



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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FINAL AIR QUALITY OPERATING PERMIT

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

ISSUED TO ["the Permittee"]:

Marzetti Manufacturing Company
15 Kendrick Road
Wareham, MA 02571

INFORMATION RELIED UPON:

Application/Approval No.: SE-12-041
ePlace Authorization No.: AQ14-0000107
Minor Modification Application No.: 21-AQ10-0002-AMD
ePlace Authorization No.: AQ14-0000107

FACILITY LOCATION:

Marzetti Manufacturing Company
15 Kendrick Road
Wareham, MA 02571

FACILITY IDENTIFYING NUMBERS:

AQ ID: 1200745
SMS / FMF FAC NO.: 362437
FMF RO NO.: 401994

NATURE OF BUSINESS:

Bakery

Standard Industrial Classification (SIC): 2051
North American Industrial Classification System (NAICS):
311812

RESPONSIBLE OFFICIAL:

Name: Mr. Chris Bolduc
Title: Plant Manager

FACILITY CONTACT PERSON:

Name: Mr. Chris Bolduc
Title: Plant Manager
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This Operating Permit shall expire on January 28, 2025.

For the Department of Environmental Protection, Bureau of Air and Waste

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

Thomas Cushing, Chief, Permit Section

July 13, 2023
Date

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.
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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

Marzetti Manufacturing Company, (“the Permittee”) operates an existing commercial bakery, whose products are croutons, in a facility located in Wareham, Massachusetts. On December 13, 2012, MassDEP approved the Permittee’s application to expand production, and categorized the facility as a major source of air pollution as defined in 310 CMR 7.00: Appendix C, with potential Volatile Organic Compounds (VOC) emissions equal to or greater than fifty (50) tons per year. The same MassDEP approval also categorized the Facility as a non-major source of Hazardous Air Pollutant (HAP), since the facility-wide potential total Hazardous Air Pollutants (HAPs total) emissions were below twenty-five (25) tons per year, and potential single HAP emissions were below ten (10) tons per year. Final Air Quality Operating Permit, ePlace Authorization AQ14-0000107, was issued to the Permittee on January 28, 2020. This minor modification adds a new oven (Emission Unit (EU-19)), as approved by ePlace authorization AQ01P-0000107. This new oven replaces formerly approved oven EU-16, which has been removed from the facility. There are no changes in facility-wide VOC process emission limits already in effect, however oven EU-19 annual process VOC emissions are capped at 9.90 tons per year. This minor modification also changes the name of the facility from “T. Marzetti Company/ Chatham Village Foods, Inc.” to “Marzetti Manufacturing Company”.

The production process at the facility consists of mixing flour, water, salt, and yeast into a dough, allowing it to rise, followed by forming, baking, and cooling. The yeast added to the bread dough generates ethanol, a VOC, during the fermentation (rising) of breadmaking. These VOCs, and a smaller amount of Hazardous Air Pollutants (HAPs) are emitted from the baking ovens. The bread is then toasted for croutons in the dryer, and VOCs are released when seasonings are introduced. The amount of VOC emitted is directly proportional to the production rate and product mix.

Another emission source is the natural gas combustion in the baking ovens and dryer, which emit VOCs, oxides of nitrogen (NO_x), carbon monoxide (CO), particulate matter (PM), particulate matter less than or equal to 10 microns in diameter (PM₁₀), and particulate matter less than or equal to 2.5 microns in diameter (PM_{2.5}). Propane may be used as an alternate fuel.

The approved operation consists of thirteen (13) bread-baking rack ovens (Emission Units Nos. 1 through 3, 8 through 15, 17, and 19), and one (1) Proctor Dryer & seasoning application drum (Emission Unit No. 18). Each oven has a separate exhaust stack, which discharges the products of combustion and process emissions, at an exhaust height of 30 feet above the ground. The dryer and

drum each have separate stacks, and discharge products of combustion and process emissions at exhaust heights of 68 and 70 feet above the ground, respectively.

Portions of 310 CMR 7.18(29) Bakeries apply to the facility. Based on an scenario of operating each oven 8,760 hours per year, the Permittee has demonstrated that each approved oven in the facility is not capable of emitting greater than or equal to twenty-five (25) tons of VOC in any calendar year as well as any consecutive 12 month rolling period, and therefore meets the exemption criteria contained in 310 CMR 7.18(29)(d), and is exempt from the Reasonably Available Control Technology Requirement (RACT) contained in 310 CMR 7.18(29)(e) and emission control Plan Submittal Requirement contained in 310 CMR 7.18(29)(f). The Facility remains subject to 310 CMR 7.18(29)(g) and (h), and these Recordkeeping Requirements and Testing Requirements (respectively) are contained in Tables 5 and 4 of this Air Quality Operating Permit. The Permittee has an obligation to conduct appropriate monitoring and maintain appropriate records to maintain compliance with 310 CMR 7.18(29).

