



COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 NORTHEAST REGIONAL OFFICE

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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"]:

Exelon Framingham, LLC
 776 Summer Street
 Boston, Massachusetts 02127

INFORMATION RELIED UPON:

Application MBR-95-OPP-035R
 Transmittal No. W067191

FACILITY LOCATION:

Exelon Framingham, LLC
 Leland Street
 Framingham, Massachusetts 01760

FACILITY IDENTIFYING NUMBERS:

SSEIS ID: 1190500
 FMF FAC NO.: 306583
 FMF RO NO.: 306584

NATURE OF BUSINESS:

Electrical Power Generation

STANDARD INDUSTRIAL CODE:

(SIC): 4911

RESPONSIBLE OFFICIAL:

Name: John Castro
 Title: Vice President &
 General Manager

FACILITY CONTACT PERSON:

Name: John Castro
 Title: Vice President &
 General Manager
 Phone: (617) 464-6562

This Operating Permit shall expire on August 16, 2011.

For MassDEP, 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
 Regional Permit Chief

August 16, 2006
 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

Exelon Framingham, LLC is an electrical power generation facility located at Leland Street in Framingham, Massachusetts. The facility operates three (3) simple cycle Combustion Turbines, noted as Emission Units 1, 2, and 3, used for generating power during periods of peak demand. Each Combustion Turbine is rated at approximately 15 Megawatts output or 186 million British Thermal Units of energy input capacity per hour. Distillate fuel oil having sulfur content of 0.3 percent by weight or less is the only fuel of use. These Combustion Turbines are Budget Units under the Nitrogen Oxides (NO_x) Allowance Trading Program (310 CMR 7.28). These three Combustion Turbines are also included in multi-facility NO_x emission averaging with one Combustion Turbine at the Permittee's New Boston Station and six Combustion Turbines at the Permittee's West Medway Station for compliance with Reasonably Available Control Technology for Sources of NO_x (310 CMR 7.19).

2. EMISSION UNIT IDENTIFICATION

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

Table 1			
EU#	DESCRIPTION OF EMISSION UNIT	EU DESIGN CAPACITY 1	POLLUTION CONTROL DEVICE
EU1	Rolls Royce Model No. Avon 1533-75L Combustion Turbine FJ-1	186 MMBTU per hour	None
EU2	Rolls Royce Model No. Avon 1533-75L Combustion Turbine FJ-2	186 MMBTU per hour	None
EU3	Rolls Royce Model No. Avon 1533-75L Combustion Turbine FJ-3	186 MMBTU per hour	None

Table 1 Notes:

- 1 Heat input at standard conditions, ambient temperature of 59 Degrees Fahrenheit, 29.92 inches of Mercury (Hg)

Table 1 Key:

EU# = Emission Unit Number
 MMBTU = million British Thermal Units

3. 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 exempt activities is contained in the Application and shall be updated by the Permittee to reflect changes at the facility over the Permit term. An up-to-date copy of this list shall be kept on-site at the facility and a copy shall be submitted to MassDEP's Regional Office.

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 ≤ 0.3% S by weight	NO _x	≤ AlE _{NOx} ¹	MBR-05-ECP-001 310 CMR 7.19(14) 310 CMR 7.00: Appendix B(4)
		NO _x	See "Special Terms and Conditions", Section 5(b)	310 CMR 7.28
		CO	Not Applicable ²	MBR-05-ECP-001 310 CMR 7.19(7)(a)4.
		S in Fuel	≤ 0.17 lb/MMBTU ³	310 CMR 7.05(1)(a)2.
		SO ₂	≤ 1.2 lb/MMBTU ³	310 CMR 7.22(1)
		Smoke	< No. 1 of Chart ⁴ , 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	≤ 0.15 lb/MMBTU	310 CMR 7.02(8)(e) (State Only)

Table 3 Notes:

