



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WESTERN REGIONAL OFFICE

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Minor Modification to an AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("The Department") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

ISSUED TO ["the permittee"]:

Oldcastle Stone Products
110 Marble Street
Lee, MA 01238

INFORMATION RELIED UPON:

Application No. 1-O-95-101
Transmittal No. W101232

FACILITY LOCATION:

Oldcastle Stone Products
110 Marble Street
Lee, MA 01238

FACILITY IDENTIFYING NUMBERS:

AQ ID: 1170012
FMF FAC NO. 374540
FMF RO NO. 374541

NATURE OF BUSINESS:

Production of lime, mixing and bagging of lime,
sand and stone products

STANDARD INDUSTRIAL CODE (SIC):

3274, 1422

**NORTH AMERICAN INDUSTRIAL
CLASSIFICATION SYSTEM (NAICS):**

327410, 212312

RESPONSIBLE OFFICIAL:

Name: Donald O'Bryan
Title: Environmental Compliance Manager
Phone: (413) 243-0053

FACILITY CONTACT PERSON:

Name: Donald O'Bryan
Title: Environmental Compliance Manager
Phone: (413) 243-0053

This operating permit shall expire on February 5, 2013

For the Department of Environmental Protection, Bureau of Waste Prevention

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.

10/28/2010

Michael Gorski
Regional Director

Date

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

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SPECIAL CONDITIONS FOR OPERATING PERMIT

A Legend to Abbreviated Terms found in the following Tables is located in Section 28 of the Operating Permit.

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the permittee (Oldcastle Stone Products, hereinafter “Oldcastle”) is authorized to operate the air emission units as shown in Table 1 and exempt and insignificant activities as described in 310 CMR 7.00: Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit.

Emissions from the insignificant activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

DESCRIPTION OF FACILITY AND OPERATIONS

Oldcastle is located at 110 Marble Street in Lee, Massachusetts. Oldcastle consists of a large lime quarry and the associated equipment to manufacturer agricultural grade lime, primarily for retail sale. There are thirteen emission units at this facility: The emission units include: 1) a rotary kiln rated at 40 MMBtu/hr 2) a limestone rotary dryer rated at 40 MMBtu/hr 3) equipment to move, crush and bag the lime 4) limestone pelletizing plant – feed silos, pelletizer, dryer, conveyors, screen crusher 5) gasoline storage tank and 6) Cold Cleaning Degreaser. Tables 3, 4, 5, 6, and 8 of this Operating Permit contain the air quality requirements and regulations to which Oldcastle is subject.

2. EMISSION UNIT IDENTIFICATION

The following emission units (Table 1) are subject to and regulated by this operating permit:

Emission Unit (EU#)	Description of EU	EU Design Capacity	Pollution Control Device
1	Kennedy rotary kiln #1	40 MMBtu/hr	cyclone and fabric filter
2	McDermott limestone rotary dryer	40 MMBtu/hr; 100 ton/hr	cyclones and fabric filter
4	lime hydrator, bagging, and loadout	6 tons/hr lime (input)	venturi scrubber (hydrator); fabric filter (bagging and bulk loadout)
5	primary crusher (portable - located in quarry)	400 ton/hr limestone	water suppression system and containment skirt
6	bagging operations (warehouse)	30 ton/hr*	fabric filter
7	limestone screening, transfer, loadout, and bagging	15 – 80 ton/hr	fabric filter
8	limestone screens, grinding mills, elevators, and bagging machines	5 – 150 ton/hr	fabric filter
9	gasoline storage tank	2,000 gal	Stage 1 vapor recovery
10	stockpiles and limestone hauling	N/A	none
11	limestone pelletizing plant – feed silos, pelletizer, dryer, conveyors, screen crusher	25 MMBtu/hr; 20 ton/hr limestone	fabric filters
12	limestone pellet packaging and loading	20 ton/hr limestone	fabric filter

13	Cold Cleaning Degreaser	N/A	N/A
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Table 1 Footnote:

* Each bagging machine has a capacity of 30 ton/hr.

3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following have been found to be exempt activities as provided in 310 CMR 7.00: Appendix C(5)(h):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the Department's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310 CMR 7.00:Appendix C(5)(h)

4. APPLICABLE REQUIREMENTS

A. EMISSION LIMITS AND RESTRICTIONS

The permittee is subject to the emission limits/restrictions as contained in Table 3 below:

Table 3					
EU#	Fuel or Raw Material	Restrictions	Pollutant	Emission Limit/Standards	Applicable Regulation and/or Approval No.
EU 1	coal (primary) No. 6 fuel oil (secondary) Natural Gas (start-up only)	fuel input ≤ 40 MMBtu/hr (Approval #1-B-99-035) kiln temp. ≤ 2250°F based on 7-day rolling average (Approval #1-E-94-110)	PM ⁽¹⁾	≤ 11 lb/hr; ≥ 99.9% control efficiency	Approval #B-81-C-001
			Smoke	≤ No. 1 of the Chart, except No. 1 to No. 2 for no more than 6 minutes aggregate during any one hour; at no time to exceed No. 2 of the Chart	310 CMR 7.06(1)(a)
			Opacity	≤ 20%, except 20 to ≤ 40% for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b) Approval #1-B-99-035
			NO _x ⁽²⁾	≤ 7.4 lb NO _x /ton lime produced ≤ 30.8 lb/hr ≤ 135.0 ton/yr	Approval #1-E-94-110 and 310 CMR 7.19(12)
			CO ⁽²⁾	≤ 250 ppmvd @ 3% O ₂ ≤ 9.1 lb/hr ≤ 39.9 ton/yr	Approval #1-E-94-110 and 310 CMR 7.19(12)
			S in fuel	coal: ≤ 2.1 pounds per MMBtu heat release potential (≈ 2.5% assuming 12,000 Btu/lb) No. 6 fuel oil: ≤ 1.21 pounds per MMBtu heat release potential (≈ 2.2% by weight)	Approval #1-P-96-002 310 CMR 7.05(1)(a)
			Ash in fuel	coal: ≤ 16% by dry weight	Approval #1-P-10-026
			EU 2	natural gas (primary) No. 2 fuel oil (secondary)	none
Smoke	≤ No. 1 of the Chart, except No. 1 to No. 2 for no more than 6 minutes aggregate during any one hour; at no time to exceed No. 2 of the Chart	310 CMR 7.06(1)(a)			

