

New York State Department of Environmental Conservation
Facility DEC ID: 3333000184



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 3-3330-00184/00001
Mod 0 Effective Date: 08/07/2002 Expiration Date: 08/07/2007
Mod 1 Effective Date: 08/08/2006 Expiration Date: No expiration date.
Mod 2 Effective Date: 08/08/2006 Expiration Date: No expiration date.
Mod 3 Effective Date: 08/08/2006 Expiration Date: 08/07/2007

Permit Issued To: AL TURI LANDFILL INC
73 HARTLEY RD
GOSHEN, NY 10924-9640

AMERESCO LFG-1 INC
111 SPEEN ST - SUITE 410
FRAMINGHAM, MA 01701

Contact: JOSEPH GAMBINO
73 HARTLEY ROAD
GOSHEN, NY 10924
(845) 294-5630

Facility: AL TURI LANDFILL & LFGTE FACILITY
73 HARTLEY RD
GOSHEN, NY 10924

Contact: JOSEPH GAMBINO
73 HARTLEY ROAD
GOSHEN, NY 10924
(845) 294-5630

Description:

The Al Turi Landfill & LFGTE (the "facility") consists of a combined municipal solid waste landfill (the "landfill"), which is owned and operated by Al Turi Landfill, Inc. ("Al Turi") and an adjacent landfill gas to energy plant (the "LFGTE Plant"), which is owned and operated by Ameresco LFG-1, Inc. ("Ameresco"). Pursuant to USEPA March 28, 2005 Reopening for Cause, this modification consolidates the Al Turi Landfill and Al Turi LFGTE recognizing both sources as a single facility. This facility is located in Goshen, Orange County and accessed at 2690 route 17M. The landfill source is equipped with a gas collection system which conveys landfill derived gas to the gas to energy source which generates electricity for subsequent sale. The landfill gas to energy source provides the necessary emissions control



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requirements pursuant to Part 208 which are defined within the Title V permit Renewal 1 No. 3-3330-00184/00002.

The landfill source is currently closed and at capacity containing some 5.5 million megagrams of municipal solid waste. The gas collection system consists of approximately 112 vertical gas extraction wells and approximately 10 horizontal gas pipes spaced approximately 200 feet apart with a series of lateral and header pipes.

Emissions subject to regulation have been identified from the following sources:

- Modification 3 - landfill mass (collected and fugitive)
- Renewal 1 - emission control equipment (treatment system, combustion engines, enclosed flares)

The combined facility is subject to the requirements of 6 NYCRR Part 208. Requirements identified within Title V permit modification 3 includes but not limited to: monthly monitoring at each well head for pressure, oxygen and temperature, annual methane surface monitoring around the perimeter of the collection area and along a pattern which traverses the landfill. Requirements identified within Title V permit renewal 1 include but not limited to: performance testing to demonstrate control efficiency of the control devices as well as parameter monitoring of treatment system and enclosed combustors

The facility's combined emissions for carbon monoxide exceed major source pollutant thresholds listed in 6 NYCRR Subpart 201-2. As of 2006, Oxides of Nitrogen emissions are below major source pollutant thresholds (See Renewal 1 PRR). This is primarily attributable to diminishing landfill gas generation rates and recently acquired stack test data. The landfill's documented waste placement exceeds 2.5 million megagrams, accepted waste after 1987 and has a calculated default nonmethane organic compound emission rate of greater than 50 megagrams per year. Therefore, the facility is subject to the provisions of Title V.

Responsiveness Summary and Administrative Record

Modification 1 - withdrawn

Draft Permit Modification 1 ENB publication date April 7, 2004
Comment period April 7, 2004 through May 7, 2004

Modification 2 - withdrawn

Draft Permit Modification 2 ENB publication date June 9, 2004
Comment period June 9, 2004 through July 14, 2004

Renewal 1 - separate document DEC ID No. 3-3330-00184/00002

Modification 3

Draft Permit Modification 3 ENB publication date November 2, 2005
Comment period November 2, 2005 through December 7, 2005

Revised Draft Permit Modification 3 ENB publication date March 8, 2006
Comment period March 8, 2006 through April 14, 2006



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Modification 3 is facilitated by a combination of documents including USEPA reopening for cause as documented by letter dated January 21, 2004, USEPA Order executed January 30, 2004 Granting in Part and Denying in Part Petition for Objection to Permit, a May 2004 Title V permit modification application submitted by Al Turi Landfill, Inc. , USEPA letter dated July 8, 2004 objecting to Title V permit modification 1 (withdrawn), USEPA March 23, 2005 notification to reopen the Al Turi LFGTE Facility Title V permit for cause, USEPA preliminary comment letter dated August 17, 2005, Beveridge & Diamond preliminary comment letter dated October 18, 2005, USEPA comments discussed during conference call January 19, 2006, February 13, 2006 and February 14, 2006 and USEPA e-mail comment received April 18, 2006.

The Al Turi Landfill & LFGTE facility includes a total of five emission units. Title V Facility Permit modification 3 defines two of the five facility emission units which are applicable to the landfill proper.

- 1-LFGAS - Landfill mass and active gas collection system
- 2-LEACH - Two leachate storage lagoons.

The following represents a list of issues granted petition by USEPA. NYSDEC originally provided response to petition comments within modification 1 (withdrawn). A revised response is provided herein and incorporated as part of modification 3.

(section last reviewed by DEC March 5, 2006)

USEPA Comment: "The final Al Turi permit incorrectly cites to sections within 6 N.Y.C.R.R. Part 208 as the federally approved New York State Landfill Plan. The federally approved New York State Landfill Plan is actually located in 6 N.Y.C.R.R. Subpart 360-2.21, however, there is little substantive difference between these requirements. Although New York State has moved the landfill regulation to Part 208, the revision has not yet been federally approved. On January 21, 2004, EPA Region 2 notified DEC that it must reopen for cause the final Al Turi permit pursuant to 40 C.F.R. 70.7(g). Among other things, Region 2 directed DEC to incorporate the requirements of the federally approved landfill plan at 6 N.Y.C.R.R. 360-2.21."

NYSDEC Response: USEPA approved 6 NYCRR Part 208 effective March 15, 2004.

USEPA Comment: "However, in the process of reviewing the Al Turi permit EPA identified a state-only condition that is incorrectly included on the federal side of the final permit. The State's open burning regulation, 6NYCRR§215, is not part of the approved SIP yet it is cited in Condition 57 of the final permit. Therefore, when DEC reopens the Al Turi permit in response to this Order it must move this citation to the state-only section of the permit."

NYSDEC Response: Condition 57 has been expired and replaced with condition 3-7. This condition resides within the Mandatory Federally Enforceable Permit Conditions Subject to Annual Certifications at all Times permit section as part of a recent program settlement agreement between USEPA and NYSDEC.

USEPA Comment: "Therefore, the final landfill MACT is an applicable requirement that must be included in the revised Al Turi permit."

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NYSDEC Response: Modified permit condition 3-40 and 3-41 contain MACT requirements under 40 CFR 63, Subpart AAAA.

USEPA Comment: "In addition, Petitioner states that the permit and/or the statement of basis must explain whether or not the Ameresco facility and the Al Turi landfill are one major source for Title V and New Source Review ("NSR") applicability purposes. In light of the information before DEC, EPA agrees that this information should have been included in the statement of basis, however, the issue here is moot because as previously noted, on January 21, 2004, EPA Region 2 notified DEC that it must reopen for cause the final Al Turi permit. Among other things, the Region directed DEC to re-examine its common control determination regarding the Al Turi landfill and Ameresco, the neighboring landfill gas conversion facility."

NYSDEC Response: Both facilities have been combined under DEC Permit ID: 3-3330-00184 now known as the Al Turi Landfill & LFGTE Facility establishing a single source as determined by USEPA. Two Title V permits have been created for this single facility. Modification 3 contains Part 208 operating, monitoring, recordkeeping and reporting requirements associated with the landfill proper. Renewal 1 contains Part 208 operating, monitoring, recordkeeping and reporting requirements associated with the landfill gas emissions control.

USEPA Comment: "Although we find no basis for objecting to the permit on this issue, we do believe that DEC must meet its accidental release prevention program obligations under section 40 C.F.R. 68.215(e). This will insure that DEC, EPA, and the public will be able to track a source's compliance with section 112(r) requirements even if the source's applicability fluctuates. Therefore, as part of the separate reopening for cause, EPA Region 2 will work with DEC on appropriate changes to its application and annual compliance certification requirements to insure sources are aware of the section 112(r) requirements, and to insure compliance with these requirements, if applicable."

NYSDEC Response: New York State has not been delegated 60 CFR Part 68, accidental release prevention program authority. This condition resides within the Mandatory Federally Enforceable Permit Conditions Subject to Annual Certifications Only if Applicable permit section as part of a recent program settlement agreement between USEPA and NYSDEC. Please direct future discussion of this standard condition to Mr. Robert Sliwinski, NYSDEC - Central Office.

