



Department of Environmental Protection

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FINAL AIR QUALITY OPERATING PERMIT

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

ISSUED TO ["the Permittee"]:

Marblehead Municipal
Light Department - Wilkins Station
PO Box 369
Marblehead, Massachusetts 01945

INFORMATION RELIED UPON:

Application No. MBR-95-OPP-032RR
Transmittal No. X239254
Transmittal No. 115669 (initial)

FACILITY LOCATION:

Marblehead Municipal Light Department
7 Woodfin Terrace
Marblehead, Massachusetts 01945

FACILITY IDENTIFYING NUMBERS:

AQ ID: 1190976
FMF FAC NO.: 221375
FMF RO NO.: 218071

NATURE OF BUSINESS:

Electrical Power Generation

Standard Industrial

Code (SIC): 4911

North American Industrial Classification System
(NAICS): 221112

RESPONSIBLE OFFICIAL:

Name: Robert V. Jolly, Jr.
Title: General Manager

FACILITY CONTACT PERSON:

Name: Jay Anderson
Title: Technical Operations Manager
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This Operating Permit shall expire on July 25, 2017.

For the Department of Environmental Protection

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.

July 25, 2012

James E. Belsky
Permit Chief
Bureau of Waste Prevention

Date

TABLE OF CONTENTS

Section	Special Conditions for Operating Permit	Page No.
1	Permitted Activities and Description of Facility and Operations	3
2	Emission Unit Identification – Table 1	4
3	Identification of Exempt Activities – Table 2	4
4	Applicable Requirements A. Operational and/or Production Emission Limits And Restrictions – Table 3 B. Compliance Demonstration - Monitoring and Testing Requirements – Table 4 - Record Keeping Requirements - Table 5 - Reporting Requirements – Table 6 C. General Applicable Requirements D. Requirements Not Currently Applicable -Table 7	4 6 8 10 11 12
5	Special Terms and Conditions – Table 8	12
6	Alternative Operating Scenarios - Table 9	14
7	Emissions Trading – Table 10	14
8	Compliance Schedule	14
Section	General Conditions for Operating Permit	Page No.
9	Fees	15
10	Compliance Certification	15
11	Noncompliance	16
12	Permit Shield	16
13	Enforcement	17
14	Permit Term	17
15	Permit Renewal	17
16	Reopening for Cause	18
17	Duty to Provide Information	18
18	Duty to Supplement	18
19	Transfer of Ownership or Operation	18
20	Property Rights	18
21	Inspection and Entry	19
22	Permit Availability	19
23	Severability Clause	19
24	Emergency Conditions	19
25	Permit Deviation	20
26	Operational Flexibility	21
27	Modifications	21
28	Ozone Depleting Substances	21
29	Prevention of Accidental Releases	23
Section	Appeal Conditions for Operating Permit	24

SPECIAL CONDITIONS FOR OPERATING PERMIT

1. PERMITTED ACTIVITIES

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

DESCRIPTION OF FACILITY AND OPERATIONS

Marblehead Municipal Light Department's ("the Permittee's") Wilkins Station is located at 7 Woodfin Terrace in Marblehead, Massachusetts.

The Permittee's Wilkins Station is an electric generating facility with a capacity of 5000 kilowatts of electricity. There are two emission units at this facility: EU1 and EU2 are identical diesel fuel fired stationary internal combustion engines, each having a maximum fuel input rating of 29.12 million British thermal units per hour, which are utilized on an intermittent basis.

The Permittee received an Oxides of Nitrogen (NO_x) Reasonably Available Control Technology (RACT) Approval from MassDEP on November 17, 1994 for EU1 and EU2.

The Permittee's Wilkins Station is subject to state and federal Air Quality regulations for its combustion units. It is not a major source of Hazardous Air Pollutants (HAPs). However, the facility is an area source of HAPs, and as such, EU1 and EU2 are subject to federal regulations at 40 CFR Part 63 Subpart ZZZZ, "Reciprocating Internal Combustion Engines." 40 CFR Part 63 Subpart ZZZZ has a future compliance date of May 3, 2013. 40 CFR Part 64, "Compliance Assurance Monitoring" (CAM) is not applicable to this facility since neither EU1 nor EU2 uses a pollution control device.

