



# Department of Environmental Protection

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## AIR QUALITY OPERATING PERMIT (Proposed)

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"]:**

Chicopee Electric Light  
725 Front Street; P.O. Box 405  
Chicopee, MA 01020-0405

**INFORMATION RELIED UPON:**

Application No. 18-AQ14/12-000004-APP  
Eplace Authorization No.  
Approval No. WE-18-013

**FACILITY LOCATION:**

Chicopee Electric Light  
725 Front Street  
Chicopee, MA 01020-0405

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 0420232  
FMF FAC NO.: 130563  
FMF RO NO.: 50160

**NATURE OF BUSINESS:**

Electric Power Generation

**Standard Industrial Classification (SIC):**

4911 – Electric Power Generation

**North American Industrial Classification System (NAICS):**

22111 – Electric Power Generation

**RESPONSIBLE OFFICIAL:**

Name: James M. Lisowski  
Title: Assistant General Manager

**FACILITY CONTACT PERSON:**

Name: James M. Lisowski  
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**This Operating Permit shall expire on \_\_\_\_\_.**  
For the Department of Environmental Protection

\_\_\_\_\_  
Michael Gorski  
Regional Director  
Department of Environmental Protection  
Western Regional Office

\_\_\_\_\_  
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

The Chicopee Electric Light Facility is a diesel engine electric power generating plant located at 725 Front Street in Chicopee, Massachusetts. The facility consists of three General Motors diesel engine/generators rated at 28 MMBtu/hr heat input rate each, and a Caterpillar emergency engine/generator rated at 3.75 MMBtu/hr. The General Motors units have historically operated for less than 1000 hours per year.

The facility is an area source for hazardous air pollutants. As such, the three General Motors engine/generators as well as the Caterpillar emergency engine/generator at the facility are subject to 40 CFR 63 Subpart ZZZZ – National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (“RICE NESHAP”).

Compliance Assurance Monitoring (“CAM”; 40 CFR Part 64) does not apply to the facility since the oxidation catalysts fitted to the three General Motors engine/generators was mandated by the RICE NESHAP, which was proposed by EPA after November 15, 1990 pursuant to Section 112 of the Clean Air Act.

The facility is not subject to Federal Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 40 CFR Part 60, Subpart IIII, since the engines were manufactured prior to April 1, 2006 and were not modified or reconstructed after July 11, 2005; therefore the compression ignition internal combustion engines (“CI ICE”) are not considered new stationary sources under 40 CFR Part 60 Subpart IIII.

The facility is considered to be a major source since it has the potential to emit greater than 50 tons per year of nitrogen oxides (NO<sub>x</sub>). Therefore the facility is subject to the Operating Permit and Compliance Program pursuant to 310 CMR 7.00: Appendix C(2).

The facility is subject to the requirements of Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO<sub>x</sub>) defined by MassDEP in 310 CMR 7.19(8) Stationary Reciprocating Internal Combustion Engines (RICE). After May 31, 1995, any RICE having energy input capacity of 3.0 MMBtu/hr or greater at a facility subject to 310 CMR 7.19, is subject to 310 CMR 7.19(8) and shall comply with NO<sub>x</sub> RACT as defined in 310 CMR 7.19(8)(c), (d) or (e) as applicable.

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).

## 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> |
| 1              | Diesel Engine Generator 1<br>(General Motors EMD 645E) | 28 MMBtu/hr               | oxidation catalyst                    |
| 2              | Diesel Engine Generator 2<br>(General Motors EMD 645E) | 28 MMBtu/hr               | oxidation catalyst                    |
| 3              | Diesel Engine Generator 3<br>(General Motors EMD 645E) | 28 MMBtu/hr               | oxidation catalyst                    |
| 4              | Caterpillar Model 3406 Diesel<br>Emergency Engine      | 3.75 MMBtu/hr             | none                                  |

