



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

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Secretary

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Commissioner

May 29, 2014

Mr. Hubert McGovern  
OMG, Inc.  
153 Bowles Road  
Agawam, MA 01001

**RE: Agawam**  
Transmittal No.: X258956  
Application No.: WE-14-006  
Class: *SM-25*  
FMF No.: 131657  
**AIR QUALITY PLAN APPROVAL**

Dear Mr. McGovern:

The Massachusetts Department of Environmental Protection (“MassDEP”), Bureau of Waste Prevention, has reviewed your Limited Plan Application (“Application”) listed above. This Application concerns the existing operation of a THERMA-TRON-X, Inc., Model Econo-Coat (E-Coat) system with an associated wet electrostatic precipitator (WESP) at your fastener manufacturing facility located at 153 Bowles Road in Agawam, Massachusetts (“Facility”).

This Application was submitted in accordance with 310 CMR 7.02 Plan Approval and Emission Limitations as contained in 310 CMR 7.00 “Air Pollution Control,” regulations adopted by MassDEP pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Section 142 A-J, Chapter 21C, Section 4 and 6, and Chapter 21E, Section 6. MassDEP’s review of your Application has been limited to air pollution control regulation compliance and does not relieve you of the obligation to comply with any other regulatory requirements.

MassDEP has determined that the Application is administratively and technically complete and that the Application is in conformance with the Air Pollution Control regulations and current air pollution control engineering practice, and hereby grants this **Plan Approval** for said Application, as submitted, subject to the conditions listed below.

Please review the entire Plan Approval, as it stipulates the conditions with which the Facility owner/operator (“Permittee”) must comply in order for the Facility to be operated in compliance with this Plan Approval.

**This Plan Approval is intended to supersede Plan Approval # 1-P-05-042 issued October 20, 2005 and Plan Approval # 1-P-08-038 issued February 11, 2009 in their entirety.**

## **1. DESCRIPTION OF FACILITY AND APPLICATION**

OMG manufactures fasteners at its facility located at 153 Bowles Road, Agawam. The facility coats the fasteners in one of two ways; either by a “dip and spin” process or by electro-coating (e-coating). The following table summarizes the current plan approvals held by the facility:

<b>Application #</b>	<b>Date</b>	<b>Equipment</b>	<b>Operational/Production/Emission Limits</b>
1-P-94-045	November 9, 1994	Dip and Spin Process Coating Lines	<ul style="list-style-type: none"> <li>• <math>\leq 6.57 \text{ lbs}_{\text{VOC}}/\text{gallon}_{\text{solid}}</math> and/or <math>\leq 2.06 \text{ lbs}_{\text{VOC}}/\text{gallon}_{\text{coating}}</math></li> <li>• <math>\leq 55</math> gallons/year of coating of any coating with a VOC content <math>&gt; 6.57 \text{ lbs}_{\text{VOC}}/\text{gallon}_{\text{solids}}</math> as applied</li> <li>• <math>\leq 1373 \text{ lbs}_{\text{VOC}}/\text{rolling 30 days}</math></li> </ul>
1-P-05-042	October 20, 2005	Therma-Tron-X, Inc. (or equivalent) e-coat Process Line	<ul style="list-style-type: none"> <li>• 3.1 tons per year and 1 ton per month of volatile organic compounds (VOC)</li> </ul>
1-P-08-038	February 11, 2009	Beltran PWT-2501 (or equivalent) Wet Electrostatic Precipitator (WESP) for the e-coat process line	<ul style="list-style-type: none"> <li>• <math>\leq 10\%</math> opacity</li> <li>• 22,600 scfm inlet flow rate</li> <li>• <math>\leq 400^{\circ}\text{F}</math> inlet temperature</li> </ul>
1-P-12-006	March 28, 2012	Facility Wide	<ul style="list-style-type: none"> <li>• Hazardous Air Pollutants (HAP):               <ul style="list-style-type: none"> <li>○ 9.0 tons per year</li> <li>○ 1.5 tons per month</li> </ul> </li> </ul>

**Table 1 Key:**

scfm = Standard cubic feet per minute

This plan approval combines the e-coat process line (1-P-05-042) and the WESP (1-P-08-038) into one plan approval. The facility has proposed to increase its e-coat VOC emission limits to eight (8) tons per year to allow for the possibility of increased production, to add a VOC emission limit of one (1) ton per year for cleaning operations, and to modify its recordkeeping requirements.

