



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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### AIR QUALITY OPERATING PERMIT

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

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

Onyx Specialty Papers, Inc.  
P.O. Box 188  
40 Willow Street  
South Lee, MA 01260

**INFORMATION RELIED UPON:**

Application No. 22-AQ14-0002-REN  
ePlace Authorization No. AQ14-0000021  
Operating Permit No. WE-22-003

**FACILITY LOCATION:**

Onyx Specialty Papers, Inc.  
Willow Mill  
40 Willow Street  
South Lee, MA 01260

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 1170015  
FMF FAC NO: 388346  
FMF RO NO: 388347

**NATURE OF BUSINESS:**

Paper Mill

**Standard Industrial Classification (SIC):** 2621  
**North American Industrial Classification System (NAICS):** 322121 – Paper Mills

**RESPONSIBLE OFFICIAL:**

Name: Patricia C. Begrowicz  
Title: President

**FACILITY CONTACT PERSON:**

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**This Operating Permit shall expire on June 26, 2028**

For the Department of Environmental Protection

Michael Gorski  
Regional Director  
Department of Environmental Protection  
Western Regional Office

June 26, 2023

Date

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

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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, Onyx Specialty Papers, Inc. (“Onyx” or “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.

### A. DESCRIPTION OF FACILITY AND OPERATIONS

The Permittee is a specialty paper mill located at 40 Willow Street, South Lee, Massachusetts. Onyx purchases wood pulp, cotton, and other additives to produce a variety of custom paper products with various decorative and/or functional applications. They have two (2) paper machines. There are no pulping or bleaching operations. The facility has the potential to emit volatile organic compounds (VOC), oxides of nitrogen (NOx), and hazardous air pollutants (HAPs) above the major source thresholds for applicability to 310 CMR 7.00: Appendix C, Operating Permit and Compliance Program.

The mill was built on the Housatonic River in 1806. The Mead Corporation purchased the mill in 1958. In 2002 Mead merged with Westvaco. On March 15, 2010 an Administrative Amendment to the operating permit was made, changing ownership to Onyx Specialty Papers, Inc.

At the start of the paper process, purchased pulp is mixed with additives in a pulping tank. A formaldehyde-melamine resin is added to the paper slurry. Two out of the six pulper tanks are equipped with an orifice scrubber to collect particulate matter. Sludge from the scrubber is sent to the facility’s waste water treatment plant. The mixed paper pulp moves to the refiners and then on to one of two paper machines. The paper is passed over a series of cylinders that are heated internally by steam produced with the facility’s two (2) existing water-tube boilers. The dried paper is rolled, cut into custom widths, and then sent off-site for further processing. The facility does not have coating or printing operations. All emission units are identified in Table 1 and emission limits are located in Table 3.

#### Regulatory Applicability

Emission Unit 1 (EU1) is a #6 residual oil fueled boiler installed in 1953 and rated at 37.5 million British thermal units per hour (MMBtu/hr). This boiler has a particulate matter (PM) emission limit of 0.12 lb/MMBtu in accordance with 310 CMR 7.02(8)(d) for Fossil Fuel Utilization Facilities. In Title V Operating Permit (TVOP) #WE-13-023, issued 8/22/2017, the Permittee voluntarily restricted the boiler to be classified as a limited-use boiler, meaning it has a federally enforceable annual capacity factor equal to or less than 10%<sup>1</sup>.

If there is an interruption in the supply of #6 residual fuel oil or if an air pollution emergency episode is declared, EU1 will be switched to #4 fuel oil within 24 hours. This procedure to switch to #4 fuel oil is described in Attachment 2 of Limited Plan Approval #1-B-94-135, dated March 16, 1995. In the event that they use #4 fuel oil, the Permittee will continue to voluntarily limit the sulfur content to no more than 1% by weight.

Emission Unit 2 (EU2) is a dual-fuel (#6 oil or natural gas) boiler rated at 48 MMBtu/hr. The Mead Corporation obtained an approval letter for this boiler dated December 14, 1973 which set a PM emission limit of 0.10 lb/MMBtu. In TVOP #WE-13-023, issued 8/22/2017, the Permittee voluntarily restricted EU2 to be classified as a unit designed to burn gas 1 subcategory in accordance with the definitions in 40 CFR Part 63, Subpart DDDDD.

<sup>1</sup> Annual Capacity Factor = (the ratio of actual heat input to the boiler per year to the potential heat input for 8,760 hours per year) x 100, defined in 40 CFR §63.7575.

This subcategory limits the use of liquid fuel to only during periods of gas curtailment, gas supply interruptions, startups, or for periodic testing, maintenance, or operator training. Liquid fuel use for testing, maintenance or operator training is limited to 48 hours during any calendar year.

EU1 and 2 are subject to 40 CFR Part 63 Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. The applicable requirements are included in this operating permit.

EU1 and 2 continue to be subject to the work practices of a yearly tune-up (per 310 CMR 7.19(6)) and efficiency test (per 310 CMR 7.04(4)(a)).

EU1 and 2 share one stack, 78 feet in height and 4.8 feet in diameter. Opacity at the stack is monitored and recorded with a continuous opacity monitoring (COM) system to comply with both 310 CMR 7.06, Visible Emissions, and the facility's Plan of Good Operating Practices (dated June 23, 2008). A smoke density indicator (SDI) is no longer in use at the facility.

Onyx has two (2) 20,000-gallon fuel oil tanks for storing #6 oil. Formaldehyde-melamine resin is stored in three (3) 6,000 gallon tanks. The three (3) formaldehyde-melamine tanks were installed before July 23, 1984 and do not meet the volumetric thresholds for applicability of 40 CFR Part 60, Subpart Kb.

A 200 electrical kilowatt (ekW) Caterpillar Model: D200-2, USEPA Tier 3 CAT C7.1 emergency fire pump engine (known herein as EU5) was installed fall 2016. The engine is USEPA<sup>2</sup> Tier 3 certified (40 CFR Part 89, Section 89.112) and is certified through the MassDEP Environmental Results Program (ERP, 310 CMR 7.26(42)). The engine has a nominal rating of 250 brake horsepower (maximum 302 brake horsepower) and displacement of 7.01 liter. It is subject to 40 CFR Part 63, Subpart ZZZZ<sup>3</sup> and to 40 CFR Part 60, Subpart IIII<sup>4</sup>. The applicable requirements are included in this operating permit.

A 36.4 mechanical kilowatt Kohler Model: KDI 2504 TM, ultra low sulfur diesel oil-fired 2020 model year emergency stationary reciprocating internal combustion engine (known herein as EU14) was installed in June 2020. The engine has a maximum of 48.8 brake horsepower with a maximum heat input of 0.355 million Btu per hour. Since the engine's mechanical power is less than 37 kilowatts, it is not subject to the MassDEP ERP regulations of 310 CMR 7.26(42). However, the engine is still subject to 40 CFR Part 63, Subpart ZZZZ<sup>3</sup> and 40 CFR Part 60, Subpart IIII<sup>4</sup>. The applicable requirements are included in this operating permit.

