



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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FINAL AIR QUALITY OPERATING PERMIT

(Administrative Amendment of MBR-95-OPP-008A2, Transmittal X223967)

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"]:

Covanta Energy Group, Inc.
40 Lane Road
Fairfield, NJ 07004

INFORMATION RELIED UPON:

Application MBR-95-OPP-008A3
Transmittal X269736

FACILITY LOCATION:

Covanta Haverhill, Inc.
100 Recovery Way
Haverhill, Massachusetts 01835

FACILITY IDENTIFYING NUMBERS:

AQ ID: 1210007
FMF FAC NO. 132291
FMF RO NO. 53590

NATURE OF BUSINESS:

Municipal Waste Combustor /
Landfill

STANDARD INDUSTRIAL CODE:

(SIC): 4953

RESPONSIBLE OFFICIAL:

Name: Bill Zaneski
Title: Facility Manager

FACILITY CONTACT PERSON:

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Title: Environmental Specialist
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This Operating Permit expired on September 20, 2011. However, MassDEP received Covanta Haverhill's Operating Permit Renewal Application (Application MBR-95-OPP-008R, Transmittal X237201) on March 21, 2011, therefore, Covanta Haverhill may continue to operate under its Application Shield in accordance with 310 CMR 7.00: Appendix C(11) until MassDEP takes final action on the Application.

For The Department of Environmental Protection, Bureau of Air & Waste

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.

Susan P. Ruch
Acting Permit Chief &
Deputy Regional Director
Bureau of Air & Waste

May 5, 2016
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.

MassDEP has reviewed and approved the Permittee's streamlining demonstration, and has determined that the Operating Permit contains streamlined requirements that are the most stringent requirements applicable to the Permittee. Table 3 includes the streamlined emission limits/standards shown in bold face type, which subsume all applicable requirements that are at least as stringent or less stringent than the streamlined requirements. The citations to the subsumed requirements are listed under the Applicable Regulation and/or Approval Number column of Table 3.

The Permittee is subject to all applicable requirements contained in this Operating Permit, as well as, all existing regulations and Approvals subsumed in this Operating Permit. For the subsumed applicable requirements, the Permit Shield granted in General Condition 12 shall be in effect, and compliance with the streamlined requirements are deemed to also be in compliance with the subsumed requirements.

DESCRIPTION OF FACILITY AND OPERATIONS

The Covanta Haverhill, Inc. facility is comprised of a municipal waste combustor (MWC) plant and a landfill located at 100 Recovery Way in Haverhill, Massachusetts. The MWC plant consists of two identical incinerators/water wall boilers (EU1 and EU2), each capable of combusting greater than 250 tons per day of municipal solid waste (MSW) and pre-approved special waste. Each boiler is designed to generate 225,000 pounds per hour of steam that is delivered to a turbine generator capable of producing 49.6 Megawatts (MW) output of electricity for sale and distribution to the New England power grid system. Each boiler is equipped with two auxiliary burners that burn distillate fuel oil having sulfur content of 0.3 percent by weight or less during start-up, shutdown, and malfunction periods. Each MWC train is equipped with air pollution control equipment consisting of: 1) a Selective Non-Catalytic Reduction (SNCR) system for reduction of nitrogen oxides, 2) an activated carbon injection system for control of mercury, 3) a semi-dry lime scrubber system for the control of acid gases, and 4) a fabric filter/bag house for the control of particulate and other pollutants. Fly ash from the MWC plant is conveyed to and conditioned by an ash handling system (EU3) prior to being transported by dump trucks to the landfill. The landfill (EU4), which comprises approximately 70 acres of the site, has accepted in the past raw MSW, process residue from the MSW processing facility located on-site, and ash residue from Covanta's Lawrence MWC facility. The MSW processing facility and Lawrence facility are no longer in operation. Most of the landfill's cells have been capped with either clay or high-density polyethylene (HDPE) except for those cells currently being used for ash disposal or reserved for raw MSW in the event of an emergency. The landfill has been retrofitted with a leachate collection and treatment system for removal of metals and neutralization of the leachate. The treated leachate is then pumped to the MWC plant for ash quenching and flue gas temperature control. In addition, the landfill has been retrofitted with a landfill gas collection system and enclosed flare (EU5) for odor control. The MWC plant and ash handling system is subject to 310 CMR 7.08. The landfill is subject to the New Source Performance Standards for Municipal Solid Waste Landfills (40 CFR Part 60, Subpart WWW).

2. EMISSION UNIT IDENTIFICATION

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

Table 1 +			
EMISSION UNIT (EU#)	DESCRIPTION OF EMISSION UNIT	EU DESIGN CAPACITY	POLLUTION CONTROL DEVICE (PCD)
EU1	Mass Burn Incinerator/Water Wall Boiler	381.56 MMBTU/hr Heat Input, 225,000 lbs/hr of steam @ 850 psig/830 degrees F	Two (2) No. 2 Fuel Oil Fired 55 MMBTU/hr Auxiliary Burners [AB] (PCD1)
			Selective Non-Catalytic Reduction with Aqueous Ammonia Injection [SNCR] (PCD2)
			Powdered Activated Carbon Injection System [PACI] (PCD3)
			Spray Drier Absorber with Lime Slurry Injection [SDA] (PCD4)
			Pulse Jet, 13 Module, Fabric Filter/Baghouse [FF/BH] (PCD5)
EU2	Mass Burn Incinerator/Water Wall Boiler	381.56 MMBTU/hr Heat Input, 225,000 lbs/hr of steam @ 850 psig/830 degrees F	Two (2) No. 2 Fuel Oil Fired 55 MMBTU/hr AB (PCD6)
			SNCR (PCD7)
			PACI (PCD8)
			SDA (PCD9)
EU3	Ash Handling and Fugitive Emissions	Combined capacity up to 112,500 SCFM	Up to Five (5) roof mounted ventilation fans, each fan capable of handling 22,500 SCFM; each fan equipped with a high efficiency particulate filter (PCD11, 12, 13, 14 and 15).
			Enclosed Buildings and Conveyors
EU4	Landfill	7,743,501 Mg of Waste	NA
EU5	Gas Collection System and Enclosed Flare	2000 SCFM of Landfill Gas	NA

+ **Table 1 Key:**

EU # = Emission Unit Number
 PCD = Pollution Control Device
 F = Fahrenheit
 MMBTU/hr = million British Thermal Units per hour
 @ = at
 lbs/hr = pounds per hour
 psig = pounds per square inch gauge
 SCFM = Standard Cubic Feet per Minute
 Mg = Megagram
 NA = Not Applicable

