

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

2014 NOV 28 P 1:41

JEFF BROOKS, WILLIAM DEARSTYNE )  
ANDREA (CELESTINE) MAUBOURQUETTE )  
and LINDA HALEY )

Petitioners, )

v. )

U.S. ENVIRONMENTAL PROTECTION )  
AGENCY, and MASSACHUSETTS )  
DEPARTMENT OF ENVIRONMENTAL )  
PROTECTION, )

Respondents. )

No. 14-2252

PETITION FOR REVIEW

Pursuant to section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), Jeff Brooks, William Dearstyne, Andrea (Celestine) Maubourquette, and Linda Haley hereby petition this Court to review a decision of the United States Environmental Protection Agency (“EPA”) and the Massachusetts Department of Environmental Protection (“DEP”) to issue a Clean Air Act permit to Footprint Salem Harbor Development LP (“Footprint”). The permit authorizes Footprint to build and operate a 692-megawatt combined cycle electric generating facility in Salem, Massachusetts.

EPA and DEP provided notice of their air permit decision in the Federal Register on October 2, 2014. 79 Fed. Reg. 59,489. Copies of the notice and the permit are attached. In approving the air permit, EPA and DEP violated the Clean Air Act and applicable regulations. Petitioners are adversely affected and aggrieved by this decision. The Court has jurisdiction over this petition under section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1). This petition is timely filed within 60 days from the date of the notice of final decision in the *Federal Register*. *Id.*: see also 79 Fed. Reg. 59,489 (“judicial review of this final permit decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the First Circuit within 60 days of October 2, 2014”).

November 26, 2014

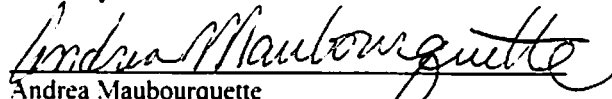
Respectfully submitted.



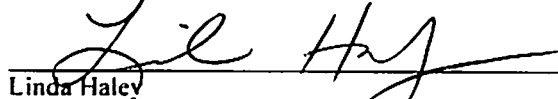
Jeff Brooks  
14 Webb Street, Salem, MA 01970



William Dearstyn  
48 Derby Street, Salem, MA 01970



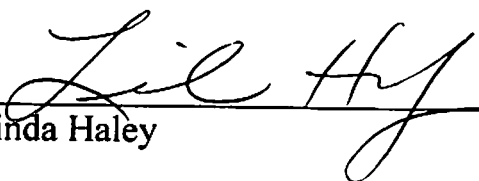
Andrea Maubourquette  
14 Webb Street, Salem, MA 01970



Linda Haley  
55C Brackett Place, Marblehead, MA 01945

CERTIFICATE OF SERVICE

I certify that I have served a copy of this petition for review on the following persons admitted to participate in the agency proceedings below, by sending this petition and all attachments to them by first-class mail on November 26, 2014. 2014 NOV 28 P 1:41

  
Linda Haley

Lauren A. Liss  
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50 Rowes Wharf  
Boston, MA 02110  
*Counsel to Footprint Power Salem Harbor Development LP*

Docket Nos. ER13-913, ER13-1940.  
*Ohio Valley Electric Corporation*  
 Docket Nos. ER13-897, ER13-1930,  
*Louisville Gas and Electric Company*  
*and Kentucky Utilities Company*  
 Docket Nos. ER13-107, ER13-1935,  
*South Carolina Electric & Gas*  
*Company*  
 Docket Nos. ER13-80, ER13-1932,  
*Tampa Electric Company*  
 Docket No. ER13-86, *Florida Power*  
*Corporation*  
 Docket Nos. ER13-104, ER13-1929,  
*Florida Power & Light Company*  
 Docket No. ER13-1922, *Duke Energy*  
*Florida (Progress Energy Florida)*  
 Docket Nos. ER13-195, ER13-198,  
 ER13-1927, ER13-1936, *PJM*  
*Interconnection, L.L.C.*  
 Docket No. ER13-90, *Public Service*  
*Electric and Gas Company and PJM*  
*Interconnection, L.L.C.*

For more information, contact Valerie Martin, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502-6139 or [Valerie.Martin@ferc.gov](mailto:Valerie.Martin@ferc.gov).

Dated: September 26, 2014.  
 Nathaniel J. Davis, Sr.,  
*Deputy Secretary.*  
 [FR Doc. 2014-23490 Filed 10-1-14; 8:45 am]  
 BILLING CODE 6717-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

[A-1-FRL-9917-37-Region-1]

**Notice of Decision To Issue a Clean Air Act PSD Permit for Salem Harbor Redevelopment Project**

**AGENCY:** Environmental Protection Agency.  
**ACTION:** Notice of final action.

**SUMMARY:** This notice announces that the Massachusetts Department of Environmental Protection (MassDEP) issued a final permit decision for a Clean Air Act Prevention of Significant Deterioration (PSD) permit (Transmittal Number X254064) to Footprint Power Salem Harbor Development, LP for the construction of the Salem Harbor Redevelopment (SHR) Project.  
**DATES:** MassDEP issued a final PSD permit decision for the SHR on September 11, 2014. The PSD permit for SHR became final and effective on September 11, 2014. Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1), judicial review of this final permit decision, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the First Circuit within 60 days of October 2, 2014.

**ADDRESSES:** Documents relevant to the above-referenced permit are available for public inspection during normal business hours at the following address: Massachusetts Department of Environmental Protection, Northeast Regional Office, 205B Lowell Street, Wilmington, MA 01887.

**FOR FURTHER INFORMATION CONTACT:** Ida E. McDonnell, Manager, Air Permits, Toxics and Indoor Programs Unit, Environmental Protection Agency, EPA New England Regional Office, (617) 918-1653, [mcdonnell.ida@epa.gov](mailto:mcdonnell.ida@epa.gov). Key portions of the administrative record for this permit decision (including the final permit, all public comments, MassDEP's responses to the public comments, and additional supporting information) are available through a link at MassDEP's Web site at: <http://www.mass.gov/eea/agencies/massdep/air/approvals/footprint.html>. Anyone who wishes to review the Environmental Appeals Board (EAB or Board) decisions described below or the documents in the EAB's electronic docket for its decision related to this matter can obtain them at <http://www.epa.gov/eab/>.

**SUPPLEMENTARY INFORMATION:** The MassDEP, acting under authority of an April 11, 2011 PSD delegation agreement with EPA Region 1, issued a final PSD permit decision on January 30, 2014 to the Footprint Power Salem Harbor Development, LP authorizing construction and operation of the SHR project. Four commenters jointly filed a petition seeking review of MassDEP's January 30, 2014 permit decision for the SHR project with the EPA EAB. On September 2, 2014, the Board issued an order denying review. See *In re Footprint Power Salem Harbor Development, LP*, PSD Appeal No. 14-02, Slip opinion (EAB September 2, 2014), 16E.A.D. . Following denial of review, pursuant to 40 CFR 124.19(l)(2), MassDEP issued a final permit decision to the SHR project on September 11, 2014. All conditions of the SHR PSD permit, Transmittal No. X254064, became final and effective on September 11, 2014.

Dated: September 18, 2014.  
 Deborah A. Szaro,  
*Acting Regional Administrator, EPA New England.*  
 [FR Doc. 2014-23539 Filed 10-1-14; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9917-36-Region-1]

**Availability of Final NPDES General Permits Mag250000 and Nhg250000 for Discharges of Non-Contact Cooling Water in Massachusetts and New Hampshire**

**AGENCY:** Environmental Protection Agency.  
**ACTION:** Notice.

**SUMMARY:** The Director of the Office of Ecosystem Protection, Environmental Protection Agency (EPA)—Region 1, is providing a notice of availability of the final National Pollutant Discharge Elimination System (NPDES) Non-contact Cooling Water General Permit (NCCW GP) for Massachusetts and New Hampshire. The general permit replaces the NCCW GP that expired on July 31, 2013.

**DATES:** The NCCW GP shall be effective on November 3, 2014 and will expire at midnight on November 4, 2019.

**ADDRESSES:** The required notice of intent (NOI) information to obtain permit coverage is provided in the NCCW GP. This information shall be submitted to both EPA and the appropriate state agency. NOIs may be sent via regular or overnight mail to EPA—Region 1, NCCW GP Processing OEP 06-4, 5 Post Office Square—Suite 100, Boston, Massachusetts 02109-3912 and the appropriate state agency at the addresses listed in in Appendix 6 of the NCCW GP.

**FOR FURTHER INFORMATION CONTACT:** Additional information concerning the NCCW GP may be obtained between the hours of 9 a.m. and 5 p.m. Monday through Friday, excluding holidays, by contacting Suzanne Warner, Office of Ecosystem Protection (OEP 06-4), 5 Post Office Square—Suite 100, Boston, MA 02109-3912; telephone: 617-918-1383; email: [warner.suzanne@epa.gov](mailto:warner.suzanne@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA is proposing to reissue two general permits for non-contact cooling water discharges to certain waters in the Commonwealth of Massachusetts and the State of New Hampshire. While the general permits are two distinct permits, for convenience, EPA has grouped them together in a single document and will refer to them as a singular "permit". The general permit, appendices and fact sheet are available online at: <http://www.epa.gov/region1/npdes/nccwgp.html>.

