



## Department of Environmental Protection

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### FINAL AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("Department" or "MassDEP") 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"]:**

Gas Recovery Systems, LLC  
5087 Junction Road  
Lockport, New York 14094

**INFORMATION RELIED UPON:**

Application No. 4V10026  
Transmittal No. X233565

**FACILITY LOCATION:**

Gas Recovery Systems, LLC  
Fall River Facility  
145 Horvitz Road  
Fall River, Massachusetts 02720

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 120 0533  
FMF FAC NO.: 344523  
FMF RO NO.: 344524

**NATURE OF BUSINESS:**

Electric Power Generation

Standard Industrial Classification (SIC): 4911  
North American Industrial Classification System (NAICS): 221119

**RESPONSIBLE OFFICIAL:**

Name: Mr. Anthony J. Falbo  
Title: Senior Vice President - Operations

**FACILITY CONTACT PERSON:**

Name: Ms. Suparna Chakladar  
Title: Vice President  
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**This Operating Permit shall expire on 10/7/2020.**

For the Department of Environmental Protection

*This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.*

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Permit Chief, Bureau of Air and Waste

10/7/2015  
\_\_\_\_\_  
Date

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## SPECIAL CONDITIONS FOR OPERATING PERMIT

### 1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00:Appendix C and applicable rules and regulations, the Permittee is authorized to operate 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 exempt 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.

#### A. DESCRIPTION OF FACILITY AND OPERATIONS

Gas Recovery Systems, LLC (GRS) owns and operates a landfill gas (LFG) to energy, electric power generation facility located at the BFI Fall River Landfill in Fall River, Massachusetts. The approved (Non-Major Comprehensive Plan Application No. 4B11015 which superseded Plan Approval Nos. 4B01008 and 4B99034) operation consists of two Waukesha 7042GL reciprocating internal combustion (IC) engine/electric generator sets, and a Solar Taurus 60-T7300 Combustion Turbine electric generator set, which combust the collected LFG and produce electricity. In addition to the fuel combustion/generating equipment, the facility consists of a LFG treatment system and other miscellaneous activities. The IC engines and/or combustion turbine at the facility operate continuously, however operation at any one time is variable and dependent on the LFG flow and quality, demand and limits of outputs to the electrical grid, scheduled overhauls, or other routine maintenance.

The facility is a major source, as defined in 310 CMR 7.00: Appendix C, of Carbon Monoxide (CO). The Permittee has provided information demonstrating that the potential combined Hazardous Air Pollutant <sup>1</sup> (HAP) emissions from the facility are less than 6 tons per year. The facility IC engines are subject to requirements for existing, non-emergency, non-black start, LFG-fired, stationary, spark ignited, reciprocating internal combustion engines (RICE) at 40 CFR Part 63, Subpart ZZZZ. The facility is an area source of HAP, as defined at 40 CFR Part 63.6585(c). The combustion turbine is subject to requirements at 40 CFR Part 60, Subpart GG. The facility does not currently have any emission units subject to requirements at 40 CFR Part 64, Compliance Assurance Monitoring (CAM).

The LFG treatment system is currently subject to requirements at 40 CFR Part 60, Subpart WWW and 40 CFR Part 63, Subpart AAAA. The Permittee has submitted, as part of Application No. 4V10026, a "Preventive Maintenance Plan for Landfill Gas Treatment System" describing operation and maintenance of the treatment system to include monitoring to ensure sufficient filtering, de-watering and compression of LFG. Upon promulgation of revisions to 40 CFR Part 60, Subpart WWW, the facility may become subject to more stringent operating, monitoring, record keeping and reporting requirements. If so, the Permittee will be required to modify this Operating Permit.

Other ancillary equipment associated with the generation facility include, but are not limited to, various tanks and storage containers containing oil, propane, glycol, condensate, etc., and miscellaneous minor activities involving oils, lubricants and solvents.

A list of exempt activities shall be maintained as indicated in Section 3, Table 2. Operating Permit

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<sup>1</sup> Hazardous Air Pollutants are as listed in the 1990 Clean Air Act (CAA) Amendments, Section 112(b).

Section 4, Tables 3, 4, 5, and 6 list the facility emission limits along with monitoring, testing, record-keeping and reporting requirements. Operating Permit Section 4, Table 7 lists regulations that are not applicable to the facility at this time.

## 2. EMISSION UNIT IDENTIFICATION

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

<b>Table 1</b>			
<b>Emission Unit (EU)</b>	<b>Description of Emission Unit</b>	<b>EU Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
EU-1	<u>Internal Combustion Engine</u> Waukesha Model No. 7042 GL (to Stack No. 1)	<u>Energy input capacity:</u> 13.0 MMBtu/hr  <u>Maximum generator output:</u> 1.052 MW	None
EU-2	<u>Internal Combustion Engine</u> Waukesha Model No. 7042 GL (to Stack No. 2)	<u>Energy input capacity:</u> 13.0 MMBtu/hr  <u>Maximum generator output:</u> 1.052 MW	None
EU-3	<u>Gas Turbine</u> Solar Taurus 60-T7300 (to Stack No. 3)	<u>Energy input capacity:</u> 77.0 MMBtu/hr  <u>Maximum generator output:</u> 5.244 MW	None
EU-5	<u>LFG Treatment System</u>	<u>Maximum Capacity:</u> 4050 scfm of LFG	None

