



COMMONWEALTH OF MASSACHUSETTS  
 EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 METROPOLITAN BOSTON – NORTHEAST REGIONAL OFFICE

MITT ROMNEY  
 Governor

ELLEN ROY HERZFELDER  
 Secretary

KERRY HEALEY  
 Lieutenant Governor

ROBERT W. GOLLEDGE, Jr.  
 Commissioner

## FINAL AIR QUALITY OPERATING PERMIT

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

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

Massachusetts Bay Transportation  
 Authority(MBTA), 6th Floor, Ten Park Plaza  
 Boston, Massachusetts 02116

**INFORMATION RELIED UPON:**

Application No. MBR-96-OPP-009  
 Transmittal No. 117002

**FACILITY LOCATION:**

MBTA, South Boston Power Facility  
 696 East First Street  
 South Boston, Massachusetts 02127

**FACILITY IDENTIFYING NUMBERS:**

FMF FAC NO. 130087  
 FMF RO NO. 283996  
 SSEIS NO. 1191667

**NATURE OF BUSINESS:**

Electric power generation, transmission

**SIC CODE:**

4111, 4911

**RESPONSIBLE OFFICIAL:**

Name: Mr. Andrew D. Brennan  
 Title: Manager of Environmental Affairs

**FACILITY CONTACT PERSON:**

Name: Mr. Andrew D. Brennan  
 Title: Manager of Environmental Affairs  
 Phone: (617) 222-3126

**This Operating Permit shall expire on \_\_\_\_\_.**

For the Department of Environmental Protection, Bureau of Waste Prevention

\_\_\_\_\_  
 Regional Director

\_\_\_\_\_  
 Date

## **TABLE OF CONTENTS**

|  |           |
|--|-----------|
| <b>SPECIAL CONDITIONS FOR OPERATING PERMIT.....</b>  | <b>3</b>  |
| 1. PERMITTED ACTIVITIES .....                        | 3         |
| 2. EMISSION UNIT IDENTIFICATION .....                | 3         |
| Table 1 Emission Unit Identification .....           | 3         |
| 3. IDENTIFICATION OF EXEMPT ACTIVITIES .....         | 3         |
| Table 2 Exempt Units .....                           | 3         |
| 4. APPLICABLE REQUIREMENTS .....                     | 4         |
| A. EMISSION LIMITS AND RESTRICTIONS .....            | 4         |
| Table 3 Emission Limits/Restrictions .....           | 4         |
| B. COMPLIANCE DEMONSTRATION.....                     | 5         |
| Table 4 Monitoring/Testing Requirements.....         | 5         |
| Table 5 Record Keeping Requirements .....            | 6         |
| Table 6 Reporting Requirements .....                 | 7         |
| C. GENERAL APPLICABLE REQUIREMENTS .....             | 9         |
| D. REQUIREMENTS NOT CURRENTLY APPLICABLE.....        | 10        |
| Table 7 Requirements Not Currently Applicable.....   | 10        |
| 5. SPECIAL TERMS AND CONDITIONS.....                 | 10        |
| 6. ALTERNATIVE OPERATING SCENARIOS.....              | 12        |
| 7. EMISSIONS TRADING .....                           | 12        |
| 8. COMPLIANCE SCHEDULE.....                          | 13        |
| <b>GENERAL CONDITIONS FOR OPERATING PERMIT .....</b> | <b>14</b> |
| 9. FEES .....  | 14        |
| 10. COMPLIANCE CERTIFICATION.....                    | 14        |
| 11. NONCOMPLIANCE .....                              | 15        |
| 12. PERMIT SHIELD.....                               | 15        |
| 13. ENFORCEMENT .....                                | 16        |
| 14. PERMIT TERM.....                                 | 16        |
| 15. PERMIT RENEWAL.....                              | 16        |
| 16. REOPENING FOR CAUSE .....                        | 16        |
| 17. DUTY TO PROVIDE INFORMATION .....                | 17        |
| 18. DUTY TO SUPPLEMENT.....                          | 17        |
| 19. TRANSFER OF OWNERSHIP OR OPERATION.....          | 17        |
| 20. PROPERTY RIGHTS.....                             | 17        |
| 21. INSPECTION AND ENTRY.....                        | 17        |
| 22. PERMIT AVAILABILITY.....                         | 18        |
| 23. SEVERABILITY CLAUSE.....                         | 18        |
| 24. EMERGENCY CONDITIONS.....                        | 18        |
| 25. PERMIT DEVIATION .....                           | 19        |
| 26. OPERATIONAL FLEXIBILITY .....                    | 19        |
| 27. MODIFICATIONS .....                              | 20        |
| <b>APPEAL CONDITIONS FOR OPERATING PERMIT .....</b>  | <b>21</b> |