The general permit establishes NOI requirements, effluent limitations, standards, prohibitions, and in some



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

DEVAL L. PATRICK  
Governor

MAEVE VALLELY BARTLETT  
Secretary

DAVID W. CASH  
Commissioner

September 11, 2014

**VIA U.S. MAIL AND VIA EMAIL**

Mr. Scott G. Silverstein  
Footprint Power Salem Harbor Development LP  
1140 Route 22 East, Suite 303  
Bridgewater, NJ 08807

Re: **Federal Prevention of Significant Deterioration Permit  
Notice of Final Permit Decision**  
Footprint Power Salem Harbor Development LP  
PSD Appeal No. 14-02  
PSD Permit: Application No. NE-12-022, Transmittal No. X254064

Dear Mr. Silverstein:

The Massachusetts Department of Environmental Protection (MassDEP), Bureau of Waste Prevention, acting under authority of a federal Prevention of Significant Deterioration (PSD) delegation agreement with the United States Environmental Protection Agency (U.S. EPA) dated April 11, 2011, is hereby issuing and providing you with notice of final permit decision regarding the PSD Permit, Application No. NE-12-022, Transmittal No. X254064 (Footprint PSD Permit), which MassDEP initially issued to Footprint Power Salem Harbor Development LP for construction and operation of a combined cycle electric generating facility in Salem, Massachusetts on January 30, 2014 under 40 CFR 124.15.

On September 2, 2014, the U.S. EPA's Environmental Appeals Board (EAB) denied the petition for review, which was jointly filed on March 3, 2014 by four individuals (specifically, Jeff Brooks, Andrea Celestine, William Dearstyne, and Linda Haley). *See In re Footprint Power Salem Harbor Development LP*, PSD Appeal No. 14-02, *Order Denying Review* (EAB, September 2, 2014). Thus, in accordance with 40 CFR 124.19, this letter serves as the final permit decision by MassDEP for the permit. All conditions of the Footprint PSD Permit, as issued by MassDEP on January 30, 2014, are final and effective as of the date of this letter.

Footprint Power Salem Harbor Development LP  
Prevention of Significant Deterioration Permit - Notice of Final Permit Decision  
Transmittal No. X25-4064, Application No. NE-12-022  
September 11, 2014  
Page 2 of 3

Public notice of this final agency action will be published in the Federal Register pursuant to 40 CFR 124.19. In addition, notice of this Final Permit Decision will be published in the Massachusetts Environmental Monitor.

Regards,

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.

Susan P. Ruch, Esq.  
Deputy Regional Director  
& Acting Permit Chief  
MassDEP – Northeast Regional Office

cc: Matthew F. Pawa and Wesley Kelman  
Pawa Law Group, P.C., 1280 Centre Street, Newton, MA 02549  
Petitioner Jeff Brooks  
Petitioner Andrea Celestine  
Petitioner William Dearstynne  
Petitioner Linda Haley  
John A. DeTore, Amy E. Kwesell and Lauren Liss  
Rubin and Rudman LLP, 50 Rowes Wharf, Boston, MA 02110  
United States Environmental Protection Agency (EPA)  
New England Regional Office,  
5 Post Office Square, Suite 100, Mail Code OEP05-2  
Boston, Massachusetts 02109-3912, Attn: Air Permits Program Manager  
George Lipka, Tetra Tech, 160 Federal Street, 3<sup>rd</sup> Floor, Boston, MA 02110  
Board of Health, 120 Washington Street, 4<sup>th</sup> Floor, Salem, MA 01970  
Fire Headquarters, 48 Lafayette Street, Salem, MA 01970  
City Hall, 93 Washington Street, Salem, MA 01970  
Board of Health, 7 Widger Road, Marblehead, MA 01945  
Fire Headquarters, One Ocean Avenue, Marblehead, MA 01945  
Town Hall, 188 Washington Street, Marblehead, MA 01945  
Metropolitan Area Planning Council, 60 Temple Place, Boston, MA 02111  
Deirdre Buckley, MEPA  
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Robert J. Shea and Kathryn Sedor  
Energy Facilities Siting Board  
One South Station, Boston, MA 02110  
Shanna Cleveland, Esq.  
Conservation Law Foundation, 62 Summer Street, Boston, MA 02110

**Footprint Power Salem Harbor Development LP  
Prevention of Significant Deterioration Permit - Notice of Final Permit Decision  
Transmittal No. X254064, Application No. NE-12-022  
September 11, 2014  
Page 3 of 3**

**cc: EPA: Ida E. McDonnell  
Pawa Law Group, P.C.  
MassDEP/Boston: Karen Regas, Yi Tian, Marc Wolman, Glenn Pacheco, Madelyn Morris  
MassDEP/WERO: Marc Simpson  
MassDEP/CERO: Roseanna Stanley  
MassDEP/SERO: Thomas Cushing  
MassDEP/NERO: Ed Braczyk, Cosmo Buttaro, Jeanne Argento, Susan Ruch,  
Eric Worrall, Marc Altobelli and Mary Persky**





Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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Governor

RICHARD K. SULLIVAN JR.  
Secretary

KENNETH L. KIMMELL  
Commissioner

**Prevention of Significant Deterioration Permit  
Application No. NE-12-022  
Transmittal No. X254064**

**Footprint Power Salem Harbor Development LP  
Salem Harbor Station  
24 Fort Avenue  
Salem, MA 01970**

**692 MW Combustion Turbine Combined Cycle  
Electric Generating Facility**

Pursuant to the provisions of the Clean Air Act (CAA) Chapter I, Part C (42 U.S.C. Section 7470, et seq.), the regulations found at the Code of Federal Regulations Title 40, Section 52.21, and the Agreement for Delegation of the Federal Prevention of Significant Deterioration Program, dated April 2011, by the United States Environmental Protection Agency, Region 1 (EPA) to the Massachusetts Department of Environmental Protection (MassDEP), MassDEP is issuing a Prevention of Significant Deterioration (PSD) Permit to Footprint Power Salem Harbor Development LP (the Permittee) concerning its proposed, new 692 Megawatt, combined cycle electric generating facility to be located at 24 Fort Avenue in Salem, MA (proposed Facility or Facility). This is the site of the present Salem Harbor Station electric generating facility.

The design, construction, and operation of the proposed Facility shall be subject to the permit conditions and permit limitations set forth herein. This PSD Permit is valid only for the equipment described herein and as submitted to MassDEP in the December 21, 2012 application for a PSD Permit under 40 CFR 52.21 and subsequent application submittal addenda. In accordance with 40 CFR 124.15(b), this PSD Permit shall be effective 30 days after the date of service of notice of this final decision unless review by the Environmental Appeals Board (EAB) is requested in accordance with 40 CFR 124.19. This Permit becomes invalid if the construction does not commence as defined in 40 CFR 52.21(b)(9) within 18 months after this PSD Permit takes effect, is discontinued for a period of 18 months or more, or is not completed within a reasonable time. Pursuant to 40 CFR 52.21, MassDEP may extend the 18 month period upon a satisfactory showing that an extension is justified. This Final PSD Permit does not relieve the Permittee from the obligation to comply with applicable state and federal air pollution control rules and regulations. Failure to comply with the terms and conditions of this PSD Permit may result in enforcement action by MassDEP and/or EPA pursuant to Sections 113 and 167 of the CAA.

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.

James E. Belsky  
Permit Chief  
Bureau of Waste Prevention

January 30, 2014  
Date Issued



Footprint Power Salem Harbor Development LP  
PSD Permit  
Transmittal No. X254064  
Application No. NE-12-022  
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## **I. PROJECT DESCRIPTION (For Informational Purposes)**

Footprint Power Salem Harbor Development LP (the Permittee) proposes to construct and operate a nominal 630 Megawatt (MW) natural gas fired, quick start (capable of producing 300 MW within 10 minutes of startup) combined cycle electric generating facility (the Facility) at Salem Harbor Station. With duct firing, the proposed Facility will be capable of generating an additional 62 MW, for a total of 692 MW. The existing Salem Harbor Station Boiler Units 1 and 2 were removed from service on or prior to December 31, 2011. Boiler Unit 3 and Boiler Unit 4 are required to cease operation, permanently shutdown, and be rendered inoperable no later than June 1, 2014.

The Facility components include two combustion turbine generators with integrated duct burners, Heat Recovery Steam Generators, and Steam Turbine Generators, as well as an auxiliary boiler, an emergency engine/generator set, a fire pump, an aqueous ammonia storage tank, an auxiliary cooling tower, and generator step-up transformers.