- 1 See "Special Terms and Conditions", Section 5(a). In accordance with 310 CMR 7.19(7)(a)3., for stationary combustion turbines not using a continuous emissions monitoring system that satisfies the requirements of 310 CMR 7.19(13)(b) to determine compliance, compliance with the unit specific allowable NO_x emission rate for EU1, EU2, and EU3 of 100 ppmvd corrected to fifteen (15) percent oxygen when firing oil, as stated in 310 CMR 7.19(7)(a)2.b., shall be based on a one-hour averaging time. In accordance with Approval MBR-05-ECP-001, compliance with this NO_x emission standard under 310 CMR 7.19(7)(a)2.b. shall be demonstrated by emissions averaging per the requirements of 310 CMR 7.19(14) and 310 CMR 7.00: Appendix B(4) by employing a 24 hour average of NO_x emissions from ten (10) stationary combustion turbines owned by the Permittee: EU1, EU2, EU3 at Exelon Framingham, LLC, one turbine at Exelon New Boston, LLC located at 776 Summer Street in Boston, and six (6) turbines at Exelon West Medway, LLC located at 9 Summer Street in West Medway.
- 2 In accordance with 310 CMR 7.19(7)(a)3., for stationary combustion turbines not using a continuous emissions monitoring system that satisfies the requirements of 310 CMR 7.19(13)(b) to determine compliance, compliance

with the unit specific allowable CO emission rate for EU1, EU2, and EU3 of 100 ppmvd corrected to fifteen (15) percent oxygen when firing oil, as stated in 310 CMR 7.19(7)(a)2.c., shall be based on a one-hour averaging time. Notwithstanding this CO emission standard as stated in 310 CMR 7.19(7)(a)2.c., MassDEP will allow the Permittee to operate EU1, EU2, and EU3 at a higher CO emission standard, pursuant to 310 CMR 7.19(7)(a)4., provided that combustion conditions do not deteriorate as demonstrated by a decrease in the generator speed to exhaust temperature ratio when corrected to standard conditions, or by other means acceptable to MassDEP and the United States Environmental Protection Agency (EPA).

- 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 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
No. = Number
lb/MMBTU = pounds per million British Thermal Units
ppmvd = parts per million by volume, dry basis
NO_x = Nitrogen Oxides
CO = Carbon Monoxide
S = Sulfur
SO₂ = Sulfur Dioxide
PM = Particulate Matter
< = 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>Conduct Emissions Compliance Testing (stack testing) annually prior to October 1, in accordance with Approval MBR-05-ECP-001, 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A for NO_x and CO on the following Combustion Turbine Units involved in the Permittee's NO_x emission averaging bubble:</p> <ul style="list-style-type: none"> - one of the three (3) Rolls Royce Avon 1533-75L units located at Exelon Framingham, LLC not tested in the previous five (5) calendar years, and - the Exelon New Boston, LLC Pratt & Whitney FT4-8 unit, and - one of the six (6) Rolls Royce Avon 1533-77C units located at Exelon West Medway, LLC not tested in the previous five (5) calendar years and while burning No. 2 Fuel Oil, and - any Exelon West Medway, LLC Rolls Royce Avon 1533-77C unit burning Natural Gas, if the Permittee plans to burn Natural Gas in this unit during the time period leading up to the next scheduled stack testing of this unit and this unit has not been stack tested while burning Natural Gas in the previous five (5) calendar years, and - any other unit different from those tested above which has received major overhaul work since the last testing. <p>In accordance with 310 CMR 7.19(13)(d)3. and Approval MBR-05-ECP-001, monitor for each Combustion Turbine Unit, when in operation, on a daily basis: type(s) fuel burned, heat content of each fuel, total consumption of each fuel, total heating value of each fuel consumed, and actual hours of operation for each fuel burned. In accordance with Approval MBR-05-ECP-001, utilize this information to calculate the allowable NO_x emission bubble limitation (Al_{E_{NOX}}), the actual bubble NO_x emissions (Ac_{E_{NOX}}), the difference between actual and allowable bubble NO_x emissions, and the quantity of Emission Reduction Credits (ERC_{NOX}), both ozone (May 1 through September 30) and non-ozone season (October 1 through April 30), required to comply with 310 CMR 7.19. In accordance with Approval MBR-05-ECP-001, monitor that the amount of Emission Reduction Credits (ERCs) actually obtained includes five (5) percent more than the amount needed for compliance (See "Special Terms and Conditions", Section 5(a)). Fuel heat content information may be provided by fuel suppliers.</p> <p>In accordance with 310 CMR 7.28(11)(a)(1), any person who owns, leases, operates or controls a budget unit that commences operation before January 1, 2002 shall install, operate and successfully complete all applicable certification testing requirements for monitoring heat input, NO_x emission rate and NO_x mass emissions pursuant to the requirements of 40 CFR Part 75, Subpart H by May 1, 2002.</p> <p>In accordance with 310 CMR 7.28(11)(a)(4), all monitoring systems are subject to initial performance testing and periodic calibration, accuracy testing and quality assurance/quality control testing as specified in 40 CFR Part 75, Subpart H.</p>
EU1, EU2, EU3	<p>As required by 310 CMR 7.28(11)(a)(5), during a period when valid data is not being recorded by a monitoring system approved under 310 CMR 7.28, the missing or invalid data must be replaced with default data in accordance with the provisions of 40 CFR 75.70(f). The applicable missing data procedures are specified in 40 CFR Part 75 for NO_x emission rate in pounds per million British Thermal Units (lb/MMBtu), heat input, stack gas volumetric flow rate, oil density, Gross Calorific Value (GCV) or fuel flow rate.</p>

