

Appendix E: Killington/Pico Ski Resort Partners, LLC.

Operating Permit RACT provisions

AOP-14-003

Issued on February 15, 2018

Only portions highlighted are intended for inclusion in the SIP.

Strikeout text is not intended for inclusion in SIP.

#AOP-14-003

DEC#RU97-0001

Operating Permit Expiration Date: February 15, 2023

**State of Vermont
Agency of Natural Resources
Department of Environmental Conservation**



**Air Quality & Climate Division
Montpelier, Vermont**

AIR POLLUTION CONTROL PERMIT TO CONSTRUCT AND OPERATE

————— Date Permit Issued: February 15, 2018

**Owner/Operator: Killington/Pico Ski Resort Partners, LLC
4763 Killington Road
Killington, Vermont 05751**

**Source: Ski Resort Operations
Killington and Pico Ski Resorts
4763 Killington Road/Alpine Drive
Killington, Vermont**

FINDINGS OF FACT

~~(A) FACILITY DESCRIPTION~~

~~Killington/Pico Ski Resort Partners, LLC (also referred to herein as "Permittee") owns and operates both the Killington and Pico ski resorts. The Killington Resort is located off Killington Road and the Pico Resort is located off U.S. Route 4 and Alpine Road, both within the town of Killington. Since the two resort properties are under common ownership and are on adjacent and contiguous property, the two resorts are considered to be one Facility for purposes of this Permit (the two resorts are also referred to herein as the "Killington Resort" and the "Pico Resort" and/or collectively as "Facility").~~

~~Both resorts currently consist of mixed-use development that combines ski resort operations, lodging, and various commercial activities. The diesel powered air compressors and generators for snowmaking operations at the Killington Resort are the primary source of air emissions at the Facility. The Pico Resort currently uses only electric powered air compressors for its snowmaking operations. Both locations at the Facility also include numerous ski lift emergency backup engines for operation of the ski lifts during emergency power outages and numerous small distillate and propane space heating units in the lodges and ancillary buildings at the Facility. The Facility has approval for up to 18,500 bhp of diesel engine capacity for snowmaking operations and other non-emergency stationary engines and up to 850,000 gallons per year of diesel fuel usage in all the stationary and non-road engines combined at the two Facility locations, including fuel used in the emergency ski lift engines and trail groomers. All other potential air contaminant sources at the Facility are considered insignificant.~~

~~As part of this Permit to Operate renewal, the Agency is re-evaluating the prior NO_x RACT determination under 5-251(2) of the *Vermont Air Pollution Control Regulations* due to adoption of revised ozone National Ambient Air Quality Standards in 2008 and 2015. The Agency has determined that NO_x RACT will now be achieved by use of EPA Tier 4 emission certified engines for all snowmaking and non-emergency engine operations, except that up to 5,500 bhp of Tier 3, or better, engines may be used. Any new or replacement engine installed for ski lift emergency evacuation shall at a minimum comply with the US EPA non-road new-emergency engine emission standards of 40 CFR Part 89 and 1039 in effect at time of installation (currently Tier 2 for engines greater than 750 bhp and Tier 3 for engines less than 750 bhp) and should be Tier 4 emission certified when feasible.~~

~~Upon issuance of this Permit, the approved regulated operations at the Facility include the following air pollution related operations, equipment and emission control devices:~~

Equipment Specifications			
Source	Make and model	BHP ⁵	Date Installed
Diesel Engines for Snowmaking Operations ¹	Cummins QSX15 560 600 bhp Tier 4 emission certified, or equivalent, for all except: Up to 5,500 bhp total capacity of Tier 3 emission certified, or equivalent.	18,500 combined Facility total	Leased annually
Other Diesel Engines for Non-emergency Operation: ²	None	na	na
Diesel Engines for Emergency Only Operation, including but not limited to: ³	±Thirty one (31) ski lift emergency evacuation engines	Various	All prior to permit issuance
Other Fuel Combustion Sources for Space Heating, including but not limited to: ⁴	±Ten (10) small distillate oil fired space heating units	Total combined capacity less than 15 MMBtu/hr ⁶ and all units individually rated at less than 1.6 MMBtu/hr ⁶	Varies
	±Twenty (20) small propane fired space heating units		
Various non road diesel engines including those powering trail groomers, earth moving and materials handling equipment and small portable electric generators and compressors.		Various	Varies

¹The engine used to power equipment for snow making operations are leased each year. Therefore the number and make of these leased engines are subject to change each year. In accordance with the Permit herein the engines must, at a minimum, be certified to meet the Tier 4 full emission standards of 40 CFR Part 1030 or the equivalent, with up to 5,500 bhp certified to meet the Tier 3 emission standards of 40 CFR Part 89, or the equivalent.

²All non-emergency units must be included in the 18,500 bhp combined Facility total bhp capacity cap. The Skye Peak 665 bhp Detroit-Diesel was previously approved for non-emergency operations but is no longer used for that purpose.

³Four of these units are greater than 600 bhp with a combined capacity of 2,965. The combined capacity of all units is less than 7,350.

⁴Replacement of heating equipment less than 1.6 MMBtu/hr of heat input with a similar sized unit does not require approval from the AQCD.

⁵BHP — brake horsepower rated output as specified by the manufacturer.

⁶MMBtu/hr — million British thermal units per hour maximum rated heat input.

~~(B) — FACILITY CLASSIFICATION~~

~~The Facility is classified as a source of air contaminants pursuant to Title 10 of the *Vermont Statutes Annotated* ("10 VSA") §555 and §5-401(6)(c) [Fuel burning installations] of the *Vermont Air Pollution Control Regulations* (hereinafter "*Regulations*"). In addition, §5-101 of the *Regulations* defines a *stationary source* as any structure(s), equipment, installation(s), or operation(s), or combination thereof, which emit or may emit any air contaminant, which is located on one or more contiguous or adjacent properties and which is owned or operated by the same person or persons under common control. Based on this definition, all of the equipment, operations, and structures at the Facility are grouped together by the Agency of Natural Resources, Department of Environmental Conservation, Air Quality & Climate Division (hereinafter "*Agency*") as one stationary air contaminant source for purposes of review under the *Regulations*.~~

~~While some of the portable diesel powered equipment at the Facility, potentially including but not limited to trail groomers, earth moving and materials handling equipment, portable electrical generators and portable air compressors, may be classified as non-road engines under Federal air quality regulations, the operation of this non-road equipment within the confines of the Facility satisfies the requirements of a source that may be regulated by the Agency under the authority of 10 VSA §555 and §5-401(5) and (6)(c) of the *Regulations*.~~

