



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 5-1728-00122/00003
Effective Date: 12/16/2014 Expiration Date: 12/15/2019

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:

The electricity generation equipment and process proposed for construction and operation by Innovative Energy systems at the Fulton County Mud Road Sanitary Landfill consist of:

1. LFG treatment equipment(gas dewatering, filtration and compression equipment and process),
2. Two lean-burn IC engines that will be connected to an individual electricity generator.
3. Ancillary equipment that supports electricity generation operations.
 - a. The IC engines are equipped with a stand-alone fan cooled radiator.
 - b. 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.
 - c. 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 oil storage will have a capacity of 2,000 Gallons

New York State Department of Environmental Conservation
Facility DEC ID: 5172800122



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 - WARRENSBURG SUBOFFICE
 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 HEADQUARTERS



DEC GENERAL CONDITIONS

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

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

GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Facility Inspection by the Department

Applicable State Requirement: ECL 19-0305

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

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

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

Item 2.1:

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

Condition 3: Applications for permit renewals, modifications and transfers

Applicable State Requirement: 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 prior to actual transfer of ownership.

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 exercise all available authority to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

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

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

Condition 5: Submission of application for permit modification or renewal-REGION 5 HEADQUARTERS
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 Headquarters
Division of Environmental Permits
Route 86, PO Box 296
Ray Brook, NY 12977-0296
(518) 897-1234

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: 12/16/2014

Permit Expiration Date: 12/15/2019



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6 NYCRR 201-6.4 (a) (7): Fees
- 3 6 NYCRR 201-6.4 (c): Recordkeeping and Reporting of Compliance Monitoring
- 4 6 NYCRR 201-6.4 (c) (2): Records of Monitoring, Sampling, and Measurement
- 5 6 NYCRR 201-6.4 (c) (3) (ii): Compliance Certification
- 6 6 NYCRR 201-6.4 (e): Compliance Certification
- 7 6 NYCRR 202-2.1: Compliance Certification
- 8 6 NYCRR 202-2.5: Recordkeeping requirements
- 9 6 NYCRR 215.2: Open Fires - Prohibitions
- 10 6 NYCRR 200.7: Maintenance of Equipment
- 11 6 NYCRR 201-1.7: Recycling and Salvage
- 12 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 14 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 15 6 NYCRR 201-6.4 (a) (4): Requirement to Provide Information
- 16 6 NYCRR 201-6.4 (a) (8): Right to Inspect
- 17 6 NYCRR 201-6.4 (f) (6): Off Permit Changes
- 18 6 NYCRR 202-1.1: Required Emissions Tests
- 19 40 CFR Part 68: Accidental release provisions.
- 20 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 21 6 NYCRR Subpart 201-6: Emission Unit Definition
- 22 6 NYCRR 201-6.4 (d) (4): Progress Reports Due Semiannually
- 23 6 NYCRR 201-7.1: Facility Permissible Emissions
- *24 6 NYCRR 201-7.1: Capping Monitoring Condition
- 25 6 NYCRR Subpart 202-1: Compliance Certification
- 26 6 NYCRR 211.1: Air pollution prohibited
- 27 6 NYCRR 227-1.3 (a): Compliance Certification
- 28 40CFR 60, NSPS Subpart A: Applicability of Subpart A General Provisions
- 29 40CFR 60, NSPS Subpart III: Applicability
- 30 40CFR 60, NSPS Subpart III: Compliance and Enforcement
- 31 40CFR 60.4211(f), NSPS Subpart III: Compliance Certification
- 32 40CFR 60.4214(b), NSPS Subpart III: Compliance Certification
- 33 40CFR 60.4233(e), NSPS Subpart JJJJ: Compliance Certification
- 34 40CFR 60.4233(e), NSPS Subpart JJJJ: Compliance Certification
- 35 40CFR 60.4233(e), NSPS Subpart JJJJ: Compliance Certification
- 36 40CFR 60.4243(b)(2)(ii), NSPS Subpart JJJJ: Compliance Certification
- 37 40CFR 60.4244, NSPS Subpart JJJJ: Test methods and procedures
- 38 40CFR 60.4245(a), NSPS Subpart JJJJ: Compliance Certification
- 39 40CFR 60.4245(c), NSPS Subpart JJJJ: Compliance Certification
- 40 40CFR 60.4245(d), NSPS Subpart JJJJ: Performance test requirements
- 41 40CFR 63.6590(c), Subpart ZZZZ: Stationary RICE subject to Regulations under 40 CFR Part 60