The facility is a "major stationary source" pursuant to the Emission Offsets and Nonattainment Review regulations of 310 CMR 7.00: Appendix A because the facility has the potential to emit more than 50 tons per year of NO<sub>x</sub> and 50 tons per year of VOCs. The facility is not a "major stationary source" pursuant to the Prevention of Significant Deterioration (PSD) regulations of 40 CFR § 52.21 since the facility does not have the potential to emit more than 250 tons per year of a new source review (NSR) regulated pollutant.

Massachusetts promulgated the 310 CMR 7.71: Reporting of Greenhouse Gas Emissions regulations on June 26, 2009. Pursuant to 310 CMR 7.71(3)(a)1., the facility is subject to the applicable requirements of this regulation which are included in this operating permit. Pursuant to 310 CMR 7.71(2) *Definitions*: "Greenhouse Gas" means any chemical or physical substance that is emitted into the air and that MassDEP may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, SF<sub>6</sub>, hydrofluorocarbons, and perfluorocarbons.

The Permittee is not subject to the Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64

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<sup>2</sup> United States Environmental Protection Agency.

<sup>3</sup> National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines.

<sup>4</sup> Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

because the boilers and paper machines do not use a control device to achieve compliance with the respective emission limits (40 CFR §64.2(a)(2)). As stated above, the facility does not use a pulping or bleaching system as defined in 40 CFR §63.441 and so, per letter dated May 16, 2002 from the USEPA, is not subject to 40 CFR Part 63 Subpart S, National Emission Standards for Hazardous Air Pollutants (NESHAP) from the Pulp and Paper Industry.

## 2. EMISSION UNIT IDENTIFICATION

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

Table 1			
EU	Description of EU	EU Design Capacity	Pollution Control Device (PCD)
1	Babcock and Wilcox Boiler, Model No. FF-16-24	37.5 MMBtu/hr	N/A
2	Babcock and Wilcox Boiler, Model No. FM-10-61-B	48 MMBtu/hr	N/A
3	No. 1 Paper Machine	5,500 lbs/hr	N/A
4	No. 2 Paper Machine	4,800 lbs/hr	N/A
5	Caterpillar Model: D200-2, USEPA Tier 3 CAT C7.1, ULSD Oil-Fired Emergency Fire Pump Engine	<ul style="list-style-type: none"> <li>• 2.04 MMBtu/hr</li> <li>• 302 bhp</li> </ul>	None
14	Kohler Model: KDI 2504 TM, ULSD Oil-Fired Emergency Stationary RICE	<ul style="list-style-type: none"> <li>• 0.355 MMBtu/hr</li> <li>• 48.8 bhp</li> <li>• 36.4 mechanical kilowatts</li> </ul>	None

**Table 1 Key:**

EU = Emission Unit	lbs/hr = pound per hour
MMBtu/hr = million British thermal units per hour	L = liter
bhp = brake horsepower	N/A = not applicable
RICE = Reciprocating Internal Combustion Engine	ULSD = ultra low sulfur diesel

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

**4. APPLICABLE REQUIREMENTS**

**A. OPERATIONAL AND/OR PRODUCTION EMISSION LIMITS AND RESTRICTIONS**

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

**Table 3**

EU	Fuel/Raw Material	Pollutant	Operational and Emissions Limits/Standards	Applicable Regulation and/or Approval No
1	#6 fuel oil	PM	0.12 lb/MMBtu	310 CMR 7.02(8)(d)Table 4
			Annual Capacity Factor $\leq 10\%$ <sup>1</sup>	TVOP #WE-13-023, issued 8/22/2017
2 <sup>2</sup>	#6 fuel oil or natural gas	PM	0.10 lb/MMBtu	Plan Approval letter dated 12/14/1973
			Liquid fuel use only during periods of gas curtailment, gas supply interruptions, startups, or for periodic testing.  Periodic testing on liquid fuel shall not exceed a combined total of 48 hours during any calendar year.	TVOP #WE-13-023, issued 8/22/2017
1 2	#6 fuel oil	Sulfur in fuel	Not to exceed 0.55 lb/MMBtu heat release potential (approximately equivalent to 1% sulfur content fuel oil)	TVOP #WE-13-023, issued 8/22/2017
	#6 fuel oil or natural gas	Opacity	$\leq 15\%$ opacity during Normal Operation based on a six-minute block average. Except as provided in 310 CMR 7.06(1)(c)1.c. and 310 CMR 7.06(1)(c)1.g.	310 CMR 7.06(1)(c)1.a. and POGOP, dated 6/23/2008
			$\leq 27\%$ opacity during Specified Operating Conditions (periods of start-up, shutdown, burner change, steam load shifting, fuel switching, and soot blowing) based on a six-minute block average. Never to exceed 60% opacity during any six-minute block average.	310 CMR 7.06(1)(c)1.c. and POGOP, dated 6/23/2008
			Not to exceed 27% opacity for one-tenth of one percent of the total six minute block averages during any calendar quarter, or six block averages per boiler per quarter, whichever is greater.  When notified in writing at least five business days prior to scheduled shakedown activities, testing, and calibrations, MassDEP may allow exemptions to 310 CMR 7.06(1)(c)1.a. and 310 CMR 7.06(1)(c)1.c.	310 CMR 7.06(1)(c)1.g. and POGOP, dated 6/23/2008

**Table 3**

EU	Fuel/Raw Material	Pollutant	Operational and Emissions Limits/Standards	Applicable Regulation and/or Approval No
3 4	Fibers and Additives	Opacity	≤ 20%, except 20% to ≤ 40% for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b)
5	Ultra low sulfur diesel oil		See Section 5. Special Terms and Conditions, Table 8.	310 CMR 7.26(42) 40 CFR Part 60 Subpart III
Sulfur in Fuel		≤15 ppm (≈0.0015% sulfur by weight)	310 CMR 7.26(42)(c) 310 CMR 7.05(1)(a)1. Table 1 40 CFR 60.4207(b)	
NMHC and NO <sub>x</sub>			310 CMR 7.26(42)(b) 40 CFR 60.4205(c)	
CO				
PM <sup>3</sup>				
Smoke		≤ No. 1 of the Chart no more than 6 minutes during any one hour, at no time to exceed No. 2 of the Chart	Regulation 310 CMR 7.26(42)(d)5. Regulation 310 CMR 7.06(1)(a)	
Opacity	≤ 20%, except 20% to ≤ 40% for ≤ 2 minutes during any one hour	Regulation 310 CMR 7.26(42)(d)5. Regulation 310 CMR 7.06(1)(b)		



