



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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FINAL AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("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"]:

Veolia Energy Boston, Inc.
15 Elkins Street
S. Boston, Massachusetts 02127

FACILITY LOCATION:

Scotia Station
19-27 Scotia Street
Boston, Massachusetts 02115

NATURE OF BUSINESS:

Steam Generation

RESPONSIBLE OFFICIAL:

Name: **Richard Scott McBurney**
Title: **Regional Vice President**

This Operating Permit shall expire on January 5, 2014.

For the Department of Environmental Protection, Bureau of Waste Prevention

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.

James E. Belsky
Permit Chief, Bureau of Waste Prevention

INFORMATION RELIED UPON:

Application No. MBR-95-OPP-016R,
MBR-95-OPP-016A, MBR-95-OPP-016M,
MBR-95-OPP-016RA2, MBR-95-OPP-016RA3 &
MBR-95-OPP-016RA4
Transmittal No. W100081, X229372, X229358,
X235957, X239650, & **X254342**

FACILITY IDENTIFYING NUMBERS:

AQ ID: 1190009
FMF FAC NO.: 51806
FMF RO NO.: 161677

STANDARD INDUSTRIAL CODE (SIC):

4961

FACILITY CONTACT PERSON:

Name: Sean Caldwell
Title: Northeast Regional EH&S Manager
Phone: (617) 598-2711
E-mail: scaldwell@veoliaenergyna.com

Date Stamped February 1, 2013

Date

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SPECIAL CONDITIONS FOR OPERATING PERMIT

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee is authorized to operate air emission units as shown in Table 1 and exempt and insignificant activities as described in 310 CMR 7.00: Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this Permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this Permit.

DESCRIPTION OF FACILITY AND OPERATIONS

Veolia Energy Boston's Scotia Station is a steam generation facility located at 19-27 Scotia Street in Boston, Massachusetts. The facility produces and supplies steam by operating three (3) "large" boilers with a heat release rate greater than 70,000 British thermal units per hour per cubic foot apiece, noted as Emission Units 1, 2, and 3. Scotia Station's steam load supplements the steam load of Veolia Energy Boston's Kneeland Station, located at 165 Kneeland Street in Boston, Massachusetts, during periods of peak demand, as needed, to supply steam to customers connected to approximately 22 miles of common steam lines within Boston, Massachusetts. Scotia Station's three (3) boilers are rated at approximately 151, 161, and 161 million British Thermal Units of energy input capacity per hour, respectively. Distillate fuel oil having sulfur content of 0.3 percent by weight or less is the only fuel of use. Each boiler is subject to the requirements of Reasonably Available Control Technology for Sources of NO_x (310 CMR 7.19). The facility is not a major source of Hazardous Air Pollutants (HAP).

2. EMISSION UNIT IDENTIFICATION

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

EU#	DESCRIPTION OF EMISSION UNIT	EU DESIGN CAPACITY	POLLUTION CONTROL DEVICE
EU1	Riley Model No. MH-23146 Boiler Unit No. 1	151.2 MMBtu per hour	None
EU2	Erie City Model No. 21M-Keystone Boiler Unit No. 2	161 MMBtu per hour	None
EU3	Erie City Model No. 21M-Keystone Boiler Unit No. 3	161 MMBtu per hour	None

Table 1 Key:

EU# = Emission Unit Number
MMBtu = million British thermal units

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

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 MassDEP's Regional Office. Emissions from these activities shall be reported to MassDEP on the annual Source Registration/Emission Statement Form, pursuant to 310 CMR 7.12.

