Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection
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DRAFT AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("Department" or "MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

ISSUED TO ["the Permittee"]:
Irving Oil Terminals Inc.
41 Lee Burbank Highway
Revere, Massachusetts 02151

INFORMATION RELIED UPON:
Operating Permit No.: MBR-95-OPP-029
Transmittal No.: W044530
Approval No.: MBR-95-OPP-029R

FACILITY LOCATION:
Irving Oil Terminals Inc.
41 Lee Burbank Highway
Revere, Massachusetts 02151

FACILITY IDENTIFYING NUMBERS:
AQ ID: 1190490
SMS Site (FMF FAC) NO.: 310463
SMS RI (FMF RO) NO.: 269417

NATURE OF BUSINESS:
Petroleum Storage and Distribution

Standard Industrial Classification (SIC): 5171
North American Industrial Classification System (NAICS): 424710

RESPONSIBLE OFFICIAL:
Name: Mr. Jared Mullins
Title: Terminal Manager

FACILITY CONTACT PERSON:
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This Operating Permit shall expire on _____.

For the Department of Environmental Protection

_____ _____
Permit Chief, Bureau of Air and Waste 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 is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities as described in 310 CMR 7.00: Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this Permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this Permit.

A. DESCRIPTION OF FACILITY AND OPERATIONS

Irving Oil Terminals Inc. ("the Permittee") owns and operates a bulk petroleum storage and distribution facility located at 40-41 Lee Burbank Highway, Revere, Massachusetts ("the Facility"). The Facility is divided by Lee Burbank Highway, with ship and barge offloading operations occurring at 40 Lee Burbank Highway, and tank truck loading and unloading, storage, and distribution operations occurring at 41 Lee Burbank Highway. Fuel is delivered to the Facility by ships, barges, and occasionally tank trucks. Petroleum pipelines owned and operated by the Facility transport the fuel from the marine dock to the bulk storage terminal.

The Facility receives, stores, and distributes gasoline, distillate fuels, denatured ethanol, and fuel additives. Daily operations at the Facility include bulk product receipt and distribution, transfer of product from tank to tank within the terminal, product quality testing, inventory checking, routine maintenance, and inspections. The primary air emissions from the Permittee's Facility are volatile organic compounds (VOCs) and hazardous air pollutants (HAPs), including working and breathing emissions from the Permittee's: barge and ship offloading, pipelines and appurtenances, pumps, storage tanks, storage tank roof landings, degassing activities associated with tank cleanings, and the tank truck loading of gasoline and ethanol.

The Facility operates eleven (11) bulk storage tanks with a total capacity of 35,322,000 gallons. Tank #2 (EU3) is the only swing tank, capable of storing 3,360,000 gallons of gasoline, ethanol, or distillate oil. The other tanks are dedicated exclusively to either gasoline, ethanol, or distillate oil storage, totaling to three (3) gasoline tanks with 16,296,000 gallons total capacity, two (2) ethanol tanks with 4,704,000 gallons total capacity, and five (5) distillate oil tanks with 10,962,000 gallons total capacity.

The Facility distributes gasoline, ethanol, and distillate fuel via cargo tank trucks, loading approximately 200 trucks each day, cycling through approximately 2,000,000 gallons per day of total petroleum product. Each truck is filled at one of the twelve (12) loading rack bays. Two (2) of these loading rack bays, dedicated solely to distillate fuel loading, top load the distillate into the tank trucks. The remaining ten (10) of these loading rack bays are used for bottom loading gasoline, ethanol, and distillate. The emissions from these bottom loading rack bays are controlled by the

Vacuum Assist Negative Pressure Technology (VANPT) activated carbon Vapor Recovery Unit (VRU), designated as Pollution Control Device one (PCD-1). The VRU consists of two vessels containing activated carbon beds which adsorb organic vapors. During tank truck bottom loading operations, one carbon bed is continuously adsorbing organic vapors, while the second carbon bed that was previously receiving organic vapors is being desorbed and regenerated under vacuum pressure. The vapors are then condensed into liquids and pumped into a storage tank for reuse. In 2010, following the issuance of Approval MBR-10-IND-018, PCD-1 was upgraded to control emissions to an emission rate limit of two (2) milligrams of VOC per liter (L) of organic liquid loaded (2.0 mg/L). This emission limit represented Best Available Control Technology (BACT) under MassDEP's Regulation 310 CMR 7.02 at the time of permitting. Emissions from the VRU are monitored utilizing a continuous emissions monitoring system (CEMS), as required in Approval MBR-10-IND-018. The Facility is not subject to the requirements for Compliance Assurance Monitoring (CAM) Regulations under 40 CFR Part 64.2(a) and (b), as these conditions are met with the operation of the CEMS in accordance with 40 CFR Part 64.2(b)(1)(vi).

The Facility is categorized as a major source of air pollution with potential VOC emissions greater than fifty (50) tons per year. Additionally, the Facility is categorized as a minor (area) source of Hazardous Air Pollutants (HAPs) and is subject to National Emissions Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 63 Subpart BBBBBB, with potential emissions restricted herein to less than ten (10) tons per year of any individual HAP and less than twenty-five (25) tons per year of combined HAPs. The Facility is also subject to monthly and consecutive 12-month period HAP emission restrictions for total HAPs and single HAP facility wide. Monthly operational monitoring and recordkeeping is performed to ensure ongoing compliance with the applicable throughput and emission limits. The Facility also includes one (1) emergency fire pump (EU36) associated with the on-site fire suppression system, which is subject to 310 CMR 7.26(42) as well as 40 CFR Part 60 Subpart IIII and Part 63 Subpart ZZZZ (by meeting the requirements of 40 CFR Part 60 Subpart IIII, the Permittee automatically meets the requirements of Part 63 Subpart ZZZZ). The second emergency fire pump, formerly identified as EU27, has been permanently retired (see Special Term and Conditions Table 8, Item 10).

There have been no changes to the Facility that would add new emission sources or change the current regulatory requirements of the existing Emission Units since the issuance of MBR-10-IND-018. An operating change that occurred which was deemed not to trigger any new regulatory requirements is the use of ethanol in place of MTBE as an oxygenate additive. To implement the use of ethanol, the Facility had to make provisions to store and inject the additive (as opposed to MTBE that was mixed with gasoline at the refinery). The Facility designated EU5, a floating roof tank formerly containing gasoline, to store the ethanol. Because the ethanol has a significantly lower vapor pressure than gasoline, the regulatory requirements of EU5 are unaffected and potential emissions are not increased. The storage and use of ethanol as an oxygenate does not change the Facility's exempt status with respect to the NSPS subparts XX, K, Ka, or Kb."

State Only Requirements
The Permittee is also subject to the requirements of Greenhouse Gas Emissions Reporting as defined by MassDEP in 310 CMR 7.71(3)(a).

Tables 3, 4, 5, 6, and 8 of this Operating Permit contain the Air Quality requirements and regulations to which the Permittee is subject. Table 7 of this Operating Permit contains Air Quality requirements to which the Permittee is not subject as well as the reasoning utilized in determining the non-applicability status.

