



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

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### FINAL AIR QUALITY OPERATING PERMIT

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

**ISSUED TO ["the Permittee"]:**

EMS CUP, LLC  
39 Perry Avenue  
Attleboro, Massachusetts 02703

**FACILITY LOCATION:**

EMS CUP, LLC  
34 Forest Street, Building No. 6  
Attleboro, Massachusetts 02703

**NATURE OF BUSINESS:**

Steam Generation

**RESPONSIBLE OFFICIAL:**

Name: Mr. Paul Duffy  
Title: Chief Operating Officer

**INFORMATION RELIED UPON:**

Operating Permit Application No. 4V08009  
Transmittal No. W210120 and  
Minor Modification Application No. 4M10007  
Transmittal No. X231967

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 1200002  
FMF FAC NO. 419346  
FMF RO NO. 419347

**STANDARD INDUSTRIAL CODE (SIC): 4961**

**NORTH AMERICAN INDUSTRIAL CODE (NAICS): 221330**

**FACILITY CONTACT PERSON:**

Name: Mr. Michael Karavolis  
Title: Director of Environment, Health & Safety  
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This operating permit shall expire on 01/22/2015.

For the Department of Environmental Protection, Bureau of Waste Prevention

(Minor Modification dated 03/22/2012)  
Permit Chief, Bureau of Waste Prevention

(Operating Permit signed 01/22/2010)  
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.

### **DESCRIPTION OF FACILITY AND OPERATIONS:**

EMS CUP, LLC, a former Texas Instruments (TI) business unit, produces steam for use in the manufacturing processes that are located at 34 Forest Street, Attleboro, Massachusetts. EMS CUP, LLC operates five (5) Emission Units (EU); four (4) boilers and one (1) emergency engine electrical generator. The four (4) boilers (EU3, EU4, EU5 and EU6) generate steam for use in nearby buildings and are subject to Final Approval No. 4B91070 issued on April 21, 1992. Five (5) Emission Units are also subject to Conditional Approval No. 4B09017, issued on December 4, 2009, which allows EMS CUP, LLC, to burn Specification Used Oil Fuel (SUOF) in two (2) existing boilers (EU3 and EU4), while restricting Facility Wide (EU3, EU4, EU5, EU6, EU19) emissions potential to emit. Conditional Approval No. 4B09017 was revised on March 2, 2010, July 13, 2011 and September 13, 2011. EU3 and EU4 are subject to 310 CMR 7.19 (5) and NO<sub>x</sub> Reasonably Available Control Technology (RACT) ECP Approval No. 4B96076 issued on September 3, 1996 and Approval No. 4S96023 issued May 1, 1997. EU4 had a new Low NO<sub>x</sub> burner installed under Approval No. 4B96076 and was derated from past approved 75,000,000 Btu/hr input rating to 56,900,000 Btu/hr. In addition, EU3 and EU4 are subject to 310 CMR 7.06(1)(c) and Final Approval No. 4B07008 for Plan of Good Operating Practices (POGOP) issued on February 29, 2008 and Approval No. SM-75-032-CO issued on May 20, 1976. EU5 and EU6 are subject to 40 CFR 60 Subpart Dc and 310 CMR 7.19 (6) NO<sub>x</sub> RACT. The emergency engine electrical generator (EU19) provides back-up electrical power operating in accordance with 310 CMR 7.02(2)(b)8. and 310 CMR 7.02(8)(i)1.a.. EMS CUP, LLC has permanently disabled two (2) boilers (formerly identified in Operating Permit No. 4V95143 as EU1 and EU2) from service and they will no longer operate. The facility has no emission units subject to 40 CFR Part 64 Compliance Assurance Monitoring (CAM). EMS CUP, LLC, is a major source of NO<sub>x</sub> and SO<sub>2</sub>, and a minor source of CO, PM, VOC and Hazardous Air Pollutants (HAPs). Operating Permit Section 4, Tables 3, 4, 5, and 6 list the facility emission limits along with monitoring, testing, record-keeping and reporting requirements. Operating Permit Section 4, Table 7 lists regulations that are not applicable to the facility at this time.

**2. EMISSION UNIT IDENTIFICATION**

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

<b>Table 1</b>			
<b>Emission Unit (EU#)</b>	<b>Description of Emission Unit</b>	<b>EU Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
EU3	Boiler No. 7- Babcock & Wilcox Model No. FM1286	57.63 MMBtu/hr (oil) 58.33 MMBtu/hr (gas)	None
EU4	Boiler No. 8 - Babcock & Wilcox Model No. FM2374	56.9 MMBtu/hr (oil) 56.9 MMBtu/hr (gas)	None
EU5	Boiler No. 9 - Burnham Model No. 38-600	26.4 MMBtu/hr (oil) 26.9 MMBtu/hr (gas)	None
EU6	Boiler No. 10 - Burnham Model No. 38-600	26.4 MMBtu/hr (oil) 26.9 MMBtu/hr (gas)	None
EU19	Emergency Engine Electrical Generator – Caterpillar Model 3412	5.14 MMBtu/hr (oil)	None

**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>	
<p>The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP’s Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.</p>	<p>310 CMR 7.00:Appendix C(5)(h)</p>

**4. APPLICABLE REQUIREMENTS**

**A. EMISSION LIMITS AND RESTRICTIONS**

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

<b>Table 3</b>						
EU#	FUEL	RESTRICTIONS	POLLUTANT	EMISSION LIMIT/STANDARD <sup>(1)</sup>	APPLICABLE REGULATION AND/OR APPROVAL NUMBER	
EU3 and EU4 <sup>(3)(7)</sup> (combined)	No. 6 Fuel Oil	85,732	N/A	N/A	Approval No. 4B09017 Condition No. A.1.	
	Natural Gas	MMBtu/month				
	SUOF	976,600 MMBtu /12 MRP				
EU3 <sup>(3)(7)</sup>	No. 6 Fuel Oil	(see above)	NO <sub>x</sub>	0.30 lb/MMBtu	310 CMR 7.19(5)(a)2.c. Approval No. 4B96076 Approval No. 4S96023 Approval No. 4B09017	
	Natural Gas			0.10 lb/MMBtu		Approval No.4B09017
	SUOF			0.13 lb/MMBtu		
	No. 6 Fuel Oil		CO	0.16 lb/MMBtu		
	Natural Gas			0.08 lb/MMBtu		
	SUOF			0.018 lb/MMBtu		
	No. 6 Fuel Oil or Natural Gas		200 ppmvd @ 3% O <sub>2</sub>	9.08 lb/hr	310 CMR 7.19(5)(d) Approval No. 4B96076 Approval No. 4S96023	
	No. 6 Fuel Oil				PM <sup>(2)</sup>	0.10 lb/MMBtu
	Natural Gas		0.0076 lb/MMBtu	Approval No. 4B09017		
	SUOF		0.10 lb/MMBtu	310 CMR 7.02(8)(h) Approval No. 4B09017		
	No. 6 Fuel Oil		5.76 lb/hr	5.83 lb/hr	Approval No. 4B91070	
	Natural Gas					
	No. 6 Fuel Oil		PM <sub>10</sub>	0.10 lb/MMBtu	Approval No. 4B09017	
	Natural Gas			0.0076 lb/MMBtu		
	SUOF			0.10 lb/MMBtu		
	No. 6 Fuel Oil		SO <sub>2</sub>	2.42 lb/MMBtu	Approval No. 4B91070	
	Natural Gas			6 x 10 <sup>-4</sup> lb/MMBtu		
	SUOF			0.446 lb/MMBtu		
	No. 6 Fuel Oil		139.45 lb/hr	0.035 lb/hr	Approval No. 4B91070	
	Natural Gas					

