



**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR RESOURCES**

**OPERATING PERMIT**

*Victory Finishing Technologies, Inc.*

**PERMIT NO. RI-01-09**  
(Renewal Date: March 11, 2009)  
(Expiration date: March 11, 2014)

**Pursuant to the provisions of Air Pollution Control Regulation No. 29, this operating permit is issued to:**

Victory Finishing Technologies Inc.  
145 Globe St.  
Providence, RI 02903

**This permit shall be effective from the date of its issuance. All terms and conditions of the permit are enforceable by the USEPA and citizens under the Federal Clean Air Act 42 U.S.C 7401, et seq., unless specifically designated as not federally enforceable.**

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**Douglas L. McVay, Acting Chief  
Office of Air Resources**

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**Date of issuance: 03/11/09**

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## SECTION I. SOURCE SPECIFIC CONDITIONS

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### A. Requirements for Emissions Unit B002

The following requirements are applicable to:

- Emissions unit B002, which is a 12.56 MMBTU/hr Cleaver Brooks water tube boiler, Model No. CBLE 200-300, equipped with a Cleaver Brooks low NO<sub>x</sub> burner with induced flue gas recirculation, capable of burning No. 2 fuel oil and natural gas.

#### 1. **Emission Limitations**

##### a. **Opacity**

Visible emissions from B002 shall not exceed 10% opacity (six-minute average). [Approval No. 1821 (A)(3), 1.2] Where the presence of uncombined water is the only reason for failure to meet this requirement, such failure shall not be a violation of this permit. [1.4]

##### b. **Natural Gas Firing**

###### (1) **Nitrogen Oxides (as nitrogen dioxide (NO<sub>2</sub>))**

The emission rate of nitrogen oxides discharged to the atmosphere from B002 shall not exceed 0.036 lbs per million BTU heat input or 0.44 lb/hr, whichever is more stringent. [Approval No. 1821 (A)(1)(a)]

###### (2) **Carbon Monoxide (CO)**

The emission rate of carbon monoxide discharged to the atmosphere from B002 shall not exceed 0.109 lbs per million BTU heat input or 0.46 lb/hr, whichever is more stringent. [Approval No. 1821 (A)(1)(b)]

###### (3) **Total Nonmethane Hydrocarbons (NMHC)**

The emission rate of total nonmethane hydrocarbons discharged to the atmosphere from B002 shall not exceed 0.016 lbs per million BTU heat input or 0.2 lb/hr, whichever is more stringent. [Approval No. 1821 (A)(1)(c)]

(4) **Particulate Matter**

The emission rate of particulate matter discharged to the atmosphere from B002 shall not exceed 0.10 lbs per million BTU heat input. [13.2.1]

c. **Oil Firing**

(1) **Nitrogen Oxides (as nitrogen dioxide (NO<sub>2</sub>))**

The emission rate of nitrogen oxides discharged to the atmosphere from B002 shall not exceed 0.19 lbs per million BTU heat input or 2.33 lbs/hr, whichever is more stringent. [Approval No. 1821 (A)(2)(a)]

(2) **Carbon Monoxide (CO)**

The emission rate of carbon monoxide discharged to the atmosphere from B002 shall not exceed 0.07 lbs per million BTU heat input or 0.88 lbs/hr, whichever is more stringent. [Approval No. 1821 (A)(2)(b)]

(3) **Sulfur Dioxide (SO<sub>2</sub>)**

(a) All fuel burned in B002 shall contain no more than 0.3 percent sulfur by weight. [Approval No. 1821 (A)(2)(c)(i), 8.2]

(b) The emission rate of sulfur dioxide discharged to the atmosphere from B002 shall not exceed 3.79 lbs/hr. [Approval No. 1821 (A)(2)(c)(ii)]

(4) **Particulate Matter**

The emission rate of particulate matter discharged to the atmosphere from B002 shall not exceed 0.024 lbs per million BTU heat input or 0.302 lbs/hr, whichever is more stringent. [Approval No. 1821 (A)(2)(d), 13.2.1]

(5) **Total Nonmethane Hydrocarbons (NMHC)**

The emission rate of total nonmethane hydrocarbons discharged to the atmosphere from B002 shall not exceed 0.03 lbs per million BTU heat input or 0.377 lbs/hr, whichever is more stringent. [Approval No. 1821 (A)(2)(e)]

## 2. Operating Requirements

- a. The maximum firing rate of B002 shall not exceed 89.7 gal/hr of No. 2 fuel oil or 12,440 ft<sup>3</sup>/hr of natural gas. [Approval No. 1821 (B)(1)]
- b. The flue gas recirculation system for B002 shall be in full operation whenever B002 is in operation. [Approval No. 1821 (B)(2)]
- c. The permittee shall conduct a complete annual inspection of the flue gas recirculation system and its components. The permittee shall check for proper operation and compare all internal and external control and drive linkage settings with those established by Cleaver Brooks. The permittee shall note and correct any deviations prior to operating B002 after each such annual inspection. [Approval No. 1821 (B)(3), 29.6.3(b)]

## 3. Monitoring Requirements

### a. Opacity

Continuous emission monitoring equipment shall be operated and maintained for opacity when B002 is operating on fuel oil. [Approval No. 1821 (C)(1), 6.2.1, 29.6.3(b)]

- b. Natural gas and fuel oil flow for B002 shall be continuously measured. [Approval No. 1821 (C)(2)]