Key:  
 EU = Emission Unit  
 LFG = Landfill Gas  
 MMBtu/hr = Million British Thermal Units per hour  
 MW = Megawatt  
 No. = Number  
 PCD = Pollution Control Device  
 scfm = standard cubic foot per minute

### 3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

<b>Table 2</b>	
<b>Description of Current Exempt Activities</b>	<b>Reason</b>
<p>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 MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.</p>	<p>310 CMR 7.00:Appendix C(5)(h)</p>

Key:  
 CMR = Code of Massachusetts Regulations  
 MassDEP = Massachusetts Department of Environmental Protection

### 4. APPLICABLE REQUIREMENTS

#### A. OPERATIONAL AND/OR PRODUCTION EMISSION LIMITS AND RESTRICTIONS

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

<b>Table 3</b>					
EU No.	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
EU-1 EU-2 (Note 2)	LFG	NO <sub>x</sub>	N/A	0.1504 lb/MMBtu	4B11015
			N/A	0.60 g/bhp-hr	
			See heat input limit below	0.73 tons/month	
			See heat input limit below	8.56 tons/year <sup>(Note 1)</sup>	
		CO	N/A	0.7519 lb/MMBtu	4B11015
			See heat input limit below	3.64 tons/month	
			See heat input limit below	42.81 tons/year <sup>(Note 1)</sup>	
		NMOC	N/A	0.0549 lb/MMBtu	4B11015
			See heat input limit below	0.27 tons/month	
See heat input limit below	3.13 tons/year <sup>(Note 1)</sup>				

**Table 3**

EU No.	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
EU-1 EU-2 (Note 2)	LFG	PM	N/A	0.0220 lb/MMBtu	4B11015
			See heat input limit below	0.11 tons/month	
			See heat input limit below	1.25 tons/year <sup>(Note 1)</sup>	
		SO <sub>2</sub>	LFG H <sub>2</sub> S ≤ 200 ppm <sub>v</sub> <sup>(Note 3)</sup>	0.065 lb/MMBtu <sup>(Note 3)</sup>	4B11015
			See heat input limit below	0.31 tons/month	
			See heat input limit below	3.70 tons/year <sup>(Note 1)</sup>	
		NO <sub>x</sub> /CO	Engine exhaust O <sub>2</sub> content shall be maintained between 6.8 and 9.8 % by volume	N/A	4B11015
		All	Maximum heat input of LFG shall not exceed 9,672 MMBtu per month per engine	N/A	4B11015
		All	Maximum heat input of LFG shall not exceed 113,880 MMBtu in any consecutive 12 month period per engine	N/A	4B11015
		HAP	Change oil and filter every 1440 hours of operation or annually <sup>(Note 4)</sup> , whichever comes first; Inspect spark plugs every 1440 hours of operation or annually, whichever comes first; and Inspect all hoses and belts every 1440 hours of operation or annually, whichever comes first, and replace as necessary.		40 CFR Part 63, Subpart ZZZZ §§ 63.6603(a), 63.6625(j) and Table 2d
			At all times operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.		40 CFR Part 63, Subpart ZZZZ § 63.6605(a) and (b)
			i. Operate and maintain the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or ii. Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.		40 CFR Part 63, Subpart ZZZZ § 63.6625(e) and Table 6
			Minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.		40 CFR Part 63, Subpart ZZZZ § 63.6625(h) and Table 2d

**Table 3**

EU No.	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
EU-3	LFG	NO <sub>x</sub>	N/A	0.1268 lb/MMBtu	4B11015
			N/A	32 ppm <sub>vd</sub> @ 15% O <sub>2</sub>	
			See heat input limit below	3.63 tons/month	
			See heat input limit below	42.76 tons/year <sup>(Note 1)</sup>	
		CO	N/A	≤ 150 ppm <sub>vd</sub> @ 15% O <sub>2</sub>	40 CFR Part 60, Subpart GG
			N/A	0.2408 lb/MMBtu	4B11015
			See heat input limit below	6.90 tons/month	
		NMOC	See heat input limit below	81.21 tons/year <sup>(Note 1)</sup>	
			N/A	0.0549 lb/MMBtu	4B11015
			See heat input limit below	1.57 tons/month	
		See heat input limit below	18.52 tons/year <sup>(Note 1)</sup>		
		PM	N/A	0.0220 lb/MMBtu	4B11015
			See heat input limit below	0.63 tons/month	
			See heat input limit below	7.42 tons/year <sup>(Note 1)</sup>	
		SO <sub>2</sub>	LFG H <sub>2</sub> S ≤ 200 ppm <sub>v</sub> <sup>(Note 3)</sup>	0.065 lb/MMBtu <sup>(Note 3)</sup>	4B11015
			See heat input limit below	1.86 tons/month	
See heat input limit below	21.92 tons/year <sup>(Note 1)</sup>				
LFG Sulfur content ≤ 0.8 % wt	N/A		40 CFR Part 60, Subpart GG		
All	Maximum heat input of LFG shall not exceed 57,288 MMBtu per month	N/A	4B11015		
All	Maximum heat input of LFG shall not exceed 674,520 MMBtu in any consecutive 12 month period	N/A	4B11015		
EU-1 EU-2 EU-3 <sup>(Note 5)</sup>	LFG	NO <sub>x</sub>	See heat input limit below	49.48 tons/year <sup>(Note 1)</sup>	4B11015
		CO	See heat input limit below	147.07 tons/year <sup>(Note 1)</sup>	
		NMOC	See heat input limit below	20.27 tons/year <sup>(Note 1)</sup>	
			Operate each EU at all times when the collected LFG is routed to the EU	Each EU shall reduce NMOC emissions by 98% by weight, or reduce the stack NMOC concentration to < 20 ppm <sub>vd</sub> , as hexane, at 3% O <sub>2</sub>	
		PM	See heat input limit below	8.11 tons/year <sup>(Note 1)</sup>	4V10026
		SO <sub>2</sub>	See heat input limit below	23.99 tons/year <sup>(Note 1)</sup>	
		HAP	See heat input limit below	6.0 tons/year <sup>(Note 1)</sup>	
		All	Maximum heat input of LFG shall not exceed 76,632 MMBtu per month	N/A	4B11015
		All	Maximum heat input of LFG shall not exceed 738,170 MMBtu in any consecutive 12 month period	N/A	4B11015