<b>Table 3</b>						
EU#	FUEL	RESTRICTIONS	POLLUTANT	EMISSION LIMIT/STANDARD <sup>(1)</sup>	APPLICABLE REGULATION AND/OR APPROVAL NUMBER	
EU3 <sup>(3)(7)</sup> (cont)	No. 6 Fuel Oil	N/A	S in Fuel	1.21 lb/MMBtu	310 CMR 7.05(1)(b)1. Approval No. 4B09017  Approval No. 4B09017      Approval No. 4B91070   Approval No. 4B09017   Approval No. 4B91070  Approval No. 4B09017   Approval No. 4B91070  Approval No. 4B09017	
	SUOF			0.5% by weight		
			Halogen	≤ 1000 ppm		
	No. 6 Fuel Oil	(see above)	VOC	0.0019 lb/MMBtu		
	Natural Gas			0.0087 lb/MMBtu		
	SUOF			0.0083 lb/MMBtu		
	No. 6 Fuel Oil			0.108 lb/hr		
	Natural Gas			0.163 lb/hr		
	No. 6 Fuel Oil		Pb	2.8 x 10 <sup>-5</sup> lb/MMBtu		
	Natural Gas			5 x 10 <sup>-7</sup> lb/MMBtu		
	SUOF			0.0042 lb/MMBtu		
	No. 6 Fuel Oil			1.61 x 10 <sup>-3</sup> lb/hr		
	Natural Gas			0 lb/hr (zero lb/hr)		
	No. 6 Fuel Oil		Single HAP <sup>(9)</sup>	4.07 x 10 <sup>-4</sup> lb/MMBtu		
	Natural Gas			1.80 x 10 <sup>-3</sup> lb/MMBtu		
	SUOF			5.5 x 10 <sup>-2</sup> lb/MMBtu		
	No. 6 Fuel Oil		Total HAPs	3.68 x 10 <sup>-3</sup> lb/MMBtu		
	Natural Gas			1.88 x 10 <sup>-3</sup> lb/MMBtu		
SUOF			7.15 x 10 <sup>-2</sup> lb/MMBtu			
EU4 <sup>(3)(7)</sup>	No. 6 Fuel Oil		(see above)	NOx	0.30 lb/MMBtu	310 CMR 7.19(5)(a)2.c. Approval No. 4B96076 Approval No. 4S96023 Approval No. 4B09017 Approval No. 4B09017
	Natural Gas				0.10 lb/MMBtu	
	SUOF			0.13 lb/MMBtu		
	No. 6 Fuel Oil	CO		0.16 lb/MMBtu		
	Natural Gas			0.08 lb/MMBtu		
	SUOF			0.018 lb/MMBtu		
	No. 6 Fuel Oil or Natural Gas				200 ppmvd @ 3% O <sub>2</sub>	

**Table 3**

EU#	FUEL	RESTRICTIONS	POLLUTANT	EMISSION LIMIT/STANDARD <sup>(1)</sup>	APPLICABLE REGULATION AND/OR APPROVAL NUMBER	
EU4 <sup>(3)(7)</sup> (cont)	No. 6 Fuel Oil or Natural Gas (cont)	(see above) (cont)	CO (cont)	8.88 lb/hr	Approval No. 4B96076	
	No. 6 Fuel Oil		PM <sup>(2)</sup>	0.10 lb/MMBtu	310 CMR 7.02(8)(h) Approval No. 4B91070 Approval No. 4B09017	
	Natural Gas			0.0076 lb/MMBtu	Approval No. 4B09017	
	SUOF			0.10 lb/MMBtu	310 CMR 7.02(8)(h) Approval No. 4B09017	
	No. 6 Fuel Oil			2.64 lb/hr	Approval No. 4B91070	
	Natural Gas			2.69 lb/hr		
	No. 6 Fuel Oil			PM <sub>10</sub>	0.10 lb/MMBtu	Approval No. 4B09017
	Natural Gas			0.0076 lb/MMBtu		
	SUOF			0.10 lb/MMBtu		
	No. 6 Fuel Oil			SO <sub>2</sub>	2.42 lb/MMBtu	
	Natural Gas				$6 \times 10^{-4}$ lb/MMBtu	
	SUOF				0.446 lb/MMBtu	
	No. 6 Fuel Oil		N/A		S in Fuel	1.21 lb/MMBtu
	SUOF				0.5% by weight	Approval No. 4B09017
				Halogen	≤ 1000 ppm	
	No. 6 Fuel Oil	(see above)		VOC	0.0019 lb/MMBtu	
	Natural Gas				0.0087 lb/MMBtu	
	SUOF				0.0083 lb/MMBtu	
	No. 6 Fuel Oil			Pb	$2.8 \times 10^{-5}$ lb/MMBtu	
	Natural Gas				$5 \times 10^{-7}$ lb/MMBtu	
	SUOF				0.0042 lb/MMBtu	
	No. 6 Fuel Oil			Single HAP <sup>(9)</sup>	$4.07 \times 10^{-4}$ lb/MMBtu	
	Natural Gas				$1.80 \times 10^{-3}$ lb/MMBtu	
SUOF				$5.5 \times 10^{-2}$ lb/MMBtu		
No. 6 Fuel Oil			Total HAPs	$3.68 \times 10^{-3}$ lb/MMBtu		
Natural Gas				$1.88 \times 10^{-3}$ lb/MMBtu		
SUOF				$7.15 \times 10^{-2}$ lb/MMBtu		

<b>Table 3</b>						
EU#	FUEL	RESTRICTIONS	POLLUTANT	EMISSION LIMIT/STANDARD <sup>(1)</sup>	APPLICABLE REGULATION AND/OR APPROVAL NUMBER	
EU5 and EU6 <sup>(4)(7)</sup> (combined)	No. 6 Fuel Oil or Natural Gas	1,200,000 gallons of No. 6 Fuel Oil (0.5% S)/12 MRP and 180,000,000 cubic feet of Natural Gas/12 MRP	N/A	N/A	Approval No. 4B91070	
EU5 and EU6 <sup>(4)(7)</sup>	No. 6 Fuel Oil or Natural Gas	N/A	NO <sub>x</sub>	N/A	310 CMR 7.19(6)	
	No. 6 Fuel Oil	1,200,000 gallons of No. 6 Fuel Oil (0.5% S)/12 MRP and 180,000,000 cubic feet of Natural Gas/12 MRP		10.22 lb/hr	Approval No. 4B91070	
				0.30 lb/MMBtu	Approval No. 4B09017	
	Natural Gas			3.76 lb/hr	Approval No. 4B91070	
				0.14 lb/MMBtu	Approval No. 4B09017	
	No. 6 Fuel Oil		CO		0.93 lb/hr	Approval No. 4B91070
					0.07 lb/MMBtu	Approval No. 4B09017
	Natural Gas			0.94 lb/hr	Approval No. 4B91070	
				0.035 lb/MMBtu	Approval No. 4B09017	
	No. 6 Fuel Oil		PM <sup>(2)</sup>		0.10 lb/MMBtu	310 CMR 7.02(8)(h) Approval No. 4B91070 Approval No. 4B09017
					2.64 lb/hr	Approval No. 4B91070
	Natural Gas			2.69 lb/hr		Approval No. 4B09017
				0.0076 lb/MMBtu		
	No. 6 Fuel Oil		PM <sub>10</sub>		0.10 lb/MMBtu	Approval No. 4B09017
	Natural Gas				0.0076 lb/MMBtu	
	No. 6 Fuel Oil		SO <sub>2</sub>		14.78 lb/hr	Approval No. 4B91070
					0.56 lb/MMBtu	Approval No. 4B09017
	Natural Gas			0.016 lb/hr	Approval No. 4B91070	
				0.0006 lb/MMBtu	Approval No. 4B09017	
	No. 6 Fuel Oil		S in Fuel		0.28 lb/MMBtu	310 CMR 7.05(1)(a) Approval No. 4B91070
	VOC			0.05 lb/hr	Approval No. 4B91070	
			0.0049 lb/MMBtu	Approval No. 4B09017		
Natural Gas		0.08 lb/hr	Approval No. 4B91070			
		0.0028 lb/MMBtu	Approval No. 4B09017			
No. 6 Fuel Oil	Pb		7.80 x 10 <sup>-4</sup> lb/hr	Approval No. 4B91070		
			3 x 10 <sup>-5</sup> lb/MMBtu	Approval No. 4B09017		
Natural Gas			0 lb/hr (zero lb/hr)	Approval No. 4B91070		