E-coating is a process by which a DC charge is applied to a metal part immersed in a bath of oppositely charged paint particles. The paint particles are drawn to the metal part and paint is deposited on the part, forming an even, continuous film over the entire surface, until the coating reaches the desired thickness. The coated fasteners pass through a drying oven, which is fired by natural gas with a heat input rating of about 3.2 MMBtu/hr.

In February 2009, to ensure compliance with a stack opacity limit of 10% from the e-coat process, a Beltran Technologies, Inc. model PWT-2501 wet electrostatic precipitator (WESP) was installed (1-P-08-038). In October 2013, OMG conducted emission testing at the inlet and outlet of the WESP to learn whether the device could be controlling VOCs as well. It was determined from the results that VOCs are

reduced by approximately 41%<sup>1</sup>. MassDEP reviewed the results of this testing and agrees that OMG's assumption of 30% VOC reduction efficiency by the WESP is reasonable.

The WESP uses a multi-stage action to collect fine particles. Prior to entering the unit, the flue gas from the e-coat oven will pass through an internal quench system to cool and saturate the gases. The quench water system pump is interconnected to the WESP "power on" and is required to be running whenever the WESP is on. As the gases enter the upflow ionizing stages, particles and mists are charged in a corona, generated by points extending from disks on ionizing rods. The charged particles go to the collecting stage, where they are attracted to a collection plate (inside surfaces of tube walls). Subsequently, they are washed down the plate.

The Beltran WESP is integrated with the e-coat line and a 25 horsepower fan set to draw 22,000 cubic feet per minute through the unit. The e-coat gas oven will shut down in the event of a WESP alarm or exhaust fan failure. Secondary voltage to the WESP as well as inlet and outlet temperature are monitored and recorded continuously on a data logger.

The e-coat process line is a Therma-Tron-X, Inc. process line utilizing colored pastes, resins, and thinners manufactured by PPG Industries, Inc. (or equivalent). OMG currently uses a Powercron "black with torque," "black," and "gray" paste and Powercron NA101 as a thinning solvent. OMG is currently using Powercron CR671 resin with a VOC content of 0.01 lbs<sub>VOC</sub>/gallon and is moving to the use of Powercron CR460 resin with a VOC content of 0.1 lbs<sub>VOC</sub>/gallon.

The e-coat line is a continuous process line. The coating bath includes water (approx. 80%), resin, paste, and solvents. Each tank is prepared according to the coating supplier's specifications. Once prepared, the goal is to maintain the concentration specification over time, as paint solids are consumed in the coating process. Paste and resin are replenished to the tank automatically via a programmable logic controller (PLC) control of the feed pumps, while the solvent level is maintained by periodic (usually weekly) manual additions directly to the tank.

Consumption of VOC containing materials is not discernible on a daily basis and for this reason, it is not possible to monitor daily VOC emissions. In consideration of this, OMG will track emissions on a monthly and rolling 12 month basis based on a mass balance calculated by using the actual amount in gallons of resin, paste and solvents drawn from inventory for use in the e-coat line and the VOC content of those materials.

OMG calculated the proposed yearly VOC emissions by scaling up its 2013 usage by a factor of 2.1 and assuming a 30% reduction in VOC emissions by the WESP.

Hazardous Air Pollutants are not used in the process.

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<sup>1</sup> Diagnostic VOC Emissions Testing on Wet ESP, Eastmount Project No. 13-105, Eastmount Environmental Services, Dated November 25, 2013.

