

**Administrative Procedures – Final Proposed Rule Coversheet****Instructions:**

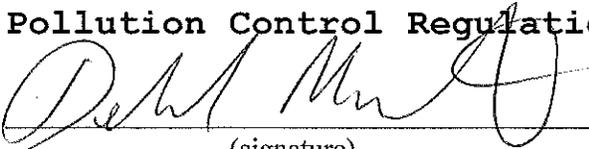
In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this final proposed filing will be considered complete upon the submission and acceptance of the following components to the Office of the Secretary of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

- Final 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)
- Copy of ICAR acceptance e-mail
- A copy of comments received during the Public Notice and Comment Period.
- Responsiveness Summary (detailing agency’s decisions to reject or adopt suggested changes received as public comment).

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

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

**Rule Title: Miscellaneous Amendments to the Vermont Air Pollution Control Regulations**

 \_\_\_\_\_, on 10-4-16 \_\_\_\_\_  
 (signature) (date)

Printed Name and Title:

Deborah Markowitz, Secretary, Agency of Natural Resources

RECEIVED BY: \_\_\_\_\_

- Final 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.
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

Miscellaneous Amendments to the Vermont Air Pollution Control Regulations

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

16P-034

3. ADOPTING AGENCY:

Agency of Natural Resources

4. PRIMARY CONTACT PERSON:

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

Name: Megan O'Toole

Agency: Agency of Natural Resources

Mailing Address: 1 National Life Drive, Davis 2  
Montpelier, VT 05620

Telephone: 802 249 - 9882 Fax: 802 828 - 1250

E-Mail: megan.otoole@vermont.gov

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

<http://dec.vermont.gov/air-quality/laws>

5. 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: Corie Dunn

Agency: Agency of Natural Resources

Mailing Address: 1 National Life Dr, Davis 2  
Montpelier, VT 05620

Telephone: 802 828 - 1288 Fax: 802 828 - 1250

E-Mail: corie.dunn@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

## 7. 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 V.S.A. §554(2)

10 V.S.A. §555(c)

10 V.S.A. §558

10 V.S.A. §567

## 8. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.

## 9. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

## 10. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

## 11. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

## 12. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

## 13. CONCISE SUMMARY (150 WORDS OR LESS):

These amendments to the Air Pollution Control Regulations will address a wide variety of house-keeping and substantive issues, including amendments as required by the Environmental Protection Agency (EPA) to be included in Vermont's State Implementation Plan. The amendments will also include updates to the Air Quality and Climate Division's administration of the air contaminant source registration program, updates to the perchloroethylene dry cleaning rules, and an expansion in the scope of the outdoor wood fired boiler (OWB) rule to include wood stoves and other central wood heaters certified by EPA.

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

**14. EXPLANATION OF WHY THE RULE IS NECESSARY:**

These changes are necessary to achieve EPA approval of Vermont's State Implementation Plan, address the need for numerous administrative revisions, remove outdated and superseded regulations, and take delegation of several provisions of law under the Clean Air Act.

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

The proposed rule amendments will potentially affect the general public, state government, sources of air contaminants required to register their annual emissions, dry cleaners, persons impacted by smoke and odors from wood heaters, manufacturers, dealers, distributors, installers, purchasers, of affected wood heaters; owners of OWBs, the Air Quality and Climate Division of the Agency of Natural Resources.

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

There may be economic impact to air contaminant sources that emit less than five tons of air contaminants every year that are listed under the amendments to the registration rules and therefore will be subject to the requirement of registration and may be subject to registration fees. The new standards and requirements proposed for Dry Cleaners will likely have limited economic impact due to the fact that the amendments only include requirements currently adopted by the EPA. For changes to the OWB rule, economic impacts in Vermont will be the same or similar to the economic impacts of the already adopted federal rule that imposes the same requirements and standards. The wood heating appliances that would be regulated under the proposed rule are already limited for sale, purchase, and installation in Vermont.

**17. A HEARING WAS HELD.****18. 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.

Date: 8/29/2016

Time: 06:00 PM

Street Address: Pavillion Building Auditorium, 109 State St  
Montpelier, VT

Zip Code: 05609

Date:

Time: AM

Street Address:

Zip Code:

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

9/9/2016

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

wood heaters

Air quality

Registration

Outdoor wood-fired boilers

Dry cleaners

# 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:

Miscellaneous Amendments to the 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 SOS LOG#, TITLE AND LAST DATE OF ADOPTION FOR THE EXISTING RULE*):

December 29, 2014

# 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
- Adopted Rule Filing
- 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: Miscellaneous Amendments to the Air Pollution Control Regulations**

Deborah Markowitz, on 10-4-16  
(signature) (date)

Printed Name and Title:

Deborah Markowitz, Secretary of the 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:

Miscellaneous 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:*

Dry Cleaners - Amendments to the Dry Cleaners regulation will incorporate many of the requirements of the federal regulation pertaining to Dry Cleaners (40 CFR Part 63 Subpart M). Given that many elements of the proposed rule already exist in the federal regulation, no additional cost will be imposed on dry cleaners with the adoption of the changes to the APCR.