3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the

criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2

The list of current exempt activities is contained in the Operating Permit Application and shall be updated by the Permittee to reflect changes at the facility over the Permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to MassDEP's Regional Office. Emissions from these activities shall be reported to MassDEP on the annual Source Registration/Emission Statement Form, pursuant to 310 CMR 7.12.
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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#	RESTRICTION / OPERATING PRACTICES	POLLUTANT	EMISSION LIMIT/STANDARD (6)	APPLICABLE REGULATION AND/OR APPROVAL NUMBER
EU1, EU2	Unit Load: ≤ 110% of maximum demonstrated load, calculated in 4-hour block arithmetic averages, measured during the most recent dioxin/furan compliance test in which compliance is achieved (3) PM Control Device Inlet Temperature: ≤ 17°C (30°F) above maximum demonstrated PM control device inlet temperature, calculated in 4-hour block arithmetic averages, measured during the most recent dioxin/furan compliance test in which compliance is achieved (3)	S in No. 2 Fuel Oil	≤ 0.3% S by weight	MBR-86-INC-007
		Cd	≤ 0.040 mg/dscm at 7% O ₂ dry basis	310 CMR 7.08(2)(f)2. MBR-86-INC-007 (supersedes MBR-98-ECP-007) (8)
		Pb	≤ 0.440 mg/dscm at 7% O ₂ dry basis	
		SO ₂	≤ 29 ppm by volume at 7% O ₂ dry basis or 75% reduction by weight or volume, whichever is less stringent (24-hour geometric mean)	
		HCl	≤ 29 ppm by volume at 7% O ₂ dry basis or 95% reduction by weight or volume, whichever is less stringent	
		Dioxin/Furan	≤ 30 ng/dscm at 7% O ₂ dry basis	
		PM	≤ 27 mg/dscm at 7% O ₂ dry basis (1)	310 CMR 7.08(2)(f)2. MBR-86-INC-007 (supersedes MBR-98-ECP-007)
		Opacity	≤ 10% (6 minute block average)	310 CMR 7.08(2)(f)2. MBR-86-INC-007 (supersedes MBR-98-ECP-007)
		CO	≤ 100 ppm by volume at 7% O ₂ dry basis at combustor outlet (4-hour block average)	310 CMR 7.08(2)(f)1.a.i. MBR-86-INC-007 (supersedes MBR-98-ECP-007)
		NO _x	≤ 205 ppm by volume at 7% O ₂ dry basis (24-hour daily arithmetic average)	310 CMR 7.08(2)(f)3. MBR-86-INC-007 (supersedes MBR-98-ECP-007)
		Hg	≤ 0.080 mg/dscm at 7% O ₂ dry basis (during any single quarterly compliance test)	310 CMR 7.19(9)(a) (7) 310 CMR 7.08(2)(g)2. MBR-86-INC-007 (supersedes MBR-98-ECP-007)
		Hg	≤ 0.028 mg/dscm at 7% O ₂ dry basis (based on average of 4 quarterly compliance tests per rolling 12 months)	310 CMR 7.08(2)(f)2. MBR-86-INC-007 (supersedes MBR-98-ECP-007)
		NH ₃	Refer to "Special Terms and Conditions", Section 5.d)	MBR-86-INC-007 (supersedes MBR-98-ECP-007)
		Be	≤ 2.45 x 10 ⁻⁴ mg/dscm at 7% O ₂ dry basis	MBR-86-INC-007
		HF	≤ 22 ppm by volume at 7% O ₂ dry basis	

Table 3 (+)				
EU#	RESTRICTION / OPERATING PRACTICES	POLLUTANT	EMISSION LIMIT/STANDARD (6)	APPLICABLE REGULATION AND/OR APPROVAL NUMBER
EU1, EU2	Same as Above	H ₂ SO ₄	≤ 48 ppm by volume at 7% O ₂ , dry basis	MBR-86-INC-007
		VOC	≤ 44 ppm by volume at 7% O ₂ , dry basis	
		TSP	≤ 0.015 gr/dscf at 12% CO ₂	
EU3	NA	Fugitive Ash	Visible emissions ≤ 9 minutes per 3 hour period (2)	310 CMR 7.08(2)(f)5. MBR-86-INC-007 (supersedes MBR-98-ECP-007)
EU4	NA	NMOC (as Hexane)	NA	40 CFR Part 60, Subpart WWW (5)
EU5	NA	PM	≤ 0.30 lb/hr ≤ 0.005 lb/MMBTU ≤ 1.3 tons per calendar year (4)	MBR-97-IND-004
		NO _x	≤ 3.84 lb/hr ≤ 0.064 lb/MMBTU ≤ 16.8 tons per calendar year (4)	
		SO ₂	≤ 0.80 lb/hr ≤ 0.030 lb/MMBTU ≤ 3.5 tons per calendar year (4)	
		NMOC (as Hexane)	≤ 1.62 lb/hr ≤ 0.06 lb/MMBTU ≤ 7.1 tons per calendar year (4)	
		CO	≤ 9.30 lb/hr ≤ 0.20 lb/MMBTU ≤ 40.7 tons per calendar year (4)	

Table 3 Notes:

- 1 Refer to Section 5.a), "Special Terms and Conditions".
- 2 Refer to Section 5.b), "Special Terms and Conditions".
- 3 Refer to Section 5.c), "Special Terms and Conditions".
- 4 Calendar year emissions shall be calculated from pollutant emission rates, in lb/hr or lb/MMBTU, determined from compliance testing performed every 5 years, as required by Approval MBR-97-IND-004.
- 5 Based on the most recent calculations, NMOC emissions are projected to be less than 50 Mg/yr, thus EU 4 does not currently require a Pollution Control Device under 40 CFR 60, Subpart WWW. However, the landfill (EU 4) is equipped with a gas collection system and enclosed flare (EU 5) for odor control.
- 6 Emission limits/standards under 310 CMR 7.08 apply at all times except during periods of start-up, shutdown or malfunction as defined in 40 CFR Part 60, Subpart Eb, 60.58b, as amended.
- 7 The 310 CMR 7.19(9)(a) NO_x limit, 0.6 lb/MMBTU (calendar day average), which is approximately equivalent to 349 ppm by volume at 7% O₂, is less restrictive than the listed Table 3 limit, 205 ppm by volume at 7% O₂ (24-hour daily arithmetic average) (310 CMR 7.08(2)(f)3.).
- 8 The Amended Approval/Prevention of Significant Deterioration Permit (MBR-86-INC-007) issued by MassDEP on December 24, 2002 supersedes the Settlement Agreement/Emission Control Plan Approval (MBR-98-ECP-007) that became effective on April 5, 2000.

+ Table 3 Key:

EU # = Emission Unit Number

lb/hr = pounds per hour
 lb/MMBTU = pounds per million British Thermal Units
 g/dscm = gram per dry standard cubic meter
 mg/dscm = milligram per dry standard cubic meter
 ng/dscm = nanogram per dry standard cubic meter
 gr/dscf = grains per dry standard cubic foot
 ppm = parts per million
 Mg/yr = Megagrams per year
 Cd = Cadmium
 Pb = Lead
 Hg = Mercury
 NO_x = Nitrogen Oxides
 CO = Carbon Monoxide
 PM = Particulate Matter
 NH₃ = Ammonia
 HCl = Hydrogen Chloride
 S = Sulfur
 SO₂ = Sulfur Dioxide
 Be = Beryllium
 HF = Total Fluorides as Hydrogen Fluoride
 H₂SO₄ = Sulfuric Acid Mist
 VOC = Volatile Organic Compounds
 TSP = Total Suspended Particulates
 O₂ = Oxygen
 CO₂ = Carbon Dioxide
 NMOC = Non-Methane Organic Compounds (as Hexane)
 Dioxin/Furan = tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans
 % = percent
 °C = Degrees Centigrade
 °F = Degrees Fahrenheit
 ≤ = less than or equal to
 NA = Not Applicable

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	1. As required by 310 CMR 7.08(2)(g), the facility shall comply with the provisions of 40 CFR 60.58b, "Compliance and Performance Testing", as amended, the provisions of which are hereby incorporated by reference. Compliance with the applicable requirements as set forth in 310 CMR 7.08(2)(f) and Section 4 of this Operating Permit, shall be determined in accordance with 40 CFR 60.58b, except as provided under 310 CMR 7.08(2)(g)1., 2., 3., 4., 5., and 6., and as specified within this Operating Permit. (Refer to Table 4, Item 10)

