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
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

Date: 6/27/2017

Mr. Timothy J. Opper
Vice President of Technology
Agri-Mark, Inc
958 Riverdale Road
West Springfield, MA 01089

RE: WEST SPRINGFIELD
Transmittal No.: X274919
Application No.: 17-AQ01P-000017-APP
Class: *SM-50*
FMF No.: 119081
AIR QUALITY PLAN APPROVAL

Dear Mr. Opper:

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 proposal to add, modify, or change the method of operation of equipment at the facility located at 958 Riverdale Road in West Springfield, 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

Agri-Mark, Inc. currently processes 130,000 pounds of fluid milk per hour into cream and milk separators. The cream is pasteurized and made into butter. The skim milk is sent to an evaporator for concentration at a rate of 117,000 pounds per hour and brought to two different concentrations of 34% total solids and 48% total solids. The 48% total solids feed the existing drying system.

Agri-Mark, Inc. proposes to construct a new CFR Spray Dryer System which will feed into a TVR finisher evaporator to increase the condensed 34% total solids concentrated milk products to 50% total solids before drying. A high pressure pump is used to feed the condensed product, which goes to a set of nozzles, into the main drying chamber at approximately 4000 pounds per square inch and is mixed with fresh air heated to 380°F. Dried product exits the drying chamber onto a multiple zoned external vibrating fluid bed where the product is further dried to a final moisture of 3.5% and cooled. The air, vapors and product particles then go through cyclones, which strip out most of the remaining food product or re-introduce it into the atomization stream to make larger particles, creating an agglomerated product. The air/moisture and any left-over particles then travel to the baghouse at approximately 41,879 actual cubic feet per minute ("ACFM") and 167°F for remaining particulate removal.

The new CFR Spray Dryer System will include a pre-heat indirect natural gas fired heater rated at a nominal 15 million British thermal units per hour ("MMBtu/hr"). The 27,000 standard cubic feet per minute ("SCFM") food grade heater will utilize a Maxon Ultra Lo-NO_X Linnox Burner which uses an integral air-to-air heat exchanger which has a heat transfer efficiency of 65% to the process air side. After the heat exchanger a portion of the combustion air and products of combustion are vented to atmosphere.

The system air used for the drying process will be vented to a new CFR Model #38083 Reverse Pulse-Jet baghouse. The baghouse is equipped with a single compartment with 326 polyester micro denier bags, a filtering surface area of 25.1 square feet per bag resulting in a net air to cloth ratio of 5.4:1 during cleaning, a gross air to cloth ratio of 5.1:1 at an average theoretical airflow of 35,802 SCFM with all compartments operating and instrumentation to continuously monitor the differential pressure across the fabric collector. The baghouse maximum air flow is 57,000 ACFM at 200°F, although in this application the supply and exhaust fans are sized for the theoretical airflow required for the water removal rate and not the baghouse maximum airflow. The baghouse has a particulate matter control efficiency of 99.9%. A reverse pulse-jet cleaning system will be used for cleaning the filters.

The annual air emissions from the proposed process include the total particulate matter (PM) emissions (including PM with an aerodynamic diameter less than or equal to 10 microns, known as PM_{10}, and PM with an aerodynamic diameter less than or equal to 2.5 microns, known as $PM_{2.5}$) from the CFR Spray Dryer System. The maximum potential PM emissions from the CFR Spray Dryer System, which include PM emissions from the combustion of natural gas, and the

baghouse were estimated using a controlled emission rate of 0.010 pounds per million British Thermal Units ("lbs/MMBtu") and 0.001 grains per dry standard cubic foot, respectively, as well as 8760 hours per year of operation. Air contaminant emissions from the natural gas-fired 15 MMBtu/hr dryer have been calculated using EPA AP-42 emission factors from Section 1.4 and a maximum operating schedule of 8,760 hours per year. The following air contaminant emissions have been calculated by Agri-Mark.

