



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 627 Main Street, Worcester MA 01608 • 508-792-7650

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("Department" or "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"]:

Tennessee Gas Pipeline Company L.L.C
1001 Louisiana Street,
Houston, TX 77002

INFORMATION RELIED UPON:

Application No. CE-11-021
Transmittal No. X238714

FACILITY LOCATION:

Tennessee Gas Pipeline Company
Compressor Station 267
54 Wilson Street
Hopkinton, MA 01748

FACILITY IDENTIFYING NUMBERS:

AQ ID: 119-945
FMF FAC NO.: 130903
FMF RO NO.: 51701

NATURE OF BUSINESS:

Natural Gas Supplier

Standard Industrial Classification (SIC): 4922
North American Industrial Classification System
(NAICS): 486210

RESPONSIBLE OFFICIAL:

Name: Ronald S. Bessette
Title: Director-Operations

FACILITY CONTACT PERSON:

Name: David J. Carroll
Title: Manager - Operations
Phone: (508) 271-8922
Email: David_Carroll@KinderMorgan.com

This Operating Permit shall expire on December 28, 2017.

For the Department of Environmental Protection

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

Roseanna E. Stanley
Acting Permit Chief, Bureau of Waste Prevention

Date

TABLE OF CONTENTS

Section	Special Conditions for Operating Permit	Page No.
1	Permitted Activities and Description of Facility and Operations	3
2	Emission Unit Identification – Table 1	4
3	Identification of Exempt Activities – Table 2	5
4	Applicable Requirements	
	A. Operational and/or Production Emission Limits and Restrictions – Table 3	6
	B. Compliance Demonstration	7
	- Monitoring and Testing Requirements – Table 4	7
	- Record Keeping Requirements - Table 5	8
	- Reporting Requirements – Table 6	9
	C. General Applicable Requirements	9
	D. Requirements Not Currently Applicable -Table 7	10
5	Special Terms and Conditions – Table 8	10
6	Alternative Operating Scenarios – Table 9	11
7	Emissions Trading – Table 10	11
8	Compliance Schedule	11
Section	General Conditions for Operating Permit	Page No.
9	Fees	11
10	Compliance Certification	12
11	Noncompliance	13
12	Permit Shield	13
13	Enforcement	14
14	Permit Term	14
15	Permit Renewal	14
16	Reopening for Cause	14
17	Duty to Provide Information	15
18	Duty to Supplement	15
19	Transfer of Ownership or Operation	15
20	Property Rights	15
21	Inspection and Entry	15
22	Permit Availability	16
23	Severability Clause	16
24	Emergency Conditions	16
25	Permit Deviation	17
26	Operational Flexibility	17
27	Modifications	18
28	Ozone Depleting Substances	18
29	Prevention of Accidental Releases	19
Section	Appeal Conditions for Operating Permit	20

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.

.

A. DESCRIPTION OF FACILITY AND OPERATIONS

This facility is Tennessee Gas Pipeline Station 267, located in Hopkinton, Massachusetts. It is used to assist the flow of natural gas in a major pipeline.

The natural gas in the pipeline flows at high pressure. When an increase in demand causes the pressure to go down, one or more of the compressors is started. The compressors burn a small portion of the natural gas as fuel to power the compressors. The compressors return the natural gas to the pipeline at a higher pressure.

The exhaust gas from the compressors contains regulated air pollutants.

The Facility has an emergency engine (a natural gas-fired spark ignition electric generator) installed in June 1975 (EU #6) at an area source for Hazardous Air Pollutants (“HAP”). It is a 150 kilowatt Caterpillar G3406 with a maximum rating of 1,990,000 Btu/hour of heat input (201 HP). The emergency engine is subject to the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Stationary Reciprocating Internal Combustion Engines (RICE) (40 CFR Part 63, Subpart ZZZZ). It is considered an existing emergency engine because it was installed before June 12, 2006 and must comply with Subpart ZZZZ by **October 19, 2013**. This Operating Permit contains the emission limits, monitoring, record-keeping and reporting requirements as required by 40 CFR 63, subpart ZZZZ for EU#6.

The Facility is not subject to 40 CFR 63 Subpart JJJJJ because there are no boilers burning liquid or solid fuel. The facility is not subject to 40 CFR Part 64 Compliance Assurance Monitoring because there are no emission units with pollution control devices.