2. EMISSION UNIT IDENTIFICATION

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

Table 1

EU#	Description of EU	EU Design Capacity	Pollution Control Device (PCD)
EU1	Loading Rack with VANPT serving ten (10) bottom loading bays with a total of 24 loading arms	16,800 gal GAS[1]/minute	PCD-1, John Zink VRU including Regenerative Activated Carbon Adsorption System (ACBAS)[2] with Vacuum Assist Negative Pressure Technology (VANPT) Model S-3-ADD-8-110-120-12 (or equivalent)
EU2	Above Ground (AG) Gasoline Storage Tank #1	3,234,000 gal	PCD-2 IFR
EU3	AG Gasoline/Diesel/Ethanol Storage Tank #2	3,360,000 gal	PCD-3 IFR
EU4	AG Diesel Storage Tank #5	1,470,000 gal	N/A
EU5	AG Ethanol Storage Tank #10	3,360,000 gal	PCD-5 IFR
EU6	AG Ethanol Storage Tank #11	1,344,000 gal	PCD-6 IFR
EU7	AG Gasoline Storage Tank #12	5,292,000 gal	PCD-7 IFR
EU8	AG Gasoline Storage Tank #14	7,770,000 gal	PCD-8 IFR
EU9	AG Diesel Storage Tank #3,	3,192,000 gal	N/A
EU10	AG Diesel Storage Tank #4,	3,360,000 gal	N/A
EU11	AG Diesel Storage Tank #6	1,470,000 gal	N/A
EU12	AG Diesel Storage Tank #7	1,470,000 gal	N/A
EU13	Fugitive Components[3]	N/A	N/A
EU36	Fire Pump Engine	343 kW	N/A

Table 1 Key

EU# = Emission Unit Number
Gal = gallons
N/A = Not Applicable
VANPT = Vacuum Assist Negative Pressure Technology
VRU = Vapor Recovery Unit
IFR = Internal Floating Roof
kW = Kilowatt
GAS = *see Footnote 1*

Table 1 Footnote:

1 Gasoline, ethanol, or any organic liquid with a true vapor pressure greater than or equal to 1.5 pounds per square inch atmosphere (psia).
2 Activated Carbon Vapor Recovery System, Model HAT-2500-825-12-10-12-2-X.
3 Fugitive emissions can result from leaks from fittings, flanges, pumps, etc.

The petroleum products received, stored, and distributed at the Facility falls into two categories:

1. "DIST" – commonly defined as distillate oil; organic materials having a vapor pressure of less than 1.5 pounds per square inch absolute (psia); or
2. "GAS" – commonly defined as gasoline or ethanol; organic materials having vapor pressure of 1.5 pounds per square inch absolute (psia) or greater except that ethanol, which may have a vapor pressure of less than 1.5 psia, shall be included in this category.

EU1 shall be comprised of that portion of the loading rack with VANPT which includes Bays 1, 2, 3, 4, 5, 6, 7, 8, 10, and 12. Tank trucks loading in said bays shall only be loaded from the bottom (bottom loading). The Facility shall ensure that tank trucks previously containing GAS and returning to the Facility to load DIST (switch loading) shall only do so in bays with VANPT. In addition, there shall be no loading of GAS in Bays 9 and 11, which shall be designated for loading of tank trucks from the top (top loading) only.

The entire loading rack at the Facility is configured as follows:

Table 1A

Bay Number	Connection to VANPT	Tank Truck Loading Configuration	Number of Arms	Product Loaded
1	YES	BOTTOM	2	GAS
2	YES	BOTTOM	2	GAS
3	YES	BOTTOM	2	GAS
4	YES	BOTTOM	2	GAS
5	YES	BOTTOM	2	GAS
6	YES	BOTTOM	2 1	GAS DIST
7	YES	BOTTOM	2 1	GAS DIST
8	YES	BOTTOM	3	DIST
9	NO	TOP	2	DIST
10	YES	BOTTOM	2	DIST
11	NO	TOP	1	DIST
12	YES	BOTTOM	3	DIST

Table 1A Key:
VANPT = Vacuum Assist Negative Pressure Technology
GAS = organic materials having vapor pressure of 1.5 pounds per square inch absolute (psia) or greater except that ethanol, which may have a vapor pressure of less than 1.5 psia
DIST = organic materials having vapor pressure of 1.5 pounds per square inch absolute (psia) or greater except that ethanol, which may have a vapor pressure of less than 1.5 psia

Bays with VANPT (Bays 1, 2, 3, 4, 5, 6, 7, 8, 10, and 12) shall manage product flow such that

the combined product flow rates do not exceed the VRU designed capacity of 16,800 gallons of GAS per minute, as stated in Table 3.

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. OPERATIONAL AND/OR PRODUCTION EMISSION LIMITS AND RESTRICTIONS

The Permittee is subject to the limits/restrictions as contained in Table 3 below:

Table 3

EU#	Fuel/Raw Material	Pollutant	Operational and/or Production Limits	Emissions Limits/Standards	Applicable Regulation and/or Approval No
EU1	GAS[1]	VOC	GAS Throughput Limits: 4.0 million gallons per day 1,460 million gallons per any consecutive 12-month period[2] Vacuum Pressure at Loading Tank Truck: ≤ -3 inches of H_2O, 15-minute average Maximum Organic Liquid Flow Rate of Bottom Loading Arms 16,800 gallons per minute[4]	2 mg per liter of GAS loaded, measured as 2,000 ppm of propane, averaged over a one-hour period	MBR-10-IND-018
				12.2 tons per any consecutive 12-month period[2]	
		Individual HAP[3]		≤ 0.08 tons per month ≤ 0.16 tons per any consecutive 12-month period	
		Combined HAP		≤ 0.23 tons per month ≤ 0.45 tons per any consecutive 12-month period	
			Limit the loading of gasoline into cargo tanks demonstrated to be vapor tight using Reference Method 27 or equivalent	80 mg or less, per liter of gasoline loaded into cargo tanks	40 CFR Part 63 Subpart BBBBBB
EU36	ULSD	Sulfur	Restrict each engine to less than 100 hours per calendar year for maintenance and readiness testing and 50 hours per calendar year for all other non-emergency scenarios (counted towards 100-hour total) No time limit on operation during an emergency[5]	≤0.0015% Sulfur by weight	310 CMR 7.26(42)
		NMHC NOx CO PM	N/A	As contained in 40 CFR Part 60.4205(c)	40 CFR Part 60 Subpart IIII

Table 3					
EU#	**Fuel/Raw Material**	**Pollutant**	**Operational and/or Production Limits**	**Emissions Limits/Standards**	**Applicable Regulation and/or Approval No**
Facility-wide[7]	DIST[6]	VOC	DIST Throughput Limits: 3.96 million gallons per day 1,445 million gallons per any consecutive 12-month period	N/A	Application Transmittal No. W044530
	GAS and DIST	Individual HAP	N/A	≤ 1.0 tons per month ≤ 2.0 tons per any consecutive12-month period	MBR-10-IND-018
		Combined HAP		≤ 3.4 tons per month ≤ 6.7 tons per any consecutive 12-month period	
	All	Greenhouse Gas[8]	N/A	N/A	310 CMR 7.71 (State Only Requirement)

Table 3 Key:

EU# = Emission Unit Number
% = percent
ULSD = Ultra Low Sulfur Diesel
HAP = Hazardous Air Pollutant
VOC = Volatile Organic Compound
mg = milligrams
NMHC = Nonmethane Hydrocarbon
NOx = Nitrous Oxide
N/A = Not Applicable
≤ = less than or equal to
DIST = *see Footnote 4*
H_2O = water column
GAS = *see Footnote 1*
CO = Carbon Monoxide
PM = Particulate Matter

Table 3 Footnotes:

1 Gasoline, ethanol, or any organic liquid with a true vapor pressure greater than or equal to 1.5 pounds per square inch atmosphere (psia).