## **II. EMISSION UNIT (EU) IDENTIFICATION**

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

<b>EU#</b>	<b>Description</b>	<b>Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
EU1	General Electric Model No. 107F Series 5 Combustion Turbine/Heat Recovery Steam Generator Including Duct Burner	2,449 MMBtu/hr, HHV (energy input)  346 MW (electric power output)	Dry Low NO <sub>x</sub> Combustors (PCD1) Selective Catalytic Reduction (PCD2) Oxidation Catalyst (PCD3)
EU2	General Electric Model No. 107F Series 5 Combustion Turbine/Heat Recovery Steam Generator Including Duct Burner	2,449 MMBtu/hr, HHV (energy input)  346 MW (electric power output)	Dry Low NO <sub>x</sub> Combustors (PCD4) Selective Catalytic Reduction (PCD5) Oxidation Catalyst (PCD6)
EU3	Cleaver Brooks Model No. CBND-80E-300D-65 or equivalent Auxiliary Boiler	80 MMBtu/hr, HHV (energy input)	Ultra Low NO <sub>x</sub> Burners (PCD7) Oxidation Catalyst (PCD8)

Footprint Power Salem Harbor Development LP  
 PSD Permit  
 Transmittal No. X254064  
 Application No. NE-12-022  
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<b>Table 1</b>			
<b>EU#</b>	<b>Description</b>	<b>Design Capacity</b>	<b>Pollution Control Device (PCD)</b>
EU4	Cummins Model No. DQFAA or equivalent Emergency Engine/Generator	7.4 MMBtu/hr, HHV (energy input)  1102 bhp (engine mechanical power output)  750 KW (generator electric power output)	None
EU5	Cummins Model No. CFP9E-F50 or equivalent Fire Pump Engine	2.7 MMBtu/hr, HHV (energy input)  371 bhp (engine mechanical power output)	None

**Table 1 Key:**

- EU# = Emission Unit Number
- No. = Number
- MMBtu/hr = fuel heat input, million British thermal units per hour
- HHV = higher heating value basis
- bhp = mechanical engine rating, brake horsepower
- MW = generator net electrical output, Megawatts
- KW = generator net electrical output, Kilowatts
- NO<sub>x</sub> = Oxides of Nitrogen

**III. OPERATIONAL, PRODUCTION and EMISSION LIMITS**

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

<b>Table 2</b>			
<b>EU#</b>	<b>Operational / Production Limit</b>	<b>Air Contaminant</b>	<b>Emission Limit Per EU</b>
EU1, EU2	Operation at $\geq$ MECL, <sup>(17)</sup> excluding start-ups and shutdowns  Fuel Heat Input Rate of each EU: $\leq 2,449$ MMBtu per hour, HHV  Natural Gas shall be the only fuel of use.  Fuel Heat Input of each EU: $\leq 18,888,480$ MMBtu, HHV per 12-month rolling period <sup>(9)</sup>	NO <sub>x</sub> (no duct firing)	$\leq 17.0$ lb/hr <sup>(1, 2)</sup> $\leq 0.0074$ lb/MMBtu <sup>(1)</sup> $\leq 2.0$ ppmvd @ 15% O <sub>2</sub> <sup>(1)</sup> $\leq 0.051$ lb/MW-hr <sup>(1, 2, 9, 13)</sup>  $\leq 15.0$ ppmvd @ 15% O <sub>2</sub> or $\leq 0.43$ lb/MW-hr <sup>(12)</sup>
		NO <sub>x</sub> (duct firing)	$\leq 18.1$ lb/hr <sup>(1, 2)</sup> $\leq 0.0074$ lb/MMBtu <sup>(1)</sup> $\leq 2.0$ ppmvd @ 15% O <sub>2</sub> <sup>(1)</sup> $\leq 0.055$ lb/MW-hr <sup>(1, 2, 14)</sup>  $\leq 15.0$ ppmvd @ 15% O <sub>2</sub> or $\leq 0.43$ lb/MW-hr <sup>(12)</sup>
		S in Fuel	$\leq 0.5$ grains/100 scf
		H <sub>2</sub> SO <sub>4</sub> (no duct firing)	$\leq 2.2$ lb/hr <sup>(1, 2)</sup> $\leq 0.0010$ lb/MMBtu <sup>(1)</sup> $\leq 0.1$ ppmvd @ 15% O <sub>2</sub> <sup>(1)</sup> $\leq 0.007$ lb/MW-hr <sup>(1, 2, 9, 13)</sup>
		H <sub>2</sub> SO <sub>4</sub> (duct firing)	$\leq 2.3$ lb/hr <sup>(1, 2)</sup> $\leq 0.0010$ lb/MMBtu <sup>(1)</sup> $\leq 0.1$ ppmvd @ 15% O <sub>2</sub> <sup>(1)</sup> $\leq 0.008$ lb/MW-hr <sup>(1, 2, 14)</sup>
		PM/PM <sub>10</sub> /PM <sub>2.5</sub> (no duct firing)	$\leq 8.8$ lb/hr <sup>(1, 7)</sup> $\leq 0.0071$ lb/MMBtu <sup>(1, 7)</sup> $\leq 0.029$ lb/MW-hr <sup>(1, 7, 9, 13)</sup>
		PM/PM <sub>10</sub> /PM <sub>2.5</sub> (duct firing)	$\leq 13.0$ lb/hr <sup>(1, 7)</sup> $\leq 0.0062$ lb/MMBtu <sup>(1, 7)</sup> $\leq 0.041$ lb/MW-hr <sup>(1, 7, 14)</sup>
		Greenhouse Gases, CO <sub>2e</sub>	$\leq 825$ lb/MW-hr <sup>(10)</sup> $\leq 895$ lb/MW-hr <sup>(15)</sup>
		EU1, EU2	Operation at $<$ MECL during start-ups <sup>(3, 12)</sup>
S in Fuel	$\leq 0.5$ grains/100 scf		
H <sub>2</sub> SO <sub>4</sub>	$\leq 1.3$ lb per event <sup>(4, 11)</sup>		

Footprint Power Salem Harbor Development LP  
 PSD Permit  
 Transmittal No. X254064  
 Application No. NE-12-022  
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**Table 2**

EU#	Operational / Production Limit	Air Contaminant	Emission Limit Per EU
EU1, EU2	Start-up duration: $\leq 45$ minutes <sup>(3, 12)</sup>  Natural Gas shall be the only fuel of use.	PM/PM <sub>10</sub> /PM <sub>2.5</sub>	$\leq 6.60$ lb per event <sup>(4,7, 11)</sup>
	Operation at < MECL during shutdowns <sup>(3, 12)</sup>  Shutdown duration: $\leq 27$ minutes <sup>(3, 12)</sup>  Natural Gas shall be the only fuel of use.	NO <sub>x</sub>	$\leq 10$ lb per event <sup>(11)</sup>
		S in Fuel	$\leq 0.5$ grains/100 scf
		H <sub>2</sub> SO <sub>4</sub>	$\leq 0.2$ lb per event <sup>(11)</sup>
		PM/PM <sub>10</sub> /PM <sub>2.5</sub>	$\leq 3.96$ lb per event <sup>(8, 11)</sup>
EU3	Operation at $\geq$ MECL <sup>(18)</sup>  Fuel Heat Input Rate: $\leq 80$ MMBtu per hour, HHV  Natural Gas shall be the only fuel of use.  Total Fuel Heat Input: $\leq 525,600$ MMBtu, HHV per 12-month rolling period <sup>(9)</sup>	NO <sub>x</sub>	$\leq 0.88$ lb/hr <sup>(1)</sup> $\leq 0.011$ lb/MMBtu <sup>(1)</sup> $\leq 9.0$ ppmvd @ 3% O <sub>2</sub> <sup>(1)</sup>
		S in Fuel	$\leq 0.5$ grains/100 scf
		H <sub>2</sub> SO <sub>4</sub>	$\leq 0.072$ lb/hr <sup>(1)</sup> $\leq 0.0009$ lb/MMBtu <sup>(1)</sup> $\leq 0.35$ ppmvd @ 3% O <sub>2</sub> <sup>(1)</sup>
		PM/PM <sub>10</sub> /PM <sub>2.5</sub>	$\leq 0.4$ lb/hr <sup>(1, 7)</sup> $\leq 0.005$ lb/MMBtu <sup>(1, 7)</sup>
		Greenhouse Gases, CO <sub>2e</sub>	$\leq 119.0$ lb/MMBtu
EU4	$\leq 300$ hours of operation per 12-month rolling period  Ultra Low Sulfur Diesel Fuel Oil shall be the only fuel of use.	NO <sub>x</sub> and VOC (NMHC as CH <sub>1.8</sub> ), Combined Total ( <i>limit includes VOC</i> )	$\leq 11.60$ lb/hr <sup>(5)</sup> $\leq 4.8$ gm/bhp-hr <sup>(5)</sup> $\leq 6.4$ gm/KW-hr <sup>(5)</sup>
		S in Fuel	$\leq 0.0015\%$ by weight
		H <sub>2</sub> SO <sub>4</sub>	$\leq 0.0009$ lb/hr <sup>(5)</sup>
		PM/PM <sub>10</sub> /PM <sub>2.5</sub>	$\leq 0.36$ lb/hr <sup>(5)</sup> $\leq 0.15$ gm/bhp-hr <sup>(5)</sup> $\leq 0.2$ gm/KW-hr <sup>(5)</sup>
		Greenhouse Gases, CO <sub>2e</sub>	$\leq 162.85$ lb/MMBtu



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<b>Table 2</b>			
<b>EU#</b>	<b>Operational / Production Limit</b>	<b>Air Contaminant</b>	<b>Emission Limit Per EU</b>
EU5	$\leq 300$ hours of operation per 12-month rolling period  Ultra Low Sulfur Diesel Fuel Oil shall be the only fuel of use.	NO <sub>x</sub> and VOC (NMHC as CH <sub>1.8</sub> ), Combined Total ( <i>limit includes VOC</i> )	$\leq 2.44$ lb/hr <sup>(5)</sup> $\leq 3.0$ gm/bhp-hr <sup>(5)</sup> $\leq 4.0$ gm/KW-hr <sup>(5)</sup>
		S in Fuel	$\leq 0.0015\%$ by weight
		H <sub>2</sub> SO <sub>4</sub>	$\leq 0.0003$ lb/hr <sup>(6)</sup>
		PM/PM <sub>10</sub> /PM <sub>2.5</sub>	$\leq 0.12$ lb/hr <sup>(5)</sup> $\leq 0.15$ gm/bhp-hr <sup>(5)</sup> $\leq 0.2$ gm/KW-hr <sup>(5)</sup>
		Greenhouse Gases, CO <sub>2e</sub>	$\leq 162.85$ lb/MMBtu
Facility-Wide	NA	NO <sub>x</sub>	$\leq 144.8$ TPY <sup>(6)</sup>
		PM/PM <sub>10</sub> /PM <sub>2.5</sub>	$\leq 82.0$ TPY <sup>(6, 7)</sup>
		H <sub>2</sub> SO <sub>4</sub>	$\leq 19.0$ TPY <sup>(6)</sup>
		CO <sub>2</sub>	$\leq 2,277,333$ TPY <sup>(6)</sup>
		Greenhouse Gases, CO <sub>2e</sub>	$\leq 2,279,530$ TPY <sup>(6)</sup>

