



# Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

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Commissioner

October 3, 2011

Kevin Rousseau  
Covanta Pittsfield, LLC  
500 Hubbard Avenue  
Pittsfield, Massachusetts 01201

Re: Regulation 310 CMR 7.02(4)  
Modification to NMCPA #1-P-09-014  
Application #1-P-11-010  
Transmittal # X237308

## Final Approval

Dear Mr. Rousseau:

On April 8, 2011, the Department of Environmental Protection, Bureau of Waste Prevention, Western Regional Office (“MassDEP”) received a limited plan approval application from Covanta Pittsfield, LLC, 500 Hubbard Avenue, Pittsfield, MA 01201, for the modification of Non-Major Comprehensive Plan Approval (NMCPA) #1-P-09-014 to allow the combining of Crane & Co., Inc. industrial sludge with other sources of acceptable industrial sludge prior to injection in the waste combustors. The industrial sludge injection system is located at the site of the existing Pittsfield Resource Recovery Facility located at 500 Hubbard Avenue, Pittsfield, MA 01201.

**The requirements contained in this plan approval shall supersede all requirements as specified in NMCPA #1-P-09-014 dated December 18, 2009.**

### I. Project Description

#### **A. Background**

On December 18, 2009, Covanta Pittsfield, LLC received a NMCPA #1-P-09-014 from MassDEP which allowed for the reactivation of an existing oil-fired boiler and for the construction of an industrial sludge injection system at the Pittsfield Resource Recovery Facility. The industrial sludge injection system was approved for the injection and combustion of industrial sludge (“Crane sludge”) from the three storage lagoons which are located on the adjacent Crane & Company, Inc. (Crane) property. Other sources of industrial sludge, which meet the acceptable industrial sludge criteria contained in condition #7 of NMCPA #1-P-09-014,

would be delivered to the facility by specially-designed transport trucks. Please see Section I.C. of NMCPA #1-P-09-014 for a complete description of the industrial sludge injection system as well as the maximum allowable industrial sludge metal concentrations.

Since the issuance of NMCPA # 1-P-09-014, Covanta Pittsfield, LLC has requested a modification to allow the combining of Crane sludge with other acceptable sources of industrial sludge prior to injection into the waste combustors. A condition of the NMCPA #1-P-09-014 specifically prohibited the combining of Crane sludge with other acceptable sources of industrial sludge prior to injection. The requested modification will not result in any emission increases.

Covanta Pittsfield, LLC has also proposed a change in the allowable lead concentration of the Crane sludge. This change has been proposed since additional analyses of the lead concentration contained in the Crane sludge were found to be significantly higher than those allowed by NMCPA #1-P-09-014. Therefore, Covanta Pittsfield, LLC has proposed to limit the emission of lead from the combustion of Crane sludge and mixtures of Crane sludge with other acceptable sources of industrial sludge (“Crane sludge mixtures”) through a calculated maximum industrial sludge injection rate for each batch of Crane sludge or Crane sludge mixtures in the receiving tank. The calculated maximum Crane sludge or Crane sludge mixture injection rate will be based on a documented maximum modeled lead emission rate from the combustion of industrial sludge from Crane and the actual lead concentration, density and solids content for each batch of Crane sludge or Crane sludge mixtures. The calculated restriction on the industrial sludge injection rate will allow for varying lead concentrations while staying below the maximum modeled lead emission rate. Therefore, the lead emissions from the combustion of industrial sludge will be no greater than the level modeled in NMCPA #1-P-09-014.

The calculated maximum industrial sludge injection rate will represent the total flow rate to all the combustors in gallons per minute based on a 4-hour block average. Covanta Pittsfield, LLC will be equipped with flow rate monitors which will be capable of continuously monitoring the flow rate to each waste combustor. The monitors will ensure that the sum of the flow rates to each waste combustor will not exceed the calculated industrial sludge injection flow rate based on a 4-hour block average.