2 To calculate the amount of a consecutive 12-month period, take the current calendar month amount and add it to the previous 11 calendar months total amount.

3 HAP emissions determined utilizing the emission factors and calculation procedures submitted to MassDEP in accordance with Approval MBR-10-IND-018 Special Terms and Conditions, Section 4, Item K.

4 16,800 gallons per minute is the VRU design capacity for the maximum instantaneous rate of loading. At the loading bays, FUEL-FACS+ interfaces with Smith Meter® AccuLoad® presets which accumulate all meter flows and monitor loading specifications. The system is programmed for 600 gallons per minute per arm, but normal operation is closer to 500 gallons per minute per arm. There are 24 bottom load arms. The terminal would need to load at 700 gallons per minute on all 24 arms simultaneously to hit 16,800 gallons per minute. The terminal does not have the pumping capacity to achieve those flow rates and exceed 16,800 gallons per minute.

5 Emergency means an electric power outage due to failure of the grid, in whole or in part, on-site disaster, local equipment failure, flood, fire, or natural disaster. Emergency shall also mean when the imminent threat of a power outage is likely due to failure of the electrical supply.

6 Any organic liquid with a true vapor pressure less than 1.5 pounds per square inch atmosphere (psia) excluding ethanol.

7 Facility-wide emissions include, but are not limited to, those from the actual emissions from Above Ground (AG) storage tanks, marine loading, loading rack, transport pipelines, and all other fugitive emissions.

8 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: carbon dioxide (CO_2), methane (CH_4),

nitrous oxide (N_2O), sulfur hexaflouride (SF_6), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and any other gas for which 40 CFR Part 98 includes a method for calculating greenhouse gas emissions from any stationary emissions source.

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:

Table 4

EU#	Monitoring And Testing Requirements
EU1	1. The Permittee shall operate and maintain a certified continuous emissions monitoring system (CEMS) servicing the activated carbon vapor recovery unit (VRU) as provided in Final Approval MBR-93-IND-016 and § 63.11092(b)(1)(i)(A. The CEMS shall operate and be maintained as a compliance instrument and is therefore required to comply with the Quality Assurance (QA) requirements contained in 40 CFR Part 60, Appendix F. The CEMS shall be utilized to demonstrate compliance with the 2 mg/L emission limitation as defined in Approval MBR-10-IND-018 on a continuous basis, averaged over a one-hour period. 2 mg/L will be measured using 2,000 ppm of propane. The CEMS shall include a chart recorder or computerized data acquisition system (DAS) which records the VOC outlet concentration along with its corresponding date and time on a continuous basis as provided in Final Approval MBR-93-IND-016.
	2. The Permittee shall conduct, at a minimum, quarterly performance audit for the CEMS including an annual relative accuracy audit (RATA) and three-cylinder gas audits (CGA) for the remaining three quarters of the year as contained in 40 CFR 60, Appendix F and Final Approval MBR-93-IND-016.
	3. The Permittee shall perform calibration drift assessment daily as provided in 40 CFR Part 60, Appendix F and Final Approval MBR-93-IND-016.
	4. The Permittee shall conduct emission testing on the VRU if and when the Department deems it necessary as provided in 310 CMR 7.13 and referenced in Final Approval MBR-93-IND-016.
	5. The Permittee shall monitor operations to ensure that each cargo tank truck being loaded at the facility has demonstrated that it meets the annual certification test requirements as provided in 310 CMR 7.24(4).
	6. As referenced in the Operating Permit Renewal Application Transmittal No. W044530., the Permittee shall monitor daily and consecutive 12-month period GAS and DIST throughput using volumetric flow meters to demonstrate compliance with the limits defined in Table 3 of this Operating Permit.
	7. The Permittee shall monitor the pressure in the vapor recovery line connected to each tank truck utilizing continuous pressure monitoring systems such that compliance with the minimum vacuum negative pressure of -3 inches of H_2O specified in Table 3 of this Operating Permit is maintained during loading of the tank truck, as referenced in Approval MBR-10-IND-018 Table 3, Number 2 and § 63.11092(b)(1)(i)(B)(1)(i. Electronic interlocks for each of the loading bays and visible and audible alarms in the yard and the Facility's control room shall be installed and operated to prevent loading of the tank truck whenever the VANPT's required tank truck vacuum pressure is not maintained. The Permittee shall monitor pressures at each loading bay for a minimum of ninety-five (95) percent of the VRU operating time per calendar quarter.
	8. The Permittee shall monitor the VOC outlet emissions in percent VOC or parts per million (ppm) measured as propane from the VRU stack continuously utilizing CEMS to conform with the emission limit defined in Table 3 of this Operating Permit as referenced in Approval MBR-10-IND-018 Table 3, Number 3 and § 63.11092(b)(1)(i)(A). Electronic interlocks, and visible and audible alarms in the yard and the Facility's control room, shall be installed and operated to prevent the loading of any tank truck whenever the required VRU hourly outlet VOC emission limit as specified in Table 3 of this Operating Permit is not maintained. The Permittee shall monitor VOC outlet emissions from the VRU stack for a minimum of ninety-five (95) percent of the VRU operating time per calendar quarter.
	9. The Permittee shall monitor the VRU operating time electronically as referenced in Approval MBR-10-IND-018 Table 3, Number 5 and § 63.11092(b)(1)(i)(B)(2)(ii).
	10. The Permittee shall calculate emissions of individual HAP and combined HAPs for each month and calculate emissions of VOC, individual HAP, and combined HAPs for each consecutive 12-month period as