**Table 2 Notes:**

- Emission limits are one hour block averages and do not apply during start-ups and shutdowns.
- Emission rates are based on burning natural gas in any one combustion turbine at a maximum natural gas firing rate of 2,300 MMBtu/hr, HHV (no duct firing), at 0 °F ambient temperature, and 2,449 MMBtu/hr, HHV (duct firing), at 90 °F ambient temperature, both at 14.7 psia ambient pressure and 60% ambient relative humidity. These constitute worst case emissions.
- Start-ups include the time from flame-on in the combustor (after a period of downtime) until the minimum emissions compliance load (MECL) is reached. Shutdowns include the time from dropping below the MECL until flame-out.
- Emission limits represent worst case emissions for cold start-ups. Emissions for warm and hot start-ups are expected to be lower.
- Emission limits are one hour block averages and apply throughout the operating range, including during start-up and shutdown. Emissions are based on manufacturer's certifications using gaseous testing procedures in accordance with 40 CFR Part 89. VOC emissions are assumed to be equivalent to NMHC emissions. In accordance with the calculations found at 40 CFR 89.424 for No. 2 diesel fuel oil exhaust, NMHC mass emissions are calculated by assuming that each carbon atom is accompanied (using a weighted average) by 1.8 atoms of hydrogen (i.e. NMHC as CH<sub>1.8</sub>), which corresponds to a gas density of 0.5746 kg/m<sup>3</sup>. (*Limit includes VOC*)
- Facility emissions include the two CTG/HRSR pairs with duct burners (EU1 and EU2), the auxiliary boiler (EU3), the emergency diesel engine/generator set (EU4), the fire pump engine (EU5), and the auxiliary cooling tower. Emissions for each of EU1 and EU2 are based on 8,040 hours of natural gas firing per 12 month rolling period at 100% load and 50°F ambient temperature with no duct burner firing (2,130 MMBtu/hr, HHV) or evaporative cooling, and 720 hours of natural gas firing per 12 month rolling period at peak load (approximately 102% load) and 90°F ambient temperature with 100% duct burner firing (2,449 MMBtu/hr, HHV) and evaporative cooling, and include start-up and shutdown emissions. Emissions for EU3 are based on 6,570 hours of natural gas firing per 12

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month rolling period at 100% load (80 MMBtu/hr, HHV). Emissions for each of EU4 and EU5 are based on restricted operation of 300 hours per unit, including maintenance and periodic readiness testing, while firing ULSD having a sulfur content that does not exceed 0.0015% by weight. Worst case NO<sub>x</sub> and VOC emissions for EU4 are assumed to be emitted at the EPA Tier 2 limit of 6.4 gm/KW-hr and the EPA Tier 1 limit of 1.3 gm/KW-hr, respectively (*Limit includes VOC*). Worst case NO<sub>x</sub> and VOC emissions for EU5 are assumed to be emitted at the EPA Tier 3 limit of 4.0 gm/KW-hr and the EPA Tier 1 limit of 1.3 gm/KW-hr, respectively (*Limit includes VOC*). EPA Tier 1, 2, and 3 emission standards are published in the United States Code of Federal Regulations, Title 40, Part 89 [40 CFR Part 89]. The auxiliary cooling tower contributes to PM/PM<sub>10</sub>/PM<sub>2.5</sub> emissions only based on 8,760 hours of operation per 12 month rolling period.

7. Emission limit is for the sum of filterable and condensable particulates, including sulfates.

8. Maximum fuel (natural gas only) heat input for each CTG/HRSG with duct burner is based on 8,040 hours of operation per 12 month rolling period at 100% load and 50°F ambient temperature with no duct burner firing (2,130 MMBtu/hr, HHV), and 720 hours of operation per 12 month rolling period at peak load (approximately 102% load) and 90°F ambient temperature with 100% duct burner firing (2,449 MMBtu/hr, HHV). Maximum total fuel heat input for the auxiliary boiler is based on 6,570 hours of operation per 12 month rolling period at 100% load (80 MMBtu/hr, HHV).

9. Emission limit is based on full (base) load (100% load) without duct firing ISO corrected (59 °F, 14.7 psia, 60% humidity) heat rate of 6,940 Btu, higher heating value, per KW-hr net electrical output to the grid.

10. Emission limit is based on full (base) load (100% load) without duct firing ISO corrected (59 °F, 14.7 psia, 60% humidity) heat rate of 6,940 Btu, higher heating value, per KW-hr net electrical output to the grid and a CO<sub>2e</sub> emission factor of 119.0 lb/MMBtu. This emission factor is based on a CO<sub>2</sub> emission factor of 118.9 lb/MMBtu calculated from Equation G-4 of 40 CFR Part 75 Appendix G plus an emission factor of 0.1 lb/MMBtu for other greenhouse gases (methane and nitrous oxide) calculated utilizing the emission factors for these two pollutants from Table C-2 of 40 CFR Part 98 Subpart C and the global warming potentials for these two pollutants from Table A-1 of 40 CFR Part 98 Subpart A.. Compliance shall be determined during the initial emissions compliance test performed within 180 days after initial firing of the EU. If the EU does not meet this limit, then the Permittee shall remedy the EU's failure to meet this limit, and shall not combust fuel in the EU until the Permittee has shown compliance with this limit during a subsequent emissions compliance test.

11. Start-up and shutdown emission limits and duration are subject to revision by MassDEP based on review of compliance testing (stack testing) data and CEMs data generated from the first year of commercial operation.

12. NO<sub>x</sub> emission limits are from 40 CFR Part 60 Subpart KKKK. Compliance with the BACT NO<sub>x</sub> emission limits of this PSD Permit shall be deemed compliance with the NO<sub>x</sub> limits from 40 CFR Part 60 Subpart KKKK.

13. Limit is based on an initial compliance test at full (base) (100% load) with no duct firing. Compliance demonstration shall be made by emissions compliance testing within 180 days after initial firing of each EU.

14. Limit is based on an initial compliance test at peak load (approximately 102% load) with 100% duct firing. Compliance demonstration shall be made by emissions compliance testing within 180 days after initial firing of each EU.

15. Emission limit is effective 365 days after initial firing of the EU and is based on a 365 day rolling average, net electrical output to the grid and a CO<sub>2e</sub> emission factor of 119.0 lb/MMBtu (see Footnote 11 above). A new 365 day rolling average emission rate shall be calculated each day by calculating the arithmetic average of all hourly emission rates for the preceding 365 days, excluding the hours in which the EU was not operating. Hourly CO<sub>2e</sub> mass emissions (lb) shall be calculated by obtaining monitored and recorded actual hourly heat input (MMBtu) and multiplying by the CO<sub>2e</sub> emission factor of 119.0 lb/MMBtu.

16. Minimum Emissions Compliance Load (MECL) for EU1 and EU2 shall be a function of ambient temperature and other system parameters.

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17. MECL for EU3 shall be determined during the initial emissions compliance testing to be performed within 180 days after initial firing of EU3.

**Table 2 Key:**

EU# = Emission Unit Number

PSD = Prevention of Significant Deterioration

No. = Number

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

VOC = Volatile Organic Compounds

NMHC = Non-Methane Hydrocarbons

S = Sulfur

PM = Total Particulate Matter

PM<sub>10</sub> = Particulate Matter less than or equal to 10 microns in diameter

PM<sub>2.5</sub> = Particulate Matter less than or equal to 2.5 microns in diameter

H<sub>2</sub>SO<sub>4</sub> = Sulfuric Acid

CO<sub>2</sub> = Carbon Dioxide

CO<sub>2e</sub> = Greenhouse Gases expressed as Carbon Dioxide equivalent and calculated by multiplying each of the six greenhouse gases (Carbon Dioxide, Nitrous Oxide, Methane, Hydrofluorocarbons, Perfluorocarbons, Sulfur Hexafluoride) mass amount of emissions, in tons per year, by the gas's associated global warming potential published at Table A-1 of 40 CFR Part 98, Subpart A and summing the six resultant values.

lb = pounds

grains/scf = grains per standard cubic foot

lb/hr = pounds per hour

MMBtu = million British thermal units, higher heating value (HHV) basis

lb/MMBtu = pounds per million British thermal units

ppmvd @ 15% O<sub>2</sub> = parts per million by volume, dry basis, corrected to 15 percent oxygen

ppmvd @ 3% O<sub>2</sub> = parts per million by volume, dry basis, corrected to 3 percent oxygen

scf = standard cubic feet

kg/m<sup>3</sup> = kilograms per cubic meter

% = percent

gm/KW-hr = grams per Kilowatt-hour

lb/MW-hr = pounds per Megawatt-hour net electrical output to the grid

Btu/KW-hr = British thermal units per Kilowatt-hour net electrical output to the grid

TPY = tons per 12-month rolling period

°F = degrees Fahrenheit

psia = pounds per square inch, absolute

EPA = United States Environmental Protection Agency

CFR = Code of Federal Regulations

ISO = International Organization for Standardization

CTG/HRSG = combustion turbine generator/heat recovery steam generator

ULSD = Ultra Low Sulfur Diesel Fuel Oil containing a maximum of 0.0015 weight percent sulfur

