



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker  
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Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

October 3, 2016

Richard R. Leonard  
Teknor Apex Thermoplastic  
Elastomers  
31 Fuller Street  
Leominster, MA 01453

**RE: Leominster**  
Transmittal No.: X271241  
Application No.: CE-16-012  
Class: *SM-50*  
FMF No.: 307195  
**AIR QUALITY PLAN APPROVAL**

Dear Mr. Leonard:

The Massachusetts Department of Environmental Protection (“MassDEP”), Bureau of Air and Waste, has reviewed your Limited Plan Application (“Application”) listed above. This Application concerns the proposed installation of a 92 mm process extrusion line and associated equipment at the Teknor Apex Thermoplastic Elastomers facility located at 33 Fuller Street in Leominster, Massachusetts (“Facility”).

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-O, 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. HISTORY AND DESCRIPTION OF OPERATIONS**

The Permittee operates an existing Facility at 33 Fuller Street, Leominster that manufactures pelletized thermoplastic elastomers on 3 extruder lines (one 40 mm capacity line and two 92 mm capacity lines) and associated equipment. The Permittee combines rubber, additives, and thermoplastic resin in a blending process. The material is then extruded, dried, and cooled. Mixing operations are controlled by dry filters.

The three extruder lines emit the following air contaminants: particulate matter (“PM”), hazardous air pollutants (“HAP”), and volatile organic compounds (“VOC”). PM, including small amounts of raw materials that contain traces of HAP (hydrogen chloride, and trace amounts of formaldehyde, lead, and cadmium) is emitted from the five separate baghouses and also from the extruder vacuum system exhaust. VOC is emitted from the extruder vacuum system exhaust.

The Permittee also operates research and development (“R&D”) equipment, quality control equipment, and a burn oven for cleaning extruder parts. All of this equipment is exempt from air permitting per MassDEP 310 CMR 7.02 (2)(b)7, *De minimis* Increase in Emissions. The Permittee operates three dust collectors that also do not require permitting: Main Dust Collector, Ribbon Blender Dust Collector, and the 40 mm extrusion line rubber grinder dust collector. The 40 mm extrusion line itself was originally considered *de minimis* and exempt from permitting, but is now listed as Emission Unit (EU) 2 in Table 1 because its production and emissions are limited together with the other extrusion lines in Table 2.

In 1993, MassDEP informed the Permittee that 310 CMR 7.02 Plan Approval was not required for its operations (including a 60 mm extruder) due to emissions being below one ton per year.

In 1995, the Permittee installed an additional 92 mm extruder (EU1), and was not required by MassDEP to obtain 310 CMR 7.02 Plan Approval.

In 2001, the Permittee conducted emission testing to quantify emissions of VOC and PM from the extruders, which included the above mentioned 60 mm and 92 mm lines and the smaller 40 mm extrusion line. In 2002, the Permittee presented the results of the testing to MassDEP and applied for 310 CMR 7.02 Plan Approval under Transmittal No. W029991. On July 23, 2003, MassDEP issued its Plan Approval, wherein it limited the three extruders to a total of 4.9 tons per year VOC and 2.0 tons per year PM.

On January 31, 2007, MassDEP issued Plan Approval Transmittal No. W088012 to the Permittee. This Plan Approval increased the VOC to 7.6 tons per year, the PM to 3.3 tons per year, and added a HAP limit of 1.0 ton per year.

On August 5, 2008, the Permittee requested a determination from MassDEP whether or not 310 CMR 7.02 Approval was required to install a new Torit Donaldson dust collector to serve the ingredient mixing and blending operations. On August 21, 2008, MassDEP emailed the Permittee that Plan Approval was not required for this new dust collector.

On September 15, 2008, the Permittee requested MassDEP to allow removal of the wet scrubber and Farr dry air filter that were installed on exhausts associated with the extrusion processes. On October 17, 2008, MassDEP emailed an agreement to this request, based on the following: The product formulations that emitted higher amounts had changed; visible emissions and odors were no longer observed from the uncontrolled stacks; and previous VOC emission calculations did not take credit for VOC removal in the scrubber.