## 4. Testing Requirements

### a. Particulates

Compliance with the particulate emissions limitations contained in Conditions I.A.1.b(4) and I.A.1.c(4) of this permit, shall be determined by emission testing conducted by the permittee according to Method 5 of 40 CFR 60, Appendix A, or another method approved by the Office of Air Resources and the USEPA, shall be used. [13.3.1]

The requirements of particulate emissions testing may be waived if the Director and the USEPA:

- (1) Specifies or approves, in a specific case, the use of a reference method with minor changes in methodology; or
- (2) Approves the use of an equivalent or alternative method the results of which he has determined to be adequate for indicating whether a the permittee is in compliance; or

- (3) Finds that the permittee has demonstrated by other means to the Director's and USEPA's satisfaction that the source is in compliance with the relevant emissions standards. [13.3.3]

In the absence of data from particulate emissions testing, the Director and USEPA may determine that an emissions unit is or is not in compliance with the emissions limitations of Conditions I.A.1.b(4) and I.A.1.c(4) of this permit based on available information including, but not limited to, type of fuel burned, design of unit, efficiency of air pollution control systems, operating and maintenance procedures, and emission test results on similar units. [13.3.2]

b. **Opacity**

Tests for determining compliance with the opacity limitations specified in Condition 1.A.1.a of this permit shall be performed per 40 CFR 60, Appendix A, Method 9. Additionally, all observers must qualify as per 40 CFR 60, Appendix A, Method 9. [1.3.1, 1.3.2]

c. **Sulfur Dioxide (SO<sub>2</sub>)**

- (1) Compliance with fuel oil sulfur limits in Condition I.A.1.c(3)(a-b) of this permit may be determined based on a certification from the fuel supplier. [Approval No. 1821 (D)(1), 29.6.3(b)]
- (2) Fuel supplier certification shall include the following information: [Approval No. 1821 (D)(2), 29.6.3(B)]
  - (a) The name of the oil supplier; [Approval No. 1821 (D)(2)(a)]
  - (b) The sulfur content of the oil; [Approval No. 1821 (D)(2)(b)]
  - (c) The location of the oil when the sample was drawn for analysis to determine the sulfur content of the oil; specifically including whether the oil was sampled as delivered to Victory Finishing Technologies, Inc. or whether the sample was drawn from oil in storage at the oil supplier's or oil refiner's facility or another location; [Approval No. 1821 (D)(2)(c)]
  - (d) The method used to determine the sulfur content of the oil. [Approval No. 1821 (D)(2)(d)]
- (3) As an alternative to fuel supplier certification, the permittee may elect to sample the fuel prior to combustion. Sampling and analysis shall be conducted for the oil in the initial tank of oil to be fired in B002 and after each new shipment of oil is received. Samples shall be

collected from the fuel tank immediately after the fuel tank is filled and before any oil is combusted. [Approval No. 1821 (D)(3), 29.6.3(b)]

- (4) Each fuel supplier certification or each fuel oil analysis must demonstrate that the oil for B002 contains 0.3 percent sulfur by weight or less. [Approval No. 1821 (D)(4), 29.6.3(b)]

## **5. Recordkeeping Requirements**

- a. Natural gas and fuel oil flow for B002 shall be continuously recorded. [Approval No. 1821 (C)(2)]
- b. The permittee shall, on a monthly basis, no later than 5 days after the first of the month, determine the total quantity of No. 2 fuel oil and natural gas combusted in B002. The permittee shall keep records of this determination and provide such records to the Office of Air Resources upon request. [Approval No. 1821 (E)(2)]
- c. The permittee shall maintain records of the annual visual inspection of the flue gas recirculation system and its components. [Approval No. 1821 (E)(4), 29.6.3(b)]
- d. The permittee shall retain copies of all fuel supplier certifications or fuel oil analyses for each calendar quarter. These records shall be made accessible for review by the Office of Air Resources or USEPA. This quarterly record shall include a certified statement, signed by the permittee, that the records of fuel supplier certifications submitted represent all of the fuel combusted during the quarter. [Approval No. 1821 (E)(5), 29.6.3(b)]
- e. The permittee shall maintain records of any scheduled and unscheduled maintenance to emission unit B002. [29.6.3(b)]

## **6. Reporting Requirements**

- a. The permittee shall notify the Office of Air Resources of any anticipated noncompliance with the terms of Section I.A of this permit or any other applicable air pollution control rules and regulations. [Approval No. 1821 (E)(6)]

## **7. Other Conditions**

- a. To the extent consistent with the requirements of Section I.A of this permit and applicable federal and state laws, the facility shall be designed, constructed and operated in accordance with the representation of the facility

in the preconstruction permit application dated 5 October 2004. [Approval No. 1821 (F)(1)]

- b. At all times, including periods of startup, shutdown and malfunction, the permittee shall, to the extent practicable, maintain and operate B002 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 Office of Air Resources which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures and inspection of the source. [Approval No. 1821 (F)(3)]

**B. Requirements for Emissions Unit P002**

The following requirements are applicable to:

- Emissions unit P002, which consists of two DeVilbiss spray booths (Model No. Power 450 spray guns), two "Speedip" lacquer spinoff units and an electric curing oven which operates at 275°F.

