



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 1-4722-00030/00020  
Effective Date:

Expiration Date:

Permit Issued To: TOWN OF BROOKHAVEN  
1 INDEPENDENCE HILL  
FARMINGVILLE, NY 11738

Facility: BROOKHAVEN LANDFILL & RECYCLING AREA  
350 HORSEBLOCK RD  
YAPHANK, NY 11980

Contact: JOHN KOWALCHYK  
TOWN OF BROOKHAVEN  
1 INDEPENDENCE HILL  
FARMINGVILLE, NY 11738  
(631) 451-6210

**Description:**

This Permit is renewal of the existing Air Title V Facility Permit. The facility is the Town of Brookhaven Landfill Disposal Complex. Historically, the site has been used to dispose of municipal solid waste (MSW) and construction and demolition (C&D) waste. Currently, MSW is being transferred at the site for shipment to the Hempstead Resource Recovery Facility. Only C&D waste and ash that is returned from the Hempstead facility is being disposed in the landfill. Other activities include, site remediation, gas collection, brush chipping and mulch operations.

Air emission sources from the Brookhaven Landfill Recycling area include the landfill areas, flares used to combust extracted landfill gas, semi-mobile brush and wood chipping units and several small boilers used for heating purposes. The boilers are considered an insignificant source of air emissions due their size and, are therefore exempt under 6 NYCRR Part 201-3.

Landfill gas generated in all landfill cells is collected and controlled. Landfill gas generated from cells 1-4 (primarily MSW) is directed to the adjacent Brookhaven Landfill Gas Recovery Facility and emissions from the combustion of the landfill gas are regulated by its own Air Title V permit. Landfill gas generated in Cells 5 and 6 (C&D Landfill) is collected and controlled by flares. The enclosed flare is the primary control device and a portable flare is used when the enclosed flare is not operating due to scheduled maintenance, unexpected shutdown for repairs or other emergency situations. 6 NYCRR Subpart 208 is applicable only to Cells 1-4.

A SulfaTreat Hydrogen Sulfide H<sub>2</sub>S control system has been installed to reduce the H<sub>2</sub>S concentration in the landfill gas extracted from Cells 5 and 6. By reducing the H<sub>2</sub>S in the landfill gas prior to combustion in the flare will reduce the sulphur dioxide (SO<sub>2</sub>) from the site. The SulfaTreat system is expected to operate when actual facility-wide SO<sub>2</sub> emissions reach 225 tons per year, which is within 10% of the Prevention of Significant Deterioration (PSD) Major Source threshold of 250 tons per year.

The Town of Brookhaven proposes installing two new Leachate Storage Tanks with a storage capacity of 860,000 gallons each. The two tanks are filled with the daily leachate volumes of +/- 100,000 gallons.



Haulers remove quantities with the tanks serving as reservoirs for the excess. Leachate storage tanks store landfill leachate and treat leachate to adjust various parameters to allow disposal via local WWTP. The working losses from filling the tanks will be controlled via a separate biofilter connected to each tank vent.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator:           ROGER EVANS  
  NYSDEC - SUNY @ STONY BROOK  
  50 CIRCLE RD  
  STONY BROOK, NY 11790-3409

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_



### Notification of Other State Permittee Obligations

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



## **LIST OF CONDITIONS**

### **DEC GENERAL CONDITIONS**

#### **General Provisions**

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
- Applications for permit renewals, modifications and transfers
- Permit modifications, suspensions or revocations by the Department

#### **Facility Level**

- Submission of application for permit modification or renewal-REGION 1 HEADQUARTERS



**DEC GENERAL CONDITIONS**

**\*\*\*\* General Provisions \*\*\*\***

**For the purpose of your Title V permit, the following section contains state-only enforceable terms and conditions.**

**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

**Applicable State Requirement: ECL 3-0301.2(m)**

**Item 2.1:**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6NYCRR 621.11**

**Item 3.1:**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

**Item 3.2:**

The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

**Item 3.3:**

Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual



transfer of ownership.

**Condition 4: Permit modifications, suspensions or revocations by the Department**  
**Applicable State Requirement: 6NYCRR 621.13**

**Item 4.1:**

The Department reserves the right to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**\*\*\*\* Facility Level \*\*\*\***

**Condition 5: Submission of application for permit modification or renewal-REGION 1 HEADQUARTERS**  
**Applicable State Requirement: 6NYCRR 621.6(a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator  
Region 1 Headquarters  
Division of Environmental Permits  
Stony Brook University  
50 Circle Road  
Stony Brook, NY 11790-3409  
(631) 444-0365



**Permit Under the Environmental Conservation Law (ECL)**

**ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT**

**IDENTIFICATION INFORMATION**

Permit Issued To: TOWN OF BROOKHAVEN  
1 INDEPENDENCE HILL  
FARMINGVILLE, NY 11738

Facility: BROOKHAVEN LANDFILL & RECYCLING AREA  
350 HORSEBLOCK RD  
YAPHANK, NY 11980

Authorized Activity By Standard Industrial Classification Code:  
4953 - REFUSE SYSTEMS  
5541 - GASOLINE SERVICE STATIONS

Permit Effective Date:

Permit Expiration Date:



## LIST OF CONDITIONS

### DEC GENERAL CONDITIONS

#### General Provisions

Facility Inspection by the Department  
Relationship of this Permit to Other Department Orders and Determinations  
Applications for permit renewals, modifications and transfers  
Permit modifications, suspensions or revocations by the Department

#### Facility Level

Submission of application for permit modification or renewal-REGION 1 HEADQUARTERS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6NYCRR 201-6.5(a)(7): Fees
- 3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 6 6NYCRR 202-2.1: Compliance Certification
- 7 6NYCRR 202-2.5: Recordkeeping requirements
- 8 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 9 6NYCRR 200.7: Maintenance of Equipment
- 10 6NYCRR 201-1.7: Recycling and Salvage
- 11 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 12 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 13 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 14 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 15 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 16 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 17 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 18 6NYCRR 202-1.1: Required Emissions Tests
- 19 6NYCRR 211.3: Visible Emissions Limited
- 20 40CFR 68: Accidental release provisions.
- 21 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 22 6NYCRR 201-6: Emission Unit Definition
- 23 6NYCRR 201-6.5(e): Compliance Certification
- 24 6NYCRR 201-7: Facility Permissible Emissions
- \*25 6NYCRR 201-7: Capping Monitoring Condition
- 26 6NYCRR 202-1.2: Notification
- 27 6NYCRR 202-1.3: Acceptable procedures
- 29 6NYCRR 208.3(b): Standards for Emissions from MSW Landfills
- 28 6NYCRR 208.3(b)(2)(i)(e): Compliance Milestone Dates
- 30 6NYCRR 208.3(b)(2)(i)(e): 6NYCRR Part 208 Applicability
- 31 6NYCRR 208.3(b)(2)(iii)(a): Flares
- 32 6NYCRR 208.3(b)(2)(iii)(c): Active Collection System - Gas Treatment
- 33 6NYCRR 208.3(b)(2)(v): Active Collection System - Removal
- 34 6NYCRR 208.4(a): Collection system for waste-in-place for 2 or 5 years