Table 4	
EU#	**Monitoring And Testing Requirements**
	referenced in Approval MBR-10-IND-018 Table 3, Number 6. The Permittee may use the speciation methodology described in AP 42 Chapter 7, Section 7.1.4 to calculate individual and combined HAPs, or another method if approved by MassDEP.
	11. The Permittee shall operate and maintain the loading rack and its associated equipment, including the VRU, ACBAS, VANPT, and CEMS in accordance with the manufacturers' recommendations and Standard Operating and Maintenance Procedures (SOMP) as referenced in Approval MBR-10-IND-018 Table 3, Number 8. The VOC outlet of the CEMS shall comply with the applicable procedures for CEMS as stated in 40 CFR 60, Appendices B and F, or other procedures as approved by MassDEP.
	12. The Permittee shall, subject to the emission standard defined in item 1(b) of Table 2 to Subpart BBBBBB of Part 63—Applicability Criteria, Emission Limits, and Management Practices for Loading Racks, comply with the testing and monitoring requirements set forth in 40 CFR Part 63.11092(a) through (d).
EU2 EU3 EU7 EU8	13. If the Department verifies a violation of the eight-hour carbon monoxide National Ambient Air Quality Standard within the oxygenated gasoline control area, as specified in 310 CMR 7.24(7)(a)(2), then the Permittee shall be subject to the monitoring and testing requirements set forth in 310 CMR 7.24(7).
	14. The Permittee shall perform inspections of internal floating roof tanks and associated control equipment as provided in 310 CMR 7.24(1)(d)(5), (6), and (7). This includes the inspection of covers and seals whenever the tanks are emptied for nonoperational reasons or once every five years for double seal tanks and once every ten years for single seal tanks, whichever is sooner.
	15. The Permittee shall monitor total daily, monthly, and 12-month gasoline throughput for all floating roof tanks so as to create a record which can be compared to the throughput of the VRU in order to monitor for leaks between the floating roof tanks and the loading rack as referenced in the Operating Permit Renewal Application Transmittal No. W044530.
	16. The Permittee shall develop a vapor profile based on the methodology provided in AP 42 Chapter 7.1.4 which illustrates the content of HAPs handled at the Facility as referenced in the Operating Permit Renewal Application Transmittal No. W044530. Based on this data, the Permittee shall monitor its average monthly and consecutive 12-month gasoline throughput and control it accordingly as a means through which it can credibly demonstrate that the Facility Wide Individual and Combined HAPs emission limits specified in Table 3, No. 3 of this Operating Permit, are not exceeded.
	17. The Permittee shall, subject to the emission standard contained in§ 63.11087 for gasoline storage tanks, comply with the testing and monitoring requirements set forth in 40 CFR Part 63.11092(e)(1) through (3).
EU36	18. The Permittee shall monitor to ensure that the following records are maintained for each unit as required in 310 CMR 7.26(42)(e) 2., 3., and (f): information of equipment type, make and model, and maximum power input/output; and monthly logs of hours of operation, gallons of fuel used, fuel type and heating value, and a monthly calculation of the total hours operated and gallons of fuel used in the previous twelve months shall be kept on site; and purchase orders, invoices and other documents to support information in the monthly log. In order to demonstrate compliance with the 12-month rolling period limit on hours of operation for each engine, the Permittee shall monitor the hours operated by each engine in emergency and non-emergency use with a non-resettable hour meter and the reason for operation in each of these uses (i.e., emergency, non-emergency, testing, maintenance, etc.) associated with each engine start.
	19. The Permittee shall monitor operations so as to comply with all parts of 40 CFR Part 60 Subpart IIII requirements, including: a. Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions; b. Install and maintain a non-resettable hour meter on the CI ICE and shall operate and maintain the meter in good working order
	20. The Permittee shall monitor facility operations in order to calculate emissions of VOC, individual HAP, and

Table 4	
EU#	**Monitoring And Testing Requirements**
	combined HAPs for each month and each 12-month consecutive period as referenced in the Operating Permit Renewal Application Transmittal No. W044530.
	21. The Permittee shall, in accordance with 40 CFR Part 63.11089(a), perform a monthly leak inspection of all equipment in gasoline service, as defined in § 63.11100. For this inspection, detection methods incorporating sight, sound, and smell are acceptable.
	22. The Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	23. 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.
	24. The Permittee shall comply with the applicable fuel delivery and offloading monitoring requirements contained in 310 CMR 7.24.
Facility -Wide	25. In accordance with 310 CMR 7.71(1) and Appendix C(9), the Permittee shall 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 Requirement).

Table 4 Key*:*

EU# = Emission Unit Number
VANPT = Vacuum Assist Negative Pressure Technology
ACBAS = Regenerative Activated Carbon Bed Adsorption System
CEMS = Continuous Emissions Monitoring System
MassDEP = Massachusetts Department of Environmental Protection
No. = Number
VOC = Volatile Organic Compounds
VRU = Vapor Recovery Unit
HAP = Hazardous Air Pollutants

Table 5	
EU#	**Record Keeping Requirements**
EU1	1. The copies of the CEMS operating records shall be maintained by the Permittee on-site and shall be made available for inspection by Department personnel upon request as required by 310 CMR Appendix C(3) (g)(12) and C(10).
	2. The Permittee shall maintain records of all quarterly performance audits of the CEMS onsite as referenced in Final Approval MBR-93-IND-016.
	3. The Permittee shall maintain records of all daily calibration and drift assessments on-site as referenced in Final Approval MBR-93-IND-016.
	4. The Permittee shall maintain a control system maintenance log. This log shall record all routine maintenance and emergency repairs to the carbon adsorption system, and all testing of, screening of, and replacement of the activated carbon as referenced in Final Approval MBR-93-IND-016.
	5. The Permittee shall maintain adequate gasoline cargo tank truck vapor tightness annual test records on-site to demonstrate compliance with 310 CMR 7.24(4).
	6. The Permittee shall maintain records of all replacements or additions of components performed on the loading rack for a minimum of 5 years as referenced in Final Approval MBR-93-IND-016.
	7. The Permittee shall maintain records of daily and consecutive 12-month GAS and DIST throughput as referenced in the Operating Permit Renewal Application Transmittal No. W044530.
	8. The Permittee shall operate and maintain a data acquisition and handling system (DAHS) to record 15-minute average (or other value as approved by MassDEP) pressures, in inches of H_2O, at each loading bay connected to the VRU during loading of each tank truck as referenced in the Operating Permit Renewal Application Transmittal No. W044530. These records of pressures shall be maintained electronically in the Facility's control room or other readily accessible location.
	9. The Permittee shall operate and maintain a DAHS to record one-hour average VRU outlet VOC emissions (in percent VOC or ppm measured as propane) as referenced in the Operating Permit Renewal Application Transmittal No. W044530. These records of VOC emissions shall be maintained electronically, onsite in the Facility's control room or other readily accessible location.
	10. The Permittee shall record, per calendar quarter, as referenced in the Operating Permit Renewal Application Transmittal No. W044530 and § 63.11092(b(i): a) VRU operating time; b) data capture percentages for the continuous pressure monitoring systems and outlet VOC CEMS; c) time periods of noncompliance with either/both the tank truck vacuum pressure and/or the VRU outlet VOC concentration limits as contained in Table 3 of this Operating Permit, including reason for noncompliance, corrective action taken, and action being taken to prevent re-occurrence in the future.
	11. The Permittee shall maintain records of all malfunctions of emissions control and monitoring equipment including, at minimum: the date and time the malfunction occurred; a description of the malfunction and the corrective actions taken; the date and time corrective actions were initiated; and the date and time corrective actions were completed, and the date the equipment was returned to compliance as referenced in the Operating Permit Renewal Application Transmittal No. W044530.
	12. The Permittee shall maintain records of emissions compliance test results or other test results related to MassDEP approval and establishment of applicable emission limits or terms and any reports containing said test results as referenced in the Operating Permit Renewal Application Transmittal No. W044530.
	13. The Permittee shall maintain on-site and accessible at or near the subject equipment, at all times, a copy of this the SOMP for the subject equipment as referenced in the Operating Permit Renewal Application Transmittal No. W044530.
	14. The Permittee shall maintain records of all maintenance performed, including description and date/time