USEPA Comment: "Petitioner also asserts that New York's federally approved SIP regulations include a similar "excuse provision" that has not been included in the permit as an applicable requirement. See 40CFR§52.1679; 6NYCRR§201.5. This provision is still part of the federally approved SIP, and therefore, it must be included in the permit as an applicable requirement until it is removed from the SIP, or revised consistent with EPA policy on such provisions. As a result, the petition is granted, in part, as to this issue."

NYSDEC Response: 6 NYCRR 201.5 was removed from the SIP effective November 2, 2005.



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USEPA Comment: "Condition 3 provides that the owner or operator of an air contamination source, equipped with an emission control device, must keep it in a satisfactory state of maintenance and repair. EPA agrees that this condition should specify how or if it applies to the Al Turi landfill. This facility operates a landfill gas collection system which conveys collected landfill gas conversion facility. Because this control equipment is located at the Ameresco facility, and not the Al Turi landfill, the permit must specify the applicability of this condition."

NYSDEC Response: Both the pending Title V permit modification 3 and renewal 1 for the single facility Al Turi Landfill & LFGTE facility contain a condition under 6NYCRR 200.7. In each case, the condition resides within the Mandatory Federally Enforceable Permit Conditions Subject to Annual Certifications Only if Applicable section of the permit as part of recent program settlement agreement between USEPA and NYSDEC.

USEPA Comment: "As previously noted, because the facility's control equipment is located at Ameresco, the neighboring landfill gas conversion facility, Condition 7 must be revised to specify how or if it applies to Al Turi and to specify the location of the control device."

NYSDEC Response: Both the pending Title V permit modification 3 and renewal 1 for the single facility Al Turi Landfill & LFGTE facility contain a condition under 6NYCRR 201-1.8. In each case, the condition resides within the Mandatory Federally Enforceable Permit Conditions Subject to Annual Certifications Only if Applicable section of the permit as part of recent program settlement agreement between USEPA and NYSDEC.

The renewal 1 permit review report contains a brief narrative describing condition applicability.

USEPA Comment: "The permit must be revised to clarify that only Condition 48 applies to these control devices. Therefore, EPA grants the petition, in part, as to these issues."

NYSDEC Response: Issued permit conditions 48 and 49 have been expired.

Landfill gas control requirements are outlined under 6NYCRR Part 208 conditions contained within permit renewal 1. Control requirements apply to the enclosed flares and gas treatment system.

USEPA Comment: "Accordingly, when NYSDEC reopens and revises the Al Turi Permit in response to this Order, it must explain, in the "Permit Review Report," the meaning and purpose of these conditions, and clarify the ambiguity resulting from the apparent difference between the applicable nitrogen and oxygen limits, and the "higher operating value" which is also included in these conditions."

NYSDEC Response: The regulation allows a facility to monitor wellhead for either nitrogen or oxygen as an indicator of atmospheric air intrusion into the gas collection system. The landfill personnel monitor wellhead oxygen content exclusively to evaluate air intrusion into the collection system. Therefore, condition 35, monitoring of wellhead nitrogen content, is unnecessary and has been expired accordingly.

Concerning monitoring of oxygen content at each interior wellhead, condition context has been modified.



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Reference to owner or operator having the option to establish higher operating levels has been deleted. The facility has not requested or demonstrated a higher than 5% oxygen level is needed. Issued permit condition 36 has been replaced with permit condition 3-27 providing method description and revised upper permit limit to "less than 5.0 percent".

The Permit Review Report contains information regarding monitoring wellhead oxygen content.

Additional Changes

(section last reviewed by DEC March 5, 2006)

The permit review report facility description has been enhanced to include background facility information including operational status, waste acceptance, landfill gas generation and control devices.

Listed below is a representation of EPA comments from the January 21, 2004 USEPA reopening for cause followed by NYSDEC response. NYSDEC originally provided response to this document within modification 2 (withdrawn). A revised response is provided herein and incorporated as part of modification 3.

(section last reviewed by DEC March 5, 2006)

USEPA Comment: "Revise Condition 30 so that it addresses all of the control devices covered by the requirement cited, and complement this condition with additional conditions that appropriately cite and describe requirements for submission and approval of test protocols, performance of tests, monitoring of performance, recordkeeping, reporting, etc."

NYSDEC Response: Condition 3-23 replaces condition 30. Emission control monitoring, performance testing, recordkeeping and reporting requirements are contained within facility permit renewal 1.

USEPA Comment: "Revise Condition 31 in conjunction with the revision of Condition 30, which cites the same applicable Federal requirement as Condition 31. Include the requirements that the initial performance testing be performed after initial start-up of the approved gas collection and control system (GCCS) per 360-2.21(c)(2)(ii)("c")("2")[208.3(b)(2)(iii)("b")]; and that the control devices be operated within the parameter ranges established during the initial or most recent performance test per 360-2.21(c)(2)(ii)("c")("2")("ii")[208.3(b)(2)(iii)("b")("2")], conducted per 360-2.21(e)(4)[208.5(d)]. "

"Provide the date on which the GCCS was approved as compliant with 111(d) plan requirements."

"Add a condition per the reporting requirement 360-2.21(h)(7)[208.8(g)] to include specific information about the collection system with submission of the initial performance test report."

NYSDEC Response: Condition 31, requiring NMOC destruction, has not been revised within modification 3. System design approval occurred in 1997 concurrent with the Part 360 solid waste permit as outlined by condition 3-36 under 6NYCRR 208.8(g). Permit renewal 1 contains information concerning performance testing results and operating parameter ranges for the enclosed flares and treatment system.

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USEPA Comment: "Revise the Condition 52 recordkeeping requirement, which cites 208.9(b), so that it applies to the two enclosed flares and the nine engines."

"Replace the text of Item 52.1(2) with the requirements of 360-2.21(i)(2)(b)[208.9(b)(2)] for enclosed combustors. Augment this to accommodate use of a surrogate other than combustion temperature to demonstrate compliance of the engines with the NMOC control efficiency requirement of 208.3(b)(2)(iii)(b) in Condition 31."

"Add the requirements of 360-2.21(i)(3) [208.9(c)]. Augment this to accommodate use of a surrogate other than 3-hour average combustion temperature for recording and reporting exceedances of the bounds established for compliance under the most recent performance test demonstrating compliance per 360-2.21(i)(3)(a)(1) [208.9(c)(1)(i)]."

NYSDEC Response: Condition 3-37 replaces issued permit condition 52, and requires the landfill operator to maintain records of maximum generation rates, gas collection apparatus and design and record of enclosed flare performance and monitoring. A similar condition under 208.9(b) is contained within permit renewal 1. In addition, renewal permit 1 contains appropriate monitoring conditions for the two enclosed flares and gas treatment system.

USEPA Comment: "Remove the Condition 49 requirement for monitoring of operations of "other control devices."

NYSDEC Response: Condition 49 "Monitoring of Operations - Other Control Devices" has been expired by modification 3. Renewal 1 contains monitoring conditions under 6NYCRR 208.7(d) for the operation of the gas treatment system.

USEPA Comment: "Revise Conditions 30, 39, 40, 44, 48, 50 and 52, and others as needed, so that the language applies clearly to the Landfill.

NYSDEC Response: Condition 3-23 replaces issued condition 30. Condition 3-30 replaces issued condition 39. Issued condition 40 remains unchanged. Issued permit condition 44 has been expired with control requirement identified within permit renewal 1. Issued permit condition 48 has been expired with monitoring of enclosed flares within permit renewal 1. Condition 3-35 replaces issued condition 50. Condition 3-37 replaces issued condition 52.

The term facility represents the combined Al Turi Landfill & LFGTE facility. A number of permit conditions are contained within both modification 3 and permit renewal 1. Further clarification of the terms owner/operator is unnecessary and is addressed by virtue of preparing two Title V permits for a single facility.

USEPA Comment: "Reformat and augment Conditions 39 and 40, which cite operational standards for the control system, so that they contain information fields like those presented in Conditions 34 through 38, the operational standards for the collection system: monitoring type, monitoring description, work practice type, process material, upper permit limit, reporting requirements, and due dates for initial and

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subsequent reports. "

NYSDEC Response: Condition 3-30 replaces issued permit condition 39. Condition 3-29 has been reformatted as requested and now contains additional text information. Issued condition 40 remains unchanged. Specific parameter monitoring of the treatment system and enclosed flares are presented within permit renewal 1.

USEPA Comment: "Reformat and augment Condition 48, which cites monitoring requirements for the control system, so that it contains information fields like those presented in Condition 47, a monitoring requirement for the collection system."

NYSDEC Response: Issued permit condition 48 has been expired from modification 3. Specific parameter monitoring of the treatment system and enclosed flares are presented within permit renewal 1.

USEPA Comment: "Revise Conditions 32 and 43 and add conditions to include all of the requirements to be satisfied before the GCCS may be removed."

