



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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March 28, 2012

Mr. Peter M. Balkus
Station Director
Dominion Energy Brayton Point, LLC
1 Brayton Point Road
Somerset, Massachusetts 02726

RE: **APPROVAL**
Application for BWP AQ 08-A
NO_x RACT Emission Control Plan (ECP)
Application No. SE-11-036
Transmittal No. X240384
AQ ID: 1200061

AT: Dominion Energy Brayton Point
1 Brayton Point Road
Somerset, Massachusetts 02726

Dear Mr. Balkus:

The Massachusetts Department of Environmental Protection (MassDEP), Bureau of Waste Prevention, Southeast Regional Office, has reviewed the above-referenced Emission Control Plan (ECP) application, dated November 21, 2011, concerning modifications to the existing ECPs (Approval Nos. 4B93086, 4B94040, and 4B95073 [which superseded 4B93107]) with regard to implementation of Reasonably Available Control Technology (RACT) for oxides of nitrogen (NO_x).

The ECP application, with respect to Emission Unit Nos. 1 through 4, requests approval to:

- (1) Establish new CO emission limitations for Emission Unit Nos. 1, 2, and 4 pursuant to 310 CMR 7.19(4)(f).

- (2) Include CO emission limits for Emission Unit Nos. 1 through 4 that are expressed on a “pounds per hour (lb/hr)” basis during start-up.

The ECP application was submitted in accordance with Section 7.19, Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_x) as contained in 310 CMR 7.00, Air Pollution Control Regulations adopted by MassDEP pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Sections 142 A-E, Sections 4 and 6.

In addition to the modifications requested by the applicant in the above-referenced ECP application, MassDEP is including the terms and conditions of Approval No. 4B94073, the NO_x RACT ECP for the diesel generators. This ECP is included herein in order to comprise an all-encompassing plant-wide amended NO_x RACT ECP, even though the terms and conditions of the original Approval No. 4B94073 are unchanged.

MassDEP has determined that the following Emission Units (EUs) located at Dominion Energy Brayton Point are applicable under the requirements of 310 CMR 7.19:

- Unit 1 (EU 1) – Section 7.19(4), Large Boilers
- Unit 2 (EU 2) – Section 7.19(4), Large Boilers
- Unit 3 (EU 3) – Section 7.19(4), Large Boilers
- Unit 4 (EU 4) – Section 7.19(4), Large Boilers
- Diesel Generator 1 (EU 5) – Section 7.19(8), Stationary Reciprocating Internal Combustion Engines
- Diesel Generator 2 (EU 6) – Section 7.19(8), Stationary Reciprocating Internal Combustion Engines
- Diesel Generator 3 (EU 7) – Section 7.19(8), Stationary Reciprocating Internal Combustion Engines
- Diesel Generator 4 (EU 8) – Section 7.19(8), Stationary Reciprocating Internal Combustion Engines

These regulations require that any person who owns, leases, operates, or controls boilers with energy input capacities within prescribed categories; and stationary reciprocating internal combustion engines with energy input capacities of three million Btu per hour (3 MMBtu/hr) or greater at a facility subject to 310 CMR 7.19 to submit an ECP application, and have the ECP approved by MassDEP pursuant to 310 CMR 7.19(3).

I. PROCESS DESCRIPTION

For the purposes of applicability to 310 CMR 7.19 Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_x), Dominion Energy Brayton Point (the Permittee) consists of three primarily coal-fired boilers (designated as Emission Unit Nos. EU 1, EU 2, and EU 3), and one fuel oil and natural gas-fired boiler (designated as Emission Unit No. EU 4), for a total nominal generating capacity of approximately 1,600 MW. The facility is located in Somerset, Bristol County, Massachusetts, on a peninsula in Mount Hope Bay. Additionally, the facility has four identical diesel generators, each with an energy input rating of 28 MMBtu/hr, which are identified as Emission Unit Nos. EU 5 through EU 8.

The facility is comprised of the following Emission Units applicable to 310 CMR 7.19:

A. Emission Unit No. 1 (EU 1)

EU 1 utilizes pulverized coal at 100 percent maximum continuous rating (MCR), natural gas at 25 percent MCR as a secondary fuel, No. 6 fuel oil at 100 percent MCR as a backup fuel, and No. 2 fuel oil at 100 percent MCR as an alternate backup fuel.