Table 5	
EU#	**Record Keeping Requirements**
	work was completed, on the loading rack and its associated equipment including the VRU, ACBAS, VANPT, CEMS, and DAHS as referenced in the Operating Permit Renewal Application Transmittal No. W044530.
	15. The Permittee shall record emissions of individual HAP and combined HAPs in tons per month, and record emissions of VOC, individual HAP, and combined HAPs in tons per 12-month consecutive period, as referenced in Approval MBR-10-IND-018 Table 3, Number 6. Said records shall be maintained in a record keeping log or equivalent.
	16. The Permittee shall, in accordance with 40 CFR Part 63.11094(b) and (c), keep records of the test results for each gasoline cargo tank loading at the facility as specified in paragraphs (b)(1) through (3) of this section or, as an alternative to keeping records at the terminal of each gasoline cargo tank test result as required in paragraph (b) of this section, an owner or operator may comply with the requirements in either paragraph (c)(1) or paragraph (c)(2) of this section.
	17. The Permittee shall, in accordance with 40 CFR Part 63.11094(f): a. Keep an up-to-date, readily accessible record of the continuous monitoring data required under § 63.11092(b). This record shall indicate the time intervals during which loadings of gasoline cargo tanks have occurred or, alternatively, shall record the operating parameter data only during such loadings. The date and time of day shall also be indicated at reasonable intervals on this record. b. Record and report simultaneously with the Notification of Compliance Status required under § 63.11093(b) c. Keep an up-to-date, readily accessible copy of the monitoring and inspection plan required under § 63.11092(b)(1)(i)(B)(2). d. Keep an up-to-date, readily accessible record of all system malfunctions, as specified in § 63.11092(b)(1)(i)(B)(2)(v).
EU2 EU3 EU7 EU8	18. The Permittee shall develop a vapor profile based on the methodology provided in AP 42 Chapter 7.1.4 which illustrates the content of HAPs handled at the facility as referenced in the Operating Permit Renewal Application Transmittal No. W044530. Based on this data, the Permittee shall maintain records on site for five (5) years of the monthly and consecutive 12-month gasoline throughput demonstrating that the HAP emission limits specified in Table 3, No. 3 of this Operating Permit, are not exceeded.
	19. If the Department verifies a violation of the eight-hour carbon monoxide National Ambient Air Quality Standard within the oxygenated gasoline control area, as specified in 310 CMR 7.24(7)(a)(2), then the Permittee shall maintain all records and documentation on site to demonstrate compliance with 310 CMR 7.24(7)(d)2, 3, and 4 in a centralized location as provided in 310 CMR 7.24(7)(d).
	20. The Permittee shall maintain records for gasoline storage vessels, including but not limited to inspections of internal floating roofs and associated control equipment, as required in 310 CMR 7.24, incorporated herein by reference.
	21. The Permittee shall maintain daily, monthly, and 12-month throughput records for all floating roof tanks, as referenced in Operating Permit Renewal Application Transmittal No. W044530 and specified in Table 3 this Operating Permit.
EU36	22. As referenced in 310 CMR 7.26(42)(f), the Permittee shall establish and maintain the following records for each unit: Information of equipment type, make and model, and maximum power input/output; and monthly logs of hours of operation, gallons of fuel used, fuel type and heating value, and a monthly calculation of the total hours operated and gallons of fuel used in the previous twelve months shall be kept on site; and purchase orders, invoices and other documents to support information in the monthly log.
	23. The Permittee shall maintain all records for equipment so as to comply with all parts of 40 CFR Part 60 Subpart IIII requirements, including:

Table 5	
EU#	**Record Keeping Requirements**
	a. Maintain records of the manufacturer's emission-related written instructions; b. Maintain records of all changes demonstrating only those emission-related settings that are permitted by the manufacturer have been changed. c. Maintain records of proper maintenance according to the manufacturer's recommendations. d. Maintain certification record used to demonstrate compliance with emission standards via purchase of an EPA certified engine or NFPA nameplate. e. Maintain record of the manufacturer's emission-related specifications. f. Maintain records of date, duration and purpose of all engine operations including emergency, maintenance and testing to prove the operation in non-emergency situations is less than 50 hours per calendar year.
Facility-Wide	24. The Permittee shall comply with the applicable fuel delivery and offloading record keeping requirements contained in 310 CMR 7.24.
	25. 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.
	26. In accordance with 310 CMR 7.12(3)(c), copies of Source Registration and other information supplied to the Department, to comply with 310 CMR 7.12 shall be retained by the Permittee for five years from the date of submittal.
	27. In accordance with 310 CMR 7.71 (5)(b) and (c), the Permittee shall keep on site at the facility documents of the methodology and data used to quantify emissions for a period of 5 years from the date the document is created. The Permittee shall make these documents available to MassDEP upon request. (State Only Requirement).
	28. In accordance with 310 CMR 7.71(1) and Appendix C (9), the Permittee shall 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 Requirement).
	29. The Permittee shall, in accordance with 40 CFR Part 63.11089(b), use a logbook and said logbook shall be signed by the owner or operator at the completion of each inspection. A section of the logbook shall contain a list, summary description, or diagram(s) showing the location of all equipment in gasoline service at the Facility.
	30. The Permittee shall, in accordance with 40 CFR Part 63.11089(c), record each detection of a liquid or vapor leak in the logbook. When a leak is detected, an initial attempt at repair shall be made as soon as practicable, but no later than 5 calendar days after the leak is detected. Repair or replacement of leaking equipment shall be completed within 15 calendar days after detection of each leak, except as provided in 40 CFR Part 63.11089(d).
	31. The Permittee shall, in accordance with 40 CFR Part 63.11094(d), subject to the equipment leak provisions of § 63.11089, prepare and maintain a record describing the types, identification numbers, and locations of all equipment in gasoline service.
	32. The Permittee shall, in accordance with 40 CFR Part 63.11094(e), record in the logbook for each leak that is detected the information specified in paragraphs (1) through (7) of 40 CFR Part 63.11094(e). 1. The equipment type and identification number. 2. The nature of the leak (i.e., vapor or liquid) and the method of detection (i.e., sight, sound, or

Table 5	
EU#	**Record Keeping Requirements**
	smell). 3. The date the leak was detected and the date of each attempt to repair the leak. 4. Repair methods applied in each attempt to repair the leak. 5. "Repair delayed" and the reason for the delay if the leak is not repaired within 15 calendar days after discovery of the leak. 6. The expected date of successful repair of the leak if the leak is not repaired within 15 days. 7. The date of successful repair of the leak.
	33. The Permittee shall, in accordance with 40 CFR Part 63.11094(a), keep records as specified in § 60.115b for at least five (5) years.
	34. The Permittee shall, in accordance with 40 CFR Part 63.11094(g), keep records as specified in paragraphs (g)(1) and (2): a. Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment. b. Records of actions taken during periods of malfunction to minimize emissions in accordance with § 63.11085(a), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