NYSDEC Response: Condition 3-25 replaces issued permit condition 32. Condition 3-31 replaces issued permit condition 43.

USEPA Comment: "Add a condition per 360-2.2.21(h)(5)[208.8(e)] requiring submittal of an equipment removal report to DEC 30 days prior to removal or cessation of the operation of the control equipment."

NYSDEC Response: Modified permit condition 3-34 contains the equipment removal requirements under 208.8(e). A similar condition has been added to permit renewal 1.

USEPA Comment: "Add a condition per 360.-2.21(h)(4)[208.8(d)] requiring submittal of a final closure plan."

NYSDEC Response: Permit condition 3-33 contains information pertinent to the submission of a final closure plan under 208.8(d). This condition requires appropriate notification prior to accepting additional solid waste.

USEPA Comment: In the Permit Review Report (which serves as the Statement of Basis for the Title V Permit), describe the relationship and responsibilities of both facilities regarding control of the landfill gas.

NYSDEC Response: The permit review report for modification 3 and renewal 1 describe the combined facility operations and responsibilities. Respective permit conditions define applicable monitoring, reporting and recordkeeping requirements.



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USEPA Comment: "Thus, while Condition 49 for "other control devices" is removed, the standard conditions for enclosed combustors, e.g., Condition 48 and (the revised)52, must be augmented to address this difference in monitoring of performance for these two sub-categories of enclosed combustors."

NYSDEC Response: Specific parameter monitoring of the treatment system and enclosed flares are presented within permit renewal 1.

USEPA Comment: "The permit may have incorrectly treated Al Turi Landfill and Al Turi LFGTE-the landfill gas-to-energy facility owned by Ameresco LFG-1 Inc. and referred to as "Ameresco"-as separate sources as represented in a Responsiveness Summary issued with the final title V permit for the landfill. Therefore, this letter is providing guidance herein for DEC to revisit its previous determination with particular attention to the SIC code and interdependence criteria."

NYSDEC Response: USEPA has determined the facilities are a single source as documented by objection letter dated July 8, 2004.

USEPA Comment: "If the landfill and its gas-to-energy control facility are determined to be a single source then proceed as follows:"

"Add all applicable requirements to the permit consistent with this finding"

"Review the history of modifications to the Landfill and to the control facility to determine whether or not any of the modifications was major, warranting major source nonattainment NSR and/or PSD review."

"Reopen the Ameresco permit and revise it accordingly."

NYSDEC Response: Sources at the landfill gas control site were last modified in the mid 1990's. At that time, DEC considered PSD/NSR applicability. Combining the Al Turi Landfill and Ameresco LFGTE facility into one facility does not alter or change the previous result. Currently, the combined facility is not a major PSD source. The combined facility remains major for New Source Review and Title V permitting purposes.

A landfill gas combustion limit of 900×10^6 cf has been added to the permit under 201-6.5 to dismiss further evaluation of PSD review. This was discussed with USEPA January 19, 2006 and February 13, 2006.

USEPA Comment: "Add MACT requirements that are additional to or more stringent than New Source Performance Standards/Emission Guidelines for MSW Landfills (NSPS/EG) requirements, and require that compliance with these new conditions commence January 16, 2004."

NYSDEC Response: Permit conditions 3-40 and 3-41 contain the MACT requirements under 40 CFR 63, Subpart AAAA.



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USEPA Comment: "The current Landfill provides little description of the landfill and the complete GCCS that are the subject of the permit."

NYSDEC Response: The Permit Review Report has been updated to include information regarding capacity of gas generation, historical landfill operation and permitting, features of the collection system and capacity of the control system.

USEPA Comment: "In addition, in Condition 59, please clarify the meaning of "LNDF-process" and "LNDFL-process" in regard to the uncollected landfill gas emissions."

NYSDEC Response: Permit condition 59 defines process FUG - Fugitive Landfill Gas Emissions Beyond the Collection Efficiency of the Gas Collection System. With this process, emission sources LNDFE and LNDFL are associated. The original permit inappropriately defines this process and the associated emission sources. An end date of 3/4/2004 has been inserted which in effect expires the text and emission source associated with this condition.

Process GAS has been added under the landfill mass and collection system emission unit 1-LFGAS. This process represents peak landfill gas which was collected 2001.

USEPA Comment: "Revise Conditions 34 through 38 for the gas collection system so that, where a parameter is to be maintained at less than the specified value, the Upper Permit Limit is less than that value, not the value per se."

NYSDEC Response: The upper permit limits for collection system pressure, wellhead oxygen content, wellhead temperature, and surface methane concentrations have been redefined as requested. Accordingly, modified permit conditions 3-26, 3-27, 3-28 and 3-29 replace permit conditions 34, 36, 37 and 38 respectively. Issued permit condition 35 has been expired. See response to monitoring nitrogen above.

Listed below is a representation of EPA's review of the proposed Modification 1 for the Al Turi Landfill dated July 8, 2004. NYSDEC response follows each comment.

(section last reviewed by DEC March 5, 2006)

USEPA Comment: "The proposed permit does not treat Al Turi Landfill and Al Turi LFGTE-1 (also referred to as "Ameresco LFG-1") as a single source with the result that all applicable Federal requirements have not been addressed."

NYSDEC Response: The two facilities in question have been combined under DEC ID 3-3330-00184 as the Al Turi Landfill & LFGTE facility.

USEPA Comment: "The landfill gas control scenario presented in the proposed permit does not reflect the existing controls with the result that the proposed permit does not include all applicable Federal requirements."

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NYSDEC Response: Response to items listed above address EPA issues outlined.

USEPA Comment: "The proposed permit does not reflect the responsibility of Al Turi Landfill for compliance with all requirements for control of the landfill gas with the result that all applicable Federal requirements have not been addressed."

NYSDEC Response: Single source determination enhanced by Modification 3 and renewal permit 1 conditions address compliance responsibilities.

USEPA Comment: "The proposed permit does not include all MACT requirements."

NYSDEC Response: Condition 3-41 citing 40 CFR 63.1980(a) has been added as requested.

USEPA Comment: "The Permit Review Report does not include sufficient information about options regarding oxygen concentrations and monitoring at the collection system wellheads."

NYSDEC Response: See response to this issue above.

USEPA Comment: "The proposed permit does not fully meet the annual certification requirements of §114(a)(3) of the Act and 40C.F.R.§70.6(c)(5) as items in the "Notification of General Permittee Obligations" are not subject to annual certification."

NYSDEC Response: The permit modification 3 and renewal permit 1 contain federally enforceable conditions segregated into specific sections consistent with recent program settlement agreement between USEPA and NYSDEC.

USEPA Comment: "The proposed permit does not include the "excuse" provision that is in New York's SIP approved by EPA at 6N.Y.C.R.R.§201.5(e)."

NYSDEC Response: See response to item above.

USEPA Comment: "In conjunction with the permit revisions indicated by the Issues above, the permit and Permit Review Report are to be revised as follows:"

NYSDEC Response: The permit modification 3 and renewal permit 1 contain federally enforceable conditions segregated into specific sections consistent with recent program settlement agreement between USEPA and NYSDEC.

The landfill gas control facility operates seven internal combustion engines in support of generating electricity. These sources are defined within the Al Turi Landfill & LFGTE permit renewal 1. Reference to these sources are consistently applied within permit modification 3 and permit renewal 1 as



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appropriate. Recent changes to the gas control facility include formal decommission of the last 12 cylinder Ruston engine and one of two Caterpillar generator sets.

Gas generating rates within condition 59 are inaccurate. Accordingly, a process end date has been added as discussed above. Gas generating rates are presented within the Permit Review Report.

Condition 3-36 and the Permit Review Report provide information on the operational status of the landfill.

USEPA preliminary comment letter dated August 17, 2005

Draft Title V Permit modification 3 and renewal 1 substantially address issues outlined.

Beveridge & Diamond preliminary comment letter dated October 18, 2005

Draft Title V Permit modification 3 and renewal 1 substantially address issues outlined.

Draft Permit Modification 3 ENB publication date November 2, 2005
Comment period November 2, 2005 through December 7, 2005

Conference with USEPA January 19, 2006
(section last reviewed by DEC March 5, 2006)

The following revisions address USEPA comments discussed.

Modification 3 and Renewal 1 - The PSD cap under 201-7 has been replaced with a general Title V permit condition under 201-6.5. The maximum landfill gas combustion has been reduced from 1,300 x 10⁶ cubic feet to 800 x 10⁶ cubic feet. This general condition under 201-6.5 also requires the operation of two gas meters. One meter shall record total flow from the landfill proper. The second gas meter shall record bypass gas combusted within the enclosed flares. See permit conditions 3-21 (Mod 3) and 25 (Ren 1).

Renewal 1 - The frequency to perform testing demonstrating compliance with NO_x RACT has been revised to clearly indicate "upon permit renewal". See conditions 40 and 41.