Table 4

EU#	MONITORING/TESTING REQUIREMENTS
	<p>In accordance with 310 CMR 7.28(11)(a)(6), NOx emissions data must be reported to the NOx Emissions Tracking System (NETS) in accordance with 310 CMR 7.28(13).</p> <p>In accordance with 310 CMR 7.28(11)(a)(7), budget units must report data pursuant to the requirements of 310 CMR 7.28(11) for every hour.</p> <p>In accordance with 310 CMR 7.28(11)(b), any person who owns, leases, operates or controls a budget unit subject to 310 CMR 7.28 must comply with the notification requirements in 40 CFR 75.61, where applicable.</p> <p>In accordance with Approval MBR-05-ECP-001, monitor for each Combustion Turbine Unit, when in operation, on an hourly basis the generator speed, exhaust temperature, and generator speed to exhaust temperature ratio, corrected to standard conditions, to ensure that combustion conditions do not deteriorate as indicated by a decrease in the generator speed to exhaust temperature ratio when corrected to standard conditions, or by other means acceptable to MassDEP and EPA.</p> <p>Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., monitor sulfur content of each new shipment of fuel received. Compliance with 310 CMR 7.05(1)(a)2. for sulfur content of the fuel can be demonstrated through fuel analysis. The analysis of sulfur content of the fuel shall be in accordance with the applicable American Society for Testing Materials (ASTM) test methods or any other method approved by MassDEP and EPA. Fuel sulfur information may be provided by fuel suppliers.</p> <p>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-05-ECP-001.</p> <p>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 monitoring of Opacity as determined in accordance with 40 CFR Part 60, Appendix A, Method 9 shall constitute compliance with this requirement. This method shall also apply to any detached plumes.</p> <p>Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., monitor unit operations, as necessary, to ensure continuous compliance with PM emission limits.</p> <p>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.</p>

Table 4	
EU#	MONITORING/TESTING REQUIREMENTS
Facility-Wide	<p>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:</p> <p>(a) to be conducted by a person knowledgeable in stack testing,</p> <p>(b) to be conducted in accordance with procedures contained in a test protocol which has been approved by MassDEP, and</p> <p>(c) to be conducted in the presence of a representative of MassDEP when such is deemed necessary.</p> <p>In accordance with Approval MBR-05-ECP-001, conduct any other testing or testing methodology if and when requested by MassDEP or EPA.</p> <p>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.</p>