Table 5 Key

EU# = Emission Unit Number
VRU = Vapor Recovery Unit
VOC = Volatile Organic Compound
HAP = Hazardous Air Pollutant
No. = Number
GAS = *see Footnote 1*
DIST = see Footnote 2
CEMS = Continuous Emissions Monitoring System
ACBAS = Activated Carbon Adsorption System
SOMP = Standard Operating and Maintenance Procedure
VANPT = Vacuum Assist Negative Pressure Technology
USEPA = United States Environmental Protection Agency
MassDEP = Massachusetts Department of Environmental Protection

Table 5 Footnotes

[1] GAS = organic materials having vapor pressure of 1.5 pounds per square inch absolute (psia) or greater except that ethanol, which may have a vapor pressure of less than 1.5 psia

[2] DIST = organic materials having vapor pressure of 1.5 pounds per square inch absolute (psia) or greater except that ethanol, which may have a vapor pressure of less than 1.5 psia

Table 6	
EU#	**Reporting Requirements**
EU1	1. In the event that the quarterly performance audit (CGA) or the RATA results indicate non-compliance, a copy of the associated audit report shall be submitted to MassDEP at NERO.AIR@Mass.gov or by other method as required by MassDEP within thirty (30) days of testing. Otherwise, said reports shall be maintained at the Facility as referenced in Operating Permit Renewal Application Transmittal No. W044530.
	2. In the event of any VRU malfunction which does not allow the VRU to maintain the BACT emission limitation of 2 mg/L of GAS dispensed, averaged over a one-hour period, as found in Table 3 of this Operating Permit, then the Permittee shall submit to MassDEP electronically at NERO.AIR@Mass.gov or by other method as required by MassDEP a record of the malfunction including, at minimum: the date and time the malfunction occurred; a description of the malfunction and the corrective actions taken; the date and time corrective actions were initiated; and the date and time corrective actions were completed, and the date the equipment was returned to compliance within one (1) business day of said occurrence as referenced in Operating Permit Renewal Application Transmittal No. W044530.
	3. The Permittee shall, in accordance with 40 CFR Part 63.11093(c), submit a Notification of Performance Test, as specified in § 63.9(e), prior to initiating testing required by § 63.11092(a) or § 63.11092(b).
Facility-Wide	4. The Permittee shall submit to the Department proposed updates to the Facility's SOMP, allowing the Department sixty (60) days to comment before implementing any changes, as referenced in Operating Permit Renewal Application Transmittal No. W044530. The updated SOMP shall supersede prior versions of the SOMP.
	5. The Permittee shall submit to MassDEP electronically at NERO.AIR@Mass.gov or by other method as required by MassDEP as soon as possible, but no later than one (1) business day after discovery of any exceedance(s) of the requirements defined in Table 3 of this Operating Permit. A written report shall be submitted to the BAW Permit Chief 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) as referenced in Operating Permit Renewal Application Transmittal No. W044530.
	6. The Permittee shall submit Emission Compliance Testing reports in accordance with 310 CMR 7.13(d) when applicable.
	7. At least 30 days prior to emission testing, the Permittee shall submit to MassDEP electronically at NERO.AIR@Mass.gov or by other method as required by MassDEP for approval a stack emission pretest protocol as referenced in Operating Permit Renewal Application Transmittal No. W044530.
	8. Within 45 days after emission testing, the Permittee shall submit to MassDEP electronically at NERO.AIR@Mass.gov or by other method as required by MassDEP a final stack emission test results report as referenced in Operating Permit Renewal Application Transmittal No. W044530.
	9. The Permittee shall comply with applicable fuel delivery and offloading reporting requirements contained in 310 CMR 7.24.
	10. Upon the Department's request, the Permittee shall submit any record relevant to the Operating Permit or to the emissions of any air contaminant from the facility to the Department within thirty (30) days of the request or longer, if approved by the Department, as required by 310 CMR 7.00 Appendix C(10)(a).
	11. In accordance with 310 CMR 7.12, the Permittee shall submit a Source Registration/Emission Statement Form to MassDEP using the electronic data system on an annual basis.
	12. 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 the Department's regulations or design approval provisos, the Permittee shall cause such stack testing to be summarized and submitted to MassDEP as prescribed in the agreed to pretest protocol.
	13. In accordance with 310 CMR 7.00: Appendix C(10)(c), the Permittee shall report a summary of all monitoring data and related supporting information to MassDEP at least every six months (January 30 and July 30 of each calendar year).
	14. In accordance with General Condition 10 of this Permit, the Permittee shall submit the Annual Compliance report to MassDEP and EPA by January 30 of each year.
	15. The Permittee shall, in accordance with 40 CFR Part 63.11089(d), if delay of repair of leaking equipment is not feasible within 15 days, provide in the semiannual report specified in § 63.11095(b), the reason(s)

Table 6	
EU#	**Reporting Requirements**
	why the repair was not feasible and the date each repair was completed.
	16. The Permittee shall, in accordance with 40 CFR Part 63.11093(b), submit a Notification of Compliance Status as specified in § 63.9(h). The Notification of Compliance Status must specify which of the compliance options included in Table 1 of 40 CFR Part 63 BBBBBB is used to comply.
	17. The Permittee shall, in accordance with 40 CFR Part 63.11093(d), submit additional notifications specified in § 63.9, as applicable.
	18. The Permittee shall, in accordance with 40 CFR Part 63.11095(a), include in a semiannual compliance report to the Administrator the following information, as applicable: a) For storage vessels, the information specified in § 60.115b(a), § 60.115b(b), or § 60.115b(c) of this chapter, depending upon the control equipment installed. b) (2) For loading racks, each loading of a gasoline cargo tank for which vapor tightness documentation had not been previously obtained by the facility. c) (3) For equipment leak inspections, the number of equipment leaks not repaired within 15 days after detection. d) (4) For storage vessels complying with § 63.11087(b) after January 10, 2011, the storage vessel's Notice of Compliance Status information can be included in the next semi-annual compliance report in lieu of filing a separate Notification of Compliance Status report under § 63.11093.
	19. The Permittee shall, in accordance with 40 CFR Part 63.11095(b), submit an excess emissions report to the Administrator at the time the semiannual compliance report is submitted. Excess emissions events under this subpart, and the information to be included in the excess emissions report, are specified in paragraphs (1) through (5) of this 40 CFR Part 63.11095(b): a) Each instance of a non-vapor-tight gasoline cargo tank loading at the facility in which the Permittee failed to take steps to assure that such cargo tank would not be reloaded at the facility before vapor tightness documentation for that cargo tank was obtained. b) Each reloading of a non-vapor-tight gasoline cargo tank at the facility before vapor tightness documentation for that cargo tank is obtained by the facility in accordance with § 63.11094(b). c) Each exceedance or failure to maintain, as appropriate, the monitored operating parameter value determined under § 63.11092(b). The report shall include the monitoring data for the days on which exceedances or failures to maintain have occurred, and a description and timing of the steps taken to repair or perform maintenance on the vapor collection and processing systems or the CMS. d) Each instance in which malfunctions discovered during the monitoring and inspections required under § 63.11092(b)(1)(i)(B)(2) and (b)(1)(iii)(B)(2) were not resolved according to the necessary corrective actions described in the monitoring and inspection plan. The report shall include a description of the malfunction and the timing of the steps taken to correct the malfunction. e) For each occurrence of an equipment leak for which no repair attempt was made within 5 days or for which repair was not completed within 15 days after detection: i. The date on which the leak was detected; ii. The date of each attempt to repair the leak; iii. The reasons for the delay of repair; and iv. The date of successful repair.
	20. The Permittee shall, in accordance with 40 CFR Part 63.11095(c), submit a semiannual excess emissions report, including the information specified in paragraphs (a)(3) and (b)(5) of 40 CFR Part 63.11095, only for a 6-month period during which an excess emission event has occurred. If no excess emission events have occurred during the previous 6-month period, no report is required.
	21. The Permittee shall, in accordance with 40 CFR Part 63.11095(d), submit a semiannual report including the number, duration, and a brief description of each type of malfunction which occurred during the reporting period, and which caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with § 63.11085(a), including actions taken to correct a malfunction. The report may be submitted as a part of the semiannual compliance report, if one is required. The Facility, as an affected bulk plant, is not required to submit reports for periods during which no malfunctions occurred.