Air Contaminant Emissions
(Tons per year)

Source	PM	PM10	PM2.5	Nitrogen Oxides (NO_X)	Carbon Monoxide (CO)	Volatile Organic Compound (VOCs)
Indirect Fire Heater Nat. Gas – 15 MMBtu/hr	0.66	0.66	0.66	1.97	4.86	1.97
CFR Model #38083 Reverse Pulse-Jet Baghouse	1.32	1.32	1.32	-	-	-
Total	**1.98**	**1.98**	**1.98**	**1.97**	**4.86**	**1.97**

Best Available Control Technology Analysis

The new spray dryer system must satisfy the best available control technology ("BACT") requirements of 310 CMR 7.02(8)(a)2. The baghouse will be equipped with instrumentation to continuously monitor the differential pressure across the control device. A broken bag detector system will have audible and visual alarms to ensure any compromised bag filters are replaced as soon as possible. A sufficient quantity of spare filters will be kept on hand in order to be able to immediately replace any filters requiring replacement due to deterioration resulting from routine operation of the CFR spray dryer system. The proposed PM emission rate from the baghouse will be limited to 0.001 grains per dry standard cubic foot and have a removal efficiency of 99.99% above 2 microns and 100% if particles are 7 microns or larger. This emission rate and control technology is consistent with the MassDEP Top Case BACT Guidance – Mechanical and Miscellaneous Sources - Dry Bulk Material Handling and Unloading.

In addition, the 15MMBtu/hr burner is proposed to meet the MassDEP Top Case BACT emission limits. The proposed burner would have emission rates of NOX- 0.030 lb/MMBtu, CO- 0.074 lb/MMBtu, PM- 0.010 lb/MMBtu, and VOC- 0.030 lb/MMBtu. These meet the proposed BACT Guidelines for Combustion Source emissions for a boiler of its size. This is a natural gas fired burner utilizing Maxon Ultra-Low NOX (Linnox) technology with flue gas recirculation ("FGR") with a variable speed drive fan which averages around 89 percent efficiency.

2. EMISSION UNIT (EU) IDENTIFICATION

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

Table 1			
EU	**Description**	**Design Capacity**	**Pollution Control Device (PCD)**
EU 21	Spray Dryer System	99.99% CE	CFR Model# 38083 Baghouse with Reverse Pulse-Jet Cleaning
EU 22	Pre-Heat, Inc. 27,000 SCFM Food Grade Indirect Fired Heater (natural gas fired)	15MMBtu/hr	Maxon Ultra Low-NO_X Linnox burner Flue Gas Recirculation

Table 1 Key:
EU = Emission Unit Number
PCD = Pollution Control Device
CE = Control Efficiency
SCFM = Standard Cubic Feet per Minute
% = Percent
MMBtu/hr = Million British Thermal Units per hour

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					
EU	**Operational / Production Limit**	**Air Contaminant**	**Emission Limit**	**Monthly Emissions Restrictions (TPM)**	**Consecutive 12-Month Time Period Emissons Restriction (TPY)**
EU 21	1. 99.99% CE	PM	0.001 gr/dscf 0.301 lb/hr	0.10	1.32
EU 22	2. 15 MMBtu/hr	PM	0.010 lb/MMBtu	0.055	0.66
		NOX	0.030 lb/MMBtu	0.16	1.97
		CO	0.074 lb/MMBtu	0.41	4.86
		VOC	0.030 lb/MMBtu	0.16	1.97

Table 2 Key:

EU = Emission Unit Number
NO_x = Nitrogen Oxides
CO = Carbon Monoxide
SO_2 = Sulfur Dioxide
CO_2 = Carbon Dioxide
VOC = Volatile Organic Compounds
% = Percent
CE = Control Efficiency
MMBtu/hr = million British thermal units per hour
SCFM = Standard Cubic Feet Per Minute
gr/dscf = grains per dry standard cubic feet
lb/hr = pounds per hour
lb/MMBtu =pounds per million British thermal units
TPM = tons per month
TPY = tons per consecutive12-month period

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

Monitoring and Testing Requirements

EU	Monitoring/Testing Method	Parameters Monitored	Units	Frequency of Monitoring
EU 21	Broken Bag Detector	Bag Function	Pico-Amperes	Continuous
	Differential Pressure Transducer	Pressure Drop	Inches W.C.	Continuous
	Inlet Temperature	Temperature	Degrees Fahrenheit	Continuous
EU 22	Nat. Gas Usage	Fuel Flow	Cubic Feet	Continuous
	Air Temperature	Temperature	Degrees Fahrenheit	Continuous