Renewal 1 - The Permit Review Report basis for monitoring section has been enhanced to include additional description of landfill gas control procedures.

Additional Revisions - February 2006
(section last reviewed by DEC March 5, 2006)

Modification 3 - Emission Unit 1-LFGAS description has been revised to reflect the most accurate compilation of total gas collection data available since the 2001 change in ownership of the LFGTE site to Ameresco LFG-1 Inc.



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Modification 3 - Original permit condition 54 expired and replaced with permit condition 3-38. Reporting requirement changed from quarterly to semi-annually. This change provides consistency with substantive permit requirements under all other 201, 208 and Part 63 conditions.

Discussion with USEPA February 13, 2006 and February 14, 2006

(section last reviewed by DEC April 25, 2006 - second item)

Modification 3 - Process FGG has been added under emission unit 1-FGAS to define uncollected landfill gas. No further change to any permit conditions.

Renewal 1 - Condition 39 (revised from 38 - see comment below) has been changed to include operating temperature range of the treatment system.

Renewal 1 - Condition 28 has been revised by deleting the last sentence of the first paragraph. Reference to NMOC destruction efficiency is inappropriate in the context of a gas treatment system.

Modification 3 - Condition 3-24, under 208.3(b)(2)(iii)(c'), has been revised. Reference to NMOC destruction efficiency is inappropriate in the context of a gas treatment system and has been removed.

Renewal 1 - Permit Review Report basis for monitoring section has been revised to include clarification of the landfill gas combustion limit and additional description of landfill gas control procedures.

Modification 3 and Renewal 1 - The general Title V permit condition under 201-6.5 has been revised. The annual maximum landfill gas combustion has been changed from 800 x 10⁶ cubic feet to 900 x 10⁶ cubic feet. Further discussion of PSD applicability remains unwarranted. The slight increase will allow the facility flexibility to pursue maximum collection efficiencies. See permit conditions 3-21 (Mod 3) and 25 (Ren 1).

Renewal 1 - A condition to conduct performance testing to demonstrate NMOC control efficiency of the two enclosed flares has been added to the permit. Testing frequency established as upon permit renewal. See permit condition 26.

Revised Draft Permit Modification 3 ENB publication date March 8, 2006
Comment period March 8, 2006 through April 14, 2006

USEPA e-mail comments received April 18, 2006

The following represent e-mail comments transmitted by USEPA received by DEC April 18, 2006. Although USEPA comment is considered untimely and contains substantial comment beyond the purview defined by the re-notice instruction, DEC provides the following responses.

USEPA Comment: In the Response to Comments section, subheading "Conference with USEPA January 19, 2006," the first item says that the maximum allowed gas combustion is 800 x 10⁶ cubic feet, rather than the 900 x 10⁶ that is in the Ren1 permit. Please note here that, per subsequent discussions (see the subheading for February 13 and 14 discussions), the 800 was increased to 900. The permit conditions referenced contain the 900 figure.

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NYSDEC Response: Noted. The information above is representative of the historical record.

USEPA Comment: In the Response to Comments section, subheading "Discussion with USEPA February 13, 2006 and February 14, 2006," should the second item refer to Ren1 Condition 39 rather than Condition 38 regarding operating temperature range for the chiller?

NYSDEC Response: Revised draft permit renewal 1 condition 38 was referenced in error. Text within the responsiveness section above corrected to indicate condition 39.

This condition is now Proposed renewal condition 40.

USEPA Comment: What is the difference between Condition 3-6 and the condition it replaces, Condition 25?

NYSDEC Response: The two conditions appear identical. DEC Region 3 cannot account for this duplication and would at this time prefer condition 3-6 remain. Removing condition 3-6 will impact the numbering of most if not all modification 3 conditions confusing historical responses listed above. Upon issuance, the active hard copy version of the permit will contain one condition under 6NYCRR 201-6.5(e), condition 3-6.

USEPA Comment: In Condition 3-21, two flow meters are mentioned. There are supposed to be two more meters at the flares to measure by-pass of the flares. (This by-pass of the flares was mentioned in my e-mail of 4/10/2006, Comment 2 on the Ren1 permit.) Is the intent of Condition 3-21 to cover recordkeeping for all of the gas flows, or just those that relate to the maximum of 900 million cubic feet combusted?

NYSDEC Response: DEC does not understand USEPA's statement "There are supposed to be two more meters at the flares to measure by-pass of the flares". This is a contradiction. DEC defines by-pass as a means of circumvention using a pipe to conduct gas around another pipe or a fixture consistent with published Dictionary definitions. DEC is not aware of piping which circumvents either the flares or the treatment system.

Landfill gas enters the flares if the gas to energy plant cannot handle some or all of the fuel stream. This may happen for any number of reasons including but not limited to mechanical failure of one or more engines, off-line trip requested by Orange and Rockland Utilities or malfunction of the treatment system. The intent of condition 3-21 is to account for the total quantity of gas collected from the landfill proper which is conveyed to the LFGTE site for treatment (subsequent combustion) and/or gas diverted to and controlled within the enclosed flares.

Condition 3-21 has been revised to clearly describe this requirement. Similar requirement within the separate renewal permit also revised.

USEPA Comment: Condition 3-35 cites Part 208.8(f), but departs from that citation by requiring semi-annual instead of annual reporting. Condition 3-41 cites 40 CFR 63.1980(a) and requires semi-annual reporting, but does so for only four of the six items in Condition 3-35. The two items not covered pertain to gas control. Ren1 Condition 44 cites 40 CFR 63.1980(a) and addresses those two gas control items, but doesn't cite



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208.8(f) in any condition. Please correct Condition 3-35 and explain any uses of the streamlining option in the PRRs for the two permits.

NYSDEC Response: Draft condition 3-35 has been revised and now duplicates condition under 40 CFR 63.1980. Requirements which are directly related to the landfill proper are outlined. Semi-annual reporting shall govern as the most stringent requirement and is applied consistently throughout both modification 3 and renewal 1 reporting requirements. DEC is unaware of comment from facility owners regarding the semi-annual reporting frequencies defined throughout each permit.

A condition under 6NYCRR 208.8(f) has been added to renewal permit 1 which duplicates text under 40 CFR 63.1980(a). Similarly, condition text is most representative of operations relating to landfill gas control.

DEC welcomes guidance from USEPA to streamline permitting to avoid exact conditions under two different citations.

USEPA Comment: The Part 208.9(e) records retention requirement is cited in Condition 3-38 with a semi-annual reporting frequency. Ren1 doesn't cite this requirement. Please explain this.

NYSDEC Response: Draft renewal 1 contains a similar records retention requirement under 6NYCRR 208.9(c). This requirement was cited as more specific to control responsibility. See Draft renewal 1 permit condition 39 (Proposed renewal 1 permit condition 40).

USEPA Comment: In Condition 59, it appears that Item 59.4, Process FUG, should have been expired with the addition of Item 59.1, Process FGG. Please correct this.

NYSDEC Response: An end date of 3/4/2004 was inserted which in effect expires the process, text and emission source associated with condition 59.4. See response to EPA comments from January 21, 2004.

Based on a phone conversation early March 2006, DEC understands that USEPA based review comment on a draft permit modification 3 obtained from the public web site. The public web page contains the complete version of the draft permit which lists all current and expired conditions. To avoid future confusion and to avoid administrative inefficiencies, DEC Region 3 requests USEPA base comment on the hard copy provided (mod 3 draft active version sent 03/06/2006 to Mr. Steve Riva) or selected version (active, complete, changes only) obtained from New York State Air Facility System (AFS).

The final permit will be issued as an active version which will not list replaced or expired conditions including condition 59.4.

USEPA Comment: PRR - Page 5 states, "The facility's capability far exceeds current, future and past maximum expected gas generation rates (see above)." The numbers above are gas collection rates, not gas generation rates. Page 8 provides a maximum NMOC rate, which, ostensibly, is based on the maximum estimated gas generation rate, and continues, "This collection efficiency is arrived at by comparing actual metered gas flows with estimated USEPA LandGem modeling." Please include the maximum estimated gas generation rate from LandGEM and the generation rate that justifies the use of 900 million cubic feet per year

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as a permit limit.

NYSDEC Response: PRR text now contains expanded data of predicted landfill gas generation rates (Renewal 1 and Modification 3). The initial draft permit modification 3 and renewal 1 contained a legitimate limit of 1,300 million cubic feet which translated to a cap of PTE emissions and corroborated actual gas and predicted gas generation rate. A justification of the revised initial 800 and later revised 900 million cubic feet limit was dictated by USEPA after DEC expressed a concern that the limit would not represent a cap on PTE emissions and that landfill gas generation rate is diminishing. Refer to USEPA historical discussions documented above as well PRR Basis for Monitoring Sections for conceptual clarification concerning the limit of gas combustion established.

USEPA Comment: PRR - page 7, as part of the emission unit definition, please add that there are additional emission units for this Facility that are covered by the Ren1 permit. This would be comparable to the revision already made to the Ren1 permit.