Table 4

EU#	MONITORING/TESTING REQUIREMENTS
EU1, EU2	<p>2. The facility shall conduct compliance tests for dioxin/furan emissions according to one of the schedules specified below, as required by 310 CMR 7.08(2)(g)1.a. and b.:</p> <p>a. The facility shall conduct compliance testing for dioxin/furan emissions on all municipal waste combustor unit(s) on a nine month basis, or</p> <p>b. For municipal waste combustor unit(s) where all compliance tests for all unit(s) over a 27 month period indicate that dioxin/furan emissions are less than or equal to 7 nanograms per dry standard cubic meter total mass (ng/dscm), corrected to 7 percent oxygen, the facility may elect to conduct compliance tests for one unit every nine months.</p> <p>At a minimum, a compliance test for dioxin/furan emissions shall be conducted every nine months following the previous compliance test for one unit at the municipal waste combustor plant. Every nine months a different unit at the municipal waste combustor plant shall be tested, and the units at the plant shall be tested in sequence.</p> <p>The facility may continue to conduct compliance testing on only one unit per nine month basis so long as the dioxin/furan emissions remain less than or equal to 7 ng/dscm @ 7% O₂.</p> <p>If any nine month compliance test indicates dioxin/furan emissions greater than the specified limit, compliance tests shall thereafter be conducted on all units at the plant every nine months until and unless all nine month compliance tests for all units at the plant over a 27 month period indicate dioxin/furan emissions less than or equal to the 7 ng/dscm @ 7% O₂.</p> <p>3. In accordance with 310 CMR 7.08(2)(g)1.d., for municipal waste combustor units where carbon injection (or equivalent) is used to comply with the dioxin/furan emission limits specified in 310 CMR 7.08(2)(f)2. or the dioxin/furan emission limit specified in 310 CMR 7.08(2)(g)1.b., the facility shall measure and calculate the carbon (or equivalent) usage rate following the procedures specified in 40 CFR 60.58b(m), as amended.</p> <p>During performance testing for dioxin/furans, the facility shall estimate the average carbon mass feed rate (lb/hr). An 8-hour block average will then be determined.</p> <p>4. In accordance with 310 CMR 7.08(2)(g)2., compliance testing for Hg shall be conducted on all municipal waste combustor unit(s) on a quarterly basis. Compliance with the emissions limit specified in 310 CMR 7.08(2)(f)2. shall be based on the average of four quarterly compliance tests per rolling twelve months but shall not exceed 0.080 mg/dscm in any quarterly test.</p> <p>If compliance with the Hg emission limit has been achieved in each quarter for eight consecutive quarters, the facility may elect to perform compliance testing on a nine-month basis. Any municipal waste combustor unit(s) that cannot achieve compliance with the emission limitation in 310 CMR 7.08(2)(f)2. during the nine-month compliance test shall resume quarterly compliance testing as specified above.</p>

Table 4

EU#	MONITORING/TESTING REQUIREMENTS
EU1, EU2	<p>5. In accordance with 310 CMR 7.08(2)(g)3., for municipal waste combustor unit(s) which employ a carbon injection (or equivalent) Hg emission control system, the facility shall conduct optimization tests. These tests will determine the optimum feed rate for the Hg emissions control apparatus by determining the carbon (or equivalent) feed rate at which the emissions of Hg are equal to or less than the applicable limit at 310 CMR 7.08(2)(f)2. The optimization test shall be conducted as follows:</p> <p>a. The optimization tests shall be performed after a change in carbon (or equivalent), upon request by MassDEP, upon request by the facility, or annually if required under 310 CMR 7.08(2)(g)4.</p> <p>b. If there are identical municipal waste combustor units at the municipal waste combustor plant, then optimization tests may be performed on one unit, and the resulting parameters applied to the other unit(s), which is identical to that unit at that plant.</p> <p>c. During the optimization tests, the facility shall estimate the average carbon mass feed rate (lb/hr). An 8-hour block average will then be determined.</p> <p>d. Within 30 calendar days of the conclusion of any optimization test, the facility shall submit to MassDEP for approval a proposed optimized carbon (or equivalent) feed rate that minimizes Hg emissions. An approvable feed rate is the feed rate such that a higher feed rate achieves insignificant additional reductions in Hg emissions compared to the amount of carbon (or equivalent) added. The carbon (or equivalent) feed rate approved by MassDEP shall be used to operate the carbon injection (or equivalent) Hg control system until the next optimization test is performed and the feed rate approved.</p> <p>Compliance with this minimum feed rate will be based on carbon mass feed rate 8-hour block averages (lbs/hr).</p> <p>6. In accordance with 310 CMR 7.08(2)(g)6., the facility shall conduct compliance testing every nine months for each municipal waste combustor unit for all pollutants designated in MassDEP approved Emissions Testing Protocol. Compliance testing for dioxin/furan and Hg shall be conducted as specified in 310 CMR 7.08(2)(g)1. and 2.</p> <p>In conjunction with the dioxin/furan stack testing, testing of the facility's ash for dioxin/furans is also required.</p> <p>7. All emissions testing shall be conducted in accordance with MassDEP's guidelines, if any, and in accordance with the United States Environmental Protection Agency Test Methods as specified in 40 CFR Part 60 and 61 Appendix A - Reference Methods. All emissions testing may be audited or witnessed by MassDEP personnel.</p> <p>8. In accordance with 310 CMR 7.08, and Approval MBR-86-INC-007, compliance with opacity, SO₂, NO_x, and CO, shall be demonstrated with CEMS. The CEMS shall meet the quality assurance and quality control requirements of 40 CFR Part 60, Appendix F.</p> <p>9. In accordance with 310 CMR 7.08(2)(g)5.a., Continuous Emissions Monitoring Systems (CEMS) which monitor NO_x, SO₂, and operating practices parameters (CO, unit load and PM control device inlet temperature) shall obtain, at a minimum, valid continuous emissions monitoring system data for 75% of the hours per day (18 hours per day) for 75% of the days per month (23 days for 30 day month) that the MWC unit is combusting MSW continuously (24 hours per day), and 90% of the hours per quarter that the municipal waste combustor unit is combusting municipal solid waste.</p> <p>10. In accordance with 310 CMR 7.08(2)(g)5.b., CO CEMS installed and operated in accordance with Performance Specification 4 of 40 CFR Part 60, Appendix B, will satisfy the requirements in 310 CMR 7.08(2)(g).</p>

Table 4

EU#	MONITORING/TESTING REQUIREMENTS
EU1, EU2	<p>11. The nine month compliance demonstration for the opacity limit required under 310 CMR 7.08(2)(g)(6) may be conducted using either data from the continuous opacity monitoring system (COMS) or the procedures in 40 CFR Part 60, Appendix A, Method 9 as provided for under 40 CFR 60.58b(c)(6) and 40 CFR 60.11(e)(6).</p> <p>12. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2. and consistent with the requirements of Approval MBR-86-INC-007, monitor sulfur content of each new shipment of fuel oil received. Compliance with the sulfur content of the fuel oil can be demonstrated through fuel oil analysis. The analysis of sulfur content of the fuel oil shall be in accordance with the applicable ASTM test methods or any other method approved by MassDEP and EPA. Fuel oil sulfur information may be provided by fuel oil suppliers.</p> <p>13. In accordance with Approval MBR-86-INC-007, the facility shall measure the daily amounts of Supplemental Wastes and Special Wastes received and processed.</p>
EU3	<p>14. In accordance with Approval MBR-86-INC-007, the facility shall monitor visible emissions associated with ash handling and fugitive operations to insure compliance with visible emission standards as specified in Table 3. As required by 40 CFR 60.58b (k), the compliance determination will be based on visual monitoring conducted as part of the facility's 9 month performance testing (stack testing) by an independent testing firm.</p> <p>15. As required by 310 CMR 7.08(2)(g), the facility shall comply with the provisions of 40 CFR 60.58b, "Compliance and Performance Testing", as amended, the provisions of which are hereby incorporated by reference. Compliance with the applicable requirements as set forth in 310 CMR 7.08(2)(f)5 and Section 4 of this Operating Permit, shall be determined in accordance with 40 CFR 60.58b except as provided under 310 CMR 7.08(2)(g)6. and as specified within this Operating Permit. Fugitive ash emissions shall be tested every nine months in accordance with 310 CMR 7.08(2)(g) requirements.</p>
EU4	<p>16. The facility shall comply with all monitoring/testing requirements of 40 CFR Part 60 Subpart WWW, as applicable.</p>
EU5	<p>17. In accordance with Approval MBR-97-IND-004, the facility shall conduct Emissions Compliance Testing (stack testing) of the enclosed landfill gas flare system every five (5) years. The next of these tests shall be completed by July 1, 2008.</p> <p>Emissions Compliance Testing shall include testing: a) of the system's destruction efficiency for NMOC, and, b) at the outlet of the enclosed landfill gas flare system for PM, NO_x, CO, SO₂, and NMOC emissions, and, c) for the quality and composition of the landfill gas. At minimum the landfill gas shall be characterized by methane, nitrogen, carbon dioxide, and trace compound content as well as heating value in British Thermal Units (BTU) per cubic foot and a calculated F-factor in dry standard cubic feet per million BTU for at least two representative samples.</p> <p>Emissions Compliance Testing shall be conducted in the presence of a representative of MassDEP when such is deemed necessary.</p> <p>18. Consistent with Approval MBR-97-IND-004, the facility shall monitor flare gas temperature and calculate one hour block averages for determination of compliance.</p> <p>19. In accordance with Approval MBR-97-IND-004, the enclosed landfill gas flare system shall be operated consistent with its Standard Operating and Maintenance Procedure (SOMP) and the parameters that were established during the last Emissions Compliance Testing (stack testing), while allowing for normal operational variations.</p>

