



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

205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

DEVAL L. PATRICK  
 Governor

IAN A. BOWLES  
 Secretary

TIMOTHY P. MURRAY  
 Lieutenant Governor

LAURIE BURT  
 Commissioner

## FINAL AIR QUALITY OPERATING PERMIT RENEWAL

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"]:**

Boston College  
 140 Commonwealth Avenue  
 Newton, Massachusetts 02467

**INFORMATION RELIED UPON:**

Application No. MBR-95-OPP-092,  
 MBR-95-OPP-092R, & MBR-95-OPP-092AA  
 Transmittal No. 38588, W121801, & X227131

**FACILITY LOCATION:**

Boston College  
 140 Commonwealth Avenue  
 Newton, Massachusetts 02467

**FACILITY IDENTIFYING NUMBERS:**

AQ ID No. 1190292  
 FMF FAC No. 52087  
 FMF RO No. 265299

**NATURE OF BUSINESS:**

Educational Institution - College

**NAICS:**

611310

**RESPONSIBLE OFFICIAL:**

Name: Daniel Bourque  
 Title: Vice President of  
 Facilities Management

**FACILITY CONTACT PERSON:**

Name: Gail Hall  
 Title: EH&S Officer  
 Phone: 617-552-0300  
 Fax: 617-552-1093  
 E-mail: gail.hall@bc.edu

This Operating Permit shall expire on **July 20, 2014**

For the Department of Environmental Protection, Bureau of Waste Prevention

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

James E. Belsky  
 Permit Chief, Bureau of Waste Prevention

July 20, 2009  
 \_\_\_\_\_  
 Date

## TABLE OF CONTENTS

<b>SPECIAL CONDITIONS FOR OPERATING PERMIT</b> .....	<b>3</b>
<b>1. PERMITTED ACTIVITIES</b> .....	<b>3</b>
<b>DESCRIPTION OF FACILITY AND OPERATIONS</b> .....	<b>3</b>
<b>2. EMISSION UNIT IDENTIFICATION</b> .....	<b>3</b>
<b>3. IDENTIFICATION OF EXEMPT ACTIVITIES</b> .....	<b>4</b>
<b>4. APPLICABLE REQUIREMENTS</b> .....	<b>5</b>
A. <i>EMISSION LIMITS AND RESTRICTIONS</i> .....	<i>5</i>
B. <i>COMPLIANCE DEMONSTRATION</i> .....	<i>8</i>
C. <i>GENERAL APPLICABLE REQUIREMENTS</i> .....	<i>12</i>
D. <i>REQUIREMENTS NOT CURRENTLY APPLICABLE</i> .....	<i>12</i>
<b>5. SPECIAL TERMS AND CONDITIONS</b> .....	<b>13</b>
<b>6. ALTERNATIVE OPERATING SCENARIOS</b> .....	<b>15</b>
<b>7. EMISSIONS TRADING</b> .....	<b>15</b>
<b>8. COMPLIANCE SCHEDULE</b> .....	<b>16</b>
<b>GENERAL CONDITIONS FOR OPERATING PERMIT</b> .....	<b>16</b>
<b>9. FEES</b> .....	<b>16</b>
<b>10. COMPLIANCE CERTIFICATION</b> .....	<b>16</b>
<b>11. NONCOMPLIANCE</b> .....	<b>17</b>
<b>12. PERMIT SHIELD</b> .....	<b>18</b>
<b>13. ENFORCEMENT</b> .....	<b>18</b>
<b>14. PERMIT TERM</b> .....	<b>18</b>
<b>15. PERMIT RENEWAL</b> .....	<b>19</b>
<b>16. REOPENING FOR CAUSE</b> .....	<b>19</b>
<b>17. DUTY TO PROVIDE INFORMATION</b> .....	<b>19</b>
<b>18. DUTY TO SUPPLEMENT</b> .....	<b>19</b>
<b>19. TRANSFER OF OWNERSHIP OR OPERATION</b> .....	<b>19</b>
<b>20. PROPERTY RIGHTS</b> .....	<b>20</b>
<b>21. INSPECTION AND ENTRY</b> .....	<b>20</b>
<b>22. PERMIT AVAILABILITY</b> .....	<b>20</b>
<b>23. SEVERABILITY CLAUSE</b> .....	<b>20</b>
<b>24. EMERGENCY CONDITIONS</b> .....	<b>21</b>
<b>25. PERMIT DEVIATION</b> .....	<b>21</b>
<b>26. OPERATIONAL FLEXIBILITY</b> .....	<b>22</b>
<b>27. MODIFICATIONS</b> .....	<b>22</b>
<b>APPEAL CONDITIONS FOR OPERATING PERMIT</b> .....	<b>23</b>

## **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**

Boston College is an institution of higher education. The campus is situated on 174 acres of land with 84 academic/administration buildings and 24 residence halls. The emission units identified in this Permit are boilers and emergency generators that service the buildings and residence halls.