**Table 3**

EU	Fuel/Raw Material	Pollutant	Operational and Emissions Limits/Standards	Applicable Regulation and/or Approval No
14	Ultra low sulfur diesel oil	Sulfur in Fuel	≤15 ppm (≈0.0015% sulfur by weight)	40 CFR 60.4207(b)
		NMHC and NOx		40 CFR 60.4205(b), 40 CFR 60.4202(a)(1)(ii)
		CO		
		PM <sup>3</sup>		
		Smoke	≤ No. 1 of the Chart no more than 6 minutes during any one hour, at no time to exceed No. 2 of the Chart	Regulation 310 CMR 7.06(1)(a)
Opacity	≤ 20%, except 20% to ≤ 40% for ≤ 2 minutes during any one hour	Regulation 310 CMR 7.06(1)(b)		
Facility-wide	All	Greenhouse gas <sup>4</sup>	N/A	Regulation 310 CMR 7.71 (state only)

**Table 3 Key:**

EU# = Emission Unit number  
 CMR = Code of Massachusetts Regulations  
 CO= carbon monoxide  
 NMHC = nonmethane hydrocarbon  
 NOx = nitrogen oxides  
 N/A = not applicable  
 POGOP = Plan of Good Operating Practices  
 MassDEP = Massachusetts Department of Environmental Protection

PM = Total Particulate Matter  
 ppm = parts per million  
 lbs/MMBtu = pounds per million British thermal units  
 ≤ = less than or equal to  
 % = percent

**Table 3 Foot Notes:**

1. Annual Capacity Factor is less than or equal to 10% and is defined as the ratio of actual heat input to the boiler per year to the potential heat input for 8,760 hours per year x 100, located in 40 CFR 63.7575.
2. The facility designated this Boiler as a “Unit designed to burn gas 1 subcategory” as defined under 40 CFR 63.7575.
3. Particulate matter measured according to the applicable procedures specified in 40 CFR Part 60 Appendix A, Method 5.
4. Greenhouse Gas means any chemical or physical substance that is emitted into the air and that the MassDEP may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, SF<sub>6</sub>, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs)

**B. COMPLIANCE DEMONSTRATION**

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

<b>Table 4</b>	
<b>EU</b>	<b>Monitoring And Testing Requirements</b>
1	<p>1. In accordance with 40 CFR §63.7540(a)(12) the Permittee shall conduct a 5-year tune-up of EU1 to demonstrate continuous compliance as specified in paragraphs (a) through (e) below while burning #6 oil. Each 5-year tune-up must be no more than 61 months after the previous tune-up:</p> <ul style="list-style-type: none"> <li>a. As applicable, inspect the burner, and clean or replace any components of the burner as necessary (the burner inspection may be performed any time prior to the tune-up or may be delayed until the next scheduled unit shutdown). At units where entry into a piece of process equipment or into a storage vessel is required to complete the tune-up inspections, inspections are required only during planned entries into the storage vessel or process equipment. The burner inspection may be delayed until the next scheduled or unscheduled unit shutdown, but each burner must be inspected at least once every 72 months;</li> <li>b. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;</li> <li>c. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (the inspection may be delayed until the next scheduled unit shutdown);</li> <li>d. Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available;</li> <li>e. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.</li> </ul> <p>In accordance with 40 CFR §63.7540(a) (13), If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of startup.</p>
	<p>2. In accordance with 40 CFR 63.7555(a)(3) and 310 CMR 7.00 Appendix C(9)(b)2., the Permittee shall monitor heat input to EU1 and calculate the annual capacity factor<sup>1</sup> of the boiler.</p>
1 2	<p>3. In accordance with 310 CMR 7.06(1)(c), 40 CFR Part 60 Appendix B, and the facility's Plan of Good Operating Practices dated June 23, 2008, the Permittee shall ensure that the COM equipment complies with MassDEP approved performance and location specifications, and conforms with the EPA monitoring specifications in 40 CFR Part 60 Appendix B, Performance Specification 1, including calibration checks.</p>
	<p>4. In accordance with 310 CMR 7.00 Appendix C(9)(c) and the COM manufacturer calibration and maintenance requirements, the Permittee shall inspect and ensure the proper operation of the following instruments related to aspects of the operation of the boilers and fuel supply system that could impact opacity:</p> <ul style="list-style-type: none"> <li>a. O<sub>2</sub> analyzer;</li> <li>b. Steam flow transmitter;</li> <li>c. Oil temp. transmitter;</li> <li>d. Oil pressure transmitter; and</li> <li>e. Level transmitter.</li> </ul>

**Table 4**

EU	Monitoring And Testing Requirements
1 2	<p>5. In accordance with 310 CMR 7.06(1)(c) and the POGOP, the Permittee shall operate within the opacity limits contained in Table 3 of this Operating Permit for Normal Operation and for Specified Operating Conditions (periods of start-up, shutdown, burner change, soot blowing, and sudden or excessive load changes), and tally all opacity exceedances occurring during Normal Operation and/or Specified Operating Conditions.</p> <p>If for more than one-tenth of one percent of the total six minute block averages during any calendar quarter, or six block averages per boiler per quarter, whichever is greater, opacity exceedances occur at a boiler within a calendar quarter, then during the remainder of that calendar quarter, the Permittee shall conduct Method 9 visible emission tests<sup>2</sup> on the boiler during the next scheduled type of Specified Operating Condition or Normal Operation that resulted in the highest opacity reading.</p> <p>If it is not practical to schedule or conduct a Method 9 test for the specific type of Specified Operating Condition or Normal Operation that resulted in the highest opacity, an alternative test schedule or scenario may be proposed. In addition, based upon the cause of the excursion, a waiver of the Method 9 test requirement may be requested. Any such request shall be in writing to MassDEP.</p>
	<p>6. In accordance with the facility's POGOP dated 6/23/2008, in the event that the COM is out-of-service for more than two business days while one or both boilers is operating, the Permittee shall conduct a Method 9 Test at least once per day during Normal Operations and once per day during any scheduled Specified Operating Conditions (start-up, shutdown, burner change, or soot blowing) until the day that the COM is placed back in service.</p> <p>Compliance with visible emission limits shall be based upon a six-minute average determined by the procedures set forth in Method 9, (as described in 40 CFR Part 60, Appendix A-4) as per 310 CMR 7.06(1)(c)1.d.i.</p> <p>COM readings shall serve as an indicator of opacity for the boiler operators.</p>
	<p>7. In accordance with 310 CMR 7.04(4)(a), the Permittee shall inspect and maintain these emission units in accordance with the manufacturers' recommendations and test for efficient operation at least once each calendar year. The results of said inspection, maintenance, and testing and the date upon which it was performed shall be recorded and posted conspicuously on or near the EU(s).</p>
	<p>8. In accordance with 310 CMR 7.19(6)(a), the Permittee shall tune the boilers annually in accordance with the tune-up procedure based on "Combustion Efficiency Optimization Manual for Operators of Oil and Gas Fired Boilers" (EPA 340/1-83-023), detailed in 310 CMR 7.19(6)(a)1. through 12.</p>
	<p>9. In accordance with 310 CMR 7.19(6)(b)2.(g), the Permittee shall verify at least once per month, that the settings determined during the tune-up have not changed.</p>

