



Massachusetts Department of Environmental Protection
Bureau of Waste Prevention - Business Compliance Division

BWP AQ 12

Operating Permit Renewal Instructions and Supporting Materials

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Introduction

MassDEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the MassDEP Web site at mass.gov/dep in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

Instructions & Support Materials files in Microsoft Word™ format contain a series of documents that provide guidance on how to prepare a permit application. Although we recommend that you print out the entire package, you may choose to print specific documents by selecting the appropriate page numbers for printing.

Permit Applications in Microsoft Word™ format must be downloaded separately. Users with Microsoft Word™ 97 or later may complete these forms electronically.

Permitting packages in Adobe Acrobat PDF™ format combine *Permit Applications* and *Instructions & Support Materials* in a single document. Adobe Acrobat PDF™ files may only be viewed and printed without alteration. *Permit Applications* in this format may not be completed electronically.



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(1) What is the purpose of a Renewal?

An Operating Permit Renewal form shall be completed by an owner or operator of a facility subject to the Operating Permit and Compliance Program as defined in 310 CMR 7.00:Appendix C(2), to renew a current Operating Permit which is reaching expiration.

(2) Who Must Apply for an Operating Permit Renewal?

Pursuant to 310 CMR 7.00:Appendix C(4)(b)4, an Operating Permit Renewal form must be submitted no later than 6 months prior to expiration of the current Operating Permit. In addition, when processing a significant modification according to 310 CMR 7.00:Appendix C(8)(a)3, and there is less than or equal to 2 years remaining on the Operating Permit, the owner/operator of the facility may submit a Renewal Application, form BWP AQ12. Since the timeline to issue a significant modification may overlap the submittal due date for the renewal application, it is recommended that they be submitted concurrently.

(3) How is an Operating Permit Renewal Processed and What are the Timelines?

Pursuant to 310 CMR 7.00:Appendix C(4)(b)4, a timely Operating Permit Renewal Application shall be submitted at least six months prior to the expiration of the Operating Permit.

To be Administratively Complete, an Operating Permit Renewal Application shall contain, at a minimum, items specified in 310 CMR 7.00:Appendix C(5)(b). Additional information may be requested by the Department as provided for in 310 CMR 7.00:Appendix C(5)(a)

Pursuant to 310 CMR 7.00:Appendix C(12), the Department may grant an application shield when a timely and administratively complete Operating Permit Renewal Application is received. An application shield allows the facility to continue operations (as the approved Operating Permit allows) while the renewal application is being reviewed, even if the review extends beyond the expiration date of the approved permit. Unless a facility obtains an application shield, the right to operate the facility terminates upon the expiration of its Operating Permit.

Pursuant to 310 CMR 7.00:Appendix C(4)(c)5, final action by the Department shall be taken on each Operating Permit Renewal Application within (9) nine months of receipt of a complete form AQ OP12B.

(4) What is the Application Fee for an Operating Permit Renewal?

None, according to 310 CMR 4.10(2).

(5) What is the Primary Permit Location? What is the Reserve Copy Location?

Primary Permit Location:
Dept. of Environmental Protection
_____*Regional Office
Air Quality Control

Reserve Copy Location:
Dept. of Environmental Protection
_____*Regional Office
Air Quality Control

*Refer to your Operating Permit for the appropriate MassDEP Regional Office or Find your region:
<http://mass.gov/dep/about/region/findyour.htm>

All completed application packages should be submitted in duplicate (one primary copy, one reserve copy) to the appropriate regional office for review and approval.



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Upon approval of the application, MassDEP stamps the reserve and returns it to you for your records. In this manner, MassDEP and the applicant have identical copies of the approved submittal.

(6) How Long are Operating Permits in Effect?

Operating Permits are in effect for five years unless:

- (A) otherwise stated in the approval;
- (B) significant modifications to the facility are proposed where less than 2 years remain of the term of the OP which requires renewal; or
- (C) permits for solid waste incineration units combusting municipal waste subject to standards under 42 U.S.C. 8401, § 129(e) shall be issued for a period not to exceed 12 years and reviewed by the Department at least every five years.

