



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

Date stamped December 20, 2013

Mr. Paul Godding
Shire Human Genetic Therapies, Inc.
300 Shire Way
Lexington, MA 02421

RE: **LEXINGTON** - Metropolitan
Boston/Northeast Region
**FINAL RESTRICTED
EMISSION STATUS APPROVAL
MODIFICATION**
310 CMR 7.02(10)
Transmittal No. X256463
Application No. NE-13-014

Dear Mr. Godding:

The Massachusetts Department of Environmental Protection ("MassDEP") has determined that the referenced Restricted Emission Status ("RES") Application is administratively and technically complete. MassDEP hereby approves your RES Application legally limiting the amount of federal potential emissions from combustion equipment and processes at Shire Human Genetic Therapies, Inc. ("Shire") located at 200 Shire Way, 300 Shire Way, 400 Shire Way, 500 Shire Way, and 125 Spring Street, Lexington, Massachusetts through a restriction on the raw materials used and/or another restriction as noted herein. This RES Application was submitted as a result of two (2) Notices of Noncompliance, NON-NE-13-9047-27 and NON-NE-13-9048-27, issued to Shire by MassDEP. This Final RES Approval supersedes RES Approval No. MBR-09-RES-001, issued to you by MassDEP on February 2, 2010, in its entirety.

Shire was required to perform several actions as specified in the proposed RES Approval MassDEP issued to Shire on October 31, 2013. MassDEP has determined that Shire has complied with these requirements, which included removing rain caps on EU18-EU24 and EU51-EU55, raising the stack height on EU27, and maintaining proper records for EU16.

This Final RES Approval is being issued in accordance with 310 CMR 7.02(10) of the Air Pollution Control Regulations ("Regulations"), 310 CMR 7.00 as adopted pursuant to M.G.L. c.111, Sections 142A-142K.

Included as part of this FINAL RES APPROVAL are the following:

- 1) BWP AQ-09 RES Application Form ;
- 2) Special Conditions for RES; and
- 3) General Conditions for RES; and
- 4) Appeal Rights

Notice of the proposal to approve the RES Application was published in a local newspaper in accordance with the requirements of 310 CMR 7.02(9). No comments were received during the thirty day comment period.

Please review the entire Final RES 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.

MassDEP has determined that the filing of an Environmental Notification Form ("ENF") with the Secretary of Energy and Environmental Affairs, for air quality purposes, was not required prior to this action by MassDEP. Notwithstanding this determination, the Massachusetts Environmental Policy Act and Regulation 310 CMR 11.00, Section 11.04, 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 Final RES Approval, please contact Dhiraj Desai at (978) 694-3282.

Very truly yours,

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.

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Dhiraj B. Desai
Environmental Engineer
Bureau of Waste Prevention

James E. Belsky
Permit Chief,
Bureau of Waste Prevention

cc: Fire Department, 45 Bedford Street, Lexington, MA 02420
Board of Health, 1625 Mass Ave, Lexington, MA 02420
USEPA, Donald Dahl, Operating Permit Program
MassDEP (NERO), Mary Persky, Marc Altobelli, Dhiraj Desai
MassDEP Boston, Yi Tian
Mayor's Office, Town Hall, Lexington, MA 02420
Metropolitan Area Planning Council, 60 Temple Place, Boston, MA 02111
J. Andrew Irwin, Irwin Engineers, 33 West Central Street, Natick, MA 01760

I.

SPECIAL CONDITIONS FOR RESTRICTED EMISSION STATUS APPROVAL

A. EQUIPMENT DESCRIPTION

MassDEP has determined that for the purposes of compliance with the Air Pollution Control Regulations at 310 CMR 7.00 et seq, the Shire facility complex in Lexington, Massachusetts is comprised of the sum of five contiguous street locations including 200 Shire Way, 300 Shire Way, 400 Shire Way, 500 Shire Way, and 125 Spring Street. Shire has submitted information via a BWPAQ 09 RES Application as a means to supersede its existing RES Approval, MBR-09-RES-001, issued to Shire by MassDEP on February 2, 2010. As of the date of submittal of this Application, the following Emission Units in Table 1 were installed and have been operated at the subject facility.

