



COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 SOUTHEAST REGIONAL OFFICE
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FINAL AIR QUALITY OPERATING PERMIT

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

ISSUED TO ["the Permittee"]:

Browning-Ferris Industries, Inc.
 5600 Niagara Falls Boulevard
 Niagara Falls, New York 14304

INFORMATION RELIED UPON:

Application No. 4V95067 and 4M08044
 Transmittal No. 116655 and X223713

FACILITY LOCATION:

Browning-Ferris Industries, Inc.
 Fall River Landfill
 1080 Airport Road
 Fall River, Massachusetts 02720

FACILITY IDENTIFYING NUMBERS:

AQ ID: 1200866
 FMF FAC NO. 207671
 FMF RO NO. 206505
 SIC Code: 4953
 NAICS Code: 562212

NATURE OF BUSINESS:

Municipal Solid Waste Landfill

FACILITY CONTACT PERSON:

Name: Mr. Ralph Larimore
 Title: Regional Environmental Manager
 Phone: (716) 282-2676, Extension 212

RESPONSIBLE OFFICIAL:

Name: Mr. Ralph Larimore
 Title: Regional Environmental Manager

This operating permit shall expire on February 18, 2009.

For the Department of Environmental Protection, Bureau of Waste Prevention

(Replacement page dated 12/18/08)
 Regional Director

(Operating Permit signed 2/18/04)
 Date

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 866-539-7622 or 617-574-6868.

DEP on the World Wide Web: <http://www.mass.gov/dep>

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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.

DESCRIPTION OF FACILITY AND OPERATIONS

The Fall River landfill has a capacity of 9 million tons of municipal solid waste (MSW) and has been in operation since 1930. Significant portions of the landfill are closed and encapsulated within the final cover. Decomposing waste encapsulated within the landfill produces a gas that is primarily composed of methane and carbon dioxide with other trace gases. An active extraction system collects the landfill gas via a network of perforated and solid piping. Once collected, the gas is supplied as fuel to an on-site electric generating facility, which is a separate entity from the ownership and operation of the landfill. During periods when the landfill gas is not used for electric generation, it is directed to two enclosed combustors for disposal by combustion.

The landfill is divided into 3 waste disposal areas, identified at Phases I, II, and III. Phase I and Phase II accepted waste from 1930 through 2004. All waste at these locations is at final grade. The Phase III expansion began to accept waste in January 2005 and this 33-acre expansion is projected to accept waste through 2009.

2. EMISSION UNIT IDENTIFICATION

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

Table 1			
Emission Unit (EU)	Description of Emission Unit	EU Design Capacity	Pollution Control Device (PCD)
EU-1	Municipal Solid Waste Landfill (Phase I & II)	7,140,000 Megagrams	Gas collection system and two (2) enclosed combustors (common to EU-1 & EU-3) Combustor Manufacturer: Callidus Technologies
EU-2	Spray Booth DeVilbiss Model No. TTB-64-3 (to Stacks No. 2 and 3)	37.5 lb paint/hr	Particulate Filters
EU-3	Municipal Solid Waste Landfill (Phase III)	1,540,000 Megagrams	Gas collection system and two (2) enclosed combustors (common to EU-1 & EU-3) Combustor Manufacturer: Callidus Technologies

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 the 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 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 below:

Table 3						
Emission Unit (EU)	Fuel	Pollutant	Emission Limit/Standard	Applicable Regulations and/or Approval No.		
EU-1 EU-3	LFG	NMOC	(Landfill gas extraction, control, and treatment system – NSPS for Municipal Solid Waste Landfills)	40 CFR 60, Subpart WWW		
		HAP	(Landfill gas extraction, control, and treatment system – NESHAP for Municipal Solid Waste Landfills) ⁽¹⁾	40 CFR 63, Subpart AAAA		
		NO _x	0.100 lb/MMBtu 49.5 tons/12-month rolling period ⁽²⁾	4P06034		
		CO	0.400 lb/MMBtu 198.0 tons/12-month rolling period ⁽²⁾			
		NMOC	0.056 lb/MMBtu 27.7 tons/12-month rolling period ⁽²⁾			
		PM	0.022 lb/MMBtu 10.9 tons/12-month rolling period ⁽²⁾			
		SO ₂	0.018 lb/MMBtu 32.35 tons/12-month rolling period ⁽²⁾			
		Opacity	Zero percent opacity <u>during non-startup periods</u>		4P06034	
			≤ 5 minutes from startup: < 20%, except 20% to < 40% for ≤ 2 minutes during any one hour		310 CMR 7.06(1)(b)	
Smoke	< No. 1 of the Chart ⁽³⁾ except No. 1 to < No. 2 of the Chart for ≤ 6 minutes in any one hour		310 CMR 7.06(1)(a)			
EU-2	N/A	VOC	4.9 tons/12-month rolling period < 1.00 ton/month ≤ 6.1 lb VOC/gallon of solids, as applied	4P94191		

Table 3 (continued)				
Emission Unit (EU)	Fuel	Pollutant	Emission Limit/Standard	Applicable Regulations and/or Approval No.
EU-2	N/A	PM	0.22 ton/12-month rolling period	4P94191
		Opacity	Not to exceed 10% at all times, exclusive of uncombined water	
		Noise	Noise from the facility during construction, initial startup and 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 310 CMR 7.01 and 310 CMR 7.10. (State-only requirement).	
		Dust Odor	The facility shall be constructed and operated in a manner to prevent the occurrence of dust and odor conditions which cause or contribute to a condition of air pollution as defined in 310 CMR 7.01 and 310 CMR 7.09. (State-only requirement).	

