



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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### AIR QUALITY OPERATING PERMIT

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

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

Shrewsbury Electric and Cable Operations  
100 Maple Street  
Shrewsbury, MA 01545-5398

**INFORMATION RELIED UPON:**

Operating Permit Tr. No. W074557  
NO<sub>x</sub> Emission Control Plan Tr. No. 79292  
Operating Permit Renewal Application Tr. No. X239624

**FACILITY LOCATION:**

Shrewsbury Electric and Cable Operations  
518 Rear Boston Turnpike  
Shrewsbury, MA 01545-5398

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 118/0664  
FMF FAC NO.: 51448  
FMF RO NO.: 161522

**NATURE OF BUSINESS:**

Electrical Power Generation

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

**RESPONSIBLE OFFICIAL:**

Name: Ralph Iaccarino  
Title: Manager of Engineering

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This Operating Permit shall expire on July 17, 2025

For the Department of Environmental Protection

Thomas A. Hannah,  
Permit Chief, Bureau of Air and Waste

July 17, 2020

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 Operating 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 Operating Permit.

#### **A. DESCRIPTION OF FACILITY AND OPERATIONS**

Shrewsbury Electric and Cable Operations (“Facility”) formerly known as Shrewsbury Electric Light and Power, 518 Rear Boston Turnpike, Shrewsbury, Massachusetts is classified under standard industrial code (SIC) 4911 – Electric Services. The Facility owns and operates five (5) diesel fired engine/generating sets. The Facility provides necessary backup function for the ISO grid, standby protection for the local utility grid, and a capacity reserve for the larger grid.

The Facility is not subject to Compliance Assurance Monitoring (“CAM”) of 40 CFR 64. In the original Operating Permit, the Facility was exempt because the engines did not have emission control equipment. Oxidations catalysts were installed on all five engines in the summer of 2014, however the exemption of 40 CFR 64.2(b)(1)(i) still applies because the Facility is meeting proposed emission limits of Section 112 of the Clean Air Act.

The Facility is subject to the Operating Permit Requirements of 310 CMR 7.00 Appendix C because it is a major stationary source since its potential emissions of nitrogen oxides (“NO<sub>x</sub>”) is greater than 50 tons per year. This permit adds a facility-wide emission cap for Hazardous Air Pollutants (“HAPs”), making it an area source for HAPs and includes the requirements of 40 CFR 63 Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, which were promulgated since the last renewal of the Operating Permit. The reciprocating internal combustion engines at the Facility are regulated by Subpart ZZZZ as existing non-emergency compression ignition engines greater than 500 horsepower at an area source of HAPs. The engines have displacement less than 30 liters per cylinder and are not regulated as black start engines. They were stack tested on August 4-6, 2014 and again on July 9-11, 2019 and were determined to be in compliance with the emission limits in 40 CFR Part 63 ZZZZ, Table 2d.

The Facility is subject to Reasonably Available Control Technology (“RACT”) for sources of NO<sub>x</sub> in 310 CMR 7.19. Specifically, the five engines are subject to 310 CMR 7.19(8) which requires the submission of a NO<sub>x</sub> RACT Emissions Control Plan (“ECP”) and have it approved by MassDEP. On July 14, 1994, MassDEP issued NO<sub>x</sub> RACT ECP Approval Transmittal Number (“Tr”) 79292. The 1994 ECP stated that MassDEP considered all engines subject to 310 CMR 7.19(8).

Fuel sulfur requirements of 310 CMR 7.05(1)(a)(1) apply to the Facility. Compliance is demonstrated through meeting the requirements of 40 CFR 63.6604(a).

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, 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”).

The Facility has no gas-insulated switchgear, so is not subject to 310 CMR 7.72.

Additionally, this Operating Permit renewal removes the parts cleaner formerly identified as Emission Unit (“EU”) 6 as the unit no longer exists at the Facility. It also removed emission limits for particulate matter (“PM”) as 310 CMR 7.02 Tables 4 and 6 no longer apply.

