



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

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RICHARD K. SULLIVAN JR.
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Commissioner

May 22, 2012

Mr. Robert H. Warner, Jr.
Warner Bros., Inc.
562 Amherst Road
Sunderland, Massachusetts 01375

Re: Application # 1-R-94-103
Transmittal # 95679
RESTRICTED EMISSION STATUS

RES Final Approval

Dear Mr. Warner:

The Department of Environmental Protection, Bureau of Waste Prevention, Western Regional Office (MassDEP) issued on September 26, 1995 a Restricted Emission Status Final Approval (RES #1-R-94-064) to Warner Bros., Inc. to restrict emissions of nitrogen oxides (NO_x) and sulfur dioxides (SO₂) from the hot mix asphalt plant at your facility. This approval is an administrative amendment to include the use of natural gas, in addition to #2 fuel oil, as a fuel for the plant's burner and to update reporting requirements. The conversion from oil to oil/natural gas dual-fuel capability for a fuel utilization facility rated at a maximum heat input capacity of less than 100 MMBtu/hr is exempt from plan approval requirements pursuant to 310 CMR 7.03(14). Additionally, there are no changes to the air contaminant emission limits of RES #1-R-94-103.

This RES Final Approval is being issued in accordance with 310 CMR 7.02(12) of the Air Pollution Control Regulations (Regulations), 310 CMR 7.00 as adopted pursuant to M.G.L. c.111, Section 142B and 142D.

Included as part of this RES Final Approval are the following:

- 1)Special Conditions for RES;
- 2)General Conditions for RES; and
- 3)Appeal Rights

Please review the entire RES Final Approval carefully as it stipulates the particular conditions the facility owner/operator must comply with for the facility to be operated in compliance with the Regulations.

The Department has determined that the filing of an Environmental Notification Form ("ENF") with the Secretary of Environmental Affairs, for air quality purposes, was not required prior to this action by the Department. Notwithstanding this determination, the Massachusetts Environmental Policy Act and Regulation 310 CMR 11.00, Section 11.03, provide certain "Fail-Safe Provisions" which allow the Secretary to require the filing of an ENF and/or Environmental Impact Report at a later time.

Should you have any questions concerning this RES Final Approval, please contact Cortney Danneker at (413) 755-2234.

Sincerely,

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.

Marc Simpson
Air Quality Permit Chief
Bureau of Waste Prevention
Western Region

ecc: Ida McDonnell, EPA Region 1
Yi Tian, DEP, Boston
Peter Czapienski, DEP WERO

I. SPECIAL CONDITIONS FOR RESTRICTED EMISSION STATUS APPROVAL

A. **EMISSION LIMITS** – Warner Bros. shall not exceed the emission limits and the total emissions indicated below:

Equipment	Maximum Process Rate (tons/hour)	Maximum Heat Input (MMBtu/hour)	lb/ton of Produced Asphaltic Concrete				
			SO2	NOx	CO	VOC	PM
Asphaltic Concrete Batch Plant	120	45.1	0.24	0.17	0.069	0.046	0.061
			Tons/year*				
			18.0	12.8	5.2	3.5	4.6

*Limits based on a rolling 12-month total

B. **PRODUCTION LIMITS** – Warner Bros. shall limit asphaltic concrete production to no more than 150,200 tons/year based on a twelve month rolling total.

C. **OPERATING LIMITS** – Warner Bros. shall limit fuel consumption in the asphaltic concrete plant to the following fuels and fuel quantities indicated below:

Equipment	#2 Oil (0.3% S Max)	
	gallons/month ¹	gallons/year ^{2,3}
Asphaltic Concrete Batch Plant Burner	263,000	263,000

¹Calendar month basis
²This limit is based on a 12 month rolling total. Compliance with a 12 month rolling total fuel limit is determined each month by adding the previous 12 months of fuel use and comparing the total to the fuel limit specified above.
³ Warner Bros. may substitute natural gas for #2 fuel oil at a rate of 200 ft³ for 1 gallon of #2 fuel oil (NO_x equivalent).

D. **MONITORING REQUIREMENTS** – Warner Bros. shall install, maintain, and operate fuel flow meters or perform daily stick measurements of the fuel tank to monitor the quantity of fuel consumed by the fuel burning machines. The number and location of the fuel flow meters shall be such that compliance with the operating limits in section I C. (above) can be determined.

Warner Bros. shall obtain certification from the fuel supplier for each shipment of oil that includes the following information:

- The name of the oil supplier
- Percent sulfur content (by weight)
- The location where the sample was drawn for analysis to determine the sulfur content of the oil, specifically including whether the oil was sampled as delivered to the affected

facility or whether the sample was drawn from oil in storage at the oil supplier's or oil refiner's facility or other location. As an alternative Warner Bros. may elect to analyze the oil immediately after the fuel tank is filled and before any oil is combusted for each new shipment according to methods approved by the Department.

- E. RECORDKEEPING REQUIREMENTS – Warner Bros. shall record daily fuel consumption indicated by the fuel flow meters for the purpose of demonstrating compliance with the fuel use limits. This record (or a copy of the record) shall be supplied to the Department upon request.
- F. REPORTING REQUIREMENTS – Warner Bros. shall generate monthly reports in house that document fuel use and compliance with section I C. of this approval. If any fuel use limits are exceeded, Warner Bros. shall notify the Department in writing no later than the 15th day of the following month.

