



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

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Dated January 6, 2009

**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"]:**

Crown Cork & Seal USA  
155 Shepard Street  
Lawrence, Massachusetts 01843

**INFORMATION RELIED UPON:**

Application No. MBR-95-OPP-093R  
Transmittal No. W204049

**FACILITY LOCATION:**

Crown Cork & Seal USA  
155 Shepard Street  
Lawrence, Massachusetts 01843

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 1210088  
FMF FAC NO. 130933  
FMF RO NO. 53669

**NATURE OF BUSINESS:**

Aluminum Beverage Can Manufacturing

**NORTH AMERICAN INDUSTRIAL  
CLASSIFICATION SYSTEM (NAISC):**

332431

**RESPONSIBLE OFFICIAL:**

Name: David Walworth  
Title: Plant Manager

**FACILITY CONTACT PERSON:**

Name: Lisa Lyons  
Title: Environmental Coordinator  
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**This Operating Permit shall expire on January 6, 2014.**

For MassDEP, Bureau of Waste Prevention

\_\_\_\_\_  
James E. Belsky  
Permit Chief  
Bureau of Waste Prevention

\_\_\_\_\_  
Date

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## SPECIAL CONDITIONS FOR OPERATING PERMIT

### 1. PERMITTED ACTIVITIES

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

### DESCRIPTION OF FACILITY AND OPERATIONS

Crown Cork & Seal USA is a two-piece aluminum beverage can manufacturing plant located at 155 Shepard Street in Lawrence, Massachusetts. Two-piece can manufacturing is a continuous high speed process that includes both fabrication and coating operations. The basic process steps are cupping, washing, printing, interior coating and palletizing.

Crown Cork & Seal USA's process equipment consists of four (4) Rutherford printing/varnishing units, four (4) Crown inside spray machines, and associated ovens, along with four (4) parts washers. See Table 1 for detailed emission unit descriptions.

Tables 3,4,5, and 6, of this Operating Permit contain the air quality requirements and regulations to which Crown Cork & Seal USA is subject.

### 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
EU1	Rutherford Model No. CD2-1000 Printer/Varnish Unit *Ross Model No. 4053993 Cure Oven	1300 cans per minute	None
EU2	Rutherford Model No. CMP-800 Printer/Varnish Unit *Ross Model No. 4053993 Cure Oven		
EU3	Rutherford Model No. CMP-800 Printer/Varnish Unit **Ross Model No. 4953993 Cure Oven		
EU4	Rutherford Model No. CMP-800 Printer/Varnish Unit **Ross Model No. 4953993 Cure Oven	1400 cans per minute	
EU7	Crown Model No. 68 Inside Spray Machine ***Feco Model No. 15179 Cure Oven	1440 cans per minute	
EU8	Crown Model No. 68 Inside Spray Machine (#2) ***Feco Model No. 15179 Cure Oven		
EU9	Crown Model No. 68 Inside Spray Machine (#3) ****Feco Model No. 15263 Cure Oven		
EU10	Crown Model No. 68 Inside Spray Machine ****Feco Model No. 15263 Cure Oven		
EU11	Parts Washer (4 units)	100 gallons per month(each unit)	

Legend to Abbreviated Terms within Table 1:

\* Ross Model No. 4053993, 2 MMBtu/hr Cure Oven is used for EU#1 and EU#2  
 \*\* Ross Model No. 4953993, 2 MMBtu/hr Cure Oven is used for EU #3 and EU#4  
 MMBtu/hr = million British thermal units per hour

\*\*\* Feco Model No. 15179, 2.9 MMBtu/hr Cure Oven is used for EU#7 and EU#8  
 \*\*\*\* Feco Model No. 15263, 2.9 MMBtu/hr Cure Oven is used for EU#9 and EU#10

**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):

<b>Table 2</b>	
<b>DESCRIPTION OF CURRENT EXEMPT ACTIVITIES</b>	<b>REASON</b>
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 at the facility and a copy shall be submitted to the MassDEP’s Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310 CMR 7.00: Appendix C(5)(h)