**1. Emission Limitations**

- a. For coatings used for special orders which specify the need to withstand corrosion testing, and coatings applied on smooth surface areas in excess of four square inches in which compliant coatings do not adhere to properly or marks appear after drying, the permittee shall comply with the following emissions limitations [Consent Agreement 96-05-AP (9), 19.3.2(e)]:

<u>Coating Name</u>	<u>Coating Identification</u>	<u>Coating VOC Content (lbs. VOC/gal of coating minus water, as applied)</u>
Whirling Lacquer	C-7240, 14205	6.05
Clear Acrylic Lacquer	C-7000, 505	7.22
Lacquer #10	C-7140	6.76
Black Tubbing Lacquer	C-7100	6.51
Clear Bake Synthetic	C-7120, C-550	5.95
Baked Flat Black Enamel	C-7250	6.71
Baked Flat White Enamel	C-7075	6.71
White Booth Coat	C-7260	6.65

- b. The VOC content of each coating used by the permittee, with the exception of the applications described in Condition I.B.1.a of this permit, shall not exceed the following emissions limitations: [Consent Agreement 96-05-AP (9), 19.3.1]

<u>Coating Name</u>	<u>Coating VOC Content (lbs. VOC/gal of coating minus water, as applied)</u>
Clear coatings	4.3
Air dried coatings	3.5
All other coatings	3.0

- c. Toluene emissions from P002 shall be limited to 230 pounds per day and 86,000 pounds per year. [Air Toxics Approval No. 1612/04(B)(11)] [**Not Federally Enforceable**]
- d. Xylene emissions from P002 shall be limited to 82 pounds per day. [Air Toxics Approval No. 1612/04(B)(13)] [**Not Federally Enforceable**]

## 2. Testing Requirements

Compliance with the coating emissions limitations contained in Conditions I.B.1.a and I.B.1.b of this permit shall be demonstrated in accordance with 40 CFR 60, Appendix A, Methods 24, 24A, 25 as amended or any other USEPA approved method which has been accepted by the Director. A one hour bake time shall be used for Methods 24 and 24A, which apply to multi-component coatings. [19.7.1]

## 3. Recordkeeping Requirements

- a. The permittee shall maintain records of the following information, for each day of operation [Consent Agreement 96-05-AP (10)(a-f), 19.5.3(c), 29.6.3(b)]:
  - (1) The name and identification number of each coating, as applied, on each coating line or operation,
  - (2) The quantity of each coating applied;
  - (3) The VOC content of each coating, in pounds of VOC per gallon of coating minus water, as applied,
  - (4) The type and amount of solvent used for diluents and cleanup operations,
  - (5) The type and amount of solvent recycled on-site or disposed, and
  - (6) The total quantity of toluene and xylene emitted

- (7) For each non-complying coating used, Victory Finishing Technologies shall maintain documentation which demonstrates that a complying coating could not be used, in accordance with the applicable exception specified in Condition I.B.1.a of this permit.

#### **4. Reporting Requirements**

- a. That until the surface coating emissions limitations specified in Condition I.B.1.b of this permit are achieved for every coating application at the facility, including the applications listed in Condition I.B.1.a of this permit, the permittee shall submit written reports every quarter, to the Office of Air Resources, by 30 April, 30 July, 30 September and 30 January of each year. These reports shall summarize Victory Finishing Technologies compliance status for the reporting period, as well as, progress made toward the implementation of compliant coatings and shall include correspondence with suppliers, a summary of pre-production test runs and the names and VOC contents of compliant coatings which have replaced non-compliant coatings within the reporting period. [Consent Agreement 96-05-AP (11)]
- b. The permittee shall reevaluate VOC emissions from the surface coating operations at the facility and shall submit, in writing, a RACT plan that complies with Subsection 19.3.3 of Air Pollution Control Regulation No. 19, to the Division, on or before 31 May 1998, and every three years thereafter until the emissions limitations specified in Condition I.B.1.b of this permit are achieved for all coatings. [19.3.3(d), Consent Agreement 96-05-AP (14)]

#### **C. Requirements for Emissions Units P003 and P004**

The following requirements are applicable to:

- Emissions unit P003, which consists of 5 Hammond De Polishing Machines and is associated with control device C002, a Torit dust collector, Model No. TJ-1080.
- Emissions unit P004, which consists of 4 Clair Polishing Machines and the Divine Automated Polishing Machine and is associated with control device C003, a Torit dust collector, Model No. TJ-1080.

#### **1. Emission Limitations**

- a. Opacity

The permittee shall not emit into the atmosphere any air contaminant for a period or periods aggregating more than three minutes in any one hour which is greater than or equal to 20 percent opacity [1.2] Where the presence of uncombined water is the only reason for failure to meet this requirement, such failure shall not be a violation of this permit. [1.4]

## 2. Operating Requirements

- a. C002 and C003 shall be operated according to their design specifications whenever P003 and P004 are in operation or are emitting air contaminants. [16.2]
  
- c. In case of a malfunction of C002 and/or C003, all reasonable measures shall be taken to assure resumption of the designed control efficiency as soon as possible. In the event that the malfunction of C002 and/or C003 is expected or may reasonably be expected to continue for longer than 24 hours and if the permittee wishes to operate P003 and/or P004 beyond that period, the Director shall be petitioned for a variance under Section 23-23-15 of the General Laws of Rhode Island, as amended. Such petition shall include but is not limited to, the following: [16.3]
  - (1) Identification of the specific air pollution control system (ie. C002 or C003) and the source on which it is installed (ie. P003 or P004); [16.3(a)]
  - (2) The expected period of time that control system will be malfunctioning or out of service; [16.3(b)]
  - (3) The nature and quantity of air contaminants likely to be emitted during said period; [16.3(c)]
  - (4) Measures that will be taken to minimize the length of said period; and [16.3(d)]
  - (5) The reasons it would be impossible or impractical to cease the source operation during said period. [16.3(e)]