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

## 2. EMISSION UNIT IDENTIFICATION

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

| <b>Table 1 Emission Unit Identification</b> |  |                    |  |
|---|--|--------------------|--|
| Emission Unit (EU)                          | Description of Emission Unit   | EU Design Capacity | Pollution Control Device (PCD)   |
| EU01  | Engine A, Turbo Power & Marine FT4C-3F, Simple Cycle Combustion Turbine Generator (CTG). | 396 MMBtu per hour | Water injection and oxidation catalyst to control NO <sub>x</sub> , CO, and VOC. |
| EU02  | Engine B, Turbo Power & Marine FT4C-3F, CTG.   | 396 MMBtu per hour | Water injection and oxidation catalyst to control NO <sub>x</sub> , CO, and VOC. |

### **Legend to Abbreviated Terms within Table 1:**

MMBtu= Million British Thermal Units  
 CO = Carbon Monoxide

NO<sub>x</sub> = Nitrogen Oxides  
 VOC = Volatile Organic Compounds

## 3. IDENTIFICATION OF EXEMPT ACTIVITIES

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

| <b>Table 2 Exempt Units</b>   |                                |
|---|--------------------------------|
| DESCRIPTION OF CURRENT EXEMPT ACTIVITIES  | REASON                         |
| The list of current exempt activities is contained in the Operating Permit Application and shall be updated by the Permittee to reflect changes at the facility over the Permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the Department's Regional Office. | 310 CMR 7.00: Appendix C(5)(h) |

## 4. APPLICABLE REQUIREMENTS

### A. EMISSION LIMITS AND RESTRICTIONS

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

| <b>Table 3 Emission Limits/Restrictions</b>      |  |   |                  |  |  |
|--|--|---|------------------|--|--|
| <b>EU#</b>                                       | <b>FUEL</b>  | <b>RESTRICTIONS</b>   | <b>POLLUTANT</b> | <b>EMISSION LIMIT/STANDARD</b>   | <b>APPLICABLE REGULATION AND/OR APPROVAL NO.</b> |
| EU01<br>EU02                                     | No. 2 Fuel Oil<br>≤ 0.05% sulfur<br>by weight  | <ul style="list-style-type: none"> <li>Total fuel usage for both units not to exceed 14,225,000 gallons per twelve month rolling calendar period.</li> <li>Operation of each unit restricted to no more than 2,500 hours of operation per twelve month rolling calendar period.</li> <li>Maintain water to fuel ratio of not less than 0.6 under any operating condition, except during start-up and shut-down</li> </ul> | NO <sub>x</sub>  | 55 ppm by volume, dry basis corrected to 15% O <sub>2</sub> <sup>1</sup> | MBR-92-COM-014<br>40 CFR Part 60,<br>Subpart GG  |
|  |  |   |                  | 202 tons per twelve month rolling calendar period                        |  |
|  |  |   |                  | See Section 5, Special Terms and Conditions, Nos. 3 and 4                | 310 CMR 7.27<br>310 CMR 7.28                     |
|  |  |   | CO               | 50 ppm by volume, dry basis corrected to 15% O <sub>2</sub> <sup>1</sup> | MBR-92-COM-014<br>40 CFR Part 60,<br>Subpart GG  |
|  |  |   |                  | 116 tons per twelve month rolling calendar period                        |  |
|  |  |   | SO <sub>2</sub>  | 10 ppm by volume, dry basis corrected to 15% O <sub>2</sub> <sup>1</sup> |  |
|  |  |   |                  | 50 tons per twelve month rolling calendar period                         |  |
|  |  |   | PM               | ≤ 0.009 grains/dscf <sup>1</sup>   |  |
|  |  |   |                  | 43.0 tons per twelve month rolling calendar period                       |  |
|  |  |   | VOC              | 30 ppm by volume, dry basis corrected to 15% O <sub>2</sub> <sup>1</sup> |  |
| 32 tons per twelve month rolling calendar period |  |   |                  |  |  |
| Sulfur in Fuel                                   | ≤ 0.03 lb/MMBtu  |   |                  |  |  |
| Smoke  | < No. 1 of Chart <sup>2</sup> , except No. 1 to < No. 2 of Chart for ≤ 6 minutes during any one hour | 310 CMR 7.06(1)(a)  |                  |  |  |
| Opacity <sup>3</sup>                             | < 5%, except 5% to < 10% for ≤ 2 minutes during any one hour, and never > 10%                        | MBR-92-COM-014<br>310 CMR 7.06(1)(b)  |                  |  |  |