**Table 4**

EU	Monitoring And Testing Requirements
2	<p>10. In accordance with 40 CFR §63.7540(a)(10), the Permittee shall conduct an annual tune-up of EU2 to demonstrate continuous compliance as specified in paragraphs (a) through (e) below while burning natural gas. Each annual tune-up must be no more than 13 months after the previous tune-up:</p> <ul style="list-style-type: none"> <li>a. As applicable, inspect the burner, and clean or replace any components of the burner as necessary (the burner inspection may be performed any time prior to the tune-up or may be delayed until the next scheduled unit shutdown). At units where entry into a piece of process equipment or into a storage vessel is required to complete the tune-up inspections, inspections are required only during planned entries into the storage vessel or process equipment;</li> <li>b. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;</li> <li>c. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (the inspection may be delayed until the next scheduled unit shutdown);</li> <li>d. Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available;</li> <li>e. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.</li> </ul> <p style="text-align: center;">In accordance with 40 CFR §63.7540(a) (13), If the unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of startup.</p>
	<p>11. In accordance with 40 CFR 63.7575, definition of a <i>Unit designed to burn gas 1 subcategory</i>, the Permittee shall monitor the use of liquid fuel on an hourly basis, including the number of hours of periodic testing using liquid fuel.</p>
3 4	<p>12. In accordance with 310 CMR 7.00 Appendix C(9)(b), any testing performed by the Permittee to demonstrate compliance with the Table 3 allowable emission limits shall be in accordance with EPA Method 9 for smoke/opacity, as specified in 40 CFR 60, Appendix A.</p>
5	<p>13. In accordance with 310 CMR 7.26(42)(e)2., MassDEP may require emission or other monitoring to assure compliance with the requirements of 310 CMR 7.26(42).</p>
	<p>14. In accordance with 310 CMR 7.26(42)(d)1.c., a non-turn-back hour counter shall be installed, operated and maintained in good working order on each unit.</p>
	<p>15. In accordance with 310 CMR 7.26(42)(e)3., the Permittee shall ensure that any testing, when required, shall comply with the following:</p> <ul style="list-style-type: none"> <li>a. Tests to certify compliance with emission limitations must be performed in accordance with EPA reference Methods, California Air Resources Board Methods approved by EPA, or equivalent methods as approved by MassDEP and EPA.</li> <li>b. Particulate matter from liquid fuel reciprocating engines shall be determined using Method 8178 D2 of the International Organization for Standardization.</li> <li>c. Testing shall be conducted at the full design load of the emergency engine.</li> <li>d. MassDEP may require emission or other testing to assure compliance with the emission limitations or fuel requirements.</li> </ul>
1 2 5 14	<p>16. In accordance with 310 CMR 7.00 Appendix C(9)(b), the Permittee shall monitor sulfur content of each new shipment of fuel oil received. Compliance with the percent sulfur in fuel requirements can be demonstrated by maintaining a shipping receipt from the fuel supplier (shipping certification) or through testing (testing certification). The shipping receipt certification or testing certification of sulfur content of fuel oil shall document that the testing has been conducted in accordance with the applicable ASTM test methods: (for sulfur D129-64, D1072-56, D1266-67, D1552-83, D2622-87, D4294-90) or any other method approved by MassDEP and EPA.</p>

**Table 4**

EU	Monitoring And Testing Requirements
14	17. In accordance with 40 CFR 60.4209(a), if EU 14 does not meet the standards applicable to non-emergency engines, the Permittee shall install a non-resettable hour meter prior to startup of the engine.
Facility-wide	<p>18. In accordance with 310 CMR 7.13(1), if and when MassDEP determines that Emissions Compliance Testing (stack testing) is necessary to ascertain compliance with MassDEP's regulations or design approval provisos, the Permittee shall cause such stack testing: a) to be conducted by a person knowledgeable in stack testing, b) to be conducted in accordance with procedures contained in a test protocol approved by MassDEP, c) to be conducted in the presence of a representative of MassDEP when such is deemed necessary and d) to be summarized and submitted to the MassDEP with analysis and report within such time as agreed to in the approved test protocol.</p> <p>19. In accordance with 310 CMR 7.13(2), if and when MassDEP determines that stack testing (to ascertain the mass emission rates of air contaminants emitted under various operating conditions) is necessary for the purposes of regulation enforcement or determination of regulation compliance, the Permittee shall cooperate with MassDEP to provide: a) entrance to a location suitable for stack sampling, b) sampling ports at locations where representative samples may be obtained, c) staging and ladders to support personnel and equipment for performing tests, d) a suitable power source at the sampling location for the operation of sampling equipment, and e) such other reasonable facilities as may be requested by MassDEP.</p> <p>Stack Testing shall be conducted in accordance with 310 CMR 7.13, and 40 CFR Part 60, Appendix A (Method 7 for oxides of nitrogen (NO<sub>x</sub>), Method 6 for sulfur dioxide (SO<sub>2</sub>), Method 10 for carbon monoxide (CO), Method 5 for PM, Method 3A for Oxygen (O<sub>2</sub>), Method 9 for opacity, or by any other test method approved by MassDEP or EPA. Prior to Stack Testing, appropriate testing ports shall be constructed so as to accommodate the requirements as stipulated in 40 CFR Part 60, Appendix A</p> <p>20. In accordance with 310 CMR 7.12, the Permittee shall monitor operations such that information may be compiled for the preparation of a Source Registration / Emission Statement Form.</p> <p>21. In accordance with 310 CMR 7.71(1) and Appendix C(9), the Permittee shall establish and maintain data systems or record keeping practices (e.g. fuel use records, SF<sub>6</sub> usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c. 298, § 6. (State Only Requirement)</p>

**Table 4 Key:**

- |   |  |
|---|--|
| <p>EU# = Emission unit number<br/>         CFR = Code of Federal Regulations<br/>         CMR = Code of Massachusetts Regulations<br/>         POGOP = Plan of Good Operating Practices dated 6/23/2008<br/>         MassDEP = Massachusetts Department of Environmental Protection<br/>         O<sub>2</sub> = oxygen</p> | <p>EPA = Environmental Protection Agency<br/>         ASTM = American Society for Testing and Materials<br/>         SF<sub>6</sub> = Sulfur Hexafluoride<br/>         CO = carbon monoxide<br/>         COM = continuous opacity monitor<br/>         PM = particulate matter</p> |
|---|--|

**Table 4 Footnotes:**

1. Annual Capacity Factor is defined as the ratio of actual heat input to the boiler per year to the potential heat input for 8,760 hours per year x 100, located in 40 CFR 63.7575.
2. 40 CFR Part 60, Appendix A, Method 9.
3. Greenhouse Gas means any chemical or physical substance that is emitted into the air and that the department may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, SF<sub>6</sub>, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