Table 4	
EU#	MONITORING/TESTING REQUIREMENTS
Facility-Wide	<p>20. 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>21. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., conduct any other testing or testing methodology if and when requested by MassDEP or EPA.</p> <p>22. 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	<p>1. In accordance with 310 CMR 7.08(2)(h)9., the results of all nine month compliance tests shall be recorded along with supporting calculations and submitted to MassDEP within 90 days after the test. In addition, in accordance with Approval MBR-86-INC-007, the results of the quarterly Hg compliance tests shall also be recorded and submitted to MassDEP within 30 days after the test.</p> <p>2. During all dioxin/furan compliance tests, the maximum demonstrated municipal waste combustor load level and maximum PM control device inlet temperature averages (for each PM control device), shall be recorded along with supporting calculations, as required by 310 CMR 7.08(2)(h)10.</p> <p>3. As required by 310 CMR 7.08(2)(h)4., municipal waste combustor unit(s) that apply carbon (or equivalent) for Hg or dioxin/furan control, shall maintain the following records:</p> <p>a. During Hg compliance tests, the average carbon mass feed rate (lb/hr) shall be estimated and recorded along with supporting calculations as required under 40 CFR 60.58(b)(m)(1)(i), as amended. An 8-hour block average carbon mass feed rate (lb/hr) shall then be calculated and recorded.</p> <p>b. During dioxin/furan compliance tests, the average carbon mass feed rate (lb/hr) shall be estimated and recorded along with supporting calculations as required under 40 CFR 60.58(b)(m)(1)(ii), as amended. An 8-hour block average carbon mass feed rate (lb/hr) shall then be calculated and recorded.</p> <p>c. The average carbon mass feed rate (in lbs/hr) shall be recorded for each hour of operation as required under 40 CFR 60.58(b)(m)(3)(ii), as amended. All carbon mass feed rate 8-hour block averages (lbs/hr) shall also be recorded.</p> <p>d. The total carbon (or equivalent) usage for each calendar quarter shall be estimated as specified under 40 CFR 60.58b(m)(3), as amended, with supporting calculations.</p> <p>e. The carbon (or equivalent) injection system operating parameter data for the parameter(s) that are the primary indicator(s) of carbon (or equivalent) feed rate shall be recorded.</p>

Table 5

EU#	RECORD KEEPING REQUIREMENTS
EU1, EU2	<p>4. As required by 310 CMR 7.08(2)(h)13., for municipal waste combustor units that apply carbon (or equivalent) for Hg or dioxin/furan control:</p> <p>a. The facility shall record each calendar date and time when the 8-hour block average carbon (or equivalent) mass feed rate was less than either of the average carbon feed rates estimated during compliance tests for Hg or during dioxin/furan emissions and recorded under 310 CMR 7.08(2)(h)4.a. or b., respectively, with reasons for such feed rates and a description of corrective actions taken; or</p> <p>b. If a carbon injection (or equivalent) system operating parameter is the primary indicator(s) of carbon mass feed rate (or equivalent) recorded under 310 CMR 7.08(2)(h)4.e., the facility shall record the calendar dates and times when the carbon injection (or equivalent) system operating parameter is below the level(s) estimated during the compliance tests as specified in 40 CFR 60.58b(m)(1)(i) and 60.58b(m)(1)(ii), as amended, with reasons for such occurrences and a description of corrective actions taken.</p> <p>5. In accordance with 310 CMR 7.08(2)(h)2., the facility shall record the emission concentrations and parameters measured using continuous emissions monitoring systems. The measurements specified below shall be recorded and shall be available for submittal to MassDEP or for onsite review by MassDEP personnel:</p> <p>a. All 6-minute block averages of opacity levels as specified under 40 CFR 60.58b(c), as amended, including the highest level measured.</p> <p>b. All 1-hour block averages of SO₂ emission concentrations as specified under 40 CFR 60.58b(e), as amended.</p> <p>c. All 1-hour block averages of NO_x emission concentrations as specified under 40 CFR 60.58b(h), as amended.</p> <p>d. All 1-hour block averages of CO emission concentrations, municipal waste combustor unit load measurements, and PM control device inlet temperatures as specified under 40 CFR 60.58b(i), as amended.</p> <p>e. All 24-hour daily geometric averages of SO₂ emission concentrations and all 24-hour daily geometric averages of percent reductions in SO₂ emissions as applicable, as specified under 40 CFR 60.58b(e), as amended, including the highest level recorded.</p> <p>f. All 24-hour daily arithmetic averages of NO_x emission concentrations as specified under 40 CFR 60.58b(h), as amended, including the highest level recorded.</p> <p>g. All 4-hour block averages of CO emission concentrations, as applicable, as specified under 40 CFR 60.58b(i), as amended, including the highest level recorded.</p> <p>h. All 4-hour block arithmetic averages of municipal waste combustor unit load levels (steam flow) and PM control device inlet temperatures as specified under 40 CFR 60.58b(i), as amended, including the highest level recorded.</p> <p>6. As required by 310 CMR 7.08(2)(h)3., the facility shall record the calendar dates when any of the average emissions concentrations or percent reductions, or operating parameters recorded under 310 CMR 7.08(2)(h)2., exceed the applicable limits, with detailed specific reasons for such exceedances and a description of corrective actions taken.</p>