4. APPLICABLE REQUIREMENTS

A. EMISSION LIMITS AND RESTRICTIONS

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

Table 3				
EU#	FUEL	POLLUTANT	EMISSION LIMIT/STANDARD	APPLICABLE REGULATION AND/OR APPROVAL NUMBER
EU1, EU2, EU3	No. 2 Fuel Oil ≤ 0.0015% S by weight	NO _x	≤ 0.40 lb/MMBtu (1), (2)	MBR-94-COM-013 310 CMR 7.19(4)(a)4.b.
		CO	≤ 200 ppm by volume, dry basis at 3% O ₂ (1)	310 CMR 7.19(4)(f)
		S in Fuel	≤ 0.17 lb/MMBtu (3)	310 CMR 7.05(1)(a)2. 310 CMR 7.22(1)
		SO _x	≤ 1.2 lb/MMBtu (3)	310 CMR 7.22(1)
		Sulfur in fuel	≤ 0.0015 percent by weight(4)	Minor Modification X229358
		Smoke	< No. 1 of Chart (5), except No. 1 to < No. 2 of Chart for ≤ 6 minutes during any one hour	310 CMR 7.06(1)(a)
		Opacity	≤ 20 percent, except > 20 to ≤ 40 percent for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b)
		PM	≤ 0.12 lb/MMBtu	310 CMR 7.02(8)(d) TABLE 3, 4

Table 3 Notes:

- 1 For boilers not utilizing a Continuous Emissions Monitoring System (CEMS) that meets the requirements of 310 CMR 7.19(13), compliance with emission limit(s)/standard(s) shall be based on a one hour averaging time.
- 2 NO_x emission limit is for boilers having a heat release rate of greater than 70,000 Btu/hour-ft³.
- 3 Compliance with 310 CMR 7.05 for the sulfur limit of No. 2 Fuel Oil shall be deemed compliance with the SO₂ limit under the Massachusetts Acid Rain Law 310 CMR 7.22. The provisions of 310 CMR 7.22 are State-Only Requirements.
- 4 **Veolia Energy** Boston requests, via a BWP AQ 10 Operating Permit Minor Modification Form, to combust ultra low sulfur diesel (ULSD) fuel in EU1, EU2, and EU3 from hence forth. The facility currently stores fuel oil with < 0.3 % sulfur in its onsite inventory. The facility has requested, and MassDEP approves the combustion of this <0.3% sulfur fuel oil in EU1, EU2, and EU3 until all such inventory is combusted. The facility shall start purchasing ULSD and blending it with its existing inventory. From the date of this Minor Modification onward, Veolia Energy Boston shall only purchase ULSD for combustion in EU1, EU2, and EU3.
- 5 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.

Table 3 Key:

EU# = Emission Unit Number
% = percent
ppm = parts per million

lb/MMBtu = pounds per million British thermal units
 Btu/hour-ft³ = British thermal units per hour per cubic foot
 NO_x = Nitrogen Oxides
 CO_x = Carbon Monoxide
 PM = Particulate Matter
 S = Sulfur
 SO₂ = Sulfur Dioxide
 O₂ = Oxygen
 < = less than
 > = greater than
 ≤ = less than or equal to

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00: Appendix C (9) and (10), as well as the applicable requirements contained in Table 3:

Table 4	
EU#	MONITORING/TESTING REQUIREMENTS
EU1, EU2, EU3	<p>1. Conduct Emissions Compliance Testing (stack testing) annually prior to October 1, in accordance with Approval MBR-94-COM-013, 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A for NO_x and CO.</p> <p>2. In accordance with 310 CMR 7.19(13)(d)3., and Approval MBR-94-COM-013, measure for each unit, when in operation, on a daily basis: type fuel(s) burned each day, heat content of each fuel, and the total heating value of the fuel consumed for each day.</p> <p>3. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., monitor sulfur content of each new shipment of fuel oil received. Compliance with 310 CMR 7.05(1)(a)2. for sulfur content of the fuel oil can be demonstrated through fuel oil analysis. The analysis of sulfur content of the fuel oil shall be in accordance with the applicable American Society for Testing Materials (ASTM) test methods or any other method approved by MassDEP and the United States Environmental Protection Agency (EPA). Fuel oil sulfur information may be provided by fuel oil suppliers.</p> <p>4. Compliance with the Massachusetts Acid Rain Law 310 CMR 7.22 shall be demonstrated through monitoring for and compliance with 310 CMR 7.05(1)(a)2., and monitoring as required by 310 CMR 7.19(13)(d)3. and Approval MBR-94-COM-013.</p> <p>5. 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 MassDEP 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 MassDEP'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. The Opacity COMS shall meet Performance Specification 1 of 40 CFR Part 60, Appendix B.</p> <p>6. Pursuant to MassDEP'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. This method shall also apply to any detached plumes.</p> <p>7. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., monitor unit operations to ensure continuous compliance with PM emission limits.</p>

