



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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### AIR QUALITY OPERATING PERMIT RENEWAL

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

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

AMERESCO Chicopee Energy, LLC  
111 Speen Street, Suite 410  
Framingham, MA 01701

**INFORMATION RELIED UPON:**

Application Number: BWP AQ 12  
ePlace Application #: 18-AQ14/12-0000002-APP  
ePlace Approval #: AQ14-0000004  
MassDEP Approval #: WE-18-011

**FACILITY LOCATION:**

AMERESCO Chicopee Energy, LLC  
161 New Lombard Road  
Chicopee, MA 01020

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 0420110  
FMF FAC NO.: 357046  
FMF RO NO.: 357047

**NATURE OF BUSINESS:**

Landfill Gas to Energy

**Standard Industrial Classification (SIC):** 4931  
**North American Industrial Classification System (NAICS):** 221117

**RESPONSIBLE OFFICIAL:**

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**FACILITY CONTACT PERSON:**

Name: Steven Dulong  
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**This Operating Permit shall expire on : August 16, 2026**

For the Department of Environmental Protection

Michael Gorski  
Regional Director  
Department of Environmental Protection  
Western Regional Office

August 16, 2021

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

#### **A. DESCRIPTION OF FACILITY AND OPERATIONS**

The Ameresco facility is a landfill gas-to-energy plant located on the Chicopee Landfill on New Lombard Road in Chicopee, MA. The Facility consists of the following:

- a) Three Jenbacher internal combustion engines, each one rated at 16.94 million British Thermal Units per hour ("MMBtu/hr"). Each engine provides the motive force to its assigned generator, each rated at 1,893 kilowatts.
- b) One Jenbacher internal combustion engine rated at 19.76 MMBtu/hr providing the motive force to a generator rated at 2,156 kilowatts.
- c) One ABUTEC flare rated at 3.41 MMBtu/hr associated with a siloxane treatment system.

The Facility combusts landfill gas and generates approximately 5.6 megawatts ("MW") for the electrical grid. This combustion process emits Carbon Monoxide in amounts placing the facility into "Air Quality Major Source" status, requiring that they obtain this Major Source Operating Permit.

In accordance with the general applicability criteria, of the United States Environmental Protection Agency ("USEPA") regulation, 40 CFR Part 64, Compliance Assurance Monitoring (CAM), the Ameresco facility is not subject to CAM because of the following:

- a. The ABUTEC flare at the Ameresco facility is a process flare that is part of a siloxane removal system. It is subject to an emission limitation/standard promulgated after November 15, 1990 and hence, in accordance with 40 CFR 64.2(b)1(i) is not subject to CAM, and
- b. the four IC engine generator sets at Ameresco do not employ any air pollution control devices.

Ameresco and the Chicopee Landfill are separate facilities since Ameresco is not a support facility for the Chicopee Landfill, the electricity is sold directly and completely to the grid, there are no shared resources between the two except landfill gas, and the two facilities operate under separate ownership (no shared ownership), under separate control, and share no common employees. Being separate facilities, the Chicopee Landfill flare is not a backup control device for the landfill gas that would otherwise be burned in the engines.

Emission Units 1–3 are subject to 40 CFR 63 Subpart ZZZZ.

Emission Unit 4 is newer and is subject to 40 CFR Part 60 Subpart JJJJ. 40 CFR 63.6590(c) states that by meeting the requirements of 40 CFR Part 60 Subpart JJJJ, no further requirements apply under 40 CFR 63 Subpart ZZZZ.

Compliance of Emission Unit 4 with the 40 CFR 60 Subpart JJJJ emission limits will be demonstrated by meeting the more stringent emission limits under MassDEP Plan Approval #1-P-09-007 (dated 6/17/2009; amended 9/16/2011).

The facility is not a major source of Hazardous Air Pollutants (HAP's).