Table 3 (continued)

EU#	Fuel or Raw Material	Restrictions	Pollutant	Emission Limit/Standards	Applicable Regulation and/or Approval No.
EU 2 (continued)		none	Opacity	≤ 20%, except 20 to ≤ 40% for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b) Approval #1-B-99-035
			S in fuel	≤ 0.17 lb/MMBtu heat release potential No. 2 oil (≈ 0.3% by weight)	310 CMR 7.05(1)(a)2
EU 4	lime	none	Opacity	≤ 20%, except 20 to ≤ 40% for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b)
EU 5	limestone	Shall operate wet particulate suppression system between April 1 and November 1 of each year. Shall limit operations to no more than 2,500 hours of operation per rolling 12 month period.	PM ⁽¹⁾	≤ 0.05 grams per dry standard cubic meter for stack emissions ⁽³⁾ ≤ 4.75 tons per twelve month period	40 CFR Part 60 Subpart OOO Approval #1-P-07-004
			Opacity	≤ 10% for fugitive emissions from any transfer point on belt conveyors or from any other affected facility at all times, including startups and shutdowns ≤ 10% from the crusher ≤ 15% for fugitive emissions from the crusher at all times, including startups and shutdowns	40 CFR Part 60 Subparts A and OOO 60.672(b) and Approval #1-P-07-004 Approval #1-P-07-004 40 CFR Part 60 Subparts A and OOO 60.672(c)

Table 3 (continued)

EU#	Fuel or Raw Material	Restrictions	Pollutant	Emission Limit/Standards	Applicable Regulation and/or Approval No.
EU 6	screened aggregates	none	PM ⁽¹⁾	≤ 0.05 grams per dry standard cubic meter for stack emissions ⁽³⁾	40 CFR Part 60 Subpart OOO
			Opacity	≤ 7% for stack emissions ⁽³⁾	40 CFR Part 60 Subparts A and OOO
EU 7	limestone	none	PM ⁽¹⁾	≤ 0.05 grams per dry standard cubic meter for stack emissions ⁽³⁾ ≤ 4,500 lb/yr; ≥ 99.9% control efficiency	40 CFR Part 60 Subpart OOO Approval #1-P-98-021, and Approval #1-P-00-033
			Opacity	≤ 7% for stack emissions ⁽³⁾ ≤ 10% for fugitive emissions from conveyor belts, elevators, screening equip., bagging equipment, separator, and storage bins at all times, including startups and shutdowns	40 CFR Part 60 Subparts A and OOO, Approval #1-P-98-021, and Approval #1-P-00-033
EU 8	limestone and quicklime	none	PM ⁽¹⁾	≤ 4 lb/hr; ≥ 99% control efficiency	Approval #BV-75-IF-001
			Opacity	< 20%, except 20 to 40% for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b)
EU 9	gasoline	Maintain and properly operate Stage 1 vapor balance system; transfer fuel from truck to tank through submerged filling	VOC	none	310 CMR 7.24(3)
EU 10	limestone	none	Opacity	< 20%, except 20 to 40% for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b)
EU 11	natural gas crushed limestone	none	PM ⁽¹⁾ (excluding dryer)	≤ 0.05 grams/DSCM (0.022 grains/DSCF) for stack emissions	40 CFR Part 60 Subpart OOO
			PM ⁽¹⁾	≤ 0.011 grams/DACM (0.005 grains/DACF) for stack emissions ≤ 10.6 tons per twelve month period	Approval #1-P-05-004

Table 3 (continued)

EU#	Fuel or Raw Material	Restrictions	Pollutant	Emission Limit/Standards	Applicable Regulation and/or Approval No.
EU 11 (cont)			Smoke	≤ No. 1 of the Chart, except No. 1 to No. 2 for no more than 6 minutes aggregate during any one hour; at no time to exceed No. 2 of the Chart	310 CMR 7.06(1)(a)
			Opacity	≤ 7% for stack emissions ⁽³⁾ ≤ 10% for fugitive emissions from conveyors, elevators, screening equipment, crushers, and storage bins at all times, including startups and shutdowns.	40 CFR Part 60 Subpart OOO
			NO _x ⁽²⁾ (dryer)	≤ 80 ppmvd @ 3% O ₂ (0.1 lb/MMBtu) ≤ 2.5 lb/hr ≤ 11.0 ton/yr	Approval #1-P-05-004
			CO ⁽²⁾ (dryer)	≤ 200 ppmvd @ 3% O ₂ (0.15 lb/MMBtu) ≤ 3.8 lb/hr ≤ 16.6 ton/yr	Approval #1-P-05-004
EU 12	limestone pellets	none	PM ⁽¹⁾	≤ 0.05 grams/DSCM for stack emissions ⁽³⁾ (≤ 0.022 grains/DSCF)	40 CFR Part 60 Subpart OOO Approval #1-P-05-004
			Opacity	≤ 7% for stack emissions ⁽³⁾ ≤ 10% for fugitive emissions from conveyor belts, elevators, screening equipment, and storage bins at all times, including startups and shutdowns.	40 CFR Part 60 Subparts A and OOO Approval #1-P-05-004
EU 13	Solvent	none	VOC	usage not to exceed 100 gal/month per degreaser	310 CMR 7.03(8) 310 CMR 7.18(1) 310 CMR 7.18(8)

Table 3 Notes:

- (1) Particulate matter as measured according to the applicable procedures specified in 40 CFR Part 60 Appendix A, Method 5, based on a 1-hour average.
- (2) Based on a 3-hour average.
- (3) Except during periods of startup, shutdown, and malfunction.

