Permit#: #AP-22-019
SPAN#: 396-123-12445

State of Vermont
Agency of Natural Resources
Department of Environmental Conservation

Air Quality & Climate Division
Montpelier, Vermont

AIR POLLUTION CONTROL PERMIT TO CONSTRUCT

Date Permit Issued: August 8, 2022

Owner/Operator: DaPonte Funeral Homes, LLC dba Minor Funeral Home
237 Route 7 South
Milton, Vermont 05468

Source: Human Crematory
Bear Trap Crematory, LLC
237 Route 7 South
Milton, Vermont 05468

FINDINGS OF FACT

(A) FACILITY DESCRIPTION

DaPonte Funeral Homes, LLC dba Minor Funeral Home (also referred to herein as "Permittee") owns and operates Bear Trap Crematory LLC on 237 Route 7 South in the town of Milton, Vermont (also referred to herein as "Facility"). The Permittee has proposed to install and operate a cremation unit. The proposed unit is designed to fire charges at a maximum rate of 150 pounds per hour and uses two burners - a primary burner with a heat input capacity of 1.0 million British thermal units per hour (MMBtu/hr) and a secondary burner with a heat input capacity of 1.2 MMBtu/hr. The Permittee plans to fire natural gas exclusively in the retort.

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

Equipment Specifications				
Equipment/make/model	Max charge rate, lb/hr	Heat input capacity, primary/secondary/total[1]	Fuel type[2]	Date of installation
Matthews Cremation Division Power-Pak I, IE43-PPI	150	1.0/1.2/2.2	natural gas	2022

[1] Heat input capacities listed in million British thermal units per hour.
[2] LPG – liquified petroleum gas.

(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(1) [Incinerators] 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. The proposed installation of the cremation unit is considered a new source and/or modification to the Facility under the *Regulations* and consequently a Permit to Construct must be obtained.

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 less than ten (10) tpy combined and therefore the Facility is not required to obtain a Permit to Operate consistent with the requirements of Subchapter X of the *Regulations*.

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 [3]**	**VOCs**	**HAPs**
1.1	1.5	0.5	0.4	<1	<1.0

[1] $PM/PM_{10}/PM_{2.5}$ – 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 $PM_{2.5}$; SO_2 - sulfur dioxide; NO_x - oxides of nitrogen measured as NO_2 equivalent; CO - carbon monoxide; VOCs - volatile organic compounds; HAPs - hazardous air pollutants as defined in §112 of the federal Clean Air Act.

(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 allowable emissions of fifty (50) tons per year or greater of any air contaminant. Consequently, the proposed project is designated as a non-major stationary source subject to §5-501 of the *Regulations* but is not subject to the major source permitting 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 modification of a stationary source and therefore is not subject to review under the MSER requirements in §5-502 of the *Regulations*. In addition, there have been no prior MSER evaluations conducted for any of the previous modifications to the Facility.

(c) Ambient Air Quality Impact Evaluation

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

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. In addition, there have been no prior ambient air quality impact evaluations conducted for any of the previous modifications to the Facility.

(d) 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(2)(c) - Prohibition of Particulate Matter; Incinerator Emissions.
Section 5-241 – Prohibition of Nuisance and Odor.
Section 5-402 – Written Reports When Requested.
Section 5-403 – Circumvention.

Applicable Requirements from the Vermont Air Pollution Control Regulations
Subchapter VIII – Registration of Air Contaminant Sources.

(ii) 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.

(iii) Federal Requirements:

Applicable Requirements from Federal Regulations and the Clean Air Act
40 CFR Part 60, Subpart Ec—Standards of Performance for Hospital/Medical/ Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996. This rule applies to each hospital/medical/infectious waste incinerator. Neither the definition of hospital waste or medical infectious waste include human or animal remains intended for interment or cremation. *This rule does not apply to human or animal remains intended for interment or cremation. Thus, the Facility cremation unit(s) used exclusively for this purpose are not subject to this regulation.*
40 CFR Part 60, Subpart CCCC—Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001 (and Subpart DDDD for existing units). This rule applies to each commercial and industrial solid waste incineration (CISWI) unit. This rule does not apply to certain pathological waste incinerators that burn 90% or more by weight pathological waste (must notify Administrator and keep records), municipal waste combustion units, medical waste incineration units, small power production facilities, cogeneration facilities, hazardous waste combustion units, materials recovery units, air curtain incinerators, and sewage sludge incinerators. Burn off ovens including rack reclamation units, cyclonic burn barrels and soil treatment units are also not considered incinerators subject to this rule. Cellulosic biomass (virgin wood) and specification used oil are considered traditional fuels and not considered solid waste. Per 241.4 scrap tires, resinated wood, coal refuse and pulp and paper sludge are categorically exempt as solid wastes. Per 241.3 other fuels meeting the following legitimacy requirements of 241.3(d) are also exempt, by self-determination in some instances or by petition to EPA in others : (1) must be managed as a valuable commodity, (2) must have a meaningful heating value and be used as a fuel in a combustion unit that recovers energy, (3) must contain contaminants or groups of contaminants at levels comparable in concentration to or lower than those in traditional fuel(s) which the combustion unit is designed to burn. *This rule does not apply to human or animal remains intended for interment or cremation. Thus, the Facility cremation unit(s) used exclusively for this purpose are not subject to this regulation.*
40 CFR Part 60, Subpart EEEE – Standards of Performance for Other Solid Waste Incineration (OSWI) Units for Which Construction is Commenced After December 9,

Applicable Requirements from Federal Regulations and the Clean Air Act
2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006. This rule applies to two subcategories of incinerators: (1) very small municipal waste combustion units (units that burn less than 35 tons per day of municipal solid waste) and (2) institutional waste incineration units. It does include cyclonic burn barrels at an institutional facility. This rule does not apply to certain pathological waste incineration units that burn 90% or more by weight pathological waste (must notify Administrator and keep records), units that combust contraband or prohibited goods, or temporary-use incinerators and air curtain incinerators used in disaster recovery. *This rule does not apply to human or animal remains intended for interment or cremation. Thus, the Facility cremation unit(s) used exclusively for this purpose are not subject to this regulation.*

(F) CONTROL OF HAZARDOUS AIR CONTAMINANTS

Pursuant to §5-261 of the *Regulations*, any stationary source subject to the rule[1] 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.

Based on information provided by the Permittee, the Agency does not anticipate the Facility to have regulated emissions of any HAC in excess of an Action Level. While mercury emissions are of potential concern with human crematories due mainly to mercury in amalgam fillings, individual crematories are not expected to exceed the respective mercury Action Level. Therefore, the Facility is not being reviewed pursuant to §5-261 of the *Regulations* at this time.

[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 subjects to the requirements of §5-261.

Based on the Agency's review of the Facility's application and the above Findings of Fact, the Agency concludes that the Facility, subject to the following Permit conditions, complies with all applicable state and federal air pollution control laws and regulations. Therefore, pursuant to 10 *VSA* §556, 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)] [§5-501(1) of the *Regulations*]

(2) The crematory unit shall be designed and operated with a secondary combustion chamber or zone that ensures complete combustion of the exhaust gases in compliance with the particulate matter and visible emission limits of this Permit. [10 V.S.A. §556(c)] [§5-231(2)(c) of the *Regulations*] [application for #AP-18-000]

(3) Stack heights: The exhaust gases from the cremation unit shall be vented vertically through a stack which extends a minimum of twenty-one (21) feet above the stack base grade elevation. Where stack heights are noted in Findings of Fact A such stacks shall be configured accordingly. The stack(s) shall not be equipped with any device that may obstruct the upward discharge of the exhaust gases such as a fixed rain cap of a type that has not been approved by the Agency.

For all other non-fugitive emission points at the Facility, the Agency recommends that they each be exhausted vertically through a stack(s) which extend a minimum of four (4) feet above the roof where the stack penetrates the roof and that they not be equipped with any device that may obstruct the upward discharge of the exhaust gases such as a fixed rain cap of a type that has not been approved by the Agency. The Agency may require the Permittee to increase the stack height, remove a rain cap, or conduct a dispersion analysis to verify compliance with ambient air quality standards for any stack at the Facility if, in the judgment of the Agency, adequate dispersion cannot be maintained at the current stack configuration. Adequacy may in part be based on the actual emission rate of air contaminants, the characteristics of the current stack configuration, or inspections of the Facility that indicate poor dispersion or that confirm significant visible emissions or nuisance or odor beyond the property line. [10 *V.S.A.* §§556(c)] [§5-406 of the *Regulations*] [Application for #AP-22-019]

