

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 3484600079**



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 3-4846-00079/00019  
Effective Date: 05/31/2006 Expiration Date: 05/30/2011

Permit Issued To: SULLIVAN COUNTY  
GOVERNMENT CTR 100 NORTH ST  
MONTICELLO, NY 12701

Contact: JOHN KEHLENBECK  
SULLIVAN COUNTY  
91 LANDFILL DR  
MONTICELLO, NY 12701  
(845) 794-4466

Facility: SULLIVAN COUNTY LANDFILL  
91 LANDFILL DRIVE  
MONTICELLO, NY 12701-3835

Contact: JOHN KEHLENBECK  
SULLIVAN COUNTY  
91 LANDFILL DR  
MONTICELLO, NY 12701  
(845) 794-4466

Description:

**Title V Permit Renewal 1**

The subject of this Title V permit Renewal 1 pertains to the reauthorization of the existing permitted Sullivan County Landfill operations through Phase I cells 1 - 6. The landfill is currently permitted to operate a Solid Waste Management Facility under 6 NYCRR Part 360 (Permit No. 3-4846-00079/00002-0 SWMF 53503). The Phase II expansion is a separate preceding which will require modification to this renewal permit 1.

The Sullivan County Landfill is a municipal solid waste (MSW) landfill facility located on 260 acres of County-owned land situated in the Village of Monticello, New York. The Standard Industrial Classification (SIC) for this facility is 4953 - Refuse Systems.

The Facility consists of a closed and capped area, an active area cells 1 through 5 and a cell 6 expansion area. The closed and capped areas were active between 1963 and 1994. Total design volume for this portion of landfill included approximately 2 million cubic yards. Cells 1 through 5 began receiving waste in 1994 and have a design capacity of approximately 3.166 million cubic yards. Cells 1 through 3 are at or near design capacity. Cells 4 and 5 have been constructed and are currently receiving waste.



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Construction of the planned cell 6 expansion is pending with a design capacity of 375,000 cubic yards. Cell 6 is expected to operate from 2006 through 2008.

The Facility has commenced construction, reconstruction or modification or began accepting waste on or after May 30, 1991 and is subject to Federal New Source Performance Standard 40 CFR Part 60 Subpart WWW-Standards of Performance for Municipal Solid Waste Landfills as well as 40 CFR Part 63 Subpart AAAA - National Emission Standards for Hazardous Air pollutants for Source Categories. The facility is subject to Title V permitting since the design capacity is greater than 2.5 million cubic meters and is a major source for sulfur dioxide and carbon monoxide emissions.

The gas collection system installation and operation is subject to the monitoring, recordkeeping and specification requirements of 40 CFR Part 60 Subpart WWW. This includes monthly wellhead parameter monitoring and quarterly methane surface monitoring. Collected landfill gas from the landfill complex is conveyed to the existing 1,200 cfm and 2,000 cfm landfill flares.

The facility has been identified as a major source of sulfur dioxide and conservatively carbon monoxide emissions. Facility emissions are estimated as follows: Oxides of nitrogen less than 100 tons per year, sulfur dioxide between 150 and 200 tons per year, carbon monoxide between 150 and 200 tons per year, particulate less than 100 tons per year, volatile organic compounds (excluding methane) less than 50 tons per year and hazardous air pollutants less than 25 tons per year. New Source Review (NSR) and Prevention of Significant Deterioration (PSD) does not apply to this facility.

The facility air permit contains two specific emission units including 1-LFGAS and 2-LEACH.

1-LFGAS defines the closed and active landfill contributing to the generation of landfill gas and the apparatus necessary to collect and combust (flare) the landfill gas.

2-LEACH consists of four 395,000 gallon aboveground storage tanks for the storage of leachate and a leachate pretreatment facility.

## **Responsiveness Summary and Administrative Record**

Draft Title V Renewal 1

Environmental Notice Bulletin Publication date December 7, 2005

Newspaper publication date December 13, 2006

Public Notice period end date January 13, 2006

Comments submitted by Mr. Gary Abraham (with Shimada attachment) January 13, 2006

Department letter January 19, 2006 to Mr. Gary Abraham requesting information

DAR-1 and LandGem information provided by Mr Gary Abraham by e-mail January 24, 2006

Response Memorandum submitted by SCS (on behalf of Sullivan County) February 13, 2006

Comments submitted by SCS (on behalf of Sullivan County) February 21, 2006

Proposed Renewal Title V permit April 5, 2006

**The following represents comments submitted by Mr. Gary Abraham dated January 13, 2006.**

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**Comments are listed below by section and order presented, followed by Department response.**

**Section 1 Comments:** Operating 13 gas collection wellheads above 5% oxygen "...suggests an insufficient number of wells has been installed in the landfill" and the "...the permit report fails to state a demonstration has been filed by the sponsor that establishes the absence of a risk of fires, and neither representation nor demonstration has been provided that substantial excess oxygen intake into the GCCS will inhibit anaerobic decomposition of the waste mass".

**DEC Response:** The Department disagrees with the conclusion that operating 13 gas collection wellheads above 5% suggests an insufficient number wells installed. System design is based on landfill gas generation rates. Oxygen content measured within wellheads indicates influence of atmospheric conditions which is related to vacuum applied to the system. Assessing the adequacy of the collection system is determined by completing quarterly surface methane monitoring along the perimeter of the landfill and along a grid pattern traversing the landfill footprint (see permit conditions under 40CFR 60.753(d) and 40 60.755(c)). A review of the four quarterly events completed during 2005 revealed a total of 9 locations (out over 1,500 sampled) which exceeded the regulatory limit of 500 ppm methane. At all 9 locations corrective action was completed, and the required 10-day and 30-day rechecks (40CFR 60.755(c)(4)(iv)) confirmed methane concentration below 500 ppm. Modification to the collection system design is dictated by the results of the quarterly surface methane monitoring as further defined by 40CFR 60.755(c)(4)(v). It should be noted that safe operation of the landfill gas collection system at a vacuum which results in some higher oxygen values is not necessarily detrimental when the objective is to collect and control as much landfill derived gas as practical to mitigate fugitive emissions.

The second part of the comment contends that the permit report fails to include a demonstration that 13 wells operating above 5 % do not cause a risk of fire and inhibit anaerobic decomposition by killing methanogens. 40CFR 60.753(c) states "The owner or operator may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.". The Department has interpreted this to mean that a demonstration must be provided for either increased risk fire or effect on anaerobic decomposition. Accordingly, the permit review report "basis for monitoring" section has been revised to include information contained within the 2005 semi-annual report. The semi-annual report indicates that of the 78 monthly readings taken at the 13 affected wells during the period between January 2005 and June 2005 there were 3 instances of temperature recorded above 100 F with the highest reading 121 F. The report affirms the highest recorded values are below the minimum temperature for a risk of fire. The Department is not aware of subsurface fires at or near the wellheads that operate above 5 % oxygen.

The Department plans to witness upcoming monthly wellhead monitoring and quarterly surface methane monitoring events to confirm compliance with permit requirements. Any modification to system operation to account for site specific conditions will be incorporated as part of a revised Gas Collection and Control Plan and become enforceable under the Title V operating permit. This may include the addition of wellheads and collectors, decommissioning of wellheads, variations in wellhead oxygen content, pressure and temperature, evaluation of methane concentrations as well as adjustments made to vacuum distribution. As previously discussed, the performance of the gas collection system components and balancing of parameter operation is reflected within data obtained by conducting quarterly surface methane monitoring.