## B. MASSACHUSETTS GREENHOUSE GAS REPORTING PROGRAM

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

### 2. EMISSION UNIT IDENTIFICATION

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

| <b>Table 1</b>            |   |                        |                                       |
|---------------------------|---|------------------------|---------------------------------------|
| <b>Emission Unit (EU)</b> | <b>Description of EU</b>                    | <b>Design Capacity</b> | <b>Pollution Control Device (PCD)</b> |
| EU 1                      | Jenbacher IC engine<br>Model #J616 GS-E22   | 16.94 MMBtu/hr         | none                                  |
| EU 2                      | Jenbacher IC engine<br>Model #J616 GS-E22   | 16.94 MMBtu/hr         | none                                  |
| EU 3                      | Jenbacher IC engine<br>Model #J616 GS-E22   | 16.94 MMBtu/hr         | none                                  |
| EU 4                      | Jenbacher IC engine<br>Model # J616 GS-E199 | 19.76 MMBtu/hr         | none                                  |
| EU 5                      | ABUTEK enclosed flare<br>Model # HTF 1.0    | 3.41 MMBtu/hr          | none                                  |

### 3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

| <b>Table 2</b>  |                                |
|---|--------------------------------|
| <b>Description of Current Exempt Activities</b>   | <b>Reason</b>                  |
| The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office as changes occur. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12. | 310 CMR 7.00: Appendix C(5)(h) |

### 4. APPLICABLE REQUIREMENTS

A. EMISSION LIMITS AND RESTRICTIONS – The Permittee is subject to the emission limits/restrictions as contained in Table 3 as follows:

| <b>Table 3</b>       |                      |                 |  |                              |   |
|----------------------|----------------------|-----------------|--|------------------------------|---|
| Emission Unit Number | Fuel or Raw Material | Pollutant       | Emission Limits/Standards <sup>1</sup>   | Operating Restrictions (tpy) | Applicable Regulation and/or Approval No.                                   |
| EU 1<br>EU 2<br>EU 3 | landfill gas         | NO <sub>x</sub> | 0.6 g/bhp-hr.; 3.53 lbs./hr.   | 15.47                        | MassDEP Approval #1-X-02-014 (8/20/2002)                                    |
|                      |                      | CO              | 3.0 g/bhp-hr.; 17.66 lbs./hr.  | 77.36                        |   |
|                      |                      | NMOC            | 20 ppm <sup>(2)</sup> or reduce 98% by weight; 4.31 lbs./hr.   | 18.88                        |   |
|                      |                      | VOC             | 1.681 lbs./hr.   | 7.36                         |   |
|                      |                      | SO <sub>2</sub> | 2.83 lbs./hr.  | 12.41                        |   |
|                      |                      | PM              | 1.0 lbs./hr.   | 4.38                         |   |
|                      |                      | HAP's           | Every 1440 hours of operation or annually, (Note 3), whichever comes first, permittee shall:<br>a) Change oil and filter;<br>b) Inspect spark plugs; and<br>c) Inspect all hoses and belts |                              | 40 CFR Part 63; Subpart ZZZZ §§ 63.6603(a), 63.6625(i) and Table 2d         |
| EU 4                 | landfill gas         | NO <sub>x</sub> | 0.6 g/bhp-hr.; 3.97 lbs./hr.   | 17.41                        | MassDEP Approval #1-P-09-007 (6/17/2009) -and- 40 CFR Part 60; Subpart JJJJ |
|                      |                      | CO              | 3.0 g/bhp-hr.; 19.87 lbs./hr.  | 87.04                        |   |
|                      |                      | NMOC            | 20 ppm <sup>(2)</sup> or reduce 98% by weight; 2.32 lbs./hr.   | 10.15                        |   |
|                      |                      | VOC             | 2.32 lbs./hr.  | 10.15                        |   |
|                      |                      | SO <sub>2</sub> | 2.92 lbs./hr.  | 12.77                        |   |
|                      |                      | PM              | 48 lbs./MM dscf CH <sub>4</sub> ; 1.12 lbs./hr.  | 4.91                         |   |

