



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

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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"]:

Waste Management of Massachusetts, Inc.
26 Patriot Place, Suite 300
Foxboro, MA 02035

FACILITY LOCATION:

Taunton Sanitary Landfill
330 East Britannia Street
Taunton, Massachusetts 02780

NATURE OF BUSINESS:

Municipal Solid Waste Landfill

RESPONSIBLE OFFICIAL:

Name: Mr. Christopher DeSantis
Title: Area Vice President

INFORMATION RELIED UPON:

Application No. 4V07016
Transmittal No. W132299

FACILITY IDENTIFYING NUMBERS:

AQ ID: 1200710
FMF FAC NO. 39792
FMF RO NO. 402784

STANDARD INDUSTRIAL CODE (SIC):

4953

NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS):

562212

FACILITY CONTACT PERSON:

Name: Mr. Peter Richer
Title: Area Environmental Engineer
Phone: (508) 549-8057

This Operating Permit shall expire on: 01/26/2017

For the Department of Environmental Protection, Bureau of Waste Prevention

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

Permit Chief, Bureau of Waste Prevention

01/26/2012

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

The Taunton Sanitary Landfill is located on approximately an 84 acre parcel of property owned by the City of Taunton and consists of landfill sections and cells, a residential recycling/solid waste collection drop-off area, and ancillary activities. The facility is operated for the disposal of municipal solid waste (MSW), non-municipal solid waste; and municipal sewage sludge, and grit and screenings from the City of Taunton's municipal wastewater treatment plant. On March 29, 2007 MassDEP issued the Taunton Sanitary Landfill an Air Quality Conditional Approval No. 4P06042 (Approval No. 4P06042). Approval No. 4P06042 contains pollutant and operational limitations and other requirements pertaining to the landfill operation.

At the Taunton Sanitary Landfill a landfill gas (LFG) collection system is operating. The system is comprised of vertical gas extraction wells and horizontal gas collectors with lateral piping, connected to a main header system. Once collected, the LFG is supplied as fuel to an electric generating facility consisting of Reciprocating Internal Combustion Engine (RICE) electrical generating sets and/or an open utility flare located adjacent to the Taunton Sanitary Landfill. During periods when the LFG gas is not used for electric generation, it is directed to the open flare where the LFG is combusted. The RICE electrical generating sets and open flare constitute a separate entity from the ownership and operation of the Taunton Sanitary Landfill. MM Taunton Energy LLC owns and operates the RICE electrical generating sets and open flare in accordance with a March 11, 2011 Revised Conditional Approval No. 4B05026 issued by MassDEP.

The Taunton Sanitary Landfill had been a minor source of NMOC that previously was exempted from the provisions of 40 CFR 60, Subpart WWW Standards of Performance for Municipal Solid Waste Landfills because the maximum design capacity of the facility was less than 2.5 million megagrams and 2.5 million cubic meters. A vertical expansion of the landfill to a maximum fill elevation of 220 ft –msl (exclusive of final cover system), which began construction on March 3, 2006 with the approval of the cell liner supply and installation contract, resulted in an increase in design capacity that triggered the applicability of 40 CFR 60.752(a)(2), rendering the facility subject to 40 CFR 60, Subpart WWW.

Presently the Taunton Sanitary Landfill is an area source of HAPs and has uncontrolled Non Methane Organic Compound (NMOC) emissions less than 50 megagrams per year, as per Tier 2 testing procedures and reports filed covering the five (5) year period of time from 2006 to 2011. As such, the Taunton Sanitary Landfill is not subject to 40 CFR 63 Subpart AAAA or 40 CFR 60

Subpart WWW 60.752(b)(2)(ii) collection and control requirements until a change occurs that makes the facility applicable to those requirements.

The Taunton Sanitary Landfill is subject to 310 CMR 7.71 Reporting of Greenhouse Gas Emissions to a Regional Registry (GHG) and shall comply with all applicable requirements therein.

The Taunton Sanitary Landfill is subject to 40 CFR 82 Protection of Stratospheric Ozone and shall comply with all applicable requirements therein.

The Taunton Sanitary Landfill is not subject to 40 CFR Part 64 Compliance Assurance Monitoring (CAM)

Operating Permit Section 4, Tables 3, 4, 5, and 6 list the facility emission limits along with monitoring, testing, record keeping and reporting requirements. Operating Permit Section 4, Table 7 lists regulations that are not applicable to the facility at this time.