**Table 3**

EU#	FUEL	RESTRICTIONS	POLLUTANT	EMISSION LIMIT/STANDARD <sup>(1)</sup>	APPLICABLE REGULATION AND/OR APPROVAL NUMBER
EU5 and EU6 <sup>(4)(7)</sup> (cont)	Natural Gas (cont)	1,200,000 gallons of No. 6 Fuel Oil (0.5% S)/12 MRP and 180,000,000 cubic feet of Natural Gas/12 MRP (cont)	Pb (cont)	$5 \times 10^{-7}$ lb/MMBtu	Approval No. 4B09017
	No. 6 Fuel Oil		Single HAP <sup>(9)</sup>	$4.07 \times 10^{-4}$ lb/MMBtu	
	Natural Gas			$1.80 \times 10^{-3}$ lb/MMBtu	
	No. 6 Fuel Oil		Total HAPs	$3.68 \times 10^{-3}$ lb/MMBtu	
	Natural Gas			$1.88 \times 10^{-3}$ lb/MMBtu	
EU19 <sup>(5)</sup>	ULSD	300 hours/12 MRP (total) emergency/standby engine use	NOx	3.2 lb/MMBtu	
			CO	0.85 lb/MMBtu	
			PM <sup>(2)</sup>	0.10 lb/MMBtu	
			PM <sub>10</sub>	0.10 lb/MMBtu	
			SO <sub>2</sub>	0.0015 lb/MMBtu	
			VOC	0.09 lb/MMBtu	
			Pb	N/A	
			Single HAP <sup>(9)</sup>	$7.76 \times 10^{-4}$ lb/MMBtu	
			Total HAPs	$1.57 \times 10^{-3}$ lb/MMBtu	
EU19 <sup>(5)</sup>	ULSD	300 hours/12 MRP (total) emergency/standby engine use	N/A	N/A	310 CMR 7.02(2)(b)8. 310 CMR 7.02(8)(i)1.a. 310 CMR 7.02(8)(i)2. Approval No. 4B09017
		N/A	S in Fuel	$\leq 15$ ppm [0.0015% by weight] (delivery <b>after</b> July 1, 2007)	310 CMR 7.02(2)(b)8. 310 CMR 7.02(8)(i)1.a. 310 CMR 7.05(1)(a)3. 310 CMR 7.02(8)(i)5. Approval No. 4B09017
EU3 and EU4 <sup>(3)(7)</sup> (combined)	No. 6 Fuel Oil Natural Gas SUOF	85,732 MMBtu/mo 976,600 MMBtu /12 MRP	NOx	15.6 tons/month 46.7 tons/12 MRP	Approval No. 4B09017
			CO	13.1 tons/month 39.2 tons/12 MRP	
			SO <sub>2</sub>	58.9 tons/month 176.6 tons/12 MRP	
			PM	4.4 tons/month 13.1 tons/12 MRP	
			PM <sub>10</sub>	4.4 tons/month 13.1 tons/12 MRP	
			VOC	1.4 tons/month	

**Table 3**

EU#	FUEL	RESTRICTIONS	POLLUTANT	EMISSION LIMIT/STANDARD <sup>(1)</sup>	APPLICABLE REGULATION AND/OR APPROVAL NUMBER
EU3 and EU4 <sup>(3)(7)</sup> (combined) (cont)	No. 6 Fuel Oil Natural Gas SUOF (cont)	85,732 MMBtu/mo 976,600 MMBtu /12 MRP (cont)	VOC (cont)	4.1 tons/12 MRP	Approval No. 4B09017 (cont)
			Pb	0.18 tons/month 0.54 tons/12 MRP	
			Single HAP <sup>(9)</sup>	2.4 tons/month 7.2 tons/12 MRP	
			Total HAPs	3.7 tons/month 11.1 tons/12 MRP	
EU3 EU4	No. 6 Fuel Oil Natural Gas SUOF	N/A	Opacity	≤ 15% during normal operation, based on a six-minute block average	310 CMR 7.06(1)(c)1.a. Approval No. 4B07008
				≤ 27% during Start-up, Shutdown, Soot Blowing and approved specified operating conditions, based on a six-minute block average except that visible emissions may exceed 27% for up to two six-minute block averages during the calendar quarter.	310 CMR 7.06(1)(c)1.b. Approval No. 4B07008
				> 27% to ≤ 60% during Start-up, Shutdown, Soot Blowing and approved specified operating conditions for one-tenth of one percent of the total six-minute block averages during the calendar quarter, or six block averages per Boiler per quarter, whichever is greater.	310 CMR 7.06(1)(c)1.c. Approval No. 4B07008
				Can not exceed 27% for more than two six-minute block averages during one-hour period and the one-hour block average shall not exceed 27% during the one-hour block period when a six-minute block average exceeds 27%.	310 CMR 7.06(1)(c)1.c.i. Approval No. 4B07008
EU5 EU6	No. 6 Fuel Oil and/or Natural Gas	N/A	Smoke <sup>(6)</sup>	< No. 1 of Chart, except ≥ No.1 to < No. 2 of Chart for ≤ 6 minutes during any one hour, no time to equal or exceed No. 2 of the Chart.	310 CMR 7.06(1)(a)
			Opacity	≤ 20 percent, except >20 to ≤ 40 percent for ≤ 2 minutes during any one hour, at no time to exceed 40 percent.	310 CMR 7.06(1)(b)
EU19	ULSD	N/A	Smoke <sup>(6)</sup>	< No. 1 of Chart, except ≥ No.1 to < No. 2 of Chart for ≤ 6 minutes during any one hour, no time to equal or exceed No. 2 of the Chart.	310 CMR 7.06(1)(a)
			Opacity	≤ 20 percent, except >20 to ≤ 40 percent for ≤ 2 minutes during any one hour, at no time to exceed 40 percent.	310 CMR 7.06(1)(b)

<b>Table 3</b>					
EU#	FUEL	RESTRICTIONS	POLLUTANT	EMISSION LIMIT/STANDARD <sup>(1)</sup>	APPLICABLE REGULATION AND/OR APPROVAL NUMBER
Facility Wide <sup>(3)(4)</sup> (6)(7)(10)	No. 6 Fuel Oil Natural Gas SUOF ULSD	(see above)	NOx	24.9 tons/month	Approval No. 4B09017
				74.7 tons/12 MRP	
			CO	15.3 tons/month	
				46.0 tons/12 MRP	
			SO <sub>2</sub>	74.8 tons/month	
				224.4 tons/12 MRP	
			PM	5.4 tons/month	
				21.7 tons/12 MRP	
			PM <sub>10</sub>	5.4 tons/month	
				21.7 tons/12 MRP	
			VOC	1.5 tons/month	
				4.6 tons/12 MRP	
Pb	0.182 tons/month				
	0.55 tons/12 MRP				
Single HAP <sup>(9)</sup>	3.0 tons/month				
	9.0 tons/12 MRP				
Total HAPs	5.5 tons/month				
	16.5 tons/12 MRP				
Facility Wide	All Fuels	NA	Greenhouse Gas (8)	NA	310 CMR 7.71 (State Only Requirement)

**Table 3 Notes:**

- (1) Compliance with emission limit(s)/standard(s) shall be based on a one-hour averaging time unless otherwise specified.
- (2) Particulate matter measured according to the applicable procedures specified in 40 CFR Part 60 Appendix A, Method 5.
- (3) EU3 and EU4 - In accordance with 310 CMR 7.05(1)(b)1., Approval No. 4B91070 and Approval No. 4B09017, the burning of any No. 6 fuel oil in EU3 and EU4 shall have a sulfur content not to exceed 1.21 pounds of sulfur per million Btu heat release potential (approximately equal to 2.2% sulfur content fuel).
- (4) EU5 and EU6 - In accordance with 310 CMR 7.05(1) and Approval No. 4B91070 the burning of any No. 6 fuel oil in EU5 and EU6 shall have a sulfur content not to exceed 0.28 pounds of sulfur per million Btu heat release potential (approximately equal to 0.5% sulfur content fuel).