As described in the Original Operating Permit Application (MBR-95-OPP-092) and the Operating Permit Renewal (MBR-95-OPP-092R), Boston College states that it is not potentially major for single hazardous air pollutants (HAPs) nor total hazardous air pollutants (HAPs).

Facility requirements for applicable emission units are listed in the following tables:

Table 3 states the emission limits and restrictions; Table 4 states the monitoring and testing requirements; Table 5 states the record keeping requirements; and Table 6 states the reporting requirements.

### **2. EMISSION UNIT IDENTIFICATION**

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

<b>Table 1</b>			
Emission Unit (EU#)	DESCRIPTION OF EMISSION UNIT	EU DESIGN CAPACITY	POLLUTION CONTROL DEVICE (PCD)
EU1	Central Heat Plant CB Boiler	64.5 MMBtu per hour	None
EU2	Central Heat Plant CB Boiler	64.5 MMBtu per hour	
EU3	Central Heat Plant Bigelow Boiler	47.4 MMBtu per hour	
EU4	Claver - Loyola – Xavier Boiler	3.4 MMBtu per hour	
EU5	Claver - Loyola – Xavier Boiler	3.4 MMBtu per hour	
EU6	Gonzaga Boiler	3.6 MMBtu per hour	
EU7	Gonzaga Boiler	3.6 MMBtu per hour	
EU8	More Hall Boiler	8.5 MMBtu per hour	
EU9	More Hall Boiler	8.5 MMBtu per hour	
EU10	Williams Hall Boiler	8.5 MMBtu per hour	

<b>Table 1</b>			
Emission Unit (EU#)	DESCRIPTION OF EMISSION UNIT	EU DESIGN CAPACITY	POLLUTION CONTROL DEVICE (PCD)
EU11	Williams Hall Boiler	8.5 MMBtu per hour	None
EU12	Fitzpatrick Hall Boiler	8.5 MMBtu per hour	
EU13	Fitzpatrick Hall Boiler	8.5 MMBtu per hour	
EU16	O'Neil Library Generator	4.1 MMBtu per hour	
EU17	Conte Forum Generator	4.3 MMBtu per hour	
EU34	Dorm D/Lower Dining Generator	4.9 MMBtu per hour	
EU125	Caterpillar Emergency Diesel Generator – Higgins Hall	14.1 MMBtu per hour	
EU150	Alumni Stadium Generator	5.3 MMBtu per hour	
EU152	Caterpillar 3406 Emergency Diesel Generator – (110T)	3.7 MMBtu per hour	
EU153	Caterpillar 3406 Emergency Diesel Generator – (21CA)	4.1 MMBtu per hour	
EU187	Cleaver Brooks FLX700-350-15#ST Boiler (STCL)	7.0 MMBtu per hour	
EU188	Cleaver Brooks FLX700-350-15#ST Boiler (STCL)	7.0 MMBtu per hour	
EU198	Weil McLain Boiler	8.0 MMBtu per hour	
EU199	Weil McLain Boiler	8.0 MMBtu per hour	
EU200	Weil McLain Boiler	8.0 MMBtu per hour	
EU213	STCLN Emergency Diesel Generator	15.0 MMBtu per hour	
EU254	St. Johns Seminary Boiler	14.6 MMBtu per hour	
EU255	St. Johns Seminary Boiler	14.6 MMBtu per hour	

Legend to Abbreviated Terms within Table 1:

