



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WESTERN REGIONAL OFFICE

436 Dwight Street • Springfield, Massachusetts 01103 • (413) 784-1100

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

March 15, 2010

Ida E. McDonnell, Manager
Air Permits, Toxics and Indoor Air Unit
EPA – New England, Region 1
5 Post Office Sq. Suite 100
Mail Code OEP05-2
Boston, MA 02109-3912

Re: **Administrative Amendment**
FINAL OPERATING PERMIT
Appl.# 1-O-10-011; Trans. # X230914

Dear Ms. McDonnell:

In accordance with 310 CMR 7.00 - APPENDIX C(8) of the Massachusetts Air Pollution Control Regulations ("the Regulations"), the Department of Environmental Protection ("MassDEP") is forwarding to EPA the attached **Administrative Amendment** to the Final Operating Permit for Onyx Specialty Papers, Inc. – Willow Mill ("Onyx Papers – Willow Mill") located at 40 Willow Street in South Lee, Massachusetts.

"Onyx Specialty Papers, Inc.–Willow Mill" was formerly known as "MeadWestvaco Corporation Custom Papers, LLC – Willow Mill". The attached Administrative Amendment to the Final Operating Permit consists of a transfer of ownership of the facility.

Should you have any questions concerning this **Administrative Amendment** to the Final Operating Permit, please contact John Kirzec at (413) 755-2225 at your earliest convenience.

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.

Marc Simpson
Permit Chief
Western Region

JK/jk

cc: Daniel Grant, Environmental Manager
Onyx Specialty Papers, Inc. – Willow Mill
40 Willow Street
South Lee, Massachusetts 01260



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AIR QUALITY OPERATING PERMIT

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

ISSUED TO ["the Permittee"]:

Onyx Specialty Papers, Inc.
40 Willow Street
South Lee, MA 01260

INFORMATION RELIED UPON:

Application No.: 1-O-10-011
Transmittal No.: X230914
Ref.: Application No.: 1-O-95-064
Transmittal No.: 102526

FACILITY LOCATION:

Onyx Specialty Papers, Inc.
Willow Mill
40 Willow Street
South Lee, MA 01260

FACILITY IDENTIFYING NUMBERS:

AQ ID No.: 1170015
FMF FAC No.: 388346
FMF RO No.: 185865

NATURE OF BUSINESS:

Paper Mill

SIC CODE: 2621 – Paper Mill
NAICS CODE: 322121 – Paper Mills

RESPONSIBLE OFFICIAL:

Name: Patricia C. Begrowicz
Title: General Manager

FACILITY CONTACT PERSON:

Name: Dan Grant
Title: Environmental Engineer
Phone: (413) 243-5964
Email: dgrant@onyxpapers.com

This operating permit shall expire on February 6, 2014

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.

Michael Gorski
Regional Director
Department of Environmental Protection
Western Regional Office

March 15, 2010

Date

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SPECIAL CONDITIONS FOR OPERATING PERMIT

A legend to abbreviated terms found in the following tables is located in Section 28 of this Operating Permit.

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee (hereinafter “Onyx Papers – Willow Mill”) is authorized to operate the 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.

DESCRIPTION OF FACILITY AND OPERATION

Onyx Papers – Willow Mill is a specialty paper mill located at 40 Willow Street, South Lee, Massachusetts. The facility purchases fiber and additives to produce a variety of paper products. The facility includes two (2) boilers, one oil-fired and one dual fueled (oil or natural gas), two (2) 20,000-gallon fuel oil tanks, two (2) paper machines, ancillary and support operations and equipment. The facility has the potential to emit (PTE) 10 tons of any single listed Hazardous Air Pollutant (HAP).

