



# Department of Environmental Protection

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## AIR QUALITY OPERATING PERMIT (FINAL)

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"]:**

Berkshire Power Company, LLC  
14302 FNB Parkway  
Omaha, NE 68154

**FACILITY LOCATION:**

Berkshire Power Company, LLC  
36 Moylan Lane  
Agawam, MA 01001

**NATURE OF BUSINESS:**

Combustion Turbine Combined Cycle  
Power Generation Facility

**RESPONSIBLE OFFICIAL:**

Name: Todd Jonas  
Title: Senior Vice President

**INFORMATION RELIED UPON:**

Application No. 18-AQ14/12-000011-APP  
eplace Authorization No. AQ14-0000019  
Approval No. WE-18-021

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 0420067  
FMF FAC NO.: 274425  
FMF RO NO.: 299304

**Standard Industrial Classification (SIC):**

4911- Electric Power Generation

**North American Industrial Classification System (NAICS):**

22112 – Fossil Fuel Electric Power Generation

**FACILITY CONTACT PERSON:**

Name: Robert Bell  
Title: Plant Manager  
Phone: (413) 789-0075 x100  
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This Operating Permit shall expire on 02/11/2025.

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.

\_\_\_\_\_  
Michael Gorski  
Regional Director  
Bureau of Air and Waste  
Western Regional Office

02/11/2020  
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**

Berkshire Power is a combined-cycle independent electric power generating facility rated at 272 MW net nominal output. The Facility consists of a combustion turbine-generator, a heat recovery steam generator ("HRSG") with no supplemental fuel firing, a condensing steam turbine generator, and ancillary equipment. The primary fuel for the Facility's combustion turbine is natural gas with distillate oil as the backup fuel. Additionally, there are two (2) natural gas-fired chiller engines that are available to cool the intake air for additional capacity when the ambient temperature is greater than 55°F, an emergency diesel generator to provide plant electricity in the event of a total plant loss of power, and a diesel fire pump. Other ancillary emission units include a wet mechanical draft cooling tower.

The Facility is based on an ABB GT24 combustion turbine with nominal capacity of 178 MW and a nominal heat input of 1,792 MMBtu/hr higher heating value ("HHV") at 59°F and maximum heat input of 2,112 MMBtu/hr. The hot exhaust gases exiting the combustion turbine pass through the HRSG which uses the heat from these gases to produce steam. The HRSG houses an 80% destruction efficiency carbon monoxide catalyst followed by an ammonia injection grid and selective catalytic reduction ("SCR") system for control of nitrogen oxides from the combustion turbine and chiller engines. The steam produced in the HRSG is fed into a condensing steam turbine to generate a nominal output of 100 MW of electric power. After passing through the HRSG, the exhaust gases are released from a 125-foot tall stack with a 216-inch inside diameter that is equipped with continuous emission monitors for nitrogen oxides ("NO<sub>x</sub>"), carbon monoxide ("CO"), and ammonia ("NH<sub>3</sub>").

The facility is considered to be a major source since it has the potential to emit greater than 100 tons per year of particulate matter (PM) including PM10 (PM with an aerodynamic diameter equal to or less than 10 microns) and PM2.5 (PM with an aerodynamic diameter equal to or less than 2.5 microns), 100 tons per year of nitrogen oxides (NO<sub>x</sub>), and 100 tons per year of carbon monoxide. Therefore the facility is subject to the Operating Permit and Compliance Program pursuant to 310 CMR 7.00: Appendix C(2).

MassDEP issued Berkshire Power a combined Conditional Approval to Construct and Prevention of Significant Deterioration (PSD) Air Permit (#1-X-95-093) on September 22, 1997. Additional Approvals and Amendments were issued in 1999 for the elimination of CO<sub>2</sub> CEMs requirements, establishment of Startup/Shutdown Emission Limits, and CEMS QA/QC program approval. In 2002 Amendments were issued to modify the Startup/Shutdown Emission Limits and eliminate the annual testing requirement for VOCs. In 2013, Plan Approval WE-13-006 was issued to consolidate all previous Air Quality Approvals and establish a Facility wide HAP cap and lower the formaldehyde emission limits to ensure the facility meets the definition of an Area Source of HAPs. In 2018, Plan Approval WE-13-012AA was issued to change the sulfur content limit of liquid fuel to coincide with 310 CMR 7.05(1)(a)1 and update sulfur dioxide and sulfuric acid mist limits to coincide with the July 1, 2018 sulfur content limits for distillate fuel oil.

## **Applicable Regulatory Requirements**

### **New Source Performance Standards**

Compliance of Emission Unit 1 with the 40 CFR 60 Subpart GG emission limits for NO<sub>x</sub> and SO<sub>2</sub> will be demonstrated by meeting the more stringent emission limits under MassDEP Plan Approval #WE-13-012AA (dated 11/21/2018) which replaced both Consolidating Permit WE-13-012 and Conditional Approval to Construct #1-X-95-093 in their entirety.

Berkshire Power meets the definition of an area source of Hazardous Air Pollutants (“HAPs”) by way of a facility-wide restriction of HAPs issued in MassDEP Plan Approval #WE-13-012AA (dated 11/21/2018).

### **Federal Acid Rain Program**

The Permittee is subject to the requirements of Phase II of the Federal Acid Rain Program for Final Phase II Acid Rain Permit Application # 1-X-00-019 as defined by EPA in 40 CFR Part 72 and 40 CFR Part 75.

Pursuant to 40 CFR Part 72.71, 40 CFR Part 72.73, and 310 CMR 7.00: Appendix C(3)(n), MassDEP is the permitting authority for Phase II Acid Rain Permits. The Permittee was issued the initial Phase II Acid Rain Permit on April 12, 2000, and renewed said permit on November 23, 2018.

In accordance with 40 CFR 72.9 the owner or operator of an acid rain unit shall install, maintain, and operate an EPA approved monitoring system for monitoring NO<sub>x</sub> and SO<sub>2</sub> emissions in accordance with 40 CFR 75.

The Department is incorporating the requirements of the renewal Phase II Acid Rain Permit into this Operating Permit. The Phase II Acid Rain requirements will renew in the Operating Permit.

### **40 CFR 63 Subpart ZZZZ**

The Permittee shall comply with the Federal National Emission Standards for Hazardous Air Pollutants for reciprocating internal combustion engines at 40 CFR 63 Subparts A and ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines for the chiller engines (EU2), the emergency diesel generator (EU4), and the emergency diesel fire pump engine (EU5). In addition, EPA Approved an Alternative Monitoring Plan on September 24, 2013, for EU2.

### **40 CFR 64 Compliance Assurance Monitoring**

Berkshire Power is exempt from the requirements of 40 CFR 64 (Compliance Assurance Monitoring) because the facility utilizes a continuous compliance determination method (NO<sub>x</sub>/CO CEMS), as defined in 40 CFR 64.1.

### **Massachusetts CO<sub>2</sub> Budget Trading Program**

The Permittee is subject to the requirements of the Massachusetts CO<sub>2</sub> Budget Trading Program for EU 1 as defined by MassDEP in 310 CMR 7.70(1)(d).

Pursuant to 310 CMR 7.70(3), the Permittee was issued a CO<sub>2</sub> Budget Program Emissions Control Plan (ECP) on December 10, 2008. In accordance with 310 CMR 7.70(8)(a), the owner or operator shall install, maintain, operate, and report emissions data from a CO<sub>2</sub> emissions monitoring system. (State Only Requirement).

### **Gas Insulated Switchgear**

The Permittee is subject to the requirements of Reducing Sulfur Hexafluoride (“SF<sub>6</sub>”) emissions from Gas Insulated Switchgear (“GIS”) as defined by MassDEP in 310 CMR 7.72(3) for non-federal, state-only GIS owners for each piece of active GIS equipment that was placed under the Permittee’s ownership, lease, operation, or control on or after January 1, 2015 (State Only Requirement). The

Facility has not newly placed under its ownership, lease, operation, or control any GIS equipment since January 1, 2015.