The maximum modeled lead emission rate proposed to be used in the calculation is based on the lead emission rate used in the refined dispersion modeling analysis for NMCPA #1-P-09-014. The modeling analysis was conducted to determine the ambient lead impact while injecting the maximum amount of industrial sludge at the maximum lead concentration which was measured to be 577 mg/kg dry. The lead concentration was assumed to be 721.5 mg/kg dry, a 25% increase, to ensure a conservatively high modeled impact. The modeling results demonstrated that the lead emissions from industrial sludge combustion ( 721.25 mg/kg dry ~ 0.0118 lb/hr) in combination with the maximum lead emissions from solid waste (0.026 lb/hr) were in compliance with the applicable MassDEP Threshold Effects Exposure Limits (TELEs) and Allowable Ambient Limits (AALs) as well as the National Ambient Air Quality Standards (NAAQS).

Instead of operating at the maximum modeled lead emission rate of 0.0118 lb/hr while combusting Crane sludge or Crane sludge mixtures, Covanta Pittsfield, LLC has requested to limit the industrial sludge injection rate to result in the same lead emission rate as the existing

NMCPA #1-P-09-014 rolling 3-test lead concentration of 577 mg/kg dry. Based on a lead concentration of 577 mg/kg dry, the maximum allowed lead emission rate from the combustion of industrial sludge would be 0.0095 lb/hr (during operation of two or three waste combustors) or 0.0047 lb/hr (during operation of one waste combustor).

The maximum industrial sludge injection rate for each batch of Crane sludge or Crane sludge mixtures will be based on the following equation.

$$\text{Maximum Injection Rate of Crane Sludge or Crane Sludge Mixture} \left( \frac{\text{gallons}}{\text{minute}} \right) = A * \left[ \frac{100}{100 - B} \right] * \frac{453593 \text{ mg}}{\text{lb}} * \frac{\text{kg}}{\text{C mg}} * \frac{100}{D} * \frac{2.2 \text{ lb}}{\text{kg}} * \frac{\text{gal}}{E \text{ lb}} * \frac{\text{hr}}{60 \text{ min}}$$

Where:

A = Maximum allowable lead emission rate which shall be 0.0095 lb/hr during the operation of two or three waste combustors or 0.0047 lb/hr during the operation of one waste combustor.

B= Removal efficiency of lead by the air pollution control equipment (98.5% as originally modeled). If the removal efficiency is 98.5%, then B shall equal 98.5.

C = The numerical value of the lead concentration in units of mg/kg dry basis for the batch of Crane industrial sludge or Crane sludge mixture.

D = The percentage of solids in the batch of Crane industrial sludge or Crane sludge mixture. If the percent solids is 10%, then D shall equal 10.

E = The numerical value for the density of the Crane sludge or Crane sludge mixture calculated from the specific gravity of each batch of Crane sludge or Crane sludge mixture.

Revisions to the monitoring, testing and recordkeeping conditions will be made in order to verify compliance with the modified industrial sludge criteria for Crane sludge and Crane sludge mixtures.

**II. Provisions of Approval**

It is the opinion of the MassDEP that the modification of NMCPA #1-P-09-014 to allow for the co-combustion of solid waste and mixtures of Crane & Co, Inc. industrial sludge with other sources of acceptable industrial sludge is consistent with modern air pollution control technology and best available control technology (BACT). MassDEP hereby issues approval for the modification of NMCPA #1-P-09-014 as described herein and in the submittal pursuant to Regulation 310 CMR 7.02(4) of the Air Pollution Control Regulations, subject to the following provisions:

1. Covanta Pittsfield, LLC, shall construct and operate the industrial sludge injection system in accordance with the plans submitted with the NMCPA #1-P-09-014 and in accordance with the modifications submitted with the limited plan approval application #1-P-11-010 (as approved herein).
2. Covanta Pittsfield, LLC, shall reactivate and operate the Cleaver Brooks model D-68S package boiler in accordance with the plans submitted with the NMCPA #1-P-09-014 (as approved herein).