<b>Table 3</b>					
<b>EU No.</b>	<b>Fuel/Raw Material</b>	<b>Pollutant</b>	<b>Operational and/or Production Limits</b>	<b>Emissions Limits/Standards</b>	<b>Applicable Regulation and/or Approval No.</b>
EU-1 EU-2 EU-3	LFG	Visible Emissions	Stack emissions shall not exceed 0% opacity (no visible emissions), with the exception of up to five (5) minutes during startup. During startup visible emissions shall comply with the provisions of 310 CMR 7.06		4B11015
EU-5	LFG	NMOC and HAP	Route the collected gas to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of §60.752(b)(2)(iii)(A) or (B).  Develop a written Start-up, Shutdown, Malfunction (SSM) plan according to the provisions in 40 CFR 63.6(e)(3).		40 CFR Part 60 Subpart WWW §60.752 (b)(2)(iii)(C)  and  40 CFR Part 63 Subpart AAAAA §§63.1955(a)(1), 63.1955(b) and 63.1955(c)
Facility-wide	All	Greenhouse Gas (GHG) Emissions (Note 6)	N/A	N/A	310 CMR 7.71 (State-only requirement)

**Table 3 Key:**

@	= at
Btu	= British thermal units
CFR	= Code of Federal Regulations
CMR	= Code of Massachusetts Regulations
CH <sub>4</sub>	= Methane
CO	= Carbon monoxide
CO <sub>2</sub>	= Carbon dioxide
°F	= Degrees Fahrenheit
EU	= Emission Unit
GHG	= Greenhouse Gas
g/bhp-hr	= Grams per brake-horsepower hour
HAP	= Hazardous Air Pollutant(s)
H <sub>2</sub> S	= Hydrogen Sulfide
lb/MMBtu	= Pounds per million Btu
LFG	= Landfill Gas
MMBtu	= Million Btu
N/A	= Not Applicable
NMOC	= Non-Methane organic compounds
No.	= Number
NO <sub>x</sub>	= Nitrogen Oxides
N <sub>2</sub> O	= Nitrous Oxide
O <sub>2</sub>	= Oxygen
PM	= Particulate matter
ppm <sub>v</sub>	= Parts per million, by volume
ppm <sub>vd</sub>	= parts per million, by volume, dry basis
RICE	= Reciprocating Internal Combustion Engine
SO <sub>2</sub>	= Sulfur dioxide
SF <sub>6</sub>	= Sulfur Hexafluoride
tons/month	= tons per month
tons/year	= tons per consecutive 12 month period
%	= Percent
% wt	= Percent by weight
<	= Less than
≤	= Less than or equal to
§	= Section
§§	= Sections

Table 3 Foot Notes:

- (1) To calculate the amount of a consecutive 12 month period take the current calendar month amount and add it to the previous 11 calendar months total amount.
- (2) Emission limits listed are for individual emission units.
- (3) Other than during short periods of H<sub>2</sub>S Pretreatment System (owned and operated by BFI Fall River Landfill) downtime for maintenance, not to exceed eight (8) hours, or during an “Emergency” as defined in 310 CMR 7.00 Appendix C(1).
- (4) Sources have the option to utilize an oil analysis program as described in § 63.6625(j) in order to extend the specified oil change requirement in Table 2d of this subpart.
- (5) Emission limits in tons per consecutive 12 month period represent a combined total for three emission units.
- (6) Greenhouse Gas means any chemical or physical substance that is emitted into the air and that the department may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, SF<sub>6</sub>, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