Notes:

- 40 CFR 63.1945(f) sets a compliance date for existing affected sources of January 16, 2004.
- Total for two (2) enclosed combustors. For individual combustor restrictions, see Section 5, Special Terms and Conditions, Tables 5-1 through 5-3. For total facility emissions (combustors plus landfill fugitive emissions), see Section 5, Special Terms and Conditions, Table 5-5.
- Chart means the Ringlemann scale for grading density of smoke, as published by the U.S. Bureau of Mines and referred to as Information Circular No. 8333, or any smoke inspection guide approved by MassDEP.

Key to Terms:

LFG = landfill gas (fired in enclosed combustors)
 NMOC = non-methane organic compounds (as hexane @ 3.0% O₂, dry basis)
 NSPS = New Source Performance Standards
 NESHAP = National Emission Standards for Hazardous Air Pollutants
 HAP = hazardous air pollutants
 NO_x = nitrogen oxides
 CO = carbon monoxide
 PM = particulate matter
 SO₂ = sulfur dioxide
 VOC = volatile organic compounds
 lb/MMBtu = pounds per million Btu

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to the monitoring, testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10), as well as applicable requirements contained in Table 3:

Table 4	
Emission Unit (EU)	Monitoring/Testing Requirements
EU-1 EU-3	<p>Comply with all applicable monitoring and testing requirements contained in 40 CFR 60, Subpart WWW, Sections 60.750 through 60.759; and 40 CFR 63, Subpart AAAA, Sections 63.1960 through 63.1985, inclusive; to include but not limited to:</p> <ol style="list-style-type: none"> 1. Install a sampling port and a thermometer, or other temperature measuring device, or access port for temperature measurements at each wellhead, and; <ol style="list-style-type: none"> (a) Measure the gauge pressure in the gas collection header on a monthly basis as provided in §60.755(a)(3). (b) Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as provided in §60.755(a)(5). (c) Monitor temperature of the landfill on a monthly basis as provided in §60.755(a)(5). (d) Calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment: <ol style="list-style-type: none"> (i) For the enclosed combustors, a temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of ±1 percent of the temperature being measured expressed in degrees Celsius or ±0.5 degrees Celsius, whichever is greater. (ii) A device that records flow to or bypass of the control device. <p>In accordance with Approval No. 4P06034, landfill gas (LFG) flow recorders shall be maintained so that an on-site record of the volume of LFG fired in each enclosed combustor will be available by date and time period. Records will be made at least every 15 minutes.</p> <p>In accordance with Approval No. 4P06034, the facility shall be constructed to accommodate the emission testing requirements contained in 40 CFR 60, Appendix A.</p> <p>In accordance with Approval No. 4P06034, compliance emission testing, shall be conducted in accordance with the test methods and procedures contained in 40 CFR 60, Appendix A.</p> <p>In accordance with Approval No. 4P06034, the determination of compliance with the visible emission limit shall be done using 40 CFR 60, Appendix A, Method 22.</p>

Table 4 (continued)

Emission Unit (EU)	Monitoring/Testing Requirements
EU-1 EU-3	<p>In accordance with Approval No. 4P06034, for Enclosed Combustor No. 1 (Unit No. 1), the operating temperature range shall be maintained at 1,400-1,750°F as monitored at the exit of the combustion chamber thermocouple located at 30.0 feet from the burner outlet. For Enclosed Combustor No. 2 (Unit No. 2), the operating temperature range shall be maintained at 1,600-2,000°F as monitored at the exit of the combustion chamber thermocouple located at 30.0 feet from the burner outlet.</p>
	<p>Monitoring equipment or emission monitoring systems installed for the purpose of documenting compliance with Approval No. 4P06034 shall be installed, calibrated, maintained and operated in sufficient manner by Permittee to ensure continuous and accurate operations at all times.</p>
	<p>In accordance with Approval No. 4P06034, a LFG flow recorder shall be maintained so that an onsite record of the volume of LFG collected from Phases I, II, and III (combined) will be available by date and time period (daily LFG totals will be recorded).</p>
	<p>In accordance with Approval No. 4P06034, the H₂S concentrations (ppm_v) of the LFG collected from Phases I, II, and III (combined) shall be monitored on an annual (12-month) basis. Monitoring will be conducted using an indicator tube, laboratory analysis, or equivalent. If monitoring with indicator tubes, three (3) indicator tubes will be used during each monitoring session. Monitoring data will be recorded along with the date, time, and weather conditions at the time of monitoring.</p>
	<p>In accordance with Approval No. 4P06034, within eleven (11) months initial waste is placed in an area/cell of Phase III, the Permittee shall take monthly measurements from the gas sampling ports of each leachate cleanout collector, of the following parameters:</p> <ul style="list-style-type: none"> (a) Wellhead static pressure. (b) Oxygen percentage. (c) Methane percentage. (d) Temperature
	<p>In accordance with Approval No. 4P06034, within 90 days of each vertical well installation, the Permittee shall take monthly measurements from the gas sampling ports of each vertical well, of the following parameters:</p> <ul style="list-style-type: none"> (a) Wellhead static pressure. (b) Oxygen percentage. (c) Methane percentage. (d) Temperature
	<p>In accordance with Approval No. 4P06034, monitoring for LFG parameters shall be conducted using a Landtec GEM-500 or equivalent. Monitoring data will be recorded along with date, time, and weather conditions at the time of monitoring.</p>