### Table 1 Key

EU = Emission Unit

MMBtu/hr = Million British Thermal Units per hour

PCD = Pollution Control Device

## 3. IDENTIFICATION OF EXEMPT ACTIVITIES

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

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

#### 4. APPLICABLE REQUIREMENTS

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

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

**Table 3a.**

| EU                           | Fuel/Raw Material | Pollutant         | Operational and/or Production Limits  | Emissions Limits/ Standards <sup>(1)(2)(3)</sup>  | Applicable Regulation and/or Approval No.   |
|------------------------------|-------------------|-------------------|---|---|---|
| EU 1<br>EU 2<br>EU 3         | distillate oil    | PM <sup>(1)</sup> |   | 0.10 lb/MMBtu <sup>(2)</sup>  | DEP Approval #PV-78-C-003<br>(dated June 5, 1980)                                       |
|                              |                   | NO <sub>x</sub>   | if operation is kept to <1000 hours per year (rolling 12 month total) and the ignition timing is retarded 4° from manufacturer's specification  | None<br>(provided that any increase in CO emissions is ≤100 ppmvd, @ to 15% O <sub>2</sub> )        | DEP Approval #1-E-94-003<br>(dated September 16, 1994)<br>Regulation 310 CMR 7.19(8)(e) |
|                              |                   |                   | if operation is for ≥1000 hours per year (rolling 12 month total) since January 1, 1990 but operation is kept to <1000 hours per year (rolling 12 month total) after March 9, 2018 or if timing is not retarded relative to manufacturer's specifications | 9.0 grams per bhp-hr <sup>(2)</sup>   | DEP Approval #1-E-94-003<br>(dated September 16, 1994)<br>Regulation 310 CMR 7.19(8)(c) |
|                              |                   |                   | if operation is for ≥1000 hours per year (rolling 12 month total) since March 9, 2018 or if timing is not retarded relative to manufacturer's specifications  | 2.3 grams per bhp-hr <sup>(2)</sup>   | Regulation 310 CMR 7.19(8)(d)   |
|                              |                   | CO                |   | ≤23 ppmvd @ to 15% O <sub>2</sub> , or reduce CO emissions by ≥ 70%                                 | 40 CFR §63.6603 Table 2d and §63.6640   |
| EU 1<br>EU 2<br>EU 3<br>EU 4 | distillate oil    | Smoke             |   | No. 1 of the Chart no more than 6 minutes during any one hour, no time to exceed No. 2 of the Chart | Regulation 310 CMR 7.06(1)(a)   |
|                              |                   | Opacity           |   | < 20%, except 20 to < 40% for ≤ 2minutes during any one hour  | Regulation 310 CMR 7.06(1)(b)   |
|                              |                   | Sulfur in Fuel    |   | ≤0.0015% sulfur by weight (15 ppm)  | 310 CMR 7.05(1)(a)1. Table 1<br>40 CFR §63.6604   |

**Table 3b.**

| EU            | Fuel/Raw Material | Pollutant                     | Operational and/or Production Limits   | Emissions Limits/ Standards <sup>(1)(2)(3)</sup> | Applicable Regulation and/or Approval No. |
|---------------|-------------------|-------------------------------|--|--|---|
| EU 4          | distillate oil    | n/a                           | may operate for ≤ 100 hours per calendar year for any combination of the purposes specified in paragraph (f)(2)(i) of 40 CFR Part 63.6640. | NA   | 40 CFR §63.6640                           |
|               |                   | n/a                           | may operate engine no more than 100 hours per calendar year (See Special Conditions)   | NA   | 310 CMR 7.02(8)(i)                        |
| Facility-wide | All               | Greenhouse Gas <sup>(4)</sup> |  | NA   | 310 CMR 7.71 (State Only Requirement)     |

**Table 3 Key:**

EU = Emission Unit  
 CO = Carbon Monoxide  
 CO<sub>2</sub> = Carbon Dioxide  
 CMR = Code of Massachusetts Regulations  
 ≤ = less than or equal to  
 < = less than  
 lbs/MMBtu = pounds per Million British thermal units  
 grams/bhp-hr = grams per brake horsepower for one hour (engine output)  
 ≥ = greater than or equal to

NO<sub>x</sub> = Nitrogen Oxides  
 PM = Total Particulate Matter  
 lbs/MMBtu = pounds per Million British thermal units  
 PM = Total Particulate Matter  
 % = Percent  
 CFR = Code of Federal Regulations  
 ppm = parts per million  
 ppmvd @ 15% O<sub>2</sub> = parts per million by volume corrected to 15 percent oxygen  
 ° = degrees