Tables 3, 4, 5, 6, 8, 9 and 10 of this Operating Permit contain the air quality requirements and regulations to which the Permittee's Wilkins Station is subject. Table 7 of this Operating Permit contains the Air Quality requirements to which the Permittee's Wilkins Station is not subject.

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 in Btu/hr ¹	Pollution Control Device(PCD)
EU1	EMD stationary reciprocating internal combustion engine Model No. 20-645E4	29,120,000	None
EU2	EMD stationary reciprocating internal combustion engine Model No. 20-645E4	29,120,000	

Table 1 Footnote:

1: Btu/hr = British thermal units per hour

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	Operational And/Or Production Limits	Pollutant	Emissions Limits/Standards	Applicable Regulation And/Or Approval No.
EU1, EU2	Diesel mode ¹	< 1000 hours of operation during any consecutive twelve (12) month period ^{2,6}	CO	≤ 100 parts per million by volume, dry basis @ 15 % O ₂ ³	310 CMR 7.19(8)(d)1.a. MBR-94-COM-035
		≥ 1000 hours of operation during any consecutive twelve (12) month period ⁶	NO _x	≤ 9.0 grams per brake horsepower-hour ³	310 CMR 7.19(8)(c)3. MBR-94-COM-035
Facility-Wide	Diesel fuel	N/A	Sulfur in fuel	≤ 0.17 pounds sulfur per MMBtu heat release potential	310 CMR 7.05(1)(a)2.
	N/A	N/A	Greenhouse Gas ⁴	N/A	310 CMR 7.71 (State only)
	N/A	N/A	Smoke	< No. 1 of Chart ⁵ , except No.1 to < No. 2 of Chart for ≤ six (6) minutes during any one hour	310 CMR 7.06(1)(a)
	N/A	N/A	Opacity	< 20 percent, except 20 to ≤ 40 percent for ≤ two (2) minutes during any one hour	310 CMR 7.06(1)(b)

Key to Table 3:

< means less than ≤ means less than or equal to ≥ means equal to or greater than N/A means not applicable CO means carbon monoxide
 NOx means oxides of nitrogen @ 15 % O₂ means at fifteen percent oxygen MMBtu means 1,000,000 British thermal units

- Table 3 Footnotes:**
- 1: Diesel mode: consisting of 100 percent diesel fuel firing (maximum sulfur content of 0.3 percent by weight) as provided in Approval MBR-94-COM-035.
- 2: The ignition timing of each of the stationary internal combustion engines shall be set and maintained four (4) degrees retarded relative to standard timing; provided the ignition timing shall not be retarded beyond the point that:
- a. the CO emission concentration increases beyond 100 ppm by volume, dry, corrected to 15% O₂, or
 - b. the turbocharger speed is increased beyond the maximum operating speed recommended by the manufacturer, or
 - c. the exhaust port temperature increases beyond the manufacturer's recommended maximum operating temperature as provided in 310 CMR 7.19(8)(d) incorporated herein by reference.

Should either EU1 or EU2 operate 1,000 hours or more during any consecutive twelve month period, then said EU shall become subject to and shall continue to comply with 310 CMR 7.19(8)(c)3.

- 3: *Compliance with Emission Limitation/Standard shall be based on a one-hour averaging time.*
- 4: *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, CO₂, CH₄, N₂O, SF₆, hydrofluorocarbons (HFCs), and perfluorocarbons(PFCs).*
- 5: *Chart means the Ringelmann Scale for grading the density of smoke, as published by the United States Bureau of Mines and as referred to in the Bureau of Mines Information Circular No. 8333, or any smoke inspection guide approved by MassDEP.*
- 6. *To calculate the amount of a consecutive 12 month rolling period take the current calendar month amount and add it to the previous 11 calendar months total amount*

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:

Table 4	
EU #	Monitoring And Testing Requirements
EU1, EU2	1. Maintain an elapsed time meter on EU1 and EU2 to indicate, in cumulative hours, the elapsed engine operating time on each for the previous twelve months as provided in Approval MBR-94-COM-035, Proviso No. II. 2 and 310 CMR 7.19(8)(d)2 and incorporated herein by reference.
	2. Set and maintain the ignition timing of EU1 and EU2 to a condition of four degrees retarded relative to standard timing in accordance with the procedure contained in 310 CMR 7.19(8)(d) at least once every three (3) years as required by Approval MBR-94-COM-035, Proviso No. I.1 and incorporated herein by reference. The ignition timing shall not be retarded beyond the point that :
	<ul style="list-style-type: none"> a. the carbon monoxide (CO) emission concentration is greater than 100 parts per million on a dry volume basis (ppmvd), corrected to 15 percent Oxygen (O₂) over the baseline CO emission concentration, or b. the turbocharger speed is increased beyond the maximum operating speed recommended by the manufacturer, or c. the exhaust port temperature increases beyond the manufacturer's recommended maximum operating temperature.