Pursuant to 310 CMR 7.72(2), Definitions: Gas-Insulated Switchgear or “GIS” means as all electrical power system equipment insulated with SF<sub>6</sub> gas. Gas-insulated switchgear or GIS includes switches, stand-alone gas-insulated equipment, and any combination of electrical disconnects, fuses, electrical transmission lines, transformers and/or circuit breakers used to isolate gas-insulated electrical power system equipment.

**Massachusetts Greenhouse Gas Reporting Program**

The Permittee is subject to the requirements of Greenhouse Gas Emissions Reporting as defined by MassDEP in 310 CMR 7.71(3)(a).

Pursuant to 310 CMR 7.71(2), Definitions: Greenhouse Gas means any chemical or physical substance that is emitted into the air and that MassDEP 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).

**Reducing CO<sub>2</sub> Emissions from Electricity Generating Facilities**

The Permittee is subject to the requirements of the Reducing CO<sub>2</sub> Emissions from Electricity Generating Facilities regulation for Emission Unit 1 as defined by MassDEP in 310 CMR 7.74(3).

The Permittee shall comply with the CO<sub>2</sub> emissions limits contained in 310 CMR 7.74(5) for calendar year 2018 and each year thereafter. The Permittee may offset all CO<sub>2</sub> emissions using allowances in the facility allowance registry account in accordance with 310 CMR 7.74(6)(b) or request deferred compliance due to an emergency in accordance with 310 CMR 7.74(6)(d). (State Only Requirement).

## 2. EMISSION UNIT IDENTIFICATION

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

<b>Table 1</b>			
<b>EU</b>	<b>Description of EU</b>	<b>EU Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
EU 1	ABB GT24 combustion turbine & Combined cycle unit <sup>1</sup>	2,112 x 10 <sup>6</sup> Btu/hr	Selective catalytic reduction for NO <sub>x</sub> Catalytic oxidation for CO & VOC
EU 2	(2) internal combustion chiller engines – natural gas fired – 4 stroke SI lean burn engines – Caterpillar Model 3516	11.34 x 10 <sup>6</sup> Btu/hr - each	Selective catalytic reduction for NO <sub>x</sub> Catalytic oxidation for CO & VOC
EU 3	Wet mechanical draft cooling tower	66,090 gallons per minute	Drift eliminators
EU 4	Emergency Diesel Generator	3.12 x 10 <sup>6</sup> Btu/hr	none
EU 5	Emergency Diesel Fire Pump	1.9 x 10 <sup>6</sup> Btu/hr	none

### Table 1 Key

EU = Emission Unit	PCD = Pollution Control Device
Btu/hr = British Thermal Units per hour	SI = Spark Ignition
CO = Carbon Monoxide	VOC = Volatile Organic Compounds
NO <sub>x</sub> = Nitrogen Oxides	

### Table 1 Footnote:

- The stack parameters for the combustion turbine/chiller engines are as follows:  
 Height = 125 feet  
 Inside diameter = 216 inches (18 feet)

## 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>
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.	310 CMR 7.00:Appendix C(5)(h)

#### 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:

Table 3a								
EU	Fuel/Raw Material	Pollutant	Emission Limits/Standards <sup>(1)</sup>				Annual Emissions (tons/year) <sup>(2)</sup>	Applicable Regulation and/or Approval No
			Natural Gas		Distillate Oil			
			lb/hr	lb/MMBtu	lb/hr	lb/MMBtu		
EU 1 & EU 2 (combined)	Natural Gas or Distillate Oil	SO <sub>2</sub>	4.4	0.0023	3.3	0.0015	18	MassDEP Approval #WE-13-012AA (dated 11/21/2018)  40 CFR 52.21
		PM	18.3	0.0105	98.9	0.0468	106 <sup>(3)</sup>	
		NO <sub>x</sub>	23.6	0.0121	69.2	0.0238	109	
		CO	48.8	None <sup>(4)</sup>	23.5	0.0112	183	
		VOC	8.0	None <sup>(4)</sup>	40.0	0.0189	47	
		Formaldehyde	1.3	0.0006	0.9	0.0004	6	
		Sulfuric Acid Mist	1.54	0.0010	5.51	0.0026	8.2	
		Nitrogen Oxides	3.5 ppmvd @ 15% O <sub>2</sub>		9.0 ppmvd @ 15% O <sub>2</sub>		---	
		Ammonia	Ammonia slip ≤10 ppmvd @ 15% O <sub>2</sub>				109 <sup>(6)</sup>	
		Opacity	No greater than 10% <sup>(7)</sup>				n/a	
EU 1		Sulfur in Fuel	Natural gas ≤ 0.8 grains per 100 ft <sup>3</sup>			n/a	MassDEP Approval #WE-13-012AA (dated 11/21/2018)	
			Oil ≤ 0.0015% by weight				310 CMR 7.05(1)(a)1 Table 1	
EU 1		Nitrogen Oxides	114 ppmvd @ 15% O <sub>2</sub> <sup>(5)</sup>		114 ppmvd @ 15% O <sub>2</sub> <sup>(5)</sup>		40 CFR Part 60 Subpart GG	

**Table 3a Foot Notes:**

1. Except where noted lb/hr, lb/MMBtu and ppm limits are block-hour limits. The limits apply during all normal operating conditions. The limits do not apply during startup, shutdown, protective load shed, equipment tuning or re-commissioning, as defined herein.
2. Annual emission limits are based on and assessed as 12-month rolling totals. All operating periods including startup, shutdown and malfunction events shall be considered when calculating annual emission rates.
3. An additional 4.6 tons per year is emitted from cooling tower drift.
4. Since the "lb/MMBtu" emission rates for CO and VOC vary considerably with load and temperature, only "lb/hr" emission rates apply.
5. Reference: 40 CFR 60.332(a)(1), based on a 4-hour rolling average, calculated for operating hours only.
6. Includes breathing and working losses of the ammonia storage tanks.
7. Based on a 6-minute block average.

<b>Table 3b</b>					
EU	Fuel/Raw Material	Pollutant	Emission Limits – Startup, Shutdown, Protective Load Shed (“PLS”), Equipment Tuning & Re-Commissioning		Applicable Regulation and/or Approval No.
			Emission Limit		
EU 1	Natural Gas	Nitrogen Oxides	1.0 lb/MMBtu, calculated as follows: <u>Startup:</u> Averaged over the first 60 minutes of combustion turbine operation, and for each 1-hour block thereafter over the actual startup time. <u>Shutdown:</u> Averaged over the last 60 minutes of combustion turbine operation before going off-line. <u>PLS, Equipment Tuning, Re-Commissioning:</u> For each affected hour as a 1-hour block average.		MassDEP Approval #WE-13-012AA (dated 11/21/2018)
		Carbon Monoxide	2.0 lb/MMBtu applies during the first 60-minutes of combustion turbine operation, calculated as follows: <u>Startup:</u> Averaged over the first 60 minutes of combustion turbine operation.  1.0 lb/MMBtu applies during startup for each full operating hour after the first 60-minutes of operation, if the first hour of operation was a partial operating hour, and during shutdown, calculated as follows: <u>Startup:</u> Averaged for each 1-hour block over the actual startup time (excludes the first hour of operation if that hour was a partial operating hour). <u>Shutdown:</u> Averaged over the last 60 minutes of combustion turbine operation before going off-line. <u>PLS, Equipment Tuning, Re-Commissioning:</u> For each affected hour as a 1-hour block average.		
		Ammonia	≤10 ppmvd at 15% O <sub>2</sub> , calculated as follows: <u>Startup:</u> Averaged over the actual startup time. <u>Shutdown:</u> Averaged over the last 60 minutes of combustion turbine operation before going off-line. <u>PLS, Equipment Tuning, Re-Commissioning:</u> For each affected hour as a 1-hour block average.		