## 3. Monitoring Requirements

- a. Pressure drop across control devices C002 and C003 shall be monitored continuously. [29.6.3(b)]

## 4. Testing Requirements

- a. Opacity

Tests for determining compliance with the opacity emissions limitations specified in Condition I.C.1.a of this permit shall be performed as per 40 CFR Part 60, Appendix A, Method 9. Additionally, all observers must qualify as per 40 CFR 60, Appendix A, Method 9. [1.3.1, 1.3.2]

**5. Recordkeeping Requirements**

- a. The pressure drop across control devices C002 and C003 shall be checked a minimum of once per day and the date, time and measurement shall be recorded. [29.6.3(b)]

**D. Requirements for Emissions Unit P005**

The following requirements are applicable to:

- Emissions unit P005, which consists of a Neuromatic Automatic Powder Spray Booth, Model No. 2000328 COE, and a 0.8 MMBTU/hr natural gas oven which operates at 400°F.

There are no specific requirements for P005. This does not relieve the permittee from compliance with the provisions of the General Conditions, outlined in Section II of this permit, as they apply to P005.

**E. Requirements for Emissions Unit P007**

The following requirements are applicable to:

- Emissions unit P007, which includes all plating operations at the facility.

**1. Emissions Limitations**

- a. Nickel

The conditions and emissions limitations in this permit were established to ensure that emissions from this facility shall not cause an increase in the ground level ambient concentration at or beyond the property line in excess of the Acceptable Ambient Levels in APC Regulation No. 22. In establishing these conditions and emission limitations, emissions of nickel from plating operations were assumed to be negligible. The Office of Air Resources may reopen and revise this operating permit if it determines that inaccurate emission factors were used in establishing the conditions and emission limitations in this permit. [Air Toxics Approval No. 1612/04(B)(7) **[Not Federally Enforceable]**]

b. Hydrogen chloride

The conditions and emissions limitations in this permit were established to ensure that emissions from this facility shall not cause an increase in the ground level ambient concentration at or beyond the property line in excess of the Acceptable Ambient Levels in APC Regulation No. 22. In establishing these conditions and emission limitations, emissions of hydrogen chloride from plating operations were assumed to be negligible. The Office of Air Resources may reopen and revise this operating permit if it determines that inaccurate emission factors were used in establishing the conditions and emission limitations in this permit. [Air Toxics Approval No. 1612/04(B)(9)] **[Not Federally Enforceable]**

**F. Requirements for Emissions Unit P008**

The following requirements are applicable to:

- Emissions unit P008, which includes all wastewater treatment operations at the facility.

**1. Emissions Limitations**

a. Hydrogen chloride

The conditions and emissions limitations in this permit were established to ensure that emissions from this facility shall not cause an increase in the ground level ambient concentration at or beyond the property line in excess of the Acceptable Ambient Levels in APC Regulation No. 22. In establishing these conditions and emission limitations, emissions of hydrogen chloride from wastewater treatment operations were assumed to be negligible. The Office of Air Resources may reopen and revise this operating permit if it determines that inaccurate emission factors were used in establishing the conditions and emission limitations in this permit. [Air Toxics Approval No. 1612/04(B)(9)] **[Not Federally Enforceable]**

**G. Facility Requirements**

**1. Operating Requirements**

- a. Chromium shall be used only in the potassium chromate solution process. [Air Toxics Approval No. 1612/04(B)(1)] **[Not Federally Enforceable]**
- b. Nickel shall be used only in the nickel plating and sludge drying operations. [Air Toxics Approval No. 1612/04(B)(6)] **[Not Federally Enforceable]**

- c. Hydrogen chloride shall be used only in the plating operations and waste treatment. [Air Toxics Approval No. 1612/04(B)(8)] [**Not Federally Enforceable**]
- d. Toluene shall be used only in the lacquering operation. [Air Toxics Approval No. 1612/04(B)(10)] [**Not Federally Enforceable**]
- e. Xylene shall be used only in the lacquering operation. [Air Toxics Approval No. 1612/04(B)(12)] [**Not Federally Enforceable**]

## SECTION II. GENERAL CONDITIONS

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**A. Annual Emissions Fee Payment**

The permittee shall pay an annual emissions fee as established in Air Pollution Control Regulation No. 28 "Operating Permit Fees". [29.6.8(d)]

**B. Permit Renewal and Expiration**

This permit is issued for a fixed term of 5 years. The permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least 12 months prior to the date of permit expiration. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the Office of Air Resources on the renewal application. In such an event, the permit shield in Condition II.Y of this permit shall extend beyond the original permit term until renewal. This protection shall cease to apply if, subsequent to a completeness determination, the applicant fails to submit by the deadline specified in writing by the Office of Air Resources any additional information identified as being needed to process the application. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, and any applicable requirements that were promulgated and not incorporated into the permit during the permit term. [29.6.8(a), 29.4.2(c), 29.4.6]

**C. Transfer of Ownership or Operation**

This permit is nontransferable by the permittee. Future owners and operators must obtain a new operating permit from the Office of Air Resources. A change in ownership or operational control of this source is treated as an administrative permit amendment if no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Office of Air Resources. [29.10.1(a)(4)]