## 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	General Motors diesel generator EMD Model no. 20-645E4, installed 1969	28.8 MMBtu/hr, 3,600 hp	Diesel oxidation catalyst
2	General Motors diesel generator EMD Model no. 20-645E4, installed 1969	28.8 MMBtu/hr, 3,600 hp	Diesel oxidation catalyst
3	General Motors diesel generator EMD Model no. 20-645E4, installed 1975	28.8 MMBtu/hr, 3,600 hp	Diesel oxidation catalyst
4	General Motors diesel generator EMD Model no. 20-645E4, installed 1975	28.8 MMBtu/hr, 3,600 hp	Diesel oxidation catalyst
5	General Motors diesel generator EMD Model no. 20-645E4, installed 1978	28.8 MMBtu/hr, 3,600 hp	Diesel oxidation catalyst

**Table 1 Key**

EU = Emission Unit  
 MMBtu/hr = Million British thermal units per hour

PCD = Pollution Control Device  
 hp = horsepower

### 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 Operating 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)

**Table 2 Key**

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
1-5	No. 2 fuel oil	NO <sub>x</sub>	< 1000 hours during any consecutive 12-month period. <sup>1, 2</sup>	9.0 g/bhp-hr <sup>3</sup>	310 CMR 7.19(8)(c)3; NO <sub>x</sub> ECP Approval Tr. No. 79292
			≥ 1000 hours during any consecutive 12-month period. <sup>1, 2</sup>	2.3 g/bhp-hr within 2 years <sup>3</sup>	310 CMR 7.19(8)(d)3
		SO <sub>2</sub>	NA	Fuel sulfur content: 15 parts per million, maximum  0.0015%	40 CFR 63.6604(a); 310 CMR 7.05(1)(a)
		Smoke	NA	Not to exceed #1 of the Chart <sup>4</sup>	310 CMR 7.06(1)(a)

<b>Table 3</b>					
EU	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No
1-5	No. 2 fuel oil	Opacity		Not to exceed 20% for a period or aggregate period in excess of 2 minutes during any one hour provided that at no time during the said 2 minutes shall opacity exceed 40%.	310 CMR 7.06(1)(b)
		CO		23 ppmvd at 15% O <sub>2</sub> or 70% reduction	40 CFR 63.6603(a) and 40 CFR 63 subpart ZZZZ Table 2d, #3
Facility-wide	All	HAP (total)		< 25 tpy	40 CFR 63.41(6)
		HAP (single)		< 10 tpy	40 CFR 63.41(6)
		Greenhouse Gas <sup>5</sup>		NA	310 CMR 7.71 (State Only Requirement)

**Table 3 Key:**

EU = Emission Unit CO = Carbon Monoxide HAP (single) = maximum single Hazardous Air Pollutant TPY = tons per consecutive 12-month period <sup>1</sup> CMR = Code of Massachusetts Regulations % = percent ppmvd @ 15% O <sub>2</sub> = parts per million by volume, corrected to 15 percent oxygen	NO <sub>x</sub> = Nitrogen Oxides SO <sub>2</sub> = Sulfur Dioxide HAP (total) = total Hazardous Air Pollutant < = less than CFR = Code of Federal Regulations ECP = Emission Control Plan g/bhp-hr = grams per brake horse power hour
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**Table 3 Foot Notes:**

1. To calculate the amount of a consecutive 12 month rolling period take the current calendar month amount and add it to the previous 11 calendar months total amount
2. Since March 9, 2018.
3. For all EUs, compliance with emission limit(s)/standard(s) shall be based on a one-hour averaging time unless a monitoring system allowed under 310 CMR 7.19(8)(c)4 or (d)4 is used, in which case, compliance will be determined on a calendar day average.
4. For a period or aggregate period of time in excess of 6 minutes during any one hour provided that at no time during the said 6 minutes shall the shade, density or appearance be greater than #2 of the Chart.
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 4:

