



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

BWP AQ 13

Air Operating Permit Significant Modification 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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Operating Permit Significant Modification Instructions and Supporting Materials

(1) What is the Purpose of a Significant Modification?

An Operating Permit Significant Modification 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 revise information in the current Operating Permit that may result in changes which do not qualify as a Minor Modification or as an Administrative Amendment.

NB: 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.

(2) Who Must Apply for an Operating Permit Significant Modification?

An Operating Permit Significant Modification application shall be used by an owner or operator when there is a proposed change to the facility that:

- (A) Causes a significant emission increase in the rate of allowable emissions of any facility emissions cap as prescribed in the approved operating permit; or
- (B) Is a significant modification under NSPS, NESHAPS, PSD regulations, or is a modification under 42 U.S.C. 7401, Title I requiring approval under 310 CMR 7.02; or
- (C) Is a significant change to any monitoring, reporting or record-keeping requirements as required by any operating permit; or
- (D) Is a relaxation of the compliance plan including a lengthening of the time that an emissions unit is in noncompliance as required by any Federal rules or regulations adopted pursuant to Massachusetts State Implementation Plan (SIP); or
- (E) Requires a case-by-case determination of an emission limitation or other standard of a facility, a specific determination for a temporary facility(ies) of ambient impacts, or a visibility or increment analysis.

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

Pursuant to 310 CMR 7.00:Appendix C(4)(1)4, a timely Operating Permit Significant Modification Application shall be submitted at least six months prior to the planned modification. For significant modifications which have been reviewed and approved under 310 CMR 7.00, the construction or modification that has been reviewed and approved may commence, but may not operate, prior to final approval of the modification to the Operating Permit. For significant modifications which have been reviewed and approved under 310 CMR 7.02(1), the construction, substantial reconstruction or modifications may commence, but may not be operated, after receipt of the required significant modification application by the Department. The permit shield provided under 310 CMR 7.00: Appendix C(12) does not apply to any changes resulting from this action.

To be Administratively Complete, an Operating Permit Significant Modification Application shall focus on the proposed significant modifications to the issued Operating Permit only and shall be governed by 40 CFR part 72 for purposes of the acid rain portion of the Operating Permit, pursuant to 310 CMR 7.00:Appendix (C)(8)(c)2-3. 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(4)(c)5, final action by the Department shall be taken on each Operating Permit Significant Modification Application within nine months of receipt of a complete BWP AQ13.

(4) What is the application fee for an Operating Permit Significant Modification?

None, according to 310 CMR 4.10(2).



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

Primary Permit Location:
Dep't. of Environmental Protection
*Regional Office
Air Quality Control

Reserve Copy Location:
Dep't. 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.

Upon approval of the application, MassDEP stamps the reserve copy 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 These Permits in Effect?

Operating Permits are in effect for five years unless:

- (A) otherwise stated in the approval;
- (B) modifications to the facility require that a new or modified permit be issued; or
- (C) the permit is for solid waste incineration units combusting municipal waste subject to standards under 42 U.S.C. 8401, § 129(e). These 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 a Significant Modification?

- (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 Significant Modification Form Completed?

The following is an explanation of the Operating Permit Significant Modification application and what is expected.

(A) Facility Information:

Complete using information directly from the Operating Permit

Determine whether you meet the requirements to renew your Operating Permit concurrent with your BWP AQ13 application.

(B) Significant Modification Qualifier:

Check the appropriate box which most accurately reflects the reason for submission.

(C) Summarize Changes:

Changes proposed as significant modifications to the current Operating Permit. Complete as follows:

- EU #(s): Emission Unit(s) as listed in the OP, or proposed
- Type of Approval: State whether Non-Major Comprehensive Plan Approval (Non-Major CPA), Major Comprehensive Plan Approval (Major CPA), and/or Emission Control Plan (ECP)
- New: New emission unit(s) to add to OP
- Mod.: Modification of emission unit(s) in OP
- Del.: Removal of emission unit(s) in OP
- Transmittal/Approval Number: Obtained from CPA or ECP received from the Department
- Date of Issuance: Obtained from CPA or ECP received from the Department
- Table Number: Applicable Table Number from OP to reflect significant modification(s) in OP

(D) 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 Significant Modification application and may not be cross-referenced from previous documents.

Compliance Assurance Monitoring regulations are located in:

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



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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>.

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

(E) 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.



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Significant Modification Application Completeness Checklist

- The MassDEP Transmittal Form is completed: <http://mass.gov/dep/service/online/trasmfrm.shtml>
- Form BWP AQ 13 is completed.
- 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
Bureau of Waste Prevention

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



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Operating Permit Significant Modification

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

B. Significant Modification Qualifier

Pursuant to 310 CMR 7.00:Appendix C(8)(c), the proposed change(s) qualify for a significant modification to an Operating Permit modification if the modification:

- Causes a significant emission increase in the rate of allowable emissions of any facility emissions cap as prescribed in the approved Operating Permit.
- Is a significant modification under the NSPS, NESHAPS, PSD regulations, or is a modification under 42 USC 7401, Title I requiring approval under 310 CMR 7.02.
- Is a significant change to any monitoring reporting or record keeping requirements as required by any Operating Permit.
- Is a relaxation of the compliance plan including a lengthening of the time that an emissions unit is in noncompliance as required by any Federal rules or regulations adopted pursuant to Massachusetts State Implementation Plan (SIP).
- Requires a case-by-case determination of an emission limitation or other standard of the facility, a specific determination for a temporary facility(ies) of ambient impacts, or a visibility or increment analysis.

Check appropriate box



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Transmittal Number

SSEIS Number

FMF Number

SIC Code(s)

E. 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