Table 4 (continued)

Emission Unit (EU)	Monitoring/Testing Requirements
EU-1 EU-3	<p>In accordance with Approval No. 4P06034, quarterly surface monitoring will be initiated in each area of each cell of Phase III once the cell has intermediate cover placed, or within 24 months of receiving waste, whichever comes first.</p> <p>(a) When conducting the quarterly surface monitoring, the following shall be monitored in accordance with NSPS Subpart WWW, 40 CFR 60.753(d):</p> <ul style="list-style-type: none"> (1) Areas which the monitoring technician can visually observe distressed vegetation. (2) Areas where there are visible cracks in the landfill cover. (3) Areas exhibiting seeps in the landfill cover. <p>(b) Monitoring shall be performed during typical meteorological conditions.</p> <p>(c) Monitoring procedures shall be in accordance with NSPS Subpart WWW, 40 CFR 60.755(c).</p> <p>(d) At no time shall an area that is actively receiving waste be monitored due to safety concerns. Any area excluded due to a safety concern will be documented and kept on file at the site.</p> <p>(e) Once an area is under final cover and has demonstrated 3 consecutive clean quarters of surface emission monitoring (SEM), the area may switch to annual monitoring. If any area under annual monitoring exceeds 500 ppm during SEM, that area will return to quarterly monitoring until 3 consecutive demonstrate less than 500 ppm. Records for quarterly SEM shall be maintained onsite.</p> <p>(f) Maintain records of all surface monitoring events, methane concentrations that exceed 500 ppm, and the corrective action taken.</p> <p>(g) Monitor on the border between capped and uncapped areas of the landfill.</p> <p>(h) Monitor at the base, and any other openings to the atmosphere, of the gas collection wells and other structural components protruding from the landfill surface (to determine if the landfill settling has created openings between the structures and the waste though which the LFG could escape), and to ensure the continuing effectiveness of the LFG collection well seals.</p> <p>(i) Monitoring may only be performed on days that are free of measurable precipitation in Fall River and on which there no measured wind speeds above 12 miles per hour at the Fall River Landfill meteorological station.</p>

Table 4 (continued)	
Emission Unit (EU)	Monitoring/Testing Requirements
EU-3	In accordance with Approval No. 4P06034, Phase III LFG flow will be measured once per month using a Pitot tube or equivalent. The flow shall be monitored in such a way as to determine only the flow from Phase III.
Facility-Wide	<p>In accordance with 310 CMR 7.13, require source emission testing (“stack testing”) as required by MassDEP. All emission testing shall be conducted in accordance with MassDEP’s <u>Guidelines for Source Emission Testing</u> and with 310 CMR 7.13.</p> <p>Monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</p>

In accordance with 310 CMR 7.00, Appendix C(10)(b), the Permittee shall maintain onsite the following records for 5 years from the date of generation, and these records shall be readily available to MassDEP and/or U.S. EPA personnel.

Table 5	
Emission Unit (EU)	Record Keeping Requirements
EU-1 EU-3	<p>Comply with all applicable record keeping requirements contained in 40 CFR 60, Subpart WWW, Sections 60.750 through 60.759; and 40 CFR 63, Subpart AAAA, Sections 63.1960 through 63.1985, inclusive; to include but not limited to:</p> <ol style="list-style-type: none"> 1. Keep for at least 5 years up-to-date, readily accessible, on-site records of the design capacity report which triggered §60.752(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable. 2. Keep up-to-date, readily accessible records for the life of the control equipment of specified data as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of 5 years. Records of control equipment vendor specifications shall be maintained until removal. 3. For the enclosed combustors, record the average combustion temperature measured at least every 15 minutes and averaged over the same time period of the performance test. In addition, record the percent reduction of NMOC as specified in §60.752(b)(2)(iii)(B) achieved by the control device. 4. Keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in §60.756 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded. 5. Keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector. <p>In accordance with Approval No. 4P06034, records of the volume of landfill gas (LFG) fired in each enclosed combustor for each month and for each consecutive 12-month period shall be maintained onsite.</p> <p>In accordance with Approval No. 4P06034, the heat input (Btu) of LFG fired in each enclosed combustor for each month and for each consecutive 12-month period shall be maintained onsite. These heat input records may be generated by gas chromatograph and/or field measurements.</p> <p>In accordance with Approval No. 4P06034, NO_x, CO, NMOC, PM, and SO₂ monthly and consecutive 12-month period emission rate records for each enclosed combustor shall be maintained onsite.</p> <p>In accordance with Approval No. 4P06034, a copy of the Standard Operating and Maintenance Procedures for all subject equipment shall be maintained onsite.</p>

