



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 627 Main Street, Worcester MA 01608 • 508-792-7650

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

August 22, 2012

Mr. R. Michael Dawley
Clark University
950 Main Street
Worcester, MA 01610

RE: Worcester
Transmittal No.: X251282
Application No.: CE-12-018
Class: *OP*
FMF No.: 9807
AIR QUALITY PLAN APPROVAL

Dear Mr. Dawley:

The Massachusetts Department of Environmental Protection (“MassDEP”), Bureau of Waste Prevention, has reviewed your Non-major Comprehensive Plan Application (“Application”) listed above. This Application concerns the proposed installation and operation of a new Combined Heat and Power (“CHP”) system at your institution located at 950 Main Street in Worcester, Massachusetts (“Facility”). The Application bears the seal and signature of Mark Hultman, Massachusetts Registered Professional Engineer number 36576.

This Application was submitted in accordance with 310 CMR 7.02 Plan Approval and Emission Limitations as contained in 310 CMR 7.00 “Air Pollution Control” regulations adopted by MassDEP pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Section 142 A-J, Chapter 21C, Section 4 and 6, and Chapter 21E, Section 6. MassDEP’s review of your Application has been limited to air pollution control regulation compliance and does not relieve you of the obligation to comply with any other regulatory requirements.

MassDEP has determined that the Application is administratively and technically complete and that the Application is in conformance with the Air Pollution Control regulations and current air pollution control engineering practice, and hereby grants this **Plan Approval** for said Application, as submitted, subject to the conditions listed below.

Please review the entire Plan Approval, as it stipulates the conditions with which the Facility owner/operator (“Permittee”) must comply in order for the Facility to be operated in compliance with this Plan Approval.

1. DESCRIPTION OF FACILITY AND APPLICATION

A. Facility and Equipment

Clark University ("the Permittee") is an existing facility subject to the Operating Permit program. Its current Operating Permit, application Transmittal #X228200, was issued May 12, 2010, and describes the existing equipment and requirements that pertain to the Facility. In accordance with 310 CMR 7.00, Appendix C(4)(b)2, the Permittee must submit an application to amend or modify the Operating Permit to include the new emission unit, emissions, and applicable requirements.

The proposed new CHP system includes a natural gas fired Cummins Model 2000-GQPC spark ignition internal combustion engine-generator set rated at 2 megawatts electric power output, with thermal energy recovered from the engine exhaust gases in a heat recovery steam generator ("HRSG"), and from recirculating indirect coolant. It will replace an existing Fairbanks-Morse CHP engine generator set installed in 1982. Like the existing Fairbanks-Morse engine, the new Cummins engine will displace a certain amount of fuel burning in three existing boilers.

B. Applicable Emission Limitations

The new engine is subject to Industry Performance Standards 310 CMR 7.26(43) Engines and Turbines and (45) Combined Heat and Power ("CHP"). As shown in Table A, 310 CMR 7.26(43) sets emissions limitations that must be met by new internal combustion engines for the following air contaminants: Nitrogen oxides (NO_x); Carbon monoxide (CO); and Carbon dioxide (CO₂). 310 CMR 7.26(45) provides a formula to calculate emission reduction credits that represent the displaced fuel burning (that would have been otherwise necessary to supply the thermal energy that the CHP system supplies). The emission credits may be used to determine compliance of the new engine with the 310 CMR 7.26(43) emission limitations. Pursuant to 310 CMR 7.26(45)(b)7., the emissions determined by this methodology satisfy the requirements of 310 CMR 7.02(8)(a)2., Best Available Control Technology ("BACT"), and so a top-down BACT analysis is not required.

Table A				
CHP Emission Reduction Credits and ERP compliance Demonstration				
EU#	Air Contaminant	Emission Limit 310 CMR 7.26(43) lbs/MWh	Application Calculated Emission Credits per 310 CMR 7.26(45)	Converted Emission Limit for CHP purposes of 310 CMR 7.26(45) lbs/MWh (Note 1)
4	NO _x	0.15	1.32	1.47
	CO	1	0.35	1.35
	CO ₂	1650	513	2163
	Smoke & Opacity	Not to exceed the limits contained in 310 CMR 7.26(43)(d)4., which references 310 CMR 7.06(1)(a) & (b)		

Table A Notes:

Note 1: Permittee may have a guarantee of compliance with the revised emission limitations after credits are accounted for. However, the performance test shall be the direct compliance methodology and supersede any written or verbal guarantee from the manufacturer or supplier.