<b>Table 4</b>	
<b>EU</b>	<b>Monitoring and Testing Requirements</b>
1-5	1. In accordance with 310 CMR 7.19(8)(e)2, the Permittee shall maintain an elapsed time meter and determine the cumulative operating hours of each engine on a daily basis and during the last 12-month consecutive period.
	2. In accordance with 310 CMR 7.19(13)(a)9 and 7.19(13)(c), the Permittee shall demonstrate compliance by performing an initial stack test for any of EUs 1-5 operating 1,000 hours or more in any consecutive 12-month period.
	3. In accordance with 310 CMR 7.19(13)(d)3, the Permittee shall monitor for each engine, the heat content of No. 2 fuel oil and total heating value of No. 2 fuel oil consumed daily, the actual emission rate, and the allowable emission rate.
	4. In accordance with 310 CMR 7.00: Appendix C (9)(b)2, the Permittee shall monitor sulfur content of each new shipment of No. 2 fuel oil received. Compliance with sulfur content can be demonstrated through testing or maintaining a shipping receipt from the fuel supplier. The shipment certification or testing of sulfur content shall be in accordance with the applicable ASTM International test methods or any other methods approved by the MassDEP and EPA.
	5. In accordance with 40 CFR 63.6612(a), the Permittee shall conduct any initial performance test or other initial compliance demonstration according to 40 CFR 63 Subpart ZZZZ Tables 4 and 5 that apply to the Permittee within 180 days after May 3, 2013 and according to the provisions in 40 CFR 63.7(a)(2).
	6. In accordance with 40 CFR 63.6603, the Permittee shall demonstrate compliance with the carbon monoxide numerical emission limitation in Table 3 of this Operating Permit 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 40 CFR 63 Subpart ZZZZ Table 4.
	7. In accordance with 40 CFR 63.6640(b), if the Permittee changes the catalyst in the diesel oxidation catalysts, the Permittee shall reestablish the value of the operating parameters measured during the initial performance test. When the Permittee reestablishes the values of the operating parameters, the Permittee shall also conduct a performance test to demonstrate that the Permittee is meeting the carbon monoxide numerical emission limit in Table 3 of this Operating Permit.
	8. In accordance with 40 CFR 63.6625(b), the Permittee shall install, operate and maintain each continuous parameter monitoring system (CPMS) according to the requirements in Table 4 Item 8) a) through f) of this Operating Permit below: <ul style="list-style-type: none"> <li>a) The Permittee shall prepare a site-specific monitoring plan that addresses the monitoring system design, data collection, and the quality assurance and quality control elements outlined in Table 4 Item 8) a) i) through v) below and in 40 CFR 63.8(d). As specified in 40 CFR 63.8(f)(4), the Permittee may request approval of monitoring system quality assurance and quality control procedures alternative to those specified in Table 4 Item 9) a) through e) below in the Permittee's site-specific monitoring plan.                         <ul style="list-style-type: none"> <li>i) The performance criteria and design specifications for the monitoring system equipment, including the sample interface, detector signal analyzer, and data acquisition and calculations;</li> <li>ii) Sampling interface (<i>e.g.</i> thermocouple) location such that the monitoring system will provide representative measurements;</li> <li>iii) Equipment performance evaluations, system accuracy audits, or other audit procedures;</li> <li>iv) Ongoing operation and maintenance procedures in accordance with provisions in 40 CFR 63.8(c)(1)(ii) and (c)(3); and</li> <li>v) Ongoing reporting and recordkeeping procedures in accordance with provisions in 40 CFR 63.10(c), (e)(1), and (e)(2)(i).</li> </ul> </li> <li>b) The Permittee shall install, operate, and maintain each CPMS in continuous operation</li> </ul>

<b>Table 4</b>	
<b>EU</b>	<b>Monitoring and Testing Requirements</b>
1-5	<p>according to the procedures in the Permittee’s site-specific monitoring plan.</p> <ul style="list-style-type: none"> <li>c) The CPMS must collect data at least once every 15 minutes (see also 40 CFR 63.6635).</li> <li>d) For a CPMS for measuring temperature range, the temperature sensor must have a minimum tolerance of 2.8 degrees Celsius (5 degrees Fahrenheit) or 1 percent of the measurement range, whichever is larger</li> <li>e) The Permittee shall conduct the CPMS equipment performance evaluation, system accuracy audits, or other audit procedures specified in the Permittee’s site-specific monitoring plan at least annually.</li> <li>f) The Permittee shall conduct a performance evaluation of each CPMS in accordance with the Permittee’s site-specific monitoring plan.</li> </ul>
	9. In accordance with 40 CFR 63.6635(b), except for monitor malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the Permittee must operate the CPMS continuously at all times EUs 1-5 are operating.
	10. In accordance with 40 CFR 63.6635(c), the Permittee shall 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 shall, however, use all the valid data collected during all other periods.
	11. In accordance with CFR 63.6640(a), the Permittee shall demonstrate continuous compliance with each emission limitation and operating limitation in 40 CFR 63 Subpart ZZZZ Tables 2b and 2d that apply according to the methods in 40 CFR Subpart ZZZZ Table 6 Item 10, as follows: <ul style="list-style-type: none"> <li>a) The Permittee shall conduct performance tests every 8,760 hours of operation or every 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 shall collect the catalyst inlet temperature data according to Table 4 Item 9) of this Operating Permit; and</li> <li>c) The Permittee shall reduce the data collected pursuant to b) above to 4-hour rolling averages; and</li> <li>d) The Permittee shall maintain the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature in Table 8 Item 7) b) ii) of this Operating Permit; and</li> <li>e) The Permittee shall measure the pressure drop across the catalyst once per month and demonstrate that the pressure drop across the catalyst is within the operating limitation established during the performance test.</li> </ul>
	12. In accordance with 40 CFR 63.6615, 40 CFR 63.6620(a) and 40 CFR 63 Subpart ZZZZ Table 3 Item 4, the Permittee shall conduct subsequent performance tests every 8,760 hours of operation or 3 years, whichever comes first.
	13. In accordance with 40 CFR 63.6620(b), the Permittee shall conduct each performance test according to the requirements of 40 CFR 63 Subpart ZZZZ Table 4 Items 1 or 3.
	14. In accordance with 40 CFR 63.6620(d), the Permittee shall conduct three separate runs for each performance test required by Table 4 Items (6) and (13) of this Operating Permit as specified in 40 CFR 63.7(e)(3). Each test must last at least 1 hour, unless otherwise specified in 40 CFR 63 Subpart ZZZZ.
	15. In accordance with 40 CFR 63.6620(e), the Permittee must demonstrate compliance with percent reduction requirements of 40 CFR 63 Subpart ZZZZ Tables 3 and 4.



