



## State of Vermont

Department of Fish and Wildlife  
 Department of Forests, Parks and Recreation  
 Department of Environmental Conservation  
 State Geologist  
 RELAY SERVICE FOR THE HEARING IMPAIRED  
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AGENCY OF NATURAL RESOURCES  
 Department of Environmental Conservation

**Air Pollution Control Division**  
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**Waterbury, Vermont 05671-0402**

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<http://www.anr.state.vt.us/dec/air/>

October 21, 2003

Andy Raubvogel  
 SHEMS DUNKIEL & KASSEL, PLLC  
 87 College Street  
 Burlington, Vermont 05401

**Subject: East Haven Windfarm – Air Pollution Control Permit Not Required**

Dear Andy:

On October 17, 2003, the Agency of Natural Resources, Department of Environmental Conservation, Air Pollution Control Division ("Agency") received a letter from SHEMS DUNKIEL & KASSEL requesting written confirmation that an Air Pollution Control Permit ("Permit") is not required for construction and operation of the East Mountain windfarm demonstration project.

Upon review of the outlined aspects of the project that could potentially be related to air permitting, the Agency has determined that a Permit is not required for this project. However, the Agency would like to take this opportunity to clarify the following statement made in your October 17<sup>th</sup> letter regarding generator exemptions:

- "Under §5-401(6)(c), a generator with a rating of less than 450 hp is not an *air contaminant source* and thus does not require an air permit for construction or operation. This exemption applies regardless of the number of hours that a generator < 450 hp is run annually, and regardless of whether it is being used for emergencies or some other purpose."

Please note that although the proposed diesel engine generator unit is well below the threshold outlined under section §5-401(6)(c) of the *Vermont Air Pollution Control Regulations*, any generator, regardless of size, that provides more power than the source alone requires could be considered an electrical power generation facility if excess power was sold to a utility.

Please feel free to contact me at (802) 241-2365 if I can be of any further assistance or if you have any questions or comments regarding this matter.

Sincerely,

Jay Hollingsworth, Environmental Engineer  
 Air Pollution Control Division  
[jjayhollingsworth@anr.state.vt.us](mailto:jjayhollingsworth@anr.state.vt.us)

JH:jh  
 Town File – East Haven