- 35 6NYCRR 208.4(b): Compliance Certification
- 36 6NYCRR 208.4(c): Operational standards for collection and control systems
- 37 6NYCRR 208.4(c): Compliance Certification
- 38 6NYCRR 208.4(c): Compliance Certification
- 39 6NYCRR 208.4(c): Compliance Certification
- 40 6NYCRR 208.4(d): Compliance Certification
- 41 6NYCRR 208.4(d): Compliance Certification
- 42 6NYCRR 208.4(e): Vent Collected Gas to Control System
- 43 6NYCRR 208.4(f): Control System
- 44 6NYCRR 208.4(g): Corrective Action
- 45 6NYCRR 208.5(a)(1)(i): NMOC Calculation - Waste Deposition KNOWN
- 46 6NYCRR 208.5(a)(1)(ii): NMOC Calculation - Waste Deposition NOT known
- 47 6NYCRR 208.5(b): System NMOC Emission Rate
- 48 6NYCRR 208.5(d): System Efficiency
- 49 6NYCRR 208.6(c): Surface Methane Monitoring
- 50 6NYCRR 208.6(d): Instrument Specs for Surface Methane Analyzer
- 51 6NYCRR 208.7(a): Compliance Certification
- 52 6NYCRR 208.7(b): Monitoring of Operations - Enclosed Combustor
- 53 6NYCRR 208.7(c): Monitoring of Operations - Open Flare
- 54 6NYCRR 208.7(d): Monitoring of Operations - Other Control Devices
- 55 6NYCRR 208.8(b): Reporting Requirements - NMOC Emission Rate Report
- 56 6NYCRR 208.8(f): Compliance Certification
- 57 6NYCRR 208.8(g): Reporting Requirements
- 58 6NYCRR 208.9(b): Compliance Certification
- 59 6NYCRR 208.9(c): Compliance Certification
- 60 6NYCRR 208.9(e): Compliance Certification

**Emission Unit Level**

- 61 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 62 6NYCRR 201-6: Process Definition By Emission Unit
- 63 6NYCRR 201-7: Emission Unit Permissible Emissions

**EU=E-FLARE**

- 64 6NYCRR 231-2: Compliance Certification
- 65 6NYCRR 231-2: Compliance Certification
- 66 6NYCRR 231-2: Compliance Certification

**EU=W-DCHPR**

- 67 6NYCRR 227-2.4(f)(2): Compliance Certification
- 68 6NYCRR 227.2(b)(1): Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 69 ECL 19-0301: Contaminant List
- 70 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 71 6NYCRR 211.2: Air pollution prohibited

NOTE: \* preceding the condition number indicates capping.



**FEDERALLY ENFORCEABLE CONDITIONS**

\*\*\*\* Facility Level \*\*\*\*

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.**

**Item A: Emergency Defense - 6NYCRR Part 201-1.5**

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated;

(3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

**Item B: Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 201-1.10(b)**

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.



**Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)**

Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Item D: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)**

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

**Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)**

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)**

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR Part 201-6.5(a)(5)**

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

**Item H: Property Rights - 6 NYCRR Part 201-6.5(a)(6)**

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

**Item I: Severability - 6 NYCRR Part 201-6.5(a)(9)**



If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

**Item J: Permit Shield - 6 NYCRR Part 201-6.5(g)**

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

**Item K: Reopening for Cause - 6 NYCRR Part 201-6.5(i)**

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the



effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

**Item L: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.



**Item M: Federally Enforceable Requirements - 40 CFR 70.6(b)**

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS  
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

**The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.**

**Condition 1: Acceptable Ambient Air Quality  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 200.6**

**Item 1.1:**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Condition 2: Fees  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-6.5(a)(7)**

**Item 2.1:**

The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0302.

**Condition 3: Recordkeeping and reporting of compliance monitoring  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-6.5(c)**

**Item 3.1:**

The following information must be included in any required compliance monitoring records and reports:

- (i) The date, place, and time of sampling or measurements;



(ii) The date(s) analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;

(v) The results of such analyses including quality assurance data where required; and

(vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.3 of this Part 201.

**Condition 4: Monitoring, Related Recordkeeping, and Reporting Requirements.**

**Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 201-6.5(c)(2)**

**Item 4.1:**

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

**Condition 5: Compliance Certification**

**Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 201-6.5(c)(3)(ii)**

**Item 5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 5.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To meet the requirements of this facility permit with respect to reporting, the permittee must:

Submit reports of any required monitoring at a minimum frequency of every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.



Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

(1) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.

(2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.

(3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.

(4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If any of the above conditions are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) through (4) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.3(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraph (1) through (4) of this section must also be identified in the 6 month monitoring report required above.



If the permittee seeks to have a violation excused as provided in 201-1.4, the permittee shall report such violations as required under 201-1.4(b). However, in no case may reports of any deviation be on a less frequent basis than those described in paragraphs (1) through (4) above. In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Compliance Monitoring and Enforcement (BCME) in the DEC central office). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.5(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 6 calendar month(s).

**Condition 6: Compliance Certification  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 202-2.1**

**Item 6.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 6.2:**

Compliance Certification shall include the following monitoring:



Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due by April 15th for previous calendar year

**Condition 7: Recordkeeping requirements  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 202-2.5**

**Item 7.1:**

(a) The following records shall be maintained for at least five years:

- (1) a copy of each emission statement submitted to the department; and
- (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

**Condition 8: Open Fires Prohibited at Industrial and Commercial Sites  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 215**

**Item 8.1:**

No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, refuse, rubbish for salvage, or rubbish generated by industrial or commercial activities.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS  
SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE**

**The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period. [NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]**

**Condition 9: Maintenance of Equipment  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 200.7**

**Item 9.1:**



Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

**Condition 10: Recycling and Salvage**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-1.7**

**Item 10.1:**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

**Condition 11: Prohibition of Reintroduction of Collected Contaminants to the air**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-1.8**

**Item 11.1:**

No person shall unnecessarily remove, handle or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Condition 12: Exempt Sources - Proof of Eligibility**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-3.2(a)**

**Item 12.1:**

The owner and/or operator of an emission source or unit that is eligible to be exempt may be required to certify that it operates within the specific criteria described in this Subpart. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.