Warner Bros. shall submit, on or before March 15th of each year, an Annual RES Compliance Report that documents the compliance status of the facility, for the previous Calendar Year, with respect to the limitations / restrictions established within this RES Final Approval. It is recommended that Warner Bros. utilize MassDEP's Annual Report Form, available in an interactive Microsoft Excel format at:

<http://www.mass.gov/dep/air/approvals/reshome.htm>

II. GENERAL CONDITIONS FOR RESTRICTED EMISSION STATUS APPROVAL

- A. OPERATION - No person shall operate this facility except in conformance with the requirements established in this Restricted Emission Status Approval.
- B. SUSPENSION - This approval may be suspended, modified, or revoked by the Department if, at any time, the Department determines that the facility is violating any condition or part of the approval.
- C. OTHER REGULATIONS - This approval does not negate the responsibility of the owner/operator to comply with this or any other applicable federal, state, or local regulations now or in the future. Nor does this approval imply compliance with any other applicable federal, state or local regulation now or in the future.
- D. EXISTING APPROVALS - All plan approvals issued under 310 CMR 7.02(2) prior to the effective date of this RES Approval shall continue to meet the emission rates and approved conditions specified in the applicable plan approval(s) unless specifically altered by this RES Approval.
- E. VISIBLE EMISSIONS - The facility shall be operated in a manner to prevent the occurrence of visible emissions which cause or contribute to a condition of air pollution as defined in Regulation 310 CMR 7.01 and 7.06.

- F. DUST AND ODOR - The facility shall be operated in a manner to prevent the occurrence of dust or odor conditions which cause or contribute to a condition of air pollution as defined in Regulation 310 CMR 7.01 and 7.09.
- G. NOISE - Noise from the facility during routine operation, including startups and shutdowns, shall not exceed the Department noise guidelines and shall not cause a condition of air pollution as defined in Regulation 310 CMR 7.01 and 7.10.
- H. ASBESTOS - Should asbestos remediation/removal be required as a result of this RES Approval, such asbestos remediation/removal shall be done in accordance with Regulation 310 CMR 7.15.
- I. MONITORING - Equipment or emission monitoring systems installed for the purpose of documenting compliance with this approval shall be installed, calibrated, maintained and operated in sufficient manner to ensure continuous and accurate operations at all times.
- J. TESTING - Any emission testing to be compared to limitations in this approval must be conducted in accordance with the Environmental Protection Agency test methods as specified in the Code of Federal Regulations, Title 40, Part 60, Appendix A - Standards of Performance for New Stationary Sources or by another method correlated to the above method to the satisfaction of the Department and in accordance with the requirements noted in 310 CMR 7.13.

In accordance with 310 CMR 7.04(4)(a), each fuel utilization facility shall be inspected and maintained in accordance with the manufacturer's recommendations and tested for efficient operation at least once in each calendar year. The results of said inspection, maintenance and testing and the date upon which it was performed shall be recorded and posted conspicuously on or near the permitted equipment.

- K. RECORDKEEPING - A recordkeeping system shall be established and continued on site by the permittee. All records shall be maintained up-to-date such that year-to-date information is readily available for Department examination. Record keeping shall, at a minimum, include:
 - a) Compliance records sufficient to demonstrate that emissions have not exceeded what is allowed by this RES Approval. Such records may include daily production records, raw material usage rates, fuel purchase receipts, emissions test results, monitoring equipment data and reports.
 - b) Maintenance: A record of routine maintenance activities performed on emission unit control equipment and monitoring equipment including, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed.
 - c) Malfunctions: A record of all malfunctions on emission unit control and monitoring equipment including, at a minimum: the date and time the malfunction occurred; a description of the malfunction and the corrective action taken; the date and time corrective actions were initiated; and the date and time corrective actions were completed and the emission unit returned to compliance.

- d) All records shall be kept on site for three (3) years and shall be made available to the Department upon request.
- L. REPORTING - In accordance with 310 CMR 7.12(3), the facility shall register on a form obtained from the Department such information as the Department may specify including:
- a) The nature and amounts of emissions from the facility.
 - b) Information which may be needed to determine the nature and amounts of emissions from the facility.
 - c) Any other information pertaining to the facility which the Department requires.
 - d) Information required by 310 CMR 7.12(1)(a) shall be submitted annually.
 - e) The Regional Bureau of Waste Prevention, Compliance and Enforcement office, must be notified by telephone or fax as soon as possible after the occurrence of any upsets or malfunctions to the facility equipment, air pollution control equipment, or monitoring equipment which result in an excess emission to the air and/or a condition of air pollution.
- M. MODIFICATIONS - Any proposed increase in emissions above the limits contained in this RES Approval must first be approved in writing by the Department pursuant to 310 CMR 7.02. In addition, any increase may subject the facility to additional regulatory requirements.
- N. REMOVAL OF AIR POLLUTION CONTROL EQUIPMENT - No person shall cause, suffer, allow, or permit the removal, alteration or shall otherwise render inoperative any air pollution control equipment or equipment used to monitor emissions which has been installed as a requirement of 310 CMR 7.00, other than for reasonable maintenance periods or unexpected and unavoidable failure of the equipment, provided that the Department has been notified of such failure, or in accordance with specific written approval of the Department.

Appeal Rights

This Final Approval is an action of the 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 you received this document.

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. The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

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

The 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.

The 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.