- Operational Limitations -

(4) The Permittee shall only burn human and/or animal remains in the crematory unit. A bag or container for holding the remains may also be burned with the remains provided the bag or container is designed and intended for cremation and contains no PVC plastics. No other materials may be burned in the crematory unit without the prior written approval of the Agency. The combustion of any other materials including pathological wastes, hospital wastes, medical/infectious wastes, commercial or industrial wastes, municipal wastes or institutional wastes may result in the unit being subject to federal incinerator regulations. [10 V.S.A. §556(c)] [5-261 of the *Regulations*] [40 CFR Part 60 Subparts Ec, CCCC and EEEE]

(5) Notwithstanding Condition (4) above, the Permittee shall not fire wooden caskets in the crematory unit without prior written approval of the Agency. Approval shall be contingent on the Permittee submitting valid stack emission test data that demonstrates the respective crematory unit make and model complies with the particulate matter emission limit of this Permit while burning a standard charge that includes a wooden casket. Failure to comply with this condition shall be grounds for revocation of this Permit. [10 V.S.A. §556(c)] [§5-404 of the *Regulations*]

(6) The Permittee shall ensure that the last combustion chamber or zone of the crematory unit is preheated to a temperature of at least $1,600^{0}$F prior to introduction of the charge and shall maintain said temperature throughout the remainder of the crematory unit's operation cycle. All elements of the crematory unit shall be maintained in good working order at all times. The crematory unit shall be operated and maintained in accordance with the manufacturer's operation and maintenance recommendations. [10 *V.S.A.* §556(c)] [§5-231(2)(c) of the *Regulations*]

(7) The Permittee shall fire only fire natural gas or liquefied petroleum gas (LPG) in the crematory unit's burners unless the Permittee obtains prior written approval from the Agency to use another type of fuel. [10 *V.S.A.* §556(c)] [Application for #AP-22-019]

(8) The Permittee shall insure that all operators of the crematory unit(s) receive training on the proper operation of the unit from the manufacturer, vendor or another qualified source. The Permittee shall display, near the unit, certification of that training and a certified operator shall be on-site and available during all periods of operation. [10 *V.S.A.* §556(c)] [§5-402(1) of the *Regulations*]

(9) The Permittee shall have the crematory unit inspected and maintained by the manufacturer or a qualified service representative annually or after every twenty-five (25) operational cycles, whichever occurs later. [10 *V.S.A*. §556(c)] [§5-405(1) of the *Regulations*]

- Emission Limitations -

(10) The Permittee shall not emit, from the crematory unit, any gases that contain particulate matter in excess of 0.06 grains per dry standard cubic foot, corrected to seven (7) percent oxygen. All sampling runs conducted as part of emission tests intended to demonstrate compliance with the emission limits specified above shall begin when waste material is

first introduced into the cremation unit.

Any emission testing conducted to demonstrate compliance with the above emission limit shall be performed in accordance with Title 40 Code of Federal Regulations Part 60, Appendix A, Reference Method 5 or equivalent methods approved in writing by the Agency. [10 *V.S.A*. §556(c)] [§§5-231(2)(c) and 5-404 of the *Regulations*]

(11) 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)] [§§5-211(2), 5-211(3) and 5-404 of the *Regulations*]

(12) Nuisance and Odor: The Permittee shall not discharge, cause, suffer, allow, or permit from any source whatsoever such quantities of air contaminants, or odors beyond the property line of a premises, which will cause injury, detriment, nuisance or annoyance to any considerable number of people or to the public or which endangers the comfort, repose, health or safety of any such persons or the public or which causes or has a natural tendency to cause injury or damage to business or property. [10 *V.S.A*. §556(c)] [§5-241(1) and (2) of the *Regulations*]

(13) Hazardous Air Pollutants: Emission of federally regulated hazardous air pollutants (HAPs) from the Facility shall not equal or exceed one (1) ton of total combined HAPs per calendar year. [10 *V.S.A.* §§556(c)] [§§5-261 and 5-501 of the *Regulations*] [40 *CFR* Part 63]

(14) Hazardous Air Contaminants: Emissions of state hazardous air contaminants (HACs) from the applicable operations at the Facility shall not equal or exceed their respective Action Level (found in Appendix C of the *Regulations*) unless the Agency has reviewed and approved such HAC emission under §5-261(2) of the *Regulations*. [10 *V.S.A.* §§556(c)] [§5-261 of the *Regulations*]