Table 5 (continued)

Emission Unit (EU)	Record Keeping Requirements
EU-1 EU-3	In accordance with Approval No. 4P06034, an operation log or other operating system shall be maintained onsite at a level of detail sufficient to document that operational limitations contained in Section 5, <u>Special Terms and Conditions</u> ; and emission limitations contained in Table 3 and Section 5, <u>Special Terms and Conditions</u> are not exceeded.
	In accordance with Approval No. 4P06034, all operating and monitoring records, including emission test reports, shall be maintained for the life of the facility; the 5 most recent years of data/records shall be maintained onsite.
	<p>In accordance with Approval No. 4P06034, a record keeping system shall be established and maintained onsite. All records shall be maintained up-to-date such that year-to-date information is readily available for MassDEP examination. Record keeping shall, at a minimum, include:</p> <p>(a) A record of routine maintenance activities performed on emission unit control and monitoring equipment including, at a minimum, the type and description of the maintenance performed and the date and time the work was completed.</p> <p>(b) A record of all malfunctions on emission unit control and monitoring equipment shall include, at a minimum, the date and time the malfunctions occurred; a description of the malfunctions and corrective actions taken; the date and time corrective actions were initiated; and the date and time corrective actions were completed and the emission unit returned to compliance.</p> <p>All records shall be kept onsite for five (5) years and shall be made available to MassDEP personnel upon request.</p>
	In accordance with Approval No. 4P06034, records of the volume of LFG (scf) fired in each enclosed combustor, individually and in total, for each month and for each consecutive 12-month period shall be maintained onsite.
	In accordance with Approval No. 4P06034, the heat input of LFG (Btu/hr) fired in each enclosed combustor individually and in total, for each month and for each consecutive 12-month period records shall be maintained onsite. These heat input records may be generated by gas chromatograph and/or field measurements.
	In accordance with Approval No. 4P06034, NO _x , CO, NMOC, PM, SO ₂ , HAP, VOC, and HOC monthly and consecutive 12-month period emission rate records (in tons) for each enclosed combustor shall be maintained onsite.
	In accordance with Approval No. 4P06034, records of the volume of LFG (scf) collected from Phases I, II, and III (combined) for each month and for each consecutive 12-month period shall be maintained onsite.
	In accordance with Approval No. 4P06034, NMOC, HAP (total), HAP (max. single), VOC monthly and consecutive 12-month period emission rate records (in tons) of emissions from uncollected and/or uncontrolled LFG from Phases I, II, and III shall be maintained onsite.

Table 5 (continued)

Emission Unit (EU)	Record Keeping Requirements
EU-1 EU-3	<p>In accordance with Approval No. 4P06034, prepare and maintain sufficient records to demonstrate compliance with the <u>Landfill Gas Collection Schedule</u>. Include the:</p> <ul style="list-style-type: none"> (a) Date initial waste was placed in a Phase III area/cell. (b) Dates and all monthly parameter measurements. (c) Dates of vertical well installation. (d) Dates leachate cleanout pipes and vertical wells were connected to the gas conveyance system. (e) Dates when a leachate cleanout pipe or vertical well is activated based on meeting the criteria established in Provisos 5.E.1. and 5.E.3. (f) Date each cell reaches final grade or has stopped accepting waste.
EU-2	<p>In accordance with Approval No. 4P94191, the Permittee shall establish and continue an onsite recording system. All records shall be maintained up-to-date such that year-to-date information is readily available for MassDEP examination. Record keeping shall, at a minimum, include:</p> <ul style="list-style-type: none"> (a) A record of all malfunctions including, at a minimum: the date and time the malfunction occurred; a description of the malfunction and the corrective action taken; the date and time corrective actions were initiated; and the date and time corrective actions were completed and the facility returned to compliance. (b) Records shall be maintained documenting the air contaminant emission analysis supporting the response to BWP AQ-01B, Section E, Items 1a, 1b, and 2. (c) Records shall be maintained demonstrating compliance with the emission limits listed in Table 3 of this Operating Permit. (d) All records shall be kept onsite for five (5) years and shall be made available to Mass-DEP personnel upon request.

Table 5 (continued)

Emission Unit (EU)	Record Keeping Requirements
EU-2	<p>In accordance with Approval No. 4P94191, the Permittee shall maintain a daily record keeping system to track VOC emissions. The record keeping system shall be in an enforceable format and shall include:</p> <ul style="list-style-type: none"> (a) Identity, quantity, and VOC content of all coating(s), diluent(s), and clean-up solvent(s) used. (b) Solids content of any coating(s) used. (c) Quantity of product processed. <p>In accordance with Approval No. 4P94191, the Permittee shall maintain a detailed record keeping system to track particulate matter (PM) emissions on a monthly basis, based on a 12-month rolling period.</p>
Facility-Wide	<p>Maintain records of facility operations such that information may be reported as required for compliance with 310 CMR 7.12. Keep copies of all information supplied to MassDEP pursuant to 310 CMR 7.12 onsite for five (5) years after the date the report is submitted in accordance with 310 CMR 7.12(3)(b).</p> <p>In accordance with 310 CMR 7.00, Appendix C(10)(b), maintain records of all monitoring data and supporting information required by this Operating Permit onsite for five (5) years from the date of the monitoring sample, measurement, report, or initial Operating Permit Application.</p>