(7) How Can I Avoid the Most Common Mistakes Made in Applying for an Operating Permit Renewal?

- (A) Answer all questions on the form and indicate “N/A” (not applicable) where appropriate.
- (B) Submit all supplementary information requested in the application.
- (C) Submit two copies of the application to the regional office for review.

(8) Where Can I Get Copies of the Regulations?

May be purchased at:

State Bookstore (in State House)
Room 116
Boston, MA 02133
617-727-2834

State Bookstore
436 Dwight Street
Springfield, MA 01103
413-784-1376

Commonwealth of Massachusetts Air Regulations may be searched at the Commonwealth’s World Wide Web Site at:

www.mass.gov/dep



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(1) How is the Operating Permit Renewal (BWP AQ12) Completed?

The following is an explanation of the Operating Permit Renewal Application and what is expected. Refer to Section G, Definitions, to complete accurately.

(A) Facility Information: Complete using information directly from the expiring Operating Permit.

(B) Summarize Modifications Since Initial or Renewed Operating Permit:

Considering all amendments, modifications, requirements, and notifications which have become effective since initial issuance or previous renewal of the Operating Permit, complete the following:

- Type of Permit Application/Modification: Administrative Amendment, Minor Modification, Significant Modification, regulation, requirement (e.g. MACT Standard), or other type of change to permit (e.g. 502(b)(10)).
- EU No.: Emission Unit(s) affected (if applicable)
- Transmittal No./Approval No.
- Date of Approval/modification/notification: For approvals or modifications, the issuance date. For modifications, the effective date. For regulations (notifications), the date the Emission Unit became subject.
- For regulations (notifications), the date the Emission Unit became subject. Description of Approved Action: ex.: for an Administrative Amendment, place “changed facility name to _____”

(C) Compliance With Current Permit:

Considering all Emission Units permitted by the Operating Permit, check the box for the appropriate statements as they apply to the facility’s compliance history. When determining compliance, consider additional federal requirements (including but not limited to standards or requirements pursuant to 42 USC 7401, § 112(d), 112(g), 112(h) and 112(j) which have become applicable to the facility since issuance of the current Operating Permit.

- Attachment F, Operating Permit Compliance Report form Instructions (in lieu of Annual Compliance Report submittal for renewal purposes):
 1. Refer to the Air Operating Permit Reporting Kit for instructions
 2. Operating Permit Compliance Report form, if used must be downloaded as a separate document, completed, and attached
- Attachment E Operating Permit Compliance Cross Reference form Instructions
 1. EU #: Emission Unit Number
 2. Deviation Date(s): List dates for the deviation(s) for which you are cross-referencing which have been previously submitted to the Department
 3. Type of Deviation: List type of deviation, e.g. record keeping, monitoring, reporting, emissions limit, etc.
 4. Return to Compliance Plan Date or Date of Return to Compliance: State the date of your Return to Compliance Plan previously submitted to the Department or state the date in which the cause of deviation has Returned to Compliance for which you are cross-referencing



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(D) Approved Potential Emissions Resulting From Modifications of Operating Permit :

- Complete the Table using information contained in any/all facility Approval(s), Modification(s), Notification(s), etc.

(E) Compliance Assurance Monitoring (CAM)

Unless subject to an earlier deadline under 40 CFR Part 64, source operators with units subject to Compliance Assurance Monitoring (CAM) requirements must submit a CAM plan as part of the Operating Permit Renewal application. It may not be cross-referenced from previous documents.

Compliance Assurance Monitoring regulations are located at:

- 40 CFR Part 64, et al. Compliance Assurance Monitoring

General Applicability:

Except for backup utility units that are exempt under 40 CFR 64.2(b)(2), the requirements shall apply to a pollutant-specific emissions unit at a major facility that is required to obtain an Operating Permit if the unit satisfies all of the following criteria:

- The unit is subject to an emission limitation or standard for the applicable regulated air pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under 40 CFR 64.2(b)(1);
- The unit uses a control device to achieve compliance with any such emission limitation or standard; and
- The unit has potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source. For purposes of this paragraph, “potential pre-control device emissions” shall have the same meaning as “potential to emit,” as defined in 40 CFR 64.1, except that emission reductions achieved by the applicable control device shall not be taken into account.