B. COMPLIANCE DEMONSTRATION

The permittee is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10), and applicable requirements as outlined in Table 3:

Table 4	
EU#	MONITORING/TESTING REQUIREMENTS
EU 1	<p>(1) In accordance with Approval No. 1-E-94-110, Oldcastle shall operate and maintain a continuous temperature monitor, recorder, and data logger for EU 1.</p> <p>(2) In accordance with Approval No. 1-E-94-110 and 310 CMR 7.00 Appendix C(9)(b), Oldcastle shall monitor consumption of coal and No. 6 fuel oil and maintain a fuel usage log consisting of standard bills for fuel usage.</p> <p>(3) In accordance with Approval No. 1-E-94-110, Oldcastle shall, upon request by the Department, perform stack testing on EU 1 to demonstrate compliance with the emission limits listed in Table 3. Stack testing shall be conducted in accordance with the appropriate EPA test methods, as contained in 40 CFR Part 60, Appendix A.</p>
EU 1 and EU 2	<p>(4) In accordance with Approval No. 1-B-99-035, Oldcastle shall monitor the pressure drops across each baghouse at least once per day of operation using a differential pressure gauge. If the pressure drop across either baghouse is above or below its normal operating range, Oldcastle shall perform the testing and reporting described below. The normal operating range for each baghouse shall be within the range specified by the manufacturer.</p> <p>a. If the pressure drop across a baghouse is higher than the normal operating range, Oldcastle shall check the baghouse during the next scheduled maintenance period and perform any needed repairs.</p> <p>b. If the pressure drop across a baghouse is below its normal operating range, Oldcastle shall perform a visual inspection of the baghouse exhaust using the procedures set forth in 40 CFR Part 60, Appendix A, Method 22 (hereinafter "Method 22 test"). The length of the observation time of the Method 22 test shall be at least 6 minutes. However, if Oldcastle proceeds with an immediate shutdown of the affected emission unit, no visible emission test will be required.</p> <p>c. If visible emissions are observed during a Method 22 emissions test, within 24 hours Oldcastle shall conduct a visual inspection of the baghouse exhaust in accordance with the procedures set forth in 40 CFR Part 60, Appendix A, Method 9 (hereinafter "Method 9 test"). If the visible emissions are in compliance with the opacity limits set forth in Table 3 of this Operating Permit, Oldcastle may continue to operate the affected emission unit until the next scheduled maintenance period. However, Oldcastle must repeat the Method 9 test at least once each day until the emission unit is shut down or the baghouse is repaired such that the pressure drop is within the normal operating range.</p> <p>d. If the visible emissions observed during any Method 9 test exceed the opacity limits set forth in Table 3 of this Operating Permit, Oldcastle shall shut down the affected emission unit as quickly as possible without risking worker safety or damage to plant equipment. Oldcastle may restart the affected emission unit upon completion of any necessary repairs to the baghouse.</p> <p>(5) In accordance with Approval No. 1-B-99-035, Oldcastle shall perform a "black light and fluorescent powder" test on each baghouse at least two times each calendar year at approximately six-month intervals.</p> <p>(6) In accordance with Approval No. 1-B-99-035, Oldcastle shall perform a visible emissions test on each baghouse at least once per calendar year. The visible emissions test shall be performed in accordance with 40 CFR Part 60, Appendix A, Method 9 by a person certified to perform visible emissions testing.</p>

Table 4 (continued)

EU#	MONITORING/TESTING REQUIREMENTS
EU 1, EU 2,	<p>(7) In accordance with 310 CMR 7.04(4)(a), said facility shall be inspected and maintained in accordance with the manufacturer's recommendations and tested for efficient operation at least once each calendar year.</p> <p>(8) In accordance with 310 CMR 7.00 Appendix C(9)(b), Oldcastle shall monitor the sulfur content (% by weight) and ash content (% by weight, dry basis), if applicable, of each new shipment of No. 6 fuel oil and coal received. Compliance with the percent by weight sulfur in fuel and percent by weight, dry basis, ash in fuel requirements, if applicable, can be demonstrated by maintaining a shipping receipt from the fuel supplier (shipping certification) or through testing (testing certification). The shipping receipt certification or testing certification of the sulfur and ash content of No. 6 fuel oil and coal shall document that the testing has been conducted in accordance with the applicable ASTM test methods: (for sulfur D129-64, D1072-56, D12266-67, D1552-83, D2622-87, D4294-90; and for ash: D482-95) or any other method approved by the Department and EPA.</p>
EU 5	<p>(9) In accordance with Approval 1-P-07-004 Oldcastle shall submit a Method 9 stack test protocol for review and written MassDEP approval to MassDEP's Western Regional Office within 60 days of the date of this Final Approval. The test protocol must be submitted in accordance with MassDEP's guideline for "Stack Test Protocol Development and Submittal", and all testing must be conducted in accordance with EPA test methods as specified in 40 CFR Part 60, Appendix A, 40 CFR Part 60 Subpart 000, or by a methodology approved by MassDEP and the EPA.</p> <p>(10) In accordance with Approval 1-P-07-004 Oldcastle shall perform, in accordance with the requirements of 40 CFR 60.675(a), within 180 days of this Final Approval, an initial Method 9 determination of opacity from crusher and conveyance equipment.</p> <p>(11) In accordance with Approval 1-P-07-004 operation of the wet particulate suppression system is optional during the period between November 1 and April 1 (winter months). However, on each day that Oldcastle wishes to operate the rock crusher without the wet particulate suppression system, it must perform the following:</p> <ol style="list-style-type: none"> a. At least once per day of operation, Oldcastle shall perform a visible emission check in conformance with 40 CFR Part 60, Appendix A, Method 22 as follows: An observer shall stand at a distance of at least 30 feet, but no more than 100 feet, from the crusher. To the extent possible, the observer shall view the potential visible plume against a contrasting background while standing with the sun to his or her back. Timing the emissions with a stopwatch will not be necessary. b. If any visible emissions are observed during a visible emission check performed pursuant to Condition 8.a., Oldcastle shall initiate within one hour a follow-up visible emission test using the procedures contained in 40 CFR Part 60, Appendix A, Method 9 ("Method 9 test"). The minimum observation time for this test shall be six minutes. c. If the opacity of the visible emissions from rock crusher observed during the Method 9 test exceeds 10%, Oldcastle shall immediately activate the wet particulate suppression system or shut down the rock crusher.
EU 4, EU 6, EU 7, and EU 8	<p>(12) In accordance with 310 CMR 7.00 Appendix C(9)(b), Oldcastle shall perform the following testing on each baghouse at least once per year:</p> <ol style="list-style-type: none"> a. A "black light and fluorescent powder" test; and b. A visible emissions test, which shall be performed in accordance with 40 CFR Part 60, Appendix A, Method 9 by a person certified to perform visible emissions testing.
EU 9	<p>(13) In accordance with 310 CMR 7.24(3)(f)4., Oldcastle shall monitor the daily throughput of fuel associated with the gasoline storage tank and dispensing facility.</p> <p>(14) In accordance with 310 CMR 7.24(3)(f)4., Oldcastle shall maintain all gauges, meters, and other testing devices in proper working order.</p>

