



# Department of Environmental Protection

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## FINAL AIR QUALITY OPERATING PERMIT

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

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

NRG Canal LLC  
140 Samsondale Avenue  
West Haverstraw, New York 10993

**INFORMATION RELIED UPON:**

Application No. SE-14-007  
Transmittal No. X259641

**FACILITY LOCATION:**

NRG Canal LLC – Oak Bluffs  
Vineyard Haven Road  
Oak Bluffs, Massachusetts 02557

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 1200352  
FMF FAC NO.: 316437  
FMF RO NO.: 316438

**NATURE OF BUSINESS:**

Electrical Power Generation

Standard Industrial Classification: 4911  
North American Industrial Classification  
System (NAICS): 221112

**RESPONSIBLE OFFICIAL:**

Name: Gerard Lafond  
Title: Plant Manager

**FACILITY CONTACT PERSON:**

Name: Christine Croyle  
Title: Senior Environmental Engineer  
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**This Operating Permit shall expire on 9/21/2023**

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.

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Permit Chief, Bureau of Air and Waste

9/21/2018  
Date

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# SPECIAL CONDITIONS FOR OPERATING PERMIT

## 1. PERMITTED ACTIVITIES

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

### A. DESCRIPTION OF FACILITY AND OPERATIONS

NRG Canal LLC – Oak Bluffs (“the Permittee”) owns and operates an electrical power generation facility located at Vineyard Haven Road, Oak Bluffs, Massachusetts (“the Facility”). The Facility’s power generation equipment as identified in Table 1 consists of three (3) identical General Motors, Model No. MP-45-20 diesel engine electric generator sets identified as Emission Unit (EU) 1, 2 and 3, all installed in 1965. The Facility is a major source, as defined in 310 CMR 7.00: Appendix C since their EUs have the potential to emit Nitrogen Oxides (NO<sub>x</sub>), Volatile Organic Compounds (VOC), and Carbon Monoxide (CO) greater than the Major Source thresholds (50 tons per year for either NO<sub>x</sub> or VOC, and 100 tons per year for CO). The Facility is not a major source of Hazardous Air Pollutants (HAPs).

EU-1, EU-2, EU-3 each consists of an engine having a maximum energy input rating of 29.315 million British Thermal Unit per hour (MMBtu/hr) at an approximate rate of 209 gallons per hour (gal/hr) and an electrical generator having an output rating of 2.5 nominal megawatts (MW). The Facility started burning No. 2 fuel oil (sulfur content at 0.0015% by weight or less) on April 1, 2013.

The three (3) EUs are subject to Reasonably Available Control Technology (RACT) for Sources of NO<sub>x</sub> in accordance with 310 CMR 7.19(8) *Stationary Reciprocating Internal Combustion Engines*. MassDEP issued a NO<sub>x</sub> RACT Emission Control Plan (ECP) Final Approval No. 4B94041 on September 8, 1994 for the three (3) EUs. On April 16, 2009, MassDEP issued a Revised Emission Control Plan (ECP) Final Approval No. 4B94041, which superseded the September 8, 1994 approval in its entirety. Subsequently, on May 6, 2009, MassDEP issued a Revised ECP Final Approval No. 4B94041, which superseded the April 16, 2009 approval in its entirety.

In an email correspondence to MassDEP dated October 4, 2013, the Permittee reported that EU-1 exceeded the 1,000 operating hours on August 8, 2013. EU-2 was reported to exceed the 1,000 operating hours on July 27, 2013. As a result of this and according to the requirements in 310 CMR 7.19(3), the Permittee conducted a stack testing on April 3, 2014. The test report dated May 12, 2014 showed that the NO<sub>x</sub> emissions for both EU-1 and EU-2 are below the permitted limit.

As of May 3, 2013, EU-1, EU-2 and EU-3 are subject to 40 CFR 63 Subpart ZZZZ, *National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Stationary Reciprocating Internal Combustion Engines* (RICE). Following the installation of oxidation catalyst to the exhaust of each engine, the Facility conducted an initial performance test in April 2013 to demonstrate compliance with the CO concentration limit in Table 2d of the Subpart. The result of the testing, presented in a report dated May 20, 2013, showed that the engines are in compliance with the emission concentrations.

