



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"]:

Fairhaven Shipyard Company, Inc.
32 Water Street
Fairhaven, MA 02719

INFORMATION RELIED UPON:

Application No.: SE-12-030
Transmittal No.: X231360
Application No.: SE-16-014
Transmittal No.: X254046

FACILITY LOCATION:

Fairhaven Shipyard – North Yard
32 Water Street
Fairhaven, MA 02719

FACILITY IDENTIFYING NUMBERS:

AQ ID: 1201063
FMF FAC NO.: 193385
FMF RO NO.: 518278

NATURE OF BUSINESS:

Ship Building and Repairing

Standard Industrial Classification (SIC): 3731
North American Industrial Classification System (NAICS): 336611

RESPONSIBLE OFFICIAL:

Name: Mr. Kevin McLaughlin
Title: President

FACILITY CONTACT PERSON:

Name: Mr. Gary Golas
Title: ESH Manager
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This Operating Permit shall expire on December 5, 2022.

For the Department of Environmental Protection

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

Thomas Cushing, Chief, Permit Chief
Bureau of Air and Waste

December 5, 2017

Date

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SPECIAL CONDITIONS FOR OPERATING PERMIT

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00:Appendix C and applicable rules and regulations, the Permittee is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities as described in 310 CMR 7.00:Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this Permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this Permit.

A. DESCRIPTION OF FACILITY AND OPERATIONS

Fairhaven Shipyard Company, Inc. (the "Permittee") operates the existing Fairhaven Shipyard – North Yard shipbuilding and ship repair facility (the "Facility") located at 32 Water Street, Fairhaven, Massachusetts.

The North Shipyard encompasses approximately 6.5 acres of land, and operates a marine railway and a 400 metric ton travel lift to haul vessels out of the water for mechanical and surface repairs. Vessels are hauled out of the water for structural and mechanical repair and/or the removal and application of marine coatings, which includes, but is not limited to paint.

The Permittee currently repairs and refits sea going commercial marine vessels and constructs new commercial marine vessels, and is involved in ship repair operations that include, among other things, the removal and application of paints, solvents, fairing compounds, and sealants (collectively, "coatings") that contain Volatile Organic Compounds (VOCs) and Hazardous Air Pollutants (HAPs), 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}). The majority of VOC and HAPs are emitted from paint application and clean-up solutions and PM, PM₁₀, and PM_{2.5} are emitted as particles of grit and/or paint from abrasive blasting, as well as paint overspray.

The United States Environmental Protection Agency (USEPA) has determined that the Permittee is subject to the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Shipbuilding and Ship Repair (Surface Coating) under Title 40 of the Code of Federal Regulations (CFR) Part 63, Subpart II ("Shipbuilding NESHAPs"). On the compliance date of the Shipbuilding NESHAPs, the Permittee did not have a federally enforceable permit classifying the Facility as an area source for HAPs, and through a Consent Agreement and Final Order, USEPA required the Permittee to apply for a Title V Operating Permit. As of this date, the Massachusetts Department of Environmental Protection (MassDEP) has accepted delegation of authority for 40 CFR 63 Subpart II for sources required to obtain an Operating Permit, pursuant to 310 Code of Massachusetts Regulations (CMR) 7.00: Appendix C.

On April 1, 2016, MassDEP issued corrected Limited Plan Approval (LPA) No. SE-12-030 (originally approved on August 6, 2015), which allows the Facility to 1) prepare surfaces for coating, 2) apply marine coatings, and 3) establish federally enforceable limits on the potential to emit. In this Operating Permit, the single Emission Unit that was associated with all surface preparation and coating activities in the LPA is divided to reflect the nature of these dissimilar processes, as well as the applicable requirements imposed by the NESHAPs.

The Permittee has proposed to limit Facility-wide HAPs emissions to less than major source thresholds. A Facility-wide emission limitation has been included in Table 3 herein to limit the Facility-wide single and total HAPs emissions to non-major levels.

EU1A represents vessel cleaning at the Facility. Vessel surfaces are prepared for the application of coatings through the use of high pressure water (i.e., hydro-blasting). Fugitive emissions from vessel cleaning are controlled using the Management Strategies contained in the Facility's Noise, Dust and Odor Management Plan, which includes utilization of tarps and enclosures. EU1A is subject to the requirements of Approval No. SE-12-030.

EU1B represents paint removal, surface preparation and repair operations. Paint removal and surface preparation tools include electrically, or pneumatically powered needle scalars, scaling hammers, roto peens, needle guns, sanders, grinders, strippers and scarifiers. Particulate matter generated from the sanders is collected with the assistance of a vacuum. Other repair activities include the use of mechanical grinders, presses, and lathes. EU1B is subject to the requirements of Approval No. SE-12-030.

EU1C represents the application of marine coatings. Marine coatings are usually hand-applied with brushes and rollers, and may be applied with a high volume low pressure (HVLP) (or equivalent) paint spray gun. At this time, the Permittee uses 3M Accuspray Series 10 HVLP spray guns. Fugitive emissions from marine coating activities are controlled using the Management Strategies contained in the Facility's Noise, Dust and Odor Management Plan, which includes utilization of tarps and enclosures. EU1C is subject to the requirements of Approval No. SE-12-030, and to the requirements of the Shipbuilding NESHAPs.