EU	Additional Monitoring and Testing Requirements
EU 21	1. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the CFR Model# 38083 Reverse Pulse-Jet baghouse shall be equipped with instrumentation to continuously monitor the differential pressure across the respective unit. The CFR Model# 38083 baghouse shall also be equipped with instrumentation to continuously monitor the inlet temperature. The differential pressure and temperature gauges shall be positioned so that they are easily accessed and read. Additionally, audible and visual alarms shall be present to signal the need for corrective action in the event the differential pressure is outside the limits of normal operation established by the manufacturer or through compliance testing
	2. The Permittee shall initiate corrective action if the differential pressure across the baghouse increases above 5 inches water column for more than 5 seconds, indicating the filter bags are overloaded. This will produce an audible and visual alarm from the PLC.

Table 3	
Monitoring and Testing Requirements	
EU	**Additional Monitoring and Testing Requirements**
EU 21	3. Pursuant to the 310 CMR 7.02(8)(a)2, the CFR Model# 38083 Reverse Pulse Jet Cleaning design baghouse shall be equipped with a broken bag detector to monitor bag integrity across the respective unit. The signal from the broken bag detector will be sent to the PLC. Should the signal from the broken bag detector indicate a filter bag has been compromised; the PLC will produce a visual and audible alarm. The broken bag detector shall be calibrated and maintained regularly in accordance with the manufacturer's recommendations, but in no case shall they be calibrated less than once per calendar year.
	4. The Permittee shall continuously monitor the air receiver pressure and pulse valve pressure of the CFR Model# 37884 1 Reverse Pulse Jet Cleaning design baghouse.
EU 22	5. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the 15 MMBtu/hr natural gas fired dryer shall be equipped with instrumentation to continuously monitor the natural gas usage of the respective unit. The unit shall also be equipped with instrumentation to continuously monitor the inlet air temperature.
	6. Pursuant to 310 CMR 7.04(4)(a), the 15 MMBtu/hr natural gas fired dryer shall be inspected and maintained in accordance with the manufacturer's recommendations and tested for efficient operation once each calendar year.
Facility-wide	7. The Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	8. 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
PLC = Primary Logic Controler
MMBtu/hr = Million British thermal units per hour
USEPA = United States Environmental Protection Agency

Table 4

Record Keeping Requirements

EU	Parameter	Record Keeping Procedures	Frequency of Data Record
EU 21	Bag Function	Various sensors & Data Logger	Continuous
	Differential Pressure	Data Logger	Continuous
	Temperature	Data Logger	Continuous
EU 22	Nat. Gas Usage	Data Logger	Continuous
	Temperature	Data Logger	Continuous

EU	Additional Record Keeping Requirements
EU 21	1. The Permittee shall maintain comprehensive and accurate records of: a. The output data for differential pressure across the baghouse and filter bags in inches W.C and picoamperes (pA) from the broken bag detector, air receiver pressure transmitter and pulse valve pressure transmitter data from the PLC to Agri-Mark's data collection and trending system, including the date and time of each reading. b. The output data, for continuous monitoring, of the inlet temperature to the CFR Model# 38083 Reverse Pulse-Jet Cleaning design baghouse, including the date and time of each reading c. Routine maintenance or repairs performed on the CFR Model# 38083 Reverse Pulse-Jet Cleaning design baghouse, including but not limited to, the number and locations of any damaged filters discovered and replaced. d. All inspection and maintenance activities.
EU 22	2. The Permittee shall maintain comprehensive and accurate records of: a. The continuous monitoring of the natural gas meter readings from the PLC, including the date and time of each reading. b. The continuous monitoring of the burner inlet air temperature from the PLC, including the date and time of each reading.
	3. The Permittee shall maintain a "Dryer Log" during each run and will be used to record pertinent operating conditions every two hours during each run. The log will include; dryer run time, visual checks of baghouse and filter bags pre-run and post-run, and a record of operating anomalies including visual inspections of the stack to monitor particulate 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 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/eea/agencies/massdep/air/approvals/limited-emissions-record-keeping-and-reporting.html#WorkbookforReportingOn-SiteRecordKeeping.
	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 EU(s) and PCD(s) approved herein on-site.

