



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 5-1728-00122/00003
Mod 0 Effective Date: 11/02/2009 Expiration Date: 11/01/2014

Mod 1 Effective Date: Expiration Date:

Permit Issued To: INNOVATIVE/FULTON LLC
2999 JUDGE RD
OAKFIELD, NY 14125

Contact: PETER H ZELIFF
INNOVATIVE ENERGY SYSTEMS LLC
2999 JUDGE RD
OAKFIELD, NY 14125-9771
(585) 948-8580

Facility: INNOVATIVE / FULTON
847 MUD RD
JOHNSTOWN, NY 12095

Description:

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: MARC S MIGLIORE
NYSDEC
232 GOLF COURSE RD
WARRENSBURG, NY 12885

Authorized Signature: _____ Date: ___ / ___ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

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

Facility Level

- Submission of application for permit modification or renewal-REGION 5 SUBOFFICE - WARRENSBURG
- Submission of application for permit modification or renewal-REGION 5 SUBOFFICE - WARRENSBURG



DEC GENERAL CONDITIONS

****** General Provisions ******

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

GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Facility Inspection by the Department

Applicable State Requirement: ECL 19-0305

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

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

Applicable State Requirement: ECL 3-0301 (2) (m)

Item 2.1:

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

Condition 3: Applications for permit renewals, modifications and transfers

Applicable State Requirement: 6 NYCRR 621.11

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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



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

Item 4.1:

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

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

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

Condition 1-1: Submission of application for permit modification or renewal-REGION 5

SUBOFFICE - WARRENSBURG

Applicable State Requirement: 6 NYCRR 621.6 (a)

Item 1-1.1:

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

NYSDEC Regional Permit Administrator
Region 5 Sub-office
Division of Environmental Permits
232 Golf Course Road
Warrensburg, NY 12885-1172
(518) 623-1281

Condition 5: Submission of application for permit modification or renewal-REGION 5

SUBOFFICE - WARRENSBURG

Applicable State Requirement: 6 NYCRR 621.6 (a)

Item 5.1:

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

NYSDEC Regional Permit Administrator
Region 5 Sub-office
Division of Environmental Permits
232 Golf Course Road, PO Box 220
Warrensburg, NY 12885-0220
(518) 623-1281

New York State Department of Environmental Conservation

Permit ID: 5-1728-00122/00003

Facility DEC ID: 5172800122



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: INNOVATIVE/FULTON LLC
2999 JUDGE RD
OAKFIELD, NY 14125

Facility: INNOVATIVE / FULTON
847 MUD RD
JOHNSTOWN, NY 12095

Authorized Activity By Standard Industrial Classification Code:
4911 - ELECTRIC SERVICES

Permit Effective Date:

Permit Expiration Date:



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1-1 6 NYCRR 201-6.5 (a) (7): Fees
- 1-2 6 NYCRR 215.2: Open Fires - Prohibitions
- 1-3 6 NYCRR 202-1.1: Required Emissions Tests
- 22 6 NYCRR Subpart 201-6: Emission Unit Definition
- 24 6 NYCRR 201-7.1: Facility Permissible Emissions
- 1-4 6 NYCRR Subpart 202-1: Compliance Certification
- 26 : Compliance Certification
- 1-5 40CFR 60, NSPS Subpart JJJJ: Compliance Certification
- 1-6 40CFR 60, NSPS Subpart JJJJ: Compliance Certification
- 1-7 40CFR 60, NSPS Subpart JJJJ: Compliance Certification
- 1-8 40CFR 60, NSPS Subpart JJJJ: Compliance Certification
- 1-9 40CFR 60, NSPS Subpart JJJJ: Compliance Certification
- 1-10 40CFR 63, Subpart ZZZZ: Compliance Certification

Emission Unit Level

- 29 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
- 30 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 31 ECL 19-0301: Contaminant List
- 1-11 6 NYCRR 211.2: Compliance Demonstration
- 33 : Compliance Demonstration



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 - 6 NYCRR 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 - 6 NYCRR 201-1.10 (b)

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR 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 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 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 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 201-6.5 (a) (3)

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

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

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

Item H: Property Rights - 6 NYCRR 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 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 201-6.5 (g)

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

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

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

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is



three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

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

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

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

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

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

Item L: Permit Exclusion - ECL 19-0305

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



(NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

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

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

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

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

**Condition 1-1: Fees
Effective for entire length of Permit**

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

Item 1-1.1:

The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0303.