**Table 3 Foot Notes:**

1. Particulate Matter as measured according to the applicable procedures specified in 40 CFR Part 60 Appendix A, Method 5.
2. Based on a one-hour averaging time.
3. Chart means the Ringleman Scale for grading the density of smoke, as published by the United States Bureau of Mines and as referred to in the Bureau of Mines Information Circular No. 8333, or any smoke inspection guide approved by MassDEP.
4. To calculate the amount of a consecutive 12 month rolling period take the current calendar month and add it to the previous 11 calendar months
5. 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: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (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 4a.</b>     |  |
|----------------------|--|
| <b>EU</b>            | <b>Monitoring And Testing Requirements</b>   |
| EU 1<br>EU 2<br>EU 3 | <ol style="list-style-type: none"> <li>1. In accordance with Regulation 310 CMR 7.19(8)(e)2. and MassDEPs Approval #1-B-94-033, install and maintain, in accordance with the manufacturer’s recommendations, an elapsed time meter to indicate, in cumulative hours, the elapsed engine operating time for the previous 12 months.</li> <li>2. In accordance with Regulation 310 CMR 7.19(8)(e)5., inspect and adjust the engine ignition timing at least once every three years.</li> <li>3. In accordance with Regulation 310 CMR 7.19(13)(a)9., if any engine is operated for 1000 hours or more during any consecutive 12 month period<sup>3</sup>, after March 9, 2018, demonstrate compliance with the emission limitation of 2.3 grams NO<sub>x</sub>/bhp-hr<sup>1</sup> by performing an initial stack test conducted in accordance with Regulation 310 CMR 7.19(13)(c). In accordance with Regulation 310 CMR 7.19(8)(d), the stack test shall be completed within two years after the 12-month consecutive period that exceeded the 1000 hours of operation.</li> <li>4. In accordance with 40 CFR §63.6603, demonstrate compliance with the emissions limitations based on the results of testing the average of three 1-hour runs using the testing requirements and procedures in 40 CFR §63.6620 and Table 4 of 40 CFR Part 63 Subpart ZZZZ.</li> <li>5. In accordance with 40 CFR §63.6640(b), if the Permittee changes the catalyst, reestablish the values of the operating parameters measured during the initial performance test. When the Permittee reestablishes the values of your operating parameters, the Permittee must also conduct a performance test to demonstrate that they are meeting the required applicable emission limitation.</li> <li>6. In accordance with 40 CFR §63.6625, install, operate and maintain each continuous parameter monitoring system (CPMS) according to the requirements in paragraphs (b)(1) through (6) of 40 CFR §63.6625.</li> <li>7. In accordance with 40 CFR §63.6635(b), except for monitor malfunctions, associated repairs, required performance evaluations, and required quality assurance or control activities, monitor continuously at all times that the engine 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.</li> <li>8. In accordance with 40 CFR §63.6635(c), not use data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities in data averages and calculations used to report emission or operating levels. The Permittee must, however, use all the valid data collected during all other periods.</li> <li>9. In accordance with 40 CFR §63.6640(a), demonstrate continuous compliance with each emission limitation, operating limitation, and other requirements in Tables 1a and 1b, Tables 2a and 2b, Table 2c, and Table 2d of 40 CFR 63 Subpart ZZZZ that apply as follows:                         <ol style="list-style-type: none"> <li>a. The Permittee must conduct performance tests every 8,760 hours or 3 years, whichever comes first, for CO to demonstrate that the required CO percent reduction is achieved or that the emissions remain at or below the CO concentration limit; and</li> <li>b. The Permittee must collect the Catalyst inlet temperature data according to §63.6625(b); and reduce this data to 4-hour rolling averages</li> <li>c. The Permittee must maintain the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and</li> <li>d. The Permittee must measure the pressure drop across the catalyst once per month (when operational) and demonstrate that the pressure drop across the catalyst is within the operating limitation established during the performance test.</li> </ol> </li> <li>10. In accordance with 40 CFR §63.6615 and §63.6620, conduct subsequent performance tests every 8,760 hours or 3 years, whichever comes first.</li> </ol> |