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**Section 2 Comments:** “Ongoing emissions of off site odors violate the federally enforceable State Implementation (SIP) approved by the EPA under the Clean Air Act.” .....”Until the landfill can demonstrate an ability to fully control emissions of odorous compounds, the Department should not unconditionally approve a modified Title V operating permit.”.....and “The Department should consider attaching the County’s Odor Control Plan to the proposed Title V permit, as a condition of compliance with the permit”.

**DEC Response:** The comment identifies draft renewal permit condition 1 under 6NYCRR 200.6 which states “Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.” The Department interprets that your comment focuses on the term “cause air pollution” and then references the definition of air pollutant under 6NYCRR 200.1(d) to include odor. Your comment then references the definition of air pollution which states “The presence in the outdoor atmosphere of one or more contaminants in quantities, of characteristics and of a duration which are or may be injurious to human, plant or animal life or to property or which unreasonably interfere with the comfortable enjoyment of life and property.” At this time, the Department will continue to evaluate the frequency and duration of odor events as they relate to compliance with more stringent 6NYCRR 360 regulation. This also includes implementation of the Odor Control Plan requirements. It should be noted that your comments acknowledge a reduced incidence of odor complaints (see page 1 and page 3 of Shimada attachment).

From a practical standpoint, the regulations approved by USEPA as part of the State Implementation Plan do not require one hundred percent control of all emissions and the Draft Title V permit renewal 1 contains more than 70 conditions. In addition, numerous permit conditions are site specific with enhanced descriptions.

The Department has determined that incorporating the Odor Control Plan already required by 6NYCRR 360 as an attachment to the Title V permit renewal 1 would provide unnecessary duplication. Division of Solid Waste personnel shall retain primary authority to oversee review and implementation of the Odor Control Plan.

**Section 3 Comment:** “The proposed title V permit should contain a schedule of compliance”.

**DEC Response:** A revision to the Title V permit renewal 1 to include a schedule of compliance from the Order on Consent executed October 10, 2003 is unnecessary. Elements of the Order directly relate to 6 NYCRR Part 360 Solid Waste Management issues. Simply repeating this information would provide unnecessary redundancy that would not enhance the Department’s authority to enforce the schedule of compliance.

Regarding the last paragraph of this section, contrary to your statement, the Department has not determined Sullivan County Landfill to be in violation of 40 CFR 60.753(c) and 6NYCRR 200.6.

**Shimada Comment (attachment):** “The LandGEM modeling of Phase I of the landfill would suggest



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that hydrogen sulfide emissions would exceed the odor threshold, which is prohibited by the Title V permit”.

**DEC Response:** The Department has reviewed the LandGem model and DAR-1 analysis information provided by e-mail in response to Department request dated January 19, 2006. Reference is made to conclusions and opinions which states “The LandGEM modeling of Phase I of the landfill would suggest that hydrogen sulfide emissions would exceed the odor threshold” and “DAR-1 would suggest that the hydrogen sulfide impacts would exceed the odor threshold...”.

Following consultation with our Albany office, the Department has determined the model and DAR-1 analysis information you provided by supplemental e-mail lacks sufficient detail to support your conclusions. As presented, the assessment summary is incomplete. It is difficult to interpret the comparison of annual and short term impacts to the appropriate guidance values, identify assumptions and determine if the analysis conducted accounts for two point sources or one point source and an area source.

To the extent that the Department cannot interpret the rationale and methodology used to support Mr. Shimada’s conclusions and opinions, which is the basis for the broad comment, no further response or request to supplement the permit application is warranted. However, the Department is willing to meet at the Region 3 office at a convenient time and date during the period of proposing the permit to USEPA should you wish to provide additional information regarding the assumptions, comparisons and findings of your analysis.

**The following represents revisions to the draft permit in response to comments submitted by SCS Engineers (on behalf of Sullivan County) dated February 21, 2006.**

1. Emission Unit description 1-LFGAS (Draft condition 23) has been revised to include landfill gas generation rates through 2010. Data was obtained from the renewal application and excludes future contribution from the planned Phase II expansion.
2. Draft permit condition 34 has been revised. Averaging Method is now defined as "MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION".
3. Draft permit condition 37 description has been revised to acknowledge surface methane monitoring to coincide with progression of waste placement pursuant to 40CFR 60.WWW requirements. Also, reference to the Old Village Landfill has been removed. The Old Village Landfill generates landfill gas at a declining rate of less than 10 cfm. This contribution is less than 0.5% of the total predicted landfill gas generation for the entire landfill complex.
4. Draft permit condition 63 has been revised to indicate Emission Point F0002 as 32 feet high and 10 inches in diameter.
5. Draft Permit Condition 64 Process GAS has been revised to indicate Flare capacities of 1,200 cfm and 2,000 cfm.

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**Additional Changes**

Major source status has been revised to include Carbon Monoxide emissions. Absent actual performance test results for each flare, USEPA AP-42 factor of 750 lbs CO / 10\*dscf as methane was applied. Refer to Permit Review Report major status section for additional information.

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:            ROBERT J STANTON  
   NYS DEC DIVISION OF AIR RESOURCES  
   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

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: Applications for Permit Renewals and Modifications**  
**Applicable State Requirement: 6NYCRR 621.13**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3:**



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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 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 in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

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

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

**Condition 5: Submission of 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



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: SULLIVAN COUNTY  
GOVERNMENT CTR 100 NORTH ST  
MONTICELLO, NY 12701

Facility: SULLIVAN COUNTY LANDFILL  
91 LANDFILL DRIVE  
MONTICELLO, NY 12701-3835

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

Permit Effective Date: 05/31/2006

Permit Expiration Date: 05/30/2011



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6NYCRR 201-6.5(a)(7): Fees
- 3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 6 6NYCRR 201-6.5(e): Compliance Certification
- 7 6NYCRR 202-2.1: Compliance Certification
- 8 6NYCRR 202-2.5: Recordkeeping requirements
- 9 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 10 6NYCRR 200.7: Maintenance of Equipment
- 11 6NYCRR 201-1.7: Recycling and Salvage
- 12 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 14 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 15 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 16 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 17 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 18 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 19 6NYCRR 202-1.1: Required Emissions Tests
- 20 6NYCRR 211.3: Visible Emissions Limited
- 21 40CFR 68: Accidental release provisions.
- 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6NYCRR 201-6: Emission Unit Definition
- 24 6NYCRR 201-6.5: Compliance Certification
- 25 6NYCRR 225-1.2(a)(2): Compliance Certification
- 26 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 27 40CFR 60.7(a), NSPS Subpart A: Date of construction notification - If a COM is not used.
- 28 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 29 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
- 30 40CFR 60.11(d), NSPS Subpart A: Compliance with Standards and Maintenance Requirements
- 31 40CFR 60.752(b)(1), NSPS Subpart WWW: Standards for air emissions from MSW landfills
- 32 40CFR 60.752(b)(2), NSPS Subpart WWW: Standards for air emissions from MSW landfills
- 33 40CFR 60.753(a), NSPS Subpart WWW: Operational standards for collection and control systems
- 34 40CFR 60.753(b), NSPS Subpart WWW: Compliance Certification