EU11 is a Safety-Kleen Model 34 (or equivalent) non-halogenated cold cleaning degreaser that is operated in compliance with 310 CMR 7.02(2)(b) Exemptions 24. Plan Approval by Rule. As such, the degreaser must conform to the design, operation, maintenance, monitoring, record keeping, and reporting requirements as contained in 310 CMR 7.02(2)(d) and (e), 310 CMR 7.03(1), (5), (6), (7) and (8), 310 CMR 7.18(1), (2) and 7.18(8) U Solvent Metal Degreasing (a) Cold Cleaning Degreasing and 7.18(8)(e), (f), (g), and (h).

EU16 is a 1,000 gallon aboveground tank, storing gasoline for Facility equipment, and is part of a fuel dispensing activity operated in compliance with 310 CMR 7.02(2)(b) Exemptions 24. Plan Approval by Rule. As such, this activity must conform to the design, operation, maintenance, monitoring, record keeping, and reporting requirements as contained in 310 CMR 7.02(2)(d) and (e), 310 CMR 7.03(1), (5), (6), (7) and (13), and 310 CMR 7.24(3). EU16 is subject to the emission limitations and management practices contained in 40 CFR Part 63, Subpart CCCCC, NESHAPs for Gasoline Dispensing Facilities.

The Permittee operates external combustion sources, currently consisting of four space heaters fueled by No. 2 fuel oil (EUs 2, 3, 4, and 5), and one natural gas direct-fired heater (EU13) used

to assist curing time of painted vessels. Each heating unit has a maximum heat input rate of less than 10 million Btu per hour (MMBtu /hr), and the aggregate of all units is less than 10 MMBtu/hr. In accordance with MassDEP Regulations at 310 CMR 7.00 Appendix C (5)(h) Exempt Activities, and 310 CMR 7.02(2)(b)15.a., combustion sources with a maximum heat input of less than 10 MMBtu/ hr per unit are not subject to (i.e. are exempt from) plan application filing and approval requirements. These sources are not subject to the boiler NESHAPs.

The Permittee will also operate nonroad engines (EUs 6, 7, 8, 9, and 10), as defined in 40 CFR 89.2. In accordance with MassDEP Regulations at 310 CMR 7.00 Appendix C (5)(h) Exempt Activities, and 310 CMR 7.02(2)(b) 29.b., an internal combustion engine regulated by the USEPA as a non-road engine pursuant to 40 CFR 89, 90, 91, and 92 is not subject to (i.e. is exempt from) plan application filing and approval requirements.

The Permittee conducts welding operations (EU12) in maintenance shops and on vessels. The Permittee calculated the potential emissions to be less than one ton of any air contaminant, calculated over any 12 consecutive month time period for this operation. In accordance with MassDEP Regulations at 310 CMR 7.00 Appendix C(5)(h) Exempt Activities, and 310 CMR 7.02(2)(b) 7, this *de minimus* increase in emissions is not subject to (i.e. are exempt from) plan application filing and approval requirements.

The Permittee has four aboveground tanks storing up to 1,350 gallons of distillate oil for space heating (EUs14 and 15). These storage tanks are not subject to 310 CMR 7.24, or 40 CFR Part 60 Subpart Kb. The Permittee calculated the potential emissions to be less than one ton of any air contaminant, calculated over any 12 consecutive month time period for this storage activity. In accordance with MassDEP Regulations at 310 CMR 7.00 Appendix C(5)(h) Exempt Activities, and 310 CMR 7.02(2)(b) 7, these *de minimus* increases in emissions are not subject to (i.e. are exempt from) plan application filing and approval requirements. These storage tanks are not subject to 310 CMR 7.24, or 40 CFR Part 60 Subpart Kb.

The Permittee has an obligation to maintain appropriate records and perform any necessary reporting to maintain compliance with the respective exempt statuses. Emissions from the exempt activities are included in the Facility's emission totals.

Compliance Assurance Monitoring (CAM) does not apply to the Permittee, since EU1A, EU1B, EU1C, EU11, and EU16 have potential pre-control PM emissions less than major.

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

2. EMISSION UNIT IDENTIFICATION

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

Table 1			
EU	Description of EU	EU Design Capacity	Pollution Control Device (PCD)
1A	High Pressure Hydro Washing	N/A	none
1B	Marine Paint Removal Marine Surface Preparation	N/A	none
1C	Marine Coating Application	N/A	none
11	Safety-Kleen Model 34 Non-Halogenated Cold Cleaning Degreaser (or equivalent)	N/A	none
16	Aboveground Storage Tank	1,000 gallon	Submerged fill, Pressure/Vacuum Vent, Stage I vapor recovery (for fuel dispensing facility)

Table 1 Key:

EU = Emission Unit

N/A = not applicable

PCD = Pollution Control Device

3. IDENTIFICATION OF EXEMPT ACTIVITIES

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

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

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	Applicable Regulation and/or Approval No.
1A 1B 1C ² (combined)	Marine Coatings & Abrasives	PM, PM ₁₀ , PM _{2.5}	Limit material usage such that PM, PM ₁₀ , PM _{2.5} emissions do not exceed the emission limits listed herein. ^{1,4}	0.3 TPM	Approval No. SE-12-030
				1.0 TPY	
		HAP ^{3,5} (single)	Limit material usage such that HAP (single) emissions do not exceed the emission limits listed herein.	3.3 TPM	
				9.9 TPY	
		HAP ⁵ (total)	Limit material usage such that HAP (total) emissions do not exceed the emission limits listed herein.	3.3 TPY	
				9.9 TPY	
VOC	Limit material usage such that VOC content does not exceed the emission limits stated below and listed herein. ⁹	3.3 TPM			
		9.9 TPY			
1C ²	Marine Coatings	VOC ^{a,b,c}	<u>Coating Category: General Use</u> <u>Coating Category: Specialty</u> Air Flask Antenna Antifoulant Heat Resistant High-gloss High-temperature Inorganic Zinc High-build Military Exterior Mist	Grams/liter of coating (minus <u>water and exempt compounds</u>) 340	Approval No. SE-12-030, 40 CFR Part 63 Subpart II §63.781(b) Approval No. SE-12-030, 40 CFR Part 63 Subpart II §63.783(a) §63.783(b)(1)-(2) §63.785(a)(1) §63.785(c)(2)(ii)
				340	
				340	
				530	
				400	
				420	
				420	
				500	
				340	
				340	
				610	

