



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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FINAL AIR QUALITY OPERATING PERMIT

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

ISSUED TO ["the Permittee"]:

Boston Ship Repair, LLC
32A Drydock Avenue
Boston, Massachusetts 02210

INFORMATION RELIED UPON:

Application No. MBR-10-OPP-001R
Transmittal No. X271732

FACILITY LOCATION:

Same

FACILITY IDENTIFYING NUMBERS:

AQ ID: 1191435
FMF FAC NO.: 281501
FMF RO NO.: 287210

NATURE OF BUSINESS:

Ship Repair and Maintenance

Standard Industrial Classification (SIC):

3731

North American Industrial Classification System

(NAICS): 336611

RESPONSIBLE OFFICIAL:

Name: Edward Snyder
Title: President and CEO

FACILITY CONTACT PERSON:

Name: Phil Giles
Title: EHS Manager
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This Operating Permit shall expire on June 5, 2024

For MassDEP

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.

Permit Chief, Bureau of Air and Waste

June 5, 2019

Date

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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TABLE OF CONTENTS

Section	Special Conditions for Operating Permit	Page No.
1	Permitted Activities and Description of Facility and Operations	3
2	Emission Unit Identification – Table 1	4
3	Identification of Exempt Activities – Table 2	5
4	Applicable Requirements	
	A. Operational and/or Production Emission Limits and Restrictions – Table 3	6
	B. Compliance Demonstration	
	- Monitoring and Testing Requirements – Table 4	12
	- Record Keeping Requirements - Table 5	13
	- Reporting Requirements – Table 6	16
	C. General Applicable Requirements	17
	D. Requirements Not Currently Applicable -Table 7	17
5	Special Terms and Conditions – Table 8	18
6	Alternative Operating Scenarios – Table 9	19
7	Emissions Trading – Table 10	19
8	Compliance Schedule	19
Section	General Conditions for Operating Permit	
9	Fees	21
10	Compliance Certification	21
11	Noncompliance	22
12	Permit Shield	22
13	Enforcement	23
14	Permit Term	23
15	Permit Renewal	23
16	Reopening for Cause	23
17	Duty to Provide Information	24
18	Duty to Supplement	24
19	Transfer of Ownership or Operation	24
20	Property Rights	24
21	Inspection and Entry	24
22	Permit Availability	25
23	Severability Clause	25
24	Emergency Conditions	25
25	Permit Deviation	26
26	Operational Flexibility	27
27	Modifications	27
28	Ozone Depleting Substances	27
29	Prevention of Accidental Releases	29
Section	Appeal Conditions for Operating Permit	29

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

Boston Ship Repair (“the Permittee”) is a major source of Volatile Organic Compounds (VOC), and Hazardous Air Pollutants (HAP), and a non-major source of Oxides of Nitrogen (NO_x), Sulfur Dioxide (SO₂), Carbon Monoxide (CO), and Particulate Matter (PM). The Permittee repairs and modifies sea going vessels. The majority of VOC and HAP are emitted from paint application and clean-up solutions and PM are emitted as particles of grit and/or paint from abrasive blasting, as well as paint overspray. Two diesel engines for starting and running the main dewatering pumps emit NO_x, SO₂, PM and CO.

Once a vessel is docked, a dewatering pump capable of pumping 105,000 gallons per minute empties the dry dock. All vessel repairs, which occasionally require abrasive blasting and painting, are accomplished while the vessel is docked in the dry dock. Paint application is accomplished manually with spray guns, brushes, and rollers. Abrasive blasting and/or spray-painting is confined to the lower parts of the ship/dry dock underneath baffle curtains in order to capture particles of grit/paint from abrasive blasting and paint particulates from overspray. The Permittee minimizes air emissions by utilizing brush and/or roller paint application methods, water pressure vacuum sweeping/blasting, and water-based paints in lieu of spray painting, abrasive blasting, and solvent-based paints, whenever possible.

Emission Unit EU1 is all abrasive blasting operations conducted by the Permittee. Ultra High Pressure (UHP) washing with water jets is also used as an alternative, where allowed by contracts, to eliminate PM emissions from surface preparation operations. EU2 is all painting operations. EU1 and EU2 are subject to the requirements of Approval No. MBR-08-IND-004. EU2 is also subject to the requirements of National Emission Standards for Hazardous Air Pollutants (NESHAP) for Shipbuilding and Ship Repair (Surface Coating) Operations under Title 40 CFR Part 63 Subpart II. EU3, an engine/generator set, is subject to the requirements of Approval No. MBR-97-COM-019. EU3 and EU4 are Stationary Compression Ignition Reciprocating Internal Combustion Engines (CI RICE) subject to the requirements of 40 CFR Part 63 Subpart ZZZZ (NESHAP for Stationary Reciprocating Internal Combustion Engines). Due to their installation dates, however, EU3 and EU4 are not subject to the requirements of 40 CFR Part 60, Subpart IIII, Standards of Performance for Stationary CI RICE. EU5, a degreaser, is subject to the requirements of 310 CMR 7.03(8) and 310 CMR 7.18(8)(a), Reasonably Available Control Technology (RACT) for the VOC emissions from Cold Cleaning Degreasing.