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- 35 40CFR 60.753(c), NSPS Subpart WWW: Compliance Certification
  - 36 40CFR 60.753(c), NSPS Subpart WWW: Compliance Certification
  - 37 40CFR 60.753(d), NSPS Subpart WWW: Compliance Certification
  - 38 40CFR 60.753(e), NSPS Subpart WWW: Compliance Certification
  - 39 40CFR 60.753(f), NSPS Subpart WWW: Compliance Certification
  - 40 40CFR 60.753(g), NSPS Subpart WWW: Compliance Certification
  - 41 40CFR 60.754(a)(2), NSPS Subpart WWW: NMOC Calculation - Tier 1
  - 42 40CFR 60.754(b), NSPS Subpart WWW: NMOC Calculation After Collection and Control System Installation
  - 43 40CFR 60.755(a), NSPS Subpart WWW: Compliance Provisions - collection system
  - 44 40CFR 60.755(b), NSPS Subpart WWW: Compliance Provisions - wells
  - 45 40CFR 60.755(c), NSPS Subpart WWW: Compliance Provisions - surface methane
  - 46 40CFR 60.755(d), NSPS Subpart WWW: Compliance Provisions - instrumentation specifications
  - 47 40CFR 60.755(e), NSPS Subpart WWW: Compliance Provisions - Start-up, shutdown, or malfunction
  - 48 40CFR 60.756(a), NSPS Subpart WWW: Compliance Certification
  - 49 40CFR 60.756(c), NSPS Subpart WWW: Compliance Certification
  - 50 40CFR 60.756(f), NSPS Subpart WWW: Compliance Certification
  - 51 40CFR 60.757(a), NSPS Subpart WWW: Reporting requirements - Initial design capacity
  - 52 40CFR 60.757(b), NSPS Subpart WWW: Reporting requirements - NMOC emission rate
  - 53 40CFR 60.757(c), NSPS Subpart WWW: Reporting Requirements - Collection and Control System Design Plan
  - 54 40CFR 60.757(d), NSPS Subpart WWW: Reporting Requirements - Closure Report
  - 55 40CFR 60.757(e), NSPS Subpart WWW: Reporting Requirements - Control Equipment Removal
  - 56 40CFR 60.757(g), NSPS Subpart WWW: Reporting requirements - Collection and control system
  - 57 40CFR 60.758(a), NSPS Subpart WWW: Compliance Certification
  - 58 40CFR 60.758(b), NSPS Subpart WWW: Compliance Certification
  - 59 40CFR 60.758(c), NSPS Subpart WWW: Compliance Certification
  - 60 40CFR 60.759(a), NSPS Subpart WWW: Specifications for active collection systems
  - 61 40CFR 63.1955(b), Subpart AAAA: Compliance Certification
  - 62 40CFR 63.1980(a), NESHAP Subpart AAAA: Compliance Certification
- Emission Unit Level**
- 63 6NYCRR 201-6: Emission Point Definition By Emission Unit
  - 64 6NYCRR 201-6: Process Definition By Emission Unit

**EU=1-LFGAS**

- 65 6NYCRR 212.4(a): Compliance Certification



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**EU=1-LFGAS,Proc=GAS,ES=FLR1K**

66 40CFR 60.18(e), NSPS Subpart A: General Control Device Requirements  
- Flares

67 40CFR 60.18(f), NSPS Subpart A: Flare compliance testing.

**EU=1-LFGAS,Proc=GAS,ES=FLR2K**

68 40CFR 60.18(e), NSPS Subpart A: General Control Device Requirements  
- Flares

69 40CFR 60.18(f), NSPS Subpart A: Flare compliance testing.

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

70 ECL 19-0301: Contaminant List

71 6NYCRR 201-1.4: Unavoidable noncompliance and violations

72 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 1: Acceptable Ambient Air Quality**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 6NYCRR 200.6**

**Item 1.1:**

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



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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 2: Fees**

**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 2.1:**

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

**Condition 3: Recordkeeping and reporting of compliance monitoring**

**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 3.1:**

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

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

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

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

**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 4.1:**

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable



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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 5: Compliance Certification**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 5.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

(1) For emissions of a hazardous air pollutant (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.

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

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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 7/30/2006.  
Subsequent reports are due every 6 calendar month(s).

**Condition 6: Compliance Certification**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 6.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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following:

i. Compliance certifications shall contain:

- the identification of each term or condition of the permit that is the basis of the certification;
  - the compliance status;
  - whether compliance was continuous or intermittent;
  - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
  - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions;
- and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

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

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

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

USEPA Region 2



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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 1/30/2007.  
Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 7.1:**  
The Compliance Certification activity will be performed for the Facility.

**Item 7.2:**  
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. Statements are to be mailed to: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Air Quality Planning, 625 Broadway, Albany NY 12233-3251

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due by April 15th for previous calendar year

**Condition 8: Recordkeeping requirements**



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

**Item 8.1:**

(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 9: Open Fires Prohibited at Industrial and Commercial Sites**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 6NYCRR 215**

**Item 9.1:**

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 10: Maintenance of Equipment**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 6NYCRR 200.7**

**Item 10.1:**

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 11: Recycling and Salvage**



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**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 11.1:**

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 12: Prohibition of Reintroduction of Collected Contaminants to the air**

**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 12.1:**

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 13: Exempt Sources - Proof of Eligibility**

**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 13.1:**

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 14: Trivial Sources - Proof of Eligibility**

**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 14.1:**

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.



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**Condition 15: Standard Requirement - Provide Information**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 15.1:**

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 16: General Condition - Right to Inspect**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 16.1:**

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 17: Standard Requirements - Progress Reports**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 17.1:**

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,



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and dates when such activities, milestones or compliance were achieved; and

(ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

**Condition 18: Off Permit Changes**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 18.1:**

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 19: Required Emissions Tests**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 19.1:**

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 20: Visible Emissions Limited**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 6NYCRR 211.3**



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**Item 20.1:**

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

**Condition 21: Accidental release provisions.**

**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 68**

**Item 21.1:**

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 22: Recycling and Emissions Reduction**

**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 22.1:**

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.**



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**Condition 23: Emission Unit Definition**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 23.1:**

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 complex and active gas collection system. The landfill areas are defined as follows:

Old Village landfill (closed)

Old County Landfill (closed)

Phase I Landfill Cells 1 and 2 (capped)

Phase I Landfill Cells 3 through 5 (active)

Phase I Landfill Cell 6 (construction pending)

Design capacity for all landfills through completion of Phase I is approximately 3.0 million megagrams. Both the Old Village and County landfills are unlined and received waste between 1963 through 1993. The Old Village Landfill was capped in 2000. The Old County Landfill was capped in 1994. Phase I cells 1 through 5 have been constructed under authority of a Part 360 Solid Waste Management permit No. 3-4846-00079. Phase I design incorporates a double composite liner system.

Landfill gas is collected by vertical extraction wells and horizontal collection pipes. Collected gas is conveyed by lateral and header piping to two permanent centrally located open flares.

Projected landfill gas generation, utilizing USEPA LandGem modeling, is estimated as follows:

2005 - 1743 cfm

2006 - 1674 cfm

2007 - 1615 cfm

2008 - 1562 cfm

2009 - 1372 cfm

2010 - 1205 cfm

**Item 23.2:**

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

Emission Unit: 2-LEACH

Emission Unit Description:



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Emission Unit 2-LEACH consists of four 395,000 gallon aboveground leachate storage tanks.