NYSDEC Response: The proposed project and facility description provide sufficient introduction to subsequent text, the permitting approach and defining terms listed in the PRR.

USEPA Comment: PRR - Also on page 6, did you mean to repeat the material that begins, "The landfill emission unit consists of..." and ends with "During the winter months methane concentration range..."? That information is also found on page 4, under "Facility Description."

NYSDEC Response: The facility description and emission unit description are somewhat different but do contain significant information which is similar or identical. Much of the information contained within the emission unit description was requested by USEPA. See historical responses to comment listed above. A revision to the emission unit description would reverse response to previous USEPA comment.

USEPA Comment: PRR - On page 11, the Facility Emissions Summary is different from what is in the Ren1 PRR. It seems that these should be facility wide numbers, with both Mod3 and Ren1 indicating the same PTE, yet the two permits differ with respect to CO, NMOC, NO_x, and VOC. Please correct or explain this use of the tables.

NYSDEC Response: Both Draft modification 3 and Draft renewal 1 emission summaries have been revised. Summary of criteria pollutants are identical. Annual emission statements shall account for emissions attributable to each site and appropriate operating fees applied.

USEPA Comment: In addition, please have the facility provide an up-to-date SSM plan to us.

NYSDEC Response: DEC, April 12, 2006, requested owners of the Al Turi Landfill & LFGTE facility forward an up to date version of the site specific Startup, Shutdown and Malfunction Plan(s).

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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: MARGARET E DUKE
 DIVISION OF ENVIRONMENTAL PERMITS
 21 SOUTH PUTT CORNERS RD
 NEW PALTZ, NY 12561-1696

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 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 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 and Modifications

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Permit Modifications, Suspensions, and Revocations by the Department

Facility Level

Submission of Applications for Permit Modification or Renewal-REGION 3
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 3-1: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 3-1.1:

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 3-1.2:

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 3-1.3:



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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 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13(a)

Expired by Mod No: 1

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.

Condition 3-2: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 3-2.1:

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.

Condition 4: Permit Modifications, Suspensions, and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 4.1:

The Department reserves the right to modify, suspend, or revoke this permit. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.



****** Facility Level ******

Condition 5: Submission of Applications for Permit Modification or Renewal-REGION 3 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:

Submission of applications for permit modification or renewal are to be submitted to:
NYSDEC Regional Permit Administrator
Region 3 Headquarters
Division of Environmental Permits
21 South Putt Corners Road
New Paltz, NY 12561-1696
(845) 256-3054



New York State Department of Environmental Conservation

Permit ID: 3-3330-00184/00001

Facility DEC ID: 3333000184

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: AL TURI LANDFILL INC
73 HARTLEY RD
GOSHEN, NY 10924-9640

AMERESCO LFG-1 INC
111 SPEEN ST - SUITE 410
FRAMINGHAM, MA 01701

Facility: AL TURI LANDFILL & LFGTE FACILITY
73 HARTLEY RD
GOSHEN, NY 10924

Authorized Activity By Standard Industrial Classification Code:
4953 - REFUSE SYSTEMS

Mod 0 Permit Effective Date: 08/07/2002

Permit Expiration Date: 08/07/2007

Mod 3 Permit Effective Date: 08/08/2006

Permit Expiration Date: 08/07/2007



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 3-1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 3-3 6NYCRR 201-6.5(a)(7): Fees
- 3-4 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 3-5 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 3-2 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 3-6 6NYCRR 201-6.5(e): Compliance Certification
- 28 6NYCRR 202-2.1: Compliance Certification
- 29 6NYCRR 202-2.5: Recordkeeping requirements
- 3-7 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 3-8 6NYCRR 200.7: Maintenance of Equipment
- 3-9 6NYCRR 201-1.7: Recycling and Salvage
- 3-10 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 3-11 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 3-12 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 3-13 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 3-14 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 3-15 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 3-16 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 3-17 6NYCRR 202-1.1: Required Emissions Tests
- 3-18 6NYCRR 211.3: Visible Emissions Limited
- 3-19 40CFR 68: Accidental release provisions.
- 3-20 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6NYCRR 201-6: Emission Unit Definition
- 3-21 6NYCRR 201-6.5: Compliance Certification
- 3-22 6NYCRR 208.3(b): Compliance Certification
- 3-23 6NYCRR 208.3(b)(2)(iii)(b): Compliance Certification
- 3-24 6NYCRR 208.3(b)(2)(iii)(c): Compliance Certification
- 3-25 6NYCRR 208.3(b)(2)(v): Compliance Certification
- 33 6NYCRR 208.4(a): Collection system for waste-in-place for 2 or 5 years
- 3-26 6NYCRR 208.4(b): Compliance Certification
- 3-27 6NYCRR 208.4(c): Compliance Certification
- 3-28 6NYCRR 208.4(c): Compliance Certification
- 3-29 6NYCRR 208.4(d): Compliance Certification
- 3-30 6NYCRR 208.4(e): Compliance Certification
- 40 6NYCRR 208.4(f): Control System
- 41 6NYCRR 208.4(g): Corrective Action
- 42 6NYCRR 208.5(a)(1)(i): NMOC Calculation - Waste Deposition KNOWN
- 3-31 6NYCRR 208.5(b): Compliance Certification
- 45 6NYCRR 208.6(c): Surface Methane Monitoring



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- 46 6NYCRR 208.6(d): Instrument Specs for Surface Methane Analyzer
- 3-32 6NYCRR 208.8(b): Reporting Requirements - NMOC Emission Rate Report
- 3-33 6NYCRR 208.8(d): Compliance Certification
- 3-34 6NYCRR 208.8(e): Compliance Certification
- 3-35 6NYCRR 208.8(f): Compliance Certification
- 3-36 6NYCRR 208.8(g): Compliance Certification
- 51 6NYCRR 208.9(a): Compliance Certification
- 3-37 6NYCRR 208.9(b): Compliance Certification
- 53 6NYCRR 208.9(d): Compliance Certification
- 3-38 6NYCRR 208.9(e): Compliance Certification
- 3-39 6NYCRR 208.10: Compliance Certification
- 3-40 40CFR 63.1955(b), Subpart AAAA: Compliance Certification
- 3-41 40CFR 63.1980(a), NESHAP Subpart AAAA: Compliance Certification

Emission Unit Level

- 59 6NYCRR 201-6: Process Definition By Emission Unit

EU=1-LFGAS

- 3-42 6NYCRR 208.7(a): Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

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- 3-43 ECL 19-0301: Contaminant List
- 60 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 61 6NYCRR 201-5: General Provisions
- 62 6NYCRR 201-5: Permit Exclusion Provisions
- 63 6NYCRR 201-5.3(b): Contaminant List
- 64 6NYCRR 211.2: Air pollution prohibited



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



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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 - 6NYCRR 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

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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

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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



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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 3-1: Acceptable Ambient Air Quality
Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 200.6

Item 3-1.1:

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit



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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 3-3: Fees

Effective between the dates of 08/08/2006 and 08/07/2007

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

Item 3-3.1:

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 3-4: Recordkeeping and reporting of compliance monitoring

Effective between the dates of 08/08/2006 and 08/07/2007

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

Item 3-4.1:

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 3-5: Monitoring, Related Recordkeeping, and Reporting Requirements.

Effective between the dates of 08/08/2006 and 08/07/2007

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

Item 3-5.1:

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



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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 3-2: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

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

Replaces Condition(s) 24

Item 3-2.1:

The Compliance Certification activity will be performed for the Facility.

Item 3-2.2:

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 (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 above paragraphs (1) or (2) 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) and (2) 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 paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks to have a violation excused unless otherwise limited by regulation. 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. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting

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periods described in paragraphs (1) and (4) above.

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 Quality Assurance (BQA) 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.
The initial report is due 1/30/2007.
Subsequent reports are due every 6 calendar month(s).

Condition 3-6: Compliance Certification
Effective between the dates of 08/08/2006 and 08/07/2007

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

Replaces Condition(s) 25

Item 3-6.1:
The Compliance Certification activity will be performed for the Facility.

Item 3-6.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

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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:

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

The address for the RAPCE is as follows:

21 South Putt Corners Road
New Paltz, NY 12561-1696

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2003.
Subsequent reports are due on the same day each year

Condition 28: Compliance Certification
Effective between the dates of 08/07/2002 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 202-2.1

Item 28.1:
The Compliance Certification activity will be performed for the Facility.