Emission Unit Level

New York State Department of Environmental Conservation

Permit ID: 5-1728-00122/00003

Facility DEC ID: 5172800122



- 42 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
- 43 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

EU=1-FLFGE

- 44 40CFR 60.4205(b), NSPS Subpart IIII: Compliance Certification
- 45 40CFR 60.4207(b), NSPS Subpart IIII: Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 46 ECL 19-0301: Contaminant List
- 47 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 48 6 NYCRR 211.2: Visible Emissions Limited
- 49 6 NYCRR 211.2: Compliance Demonstration

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS
****** Facility Level ******

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

Item A: Emergency Defense - 6 NYCRR 201-1.5

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department 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 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 and maintained;

(3) During the period of the emergency the facility owner 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 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 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 201-6.2 (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 201-6.2 (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 201-6.4 (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 201-6.4 (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 201-6.4 (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 201-6.4 (a) (6)

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



Item I: Severability - 6 NYCRR 201-6.4 (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 201-6.4 (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 201-6.4 (i)

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

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



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

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

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

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

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

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

Item L: Permit Exclusion - ECL 19-0305

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



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

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

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

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

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

**Condition 1: Acceptable Ambient Air Quality
Effective between the dates of 12/16/2014 and 12/15/2019**

Applicable Federal Requirement: 6 NYCRR 200.6

Item 1.1:

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

**Condition 2: Fees
Effective between the dates of 12/16/2014 and 12/15/2019**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (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 72-0303.

**Condition 3: Recordkeeping and Reporting of Compliance Monitoring
Effective between the dates of 12/16/2014 and 12/15/2019**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (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 201-6.2 of Part 201.

**Condition 4: Records of Monitoring, Sampling, and Measurement
Effective between the dates of 12/16/2014 and 12/15/2019**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (2)

Item 4.1:

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

**Condition 5: Compliance Certification
Effective between the dates of 12/16/2014 and 12/15/2019**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (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.
- (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 201-6.2(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.

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 may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent 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) and one copy shall be sent to the Administrator (or his or her representative). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.4(e), contained elsewhere in this permit.



Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2015.
Subsequent reports are due every 6 calendar month(s).

Condition 6: Compliance Certification
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement: 6 NYCRR 201-6.4 (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 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.

New York State Department of Environmental Conservation

Permit ID: 5-1728-00122/00003

Facility DEC ID: 5172800122



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 annual compliance certifications may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent 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) and one copy shall be sent to the Administrator (or his or her representative). The mailing addresses for the above referenced persons are:

Chief – Stationary Source Compliance Section
USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866

The address for the RAPCE is as follows:

Regional Air Pollution Control Engineer
Region 5 Suboffice
232 Golf Course Road
Warrensburg, NY 12885-1172

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 1/30/2015.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:6 NYCRR 202-2.1

Item 7.1:

The Compliance Certification activity will be performed for the Facility.

New York State Department of Environmental Conservation

Permit ID: 5-1728-00122/00003

Facility DEC ID: 5172800122



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
Effective between the dates of 12/16/2014 and 12/15/2019**

Applicable Federal Requirement:6 NYCRR 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 - Prohibitions
Effective between the dates of 12/16/2014 and 12/15/2019**

Applicable Federal Requirement:6 NYCRR 215.2

Item 9.1:

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 9.2

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 10: Maintenance of Equipment
Effective between the dates of 12/16/2014 and 12/15/2019**

Applicable Federal Requirement: 6 NYCRR 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
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:6 NYCRR 201-1.7

Item 11.1:

Where practical, the owner or operator of 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 12/16/2014 and 12/15/2019

Applicable Federal Requirement:6 NYCRR 201-1.8

Item 12.1:

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

Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 12/16/2014 and 12/15/2019

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

Item 13.1:

The owner or operator of an emission source or activity that is listed as being exempt may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all records necessary for demonstrating compliance with this Subpart on-site for a period of five years, and make them available to representatives of the department upon request.