| <b>Table 4b.</b>             |   |
|------------------------------|---|
| <b>EU</b>                    | <b>Monitoring And Testing Requirements</b>  |
| EU 1<br>EU 2<br>EU 3         | <p>11. In accordance with 40 CFR §63.6620, conduct performance tests specified in Tables 3 and 4 of 40 CFR Part 63, Subpart ZZZZ that apply to you. Each performance test must be conducted according to the requirements that 40 CFR Part 63 Subpart ZZZZ specifies in Table 4 therein.</p> <p>12. In accordance with 40 CFR §63.6630, demonstrate initial compliance with each applicable emission limitation, applicable operating limitation, and other applicable requirement according to Table 5 of 40 CFR Part 63 Subpart ZZZZ.</p>   |
| EU 4                         | 13. In accordance with 310 CMR 7.02(8)(i), monitor to ensure that the following records are maintained: information of equipment type, make and model, and maximum power input/output; a log of operations, including date, time and duration of operation and reason for each start, fuel type and supplier shall be kept on site; purchase orders, invoices and other documents to support information in the log; and a log of conditions under which the engine operated pursuant to 310 CMR 7.02(8)(i)(2).   |
| EU 1<br>EU 2<br>EU 3<br>EU 4 | <p>14. In accordance with 310 CMR 7.05(1)(a)2. And 7.00 Appendix C(9)(b), monitor the sulfur content of each new shipment of #2 fuel oil received. Compliance with % sulfur-in-fuel requirements can be demonstrated through testing (<u>testing certification</u>) or by maintaining a shipping receipt from the fuel supplier (<u>shipping receipt certification</u>).</p> <p>The <u>testing certification</u> or <u>shipping receipt certification</u> of % sulfur-in-fuel shall document that sulfur testing has been done in accordance with the applicable ASTM test methods (D129-95, D1266-91, D1552-95, D2622-92, and D4294-90 for sulfur), or any other method approved by MassDEP and EPA.</p>   |
| Facility-wide                | <p>15. In accordance with 310 CMR 7.13 Stack Testing, conduct stack testing for any air contaminant, upon request by the MassDEP, in accordance with the applicable procedures specified in 40 CFR 60 Appendix A, or other method if approved by the MassDEP and EPA.</p> <p>16. In accordance with 310 CMR 7.02(8), any compliance demonstration with the allowable particulate emission rate shall be in accordance with EPA Methods 1-5, as specified in 40 CFR Part 60, Appendix A.</p> <p>17. In accordance with 310 CMR 7.00 Appendix C(9)(b), any compliance demonstration with the allowable smoke/opacity emission limit shall be in accordance with EPA Method 9, as specified in 40 CFR 60, Appendix A.</p> <p>18. In accordance with 310 CMR 7.71(1) and Appendix C(9), the Permittee shall establish and maintain data systems or record keeping practices (e.g. fuel use records, SF<sub>6</sub> usage documentation, Continuous Emissions Monitoring System) for greenhouse gas<sup>2</sup> emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c. 298, § 6. (State Only Requirement)</p> |

**Table 4 Key:**

- |   |   |
|---|---|
| EU = Emission Unit  | Sf <sub>6</sub> = Sulfur Hexafluoride               |
| CO = Carbon Monoxide  | CO <sub>2</sub> = Carbon Dioxide                    |
| PM = Total Particulate Matter                                       | VOC = Volatile Organic Compounds                    |
| NO <sub>x</sub> = Nitrogen Oxides                                   | ≤ = less than or equal to                           |
| NH <sub>3</sub> = Ammonia   | % = percent   |
| lbs/MMBtu = pounds per Million British thermal units                | ASTM = American Society for Testing of Materials    |
| gm/bhp-hr = grams per brake horsepower for one hour (engine output) | ppmdv = parts per million by volume                 |
| lbs/hr = pounds per hour  | HAPs (total) = total Hazardous Air Pollutants       |
| CFR = Code of Federal regulations                                   | % = percent   |
| CMR = Code of Massachusetts regulations                             | TPM = tons per month                                |
|   | TPY = tons per rolling 12-month period <sup>3</sup> |

**Table 4 Foot Notes:**

1. Based on a one-hour averaging time.
2. 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: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).
3. To calculate the amount of a consecutive 12 month rolling period take the current calendar month and add it to the previous 11 calendar months.