~~(C) — PRIOR AGENCY ACTIONS/APPROVALS~~

~~The Facility has been issued the following "Permit to Construct" approvals pursuant to 10 VSA §556 and §5-501 of the *Regulations* and the following "Permit to Operate" approvals pursuant to 10 VSA §556a and Subchapter X of the *Regulations*.~~

Prior Agency Permit Approvals and Actions	
Date of Action	Description of Agency Approval/Action
September 2, 2004	#AOP-04-025 — Initial Title V Permit to Construct and Operate for existing owned fleet of 22 engines (16,260 bhp capacity) for snowmaking operations plus minor modification to increase by up to four additional engines of not more than 560 bhp each for a total snowmaking engine capacity of 18,500 bhp. NOx RACT established requiring SCR on one engine and replacement of all others per schedule with Tier 2 or better by July 1, 2007.
June 14, 2007	#AOP-04-025a — Administrative amendment. Transfer of Ownership from Killington, LTD to Killington/Pico Ski Resort Partners, LLC.
May 26, 2010	#AOP-08-003 — Permit to Construct and Operate modification to revise NOx RACT to require Tier 3 or better and approve limited use of one emergency ski lift evacuation engine for peak shaving. As a result of permit Facility is no longer Title V.

~~(D) — FACILITY PERMIT APPLICABILITY~~

~~As noted above, the Facility is classified as a source of air contaminants under §5-401 of the Regulations. Pursuant to 10 VSA §556a and Subchapter X of the Regulations a Permit to Operate is required for any air contaminant source with allowable emissions of all air contaminants combined of ten (10) tons per year ("tpy") or more or that is otherwise subject to Title 40 Code of Federal Regulations ("40 CFR") Part 70.~~

~~The Facility currently operates under a Permit to Operate issued on May 26, 2010. The allowable emissions from the Facility are estimated to be greater than the ten (10) tpy combined threshold for applicability with Subchapter X of the Regulations, but each pollutant is less than the one hundred (100) tpy single pollutant threshold (50 tpy for VOC) for applicability to Title V of the federal Clean Air Act. Therefore, pursuant to §§5-1002, 5-1003, and 5-1005 of the Regulations the Facility is classified as a "Subchapter X Major Source". In accordance with §5-1009 of the Regulations, the agency is issuing the Permit to Operate herein as a renewal of the previous Permit to Operate for the Facility and the Permit herein supersedes all prior Permits for the Facility.~~

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

Allowable Air Contaminant Emissions (tons/year)⁴					
PM/PM₁₀/PM_{2.5}	CO	NO_x	SO₂³	VOCs	HAPs²
2.0	46.8	40.9	0.1	1.1	<8/20

⁴ PM/PM₁₀/PM_{2.5}— total particulate matter, total particulate matter of 10 micrometers in size or smaller and total particulate matter of 2.5 micrometers in size or smaller, respectively. Unless otherwise specified, all PM is assumed to be PM_{2.5}; SO₂—sulfur dioxide; NO_x—oxides of nitrogen measured as NO₂ equivalent; CO—carbon monoxide; VOCs—volatile organic compounds; HAPs—hazardous air pollutants as defined in §112 of the federal Clean Air Act.

² A stationary source with potential emissions of 10 tons per year or greater of any single HAP or 25 tons per year or greater of all HAPs combined is considered a major source of HAPs under §112 of the federal Clean Air Act. Any stationary source with potential emissions of 8 tons per year or greater of any single HAP or 20 tons per year or greater of all HAPs combined is considered a synthetic minor source. The Facility is limited by the Permit herein to less than thresholds for a synthetic minor source. Actual total combined HAPs from the Facility are estimated at <1 tpy. This Permit does not explicitly authorize emissions up to this level since any increase in actual HAP emissions may be subject to §5-261 and 5-501 of the Regulations as applicable.

³ Commencing July 1, 2018 the allowed sulfur content of distillate fuel oils, No. 4 residual fuel oil and No. 6 residual fuel oils will decrease to 0.0015%, 0.25% and 0.5% by weight respectively, potentially further decreasing Facility allowed SO₂ emissions unless otherwise already restricted by the Permit herein.

~~(E) — REVIEW OF CRITERIA POLLUTANT EMISSIONS FOR THE PERMIT TO CONSTRUCT~~

~~(a) — New Source Review Designation~~

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

~~(b) — Most Stringent Emission Rate~~

~~The Permittee has not proposed any modifications to the Facility in conjunction with the review for this Permit to Operate and therefore is not subject to review under the MSER requirements in §5-502 of the Regulations at this time. In addition, there have been no prior MSER evaluations conducted for any prior modifications to the Facility.~~

~~(c) — Ambient Air Quality Impact Evaluation~~

~~An ambient air quality impact evaluation for criteria pollutants is performed to demonstrate whether or not a proposed project will cause or contribute to violations of the national ambient air quality standards and/or significantly deteriorate existing air quality for the regulated criteria pollutants.~~

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

~~(F) — REVIEW OF CRITERIA POLLUTANT EMISSIONS FOR THE PERMIT TO OPERATE~~

~~(a) — Applicable Requirements~~

~~The operations at the Facility are subject to the following state and federal laws and regulations, the requirements of which are embodied in the conditions of this Permit.~~

~~(ii) — Vermont Air Pollution Control Regulations:~~

Applicable Requirements from the Vermont Air Pollution Control Regulations
Section 5-201 — Prohibition of Open Burning
Section 5-211(2) — Prohibition of Visible Air Contaminants, Installations Constructed Subsequent to April 30, 1970.

Applicable Requirements from the Vermont Air Pollution Control Regulations
Section 5-221(1) – Prohibition of Potentially Polluting Materials in Fuel, Sulfur Limitation in Fuel.
Section 5-231(3) – Prohibition of Particulate Matter; Combustion Contaminants.
Section 5-231(4) – Prohibition of Particulate Matter; Fugitive Particulate Matter.
Section 5-241 – Prohibition of Nuisance and Odor.
Section 5-251(2) – Control of Nitrogen Oxides Emissions; reasonably available control technology for large stationary sources.
Section 5-271 – Control of Air Contaminants from Stationary Reciprocating Internal Combustion Engines.
Section 5-402 – Written Reports When Requested.
Section 5-403 – Circumvention.
Section 5-404 – Methods for Sampling and Testing of Sources.
Section 5-405 – Required Air Monitoring.
Section 5-406 – Required Air Modeling.
Subchapter VIII – Registration of Air Contaminant Sources.
Subchapter X – Operating Permits.