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)
EU 1	Babcock and Wilcox Boiler, Model No. FF- 16-24	37.5 MMBtu/hr	N/A
EU 2	Babcock and Wilcox Boiler, Model No. FM-10-61-B	48 MMBtu/hr	N/A
EU 3	No. 1 Paper Machine	5,500 lb/hr	Cyclone and Baghouse used to control emissions from pulper
EU 4	No. 2 Paper Machine	4,800 lb/hr	Baghouse used to control emissions from pulper

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 MassDEP’s Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to Regulation 310 CMR 7.12.	310 CMR 7.00:Appendix C(5)(h)

4. APPLICABLE REQUIREMENTS

A. EMISSION LIMITS AND RESTRICTIONS - The permittee is subject to the emission limits / restrictions as contained in Table 3:

Table 3					
EU#	Fuel or Raw Material	Pollutant	Emission Limit/ Standards		Applicable Regulation and/or Approval No.
EU 1	No. 6 fuel oil	PM	0.12 lb/MMBtu ¹		310 CMR 7.02(8)
EU 2	No. 6 fuel oil or natural gas	PM	0.10 lb/MMBtu ¹		310 CMR 7.02(8) Permit dated 12/14/73
EU 1 EU 2	No. 6 fuel oil and / or natural gas	Sulfur in fuel	Not to exceed 0.55 lb per MMBtu heat release potential (approximately equivalent to 1% sulfur content fuel oil)		POGOP, dated 6/23/2008
		Visible Emissions (opacity)	≤ 15% opacity during Normal Operation based on a six-minute block average. ----- ≤ 27% opacity during Specified Operating Conditions (periods of start-up, shutdown, burner change, steam load shifting, fuel switching, and soot blowing) based on a six-minute block average. Never to exceed 60% opacity during any six-minute block average. ----- Never to exceed 60% opacity during any six-minute block average	Except as provided in 310 CMR 7.06(1)(c)1.b. and; 310 CMR 7.06(1)(c)1.g. ----- Not to exceed 27% opacity for one-tenth of one percent of the total six minute block averages during any calendar quarter, or six block averages per boiler per quarter, whichever is greater. ----- When notified in writing at least five business days prior to scheduled shakedown activities, testing, and calibrations, MassDEP may allow exemptions to 310 CMR 7.06(1)(c)1.a. and 310 CMR 7.06(1)(c)1.b.	310 CMR 7.06(1)(c)1.a POGOP, dated 6/23/2008 ----- 310 CMR 7.06(1)(c)1.c POGOP, dated 6/23/2008 ----- 310 CMR 7.06(1)(c)1.g
EU 3 EU 4	Fibers and Additives	Opacity	≤ 20%, except 20 to ≤ 40% for ≤ 2 minutes during any one hour		310 CMR 7.06(1)(b)

Note: 1 Compliance with Emission Limitation / Standard shall be based on a one-hour average.

B. COMPLIANCE DEMONSTRATION – The permittee is subject to the monitoring, testing, record keeping, and reporting requirements as contained in Tables 4a, 4b, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10): and applicable requirements as contained in Table 3, unless otherwise specified below.