**Table 5a**

| EU                   | Record Keeping Requirements   |
|----------------------|---|
| EU 1<br>EU 2<br>EU 3 | 1. In accordance with 310 CMR 7.19(13)(d)3., measure and record for each engine on a daily basis; the type fuel(s) burned, the heat content of each fuel, the total heating value of the fuel, and the allowable emission rate.   |
|                      | 2. In accordance with 310 CMR 7.19(8)(e)5., and MassDEP Approval # 1-B-94-033, maintain records to certify that the ignition timing of the engine has been inspected and adjusted at least once every three years.  |
|                      | 3. In accordance with 310 CMR 7.19(8)(e)3., and MassDEP Approval # 1-B-94-033, determine the hours of operation for each engine for the previous 12 month period on a monthly basis.  |
|                      | 4. In accordance with Regulation 310 CMR 7.19(13)(d)7., 8., and 9., maintain copies of all fuel certifications or fuel oil analyses on-site for 5 years in a permanently bound log book or any other form acceptable to the MassDEP including computer retained and generated data, and shall submit compliance records within 10 days of written request by the MassDEP or EPA.  |
|                      | 5. In accordance with 40 CFR §63.6655(a), keep the records described in paragraphs (a)(1) through (a)(5) of this section as follows: <ul style="list-style-type: none"> <li>a. (1) A copy of each notification and report that the Permittee submitted to comply with this subpart, including all documentation supporting any initial Notification or Notification of Compliance Status that the Permittee submitted according to the requirement in §63.10(b)(2)(xiv).</li> <li>b. (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>c. (3) Records of performance tests and performance evaluations as required in §63.10(b)(2)(viii).</li> <li>d. (4) Records of all required maintenance performed on the air pollution control and monitoring equipment.</li> <li>e. (5) Records of actions taken during periods of malfunction to minimize emissions in accordance with §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> </ul> |
|                      | 6. In accordance with 40 CFR §63.6655(b), for each CEMS or CPMS, the Permittee must keep the records listed in paragraphs (b)(1) through (b)(2) of this section as follows: <ul style="list-style-type: none"> <li>a. (1) Records described in §63.10(b)(2)(vi) through (xi).</li> <li>b. (2) Previous (i.e. superseded) versions of the performance evaluation plan as required in §63.8(d)(3).</li> </ul>   |
|                      | 7. In accordance with 40 CFR §63.6655(d), for each CEMS or CPMS, the Permittee must keep the records listed Table 6 of Subpart ZZZZ as follows: <ul style="list-style-type: none"> <li>a. Collecting the catalyst inlet temperature data according to §63.6625(b); and</li> <li>b. Reducing the catalyst inlet temperature data to 4-hour rolling averages; and</li> <li>c. Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and</li> <li>d. Measuring the pressure drop across the catalyst once per month (when operational) and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.</li> </ul>  |
|                      | 8. In accordance with 40 CFR §63.6660(a), keep records in a form suitable and readily available for expeditious review according to §63.10(b)(1).   |
|                      | 9. In accordance with 40 CFR §63.6660(b), as specified in §63.10(b)(1), keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report or record.  |
|                      | 10. In accordance with 40 CFR §63.6660(c), 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).  |

| <b>Table 5b</b> |   |
|-----------------|---|
| <b>EU</b>       | <b>Record Keeping Requirements</b>  |
| EU 4            | <p>11. In accordance with 310 CMR 7.02(8)(i)3., establish and maintain the following records:</p> <ul style="list-style-type: none"> <li>a. Information on equipment type, make and model, and maximum power input/output; and</li> <li>b. A log of operations, including date, time and duration of operation and reason for each start, fuel type and supplier; and</li> <li>c. Purchase orders, invoices, and other documents to support information in the log.</li> <li>d. A log of conditions under which the engine operated pursuant to 310 CMR 7.02(8)(i)2.</li> </ul> |
|                 | <p>12. In accordance with 310 CMR 7.02(8)(i)4., logs and records established under 310 CMR 7.02(8)(i)3 shall be made available to the Department or its designee upon request. The owner/operator shall certify that the log is accurate and true in accordance with 310 CMR 7.01(2)(c).</p>  |
| Facility-wide   | <p>13. In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records of all monitoring data and supporting information on-site for a period of at least 5 years from the date of monitoring sample, measurement, report or initial operating permit application.</p>  |
|                 | <p>14. In accordance with 310 CMR 7.12(3)(c), maintain copies of Source Registration and other information supplied to MassDEP to comply with 310 CMR 7.12 for five years from the date of submittal.</p>   |
|                 | <p>15. In accordance with 310 CMR 7.71 (6) (b) and (c), the Permittee shall keep on site at the facility documents of the methodology and data used to quantify emissions for a period of 5 years from the date the document is created. The Permittee shall make these documents available to MassDEP upon request. (State Only Requirement).</p>  |