In a mail correspondence dated January 19, 2018, the Permittee notified MassDEP that the diesel engine electric generator sets at the Facility have each operated less than 100 hours per year. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6675, the engines meet the definition of limited use stationary RICE. As limited use stationary RICE, in accordance with Table 3 to 40 CFR 63 Subpart ZZZZ, the Permittee is required to conduct subsequent performance tests every 8,760 hour or 5 years, whichever comes first. In the event that the engines operates 100 or more hours in any given year, hence no longer qualify as limited use stationary RICE, the Permittee would be required to notify MassDEP and comply with the applicable requirement in the subpart.

Massachusetts Greenhouse Gas Reporting Program

The Permittee is subject to the requirements of Greenhouse Gas Emissions Reporting as defined by MassDEP in 310 CMR 7.71(3)(a).

Pursuant to 310 CMR 7.71(2) *Definitions*: Greenhouse Gas means any chemical or physical substance that is emitted into the air and that MassDEP may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, SF<sub>6</sub>, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).The Oak Bluffs facility is also subject to 310 CMR 7.71: Reporting of Greenhouse Gas (GHG) Emissions.

Compliance Assurance Monitoring

In accordance with 40 CFR 64.2(b)(1)(i), Compliance Assurance Monitoring (CAM) does not apply to the Facility as the emission units are subject to emission limitations or standards of 40 CFR 63 Subpart ZZZZ, which were promulgated after November 15, 1990, pursuant to section 112 of the Clean Air Act.

Operating Permit Section 4, Tables 3, 4, 5, and 6 list the facility emission limits along with monitoring, testing, record-keeping and reporting requirements. Operating Permit Section 4, Table 7 lists regulations that are not applicable to the facility at this time.

**2. EMISSION UNIT IDENTIFICATION**

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

<b>Table 1</b>			
<b>EU</b>	<b>Description of EU</b>	<b>EU Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
EU-1	Diesel Engine Electrical Generator General Motors Model No. MP-45-20	29.315 MMBtu/hr (each)	Oxidation Catalyst
EU-2			
EU-3			

**Table 1 Key:**

- EU = Emission Unit
- No. = Number
- MMBtu/hr = Million British Thermal Unit 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):

<b>Table 2</b>	
<b>Description of Current Exempt Activities</b>	<b>Reason</b>
<p>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.</p>	<p>310 CMR 7.00:Appendix C(5)(h)</p>

**Table 2 Key:**

MassDEP = Massachusetts Department of Environmental Protection  
 CMR = Code of Massachusetts Regulation

### 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:

<b>Table 3</b>					
<b>EU</b>	<b>Fuel/Raw Material</b>	<b>Pollutant</b>	<b>Operational and/or Production Limits</b>	<b>Emissions Limits/Standards</b>	<b>Applicable Regulation and/or Approval No.</b>
EU-1 EU-2 EU-3	No. 2 Fuel Oil	NO <sub>x</sub>	$< 1000$ hours operating time during any consecutive 12 month period since January 1, 1990 <sup>(1)</sup>	$\leq 9.0$ g/bhp-hr <sup>(2)</sup>	Revised ECP Final Approval No. 4B94041 <sup>(3)</sup> 310 CMR 7.19(8)(d)1 310 CMR 7.19(8)(c)3
			$\geq 1000$ hours operating time during any consecutive 12 month period since January 1, 1990 <sup>(1)</sup>	$\leq 9.0$ g/bhp-hr <sup>(2)</sup>	Revised ECP Final Approval No. 4B94041 <sup>(3)</sup> 310 CMR 7.19(8)(c)3