**Condition 13: Trivial Sources - Proof of Eligibility**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-3.3(a)**

**Item 13.1:**

The owner and/or operator of an emission source or unit that is listed as being trivial in this Part may be required to certify that it operates within the specific criteria described in this Subpart. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.



**Condition 14: Standard Requirement - Provide Information  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-6.5(a)(4)**

**Item 14.1:**

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

**Condition 15: General Condition - Right to Inspect  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-6.5(a)(8)**

**Item 15.1:**

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

- (i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and
- (iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Condition 16: Standard Requirements - Progress Reports  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-6.5(d)(5)**

**Item 16.1:**

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

- (i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- (ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.



**Condition 17: Off Permit Changes**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-6.5(f)(6)**

**Item 17.1:**

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.6 shall not apply to any change made pursuant to this paragraph.

**Condition 18: Required Emissions Tests**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 202-1.1**

**Item 18.1:**

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time. Such person shall bear the cost of measurement and preparing the report of measured emissions. Failure of such person to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny a certificate to operate.

**Condition 19: Visible Emissions Limited**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 211.3**

**Item 19.1:**

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

**Condition 20: Accidental release provisions.**  
**Effective for entire length of Permit**



**Applicable Federal Requirement:40CFR 68**

**Item 20.1:**

If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
  - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
  - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center  
C/O CSC  
8400 Corporate Dr  
Carrollton, Md. 20785

**Condition 21:     Recycling and Emissions Reduction  
                      Effective for entire length of Permit**

**Applicable Federal Requirement:40CFR 82, Subpart F**

**Item 21.1:**

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

**The following conditions are subject to annual compliance certification requirements for Title V permits only.**

**Condition 22:     Emission Unit Definition  
                      Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-6**

**Item 22.1:**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: -LST01

Emission Unit Description:

Leachate Storage Tanks No. 1 and No. 2. These tanks have a storage capacity of 860,000 gallons each. The two tanks are filled daily with the daily leachate volumes of +/- 10,000 gallons. Haulers remove quantities with the tanks



serving as reservoirs for the excess. Leachate Storage Tanks store landfill leachate and treat to adjust various parameters to allow disposal via local WWTP. The working losses from filling the tanks will be controlled via a separate biofilter connected to the each tank vent.

**Item 22.2:**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 0-0CD56

Emission Unit Description:

CELLS 5 & 6 ARE USED TO ACCEPT C/D AND OTHER MATERIALS AS APPROVED BY THE DEPARTMENT AT THE LANDFILL COMPLEX. FUGITIVE DUST EMISSIONS FROM LANDFILLING AND FUGITIVE LANDFILL GAS FROM DECOMPOSITION ARE RELEASED FROM THE CELL 5 & 6 AREAS. THIS IS AN AREA SOURCE. COLLECTED GAS WILL BE DIRECTED TO CONTROL SYSTEM AND FLARED OR USED FOR ENERGY PRODUCTION. EVENTUALLY WHEN LANDFILL CELL 5 & 6 ARE COMPLETE, THEY WILL BE CAPPED AND CLOSED. ONCE FACILITY WIDE SO<sub>2</sub> EMISSIONS ARE EXPECTED TO EXCEED 225 TPY, THE SULFATREAT H<sub>2</sub>S CONTROL SYSTEM WILL BE USED TO REDUCE LFG H<sub>2</sub>S CONCENTRATIONS AND THEREFORE REDUCE LFG COMBUSTION SO<sub>2</sub> EMISSIONS.

**Item 22.3:**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 0-MSW14

Emission Unit Description:

CELLS 1-4 OF THE LANDFILL DISPOSAL COMPLEX CONSISTING OF MUNICIPAL SOLID WASTE (MSW) AND C/D . CELLS ARE CAPPED AND INSTALLED WITH A LANDFILL GAS (LFG) COLLECTION SYSTEM, DIRECTING THE LANDFILL GAS TO THE WEHRAN ENERGY FACILITY WHERE LANDFILL GAS IS CONVERTED TO ENERGY. ANY COLLECTED GAS THAT IS NOT BEING USED FOR ENERGY WILL BE REDIRECTED TO AN ENCLOSED FLARE.

**Item 22.4:**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: E-FLARE

Emission Unit Description:

ENCLOSED FLARE USED TO COMBUST LANDFILL GAS GENERATED IN CELLS 5 AND 6 AND IN CELLS 1-4 WHEN NOT DIRECTED TO BROOKHAVEN LANDFILL GAS RECOVERY FACILITY. LANDFILL GAS WILL BE SENT THROUGH THE SULFATREAT H<sub>2</sub>S CONTROL SYSTEM PRIOR TO BEING FLARED WHEN NECESSARY.



**Item 22.5:**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: P-FLARE

Emission Unit Description:

PORTABLE FLARE TO BE USED ONLY WHEN THE ENCLOSED FLARE IS DOWN FOR REPAIRS, MAINTENANCE OR EMERGENCY CONDITIONS. SINCE THIS UNIT IS USED FOR BACK UP PURPOSES ONLY, EMISSIONS ARE NOT INCLUDED IN THE FACILITY TOTALS. P-FLARE IS SEMI-PORTABLE , AND AS SUCH, UTM COORDINATES LISTED SHOULD BE USED ONLY AS A GENERAL REFERENCE.

**Item 22.6:**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: W-DCHPR

Emission Unit Description:

THIS UNIT CONSISTS OF TWO STATIONARY, INTERNAL COMBUSTION DIESEL ENGINE, WOOD CHIPPING UNITS. ONE CHIPPER HAS AN ENGINE HORSEPOWER RATING OF 1000 AND THE OTHER CHIPPER HAS AN ENGINE RATING OF 650 HORSEPOWER. THE WOOD CHIPPING UNITS ARE LOCATED EAST OF CE LLS 1-4, WHERE TREE AND BRUSH DEBRIS IS DUMPED. BOTH UNITS ARE LIMITED TO 2500 HOURS PER YEAR COMBINED.