<b>Table 4</b>	
<b>EU</b>	<b>Monitoring and Testing Requirements</b>
1-5	<p>16. In accordance with 40 CFR 63.6630(a), the Permittee shall demonstrate initial compliance with the CO percent reduction requirement or emission limit in Table 3 of this Operating Permit according to the requirements of 40 CFR 63 Subpart ZZZZ Table 5 Items 1 or 2, as follows:</p> <ul style="list-style-type: none"> <li>a) The Permittee shall demonstrate initial compliance with the CO percent reduction requirement if:                             <ul style="list-style-type: none"> <li>i) The average reduction of emissions of CO determined from the initial performance test is 70 percent or greater; and</li> <li>ii) The Permittee has installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in Table 4 Item 9) of this Operating Permit; and</li> <li>iii) The Permittee has recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.</li> </ul> </li> <li>b) The Permittee shall demonstrate initial compliance with the CO emission limit requirement if:                             <ul style="list-style-type: none"> <li>i) The average CO concentration determined from the initial performance test is less than or equal to 23 ppmvd at 15 percent oxygen; and</li> <li>ii) The Permittee has installed a CPMS to continuously monitor catalyst inlet temperature according to the requirements in Table 4 Item 9) of this Operating Permit; and</li> <li>iii) The Permittee has recorded the catalyst pressure drop and catalyst inlet temperature during the initial performance test.</li> </ul> </li> </ul> <p>17. In accordance with 40 CFR 63.6630(b), during the initial performance test the Permittee shall establish the following operating limitations in accordance with 40 CFR 63 Subpart ZZZZ Table 2b Item 2:</p> <ul style="list-style-type: none"> <li>a) The pressure drop across the diesel oxidation catalysts; and</li> <li>b) The diesel oxidation catalysts inlet temperature.</li> </ul>
Facility-wide	<p>18. In accordance with 310 CMR 7.13(1), the Permittee shall conduct stack testing when MassDEP has determined that such stack testing is necessary to ascertain compliance with MassDEP regulations or design approval provisos or with the emission limits specified in Table 3 of this Operating Permit. Such stack testing shall be;</p> <ul style="list-style-type: none"> <li>a) Conducted by a person knowledgeable in stack testing, and;</li> <li>b) Conducted in accordance with procedures contained in a test protocol which has been approved by MassDEP, and;</li> <li>c) Conducted in the presence of a MassDEP representative when such is deemed necessary.</li> </ul> <p>Emissions Compliance Testing (Stack Testing), shall be performed in accordance with 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A (Method 7E for oxides of nitrogen (NO<sub>x</sub>), Method 6C for sulfur dioxide (SO<sub>2</sub>), Method 10 for carbon monoxide (CO), Methods 1 through 5 for Particulate Matter (PM), Methods 201/201A and 202 for PM<sub>10</sub>/PM<sub>2.5</sub>, Method 3A for oxygen (O<sub>2</sub>), Method 9 for opacity, or any other test method approved by MassDEP or EPA). Prior to stack testing, appropriate testing ports shall be constructed so as to accommodate the requirements as stipulated in 40 CFR Part 60, Appendix A</p> <p>19. In accordance with 310 CMR 7.00 Appendix C(9)(b), the Permittee shall 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, The Clean Air Act, subsections 504(a) and 504(b) or 114(a)(3).</p> <p>20. The Permittee shall monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</p>