- (5) EU19 - Delivery of **distillate fuel oil on or after July 1, 2007**: In accordance with 310 CMR 7.05(1)(a)3., 310 CMR 7.02(8)(i)5. and Approval No. 4B09017, the burning of any distillate fuel oil in EU19 shall have a sulfur content not to exceed 15 ppm (approximately equal to 0.0015% sulfur content fuel).
- (6) Chart means the Ringelmann Scale for grading the density of smoke, as published by the United States Bureau of Mines and as referred to in the Bureau of Mines Circular No. 8333, or any smoke inspection guide approved by the MassDEP.
- (7) In accordance with Approval No. 4B09017 and Operating Permit No. 4V08009, for the purposes of demonstrating compliance, the following heat content values shall be used when calculating emissions from fuel burning activities:
- |                                  |                          |
|----------------------------------|--------------------------|
| a. Natural Gas:                  | 1,000 Btu per cubic foot |
| b. Fuel Oil No. 6 (2.2% Sulfur): | 150,000 Btu per gallon   |
| c. ULSD Oil                      | 140,000 Btu per gallon   |
| d. Specification Used Oil Fuel:  | 120,000 Btu per gallon   |
| e. Fuel Oil No. 2 (0.3% Sulfur): | 140,000 Btu per gallon   |
| f. No. 6 Fuel Oil (0.5 %S):      | 142,000 Btu/gallon       |
- (8) Greenhouse Gas (GHG) 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).
- (9) In accordance with Approval No. 4B09017, the Individual HAP emission limit for each fuel is based on the maximum Individual HAP as listed.

Maximum Individual HAP for each fuel is listed below:

No. 6 Fuel Oil:	Formaldehyde
Natural Gas:	Hexane
SUOF:	Hydrogen Chloride
ULSD:	Benzene

- (10) In accordance with Approval No. 4B09017, Tables 2 and 3, Facility Wide Emission Units include EU3, EU4, EU5, EU6 and EU19.

**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), as well as the applicable requirements contained in Table 3:

<b>Table 4</b>	
EU#	MONITORING/TESTING REQUIREMENTS
EU3 EU4	<p>1) In accordance with 310 CMR 7.04(2)(a), Operating Permit No. 4V08009, Approval No. 4B07008 and Approval No. SM-75-032-CO, operate continuously and maintain in an accurate operating condition smoke density indicators equipped with audible alarms and recorders that signal the need for combustion equipment adjustment or repair when the smoke density is equal to or greater than No. 1 of the Chart.</p>
	<p>2) In accordance with 310 CMR 7.04(2)(a), 310 CMR 7.06(1)(c)3.c., Operating Permit No. 4V08009, Approval No. 4B07008 and the Plan of Good Operating Practices maintain and calibrate the smoke density indicator system monthly in accordance with the manufacturer's recommended procedures.</p>
	<p>3) In accordance with 310 CMR 7.06(1)(c)3.c., Operating Permit No. 4V08009, Approval No. 4B07008 and the Plan of Good Operating Practices, the smoke density indicator, audible alarm and recorder system is used as an indicator to initiate corrective actions if the opacity level is in excess of the expected level, as defined in the Plan of Good Operating Practices, for: Normal Operation, Start-up, Shutdown, Soot Blowing or approved specified operating conditions.</p> <p>If measured opacity exceeds an applicable emission limit, the facility shall evaluate the exceedance to determine cause and if the Plan of Good Operating Practices was being followed during the exceedance period. The reason(s) and any corrective action shall be documented in a logbook or other permanent record.</p> <p>If more than three (3) exceedances of a particular type (Normal Operation, Start-up, Shutdown, Soot Blowing or approved specified operating conditions) should occur within a six (6) month period for any reason, then within 10-days or at the next scheduled event of that type, a Method 9 test shall be conducted, and the Plan of Good Operating Procedures should be revised if appropriate.</p> <p>Based upon the cause of exceedance, the Permittee may request, in writing, a waiver of the Method 9 test requirement. The Method 9 test shall be performed as required unless the Department has approved in writing the waiver request.</p> <p>In the event a smoke density indicator and recorder is out-of-service for more than two business days while a boiler is operating and firing oil, then a Method 9 test shall be conducted at least once per day during normal operation and once per day during any scheduled Start-up, Shutdown, Soot Blowing or approved specified operating conditions event until the day that the smoke density indicator and recorder is placed back in service.</p>
	<p>4) In accordance with 310 CMR 7.06(1)(c)3.c., 310 CMR 7.00: Appendix C(9)(b), Operating Permit No. 4V08009, Approval No. 4B07008 and the Plan of Good Operating Practices, the opacity levels during normal operation, Start-up, Shutdown, Soot Blowing and approved specified operating conditions, as applicable, shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9 at least once every twelve months. Method 9 shall also apply to any detached plumes.</p>
	<p>5) In accordance with 310 CMR 7.19(13)(d)3., Operating Permit No. 4V08009 and Approval No. 4B96076, measure for each unit on a daily basis: type fuel(s) burned each day, heat content of each fuel, the total heating value of the fuel consumed for each day, the actual emission rate (for emission units demonstrating compliance with CEMS) and the allowable emission rate.</p>

