

#AOP-14-030

DEC#NS84-0023.07

Operating Permit Expiration Date: November 25, 2019

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 25, 2014

Owner/Operator: Lepage Bakeries Brattleboro, LLC  
1919 Flowers Circle  
Thomasville, Georgia 31757

Source: Lepage Bakeries Brattleboro  
Lepage Bakeries Brattleboro, LLC  
155 John Seitz Drive  
Brattleboro, Vermont 05301-3627

**FINDINGS OF FACT****(A) FACILITY DESCRIPTION**

Lepage Bakeries Brattleboro, LLC (also referred to herein as "Permittee") owns and operates the Lepage Bakeries Brattleboro bakery on John Seitz Drive in the Town of Brattleboro, Vermont (also referred to herein as "Facility"). The Facility prepares yeast-leavened baked goods, including breads and rolls. The bakery production process begins with the mixture of flour, nutrients, and water to form the initial dough mixture. The dough mixture is then sent through a fermentation process (proofing) that involves the addition of yeast in either one or two stages. Following proofing, the dough mixture enters an oven where it is baked into a final product. The final product is then cooled and packaged, with packages being barcoded and marked with expiration dates as part of an in-house labeling operation. The Facility was constructed and began operations at its current location in 1992, without acquiring an Air Pollution Control Permit to Construct and Operate at that time.

Emissions sources at the Facility include the dough fermentation process, the propane fired combustion equipment used for proofing, baking, and providing space heat, the silos used for flour storage, inkjet printers used for bar coding and dating packaging, and cleaning and sanitizing operations.

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

<b>Equipment Specifications</b>			
<b>Equipment/Make/Model</b>	<b>Rating (MMBtu/hr<sup>1</sup>)</b>	<b>Fuel Type</b>	<b>Date of Manufacture (Installation)</b>
APV Continuous Baking Oven	3.94	Propane	1992
Stewart Continuous Baking Oven	4.6	Propane	1992
Burnham Boiler, Model: CW-30-G-PF	1.23	Propane	1992
Columbia Boiler, Model: WL60	0.833	Propane	1992
Teledyne Boiler, Model No. P01CBACX	0.175	Propane	1992
Two (2) Flour Silos At 150,000 Lbs each	N/A	N/A	1992
Four (4) Domino Inkjet Label Printers, Model No. A200+	N/A	N/A	1992

<sup>1</sup> MMBtu/hr - Million British Thermal Units per hour maximum rated heat input.

**(B) FACILITY CLASSIFICATION**

The Facility is classified as a source of air contaminants pursuant to Title 10 of the *Vermont Statutes Annotated* ("10 VSA") §555 and §5-401(17) [Such other sources as may be designated as air contaminant sources by the Air Pollution Control Officer on a

case-by-case basis] 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 prior construction of the Facility in 1992 as well as any modifications since that time should have obtained a Permit to Construct at that time. Consequently, a Permit to Construct is being issued now granting post construction approval. In addition, 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:

Future Allowable Air Contaminant Emissions (tons/year) <sup>1</sup>						
PM/PM <sub>10</sub>	SO <sub>2</sub>	NO <sub>x</sub>	CO	VOCs	Total Criteria	HAPs <sup>2</sup>
0.4	0.5	6.7	3.9	<25	>10	<10/25

<sup>1</sup> PM/PM<sub>10</sub> - particulate matter and particulate matter of 10 micrometers in size or smaller; SO<sub>2</sub> - sulfur dioxide; NO<sub>x</sub> - oxides of nitrogen measured as NO<sub>2</sub> equivalent; CO - carbon monoxide; VOCs - volatile organic compounds; HAPs - hazardous air pollutants as defined in §112 of the federal Clean Air Act.

<sup>2</sup> Emissions of individual HAPs each < 10 tpy and emissions of total HAPs combined <25 tpy. Actual total combined HAPs estimated at <1 tpy.