**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 contained in Table 3:

<b>Table 4</b>	
<b>EU</b>	<b>Monitoring And Testing Requirements</b>
EU-1 EU-2	1. In accordance with Plan Approval No. 4B11015, one operable oxygen analyzer shall be maintained on-site and record shall be maintained of the stack outlet oxygen (O <sub>2</sub> ) levels at least once per week on each engine.
	2. As applicable, and in lieu of oil change required in Table 3, analyze engine oil for Total Acid Number, viscosity, and percent water content as specified at 40 CFR §63.6625(j).
EU-1 EU-2 EU-3	3. In accordance with Plan Approval No. 4B11015, a LFG flow recorder shall be maintained so that an on-site record of the volume of LFG (scf) fired in each unit will be available by date and time period.
	4. In accordance with Plan Approval No. 4B11015, the heat input of LFG (Btu) fired in each EU shall be determined by gas chromatograph and/or field measurements.
	5. In accordance with Plan Approval No. 4B11015, the H <sub>2</sub> S concentration (ppm,) of the LFG shall be monitored at least once per week. If monitoring with indicator tubes, three (3) indicator tubes shall be used during each monitoring session.
	6. In accordance with Plan Approval No. 4B11015, the ability of the facility to maintain emission rates at or below approved levels shall be demonstrated to the MassDEP in the future if deemed necessary. Compliance testing, if requested by MassDEP, shall be conducted in accordance with the test methods and procedures as contained in 40 CFR Part 60, Subpart GG § 60.335 and 40 CFR Part 60, Appendix A.
EU-3	7. In accordance with Plan Approval No. 4B11015, the sulfur and nitrogen content of the LFG fired in the turbine shall be monitored and recorded on a daily basis, or pursuant to any alternative fuel monitoring schedule issued for the facility in accordance with 40 CFR Part 60, Subpart GG, § 60.334(h)(4). (see Section 5. <u>Special Terms and Conditions</u> , Table 8, provision 4).
	8. In accordance with Plan Approval No. 4B11015, the facility shall be constructed to accommodate the emission testing requirements as contained in 40 CFR Part 60, Subpart GG and 40 CFR Part 60, Appendix A.
EU-5	9. In accordance with 40 CFR §60.756(d), §63.1960, and 310 CMR 7.00: Appendix C(9), monitor the LFG treatment system parameters (e.g. LFG temperature, pressure and pressure differential) as indicated in the facility "Preventive Maintenance Plan for Landfill Gas Treatment System" as revised on September 12, 2014, or MassDEP approved revisions, and submitted as part of Operating Permit Renewal Application No. 4V10026, to ensure proper operation of the treatment system and treatment of the LFG.
	10. In accordance with 40 CFR §60.756(d), §63.1960, and 310 CMR 7.00 Appendix C(9), monitor the LFG flow to or bypass of the treatment system at least once every 15 minutes.

<b>Table 4</b>	
<b>EU</b>	<b>Monitoring And Testing Requirements</b>
Facility-wide	<p>11. In accordance with 310 CMR 7.71(1) and 310 CMR 7.00: <i>Appendix C(9)</i> establish and maintain data systems or record keeping practices (e.g. fuel use records, SF<sub>6</sub> usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c. 298, § 6. <b>(State only requirement)</b></p> <p>12. Monitor operations such that information may be compiled for the annual Source Registration required by 310 CMR 7.12.</p> <p>13. In accordance with 310 CMR 7.13(1) Any person owning, leasing, operating or controlling a facility for which the MassDEP has determined that stack testing is necessary to ascertain compliance with the MassDEP’s regulations or design approval provisos shall cause such stack testing:</p> <ul style="list-style-type: none"> <li>a) to be conducted by a person knowledgeable in stack testing,</li> <li>b) to be conducted in accordance with procedures contained in a test protocol which has been approved by the MassDEP,</li> <li>c) to be conducted in the presence of a representative of the MassDEP when such is deemed necessary, and</li> <li>d) to be summarized and submitted to the MassDEP with analysis and report within such time as agreed to in the approved test protocol.</li> </ul> <p>14. In accordance with 310 CMR 7.13(2) Any person having control of a facility relative to which the MassDEP determines that stack testing (to ascertain the mass emission rates of air contaminants emitted under various operating conditions) is necessary for the purposes of regulatory enforcement or determination of regulatory compliance shall cooperate with the MassDEP to provide:</p> <ul style="list-style-type: none"> <li>a) entrance to a location suitable for stack sampling,</li> <li>b) sampling ports at locations where representative samples may be obtained,</li> <li>c) staging and ladders to support personnel and equipment for performing the tests,</li> <li>d) a suitable power source at the sampling location for the operation of sampling equipment, and</li> <li>e) such other reasonable facilities as may be requested by the MassDEP.</li> </ul> <p>15. In accordance with 310 CMR 7.00: <i>Appendix C (9)(b)</i>, the Permittee shall;</p> <ul style="list-style-type: none"> <li>a) comply with all emissions monitoring and analysis procedures or test methods required under the applicable requirements, including those promulgated pursuant to 42 U.S.C. 7401, §§ 504(a) and 504(b) or 114(a)(3);</li> <li>b) If the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of record keeping designed to serve as monitoring), then the permittee shall perform periodic monitoring sufficient to yield reliable data from the relevant time period that is representative of the source’s compliance with the permit. Such monitoring requirements shall assure the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record keeping provisions may be sufficient to meet the requirements; and</li> <li>c) The permittee shall comply with requirements concerning the use, maintenance and installation of monitoring equipment or methods as the MassDEP deems appropriate.</li> </ul>