Massachusetts Greenhouse Gas Reporting Program

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

Pursuant to 310 CMR 7.71(2) *Definitions*: Greenhouse Gas means any chemical or physical substance that is emitted into the air and that MassDEP may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO₂, CH₄, N₂O, SF₆, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs). The Facility is also subject to 310 CMR 7.71: Reporting of Greenhouse Gas (GHG) Emissions.

Compliance Assurance Monitoring

The facility does not currently have any pollution control devices associated with facility emission units, and therefore is not subject to requirements at 40 CFR Part 64, Compliance Assurance Monitoring (CAM).

A list of any exempt activities shall be maintained as indicated in Section 3, Table 2. Operating Permit Section 4, Tables 3, 4, 5, and 6 list the facility emission, operational/production limits along with monitoring, testing, record-keeping and reporting requirements. Operating Permit Section 4, Table 7 lists regulations that are not applicable to the facility at this time.

This Authorization corrects a typographical error contained in Authorization No. AQ14-0000107 dated January 28, 2020. See Table 3, footnote 7 in this Authorization.

2. EMISSION UNIT IDENTIFICATION

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

Table 1			
Emission Unit (EU#)	Description of Emission Unit	EU Design Capacity	Pollution Control Device (PCD)
EU-1	Revent Oven Model S13	0.32 MMBtu/hr	None
EU-2	Revent Oven Model 620	0.375 MMBtu/hr	None
EU-3	Revent Oven Model 620	0.375 MMBtu/hr	None
EU-8	Revent Oven Model 620	0.375 MMBtu/hr	None
EU-9	Revent Oven Model 620	0.375 MMBtu/hr	None
EU-10	Revent Oven Model 620	0.375 MMBtu/hr	None
EU-11	Revent Oven Model 620	0.375 MMBtu/hr	None
EU-12	Revent Oven Model 703	0.560 MMBtu/hr	None
EU-13	Revent Oven Model 703	0.645 MMBtu/hr	None
EU-14	Revent Oven Model 703	0.645 MMBtu/hr	None
EU-15	Revent Oven Model 703	0.645 MMBtu/hr	None
EU-17	Revent Oven Model 703	0.645 MMBtu/hr	None
EU-19 ¹	Gemini Oven Model I62	0.600 MMBtu/hr	None
EU-18	Crouton Production: Proctor Dryer & Seasoning Application Drum	10.44 MMBtu/hr	None

Table 1 Key:

EU# = Emission Unit Number
 PCD = Pollution Control Device
 MMBtu/hr = million British thermal units per hour

Table 1 Note:

1. In this Minor Modification, EU-19, as approved in ePlace Authorization AQ01P-0000107, replaces the removed EU-16.

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):

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

Table 2 Key:

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

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 3							
EU #	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/ Standards ¹		Applicable Regulation and/or Approval No. and/or Authorization No.	
EU-1 EU-2 EU-3 EU-8 EU-9 EU-10 EU-11	Metabolized Yeast	VOC	13.62 TPM Process VOC	0.66 TPM each	13.62 TPM (all EUs combined)	SE-12-041, AQ14-0000107, 310 CMR 7.18(29)	
EU-12 EU-13 EU-14 EU-15 EU-17			84.17 TPY Process VOC	1.32 TPM each			
EU-19			Emissions calculated monthly from daily batch production records	< 25 TPY each			1.32 TPM, 9.90 TPY
EU-18			Seasoning				none
EU-1 EU-2 EU-3 EU-8 EU-9 EU-10 EU-11 EU-12 EU-13 EU-14 EU-15 EU-17	Metabolized Yeast	HAPs total	0.14 TPM Process HAPs		0.14 TPM (all EUs combined)	SE-12-041, AQ14-0000107	
EU-19			0.84 TPY Process HAPs				Emissions calculated monthly from daily batch production records
				0.013 TPM, 0.099 TPY		AQ01P-0000107	

