

Administrative Procedures – Adopting Page

Instructions:

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

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

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

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

1. TITLE OF RULE FILING:

Amendments to Air Pollution Control Regulations

2. ADOPTING AGENCY:

Agency of Natural Resources

3. AGENCY REFERENCE NUMBER, IF ANY:

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

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

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

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

5-101 Definitions: 2/8/2011

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

5-301 Scope: 12/15/1990

5-302 Sulfur Oxides: 3/24/1979

5-303 Sulfur Oxides: 3/24/1979

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

Run Spell Check

Administrative Procedures – Proposed Coversheet

Instructions:

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

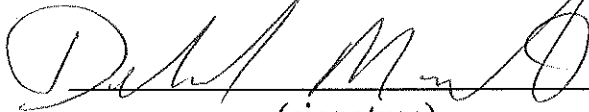
- Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)

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

The data provided in text areas of the proposed coversheet form will be used to generate a notice of rulemaking in the newspapers of record. Publication of notices will be charged back to the promulgating agency based on the word count of the notices.

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

Rule Title: Amendments to Air Pollution Control Regulations

 _____, on 12-18-13.
 (signature) (date)

Printed Name and Title:
 Deborah Markowitz, Secretary
 Agency of Natural Resources

RECEIVED BY: _____

- Proposed Rule Coversheet
- Adopting Page
- Economic Impact Statement
- Public Input Statement
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Approval received by E-mail.

1. TITLE OF RULE FILING:

Amendments to Air Pollution Control Regulations

2. ADOPTING AGENCY:

Agency of Natural Resources

3. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Doug Elliott

Agency: Agency of Natural Resources

Mailing Address: Air Quality & Climate Division

Davis 2, One National Life Drive

Montpelier, VT 05620-3802

Telephone: 802 377 - 5939 Extension: Fax: 802 828 - 1399

E-Mail: doug.elliott@state.vt.us

Web URL *(WHERE THE RULE WILL BE POSTED)*:

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

4. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Elaine O'Grady

Agency: Agency of Natural Resources

Mailing Address: Air Quality & Climate Division

Davis 2, One National Life Drive

Montpelier, VT 05620-3802

Telephone: 802 343 - 7221 Extension: Fax: 802 828 - 1399

E-Mail: elaine.ogradys@state.vt.us

5. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

10 VSA 553, 10 VSA 554(2) and (11)

6. CONCISE SUMMARY (150 WORDS OR LESS):

The primary purpose of this rulemaking is to update Vermont's ambient air quality standards for particulate matter, oxides of nitrogen, sulfur dioxide, ozone, and lead to make them consistent with the National Ambient

Air Quality Standards (NAAQS), which Vermont is required to meet under the federal Clean Air Act (CAA). Minor clarifying amendments are also proposed for the permitting regulations. A minor amendment is also proposed for used oil combustion, truing up the rule with Vermont Hazardous Waste Management Rules and setting a new throughput threshold. A minor amendment is also proposed to clarify that most sources less than five tons per year of emissions do not require a permit.

The public comment period and hearing for this rule will also serve as the comment period and hearing under 40 C.F.R. § 51.102 for corresponding revisions to Vermont's State Implementation Plan (SIP) to comply with the CAA.

7. EXPLANATION OF WHY THE RULE IS NECESSARY:

Revisions to the ambient air quality standards and permitting provisions are necessary to ensure that Vermont's Air Program complies with the federal CAA to enable the Air Quality & Climate Division to continue implementation of CAA requirements in Vermont. The remaining amendments are either clarifications, codification of existing practice, or program revisions to address deficiencies or improve functionality.

8. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Facilities that burn used oil; facilities requiring Air Pollution Control Permits; other facilities that emit air pollution; the general public that is exposed to air pollution; and the U.S. Environmental Protection Agency (EPA).

9. BRIEF SUMMARY OF ECONOMIC IMPACT(150 WORDS OR LESS):

Economic impact is anticipated to be minimal. Updating Vermont's ambient air quality standards to reflect the NAAQS, which already apply to Vermont under federal law, will eliminate confusion and allow Vermont to meet SIP requirements under the CAA. The remaining provisions predominately clarify or codify existing practice with the exception of the used oil revisions, which will now provide relief to any facility that burns less than 5,000 gallons per year rather than just to small fuel burning equipment.