**Table 3 (continued)**

EU	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
EU-1 EU-2 EU-3	No. 2 Fuel Oil	SO <sub>2</sub>	Sulfur in fuel ≤ 0.0015 % by weight or 15 ppm	N/A	310 CMR 7.05(1)(a)1. 40 CFR 63 Subpart ZZZZ §63.6604
		CO	N/A	≤ 23 ppmvd @ 15% O <sub>2</sub> except during periods of startup or ≥ 70% CO reduction except during periods of startup	40 CFR 63 Subpart ZZZZ §63.6603(a) and Table 2d, Item 3 <sup>(4)</sup>
		HAP	Shall maintain catalyst so that the pressure drop across the catalyst does not change by more than 2 inches of water from the pressure drop across the catalyst that was measured during the initial performance test, except during periods of startup.		40 CFR 63 Subpart ZZZZ §63.6603(a) and Table 2b, Item 2
			Shall maintain the temperature of stationary RICE exhaust so that the catalyst inlet temperature is ≥ 450°F and ≤ 1350°F, except during periods of startup.		
		Engines shall comply with the work practice requirements according to 40 CFR 63 Subpart ZZZZ. See Table 4, Monitoring and Testing requirements		40 CFR 63 Subpart ZZZZ §63.6612(a) and Table 4 & 5	
Smoke	N/A	< No. 1 of Chart, except ≥ No.1 to < No. 2 of Chart for ≤ 6 minutes during any one hour, no time to equal or exceed No. 2 of the Chart <sup>(5)</sup>	310 CMR 7.06(1)(a)		
Facility-Wide	No. 2 Fuel Oil	Opacity	N/A	≤ 20% except > 20% to ≤ 40% for ≤ 2 minutes during any 1 hour, at no time to exceed 40%.	310 CMR 7.06(1)(b)
	All	Greenhouse Gas <sup>(6)</sup>	N/A		310 CMR 7.71 <b>(State only requirement)</b>

**Table 3 Key:**

EU	= Emission unit	CO	= carbon monoxide
NO <sub>x</sub>	= nitrogen oxides	HAP	= hazardous air pollutants
SO <sub>2</sub>	= sulfur dioxide	N/A	= not applicable
ECP	= Emission Control Plan	No.	= number

**Table 3 Key (continued):**

ppmvd @15% O <sub>2</sub>	= parts per million by volume, dry, corrected to 15 percent oxygen		
RICE	= reciprocating internal combustion engine		
g/bhp-hr	= grams per brake horse power per hour		
MassDEP	= Massachusetts Department of Environmental Protection		
<	= less than	≤	= less than or equal to
≥	= greater than or equal to	CFR	= Code of Federal Regulations
CMR	= Code of Massachusetts Regulations	%	= percent
°F	= degrees Fahrenheit	ppm	= parts per million
N/A	= not applicable	ppmvd	= parts per million, dry volume
NO <sub>x</sub>	= nitrogen oxides	HAP	= hazardous air pollutants
SO <sub>2</sub>	= sulfur dioxide	O <sub>2</sub>	= oxygen
ECP	= Emission Control Plan	No.	= number
CO <sub>2</sub>	= carbon dioxide	CH <sub>4</sub>	= methane
N <sub>2</sub> O	= nitrous oxide	SF <sub>6</sub>	= sulfur hexafluoride

**Table 3 Notes:**

1. To calculate the amount of a consecutive 12 month period, take the current calendar month amount and add it to the previous 11 calendar months total amount
2. Compliance with emission limit(s)/standard(s) shall be based on a one-hour averaging time.
3. Revised Emission Control Plan (ECP) Final Approval No. 4B94041 or Revised Final Approval No. 4B94041 or Approval No. 4B94041 - as noted in the Operating Permit, refers to the Revised Emission Control Plan (ECP) Final Approval No. 4B94041 issued by MassDEP on May 6, 2009 which superseded Approval No. 4B94041 dated April 16, 2009.
4. In accordance with 40 CFR 63, Subpart ZZZZ, Table 2d, during periods of startup the facility must minimize the engine's startup time at startup to a period needed for appropriate and safe loading of an engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.
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 Circular No. 8333, or any smoke inspection guide approved by the MassDEP.
6. Greenhouse Gas (GHG) means any chemical or physical substance that is emitted into the air and that MassDEP may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, SF<sub>6</sub>, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