**Table 3**

| Emission Unit Number                 | Fuel or Raw Material | Pollutant                     | Emission Limits/Standards <sup>1</sup>  | Operating Restrictions (tpy) | Applicable Regulation and/or Approval No.   |
|--------------------------------------|----------------------|-------------------------------|---|------------------------------|---|
| EU 5                                 | landfill gas         | NO <sub>x</sub>               | 0.06 lbs./MMBtu; 0.50 lbs./hr.  | 2.17                         | MassDEP Approval #1-P-09-007<br>(6/17/2009; amended 9/16/2011)  |
|                                      |                      | CO                            | 0.20 lbs./MMBtu; 1.65 lbs./hr.  | 7.23                         |   |
|                                      |                      | NMOC                          | 0.52 lbs./hr.   | 2.27                         |   |
|                                      |                      | VOC                           | 0.52 lbs./hr.   | 2.27                         |   |
|                                      |                      | SO <sub>2</sub>               | 1.09 lbs./hr.   | 4.80                         |   |
|                                      |                      | PM                            | 0.25 lbs./MMBtu; 0.85 lbs./hr.  | 3.72                         |   |
| EU 1<br>EU 2<br>EU 3<br>EU 4<br>EU 5 | landfill gas         | Opacity                       | 0% opacity:<br><br>-EXCEPT-<br>20% to ≤40% for ≤2 minutes<br>up to 5 minutes during startup where the applicable opacity standard is 310 CMR 7.06(1)(b) | N/A                          | MassDEP Approval #: 1-X-02-014 (8/20/2002)<br>-and-<br>MassDEP Approval #: 1-P-09-007<br>(6/17/2009; amended 9/16/2011) |
|                                      |                      |                               | ≤20% opacity<br><br>-EXECPT-<br>20% to ≤40% for ≤2 minutes during any 5 minute startup period   | N/A                          | 310 CMR 7.06(1)(b)  |
| Facility-Wide                        | ALL                  | greenhouse gas <sup>(3)</sup> | N/A   | N/A                          | 310 CMR 7.71<br>[State Only Requirement]  |

**Table 3 Notes:**

- (1) The Emission Limits indicated are applicable to each Emission Unit when grouped together.
- (2) Parts per million as hexane, by volume, dry basis at 3 percent oxygen.
- (3) Greenhouse Gas means any chemical or physical substance that is emitted into the air and that MassDEP may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, SF<sub>6</sub>, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs)

**Table 3 Key:**

MassDEP = Massachusetts Department of Environmental Protection; CMR = Code of Massachusetts Regulation  
 lbs. = pounds; hr. = hour; tpy = tons per year; year = any consecutive 12-month period (rolling year)  
 g = grams (of pollutant); bhp = brake horse power (per engine); MMBtu = million British Thermal Units  
 NO<sub>x</sub> = Oxides of Nitrogen; SO<sub>2</sub> = Sulfur Dioxide; NMOC = Non-methane organic compounds  
 VOC = Volatile Organic Compounds; HAPs = Hazardous Air Pollutants; PM = Particulate Matter  
 CH<sub>4</sub> = Methane; CO = Carbon Monoxide; O<sub>2</sub> = Oxygen; ppm = parts per million; % = percent  
 ppmvd = parts per million dry volume; MM = million; dscf = dry standard cubic feet; ≤ = less than or equal to  
 EPA = United States Environmental Protection Agency; CFR = Code of Federal Regulations

**B. COMPLIANCE DEMONSTRATION**

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

| <b>Table 4</b>              |  |
|-----------------------------|--|
| <b>Emission Unit Number</b> | <b>Monitoring and Testing Requirements</b>   |
| EU 1<br>EU 2<br>EU 3        | <ol style="list-style-type: none"> <li>1. In accordance with 40 CFR 63.6625(e), operate and maintain the stationary RICE according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.</li> <li>2. In accordance with 40 CFR 63.6625(h), minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.</li> <li>3. In accordance with 40 CFR 63.6625(j), utilize an oil analysis program in order to extend the specified oil change requirement in Table 2.d. #13 to this subpart. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2.d. to this subpart. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than three (3.0) milligrams of potassium hydroxide per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than twenty (20) percent from the viscosity of the oil when new; or percent water content (by volume) is greater than zero point five (0.5).</li> </ol> <p>If all of these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within two (2) days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within two (2) days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.</p> |