**Table 5**

EU	Recordkeeping Requirements
1	1. In accordance with 40 CFR §63.7525(k), for limited-use boiler, the Permittee shall keep fuel use records for the days the boiler or process heater was operating.  2. In accordance with 40 CFR §63.7555(a)(3) for units in the limited use subcategory, the Permittee shall keep a copy of the federally enforceable permit that limits the annual capacity factor to less than or equal to 10 percent and fuel use records for the days the boiler or process heater was operating.
2	3. In accordance with 40 CFR §63.7555(h), if EU2 is operated with a fuel other than natural gas, the Permittee shall keep records of: <ol style="list-style-type: none"> <li>a. the total hours per calendar year that alternative fuel is burned; and</li> <li>b. the total hours per calendar year that the unit operated during periods of gas curtailment or gas supply emergencies.</li> </ol>
1 2	4. In accordance with 40 CFR §63.7540(a)(10)(vi), the Permittee shall maintain on-site and submit if requested by the Administrator, a report containing the information in (a) through (c) as follows: <ol style="list-style-type: none"> <li>a. The concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler;</li> <li>b. A description of any corrective actions taken as a part of the tune-up; and</li> <li>c. The type and amount of fuel used over the 12 months prior to the tune-up, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel used by each unit.</li> </ol> 5. In accordance with 40 CFR §63.7555(a)(1), the Permittee shall keep a record of each notification and report submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status or semiannual compliance report submitted, according to the requirements in 40 CFR §63.10(b)(2)(xiv).  6. In accordance with 310 CMR 7.00 Appendix C(9)(b)2, the Permittee shall record the date of each emission unit tune-up, the procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned.  7. In accordance with 40 CFR §63.7560(a) through (c), the Permittee shall ensure that each record shall: <ol style="list-style-type: none"> <li>a. be in a form suitable and readily available for expeditious review, according to §63.10(b)(1);</li> <li>b. be kept for a total of five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or records.</li> <li>c. be kept on site within easy access for the first two (2) years according to §63.10(b)(1). Records can be kept off site for the remaining three (3) years.</li> </ol> 8. In accordance with 310 CMR 7.19(6)(b)2, the Permittee shall maintain, for each boiler, records for five years of the required tune-ups and efficiency tests. Such records shall include: <ol style="list-style-type: none"> <li>a. Identity of each boiler;</li> <li>b. date of tune up/efficiency test;</li> <li>c. person(s) conducting the tune-up/efficiency test;</li> <li>d. procedures followed for tune-up and efficiency test;</li> <li>e. the manufacturer's specifications to which the boiler was tuned</li> <li>f. O<sub>2</sub> /CO (for gas) or smoke spot (for oil) correlations obtained during tune-up;</li> <li>g. boiler/burner manufacturer's recommended set-points;</li> <li>h. final boiler set-points as a result of the tune-up;</li> <li>i. normal boiler/burner maintenance records; and</li> <li>j. at least once per month verify that the settings determined during the tune-up have not changed.</li> </ol>

**Table 5**

EU	Recordkeeping Requirements
1 2	<p>9. In accordance with 310 CMR 7.04(4)(a), the Permittee shall record and post conspicuously on or near the EU the results of said inspections, maintenance, and efficiency testing specified in Table 4, Provision 7 herein.</p> <p>10. In accordance with 310 CMR 7.06(1) and the POGOP (as applicable), the Permittee shall compile and maintain the following records for a minimum of five years from the date they are recorded. In addition, the calendar date for each record shall be clearly recorded and identified on each record.</p> <ul style="list-style-type: none"> <li>a. COM Data Acquisition and Handling System records with tally of all opacity exceedances.</li> <li>b. 40 CFR 60 Appendix A Method 9 visible emission test results.</li> <li>c. A copy of the POGOP approved by MassDEP.</li> <li>d. A logbook or other permanent record that identifies the calendar date, start time, and end time for all COM system calibrations and instrumentation calibrations related to opacity as outlined in Table 4, Provisions 3, and 4.</li> <li>e. A logbook or other permanent record that identifies the calendar date, start time, and end time for any period of malfunction of the COM system or any of its components (opacity sensing instrument, recorder and/or the alarm).</li> <li>f. A logbook or other permanent record that identifies the calendar date, start time, and end time for each Specified Operating Condition (<i>start-up, shutdown, burner change, soot blowing, and steam load shifting</i>).</li> <li>g. A logbook or other permanent record that identifies the calendar date, start time, end time and a description of all maintenance performed on the COM system.</li> <li>h. A logbook or other permanent record that identifies the calendar date, start time, end time and a description of the operating conditions for each event when either the COM system or Method 9 observations identify that opacity exceeded the level for Normal Operation and/or Specified Operating Conditions.</li> <li>i. A copy of the certification of the qualified observer for each 40 CFR 60, Appendix A, Method 9 observation.</li> </ul>
5	<p>11. In accordance with 310 CMR 7.26(42)(f), the Permittee shall maintain the records described in 310 CMR 7.26(42)(f)1. through 4. as specified below. Such records shall be maintained on site and shall be made available to MassDEP or its designee upon request. The owner or operator shall certify that records are accurate and true in accordance with 301 CMR 7.01(2)(a) through (c).</p> <ul style="list-style-type: none"> <li>a. Information on equipment type, make and model, and rated power output; and</li> <li>b. A monthly log of hours of operation, fuel type heating value and sulfur content for fuel oil. A monthly calculation of the total hours operated in the previous 12 months; and</li> <li>c. Purchase orders, invoices, and other documents to substantiate information in the monthly log; and</li> <li>d. Copies of certificates and documents from the manufacturer related to certificates.</li> </ul>
1 2 5 14	<p>12. In accordance with 310 CMR 7.00 Appendix C(9)(b)2. the Permittee shall demonstrate compliance for each new shipment of fuel oil received with the % sulfur-in-fuel requirements specified in Table 3 by maintaining records of <u>testing certifications</u> or <u>shipping receipt certifications</u>, either of which must certify that the shipment complies with the ASTM specifications for residual oil (applies to EU 1 and EU 2 only) and the specified % sulfur-in-fuel requirements listed in Table 3 of this Operating Permit.</p>
14	<p>13. In accordance with 40 CFR 60.4214(b), starting with the model years in Table 5 to 40 CFR Part 60 Subpart IIII, if EU 14 does not meet the standards applicable to non-emergency engines in the applicable model year, the Permittee must keep records of the operation of EU 14 in emergency and non-emergency service that are recorded through the non-resettable hour meter. The Permittee shall record the time of operation of EU 14 and the reason EU 14 was in operation during that time.</p>

<b>Table 5</b>	
<b>EU</b>	<b>Recordkeeping Requirements</b>
Facility-wide	14. In accordance with 310 CMR 7.12(3)(c), Copies of Source Registration and other information supplied to MassDEP, to comply with 310 CMR 7.12 shall be retained by the facility owner/operator for five years from the date of submittal.
	15. In accordance with 310 CMR 7.02(7)(a)8., the Permittee shall maintain all records related to stack testing, if requested.
	16. In accordance with 310 CMR 7.00 Appendix C(10)(b), the Permittee shall maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application.
	17. In accordance with 310 CMR 7.71 (6) (b) and (c), the Permittee shall keep on site at the facility documents of the methodology and data used to quantify emissions for a period of 5 years from the date the document is created. The Permittee shall make these documents available to MassDEP upon request. (State Only Requirement).

