



Department of Environmental Protection

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FINAL AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("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"]:

Wellesley College
106 Central Street
Wellesley, Massachusetts 02481

FACILITY LOCATION:

Wellesley College
Central Street
Wellesley, Massachusetts 02481

NATURE OF BUSINESS:

Educational Institution - College

RESPONSIBLE OFFICIAL:

Name: Peter Zuraw
Title: AVP Facilities Management and Planning

INFORMATION RELIED UPON:

Application No. MBR-95-OPP-077 &
MBR-95-OPP-077R & [MBR-95-OPP-077A5](#)
Transmittal Nos. W086869 & W036493 & [X253951](#)

FACILITY IDENTIFYING NUMBERS:

AQ ID No. 1190261
FMF FAC No. 11755
FMF RO No. 52056

NAICS:

611310

FACILITY CONTACT PERSON:

Name: [Katharine Learned](#)
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This Operating Permit shall expire on October 3, 2003. (However, Wellesley College had submitted its Operating Permit Renewal Application (MBR-95-OPP-077R) on March 31, 2003. This Renewal Application is currently under review by MassDEP.)

For the Department of Environmental Protection, Bureau of Waste Prevention

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.

James E. Belsky
Permit Chief

December 27, 2012

Date

TABLE OF CONTENTS

SPECIAL CONDITIONS FOR OPERATING PERMIT	3
1. PERMITTED ACTIVITIES.....	3
2. EMISSION UNIT IDENTIFICATION.....	3
3. IDENTIFICATION OF EXEMPT ACTIVITIES.....	4
4. APPLICABLE REQUIREMENTS.....	4
A. <i>EMISSION LIMITS AND RESTRICTIONS.....</i>	<i>4</i>
B. <i>COMPLIANCE DEMONSTRATION.....</i>	<i>6</i>
C. <i>GENERAL APPLICABLE REQUIREMENTS.....</i>	<i>10</i>
D. <i>REQUIREMENTS NOT CURRENTLY APPLICABLE.....</i>	<i>10</i>
5. SPECIAL TERMS AND CONDITIONS.....	10
6. ALTERNATIVE OPERATING SCENARIOS.....	11
7. EMISSIONS TRADING.....	12
8. COMPLIANCE SCHEDULE.....	12
GENERAL CONDITIONS FOR OPERATING PERMIT	12
9. FEEES.....	12
10. COMPLIANCE CERTIFICATION.....	13
11. NONCOMPLIANCE.....	14
12. PERMIT SHIELD.....	14
13. ENFORCEMENT.....	15
14. PERMIT TERM.....	15
15. PERMIT RENEWAL.....	16
16. REOPENING FOR CAUSE.....	16
17. DUTY TO PROVIDE INFORMATION.....	16
18. DUTY TO SUPPLEMENT.....	16
19. TRANSFER OF OWNERSHIP OR OPERATION.....	17
20. PROPERTY RIGHTS.....	17
21. INSPECTION AND ENTRY.....	17
22. PERMIT AVAILABILITY.....	18
23. SEVERABILITY CLAUSE.....	18
24. EMERGENCY CONDITIONS.....	18
25. PERMIT DEVIATION.....	19
26. OPERATIONAL FLEXIBILITY.....	20
27. MODIFICATIONS.....	20
APPEAL CONDITIONS FOR OPERATING PERMIT.....	21

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.

2. EMISSION UNIT IDENTIFICATION

The following emission units and pollution control devices (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)
EU1	Zurn Model No. VL2 Boiler	50.4 MMBtu per hour	None
EU2	Zurn Model No. VL2 Boiler	50.4 MMBtu per hour	
EU3	Kewanee Model No. KF-20-1562-06 Boiler	20.0 MMBtu per hour	
EU4	Nebraska Model No. NS-C-56 Boiler	52.0 MMBtu per hour	
EU5	Jenbacher Model No. JMS 616 GS-N.LC Cogeneration Engine	13.06 MMBtu per hour	
EU6	Jenbacher Model No. JMS 616 GS-N.LC Cogeneration Engine	13.06 MMBtu per hour	
EU7	Jenbacher Model No. JMS 616 GS-N.LC Cogeneration Engine	13.06 MMBtu per hour	
EU8	Jenbacher Model No. JMS 616 GS-N.LC Cogeneration Engine	13.06 MMBtu per hour	
EU9	Jenbacher Model No. JMS 616 GS-N.LC Cogeneration Engine	17.15 MMBtu per hour	