(E) REVIEW 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 completed project identified in Findings of Fact (A) above will not result in a major increase in emissions. Consequently, the completed 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 completed 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 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:*

<b>Applicable Requirements from the Vermont Air Pollution Control Regulations</b>	
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(1) - Prohibition of Particulate Matter; Industrial Process Emissions.	
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(3) – Control of Hazardous Air Contaminants - Hazardous Most Stringent Emission Rate.	
Section 5-402 – Written Reports When Requested.	
Section 5-403 – Circumvention.	
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 uncontrolled Facility VOC emissions in excess of 25 tons per year, the Agency has determined that an oxidative control system is a reasonable control measure and represents RACT. The control system must be installed on the bakery oven exhausts, and operated at all times while the ovens are in operation.

## (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 and/or Operate.

## (iv) Federal Requirements:

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

40 CFR Part 60, Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. Applies to all boilers 10 MMBTU/hr or greater manufactured after June 9, 1989. Units larger than 30 MMBTU per hour installed after February 27, 2005 are subject to additional particulate matter requirements.

*The Facility is not subject to this regulation, as the Burnham CW-30-G-PF boiler, Columbia WL60 boiler, and the Teledyne P01CBACX are propane-fired, and each have a heat input of less than 10 MMBtu per hr.*

40 CFR Part 63, Subpart JJJJJJ - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers. Applies to new and existing fuel oil and solid fuel fired boilers located at area sources (major sources are subject to Subpart DDDDD). Natural gas or propane fired boilers are not subject. This gas exemption allows use of backup fuel during gas curtailments and up to 48 hours of elective use. Oil fired hot water boilers less than 1.6 MMBTU/hr are not subject. The rule requires a tune-up for each boiler once every two years except boilers with oxygen trim and oil boilers less than 5 MMBTU/hr must conduct tune-ups every five years. New boilers greater than 10 MMBTU/hr are subject to PM emission limits. Boilers that commenced construction on or before June 4, 2010 are considered an existing source.

*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 JJJJJJ is not anticipated to apply to the propane-fired 1.23 MMBtu/hr Burnham, 0.833 MMBtu/hr Columbia, and the 0.175 MMBtu/hr Teledyne boilers at the Facility. Since the Facility is not a major source of HAPs, the Facility is not subject to Subpart DDDDD.*

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

40 *CFR* Part 60, Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984. Applies to each storage vessel with a capacity greater than or equal to 75 m<sup>3</sup> (19,804 gal) that is used to store volatile organic liquids (including petroleum). This subpart does not apply to the following:

1. Any storage vessel with a capacity less than 75 m<sup>3</sup>
2. Any storage vessel storing a liquid with a vapor pressure less than 3.5 kPa
3. Any storage vessel with a capacity > 75 m<sup>3</sup> and <151 m<sup>3</sup> with a v.p. <15.0 kPa
4. Pressure vessels >29.7 psi and without emissions to the atmosphere.
5. Vessels permanently attached to mobile vehicles.
6. Vessels located at bulk gasoline plants.
7. Vessels located at gasoline service stations.

For affected facilities, there are recordkeeping requirements and depending upon the material stored there may be standards for the tank's vent system.

*The 30,000 gallon propane storage tank at the Facility is not subject to this regulation, as the tank is a pressure tank designed to operate without emissions to the atmosphere.*

(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) HAZARDOUS MOST STRINGENT EMISSION RATE

Pursuant to §5-261 of the *Regulations*, any stationary source whose current or proposed actual emission rate of a hazardous air contaminant ("HAC") is equal to or greater than the respective Action Level (found in Appendix C of the *Regulations*) shall achieve the Hazardous Most Stringent Emission Rate ("HMSER") for the respective HAC.

Actual Facility emissions of acetaldehyde and ethyl alcohol have exceeded their respective Action Levels and Facility VOC emissions have exceeded 25 tons per year. The Agency has previously determined that HMSER for acetaldehyde and ethyl alcohol emitted from bakeries with uncontrolled total VOC emissions less than 25 tons per year is to maintain total Facility VOC emission to less than 25 tons per year, and to maintain stack heights at their existing elevations to allow for adequate dispersion of VOC emissions.