EU 1 has been equipped with a selective catalytic reduction (SCR) system for the control of NO_x emissions, a dry flue gas desulfurization system consisting of a spray dryer absorber/fabric filter (SDA/FF) for the control of sulfur dioxide (SO₂) and particulate matter (PM), and a powder activated carbon (PAC) injection systems for the control of mercury (Hg). The SCR system is designed for up to 90 percent control of NO_x and utilizes aqueous ammonia (NH₃) to generate NH₃ for injection at the SCR inlet. The SDA/FF system, located downstream of the electrostatic precipitators (ESPs), is designed for up to 90 percent control of SO₂. Lime is mixed with water and pumped to the SDA for SO₂ removal. The PAC injection system for removal of Hg includes three PAC injection locations: upstream of the Koppers ESPs, upstream of the Research-Cottrell (R-C) ESPs, and upstream of the SDA/FF system. The PAC injection system in conjunction with the SDA/FF is designed for up to 95 percent control of Hg.

B. Emission Unit No. 2 (EU 2)

EU 2 utilizes pulverized coal at 100 percent MCR, natural gas at 25 percent MCR as a secondary fuel, No. 6 fuel oil at 100 percent MCR as a backup fuel, and No. 2 fuel oil at 100 percent MCR as an alternate backup fuel.

EU 2 has been equipped with a dry flue gas desulfurization system consisting of a SDA/FF for the control of SO₂ and PM, and PAC injection systems for the control of Hg. The SDA/FF system, located downstream of the ESPs, is designed for up to 90 percent control of SO₂. Lime is mixed with water and pumped to the SDA for SO₂ removal. The PAC injection system for removal of Hg includes three PAC injection locations: upstream of the Koppers ESPs, upstream of the R-C ESPs, and upstream of the SDA/FF

system. The PAC injection system in conjunction with the SDA/FF is designed for up to 95 percent control of Hg.

C. Emission Unit No. 3 (EU 3)

EU 3 utilizes pulverized coal at 100 percent MCR, natural gas at 10 percent MCR as a secondary fuel, No. 6 fuel oil at 100 percent MCR as a backup fuel, and No. 2 fuel oil at 100 percent MCR as an alternate backup fuel.

EU 3 has been equipped with an SCR system for the control of NO_x emissions, and a PAC injection system for the control of Hg. The SCR system is designed for up to 90 percent control of NO_x and utilizes aqueous NH₃ to generate NH₃ for injection at the SCR inlet. A dry scrubber/fabric filter (DS/FF) system designed for up to 90 percent control of SO₂ is under construction and is scheduled to be in operation during the first quarter of 2013. The PAC injection system for removal of Hg includes two PAC injection locations: upstream of the Koppers ESPs and upstream of the R-C ESPs. It is proposed to construct an additional PAC injection location upstream of the DS/FF. The PAC injection system in conjunction with the ESPs alone is designed for up to 80 percent control of Hg. With the addition of the third PAC injection location at the DS/FF, the entire system will be designed for up to a maximum of 95 percent control of Hg.

D. Emission Unit No. 4 (EU 4)

EU 4 utilizes residual oil and natural gas fuels. It is equipped with a R-C ESP for the control of PM emissions; and Rodenhuis & Verloop low-NO_x burners, and Riley Stoker flue gas recirculation for the control of NO_x emissions.

E. Emission Unit Nos. 5 through 8 (EUs 5-8)

EU 5, EU 6, EU 7, and EU 8 are four identical General Motors diesel generators. Each engine is rated at 28 MMBtu/hr and fires No. 2 distillate oil at a maximum firing rate of 207 gallons per hour (GPH).

The applicable emission units are summarized in Table 1.

This NO_x RACT ECP identifies emission limits and operating conditions for normal operation and startup (for Emission Unit Nos. 1 through 4), and normal operation for Emission Unit Nos. 5 through 8).