Table 3

EU	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
1C ²	Marine Coatings	VOC ^{a,b,c}	Navigational Aids Nonskid Nuclear ⁵ Organic Zinc Pretreatment Wash Primer Repair and Maintenance of Thermoplastics Rubber Camouflage Sealant for Thermal Spray Aluminum Special Marking Specialty Interior Tack Coat Undersea Weapons Systems Weld-through Precon. Primer	550 340 420 360 780 550 340 610 490 340 690 340 650	
			<u>Coating Category: General Use</u> <u>Coating Category: Specialty</u> Air Flask Antenna Antifoulant Heat Resistant High-gloss High-temperature Inorganic Zinc High-build Military Exterior Mist Navigational Aids Nonskid Nuclear ⁵ Organic Zinc Pretreatment Wash Primer Repair and Maintenance of Thermoplastics Rubber Camouflage Sealant for Thermal Spray Aluminum Special Marking Specialty Interior Tack Coat Undersea Weapons Systems Weld-through Precon. Primer	Grams per liter solids ^{d,8} <u>T ≥ 4.5 degrees Celsius</u> 571 571 1439 765 841 841 1237 571 571 2235 1597 571 841 630 11095 1597 571 2235 1178 571 2235 571 2885	Approval No. SE-12-030, 40 CFR Part 63 Subpart II §63.783(a) §63.783(b)(1)-(2) §63.785(a)(1) §63.785(c)(2)(ii)

Table 3

EU	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
1C ²	Marine Coatings	VOC ^{a,b,c}	<u>Coating Category: General Use</u>	Grams per liter solids ^{d,e} <u>T < 4.5 degrees Celsius</u> 728	Approval No. SE-12-030, 40 CFR Part 63 Subpart II §63.783(a) §63.783(b)(1)-(2) §63.785(a)(1) §63.785(c)(2)(ii)
			<u>Coating Category: Specialty</u>		
			Air Flask	728	
			Antenna	-	
			Antifoulant	971	
			Heat Resistant	1069	
			High-gloss	1069	
			High-temperature	1597	
			Inorganic Zinc High-build	728	
			Military Exterior	728	
			Mist	-	
			Navigational Aids	-	
			Nonskid	728	
			Nuclear ⁵	1069	
			Organic Zinc	802	
			Pretreatment Wash Primer	-	
			Repair and Maintenance of Thermoplastics	-	
Rubber Camouflage	728				
Sealant for Thermal Spray Aluminum	-				
Special Marking	-				
Specialty Interior	728				
Tack Coat	-				
Undersea Weapons Systems	728 ⁸				
Weld-through Precon. Primer	-				
11	Non-Halogenated Solvents	VOC	Each cold cleaning degreaser shall use less than 100 gallons of solvent per month.	N/A	310 CMR 7.03(8)
			N/A	Solvent shall have a vapor pressure that does not exceed 1.0 mm Hg at 20° C	310 CMR 7.18(8)(a)1.
				Work practices and operation of degreaser.	310 CMR 7.03(7) 310 CMR 7.18(1) 310 CMR 7.18(8)(a) 310 CMR 7.18(8)(e)

Table 3					
EU	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No.
16	Gasoline	VOC / HAP (total)	N/A	Minimize vapor emissions. See Operating Permit No. SE-16-014, Table 8, Provisos 20 and 21.	310 CMR 7.24(3) 40 CFR Part 63 Subpart CCCCC
Facility-wide	All	HAP ³ (single)	N/A	3.3 TPM 9.9 TPY	Operating Permit No. SE-16-014
		HAP (total)	N/A	3.3 TPM 9.9 TPY	Operating Permit No. SE-16-014
		Green-house Gas ⁶	N/A	N/A	310 CMR 7.71 (State Only Requirement)

Table 3 Key:

EU = Emission Unit	≥ = greater than or equal to
PM _{2.5} = Particulate Matter less than or equal to 2.5 microns in diameter	PM ₁₀ = Particulate Matter less than or equal to 10 microns in diameter
PM = Total Particulate Matter	VOC = Volatile Organic Compound
TPY = tons per consecutive 12-month rolling period ⁷	HAP (total) = total Hazardous Air Pollutants
VOHAP = Volatile organic hazardous air pollutant, which means any compound listed in or pursuant to section 112(b) of the Clean Air Act that contains carbon, excluding metallic carbides and carbonates. This definition includes VOC listed as HAP and exempt compounds listed as HAP.	§ = section
< = less than	TPM = tons per month
HAP (single) = maximum single Hazardous Air Pollutant as listed in the 1990 Clean Air Act (CAA) Amendments, §112(b)	≤ = less than or equal to
N/A = not applicable	T = Temperature
	CFR = Code of Federal Regulation
	N/A = Not applicable
	mm Hg at 20°C = millimeters of Mercury at 20 degrees Celsius