**B. COMPLIANCE DEMONSTRATION**

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

<b>Table 4</b>	
<b>EU</b>	<b>Monitoring And Testing Requirements</b>
EU-1 EU-2 EU-3	1. In accordance with 310 CMR 7.19(8)(d)2 and Revised ECP Final Approval No.4B94041, for each engine, the Permittee shall install and maintain an elapsed time meter to indicate, in cumulative hours, the elapsed engine operating time for the previous 12 month period.
	2. In accordance with 310 CMR 7.19(8)(d)3 and Revised ECP Final Approval No.4B94041, the Permittee shall determine the hours of operation for each engine for the previous 12 month period on a monthly basis, as measured by the elapsed time meter.
	3. In accordance with 310 CMR 7.19(13)(d)3 and Revised ECP Final Approval No.4B94041, for each engine, the Permittee shall monitor the type fuel(s) and quantity burned each day, heat content of each fuel, and the total heating value of the fuel consumed for each day.
	4. In accordance with 310 CMR 7.19(13)(a)9, if any stationary reciprocating internal combustion engine with an energy input capacity less than 30,000,000 Btu per hour and has operated 1000 hours or more during any consecutive 12 month period, compliance with the applicable NO <sub>x</sub> emission limit/standard as stated in 310 CMR 7.19(8)(c)3. shall be demonstrated by performing an initial stack test as specified in 310 CMR 7.19(13)(c) and recordkeeping as specified in 310 CMR 7.19(13)(d) and Revised (ECP) Final Approval No. 4B94041. In accordance with 310 CMR 7.19(13)(a)9, for any engine operating less than 1000 hours per year in this size range compliance shall be determined by recordkeeping as required in 310 CMR 7.19(8)(d) and Approval 4B94041.
	5. Visible emissions (Smoke and/or Opacity) shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9. This method shall also apply to any detached plumes.
	6. Pursuant to the MassDEP’s authority through 310 CMR 7.00: Appendix C(9)(b)2., demonstrate compliance with the fuel oil sulfur content requirements in Table 3 of this Operating Permit and at 310 CMR 7.05(1)(a)3. by obtaining and maintaining a shipping receipt, including analysis, from the fuel supplier for each shipment. The analysis of sulfur content of the fuel oil shall be in accordance with the applicable American Society for Testing Materials (ASTM) test methods or any other method approved by the MassDEP and EPA. Fuel oil sulfur information may be provided by fuel oil suppliers.
	7. In accordance with 310 CMR 7.12, monitor operations such that information may be compiled as necessary for the annual preparation of a Source Registration.



**Table 4**

EU	Monitoring And Testing Requirements
EU-1 EU-2 EU-3	<p>8. In accordance with 310 CMR 7.13(1), any person owning, leasing, operating or controlling a facility for which the MassDEP has determined that stack testing is necessary to ascertain compliance with the MassDEP 's regulations or design approval provisos shall cause such stack testing:</p> <ul style="list-style-type: none"> <li>(a) To be conducted by a person knowledgeable in stack testing,</li> <li>(b) To be conducted in accordance with procedures contained in a test protocol which has been approved by the MassDEP, and</li> <li>(c) To be conducted in the presence of a representative of the MassDEP when such is deemed necessary.</li> </ul>
	<p>9. In accordance with 310 CMR 7.19(13)(c) <i>Stack Testing</i>, any person required to demonstrate compliance with a NO<sub>x</sub> emission standard contained in 310 CMR 7.19 by stack testing shall comply with 310 CMR 7.19(13)(c). That person shall:</p> <ul style="list-style-type: none"> <li>(a) Submit a pretest protocol for the required emission test for review and Department approval at least 60 days prior to the anticipated date of testing;</li> <li>(b) Include in the pretest protocol, a description of sampling point locations, sampling equipment, sampling and analytical procedures, and the operating conditions for the required testing;</li> <li>(c) Conduct compliance stack testing in accordance with procedures set forth in Appendix A of 40 CFR Part 60 or another method approved by the Department and EPA;</li> <li>(d) Perform the initial compliance stack test on the emission unit before August 1, 1995 for existing emission units, or within 90 days of continuous operation for new emission units to demonstrate compliance;</li> <li>(e) Perform the annual compliance test, where annual compliance stack testing is required either by 310 CMR 7.00 or in the approved emission control plan, on the emission unit prior to October 1 of each year beginning 1995;</li> <li>(f) Submit the emission test report for the review and written Department approval within 60 days of the completion of the compliance stack testing.</li> </ul>
	<p>10. In accordance with 40 CFR 63 Subpart ZZZZ, Table 3, Item 5, the Permittee must conduct subsequent performance tests every 8,760 hours or 5 years, whichever comes first.</p>
	<p>11. In accordance with 40 CFR 63 Subpart ZZZZ, §§63.6612(a), 63.6595(a), and the provisions in 40 CFR 63, §63.7(a)(2), the Permittee must conduct any initial performance test or other initial compliance demonstration according to Tables 4 and 5 of the Subpart that applies to the Facility within 180 days after the compliance date of May 3, 2013.</p>