**Condition 24: Compliance Certification**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 6NYCRR 201-6.5**

**Item 24.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 24.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The Sullivan County Landfill shall limit annual waste landfilled to less than 200,000 tons per year. Waste shall include actual municipal solid waste (MSW) weighed and equivalent MSW accounting for Alternative Daily Cover (ADC).

It is the responsibility of Sullivan County to submit ADC material information documenting equivalent MSW. The MSW equivalent tonnage of ADC must be included in the annual permit tonnage limitation for the landfill. In the event of any disagreement between the County and the Department on the MSW equivalency, the County consultants will defer to the Department percentage or the entire tonnage of any organic ADC material will be considered to be MSW for purposes of annual tonnage limitations.

Monitoring Frequency: 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 25: Compliance Certification**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 6NYCRR 225-1.2(a)(2)**

**Item 25.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 25.2:**



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Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person shall use, purchase, sell, or offer for sale any distillate fuel oil which has a sulfur content greater than the limit presented below. A log of the sulfur content in oil per delivery must be maintained on site for a minimum of five years after the date of the last entry.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

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 26: EPA Region 2 address.  
Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A**

**Item 26.1:**

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the following address:

Director, Division of Enforcement and Compliance Assistance  
USEPA Region 2  
290 Broadway, 21st Floor  
New York, NY 10007-1886

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the NYSDEC Regional Office issuing this permit (see address at the beginning of this permit) and to the following address:

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



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**Condition 27: Date of construction notification - If a COM is not used.  
Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.7(a), NSPS Subpart A**

**Item 27.1:**

Any owner or operator subject to this part shall furnish the Administrator with the following information:

- 1) a notification of the date construction or reconstruction commenced, post marked no later than 30 days after such date;
- 3) a notification of the actual date of initial start up, post marked within 15 days after such date;
- 4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under this part. The notice shall be post marked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;
- 5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, post marked not less than 30 days prior to such date;
- 6) a notification of the anticipated date for conducting the opacity observations, post marked not less than 30 days prior to such date.

**Condition 28: Performance testing timeline.  
Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.8(a), NSPS Subpart A**

**Item 28.1:**

Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance testing and provide the results of such tests, in a written report, to the Administrator.

**Condition 29: Opacity standard compliance testing.  
Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.11, NSPS Subpart A**

**Item 29.1:**

The following conditions shall be used to determine compliance with the opacity standards:

- 1) observations shall be conducted in accordance with Reference Method 9, in Appendix A of



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40 CFR Part 60(or an equivalent method approved by the Administrator including continuous opacity monitors);

2) the opacity standards apply at all times except during periods of start up, shutdown, and malfunction; and

3) all other applicable conditions cited in section 60.11 of this part.

**Condition 30: Compliance with Standards and Maintenance Requirements  
Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.11(d), NSPS Subpart A**

**Item 30.1:**

At all times, including periods of startup, shutdown, and malfunction, owners and operators of this facility shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Department and the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

**Condition 31: Standards for air emissions from MSW landfills  
Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.752(b)(1), NSPS Subpart WWW**

**Item 31.1:**

Owner or operator of a municipal solid waste (MSW) landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, shall either comply with 40 CFR Part 60.752(b)(2) or calculate a non-methane organic compound (NMOC) emission rate for the landfill using the procedures specified in 40 CFR Part 60.754. The NMOC emission rate shall be recalculated annually, except as provided in 40 CFR Part 60.757(b)(1)(ii).

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

i) Submit an annual emission report to the Administrator, except as provided for in 40 CFR Part 60.757(b)(1)(ii); and

ii) Recalculate the NMOC emission rate annually using the procedures specified in 40 CFR Part 60.754(a)(1) until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year. If upon recalculation the NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall install a collection and control system in compliance with 40 CFR Part 60.752(b)(2).

**Condition 32: Standards for air emissions from MSW landfills**

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**Applicable Federal Requirement: 40CFR 60.752(b)(2), NSPS Subpart WWW**

**Item 32.1:**

If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall:

i) Submit a collection and control system design plan prepared by a professional engineer to the Administrator within 1 year:

A) The collection and control system as described in the plan shall meet the design requirements of paragraph (ii) below.

B) The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR Part 60.753 through 60.758 proposed by the owner or operator.

C) The collection and control system design plan shall either conform with specifications for active collection systems in 40 CFR Part 60.759 or include a demonstration to the Administrator's satisfaction of the sufficiency of the alternative provisions to 40 CFR Part 60.759.

D) The Administrator shall review the information submitted under paragraphs (i)(A), (B) and (C) above and either approve it, disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, or horizontal trenches only, leachate collection components, and passive systems.

ii) Install a collection and control system that captures the gas generated within the landfill as required by paragraphs (i)(A) or (B) and (iii) below, within 30 months after the first annual report in which the emission rate equals or exceeds 50 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the emission rate is less than 50 megagrams per year, as specified in 40 CFR Part 60.757(c)(1) or (2).

A) An active gas collection system shall:

1) be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment;

2) collect gas from each area, cell or group of cells in the landfill in which the initial solid waste has been placed for a period of 5 years (if active) or 2 years (if closed or at final grade);

3) collect gas at a sufficient extraction rate; and

4) be designed to minimize off-site migration of subsurface gas.

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(B) A passive collection system shall:

(1) Comply with the provisions specified in paragraphs (A)(1),(2), and (4) above.

(2) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners shall be installed as required under 40 CFR Part 258.40 of this title.

iii) Route all the collected gas to a control system that complies with either of the following:

A) is an open flare designed and operated in accordance with 40 CFR 60.18; or

B) is a control system designed and operated to reduce NMOC by 98% (by weight) or, when an enclosed combustion device is used for control, to either reduce NMOC by 98% weight or reduce the NMOC outlet concentration to less than 20 parts per million by volume, dry basis as hexane at 3% oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test to be completed no later than 180 days after the initial startup of the approved control system using the test methods specified in 40 CFR Part 60.754(d).

(1) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone.

(2) The control device shall be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in 40 CFR Part 60.756;

(C) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of paragraph (iii)(A) or (B) above.

**Condition 33: Operational standards for collection and control systems  
Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.753(a), NSPS Subpart WWW**

**Item 33.1:**

Each owner or operator of an MSW landfill with a gas collection and control system used to comply with the provisions of 40 CFR Part 60.752(b)(2)(ii) shall:

a) Operate the collection system such that gas is collected from each area, cell or group of cells in the MSW landfill in which solid waste has been in place for:

1) 5 years or more if active; or

2) 2 years or more if closed or at final grade.



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**Condition 34: Compliance Certification**

**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.753(b), NSPS Subpart WWW**

**Item 34.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 34.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Operate the collection system with negative pressure at each wellhead except under the following conditions:

- 1) A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in 40 CFR Part 60.757(f)(1).
- 2) Use of a geomembrane cover or an equivalent gas-impermeable synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan.
- 3) A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows.

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: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2006.