### **Best Available Control Technology (BACT) Analysis**

Pursuant to 310 CMR 7.02(8)(a)2., the following has been determined as BACT for the e-coating process:

- The use of low VOC coatings;
- Proper handling of VOC containing materials; and
- E-coat process for high transfer efficiency.

Added pollution control options, including incineration, carbon adsorption, and wet scrubbing were evaluated and were found to be technically infeasible and/or cost prohibitive.

### **Applicable Regulations**

In addition to being subject to the BACT requirements, the e-coat process is subject to the visible emission requirements of 310 CMR 7.06, the dust, odor, construction and demolition requirements of 310 CMR 7.09 and the noise reduction requirements of 310 CMR 7.10.

Hand cleaning of the e-coat machine will take place using the NA101 (or equivalent) solvent. The good housekeeping practices specified in 7.18(30)(c)8.(a-f) for VOC emissions from adhesives and sealants are applied as a technology transfer and are included in Table 6, Special Terms and Conditions.

The drying oven is not subject to plan approval because it has a maximum energy input capacity less than 10 MMBtu/hr.

The facility is not subject to 40 CFR Part 63, Subpart M, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products because OMG, through Plan Approval #1-P-12-006, has limited its HAP emissions to area source levels (40 CFR 63.3881(b)).

## 2. EMISSION UNIT (EU) IDENTIFICATION

Each Emission Unit (EU) identified in Table 1 is subject to and regulated by this Plan Approval:

<b>Table 1</b>			
<b>EU#</b>	<b>Description</b>	<b>Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
1	Therma-Tron-X, Inc. Model ECONO-COAT (or equivalent)	Per Manufacturer's Specifications	Beltran PWT-2501 Wet Electrostatic Precipitator (WESP) (or equivalent)
2	Cleaning of EU#1 using NA101 (or equivalent)	N/A	Good Housekeeping/ Best Management Practices

**Table 1 Key:**

EU# = Emission Unit Number

PCD = Pollution Control Device

## 3. APPLICABLE REQUIREMENTS

### A. OPERATIONAL, PRODUCTION and EMISSION LIMITS

The Permittee is subject to, and shall not exceed the Operational, Production, and Emission Limits as contained in Table 2 below:

<b>Table 2</b>			
<b>EU#</b>	<b>Operational / Production Limit</b>	<b>Air Contaminant</b>	<b>Emission Limit</b>
1	1. $\leq 0.10 \text{ lbs}_{\text{VOC}}/\text{gallon}_{\text{resin}}$ 2. Maximum inlet volumetric flow rate to the WESP shall not exceed 23,600 standard cubic feet per minute (scfm) during operation. 3. Maximum inlet temperature of the inlet to the WESP shall not exceed 400 °F in accordance with the manufacturer's specifications.	VOC	8.0 TPY 2.0 TPM

<b>Table 2</b>			
<b>EU#</b>	<b>Operational / Production Limit</b>	<b>Air Contaminant</b>	<b>Emission Limit</b>
	4. Opacity from the WESP stack.	-	< 10%
2	5. ≤ 260 gal/yr of clean-up solvent*  ≤ 110 gal/mo of clean-up solvent*	VOC	1.0 TPY 0.4 TPM
Total e-coat process	6. -	VOC	9.0 TPY 2.2 TPM

**Table 2 Key:**

\* = Assuming the use of NA101 solvent (or equivalent). If the solvent VOC content is varied, the Table 2 Emission Limits rule.

