

EXHIBIT 1



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

December 19, 2012

Mr. Robert K. Maggiani
Northeast Regional Environmental Manager
GDF Suez Energy International
155 Maple Street
Bellingham, MA 02019

Re: PVAPCD – Holyoke
310 CMR 7.00 – APPENDIX C
Appl. #1-O-07-030; Trans. #W133105
Draft Operating Permit – Renewal

Mr. Howard Person, Plant Manager
Mt. Tom Generating Company, LLC
200 Northampton Street
Holyoke, MA 01040

Dear Mr. Maggiani and Mr. Person:

The Department of Environmental Protection, Western Regional Office ("MassDEP") has determined that the Operating Permit renewal application for the Mt. Tom Generating Company, LLC ("Mt. Tom") located in Holyoke, Massachusetts is administratively and technically complete and hereby issues the enclosed Draft Operating Permit for the subject facility.

This Draft Operating Permit is being issued in accordance with 310 CMR 7.00 - APPENDIX C of the Air Pollution Control Regulations ("the Regulations"), as adopted pursuant to M.G.L. c. 111, §§ 142 A through O inclusive.

Public notice of this Draft Operating Permit shall be published by the MassDEP in accordance with the requirements of 310 CMR 7.00: Appendix C in the Union News/Sunday Republican by December 19, 2012. As such, the public comment period shall end on January 18, 2013. During that period, a public hearing may be requested pursuant to 310 CMR 7.00: Appendix C(6)(f). You shall be notified under a separate letter if a public hearing has been requested.

Like all facilities in the Commonwealth, the Mt. Tom facility shall not cause or contribute to an exceedance of any NAAQS standard. Due to the magnitude of potential SO₂ emissions from this facility and the promulgation of a one-hour SO₂ NAAQS, MassDEP is requiring in this permit that Mt. Tom demonstrate that the facility does not cause or contribute to a violation of the new one hour SO₂ NAAQS. These specific provisions appear in Table 3 and Table 8 condition 18 of this permit. MassDEP will provide a detailed request for Mt. Tom to perform this demonstration

pursuant to 310 CMR 7.02(7) in a subsequent letter, along with a timeline for compliance with this request.

Please review the entire Draft Operating Permit carefully. It lists the applicable Federal and State Air Pollution Control Requirements and what is required of the facility in order for it to be considered in compliance with such applicable requirements. It also includes requirements that were promulgated or approved by the United States Environmental Protection Agency through rule making at the time of issuance but have future effective compliance dates.

If you have any questions concerning this Draft Operating Permit, please contact the undersigned at (413) 755-2115 or John Kirzec at (413) 755-2225.

Sincerely,



Marc Simpson
Permit Chief
Western Region

JK/jk

Mt. Tom OP Renewal DRAFT 12-19-2012.doc

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DRAFT 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"]:

Mt. Tom Generating Company, LLC
200 Northampton Street
Holyoke, MA 01040

INFORMATION RELIED UPON:

Original: Application # 1-O-95-028
Transmittal # 101339
Renewal: Application #1-O-07-030
Transmittal #W133105

FACILITY LOCATION:

Mt. Tom Station
200 Northampton Street
Holyoke, MA 01040

FACILITY IDENTIFYING NUMBERS:

AQ ID No.: 0420040
FMF FAC No.: 130900
FMF RO No.: 50020

NATURE OF BUSINESS:

Electric Power Generation

STANDARD INDUSTRIAL CODE (SIC):

4911 – Electric Services

NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS):

221112 – Fossil Fuel Electric Power Generation

RESPONSIBLE OFFICIAL:

Name: Howard E. Person
Title: Plant Manager
Phone: (413) 536-9562

FACILITY CONTACT PERSON:

Name: Howard E. Person
Title: Plant Manager
Phone: (413) 536-9562
Fax: (413) 536-9513
Email: howard.person@gdfsuezna.com

This Operating Permit shall expire on March xx, 2018.
For the Department of Environmental Protection

Michael Gorski
Regional Director
Department of Environmental Protection
Western Regional Office

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 (Mt. Tom Generating Company, LLC - hereinafter "the Permittee") is authorized to operate the air emission units shown in Table 1 and exempt and insignificant activities 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 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 Permittee is located at 200 Northampton Street in Holyoke and the facility was constructed in 1960. It consists of a single 16-burner, dry-bottom, wall-fired pulverized coal Riley Stoker boiler identified as Emission Unit #1B which has a maximum heat input capacity of 1480 million British Thermal Units per hour ("MMBtu/hr") supplying a steam turbine-generator with a maximum net electric generating capacity of 147 megawatts ("MW").

This renewal air quality Operating Permit reflects the following changes to the facility since the expiration of the original Operating Permit:

- the addition of a dry scrubber emission control system to reduce sulfur dioxide ("SO₂") and mercury ("Hg") emissions, and
- a modified Emission Control Plan ("ECP"; originally issued on June 7, 2002) approving the use of coal with higher ash content in accordance with 310 CMR 7.05(3)(c) and higher sulfur content in accordance with 310 CMR 7.05(1)(b)3.

The modified ECP required more stringent emission limits for particulate matter, and actual stack emissions of sulfur dioxide lower than otherwise required under 310 CMR 7.29 "Emission Standards for Power Plants" [State Only].

In its current configuration, emission controls present at the Permittee consist of low NO_x burners and a selective catalytic reduction system for controlling emissions of nitrogen oxides, an electrostatic precipitator for controlling particulate emissions, and a dry scrubber (using hydrated lime and powdered activated carbon) for controlling emissions of sulfur dioxide and Hg. The dry scrubber is followed by a baghouse for the collection of particulate emissions from the scrubber before the flue gas is discharged to the atmosphere.

The boiler is considered a "fossil-fuel fired steam generating unit" and an "electric utility steam generating unit" since it burns fossil fuels at a rate greater than 250 MMBtu/hr and more than one third of the facility's net electrical output is sold to a utility. The New Source Performance Standards ("NSPS") for fossil-fuel fired steam generators and electric utility steam generating units (Title 40 Part 60 Subpart D and Subpart Da, respectively) of the Code of Federal Regulations are not applicable to the boiler since the boiler installation occurred in 1960.

The Permittee is not a major source of hazardous air pollutants ("HAP") since potential emissions of the individual HAPs are < 10 tons per year total HAPs are < 25 tons per year.

A Compliance Assurance Monitoring ("CAM") plan is required at the Permittee, in accordance with 40 CFR Part 64, for pollutant-specific emissions if the following criteria are met:

- the unit is subject to an emission limitation or standard for the applicable regulated air pollutant; and
- the unit uses a control device to achieve compliance with such emission limitation or standard; and
- the unit has potential pre-control-device emissions of the applicable regulated air pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for the source to be classified as a major source.

Only NO_x and particulate matter ("PM") emissions at the Permittee meet these 3 criteria. Regulation 40 CFR 64.2(b)(iv) exempts from CAM emission limitations or standards that apply solely under an emission trading program that allow for trading emissions within a source or between sources. Because the Permittee is a NO_x Budget Source and NO_x credits are traded through the EPA, the Permittee is not required to have a CAM Plan for NO_x. Therefore the CAM plan at the Permittee was developed to assure compliance only with the PM emission limit.

The Permittee is required to install and operate particulate monitor CEMs by January 1, 2013. After that date, the CAM plan will be updated to reflect the installation of this technology.

MassDEP is renewing the Phase II Acid Rain requirements for Emission Unit 1B through the renewal Operating Permit.

The Permittee is also subject to Regulation 310 CMR 7.19(4) *Reasonably Available Control Technology for Sources of Oxides of Nitrogen* ("NO_x") for Large Boilers, which requires, among other things, the Permittee to meet a restrictive emission limit for NO_x.