**Table 4**

EU#	MONITORING/TESTING REQUIREMENTS
EU3 EU4 (cont)	<p>6) In accordance with 310 CMR 7.19(13)(d)5., 310 CMR 7.19(13)(d)6., Operating Permit No. 4V08009 and Approval No. 4B96076 monitor nitrogen content of each new shipment of No. 6 Fuel Oil received, by one of the following methods:</p> <ul style="list-style-type: none"> <li>a) obtaining a certification from the fuel oil supplier that includes the following information:               <ul style="list-style-type: none"> <li>1) the name of the fuel supplier;</li> <li>2) the nitrogen content* of each oil shipment; and</li> <li>3) the location where the sample was drawn for analysis to determine the nitrogen content of the fuel oil, specifically including whether the fuel oil was sampled as delivered to the Permittee's facility or whether the sample was drawn from fuel oil in storage at the fuel oil supplier's or fuel oil refiner's facility or another location.</li> </ul> </li> <li>b) sample and analyze the fuel oil for nitrogen content * immediately after the fuel oil tank is filled and before any fuel oil is combusted.</li> </ul> <p>* The shipment certification or analysis of nitrogen content of the fuel oil shall be in accordance with the applicable American Society for Testing materials (ASTM) test methods or any other method approved by the Department and EPA.</p>
	<p>7) In accordance with 310 CMR 7.04(4)(a) and Operating Permit No. 4V08009, inspect and maintain fuel utilization facility in accordance with manufacturer's recommendations and test for efficient operation at least annually.</p>
	<p>8) In accordance with 310 CMR 7.19(13)(c) <u>Stack Testing</u> and Operating Permit No. 4V08009, any person required to demonstrate compliance with a NOx emission standard contained in 310 CMR 7.19 by stack testing shall comply with 310 CMR 7.19(13)(c). That person shall:</p> <ul style="list-style-type: none"> <li>a) submit a pretest protocol for the required emission test for review and Department approval at least 60 days prior to the anticipated date of testing;</li> <li>b) include in the pretest protocol, a description of sampling point locations, sampling equipment, sampling and analytical procedures, and the operating conditions for the required testing;</li> <li>c) conduct compliance stack testing in accordance with procedures set forth in Appendix A of 40 CFR Part 60 or another method approved by the Department and EPA;</li> <li>d) perform the initial compliance stack test on the emission unit before August 1, 1995 for existing emission units, or within 90 days of continuous operation for new emission units to demonstrate compliance;</li> <li>e) perform the annual compliance test, where annual compliance stack testing is required either by 310 CMR 7.00 or in the approved emission control plan, on the emission unit prior to October 1 of each year beginning 1995;</li> <li>f) submit the emission test report for the review and written Department approval within 60 days of the completion of the compliance stack testing.</li> </ul>
	<p>9) In accordance with Approval No. 4B09017, EMS CUP, LLC, shall conduct a combustion optimization program to establish the proper operating parameters when using SUOF.</p>
	<p>10) In accordance with Approval No. 4B09017, EMS CUP, LLC, shall monitor the quantity of SUOF burned in EU3 and EU4 (combined) on a monthly and 12-month basis.</p>
	<p>11) In accordance with Approval No. 4B09017, Provisos C.2. and A.5., EMS CUP, LLC, shall demonstrate compliance with 310 CMR 7.05(8) by obtaining a shipping receipt from the fuel supplier for each shipment of SUOF delivered. The shipping receipt must certify that the shipment complies with Table 310 CMR 7.05(8) criteria, and the halogen content (<math>\leq 1,000</math> ppm) and sulfur content (<math>\leq 0.5\%</math> by weight) limits. MassDEP may require testing of the SUOF if the shipping receipt does not clearly demonstrate compliance.</p>
EU5 EU6	<p>1) In accordance with Operating Permit No. 4V08009 visible emissions (Smoke and/or Opacity) shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9. This method shall also apply to any detached plumes.</p>
	<p>2) In accordance with 310 CMR 7.04(4)(a) and Operating Permit No. 4V08009, inspect and maintain fuel utilization facility in accordance with manufacturer's recommendations and test for efficient operation at least annually.</p>
	<p>3) In accordance with 310 CMR 7.19(6)(a) and Operating Permit No. 4V08009, tune the boilers annually following the procedure outlined at 310 CMR 7.19(6)(a)1. Through 12., incorporated herein by reference.</p>

**Table 4**

EU#	MONITORING/TESTING REQUIREMENTS
EU5	4) In accordance with 310 CMR 7.19(6)(b)2.g. and Operating Permit No. 4V08009, at least once per month verify that the settings determined during the tune-ups have not changed.
EU6 (cont)	5) In accordance with Operating Permit No. 4V08009 and Approval No. 4B91070, monitor the amount of No. 6 Fuel Oil and Natural Gas burned in EU5 and EU6 to verify Operating Permit No. 4V08009 Table 3 fuel usage and emission limits for EU5 and EU6 (combined total) are not exceeded.
	6) In accordance with 40 CFR part 60, Subpart Dc and Operating Permit No. 4V08009, compliance with the emission limits or fuel oil sulfur limits under § 60.42c may be determined based on certification from the fuel supplier, as described under § 60.48c(f)(1), (2), or (3), as applicable.
EU19	1) In accordance with Operating Permit No. 4V08009 visible emissions (Smoke and/or Opacity) shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9. This method shall also apply to any detached plumes.
	2) In accordance with 310 CMR 7.02(8)(i)1.a., 310 CMR 7.02(8)(i)2. and Operating Permit No. 4V08009 monitor the hours of operation.
Facility Wide	1) In accordance with 310 CMR 7.00: Appendix C(9)(b) and Operating Permit No. 4V08009, when required by the Department, opacity shall be determined in accordance with EPA Test Method 9, as specified in 40 CFR 60, Appendix A. This method shall also apply to any detached plumes.
	2) Pursuant to the MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2. and Operating Permit No. 4V08009, demonstrate compliance with the fuel oil sulfur content requirements in Table 3 of this Operating Permit No. 4V08009 and 310 CMR 7.05(1) by obtaining and maintaining a shipping receipt, including analysis, from the fuel supplier for each shipment. The analysis of sulfur content of the fuel oil shall be in accordance with the applicable American Society for Testing Materials (ASTM) test methods or any other method approved by MassDEP and EPA. Fuel oil sulfur information may be provided by fuel oil suppliers.
	3) In accordance with 310 CMR 7.13(1) and Operating Permit No. 4V08009, any person owning, leasing, operating or controlling a facility for which the Department has determined that stack testing is necessary to ascertain compliance with the Department's regulations or design approval provisos shall cause such stack testing: a) to be conducted by a person knowledgeable in stack testing, b) to be conducted in accordance with procedures contained in a test protocol which has been approved by the Department, c) to be conducted in the presence of a representative of the Department when such is deemed necessary, and d) to be summarized and submitted to the Department with analyses and report within such time as agreed to in the approved test protocol.
	4) In accordance with Operating Permit No. 4V08009, monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.
	5) In accordance with Approval No. 4B09017, any future compliance tests that may be required at this facility shall be conducted in accordance with procedures set forth by the appropriate EPA Reference Test Methods and Air Pollution Control Regulations, 310 CMR 7.13. A written pretest protocol must be submitted to this office for written MassDEP approval at least 30 days prior to the actual test.
	6) In accordance with 310 CMR 7.71(1) and 310 CMR 7.00: Appendix C(9), establish and maintain data systems or record keeping practices (e.g. fuel use records, SF6 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. (State Only Requirement)
	7) In accordance with 310 CMR 7.00: Appendix C(9) and Operating Permit No. 4V08009, EMS CUP, LLC, shall monitor and test to demonstrate compliance for all restrictions and emission limits contained herein in Table 3.