Table 3 (cont'd)						
EU #	Fuel/ Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/ Standards ¹	Applicable Regulation and/or Approval No. and/or Authorization No.	
19	Natural gas Propane	NO _x (fuel)	0.600 MMBtu/hr Natural gas and propane shall be the only fuels	0.153 lb/MMBtu ⁶ 0.402 TPY	AQ01P-0000107	
		CO (fuel)		0.0824 lb/MMBtu 0.217 TPY		
		PM / PM ₁₀ / PM _{2.5} (fuel)		0.0075 lb/MMBtu 0.0197 TPY		
		VOC (fuel)		0.0054 lb/MMBtu 0.0142 TPY		
Facility- wide	Natural gas Propane	NO _x (fuel)	23.23 MMBtu/hr ² Natural gas and propane shall be the only fuels	0.153 lb/MMBtu ⁶ 11.25 TPY	SE-12-041, AQ14-0000107	
		CO (fuel)		0.0824 lb/MMBtu 6.06 TPY	SE-12-041, AQ14-0000107	
		PM / PM ₁₀ / PM _{2.5} (fuel)		0.0075 lb/MMBtu ⁷ 0.55 TPY	SE-12-041, AQ14-0000107	
		VOC (fuel)		0.0054 lb/MMBtu 0.397 TPY	SE-12-041, AQ14-0000107	
	All	Opacity	None	0%	SE-12-041, AQ14-0000107, AQ01P-0000107	
		Greenhouse Gas ³	N/A	N/A	310 CMR 7.71 (State only requirement)	

Table 3 Key:

- CMR = Code of Massachusetts Regulations
- CO = Carbon Monoxide
- EU = Emission Unit
- EU# = Emission Unit number
- HAPs total = Hazardous Air Pollutants (total) ⁵
- lbs/hr = pounds per hour
- lb/MMBtu = pounds per Million British thermal units
- MMBtu/hr = Million British thermal units per hour
- N/A = Not Applicable
- No. = Number
- NO_x = Nitrogen Oxides
- PM = Total Particulate Matter
- PM₁₀ = Particulate Matter less than or equal to 10 microns in diameter
- PM_{2.5} = Particulate Matter less than or equal to 2.5 microns in diameter
- TPM = Tons per month
- TPY = Tons per consecutive 12-month rolling period ⁴
- USEPA = United States Environmental Protection Agency
- VOC = Volatile Organic Compounds
- % = percent
- < = less than

Table 3 Notes:

- (1) For testing purposes, the following maximum VOC lbs/hr emission limits are presented below, based on calculations contained in USEPA document AP-42, using the maximum emission variables. The Permittee is not required to document continuous compliance.
EU-1, EU-2, EU-3, EU-8, EU-9, EU-10, EU-11: 1.777 lbs/hr each.
EU-12, EU-13, EU-14, EU-15, EU-19, EU-17: 3.555 lbs/hr each.
EU-18: 3.538 lbs/hr.
- (2) Facility-wide fuel operational limit includes all emission units, and all exempt fuel burning equipment in both buildings as contained in the Operating Permit Application, and ePlace Authorizations Nos. AQ14-0000107 and AQ01P-0000107. Emissions are based on 8,760 hours of operation per year. Additional exempt activities, as defined in 310 *Appendix C (5)(h)*, are not subject to operational and/or production limits, but are subject to the Facility-wide emissions limits/standards contained in this Air Quality Operating Permit.
- (3) 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 (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).
- (4) 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.
- (5) Hazardous Air Pollutants are as listed in the 1990 Clean Air Act (CAA) Amendments Section 112(b).
- (6) Based on the emission factor for propane which is larger than for natural gas.
- (7) Corrects a typographical error in Authorization No. AQ14-0000107, dated January 28, 2020.

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:

Table 4	
EU#	Monitoring And Testing Requirements
EU-1 EU-2 EU-3 EU-8 EU-9 EU-10 EU-11 EU-12 EU-13 EU-14 EU-15 EU-19 EU-17	1. In accordance with Plan Approval SE-12-041, Authorizations Nos. AQ14-0000107 and AQ01P-0000107, and 310 CMR 7.18 (29), monitor the following: <ul style="list-style-type: none"> a. The name and type of each product baked per day, b. The baker's yeast as a percent of flour for each product baked, c. Total yeast action time, for each product baked, d. The amount of product baked in tons per day, for each product baked, e. Yeast spike, as a percent of flour, f. Spiking time, g. The corresponding VOC emission factor for each product recipe based on the following formula: $EF = 0.95Y + 0.195T - 0.51S - 0.86ST + 1.90$ Where: EF = VOC emission factor in pounds of VOC per ton of product baked Y = initial baker's percent of yeast T = total yeast action time, in hours S = final (spike) baker's percent of yeast ST = spiking time, in hours h. Baking VOC emissions. $TPM = \text{the sum over all product recipes of the tons baked in the month} \times \text{the VOC EF}/2000.$ i. HAP emissions where total HAPs = 1% of total VOC emissions.
EU-18	2. In accordance with Plan Approval SE-12-041 and Authorization No. AQ14-0000107, for each seasoning recipe, monitor the following: <ul style="list-style-type: none"> a. The name of each seasoning recipe used, b. The amount per day of croutons seasoned, c. The flavoring level F_n, defined below, d. The garlic powder level, G_n, defined below, e. The oil level O_n, defined below, f. The corresponding monthly VOC emissions for each recipe, based on the following formula: $S_n = 1.02 (C_n) (F_n) (0.02 \times G_n + 0.0001475 \times O_n)$ Where: S_n = seasoning VOC emissions, in tons for the month, from the Proctor Dryer and Seasoning Drum for each seasoning recipe, n C_n = tons croutons seasoned using seasoning recipe n, in the month F_n = flavoring level, lb seasoning/lb croutons seasoned using recipe n G_n = lb garlic powder/lb seasoning mix used in recipe n O_n = lb oil/lb seasoning mix used in recipe n g. The total monthly VOC emissions (S_t) in tons, across all recipes. Where: S_t = total monthly emissions in tons, across all recipes.

Table 4 (con't)	
EU#	Monitoring And Testing Requirements
EU-1 EU-2 EU-3 EU-8 EU-9 EU-10 EU-11 EU-12 EU-13 EU-14 EU-15 EU-19 EU-17 EU-18	3. In accordance with Plan Approval SE-12-041, and Authorizations No. AQ14-0000107, and No. AQ01P-0000107, monitor the following: <ol style="list-style-type: none"> a. The total VOC emissions in the month. b. The consecutive 12-month total emissions (Vt) <p style="margin-left: 40px;">Where:</p> <p style="margin-left: 40px;">Vt = consecutive 12-month total emissions.</p>
EU-19	4. In accordance with Authorization No. AQ01P-0000107, monitor the consecutive 12-month total emissions for the following <u>fuel combustion</u> contaminants: NO _x , CO, PM/PM ₁₀ /PM _{2.5} , and VOC.
Facility-wide	5. 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, sulfur hexafluoride 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)
	6. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration, and 310 CMR 7.71 Greenhouse Gas Reporting.
	7. In accordance with 310 CMR 7.18(29)(h) and Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, if and when MassDEP requires it, the Permittee shall conduct emission testing in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13. If required, a pretest protocol report shall be submitted to MassDEP at least 30 days prior to emission testing and the final test results report shall be submitted within 45 days after emission testing.

Table 4 Key:

- c = Chapter
- CMR = Code of Massachusetts Regulations
- EF = Emission Factor
- EU# = Emission Unit number
- HAPs = Hazardous Air Pollutants are as listed in the 1990 Clean Air Act (CAA) Amendments Section 112(b).
- lb = pound
- MassDEP = Massachusetts Department of Environmental Protection
- TPM = the sum over all product recipes of the tons baked in the month x the VOC EF/2000
- USEPA = United States Environmental Protection Agency
- VOC = Volatile Organic Compounds
- § = Section
- x = Times
- NO_x = Nitrogen Oxides
- PM = Total Particulate Matter
- PM₁₀ = Particulate Matter less than or equal to 10 microns in diameter
- PM_{2.5} = Particulate Matter less than or equal to 2.5 microns in diameter
- CO = Carbon Monoxide