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 | 3,276,256 Megagrams (approximate solid waste disposal capacity based on vertical expansion to 220 ft-msl) | N/A |

3. **IDENTIFICATION OF EXEMPT ACTIVITIES**

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

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

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 | | | | | | |
|----------------|-------------------|---|---|--|-------------------------|---|
| EU# | Fuel/Raw Material | Pollutant | Restrictions | Emission Limit/Standard ⁽³⁾ | | Applicable Regulation and/or Approval No. |
| EU-1 | LFG | NMOCs ⁽¹⁾ | <i>Refer to: Operating Permit No. 4V07016, Section 5, Table 8 <u>Special Terms and Conditions</u></i> | Cell 5 Vertical Expansion | Total Landfill Facility | 40 CFR 60 Subpart WWW §60.752(a)(2) Approval No. 4P06042 |
| | | | | 15 TPY ⁽²⁾ | 38 TPY ⁽²⁾ | |
| | | VOCs | | 15 TPY ⁽²⁾ | 38 TPY ⁽²⁾ | |
| | | HAPs (Single & Total) ⁽⁴⁾ | | 3.6 TPY ⁽²⁾ | 9.0 TPY ⁽²⁾ | |
| | | HOCs | | 0.5 TPY ⁽²⁾ | 1.3 TPY ⁽²⁾ | |
| Facility wide | All | Greenhouse Gas (GHG) Emissions ⁽⁵⁾ | | N/A | | 310 CMR 7.71 (State Only) |

Table 3 Note:

- (1) NMOCs contains VOCs, HAPs and HOCs fractions, whose individual compounds and pollutants are not categorically unique.
- (2) Tons per Year (TPY) means "Tons per Consecutive 12-month Period"
- (3) Approval No. 4P06042 applicable emission limits not contained in Table 3 (Emission Limit/Standard) are included in Operating Permit No. 4V07016, Section 5, Table 8 Special Terms and Conditions .
- (4) Any "Single" HAP or "Total Aggregate" HAPS.
- (5) Greenhouse gas (GHG) means any chemical or physical substance that is emitted into the air and that the Department may reasonably anticipate will cause or contribute to climate change including, but not limited to, carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulfur hexafluoride (SF₆).

B. COMPLIANCE DEMONSTRATION

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

| Table 4 | |
|----------------|---|
| EU# | MONITORING/TESTING REQUIREMENTS |
| EU-1 | In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, the ability of the facility to maintain emission rates at or below levels stated in this Operating Permit shall be demonstrated to MassDEP in the future if deemed necessary. |
| | In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, any future compliance tests that may be required at this facility shall be conducted in accordance with procedures set forth by the appropriate EPA Reference Test Methods and Air Pollution Control Regulations, 310 CMR 7.13. A written pretest protocol must be submitted to MassDEP's Regional Office for written approval at least 30 days prior to the actual test. A test results report shall be submitted to MassDEP's Regional Office within 30 days after the completion of any required compliance testing. |
| | In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, monitor operations such that information may be compiled as necessary for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12. |
| | In accordance with Operating Permit No. 4V07016, Approval No. 4P06042 and 40 CFR 60 Subpart WWW, the Permittee shall perform all necessary site specific sampling/monitoring/testing, as applicable, which includes but is not limited to: 40 CFR 60.754(a)(3) <u>Tier 2</u> . |
| | In accordance with 310 CMR 7.71(1) and Appendix C(9) establish and maintain data systems or record keeping practices (e.g. fuel use records, SF ₆ usage documentation, Continuous Emissions Monitoring System) for greenhouse gas emissions to ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c. 298, § 6. (State-only requirement) |

| Table 5 | |
|----------------|---|
| EU# | RECORD KEEPING REQUIREMENTS |
| EU-1 | <p>In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, the facility shall maintain detailed NMOC, VOC, HAP and HOC records on a consecutive 12-month period basis (the total from the latest month plus the sum for the eleven months preceding the latest month) for the Cell 5 Vertical Expansion. These records, including any other “credible evidence”, shall document the compliance status of the facility regarding the conditions, provisions, requirements, and limits contained in Approval No. 4P06042 and Operating Permit No. 4V07016. Supporting documentation, including waste acceptance records, shall be maintained.</p> |
| | <p>In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, a copy of records shall be kept readily available on-site for a period of sixty (60) consecutive months and shall be made available to MassDEP and/or U.S. EPA personnel upon request.</p> |
| | <p>In accordance with Operating Permit No. 4V07016 and 40 CFR 60.752(b), calculate the NMOC emission rate for the landfill using the procedures specified in §60.754. The NMOC emission rate shall be recalculated annually. If the estimated NMOC emission rate is less than 50 megagrams per year in each of the next 5 consecutive years, in accordance with 40 CFR 60.757(b)(1)(ii), the owner or operator may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report.</p> |
| | <p>In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042 and 310 CMR 7.12, maintain records of facility operations such that information may be reported as required. Keep copies of all information supplied to MassDEP on-site for five (5) years from the date of submittal.</p> |
| | <p>In accordance with Operating Permit No. 4V07016 and 310 CMR 7.00, Appendix C(10)(b), maintain records of all monitoring data and supporting information required by this Operating Permit on-site for five (5) years from the date of the monitoring sample, measurement, reports, or initial Operating Permit application.</p> |
| | <p>In accordance with 310 CMR 7.71 (6) b. and c. retain at the facility for five (5) years and make available to the MassDEP upon request copies of the documentation of the methodology and data used to quantify emissions. (State-only requirement)</p> |