For example: A paper coating line has potential emissions, before control, greater than 50 tons per year of VOC. It is equipped with a thermal oxidizer for VOC control to meet an emission limit. A CAM plan must be submitted for VOC for this emission unit with the renewal application.

The fundamental requirements of CAM are to:

- Monitor compliance in a manner that is sufficient to yield data that provide reasonable assurance of compliance and allow an owner or operator to make an informed certification of compliance;
- Take necessary corrective actions in response to the monitoring data;
- Report on the results of such monitoring; and
- Maintain records of such monitoring.

Additional information regarding CAM may be found at EPA’s World Wide Web Site at: <http://www.epa.gov/ttn/emc/cam.html> and http://cfpub.epa.gov/mkb/cam_ctrl.cfm#ctr9.

Federal Regulations may be searched for at EPA’s World Wide Web Site at: <http://www.epa.gov/fedrgstr/search.htm>.



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(F) Certification:

Any application form, report, or compliance certification submitted pursuant to 310 CMR 7.00: *Appendix C* shall contain certification by a responsible official of truth, accuracy, and completeness in accordance with 310 CMR 7.01(2).

Information required to be updated including, but not limited to any statements regarding compliance status in the compliance plan and the certification of truth and accuracy must reflect a current evaluation at the time of application and cannot be referenced from other documents.

(G) Definitions:

Compliance:

A status where all applicable requirements are being met, based on the collection and evaluation of data, including any credible evidence.

- Data includes but is not limited to parametric monitoring, indicators, operating practices, record keeping, and reporting

Continuous Compliance:

The status where a facility or emission unit has continuously met all terms of the permit, regulation, or approval during the reportable timeframe.

- No reportable deviations
- Credible evidence supports status
- Data must include but is not limited to self-monitoring, parametric monitoring, indicators, operating practices, record keeping, and reporting

Credible Evidence:

Includes but is not limited to:

- Reference test method
- Other evidence comparable to information generated by the reference test method such as:
 - Engineering calculations
 - Indirect estimates of emissions
 - CEMS
 - Parametric monitoring data
 - Record keeping

Deviation:

Any situation in which a facility or an emission unit fails to meet an applicable requirement.

- Includes emission limits, parametric limits, work practice standards, record keeping, and reporting
- May be determined by observation or through review of data obtained from any testing, monitoring, or record keeping, including credible evidence.
- May exclude instances reported as emergency conditions pursuant to Section 24 of the final Operating Permit.



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Intermittent Compliance:

The status where the facility or emission unit has failed to continuously meet all terms of the permit, regulation, or approval during the reportable timeframe.

- Reportable deviations
- Credible evidence supports status
- Data must include but is not limited to self-monitoring, parametric monitoring, indicators, operating practices, record keeping, and reporting

Non-Compliance:

Any act or failure to act which constitutes or results in one or more of the following:

- Engaging in any business or other activity without a license or approval whenever engaging in such business or activity requires such license or approval.
- Engaging in any activity prohibited by, or not in compliance with, any requirement.
- Not fully doing, or not doing in timely fashion, anything required by any requirement.
- Credible evidence supports status



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Application Completeness Checklist

- The MassDEP Transmittal Form is completed: <http://mass.gov/dep/service/online/trasmfrm.shtml>
- Form BWP AQ 12 is completed.
- Attachment F, “Compliance Report Form”, or a copy of the most up-to-date Annual Compliance Report and Certification.
- Attachment E, “Compliance Cross Reference Form”, if cross-referencing previous submittals.
- A cover letter is attached explaining the request.