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

**Condition 35: Compliance Certification**

**Effective between the dates of 05/31/2006 and 05/30/2011**

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**Applicable Federal Requirement: 40CFR 60.753(c), NSPS Subpart WWW**

**Item 35.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 35.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

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

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: TEMPERATURE

Upper Permit Limit: less than 131 degrees Fahrenheit

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 7/30/2006.

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

**Condition 36: Compliance Certification**

**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.753(c), NSPS Subpart WWW**

**Item 36.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 36.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:



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

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: LANDFILL GAS  
Parameter Monitored: OXYGEN CONTENT  
Upper Permit Limit: less than 5 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 7/30/2006.  
Subsequent reports are due every 6 calendar month(s).

**Condition 37: Compliance Certification**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.753(d), NSPS Subpart WWW**

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

**Item 37.2:**  
Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Operate the collection system so that the methane concentration is less than 500 part per million above background at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing around the perimeter of the collection area and 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. The owner or operator may establish an alternative traversing pattern that ensures equivalent overage. A surface monitoring design plan shall be developed that includes a topographical map with the



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monitoring route and the rationale for any site-specific deviations from the 30 meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.

Surface testing shall be conducted quarterly within Phase I cells 1-6 areas as appropriate. Actual quarterly surface monitoring route shall be coordinated with the future progression of waste placement. Time frames specified by 40CFR 60.111 shall govern.

Pursuant to DEC approval June 26, 2002, surface testing for the Old County Landfill areas shall be conducted annually.

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: QUARTERLY

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 7/30/2006.

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

**Condition 38: Compliance Certification**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.753(e), NSPS Subpart WWW**

**Item 38.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 38.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Operate the collection system such that all collected gases are routed to a control system. In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to

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the atmosphere shall be closed within one hour.

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 7/30/2006.

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

**Condition 39: Compliance Certification**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.753(f), NSPS Subpart WWW**

**Item 39.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 39.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: CONTINUOUS

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2006.

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

**Condition 40: Compliance Certification**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.753(g), NSPS Subpart WWW**

**Item 40.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 40.2:**

Compliance Certification shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

If monitoring demonstrates that the operational requirements of 40 CFR Part 60.753(b), (c) or (d) are not met, corrective action shall be taken as specified in 40 CFR Part 60.755(a)(3) through (5) or 40 CFR Part 60.755(c). If corrective actions are taken as specified in 40 CFR Part 60.755, the monitored exceedance is not a violation of the operational requirements in 40 CFR Part 60.753.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2006.

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

**Condition 41: NMOC Calculation - Tier 1**

**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.754(a)(2), NSPS Subpart WWW**

**Item 41.1:**

The owner or operator shall compare the calculated NMOC mass emission rate to the standard of 50 megagrams per year.

1) If the NMOC mass emission rate calculated in 40 CFR Part 60.754(a)(1) is less than 50 megagrams per year, then the landfill owner shall submit a mass emission rate report as provided in 40 CFR Part 60.757(b)(1), and shall recalculate the NMOC mass emission rate annually as required under 40 CFR Part 60.752(b)(1).

2) If the calculated NMOC mass emission rate is equal to or greater than 50 megagrams per year, then the landfill owner shall either comply with 40 CFR Part 60.752(b)(2), or determine the site-specific NMOC concentration and recalculate the NMOC mass emission rate using the procedures provided in 40 CFR Part 60.754(a)(3).

**Condition 42: NMOC Calculation After Collection and Control System**

**Installation**

**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.754(b), NSPS Subpart WWW**

**Item 42.1:**

After the installation of a collection and control system in compliance with 40 CFR Part 60.755, the owner or operator shall calculate the NMOC emission rate for purposes of determining when the system can be removed as provided in 40 CFR Part 60.752(b)(2)(v), using the following equation:



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$$M_{\text{NMOC}} = 1.89 \times 10^{-3} Q_{\text{LFG}} C_{\text{NMOC}}$$

where,

$M_{\text{NMOC}}$  = mass emission rate of NMOC, megagrams per year

$Q_{\text{LFG}}$  = flow rate of landfill gas, cubic meters per minute

$C_{\text{NMOC}}$  = NMOC concentration, parts per million by volume as hexane

(1) The flow rate of landfill gas,  $Q_{\text{LFG}}$ , 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 40 CFR Part 60 Appendix A.

(2) The average NMOC concentration,  $C_{\text{NMOC}}$ , 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 40 CFR Part 60 Appendix A. If using Method 18 of 40 CFR Part 60 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 40 CFR Part 60 Appendix A by six to convert from  $C_{\text{NMOC}}$  as carbon to  $C_{\text{NMOC}}$  as hexane.

(3) The owner or operator may use another method to determine landfill gas flow rate and NMOC concentration if the method has been approved by the Administrator.

**Condition 43: Compliance Provisions - collection system  
Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.755(a), NSPS Subpart WWW**

**Item 43.1:**

Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), the specified methods in paragraphs (1) through (6) below, shall be used to determine whether the gas collection system is in compliance with 40 CFR Part 60.752(b)(2)(ii).

1) For the purposes of calculating the maximum expected gas generation flow rate from the landfill to determine compliance with 40 CFR Part 60.752(b)(2)(ii)(A)(1), the following equation shall be used. The  $k$  and  $L_0$  kinetic factors should be those published in the most recent Compilation of Air Pollutant Emissions Factors (AP-42) or other site specific values demonstrated to be appropriate for this site and approved by the Administrator. If  $k$  has been determined as specified in 40 CFR Part 60.754(a)(4), the value of  $k$  determined from the test shall be used. The active life of the landfill is the age of the landfill plus the estimated number of years until closure.

ii) For waste sites with known year-to-year solid waste acceptance rate:

$$Q_M = \sum 2 k L_0 M_i (e^{-kt_i}),$$

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where,

$Q_M$  = maximum expected gas generation flow rate, cubic meters per year

$k$  = methane generation rate constant, year<sup>-1</sup>

$L_0$  = methane generation potential, cubic meters per megagram solid waste

$M_i$  = mass of solid waste in the  $i^{\text{th}}$  section, megagrams

$t_i$  = age of the  $i^{\text{th}}$  section (years).

2) For the purposes of determining sufficient density of gas collectors for compliance with 40 CFR Part 60.752(b)(2)(ii)(A)(2), the owner shall design a system of vertical wells, horizontal collectors, or other collection devices, satisfactory to the Administrator, capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards.

3) For the purpose of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with 40 CFR Part 60.752(b)(2)(ii)(A)(3), the owner or operator shall measure gauge pressure in the gas collection header at each individual well, monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within 5 calendar days, except for the three conditions allowed under 40 CFR Part 60.753(b). If negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternate timeline for correcting the exceedance may be submitted to the Administrator for approval.

4) Owners or operators are not required to expand the system as required in paragraph (3) above during the first 180 days after gas collection system startup.

5) For the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner or operator shall monitor each well monthly for temperature and nitrogen or oxygen as provided in 40 CFR Part 60.753(c). If a well exceeds one of these operating parameters, action shall be initiated to correct the exceedance within 5 calendar days. If correction of the exceedance cannot be achieved within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the Administrator for approval.

6) An owner or operator seeking to demonstrate compliance with 40 CFR Part 60.752(b)(2)(ii)(A)(4) through the use of a collection system not conforming to the specifications provided in 40 CFR Part 60.759 shall provide information satisfactory to the Administrator as specified in 40 CFR Part 60.752(b)(2)(i)(C) demonstrating that off-site migration is being controlled.