Table 6	
Emission Unit (EU)	Reporting Requirements⁽¹⁾
EU-1 EU-3	<p>Comply with all applicable reporting requirements contained in 40 CFR 60, Subpart WWW, Sections 60.752 through 60.759; and 40 CFR 63, Subpart AAAA, Sections 63.1960 through 63.1985, inclusive; to include but not limited to:</p> <ol style="list-style-type: none"> 1. An amended design capacity report shall be submitted to the Administrator providing notification of an increase in the design capacity of the landfill, within 90 days of an increase in the maximum design capacity of the landfill above 2.5 million megagrams and 2.5 million cubic meters. This increase in design capacity may result from an increase in the permitted volume of the landfill or an increase in the density as documented in the annual recalculation required in §60.758(f). 2. Submit an NMOC emission rate report to the Administrator annually. This report shall contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures provided in §60.754(a) or (b), as applicable. 3. The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions. 4. Submit a closure report to the Administrator within 30 days of waste acceptance cessation. If a closure report has been submitted to the Administrator, no additional wastes may be placed into the landfill without filing a notification of modification as described under §60.7(a)(4). 5. Submit to the Administrator annual reports of the recorded information listed below: <ol style="list-style-type: none"> (a) Value and length of time for exceedance of applicable parameters monitored under §60.756(a), (b), (c), and (d). (b) Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under §60.756. (c) Description and duration of all periods when the control device was not operating for a period exceeding 1 hour and length of time the control device was not operating. (d) All periods when the collection system was not operating in excess of 5 days. (e) The location of each exceedance of the 500 ppm methane concentration. (f) The date of installation and the location of each well or collection system expansion Added.

Note:

1. The annual Source Registration/Emission Statement shall be submitted to the DEP Office specified in the instructions. **All other reports, including both 6-month summary reports, are to be submitted to the Southeast Regional Office address, as specified on the letterhead of this Operating Permit.**

Table 6 (continued)	
Emission Unit (EU)	Reporting Requirements⁽¹⁾
EU-1 EU-3	<p>In accordance with Approval No. 4P06034, All notifications and reporting required by this Operating Permit shall be made to the attention of:</p> <p style="text-align: center;">Department of Environmental Protection Bureau of Waste Prevention 20 Riverside Drive Lakeville, Massachusetts 02347 ATTN: Chief, Permit Section</p> <p style="text-align: center;">Telephone: (508) 946-2779 Fax: (508) 947-6557 (508) 946-2865</p>
	<p>In accordance with Approval No. 4P06034, the emissions from the facility approved herein shall be reported on subsequent source registrations as required by 310 CMR 7.12.</p>
EU-2	<p>In accordance with Approval No. 4P94191, any construction, substantial reconstruction or alteration, as described in 310 CMR 7.02, at a facility subject to the reporting requirements of 310 CMR 7.12, shall be reported to MassDEP on the next required source registration.</p>
Facility-Wide	<p>In accordance with Approvals No. 4P06034 and 4P94191, MassDEP's Permit Chief (above) at this Office must be notified by telephone or fax within 24 hours, and with written notification within ten (10) days, after the occurrence of any upsets or malfunctions to the facility equipment, air pollution control equipment, or monitoring equipment which result in an excess emission to the air and/or a condition of air pollution.</p>
	<p>In accordance with 310 CMR 7.12, submit annually information pertinent to the nature and amounts of emissions on forms provided by MassDEP, and in addition, ensure that the facility is available for inspection by MassDEP and/or U.S. EPA personnel at any reasonable time.</p>
	<p>In accordance with 310 CMR 7.00, Appendix C(10)(a), the Permittee, upon MassDEP's request shall transmit any record relevant to the Operating Permit within 30 days of the request by MassDEP or within a longer time period if approved in writing by MassDEP. The record shall be transmitted on paper, on computer disk, or electronically at the discretion of MassDEP.</p>

Note:

1. The annual Source Registration/Emission Statement shall be submitted to the DEP Office specified in the instructions. **All other reports, including both 6-month summary reports, are to be submitted to the Southeast Regional Office address, as specified on the letterhead of this Operating Permit.**

Table 6 (continued)	
Emission Unit (EU)	Reporting Requirements⁽¹⁾
Facility-Wide	In accordance with 310 CMR 7.00, Appendix C(10)(c), report a summary of all monitoring data and related supporting information to MassDEP every six months (January 30 and July 30) of each calendar year.
	In accordance with 310 CMR 7.00, Appendix C(10)(f), report to MassDEP all instances of deviations from permit requirements. This report shall include the deviation itself, including those attributable to upset conditions as defined in the permit, the probable cause of the deviation, and any corrective actions or preventive measures taken.
	In accordance with 310 CMR 7.00, Appendix C(10)(h), all required reports must be certified by a responsible official.