Table 1 lists the equipment (emission units or EUs) subject to this Operating Permit. Table 2 describes the exempt activities that are not mentioned further in the Operating Permit. Tables 3, 4, 5, and 6 describe the applicable requirements that the EUs are subject to in the Operating Permit.

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)
1	1,000 hp (@ISO) Solar Saturn T-1000S Combustion Turbine	15,200,000 BTU/hour @ 32 degrees Fahrenheit	None
2	1,000 hp (@ISO) Solar Saturn T-1000S Combustion Turbine	15,200,000 BTU/hour @ 32 degrees Fahrenheit	None
3	1,000 hp (@ISO) Solar Saturn T-1000S Combustion Turbine	15,200,000 BTU/hour @ 32 degrees Fahrenheit	None
4	1,200 hp (@ISO) Solar Saturn T-1000S Combustion Turbine	16,840,000 BTU/hour @ 32 degrees Fahrenheit	None
5	1,200 hp (@ISO) Solar Saturn T-1000S Combustion Turbine	16,840,000 BTU/hour @ 32 degrees Fahrenheit	None
6	150 kilowatt Caterpillar G3406 emergency generator with natural gas-fired spark-ignited engine	1,990,000 BTU/hour 201 hp	None

Table 1 Key:

EU# = Emission Unit Number
 PCD = Pollution Control Device
 hp = horsepower
 BTU/hour = British Thermal Units per hour

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	310 CMR 7.00:Appendix C(5)(h)

annual emissions statement pursuant to 310 CMR 7.12.	
--	--

4. APPLICABLE REQUIREMENTS

A. OPERATIONAL AND/OR PRODUCTION EMISSION LIMITS AND RESTRICTIONS

The Permittee is subject to the limits/restrictions as contained in Tables 3 and 3A below:

Table 3					
EU #	Fuel/Raw Material/	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No
4, 5	Natural Gas	NO _x	N/A	150 ppmvd @ 15% O ₂	MassDEP regulations at 310 CMR 7.02, MassDEP Plan Approval #CM-85-C-014 dated 12/5/85 and US NSPS 40 CFR 60 Subpart GG for Stationary Gas Turbines
		PM	N/A	0.05 lb/MM Btu	MassDEP Plan Approval #CM-85-C-014 dated 12/5/85
		SO ₂	N/A	Sulfur content of the fuel burned shall meet the limits as noted in the definition of natural gas in 40 CFR § 60.331(u).	US NSPS 40 CFR 60 Subpart GG for Stationary Gas Turbines (40 CFR § 60.334(h)(3))
1, 2, 3, 4, 5, 6	Natural Gas	Opacity	N/A	Not to exceed 20% for a period or aggregate period in excess of 2 minutes during any one hour provided that at no time during the one hour shall the opacity exceed 40%.	MassDEP regulation 310 CMR 7.06
		Smoke	N/A	Not to exceed #1 of the Chart for a period or aggregate period of time in excess of 6 minutes during any one hour provided that at no time shall the shade, density or appearance be greater than No. 2 of the Chart.	MassDEP regulation 310 CMR 7.06
Facility-wide		Greenhouse gas ¹	N/A	N/A	310 CMR 7.71 (state only)

Table 3 Key:

- EU# = Emission Unit Number
- NO_x = Nitrogen Oxides
- SO₂ = Sulfur Dioxide
- PM = Total Particulate Matter
- lb/MMBtu = pounds per Million British thermal units
- ppmvd @ 15% O₂ = parts per million by volume, corrected to 15 percent oxygen
- ≤ = less than or equal to
- % = percent

Table 3 Foot Notes:

- (1) Greenhouse Gas 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, CO₂, CH₄, N₂O, SF₆, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