**Table 5 key:**

EU = Emission Unit	O <sub>2</sub> = oxygen
CMR = Code of Massachusetts Regulations	CO = carbon monoxide
POGOP = Plan of Good Operating Practices dated 6/23/2008	% = percent
CFR = Code of Federal Regulations	
COM = continuous opacity monitor	
MassDEP = Massachusetts Department of Environmental Protection	



**Table 6**

EU	Reporting Requirements
1	<p>1. In accordance with 40 CFR §63.7550, the Permittee shall submit a 5-year compliance report which must cover the applicable 5-year period from January 1 to December 31. 5-year compliance reports must be postmarked or submitted no later than January 31. The Permittee shall submit a compliance report with the following information for a limited-use boiler:</p> <ol style="list-style-type: none"> <li>Company and Facility name and address;</li> <li>Process unit information, emissions limitations, and operating parameter limitations;</li> <li>Date of report and beginning and ending dates of the reporting period.</li> <li>The total operating time during the reporting period;</li> <li>Include the date of the most recent tune-up for each unit subject to only the requirement to conduct a 5-year tune-up according to §63.7540(a)(12). Include the date of the most recent burner inspection if it was not done on a 5-year period and was delayed until the next scheduled or unscheduled unit shutdown; and</li> <li>Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.</li> </ol>
2	<p>2. In accordance with 40 CFR §63.7550, the Permittee shall submit an annual compliance report which must cover the applicable 1-year period from January 1 to December 31. 1-year compliance reports must be postmarked or submitted no later than January 31. The Permittee shall submit a compliance report with the following information:</p> <ol style="list-style-type: none"> <li>Company and Facility name and address;</li> <li>Process unit information, emissions limitations, and operating parameter limitations;</li> <li>Date of report and beginning and ending dates of the reporting period.</li> <li>Include the date of the most recent tune-up for each unit subject to only the requirement to conduct an annual tune-up according to §63.7540(a)(10). Include the date of the most recent burner inspection if it was not done on an annual period and was delayed until the next scheduled or unscheduled unit shutdown; and</li> <li>Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.</li> </ol>
1 2	<p>3. In accordance with 40 CFR §63.7550(h)(3), the Permittee shall submit all reports electronically to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) The Permittee must use the appropriate electronic report in CEDRI for this subpart. Instead of using the electronic report in CEDRI for this subpart, the Permittee may submit an alternate electronic file consistent with the XML schema listed on the CEDRI Web site (<a href="http://www.epa.gov/ttn/chief/cedri/index.html">http://www.epa.gov/ttn/chief/cedri/index.html</a>), once the XML schema is available. If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the Permittee must submit the report to the Administrator at the appropriate address listed in 40 CFR §63.13. The Permittee must begin submitting reports via CEDRI no later than 90 days after the form becomes available in CEDRI.</p> <p>4. In accordance with 310 CMR 7.00: Appendix C(10)(a), the Permittee shall submit a copy of the 5-year (EU1) and 1-year (EU2) compliance reports to the MassDEP. Reports shall be submitted by the dates specified in Table 6, Provisions 1 and 2, respectively herein.</p> <p>5. In accordance with 40 CFR §63.7545(f), if a fuel other than natural gas is used to fire the affected unit during a period of natural gas curtailment or supply interruption, as defined in §63.7575, the Permittee shall submit, to MassDEP's Western Regional Bureau of Air and Waste (BAW), a notification of alternative fuel use within 48 hours of the declaration of each period of natural gas curtailment or supply interruption, as defined in §63.7575. The notification must include the information specified as follows:</p> <ol style="list-style-type: none"> <li>Company name and address;</li> <li>Identification of the affected unit;</li> <li>Reason why natural gas or an equivalent fuel could not be used, including the date when the natural gas curtailment was declared or the natural gas supply interruption began;</li> <li>Type of alternative fuel that the Permittee intends to use; and</li> <li>Dates when the alternative fuel use is expected to begin and end.</li> </ol>

**Table 6**

<b>Table 6</b>	
<b>EU</b>	<b>Reporting Requirements</b>
1 2	<p>6. In accordance with 310 CMR 7.06(1)(c), the Permittee shall notify MassDEP of any 40 CFR 60, Appendix A, Method 9 test results that indicate the percent opacity to be in excess of that delineated in Table 3 for either Normal Operation or for Specified Operating Conditions. The notice shall be provided within one business day. In addition, the Permittee shall, within three business days, submit: a copy of the Method 9 data sheet(s), copy of COM records, an explanation for the elevated opacity, and any proposed revisions to the POGOP designed to prevent a recurrence of opacity exceedances.</p>
	<p>7. In accordance with 310 CMR 7.06(1)(c)1.g., MassDEP may allow exemptions to 310 CMR 7.06(1)(c)1.a. and 310 CMR 7.06(1)(c)1.c. for the purposes of testing, boiler shake down, calibrations, etc. MassDEP must be notified in writing at least five business days prior to such scheduled events. The notification must include a brief description of the proposed activity, its purpose, the proposed starting time, and the anticipated end time. MassDEP may deny or limit the frequency of such activities.</p>
	<p>8. In accordance with 40 CFR §63.7545(h), if the Permittee has switched fuels or made a physical change to the boiler and the fuel switch or physical change resulted in the applicability of a different subcategory, the Permittee must provide notice of the date upon which the fuels were switched or the physical change was made within 30 days of the switch/change. The notification must identify:</p> <ul style="list-style-type: none"> <li>a. The name of the owner or operator of the affected source, as defined in §63.7490, the location of the source, the boiler(s) and process heater(s) that have switched fuels, were physically changed, and the date of the notice.</li> <li>b. The currently applicable subcategory under this subpart; and</li> <li>c. The date upon which the fuel switch or physical change occurred.</li> </ul>
5	<p>9. In accordance with 310 CMR 7.26(42)(f), the Permittee shall make available the monthly log(s) and records established under 310 CMR 7.26(42)(f) to MassDEP or its designee upon request. The owner or operator shall certify that the log is accurate and true in accordance with 310 CMR 7.01(2).</p>
Facility-wide	<p>10. In accordance with 310 CMR 7.12, the Permittee shall submit a Source Registration/Emission Statement form to MassDEP using the electronic data system on an annual basis.</p>
	<p>11. In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by MassDEP that stack testing is necessary to ascertain compliance with the MassDEP's regulations or design approval provisos, the Permittee shall summarize and submit stack testing results to the MassDEP as prescribed in the agreed to pretest protocol.</p>
	<p>12. In accordance with 310 CMR 7.71(5) and 7.12, the Permittee shall electronically submit and certify a greenhouse gas emissions report to MassDEP on an annual basis. (State Only Requirement).</p>