Table 4

EU #	Monitoring And Testing Requirements
EU1, EU2	<p>3. As referenced in Approval MBR-94-COM-035 Proviso Nos. III. 2. and 3., prior to operating either EU1 and/or EU2 over 1,000 hours in any consecutive twelve month period, perform Emission Compliance Testing (stack testing) to demonstrate the ability of the EU to meet the NO_x emission standard of 9.0 grams per brake horsepower- hour (gm/bhp-hr) as provided in 310 CMR 7.19(13)(c) incorporated herein by reference. Said stack testing shall be conducted in accordance with the EPA Test Methodologies set forth in Code of Federal Regulations Title 40 CFR Part 60, Appendix A or other method approved by MassDEP and EPA as provided in 310 CMR 7.19(13)(c)3 incorporated herein by reference.</p>
	<p>4. As referenced in Approval MBR-94-COM-035, Proviso No.III.4., construct appropriate testing ports if it is anticipated that either EU1 and/or EU2 could possibly exceed 1,000 hours of operation in any consecutive twelve month period. These testing ports shall be constructed so as to accommodate the emissions testing requirements as stipulated in Code of Federal Regulations Title 40 CFR Part 60, Appendix A or other method approved by MassDEP and EPA as provided in 310 CMR 7.19(13)(c)3 incorporated herein by reference.</p>
	<p>5. Submit a pretest protocol to this Office, attention BWP Permit Chief, at least 60 days prior to the anticipated date of any required stack test, for review and written approval as provided in 310 CMR 7.19(13)(c)1 incorporated herein by reference. Include a description of sampling point locations, sampling equipment, sampling and analytical procedures, and the operating conditions for the required testing in the pretest protocol as provided in 310 CMR 7.19(13)(c)2 incorporated herein by reference.</p>
	<p>6. In accordance with 310 CMR 7.19(13)(d)3., monitor quantity of Number (No.) 2 fuel oil burned each day, heat content of No. 2 fuel oil, total heating value of No. 2 fuel oil consumed for each day, and the allowable emission rate.</p>
Facility-Wide	<p>7. In accordance with 310 CMR 7.00: Appendix C(9)(b)2., monitor the sulfur content of each new shipment of No. 2 fuel oil received. Compliance with sulfur content can be demonstrated through testing or maintaining a shipping receipt from the fuel supplier. The shipment certification or testing of sulfur content of No. 2 fuel oil shall be in accordance with the applicable American Society for Testing Materials (ASTM) test methods or any other method approved by MassDEP and EPA.</p>
	<p>8. Opacity shall be determined in accordance with EPA Test Method 9, as specified in 40 CFR 60, Appendix A, if and when requested by MassDEP or EPA.</p>
Facility-Wide	<p>9. In accordance with 310 CMR 7.13(1), any person owning, leasing, operating or controlling a facility for which MassDEP has determined that stack testing is necessary to ascertain compliance with MassDEP's regulations or design approval provisos shall cause such stack testing:</p> <ul style="list-style-type: none"> a. to be conducted by a person knowledgeable in stack testing, b. to be conducted in accordance with procedures contained in a test protocol which has been approved by MassDEP, and c. to be conducted in the presence of a representative of MassDEP when such is deemed necessary, and d. to be summarized and submitted to MassDEP with analyses and report within such time as agreed to in the approved test protocol.

Table 4	
EU #	Monitoring And Testing Requirements
	10. Monitor operations so that compliance with the deviation reporting requirement in Table 6 of this Permit can be maintained as provided in 310 CMR 7.00: Appendix C(9)(b)2.
	11. In accordance with 310 CMR 7.71(1) and Appendix C(9) establish and maintain data systems or record keeping practices (e.g. fuel use records, SF6 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).
	12. Monitor facility operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required for compliance with 310 CMR 7.12.