Table 3A					
EU #	Fuel/ Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/ Standards	Applicable Regulation and/or Approval No
EU 6	Natural Gas	HAP	1. There is no time limit on the use of emergency stationary RICE in emergency situations.	NA	40 CFR 63.6640 (f)(1) (i) through (iii)
			2. You may operate your emergency stationary RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency RICE beyond 100 hours per year.	NA	
			3. You may operate your emergency stationary RICE up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity; except that owners and operators may operate the emergency engine for a maximum of 15 hours per year as part of a demand response program if the regional transmission organization or equivalent balancing authority and transmission operator has determined there are emergency conditions that could lead to a potential electrical blackout, such as unusually low frequency, equipment overload, capacity or energy deficiency, or unacceptable voltage level. The engine may not be operated for more than 30 minutes prior to the time when the emergency condition is expected to occur, and the engine operation must be terminated immediately after the facility is notified that the emergency condition is no longer imminent. The 15 hours per year of demand response operation are counted as part of the 50 hours of operation per year provided for non-emergency situations. The supply of emergency power to another entity or entities pursuant to financial arrangement is not limited by this paragraph (f)(1)(iii), as long as the power provided by the financial arrangement is limited to emergency power.	NA	

Table 3A					
EU #	Fuel/ Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/ Standards	Applicable Regulation and/or Approval No
			4. If you operate a new, reconstructed, or existing stationary engine, you must minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the emission standards applicable to all times other than startup in Tables 1a, 2a, 2c, and 2d to this subpart apply.	NA	40 CFR 63.6625(h)

Table 3 Key:

EU# = Emission Unit Number
 HAP = Hazardous Air Pollutants
 RICE = Reciprocating Internal Combustion Engine

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 Tables 3 and 3A:

Table 4	
EU#	Monitoring And Testing Requirements
1, 2, 3, 4, 5	1) The Permittee shall demonstrate that the fuel burned meets the definition of natural gas in 40 CFR § 60.331(u), in accordance with 40 CFR § 60.334(h)(3).
	2) Compliance with smoke and opacity limits shall be determined in accordance with EPA Method 9 , as specified in 40 CFR 60, Appendix A in accordance with 310 CMR 7.00 Appendix C(9)(b).
	3) The Permittee shall have automatic meters and recorders for all of the emission units engine horsepower-hours installed to identify operation status of the gas turbines at all times, and such records shall be made available to the Department upon request, in accordance with Approval #CM-85-C-014.
6	4) Pursuant to 40 CFR 63.6625 (f), the Permittee shall install a non-resettable hour meter if one is not already installed.
	5) Pursuant to 40 CFR 63.6625 (j), if you own or operate a stationary SI engine that is subject to the work, operation or management practices in items 5, 6, 7, 9, or 11 of Table 2d to this subpart, you have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Tables 2c and 2d to this subpart. The oil analysis must be performed at the same frequency specified for changing the oil in Table 2c or 2d to this subpart. The analysis program must at a minimum analyze the following three parameters: Total Acid Number, viscosity, and percent water content. The condemning limits for these parameters are as follows: Total Acid Number increases by more than 3.0 milligrams of potassium hydroxide (KOH) per gram from Total Acid Number of the oil when new; viscosity of the oil has changed by more than 20 percent from the viscosity of the oil when new; or percent water content (by volume) is greater than 0.5. If all of

Table 4	
EU#	Monitoring And Testing Requirements
	these condemning limits are not exceeded, the engine owner or operator is not required to change the oil. If any of the limits are exceeded, the engine owner or operator must change the oil within 2 days of receiving the results of the analysis; if the engine is not in operation when the results of the analysis are received, the engine owner or operator must change the oil within 2 days or before commencing operation, whichever is later. The owner or operator must keep records of the parameters that are analyzed as part of the program, the results of the analysis, and the oil changes for the engine. The analysis program must be part of the maintenance plan for the engine.
Facility Wide	4) The Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	5) If and when MassDEP requires it, the Permittee shall conduct emission testing in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13
	6) 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, SF6 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 4 Key:

EU# = Emission Unit Number

SF6 = sulfur hexafluoride

USEPA = United States Environmental Protection Agency

Table 5	
EU#	Record Keeping Requirements
1, 2, 3, 4, 5	<p>1) The Permittee shall maintain on site the following written records for five (5) years from the date of generation and have the records readily available to the Department and EPA personnel in accordance with MassDEP 310 CMR 7.00 Appendix C(10)(b):</p> <ul style="list-style-type: none"> a) Fuel testing data, including what test was performed, the results of said testing, the date and time of the testing, where the fuel sample that was tested was taken from and who performed the testing in order to demonstrate that the fuel burned meets the definition of natural gas in US 40 CFR § 60.331(u); b) Records of emissions testing and opacity and smoke monitoring conducted to demonstrate compliance with the applicable requirements in Table 3 in accordance with MassDEP 310 CMR 7.13(1)(d); c) Records of any new construction, substantial reconstruction or alteration of the combustion turbines in accordance with MassDEP 310 CMR 7.02, 310 CMR 7.26 (43) and NSPS 40 CFR 60 Subpart GG; d) An annual log of hours of operation and cubic feet of gas consumed in accordance with MassDEP 310 CMR 7.12; e) Records generated by the automatic meters specified in Table 4. 4), in accordance with Approval #CM-85-C-014.
	2) Pursuant to 40 CFR 63.6655 (e), you must keep records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan.