CEMS = Continuous Emission Monitoring Systems

HHV = higher heating value basis

MECL = minimum emissions compliance load

< = less than

> = greater than

≤ = less than or equal to

≥ = greater than or equal to

NA = Not Applicable

**IV. MONITORING AND TESTING REQUIREMENTS**

<b>Table 3</b>	
<b>EU#</b>	<b>Monitoring and Testing Requirements</b>
EU1, EU2, EU3	<p>1. The Permittee shall ensure that the Facility is constructed to accommodate the emissions (compliance) testing requirements as stipulated in 40 CFR Part 60 Appendix A. The two outlet sampling ports (90 degrees apart from each other) for each emission unit must be located at a minimum of one duct diameter upstream and two duct diameters downstream of any flow disturbance. In addition, the Permittee shall facilitate access to the sampling ports and testing equipment by constructing platforms, ladders, or other necessary equipment.</p>
EU1, EU2, EU3	<p>2. The Permittee shall ensure that compliance testing of the Facility is completed within 180 days after initial firing of each EU to demonstrate compliance with the emission limits specified in Table 2 of this PSD Permit. All emissions testing shall be conducted in accordance with MassDEP's "Guidelines for Source Emissions Testing" and in accordance with EPA reference test methods as specified in 40 CFR Part 60, Appendix A, 40 CFR Part 60 Subpart KKKK, 40 CFR Parts 72 and 75, or by another method which has been approved in writing by MassDEP. The Permittee shall schedule the compliance testing such that MassDEP personnel can witness it.</p> <p>3. The Permittee shall conduct initial compliance tests of the Facility to document actual emissions of EU1, EU2, and EU3 so as to determine their compliance status versus the emission limits (in lb/hr, lb/MMBtu, ppmvd, and lb/MW-hr, as applicable) in Table 2 for the pollutants listed below.</p> <p>Testing for these pollutants for EU1 and EU2 as specified below shall be conducted at four (4) load conditions that cover the entire normal operating range: the minimum emissions compliance load (MECL); 75 percent load; 100 percent (base) load without duct firing; and peak (approximately 102 percent load) with 100 percent duct firing.</p> <p>NO<sub>x</sub>, PM, PM<sub>10</sub>, PM<sub>2.5</sub>, CO<sub>2</sub>, H<sub>2</sub>SO<sub>4</sub></p> <p>Testing for these pollutants for EU3 as specified below shall be conducted at four (4) load conditions that cover the entire normal operating range: the MECL (to be determined during the compliance test); 50 percent load; 75 percent load; and 100 percent load.</p> <p>NO<sub>x</sub>, PM, PM<sub>10</sub>, PM<sub>2.5</sub>, H<sub>2</sub>SO<sub>4</sub></p>
EU1, EU2	<p>4. The above referenced emissions testing shall include parametric monitoring testing for PM, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions for EU1 and EU2.</p>
EU3	<p>5. The Permittee shall tune EU3 according to procedures contained in EPA 340/1-83-023 "Combustion Efficiency Optimization Manual for Operators of Oil and Gas Fired Boilers" with the goal of reducing air pollutant emissions to optimum levels. In addition, the Permittee shall tune EU3 in accordance with said procedures and inspect and maintain EU3 per manufacturer recommendations as well as test EU3 for efficient operation on an annual basis. The Permittee shall allow MassDEP personnel to witness tuning of EU3 if and when requested by MassDEP.</p>

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**Table 3**

<b>EU#</b>	<b>Monitoring and Testing Requirements</b>
EU1, EU2, EU3	6. The Permittee shall install, calibrate, test, and operate a Data Acquisition and Handling System(s) (DAHS) and CEMS serving EU1 and EU2 to measure and record the following:  a) O <sub>2</sub> ; b) NO <sub>x</sub> .
EU1, EU2, EU3	7. The Permittee shall ensure that all emission monitors and recorders serving EU1, EU2 and EU3 comply with MassDEP approved performance and location specifications, and conform with the EPA monitoring specifications at 40 CFR 60.13 and 40 CFR Part 60 Appendices B and F, and all applicable portions of 40 CFR Parts 72 and 75, and 310 CMR 7.32, as applicable.  8. The Permittee shall ensure that the subject CEMS are equipped with properly operated and properly maintained audible and visible alarms to activate whenever emissions from the Facility exceed the short term limits established in Table 2 of this PSD Permit.  9. The Permittee shall operate each CEMS serving EU1, EU2 and EU3 at all times except for periods of CEMS calibration checks, zero and span adjustments, preventative maintenance, and periods of unavoidable malfunction.  10. The Permittee shall obtain and record emissions data from each CEMS serving EU1, EU2 and EU3 for at least seventy (75) percent of each emission unit's operating hours per day, for at least seventy five (75) percent of each emission unit's operating hours per month, and for at least ninety five (95) percent of each emission unit's operating hours per quarter, except for periods of CEMS calibration checks, zero and span adjustments, and preventive maintenance.  11. All periods of excess emissions occurring at the Facility, even if attributable to an emergency/malfunction, start-up/shutdown or equipment cleaning, shall be quantified and included by the Permittee in the compilation of emissions and determination of compliance with the emission limits as stated in Table 2 of this PSD Permit. ("Excess Emissions" are defined as emissions which are in excess of the emission limits as stated in Table 2). An exceedance of emission limits in Table 2 due to an emergency or malfunction shall not be deemed a federally permitted release as that term is used in 42 U.S.C. Section 9601(10).  12. The Permittee shall use and maintain its CEMS serving EU1, EU2 and EU3 as "direct-compliance" monitors to measure NO <sub>x</sub> and O <sub>2</sub> . "Direct-compliance" monitors generate data that legally documents the compliance status of a source.  13. The Permittee shall develop a quality assurance/quality control (QA/QC) program for the long-term operation of the CEMS serving EU1, EU2 and EU3 so as to conform with 40 CFR Part 60 Appendices B and F, all applicable portions of 40 CFR Parts 72 and 75.  14. The Permittee shall install, operate, and maintain a fuel metering device and recorder for EU1, EU2 and EU3 that records natural gas consumption in standard cubic feet (scf).  15. The Permittee shall monitor fuel heat input rate (MMBtu/hr, HHV) and total fuel heat input (MMBtu) for EU1, EU2, and EU3.  16. The Permittee shall monitor each date and daily hours of operation and total hours of operation for EU1, EU2, and EU3 per month and twelve month rolling period.



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<b>Table 3</b>	
<b>EU#</b>	<b>Monitoring and Testing Requirements</b>
EU1, EU2	17. The Permittee shall ensure that initial compliance tests of the Facility are conducted for “hot start”, “warm start”, “cold start”, and shutdown periods as defined in the Permittee’s Application for EU1 and EU2. These compliance tests shall represent periods of operation below the MECL for EU1 and EU2. Emission data generated from this testing shall be made available for review by MassDEP prior to determining and approving the maximum allowable emission limits for all pollutants listed in Table 2 (lb per event) and opacity limits, for these periods of time
	18. The Permittee shall comply with all applicable monitoring requirements of 40 CFR Part 60 Subpart KKKK.
	19. The Permittee shall monitor the natural gas consumption of EU1 and EU2 in accordance with 40 CFR Part 60 Subpart KKKK utilizing a continuous monitoring system accurate to + 5 percent, and as approved by MassDEP.
	20. The Permittee shall monitor the sulfur content of the natural gas combusted by EU1 and EU2 in accordance with 40 CFR Part 60 Subpart KKKK, or pursuant to any alternative fuel monitoring schedule issued in accordance with 40 CFR Part 60 Subpart KKKK.
	21. The Permittee shall install and operate continuous monitors fitted with alarms to monitor continuously the temperatures at the inlets to the SCR and oxidation catalysts serving EU1 and EU2. In addition, the Permittee shall monitor the combustion turbine inlet and ambient temperatures for EU1 and EU2.
	22. The Permittee shall monitor the load, start-up and shutdown duration, and mass emissions (lb/event) during start-up and shutdown periods of EU1 and EU2.
	23. The Permittee shall monitor the operation of EU1 and EU2 in accordance with the surrogate methodology or parametric monitoring developed during the most recent compliance test concerning PM, PM <sub>10</sub> , and PM <sub>2.5</sub> emission limits.
	24. The Permittee shall monitor the CO <sub>2</sub> emissions in accordance with 40 CFR Part 75.
	25. The Permittee shall monitor the Greenhouse Gas emission rate utilizing the calculation procedures in 40 CFR Part 98 Subpart A, Table A-1.
	26. The Permittee shall continuously monitor the net electrical output to the grid of the Facility.
	EU3
EU4, EU5	28. The Permittee shall comply with all applicable emissions standards, operating restrictions, and monitoring requirements of 40 CFR Part 60 Subpart IIII.
	29. The Permittee shall equip, operate, and maintain non-resettable hour meters on the emergency generator and fire pump engines in order to monitor the hours of operation of each emission unit.
	30. The Permittee shall monitor the quantity and sulfur content of ULSD fuel oil burned in EU4 and EU5.
Facility-Wide	31. If and when MassDEP requires it, the Permittee shall conduct compliance testing in accordance with EPA Reference Test Methods.