**Condition 44: Compliance Provisions - wells**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.755(b), NSPS Subpart WWW**

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**Item 44.1:**

For purposes of compliance with 40 CFR Part 60.753(a), each owner or operator of a controlled landfill shall place each well or design component as specified in the approved design plan as provided in 40 CFR Part 60.752(b)(2)(i). Each well shall be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of:

- 1) 5 years or more if active; or
- 2) 2 years or more if closed or at final grade.

**Condition 45: Compliance Provisions - surface methane  
Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.755(c), NSPS Subpart WWW**

**Item 45.1:**

The following procedures shall be used for compliance with the surface methane operational standard as provided in 40 CFR Part 60.753(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 40 CFR Part 60.755(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 8.3.1 of Method 21 of 40 CFR Part 60 Appendix A, except that the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.

4) Any reading of 500 parts per million or more above background at any location shall be recorded as a monitored exceedance and the actions specified in paragraphs (4)(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 40 CFR Part 60.753(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 paragraph (4)(v) below shall be taken, and no further monitoring of that location is required until the action specified in paragraph (4)(v) has been taken.
- iv) Any location that initially showed an exceedance but has a methane concentration less than



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500 ppm methane above background at the 10-day re-monitoring specified in paragraph (4)(ii) or (iii) below 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 paragraph (4)(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: Compliance Provisions - instrumentation specifications**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.755(d), NSPS Subpart WWW**

**Item 46.1:**

Each owner or operator seeking to comply with the provisions in 40 CFR Part 60.755(c) of this section 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 6 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 sample, collection, preservation, storage and transport requirements in Section 8.0 of Method 21 of 40 CFR Part 60 Appendix A, the instrument evaluation procedures of section 8.1 of Method 21 shall be used.
- 4) The calibration procedures provided in section 10 of Method 21 of 40 CFR Part 60 Appendix A of this part shall be followed immediately before commencing a surface monitoring survey.

**Condition 47: Compliance Provisions - Start-up, shutdown, or malfunction**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.755(e), NSPS Subpart WWW**

**Item 47.1:**

The provisions of this subpart apply at all times, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction shall not exceed 5 days for collection systems and shall not exceed 1 hour for treatment or control devices.



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**Condition 48: Compliance Certification**

**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.756(a), NSPS Subpart WWW**

**Item 48.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 48.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(ii)(A) for 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 on a monthly basis as provided in 40 CFR Part 60.755(a)(3); and

(2) Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as provided in 40 CFR Part 60.755(a)(5); and

(3) Monitor temperature of the landfill gas on a monthly basis as provided in 40CFR Part 60.755(a)(5).

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 7/30/2006.

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

**Condition 49: Compliance Certification**

**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.756(c), NSPS Subpart WWW**

**Item 49.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 49.2:**

Compliance Certification shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(iii) using an open flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment:

1) A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame.

2) A device that records flow to or bypass of the flare. The owner or operator shall either:

i) Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or

ii) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

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 7/30/2006.

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

**Condition 50: Compliance Certification**

**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.756(f), NSPS Subpart WWW**

**Item 50.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000074-82-8 METHANE

**Item 50.2:**

Compliance Certification shall include the following monitoring:



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Monitoring Type: AMBIENT AIR MONITORING

Monitoring Description:

Each owner or operator seeking to demonstrate compliance with 40 CFR Part 60.755(c), shall monitor surface concentrations of methane according to the instrument specifications and procedures provided in 40 CFR Part 60.755(d). Any closed landfill that has no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of 500 ppm or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring.

Parameter Monitored: METHANE

Upper Permit Limit: 499 parts per million (by volume)

Reference Test Method: Method 21

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2006.

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

**Condition 51: Reporting requirements - Initial design capacity  
Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.757(a), NSPS Subpart WWW**

**Item 51.1:**

Owner or operator shall submit an initial design capacity report to the Administrator.

1) The initial design capacity report shall fulfill the requirements of the notification of the date construction is commenced as required under 40 CFR Part 60.7(a)(1) and shall be submitted no later than 90 days after the date of commenced construction.

2) The initial design capacity report shall contain the following information:

i) A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the permit issued by NYSDEC;

ii) The maximum design capacity of the landfill. Where the maximum design capacity is specified in the permit issued by NYSDEC, a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in



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the permit, the maximum design capacity shall be calculated using good engineering practices. The calculations shall be provided, along with the relevant parameters as part of the report. The State or Administrator may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.

**Condition 52: Reporting requirements - NMOC emission rate**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.757(b), NSPS Subpart WWW**

**Item 52.1:**

Owner or operator shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided in (1)(ii) or (3) below. The Administrator 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 40 CFR Part 60.754(a) or (b), as applicable.

i) The initial NMOC emission rate report may be combined with the initial design capacity report required by 40 CFR Part 60.757(a) and shall be submitted no later than 90 days after the date of commenced construction. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in (1)(ii) and (3) below.

ii) If the estimated NMOC emission rate as reported in the annual report to the Administrator 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 Administrator. 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 Administrator. 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 data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.

3) Owner or operator is exempted from the requirements in paragraphs (1) and (2) above, after installation of a collection and control system in compliance with 40 CFR Part 60.752(b)(2), during such time as the collection and control system is in operation and in compliance with 40 CFR Part 60.753 and Part 60.755

**Condition 53: Reporting Requirements - Collection and Control System**  
**Design Plan**  
**Effective between the dates of 05/31/2006 and 05/30/2011**



**Applicable Federal Requirement: 40CFR 60.757(c), NSPS Subpart WWW**

**Item 53.1:**

Each owner or operator subject to the provisions of 40 CFR Part 60.752(b)(2)(i) shall submit a collection and control system design plan to the Administrator within 1 year of the first report, required under 40 CFR Part 60.757(b), in which the emission rate exceeds 50 megagrams per year, except as follows:

(1) If the owner or operator elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided in 40 CFR Part 60.754(a)(3) and the resulting rate is less than 50 megagrams per year, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated emission rate is equal to or greater than 50 megagrams per year or the landfill is closed. The revised NMOC emission rate report, with the recalculated emission rate based on NMOC sampling and analysis, shall be submitted within 180 days of the first calculated exceedance of 50 megagrams per year.

(2) If the owner or operator elects to recalculate the NMOC emission rate after determining a site-specific methane generation rate constant (k), as provided in Tier 3 in 40 CFR Part 60.754(a)(4), and the resulting NMOC emission rate is less than 50 Mg/yr, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant (k) shall be used in the emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised NMOC emission rate report based on the provisions of 40 CFR Part 60.754(a)(4) and the resulting site-specific methane generation rate constant (k) shall be submitted to the Administrator within 1 year of the first calculated emission rate exceeding 50 megagrams per year.

**Condition 54: Reporting Requirements - Closure Report**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.757(d), NSPS Subpart WWW**

**Item 54.1:**

Each owner or operator of a controlled landfill shall submit a closure report to the Administrator within 30 days of waste acceptance cessation. The Administrator may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 CFR Part 258.60 of this title. If a closure report has been submitted to the Administrator, no additional wastes may be placed into the landfill without filing a notification of modification as described under 40 CFR Part 60.7(a)(4).