Table 3 Footnotes:

- a. The limits are expressed in two sets of equivalent units. Either set of limits may be used for the compliance procedure described in 40 CFR 63.785(c)(1), but only the limits expressed in units of grams per liter solids (nonvolatiles) shall be used for the compliance procedures described in 40 CFR 63.785(c)(2) through (4).
- b. VOC (including exempt compounds listed as HAP) shall be used as a surrogate for VOHAP for those compliance procedures described in 40 CFR 63.785(c) (1) through (3).
- c. To convert from g/L to lb/gal, multiply by (3.785 L/gal) (1 lb/453.6/g) or 1/120. For compliance purposes, metric units define the standards. VOC does include exempt compounds listed as HAP.
- d. VOC limits expressed in units of mass of VOC per volume of solids were derived from the VOC limits expressed in units of mass of VOC per volume of coating assuming the coatings contain no water or exempt compounds and that the volumes of all components within a coating are additive. VOC does include exempt compounds listed as HAP.
- e. These limits apply during cold-weather time periods (i.e. temperatures below 4.5 Degrees Celsius). Cold-weather allowances are not given to coatings in categories that permit less than 40 percent solids (nonvolatiles) content by volume. Such coatings are subject to the same limits regardless of weather conditions.
 1. Includes particulate emissions from spray painting operations.
 2. Includes coatings applied with spray guns, brushes, and rollers.
 3. Currently, the single largest HAP is xylene.
 4. Particulate matter emission based on High Velocity Low Pressure spray paint gun transfer efficiency of 70%, and a particle settling rate of 90% within an enclosure. Source: Paint Basics and Emission Calculations, Texas Commission on Environmental Quality, October 11, 2006.

5. Nuclear specialty coating means any protective coating used to seal porous surfaces such as steel (or concrete) that otherwise would be subject to intrusion by radioactive materials.
6. 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).
7. 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.
8. Corrects typographical error contained in Limited Plan Approval No. SE-12-030.
9. As contained in 40 CFR §63.781(b), the VOC content limitation contained in Table 3 of this Operating Permit (expressed as Grams/liter of coating [minus water and exempt compounds] or Grams per liter solids) does not apply to coatings used in volumes of less than 200 liters (52.8 gallons) per year, provided the total volume of coating exempt under this Table does not exceed 1,000 liters per year (264 gallons per year) at the Facility. Coatings exempt under this Table shall be clearly labeled as “low-usage exempt,” and the volume of each such coating applied shall be maintained in the Facility's records. See Table 8, Proviso No. 27 in this Operating Permit.

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
1A, 1B, and 1C	1. In accordance with Plan Approval SE-12-030, the Permittee shall monitor the use of solvents, thinners, and coatings, to include VOC, HAP (single), and HAP (total) used and emitted, in order to demonstrate compliance with operational and emission limits contained in Table 3 of this Operating Permit, and with 40 CFR 63 Subpart II.
1C	2. The Permittee shall demonstrate compliance with all monitoring and testing requirements contained in 40 CFR 63 Subpart II §63.785 and §63.786.
11	3. In accordance with 310 CMR 7.03(8) and 310 CMR 7.18(8)(a), the Permittee shall monitor the amount of solvent(s) used, the vapor pressure of the solvent(s) used, and all work practices pertaining to degreasing activities. 4. The Permittee shall monitor work practices and operation of degreaser(s) to maintain compliance with 310 CMR 7.18(8)(e). 5. In accordance with 310 CMR 7.18(8)(h), upon request of the MassDEP, the Permittee shall perform or have performed tests to demonstrate compliance with 310 CMR 7.18(8). Testing shall be conducted in accordance with a method approved by MassDEP and USEPA.
16	6. In accordance with 310 CMR 7.24(3)(d), the Permittee shall maintain, monitor, test, and properly operate a Stage I vapor recovery system.
1A, 1B, 1C, 11, and 16	7. In accordance with Plan Approval SE-12-030, the Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
1A, 1B, and 1C	8. In accordance with Plan Approval SE-12-030, 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.
Facility-wide	9. In accordance with 310 CMR 7.71(1) and Appendix C(9), the Permittee shall establish and maintain data systems or record keeping practices (e.g. fuel use records, SF ₆ usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c. 298, § 6. (State Only Requirement)

Table 4 Key:

- | | |
|-------------------------------------------------------|----------------------------------------------------------------|
| EU = Emission Unit | USEPA = United State Environmental Protection Agency |
| HAP (total) = total Hazardous Air Pollutants | SF ₆ = Sulfur Hexafluoride |
| VOC = Volatile Organic Compounds | CFR = Code of Federal Regulations |
| HAP (single) = maximum single Hazardous Air Pollutant | § = Section |
| CMR = Code of Massachusetts Regulations | e.g. = for example |
| M.G.L. = Massachusetts General Laws | MassDEP = Massachusetts Department of Environmental Protection |
| c. = chapter | |