Small sources of air contaminants - estimated economic impacts to some small sources of air contaminants that emit less than 5 tons of air contaminants annually will be the requirement to submit annual data on the type and quantity of air emissions and then pay a \$500 fee.

General Public - the general public, especially sensitive populations that are more likely to be effected adversely by air quality conditions, will benefit economically from these amendments to the extent that they improve the Agency of Natural Resource's ability to enhance air quality and continue to be better stewards of Vermont's atmosphere. The proposed wood heater rule amendments will have a positive economic impact on the general public who will benefit in health cost savings and improved quality of life from decreased emissions of harmful pollutants such as particulate matter.

State government - it is not anticipated that there will be any significant costs to state government as the implementation of the proposed amendment will not require any additional resources.

Consumers - will only be able to purchase new affected wood heaters and central heaters that are covered in the proposed rule. Consumers will benefit from having lower biomass fuel costs from operating more efficient wood heaters.

Dealers of wood heaters - will only be able to sell wood heaters that comply with EPA's new standards and requirements for affected wood heaters and central heaters that are covered in the proposed rule.

#### 4. IMPACT ON SCHOOLS:

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

The proposed amendments are expected to have no direct economic impact to schools. As member 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:*

With respect to the proposed amendments that address required changes to Vermont's State Implementation Plan and simple clarifications to various sections of the APCR, these changes are not significant and no economic impacts are expected. Therefore, no alternatives to these proposed changes were considered.

With respect to the proposed changes to the registration rules pursuant to 10 V.S.A. §555(c), this proposed change is likely to have a minor economic impact on sources of air contaminants that emit less than 5 tons of air contaminants annually. Select categories of these types of sources will be required to submit annual air quality data, which may involve minor administrative costs and a \$500 annual fee. While these types of sources are generally not required to obtain air pollution control permits, they do require

The Agency of Natural Resources to expend engineering and other technical resources due to the potentially toxic nature of the air contaminants from these sources or potential public nuisance issues. While the alternative of not making these sources subject to the registration requirement was considered, given the inequity of not expanding the requirement, the rule as proposed was selected.

With respect to proposed changes to the dry cleaner regulation, economic impacts are likely to be minimal and elements of the proposed rule would still be imposed by the existing federal rules if the proposed rules are not adopted. Therefore, alternative regulation for these facilities was not considered.

With respect to the proposed changes to the OWB regulation, new wood heater manufacturers, dealers and owners are already required by federal law to meet the standards and requirements of the proposed rule, as one of the purposes of this rulemaking is to take delegation of the federal wood heater rules. If Vermont did adopt a rule with less stringent requirements than the federal rule, those affected by this rule would still need to meet the federal standards and requirements. Therefore, no alternatives to the standards and requirements in the proposed rule were considered. A majority of Vermont businesses affected by the adoption of the federal rules for wood heaters are small businesses. Given that the proposed rule will include many of the same standards and requirements of the federal rule, the impacts to small businesses will be the same as under the federal rule, and separate requirements for small businesses were not 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 to the rule regarding changes to the Vermont State Implementation Plan, other minor clarifying changes, and adoption of the federal rules for dry cleaners are considered minor and none of these proposed amendments are expected to

impose significant burdens of small businesses, thus no alternatives were considered.

With respect to the proposed changes to the scope of the registration requirement, the economic impact on some sources of air contaminants that emit less than 5 tons of air contaminants annually would be minor administrative costs and a \$500 annual fee if the proposed rule were adopted, compared to no requirement imposed on some of these types of sources and thus no additional costs incurred. Given the types of processes these sources are engaged in and their size, the economic impact proposed to be imposed on these sources is commensurate with the amount of resources necessary to ensure the safety of air quality and will be less than other sources that emit much greater amounts of air contaminants. Therefore, although some costs will be imposed, they will be equitable and reasonable.

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."):*

These proposed amendments are anticipated to have a direct positive impact on greenhouse gas emissions related to transportation given that the general purpose and intent of the proposed amendments to the APCR is to improve air quality and reduce emissions of air contaminants, including greenhouse gases.