<b>Table 4 (continued)</b>	
<b>EU</b>	<b>Monitoring And Testing Requirements</b>
EU-1 EU-2 EU-3	<p>12. In accordance with 40 CFR 63 Subpart ZZZZ §63.6630(e)(3), the Permittee must measure CO emissions using one of the CO measurement methods specified in Table 4 of this subpart, or using Appendix A of the subpart.</p>
	<p>13. In accordance with 40 CFR 63 Subpart ZZZZ, §§63.6612, 63.6625, 63.6630, the Permittee must initially comply with the emissions and operating limitations required by Table 5 No. 1a to reduce CO emissions. The Permittee has demonstrated initial compliance for both limitation if:</p> <ul style="list-style-type: none"> <li>i. The average reduction of emissions of CO determined from the initial performance test achieves the required CO percent reduction; and</li> <li>ii. The Permittee has installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in §63.6625(b); and</li> <li>iii. The Permittee has recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.</li> </ul>
	<p>14. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6620(b), each performance test must be conducted according to the requirements that this Subpart specifies in Table 4.</p>
	<p>15. In accordance with 40 CFR 63 Subpart ZZZZ § 63.6640, the Permittee must continuously comply with the emissions and operating limitations and work or management practices as required by Table 6 No.12a of the Subpart and listed below.</p> <ul style="list-style-type: none"> <li>i. Conducting performance tests every 8,760 hours or 5 years, whichever comes first, for CO or formaldehyde, as appropriate, to demonstrate that the required CO or formaldehyde, as appropriate, percent reduction is achieved or that your emissions remain at or below the CO or formaldehyde concentration limit; and</li> <li>ii. Collecting the catalyst inlet temperature data according to § 63.6625(b); and</li> <li>iii. Reducing these data to 4-hour rolling averages; and</li> <li>iv. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and</li> <li>v. Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.</li> </ul>
	<p>16. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6625(b), the Permittee must install, operate, and maintain each CPMS according to the requirements in paragraphs (b)(1) through (6) of this section of the Subpart.</p>

<b>Table 4 (continued)</b>	
<b>EU</b>	<b>Monitoring And Testing Requirements</b>
EU-1 EU-2 EU-3	<p>17. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6635, except for monitor malfunctions, associated repairs, required performance evaluations, and required quality assurance or control activities, the Permittee must monitor continuously at all times that the stationary RICE is operating. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.</p> <p>18. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6645(a) and 40 CFR 63.7(c), before conducting a required performance test, the owner or operator of an affected source shall develop and, if requested by the Administrator, shall submit a site-specific test plan for approval. The test plan shall include a test program summary, the test schedule, data quality objectives, and both an internal and external quality assurance (QA) program. Data quality objectives are the pretest expectations of precision, accuracy and completeness of data.</p>
Facility-wide	<p>19. 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, SF<sub>6</sub> usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N§ 2, the Climate Protection and Green Economy Act, Acts of 2008, c. 298, § 6. (<b>State only requirement</b>)</p>

**Table 4 Key:**

- ASTM = American Society for Testing and Materials
- ECP = Emission Control Plan
- CFR = Code of Federal Regulations
- M.G.L.c = Massachusetts General Laws chapter
- CMR = Code of Massachusetts Regulations
- No. = Number
- NO<sub>x</sub> = Nitrogen Oxides
- RICE = Reciprocating Internal Combustion Engine
- CI = Compression Ignition
- CO = Carbon Monoxide
- SO<sub>2</sub> = Sulfur Dioxide
- CPMS = Continuous Parameter Monitoring System
- § = section
- §§ = sections
- HP = horsepower
- Btu = British thermal unit
- QA = Quality Assurance
- State = Commonwealth of Massachusetts
- e.g. = example
- MassDEP = Massachusetts Department of Environmental Protection
- Department = Massachusetts Department of Environmental Protection
- EPA = United States Environmental Protection Agency
- SF<sub>6</sub> = Sulfur Hexafluoride