Table 4 (continued)

EU#	MONITORING/TESTING REQUIREMENTS
EU 11 and EU 12	<p>(15) In accordance with Approval No. 1-P-05-004, Oldcastle shall monitor the pressure drops across each baghouse at least once per day of operation using a differential pressure gauge. The normal operating range for each baghouse shall be established within 60 days after achieving the maximum production rate at which the pelletizing plant will be operated, but not later than 180 days after initial startup, and submitted to the Department for review and written approval. If the pressure drop across the baghouse is outside its normal operating range, Oldcastle shall perform the testing and reporting described below:</p> <ul style="list-style-type: none"> a. If the pressure drop across the baghouse is higher than the normal operating range, Oldcastle shall check the baghouse during the next scheduled maintenance period and perform any needed repairs. b. If the pressure drop across the baghouse is below its normal operating range, Oldcastle shall perform a visual inspection of the baghouse exhaust using the procedures set forth in 40 CFR Part 60, Appendix A, Method 22 (hereinafter "Method 22 test"). The length of the observation time of the Method 22 test shall be at least 6 minutes. However, if Oldcastle proceeds with an immediate shutdown of the dryer, no visible emission test will be required. c. If visible emissions are observed during a Method 22 test, within 24 hours Oldcastle shall conduct a visual inspection of the baghouse exhaust in accordance with the procedures set forth in 40 CFR Part 60, Appendix A, Method 9 (hereinafter "Method 9 test"). If the visible emissions are in compliance with the opacity limits of this Approval, Oldcastle may continue to operate the affected emission unit until the next scheduled maintenance period. However, Oldcastle must repeat the Method 9 test at least once each day until the baghouse is shut down or the baghouse is repaired such that the pressure drop is within the normal operating range. d. If the visible emissions observed during any Method 9 test exceed the opacity limits set forth in this Approval, Oldcastle shall shut down the dryer as quickly as possible without risking worker safety or damage to plant equipment. Oldcastle may restart the affected emission unit upon completion of any necessary repairs to the dryer baghouse.
	<p>(16) In accordance with 40 CFR 60.8 (a) and Approval No. 1-P-05-004, within 60 days after achieving the maximum production rate at which the pelletizing plant will be operated, but not later than 180 days after initial startup of the pelletizing plant, conduct performance test(s) and furnish the EPA Administrator a written report of the results of such performance test(s). Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in 40 CFR 60 Subpart OOO and Subpart A.</p>
	<p>(17) In accordance with Approval No. 1-P-05-004, Oldcastle shall perform weekly Method 22 emissions tests for each baghouse.</p>
	<p>(18) In accordance with Approval No. 1-P-05-004, Oldcastle shall perform a Method 9 test on each baghouse at least once per calendar year. This visible emissions test shall be performed by a person certified to perform visible emissions testing.</p>
	<p>(19) In accordance with Approval No. 1-P-05-004, Oldcastle shall perform a "black light and fluorescent powder" test on the dryer baghouse at least two times each calendar year at approximately six-month intervals.</p>

Table 4 (continued)

