
PM_{2.5}					
<u>Class I areas</u>	<u>0.06$\mu\text{g}/\text{m}^3$</u>	<u>0.07$\mu\text{g}/\text{m}^3$</u>			
<u>Class II areas</u>	<u>0.3 $\mu\text{g}/\text{m}^3$</u>	<u>1.2 $\mu\text{g}/\text{m}^3$</u>			
<u>Class III areas</u>	<u>0.3 $\mu\text{g}/\text{m}^3$</u>	<u>1.2 $\mu\text{g}/\text{m}^3$</u>			
Nitrogen Dioxide	1.0 $\mu\text{g}/\text{m}^3$				
Carbon Monoxide			0.5 mg/m^3		2 mg/m^3
Lead	0.06 $\mu\text{g}/\text{m}^3$ (averaged over 3 consecutive months)				
Sulfates		2.0 $\mu\text{g}/\text{m}^3$			
Sulfates (seasonal)	0.2 $\mu\text{g}/\text{m}^3$ (April to September - 6 month average)				

TABLE 4

Sections Added or Amended

Subchapter	Section	Effective Dates
I	5-101	Eff. December 10, 1972; Amended eff. November 19, 1973; December 16, 1974; January 25, 1978; August 12, 1978; November 12, 1978; March 24, 1979; November 4, 1979; November 3, 1981; October 19, 1984; September 17, 1986; April 20, 1988; July 1, 1988; March 4, 1989; November 1, 1990; November 13, 1992; January 20, 1993; August 13, 1993; March 31, 1995; November 30, 1995; August 24, 1998; March 4, 2004; March 28, 2007; February 8, 2011.
II	5-201	Eff. December 10, 1972; Amended eff. January 25, 1978; August 13, 1993.
	5-202	Eff. December 10, 1972; Amended eff. January 25, 1978; August 13, 1993.
	5-203	Eff. December 10, 1972 as Section 5-420; Renumbered eff. January 25, 1978.
	5-204	Eff. October 1, 1997. Amended eff. April 27, 2007; October 1, 2009.
	5-205	Eff. April 27, 2007. REPEALED eff. October 1, 2009.
	5-211	Eff. December 10, 1972; Amended eff. January 25, 1978; August 12, 1978.
	5-221	Eff. December 10, 1972; Amended eff. November 19, 1973; April 24, 1974; March 16, 1975; July 12, 1976; January 25, 1978; October 19, 1984; August 24, 1998; September 28, 2011.
	5-231	Eff. December 10, 1972; Amended eff. November 19, 1973; December 16, 1974; July 12, 1976; March 14, 1977; January 25, 1978; August 12, 1978; November 3, 1981; November 1, 1990; November 9, 1995.
	5-241	Eff. December 10, 1972; Amended eff. November 19, 1973; January 25, 1978.
	5-251	Eff. December 10, 1972; Amended eff. January 25, 1978; March 25, 1979; November 4, 1979; August 13, 1993; November 30, 1995; February 8, 2011.
	5-252	Eff. July 12, 1976 as Section 5-221(1)(b); Amended eff. January 25, 1978; March 24, 1979; November 4, 1979; February 8, 2011.
	5-253	Eff. March 24, 1979; Amended eff. November 4, 1979; January 13, 1989; Renumbered and amended eff. November 13, 1992; Amended eff. August 13, 1993; August 17, 1994.
	5-253.1	Renumbered eff. November 13, 1992.
	5-253.2	Renumbered and amended eff. November 13, 1992.
	5-253.3	Eff. November 13, 1992; Amended eff. April 20, 2001.
	5-253.4	Eff. November 13, 1992.

Subchapter	Section	Effective Dates
	5-253.5	Eff. November 13, 1992.
	5-253.6	Renumbered eff. November 13, 1992.
	5-253.7	Eff. August 22, 1996; Amended eff. April 20, 2001.
	5-253.10	Renumbered and amended eff. November 13, 1992.
II	5-253.11	Eff. November 13, 1992.
	5-253.12	Eff. November 13, 1992.
	5-253.13	Eff. August 13, 1993.
	5-253.14	Eff. August 13, 1993.
	5-253.15	Eff. August 17, 1994.
	5-253.16	Eff. March 1, 2004. Amended eff. March 28, 2007.
	5-253.20	Eff. August 13, 1993.
	5-261	Eff. November 3, 1981; Amended eff. March 4, 1989; January 20, 1993; March 28, 2007.
III	5-271	Eff. August 24, 1998. Amended eff. February 8, 2011.
	5-301	Eff. December 10, 1972 as Sections 5-301 to 303; Amended eff. November 19, 1973; December 16, 1974; July 12, 1976; March 24, 1979; and December 15, 1990.
	5-302	Eff. December 10, 1972 as Sections 5-301 to 303; Amended eff. November 19, 1973; December 16, 1974; July 12, 1976; March 24, 1979.
	5-303	Eff. December 10, 1972 as Sections 5-301 to 303; Amended eff. November 19, 1973; December 16, 1974; July 12, 1976; March 24, 1979.
	5-304	Eff. December 10, 1972 as Sections 5-301 to 303; Amended eff. November 19, 1973; December 16, 1974; July 12, 1976; March 24, 1979.
	5-305	Eff. December 10, 1972 as Sections 5-301 to 303; Amended eff. November 19, 1973; December 16, 1974; July 12, 1976; March 24, 1979.
	5-306	Eff. November 1, 1990.
	5-307	Eff. December 10, 1972 as Sections 5-301 to 303; Amended eff. November 19, 1973; December 16, 1974; July 12, 1976; March 24, 1979; Renumbered November 1, 1990.
	5-308	Eff. March 24, 1979 as Section 5-307; Renumbered November 1, 1990; Amended eff. August 13, 1993.
	5-309	Eff. December 15, 1990.
	5-310	Eff. November 3, 1981 as Section 5-308, Renumbered eff. November 1, 1990, Amended eff. August 13, 1993.
	5-312	Eff. September 17, 1986 as Section 5-310; Renumbered eff. November 1, 1990.
IV	5-401	Eff. March 24, 1979, Amended eff. August 24, 1998; February 8, 2011.

