

RIPUC Use Only

RIPUC Docket No.: RES-24-50
Date Application Received: Dec 10, 2024

GIS Certification #:
NON213855

RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM

Required of all Applicants for the Certification of Eligibility as a Renewable Energy Resource Pursuant to the Rhode Island Renewable Energy Standard (RES) Act, [R.I. Gen. Laws Section 39-26-1-10](#) and Rules Governing the Implementation of a Renewable Energy Standard, [810-RICR-40-05-2 \(RES Rules\)](#).

Notice to Applicant:

- Your application for eligibility as a Renewable Energy Resource has been submitted and assigned a docket number. The docket number is identified at top right of this application.
- Keep a copy of the completed Application for your records.
- The Rhode Island RES Administrative Team will contact the Authorized Representative directly regarding your application during the review process.
- Pursuant to RES Rules Section 2.6(A)(3), the Public Utilities Commission (Commission or PUC) shall provide a thirty (30) day period for public comment following the assignment of a docket number to the application. All information submitted with the application is considered to be a public record unless the Commission deems some portion of the application confidential after consideration under [Rules of Practice and Procedure 810-RICR-00-00-1](#), Section 1.3(H)(3).
- All eligibility applications are posted on the PUC's website at <https://ripuc.ri.gov/RES-Applications>.
- Questions related to this Renewable Energy Resources Eligibility Form or application process can be submitted to admin@rhodeislandres.com and res.filings@puc.ri.gov.
- Other resources regarding the administration of the Renewable Energy Standard Program can be access at <https://rhodeislandres.com/>.

SECTION I: Identification Information

1.1 Name of Generation Unit (sufficient for full and unique identification, and consistent with the Generation Unit name listed on the NEPOOL GIS, if currently listed):

PurposeEnergy - Middlebury

1.2 Type of Certification being requested (note: if the Generation Unit has not yet achieved Commercial Operation, check Prospective Certification/Declaratory Judgement):

- Standard Certification
- Prospective Certification (Declaratory Judgment)

1.3 This Application includes: (Check *all and only* those that apply)

- Appendix A: Authorized Representative Certification for Individual Owner
- Appendix B: Authorized Representative Certification for Non-Corporate Entities Other Than Individuals, including Limited Liability Companies (LLC) *Note: Please refer to Section 6.1, Corporations, for required evidence certifying Authorized Representative.*
- Appendix C: Existing Renewable Energy Resources
- Appendix D: Special Provisions for Aggregators of Customer-sited, Off-grid Generation, or RI-sited Remote Net Metered Facilities
- Appendix E: Special Provisions for a Generation Unit Located in a Control Area Adjacent to NEPOOL
- Appendix F: Fuel Source Plan for Eligible (including Unlisted) Biomass Fuels

1.4 Primary Contact Person

Name and title: **Jason Bond, VP Operations**

Address: **PO Box 4345 Windham, NH 03087**

Phone: **603-952-7551**

Email: **jbond@purposeenergy.com**

1.5 Backup Contact Person

Name and title: **Eric Fitch, CEO**

Address: **PO Box 4345 Windham, NH 03087**

Phone: **617-224-8747**

Email: **fitch@purposeenergy.com**

1.6 Authorized Representative (the individual responsible for certifying the accuracy of all information contained in this form and associated appendices, and whose signature will appear on the application):

Name and title: **Eric Fitch, CEO**

Company: **PurposeEnergy LLC**

Address: **PO Box 4345 Windham, NH 03087**

Phone: **617-224-8747**

Email: **fitch@purposeenergy.com**

Appendix A or B, or Corporate Authorization (as appropriate) completed and attached?

- Yes No

1.7 Owner

Name and title: **Eric Fitch, CEO**

Company: **PurposeEnergy LLC**

Address: **PO Box 4345 Windham, NH 03087**

Phone: **617-224-8747**

Email: **fitch@purposeenergy.com**

1.8 Owner business organization type (check one):

Individual

Partnership (including Limited Liability Company and other Non-Corporate Entities)

Corporation

Other:

1.9 Operator

Name and title: **Jason Bond, VP Operations**

Company: **PurposeEnergy LLC**

Address: **PO Box 4345 Windham, NH 03087**

Phone: **603-952-7551**

Email: **jbond@purposeenergy.com**

1.10 Operational business organization type (check one):

Individual

Partnership (including Limited Liability Company and other Non-Corporate Entities)

Corporation

Other:

SECTION II: Generation Unit Information, Fuels, Energy Resources and Technologies

- 2.1 NEPOOL GIS Identification Number (if assigned yet, along with appropriate MSS, NON or IMP designation): **NON213855**

For facilities enrolled in the RI Renewable Energy Growth Program: National Grid will provide the participant with an MSS ID.

- 2.2 Nameplate Capacity (list AC, and DC if applicable): **1014.00** kW AC **N/A** kW DC
- 2.3 Maximum Demonstrated Capacity (list AC, and DC if applicable): **1014.00** kW AC **N/A** kW DC
- 2.4 Please indicate which of the following Eligible Renewable Energy Resources are used by the Generation Unit: (Check ALL that apply) – *per RES Rules Section 2.5*

- Direct Solar Radiation
- The wind
- Movement of or the latent heat of the ocean
- The heat of the earth
- Small hydro facilities
- Biomass facilities using Eligible Biomass Fuels (*per RES Rules Section 2.3(A)(7)*)
- Biomass facilities using unlisted biomass fuel (*per RES Rules Section 2.3(A)(7)(a)*)
- Fuel cells using a renewable resource referenced in this section

- 2.5 For small hydro facilities, please certify that the facility's aggregate capacity does not exceed 30 MW. – *per RES Rules Section 2.3(A)(32)*

- <-- check this box to certify that the above statement is true
- N/A

- 2.6 For small hydro facilities, please certify that the facility does not involve any new impoundment or diversion of water with an average salinity of twenty (20) parts per thousand or less. – *per RES Rules Section 2.3(A)(32)*

- <-- check this box to certify that the above statement is true
- N/A

- 2.7 For biomass facilities: Appendix F completed and attached?

- Yes (Please specify fuel or fuels used or to be used in the unit: **Methane and flammable gases from food waste, agricultural waste, or other organic materials**)
- N/A

- 2.8 Has the Generation Unit been certified as a Renewable Energy Resource for eligibility in another state's renewable portfolio standard?

- Yes
- No

If "Yes," a copy of each state's certifying order is attached?

- <-- check this box to certify that the above statement is true

SECTION III: Commercial Operation Date>

Please provide documentation to support all claims and responses to the following questions:

- 3.1 Date Generation Unit first entered Commercial Operation or, if not yet in operation, the anticipated Commercial Operation Date:

10/21/2024

If the Commercial Operation date is after December 31, 1997, please provide independent verification, such as the utility log or metering data, showing that the meter first spun after December 31, 1997. For facilities located in Rhode Island, a copy of National Grid's Authorization to Interconnect letter would also be sufficient. This documentation is needed in order to verify that the facility qualifies as a New Renewable Energy Resource.

Documentation of Commercial Operation Date attached?

Yes

No

N/A

- 3.2 Is there an Existing Renewable Energy Resource located at the site of Generation Unit?

Yes

No

- 3.3 If the date entered in response to question 3.1 is on or earlier than December 31, 1997 or if you checked "Yes" in response to question 3.2 above, please complete Appendix C. Appendix C completed and attached?

Yes

No

N/A

- 3.4 Was all or any part of the Generation Unit used on or before December 31, 1997 to generate electricity at any other site?

Yes

No

- 3.5 If you checked "Yes" to question 3.4 above, please specify the power production equipment used and the address where such power production equipment produced electricity (attach more detail if the space provided is not sufficient):

SECTION IV: Metering

4.1 Please indicate how the Generation Unit's electrical energy output is verified:

ISO-NE Market Settlement System

Other, including Self-Reported to the NEPOOL GIS Administrator (please specify below and complete Appendix D):

Generation will be reported by VEPP Inc. acting as Rhode Island approved independent verifier.

For "Other," Appendix D completed and attached?

Yes

No

N/A

For facilities enrolled in the RI Renewable Energy Growth Program: National Grid will be reporting output to the ISO-NE Market Settlement System.

4.2 Please check one of the following that apply to the Generation Unit:

Grid Connected Generation

- Connected directly to a utility transmission or distribution system with only station load at the unit site
- Units participating in the RI Renewable Energy Growth Program fall in this category.

Off-Grid Generation

- Not connected to a utility transmission or distribution system

Customer-Sited Generation

- Connected on the end-use customer side of a retail electricity meter in such a manner that it displaces all or part of the metered consumption of the end-use customer, other than station load
- Traditional behind-the-meter net metering falls in this category.

Remote Customer-Sited Generation

- Connected directly to the local electric utility distribution grid with only station load
- All or some of the electrical energy from the unit is designated for use in displacing all or part of the retail electricity metered consumption of one or more end-use customers (including through a transfer of bill credits)
- "Virtual" and "remote" front-of-the-meter net metering falls in this category.

SECTION V: Location

5.1 Generation Unit address:

177 Industrial Ave Middlebury, VT 05753

5.2 Please provide the Generation Unit's geographic location information:

A. Universal Transverse Mercator Coordinates: **44.039247, -73.171555**

B. Longitude/Latitude: **44.039247/-73.171555**

5.3 The Generation Unit is located: (please check the appropriate box)

In the NEPOOL control area

In a control area adjacent to the NEPOOL control area

In a control area other than NEPOOL which is not adjacent to the NEPOOL control area <-- *If you checked this box, then the generator is ineligible.*

5.4 If you checked "In a control area adjacent to the NEPOOL control area" in Section 5.4 above, please complete Appendix E.