• **Legend to Abbreviated Terms within Table 3:**

|                 |  |                |                      |
|-----------------|--|----------------|----------------------|
| EU#             | = Emission Unit Number                     | No.            | = number             |
| lb/MMBtu        | = pounds per Million British Thermal Units | %              | = percent            |
| ≤               | = less than or equal to                    | <              | = less than          |
| >               | = greater than                             | ppm            | = parts per million  |
| NO <sub>x</sub> | = Nitrogen Oxides                          | CO             | = Carbon Monoxide    |
| VOC             | = Volatile Organic Compounds               | PM             | = Particulate Matter |
| SO <sub>2</sub> | = Sulfur Dioxide                           | O <sub>2</sub> | = Oxygen             |
| dscf            | = Dry Standard Cubic Foot                  |                |                      |

**Table 3 Notes:**

- Compliance with emission limit(s)/standard(s) are based on a one-hour averaging time.
- 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 the Department.
- See Compliance Schedule Regarding Opacity.

**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 applicable requirements contained in Table 3:

| <b>Table 4 Monitoring/Testing Requirements</b>   |   |
|--|---|
| EU #   | MONITORING/TESTING REQUIREMENTS   |
| EU01<br>EU02   | In accordance with Final Approval MBR-92-COM-014, and 40 CFR 60.334(a), monitor monthly fuel usage, hours of operation, water to fuel oil ratios, and cumulative emissions of NO <sub>x</sub> , CO, SO <sub>2</sub> , PM and VOC in order to demonstrate compliance with emission limitations and as the basis for record keeping requirements.   |
|  | Monitoring to demonstrate compliance with the NO <sub>x</sub> Budget program shall comply with 310 CMR 7.27(11)(f-n) as applicable and ECP MBR-98-NOx-001.  |
|  | In accordance with 310 CMR 7.28(11)(a)(1), any person who owns, leases, operates or controls a budget unit that commences operation before January 1, 2002 shall install, operate and successfully complete all applicable certification testing requirements for monitoring heat input, NO <sub>x</sub> emission rate and NO <sub>x</sub> mass emissions pursuant to the requirements of 40 CFR Part 75 Subpart H by May 1, 2002.  |
|  | In accordance with 310 CMR 7.28(11)(a)(4), all monitoring systems are subject to initial performance testing and periodic calibration, accuracy testing and quality assurance/quality control testing as specified in 40 CFR Part 75 Subpart H.   |
|  | As required by 310 CMR 7.28(11)(a)(5), during a period when valid data is not being recorded by a monitoring system approved under 310 CMR 7.28, the missing or invalid data must be replaced with default data in accordance with the provisions of 40 CFR 75.70(f). The applicable missing data procedures are specified in 40 CFR Part 75 for NO <sub>x</sub> emission rate in pounds per million British thermal units (lb/MMBtu), heat input, stack gas volumetric flow rate, oil density, Gross Calorific Value(GCV) or fuel flow rate. |
|  | In accordance with 310 CMR 7.28(11)(a)(6), NO <sub>x</sub> emissions data must be reported to the NO <sub>x</sub> Emissions Tracking System (NETS) in accordance with 310 CMR 7.28(13).   |
|  | In accordance with 310 CMR 7.28(11)(a)(7), budget units must report data pursuant to the requirements of 310 CMR 7.28(11) for every hour.   |
|  | In accordance with 310 CMR 7.28(11)(b), any person who owns, leases, operates or controls a budget unit subject to 310 CMR 7.28 must comply with the notification requirements in 40 CFR 75.61, where applicable.   |
|  | Conduct Emissions Compliance Testing (Stack Testing), in accordance with 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A (Method 7E for NO <sub>x</sub> , Methods 1 to 5 for PM, Method 3A for Oxygen (O <sub>2</sub> )) or any other testing, if and when requested by the Department or EPA.  |
| Pursuant to the Department's authority through 310 CMR 7.00: Appendix C(9)(b)2. and 40 CFR 60.334(b), monitor sulfur and nitrogen content of each new shipment of fuel received. Compliance with MBR-92-COM-014 and 40 CFR 60.334(b) for sulfur and nitrogen content of the fuel can be demonstrated through fuel analysis. The analysis of sulfur and nitrogen content of the fuel shall be in accordance with the applicable American Society for Testing Materials (ASTM) test methods or any other method approved by the Department and the United States Environmental Protection Agency (EPA). Fuel sulfur information may be provided by fuel suppliers. |   |