Table 4 Key:

- |     |   |
|-----|---|
| Btu | = British thermal units                         |
| c.  | = chapter                                       |
| CFR | = Code of Federal Regulations                   |
| CMR | = Code of Massachusetts Regulations             |
| EPA | = United States Environmental Protection Agency |
| EU  | = Emission Unit                                 |

H <sub>2</sub> S	= Hydrogen Sulfide
LFG	= Landfill Gas
MassDEP	= Massachusetts Department of Environmental Protection
M.G.L.	= Massachusetts General Law
No.	= Number
O <sub>2</sub>	= Oxygen
ppm <sub>v</sub>	= Parts per million, by volume
scf	= standard cubic foot
SF <sub>6</sub>	= Sulfur Hexafluoride
SSM	= Startup, Shutdown, Malfunction
U.S.C.	= United States Code
§	= Section
§§	= Sections

<b>Table 5</b>	
<b>EU</b>	<b>Record Keeping Requirements</b>
EU-1 EU-2	<p>1. In accordance with Plan Approval No. 4B11015, a record of stack oxygen levels, as determined at least weekly during operation, shall be maintained for each engine.</p> <p>2. In accordance with Plan Approval No. 4B11015, a copy of the NO<sub>x</sub>/CO optimization/minimization program report for each engine shall be maintained on-site.</p> <p>3. In accordance with 40 CFR 63.6655(a)(2), maintain records of the occurrence and duration of each malfunction of operation or the air pollution control and monitoring equipment.</p> <p>4. In accordance with 40 CFR 63.6655(a)(5), maintain records of actions taken during periods of malfunction to minimize emissions in accordance with § 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.</p> <p>5. In accordance with 40 CFR 63.6655(d), maintain records of manufacturer’s emission-related operation and maintenance instructions; or the facility maintenance plan, if developed as allowed at 40 CFR 63, Subpart ZZZZ, Table 6.</p> <p>6. In accordance with 40 CFR 63.6655(d) and (e), maintain records of the maintenance (and monitoring as specified at §63.6625(j), if applicable) conducted on the stationary RICE in order to demonstrate that the RICE was operated and maintained according the requirements of 40 CFR 63, Subpart ZZZZ, Table 2d and Table 6.</p>
EU-1 EU-2 EU-3	<p>7. In accordance with Plan Approval No. 4B11015, NO<sub>x</sub>, CO, NMOC, PM, and SO<sub>2</sub> monthly and twelve month rolling period emission rate records for each unit shall be maintained on-site.</p> <p>8. In accordance with Plan Approval No. 4B11015, records of the volume of LFG (scf) fired in each unit for each month and for each twelve month rolling period shall be maintained on-site.</p> <p>9. In accordance with Plan Approval No. 4B11015, the heat input of LFG (Btu) fired in EU-1, EU-2 and EU-3 for each month and for each twelve month rolling period shall be maintained on-site.</p> <p>10. In accordance with Plan Approval No. 4B11015, a record shall be maintained of H<sub>2</sub>S (ppm<sub>v</sub>) levels and the date and time monitoring was conducted.</p> <p>11. In accordance with Plan Approval No. 4B11015, a copy of the Standard Operating and Maintenance Procedures for all subject equipment shall be maintained on-site.</p> <p>12. In accordance with Plan Approval No. 4B11015, an operation log, or other recordkeeping system, shall be maintained on-site at a level of detail sufficient to document that the Operational Limits and Emissions Limits/Standards contained in Table 3 are not exceeded.</p> <p>13. In accordance with 310 CMR 7.00 Appendix C(10), maintain records of combined Hazardous Air Pollutant (HAP) emissions to demonstrate compliance with Table 3 emission limit and for the submittal of annual source registration.</p>