Table 5

EU#	RECORD KEEPING REQUIREMENTS
EU1, EU2	<p>7. As required by 310 CMR 7.08(2)(h)5., the facility shall record the calendar dates and time periods for which the minimum number of hours of any of the data specified below have not been obtained in accordance with the requirements of 310 CMR 7.08(2)(g)5., including reasons for not obtaining sufficient data and a description of corrective actions taken:</p> <ul style="list-style-type: none"> a. SO₂ emissions data, b. NO_x emissions data, c. CO emissions data, d. Municipal waste combustor unit load data, e. PM control device inlet temperature data. <p>Minimum valid data shall be obtained for 75% of the hours per day (18 hours per day) for 75% of the days per month (23 days per month for a 30 day month) that the MWC unit is combusting MSW continuously (24 hours per day), and for 90% of the hours per quarter that the municipal waste combustor unit is combusting municipal solid waste.</p> <p>8. As required by 310 CMR 7.08(2)(h)6., the facility shall record each occurrence that hourly data averages for SO₂ emissions data, NO_x emissions data, or operational data (e.g. CO emissions, unit load, and PM control device inlet temperature) have been excluded from the calculation of average emission concentrations or parameters, along with <u>detailed and specific reasons for excluding the data.</u></p> <p>9. As required by 310 CMR 7.08(2)(h)7., the facility shall record the results of daily drift tests and quarterly accuracy determinations for SO₂, NO_x, and CO continuous emission monitoring systems, as required under 40 CFR, Part 60, Appendix F, Procedure 1.</p> <p>10. As required by 310 CMR 7.08(2)(h)8., the facility shall maintain records of each occurrence of a start-up, shut-down or malfunction that results in an exceedance of the limits defined in Table 3, including the specific reasons for each occurrence, date, time, and unit involved. Average emissions concentrations or percent reductions, or operating parameters recorded under 310 CMR 7.08(2)(h)2., shall be recorded during start-up, shut-down or malfunction that results in an exceedance of the limits defined in Table 3.</p> <p>11. In accordance with 310 CMR 7.08(2)(h)11., the facility shall maintain records showing the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who are certified by ASME (Operator Certification and Provisional Certification), including the dates of initial and renewal certifications and documentation of current certification.</p> <p>The facility shall also maintain records showing the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have completed the EPA municipal waste combustor operator-training course if required.</p> <p>12. In accordance with 310 CMR 7.08(2)(h)12., the facility shall maintain records showing the names of the persons who have completed a review of the operating manual as required by 310 CMR 7.08(2)(f)6.d., <u>including the date of the initial review and subsequent annual reviews.</u></p> <p>13. In accordance with 310 CMR 7.08(2)(h)1., the facility shall maintain <u>the calendar date of each record required above.</u></p> <p>14. The facility shall maintain records of the information specified in this section, as applicable, for each municipal waste combustor unit. All records shall be retained at the facility for at least 5 years, in accordance with 310 CMR 7.08(2)(h), and shall be made available to MassDEP personnel upon request.</p>

Table 5

EU#	RECORD KEEPING REQUIREMENTS
EU1, EU2	<p>15. In accordance with Approval MBR-86-INC-007, the facility shall maintain the following records:</p> <p>a. Hours of operation of each unit including start-ups and shutdowns.</p> <p>b. All maintenance performed on the furnaces, emission controls, ash handling system, and all required continuous emissions and other monitoring devices.</p> <p>c. All equipment malfunctions (time, date, reason, downtime, when restored, etc.).</p> <p>d. All calibration of continuous emissions and other monitoring devices.</p> <p>e. All operator training (date(s), personnel attending, subject matter, certification received, etc.).</p> <p>16. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2. and consistent with the requirements of Approval MBR-86-INC-007, the facility shall maintain records of the sulfur content of each shipment of fuel oil received in order to demonstrate compliance with the fuel sulfur content limit stated in Table 3.</p> <p>17. In accordance with Approval MBR-86-INC-007, the facility shall maintain daily records of the amount of Supplemental Wastes and Special Wastes received on site and processed.</p>
EU3	<p>18. In accordance with Approval MBR-86-INC-007, the facility shall maintain records of the compliance status of visible emissions associated with ash handling and fugitive operations.</p> <p>19. In accordance with 310 CMR 7.08(2)(h)9., maintain records of the results of all nine month compliance tests conducted to determine compliance with the fugitive ash emission limit, along with supporting calculations.</p>
EU4	<p>20. The facility shall comply with all record keeping requirements of 40 CFR Part 60, Subpart WWW as applicable. In accordance with 40 CFR Part 60 Subpart WWW, 60.758(a), each owner or operator of an MSW landfill subject to the provisions of 60.752(b) shall keep for at least 5 years up-to-date, readily accessible, on-site records of the maximum design capacity, the current amount of solid waste-in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours.</p>
EU5	<p>21. The facility shall maintain the test results of all Emissions Compliance Testing (stack testing) of the enclosed landfill gas flare system performed in accordance with Approval MBR-97-IND-004.</p> <p>22. Consistent with the requirements of Approval MBR-97-IND-004, the facility shall maintain on-site, at all times, a copy of the Standard Operating and Maintenance Procedure (SOMP) for the enclosed landfill gas flare system.</p> <p>23. Consistent with Approval MBR-97-IND-004, the facility shall maintain records of the flare temperature one hour block averages.</p> <p>24. In accordance with Approval MBR-97-IND-004, a copy of this Approval shall be accessible at the facility.</p>
Facility-Wide	<p>25. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., maintain the test results of any other testing or testing methodology required by MassDEP or EPA.</p> <p>26. Maintain records for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</p> <p>27. Keep copies of Source Registration/Emission Statement Forms submitted annually to MassDEP as required per 310 CMR 7.12(3)(b).</p> <p>28. 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	<p>1. As required by 310 CMR 7.08(2)(i), the facility shall submit an annual report of the information specified in 310 CMR 7.08(2)(i)1., as applicable. If the facility elects to follow the compliance testing schedule specified in 310 CMR 7.08(2)(g)1.b., it shall follow the procedures specified in 310 CMR 7.08(2)(i)1. for reporting the selection of this schedule.</p> <p>Annual Reporting Requirements ¹ - In accordance with 310 CMR 7.08(2)(i), the information below shall be reported:</p> <p>a. 7.08(2)(h)2.a.: Highest recorded 6-minute block average opacity level.</p> <p>b. 7.08(2)(h)2.e.: Highest recorded 24-hour (hr) daily geometric SO₂ average and 24 hr daily geometric SO₂ % reduction.</p> <p>c. 7.08(2)(h)2.f.: Highest recorded 24 hr daily arithmetic NO_x average.</p> <p>d. 7.08(2)(h)2.g.: Highest recorded 4 hr block CO average.</p> <p>e. 7.08(2)(h)2.h.: Highest recorded 4 hr block steam flow average.</p> <p>f. 7.08(2)(h)2.h.: Highest recorded 4 hr block Particulate Matter Control Device (PMCD) inlet temperature.</p> <p>g. 7.08(2)(h)4.a.: The average carbon (or equivalent) mass feed rate (lb/hr) estimated and the 8-hour block average calculated during Hg compliance tests.</p> <p>h. 7.08(2)(h)4.a.: The average carbon (or equivalent) mass feed rate (lb/hr) estimated and the 8-hour block average calculated during dioxin/furan compliance tests.</p> <p>i. 7.08(2)(h)5.: All calendar dates and time periods for which the minimum number of hours of data were not obtained for calculation of emissions of SO₂, NO_x or CO, steam load or PMCD inlet temperature pursuant to the requirements of 310 CMR 7.08(2)(g)5. Include reasons why and corrective actions taken.</p> <p>j. 7.08(2)(h)6.: Each occurrence that hourly data averages were excluded from the calculation of emissions of SO₂, NO_x or CO, steam load or PMCD inlet temperature, including reasons why.</p> <p>k. 7.08(2)(h)8.: Each occurrence of a start-up, shutdown or malfunction including reasons why, date, time, and unit involved. Include the average emission concentrations for opacity, SO₂, NO_x, CO, % SO₂ reduction, steam load and PMCD inlet temperature for the period of the start-up, shutdown or malfunction.</p> <p>l. 7.08(2)(h)9.: Results of all 9-month compliance tests conducted during the year.</p> <p>m. 7.08(2)(h)10.: Maximum demonstrated steam load and baghouse inlet temperature averages estimated during dioxin/furan tests.</p> <p>n. Summary of the above information for the previous year.</p> <p>o. The performance evaluation of the continuous emission monitoring system using the applicable performance specifications in Appendix B of 40 CFR, Part 60.</p> <p>p. If applicable, notification of intent to begin the reduced dioxin/furan compliance testing schedule specified in 310 CMR 7.08(2)(g)1.b. during the following calendar year.</p>