Appendix E completed and attached?

Yes

No

N/A

SECTION VI: Certification

6.1 Please attach documentation, using one of the applicable forms below, to demonstrate the authority of the Authorized Representative provided in Section 1.6.

Corporations

The Authorized Representative of the Corporation shall provide **either**:

- (a) Evidence of a Board of Directors' vote granting authority to the Authorized Representative to execute the Renewable Energy Resources Eligibility Form, **or**
 - (b) A certification from the Corporate Clerk or Secretary of the Corporation that the Authorized Representative is authorized to execute the Renewable Energy Resources Eligibility Form or is otherwise authorized to legally bind the Corporation in like matters.¹
- Evidence of Board Vote provided?

- Yes
- No
- N/A

Corporate Certification provided?

- Yes
- No
- N/A

Individuals

If the Owner is an Individual, that Individual shall complete and attach Appendix A, or a similar form of certification from the Owner, duly notarized, that certifies that the Authorized Representative has authority to execute the Renewable Energy Resources Eligibility Form.

Appendix A completed and attached?

- Yes
- No
- N/A

Non-Corporate Entities

(Limited Liability Companies - LLCs, Proprietorships, Partnerships, Cooperatives, etc.) If the Owner is neither an Individual nor a Corporation, it shall complete and attach Appendix B or execute a resolution indicating that the Authorized Representative named in Section 1.6 has authority to execute the Renewable Energy Resources Eligibility Form or to otherwise legally bind the non-corporate entity in like matters.

Appendix B completed and attached?

- Yes
- No
- N/A

¹ If the Corporation has only one sole Officer, it is acceptable for that Officer to provide signatory certification of same as Authorized Representative.

6.2 Authorized Representative Certification and Signature:

I hereby certify, under pains and penalties of perjury, that I have personally examined and am familiar with the information submitted herein and based upon my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties, both civil and criminal, for submitting false information, including possible fines and punishment. My signature below certifies all information submitted on this Renewable Energy Resources Eligibility Form. The Renewable Energy Resources Eligibility Form includes the Standard Application Form and all required Appendices and attachments. I acknowledge that the Generation Unit is obligated to and will notify the Commission promptly in the event of a change in a generator's eligibility status (including, without limitation, the status of the air permits) and that when and if, in the Commission's opinion, after due consideration, there is a material change in the characteristics of a Generation Unit or its fuel stream that could alter its eligibility, such Generation Unit must be re-certified in accordance with RES Rules Section 2.6(E). I further acknowledge that the Generation Unit is obligated to and will file such quarterly or other reports as required by the Rules and the Commission in its certification order. I understand that the Generation Unit will be immediately de-certified if it fails to file such reports.

SIGNATURE: **Signed Electronically**

DATE: **2024-12-10 10:18:16**

Jason Bond

(Printed Name of Signatory)

CEO

(Title)

PurposeEnergy LLC

(Company)

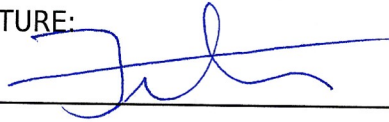
GIS Certification #:
NON213855

APPENDIX B
(Revised 4/19/2021)
(Required When Owner is a Non-Corporate Entity
Other Than An Individual)

RESOLUTION OF AUTHORIZATION

Resolved: that **Eric Fitch, CEO of PurposeEnergy LLC**, named in Section 1.6 of the Renewable Energy Resources Eligibility Form as Authorized Representative, is authorized to execute the Application on the behalf of **PurposeEnergy LLC**, the Owner named in Section 1.7 of the Generation Unit named in Section 1.1 of the Application.

SIGNATURE:



DATE:

Dec 10, 2024

(Printed Name of Signatory)

ERIC FITCH

(Title)

CEO

(Company)

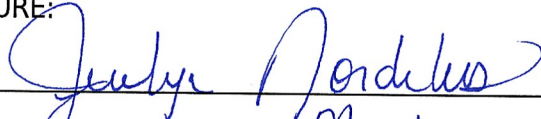
PURPOSEENERGY, LLC

State: New Hampshire

County: Rockingham

(TO BE COMPLETED BY NOTARY) I, Jerelyn Nordelus as a notary public, certify that I witnessed the signature of the above named Eric Fitch, and said individual verified his/her identity to me on this date: 12/10/2024.

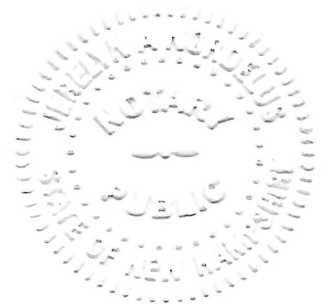
SIGNATURE:



My commission expires on:

March 13, 2029

NOTARY SEAL:



112 State Street
4th Floor
Montpelier, VT 05620-2701
TEL: 802-828-2358



TTY/TDD (VT: 800-253-0191)
FAX: 802-828-3351
E-mail: puc.clerk@vermont.gov
Internet: <http://puc.vermont.gov>

**State of Vermont
Public Utility Commission**

To: Eric Fitch, Middlebury Resource Recovery Center, LLC,
From: Rowan Cornell-Brown^{RCB}
Re: 24-3262-RES – Renewable Energy Standard Statement of Qualification
Date: November 18, 2024

On October 25, 2024, Middlebury Resource Recovery Center, LLC, filed a registration form requesting a statement of qualification under the Vermont Renewable Energy Standard (“RES”) for a 1.01 MW methane and flammable gases from food waste, agricultural waste, or other organic materials project located in Middlebury, VT.

This memorandum signifies that the facility described below qualifies under Tier I of the RES as of October 21, 2024.

GIS Unit ID #	NON213855
Name of Generation Unit	PurposeEnergy - Middlebury
Nameplate Capacity, MW (AC)	1.01 MW (AC)
Authorized Representative’s Name and Address	Eric Fitch PO Box 4345 Windham, NH 03087
City (where the unit is located)	Middlebury
State (where the unit is located)	VT
Commissioning Date	October 21, 2024
Fuel Type	Methane and flammable gases from food waste, agricultural waste, or other organic materials
RPS Eligibility	Tier I
State RES Approval Number	24-3262-RES
Date of Eligibility	October 21, 2024
Independent Verifier	VELCO will read MV90 data and provide to VEPPI

PUC Case No. 24-3262-RES - SERVICE LIST

Parties:

Eric Fitch
Middlebury Resource Recovery Center, LLC
PO Box 4345
Windham, NH 03087
fitch@PurposeEnergy.com

(for Middlebury
Resource Recovery
Center, LLC)

*James Porter, Director of Public Advocacy
Vermont Department of Public Service
DPS-PA@vermont.gov

(for Vermont
Department of Public
Service)

*Notice of appearance to be filed.

AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATERSHED MANAGEMENT DIVISION
ONE NATIONAL LIFE DRIVE, DAVIS BUILDING, 3rd FLOOR
MONTPELIER, VT 05620-3522

Permit No.: 3-1568
PIN: RU19-0158

Name of Applicant: Middlebury Resource Recovery Center, LLC
PO Box 4345
Windham, NH 03087

Expiration Date: September 30, 2025

Amended
**PRETREATMENT DISCHARGE PERMIT
SIGNIFICANT INDUSTRIAL USER**


In compliance with the provisions of the Vermont Water Pollution Control Act as amended (10 V.S.A. Chapter 47), the Vermont Water Pollution Control Permit Regulations as amended (Environmental Protection Rules, Chapter 13), and the federal Clean Water Act as amended (33 U.S.C. § 1251 *et seq.*), and implementing federal regulations, Middlebury Resource Recovery Center, LLC (hereinafter referred to as the "Permittee") is authorized by the Secretary of Natural Resources (Secretary) to discharge from a facility located at:

181 Industrial Avenue
Middlebury, VT 05753

to the Town of Middlebury Wastewater Treatment Facility (WWTF) in accordance with the following conditions.

This permit shall become effective on August 1, 2021.

Peter Walke, Commissioner
Department of Environmental Conservation

By:  _____ Date: 7/26/2021
Amy Polaczyk, Wastewater Program Manager
Watershed Management Division

I. SPECIAL CONDITIONS

A. EFFLUENT LIMITS AND MONITORING REQUIREMENTS

1. During the term of this permit, the Permittee is authorized to discharge treated wastewater effluent from the Middlebury Resource Recovery Center anaerobic digester facility through outfall serial number S/N 001, to the Town of Middlebury WWTF. Effluent characteristics shall not exceed the following:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Maximum Day	Monthly Average	Measurement Frequency	Sample Type
Flow, million gallons per day (MGD)	0.150 MGD	Monitor Only	Continuous	Total Daily Flow
Flow, gallons per minute (GPM)	150 GPM		Continuous	Daily Max
Biochemical Oxygen Demand (BOD ₅)	250 mg/L 312 lbs/day	Monitor Only, mg/L & lbs/day	2 x Week	Composite ¹
Total Suspended Solids (TSS)	250 mg/L 312 lbs/day	Monitor Only, mg/L & lbs/day	2 x Week	Composite ¹
Total Kjeldahl Nitrogen (TKN)	Monitor Only, mg/L	Monitor Only, mg/L	2 x Week	Composite ¹
Total Phosphorus (TP)		20 mg/L 25 lbs/day	2 x Week	Composite ¹
pH	6.0 to 9.0 S.U.		Continuous	Daily Min. & Max
Temperature	40°C (104 °F)		1 x Month	Grab

Sample Location: Samples taken in compliance with the monitoring requirements specified above shall be taken from the wastewater line following the Ultrafiltration Permeate Tank, prior to the Effluent Lift Station.