- (ii) ~~Reasonably Available Control Technology – §5-251(2) and 5-1010 of the Regulations~~

~~The Facility currently operates under a NO_x RACT determination made under 5-251(2) of the Vermont Air Pollution Control Regulations as part of the Permit to Construct and Operate #AOP-08-003 issued May 26, 2010. Once a facility is subject to this regulation it remains subject even if its emission later fall below the applicability level. As part of this Permit to Operate renewal, the Agency is re-evaluating the prior NO_x RACT determination due to adoption of revised ozone National Ambient Air Quality Standards in 2008 and 2015. The Agency has determined that NO_x RACT will now be achieved by use of EPA Tier 4 emission certified engines for all snowmaking and non-emergency engine operations, except that up to 5,500 bhp of Tier 3, or better, engines may be used. As existing ski lift emergency evacuation engines are replaced at the Facility they shall at a minimum comply with the US EPA non-road new-emergency engine emission standards of 40 CFR Part 89 and 1039 in effect at time of installation (currently Tier 2 for engines greater than 750 bhp and Tier 3 for engines less than 750 bhp) and should be Tier 4 emission certified when feasible.~~

In addition, pursuant to ~~10 VSA §556a(d) and §5-1010 of the Regulations~~ the Agency may establish and include within any Permit to Operate emission control requirements based on Reasonably Available Control Technology ("RACT"). Consistent with the determination under 5-251(2) of the ~~Regulations~~ above, the Agency has not imposed any further requirements on this Facility under this authority at this time.

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

The Facility currently operates under the confines of a Permit to Construct and Operate issued on May 26, 2010 (#AOP-08-003). The conditions within that existing permit are considered applicable requirements pursuant to §5-1002 of the ~~Regulations~~. The requirements of that permit which are not being modified herein are incorporated into this new combined Permit to Construct and Operate (#AOP-14-003).

~~(iv) Federal Requirements:~~

Applicable Requirements from Federal Regulations and the Clean Air Act
<p>40 CFR Part 60, Subpart Dc — Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. Applies to all boilers with a heat input rating of 10 MMBTU/hr or greater manufactured or modified after June 9, 1989. Units larger than 30 MMBTU per hour installed after February 27, 2005 are subject to additional particulate matter requirements.</p> <p><i>The Facility is not subject to this regulation as the Facility has no boilers of 10 MMBtu/hour or greater.</i></p>
<p>40 CFR Part 63, Subpart JJJJJ — National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers. Applies to new and existing fuel oil and solid fuel fired boilers located at area sources (major sources are subject to Subpart DDDDD). Natural gas or propane fired boilers are not subject. This gas exemption allows use of backup fuel during gas curtailments and up to 48 hours of elective use. Oil fired hot water boilers less than 1.6 MMBTU/hr are not subject. The rule requires a tune-up for each boiler once every two years except boilers with oxygen trim and oil boilers less than 5 MMBTU/hr must conduct tune-ups every five years. New boilers greater than 10 MMBTU/hr are subject to PM emission limits. Boilers that commenced construction on or before June 4, 2010 are considered an existing source.</p> <p><i>Since Vermont has not taken delegation of this federal regulation, the U.S. EPA is the implementing authority and is responsible for determining applicability of this regulation. Subpart JJJJJ is not anticipated to apply to the Facility all boilers are less than 1.6 MMBtu/hour. Since the Facility is not a major source of HAPs, the Facility is not subject to Subpart DDDDD.</i></p>
<p>40 CFR Part 60, Subpart IIII — Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CI ICE). Applies to CI RICE model year 2007 and later as well as those ordered after July 11, 2005 and with an engine manufacture date after April 1, 2006. This standard also applies to stationary CI RICE that are modified or reconstructed after July 11, 2005. This regulation established emission rates for affected engines, requires routine engine maintenance and sets maximum sulfur</p>

**Applicable Requirements from
Federal Regulations and the Clean Air Act**

~~content for the diesel fuel. Beginning October 1, 2010 applicable engines shall only use diesel fuel with a maximum sulfur content of 15 ppm (ULSD).~~

~~Since Vermont has not taken delegation of this federal regulation, the U.S. EPA is the implementing authority and is responsible for determining applicability of this regulation. Subpart IIII is anticipated to apply to the leased engines for snowmaking and the ski lift emergency evacuation engines as the older units are replaced with newer units.~~

~~40 CFR Part 60, Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. Applies to new spark ignition engines installed after June 12, 2006. Engines greater than 100 bhp firing landfill or digester gas must meet emission limits for NO_x, CO and VOC and, for units 500 bhp and less, shall have a on-time compliance test and, for units greater than 500 bhp, shall have a compliance test at least once every 8,760 hours of operation or every 3 years, whichever occurs first.~~

~~Since Vermont has not taken delegation of this federal regulation, the U.S. EPA is the implementing authority and is responsible for determining applicability of this regulation. Subpart JJJJ is not anticipated to apply to the Facility as they do not own or operate any gas fired engines.~~

~~40 CFR Part 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines. Applies to new engines that commenced construction (installed) on or after June 12, 2006 at area sources of HAPs. Requires such engines to comply with NSPS Subpart IIII or JJJJ, as applicable. Also applies to existing engines that commenced construction (installed) prior to June 12, 2006 at area sources of HAPs. By May 3, 2013 requires engines equal and greater than 300 bhp to meet CO emission standards which may necessitate catalytic controls, must install crankcase ventilation system, and requires ULSD fuel. Engines <300 bhp need only meet maintenance requirements including changing oil & filter and, inspecting and replacing if necessary, air filter, hoses and belts. Does not apply to existing emergency units at an area source residential/commercial/institutional facility unless they are enrolled in demand response programs. Subject emergency units are subject to maintenance requirements, must install an elapsed hour meter and must use ULSD commencing January 1, 2015 if used for DR. For engines firing landfill or digester gas comprising 10% or more of the heat input, the engines are subject to management practices only (change oil & filter, inspect plugs, and inspect hoses and belts every 1440 hours or annually, whichever occurs first) as well as operating in accordance with manufacturer's recommendations and minimizing time at idle.~~

~~Since Vermont has not taken delegation of this federal regulation, the U.S. EPA is the implementing authority and is responsible for determining applicability of this regulation. Subpart ZZZZ is anticipated to apply to all the engines at this Facility. The leased engines are anticipated to comply with the new engine requirements of Subpart ZZZZ by complying with Subpart IIII. The ski lift emergency evacuation engines are not exempt as residential/commercial/institutional units and are anticipated to comply with the existing emergency engine requirements of Subpart ZZZZ. No existing (~pre2006) 4Z engines are operated for non-emergency purposes.~~