**Definitions:**

Startup is defined as that period of time, following a period when the unit is off-line, from initiation of combustion turbine firing until the unit reaches 50% power output. A startup is limited to 180 minutes duration.

Shutdown is defined as that period of time from when the turbine drops to 50% power output until the point at which the combustion process has stopped. A shutdown is limited to 60 minutes duration.

Protective Load Shed (PLS) means an event during which the unit reduces load to less than 50% power output without stopping the combustion process to protect the turbine. A PLS event is limited to 240 minutes duration.

Equipment Tuning is defined as the period required to complete the manufacturer’s recommended equipment tuning not associated with a major inspection. An equipment tuning event is limited to 240 minutes duration, during which time the unit may operate below 50% power output.

Re-Commissioning is defined as the period required to complete the manufacturer’s recommended equipment tuning following the completion of a major inspection. The maximum duration that the combustion turbine may operate below 50% power output or above normal emission limits during a re-commissioning event (not including startup and shutdown) is 30 hours.



<b>Table 3c</b>					
<b>EU</b>	<b>Fuel/Raw Material</b>	<b>Pollutant</b>	<b>Restrictions</b>	<b>Annual Emissions (tons/year)<sup>(1)</sup></b>	<b>Applicable Regulation and/or Approval No.</b>
EU 1	All	CO <sub>2</sub>	The Permittee shall hold CO <sub>2</sub> allowances in a compliance account in an amount not less than the CO <sub>2</sub> Budget Emissions Limitation.	n/a	310 CMR 7.70(1)(e)3 <b>(State Only Requirement)</b>  MassDEP Approval #X223618 (12/10/08)
			The Permittee shall hold CO <sub>2</sub> allowances in an allowance registry account in an amount equal to or greater than the sum of: (1) The prior calendar year CO <sub>2</sub> emissions, minus any emissions for which compliance is deferred in accordance with 310 CMR 7.74(6)(d); and (2) Twice the amount of CO <sub>2</sub> emissions emitted during the year before the prior calendar year if compliance was deferred pursuant to 310 CMR 7.74(6)(d).	n/a	310 CMR 7.74(6)(e) <b>(State Only Requirement)</b>
		SO <sub>2</sub>	The Permittee shall hold SO <sub>2</sub> allowances, as of the allowance transfer deadline, in the Permittee's compliance account not less than the total annual emissions of SO <sub>2</sub> for the previous calendar year; and comply with the applicable Acid Rain emissions limitations for SO <sub>2</sub>	n/a	310 CMR 7.00: Appendix C(3)(n); 40 CFR 72.9; [Final Phase II Acid Rain Permit Application #1X-00-019 (04/12/2000)]
		NO <sub>x</sub>	n/a	---	310 CMR 7.00: Appendix C(3)(n); Final Phase II Acid Rain Permit Application # 1-X-00-019 (04/12/2000)
EU 2	Natural Gas	CO	≤ 47 ppmvd @15% O <sub>2</sub> (4 hour average when the combustion turbine and either or both chiller engines are operating simultaneously)	---	EPA Approved Alternative Monitoring Plan (9/24/2013) 40 CFR Part 63 Subpart ZZZZ; Table 6
EU 3	Water	PM	n/a	4.6	MassDEP Approval #WE-13-012AA (dated 11/21/2018)
EU 4	Distillate Oil	All	Operate ≤ 100 hours per calendar year, or as otherwise approved by EPA, for maintenance checks and readiness testing; as part of the 100 hours, for up to 50 hours per calendar year for non-emergency situations; no limit on emergency operation, as defined.	---	310 CMR 7.03(10)(a)4

<b>Table 3d</b>					
<b>EU</b>	<b>Fuel/Raw Material</b>	<b>Pollutant</b>	<b>Restrictions</b>	<b>Annual Emissions (tons/year)<sup>(1)</sup></b>	<b>Applicable Regulation and/or Approval No.</b>
EU 4	Distillate Oil	All	Sulfur content of oil ≤ 0.0015% by weight	---	310 CMR 7.03(10)(b)
EU 5	Distillate Oil	Sulfur in Fuel	Oil ≤ 0.0015% by weight	---	310 CMR 7.05(1)(a)1 Table 1
EU 4 EU 5	Distillate Oil	All	Comply with the requirements specified at 63.6603(a), Table 2d; and Special Terms and Conditions Table 8b	---	40 CFR Part 63 Subpart ZZZZ
Facility-wide	Any	Hazardous Air Pollutants (HAPs)	n/a	≤ 9.9 any single HAP and ≤ 24.9 total of all HAPs combined	MassDEP Approval #WE-13-012AA (11/21/2018)
	Any	Greenhouse Gas <sup>(2)</sup>	n/a	---	310 CMR 7.71 <b>(State Only Requirement)</b>
	N/A	SF <sub>6</sub>	The Permittee shall ensure that any newly manufactured GIS that is placed in operation on or after January 1, 2015 is represented by the manufacturer to have a 1.0% maximum annual leak rate.	---	310 CMR 7.72(4)(a) <b>(State Only Requirement).</b>

**Table 3c&d Foot Notes:**

1. Annual emission limits are based on and assessed as 12-month rolling totals. All operating periods including startup, shutdown and malfunction events shall be considered when calculating annual emission rates.
2. Greenhouse Gas means any chemical or physical substance that is emitted into the air and that MassDEP may reasonably anticipate will cause or contribute to climate change including, but not limited to: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

**Table 3 Key:**

EU = Emission Unit  
 CO = Carbon Monoxide  
 PM = Total Particulate Matter  
 ft<sup>3</sup> = cubic feet  
 HAP (single) = maximum single Hazardous Air Pollutant  
 CO<sub>2</sub> = Carbon Dioxide  
 TPY = tons per consecutive 12-month period  
 NH<sub>3</sub> = Ammonia  
 lbs/MMBtu = pounds per Million British thermal units

NO<sub>x</sub> = Nitrogen Oxides  
 SO<sub>2</sub> = Sulfur Dioxide  
 % = percent  
 VOC = Volatile Organic Compound  
 HAP (total) = total Hazardous Air Pollutant  
 ≤ = less than or equal to  
 lbs/hr = pounds per hour  
 ppmvd @ 15% O<sub>2</sub> = parts per million by volume, corrected to 15 percent oxygen