**Table 3 Key:**

EU# = Emission Unit Number

PSD = Prevention of Significant Deterioration

EPA = United States Environmental Protection Agency  
 CFR = Code of Federal Regulations  
 CMR = Code of Massachusetts Regulations  
 DAHS = Data Acquisition and Handling System  
 CEMS = Continuous Emission Monitoring System  
 SCR = Selective Catalytic Reduction  
 O<sub>2</sub> = Oxygen  
 NO<sub>x</sub> = Nitrogen Oxides  
 PM = Particulate Matter  
 PM<sub>10</sub> = Particulate Matter less than or equal to 10 microns in size  
 PM<sub>2.5</sub> = Particulate Matter less than or equal to 2.5 microns in size  
 CO<sub>2</sub> = Carbon Dioxide  
 H<sub>2</sub>SO<sub>4</sub> = Sulfuric Acid  
 lb = pounds  
 lb/hr = pounds per hour  
 lb/MMBtu = pounds per million British thermal units  
 ppmvd = parts per million by volume, dry basis  
 lb/MW-hr = pounds per megawatt-hr net electrical output to the grid  
 scf = standard cubic feet  
 MMBtu/hr = million British thermal units per hour  
 MMBtu = million British thermal units  
 HHV = higher heating value basis  
 MECL = Minimum Emissions Compliance Load  
 ULSD = Ultra Low Sulfur Diesel Fuel Oil containing a maximum of 0.0015 weight percent sulfur

**V. RECORD KEEPING REQUIREMENTS**

<b>Table 4</b>	
<b>EU#</b>	<b>Record Keeping Requirements</b>
EU1, EU2, EU3	1. The Permittee shall maintain records of each emission unit's hourly fuel heat input rate (MMBtu/hr, HHV), total fuel heat input (MMBtu), and natural gas consumption (scf) per month and twelve month rolling period basis. 2. The Permittee shall maintain records of each date and daily hours of operation and total hours of operation of each EU per month and twelve month rolling period. 3. The Permittee shall maintain on-site permanent records of output from all continuous monitors (including CEMS) for flue gas emissions and natural gas consumption (scf).
EU1, EU2, EU3	4. The Permittee shall maintain a log to record problems, upsets or failures associated with the subject emission control systems, DAHS and CEMS serving EU1, EU2, and EU3, and the NH <sub>3</sub> handling system serving EU1 and EU2. 5. The Permittee shall continuously estimate and record PM, PM <sub>10</sub> , and PM <sub>2.5</sub> emissions on the DAHS using the surrogate methodology or parametric monitoring derived from the most recent compliance test. 6. The Permittee shall maintain records of the load, start-up and shutdown duration, and mass emissions (lb/event) during start-up and shutdown periods of EU1 and EU2. 7. The Permittee shall maintain records of net electrical output to the grid from the Facility on a daily basis. 8. The Permittee shall comply with all applicable record keeping requirements of 40 CFR Part 60 Subpart KKKK.

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<b>Table 4</b>	
<b>EU#</b>	<b>Record Keeping Requirements</b>
EU1, EU2, EU3	9. The Permittee shall maintain records of the sulfur content of the natural gas combusted by EU1 and EU2 at the frequency required pursuant to 40 CFR Part 60 Subpart KKKK, or pursuant to any alternative fuel monitoring schedule issued in accordance with 40 CFR Part 60 Subpart KKKK.
	10. The Permittee shall record CO <sub>2</sub> emissions from EU1 and EU2 in accordance with 40 CFR Part 75.
	11. The Permittee shall record the Greenhouse Gas emission rate of EU1 and EU2 on a daily basis utilizing the calculation procedures in 40 CFR Part 98 Subpart A, Table A-1.
	12. The Permittee shall maintain continuous records of SCR and oxidation catalyst inlet temperatures, combustion turbine inlet temperatures and ambient temperatures.
	13. The Permittee shall maintain the SOMP for the NH <sub>3</sub> handling system serving EU1 and EU2 SCRs in a convenient location and make them readily available to all employees.
EU3	14. The Permittee shall comply with all applicable record keeping requirements of 40 CFR Part 60 Subpart Dc.
	15. The Permittee shall record and post conspicuously on or near EU3 the results of annual inspections, maintenance, and testing and the date(s) upon which it was performed.
EU4, EU5	16. The Permittee shall comply with all applicable record keeping requirements of 40 CFR Part 60 Subpart III.
	17. The Permittee shall maintain a record of the quantity of ULSD fuel oil combusted in, and the total hours of operation of, EU4 and EU5 per month and per 12-month rolling period.
	18. The Permittee shall maintain a record of the sulfur content of each ULSD fuel oil delivery made to the Facility.
Facility- Wide	19. A record keeping system for the Facility shall be established and maintained up-to-date by the Permittee such that year-to-date information is readily available. Record keeping shall, at a minimum, include: <ul style="list-style-type: none"> <li>a) Compliance records sufficient to document actual emissions from the Facility in order to determine compliance with what is allowed by this PSD Permit. Such records shall include, but are not limited to, fuel usage rates, emissions test results, monitoring equipment data and reports;</li> <li>b) Maintenance: A record of routine maintenance activities performed on the subject emission units' control equipment and monitoring equipment at the Facility including, at a minimum, the type or a description of the maintenance performed and the date(s) and time(s) the work was commenced and completed; and,</li> <li>c) Malfunctions: A record of all malfunctions on the subject emission units' control and monitoring equipment at the Facility including, at a minimum: the date and time the malfunction occurred; a description of the malfunction and the corrective action taken; the date and time corrective actions were initiated; and the date and time corrective actions were completed.</li> </ul>
	20. The Permittee shall maintain all records required by 40 CFR Part 98 (Mandatory Greenhouse Gas Emissions Reporting) at the Facility.

<b>Table 4</b>	
<b>EU#</b>	<b>Record Keeping Requirements</b>
Facility-Wide	<p>21. The Permittee shall maintain monthly records to demonstrate the Facility's compliance status regarding the Facility-Wide emission limits (in TPY) specified in Table 2. Records shall include actual emissions for the month as well as for the previous 11 months. (The MassDEP approved format can be downloaded at <a href="http://www.mass.gov/eea/agencies/massdep/air/approvals/limited-emissions-record-keeping-and-reporting.html#WorkbookforReportingOn-SiteRecordKeeping">http://www.mass.gov/eea/agencies/massdep/air/approvals/limited-emissions-record-keeping-and-reporting.html#WorkbookforReportingOn-SiteRecordKeeping</a> in Microsoft Excel format.)</p> <p>22. The Permittee shall maintain a copy of this PSD Permit, underlying Application, and the most up-to-date Standard SOMP for each emission unit and PCD approved herein on-site.</p> <p>23. The Permittee shall maintain records of monitoring and testing as required by Table 3. All records required by this PSD Permit shall be kept on site for five (5) years and made available for inspection by MassDEP or EPA upon request.</p>

**Table 4 Key:**

- EU# = Emission Unit Number
- PSD = Prevention of Significant Deterioration
- PCD = Pollution Control Device
- SOMP = Standard Operating and Maintenance Procedures
- EPA = United States Environmental Protection Agency
- DAHS = Data Acquisition and Handling System
- CEMS = Continuous Emission Monitoring System
- SCR = Selective Catalytic Reduction
- CFR = Code of federal Regulations
- CMR = Code of Massachusetts Regulations
- NH<sub>3</sub> = Ammonia
- PM = Particulate Matter
- PM<sub>10</sub> = Particulate Matter less than or equal to 10 microns in size
- PM<sub>2.5</sub> = Particulate Matter less than or equal to 2.5 microns in size
- CO<sub>2</sub> = Carbon Monoxide
- ULSD = Ultra Low Sulfur Diesel Fuel Oil containing a maximum of 0.0015weight percent sulfur
- lb = pounds
- scf = standard cubic feet
- MMBtu/hr = million British thermal units per hour
- MMBtu = million British thermal units
- HHV = higher heating value basis
- TPY = tons per 12-month rolling period

**VI. REPORTING REQUIREMENTS**

<b>Table 5</b>	
<b>EU#</b>	<b>Reporting Requirements</b>
EU1, EU2, EU3	<p>1. The Permittee must obtain written MassDEP approval of an emissions test protocol prior to initial compliance emissions testing of EU1, EU2 and EU3 at the Facility. The protocol shall include a detailed description of sampling port locations, sampling equipment, sampling and analytical procedures, and operating conditions for any such emissions testing. In addition, the protocol shall include procedures for a parametric monitoring strategy to ensure continuous monitoring of PM, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from EU1 and EU2. The protocol must be submitted to MassDEP at least 30 days prior to commencement of testing.</p> <p>2. The Permittee shall submit a final emissions test results report to MassDEP within 45 days after completion of the initial compliance emissions testing program.</p> <p>3. A QA/QC program plan for the CEMS serving EU1, EU2 and EU3 must be submitted, in writing, at least 30 days prior to commencement of commercial operation of the subject emission units. MassDEP must approve the QA/QC program prior to its implementation. Subsequent changes to the QA/QC program plan shall be submitted to MassDEP for MassDEP approval prior to their implementation.</p>
EU1, EU2, EU3	<p>4. The Permittee shall submit a quarterly Excess Emissions Report to MassDEP by the thirtieth (30th) day of April, July, October, and January covering the previous calendar periods of January through March, April through June, July through September, and October through December, respectively. The report shall contain at least the following information:</p> <p>a) The Facility CEMS excess emissions data, in a format acceptable to MassDEP.</p> <p>b) For each period of all excess emissions or excursions from allowable operating conditions for the emission unit(s), the Permittee shall list the duration, cause, the response taken, and the amount of excess emissions. Periods of excess emissions shall include periods of start-up, shutdown, malfunction, emergency, equipment cleaning, and upsets or failures associated with the emission control system or CEMS. ("Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions. "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of this source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the PSD Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of these things.)</p> <p>c) A tabulation of periods of operation (including dispatch) of each emission unit and total hours of operation of each emission unit during the calendar quarter.</p>