To submit the application package:

- Checklist items have been completed.
- Send two copies of the application along with two copies of the MassDEP Transmittal Form to:

Department of Environmental Protection
_____ * Regional Office
Air Quality Control

*Find your region: <http://mass.gov/dep/about/region/findyour.htm>



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Transmittal Number

SSEIS Number

FMF Number

SIC Code(s)

A. Facility Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Facility - the site or works at which the regulated activity occurs:

Name

Street Address

City

State

Zip Code

2. Mailing address:

Street/PO Box:

e-mail address (optional)

City

State

Zip

Telephone Number

Facility Contact Person:

Contact person's title

3. Facility Description – Facility processes and products (including alternative operating scenarios). Attach Additional Pages as necessary. Information provided will be included in the Operating Permit Section 1, 'Facility Description'.

B. Summary of Modifications Since Initial or Renewed Operating Permit

Type of Permit Form Application / Modification / Notification	Emission Unit Number(s)	Transmittal or Approval Number	Approval or Modification Date	Description of Approved or Notified Action
EXAMPLES: <i>Minor Mod.</i>	<i>1</i>	<i>999999</i>	<i>9/13/01</i>	<i>Installation of air pollution control equipment on Frame No. 1</i>
<i>MACT Not.</i>	<i>1</i>	<i>N/A</i>	<i>5/13/02</i>	<i>40 CFR 63 Subpart JJ</i>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



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FMF Number

SIC Code(s)

B. Summary of Modifications Since Initial or Renewed Operating Permit (Continued)

Type of Permit Form Application / Modification / Notification	Emission Unit Number(s)	Transmittal or Approval Number	Approval or Modification Date	Description of Approved or Notified Action
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

C. Compliance with Current Permit

Attachment F: "Compliance Report Form"

Have you previously submitted an Annual Compliance Certification?

Yes, Continue

No, Complete Attachment F and Continue to 1a.

Attachment E: "Operating Permit Compliance Cross-Reference Form"

What is the date of your most recent Annual Compliance Certification?

What period is covered by the Annual Compliance Certification?

1a. Did you have any deviations subsequent to the reported period of time?

Yes, Continue to 1b

No, Continue to 1c

1b. During the subsequent period of time, did you report all deviations?

Yes, List reported deviations since the most recent Annual Compliance Report and Certification on Attachment E and Continue

No, Submit a new OP Deviation Report Form(s) listing all deviations as contained in the OP Reporting Kit and Continue to 1c.

1c. Are you currently operating in compliance with all requirements of your OP?

Yes, Continue

No, Submit a Return to Compliance Plan or reference the Plan currently on file with the Department using Attachment E.



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Transmittal Number _____

SSEIS Number _____

FMF Number _____

SIC Code(s) _____

D. Approved Potential Emissions Resulting from Modifications of Operating Permit

Include all Units as Appropriate

Short Term Emission Rate in Permit								
EU No.	Approval / Transmittal No.	NOx	SOx	CO	PM	VOC	HAP(s)	Other (Specify)
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

Long Term Emission Rate in Permit								
EU No.	Approval / Transmittal No.	NOx	SOx	CO	PM	VOC	HAP(s)	Other (Specify)
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

E. Compliance Assurance Monitoring (CAM)

- Yes, The facility has Emission Units subject to CAM Complete and attach CAM Report as described in Instructions. Continue to Section F. All Emission Units not previously submitted must be reported.
- No, The facility has no Emission Units subject to CAM Continue to Section F.



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F. Certification

The following statements must be signed by a responsible official:

Pursuant to 310 CMR 7.00: Appendix C(5)(b)(9)(e), "I hereby accept the Department's authority to enter the premises of the permitted facility and perform reasonable inspections and sampling, as described in 310 CMR 7.00: Appendix C(3)(g)."

Name of Official

Signature

Date

Pursuant to 310 CMR 7.00:Appendix C(5)(b)8.c, I state that "Except for those units identified as not in compliance and for which a schedule is attached, I certify that the facility will continue to comply with all current applicable requirements and will meet the requirements for applicable requirements that will become effective during the term of this permit on a timely basis."

Name of Official

Signature

Date

Pursuant to 310 CMR 7.01(2)(c) "I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

Name of Official

Signature

Date