<b>Table 6</b>	
<b>EU</b>	<b>Reporting Requirements</b>
Facility-wide	13. In accordance with 310 CMR 7.00: Appendix C(10)(c), the Permittee shall report a summary of all monitoring data and related supporting information to MassDEP at least every six months (January 30 and July 30 of each calendar year).
	14. In accordance with General Condition 10 of this permit, the Permittee shall submit an Annual Compliance report to MassDEP and EPA by January 30 of each year.
	15. In accordance with 310 CMR 7.00 Appendix C(10)(a), the Permittee shall submit to MassDEP any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by MassDEP or EPA.
	16. In accordance with 310 CMR 7.00 Appendix C(10)(f), the Permittee shall report to MassDEP's Regional Bureau of Air and Waste (BAW) all instances of deviations from permit requirements. (See Provision 25 in "GENERAL CONDITIONS FOR OPERATING PERMIT").

**Table 6 key:**

- EU = Emission Unit
- CMR = Code of Massachusetts Regulations
- CFR = Code of Federal Regulations
- POGOP = Plan of Good Operating Practices dated 6/23/2008
- EPA = Environmental Protection Agency
- MassDEP = Massachusetts Department of Environmental Protection
- CEDRI = Compliance and Emissions Data Reporting Interface

**C. GENERAL APPLICABLE REQUIREMENTS**

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

**D. REQUIREMENTS NOT CURRENTLY APPLICABLE**

The Permittee is currently not subject to the following requirements:

<b>Table 7</b>	
<b>Regulation</b>	<b>Reason</b>
40 CFR Part 64: Compliance Assurance Monitoring (CAM)	Facility does not satisfy all applicable criteria
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility employs fewer than 250 people

## **5. SPECIAL TERMS AND CONDITIONS**

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

<b>Table 8</b>	
<b>EU</b>	<b>Special Terms and Conditions</b>
1 2	<p>1. In accordance with 40 CFR §63.7565, EU1 and EU2 are subject to the General Provisions of 40 CFR Part 63.1-63.15 (Subpart A) as indicated in Table 10 to Subpart DDDDD of 40 CFR Part 63. The Permittee shall comply with all applicable provisions therein as required.</p> <p>2. In accordance with 40 CFR §63.7500(a)(3), the Permittee shall at all times, operate and maintain EU1 and EU2, including associated air pollution control equipment (if applicable) and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.</p> <p>3. In accordance with 40 CFR §63.7510(k), for affected sources, as defined in 40 CFR §63.7490, that switch subcategories consistent with 40 CFR §63.7545(h) after the initial compliance date, the Permittee must demonstrate compliance within 60 days of the effective date of the switch, unless the Permittee had previously conducted a compliance demonstration for this subcategory within the previous 12 months.</p>
3 4	<p>4. In accordance with 310 CMR 7.00 Appendix C(9)(b), the Permittee shall monitor and record, on a calendar month and 12 consecutive month basis, the amount of formaldehyde-melamine resin used (gallons).</p> <p>5. In accordance with 310 CMR 7.00 Appendix C(10)(b), the Permittee shall calculate the formaldehyde emissions per calendar month and 12 consecutive month periods using emission factor estimates established from performance testing completed in April 2015 or most accurate data available.</p>
5 14	<p>6. EU 5 and EU 14 are subject to the Standards of Performance for Stationary Compression Ignition Internal Combustion Engines 40 CFR 60.4200 through 60.4219 and shall comply with all applicable requirements.</p> <p>7. EU 5 and EU 14 are subject to the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines 40 CFR 63.6580 through 63.6675 and shall comply with all applicable requirements.</p> <p>8. In accordance with 40 CFR 60.4206, the Permittee shall operate and maintain EU5 and EU 14 to achieve the emission standards as required in 40 CFR 60.4205(b) for EU 14 and 40 CFR 60.4205(c) for EU 5 over the entire life of the engine.</p> <p>9. In accordance with 40 CFR 60.4207(b), the Permittee shall use diesel fuel that meets the requirements of 40 CFR 1090.305 for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted.</p> <p>10. In accordance with 40 CFR 60.4211(a), the Permittee shall:</p> <ul style="list-style-type: none"> <li>a. Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions;</li> <li>b. Change only those emission-related settings that are permitted by the manufacturer; and</li> <li>c. Meet the requirements of 40 CFR part 1068, as applicable.</li> </ul> <p>11. In accordance with 40 CFR 60.4211(c), the Permittee shall comply by installing an engine certified to the emission standards of 40 CFR 60.4205(b) for EU 14 and 40 CFR 60.4205(c) for EU 5 for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine shall be installed and configured according to the manufacturer's emission-related specifications, except as permitted in 40 CFR 60.4211(g).</p>

**Table 8**

<b>Table 8</b>	
<b>EU</b>	<b>Special Terms and Conditions</b>
5  14	<p>12. In accordance with 40 CFR 60.4211(f), the Permittee shall operate the emergency stationary ICE according to the requirements in 40 CFR 60.4211 (f)(1) through (3) and as listed below. In order for EU 5 and EU 14 to be considered an emergency stationary ICE under this subpart, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs 40 CFR 60.4211 (f)(1) through (3) and as listed below, is prohibited. If the Permittee does not operate the engine according to the requirements in 40 CFR 60.4211 (f)(1) through (3) and as listed below, EU 5 and EU 14 will not be considered an emergency engine under 40 CFR Part 60 Subpart IIII and must meet all requirements for non-emergency engines.</p> <p>a. There is no time limit on the use of emergency stationary ICE in emergency situations.</p> <p>b. The Permittee may operate the emergency stationary ICE for any combination of the purposes specified in 40 CFR 60.4211(f)(2)(i) for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by 40 CFR 60.4211(f)(3) counts as part of the 100 hours per calendar year allowed by 40 CFR 60.4211(f)(2).</p> <p>i. Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The Permittee may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the Permittee maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year.</p> <p>c. Emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing provided in paragraph (f)(2) of 40 CFR 60.4211. Except as provided in paragraph (f)(3)(i) of 40 CFR 60.4211, the 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.</p> <p>i. The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:</p> <p>(i) The engine is dispatched by the local balancing authority or local transmission and distribution system operator;</p> <p>(ii) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.</p> <p>(iii) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.</p> <p>(iv) The power is provided only to the facility itself or to support the local transmission and distribution system.</p> <p>(v) The Permittee identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.</p>
	<p>13. EU 5 and EU 14 are subject to the requirements of 40 CFR 60.1-6, 9-10, 12, 14-17 and 19, Subpart A, "General Provisions" [as indicated in Table 8 to Subpart IIII of 40 CFR 60]. Compliance with all applicable provisions therein is required.</p>