| <b>Table 4 (continued)</b>   |   |
|------------------------------|---|
| <b>Emission Unit Number</b>  | <b>Monitoring and Testing Requirements</b>  |
| EU 1<br>EU 2<br>EU 3<br>EU 4 | 4. In accordance with MassDEP Approval #1-X-02-014 (8/20/02), Approval #1-P-09-007 (6/17/2009), and 310 CMR 7.00 Appendix C(9), Ameresco shall monitor for each engine the fuel flow in standard cubic feet per minute and total standard cubic feet.   |
|                              | 5. In accordance with 310 CMR 7.00: Appendix C(9)(b)2., perform monthly visible emissions observations of each engine exhaust, in accordance with 40 CFR Part 60, Appendix A, Method 22, for a time period no less than fifteen (15) minutes while the engines are in operation.  |
|                              | 6. In accordance with MassDEP Approval #1-X-02-014 (8/20/02) & Approval #1-P-09-007 (6/17/2009), Ameresco shall take immediate steps, including shutdown of the engines, to abate any nuisance condition generated by the operation of the engines. [State Only]  |
| EU 4                         | 7. In accordance with 40 CFR § 60.4243(b)(2)(ii), conduct performance testing after the initial performance test every 8,760 hours of engine operation, or every 3 years, whichever comes first, to demonstrate compliance with the emission limits listed in Table 3 of this Operating Permit. Testing shall be conducted in accordance with the requirements specified in 40 CFR § 60.4244.   |
|                              | 8. In accordance with MassDEP Approval #1-P-09-007 (6/17/2009; amended 9/16/2011), Ameresco shall monitor the air-to-fuel ratio for the engine (Lean-ox control system or equivalent).  |
| EU 5                         | 9. In accordance with MassDEP Approval #1-P-09-007 (6/17/2009; amended 9/16/2011), Ameresco shall monitor the fuel flow in standard cubic feet per minute and the total standard cubic feet of landfill gas to the flare, and the flare operating temperature.  |
| Facility-Wide                | 10. In accordance with 310 CMR 7.13, Ameresco shall conduct stack testing, upon written request of the MassDEP, for any air contaminant for which the MassDEP has determined testing is necessary, to ascertain compliance with the MassDEP's regulations or design approval provisos. All such testing shall be conducted in accordance with 310 CMR 7.13 (1) and (2), and in accordance with the applicable procedures specified in 40 CFR 60 Appendix A or other method(s) if approved by the MassDEP and EPA. |
|                              | 11. Ameresco shall 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.  |
|                              | 12. In accordance with 310 CMR 7.71(1) and Appendix C(9) the Permittee shall establish and maintain data systems or record keeping practices (e.g. fuel use records, SF <sub>6</sub> usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c. 298, § 6. [State Only Requirement]   |



**Table 4 Key:**

MassDEP = Massachusetts Department of Environmental Protection; CMR = Code of Massachusetts Regulations  
EPA = United States Environmental Protection Agency; CFR = Code of Federal Regulations  
LFG = landfill gas; RICE = reciprocating internal combustion engine; Btu = British Thermal Units  
scf = standard cubic feet; lbs. = pounds; hr. = hour; tpy = tons per year; MM = million  
year = any consecutive 12-month period; % = percent; gm = grams (of pollutant); NO<sub>x</sub> = Oxides of Nitrogen  
bhp = brake horse power (per engine); MMBtu = million British Thermal Units; SO<sub>2</sub> = Sulfur Dioxide  
NMOC = Non-methane organic compounds; VOC = Volatile Organic Compounds; CH<sub>4</sub> = Methane  
HAPs = Hazardous Air Pollutants; PM = Particulate Matter; CO = Carbon Monoxide; O<sub>2</sub> = Oxygen;  
ppm = parts per million; kW = kilowatt; ppmvd = parts per million dry volume; dscf = dry standard cubic feet  
≤ = less than or equal to