Compliance Assurance Monitoring (CAM) does not apply to the Permittee since EU1 and EU2 have potential pre-control PM emissions less than major. EU5 currently does not use any air pollution control device. The Permittee installed CO catalyst control devices for EU3 and EU4 to comply with 63 Subpart ZZZZ in March 2013. EU3 and EU4 are not subject to CAM because they are subject to rules proposed after November 15, 1990 pursuant to 40 CFR 64.2(b)(1)(i).

Initial performance stack testing for EU3 and EU4 was conducted on June 5, 2013, for CO emissions and O2, using ASTM reference methods, in accordance with 40 CFR 63.6610(a), Subpart ZZZZ, Table 4. Subsequent performance stack test for EU3 shall be conducted every 8670 hours or every three years, whichever comes first.

2. EMISSION UNIT IDENTIFICATION

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

Table 1			
EU	Description of EU	EU Design Capacity	Pollution Control Device (PCD)
EU1	Abrasive Blasting and Ultra High Pressure (UHP) Power Washing Compressors and Nozzles	3,000 tons per year of abrasive	Baffle curtains during abrasive blasting (PCD1)
EU2	Titan Model LX-80, or equivalent, Airless Paint Spray Guns (Four), and Paint Rollers	38,000 gallons per year of Paints & Thinner	Baffle curtains (PCD1)
EU3	Caterpillar Model 3512 BDITA Engine	13.2 MMBtu/hr	CO catalyst (PCD2)
EU4	Caterpillar Model 3306 Engine	2.42 MMBtu/hr	CO catalyst (PCD3)
EU5	Safety-Kleen Model 34 Cold Cleaning Degreaser	1200 pounds per year of solvent	None

Table 1 Key

EU = Emission Unit
 MMBtu/hr = million British thermal units per hour
 CO = Carbon Monoxide

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):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the Permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the 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 3					
EU	Operational and/or Production Limits	Fuel/Raw Materials	Pollutant	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
EU1	NA	Abrasive Material or Water	PM10	PCD1-Baffle curtain 90.0% overall control efficiency by weight during abrasive blasting. 0.69 lb/1000 lb of abrasive	MBR-08-IND-004
EU2	NA	Coatings and Thinners	PM10	PCD1-Baffle curtain 90.0% overall control efficiency by weight.	MBR-08-IND-004,
		Coating Categories		grams/liter of coating (minus water and exempt compounds)	40 CFR Part 63 Subpart II
		<u>General Use</u>		340	§63.783(a) §63.783(b)(1)-(2) §63.785(a)(1) §63.785(c)(2)(ii)
		<u>Specialty</u>			
		Air Flask		340	
		Antenna		530	
		Antifoulant		400	
		Heat Resistant		420	
		High-gloss		420	
		High-temperature		500	
		Inorganic Zinc High-build		340	
		Military Exterior		340	
		Mist		610	
		Navigational Aids		550	
		Nonskid		340	
		Nuclear		420	
		Organic Zinc		360	
		Pretreatment Wash Primer		780	
		Repair and Maintenance of Thermoplastics		550	
		Rubber Camouflage		340	
Sealant for Thermal Spray Aluminum		610			
Special Marking		490			
Specialty Interior		340			
Tack Coat		610			
Undersea Weapons Systems		340			
Weld-through Precon. Primer		650			