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."):*

These amendment are not anticipated to have any impact on land use and 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 to the OWB rule are anticipated to have impacts on buildings that heat with wood or biomass fuel, as the rule requires that new wood heaters purchased and installed in the state meet EPA standards and requirements for more efficient wood heaters. Therefore, buildings that heat with wood may benefit from units that operate more efficiently, reducing fuel costs and improving air quality.

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’.”):*

These amendments are not anticipated to have any impacts on the generation of waste or the reduction, reuse, and recycling opportunities available.

e. **OTHER —**

*IMPACTS BASED ON OTHER CRITERIA NOT PREVIOUSLY LISTED:*

The proposed amendments to the OWB rule are anticipated to have a positive impact on efforts to reduce greenhouse gas emissions in Vermont. New wood heaters affected by the proposed rule are designed to operate more efficiently, therefore performing their space heating function through the use of less biomass fuel, which in turn will lower greenhouse gas emissions from new wood heaters in Vermont.

# Administrative Procedures – Public Input Statement

## Instructions:

In completing the public input statement, an agency describes what it did do, or will do to maximize the involvement of the public in the development of the rule. This form must be completed for the following filings made during the rulemaking process:

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

### 1. TITLE OF RULE FILING:

Miscellaneous Amendments to the Air Pollution Control Regulations

### 2. ADOPTING AGENCY:

The Agency of Natural Resources

### 3. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

Many of the provisions included in the proposed rulemaking are mandatory to ensure compliance with the requirements of the Clean Air Act via Vermont's State Implementation Plan. Other provisions are either clarifications, codification of existing practice or program revisions needed to address deficiencies or improve functionality. These proposed amendments are not expected to be controversial or receive adverse comment.

With respect to revisions to the registration requirement to include some sources that emit less than 5 tons of air contaminants annually was recently authorized by the legislature, and the Agency of Natural Resources is carrying out its responsibility to define the scope of sources through rulemaking. The Agency of Natural Resources has reached out to the types of sources included in this expanded list during the legislative process and prior to initiating this rulemaking. The Agency of Natural Resources alerted the types of sources listed in the rule when the draft rule

amendments were formally proposed to solicit additional comments.

With respect to revisions to the dry cleaner regulation, the Agency of Natural Resources reached out to EPA and the Northeast Fabricare Association to solicit comments on the draft rule. The Agency of Natural Resources alerted the EPA, the Fabricare Association, and dry cleaners within Vermont to inform them that the rules had been proposed and to solicit any additional comments.

With respect to the proposed amendments to the OWB rule, because many of the provisions in the proposed rule are similar or the same as federal rules already adopted by the EPA, the Agency of Natural Resources has been conducting on-going outreach with wood heater manufacturers, dealers, and operators in Vermont since the federal rule was proposed. Also, with the adoption of the outdoor wood-fired boiler standards in Vermont in 2009, the Agency of Natural Resources has had an on-going relationship with the community of businesses and consumers that rely on or produce wood heaters. The Agency of Natural Resources conducted outreach activities during the rulemaking process for the proposed rule, including sending letters to dealers of wood heaters in Vermont and some biomass fuel producers, and will offer assistance beyond adoption of the rule.

The proposed rule amendments have been noticed in accordance with the Vermont Administrative Procedure Act requirements, as well as federal Clean Air Act requirements, and have been posted on the Air Quality and Climate Division website. Copies of the proposed rule amendments are available at the Air Quality and Climate Division offices located in Montpelier. A hearing was held to take verbal comments on the proposed amendments on August 29<sup>th</sup>, 2016 in Montpelier. The Agency of Natural Resources received several helpful comments from the American Lung Association and a corn/bio-fuel dealer from Addison County.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

As described above, the Agency of Natural Resources engaged in outreach relating to certain portions of the rule where stakeholder engagement was appropriate and informative. Specifically the Agency of Natural Resources solicited input from types of sources that will newly be subject to the less than 5 ton registration requirement, the EPA, and the Northeast Fabricare Association. Since EPA begin the rulemaking process for the new federal standards affecting wood heaters, the Agency of Natural Resources has conducted outreach with out of state and Vermont wood heater manufacturers, consumers of wood heaters, and wood heater retail stores and dealers on the federal wood heater rule, the provisions of which are the same or similar to the provisions of the proposed rule.

# Administrative Procedures – Scientific Information Statement

## Instructions:

In completing the Scientific Information Statement, an agency shall provide a brief summary of the scientific information including reference to any scientific studies upon which the proposed rule is based, for the purpose of validity.

This form is only required when a rule relies on scientific information for its validity.