**Emission Limits and Restrictions**

3. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a) as well as the Nonattainment Review provisions of 310 CMR 7.00 Appendix A, the emission of nitrogen oxides, expressed as nitrogen dioxide, from the waste combustor’s (EU1, EU2 and EU3) combined stack shall not exceed 0.180 pounds per million Btu of heat input and 105 ppmvd @ 7% O<sub>2</sub> based on a rolling 365-day average.
4. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a) as well as the Nonattainment Review provisions of 310 CMR 7.00 Appendix A, the combined emission of nitrogen oxides, expressed as nitrogen dioxide, from the waste combustors (EU1, EU2 and EU3) and the Cleaver Brooks model D-68S package boiler shall not exceed 76.1 tons in any 12 consecutive calendar month period. Of the total combined NOx emission limitation, EU1, EU2 and EU3 shall not exceed 75.5 tons in any 12 consecutive calendar month period.
5. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a), the Cleaver Brooks model D-68S package boiler shall have a maximum heat input rate of 45.48 million Btu per hour and shall not exceed the following emission rate limitations:

<b>Pollutant</b>	<b>Lb/MMBtu</b>	<b>Lb/hr</b>
Nitrogen Oxides	0.146	6.64
Carbon Monoxide	0.036	1.64
Sulfur Dioxide	0.0016	0.073
Volatile Organic Compounds	0.001	0.05
Total Filterable Particulate Matter	0.015	0.68
Filterable PM-10	0.007	0.32
Filterable PM-2.5	0.002	0.09
*Condensable Particulate Matter	0.009	0.41

6. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a), no visible emissions shall be emitted from the Cleaver Brooks model D-68S package boiler at any time.
7. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a), the maximum lead emission rate from the combustion of industrial sludge alone, not including solid waste, shall not exceed 0.0095 lb/hr when two or three waste combustors are in operation and 0.0047 lb/hr when one waste combustor is in operation.

**Fuel and Throughput Restrictions**

8. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, Covanta Pittsfield, LLC, shall neither consume any industrial sludge from Crane & Company, Inc., nor shall they receive any industrial sludge from other sources of industrial sludge which exceeds, at any time, the applicable concentration limits established below:

	<b>Crane Sludge</b>	<b>Other Sources of Industrial Sludge</b>	<b>Mixtures of Crane Sludge with Other Sources of Industrial Sludge</b>
<b>Metal</b>	<b>Concentration (mg/kg, dry basis)</b>	<b>Concentration (mg/kg, dry basis)</b>	<b>Concentration (mg/kg, dry basis)</b>
Antimony	125	125	125
Arsenic	19.3	19.3	19.3
Beryllium	2.5	2.5	2.5
Cadmium	11.9	11.9	11.9
Chromium	165.4	165.4	165.4
Copper	1,038	1,038	1,038
Lead	See Condition #9	187.5	See Condition #9
Mercury	5.4	5.4	5.4
Nickel	149.3	149.3	149.3
Selenium	10.1	10.1	10.1

9. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, during the combustion of Crane sludge or Crane sludge mixtures the total maximum industrial sludge injection rate to all the waste combustors for each batch of industrial sludge shall not exceed, **during any 4-hour block average**, the value calculated by the following equation:

$$\text{Maximum Injection Rate of Crane Sludge or Crane Sludge Mixture} \left( \frac{\text{gallons}}{\text{minute}} \right) = A * \left[ \frac{100}{100 - B} \right] * \frac{455593 \text{ mg}}{\text{lb}} * \frac{\text{kg}}{\text{C mg}} * \frac{100}{D} * \frac{2.2 \text{ lb}}{\text{kg}} * \frac{\text{hr}}{E \text{ lb} * 60 \text{ min}}$$

Where:

A = Maximum allowable lead emission rate which shall be 0.0095 lb/hr during the operation of two or three waste combustors or 0.0047 lb/hr during the operation of one waste combustor.

B = Removal efficiency of lead by the air pollution control equipment (98.5% as originally modeled). i.e. if the removal efficiency is 98.5%, then B shall equal 98.5.

C = The numerical value of the lead concentration in units of mg/kg dry basis for the batch of Crane sludge or Crane sludge mixture.