Table 3					
EU	Operational and/or Production Limits	Fuel/Raw Materials	Pollutant	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
EU2	temperature ≥4.5 degrees Centigrade	Coating Categories <u>General Use</u> <u>Specialty</u> Air Flask Antenna Antifoulant Heat Resistant High-gloss High-temperature Inorganic Zinc High-build Military Exterior Mist Navigational Aids Nonskid Nuclear Organic Zinc Pretreatment Wash Primer Repair and Maintenance of Thermoplastics Rubber Camouflage Sealant for Thermal Spray Aluminum Special Marking Specialty Interior Tack Coat Undersea Weapons Systems Weld-through Precon. Primer	VOC ^{a, b, c}	grams/liter of solids 571 571 1,439 765 841 841 1,237 571 571 2,235 1,597 571 841 630 11,095 1,597 571 2,235 1,178 571 2,235 571 2,885	MBR-08-IND-004, 40 CFR Part 63 Subpart II §63.783(a) §63.783(b)(1)-(2) §63.785(a)(1) §63.785(c)(2)(ii)
	temperature < 4.5 degrees Centigrade ^d	Coating Categories <u>General Use</u> <u>Specialty</u> Air Flask Antenna Antifoulant Heat Resistant High-gloss High-temperature Inorganic Zinc High-build Military Exterior Mist Navigational Aids	VOC ^{a, b, c}	grams/liter of solids 728 728 971 1,069 1,069 1,597 728 728	MBR-08-IND-004, 40 CFR Part 63 Subpart II §63.783(a) §63.783(b)(1)-(2) §63.785(a)(1) §63.785(c)(2)(ii)

Table 3					
EU	Operational and/or Production Limits	Fuel/Raw Materials	Pollutant	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
EU2	temperature < 4.5 degrees Centigrade ^d	Nonskid Nuclear Organic Zinc Pretreatment Wash Primer Repair and Maintenance of Thermoplastics Rubber Camouflage Sealant for Thermal Spray Aluminum Special Marking Specialty Interior Tack Coat Undersea Weapons Systems Weld-through Precon. Primer	VOC ^{a, b, c}	grams/liter of solids 728 1,069 802 728 728 728	MBR-08-IND-004, 40 CFR Part 63 Subpart II §63.783(a) §63.783(b)(1)-(2) §63.785(a)(1) §63.785(c)(2)(ii)
EU3	≤150 hours per month ≤300 hours per rolling 12-month period (including all maintenance and emergency usage)	ULSD ≤ 0.0015% S by weight	VOC CO* NO _x SO ₂ TSP	1.16 lb/hr 0.28 g/bhp-hr 0.09 tpm 0.18 tpy 6.31 lb/hr 1.55 g/bhp-hr 0.47 tpm 0.95 tpy 25.1 lb/hr 6.16 g/bhp-hr 1.88 tpm 3.77 tpy 0.73 lb/hr 0.18 g/bhp-hr 0.05 tpm 0.11 tpy 0.54 lb/hr 0.13 g/bhp-hr 0.04 tpm 0.08 tpy	MBR-97-COM-019 MBR-08-IND-004 (for S content in fuel)

Table 3					
EU	Operational and/or Production Limits	Fuel/Raw Materials	Pollutant	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
EU3	At 100±10% load, the pressure drop across CO catalyst cannot change by more than 2 inches of water relative to the pressure drop measured during the initial performance test CO catalyst inlet temperature ≥ 450 °F and ≤ 1350 °F	ULSD ≤ 0.0015% S by weight	CO	23 ppmvd or less at 15% O ₂ or reduce CO by 70% or more, except during periods of startup.	40 CFR Part 63 Subpart ZZZZ, Table 2b and Table 2c
EU4	NA	ULSD ≤ 0.0015% S by weight	CO	49 ppmvd or less at 15% O ₂ or reduce CO by 70% or more, except during periods of startup.	40 CFR 63 Subpart ZZZZ, Table 2c MBR-08-IND-004 (for S content in fuel)
EU5	Solvent consumption rate < 100 gallons per month	Safety-Kleen Premium GoldSol or equivalent	VOC	Solvent vapor pressure ≤ 1 mm Hg at 20 °C.	310 CMR 7.03(8), 310 CMR 7.18(8)(a)
EU1, EU2	NA	NA	Opacity	≤ 20 percent, except > 20 to ≤ 40 percent for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b)
EU3, EU4	NA	NA	Smoke	< No. 1 of Chart ^e , except No. 1 to < No. 2 of Chart for ≤ 6 minutes during any one hour	310 CMR 7.06(1)(a)
EU3, EU4	NA	NA	Opacity	≤ 20 percent, except > 20 to ≤ 40 percent for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b)
Facility-wide	NA	NA	VOC (including HAP)	16.1 tpm 57.0 tpy	MBR-08-IND-004

Table 3					
EU	Operational and/or Production Limits	Fuel/Raw Materials	Pollutant	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
Facility-wide	NA	NA	Single HAP	6.6 tpm 27.0 tpy	MBR-08-IND-004
			Total HAP	8.1 tpm 33.0 tpy	
			PM ^f	2.3 tpm 8.0 tpy	

Table 3 Notes:

- a.** The limits are expressed in two sets of equivalent units. Either grams per liter of coating (g/L) or grams per liter of solids (g/L), may be used to demonstrate compliance.
- b.** To convert from g/L to lb/gal, multiply by (3.785 L/gal) (1 lb/453.6 g) or 1/120. For compliance purposes, metric units define the standards. VOC does include exempt compounds listed as HAP.
- c.** VOC limits expressed in units of mass of VOC per volume of solids were derived from the VOC limits expressed in units of mass of VOC per volume of coating assuming the coatings contain no water or exempt compounds and that the volumes of all components within a coating are additive. VOC does include exempt compounds listed as HAP.
- d.** These limits apply during cold-weather time periods (i.e. temperatures below 4.5 Degrees Centigrade). Cold-weather allowances are not given to coatings in categories that permit less than 40 percent solids (nonvolatile) content by volume. Such coatings are subject to the same limits regardless of weather conditions.
- e.** 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 Information Circular No. 8333, or any smoke inspection guide approved by MassDEP.
- f.** Includes PM emissions from abrasive blasting and spray painting operations conducted only underneath the baffle curtains, which are expected to have a PM capture efficiency of approximately 90 percent. PM emissions from abrasive blasting are estimated to be 0.69 pounds per 1000 pounds of abrasive used (see “AP42, Fifth Edition, Volume 1, Chapter 13: Miscellaneous Sources, Section 13.2.6 Abrasive Blasting”).
- g.** CO* values in Table 3 are superseded by Operating Permit MBR-10-OPP-001R.

Table 3 Key:

EU#	= Emission Unit Number
%	= Percent
No.	= Number
lb/MMBtu	= pounds per million British thermal units
lb/hr	= pounds per hour
tpm	= tons per month
tpy	= tons per rolling 12-month period
g/bhp-hr	= grams per brake horse-power-hour
ppmvd	= parts per million, dry volume basis
°F	= degrees Fahrenheit
°C	= degrees Centigrade
O ₂	= Oxygen
NO _x	= Nitrogen Oxides
CO	= Carbon Monoxide
VOC	= Volatile Organic Compounds
HAP	= Hazardous Air Pollutants
SO ₂	= Sulfur Dioxide
PM10	= Particulate Matter less than or equal to 10 microns in diameter
TSP	= Total Suspended Particulate
ULSD	= Ultra Low Sulfur Diesel
S	= Sulfur
mm	= millimeter
Hg	= mercury
NA	= Not Applicable
<	= less than
>	= greater than
≤	= less than or equal to
≥	= greater than or equal to
CMR	= Code of Massachusetts Regulation
CFR	= Code of Federal Regulation
L/gal	= Liter per gallons
g/L	= grams per liter of solids

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:

Table 4	
EU	Monitoring and Testing Requirements
EU1	1. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., monitor unit operations, as necessary, to ensure continuous compliance with PM emission limits.
EU1, EU2	2. In accordance with Approval MBR-08-IND-004, Special Condition No. 1, the Permittee shall monitor emissions so as to not exceed the facility-wide VOC, HAP, and PM emission limits as listed in Table 3 above. Where a coating or other material in use at the Permittee contains a range in the concentration of a chemical compound that will be either released or participate in chemical reactions to form a compound that will be released as an air pollutant or air pollutants, the calculation to determine air emissions from EU1 and EU2 shall be based on the highest concentration of that chemical compound for the applicable coating or material of use.
EU2	3. The Permittee shall demonstrate compliance with all monitoring and testing requirements contained in 40 CFR 63 Subpart II (Shipbuilding MACT) §63.785(a)(2), (b)(1)-(3), (d); §63.785 (c)(2)(i), (c)(2)(iii)-(vi); and §63.786(a), (c), (d).
EU3	4. In accordance with Approval MBR-97-COM-019, Condition No. 5, monitor the hours of operation so that the emission limits for the unit shall not exceed those contained in Table 3 at the maximum firing rate. The ability of the equipment to maintain emission rates at or below the required levels must be demonstrated when and if, in the opinion of MassDEP, such is deemed necessary.
	5. In accordance with Approval MBR-97-COM-019, Condition No. 8, monitor the actual hours of operation via the unit's non-resettable hour totalizer. This totalizer shall be maintained in proper working order at all times.
	6. In accordance with 40 CFR 63.6615, Subpart ZZZZ, Table 3, No. 4, conduct subsequent performance tests every 8760 operating hours or every three years, whichever comes first.
	7. In accordance with 40 CFR 63.6625, Subpart ZZZZ, Table 5, No. 1, install a continuous parameter monitoring system (CPMS) meeting the requirements of 40 CFR 63.6625(b) to continuously monitor catalyst inlet temperature.
	8. In accordance with 40 CFR Part 63, Subpart ZZZZ, Table 6, Item 10 and 63.6625(b), the Permittee shall comply with site specific monitoring plan.
EU3, EU4	9. In accordance with Approval MBR-08-IND-004, Special Condition No. 13, the Permittee shall monitor fuel oil purchases such that only fuel oil containing no greater than 0.0015 percent by weight sulfur is purchased for use in each unit.
	10. In accordance with 310 CMR 7.00: Appendix C(9)(b)2, monitor sulfur content of each new shipment of fuel oil received. Sulfur content of the fuel can be demonstrated through fuel analysis. The analysis of sulfur content of the fuel shall be in accordance with the applicable ASTM test methods or any other method approved by the MassDEP and USEPA. Fuel sulfur information may be provided by fuel suppliers.
	11. In accordance with 40 CFR Part 63, Subpart ZZZZ, Table 4, No. 1, using portable analyzers and/or stack testing equipment for CO and O2 analysis, measure the O2 at the inlet and outlet of the CO catalyst control device, using test method ASTM D6522-00 (2005). Measurements to determine O2 and CO must be made during initial and subsequent performance testing.
	12. In accordance with 40 CFR Part 63, Subpart ZZZZ, Table 4, No. 1, using portable analyzers and/or stack testing equipment for CO and O2 analysis, measure the CO at the inlet and outlet of the CO catalyst control device, using test method ASTM D6522-00 (2005) or Method 10 of 40 CFR Appendix A. The CO concentration must be corrected to 15% O2, dry basis.