On April 25, 2013, MassDEP issued Plan Approval Transmittal No. X254160 to the Permittee. This Plan Approval was for the replacement of the 60 mm extrusion line with a 92 mm extrusion line with the same capacity (6,000 pounds per hour (lb/hr)) as the first 92 mm extruder. In addition to the new 92 mm extruder, the Permittee also installed a second rubber grinding machine and dust collector. This Plan Approval also included the renumbering of the emission units, and increasing the emission limits for PM and VOC. The PM limit was increased from 3.3 to 5.0 tons per year. The VOC limit for the total of emission units 1, 2 and 3 was increased from 7.6 to 8.5 tons per year, the HAP limit was increased from 1.0 to 1.5 tons per year, and a facility-wide VOC limit of 10.5 tons per year was established.

On October 23, 2014, MassDEP issued Plan Approval Transmittal No. X254160-A1 to amend Plan Approval No. X254160. The purpose of this Amendment was to document that the Permittee was installing new R&D extruders with projected actual emissions well below the de minimis threshold of 1 ton per year of an air contaminant (VOC).

On June 20, 2016, the Permittee submitted the present application Transmittal No. X271241.

## B. PROJECT DESCRIPTION

The approved project consists of installing a third 92 mm extrusion line (EU4) and a rubber grinding unit which will exhaust to a Camfil Farr dust collector. The new 92 mm extrusion line will have the same capacity, 6,000 pounds per hour, as the two previously approved 92 mm lines (EU1 and EU3). As part of the expansion, the Permittee will be installing a talc silo which will be exempt from plan approval under 310 CMR 7.03(12).

In addition, the Permittee plans to install an electrostatic precipitator (ESP) to control visible emissions from all extrusion lines. The ESP will control emissions from the vacuum pump that provides vacuum extraction for all extruder line barrels, and emissions from the desiccant beds, screen changer enclosures, and extruder side feeders. The Permittee is installing the ESP as a preventative measure to ensure that future visible emissions do not exceed permit limits, and is not claiming credit for reduction of VOC or PM from the operation of the ESP.

In this application the Permittee presented recent stack testing data which indicated that the extrusion line emission factors for PM and VOC should be changed. The VOC emission factor will be changed from 0.45 to 0.86 pounds per ton of product, and the PM emission factor will be changed from 0.25 to 0.07 pounds per ton of product. The facility wide VOC limit will be increased from 10.5 to 19.5 tons per year, partly due to the increased VOC emission factor and partly due to the increase in production with the new 92 mm line. The facility wide PM limit will be unchanged at 5.0 tons per year, because although PM will be increasing slightly from the production increase, the reduced PM emission factor will offset this increase.

**This Plan Approval No. X271241 supersedes Plan Approval No. X254160-A1 in its entirety.**

**C. APPLICABLE REGULATORY REQUIREMENTS**

**1. State Requirements**

310 CMR 7.02(2)(8) requires Best Available Control Technology (BACT) for LPAs. The Permittee performed a top-down BACT analysis for VOC emissions in accordance with EPA guidance.

MassDEP has determined that BACT for this application for EU4 is represented by a PM emission limit 0.003 grains per dry standard cubic foot from the rubber grinder dust collector (baghouse), and Best Management Practices and raw material usage limits of VOC-emitting materials to minimize extruder VOC emissions. BACT for the ESP serving EU1-4 is represented by an opacity limit of 5% at all times.

**2. Federal Requirements**

The Permittee has indicated that this project is not subject to 40 CFR Part 60, 40 CFR Part 61, 40 CFR Part 63, or 40 CFR Part 64.