Location	EU #¹	Emission Unit Make and Model	Allowable Fuel	Max Hourly Fuel Firing Rate
300 Shire Way	1	Cleaver Brooks Boiler Model CB600-350	Natural gas	4500 cubic feet
	2	Patterson Kelley Boiler Model N2000-MFD	Natural gas	2000 cubic feet
	3	Patterson Kelley Boiler Model N2000-MFD	Natural gas	2000 cubic feet
	4	Patterson Kelley Boiler Model N2000-MFD	Natural gas	2000 cubic feet
	5	Patterson Kelley Boiler Model N2000-MFD	Natural gas	2000 cubic feet
	6	Cleaver Brooks Boiler Model FLX-700-700-150ST	Natural gas	7000 cubic feet
	7	Cleaver Brooks Boiler Model FLX-700-700-150ST	Natural gas	7000 cubic feet
	8	A.O. Smith Water Heater Model BTP-150-199000	Natural gas	200 cubic feet
	9	A.O. Smith Water Heater Model BTP-150-199000	Natural gas	200 cubic feet
	10	A.O. Smith Water Heater Model BTP-150-720000	Natural gas	720 cubic feet
	11	A.O. Smith Water Heater Model BTP-150-720000	Natural gas	720 cubic feet
	12	Trane Rooftop Air Unit Model YSC048A4RHA2MD	Natural gas	120 cubic feet
	13	Caterpillar Emergency Generator Model C27	No. 2 ULSD ²	56 gallons

Table 1				
Location	EU #¹	Emission Unit Make and Model	Allowable Fuel	Max Hourly Fuel Firing Rate
400 Shire Way	14	Cleavers Brooks Boiler Model CBLE-200-700-150	Natural Gas	28576 Cubic feet
	15	Cleavers Brooks Boiler Model CBLE-200-700-150	Natural Gas	28576 Cubic feet
	16	Kohler Emergency Generator Model 1500REOZDC	No. 2 ULSD ²	190 Gallons
	17	Kohler Emergency Generator Model 1500REOZDC	No. 2 ULSD ²	270 Gallons
125 Spring Street	18	Patterson Kelley Boiler Model Thermific SN-2000-2	Natural Gas	2000 Cubic feet
	19	Patterson Kelley Boiler Model Thermific SN-2000-2	Natural Gas	2000 Cubic feet
	20	Patterson Kelley Boiler Model Thermific SN-2000-2	Natural Gas	2000 Cubic feet
	21	Rheem-Ruud Water Heater Model G76-180	Natural Gas	180 Cubic feet
	22	Rheem-Ruud Water Heater Model G76-180	Natural Gas	180 Cubic feet
	23	Rheem-Ruud Water Heater Model G76-180	Natural Gas	180 Cubic feet
	24	Rheem-Ruud Water Heater Model G76-180	Natural Gas	180 Cubic feet
	25	Carrier Rooftop Air Unit Model 48TFE006-A-611	Natural Gas	115 Cubic feet
	26	GTS Humidifier Model GTS99-600	Natural Gas	600 Cubic feet
	27	Katolight Emergency Generator Model D450FRZ4	No. 2 ULSD ²	55 Gallons
28	Generac Emergency Generator Model 96A-02633-S	No. 2 ULSD ²	10 Gallons	
Facility-wide Processes	29	Cell culture	No raw material	
	30	HPLC	1600 liters per year acetonitrile	
	31	Disinfection	8100 liters per year alcohol disinfectant	
500 Shire Way	32	York Shipley Boiler Model SPWV-125 N2	Natural Gas	5000 Cubic feet
	33	York Shipley Boiler Model SPWV-125 N2	Natural Gas	5000 Cubic feet
	34	Patterson Kelley Boiler Model SN-2000-2	Natural Gas	2000 Cubic feet
	35	Patterson Kelley Boiler Model SN-2000-2	Natural Gas	2000 Cubic feet