Table 4	
EU	Monitoring and Testing Requirements
EU5	13. The Permittee shall comply with all monitoring requirements contained in 310 CMR 7.03(8) and 310 CMR 7.18(8)(h).
Facility-wide	14. In accordance with 310 CMR 7.71(1) and Appendix C(9) establish and maintain data systems or monitoring practices (e.g. fuel use records, SF6 usage documentation, Continuous Emissions Monitoring Systems, as applicable) 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)
	15. The Permittee shall monitor Facility operations so that deviations from Plan Approval requirements can be reported to MassDEP
	16. The Permittee shall monitor Facility operations such that emissions may be calculated as required for compliance with 310 CMR 7.12 for annual Source Registration Statement Form.
	17. In accordance with 310 CMR 7.13(1), any person owning, leasing, operating or controlling a facility for which the MassDEP has determined that emissions compliance testing is necessary to ascertain compliance with the MassDEP’s regulations or design Approval provisos shall cause such emissions compliance test: <ul style="list-style-type: none"> - to be conducted by a person knowledgeable in emissions compliance testing. - to be conducted in accordance with procedures contained in a test protocol which has been approved by the MassDEP, and - to be conducted in presence of a representative of the MassDEP when such is deemed necessary Pursuant to the MassDEP's authority through 310 CMR 7.00: Appendix C (9)(b) 2., conduct any other testing or testing methodology if and when requested by the MassDEP or USEPA

Table 4 Key:

- | | |
|---|---|
| <p>EU# = Emission Unit Number
 O₂ = Oxygen
 CO = Carbon Monoxide
 VOC = Volatile Organic Compounds
 HAP = Hazardous Air Pollutants
 % = Percentage</p> | <p>CMR = Code of Massachusetts Regulations
 CFR = Code of Federal Regulations
 MACT = Maximum Achievable Control Technology
 ASTM = American Society for Testing Materials
 PM= Particulate Matter
 USEPA = United States Environmental Protection Agency</p> |
|---|---|

Table 5	
EU	Record keeping Requirements
EU1, EU2	1. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., record unit parameters, as necessary, to ensure continuous compliance with VOC, HAP and PM emission limits.
EU2	2. In accordance with Approval MBR-08-IND-004, Special Condition No. 6 and Table 3 of this Operating Permit, the Permittee shall maintain comprehensive records to demonstrate continuous compliance with the VOC emission limits contained therein.
	3. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2, the Permittee shall maintain records showing that all coatings used at the facility are included in one of the categories of coatings listed in, and comply with the limitations contained in, Table 3 of this Permit.
	4. The Permittee shall demonstrate compliance with all record keeping requirements contained in §63.788(a), (b)(2), (b)(3)(ii); and §63.788(b)(4).