Table 1. Equipment Description

Emission Unit (EU#)	Description of Emission Unit	EU Design Capacity	Pollution Control Device (PCD)
EU 1	<p style="text-align: center;"><u>Unit 1:</u> Combustion Engineering MFR # 19407 Type CC, Water Tube Boiler</p> <p style="text-align: center;">(to Stack No. 1)</p>	2,250 MMBtu per hour 255 Megawatts (Net)	Selective Catalytic Reduction R-C Electrostatic Precipitators Low NO _x Burners with Overfire Air Management of Lower Sulfur Fuels Spray Dryer Absorber Fabric Filter Baghouse Powder Activated Carbon
EU 2	<p style="text-align: center;"><u>Unit 2:</u> Combustion Engineering MFR # 19617 Type CC, Water Tube Boiler</p> <p style="text-align: center;">(to Stack No. 2)</p>	2,250 MMBtu per hour 255 Megawatts (Net)	Flue Gas Conditioning R-C Electrostatic Precipitators Low NO _x Burners with Overfire Air Management of Lower Sulfur Fuels Spray Dryer Absorber Fabric Filter Baghouse Powder Activated Carbon
EU 3	<p style="text-align: center;"><u>Unit 3:</u> Babcock and Wilcox Model # UP-52 Water Tube Boiler</p> <p style="text-align: center;">(to Stack No. 3)</p>	5,655 MMBtu per hour 633 Megawatts (Net)	Selective Catalytic Reduction R-C Electrostatic Precipitators Low NO _x Burners with Overfire Air Management of Lower Sulfur Fuels Dry Scrubber Fabric Filter Baghouse Powder Activated Carbon
EU 4	<p style="text-align: center;"><u>Unit 4:</u> Riley Stoker Model # 1SR Water Tube Boiler</p> <p style="text-align: center;">(to Stack No. 4)</p>	4,800 MMBtu per hour 446 Megawatts (Net)	Electrostatic Precipitators Low NO _x Burners Management of Lower Sulfur Fuels Flue Gas Recirculation
EU 5	<p style="text-align: center;">Diesel Generator Unit No. 1: General Motors Model # 20-645-E44</p>	28 MMBtu per hour	Retard Timing Ultra-Low Sulfur Fuel Crankcase Ventilation
EU 6	<p style="text-align: center;">Diesel Generator Unit No. 2: General Motors Model # 20-645-E44</p>	28 MMBtu per hour	Retard Timing Ultra-Low Sulfur Fuel Crankcase Ventilation

Table 1. Equipment Description (continued)

Emission Unit (EU#)	Description of Emission Unit	EU Design Capacity	Pollution Control Device (PCD)
EU 7	Diesel Generator Unit No. 3: General Motors Model # 20-645-E44	28 MMBtu per hour	Retard Timing Ultra-Low Sulfur Fuel Crankcase Ventilation
EU 8	Diesel Generator Unit No. 4: General Motors Model # 20-645-E44	28 MMBtu per hour	Retard Timing Ultra-Low Sulfur Fuel Crankcase Ventilation

II. NO_x EMISSION LIMITATIONS

All Emission Units referenced above shall comply with the NO_x emission limitations contained in all applicable Sections of 310 CMR 7.19.

Table 2. NO_x Emission Limitations

Emission Unit No. 1/Emission Unit No. 2		
Fuel	Regulation	Emission Limitation ⁽¹⁾
Coal (Primary Fuel)	310 CMR 7.19(4)(a)1.a.	≤ 0.38 lb/MMBtu
Natural Gas (Secondary Fuel)	310 CMR 7.19(4)(a)3.a.ii.	≤ 0.20 lb/MMBtu
No. 6 Oil (Backup Fuel)	310 CMR 7.19(4)(a)3.a.i.	≤ 0.25 lb/MMBtu
No. 2 Oil (Alternate Backup Fuel)	310 CMR 7.19(4)(a)3.a.i.	≤ 0.25 lb/MMBtu
Co-Firing Fuels	310 CMR 7.19(15)	≤ PS _{NO_x} ⁽²⁾

