



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

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### FINAL AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("The 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.

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

Plainville Generating Company, LLC  
3 Belcher Street  
Plainville, MA 02762

**INFORMATION RELIED UPON:**

Application No. SE-15-014  
Transmittal No. X265305

**FACILITY LOCATION:**

Plainville Generating Company, LLC  
3 Belcher Street  
Plainville, MA 02762

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 120 0616  
FMF FAC NO.: 320537  
FMF RO NO.: 320538

**NATURE OF BUSINESS:**

Electric Power Generation

Standard Industrial Classification (SIC): 4911  
North American Industrial Classification System (NAICS): 221119

**RESPONSIBLE OFFICIAL:**

Name: Mr. Henry G. Grilli  
Title: Manager

**FACILITY CONTACT PERSON:**

Name: Cody Hallett  
Title: Facility Manager  
Phone: (508) 695-3252  
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**This operating permit shall expire on 7/6/2021**

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.

7/6/2016

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Permit Chief, Bureau of Air and Waste

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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**

Plainville Generating Company, LLC (PGC), operates a landfill gas (LFG) to energy, electric power generation facility located at 3 Belcher Street, Plainville, Massachusetts. The Facility is subject to the Operating Permit and Compliance Program pursuant to 310 CMR 7.00: Appendix C(2) since it has the potential to emit greater than 100 tons per year of carbon monoxide (CO), 10 tons per year of a single Hazardous Air Pollutant<sup>1</sup> (HAP) and 25 tons per year of all HAPs combined. The facility consists of up to seven (7) Internal Combustion (IC) Engines (Emission Units (EU) 1 through 7) and a LFG treatment system. The IC engines are subject to, but have no applicable requirements under 40 CFR Part 63, Subpart ZZZZ as noted at §63.6590(b)(3)(v) because, for each existing stationary IC Engine, landfill gas (LFG) is greater than 10% of the gross heat input on an annual basis. Each engine/generator set has a nominal output rating of approximately 820 kilowatt (kW) of electricity, for a total nominal site generation value of 5,740 kW. The engines are housed in a generation building. Each engine has a separate exhaust stack, which all discharge through the generation building roof at an exhaust height of 30 feet above ground. The LFG fuel comes from the closed Plainville Landfill that is located at 14 Belcher Street, Plainville, MA.

PGC owns and operates a LFG treatment system used to treat landfill gas prior to use in the IC Engines in accordance with 40 CFR Part 60, Subpart WWW, §60.752(b)(2)(iii)(C) and 40 CFR Part 63, Subpart AAAA, §63.1955. The treatment system processes the LFG prior to entering the plant and includes particulate filtration, dewatering via gas coolers and glycol based scrubbing, and the LFG compression. The IC engines cannot operate without the treatment system operating. The LFG treatment system contains no atmospheric vents. The gas compressors have only safety pressure relief valves. If the Permittee's treatment system or IC engines are not operational the LFG is combusted in one or more of the three enclosed combustors owned by the Plainville Landfill and operated in accordance with §60.752(b)(2)(iii)(B).

On June 29, 2015, the MassDEP approved a Restricted Emission Status (RES) No. SE-14-034 for Plainville Landfill, which legally limit the amount of federal potential emissions from the landfill through a restriction on the fuels used and other restrictions as noted in the approval. Concurrently, on June 29, 2015, the MassDEP issued the Operating Permit Termination letter for Plainville Landfill. The letter concluded that Republic Services, the entity that owns and operates the landfill, has satisfied the conditions of 40 CFR 60.752(b)(2)(v), therefore, the landfill is no longer subject to

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<sup>1</sup> Hazardous Air Pollutants are as listed in the 1990 Clean Air Act (CAA) Amendments, Section 112(b).

the collection and control system of Subpart WWW. In addition, in accordance to 40 CFR Part 63, Subpart AAAA, §63.1950, the landfill is also no longer required to comply with the requirements of the subpart when it is no longer required to apply controls as specified in 40 CFR 60.752(b)(2)(v) of Subpart WWW.

Based on the approval of the RES and MassDEP’s concurrence that the landfill is no longer subject to the collection and control system of 40 CFR Part 60 Subpart WWW as well as 40 CFR Part 63 Subpart AAAA, Plainville Landfill is therefore no longer subject to 310 CMR 7.00 Appendix C. Therefore, the PGC LFG treatment system is no longer considered an Emission Unit (EU) and any past associated requirements under the above subparts have been removed from this Operating Permit.