Table 5	
EU#	RECORD KEEPING REQUIREMENTS
EU1, EU2, EU3	<p>Maintain the test results of any Emissions Compliance Testing (stack testing) performed in accordance with Approval MBR-05-ECP-001, 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A for NO_x and CO.</p> <p>In accordance with 310 CMR 7.19(13)(d)3. and Approval MBR-05-ECP-001, record for each Combustion Turbine Unit, when in operation, on a daily basis: type(s) fuel burned, heat content of each fuel, total consumption of each fuel, total heating value of each fuel consumed, and actual hours of operation for each fuel burned. In accordance with Approval MBR-05-ECP-001, utilize this information to calculate and record the allowable NO_x emission bubble limitation (A_ENO_x), the actual bubble NO_x emissions (A_CNO_x), the difference between actual and allowable bubble NO_x emissions, and the quantity of Emission Reduction Credits (ERC_{NOx}), both ozone and non-ozone season, required to comply with 310 CMR 7.19. In accordance with Approval MBR-05-ECP-001, record the amount of ERCs, both ozone (May 1 through September 30) and non-ozone season (October 1 through April 30), actually obtained. Said records shall also identify the source of ERCs obtained, including company name, emission unit and method of generation, date of generation, and the Transmittal Number of the application for certification of ERCs.</p> <p>The facility shall comply with all applicable record keeping requirements contained in 40 CFR Part 60, 40 CFR Part 72, 40 CFR Part 75, and 310 CMR 7.28.</p> <p>In accordance with 310 CMR 7.28(8)(e), information on the Authorized Account Representative (AAR) Form must be kept current.</p> <p>As required by 310 CMR 7.28(12), any person who owns, leases, operates or controls a budget unit must keep all measurements, data, reports and other information required by 310 CMR 7.28 for five years, or any other period consistent with the budget unit's Operating Permit.</p> <p>In accordance with Approval MBR-05-ECP-001, record for each Combustion Turbine Unit, when in operation, on an hourly basis the generator speed, exhaust temperature, and generator speed to exhaust temperature ratio, corrected to standard conditions.</p>

Table 5

EU#	RECORD KEEPING REQUIREMENTS
EU1, EU2, EU3	<p>Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., maintain fuel analysis results used to demonstrate compliance with fuel sulfur content requirements.</p> <p>Compliance with the Massachusetts Acid Rain Law 310 CMR 7.22 shall be demonstrated through record keeping for and compliance with fuel sulfur requirements, and record keeping as required by 310 CMR 7.19(13)(d)3. and Approval MBR-05-ECP-001.</p> <p>Consistent with the requirements of 310 CMR 7.04(2)(a), maintain records of Opacity determined in accordance with 40 CFR Part 60, Appendix A, Method 9. This method shall also apply to any detached plumes.</p> <p>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>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>In accordance with 310 CMR 7.19(13)(d)8. and Approval MBR-05-ECP-001, 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>In accordance with Approval MBR-05-ECP-001, 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>Consistent with the requirements of Approval MBR-05-ECP-001, maintain the test results of any other testing or testing methodology required by MassDEP or EPA.</p> <p>Maintain records for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</p> <p>Keep copies of Source Registration/Emission Statement Forms submitted annually to MassDEP as required per 310 CMR 7.12(3)(b).</p> <p>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>In accordance with 310 CMR 7.19(13)(c) and Approval MBR-05-ECP-001, 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 review and written MassDEP approval within 60 days of the completion of the Emissions Compliance Testing.</p> <p>In accordance with Approval MBR-05-ECP-001, submit to this Regional Office, on a quarterly basis, a report that shows, for each Combustion Turbine Unit: 1) monthly heat input, in MMBTU, from each type of fuel burned; 2) monthly quantity of AcE_{NOx}, in pounds; and, 3) specific NO_x emission rate(s) used to calculate the monthly quantity of AcE_{NOx}. In addition, the report must contain the total quantities of 1) AcE_{NOx}, in pounds, 2) AlE_{NOx}, in pounds, and, 3) ERC_{NOx}, in pounds, for the Permittee's NO_x emission averaging bubble. The Permittee shall also report whether or not the NO_x emission averaging bubble was in compliance with 310 CMR 7.19. This submittal must be made for each calendar quarter by the thirtieth (30th) day of April, July, October, and January covering the previous calendar periods of January through March, April through June, July through September, and October through December, respectively. Each report submitted on January 30 of each calendar year, shall also contain: 1) the total amounts of ozone season (May 1 through September 30) and non-ozone season (October 1 through April 30) ERCs that were necessary for compliance with 310 CMR 7.19 in the previous calendar year, and 2) the identity of the source from which ERCs were obtained, including company name, emission unit and method of generation, date of generation, and the Transmittal Number of the application for certification of ERCs.</p> <p>The facility shall comply with all applicable reporting requirements contained in 40 CFR Part 60, 40 CFR Part 75, and 310 CMR 7.28.</p> <p>As required by 310 CMR 7.28(13)(a)(1), for units commencing operation prior to May 1, 2002, the AAR must submit quarterly reports for each calendar quarter beginning with: the earlier of the calendar quarter that includes the date of initial certification or, if the certification tests are not completed by May 1, 2002, the partial calendar quarter from May 1, 2002 through June 30, 2002. Data shall be recorded and reported from the earlier of the date and hour corresponding to the date and hour of certification or the first hour on May 1, 2002.</p> <p>In accordance with 310 CMR 7.28(13)(c)2., for units not subject to an Acid Rain Emissions limitation, quarterly reports are only required to include all of the data and information required in 40 CFR Part 75 Subpart H for each NO_x Budget unit (or group of units using a common stack).</p> <p>In accordance with the requirements of 310 CMR 7.28(13), NO_x emissions data must be reported pursuant to the requirements of 310 CMR 7.28(11)(a)6., 310 CMR 7.28(11)(a)7., and 310 CMR 7.28(11)(b).</p> <p>NO_x emissions data should be reported directly to EPA's National Computer Center mainframe computer in a method acceptable to EPA. The deadline to submit data to EPA is 30 days after the end of each calendar quarter.</p>