EU# = Emission Unit Number

VOC = Volatile Organic Compounds

TPM = tons per month

TPY = tons per consecutive 12-month period

lbs<sub>VOC</sub>/gallon<sub>resin</sub> = Pounds of VOC per gallon of resin

gal/yr = Gallons per year

gal/mo = Gallons per month

**B. COMPLIANCE DEMONSTRATION**

The Permittee is subject to, and shall comply with, the monitoring, testing, record keeping, and reporting requirements as contained in Tables 3, 4, and 5 below:

<b>Table 3</b>	
<b>EU#</b>	<b>Monitoring and Testing Requirements</b>
1	1. In accordance with 310 CMR 7.02(3)(d), the Permittee shall monitor the following for each color processed through the e-coat tank: <ol style="list-style-type: none"> <li>a. Name of the material added (includes paste, resin, and solvent);</li> <li>b. Gallons of paste, resin, and solvent added to the process tank; and</li> <li>c. Actual lbs<sub>VOC</sub>/gallon (with water, with exempts) of the paste, resin and solvent added.</li> </ol>

<b>Table 3</b>		
<b>EU#</b>	<b>Monitoring and Testing Requirements</b>	
1	2. The Permittee shall monitor the megahertz (MHz) on the outlet fan of the WESP at least twice during each 8-hour operating shift, at 4 hour intervals (approximately) between readings, at all times while the WESP is operating.	
	3. The Permittee shall install, operate and maintain in accordance with the manufacturers specifications and recommendations equipment to continuously monitor the secondary voltage of the WESP.	
	4. The Permittee shall monitor the inlet temperature to the WESP at least twice during each 8-hour operating shift, at 4 hour intervals (approximately) between readings, at all times while the WESP is operating.	
	5. The Permittee shall monitor the exhaust gas temperature from the WESP at least twice during each 8-hour operating shift, at 4 hour intervals (approximately) between readings, at all times while the WESP is operating.	
	6. In accordance with manufacturer specifications, the Permittee shall install an external pressure gauge on the WESP fog nozzle pump to monitor operational pressure and shall monitor the pressure daily to ensure efficient fog nozzle flow.	
	7. In accordance with 310 CMR 7.02(3)(d), the Permittee shall inspect the fog nozzles every six months to ensure operation is within the manufacturer's specified parameters.	
	2	8. In accordance with 310 CMR 7.02(3)(d), the Permittee shall monitor the following for hand-cleaning of process equipment: <ul style="list-style-type: none"> <li>a. The name of the solvent used;</li> <li>b. Total amount of solvent taken from the inventory;</li> <li>c. The amount (gallons) of solvent used for cleaning purposes (calculated, at least monthly, as the total amount of solvent taken from inventory minus the amount of solvent used in the coating tanks); and</li> <li>d. Actual lbs<sub>VOC</sub>/gallon (with water, with exempts) of the solvent added.</li> </ul>
Total e-coat process		9. The Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
		10. If and when MassDEP requires it, the Permittee shall conduct emission testing in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13.