<b>Table 4</b>	
<b>EU</b>	<b>Monitoring and Testing Requirements</b>
Facility-wide	21. 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 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)

**Table 4 Key:**

- |   |   |
|---|---|
| EU = Emission Unit                                | O <sub>2</sub> = Oxygen                       |
| CO = Carbon Monoxide                              | SF <sub>6</sub> = Sulfur Hexafluoride         |
| CO <sub>2</sub> = Carbon Dioxide                  | PCD = Pollution Control Device                |
| CMR = Code of Massachusetts Regulations           | CFR = Code of Federal Regulations             |
| ASTM = American Society for Testing and Materials | CPMS = Continuous Parameter Monitoring System |
| EPA = Environmental Protection Agency             | ppmvd = parts per million by volume, dry      |

<b>Table 5</b>	
<b>EU</b>	<b>Record Keeping Requirements</b>
1-5	<ol style="list-style-type: none"> <li>1. In accordance with 310 CMR 7.19(13)(d)3, the Permittee shall record for each EU on a daily basis: the heat content of No. 2 fuel oil and total heating value of No. 2 fuel oil consumed daily, the actual emission rate and the allowable emission rate.</li> <li>2. In accordance with 310 CMR 7.19(13)(d)8, the Permittee shall maintain all records required by 310 CMR 7.19(13) on site for a period of five years.</li> <li>3. In accordance with NO<sub>x</sub> ECP Tr. No. 79292 and 310 CMR 7.19(8)(e)5., the Permittee shall maintain records to certify that the ignition timing has been inspected and adjusted at least once every three years.</li> <li>4. In accordance with NO<sub>x</sub> ECP Tr. No. 79292 and 310 CMR 7.19(8)(e)3., the Permittee shall maintain records of the hours of operation for each engine on a monthly basis and during the previous twelve (12) month period.</li> <li>5. In accordance with 40 CFR 63.6655, the Permittee shall keep the following records:                         <ol style="list-style-type: none"> <li>a) A copy of each notification and report that the Permittee submitted to comply with 40 CFR 63 Subpart ZZZZ, including all documentation supporting any Initial Notification or Notification of Compliance Status that the Permittee submitted, according to the requirement in 40 CFR 63.10(b)(2)(xiv).</li> <li>b) 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) Records of performance tests and continuous parameter monitoring system performance evaluations and opacity and visible emissions observations as required by 40 CFR 63.10(b)(2)(viii).</li> <li>d) Records of all required maintenance performed on the diesel oxidation catalysts and continuous parameter monitoring system.</li> <li>e) Records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR 63.6605(b), including corrective action to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.</li> <li>f) For the continuous parameter monitoring system, the Permittee shall keep the following</li> </ol> </li> </ol>