Condition 14: Trivial Sources - Proof of Eligibility
Effective between the dates of 12/16/2014 and 12/15/2019

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

Item 14.1:

The owner or operator of an emission source or activity that is listed as being trivial in this Section may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request.

Condition 15: Requirement to Provide Information
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (4)

New York State Department of Environmental Conservation

Permit ID: 5-1728-00122/00003

Facility DEC ID: 5172800122



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 201-6.4 shall not apply to any change made pursuant to this paragraph.

Condition 18: Required Emissions Tests
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 18.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

Condition 19: Accidental release provisions.
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:40 CFR Part 68

Item 19.1:

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

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

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

Condition 20: Recycling and Emissions Reduction
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:40CFR 82, Subpart F

Item 20.1:



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

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

Condition 21: Emission Unit Definition
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 21.1:

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. Two (2) lean burn Caterpillar, Inc. Model G3520C gas IC engines (01ENG, 02ENG) with emission points (ENG01, ENG02) will burn landfill gas from the Fulton County landfill. The engines will be connected to individual 1.6 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 22: Progress Reports Due Semiannually
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:6 NYCRR 201-6.4 (d) (4)

New York State Department of Environmental Conservation

Permit ID: 5-1728-00122/00003

Facility DEC ID: 5172800122



Item 22.1:

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

(i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

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

Condition 23: Facility Permissible Emissions
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:6 NYCRR 201-7.1

Item 23.1:

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

PTE: 190,000 pounds per year

Name: OXIDES OF NITROGEN

Condition 24: Capping Monitoring Condition
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:6 NYCRR 201-7.1

Item 24.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 227-2

Item 24.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 24.3:

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

Item 24.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the

New York State Department of Environmental Conservation

Permit ID: 5-1728-00122/00003

Facility DEC ID: 5172800122



facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 24.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 24.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 24.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The facility is capping out of NO_x RACT requirements by limiting nitrogen oxides emissions, facility wide, to 95 tons per year on a 12 month rolling total basis. The facility will maintain monthly electricity production records for each engine, and multiply the electrical production by the emission rate obtained at the most recent stack test. For each engine and the total facility NO_x emissions will be reported in tons. The appropriate conversion factors will be used to calculate emissions as tons of NO_x per year

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 95 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2015.

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

Condition 25: Compliance Certification

Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:6 NYCRR Subpart 202-1

Item 25.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

New York State Department of Environmental Conservation

Permit ID: 5-1728-00122/00003

Facility DEC ID: 5172800122



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

Item 25.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility must conduct 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 NOx cap.

The performance test will consist of three separate test runs for each performance test required in this section, as specified in subdivision 60.8(f). Each owner or operator must submit a copy of each performance test within 60 days after the test has been completed.

The owner or operator 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 26: Air pollution prohibited
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:6 NYCRR 211.1

Item 26.1:

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.

Condition 27: Compliance Certification
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:6 NYCRR 227-1.3 (a)

Item 27.1:

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

Emission Unit: 1-FLFGE

New York State Department of Environmental Conservation

Permit ID: 5-1728-00122/00003

Facility DEC ID: 5172800122



Item 27.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (Six minute average), except for one-six-minute period per hour of not more than 27 percent opacity. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential non-compliance to determine the degree of opacity and will notify the NYSDEC if the method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up method 9 tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 28: Applicability of Subpart A General Provisions
Effective between the dates of 12/16/2014 and 12/15/2019**

Applicable Federal Requirement:40CFR 60, NSPS Subpart A



emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in 40 CFR Part 60.4211(f)(1)-(3), is prohibited. If the facility does not operate the engine according to the requirements in 40 CFR Part 60.4211(f)(1)-(3), the engine will not be considered an emergency engine under this condition and must meet all requirements in 40 CFR Part 60, Subpart IIII for non-emergency engines.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2015.

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

Condition 32: Compliance Certification
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:40CFR 60.4214(b), NSPS Subpart IIII

Item 32.1:

The Compliance Certification activity will be performed for the Facility.