Table 6	
EU#	**Reporting Requirements**
	22. In accordance with 310 CMR 7.71(4) and 7.12, the Permittee shall electronically submit and certify a greenhouse gas emissions report to MassDEP on an annual basis. (State Only Requirement).

Table 6 Key

EU# = Emission Unit Number
VRU = Vapor Recovery Unit
No. = Number
MassDEP = Massachusetts Department of Environmental Protection
BACT = Best Available Control Technology

C. GENERAL APPLICABLE REQUIREMENTS

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

D. REQUIREMENTS NOT CURRENTLY APPLICABLE

The Permittee is currently not subject to the following requirements:

Table 7

Regulation	Reason
310 CMR 7.16 Reduction of Single Occupant Commuter Vehicle Use	The Facility currently has less than 250 employees commuting to the site; therefore, it is not an affected facility as defined in 310 CMR 7.16
40 CFR 60 K/Ka/Kb Standards of Performance for Storage Vessels of Petroleum Liquids	The Facility does not have any tanks applicable to Subpart Kb
40 CFR 60 XX Standards of Performance for Bulk Gasoline Facilities	The Facility is not subject to subpart XX as the loading rack was installed prior to promulgation of 40 CFR 60 Subpart XX 500(b) on December 17, 1980. The Facility has not modified or reconstructed the loading rack since December 17, 1980.
40 CFR Part 63 R National Emission Standards for Gasoline Distribution Facilities	The Facility is not a major source of HAP as defined in 40 CFR Part 63.2 and is therefore exempted by 40 CFR Part 63.420(a)(2)
40 CFR Part 63 Y National Emission Standards for Marine Loading Facilities	The Facility does not currently conduct loading of marine vessels and is not subject to 40 CFR Part 63 Y. 40 CFR Part 63 Y does not apply to unloading of marine vessels. In the event that the Facility determines that they will begin performing marine loading operations, it shall adhere to the requirements set forth in this Operating Permit, 40 CFR Part 63 Y, Conditional Approval MBR-10-IND-018, 310 CMR 7.24(8).
42 U.S.C. 7401, §112(r)(7) Accidental Release Prevention Requirements: Risk Management under Clean Air Act 112(r)(7)	The facility (NAICS code 424710) is a bulk petroleum storage terminal engaged in the wholesale distribution of refined petroleum products. Therefore, the facility is excluded from all provisions of this part under § 68.126 *Exclusion for Flammable Substances Used as Fuel or Held for Sale as Fuel at Retail Facilities*. Further, per § 68.115(b)(2)(ii), *"regulated substances in gasoline, when in distribution, need not be considered when determining whether more than a threshold quantity is present at a stationary source."*

5. SPECIAL TERMS AND CONDITIONS

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

Table 8.

EU#	Special Terms and Conditions
EU1	1. The Permittee shall, in order to maintain compliance under all operating conditions, operate in accordance with the most recent Facility Standard Operating and Maintenance Procedures (SOMP) and in accordance with the limits specified in Table 3 of this Operating Permit as referenced in Operating Permit Renewal Application Transmittal No. W044530.
	2. The Permittee shall maintain an adequate supply of spare parts on-site for all air pollution control-related equipment and to maintain the on-line availability and data capture requirements for the continuous pressure and VOC emission monitoring systems serving the new VRU and VANPT as required by Approval MBR-10-IND-018 Part 4, Item D.
	3. The Permittee shall ensure that tank trucks loading in Bays 1, 2, 3, 4, 5, 6, 7, 8, 10, and 12 shall only be loaded from the bottom (bottom loading). The Permittee shall ensure that tank trucks previously containing GAS and returning to the Facility to load DIST (switch loading) shall only do so in bays with VANPT. There shall be no loading of GAS or switch loading in Bays 9 and 11, which shall be designed for loading of tank trucks from the top (top loading) only, as required by Approval MBR-10-IND-018 Part 4, Item J.
	4. The Permittee shall not load distillate oil products onto ships or barges whose previous load was gasoline, as required by MBR-10-IND-018 Part 4, Item K.
	5. For the detection of liquid and vapor leaks, the Permittee shall, as required by Approval MBR-10-IND-018 Part 4, Item H: a) Initiate repair of any liquid or vapor leak, regardless of the method of detection, as soon as practicable, but no later than one (1) business day after the leak is detected. b) Complete repair of the leak or replacement of the leaking component as soon as practicable, but no later than five (5) business days of detection of the leak, unless MassDEP has agreed to an extension of the five (5) day repair period. c) Detection of liquid or vapors leaking from a gasoline tank truck shall result in terminating active loading and notifying the truck driver of the observed leak. d) A leaking truck shall be prevented from loading at the Facility until such time as the tank truck has been repaired and re-certified as meeting the annual leak certification criteria under 310 CMR 7.24. e) As soon as reasonably practical but no later than one (1) business day of identifying a leaking tank truck, the Permittee shall provide written notification to MassDEP of the leaking tank truck. Said notification shall include the tank identification number, the owner or operator of the tank truck, and the nature of the leak.
	6. The Permittee, as required by Regulation 310 CMR 7.24(2)(d), shall only transfer organic material with a vapor pressure of 1.5 psia or greater under actual storage conditions into tank trucks which are in compliance with 310 CMR 7.24(4).
	7. The Permittee shall, as referenced in Operating Permit Renewal Application Transmittal No. W044530, operate, and maintain the facility's electronic interlocks to automatically prevent: a) the loading of gasoline if the back pressure in the vapor recovery lines is greater than 18 inches water column gauge pressure; and b) the loading of gasoline when the vapor recovery lines are not connected properly; and