Table 6

EU#	REPORTING REQUIREMENTS
EU1, EU2	<p>2. As required by 310 CMR 7.08(2)(i), the facility shall submit a semiannual report that includes the information specified in 310 CMR 7.08(2)(i)2., as applicable, for any recorded pollutant or parameter that does not comply with the emission limits as set forth in 310 CMR 7.08(2).</p> <p>Semi-Annual Reporting Requirements ² - The information specified below shall be reported:</p> <p>a. 7.08(2)(h)2. and 3.: For the reporting period, each occurrence when an emission concentration, % reduction or operating parameter exceeded the applicable limit. The facility shall include emission concentration or operating parameter average, the date and time of each occurrence, reasons why and corrective action taken; and</p> <p>b. 7.08(2)(h)9.: Any 9-month compliance test reports that document emission levels above applicable requirements and corrective actions taken; and</p> <p>c. 7.08(2)(h)4.c. and 13.a.: For the reporting period, each occurrence when an 8 hour block average carbon mass feed rate (lb/hr) was less than either the 8-hour block average estimated during Hg or during the dioxin/furan compliance tests. The facility shall include the 8-hour block average carbon mass feed rate, the date and time of each occurrence, reasons why and corrective action taken,</p> <p>or</p> <p>d. 7.08(2)(h)4.c. and 13.a.: If carbon injection (or equivalent) system operating parameter is the primary indicator(s) of carbon mass feed rate (or equivalent) recorded under 310 CMR 7.08(2)(h)4.e., for the reporting period, the facility shall include each occurrence when the 8 hour block average carbon feed rate operating parameter was less than the 8 hour block average estimated during Hg and during dioxin/furan compliance tests. Records must include the 8-hour block average, the date and time of each occurrence, reasons why and corrective action taken.</p> <p>3. As required by 310 CMR 7.08(2)(i), in meeting the reporting requirements of 310 CMR 7.08(2)(i)1. and 310 CMR 7.08(2)(i)2., the facility shall report the information in a format determined by MassDEP that is designed to be understandable and informative to the public. <u>The information shall be submitted in written format and electronic format.</u></p> <p>4. In accordance with 40 CFR Part 60.7, the facility shall submit to MassDEP, CEMS Excess Emission and Monitoring System Performance reports on a quarterly basis for opacity, SO₂, NO_x, and CO. The report for each calendar quarter shall be submitted 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.</p> <p>5. In accordance with Approval MBR-86-IND-007, should any nuisance condition be generated by the operation of the facility, then the facility shall take immediate and appropriate steps to abate said condition and the facility shall notify MassDEP as soon as possible by telephone or fax.</p> <p>6. In accordance with Approval MBR-86-IND-007, should the facility decide to change CEMS vendors at any time, then the facility shall submit to MassDEP for review information indicating the vendor, model number, system description, supportive information, etc., at least fourteen (14) days prior to the issuance of a purchase order for said CEMS.</p>

Table 6

EU#	REPORTING REQUIREMENTS
EU1, EU2	<p>7. The facility shall submit an updated Emissions Testing Protocol (Source Test Plan) to MassDEP for approval, unless requested by EPA, at least 30 days before the initiation of the testing program. After MassDEP approves the Emissions Testing Protocol, the facility shall notify MassDEP, in writing, within 30 days of testing. The facility shall state in the testing notification to MassDEP whether it plans to follow a previously approved Emissions Testing Protocol or whether it is submitting for approval by MassDEP an updated Emissions Testing Protocol.</p> <p>The Emissions Testing Protocol shall contain a detailed description of all pollutants designated to be tested, sampling point locations, sampling equipment, sampling and analytical procedures, and operating conditions for the required testing. Unless requested by EPA, all protocol submittals must be approved by MassDEP prior to conducting such testing.</p> <p>Notification shall be provided in the testing protocol if the facility intends to use COMS data in lieu of 40 CFR Part 60, Appendix A, Method 9 determinations for the 9 month opacity compliance demonstration as provided for under 40 CFR 60.58b(c)(6) and 40 CFR 60.11(e)(6).</p> <p>8. In accordance with 310 CMR 7.08(2)(h)9., the results of all nine month compliance tests shall be submitted to MassDEP within 90 days after the test. In addition, the results of the quarterly Hg compliance tests shall also be recorded and submitted to MassDEP within 30 days after the test.</p> <p>The applicable pollutants for fly ash/bottom ash analysis shall be reported in terms of weight/weight units in the ash.</p> <p>In accordance with Approval MBR-86-IND-007, if requested by MassDEP, the facility shall estimate ambient ground level concentrations through the use of actual test effluent parameters and dispersion modeling (State-Only Requirement). The ambient impacts can be estimated through the dispersion modeling results from the PSD Permit Application. The facility shall submit a final ambient impact report to MassDEP within sixty (60) days of the submittal of the final test results report.</p>
EU3	<p>9. The annual report required pursuant to 310 CMR 7.08(2) shall also include the results of any 9 month fugitive ash compliance demonstration.</p> <p>10. If the results of any 9 month fugitive ash demonstration indicate noncompliance, this information and the corrective actions taken shall also be included in the semi-annual report required pursuant to 310 CMR 7.08(2).</p>
EU4	<p>11. The facility shall comply with all reporting requirements of 40 CFR Part 60, Subpart WWW as applicable.</p> <p>In accordance with 40 CFR 60.757(b)(1)(ii), if the estimated NMOC emission rate as reported in the annual report is less than 50 Megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate shall include the current amount of solid waste in place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. The next 5-year estimate shall be submitted to MassDEP and EPA prior to October 6, 2010.</p>

Table 6	
EU#	REPORTING REQUIREMENTS
EU5	<p>12. In accordance with Approval MBR-97-IND-004, for every five (5) years commencing with calendar year 2008:</p> <p>(a) the facility shall submit a written test protocol for the required Emissions Compliance Test (stack test) of the enclosed landfill gas flare system for review and MassDEP approval, unless requested by EPA, at least thirty (30) days prior to the anticipated date of testing, and</p> <p>(b) the facility shall include in the test protocol, at a minimum, 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) the facility shall submit the Emissions Compliance Testing Results Report for review and MassDEP approval within sixty (60) days of the completion of the Emissions Compliance Testing.</p> <p>13. In accordance with Approval MBR-97-IND-004, updated versions of the Standard Operating and Maintenance Procedure (SOMP) shall be submitted to MassDEP within fifteen (15) days of said revision(s). 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>14. In accordance with Approval MBR-97-IND-004, the facility shall notify MassDEP by fax, no later than the next business day, should the subject flare system's operation be interrupted. This written notification shall indicate the date and time of interruption, expected duration of interruption, and anticipated date and time when the flare system's operation at the facility will resume. The facility shall notify MassDEP by fax when the flare system's operation has resumed at the facility. The facility shall take similar steps to inform the Haverhill Board of Health of any interruption of the subject system's operation.</p>
Facility-Wide	<p>15. Pursuant to MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., submit the test results of any other testing or testing methodology required by MassDEP or EPA.</p> <p>16. Submit a Source Registration/Emission Statement Form to MassDEP on an annual basis in accordance with 310 CMR 7.12.</p> <p>17. 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>18. 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>19. Promptly report to MassDEP all instances of deviations from Permit requirements which are not otherwise reported to MassDEP by telephone or fax, within three days of discovery of such deviation, as provided in 310 CMR 7.00: Appendix C(10)(f). (See General Condition 25).</p> <p>20. All required reports must be certified by a responsible official as provided in 310 CMR 7.00: Appendix C(10)(h).</p>

Table 6 Notes:

- 1 In accordance with 310 CMR 7.08(2)(i)1., annual reports shall be submitted to this Office no later than February 15 of each year following the calendar year in which the data was collected. These annual reports may be submitted concurrently with the annual reports required under 310 CMR 7.00: Appendix C(10)(c), that is, the annual reports may be submitted by January 30 to MassDEP.
- 2 Semiannual reports shall be submitted according to the schedule specified: (1) If data reported in accordance with 310 CMR 7.08(2)(i)2. were collected during the first calendar half, then the report shall be submitted on or before August 1 following the first calendar half; (2) If data reported in 310 CMR 7.08(2)(i)2. were collected during the second calendar half, then the report shall be submitted on or before February 15 following the second calendar half.