Item 32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For stationary CI internal combustion engines that are emergency stationary internal combustion engines, the owner or operator is not required to submit an initial notification.

Starting with the model years in table 5 to this subpart, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter.

The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 33: Compliance Certification
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:40CFR 60.4233(e), NSPS Subpart JJJJ

Item 33.1:



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

Emission Unit: 1-FLFGE Emission Point: ENG01

Emission Unit: 1-FLFGE Emission Point: ENG02

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

Item 33.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

60.4233

(e) Owners or operators of stationary spark ignition internal combustion engines (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 standard for carbon monoxide of 5.0 g/HP-hr (610 ppmvd at 15% O₂) for their stationary SI ICE.

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 conduct an initial performance test and subsequent performance testing every 8,760 hours or 3 years, whichever comes first, to demonstrate compliance.

60.4244

(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.



60.4245

(d) Owners or 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.

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 EXCEED STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 34: Compliance Certification
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:40CFR 60.4233(e), NSPS Subpart JJJJ

Item 34.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-FLFGE Emission Point: ENG01

Emission Unit: 1-FLFGE Emission Point: ENG02

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 34.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

60.4233

(e) Owners or operators of stationary spark ignition internal combustion engines (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 standard for volatile organic compounds of 1.0 g/ HP-hr (80 ppmvd at 15% O2) for their stationary SI ICE.

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 conduct an initial performance test and subsequent performance testing every 8,760 hours or 3 years,



whichever comes first, to demonstrate compliance.

60.4244

(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.

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

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

Where:

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

60.4245

(d) Owners or 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.

Upper Permit Limit: 1.0 grams per brake horsepower-hour

Reference Test Method: EPA Method 25A/18

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 35: Compliance Certification
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement: 40CFR 60.4233(e), NSPS Subpart JJJJ

Item 35.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-FLFGE Emission Point: ENG01

Emission Unit: 1-FLFGE Emission Point: ENG02

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

Item 35.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

60.4233

(e) Owners or operators of stationary spark ignition internal combustion engines (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 standard for oxides of nitrogen of 3.0 g/HP-hr (220 ppmvd at 15% O₂) for their stationary SI ICE.



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 conduct an initial performance test and subsequent performance testing every 8,760 hours or 3 years, whichever comes first, to demonstrate compliance.

60.4244

(d) To determine compliance with the NOx mass per unit output emission limitation, convert the concentration of NOx 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 NOx in g/HP-hr.

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

1.912×10^{-3} = Conversion constant for ppm NOx 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).

60.4245

(d) Owners or 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.

Upper Permit Limit: 3.0 grams per brake horsepower-hour

Reference Test Method: EPA Method 7E

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED PER OCCURRENCE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 36: Compliance Certification

Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement: 40CFR 60.4243(b)(2)(ii), NSPS Subpart



JJJJ

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: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Maintain and operate the engine in a manner consistent with minimizing emissions and keep records of maintenance performed.

Perform initial testing and subsequent performance tests every 8760 operating hours or 3 years, whichever comes first.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 37: Test methods and procedures

Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:40CFR 60.4244, NSPS Subpart JJJJ

Item 37.1: Owners and operators of stationary SI ICE who conduct performance tests

must follow the procedures in paragraphs (a) through (f) of 40 CFR 60.4244, including :

- 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.
- The performance tests shall not be conducted during periods of startup, shutdown, or malfunction, as specified in §60.8(c). If the stationary SI internal combustion engine is non-operational, the facility does not need to startup the engine solely to conduct a performance test, but must conduct the performance test immediately upon startup of the engine.
- The facility 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.

Condition 38: Compliance Certification

Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:40CFR 60.4245(a), NSPS Subpart JJJJ

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: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners or operators of stationary SI ICE that are subject to the provisions of 40 CFR Subpart JJJJ must meet the following notification, reporting and recordkeeping requirements.