Item 28.2:
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 29: Recordkeeping requirements
Effective between the dates of 08/07/2002 and 08/07/2007



Applicable Federal Requirement: 6NYCRR 202-2.5

Item 29.1:

(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 3-7: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 215

Item 3-7.1:

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 3-8: Maintenance of Equipment
Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 200.7

Item 3-8.1:

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 3-9: Recycling and Salvage
Effective between the dates of 08/08/2006 and 08/07/2007



Applicable Federal Requirement: 6NYCRR 201-1.7

Item 3-9.1:

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 3-10: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 201-1.8

Item 3-10.1:

No person shall 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 3-11: Exempt Sources - Proof of Eligibility
Effective between the dates of 08/08/2006 and 08/07/2007

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

Item 3-11.1:

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 3-12: Trivial Sources - Proof of Eligibility
Effective between the dates of 08/08/2006 and 08/07/2007

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

Item 3-12.1:

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 3-13: Standard Requirement - Provide Information



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Effective between the dates of 08/08/2006 and 08/07/2007

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

Item 3-13.1:

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 3-14: General Condition - Right to Inspect

Effective between the dates of 08/08/2006 and 08/07/2007

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

Item 3-14.1:

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 3-15: Standard Requirements - Progress Reports

Effective between the dates of 08/08/2006 and 08/07/2007

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

Item 3-15.1:

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



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(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 3-16: Off Permit Changes

Effective between the dates of 08/08/2006 and 08/07/2007

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

Item 3-16.1:

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 3-17: Required Emissions Tests

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 3-17.1:

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 3-18: Visible Emissions Limited

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 211.3

Item 3-18.1:



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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 3-19: Accidental release provisions.

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 40CFR 68

Item 3-19.1:

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 3-20: Recycling and Emissions Reduction

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 40CFR 82, Subpart F

Item 3-20.1:

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 23: Emission Unit Definition



Effective between the dates of 08/07/2002 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 201-6

Item 23.1(From Mod 3):

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

Emission Unit: 1-LFGAS

Emission Unit Description:

This emission unit defines the landfill proper and active landfill gas collection system.

The landfill emission unit consists of approximately 100 acres of landfill footprint area which began documenting waste acceptance in 1963. In the Fall of 2002 the landfill's solid waste permit expired. The facility is currently at capacity with approximately 5.5 million megagrams of refuse in place. A Part 360 cap or equivalent has been installed over the entire landfill proper. The cap consists of a 40 mil textured High Density Polyethylene liner, a 2 foot protective layer and a 6 inch topsoil cover.

A final closure plan was submitted October 16, 1993 in accordance with the requirements of 360-2.15(c). Acceptance of the plan coincides with the Part 360 solid waste permit renewal issued September 23, 1997.

Installation of landfill gas collection components are complete. This consists of approximately 112 vertical wells, and a series of horizontal collectors, laterals and headers. The gas collection material is constructed of PVC and polyethylene piping. There are two electric 100 horsepower Lamson blowers which provide vacuum to the collection system. Operation of a single blower is sufficient to maintain a vacuum of 70 inches of water on the system. A pressure gauge is located near the blower apparatus. The two blower design provides redundancy. Backup power, if needed, is supplied by an existing diesel fired generator (exempt).

NYSDEC Division of Solid and Hazardous Materials approved the design and layout of the Landfill Gas Recover System (LGRS) concurrent with the September 23, 1997 solid waste Part 360 permit renewal. The permit required compliance with 360-2.16 (Landfill Gas Recovery Facilities) and 360-2.15 (a)(2) Explosive Gas Investigation. Furthermore, under the conditions of the permit, Permit Special



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Condition 17(g) required that the facility submit an updated LGRS Plan annually showing any additions and improvements to the system during the prior year and be a part of the facility Annual Report. This report is reviewed and approved by the Department each year.

Documented landfill gas collected from the landfill proper and conveyed to either the internal combustion engines or enclosed flares are as follows:

2001 - 1,296 x 10⁶ cf

2002 - 1,041 x 10⁶ cf

2003 - 889 x 10⁶ cf

2004 - 815 x 10⁶ cf

2005 - 809 x 10⁶ cf

The gas collection information above represents the most accurate compilation of data available since the change in ownership of the LFGTE site to Ameresco LFG-1 Inc.

The quality of landfill gas varies by season. During the winter months methane concentration range from 47 to 48 %. Spring, Summer and Fall methane concentrations range from 48 to over 50%.

Item 23.2(From Mod 3):

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

Emission Unit: 2-LEACH

Emission Unit Description:

THIS UNIT CONSISTS OF TWO LEACHATE STORAGE LAGOONS, USED TO COLLECT AND STORE LEACHATE FOR TREATMENT. THE TERM LEACHATE INCLUDES ALL COLLECTED QUANTITIES OF LANDFILL GAS CONDENSATE.

Condition 3-21: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 201-6.5

Item 3-21.1:

The Compliance Certification activity will be performed for the Facility.

Item 3-21.2:

Compliance Certification shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Annual combustion of landfill gas is limited to less than 900 million cubic feet. Landfill gas combustion sources, all of which are located at the LFGTE Plant, include seven internal combustion engines and two enclosed flares (see Permit Renewal 1 source descriptions). Two calibrated meters shall be utilized to measure landfill gas collected. One flow meter shall measure real time (cfm) and cumulative total gas (cf) conveyed to the treatment system for subsequent combustion within the internal combustion. The second flow meter shall measure real time (cfm) and cumulative total gas (cf) conveyed to the enclosed flares.

The facility shall record and report landfill gas quantity as measured by each meter described above.

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 3-22: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.3(b)

Replaces Condition(s) 55

Item 3-22.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-22.2:

Compliance Certification shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

A Landfill Gas Collection and Control System Design Plan prepared by a professional engineer was submitted March 2001. The Landfill Gas Collection and Control System Design Plan identifies Gas Generation Rate Modeling, compliance with design criteria requirements, a Landfill Gas Migration Monitoring Program and a surface Emissions Monitoring Plan. The monitoring program must be implemented as specified by the Design Plan, 6NYCRR Part 208 and 6NYCRR Part 360.

A 6NYCRR Part 360 final cover system or equivalent has been installed over the entire landfill footprint. A comprehensive collection and control system, based on the November 1991 Master Plan, has been installed accounting for 100% of the landfill area.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 3-23: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

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

Replaces Condition(s) 30

Item 3-23.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-23.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

All collected gas must be routed to landfill gas control sources for appropriate control of Non-Methane Organic Compounds (NMOC). Destruction efficiency of NMOC present in landfill gas is accomplished by the operation two enclosed flares. These flares are used during periods of excess or bypass gas.



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Renewal 1 Permit No. 3-3330-00184/00002 contains operating parameters and required monitoring to achieve reduction of Non-Methane Organic Compounds within each enclosed flare.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 3-24: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

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

Item 3-24.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-24.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

All collected gas must be routed to a treatment system that processes the collected gas for sale or use.

Untreated excess or bypass gas must be routed to the enclosed flares for appropriate control (see permit condition under 208.3(b)(2)(iii)(b)).

Renewal 1 Permit No. 3-3330-00184/00002 contains operating parameters and required monitoring to ensure proper operation and performance of the landfill gas treatment system.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 3-25: Compliance Certification



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Effective between the dates of 08/08/2006 and 08/07/2007

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

Replaces Condition(s) 32

Item 3-25.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-25.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

- 1) The landfill shall be no longer accepting solid waste and be permanently closed under the requirements of Part 360;
- 2) The collection and control system shall have been in operation a minimum of 15 years; and
- 3) Following the procedures specified in subdivision 5(b) of this Part, the calculated NMOC gas produced by the landfill shall be less than 50 megagrams per year on three successive test dates. The test dates shall be no less than 90 days apart, and no more than 180 days apart.

The earliest date for equipment removal is set from the time the Gas Collection and Control Plan is compliant with the 111(d)-plan requirements has been installed.

The landfill last received MSW in 2002 and is currently at capacity. A Part 360 cap or equivalent has been installed over the entire landfill proper which includes the installation of an extensive network of gas collection components. NYSDEC Division of Solid and Hazardous Materials approved the design and layout of the Al Turi Landfill Gas Recover System (LGRS) concurrent with the September 23, 1997 solid waste Part 360 permit renewal. Therefore, requirement 1 has been satisfied.



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The collection system has been in operation since the early 1990's and completed circa 2001. The landfill gas control apparatus has also operated since the early 1990's and demonstrated compliant with NMOC destruction efficiency requirements in June 2001. Therefore, the earliest date for collection and control system removal is, based on above information, shall be 2016.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

**Condition 33: Collection system for waste-in-place for 2 or 5 years
Effective between the dates of 08/07/2002 and 08/07/2007**

Applicable Federal Requirement: 6NYCRR 208.4(a)

Item 33.1:

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 3-26: Compliance Certification
Effective between the dates of 08/08/2006 and 08/07/2007**

Applicable Federal Requirement: 6NYCRR 208.4(b)

Replaces Condition(s) 34

Item 3-26.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-26.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The collection system shall be operated under negative



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pressure at each wellhead, except under the following conditions:

1. A fire or increased well temperature. Instances when positive pressure occurs in efforts to avoid a fire shall be recorded. These records shall be submitted with the annual reports as provided in 6 NYCRR Part 208.8.
2. 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: less than 0 pounds per square inch
gauge

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.