Table 6

EU#	REPORTING REQUIREMENTS
	<p>In accordance with 310 CMR 7.28(13)(e), by October 15 of each year, any person who owns, leases, operates or controls a new or existing budget unit must report to MassDEP each facility's metered net electric and useful steam output for that year's control period. Net electric output must be reported in megawatt-hours, and steam output in million British Thermal Units (MMBtu). If data for steam output is not available, the person may report heat input providing useful steam output as a surrogate for steam output.</p>
<p>EU1, EU2, EU3</p>	<p>In accordance with 310 CMR 7.28(15), for each control period, the AAR for the budget unit shall submit by November 30 of each year, an annual compliance certification report to MassDEP and the NATS Administrator. The compliance certification shall contain, at a minimum, the items listed in 310 CMR 7.28(15)(c)1 through 8.</p> <p>Notification of QA testing is required for Relative Accuracy Test Audits (RATAs) and Appendix E/LME (Low Mass Emission) unit tests. Notification must be made at least 21 days prior to the scheduled test date to the EPA as required by 40 CFR 75.61, to MassDEP's Lawrence office at MassDEP, Wall Experiment Station, 37 Shattuck Street, Lawrence, MA 01843-1398 Attn: Source Monitoring Section, and to MassDEP's Regional office, Attn: BWP Permit Chief. If tests must be rescheduled, 24 hours notice must be given, as specified in 40 CFR 75.61(a)(5).</p> <p>A previously approved RATA protocol may be referenced at the time of test notification provided that the referenced protocol was completed in accordance with current 40 CFR Part 75 procedures, addresses all previous MassDEP protocol comments to the satisfaction of MassDEP, and none of the information has changed. If a revised protocol must be submitted, it must be submitted at least 21 days prior to the scheduled test date.</p> <p>A hardcopy of the QA RATA or Appendix E/LME test results must be submitted to both MassDEP's Lawrence and MassDEP's Regional offices within 45 days of completion of tests. The electronic results must be submitted in the quarterly electronic data report (EDR).</p> <p>Results from QA daily calibrations, quarterly linearity checks, and Appendix D Fuel Flow Meter tests must be reported electronically in the EDR submittal for the quarter in which the testing occurs.</p> <p>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>In accordance with Approval MBR-05-ECP-001, 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>
<p>Facility-Wide</p>	<p>In accordance with 310 CMR 7.00: Appendix C(10)(d) and consistent with Approval MBR-05-ECP-001, submit, upon request, the test results of any other testing or testing methodology required by MassDEP or EPA.</p> <p>Submit a Source Registration/Emission Statement Form to MassDEP on an annual basis in accordance with 310 CMR 7.12.</p> <p>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>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>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>

Table 6	
EU#	REPORTING REQUIREMENTS
	All required reports must be certified by a responsible official as provided in 310 CMR 7.00: Appendix C(10)(h).