10. A HEARING IS SCHEDULED .

11. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date: 2/3/2014

Time: 06:00 PM

Location: Pavilion Auditorium

Date:

Time: PM

Location:

Date:

Time: PM

Location:

Date:

Time: PM

Location:

12. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

2/10/2014

13. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

National Ambient Air Quality Standard

NAAQS

particulate matter

pm

used oil

waste oil

air pollution control permit

air contaminant source

air permitting

air emissions

air emitting

pollutant

Run Spell Check

Administrative Procedures – Economic Impact Statement

Instructions:

In completing the economic impact statement, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule. This form must be completed for the following filings made during the rulemaking process:

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

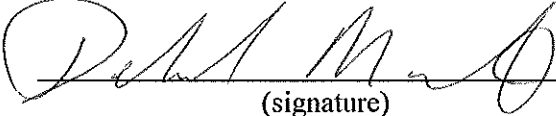
Rules affecting or regulating public education and public schools must include cost implications to local school districts and taxpayers in the impact statement (see 3 V.S.A. § 832b for details).

The economic impact statement also contains a section relating to the impact of the rule on greenhouse gases. Agencies are required to explain how the rule has been crafted to reduce the extent to which greenhouse gases are emitted (see 3 V.S.A. § 838(c)(4) for details).

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I conclude that this rule is the most appropriate method of achieving the regulatory purpose. In support of this conclusion I have attached all findings required by 3 V.S.A. §§ 832a, 832b, and 838(c) for the filing of the rule entitled:

Rule Title: Amendments to Air Pollution Control Regulations

 _____, on 12-18-13
(signature) (date)

Printed Name and Title:

Deborah Markowitz, Secretary
Agency of Natural Resources

BE AS SPECIFIC AS POSSIBLE IN THE COMPLETION OF THIS FORM, GIVING FULL INFORMATION ON YOUR ASSUMPTIONS, DATABASES, AND ATTEMPTS TO GATHER OTHER INFORMATION ON THE NATURE OF THE COSTS AND BENEFITS INVOLVED. COSTS AND BENEFITS CAN INCLUDE ANY TANGIBLE OR INTANGIBLE ENTITIES OR FORCES WHICH WILL MAKE AN IMPACT ON LIFE WITHOUT THIS RULE.

1. TITLE OF RULE FILING:

Amendments to the Air Pollution Control Regulations

2. ADOPTING AGENCY:

Agency of Natural Resources

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

The proposed rule amendments will affect facilities that burn used oil; facilities requiring Air Pollution Control Permits; other facilities that emit air pollution; the general public that is exposed to air pollution; and the U.S. Environmental Protection Agency (EPA).

Revising the ambient air quality standards in Vermont's air pollution control regulations to be consistent with the National Ambient Air Quality standards (NAAQS) promulgated by EPA under the Clean Air Act (CAA) is not expected to have any significant economic impacts on regulated entities or the public in Vermont other than removing any potential confusion as to the standards that apply in Vermont. The NAAQS apply in Vermont (and other states) regardless of whether Vermont adopts the standards. However, if Vermont does not update its ambient air quality standards to be at least as stringent as the NAAQS, EPA will not be able to approve Vermont's state implementation plans under the CAA, and EPA will become the implementing authority for the CAA in Vermont.

The remaining regulatory revisions are considered minor and administrative are not expected to have significant economic impact, positive or negative, on facilities. They will however clarify the requirements facilities are subject to and thus have other benefits such as improved implementation of the program.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS:

There will be no direct economic impact anticipated for schools. As members of the public, they would expect to benefit from air pollution control programs.

5. COMPARISON:

COMPARE THE ECONOMIC IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

The proposed amendments are not expected to have any significant economic impacts on regulated entities including small businesses. Thus no alternative were necessary or considered for small business.

With respect to the NAAQS, Vermont has proposed to adopt these verbatim. These NAAQS apply in Vermont regardless of whether we adopt them and it is simply a matter of whether Vermont or EPA implements them. The adoption of the NAAQS themselves is not expected to have any significant economic impacts. To avoid confusion, no alternatives were considered.

With respect to the minor clarifications to the permitting regulations, these are simple clarifications to the existing regulations and are not expected to have any significant economic impacts. They should however, clarify existing requirements. Since no significant changes are being proposed and economic impacts are minimal, no alternative were considered.