<b>Table 5</b>	
<b>EU</b>	<b>Record Keeping Requirements</b>
1-5	<p>records listed in 40 CFR 63.10(b)(2)(vi) through (xi):</p> <ul style="list-style-type: none"> <li>i) Each period during which a CPMS is malfunctioning or inoperative (including out-of-control periods);</li> <li>ii) All required measurements needed to demonstrate compliance with a relevant standard (including, but not limited to, 15-minute averages of CPMS data, raw performance testing measurements, and raw evaluation measurements, that support data that the source is required to report). The MassDEP, upon notification to the Permittee, may require the Permittee to maintain all measurements as required by Table 5 Item 7) f), of this Operating Permit, if the MassDEP determines these records are required to more accurately assess the compliance of the Permittee.</li> <li>iii) All results of performance tests, CPMS performance evaluations, and opacity and visible emission observations;</li> <li>iv) All measurements as may be necessary to determine the conditions of performance tests and performance evaluations;</li> <li>v) All CPMS calibration checks; and</li> <li>vi) All adjustments and maintenance performed on CPMS</li> <li>g) For the continuous parameter monitoring system, the Permittee shall keep the following records:                         <ul style="list-style-type: none"> <li>i) Previous (i.e. superseded) versions of the performance evaluation plan as required by 40 CFR 63.8(d)(3).</li> <li>ii) Requests for alternatives to the relative accuracy test for CPMS as required by 40 CFR 63.8(f)(6)(i), if applicable.</li> </ul> </li> </ul> <p>6. In accordance with 40 CFR 63.6655(d), the Permittee shall keep records required by 40 CFR 63 Subpart ZZZZ Table 6 Item 10) and Item 12) of Table 4 of this Operating Permit to show continuous compliance with each emission or operating limitation that applies to the Permittee.</p>
Facility-wide	<p>7. In accordance with 310 CMR 7.00: Appendix C (10)(b), the Permittee shall maintain records of all monitoring data and supporting information required by this Operating Permit on site for five (5) years from the date of the monitoring sample, measurement, report or initial Operating Permit application.</p> <p>8. In accordance with 310 CMR 7.12(3)(c), the Permittee shall retain copies of the Source Registration/Emissions Statement Forms and other information supplied annually to the MassDEP for five (5) years from the date of submittal.</p> <p>9. In accordance with 310 CMR 7.12 and 310 CMR 7.00 Appendix C (10)(c), the Permittee shall maintain sufficient records of its operations and monitoring information for the annual preparation of a Source Registration/Emission Statement form, and the semi-annual monitoring report summary.</p> <p>10. 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 five (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	ECP = Emission Control Plan
CMR = Code of Massachusetts Regulations	CFR = Code of Federal Regulations
CPMS = Continuous Parameter Monitoring System	

<b>Table 6</b>	
<b>EU</b>	<b>Reporting Requirements</b>
1-5	1. In accordance with 310 CMR 7.19(13)(d)9, the Permittee shall submit compliance records within ten (10) days of written request by MassDEP or EPA.
	2. In accordance with 310 CMR 7.19(13)(c)1., the Permittee shall submit a pretest protocol for review and MassDEP written approval at least 60 days prior to the anticipated date of testing for NOx emissions. The Permittee shall include a description of sampling point locations, sampling equipment, sampling and analytical procedures, and the operating conditions for the required testing in the pretest protocol as provided in 310 CMR 7.19(13)(c)2.
	3. In accordance with 310 CMR 7.19(13)(c)6., the Permittee shall submit the emission test report for review and MassDEP written approval within 60 days of the completion of the compliance stack testing for NOx emissions.
	4. In accordance with 310 CMR 7.19(8)(e)4, the Permittee shall immediately notify MassDEP if the operating hours of any engine is 1,000 hours or more during any consecutive 12-month period and the facility is subject to the emission standard in 310 CMR 7.19(8)(d).
	5. In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by the MassDEP that stack testing is necessary to ascertain compliance with the MassDEP’s regulations or design approval provisos, the Permittee shall cause such stack testing to be summarized and submitted to the MassDEP as described in the pretest protocol.
	6. In accordance with CFR 63.6640(b), the Permittee shall report each instance in which the Permittee did not meet the emission limitations and operating limitations in 40 CFR 63 Subpart ZZZZ Table 2b Item 2 and Table 2d Item 3. These instances are deviations from the emission and operating limitations in 40 CFR 63 Subpart ZZZZ. These deviations must be reported according to the requirements of 40 CFR 63.6650.
	7. In accordance with 40 CFR 63.6645(a), the Permittee shall submit all of the 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) that apply to the Permittee by the dates specified.
	8. In accordance with 40 CFR 63.6650(a) and 40 CFR 63 Subpart ZZZZ Table 7 Item 1, the Permittee shall include the following in the report required by Table 6 Item 11) of this Operating Permit. <ul style="list-style-type: none"> <li>a) If there are no deviations from any emission limitations or operating limitations that apply to the Permittee, a statement that there were no deviations from the emission limitations or operating limitations during the reporting period. If there were no periods during which the CPMS was out-of-control as specified in 40 CFR 63.8(c)(7), a statement that there were not periods during which the CPMS was out-of-control during the reporting period; or</li> <li>b) If the Permittee had a deviation from any emission limitation or operating limitation during the reporting period, the following information required by 40 CFR 63.6650(d):                             <ul style="list-style-type: none"> <li>i) Company name and address.</li> <li>ii) Statement by a responsible official, with that official’s name, title, and signature, certifying the accuracy of the content of the report.</li> <li>iii) Date of report and beginning and ending dates of the reporting period.</li> <li>iv) If the Permittee had a malfunction during the reporting period, the compliance report must include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report also must include a description of actions taken by the Permittee during a malfunction to minimize emissions in accordance with 40 CFR 63.6605(b), including actions taken to correct a malfunction.</li> <li>v) The total operating time of the EU at which the deviation occurred during the reporting period.</li> <li>vi) Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.</li> </ul> </li> <li>c) If there were periods during which the CPMS was out-of-control as specified in 40 CFR 63.8(c)(7), the following information required by 40 CFR 63.6650(e);                             <ul style="list-style-type: none"> <li>i) Company name and address,</li> <li>ii) Statement by a responsible official, with that official’s name, title, and signature,</li> </ul> </li> </ul>