**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 4a</b>	
<b>EU</b>	<b>Monitoring And Testing Requirements</b>
EU 1	<p>1. In accordance with 40 CFR 72.9, 40 CFR Part 75, and Final Phase II Acid Rain Permit Application #1-X-00-019 the Permittee shall comply with all monitoring requirements for NO<sub>x</sub> and SO<sub>2</sub> emissions. The requirements of 40 CFR Part 75 shall not affect the responsibility of the Permittee to monitor emissions of other pollutants from or other emissions characteristics of EU 1.</p> <p>2. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), conduct emission testing in accordance with USEPA Reference Test Methods and Regulation 310 CMR 7.13, if and when required by MassDEP.</p> <p>3. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), calibrate, test, and operate a Data Acquisition System (s) (“DAS”) and stack CEMS to measure and record flue gas emissions of NO<sub>x</sub>, CO, CO<sub>2</sub>, O<sub>2</sub>, and ammonia. For the monitoring of CO<sub>2</sub>, Berkshire Power may use, if they choose, alternative CO<sub>2</sub> monitoring provisions as defined in 40 CFR Part 75.13 and 40 CFR Part 75 Appendix G.</p> <p>4. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), use and maintain the CEMS as “direct-compliance” monitors to measure NO<sub>x</sub>, CO (and VOC), CO<sub>2</sub>, O<sub>2</sub>, and ammonia.        “Direct-compliance” monitors generate data that legally documents the compliance status of a source. MassDEP shall utilize the data generated by the “direct-compliance” monitors for compliance and enforcement purposes.</p> <p>5. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), determine continuous compliance with the VOC emission limits (1-hour block average and annual) contained herein by monitoring CO emissions with the CO CEMS.        If the combustion turbine is operating in a condition of startup, the VOC emissions shall be considered as occurring at the startup rate determined in the initial compliance stack test.        If the combustion turbine is operating at 50% load or greater, and if CO emissions are below the CO emission limit contained in Table 3a, the VOC emissions shall be considered as occurring at the VOC emission limit contained in Table 3a.        If the combustion turbine is operating at 50% load or greater, and if CO emissions are above the CO emission limit contained in Table 3, the VOC emissions shall be considered as occurring at a rate determined by the equation:  <math display="block">VOC_{actual} = VOC_{limit} \times (CO_{actual} / CO_{limit})</math></p> <p>6. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), ensure that all emissions, even those attributable to an emergency/malfunction, startup/shutdown or other non-typical operation, shall be quantified and included in the determination of annual emissions and compliance with the annual emission limits as stated in Table 3a herein. Any period of excess emission of CO shall count as a period of excess emission of VOC, and the excess emission of VOC shall be accumulated towards the 47 ton per year annual emission limitation for VOC.        “Emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of Berkshire Power, 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.        “Malfunction” means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.</p>

**Table 4b**

EU	Monitoring And Testing Requirements
EU 1	7. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), ensure that all stack monitors and recording equipment comply with MassDEP approved performance and location specifications, and conform with the EPA monitoring specifications at 40 CFR Part 60.13 & 40 CFR Part 60 Appendices B and F, and 40 CFR Parts 72 and 75 and the Code of Massachusetts Regulations at 310 CMR 7.00, as applicable.
	8. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), for all CEMS, data validation and frequency for performing daily calibration error (CE) tests and frequency of performing routine QA cylinder gas audits (CGA) and Relative Accuracy Test Audits (RATA) may be conducted in accordance with the applicable quality assurance provisions for NO <sub>x</sub> CEMS contained in 40 CFR Part 75 Appendix B, Section 2.1 for CE, Section 2.2 for CGA and Section 2.3 for RATA.
	9. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), equip the CEMS with audible and visible alarms to activate when emissions exceed the limits established in Tables 3a and 3b.
	10. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), operate each CEMS at all times except for periods of CEMS quality control/quality assurance ("QA/QC") activities, calibration checks, zero and span adjustments, CEMS malfunction, maintenance or repair.
	11. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), obtain and record valid emissions data from each CEMS for at least 95% of the operating hours per calendar quarter. Invalid hours due to periods of CEMS QA/QC activities, calibration checks, zero and span adjustments, and preventive maintenance may be excluded from the 95% requirement.
	12. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), maintain a QA/QC program for the long term operation of the CEMs which conforms with the applicable requirements of 40 CFR Part 60, Appendix F, 40 CFR Part 75 Appendix B, and 310 CMR 7.00.
	13. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), monitor and record the sulfur content and gross caloric value of natural gas in accordance with 40 CFR Part 60 Subpart GG Section 60.334 and 40 CFR Part 75 Appendix D Section 2.3, as applicable.
	14. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), install and operate continuous monitors to monitor temperatures at the inlets to the CO and NO <sub>x</sub> catalysts. The systems will be equipped with either an alarm or interlocking protection or isolation system.
	15. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), operate a continuous monitoring system to record fuel consumption in accordance with 40 CFR Part 75.
	16. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), monitor and record the sulfur content, density and gross calorific value of distillate oil in accordance with the applicable provisions of 40 CFR Part 60 Subpart GG Section 60.334 and 40 CFR Part 75 Appendix D Section 2.2.
	17. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), notify MassDEP in writing prior to the time the facility first combusts fuel oil in the combustion turbine. If MassDEP advises that the stack testing is required, Berkshire Power will prepare and submit an appropriate testing protocol.
	18. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), install and operate a continuous opacity monitoring system ("COMS") including a DAS to continuously monitor and record the stack opacity when combusting oil prior to commissioning the combustion turbine on distillate oil.
	19. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), use and maintain a COMS as a "direct compliance" monitor for opacity when combusting distillate oil in the combustion turbine.
	20. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), operate the COMS at all times except for periods of COMS QA/QC activities, calibration checks, zero and span adjustments, COM malfunction, maintenance or repair when combusting distillate oil in the combustion turbine.
	21. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), equip the COMS with audible and visible alarms to activate when emissions exceed the limits established in Table 3a.

<b>Table 4c</b>	
<b>EU</b>	<b>Monitoring And Testing Requirements</b>
EU 1	22. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), obtain and record valid opacity data from the COMS for at least 95% of the hours per calendar quarter that the combustion turbine operates on distillate oil. Invalid hours due to periods of COMS QA/QC activities, calibration checks, zero and span adjustments, and preventive maintenance may be excluded from the 95% requirement.
	23. In accordance with 310 CMR 7.70(8) and MassDEP ECP Final Approval #X223618 (12/10/2008), the Permittee shall comply with all monitoring and testing requirements for annual CO <sub>2</sub> emissions, net electrical output, and net steam output. <b>(State Only Requirement)</b> .
EU 2	24. In accordance with 40 CFR 63.8(f) and an Alternative Monitoring Plan approved by EPA – Region 1 (9/24/2013), ensure that, except for periods of CEMS quality assurance and quality control activities, calibration checks, zero and span adjustments, CEMS malfunction, maintenance or repair, the installed CEMS continuously monitors CO and O <sub>2</sub> according to the requirements in 40 CFR § 63.6625(a), is capable of producing data in the form of ppmvd at 15% O <sub>2</sub> according to the requirements of 40 CFR § 63.6620(e)(2), and is capable of reducing the measurement to 1 hour averages.
EU 3	25. In accordance with 310 CMR 7.00 Appendix C(9), the Permittee shall monitor the cooling tower water for total dissolved solids (TDS) as mg/L at least once per month and calculate a rolling annual average.
Facility-wide	26. In accordance with 310 CMR 7.13 Stack Testing, conduct stack testing, upon written request of the MassDEP, for any air contaminant for which the MassDEP has determined testing is necessary, to ascertain compliance with the MassDEP's regulations or design approval provisos. All such testing shall be conducted in accordance with 310 CMR 7.13 (1) and (2), and in accordance with the applicable procedures specified in 40 CFR 60 Appendix A or other method if approved by the MassDEP and EPA.
	27. In accordance with 310 CMR 7.71(1) and Appendix C(9), the Permittee shall 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>
	28. In accordance with 310 CMR 7.72(8)(a) and (b) the Permittee shall record, no less than annually, the amount of SF <sub>6</sub> added to each piece of active GIS equipment that was placed under the Permittee's ownership, lease, operation, or control on or after January 1, 2015. <b>(State Only Requirement)</b> .
	29. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.