Table 1				
Location	EU #¹	Emission Unit Make and Model	Allowable Fuel	Max Hourly Fuel Firing Rate
500 Shire Way	36	Patterson Kelley Boiler Model SN-2000-2	Natural Gas	2000 Cubic feet
	37	Caterpillar Emergency Generator Model D349	No. 2 ULSD ²	57 Gallons
	38	Kohler Emergency Generator Model 250REOZV	No. 2 ULSD ²	21 Gallons
	39	Dristeem Boiler Model GTS04-400-DI	Natural Gas	400 Cubic feet
	40	Dristeem Boiler Model GTS04-400	Natural Gas	400 Cubic feet
	41	Dristeem Boiler Model GTS04-300-DI	Natural Gas	300 Cubic feet
	42	AO Smith Water Heater Model BTH-199A-970	Natural Gas	200 Cubic feet
	43	AO Smith Water Heater Model BTH-199A-970	Natural Gas	200 Cubic feet
	44	AO Smith Water Heater Model BTH-199A-970	Natural Gas	200 Cubic feet
	45	AO Smith Water Heater Model BTH-199A-970	Natural Gas	200 Cubic feet
	46	AO Smith Water Heater Model BTH-199A-970	Natural Gas	200 Cubic feet
	47	AO Smith Water Heater Model BTH-199A-970	Natural Gas	200 Cubic feet
	48	AO Smith Water Heater Model BTH-199A-970	Natural Gas	200 Cubic feet
	49	Rheem-Ruud Water Heater Model G91-200-1	Natural Gas	199 Cubic feet
	50	Rheem-Ruud Water Heater Model G91-200-1	Natural Gas	199 Cubic feet
200 Shire Way	51	Fulton Boiler Model VTG-3000	Natural Gas	3000 Cubic feet
	52	Fulton Boiler Model VTG-3000	Natural Gas	3000 Cubic feet
	53	Fulton Boiler Model VTG-3000	Natural Gas	3000 Cubic feet
	54	Fulton Boiler Model VTG-3000	Natural Gas	3000 Cubic feet
	55	Fulton Boiler Model VTG-3000	Natural Gas	3000 Cubic feet
	56	Power VT Water Heater Model 560N 125A-PV	Natural Gas	400 Cubic feet

Location	EU #¹	Emission Unit Make and Model	Allowable Fuel	Max Hourly Fuel Firing Rate
200 Shire Way	57	Power VT Water Heater Model 560N 125A-PV	Natural Gas	400 Cubic feet
	58	Power VT Water Heater Model 560N 125A-PV	Natural Gas	400 Cubic feet
	59	Power VT Water Heater Model 560N 125A-PV	Natural Gas	400 Cubic feet
	60	Kohler Emergency Generator Model 1600REOZMB	No. 2 ULSD ²	129 Gallons

- Notes:
1. EU# = Emission Unit Number
 2. No.2 ULSD = No. 2 fuel oil, Ultra Low Sulfur Distillate with less than 0.0015 percent sulfur content by weight

Table 2 below contains the current facility-wide federal potential emission limits for nitrogen oxides (NO_x), sulfur dioxide (SO₂), Carbon monoxide (CO), and Volatile organic compounds (VOC)* as restricted via existing Final Restricted Emission Status Approval No. MBR-09-RES-001.

Table 2 – Current Facility-wide Potential Emission Limits in tons

Pollutant	Total Restricted Emissions on a monthly basis	Total Restricted Emissions on a 12 month rolling period basis
Nitrogen oxides (NO _x)	16.4	45.0
Sulfur dioxide (SO ₂)	2.3	3.0
Carbon monoxide (CO)	5.8	36.0
Volatile organic compounds (VOC)*	1.7	8.0

* VOC emissions restrictions also include actual, non-combustion facility-wide VOC emissions (“VOCprocess”).

B. EMISSION LIMITS (SHORT TERM & LONG TERM)

The facility-wide emissions from Shire, including the Emission Units listed in Table 1 above as well as any future installations of combustion equipment at the facility which are either exempt from Plan Approval pursuant to 310 CMR 7.02, or which will be installed in compliance with the Boiler Environmental Results Program, Regulation 310 CMR 7.26 (30) through 7.26 (37) and/or the Engine and Turbine Rule, Regulation 310 CMR 7.26 (40) through (44), shall also be subject to and must comply with the emissions restrictions contained in Table 3 below:

Table 3 – Facility-wide potential emissions limits in tons

Pollutant	Total Restricted Emissions on a monthly basis	Total Restricted Emissions on a 12 month rolling period basis
Nitrogen oxides (NO _x)	16.4	48.0
Sulfur dioxide (SO ₂)	2.3	3.8
Carbon monoxide (CO)	5.8	44.8
Volatile organic compounds (VOC)*	1.7	10.2

* VOC emissions restrictions also include actual, non-combustion facility-wide VOC emissions (“VOCprocess”).