The Permittee is also subject to 310 CMR 7.70 *Massachusetts CO₂ Budget Trading Program* which is designed to stabilize and then reduce anthropogenic emissions of CO₂, a greenhouse gas, from CO₂ budget sources in an economically efficient manner.

The Permittee is also subject to 310 CMR 7.32 *Massachusetts Clean Air Interstate Rule (Mass CAIR)* which controls emissions of NO_x during the summertime control period by implementing the CAIR NO_x Ozone Season Trading Program.

The Permittee will be subject to, and required to comply with the federal Mercury and Air Toxics rule, or other pending requirements for electric utility steam generating units under section 112 of the Clean Air Act.

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
1B	Unit 1 Riley Stoker Boiler	1,480 MMBtu/hr 147 MW (NET)	<ul style="list-style-type: none"> • Upgraded combustion controls and burner system • Electrostatic Precipitator • Selective Catalytic Reduction (SCR) • Turbosorp Dry Scrubber and Fabric Filtration system
3B-a	Fly-ash conveying vacuum producer and storage silo vents	N/A	fabric filter
3B-b	Fly-ash conveying vacuum producer and storage silo vents	N/A	fabric filter
4B-a	Fly-ash conveying vacuum producer and storage silo vents	N/A	fabric filter
4B-b	Fly-ash conveying vacuum producer and storage silo vents	N/A	fabric filter
9C	Parts cleaner	N/A	None
1P	Station Backup Generator	< 3 MMBtu/hr	None

Table 1 Notes: None

3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following have been found to be exempt activities as provided 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)

Table 2 Notes: None

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 or Raw Material	Restrictions	Pollutant	Emission Limit/Standards	Applicable Regulation and/or Approval No.
1B	Bituminous Coal (No. 2 oil for light-off)	See Table 8, Special Condition 16	SO ₂	≤ 1.2 lb/MMBtu (calendar year average) See Table 8, Special Condition 1	MassDEP Approval #1-B-90-099 (dated 5/3/94; amended 3/3/98) 310 CMR 7.22(1); 40 CFR Parts 72 and 73
				≤ 3.0 lb/MWh calculated over any consecutive 12 month period, recalculated each calendar month, and ≤ 6.0 lb/MWh (calendar month average)	MassDEP Approval #1-P-07-049 (dated 12/31/07) 310 CMR 7.29(5)(a)2.b.i. and ii.
				≤ 2.0 lb/MWh ⁽¹⁾ calculated over any consecutive 12 month period, recalculated each calendar month, and ≤ 3.0 lb/MWh ⁽¹⁾ (calendar month average)	MassDEP Approval #1-E-01-072 (dated 6/7/02; amended 5/15/09)
			PM ⁽²⁾	≤ 0.03 lb/MMBtu (block hour average)	Compliance Assurance Monitoring Plan dated January xx, 2013
				While burning higher ash/sulfur coal ⁽¹⁾ ≤ 0.025 lb/MMBtu (including condensable PM)	MassDEP Approval #1-E-01-072 (dated 6/7/02; amended 5/15/09)
			NO _x	≤ 0.45 lb/MMBtu (calendar day average)	MassDEP Approval #1-B-94-011 (dated 8/11/94) 310 CMR 7.19(4)(a)1.b.40 CFR Part 76
				≤ 1.5 lb/MWh calculated over any consecutive 12 month period, recalculated each calendar month.	310 CMR 7.29(5)(a)1.a.
				≤ 3.0 lb/MWh (calendar month average)	310 CMR 7.29(5)(a)1.b.
				N/A	310 CMR 7.32 [State Only]
			CO	≤ 200 ppmvd corrected to 3% O ₂ (calendar day average)	MassDEP Approval #1-B-94-011 (dated 8/11/94) 310 CMR 7.19(4)(f)
Smoke	≤ No. 1 of the Chart ⁽³⁾ no more than 6 minutes during any one hour, at no time to exceed No. 2 of the Chart	310 CMR 7.06(1)(a)			
Opacity	≤ 20%, except 20 to ≤ 40% for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b)			

Table 3 Notes:

- (1) The Permittee may burn coal containing above 9% up to 12% ash and up to a sulfur content of 3.00 lb/MMBtu provided they notify MassDEP in writing prior to burning this fuel and they comply with the lower SO₂ emission limits (≤ 2.0 lb/MWh yearly and ≤ 3.0 lb/MWh monthly) from that point forward in time. See Table 8, Special Condition 9.
- (2) Particulate matter as measured according to the applicable procedures specified in 40 CFR Part 60 Appendix A, Method 5.
- (3) Chart means the Ringelmann Scale for grading the density of smoke, as published by the United States Bureau of Mines and as referred to in the Bureau of Mines Information Circular No. 8333, or any smoke inspection guide approved by the MassDEP.

Table 3 (continued)					
EU #	Fuel or Raw Material	Restrictions	Pollutant	Emission Limit/Standards	Applicable Regulation and/or Approval No.
1B	Bituminous Coal (No. 2 oil for light-off)	See Table 8, Special Condition 16	Sulfur in fuel	Coal: ≤ 1.21 lb/MMBtu heat release potential (rolling 30-day average) ≤ 1.60 lb/MMBtu heat release potential (rolling 24-hour average) Oil: ≤ 0.17 lb/MMBtu heat release potential; 0.3% sulfur by weight While burning higher ash/sulfur coal ⁽¹⁾ Coal: ≤ 3.00 lb/MMBtu	MassDEP Approval dated 3/14/84 310 CMR 7.05(1) 310 CMR 7.05(1)(b)3. MassDEP Approval #1-E-01-072 (dated 6/7/02; amended 5/15/09)
			Ash in fuel	Coal: $\leq 9\%$ by weight, dry basis, 12 month rolling basis; not to exceed 12% by weight, dry basis, per cargo While burning higher ash/sulfur coal ⁽¹⁾ Coal: $\leq 12\%$ by weight, dry basis, rolling 12 month basis.	MassDEP Approval #PV-82-C-005 (2/14/83 amendment) MassDEP Approval #1-P-05-031 (dated 8/30/05) 310 CMR 7.05(3)(c), and MassDEP Approval #1-E-01-072 (dated 6/7/02; amended 5/15/09)
			Hg	Total Hg removal efficiency of $\geq 85\%$, rolling 12 month basis; or Total Hg emissions rate of ≤ 0.0075 lb/GWh, rolling 12 month basis	310 CMR 7.29(5)(a)3.e
				Total Hg removal efficiency of $\geq 95\%$, rolling 12 month basis; or Total Hg emissions rate of ≤ 0.0025 lb/GWh, rolling 12 month basis	310 CMR 7.29(5)(a)3.f MassDEP Approval #1-P-07-049 (dated 12/31/07)
				Total annual Hg emissions from combustion of solid fuels in units subject to Part 72 located at an affected facility shall not exceed 4.1 pounds, the average annual emissions calculated using the results of the stack tests required in 310 CMR 7.29(5)(a)3.d.ii. See Table 8, Special Condition 8	310 CMR 7.29(5)(a)3.c. 310 CMR 7.29(6)(a)4 MassDEP Approval #1-E-01-072 (dated 6/7/02; amended 5/15/09)
			CO ₂	N/A	310 CMR 7.70
NH ₃	≤ 5 ppmvd corrected to 3% O ₂ (block hour average) ≤ 0.003 lb/MMBtu (block hour average), ≤ 3.8 lb/hr, ≤ 16.4 tons/12 consecutive months See Table 8, Special Conditions 11-12	MassDEP Approval #1-P-05-014 (dated 6/27/05)			

Table 3 Notes:

(1) The Permittee may burn coal containing above 9% up to 12% ash and up to a sulfur content of 3.00 lb/MMBtu provided they notify MassDEP in writing prior to burning this fuel and they comply with the lower SO₂ emission limits (≤ 2.0 lb/MWh yearly and ≤ 3.0 lb/MWh monthly) from that point forward in time. See Table 8, Special Condition 9.