Legend to Abbreviated Terms within Table 1:
 EU# = Emission Unit Number
 MMBtu = million British Thermal Units

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 EXEMPT ACTIVITIES
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.

4. APPLICABLE REQUIREMENTS

A. EMISSION LIMITS AND RESTRICTIONS

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

Table 3					
Emission Unit (EU#)	FUEL	RESTRICTIONS	POLLUTANT	EMISSION LIMIT/STANDARD ¹	APPLICABLE REGULATION AND/OR APPROVAL NO.
EU1, EU2, EU4	No.6 fuel oil ≤0.5% S by wt. Specification used lube oil ≤0.5% S by wt.	For specification lube oil only: 6,000 gallons per year for all boilers	NOx	≤0.3 lb/MMBtu	310 CMR 7.19(5) MBR-98-ECP-001 MBR-95-COM-019
			CO	≤200 ppmvd, corrected to 3% O ₂	
			PM	≤0.1 lb/MMBtu	MBR-83-COM-037 (EU1,EU2) MBR-89-COM-127 (EU4) 310 CMR 7.02(8)
EU3			NOx	Perform adjustments & tune up as required in 310 CMR 7.19(6)	310 CMR 7.19(6)
			CO	≤400 ppm	
			PM	≤0.1 lb/MMBtu	MBR-83-COM-037 310 CMR 7.02(8)

Table 3					
Emission Unit (EU#)	FUEL	RESTRICTIONS	POLLUTANT	EMISSION LIMIT/STANDARD ¹	APPLICABLE REGULATION AND/OR APPROVAL NO.
EU4	natural gas	NA	CO	≤200 ppmvd, corrected to 3% O ₂	310 CMR 7.19(5)
			NOx	≤0.2 lb/MMBtu	MBR-89-COM-127 MBR-98-ECP-001
			PM	≤0.1 lb/MMBtu	MBR-89-COM-127 310 CMR 7.02(8)
EU5, EU6, EU7, EU8,	natural gas	Relative Deviation (RD) ³ value must stay below 80.	NOx	≤0.567 g/bhp-hr	Combined Approval MBR-92-COM-028 & MBR-93-COM-034
			CO	≤0.3 g/bhp-hr	
			VOC	≤1.0 lb/hr	310 CMR 7.02(8)
			PM	≤0.1 lb/MMBtu	
EU9		NA	NOx	≤0.53 g/bhp-hr	MBR-97-COM-009
			CO	≤0.3 g/bhp-hr	
			VOC	≤0.32 g/bhp-hr	
			SO ₂	≤0.00009 g/bhp-hr	
			PM	≤0.000008 g/bhp-hr	
Facility-wide	see above		Ash in Fuel	≤4% by weight, dry basis	310 CMR 7.05(4)(a)1.
			Visible Emissions	<No. 1 of Chart ² , except No.1 to < No.2 of Chart for ≤ 6 minutes during any one hour	310 CMR 7.06(1)(a)
			Opacity	≤10% anytime	Combined Approval MBR-92-COM-028 & MBR-93-COM-034

Table 3 Key:

- EU# = Emission Unit number
- S by wt. = sulfur by weight
- lb/MMBtu = pound per million British thermal units
- lb/hr = pound per hour
- ppm = parts per million
- ppmvd = parts per million, dry volume
- g/bhp-hr = grams per brake horse power hour
- kg/hr = kilograms per hour
- O₂ = oxygen
- NOx = oxides of nitrogen
- CO = carbon monoxide
- PM = particulate matter
- SO₂ = sulfur dioxide
- VOC = volatile organic compounds
- % = percent
- < = less than
- ≤ = less than or equal to

NA = not applicable

Table 3 Notes:

- 1 Compliance with emission limits/standards shall be based on a 1 hour averaging time.
- 2 Chart means the Ringelmann Scale for grading the density of smoke, as published by the United States Bureau of Mines and as referred to in the Bureau of Mines Information Circular No. 8333, or any smoke inspection guide approved by MassDEP.
- 3 Relative Deviation, a dimensionless value, is the difference between each engine's calculated curve of operation and the actual, instantaneous intake air manifold pressure.