| <b>Table 4 Monitoring/Testing Requirements</b> |  |
|--|--|
| <b>EU #</b>                                    | <b>MONITORING/TESTING REQUIREMENTS</b>   |
| EU01<br>EU02                                   | In accordance with 310 CMR 7.04(2)(a), no person shall cause, suffer, allow, or permit the burning of any grade oil or solid fuel in any fuel utilization facility having an energy input capacity rated by the Department equal to or greater than 40 MMBtu per hour, unless such facility is equipped with a smoke density sensing instrument and recorder which are properly maintained in an accurate operating condition, operates continuously and is equipped with an audible alarm to signal the need for combustion equipment adjustment or repair when the smoke density is equal to or greater than No. 1 of the Chart. Pursuant to the Department's authority through 310 CMR 7.00: Appendix C(9)(b)2., the use of Continuous Opacity Monitoring Systems (COMS) equipped with audible alarms and recorders that signal the need for combustion equipment adjustment or repair when the opacity is equal to or greater than 20 percent shall constitute compliance with this requirement. |
|  | Pursuant to the Department's authority through 310 CMR 7.00: Appendix C(9)(b)2., opacity shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9 in the event of COMS malfunction or when the COMS indicates an opacity of greater than 20 percent over any six minute period, or if requested by the Department. This method shall also apply to any detached plumes.   |
|  | In accordance with 310 CMR 7.04(4)(a), inspect and maintain fuel utilization facility in accordance with manufacturer's recommendations and test for efficient operation at least annually.  |
|  | 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.  |

| <b>Table 5 Record Keeping Requirements</b> |   |
|--|---|
| <b>EU #</b>                                | <b>RECORD KEEPING REQUIREMENTS</b>  |
| EU01<br>EU02                               | In accordance with Final Approval MBR-92-COM-014, maintain adequate records which shall contain, at a minimum, the following information: hours of operation of each unit, including start-ups and shut downs; water-to-fuel ratios with associated operational loads and exhaust gas temperatures; cumulative emissions of NOx, CO, SO2, PM and VOC; monthly fuel usage for each unit; and any other data necessary to comply with the Final Approval. |
|  | In accordance with Final Approval MBR-92-COM-014, maintain adequate maintenance records which shall contain, at a minimum, the following information: date, time and description of all maintenance performed on the generators, the two water injection systems and the two oxidation catalyst systems; date time and description of all calibrations of the continuous monitoring systems and; all fuel purchase receipts.                            |
|  | In accordance with Final Approval MBR-92-COM-014, maintain records of all monitoring and maintenance data and supporting information at the MBTA's offices at 500 Arborway, Boston, Massachusetts for five (5) years from the date that the data is reported. The records shall be made available to Department personnel upon request.   |
|  | The MBTA must comply with all applicable record keeping requirements contained in 40 CFR 60, 20 CFR 72, 40 CFR 75, and 310 CMR 7.28.  |
|  | In accordance with 310 CMR 7.28(8)(e), information on the Authorized Account Representative (AAR) Form must be kept current.  |
|  | As required by 310 CMR 7.27(12), and 310 CMR 7.28(12), any person who owns, leases, operates or controls a budget unit must keep all measurements, data, reports and other information required by 310 CMR 7.27, and 7.28 for five years, or any other period consistent with the budget unit's Operating Permit.   |