EU#	MONITORING/TESTING REQUIREMENTS
EU 11 and EU 12 (cont)	<p>(20) In accordance with 40 CFR 60.675 (Subpart OOO), Oldcastle shall determine compliance with the particulate matter standards in §60.672(a) as follows:</p> <ul style="list-style-type: none"> a. Method 5 or Method 17 shall be used to determine the particulate matter concentration. The sample volume shall be at least 1.70 dscm (60 dscf). For Method 5, if the gas stream being sampled is at ambient temperature, the sampling probe and filter may be operated without heaters. If the gas stream is above ambient temperature, the sampling probe and filter may be operated at a temperature high enough, but no higher than 121 °C (250 °F), to prevent water condensation on the filter. b. Method 9 and the procedures in §60.11 shall be used to determine opacity. c. In determining compliance with the particulate matter standards in §60.672 (b), Oldcastle shall use Method 9 and the procedures in §60.11, with the following additions: <ul style="list-style-type: none"> (i) The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet). (ii) The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9, Section 2.1) must be followed.
Facility Wide	<p>(21) In accordance with 310 CMR 7.13(1), any person owning, leasing, operating or controlling a facility for which the Department has determined that stack testing is necessary to ascertain compliance with Department's regulations or design approval provisions shall cause such stack testing to be conducted by a person knowledgeable in stack testing, to be conducted in accordance with procedures contained in a test protocol approved by the Department, to be conducted in the presence of a representative of the Department when such is deemed necessary, and to be summarized and submitted to the Department with analysis and report within such time as agreed to in the approved test protocol.</p> <p>(22) In accordance with 310 CMR 7.13(2), any person having control of a facility, relative to which the Department determines that stack testing (to ascertain the mass emission rates of air contaminants emitted under various operating conditions) is necessary for the purposes of regulation, enforcement or determination of compliance shall cooperate with the Department to provide: entrance to a location suitable for stack sampling; sampling ports at locations where representative samples may be taken; staging and ladders to support personnel and equipment for performing tests; a suitable power source at the sampling location for the operation of sampling equipment; and such other reasonable facilities as may be requested by the Department.</p> <p>(23) Emissions Compliance Testing (Stack Testing), shall be performed in accordance with 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A (Method 7 for oxides of nitrogen (NO_x), Method 6 for sulfur dioxide (SO₂), Method 10 for carbon monoxide (CO), Methods 1 to 5 for TSP, Method 3A for Oxygen (O₂), Method 9 for opacity, or any other test method approved by the Department or EPA). Prior to Stack Testing, appropriate testing ports shall be constructed so as to accommodate the requirements as stipulated in 40 CFR Part 60, Appendix A.</p> <p>(24) Oldcastle shall monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</p>

Table 5

EU#	RECORDKEEPING REQUIREMENTS
EU 1	<p>(1) In accordance with 310 CMR 7.04(4)(a), Oldcastle shall record the results of each annual inspection, maintenance, and testing and the date on which it was performed. Such records shall be maintained onsite.</p> <p>(2) In accordance with Approval No. 1-E-94-110, Oldcastle shall continuously record the temperature of the kiln using a continuous temperature monitor, recorder, and data logger. In addition, Oldcastle shall keep records regarding the operation and maintenance of the temperature monitoring system, including the dates and times of any periods when the system was inoperable and the reason(s) for such periods.</p> <p>(3)a In accordance with DEP Approval 1-P-10-026, Oldcastle shall maintain coal certification and coal purchase records at the facility. These records shall be kept on site for five (5) years from date of record and shall be made available to the Department upon request..</p> <p>b. In accordance with 310 CMR: Appendix C(10)(b), Oldcastle shall maintain records on site of the sulfur and ash contents of the No. 6 fuel oil burned in EU 1.</p> <p>c. In accordance with 310 CMR: Appendix C(10)(b) and DEP Approval 1-P-10-026, Oldcastle shall generate monthly reports in-house that document the amount of coal burned and the sulfur and ash content of the coal burned in EU 1.</p> <p>(4) In accordance with Approval No. 1-P-96-002, Oldcastle shall establish and continue a recordkeeping system on site. All records shall be kept up-to-date such that year-to-date information is readily available for Department examination. Recordkeeping shall, at a minimum, include:</p> <ul style="list-style-type: none"> a. A fuel usage log consisting of standard bills for fuel usage; b. A record of routine maintenance activities including, at a minimum, a description of the maintenance performed and the date and time the work was completed; and c. A record of all malfunctions 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 facility returned to compliance. <p>(5) In accordance with Approval No. 1-E-94-110, Oldcastle shall keep all EU 1 monitoring records, including records of operation and maintenance, at the facility. Oldcastle shall make such records available for inspection upon request by Department personnel.</p> <p>(6) In accordance with Approval No. B-81-C-001 and the Approval letter dated 7/16/94, the standard operating and maintenance procedures for EU 1 and the fabric filter shall be maintained onsite.</p>
EU 2	<p>(7) In accordance with 310 CMR 7.04(4)(a), Oldcastle shall record the results of each annual inspection, maintenance, and testing and the date on which it was performed. Such records shall be maintained onsite.</p> <p>(8) In accordance with 310 CMR 7.05 and 310 CMR: Appendix C(10)(b), Oldcastle shall maintain records on site of the sulfur content of the fuel oil burned in EU 2.</p> <p>(9) In accordance with 310 CMR 7.00 Appendix C(9)(b), Oldcastle shall keep records of any maintenance or repairs performed on the cyclones and/or fabric filter including, but not limited to, the locations of any broken bags.</p> <p>(10) In accordance with the Department Approval dated August 22, 1972, the standard operating and maintenance procedures shall be maintained onsite.</p>

Table 5 (continued)

EU#	RECORDKEEPING REQUIREMENTS
EU 1 and EU 2	<p>(11) In accordance with Approval No. 1-B-99-035, Oldcastle shall keep the following records regarding each baghouse:</p> <ul style="list-style-type: none"> a. daily records of the pressure drop across each baghouse, including the time of day and date of each reading; b. records of any maintenance or repairs performed on the baghouses, including, but not limited to, the replacement of bags; c. records of the locations of any broken bags discovered during baghouse maintenance; d. records of each "black light and fluorescent powder" test, each Method 9 visible emissions test, and each Method 22 visible emissions test. For each test, the records shall include, but shall not be limited to, the baghouse tested, test method used, date and time of day, identity of the person(s) performing the test, and results.
EU 4, EU 6, EU 7, and EU 8	<p>(12) In accordance with 310 CMR 7.00 Appendix C(10)(b), Oldcastle shall keep records of each "black light and fluorescent powder" test and each Method 9 visible emissions test. For each test, the records shall include, but shall not be limited to, the baghouse tested, test method used, date and time of day, identity of the person(s) performing the test, and results.</p>
EU 4	<p>(13) In accordance with 310 CMR 7.00 Appendix C(9)(b), Oldcastle shall keep records of any maintenance or repairs performed on the venturi scrubber and/or the fabric filter.</p>
EU 5	<p>(14) In accordance with Approval 1-P-07-004 for each Method 9 test performed, Oldcastle shall keep an observation form containing the following information: the name of the observer, observations of opacity, time of day and date the test was performed, estimated wind speed and direction, the sky condition (clear, overcast, etc.) and the position of the sun in relation to the observer. These observation forms shall be retained for at least three years following the date they were recorded.</p> <p>(15) In accordance with Approval 1-P-07-004 Oldcastle shall maintain records of routine maintenance activities on the equipment contained in this Approval, including, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed.</p> <p>(16) In accordance with Approval 1-P-07-004 Oldcastle shall maintain records of all malfunctions of the equipment contained in this Approval that could result in a change in air emissions, 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 facility returned to compliance.</p> <p>(17) In accordance with Approval 1-P-07-004 Oldcastle shall maintain all records up-to-date such that year-to-date information is readily available for MassDEP examination. Records shall be kept for at least five calendar years.</p> <p>(18) In accordance with Approval 1-P-07-004 Oldcastle shall submit the final Method 9 test report to MassDEP's Western Regional Office within 60 days after the completion of the tests.</p>