**Table 8**

<b>EU</b>	<b>Special Terms and Conditions</b>
5	14. In accordance with 40 CFR §63.6590(c), the Permittee shall meet the requirements of 40 CFR Part 63, Subpart ZZZZ by meeting the requirements of 40 CFR Part 60, Subpart IIII for compression ignition engines.
	15. In accordance with 40 CFR 60.4211(g)(2), if the Permittee does not install, configure, operate, and maintain EU5 according to the manufacturer's emission-related written instructions, the emission-related settings are changed in a way that is not permitted by the manufacturer, the Permittee shall demonstrate compliance as follows: <ul style="list-style-type: none"> <li>a. keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions.</li> <li>b. conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after emission-related settings are changed in a way that is not permitted by the manufacturer.</li> </ul>
	16. In accordance with 40 CFR 60.4214(b), if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the Permittee shall keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The Permittee shall record the time of operation of the engine and the reason the engine was in operation during that time.
	17. In accordance with 310 CMR 7.26(42)(d)1.a., EU 5 shall be operated only: <ul style="list-style-type: none"> <li>a. for up to 100 hours per calendar year, or as otherwise approved by EPA, for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine;</li> <li>b. as part of the 100 hours, for up to 50 hours per calendar year for non-emergency situations; and</li> <li>c. during an emergency.</li> </ul>
	18. In accordance with 310 CMR 7.26(42)(d)2., EU 5 and associated equipment shall be constructed, located, operated and maintained in a manner to comply with the requirements of 310 CMR 7.10: <i>Noise</i> .
	19. In accordance with 310 CMR 7.26(42)(d)3.a., EU 5 shall utilize an exhaust stack that discharges so as to not cause a condition of air pollution (310 CMR 7.01(1)). <ul style="list-style-type: none"> <li>a. Exhaust stacks shall be configured to discharge the combustion gases vertically and shall not be equipped with any part or device that impedes the vertical exhaust flow of the emitted combustion gases.</li> <li>b. Any emission impacts of exhaust stacks upon sensitive receptors including, but not limited to, people, windows and doors that open, and building fresh air intakes shall be minimized by employing good air pollution control engineering practices. Such practices include without limitation:               <ul style="list-style-type: none"> <li>i. Avoiding locations that may be subject to downwash of the exhaust; and</li> <li>ii. Installing a stack of sufficient height in locations that will prevent and minimize flue gas impacts upon sensitive receptors.</li> </ul> </li> </ul>

**Table 8**

<b>Table 8</b>	
<b>EU</b>	<b>Special Terms and Conditions</b>
14	<p>20. In accordance with 40 CFR 63.6590(c)6, the Permittee shall meet the requirements of 40 CFR Part 63, Subpart ZZZZ by meeting the requirements of 40 CFR Part 60, Subpart IIII for compression ignition engines.</p> <p>21. In accordance with 40 CFR 60.4211(g)(1), if the Permittee does not install, configure, operate, and maintain EU14 according to the manufacturer's emission-related written instructions, the emission-related settings are changed in a way that is not permitted by the manufacturer, the Permittee shall demonstrate compliance as follows:</p> <p style="padding-left: 40px;">a. The Permittee shall keep a maintenance plan and records of conducted maintenance to demonstrate compliance and shall, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, if the Permittee does not install and configure EU 14 according to the manufacturer's emission-related written instructions, or the Permittee changes the emission-related settings in a way that is not permitted by the manufacturer, the Permittee shall conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of such action.</p>

**Table 8 key:**

EU = Emission Unit  
 CMR = Code of Massachusetts Regulations



## **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 did not request intra-facility emissions trading in its Operating Permit application.

### **B. INTER-FACILITY EMISSION TRADING**

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

## **8. COMPLIANCE SCHEDULE**

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

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

## GENERAL CONDITIONS FOR OPERATING PERMIT

### 9. FEES

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

### 10. COMPLIANCE CERTIFICATION

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

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

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site, <https://www.mass.gov/guides/massdep-operating-permit-compliance-program#-operating-permit-reporting-kit>

#### A. Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this Operating Permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to  
Director, Enforcement and Compliance Assurance Division  
Attn: Air Compliance Clerk (Mail Code 04-2)  
U.S. Environmental Protection Agency - Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109.

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

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record

- keeping, and reporting requirements and test methods; and
- 4) any additional information required by the MassDEP to determine the compliance status of the source.

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

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

The compliance certification and report shall describe:

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

**11. NONCOMPLIANCE**

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

## **12. PERMIT SHIELD**

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

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

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

## **13. ENFORCEMENT**

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.18(1)(b), 7.70, 7.71, 7.72, 7.73, 7.74, 7.75, 7.76 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

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

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

## **14. PERMIT TERM**

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

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this Permit, unless a timely and complete renewal application is

submitted at least 6 months before the expiration date.

## **15. PERMIT RENEWAL**

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

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

## **16. REOPENING FOR CAUSE**

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

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

## **17. DUTY TO PROVIDE INFORMATION**

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

## **18. DUTY TO SUPPLEMENT**

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

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

## **19. TRANSFER OF OWNERSHIP OR OPERATION**

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

## **20. PROPERTY RIGHTS**

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

## **21. INSPECTION AND ENTRY**

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

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

## **22. PERMIT AVAILABILITY**

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

## **23. SEVERABILITY CLAUSE**

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances, is held invalid, the application of such provision to other

circumstances, and the remainder of this Permit, shall not be affected thereby.

## **24. EMERGENCY CONDITIONS**

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

- A. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. the permitted Facility was at the time being properly operated;
- C. during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. the Permittee submitted notice of the emergency to the 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 supersede the following deviation reporting requirements, if applicable.

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

- A. Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by

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

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

CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.

- B. Exceedances of parameter limits established by this Operating Permit or other approvals, where the parameter limit is identified by the Permit or approval as surrogate for an emission limit.
- C. Exceedances of Permit operational limitations directly correlated to excess emissions.
- D. Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, this Operating Permit, or other approvals.
- E. Failure to perform QA/QC measures as required by this Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Air and Waste Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site, <https://www.mass.gov/guides/massdep-operating-permit-compliance-program#-operating-permit-reporting-kit>.

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

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

## **26. OPERATIONAL FLEXIBILITY**

The Permittee is allowed to make changes at the Facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the Permit and in compliance with all applicable requirements provided the Permittee gives the EPA and the MassDEP written notice fifteen (15) days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the Facility's Permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

## **27. MODIFICATIONS**

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



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

## **28. OZONE DEPLETING SUBSTANCES**

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

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
  - 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
  - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
  - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
  - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
  - 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
  - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
  - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by

- an approved technician certification program pursuant to 40 CFR 82.161.
- 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
  - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
  - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the Permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.
- E. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, "Significant New Alternatives Policy Program".

## **APPEAL CONDITIONS FOR OPERATING PERMIT**

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

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

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

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

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

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

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

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