**Condition 1-2: Open Fires - Prohibitions
Effective for entire length of Permit**

Applicable Federal Requirement: 6 NYCRR 215.2

Item 1-2.1:

Except as allowed by Title 6 NYCRR Section 215.3, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

Item 1-2.2

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used



for cooking or processing food.

(c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.

(d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.

(e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.

(f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.

(g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.

(h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.

(i) Prescribed burns performed according to Part 194 of this Title.

(j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.

(k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.

(l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

**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 1-3: Required Emissions Tests
Effective for entire length of Permit**

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 1-3.1:

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.



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

Condition 22: Emission Unit Definition
Effective between the dates of 11/02/2009 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 22.1(From Mod 1):

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

Emission Unit: 1-FLFGE

Emission Unit Description:

The emission unit will consist of:

1. one (1) lean burn Caterpillar, Inc. Model G3520C gas IC engine (01ENG) and one (1) lean burn Caterpillar, Inc. Model G3516C gas IC engines (03ENG) with emission points (ENG01, ENG02) will burn landfill gas from the fulton county landfill. The engines will be connected to individual 1.6 and 0.8 MW electricity generators installed in building ENGBLDG.

2. Ancillary equipment with insignificant emissions [exempt pursuant 6 NYCRR PART 201-3.1(b)] that supports the electricity generation operations

a. Engine radiator coolant (new and used) will be stored in separate above ground holding tanks positioned on the premises of the LFG fueled IC engine electricity generation operations. The new and used engine radiator coolant storage tanks will each have capacities of 1,000 gallons.

b. Engine lube oil (new and used) will be stored in separate above ground holding tanks positioned on the premises of the LFG fueled IC engine electricity generation operations. The new lube oil storage tank will have a capacity of 8,000 gallons. The used lube oil storage tank will have a capacity of 2,000 gallons.

Building(s): ENGBLDG

Condition 24: Facility Permissible Emissions
Effective between the dates of 11/02/2009 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR 201-7.1

New York State Department of Environmental Conservation

Permit ID: 5-1728-00122/00003

Facility DEC ID: 5172800122



Item 24.1:

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 0NY210-00-0 (From Mod 1) PTE: 190,000 pounds
per year

Name: OXIDES OF NITROGEN

**Condition 1-4: Compliance Certification
Effective for entire length of Permit**

Applicable Federal Requirement: 6 NYCRR Subpart 202-1

Replaces Condition(s) 26

Item 1-4.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-FLFGE

Process: 001

Emission Source: 01ENG

Regulated Contaminant(s):

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

Item 1-4.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility must conduct an initial performance test within 180 days of operation (performed on 9/9/10) and conduct subsequent performance testing upon the Department's request. The performance test is solely for the purpose of determining an emission factor in order to comply with the NOx cap.

The performance test will consist of three separate test runs for each performance test required in this section, as specified in § 60.8(f). Each test run must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and last at least 1 hour.

Owners and operators must submit a copy of each performance test within 60 days after the test has been completed.

Owners and operators may not conduct performance tests during periods of startup, shutdown, or malfunction

Reference Test Method: EPA test method 7E

New York State Department of Environmental Conservation

Permit ID: 5-1728-00122/00003

Facility DEC ID: 5172800122



Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 26: Compliance Certification
Effective between the dates of 11/02/2009 and Permit Expiration Date

Applicable Federal Requirement:

Replaced by Condition(s) 1-4

Item 26.1:

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

Emission Unit: 1-FLFGE

Process: 001

Emission Source: 01ENG

Emission Unit: 1-FLFGE

Process: 001

Emission Source: 02ENG

Regulated Contaminant(s):

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

Item 26.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility must conduct an initial performance test within 180 days of operation and conduct subsequent performance testing upon the Departments request. The performance test is solely for the purpose of determining an emission factor in order to comply with the NO_x cap.

The performance test will consist of three separate test runs for each performance test required in this section, as specified in § 60.8(f). Each test run must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and last at least 1 hour.

Owners and operators of must submit a copy of each performance test within 60 days after the test has been completed.

Owners and operators may not conduct performance tests during periods of startup, shutdown, or malfunction.