~~(b) — Non-Applicable Requirements~~

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

~~(G) — CONTROL OF HAZARDOUS AIR CONTAMINANTS~~

~~Pursuant to §5-261 of the *Regulations*, any stationary source subject to the rule² with current or proposed actual emissions of a hazardous air contaminant (HAC) equal to or greater than the respective Action Level (found in Appendix C of the *Regulations*) shall be subject to the Regulation and shall achieve the Hazardous Most Stringent Emission Rate (HMSEER) for the respective HAC. HMSEER is defined as a rate of emissions 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 a category of source and considering economic impact and cost. HMSEER may be achieved through application of pollution control equipment, production processes or techniques, equipment design, work practices, chemical substitution, or innovative pollution control techniques.~~

~~Based on information provided by the Permittee, the Agency does not anticipate the Facility to have regulated emissions of any HAC in excess of an Action Level. Therefore, the Facility is not being reviewed pursuant to §5-261 of the *Regulations* at this time.~~

² APCR §5-261(1)(c)(ii) provides that solid fuel burning equipment (not including incinerators) installed or constructed prior to January 1, 1993, and all fuel burning equipment which combust virgin liquid or gaseous fuel shall not be subject to the requirements of §5-261.

~~Based on the Agency's review of the Facility's application and the above Findings of Fact, the Agency concludes that the Facility, subject to the following Permit conditions, complies with all applicable state and federal air pollution control laws and regulations or is subject to an acceptable schedule of compliance. Therefore, pursuant to 10 V.S.A. §§556 and 556a, as amended, the Agency hereby issues a Permit approving the Facility, as described in the above Findings of Fact, subject to the following:~~

PERMIT CONDITIONS

~~Construction and Equipment Specifications~~

- ~~(48) The Permittee shall construct and operate the Facility in accordance with the plans and specifications submitted to the Agency and in accordance with the conditions set forth herein, including the equipment specifications as listed in Findings of Fact (A) or their equivalent as approved by the Agency. [10 V.S.A. §§556(c) and 556a(d)] [§5-501(1) of the Regulations]~~
- (49) Stationary and Non-Road Diesel Engines: All diesel engines used for snowmaking purposes, including air compressors and generators, whether owned, leased or rented, shall at a minimum comply with the Federal non-road engine Tier 4 emission standards of 40 CFR Part 1039, or the equivalent as approved by the Agency, with the exception that up to 5,500 bhp of installed capacity may comply with the Federal non-road engine Tier 3 emission standards of 40 CFR Part 89, or the equivalent as approved by the Agency. [10 V.S.A. §§556(c) and 556a(d)] [§§5-251(2) and 5-1010 of the Regulations] [Application for #AOP-08-003]
- (50) Stationary and Non-Road Diesel Engines: The total installed capacity of all diesel engines used for snowmaking purposes, including air compressors and generators, as well as all other diesel engines used for non-emergency purposes but excluding those powering trail groomers, earth-moving and materials handling equipment and small portable electric generators and compressors, shall not exceed 18,500 brake horsepower combined at any one time. [10 V.S.A. §556a(d)] [§5-501(1) of the Regulations] [Application for #AOP-04-025]
- (51) Stationary and Non-Road Diesel Engines: No stationary or non-road diesel engine shall be installed or operated at the Facility, except those engines identified in Finding of Fact (A), without the prior written approval of the Agency. Any new or replacement engine installed for ski lift emergency evacuation shall at a minimum comply with the US EPA non-road new emergency engine emission standards of 40 CFR Part 89 and 1039 in effect at time of installation (currently Tier 2 for engines greater than 750 bhp and Tier 3 for engines less than 750 bhp) and should be Tier 4 emission certified when feasible. [10 V.S.A. §§556(c) and 556a(d)] [§5-501 of the Regulations]
- ~~(52) Boilers and Space Heating Units: No boilers or space heaters of any fuel type shall be installed or operated at the Facility that are greater than 10 MMBtu/hr maximum rated heat input without prior written approval of the Agency. No oil fired boiler or space heater shall be installed or operated at the Facility that is greater than 1.6 MMBtu/hr maximum rated heat input without prior notification to the Agency. [10 V.S.A. §§556(c) and 556a(d)] [§5-501 of the Regulations] [40 CFR Part 60 Subpart Dc and Part 63 Subpart JJJJJ]~~

- ~~(53) **Stack heights:** The exhaust gases from all boilers and space heating units and all stationary and non-road diesel engines, excluding those powering trail groomers, earth-moving and materials handling equipment and small portable electric generators and compressors, shall be vented vertically through a stack which extends a minimum of (4) feet above the roof where the stack penetrates the roof. The stacks shall not be equipped with any device that may obstruct the upward discharge of the exhaust gases such as a fixed rain cap of a type that has not been approved by the Agency.~~

~~For all other non-fugitive emission points at the Facility, the Agency recommends that they each be exhausted vertically through a stack(s) which extend a minimum of four (4) feet above the roof where the stack penetrates the roof and that they not be equipped with any device that may obstruct the upward discharge of the exhaust gases such as a fixed rain cap of a type that has not been approved by the Agency. The Agency may require the Permittee to increase the stack height, remove a rain cap, or conduct a dispersion analysis to verify compliance with ambient air quality standards for any stack at the Facility if, in the judgment of the Agency, adequate dispersion cannot be maintained at the current stack configuration. Adequacy may in part be based on the actual emission rate of air contaminants, the characteristics of the current stack configuration, or inspections of the Facility that indicate poor dispersion or that confirm significant visible emissions or nuisance or odor beyond the property line. [10 V.S.A. §§556(c) and 556a(d)] [§5-406 of the *Regulations*]~~

- Operational Limitations -

- (54) **Stationary and Non-Road Diesel Engines [Fuel Limit]:** The annual fuel consumption in all stationary and non-road diesel engines operated at the Facility, including engines used for snowmaking operations, other engines used for non-emergency purposes, engines used for ski lift emergency evacuation and other non-road diesel engines including those powering trail groomers, earth-moving and materials handling equipment, and small portable electric generators and compressors, shall not exceed a combined 850,000 gallons per year, based upon any rolling twelve (12) consecutive calendar month period. Fuel used in on-highway equipment shall not be included in this total. [10 V.S.A. §§556(c) and 556a(d)] [Application for #AOP-14-003]
- (55) **Stationary Non-Emergency Diesel Engines:** None of the engines installed for ski lift emergency evacuation purposes shall be used for non-emergency purposes such as peak shaving without the prior approval of the Agency. [10 V.S.A. §§556(c) and 556a(d)] [§§5-401(6)(c) and 5-501 of the *Regulations*] [application for #AOP-14-003]

- (56) Stationary and Non-Road Diesel Engines [Fuel Specifications]: Stationary diesel engines subject to 40 *CFR* Part 60 Subpart IIII or the non-emergency unit provisions of 40 *CFR* Part 63 Subpart ZZZZ in addition to non-road engines certified under 40 *CFR* Part 89 or 40 *CFR* Part 1039, may only use ultra-low sulfur diesel (ULSD). ULSD has a maximum sulfur content of 0.0015 percent by weight (15 ppm).