Table A Key:

EU# = Emission Unit Number
 NO_x = Nitrogen Oxides
 CO = Carbon Monoxide
 CO₂ = Carbon Dioxide
 lbs/MWh = pounds per brake megawatt per hour

The new engine is also subject to the requirements of 40 CFR Part 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, and 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines ("RICE"). Pursuant to 40 CFR 63.6590(c), the engine must meet the requirements of Subpart ZZZZ by meeting the requirements of 40 CFR part 60 subpart JJJJ (New Source Performance Standards or "NSPS") for spark ignition engines. No further requirements apply for the engine under Subpart ZZZZ. The engine must meet the Subpart JJJJ standards without the use of any emission credits such as those used for determining compliance with the MassDEP emission limitations. The Subpart JJJJ emission limits for NO_x, CO, and Volatile Organic Compounds ("VOC") are listed in Table B, below.

Table B 40 CFR 60 Subpart JJJJ Limits					
EU#	Operational / Production Limit	Air Contaminant	Emission Limit (the Permittee may choose to comply with the emission standards in units of either g/HP-hr or ppmvd at 15 percent O ₂ .) (Note 1)		
			g/HP-hr	lbs/MWh	ppmvd at 15%O ₂
4	The Permittee must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions.	NO _x	1.0	2.9	82
		CO	2.0	5.9	270
		VOC (For purposes of this subpart, when calculating emissions of volatile organic compounds, emissions of formaldehyde should not be included.)	0.7	2.1	60

Table B Notes:

Note 1: The averaging period for the emission limits shall be determined as follows: In accordance with 40 CFR 60.4244, the Permittee must conduct three separate test runs for each performance test required in this section, as specified in § 60.8(f). Each test run must be conducted within 10 percent of 100 percent peak (or the highest

achievable) load and last at least 1 hour. The results of the performance test consist of the average of the three 1-hour or longer runs.

Table B Key:

- EU# = Emission Unit Number
- NO_x = Nitrogen Oxides
- CO = Carbon Monoxide
- VOC = Volatile Organic Compounds
- lbs/MWh = pounds per brake megawatt per hour
- g/HP-hr = grams per brake horsepower per hour
- ppmvd at 15% O₂ = parts per million in dry gas corrected to 15 percent oxygen content in the dry gas

The new engine is subject to the requirements of 310 CMR 7.02(8)(a)2., Best Available Control Technology ("BACT"). BACT emission limitations may not be less stringent than any 310 CMR 7.26 standards (Table A) or NSPS standards (Table B). In the submitted application, the Permittee proposed BACT emission limitations which are more stringent than both the 310 CMR 7.26 standards and the NSPS standards. MassDEP has accordingly determined that the applicant proposed emission limitations are BACT for this proposal. The Permittee proposes to achieve the emission limitations by the following means: Selective Catalytic Reduction ("SCR") for control of NO_x; oxidation catalyst for control of VOC, CO, and Hazardous Air Pollutants ("HAP"); and efficient engine design for control of CO₂. The associated emissions and operating limits are presented in Section 3.A, below.

C. PSD/NSR Applicability Analysis

Based on review of source registration data submitted to MassDEP pursuant to 310 CMR 7.12, the existing facility-wide potential-to-emit exceeds 250 tons per year for NO_x and SO₂. Therefore, the facility is classified as an existing major source for the purpose of Prevention of Significant Deterioration ("PSD") review per 40 CFR 52.21.

The proposed permitted potential emissions from the new equipment are:

Table C		
Pollutant	Potential Emissions (tons per year)	40 CFR 52.21 Significance Levels (tons per year)
Total Greenhouse Gases (GHG)—Carbon Dioxide Equivalent (CO ₂ e)	9,988	75,000
Carbon Monoxide (CO)	5.46	100
Nitrogen Oxides (NO _x)	4.91	40
Sulfur Dioxide (SO ₂)	0.05	40
Particulate Matter under 10 microns (PM10)	1.64	15
Particulate Matter under 2.5 microns (PM2.5)	1.64	10
Volatile Organic Compounds (VOC)	2.73	40

Construction of the project will not result in emissions increases from changes in operation of existing equipment at the Facility. Therefore, emissions increases from the project consist solely of potential emissions from the new equipment.