Table 5	
EU#	Record Keeping Requirements
6	3) Pursuant to 40 CFR 63.6655 (f), you must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engines are used for demand response operation, the owner or operator must keep records of the notification of the emergency situation, and the time the engine was operated as part of demand response.
Facility Wide	4) In accordance with 310 CMR 7.71 (6) b. and c. retain at the facility for five years and make available to the Department upon request copies of the documentation of the methodology and data used to quantify emissions. (State only requirement)
	5) The Permittee shall maintain records of monitoring and testing as required by Table 4.
	6) In accordance with 310 CMR 7.00: Appendix C (10), the Permittee shall maintain a record of routine maintenance activities performed on the approved EU(s) and monitoring equipment. The records shall include, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed.
	7) In accordance with 310 CMR 7.00: Appendix C (10), the Permittee shall maintain a record of all malfunctions affecting air contaminant emission rates on the EU(s) and monitoring equipment. At a minimum, the records shall include: date and time the malfunction occurred; description of the malfunction; corrective actions taken; the date and time corrective actions were initiated and completed; and the date and time emission rates and monitoring equipment returned to compliant operation.
	8) a) The Permittee shall maintain sufficient records of its operations and monitoring information for the annual preparation of a Source Registration/Emission Statement Form as required by MassDEP 310 CMR 7.12. b) The Permittee shall keep copies of Source Registration/Emission Statement Forms and other information submitted to the Department for five years as required per 310 CMR 7.12(3)(b).

Table 5 Key:
 EU# = Emission Unit Number

Table 6	
EU#	Reporting Requirements
1, 2, 3, 4, 5	1) The Permittee shall submit fuel sulfur content test results , obtained from the fuel supplier and/or requisite analyses, to the Department upon request, in accordance with MassDEP 310 CMR 7.00, Appendix C.
Facility-wide	2) Upon the Department's request, any records required by the applicable requirements identified in Section 4 of the operating permit, including records of turbine operation in accordance with Approval #CM-85-C-014, or the emissions of any air contaminant from the facility, shall be submitted to the Department within 30 days of the request by the Department, or within a longer time period if approved in writing by the Department. Said response shall be transmitted on paper, on computer disk, or electronically at the discretion of the Department, pursuant to 310 CMR 7.00 Appendix C(10)(a) incorporated herein by reference.
	3) Submit a Source Registration/Emission Statement Form to MassDEP on an annual basis as required by 310 CMR 7.12.
	4) In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by the Department that stack testing is necessary to ascertain compliance with the Department's regulations or design approval provisos shall cause such stack testing to be summarized and submitted to the Department as prescribed in the agreed to pretest protocol.
	5) In accordance with 310 CMR 7.00: Appendix C(10)(c), the Permittee shall report a summary of all monitoring data and related supporting information to MassDEP at least every six months (January 30 and July 30 of each calendar year).
	6) Submit Annual Compliance report to MassDEP and EPA by January 30 of each year and as required by General Condition 10 of this Permit.
	7) All required reports must be certified by a responsible official of the Permittee as provided in 310 CMR 7.00: Appendix C(10)(h).
	8) 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)
	9) In accordance with 310 CMR 7.71(6), certify greenhouse gas emissions reports using a form provided by the Department or the registry. (State only requirement)
	10) In accordance with 310 CMR 7.71(7), by December 31 st of the applicable year submit to the Department documentation of triennial verification of the greenhouse gas emissions report. (State only requirement)

Table 6 Key:
 EU# = Emission Unit Number

C. GENERAL APPLICABLE REQUIREMENTS

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

D. REQUIREMENTS NOT CURRENTLY APPLICABLE

The Permittee is currently not subject to the following requirements:

Table 7	
Regulation	Reason
Open Burning - 310 CMR 7.07	No open burning is conducted at this facility.
Reduction of Single Occupant Commuter Vehicle Use - 310 CMR 7.16	Permittee has less than 250 employees.
Compliance Assurance Monitoring 40 CFR Part 64	No pollution control devices are at this facility.
40 CFR Part 68 Chemical Accident Prevention Provisions	Permittee is regulated under 49 CFR 192 (Transportation of Natural Gas) and is not a stationary source under 40 CFR Part 68.