Reference Test Method: EPA Method 7E

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING



DESCRIPTION
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-5: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 60, NSPS Subpart JJJJ

Item 1-5.1:

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

Emission Unit: 1-FLFGE
Process: 001 Emission Source: 03ENG

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 1-5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

- 60.4244 NOx testing
- 60.4233
(e) Owners and operators of stationary spark ignition Internal combustion engine (SI ICE) with a maximum engine power greater than or equal to 75 KW (100 HP) (except gasoline and rich burn engines that use LPG) must comply with the emission standards for oxides of Nitrogen 2.0 g/HP-hr for their stationary SI ICE.
- 60.4244
Owners and operators of stationary SI ICE who conduct performance tests must follow the procedures in paragraphs (a) through (d) of this section.
(a) Each performance test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and according to the requirements in § 60.8 and under the specific conditions that are specified by Table 2 to this subpart.
(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in § 60.8(c). If your stationary SI internal combustion engine is non-operational, you do not need to startup the engine solely to conduct a performance test; however, you must conduct the performance test immediately upon startup of the engine.
(c) You must conduct three separate test runs for each performance test required in this section, as specified in § 60.8(f). Each test run must be conducted within 10 percent of 100 percent peak (or the highest achievable)



load and last at least 1 hour.

(d) To determine compliance with the NO_x mass per unit output emission limitation, convert the concentration of NO_x in the engine exhaust using Equation 1 of this section:

$$ER = (Cd \times 1.912 \times 10^{-3} \times Q \times T) / (HP \text{ hr}) \quad (\text{Eq. 1})$$

Where:

ER = Emission rate of NO_x in g/HP-hr.

Cd = Measured NO_x concentration in parts per million by volume (ppmv).

1.912 x 10⁻³ = Conversion constant for ppm NO_x to grams per standard cubic meter at 20 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour, dry basis.

T = Time of test run, in hours.

HP-hr = Brake work of the engine, horsepower-hour (HP-hr).

60.4243(b)(2)

(ii) If you are an owner or operator of a stationary SI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.

60.4245

(d) Owners and operators of stationary SI ICE that are subject to performance testing must submit a copy of each performance test as conducted in § 60.4244 within 60 days after the test has been completed.

227-2.4

Compliance with this condition assures compliance with 227-2.4 (f)(2)(iii) for Engine 2

§ 63.6590 (c.) (1)

A new or reconstructed stationary RICE located at an area source must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.

Parameter Monitored: OXIDES OF NITROGEN



solely to conduct a performance test; however, you must conduct the performance test immediately upon startup of the engine.

(c) You must conduct three separate test runs for each performance test required in this section, as specified in § 60.8(f). Each test run must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and last at least 1 hour.

(e) To determine compliance with the CO mass per unit output emission limitation, convert the concentration of CO in the engine exhaust using Equation 2 of this section:

$$ER = (Cd \times 1.164 \times 10^{-3} \times Q \times T) / (HP \text{ hr}) \quad (\text{Eq. 2})$$

Where:

ER = Emission rate of CO in g/HP-hr.

Cd = Measured CO concentration in ppmv.

1.164×10^{-3} = Conversion constant for ppm CO to grams per standard cubic meter at 20 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meters per hour, dry basis.

T = Time of test run, in hours.

HP-hr = Brake work of the engine, in HP-hr.

60.4243(b)(2)

(ii) If you are an owner or operator of a stationary SI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.

60.4245

(d) Owners and operators of stationary SI ICE that are subject to performance testing must submit a copy of each performance test as conducted in § 60.4244 within 60 days after the test has been completed.

§ 63.6590 (c.) (1)

A new or reconstructed stationary RICE located at an area source must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart JJJJ, for spark

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ignition engines. No further requirements apply for such engines under this part.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 5.0 grams per brake horsepower-hour

Reference Test Method: EPA Method 10

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED PER OCCURRENCE

Reporting Requirements: SEMI-ANNUALLY (ANNIVERSARY)

Initial Report Due: 60 days after first semi-annual (6 month) period following Permit Issue Date

**Condition 1-7: Compliance Certification
Effective for entire length of Permit**

Applicable Federal Requirement: 40CFR 60, NSPS Subpart JJJJ

Item 1-7.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-FLFGE

Process: 001

Emission Source: 03ENG

Item 1-7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

60.4245

Owners or operators of stationary spark ignition Internal combustion engine (SI ICE) must meet the following notification, reporting and recordkeeping requirements.