**Table 5 Key**

EU = Emission Unit

CMR = Code of Massachusetts Regulations

CFR = Code of Federal Regulations

PCD = Pollution Control Device

CEMS = Continuous Emission Monitoring System

CPMS = Continuous Parameter Monitoring System

| <b>Table 6</b>       |  |
|----------------------|--|
| <b>EU</b>            | <b>Reporting Requirements</b>  |
| EU 1<br>EU 2<br>EU 3 | <p>1. In accordance with Regulation 310 CMR 7.19(8)(e)(4), and MassDEP Approval # 1-B-94-033, the Permittee must notify the MassDEP within 15 days of the end of the month if any engine operates &gt; 1000 hours for any consecutive 12-month period, and the facility is subject to the emissions standard in 310 CMR 7.19(8)(c) or (d) as applicable.</p> <p>2. In accordance with 40 CFR §63.6640(b), the Permittee must report each instance they did not meet the emission limitation or operating limitation in Tables 1a and 1b, Tables 2a and 2b, and Table 2d of 40 CFR Part 63 Subpart ZZZZ that apply. These instances are deviations. These deviations must be reported according to the requirements in 40 CFR §63.6650.</p> <p>3. In accordance with 40 CFR §63.6645(a), submit all of applicable notifications in 40 CFR §63.7(b) and (c), §63.8(e), (f)(4) and (f)(6), §63.9(b) through (e), and (g) and (h) by the dates specified.</p> <p>4. In accordance with 40 CFR §63.6650, submit each applicable report in Table 7 of 40 CFR Part 63 Subpart ZZZZ.</p>   |
| Facility-wide        | <p>5. In accordance with 310 CMR 7.12, the Permittee shall submit a Source Registration/Emission Statement Form to MassDEP on an annual basis.<sup>(1)</sup></p> <p>6. 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>7. 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> <p>8. In accordance with 310 CMR 7.00: Appendix C(10)(a), the Permittee shall submit to the MassDEP any stack test results for any contaminant obtained from stack testing required by MassDEP within such time as agreed to in the approved test protocol.</p> <p>9. 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>10. In accordance with 310 CMR 7.00: Appendix C(10)(f), the Permittee shall report to the MassDEP's Regional Bureau of Air and Waste all instances of deviations from permit requirements. <b>(See Provision 25 in "GENERAL CONDITIONS FOR OPERATING PERMIT").</b></p> <p>11. 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. (State Only Requirement).</p> |

**Table 6 Key**

EU = Emission Unit  
 CMR = Code of Massachusetts Regulations  
 > = greater than

PCD = Pollution Control Device  
 CFR = Code of Federal Regulations

**Table 6 Notes:**

1. The annual Source Registration/Emission Statement report shall be submitted to the MassDEP office specified in the instructions. *All other reports are to be submitted to the Western Regional Office.*

**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<br>Reduction of Single Occupant Commuter Vehicle Use | Employs fewer than 250 people  |
| 40 CFR Part 64<br>Compliance Assurance Monitoring                 | The exemption at 40 CFR 64.2(b)(1)(i) applies because the emission limitation the Permittee is meeting was proposed by EPA after November 15, 1990 and pursuant to section 112 of the Clean Air Act. |