¹ Composite samples shall be flow-proportioned over the course of the day's discharge.

2. Special Conditions

a. Process Wastewater Collection System Operation and Maintenance:

The Middlebury Resource Recovery Center collection system shall be defined as a system composed of gravity pipes, manholes, tanks, pump/lift stations, control structures, and force mains that gather process wastewater from commercial customers and convey the flow to the Middlebury Resource Recovery Center facility.

i. Operation, Management, and Emergency Response Plan:

By no later than **December 31, 2021**, the Permittee shall prepare and submit to the Secretary for review and approval, an Operation, Management, and Emergency Response Plan for the collection system (as defined above), including pump/lift stations, and line stream crossings. The Permittee shall implement the plan upon submittal. This plan shall comply with the provisions of 10 V.S.A. § 1278. The Secretary will review and approve the plan. The plan requires:

1. Identification of those elements of the collection system that are determined to be prone to failure based on installation, age, design, or other relevant factors.
2. Identification of those elements of the collection system identified under subdivision 1. of this subsection which, if one or more failed, would result in a significant release of untreated or partially treated process wastewater to surface waters of the State.
3. A requirement that the elements identified in subdivision 2. of this subsection shall be inspected in accordance with a schedule approved by the Secretary.
4. An emergency contingency plan to reduce the volume of a detected spill and to mitigate the effect of such a spill on public health and the environment.
5. The Permittee shall revise these plans upon the Secretary's request or on its own motion to reflect equipment or operational changes.

b. Feedstock Accepted at the Facility:

- i. The Permittee shall report to the Secretary the type, quantity, and description of wastes accepted as feedstock, as an attachment to Discharge Monitoring Report (DMR) form WR-43.
- ii. The Permittee shall notify the Secretary of any wastes accepted as feedstocks subject to the Centralized Waste Treatment Effluent Limit Guideline at 40 C.F.R. § 437.1. These wastes include hazardous or non-hazardous industrial metal-bearing wastes, oily wastes, and organic-bearing wastes as defined in 40

C.F.R. § 437.2.

- iii. If the Secretary determines that Permittee accepts wastes subject to 40 C.F.R. § 437, the facility shall be classified as a Centralized Waste Treatment Facility, and the Secretary may reopen this permit to incorporate applicable 40 C.F.R. § 437 categorical regulations. The Secretary may establish a schedule to achieve compliance with any of the modified effluent limitations or conditions.

c. COD Process Control:

- i. The Permittee shall operate and maintain a device to continuously monitor the discharge of COD within permitted outfall S/N 001. The Permittee shall establish a correlation between BOD₅ and COD, approved by the Secretary, in conjunction with the Town of Middlebury. The Permittee shall use the approved correlation to estimate BOD₅ in the discharge. COD and correlated BOD₅ monitoring results in mg/L and lbs/day shall be used for process control only and reported as an attachment to the DMR form WR-43.

d. 48-Hour Exceedance Cease Discharge:

- i. If the estimated BOD₅ discharge using the approved COD correlation exceeds an average of 600 mg/L, or a total of 751 lbs in a 48-hour period, then the Permittee shall cease discharge to the Town of Middlebury WWTF until the discharge can be brought back into compliance with the effluent BOD₅ limit specified in Condition I.A.1. The calculation shall be updated each day.
 - ii. If the estimated TP discharge exceeds 50 lbs in a 48-hour period, then the Permittee shall cease discharge to the Town of Middlebury WWTF until the discharge can be brought into compliance with the effluent TP limits specified in Condition I.A.1. The estimated TP discharge shall be calculated using the most recent TP composite sample result and the total flow discharged in a 48-period. The calculation shall be updated each day.
 - iii. The Permittee shall keep records of the estimated 48-hour discharges specified in Condition I.A.2.d. in accordance with the retention schedule specified in Condition II.A.7.
- e. If the results of the Permittee's wastewater analysis indicate that a violation of this permit has occurred, the Permittee must repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days of becoming aware of the first violation.
- f. There shall be no discharge of any waste to the Town of Middlebury WWTF which interferes with, passes through without treatment, is otherwise incompatible with the treatment facility, or would have substantial adverse impact on the treatment facility, collection system, sludge disposal, worker safety, or on water quality in the receiving

water.

If monitoring results indicate that this discharge may pose adverse impact, may interfere with, is otherwise incompatible with the proper operation of the Town of Middlebury WWTF, or may pass through without treatment and cause a violation of Vermont Water Quality Standards in the receiving water, the Secretary may reopen this permit and modify effluent limitations, monitoring requirements, or other permit conditions as required. The Secretary may also require the cessation of this discharge until such a time as the discharge will not interfere with or cause an adverse effect on the WWTF or receiving water.

- g.** The Permittee shall immediately notify the Chief Operator of the Town of Middlebury of any discharge that is known or suspected to violate any of the discharge permit limitations specified in Condition I.A.1. or I.A.2.d. of this discharge permit, in accordance with Condition II.A.2. of the permit.
- h.** If the Town of Middlebury modifies any allocation granted to this facility, the permittee shall submit an application and other supporting information to the Secretary requesting an amendment of this permit to incorporate these modified limitations. Based on this application, the Secretary may reopen this permit an establish a schedule to achieve compliance with any modified effluent limitations or other conditions necessary.

B. PROHIBITED DISCHARGES

a. General Prohibitions

- i.** The Permittee may not introduce into a WWTF any pollutants which cause pass through or interference.

ii. Affirmative Defenses

- 1.** The Permittee shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in paragraph (a)(i) of this section and the specific prohibitions in paragraphs (b)(iii), (b)(iv), (b)(v), (b)(vi), and (b)(vii) of this section where the Permittee can demonstrate that:
 - a.** It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and
 - b.** (A) A local limit designed to prevent pass through and/or interference, as the case may be, was developed in accordance with 40 C.F.R. § 403.5(c) for each pollutant in the Permittee's discharge that caused pass through or interference, and the Permittee was in

compliance with each such local limit directly prior to and during the pass through or interference; or

(B) If a local limit designed to prevent pass through and/or interference, as the case may be, had not been developed in accordance with 40 C.F.R. § 403.5(c) for the pollutant(s) that caused the pass through or interference, the Permittee's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the Permittee's prior discharge activity when the WWTF was regularly in compliance with the WWTF's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

b. Specific Prohibitions

In addition, the following pollutants shall not be introduced into a WWTF:

- i.** Pollutants which create a fire or explosion hazard in a WWTF, including, but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 C.F.R. § 261.21.;
- ii.** Pollutants that will cause corrosive structural damage to the WWTF, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;
- iii.** Solid or viscous pollutants in amounts which will cause obstruction to the flow in the WWTF resulting in interference;
- iv.** Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the WWTF;
- v.** Heat in amounts which will inhibit biological activity in the WWTF resulting in interference, but in no case heat in such quantities that the temperature at the WWTF treatment plant exceeds 40°C (104 °F) unless the Secretary, upon request of the WWTF, approves alternate temperature limits;
- vi.** Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- vii.** Pollutants which result in the presence of toxic gases, vapors, or fumes within the WWTF in a quantity that may cause acute worker health and safety problems;

- viii.** Any trucked our hauled pollutants, except at discharge points designated by the WWTF.

C. REAPPLICATION

If the Permittee desires to continue to discharge after the expiration of this permit, the Permittee shall reapply on the application forms then in use at least 180 days before this permit expires.

Reapply for a Discharge Permit by: March 31, 2025

D. OPERATING FEES

This discharge is subject to operating fees as required by 3 V.S.A. § 2822.

E. MONITORING AND REPORTING

1. Sampling and Analysis

The sampling, preservation, handling, and analytical methods used shall conform to the test procedures in 40 C.F.R. Part 136.

The Permittee shall use sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. Part 136 for the analysis of the pollutants or pollutant parameters specified in Condition I.A.1. above. Where 40 C.F.R. Part 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analyses shall be performed using validated analytical methods or other sampling and analytical procedures, approved by the Secretary.

Samples shall be representative of the volume and quality of effluent discharged over the sampling and reporting period. All samples are to be taken during normal operating hours. The Permittee shall identify the effluent sampling location used for each discharge.

2. Reporting

The Permittee is required to submit monthly reports of monitoring results on DMR form WR-43 to the Secretary and the Town of Middlebury WWTF. Reports are due on the 15th day of each month, beginning with the month following the issuance date of this permit.

The Permittee shall electronically submit its DMRs via Vermont's online electronic reporting system. The Permittee shall electronically submit additional compliance monitoring data and reports specified by the Secretary. When the Permittee submits DMRs using an electronic system designated by the Secretary,

it is not required to submit hard copies of DMRs. The link below shall be used for electronic submittals:

<https://anronline.vermont.gov/>

If, in any reporting period, there has been no discharge, the Permittee must submit that information by the report due date.

All reports shall be signed:

- a) In the case of corporations, by a principal executive officer of at least the level of vice president, or his/her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the report originates;
- b) In the case of a partnership, by a general partner;
- c) In the case of a sole proprietorship, by the proprietor; or
- d) In the case of a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

In addition to the monitoring and reporting requirements given above, daily monitoring of certain parameters for operational control shall be submitted to the Secretary on the DMR form WR-43. Operations reports shall be submitted monthly.