**Table 5**

EU	Record Keeping Requirements
EU-1	1. In accordance with 310 CMR 7.19(8)(d)3 and Revised ECP Final Approval No.4B94041, the Permittee shall maintain monthly records of the determination of hours of operation for each engine for each 12 month period, based on the elapsed time meter measurements.
EU-2	2. In accordance with 7.19(8)(d)5, The facility shall maintain records to certify that the ignition timing of engine has been inspected and adjusted at least once every three years.
EU-3	3. In accordance with 310 CMR 7.19(13)(d)9., maintain all records required by 310 CMR 7.19(13)(d) for a period of five years in a permanently bound log book or any other form acceptable to the Department including computer retained and generated data.
	4. In accordance with 310 CMR 7.19(13)(d)3., for each engine, maintain records of the type(s) of fuel burned each day, the quantity of fuel burned each day, heat content of fuel, and total heating value of fuel consumed for each day.
	5. In accordance with 310 CMR 7.00: Appendix C(9)(d), maintain records of visible emissions (Smoke and/or Opacity) determined in accordance with EPA Test Method 9, as specified in 40 CFR Part 60, Appendix A .
	6. Pursuant to the MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2. maintain fuel oil analysis results used to demonstrate compliance with fuel oil sulfur content requirements.
	7. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6655(a), the Permittee must keep the records described in paragraphs (a)(1) through (a)(5) of this section and listed below: <ol style="list-style-type: none"> <li data-bbox="358 1209 1438 1297">(1) A copy of each notification and report submitted to comply with Subpart ZZZZ, including all documentation supporting any Initial Notification or Notification of Compliance Status submitted, according to the requirement in 40 CFR 63.10(b)(2)(xiv).</li> <li data-bbox="358 1310 1386 1371">(2) Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.</li> <li data-bbox="358 1383 1333 1444">(3) Records of performance tests and performance evaluations as required in 40 CFR 63.10(b)(2)(viii).</li> <li data-bbox="358 1457 1438 1518">(4) Records of all required maintenance performed on the air pollution control and monitoring equipment.</li> <li data-bbox="358 1530 1417 1619">(5) Records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.</li> </ol>

<b>Table 5 (continued)</b>	
<b>EU</b>	<b>Record Keeping Requirements</b>
EU-1 EU-2 EU-3	<p>8. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6655(b), for each CEMS or CPMS, the Permittee must keep the records listed in paragraphs (b)(1) through (3) of this section of the Subpart and listed below:</p> <p>(1) Records described in § 63.10(b)(2)(vi) through (xi).</p> <p>(2) Previous (i.e., superseded) versions of the performance evaluation plan as required in § 63.8(d)(3).</p> <p>(3) Requests for alternatives to the relative accuracy test for CEMS or CPMS as required in § 63.8(f)(6)(i), if applicable</p>
	<p>9. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6655(d), the Permittee must keep the records required in Table 6, item No. 12a of this Subpart to show continuous compliance with each emission or operating limitation that applies to the Permittee.</p>
	<p>10. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6655(e)(3), the Permittee must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that the Permittee operated and maintained the stationary RICE and after-treatment control device according to its own maintenance plan .</p>
	<p>11. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6660, the Permittee must maintain records as listed below:</p> <p>(a) The records must be in a form suitable and readily available for expeditious review according to §63.10(b)(1).</p> <p>(b) As specified in §63.10(b)(1), the Permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.</p> <p>(c) The Permittee must keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1).</p>
Facility-Wide	<p>12. In accordance with 310 CMR 7.71 (6)(b) and (c), the Permittee shall keep on site at the facility documents of the methodology and data used to quantify emissions for a period of 5 years from the date the document is created. The Permittee shall make these documents available to MassDEP upon request. <b>(State only requirement)</b></p>

**Table 5 Key:**

MassDEP= Massachusetts Department of Environmental Protection	CFR	= Code of Federal Regulations
EPA = United States Environmental Protection Agency	CMR	= Code of Massachusetts Regulations
CEMS = Continuous Emission Monitoring System	RICE	= Reciprocal Internal Combustion Engine
CPMS = Continuous Parameter Monitoring System	§	= section
i.e. = that is	No.	= number
ECP = Emission Control Plan		