Prior to uncontrolled VOC emissions being allowed to exceed 25 tons per year, the Facility must conduct an HMSER review and submit it to the Agency for approval. The review shall at a minimum evaluate the feasibility of emissions controls including any emission control options utilized at other bakeries in the Ozone Transport Region. Since uncontrolled VOC emissions have exceeded the 25 ton per year threshold, the Agency has determined that installation of an oxidative control system is reasonable and represents HMSER. The control system must be installed on the bakery oven exhausts, and operated at all times while the ovens are in operation.

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. The HMSER determination for this Facility is presented below.

Hazardous Most Stringent Emission Rate Determinations		
Date of Determination / Permit #	Pollutant	Description/Emission limit
November 25, 2014 / #AOP-14-030	Acetaldehyde Ethyl Alcohol	Limit acetaldehyde emissions to less than 0.038 lbs/8-hr and ethyl alcohol emissions to less than 37.2 lbs/8-hrs.  Compliance with these limitations is established as installing and maintaining an oxidative control system with a destruction efficiency of not less than 95% on bakery oven exhausts, and operating this control system at all times while the ovens are in operation,  OR  Installing and maintaining an oxidative control system on bakery oven exhausts, such that the outlet concentration of VOCs does not to exceed 20 ppmvd as hexane, and operating the oxidative control system at all times while the ovens are in operation

(H) COMPLIANCE PLAN AND SCHEDULE

The Agency has determined that emission controls are required for bakeries with uncontrolled Facility VOC emissions of 25 tons per year or greater under the authority of 5-1010 and 5-261 of the Regulations. In comments regarding the draft of this Permit, the Permittee stated that emissions of VOCs from the Facility have exceeded the Agency's proposed 25-ton per year limit on uncontrolled Facility VOC emissions. The Agency has established the 25-ton per year limit of VOCs for the bakery sector based on the use of reasonable control measures and VOC emission limits for similar facilities in the Ozone Transport Region. Exceeding this 25-ton per year limit triggers the need for emission controls, which the Agency has determined to be the installation of an oxidative control system on the bakery oven exhausts. The Agency has developed the following requirements and schedule for compliance.



- (a) By no later than 45 days after Permit issuance, the Permittee shall submit a written report to the Agency outlining the installation of an oxidative control system on the exhausts from the APV and Stewart continuous baking ovens to control VOC emissions from the baking process. The plan shall identify the proposed equipment, provide vendor guarantees or documentation indicating the proposed control system will provide a destruction efficiency of not less than 95%, and provide a proposed schedule for the installation of the identified emission control equipment.
- (b) By no later than 180 days after Permit issuance, the Permittee shall have completed the installation of the oxidative control system on the exhausts from the APV and Stewart continuous baking ovens.
- (c) Emissions testing shall be performed on the oxidative control system and a written report of the results shall be provided to the Agency by no later than 90 days after the initial startup of the oxidative control system.

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

## **PERMIT CONDITIONS**

### **- Construction and Equipment Specifications -**

- (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)] [§5-501(1) of the *Regulations*] [Application for #AOP-14-030]

- (2) The Permittee shall control emissions from the APV and Stewart continuous baking ovens by installing and operating an oxidative control system with a destruction efficiency of not less than 95%, or that which controls emissions such that the outlet concentration of VOCs does not exceed 20 parts per million by volume of dry air (ppmvd) as hexane equivalent.

All elements of this air pollution control system shall be maintained in good working order at all times and shall be operated in accordance with the manufacturer's operation and maintenance recommendations. The air pollution control system shall be in operation whenever either or both of the ovens are 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-14-030]

- (3) The Permittee shall equip the Facility's flour storage silos with dust filters designed to effectively capture and control dust emissions resulting from the operation of the silos. All elements of the air pollution control system(s) shall be maintained in good working order at all times and operated in accordance with the manufacturer's operation and maintenance recommendations. [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-14-030]

- (4) **Stack heights:** The exhaust gases from the emission sources at the Facility shall be vented vertically through a stack or stacks which shall extend a minimum of four (4) feet above the roof where the stack penetrates the roof, or a minimum height above the stack base grade elevation, as indicated below.