| <b>Table 5</b>               |   |
|------------------------------|---|
| <b>Emission Unit Number</b>  | <b>Recordkeeping Requirements</b>   |
| EU-1<br>EU-2<br>EU-3         | 1. In accordance with 40 CFR 63.6655(a), <ol style="list-style-type: none"> <li>a. keep a copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in § 63.10(b)(2)(xiv).</li> <li>b. keep records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.</li> <li>c. keep records of performance tests and performance evaluations as required in § 63.10(b)(2)(viii).</li> <li>d. keep records of all required maintenance performed on the air pollution control and monitoring equipment.</li> <li>e. keep records of actions taken during periods of malfunction to minimize emissions in accordance with § 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.</li> </ol> |
|                              | 2. In accordance with 40 CFR 63.6655(b), for each CPMS: <ol style="list-style-type: none"> <li>a. keep records described in § 63.10(b)(2)(vi) through (xi).</li> <li>b. keep previous (i.e., superseded) versions of the performance evaluation plan as required in § 63.8(d)(3).</li> <li>c. keep requests for alternatives to the relative accuracy test for CPMS as required in § 63.8(f)(6)(i), if applicable.</li> </ol>   |
|                              | 3. In accordance with 40 CFR 63.6655(d), keep the records required in Table 6 of this subpart to show continuous compliance with each emission or operating limitation that applies to you.   |
|                              | 4. In accordance with 40 CFR 63.6655(e), keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE according to your own maintenance plan.  |
| EU-1<br>EU-2<br>EU-3<br>EU-4 | 5. In accordance with MassDEP Approval #1-X-02-014 (8/20/02) and 310 CMR 7.00 Appendix C(10), Ameresco shall establish and maintain a record keeping system on-site for the following: <ol style="list-style-type: none"> <li>a. A record of routine maintenance activities performed on each engine including a description of the maintenance performed and the date the work was completed;</li> <li>b. A record of all malfunctions for each engine including the date and time of the malfunction, the type of malfunction and the date and time corrective actions were completed; and</li> <li>c. All records shall be kept on site for a period of five years and be made available to MassDEP personnel upon request.</li> </ol>   |

| <b>Table 5 (continued)</b>   |  |
|------------------------------|--|
| <b>Emission Unit Number</b>  | <b>Recordkeeping Requirements</b>  |
| EU-1<br>EU-2<br>EU-3<br>EU-4 | 6. In accordance with MassDEP Approval #1-P-09-007 (6/17/2009; amended 9/16/2011) and 310 CMR 7.00 Appendix C(10), Ameresco shall maintain records on-site for each engine of the volume of LFG (scf) fired and of the heat input of LFG (Btu) fired, for each month and for each twelve month rolling period. The heat input records may be generated by gas chromatograph and/or field measurements.   |
|                              | 7. In accordance with 310 CMR 7.00 Appendix C(10), Ameresco shall maintain records demonstrating that the engine is being operated in accordance with the NOx/CO optimization plan.  |
|                              | 8. In accordance with 310 CMR 7.00: Appendix C(10)(b), maintain records of the monthly visible emissions observations to include date and time period of the observations, the result of observations with respect to visible emissions, and a description of the facility operations at the time of the observation.  |
| EU-4                         | 9. In accordance with 40 CFR § 60.4245(a), the Permittee must keep the following records:<br>a. All notifications submitted to comply with this subpart and all documentation supporting any notification.<br>b. Maintenance conducted on the engine.<br>c. Documentation that the engine meets the emission standards.  |
|                              | 10. In accordance with 40 CFR § 60.4243(b)(2)(ii), keep an engine maintenance plan and records of maintenance conducted on the engine.   |
| EU-5                         | 11. In accordance with MassDEP Approval #1-P-09-007 (6/17/2009; amended 9/16/2011) and 310 CMR 7.00 Appendix C (10), Ameresco shall maintain records on-site for the flare. Records to include of the volume of LFG (scf) fired and of the heat input of LFG (Btu) fired, for each month and for each consecutive twelve month period, a rolling year. The heat input records may be generated by gas chromatograph and/or field measurements.   |
| Facility-Wide                | 12. In accordance with MassDEP Approvals #1-X-02-014 (8/20/02) and #1-P-09-007 (6/17/2009, amended 9/16/2011), maintain on-site records of the mass emissions of NOx, CO, NMOC, PM, & SO <sub>2</sub> from the engines and flare. Records shall be for each month and for each consecutive twelve month period (a rolling year).<br><br>The annual emissions for each engine will be calculated by using the following:<br><br>(engine operating hours) multiplied by<br>(the maximum recorded pounds of pollutant emitted per hour**) multiplied by<br>(the actual engine kW-hr. generated (divided by) the maximum engine kW-hr. capability)<br><br>** number is based on the permit emission limit in pounds per hour or the most recent stack test result. |