Table 3 (continued)					
EU #	Fuel or Raw Material	Restrictions	Pollutant	Emission Limit/Standards	Applicable Regulation and/or Approval No.
3B-a, 3B-b 4B-a, 4B-b	fly ash	none	Opacity	≤ 20%, except 20 to ≤ 40% for ≤ 2 minutes during any one hour	310 CMR 7.06(1)(b)
9C	degreasing solvent ⁽⁴⁾	< 100 gallons of solvent per degreaser (calendar month basis)	VOC	N/A	310 CMR 7.03(8) 310 CMR 7.18(8)(a)
IP	Propane	The engine may operate for an unlimited number of hours in emergency situations and for routine testing and maintenance. The engine may operate for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by the manufacturer, the vendor, or the insurance company associated with the engine. The engine may operate up to 50 hours per calendar year for non-emergency situations ⁽⁵⁾	N/A	N/A	40 CFR 63.6640(f)(2)(i) and (ii) 40 CFR 63.6640(f)(2)(ii) 40 CFR 63.6640(f)(2)(iii)
Facility-Wide			Greenhouse Gas ⁽⁶⁾	N/A	310 CMR 7.71 [State Only]

Table 3 Notes:

- (4) Petroleum hydrocarbon (contains no halogens)
- (5) 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.
- (6) Greenhouse Gas means any chemical or physical substance that is emitted into the air and that MassDEP may reasonably anticipate will cause or contribute to climate change including, but not limited to, CO₂, CH₄, N₂O, SF₆, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

Legend:

NO_x = Nitrogen Oxides
 CO = Carbon Monoxide
 CO₂ = Carbon Dioxide
 VOC = Volatile Organic Compounds
 SO₂ = Sulfur Dioxide
 PM = Total Particulate Matter
 PM₁₀ = Particulate Matter less than or equal to 10 microns in diameter
 PM_{2.5} = Particulate Matter less than or equal to 2.5 microns in diameter
 NH₃ = Ammonia
 Hg = Mercury
 Opacity = exclusive of uncombined water vapor

lb/MMBtu = pounds per million British Thermal Units
 lb/hr = pounds per hour
 ppmvd @ 3% O₂ = parts per million by volume, corrected to 3 percent oxygen
 gm/bhp-hr = grams per brake horsepower for one hour (engine output)
 lb/MWh = pounds per megawatt-hour
 lb/GWh = pounds per gigawatt-hour

 ≤ = less than or equal to
 ≥ = greater than or equal to
 < = less than
 % = percent
 N/A = not applicable

B. COMPLIANCE DEMONSTRATION – The Permittee is subject to the monitoring, testing, recordkeeping, 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 as contained in Table 3, unless otherwise specified below.

Table 4	
EU #	Monitoring/Testing Requirements
1B	1. In accordance with MassDEP Approval #1-B-94-011 and 310 CMR 7.14(2), 310 CMR 7.19(13)(a)1., and 40 CFR Part 72, the Permittee shall monitor the NO _x emission rate and mass emissions using Continuous Emissions Monitoring Systems (CEMS) meeting the requirements 40 CFR Part 75. In addition, the NO _x emission monitoring shall use the procedures contained in 40 CFR Part 75 to gather and analyze data and provide quality assurance and quality control. Compliance with 40 CFR Part 75 shall constitute compliance with this requirement.
	2. In accordance with MassDEP Approval #1-B-94-011, the programmable logic controller serving the CEMS shall be programmed to obtain readings from the NO _x and CO monitor at least every 10 seconds and compute 15-minute block averages as well as one hour averages as specified by 310 CMR 7.19(13)(b)9. The Permittee shall calculate the NO _x emission rate using the procedures specified in 40 CFR Part 75 Appendix F, Conversion Procedures.
	3. In accordance with 310 CMR 7.19(13)(b)10., the Permittee shall operate its CEMS at all times that the emission unit is operating except for periods of CEMS calibration checks, zero span adjustment, reasonable maintenance, and periods of unexpected and unavoidable failure of the equipment. Notwithstanding such exceptions, in all cases the Permittee shall obtain valid data for at least 75% of the operating hours per day, 75% of the operating days per month, and 90% of the operating hours per quarter during which the emission unit is operating. This requirement applies to the monitoring of CO emissions. When monitoring SO ₂ , NO _x and Hg, the Permittee shall comply with the data availability requirements specified in 40 CFR Part 75.
	4. In accordance with 310 CMR 7.19(13)(a)1., the Permittee shall demonstrate compliance with CO emission limits/standards with Continuous Emissions Monitoring Systems (CEMS) as specified in 310 CMR 7.19(13)(b)1. through 7.19(13)(b)12. In accordance with 310 CMR 7.14(2), the Permittee shall monitor CO emissions with CEMS certified in accordance with the performance specifications contained in 40 CFR Part 60, Appendix B and use the procedures contained in 40 CFR Part 60, Appendix F to provide quality assurance and quality control.
	5. In accordance with the Acid Rain Program 40 CFR Part 72 and 310 CMR 7.14(2), the Permittee shall monitor SO ₂ emissions with CEMS meeting the requirements of 40 CFR Part 75 and use the procedures contained therein to gather and analyze data, provide quality assurance and quality control. Compliance with 40 CFR Part 75 shall constitute compliance with this requirement.
	6. In accordance with the Acid Rain Program 40 CFR Part 72 and 310 CMR 7.32(8)(a), the Permittee shall monitor flue gas mass or volumetric flow with a CEMS flow monitoring system pursuant to 40 CFR Part 75 and use the procedures contained therein to gather and analyze data, provide quality assurance and quality control. [State Only]
	7. In accordance with MassDEP Approval #1-B-90-099, the Permittee shall demonstrate compliance with the Massachusetts Acid Rain Law set forth in 310 CMR 7.22 by monitoring each fuel utilization facility that is part of said approval. The monitoring shall include the quantity of each fuel burned (gallons, tons, or cubic feet), the sulfur content (pounds per million Btu and percent by weight), and the average heating value or heat input of each fuel burned (Btu per gallon, ton or cubic foot). Where applicable, such data shall be from CEMS that meet the monitoring requirements of 40 CFR Part 75. [State Only]
	8. In accordance with MassDEP Approval #1-B-94-011 and the Acid Rain Program 40 CFR Part 72, the Permittee shall measure carbon dioxide (CO ₂) in the flue gas using CEMS. The CO ₂ CEMS shall meet the requirements of 40 CFR Part 75 in order to convert SO ₂ and NO _x continuous emission monitoring data to units of the applicable emission standards as specified in Table 3. Compliance with 40 CFR Part 75 shall constitute compliance with this requirement.
	9. The Permittee shall use the substitution procedures for missing data specified in 40 CFR Part 75 Subpart D and/or 40 CFR Part 75 §75.70(f) whenever the CEMS fail to measure and record a valid quality-assured hour of data for SO ₂ , NO _x , CO ₂ , exhaust flow, or heat input.
	10. In accordance with 40 CFR Part 75, the Permittee shall perform annual Relative Accuracy Test Audits (RATA). Quarterly CEMS linearity checks on NO _x , SO ₂ and diluent analyzers shall be performed using the procedures specified in 40 CFR Part 75. Quarterly Cylinder Gas Audits (CGA) and Continuous Opacity Monitoring System (COMS) Audits shall be performed using the procedures specified in 40 CFR Part 60 Appendix A.