| <b>Table 5 Record Keeping Requirements</b>   |   |
|--|---|
| EU #   | RECORD KEEPING REQUIREMENTS   |
| EU01<br>EU02   | Pursuant to the Department's authority through 310 CMR 7.00: Appendix C(9)(b)2., maintain fuel analysis results used to demonstrate compliance with fuel sulfur and nitrogen content requirements.  |
|  | In accordance with 310 CMR 7.04(2)(a), maintain records of Smoke Density Indicator Recording Charts. The keeping of COMS records shall constitute compliance with this requirement.   |
|  | Consistent with the requirements of 310 CMR 7.04(2)(a) and 310 CMR 7.06, record and maintain records for opacity determined in accordance 40 CFR Part 60, Appendix A, Method 9 in the event of COMS malfunction or when the average opacity exceeds 20 percent over a six minute period. This method shall also apply to any detached plumes. |
|  | In accordance with 310 CMR 7.04(4)(a), maintain results of fuel utilization facility inspection, maintenance, and testing and the date upon which it was performed posted conspicuously on or near the facility.  |
|  | Keep copies of Source Registration/Emission Statement Forms submitted annually to the Department as required by 310 CMR 7.12.   |
|  | In accordance with Final Approval MBR-92-COM-014, maintain on-site, at all times, a copy of the Standard Operating and Maintenance Procedures (SOMP).   |
|  | Keep copies of Source Registration/Emission Statement Forms submitted annually to the Department and maintain records such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.  |
| Maintain records for Emissions Compliance Testing (Stack Testing), in accordance with 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A (Method 7E for NO <sub>x</sub> , Methods 1 to 5 for PM, Method 3A for Oxygen (O <sub>2</sub> )) or any other testing if and when requested by the Department or EPA. |   |

| <b>Table 6 Reporting Requirements</b> |  |
|---------------------------------------|--|
| EU #                                  | REPORTING REQUIREMENTS   |
| EU01<br>EU02                          | In accordance with Final Approval MBR-92-COM-014, and 40 CFR 60.334(c)(1), the MBTA shall submit notification to the Department by facsimile within 24 hours and subsequently in writing within 7 days of any major system upsets or any major malfunctions of the water injection system and/or oxidation catalyst that caused un-permitted releases to the environment. The MBTA shall submit the written notification to the Department, attention Compliance and Enforcement Chief, Bureau of Waste Prevention, describing the malfunction, the possible reason(s) for it and future actions to be undertaken to prevent this malfunction. |
|                                       | In accordance with Final Approval MBR-92-COM-014, and 40 CFR 60.334(c)(2), the MBTA shall submit written notification to the Department should, at any time, the sulfur content of the fuel oil utilized by the emission units be greater than 0.05 percent by weight. The MBTA shall submit the written notification to the Department, attention Compliance and Enforcement Chief, Bureau of Waste Prevention, within 7 days of measurement of any fuel oil having higher sulfur content.  |