D = The percentage of solids in the batch of Crane sludge or Crane sludge mixture with other acceptable sources of industrial sludge. i.e. if the percent solids is 10% then D shall equal 10.

E = The numerical value for the density of the Crane sludge or Crane sludge mixture calculated from the specific gravity of each batch.

10. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the maximum solids content of any industrial sludge being injected into each waste combustor shall not exceed 15% by weight at any time.
11. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the ratio of dry sludge solids to MSW combusted in each waste combustor shall not exceed 5% by weight based on a 4-hour block average.
12. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, no more than 19,000 gallons of #2 fuel oil shall be mixed with any industrial sludge in the receiving tank and burned in the waste combustors in any 12 consecutive calendar month period.
13. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the maximum amount of #2 fuel oil that shall be mixed with any industrial sludge in the receiving tank and burned in the waste combustors shall not exceed 0.2% of the total volume of industrial sludge burned in the waste combustors in each calendar day.

14. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, all #2 fuel oil which is to be used with the industrial sludge injection system and the Cleaver Brooks model D-68S package boiler shall have a sulfur content not to exceed 0.0015% by weight, at any time, and shall contain no reclaimed or reprocessed oil or other waste materials.
15. No municipal wastewater treatment plant sludge shall be used, at any time, in the industrial sludge injection system.

### **Equipment Restrictions**

16. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the industrial sludge receiving tank and day tank shall be equipped with an appropriately sized and designed activated carbon-based odor control system on the tank vent exhausts or a vent line connected to the inlet side of the combustion air fans.

### **Monitoring**

17. Covanta Pittsfield, LLC, shall monitor the % sulfur-in-fuel requirement for each new shipment of #2 fuel oil received to be used with the industrial sludge injection system or the the Cleaver Brooks model D-68S package boiler. Compliance with % sulfur-in-fuel requirement can be demonstrated through testing (testing certification) or by maintaining a fuel certification report from the fuel supplier. Either of which must certify that the shipment complies with the specified % sulfur-in-fuel requirement. The test methods used in determining compliance with the % sulfur-in-fuel shall be documented in the testing certification and fuel certification report.
18. Covanta Pittsfield, LLC, shall verify in a log at least once per month that the settings determined for the Cleaver Brooks model D-68S package boiler during the annual tune-up have not changed.
19. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the Cleaver Brooks model D-68S package boiler shall be equipped with instrumentation which is capable of monitoring the fuel oil usage.
20. A sample of each truck delivery of industrial sludge delivered to the facility shall be taken at the time of delivery using a sampling technique capable of achieving a representative sample of the entire load. The sample shall be retained onsite for 30 days. The samples are to be sealed and identified as to the identity of the supplier, date of delivery, delivery invoice number, amount delivered, etc.
21. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the industrial sludge injection system shall be equipped with instrumentation which is capable of continuously monitoring the industrial sludge injection rate to each waste combustor.
22. The monitored industrial sludge injection rate for each individual waste combustor and for all the waste combustors combined shall be displayed in the operator control room.

23. The calculated total maximum industrial sludge injection rate to all the waste combustors for each batch of Crane industrial sludge or mixture of Crane industrial sludge with other acceptable sources of industrial sludge shall be conspicuously displayed in the operator control room.
24. Covanta Pittsfield, LLC shall monitor and confirm for each truck delivery of industrial sludge that MassDEP has been notified 30 days prior to the initial receipt of the industrial sludge and that a copy of the original industrial sludge analysis results is on record at Covanta Pittsfield, LLC. The initial industrial sludge delivery may be accepted before 30 days after notification, upon approval by the MassDEP.