<b>Table 5</b>	
<b>EU#</b>	<b>Reporting Requirements</b>
EU1,EU2	<p>5. After completion of the initial compliance emissions testing program, the Permittee shall submit information for MassDEP review that documents the actual emissions impacts generated by EU1 and EU2 during start-up and shutdown periods versus any applicable NAAQS and SILs or the AALs and TELs for air toxics. This information shall be submitted to MassDEP as part of the final emissions test results report.</p> <p>6. The Permittee shall comply with all applicable reporting requirements of 40 CFR Part 60 Subpart KKKK.</p> <p>7. The Permittee shall submit to MassDEP a Phase II Acid Rain Permit Application at least 24 months prior to commencement of commercial operation of any subject emission unit.</p>
EU3	8. The Permittee shall comply with all applicable reporting requirements of 40 CFR Part 60 Subpart Dc.
EU4, EU5	9. The Permittee shall comply with all applicable reporting requirements of 40 CFR Part 60 Subpart IIII.
Facility-Wide	<p>10. The Permittee shall submit, in writing, the following notifications to MassDEP within fourteen (14) days after each occurrence:</p> <ul style="list-style-type: none"> <li>a) date of commencement of construction of each subject emission unit at the Facility;</li> <li>b) date when construction has been completed of each subject emission unit at the Facility;</li> <li>c) date of initial firing of each subject emission unit at the Facility;</li> <li>d) date when each subject emission unit at the Facility is either ready for commercial operation or has commenced commercial operation.</li> </ul> <p>11. The Permittee shall submit to MassDEP an Operating Permit, no later than 12 months after commencement of commercial operation of the Facility in accordance with 40 CFR Part 70.</p> <p>12. If the Facility is subject to 40 CFR Part 68, due to the presence of a regulated substance above a threshold quantity in a process, the Permittee must submit a Risk Management Plan no later than the date the regulated substance is first present above a threshold quantity.</p> <p>13. The Permittee shall report to EPA in accordance with 40 CFR Part 75.</p> <p>14. The Permittee shall comply with all applicable reporting requirements of 40 CFR Part 98 (Mandatory Greenhouse Gas Emissions Reporting).</p> <p>15. The Permittee must notify MassDEP by telephone or fax or e-mail [<a href="mailto:nero.air@massmail.state.ma.us">nero.air@massmail.state.ma.us</a>] as soon as possible, but in any case no later than three (3) business days after the occurrence of any upsets or malfunctions to the Facility equipment, air pollution control equipment, or monitoring equipment which result in an excess emission to the air and/or a condition of air pollution.</p>

<b>Table 5</b>	
<b>Reporting Requirements</b>	
<b>Facility-Wide</b>	<p>16. The Permittee shall submit a semi-annual report to MassDEP by July 30 and January 30 of each year to demonstrate the Facility's compliance status regarding the Facility-Wide emission limits (in TPY) specified in Table 2. Reports shall include actual emissions for the previous 12 months. (The MassDEP approved format can be downloaded at <a href="http://www.mass.gov/eea/agencies/massdep/air/approvals/limited-emissions-record-keeping-and-reporting.html#WorkbookforReportingOn-SiteRecordKeeping">http://www.mass.gov/eea/agencies/massdep/air/approvals/limited-emissions-record-keeping-and-reporting.html#WorkbookforReportingOn-SiteRecordKeeping</a> in Microsoft Excel format.)</p> <p>17. The Permittee shall submit to MassDEP a SOMP for the subject emission units and associated control and monitoring/recording systems at the Facility no later than 30 days prior to commencement of commercial operation of the unit. Thereafter, the Permittee shall submit updated versions of the SOMP to MassDEP no later than thirty (30) days prior to the occurrence of a significant change. MassDEP must approve of significant changes to the SOMP prior to the SOMP becoming effective. The updated SOMP shall supersede prior versions of the SOMP.</p> <p>18. The Permittee shall submit to MassDEP all information required by this PSD Permit over the signature of a "Responsible Official".</p> <p>19. All notifications and reporting to MassDEP required by this PSD Permit shall be made to the attention of:</p> <p style="padding-left: 20px;">Department of Environmental Protection/Bureau of Waste Prevention                  205B Lowell Street                  Wilmington, Massachusetts 01887                  Attn: Permit Chief                  Phone: (978) 694-3200                  Fax: (978) 694-3499                  E-Mail: <a href="mailto:nero.air@massmail.state.ma.us">nero.air@massmail.state.ma.us</a></p> <p>20. The Permittee shall provide a copy to MassDEP of any record required to be maintained by this PSD Permit within thirty (30) days from MassDEP's written request.</p> <p>21. If and when MassDEP requires additional compliance testing, the Permittee shall submit to MassDEP for approval a stack emission pretest protocol, at least thirty (30) days prior to emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.</p> <p>22. If and when MassDEP requires additional compliance testing, the Permittee shall submit to MassDEP a final stack emission test results report, within forty five (45) days after emission testing, for emission testing as defined in Table 3 Monitoring and Testing Requirements.</p>

**Table 5 Key:**

EU# = Emission Unit Number  
 PSD = Prevention of Significant Deterioration

Footprint Power Salem Harbor Development LP  
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EPA = United States Environmental Protection Agency  
 CEMS = Continuous Emission Monitoring System  
 DAHS = Data Acquisition and Handling System  
 CFR = Code of Federal Regulations  
 CMR = Code of Massachusetts Regulations  
 M.G.L. = Massachusetts General Laws  
 SOMP = Standard Operating and Maintenance Procedures  
 QA/QC = Quality Assurance/Quality Control  
 CTG = Combustion Turbine Generator  
 SCR = Selective Catalytic Reduction  
 TPY = tons per 12 month rolling period  
 NO<sub>x</sub> = Oxides of Nitrogen  
 NH<sub>3</sub> = Ammonia  
 PM = Particulate Matter  
 PM<sub>10</sub> = Particulate Matter less than or equal to 10 microns in size  
 PM<sub>2.5</sub> = Particulate Matter less than or equal to 2.5 microns in size  
 NAAQS = National Ambient Air Quality Standards  
 SILs = Significant Impact Levels  
 AAL = Allowable Ambient Limit  
 TEL = Threshold Effects Exposure Limit

**VII. SPECIAL TERMS AND CONDITIONS**

<b>Table 6</b>	
<b>EU#</b>	<b>Special Terms and Conditions</b>
EU1, EU2	1. The Permittee shall not allow the combustion turbines at the Facility to operate below the MECL, except for start-ups and shutdowns. Emissions during start-ups and shutdowns shall be included in the TPY limits specified in Table 2. 2. The Permittee shall ensure that the SCR control equipment serving EU1 and EU2 is operational whenever the turbine exhaust temperature at the SCR unit attains the minimum exhaust temperature specified by the SCR vendor and other system parameters are satisfied for SCR operation. The specific load at which this exhaust temperature and other system parameters are achieved will vary based on ambient conditions and whether the start-up is cold, warm, or hot.
EU1, EU2, EU3	3. The Permittee shall develop as part of the Standard Operating Procedures for EU1, EU2, and EU3, an MECL optimization protocol to establish minimum operating load(s) that maintain compliance with all emission limitations at various ambient temperatures and conditions for each respective emission unit.
EU1, EU2, EU3	4. The Permittee shall maintain an adequate supply of spare parts on-site to maintain the on-line availability and data capture requirements for the CEMS equipment serving the Facility.
Facility-Wide	5. The Permittee shall properly train all personnel to operate the Facility and the control and monitoring equipment serving the Facility in accordance with vendor specifications. All persons responsible for the operation of the Facility shall sign a statement affirming that they have read and understand the approved SOMP. Refresher training shall be given by the Permittee to Facility personnel at least once annually.
	6. The Permittee shall comply with all provisions of 40 CFR Parts 72 and 75, 40 CFR Part 60, 40 CFR Part 63, 40 CFR Part 64, 40 CFR Part 68 and 40 CFR Part 98.

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<b>Table 6</b>	
<b>EU#</b>	<b>Special Terms and Conditions</b>
	7. The Permittee shall comply with all applicable portions of Section 112(r) of the Clean Air Act and associated regulations at 40 CFR Part 68.

**Table 6 Key:**

EU# = Emission Unit Number  
 CFR = Code of federal regulations  
 CMR = Code of Massachusetts Regulations  
 SOMP = Standard Operating and Maintenance Procedures  
 CEMS = Continuous Emission Monitoring System  
 SCR = Selective Catalytic Reduction  
 TPY = tons per 12 month rolling period  
 MECL = Minimum Emissions Compliance Load

**VIII. RIGHT OF ENTRY**

The Permittee shall allow all authorized representatives of MassDEP and/or EPA, upon presentation of credentials, to enter upon or through the Facility where records required under this PSD Permit are kept. The Permittee shall allow such authorized representatives, at reasonable times:

1. To access and copy any records that must be kept under this PSD Permit;
2. To inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this PSD Permit; and
3. To monitor substances or parameters for purposes of assuring compliance with this PSD Permit.