Table 5	
EU	Record Keeping Requirements
1A, 1B, and 1C	<p>1. In accordance with Plan Approval SE-12-030, the Permittee shall maintain adequate records on-site to demonstrate compliance with all operational, production, and emission limits contained in Table 3 of this Operating Permit, and with 40 CFR 63 Subpart II. Detailed daily records shall be kept for EU1C. Records shall also list: actual amount of all VOC-, HAP (single)-, HAP (total)-, PM-, PM₁₀-, and PM_{2.5} - containing materials used per month and used per consecutive 12 month period (the total of the current month's emissions plus the emissions from the 11 months preceding the current month). 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 http://www.mass.gov/dep/air/approvals/aqforms.htm#report.</p>
1C	<p>2. Pursuant to MassDEP's authority through 310 CMR 7.00:Appendix C(9)(b)2, the Permittee shall maintain records showing that all coatings used at the facility are included in one of the categories of coatings listed in, and comply with the limitations contained in Table 3 of this Operating Permit, with the exception of low-usage exempt coatings, as allowed in 40 CFR 63 Subpart II.</p>
1A, 1B, and 1C	<p>3. In accordance with Plan Approval SE-12-030, the Permittee shall maintain records of monitoring and testing as required by Table 4 of this Operating Permit.</p>
	<p>4. In accordance with Plan Approval SE-12-030, the Permittee shall maintain a copy of this Plan Approval, underlying Application and the most up-to-date SOMP for the EU(s) approved herein on-site.</p>
	<p>5. In accordance with Plan Approval SE-12-030, the Permittee shall maintain a record of routine maintenance activities performed on the approved EU(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>
	<p>6. In accordance with Plan Approval SE-12-030, 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.</p>
1C	<p>7. In accordance with 40 CFR 63 Subpart II §63.781(c) and §63.788(b)(2)(iii) through (vii), the Permittee shall compile records on a monthly basis and maintain those records for a minimum of 5 years. At a minimum, these records shall include:</p> <ul style="list-style-type: none"> a. A copy of the Facility's implementation plan; b. The volume of each low-usage-exempt coating applied; c. Identification of the coatings used, their appropriate coating categories, and the applicable VOC limit; d. Certification of the as-supplied VOC content of each batch of coating; e. A determination of whether containers meet the standards as described in §63.783(b)(2); and f. The results of any Method 24 of Appendix A to 40 CFR Part 60 or approved VOC measurement test conducted on individual containers of coating, as applied.

Table 5

Table 5	
EU	Record Keeping Requirements
	<p>8. In accordance with §63.788(b)(3), the records required by Proviso 7 (above) shall include the following additional information, as determined by the compliance procedure <u>for coatings to which thinning solvent will not be added</u>, as described in §63.785(c). Records maintained by the Facility, demonstrating compliance with the procedure described in §63.785(c)(1) shall contain the following information:</p> <ul style="list-style-type: none"> a. Certification of the as-applied VOC content of each batch of coating; and b. The volume of each coating applied.
	<p>9. In accordance with §63.788(b)(3), the records required by Proviso 7 (above) shall include the following additional information, as determined by the compliance procedure <u>for coatings to which thinning solvent will be added – coating-by-coating compliance</u>, as described in §63.785(c). Records maintained by the Facility, demonstrating compliance with the procedure described in §63.785(c)(2) shall contain the following information:</p> <ul style="list-style-type: none"> a. Density of each thinner and volume fraction of solids in each batch; b. Maximum allowable thinning ratio(s) for each batch; c. If the Facility chooses to comply with the cold-weather limits, the dates and times which ambient temperature at the affected source was below 4.5 degrees Celsius (40 degrees Fahrenheit) at the time the coating was applied and the volume used of each batch of the coating, as supplied, during these dates; d. Volume used of each batch, as supplied; e. Total allowable volume of thinner; and f. Actual volume of thinner used.
1C	<p>10. In accordance with §63.788(b)(3), the records required by Proviso 7 (above) shall include the following additional information, as determined by the compliance procedure <u>for coatings to which thinning solvent will be added – group compliance</u>, as described in §63.785(c). Records maintained by the Facility, demonstrating compliance with the procedure described in §63.785(c)(3) shall contain the following information:</p> <ul style="list-style-type: none"> a. Density of each thinner and volume fraction of solids in each batch; b. Maximum allowable thinning ratio(s) for each batch; c. If the Facility chooses to comply with the cold-weather limits, the dates and times which ambient temperature at the affected source was below 4.5 degrees Celsius (40 degrees Fahrenheit) at the time the coating was applied and the volume used of each batch of the coating, as supplied, during these dates; d. Identification of each group of coatings and their designated thinners; e. Volume used of each batch, as supplied; f. Total allowable volume of thinner; and g. Actual volume of thinner used.