The initial report is due 1/30/2007.

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

Condition 3-27: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.4(c)

Replaces Condition(s) 36

Item 3-27.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-27.2:

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%.

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Oxygen levels shall be determined by an oxygen meter using Method 3A as described in 40 CFR Part 60 except that:

1. the span shall be set so that the regulatory limit is between 20 and 50 percent of the span;
2. a data recorder is not required;
3. only two calibration gases are required , a zero and span, and ambient air may may be used as the span;
4. a calibration error check is not required;
5. the allowable sample bias, zero drift, and calibration drift are 10 +/- percent.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: LANDFILL GAS
Parameter Monitored: OXYGEN CONTENT
Upper Permit Limit: less than 5.0 percent
Monitoring Frequency: MONTHLY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2007.
Subsequent reports are due every 6 calendar month(s).

Condition 3-28: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.4(c)

Replaces Condition(s) 37

Item 3-28.1:

The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-28.2:

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 landfill gas temperature of less than 55 degrees Celsius.



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Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: LANDFILL GAS
Parameter Monitored: TEMPERATURE
Upper Permit Limit: less than 55 degrees Centigrade (or Celsius)
Monitoring Frequency: MONTHLY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2007.
Subsequent reports are due every 6 calendar month(s).

Condition 3-29: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.4(d)

Replaces Condition(s) 38

Item 3-29.1:

The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-29.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The collection system shall be operated so that the methane concentration is less than 500 ppm above background on the surface of the landfill. Surface testing shall be conducted 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 has been developed that includes a topographical map with the monitoring route.



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A letter dated January 27, 2004 was submitted to the Department requesting a reduction of monitoring frequency from quarterly to annually. The request included a compilation of data from six consecutive quarterly monitoring events (200 + locations per event) indicating methane concentrations well below the 500 ppm permitted limit. The Department accepted the reduced frequency as documented by letter dated February 27, 2004.

A methane reading of 500 ppm or more above background detected at any grid point during the annual monitoring event shall return the monitoring frequency to quarterly.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: LANDFILL GAS
Parameter Monitored: METHANE
Upper Permit Limit: less than 500 parts per million (by volume)
Monitoring Frequency: ANNUALLY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2007.
Subsequent reports are due every 12 calendar month(s).

Condition 3-30: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.4(e)

Replaces Condition(s) 39

Item 3-30.1:

The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-30.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operate such that all collected gases are vented to the control system (see permit renewal 1) designed and



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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 must be closed within one hour.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 40: Control System

Effective between the dates of 08/07/2002 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.4(f)

Item 40.1:

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

Condition 41: Corrective Action

Effective between the dates of 08/07/2002 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.4(g)

Item 41.1:

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 42: NMOC Calculation - Waste Deposition KNOWN

Effective between the dates of 08/07/2002 and 08/07/2007

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

Item 42.1:

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

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

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$i=1$

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 3-31: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.5(b)

Replaces Condition(s) 43

Item 3-31.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-31.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Calculate the NMOC emission rate for purposes of determining when the system can be removed as provided in subparagraph 3(b)(2)(v) of this Part, using the following equation or the latest version of the EPA LANGEM model or equivalent landfill gas model:

$$MNMOC = 1.89 \times 10^{-3} \text{ QLFG CNMOC}$$

where,

MNMOC = mass emission rate of NMOC, megagrams per year

QLFG = flow rate of landfill gas, cubic meters per minute

CNMOC = NMOC concentration, parts per million by volume as hexane

(1) The flow rate of landfill gas, QLFG, shall be 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 calibrated according to the provisions of section 4 of Method 2E of appendix A of



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40 CFR Part 60 (see section 200.9 of this Title).

(2) The average NMOC concentration, CNMOC, shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in Method 25C or Method 18 of appendix A of 40 CFR Part 60 (see section 200.9 of this Title). If using Method 18 of appendix A, the minimum list of compounds to be tested shall be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42). The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The landfill owner or operator shall divide the NMOC concentration from Method 25C of appendix A by six to convert from CNMOC as carbon to CNMOC as hexane.

(3) Another method to determine landfill gas flow rate and NMOC concentration may be used if the method has been approved by the USEPA.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 45: Surface Methane Monitoring
Effective between the dates of 08/07/2002 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.6(c)

Item 45.1:

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.



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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 46: Instrument Specs for Surface Methane Analyzer
Effective between the dates of 08/07/2002 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.6(d)

Item 46.1:

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-



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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 3-32: Reporting Requirements - NMOC Emission Rate Report
Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.8(b)

Item 3-32.1:

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 3-33: Compliance Certification
Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.8(d)

Item 3-33.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

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Emission Unit: 1-LFGAS

Item 3-33.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

A final closure plan was submitted October 16, 1993 in accordance with the requirements of 360-2.15(c). Acceptance of the plan coincides with the Part 360 solid waste permit renewal issued September 23, 1997.

The landfill proper is at capacity and a Part 360 cap or equivalent has been installed over the entire landfill. No additional waste may be placed into the landfill without filing a notification of modification as described under 40 CFR section 60.7(a)(4) and pursuant to Part 208.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 3-34: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.8(e)

Item 3-34.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-34.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

An equipment removal report must be submitted to the Department within 30 days prior to removal or cessation of operation of the control equipment. The equipment removal report shall contain:



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1. A copy of the final closure plan submitted in accordance with 208.8(d).
2. A copy of the initial performance test report (June 2001) demonstrating that the 15 year minimum control period has expired.
3. Dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer producing 50 megagrams or greater of NMOC per year.

The Department may request such additional information as may be necessary to verify that all of the conditions for removal in 208.3(b)(2)(v) have been met.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 3-35: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.8(f)

Replaces Condition(s) 50

Item 3-35.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-35.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Semiannual reports must be submitted documenting recorded information in paragraphs (1) through (5) below.

(1) Value and length of time for exceedance of applicable parameters monitored under 6 NYCRR 208.7(a).

(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 208.7.

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(3) All periods when the collection system was not operating in excess of 5 days.

(4) The location of each exceedance of the 500 parts per million methane concentration as provided in 6 NYCRR 208.4(c) and the concentration recorded at each location for which an exceedance was recorded in the previous month.

(5) The date of installation and the location of each well or collection system expansion added pursuant to paragraphs 6 NYCRR 208.6(a)(3), 6(b) and 6(c)(4).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 3-36: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.8(g)

Item 3-36.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-36.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The following information relevant to this regulatory requirement has been submitted.

A landfill gas recovery system design and layout was included as part of a 1997 Part 360 Solid Waste permit renewal. Supporting system design as well as Explosive Gas Investigation monitoring were part of the permit application. A Solid Waste Operating Permit was subsequently issued based on application material submitted.

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Landfill gas collection as built plans are also included with the March 2001 Landfill Gas Collection and Control System Design Plan.

Applicable information previously submitted satisfies the requirements of 6 NYCRR 208.8(g).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 51: Compliance Certification
Effective between the dates of 08/07/2002 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.9(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:

Except as provided in 6 NYCRR Part 208.3(b)(3)(i)(a), each owner or operator of an MSW landfill subject to the provisions of 6 NYCRR Part 208.3(b) shall keep for at least 7 years up-to-date, readily accessible, on-site records of the maximum design capacity report which triggered 6 NYCRR Part 208.3(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 3-37: Compliance Certification
Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.9(b)

Replaces Condition(s) 52

Item 3-37.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:



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Emission Unit: 1-LFGAS

Regulated Contaminant(s):

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

Item 3-37.2:

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), the landfill source shall keep up-to-date, readily accessible records for the life of the control equipment (see Renewal 1, Permit ID 3-3330-00184/00002) of the data listed in paragraphs (1) 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.

1) As a source subject to 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 landfill source 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)).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 53: Compliance Certification

Effective between the dates of 08/07/2002 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.9(d)

Item 53.1:



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The Compliance Certification activity will be performed for the Facility.

Item 53.2:

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 the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.

- 1) Each owner or operator shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under 6 NYCRR Part 208.6(b).
- 2) Each owner or operator shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in 6 NYCRR Part 208.10(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in 6 NYCRR Part 208.10(a)(3)(ii).

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 3-38: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.9(e)

Item 3-38.1:

The Compliance Certification activity will be performed for the Facility.

Item 3-38.2:

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



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subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.

Monitoring Frequency: MONTHLY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2007.
Subsequent reports are due every 6 calendar month(s).

Condition 3-39: Compliance Certification
Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.10

Item 3-39.1:

The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-39.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Installation of landfill gas collection components are complete. This consists of approximately 112 vertical wells, and a series of horizontal collectors, laterals and headers. The gas collection material is constructed of PVC and polyethylene piping. There are two electric 100 horsepower Lamson blowers which provide vacuum to the collection system. Operation of a single blower is sufficient to maintain a vacuum of 70 inches of water on the system. A pressure gauge is located near the blower apparatus. The two blower design provides redundancy. Backup power, if needed, is supplied by an existing diesel fired generator (exempt).