**D. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege. [29.6.8(c)(4)]

**E. Submissions**

1. Reports, test data, monitoring data, notifications, and requests for renewal shall be submitted to :

RIDEM Office of Air Resources  
Compliance Assurance Section  
235 Promenade St., Room 230  
Providence, RI 02908

2. Any records, compliance certifications and monitoring data required by the provisions of this permit to be submitted to USEPA shall be sent to:

USEPA Region 1  
Office of Environmental Stewardship  
Director, Air Compliance Program  
Attn: Air Compliance Clerk  
One Congress St., Suite 1100 (SEA)  
Boston, MA 02114-2023

3. Any document submitted shall be certified as being true, accurate, and complete by a responsible official. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete. [29.6.8(e)]

**F. Inspection and Entry**

1. Employees of the Office of Air Resources and its authorized representatives shall be allowed to enter this facility at all reasonable times for the purpose of:
  - a. having access to and copying at reasonable times any records that must be kept under the conditions of this permit;
  - b. inspecting at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
  - c. sampling or monitoring, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or other applicable requirements. [RIGL 23-23-5(7), 29.6.8(f)(1-4), Approval Nos. 1422-1423 (E)(3), Approval No. 1821 (F)(2)]

Nothing in this condition shall limit the ability of USEPA to inspect or enter the premises of the permittee under Section 114 or other provisions of the Clean Air Act.

**G. Compliance**

1. The permittee must comply with all conditions of this permit. Any noncompliance with a federally-enforceable permit condition constitutes a violation of the 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. Any noncompliance with a permit condition designated as state only enforceable constitutes a violation of state rules only and is grounds for enforcement action, for permit termination, revocation and reissuance or modification, or for denial of a permit renewal application. [29.6.8(c)(1)]
2. For each unit at the facility for which an applicable requirement becomes effective during the permit term, the permittee shall meet such requirements on a timely basis unless a more detailed schedule is expressly required by the applicable requirement. [29.6.5(a)]
3. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [29.6.8(c)(2)]

**H. Excess Emissions Due to an Emergency**

As the term is used in this condition an "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of this source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes this source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. [29.6.11(b)]

Technology-based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain a health based air quality standard.

The permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that: [29.6.11(a) & 29.6.11(c)]

1. an emergency occurred and that the permittee can identify the cause(s) of the emergency; [29.6.11(c)(1)]
2. the permitted facility was at the time being properly operated; [29.6.11(c)(2)]

3. during the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and [29.6.11(c)(3)]
4. the permittee submitted notice of the emergency to the Office of Air Resources within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of Condition II.AA.3 of this permit. [29.6.11(c)(4)]

The permittee shall have the burden of proof in seeking to establish the occurrence of an emergency. [29.6.11(d)]

**I. Duty to Provide Information**

The permittee shall furnish to the Office of Air Resources, within a reasonable time, any pertinent information that the Office of Air Resources may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Office of Air Resources copies of records that the permittee is required to keep by this permit, or for information claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality. [29.6.8(c)(5)]

**J. Duty to Supplement**

The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the Office of Air Resources. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete renewal application was submitted but prior to release of a draft permit. [29.5.4]

**K. Reopening for Cause**

The Office of Air Resources will reopen and revise this permit as necessary to remedy deficiencies in the following circumstances:

1. Additional requirements under the Clean Air Act become applicable to a major source 3 or more years prior to the expiration date of this permit. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the expiration date of this permit, unless this permit or any of its terms and conditions have been extended. [29.6.13(a)]

2. The Office of Air Resources or the Administrator determines that this permit contains a material mistake or inaccurate statements were made in establishing the emissions standards or other terms or conditions of this permit. [29.6.13(c)]
3. The Office of Air Resources or the Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements. [29.6.13(d)]

Reopenings shall not be initiated before a notice of intent to reopen is provided to the permittee by the Office of Air Resources at least 30 days in advance of the date that this permit is to be reopened, except that the Office of Air Resources may provide a shorter time period (but not less than five days) in the case of an emergency. [29.9.5(b)]

Proceedings to reopen and issue this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable. [29.9.5(a)]

All permit conditions remain in effect until such time as the Office of Air Resources takes final action. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [§70.6(a)(6)(iii)]

**L. Severability Clause**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby. [29.6.8(b)]

**M. Off-Permit Changes**

1. The permittee is allowed to make certain changes that are not addressed or prohibited by this permit without a permit revision, provided that the following conditions are met: [29.11.2(a)]
  - a. Each such change shall not violate any term or condition of this permit. [29.11.2(b)]
  - b. Each change shall comply with all applicable requirements. [29.11.2(b)]
  - c. Changes under this provision may not include changes or activities subject to any requirement under Title IV or modifications under any provision of Title I of the Clean Air Act. [29.11.2(a)]
  - d. Before the permit change is made, the permittee must provide contemporaneous written notice to the Office of Air Resources and the

USEPA Region I, except for changes that qualify as insignificant activities in Appendix A of APC Regulation No. 29. This notice shall describe each change, including the date, and change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change. [29.11.2(c)]

- e. The permit shield does not apply to changes made under this provision. [29.11.2(d)]
  - f. The permittee shall keep a record describing changes made at the stationary source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes, including any other data necessary to show compliance with applicable ambient air quality standards. The record shall reside at the permittee's facility. [29.11.2(e)]
2. Changes made pursuant to this provision shall not be exempt from the requirement to obtain a minor source permit pursuant to the requirements of Air Pollution Control Regulation No. 9, if applicable. [29.11.2(a)]
  3. Changes made pursuant to this provision shall be incorporated into this permit at the time of renewal. [29.11.2(f)]