**Condition 55: Reporting Requirements - Control Equipment Removal**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.757(e), NSPS Subpart WWW**

**Item 55.1:**

Each owner or operator of a controlled landfill shall submit an equipment removal report to the Administrator 30 days prior to removal or cessation of operation of the control equipment.

(1) The equipment removal report shall contain all of the following items:

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(i) A copy of the closure report submitted in accordance with 40 CFR Part 60.757(d) of this section;

(ii) A copy of the initial performance test report demonstrating that the 15 year minimum control period has expired; and

(iii) 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.

(2) The Administrator may request such additional information as may be necessary to verify that all of the conditions for removal in 40 CFR Part 60.752(b)(2)(v) have been met.

**Condition 56: Reporting requirements - Collection and control system  
Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.757(g), NSPS Subpart WWW**

**Item 56.1:**

Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(iii) shall include the following information with the initial performance test report required under 40 CFR Part 60.8:

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

2) The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;

3) The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;

4) The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area; and

5) The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and

6) The provisions for the control of off-site migration.

**Condition 57: Compliance Certification  
Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.758(a), NSPS Subpart WWW**

**Item 57.1:**

The Compliance Certification activity will be performed for the Facility.

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**Item 57.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), each owner or operator of an MSW landfill subject to the provisions of 40 CFR Part 60.752(b) shall keep for at least 5 years up-to-date, readily accessible, on-site records of the maximum design capacity report which triggered 40 CFR Part 60.752(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.

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 7/30/2006.

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

**Condition 58: Compliance Certification**

**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.758(b), NSPS Subpart WWW**

**Item 58.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 58.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), each owner or operator of a controlled landfill shall keep up-to-date, readily accessible records for the life of the control equipment of the data listed in paragraphs (1) through (4) below as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of 5 years. Records of the control device vendor specifications shall be maintained until removal.

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1) Where an owner or operator seeks to demonstrate compliance with 40 CFR Part 60.752(b)(2)(ii):

i) The maximum expected gas generation flow rate as calculated in 40 CFR Part 60.755(a)(1). The owner or operator may use another method to determine the maximum gas generation flow rate, if the method has been approved by the Administrator.

ii) The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in 40 CFR Part 60.759(a)(1).

2) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with 40 CFR Part 60.752(b)(2)(iii) through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity greater than 44 megawatts:

i) The average combustion temperature measured at least every 15 minutes and averaged over the same time period of the performance test.

ii) The percent reduction of NMOC determined as specified in 40 CFR Part 60.752(b)(2)(iii)(B) achieved by the control device.

3) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with 40 CFR Part 60.752(b)(2)(iii)(B)(1) through use of a boiler or process heater of any size: a description of the location at which the collected gas vent stream is introduced into the boiler or process heater over the same time period of the performance testing.

4) Where an owner or operator seeks to demonstrate compliance with 40 CFR Part 60.752(b)(2)(iii)(A) through use of an open flare, the flare type (i.e., steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the



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performance test as specified in 40 CFR Part 60.18;  
continuous records of the flare pilot flame or flare flame  
monitoring and records of all periods of operations during  
which the pilot flame of the flare flame is absent.

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 7/30/2006.

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

**Condition 59: Compliance Certification**

**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.758(c), NSPS Subpart WWW**

**Item 59.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 59.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Except as provided in 40 CFR Part 60.752(b)(2)(i)(B),  
each owner or operator of a controlled landfill shall keep  
for 5 years up-to-date, readily accessible continuous  
records of the equipment operating parameters specified to  
be monitored in 40 CFR Part 60.756 as well as up-to-date,  
readily accessible records for periods of operation during  
which the parameter boundaries established during the most  
recent performance test are exceeded.

1) The following constitute exceedances  
that shall be recorded and reported under 40 CFR Part  
60.757(f):

i) For enclosed combustors except for  
boilers and process heaters with design heat input  
capacity of 44 megawatts (150 million British thermal unit  
per hour) or greater, all 3-hour periods of operation  
during which the average combustion temperature was more  
than 28 degrees C below the average combustion temperature  
during the most recent performance test at which  
compliance with 40 CFR Part 60.752(b)(2)(iii) was  
determined.

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ii) For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under paragraph 40 CFR Part 60.758(b)(3)(i) of this section.

2) Each owner or operator shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under 40 CFR Part 60.756.

3) Each owner or operator subject to the provisions of this subpart who uses a boiler or process heater with a design heat input capacity of 44 megawatts or greater to comply with 40 CFR Part 60.752(b)(2)(iii) shall keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater. (Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other State, local, Tribal, or Federal regulatory requirements.)

4) Each owner or operator seeking to comply by use of an open flare shall keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring specified under 40 CFR Part 60.756(c), and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.

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 7/30/2006.

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

**Condition 60: Specifications for active collection systems  
Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.759(a), NSPS Subpart WWW**

**Item 60.1:**

Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(i) shall site active collection



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wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by the Administrator as provided in 40 CFR 60.752(b)(2)(i)(C) and (D):

1) The collection devices within the interior and along the perimeter areas shall be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues shall be addressed in the design: depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system expandability, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, and resistance to the refuse decomposition heat.

2) The sufficient density of gas collection devices determined in paragraph (1) above shall address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior.

3) The placement of gas collection devices determined in paragraph (1) above shall control all gas producing areas, except as provided by paragraphs (3)(i) and (3)(ii) below.

i) Any segregated area of asbestos or nondegradable material may be excluded from collection if documented as provided under 40 CFR Part 60.758(d). The documentation shall provide the nature, date of deposition, location and amount of asbestos or nondegradable material deposited in the area, and shall be provided to the Administrator upon request.

ii) Any nonproductive area of the landfill may be excluded from control, provided that the total of all excluded areas can be shown to contribute less than 1 percent of the total amount of NMOC emissions from the landfill. The amount, location, and age of the material shall be documented and provided to the Administrator upon request. A separate NMOC emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the NMOC emissions estimate for the entire landfill. Emissions from each section shall be computed using the following equation:

$$Q_i = 2 k L_o M_i (e^{-kt_i}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

$Q_i$  = NMOC emission rate from the  $i$ th section, megagrams per year

$k$  = methane generation rate constant, year<sup>-1</sup>

$L_o$  = methane generation potential, cubic meters per megagram solid waste

$M_i$  = mass of the degradable solid waste in the  $i$ th section, megagram

$t_i$  = age of the solid waste in the  $i$ th section, years

$C_{NMOC}$  = concentration of nonmethane organic compounds, parts per million by volume

$3.6 \times 10^{-9}$  = conversion factor

iii) The values for  $k$  and  $C_{NMOC}$  determined in field testing shall be used, if field testing has been performed in determining the NMOC emission rate or the radii of influence (the distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor



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approaches zero). If field testing has not been performed, the default values for  $k$ ,  $L_0$  and  $C_{NMOC}$  provided in 40 CFR Part 60.754(a)(1) or the alternative values from 40 CFR Part 60.754(a)(5) shall be used. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in paragraph (3)(i) above.

**Condition 61: Compliance Certification**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 61.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 0NY100-00-0 HAP

**Item 61.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Because the Sullivan County Landfill facility is required to install a collection and control system under 40CFR60.752(b)(2), 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 AAAAA.

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 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 7/30/2006.