(15) Operation and Maintenance Plan: The Permittee shall develop and implement an operation and maintenance plan (O&M Plan) for the crematory unit within thirty (30) days following commencement of operation of the unit. The purpose of said O&M Plan shall be to ensure the proper operation and maintenance of the unit in order to ensure continuous compliance with the respective conditions and emission limits of this Permit. The O&M Plan shall include, but not be limited to, a detailed description of proper operating procedures, provisions for maintaining records of daily and routine maintenance inspections, findings of those inspections, and any corrective actions 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)] [§5-405(1) of the *Regulations*]

- Record Keeping and Reporting -

(16) Records of Natural Gas Use: The Permittee shall maintain records of the total quantity of natural gas consumed in the combustion equipment, in cubic feet, each calendar year. At the beginning of each calendar year, the Permittee shall calculate the total quantity of LP gas consumed in the combustion equipment, in gallons, during the previous calendar year. [10 *V.S.A.* §556(c)] [§5-405(1) of the *Regulations*]

(17) Records of Crematory Inspections: The Permittee shall maintain records of crematory maintenance inspections as required by Condition (9) of this Permit. [10 *V.S.A*. §556(c)] [§5-405(1) of the *Regulations*]

(18) Records of Usage: The Permittee shall maintain an operator's log book to record the following information: operators' name, date, start and stop time of each charge, approximate weight of each charge including casket if present, casket description if present (wood, cardboard, crematory friendly casket designed for cremation use, approximate weight), a description of the type and amount of any other non-remains added to the charge and initial temperature of last combustion zone before charging. A separate section of the log book will also be maintained containing records of material safety data sheets (MSDSs) on any plastics fired within the cremation units. Said log book shall be present at the Facility at all times and shall be made available to representatives of the Agency upon request. [10 *V.S.A*. §556(c)] [§5-402(1) of the *Regulations*]

(19) 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)] [§§5-402(1), 5-405(1) of the *Regulations*]

(20) 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)] [§5-402(1) of the *Regulations*]

(21) Notification: If requested by the Agency, the Permittee shall notify the Agency at least one (1) day in advance of all scheduled cremations for a specified period of time. [10 *V.S.A*. §556(c)] [§5-402(1) of the *Regulations*]

(22) Notification: The Permittee shall notify the Agency in writing of the date of initial start-up of the crematory within fifteen (15) days after such date. [10 *V.S.A*. §556(c)] [§5-402(1) of the *Regulations*]

(23) 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)] [§§5-402(1) and 5-501 of the *Regulations*]

(24) Annual Registration: Each operator of a human or animal crematoria regardless of whether such source emits five (5) tons or more of any and all air contaminants per year, 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)] [Subchapter VIII §§5-802, 5-803, 5-807, 5-808 of the *Regulations*]

(25) 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 4
One National Life Drive
Montpelier, Vermont 05620-3802

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

- Standard Permit Conditions -

(26) 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)] [40 CFR Part 60.11(d) and 63.6(e)]

(27) 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*]

(28) 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)]

(29) 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)] [§5-402(1) of the *Regulations*]

(30) 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)] [§§5-402(1) and 5-404 of the *Regulations*]

(31) 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)] [§5-505 of the *Regulations*]

(32) 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)]

(33) 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)]

(34) 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)]

(35) 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)] [§5-403 of the *Regulations*]

(36) 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)]

(37) 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)]

(38) 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] [§5-501 of the *Regulations*]

(39) Renewable Energy Projects – Right to Appeal to Public Utilities 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 Vermont Public Utilities 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 under this section must be filed with the Clerk of the Public Utilities 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 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 Utilities Commission, available on line at www.psb.vermont.gov. The address for the Public Utilities Commission is 112 State Street, Montpelier, Vermont, 05620-2701 (Tel. # 802-828-2358). [10 *V.S.A.* §§556(c), 556a(d) and 8506]

(40) 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)]

(41) 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)]

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 __***8th***_ day of _____***AUGUST***_____, 2022.

Permit issuance authorized by:
John Beling, Commissioner
Vermont Agency of Natural Resources
Department of Environmental Conservation

Heidi Hales

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

jh
Y:\AP_Admin\StationaryFacilities\Bear Trap Crematory\AP-22-019\AP22019.docx