**Table 5**

EU#	RECORD KEEPING REQUIREMENTS
EU3 EU4	1) In accordance with 310 CMR 7.06(1)(c)3.c., Operating Permit No. 4V08009 and Approval No. 4B07008, maintain records of the information specified in Table C of Approval No. 4B07008. The calendar date for each record shall be clearly identified on the record.
	2) In accordance with 310 CMR 7.04(2)(a), 310 CMR 7.06(1)(c)3.c., Operating Permit No. 4V08009, Approval No. 4B07008 and the Plan of Good Operating Practices, maintain smoke density indicator recorder records.
	3) In accordance with 310 CMR 7.06(1)(c)3.c., Operating Permit No. 4V08009, Approval No. 4B07008 and the Plan of Good Operating Practices, maintain all 40 CFR 60 Appendix A Method 9 records.
	4) In accordance with 310 CMR 7.06(1)(c)3.c., Operating Permit No. 4V08009, Approval No. 4B07008 and the Plan of Good Operating Practices, maintain a copy of the Plan of Good Operating Practices approved by the Department.
	5) In accordance with 310 CMR 7.06(1)(c)3.c., Operating Permit No. 4V08009, Approval No. 4B07008 and the Plan of Good Operating Practices, maintain a logbook or other permanent record that identifies the calendar date, start time, and end time for all smoke density indicator system calibrations.
	6) In accordance with 310 CMR 7.06(1)(c)3.c., Operating Permit No. 4V08009, Approval No. 4B07008 and the Plan of Good Operating Practices, maintain a logbook or other permanent record that identifies the calendar date, start time, and end time for any period of malfunction of the smoke density indicator, recorder and alarm system.
	7) In accordance with 310 CMR 7.06(1)(c)3.c., Operating Permit No. 4V08009, Approval No. 4B07008 and the Plan of Good Operating Practices, maintain a logbook or other permanent record that identifies the calendar date, start time, and end time for each Start-up, Shutdown, Soot Blowing and approved specified operating conditions event.
	8) In accordance with 310 CMR 7.06(1)(c)3.c., Operating Permit No. 4V08009, Approval No. 4B07008 and the Plan of Good Operating Practices, maintain a logbook or other permanent record that identifies the calendar date, start time, end time and a description of all maintenance performed on the smoke density indicator, recorder and audible alarm system.
	9) In accordance with 310 CMR 7.06(1)(c)3.c., Operating Permit No. 4V08009, Approval No. 4B07008 and the Plan of Good Operating Practices, maintain a logbook or other permanent record that identifies the calendar date, start time, end time and a description of the operating conditions for each event when the smoke density indicator, recorder and alarm system or Method 9 observations identifies that the opacity exceeded the level for the specific operating condition identified in Table A of Approval No. 4B07008.
	10) In accordance with 310 CMR 7.06(1)(c)3.c., Operating Permit No. 4V08009, Approval No. 4B07008 and the Plan of Good Operating Practices, maintain a copy of the certification of the qualified observer for each 40 CFR 60, Appendix A, Method 9 observation.
	11) In accordance with Operating Permit No. 4V08009 and Approval No. 4B07008, EMS CUP LLC's numeric data reduction system shall retain both raw one minute readings and six-minute block averages. These electronic files shall be kept on site for a period of at least five (5) years.
	12) In accordance with 310 CMR 7.06(1)(c), Operating Permit No. 4V08009 and Approval No. 4B07008, EMS CUP LLC shall keep records of calculations used if EMS CUP LLC exceeds 22 allowable six-minute block averages during a calendar quarter.
	13) In accordance with 310 CMR 7.06(1)(c), Operating Permit No. 4V08009 and Approval No. 4B07008, EMS CUP LLC shall keep records of end of calendar quarter calculations that verifies EMS CUP LLC's compliance status with the POGOP, as approved herein.
	14) In accordance with 310 CMR 7.04(2)(a) Operating Permit No. 4V08009 and Approval No. SM-75-032-CO, maintain the smoke density monitor recording charts.
	15) In accordance with 310 CMR 7.19(13)(c) and Operating Permit No. 4V08009, maintain all records of any stack testing required to demonstrate compliance with the emission limits/standards contained in Table 3.
	16) In accordance with 310 CMR 7.19(13)(d)3., Operating Permit No. 4V08009 and Approval No. 4B96076 record for each unit on a daily basis: the type fuel(s) burned each day, heat content of each fuel, the total heating value of the fuel consumed for each day, the actual emission rate (for emission units demonstrating compliance with CEMS), and the allowable emission rate for CO and NO <sub>x</sub> .



**Table 5**

EU#	RECORD KEEPING REQUIREMENTS
EU3 EU4 (cont)	17) In accordance with 310 CMR 7.19(13)(d)5., Operating Permit No. 4V08009 and Approval No. 4B96076 and, obtain a certification from the fuel supplier for each shipment of residual oil that includes the information identified in Table 4.
	18) In accordance with 310 CMR 7.19(13)(d)6., Operating Permit No. 4V08009 and Approval No. 4B96076, as an alternative to the fuel supplier certification required by 310 CMR 7.19(13)(d)5., maintain records of sampling and analyzing the residual oil prior to combustion for each new shipment according to methods approved by the Department.
	19) In accordance with 310 CMR 7.19(13)(d)7., Operating Permit No. 4V08009 and Approval No. 4B96076, maintain copies of all fuel supplier certifications or fuel analyses on site for five (5) years.
	20) In accordance with 310 CMR 7.19(13)(d)8., Operating Permit No. 4V08009 and Approval No. 4B96076, maintain all records required by 310 CMR 7.19(13)(d) in a permanently bound log book or any other form acceptable to the Department including computer retained and generated data.
	21) In accordance with 310 CMR 7.04(4)(a) and Operating Permit No. 4V08009, the results of the inspection, maintenance, testing, and the data upon which it was performed on the fuel utilization facility shall be recorded and posted conspicuously on or near the facility.
	22) In accordance with Approval No. 4B09017, EMS CUP, LLC, shall record the quantity of SUOF burned in EU3 and EU4 (combined) on a monthly and 12-month basis.
	23) In accordance with Approval No. 4B09017, Provisos C.2. and A.5., EMS CUP, LLC, shall demonstrate compliance with 310 CMR 7.05(8) by maintaining a shipping receipt from the fuel supplier for each shipment of SUOF delivered. The shipping receipt must certify that the shipment complies with Table 310 CMR 7.05(8) criteria, and the halogen content ( $\leq 1,000$ ppm) and sulfur content ( $\leq 0.5\%$ by weight) limits. MassDEP may require testing of the SUOF if the shipping receipt does not clearly demonstrate compliance.
	24) In accordance with Operating Permit No. 4V08009, for EU3 and EU4 (combined), EMS CUP, LLC, shall maintain records on a monthly basis and on a twelve month rolling period basis for fuel usage (MMBtu) total for No. 6 Fuel Oil, Natural Gas and SUOF to verify compliance contained herein in Table 3.
EU5 EU6	1) In accordance with 310 CMR 7.19(6)(b)2. and Operating Permit No. 4V08009, records of monthly verification of tune-up settings, records of the tune-up, including: date of tune-up; person(s) conducting tune-up; O <sub>2</sub> /smoke spot (for oil) correlations obtained during tune-up; boiler/burner manufacturer's recommended set-points; final boiler set points; normal boiler/burner maintenance records.
	2) In accordance with Approval No. 4B91070 and Operating Permit No. 4V08009, maintain records of No. 6 Fuel Oil and Natural Gas burned in EU5 and EU6 to verify Operating Permit No. 4V08009 Table 3 fuel usage and emission limits for EU5 and EU6 (combined total) are not exceeded.
	3) In accordance with 310 CMR 7.04(4)(a) and Operating Permit No. 4V08009, the results of the inspection, maintenance, testing, and the data upon which it was performed on the fuel utilization facility shall be recorded and posted conspicuously on or near the facility.
	4) In accordance with 40 CFR Part 60, Subpart Dc and Operating Permit No. 4V08009, maintain fuel oil supplier certifications demonstrating compliance with the sulfur limit identified in Table 3. Fuel certification shall include the following information: a) The name of the oil supplier; b) The location of the oil when the sample was drawn for analysis to determine the sulfur content of the oil, specifically including whether the oil was sampled as delivered or whether the sample was drawn from oil in storage at the oil supplier's or oil refiner's facility, or other location; c) The sulfur content of the oil which the shipment came (or of the shipment itself); and d) The method used to determine the sulfur content of the oil.