EU# = Emission Unit Number

MMBtu = million British thermal units

### **3. IDENTIFICATION OF EXEMPT ACTIVITIES**

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

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

#### 4. APPLICABLE REQUIREMENTS

##### A. EMISSION LIMITS AND RESTRICTIONS

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

<b>Table 3</b>					
EU#	FUEL	RESTRICTIONS	POLLUTANT	EMISSION LIMIT/STANDARD <sup>1</sup>	APPLICABLE REGULATION AND/OR APPROVAL NO.
EU1, EU2	primary: natural gas  secondary: No.6 fuel oil ≤0.5% S by weight	NA	NOx	≤0.3 lb/MMBtu <sup>3</sup>	310 CMR 7.19(5)(a)2.
			CO	≤200 ppmvd, corrected to 3% O <sub>2</sub>	310 CMR 7.19(2)(f)2. MBR-98-ECP-002
			PM	≤0.10 lb/MMBtu	310 CMR 7.02(8)
EU3	primary: natural gas  secondary: No.6 fuel oil ≤0.5% S by weight		NOx	Perform adjustments & tune up as required in 310 CMR 7.19(6)	310 CMR 7.19(6) Small Boilers
			CO	≤400 ppm	
			PM	≤0.10 lb/MMBtu	310 CMR 7.02(8)
EU4, EU5,	No.2 fuel oil ≤0.3% S by weight				
EU6, EU7,EU8, EU9, EU10, EU11, EU12, EU13	No.2 fuel oil ≤0.3% S by weight				
EU16, EU17, EU34, EU150	≤0.0015% S by weight	Restrict each generator to less than 300 hours per rolling 12-month period	NA	NA	310 CMR 7.02(8)(i)
EU152, EU153					310 CMR 7.03(10)(a)
EU213					310 CMR 7.26(42)(c)
EU125	≤0.0015% S by weight	Restrict engine to less than 150 hours in any given month and no more than 200 hours operation per rolling 12-month period	NOx	9.18 grams per brake horsepower-hour	MBR-99-COM-019
			CO	1.38 grams per brake horsepower-hour	
			VOC	0.26 grams per brake horsepower-hour	

<b>Table 3</b>					
EU#	FUEL	RESTRICTIONS	POLLUTANT	EMISSION LIMIT/STANDARD <sup>1</sup>	APPLICABLE REGULATION AND/OR APPROVAL NO.
EU125			PM	0.107 grams per brake horsepower-hour	MBR-99-COM-019
EU187, EU188	Natural gas only	NA	PM	≤0.10 lb/MMBtu	310 CMR 7.02(8)(h)
EU254, EU255	Natural gas (primary fuel) No.2 fuel oil ≤0.3% S by weight (secondary fuel)	NA	PM	≤0.10 lb/MMBtu	MBR-97-COM-008 310 CMR 7.02(8)(h) 40 CFR 60 Subpart Dc
EU198, EU199, EU200	No.2 fuel oil ≤0.05% S by weight	Fuel consumption restricted to 170,000 gallons per month and 750,857 gallons per rolling 12-month period <sup>4</sup>	NO <sub>x</sub>	0.12 lb/MMBtu	MBR-00-COM-009
			SO <sub>2</sub>	0.06 lb/MMBtu	
			CO	0.04 lb/MMBtu	
			VOC	0.02 lb/MMBtu	
			PM	0.03 lb/MMBtu	
Facility-wide	See above	NA	S in Fuel	≤0.28 lb/MMBtu	310 CMR 7.05(1)
			Visible Emissions	<No. 1 of Chart <sup>2</sup> , except No.1 to < No.2 of Chart for ≤ 6 minutes during any one hour	310 CMR 7.06(1)(a)
			Opacity	≤20%, except 20% to ≤40% for ≤2 minutes during any one hour	310 CMR 7.06(1)(b)

**Table 3 Key:**

EU# = Emission Unit Number  
 IC = internal combustion  
 lb/MMBtu = pounds per million British Thermal Units  
 ppm = parts per million  
 ppmvd = parts per million, volume dry basis  
 NO<sub>x</sub> = Nitrogen Oxides  
 CO = Carbon Monoxide  
 PM = Particulate Matter  
 VOC = Volatile Organic Compounds  
 S = Sulfur  
 % = percent  
 > = greater than  
 ≤ = less than or equal to  
 NA = not applicable

**Table 3 Notes:**

- 1 Compliance with emission limit(s)/standard(s) shall be based on a one-hour averaging time.
- 2 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 the Department.
- 3 EU1 and EU2 shall comply with 310 CMR 7.19(5)(a)2.c., which requires a NOx emission standard of 0.3 lb/MMBtu when burning residual oil with a maximum sulfur content of 0.5 weight percent and natural gas simultaneously or at different times. This emission standard shall be met on a 12 month rolling average on a combined unit basis as required by 310 CMR 7.19(2)(f)2 with the following equation:

$$\frac{[(HI_{1\&2,1} \times ES_{1\&2,1}) + (HI_{1,2} \times ES_{1,2}) + (HI_{2,2} \times ES_{2,2})]}{HI_{1\&2,1} + HI_{1,2} + HI_{2,2}} \leq 0.3 \text{ lb/MMBtu}$$

$$HI_{1\&2,1} + HI_{1,2} + HI_{2,2}$$

HI<sub>1&2,1</sub> = heat input for No.6 oil for Boilers #1 & #2 combined

HI<sub>1,2</sub> = heat input for natural gas for Boiler #1

HI<sub>2,2</sub> = heat input for natural gas for Boiler #2

The following data is based upon NOx RACT stack testing performed on December 13-14, 1995, required as part of Final Approval MBR-94-COM-059:

ES<sub>1&2,1</sub> = emissions from Boilers #1 & #2 on No.6 oil = 0.46 lb/MMBtu

ES<sub>1,2</sub> = emissions from Boiler #1 on natural gas = 0.15 lb/MMBtu

ES<sub>2,2</sub> = emissions from Boiler #2 on natural gas = 0.13 lb/MMBtu

- 4 No more than 2 of the 3 boilers shall be operating at any given time.

**B. COMPLIANCE DEMONSTRATION**

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

<b>Table 4</b>	
EU#	MONITORING/TESTING REQUIREMENTS
EU1, EU2, EU3	1) Monitor smoke density equipment data as referenced in 310 CMR 7.04(2). 2) Demonstrate compliance with 310 CMR 7.19 by monitoring all data relevant to 310 CMR 7.19(13)(d). This monitoring shall include, but not be limited to, performance evaluations, maintenance, and adjustments, and also excess emissions, daily fuel data, and fuel supplier certifications.
EU3	3) Tune EU3 annually in accordance with 310 CMR 7.19(6)(a). 4) Verify that settings determined during tune-ups have not changed monthly in accordance with 310 CMR 7.19(6)(b).
EU125	5) Monitor fuel usage and hours of operation to demonstrate compliance with fuel restrictions required in Final Approval MBR-99-COM-019. 6) Monitor monthly records to demonstrate that the NOx, CO, VOC and TSP emissions do not exceed the emission levels specified in Table 3, and shall include fuel usage, hours of operation and calculated actual emissions for the month and the prior 11 months as per Final Approval MBR-99-COM-019.
EU198, EU199, EU200	7) Monitor fuel usage to demonstrate compliance with fuel restrictions required in Final Approval MBR-00-COM-009.
EU16, EU17, EU34, EU150, EU152, EU153, EU213	8) Monitor to ensure that the following records are maintained for each unit as required in 310 CMR 7.02(8)(i), 310 CMR 7.03(10), or 7.26(42)(f): information of equipment type, make and model, and maximum power input/output; and monthly logs of hours of operation, gallons of fuel used, fuel type and heating value, and a monthly calculation of the total hours operated and gallons of fuel used in the previous twelve months shall be kept on site; and purchase orders, invoices and other documents to support information in the monthly log.
EU1, EU2, EU3, EU4, EU5, EU6, EU7, EU8, EU9, EU10, EU11, EU12, EU13, EU187, EU188, EU198, EU199, EU200, EU254, EU255	9) In accordance with 310 CMR 7.04(4)(a), inspect and maintain each fuel utilization facility which has an energy input capacity equal to or greater than 3,000,000 Btu per hour in accordance with manufacturer's recommendations and test for efficient operation at least annually.
EU254, EU255	10) Measure for each unit the amounts of fuel oil combusted during each day as provided in 40 CFR 60.48c(g) incorporated herein by reference. However, when only natural gas is being utilized, the amounts of natural gas combusted shall be monitored on a weekly basis. If a switch is made to fuel oil, both fuel oil and natural gas shall be monitored on a daily basis until the primary fuel of natural gas is utilized on a continuous basis again.