**Table 3 Key:**  
 EU# = Emission Unit Number

**Table 4**

<b>Table 4</b>	
<b>EU#</b>	<b>Record Keeping Requirements</b>
1	<p>1. In accordance with 310 CMR 7.02(3)(e), the Permittee shall record on at least a monthly basis the following:</p> <ul style="list-style-type: none"> <li>a. Name of the material added (includes paste, resin, and solvent);</li> <li>b. The date of the recording;</li> <li>c. Gallons of paste, resin, and solvent added to the process tank; and</li> <li>d. Actual lbs<sub>VOC</sub>/gallon (with water, with exempts) of each paste, resin and solvent added.</li> </ul> <p>2. The Permittee shall record MHZ on the outlet fan of the WESP at least twice during each 8-hour operating shift, at 4 hour intervals (approximately) between readings, at all times while the WESP is operating.</p> <p>3. The Permittee shall monitor and record at least twice during each 8-hour operating shift, at 4-hour intervals (approximately) between readings, the following operating parameters at all times while the WESP is operating. Records of this information shall remain on-site in accordance with 310 CMR 7.00: Appendix C(10), and shall be made available to MassDEP representatives upon request:</p> <ul style="list-style-type: none"> <li>a. Secondary Voltage of the WESP;</li> <li>b. Inlet temperature entering the WESP from the e-coat drying oven;</li> <li>c. Exhaust gas temperature from the WESP.</li> </ul> <p>4. In accordance with 310 CMR 7.02(3)(e), the Permittee shall record the operational pressure of the fog nozzle pump daily.</p> <p>5. In accordance with 310 CMR 7.02(3)(e), the Permittee shall record the findings of the six month visual inspection of the fog nozzles and initiate cleaning or replacement if necessary.</p> <p>6. The Permittee shall maintain, and update as necessary, an O &amp; M manual for the WESP that describes the procedures that will be followed to comply with the general provisions and the requirements for the WESP as contained in this permit. The O &amp; M manual shall contain, at a minimum, the following information: a general discussion of the operation of the WESP, operating procedures, normal operating ranges for the secondary voltage and the quench water flow rate, corrective action steps for when operation is not consistent with normal operating ranges, cleanup and maintenance procedures, and recordkeeping. The O &amp; M manual shall remain on-site at all times and shall be made available to MassDEP representatives upon request.</p>
2	<p>7. In accordance with 310 CMR 7.02(3)(e), the Permittee shall keep a log of the following for hand-cleaning of process equipment:</p> <ul style="list-style-type: none"> <li>a. The name of the solvent used;</li> <li>b. The date of the recording;</li> <li>c. The amount (gallons) of solvent used for cleaning purposes; and</li> <li>d. The Actual lbs<sub>VOC</sub>/gallon (with water, with exempts) of the solvent in pounds per gallon.</li> </ul>

<b>Table 4</b>	
<b>EU#</b>	<b>Record Keeping Requirements</b>
Total e-coat process	8. The Permittee shall maintain adequate records on-site to demonstrate compliance with all operational, production, and emission limits contained in Table 2 above. Records shall also include the actual emissions of air contaminant(s) emitted for each calendar month and for each consecutive twelve month period (current month plus prior eleven months). These records shall be compiled no later than the 15th day following each month. An electronic version of the MassDEP approved record keeping form, in Microsoft Excel format, can be downloaded at <a href="http://www.mass.gov/dep/air/approvals/aqforms.htm#report">http://www.mass.gov/dep/air/approvals/aqforms.htm#report</a> .
	9. The Permittee shall maintain records of monitoring and testing as required by Table 3.
	10. The Permittee shall maintain a copy of this Plan Approval, underlying Application and the most up-to-date SOMP for the EU(s) and PCD(s) approved herein on-site.
	11. The Permittee shall maintain a record of routine maintenance activities performed on the approved EU(s), PCD(s) and monitoring equipment. The records shall include, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed.
	12. The Permittee shall maintain a record of all malfunctions affecting air contaminant emission rates on the approved EU(s), PCD(s) and monitoring equipment. At a minimum, the records shall include: date and time the malfunction occurred; description of the malfunction; corrective actions taken; the date and time corrective actions were initiated and completed; and the date and time the equipment returned to normal service.
	13. The Permittee shall maintain records to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	14. The Permittee shall maintain records required by this Plan Approval on-site for a minimum of five (5) years.
	15. The Permittee shall make records required by this Plan Approval available to MassDEP and USEPA personnel upon request.

**Table 4 Key:**

EU# = Emission Unit Number  
 PCD = Pollution Control Device  
 SOMP = Standard Operating and Maintenance Procedure  
 USEPA = United States Environmental Protection Agency

<b>Table 5</b>	
<b>EU#</b>	<b>Reporting Requirements</b>
Total e-coat process	1. The Permittee shall submit to MassDEP all information required by this Plan Approval over the signature of a "Responsible Official" as defined in 310 CMR 7.00 and shall include the Certification statement as provided in 310 CMR 7.01(2)(c).
	2. The Permittee shall notify the Western Regional Office of MassDEP, BWP Section Chief by telephone (413) 755-2115, email, <a href="mailto:marc.simpson@state.ma.us">marc.simpson@state.ma.us</a> , or fax (413) 784-1149, as soon as possible, but no later than one (1) business day after discovery of an exceedance(s) of Table 2 requirements. A written report shall be submitted to the BWP Section Chief at MassDEP within three (3) business days thereafter and shall include: identification of exceedance(s), duration of exceedance(s), reason for the exceedance(s), corrective actions taken, and action plan to prevent future exceedance(s).
	3. The Permittee shall report every three years to MassDEP, in accordance with 310 CMR 7.12, all information as required by the Source Registration/Emission Statement Form. The Permittee shall note therein any minor changes (under 310 CMR 7.02(2)(e), 7.03, 7.26, etc.), which did not require Plan Approval.
	4. The Permittee shall provide a copy to MassDEP of any record required to be maintained by this Plan Approval within 30-days from MassDEP's request.
	5. The Permittee shall submit to MassDEP for approval a stack emission pretest protocol, at least 30 days prior to emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.
	6. The Permittee shall submit to MassDEP a final stack emission test results report, within 45 days after emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.

**Table 5 Key:**  
 EU# = Emission Unit Number

**4. SPECIAL TERMS AND CONDITIONS**

The Permittee is subject to, and shall comply with, the following special terms and conditions:

A. The Permittee shall comply with the Special Terms and Conditions as contained in Table 6 below:

<b>Table 6</b>	
<b>EU#</b>	<b>Special Terms and Conditions</b>
1	1. In accordance with 310 CMR 7.02(8)(a)2., the e-coat gas oven will shut down in the event of a WESP system alarm or exhaust fan failure.
	2. In accordance with 310 CMR 7.02(3)(c), the Permittee shall inspect the WESP rinse water according to Document WESP05 of the WESP Operation and Maintenance manual and replace as needed.
	3. In accordance with 310 CMR 7.02(3)(c), the Permittee shall initiate the WESP wash-down cycle two times per week and at any time the unit performance warrants.
2	4. Store all VOC-containing materials used for surface preparation, cleaning, and rework in closed containers (technology transfer from 310 CMR 7.18(30)(c)8.a.)
	5. Ensure that mixing and storage containers used for VOC-containing materials used for surface preparation, cleaning and rework are kept closed at all times except when depositing or removing these materials (technology transfer from 310 CMR 7.18(30)(c)8.b.)
	6. Minimize spills of VOC-containing materials used for surface preparation, cleaning, and rework (technology transfer from 310 CMR 7.18(30)(c)8.c.)
	7. Convey VOC-containing materials used for surface preparation, cleaning, and rework from one location to another in closed containers or pipes (technology transfer from 310 CMR 7.18(30)(c)8.d.)
	8. Minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that: <ul style="list-style-type: none"> <li>a. equipment cleaning is performed without atomizing the cleanup solvent; and</li> <li>b. all spent solvent is captured in closed containers (technology transfer from 310 CMR 7.18(30)(c)8.e.)</li> </ul>
	9. Store and dispose of all absorbent materials, such as cloth or paper, that are contaminated with VOC-containing materials used for surface preparation, cleaning, and rework in non-absorbent containers that shall be kept closed except when placing materials in or removing materials from the container (technology transfer from 310 CMR 7.18(30)(c)8.f.)

<b>Table 6</b>	
<b>EU#</b>	<b>Special Terms and Conditions</b>
Total e-coat process	10. Any prior Plan Approvals issued under 310 CMR 7.02 shall remain in effect unless specifically changed or superseded by this Plan Approval. The Facility shall not exceed the emission limits and shall comply with approved conditions specified in the prior Plan Approval(s) unless specifically altered by this Plan Approval.

**Table 6 Key:**  
 EU# = Emission Unit Number

- B. The Permittee shall install and use an exhaust stack, as required in Table 7, on each of the Emission Units that is consistent with good air pollution control engineering practice and that discharges so as to not cause or contribute to a condition of air pollution. Each exhaust stack shall be configured to discharge the gases vertically and shall not be equipped with any part or device that restricts the vertical exhaust flow of the emitted gases, including but not limited to rain protection devices known as “shanty caps” and “egg beaters.” The Permittee shall install and utilize exhaust stacks with the following parameters, as contained in Table 7 below, for the Emission Units that are regulated by this Plan Approval:

<b>Table 7</b>				
<b>EU#</b>	<b>Stack Height Above Ground (feet)</b>	<b>Stack Inside Exit Dimensions (feet)</b>	<b>Stack Gas Exit Velocity Range (feet per second)</b>	<b>Stack Gas Exit Temperature Range (°F)</b>
1	40	4' diameter	30-45	70-100

**Table 7 Key:**  
 EU# = Emission Unit Number  
 °F = Degree Fahrenheit

## **5. GENERAL CONDITIONS**

The Permittee is subject to, and shall comply with, the following general conditions:

- A. Pursuant to 310 CMR 7.01, 7.02, 7.09 and 7.10, should any nuisance condition(s), including but not limited to smoke, dust, odor or noise, occur as the result of the operation of the Facility, then the Permittee shall immediately take appropriate steps including shutdown, if necessary, to abate said nuisance condition(s).
- B. If asbestos remediation/removal will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that all removal/remediation of asbestos shall be done in accordance with 310 CMR 7.15 in its entirety and 310 CMR 4.00.
- C. If construction or demolition of an industrial, commercial or institutional building will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that said construction or demolition shall be done in accordance with 310 CMR 7.09(2) and 310 CMR 4.00.
- D. Pursuant to 310 CMR 7.01(2)(b) and 7.02(7)(b), the Permittee shall allow MassDEP and / or USEPA personnel access to the Facility, buildings, and all pertinent records for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.
- E. This Plan Approval does not negate the responsibility of the Permittee to comply with any other applicable Federal, State, or local regulations now or in the future.
- F. Should there be any differences between the Application and this Plan Approval, the Plan Approval shall govern.
- G. Pursuant to 310 CMR 7.02(3)(k), MassDEP may revoke this Plan Approval if the construction work is not commenced within two years from the date of issuance of this Plan Approval, or if the construction work is suspended for one year or more.
- H. This Plan Approval may be suspended, modified, or revoked by MassDEP if MassDEP determines that any condition or part of this Plan Approval is being violated.
- I. This Plan Approval may be modified or amended when in the opinion of MassDEP such is necessary or appropriate to clarify the Plan Approval conditions or after consideration of a written request by the Permittee to amend the Plan Approval conditions.

- J. The Permittee shall conduct emission testing, if requested by MassDEP, in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13. If required, a pretest protocol report shall be submitted to MassDEP at least 30 days prior to emission testing and the final test results report shall be submitted within 45 days after emission testing.
- K. Pursuant to 310 CMR 7.01(3) and 7.02(3)(f), the Permittee shall comply with all conditions contained in this Plan Approval. Should there be any differences between provisions contained in the General Conditions and provisions contained elsewhere in the Plan Approval, the latter shall govern.

## **6. MASSACHUSETTS ENVIRONMENTAL POLICY ACT**

MassDEP has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Energy & Environmental Affairs, for air quality control purposes, was not required prior to this action by MassDEP. Notwithstanding this determination, the Massachusetts Environmental Policy Act (MEPA) and 301 CMR 11.00, Section 11.04, provide certain "Fail-Safe Provisions," which allow the Secretary to require the filing of an ENF and/or an Environmental Impact Report (EIR) at a later time.

## **7. APPEAL PROCESS**

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

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts, which are the grounds for the request, and the relief sought. Additionally, the request must state why the Plan Approval 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:

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

This request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

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

Should you have any questions concerning this Plan Approval, please contact Amy Stratford by telephone at (413) 755-2144, or in writing at the letterhead address.

**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.**

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Marc Simpson  
Section Chief  
Bureau of Waste Prevention

Enclosure

ecc: MassDEP/Boston - Yi Tian  
Maura J. Hawkins, Berkshire Environmental Consultants, Inc.