Table 5

EU#	Record Keeping Requirements
EU-1 EU-2 EU-3 EU-8 EU-9 EU-10 EU-11 EU-12 EU-13 EU-14 EU-15 EU-19 EU-17	<p>1. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, and 310 CMR 7.18 (29), maintain the following records:</p> <ul style="list-style-type: none"> a. The name and type of each product baked, b. The baker's yeast as a percent of flour for each product baked, c. Total yeast action time, for each product baked, d. The daily amount of product baked in tons, for each product baked, e. Yeast spike, as a percent of flour f. Spiking time, g. The VOC emission factor for each product baked, h. Monthly VOC emissions, i. Monthly HAP emissions. <p>2. In accordance with Plan Approval SE-12-041, and Authorization Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall maintain records on-site to demonstrate compliance with the short term emission limits contained in Table 3 above. These records shall include the maximum percentage of baker's yeast as a percentage of flour, and the maximum total yeast action time. These records shall be compiled no later than the 15th day following each month.</p>
EU-19	<p>3. In accordance with Authorization No. AQ01P-0000107, the Permittee shall maintain records on-site to demonstrate compliance with emission limits described below. These records shall be compiled no later than the 15th day following each month.</p> <ul style="list-style-type: none"> a. Consecutive 12-month total emissions for the following <u>fuel combustion</u> contaminants: NO_x, CO, PM/PM₁₀/PM_{2.5}, and VOC.
EU-18	<p>4. In accordance with Plan Approval SE-12-041, and Authorization No. AQ14-0000107, the Permittee shall maintain the following records:</p> <ul style="list-style-type: none"> a. The name of each seasoning recipe used, b. The daily amount of croutons seasoned in tons, c. The flavoring level, d. The garlic powder level, e. The oil level, f. Monthly VOC emissions.
Facility-wide	<p>5. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall maintain adequate records on-site to demonstrate compliance with all operational, production, and emission limits contained in Table 3 above. Records shall also include the actual emissions of air contaminant(s) emitted for each calendar month and for each consecutive twelve month period (current month plus prior eleven months). These records shall be compiled no later than the 15th day following each month. An electronic version of the MassDEP approved record keeping form, in Microsoft Excel format, can be downloaded at: https://www.mass.gov/guides/massdep-facility-wide-emission-restrictions-caps-reporting#WorkbookforReportingOn-SiteRecordKeeping. Alternatively, other recordkeeping forms may be used subject to approval by MassDEP.</p> <p>6. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall maintain records of monitoring and testing as required by Table 4.</p> <p>7. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall maintain a copy of this Plan Approval, these Authorizations, underlying Applications and the most up-to-date SOMP for the EU(s) approved herein on-site.</p> <p>8. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall maintain a record of routine maintenance activities performed on the approved EU(s), PCD(s) and monitoring equipment. The records shall include, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed.</p>

Table 5 (con't)	
EU#	Record Keeping Requirements
Facility-wide	8. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall maintain a record of all malfunctions affecting air contaminant emission rates on the approved EU(s) and monitoring equipment. At a minimum, the records shall include: date and time the malfunction occurred; description of the malfunction; corrective actions taken; the date and time corrective actions were initiated and completed; and the date and time emission rates and monitoring equipment returned to compliant operation.
	9. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall maintain records to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration, and 310 CMR 7.71 Greenhouse Gas Reporting.
	10. In accordance with 310 CMR 7.12(3)(c), Copies of Source Registration and other information supplied to MassDEP, to comply with 310 CMR 7.12 shall be retained by the facility owner/operator for five years from the date of submittal.
	11. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall maintain records required by Plan Approval SE-12-041, and Authorizations AQ14-0000107 and AQ01P-0000107, on-site for a minimum of five (5) years.
	12. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall make records required by this Plan Approval and these Authorizations available to MassDEP and USEPA personnel upon request.
	13. 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).

Table 5 Key:

- CMR = Code of Massachusetts Regulations
- EU# = Emission Unit number
- HAPs = Hazardous Air Pollutants are as listed in the 1990 Clean Air Act (CAA) Amendments Section 112(b).
- MassDEP = Massachusetts Department of Environmental Protection
- PCDs = Pollution Control Devices
- SOMP = Standard Operating and Maintenance Plan
- VOC = Volatile Organic Compounds
- USEPA = United States Environmental Protection Agency
- VOC = Volatile Organic Compounds
- NO_x = Nitrogen Oxides
- PM = Total Particulate Matter
- PM₁₀ = Particulate Matter less than or equal to 10 microns in diameter
- PM_{2.5} = Particulate Matter less than or equal to 2.5 microns in diameter
- CO = Carbon Monoxide