**Table 5**

EU#	RECORD KEEPING REQUIREMENTS
EU19	<p>1) In accordance with 310 CMR 7.02(8)(i)3. and Operating Permit No. 4V08009, maintain the following records on-site:</p> <ul style="list-style-type: none"> <li>a) Information on equipment type, make and model, and maximum power input/output; and</li> <li>b) A monthly log of hours of operation, gallons of fuel used, fuel type and heating value, and a monthly calculation of the total hours operated and gallons of fuel used in the previous 12 months; and</li> <li>c) Purchase orders, invoices, and other documents to support information in the monthly log.</li> </ul> <p>2) In accordance with 310 CMR 7.02(8)(i)4. and Operating Permit No. 4V08009 monthly log(s) and records established under 310 CMR 7.02(8)(i)3. shall be made available to the Department or its designee upon request. The owner or operator shall certify that the log is accurate and true in accordance with 310 CMR 7.01(2).</p>
Facility Wide	<p>1) In accordance with 310 CMR 7.00: Appendix C(9)(d) and Operating Permit No. 4V08009, maintain records of visible emissions (Smoke and/or Opacity) determined in accordance with EPA Test Method 9, as specified in 40 CFR Part 60, Appendix A.</p> <p>2) In accordance with Operating Permit No. 4V08009, maintain records for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</p> <p>3) In accordance with Operating Permit No. 4V08009, keep copies of Source Registration/Emission Statement Forms submitted annually to MassDEP as required per 310 CMR 7.12(3)(b).</p> <p>4) In accordance with 310 CMR 7.00: Appendix C(9)(b)2. and Operating Permit No. 4V08009, maintain records on site of the fuel purchase receipts in order to demonstrate compliance with the fuel sulfur content requirement as provided in Operating Permit No. 4V08009 and 310 CMR 7.05(1).</p> <p>5) In accordance with 310 CMR 7.00: Appendix C(10)(b), Operating Permit No. 4V08009 and Approval No. 4B09017, EMS CUP, LLC, shall maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application. Supporting information includes, at a minimum, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the operating permit, and any other information required to interpret the monitoring data.</p> <p>6) In accordance with 310 CMR 7.00: Appendix C(10) and Operating Permit No. 4V08009, EMS CUP, LLC, shall maintain records on a monthly basis and on a twelve month rolling period basis, to demonstrate compliance for all restrictions and emission limits contained herein in Table 3.</p> <p>7) In accordance with Approval No. 4B09017, EMS CUP, LLC, shall maintain detailed records on a monthly and consecutive twelve (12) months period basis. The recordkeeping log/system, including any other credible evidence, shall document and demonstrate the compliance status of the facility with respect to the provisions contained therein, including but not limited to emission, production, and operational limits. This log shall be made available to U.S. EPA and/or MassDEP personnel upon request.</p> <p>8) In accordance with Operating Permit No. 4V08009, EMS CUP, LLC, shall maintain the test results of any stack testing performed in accordance with 310 CMR 7.13(1) or of any other testing or testing methodology required by MassDEP or U.S. EPA.</p> <p>9) In accordance with 310 CMR 7.71(6) b. and c., retain at the facility for five years and make available to MassDEP upon request, copies of the documentation of the methodology and data used to quantify emissions.          (State Only Requirement)</p>

**Table 6**

EU#	REPORTING REQUIREMENTS
EU3 EU4	<p>1) In accordance with 310 CMR 7.06(1)(c)3.c., 310 CMR 7.06(1)(c)4. Operating Permit No. 4V08009 and Approval No. 4B07008, notify the Department of any 40 CFR 60, Appendix A, Method 9 test results that indicate the percent opacity to be in excess of that defined in Table A of Approval No. 4B07008. The notice shall be given, by telephone or fax, within three business days. Within ten business days the Permittee shall submit: a copy of the Method 9 data sheet(s), copy of smoke density indicator records, an explanation for the elevated opacity, and any proposed revisions to the Plan of Good Operating Practices which will be implemented so as to prevent a recurrence of said exceedance in the future.</p> <p>2) In accordance with, 310 CMR 7.06(1)(c), Approval No. 4B07008 and Operating Permit No. 4V08009, Section 25, EMS CUP LLC shall report if during a calendar quarter either unit has exceeded 22 six-minute block average excursions, in advance of calculating within three days at the end of the calendar quarter.</p> <p>3) In accordance with 310 CMR 7.06(1)(c), Approval No. 4B07008 and Operating Permit No. 4V08009, Section 25, EMS CUP LLC shall notify within three days at the end of the calendar quarter and report within ten days, any excursion(s) that exceed the allowable number per calendar quarter.</p> <p>Use equation from the approved POGOP Application No. 4B07008 submitted revisions, dated February 12, 2008:  <math>(\text{Hours of each boiler operation}) \times (10 \text{ six-minute blocks / hour}) \times (0.1\%) =</math>            Maximum number of allowable six-minute block averages in the 27 to 60% opacity range.</p> <p>Note: 0.1% represents one-tenth of one percent of unit operating time.</p>
	<p>4) In accordance with 310 CMR 7.19(13)(d)9., Operating Permit No. 4V08009 and Approval No. 4B96076, submit compliance records within ten (10) days of written request by the MassDEP or EPA.</p> <p>5) In accordance with 310 CMR 7.19(13)(c), Operating Permit No. 4V08009 and Approval No. 4B96076 upon request from the Department, perform stack testing to demonstrate compliance with the emission limits/standards contained in Table 3 and shall:</p> <p>a) submit the emission test report for the review and written Department approval within 60 days of the completion of the compliance stack testing.</p>
EU5 EU6	<p>1) In accordance with 40 CFR Part 60.48c(d) and Operating Permit No. 4V08009, submit semi-annual reports as per 40 CFR Part 60.48c(j) to the EPA and MassDEP. Each semi-annual report shall be postmarked by the 30<sup>th</sup> day following the end of the reporting period.</p> <p>2) In accordance with 40 CFR 60.48c(e) and Operating Permit No. 4V08009, submit semi-annual reports as per 40 CFR Part 60.48c(j), as required under paragraph (d) of § 60.48c, including information, as applicable, contained in § 60.48c(e)(1) through (11).</p> <p>3) In accordance with 40 CFR 60.48c(e)(11) and Operating Permit No. 4V08009, if fuel supplier certification is used to demonstrate compliance, the semi-annual report shall include a certified statement signed by the owner or operator of the affected facility that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.</p> <p>4) In accordance with 310 CMR 7.19(13)(d)9. and Operating Permit No. 4V08009, submit compliance records within ten (10) days of written request by the MassDEP or EPA.</p>
EU3 EU4 EU5 EU6 EU19	<p>1) In accordance with 310 CMR 7.00: Appendix C(10)(c) and Operating Permit No. 4V08009 submit by January 30 and July 30 for the previous six months respectively, a summary of all monitoring data and related supporting information to the MassDEP.</p> <p>2) In accordance with 310 CMR 7.00: Appendix C(10)(c) and Operating Permit No. 4V08009 submit Annual Compliance report to the MassDEP and EPA by January 30 of each year and as required by General Condition 10 of this Operating Permit.</p> <p>3) In accordance with 310 CMR 7.00: Appendix C (10)(f) and Operating Permit No. 4V08009 the Permittee shall promptly report to the Department all instances of deviations from permit requirements. This report shall include the deviation itself, including those attributable to upset conditions as defined in the permit, the probable cause of the deviation, and any corrective actions or preventative measures taken. (See General Condition 25 Permit Deviation)</p>