With respect to PSD, therefore, the project will not result in a significant emission increase, and is therefore not subject to PSD review.

Since the existing facility-wide potential-to-emit exceeds 50 tons per year for NO_x, the facility is classified as an existing major source for the purpose of Emissions Offset and Nonattainment Review per 310 CMR 7.00: *Appendix A* Applicability of Offsets and Nonattainment Review, and therefore requires a net emissions increase determination for NO_x. Per 310 CMR 7.00: *Appendix A*, (2)Definitions, Net Emission Increase, the following contemporaneous creditable emissions changes will occur at the facility as a result of the shutdown of the existing Fairbanks-Morse CHP engine-generator set:

Table D			
Pollutant	Emissions (tons per year)		
	New Equipment Potential to Emit	Reduction in Actual Emissions from Fairbanks- Morse Engine Shutdown	Net Emissions Reduction from Project
NO _x	4.91	83.0	78.1

Since there is no net emissions increase, the project is not subject to Offsets and Nonattainment review.

D. Air Quality Modeling

In accordance with 310 CMR 7.26(43)(d)3.d., the Permittee's air quality modeling analysis predicted that the operation of the engine will not cause an exceedance of any National Ambient Air Quality Standard. The results of the model show that the impacts of all pollutants are below the respective Significant Impact Levels contained in MassDEP's June 2011 Modeling Guidance for Significant Stationary Sources of Air Pollution.

2. EMISSION UNIT (EU) IDENTIFICATION

Each Emission Unit (EU) identified in Table 1 is subject to and regulated by this Plan Approval. The existing three Union Iron Works boilers, EU #1, 2, and 3 in the facility wide Operating Permit, are not affected by this Plan Approval. The existing EU #4, previously the Fairbanks-Morse engine, will now be the new Cummins engine.

Table 1			
EU#	Description	Design Capacity	Pollution Control Device ("PCD")
4	Cummins 2000-GQPC spark-ignition reciprocating internal combustion engine	17.08 Million British Thermal Units per Hour heat input 2108 brake kilowatts mechanical output	Selective Catalytic Reduction ("SCR") and Oxidation Catalyst

Table 1 Key:

EU# = Emission Unit Number
 PCD = Pollution Control Device

3. APPLICABLE REQUIREMENTS

A. OPERATIONAL, PRODUCTION and EMISSION LIMITS

The Permittee is subject to, and shall not exceed the Operational, Production, and Emission Limits as contained in Table 2:

Table 2					
Approved BACT Emission Limits					
EU#	Operational / Production Limit	Air Contaminant	Emission Limit (Note 1)		
			lbs/MWh*	lbs/hr	TPY
4	The Permittee must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions.	NO _x	0.53	1.12	4.91
		CO	0.59	1.25	5.46
		CO ₂	1,075	2,261	9,933
		VOC	0.29	0.63	2.73
		HAP (Note 2)	0.068	0.14	0.63
	Natural gas shall be the only fuel fired in the engine.	PM	0.18	0.37	1.64
		SO ₂	0.005	0.01	0.05
		NH ₃	5 ppm	0.13	0.57
		Smoke & Opacity	Not to exceed the limits contained in 310 CMR 7.26(43)(d)4., which references 310 CMR 7.06(1)(a) & (b)		

*lbs/MWh unless specified otherwise.

Table 2 Notes:

Note 1: The Permittee shall meet the BACT emission limits established in the Plan Approval at all times, except during startup and shutdown, as measured by certified CEMS or performance testing as determined by Table 3 conditions relative to monitoring provisions for determining direct compliance, with the following provisions:

- A. The initial direct compliance determination shall be done by performance tests as specified by 40 CFR Subpart JJJJ. Such testing may not be conducted during periods of startup, shutdown, or malfunction; and the averaging period shall be as stated in Table B, Note 1. above.
- B. If the Permittee proposes to use a certified CEMS as a direct compliance monitor, it shall be certified as specified in Table 3, Condition 5 and approved in writing as specified in Table 6, Condition 4. MassDEP reserves the right to impose specific startup and shutdown limits as measured by the CEMS, as well as allowable durations of startup and shutdown.

Note 2: The application identified formaldehyde as the HAP present in the engine exhaust emissions.