## 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 8a.</b>     |   |
|----------------------|---|
| <b>EU</b>            | <b>Special Terms and Conditions</b>   |
| EU 1<br>EU 2<br>EU 3 | <ol style="list-style-type: none"> <li>1. In accordance with 40 CFR §63.6603, §63.6640 and Table 2b of 40 CFR 63 Subpart ZZZZ, use an oxidation catalyst to reduce the concentration of CO in each engine exhaust</li> <li>2. In accordance with 40 CFR §63.6603, §63.6640 and Table 2b of 40 CFR 63 Subpart ZZZZ, maintain the 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.</li> <li>3. In accordance with 40 CFR §63.6603, §63.6640 and Table 2b of 40 CFR 63 Subpart ZZZZ, shall maintain the temperature of the engine exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F.</li> <li>4. In accordance with 40 CFR §63.6605(a), be in compliance with the applicable emission limitations, applicable operating limitations, and other applicable requirements in 40 CFR Part 63 Subpart ZZZZ at all times.</li> <li>5. In accordance with 40 CFR §63.6605(b), operate and maintain the engines including associated air pollution control equipment and monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the Permittee to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to MassDEP which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.</li> </ol> |
| EU 4                 | <ol style="list-style-type: none"> <li>6. In accordance with 40 CFR §63.6625(f), install a non-resettable hour meter if one is not already installed.</li> <li>7. In accordance with 40 CFR §63.6640(f)(2), operate the emergency engine for any combination of the purposes specified below for a maximum of 100 hours per calendar year. Any operation for non-emergency situations listed below counts as part of the 100 hours per calendar year allowed.               <ol style="list-style-type: none"> <li>a. the Emergency Stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition MassDEP for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state or local standards require maintenance testing of emergency RICE beyond 100 hours per calendar year.</li> </ol> </li> </ol>   |

| <b>Table 8b.</b>             |  |
|------------------------------|--|
| <b>EU</b>                    | <b>Special Terms and Conditions</b>  |
| EU 4                         | <p>8. In accordance with 40 CFR §63.6640(f)(4), operate the Emergency Stationary RICE for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in §63.6640(f)(2). The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.</p> <p>a. Prior to May 3, 2014, the 50 hours per year for non-emergency situations can be used for peak shaving or non-emergency demand response to generate income for a facility, or to otherwise supply power as part of a financial arrangement with another entity if the engine is operated as part of a peak shaving (load management program) with the local distribution system operator and the power is provided only to the facility itself or to support the local distribution system.</p> <p>b. The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:</p> <ul style="list-style-type: none"> <li>(i) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.</li> <li>(ii) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.</li> <li>(iii) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards guidelines.</li> <li>(iv) The power is provide only to the facility itself or to support the local transmission and distribution system.</li> <li>(v) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.</li> </ul> |
|                              | <p>9. In accordance with 40 CFR Part 63 Subpart ZZZZ Table 2d, perform the following maintenance on the Emergency Stationary RICE:</p> <ul style="list-style-type: none"> <li>a. Change oil and filter every 500 hours of operation or annually, whichever comes first. The Permittee has the option to utilize an oil analysis program as described in §63.6625(i) or (j) in order to extend the specified oil change requirement.</li> <li>b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and</li> <li>c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.</li> </ul>   |
|                              | <p>10. In accordance with 40 CFR Part 63 Subpart ZZZZ Table 6, operate and maintain the Emergency Stationary RICE either according to the manufacturer's emission-related operation and maintenance instructions; or develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.</p>   |
| EU 1<br>EU 2<br>EU 3<br>EU 4 | <p>11. Emission units EU1 – EU4 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>  |

**Table 8 Key**

EU = Emission Unit  
 CFR = Code of Federal Regulations  
 CO = Carbon Monoxide

PCD = Pollution Control Device  
 RICE = Reciprocating Internal Combustion Engine  
 °F = degrees Fahrenheit

## 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 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, 7.71, 7.72, 7.74, 7.75 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

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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.

affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

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

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

## **25. PERMIT DEVIATION**

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

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

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

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Air and Waste Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site, <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 Air and Waste within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

## **26. OPERATIONAL FLEXIBILITY**

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

## **27. MODIFICATIONS**

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

## 28. OZONE DEPLETING SUBSTANCES

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

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
- 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
  - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
  - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
  - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
- 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
  - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
  - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
  - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
  - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the Permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor

vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.

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

## **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.

This 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.