**Table 4 Key:**

- |   |                                       |
|---|---------------------------------------|
| EU = Emission Unit  | NO <sub>x</sub> = Nitrogen Oxides     |
| CO = Carbon Monoxide  | PM = Total Particulate Matter         |
| CO <sub>2</sub> = Carbon Dioxide  | SO <sub>2</sub> = Sulfur Dioxide      |
| CEMS = Continuous Emissions Monitoring System                                     | VOC = Volatile Organic Compounds      |
| COMS = Continuous Opacity Monitoring System                                       | QA = Quality Assurance                |
| CFR = Code of Federal Regulations   | SF <sub>6</sub> = Sulfur Hexafluoride |
| TPY = tons per consecutive 12-month period  | lbs/hr = pounds per hour              |
| NH <sub>3</sub> = Ammonia   | % = percent                           |
| ppmvd at 15% O <sub>2</sub> = parts per million by volume corrected to 15% oxygen | ≤ = less than or equal to             |

<b>Table 5a</b>	
<b>EU</b>	<b>Record Keeping Requirements</b>
EU 1	<ol style="list-style-type: none"> <li>1. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), maintain for the life of the Facility all pertinent operating and monitoring records and logs that support the facility's ability to demonstrate compliance with this Plan Approval. Berkshire Power shall make available to the MassDEP for inspection upon request the five most recent years' data.</li> <li>2. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), maintain records of natural gas and fuel oil sampling and analysis in accordance with 40 CFR 60 Subpart GG and 40 CFR 75 Appendix D, as applicable.</li> <li>3. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), maintain a written log to record each period that distillate oil is fired in the combustion turbine. The log shall indicate the date, duration of firing, amount of oil fired, and name of the operator making the entry.</li> <li>4. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), maintain on-site records of output from all continuous monitors for flue gas emissions, fuel consumption, and CO and NO<sub>x</sub> control system inlet temperatures, and shall make these records available to the MassDEP on request.</li> <li>5. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), maintain a log to record problems, upsets or failures associated with the emission control system, CEMs, COMS, or ammonia handling system.</li> <li>6. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), maintain comprehensive and accurate records of the amount of formaldehyde emitted with supporting calculations in units of lb/MMBtu (based on a 1-hour block average), lb/hour (based on a 1-hour block average) and tons in any 12 consecutive month period.</li> <li>7. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), maintain adequate records on-site to demonstrate compliance with all operational, production, and emission limits contained in Tables 3a thru 3c herein. Records shall also include the actual emissions of air contaminant(s) emitted for each calendar month and for each consecutive twelve month period (current month plus prior eleven months). These records shall be compiled no later than the 15th day following each month.</li> <li>8. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), maintain a record of all malfunctions affecting air contaminant emission rates on the approved emission units, pollution control devices and monitoring equipment. At a minimum, the records shall include: date and time the malfunction occurred; description of the malfunction; corrective actions taken; the date and time corrective actions were initiated and completed; and the date and time emission rates and monitoring equipment returned to compliant operation.</li> <li>9. In accordance with 310 CMR 7.70(1), (2), (8) and MassDEP ECP Final Approval #X223618 (12/10/2008) the Permittee shall keep on site at the source all records required under 310 CMR 7.70(1), 310 CMR 7.70(2) and 310 CMR 7.70(8), or unless otherwise stated by MassDEP, for a period of 10 years. <b>(State Only Requirement).</b></li> <li>10. In accordance with 310 CMR 7.74(8) the Permittee shall keep on site at the source all records required under 310 CMR 7.74, for a period of 3 years, unless otherwise required by MassDEP. <b>(State Only Requirement).</b></li> <li>11. In accordance with 40 CFR 72.9, 40 CFR Part 75, and Final Phase II Acid Rain Permit Application #1-X-00-019 (04/12/2000) the Permittee shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by EPA or MassDEP;               <ol style="list-style-type: none"> <li>(a) Certificate of representation for the designated representative for the source and all supporting documents.</li> <li>(b) All emissions monitoring information, to the extent that a 3-year retention period applies under 40 CFR 75, the records shall be kept on site for a period of 3 years instead of 5 years;</li> <li>(c) Copies of all reports, compliance certifications, and other submissions and all records made or required by the Acid Rain Program.</li> </ol> </li> </ol>

<b>Table 5b</b>	
<b>EU</b>	<b>Record Keeping Requirements</b>
EU 2	12. In accordance with 40 CFR 63.6655(a), maintain the following records: <ol style="list-style-type: none"> <li>a. A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in § 63.10(b)(2)(xiv).</li> <li>b. Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.</li> <li>c. Records of performance tests and performance evaluations as required in § 63.10(b)(2)(viii).</li> <li>d. Records of all required maintenance performed on the air pollution control and monitoring equipment.</li> <li>e. 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.</li> </ol>
EU 3	13. In accordance with 310 CMR 7.00 Appendix C(10)(b), the Permittee shall maintain records of the cooling tower water total dissolved solids (TDS) sufficient to demonstrate compliance with Table 3c and Table 4, Condition 25. 14. In accordance with 310 CMR 7.00 Appendix C(10), maintain records of any maintenance performed on the drift eliminators.
EU 4	15. In accordance with 310 CMR 7.03(10), 310 CMR 7.03(6) and 310 CMR 7.02(8)(i)(3), maintain up-to-date records (monthly logs) of hours of operation and reason for operation such that year-to-date and 12-month rolling total information is readily available for MassDEP examination.
EU 4 EU 5	16. In accordance with 40 CFR 63.6655(f), maintain all applicable records (site specific maintenance plan, hours operated recorded through the non-resettable hour meter by type, maintenance records, etc.). The Permittee shall document how many hours are spent for emergency operation; including what classified the operation as emergency and how many hours are spent for non-emergency operation.
EU 2 EU 4 EU 5	17. In accordance with 40 CFR 63.6660(c), the Permittee shall retain and keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report or record.
Facility-wide	18. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), maintain records to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration. 19. In accordance with 310 CMR 7.12(3)(c), maintain copies of Source Registration and other information supplied to the MassDEP to comply with 310 CMR 7.12, for five years from the date of submittal. 20. In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records of all monitoring data and supporting information, including all stack test results and all ambient air quality modeling results, on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application. 21. In accordance with 310 CMR 7.71 (6) (b) and (c), the Permittee shall keep on site at the facility documents of the methodology and data used to quantify emissions for a period of 5 years from the date the document is created. The Permittee shall make these documents available to MassDEP upon request. <b>(State Only Requirement)</b> . 22. In accordance with 310 CMR 7.72(8)(c) the Permittee shall retain on-site documents sufficient to demonstrate compliance with 310 CMR 7.72 for a period of 5 years from the creation of the document for any active piece of GIS equipment placed under the Permittee’s ownership, lease, operation, or control on or after January 1, 2015. <b>(State Only Requirement)</b> .

**Table 5 Key:**

EU = Emission Unit  
 CO = Carbon Monoxide  
 CEMS = Continuous Emissions Monitoring System  
 COMS = Continuous Opacity Monitoring System  
 CFR = Code of Federal Regulations  
 CMR = Code of Massachusetts Regulations

PCD = Pollution Control Device  
 ECP = Nitrogen Oxides Emission Control Plan  
 NO<sub>x</sub> = Nitrogen Oxides  
 lb/hr = pounds per hour  
 lb/MMBtu = pounds per Million British Thermal Units