Table 3. NO_x Emission Limitations

Emission Unit No. 3		
Fuel	Regulation	Emission Limitation ⁽¹⁾
Coal (Primary Fuel)	310 CMR 7.19(4)(a)1.b.	≤ 0.45 lb/MMBtu
Natural Gas (Secondary Fuel)	310 CMR 7.19(4)(a)3.b.	≤ 0.28 lb/MMBtu
No. 6 Oil (Backup Fuel)	310 CMR 7.19(4)(a)3.b.	≤ 0.28 lb/MMBtu
No. 2 Oil (Alternate Backup Fuel)	310 CMR 7.19(4)(a)3.b.	≤ 0.28 lb/MMBtu
Co-Firing Fuels	310 CMR 7.19(15)	≤ PS _{NO_x} ⁽²⁾

Table 4. NO_x Emission Limitations

Emission Unit No. 4		
Fuel	Regulation	Emission Limitation ⁽¹⁾
No. 6 Oil (Primary Fuel)	310 CMR 7.19(4)	≤ 0.27 lb/MMBtu ⁽³⁾
No. 6 Oil & Natural Gas (Backup Fuel)	310 CMR 7.19(4)	≤ 0.27 lb/MMBtu ⁽³⁾
Natural Gas (Alternate Backup Fuel)	310 CMR 7.19(4)	≤ 0.20 lb/MMBtu ⁽³⁾

Table 5. NO_x Emission Limitations

Emission Unit Nos. 5 through 8		
Fuel	Regulation	Emission Limitation ⁽⁴⁾
No. 2 Oil (Primary Fuel)	310 CMR 7.19(8)	≤ 2.83 lb/MMBtu

III. CO EMISSION LIMITATIONS

All Emission Units referenced above shall comply with the CO emission limitations contained in all applicable Sections of 310 CMR 7.19.

Table 6. CO Emission Limitations

Emission Unit No. 1/Emission Unit No. 2		
Fuel	Regulation	Emission Limitation ⁽¹⁾
Coal (Primary Fuel)	310 CMR 7.19(4)(f)	≤ 200 ppmvd @ 3% O ₂
Natural Gas (Secondary Fuel)	310 CMR 7.19(4)(f)	≤ 200 ppmvd @ 3% O ₂
No. 6 Oil (Backup Fuel)	310 CMR 7.19(4)(f)	≤ 200 ppmvd @ 3% O ₂
No. 2 Oil (Alternate Backup Fuel)	310 CMR 7.19(4)(f)	≤ 200 ppmvd @ 3% O ₂

Table 7. CO Emission Limitations

Emission Unit No. 3		
Fuel	Regulation	Emission Limitation ⁽¹⁾
Coal (Primary Fuel)	310 CMR 7.19(4)(f)	≤ 200 ppmvd @ 3% O ₂
Natural Gas (Secondary Fuel)	310 CMR 7.19(4)(f)	≤ 200 ppmvd @ 3% O ₂
No. 6 Oil (Backup Fuel)	310 CMR 7.19(4)(f)	≤ 200 ppmvd @ 3% O ₂
No. 2 Oil (Alternate Backup Fuel)	310 CMR 7.19(4)(f)	≤ 200 ppmvd @ 3% O ₂

Table 8. CO Emission Limitations

Emission Unit No. 4		
Fuel	Regulation	Emission Limitation ⁽¹⁾
No. 6 Oil (Primary Fuel)	310 CMR 7.19(4)(f)	≤ 200 ppmvd @ 3% O ₂ ⁽³⁾
No. 6 Oil & Natural Gas (Backup Fuel)	310 CMR 7.19(4)(f)	≤ 200 ppmvd @ 3% O ₂ ⁽³⁾
Natural Gas (Alternate Backup Fuel)	310 CMR 7.19(4)(f)	≤ 200 ppmvd @ 3% O ₂ ⁽³⁾

Table 9. CO Startup⁽⁵⁾ Emission Limitations

Emission Unit (EU)	Full Load Heat Input (MMBtu/hr)	Emission Rate Equivalent to 200 ppmvd @ 3% O ₂ (lb/MMBtu)	Emission Limit (lb/hr)
EU 1	2,250	0.166	374
EU 2	2,250	0.166	374
EU 3	5,655	0.166	939
EU 4 (Oil)	4,800	0.156	749
EU 4 (Natural Gas)	4,800	0.148	711

Key to All Tables:

- (1) NO_x and CO emission limits are based on a one calendar day averaging time.
- (2) For Emission Unit Nos. EU 1 and EU 2:

$$PS_{NO_x} = \frac{0.38 \times (HI_1) + 0.25 \times (HI_2) + 0.25 \times (HI_3) + 0.20 \times (HI_4)}{(HI_1 + HI_2 + HI_3 + HI_4)}$$

- PS_{NO_x} = prorated NO_x emission limit when burning different fuels, lb/MMBtu
- HI₁ = heat input for Coal, MMBtu
- HI₂ = heat input for No. 6 Fuel Oil, MMBtu
- HI₃ = heat input for No. 2 Fuel Oil, MMBtu
- HI₄ = heat input for Natural Gas, MMBtu

For Emission Unit No. EU 3:

$$PS_{NO_x} = \frac{0.45 \times (HI_1) + 0.28 \times (HI_2) + 0.28 \times (HI_3) + 0.28 \times (HI_4)}{(HI_1 + HI_2 + HI_3 + HI_4)}$$

Where,

- PS_{NO_x} = prorated NO_x emission limit when burning different fuels, lb/MMBtu
- HI₁ = heat input for Coal, MMBtu
- HI₂ = heat input for No. 6 Fuel Oil, MMBtu
- HI₃ = heat input for No. 2 Fuel Oil, MMBtu
- HI₄ = heat input for Natural Gas, MMBtu

The PS_{NO_x} limit applies only when the combined annual heat input of all co-fired fuels (other than primary fuel) exceeds 5% of the total annual heat input of an EU, based on a twelve month rolling average.

- (3) Enforceable limit as determined by NO_x minimization test program pursuant to Approval No. 4B90187, dated October 2, 1991.
- (4) Based on a one-hour averaging time.
- (5) Startup is defined in Special Condition No. VII.1. of this Approval.

IV. RACT STRATEGY

Emission Unit Nos. EU 1 and EU 2 were modified in 1994 with the installation of ABB-CE Low NO_x Concentric Firing Systems (LNCFS) Level III, capable of firing coal, natural gas, and fuel oil, which incorporates close-coupled and separate over-fire air to reduce NO_x emissions to levels required by the applicable Sections 310 CMR 7.19(4)(a)1.a., 7.19(4)(a)3.a., and 7.19(4)(d).

Emission Unit No. EU 3 was modified in 1994 with the installation of Babcock & Wilcox DRB-XL Low NO_x burners and an over-fire air system capable of firing coal, natural gas, and fuel oil. Each burner for Emission Unit No. 3 is equipped with one (1) natural gas igniter. These modifications have reduced NO_x emissions to levels required by the applicable Sections 310 CMR 7.19(4)(a)1.b., 7.19(4)(a)3.b., and 7.19(4)(d).

Emission Unit No. EU 4 is a wall/face fired boiler capable of burning fuel oil and natural gas each with an energy input capacity of greater than 100 MMBtu/hr. The boiler is subject to, and continues to comply with Section 310 CMR 7.19(4)(a)3.b.

V. MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

Emission Unit Nos. EU 1, EU 2, EU 3, and EU 4 shall comply with the NO_x and CO emission monitoring, recordkeeping, and reporting requirements contained in all applicable Sections of 310 CMR 7.19(13), including 7.19(13)(b) and 7.19(13)(d).

The Continuous Emissions Monitoring Systems (CEMS) for each emission unit are Graesby STI systems. The CEMS on each emission units have identical single stream systems to measure SO₂, NO_x, CO₂, CO, temperature, opacity and flow. Each emission unit has a redundant CEMS with separate sample probes to measure SO₂, NO_x, CO₂, CO, temperature and flow. The CEMS operate on dilution principle. Each CEMS is connected to the Distributed Control System (DCS). The emission unit operators receive all emissions data and alarms through the DCS. All alarm acknowledgements and required reason and action code responses are also processed through the DCS.

VI. TESTING REQUIREMENTS

The Permittee shall, upon request from MassDEP, perform stack testing on Emission Unit Nos. 1 through 4 to demonstrate compliance with 310 CMR 7.19(4) and the CO emission limitations established herein. Similarly, stack testing shall be performed as required on Emission Unit Nos. 5 through 8 to demonstrate compliance with 310 CMR 7.19(8). Stack testing shall be conducted in accordance with the appropriate EPA test methods, as contained in 40 CFR 60.