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
310 CMR 7.27	NO _x Allowance Program
40 CFR Part 64	Compliance Assurance Monitoring
42 U.S.C. 7401, §112	Hazardous Air Pollutants
42 U.S.C. 7401, §112(r)	Prevention of Accidental Releases

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:

- a) In accordance with Approval MBR-05-ECP-001, EU1, EU2, and EU3 are included in the Permittee's multi-facility NO_x emission averaging "bubble" involving ten (10) Combustion Turbine Units located at the following three facilities owned by the Permittee:

Exelon New Boston LLC, 776 Summer Street, South Boston - one Combustion Turbine

Exelon Framingham LLC, Leland Street, Framingham - three Combustion Turbines

Exelon West Medway LLC, 9 Summer Street, West Medway - six Combustion Turbines

The Permittee's multi-facility NO_x emission averaging bubble shall maintain continuous compliance with an allowable NO_x emission limitation (A_{E_{NOx}}), in pounds, based on the weighted average equation given below:

$$A_{E_{NOx}} = [(0.389) \times (B_2)] + [(0.23985) \times (B_{NG})] + ERC_{NOx}$$

where:

B₂ = heat input in MMBTU of Combustion Turbine Units 1 through 10, inclusive, when burning No. 2 Fuel Oil

B_{NG} = heat input in MMBTU of Combustion Turbine Units 1 through 6, inclusive, when burning Natural Gas

ERC_{NOx} = federally enforceable NO_x Emission Reduction Credits in pounds certified by MassDEP under 310 CMR 7.00: Appendix B(3)

The Permittee's Combustion Turbine Units 1 through 10 involved in the NO_x emission averaging bubble are described below:

UNIT	UNIT DESCRIPTION	MANUFACTURER & MODEL NO.	MAXIMUM HEAT INPUT RATING (MMBTU/HR)+	FUEL(S) COMBUSTED & MAXIMUM SULFUR(S) CONTENT BY WEIGHT
1 (J1T1) W. Medway	Combustion Turbine	Rolls Royce Avon 1533-77C	392	No. 2 Fuel Oil 0.3% S Natural Gas
2 (J1T2) W. Medway	Combustion Turbine	Rolls Royce Avon 1533-77C	392	No. 2 Fuel Oil 0.3% S Natural Gas
3 (J2T1) W. Medway	Combustion Turbine	Rolls Royce Avon 1533-77C	392	No. 2 Fuel Oil 0.3% S Natural Gas
4 (J2T2) W. Medway	Combustion Turbine	Rolls Royce Avon 1533-77C	392	No. 2 Fuel Oil 0.3% S Natural Gas
5 (J3T1) W. Medway	Combustion Turbine	Rolls Royce Avon 1533-77C	392	No. 2 Fuel Oil 0.3% S Natural Gas
6 (J3T2) W. Medway	Combustion Turbine	Rolls Royce Avon 1533-77C	392	No. 2 Fuel Oil 0.3% S Natural Gas
7 (FJ-1) Framingham	Combustion Turbine	Rolls Royce Avon 1533-75L	186	No. 2 Fuel Oil 0.3% S
8 (FJ-2) Framingham	Combustion Turbine	Rolls Royce Avon 1533-75L	186	No. 2 Fuel Oil 0.3% S
9 (FJ-3) Framingham	Combustion Turbine	Rolls Royce Avon 1533-75L	186	No. 2 Fuel Oil 0.3% S
10 (NBJ-1) Boston	Combustion Turbine	Pratt & Whitney FT4-8	263	No. 2 Fuel Oil 0.3% S