Table 5	
EU	Record keeping Requirements
EU3	5. The Permittee shall meet the requirements of continuous compliance demonstration contained in 40 CFR Part 63, Subpart ZZZZ, Table 6, No. 10. In addition, the unit must meet all record keeping requirements of 40 CFR 63.6655 and the General Provisions of 40 CFR 63.10(b)(2)(vi) through (xi).
	6. In accordance with Approval MBR-97-COM-019, Condition No. 9, the Permittee shall maintain operating hours, fuel usage, and maintenance records for the unit. These records shall be maintained on-site for a minimum of five years and shall be made available to MassDEP upon request.
EU3, EU4	7. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., maintain fuel oil analysis results used to demonstrate compliance with fuel oil sulfur content requirements.
	8. In accordance with 40 CFR Part 63, Subpart ZZZZ, Table 7, No. 1, maintain records of deviations from any emission limitations or operating limitations.
	9. In accordance with 40 CFR 63.6655, the Permittee must keep all records of notifications, records of the occurrence and duration of malfunctions of the units or their air pollution control devices, records of performance tests, records of all required maintenance performed, and records of actions taken to minimize emissions during periods of malfunctions, including corrective actions taken to restore normal operations.
EU5	10. In accordance with 40 CFR 63.6660, the Permittee must keep all records for a duration of five years, records must be readily available for expeditious review which can be kept in readily accessible hard copy or electronic form.
	11. The Permittee shall comply with all record keeping requirements for the unit contained in 310 CMR 7.03(6), 310 CMR 7.03(8), and 310 CMR 7.18(8).
Facility- wide	12. In accordance with Approval MBR-08-IND-004, Special Condition No. 2, the Permittee shall maintain a record keeping log on-site to document compliance with the emission limits as stated in Approval MBR-08-IND-004, and Table 3 of this Operating Permit. These records shall list: actual amount of all VOC-, HAP-, and PM- containing materials used per month and 12-month rolling period (the total of the current month's emissions plus the emissions from the 11 months preceding the current month). Said records shall be maintained on-site for, at minimum, the most recent five (5) years, and shall be made available to representatives of MassDEP upon request
	13. The Permittee shall maintain records of all Facility operations so that deviations from Plan Approval requirements can be reported to the MassDEP. Maintain a record of all deviations from Plan Approval conditions.
	14. The Permittee shall maintain records of Facility operations such that information may be reported as required for compliance with 310 CMR 7.12.
	15. The Permittee shall make records required by this Plan Approval available to MassDEP and USEPA personnel upon request.
	16. In accordance with 310 CMR 7.71 (6) (b) and (c), the Permittee shall 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 greenhouse gas emissions. (State only requirement)

Table 5	
EU	Record keeping Requirements
Facility-wide	<p>17. In accordance with 310 CMR 7.00: Appendix C(10)(b), maintain records of all monitoring data and supporting information required by this Operating Permit on site for five (5) years from the date of the monitoring sample, measurement or report. 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. Records required to be maintained shall include, where applicable:</p> <ul style="list-style-type: none"> - the date, place as defined in the Permit, and time of sampling or measurements; - the date(s) analyses were performed; - the company or entity that performed the analyses; - the analytical techniques or methods used; - the results of such analyses; and - the operating conditions as existing at the time of sampling or measurement.

Table 5 Key:

EU# = Emission Unit Number
 VOC = Volatile Organic Compounds
 HAP = Hazardous Air Pollutants

CMR = Code of Massachusetts Regulations
 CFR = Code of Federal Regulations
 PM= Particulate Matter