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), as well as the applicable requirements contained in Table 3:

Table 4	
EU#	MONITORING/TESTING REQUIREMENTS
EU1, EU2, EU4	Monitor smoke density equipment data as referenced in 310 CMR 7.04(2). For each period of excess opacity, the Permittee shall monitor the duration, cause, the response taken, and the amount of excess opacity. Monitor data for residual oil in accordance with 310 CMR 7.19(13)(d)3.
EU3	Tune-ups and verify settings determined during tune-ups in accordance with 310 CMR 7.19(6).
EU1, EU2, EU3, EU4	Monitor the waste oil to be used in conjunction with the No. 6 fuel oil to demonstrate that the constituents maintain the specifications in 310 CMR 7.05(8) (State only), 310 CMR 30.216, and all requirements of Final Approval MBR-95-COM-019.
EU5, EU6, EU7, EU8,	Monitor the Relative Deviation (RD) value every 8 hours in accordance with combined Final Approval MBR-92-COM-028 and MBR-93-COM-034. That once every 3 years, perform compliance testing for each engine for NOx and once every 6 years for CO in accordance with combined Final Approval MBR-92-COM-028 and MBR-93-COM-034 and 310 CMR 7.13.
EU9	Monitor EU9 to ensure it operates consistent with the Final SOMP and the conditions/parameters established during the compliance test program (subject to normal operational variations) as required by Conditional Approval MBR-97-COM-009.

Table 4	
EU#	MONITORING/TESTING REQUIREMENTS
EU9	<p>Monitor the following data to document compliance with the limits specified in Table 3 above: fuel consumption of EU9; monthly cumulative emissions of NO_x, CO, VOC, SO₂, and PM; emission rates of EU9 for the previous 12 months (the total of the current month's emissions plus the emissions from the 11 months preceding the current month); hours of operation, including start-ups and shutdowns; all maintenance performed on EU9, the waste heat recovery boiler, and the oxidation catalyst; and all fuel purchase order receipts as required by MBR-97-COM-009.</p>
Facility-wide	<p>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> <p>Conduct Emissions Compliance Testing (Stack Testing), in accordance with 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A (Method 7E for NO_x, Methods 1 to 5 for PM, Method 3A for Oxygen (O₂)) or any other testing if requested by MassDEP or EPA.</p> <p>Opacity shall be determined in accordance with EPA Test Method 9, as specified in 40 CFR Part 60, Appendix A, if and when requested by MassDEP or EPA. This method shall also apply to any detached plumes.</p> <p>Demonstrate compliance with 310 CMR 7.19 by monitoring all data relevant to 310 CMR 7.19(13)(d). This monitoring shall include, but not be limited to, performance evaluations, maintenance, adjustments, excess emissions, daily fuel data, and fuel supplier certifications.</p> <p>In accordance with 310 CMR 7.19(13)(d)3., monitor for each EU#, quantity of fuel oil burned each day, heat content of fuel oil, and total heating value of the fuel oil consumed for each day.</p> <p>In accordance with 310 CMR 7.00: Appendix C(9)(b)2., monitor sulfur and ash content of each new shipment of fuel oil received. Compliance with sulfur and ash content can be demonstrated through testing or maintaining a shipping receipt from the fuel supplier. The shipment certification or testing of sulfur and ash content of fuel oil shall be in accordance with the applicable American Society for Testing Materials (ASTM) test methods or any other method approved by MassDEP and EPA.</p> <p>In accordance with 310 CMR 7.04(4)(a), inspect and maintain fuel utilization facility in accordance with manufacturer's recommendations and test for efficient operation at least annually.</p>