1. TITLE OF RULE FILING:
2. ADOPTING AGENCY:
3. BRIEF EXPLANATION OF SCIENTIFIC INFORMATION:
4. CITATION OF SOURCE DOCUMENTATION OF SCIENTIFIC INFORMATION:
5. INSTRUCTIONS ON HOW TO OBTAIN COPIES OF THE SOURCE DOCUMENTS OF THE SCIENTIFIC INFORMATION FROM THE AGENCY OR OTHER PUBLISHING ENTITY:

N/A

# Administrative Procedures – Incorporation by Reference Statement

## Instructions:

In completing the incorporation by reference statement, an agency describes any materials that are incorporated into the rule by reference and why the full text was not reproduced within the rule.

This form is only required when a rule incorporates materials by referencing another source without reproducing the text within the rule itself (e.g. federal or national standards, or regulations).

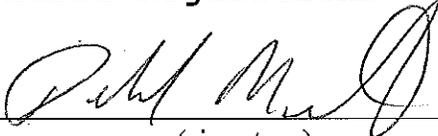
Copies of incorporated materials will be held by the Office of the Secretary of State until adoption or formal withdrawal of the rule is complete. Materials will be returned to the agency upon completion of the rule.

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 certify that the text of the matter incorporated has been reviewed by an official of the agency. I further certify that the agency has the capacity and intent to enforce the rule entitled:

**Rule Title: Miscellaneous Amendments to the Air Pollution Control Regulations**

 \_\_\_\_\_, on 10-4-16  
(signature) (date)

Printed Name and Title:

Deborah Markowitz, Secretary of the Agency of Natural Resources

## 1. TITLE OF RULE FILING:

Miscellaneous Amendments to the Air Pollution Control Regulations

## 2. ADOPTING AGENCY:

The Agency of Natural Resources

3. DESCRIPTION (*DESCRIBE THE MATERIALS INCORPORATED BY REFERENCE*):

Materials incorporated by reference include:

National Perchloroethylene Air Emissions Standards for Dry Cleaning Facilities - 40 CFR Part 63, Subpart M.

Methods for Sampling and Testing Sources - 40 CFR Part 51, Appendix M.

The standards and requirements for affected wood heaters in 40 C.F.R. §60.532

The standards and requirements for central heaters in 40 C.F.R. §60.5474

The labeling requirements in 40 C.F.R. §60.536(a)-(f) or 40 C.F.R. §5478(a)-(e)

4. OBTAINING COPIES: (*EXPLAIN HOW THE MATERIAL(S) CAN BE OBTAINED BY THE PUBLIC, AND AT WHAT COST*):

Copies of these materials can be obtained for free at the following locations:

For 40 CFR Part 63, Subpart M: <http://www.ecfr.gov/cgi-bin/text-idx?SID=351a50aa3948d266b6076a4d6f1be9bc&mc=true&node=s p40.10.63.m&rgn=div6>

For 40 CFR Part 51, Appendix M: [http://www.ecfr.gov/cgi-bin/text-idx?SID=5ad1bdc2c2dd58d985c0bf0085256cbb&mc=true&node=a p40.2.51\\_11205.m&rgn=div9](http://www.ecfr.gov/cgi-bin/text-idx?SID=5ad1bdc2c2dd58d985c0bf0085256cbb&mc=true&node=a p40.2.51_11205.m&rgn=div9)

For affected wood and central heaters:

<https://www.gpo.gov/fdsys/pkg/FR-2015-03-16/pdf/2015-03733.pdf>

5. MODIFICATIONS (*PLEASE EXPLAIN ANY MODIFICATION TO THE INCORPORATED MATERIALS E.G., WHETHER ONLY PART OF THE MATERIAL IS ADOPTED AND IF SO, WHICH PART(S) ARE MODIFIED*):

There are no modifications, these parts of the CFR are referenced in their entirety.

6. REASONS FOR INCORPORATION BY REFERENCE (*EXPLAIN WHY THE AGENCY DECIDED TO INCORPORATE THE MATERIALS RATHER THAN REPRODUCE THE MATERIAL IN FULL WITHIN THE TEXT OF THE RULE*):

Reproducing these materials in full within the rule would add considerably to the length of the rule, and avoids redundancy of process.

7. THE INCORPORATED MATERIALS HAVE BEEN REVIEWED BY THE FOLLOWING OFFICIAL OF THE AGENCY:

40 CFR Part 63, Subpart M; Standards and requirements for affected wood heaters and central heaters: Dave Shepard, Compliance Section, Air Quality and Climate Division, Department of Environmental Conservation.

40 CFR Part 51, Appendix M: Doug Elliott, Permitting Section, Air Quality and Climate Division, Department of Environmental Conservation.

8. THE ADOPTING AGENCY REQUESTS THAT ALL COPIES OF INCORPORATED MATERIALS BE RETURNED TO THE AGENCY .

Run Spell Check