<b>Table 6a</b>	
<b>EU</b>	<b>Reporting Requirements</b>
EU 1	<p>1. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), submit a report monthly to the MassDEP at 436 Dwight Street, Springfield, MA 01103. The report will be submitted by the 15th of the following month and will minimally contain the following information:</p> <ul style="list-style-type: none"> <li>a. A summary of emission data showing any deviations from allowable emission levels or operating conditions. The report shall quantify and explain any such deviations to the extent possible.</li> <li>b. Upsets or failures associated with the emission control system or continuous monitoring equipment. For each upset or failure, the report shall include the duration, the causes, any action taken to remedy the problem and the amount of any emission exceedances.</li> <li>c. Each period during which there was any firing of distillate oil. The report shall include the date of oil firing, the amount of oil fired, the reasons and duration of firing. This report shall summarize year-to-date the number of hours of firing distillate oil and the total amount of distillate oil burned.</li> <li>d. A tabulation of periods of operation (dispatch).</li> </ul>
	<p>2. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), notify MassDEP in writing at least one (1) calendar days prior to any Equipment Tuning or Re-Commissioning events as defined herein.</p>
	<p>3. In accordance with 40 CFR Part 60.7(c) and Subpart GG 60.334(j)(5), submit an excess emissions and monitoring systems performance report to the EPA Regional Office and MassDEP Western Regional Office semi-annually. The report shall be postmarked by the 30<sup>th</sup> day following the end of each six-month period.</p>
	<p>4. In accordance with 40 CFR Part 60, Appendix F, Sections 1.1. and 7., submit a Data Assessment Report for each Cylinder Gas Audit of the CO and NH<sub>3</sub> CEMS to the MassDEP Western Regional Office. The report is due within 30 days after the close of the quarter in which it was conducted.</p>
	<p>5. In accordance with 40 CFR 72.9, 40 CFR Part 75, and Final Phase II Acid Rain Permit Application #1-X-00-019 (04/12/2000) the Permittee shall submit to the appropriate MassDEP Regional Office and EPA any notification of testing or any test protocol.</p>
	<p>6. In accordance with 40 CFR 72.9, 40 CFR Part 75, and Final Phase II Acid Rain Permit Application #1-X-00-019 (04/12/2000) the Permittee shall submit a Quarterly SO<sub>2</sub> report to EPA within 30 days following the end of each calendar quarter.</p>
	<p>7. In accordance with 40 CFR 72.9, 40 CFR Part 75, and Final Phase II Acid Rain Permit Application #1-X-00-019 (04/12/2000) the Permittee shall submit a Quarterly NO<sub>x</sub> report to EPA within 30 days following the end of each calendar quarter.</p>
	<p>8. In accordance with 40 CFR Part 77, and Final Phase II Acid Rain Permit Application #1-X-00-019 (04/12/2000) the Permittee shall submit a proposed offset plan in any calendar year where EU-1 has/have excess emissions. In addition, the Permittee shall pay any penalties specified in 40 CFR Part 77 and comply with the terms of an approved offset plan.</p>
	<p>9. In accordance with 310 CMR 7.70(8)(d) the Permittee shall submit to the appropriate MassDEP Regional Office and EPA any notification of testing or any testing protocol in compliance with the requirements of 40 CFR 75.61. <b>(State Only Requirement)</b>.</p>
	<p>10. In accordance with 310 CMR 7.70(8)(e)3. and MassDEP ECP Final Approval #X223618 (12/10/2008), the Permittee shall submit a Monitoring System certification to the appropriate MassDEP Regional Office within 45 days after completing all CO<sub>2</sub> monitoring system initial certification or recertification tests required under 310 CMR 7.70(8)(b). <b>(State Only Requirement)</b>.</p>
	<p>11. In accordance with 310 CMR 7.70(4)(a)1. and MassDEP ECP Final Approval #X223618 (12/10/2008), the Permittee shall submit a Triennial Compliance Certification Report for each control period electronically in the RGGI CO<sub>2</sub> Allowance Tracking System (COATS) to MassDEP by March 1st of the calendar year following the control period. <b>(State Only Requirement)</b>.</p>



<b>Table 6b</b>	
<b>EU</b>	<b>Reporting Requirements</b>
EU 1	12. In accordance with 310 CMR 7.70(8)(h)6.c and MassDEP ECP Final Approval #X223618 (12/10/2008), the Permittee shall submit an Annual Net Output Report for each calendar year electronically to MassDEP's agent in a format prescribed by MassDEP by March 1st of the preceding calendar year. <b>(State only Requirement).</b>
	13. In accordance with 310 CMR 7.70(8)(e)4.b and MassDEP ECP Final Approval #X223618 (12/10/2008), the Permittee shall submit a Quarterly CO <sub>2</sub> Emissions Report electronically to EPA within 30 days following the end of the calendar quarter covered by the report. <b>(State Only Requirement).</b>
	14. In accordance with 310 CMR 7.74(7)(a) the Permittee shall submit to MassDEP by February 1st, 2019, and each February 1st thereafter, a CO <sub>2</sub> Emissions Report. <b>(State Only Requirement).</b>
	15. In accordance with 310 CMR 7.74(7)(b) the Permittee shall submit to MassDEP by March 1 <sup>st</sup> , 2019 and each March 1 <sup>st</sup> thereafter, a Compliance Certification Report. <b>(State Only Requirement).</b>
Facility-wide	16. In accordance with 310 CMR 7.00: Appendix C(10)(c)., 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).
	17. In accordance with General Condition 10 of this Permit, the Permittee shall submit the Annual Compliance report to MassDEP and EPA by January 30 of each year.
	18. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), report annually to MassDEP, in accordance with 310 CMR 7.12, all information as required by the Source Registration/Emission Statement Form. The Permittee shall note therein any minor changes (under 310 CMR 7.02(2)(e), 7.03, 7.26, etc.), which did not require Plan Approval.
	19. In accordance with 310 CMR 7.00 Appendix C(10)(f), report to the MassDEP's Regional Bureau of Air and Waste all instances of deviations from permit requirements. (See Provision 25 in "GENERAL CONDITIONS FOR OPERATING PERMIT").
	20. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), notify the Western Regional Office of MassDEP, BAW Permit Chief by telephone, mail or fax [413-784-1149], as soon as possible, but no later than three (3) days after discovery of an exceedance(s) of an emission limit requirement, unless such immediate notification is exempted by MassDEP Title V Air Operating Permit reporting guidelines. A written report shall be submitted to BAW Permit Chief at MassDEP within ten (10) days thereafter and shall include: identification of exceedance(s), duration of exceedance(s), reason for the exceedance(s) or continuous emission monitoring equipment failure, corrective actions taken, and action plan to prevent future exceedance(s).
	21. In accordance with 310 CMR 7.71(5), the Permittee shall electronically submit and certify by April 15 <sup>th</sup> of each year a greenhouse gas emissions report to MassDEP. <b>(State Only Requirement).</b>
	22. In accordance with 310 CMR 7.72(4)(c) the Permittee shall submit a Gas-Insulated Switchgear Leak Rate Exceedance Reporting Form by April 15 <sup>th</sup> of the following year for any active piece of GIS equipment placed under the Permittee's ownership, lease, operation, or control on or after January 1, 2015, that does not meet the 1.0% maximum annual leak rate. <b>(State Only Requirement).</b>
	23. In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by MassDEP that stack testing is necessary to ascertain compliance with the Department's regulations or design approval provisos, the Permittee shall cause such stack testing to be summarized and submitted to MassDEP as prescribed in the agreed to pretest protocol.
	24. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), submit to MassDEP for approval a stack emission pretest protocol, at least 30 days prior to emission testing, for emission testing as defined in Monitoring and Testing Requirements.
	25. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), submit to MassDEP a final stack emission test results report, within 45 days after emission testing, for emission testing as defined in Monitoring and Testing Requirements.

<b>Table 6c</b>	
<b>EU</b>	<b>Reporting Requirements</b>
Facility-wide	26. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), notify the MassDEP immediately by telephone and within 3 working days, in writing, following the release or the threat of a release of ammonia, and/or upsets or malfunctions to the ammonia handling or delivery systems. Berkshire Power must comply with all notification procedures required under M.G.L. c. 21 E -Spill Notification Regulations
	27. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018) and 310 CMR 7.00 Appendix C(10)(a), submit to the MassDEP 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 MassDEP or EPA.
	28. Berkshire Power shall submit to MassDEP all information required herein over the signature of a "Responsible Official" as defined in 310 CMR 7.00 and shall include the Certification statement as provided in 310 CMR 7.01(2)(c).