Table 4	
Record Keeping Requirements	
EU	**Additional Record Keeping Requirements**
Facility-wide	7. 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.
	8. The Permittee shall maintain a record of all malfunctions affecting air contaminant emission rates on the approved EU(s), 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.
	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
Inches W.C = Inches Water Column
PCD = Pollution Control Device
PLC = Primary Logic Controller
SOMP = Standard Operating and Maintenance Procedure
USEPA = United States Environmental Protection Agency

Table 5	
EU	**Reporting Requirements**
EU 21 EU 22	1. The Permittee shall notify MassDEP, in writing, the date on which EUs #21 & #22 commence operation at the Facility. This notice shall be provided to MassDEP within five (5) days of commencing operation.
	2. The Permittee shall maintain adequate records onsite 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

Table 5	
EU	**Reporting 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 Western Regional Office of MassDEP, BAW Permit Chief by telephone: [(413) 784-2115], email: marc.simpson@massmail.state.ma.us or fax : [413-784-1149], as soon as possible, but no later than three (3) business days after discovery of an exceedance(s) of Table 2 requirements. A written report shall be submitted to Air Permit Chief at MassDEP within ten (10) 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 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.
	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.
	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.
	8. 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.

Table 5 Key:

EU = Emission Unit Number
BAW = Bureau of Air and Waste

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:

Table 6	
EU	**Special Terms and Conditions**
EU 21	1. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the Permittee shall install an interlock that prevents operation of the spray dryer system without the operation of the CFR Model# 38083 Reverse Pulse-Jet Cleaning design baghouse.
	2. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the inlet temperature of the CFR Model# 38083 Reverse Pulse-Jet Cleaning design baghouse shall not exceed 275°F during operation.
	3. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the new spray dryer system shall not be operated without the simultaneous operation of the CFR Model# 38083 Reverse Pulse-Jet Cleaning design baghouse.
	4. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the Permittee shall keep on hand a sufficient quantity of spare fabric collector bags for the CFR Model# 38083 Reverse Pulse-Jet Cleaning design collector associated with the new spray dryer system in order to be able to immediately replace any bags requiring replacement due to deterioration resulting from routine operation.
	5. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the Permittee shall employ all reasonable good housekeeping practices to minimize fugitive particulate matter emissions from EU #21.
	6. If at any time, the spray dryer system, or any piece of equipment incorporated in the spray dryer system, is determined by MassDEP to be causing the emission of fugitive particulate matter in excess of the limitations specified in any applicable rule or regulation contained in 310 CMR 7.00 or in excess of the level which MassDEP considers to be the minimum attainable through the use of the best available control technology, the Permittee shall, upon notification by MassDEP, immediately take such control measures as are necessary to reduce the air contaminant emissions to within the level deemed acceptable by MassDEP.
Facility-wide	7. Any prior Plan Approvals issued under 310 CMR 7.02 shall remain in effect unless specifically changed or superseded by this Plan Approval. The Facility shall not exceed the emission limits and shall comply with approved conditions specified in the prior Plan Approval(s) unless specifically altered by this Plan Approval.

Table 6 Key:

EU = Emission Unit Number

°F = Degrees Fahrenheit

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:

Table 7

EU	Stack Height Above Ground (feet)	Stack Inside Exit Dimensions (inches)	Stack Gas Exit Velocity Range (feet per second)	Stack Gas Exit Temperature Range (°F)
EU 21	96	46	55 – 70	140 - 190
EU 22	96	14	40 – 60	200 - 300

Note: Each stack shall have an inner liner material made of 304 grade stainless steel (304SS).

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. 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 Todd Wheeler by telephone at (413) 755-2297, 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.

Marc Simpson
Permit Chief
Bureau of Air and Waste

Enclosure

cc: WERO AQ Plan file
WERO AQ Approval file

ecc: MassDEP/Boston - Yi Tian
The Dennis Group – Hannah Reinertsen