Table 5 (continued)

EU#	RECORDKEEPING REQUIREMENTS
EU 5, EU 6, and EU 7	(19) In accordance with 40 CFR §60.7(b), Oldcastle shall maintain records of the occurrence and duration of any malfunction of the air pollution control equipment.
EU 6	(20) In accordance with 310 CMR 7.00 Appendix C(9)(b), Oldcastle shall keep records of any maintenance or repairs performed on the fabric filter, including but not limited to the locations of any broken bags.
EU 7	(21) In accordance with 310 CMR 7.00 Appendix C(9)(b), Oldcastle shall keep records of any maintenance or repairs performed on the fabric filter, including but not limited to the locations of any broken bags.
	(22) In accordance with Approval No. 1-P-98-021, Oldcastle shall establish and continue a recordkeeping system on site. All records shall be kept up-to-date such that year-to-date information is readily available for Department examination. Recordkeeping shall, at a minimum, include: <ul style="list-style-type: none"> a. A record of routine maintenance activities including, at a minimum, a description of the maintenance performed and the date and time the work was completed. b. A record of all malfunctions 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 facility returned to compliance.
	(23) In accordance with Approval No. 1-P-98-021, Oldcastle shall maintain a copy of said approval onsite.
EU 8	(24) In accordance with 310 CMR 7.00 Appendix C(9)(b), Oldcastle shall keep records of any maintenance or repairs performed on the fabric filter, including but not limited to the locations of any broken bags.

Table 5 (continued)

EU#	RECORDKEEPING REQUIREMENTS
EU 8 (continued)	(25) In accordance with Approval No. BV-75-IF-001, the standard operating and maintenance procedures shall be maintained onsite.
EU 9	(26) In accordance with 310 CMR 7.24(3), Oldcastle shall maintain records of all maintenance performed, including the type of maintenance performed and date the maintenance was performed; maintain records of malfunctions, including the type of malfunction, the date the malfunction was observed, and the date the malfunction was repaired; and maintain records of the daily throughput of any organic material with a true vapor pressure of 1.5 psia or greater under actual storage conditions.
EU 11 and EU 12	(27) In accordance with Approval No. 1-P-05-004, Oldcastle shall keep the following records for the baghouses: <ul style="list-style-type: none"> a. daily records of the pressure drop across each baghouse, including the time of day and date of each reading; b. records of any maintenance or repairs performed on the baghouses, including, but not limited to, the replacement of bags; c. records of the locations of any broken bags discovered during baghouse maintenance; d. records of each "black light and fluorescent powder" test, each Method 9 visible emissions test, and each Method 22 visible emissions test. For each test, the records shall include, but shall not be limited to, the baghouse tested, test method used, date and time of day, identity of the person(s) performing the test, and results.
	(28) In accordance with Approval No. 1-P-05-004, Oldcastle shall establish and continue a recordkeeping system for the pelletizing plant on site. All records shall be kept up-to-date such that year-to-date information is readily available for Department examination. Recordkeeping shall, at a minimum, include: <ul style="list-style-type: none"> a. A record of routine maintenance activities including, at a minimum, a description of the maintenance performed and the date and time the work was completed. b. A record of all malfunctions 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 facility returned to compliance.
	(29) In accordance with 40 CFR 60.7, Oldcastle shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of the pelletizing plant and any malfunction of the air pollution control equipment.
	(30) In accordance with Approval No. 1-P-05-004, Oldcastle shall record the results of the weekly Method 22 emissions tests for each baghouse.
	(31) In accordance with Approval No. 1-P-05-004, Oldcastle shall generate monthly reports in-house that document compliance with all of the emission limits specified within Tables 1 and 3 of Approval #1-P-05-004.

Table 5 (continued)