Other diesel engines not subject to the above federal regulations may only use distillate or lighter grade fuel oils with a maximum sulfur content not to exceed 0.05 percent by weight (500 ppm) unless the Permittees obtain prior written approval from the Agency to use another type of fuel.

Unless otherwise further restricted above, commencing on July 1, 2018, the sulfur content of No.2 and lighter distillate oils shall not exceed 0.0015 percent by weight. [10 V.S.A. §556a(d)] [§§5-501 and 5-1015(a)(1) of the *Regulations*] [§5-221(1)(a) of the *Regulations*]

- ~~(57) Boilers and Space Heating Units [Fuel Limit, LPG]: The annual LPG fuel consumption in the boilers and space heaters at the Facility, as well as all other LPG stationary fuel burning equipment, shall not exceed a combined 500,000 gallons per calendar year. [10 V.S.A. §§556(c) and 556a(d)] [Application for #AOP-14-003]~~

- ~~(58) Boilers and Space Heating Units [Fuel Limit, Fuel Oil]: The annual fuel oil consumption in the boilers and space heaters at the Facility shall not exceed a combined 60,000 gallons per calendar year. [10 V.S.A. §§556(c) and 556a(d)] [Application for #AOP-14-003]~~

- ~~(59) Boilers and Space Heating Units [Fuel Specifications]: Only LPG or No. 2 fuel oil or lighter grade fuels with a maximum sulfur content not to exceed 0.05 percent by weight may be used as fuel in the Facility's boilers and space heating equipment unless the Permittee obtains prior written approval from the Agency to use another type of fuel.~~

~~Commencing on July 1, 2018, the sulfur content of No.2 and lighter distillate oils shall not exceed 0.0015 percent by weight. [10 V.S.A. §556a(d)] [§§5-501 and 5-1015(a)(1) of the *Regulations*] [§5-221(1)(a) of the *Regulations*]~~

- ~~(60) Stationary and Non-Road Diesel Engines: The Permittee shall not install or operate a stationary reciprocating internal combustion engine, as defined in the *Regulations*, unless the engine complies with §5-271 of the *Regulations* as may be applicable as well as any federal regulations including 40 *CFR* Part 60 Subpart IIII and 40 *CFR* Part 63 Subpart ZZZZ, as may be applicable. All engines, including emergency engines, installed on or after July 1, 2007 must comply with the applicable emission standards (Tier 2) of §5-271 immediately upon installation. Installation of any size engine, even those below 450 bhp, may still require approval from the Agency in the form of an amended permit prior to installation. [10 V.S.A. §§556(c) and 556a(d)] [§§5-271 and 5-501 of the *Regulations*]~~

- (61) Stationary and Non-Road Diesel Engines: The Permittee shall install, operate and maintain each reciprocating internal combustion engine, and any after-treatment control device (if any), in accordance with the manufacturer's written instructions and in a manner consistent with good air pollution control practices for minimizing emissions. [10 V.S.A. §§556(c) and 556a(d)] [§§5-501 and 5-1015(a)(1) of the *Regulations*]

~~(62) **Stationary Emergency Diesel Engines:** Stationary emergency diesel engines, including those specified as such in Finding of Fact (A), shall be used only for emergency purposes and up to 100 hours per year for routine testing and maintenance. Emergency purposes include periods of time when:~~

- ~~(a) The usual source of power, heat or lighting is temporarily unavailable due to reasons beyond the reasonable control of the owner/operator;~~
~~(b) A fire or flood makes it necessary to pump water to minimize property damage.~~

~~In the event the Permittee must take action to restore the normal power source, the Permittee must take such action in a reasonable period of time. Emergency engines shall not be operated as part of any ISO or utility peaking or load shedding activities without the approval of the Agency. The definition of emergency use for applicability to federal regulations NSPS Subpart IIII and NESHAP Subpart ZZZZ may be different and the Permittee should consult those regulations directly for applicability to those respective regulations. [10 V.S.A. §§556(c) and 556a(d)] [§§5-401(6)(c) and 5-501 of the Regulations]~~

~~(63) **Open Burning:** Open burning is prohibited except as provided for in §5-202 of the Regulations. Prior to conducting open burning of any material, other than leaves, brush, or tree cuttings from normal grounds maintenance, the Permittee shall contact the Air Pollution Control Officer and obtain approval for such burning, if required. [10 V.S.A. §§556(c) and 556a(d)] [§5-202 of the Regulations]~~

- Emission Limitations -

(64) Stationary and Non-Road Diesel Engines [Snow Making Operations, Emission Limits]: Except as provided in condition (18) below, emissions of the following pollutants from all diesel engines used for snowmaking purposes, including air compressors and generators, whether owned, leased or rented, shall not exceed the following limits:

Pollutant Emission Limitations ¹	
Cummins Engines QSX15 Tier 4 final, or equivalent	Emission Limitations g/bhp-hr
Nitrogen oxides (as NO ₂)	0.3
Carbon monoxide	2.6
Particulate matter	0.015

¹ bhp – brake horsepower rated output as specified by the manufacturer; g/bhp-hr - grams of pollutant emitted per brake horsepower hour at rated load and speed.