**IX. TRANSFER OF OWNERSHIP**

In the event of any changes in control or ownership of the Facility, this PSD Permit shall be binding on all subsequent owners and operators. The Permittee shall notify the succeeding owner and operator of the existence of this PSD Permit and its conditions before such change, if possible, but in no case later than 14 days after such change. Notification shall be sent by letter with a copy forwarded within 5 days to MassDEP and EPA.

**X. SEVERABILITY**

The provisions of this PSD Permit are severable, and if any provision of the PSD Permit is held invalid, the remainder of this PSD Permit will not be affected thereby.

**XI. CREDIBLE EVIDENCE**

For the purpose of submitting compliance certifications or establishing whether or not the Permittee has violated or is in violation of any provision of this PSD Permit, the methods used in this PSD Permit shall be used, as applicable. However, nothing in this PSD Permit shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether the Permittee would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed.

**XII. OTHER APPLICABLE REGULATIONS**

The Permittee shall operate all equipment regulated herein in compliance with all other applicable provisions of federal and state air regulations.

**XIII. AGENCY ADDRESSES**

Subject to change, all correspondence required by this PSD Permit shall be forwarded to:

Permit Chief, Bureau of Waste Prevention  
The Department of Environmental Protection (MassDEP)  
Northeast Regional Office  
205B Lowell Street  
Wilmington, Massachusetts 01887

**XIV. APPEAL PROCEDURES**

1. Within 30 days after the final PSD Permit decision has been issued under 40 CFR 124.15, any person who filed comments on the Draft Permit or participated in any public hearing may petition EPA's Environmental Appeals Board to review any condition of the Permit decision.
2. The effective date of the Permit is 30 days after service of notice to the Applicant and commenters of the final decision to issue, modify, or revoke and reissue the PSD Permit, unless review is requested on the Permit under 40 CFR 124.19 within the 30 day period.
3. If an appeal is made to the EAB, the effective date of the Permit is suspended until the appeal is resolved.



2014 NOV 28 P 1:41

November 26, 2014

Linda Haley  
55C Brackett Place  
Marblehead, MA 01945

Clerk's Office  
U.S. Court of Appeals for the First Circuit  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 2500  
Boston, MA 02210

Re: Petition for review of permit issued by

Dear Sir or Madam:

Please accept filing the enclosed petition for review, certificate of service and \$500 check (to cover the docketing fee). In addition to the original, I have also enclosed two copies, to be served by the Clerk's Office on the respondents. I am one of the petitioners and any correspondence or filings related to this matter may be directed to my attention at the above address, until appellate counsel is retained and appears in this matter. Please do not hesitate to contact me with any questions or concerns at 978-979-3686.

Respectfully submitted,



Linda Haley

cc: Lauren A. Liss

# United States Court of Appeals For the First Circuit

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No. 14-2252

Agency No. NE-12-022 X254064

JEFF BROOKS; WILLIAM DEARSTYNE;  
ANDREA MAUBOURQUETTE; LINDA HALEY

Petitioners

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY;  
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

Respondents

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## CASE OPENING NOTICE

Issued: November 28, 2014

A petition for review was received and docketed today by the clerk of the court of appeals in compliance with Fed. R. App. P. 15. A copy of the petition is being transmitted to counsel for the respondent with this notice.

The administrative record, or certified list of all documents, must be filed by **January 12, 2015**. Fed. R. App. P. 17.

A notice advising you of the due date for filing your brief, and, if necessary, an appendix, will be sent upon the filing of the administrative record, or certified list, in this court.

An appearance form should be completed and returned immediately by any attorney who wishes to file pleadings in this court. 1st Cir. R. 12.0(a) and 46.0(a)(2). Any attorney who has not been admitted to practice before the First Circuit Court of Appeals must submit an application and fee for admission using the court's Case Management/Electronic Case Files ("CM/ECF") system prior to filing an appearance form. 1st Cir. R. 46.0(a). *Pro se* parties are not required to file an appearance form.

Dockets, opinions, rules, forms, attorney admission applications, the court calendar and general notices can be obtained from the court's website at [www.ca1.uscourts.gov](http://www.ca1.uscourts.gov). Your attention is called specifically to the notice(s) listed below:

- [Notice to Counsel and Pro Se Litigants](#)

If you wish to inquire about your case by telephone, please contact the case manager at the direct extension listed below.

Margaret Carter, Clerk

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT  
John Joseph Moakley  
United States Courthouse  
1 Courthouse Way, Suite 2500  
Boston, MA 02210  
Case Manager: Christine - (617) 748-9026

# United States Court of Appeals For the First Circuit

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## NOTICE OF ELECTRONIC AVAILABILITY OF CASE INFORMATION

The First Circuit has implemented the Federal Judiciary's Case Management/Electronic Case Files System ("CM/ECF") which permits documents to be filed electronically. In addition, most documents filed in paper are scanned and attached to the docket. In social security and immigration cases, members of the general public have remote electronic access through PACER only to opinions, orders, judgments or other dispositions of the court. Otherwise, public filings on the court's docket are remotely available to the general public through PACER. Accordingly, parties should not include in their public filings (including attachments or appendices) information that is too private or sensitive to be posted on the internet.

Specifically, Fed. R. App. P. 25(a)(5), Fed. R. Bank. P. 9037, Fed. R. Civ. P. 5.2 and Fed. R. Cr. P. 49.1 require that parties not include, or partially redact where inclusion is necessary, the following personal data identifiers from documents filed with the court unless an exemption applies:

- **Social Security or Taxpayer Identification Numbers.** If an individual's social security or taxpayer identification number must be included, only the last four digits of that number should be used.
- **Names of Minor Children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- **Dates of Birth.** If an individual's date of birth must be included, only the year should be used.
- **Financial Account Numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
- **Home Addresses in Criminal Cases.** If a home address must be included, only the city and state should be listed.

See also Rule 12 of this court's Administrative Order Regarding Case Management/Electronic Case Files System.

If the caption of the case contains any of the personal data identifiers listed above, the parties should file a motion to amend caption to redact the identifier.

Parties should exercise caution in including other sensitive personal data in their filings, such as personal identifying numbers, medical records, employment history, individual financial information, proprietary or trade secret information, information regarding an individual's cooperation with the government, information regarding the victim of any criminal activity, national security information, and sensitive security information as described in 49 U.S.C. § 114.

Attorneys are urged to share this notice with their clients so that an informed decision can be made about inclusion of sensitive information. The clerk will not review filings for redaction. Filers are advised that it is the experience of this court that failure to comply with redaction requirements is most apt to occur in attachments, addenda, or appendices, and, thus, special attention should be given to them. For further information, including a list of exemptions from the redaction requirement, see <http://www.privacy.uscourts.gov/>.

# United States Court of Appeals For the First Circuit

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## NOTICE TO COUNSEL REGARDING MANDATORY REGISTRATION AND TRAINING FOR ELECTRONIC FILING (CM/ECF)

Beginning January 1, 2010, CM/ECF is mandatory for all attorneys filing in this court. Therefore, we strongly encourage all attorneys who practice in this court to register as an ECF Filer as soon as possible and become familiar with the system. Before you may file documents electronically in the CM/ECF system, you must complete the following steps.

- **Complete both of the mandatory Electronic Learning Modules (ELMs) located at [www.ca1.uscourts.gov](http://www.ca1.uscourts.gov)** on the CM/ECF (Electronic Filing) page. The lessons provide a step-by-step overview of how to file various types of documents, as well as how to avoid common filing errors.
- **Apply for admission if you are not a member of this court's bar.** In order to register as an ECF Filer, attorneys must be admitted to the bar of this court. For information on attorney admission, go to the Forms & Instructions page on the First Circuit's website at [www.ca1.uscourts.gov](http://www.ca1.uscourts.gov).
- **Register for a PACER account at <http://www.pacer.psc.uscourts.gov>** if you or your law firm have not previously done so. A PACER account is required to view docket reports and electronically filed documents.
- **Register with PACER for a First Circuit Appellate ECF Filer account at <http://www.pacer.psc.uscourts.gov>.** You must register for an ECF Filer account with this court order to electronically file documents through the court's CM/ECF system. If you previously registered through PACER for electronic noticing in the First Circuit, and you are a member of the bar of the First Circuit Court of Appeals, you do not have to re-register for an appellate CM/ECF account.
- **Review the Administrative Order Regarding CM/ECF (which sets forth rules governing electronic filing) and the CM/ECF User's Guide.** Complete information about CM/ECF is available on the First Circuit's website at [www.ca1.uscourts.gov](http://www.ca1.uscourts.gov).

cc:  
Jeff Brooks  
William Dearstyne  
Linda Haley



Andrea Maubourquette  
Gina McCarthy  
Susan Ruch

# United States Court of Appeals For the First Circuit

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## NOTICE TO ALL CM/ECF USERS REGARDING "NATIVE" PDF REQUIREMENT

All documents filed electronically with the court must be submitted as "native" Portable Document ("PDF") files. See Rule 1 of the [Administrative Order](#) Regarding Case Management/Electronic Case Files System ("CM/ECF"). A **native PDF file** is created by electronically converting a word processing document to PDF using Adobe Acrobat or similar software. A **scanned PDF file** is created by putting a paper document through an optical scanner. Use a scanner ONLY if you do not have access to an electronic version of the document that would enable you to prepare a native PDF file.

If you fail to file a document in the correct format, you will be asked to resubmit it. Instructions for converting Word or WordPerfect documents to PDF are available on the court's website at [http://www.ca1.uscourts.gov/sites/ca1/files/WP\\_Conversion.pdf](http://www.ca1.uscourts.gov/sites/ca1/files/WP_Conversion.pdf).