Table 4a	
EU#	Monitoring/Testing Requirements
EU 1 EU 2	<p>Onyx Papers – Willow Mill shall:</p> <ol style="list-style-type: none"> 1) In accordance with 310 CMR 7.04(2)(a) and the Plan of Good Operating Practice dated 6/23/2008 (POGOP), install and operate a smoke density indicator system (SDI) consisting of a smoke density sensing instrument, a recording system, and audible alarm to signal the need for combustion equipment adjustment or repair. The SDI shall be operated continuously and be properly maintained in accurate operating condition. The indicator system will be calibrated at zero and span points at least once per month and after significant maintenance activity on the monitor. 2) In accordance with 310 CMR 7.06(1)(c) and the POGOP, at a minimum, calibrate the smoke density indicator system at least quarterly in accordance with the manufacturer's recommended procedures. 3) In accordance with the SDI manufacture's Calibration and Maintenance requirements, the following instruments related to aspects of the operation of the boilers and fuel supply system that could impact opacity compliance must be calibrated annually: - O₂ analyzer - Steam flow transmitter - Oil temp. transmitter - Oil pressure transmitter - Level transmitter 4) In accordance with 310 CMR 7.06(1)(c) and the POGOP, use the SDI to initiate corrective actions when the opacity level is in excess of the expected level during Normal Operation or during Specified Operating Conditions (<i>periods of start-up, shutdown, burner change, soot blowing, and sudden or excessive load changes</i>). 5) In accordance with the POGOP, operate within the opacity limits contained in Table 3 of this Operating Permit for Normal Operation and for Specified Operating Conditions, and tally all opacity exceedances occurring during Normal Operation and/or Specified Operating Conditions. <p>If for more than one-tenth of one percent of the total six minute block averages during any calendar quarter, or six block averages per boiler per quarter, whichever is greater, opacity exceedances occur at a boiler within a calendar quarter, then during the remainder of that calendar quarter, conduct Method 9 visible emission tests on that boiler during the next scheduled type of Specified Operating Condition or Normal Operation that resulted in the highest opacity reading.</p> <p>If it is not practical to schedule or conduct a Method 9 test for the specific type of Specified Operating Condition or Normal Operation that resulted in the highest opacity, an alternative test schedule or scenario may be proposed. In addition, based upon the cause of the excursion, a waiver of the Method 9 test requirement may be requested. Any such request shall be in writing to MassDEP.</p> <ol style="list-style-type: none"> 6) In the event that the SDI is out-of-service for more than two business days while one or both boilers is operating, a Method 9 Test shall be conducted at least once per day during Normal Operations and once per day during any scheduled Specified Operating Conditions (start-up, shutdown, burner change, or soot blowing) until the day that the SDI is placed back in service. <p>Compliance with visible emission limits shall be based upon a six-minute average determined by the procedures set forth in Method 9, (as described in 40 CFR Part 60, Appendix A-4) as per 310 CMR 7.06(1)(c)1.d.i. Continuous SDI readings shall serve as an indicator of opacity for the boiler operators.</p>

Table 4b

EU#	Monitoring/Testing Requirements
EU 1 EU 2	<p>Onyx Papers-Willow Mill shall</p> <p>7) In accordance with 310 CMR 7.04(4)(a), inspect and maintain these emission units in accordance with the manufacturers' recommendations and test for efficient operation at least once each calendar year. The results of said inspection, maintenance, and testing and the date upon which it was performed shall be recorded and posted conspicuously on or near the EU(s).</p> <p>8) In accordance with 310 CMR 7.19(6), tune the boilers annually in accordance with the tune-up procedure based on "Combustion Efficiency Optimization Manual for Operators of Oil and Gas Fired Boilers" (EPA 340/1-83-023), detailed in 310 CMR 7.19(6)(a)1. through 12.</p> <p>9) In accordance with 310 CMR 7.19(6)(b)2.(g), verify at least once per month, that the settings determined during the tune-up have not changed.</p> <p>10) In accordance with 310 CMR 7.00 Appendix C(9)(b), monitor sulfur content of each new shipment of fuel oil received. Compliance with the percent sulfur in fuel requirements can be demonstrated by maintaining a shipping receipt from the fuel supplier (shipping certification) or through testing (testing certification). The shipping receipt certification or testing certification of sulfur content of fuel oil shall document that the testing has been conducted in accordance with the applicable ASTM test methods: (for sulfur D129-64, D1072-56, D1266-67, D1552-83, D2622-87, D4294-90) or any other method approved by MassDEP and EPA.</p>
EU 1 EU 2 EU 3 EU 4	<p>Onyx Papers-Willow Mill shall</p> <p>11) In accordance with 310 CMR 7.13(1), if and when MassDEP determines that Emissions Compliance Testing (stack testing) is necessary to ascertain compliance with MassDEP's regulations or design approval provisos, cause such stack testing: a) to be conducted by a person knowledgeable in stack testing, b) to be conducted in accordance with procedures contained in a test protocol approved by MassDEP, c) to be conducted in the presence of a representative of MassDEP when such is deemed necessary.</p> <p>12) In accordance with 310 CMR 7.13(2), if and when MassDEP determines that stack testing (to ascertain the mass emission rates of air contaminants emitted under various operating conditions) is necessary for the purposes of regulation enforcement or determination of regulation compliance, cooperate with MassDEP to provide: a) entrance to a location suitable for stack sampling, b) sampling ports at locations where representative samples may be obtained, c) staging and ladders to support personnel and equipment for performing tests, d) a suitable power source at the sampling location for the operation of sampling equipment, and e) such other reasonable facilities as may be requested by MassDEP.</p> <p>Stack Testing shall be conducted in accordance with 310 CMR 7.13, and 40 CFR Part 60, Appendix A (Method 7 for oxides of nitrogen (NO_x), Method 6 for sulfur dioxide (SO₂), Method 10 for carbon monoxide (CO), Methods 1 to 5 for PM, Method 3A for Oxygen (O₂), Method 9 for opacity, or by any other test method approved by MassDEP or EPA. Prior to Stack Testing, appropriate testing ports shall be constructed so as to accommodate the requirements as stipulated in 40 CFR Part 60, Appendix A.</p> <p>13) Monitor operations such that information may be compiled for the preparation of a Source Registration / Emission Statement Form as required by 310 CMR 7.12.</p>