Table 4

EU#	MONITORING/TESTING REQUIREMENTS
	8. 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.
Facility-Wide	9. In accordance with 310 CMR 7.13(1), any person owning, leasing, operating or controlling a facility for which MassDEP has determined that stack testing is necessary to ascertain compliance with MassDEP's regulations or design Approval provisos shall cause such stack testing: (a) to be conducted by a person knowledgeable in stack testing, (b) to be conducted in accordance with procedures contained in a test protocol which has been approved by MassDEP, and (c) to be conducted in the presence of a representative of MassDEP when such is deemed necessary. Pursuant to 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 MassDEP or EPA.
	10. 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.

Table 5

EU#	RECORD KEEPING REQUIREMENTS
EU1, EU2, EU3	<p>1. Maintain the test results of annual Emissions Compliance Testing (stack testing) performed in accordance with Approval MBR-94-COM-013, 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A for NO_x and CO.</p> <p>2. In accordance with 310 CMR 7.19(13)(d)3., and Approval MBR-94-COM-013, record for each unit, when in operation, on a daily basis: type fuel(s) burned each day, heat content of each fuel, and total heating value of fuel consumed for each day.</p> <p>3. 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.</p> <p>4. Compliance with the Massachusetts Acid Rain Law 310 CMR 7.22 shall be demonstrated through record keeping for and compliance with fuel oil sulfur requirements, and record keeping as required by 310 CMR 7.19(13)(d)3. and Approval MBR-94-COM-013.</p> <p>5. 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.</p> <p>6. Consistent with the requirements of 310 CMR 7.04(2)(a), record Opacity determined in accordance 40 CFR Part 60, Appendix A, Method 9 in the event of COMS malfunction. This method shall also apply to any detached plumes.</p> <p>7. 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 PM emission limits.</p> <p>8. 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.</p> <p>9. In accordance with 310 CMR 7.19(13)(d)8., all records required by 310 CMR 7.19(13)(d), including computer retained and generated data, shall be kept in a permanently bound log book or any other form acceptable to MassDEP.</p> <p>10. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(d), maintain on-site, at all times, a copy of the Standard Operating and Maintenance Procedure (SOMP) for the subject emission units.</p>
Facility-Wide	<p>11. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(d), maintain the test results of any other testing or testing methodology required by MassDEP or EPA.</p> <p>12. Maintain records for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</p> <p>13. Keep copies of Source Registration/Emission Statement Forms submitted annually to MassDEP as required per 310 CMR 7.12(3)(b).</p> <p>14. 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, report or initial Operating Permit Application.</p>

Table 6

EU#	REPORTING REQUIREMENTS
EU1, EU2, EU3	<p>1. In accordance with 310 CMR 7.19(13)(c), and Approval MBR-94-COM-013, on an annual basis:</p> <p>(a) submit a pretest protocol for the required Emissions Compliance Test (stack test) for review and written MassDEP Approval at least 60 days prior to the anticipated date of testing,</p> <p>(b) include in the pretest protocol a description of sampling point locations, sampling equipment, sampling and analytical procedures, and the operating conditions for the required Emissions Compliance Testing, and</p> <p>(c) submit the Emissions Compliance Testing report for the review and written MassDEP Approval within 60 days of the completion of the Emissions Compliance Testing.</p> <p>2. In accordance with 310 CMR 7.19(13)(d)9., submit compliance records within ten (10) days of written request by MassDEP or EPA.</p> <p>3. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(d) and in accordance with 310 CMR 7.00: Appendix C(10)(d), updated versions of the Standard Operating and Maintenance Procedures (SOMP) shall be submitted to MassDEP. MassDEP must approve of significant changes to the SOMP prior to the change becoming effective. The updated SOMP shall supersede prior versions of the SOMP.</p>
Facility-Wide	<p>4. In accordance with 310 CMR 7.00: Appendix C(10)(d), submit, upon request, the test results of any other testing or testing methodology required by MassDEP or EPA.</p> <p>5. Submit a Source Registration/Emission Statement Form to MassDEP on an annual basis in accordance with 310 CMR 7.12.</p> <p>6. Submit by January 30 and July 30 for the previous six months respectively, a summary of all monitoring data and related supporting information to MassDEP as required by 310 CMR 7.00: Appendix C(10)(c). (See General Condition 10).</p> <p>7. Submit Annual Compliance report to MassDEP and EPA by January 30 of each year and as required by General Condition 10 of this Permit.</p> <p>8. Promptly report to MassDEP all instances of deviations from Permit requirements which are not otherwise reported to MassDEP 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).</p> <p>9. All required reports must be certified by a responsible official as provided in 310 CMR 7.00: Appendix C(10)(h).</p>