3. Recording of Results

The Permittee shall maintain records of all information resulting from any monitoring activities required, including:

- a) The date, exact place, and time of sampling or measurement;
- b) The individual(s) who performed the sampling or measurements;
- c) The dates and times the analyses were performed;
- d) The individual(s) who performed the analyses;
- e) The analytical techniques and methods used, including sample collection handling and preservation techniques;
- f) The results of such analyses;

- g) The records of monitoring activities and results, including all instrumentation and calibration and maintenance records; and
- h) The original calculation and data bench sheets of the individual who performed analysis of the influent or effluent pursuant to requirements of this permit.
- i) For analyses performed by contract laboratories:
 - a. The detection level reported by the laboratory for each sample; and
 - b. The laboratory analytical report including documentation of the QA/QC and analytical procedures.

The results of monitoring requirements shall be reported (in the units specified) on the DMR form WR-43 or other forms approved by the Secretary.

When “non-detects” are recorded, the method detection limit shall be reported and used in calculating any time-period averaging for reporting on DMRs.

4. Additional Monitoring

If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the DMR form WR-43. Such increased frequency shall also be indicated.

II. GENERAL CONDITIONS

A. MANAGEMENT REQUIREMENTS

1. Facility Modification / Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit. Such a violation may result in the imposition of civil and/or criminal penalties pursuant to 10 V.S.A. Chapters 47, 201, and/or 211. Any anticipated facility alterations or expansions or process modifications which will result in new, different, or increased discharges of any pollutants must be reported by submission of a new permit application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the Secretary and the WWTF of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

2. Noncompliance Notification

- a) The Permittee shall give advance notice to the Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- b) The Permittee shall give advance notice to the Secretary of any changes at its facility affecting the potential for a slug discharge.
- c) The Permittee shall notify the Secretary and WWTF immediately of all discharges that could cause interference, upset, or damage at the WWTF, including slug loadings.
- d) The Permittee shall promptly notify the Secretary and WWTF in advance of any substantial change in the volume or character of pollutants in its discharge.
- e) In the event the Permittee is unable to comply with any of the conditions of this permit due, among other reasons, to:
 - i. Breakdown or maintenance of waste treatment equipment (biological and physical-chemical systems including all pipes, transfer pumps, compressors, collection ponds or tanks for the segregation of treated or untreated wastes, ion exchange columns, or carbon absorption units);
 - ii. Accidents caused by human error or negligence;
 - iii. Any unanticipated bypass or upset which exceeds any effluent limitation in the permit;
 - iv. Violation of an effluent limitation for any of the pollutants listed by the Secretary in this permit; or
 - v. Other causes such as acts of nature,

The Permittee shall provide notice as specified in subdivision f) of this subsection.

- f) The Permittee shall notify the Secretary within 24 hours of becoming aware of any permit noncompliance and shall provide the Secretary with the following information, in writing, within five days:
 - i. Cause of non-compliance;
 - ii. A description of the non-complying discharge, including its impact upon the receiving water, if any;

- iii. Anticipated time the condition of non-compliance is expected to continue or, if such condition has been corrected, the duration of the period of non-compliance;
- iv. Steps taken by the Permittee to reduce and eliminate the non-complying discharge; and
- v. Steps to be taken by the Permittee to prevent recurrence of the condition of non-compliance.

3. Operation and Maintenance

All waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:

- a) The Permittee shall, at all times, maintain in good working order and operate as efficiently as possible all treatment and control facilities and systems (and related appurtenances) installed or used by the Permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.
- b) The Permittee shall provide an adequate operating staff which is duly qualified to carry out the operation, maintenance, and testing functions required to ensure compliance with the conditions of this permit. Staff will be aware of the terms of this Permit which pertain to their duties and a copy of the Permit shall be available for their reference.
- c) The operation and maintenance of this facility shall be performed only by qualified personnel who are licensed as required by Secretary and the Director of the Vermont Office of Professional Regulation.

4. Quality Control

The Permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at regular intervals to ensure accuracy of measurements.

The Permittee shall keep records of these activities and shall provide such records upon request of the Secretary.

The Permittee shall demonstrate the accuracy of the flow measurement device **weekly** and report the results on the monthly WR-43 Discharge Monitoring Report. The acceptable limit of error is $\pm 10\%$.

The Permittee shall analyze any additional samples as may be required by the Secretary to ensure analytical quality control.

5. Bypass

The bypass of facilities is prohibited, except where authorized under the terms and conditions of an Emergency Pollution Permit issued pursuant to 10 V.S.A. § 1268. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the activity in order to maintain compliance with the conditions of this permit.

6. Duty to Mitigate

The Permittee shall take all reasonable steps to minimize or prevent any adverse impact to waters of the State, the environment, or human health resulting from non-compliance with any condition specified in this permit, including accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

7. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed, all calibration and maintenance of instrumentation records and all original chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained for a minimum of three years, and shall be submitted to the Secretary upon request. This period shall be extended during the course of unresolved litigation regarding the discharge of pollutants or when requested by the Secretary or the Regional Administrator.

8. Solids Management

Collected screenings, sludges, and other solids removed in the course of treatment and control of wastewaters shall be stored, treated, and disposed of in accordance with 10 V.S.A. Chapter 159 and with the terms and conditions of any certification, interim or final, transitional operation authorization, or order issued pursuant to 10 V.S.A. Chapter 159 that is in effect on the issuance date of this permit or is issued during the term of this permit.

9. Emergency Pollution Permits

Maintenance activities, or emergencies resulting from equipment failure or malfunction, including power outages, which result in an effluent which exceeds the effluent limitations specified herein, shall be considered a violation of the conditions of this permit, unless the Permittee's discharge is covered under an emergency pollution permit under the provisions of 10 V.S.A. § 1268. The Permittee shall notify the Secretary of the emergency situation by the next working day, unless notice is required sooner under Section II.A.2.

10 V.S.A. § 1268 reads as follows:

When a discharge permit holder finds that pollution abatement facilities require repairs, replacement or other corrective action in order for them to continue to meet standards specified in the permit, he may apply in the manner specified by the secretary for an emergency pollution permit for a term sufficient to effect repairs, replacements or other corrective action. The permit may be issued without prior public notice if the nature of the emergency will not provide sufficient time to give notice; provided that the secretary shall give public notice as soon as possible but in any event no later than five days after the effective date of the emergency pollution permit. No emergency pollution permit shall be issued unless the applicant certifies and the secretary finds that:

- (1) there is no present, reasonable alternative means of disposing of the waste other than by discharging it into the waters of the state during the limited period of time of the emergency;
- (2) the denial of an emergency pollution permit would work an extreme hardship upon the applicant;
- (3) the granting of an emergency pollution permit will result in some public benefit;
- (4) the discharge will not be unreasonably harmful to the quality of the receiving waters;
- (5) the cause or reason for the emergency is not due to willful or intended acts or omissions of the applicant.

Applications shall be made to the Secretary at the following address: Agency of Natural Resources, Department of Environmental Conservation, One National Life Drive, Main Building, 2nd Floor, Montpelier VT 05620-3522.

10. Power Failure

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the Permittee shall either:

- a) Provide an alternative power source sufficient to operate the wastewater treatment and control facilities, or if such alternative power source is not in existence;
- b) Halt, reduce, or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater treatment and control facilities.

B. RESPONSIBILITIES

1. Right of Entry

The Permittee shall allow the Secretary or authorized representative, upon the presentation of proper credentials:

- a) To enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b) To have access to and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
- c) To inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d) To sample or monitor, at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

2. Transfer of Ownership or Control

This permit is not transferable without prior written approval of the Secretary. All application and operating fees must be paid in full prior to transfer of this permit. In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the Permittee shall provide a copy of this permit to the succeeding owner or controller and shall send written notification of the change in ownership or control to the Secretary **at least 30 days in advance of the proposed transfer date**. The notice to the Secretary shall include a written agreement between the existing and new Permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them. The Permittee shall also inform the prospective owner or operator of their responsibility to make an application for transfer of this permit.

This request for transfer application must include at a minimum:

- a) The name and address of the present permittee, the name and address of the prospective permittee, and the applicable processing fee.
- b) A written statement from the prospective owner or operator certifying:
 - i. The conditions of the operation that contribute to, or affect, the discharge will not be materially different under the new ownership;
 - ii. The prospective owner or operator has read and is familiar with the terms of the permit and agrees to comply with all terms and conditions of the permit; and
 - iii. The prospective owner or operator has adequate funding to operate and maintain the treatment system and remain in compliance with the terms and conditions of the permit.
- c) The proposed date of transfer.

The Secretary may require additional information dependent upon the current status of the facility operation, maintenance, and permit compliance.

3. Confidentiality

Pursuant to 10 V.S.A. § 1259(b):

Any records or information obtained under this permit program that constitutes trade secrets under 1 V.S.A. § 317(c)(9) shall be kept confidential, except that such records or information may be disclosed to authorized representatives of the State and the United States when relevant to any proceedings under this chapter.

Claims for confidentiality for the following information will be denied:

- a) The name and address of any permit applicant or Permittee.
- b) Permit applications, permits, and effluent data.
- c) Information required by application forms, including information submitted on the forms themselves and any attachments used to supply information required by the forms.