Table 4 (continued)

EU #	Monitoring/Testing Requirements
1B	11. In accordance with 310 CMR 7.14(2) and the Acid Rain Program 40 CFR Part 72 and 40 CFR Part 75, the Permittee shall monitor the opacity of the flue gas using a Continuous Opacity Monitoring System (COMS). The COMS shall meet Performance Specification 1 of 40 CFR Part 60, Appendix B. In accordance with 310 CMR 7.04(2)(a), the COMS shall be equipped with audible alarms and recorders that signal the need for combustion equipment adjustment or repair when the smoke density is equal to or greater than No. 1 of the Chart.
	12. The Permittee shall determine opacity in accordance with 40 CFR Part 60, Appendix A, Method 9 for testing of visible emissions during a COMS malfunction. This method shall also apply to any detached plumes.
	13. In accordance with MassDEP Approval #1-B-94-011, the Permittee shall monitor the temperature of the exhaust stream using a CEMS meeting the requirements of 310 CMR 7.19(13)(b).
	14. In accordance with 310 CMR 7.19(13)(d)3., on a daily basis the Permittee shall measure the type of fuel(s) burned each day, heat content of each fuel, the total heating value of the fuel consumed for each day, the actual emission rates of CO and NO _x , and the allowable emission rates of CO and NO _x .
	16. In accordance with MassDEP Approval #1-P-05-031 and 310 CMR 7.00 Appendix C(9)(b), the Permittee shall monitor sulfur and ash content (by weight, dry basis) of each new shipment of coal received. Compliance with the percent sulfur in fuel and percent ash in fuel requirements can be demonstrated by maintaining a shipping receipt from the fuel supplier (shipping certification), through testing (testing certification), or using CEMS where applicable. The shipping receipt certification or testing certification of sulfur and ash content shall document that the testing has been conducted in accordance with the applicable ASTM test methods: (for sulfur D129-64, D1072-56, D12266-67, D1552-83, D2622-87, D4294-90; and for ash: D482-95) or any other method approved by the MassDEP and EPA.
	17. In accordance with 310 CMR 7.04(4)(a), the Permittee shall inspect and maintain the facility in accordance with the manufacturers' recommendations and test it for efficient operation at least once each calendar year. The results of said inspection, maintenance, and testing and the date upon which it was performed shall be recorded and posted conspicuously on or near the facility.
	18. In accordance with MassDEP Approval #1-E-01-072 (June 7, 2002; Amended May 15, 2009) and 310 CMR 7.29, actual emissions shall be monitored for the individual unit in the calculation for demonstrating compliance. Actual emissions shall be monitored in accordance with 40 CFR Part 75 for SO ₂ , CO ₂ , and NO _x . The MassDEP shall detail the monitoring methodology for CO and PM _{2.5} at the time regulations are promulgated by the MassDEP for those parameters. [State Only]
	19. In accordance with MassDEP Approval #1-E-01-072 (June 7, 2002; Amended May 15, 2009) and 310 CMR 7.29, monitor actual net electrical output, expressed in megawatt-hours. Actual net electrical output shall be provided for the individual unit in the calculation demonstrating compliance. [State Only]
	20. In accordance with 310 CMR 7.32(8)(a), all CEMs monitoring systems are subject to initial performance testing and periodic calibration, accuracy testing and quality assurance/quality control testing as specified in 40 CFR Part 75 Subpart H. [State Only]
	21. As required by 310 CMR 7.32(8)(c)1., during a period when valid data is not being recorded by a monitoring system approved under 310 CMR 7.32, the missing or invalid data must be replaced with default data in accordance with the provisions of 40 CFR 75.70(f). The applicable missing data procedures are specified in 40 CFR Part 75 for NO _x emission rate (in lb/MMBtu), heat input, stack gas volumetric flow rate, oil density, GCV or fuel flow rate. [State Only]
	22. In accordance with 310 CMR 7.32(8)(a), NO _x emissions data must be reported to the NO _x Emissions Tracking System (NETS) in accordance with 310 CMR 32(8)(e). [State Only]
	23. In accordance with 310 CMR 7.32(8)(d), the CAIR designated representative for a CAIR NO _x Ozone Season Unit shall submit written notice to the MassDEP or Administrator in accordance with 40 CFR 75.61. [State Only]
24. In accordance with 310 CMR 7.32(8)(b)4., except as provided in 310 CMR 7.32(8)(b)1., the owner or operator of a CAIR NO _x Ozone Season unit shall comply with the following initial certification and recertification procedures for a continuous monitoring system under 310 CMR 7.32(8)(a)1.a. [State Only]	

Table 4 (continued)	
EU #	Monitoring/Testing Requirements
1B	25. In accordance with MassDEP Approval #1-E-01-072 (June 7, 2002; Amended May 15, 2009) and 310 CMR 7.29(5)(a)3.g.i, the Permittee shall monitor the Hg emission rate and mass emissions using a Mercury Monitoring System meeting the requirements of 40 CFR Part 75. In addition the Hg emission monitoring shall use the procedures contained in 40 CFR Part 75 to gather and analyze data and provide quality assurance and control. Compliance with 40 CFR Part 75 shall constitute compliance with this requirement. [State Only]
	26. In accordance with MassDEP Approval #1-E-01-072 (June 7, 2002; Amended May 15, 2009), actual emissions of each regulated pollutant shall be monitored for individual units and as a facility total for all units included in the calculation demonstrating compliance. Actual emissions shall be monitored in accordance with 310 CMR 7.29(7)(b)1.b., c., and d. for Hg. [State Only]
	27. In accordance with MassDEP Approval #1-P-05-014 for the SCR system, the Permittee shall install NH ₃ CEMs with the outputs directed to the data acquisition system. These monitors will be used initially as operating indicators versus direct compliance level monitors due to the uncertain NH ₃ CEM performance on coal fired boilers. The NH ₃ CEMs shall comply with the linearity check and RATA frequencies and grace periods as specified in 40 CFR 75 in conducting gas audits and RATAs.
	28. In accordance with MassDEP Approval #1-P-05-014 for the SCR system, on an annual basis, the Permittee shall submit a report on the performance and relative accuracy of the NH ₃ CEMs, a recommendation on the feasibility of their use as a compliance determination method, and proposed frequency for future NH ₃ compliance testing.
	30. In accordance with MassDEP Approval #1-P-07-049, Mt Tom shall continuously monitor and record the Turbosorp system sorbent usage rates, baghouse temperature, and baghouse differential pressures.
3B-a, 3B-b 4B-a, 4B-b	31. In accordance with 310 CMR 7.00: Appendix C(9)(b)2., the Permittee shall monitor the flyash conveying system baghouses with broken bag detectors. The broken bag detectors shall be configured and calibrated such that they will automatically shut down the conveying system if a broken bag is detected.
9C	32. In accordance with 310 CMR 7.18(8)(h), the Permittee shall upon request of the MassDEP, perform or have performed tests to demonstrate compliance with 310 CMR 7.18(8).
Facility- Wide	33. In accordance with 310 CMR 7.13, the Permittee shall conduct stack testing, upon written request of the MassDEP, for any air contaminant for which the MassDEP has determined testing is necessary, to ascertain compliance with the MassDEP's regulations or design approval provisos. All such testing shall be conducted in accordance with 310 CMR 7.13 (1) and (2), and in accordance with the applicable procedures specified in 40 CFR 60 Appendix A or other method(s) if approved by the MassDEP and EPA.
	34. The Permittee shall monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.
	35. 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]