Table 5	
EU #	Record Keeping Requirements
EU1, EU2	1. Maintain records of the cumulative hours of operation of EU1 and EU2 on both a monthly basis as well as for each twelve month consecutive period as referenced in Approval MBR-94-COM-035, Provision No. II.1.b.
	2. Maintain records to certify that the ignition timing of EU1 and EU2 has been inspected and adjusted at least once every three (3) years as provided in Approval MBR-94-COM-035, Proviso No. II.1.a. and 310 CMR 7.19(8)(d)5. incorporated herein by reference.
	3. Maintain all records in a permanently bound log book or any other form acceptable to MassDEP for a period of five years as referenced in Approval MBR-94-COM-035, Proviso No.II.3. and 310 CMR 7.19(13)(d)8. incorporated herein by reference.
	4. Maintain records of the types of fuel(s) burned each day, heat content of the fuel, the total heating value of the fuel consumed for each day, and the allowable emission rate as provided in 310 CMR 7.19(13)(d)3. incorporated herein by reference.
	5. Maintain on-site a copy of the Standard Operating and Maintenance Procedure (SOMP) for the subject engines as referenced in Approval MBR-94-COM-035, Provision IV, No. 5.
Facility-Wide	6. Maintain a record of the routine monitoring of generator station power production performed for NEPOOL which will serve as backup documentation of engine usage. This information will be used to verify the elapsed timer meter readings, and will also provide a backup method for estimating the duration of engine usage for any periods when the elapsed timer may be out-of-service, as referenced in Approval MBR-94-COM-035.
	7. Records shall be kept in the Administrative offices, located at 80 Commercial Street, Marblehead, Massachusetts and maintained for five (5) years as referenced in Approval MBR-94-COM-035, Provision No. II.1.
	8. Maintain records of the results of any Emissions Compliance Testing (Stack Testing) so that a summary may be reported to MassDEP as required by 310 CMR 7.13(1)(d).

Table 5	
EU #	Record Keeping Requirements
	9. Pursuant to 310 CMR 7.19(13)(d), incorporated herein by reference, maintain copies of all fuel supplier certifications or fuel oil analyses on site.
	10. In accordance with 310 CMR 7.71 (6) b. and c. retain at the facility for five years and make available to MassDEP upon request copies of the documentation of the methodology and data used to quantify emissions (State only requirement).
	11. Maintain records of facility operations such that information may be reported as required for compliance with 310 CMR 7.12, "Source Registration" incorporated herein by reference.
	12. Keep copies of all information supplied to MassDEP pursuant to 310 CMR 7.12 on site for five (5) years after the date the report is submitted.
	13. Consistent with 310 CMR 7.00: Appendix C(10)(f), maintain a record of deviations from Permit conditions so that the deviation report required in Table 6 of this Permit can be submitted.
	14. Pursuant to MassDEP's authority under 310 CMR 7.00: Appendix C(9)(d), maintain records of any EPA Method 9 opacity determinations performed according to 40 CFR 60, Appendix A if and when said testing is required by MassDEP or EPA.
Facility-Wide	<p>15. Maintain records of all monitoring data and supporting information on site for a period of at least five (5) years from the date of the monitoring sample, measurement, report or Operating Permit renewal application. Supporting information includes at a minimum, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Operating Permit, and any other information required to interpret the monitoring data. Records required to be maintained shall include, where applicable:</p> <ul style="list-style-type: none"> a. The date, place as defined in the Permit, and time of sampling or measurements; b. The date(s) analyses were performed; c. The company or entity that performed the analyses; d. The analytical techniques or methods used; e. The results of such analyses; and f. The operating conditions as existing at the time of sampling or measurement <p>as provided in 310 CMR 7.00:Appendix C(10)(b) incorporated herein by reference.</p>