Table 5

EU#	Record Keeping Requirements
EU 1 EU 2	Onyx Papers - Willow Mill shall <ol style="list-style-type: none"> 1) In accordance with 310 CMR 7.04(4)(a), inspect and maintain these emission units in accordance with the manufacturers' recommendations and test them for efficient operation at least once each calendar year. The results of said inspection, maintenance, and testing and date, which it was performed, shall be recorded and posted conspicuously on or near the EU. 2) In accordance with 310 CMR 7.00 Appendix C(9)(b)2., demonstrate compliance for each new shipment of No. 6 fuel oil received with the % sulfur-in-fuel requirements specified in 310 CMR 7.05(1) and (4) by maintaining records of <u>testing certifications</u> or <u>shipping receipt certifications</u>, either of which must certify that the shipment complies with the ASTM specifications for residual oil and the specified % sulfur-in-fuel requirements listed in Table 3 of this Operating Permit. 3) In accordance with 310 CMR 7.19(6)(b)2., maintain records for five years of the required tune-up, such records shall include: <ol style="list-style-type: none"> a. date of tune up; b. person(s) conducting the tune-up; c. O₂ /CO (for gas) or smoke spot (for oil) correlations obtained during tune-up; d. boiler/burner manufacturer's recommended set-points; e. final boiler set-points as result of tune-up; f. normal boiler/burner maintenance records. g. at least once per month verify that the settings determined during the tune-up have not changed. 4) In accordance with 310 CMR 7.06(1) and the POGOP (as applicable), compile and maintain the following records for a minimum of five years from the date they are recorded. In addition, the calendar date for each record shall be clearly recorded and identified on each record. <ol style="list-style-type: none"> a. Smoke density indicator recorder circle charts or hard copy printouts from the process data historian. b. 40 CFR 60 Appendix A Method 9 visible emission test results. c. A copy of the POGOP approved by MassDEP. d. A logbook or other permanent record that identifies the calendar date, start time, and end time for all smoke density indicator system calibrations and instrumentation calibrations related to opacity. e. A logbook or other permanent record that identifies the calendar date, start time, and end time for any period of malfunction of the SDI or any of its components (smoke density sensing instrument, recorder and/or the alarm). f. A logbook or other permanent record that identifies the calendar date, start time, and end time for each Specified Operating Condition (<i>start-up, shutdown, burner change, soot blowing, and steam load shifting</i>). g. A logbook or other permanent record that identifies the calendar date, start time, end time and a description of all maintenance performed on the SDI. h. A logbook or other permanent record that identifies the calendar date, start time, end time and a description of the operating conditions for each event when either the SDI or Method 9 observations identify that opacity exceeded the level for Normal Operation and/or Specified Operating Conditions identified in Table A of this POGOP approval. i. A copy of the certification of the qualified observer for each 40 CFR 60, Appendix A, Method 9 observation.
EU 1 EU 2 EU 3 EU 4	Onyx Papers-Willow Mill shall <ol style="list-style-type: none"> 5) In accordance with 310 CMR 7.12(3)(b), maintain the records required to determine the nature and amounts of emissions from the facility. 6) In accordance with 310 CMR 7.12(3)(b), retain copies of Source registration and other information supplied to the Department to comply with 310 CMR 7.12 for five years from the date of submittal. 7) In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records of all monitoring data and supporting information on-site for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application.