| <b>Table 5 (continued)</b>  |  |
|-----------------------------|--|
| <b>Emission Unit Number</b> | <b>Recordkeeping Requirements</b>  |
| Facility-Wide               | 13. In accordance with MassDEP Approvals #1-X-02-014 (8/20/02) and #1-P-09-007 (6/17/2009; amended 9/16/2011), maintain on-site updated copies of the standard operating and maintenance procedures for all subject equipment.   |
|                             | 14. In accordance with 310 CMR 7.00 Appendix C(10)(b), Ameresco shall maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application.                                    |
|                             | 15. In accordance with 310 CMR 7.12, Ameresco shall maintain the records required to determine the nature and amounts of emissions from the facility.  |
|                             | 16. In accordance with 310 CMR 7.12(3)(b), Ameresco shall maintain copies of Source Registration and other information supplied to the MassDEP to comply with 310 CMR 7.12 for five years from the date of submittal.  |
|                             | 17. In accordance with 310 CMR 7.71 (6) b. and c. Permittee shall keep on site at the facility of the methodology and data used to quantify emissions for a period of five years from the date the document is created. The Permittee shall make these documents available to MassDEP upon request. [State Only Requirement] |

**Table 5 Key:**

MassDEP = Massachusetts Department of Environmental Protection; CMR = Code of Massachusetts Regulations  
 CFR = Code of Federal Regulations; LFG = landfill gas; SCF = standard cubic feet;  
 BTU = British Thermal Units; lbs. = pounds; hr. = hour; TPY = tons per year; ≤ = less than or equal to  
 year = any consecutive 12-month period; % = percent; gm = grams (of pollutant);  
 BHP = brake horse power (per engine); MMBTU = million British Thermal Units  
 NOx = Oxides of Nitrogen; SO<sub>2</sub> = Sulfur Dioxide; NMOC = Non-methane organic compounds  
 VOC = Volatile Organic Compounds; HAPs = Hazardous Air Pollutants; PM = Particulate Matter  
 CH<sub>4</sub> = Methane; CO = Carbon Monoxide; O<sub>2</sub> = Oxygen; ppm = parts per million; kW = kilowatt  
 ppmvd = parts per million dry volume; MM = million; dscf = dry standard cubic feet;  
 CPMS = continuous parametric monitoring system

| <b>Table 6</b>                       |  |
|--------------------------------------|--|
| <b>Emission Unit Number</b>          | <b>Reporting Requirements<sup>1</sup></b>  |
| EU 1<br>EU 2<br>EU 3<br>EU 4<br>EU 5 | 1. In accordance with MassDEP Approval #1-X-02-014 (8/20/02) and Approval #1-P-09-007 (6/17/2009; amended 9/16/2011), Ameresco must notify the MassDEP's Compliance/Enforcement Chief for the Bureau of Air and Waste by telephone or fax, within 24 hours, and with written notification within 10 days, after the occurrence of any upsets or malfunctions of the engines or any appurtenant equipment which result in excess emission to the ambient air and/or a condition of air pollution. |
| EU 4                                 | 2. In accordance with 40 CFR § 60.4245 (d), the Permittee must submit a copy of each performance test as conducted in 40 CFR § 60.4244 within 60 days after the test has been completed.   |
| Facility-Wide                        | 3. Ameresco shall submit Annual Source Registration/Emission Statements in accordance with 310 CMR 7.12.   |
|                                      | 4. In accordance with 310 CMR 7.13(1) and 310 CMR 7.13(2), if and when the MassDEP has determined that stack testing is necessary to ascertain compliance with MassDEP's regulations or design approval provisions, Ameresco shall cause such stack testing to be summarized, analyzed, and submitted to the MassDEP within such time frame as agreed to in the approved test protocol.  |
|                                      | 5. In accordance with 310 CMR 7.00 Appendix C(10)(a), Ameresco shall submit to the MassDEP any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by the MassDEP.   |
|                                      | 6. In accordance with 310 CMR 7.71(5), the Permittee shall electronically submit and certify by April 15 <sup>th</sup> of each year a greenhouse gas emissions report to MassDEP.<br>[State Only Requirement]  |

**Table 6 Note:**

**1:** The annual Source Registration/Emission Statement report shall be submitted to the applicable MassDEP online database. All other reports, including both 6-month summary reports, are to be submitted to the Western Regional Office.