Subchapter	Section	Effective Dates
	5-402	Eff. December 10, 1972; Amended eff. November 19, 1973; March 24, 1979; February 8, 2011.
	5-403	Eff. December 10, 1972.
	5-404	Eff. December 10, 1972; Amended eff. January 25, 1978; March 24, 1979; November 1, 1990; February 8, 2011.
	5-405	Eff. December 10, 1972; Amended eff. March 24, 1979.
	5-406	Eff. March 24, 1979; Amended eff. November 30, 1995; February 8, 2011.
V	5-501	Eff. December 10, 1972 as Section 5-407; Amended eff. January 25, 1978; March 24, 1979; November 4, 1979; November 3, 1981; September 17, 1986; February 8, 2011.
	5-502	Eff. March 24, 1979; Amended eff. November 4, 1979; November 3, 1981; September 17, 1986; November 1, 1990; August 13, 1993; February 8, 2011.
	5-503	Eff. November 19, 1973 as Section 5-430; Amended eff. July 12, 1976; March 24, 1979. REPEALED eff. February 8, 2011.
	5-504	Eff. July 1, 1988. Amended eff. February 8, 2011.
	5-505	Eff. July 1, 1988.
VI	5-601 to 613	Eff. November 12, 1978.
VII	5-701	Eff. December 10, 1972 as Section 5-501; Renumbered eff. March 24, 1979; Amended eff. July 3, 1996.
	5-702	Eff. December 10, 1972 as Section 5-502; Renumbered eff. March 24, 1979.
	5-703	Eff. July 3, 1996.
VIII	5-801 to 5-806	Eff. April 20, 1988.
	5-807	Eff. April 20, 1988; Amended eff. November 30, 1995; March 28, 2007.
	5-808	Eff. April 20, 1988.
IX	5-901	Eff. March 24, 1979 as Section 5-801; renumbered eff. April 20, 1988; Amended eff. November 1, 1990; November 13, 1992; August 13, 1993.
	5-911	Eff. November 1, 1990; Amended eff. November 13, 1992.
	5-921	Eff. November 1, 1990.
X	5-1001	Eff. March 31, 1995
	5-1002	Eff. March 31, 1995; Amended eff. November 29, 2001; February 8, 2011.
	5-1003	Eff. March 31, 1995. Amended eff. February 8, 2011.
	5-1004	Eff. March 31, 1995.

Subchapter	Section	Effective Dates
	5-1005	Eff. March 31, 1995.
	5-1006	Eff. March 31, 1995; Amended eff. November 29, 2001.
	5-1007	Eff. March 31, 1995; Amended eff. November 29, 2001; February 8, 2011.
	5-1008	Eff. March 31, 1995; Amended eff. November 29, 2001.
	5-1009	Eff. March 31, 1995.
	5-1010	Eff. March 31, 1995. Amended eff. February 8, 2011.
	5-1011	Eff. March 31, 1995.
	5-1012	Eff. March 31, 1995. Amended eff. February 8, 2011.
	5-1013	Eff. March 31, 1995; Amended eff. November 29, 2001; February 8, 2011.
	5-1014	Eff. March 31, 1995; Amended eff. November 29, 2001.
	5-1015	Eff. March 31, 1995; Amended eff. November 30, 1995; November 29, 2001.
	5-1016	Eff. March 31, 1995.
XI	5-1101	Eff. November 8, 1996; Amended eff. December 29, 2000; November 22, 2005; January 3, 2009.
	5-1102	Eff. November 8, 1996; Amended eff. December 29, 2000; November 22, 2005.
	5-1103	Eff. November 8, 1996; Amended eff. December 29, 2000; November 22, 2005; January 3, 2009.
	5-1104	Eff. November 8, 1996; Amended eff. December 29, 2000.
	5-1105	Eff. November 8, 1996; Amended eff. December 29, 2000; January 3, 2009.
	5-1106	Eff. November 8, 1996; Amended eff. December 29, 2000; November 22, 2005; January 3, 2009.
	5-1107	Eff. November 8, 1996; Amended eff. December 29, 2000; November 22, 2005; January 3, 2009.
	5-1108	Eff. December 29, 2000. Amended eff. November 22, 2005
	5-1109	Eff. November 22, 2005.
App. A		Eff. November 12, 1978.
App. B		Eff. March 4, 1989; Amended eff. January 20, 1993; March 28, 2007.
App. C		Eff. March 4, 1989; Amended eff. January 20, 1993; August 13, 1993; March 28, 2007.
App. D		Eff. March 4, 1989; Amended eff. January 20, 1993; March 28, 2007.
App. E		Eff. March 4, 1989; Amended eff. January 20, 1993; March 28, 2007.
App. F		Eff. November 8, 1996; Amended eff. December 29, 2000;

Subchapter	Section	Effective Dates
		January 3, 2009.
Table 1		Eff. December 10, 1972; Amended eff. January 25, 1978.
Table 2		Eff. March 24, 1979; Amended eff. November 1, 1990; December 15, 1990; July 29, 1995.
Table 3		Eff. March 24, 1979; Amended eff. November 4, 1979; November 3, 1981; September 17, 1986; November 1, 1990.