**2. EMISSION UNIT (EU) IDENTIFICATION**

Each Emission Unit (EU) identified in Table 1 is subject to and regulated by this Plan Approval:

<b>Table 1</b>			
<b>EU</b>	<b>Description</b>	<b>Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
1	92 mm extrusion line with associated rubber grinder	6,000 Pounds per hour	Infa-Jet AJN 1/403 Dust Collector rated at 99.9% control efficiency on rubber grinder exhaust
2 (Note 1)	40 mm extrusion line with associated rubber grinder	400 Pounds per hour	Dust Collector on rubber grinder exhaust (exempt)

<b>Table 1</b>			
<b>EU</b>	<b>Description</b>	<b>Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
3	92 mm extrusion line with associated rubber grinder	6,000 Pounds per hour	Airmaster RJX/Donaldson Dust Collector rated at 99.9% control efficiency on rubber grinder exhaust
4	New 92 mm extrusion line with associated rubber grinder	6,000 Pounds per hour	Camfil Farr Dust Collector rated at 99.99% control efficiency on rubber grinder exhaust
1, 2, 3, 4	Common control device for all extrusion lines	8,000 Cubic feet per minute	Electrostatic Precipitator (ESP) for visible emissions

**Table 1 Key:**

EU = Emission Unit Number  
 PCD = Pollution Control Device  
 mm = millimeter  
 % = percent

**Table 1 Notes:**

Note 1: EU2 is included as part of the production process and its emissions are part of the total limited emissions.

### 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:

<b>Table 2</b>			
<b>EU</b>	<b>Operational / Production Limit</b>	<b>Air Contaminant</b>	<b>Emission Limit</b>
1, 3, & 4		PM (filterable only)	Each rubber grinder baghouse exhaust is limited to 0.003 grains PM/acf and 0.08 pounds PM per hour.
1, 2, 3 & 4	40,698 TPY of extruded product	VOC (Note 1)	3.5 TPM / 17.5 TPY
		PM (both filterable and condensable) (Note 2)	1.0 TPM / 5.0 TPY
		HAP (single)	0.5 TPM / 2.3 TPY
		HAP (total) (Note 3)	0.5 TPM / 2.3 TPY

Facility Wide (Notes 4 & 5)	VOC	3.9 TPM/19.5 TPY
	PM	1.0 TPM/5.0 TPY
	HAP (single)	0.5 TPM/2.3 TPY
	HAP (total) (Note 3)	0.5 TPM / 2.3 TPY
	Opacity	Opacity, exclusive of uncombined water, shall not exceed 5% at all times during all modes of operation, including startups and shutdowns.

**Table 2 Key:**

EU = Emission Unit Number  
 PM = Total Particulate Matter  
 acf = actual cubic feet  
 VOC = Volatile Organic Compounds  
 HAP (single) = single Hazardous Air Pollutant  
 HAP (total) = total Hazardous Air Pollutants.  
 TPM = tons per month  
 TPY = tons per consecutive 12-month period  
 % = percent

**Table 2 Notes:**

- Note 1:** The VOC emission factor is 0.86 pounds VOC per ton of product extruded.  
**Note 2:** The PM emission factor from rubber grinding is 0.026 pounds PM per pound of rubber processed multiplied by (1-0.999). The PM emission factor from extruding is 0.07 pounds PM per ton of product.  
**Note 3:** The HAP emissions is calculated by first calculating the total HAP contained in raw materials, based on current supplier information. It is conservatively assumed that all of the total HAP in raw materials is emitted.  
**Note 4:** Facility-wide limits on VOC, PM and HAP include EU 1, 2, 3 & 4 and also all equipment listed as insignificant or exempt.  
**Note 5:** Based on the actual operating hours, the Permittee will calculate the pounds of material through each of the R&D extruders 1.5 inches or larger (based on maximum operation rates). The appropriate emission factor as a percentage of volatile organic compounds (depending on the type of polymer processed) is then applied to the pounds through to calculate the actual emissions.