Table 6	
EU #	Reporting Requirements

Table 6

EU #	Reporting Requirements
EU1, EU2	1. A compliance test results report shall be submitted to MassDEP, attention BWP Permit Chief, no later than 60 days after the completion of the stack test and before either EU1 and/or EU2 has exceeded 1,000 hours of operation in any consecutive twelve (12) month period as referenced in Approval MBR-94-COM-035, Proviso No. III.3. and 310 CMR 7.19(13)(c)6.
	2. In accordance with 310 CMR 7.19(13)(d)9., submit compliance records within ten (10) days of written request by MassDEP or EPA.
	3. Submit a pretest protocol to this Office, attention BWP Permit Chief, at least 60 days prior to the anticipated date of any required stack test, for review and written approval as provided in 310 CMR 7.19(13)(c)1 incorporated herein by reference. Include a description of sampling point locations, sampling equipment, sampling and analytical procedures, and the operating conditions for the required testing in the pretest protocol as provided in 310 CMR 7.19(13)(c)2.
Facility-Wide	4. Upon MassDEP's request, any record relative to the Operating Permit or to the emissions of any air contaminant from the facility shall be submitted to MassDEP within 30 days of the request by MassDEP or within a longer time period if approved in writing by MassDEP, and shall be transmitted on paper, on computer disk, or electronically at the discretion of MassDEP, pursuant to 310 CMR 7.00: Appendix C(10)(a) incorporated herein by reference.
	5. 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 (by January 30 and July 30 of each calendar year).
	6. Promptly report to MassDEP all instances of deviations from Permit requirements by telephone or fax, within three days of discovery of such deviation, as provided in 310 CMR 7.00: Appendix C(10)(f), incorporated herein by reference and General Condition No. 25 of this Permit.
	7. Submit Annual Compliance report to MassDEP and EPA by January 30 of each year and as required by General Condition 10 of this Permit.
	8. In accordance with 310 CMR 7.00: Appendix C(10)(h) all required reports must be certified by a responsible official consistent with 310 CMR 7.00: Appendix C(5)(c).
	9. In accordance with 310 CMR 7.71(5), by April 15 th , 2010 and by April 15 th of each year thereafter, report emissions of greenhouse gases from stationary emissions sources including, but not limited to, emissions from factory stacks, manufacturing processes and vents, fugitive emissions, and other process emissions; and owned or leased motor vehicles when stationary source greenhouse gas emissions are greater than 5,000 short tons CO ₂ e. Report greenhouse gas emissions electronically in a format that can be accommodated by the registry (State only requirement).
	10. In accordance with 310 CMR 7.71(6), certify greenhouse gas emissions reports using a form provided by MassDEP or the registry (State only requirement).
	11. In accordance with 310 CMR 7.71(7), by December 31 st of the applicable year submit to MassDEP documentation of triennial verification of the greenhouse gas emissions report (State only requirement).

Table 6	
EU #	Reporting Requirements
	12. 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 MassDEP's regulations or design approval provisos the Permittee shall cause such stack testing to be summarized and submitted to MassDEP as prescribed in the agreed to pretest protocol.
	13. Submit a Source Registration/Emission Statement Form to MassDEP on an annual basis as required by 310 CMR 7.12.

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, contained in Table 7:

Table 7	
REGULATION	REASON
310 CMR 7.16	Below the thresholds
40 CFR Part 64	No applicable activities

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 Tables 3, 4, 5, and 6:

Table 8	
EU#	Special Terms And Conditions
EU1, EU2	1. Notify MassDEP, in writing, attention BWP Permit Chief, when the construction of any required testing ports has been completed as referenced in Approval MBR-94-COM-035, Provision III. No. 5. 2. Notify MassDEP immediately by phone, and in writing, attention BWP Permit Chief, should either EU exceed 750 hours of operation over a consecutive 12 month period as referenced in Approval MBR-94-COM-035, Provision III. No. 1.