**4. APPLICABLE REQUIREMENTS**

A. EMISSION LIMITS AND RESTRICTIONS

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

<b>Table 3</b>					
EU #	Raw Material	Pollutant	Emission Limit/Standard	Applicable Regulations and/or Approval No.	Restrictions (Rate)
EU1, EU2, EU3,EU4	Ink	VOC	3.9 pounds of VOC per gallon of solids applied	MBR-92-IND-008	NA
	Varnish		0.46 kg of VOC per liter of coating solids**	40 CFR 60 Subpart WW	
			2.83 pounds of VOC per gallon of solids applied	MBR-92-IND-008	
			4.5 pounds of VOC per gallon of solids applied	310 CMR 7.18(4)	
			2.83 pounds of VOC per gallon of solids applied	MBR-92-IND-008	
	Rim Coat		4.5 pounds of VOC per gallon of solids applied	310 CMR 7.18(4)	
EU7,EU8, EU9,EU10	Interior Coating	0.89 kg of VOC per liter of coating solids**	40 CFR 60 Subpart WW		
		4.99 pounds of VOC per gallon of solids applied	MBR-92-IND-008		
		9.8 pounds of VOC per gallon of solids applied	310 CMR 7.18(4)		
EU11	Non-Halogenated Solvents		NA	310 CMR 7.03 310 CMR 7.18(8)	<100 gallons per month for each degreaser see Section 5 for Special Conditions
Facility-wide	Ink, Varnish, Rim Coat, Interior Coating	Single HAP	< 3 tons per month < 9.9 tons per year	MBR-05-RES-002	NA
		Total HAPs	<5 tons per month < 24.9 tons per year		
	NA	opacity	< 20 percent, except 20 to < 40 percent for≤ two (2) minutes during any one hour	310 CMR 7.06(1)(b)	NA

\* Key to terms:  
 HAP = Hazardous Air Pollutant  
 VOC = Volatile Organic Compounds.  
 kg = kilograms  
 < = less than  
 ≤ = less than or equal to  
 \*\* = Compliance with emission limit/standard(s) shall be based on a volume-weighted calendar-month average

## B. COMPLIANCE DEMONSTRATION

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

<b>Table 4</b>	
EU#	MONITORING/TESTING REQUIREMENTS
EU1,EU2, EU3, EU4, EU7,EU8,EU9, EU10	Monitor the identity, quantity, formulation, and density of coatings used as well as pounds of VOC emitted and gallons of solids applied in order to maintain compliance with the record keeping requirements in Table 5 of this Permit as referenced in 310 CMR 7.18(4)(d) and incorporated herein by reference.
	Upon request of MassDEP, Crown, Cork & Seal Company, Inc. shall perform tests to demonstrate compliance with the emission limits in Table 3 of this Permit as referenced in 310 CMR 7.00: Appendix C(9)(b)2 and incorporated herein by reference. Testing shall be conducted in accordance with EPA Method 24 and/or Method 25 as described in CFR Title 40 Part 60, or by other methods approved by MassDEP and EPA.
	Monitor operations such that a calendar month record of all coatings used and the results of the reference test method specified in Section 60.493(b)(1) or the manufacturer’s formulation data used for determining the VOC content of those coatings can be maintained as referenced in 40 CFR 60 Subpart WW Section 60.492 and incorporated herein by reference.
EU11	Monitor facility operations to demonstrate compliance with the requirements of 310 CMR 7.18(8)(a)[7.03(8)] incorporated herein by reference.
Facility-Wide	Monitor facility operations such that emissions data may be calculated for the annual preparation of a Source Registration/Emission Statement Form as required for compliance with 310 CMR 7.12.
	Monitor facility operations such that compliance with the short-term and long-term emission limits for HAPs specified in Final Restricted Status Approval MBR-05-RES-002 is demonstrated.
	In accordance with 310 CMR 7.13(1), any person owning, leasing, operating or controlling a facility for which MassDEP has determined that stack testing is necessary to ascertain compliance with MassDEP’s regulations or design approval provisos shall 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 which has been approved by MassDEP, (c) to be conducted in the presence of a representative of MassDEP when such is deemed necessary, and (d) to be summarized and submitted to MassDEP with analyses and report within such time as agreed to the approved test protocol.
	As referenced in Approval MBR-92-IND-008, Proviso No.6 and Approval MBR-05-RES-002, Section F. 3., incorporated herein by reference, Crown Cork & Seal Company, Inc. shall continue to monitor the feasibility of implementing alternative technologies or reformulated raw material inputs which will lead to the decrease of overall emissions from the subject facility to the environment.
	As referenced in Approval MBR-92-IND-008, Proviso No. 7 and Approval MBR-05-RES-002, Section F.4., incorporated herein by reference, Crown Cork & Seal Company, Inc. shall monitor all actions associated with environmental issues and overall emission changes at the facility. The facility shall monitor information such as reformulated coatings, and “source reduction”.
	Monitor operations so that the occurrence of any upset or malfunction of any equipment can be identified so compliance with the reporting requirements contained in Table 6 can be maintained as provided in 310 CMR 7.00: Appendix C (9)(b)2 and incorporated herein by reference.
	Opacity shall be determined in accordance with EPA Test Method 9, as specified in 40 CFR 60, Appendix A, if and when requested by MassDEP or EPA.