These semiannual reports submitted as required per 310 CMR 7.08(2)(i)2. may be submitted concurrently with the semiannual reports required under 310 CMR 7.00: Appendix C(10)(c), that is, the semiannual reports may be submitted by January 30 and July 30 to MassDEP.

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
42 U.S.C. 7401, §112(r)	Prevention of Accidental Releases

5. SPECIAL TERMS AND CONDITIONS

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

- a) In accordance with 310 CMR 7.08(1)(g), no person shall cause, suffer, allow, or permit emissions from any incinerator of any particles that have a dimension greater than 100 microns.
- b) No person subject to 310 CMR 7.08(2) shall cause, suffer, allow or permit the discharge into the atmosphere of any visible emissions of combustion ash from an ash conveying system (including transfer points) in excess of 5 percent of the observation period (nine minutes per three-hour period). This emission limit does not cover visible emissions discharged inside buildings or enclosures of ash conveying systems; however the emission limit does apply to visible emissions discharged to the atmosphere from buildings or enclosures of ash conveying systems. This emission limit does not apply during maintenance and repair of ash conveying systems. Maintenance and repair of the ash conveying systems must be done in accordance with best management practices.
- c) No person subject to 310 CMR 7.08(2) shall:
 - 1. cause, suffer, allow or permit a municipal waste combustor unit to operate at a load level (based on steam load) greater than 110 percent of the maximum demonstrated municipal waste combustor unit load calculated in 4-hour block arithmetic averages, measured during the most recent dioxin/furan compliance test in which compliance is achieved; and
 - 2. cause, suffer, allow or permit a municipal waste combustor unit to operate at a temperature, measured at the PM control device inlet, exceeding 17 C (30 F) above the maximum demonstrated PM control device temperature, calculated in 4-hr block arithmetic averages, measured during the most recent dioxin/furan compliance test in which compliance is achieved.

During any nine-month dioxin/furan compliance test and the 2 weeks preceding each nine-month dioxin/furan compliance test, municipal waste combustor unit load limit and PM control device temperature limitations are not applicable.

Municipal waste combustor unit load limit and PM control device temperature limitations may be waived, if prior approval is granted by MassDEP, for the purposes of evaluating system performance, testing new technology or control technologies, diagnostic testing, or related activities for the purpose of improving facility performance provided that there is an improvement in controlling air pollution, or advancing the state-of-the-art for controlling facility emissions.

Emission limits apply at all times except during periods of start-up, shutdown or malfunction as defined in 40 CFR Part 60.58b, as amended.

- d) Consistent with Approval MBR-86-INC-007, the facility shall conduct an optimization/minimization-testing program over a period of two years regarding the operation of the SNCR systems at the facility to insure that the emission of ammonia (ammonia slip) is minimized while ensuring adequate NO_x control. During the testing program, the facility agrees to limit ammonia emissions to a target of 10 ppm or less (corrected to 7% O₂). This target number is included in this Operating Permit as a goal and is not incorporated as an applicable requirement herein.

The facility shall submit a protocol for each stage of the testing program before initiation of that stage. MassDEP shall be notified a minimum of 14 calendar days before implementation of field testing to enable witnessing of the test by MassDEP.

By no later than April 30, 2010, the facility shall submit to MassDEP a summary of all optimization testing and propose a term to limit ammonia emissions based on that optimization testing.

Based on the results of the testing program and the facility's summary report, MassDEP shall establish a term to limit ammonia emissions. The term may be an emission limit, a process parameter, or other provision that ensures that emissions of ammonia are minimized. The term to limit ammonia emissions will be specifically set forth as a "state only" enforceable requirement.

- e) In accordance with Approval MBR-86-INC-007, the facility may use untreated landfill leachate as a source of process water for the air pollution control system.
- f) In accordance with 310 CMR 7.08(2)(f)6., the facility shall implement the following municipal waste combustor operator training and certification requirements:
1. The facility shall have each chief facility operator and shift supervisor obtain and maintain an Operator Certificate issued by the American Society of Mechanical Engineers (ASME).
 2. The facility shall not allow the municipal waste combustor unit to be operated at any time unless one of the following persons is on duty: A chief facility operator or a shift supervisor who has obtained an Operator Certificate. (A Provisional Certificate is acceptable provided the chief facility operator or shift supervisor is scheduled to obtain an Operator Certificate in accordance with 310 CMR 7.08(2)(f)). If one of the persons listed above must leave the municipal waste combustor plant during his or her operating shift, a provisionally certified control room operator who is onsite at the municipal waste combustor plant may fulfill these requirements subject to the May 14, 1998 EPA guidance on Control Room Operator "Stand-In" Provisions.

In accordance with the May 14, 1998 EPA guidance on Control Room Operator "Stand-In" Provisions: When the certified chief

facility operator or certified shift supervisor is off site for one operating shift or less, and no certified operator is onsite, the provisionally certified control room operator may "stand-in" or perform those duties without notice to, or approval by, MassDEP and EPA.

When the certified chief facility operator or certified shift supervisor is off site for more than one operating shift, but for two (2) weeks or less, and no certified operator is onsite, the provisionally certified control room operator may "stand-in" or perform those duties without approval by MassDEP and EPA. However, the facility shall notify MassDEP and EPA, in writing, that the stand-in period will exceed one operating shift and that enforcement discretion should be exercised.

When the certified chief operator or certified shift supervisor is off site for more than two weeks, and no other certified operator is onsite, the provisionally certified control room operator may perform those duties without approval by MassDEP and EPA. However, the following two actions must be taken:

- i. MassDEP and EPA must be notified in writing. In the notice, the reasons that caused the absence and the actions being taken to ensure that a certified chief facility operator or certified shift supervisor is on site must be included. The written notification may request that MassDEP and EPA exercise enforcement discretion based on the circumstances.
 - ii. If enforcement discretion is applied, a written status report and corrective action summary must be submitted to MassDEP and EPA every four weeks following the initial notification. The facility shall include in each status summary a demonstration that a good faith effort has been made and continues to be made to ensure that a certified chief facility operator or certified shift supervisor is on site. If a satisfactory demonstration is not made to MassDEP and EPA, enforcement discretion is not appropriate and MassDEP and/or EPA may take enforcement action.
3. The facility shall have all chief facility operators, shift supervisors, and control room operators who have not obtained an Operator Certificate from ASME, complete the National Technical Information Service - "EPA Municipal Waste Combustor Operating Course".
 4. The facility shall establish a training program to review the operating manual with each person who has responsibilities affecting the operation of an affected municipal waste combustor unit, including, but not limited to, chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane/load handlers. The operating manual shall address at a minimum the following:
 - i. A summary of all applicable requirements in this regulation;
 - ii. Basic combustion theory applicable to a municipal waste combustor unit;
 - iii. Procedures for receiving, handling, and feeding municipal solid waste;
 - iv. Municipal waste combustor unit startup, shutdown, and malfunction procedures;
 - v. Procedures for maintaining proper combustion air supply levels;
 - vi. Procedures for operating the municipal waste combustor unit within the requirements established under this regulation;
 - vii. Procedures for responding to periodic upset or off-

- specification conditions;
- viii. Procedures for minimizing PM carryover;
- ix. Procedures for handling ash;
- x. Procedures for monitoring municipal waste combustor unit emissions;
- xi. Reporting and record keeping procedures.

5. The facility shall, upon request from MassDEP, make available all the operating manuals and records of training for inspection.

MassDEP reserves the right to be present during staff training, particularly with respect to air pollution control equipment and continuous emissions monitoring systems (CEMS) operation.