4. Permit Modification, Suspension, and Revocation

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including the following:

- a) Violation of any terms or conditions of this permit;
- b) Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance shall not stay any permit condition.

The Permittee shall provide to the Secretary, within a reasonable time, any information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also furnish to the Secretary upon request, copies of records required to be kept by this permit.

5. Toxic Effluent Standards

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the Clean Water Act for a toxic pollutant which is present in the Permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in this permit, then this permit shall be modified or revoked and reissued in accordance with the toxic effluent standard or prohibition and the Permittee so notified.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under 10 V.S.A. § 1281.

7. Other Materials

Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

- a) They are not:

- i. Designated as toxic or hazardous under provisions of Sections 307 and 311, respectively, of the Clean Water Act, or
 - ii. Known to be hazardous or toxic by the Permittee, except that such materials indicated in (i) and (ii) above may be discharged in certain limited amounts with the written approval of, and under special conditions established by, the Secretary or his/her designated representative, if the substances will not pose any imminent hazard to the public health or safety;
- b) The discharge of such materials will not violate the Vermont Water Quality Standards; and
- c) The Permittee is not notified by the Secretary to eliminate or reduce the quantity of such materials entering the watercourse.

8. Enforcement

a) Penalties for Noncompliance

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. Except as provided in “Bypass” (Condition II.A.5), and “Emergency Pollution Permits” (Condition II.A.9), nothing in this permit shall be construed to relieve the Permittee from civil or criminal penalties for noncompliance.

Pursuant to 40 C.F.R. § 403.8(f)(1)(vi)(A), the Secretary may seek injunctive relief for noncompliance with this permit and seek or assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation.

Civil and criminal penalties for noncompliance are also provided for in 10 V.S.A. Chapters 47, 201, and 211. As of the effective date of this permit, those penalties, which are subject to statutory change, are as follows:

- i. Pursuant to 10 V.S.A. Chapter 47, a civil penalty not to exceed \$10,000.00 a day for each day of violation.
- ii. Pursuant to 10 V.S.A. Chapter 47, a fine not to exceed \$25,000.00 or imprisonment for not more than six months, or both.
- iii. Pursuant to 10 V.S.A. Chapter 47, any person who knowingly makes any false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained by this permit, or who falsifies, tampers with, or knowingly renders inaccurate

any monitoring device or method required to be maintained by this permit, shall upon conviction, be punished by a fine of not more than \$10,000.00 or by imprisonment for not more than six months, or by both.

- iv. Pursuant to 10 V.S.A. Chapter 201, a penalty of not more than \$42,500.00 for each determination of a separate violation. In addition, if the Secretary determines that a violation is continuing, the Secretary may assess a penalty of not more than \$17,000.00 for each day the violation continues. The maximum amount of penalty assessed under this provision shall not exceed \$170,000.00.
- v. Pursuant to 10 V.S.A. Chapter 211, a civil penalty of not more than \$85,000.00 for each violation. In addition, in the case of a continuing violation, a penalty of not more than \$42,500.00 may be imposed for each day the violation continues.

b) Annual Publication

A list of all industrial users which were in significant violation of wastewater discharge requirements during the twelve (12) previous months may be annually published by the Secretary in a newspaper or newspapers in general circulation in Vermont. Accordingly, the Permittee are apprised that noncompliance with this permit may lead to an enforcement action and may result in publication of its name in accordance with this section.

9. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

10. Property Rights

Issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

11. Other Information

If the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Secretary, it shall promptly submit such facts or information.

12. Severability

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.

13. Authority

This permit is issued under authority of 10 V.S.A. §§ 1258, 1259, and 1263 of the Vermont Water Pollution Control Act, the Vermont Water Pollution Control Permit Regulation, and Section 402 of the Clean Water Act, as amended.

14. Appeal

Pursuant to 10 V.S.A. Chapter 220, an aggrieved person shall not appeal this permit unless the person submitted to the Secretary a written comment during the applicable public comment period or an oral comment at the public meeting conducted by the Secretary. Absent a determination to the contrary, an aggrieved person may only appeal issues related to the person's comments to the Secretary as prescribed by 10 V.S.A. § 8504(d)(2).

Renewable Energy Projects – Right to Appeal to Public Utility Commission. 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 Public Utility Commission 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 of this permit must be filed with the Clerk of the Public Utility Commission 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 the Rules and General Orders of the Public Utility Commission.

All Other Projects – Right to Appeal to Environmental Division. Any appeal of this permit must be filed with the clerk of the Environmental Division of the Superior 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 Division; and must be signed by the appellant or the appellant's 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.

15. Definitions

For purposes of this permit, the following definitions shall apply.

Agency – means the Vermont Agency of Natural Resources.

Annual Average - means the highest allowable average of daily discharges calculated as the sum of all daily discharges (mg/L, lbs, or gallons) measured during a calendar year divided by the number of daily discharges measured during that year.

Average - means the arithmetic means of values taken at the frequency required for each parameter over the specified period.

Bypass – means the intentional diversion of waste streams from any portion of the treatment facility.

The Clean Water Act - means the federal Clean Water Act, as amended (33 U.S.C. § 1251, *et seq.*).

Composite Sample - means a sample consisting of a minimum of one grab sample per hour collected during a 24-hour period (or lesser period as specified in the section on Monitoring and Reporting) and combined proportionally to flow over that same time period.

Daily Discharge - means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

For pollutants with limitations expressed in pounds the daily discharge is calculated as the total pounds of pollutants discharged over the day.

For pollutants with limitations expressed in mg/L the daily discharge is calculated as the average measurement of the pollutant over the day.

Discharge – means the placing, depositing, or emission of any wastes, directly or indirectly, into an injection well or into the waters of the State.

Grab Sample – means an individual sample collected in a period of less than 15 minutes.

Instantaneous Maximum - means a value not to be exceeded in any grab sample.

Interference – means a discharge which alone, or in conjunction with discharge or discharges from other sources, both: (1) inhibits or disrupts the WWTF, its treatment process or operations, or its sludge processes, use or disposal; and (2) therefore is the cause of violation of any requirement of the WWTF’s NPDES permit (including an increase in magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum Day (maximum daily discharge limitation) – means the highest allowable “daily discharge” (mg/L, lbs, or gallons).

Mean - is the arithmetic mean.

Monthly Average (average monthly discharge limitation) – means the highest allowable average of daily discharges (mg/L, lbs, or gallons) over a calendar month, calculated as the sum of all daily discharges (mg/L, lbs, or gallons) measured during a calendar month divided by the number of daily discharges measured during that month.

NPDES – means the National Pollutant Discharge Elimination System.

Pass Through – means a discharge which exits the WWTF into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge from other sources, is a cause of a violation of any requirement of the WWTF’s NPDES permit (including an increase in the magnitude or duration of a violation).

Secretary – means the Secretary of the Agency of Natural Resources or the Secretary’s duly authorized representative.

Slug Loading – any discharge of nonroutine, episodic nature, including an accidental spill or a noncustomary batch discharge that has a reasonable potential to cause interference or pass through, or in any other way violate the WWTF’s regulations, local limits, or permit conditions.

Waste – means effluent, sewage or any substance or material, liquid, gaseous, solid, or radioactive, including heated liquids, whether or not harmful or deleterious to waters.

Waters includes all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs, and all bodies of surface waters, artificial or natural, which are contained within, flow through, or border upon the State or any portion of it.

Weekly Average (average weekly discharge limitation) – means the highest allowable average of daily discharges (mg/L, lbs, or gallons) over a calendar week, calculated as the sum of all daily discharges (mg/L, lbs, or gallons) measured during a calendar week divided by the number of daily discharges measured during that week.

WWTF or wastewater treatment facility shall have the same meaning as “pollution abatement facilities,” as defined under 10 V.S.A. § 1251, which means municipal sewage treatment plants, pumping stations, interceptor and outfall sewers, and attendant facilities as prescribed by the Secretary to abate pollution of the waters of the State.



October 24, 2024

Eric Fitch
Middlebury Resource Recovery Center, LLC
P.O. Box 4345
Windham, NH 03087

Re: Standard Offer Commissioning Milestone – Middlebury Resource Recovery Center

Dear Mr. Fitch:

Congratulations! You have satisfied your Standard Offer Commissioning Milestone as of October 21, 2024. I will direct the bank to return your refundable deposit in the amount of \$25,350.00.

Best regards,
VEPP Inc.

A handwritten signature in blue ink, appearing to be "Carolyn M.X. Alderman", written over a blue horizontal line.