**Condition 23: Compliance Certification  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-6.5(e)**

**Item 23.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 23.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

- i. Compliance certifications shall contain:
  - the identification of each term or condition of the permit that is the basis of the certification;
  - the compliance status;
  - whether compliance was continuous or intermittent;
  - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;



- such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and

- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

iv. All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

USEPA Region 2  
Air Compliance Branch  
290 Broadway  
New York, NY 10007-1866

The address for the RAPCE is as follows:

NYSDEC- Region 1 Headquarters  
Stony Brook University  
50 Circle Road  
Stony Brook, NY 11790-3409

The address for the BQA is as follows:

NYSDEC  
Bureau of Quality Assurance  
625 Broadway  
Albany, NY 12233-3258





the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 25.6:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

**Item 25.7:**

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

Cells 5&6 are used to accept C&D and other materials as approved by the Department at the landfill complex. Fugitive dust emissions from the landfill and fugitive landfill gas from decomposition are released from cell 5&6 areas. This is an area source. Collected gas will be directed to control system and flared or used for energy production. Eventually when landfill cell 5&6 are complete, they will be capped and closed. Once facility wide SO<sub>2</sub> emissions are expected to exceed 228TPY, the sulfa treat H<sub>2</sub>S control system will be used to reduce LFG H<sub>2</sub>S concentrations and therefore reduce LFG combustion SO<sub>2</sub> emissions. A test protocol will be submitted to the Department within 180 days of the issuance of the permit to measure the efficiency of the SulfaTreat system.

Manufacturer Name/Model Number: SulfaTreat H<sub>2</sub>S LFG control system

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 228 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 3 calendar month(s).

**Condition 26: Notification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 202-1.2**

**Item 26.1:**

A person who is required by the commissioner to submit a stack test report shall notify the commissioner, in writing, not less than 30 days prior to the test, of the time and date of the test. Such notification shall also include the acceptable procedures to be used to stack test including sampling and analytical procedures. Such person shall allow the commissioner, or his representative, free access to observe stack testing being conducted by such person.

**Condition 27: Acceptable procedures**  
**Effective for entire length of Permit**



**Applicable Federal Requirement:6NYCRR 202-1.3**

**Item 27.1:**

Emission testing, sampling, and analytical determinations to ascertain compliance with this Subpart shall be conducted in accordance with test methods acceptable to the commissioner.

**Condition 29: Standards for Emissions from MSW Landfills  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.3(b)**

**Item 29.1:** The owner or operator of this MSW landfill, having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, will submit an initial design capacity report to the Department. This report must also include the calculated non-methane organic compound (NMOC) emission rate for the landfill. This emission rate will be calculated using the procedures defined in 6 NYCRR 360-2.21(e). This emission rate will be re-calculated on an annual basis, except as provided in 6 NYCRR 360-2.21(h)(2)(i)(b').

If the calculated NMOC emission rate is less than 50 megagrams per year, the owner or operator will:

- submit an annual emission report to the Department; and
- recalculate the NMOC emission rate annually until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year.

When the calculated NMOC emission rate exceeds 50 megagrams per year the owner or operator will submit a collection and control system design and permit application, prepared by a professional engineer, to the Department within 1 year. The landfill gas collection system will be addressed in a Part 360 application or modification, while the landfill gas control system will be addressed in a Part 201 permit application or modification. The collection and control system, that captures the gas generated within the landfill, will be installed within 30 months after the first annual report in which the NMOC emission rate equals or exceeds 50 megagrams per year.

The active collection system will:

- be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment;
- collect gas from each area, cell or group of cells in the landfill in which the initial solid waste has been placed for a period of 5 years or more if active or 2 years or more if closed or at final grade;
- collect gas at a sufficient extraction rate;
- be designed to minimize off-site migration of subsurface gas.



**Condition 28: Compliance Milestone Dates**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.3(b)(2)(i)('e')**

**Item 28.1:**

The design plan for the collection and control system shall include a schedule for the construction and installation of this system. This schedule shall include the following increments of progress:

1. Submittal of final control plan for the system
2. Awarding of contracts for the system
3. Initiation of on-site construction or installation of the system
4. Completion of on-site construction or installation of the system
5. Final compliance with this regulation

**Condition 30: 6NYCRR Part 208 Applicability**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.3(b)(2)(i)('e')**

**Item 30.1:**

**Special and monitoring conditions related to 6NYCRR Part 208 apply only to cells 1 thru 4 of the Brookhaven Landfill. They do not apply to cells 5 and 6.**

**Condition 31: Flares**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.3(b)(2)(iii)('a')**

**Item 31.1:**

The collected gas will be routed to an open flare that is designed and operated in accordance with 40 CFR 60.18.

**Condition 32: Active Collection System - Gas Treatment**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.3(b)(2)(iii)('c')**

**Item 32.1:**

Route all of the collected gas to a treatment system that processes the collected gas for subsequent sale or use.

**Condition 33: Active Collection System - Removal**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.3(b)(2)(v)**

**Item 33.1:**

The collection and control system may be capped or removed provided that all of the following conditions are met:



- the landfill will no longer accept solid waste and be permanently closed under the requirements of Part 360;
- the collection and control system must have been in operation a minimum of 15 years; and
- the calculated NMOC emission rate must be less than 50 megagrams per year on three successive test dates. The test dates must be no less than 90 days apart and no more than 180 days apart.

**Condition 34: Collection system for waste-in-place for 2 or 5 years  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 208.4(a)**

**Item 34.1:**

The owner or operator of this landfill gas collection system will operate the collection system such that gas is collected from each area, cell or group of cells in the landfill in which solid waste has been in place for 5 years or more if active or 2 years or more if inactive

**Condition 35: Compliance Certification  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 208.4(b)**

**Item 35.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 35.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The collection system shall be operated with a negative pressure at each wellhead, except under the following conditions:

1. A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in 6 NYCRR Part 208.8.
2. The use of a geomembrane or synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan.
3. A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes shall be approved by the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: PRESSURE



Upper Permit Limit: 0 pounds per cubic inch  
Monitoring Frequency: MONTHLY  
Averaging Method: 1 HOUR MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 6 calendar month(s).

**Condition 36: Operational standards for collection and control systems  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.4(c)**

**Item 36.1:** operate each interior wellhead in the collection system with a landfill gas temperature less than 55° C and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent. The owner or operator may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

(1) The nitrogen level shall be determined using Method 3C as described in 40 CFR part 60 (see section 200.9 of this Title), unless an alternative test method is established as allowed by section 208.3(b)(2)(i) of this Part.