+ MMBTU/hr = million British Thermal Units per hour

The actual NO_x emissions (AcE_{NOx}), in pounds, for the bubble shall be calculated according to the following equation:

$$AcE_{NOx} = [(Ac1_{\#2 OIL} \times B1_{\#2 OIL}) + (Ac2_{\#2 OIL} \times B2_{\#2 OIL}) + \dots + (Ac10_{\#2 OIL} \times B10_{\#2 OIL})] + [(Ac1_{NG} \times B1_{NG}) + (Ac2_{NG} \times B2_{NG}) + (\dots) + (Ac6_{NG} \times B6_{NG})]$$

where:

Ac1_{#2 OIL}, ..., Ac10_{#2 OIL} = unit specific NO_x emission rates of

Combustion Turbine Units 1 through 10
in pounds/MMBTU as determined from the
most recent stack testing performed
while burning No. 2 Fuel Oil

$B1_{\#2 \text{ OIL}}, \dots, B10_{\#2 \text{ OIL}}$ = heat inputs in MMBTU of Combustion
Turbine Units 1 through 10 when
burning No. 2 Fuel Oil

$Ac1_{\text{NG}}, \dots, Ac6_{\text{NG}}$ = unit specific NO_x emission rates of
Combustion Turbine Units 1 through 6
in pounds/MMBTU as determined from the
most recent stack testing performed
while burning Natural Gas

$B1_{\text{NG}}, \dots, B6_{\text{NG}}$ = heat inputs in MMBTU of Combustion
Turbine Units 1 through 6 when burning
Natural Gas

Final determination of the amount of ERCs necessary for the subject
ten Combustion Turbine Units to comply with NO_x RACT shall be
calculated utilizing a compliance assurance multiplier of 1.10
consistent with 310 CMR 7.19(13)(a)3.b. and according to the following
formula:

$$\text{ERC}_{\text{NO}_x} = (\text{AcE}_{\text{NO}_x} - \text{AlE}_{\text{NO}_x}) \times 1.10$$

The amount of ERCs calculated by the above formula shall be rounded
to the nearest whole number. In accordance with 310 CMR 7.00:
Appendix B(4)(a)2., the NO_x emissions from the ten Combustion Turbine
Units in the emission averaging bubble shall be averaged over a 24
hour period or daily.

The Permittee shall comply with 310 CMR 7.00: Appendix B(3)(e)
regarding the withdrawal, transfer, and use of ERCs. In accordance
with 310 CMR 7.00: Appendix B(3)(e)2., the Permittee shall obtain an
amount of credit equal to five (5) percent more than the amount
needed for compliance calculation. Therefore, the amount of ERCs
obtained shall be calculated according to the following formula and
rounded to the nearest whole number:

$$\text{ERC}_{\text{NO}_x} = (\text{AcE}_{\text{NO}_x} - \text{AlE}_{\text{NO}_x})(1.10)(1.05)$$

The Permittee shall calculate the total amounts of ozone season (May 1
through September 30) and non-ozone season (October 1 through April 30)
ERCs that are necessary for compliance with 310 CMR 7.19, and obtain
and use (or retire) ERCs in accordance with the provisions of 310 CMR
7.00: Appendix B(3)(e)8. In accordance with 310 CMR 7.00: Appendix
B(3)(e)8., NO_x ERCs generated during the ozone control period of May
1 through September 30 can be used for compliance at any time during
the year. However, NO_x ERCs generated during the non-ozone control
period of October 1 through April 30 shall only be used for
compliance in the same season as generated (October 1 through April
30).

In accordance with 310 CMR 7.00: Appendix B(4)(f)2., this NO_x emission
bubble shall be in effect until the expiration date of this Operating
Permit. At least nine months prior to the expiration of the bubble,
Exelon shall reapply for permission to bubble.

b) State NO_x Allowance Trading Program, 310 CMR 7.28

EU1, EU2, and EU3 are subject to the requirements of the NO_x Allowance
Trading Program, 310 CMR 7.28. MassDEP issued NO_x Allowance Trading
Program Emission Control Plan (ECP) Approvals for Framingham Station as
follows:

EMISSION UNIT	APPROVAL NUMBER	PHASE I APPROVAL ISSUE DATE	PHASE II APPROVAL ISSUE DATE
EU1, EU2, EU3	MBR-01-728-016 (Transmittal No. W024221)	July 30, 2002	July 30, 2002

NOx Allowance use and transfer must comply with 310 CMR 7.28(10).