**Table 6 Reporting Requirements**

| EU #         | REPORTING REQUIREMENTS  |
|--------------|---|
| EU01<br>EU02 | <p>In accordance with Final Approval MBR-92-COM-014 and as required by 310 CMR 7.00: Appendix C(10)(c), the MBTA shall submit quarterly compliance reports to the Department, attention Compliance and Enforcement Chief, Bureau of Waste Prevention. The quarterly reports shall be submitted within 21 days of the end of each quarter, and shall contain the following information, based on a rolling 12 month calendar period: hours of operation of each unit for the subject quarter, as well as a running total of the previous three quarters hours of operation; date, time and duration of instances when the units utilized a water-to-fuel ratio of less than 0.6; and the South Boston Power facility's emissions of NO<sub>x</sub>, CO, SO<sub>2</sub>, PM and VOC in tons per rolling 12 month period.</p>  |
|              | <p>In accordance with 310 CMR 7.27(13)(a)2, 310 CMR 7.27(13)(b) &amp; 310 CMR 7.27(13)(d), the MBTA shall submit to the U.S. EPA Acid Rain Division all NO<sub>x</sub> emissions and operating information for the second and third quarters of each year in accordance with the standards specified in 40 CFR Part 75 Subpart G. The second quarter information will only contain data for May and June of each calendar year. The submission must be in an electronic format, which meets the requirements of EPA's Electronic Data Reporting (EDR) convention. Quarterly reports must contain NO<sub>x</sub> emissions in pounds per hour for every hour, and cumulative quarterly and seasonal NO<sub>x</sub> emissions data in pounds, in a format consistent with the EDR convention. For units not subject to 40 CFR Part 75 quarterly reports must be submitted within 30 days after the end of each calendar quarter for which they must report.</p> |
|              | <p>The MBTA must comply with all applicable reporting requirements contained in 40 CFR 60, 20 CFR 72, 40 CFR 75, and 310 CMR 7.28.</p>  |
|              | <p>In accordance with the requirements of 310 CMR 7.28(13), NO<sub>x</sub> emissions data must be reported pursuant to the requirements of 310 CMR 7.28(11)(a)(6), (a)(7), and (b).</p>   |
|              | <p>In accordance with the requirements of 310 CMR 7.28(11)(a)(6), NO<sub>x</sub> emissions data should be reported directly to EPA's National Computer Center mainframe computer in a method acceptable to EPA. The deadline to submit data to EPA is 30 days after the end of each calendar quarter.</p>   |
|              | <p>In accordance with 310 CMR 7.28(13)(e), by October 15 of each year, any person who owns, leases, operates or controls a new or existing budget unit must report to the Department each facility's metered net electric and useful steam output for that year's control period. Net electric output must be reported in megawatt-hours, and steam output in MMBtu. If data for steam output is not available, the person may report heat input providing useful steam output as a surrogate for steam output or in a method approved by the Department.</p>   |
|              | <p>In accordance with 310 CMR 7.28(15), for each control period, the AAR for the budget unit shall submit by November 30 of each year, an annual compliance certification report to the Department and the NATS Administrator. The compliance certification shall contain, at a minimum, the items listed in 310 CMR 7.28(15)(c)1 through 8.</p>  |
|              | <p>Notification of Quality Assurance (QA) testing is required for Relative Accuracy Test Audits (RATAs) and AppendixE/LME (Low Mass Emission) unit tests. Notification must be made at least 21 days prior to the scheduled test date to the EPA as required by 40 CFR 75.61, to the DEP Lawrence office at DEP, Wall Experiment Station, 37 Shattuck Street, Lawrence, MA 01843-1398 Attn: Source Monitoring Section, and to the DEP Regional office, Attn: BWP Permit Chief. If tests must be rescheduled, 24 hours notice must be given, as specified in 40 CFR 75.61(a)(5).</p>   |
|              | <p>A previously approved RATA protocol may be referenced at the time of test notification provided that the referenced protocol was completed in accordance with current 40 CFR Part 75 procedures, addresses all previous DEP protocol comments to the satisfaction of the DEP, and none of the information has changed. If a revised protocol must be submitted, it must be submitted at least 21 days prior to the scheduled test date.</p>  |



| <b>Table 6 Reporting Requirements</b>   |  |
|---|--|
| EU #  | REPORTING REQUIREMENTS   |
| EU01<br>EU02  | In accordance with 310 CMR 7.28 and 40 CFR Part 75, a hardcopy of the QA RATA or Appendix E/LME test results must be submitted to both the DEP Lawrence and DEP Regional offices within 45 days of completion of tests. The electronic results must be submitted in the quarterly electronic data report (EDR).  |
|   | In accordance with 310 CMR 7.28 and 40 CFR Part 75, results from QA daily calibrations, quarterly linearity checks and Appendix D Fuel Flow meter tests must be reported electronically in the EDR submittal for the quarter in which the testing occurs.  |
|   | In accordance with 310 CMR 7.28(13)(c)(2), for units not subject to an Acid Rain Emissions limitation, quarterly reports are only required to include all of the data and information required in 40 CFR Part 75 Subpart H for each NOx Budget unit (or group of units using a common stack).  |
|   | Submit a Source Registration/Emission Statement form to the Department on an annual basis as required by 310 CMR 7.12.   |
|   | If and when the Department or EPA requests Emissions Compliance Testing (Stack Testing) to be conducted as per Approval MBR-92-COM-014, 310 CMR 7.13, and 40 CFR Part 60, Appendix A, then: the MBTA shall submit a pretest protocol for the required Emissions Compliance Test (stack test) for review and written Department approval, submit the Emissions Compliance Testing report for the review and written Department approval within such time as agreed to in the approved test protocol.. |
|   | In accordance with Final Approval MBR-92-COM-014, updated versions of the Standard Operating and Maintenance Procedures (SOMP) shall be submitted to the Department. The Department must approve of significant changes to the SOMP prior to the change becoming effective. The updated SOMP shall supersede prior versions of the SOMP.   |
|   | 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 Department as required by 310 CMR 7.00: Appendix C(10)(c).*  |
|   | Promptly report to the Department all instances of deviations from Permit requirements which are not otherwise reported to the Department by telephone or fax, within three days of discovery of such deviation, as provided in 310 CMR 7.00: Appendix C (10)(f). (See General Condition 25).*   |
|   | Submit Annual Compliance report to the Department and EPA January 30, as required by General Condition 10. All required reports must be certified by a responsible official as provided in 310 CMR 7.00: Appendix C(10)(h)*  |
| All reports must be certified by a responsible official as provided in 310 CMR 7.00: Appendix C(10)(h). |  |