Table 6

| EU# | REPORTING REQUIREMENTS ⁽¹⁾ |
|------|--|
| EU-1 | <p>All notifications and reporting required in accordance with Approval No. 4P06042 and Operating Permit No. 4V07016 (including but not limited to Section 25) shall be sent directly to:</p> <p style="margin-left: 40px;">Department of Environmental Protection Southeast Regional Office Bureau of Waste Prevention 20 Riverside Drive Lakeville, MA 02347</p> <p style="margin-left: 40px;">Attn: John K. Winkler, Chief Permit Section</p> <p style="margin-left: 40px;">Tel: (508) 946-2779 Fax: (508) 947-6557 or (508) 946-2865</p> |
| | <p>In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, the permittee must notify the Department by telephone, or by fax within twenty-four (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 that result in an excess emission to the air and/or a condition of air pollution.</p> |
| | <p>In accordance with Operating Permit No. 4V07016 and 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.</p> |
| | <p>In accordance with Operating Permit No. 4V07016 and 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 30th and July 30th) of each calendar year.</p> |
| | <p>In accordance with Operating Permit No. 4V07016 and 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> |
| | <p>In accordance with Operating Permit No. 4V07016 and 310 CMR 7.00, Appendix C(10)(h), all required reports must be certified by a responsible official as provided in 310 CMR 7.00, Appendix C(5)(c)</p> |
| | <p>In accordance to 310 CMR 7.00 Appendix C(5)(b) 9, submit annually, based on a calendar year, a certification that the facility is maintaining the required records to assure the facility is in compliance with the applicable requirements designated in this permit (see provision 10 in "General Conditions For Operating Permit").</p> |

| Table 6 (continued) | |
|----------------------------|---|
| EU# | REPORTING REQUIREMENTS ⁽¹⁾ |
| EU-1 | In accordance with Operating Permit No. 4V07016 and 40 CFR 60.752(b), calculate an NMOC emission rate for the landfill using the procedures specified in §60.754. The NMOC emission rate shall be recalculated annually. Submit an annual emission report to the US EPA (Region 1) and MassDEP, except as provided for in §60.757(b)(1)(ii), <u>and</u> recalculate the NMOC annually using the procedures specified in 40 CFR 60.754(a)(1) until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed. |
| | In accordance with Operating Permit No. 4V07016 and 40 CFR 60.757(b)2), the NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions. |
| | In accordance with Operating Permit No. 4V07016, Approval No. 4P06042 and 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. |
| | In accordance with 310 CMR 7.71(5), by April 15 th , 2010 and April 15 th of each year thereafter report emissions of greenhouse gases from stationary emissions sources including, but not limited to, emissions from factory stacks, manufacturing processes and vents, fugitive emissions, and other process emissions; and owned or leased motor vehicles when stationary source greenhouse gas emissions are greater than 5,000 short tons CO ₂ e. Report greenhouse gas emissions electronically in a format that can be accommodated by the registry. (State-only requirement) |
| | In accordance with 310 CMR 7.71(6), certify greenhouse gas emissions reports using a form provided by the MassDEP or the registry. (State-only requirement) |
| | In accordance with 310 CMR 7.71(7), by December 31 st of the applicable year submit to the MassDEP documentation of triennial verification of the greenhouse gas emissions report. (State-only requirement) |

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.**

C. GENERAL APPLICABLE REQUIREMENTS

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

D. REQUIREMENTS NOT CURRENTLY APPLICABLE

The permittee is currently not subject to the following requirements:

| Table 7 | |
|-------------------------------|---|
| REGULATION & TITLE | DESCRIPTION |
| 310 CMR 7.07 | Open Burning |
| 310 CMR 7.16 | Reduction of Single Occupant Commuter Vehicle Use |
| 42 USC 7401, §112(r)(7) | Accidental Release Prevention Requirements: Risk Management under the Clean Air Act §112(r) |
| 310 CMR 7.25 | Consumer and Commercial Products |
| 40 CFR 64 | Compliance Assurance Monitoring (CAM) |