Table 2 Key:

EU# = Emission Unit Number
NO_x = Nitrogen Oxides
CO = Carbon Monoxide
SO₂ = Sulfur Dioxide
PM = Total Particulate Matter
VOC = Volatile Organic Compounds
CO₂ = Carbon Dioxide
HAP = Hazardous Air Pollutant
NH₃ = Ammonia
TPY = tons per consecutive 12-month period
lbs/MWh = pounds per brake megawatt per hour
g/HP-hr = grams per brake horsepower per hour
lbs/hr = pounds per hour
ppm = parts per million
CEMS = continuous emissions monitoring system

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to, and shall comply with, the monitoring, testing, record keeping, and reporting requirements as contained in Tables 3, 4, and 5:

Table 3	
EU#	Monitoring and Testing Requirements
4	<p>1. Pursuant to 40 CFR Part 60.4243(b)(2)(ii), the Permittee must conduct an initial performance test within 180 days of startup or within 90 days after maximum load has been achieved. The Permittee shall conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance. The testing shall be for the 40 CFR Subpart JJJJ-listed air pollutants NO_x, CO and VOC.</p> <p>2. Pursuant to 40 CFR Part 60.4244, owners and operators of stationary spark-ignition internal combustion engines who conduct performance tests must follow the procedures in paragraphs (a) through (f) of this section.</p> <p>3. If and when MassDEP requires it, the Permittee shall conduct additional emission testing beyond the 40 CFR Subpart JJJJ requirements in accordance with USEPA Reference Test Methods and Regulation 310 CMR 7.13.</p> <p>4. The Permittee shall keep the CEMS system properly maintained and in an accurate operating condition whenever the engine is operating.</p> <p>5. If Permittee elects to certify the CEMS, then initial certification shall be performed in accordance with 40 CFR Part 60 Appendix A and ongoing compliance shall be demonstrated in accordance with 40 CFR Part 60 Appendix B and F.</p> <p>6. The engine and HRSG shall be constructed to accommodate the emissions testing requirements as stipulated in 40 CFR Part 60, Appendix A or the latest test methods recommended by USEPA.</p>
Facility-wide	<p>7. If and when MassDEP requires it, the Permittee shall conduct emission testing in accordance with USEPA Reference Test Methods and Regulation 310 CMR 7.13.</p> <p>8. The Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.</p>

Table 3 Key:

- EU# = Emission Unit Number
- NO_x = Nitrogen Oxides
- CO = Carbon Monoxide
- VOC = Volatile Organic Compounds
- CEMS = Continuous Emissions Monitoring System
- SI ICE = Spark-ignition Internal Combustion Engine
- HRSG = Heat Recovery Steam Generator
- USEPA = United States Environmental Protection Agency

Table 4

EU#	Record Keeping Requirements
4	<p>1. Pursuant to Subpart JJJ records—40 CFR Part 60.4245:</p> <p>(a) Owners and operators of all stationary SI ICE must keep records of the information in paragraphs (a)(1) through (4) of this section.</p> <p>(1) All notifications submitted to comply with this subpart and all documentation supporting any notification.</p> <p>(2) Maintenance conducted on the engine.</p> <p>(3) If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90, 1048, 1054, and 1060, as applicable.</p> <p>(4) If the stationary SI internal combustion engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to 40 CFR Part § 60.4243(a)(2), documentation that the engine meets the emission standards.</p> <p>2. Pursuant to Subpart JJJ--40 CFR Part 60.4243(b)(2)(ii): (ii): If you are an owner or operator of a stationary SI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance.</p>
Facility-wide	<p>3. The Permittee shall maintain adequate records on-site to demonstrate compliance with all operational, production, and emission limits contained in Table 2 above. Records shall also include the actual emissions of air contaminant(s) emitted for each calendar month and for each consecutive twelve-month period (current month plus prior eleven months). These records shall be compiled no later than the 15th day following each month. An electronic version of the MassDEP approved record keeping form, in Microsoft Excel format, can be downloaded at http://www.mass.gov/dep/air/approvals/aqforms.htm#report .</p> <p>4. The Permittee shall maintain records of monitoring and testing as required by Table 3.</p> <p>5. The Permittee shall maintain a copy of this Plan Approval, underlying Application and the most up-to-date SOMP for the EU(s) and PCD(s) approved herein on-site.</p> <p>6. The Permittee shall maintain a record of routine maintenance activities performed on the approved EU(s), PCD(s) and monitoring equipment. The records shall include, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed.</p> <p>7. The Permittee shall maintain a record of all malfunctions affecting air contaminant emission rates on the approved EU(s) and PCD(s) and monitoring equipment. At a minimum, the records shall include: date and time the malfunction occurred; description of the malfunction; corrective actions taken; the date and time corrective actions were initiated and completed; and the date and time emission rates and monitoring equipment returned to compliant operation.</p> <p>8. The Permittee shall maintain records to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.</p> <p>9. The Permittee shall maintain records required by this Plan Approval on-site for a minimum of five (5) years.</p> <p>10. The Permittee shall make records required by this Plan Approval available to MassDEP and USEPA personnel upon request.</p>