**N. Section 502(b)(10) Changes**

1. The permittee is allowed to make changes within this permitted facility that contravene the specific terms of this permit without applying for a permit revision, provided the changes do not exceed the emissions allowable under this permit, whether expressed therein as a rate of emissions or in terms of total emissions and are not Title I modifications. This class of changes does not include:
  - a. changes that would violate applicable requirements; or
  - b. changes to federally-enforceable permit terms or conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements. [29.11.1(a), 29.1.36]
2. The permittee shall provide written notice to the Office of Air Resources and the USEPA Region I of any change made under this provision. The notice must be received by the Office of Air Resources no later than fourteen (14) days in advance of the proposed changes. The notice shall include information describing the nature of the change, the effect of the change on the emission of any air contaminant, the scheduled completion date of the planned change and identify any permit terms or conditions that are no longer applicable as a result of the change. The permittee shall attach each notice to its copy of this permit. [29.11.1(a)(1), 29.11.1(a)(2)]

3. The permittee shall be allowed to make such change proposed in its notice the day following the last day of the advance notice described in paragraph 2 if the Office of Air Resources has not responded nor objected to the proposed change on or before that day. [29.11.1(b)]
4. Any permit shield provided in this permit does not apply to changes made under this provision. If subsequent changes cause the permittee's operations and emissions to revert to those anticipated in this permit, the permittee resumes compliance with the terms and conditions of the permit, and has provided the Office of Air Resources and USEPA with a minimum of fourteen (14) days advance notice of such changes in accordance with the provisions of paragraph 2, the permit shield shall be reinstated in accordance with terms and conditions stated in this permit. [29.11.1(c)]
5. Changes made pursuant to this provision shall be incorporated into the operating permit at the time of renewal. [29.11.1(d)]

**O. Emissions Trading**

No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit. [29.6.6(a)]

**P. Emission of Air Contaminants Detrimental to Person or Property**

The permittee shall not emit any air contaminant which either alone or in connection with other emissions, by reason of their concentration or duration, may be injurious to human, plant or animal life, or cause damage to property or which unreasonably interferes with the enjoyment of life or property. [7.2]

**Q. Odors**

1. The permittee shall not emit or cause to be emitted into the atmosphere any air contaminant or combination of air contaminants which creates an objectionable odor beyond the property line of this facility. [17.2]
2. A staff member of the Office of Air Resources shall determine by personal observation if an odor is objectionable, taking into account its nature, concentration, location, duration and source. [17.3]

**R. Visible Emissions**

1. Except as may be specified in other provisions of this permit, the permittee shall not emit into the atmosphere, from any emission unit, any air contaminant, for a period or periods aggregating more than three minutes in any one hour, which is greater than or equal to 20 percent opacity. [1.2] Where the presence of uncombined water

is the only reason for failure to meet this requirement, such failure shall not be a violation of this permit. [1.4]

2. Tests for determining compliance with the opacity limitations specified in this permit shall be performed per 40 CFR 60, Appendix A, Method 9. Additionally, all observers must qualify as per 40 CFR 60, Appendix A, Method 9. [1.3.1, 1.3.2]

**S. Open Fires**

It shall be unlawful for the permittee to burn any material in an open fire, except as provided in APC Regulation No. 4, Subsection 4.3. [4.2]

**T. Construction Permits**

It shall be unlawful for the permittee to construct, install, modify or cause the construction, installation or modification of any stationary source subject to the provisions of APC Regulation No. 9 without obtaining either a minor source permit or a major source permit from the Director. [9.2.1]

**U. Sulfur in Fuel**

1. Except as may be specified in other provisions of this permit, unless the Director declares in writing after a hearing that a shortage of low sulfur fuel exists, the permittee shall not use or store fuel oil with a sulfur content greater than 1.0% by weight, except for use with marine vessels or motor vehicles. [8.2, 8.3.6]
2. Compliance with the sulfur in fuel limitations contained in this section shall be determined by the procedures listed below or by another method deemed equivalent by the Director and the USEPA: [29.6.3(b)]
  - a. For each shipment of fuel oil, the permittee shall obtain a certification from the fuel supplier which contains:
    - (1) For distillate fuel oil:
      - (a) the name of the supplier
      - (b) a statement that the oil complies with the specification for fuel oil number 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396-78 "Standard Specification for Fuel Oils."
    - (2) For residual fuel oil:
      - (a) The name of the supplier,

- (b) The nitrogen and sulfur content of the oil and the ASTM method used to determine the nitrogen and sulfur content of the oil,
  - (c) The location of the oil when the sample was drawn for analysis to determine the nitrogen and sulfur content of the oil, specifically including whether the oil was sampled as delivered to the permittee or whether the sample was drawn from oil in storage at the oil suppliers/refiners facility or another location.
- (3) For diesel fuel oil:
- (a) the name of the supplier
  - (b) a statement that the oil complies with the specification for diesel fuel oil grade 1-D or 2-D, as defined by the American Society for Testing and Materials in ASTM D975-03 “Standard Specification for Fuel Oils.” [29.6.3]
- b. As an alternative to fuel oil certification, the permittee may elect to sample the fuel oil prior to combustion. Sampling and analysis shall be conducted after each new shipment of fuel oil is received. Samples shall be collected from the fuel tank immediately after the fuel tank is filled and before any fuel oil is combusted. [8.4.1(b), 29.6.3(b)]
  - c. All fuel oil must be sampled and analyzed according to ASTM methods which have the prior approval of or are required by the Office of Air Resources. [8.4.1(b), 29.6.3(b)]
  - d. Copies of the fuel oil analysis sheets shall be maintained at the facility and be made accessible for review by the Office of Air Resources or designated personnel of the Office of Air Resources and USEPA. These records shall include a certified statement, signed by a responsible official, that the records represent all of the fuel combusted during each quarter. [29.6.3(b)]
  - e. The Director may require, under his supervision, the collection of fossil fuel samples for the purpose of determining compliance with the sulfur limitations in this permit. Sampling and analysis of fossil fuels under Condition II.U.2 of this permit shall not limit the collection of samples under this condition. [8.4.3]