<b>Table 5</b>	
EU#	RECORD KEEPING REQUIREMENTS
EU1,EU2, EU3, EU4, EU7, EU8, EU9, EU10	As referenced in 310 CMR 7.18(4)(d), maintain daily records for each metal can coating line which include, but are not limited to : 1.) identity, quantity, formulation and density of coating (s) used; 2.) identity, quantity, formulation and density of any diluent(s) and clean-up solvent(s) used; 3.) solids content of any coating(s) used; 4.) actual operational and emissions characteristics of the coating line and any appurtenant emissions capture and control equipment; and 5.) quantity of product processed.
	The Permittee shall maintain records of quantity and formulations of all inks, varnishes, rim coats, clear base coats, base coats (other than clear), interior coatings and solvents, in order to demonstrate compliance with the emission limitations specified in Table 3 of this Permit as provided in 310 CMR 7.00: Appendix C(10)b and incorporated herein by reference.
	Maintain records so that the quarterly reports of exceedances of the VOC emission limits specified in 40 CFR 60 Subpart WW, Section 60.495 can be submitted to MassDEP. Maintain records so that if no exceedances occur during a particular quarter, a report stating this can be submitted to MassDEP as provided in 40 CFR 60 Subpart WW, Section 60.495(b) and incorporated herein by reference.
EU11	In accordance with 310 CMR 7.18(8)(g), incorporated herein by reference, maintain records sufficient to demonstrate compliance. Said records shall include, at a minimum, the following: (1) identity, quantity, formulation and density of the solvent used; (2) quantity, formulation and density of all waste solvent generated; and (3) actual operational and any appurtenant emission capture and control equipment.
	In accordance with 310 CMR 7.03(6), prepare and maintain records sufficient to demonstrate compliance with the solvent use rates identified in Table 3.
Facility-Wide	Maintain records of facility operations such that emissions may be reported as required for compliance with 310 CMR 7.12 “Source Registration” incorporated herein by reference.
	Maintain on-site records to document compliance with the HAP emissions limits as stated in Final Restricted Emission Status Approval MBR-05-RES-002.
	Keep copies of all information supplied to MassDEP pursuant to 310 CMR 7.12 on site for five (5) years after the date the report is submitted as required in 310 CMR 7.12(3)(b) incorporated herein by reference.
	As referenced in Approval MBR-92-IND-008 and Approval MBR-05-RES-002, incorporated herein by reference, Crown Cork & Seal Company, Inc. personnel shall record any information supplied to them relative to reducing overall emissions and pollution prevention techniques. This information as well as any progress towards decreasing overall emissions to the environment shall be recorded in an Environmental Logbook or equivalent record keeping system, which shall document all actions associated with environmental issues and overall emission changes at the facility. The facility shall record information specified in Table 4.
	Pursuant to MassDEP’s authority under 310 CMR 7.00:Appendix C (9)(d), maintain records of the test results of any Emissions Compliance Testing required by MassDEP or EPA.
	Maintain a record of the occurrence(s) of upsets or malfunctions of facility equipment so that the report required in Table 6 can be submitted as provided in 310 CMR 7.00: Appendix C (9)(b)2 and incorporated herein by reference.
	Maintain records of all monitoring data and supporting information on site for a period of at least five (5) years from the

<b>Table 5</b>	
EU#	RECORD KEEPING REQUIREMENTS
	<p>date of the monitoring sample, measurement, or report. Supporting information includes at a minimum, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by the Operating Permit, and any other information required to interpret the monitoring data. Records required to be maintained shall include, where applicable:</p> <ul style="list-style-type: none"> <li>a) The date, place as defined in the Permit, and time of sampling or measurements;</li> <li>b) The date(s) analyses were performed;</li> <li>c) The company or entity that performed the analyses;</li> <li>d) The analytical techniques or methods used;</li> <li>e) The results of such analyses; and</li> <li>f) The operating conditions as existing at the time of sampling or measurement</li> </ul> <p>as provided in 310 CMR 7.00:Appendix C(10)(b) incorporated herein by reference.</p>