Other ancillary equipment associated with the generation facility include, but are not limited to, a closed-loop engine cooling system, lube oil/crankcase oil system and tanks, various other storage containers and miscellaneous minor activities involving oils, lubricants and solvents. A list of exempt activities shall be maintained as indicated in Section 3, Table 2.

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. In accordance with 40 CFR Part 64.2, Compliance Assurance Monitoring (CAM) does not apply to the facility as the emission units do not use control devices to achieve compliance with emissions limitations or standards.

## **2. EMISSION UNIT IDENTIFICATION**

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

<b>Table 1</b>			
<b>Emission Unit (EU)</b>	<b>Description of Emission Unit</b>	<b>EU Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
1 thru 7	Caterpillar Internal Combustion Eng. Model No. G3516 LE	10.0 MMBtu/hr maximum heat input 925 kW generator maximum output	N/A

**Table 1 Key:**

EU	= Emission Unit	PCD	= Pollution Control Device
No.	= Number	MMBtu/hr	= Million British thermal unit per hour
N/A	= Not Applicable	kW	= kilowatt

**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>	
Description of Current Exempt Activities	Reason
<p>A list of 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 shall be kept on-site at the facility and a copy shall be submitted to the MassDEP’s Southeast 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 Regulations

**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>					
EU	Fuel/ Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No
1 thru 7 (per engine)	LFG	SO <sub>2</sub>	N/A	0.05 lb/MMBtu	4B03016
				0.19 ton/month	
				2.19 ton/year <sup>(1)</sup>	

<b>Table 3 (continued)</b>							
EU	Fuel/ Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No		
1 thru 7 (per engine)	LFG	PM	N/A	0.05 lb/MMBtu	4B03016		
				0.19 ton/month			
				2.19 ton/year <sup>(1)</sup>			
		NO <sub>x</sub>		0.60 grams/Bhp-hour			
				0.160 lb/MMBtu			
				0.60 ton/month			
		CO		7.01 ton/year <sup>(1)</sup>			
				0.85 lb/MMBtu			
				3.16 ton/month			
		NMOC/ VOC		37.23 ton/year <sup>(1)</sup>			
				0.075 lb/MMBtu			
				0.28 ton/month			
		NMOC		3.29 ton/year <sup>(1)</sup>		Each engine shall reduce NMOC emissions by 98 percent by weight, or reduce the stack NMOC concentration to less than 20 parts per million as hexane by volume, dry basis at 3% oxygen.	4B03016 SE-15-014
				Visible emissions		Stack emissions shall not exceed 0% opacity (no visible emissions), with the exception of up to five (5) minutes during startup. During startup visible emissions shall comply with the provisions of 310 CMR 7.06.	4B03016
SO <sub>2</sub>	Total heat input shall not exceed 52,080 MMBtu per month or 585,000 MMBtu per year <sup>(2)</sup>		1.30 ton/month	4B03016			
PM		14.6 ton/year <sup>(1)</sup>					
		1.30 ton/month					
NO <sub>x</sub>		14.6 ton/year <sup>(1)</sup>					
		4.17 ton/month					
CO		46.8 ton/year <sup>(1)</sup>					
		22.13 ton/month					
248.6 ton/year <sup>(1)</sup>							

<b>Table 3 (continued)</b>					
EU	Fuel/ Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No
1 thru 7 (aggregate)	LFG	NMOC/ VOC	Total heat input shall not exceed 52,080 MMBtu per month or 585,000 MMBtu per year <sup>(2)</sup>	1.95 ton/month	4B03016
				21.9 ton/year <sup>(1)</sup>	
Facility- wide	All	Greenhouse gas <sup>(3)</sup>	N/A		310 CMR 7.71 (State-only)

**Table 3 Key:**

EU	= Emission Unit	No.	= Number
LFG	= Landfill Gas	SO <sub>2</sub>	= Sulfur Dioxide
PM	= Particulate Matter	NO <sub>x</sub>	= Nitrogen Oxides
CO	= Carbon Monoxide	NMOC	= Non-Methane Organic Compounds
VOC	= Volatile Organic Compounds	N/A	= Not Applicable
lb/MMBtu	= pounds per Million British thermal units	bhp	= brake horsepower
CMR	= Code of Massachusetts Regulations	%	= percent
/	= per	GHG	= greenhouse gas
CO <sub>2</sub>	= Carbon dioxide	CH <sub>4</sub>	= methane
N <sub>2</sub> O	= Nitrous oxide	HFCs	= Hydrofluorocarbons
PFCs	= Perfluorocarbons	SF <sub>6</sub>	= Sulfur hexafluoride
Department	= Massachusetts Department of Environmental Protection		