Table 6

EU #	Reporting Requirements
EU 1 EU 2	<p>Onyx Papers-Willow Mill shall:</p> <ol style="list-style-type: none"> 1) In accordance with 310 CMR 7.06(1)(c), notify MassDEP of any 40 CFR 60, Appendix A, Method 9 test results that indicate the percent opacity to be in excess of that delineated in Table 3 for either Normal Operation or for Specified Operating Conditions. The notice shall be provided within one business day. In addition, Mead Willow shall, within three business days, submit: a copy of the Method 9 data sheet(s), copy of smoke density indicator records, an explanation for the elevated opacity, and any proposed revisions to the POGOP designed to prevent a recurrence of opacity exceedances. 2) In accordance with 310 CMR 7.06(1)(c)1.g., MassDEP may allow exemptions to 310 CMR 7.06(1)(c)1.a. and 310 CMR 7.06(1)(c)1.c. for the purposes of testing, boiler shake down, calibrations, etc. MassDEP must be notified in writing at least five business days prior to such scheduled events. The notification must include a brief description of the proposed activity, its purpose, the proposed starting time, and the anticipated end time. MassDEP may deny or limit the frequency of such activities.
EU 1 EU 2 EU 3 EU 4	<p>Onyx Papers-Willow Mill shall</p> <ol style="list-style-type: none"> 3) In accordance with 310 CMR 7.12, submit a Source Registration/Emission Statement form to MassDEP on an annual basis. 4) In accordance with 310 CMR 7.00 Appendix C(5)(b)9., submit annually a certification that the facility is maintaining the required records to assure the facility is in compliance with the applicable requirements designated in this permit. (See Provision 10 in "GENERAL CONDITIONS FOR OPERATING PERMIT"). 5) In accordance with 310 CMR 7.00 Appendix C(10)(a), submit to MassDEP any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by MassDEP or EPA. 6) In accordance with 310 CMR 7.00 Appendix C(10)(c), submit to MassDEP two compliance summaries, one by January 30 for the time period July – December of the previous calendar year, and the other by July 30 for the time period January – June of the current calendar year. (See Provision 10 in "GENERAL CONDITIONS FOR OPERATING PERMIT") 7) In accordance with 310 CMR 7.13(1)(d), submit to MassDEP any stack test results for any air contaminant obtained from stack testing required by MassDEP within such time as agreed to in the approved test protocol. 8) In accordance with 310 CMR 7.00 Appendix C(10)(f), the Permittee shall report to MassDEP's Regional Bureau of Waste Prevention all instances of deviations from permit requirements. (See Provision 25 in "GENERAL CONDITIONS FOR OPERATING PERMIT").

- 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 employs fewer than 250 people
310 CMR 7.25: Consumer and Commercial Products	Not Applicable
42 U.S.C. 7401 §112 (r): Prevention of Accidental Release	Facility does not store, use or process any of the listed compounds in quantities greater than thresholds.
40 CFR Part 64: Compliance Assurance Monitoring	Not Applicable