Table 5	
EU	Record Keeping Requirements
1A, 1B, and 1C	11. In accordance with Plan Approval SE-12-030, the Permittee may reconcile VOC, HAP (single), and HAP (total) contained in any solvent waste shipped during the month when determining monthly emissions provided that verifiable records are maintained demonstrating the VOC, HAP (single), and HAP (total) content, and quantity present in the waste being shipped if reconciling monthly usage and emissions.
11	12. In accordance with 310 CMR 7.18(8)(g), the Permittee shall prepare and maintain daily records sufficient to demonstrate continuous compliance. Such records shall include, but are not limited to: 1. identity, quantity, formulation and density of solvent(s) used; 2. quantity, formulation and density of all waste solvent(s) generated; 3. actual operational and performance characteristics of the degreaser and any appurtenant emissions capture and control equipment, if applicable; and 4. any other requirements specified by MassDEP in any approval(s) and/or order(s) issued to the person.
	13. In accordance with 310 CMR 7.03(8), the Permittee shall maintain monthly records sufficient to demonstrate compliance status with solvent usage rate.
16	14. In accordance with 310 CMR 7.24(3)(d), the Permittee shall keep records for the Stage I vapor recovery system.
	15. In accordance with 40 CFR 63 Subpart CCCCCC, Section 63.11125, the Permittee shall keep applicable records as required by this Subpart.
Facility- Wide	16. 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).
	17. In accordance with Plan Approval SE-12-030, the Permittee shall maintain records to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	18. Pursuant to MassDEP's authority through 310 CMR 7.12(3)(b), Copies of Source Registration and other information supplied to the Department to comply with 310 CMR 7.12, shall be retained by the facility owner or operator for five (5) years from the date of submittal.
	19. In accordance with Plan Approval SE-12-030, the Permittee shall maintain records required by this Permit on-site for a minimum of five (5) years.
	20. In accordance with Plan Approval SE-12-030, the Permittee shall make records required by this Permit available to MassDEP and USEPA personnel upon request.
	21. In accordance with 310 CMR 7.00, Appendix C(10)(b) and Operating Permit No. SE-16-014, the Permittee shall maintain onsite records of all monitoring data and supporting information required by this Operating Permit for five (5) years from the date of generation and these records shall be made readily available to MassDEP and/or USEPA personnel. Records shall be of sufficient detail to document compliance with Operating Permit SE-16-014 which includes, but is not limited to, applicable limits/restrictions (such as emission, operational, production), monitoring, testing, reporting, recordkeeping requirements, and provisions/conditions therein.

Table 5 Key:

EU = Emission Unit
 PM = total Particulate Matter
 SOMP = Standard Operating and Maintenance Procedure
 USEPA = United States Environmental Protection Agency
 HAP (single) = maximum single Hazardous Air Pollutant
 PM₁₀ = PM less than or equal to 10 microns in diameter

§ = Section
 VOC = Volatile Organic Compounds
 HAP (total) = total Hazardous Air Pollutants
 CFR = Code of Federal Regulations
 PM_{2.5} = PM less than or equal to 2.5 microns in diameter
 MassDEP = Mass. Department of Environmental Protection

Table 6	
EU	Reporting Requirements
1A, 1B, and 1C	1. In accordance with Plan Approval SE-12-030, the Permittee shall notify the Southeast Regional Office of MassDEP, BAW Compliance and Enforcement (C/E) Chief by telephone (508) 946-2878, 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 the limits or standards contained in Table 3 of this Operating Permit. A written report shall be submitted to C/E 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).
	2. In accordance with Plan Approval SE-12-030, 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.
	3. In accordance with Plan Approval SE-12-030, the Permittee shall provide a copy to MassDEP of any record required to be maintained by this Operating Permit or Plan Approval SE-12-030 within 30 days from MassDEP's request.
	4. In accordance with Plan Approval SE-12-030, 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 of this Operating Permit, Monitoring and Testing Requirements.
	5. In accordance with Plan Approval SE-12-030, 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 of this Operating Permit, Monitoring and Testing Requirements.
1C	6. In accordance with 40 CFR 63 Subpart II §63.788(c), the Permittee shall submit a report to the USEPA and to MassDEP for each of the previous six (6) months, before the sixtieth (60 th) day following completion of each six (6) month period. The report shall include all of the information that must be retained pursuant to Provisos 7, 8, 9, and 10, as contained in Table 5 of this Operating Permit, except for the information specified in Provisos 7c, 8a, 9a, and 10a as contained in Table 5 of this Operating Permit.
16	7. In accordance with 40 CFR 63 Subpart CCCCCC, Section 63.11126, the Permittee shall report to MassDEP and USEPA as required by this Subpart.
Facility- wide	8. In accordance with Plan Approval SE-12-030, the Permittee shall submit to MassDEP all information required by this Permit 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).
	9. 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
	10. In accordance with 310 CMR 7.12, the Permittee shall submit a Source Registration/Emission Statement Form to MassDEP on an annual basis.
	11. In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by MassDEP that stack testing is necessary to ascertain compliance with the Department's regulations or design approval provisos, the Permittee shall cause such stack testing to be summarized and submitted to MassDEP as prescribed in the agreed to pretest protocol.

Table 6	
EU	Reporting Requirements
Facility-wide	12. 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).
	13. In accordance with General Condition 10 of this Permit, the Permittee shall submit the Annual Compliance report to MassDEP and USEPA by January 30 of each year.
	14. In accordance with 310 CMR 7.71(5), the Permittee shall electronically submit and certify by April 15 th of each year a greenhouse gas emissions report to MassDEP. (State Only Requirement).

Table 6 Key:

EU = Emission Unit	PCD = Pollution Control Device
CMR = Code of Massachusetts Regulations	C/E = Compliance / Enforcement
MassDEP = Massachusetts Department of Environmental Protection	BAW = Bureau of Air and Waste
§ = Section	USEPA = United States Environmental Protection Agency

Table 6 Footnote:

(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 Table 3, 4, 5, and 6:

Table 8	
EU	Special Terms and Conditions
1A	1. In accordance with Plan Approval SE-12-030, the Permittee shall install, operate, and maintain a physical barrier, located adjacent to any area where high pressure hydro washing operations are being conducted, in a manner such that said operations do not cause a condition of air pollution, as defined in 310 CMR 7.00, or otherwise constitute a nuisance condition.
	2. In the event that high pressure hydro washing operations cause a condition of air pollution, as defined in 310 CMR 7.00, the Permittee shall terminate said operations, in accordance with Plan Approval SE-12-030.
	3. In accordance with Plan Approval SE-12-030, the Permittee shall, at all times, including periods of startup, shutdown, and malfunction, the high pressure hydro washing operations, to the extent practicable, be maintained and operated in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to MassDEP, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
	4. To minimize visible emissions and fugitive emissions, the Permittee shall, in accordance with Plan Approval SE-12-030, minimize or, if necessary, terminate outdoor high pressure hydro washing operations if the prevailing wind direction and speed causes particulate matter from such activities to be transported to adjacent property or waterways causing a condition of air pollution as defined by 310 CMR 7.00 or otherwise cause a nuisance condition.
1B	5. In accordance with Plan Approval SE-12-030, the Permittee shall conduct marine paint removal and surface preparation operations in a manner such that said operations do not cause a condition of air pollution, as defined in 310 CMR 7.00, or otherwise constitute a nuisance condition.
	6. In accordance with Plan Approval SE-12-030, in the event that a specific surface preparation operation causes a condition of air pollution, as defined in 310 CMR 7.00, the Permittee shall terminate said operation.
	7. In accordance with Plan Approval SE-12-030, Special Term and Condition number 7., the Permittee shall ensure that a physical noise barrier is installed, operated, maintained, and positioned where noise producing surface preparation operations in such a manner that said operations do not cause a condition of air pollution, as defined in 310 CMR 7.00, or otherwise constitute a nuisance condition. (State only Requirement)
	8. In accordance with Plan Approval SE-12-030, the Permittee shall not operate equipment with significant noise generating potential (such as needle guns and scalars) outside the “sound mitigation area” unless the Permittee determines that significant noise generating operations cannot be deferred until a “sound mitigation area” becomes available. Notwithstanding this Proviso, the Permittee shall not create a condition of air pollution as defined by 310 CMR 7.00, or otherwise cause a nuisance condition. (State only Requirement)

Table 8

EU	Special Terms and Conditions
1B	9. In accordance with Plan Approval SE-12-030, the Permittee shall, in a timely manner, move vessels on which significant noise generating surface preparation or paint removal work is being conducted into the “sound mitigation area” when adequate space become available. (State only Requirement)
	10. In accordance with Plan Approval SE-12-030, the Permittee shall limit significant noise generating activities along the Union Street/Wharf side of the “sound mitigation area” to times when the remainder of the “sound mitigation area” is full. (State only Requirement)
	11. In accordance with Plan Approval SE-12-030, where it is determined to be infeasible to locate a vessel to the “sound mitigation area” due to temporary vessel space restrictions or similar constraints, paint removal or surface preparation operations with the potential to generate significant noise shall, to the maximum extent possible, be conducted between the hours of 7:30 am and 4:00 pm, and then only between Monday thru Friday (inclusive), and exclusive of Massachusetts Legal Holidays, to the maximum extent possible. The Permittee shall keep a record of the restrictions, constraints and conditions when the Permittee conducts the operations as described in this Proviso. (State only Requirement)
	12. The Permittee shall conduct marine surface preparation operations in compliance with Plan Approval SE-12-030.
1C	13. In accordance with Plan Approval SE-12-030, and 40 CFR 63, Subpart II, the Permittee shall conduct marine surface preparation and marine coating operations in compliance with any applicable regulations contained at 40 CFR 63, Subpart II.
1B	14. In accordance with Plan Approval SE-12-030, during surface preparation operations, the Permittee shall use shrouded and/or vacuum assisted (SVA) tools ¹ that prevent particulate matter from leaving the immediate area, except where it is impractical, infeasible, or inaccessible ² .
1B and 1C	15. In accordance with Plan Approval SE-12-030, the Permittee shall, at all times, including periods of startup, shutdown, and malfunction, the marine surface preparation and marine coatings operations, to the extent practicable, be maintained and operated in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to MassDEP, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
	16. In accordance with Plan Approval SE-12-030, the Permittee shall, to minimize visible emissions and fugitive emissions: a. Minimize or, if necessary, terminate outdoor surface preparation and/or spray coating application operations if the prevailing wind direction and speed causes particulate matter from such activities to be transported to adjacent properties or waterways, which causes a condition of air pollution or a nuisance condition. b. Locate surface preparation and paint spray operations within the Facility, to minimize particulate matter from being transported to adjacent properties or waterways. c. Use enclosures ³ when using HVLP paint spray guns (or equivalent) for spray coating operations.
1C	17. In accordance with Plan Approval SE-12-030, the Permittee shall clean paint spray equipment in accordance with 310 CMR 7.03(16)(h).
1B and 1C	18. In accordance with Plan Approval SE-12-030, when extenuating circumstances prevent the Permittee from complying with the heretofore Special Terms and Conditions as contained in Table 8 of this