<b>Table 5</b>	
<b>EU</b>	<b>Record Keeping Requirements</b>
EU-3	14. In accordance with Plan Approval No. 4B11015 and 40 CFR Part 60, Subpart GG, maintain records of the sulfur content and nitrogen content of the LFG fired in the turbine as required pursuant to the custom fuel monitoring schedule approved by EPA, Region 1, or pursuant to any subsequent alternative fuel monitoring schedule issued for the facility (see Section 5. <u>Special Terms and Conditions</u> , Table 8, provision 4).
	15. Maintain records as required at 40 CFR Part 60, Subpart A, §60.7(f) and Subpart GG
EU-5	16. In accordance with 40 CFR §60.758(c) §63.1980(b) and 310 CMR 7.00: Appendix C(10), the Permittee shall maintain readily accessible records of the equipment operating parameters as specified to be monitored in §60.756 including daily records as proposed in the facility “Preventive Maintenance Plan for Landfill Gas Treatment System” as revised on September 12, 2014, or MassDEP approved revisions, and submitted as part of Operating Permit Renewal Application No. 4V10026, to ensure proper operation of the treatment system and treatment of the LFG.
	17. In accordance with 310 CMR 7.00: Appendix C(10) and the “Preventive Maintenance Plan for Landfill Gas Treatment System” as revised on September 12, 2014, and submitted with Operating Permit Renewal Application No. 4V10026, maintain documentation of any maintenance conducted on the LFG Treatment System.
	18. In accordance with 40 CFR §60.758(c) and §63.1980(b), the Permittee shall maintain readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow.
	19. In accordance with 40 CFR §60.758(c) and §63.1980(b), the Permittee shall keep records and reports as specified in the general provisions of 40 CFR 60 and 40 CFR 63 including items such as SSM plans and SSM plan reports.
Facility-wide	20. In accordance with 310 CMR 7.71(6) b. and c. retain at the facility for five years and make available to the Department upon request copies of the documentation of the methodology and data used to quantify emissions. (State only requirement)
	21. In accordance with Plan Approval No. 4B11015, a record keeping system shall be established and maintained on-site. All records shall be maintained up-to-date such that the year-to-date information is readily available for MassDEP examination. Record keeping shall, at a minimum, include: <ul style="list-style-type: none"> <li>a) a record of routine maintenance activities performed on emission unit control and monitoring equipment including, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed; and</li> <li>b) a record of all malfunctions on emission unit control and monitoring equipment shall include, at a minimum: the date and time the malfunctions occurred; a description of the malfunctions and the corrective actions taken; the date and time corrective actions were initiated; and the date and time corrective actions were completed and the emission unit returned to compliance.</li> </ul> <p>All records shall be kept on-site for five (5) years and shall be made available to MassDEP personnel upon request.</p>
	22. In accordance with Plan Approval No. 4B11015 and 310 CMR 7.00: <i>Appendix C(10)(b)</i> , all operating and monitoring records, including emission test reports, shall be maintained for the life of the facility; the five most recent years of data/records shall be maintained on-site and shall be readily available for MassDEP examination.
	23. In accordance with Plan Approval No. 4B11015, records required by 40 CFR Part 60, Subpart A shall be maintained on-site.
	24. In accordance with 310 CMR 7.12(3)(b), copies of Source Registration and other information supplied to the Department to comply with 310 CMR 7.12, shall be retained by the facility owner or operator for five years from the date of submittal.

Table 5 Key:

Btu	= British thermal units
CFR	= Code of Federal Regulations
CMR	= Code of Massachusetts Regulations
CO	= Carbon Monoxide
EPA	= United States Environmental Protection Agency
EU	= Emission Unit
HAP	= Hazardous Air Pollutant(s)
H <sub>2</sub> S	= Hydrogen Sulfide
LFG	= Landfill Gas
MassDEP	= Massachusetts Department of Environmental Protection
NMOC	= Non-Methane organic compounds
NO <sub>x</sub>	= Nitrogen Oxides
PM	= Particulate matter
ppm <sub>v</sub>	= Parts per million, by volume
RICE	= Reciprocating Internal Combustion Engine
scf	= standard cubic foot
SO <sub>2</sub>	= Sulfur dioxide
SSM	= Startup, Shutdown, Malfunction
§	= Section

<b>Table 6</b>	
<b>EU</b>	<b>Reporting Requirements</b>
EU-1, EU-2, EU-3	1) In accordance with Plan Approval No. 4B11015, revisions to the Final Standard Operating and Maintenance Procedures shall be submitted to the MassDEP within seven (7) days from their initial use.
	2) In accordance with Plan Approval No. 4B11015, the MassDEP’s Permit Chief for the Bureau of Air and Waste at this office must be notified by telephone, or fax within 24 hours, and with written notification within ten (10) days, after occurrence of any upsets or malfunctions to the facility equipment, air pollution control equipment, or monitoring equipment which result in an excess emission to the air and/or a condition of air pollution.
EU-5	3) In accordance with 40 CFR Part 60, §60.757(f), 40 CFR Part 63, §63.1980(a) and 310 CMR 7.00: Appendix C(10), the Permittee shall submit with the semi-annual monitoring summary report and certification, the following recorded information: <ul style="list-style-type: none"> <li>a) Value and length of time for exceedance of applicable parameters monitored under §60.756(d) and the facility “Preventive Maintenance Plan for Landfill Gas Treatment System”, as revised on September 12, 2014, or MassDEP approved revisions.</li> <li>b) Description, duration, and disposition (e.g. alternative control device, release to atmosphere) of all periods when the gas stream is diverted from the treatment system through a bypass line or the indication of bypass flow as specified under §60.756.</li> <li>c) Startup, shutdown, and malfunction (SSM) reports as required by 40 CFR Part 63, Subpart AAAA and § 63.6(5)(i).</li> </ul>
	4) In accordance with 40 CFR Part 63, Subpart AAAA and Subpart A , submit immediate (i.e. within 2 working days after commencing actions inconsistent with the SSM plan followed by letter within 7 working days after the end of event) startup shutdown and malfunction reports as required at § 63.6(5)(ii).
Facility-wide	5) In accordance with 310 CMR 7.71(5), by April 15 <sup>th</sup> , 2010 and April 15 <sup>th</sup> of each year thereafter report emissions of greenhouse gases from stationary emissions sources including, but not limited to, emissions from factory stacks, manufacturing processes and vents, fugitive emissions, and other process emissions; and owned or leased motor vehicles when stationary source greenhouse gas emissions are greater than 5,000 short tons CO <sub>2e</sub> . Report greenhouse gas emissions electronically in a format that can be accommodated by the registry. <b>(State only requirement)</b>
	6) In accordance with 310 CMR 7.71(6), certify greenhouse gas emissions reports using a form provided by the Department or the registry. <b>(State only requirement)</b>