Table 4 Key:

EU# = Emission Unit Number
 PCD = Pollution Control Device
 SOMP = Standard Operating and Maintenance Procedure
 USEPA = United States Environmental Protection Agency
 SI ICE = Spark-ignition Internal Combustion Engine
 HP = Horsepower

Table 5	
EU#	Reporting Requirements
4	<p>1. Pursuant to 40 CFR Part 60.4245(c): (c) Owners and operators of stationary SI ICE greater than or equal to 500 HP that have not been certified by an engine manufacturer to meet the emission standards in § 60.4231 must submit an initial notification as required in § 60.7(a)(1). The notification must include the information in paragraphs (c)(1) through (5) of this section.</p> <p>(1) Name and address of the owner or operator; (2) The address of the affected source; (3) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement; (4) Emission control equipment; and (5) Fuel used.</p> <p>2. Pursuant to 40 CFR Part 60.4245(d): (d) Owners and operators of stationary SI ICE that are subject to performance testing must submit a copy of each performance test as conducted in § 60.4244 within 60 days after the test has been completed.</p>
Facility-wide	<p>3. The Permittee shall submit to MassDEP all information required by this Plan Approval over the signature of a “Responsible Official” as defined in 310 CMR 7.00 and shall include the Certification statement as provided in 310 CMR 7.01(2)(c).</p> <p>4. The Permittee shall notify the Central Regional Office of MassDEP, BWP Permit Chief by telephone: 508-767-2845 , email: CERO.Air@massmail.state.ma.us or fax : 508-792-7621, as soon as possible, but no later than one (1) business day after discovery of an exceedance(s) of Table 2 requirements. A written report shall be submitted to Permit Chief at MassDEP within three (3) business days thereafter and shall include: identification of exceedance(s), duration of exceedance(s), reason for the exceedance(s), corrective actions taken, and action plan to prevent future exceedance(s).</p> <p>5. The Permittee shall report annually to MassDEP, in accordance with 310 CMR 7.12, all information as required by the Source Registration/Emission Statement Form. The Permittee shall note therein any minor changes (under 310 CMR 7.02(2)(e), 7.03, 7.26, etc.), which did not require Plan Approval.</p> <p>6. The Permittee shall provide a copy to MassDEP of any record required to be maintained by this Plan Approval within 30-days from MassDEP’s request.</p> <p>7. The Permittee shall submit to MassDEP for approval a stack emission pretest protocol, at least 30 days prior to emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.</p> <p>8. The Permittee shall submit to MassDEP a final stack emission test results report, within 60 days after emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.</p>

Table 5 Key:

EU# = Emission Unit Number
 SI ICE = Spark-ignition Internal Combustion Engine
 HP = Horsepower

4. SPECIAL TERMS AND CONDITIONS

A. The Permittee is subject to, and shall comply with, the Special Terms and Conditions as contained in Table 6 below:

Table 6	
EU#	Special Terms and Conditions
4	1. The SCR shall be operated at all times when the engine is operating. 2. The oxidation catalyst bed shall be in use at all times when the engine is operating. 3. In accordance with 40 CFR Part 60.8, MassDEP may alter the requirements for compliance determination by performance testing. The Permittee may propose alternative compliance determination methods, which may include continuous emissions monitoring systems (CEMS) or parametric monitoring systems. Such alternative methods must be approved in writing by MassDEP prior to their use instead of the Table 3 performance test requirements.
Facility Wide	4. In accordance with 310 CMR 7.00, Appendix C(4)(b)2, the Facility shall submit an Operating Permit Minor Modification application (BWP AQ 10) that reflects this Plan Approval and any other requirements that apply to the Facility within 90 days from the date of this Plan Approval.