**Table 3 Notes:**

1. Ton per year is based on any consecutive twelve-month period.
2. Year is any consecutive twelve-month period.
3. Greenhouse gas (GHG) means any chemical or physical substance that is emitted into the air and that the Department may reasonably anticipate will cause or contribute to climate change including, but not limited to, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulfur hexafluoride (SF<sub>6</sub>).

**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>Emission Unit (EU)</b>	<b>Monitoring/Testing Requirements</b>
1 thru 7	<ol style="list-style-type: none"> <li>1. In accordance with Final Approval No. 4B03016, each engine/generator set shall be continuously monitored for run time and kW produced.</li> <li>2. In accordance with Final Approval No. 4B03016, a LFG flow recorder shall be maintained so that an on-site record of the total volume of LFG fired by the seven (7) engine/generator sets will be available by date and time period.</li> <li>3. In accordance with Final Approval No. 4B03016, monitor, by gas chromatograph and/or field measurements, the heat input of LFG (Btu) fired in Units Nos. 1 through 7 for each month and for each twelve month rolling period<sup>(1)</sup>.</li> <li>4. In accordance with Final Approval No. 4B03016, one operable oxygen analyzer shall be maintained on-site and the stack outlet oxygen levels shall be measured at least once per week on each engine.</li> <li>5. In accordance with Final Approval No. 4B03016, the facility shall be constructed to accommodate the emission testing requirements contained in 40 CFR Part 60, Appendix A.</li> <li>6. In accordance with Final Approval No. 4B03016, compliance emission testing, if requested by the MassDEP, shall be conducted in accordance with the MassDEP’s “Guideline for Source Emission Testing” and test methods and procedures contained in 40 CFR Part 60, Appendix A.</li> </ol>
Facility-wide	<ol style="list-style-type: none"> <li>7. In accordance with 310 CMR 7.00 Appendix C(9)(b), the Permittee shall monitor operations such that information may be compiled for the annual preparation of a Source Registration/ Emission Statement as required by 310 CMR 7.12.</li> <li>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:               <ol 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,</li> <li>c) to be conducted in the presence of a representative of the MassDEP when such is deemed necessary, and</li> <li>d) to be summarized and submitted to the MassDEP with analysis and report within such time as agreed to in the approved test protocol.</li> </ol> </li> </ol>



<b>Table 4 (continued)</b>	
<b>Emission Unit (EU)</b>	<b>Monitoring/Testing Requirements</b>
Facility-wide	<p>9. In accordance with 310 CMR 7.13(2) Any person having control of a facility relative to which the MassDEP determines that stack testing (to ascertain the mass emission rates of air contaminants emitted under various operating conditions) is necessary for the purposes of regulatory enforcement or determination of regulatory compliance shall cooperate with the MassDEP to provide:</p> <ul style="list-style-type: none"> <li>a) entrance to a location suitable for stack sampling,</li> <li>b) sampling ports at locations where representative samples may be obtained,</li> <li>c) staging and ladders to support personnel and equipment for performing the tests,</li> <li>d) a suitable power source at the sampling location for the operation of sampling equipment, and</li> <li>e) such other reasonable facilities as may be requested by the MassDEP.</li> </ul>
	<p>10. In accordance with 310 CMR 7.00 <i>Appendix C (9)(b)</i>, the Permittee shall;</p> <ul style="list-style-type: none"> <li>a) comply with all emissions monitoring and analysis procedures or test methods required under the applicable requirements, including those promulgated pursuant to 42 U.S.C. 7401, §§ 504(a) and 504(b) or 114(a)(3);</li> <li>b) If the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of record keeping designed to serve as monitoring), then the Permittee shall perform periodic monitoring sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit. Such monitoring requirements shall assure the use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record keeping provisions may be sufficient to meet the requirements; and</li> <li>c) The Permittee shall comply with requirements concerning the use, maintenance and installation of monitoring equipment or methods as the MassDEP deems appropriate.</li> </ul>
	<p>11. In accordance with 310 CMR 7.71(1) and Appendix C(9) establish and maintain data systems or record keeping practices (e.g. fuel use records, SF<sub>6</sub> usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c. 298, § 6. <b>(State-only requirement)</b></p>