EU#	RECORDKEEPING REQUIREMENTS
EU 13	<p>(32) In accordance with 310 CMR 7.03(6) and 7.18(8), establish and maintain a daily record-keeping system on-site and in sufficient detail to document the date of construction, substantial reconstruction or alteration and, that the respective emission rates pursuant to 310 CMR 7.03(8) and 7.18(2)(a) are not exceeded. All records shall be maintained up-to-date such that year-to-date information is readily available for Department.</p> <p>(33) In accordance with 310 CMR 7.18(8)(g), prepare and maintain daily records sufficient to demonstrate compliance consistent with an instantaneous averaging time as stated in 310 CMR 7.18(2)(a). Records kept to demonstrate compliance shall be kept on-site for five years and shall be made available to representatives of the Department and EPA upon request. Such records shall include, but are not limited to:</p> <ul style="list-style-type: none"> a. identity, quantity, formulation and density of solvent(s) used, and b. quantity, formulation and density of all waste solvent(s) generated, and c. actual operational and performance characteristics of the degreaser.
Facility-Wide	<p>(34) In accordance with Approval #1-E-94-110, Oldcastle shall maintain a fuel usage log at the facility consisting of standard bills for fuel usage.</p> <p>(35) In accordance with 310 CMR 7.00 Appendix C(10)(b), Oldcastle shall maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application.</p> <p>(36) In accordance with 310 CMR 7.12(4), upon verification of the information required by 310 CMR 7.12(3), the Department will review the supplied information. All such emissions data shall be available to the public during normal working hours at the Department's office and at such other offices as the Department may specify. Copies of all information supplied to the Department pursuant to 310 CMR 7.12 shall be retained by the facility owner or operator for five (5) years after the date the report is submitted.</p> <p>(37) In accordance with Approval No. 1-P-98-020, 1-P-98-021, 1-P-00-058 and 1-P-05-004, 1-P-07-004 Oldcastle shall maintain an Environmental Logbook, or a similar recordkeeping system, which shall document all actions associated with environmental issues and overall emissions changes at the facility. Oldcastle shall record information such as the results of federal, state, or local environmental inspections; maintenance or corrective actions related to the emission units (Specifically EU 5, 7, 8, 11 and 12); and measures taken to lower overall emissions from the facility. This logbook shall be made available to Department personnel upon request.</p> <p>This Environmental Logbook shall included the following :</p> <ol style="list-style-type: none"> 1.(EU 1) In accordance with 310 CMR 7.00 Appendix C(9)(b), Oldcastle shall record, in a logbook, the dates and time periods when the kiln bypass stack was used to bypass the fabric filter. 2. (EU 5) In accordance with Approval No. 1-P-07-004 Oldcastle shall maintain records in the facility environmental logbook, or an equivalent permanent record keeping system, describing the operation of the rock crusher during the period from November 1 through April 1 of each year. The written records shall be retained for a period of five years following the date of the last entry. The written records shall contain the following information for each day in operation: <ul style="list-style-type: none"> a. Whether or not the wet particulate suppression system was used; and b. The results of the visible emission observations performed pursuant to items 8.a. and 8.b. of Approval 1-P-07-004, including the name of the observer, the time of day the test was performed, and the test result.

Table 6

EU #	REPORTING REQUIREMENTS
EU 1	(1) In accordance with DEP Approval 1-P-10-026, if the coal ash content limits are exceeded, Oldcastle shall notify MassDEP in writing no later than the 15 th day of the following month.
EU 5, EU 6, and EU 7	(2) In accordance with 40 CFR §60.676(f), Oldcastle shall submit an annual written summary of the results of all performance tests conducted to demonstrate compliance with the standards set forth in §60.672, including reports of opacity observations using Method 9 to demonstrate compliance with §60.672 (b) and (c) and reports of observations using Method 22 to demonstrate compliance with §60.672(e). This annual summary shall be submitted in conjunction with the Annual Compliance Certification ((See Provision 10(a) in "GENERAL CONDITIONS FOR OPERATING PERMIT"))
EU 11 and EU 12	<p>(3) In accordance with 40 CFR §60.676(f), Oldcastle shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in §60.672, including reports of opacity observations using Method 9 to demonstrate compliance with §60.672 (b) and (c) and reports of observations using Method 22 to demonstrate compliance with §60.672(e).</p> <p>(4) In accordance with 40 CFR 60.7, Oldcastle shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner/operator, electronic notification, as follows:</p> <p>a. A notification of the date construction (or reconstruction as defined under §60.15) of the pelletizing plant commenced postmarked no later than 30 days after such date.</p> <p>b. A notification of the actual date of initial startup of the pelletizing plant postmarked within 15 days after such date.</p> <p>c. A notification of the anticipated date for conducting the performance testing and opacity observations required by 40 CFR 60 Subparts A and OOO.</p> <p>(5) In accordance with 40 CFR 60.676, Oldcastle shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in §60.672, including reports of opacity observations made using Method 9 to demonstrate compliance with §60.672(b) and reports of observations using Method 22 to demonstrate compliance with §60.672(e). These reports shall be submitted once annually.</p>
EU 13	(6) In accordance with 310 CMR 7.03(5), report to the Department any construction, substantial reconstruction or alteration of a degreaser described in 310 CMR 7.03 on the next required Source Registration/Emission Statement, in accordance with 310 CMR 7.12.
Facility-Wide	<p>(7) In accordance with 310 CMR 7.12, submit a Source Registration/Emission Statement form to the Department on an annual basis.</p> <p>(8) In accordance with 310 CMR 7.00 Appendix C(10)(c), submit to the Department two compliance summaries, one by January 30 for the time period July – December of the previous calendar year, and the other by July 30 for the time period January – June of the current calendar year. (See Provision 10 in "GENERAL CONDITIONS FOR OPERATING PERMIT")</p> <p>(9) In accordance with 310 CMR 7.13(1)(d), submit to the Department any stack test results for any air contaminant obtained from stack testing required by the Department within such time as agreed to in the approved test protocol.</p> <p>(10) In accordance with 310 CMR 7.00 Appendix C(5)(b)9., submit annually a certification that the facility is maintaining the required records to assure the facility is in compliance with the applicable requirements designated in this permit. (See Provision 10 in "GENERAL CONDITIONS FOR OPERATING PERMIT")</p> <p>(11) In accordance with 310 CMR 7.00 Appendix C(10)(a), submit to the Department any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by the Department or EPA.</p> <p>(12) In accordance with 310 CMR 7.00 Appendix C(10)(f), the permittee shall report to the Department's Regional Bureau of Waste Prevention all instances of deviations from permit requirements. (See Provision 25 in "GENERAL CONDITIONS FOR OPERATING PERMIT")</p>

C. GENERAL APPLICABLE REQUIREMENTS

The permittee shall comply with all general applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

D. REQUIREMENTS NOT CURRENTLY APPLICABLE

The permittee is currently not subject to the following requirements.