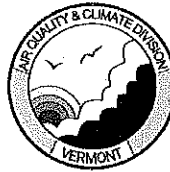
Carolyn M.X. Alderman, Esq.
Executive Director

cc: Vermont Public Utility Commission

#AOP-19-032
DEC#RU19-0158

Operating Permit Expiration Date: November 15, 2024

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: November 15, 2019

Owner/Operator: Middlebury Resource Recovery Center, LLC
PO Box 4345
Windham, NH 03087

Source: Biogas to Energy Facility – Electric Power Generation
Middlebury Resource Recovery Center, LLC
183 Industrial Avenue
Middlebury, Vermont 05753

FINDINGS OF FACT

(A) FACILITY DESCRIPTION

Middlebury Resource Recovery Center, LLC (also referred to herein as "Permittee") proposes to construct and operate a biogas plant located at 183 Industrial Avenue in Middlebury, Vermont (also referred to herein as "Facility"). Biogas will be produced by anaerobic digestion of food and beverage waste then converted to electricity with the use of a spark ignited internal combustion engine. Upon issuance of this Permit, the approved regulated operations at the Facility include the following air pollution related operations, equipment, and emission control devices:

Facility-Wide Equipment Specifications				
Equipment/Make/Model	Rating ¹	Fuel Type	Stack Height (ft above grade)	Date of Manufacture (Installation)
PurposeEnergy Tribrid-Bioreactor Anaerobic Digester System	110 °F	Food and Beverage production waste	N/A	Proposed 2020
Connelly-GPM Iron Sponge, Fe ₂ O ₃	13' x 16' ²	N/A	N/A	Proposed 2020
Martin Energy Group Bio-Scrub Biological H ₂ S Scrubber	H ₂ S outlet conc. ≤ 200 ppm ³	N/A	N/A	Proposed 2020
Martin Energy Group Condensate Removal System	18 Ton 19 Lbs. R-410A Refrigerant	N/A	N/A	Proposed 2020
Siemens SGE-56HM Engine/Generator (Spark Ignition)	1,014 kWe / 1,395 bhp	Bio-Gas	37	Proposed 2020
DCL Model 2DC68.16 Oxidation Catalyst	Reductions: CO: 95% CH ₂ O: 90% NMNEHC: 90%	N/A		Proposed 2020
Digester Biogas Back-up Flare LFG Specialties Model: EF52514	24,600 SCF/hr ⁴	Bio-Gas	25	Proposed 2020
Space Heating	0.5 MMBtu/hr	Natural Gas	-	Proposed 2020

¹ MMBtu/hr - Million British Thermal Units per hour maximum rated heat input, kWe – kilowatt electrical output, bhp – brake horsepower rated output as specified by the manufacturer, Equipment installation proposed for 2019, SCF/hr—Standard Cubic Feet per hour.

² Iron sponge spent media is revived, elemental sulfur is extracted. Media is then landfilled.

³ H₂S concentration based on a daily average. The "200 ppm" limit applies to the combined efficiency of the biological scrubber and the iron sponge (in series). Biological scrubber serves as control with iron sponge polishing.

⁴ 24,600 SCF/hr represents the flare operated at maximum capacity. Flare can run as low as 4,080 SCF/hr.

(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(3) [Electrical power generation facilities] 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*.

(C) PRIOR AGENCY ACTIONS/APPROVALS

The Facility does not currently operate under any prior "Permit to Construct" issued by the Agency pursuant to 10 VSA §556 and §§5-501 and/or 5-502 of the *Regulations* or any "Permit to Operate" issued by the Agency pursuant to 10 VSA §556a and Subchapter X of the *Regulations*.

(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 §556 and §5-501 of the *Regulations* a Permit to Construct, or an amendment to any existing Permit to Construct, must be obtained before commencing the construction, installation, modification or operation of an air contaminant source.

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.

Allowable emissions from the Facility are estimated to be greater than ten (10) tpy combined but each pollutant is less than the threshold 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" and must obtain a Permit to Operate consistent with the requirements of Subchapter X of the *Regulations*.

In accordance with 10 VSA §556(e) the Agency has combined the Permit to Construct and the Permit to Operate 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) ¹					
PM/PM ₁₀ /PM _{2.5}	CO	NO _x	SO ₂	VOCs	HAPs ²
0.6	6.6	9.5	9.1	<5	1.3

¹ 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 HAPs – Potential emissions of each individual HAP are less than 1 ton per year and total combined HAP emissions are less than 2 tons per year.

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

(a) New Source Review Designation

Any proposed facility with allowable emissions of fifty (50) tons per year or greater of any air contaminant, or five (5) tons per year or greater of lead, is designated as a major stationary source and is subject to review under §5-501 and §5-502 of the *Regulations*. The proposed project identified in Findings of Fact (A) above will not result in a major increase in emissions. Consequently, the proposed project is designated as a non-major stationary source and is not subject to the requirements of §5-502 of the *Regulations*.

(b) Most Stringent Emission Rate

Pursuant to §5-502 of the *Regulations*, the owner/operator of each new major stationary source or major modification must apply control technology adequate to achieve the Most Stringent Emission Rate ("MSER") with respect to those air contaminants for which there would be a major or significant actual emissions increase, respectively, but only for those currently proposed physical or operational changes which would contribute to the increased emissions.

The proposed project is designated as a non-major stationary source and therefore is not subject to review under the MSER requirements in §5-502 of the *Regulations*.

(c) Ambient Air Quality Impact Evaluation

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

Based on the level of emissions from this Facility, it is not expected to cause or contribute to a violation of any ambient air quality standard or significantly deteriorate air quality. Therefore, an air quality impact evaluation was not required by the Agency for the proposed project.

(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.

(i) *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.
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 5-261(2) – Control of Hazardous Air Contaminants - Hazardous Most Stringent Emission Rate.
Section 5-402 – Written Reports When Requested.
Section 5-403 – Circumvention.
Section 5-404 – Methods for Sampling and Testing of Sources.
Subchapter VIII – Registration of Air Contaminant Sources.
Subchapter X – Operating Permits.

(ii) Reasonably Available Control Technology - §5-1010 of the *Regulations*

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"). Based on the Facility's existing levels of emissions and emission controls, 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 does not currently operate under the confines of a Permit to Construct or Operate.

(iv) Federal Requirements:

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

40 CFR Part 60, Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CI ICE). Applies to stationary 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. Also applies to stationary CI RICE that are modified or reconstructed after July 11, 2005. This regulation requires engine manufacturers to certify that subject engines, with limited exceptions, comply with applicable Tier rating emission standards as established for non-road engines under 40 CFR Part 89 and/or 1039. Also requires engine operators to maintain and operate the engine according to the manufacturer's written recommendations for the life of the engine and also limits fuel usage to 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 not anticipated to apply to the Siemens SGE-56HM engine at the Facility.

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 anticipated to apply to the Siemens SGE-56HM engine at the Facility.

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 non-emergency engines equal and greater than 300 bhp to meet CO emission standards, which may necessitate catalytic controls, and must install closed crankcase ventilation system or equivalent. Non-emergency engines <300 bhp must meet maintenance requirements including changing oil & filter and inspecting, and replacing if necessary, air filter, hoses and belts. Emergency units are subject to maintenance requirements and must install an elapsed hour meter and report electronically to EPA. Does not apply to existing emergency units at an area source residential/commercial/institutional facility unless they are enrolled in peak shaving or demand response (DR) programs. Emergency engines are unrestricted for actual emergency operation but restricted to 100 hours per year of testing and maintenance, of which 50 hours may be local DR (no qualifying programs currently known to exist) and 50 hours may be for non-compensated non-emergency operation. Most utility programs do not qualify as allowed emergency engine operation. 4Z ULSD requirements vary, however state regulations mandate ULSD across the board. For engines firing landfill or digester gas comprising 10% or more of the heat input, the

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

engines are subject to management practices only (change oil & filter, inspect plugs, and inspect hoses and belts every 1,440 hours or annually, whichever occurs first) as well as operating in accordance with manufacturer's recommendations and minimizing time at idle.

Subpart ZZZZ applies to the Siemens SGE-56HM engine at the Facility. Since the engine commenced construction (was installed) on or after June 12, 2006, the engine is required to comply with the new engine requirements of Subpart ZZZZ by complying with Subpart JJJJ.

(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 rule¹ 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 (HMSER) for the respective HAC. HMSER 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. HMSER may be achieved through application of pollution control equipment, production processes or techniques, equipment design, work practices, chemical substitution, or innovative pollution control techniques.

The Agency has determined that the Facility has or proposes to have emissions of acrolein (CAS# 107-02-8), nitric oxide (CAS# 10102-43-9), hydrogen sulfide (CAS# 7783-06-4) and formaldehyde (CAS# 50-00-0) in excess of their respective Action Levels. Therefore, the Facility must achieve HMSER, as determined by the Secretary, pursuant to §5-261(2) of the *Regulations*.

¹ 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.

The Agency has determined HMSER to be the following determinations outlined in the table below. This HMSER evaluation shall be subject to re-evaluation five (5) years from the date of its determination and shall remain in effect until revised by the Agency, unless the source is modified or reconstructed during the five year period. This and prior HMSER determinations for this Facility are presented below.

Hazardous Most Stringent Emission Rate Determinations		
Permit #	Pollutant	Description of HMSER
Initial determination: #AOP-19-032	hydrogen sulfide (CAS# 7783-06-4)	<ul style="list-style-type: none"> The effective collection of biogas from the digester to minimize release of untreated and uncombusted biogas; Treatment of the collected biogas with the proposed biogas H₂S scrubber system (comprised of a biological scrubber followed by an iron sponge system, or equivalent), such that the H₂S concentration of the biogas is reduced to less than 200 ppm H₂S by volume (wet basis) prior to combustion in the engine and less than 2,000 ppm H₂S by volume (wet basis) in the flare; and The collected and treated biogas shall be routed to a combustion device with a minimum ninety-eight (98) percent destruction efficiency of the H₂S. Proposed combustion devices at the Facility include the Siemens Model: SGE-56HM engine and LFG Specialties Model: EF52514 biogas flare.
	formaldehyde (CAS# 50-00-0)	Treatment of the collected biogas with the proposed biogas H ₂ S scrubber system as noted above
	acrolein (CAS# 107-02-8)	<ul style="list-style-type: none"> Installation and operation of a catalytic oxidation device on the engine exhaust from the Siemens Model: SGE-56HM engine that reduces the respective HACs by a minimum of 90 percent at all times.
	nitric oxide (CAS# 10102-43-9)	

As the Agency has determined that the Facility, following imposition of HMSER as noted above, may continue to have estimated emissions of acrolein (CAS# 107-02-8), nitric oxide (CAS# 10102-43-9), hydrogen sulfide (CAS# 7783-06-4) and formaldehyde (CAS# 50-00-0) in excess of their respective Action Level, the Agency has considered whether or not an Air Quality Impact Evaluation should be required pursuant to §5-261(3) of the *Regulations*. The Agency has reviewed several factors relating to this Facility, including, but not limited to those listed in §5-261(3)(a)-(c) of the *Regulations* and the level of emissions and emission reduction measures typical for this category of emission source. Based on this review, the Agency is not requiring the Facility to conduct an air quality impact evaluation pursuant to §5-261(3) of the *Regulations* at this time.