5. SPECIAL TERMS AND CONDITIONS

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

Table 8										
EU #	Special Terms and Conditions									
EU 1 EU 2	<p>Onyx Papers-Willow Mill shall</p> <p>1) In accordance with Regulation 310 CMR 7.02(4)(a)3. ensure that no actions are taken to modify the air contaminant ventilation characteristics of the stacks (for instance, through modifying stack height or stack exit velocity) unless written plan approval is obtained from MassDEP. The existing stack specifications are as follows:</p> <table style="margin-left: 40px;"> <tr> <td>EU 1</td> <td>Stack Height (feet):</td> <td>77.5</td> </tr> <tr> <td>EU 2</td> <td>Stack Exit Diameter (inches):</td> <td>58</td> </tr> <tr> <td></td> <td>Stack Material:</td> <td>brick</td> </tr> </table>	EU 1	Stack Height (feet):	77.5	EU 2	Stack Exit Diameter (inches):	58		Stack Material:	brick
EU 1	Stack Height (feet):	77.5								
EU 2	Stack Exit Diameter (inches):	58								
	Stack Material:	brick								
Facility-Wide	<p>Onyx Papers-Willow Mill</p> <p>2) Is subject to, and has stated in their operating permit application, transmittal number 102526, that they are in compliance with the requirements of 40 CFR 82: Protection of Stratospheric Ozone. These requirements are applicable to this facility and the United States Environmental Protection Agency enforces these requirements.</p> <p>3) In accordance with 310 CMR 7.01(1), should any nuisance condition(s) occur as a result of the operation, then appropriate steps shall immediately be taken to abate said nuisance condition(s). [State Only]</p> <p>4) In accordance with 310 CMR 7.10, no person owning, leasing, or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or take necessary precautions cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise. [State Only]</p>									

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 facility did not request intra-facility emissions trading in its operating permit application.

B. Inter-facility emission trading

The facility 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/dep/air/approvals/aqforms.htm#op>.

(a) Annual Compliance Report and Certification

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

The compliance certification and report shall describe:

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

The compliance certification and report shall describe:

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

11. NONCOMPLIANCE

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

12. PERMIT SHIELD

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

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

- (b) The MassDEP has determined that the permittee is not currently subject to the requirements listed in Section 4, Table 7.
- (c) Nothing in this permit shall alter or affect the following:
 - (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
 - (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
 - (iii) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

13. ENFORCEMENT

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(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 permit, including any amendments or attachments thereto, upon request by the MassDEP or EPA.

23. SEVERABILITY CLAUSE

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

24. EMERGENCY CONDITIONS

The permittee shall be shielded from enforcement action brought for noncompliance with technology based¹ emission limitations specified in this permit as a result of an emergency². In order to use emergency as an affirmative defense to an action brought for noncompliance, the permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

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.

- (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 supercede the following deviation reporting requirements, if applicable.

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

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

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

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

26. OPERATIONAL FLEXIBILITY

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

Not all abbreviations are present in every Operating Permit

10 ⁶ Btu/hr	1,000,000 Btu per hour
CEM	continuous emission monitor
CGA	cylinder gas audit
the Chart	the Ringelmann Scale for grading the density of smoke
CO	carbon monoxide
CO ₂	carbon dioxide
COM	continuous opacity monitor
DAS	data acquisition system
EPA or USEPA	Environmental Protection Agency
FMF FAC. NO.	Facility Master File Number
FMF RO. NO.	Facility Master File Regulated Object Number
ft ³	cubic feet
g	gram
gr	grain
gpm	gallons per minute
HHV	higher heating value
hr	hour
ISO	represents 59°F, 60% relative humidity, 29.92 inches mercury at sea level
lb	pound
lb VOC/GSA	pounds VOC per gallon solids applied
lb/MMBtu	pounds per million British thermal units
MMBtu/hr	million British thermal units per hour
MW	megawatt (1,000,000 watts)
ng	natural gas
NH ₃	ammonia
NO _x	nitrogen oxides
PLT ID	Plant Identification
PM	particulate matter
ppm	parts per million
ppmvd	parts per million (by volume, dry)
PTE	potential to emit
RATA	relative accuracy test audit
SO ₂	sulfur dioxide
tpy	tons per year
VOC	volatile organic compound

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.