<b>Table 4</b>	
EU#	MONITORING/TESTING REQUIREMENTS
EU254, EU255	<p>11) Compliance with the fuel oil sulfur limits under 40 CFR 60.42c may be determined based on a certification from the fuel supplier as provided in 40 CFR 60.42c(h) incorporated herein by reference. As provided by 40 CFR 60.48c(e)(11), said certification shall include the name of the oil supplier and a statement from the oil supplier that the oil complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396-78, 89, 90, 92, 96, 98, "Standard Specification for Fuel Oils" incorporated herein by reference.</p> <p>12) In accordance with 40 CFR 60.42c(h), compliance with the SO<sub>2</sub> emission limits or fuel oil sulfur limits under 40 CFR 60.42c(d) and 40 CFR 60.42c(i) may be demonstrated based on a certification from the fuel supplier. The performance test as required under 40 CFR 60.8 shall consist of the certification from the fuel supplier as described under 40 CFR 60.48c(f). As stated under 40 CFR 60.48c(f)(1) for affected facilities that combust distillate oil, said certification shall include the name of the oil supplier and a statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil in 40 CFR 60.41c; more specifically, that the oil complies with specifications for Fuel Oil No. 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396-78, 89, 90, 92, 96, and 98 "Standard Specification for Fuel Oils" (incorporated herein by reference-see 40 CFR 60.17). Comply with applicable monitoring requirements in 40 CFR 60.48c(e)2 through (10).</p>
Facility-wide	<p>13) Monitor operations (fuel usage, hours, tune-ups, Method 9 or 22, etc.) as detailed in the Standard Operating and Maintenance Procedures (SOMP) to demonstrate compliance, and as the basis for periodic monitoring required in 310 CMR 7.00 Appendix C(9)(b)2.</p> <p>14) Monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</p> <p>15) Conduct Emissions Compliance Testing (Stack Testing), in accordance with 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A (Method 7E for NO<sub>x</sub>, Methods 1 to 5 for PM, Method 3A for Oxygen (O<sub>2</sub>)) or any other testing if and when requested by MassDEP or EPA.</p> <p>16) Opacity shall be determined in accordance with EPA Test Method 9, as specified in 40 CFR Part 60, Appendix A, if and when requested by the Department or EPA. This method shall also apply to any detached plumes.</p> <p>17) In accordance with 310 CMR 7.00: Appendix C(9)(b)2., monitor sulfur of each new shipment of fuel oil received. Compliance with sulfur can be demonstrated through testing or maintaining a shipping receipt from the fuel supplier. The shipment certification or testing of sulfur of 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>

<b>Table 5</b>	
EU#	RECORD KEEPING REQUIREMENTS
EU1, EU2, EU3	<p>1) Maintain records of smoke density equipment data in accordance with 310 CMR 7.04(2).</p> <p>2) Maintain records of all data relevant to 310 CMR 7.19(13)(d). This data shall include, but not be limited to, performance evaluations, maintenance, and adjustments, and also excess emissions, daily fuel data, and fuel supplier certifications.</p>
EU3	<p>3) Maintain records of tune-ups and verifications in accordance with 310 CMR 7.19(6)(b).</p>

<b>Table 5</b>	
EU#	RECORD KEEPING REQUIREMENTS
EU125	<p>4) Maintain records of fuel usage and hours of operation to demonstrate compliance with fuel restrictions required in Final Approval MBR-99-COM-019.</p> <p>5) Maintain monthly records to demonstrate that the NO<sub>x</sub>, CO, VOC and TSP emissions do not exceed the emission levels specified in Table 3, and shall include fuel usage, hours of operation and calculated actual emissions for the month and the prior 11 months as per Final Approval MBR-99-COM-019.</p>
EU198, EU199, EU200	6) Maintain records of fuel usage to demonstrate compliance with fuel restrictions required in Final Approval MBR-00-COM-009.
EU16, EU17, EU34, EU150, EU152, EU153, EU213	7) As referenced in 310 CMR 7.02(8)(i)3, 310 CMR 7.03(10), or 7.26(42)(f), establish and maintain the following records for each unit: Information of equipment type, make and model, and maximum power input/output; and monthly logs of hours of operation, gallons of fuel used, fuel type and heating value, and a monthly calculation of the total hours operated and gallons of fuel used in the previous twelve months shall be kept on site; and purchase orders, invoices and other documents to support information in the monthly log. As referenced in 310 CMR 7.02(8)(i)4, certify that the log is accurate and true in accordance with 310 CMR 7.01(2).
EU1, EU2, EU3, EU4, EU5, EU6, EU7, EU8, EU9, EU10, EU11, EU12, EU13, EU187, EU188, EU198, EU199, EU200, EU254, EU255	8) In accordance with 310 CMR 7.04(4)(a), maintain records of the fuel utilization facility annual tests for efficient operation.
EU254, EU255	<p>9) Maintain records, for a period of the five most recent years, of the amounts of fuel oil combusted in each unit during each day as provided in 40 CFR 60.48c(g) incorporated herein by reference. However, when only natural gas is being utilized, the amounts of natural gas combusted shall be recorded on a weekly basis. If a switch is made to fuel oil, both fuel oil and natural gas shall be recorded on a daily basis until the primary fuel of natural gas is utilized on a continuous basis again.</p> <p>10) In accordance with 40 CFR 60.48c(e)(11) and 40 CFR 60.48c(f)(1), maintain records of fuel supplier certifications to demonstrate compliance with the SO<sub>2</sub> emission limits or fuel oil sulfur limits under 40 CFR 60.42c(d) and 40 CFR 60.42c(i). Said certifications shall include the name of the oil supplier and a statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil in 40 CFR 60.41c; more specifically, that the oil complies with specifications for Fuel Oil No. 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396-78, 89, 90, 92, 96, and 98 "Standard Specification for Fuel Oils" (incorporated herein by reference-see 40 CFR 60.17). Comply with applicable record keeping requirements in 40 CFR 60.48c(e)2 through (10).</p>
Facility-wide	<p>11) Maintain records (fuel usage, hours, tune-ups, Method 9 or 22, etc.) as detailed in the Standard Operating and Maintenance Procedures (SOMP) to demonstrate compliance, and as the basis for periodic monitoring required in 310 CMR 7.00 Appendix C(9)(b)2.</p> <p>12) In accordance with 310 CMR 7.00: Appendix C(10)(b), maintain records of all monitoring data and supporting information required by this operating permit on site for five (5) years from the date of the monitoring sample, measurement, report or initial operating permit application.</p>