### **Testing**

25. Each batch of any industrial sludge in the receiving tank shall be sampled and tested for the solids content (in units of percent by weight) prior to being transferred into the day tank.
26. Each batch of Crane sludge and Crane sludge mixture shall be sampled, tested and results received for the lead and mercury content (in units of mg/kg, dry basis) as well as the specific gravity prior to being transferred into the day tank.
27. At least three times during each calendar month, the industrial sludge from the day tank, regardless of the sludge source, shall be sampled and tested for compliance with the criteria contained in condition #8 herein as well as the maximum solids content and verify accuracy of the original industrial sludge documentation when applicable. Each calendar month sample shall be taken no earlier than 4 days from the date of the previous sample. In the event that it is not possible to obtain at least three samples in a calendar month due to an empty day tank, fewer samples may be allowed provided there is reasonable supporting written justification kept on record.
28. Covanta Pittsfield, LLC, may submit a request in writing, subject to MassDEP approval, to change the frequency of testing and the type of constituents tested once enough data has been generated to determine the consistency of the results.
29. The Cleaver Brooks model D-68S package boiler shall have an annual tune-up according to the procedure detailed in 310 CMR 7.19(6)(a) 1. through 12.
30. Pursuant to 310 CMR 7.04(4)(a), the Cleaver Brooks model D-68S package boiler shall be inspected and maintained in accordance with the manufacturer's recommendations and tested for efficient operation once each calendar year.

### **Recordkeeping Requirements**

31. Covanta Pittsfield, LLC shall maintain comprehensive and accurate records of:
  - a. the waste combustor's calculated NO<sub>x</sub> emissions for each rolling 365-day average and each 12 consecutive calendar month period;
  - b. the Cleaver Brooks model D-68S package boiler's calculated NO<sub>x</sub> emissions for each 12 consecutive calendar month period;

- c. the identity of the industrial sludge source, volume delivered and date and time of delivery for each industrial sludge truck shipment received at the facility. As well as a verification that MassDEP has been notified 30 days prior to the initial receipt of the industrial sludge and that a copy of the original industrial sludge analysis results for the subject truck delivery is on record at Covanta Pittsfield, LLC (refer to Condition #24);
- d. the calculated maximum industrial sludge injection rate (gallons per minute) for all the waste combustors for each batch of industrial sludge used in determining compliance with condition #9 and #11 with supporting calculations;
- e. the measured industrial sludge injection rate (gallons per minute) for each waste combustor based on a 4-hour block average;
- f. the measured industrial sludge injection rate (gallons per minute) for all the waste combustors based on a 4-hour block average;
- g. the ratio of dry industrial sludge solids to MSW combusted in each waste combustor based on a 4-hour block average with supporting calculations;
- h. the total combined amount of #2 fuel oil (in gallons) injected through the industrial sludge injection system and burned in the municipal waste combustors on a monthly basis and in any 12 consecutive calendar month period;
- i. the maximum amount of #2 fuel oil mixed with industrial sludge in the receiving tank and burned in the municipal waste combustors as a percentage of the total volume of industrial sludge burned in the municipal waste combustors on a calendar day basis;
- j. the total combined amount of industrial sludge (in gallons) burned in the waste combustors on a calendar day basis;
- k. the results of the industrial sludge analyses for each industrial sludge supplier;
- l. the solids content of each batch of industrial sludge (sampled from the receiving tank);
- m. a sequential record of each batch of Crane sludge or Crane sludge mixture which shall include:
  - 1. the date and time for the completion of receiving Crane sludge to the receiving tank;
  - 2. the date and time for the completion of mixing Crane sludge with other sources of industrial sludge, if applicable;
  - 3. the date and time for each industrial sludge sample obtained for analysis as well as the type of industrial sludge sampled ( i.e. Crane sludge or Crane sludge mixture);
  - 4. the analysis results, including time received, for the solids content, specific gravity, lead and mercury concentration for each batch of Crane sludge or Crane sludge mixture;

5. the shift supervisor signoff authorizing transfer of each batch of Crane sludge or Crane sludge mixture; and
  6. the date and time for the transfer of each batch of Crane sludge or Crane sludge mixture transferred from receiving tank to day tank.
- n. the industrial sludge samples and tests performed pursuant to condition #27 herein shall include:
1. the date and time that each sample was taken;
  2. the location (receiving tank, day tank, etc.) of where each sample was taken from;
  3. the type of industrial sludge sampled (i.e Crane sludge, other industrial sludge, or mixture); and
  4. the analysis results of each industrial sludge analysis.
- o. the results of any analyses performed on the industrial sludge delivered to the facility or Crane sludge received shall contain the identity of the specific source of industrial sludge represented by each such analysis or set of analyses, the name of the individual(s) and/or company who performed each such analysis or set of analyses and the identity of the analytical techniques and methods used to perform each such analysis or set of analyses.