<b>Table 6</b>	
<b>EU</b>	<b>Reporting Requirements</b>
Facility-wide	<p>7) In accordance with 310 CMR 7.71(7), by December 31<sup>st</sup> of the applicable year submit to the Department documentation of triennial verification of the greenhouse gas emissions report. <b>(State only requirement)</b></p> <p>8) In accordance with Plan Approval No. 4B11015 and 310 CMR 7.12, submit a Source Registration/Emission Statement Form to MassDEP on an annual basis. This submittal shall be made to the Boston office as required in the source registration instructions, preferably through eDEP.</p> <p>9) In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by the Department that stack testing is necessary to ascertain compliance with the Department’s regulations or design approval provisos shall cause such stack testing to be summarized and submitted to the Department as prescribed in the agreed to pretest protocol.</p> <p>10) In accordance with 310 CMR 7.00: <i>Appendix C(10)(c)</i>, the Permittee shall report a summary of all monitoring data and related supporting information to MassDEP at least every six months (January 30 and July 30 of each calendar year). (See Section 10. Compliance Certification)</p> <p>11) In accordance with 310 CMR 7.00: <i>Appendix C(10)(f)</i>, the Permittee shall promptly report to the MassDEP all instances of deviations from permit requirements. This report shall include the deviation itself, including those attributable to upset conditions as defined in the permit, the probable cause of the deviation, and any corrective actions or preventative measures taken.</p> <p>12) Submit Annual Compliance report to MassDEP and EPA by January 30 of each year and as required by General Condition 10 of this Permit.</p> <p>13) In accordance with 310 CMR 7.00: <i>Appendix C(10)(h)</i>, all required reports must be certified by a responsible official consistent with 310 CMR 7.00: <i>Appendix C(5)(c)</i>.</p> <p>14) Unless otherwise noted, all notifications and reporting required by this Operating Permit shall be sent to:</p> <p style="text-align: center;">           Department of Environmental Protection            Bureau of Air and Waste            Southeast Regional Office            20 Riverside Drive            Lakeville, MA 02347             ATTN: Chief, Permit Section             Telephone: (508) 946-2770            Fax: (508) 947-6557         </p>

**Table 6 Key:**

- |                  |  |
|------------------|--|
| CFR              | = Code of Federal Regulations                          |
| CMR              | = Code of Massachusetts Regulations                    |
| CO <sub>2e</sub> | = Carbon dioxide equivalent                            |
| EU               | = Emission Unit  |
| EPA              | = United States Environmental Protection Agency        |
| MassDEP          | = Massachusetts Department of Environmental Protection |
| SSM              | = Startup, Shutdown and Malfunction                    |
| §                | = Section  |

**C. GENERAL APPLICABLE REQUIREMENTS**

The Permittee shall comply with all generally 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:

<b>Table 7</b>	
<b>Regulation</b>	<b>Reason</b>
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility is below employee threshold
40 CFR Part 64: Compliance Assurance Monitoring	Facility has no subject emission units

Table 7 Key:  
 CFR = Code of Federal Regulations  
 CMR = Code of Massachusetts Regulations

**5. SPECIAL TERMS AND CONDITIONS**

The Permittee is subject to and shall comply with the following special terms and conditions that are not contained in Table 3, 4, 5, and 6:

<b>Table 8.</b>	
<b>Special Terms and Conditions</b>	
EU-1, EU-2	<p>1) Emission units EU-1 and EU-2 are subject to the requirements of 40 CFR 63.1-15, Subpart A, "General Provisions" [as indicated in Table "8" to Subpart ZZZZ of 40 CFR 63]. Compliance with all applicable provisions therein is required.</p> <p>2) In accordance with Plan Approval No. 4B11015, EU-1 and EU-2 shall each continue to emit through a single stack having the following parameters:</p> <p style="text-align: center;">Stack No.: 1 and 2            Stack Height: 26 feet            Stack Exit Diameter: 13 inches            Stack Material: Carbon Steel</p>
EU-3	<p>3) In accordance with Plan Approval No. 4B11015, EU-3 shall continue to emit through a single stack having the following parameters:</p> <p style="text-align: center;">Stack No.: 3            Stack Height: 36.3 feet            Stack Exit Diameter: 42 inches            Stack Material: Carbon Steel</p>