**Table 4 Key:**

No.	= Number	U.S.C.	= United States Code
kW	= kilowatt	§	= Section
LFG	= landfill gas	SF <sub>6</sub>	= Sulfur Hexafluoride
Btu	= British thermal units	MGL	= Massachusetts General Law
CFR	= Code of Federal Regulations	c.	= chapter
St.	= statute	e.g.	= for example
EU	= Emission unit	CMR	= Code of Massachusetts Regulations
MassDEP	= Massachusetts Department of Environmental Protection		

**Table 4 Notes:**

1. A “12-month rolling period” is the current calendar month amount added to the previous 11 calendar months total amount.

<b>Table 5</b>	
<b>Emission Unit (EU)</b>	<b>Record Keeping Requirements</b>
1 thru 7	<ol style="list-style-type: none"> <li>1. In accordance with Final Approval No. 4B03016, a record of the volume of LFG (scf) fired in each engine/ generator set, Unit Nos. 1 through 7, for each month and for each twelve month rolling period shall be maintained on-site. This record shall take into account the total volume of LFG fired by the seven (7) engine/generator sets and the individual engine/generator set run time and amount of electricity produced.</li> <li>2. In accordance with Final Approval No. 4B03016, NO<sub>x</sub>, CO, NMOC, PM, and SO<sub>2</sub>, monthly and twelve month rolling period emission rate records for each unit shall be maintained on-site.</li> <li>3. In accordance with Final Approval No. 4B03016, the heat input of LFG (Btu) fired in Unit Nos. 1 through 7, for each month and for each twelve month rolling period records shall be maintained on-site.</li> <li>4. In accordance with Final Approval No. 4B03016, a copy of the NO<sub>x</sub> /CO optimization/minimization program report shall be maintained on-site<sup>(1)</sup>.</li> <li>5. In accordance with Final Approval No. 4B03016, records of the weekly stack outlet oxygen levels on each engine shall be maintained.</li> <li>6. In accordance with Final Approval No. 4B03016, a copy of the Standard Operating and Maintenance Procedures for all subject equipment shall be maintained on-site.</li> <li>7. In accordance with Final Approval No. 4B03016, an operation log, or other record keeping system, shall be maintained on-site at a level of detail sufficient to document that the operation and emission limits contained in Table 3 of this Operating Permit are not exceeded.</li> <li>8. In accordance with Final Approval No. 4B03016, a record keeping system shall be established and maintained on-site. All records shall be maintained up-to-date such that the year-to-date information is readily available for MassDEP examination. Record keeping shall, at a minimum, include:               <ol style="list-style-type: none"> <li>a) a record of routine maintenance activities performed on emission unit control and monitoring equipment including, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed; and</li> <li>b) a record of all malfunctions on emissions unit control and monitoring equipment shall include, at a minimum: the date and time the malfunctions occurred; a description of the malfunctions and the corrective action taken; the date and time corrective actions were initiated; and the date and time corrective actions were completed and the emission unit returned to compliance.</li> </ol> <p>All records shall be kept on-site for five (5) years and shall be made available to MassDEP personnel upon request.</p> </li> </ol>

<b>Table 5 (continued)</b>	
<b>Emission Unit (EU)</b>	<b>Record Keeping Requirements</b>
1 thru 7	9. In accordance with Final Approval No. 4B03016, all operating and monitoring records, including emission test reports, shall be maintained for the life of the facility; the five (5) most recent years of data/records shall be maintained on-site.
Facility-wide	10. Maintain records to facilitate compilation of data for the annual Source Registration as required by 310 CMR 7.12. Copies of Source Registration and any other information supplied to the MassDEP to comply with 310 CMR 7.12, shall be retained by the facility owner or operator for five years from the date of submittal.
	11. In accordance with 310 CMR 7.71 (6) b. and c. retain at the facility for five years and make available to the MassDEP upon request copies of the documentation of the methodology and data used to quantify emissions. <b>(State-only requirement)</b>

**Table 5 Key:**

No.	= Number	scf	= standard cubic feet
LFG	= Landfill Gas	SO <sub>2</sub>	= Sulfur Dioxide
PM	= Particulate Matter	NO <sub>x</sub>	= Nitrogen Oxides
CO	= Carbon Monoxide	NMOC	= Non-Methane Organic Compounds
Btu	= British thermal units	CMR	= Code of Massachusetts Regulations
MassDEP	= Massachusetts Department of Environmental Protection	EU	= Emission Unit

**Table 5 Notes:**

1. The requirement has been attained through the Compliance Emissions Testing conducted in July 2003 – test report dated July 25, 2003.