VII. SPECIAL CONDITIONS

1. For Emission Unit Nos. EU 1 through EU 4, startup will begin when the operator activates the first gas igniter or first warmup oil gun. Startup will be complete once the unit is at minimum load and normal oxygen levels, which are defined as follows:

EU 1 and EU 2: Minimum load is 25% and normal oxygen levels are between 2.5 and 6.5%.

EU 3: Minimum load is 54% (350 MW) and normal oxygen levels are between 2.5 and 5.5%.

EU 4: Minimum load is 75 MW when firing low sulfur oil, 100 MW when firing high sulfur oil, 15 MW when firing natural gas, and 75 MW when firing an oil/gas mixture. Oxygen levels are not applicable.

2. This Approval supersedes the following NO_x RACT ECPs:
 - (a) Conditional Approval No. 4B93086, dated March 15, 1994, for Unit No. 1 and Unit No. 2.
 - (b) Conditional Approval No. 4B95073, dated March 22, 1996, for Unit No. 3.
 - (c) Conditional Approval No. 4B94040, dated August 17, 1994, for Unit No. 4.
 - (d) Conditional Approval No. 4B94073, dated January 11, 1995, for Diesel Units No. 1, No. 2, No. 3, and No. 4 (Emission Unit Nos. EU 5, EU 6, EU 7, and EU 8).
3. In accordance with 310 CMR 7.00, Appendix C(4)(b)2., the Permittee shall submit, within 45 days from the date of this Approval, an Operating Permit Minor Modification application (Form BWP AQ 10) that reflects this NO_x RACT ECP and any other requirements that apply to the facility.
4. In accordance with the MassDEP Approval No. SE-11-037, dated January 30, 2012, the Permittee shall submit, within 30 days from the date of this Approval, revised Standard Operating and Maintenance Procedures (SOMP) that reflect this NO_x RACT ECP Approval.

VIII. GENERAL CONDITIONS

1. The Permittee shall maintain continuous compliance with the terms of this ECP Approval at all times. All applicable emission units shall be operated in strict accordance with the plans and specifications submitted as part of the ECP approved herein. Should there be any differences between the application materials and this approval letter, this approval letter shall govern. All notification and reporting requirements contained herein

shall be directed to the Department of Environmental Protection, Bureau of Waste Prevention, Southeast Regional Office, Attention: Chief, Permit Section.

Failure to comply with any of the above-stated provisions will constitute a violation of the regulations, and can result in the revocation of the NO_x RACT ECP Approval to operate the described facility. Any subsequent changes to the facility that are contrary to the facility as described in this letter or in NO_x RACT ECP application No. SE-11-036 must be approved in writing by MassDEP prior to the change.

This Approval is an action of MassDEP. You have a limited right of appeal. Please refer to the attached information, Appeal of Approval.

MassDEP has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Energy and Environmental Affairs for air quality control purposes was not required prior to this action by MassDEP. Notwithstanding this determination, the Massachusetts Environmental Policy Act (MEPA) and Regulation 310 CMR 11.00, Section 11.04, provide certain "Fail-Safe Provisions" which allow the Secretary to require the filing of an ENF and/or Environmental Impact Report (EIR) at a later time.

Enclosed is a stamped, approved copy of the NO_x RACT ECP application. Should you have any questions relative to this Approval, please contact Charles Kitson at the Southeast Regional Office at (508) 946-2733.

Very truly yours

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.

John K. Winkler, Chief
Permit Section
Bureau of Waste Prevention

W/CEK

Attachment: Appeal of Approval

ecc: Somerset Board of Health
Somerset Fire Department
Cathy Taylor, Dominion Electric Environmental Services
Meredith Simas, Dominion Electric Environmental Services
Sheila Medeiros, Dominion Energy Brayton Point
Yi Tian, MassDEP/BWP, Boston, MA
Laurel Carlson, MassDEP/BWP, Lakeville, MA
Laura Black, MassDEP/BWP, Lakeville, MA

APPEAL OF APPROVAL

This approval is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this Approval.

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 Approval is not consistent with applicable laws and regulation.

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

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

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

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

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