(a) Owners and operators of all stationary spark ignition Internal combustion engine (SI ICE) must keep records of the information in paragraphs (a)(1), (2), and (4) of this section.

(1) All notifications submitted to comply with this subpart and all documentation supporting any notification.

(2) Maintenance conducted on the engine.

(4) If the stationary SI internal combustion engine is not a certified engine documentation that the engine meets the emission standards.

§ 63.6590 (c.) (1)

A new or reconstructed stationary RICE located at an area source must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart JJJJ, for spark



ignition engines. No further requirements apply for such engines under this part.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 1-8: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 60, NSPS Subpart JJJJ

Item 1-8.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-FLFGE

Process: 001

Emission Source: 03ENG

Item 1-8.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Initial notification

60.4245

(c) Owners and operators of stationary spark ignition Internal combustion engine (SI ICE) greater than or equal to 500 HP that have not been certified by an engine manufacturer to meet the emission standards in § 60.4231 must submit an initial notification as required in § 60.7(a)(1). The notification must include the information in paragraphs (c)(1) through (5) of this section.

- (1) Name and address of the owner or operator;
- (2) The address of the affected source;
- (3) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;
- (4) Emission control equipment; and
- (5) Fuel used.

§ 63.6590 (c.) (1)

A new or reconstructed stationary RICE located at an area source must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.

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Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 1-9: Compliance Certification
Effective for entire length of Permit**

Applicable Federal Requirement: 40CFR 60, NSPS Subpart JJJJ

Item 1-9.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-FLFGE

Process: 001

Emission Source: 03ENG

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 1-9.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

VOC60.4233

(e) Owners and operators of stationary spark ignition Internal combustion engine (SI ICE) with a maximum engine power greater than or equal to 75 KW (100 HP) (except gasoline and rich burn engines that use LPG) must comply with the emission standards for volatile organic compounds 1.0 g/ HP-hr (80 ppmvd at 15% O₂) for their stationary SI ICE.

60.4244

Owners and operators of stationary SI ICE who conduct performance tests must follow the procedures in paragraphs (a) through (c) and (f) or (g) of this section.

(a) Each performance test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and according to the requirements in § 60.8 and under the specific conditions that are specified by Table 2 to this subpart.

(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in § 60.8(c). If your stationary SI internal combustion engine is non-operational, you do not need to startup the engine solely to conduct a performance test; however, you must conduct the performance test immediately upon startup of the engine.

(c) You must conduct three separate test runs for each



performance test required in this section, as specified in § 60.8(f). Each test run must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and last at least 1 hour.

(f) For purposes of this subpart, when calculating emissions of VOC, emissions of formaldehyde should not be included. To determine compliance with the VOC mass per unit output emission limitation, convert the concentration of VOC in the engine exhaust using Equation 3 of this section:

$$ER = (Cd \times 1.833 \times 10^{-3} \times Q \times T) / (HP \text{ hr}) \quad (\text{Eq. 3})$$

Where:

ER = Emission rate of VOC in g/HP-hr.

Cd = VOC concentration measured as propane in ppmv.

1.833×10^{-3} = Conversion constant for ppm VOC measured as propane, to grams per standard cubic meter at 20 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meters per hour, dry basis.

T = Time of test run, in hours.

HP-hr = Brake work of the engine, in HP-hr.

(g) If the owner/operator chooses to measure VOC emissions using either Method 18 of 40 CFR part 60, appendix A, or Method 320 of 40 CFR part 63, appendix A, then it has the option of correcting the measured VOC emissions to account for the potential differences in measured values between these methods and Method 25A. The results from Method 18 and Method 320 can be corrected for response factor differences using Equations 4 and 5 of this section. The corrected VOC concentration can then be placed on a propane basis using Equation 6 of this section.

$$RF_i = CM_i / CA_i \quad (\text{Eq. 4})$$

Where:

RF_i = Response factor of compound i when measured with EPA Method 25A.

CM_i = Measured concentration of compound i in ppmv as carbon.