Any emission testing conducted to demonstrate compliance with the above emission limit shall be performed in accordance with 40 CFR Part 60, Appendix A, Reference Methods 5, 7E, and 10 or equivalent methods approved in writing by the Agency at the rated load and speed of the engine. Alternatively, compliance may be demonstrated by verifying that the engine has met the engine certification requirements of 40 CFR Part 1039 for the Tier 4 final or better. [10 V.S.A. §556a(d)] [§§5-251(2), 5-271(b), 5-404 and 5-1010 of the Regulations]

- (65) **Stationary and Non-Road Diesel Engines [Other Non-emergency Units, Emission Limits]:** Notwithstanding condition (17) above, up to 5,500 bhp of installed diesel engine capacity used for snowmaking purposes, including air compressors and generators, whether owned, leased or rented, shall need only comply with the following limits in place of those in condition (17):

Pollutant Emission Limitations ¹	
Snowmaking and non-emergency units Tier 3, or equivalent	Emission Limitations
	g/bhp-hr
Nitrogen oxides (as NO ₂ + Hydrocarbons)	3.0
Carbon monoxide	2.6
Particulate matter	0.15

¹ bhp – brake horsepower rated output as specified by the manufacturer; g/bhp-hr - grams of pollutant emitted per brake horsepower hour at rated load and speed.

Any emission testing conducted to demonstrate compliance with the above emission limit shall be performed in accordance with 40 *CFR* Part 60, Appendix A, Reference Methods 5, 7E, and 10 or equivalent methods approved in writing by the Agency at the rated load and speed of the engine. Alternatively, compliance may be demonstrated by verifying that the engine has met the engine certification requirements of 40 *CFR* Part 89 for the Tier 3 or better including Part 1039 for interim Tier 4 or Tier 4. [10 V.S.A. §556a(d)] [§§5-271(b), 5-404 and 5-1010 of the *Regulations*] [Application for #AOP-08-003]

- ~~(66) **Particulate Matter:** Emissions of particulate matter ("PM") from any fossil fuel burning device, except motorized vehicles, with a heat input rating of less than ten (10) million British Thermal Units per hour ("MMBTU/hr") shall not exceed 0.5 pounds per MMBTU.~~

~~Any emission testing conducted to demonstrate compliance with the above emission limit shall be performed in accordance with 40 *CFR* Part 60, Appendix A, Reference Method 5 and Part 51, Appendix M, Reference Method 202, or equivalent methods approved in writing by the Agency. [10 V.S.A. §§556(e) and 556a(d)] [§§5-231(3)(a)(i) and 5-404 of the *Regulations*]~~

- ~~(67) **Visible Emissions [Facility Wide]:** Emissions of visible air contaminants from any installation at the Facility, except where otherwise noted in this Permit, shall not exceed twenty (20) percent opacity for more than a period or periods aggregating six (6) minutes in any hour and at no time shall visible emissions exceed sixty (60) percent opacity.~~

~~Any emission testing conducted to demonstrate compliance with the above emission limits shall be performed in accordance with 40 *CFR* Part 51, Appendix M, Methods 203B and 203C, respectively, or equivalent methods approved in writing by the Agency. [10 V.S.A. §§556(e) and 556a(d)] [§§5-211(2), 5-211(3) and 5-404 of the *Regulations*]~~

- ~~(68) **Hazardous Air Pollutants:** Emission of federally regulated hazardous air pollutants (HAPs) from the Facility shall not equal or exceed eight (8) tons per year of any single HAP or twenty (20) tons per year of all HAPs combined per calendar year per year based on any rolling twelve (12) consecutive calendar month period. [40 CFR Part 63]~~
- ~~(69) **Hazardous Air Contaminants:** Emissions of state hazardous air contaminants (HACs) from the applicable operations at the Facility shall not equal or exceed their respective Action Level (found in Appendix C of the *Regulations*) unless the Agency has reviewed and approved such HAC emission under §5-261(2) of the *Regulations*. [10 V.S.A. §§556(c) and 556a(d)] [§5-261 of the *Regulations*]~~
- ~~(70) **Fugitive Particulate Matter Emissions:** The Permittee shall take reasonable precautions at all times to control and minimize emissions of fugitive particulate matter from the operations at the Facility. This shall include but not be limited to the following: the use of wet suppression, calcium chloride applications or other dust control measures as necessary to minimize fugitive dust from all unpaved roads and traffic areas, aggregate handling operations and storage piles at the Facility. The paved portions of the haul roads and traffic areas shall be periodically sprayed with water and swept to prevent buildup of material that may generate fugitive dust emissions. [10 V.S.A. §§556(c) and 556a(d)] [§5-231(4) of the *Regulations*]~~
- ~~(71) **Nuisance and Odor:** The Permittee shall not discharge, cause, suffer, allow, or permit from any source whatsoever such quantities of air contaminants, or odors beyond the property line of a premises, 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. [10 V.S.A. §§556(c) and 556a(d)] [§5-241(1) of the *Regulations*]~~

- Record Keeping and Reporting -

- (72) **Records of Fuel Use [Stationary and Non-Road Diesel Engines]:** The Permittee shall maintain records of the total quantity of fuel oil consumed in all stationary and non-road diesel engines at the Facility, including engines used for snowmaking operations, other engines used for non-emergency purposes, engines used for ski lift emergency evacuation and other non-road diesel engines including those powering trail groomers, earth-moving and materials handling equipment, and small portable electric generators and compressors, in gallons, each month. Fuel used in on-highway equipment shall not be included in this total.

At the beginning of each calendar year, the Permittee shall calculate the total combined quantity of fuel oil consumed in such diesel engine powered stationary and non-road engines equipment, in gallons, during the previous calendar year. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*]

- ~~(73) **Records of Fuel Use [Boilers and Space Heating Units]:** The Permittee shall maintain records of the total combined quantity of LPG and fuel oil consumed in the boilers and space heating units, in gallons of each, each month. At the beginning of each calendar~~

~~year, the Permittee shall calculate the total quantity of LPG and fuel oil consumed in the boilers and space heating units, in gallons of each, during the previous calendar year. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the Regulations]~~