**V. Air Pollution Episodes**

Conditions justifying the proclamation of an air pollution alert, air pollution warning or air pollution emergency shall be deemed to exist whenever the Director determines that the

accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. If the governor declares an air pollution alert, air pollution warning or air pollution emergency, the permittee shall comply with the applicable requirements contained in APC Regulation No. 10. [10.1]

**W. Fugitive Dust**

The permittee shall not cause or permit any materials, including but not limited to sand, gravel, soil, aggregate and any other organic or inorganic solid matter capable of releasing dust, to be handled, transported, mined, quarried, stored or otherwise utilized in any way so as to cause airborne particulate matter to travel beyond the property line of the facility without taking adequate precautions to prevent particulate matter from becoming airborne. Such precaution shall be in accordance with good industrial practice as determined by the Director and/or shall be other reasonable fugitive dust prevention measures as determined by the Director. [5.3]

**X. Compliance Certifications**

1. The permittee shall submit a certification of compliance with permit terms and conditions annually. [29.6.5(c)(1)]
2. The certification shall describe the following:
  - a. the permit term or condition that is the basis of the certification; [29.6.5(c)(3)a]
  - b. the current compliance status; [29.6.5(c)(3)(b)]
  - c. whether compliance was continuous or intermittent; and [29.6.5(c)(3)c]
  - d. the methods used for determining compliance, currently and over the reporting period. [29.6.5(c)(3)d]
3. All compliance certifications shall be submitted to the Office of Air Resources and to the USEPA Region I. It shall be submitted within 60 days following the end of the reporting period which is the calendar year unless otherwise specified. [29.6.5(c)(4)]
4. All compliance certifications shall be certified as being true, accurate, and complete by a responsible official. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete. [29.6.8(e)]

**Y. Permit Shield**

1. Compliance with the terms and conditions of this permit shall be deemed compliance with all requirements applicable to the source in: Air Toxics Approval No. 1612/04, Approval Nos. 585, and 1821, Consent Agreement 96-05-AP and RI APC Regulation Nos. 1, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 19, 22, 28 and 29. [29.6.12(a)(1)]
2. The Office of Air Resources has determined that units B002, P002, P003, P004, P005, P007 and P008 are not subject to the following regulations; RI APC Regulation Nos. 3, 11, 12, 20, 21, 22, 23, 24, 25, 26, 27, 30, 31, 32, 33, 35, 36, 39, 41 and 43. [29.6.12(a)(2)]
3. Nothing in this permit shall alter or affect the following:
  - a. the provisions of Section 303 of the Clean Air Act, including the authority of USEPA under that Section. [29.6.12(c)(1)]
  - b. the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [29.6.12(c)(2)]
  - c. the applicable requirements of the acid rain program consistent with Section 408 of the Act. [29.6.12(c)(3)]
  - d. the ability of the USEPA to obtain information under Section 114 of the Act. [29.6.12(c)(4)]
4. If it is determined that this operating permit was issued based on inaccurate or incomplete information provided by the permittee, this permit shield shall be void as to the portions of this permit which are affected, directly or indirectly, by the inaccurate or incomplete information. [29.6.12(d)]

**Z. Recordkeeping**

1. The permittee shall, at the request of the Director, maintain records of and provide data on operational processes, fuel usage, raw materials, stack dimensions, exhaust gas flow rates and temperatures, emissions of air contaminants, steam or hot water generator capacities, types of equipment producing air contaminants and air pollution control systems or other data that may be necessary to determine if the facility is in compliance with air pollution control regulations. [14.2.1]
2. All records and supporting information required by this permit shall be maintained at the permittee's 145 Globe Street facility for a period of at least 5 years from the date of sample, monitoring, measurement, report or application, and shall be made available to representatives of the Office of Air Resources and USEPA upon request. Supporting information includes all calibration and maintenance records and all

original strip-chart recordings for continuous monitoring instrumentation and copies of all reports required by this permit. [14.2.1, 29.6.4, Consent Agreement 96-05-AP(13), 19.5.3(c), Approval Nos. 1422-1423(D)(8), Approval No. 1821 (E)(8)]

3. Where applicable, the permittee shall keep records of required monitoring information that include the following:
  - a. The date, place, and time of sampling or measurements; [29.6.4(a)(1)a]
  - b. The date(s) analyses were performed; [29.6.4(a)(1)b]
  - c. The company or entity that performed the analyses; [29.6.4(a)(1)c]
  - d. The analytical techniques or methods used; [29.6.4(a)(1)d]
  - e. The results of such analyses; and [29.6.4(a)(1)e]
  - f. The operating conditions as existing at the time of sampling or measurement. [29.6.4(a)(1)f]