<b>Table 6</b>	
<b>Emission Unit (EU)</b>	<b>Reporting Requirements</b>
1 thru 7	1. In accordance with Final Approval No. 4B03016, revisions to the Final Standard Operating and Maintenance Procedures shall be submitted to the MassDEP within seven (7) days from their initial use.
	2. In accordance with Final Approval No. 4B03016, the MassDEP’s Permit Chief for the Bureau of Air and Waste (attn: Thomas Cushing) at this office must be notified by telephone (508-946-2770), or fax (508-947-6557) within 24 hours, and with written notification within ten (10) days, after occurrence of any upsets or malfunctions to the facility equipment, air pollution control equipment, or monitoring equipment which result in an excess emission to the air and/or a condition of air pollution.

<b>Table 6 (continued)</b>	
<b>Emission Unit (EU)</b>	<b>Reporting Requirements</b>
Facility-wide	3. In accordance with 310 CMR 7.00: <i>Appendix C (10)(c)</i> , the Permittee shall report a summary of all monitoring data and related supporting information to the MassDEP at least every six months (January 30 and July 30 of each calendar year).
	4. In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by the Department that stack testing is necessary to ascertain compliance with the Department’s regulations or design approval provisos shall cause such stack testing to be summarized and submitted to the Department as prescribed in the agreed to pretest protocol.
	5. In accordance with 310 CMR 7.00: <i>Appendix C (10)(h)</i> , all required reports must be certified by a responsible official consistent with 310 CMR 7.00: <i>Appendix C (5)(c)</i>
	6. In accordance to 4B03016 and 310 CMR 7.12, submit a Source Registration/Emission Statement Form to MassDEP on an annual basis.
	7. In accordance with 310 CMR 7.71(5), by April 15 <sup>th</sup> , 2010 and April 15 <sup>th</sup> of each year thereafter report emissions of greenhouse gases from stationary emissions sources including, but not limited to, emissions from factory stacks, manufacturing processes and vents, fugitive emissions, and other process emissions; and owned or leased motor vehicles when stationary source greenhouse gas emissions are greater than 5,000 short tons CO <sub>2</sub> e. Report greenhouse gas emissions electronically in a format that can be accommodated by the registry. <b>(State-only requirement)</b>
	8. In accordance with 310 CMR 7.71(6), certify greenhouse gas emissions reports using a form provided by the MassDEP or the registry. <b>(State-only requirement)</b>
	9. In accordance with 310 CMR 7.71(7), by December 31 <sup>st</sup> of the applicable year submit to the MassDEP documentation of triennial verification of the greenhouse gas emissions report. <b>(State-only requirement)</b>

**Table 6 Key:**

EU	= Emission unit	No.	= Number
CO <sub>2</sub> e	= Carbon Dioxide equivalent	CMR	= Code of Massachusetts Regulations
Department	= Massachusetts Department of Environmental Protection		
MassDEP	= Massachusetts Department of Environmental Protection		

**C. GENERAL APPLICABLE REQUIREMENTS**

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

D. REQUIREMENTS NOT CURRENTLY APPLICABLE

The Permittee is currently not subject to the following requirements:

<b>Table 7</b>	
<b>Regulation</b>	<b>Reason</b>
310 CMR 7.16	The Facility employs less than 150 employees.
40 CFR Part 64	The Facility's Emission Units do not use control devices to achieve compliance with emission limitation or standards.