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 VSA §§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 -

- (1) 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)] [§5-409 and 5-501(1) of the *Regulations*]
- (2) H₂S Scrubber System: The Permittee shall control H₂S, and indirectly SO₂ emissions, by installing and operating an H₂S biogas scrubber system in accordance with the plans and specifications submitted to the Agency and in accordance with the specification listed in Finding of Fact (A), or their equivalent as approved by the Agency, to reduce H₂S concentrations in the biogas to less than 200 ppm H₂S by volume (wet basis) prior to combustion in the engine. All elements of this air pollution control system(s) shall be maintained in good working order at all times and shall be operated in accordance with the manufacturer's operation and maintenance recommendations and in a manner consistent with good air pollution control practices for minimizing emissions. The air pollution control system shall be in operation whenever the respective combustion sources are in operation. [10 V.S.A. §§556(c) and 556a(d)] [§5-501 and 5-1015(a)(1), (3) and (4) of the *Regulations*] [Application for #AOP-19-032]
- (3) Engine Catalyst [CO Destruction Efficiency]: The Permittee shall control emissions from the Siemens SGE-56HM spark ignition engine by installing and operating a control system that achieves a minimum CO destruction efficiency of 95 percent. The control system shall consist of an oxidation catalyst or a similar device, if approved in writing by the Agency. All elements of this air pollution control system(s) shall be maintained in good working order at all times and shall be operated in accordance with the manufacturer's operation and maintenance recommendations and in a manner consistent with good air pollution control practices for minimizing emissions. The air pollution control system shall be in operation whenever the respective emission source is in operation. [10 V.S.A. §§556(c) and 556a(d)] [§§5-231(1) and (4), 5-501, and 5-1015(a)(1), (3) and (4) of the *Regulations*] [Application for #AOP-19-032]

- (4) Flare: The Permittee shall equip the flare with an automatic biogas ignition system, such as but not limited to solar powered spark systems or a continuous pilot light, to ensure immediate and continuous combustion of any biogas that is routed to it. The flare ignition system shall be maintained in good working order at all times and operated and maintained in accordance with the manufacturer's operation and maintenance recommendations. [10 V.S.A. §556a(d)] [Application for #AOP-18-051] [§5-261(2) of the *Regulations*]
- (5) Stack height [Engine]: The exhaust gases from the Siemens SGE-56HM engine shall be vented vertically through a stack which extends a minimum of thirty-seven (37) feet above the grade where the structure housing the is located. The stack 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.

Stack height [Flare]: The exhaust gases from the Siemens SGE-56HM engine shall be vented vertically through a stack which extends a minimum of twenty-five (25) feet above the grade where the structure housing the is located. The stack 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.

Unless otherwise given in Findings of Fact A, for all other non-fugitive emission points at the Facility, the Agency recommends that they be exhausted vertically through 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*] [Application for #AOP-19-032]

- Operational Limitations -

- (6) Space Heating Equipment: Only natural gas, LPG, or equivalent, with a maximum sulfur content not to exceed 0.05 percent by weight may be used as fuel in the space heating equipment unless the Permittee obtains prior written approval from the Agency to use another type of fuel. [10 V.S.A. §§556(c) and 556a(d)] [§§5-501 and 5-1015(a)(1) of the *Regulations*] [§5-221(1)(a) of the *Regulations*] [Application for #AOP-19-032]
- (7) 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*]

- (8) Stationary 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 300 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*]
- (9) Stationary 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)] [§§5-407, 5-501 and 5-1015(a)(1) of the *Regulations*]

- Emission Limitations -

- (10) Siemens SGE-56HM Engine: Emissions of the following pollutants from the Siemens engine shall not exceed the following limits. Note that the Siemens engine may also be subject to NSPS 40 *CFR* Part 60 Subpart JJJJ which requires the engine to meet more stringent emission standards and conduct compliance testing every 8,760 hours of operation or every three years, whichever occurs first. The US EPA is the implementing authority for compliance with NSPS Subpart JJJJ:

Pollutant Emission Limitations	
1,014 kilowatt (kW) natural gas-fired engine Make: Siemens Model: SGE-56HM	Emission Limitations g/bhp-hr ¹
Nitrogen oxides (as NO ₂)	0.6
Carbon monoxide	0.11
	Emission Limitations lb/hr ¹
Particulate matter	0.1

¹ g/bhp-hr equals grams of pollutant emitted per brake horsepower hour at rated load and speed. Lb/hr equals pounds of pollutant emitted per hour of engine operation 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. [10 V.S.A. §§556(c) and 556a(d)] [§§5-271(b) and 5-404 of the *Regulations*]

- (11) Biogas Flare: Emissions of the following pollutants from the LFG flare shall not exceed the following limits:

Biogas Flare: Pollutant Emission Limitations		
Pollutant	Digester Biogas Back-up Flare Make: LFG Specialties, Model: EF52514 (13.5 MMBtu/hr)	
	lbs/MMBtu ¹	lbs/hour ²
Carbon monoxide (CO)	0.37	5.00
Nitrogen oxides (as NO ₂)	0.06	0.81
Nonmethane organic compounds (NMOCs)	98% destruction efficiency or 20 ppmvd ³ as hexane@3% O ₂ outlet concentration	

¹ lbs/MMBTU equals pounds of pollutant emitted per million British thermal units of heat input.

² lbs/hour equals pounds of pollutant emitted per hour.

³ ppmvd equals parts per million by volume on a dry basis corrected to three (3) % oxygen.

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 10 for CO and Method 7E for NO_x or an alternative method which has been published in 40 *CFR*, provided the federally approved alternative method has been accepted in writing by the Agency before testing. Open utility flares typically are not subject to stack emission testing due to the inherent limitations in the design of such flares and instead are required to comply with the visible emissions and gas velocity design criteria of 40 *CFR* Part 60.18. [10 V.S.A. §§556(c) and 556a(d)] [§55-404 and 5-502(3) of the *Regulations*] [Application for #AOP-19-032]

- (12) Control of SO₂ Emissions: Emissions of SO₂ from the Facility shall be limited indirectly by limiting the H₂S concentration in the biogas effluent from the H₂S scrubber system to the following limits, based on a daily average:
- For biogas combusted in the engine: less than 200 ppm H₂S by volume (wet basis).
 - For biogas combusted in the flare: less than 2000 ppm H₂S by volume (wet basis).

Compliance with the limit for biogas to be combusted in the engine shall be documented through measuring and recording the H₂S concentration in parts per million by volume at least hourly by use of the INCA 4002 analyzer, or equivalent. The analyzer shall be operated and maintained in accordance with the manufacturers recommendations. Compliance with the limit for biogas to be combusted in the flare shall be documented through measuring and recording the H₂S concentration in parts per million by volume at least quarterly. Concentrations of H₂S shall be measured using colorimetric tubes, electronic gas detection meters, chemical analysis, or EPA Method 15. An alternative methodology and frequency for determining H₂S concentrations and calculating SO₂ emissions may be used if approved in writing by the Agency. [10 V.S.A. §§556(c) and 556a(d)]

- (13) 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(c) and 556a(d)] [§§5-211(2), 5-211(3) and 5-404 of the *Regulations*]
- (14) Visible Emissions [Biogas Flare]: The biogas flare, used for the combustion of excess biogas at the Facility, shall be operated with no visible emissions in accordance with 40 *CFR* §60.18(c)(1). [10 V.S.A. §§556(c) and 556a(d)] [§5-261(2) of the *Regulations*] [40 *CFR* Part 60 Subpart A §60.18(c)(1)]
- (15) Volatile Organic Compounds: Emissions of volatile organic compounds from the Facility shall not equal or exceed five (5) tons per calendar year. [10 V.S.A. §§556(c) and 556a(d)] [§5-502 of the *Regulations*]
- (16) 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*. [§5-261 of the *Regulations*]
- (17) Hazardous Air Pollutants: Emission of federally regulated hazardous air pollutants (HAPs) from the Facility shall not equal or exceed one (1) ton per year of any single HAP or two (2) tons per year of all HAPs combined per calendar. [40 *CFR* Part 63]
- (18) 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. [10 V.S.A. §§556(c) and 556a(d)] [§5-231(4) of the *Regulations*]
- (19) Nuisance and Odor: The Permittee shall not discharge, cause, suffer, allow, or permit from any activity at the Facility whatsoever such quantities of air contaminants or other material 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. The Permittee shall not discharge, cause, suffer, allow, or permit any emissions of objectionable odors beyond the property line of the premises. [§5-241(1) and (2) of the *Regulations*]