<b>Table 5</b>	
EU#	RECORD KEEPING REQUIREMENTS
Facility-wide	13) Maintain records such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form and maintain copies of forms submitted as required by 310 CMR 7.12.
	14) Maintain records for Emissions Compliance Testing (Stack Testing), in accordance with 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A (Method 7E for NO <sub>x</sub> , Methods 1 to 5 for PM, Method 3A for Oxygen (O <sub>2</sub> )) or any other testing if and when requested by the Department or EPA.
	15) Maintain records for opacity in accordance with EPA Test Method 9, as specified in 40 CFR Part 60, Appendix A, if and when requested by the Department or EPA. This method shall also apply to any detached plumes.
	16) In accordance with 310 CMR 7.00: Appendix C(9)(b)2., maintain records for sulfur of each new shipment of fuel oil received.
	17) In accordance with 310 CMR 7.04(4)(a), maintain records of the fuel utilization facility annual tests for efficient operation for all fossil fuel emission units which have an energy input capacity equal to or greater than 3,000,000 Btu per hour.

<b>Table 6</b>	
EU#	REPORTING REQUIREMENTS
EU1, EU2, EU3	1) In accordance with 310 CMR 7.19(13)(d)9, submit compliance records within ten (10) days of written request by MassDEP or EPA.
	2) Submit Emissions Compliance Testing (Stack Testing) reports in accordance with 310 CMR 7.19(13)(c).
EU254, EU255	3) In accordance with 40 CFR 60.48c(d), an affected facility subject to the SO <sub>2</sub> emission limits or fuel oil sulfur limits under 40 CFR 60.42c(d) and 40 CFR 60.42c(j) shall submit to EPA and to MassDEP semi-annual reports. The initial semi-annual report shall be postmarked by the 30 <sup>th</sup> day of the third month following the completion of the initial performance test as required under 40 CFR 60.8. Each subsequent semi-annual report shall be postmarked by the 30 <sup>th</sup> day following the end of the reporting period. The semi-annual report shall contain calendar dates covered in the reporting period as per 40 CFR 60.48c(e)(1) and records of fuel supplier certifications as per 40 CFR 60.48c(e)(11) and 40 CFR 60.48c(f)(1). In addition to records of fuel supplier certifications, the semi-annual report shall include a certified statement signed by the responsible official of the affected facility that the records of fuel supplier certifications submitted represent all of the fuel combusted during the subject six month period. Said certifications shall include the name of the oil supplier and a statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil in 40 CFR 60.41c; more specifically, that the oil complies with specifications for Fuel Oil No. 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396-78, 89, 90, 92, 96, 98, "Standard Specification for Fuel Oils" (incorporated herein by reference-see 40 CFR 60.17). Comply with applicable reporting requirements in 40 CFR 60.48c(e)2 through (10).
Facility-wide	4) Submit a Source Registration/Emission Statement Form to MassDEP on an annual basis as required by 310 CMR 7.12.
	5) Submit by January 30 and July 30 for the previous six months respectively, a summary of all monitoring data and related supporting information to MassDEP as required by 310 CMR 7.00: Appendix C(10)(c).
	6) Submit Annual Compliance report to MassDEP and EPA by January 30 of each year and as required by General Condition 10. All reports must be certified by a responsible official as provided in 310 CMR 7.00: Appendix C(10)(h).