Stack Heights	
Equipment	Stack Height (Feet above stack base grade elevation)
APV Continuous Baking Oven	33.6
Stewart Continuous Baking Oven	33.6
Burnham Boiler, Model: CW-30-G-PF	27
Columbia Boiler, Model: WL60	27
Teledyne Boiler, Model No. P01CBACX	27

The Permittee shall at the request of the Agency increase the stack height of any respective stack if, in the judgment of the Agency based on inspections of the actual operations at the Facility, proper or adequate dispersion cannot be maintained at the current stack height. 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. [10 V.S.A. §§556(c) and 556a(d)] [§5-406 of the *Regulations*] [Application for #AOP-14-030]

#### - Operational Limitations -

- (5) **Stationary Combustion Equipment:** Permittee shall only fire propane in stationary combustion equipment at the Facility unless prior written approval is obtained 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-14-030]
- (6) **Generators/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 NSPS Subpart IIII and NESHAP ZZZZ, as may be applicable. All engines, including emergency generators/engines, installed on or after July 1, 2007 must comply with the applicable emission standards (Tier 2) of §5-271 immediately upon installation. Installation of any size engine, even those below 450 bhp, may still require approval from the Agency in the form of an amended permit prior to installation. Stationary reciprocating internal combustion engines include those used to power electric generator sets or to provide shaft power for other equipment such as compressors but does not include engines used to power motor vehicles. [§§5-271 and 5-501 of the *Regulations*] [40 CFR Part 60 Subpart IIII and Part 63 Subpart ZZZZ]

- (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. [§5-202 of the *Regulations*]

**- Emission Limitations -**

- (8) Emissions of VOCs from the Facility shall not equal or exceed 25 tons per calendar year.

The quantity of VOC emissions the Facility shall be determined in accordance with the following formulae:

Total Facility VOC emissions shall be determined in accordance with Equation 1, as follows:

Equation 1:

$$\text{VOCs}_{\text{total}} = \text{VOCs}_{\text{combustion}} + \text{VOCs}_{\text{inkjets}} + [(1 - E_d) * \text{VOCs}_{\text{bread product}}] + \text{VOCs}_{\text{proofing}}$$

Where:

$E_d$  = Destruction efficiency of bread oven control device. A 95% destruction efficiency would have  $E_d = 0.95$

Emissions of VOCs from propane combustion, in pounds, shall be determined in accordance with Equation 2, as follows:

$$\text{Equation 2: } \text{VOCs}_{\text{combustion}} = 1 \text{ lb/1,000 gallons} \times \text{amount of propane combusted in units of 1,000 gallons}$$

Emissions of VOCs from inkjet operation, in pounds, shall be determined in accordance with Equation 3, as follows:

$$\text{Equation 3: } \text{VOCs}_{\text{inkjet}} = 6.5 \text{ pounds/gallons} \times \text{amount of ink, make-up solution, and cleaning solution gallons}$$

Emissions of VOCs from each type of yeast leavened product, in pounds, shall be determined in accordance with Equation 4, as follows:

$$\text{Equation 4: } \text{VOCs}_{\text{bread product}} = \text{VOC}_{\text{EF}} \times \text{BP}$$

Where:

$\text{VOC}_{\text{bread product}}$  = VOC emissions, per yeast leavened product, in pounds,

$\text{VOC}_{\text{EF}}$  = emission factor in pounds of uncontrolled VOC emissions per ton of each type of yeast leavened product produced,

BP = bread or other yeast leavened product production, in tons,

The value for  $VOC_{EF}$  in pounds per ton of product for each type of yeast leavened product shall be determined in accordance with Equation 5, as follows:

$$\text{Equation 5: } VOC_{EF} = 0.95Y_i + 0.195t_i - 0.51S - 0.86t_s + 1.90$$

Where:

$Y_i$  = Initial baker's percent of yeast to the nearest tenth of a percent<sup>1</sup>