<b>Table 6</b>	
<b>EU</b>	<b>Reporting Requirements</b>
1-5	<p>certifying the accuracy of the content of the report</p> <ul style="list-style-type: none"> <li>iii) Date of report and beginning and ending dates of the reporting period.</li> <li>iv) If the Permittee had a malfunction during the reporting period, the compliance report must include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of the actions taken by the Permittee during a malfunction of any EU to minimize emissions in accordance with CFR 63.6605(b), including actions taken to correct a malfunction.</li> <li>v) The date and time that each malfunction started and stopped.</li> <li>vi) The date, time, and duration that the CPMS was inoperative, except for zero (low-level) and high-level checks.</li> <li>vii) The date, time, and duration that the CPMS was out-of-control, including the information in 40 CFR 63.8(c)(8).</li> <li>viii) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction or another period.</li> <li>ix) A summary of the total duration of the deviations during the reporting period, and the total duration as a percent of the total source operating time during the reporting period.</li> <li>x) A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown cases.</li> <li>xi) A summary of the total duration of CPMS downtime during the reporting period, and the total duration of CPMS downtime as a percent of the total operating time of the EU at which the CPMS downtime occurred during the reporting period.</li> <li>xii) An identification of each parameter that was monitored at the EU.</li> <li>xiii) A brief description of the EU.</li> <li>xiv) A brief description of the CPMS.</li> <li>xv) The date of the latest CPMS certification or audit.</li> <li>xvi) A description of any changes in CPMS, processes, or controls since the last reporting period, or</li> </ul> <p>d) If the Permittee had a malfunction during the reporting period, the following information required by 40 CFR 63.6650(c)(4): the compliance report must include the number, duration, and a brief description for each type of malfunction which occurred during the reporting period and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by the Permittee during a malfunction of an EU to minimize emissions in accordance with 40 CFR 63.6605(b) including actions taken to correct a malfunction.</p>
Facility-wide	<p>9. In accordance with 310 CMR 7.12, the Permittee shall submit a Source Registration/Emission Statement Form to MassDEP on an annual basis.</p> <p>10. In accordance with 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>11. In accordance with 310 CMR 7.00: Appendix C(10)(c)., the Permittee shall report a summary of all monitoring data and related supporting information to MassDEP at least every six months (January 30 and July 30 of each calendar year).</p> <p>12. In accordance with 310 CMR 7.00: Appendix C(10)(f), the Permittee shall report to the MassDEP all instances of deviations from permit requirements (including but not limited to emission limitations/standards, Standard Operating and Maintenance Procedures) by telephone, email, or fax, as soon as possible, but no later than three (3) business days and followed by a written explanation within ten (10) days of discovery of such deviation.</p> <p>13. In accordance with Appendix C(10)(h), a responsible official of the Permittee shall certify all required reports consistent with 310 CMR 7.00 Appendix C(5)(c).</p>

<b>Table 6</b>	
<b>EU</b>	<b>Reporting Requirements</b>
Facility-wide	14. 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).
	15. 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.

**Table 6 Key**

EU = Emission Unit	EPA = Environmental Protection Agency
CFR = Code of Federal Regulations	CMR = Code of Massachusetts Regulations
CPMS = Continuous Parameter Monitoring System	

**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 – Reduction of Single Occupant Commuter Vehicle Use	Permittee has less than 250 employees.
40 CFR 64 – Compliance Assurance Monitoring (CAM)	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.