**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:

<b>Table 3</b>	
<b>EU</b>	<b>Monitoring and Testing Requirements</b>
1, 3 & 4	1. The Permittee shall stack test the dust collector serving EU 4 rubber grinder within 180 days of the issuance of this Plan Approval to verify the after control particulate emission rates meet the prescribed grain loading in Table 2. The stack test shall meet the requirements of condition 10 below and shall test for filterable particulate only.
	2. The Permittee shall stack test the dust collectors serving EU 1, 3 & 4 rubber grinders every five years after the initial or most recent stack test to verify the after control particulate emission rates meet the prescribed grain loading in Table 2. Stack tests shall meet the requirements of condition 10 below and shall test for filterable particulate only.
1-4	3. The Permittee shall monitor the monthly pounds of rubber consumed in order to calculate grinder PM emissions.
	4. The Permittee shall monitor the monthly tons of product extruded from each process line in order to calculate extruder PM and VOC emissions.
	5. The Permittee shall monitor the monthly pounds of HAP-containing raw material consumed in order to calculate total HAP emissions.
	6. The Permittee shall monitor the pressure drop of the baghouses on a daily basis in accordance with the manufacturer's specifications when the plant is operational.
	7. The Permittee shall monitor the power level status of the ESP on a daily basis in accordance with the manufacturer's specifications when the plant is operational.
Facility-wide	8. The Permittee shall do the following monitoring on insignificant activities in order to calculate VOC emissions: The Permittee shall install an hour meter on each of the R&D extruders 1.5 inches or larger, and shall track the actual operating hours of these extruders and the types of raw materials used on a monthly basis in order to calculate emissions per Table 6, condition 7.
	9. The Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	10. 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

**Table 3 Key:**

EU = Emission Unit Number  
 USEPA = United States Environmental Protection Agency  
 VOC = Volatile Organic Compounds

HAP = total Hazardous Air Pollutants  
 PM = Particulate Matter  
 ESP = Electrostatic Precipitator

<b>Table 4</b>	
<b>EU</b>	<b>Record Keeping Requirements</b>
1-4	1. The Permittee shall record the monthly pounds of rubber consumed in order to calculate grinder PM emissions.
	2. The Permittee shall record the monthly tons of product extruded in order to calculate extruder PM and VOC emissions.
	3. The Permittee shall record the monthly pounds of HAP-containing raw material consumed in order to calculate total HAP emissions.
Facility-wide	4. 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 include the records mentioned in items 1, 2, and 3 above, and also the hours of operation and the raw materials used on the R&D extruders 1.5 inches or larger. 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 15 <sup>th</sup> day following each month. An electronic version of the MassDEP approved record keeping form, in Microsoft Excel format, can be downloaded at <a href="http://www.mass.gov/dep/air/approvals/aqforms.htm#report">http://www.mass.gov/dep/air/approvals/aqforms.htm#report</a> .
Facility-wide	5. The Permittee shall maintain records of monitoring and testing as required by Table 3.
	6. The Permittee shall maintain a copy of this Plan Approval, underlying Application and the most up-to-date SOMP for the EUs and PCDs approved herein on-site.
	7. The Permittee shall maintain a record of routine maintenance activities performed on the approved EUs, PCDs 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.
	8. The Permittee shall maintain a record of all malfunctions affecting air contaminant emission rates on the approved EUs and PCDs 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.
	9. The Permittee shall maintain records to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	10. The Permittee shall maintain records required by this Plan Approval on-site for a minimum of five (5) years.
	11. The Permittee shall make records required by this Plan Approval available to MassDEP and USEPA personnel upon request.

**Table 4 Key:**

EU = Emission Unit Number  
 SOMP = Standard Operating and Maintenance  
 Procedure  
 PM = Particulate Matter

PCD = Pollution Control Device  
 USEPA = United States Environmental Protection  
 Agency

<b>Table 5</b>	
<b>EU</b>	<b>Reporting Requirements</b>
1, 3 & 4	1. 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.
	2. The Permittee shall submit to MassDEP a final stack emission test results report within 45 days after emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.
Facility-wide	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).
	4. The Permittee shall notify the Central Regional Office of MassDEP, BAW 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).
	5. The Permittee shall report every three years 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.
	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.

