

AGENCY OF NATURAL RESOURCES

Waterbury, Vermont

ENVIRONMENTAL PROTECTION REGULATIONS

CHAPTER 5

AIR POLLUTION CONTROL

Subchapter V. Review of New Air Contaminant Sources

Section 5-501 Review of Construction or Modification of Air Contaminant Sources *

- (1) No person shall cause, suffer, allow or permit the new construction, installation or modification of any stationary source classified as an air contaminant source under Section 5-401 herein, unless he or she first submits a complete application to and obtains a permit from the Secretary.
- (2) Within 15 days of his receipt of such notice, the Secretary may require the submission of such plans, specifications, analyses and other information as he deems necessary in order to determine whether the proposed construction, installation or modification will comply with these regulations.
- (3) If allowable emission increases from any source subject to this section will impact on any Class I area or on any area where an applicable prevention of significant deterioration increment is being violated (Table 2), such source shall be subject to review as a major stationary source under these regulations.
- (4) For the purposes of review of major stationary sources, major modifications, indirect sources subject to review pursuant to Section 5-503 herein, or other sources in the discretion of the Secretary, "other information" required pursuant to this section shall include comments (if any), on the visibility impact of the source, from any Federal Land Manager received within 30 days after his notification, and public comments submitted according to the following procedures:

*Note: Subsections of Vermont's Section 5-501 which have been approved by EPA into the Vermont State Implementation Plan (SIP) are numbered by EPA as they appear in the Vermont State Regulation as it existed within such SIP submittal. Vermont's Section 5-501 has been restructured in terms of its codification scheme since EPA's previous SIP approval action on the Section. Therefore, the numbering of Subsections in this SIP-approved version of Section 5-501, do not necessarily correspond to the State's codification in the Vermont State Regulation. Subsections which appear with identical codifications (i.e. identical Subsection numbers) in this SIP-approved version of the regulation, exist simultaneously and do not supercede one another.

- (a) Within 30 days after the receipt of complete plans, specifications, analyses, or similar information from the air contaminant source, the Secretary shall make available for public inspection in at least one location in the locality affected, the information hereinabove and the Agency's analysis, including the disposition of any analyses submitted by any Federal Land Manager, of the effect of the construction or modification on the ambient air quality, including his proposed approval or disapproval.
- (b) The Secretary shall provide timely notice by advertisement in a local newspaper(s) of the location of the information and analysis above and of the opportunity for public hearing specified below.
- (c) For a period of at least 30 days after the information and analysis have been made available for public inspection, the Secretary shall accept public comments, orally or in writing, from all interested persons on the proposed construction or modification, and shall also provide opportunity for public hearing thereon, if requested in writing at least 5 days prior to the close of the public comment period.
- (d) Within 10 days of the close of the public comment period, including the public hearing, if any, and after full consideration of all comments and information submitted, the Secretary shall issue an order as required in Subsection (3) above.

[Subsection "5-501(4)" above, exists as approved into the Vermont State Implementation Plan on July 17, 1987 (see 52 FR 26973). Subsection "5-501(4)" below, exists as approved into the Vermont State Implementation Plan on August 1, 2016 (see 81 FR 50342).]

- (4) The Secretary shall issue a permit if the Secretary determines that the proposed construction, installation, or modification of an air contaminant source will be in compliance with all requirements of these regulations and Vermont statutes at Title 10, chapter 23. If the Secretary determines that the proposed construction, installation or modification will not be in compliance with all requirements of these regulations and Vermont statutes at Title 10, chapter 23, the Secretary shall deny the permit and shall notify the applicant in writing of the reasons for the denial.
- (5) If allowable emission increases of any air contaminant from a source subject to this section will cause or contribute to a violation of any ambient air quality standard or cause or contribute to a violation of any applicable prevention of significant deterioration increment (Table 2), or if such source is located within 10 kilometers of a Class I area and will have an impact on such Class I area of equal to or greater than $1 \mu\text{g}/\text{m}^3$ (24-hour average) for any air contaminant, such air contaminant shall be considered significant and such source will be treated as a major stationary source or a major modification for the purposes of its review under these regulations. With regard to a modification of a

source, the allowable emission increases mean the difference between the source's actual emissions before the modification and its allowable emissions after the modification.

- (6) If allowable emission increases from a source subject to this section will cause or significantly contribute to a violation of any applicable ambient air quality standard, or will violate any applicable prevention of significant deterioration increment (Table 2), the Secretary may issue an order prohibiting the construction or modification of said source.

[Subsection "5-501(6)" above, exists as approved into the Vermont State Implementation Plan on July 17, 1987 (see 52 FR 26973). Subsection "5-501(6)" below, exists as approved into the Vermont State Implementation Plan on August 1, 2016 (see 81 FR 50342).]

- (6) Within 30 days of receipt of an application for a major stationary source, major modification, or other source in the discretion of the Secretary that may affect a Class I area, the Secretary shall notify the Federal Land Manager. Such notice shall be provided at least sixty (60) days before holding a public informational meeting.

- (7) Upon making a determination to issue a draft permit under this section for a major stationary source, major modification, or other source in the discretion of the Secretary, opportunity for public participation shall be provided as follows:

- (a) * * *

- (b) * * *

- (c) If required by 40 CFR §51.166(q)(2)(iv), the Secretary will send a copy of the notice to the applicant, the EPA Regional Administrator, and to officials and agencies having cognizance over the location where the proposed construction would occur, including: any other State or local air pollution control agencies, the chief executives of the city or town and county where the source would be located, any comprehensive regional land use planning agency, and any State, Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification.

- (9) Nothing in this section or no action taken under this section shall be construed as relieving any person from compliance with any emission standard prescribed in these regulations or with any other requirements under local, state, or federal law.

*** Note: These Subsections were not approved into the Vermont State Implementation Plan.