Table 8	
EU#	Special Terms And Conditions
	<p>3. Notify MassDEP if it is anticipated that either EU is likely to exceed 1,000 hours per unit in any consecutive twelve month period as referenced in Approval MBR-94-COM-035, Provision II. No. 4.</p> <p>4. The Permittee shall operate EU1 and EU2 less than 1,000 hours in any consecutive twelve month period or demonstrate that EU1 and EU2 can meet and maintain the emission standard of 9.0 grams per brake horsepower hour prior to exceeding 1,000 hours of operation in any consecutive twelve month period as referenced in Approval MBR-94-COM-035, Provision No. I.3.</p>
EU1, EU2	<p>5. Unless it has been demonstrated that EU1 and EU2 can meet and maintain the emission standard of 9.0 grams per brake horsepower hour prior to exceeding 1,000 hours of operation in any consecutive twelve month period, the ignition timing of each of the stationary internal combustion engines shall be set and maintained four (4) degrees retarded relative to standard timing; provided the ignition timing shall not be retarded beyond the point that:</p> <ul style="list-style-type: none"> a. the CO emission concentration increases beyond 100 ppm by volume, dry, corrected to 15% O₂, or b. the turbocharger speed is increased beyond the maximum operating speed recommended by the manufacturer, or c. the exhaust port temperature increases beyond the manufacturer's recommended maximum operating temperature as provided in MBR-94-COM-035, Proviso I.1. and 310 CMR 7.19(8)(d) incorporated herein by reference. <p>6. The Permittee shall operate EU1 and EU2 in compliance with all applicable requirements and associated compliance dates contained in 40 CFR Part 63 Subpart ZZZZ "Reciprocating Internal Combustion Engines."</p> <p>7. EU1 and EU2 are subject to the requirements of 40 CFR 63.1-15, Subpart A, "General Provisions" (as specifically indicated in Table 8 to Subpart ZZZZ of 40 CFR 63). Compliance with all applicable provisions therein is required.</p>
Facility-Wide	<p>8. Should any nuisance condition be generated at the facility, then appropriate steps shall immediately be taken to abate said nuisance condition(s) (State only requirement - 310 CMR 7.01 General Regulations to Prevent Air Pollution).</p> <p>9. All reciprocating internal combustion engines shall continue to be equipped and operated with exhaust silencers so that sound emissions from the engines do not cause or contribute to a condition of air pollution (State only requirement - 310 CMR 7.10 Noise).</p> <p>10. Facility shall not permit any dust or odor operations to cause or contribute to a condition of air pollution (State only requirement - 310 CMR 7.09 Dust, Odor, Construction, and Demolition).</p>

Table 8	
EU#	Special Terms And Conditions
	11. The Permittee is subject to, and has stated in their Operating Permit application, TR#X239254, that the Permittee is in compliance with the requirements of 40 CFR 82: Protection of Stratospheric Ozone. These requirements are applicable to this facility and the United States Environmental Protection Agency enforces these requirements.

6. ALTERNATIVE OPERATING SCENARIOS

Table 9
Alternative Operating Scenarios
The Permittee did not request Alternative Operating Scenarios in its Operating Permit Application.

7. EMISSIONS TRADING

Table 10	
Emissions Trading	
A.	<u>INTRA-FACILITY EMISSIONS TRADING:</u> The Permittee did not request intra-facility emissions trading in its Operating Permit Application.
B.	<u>INTER-FACILITY EMISSIONS TRADING:</u> The Permittee did not request inter-facility emissions trading in its Operating Permit Application.

8. COMPLIANCE SCHEDULE

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

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

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

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

10. COMPLIANCE CERTIFICATION

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

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

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

A. Annual Compliance Report and Certification

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

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

B. Semi-Annual Monitoring Summary Report and Certification

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

The compliance certification and report shall describe:

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

11. NONCOMPLIANCE

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

12. PERMIT SHIELD

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

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

- B. The MassDEP has determined that the Permittee is not currently subject to the requirements listed in 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), 7.09 (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 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

- A. 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:
- B. 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;
- C. have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- D. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- E. 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 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

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.

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 Waste Prevention the following deviations from permit requirements, by telephone, fax or electronic mail (e-mail) , within three (3) days of discovery of such deviation:

- A. Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- B. Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the Permit or approval as surrogate for an emission limit.
- C. Exceedances of Permit operational limitations directly correlated to excess emissions.
- D. Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- E. Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

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

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

26. OPERATIONAL FLEXIBILITY

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

27. MODIFICATIONS

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

28. OZONE DEPLETING SUBSTANCES

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

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting

substances pursuant to 40 CFR Part 82, Subpart E:

- 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
 - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
 - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
 - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
- 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
 - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
 - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
 - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
 - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the Permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.

- E. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, "Significant New Alternatives Policy Program".

29. PREVENTION OF ACCIDENTAL RELEASES

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

Your facility is subject to the requirements of the General Duty Clause, under 112(r)(1) of the CAA Amendments of 1990. This clause specifies that owners or operators of stationary sources producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur.

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.