5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to and shall comply with the following special terms and conditions that are not contained in Table 3, 4, 5, and 6:

Table 8	
EU #	Special Terms and Conditions
6	<ol style="list-style-type: none"> 1. Emission Unit EU#5 is subject to the requirements of 40 CFR 63.1-15, Subpart A, "General Provisions. Compliance with all applicable provisions therein is required. 2. Pursuant to 40 CFR 63.6595(a)(1), if you have an existing stationary SI RICE located at an area source of HAP emissions, you must comply with the applicable emission limitations and operating limitations no later than October 19, 2013. 3. Pursuant to 40 CFR 63.6602 and Table 2d, Item 5, for each Emergency stationary SI RICE: <ol style="list-style-type: none"> a. Change oil and filter every 500 hours of operation or annually, whichever comes first;¹ b. Inspect spark plugs every 1,000 hours of operation or annually, whichever comes first; and c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. 4. Pursuant to 40 CFR 63.6625(e), you must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.
Facility-wide	<ol style="list-style-type: none"> 5. The Permittee is subject to, and has stated in their Operating Permit application, TR #X238714, 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.

6. Should a nuisance condition occur due to odor or noise, the Permittee shall take action to remedy the situation, in accordance with Approval #CM-85-C-014. (State only.)

Table 8 Key:

EU# = Emission Unit Number

SI = Spark-ignition

RICE = Reciprocating Internal Combustion Engine

Table 8 Notes:

Note 1: Sources have the option to utilize an oil analysis program as described in §63.6625(i) in order to extend the specified oil change requirement in Table 2d of this subpart.

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 Permittee 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 Operating 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:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- 4) 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:

- 1) the terms and conditions of the Permit that are the basis of the certification;
- 2) the current compliance status during the reporting period;
- 3) the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- 4) whether there were any deviations during the reporting period;
- 5) if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- 6) whether deviations in the reporting period were previously reported;

- 7) if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- 8) if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- 9) 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:
- 1) the liability of the source for any violation of applicable requirements prior to or at the time of Permit issuance.
 - 2) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
 - 3) 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 Operating 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
- 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 supersede 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

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.

of such deviation:

- A. 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.
- B. 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.
- C. Exceedances of Permit operational limitations directly correlated to excess emissions.
- D. 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.
- E. 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. OZONE DEPLETING SUBSTANCES

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

- A. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:
 - 1) All containers containing a class I or class II substance that is stored or transported, all products containing a class I substance, and all products directly manufactured with a class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR 82.106.
 - 2) The placement of the required warning statement must comply with the requirements of 40 CFR 82.108.
 - 3) The form of the label bearing the required warning statement must comply with the requirements of 40 CFR 82.110.
 - 4) No person may modify, remove or interfere with the required warning statement except as described in 40 CFR 82.112.
- B. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVAC) in Subpart B:
 - 1) Persons opening appliances for maintenance, service, repair or disposal must comply with the required practices of 40 CFR 82.156.
 - 2) Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment of 40 CFR 82.158.
 - 3) Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - 4) Persons disposing of small appliances, MVACs and MVAC-like appliances (as defined in 40 CFR 82.152) must comply with recordkeeping requirements of 40 CFR 82.166.

- 5) Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair equipment requirements of 40 CFR 82.156.
 - 6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- C. If the Permittee manufactures, transforms, imports or exports a class I or class II substance, the Permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, "Production and Consumption Controls".
- D. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, "Servicing of Motor Vehicle Air Conditioners". The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo or system used on passenger buses using HCFC-22 refrigerant.
- E. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G, "Significant New Alternatives Policy Program".

29. PREVENTION OF ACCIDENTAL RELEASES

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

Your facility is subject to the requirements of the General Duty Clause, under 112(r)(1) of the CAA Amendments of 1990. This clause specifies that owners or operators of stationary sources producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur.

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.