**AA. Reporting**

1. The information recorded by the permittee pursuant to Condition II.Z.1 of this permit shall be summarized and reported at least annually to the Director. It shall be submitted by April 15<sup>th</sup> unless otherwise specified. [14.2.2] Information submitted pursuant to this condition will be correlated with applicable emission limitations and other applicable emissions information and will be available for public inspection. [14.2.3]
2. The permittee shall submit reports of any required monitoring for each semiannual period ending 30 June and 31 December of each calendar year. These reports shall be due to the Office of Air Resources no later than forty-five (45) days after the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with condition II.X.4. [29.6.4(b)(1)]
3. Deviations from permit conditions, including those attributable to upset conditions as defined in this permit, shall be reported, in writing, within five (5) business days of the deviation. A copy of any such report shall be submitted to the USEPA Region I. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken. Each report shall be certified by a responsible official consistent with Condition II.X.4 of this permit. [29.6.4(b)(2), 19.5.3(d)(1), Approval No. 1821 (E)(7)]
4. The Office of Air Resources shall be notified in writing of any planned physical change or operational change to the emissions units and control devices identified in

this permit. Such notification shall include information describing the nature of the change, information describing the effect of the change on the emissions of air contaminants and the scheduled completion date of the planned change. Any change which may result in an increased emission rate of any air contaminant shall be subject to approval of the Office of Air Resources. [1422-1423(D)(7), Air Toxics Approval No. 1612/04(C), Approval No. 1821 (E)(3)]

**BB. Credible Evidence**

1. For the purpose of submitting compliance certifications or establishing whether or not the permittee has violated or is in violation of any provision of this permit, the methods listed in this permit shall be used, as applicable. However, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether the permittee would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed. [40 CFR 51.212(c), 52.12(c), 52.33(a)]

**CC. Emission Statements**

1. The permittee shall submit, annually, an emission statement which includes information for both VOC and NO<sub>x</sub> if facility wide actual emissions are 25 tons per year of either pollutant. Emission statements shall be submitted to the Director on April 15<sup>th</sup> of each year unless otherwise specified. The permittee may apply to the Office of Air Resources to be allowed to discontinue submitting annual emission statements if actual emissions at the facility decrease to below 10 tons per year as a result of a permanent process change. [14.3.1] The permittee shall submit this emission statement in a format approved by the Office of Air Resources. The emission statement shall contain the following information: [14.3.2]
  - a. A certification that the information contained in the emission statement is accurate and complete to the best knowledge of the certifying individual.
  - b. The full name, title, signature, date of signature, and telephone number of the certifying individual.
  - c. Facility identification information, including the full name, physical location, mailing address, latitude, longitude, and four digit SIC code(s).
  - d. Process data pertaining to each process emitting VOC and/or NO<sub>x</sub>, including:
    - (1) Annual and typical ozone season daily fuel use,
    - (2) Annual and typical ozone season daily process rate(s), and
    - (3) Process throughput while air pollution control equipment was not in operation.

- e. Operating data pertaining to each process emitting VOC and/or NO<sub>x</sub> during the reporting year, including:
  - (1) Percentage annual throughput,
  - (2) Average hours of operation per day during the reporting year and on a typical ozone season day,
  - (3) Average number of days of operation per week during the reporting year and during a typical ozone season week, and
  - (4) Weeks of operation during the reporting year and during the peak ozone season.
  
- f. Control equipment information, including:
  - (1) Specific primary and secondary control equipment for each process emitting VOC and/or NO<sub>x</sub>,
  - (2) Current overall control efficiency for each piece of control equipment (indicated by percent capture and percent destruction or removal), and
  - (3) Control equipment downtime during the reporting year and during the peak ozone season.
  
- g. Emissions information, including:
  - (1) Actual annual and typical ozone season daily emissions of VOC and NO<sub>x</sub> for each process. Emissions should be reported in tons per year and in pounds per day.
  - (2) A description of the emission calculation method and, if applicable, emission factor(s) used, and
  - (3) The calendar year for which emissions are reported.
  
- h. Any additional information required by the Director to document the facility's emission statements.

**DD. Miscellaneous conditions**

- 1. This permit may be modified, revoked, reopened, reissued or terminated for cause. The filing of a request, by the permittee, for a permit modification, revocation and reissuance or termination or of a notification of planned changes or anticipated noncompliance does not release the permittee from the conditions of this permit. [29.6.8(c)(3)]
  
- 2. Any application for a permit revision need only submit information related to the proposed change. [29.4.3(c)]
  
- 3. Terms not otherwise defined in this permit shall have the meaning given to such terms in the referenced regulation.

4. Where more than one condition in this permit applies to an emission unit and/or the entire facility, the most stringent condition shall apply.

### SECTION III. SPECIAL CONDITIONS

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#### A. Ozone-depleting Substances

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

2. The permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR 82, Subpart E:
  - a. All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
  - b. The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
  - c. The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
  - d. No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
3. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.

- e. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
4. If the permittee manufactures, transforms, imports or exports a class I or class II substance, the permittee is subject to all the requirements as specified in 40 CFR 82, Subpart A, "Production and Consumption Controls".
  5. If the permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners".

The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.

6. The permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR 82, Subpart G, "Significant New Alternatives Policy Program".

## **B. Prevention of Accidental Releases**

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

Your facility is subject to the requirements of the General Duty Clause, under 112(r)(1) of the CAA Amendments of 1990. This clause specifies that owners or operators of stationary sources producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur