



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

436 Dwight Street • Springfield, Massachusetts 01103 • (413) 784-1100

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

IAN A. BOWLES  
Secretary

LAURIE BURT  
Commissioner

January 20, 2010

Christopher DeSantis, Area Vice President  
Connecticut Valley Sanitary Waste  
Disposal, Inc.  
600 New Ludlow Road  
South Hadley, MA 01075

Re: Final Operating Permit  
Appl. #1-O-06-056; Trans. #W110149

At: Chicopee Landfill  
161 New Lombard Road  
Chicopee, MA 01075

Dear Mr. DeSantis:

In accordance with 310 CMR 7.00 – APPENDIX C(6) of the Air Pollution Control Regulations ("the Regulations"), the Department of Environmental Protection ("MassDEP") is forwarding to EPA the attached FINAL Operating Permit for the Chicopee Landfill facility located in Chicopee, Massachusetts.

Public notice of the Draft Operating Permit was published by the MassDEP in the Union News on August 4, 2009 and in the Environmental Monitor on August 12, 2009, in accordance with the requirements of 310 CMR 7.00: Appendix C. As such, the public comment period ended on September 11, 2009. During that period, no public hearing was requested pursuant to 310 CMR 7.00: Appendix C(6)(f).

On September 17, 2009 the MassDEP forwarded to EPA Region 1, via electronic mail, the Proposed Operating Permit for this facility. EPA did not object or comment on the Proposed Operating Permit, nor did EPA receive a petition to object to the Proposed Operating Permit within the regulatory deadlines. Therefore, the MassDEP is issuing the Final Operating Permit.

The attached Final Operating Permit contains all of the federal and state air pollution control requirements to which the facility is subject, and the terms and conditions for compliance with such applicable requirements.

If you have any questions concerning this FINAL Operating Permit, please contact John Kirzec of the Western Regional Office at (413) 755-2225.

Sincerely,

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

---

Marc Simpson  
Permit Chief  
Western Region

JK/jk

cc: Ida E. McDonnell, Manager  
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## 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"]:**

Connecticut Valley Sanitary Waste Disposal, Inc.  
600 New Ludlow Road  
South Hadley, MA 01075

**INFORMATION RELIED UPON:**

Application No. 1-O-06-056  
Transmittal No. W110149

**FACILITY LOCATION:**

Chicopee Landfill  
161 New Lombard Road  
Chicopee, MA 01020

**FACILITY IDENTIFYING NUMBERS:**

AQ ID: 0420233  
FMF FAC NO. 291514  
FMF RO NO. 358397

**NATURE OF BUSINESS:**

Sanitary Landfill

**STANDARD INDUSTRIAL CODE (SIC): 4953**

**NORTH AMERICAN INDUSTRIAL  
CODE (NAICS): 562212**

**RESPONSIBLE OFFICIAL:**

Name: Christopher DiSantis  
Title: Area Vice President

**FACILITY CONTACT PERSON:**

Name: Thomas Heaton  
Title: Environmental Protection Manager  
Phone: 413-534-8741  
Email: [theaton@wm.com](mailto:theaton@wm.com)

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**This operating permit shall expire on January 22, 2015.**

For the Department of Environmental Protection, Bureau of Waste Prevention

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

**January 22, 2010**

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Michael Gorski, Regional Director  
Department of Environmental Protection  
Western Regional Office

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Date

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## SPECIAL CONDITIONS FOR OPERATING PERMIT

A legend to abbreviated terms found in the following tables is located in Section 28 of the Operating Permit.

### 1. PERMITTED ACTIVITIES

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

### DESCRIPTION OF FACILITY AND OPERATIONS

Connecticut Valley Sanitary Waste Disposal, Inc. – Chicopee Landfill, located at 161 New Lombard Road, Chicopee, is a privately owned sanitary landfill facility classified under standard industrial code (SIC) 4953 –Refuse Systems. The landfill complex has been developed in six phases.

Due to its size, the landfill is subject to the New Source Performance Standard for Landfills (40 CFR 60 Subpart WWW). The latest NMOC calculations, in accordance with the NSPS and based on Tier 2 testing conducted in 2006, indicated that the 2007 NMOC emissions are greater than 50 Mg/yr. Upon meeting or exceeding the NMOC emission rate of 50 Mg/yr, the landfill has become subject to the National Emission Standards for HAPs for municipal solid waste landfills (40 CFR 63 Subpart AAAA). The landfill has no emission units subject to CAM.

A comprehensive LFG collection system is in place throughout all areas of the Landfill. LFG is currently collected by an existing system of extraction wells, lateral and header pipes, vacuum blowers and ancillary equipment. In 2001 MassDEP approved the installation of a LFG to energy facility consisting of three (3) spark ignited reciprocating internal combustion engines (RICE). Each engine is permitted for 16.94 MMBtu/hr heat input and is rated at 1893 kilowatts (“kW”) of electricity output (5.6 MW total). The three installed engines are a separate entity to the landfill and are covered under Title V Operating Permit 1-O-05-011.

In 2003 MassDEP approved the installation of a 1200 SCFM PPC Constructors Open Flare to assist the existing Perennial Flare with an increase in the LFG load. In 2004 an approval was issued for a 2800 SCFM back-up Flare rated for a maximum heat input rate of 84 MMBtu/hr. The back-up flare was limited to an annual average of 1200 SCFM. In 2005 a Plan Approval was issued by MassDEP authorizing an increase in short-term sulfur dioxide (“SO<sub>2</sub>”) emissions from the LFG fired flares.

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

**2. EMISSION UNIT IDENTIFICATION**

The following emission units (Table 1) are subject to and regulated by this operating permit:

Table 1			
Emission Unit (EU#)	Description of Emission Unit	EU Design Capacity	Pollution Control Device (PCD)
EU 1	Municipal Solid Waste Landfill	7,301,441 Mg	No. 1 Flare A – Perennial Enclosed Flare (45.0 MMBtu/hr heat input HHV at 50% methane) No. 2 Flare B – PPC Constructors Utility Flare (36.0 MMBtu/hr heat input HHV at 50% methane) No. 3 Flare C – Parnel Utility Flare (84.0 MMBtu/hr heat input HHV at 50% methane)

**3. IDENTIFICATION OF EXEMPT ACTIVITIES**

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

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

**4. APPLICABLE REQUIREMENTS**

**A. EMISSION LIMITS AND RESTRICTIONS**

The permittee is subject to the emission limits/restrictions as contained in Tables 3a and 3b below:

Table 3a						
EU #	Pollution Control Device	Fuel	Restrictions	Pollutant	Emissions Limit/Standard	Applicable Regulation and / or (Approval No.)
EU 1 <sup>(4)</sup>	No. 1 Flare A Perennial Energy Enclosed Flare	Landfill gas 1,500 scfm	Combustion Chamber exit temperature >1400 °F  Minimum Residence time 0.60 seconds	NO <sub>x</sub>	2.7 lb/hr <sup>(1)</sup> , 11.8 tpy <sup>(1)</sup>	Approval No. 1-B-98-027 (12/18/98)
				CO	6.8 lb/hr, 29.8 tpy	Approval No. 1-B-98-027 (12/18/98)
				SO <sub>2</sub>	14.15 lb/hr, 61.96 tpy	Approval No. 1-P-05-033 (12/19/05)
				PM10 <sup>(2)</sup>	2.75 lb/hr, 12.06 tpy	Approval No. 1-P-05-033 (12/19/05)
				NMOC <sup>(3)</sup>	0.73 lb/hr, 3.19 tpy; 98% DRE or 20 ppm @ 3% O <sub>2</sub> as C <sub>6</sub>	Approval No. 1-B-05-033 (12/19/05)
	No. 2 Flare B PPC Constructors Utility Flare	Landfill gas 1,200 scfm		NO <sub>x</sub>	0.06 lb/MMBtu 2.17 lb/hr 9.46 tpy	Approval No. 1-P-02-021 (1/23/03)
				CO	0.15 lb/MMBtu 5.4 lb/hr 23.65 tpy	Approval No. 1-P-02-021 (1/23/03)
				SO <sub>2</sub>	9.46 lb/hr 41.43 tpy	Approval No. 1-P-02-021 (1/23/03)
				PM10 <sup>(2)</sup>	0.61 lb/hr 2.67 tpy	Approval No. 1-P-02-021 (1/23/03)
				NMOC <sup>(3)</sup>	0.49 lb/hr 2.13 tpy	Approval No. 1-P-02-021 (1/23/03)
No. 3 Flare C Panel Utility Flare	Landfill gas 2,800 scfm		NO <sub>x</sub>	0.06 lb/MMBtu 5.0 lb/hr 9.46 tpy	Approval No. 1-P-04-017 (9/02/04)	
			CO	0.15 lb/MMBtu 12.6 lb/hr 23.65 tpy	Approval No. 1-P-04-017 (9/02/04)	

Table 3b							
EU #	Pollution Control Device	Fuel	Restrictions	Pollutant	Emissions Limit/Standard	Applicable Regulation and / or (Approval No.)	
EU 1	No. 3 Flare C Panel Utility Flare	Landfill gas		SO <sub>2</sub>	22.00 lb/hr 41.43 tpy	Approval No. 1-P-04-017 (9/02/04)	
				PM10 <sup>(2)</sup>	1.43 lb/hr 2.68 tpy	Approval No. 1-P-04-017 (9/02/04)	
				NMOC <sup>(3)</sup>	1.13 lb/hr 2.13 tpy	Approval No. 1-P-04-017 (9/02/04)	
	No. 1 Flare A No. 2 Flare B No. 3 Flare C	Landfill gas	Total heat input per month (MMBtu) 129,500 Total heat input per year (MMBtu) 661,500		NO <sub>x</sub>	5.0 tpm <sup>(5)</sup> ; 19.8 tpy	Approval No. 1-P-05-033 (12/19/05)
					CO	12.5 tpm 49.6 tpy	Approval No. 1-P-05-033 (12/19/05)
					SO <sub>2</sub>	20.0 tpm 86.6 tpy	Approval No. 1-P-05-033 (12/19/05)
					PM10 <sup>(2)</sup>	4.0 tpm 16.9 tpy	Approval No. 1-P-05-033 (12/19/05)
					NMOC <sup>(3)</sup>	1.0 tpm 4.5 tpy	Approval No. 1-P-05-033 (12/19/05)
						98% DRE or 20 ppm @ 3% O <sub>2</sub> as C <sub>6</sub>	
					VOC	1.0 tpm 3.8 tpy	Approval No. 1-P-05-033 (12/19/05)
		Flare A Approval No. 1-B-98-027 (12/18/98)					
Opacity	0% except for periods not to exceed five minutes during startup	Flare B Approval No. 1-P-02-021 (1/23/03)					
		Flare C Approval No. 1-P-04-017 (9/02/04)					
		310 CMR 7.06(1)(b) Approval No. 1-B-98-027 (12/18/98)					
		5 minutes during startup ≤ 20% except 20 to ≤ 40% for ≤ 2 minutes during any one hour					

**Table 3 Notes:**

- (1) Emission limits expressed as pounds per hour (lb/hr) are based on a one-hour average, and those expressed as tons per year (tpy) are based on a rolling 12 month total.
- (2) Particulate Matter as measured according to the applicable procedures specified in 40 CFR Part 60 Appendix A, Method 5.
- (3) NMOC is Non-Methane Organic Compounds. NMOC concentration is by volume, dry basis as hexane (C<sub>6</sub>) corrected to 3% Oxygen.
- (4) The Landfill is subject to 40 CFR Part 60 Subpart WWW.
- (5) tpm = Tons per calendar month .



**B. COMPLIANCE DEMONSTRATION**

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

<b>Table 4</b>	
<b>EU#</b>	<b>MONITORING/TESTING REQUIREMENTS</b>
EU 1 Flare A	<p>(1) In accordance with Approval No. 1-B-98-027 (12/18/98), CVSWD, Inc. shall operate a temperature recorder to continuously verify combustion chamber exit greater than or equal to 1400 °F.</p> <p>(2) In accordance with 40 CFR 60.756(b)(1) the temperature monitoring device shall be equipped with a continuous recorder and have a minimum accuracy of ± 1% of the temperature being measured or ± 0.5 degrees Celsius, whichever is greater.</p> <p>(3) In accordance with 40 CFR 60.756(b)(2) install, calibrate and maintain a gas flow rate device that shall record the flow at least every 15 minutes; or secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration and conduct a visual inspection of the closure mechanism at least once every month to ensure that the valve is maintained in the closed position.</p> <p>(4) In accordance with Approval No. 1-B-98-027 (12/18/98), CVSWD shall perform any testing deemed necessary, at the request of MassDEP, to determine compliance with said Approvals or any Massachusetts or U.S. EPA Regulations.</p> <p>(5) In accordance with 310 CMR 7.00 Appendix C(9)(b), CVSWD shall construct the facility to accommodate the emission testing requirements contained in 40 CFR Part 60 Appendix A.</p>
EU 1 Flares B & C	<p>(6) In accordance with 40 CFR 60.756(c)(1) install, calibrate and maintain a heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the presence of a flame.</p> <p>(7) In accordance with 40 CFR 60.756(c)(2) install, calibrate and maintain a gas flow rate device that shall record the flow at least every 15 minutes; or secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration and conduct a visual inspection of the closure mechanism at least once every month to ensure that the valve is maintained in the closed position.</p> <p>(8) In accordance with Approval Nos. 1-P-04-017 (9/2/04) and 1-P-02-021 (1/23/03), CVSWD shall perform any testing deemed necessary, at the request of MassDEP, to determine compliance with said Approvals or any Massachusetts or U.S. EPA Regulations.</p>
Facility- wide	<p>(9) In accordance with 310 CMR 7.00 Appendix C(9)(b), CVSWD shall maintain a LFG flow recorder so that an on-site record of the volume of LFG fired in each air pollution control device will be available by date and time period.</p> <p>(10) In accordance with 310 CMR 7.00 Appendix C(9)(b), CVSWD shall maintain records of the heat input of LFG (Btu) fired in the flares for each month and for each 12 month rolling period on-site. These heat input records may be generated by gas chromatograph and/or field measurements.</p> <p>(11) In accordance with 310 CMR 7.00 Appendix C(9)(b), CVSWD shall maintain the ability to demonstrate that emission rates are at or below the levels stated in Table 3 of this Operating Permit and shall be demonstrated to the MassDEP upon request.</p> <p>(12) In accordance with 310 CMR 7.13, CVSWD shall conduct stack testing, upon written request of MassDEP, for any air contaminant for which MassDEP has determined testing is necessary, to ascertain compliance with MassDEP 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 MassDEP and EPA.</p> <p>(13) Emissions Compliance Testing (Stack Testing), conducted pursuant to Table 4 items 4 and 8 above, shall be performed in accordance with 310 CMR 7.13, and 40 CFR Part 60 Appendix A (Method 7E for oxides of nitrogen (NOX), Method 6C for sulfur dioxide (SO2), Method 10 for carbon monoxide (CO), Methods 1 thru 5 for particulate matter (PM), Method 3A for oxygen (O2), Method 9 for opacity (including detached plumes), Method 25, 25C or Method 18 must be used to determine compliance with NMOC emission limits unless another method to determine compliance has been approved by MassDEP. If the outlet concentration is less than 50 ppm NMOC as carbon (8 ppm NMOC as hexane), Method 25A shall be used in place of Method 25. Prior to Stack Testing, appropriate testing ports shall be constructed so as to accommodate the requirements stipulated in 40 CFR Part 60, Appendix A.</p> <p>(14) CVSWD 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.</p>

**Table 5**

EU#	RECORD KEEPING REQUIREMENTS
EU 1 Flare A	<p>(1) In accordance with Approval No. 1-B-98-027 (12/18/98), CVSWD, Inc. shall maintain a record of routine maintenance activities performed on the emission unit control 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. These records shall be kept on site for five years and shall be made available to MassDEP personnel upon request.</p> <p>(2) In accordance with Approval No. 1-B-98-027 (12/18/98), CVSWD shall maintain a record of all malfunctions on emission control and monitoring equipment which shall include, at a minimum, the date and time the malfunctions occurred, a description of the malfunctions and the corrective action taken, the date and time corrective actions were initiated, and the date and time corrective actions were completed and the unit returned to compliance. These records shall be kept on site for five years and shall be made available to MassDEP personnel upon request.</p> <p>(3) In accordance with Approval No. 1-B-98-027 (12/18/98), CVSWD shall maintain a record of the flare operating temperature. This record shall be kept on site for five years and shall be made available to MassDEP personnel upon request.</p> <p>(4) In accordance with 40 CFR 60.758(c) and (c)(1), CVSWD shall keep for 5 years up-to-date readily accessible continuous records of equipment operating parameters specified to be monitored in 40 CFR 60.756 as well as up-to-date accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded. An exceedance in 40 CFR 60.758(c)(1) is defined as all 3-hour periods of operation during which the average combustion temperature was more than 28 degrees Celsius below the average combustion temperature during the most recent performance test at which compliance with 40 CFR 752(b)(2)(iii) was determined.</p> <p>(5) In accordance with 40 CFR 60.758(c)(2), CVSWD shall keep up-to-date and readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines.</p> <p>(6) In accordance with 310 CMR 7.02 (3)(e), CVSWD shall maintain records of the volume of LFG (scf) fired in each flare for each month and for twelve-month rolling period on-site.</p>
EU 1 Flares B & C	<p>(7) In accordance with 40 CFR 60.758(c)(4), CVSWD shall keep up-to-date and readily accessible continuous records of the flame or flare pilot flame monitoring specified under §60.756(c) and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.</p> <p>(8) In accordance with Approval Nos. 1-P-02-021 (12/23/03) and 1-P-04-017 (9/02/04), CVSWD shall maintain records of the volume of LFG (scf) fired in each flare for each month and for twelve-month rolling period on-site.</p> <p>(9) In accordance with Approval Nos. 1-P-02-021 (12/23/03) and 1-P-04-017 (9/02/04), CVSWD shall maintain records of the heat input of LFG (Btu) fired in the flares for each month and rolling twelve-month rolling period on-site.</p> <p>(10) In accordance with Approval Nos. 1-P-02-021 (12/23/03) and 1-P-04-017 (9/02/04), CVSWD shall maintain emission rate records of NO<sub>x</sub>, CO, NMOC, PM and SO<sub>2</sub> for each month and rolling twelve-month period for the flares on-site.</p> <p>(11) In accordance with 310 CMR 7.00 Appendix C(10)(b), CVSWD shall maintain an operation log, or other record keeping system, on-site at a level of detail sufficient to document the operation limits contained in this Operating Permit are not exceeded.</p>
Facility- wide	<p>(12) In accordance with 310 CMR 7.00 Appendix C(10)(b), CVSWD shall maintain records of all monitoring data and supporting information on-site (which includes the South Hadley Office) for a period of at least five years from the date of the monitoring sample, measurement, report or initial operating permit application.</p> <p>(13) In accordance with 310 CMR 7.12(4), upon verification of the information required by 310 CMR 7.12(3), the Department will review the supplied information. All such emissions data shall be available to the public during normal working hours at MassDEP's offices and at such other offices as MassDEP may specify.</p> <p>(14) In accordance with 310 CMR 7.12(3)(b), copies of Source Registration and other information supplied to MassDEP to comply with 310 CMR 7.12, shall be retained by the facility owner or operator for five years from the date of submittal.</p> <p>(15) The Permittee shall, contemporaneously with making a change authorized by this Operating Permit from one alternative operating scenario to another, enter in a log at the facility a record of the scenario under which it is operating. The Permittee shall record changes from one scenario to another contemporaneously with the change, as provided in 310 CMR 7.00:Appendix C(10)(g).</p>

<b>Table 6</b>	
<b>EU#</b>	<b>REPORTING REQUIREMENTS</b>
EU 1 Flare A	(1) In accordance with 40 CFR 60.758(c)(1) and 40 CFR 63.1965 all 3-hour periods of operation during which the average combustion temperature was more than 28 °C below the average combustion temperature during the most recent performance test, at which compliance was determined, constitutes an exceedance that shall be recorded and reported.
EU 1 Flares A, B & C	(2) In accordance with 40 CFR Part 60 Subpart WWW, CVSWD shall comply with all applicable reporting requirements as provided in 40 CFR 60.757(f)(1) through (f)(3) and 40 CFR Part 63 Subpart AAAA (§63.1965) for deviations .
Facility- Wide	(3) In accordance with 310 CMR 7.12(2), CVSWD shall submit a Source Registration/Emission Statement form to MassDEP on an annual basis.
	(4) In accordance with 310 CMR 7.00 Appendix C(10)(c), submit to MassDEP two summaries (one by January 31 for the time period July-December of the previous calendar year, and the other by July 31 for the time period January-June of the current calendar year) of all monitoring data and related supporting information. The summaries shall correspond to items in Table 4 of this Operating Permit and shall include, at a minimum, the lowest landfill flare combustion temperature and the highest opacity for the landfill flare measured during the reporting period.
	(5) In accordance with 310 CMR 7.13(1)(d), CVSWD shall submit to MassDEP any stack test results for any air contaminant obtained from stack testing required by MassDEP within such time as agreed to in the approved test protocol.
	(6) In accordance with 310 CMR 7.00 Appendix C(5)(b)9., submit annually, from the date of issuance, 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")
	(7) In accordance with 310 CMR 7.00 Appendix C(10)(a), CVSWD shall submit to MassDEP 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 MassDEP or EPA.
	(8) In accordance with 310 CMR 7.00 Appendix C(10)(f), CVSWD shall promptly report to MassDEP's Regional Bureau of Waste Prevention all instances of deviations from permit requirements, by telephone or fax, within 3 days (72 hours) of discovery of such deviation followed by a written report within ten (10) days of discovery. This report shall include the deviation itself, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventative measures taken. Deviations are instances where any permit condition is violated and has not already been reported as an emergency pursuant to section 24 of this permit. Deviations shall also be reported in writing in the semi-annual compliance reports.

**Table 6 Note:**

- (1) The annual Source Registration/Emission Statement report shall be submitted to the DEP office specified in the instructions. All other reports are to be submitted to the Western Regional Office address, as specified on the letterhead of this Operating Permit.

**C. GENERAL APPLICABLE REQUIREMENTS**

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

**D. REQUIREMENTS NOT CURRENTLY APPLICABLE**

The permittee is currently not subject to the following requirements:

Table 7	
REGULATION	DESCRIPTION / REASON
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	N/A - Facility employs fewer than 250 people
42 U.S.C. 7401, § 112(r): Prevention of Accidental Releases	N/A - Facility does not store, use or process any of the listed compounds in quantities greater than thresholds.
40 CFR Part 64, Compliance Assurance Monitoring	N/A – Facility has no Emission Units subject to CAM.

**5. SPECIAL TERMS AND CONDITIONS**

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

Table 8	
SPECIAL TERMS AND CONDITIONS	
Facility-Wide	(1) CVSWD is subject to, and has stated in their operating permit application, Transmittal #W017965, that they are in compliance with the requirements of 40 CFR 82: Protection of Stratospheric Ozone. These requirements are applicable to this facility and the United States Environmental Protection Agency enforces these requirements.
	(2) In accordance with Approval No. 1-P-05-033 (12/19/05), CVSWD shall operate the flares at all times when the collected landfill gas is routed to the flares.
	(3) In accordance with 310 CMR 7.00 Appendix C(3)(g)12, CVSWD shall provide MassDEP personnel immediate access to the plant site, buildings, and all pertinent records for the purposes of making inspections and surveys, obtaining data and reviewing records.
	(4) In accordance with 40 CFR Part 63, Subpart AAAA (§63.1960), CVSWD shall maintain a written Start-up, Shut-down, Malfunction (SSM) plan according to the provisions of 40 CFR 63.6(e)(3). A copy of the SSM plan must be maintained on site.
	(5) CVSWD is subject to the requirements of 40 CFR 63.1 through 63.15 inclusive. Sub-part A <u>General Provisions</u> (as indicated in Table 1 of 40 CFR 63, Subpart AAAA). Compliance with all applicable provisions therein is required.
	(6) In accordance with 310 CMR 7.10, CVSWD shall not cause or allow emissions of sound of sufficient intensity and/or duration as to cause or contribute to a condition of air pollution. (State enforceable only)
	(7) In accordance with 310 CMR 7.09, CVSWD shall not cause or allow emissions of odor or dust that cause or contribute to a condition of air pollution. (State enforceable only)