C. PRODUCTION LIMITS

Not Applicable

D. OPERATING LIMITS

1. Shire shall restrict its maximum facility-wide fuel usage as listed in the Table 5 below, and shall use the eight equations located directly below Table 5, such that the emission limits established in Section B above are not exceeded.
2. Shire shall restrict operation of each emergency generator located at the subject facility to a period not to exceed 1.5 hours per month for routine testing and maintenance procedures in addition to operating during emergency situations.
3. Emergency generators EU16 and EU17 shall not operate for more than 250 hours per twelve month rolling calendar period and no more than 230 hours per month. Emergency generators EU27, EU28, EU37, EU38, and EU60 shall not operate more than 300 hours per twelve month rolling calendar period and no more than 270 hours per month. The emergency generators shall be used only during: normal maintenance and testing procedures; and periods of electric power outage due to failure of the grid, in whole or in part, on-site disaster, local equipment failure, flood, fire or natural disaster; and when the imminent threat of a power outage is likely due to failure of the electrical supply or when capacity deficiencies result in a deviation of voltage from the electrical supplier to the premises of 3% above or 5% below standard voltage, or periods during which the regional transmission organization directs the implementation of voltage reductions, voluntary load curtailments by customers, or automatic or manual load shedding within Massachusetts in response to unusually low frequency, equipment overload, capacity or energy deficiency, unacceptable voltage levels or other emergency conditions.

4. The sulfur content of No. 2 ULSD combusted at the subject facility shall not exceed 0.0015 percent by weight.
5. Shire personnel shall ensure that each stack shall be configured to discharge the exhaust 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 such as “shanty caps” or “egg beaters”. Rain sleeves or properly weighted flappers are acceptable.
6. Shire shall include non-combustion, facility-wide VOC emissions, such as alcohols and acetonitrile, as VOC process emissions in the Monthly and 12-month Rolling Period Restrictions listed below.

Table 5 - Facility-wide Fuel Restrictions

Fuel	Monthly Restrictions	12-Month Restrictions
Natural gas (Million Cubic Feet) Units 1-12, 14-15, 18-26, 32-36, 39-47	95.7	1130
No. 2 ULSD (Gallons) Units 13, 27-28, 37-38, 48	88,500	98,300
No. 2 ULSD (Gallons) Units 16-17	105,800	115,000
No. 2 ULSD (Gallons) Emergency Generators Total	194,300	213,300

Monthly Emission Restrictions

NO_x

$$\frac{68 \text{ lbs (X)}}{\text{Mcf NG}} + \frac{0.276 \text{ lbs (Y)}}{\text{Gallon}} \leq 16.4 \text{ tpm}$$

2000 lbs
ton

SO_x

$$\frac{0.6 \text{ lbs (X)}}{\text{Mcf NG}} + \frac{0.0414 \text{ lbs (Y)}}{\text{Gallon}} \leq 2.3 \text{ tpm}$$

2000 lbs
ton

CO

$$\frac{\frac{76 \text{ lbs (X)}}{\text{Mcf NG}} + \frac{0.058 \text{ lbs (Y)}}{\text{Gallon}}}{\frac{2000 \text{ lbs}}{\text{ton}}} \leq 5.8 \text{ tpm}$$

VOC

$$\frac{\frac{5.5 \text{ lbs (X)}}{\text{Mcf NG}} + \frac{0.0124 \text{ lbs (Y)}}{\text{Gallon}}}{\frac{2000 \text{ lbs}}{\text{ton}}} + \text{VOC}_{\text{process}} \leq 1.7 \text{ tpm}$$

Where: lbs = pounds

NG = Natural gas

X = Million cubic feet of natural gas burned per month

Y = gallons of No. 2 ULSD burned per month

Mcf = million cubic feet of natural gas burned

tpm = tons per month

VOC_{process} = facility-wide VOC emissions in pounds per month from from cell culture, acetonitrile, alcohol, and other processes.