Records kept to demonstrate compliance must be kept on site for five years and must be made available to representatives of the MassDEP upon request.

32. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the industrial sludge injection system shall be equipped with instrumentation which is capable of continuously recording the industrial sludge injection rate to each waste combustor.
33. Covanta Pittsfield, LLC, shall maintain comprehensive and accurate records for the Cleaver Brooks model D-68S package boiler which shall include:
  - a. the amount of #2 fuel oil burned in the boiler on a monthly basis;
  - b. the supporting calculations for the air contaminant emissions from the boiler to verify compliance with the emission limitations contained in condition #5 herein;
  - c. the date of the annual tune-up;
  - d. the person conducting the annual tune-up;
  - e. the O<sub>2</sub>/smoke spot (for oil) correlations obtained during the annual tune-up;
  - f. the boiler/burner manufacturer's recommended set-points;
  - g. final boiler set-points as result of the annual tune-up;
  - h. normal boiler/burner maintenance records;

Records kept to demonstrate compliance must be kept on site for five years and must be made available to representatives of the MassDEP upon request.

34. Pursuant to 310 CMR 7.04(4)(a), Covanta Pittsfield, LLC, shall maintain comprehensive and accurate records of the annual inspection, maintenance and testing and the date upon which it was performed. These said records shall be posted conspicuously on or near the boiler.
35. Covanta Pittsfield, LLC, shall record the certification from the fuel supplier for each shipment of #2 fuel oil to be used with the industrial sludge injection system which shall include the following information:
  - a. The name of the oil supplier;
  - b. Percent sulfur content (by weight); and
  - c. The location where the sample was drawn for analysis to determine the sulfur content of the oil, specifically including whether the oil was sampled as delivered to the affected facility or whether the sample was drawn from oil in storage at the oil supplier's or oil refiner's facility or other location. As an alternative, Covanta Pittsfield, LLC, may elect to analyze the oil immediately after the fuel storage tank is filled and before any oil is combusted for each new shipment according to methods approved by the MassDEP. These records shall be maintained on-site.

### **Reporting Requirements**

36. Covanta Pittsfield, LLC, shall notify MassDEP in writing, at least thirty (30) days prior to its receipt, of the intent to receive and combust industrial sludge from sources other than Crane sludge. The notification shall include the identity of the source, the results of the industrial sludge analysis for solids content and metal concentrations (as specified in condition #8 herein) and the amount intended to be consumed. The initial delivery of the industrial sludge can be accepted prior to 30 days if approved by the MassDEP.
37. Covanta Pittsfield, LLC, shall report to MassDEP immediately by telephone and in writing within three (3) business days of any operation upsets, emission exceedances or any other malfunctions or emergencies which occur during the operation of the industrial sludge injection system or the auxiliary boiler. This report shall include a description of the upset, emergency or malfunction, the nature and cause of the upset, emergency or malfunction, time when the upset, emergency or malfunction was first observed, any steps taken to mitigate emissions, an estimate of the quantity of emissions released as a result of the upset, emergency or malfunction, duration of excess emissions and any corrective actions taken.

**“Malfunction”** means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

**“Emergency”** means any situation arising from sudden and reasonably unforeseeable events beyond the control of this 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 Approval, 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 these things.

**“Upset”** means any situation arising that varies from normal operating conditions and is not a malfunction or emergency.

### **Work Practice Requirements**

38. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, the 25,000-gallon receiving tank and the 25,000-gallon day tank shall each be equipped with a device or devices that will provide mixing and prevent stratification. The device(s) shall be operated as needed.
39. No other materials, other than #2 fuel oil (as described in Condition #41), shall be added to or removed from any batch of industrial sludge after the solids content, specific gravity, mercury concentration and lead concentration, as applicable, have been tested, unless the batch of industrial sludge is retested as applicable after any such additions or removals of material to the batch of industrial sludge.