Table 5	
EU#	RECORD KEEPING REQUIREMENTS
EU1, EU2, EU4	Maintain records of smoke density equipment data in accordance with 310 CMR 7.04(2). For each period of excess opacity, the Permittee shall record the duration, cause, the response taken, and the amount of excess opacity. Maintain records of residual oil data in accordance with 310 CMR 7.19(13)(d)3.
EU3	Maintain records of tune-ups and verifications in accordance with 310 CMR 7.19(6).
EU1, EU2, EU3, EU4	Maintain records demonstrating that the constituents in the waste oil to be used in conjunction with the No. 6 fuel oil to maintain the specifications in 310 CMR 7.05(8) (State only), 310 CMR 30.216, and all requirements of Final Approval MBR-95-COM-019.
EU5, EU6, EU7, EU8,	Record the Relative Deviation (RD) value every 8 hours in accordance with combined Final Approval MBR-92-COM-028 and MBR-93-COM-034. That once every 3 years, record compliance testing results for each engine for NOx and once every 6 years for CO in accordance with combined Final Approval MBR-92-COM-028 and MBR-93-COM-034 and 310 CMR 7.13.
EU9	Maintain records from the noise survey to demonstrate that noise impacts from the operation of EU9 are in compliance with Regulation 310 CMR 7.10 and with the Division of Air Quality Control Noise Policy No. 90-001 as required by Conditional Approval MBR-97-COM-009. Maintain records on the compliance testing for EU9 to demonstrate compliance with the NOx and CO grams per brake horsepower-hour emission rates as listed in Table 3 above as required by Conditional Approval MBR-97-COM-009. Maintain records on EU9 to ensure it operates consistent with the Final SOMP and the conditions/parameters established during the compliance test program (subject to normal operational variations) as required by Conditional Approval MBR-97-COM-009. Maintain records on the following data to document compliance with the limits specified in Table 3 above: fuel consumption of EU9; monthly cumulative emissions of NO _x , CO, VOC, SO ₂ , and PM; emission rates of EU9 for the previous 12 months (the total of the current month's emissions plus the emissions from the 11 months preceding the current month); hours of operation, including start-ups and shutdowns; all maintenance performed on EU9, the waste heat recovery boiler, and the oxidation catalyst; and all fuel purchase order receipts as required by MBR-97-COM-009.
Facility-wide	In accordance with 310 CMR 7.00: Appendix C(10)(b), 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. Maintain records such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12. Maintain records for Emissions Compliance Testing (Stack Testing), in accordance with 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A (Method 7E for NO _x , Methods 1 to 5 for PM, Method 3A for Oxygen (O ₂)) or any other testing if and when requested by MassDEP or EPA. Maintain records for opacity in accordance with EPA Test Method 9, as specified in 40 CFR Part 60, Appendix A, if and when requested by MassDEP or EPA. This method shall also apply to any detached plumes. Maintain records of all data relevant to 310 CMR 7.19(13)(d). This data shall include, but not be limited to, performance evaluations, maintenance, adjustments, excess emissions, daily fuel data, and fuel supplier certifications. In accordance with 310 CMR 7.19(13)(d)3., maintain records for each EU#, quantity of fuel oil burned each day, heat content of fuel oil, and total heating value of the fuel oil consumed for each day. In accordance with 310 CMR 7.00: Appendix C(9)(b)2., maintain records for sulfur and ash content of each new shipment of fuel oil received. In accordance with 310 CMR 7.04(4)(a), maintain records of the fuel utilization facility annual tests for efficient operation.