Table 4 notes: none

Table 5

EU#	Recordkeeping Requirements
1B	1. In accordance with 40 CFR Part 75, 310 CMR 7.19(13)(a)1., 310 CMR 7.19(13)(b)1. through 7.19(13)(b)12., 40 CFR Part 60, Appendix B, and 40 CFR Part 60 Appendix F, the Permittee shall record the emissions of NO _x , CO, SO ₂ , CO ₂ , and the flue gas opacity and volumetric flow rate on a continuous basis.
	2. In accordance with MassDEP Approval #1-B-90-99 and 310 CMR 7.19(13)(d), on a daily basis for each operating day, the Permittee shall record the type(s) of fuel burned, the quantity of each fuel (gallons, tons, or cubic feet), the sulfur content of each fuel (pounds per million Btu and percent by weight), the average heating value (Btu per gallon, ton, or cubic foot) of each fuel, and the total heating value of each fuel consumed.
	3. The Permittee shall keep records of any opacity tests performed in accordance with EPA Test Method 9, as specified in 40 CFR Part 60, Appendix A.
	4. The Permittee shall keep and maintain all Smoke Density Indicator Recording Charts required by 310 CMR 7.04(2)(a) or COMS records required by 40 CFR Part 75 and 40 CFR Part 60, Appendix B.
	5. In accordance with 310 CMR 7.00: Appendix C(9)(b)2., the Permittee shall keep and maintain fuel analysis results used to demonstrate compliance with fuel sulfur and ash content requirements.
	6. In accordance with 310 CMR 7.04(4)(a), the Permittee shall maintain records of the results of fuel utilization facility inspection, maintenance, and testing and the date(s) upon which it was performed. Such records shall be posted conspicuously on or near the facility.
	7. In accordance with 310 CMR 7.19(13)(d)1. and 40 CFR Part 75, the Permittee shall maintain records of all measurements, performance evaluations, calibration checks, maintenance, and adjustments for each CEM.
	8. In accordance with 310 CMR 7.19(13)(d)8., all records required by 310 CMR 7.19(13)(d), including computer retained and generated data, shall be kept in a permanently bound log book or any other form acceptable to the MassDEP for a period of at least five (5) years.
	9. In accordance with 40 CFR Part 75 §75.53, the Permittee shall prepare and maintain a Quality Assurance/Quality Control (QA/QC) plan containing sufficient information on the CEMS and COMS to demonstrate that all emissions of SO ₂ , NO _x , CO ₂ , and opacity are monitored and reported. The Permittee shall update the QA/QC plan whenever it makes a replacement, modification, or change in the certified CEMS and/or COMS, including a change in the automated data acquisition and handling system or in the flue gas handling system. The QA/QC plan shall contain all of the information required by 40 CFR Part 75 §75.53(e).
	10. In accordance with 40 CFR Part 75 §75.57, the Permittee shall maintain a file of all measurements, data, reports, and other information required by 40 CFR Part 75. Said file shall include all information required by 40 CFR Part 75 §75.57(a)(1) through (6).
	11. The Permittee shall keep records of all measurements, data, reports and other information required by 310 CMR 7.32. [State Only]
	12. In accordance with MassDEP Approval #1-E-01-072 (June 7, 2002; Amended May 15, 2009) and 310 CMR 7.29, maintain a record of actual emissions for each regulated pollutant for each of the preceding 12 months. Actual emissions shall be recorded for individual units and as a facility total for all units included in the calculation demonstrating compliance. Actual emissions provided under this section shall be recorded in accordance with 40 CFR Part 75 for SO ₂ , CO ₂ , and NO _x , in accordance with MassDEP Approval #1-P-05-014 for Hg, and for CO, and PM _{2.5} at the time regulations are promulgated by the MassDEP for those parameters. [State Only]
	13. In accordance with MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009) and 310 CMR 7.29(7)(b)2., maintain a record of actual net electrical output for each of the preceding 12 months, expressed in megawatt-hours. Records of actual net electrical output shall be maintained for the individual unit in the calculation demonstrating compliance. [State Only]
	14. In accordance with MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009) and 310 CMR 7.29(7)(b)3., maintain a record of the resulting output-based emission rates for each of the preceding 12 months, and each of the 12 consecutive rolling month time periods, expressed in pounds per megawatt-hour for SO ₂ , CO ₂ and NO _x and pounds per gigawatt-hour for Hg. Output based emission rates shall be provided for the individual emission unit in the calculation demonstrating compliance. [State Only]

Table 5 (continued)

EU#	Recordkeeping Requirements
1B	16. In accordance with, 310 CMR 7.32(6)(b) information on the CAIR Authorized Account Representative (CAIR-AAR) Form must be kept current. [State Only]
	17. As required by 310 CMR 7.32(1)(f)5., unless otherwise provided, the owners and operators of the CAIR NO _x Ozone Season source and each CAIR NO _x Ozone Season unit shall keep on-site at the source must keep all measurements, data, reports and other information required by 310 CMR 7.32 for five years from the date the document is created. The period may be extended for cause, at any time before the end of five years, in writing by the MassDEP or Administrator. [State Only]
	18. In accordance with MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009), for the standards at 310 CMR 7.29(5)(a)3.c.i., e.ii., and f.ii. based on Hg CEMS meeting quality assurance procedures detailed in 40 CFR Part 60 Appendix F Procedure I and/or performance specifications, test procedures and calculations approved by MassDEP in the monitoring plan required under 310 CMR 3.29(5)(a)3.g., any particulate-bound Hg accounted for under the provisions of 310 CMR 7.29(5)(a)3.g.ii. shall be calculated from the most recent average measured pounds of particulate Hg emitted per million Btu consumed multiplied by the heat input determined under 40 CFR Part 75 for each calendar month. Affected facilities may choose to subtract the heat input attributable to combustion of fuels other than solid-fossil fuel and ash if such heat input is determined using the procedures of 40 CFR Part 75 Appendix D. [State Only]
	19. In accordance with MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009) and 310 CMR 7.29(5)(a)3., keep records of required Hg stack testing and ash testing. [State Only]
	20. In accordance with MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009) and 310 CMR 7.29(5)(a)3.g., maintain a record of all measurements, performance evaluations, calibration checks, and maintenance or adjustments for each Hg CEMS. [State Only]
	21. In accordance with MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009), maintain a record of actual emissions for Hg for each of the preceding 12 months. Actual emissions shall be recorded for individual units and as a facility total for all units included in the calculation demonstrating compliance. Actual emissions shall be recorded in accordance with 310 CMR 7.29(7)(b)1.b., c. and d. for Hg. [State Only]
	22. In accordance with MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009), the Permittee shall keep all measurements, data, reports, and other information required by 310 CMR 7.29 on-site for a minimum of five (5) years. [State Only]
	23. In accordance with MassDEP Approval #1-P-05-014, a record keeping system for the SCR emission control system shall be established and maintained on site by the Permittee. All such records shall be maintained up-to-date such that year-to-date information is readily available for MassDEP examination upon request. The record keeping log/system, including any other "credible evidence", shall be kept on-site for a minimum of five (5) years. Record keeping shall, at a minimum, include: <ul style="list-style-type: none"> a. Compliance records sufficient to demonstrate that emissions from the facility have not exceeded emission limits contained in MassDEP Approval #1-P-05-014. Such records shall include, but are not limited to, fuel usage rate, emissions test results, monitoring equipment data and reports. b. Maintenance: A record of routine maintenance activities performed on the proposed control equipment and monitoring equipment including, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed. c. Malfunctions: A record of all malfunctions on the proposed emission control and monitoring equipment including, at a minimum: the date and time the malfunction occurred; a description of the malfunction and the corrective action taken; the date and time corrective actions were initiated; and the date and time corrective actions were completed and the equipment was returned to compliance.
	24. In accordance with MassDEP Approval #1-P-05-014 for the SCR system, the Permittee shall maintain on-site for five (5) years all records of output from all continuous monitors for flue gas emissions and fuel consumption, and shall make these records available to the MassDEP upon request.
	25. In accordance with MassDEP Approval #1-P-05-014, the Permittee shall maintain a log to record problems, upsets or failures associated with the SCR emission control system.