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

**Condition 62: Compliance Certification**

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**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 62.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY100-00-0 HAP

**Item 62.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Sullivan County Landfill, seeking to comply with 40 CFR Part 60.752(b)(2) using an active collection system designed in accordance with 40 CFR Part 60.752(b)(2)(ii), shall submit to NYSDEC semiannual reports of the recorded information in paragraphs (1) through (6) below. The initial semiannual report shall be submitted within 180 days of installation and start-up of the collection and control system, and shall include the initial performance test report required under 40 CFR Part 60.8. For enclosed combustion devices and flares, reportable exceedances are defined under 40 CFR Part 60.758(c).

(1) Value and length of time for exceedance of applicable parameters monitored under 40 CFR Part 60.756(a), (b), (c), and (d).

(2) Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under 40 CFR Part 60.756.

(3) Description and duration of all periods when the control device was not operating for a period exceeding 1 hour and length of time the control device was not operating.

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

(5) The location of each exceedance of the 500 parts per million methane concentration as provided in 40 CFR Part 60.753(d) and the concentration recorded at each location



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for which an exceedance was recorded in the previous month.

(6) The date of installation and the location of each well or collection system expansion added pursuant to paragraphs 40 CFR Part 60.755(a)(3), (b), and (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 7/30/2006.

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

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

**Condition 63: Emission Point Definition By Emission Unit  
Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 63.1:**

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

Emission Unit: 1-LFGAS

Emission Point: F0001

Height (ft.): 24

Diameter (in.): 8

Emission Point: F0002

Height (ft.): 32

Diameter (in.): 10

**Item 63.2:**

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

Emission Unit: 2-LEACH

Emission Point: TNK01

Height (ft.): 44

Diameter (in.): 504

Emission Point: TNK02

Height (ft.): 44

Diameter (in.): 504

Emission Point: TNK03



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Height (ft.): 44

Diameter (in.): 504

Emission Point: TNK04

Height (ft.): 44

Diameter (in.): 504

**Condition 64: Process Definition By Emission Unit  
Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 64.1:**

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

Emission Unit: 1-LFGAS

Process: FUG

Source Classification Code: 5-02-006-02

Process Description:

FUGITIVE LFG EMISSIONS (BEYOND THE  
COLLECTION EFFICIENCY OF THE GAS COLLECTION  
SYSTEM) FROM THE CLOSED AND ACTIVE LANDFILL  
AREAS.

Emission Source/Control: LNDFL - Process

**Item 64.2:**

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

Emission Unit: 1-LFGAS

Process: GAS

Source Classification Code: 5-02-006-01

Process Description:

LANDFILL GAS IS COLLECTED AND COMBUSTED IN  
ONE 1,200-CFM AND ONE 2000 CFM OPEN FLARE.

Emission Source/Control: FLR1K - Control

Control Type: FLARING

Emission Source/Control: FLR2K - Control

Control Type: FLARING

Emission Source/Control: LNDFL - Process

**Item 64.3:**

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:

FOUR 395000-GAL, ABOVE GROUND, VERTICAL

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FIXED FOOT STORAGE TANKS ARE USED TO STORE LEACHATE FROM THE LANDFILL. THE TANKS ARE VENTED TO PREVENT PRESSURIZATION. IN ADDITION, A PRETREATMENT FACILITY TREATS LEACHATE PRIOR TO DISCHARGE TO THE POTW. EMISSIONS FROM THE TANKS AND PRETREATMENT FACILITY CONSIST OF EVAPORATIVE LOSS OF LEACHATE.

Emission Source/Control: 4TANK - Process  
Design Capacity: 1.58 million gallons

Emission Source/Control: PLANT - Process

**Condition 65: Compliance Certification**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 6NYCRR 212.4(a)**

**Item 65.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGAS

**Item 65.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Sullivan County Landfill is prohibited from the combustion of condensate generated and collected in the landfill gas collection system. Should the source owner desire to undertake such a practice they must apply for a modification to this permit. Such application shall include an estimate of air contaminant emissions and the air quality impacts associated with those emissions.

Monitoring Frequency: CONTINUOUS

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 66: General Control Device Requirements - Flares**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.18(e), NSPS Subpart A**



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**Item 66.1:**

This Condition applies to Emission Unit: 1-LFGAS  
Process: GAS Emission Source: FLR1K

**Item 66.2:**

Flares used to comply with the provisions of 40 CFR Part 60 Subpart A shall be operated whenever landfill gas is vented to them.

**Condition 67: Flare compliance testing.**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.18(f), NSPS Subpart A**

**Item 67.1:**

This Condition applies to Emission Unit: 1-LFGAS  
Process: GAS Emission Source: FLR1K

**Item 67.2:** Required flares used to comply with the provisions in this subpart shall comply with the following:

- 1) Reference Method 22 shall be used to determine the compliance of flares with the visible emission provisions of this subpart. The observation period is 2 hours and shall be used according to Method 22.
- 2) The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.
- 3) The net heating value of the gas being combusted in a flare shall be calculated using the equation found in 40CFR 60.18(f)(3).
- 4) The actual exit velocity of a flare shall be determined by dividing the volumetric flowrate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D as appropriate; by the unobstructed (free) cross sectional area of the flare tip.
- 5) The maximum permitted velocity,  $V_{max}$ , for flares complying with 40CFR 60.18(c)(4)(iii) shall be determined by the equation given in 40CFR 60.18(f)(5).
- 6) The maximum permitted velocity,  $V_{max}$ , for air assisted flares shall be determined by the equation given in 40CFR 60.18(f)(6).

**Condition 68: General Control Device Requirements - Flares**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.18(e), NSPS Subpart A**



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**Item 68.1:**

This Condition applies to Emission Unit: 1-LFGAS  
Process: GAS Emission Source: FLR2K

**Item 68.2:**

Flares used to comply with the provisions of 40 CFR Part 60 Subpart A shall be operated whenever landfill gas is vented to them.

**Condition 69: Flare compliance testing.**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable Federal Requirement: 40CFR 60.18(f), NSPS Subpart A**

**Item 69.1:**

This Condition applies to Emission Unit: 1-LFGAS  
Process: GAS Emission Source: FLR2K

**Item 69.2:** Required flares used to comply with the provisions in this subpart shall comply with the following:

- 1) Reference Method 22 shall be used to determine the compliance of flares with the visible emission provisions of this subpart. The observation period is 2 hours and shall be used according to Method 22.
- 2) The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.
- 3) The net heating value of the gas being combusted in a flare shall be calculated using the equation found in 40CFR 60.18(f)(3).
- 4) The actual exit velocity of a flare shall be determined by dividing the volumetric flowrate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D as appropriate; by the unobstructed (free) cross sectional area of the flare tip.
- 5) The maximum permitted velocity,  $V_{max}$ , for flares complying with 40CFR 60.18(c)(4)(iii) shall be determined by the equation given in 40CFR 60.18(f)(5).
- 6) The maximum permitted velocity,  $V_{max}$ , for air assisted flares shall be determined by the equation given in 40CFR 60.18(f)(6).



**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 70: Contaminant List**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 70.1:**

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: 000074-82-8

Name: METHANE

**Condition 71: Unavoidable noncompliance and violations**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

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

**Item 71.1:**

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 72: Air pollution prohibited**  
**Effective between the dates of 05/31/2006 and 05/30/2011**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 72.1:**

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.