5. SPECIAL TERMS AND CONDITIONS

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

Table 8

SPECIAL TERMS AND CONDITIONS

- A. In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, waste materials landfilled shall not exceed 120,120 tons per any 12-month consecutive period.
- B. In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, the facility emission rates for NMOCs, VOCs, single maximum HAP, total HAPs, and HOCs shall be calculated using the equations for calculating uncontrolled emissions in Section 2.4 of the U.S. EPA's Compilation of Air Pollution Emission Factors, Volume 1: Stationary Point and Area Sources, AP-42, Fifth Edition, Office of Air Quality Planning and Standards, Research Triangle Park, NC, November 1998 (<http://www.epa.gov/ttn/chief/ap42>). The latest edition (6th, 7th, etc.) of the above-referenced document shall be used when available for calculations. The values for variables L_0 , k , and C_{NMOC} , as provided below, shall be used in calculating the uncontrolled emissions. The values for the average concentrations of the LFG constituents shall be based on Solid Waste Association of North America's *Waste Industry Air Coalition (WIAC) Comparison of Recent Landfill Gas Analyses with Historic AP-42 Values, January 2001*, and shall be used for calculating single maximum HAP, total HAPs and HOCs.

| EMISSION FACTORS | |
|---------------------------------------|---|
| Variable | Value (Units) |
| L_0 (emission generation potential) | 170 (cubic meters gas per Megagram refuse) <i>(see Note 1)</i> |
| k (generation rate constant) | 0.05 (yr ⁻¹) <i>(see Note 1)</i> |
| C_{NMOC} (NMOC concentration) | 297.7 (parts per million by volume as hexane) <i>(see Note 2)</i> |

Notes:

- 1. L_0 and k were not determined by sampling or testing, but represent default values contained in 40 CFR 60, Subpart WWW that when used with site-specific actual concentration and flow rate measurements, better predict site LFG generation. AP-42 default values were not used because they do not correlate well with observed conditions.
- 2. Actual Tier 2 data, collected on August 8, 2006, at a measured flow rate of 1,241 scfm shall be used until such time that the required Actual Tier 2 data is obtained and submitted in report to US EPA (Region 1) and MassDEP in accordance with 40 CFR 60.754(a)(3)(iii) and 60.757(b)(2).

Table 8 (continued)

SPECIAL TERMS AND CONDITIONS

- C. In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, fugitive dust emissions from the storage piles, landfill operations (such as the operation of mobile equipment upon the daily cover soils) and haul roads shall not cause a nuisance off-site and shall not cause visible fugitive dust emissions to extend beyond the property boundary. The facility shall use water sprays or other techniques as necessary to control fugitive emissions such that no visible fugitive emissions leave the facility site.
- D. In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, the facility shall install a temporary landfill gas collection system and a permanent landfill gas collection system that may include portions of the temporary system as required to minimize fugitive emissions and to prevent off-site nuisance odor conditions. The LFG collection systems shall be constructed and operated in accordance with the October 11, 2006 Authorization to Operate (ATO) issued, pursuant to 310 CMR 19.00 Solid Waste Management Regulations, and future ATOs issued pursuant to 310 CMR 19.00.
- E. In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, if any nuisance condition(s) should be generated by the operation of this facility, then the facility shall take immediate appropriate steps to abate the nuisance condition(s), including shutdown if necessary.
- F. In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, the facility shall allow MassDEP and/or U.S. EPA personnel access to the landfill, buildings, and all pertinent records at all times for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.
- G. In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, any proposed increase in emissions above the limits contained in Operating Permit No. 4V07016 and Approval No. 4P06042 must first be approved in writing by MassDEP pursuant to MassDEP's Air Pollution Control Regulations. In addition, any increase may subject the facility to additional regulatory requirements.
- H. In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, the facility shall continue to investigate pollution prevention, which includes the feasibility of implementing alternative technologies or reformulated raw material inputs, which will lead to the decrease of overall emissions from the facility to the environment (air emissions, solvent waste, etc.). The facility shall record any information supplied relative to reducing overall emissions and pollution prevention techniques. This information, as well as any progress toward decreasing overall emissions to the environment, shall be recorded in an environmental logbook or similar record keeping system.
- I. In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, if asbestos remediation/removal should be required as a result of the approved construction, reconstruction, or alteration of this facility, then removal/remediation of asbestos shall be done in accordance with Regulation 310 CMR 7.15 in its entirety and 310 CMR 4.00.