Table 5 (continued)	
EU#	Recordkeeping Requirements
1B	<p>26. In accordance with MassDEP Approval #1-P-05-031, the Permittee shall generate monthly reports in-house that document fuel use and compliance with the 12% per cargo and 9% per 12 rolling month ash limits. If any limits are exceeded, the Permittee shall notify the MassDEP in writing no later than the 15th day of the following month.</p> <p>27. In accordance with MassDEP Approval #1-P-05-031, the Permittee shall maintain coal certification, including coal supplier and % ash per shipment, and coal purchase records at the facility. These records shall be kept on site for five (5) years from date of record and shall be made available to the MassDEP upon request.</p>
3B-a, 3B-b 4B-a, 4B-b	<p>28. In accordance with 310 CMR 7.00: Appendix C(9)(b), the Permittee shall keep records of inspections and/or maintenance performed on the fabric filters, including the locations of any broken bags.</p>
9C	<p>29. In accordance with 310 CMR 7.03(6) and (8), the Permittee shall establish and maintain a recordkeeping system on-site and in sufficient detail to document the date of construction, substantial reconstruction or alteration of the emission unit. In addition, the recordkeeping system shall document the solvent usage rate of the emission unit in gallons per month.</p> <p>30. In accordance with 310 CMR 7.18(8)(g), the Permittee shall prepare and maintain daily records sufficient to demonstrate compliance with an instantaneous averaging time as stated in 310 CMR 7.18(2)(a). Records shall include, but are not limited to;</p> <ul style="list-style-type: none"> a. identity, quantity, formulation and density of solvent(s); b. quantity, formulation and density of all waste solvent generated; c. actual operational and performance characteristics of the degreaser and any appurtenant emissions capture and control equipment, if applicable and d. any other requirements specified by the Department in any approval(s) and/or order(s) issued to the person
Facility-wide	<p>31. In accordance with 310 CMR 7.00: Appendix C(9)(b)2., the Permittee shall maintain the test results of any stack testing performed in accordance with 310 CMR 7.13(1) or of any other testing or testing methodology required by the MassDEP or EPA.</p> <p>32. The Permittee shall maintain records for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12 and keep copies of Source Registration/Emission Statement Forms submitted annually to the MassDEP as required by 310 CMR 7.12(3)(b).</p> <p>33. In accordance with 310 CMR 7.00: Appendix C(10)(b), the Permittee shall 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, report or initial Operating Permit application.</p> <p>34. In accordance with 310 CMR 7.71 (6) b. and c. retain at the facility for five years and make available to the MassDEP upon request copies of the documentation of the methodology and data used to quantify emissions. [State Only]</p>

Table 5 Notes: none

Table 6

EU #	Reporting Requirements
1B	<p>1. In accordance with 310 CMR 7.14(2) and 310 CMR 7.19(13)(d)2., the Permittee shall submit CEM Excess Emission Reports for each calendar quarter by the thirtieth (30th) day of April, July, October, and January covering the previous calendar periods of January through March, April through June, July through September, and October through December, respectively. Such reports shall disclose any instances in which the emissions of NO_x, CO and SO₂ and/or visible emissions (opacity and/or smoke exclusive of uncombined water) exceeded the emission limits/standards contained in Table 3. In addition, the reports shall contain the following information:</p> <ul style="list-style-type: none"> a. The date and time of commencement and completion of each period of excess emissions and the magnitude of the excess emissions; b. Identification of the suspected reasons for the excess emissions and any corrective actions or preventative measures taken; c. The date(s) and time(s) the CEMS and/or COMS stopped collecting valid data and the corresponding date(s) and time(s) said systems started to collect valid data again; d. CEMS and/or COMS downtime due to equipment malfunctions such as excessive zero and span drift and calibrations; e. The nature and date of any CEMS or COMS repairs; f. The emission unit's total operating time during the quarter; g. The percentage of operating time when excess emissions for the emission unit during each quarter occurred; and h. The CEMS and COMS data capture percentage for each pollutant.
	<p>2. In accordance with 310 CMR 7.32(8)(e), the Permittee shall submit to the EPA Acid Rain Division all NO_x emissions and operating information for each calendar quarter of each year in accordance with the standards specified in 40 CFR Part 75, Subpart H. The submission must be in an electronic format which meets the requirements of EPA's Electronic Data Reporting (EDR) convention. Quarterly reports must contain NO_x emissions in pounds per hour for every hour and cumulative quarterly and seasonal NO_x emissions data in pounds in a format consistent with the EDR convention. The Permittee shall submit quarterly reports as part of the quarterly reports submitted to EPA to comply with 40 CFR Part 75. [State Only]</p>
	<p>3. In accordance with MassDEP Approval #1-B-90-099, the Permittee shall submit SO₂ emission reports for each calendar quarter to verify compliance with the Massachusetts Acid Rain Law, 310 CMR 7.22. Said reports shall be submitted by the 30th day of April, July, October, and January covering the previous calendar periods of January through March, April through June, July through September, and October through December, respectively. For each fuel utilization facility that is part of the acid rain control plan, said reports shall contain a monthly summary and a calendar year to date summary of:</p> <ul style="list-style-type: none"> a. the type(s) of fuel burned; b. the quantity of each fuel (gallons, tons, or cubic feet), the sulfur content of each fuel (pounds per million Btu and percent by weight); and c. the average heating value (Btu per gallon, ton, or cubic foot) of each fuel burned. <p>[State Only]</p>
	<p>4. In accordance with 310 CMR 7.19(13)(d)9., the Permittee shall submit compliance records within ten (10) days of written request by the MassDEP or EPA.</p>
	<p>5. The Permittee shall comply with all reporting requirements set forth in 40 CFR Part 75 Subpart G, including, but not limited to, all notifications required by 40 CFR Part 75 §75.61, submittal of a monitoring plan as required by 40 CFR Part 75 §75.62, submittal of applications for recertification as required by 40 CFR Part 75 §75.63, and submittal of quarterly reports as required by 40 CFR Part 75 §75.64. Said quarterly reports shall be submitted to EPA in an approved electronic format and shall include all information required by 40 CFR Part 75 §75.64(a) through (e).</p>

Table 6 (continued)

EU #	Reporting Requirements
1B	<p>6. By January 30 of the year following the earliest applicable compliance date for the affected facility under 310 CMR 7.29(6)(c), and January 30 of each calendar year thereafter, the company representative responsible for compliance shall submit a compliance report to MassDEP demonstrating the facility's compliance status with the emission standards contained in 310 CMR 7.29(5)(a) and in MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009). The report shall demonstrate the facility's compliance status with applicable monthly emission rates for each month of the previous calendar year, and each of the twelve previous consecutive 12-month periods. The compliance report shall include all information and statements listed in 310 CMR 7.29(7)(b)4.⁽¹⁾ [State Only]</p>
	<p>7. In accordance with MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009) and 310 CMR 7.29, the MassDEP may verify the facility's compliance status by whatever means necessary, including but not limited to requiring the affected facility to submit information on actual electrical output of company generating units provided by the New England Independent System Operator (ISO), or any successor thereto. [State Only]</p>
	<p>9. As required by, 310 CMR 7.32(8)(e) for units that commence commercial operation before July 1, 2007, the CAIR Designated Representative shall submit quarterly reports in accordance with 310 CMR 7.32(e)4.a. [State Only]</p>
	<p>10. In accordance with 310 CMR 7.32(5)(8)(e)4.a., if the CAIR NO_x Ozone Season unit is subject to an Acid Rain emissions limitation or the CAIR NO_x Annual Trading Program or monitors NO_x emissions using CEMS or if the owner or operator of such unit chooses to report on an annual basis under 310 CMR 7.32(8), the CAIR Designated Representative shall meet the requirements of subpart H of 40 CFR 75 (concerning monitoring of NO_x mass emissions) for such unit for the entire year and shall report the NO_x mass emissions data and heat input data for such unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter. [State Only]</p>
	<p>11. The Permittee is required to provide notification of QA testing for RATAs and AppendixE/LME tests. Notification must be made at least 21 days prior to the scheduled test date to the EPA as required by 40 CFR 75.61, to the MassDEP Lawrence office at MassDEP, Wall Experiment Station, 37 Shattuck Street, Lawrence, MA 01843-1398 Attn: Source Monitoring Section, and to the MassDEP Regional office, Attn: BWP Permit Chief. If tests must be rescheduled, 24 hours notice must be given, as specified in 40 CFR 75.61(a)(5).</p>
	<p>12. In accordance with 310 CMR 7.00: Appendix C(9), a previously approved protocol may be referenced at the time of test notification provided that the referenced protocol was completed in accordance with current 40 CFR Part 75 procedures, addresses all previous MassDEP protocol comments to the satisfaction of the MassDEP, and none of the information has changed. If a revised protocol must be submitted, it must be submitted at least 21 days prior to the scheduled test date.</p>
	<p>13. In accordance with 310 CMR 7.00: Appendix C(10), a hardcopy of the QA RATA or Appendix E/LME test results must be submitted to both the MassDEP Lawrence and the MassDEP Regional Office within 45 days of completion of tests. The electronic results must be submitted in the quarterly electronic data report (EDR).</p>
	<p>14. In accordance with 310 CMR 7.00: Appendix C(10), results from QA daily Calibrations, quarterly Linearity checks and Appendix D Fuel Flowmeter tests must be reported electronically in the EDR submittal for the quarter in which the testing occurs.</p>
	<p>15. In accordance with 310 CMR 7.29(7)(g), the Permittee shall submit the results of all Hg emissions, monitor, and optimization test reports, along with supporting calculations, to the MassDEP within 45 days after completion of such testing. [State Only]</p>