**Table 8.**

**Special Terms and Conditions**

EU-3	<p>4) The MassDEP acknowledges that alternative monitoring under Subpart GG has been approved by EPA Region 1. Under this alternative fuel monitoring schedule:</p> <p>a) Monitoring of fuel nitrogen content shall not be required while landfill gas is the only fuel fired in the gas turbine.</p> <p>b) Sulfur Monitoring</p> <p style="padding-left: 40px;">(i) Analysis for fuel sulfur content of the landfill gas shall be conducted using the Dräger Tube system for hydrogen sulfide (H<sub>2</sub>S).</p> <p style="padding-left: 40px;">(ii) Hydrogen sulfide monitoring shall be conducted twice monthly for six months. If this monitoring shows little variability in the fuel hydrogen sulfide content, and indicates consistent compliance with the sulfur requirement of 40 CFR 60.333 (equivalent to 6,722 ppm H<sub>2</sub>S), then hydrogen sulfide monitoring shall be conducted once per quarter for six quarters.</p> <p style="padding-left: 40px;">(iii) If, after the monitoring required in item b) (ii) above, the hydrogen sulfide content of the fuel shows little variability and, calculated as sulfur dioxide, represents consistent compliance with the sulfur dioxide emission limits specified under 40 CFR 60.333, sample analysis shall be conducted twice per year. This monitoring shall be conducted during the first and third quarters of each calendar year.</p> <p style="padding-left: 40px;">(iv) Should any sulfur analysis as required in item (ii) and (iii) above indicate noncompliance with 40 CFR 60.333 (a reading in excess of 6,772 ppm H<sub>2</sub>S), the Permittee shall notify the Department of such excess emissions and the alternative fuel monitoring schedule shall be re-examined by the U.S. EPA. Hydrogen sulfide monitoring shall be conducted weekly during the interim period while this alternative fuel monitoring schedule is re-examined.</p> <p>c) If there is a change in fuel supply, the Permittee will notify the U.S. EPA and the Department of such change for re-examination of the alternative fuel monitoring schedule. A substantial change in fuel quantity shall be considered a change in fuel supply. Hydrogen sulfide monitoring shall be conducted weekly during the interim period when then alternative fuel monitoring schedule is being reexamined.</p> <p>d) Records of sample analysis and fuel supply pertinent to the alternative fuel monitoring schedule shall be retained for a period of three years, and shall be available for inspection by personnel of federal, state, and local air pollution agencies.</p> <p>e) Quality Assurance</p> <p style="padding-left: 40px;">(i) The Permittee shall conduct a quality assurance check of the fuel sampling program on an annual basis. This quality assurance check shall consist of a bag sample (e.g., Tedlar bag) analyzed for sulfur content by gas chromatography.</p> <p style="padding-left: 40px;">(ii) The U.S. EPA and the Department may also require that an audit of the fuel sampling program be conducted at any other time during the life of the alternative fuel monitoring schedule. This audit, when required, shall apply the test methods and procedures of 40 CFR 60.335 for sampling of the fuel gas for nitrogen and/or sulfur contents.</p>
EU-5	<p>5) Emission units EU-5 is subject to the requirements of 40 CFR 63.1-15, Subpart A, "General Provisions" [as indicated in Table "1" to Subpart AAAA of 40 CFR 63]. Compliance with all applicable provisions therein is required.</p>

<b>Table 8.</b>	
<b>Special Terms and Conditions</b>	
Facility-wide	6) In accordance with Plan Approval No. 4B11015, sound impacts shall not exceed 10 dB(A) above background and shall not cause a puretone condition as defined in the Department’s DAQC Policy No. 90-001. <b>(State only requirement)</b>

Table 8 Key:

CFR	= Code of Federal Regulations
DAQC	= Division of Air Quality Control
dB(A)	= decibels weighted for the “A” scale
e.g.	= exempli gratia (for example)
EPA	= United States Environmental Protection Agency
EU	= Emission Unit
H <sub>2</sub> S	= Hydrogen Sulfide
No.	= Number
ppm	= Parts per million

## **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 Permittee 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 Operating Permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Air Compliance Clerk, 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:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- 4) 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:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- 4) whether there were any deviations during the reporting period;
- 5) if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- 6) whether deviations in the reporting period were previously reported;
- 7) if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- 8) if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- 9) 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:
- 1) the liability of the source for any violation of applicable requirements prior to or at the time of Permit issuance.
  - 2) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
  - 3) 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 Operating 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 based<sup>2</sup> emission limitations specified in this Permit as a result of an emergency<sup>3</sup>. 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:

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<sup>2</sup> 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.

<sup>3</sup> 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.

- 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**

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 supersede the following deviation reporting requirements, if applicable.

The Permittee shall report to the MassDEP's Regional Bureau of Air and Waste the following deviations from permit requirements, by telephone, fax or electronic mail (e-mail) , within three (3) days of discovery of such deviation:

- A. 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.
- B. 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.
- C. Exceedances of Permit operational limitations directly correlated to excess emissions.
- D. 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.
- E. 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 Air and Waste 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, fax or electronic mail (e-mail) within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Air and Waste 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.

## **28. OZONE DEPLETING SUBSTANCES**

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
  - 1) All containers containing a class I or class II substance that is stored or transported, all products

- containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
- 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
  - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
  - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
- 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
  - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
  - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
  - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
  - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.
- E. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, "Significant New Alternatives Policy Program".

## **29. PREVENTION OF ACCIDENTAL RELEASES**

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

Your facility is subject to the requirements of the General Duty Clause, under 112(r)(1) of the CAA Amendments of 1990. This clause specifies that owners or operators of stationary sources producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur.

## **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.