Note:

- The annual Source Registration/Emission Statement shall be submitted to the DEP Office specified in the instructions. **All other reports, including both 6-month summary reports, are to be submitted to the Southeast Regional Office address, as specified on the letterhead of this 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 shall comply with any applicable requirements that become effective during the permit term.

The Permittee is currently not subject to the following requirements:

Table 7	
Regulation	Description
310 CMR 7.16	Reduction of Single Occupant Commuter Vehicle Use
42 USC 7401, §601	Stratospheric Ozone
42 USC 7401, §112(r)(7)	Accidental Release Prevention Requirements: Risk Management under the Clean Air Act §112(r)

5. SPECIAL TERMS AND CONDITIONS

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

A. Enclosed Combustors – Specifications

In accordance with the requirements of Approval No. 4P06034, the facility is equipped with the following two (2) enclosed combustors, identified as No. 1 and No. 2. The construction and design of the enclosed combustors shall be consistent with the specifications below:

No. 1

Manufacturer	Callidus Technologies, Inc.
Model No.	F-93-0923
Max. Heat Input	84.12 MMBtu/hr
Fuel	Landfill Gas (LFG)
Effective Chamber Height: (distance from burner outlet to thermocouple)	30.0 feet
Effective Chamber Volume	2,203 cubic feet
Stack Material	Steel
Stack Height	40 feet above ground
Stack Exit Diameter	9.67 feet

No. 2

Manufacturer	Callidus Technologies, Inc.
Model No.	G-9705-050021-HT
Max. Heat Input	71.0 MMBtu/hr
Fuel	Landfill Gas (LFG)
Effective Chamber Height: (distance from burner outlet to thermocouple)	30.0 feet
Effective Chamber Volume	2,203 cubic feet
Stack Material	Steel
Stack Height	40 feet above ground
Stack Exit Diameter	9.67 feet

B. Enclosed Combustors – Operational Limits

1. Enclosed combustors No. 1 and No 2:
 - (i) Operate each enclosed combustor at all times when LFG is routed to the combustor.
 - (ii) The maximum heat input of LFG shall not exceed 115,409 MMBtu/month, combined.

- (iii) In accordance with Approval No. 4P06034, the flame shall be monitored by thermocouple and recorded continuously to document that there is a flame whenever LFG is directed to the combustor, and must provide detail sufficient to document date and clock time. Records of this information shall be maintained onsite.
 - (iv) The maximum heat input of LFG shall not exceed 989,800 MMBtu in any consecutive 12-month period, combined.
 - (v) The hydrogen sulfide (H₂S) in the LFG directed to each combustor shall not exceed a concentration of 200 parts per million by volume (200 ppm_v).
2. Enclosed combustor No. 1:
- (i) The maximum heat input of LFG shall not exceed 62,585 MMBtu/month.
 - (ii) The maximum heat input of LFG shall not exceed 367,840 MMBtu in any consecutive 12-month period.
 - (iii) The enclosed combustor operating temperature range shall be maintained at 1,400-1,750°F as monitored at the exit of the combustion chamber thermocouple located 30.0 feet from the burner outlet.
3. Enclosed combustor No. 2:
- (i) The maximum heat input of LFG shall not exceed 52,824 MMBtu/month.
 - (ii) The maximum heat input of LFG shall not exceed 621,960 MMBtu in any consecutive 12-month period.
 - (iii) The enclosed combustor operating temperature range shall be maintained at 1,600-2,000°F as monitored at the exit of the combustion chamber thermocouple located 30.0 feet from the burner outlet.

C. **Enclosed Combustors – Emission Limits**

1. Each enclosed combustor shall reduce NMOC emissions by 98 percent by weight, or reduce the stack NMOC concentration to 20 parts per million (as hexane by volume, dry basis, at 3 percent oxygen) or less.
2. In accordance with Approval No. 4P06034, the enclosed combustors shall not exceed the following emission limits:

Table 5-1. Enclosed Combustor Emission Limitations – Units 1 and 2

Pollutant	Total Combined Emissions: Enclosed Combustors No. 1 & 2
	(tons/12-month rolling period)
Nitrogen Oxides (NO _x)	49.5
Carbon Monoxide (CO)	198.0
Non-Methane Organic Compounds (NMOC)	27.7
Particulate Matter (PM)	10.9
Sulfur Dioxide (SO ₂) ⁽¹⁾	32.35
Hazardous Air Pollutants (HAP)	1.16
Volatile Organic Compounds (VOC)	26.6
Halogenated Organic Compounds (HOC)	0.20

Notes: (1) Reflects LFG at 200 ppm_v H₂S.

Table 5-2. Enclosed Combustor Emission Limitations – Unit 1

Pollutant	Enclosed Combustor No. 1		
	lb/MMBtu	tons/month	tons/12-month rolling period
Nitrogen Oxides (NO _x)	0.100	3.13	18.39
Carbon Monoxide (CO)	0.400	12.52	73.57
Non-Methane Organic Compounds (NMOC)	0.056	1.75	10.30
Particulate Matter (PM)	0.022	0.69	4.05
Sulfur Dioxide (SO ₂) ⁽¹⁾	0.065	2.03	12.02
Hazardous Air Pollutants (HAP) ⁽²⁾		0.073	0.429
Volatile Organic Compounds (VOC) ⁽²⁾		1.68	9.88
Halogenated Organic Compounds (HOC) ⁽²⁾		0.012	0.072

Notes: (1) Reflects LFG at 200 ppm_v H₂S.