- ~~(74) Records of Emergency Generator/Engine Usage: The Permittee shall maintain records in a log book, or electronic record system, of all hours of operation of each stationary emergency generator/engine and shall make such records available to the Agency upon request. The records shall include: the dates on which each engine was operated; the number of hours the engine was operated on the respective date, including the starting and ending hours shown on the engine's elapsed hour meter; the purpose of the operation be it emergency, testing or maintenance; and, if the purpose of the operation was for an emergency, the records shall include a brief description of the emergency and its cause. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the Regulations]~~
- ~~(75) Records of Non-Emergency Generator/Engine Usage: For each non-emergency diesel generator/engine approved herein for limited hours of non-emergency usage such as non-emergency demand response or peak shaving, the Permittee shall maintain records in a log book, or electronic record system, of all hours of operation of each such stationary generator/engine and shall make such records available to the Agency upon request. The records shall include: the dates on which each engine was operated; the number of hours the engine was operated on the respective date, including the starting and ending hours shown on the engine's elapsed hour meter; and the purpose of the operation. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the Regulations]~~
- (76) Records of Fuel Oil Certifications: The Permittee shall obtain from the fuel supplier, for each shipment of fuel oil received at the Facility for use in the stationary and non-road diesel engines as well as boilers and space heating units, a certification or invoice regarding the sulfur content of the fuel oil. The certification or invoice shall include the date of delivery, name of the fuel oil supplier, fuel type, quantity of fuel oil delivered, and a statement from the fuel oil supplier that the oil complies with the specifications for Ultra Low Sulfur Diesel/Distillate per 40 CFR Part 80 80.510(b) or a statement as to the sulfur content of the fuel oil in percent sulfur by weight. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the Regulations]
- ~~(77) Records Retention: All records shall be retained for a minimum period of five (5) years from the date of record and shall be made available to the Agency upon request. [10 V.S.A. §§556(c) and 556a(d)] [§§5-402, 5-405(1) and 5-1015(a)(7) of the Regulations]~~
- (78) Annual Reporting: Prior to each ski season the Permittee shall provide the Agency a written description of the following information for all diesel engines to be operated at the Facility for snowmaking purposes, including air compressors and generators, whether owned, leased or rented:
- (a) A listing of each engine proposed to be operated at the Facility during the ski season;
 - (b) A summary of engine and emission specifications;
 - (c) A cumulative listing of the manufacturer's rated horsepower output of each engine with a certifying statement that the Facility-wide cumulative horsepower capacity for snowmaking operations does not exceed the limits specified in this Permit;

and

- (d) A certification that all engine emission rates meet the respective emission limits outlined in this Permit.

[10 V.S.A. §556a(d)] [§§5-251(3), 5-271 and 5-404 of the *Regulations*]

- ~~(79) **Notification:** The Permittee shall notify the Agency in writing within ten (10) days of any violation, of which it is aware, of any requirements of this Permit. This notification shall include, at a minimum, the cause for the violation and corrective action or preventative maintenance taken to correct the violation. [10 V.S.A. §§556(c) and 556a(d)] [§§5-402 and 5-1015(a)(6) of the *Regulations*]~~
- ~~(80) **Notification:** The Permittee shall notify the Agency in writing of any proposed physical or operational change at the Facility which may increase the emission rate of any air contaminant to the ambient air regardless of any concurrent emission reductions that may be achieved. This notification requirement includes, but is not limited to, the proposed installation of any new equipment that is a source of air pollution, including the replacement of an existing permitted air pollution source. If the Agency determines that a permit amendment is required, a new application and the appropriate application fee shall be submitted. The permit amendment shall be obtained prior to commencing any such change except as may otherwise be allowed by the *Regulations*. [10 V.S.A. §§556(c) and 556a(d)] [§§5-402 and 5-501 of the *Regulations*]~~
- ~~(81) **Annual Registration:** The Permittee shall calculate the quantity of emissions of air contaminants from the Facility annually. If the Facility emits more than five (5) tons of any and all air contaminants per year, the Permittee shall register the source with the Secretary of the Agency (hereinafter "Secretary"), and shall renew such registration annually. Each day of operating a source which is subject to registration without a valid, current registration shall constitute a separate violation and subject the Permittee to civil penalties. The registration process shall follow the procedures set forth in Subchapter VIII of the *Regulations*, including the payment of the annual registration fee on or before May 15 of each year. [10 V.S.A. §§556(c) and 556a(d)] [Subchapter VIII §§5-802, 5-803, 5-807, 5-808 of the *Regulations*]~~
- ~~(82) All records, notifications and reports that are required to be submitted to the Agency by this Permit shall be submitted to:~~

Air Quality & Climate Division
 Department of Environmental Conservation
 Agency of Natural Resources
 Davis 2
 One National Life Drive
 Montpelier, Vermont 05620-3802

[10 V.S.A. §§556(c) and 556a(d)] [§5-402 of the *Regulations*]

~~–Standard Permit Conditions–~~

- ~~(83) At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Agency which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. [10 V.S.A. §§556(e) and (g) and 556a(d)] [40 CFR Part 60.11(d) and 63.6(e)]~~
- ~~(84) Approval to construct or modify under this Permit shall become invalid if construction or modification is not commenced within eighteen (18) months after issuance of this Permit, if construction or modification is discontinued for a period of eighteen (18) months or more, or if construction is not substantially completed within a reasonable time. The Agency may extend any one of these periods upon a satisfactory showing that an extension is justified. The term "commence" as applied to the proposed construction or modification of a source means that the Permittee either has:~~
- ~~(a) Begun, or caused to begin, a continuous program of actual on-site construction or modification of the source, to be completed within a reasonable time; or~~
 - ~~(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the Permittee, to undertake a continuous program of actual on-site construction or modification of the source to be completed within a reasonable time.~~
- ~~[10 V.S.A. §556(e)] [§5-501 of the Regulations]~~
- ~~(85) These Permit conditions may be suspended, terminated, modified, or revoked for cause and reissued upon the filing of a written request with the Secretary of the Agency (hereinafter "Secretary") or upon the Secretary's own motion. Any modification shall be granted only with the written approval of the Secretary. If the Secretary finds that modification is appropriate, only the conditions subject to modification shall be re-opened. The filing of a request for modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated non-compliance does not stay any terms or conditions of this Permit. The Secretary may provide opportunity for public comment on any proposed modification of these conditions. If public comments are solicited, the Secretary shall follow the procedures set forth in 10 V.S.A. §556 and §556a, as amended. [10 V.S.A. §§556(d) and 556a(g)] [§§5-1008(a) and 5-1008(e) of the Regulations]~~
- ~~(86) Cause for reopening, modification, termination and revocation of this Permit includes, but is not limited to:~~
- ~~(a) Inclusion of additional applicable requirements pursuant to state or federal law;~~
 - ~~(b) A determination that the permit contains a material mistake or that inaccurate information was used to establish emissions standards or other terms or conditions of the operating permit;~~
 - ~~(c) A determination that the operating permit must be modified or revoked to ensure compliance with applicable requirements;~~

- ~~(d) A determination that the subject source has failed to comply with a permit condition;~~
- ~~(e) For Title V subject sources, a determination by U.S. EPA that cause exists to terminate, modify, revoke or reissue an operating permit;~~
- ~~(f) Those causes which are stated as grounds for refusal to issue, renew or modify an operating permit under §5-1008(a) of the *Regulations*; or~~
- ~~(g) If more than three (3) years remain in the permit term and the source becomes subject to a new applicable requirement.~~