<b>Table 6</b>	
EU#	REPORTING REQUIREMENTS
EU1,EU2, EU3, EU4, EU7, EU8, EU9, EU10	<p>Submit quarterly reports to MassDEP of exceedances of the VOC emission limits specified in 40 CFR 60 Subpart WW, Section 60.495. If no exceedances occur during a particular quarter, a report stating this shall be submitted to MassDEP semiannually as provided in 40 CFR 60 Subpart WW, Section 60.495(b) and incorporated herein by reference.</p>
Facility-Wide	<p>Submit on or before March 15<sup>th</sup> of each year, an Annual RES Compliance Report (ARESCR) that documents the compliance status of the facility, for the previous Calendar Year, with respect to the limitations/restrictions established in Final Restricted Emission Status Approval MBR-05-RES-002</p> <p>Crown Cork &amp; Seal Co., Inc. must notify the Mass DEP by facsimile as soon as possible after confirmation of any Short-term or Long-term exceedance of any emission established within Final Restricted Emission Status Approval MBR-05-RES-002. This must be followed up within 7 days in writing in accordance with the provisions of the Final Restricted Emission Status Approval MBR-05-RES-002.</p> <p>By April 15 of each year, submit Source Registration/Emission Statement to MassDEP as required in 310 CMR 7.12 incorporated herein by reference.</p> <p>Submit by January 30 and July 30 for the previous six months respectively, a summary of all monitoring data and related supporting information to MassDEP as required by 310 CMR 7.00: Appendix C(10)(c).</p> <p>Submit Annual Compliance report to MassDEP and EPA as required by General Condition 10. All reports must be certified by a responsible official as provided in 310 CMR 7.00: Appendix C(10)(h).</p> <p>Submit an annual written report to this Office which describes the facility's progress towards lowering its overall air emissions as referenced in Approval MBR-92-IND-008, Proviso No. 6. Said report shall be submitted by January 30th of the following year to MassDEP's Northeast Regional Office, attention Air Quality Section Chief.</p> <p>All required reports must be certified by a responsible official as provided in 310 CMR 7.00:Appendix C(10)(h) incorporated herein by reference.</p> <p>Promptly report to MassDEP all instances of deviations from Permit requirements by telephone or fax, within three days of discovery of such deviation, as provided in 310 CMR 7.00: Appendix C(10)(f), incorporated herein by reference. (Please also see General Condition No. 25 of this Permit.)</p>

**C. GENERAL APPLICABLE REQUIREMENTS**

The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

**D. REQUIREMENTS NOT CURRENTLY APPLICABLE**

The Permittee is currently not subject to the following requirements, contained in table 7 below:

<b>Table 7</b>	
REGULATION	DESCRIPTION/REASON
310 CMR 7.16:	Reduction of Single Occupant Commuter Vehicle Use
42 U.S.C. 7401, Section 112(r)	Accidental Release Prevention Requirements
42 U.S.C. 7401, §112(d)	Hazardous Air Pollutants
40 CFR Part 64	Compliance Assurance Monitoring

**5. SPECIAL TERMS AND CONDITIONS**

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

**A) Facility-Wide :**

- 1) The Permittee is subject to, and has stated in its Operating Permit Application, TR# W204049 that the Permittee is 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.
- 2) Should any nuisance condition be generated at the facility, then appropriate steps shall immediately be taken to abate said nuisance condition(s) as referenced in Approval MBR-92-IND-008, Proviso No. 1 (State only requirement - 310 CMR 7.01 General Regulations to Prevent Air Pollution).

**B) EU11:**

- 1) The Permittee operates four (4) parts cleaners (EU11) at the Lawrence facility. In accordance with 310 CMR 7.18(8) each unit must comply with the following requirements:
  - a. each cold cleaning degreaser is designed with a cover which is designed to be operated with one hand; and
  - b. each cold cleaning degreaser is equipped to drain clean parts so that, while draining, the cleaned parts are enclosed for 15 seconds or until dripping ceases, whichever is longer; and
  - c. each cold cleaning degreaser is designed with:
    - i) a freeboard ratio of 0.75 or greater, or
    - ii) a water blanket (only if the solvent used is insoluble in and heavier than water); or
    - iii) an equivalent system of air pollution control which has been approved by MassDEP and EPA; and
  - d. the covers of each cold cleaning degreaser are closed whenever parts are not being handled in the degreaser, or when the degreaser is not in use; and
  - e. the drafts across the top of each cold cleaning degreaser are minimized such that when the cover is open the degreaser is not exposed to drafts greater than 40 meters per minute (1.5 miles per hour), as measured between one and two meters up wind at the same elevation as the tank lip; and
  - f. any leaks are repaired immediately, or the degreaser is shut down.

**6. ALTERNATIVE OPERATING SCENARIOS**

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

**7. EMISSIONS TRADING**

(a) Intra-facility emissions trading

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

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

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

(b) Inter-facility emissions trading

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

All increases in emissions due to emissions trading, must be authorized under the applicable requirements of 310 CMR 7.00: Appendix B (the "Emissions Trading Program") and 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 Report Kit” contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The “Operating Permit Reporting Kit” is available to the Permittee via MassDEP’s web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op> .

#### (a) Annual Compliance Report and Certification

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

The compliance certification and report shall describe:

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

#### (b) Semi-Annual Monitoring Summary Report and Certification

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

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;

- vii. if there are any outstanding deviations at the time of reporting, the proposed date of such return to compliance and date of such return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and the 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 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 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 based<sup>1</sup> emission limitations specified in this permit as a result of an emergency<sup>2</sup>. 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;

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<sup>1</sup> 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.

<sup>2</sup> 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.

(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 supercede the following deviation reporting requirement, if applicable.

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

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

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Report Kit, which is included with the Operating Permit, 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) (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.

### **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.