Table 6 (continued)	
EU #	Reporting Requirements
1B	17. All notifications and reporting required by MassDEP Approval #1-P-05-014 shall be made to the attention of: Department of Environmental Protection 436 Dwight Street Springfield, Massachusetts 01103 ATTN: Chief, Compliance and Enforcement Section Telephone: (413) 755-2131 Fax: (413) 784-1149
	18. In accordance with MassDEP Approval #1-P-05-014, the Permittee shall notify the MassDEP by telephone or fax as soon as possible but no later than three (3) business days after the occurrence of any upsets or malfunctions to the proposed facility equipment (SCR), air pollution control equipment, or monitoring equipment which results in an excess emission to the ambient air and/or a condition of air pollution.
9C	19. In accordance with 310 CMR 7.03(2), the Permittee shall report to the MassDEP any construction, substantial reconstruction or alteration, as described in 310 CMR 7.03, on the next required source registration.
Facility-wide	20. In accordance with 310 CMR 7.12(2), the Permittee shall submit a Source Registration/Emission Statement form to the MassDEP on an annual basis.
	21. In accordance with 310 CMR 7.00 Appendix C(10)(c), submit to the Department two compliance summaries, one by January 30 for the time period July through December of the previous calendar year, and the other by July 30 for the time period January through June of the current calendar year. (See Provision 10 in "GENERAL CONDITIONS FOR OPERATING PERMIT")
	22. In accordance with 310 CMR 7.13(1)(d), submit to the Department any stack test results for any air contaminant obtained from stack testing required by the Department within such time as agreed to in the approved test protocol.
	23. In accordance with 310 CMR 7.00 Appendix C(5)(b)9., submit annually by January 30 of each 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")
	24. In accordance with 310 CMR 7.00 Appendix C(10)(a), submit to the Department any record relevant to this Operating Permit or to the emissions of any air contaminant from the facility within 30 days of the request by the Department or EPA.
	25. In accordance with 310 CMR 7.00 Appendix C(10)(f), the Permittee shall report to the Department's Regional Bureau of Waste Prevention all instances of deviations from permit requirements. (See Provision 25 in "GENERAL CONDITIONS FOR OPERATING PERMIT")
	26. In accordance with 310 CMR 7.13(1) and 7.13(2), if determined by MassDEP that stack testing is necessary to ascertain compliance with MassDEP's regulations or design approval provisos shall cause such stack testing to be summarized and submitted to MassDEP as prescribed in the agreed-upon pretest protocol.
	27. In accordance with 310 CMR 7.13(1)(d), the Permittee shall submit to the MassDEP any stack test results for any air contaminant obtained from stack testing required by the MassDEP within such time as agreed to in the approved test protocol.
	28. The Permittee shall submit Emissions Compliance Testing (Stack Testing) Reports in accordance with 310 CMR 7.19(13)(c).
	29. In accordance with 310 CMR 7.71(5), by April 15th of each year, 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]
	30. In accordance with 310 CMR 7.71(6), certify greenhouse gas emissions reports using a form provided by MassDEP or the registry. [State Only]
31. In accordance with 310 CMR 7.71(7), by December 31 st of the applicable year submit to MassDEP documentation of triennial verification of the greenhouse gas emissions report. [State Only]	

Table 6 Notes:

- (1) If the ISO final settlement of actual electrical output is not available, the facility shall submit a compliance report based on provisional values of actual electrical output. Upon receiving certified ISO values of actual electrical output for all provisional months within the calendar year, the facility shall submit a revised compliance report within 30 days thereafter.

- C. GENERAL APPLICABLE REQUIREMENTS – The Permittee shall comply with all general 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
310 CMR 7.28: NO _x Allowance Trading Program	As of January 1, 2009, this regulation is no longer applicable; it was superseded by 310 CMR 7.32.
310 CMR 7.27: NO _x Allowance Program	Superseded by 310 CMR 7.28 and 7.32.
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	Facility employs less than 250 people.
42 U.S.C. 7401, § 112 (r): Prevention of Accidental Releases	Facility does not store, use or process any of the listed compounds in quantities greater than thresholds.
40 CFR Part 82: Protection of Stratospheric Ozone	Facility no longer services its air conditioners; performed by outside contractor

Table 7 Notes: none

5. SPECIAL TERMS AND CONDITIONS

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

Table 8	
EU #	Special Terms and Conditions
1B	<p>1. EU 1B is regulated in accordance with 310 CMR 7.22, <i>Sulfur Dioxide Emission Reductions for the purpose of Reducing Acid Rain</i> and must comply with an emission rate of 1.2 lb/MMBtu on a calendar year basis. SO₂ limits under 310 CMR 7.29 are more stringent, and therefore prevail. [State Only]</p> <p>Federal Acid Rain Program; Phase II Acid Rain Permit</p> <p>2. EU 1B is subject to the requirements of Phase II of the Federal Acid Rain Program as defined by EPA in 40 CFR Part 72. Pursuant to 40 CFR Part 72.71, 40 CFR Part 72.73, and 310 CMR 7.00: Appendix C(3)(n), MassDEP is the permitting authority for Phase II Acid Rain Permits. MassDEP issued the initial Phase II Acid Rain Permit for facility on December 23, 1997 (MassDEP Approval #1-X-97-071). MassDEP is incorporating the requirements of the renewal Phase II Acid Rain Permit into this Operating Permit. The Phase II Acid Rain requirements will renew in the Operating Permit.</p> <p>a. In accordance with MassDEP Approval #1-X-97-071, within 60 days of the end of each calendar year, the Permittee shall hold in its SO₂ allowance account at least one allowance for each ton of SO₂ emitted during the previous year. An allowance is a limited authorization to emit SO₂ in accordance with the Acid Rain Program.</p> <p>b. In accordance with MassDEP Approval #1-X-97-071, if the Permittee has excess emissions in any calendar year, it shall submit a proposed offset plan as required under 40 CFR Part 77. In addition, the Permittee shall pay any penalties specified in 40 CFR Part 77 and comply with the terms of an approved offset plan.</p> <p>c. In accordance with 40 CFR Part 73, the Permittee's designated representative may buy, sell, trade, or transfer allowances between EU accounts at any time, except between 60 days of the end of the calendar year and the completion of the annual SO₂ allowance reconciliation for the preceding year(s).</p>

Table 8 (continued)