In accordance with 310 CMR 7.28(14), each year by November 30, for each budget unit, the total number of banked or current year allowances in its compliance or overdraft account must equal or exceed the NOx emissions from the budget unit in the current control period.

Each budget unit shall meter electric output in accordance with the approved monitoring methodology contained in Table II of the ECP Approval MBR-01-728-016 (Transmittal No. W024221).

In the case where billing meters are used to determine output, no QA/QC activities beyond those already performed are required. To qualify as a billing meter, the measurement device must be used to measure electric or thermal output for commercial billing under a contract. The facility selling the electric or thermal output must have different owners from the owners of the party purchasing the electric or thermal output. Any electric or thermal output values that the facility reports must be the same as the values used in billing for the output.

In the case where non-billing meters are used to determine output, if the facility decides to adopt a system approach to accuracy then a system accuracy of 10.0% must be achieved. If testing an output measurement system shows that the output readings are not accurate to 10.0% or less, then the measurement equipment must be retested or replaced, and meet that requirement. If the facility decides to adopt a component approach to accuracy, then a component accuracy of 3.0% must be achieved. If testing a piece of output measurement equipment shows that the output readings are not accurate to 3.0% or less of the full scale, then the measurement equipment must be retested or replaced, and meet that requirement. When a non-billing system fails to meet the 10% or 3% requirement, data should be considered invalid, prospectively, for purposes of determining allocations. Data remain invalid until the output measurement equipment passes an accuracy test or is replaced with another piece of equipment that passes the accuracy test. The invalid data must be omitted and either zero or an output value that is likely to be lower than a measured value must be reported.

Output measurement equipment must be tested for accuracy or recalibrated at least once every two years, in accordance with applicable consensus or NIST traceable standards, unless a standard allows for less frequent calibrations or accuracy tests.

- c) Per data as supplied through the Permittee's Operating Permit Application (MBR-95-OPP-035, Transmittal No. 108015), EU1, EU2, and EU3 shall continue to emit products of combustion through three separate stacks, each stack having the following parameters:

Stack Height 30 feet
 Stack Exit Diameter 114 inches x 138 inches (rectangular)
 Stack Material Metal

- d) As stated within Approval MBR-05-ECP-001, that should any nuisance condition(s) occur as a result of the operation of the facility, then appropriate steps shall immediately be taken to abate said nuisance condition(s). (State Only Requirement, 310 CMR 7.01(1))

- e) The Permittee is subject to, and has stated in their Operating Permit

Application (MBR-95-OPP-035, Transmittal No. 108015), 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 emission trading

The Permittee is currently authorized to engage in emissions trading under the following federal and state regulatory programs:
40 CFR Parts 72, 73, and 74 - SO₂ Allowance System;
310 CMR 7.22 - SO₂ Emissions Reductions for the Purpose of Reducing Acid Rain;
310 CMR 7.00, Appendix A - Emission Offsets; and
310 CMR 7.00, Appendix B - Emission Reduction Credits.

Pursuant to 310 CMR 7.00: Appendix C(7)(b), emission trades, provided for in this permit, may be implemented provided the Permittee notifies 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 emission trading

The Permittee is currently authorized to engage in emissions trading under the following federal and state regulatory programs:

40 CFR Parts 72, 73, and 74 - SO₂ Allowance System;
310 CMR 7.22 - SO₂ Emissions Reductions for the Purpose of Reducing Acid Rain;
310 CMR 7.00, Appendix A - Emission Offsets; and
310 CMR 7.00, Appendix B - Emission Reduction Credits.

The Permittee has requested inter-facility emissions trading as provided for in Approval MBR-05-ECP-001 and Section 4 and Section 5 of this Operating Permit.

All increases in emissions due to emission 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 as 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, 7.02(8)(i), 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. 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 other Approvals, where the parameter limit is identified by the Permit or Approval as surrogate for an emission limit.

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.

- 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 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)(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.