Table 6

EU#	Reporting Requirements
Facility-wide	1. In accordance with 310 CMR 7.12, the Permittee shall submit a Source Registration/Emission Statement Form to MassDEP on an annual basis.
	2. 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 MassDEP'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.
	3. 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).
	4. 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.
	5. In accordance with 310 CMR 7.71(5) and 7.12, the Permittee shall electronically submit and certify a <u>greenhouse gas emissions report</u> to MassDEP on an annual basis. (State only requirement).
	6. In accordance with 310 CMR 7.00: Appendix C (10)(f), the Permittee shall promptly report to the MassDEP all instances of deviations from permit requirements. This report shall include the deviation itself, including those attributable to upset conditions as defined in the permit, the probable cause of the deviation, and any corrective actions or preventative measures taken.
	7. In accordance with 310 CMR 7.00: Appendix C (10)(h), all required reports must be certified by a responsible official consistent with 310 CMR 7.00: Appendix C (5)(c).
	8. Unless otherwise noted ¹ , all notifications and reporting required by this Operating Permit shall be sent to: Department of Environmental Protection Bureau of Air and Waste Southeast Regional Office 20 Riverside Drive Lakeville, MA 02347 ATTN: Chief, Permit Section Telephone: (508) 946-2824
	9. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall submit to MassDEP all information required by this Plan Approval over the signature of a "Responsible Official" as defined in 310 CMR 7.00 and shall include the Certification statement as provided in 310 CMR 7.01(2)(c).
	10. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall notify the Southeast Regional Office of MassDEP, BAW Permit Chief by telephone (508-946-2824), or email (sero.air@state.ma.us), as soon as possible, but no later than one (1) business day after discovery of an exceedance(s) of Table 3 requirements. A written report shall be submitted to BAW Permit Chief at MassDEP within three (3) business days thereafter and shall include: identification of exceedance(s), duration of exceedance(s), reason for the exceedance(s), corrective actions taken, and action plan to prevent future exceedance(s).
	11. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall report annually to MassDEP, in accordance with 310 CMR 7.12, all information as required by the Source Registration/Emission Statement Form. The Permittee shall note therein any minor changes (under 310 CMR 7.02(2)(e), 7.03, 7.26, etc.), which did not require Plan Approval.
	12. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall provide a copy to MassDEP of any record required to be maintained by this Plan Approval and these Authorizations within 30 days from MassDEP's request.
	13. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall submit to MassDEP for approval a stack emission pretest protocol, at least 30 days prior to emission testing, for emission testing as defined in Table 4 Monitoring and Testing Requirements.

Table 6 (con't)	
EU#	Reporting Requirements
Facility-wide	14. In accordance with 310 CMR 7.71, the Permittee shall report annually to MassDEP all required greenhouse gas emissions.
	15. In accordance with Plan Approval SE-12-041, and Authorizations Nos. AQ14-0000107 and AQ01P-0000107, the Permittee shall submit to MassDEP a final stack emission test results report, within 45 days after emission testing, for emission testing as defined in Table 4 Monitoring and Testing Requirements.

Table 6 Key:

- BAW = Bureau of Air and Waste
- CMR = Code of Massachusetts Regulations
- EU# = Emission Unit number
- EPA = United States Environmental Protection Agency
- MassDEP = Massachusetts Department of Environmental Protection

Table 6 Note:

1. The annual Source Registration/Emission Statement shall be submitted to the MassDEP office specified in the instructions.

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:

Table 7	
Regulation	Reason
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility is below employee threshold.
40 CFR Part 64: Compliance Assurance Monitoring	Facility has no subject emission units

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 Tables 3, 4, 5, and 6:

Table 8	
EU#	Special Terms and Conditions
Facility-wide	1. In accordance with Plan Approval SE-12-041, and Authorizations AQ14-0000107 and AQ01P-0000107, the Permittee shall take any and all measures necessary to ensure that the operation of equipment used in the manufacturing process shall not result in odor levels causing a condition of air pollution. These measures include add-on pollution control equipment and / or shutdown of the equipment while corrective actions are being employed.

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, <https://www.mass.gov/guides/massdep-operating-permit-compliance-program#-operating-permit-reporting-kit->.

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
Director, Enforcement and Compliance Assurance Division
Attn: Air Compliance Clerk (Mail Code 04-2)
U.S. Environmental Protection Agency – Region 1
5 Post Office Square, Suite 100
Boston, MA 02109

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), 7.18(1)(b), 7.70, 7.71, 7.72, 7.73, 7.74, 7.75, 7.76 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 based¹ emission limitations specified in this Permit as a result of an emergency². In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

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

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

¹ 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.

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

25. PERMIT DEVIATION

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

The Permittee shall report to the MassDEP's Regional Bureau of 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,

<https://www.mass.gov/guides/massdep-operating-permit-compliance-program#-operating-permit-reporting-kit> .

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".

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.