**6. ALTERNATIVE OPERATING SCENARIOS**

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

**7. EMISSIONS TRADING**

(a) Intra-facility emission trading

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

(b) Inter-facility emission trading

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

**8. COMPLIANCE SCHEDULE**

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

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

## GENERAL CONDITIONS FOR OPERATING PERMIT

### **9. FEES**

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

### **10. COMPLIANCE CERTIFICATION**

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

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

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site,

<http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

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

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 31 to the MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

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

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

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be

postmarked or delivered by January 31 and July 31 to the MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

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

## **11. NONCOMPLIANCE**

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

## **12. PERMIT SHIELD**

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

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

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

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

- (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
- (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- (iii) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

### **13. ENFORCEMENT**

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

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

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

### **14. PERMIT TERM**

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

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

### **15. PERMIT RENEWAL**

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

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



**16. REOPENING FOR CAUSE**

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

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

**17. DUTY TO PROVIDE INFORMATION**

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

**18. DUTY TO SUPPLEMENT**

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

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

**19. TRANSFER OF OWNERSHIP OR OPERATION**

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

**20. PROPERTY RIGHTS**

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

**21. INSPECTION AND ENTRY**

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

- (a) enter upon the permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

## **22. PERMIT AVAILABILITY**

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

## **23. SEVERABILITY CLAUSE**

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

## **24. EMERGENCY CONDITIONS**

The permittee shall be shielded from enforcement action brought for noncompliance with technology based<sup>1</sup> emission limitations specified in this permit as a result of an emergency<sup>2</sup>. In order to use emergency as an affirmative defense to an action brought for noncompliance, the permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) an emergency occurred and that the permittee can identify the cause(s) of the emergency;

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

<sup>2</sup> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the 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.

(b) the permitted facility was at the time being properly operated;

(c) during the period of the emergency, the permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and

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

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

## **25. PERMIT DEVIATION**

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

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

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

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts MassDEP of Environmental Protection 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 or fax within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

## **26. OPERATIONAL FLEXIBILITY**

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

## **27. MODIFICATIONS**

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

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

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

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

## **28. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT**

\*Not all abbreviations are present in every Operating Permit

< - Less Than

> - Greater Than

#/hr - Pounds Per Hour

10<sup>6</sup> BTU/hr - 1,000,000 BTU Per Hour

AOS – Alternative Operating Scenario

AQCR - Air Quality Control Region

CEM - Continuous Emission Monitor

CO - Carbon Monoxide

EPA - Environmental Protection Agency

FMF FAC. NO. - Facility Master File Number

FMF RO NO. - Facility Master File Regulated Object Number

ft<sup>3</sup>/day - Cubic Feet Per Day

HHV - Higher Heating Value

ISO - Represent 59°F, 60% Relative Humidity, 29.92 Inches Mercury At Sea Level

MassDEP - Massachusetts Department of Environmental Protection

MMBTU/hr - Million British Thermal Units Per Hour

NH<sub>3</sub> - Ammonia

NO<sub>x</sub> - Nitrogen Oxides

Pb - Lead

PLT ID - Plant Identification

PM - Particulate Matter

PPM - Parts Per Million

PTE - Potential To Emit

SO<sub>2</sub> - Sulfur Dioxide

TPY - Tons Per Year

VOC - Volatile Organic Compound

## **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.