C. GENERAL APPLICABLE REQUIREMENTS

The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

D. REQUIREMENTS NOT CURRENTLY APPLICABLE

The Permittee is currently not subject to the following requirements:

Table 7

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

5. SPECIAL TERMS AND CONDITIONS

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

- a) In accordance with the Permittee's Operating Permit Application, EU1, EU2, and EU3 shall continue to emit products of combustion through three (3) separate stacks, each stack having the following parameters:

Stack Height	93 feet
Stack Exit Diameter	66 inches
Stack Material	Metal

- b) The Permittee is subject to, and has stated in their Operating Permit Application, that they are in compliance with the requirements of 40 CFR Part 82: Protection of Stratospheric Ozone. These requirements are applicable to this facility and the United States Environmental Protection Agency (EPA) enforces these requirements.

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 MassDEP at least fifteen (15) days in advance of the proposed changes and the Permittee provides the information required in 310 CMR 7.00: Appendix C(7)(b)3.

Any intra-facility change that does not qualify pursuant to 310 CMR 7.00: Appendix C(7)(b)2. is required to be submitted to MassDEP 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 42 U.S.C. §7401 et seq. (the "Act"), and provided for in this Permit.

8. COMPLIANCE SCHEDULE

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5. In addition, the Permittee shall comply with any applicable requirements that become effective during the Permit term.

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

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

10. COMPLIANCE CERTIFICATION

All documents submitted to 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."

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

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 MassDEP and to the Regional Administrator, United States 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 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:

- 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 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 Act, and is grounds for enforcement action, for Permit termination or revocation, or for denial of an Operating Permit Renewal Application by MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

12. PERMIT SHIELD

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

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

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

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

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

13. ENFORCEMENT

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

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

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

14. PERMIT TERM

This Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date five (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 MassDEP's receipt of a complete and timely Application for renewal, this facility may continue to operate subject to final action by MassDEP on the Renewal Application.

In the event 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 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 MassDEP and/or EPA. The responsible official of the facility may request that MassDEP terminate the facility's Operating Permit for cause. 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 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 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 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 MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to 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 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 MassDEP and EPA to perform the following, as per 310 CMR 7.00: Appendix C(3)(g)12.:

(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.

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 MassDEP or EPA.

23. SEVERABILITY CLAUSE

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

24. EMERGENCY CONDITIONS

The Permittee shall be shielded from enforcement action brought for noncompliance with technology 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;
- (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 MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

25. PERMIT DEVIATION

Deviations are instances where any Permit condition is violated and not reported as an emergency pursuant to Section 24 of this Permit. Reporting a Permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6 of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The Permittee shall report to MassDEP's Regional Bureau of Waste Prevention the following deviations from Permit requirements, by telephone 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

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.

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 MassDEP's Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available via MassDEP's web site, <http://www.mass.gov/dep/air/approvals/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 that 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 MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's Permit. The Permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

27. MODIFICATIONS

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

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

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

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

APPEAL CONDITIONS FOR OPERATING PERMIT

This Permit is an action of 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 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 (MassDEP)
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.

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