$t_i$  = Total yeast action time in hours to the nearest tenth of an hour

$S$  = Final (spike) baker's percent of yeast to the nearest tenth of a percent<sup>1</sup>

$t_s$  = Spiking time in hours to the nearest tenth of an hour

<sup>1</sup> Percent is expressed as a percentage, not as a decimal equivalent (i.e. 4.0 % = 4.0)

Emissions of VOCs from the proofing operation, in pounds, shall be determined in accordance with Equation 6, as follows:

$$\text{Equation 6: } VOCs_{\text{proofing}} = VOCs_{\text{bread product}} \times 0.05$$

Compliance with this limit shall be documented through tracking the amount of propane combusted, and the type and quantity of each bakery product produced, on a monthly basis. Permittee shall calculate VOC emissions by determining the VOC emissions from propane combustion in accordance with Equation 2, and VOC emissions from inkjet operation in accordance with Equation 3. Then the VOC emission factor for each bakery product produced, in pounds of VOC released per ton of product produced, shall be determined in accordance with Equation 5. Each emission factor shall then be multiplied by the amount, in tons, of each respective bakery product produced to provide VOC emissions from each respective bakery product, in accordance with Equation 4. The resulting VOC emissions, in pounds, for combustion emissions and each respective bakery product shall then be summed together, in accordance with Equation 1, and converted into tons of VOCs. [10 V.S.A. §§556(c) and 556a(d)]

- (9) The oxidative control system on the APV and Stewart continuous baking ovens shall achieve a minimum 95 percent destruction efficiency of volatile organic compounds (VOCs), or alternatively achieve a VOC outlet concentration not to exceed 20 ppmvd as hexane, at all times the unit is in operation. [10 V.S.A. §§556(c) and 556a(d)] [§§5-261 and 5-1010 of the Regulations]
- (10) **Particulate Matter:** Emissions of particulate matter ("PM") from any fossil fuel burning device, except motorized vehicles, with a heat input rating of less than ten (10) million British Thermal Units per hour ("MMBTU/hr") shall not exceed 0.5 pounds per MMBTU.

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

Flour Handling Operations – Particulate Matter Emissions: Emissions of particulate matter ("PM") from flour handling operations at the Facility that discharge to the outside air shall not exceed 0.06 grains per dry standard cubic foot (gr/dscf). Any emission testing conducted to demonstrate compliance with the above emission limit shall be performed in accordance with 40 *CFR* Part 60, Appendix A, Reference Method 5 and 202 or equivalent methods approved in writing by the Agency. [§§5-231(3)(a)(i) and 5-404 of the *Regulations*]

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

- (11) Volatile Organic Compounds: Emissions of volatile organic compounds from the Facility shall not equal or exceed fifty (50) tons per calendar year. [§5-502 of the *Regulations*]
- (12) Hazardous Air Pollutants: Emission of federally regulated hazardous air pollutants (HAPs) from the Facility shall not equal or exceed ten (10) tons per year of any single HAP or twenty-five (25) tons per year of all HAPs combined per calendar year. [40 *CFR* Part 63]
- (13) 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(3) of the *Regulations*. [§5-261 of the *Regulations*]
- (14) Fugitive Particulate Matter Emissions: The Permittee shall take reasonable precautions at all times to control and minimize emissions of fugitive particulate matter from the operations at the Facility. This shall include but not be limited to taking precautions to prevent fugitive particulate matter during the handling and transfer of flour and other powdered baking ingredients. [10 V.S.A. §556a(d)] [§5-231(4) of the *Regulations*]
- (15) Fugitive VOC Emissions: The Permittee shall take reasonable precautions at all times to control and minimize emissions of fugitive volatile organic compounds from the operations at the Facility. This shall include but not be limited to the following:
  - (a) Solvent containers containing VOC materials shall be covered when not in use;
  - (b) Proof bins shall be operated to minimize VOC emissions when proofing dough and cleaning proof bins.
  - (c) Cleaning and sanitizing operations shall be performed to minimize VOC emissions.