(2) Unless an alternative test method is established as allowed by section 208.3(b)(2)(i)(b) of this Part, the oxygen shall be determined by an oxygen meter using Method 3A as described in 40 CFR part 60 (see section 200.9 of this Title) except that:

- (i) the span shall be set so that the regulatory limit is between 20 and 50 percent of the span;
- (ii) a data recorder is not required;
- (iii) only two calibration gases are required, a zero and span, and ambient air may be used as the span;
- (iv) a calibration error check is not required; and
- (v) the allowable sample bias, zero drift, and calibration drift are  $\pm 10$  percent;

**Condition 37: Compliance Certification  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.4(c)**

**Item 37.1:**  
The Compliance Certification activity will be performed for the Facility.

**Item 37.2:**



Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Each interior wellhead in the collection system shall be operated with a nitrogen level in the landfill gas less than 20%. The owner or operator may establish a higher operating nitrogen level at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

If monitoring demonstrates that the operational requirements are not met, corrective action shall be taken as specified in 6 NYCRR Part 208.6(a)(3) through (5). If corrective actions are taken as specified in 6 NYCRR Part 208.6, the monitored exceedance is not a violation of the operational requirements in this section, however the permittee shall report these episodes as deviations.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: NITROGEN CONTENT

Upper Permit Limit: 20 percent

Monitoring Frequency: MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 6 calendar month(s).

**Condition 38: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 208.4(c)**

**Item 38.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 38.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Each interior wellhead in the collection system shall be operated with an oxygen level in the landfill gas less than 5%. The owner or operator may establish a higher operating oxygen level at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.



If monitoring demonstrates that the operational requirements are not met, corrective action shall be taken as specified in 6 NYCRR Part 208.6(a)(3) through (5). If corrective actions are taken as specified in 6 NYCRR Part 208.6, the monitored exceedance is not a violation of the operational requirements in this section, however the permittee shall report these episodes as deviations.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: OXYGEN CONTENT

Upper Permit Limit: 5 percent

Monitoring Frequency: MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 6 calendar month(s).

**Condition 39: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 208.4(c)**

**Item 39.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 39.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Operate each interior wellhead in the collection system with a landfill gas temperature less than 55 degrees centigrade. The owner or operator may establish a higher operating temperature at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

If monitoring demonstrates that the operational requirements are not met, corrective action shall be taken as specified in 6 NYCRR Part 208.6(a)(3) through (5). If corrective actions are taken as specified in 6 NYCRR Part 208.6, the monitored exceedance is not a violation of the operational requirements in this section, however the permittee shall report these episodes as deviations.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: TEMPERATURE

Upper Permit Limit: 55 degrees Centigrade (or Celsius)

Monitoring Frequency: MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)



Reports due 30 days after the reporting period.  
Subsequent reports are due every 6 calendar month(s).

**Condition 40: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.4(d)**

**Item 40.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 40.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

Upon issuance of this Title V modification, surface methane sampling frequency will be reduced from quarterly to annual. This change is according to 6NYCRR 208.7(f). Four consecutive quarters of monitoring show no values exceeding the 500 ppm limit. In the event that the 500 ppm limit is exceeded, sampling frequency will be required on a quarterly basis.

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**Condition 41: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.4(d)**

**Item 41.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 41.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: AMBIENT AIR MONITORING  
Monitoring Description:

The collection system will be operated so that the methane concentration is less than 500 ppm above background on the surface of the landfill. The owner or operator will conduct surface testing around the perimeter of the collection area along a pattern that traverses the landfill at 30 meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. Areas with steep slopes or other dangerous areas may be excluded from the surface testing. A surface monitoring design plan will be developed that includes a



topographical map with the monitoring route. This plan will be submitted to the Department for review and approval within 60 days of the issuance of this permit.

If monitoring demonstrates that the operational requirements are not met, corrective action shall be taken as specified in 6 NYCRR Part 208.6(c). If corrective actions are taken as specified in 6 NYCRR Part 208.6(c)(4), the monitored exceedance is not a violation of the operational requirements in this section, however the permittee shall report these episodes as deviations.

Parameter Monitored: METHANE  
Upper Permit Limit: 500 parts per million (by volume)  
Monitoring Frequency: QUARTERLY  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 6 calendar month(s).

**Condition 42: Vent Collected Gas to Control System  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.4(e)**

**Item 42.1:**

Operate the system such that all collected gases are vented to a control system designed and operated in compliance with 6 NYCRR Part 208.3(b)(2)(iii). In the event the collection or control system is inoperable, the gas mover system will be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere will be closed within one hour.

**Condition 43: Control System  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.4(f)**

**Item 43.1:**

Operate the control or treatment system at all times when the collected gas is routed to the system.

**Condition 44: Corrective Action  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.4(g)**

**Item 44.1:**

If monitoring demonstrates that the operational requirements in 6 NYCRR Part 208.4(b), (c) or (d) are not met, corrective action will be taken as specified in 6 NYCRR Part 208.6(a)(3)-(5). If corrective actions are taken as specified in 6 NYCRR Part 208.6, the monitored exceedance is not a violation of the operational requirements.

**Condition 45: NMOC Calculation - Waste Deposition KNOWN  
Effective for entire length of Permit**



**Applicable Federal Requirement: 6NYCRR 208.5(a)(1)(i)**

**Item 45.1:**

The following equation will be used to determine the NMOC emission rate, if the year-to-year solid waste acceptance rate is known:

$$M_{NMOC} = \sum_{i=1}^n \{ 2 k L_0 M_i e^{-kt_i} C_{NMOC} (3.6 \times 10^{-9}) \};$$

where the NMOC emission rate is calculated for each cell (i) and n = the number of cells that are applicable to this rule and the other factors for this equation are used as defined in 6 NYCRR Part 208.5(a)(1)(i)

**Condition 46: NMOC Calculation - Waste Deposition NOT known  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 208.5(a)(1)(ii)**

**Item 46.1:**

The following equation will be used to determine the NMOC emission rate if the year-to-year waste acceptance rate is not known:

$M_{NMOC} = 2 L_0 (e^{-kc} - e^{-kt}) (C_{NMOC})(3.6 \times 10^{-9})$ ; where the factors for the equation are used as defined in 6 NYCRR Part 208.5(a)(1)(ii).

**Condition 47: System NMOC Emission Rate  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 208.5(b)**

**Item 47.1:**

After installation of a collection and control system, the owner or operator will calculate the NMOC emission rate, for the purposes of determining when the system can be removed, using the following equation:

$M_{NMOC} = 1.89 \times 10^{-3} (Q_{LFG})(C_{NMOC})$ ; where  $M_{NMOC}$  = mass emission rate of NMOC (megagrams/year),  $Q_{LFG}$  (the flow of landfill gas to the system) is determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control device using a gas flow measuring device and the concentration of NMOC ( $C_{NMOC}$ ) is determined by collecting and analyzing landfill gas using the procedures in Method 25, 25C or Method 18 of Appendix A of 40 CFR Part 60. The system may be removed if the NMOC emission rate drops below 50 megagrams per year.