- g) In accordance with 310 CMR 7.08(2)(j)5., additional requirements may be included in an Emission Control Plan Approval if MassDEP determines that the emissions from a municipal waste combustor plant's unit(s) alone or cumulatively with other municipal waste combustor plant's unit(s) cause or contribute to a condition of air pollution or a violation of any other regulation. Such requirements would not be federally enforceable and would be subject to State enforcement only. These requirements could include but are not limited to emissions limits on air contaminants, and additional stack testing or emission monitoring requirements.

MassDEP may modify the Emission Control Plan at any time if MassDEP determines that a municipal waste combustor plant's unit(s) alone or cumulatively with other municipal waste combustor plant's unit(s) cause or contribute to a condition of air pollution or a violation of any other regulation.

Cumulative Impact: MassDEP has assessed the cumulative impact of other municipal waste combustors within the vicinity of the municipal waste combustor facility. The analyses indicated that the subject municipal waste combustor facility would not alone or cumulatively with any other municipal waste combustor facility cause or contribute to a condition of air pollution.

- h) In accordance with 310 CMR 7.08(2)(a), no person shall allow, or permit the construction, substantial reconstruction, alteration or operation of a municipal waste combustor unit on a site which has not received a site assignment in accordance with M.G.L. c.111, s.150A.
- i) In accordance with Approval MBR-86-INC-007, the facility shall submit updated versions of the Standard Operating and Maintenance Procedures (SOMP) to MassDEP. MassDEP must approve significant changes to the SOMP prior to the change becoming effective. The updated SOMP shall supersede prior versions of the SOMP.
- j) In accordance with Approval MBR-86-INC-007, the facility shall provide for abatement action in the SOMP which shall be initiated immediately should the installed equipment cause or contribute to a condition of air pollution due to the emission of smoke, noise, odor, dust, or wind blown refuse.
- k) In accordance with Approval MBR-86-INC-007, there shall be no burning or unpermitted storage of hazardous waste as defined in 310 CMR 7.00, infectious wastes, asbestos, sewage sludge or other noncompatible wastes at this facility.
- l) In accordance with Approval MBR-86-INC-007, the facility shall ensure that any storage or transport of material collected from the facility's boiler grates and emission control systems shall be done within enclosed buildings or in covered, leak proof conveyors, containers or other methods equally effective in preventing fugitive dust during storage and transfer.
- m) In accordance with Approval MBR-86-INC-007, the municipal solid waste

shall not be introduced to the boiler grates until such time as optimum-operating temperature is attained. During start-up and shutdown periods, auxiliary fuel shall be used to maintain optimum flue gas temperature.

- n) In accordance with Approval MBR-86-INC-007, no waste shall be stored outside the facility's enclosed tipping floor/reception area.
- o) In accordance with Approval MBR-86-INC-007, MassDEP reserves the right to establish emission limitations in the future for pollutants not identified within Section 4, Table 3, "Emission Limits And Restrictions".
- p) In accordance with Approval MBR-86-INC-007, MassDEP reserves the right to require continuous emission monitoring (CEM) for hydrogen chloride (HCl) in the future.
- q) In accordance with Approval MBR-86-INC-007, the facility shall provide CEM audit sample points/lines that will permit the use of audit gas samples to challenge the sample acquisition system and analytical hardware of each CEM system.
- r) In accordance with Approval MBR-86-INC-007, auxiliary fuel usage shall be no greater than a 10% annual capacity factor.
- s) Consistent with Approval MBR-86-INC-007, the facility can accept and process Supplemental Wastes or Special Wastes in addition to municipal solid waste provided that the facility abides by all terms of this Permit.
 - 1. The facility shall implement the review procedures described in the most recently submitted Supplemental Waste Standard Operating and Maintenance Procedures (SWSOMP) on each application for supplemental or special waste disposal.
 - 2. The facility shall ensure that combustion of the supplemental and special wastes will be consistent with the SWSOMP and the regulations at 310 CMR 7.00 et seq.
 - 3. The facility shall notify MassDEP immediately in writing of any changes to the submitted SWSOMP. The SWSOMP shall be subject to MassDEP approval as stated in Special Condition 5.j).
 - 4. The facility shall prohibit the acceptance and/or combustion of demolition material, dry powder solids, pesticides, and herbicides at the facility.
 - 5. The facility shall prevent the admittance of unacceptable or hazardous waste material into their facility by means of conducting visual spot checks of each delivery to verify that the truck contents are consistent with the approved manifest and additionally, to verify that the truck contents do not contain hazardous or recyclable materials.
- t) In accordance with Approval MBR-86-INC-007, following performance tests for Dioxin\Furan or Mercury emissions, the facility shall operate with carbon mass feed rate that equals or exceeds the average that was determined during the performance test. Compliance with this minimum feed rate will be based on carbon mass feed rate 8-hour block averages, in pounds per hour (lbs/hr).
- u) Per data as supplied through the Permittee's Operating Permit Application (MBR-95-OPP-008, Transmittal No. 108010), all EUs shall continue to emit products of combustion through stacks with the following parameters:

EMISSION UNIT	STACK HEIGHT (Feet)	STACK EXIT DIAMETER (Feet)	STACK MATERIAL
EU1, EU2 (1 Stack, 2 Flues)	287.5 (Each Flue)	7.8 (Each Flue)	Two separate steel inner flues within one common concrete stack
EU3	NA	NA	NA
EU4	NA	NA	NA
EU5	45	8.5	Refractory Lined

NA = Not Applicable

- v) As stated within Approval MBR-97-IND-004, that should any nuisance condition(s) occur as a result of the operation of the landfill gas collection and enclosed flare system, then appropriate steps shall immediately be taken to abate said nuisance condition(s). (State Only Requirement, 310 CMR 7.01(1))
- w) The Permittee is subject to, and has stated in their Operating Permit Application (MBR-95-OPP-008, Transmittal No. 108010), 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 EPA enforces these requirements.

6. ALTERNATIVE OPERATING SCENARIOS

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

7. EMISSIONS TRADING

- (a) Intra-facility emissions trading

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

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

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

- (b) Inter-facility emissions trading

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

All increases in emissions due to 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 provided for in this Permit.

8. COMPLIANCE SCHEDULE

The Permittee has indicated that the facility is in compliance and shall

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

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

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

10. COMPLIANCE CERTIFICATION

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

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

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

a. Annual Compliance Report and Certification

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

The compliance certification and report shall describe:

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

b. Semi-Annual Monitoring Summary Report and Certification

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

The compliance certification and report shall describe:

- i. the terms and conditions of the Permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;

- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by MassDEP to determine the compliance status of the source.

11. NONCOMPLIANCE

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

12. PERMIT SHIELD

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

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

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

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

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

13. ENFORCEMENT

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

regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A.

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

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

14. PERMIT TERM

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

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

15. PERMIT RENEWAL

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

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

16. REOPENING FOR CAUSE

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

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

17. DUTY TO PROVIDE INFORMATION

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

18. DUTY TO SUPPLEMENT

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

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

19. TRANSFER OF OWNERSHIP OR OPERATION

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

20. PROPERTY RIGHTS

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

21. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of MassDEP and EPA to perform the following, as per 310 CMR 7.00: Appendix C(3)(g)12.:

(a) enter upon the Permittee's premises where an Operating Permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this Permit;

(b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;

(c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

(d) sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the Operating Permit or applicable requirements.

22. PERMIT AVAILABILITY

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

23. SEVERABILITY CLAUSE

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

24. EMERGENCY CONDITIONS

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

- (a) an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- (b) the permitted facility was at the time being properly operated;
- (c) during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- (d) the Permittee submitted notice of the emergency to MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

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

25. PERMIT DEVIATION

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

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.

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.
- Exceedances of Permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other Approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other Approvals for instruments that directly monitor compliance.

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

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

26. OPERATIONAL FLEXIBILITY

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

27. MODIFICATIONS

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

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

(c) Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR

7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).

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

APPEAL CONDITIONS FOR OPERATING PERMIT

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

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

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

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

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

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

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

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