Table 6 Key:

EU# = Emission Unit Number
 SCR = Selective Catalytic Reduction

- B. The Permittee shall install and use an exhaust stack, as required in Table 7, on each of the Emission Units that is consistent with good air pollution control engineering practice and that discharges so as to not cause or contribute to a condition of air pollution. Each exhaust stack shall be configured to discharge the gases vertically and shall not be equipped with any part or device that restricts the vertical exhaust flow of the emitted gases, including but not limited to rain protection devices known as “shanty caps” and “egg beaters.”
- C. The Permittee shall install and utilize an exhaust stack with the following parameters, as contained in Table 7, for the Emission Units that are regulated by this Plan Approval:

Table 7				
EU#	Stack Height Above Ground (feet)	Stack Inside Exit Dimensions	Stack Gas Exit Velocity Range (feet per second)	Stack Gas Exit Temperature Range (°F)
4	102	2 feet	52	400

Table 7 Key:

EU# = Emission Unit Number

°F = Degree Fahrenheit

5. GENERAL CONDITIONS

The Permittee is subject to, and shall comply with, the following general conditions:

- A. Pursuant to 310 CMR 7.01, 7.02, 7.09 and 7.10, should any nuisance condition(s), including but not limited to smoke, dust, odor or noise, occur as the result of the operation of the Facility, then the Permittee shall immediately take appropriate steps including shutdown, if necessary, to abate said nuisance condition(s).
- B. If asbestos remediation/removal will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that all removal/remediation of asbestos shall be done in accordance with 310 CMR 7.15 in its entirety and 310 CMR 4.00.
- C. If construction or demolition of an industrial, commercial or institutional building will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that said construction or demolition shall be done in accordance with 310 CMR 7.09(2) and 310 CMR 4.00.
- D. Pursuant to 310 CMR 7.01(2)(b) and 7.02(7)(b), the Permittee shall allow MassDEP and / or USEPA personnel access to the Facility, buildings, and all pertinent records for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.
- E. This Plan Approval does not negate the responsibility of the Permittee to comply with any other applicable Federal, State, or local regulations now or in the future.
- F. Should there be any differences between the Application and this Plan Approval, the Plan Approval shall govern.

- G. Pursuant to 310 CMR 7.02(3)(k), MassDEP may revoke this Plan Approval if the construction work is not commenced within two years from the date of issuance of this Plan Approval, or if the construction work is suspended for one year or more.
- H. This Plan Approval may be suspended, modified, or revoked by MassDEP if MassDEP determines that any condition or part of this Plan Approval is being violated.
- I. This Plan Approval may be modified or amended when in the opinion of MassDEP such is necessary or appropriate to clarify the Plan Approval conditions or after consideration of a written request by the Permittee to amend the Plan Approval conditions.
- J. The Permittee shall conduct emission testing, if requested by MassDEP, in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13. If required, a pretest protocol report shall be submitted to MassDEP at least 30 days prior to emission testing and the final test results report shall be submitted within 45 days after emission testing.
- K. Pursuant to 310 CMR 7.01(3) and 7.02(3)(f), the Permittee shall comply with all conditions contained in this Plan Approval. Should there be any differences between provisions contained in the General Conditions and provisions contained elsewhere in the Plan Approval, the latter shall govern.

6. MASSACHUSETTS ENVIRONMENTAL POLICY ACT

MassDEP has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Energy & Environmental Affairs, for air quality control purposes, was not required prior to this action by MassDEP. Notwithstanding this determination, the Massachusetts Environmental Policy Act (MEPA) and 301 CMR 11.00, Section 11.04, provide certain “Fail-Safe Provisions,” which allow the Secretary to require the filing of an ENF and/or an Environmental Impact Report (EIR) at a later time.

7. APPEAL PROCESS

This Plan Approval is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this Plan Approval.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts, which are the grounds for the request, and the relief sought. Additionally, the request must state why the Plan Approval is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

This request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

MassDEP may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Enclosed is a stamped approved copy of the application submittal.

Should you have any questions concerning this Plan Approval, please contact Paul Dwiggins by telephone at 508-767-2760, or in writing at the letterhead address.

*This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.*

Roseanna E. Stanley
Acting Permit Chief
Bureau of Waste Prevention

Enclosure

ecc: Worcester Department of Inspectional Services
Worcester Fire Department
MassDEP/Boston - Yi Tian
TRC, Mark Hultman