<b>Table 6</b>	
EU#	REPORTING REQUIREMENTS
Facility-wide	7) Promptly report to MassDEP all instances of deviations from permit requirements (including but not limited to testing for efficient operation, ignition timing, fuel sulfur and fuel ash content, emission limitations/standards, Standard Operating and Maintenance Procedures) by telephone or fax, within three days of discovery of such deviation, as provided in 310 CMR 7.00: Appendix C(10)(f). (See General Condition 25).
	8) In accordance with 310 CMR 7.19(13)(d)9., submit compliance records within ten (10) days of written request by MassDEP or EPA.
	9) Submit Emissions Compliance Testing (Stack Testing) reports in accordance with 310 CMR 7.19(13)(c).
	10) 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 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.
	11) All required reports must be certified by a responsible official as provided in 310 CMR 7.00: Appendix C(10)(h).

**C. GENERAL APPLICABLE REQUIREMENTS**

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

**D. REQUIREMENTS NOT CURRENTLY APPLICABLE**

The Permittee is currently not subject to the following requirements, contained in Table 7 below:

<b>Table 7</b>	
REGULATION	DESCRIPTION
42 U.S.C. 7401, §112(r)	Prevention of Accidental Releases
40 CFR Part 82	Protection of Stratospheric Ozone
40 CFR Part 64	Compliance Assurance Monitoring

## 5. SPECIAL TERMS AND CONDITIONS

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

1. That should any nuisance condition(s) be generated by the operation of this facility, then appropriate steps will immediately be taken by Boston College to abate said nuisance condition(s) (State Only 310 CMR 7.01(1)).
2. Boston College has indicated that it is subject to, and complying with, the requirements of 310 CMR 7.16, U Reduction of Single Occupant Commuter Vehicle Use. Boston College shall continue to comply with 310 CMR 7.16.
3. That EU1 and EU2 shall burn only natural gas during the period between May 1 and September 30 of each year as required in Final Approval MBR-98-ECP-002.
4. That EU1 and EU2 shall comply with 310 CMR 7.19(5)(a)2.c., which requires a NOx emission standard of 0.3 lb/MMBtu when burning residual oil with a maximum sulfur content of 0.5 weight percent and natural gas simultaneously or at different times. This emission standard shall be met on a 12 month rolling average on a combined unit basis as required by 310 CMR 7.19(2)(f)2 with the following equation:

$$\frac{[(HI_{1\&2,1} \times ES_{1\&2,1}) + (HI_{1,2} \times ES_{1,2}) + (HI_{2,2} \times ES_{2,2})]}{HI_{1\&2,1} + HI_{1,2} + HI_{2,2}} \leq 0.3 \text{ lb/MMBtu}$$

HI<sub>1&2,1</sub> = heat input for No.6 oil for Boilers #1 & #2 combined

HI<sub>1,2</sub> = heat input for natural gas for Boiler #1

HI<sub>2,2</sub> = heat input for natural gas for Boiler #2

The following data is based upon NOx RACT stack testing performed on December 13-14, 1995, required as part of Final Approval MBR-94-COM-059:

ES<sub>1&2,1</sub> = emissions from Boilers #1 & #2 on No.6 oil = 0.46 lb/MMBtu

ES<sub>1,2</sub> = emissions from Boiler #1 on natural gas = 0.15 lb/MMBtu

ES<sub>2,2</sub> = emissions from Boiler #2 on natural gas = 0.13 lb/MMBtu

5. That internal combustion engine EU125 be operated only during power failures and for one-hour test/maintenance period as required in Final Approval MBR-99-COM-019.
6. That no more than 2 of the 3 boilers EU198, EU199, and EU200 shall be operating at any given time as required in Final Approval MBR-00-COM-009.
7. That Boston College shall maintain on-site, at all times, a copy of the Standard Operating and Maintenance Procedure (SOMP) for EU1, EU2, EU3, EU125, EU198, EU199 and EU200 as required in Final Approvals MBR-98-ECP-002, MBR-99-COM-019 and MBR-00-COM-009.
8. Per data as supplied through the Permittee's Operating Permit application (MBR-95-OPP-92, Transmittal No. 38588) and this Operating Permit Renewal application (MBR-95-OPP-92R, Transmittal No. W121801), all EUs shall continue to emit products of combustion through the following flues with the following parameters:

**Flue 1: EU1, EU2, EU3**

Flue Height 150 feet  
Flue Exit Diameter 6 feet  
Stack Material Steel

**Flue 2: EU4, EU 5**

Flue Height 40 feet  
Flue Exit Diameter 2 feet  
Stack Material Refractory

**Flue 3: EU6, EU7**

Flue Height 40 feet  
Flue Exit Diameter 3 feet  
Stack Material Refractory

**Flue 4: EU8, EU9**

Flue Height 35 feet  
Flue Exit Diameter 2 feet  
Stack Material Refractory

**Flue 5: EU10, EU11**

Flue Height 50 feet  
Flue Exit Diameter 4 feet  
Stack Material Refractory

**Flue 6: EU12, EU13**

Flue Height 50 feet  
Flue Exit Diameter 3.3 feet  
Stack Material Refractory

**Flue 7: EU16**

Flue Height 40 feet  
Flue Exit Diameter 0.67 feet  
Stack Material Steel

**Flue 8: EU17**

Flue Height 15 feet  
Flue Exit Diameter 0.67 feet  
Stack Material Steel

**Flue 9: EU34**

Flue Height 45 feet  
Flue Exit Diameter 0.83 feet  
Stack Material Steel

**Flue 10: EU150**

Flue Height 75 feet  
Flue Exit Diameter 0.67 feet  
Stack Material Steel

**Flue 11: EU125**  
Flue Height 111.6 feet  
Flue Exit Diameter 1.5 feet  
Stack Material Steel

**Flue 12: EU198, EU199, EU200**  
Flue Height 75 feet  
Flue Exit Diameter 2.6 feet  
Stack Material Steel

**Flue 13: EU152**  
Flue Height 120 feet  
Flue Exit Diameter 1 feet  
Stack Material Steel

**Flue 14: EU153**  
Flue Height 80 feet  
Flue Exit Diameter 1 feet  
Stack Material Steel

**Flue 15: EU187, EU188**  
Flue Height 80 feet  
Flue Exit Diameter 1 feet  
Stack Material Steel

**Flue 16: EU213**  
Flue Height 8 feet  
Flue Exit Diameter 1 feet  
Stack Material Steel

**Flue 17: EU254, EU255**  
Flue Height 82 feet  
Flue Exit Diameter 1 feet  
Stack Material Brick

## 6. ALTERNATIVE OPERATING SCENARIOS

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

## 7. EMISSIONS TRADING

(a) Intra-facility emissions trading

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

(b) Inter-facility emissions 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 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 MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm>.



(a) Annual Compliance Report and Certification

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

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

(b) Semi-Annual Monitoring Summary Report and Certification

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

The compliance certification and report shall describe:

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

## **11. NONCOMPLIANCE**

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

## **12. PERMIT SHIELD**

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

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

(b) MassDEP has determined that the Permittee is not currently subject to the requirements listed in Section 4, Table 7.

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

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

## **13. ENFORCEMENT**

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.02(8)(i), 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70, and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A.

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

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

## **14. PERMIT TERM**

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

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

**15. PERMIT RENEWAL**

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

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

**16. REOPENING FOR CAUSE**

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

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

**17. DUTY TO PROVIDE INFORMATION**

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

**18. DUTY TO SUPPLEMENT**

The Permittee, upon becoming aware that any relevant facts were omitted or 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 Final Permit.

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

**19. TRANSFER OF OWNERSHIP OR OPERATION**

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

**20. PROPERTY RIGHTS**

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

**21. INSPECTION AND ENTRY**

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

- (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 Permit, including any amendments or attachments thereto, upon request by MassDEP or EPA.

**23. SEVERABILITY CLAUSE**

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

## 24. **EMERGENCY CONDITIONS**

The Permittee shall be shielded from enforcement action brought for noncompliance with technology 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 MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

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

## 25. **PERMIT DEVIATION**

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

The Permittee shall report to MassDEP's Regional Bureau of Waste Prevention the following deviations from Permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

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

---

<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.

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 Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm>. This report shall include the deviation, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, 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 MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's Permit. The Permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

## **27. MODIFICATIONS**

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

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

(c) Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).

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

## **APPEAL CONDITIONS FOR OPERATING PERMIT**

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

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

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

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

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

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

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

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