Table 6	
EU	Reporting Requirements
EU2	1. The Permittee shall demonstrate compliance with all reporting requirements contained in §63.787(a)-(b), (b)(1)(i); §63.787(b)(1)(ii); §63.787(b)(2), (b)(3); and §63.788(a), (c).
EU3	2. In accordance with Approval MBR-97-COM-019, Condition No. 14, MassDEP-BAW Permit Chief must be notified by telephone or fax as soon as possible after the occurrence of any upsets or malfunctions to the facility equipment, air pollution control equipment, or monitoring equipment, which result in an excess emission to the air and/or a condition of air pollution.
EU3, EU4	3. In accordance with 40 CFR Part 63, Subpart ZZZZ, Table 7, No. 1(a)(ii), report any deviations from the emission limitations or operating limitations, semi-annually according to the requirements in Subpart 63.6650(b)(1)-(5).
Facility- wide	4. In accordance with 310 CMR 7.19(13)(d)9., the Permittee shall submit compliance records upon request by the MassDEP or USEPA.
	5. In accordance with 310 CMR 7.00: Appendix C (10)(f), the Permittee shall promptly report to MassDEP-BAW Permit chief, all instances of deviation(s) from Permit requirements which are not otherwise reported to the MassDEP by telephone, fax or e-mail within three (3) business days of discovery of such deviation(s).
	6. In accordance with 310 CMR 7.19 (13) (d), the Permittee shall submit the semi-annual Compliance report to MassDEP and USEPA, by January 30 and July 30 of each year and annual compliance report to MassDEP and USEPA by January 30 of each year.
	7. In accordance with 310 CMR 7.71(5), the Permittee shall electronically submit and certify by April 15 th of each year a greenhouse gas emissions report to MassDEP. (State only requirement)
	8. The Permittee shall submit all information required by this Operating Permit over the signature of a “Responsible Official” as defined in 310 CMR 7.00 to MassDEP and shall include the Certification statement as provided in 310 CMR 7.01(2)(c).
	9. In accordance with 310 CMR 7.12 and Approval MBR-08-IND-004, General Condition No. 2, the Permittee shall accurately report the facility's air emissions on Source Registration/Emission Statement Form, by April 15 of each year. The facility shall note any minor changes, which did not require Plan Approval (under 310 CMR 7.02, 7.03, etc.) therein.
	10. The Permittee shall submit all required notifications and reporting of this Approval, if not specified, to: MassDEP, Attn: BAW Permit Chief 205B Lowell Street Wilmington, Massachusetts 01887 Phone: 978-694-3200 Fax: 978-694-3499 Email: nero.air@state.ma.us

Table 6 Key:

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

CMR = Code of Massachusetts Regulations
 CFR = Code of Federal Regulations

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:

Table 7	
Regulation	Reason
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	The Facility is below employee threshold (Less than 250 commuters).
40 CFR Part 64: Compliance Assurance Monitoring	EU3 & EU4: CAM does not apply to pollution control equipment, CO catalysts is installed to meet a new MACT regulation. EU1, EU2, and EU5: Facility has no subject emission units.

Table 7 Key:

EU# = Emission Unit Number
 CMR = Code of Massachusetts Regulations
 CFR = Code of Federal Regulations

CAM = Compliance Assurance Monitoring
 MACT = Maximum Achievable Control Technology
 CO = Carbon monoxide

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:

Table 8.	
EU	Special Terms and Conditions
EU1, EU2	1. In accordance with Approval MBR-08-IND-004, Special Condition No. 5, the Permittee shall install, operate, and maintain a baffle curtain on the dry dock whenever abrasive blasting and/or spray-painting is conducted. Abrasive blasting and/or spray painting shall only be performed underneath the baffle curtain such that particulate emissions are minimized. If any upset condition occurs which prevents the Permittee from operating the baffle curtain on the dry dock properly, then the Permittee shall discontinue abrasive blasting and/or spray painting operations until the baffle curtain is repaired and operating properly.
	2. In accordance with Approval MBR-08-IND-004, Special Condition No. 11, the Permittee shall operate the facility in accordance with its Best Management Practices (BMP) revised September 2004, which is on-file with MassDEP.
	3. In accordance with Approval MBR-08-IND-004, Special Condition No. 12, the Permittee shall operate the facility in accordance with its Blast Grit Management Plan prepared on June 11, 2009, which is on-file with MassDEP, concerning the storage, handling, and disposal of particles of grit and/or paint associated with abrasive blasting.
	4. In accordance with Approval MBR-08-IND-004, General Condition No. 3, the Permittee shall post a copy of Approval MBR-08-IND-004 at or near the unit.
	5. In accordance with Approval MBR-08-IND-004, abrasive blasting and/or spray-painting shall be confined to the lower parts of the ship/dry dock underneath baffle curtains in order to capture particles of grit/paint from abrasive blasting and paint particulates from overspray.
	6. In accordance with Approval MBR-08-IND-004, the Permittee shall minimize air emissions by utilizing brush and/or roller paint application methods, water pressure vacuum sweeping/blasting, and water-based paints in lieu of spray painting, abrasive blasting, and solvent-based paints, whenever possible.
EU2	7. In accordance with Approval MBR-08-IND-004, Special Condition No. 6, the Permittee shall comply with all applicable requirements of the NESHAP for Shipbuilding and Ship Repair (Surface Coating) Operations pursuant to 40 CFR Part 63, Subpart II. In accordance with 40 CFR Part 63, the surface coatings used for EU2 at the Permittee shall not exceed the emission limitations as stated in Table 3.
	8. In accordance with Approval MBR-08-IND-004, Special Condition No. 7, the Permittee shall be permitted to utilize any VOC- and/or HAP-containing solutions with comparable or lower emissions than those presently in use as long as these emissions are included in and comply with the monthly and 12-month rolling facility-wide emission limits and limitations in Table 3 above. Materials that provide satisfactory quality and are implemented on a permanent basis shall require retaining of Material Safety Data Sheets (MSDS), Air Quality Data Sheets, or equivalent, for the material(s), and the material(s) replaced, by the Permittee for five years at the subject facility and shall be readily available for inspection by MassDEP.
	9. In accordance with Approval MBR-08-IND-004, Special Condition No. 8, VOC- and/or HAP-containing solutions shall be transported and stored in tightly covered containers when not in use.
	10. In accordance with Approval MBR-08-IND-004, Special Condition No. 9, any rags used in conjunction with VOC- and/or HAP-containing solutions shall be placed in tightly covered containers when not in use, and shall be collected for proper recycling or disposal.
	11. In accordance with Approval MBR-08-IND-004, Special Condition No. 10, any waste paint shall be tightly covered; any waste paint and empty paint containers shall be accumulated close to the work areas and then stored in designated areas and collected for proper disposal.