**Table 7 Key**

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

**Table 8.**

EU	Special Terms and Conditions
1-5	1. In accordance with 310 CMR 7.10, EUs 1-5 shall continue to be equipped and operated with exhaust silencers to attenuate sound from the engines and assure that they do not contribute to a condition of air pollution. (State Only Requirement).
	2. In accordance with 310 CMR 7.19(8)(e)1, the Permittee shall set and maintain the ignition timing of each engine four degrees retarded relative to standard timing; provided the ignition timing shall not be retarded beyond the point that: <ul style="list-style-type: none"> <li>a) The carbon monoxide emission concentration increases by 100 parts per million by volume, dry basis, corrected to 15% oxygen, or</li> <li>b) The turbocharger speed is increased beyond the maximum operating speed recommended by the manufacturer, or</li> <li>c) The exhaust port temperature increases beyond the manufacturer's recommended maximum operating temperature.</li> </ul>
	3. In accordance with 310 CMR 7.19(8)(d), for a stationary RICE that has operated for 1000 hours or more during any consecutive 12-month period since March 9, 2018, the Permittee shall have until two years after the 12-month consecutive period that exceeded the 1000 hour of operations to comply with the applicable NO <sub>x</sub> emission standards.
	4. In accordance with 310 CMR 7.19(8)(f) and 7.19(3), the Permittee shall submit an Emission Control Plan to MassDEP within 180 days after the engine has operated 1000 hours or more during any 12-month consecutive period since March 9, 2018 if the Facility requires installation of air pollution controls or retrofitting of air pollution controls, or proposes to use ERCs to meet applicable emission standards.
	5. In accordance with 40 CFR 63.6604(a), the Permittee shall use diesel fuel that meets the following requirements: <ul style="list-style-type: none"> <li>a) A maximum sulfur content of 15 parts per million, and</li> <li>b) A minimum cetane index of 40, or</li> <li>c) A maximum aromatic content of 35 volume percent.</li> </ul>
	6. In accordance with 40 CFR 63.6605(a), the Permittee shall be in compliance with the emission limitations, operating limitations, and other requirements in 40 CFR 63 Subpart ZZZZ that apply to the Permittee at all times.
	7. In accordance with 40 CFR 63.6605(b), at all times the Permittee shall operate and maintain EUs 1-5, 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 generally 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 the 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 Facility.
	8. In accordance with 40 CFR 63.6625(h), the Permittee shall minimize EUs 1-5 time spent at idle during startup and minimize the engines' startup time to a period needed for appropriate and safe loading of the engines, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in 40 CFR 63 Subpart ZZZZ Table 2d Item 3 apply.
	9. In accordance with 40 CFR 63.6605(a), the Permittee shall be in compliance with the following at all times: <ul style="list-style-type: none"> <li>a) Emission limitations in 40 CFR 63 Subpart ZZZZ Table 2d Item 3: <ul style="list-style-type: none"> <li>i) Limit the concentration of CO in EUs 1-5 exhaust to 23 ppmvd at 15 percent O<sub>2</sub>; or</li> <li>ii) Reduce CO emissions by 70 percent or more.</li> </ul> </li> <li>b) Operating limitations in 40 CFR 63 Subpart ZZZZ Table 2b Item 2: <ul style="list-style-type: none"> <li>i) 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; and</li> <li>ii) Maintain the temperature of EUs 1-5 exhaust so that the catalyst inlet temperature is greater than or equal to 450 °F and less than or equal to 1350 °F.</li> </ul> </li> </ul>

<b>Table 8.</b>	
<b>EU</b>	<b>Special Terms and Conditions</b>
1-5	c) EUs 1-5 are subject to the requirements of 40 CFR 63.1-15, Subpart A, "General Provisions" as indicated in Table 8 to 40 CFR 63 Subpart ZZZZ. Compliance with all applicable provisions therein is required.
Facility-wide	10. In accordance with 310 CMR 7.01(1), should any nuisance condition(s) occur as a result of the operation of EUs 1-5, then the Permittee shall immediately take steps to abate said nuisance condition(s). (State Only Requirement)

**Table 8 Key**

EU = Emission Unit	CO = Carbon Monoxide
O <sub>2</sub> = Oxygen	CMR = Code of Massachusetts Regulations
CFR = Code of Federal Regulations	ppmvd = parts per million by volume, dry
% = Percent	°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.

**A. 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 Operating 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), 7.70, 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,

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.

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and that causes the source to exceed a technology based limitation under the Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the 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.

Notwithstanding the foregoing, pursuant to the Governor's Executive Order Continuing to Extend the Validity of Certain State Permits, COVID-19 Order No. 42, any person aggrieved by this decision and whose right to appeal a decision expires after July 1, 2020 shall have until the end of the regular, applicable statutory or regulatory deadline or by August 10, 2020, whichever date is later.