≤ = less than or equal to

12-month Rolling Period Emission Restrictions

NO_x

$$\frac{\frac{68 \text{ lbs (X)}}{\text{Mcf NG}} + \frac{0.276 \text{ lbs (Y)}}{\text{Gallon}}}{\frac{2000 \text{ lbs}}{\text{ton}}} \leq 48.0 \text{ tpy}$$

SO_x

$$\frac{\frac{0.6 \text{ lbs (X)}}{\text{Mcf NG}} + \frac{0.0414 \text{ lbs (Y)}}{\text{Gallon}}}{\frac{2000 \text{ lbs}}{\text{ton}}} \leq 3.8 \text{ tpy}$$

CO

$$\frac{\frac{76 \text{ lbs (X)}}{\text{Mcf NG}} + \frac{0.058 \text{ lbs (Y)}}{\text{Gallon}}}{\frac{2000 \text{ lbs}}{\text{ton}}} \leq 44.8 \text{ tpy}$$

VOC

$$\frac{5.5 \text{ lbs (X)}}{\text{Mcf NG}} + \frac{0.0124 \text{ lbs (Y)}}{\text{Gallon}} + \text{VOC}_{\text{process}} \leq 10.2 \text{ tpy}$$

$\frac{2000 \text{ lbs}}{\text{ton}}$

Where: lbs = pounds

NG = Natural gas

X = Million cubic feet of natural gas burned per 12-month rolling period

Y = gallons of No. 2 ULSD burned per 12-month rolling period

Mcf = million cubic feet of natural gas burned

tpy = tons per 12-month rolling period

VOC_{process} = facility-wide VOC emissions in pounds per 12-month rolling period from cell culture, acetonitrile, alcohol, and other processes.

≤ = less than or equal to

E. MONITORING REQUIREMENTS

See GENERAL CONDITIONS I. and J. below.

Shire shall be required to monitor facility operations to ensure compliance with the NO_x, SO₂, CO, and VOC emission limits and restrictions specified herein including but not limited to the installation, operation and maintenance of fuel meters and operational monitoring for boilers and non-resettable totalizing run time meters on all generators to verify compliance with the hourly limits contained herein. In addition Shire shall perform stack testing on the subject equipment when and if in the opinion of MassDEP such is deemed necessary.

F. RECORD KEEPING REQUIREMENTS

See GENERAL CONDITION K. below.

Specifically, Shire shall be required to maintain fuel purchase receipts on file and fuel usage logs for the boilers and engines which must reflect actual fuel usage on a monthly basis. Said fuel usage logs shall also contain: the total fuel usage for each type of fuel burned each month, the sulfur content of fuel oil used, the resulting emissions from said fuel usage, and the total fuel usage and resulting emissions for the previous twelve months for each type of fuel burned (the total from the current month's fuel usage plus the sum of fuel usage for the eleven months preceding the current month). Shire shall record the operating hours for all generators on a monthly and twelve month rolling calendar basis. A copy of these fuel usage logs and operating hour records must be kept in the Boiler Plant office.

The actual non-combustion facility-wide VOC emissions (VOC_{process}) shall be calculated from Shire's total VOC-containing raw material usage each month.

VOC_{process} emissions shall be added to the equations summing monthly VOC emissions and 12-month rolling period VOC emissions as contained in Section D above.

In addition Shire shall maintain accurate and timely records documenting all combustion equipment retirements, replacements and installations on-site and shall make said records available to MassDEP personnel upon request.

G. REPORTING REQUIREMENTS

See GENERAL CONDITION L. below.

Shire shall submit a Restricted Emission Status Exceedance Report (RESER) to MassDEP should Shire exceed any limitation/restriction established within this RES Approval. Said RESER report shall be submitted to this Office within seven (7) days of documentation of the exceedance of any limitation/restriction by Shire personnel. The RESER shall include identification, duration, and reason for the exceedance, and remedial action plan to prevent future exceedances.

Shire shall be required to submit, on or before March 15th of each year, an Annual RES Compliance Report (ARESCR) to the Northeast Regional Office of MassDEP that documents the compliance status of the facility, for the previous Calendar Year, with respect to the limitations/restrictions established within this RES Approval. Shire shall utilize MassDEP's Annual Reporting Form, available in interactive Microsoft Excel format at <http://www.mass.gov/dep/air/approvals/aqr2009.xls>.

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 MassDEP if, at any time, MassDEP 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 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 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 MassDEP noise guidelines and shall not cause a condition of air pollution as defined in Regulations 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 MassDEP 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. RECORD KEEPING - A record keeping 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 MassDEP 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 of 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 five (5) years and shall be made available to MassDEP upon request.

L. REPORTING - In accordance with 310 CMR 7.12(7), the facility shall register on a form obtained from MassDEP such information as MassDEP 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 MassDEP 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 MassDEP 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 MassDEP has been notified of such failure, or in accordance with specific written Approval of MassDEP.

APPEAL RIGHTS

This 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 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. Additionally, the request must state why the 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) 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.