**Condition 48: System Efficiency  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 208.5(d)**

**Item 48.1:**



For the performance test required in 6 NYCRR Part 208.3(b)(2)(iii)(b'), Method 25C, 25 or Method 18 of Appendix A of 40 CFR 60 shall be used to determine compliance with the 98% weight efficiency or the 20 ppmv outlet concentration level. The following equation shall be used to calculate efficiency:

$$\text{Control Efficiency} = \frac{\text{NMOC}_{\text{in}} - \text{NMOC}_{\text{out}}}{\text{NMOC}_{\text{in}}}$$

**Condition 49: Surface Methane Monitoring  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 208.6(c)**

**Item 49.1:**

The following procedures shall be used for compliance with the surface methane operational standard as provided in 6 NYCRR Part 208.4(d).

1) After installation of the collection system, the owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30-meter intervals (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in 6 NYCRR Part 208.6(d)

2) The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells. 3) Surface emission monitoring shall be performed in accordance with section 4.3.1 of Method 21 of 40 CFR Part 60 Appendix A, except that the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.

4) Any reading of 500 parts per million or more above background at any location shall be recorded as a monitored exceedance and the actions specified in (i) through (v) below shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of 6 NYCRR Part 208.4(d).

i) The location of each monitored exceedance shall be marked and the location recorded.

ii) Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored within 10 calendar days of detecting the exceedance.

iii) If the re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in (5) below shall be taken, and no further monitoring of that location is required until the action specified in (5) has been taken.

iv) Any location that initially showed an exceedance but has a methane concentration less than 500 ppm methane above background at the 10-day re-monitoring specified in (ii) or (iii) above shall be re-monitored 1 month from the initial exceedance. If the 1-month re-monitoring shows a concentration less than 500 parts per million above background, no further monitoring of that location is required until the next quarterly monitoring period. If the 1-month re-monitoring shows an exceedance, the actions specified in (iii) or (v) shall be taken.

v) For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period, a new well or other collection device shall be installed within 120 calendar days of the initial exceedance. An alternative remedy to the



exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the Administrator for approval.

5) The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis

**Condition 50: Instrument Specs for Surface Methane Analyzer  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 208.6(d)**

**Item 50.1:**

Each owner or operator seeking to comply with the provisions in 6 NYCRR Part 208.6(c) shall comply with the following instrumentation specifications and procedures for surface emission monitoring devices:

- 1) The portable analyzer shall meet the instrument specifications provided in section 3 of Method 21 of 40 CFR Part 60 Appendix A, except that "methane" shall replace all references to VOC.
- 2) The calibration gas shall be methane, diluted to a nominal concentration of 500 parts per million in air.
- 3) To meet the performance evaluation requirements in section 3.1.3 of Method 21 of 40 CFR Part 60 Appendix A, the instrument evaluation procedures of section 4.4 of Method 21 shall be used.
- 4) The calibration procedures provided in section 4.2 of Method 21 of 40 CFR Part 60 Appendix A shall be followed immediately before commencing a surface monitoring survey
- 5) The provisions of 6 NYCRR Part 208.6(d) apply at all times, except during periods of start-up, shutdown or malfunction, provided that the duration of the start-up, shutdown or malfunction shall not exceed 5 days for collection systems and shall not exceed 1 hour for treatment or control devices.

**Condition 51: Compliance Certification  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 208.7(a)**

**Item 51.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 51.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each owner or operator seeking to comply with 6 NYCRR Part 208.3(b)(2)(ii)(a) with an active gas collection system shall install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead and:

1. Measure the gauge pressure in the gas collection



- header, as provided in 6 NYCRR Part 208.6(a)(3); and
2. Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as provided in 6 NYCRR Part 208.6(a)(5); and
  3. Monitor temperature of the landfill gas on a monthly basis as provided in 6 NYCRR Part 208.6(a)(5).

Monitoring Frequency: MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 6 calendar month(s).

**Condition 52: Monitoring of Operations - Enclosed Combustor  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.7(b)**

**Item 52.1:**

If an enclosed combustor is used to control landfill gas at the facility, the owner or operator will calibrate, maintain and operate, according to the manufacturer's specifications, the following equipment:

1. A temperature monitoring device with a continuous recorder and having a minimum accuracy of  $\pm 1\%$  of the temperature being measured; and
2. A device the records flow to, or bypass of, the control device.

**Condition 53: Monitoring of Operations - Open Flare  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.7(c)**

**Item 53.1:**

For landfills that use open flares to control landfill gas, the owner or operator of the landfill will install, calibrate, maintain and operate according to the manufacturer's specifications the following equipment:

1. A heat sensing device at the pilot light or flame itself to indicate the continuous presence of a flarme;
2. A device the records flow, at least every 15 minutes, to, or bypass of, the flare.

**Condition 54: Monitoring of Operations - Other Control Devices  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.7(d)**

**Item 54.1:**

For landfills that use a device other than an open flare or enclosed combustor to control the landfill gas, the owner or operator will provide information satisfactory to the Department describing the operation of the control device, the operating parameters that would indicate proper performance and appropriate monitoring procedures. The Department will review the information and either approve it or request that additional information be submitted.



**Condition 55: Reporting Requirements - NMOC Emission Rate Report  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.8(b)**

**Item 55.1:**

Each owner or operator subject to the requirements of this section shall submit an NMOC emission rate report to the Department initially and annually thereafter, except as provided for in clause (1)(ii) below or subparagraph (3) below. The Department may request such additional information as may be necessary to verify the reported NMOC emission rate.

(1) The NMOC emission rate report shall contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures provided in paragraph 208.5(a) or (b) as applicable.

(i) The initial NMOC emission rate report may be combined with the initial design capacity report required in paragraph 208.8(a) and shall be submitted no later than indicated in subparagraph 208.8(a)(1). Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in clause (1)(ii) and subparagraph (3) below .

(ii) If the estimated NMOC emission rate as reported in the annual report to the Department is less than 50 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to the Department. This estimate shall be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate shall be submitted to the Department. The revised estimate shall cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

(2) The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.