**Table 6 Key:**

MassDEP = Massachusetts Department of Environmental Protection; CMR = Code of Massachusetts Regulations  
 CFR = Code of Federal Regulations

**C. GENERAL APPLICABLE REQUIREMENTS** – The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

D. REQUIREMENTS NOT CURRENTLY APPLICABLE – The Permittee is currently not subject to the following requirements:

| <b>Table 7</b>   |   |
|--|---|
| <b>Regulation</b>  | <b>Reason</b>                                     |
| 310 CMR 7.16:<br>Reduction of Single Occupant Commuter Vehicle Use | Facility employs less than 250 people.            |
| 40 CFR Part 64 – Compliance Assurance Monitoring                   | Facility does not satisfy all applicable criteria |

**Table7 Key:** CMR = Code of Massachusetts Regulations ; CFR = Code of Federal Regulations

**5. SPECIAL TERMS AND CONDITIONS**

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

| <b>Table 8</b>               |  |
|------------------------------|--|
| <b>Emission Unit Number</b>  | <b>Special Terms and Conditions</b>  |
| EU 1<br>EU 2<br>EU 3         | <p><b>1.</b> Emission Units 1–3 are subject to the requirements of 40 CFR 63.1–15, Subpart A, "General Provisions" [as indicated in Table 8 to Subpart ZZZZ of 40 CFR 63]. Compliance with all applicable provisions therein is required.</p>  |
| EU 1<br>EU 2<br>EU 3<br>EU 4 | <p><b>2.</b> In accordance with MassDEP Approval #1-X-02-014 (8/20/02) &amp; Approval #1-P-09-007 (6/17/2009; amended 9/16/2011), Ameresco shall apply modern air pollution control technology with respect to noise. In no case shall the operation of the Ameresco facility result in an exceedance of the MassDEP’s noise guidelines of:</p> <p style="margin-left: 20px;">a. an increase in the broadband sound level by more than 10 dB(A) above ambient; or</p> <p style="margin-left: 20px;">b. production of a “puretone”.</p> <p style="margin-left: 20px;">These guidelines are contained in DAQC Policy 90-001. In addition, in no case shall the operation of the Ameresco facility result in a condition of “Noise” as required by Regulation 310 CMR 7.10. (State Only Requirement)</p>  |
| EU 4                         | <p><b>3.</b> Emission Unit 4 is subject to the applicable General Provisions in 40 CFR part 60, subpart A, as outlined at 40 CFR 60.4246 and Table 3 of 40 CFR part 60, subpart JJJJ.</p> <p><b>4.</b> Emission Unit 4 is subject and to Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR Part 60 Subpart JJJJ and shall comply with all applicable standards.</p> <p><b>5.</b> In accordance with 40 CFR § 60.4243(b)(2)(ii), operate and maintain the engine and control device in a manner consistent with good air pollution control practice for minimizing emissions and according to the manufacturer's emission-related written instructions.</p>  |
| EU 5                         | <p><b>6.</b> In accordance with MassDEP Approval #1-P-09-007 (6/17/2009; amended 9/16/2011), Ameresco shall ensure that the flare is operated at all times when LFG is routed to it.</p> <p><b>7.</b> In accordance with MassDEP Approval #1-P-09-007 (6/17/2009; amended 9/16/2011), Ameresco shall ensure that the operating temperature for the enclosed flare is maintained at a minimum of 1400° F for a minimum of 0.6 seconds as monitored near the flare exit.</p> <p><b>8.</b> In accordance with MassDEP Approval #1-P-09-007 (6/17/2009; amended 9/16/2011), Ameresco shall ensure that the enclosed flare includes a propane pilot system for flame ignition and also has a flame arrestor to prevent the flame from traveling back into the gas collection system. An ultraviolet flame detector will be used to detect the presence of a flame, both for the pilot system and the main flame. If no flame is detected, the flare will shut down after three attempted restarts and an auto dialer “pager” will notify personnel of an upset condition.</p> |