- Compliance Testing and Monitoring -

- (20) The Permittee shall perform initial emission testing on the Siemens SGE-56HM engine for NOx and CO and shall furnish the Agency with a written report of the results within one-hundred eighty (180) days after the initial start-up date. The testing shall also include CO prior to the catalyst. The emission testing shall be performed in order to demonstrate compliance with the NOx and CO emission limitations and CO reduction requirements contained in this Permit. Additional stack emission testing may also be required in accordance with 40 CFR Part 60 Subpart JJJJ as may be applicable. At least thirty (30) days prior to performing the emission testing required above, the Permittee shall submit to the Agency a pretest report prepared in accordance with the Agency's "Source Emission Testing Guidelines". [10 V.S.A. §§556(c) and 556a(d)] [§§5-402, 5-404(1) and 5-405(1) of the *Regulations*] [40 CFR 60.8]
- (21) Following the initial emission testing above, the Permittee shall perform annually thereafter monitoring of the CO concentrations at the inlet and outlet of the catalyst utilizing an approved handheld monitoring device, or equivalent, to ensure the catalyst complies with the reduction efficiency required by this Permit. In addition, quarterly monitoring of the exhaust temperature before and after the catalyst shall be performed and documented to ensure proper operation of the catalyst, or an alternative method may be used as approved by the Agency. The Permittee shall furnish the Agency with a written report of the results of each such testing and monitoring within sixty (60) days of conducting such testing and monitoring. [10 V.S.A. §§556(c) and 556a(d)] [§§5-261, 5-402, 5-404(1) and 5-405(1) of the *Regulations*]
- (22) Operation and Maintenance Plan [Facility]: The Permittee shall develop, maintain and implement an operation and maintenance plan (O&M Plan) for equipment listed in the Equipment Specification table in Findings of Fact A within thirty (30) days following commencement of operation of the Facility. The purpose of said O&M Plan shall be to ensure the proper operation and maintenance of the equipment in order to ensure optimum performance and continuous compliance with the respective conditions and emission limits of this Permit. The O&M Plan shall include, but not be limited to, a description of routine maintenance and inspection procedures, provisions for maintaining records of all maintenance and inspections, findings of those inspections, and any corrective actions which were taken. Said O&M Plan shall be present at the facility at all times and shall be made available to representatives of the Agency upon request. The Permittee shall revise said O&M Plan at the Agency's request or on its own motion based on operating experience or to reflect equipment or operational changes. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*]

- Record Keeping and Reporting -

- (23) Records of Fuel Use: The Permittee shall maintain records of the total quantity of biogas consumed in the engine and flare and natural gas consumed in space heating equipment. At the beginning of each calendar year, the Permittee shall calculate the total quantity of each fuel consumed in the engine, flare and space heating equipment, in gallons or standard cubic feet, as appropriate, during the previous calendar year. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*]

- (24) Records of Control Device Operation: The Permittee shall maintain records of the catalytic oxidation device operation and maintenance including the following:
- (a) Records of required pre and post catalyst temperature readings;
 - (b) Records of catalyst CO reduction efficiency testing;
 - (c) Records of any maintenance activities that are conducted on the catalytic oxidation unit; and
 - (d) Records of any events or times where the catalytic oxidation device is shutdown or is not working properly.

These records shall include the date and time of the observation or activity. [10 V.S.A. §§556(c) and 556a(d)] [§5-405(1) of the *Regulations*]

- (25) Records: 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*]
- (26) 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*]
- (27) Notification: The Permittee shall notify the Agency in writing of the date of initial start-up of the anaerobic digester, the H₂S scrubber, the engine and the flare within fifteen (15) days after such date. [10 V.S.A. §§556(c) and 556a(d)] [§5-402 of the *Regulations*]
- (28) 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*]
- (29) 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*]

- (30) 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*]

- (31) All records, notifications and reports that are required to be submitted to the U.S. EPA by this Permit shall be submitted to:

Attn: Air Compliance Clerk
Director, Enforcement and Compliance Division
U.S. EPA-New England
5 Post Office Sq.
Suite 100 (04-2)
Boston, MA 02109-3912

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

- Standard Permit Conditions -

- (32) 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(c) and (g) and 556a(d)] [40 CFR Part 60.11(d) and 63.6(e)]

- (33) 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(c)] [§5-501 of the *Regulations*]

- (34) 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*]
- (35) 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*]

- (36) 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*]
- (37) 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*]

- (38) 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)] [§§5-409 and 5-1006(f) of the *Regulations*]
- (39) 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)]
- (40) 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*]
- (41) 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)]
- (42) 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*]
- (43) 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)]
- (44) 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)]

- (45) 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*]
- (46) 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)]
- (47) 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)]

- (48) 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*]
- (49) 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)]

Middlebury Resource Recovery Center, LLC

#AOP-19-032

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 15 day of November, 2019.

Permit issuance authorized by:
Agency of Natural Resources
Emily Boedecker, Commissioner
Department of Environmental Conservation

By: 
Heidi C. Hales, Director
Air Quality & Climate Division

jh
Y:\AP_Admin\StationaryFacilitie\Middlebury Resource Recovery Center, LLC\AOP-19-032



State of Vermont
Department of Environmental Conservation
Air Quality & Climate Division
Davis Building – 2nd Floor
One National Life Drive
Montpelier, VT 05620-3802
(802) 828-1288
FAX (802) 828-1250

AGENCY OF NATURAL RESOURCES

November 15, 2019

Eric Fitch
Purpose Energy, Inc.
PO Box 4354
Windham, NH 03087

RE: Final Air Pollution Control Permit to Construct and Operate (#AOP-19-032)
Middlebury Resource Recovery Center, LLC

Dear Mr. Fitch:

The Vermont Agency of Natural Resources (ANR) Department of Environmental Conservation (DEC) Air Quality & Climate Division (Agency) has completed its review of Middlebury Resource Recovery Center, LLC's application for the proposed 1,014 kW biogas to energy plant located in Middlebury, Vermont.

Consistent with the provisions of 10 V.S.A. §556(e) and for the purposes of reducing the administrative burden of enforcing two separate permits for this Facility, the Agency has combined approval for the Air Pollution Control Permit to Construct with the approval for the Air Pollution Control Permit to Operate. The result is a combined Air Pollution Control Permit to Construct and Operate which satisfies both the construction permit (10 V.S.A. §556 and Subchapter V of the *Vermont Air Pollution Control Regulations (Regulations)*) and operating permit (10 V.S.A. §556a and Subchapter X of the *Regulations*) requirements for your Facility. Please note this permit is valid for a period of five (5) years and an application to renew the permit must be filed at least six (6) months prior to the date of expiration.

If you have any questions or comments, please feel free to contact me by phone at (802) 272-3006, by email at jay.hollingsworth@vermont.gov, or in writing at the above address.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Hollingsworth".

Jay Hollingsworth
Engineering Services/Permitting Section
Air Quality & Climate Division

cc: Tim Jones, PMP, Tech Environmental, P.O. Box 85, Waitsfield, VT 05673

Y:\AP_Admin\StationaryFacilities\ Middlebury Resource Recovery Center, LLC \Permits\AOP-19-032



Subject: RI RES applications
Date: Monday, December 4, 2023 at 12:44:01 PM Eastern Standard Time
From: Rhode Island RES Program Administrator
To: Meghan vonBallmoos
Attachments: VEPP Standing IV.pdf

Hi Meghan,

I finally received some guidance from Lisa in regard to applications that will be using VEPP as the independent verifier:

On the application, please have your clients answer the following questions with the statements below:

4.1 Please indicate how the Generation Unit's electrical energy output is verified: *Other, Generation is reported by VEPP Inc., acting as Rhode Island approved Independent Verifier.* (They should check No/NA for if Appendix D is completed and attached.)

4.2 Please check one of the following that apply to the Generation Unit: *Grid Connected Generation*

The attached document needs to be uploaded with every application.

Please let me know if you have additional questions.

Thank you,

Erin

Rhode Island RES

Program Administrator

Telephone: (877) 724-4375

Email:

admin@rhodeislandres.com

Subject: Vermont Standard Offer program PUC Order and Vermont Statute
Date: Wednesday, October 4, 2017 at 11:59:03 AM Eastern Daylight Time
From: Meghan vonBallmoos
To: michael.woods@gdsassociates.com
CC: Lauren Keyes, Carolyn Alderman
Attachments: PUC Order 9_30_2009.pdf, image001.png

Michael,

Thank you for the call today to address the RI-RES Certification applications for RI PUC Docket No. 4722-4731 and 4733-4744, as well as subsequent applications from VEPP Inc. for Vermont Standard Offer Program projects. We want to confirm for you that the Standard Offer Program projects are NOT net metered projects. The entire output from these facilities goes to the grid and is distributed pro rata to the Vermont utilities pursuant to the Vermont statute governing the Standard Offer Program referenced below.

Firstly, I have attached the Vermont Public Utility Commission Order in Docket No. 7533, which established the Standard Offer Program in 2009 and describes it at length.

Secondly, please follow the following link to 30 V.S.A. § 8005a (k)(2) the Vermont statute governing the Standard Offer Program <http://legislature.vermont.gov/statutes/section/30/089/08005a>.

Please let me know, if you have any questions. I can be reached today at 802-362-0748, but will be out of the office from 10/5 to 10/13. During that time, please contact Lauren Keyes at 802-362-0748 or lkeyes@veppi.org and she will be happy to assist.

Thank you so much!

Best regards,
Meghan von Ballmoos



802-362-0748
meghan@veppi.org