[10 V.S.A. §§556(c) and 556a(d)] [§5-1015(a)(1) of the *Regulations*]

- (16) Nuisance and Odor: The Permittee shall not discharge, cause, suffer, allow, or permit from any source 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 Schedule -**

- (17) In order for the Facility to comply with the requirements for RACT, HMSER, and the Compliance Plan and Schedule noted in Finding of Fact (F), (G), and (H) respectively, the Permittee shall satisfy the following requirements.
- (a) By no later than 45 days after Permit issuance, the Permittee shall submit a written report to the Agency outlining the installation of an oxidative control system on the exhausts from the APV and Stewart continuous baking ovens to control VOC emissions from the baking process. The plan shall identify the proposed equipment, provide vendor guarantees or documentation indicating the proposed control system will provide 95% destruction efficiency, and provide a proposed schedule for the installation of identified emission control equipment.
  - (b) By no later than 180 days after Permit issuance, the Permittee shall have completed installation of the oxidative control system on the exhausts from the APV and Stewart continuous baking ovens and commenced operation of said control system.
  - (c) Permittee shall perform emission testing on the oxidative control system installed as required by Condition (19), and shall furnish the Agency with a written report of the results within ninety (90) days after the initial start-up date of the oxidative control system. The emission testing shall be performed in order to demonstrate compliance with the emission limitations specified in conditions (2) and (9) of this Permit.

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". [§§5-402, 5-404(1) and 5-405(1) of the *Regulations*] [§5-1015(a)(12) of the *Regulations*]

**- Record Keeping and Reporting -**

- (18) Records of Fuel Use: The Permittee shall maintain records of the total quantity of propane consumed in the stationary combustion equipment, in gallons, each month. At the beginning of each calendar year, the Permittee shall calculate the total quantity of propane consumed in the stationary combustion equipment, in gallons, during the previous calendar year. [10 V.S.A. §556a(d)] [§5-405(1) of the *Regulations*]
- (19) Records of Production/Usage: Permittee shall maintain records of the total quantity and type of all bakery products produced at the Facility, in units of pounds, and the resultant VOC emissions, in units of tons, each month. [10 V.S.A. §556a(d)] [§5-405(1) of the *Regulations*]
- (20) 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. [§§5-402, 5-405(1) and 5-1015(a)(7) of the *Regulations*]
- (21) 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. [§§5-402 and 5-1015(a)(6) of the *Regulations*]
- (22) 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 and 5-501 of the *Regulations*]
- (23) Reporting: Compliance Certification: By February 1st of each year, the Permittee shall submit an annual certification of compliance for the previous calendar year, concurrent with the annual registration data submitted to the Agency, which ascertains and identifies the compliance status of the Facility with respect to the limitation that emissions of VOCs from the Facility are less than twenty five (25) tons per year.

[§5-402 of the *Regulations*]



- (24) 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. [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:

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

[§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 556a(d)] [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) and 556a(g)] [§§5-1008(a) and 5-1008(e) of the *Regulations*]

- (29) 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.

[§5-1008(e)(4) of the *Regulations*]

- (30) 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*]
- (31) 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*]
- (32) All data, plans, specifications, analyses and other information submitted or caused to be submitted to the Agency as part of the application for this Permit or an amendment to this Permit shall be complete and truthful and, for Title V permit applications, certified by a responsible official whose designation has been approved by the Secretary. Any such submission which is false or misleading shall be sufficient grounds for denial or revocation of this Permit, and may result in a fine and/or imprisonment under the authority of Vermont statutes. [10 V.S.A. §§556(c) and 556a(d)] [§§5-505 and 5-1006(f) of the *Regulations*]
- (33) 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)]

- (34) 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*]
- (35) 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)]
- (36) 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*. [§5-403 of the *Regulations*]
- (37) 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)]
- (38) 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)]
- (39) 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*]