Table 6	
EU#	REPORTING REQUIREMENTS
EU1, EU2, EU3, EU4	<p>Submit by December 31 of each year a written report stating the quantity of waste oil and No. 6 fuel oil burned each quarter in each boiler as required in Final Approval MBR-95-COM-019.</p> <p>Submit an independent laboratory analysis of a representative sample of the waste oil burned in December of a given year by the 30th of January of each subsequent year as required in Final Approval MBR-95-COM-019 and 310 CMR 7.05(8).</p> <p>Notify MassDEP in writing of any change in characteristics, composition, or source of any specification used oil fuel that would require the material to be managed differently, that the conditions of the permit be changed, or that the permit be suspended or revoked as required by Final Approval MBR-95-COM-019.</p>
EU4	<p>Submit an annual report on or before April 30 of each year indicating the calendar dates during the previous 12 months that EU4 was required to utilize fuel oil as required by Final Approval MBR-89-COM-127.</p>
EU5, EU6, EU7, EU8	<p>Submit quarterly excess emission reports for NO_x, CO, and Opacity including magnitude, duration, date, and time of occurrence, the reason for occurrence, the cause of malfunction, the corrective actions taken, and the date, time, duration, and reason for any monitor outages as required in combined Final Approval MBR-92-COM-028 and MBR-93-COM-034.</p>
EU9	<p>Submit any subsequent revision(s) made to the Final SOMP concerning EU9, to this Office, attention Permit Chief, Bureau of Waste Prevention, within 15 days of said revision(s) as required by Conditional Approval MBR-97-COM-009.</p> <p>Submit an annual compendium of the latest 12 months of EU9 emissions data to this Office, attention Permit Chief, Bureau of Waste Prevention, by the 30th of January of the following year as required by Conditional Approval MBR-97-COM-009.</p> <p>Notify MassDEP within 24 hours by FAX at 978-661-7615, and subsequently in writing within seven days, attention Compliance and Enforcement Chief, Bureau of Waste Prevention, of the occurrence of any system upsets or malfunctions of the air pollution control equipment servicing EU9 as required by Conditional Approval MBR-97-COM-009.</p>
Facility-wide	<p>Submit a Source Registration/Emission Statement form to MassDEP on an annual basis as required by 310 CMR 7.12.</p> <p>Submit by January 15 and July 15 for the previous six months respectively, a summary of all monitoring data and related supporting information to MassDEP as required by 310 CMR 7.00: Appendix C(10)(c).</p> <p>Submit Annual Compliance report to MassDEP and EPA by January 30 of each year and as required by General Condition 10.</p> <p>Should the natural gas supply be interrupted in EU5, EU6, EU7, & EU8, the Permittee shall notify MassDEP no later than the next business day by telecopier at 978-661-7615. This written notification shall indicate the date and time of interruption, expected duration of interruption, and anticipated date and time when a natural gas supply to the facility will resume. The Permittee shall notify MassDEP, as required above, when natural gas combustion has resumed at the facility.</p>

Table 6	
EU#	REPORTING REQUIREMENTS
Facility-wide	Promptly report to MassDEP all instances of deviations from permit requirements (including but not limited to testing for efficient operation, fuel sulfur and fuel ash content, emission limitations/standards, Standard Operating and Maintenance Procedures) by telephone or fax, within three days of discovery of such deviation, as provided in 310 CMR 7.00: Appendix C(10)(f). (See General Condition 25).
	In accordance with 310 CMR 7.19(13)(d)9., submit compliance records within ten (10) days of written request by MassDEP or EPA.
	Submit Emissions Compliance Testing (Stack Testing) reports in accordance with 310 CMR 7.19(13)(c).
	All required reports must be certified by a responsible official as provided in 310 CMR 7.00: Appendix C(10)(h).

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, contained in Table 7 below:

Table 7	
REGULATION	DESCRIPTION
310 CMR 7.16	Reduction of Single Occupant Commuter Vehicle Use
42 U.S.C. 7401, §112	Hazardous Air Pollutants
42 U.S.C. 7401, §112(r)	Prevention of Accidental Releases

5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to the following special provisions that are not contained in Tables 3, 4, 5, and 6:

1. That should any nuisance condition(s) be generated by the operation of this facility, then appropriate steps will immediately be taken by Wellesley College to abate said nuisance condition(s) (State Only 310 CMR 7.01(1)).