**Table 5 Key:**

EU = Emission Unit Number

**4. SPECIAL TERMS AND CONDITIONS**

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

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

<b>Table 6</b>	
<b>EU</b>	<b>Special Terms and Conditions</b>
1-4	<p>1. The Permittee shall operate and maintain the ESP in accordance with the manufacturer’s recommendations.</p> <p>2. The Permittee shall calculate VOC emissions by multiplying the tons of product extruded by the emission factor 0.86 pounds VOC per ton of product extruded.</p> <p>3. The Permittee shall calculate PM emissions from EU 1, 2, 3 and 4 as follows:            a) The PM emissions from rubber grinding is calculated by multiplying the pounds of rubber processed by the emission factor 0.026 pounds PM per pound of rubber processed multiplied by (1-0.999).            b) The PM emissions from extruding is calculated by multiplying the tons of product extruded by the emission factor 0.07 pounds PM per ton of product.            c) The total PM is equal to the sum of PM emissions from rubber grinding and PM emissions from extruding.</p> <p>4. The Permittee shall calculate HAP emissions by first calculating the total HAP contained in raw materials, based on current supplier information. It is conservatively assumed that all of the total HAP in raw materials is emitted.</p>
Facility-wide	<p>5. The Permittee shall operate all baghouses at a pressure drop in accordance with the manufacturers’ recommendations.</p> <p>6. The Permittee shall operate and maintain all baghouses according to the manufacturers’ recommendations.</p> <p>7. The Permittee shall calculate VOC emissions from the R&amp;D extruders as follows:            a) The actual operating hours of the extruders each of the R&amp;D extruders 1.5 inches or larger are monitored and recorded.            b) The pounds of material through the extruders is calculated by multiplying the operating hours by the maximum operation rate for each extruder.            c) The actual VOC emissions is equal to the pounds of material through the extruders multiplied by the appropriate emission factor as a percentage of volatile organic compounds (depending on the type of polymer processed).</p> <p>8. The Permittee shall implement a good-housekeeping system for all solvent-containing materials, which shall include covering cleaning solvent containers when not in use, disposing of waste solvent in properly closed containers, and educating workers about the need to use cleaning solvents efficiently so as to minimize the generation of fugitive VOC emissions.</p>

**Table 6 Key:**

EU = Emission Unit Number  
 VOC = Volatile Organic Compounds  
 ESP = Electrostatic Precipitator

PM = Particulate Matter  
 HAP = total Hazardous Air Pollutants

- 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 exhaust stacks with the following parameters, as contained in Table 7, for the Emission Units that are regulated by this Plan Approval:

<b>Table 7</b>				
<b>EU</b>	<b>Stack Height Above Ground (feet)</b>	<b>Stack Inside Exit Dimensions (inches)</b>	<b>Stack Gas Exit Velocity Range (feet per second)</b>	<b>Stack Gas Exit Temperature Range (°F)</b>
Stack #19 EU 1 Dust Collector	31	12	53	75
Stack #15 EU 3 Dust Collector	34	16	60	75
Stack #20 EU 4 Dust Collector	34	16	60	75
Stack #4A EU 1-4 ESP Stack	26.5	24	42	85-120

**Table 7 Key:**

EU = Emission Unit Number  
 °F = Degree Fahrenheit  
 ESP = Electrostatic Precipitator

**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 laws or regulations now or in the future.
- F. The Application is incorporated into this Plan Approval by reference. 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. 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) and a completed Adjudicatory Hearing Fee Transmittal Form, a copy of which is attached hereto, 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 Dwiggin 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.**

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Roseanna E. Stanley  
Permit Chief  
Bureau of Air and Waste

Enclosures:

- Adjudicatory Hearing Fee Transmittal Form
- Stamped Plan Application

ecc: Leominster Health Department  
Leominster Fire Department  
MassDEP/Boston - Yi Tian  
Capaccio Environmental – Lynn Sheridan