**Table 6 Key**

- |   |  |
|---|--|
| EU = Emission Unit                          | PCD = Pollution Control Device             |
| CO = Carbon Monoxide                        | NH <sub>3</sub> = Ammonia                  |
| CFR = Code of Federal Regulations           | NO <sub>x</sub> = Nitrogen Oxides          |
| CMR = Code of Massachusetts Regulations     | SO <sub>2</sub> = Sulfur Dioxide           |
| CO <sub>2</sub> = Carbon Dioxide            | RGGI = Regional Green House Gas Initiative |
| ECP = Nitrogen Oxides Emission Control Plan |  |

**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 employs fewer than 250 people
310 CMR 7.18 Volatile and Halogenated Organic Compounds	Facility does not own or operate a cold cleaning degreaser that utilizes a cleaning solution containing VOC. The solution used is water soluble and does not contain any organic materials.
310 CMR 7.34 Massachusetts NO <sub>x</sub> Ozone Season Program	Berkshire Power is not a listed MassNO <sub>x</sub> Facility
40 CFR 60 Subparts D, Da	Heat Recovery Steam Generator (“HRSG”) does not contain duct burners
40 CFR 60 Subpart Kb	500,000-gallon fuel oil storage tank has been permanently closed and fuel oil has a maximum true vapor pressure less than 3.5 kPa. All other storage tanks are less than 75 cubic meters.
40 CFR 60 Subpart IIII	Engine was constructed prior to, and has not been modified or reconstructed after July 11, 2005.
40 CFR 60 Subpart JJJJ	Engines were constructed prior to, and have not been modified or reconstructed after, July 12, 2006.
40 CFR 60 Subpart KKKK	Combustion Turbine was constructed prior to, and has not been reconstructed (40 CFR 60.15) or modified (40 CFR 60.14(h)) after, February 18, 2005.
40 CFR 60 Subpart TTTT	Combustion Turbine was constructed prior to January 8, 2014, and has not been reconstructed (40 CFR 60.15) after, June 18, 2014.
40 CFR 64	Facility utilizes a continuous compliance determination method (NO <sub>x</sub> /CO CEMS), as defined in 40 CFR 64.1 for monitoring controlled emissions.
40 CFR 63 Subpart Q	Facility is not a major source of HAP emissions
40 CFR 63 Subpart YYYY	Facility is not a major source of HAP emissions

## 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 8a</b>	
<b>EU</b>	<b>Special Terms and Conditions</b>
EU 1	<p>1. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), ensure that once the Facility has operated commercially on oil for 720 hours, and if the Facility intends to startup or shutdown on oil, the Facility will submit oil startup and shutdown emission rates, as applicable, to MassDEP for review.</p> <p>2. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), shall not burn distillate oil during the time period May 1 through September 30 inclusive of any calendar year, except during initial compliance testing, initial plant demonstration and performance testing, or in the event of a power supply emergency.</p> <p>“Power supply emergency” is defined as when Berkshire Power has been notified by the fuel supplier that Berkshire Power cannot take natural gas and also been notified that an electrical supply emergency exists and all available generation must be put on-line at maximum output.</p> <p>3. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), ensure that the SCR control equipment for the combustion turbine is operational whenever the turbine is operated at 50% power or greater.</p> <p>4. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), ensure that during periods of protective load shed, equipment tuning or re-commissioning all reasonable attempts are made to limit the amount of air emissions.</p> <p>5. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), allow the combustion turbine to operate at less than 50% power output only during startup, shutdown, protective load shed events, equipment tuning or re-commissioning. Operation at these loads is limited to no more than 180 minutes for each startup, 60 minutes for each shutdown, 240 minutes for a protective load shed event, 240 minutes per equipment tuning event or 30 hours for each re-commissioning event.</p> <p>6. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), maintain on-site for the CEMS and COMS equipment, an adequate supply of spare parts to maintain the on-line availability and data capture requirements specified herein.</p> <p>7. In accordance with EPA correspondence dated 2/11/2002, Berkshire Power may employ alternative NO<sub>x</sub> continuous emissions monitor calibration and quality assurance/quality control provision for the NO<sub>x</sub> monitor low monitoring range (0-10 ppm) for a relative accuracy for lb/hr emission limits equal to the following:</p> <p style="padding-left: 40px;">lb/hr relative accuracy = 0.002 lb/MMBtu * A_MMBtu/hr</p> <p style="padding-left: 40px;">Where A_MMBtu/hr = the arithmetic average MMBtu/hr determined by the DAHS over the course of the RATA testing, for every hour during which a RATA run was performed</p> <p>8. In accordance with EPA correspondence dated 3/31/2006, Berkshire Power shall demonstrate compliance with 40 CFR Part 60, Subpart GG daily calibration requirements by conducting NO<sub>x</sub> and O<sub>2</sub> daily calibrations according to the provisions of 40 CFR Part 75, Appendix B, Section 2.1, provided that Berkshire Power’s low range NO<sub>x</sub> monitor will be considered out of control when the difference between the monitor response and the reference value is 1.0 ppm or more.</p>

**Table 8b**

EU	Special Terms and Conditions				
EU 1	<p>9. In accordance with 40 CFR Part 73, Tables 2, 3, or 4 (as amended) and Final Phase II Acid Rain Permit Application #1-X-00-019 (04/12/2000) the Permittee's yearly allowance allocations are identified below:</p> <table border="1" data-bbox="537 415 1258 567"> <thead> <tr> <th data-bbox="537 415 721 512">Emission Unit</th> <th data-bbox="721 415 1258 512">Until the expiration date of this Operating Permit 2010 and beyond (annual SO<sub>2</sub> allocation)</th> </tr> </thead> <tbody> <tr> <td data-bbox="537 512 721 567">EU 1</td> <td data-bbox="721 512 1258 567">0 tons</td> </tr> </tbody> </table>	Emission Unit	Until the expiration date of this Operating Permit 2010 and beyond (annual SO <sub>2</sub> allocation)	EU 1	0 tons
Emission Unit	Until the expiration date of this Operating Permit 2010 and beyond (annual SO <sub>2</sub> allocation)				
EU 1	0 tons				
EU 3	<p>10. In accordance with 310 CMR 7.00 Appendix C(9), monitor the operation of the drift eliminators to ensure they function in accordance with the manufacturer's design specifications.</p> <p>11. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), ensure that the Facility's cooling tower(s) use(s) no chromium-based water treatment chemicals.</p>				
EU 4 EU 5	<p>12. In accordance with 40 CFR 63.6605, at all times operate and maintain each engine in a manner consistent with safety and good air pollution control practices for minimizing emissions.</p> <p>13. In accordance with 40 CFR 63.6625(e), operate and maintain each engine and emissions control device (if any) according to the manufacturer's emission-related written instructions or develop a site-specific maintenance plan to provide for the maintenance and operation of the engine in a manner consistent with minimizing emissions.</p> <p>14. In accordance with 40 CFR 63.6625(f), ensure that there is a non-resettable hour meter installed on each engine.</p> <p>15. In accordance with 40 CFR 63.6625(h), minimize each engine's time spent at idle during startup and minimize each engine's startup time to a period needed for appropriate safe loading of the engine, not to exceed 30 minutes.</p> <p>16. In accordance with 40 CFR 63.6625(i) and Table 2d-4, maintain each engine by:        (a) changing the oil and filter every 500 hours of operation or annually, whichever comes first;        (b) inspecting the air cleaner every 1,000 hours of operation or annually, whichever comes first, and;        (c) inspecting all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.        An oil analysis program may be used in order to extend oil change schedule specified in Table 2d(4)(a).</p> <p>17. In accordance with 40 CFR 63.6640(f)(1) through (4), operate the engine according to the conditions described in 40 CFR 63.6640(f)(1), (2) and (4). In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing, as described in 40 CFR 63.6640(f)(1), (2) and (4), is prohibited. If you do not operate the engine according to the requirements in 40 CFR 63.6640(f)(1), (2) and (4), the engine will not be considered an emergency engine under this subpart and will need to meet all requirements for non-emergency engines.</p>				
EU 2 EU 4 EU 5	<p>18. Emission units EU 2, EU 4 and EU 5 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>				