2. That Wellesley College shall continue utilizing EU4 as the "base load" unit, which means that it will be used preferentially, whenever the steam load dictates that one or two of the three medium-size boilers (EU1, EU2, & EU4) are required to operate by themselves or in conjunction with EU3. Whenever EU4 is taken off-line for inspection or maintenance purposes, either EU1 or EU2 will be allowed to operate as the base load unit as required in Final Approval MBR-98-ECP-001.
3. If the Relative Deviation (RD) value is greater than 80, except during start-ups, then EU5, EU6, EU7, and EU8 shall be shutdown as required in combined Final Approval MBR-92-COM-028 and MBR-93-COM-034. Relative Deviation, a dimensionless value, is the difference between each engine's calculated curve of operation and the actual, instantaneous intake air manifold pressure.
4. Wellesley College shall become subject to Nonattainment Review, as per the requirements of 310 CMR 7.00: Appendix A, if the net, facility-wide NO_x emissions increase(s) occurring over a period of five consecutive calendar years equates to 25 or more tons of NO_x (including the 13.7 tons of allowable NO_x emissions generated from the potential installation of EU9) as referenced in Conditional Approval MBR-97-COM-009.
5. Per data as supplied through the Permittee's operating permit application (MBR-95-OPP-077, Transmittal No. 105689), all EUs shall continue to emit products of combustion through the following flues with the following parameters:

Flue 1: EU1, EU2, EU3, EU4

Flue Height	100 feet
Flue Exit Diameter	3.75 feet
Stack Material	Refractory

Flue 2: EU5, EU6, EU7, EU8, EU9

Flue Height	23 feet
Flue Exit Diameter	1.67
Stack Material	Steel

6. ALTERNATIVE OPERATING SCENARIOS

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

7. EMISSIONS TRADING

(a) Intra-facility emissions trading

The Permittee did not request intra-facility emissions trading in its Operating Permit Application.

Pursuant to 310 CMR 7.00: Appendix C(7)(b), emissions trades, provided for in this Permit, may be implemented provided the Permittee notifies The United States Environmental Protection Agency (EPA) and MassDEP at least fifteen (15) days in advance of the proposed changes and the Permittee provides the information required in 310 CMR 7.00: Appendix C(7)(b)3.

Any intra-facility change that does not qualify pursuant to 310 CMR 7.00: Appendix C(7)(b)2. is required to be submitted to MassDEP pursuant to 310 CMR 7.00: Appendix B.

(b) Inter-facility emissions trading

The Permittee did not request inter-facility emissions trading in its Operating Permit Application.

All increases in emissions due to emissions trading, must be authorized under the applicable requirements of 310 CMR 7.00: Appendix B (the "Emissions Trading Program") and 42 U.S.C. §7401 et seq. (the "Act"), and provided for in this Permit.

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 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 MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm> - op.

a. Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by 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:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by 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 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 permit, the terms and conditions of this permit control.

(b) 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:

- (I) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
- (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- (iii) 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, 7.02(8)(i), 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22 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 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 five (5) years after the 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 MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by MassDEP on the renewal application.

In the event 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 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 MassDEP and/or EPA. The responsible official of the facility may request that MassDEP terminate the facility's Operating Permit for cause. 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 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 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 that 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 MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to 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, liability between current and new Permittee has been submitted to 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 MassDEP and EPA to perform the following:

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

22. PERMIT AVAILABILITY

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

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 facility, 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.

- (d) the Permittee submitted notice of the emergency to MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

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

25. PERMIT DEVIATION

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

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

- 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.
- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.
- Exceedances of permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via 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 or fax within 3 days of discovery, said deviations shall also be submitted in writing to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations which do not require 3 day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

26. OPERATIONAL FLEXIBILITY

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit, and in compliance with all applicable requirements, provided the Permittee gives the EPA and MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(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.

APPEAL CONDITIONS FOR OPERATING PERMIT

This permit is an action of 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 MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

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

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

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

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

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

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

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