<b>Table 6</b>	
<b>EU</b>	<b>Reporting Requirements</b>
EU-1 EU-2 EU-3	<ol style="list-style-type: none"> <li>1. In accordance with 310 CMR 7.19(8)(d)4. and Revised ECP Final Approval No. 4B94041, notify the MassDEP, in writing, attention Bureau of Air and Waste, Permit Chief, if the engine has operated 1000 hours or more during any consecutive twelve (12) month period and the facility is subject to the NO<sub>x</sub> emission standard/limit in 310 CMR 7.19(8)(c)3.</li> <li>2. In accordance with 310 CMR 7.19(13)(d)9., submit compliance records within ten (10) days<sup>(1)</sup> of written request by the MassDEP or EPA.</li> <li>3. In accordance with 310 CMR 7.13(1)(d), submit the test results of any testing required by the MassDEP.</li> <li>4. In accordance with 310 CMR 7.00: Appendix C(10)(c) submit by January 30 and July 30 for the previous six months respectively, a summary of all monitoring data and related supporting information to the MassDEP.</li> <li>5. In accordance with 40 CFR 63.7(b), notify the Administrator in writing of the intention to conduct a performance test at least 60 calendar days before the performance test is initially scheduled to begin to allow the Administrator, upon request, to review and approve the site-specific test plan as required pursuant to 40 CFR 63.7(c), and to have an observer present during the test. In accordance with 40 CFR 63.7(b), notify the Administrator in writing of the intention to conduct a performance test at least 60 calendar days</li> <li>6. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6645(a), the Permittee must submit all of the notifications in §§ 63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), 63.9(b) through (e), and (g) and (h) <i>that apply to the Permittee</i> by the dates specified.</li> <li>7. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6645(h)(2), for each initial compliance demonstration required in Table 5 to this Subpart that includes a performance test conducted according to the requirements in Table 3 to this Subpart, the Permittee must submit the Notification of Compliance Status, including the performance test results, before the close of business on the 60th day<sup>(1)</sup> following the completion of the performance test according to §63.10(d)(2).</li> </ol>

<b>Table 6 (continued)</b>	
<b>EU</b>	<b>Reporting Requirements</b>
EU-1 EU-2 EU-3	<p>8. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6650 and Table 7 No.1, the Permittee must submit a Compliance Report. The report must contain the following:</p> <ul style="list-style-type: none"> <li>a. If there are no deviations from any emission limitations or operating limitations that apply to the Permittee, a statement that there were no deviations from the emission limitations or operating limitations during the reporting period. If there were no periods during which the CMS, including CEMS and CPMS, was out of-control, as specified in § 63.8(c)(7), a statement that there were not periods during which the CMS was out-of-control during the reporting period; the Permittee must submit the report,               <ul style="list-style-type: none"> <li>i. Semiannually according to the requirements in §63.6650(b)(1)–(5) for engines that are not limited use stationary RICE subject to numerical emission limitations; and</li> <li>ii. Annually according to the requirements in §63.6650(b)(6)–(9) for engines that are limited use stationary RICE subject to numerical emission limitations; or</li> </ul> </li> <li>b. If the Permittee had a deviation from any emission limitation or operating limitation during the reporting period, the information in § 63.6650(d). If there were periods during which the CMS, including CEMS and CPMS, was out of-control, as specified in §63.8(c)(7), the information in §63.6650(e). The Permittee must submit the report semiannually according to the requirements in §63.6650(b).</li> <li>c. If you had a malfunction during the reporting period, the information in § 63.6650(c)(4). The Permittee must submit the report semiannually according to the requirements in §63.6650(c)(4).</li> </ul>
Facility-Wide	<p>9. In accordance with 310 CMR 7.12, the Permittee shall submit a Source Registration/Emission Statement Form to MassDEP on an annual basis.</p> <p>10. In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by MassDEP that stack testing is necessary to ascertain compliance with the Department’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.</p> <p>11. In accordance with 310 CMR 7.00: Appendix C(10)(c)., the Permittee shall report a summary of all monitoring data and related supporting information to MassDEP at least every six months (January 30 and July 30 of each calendar year).</p> <p>12. In accordance with General Condition 10 of this Permit, the Permittee shall submit the Annual Compliance Report to MassDEP and EPA by January 30 of each year.</p>

<b>Table 6 (continued)</b>	
<b>EU</b>	<b>Reporting Requirements</b>
Facility-Wide	13. In accordance with 310 CMR 7.71(5), the Permittee shall electronically submit and certify by April 15 <sup>th</sup> of each year a greenhouse gas emissions report to MassDEP ( <b>State only requirement</b> ).

**Table 6 Key:**

Department	= Massachusetts Department of Environmental Protection	CMR	= Code of Massachusetts Regulations
MassDEP	= Massachusetts Department of Environmental Protection	CMS	= Continuous Monitoring System
CFR	= Code of Federal Regulations	ECP	= Emission Control Plan
EPA	= United States Environmental Protection Agency	RICE	= Reciprocal Internal Combustion Engine
CEMS	= Continuous Emission Monitoring System	§	= section
CPMS	= Continuous Parameter Monitoring System	§§	= sections
i.e.	= that is		
No.	= number		

**Table 6 Notes:**

1. In accordance with Massachusetts General Law Chapter 4, Section 9 (MGL c.4, s.9), except as otherwise provided, when the day or the last day falls on Sunday or a legal holiday, the act may be performed on the next succeeding business day.