**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>Emission Unit (EU)</b>	<b>Special Terms and Conditions</b>																						
1 thru 7	<p>1. Unit Nos. 1 through 7 construction and design shall be consistent with Attachment No.1, Equipment and Design Schedule, in Final Approval No. 4B03016.</p> <p style="margin-left: 40px;"><b><u>Unit Nos. 1 through 7 – Engine/Electric Generator Sets</u></b></p> <table style="margin-left: 40px; border: none;"> <tr><td>Manufacturer</td><td>Caterpillar</td></tr> <tr><td>Model No.</td><td>G3516 LE</td></tr> <tr><td>Max. Heat Input</td><td>10.0 MMBtu/hr/engine @925 kW</td></tr> <tr><td>Fuel</td><td>Landfill Gas</td></tr> <tr><td>Maximum Output</td><td>925 kW/generator</td></tr> <tr><td>Nominal Output</td><td>820 kW/generator</td></tr> <tr><td>Max. Stack Exit Temperature</td><td>1000 °F</td></tr> <tr><td>Stack Material</td><td>Steel</td></tr> <tr><td>Stack Height</td><td>30 feet above ground</td></tr> <tr><td>Stack Exit Diameter</td><td>12 inches</td></tr> <tr><td>Silencer</td><td>Silex Hospital Grade</td></tr> </table>	Manufacturer	Caterpillar	Model No.	G3516 LE	Max. Heat Input	10.0 MMBtu/hr/engine @925 kW	Fuel	Landfill Gas	Maximum Output	925 kW/generator	Nominal Output	820 kW/generator	Max. Stack Exit Temperature	1000 °F	Stack Material	Steel	Stack Height	30 feet above ground	Stack Exit Diameter	12 inches	Silencer	Silex Hospital Grade
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<b>Table 8 (continued)</b>	
<b>Emission Unit (EU)</b>	<b>Special Terms and Conditions</b>
1 thru 7	2. In accordance with Approval No. 4B03016, the Permittee shall operate each emission unit at all times when the collected LFG is routed to the unit.
Facility-wide	3. In accordance with Final Approval No. 4B03016, sound impacts shall not exceed 10 dB(A) above background and shall not cause a puretone condition as defined in the MassDEP's DAQC Policy No. 90-001. The only exception is in the City of Attleboro Drainage Easement adjacent to Route I-495. <b>(State only requirement)</b>
	4. In accordance with Final Approval No. 4B03016, MassDEP personnel shall be provided immediate access to the plant site, buildings, and all pertinent records for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.
	5. In accordance with Final Approval No. 4B03016, if any nuisance condition(s) should be generated by the operation of this facility, immediate appropriate steps shall be taken to abate the nuisance condition(s). <b>(State only requirement)</b>

**Table 8 Key:**

- EU = Emission unit
- No. = Number
- MMBtu/hr = Million British Thermal unit per hour
- kW = kilowatt
- °F = degree Fahrenheit
- LFG = landfill gas
- MassDEP = Massachusetts Department of Environmental Protection
- DAQC = Division of Air Quality Control
- dB(A) = A-weighted decibel – an expression of the relative loudness of sounds in air as perceived by the human ear

**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. INTRA-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 permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

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

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

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

The compliance certification and report shall describe:

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

**11. NONCOMPLIANCE**

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



necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

## **12. PERMIT SHIELD**

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

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

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

## **13. ENFORCEMENT**

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

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

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

#### **14. PERMIT TERM**

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

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

#### **15. PERMIT RENEWAL**

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

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

#### **16. REOPENING FOR CAUSE**

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

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

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

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

#### **18. DUTY TO SUPPLEMENT**

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

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

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

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

## **20. PROPERTY RIGHTS**

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

## **21. INSPECTION AND ENTRY**

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 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>2</sup> emission limitations specified in this permit as a result of an emergency<sup>3</sup>. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

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

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

## **25. PERMIT DEVIATION**

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

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

- A. Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- B. Exceedances of parameter limits established by your Operating Permit or other approvals, where the

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<sup>2</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>3</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.

parameter limit is identified by the Permit or approval as surrogate for an emission limit.

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

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

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

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

## **26. OPERATIONAL FLEXIBILITY**

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

## **27. MODIFICATIONS**

- A. Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- B. Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- C. Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply

with the requirements established at 310 CMR 7.00: Appendix C(8)(c).

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

## **28. OZONE DEPLETING SUBSTANCES**

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

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
- 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
  - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
  - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
  - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
- 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
  - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
  - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
  - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.

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

## **29. PREVENTION OF ACCIDENTAL RELEASES**

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

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

## **APPEAL CONDITIONS FOR OPERATING PERMIT**

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

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

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

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

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

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

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

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