CA_i = True concentration of compound i in ppmv as carbon.

$$C_i \text{ corr} = RF_i \times C_i \text{ meas} \quad (\text{Eq. 5})$$

Where:

C_i corr = Concentration of compound i corrected to the value that would have been measured by EPA Method 25A, ppmv as carbon.

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C_i meas = Concentration of compound i measured by EPA Method 320, ppmv as carbon.

$C_{Peq} = 0.6098 \times C_i \text{ corr}$ (Eq. 6)

Where:

C_{Peq} = Concentration of compound i in mg of propane equivalent per DSCM.

60.4243 (b)(2)

(ii) If you are an owner or operator of a stationary SI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.

60.4245

(d) Owners and operators of stationary SI ICE that are subject to performance testing must submit a copy of each performance test as conducted in § 60.4244 within 60 days after the test has been completed.

§ 63.6590 (c.) (1)

A new or reconstructed stationary RICE located at an area source must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.

Parameter Monitored: VOC

Upper Permit Limit: 1.0 grams per brake horsepower-hour

Reference Test Method: EPA Methods 25a & 18

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED PER OCCURRENCE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 60 days after the reporting period.

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

Condition 1-10: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 63, Subpart ZZZZ

Item 1-10.1:

The Compliance Certification activity will be performed for the facility:

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The Compliance Certification applies to:

Emission Unit: 1-FLFGE

Process: 001

Emission Source: 01ENG

Regulated Contaminant(s):

CAS No: ONY100-00-0 HAP

Item 1-10.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The following maintenance shall be performed at a minimum

- a. Change oil and filter every 1,440 hours of operation or annually, whichever comes first
- b. Inspect spark plugs every 1,440 hours of operation or annually, whichever comes first; and
- c. Inspect all hoses and belts every 1,440 hours of operation or annually, whichever comes first, and replace as necessary

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

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

**Condition 29: Emission Point Definition By Emission Unit
Effective between the dates of 11/02/2009 and Permit Expiration Date**

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 29.1(From Mod 1):

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

Emission Unit: 1-FLFGE

Emission Point: ENG01

Height (ft.): 35

Diameter (in.): 15

Building: ENGBLDG

Emission Point: ENG02

Height (ft.): 35

Diameter (in.): 15

Building: ENGBLDG

Condition 30: Process Definition By Emission Unit



Effective between the dates of 11/02/2009 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 30.1(From Mod 1):

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

Emission Unit: 1-FLFGE

Process: 001

Source Classification Code: 2-01-008-02

Process Description:

Process 001 consists of one (1) Caterpillar G3520C gas IC engine – generator set and one (1) Caterpillar G3516 IC engine-generator set. The existing G3520C IC engine has a maximum heat input rate of 15.09 MMBtu/hr, and maximum fuel use rate of 719 cfm of LFG.

The new replacement G3516 gas IC engine – generator set will operate at a maximum heat input rate of 8.9 MMBtu/hr, and maximum fuel use rate of 349 cfm of LFG.

The total combined number of annual operating hours for Process 001 is 17,520 (8,760 hours per IC engine – generator set).

Emission Source/Control: 01ENG - Combustion

Design Capacity: 1,600 kilowatts

Emission Source/Control: 03ENG - Combustion

Design Capacity: 1,148 brake horsepower



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 31: Contaminant List
Effective between the dates of 11/02/2009 and Permit Expiration Date

Applicable State Requirement:ECL 19-0301

Item 31.1:

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

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

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CAS No: 0NY100-00-0

Name: HAP

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0

Name: VOC

Condition 1-11: Compliance Demonstration
Effective for entire length of Permit

Applicable State Requirement: 6 NYCRR 211.2

Replaces Condition(s) 33

Item 1-11.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 1-FLFGE

Process: 001

Emission Source: 01ENG

Emission Unit: 1-FLFGE

Process: 001

Emission Source: 03ENG

Item 1-11.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners and operators must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions.

Monitoring Frequency: SEMI-ANNUALLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 33: Compliance Demonstration
Effective between the dates of 11/02/2009 and Permit Expiration Date

Applicable State Requirement:

Replaced by Condition(s) 1-11

Item 33.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 1-FLFGE

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Process: 001

Emission Source: 01ENG

Emission Unit: 1-FLFGE

Process: 001

Emission Source: 02ENG

Item 33.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners and operators must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