NYSDEC Division of Solid and Hazardous Materials approved the design and layout of the Landfill Gas Recover System (LGRS) concurrent with the September 23, 1997 solid waste Part 360 permit renewal. The permit required compliance with 360-2.16 (Landfill Gas Recovery Facilities) and 360-2.15 (a)(2) Explosive Gas Investigation. Furthermore, under the conditions of the Part 360 permit, Special Condition 17(g) requires that the facility submit an



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updated LGRS Plan annually showing any additions and improvements to the system during the prior year and be a part of the facility Annual Report. This report is reviewed and approved by the Department each year.

Maximum landfill gas collection occurred in 2001 with some 1,296 million cubic feet of gas collected. More recent data indicates 809 million cubic feet of landfill gas collected in 2005.

Landfill personnel conduct informal collection system evaluation daily. This includes measuring oxygen content within header pipes, measuring and adjusting vacuum pressures, measuring methane concentrations and assessing wellhead boot integrities. Depth of water column in a number wellheads are also evaluated by the Landfill personnel. To increase gas collection efficiencies, water column is removed from well depths as appropriate to expose larger screen sections. The water removed is handled as leachate and discharged to the onsite permitted water treatment facility. An unofficial log of activities is maintained at the facility.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 3-40: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 40CFR 63.1955(b), Subpart AAAA

Item 3-40.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Regulated Contaminant(s):

CAS No: 0NY100-00-0 HAP

Item 3-40.2:

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Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Because the Al Turi Landfill & LFGTE facility is required to install a collection and control system under 6 NYCRR Part 208, the facility must comply with the requirements in §§63.1960 through 63.1985 and with the general provisions of part 63 as specified in table 1 of Subpart AAAA.

The facility shall develop and implement a written startup, shutdown, and malfunction (SSM) plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction; a program of corrective action for malfunctioning process; and air pollution control and monitoring equipment used to comply with this standard.

This plan must be developed by January 16, 2004 and must comply with all of the requirements listed in §63.6(e)(3)(ii)-(ix) which includes the following provisions:

- During periods of startup, shutdown, and malfunction, the facility must operate and maintain the affected source in accordance with the procedures specified in the SSM plan.

- When actions taken by the owner/operator during a startup, shutdown, or malfunction are consistent with the procedures specified in the affected source's SSM plan, the owner/operator must keep records for that event which demonstrate that the procedures specified in the plan were followed. In addition, the owner/operator must keep records of these events as specified in §63.10(b), including records of operation and each malfunction of the air pollution control and monitoring equipment. Furthermore, the owner/operator shall confirm that actions taken during the startup, shutdown, and malfunction were consistent with the SSM plan in the semiannual report as required in §63.10(d)(5).

- If an action taken by the facility is not consistent with the SSM plan, and the affected source exceeds the relevant emission standard, then the owner/operator must

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record the actions taken for that event and must report such actions within 2 working days after commencing actions inconsistent with the SSM plan, followed by a letter within 7 working days after the end of the event.

- EPA or NYSDEC may at any time request in writing that the facility submit a copy of the SSM plan (or a portion thereof) which is maintained at the affected source. Upon receipt of such a request, the facility must promptly submit a copy of the requested plan to EPA or NYSDEC. EPA or NYSDEC must request that the facility submit a SSM plan whenever a member of the public submits a specific and reasonable request to examine or to receive a copy of that plan or portion of a plan. If the facility claims that any portion of such a SSM plan is confidential business information entitled to protection from disclosure under section 114(c) of the Act or 40CFR2.301, the material which is claimed as confidential must be clearly designated in the submission.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 3-41: Compliance Certification

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 40CFR 63.1980(a), NESHAP Subpart AAAA

Item 3-41.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-LFGAS

Item 3-41.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Semiannual reports of the recorded information in paragraphs (1) through (5) below must be submitted.

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(1) Value and length of time for exceedance of applicable parameters monitored under 6 NYCRR 208.7(a).

(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 208.7.

(3) All periods when the collection system was not operating in excess of 5 days.

(4) The location of each exceedance of the 500 parts per million methane concentration as provided in 6 NYCRR 208.4(c) and the concentration recorded at each location for which an exceedance was recorded in the previous month.

(5) The date of installation and the location of each well or collection system expansion added pursuant to paragraphs 6 NYCRR 208.6(a)(3), 6(b) and 6(c)(4).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

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

**Condition 59: Process Definition By Emission Unit
Effective between the dates of 08/07/2002 and 08/07/2007**

Applicable Federal Requirement: 6NYCRR 201-6

Item 59.1(From Mod 3):

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

Emission Unit: 1-LFGAS

Process: FGG

Source Classification Code: 5-02-006-02

Process Description:

LANDFILL OPERATIONS INCLUDE THOSE EMISSIONS THAT ARE NOT COLLECTED AND EITHER COMBUSTED IN THE ENCLOSED FLARES OR

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CONVEYED TO THE TREATMENT SYSTEM.

Emission Source/Control: LFGAS - Process
Design Capacity: 5,500,000 Megagrams (10**6 grams)

Item 59.2(From Mod 3):

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

Emission Unit: 1-LFGAS

Process: GAS

Source Classification Code: 4-07-999-97

Process Description:

Gas collected from the landfill is routed to the LFGTE plant (Permit No. 3-3330-00184/00002) for control. The landfill proper is the associated source and contains the permitted maximum capacity of 5.5 million megagrams of solid waste.

Documented landfill gas collected from the landfill proper and conveyed to either the internal combustion engines or enclosed flares are as follows:

2001 - 1,296 x 10*6 cf
2002 - 1,041 x 10*6 cf
2003 - 889 x 10*6 cf
2004 - 815 x 10*6 cf
2005 - 809 x 10*6 cf

The gas collection information above represents the most accurate compilation of data available since the change in ownership of the LFGTE site to Ameresco LFG-1 Inc.

Emission Source/Control: LFGAS - Process
Design Capacity: 5,500,000 Megagrams (10**6 grams)

Item 59.3(From Mod 3):

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

Emission Unit: 2-LEACH

Process: EVP

Source Classification Code: 4-07-999-97

Process Description:

TWO OPEN LAGOONS ARE USED TO STORE LEACHATE COLLECTED FROM THE LANDFILL, CONDENSATE GENERATED FROM THE GAS COLLECTION SYSTEM AND CONDENSATE FROM THE GAS TREATMENT SYSTEM. THE LAGOONS ARE OPEN TO THE ATMOSPHERE, THEREFORE, EMISSIONS CONSISTS OF EVAPORATION OF LEACHATE.



Emission Source/Control: LCHLG - Process

Condition 3-42: Compliance Certification
Effective between the dates of 08/08/2006 and 08/07/2007

Applicable Federal Requirement: 6NYCRR 208.7(a)

Replaces Condition(s) 47

Item 3-42.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGAS

Item 3-42.2:

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 45 days after the reporting period.

The initial report is due 2/14/2007.

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 3-43: Contaminant List

Effective between the dates of 08/08/2006 and 08/07/2007

Applicable State Requirement: ECL 19-0301

Item 3-43.1:

Emissions of the following contaminants are subject to contaminant specific requirements in this



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permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 0NY100-00-0

Name: HAP

CAS No: 0NY998-20-0

Name: NMOC - LANDFILL USE ONLY

Condition 60: Unavoidable noncompliance and violations
Effective between the dates of 08/07/2002 and 08/07/2007

Applicable State Requirement: 6NYCRR 201-1.4

Item 60.1:

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.



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(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 61: General Provisions

Effective between the dates of 08/07/2002 and 08/07/2007

Applicable State Requirement: 6NYCRR 201-5

Item 61.1:

This section contains terms and conditions that are not federally enforceable and are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 201-6.4 of Part 201.

Item 61.2:

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.

Item 61.3:

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.

Condition 62: Permit Exclusion Provisions

Effective between the dates of 08/07/2002 and 08/07/2007

Applicable State Requirement: 6NYCRR 201-5

Item 62.1:

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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant 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



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Codes, Rules and Regulations of the State of New York (NYCRR).

The issuance of this permit by the Department and the receipt thereof by the Applicant does not supercede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements contained in such order or modification thereof unless specifically intended by this permit.

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 the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

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 the right of the Department to pursue any claims for natural resource damages against the Applicant.

Condition 63: Contaminant List

Effective between the dates of 08/07/2002 and 08/07/2007

Applicable State Requirement: 6NYCRR 201-5.3(b)

Item 63.1:

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

CAS No: 0NY100-00-0

Name: HAP

CAS No: 0NY998-20-0

Name: NMOC - LANDFILL USE ONLY

Condition 64: Air pollution prohibited

Effective between the dates of 08/07/2002 and 08/07/2007

Applicable State Requirement: 6NYCRR 211.2

Item 64.1:

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.