\* Forms available on the DEP web site:<http://www.state.ma.us/dep/bwp/daqc/aqforms.htm>

### 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

| <b>Table 7 Requirements Not Currently Applicable</b> |   |
|--|---|
| <b>Regulation</b>                                    | <b>Description</b>  |
| 42 U.S.C. 7401, §112                                 | Hazardous Air Pollutants  |
| 42 U.S.C. 7401 § 112(r)                              | Accidental Release Prevention Requirements: Risk Management under Clean Air Act 112(r)(7) |
| 310 CMR 7.15   | Asbestos  |
| 310 CMR 7.16   | Reduction of Single Occupant Commuter Vehicle Use   |
| 310 CMR 7.25   | Consumer and Commercial Products  |

**5. SPECIAL TERMS AND CONDITIONS**

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

1. That should any nuisance condition(s) be generated by the operation of this facility, then appropriate steps will immediately be taken by MBTA to abate said nuisance condition(s) (State Only 310 CMR 7.01(1)).
2. MBTA has indicated that it is subject to, and complying with, the requirements of 40 CFR Part 82, Protection of Stratospheric Ozone. MBTA shall continue to comply with 40 CFR Part 82.
3. State NO<sub>x</sub> Allowance Program
  - a. EU01 and EU02 are subject to the requirements of the NO<sub>x</sub> Allowance Program, 310 CMR 7.27. The Department issued a Phase I Emission Control Plan (ECP) Approval for this facility on June 9, 1998, a Phase II ECP Approval on December 7 1999, and a Phase III ECP Approval on January 6, 2000.
  - b. As per 310 CMR 7.27(6), The Authorized Account Representative (AAR) or Alternate Authorized Account Representative (AAAR) may buy, sell, trade, or transfer allowances for or between NO<sub>x</sub> Allowance Tracking System (NATS) compliance accounts at any time, up until December 31 of the corresponding ozone season. By December 31 of each year, the AAR must hold in the NO<sub>x</sub> NATS compliance account for each EU at least one allowance for each ton of NO<sub>x</sub> emitted during the corresponding ozone season (May 1 through September 30). The number of allowances actually held in a NATS compliance account for an affected EU may differ from the number allocated by the Department.

- c. EU01 and EU02 are classified as “Full Allocation Units” as per 310 CMR 7.27(6). Full Allocation Unit allocations are listed in 310 CMR 7.27(6) Table 1. The unit allowance allocations for MBTA are identified below:

| EU#  | YEAR |      |      |      |
|------|------|------|------|------|
|      | 1999 | 2000 | 2001 | 2002 |
| EU01 | 10   | 10   | 10   | 10   |
| EU02 | 10   | 10   | 10   | 10   |

By May 1, 2003, the NO<sub>x</sub> allowance allocation for each NATS compliance account will be amended according to the new State allowance cap (see Special Condition 4).

- d. As per 310 CMR 7.27(8)(c) NO<sub>x</sub> Allowance transfers must occur as follows:

The transfer request must be on a form, or electronic media in a format determined by the NATS. Requests must be submitted to the EPA and include at a minimum: the account numbers identifying both the originating account and the acquiring account; and, the names and addresses associated with the owners of the originating account and the acquiring account; and the serial number for each allowance being transferred. The transfer request must be authorized and certified by the AAR for the originating account. To be considered correctly submitted, the request must include the statement of certification contained in 310 CMR 7.27 (8) (c) 2 verbatim.

- e. As per 310 CMR 7.27(8)(i), any budget unit must make available to the Department, upon request, information regarding transaction cost and allowance price.
- f. As per 310 CMR 7.27(14)(b), each year during the period November 1 through December 31, inclusive, the AAR for each budget unit must request the NATS administrator to deduct current year allowances from the compliance account equivalent to the NO<sub>x</sub> emissions from the budget unit in the current control period. The request must be submitted by the AAR to the NATS Administrator no later than December 31. The request must identify the compliance account from which the deductions should be made, and, if desired, the serial numbers of the allowances to be deducted.
- g. As per 310 CMR 7.27(10)(d), the AAAR has the same authority as the AAR.
- h. As per 310 CMR 7.27(15), for each control period the AAR for the budget unit must submit by December 31st of each year an annual compliance certification. The Compliance Certification shall contain, at a minimum, the items listed in 310 CMR 7.27(15)(c)1 through 6.
- i. Modifications to the Emission Control Plan must be approved by the Department and implemented in accordance with the procedures of the Final ECP Approval.