(3) Each owner or operator subject to the requirements of this section is exempted from the requirements of subparagraphs (1) and (2) above, after the installation of a collection and control system in compliance with subparagraph 208.3(b)(2), during such time as the collection and control system is in operation and in compliance with subdivisions 208.4 and 208.6 of this section

**Condition 56: Compliance Certification  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 208.8(f)**

**Item 56.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 56.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each owner or operator of a landfill seeking to comply with 6 NYCRR Part 208.3(b)(2) using an active collection system designed in accordance with 6 NYCRR Part



208.3(b)(2)(ii) shall submit to the Department annual reports of the recorded information in paragraphs (1) through (6) below. The initial annual report shall be submitted within 180 days of installation and start-up of the collection and control system, and shall include the initial performance test report required under 40 CFR Part 60.8. For enclosed combustion devices and flares, reportable exceedances are defined under 6 NYCRR Part 208.9(c).

- 1) Value and length of time for exceedance of applicable parameters monitored under 6 NYCRR Part 208.7(a), (b), (c) and (d).
- 2) Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under 6 NYCRR Part 208.7.
- 3) Description and duration of all periods when the control device was not operating for a period exceeding 1 hour and length of time the control device was not operating.
- 4) All periods when the collection system was not operating in excess of 5 days.
- 5) The location of each exceedance of the 500 parts per million methane concentration as provided in 6 NYCRR Part 208.4(c) and the concentration recorded at each location for which an exceedance was recorded in the previous month.
- 6) The date of installation and the location of each well or collection system expansion added pursuant to 6 NYCRR Part 208.6(a)(3), 208.6(b) and 208.6(c)(4).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 12 calendar month(s).

**Condition 57: Reporting Requirements  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 208.8(g)**

**Item 57.1:**

Each owner or operator seeking to comply with 6 NYCRR Part 208.3(b)(2)(iii) shall include the following information with the initial performance test report required under 40 CFR Part 60.8:

- 1) A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;



- 2) The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;
- 3) The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;
- 4) The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area; and
- 5) The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and
- 6) The provisions for the control of off-site migration.

**Condition 58: Compliance Certification  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 208.9(b)**

**Item 58.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 58.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Except as provided in 6 NYCRR Part 208.3(b)(2)(i)(b), each owner or operator of a controlled landfill shall keep up-to-date, readily accessible records for the life of the control equipment of the data listed in paragraphs (1) and (2) below as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of 7 years. Records of the control device vendor specifications shall be maintained until removal.

1) Where an owner or operator seeks to demonstrate compliance with 6 NYCRR Part 208.3(b)(2)(ii):

i) The maximum expected gas generation flow rate as calculated in 6 NYCRR Part 208.6(a)(1). The owner or operator may use another method to determine the maximum gas generation flow rate, if the method has been approved by the Department.

ii) The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in 6 NYCRR Part



208.10(a)(1)).

2) Where an owner or operator seeks to demonstrate compliance with 6 NYCRR Part 208.3(b)(2)(iii) through use of an open flare, the flare type (i.e., steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in 40 CFR Part 60.18; continuous records of the flare pilot flame, or presence of ignition spark if an electronic ignition system is used for the flare, or flare flame monitoring and records of all periods of operations during which the pilot flame of the flare flame is absent.

Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**Condition 59: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 208.9(c)**

**Item 59.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 59.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Except as provided in 6 NYCRR Part 208.3(b)(2)(i)(b), each owner or operator of a controlled landfill shall keep for 7 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in 6 NYCRR Part 208.7) as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

2) Each owner or operator shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under 6 NYCRR Part 208.7.

4) Each owner or operator seeking to comply by use of an open flare shall keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring, or the presence of ignition spark if an



electronic ignition system is used, specified under 6 NYCRR Part 208.7(c), and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.

Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**Condition 60: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 208.9(e)**

**Item 60.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 60.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Except as provided in 6 NYCRR Part 208.3(b)(2)(i)(b'), each owner or operator shall keep for at least 7 years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards in 6 NYCRR Part 208.4, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.

Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**\*\*\*\* Emission Unit Level \*\*\*\***

**Condition 61: Emission Point Definition By Emission Unit**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 201-6**

**Item 61.1:**

The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: E-FLARE

Emission Point: EFLAR

Height (ft.): 50                      Diameter (in.): 131  
NYTMN (km.): 4517.847      NYTME (km.): 674.936

**Item 61.2:**



The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: P-FLARE

Emission Point: PFLAR

Height (ft.): 45 Diameter (in.): 8  
NYTMN (km.): 4517.913 NYTME (km.): 674.954

**Item 61.3:**

The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: W-DCHPR

Emission Point: W0001

Height (ft.): 9 Diameter (in.): 20  
NYTMN (km.): 4518.556 NYTME (km.): 674.693

Emission Point: W0002

Height (ft.): 8 Diameter (in.): 20  
NYTMN (km.): 4518.509 NYTME (km.): 674.677

**Condition 62: Process Definition By Emission Unit  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 201-6**

**Item 62.1:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: -LST01

Process: 001 Source Classification Code: 5-01-825-99

Process Description:

Leachate Storage tanks store landfill leachate and treat leachate to adjust various parameters to allow disposal via local WWTP. The working losses from filling the tanks will be controlled via a separate biofilter connected to the each tank vent.

Emission Source/Control: LST1 - Process

Design Capacity: 562 cubic feet per minute (standard conditions)

Emission Source/Control: LST2 - Process

Design Capacity: 562 cubic feet per minute (standard conditions)

**Item 62.2:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-0CD56

Process: C56 Source Classification Code: 5-01-004-05

Process Description:

THE LANDFILL ACCEPTS C&D AND OTHER APPROVED DEPARTMENT DEBRIS AND ASH AT AN APPROXIMATE RATE OF 2,700 TONS PER DAY.



MATERIALS ARE LANDFILLED INTO CELLS 5 AND 6.

Emission Source/Control: OCD56 - Process  
Design Capacity: 1,200,000 tons per year

**Item 62.3:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-MSW14  
Process: M14 Source Classification Code: 5-01-004-05

Process Description:  
CELLS 1-4 CONTAIN MUNICIPAL SOLID WASTE (MSW). LANDFILL GAS THAT IS GENERATED IS COLLECTED BY A LANDFILL GAS COLLECTION SYSTEM AND DIRECTED TO THE WEHRAN ENERGY FACILITY WHERE LANDFILL GAS IS CONVERTED TO ENERGY. ANY COLLECTED GAS THAT IS NOT BEING USED FOR ENERGY WILL BE REDIRECTED TO AN ENCLOSED FLARE. CELLS 1-4 HAVE BEEN CLOSED AND CAPPED SINCE 1996.