Table 8.	
EU#	**Special Terms and Conditions**
	c) the loading of gasoline if any of the following shutdown conditions occur: i. Vacuum pump failure; ii. Vacuum pump low seal fluid flow; iii. Vacuum pump seal fluid pump failure; iv. Gasoline supply pump failure; v. Gasoline return pump failure; vi. Separator low level; vii. Separator high level; or viii. Emergency shutdown.
	8. The Permittee shall ensure that the minimum CEMS real time data recovery shall be obtained for at least 95% of the hours per quarter during which the facility is operating as referenced in Operating Permit renewal Application Transmittal No W044530
	9. The Permittee shall operate an exhaust stack that is consistent with good air pollution control engineering practice and that discharges vertically so as to not cause or contribute to a condition of air pollution. The exhaust stack shall not be equipped with any part or device that restricts the vertical exhaust flow of the emitted gasses. The exhaust stack should comply to the specifics outlined in Table 7 of Approval MBR-10-IND-018: a) Stack Height, Above Ground, feet: 20; b) Stack Exit Size, inches: 12; c) Exhaust Gas Exist Velocity, feet per second: 60; and d) Outside Stack Shell Material: Carbon Steel.
	10. The Permittee shall, in accordance with 40 CFR Part 63.11088(a), meet each emission limit and management practice in Table 2 to this subpart BBBBBB. The Permittee is complying with option (1) of Table 2.
EU2 EU3 EU7 EU8	11. The Permittee shall, in accordance with 40 CFR Part 63.11087(a), meet each emission limit and management practice in Table 1 to subpart BBBBBB that applies to your gasoline storage tank. The Permittee is complying with option 2(b) in Table 1.
Facility-wide	12. The emergency fire pump formerly identified as EU27 shall remain permanently retired as referenced in Operating Permit Renewal Application Transmittal No. W044530
	13. The Permittee shall, as referenced in Operating Permit Renewal Application Transmittal No. W044530, clean and degas tanks with the following procedures: a) Where such tank cleaning and degassing, or other roof landing event would cause the potential emission of VOC and/or HAP from the storage tank to exceed one (1) ton or cause or contribute to a condition of air pollution, utilize an air pollution control device(s) having an overall minimum control efficiency of not less than 98 percent by weight to control VOC and

Table 8.	
EU#	**Special Terms and Conditions**
	HAP emissions during the degassing and cleaning process. b) Utilize the control device from the start of the degassing/cleaning process until the concentration of vapors in the tank is less than or equal to 5,000 parts per million (ppm). c) Not open the interior vapor space of a tank to the atmosphere except for the limited time necessary to: i. connect or disconnect degassing equipment; ii. conduct tank contents or emissions sampling; iii. facilitate removal of gasoline vapor from the tank to the control device; d) Notify MassDEP by electronic mail, as soon as reasonably practical and in no event later than one (1) business day prior to any such gasoline storage tank degassing activity. e) Within thirty (30) days of the conclusion of the activity, submit a written report to MassDEP summarizing the event, including quantification of VOC and HAP emissions, the reason for the degassing activity, the air pollution control device used, as well as its overall VOC and HAP control efficiency, and the name of any contractor used to control said emissions.
	14. For seasonal fuel switching or tank landings, as required by Approval MBR-10-IND-018 Part 4, Item G, the Permittee shall: a) Where such seasonal fuel switching or other roof landing event would cause the potential emission of VOC and/or HAP from the storage tank to exceed one (1) ton, utilize an air pollution control device(s) having an overall minimum control efficiency of 98 percent by weight to control the VOC and HAP vapor emissions from the storage tank. b) In conducting any such seasonal switching or roof landing event, not open the interior vapor space of a tank to the atmosphere except for the limited time necessary to: i. connect or disconnect degassing equipment, ii. conduct tank contents or emissions sampling, iii. facilitate removal of gasoline vapor from the tank to the control device.
	15. The Permittee shall, in accordance with 40 CFR Part 63.11085, operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator, which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.
	16. Any net VOC emissions increase occurring over a period of 5 consecutive calendar years which equates to 25 or more tons of VOC shall become subject to Nonattainment Review, as per the requirements of 310 CMR 7.00 Appendix A.
	17. Emission Units EU1, EU2, EU3, EU7, and EU8 are subject to the requirements of 40 CFR 63.1-15, Subpart A, "General Provisions" as indicated in Table 3 to Subpart BBBBBB of 40 CFR Part 63. Compliance with all applicable provisions therein is required.

Table 8 Key

EU# = Emission Unit Number CEMS = Continuous Emission Monitoring System

VRU = Vapor Recovery Unit
VOC = Volatile Organic Compound
psia = Pounds per square inch atmosphere
HAP = Hazardous Air Pollutants
DIST = *See Footnote 2*
VANPT = Vacuum Assist Negative Pressure Technology
MassDEP = Massachusetts Department of Environmental Protection
mg/l = milligrams per liter
GAS = *See Footnote 1*

Table 8 Footnotes

1 GAS = organic materials having vapor pressure of 1.5 pounds per square inch absolute (psia) or greater except that ethanol, which may have a vapor pressure of less than 1.5 psia

2 DIST = organic materials having vapor pressure of 1.5 pounds per square inch absolute (psia) or greater except that ethanol, which may have a vapor pressure of less than 1.5 psia

6. ALTERNATIVE OPERATING SCENARIOS

Table 9.
Alternative Operating Scenarios
Permittee did not request alternative operating scenarios in its Operating Permit application.

7. EMISSIONS TRADING

A. INTRA-FACILITY EMISSION TRADING

Table 10.
Emissions Trading
The Permittee did not request intra-facility emissions trading in its Operating Permit application.

B. INTER-FACILITY EMISSION TRADING

Table 10.
Emissions 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, *https://www.mass.gov/guides/massdep-operating-permit-compliance-program#-operating-permit-reporting-kit-*.

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 submitted by January 30 to the MassDEP via MassDEP's Compliance Reporting System (*https://eeaonline.eea.state.ma.us/EEA/ComplianceReport/*) under Operating Permit Annual Certification (OPANN) and to U.S. Environmental Protection Agency - Region 1 through EPA's Compliance and Emissions Data Reporting Interface (*https://cdx.epa.gov/*).

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 submitted via MassDEP's Compliance Reporting System (*https://eeaonline.eea.state.ma.us/EEA/ComplianceReport/*) under Operating Permit Semi-Annual Emissions Summary (OPSEMI) by January 30 and July 30 to 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), 7.18(1)(b), 7.70, 7.71, 7.72, 7.73, 7.74, 7.75, 7.76 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. RESERVED

25. PERMIT DEVIATION

Deviations are instances where any permit condition is violated. 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 Air and Waste the following deviations from permit requirements, by telephone, or by 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 this 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, this Operating Permit, or other approvals.

E. Failure to perform QA/QC measures as required by this 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 Air and Waste Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site, *https://www.mass.gov/guides/massdep-operating-permit-compliance-program#-operating-permit-reporting-kit-* .
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 electronic mail (e-mail) within 3 days of discovery, said deviations shall also be submitted in writing via MassDEP's Compliance Reporting System (*https://eeaonline.eea.state.ma.us/EEA/ComplianceReport/*) under Operating Permit Deviation Report (OPDR) to the regional Bureau of Air and Waste 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 (15) 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 Part82, 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".

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.