**Table 6**

EU#	REPORTING REQUIREMENTS
EU3 EU4 EU5 EU6 EU19 (cont)	<p>4) In accordance with 310 CMR 7.00: Appendix C(10)(a) and Operating Permit No. 4V08009 upon the Department's request, any record relevant to the operating permit or to the emissions of any air contaminant from the facility shall be submitted to the Department within 30 days of the request by the Department or within a longer time period, if approved in writing by the Department, and shall be transmitted on paper, on computer disk, or electronically at the discretion of the Department.</p> <p>5) In accordance with Operating Permit No. 4V08009, all required reports must be certified by a responsible official as provided in 310 CMR 7.00: Appendix C(10)(h).</p> <p>6) In accordance with 310 CMR 7.13(1)(d) and Operating Permit No. 4V08009, submit the test results of any testing required by the MassDEP.</p> <p>7) In accordance with Operating Permit No. 4V08009, submit a Source Registration/Emission Statement Form to the MassDEP on an annual basis as required by 310 CMR 7.12.</p> <p>8) In accordance with Operating Permit No. 4V08009 and 310 CMR 7.05(1), submit fuel sulfur content test results, obtained from the fuel supplier, to the Department upon request.</p>
Facility Wide	<p>1) In accordance with Approval No. 4B09017, if future compliance tests are required, a test results report shall be submitted to this office within 30 days after the completion of any required compliance testing.</p> <p>2) In accordance with 310 CMR 7.71(5), by April 15<sup>th</sup>, 2010 and April 15<sup>th</sup> of each year thereafter report emissions of greenhouse gases from stationary emissions sources including, but not limited to, emissions from factory stacks, manufacturing processes and vents, fugitive emissions, and other process emissions; and owned or leased motor vehicles when stationary source greenhouse gas emissions are greater than 5,000 short tons CO<sub>2</sub>e. Report greenhouse gas emissions electronically in a format that can be accommodated by the registry. (State Only Requirement)</p> <p>3) In accordance with 310 CMR 7.71(6), certify greenhouse gas emissions reports using a form provided by MassDEP or the registry. (State Only Requirement)</p> <p>4) In accordance with 310 CMR 7.71(7), by December 31<sup>st</sup> of the applicable year submit to MassDEP documentation of triennial verification of the greenhouse gas emissions report. (State Only Requirement)</p> <p>5) All EMS CUP, LLC's notification and reporting requirements contained herein and in accordance with Section No. 25 of this Operating Permit, shall be sent directly to:</p> <p style="margin-left: 40px;">Department of Environmental Protection        Bureau of Waste Prevention        Southeast Regional Office        20 Riverside Drive        Lakeville, MA 02347</p> <p style="margin-left: 40px;">ATTN: Permit Section, Chief</p> <p style="margin-left: 40px;">Telephone: (508) 946-2770        Fax: (508) 947-6557        (508) 946-2865</p>

**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>	
REGULATION	DESCRIPTION
310 CMR 7.16	Reduction of Single Occupant Commuter Vehicle Use
40 CFR Part 64	Compliance Assurance Monitoring
42 U.S.C. 7401, §112(r)	Prevention of Accidental Releases
42 U.S.C. 7401, §601	Stratospheric Ozone

**5. SPECIAL TERMS AND CONDITIONS**

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

- a) Pursuant to Approval No. 4B91070, EU3 and EU4 shall continue to emit through Stack 2, which has the following parameters:

Stack Height	82 feet
Stack Inside Exit Diameter	60 inches
Stack Material	Steel

- b) Pursuant to Approval No. 4B91070, EU5 and EU6 shall continue to emit through Stack 10, which has the following parameters:

Stack Height	82 feet
Stack Inside Exit Diameter	42 inches
Stack Material	Steel

- c) Pursuant to Approval No. 4B91070, access for determining combustion efficiency for EU3, EU4, EU5 and EU6 shall be provided in the future if deemed necessary.

- d) Pursuant to Approval No. 4B91070, should a nuisance condition occur due to the operation of the approved boilers appropriate steps shall be immediately taken to abate the nuisance condition.

- e) Pursuant to Approval No. 4B09017, authorization is established for EMS CUP, LLC, to introduce SUOF to two (2) existing boilers, specifically EU3 and EU4. The facility and equipment shall be operated in strict accordance with NMCPA No. 4B09017 approved therein.

- f) Pursuant to Approval No. 4B09017, all SUOF shall be managed in accordance with MassDEP’s Hazardous Waste Regulations contained in 310 CMR 30.000, including any hazardous waste recycling permits issued in accordance with the Regulations.

g) Pursuant to Approval No. 4B09017, EMS CUP, LLC, shall limit the use of No. 6 Fuel Oil, Natural Gas, and SUOF, in EU3 and EU4 (combined), as follows:

- a. 85,732 MMBtu per month.
- b. 976,600 MMBtu per consecutive 12-month period.

(h) Pursuant to Approval No. 4B09017, each emission unit, as approved therein, shall be operated in accordance with the manufacturer's Standard Operating and Maintenance Procedures (SOMP).

## **6. ALTERNATIVE OPERATING SCENARIOS**

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

## **7. EMISSIONS TRADING**

(a) Intra-facility emission trading

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

(b) Inter-facility emission trading

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

## **8. COMPLIANCE SCHEDULE**

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

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

## GENERAL CONDITIONS FOR OPERATING PERMIT

### 9. FEES

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

### 10. COMPLIANCE CERTIFICATION

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

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

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

#### (a) Annual Compliance Report and Certification

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

The compliance certification and report shall describe:

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

#### (b) Semi-Annual Monitoring Summary Report and Certification

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

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the

- monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by the MassDEP to determine the compliance status of the source.

## **11. NONCOMPLIANCE**

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

## **12. PERMIT SHIELD**

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

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

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

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

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

## **13. ENFORCEMENT**

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



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

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

#### **14. PERMIT TERM**

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

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

#### **15. PERMIT RENEWAL**

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

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

#### **16. REOPENING FOR CAUSE**

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

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

#### **17. DUTY TO PROVIDE INFORMATION**

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

#### **18. DUTY TO SUPPLEMENT**

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to

address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

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

## **19. TRANSFER OF OWNERSHIP OR OPERATION**

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

## **20. PROPERTY RIGHTS**

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

## **21. INSPECTION AND ENTRY**

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

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

## **22. PERMIT AVAILABILITY**

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

## **23. SEVERABILITY CLAUSE**

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

## **24. EMERGENCY CONDITIONS**

The Permittee shall be shielded from enforcement action brought for noncompliance with technology 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 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 supercede the following deviation reporting requirements, if applicable.

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

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

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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.

for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the permittee via 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 Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

## 26. OPERATIONAL FLEXIBILITY

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

## 27. MODIFICATIONS

(a) Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).

(b) Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).

(c) Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).

(d) No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

## **28. OZONE DEPLETING SUBSTANCES**

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

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

sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.

- E. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, "Significant New Alternatives Policy Program".

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

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

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

### 30. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT

\*Not all abbreviations are present in every Operating Permit

EU - Emission Unit

OP - Operating Permit

< - Less Than

≤ - Less Than or Equal To

> - Greater Than

≥ - Greater than or Equal To

= - Equals

AOS - Alternative Operating Scenario

AQCR - Air Quality Control Region

CEM - Continuous Emission Monitor

FMF FAC. NO. - Facility Master File Number

FMF RO NO. - Facility Master File Regulated Object Number

PLT ID - Plant Identification

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

FT<sup>3</sup> - Cubic Feet

10<sup>6</sup> BTU/hr - 1,000,000 BTU Per Hour

HHV - Higher Heating Value

lb/MMBtu - pounds per million British Thermal Units

MMBtu/hr - Million British Thermal Units Per Hour

lb/hr - Pounds Per Hour

PPM - Parts Per Million

PTE - Potential To Emit

12 MRP - a Twelve Month Rolling Period of Time

NO<sub>x</sub> - Nitrogen Oxides

CO - Carbon Monoxide

Pb - Lead

PM - Particulate Matter

PM<sub>10</sub> = Particulate Matter less than 10 microns in aerodynamic diameter

SO<sub>2</sub> - Sulfur Dioxide

VOC - Volatile Organic Compound

S in Fuel - Sulfur in Fuel

N/A - Not Applicable

EPA - U.S. Environmental Protection Agency

MassDEP or Department - Massachusetts Department of Environmental Protection

SERO - Southeast Regional Office of MassDEP

BWP - Bureau of Waste Prevention of SERO

SUOF – Specification Used Oil Fuel

ULSD – Ultra Low Sulfur Diesel

HAP(s) – Hazardous Air Pollutant(s)

## 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.