- (1) All notifications submitted to comply with this subpart and all documentation supporting any notification.
- (2) Maintenance conducted on the engine.
- (3) If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90, 1048, 1054, and 1060, as applicable
- (4) If the stationary SI internal combustion engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to §60.4243(a)(2), documentation that the engine meets the emission standards.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 39: Compliance Certification
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement: 40CFR 60.4245(c), NSPS Subpart JJJJ

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:

Owners and operators of stationary 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 following:

- (1) Name and address of the owner or operator;



**** Emission Unit Level ****

Condition 42: Emission Point Definition By Emission Unit
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 42.1:

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
NYTMN (km.): 4762.247 NYTME (km.): 542.854 Building: ENGBLDG

Emission Point: ENG02

Height (ft.): 35 Diameter (in.): 15
NYTMN (km.): 4762.247 NYTME (km.): 542.854 Building: ENGBLDG

Condition 43: Process Definition By Emission Unit
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 43.1:

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 two (2) Caterpillar G3520C gas IC engine – generator set. Each IC engine has a maximum heat input rate of 15.09 MMBtu/hr (30.18 MMBtu/hr combined) LHV. At the minimum fuel quality utilization value of 350 Btu/cf (LHV) for each engine, the maximum fuel use rate of the IC engine is approximately 719 cfm. The total potential number of IC engine annual operating hours is 17,520 hr/yr.

Emission Source/Control: 01ENG - Combustion

Design Capacity: 1,600 kilowatts

Emission Source/Control: 02ENG - Combustion

Design Capacity: 1,600 kilowatts

Condition 44: Compliance Certification
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement:40CFR 60.4205(b), NSPS Subpart IIII

New York State Department of Environmental Conservation

Permit ID: 5-1728-00122/00003

Facility DEC ID: 5172800122



Item 44.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-FLFGE

Item 44.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a 2007 model year or later emergency stationary compression ignition (CI) internal combustion engine with a maximum engine power less than or equal to 2,237 kW (3,000 HP) that is not a fire pump engine and has a displacement of less than 10 liters/cylinder will require certification to the following emission standards:

1. For engines with a maximum engine power less than 37 kW (50 HP):
 - 2007 model year engines - emission standards specified in 40 CFR 89.112 and 40CFR 89.113, as applicable,
 - 2008 model year and later - emission standards specified in 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable.
2. For engines with a maximum engine power greater than or equal to 37 kW (50 HP):
 - 2007 model year and later - emission standards specified in 40 CFR 89.112 and 40CFR 89.113, as applicable, for all pollutants, for the same model year and maximum engine power.

Compliance with this requirement will be established by purchasing an engine certified to the applicable emission standard referenced above and installed and configured according to the manufacturer's specifications. Records documenting these actions must be kept on-site.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 45: Compliance Certification

Effective between the dates of 12/16/2014 and 12/15/2019

Applicable Federal Requirement: 40CFR 60.4207(b), NSPS Subpart IIII

Item 45.1:

The Compliance Certification activity will be performed for:



Emission Unit: 1-FLFGE

Item 45.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The owner or operator of a stationary compression ignition internal combustion engine displacing less than 30 liters per cylinder and which is subject to the requirements of subpart IIII of 40 CFR Part 60 may not fire any diesel fuel which exceeds a sulfur content of 15 ppm as per the non-road diesel fuel sulfur content standard set forth in 40 CFR Part 80.510(b) except that any diesel fuel purchased or otherwise obtained prior to October 1, 2010 may be used until depleted. Compliance shall be demonstrated by either sampling each delivery and conducting an appropriate analysis or by obtaining a certificate of analysis showing the sulfur content or range of sulfur content for each shipment of non-road diesel fuel provided by the fuel supplier. In either case, the owner or operator must verify that any required fuel analysis has been conducted using methodology acceptable to the Department. Records of all certificates of analysis provided by the fuel supplier and on-site fuel sampling results must be maintained on site for a minimum of five years.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DIESEL OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 15 parts per million by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



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 46: Contaminant List
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable State Requirement:ECL 19-0301

Item 46.1:
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



Item 48.1:

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 49: Compliance Demonstration
Effective between the dates of 12/16/2014 and 12/15/2019

Applicable State Requirement: 6 NYCRR 211.2

Item 49.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 49.2:

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