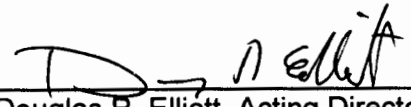
- (40) Renewable Energy Projects – Right to Appeal to Public Service Board: If this decision relates to a renewable energy plant for which a certificate of public good is required under 30 V.S.A. §248, any appeal of this decision must be filed with the Vermont Public Service Board pursuant to 10 V.S.A. §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](http://www.psb.vermont.gov). The address for the Public Service Board is 112 State Street, Montpelier, Vermont, 05620-2701 (Tel. # 802-828-2358).
- (41) 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](http://www.vermontjudiciary.org). The address for the Environmental Court is 2418 Airport Road, Suite 1, Barre, VT 05641 (Tel. # 802-828-1660).
- (42) 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 twelve (12) 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. [§§5-1011 and 5-1012(a) of the *Regulations*] [§§5-1005(c) and 5-1012 of the *Regulations*]
- (43) The conditions of this Permit as set forth above supersede all conditions contained in all prior Permits issued by the Agency to the Permittee for this Facility. [10 V.S.A. §§556(c) and 556a(d)]

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

Dated this 25<sup>th</sup> day of November, 2014.

Agency of Natural Resources

David K. Mears, Commissioner  
Department of Environmental Conservation

By:   
Douglas R. Elliott, Acting Director  
Air Quality & Climate Division

tcm  
A2 Lepage Bakeries Brattleboro, LLC - Brattleboro



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

*AGENCY OF NATURAL RESOURCES*

November 25, 2014

Kate Adams  
Director – Environmental Safety and Security  
Lepage Bakeries, LLC  
85 Cedar Street  
Lewiston, Maine 04240

RE: Final Air Pollution Control Permit to Construct and Operate (#AOP-14-030)  
Lepage Bakeries Brattleboro, LLC

Dear Ms. Adams,

The Vermont Agency of Natural Resources, Department of Environmental Conservation, Air Quality & Climate Division (Agency) has completed its review of Lepage Bakeries Brattleboro, LLC.'s application for the operation of the existing Lepage Bakeries Brattleboro bakery (Facility) located at 155 John Seitz Drive in the town of Brattleboro, Vermont. The Agency is now issuing a final Air Pollution Control Permit to Construct and Operate approving the operation of the existing Facility.

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 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 twelve (12) months prior to the date of expiration.

Please review this Permit carefully to ensure that you are currently, and continue to be, in compliance with all the requirements contained in this Permit. There are a few key points included in this permit that we would like to highlight for your convenience:

1. Condition (8) of #AOP-14-030 limits the VOC emissions from the Facility to less than 25 tons per year, and provides equations for calculating total Facility VOC emissions.



2. Condition (19) of #AOP-14-030 provides the compliance schedule for the installation and testing of an oxidative control system for the control of VOC emissions from the bakery oven exhausts. This compliance schedule is generally as follows:
- a. By no later than 45 days after Permit issuance, the Permittee shall submit a written report to the Agency outlining the installation of an oxidative control system on the exhausts from the APV and Stewart continuous baking ovens to control VOC emissions from the baking process. The plan shall identify the proposed equipment, provide vendor guarantees or documentation indicating the proposed control system will provide 95% destruction efficiency, and provide a proposed schedule for the installation of identified emission control equipment.
  - b. By no later than 180 days after Permit issuance, the Permittee shall have completed installation of the oxidative control system on the exhausts from the APV and Stewart continuous baking ovens and commenced operation of said control system.
  - c. Permittee shall perform emission testing on the oxidative control system, and shall furnish the Agency with a written report of the results within ninety (90) days after the initial start-up date of the oxidative control system.

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."

3. Condition (25) of #AOP-14-030 requires that a compliance certification be submitted as part of the annual Facility registration, which ascertains and identifies the compliance status of the Facility with respect to the limitation that emissions of VOCs from the Facility are less than twenty five (25) tons per year.

If you have any questions or comments regarding this permit, please do not hesitate to contact me by telephone at (802)-272-3445, by email at [tony.mathis@state.vt.us](mailto:tony.mathis@state.vt.us), or in writing at the above address.

Sincerely,



Tony Mathis, Environmental Engineer  
Engineering Services/Permitting Section  
Air Quality & Climate Division

A2 Lepage Bakeries Brattleboro, LLC - Brattleboro