### **Special Conditions**

40. All industrial sludge shall be consumed on-site within seven days of delivery, unless otherwise approved by MassDEP.
41. Pursuant to the best available control technology provision of 310 CMR 7.02(8)(a)2, industrial sludge and #2 fuel oil shall be properly mixed in the receiving tank prior to being injected into the waste combustor through the industrial sludge injection system. At no time shall only #2 fuel oil be injected into the waste combustor through the industrial sludge injection system.
42. The exhaust stack for the Cleaver Brooks model D-68S package boiler shall be no less than 15 feet above the roof.
43. Covanta Pittsfield, LLC, shall perform any other testing deemed necessary, at the request of MassDEP, to determine compliance with this Final Approval or any other regulatory requirement.
44. Pursuant to 310 CMR 7.00 Appendix C (8)(d)3., Covanta Pittsfield, LLC may make the approved changes herein, upon receipt by the MassDEP of a BWP AQ 10 Operating Permit Minor Modification application.

**General Conditions**

1. This Approval may be suspended, modified, or revoked by MassDEP if, at any time, MassDEP determines that the facility is violating any condition or part of this Approval. MassDEP shall be notified in writing prior to any modification of the facility such as a change in raw materials or an increase in production capacity which may increase emissions.
2. Failure to comply with any of the above stated conditions will constitute a violation of the 310 CMR 7.00, and can result in the revocation of the Approval granted herein and/or other appropriate enforcement action as provided by law. MassDEP may also revoke this Approval if the construction work is not begun within two years from the date of issuance of this Approval, or if the construction work is suspended for one year or more.
3. This Approval pertains only to the air quality control aspect of the proposal and does not negate the responsibility of the facility to comply with this or any other applicable federal, state, or local regulations now or in the future. Nor does this Approval imply compliance with this or any other applicable federal, state, or local regulations now or in the future.
4. The permittee shall operate the facility in a manner to minimize the occurrence of visible emissions which cause or contribute to a condition of air pollution as defined in Regulations 310 CMR 7.01 and 7.06.
5. The permittee shall operate the facility in a manner to minimize the occurrence of dust or odor conditions which cause or contribute to a condition of air pollution as defined in Regulations 310 CMR 7.01 and 7.09.
6. The permittee shall ensure that noise from the facility during routine operation, including startups and shutdowns, shall not exceed the MassDEP noise guidelines and shall not cause a condition of air pollution as defined in Regulations 310 CMR 7.01 and 7.10.
7. This Approval consists of the application materials and this Approval letter. If conflicting information is found between these two documents, then the requirements of the Approval letter shall take precedence over the documentation in the application materials.
8. The facility shall allow MassDEP personnel access to the site, buildings, and all pertinent records at all reasonable times for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.
9. The facility shall accurately report to MassDEP, in accordance with 310 CMR 7.12, all information as required by the Source Registration/Emission Statement Form. The facility shall note any minor changes, which did not require Plan Approval (under 310 CMR 7.02, 7.03, etc.), therein.

10. All notifications and reporting required by this Approval shall be made to the attention of:

Department of Environmental Protection  
Western Region  
436 Dwight Street  
Springfield, Massachusetts 01103  
ATTN: Air Quality Permit Section Chief

11. The MassDEP has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Environmental Affairs, for air quality purposes, was not required prior to this action by the MassDEP. Notwithstanding this determination, the Massachusetts Environmental Policy Act and Regulation 301 CMR 11.00, section 11.04, provide certain “Fail-Safe Provisions” which allow the Secretary to require the filing of an ENF and/or Environmental Impact Report at a later time.

**Appeal Rights**

This Final Approval is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this approval.

Under Regulation 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. The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

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.

For further information regarding this Final Approval, please contact Cortney Danneker of the Western Regional Office at 413-755-2234.

Sincerely,

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.

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Marc Simpson  
Air Quality Permit Chief  
Western Region

ecc: Yi Tian, DEP, Boston  
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