Table 8 (continued)

SPECIAL TERMS AND CONDITIONS

- J. In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, issued Approval No. 4P06042 does not negate the responsibility of the facility to comply with other applicable federal, state, or local regulations now or in the future.
- K. In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, issued Approval No. 4P06042 may be suspended, modified, or revoked by the Department if, at any time, the Department determines that the facility is violating any condition or part of Approval No. 4P06042.
- L. In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, the facility shall comply with all provisions contained in Approval No. 4P06042. Should there be any differences between provisions contained in "General Conditions" and provisions contained elsewhere in Approval No. 4P06042, the latter shall govern.
- M. In accordance with Operating Permit No. 4V07016 and Approval No. 4P06042, the facility shall be constructed and operated in strict accordance with the approved Application No. 4P06042. Should there be any differences between the aforementioned Application and Approval No. 4P06042 (approval letter), the approval letter shall govern.
- N. The Taunton Sanitary Landfill is subject to, and has stated in the Operating Permit Application No. 4V07016 that they are in compliance with the requirements of 40 CFR 82: Protection of Stratospheric Ozone. These requirements are applicable to this facility and the United States Environmental Protection Agency enforces these requirements.

6. ALTERNATIVE OPERATING SCENARIOS

The permittee did not request alternative operating scenarios in its operating permit application.

7. EMISSIONS TRADING

(a) Intra-facility emission trading

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

(b) Inter-facility emission trading

The permittee did not request inter-facility emissions trading in its operating permit application.

8. COMPLIANCE SCHEDULE

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

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

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

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

10. COMPLIANCE CERTIFICATION

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

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

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

(a) Annual Compliance Report and Certification

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

The compliance certification and report shall describe:

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

(b) Semi-Annual Monitoring Summary Report and Certification

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

The compliance certification and report shall describe:

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

11. NONCOMPLIANCE

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

12. PERMIT SHIELD

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

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

(b) The MassDEP has determined that the permittee is not currently subject to the requirements listed in Section 4, Table 7.

(c) Nothing in this permit shall alter or affect the following:

- (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.

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

13. ENFORCEMENT

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

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

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

14. PERMIT TERM

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

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

15. PERMIT RENEWAL

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

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

16. REOPENING FOR CAUSE

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

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

17. DUTY TO PROVIDE INFORMATION

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

18. DUTY TO SUPPLEMENT

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

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

19. TRANSFER OF OWNERSHIP OR OPERATION

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

20. PROPERTY RIGHTS

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

21. INSPECTION AND ENTRY

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

- (a) enter upon the permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;

- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

22. PERMIT AVAILABILITY

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

23. SEVERABILITY CLAUSE

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

24. EMERGENCY CONDITIONS

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

- (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

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

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

(d) the permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

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

25. PERMIT DEVIATION

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

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

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

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the MassDEP Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

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

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

26. OPERATIONAL FLEXIBILITY

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

27. MODIFICATIONS

(a) Administrative Amendments - The permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).

(b) Minor Modifications - The permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).

(c) Significant Modifications - The permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).

(d) No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

28. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT

*Not all abbreviations are present in every Operating Permit

#/hr - Pounds Per Hour
10⁶ BTU/hr - 1,000,000 BTU Per Hour
AOS – Alternative Operating Scenario
AQCR - Air Quality Control Region
Btu/scf - British thermal units per standard cubic foot
CEM - Continuous Emission Monitor
CO - Carbon Monoxide
EPA - Environmental Protection Agency
EU - emission unit
FMF FAC. NO. - Facility Master File Number
FMF RO NO. - Facility Master File Regulated Object Number
FT³/day - Cubic Feet Per Day
HAP - hazardous air pollutants
HHV - Higher Heating Value
HOC- halogenated organic compounds
ISO - Represent 59°F, 60% Relative Humidity, 29.92 Inches Mercury At Sea Level
lb/MMBtu - pounds per million Btu
LFG - landfill gas
MassDEP - Massachusetts Department of Environmental Protection or Department
msl – mean sea level
MMBTU/hr - Million British Thermal Units Per Hour
NMOC - non-methane organic compounds
NO_x - Nitrogen Oxides
PLT ID - Plant Identification
PM - Particulate Matter
ppmvd - parts per million by volume, dry
PTE - Potential To Emit
TPY - Tons Per Year
VOC - Volatile Organic Compound
% percent
< less than
> greater than
≤ less than or equal to
≥ greater than or equal to

APPEAL CONDITIONS FOR OPERATING PERMIT

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

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

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

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

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

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

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

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