With respect to the used oil combustion amendments, the primary purpose is to true up the rule with the Vermont Hazardous Waste Management Regulations and thus no new economic impact is expected and no other alternatives were considered. In addition, current regulations allow an exception for small waste oil furnaces and the proposed amendments expand this to equivalent amounts of used oil burned in larger boilers, up to 5,000 gallons per year. Larger boilers tend to have better combustion, maintenance, and stack heights than waste oil furnaces and would be considered an equivalent or better device for used oil combustion. This change is relatively minor and is not expected to have a significant economic impact thus no alternatives were considered.

With respect to the five ton per year permitting threshold for most new sources, this is considered a minor clarification of existing discretion. Since most sources with actual emissions of less than five tons per year were not required to obtain permits in the past, the proposed amendments simply clarify this threshold and thus the amendments are not expected to have any significant economic impact. Since no significant

changes are being proposed and economic impacts are minimal, no alternative were considered.

6. FLEXIBILITY STATEMENT:

COMPARE THE BURDEN IMPOSED ON SMALL BUSINESS BY COMPLIANCE WITH THE RULE TO THE BURDEN WHICH WOULD BE IMPOSED BY ALTERNATIVES CONSIDERED IN 3 V.S.A. § 832a:

As noted above, the proposed amendments are considered minor and none of the proposed amendments are expected to impose significant burdens on small businesses, thus no alternatives were considered.

7. GREENHOUSE GAS IMPACT: EXPLAIN HOW THE RULE WAS CRAFTED TO REDUCE THE EXTENT TO WHICH GREENHOUSE GASES ARE EMITTED, EITHER DIRECTLY OR INDIRECTLY, FROM THE FOLLOWING SECTORS OF ACTIVITIES:

A. TRANSPORTATION —

IMPACTS BASED ON THE TRANSPORTATION OF PEOPLE OR PRODUCTS (e.g., "THE RULE HAS PROVISIONS FOR CONFERENCE CALLS INSTEAD OF TRAVEL TO MEETINGS" OR "LOCAL PRODUCTS ARE PREFERENTIALLY PURCHASED TO REDUCE SHIPPING DISTANCE."):

The proposed amendments are not expected to have a significant impact on transportation related to greenhouse gases. While a minor component of this rulemaking, the waste oil provision will now allow a facility to more easily burn small amounts of its own used oil on-site in larger boilers that it otherwise may have had to ship off-site. This would reduce transportation of the potential fuel off-site and the delivery of other fuels to the site.

B. LAND USE AND DEVELOPMENT —

IMPACTS BASED ON LAND USE AND DEVELOPMENT, FORESTRY, AGRICULTURE ETC. (e.g., "THE RULE WILL RESULT IN ENHANCED, HIGHER DENSITY DOWNTOWN DEVELOPMENT." OR "THE RULE MAINTAINS OPEN SPACE, FORESTED LAND AND/OR AGRICULTURAL LAND."):

The proposed amendments are not expected to have a significant impact on land use development.

C. BUILDING INFRASTRUCTURE —

IMPACTS BASED ON THE HEATING, COOLING AND ELECTRICITY CONSUMPTION NEEDS (e.g., "THE RULE PROMOTES WEATHERIZATION TO REDUCE BUILDING HEATING AND COOLING DEMANDS." OR "THE PURCHASE AND USE OF EFFICIENT ENERGY STAR APPLIANCES IS REQUIRED TO REDUCE ELECTRICITY CONSUMPTION."):

The proposed amendments are not expected to have a significant impact on building infrastructure.

D. WASTE GENERATION / REDUCTION —

IMPACTS BASED ON THE GENERATION OF WASTE OR THE REDUCTION, REUSE, AND RECYCLING OPPORTUNITIES AVAILABLE (e.g., "THE RULE WILL RESULT IN REUSE OF PACKING MATERIALS." OR "AS A RESULT OF THE RULE, FOOD AND OTHER ORGANIC WASTE WILL BE COMPOSTED OR DIVERTED TO A 'METHANE TO ENERGY PROJECT'."):

The proposed amendments are not expected to have a significant impact on waste generation or reduction. While a minor component of this rulemaking, the waste oil provision will now more easily allow a facility to burn small amounts of its own used oil on-site in larger boilers that it otherwise may have had to ship off-site. This allows the facility to utilize a potential fuel generated on-site instead of having other fuel delivered.

E. OTHER —

IMPACTS BASED ON OTHER CRITERIA NOT PREVIOUSLY LISTED:

None.

Run Spell Check