Table 8.	
EU	Special Terms and Conditions
EU2	12. EU2 is subject to the requirements of 40 CFR 63.1-15, Subpart A, “General Provisions” (as specifically indicated in Table 1 to Subpart II of 40 CFR 63). Compliance with all applicable provisions cited specifically therein is required.
EU3	13. In accordance with Approval MBR-97-COM-019, Condition No. 2, the Permittee shall post a copy of Approval MBR-97-COM-019 at or adjacent to the subject equipment.
	14. In accordance with Approval MBR-97-COM-019, Condition No. 3, the noise generated by the operation of the unit shall be in compliance with Regulation 310 CMR 7.10 (State only requirement).
	15. In accordance with Approval MBR-97-COM-019, Condition No. 4, the exhaust gases from the exhaust stacks shall not be impeded by any stack exit rain protection device.
EU3, EU4	16. EU3 and EU4 are subject to the requirements of 40 CFR 63.1-15, Subpart A, “General Provisions” (as specifically indicated in Table 8 to Subpart ZZZZ of 40 CFR 63). Compliance with all applicable provisions cited specifically therein is required.
Facility- Wide	17. In accordance with Approval MBR-08-IND-004, Special Condition No. 15, any net VOC emissions increase, occurring over a period of five consecutive calendar years which equates to 25 or more tons of VOC shall become subject to Nonattainment Review, as per the requirements of 310 CMR 7.00: Appendix A.
	18. In accordance with Approval MBR-08-IND-004, General Condition No. 1 and Approval MBR-97-COM-019, Condition No. 1, should any nuisance condition(s) be generated by the operation of this facility, then appropriate steps shall immediately be taken to abate said nuisance condition(s). (State Only - 310 CMR 7.01 General Regulations to Prevent Air Pollution).
	19. In accordance with 310 CMR 7.09, not cause or allow emissions of odor or dust that cause or contribute to a condition of air pollution (State Only).
	20. In accordance with Approval MBR-08-IND-004, General Condition No. 6 and Approval MBR-97-COM-019, Condition No. 12, the Permittee shall allow MassDEP personnel access to the plant site, buildings, and all pertinent records at all times for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.

Table 8 Key:

EU# = Emission Unit Number	VOC = Volatile Organic Compounds
CMR = Code of Massachusetts Regulations	HAP = Hazardous Air Pollutants
CFR = Code of Federal Regulations	
NESHAP = National Emission Standards for Hazardous Air Pollutants	

6. ALTERNATIVE OPERATING SCENARIOS

The Permittee did not request alternative operative scenarios in its Operating Permit Application.

7. EMISSIONS TRADING

A. Intra-facility emission trading

The Permittee did not request intra-facility emissions trading in its Operating Permit Application.

B. Inter-facility emission trading

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

8. COMPLIANCE SCHEDULE

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

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

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

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

10. COMPLIANCE CERTIFICATION

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

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

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

A. Annual Compliance Report and Certification

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

The compliance certification and report shall describe:

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

B. Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the Facility is in compliance with the requirements of this Permit. The report shall be postmarked or delivered by

January 30 and July 30 to 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 is grounds for enforcement action, for Permit termination or revocation, or for denial of an Operating Permit renewal application by the MassDEP and/or USEPA. 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 USEPA 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), 7.20, 7.71, 7.72, 7.74, 7.75 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 USEPA. 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, USEPA 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 USEPA. 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 USEPA 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 USEPA.

23. SEVERABILITY CLAUSE

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

24. EMERGENCY CONDITIONS

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

- A. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. the permitted Facility was at the time being properly operated;

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

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

- 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 USEPA 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

forementioned 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 USEPA 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.