Emission Source/Control: M0014 - Control  
Control Type: FLARING

Emission Source/Control: MLF14 - Process

**Item 62.4:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: E-FLARE  
Process: EFL Source Classification Code: 5-01-004-10

Process Description:  
THE LANDFILL GASES GENERATED BY CELLS 5 AND 6 WILL BE DIRECTED TO THE ENCLOSED FLARE. THE GAS CONTAINS HYDROGEN SULFIDE AND THE FLARE IS USED TO CONTROL THE ODOROUS GAS AND TO REDUCE NMOCS GENERATED BY CELLS 5 AND 6.

Emission Source/Control: EFL01 - Combustion

Emission Source/Control: EFLAR - Control  
Control Type: FLARING

**Item 62.5:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: P-FLARE  
Process: PFL Source Classification Code: 5-01-004-10

Process Description:  
PORTABLE FLARE IS BEING PROPOSED AND WILL BE USED WHEN THE ENCLOSED FLARE IS NOT



OPERATING DUE TO REPAIRS, MAINTENANCE OR OTHER EMERGENCY CONDITIONS. DESIGN CAPACITY WILL BE 500-1500 CFM. THERE MAY ALSO BE TIMES WHEN BOTH THE ENCLOSED AND PORTABLE FLARES ARE OPERATING SIMULTANEOUSLY DURING EMERGENCY SITUATIONS. THE SIMULTANEOUS OPERATION OF FLARES WILL NOT OCCUR FOR MORE THAN 500 HOURS PER YEAR.

Emission Source/Control: PFLAR - Process  
Design Capacity: 1,500 cubic feet per minute

**Item 62.6:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: W-DCHPR  
Process: W01 Source Classification Code: 2-02-004-01  
Process Description:  
STATIONARY WOOD CHIPPING UNIT CONSISTS OF A 1000 HORSEPOWER INTERNAL COMBUSTION ENGINE. UNIT IS A MORBARK 1500 TUB GRINDER THAT CONTAINS A 1000 HP CATERPILLAR 3412E IC ENGINE.

Emission Source/Control: 00001 - Combustion  
Design Capacity: 1,000 horsepower (electric)

**Item 62.7:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: W-DCHPR  
Process: W02 Source Classification Code: 2-02-004-01  
Process Description:  
STATIONARY WOOD CHIPPING UNIT CONSISTING OF A 650 HORSEPOWER INTERNAL COMBUSTION ENGINE.

Emission Source/Control: 00002 - Combustion  
Design Capacity: 650 horsepower (electric)

**Condition 63: Emission Unit Permissible Emissions  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 201-7**

**Item 63.1:**

The sum of emissions from all regulated processes specified in this permit for the emission unit cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: E-FLARE

CAS No: 007446-09-5



Name: SULFUR DIOXIDE  
PTE(s): 52.1 pounds per hour  
456,000 pounds per year

Emission Unit: P-FLARE

CAS No: 007446-09-5  
Name: SULFUR DIOXIDE  
PTE(s): 187.8 pounds per hour  
187,764 pounds per year

Emission Unit: W-DCHPR

CAS No: 007446-09-5  
Name: SULFUR DIOXIDE  
PTE(s): 5.9 pounds per hour  
14,663.1 pounds per year

**Condition 64: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 231-2**

**Item 64.1:**

The Compliance Certification activity will be performed for:

Emission Unit: E-FLARE

Regulated Contaminant(s):  
CAS No: 000630-08-0 CARBON MONOXIDE

**Item 64.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Carbon Monoxide ( CO ) emissions are limited to 29 tons per year. Initial stack testing is required to demonstrate compliance with this limit.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 29 tons per year

Reference Test Method: 40CFR60 App A M-10

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 65: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 231-2**



**Item 65.1:**

The Compliance Certification activity will be performed for:

Emission Unit: E-FLARE

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 65.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Oxides of Nitrogen (NO<sub>x</sub>) emissions are limited to 10 tons per year. Initial stack testing is required to demonstrate compliance with this limit.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 10 tons per year

Reference Test Method: Method 7e

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 66: Compliance Certification  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 231-2**

**Item 66.1:**

The Compliance Certification activity will be performed for:

Emission Unit: E-FLARE

Regulated Contaminant(s):

CAS No: 0NY998-20-0 NMOC - LANDFILL USE ONLY

**Item 66.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

NMOC emissions are limited to 20 ppm or 2% of the initial NMOC concentration. Initial stack testing is required to demonstrate compliance with this emission limit.

Parameter Monitored: NMOC - LANDFILL USE ONLY

Upper Permit Limit: 20 parts per million (by volume)

Reference Test Method: Method 25 or25C

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1 HOUR MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME



Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 67: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 227-2.4(f)(2)**

**Item 67.1:**

The Compliance Certification activity will be performed for:

Emission Unit: W-DCHPR

Regulated Contaminant(s):

CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 67.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

NOx emission limit for a lean burn compression ignition stationary internal combustion engine. Stack testing will be required in order to demonstrate compliance with the regulatory standard.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 2.3 grams per brake horsepower-hour

Reference Test Method: Method 7e

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 68: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 227.2(b)(1)**

**Item 68.1:**

The Compliance Certification activity will be performed for:

Emission Unit: W-DCHPR

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 68.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emission limit for a stationary combustion installation firing oil. The owner or operator shall complete the following once per term of this permit:



- 1) submit, to the Department, an acceptable protocol for the testing of particulate emission limit cited in this condition,
- 2) perform a stack test, based upon the approved test protocol, to determine compliance with the particulate emission limit cited in this condition, and
- 3) all records shall be maintained at the facility for a minimum of five years.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST  
METHOD INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 6 calendar month(s).



**STATE ONLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.**

**Condition 69: Contaminant List  
Effective for entire length of Permit**

**Applicable State Requirement:ECL 19-0301**

**Item 69.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 000630-08-0  
Name: CARBON MONOXIDE

CAS No: 0NY998-20-0



Name: NMOC - LANDFILL USE ONLY

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY075-00-0

Name: PARTICULATES

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

**Condition 70: Unavoidable noncompliance and violations  
Effective for entire length of Permit**

**Applicable State Requirement: 6NYCRR 201-1.4**

Item 70.1:

At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in



emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

**Condition 71: Air pollution prohibited  
Effective for entire length of Permit**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 71.1:**

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

New York State Department of Environmental Conservation

Permit ID: 1-4722-00030/00020

Facility DEC ID: 1472200030