EU #	Special Terms and Conditions				
1B	<p>d. The yearly allowance allocations as identified in 40 CFR Part 73, Tables 2, 3, or 4 (as amended) are identified below:</p> <table border="1" data-bbox="624 470 1240 540"> <thead> <tr> <th data-bbox="624 470 839 502">Emission Unit</th> <th data-bbox="839 470 1240 502">YEARS 2010 and beyond</th> </tr> </thead> <tbody> <tr> <td data-bbox="624 502 839 540">1B</td> <td data-bbox="839 502 1240 540">5622 tons</td> </tr> </tbody> </table> <p>3. <i>Allowance transfer deadline.</i> No allowance shall be deducted for purposes of compliance with an affected unit's sulfur dioxide Acid Rain emissions limitation requirements pursuant to title IV of the Act unless:</p> <p>a. The compliance use date of the allowance is no later than the year in which the unit's SO₂ emissions occurred; and</p> <p>b. Such allowance is:</p> <p>i) Recorded in the unit's compliance subaccount; or</p> <p>ii) Transferred to the unit's compliance subaccount not later than the allowance transfer deadline in the calendar year following the year for which compliance is being established.</p> <p>State Emission Standards for Power Plants</p> <p>4. In accordance with MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009), if provisions or requirements from any other regulation or permit conflict with a provision of 310 CMR 7.29, the more stringent of the provisions will apply unless otherwise determined by the MassDEP in this Operating Permit. [State Only]</p> <p>5. In accordance with MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009), MassDEP may verify compliance of 310 CMR 7.29(5) by whatever means necessary, including but not limited to: inspection of a unit's operating records; requiring the facility to submit information on actual electrical output of company generating units provided to that person by the New England Independent System Operator, or any successor thereto; testing emission monitoring devices; and, requiring the facility to conduct emissions testing under the supervision of the MassDEP. [State Only]</p> <p>6. In accordance with MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009) and 310 CMR 7.29(5)(b)2., the amount of SO₂ early reductions, along with supporting information, shall be provided to the MassDEP prior to use for compliance with 310 CMR 7.29(5)(a)2.a. Each ton of reduction may be used, once, to offset one ton of excess emissions from the facility. Excess emissions are any emissions above a level equal to the net electrical output of the facility times the applicable emission standard in 310 CMR 7.29(5)(a)2. [State Only]</p> <p>7. In accordance with MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009) and 310 CMR 7.29(5)(b)3., when using SO₂ allowances created pursuant to 40 CFR Part 72 (the Federal Acid Rain Program), three allowances shall be used to offset each ton of excess emissions above the emission standard. Such SO₂ allowances shall be in addition to those allowances used by the facility to comply with the requirements of 40 CFR Part 72, and shall be transferred to the MassDEP and retired for the benefit of the environment. [State Only]</p> <p>8. In accordance with 310 CMR 7.29(6)(a)4, and MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009), The Permittee, having average annual Hg emissions of less than 5 pounds, calculated using the results of the stack tests required in 310 CMR 7.29(5)(a)3.d.ii., may use early or off-site Hg reductions to demonstrate compliance with its annual Hg cap of 4.1 pounds through September 30, 2012. Any early Hg reductions shall be accrued on-site at the stack prior to Oct. 1, 2006. Any off-site Hg air emission reductions shall be accrued on at least a one pound reduced for one pound credited basis from facilities located in the Western Region. Any other off-site Hg reductions shall be accrued on at least a ten pounds reduced for one pound credited basis from facilities located in the Western Region. [State Only]</p> <p>9. In accordance with 310 CMR 7.05(3)(c)3., 310 CMR 7.05(1)(b)3., and MassDEP Approval #1-E-01-072 (6/7/2002; Amended 5/15/2009), the Permittee may burn coal containing up to 12% ash and up to a sulfur content of 3.00 lb/MMBtu provided they notify MassDEP in writing prior to burning this fuel and they comply with the applicable emission limits specified in Table 3 of this Operating Permit while burning this fuel.</p>	Emission Unit	YEARS 2010 and beyond	1B	5622 tons
Emission Unit	YEARS 2010 and beyond				
1B	5622 tons				

Table 8 (continued)	
EU #	Special Terms and Conditions
1B	<p><u>SCR Ammonia Requirements (in accordance with MassDEP Approval #1-P-05-014)</u></p> <p>10. The Permittee shall submit updated versions of the SOMP to the MassDEP no later than 30 days prior to the occurrence of a significant change. The MassDEP must approve in writing any significant changes to the SOMP prior to the SOMP becoming effective.</p> <p>11. The basis for NH₃ emission compliance determination will convert, with MassDEP approval, from compliance testing to the NH₃ CEM system upon a CEM system demonstration that the relative accuracy of the NH₃ CEM system is within +/- 15% and the NH₃ CEM system was operating 90% of the time during the same period.</p> <p>12. The Permittee shall meet the NH₃ and NOx hourly emission limits approved herein within two hours from initiating NH₃ feed to the SCR. During shutdown of the NH₃ system, the Permittee will be exempt from the hourly limits during the last hour of the NH₃ feed to the SCR.</p> <p><u>SCR General Requirements (in accordance with MassDEP Approval # 1-P-05-014)</u></p> <p>13. The Permittee shall properly train all personnel to operate the proposed facility and control equipment (SCR) in accordance with vendor specifications.</p> <p>14. The Permittee shall maintain the standard operating and maintenance procedures for all air pollution control equipment in a convenient location (e.g., control room/technical library) and make them readily available to all employees.</p> <p>15. In accordance with Regulation 310 CMR 7.00 Appendix C: (9)(c) and A Final Judgment⁽¹⁾ and a Compliance Assurance Plan dated January xx, 2013, the Permittee shall commence operation of particulate matter CEM (s) by no later than January 1, 2013. The CEM (s) shall be installed, calibrated, operated, certified and maintained in accordance with the manufacturer's recommendations and all applicable MassDEP and EPA regulations.</p> <p><u>Other</u></p> <p>16. In accordance with the MassDEP CH 494 MassDEP Approval dated July 22, 1981 (as amended March 14, 1984 and December 17, 1986), in the event of an air pollution episode the Permittee shall reduce the electric production rate of the Permittee station within six hours after notification by the MassDEP. The reduction shall achieve an SO₂ emission rate equivalent to, or lower than, the emission rate that would result from burning fuel oil having a sulfur content of 1% by weight. The Permittee shall notify the MassDEP's Western Regional Office immediately upon completion of the production rate reduction.</p> <p>17. In accordance with 310 CMR 7.10 and MassDEP Approval #PV-82-C-005, the Permittee shall not cause or allow emissions of sound of sufficient intensity and/or duration so as to cause or contribute to a condition of air pollution. [State Only]</p> <p>18. In accordance with 310 CMR 7.02(7) the Permittee shall demonstrate that the facility does not cause or contribute to a violation of U.S. EPA's one hour SO₂ NAAQS (40 CFR 50.17). The Permittee shall comply with any request from MassDEP for information or for an application for an approval that MassDEP may require pursuant to 310 CMR 7.02(7), and all conditions of any MassDEP approval that may result. Following any such approval, the Permittee shall apply to MassDEP to modify the Operating Permit in accordance with 310 CMR 7:00 Appendix C(8) to incorporate the applicable requirements of the approval.</p>

Table 8 Notes:

(1) A Final Judgment was issued by the Commonwealth of Massachusetts Suffolk Superior Court dated June 29, 2011 (CIVIL DOCKET #: SUCV2011-01394-A) that required the Permittee station to commence operation of particulate matter CEMS by no later than January 1, 2013. Regulation 310 CMR 7.00: Appendix C(9)(c) allows MassDEP to require the CEMS to be installed, calibrated, operated, certified and maintained to perform its intended function.

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 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.

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.

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 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.

30. 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.