(2) Emission factors from AP-42, Table 2.4-1.

Table 5-3. Enclosed Combustor Emission Limitations – Unit 2

Pollutant	Enclosed Combustor No. 2		
	lb/MMBtu	tons/month	tons/12-month rolling period
Nitrogen Oxides (NO _x)	0.100	2.64	31.10
Carbon Monoxide (CO)	0.400	10.56	124.39
Non-Methane Organic Compounds (NMOC)	0.056	1.48	17.41
Particulate Matter (PM)	0.022	0.58	6.84
Sulfur Dioxide (SO ₂) ⁽¹⁾	0.065	1.72	20.33
Hazardous Air Pollutants (HAP) ⁽²⁾		0.0605	0.726
Volatile Organic Compounds (VOC) ⁽²⁾		1.42	16.70
Halogenated Organic Compounds (HOC) ⁽²⁾		0.010	0.122

Notes: (1) Reflects LFG at 200 ppm_v H₂S.
 (2) Emission factors from AP-42, Table 2.4-1.

D. Landfill Fugitive Emissions

- In accordance with Approval No. 4P06034, landfill gas generation rates for NMOC, VOC, single maximum HAP, total HAP, and HOC shall be calculated from the measured LFG flow rate for the month in standard cubic feet (scf) by the appropriate pollutant concentrations from the latest site-specific testing, or with respect to HAP or HOC, from AP-42 values in the absence of site-specific data, and the collection efficiency specified in Table 5-4 and Proviso 5.D.3. below. Currently, NMOC concentration shall be assumed to be equal to the most recent NMOC sampling results – 540 ppm_v as hexane. VOC concentration shall be assumed to be equal to the most recent VOC sampling results – 518 ppm_v as hexane.
- In accordance with Approval No. 4P06034, landfill gas emission rates for NMOC, VOC, single maximum HAP, total HAP, and HOC shall be calculated from the measured LFG flow rate for the month in standard cubic feet (scf) and pollutant concentrations from the latest site-specific testing or industry-accepted compilations. Currently, NMOC concentration shall be assumed to be equal to the most recent NMOC sampling results – 540 ppm_v as hexane. VOC concentration shall be assumed to be equal to the most recent VOC sampling results – 518 ppm_v as hexane. Values for control efficiency and collection efficiency are as provided in Table 5-4, below.

Table 5-4. Collection and Control Variables

Equation Variable	Value (dimensionless)
$n_{\text{coll-I\& II}}$ (collection efficiency, Phases I & II)	0.95 ⁽¹⁾
$n_{\text{coll-III}}$ (collection efficiency, Phase III)	Proviso 5.D.3.
n_{cnt} (control efficiency, combustors)	0.98

Notes: (1) Estimated value for a closed and capped landfill.

3. In accordance with Approval No. 4P06034, collection efficiency for Phase III cells shall be assumed to be 75 percent if the most recent methane surface monitoring in each cell of Phase III did not exceed 500 ppmv. If perimeter monitoring shows lateral gas migration is greater than 25 percent of the LEL, the Permittee will need to determine if the cause of the migration was due to the landfill. Such determination shall be made within 90 days of receipt of perimeter monitoring data exceeding 25 percent of the LEL criterion. Collection efficiency for Phase III cells shall be 85 percent if a cell is capped with a 40 CFR 258, Subtitle D cap, shows no signs of cracks or distressed vegetation, if the most recent methane surface monitoring of the landfill did not exceed 500 ppmv after corrective action, and perimeter monitoring shows lateral gas migration from the landfill is less than 25 percent LEL. If the landfill does not meet these conditions, MassDEP, Southeast Region, Bureau of Waste Prevention, Permit Section Chief shall be notified by fax or e-mail within 2 business days of obtaining actual knowledge that the conditions are not met. The Permittee may propose an alternative demonstration of the collection efficiency for Phase III that shall include consideration of at least the following factors: the number of exceedances, the extent of each exceedance over 500 ppm, and any other relevant factors. Any alternative collection efficiency must be approved by MassDEP prior to its use in future calculations or recordkeeping.
4. In accordance with Approval No. 4P06034, emissions from uncollected and/or uncontrolled landfill gas for NMOC, single maximum HAP, total HAP, VOC, and HOC shall be calculated by the Permittee based on the LFG generation rates calculated pursuant to Proviso 5.D.1., and the collection efficiencies listed in Provisos 5.D.2. and 5.D.3.
5. In accordance with Approval No. 4P06034, the facility shall limit uncollected and uncontrolled, plus controlled emissions (landfill fugitive emissions plus enclosed combustor emissions) to the levels shown in Table 5-5. below:

Table 5-5. Total Allowable Facility Emissions

Pollutant		Tons/12-month rolling period
Non-methane organic compounds (NMOC)		49.5
Hazardous Air Pollutants (HAP)	Total	24.5
	Maximum Single ⁽¹⁾	9.5
Volatile Organic Compounds (VOC)		49.5
Halogenated Organic Compounds		49.5

Notes: (1) Includes fugitive landfill and combustion emissions.