**C. GENERAL APPLICABLE REQUIREMENTS**

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

**D. REQUIREMENTS NOT CURRENTLY APPLICABLE**

The Permittee is currently not subject to the following requirements:

<b>Table 7</b>	
<b>Regulation</b>	<b>Description</b>
<b>310 CMR 7.16</b> Reduction of Single Occupant Commuter Vehicle Use	Facility employs fewer than 20 people.
<b>40 CFR 64</b> Compliance Assurance Monitoring	Facility's emission units are subject to emission limitations or standards of 40 CFR 63 Subpart ZZZZ, which were promulgated after November 15, 1990.

**Table 7 Key:**

CMR	= Code of Massachusetts Regulations
CFR	= Code of Federal Regulations



## 5. SPECIAL TERMS AND CONDITIONS

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

<b>Table 8</b>							
<b>EU</b>	<b>Special Terms and Conditions</b>						
EU-1 EU-2 EU-3	<p>1. In accordance with 310 CMR 7.10, EU-1, EU-2, and EU-3 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. <b>(State only requirement)</b></p> <p>2. In accordance with 310 CMR 7.01(1), should any nuisance condition(s) occur as a result of the operation of EU-1, EU-2, and/or EU-3, then appropriate steps shall immediately be taken to abate said nuisance condition(s). <b>(State only requirement)</b></p> <p>3. In accordance with Plan Approval No. 4V02033, the three (3) stationary reciprocating internal combustion engines (EU-1, EU-2, and EU-3) shall continue to emit through three (3) separate stacks, each having the following parameters: <b>(State only requirement)</b></p> <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 20px;">Stack Height</td> <td>17.5 feet</td> </tr> <tr> <td>Stack Exit Diameter</td> <td>42 inches</td> </tr> <tr> <td>Stack Material</td> <td>Metal</td> </tr> </table> <p>4. EU-1, EU-2, and EU-3 are subject to the requirements of 40 CFR 63.1-15, Subpart A, "General Provisions" as indicated in Table 8 to Subpart ZZZZ of 40 CFR 63. Compliance with all applicable provisions therein is required.</p> <p>5. In accordance with 40 CFR 63 Subpart ZZZZ Table 2d, Item 3, minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.</p> <p>6. In accordance with 40 CFR 63 Subpart ZZZZ, §63.6625(g), if the engine is not equipped with a closed crankcase ventilation system, the Permittee must comply with either paragraph (g)(1) or (2) of this section of the Subpart and listed below:</p> <ul style="list-style-type: none"> <li>(1) Install a closed crankcase ventilation system that prevents crankcase emissions from being emitted to the atmosphere, or</li> <li>(2) Install an open crankcase filtration emission control system that reduces emissions from crankcase by filtering the exhaust stream to remove oil mist, particulates and metal.</li> </ul>	Stack Height	17.5 feet	Stack Exit Diameter	42 inches	Stack Material	Metal
Stack Height	17.5 feet						
Stack Exit Diameter	42 inches						
Stack Material	Metal						

### **Table 8 Key:**

CFR	= Code of Federal Regulations	Nos.	= Numbers
CMR	= Code of Massachusetts Regulations	EU	= Emission Unit
USEPA	= United States Environmental Protection Agency	§	= Section

## **6. ALTERNATIVE OPERATING SCENARIOS**

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

## **7. EMISSIONS TRADING**

### **A. INTRA-FACILITY EMISSION TRADING**

The Permittee did not request intra-facility emissions trading in its operating permit application.

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

The Permittee did not request inter-facility emissions trading in its operating permit application.

## **8. COMPLIANCE SCHEDULE**

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

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

## **GENERAL CONDITIONS FOR OPERATING PERMIT**

### **9. FEES**

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

### **10. COMPLIANCE CERTIFICATION**

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

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

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site, <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 Air Compliance Clerk, 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**

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

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

## **22. PERMIT AVAILABILITY**

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

## **23. SEVERABILITY CLAUSE**

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

## **24. EMERGENCY CONDITIONS**

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

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

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

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

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



## **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, by fax or by electronic mail (e-mail), within three (3) days of discovery of such deviation:

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

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.

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.