~~[10 V.S.A. §§556(c) and 556a(d)] [§5-1008(e)(4) of the *Regulations*]~~

- ~~(87) The Permittee shall furnish to the Agency, within a reasonable time, any information that the Agency may request in writing to determine whether cause exists to modify, revoke, reissue, or terminate the Permit or to determine compliance with this Permit. Upon request, the Permittee shall also furnish to the Agency copies of records required to be kept by this Permit. [10 V.S.A. §§556(c) and 556a(d)] [§5-402 of the *Regulations*]~~
- ~~(88) By acceptance of this Permit, the Permittee agrees to allow representatives of the State of Vermont access to the properties covered by the Permit, at reasonable times, to ascertain compliance with Vermont environmental and health statutes and regulations and with this Permit. The Permittee also agrees to give the Agency access to review and copy any records required to be maintained by this Permit, and to sample or monitor at reasonable times to ascertain compliance with this Permit. [10 V.S.A. §§556(c), 556a(d) and 557] [§§5-402, 5-404, and 5-1015(a)(10) of the *Regulations*]~~
- ~~(89) All data, plans, specifications, analyses and other information submitted or caused to be submitted to the Agency as part of the application for this Permit or an amendment to this Permit shall be complete and truthful and, for Title V permit applications, certified by a responsible official whose designation has been approved by the Secretary. Any such submission which is false or misleading shall be sufficient grounds for denial or revocation of this Permit, and may result in a fine and/or imprisonment under the authority of Vermont statutes. [10 V.S.A. §§556(c) and 556a(d)] [§§5-505 and 5-1006(f) of the *Regulations*]~~
- ~~(90) For the purpose of establishing whether or not a person has violated or is in violation of any condition of this Permit, nothing in this Permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. [10 V.S.A. §§556(c) and 556a(d)]~~
- ~~(91) Any permit noncompliance could constitute a violation of the federal Clean Air Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. [10 V.S.A. §§556(c) and 556a(d)] [§§5-1008(a) and 5-1008(e) of the *Regulations*]~~
- ~~(92) It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this Permit. [10 V.S.A. §§556(c) and 556a(d)]~~

- ~~(93) — 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*. [10 V.S.A. §§556(c) and 556a(d)] [§5-403 of the *Regulations*]~~
- ~~(94) — The provisions of this Permit are severable. If any provision of this Permit, or its application to any person or circumstances is held invalid, illegal, or unenforceable by a court of competent jurisdiction, the invalidity shall not apply to any other portion of this Permit which can be given effect without the invalid provision or application thereof. [10 V.S.A. §§556(c) and 556a(d)]~~
- ~~(95) — This Permit does not convey any property rights of any sort or any exclusive privilege, nor does it authorize any injury to private property or any invasion of personal rights. [10 V.S.A. §§556(c) and 556a(d)]~~
- ~~(96) — All subsequent owners and/or operators of this Facility must request an amendment and transfer of this Permit prior to commencing any operations covered by this Permit. All subsequent owners and/or operators shall submit to the Agency as part of the request for amendment all such information the Agency deems necessary to establish legal ownership and/or interest in the property and all such information the Agency deems necessary to ensure the new owners and/or operators will construct and operate the Facility in compliance with the *Regulations* and this Permit. The terms and conditions of this Permit shall remain in full force and effect after submittal of the request for amendment and until the issuance of an amended Permit or denial. Should the Secretary deny the request, the new owner and/or operator must take whatever action is necessary to comply with the denial. [10 V.S.A. §§556 and 556a] [§§5-501, 5-1004, and 5-1013(a) of the *Regulations*]~~
- ~~(97) — Renewable Energy Projects — Right to Appeal to Public Service Board. If this decision relates to a renewable energy plant for which a certificate of public good is required under 30 V.S.A. §248, any appeal of this decision must be filed with the Vermont Public Service Board pursuant to 10 V.S.A. §8506. This section does not apply to a facility that is subject to 10 V.S.A. §1004 (dams before the Federal Energy Regulatory Commission), 10 V.S.A. §1006 (certification of hydroelectric projects) or 10 V.S.A. Chapter 43 (dams). Any appeal under this section must be filed with the Clerk of the Public Service Board within 30 days of the date of this decision; the appellant must file with the Clerk an original and six copies of its appeal. The appellant shall provide notice of the filing of an appeal in accordance with 10 V.S.A. 8504(c)(2), and shall also serve a copy of the Notice of Appeal on the Vermont Department of Public Service. For further information, see the Rules and General Orders of the Public Service Board, available on line at www.psb.vermont.gov. The address for the Public Service Board is 112 State Street, Montpelier, Vermont, 05620-2701 (Tel. # 802-828-2358). [10 V.S.A. §§556(c) and 556a(d)]~~
- ~~(98) — All Other Projects — Right to Appeal to Environmental Court. Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must~~

~~give the address or location and description of the property, project or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is 2418 Airport Road, Suite 1, Barre, VT 05641 (Tel. # 802-828-1660). [10 V.S.A. §§556(c) and 556a(d)]~~

~~(99) This Operating Permit shall expire as indicated on the cover page to this Permit. The Permittee shall submit to the Agency a complete application for renewal of the Operating Permit at least six (6) months before the expiration of the Operating Permit. If a timely and administratively complete application for an operating permit renewal is submitted to the Secretary, but the Secretary has failed to issue or deny such renewal before the end of the term of this Operating Permit, then the Permittee may continue to operate the subject source and all terms and conditions of this Operating Permit shall remain in effect until the Secretary has issued or denied the operating permit renewal. However, this Operating Permit shall automatically expire if, subsequent to the renewal application being determined or deemed administratively complete pursuant to §5-1006 of the Regulations, the Permittee fails to submit any additional information required by the Secretary as well as information pertaining to changes to the Facility within thirty (30) days or such other period as specified in writing by the Secretary. [10 V.S.A. §§556(c) and 556a(d)] [§§5-1011 and 5-1012(a) of the Regulations] [§§5-1005(c) and 5-1012 of the Regulations]~~

~~(100) The conditions of this Permit as set forth above supersede all conditions contained in all prior Permits issued by the Agency to the Permittee for this Facility. [10 V.S.A. §§556(c) and 556a(d)]~~

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

~~Permit issued and effective this _____ day of _____, 2018.~~

~~Permit Issuance authorized by:~~

~~Emily Boedecker, Commissioner
Department of Environmental Conservation
Agency of Natural Resources~~

~~By: _____
Heidi C. Hales, Director _____ Date Signed
Air Quality & Climate Division~~

~~de
Y:\AP Admin\StationaryFacilities\Killington~~