E. Landfill Gas Collection Schedule

In accordance with Approval No. 4P06034, The landfill operator shall:

1. Before accepting waste in an area/cell of Phase III, install leachate cleanout connectors and pipes, as described in MassDEP's July 12, 2006 Solid Waste Conditional Approval, expanding the existing landfill gas control system.
2. Within thirty (30) days after the parameters meet the following criteria and when the landfill gas flow is sustainable, activate each leachate cleanout pipe to the gas conveyance system:
 - (i) Wellhead static pressure ≥ 0.5 inch water column
 - (ii) Oxygen concentration ≤ 5 percent
 - (iii) Methane concentration ≥ 45 percent
 - (iv) Temperature $\leq 131^{\circ}\text{F}$
3. Within eighteen (18) months of achieving final grade, install vertical wells, as described in MassDEP's July 12, 2006 Conditional Approval.
4. Within thirty (30) days after the parameters meet the following criteria and when the landfill gas flow is sustainable, activate each vertical well to the gas conveyance system:
 - (i) Wellhead static pressure ≥ 0.5 inch water column
 - (ii) Oxygen concentration ≤ 5 percent
 - (iii) Methane concentration ≥ 45 percent
 - (iv) Temperature $\leq 131^{\circ}\text{F}$

5. Operate the leachate cleanout connectors and vertical wells with the following parameters when connected to the gas conveyance system and when the landfill flow is sustainable:
 - (i) Wellhead static pressure ≥ 0.1 inch water column
 - (ii) Oxygen concentration ≤ 5 percent
 - (iii) Methane concentration ≥ 45 percent
 - (iv) Temperature $\leq 131^{\circ}\text{F}$
 6. Leachate cleanout connectors and vertical wells that have been previously activated per Provisos 5.E.2. and 5.E.4. will be deactivated if the methane quality can not be sustained at greater than 45 percent or if other parameters in Proviso 5.E.4. can not be met. The deactivated leachate cleanout connector and vertical wells will be re-monitored during the next scheduled monthly event and will be reactivated if the criteria in Provisos 5.E.2. and 5.E.4. are achieved.
 7. Leachate connectors and vertical wells shall have at least one sample port in accordance with 40 CFR 60.756(a).
- F. MassDEP personnel shall be provided immediate access to the plant site, buildings, and all pertinent records for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.
- G. All waste paints and spent solvents shipped offsite to be claimed as a credit against VOC usage must be confirmed by data supplied by the waste disposal contractor.
- H. In accordance with 40 CFR 63, Subpart AAAA, Section 63.1960, the Permittee shall develop and implement a written startup, shutdown, and malfunction (SSM) plan according to the provisions of 40 CFR 63.6(e)(3). A copy of the SSM Plan must be maintained on site.
- I. The Permittee is subject to the requirements of 40 CFR 63.1 through 63.15 inclusive, Subpart A General Provisions (as indicated in Table 1 of 40 CFR 63, Subpart AAAA). Compliance with all applicable provisions therein is required.
- J. Sound impacts shall not exceed 10 dB(A) above background and shall not cause a puretone condition as defined in MassDEP's DAQC Policy No. 90-001.
- K. In accordance with Approval No. 4P06034, landfill Phases I and II are closed and capped. Waste materials shall not be landfilled in Phases I and II.
- L. In accordance with Approval No. 4P06034, waste materials landfilled in Phase III shall not exceed 468,000 tons in any consecutive 12-month period.

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.

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

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

(b) Inter-facility emission trading

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

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

8. COMPLIANCE SCHEDULE

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

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

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

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

10. COMPLIANCE CERTIFICATION

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

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

The “Operating Permit Reporting Kit” contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The “Operating Permit Reporting Kit” is available to the Permittee via MassDEP’s web site,

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

(a) Annual Compliance Report and Certification

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

The compliance certification and report shall describe:

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

(b) Semi-Annual Monitoring Summary Report and Certification

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

The compliance certification and report shall describe:

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

11. NONCOMPLIANCE

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

12. PERMIT SHIELD

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

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

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

13. ENFORCEMENT

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(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 MassDEP, EPA and citizens as defined under the Act.

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

14. PERMIT TERM

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

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

15. PERMIT RENEWAL

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

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

16. REOPENING FOR CAUSE

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by MassDEP and/or EPA. The responsible official of the facility may request that MassDEP terminate the facility's operating permit for cause. MassDEP will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

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

17. DUTY TO PROVIDE INFORMATION

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

18. DUTY TO SUPPLEMENT

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

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

19. TRANSFER OF OWNERSHIP OR OPERATION

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

20. PROPERTY RIGHTS

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

21. INSPECTION AND ENTRY

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

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

22. PERMIT AVAILABILITY

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

23. SEVERABILITY CLAUSE

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

24. EMERGENCY CONDITIONS

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

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

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

25. PERMIT DEVIATION

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

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

¹ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

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

- 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 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 MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

27. MODIFICATIONS

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

APPEAL CONDITIONS FOR OPERATING PERMIT

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

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

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

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

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

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

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

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