Table 8	
EU	Special Terms and Conditions
1C	19. Operating Permit, the Permittee shall record the date, time, duration, and reason. See Provisos 19. and 20, as contained in Table 5, Recordkeeping Requirements within this Operating Permit.
	20. EU1C is subject to the requirements of 40 CFR 63.1-15, Subpart A, "General Provisions" (as indicated in Table 1 to Subpart II of 40 CFR 63). Compliance with all applicable provisions therein is required.
16	21. EU16 is subject to the requirements of 40 CFR 63.1-15, Subpart A, "General Provisions" (as indicated in Table 3 to Subpart CCCCCC of 40 CFR 63). Compliance with all applicable provisions therein is required.
	22. In accordance with 40 CFR 63.11115 and §11116, the Permittee shall comply with the emission limitations and management practices of an existing gasoline dispensing facility at an area source with annual throughput less than 10,000 gallons.
1A, 1B and 1C	23. In accordance with Plan Approval SE-12-030, the Permittee shall operate all equipment in accordance with the equipment manufacturer's instructions.
	24. In accordance with Plan Approval SE-12-030, the Permittee shall conduct all handling and transferring operations involving VOC- and/or HAP-containing coatings, thinners and solvents in a way that minimizes spills and releases of VOCs and/or HAPs.
	25. In accordance with Plan Approval SE-12-030, the Permittee shall ensure the containers of VOC- and/or HAP-containing coatings, thinner and solvents are in good condition and do not leak, and shall remain closed, except to add or remove material from them.
	26. In accordance with Plan Approval SE-12-030, MassDEP acknowledges that the Permittee has submitted a Noise, Dust, and Odor (NDO) Management Plan, which is incorporated by reference into this Operating Permit. The Permittee shall maintain a current and up-to-date NDO Management Plan on-site, review the NDO Management Plan annually, and keep records of any changes required.
	27. In accordance with Plan Approval SE-12-030, the Permittee shall post the dated NDO Management Plan in a conspicuous area and shall review the NDO Management Plan with employees at least annually, or when there is change in the NDO Management Plan that affect an employee's job description or work activities.
1C	28. As contained in 40 CFR §63.781(b), the VOC content limitation contained in Table 3 of this Operating Permit (expressed as Grams/liter of coating [minus water and exempt compounds] or Grams per liter solids) does not apply to coatings used in volumes of less than 200 liters (52.8 gallons) per year, provided the total volume of coating exempt under this Table does not exceed 1,000 liters per year (264 gallons per year) at the Facility. Coatings exempt under this Table shall be clearly labeled as "low-usage exempt," and the volume of each such coating applied shall be maintained in the Facility's records.

Table 8 Key:

EU = Emission Unit
 CFR = Code of Federal Regulations
 VOC = Volatile Organic Compound
 NESHAPs = National Emission Standards for Hazardous Air Pollutants
 § = Section
 HAPs = Hazardous Air Pollutants

HAP (total) = total Hazardous Air Pollutants
 CMR = Code of Massachusetts Regulations
 HAP (single) = maximum single Hazardous Air Pollutant
 HVLP = High Volume Low Pressure
 NDO = Noise, Dust, and Odor
 SVA = Shrouded and/or Vacuum Assisted

Table 8 Footnotes:

1. Shrouded and/or Vacuum Assisted (SVA) tools are a type of hand-held equipment, which are specifically designed for the control and containment of particulate matter. An example of an SVA tool is a vacuum assisted sander.
2. MassDEP recognizes that SVA tools are highly practical, feasible and effective on flat and mostly flat surfaces, when the shroud surrounds the entire surface being prepared.
3. Examples of enclosures include, but are not limited to, activities conducted inside a vessel, a portable shelter, a portable cover, a shroud, a tent, a tarpaulin, and/or within a paint spray booth.

6. ALTERNATIVE OPERATING SCENARIOS

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

7. EMISSIONS TRADING

A. INTRA-FACILITY EMISSION TRADING

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

B. INTER-FACILITY EMISSION TRADING

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

8. COMPLIANCE SCHEDULE

The Permittee has indicated that the Facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the Permit term.

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

10. COMPLIANCE CERTIFICATION

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/eea/docs/dep/air/approvals/aq/aqopkit.pdf>.

A. Annual Compliance Report and Certification

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

The compliance certification and report shall describe:

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

B. Semi-Annual Monitoring Summary Report and Certification

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

The compliance certification and report shall describe:

- 1) the terms and conditions of the Permit that are the basis of the certification;

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

11. NONCOMPLIANCE

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

12. PERMIT SHIELD

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

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

- B. The MassDEP has determined that the Permittee is not currently subject to the requirements listed in Section 4, Table 7 of this Operating Permit.
- C. Nothing in this Permit shall alter or affect the following:
- 1) the liability of the source for any violation of applicable requirements prior to or at the time of Permit issuance.

- 2) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- 3) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

13. ENFORCEMENT

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

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

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

14. PERMIT TERM

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

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

15. PERMIT RENEWAL

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

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

16. REOPENING FOR CAUSE

This Permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP

and/or EPA. The responsible official of the Facility may request that the MassDEP terminate the facility's Operating Permit for cause. The MassDEP will reopen and amend this Permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

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

17. DUTY TO PROVIDE INFORMATION

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

18. DUTY TO SUPPLEMENT

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

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

19. TRANSFER OF OWNERSHIP OR OPERATION

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

20. PROPERTY RIGHTS

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

21. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the MassDEP, and EPA to perform the following:

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

22. PERMIT AVAILABILITY

The Permittee shall have available at the Facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the 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

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.

defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

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

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

25. PERMIT DEVIATION

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

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

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

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Air and Waste Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site,

<http://www.mass.gov/dep/air/approvals/aqforms.htm#op> .

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

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

26. OPERATIONAL FLEXIBILITY

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

27. MODIFICATIONS

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

28. OZONE DEPLETING SUBSTANCES

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

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
- 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
 - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
 - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
 - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
- 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
 - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
 - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.
 - 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
 - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the Permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight

sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.

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

29. PREVENTION OF ACCIDENTAL RELEASES

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

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

APPEAL CONDITIONS FOR OPERATING PERMIT

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

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

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

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

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

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

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

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