<b>Table 8c</b>																																																																													
<b>EU</b>	<b>Special Terms and Conditions</b>																																																																												
Facility-wide	19. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), properly train all personnel to operate the Facility and pollution control equipment in accordance with vendor specifications. All persons responsible for the operation of the ammonia handling and SCR control systems shall sign a statement affirming that they have read and understand the Facility's standard operating and standard maintenance procedures. This training shall be updated at least once annually.																																																																												
	20. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), store the standard operating and maintenance procedures for the ammonia handling system in a convenient location (control room/technical library) and make them readily available to all employees.																																																																												
	21. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), ensure that at all times enough of the ball-plastic baffles are kept within the containment area around the ammonium hydroxide storage tank to provide 91% surface coverage of any spilled ammonium hydroxide. The balls must be free of restrictions that would inhibit their floatation.																																																																												
	22. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), maintain in the Facility control room portable ammonia detectors (e.g. draeger tubes) for use during a spill or a typical atmospheric release.																																																																												
	23. The Permittee has represented that it is not subject to 42 U.S.C. 7401 §112(r) Prevention of Accidental Releases. As such, the Permittee shall ensure that the concentration of the aqueous ammonia solution used in the SCR control system is ≤ 19% in accordance with MassDEP Approval 1-X-99-034 (10/26/99).																																																																												
	24. In accordance with MassDEP Approval #WE-13-012AA (11/21/2018), Berkshire Power shall comply with the Allowable Noise Impacts limits specified in the following table: <b>[State Only]</b>																																																																												
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="7" style="text-align: center;"><b>Allowable Noise Impacts</b></th> </tr> <tr> <th style="text-align: center;">Noise Receptors</th> <th style="text-align: center;">Nighttime Ambient L<sub>90</sub> (dBA)</th> <th style="text-align: center;">Nighttime Ambient + Plant L<sub>90</sub> (dBA)</th> <th style="text-align: center;">Nighttime Change</th> <th style="text-align: center;">Daytime Ambient L<sub>90</sub> (dBA)</th> <th style="text-align: center;">Daytime Ambient + Plant L<sub>90</sub> (dBA)</th> <th style="text-align: center;">Daytime Change</th> </tr> </thead> <tbody> <tr> <td>1. Moylan Lane</td> <td style="text-align: center;">33</td> <td style="text-align: center;">41</td> <td style="text-align: center;">+8</td> <td style="text-align: center;">43</td> <td style="text-align: center;">45</td> <td style="text-align: center;">+2</td> </tr> <tr> <td>2. Shoemaker Lane</td> <td style="text-align: center;">31</td> <td style="text-align: center;">38</td> <td style="text-align: center;">+7</td> <td style="text-align: center;">39</td> <td style="text-align: center;">41</td> <td style="text-align: center;">+2</td> </tr> <tr> <td>3. Silver Lake</td> <td style="text-align: center;">38</td> <td style="text-align: center;">41</td> <td style="text-align: center;">+3</td> <td style="text-align: center;">47</td> <td style="text-align: center;">48</td> <td style="text-align: center;">+1</td> </tr> <tr> <td>4. Doane Avenue</td> <td style="text-align: center;">31</td> <td style="text-align: center;">38</td> <td style="text-align: center;">+7</td> <td style="text-align: center;">42</td> <td style="text-align: center;">43</td> <td style="text-align: center;">+1</td> </tr> <tr> <td>5. Route 75</td> <td style="text-align: center;">40</td> <td style="text-align: center;">42</td> <td style="text-align: center;">+2</td> <td style="text-align: center;">48</td> <td style="text-align: center;">48</td> <td style="text-align: center;">+0</td> </tr> <tr> <td>6. NE property line <sup>(1)</sup></td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">43</td> <td style="text-align: center;">56</td> <td style="text-align: center;">+13</td> </tr> <tr> <td>7. SE property line</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">47</td> <td style="text-align: center;">52</td> <td style="text-align: center;">+5</td> </tr> <tr> <td>8. SW property line</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">47</td> <td style="text-align: center;">53</td> <td style="text-align: center;">+6</td> </tr> <tr> <td>9. NW property line</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">46</td> <td style="text-align: center;">55</td> <td style="text-align: center;">+9</td> </tr> </tbody> </table> <p><sup>(1)</sup> The nighttime levels at the property line locations were not measured as the abutting land use is industrially zoned and there are no residences or noise sensitive receptors nearby.</p>	<b>Allowable Noise Impacts</b>							Noise Receptors	Nighttime Ambient L <sub>90</sub> (dBA)	Nighttime Ambient + Plant L <sub>90</sub> (dBA)	Nighttime Change	Daytime Ambient L <sub>90</sub> (dBA)	Daytime Ambient + Plant L <sub>90</sub> (dBA)	Daytime Change	1. Moylan Lane	33	41	+8	43	45	+2	2. Shoemaker Lane	31	38	+7	39	41	+2	3. Silver Lake	38	41	+3	47	48	+1	4. Doane Avenue	31	38	+7	42	43	+1	5. Route 75	40	42	+2	48	48	+0	6. NE property line <sup>(1)</sup>	-	-	-	43	56	+13	7. SE property line	-	-	-	47	52	+5	8. SW property line	-	-	-	47	53	+6	9. NW property line	-	-	-	46	55
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25. Berkshire Power is subject to, and has stated in their operating permit application that they are in compliance with the requirements of 40 CFR 82: Protection of Stratospheric Ozone. These requirements are applicable to this facility and the United States Environmental Protection Agency enforces these requirements.																																																																													

**Table 8 Key**

- |   |  |
|---|--|
| <p>EU = Emission Unit<br/>                 CEMS = Continuous Emission Monitoring System<br/>                 COMS = Continuous Opacity Monitoring System<br/>                 CFR = Code of Federal Regulations<br/>                 CMR = Code of Massachusetts Regulations<br/>                 DAHS = Data Acquisition and Handling System<br/>                 dB(A) = Decibels measured using A-weighted Average<br/>                 lb/hr = Pounds per Hour<br/>                 lb/MMBtu = Pounds per Million British Thermal Units</p> | <p>PCD = Pollution Control Device<br/>                 MMBtu/hr = Million British Thermal Units per hour<br/>                 NOX = Nitrogen Oxides<br/>                 O2 = Oxygen<br/>                 ppm = parts per million<br/>                 RICE = Reciprocating Internal Combustion Engine<br/>                 SCR = Selective Catalytic Reduction<br/>                 % = Percent</p> |
|---|--|

## **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.

Pursuant to 310 CMR 7.00: Appendix C(7)(b), emission trades, provided for in this Permit, may be implemented provided the Permittee notifies The United States Environmental Protection Agency (EPA) and the MassDEP at least fifteen (15) days in advance of the proposed changes and the Permittee provides the information required in 310 CMR 7.00: Appendix C(7)(b)3.

Any intra-facility change that does not qualify pursuant to 310 CMR 7.00: Appendix C(7)(b)2 is required to be submitted to the MassDEP pursuant to 310 CMR 7.00: Appendix B.

### **B. INTER-FACILITY EMISSION TRADING**

The Permittee did not request inter-facility emissions trading in its Operating Permit application.

All increases in emissions due to emission trading, must be authorized under the applicable requirements of 310 CMR 7.00: Appendix B (the "Emissions Trading Program") and the 42 U.S.C. §7401 et seq. (the "Act"), and provided for in this Permit.

## **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 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>1</sup> emission limitations specified in this Permit as a result of an emergency<sup>2</sup>. In order to use emergency as an

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<sup>1</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>2</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.

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**

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, by fax or by 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 this 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, this Operating Permit, or other approvals.
- E. Failure to perform QA/QC measures as required by this 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 (15) 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.

This 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.