**Table 8 Key:**

MassDEP = Massachusetts Department of Environmental Protection; DAQC = Division of Air Quality Control  
CMR = Code of Massachusetts Regulation; CFR = Code of Federal Regulation  
°F = degrees Fahrenheit; LFG = landfill gas; dB(A) = decibels weighted for the "A" scale

**6. ALTERNATIVE OPERATING SCENARIOS**

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

**7. EMISSIONS TRADING**

(A) Intra-facility emission trading

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

(B) Inter-facility emission trading

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

**8. COMPLIANCE SCHEDULE**

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

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

**GENERAL CONDITIONS FOR OPERATING PERMIT**

**9. FEES**

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



## 10. COMPLIANCE CERTIFICATION

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

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

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification.

The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op> .

### A. Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this Operating Permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to

Director, Enforcement and Compliance Assurance Division  
Attn: Air Compliance Clerk (Mail Code 04-2)  
U.S. Environmental Protection Agency - Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109.

The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

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

**B. Semi-Annual Monitoring Summary Report and Certification**

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

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- 4) whether there were any deviations during the reporting period;
- 5) if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- 6) whether deviations in the reporting period were previously reported;
- 7) if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- 8) if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- 9) any additional information required by the MassDEP to determine the compliance status of the source.

**11. NONCOMPLIANCE**

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

## **12. PERMIT SHIELD**

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

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

- B. The MassDEP has determined that the Permittee is not currently subject to the requirements listed in Table 7 of Section 4. D. "REQUIREMENTS NOT CURRENTLY APPLICABLE".
- C. Nothing in this Permit shall alter or affect the following:
- 1) the liability of the source for any violation of applicable requirements prior to or at the time of Permit issuance.
  - 2) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
  - 3) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

## **13. ENFORCEMENT**

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.70, 7.71, 7.72, 7.73, 7.74, 7.75 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this Permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act. A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

**14. PERMIT TERM**

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

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

**15. PERMIT RENEWAL**

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

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

**16. REOPENING FOR CAUSE**

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

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

**17. DUTY TO PROVIDE INFORMATION**

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

**18. DUTY TO SUPPLEMENT**

The Permittee, upon becoming aware that any relevant facts were omitted, or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

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

**19. TRANSFER OF OWNERSHIP OR OPERATION**

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

**20. PROPERTY RIGHTS**

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

**21. INSPECTION AND ENTRY**

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

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

## **22. PERMIT AVAILABILITY**

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

## **23. SEVERABILITY LAUSE**

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

## **24. EMERGENCY CONDITIONS**

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based<sup>1</sup> emission limitations specified in this Permit as a result of an emergency<sup>2</sup>. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. an emergency occurred, and that the Permittee can identify the cause(s) of the emergency;
- B. the permitted facility was at the time being properly operated;
- C. during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. the Permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken. If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

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

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

## **25. PERMIT DEVIATION**

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

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

- A. Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- B. Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the Permit or approval as surrogate for an emission limit.
- C. Exceedances of Permit operational limitations directly correlated to excess emissions.
- D. Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- E. 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 MassDEP, Bureau of Air and Waste, Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op> .

This report shall include the deviation, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

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

## **26. OPERATIONAL FLEXIBILITY**

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

## **27. MODIFICATIONS**

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



## **28. OZONE DEPLETING SUBSTANCES**

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

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
- 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
  - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
  - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
  - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
- 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
  - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
  - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
  - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
  - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".

- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the Permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.
  
- E. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, "Significant New Alternatives Policy Program".

## **29. APPEAL CONDITIONS FOR OPERATING PERMIT**

This Permit is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this Permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a Permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the Permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) and a completed Adjudicatory Hearing Fee Transmittal Form found at <http://www.mass.gov/eea/docs/dep/service/adr/adjherfm.doc> must be mailed to:

The Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below:

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.