Table 7	
Regulation	Description
310 CMR 7.16	Reduction of Single Occupant Commuter Vehicle Use
42 U.S.C. 7401, §112	Hazardous Air Pollutants
42 U.S.C. 7401, §601 et seq.	Stratospheric Ozone
42 U.S.C. 7401, §112(r)	Prevention of Accidental Releases
40 CFR 64	Compliance Assurance Monitoring Rule

5. SPECIAL TERMS AND CONDITIONS

The permittee is subject to the following special terms and conditions that are not contained in Tables 3, 4, 5, or 6:

Table 8.	
SPECIAL TERMS AND CONDITIONS	
EU 1 and EU 2	(1) In accordance with Approval No. 1-B-99-035, Oldcastle shall maintain the differential pressure gauges installed on the EU 1 and EU 2 baghouses in good working order. In addition, Oldcastle shall regularly clean the static tap lines associated with the differential pressure gauges to prevent plugging.
EU5	(2) In accordance with Approval No.1-P-07-004, Oldcastle shall install a containment skirt designed to minimize fugitive dust emissions around the transfer point under the rock crusher.
Facility-Wide	(3) In accordance with 310 CMR 7.10, Oldcastle shall not cause or allow emissions of sound of sufficient intensity and/or duration so as to cause or contribute to a condition of air pollution. (State enforceable only) (4) In accordance with 310 CMR 7.09, Oldcastle shall not cause or allow emissions of odor or dust that cause or contribute to a condition of air pollution. (State enforceable only)

6. ALTERNATIVE OPERATING SCENARIOS

The permittee did not request alternative operating scenarios in its operating permit application.

7. EMISSIONS TRADING

(a) Intra-facility emission trading

The facility did not request intra-facility emissions trading in its operating permit application.

(b) Inter-facility emission trading

The permittee did not request inter-facility emissions trading in its operating permit application.

8. COMPLIANCE SCHEDULE

The permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the permittee shall comply with any applicable requirements that become effective during the permit term.

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

The permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

10. COMPLIANCE CERTIFICATION

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

(a) Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by the MassDEP to determine the compliance status of the source.

(b) Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 and July 30 to the MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by the MassDEP to determine the compliance status of the source.

11. NONCOMPLIANCE

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

12. PERMIT SHIELD

(a) This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

(b) The MassDEP has determined that the permittee is not currently subject to the requirements listed in Section 4, Table 7.

(c) Nothing in this permit shall alter or affect the following:

- (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
- (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- (iii) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

13. ENFORCEMENT

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act.

A permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

14. PERMIT TERM

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date 5 years after issuance of this permit.

Permit expiration terminates the permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

15. PERMIT RENEWAL

Upon the MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the MassDEP on the renewal application.

In the event the MassDEP has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until the MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

16. REOPENING FOR CAUSE

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP and/or EPA. The responsible official of the facility may request that the MassDEP terminate the facility's operating permit for cause. The MassDEP will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the permittee for an operating permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any operating permit condition.

17. DUTY TO PROVIDE INFORMATION

Upon the MassDEP's written request, the permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall furnish to the MassDEP copies of records that the permittee is required to retain by this permit.

18. DUTY TO SUPPLEMENT

The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The permittee shall promptly, on discovery, report to the MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to the MassDEP.

19. TRANSFER OF OWNERSHIP OR OPERATION

This permit is not transferable by the permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between current and new permittee, has been submitted to the MassDEP.

20. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

21. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives of the MassDEP, and EPA to perform the following:

- (a) enter upon the permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

22. PERMIT AVAILABILITY

The permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by the MassDEP or EPA.

23. SEVERABILITY CLAUSE

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

24. EMERGENCY CONDITIONS

The permittee shall be shielded from enforcement action brought for noncompliance with technology based¹ emission limitations specified in this permit as a result of an emergency². In order to use emergency as an affirmative defense to an action brought for noncompliance, the permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) an emergency occurred and that the permittee can identify the cause(s) of the emergency;
- (b) the permitted facility was at the time being properly operated;
- (c) during the period of the emergency, the permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- (d) the permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

25. PERMIT DEVIATION

¹ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

² An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The permittee shall report to the MassDEP's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

- Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.
- Exceedances of permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

26. OPERATIONAL FLEXIBILITY

The permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the permittee gives the EPA and the MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

27. MODIFICATIONS

- (a) Administrative Amendments - The permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- (b) Minor Modifications - The permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- (c) Significant Modifications - The permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- (d) No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

APPEAL CONDITIONS FOR OPERATING PERMIT

This permit is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a permit.

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 permit 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:

The 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.

28. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT

*Not all abbreviations are present in every Operating Permit

< - Less Than

> - Greater Than

#/hr - Pounds Per Hour

10⁶ BTU/hr - 1,000,000 BTU Per Hour

AOS - Alternative Operating Scenario

AQCR - Air Quality Control Region

CEM - Continuous Emission Monitor

CO - Carbon Monoxide

EPA - Environmental Protection Agency

FMF FAC. NO. - Facility Master File Number

FMF RO NO. - Facility Master File Regulated Object Number

FT³/day - Cubic Feet Per Day

HHV - Higher Heating Value

ISO - Represent 59°F, 60% Relative Humidity, 29.92 Inches Mercury At Sea Level

MassDEP - Massachusetts Department of Environmental Protection

MMBTU/hr - Million British Thermal Units Per Hour

NH₃ - Ammonia

NO_x - Nitrogen Oxides

PB - Lead

PLT ID - Plant Identification

PM - Particulate Matter

PPM - Parts Per Million

PTE - Potential To Emit

SO₂ - Sulfur Dioxide

TPY - Tons Per Year

VOC - Volatile Organic Compound