4. State NO<sub>x</sub> Allowance Trading Program, 310 CMR 7.28

- a. EU01 and EU02 are subject to the requirements of NO<sub>x</sub> Allowance Trading Program, 310 CMR 7.28, which establishes a State trading program budget for NO<sub>x</sub> during control periods beginning May 1, 2003. The Department received an Emission Control Plan (ECP) application for MBTA on November 1, 2001 and the Permittee shall comply with all

applicable requirements contained in 310 CMR 7.28, and all approval letters issued in accordance with 310 CMR 7.28

- b. NO<sub>x</sub> Allowance use and transfer must comply with 310 CMR 7.28(10).
  - c. In accordance with 310 CMR 7.28(14), each year by November 30, for each budget unit, the total number of banked or current year allowances in its compliance or overdraft account must equal or exceed the NO<sub>x</sub> emissions from the budget unit in the current control period.
5. Per data as supplied through the Permittee's Operating Permit Application (MBR-96-OPP-009, Transmittal No. 117002), all EUs shall continue to emit products of combustion through the following stacks with the following parameters:

**Stack 1: EU01**

Flue Height            73.58 feet  
Flue Exit Diameter   9 feet  
Stack Material        Steel

**Stack 2: EU02**

Flue Height            77.25 feet  
Flue Exit Diameter   9 feet  
Stack Material        Steel

## 6. **ALTERNATIVE OPERATING SCENARIOS**

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

## 7. **EMISSIONS TRADING**

- (a) Intra-facility emissions trading

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

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

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

- (b) Inter-facility emissions trading

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

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

## 8. COMPLIANCE SCHEDULE

The Permittee has indicated that with the exception of the opacity monitoring requirements, 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.

With regard to opacity monitoring requirements, the MBTA shall, within 180 days from the issuance of the Final Operating Permit, install and operate Continuous Opacity Monitoring Systems (COMSs) to serve EU01 and EU02, as required by Regulation 310CMR7.04(2)(a) and this Operating Permit. Within fourteen (14) days thereof, MBTA shall submit written notification of the completion of said installation and commencement of operation of said COMSs. The following table describes both COMSs.

| Description of Equipment                   | Manufacturer, Model Number     | Record keeping   | Operation   | Calibration Schedule   |
|--|--------------------------------|--|---|------------------------|
| Single path photo electric opacity monitor | Fire eye CM-35 (or equivalent) | Electronic data capture, strip chart recorder, visible and audible alarms which alert operators at remote operating location | Operate and maintain according to manufacturer's specifications | Quarterly calibrations |

## **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 Department 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 Department's web site, <http://www.state.ma.us/dep/bwp/daqc/aqforms.htm>.

#### **(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 Department 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 Department 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 June 30 to the Department. 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 Department 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 Department 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 permit, the terms and conditions of this permit control.

- (b) The Department 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 only, 7.02(8)(i), 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22 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, or citizens.

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 Department, 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 five (5) years after the 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 Department's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the Department on the renewal application.

In the event the Department 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 Department 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 Department and/or EPA. The responsible official of the facility may request that the Department terminate the facility's operating permit for cause. The Department 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 Department'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 Department 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 that 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 Department a material error or omission in any records, reports, plans, or other documents previously provided to the Department.

## **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, liability between current and new Permittee has been submitted to the Department.

## **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 Department 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 Department 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 Department 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.

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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 facility, 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.

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

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

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via the Department's web site, <http://www.state.ma.us/dep/bwp/daqc/aqforms.htm>. This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

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

## **26. OPERATIONAL FLEXIBILITY**

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit, and in compliance with all applicable requirements, provided the Permittee gives the EPA and the Department written notice fifteen days

prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

## **27. MODIFICATIONS**

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

## **APPEAL CONDITIONS FOR OPERATING PERMIT**

This permit is an action of the Department. 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 Department'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 Department 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.