



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 6-2252-00018/00001  
Mod 0 Effective Date: 08/09/2005 Expiration Date: 08/08/2010  
Mod 1 Effective Date: 11/19/2007 Expiration Date: 08/08/2010

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

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

Facility: INNOVATIVE DANC  
23400 ST RTE 177  
RODMAN, NY 13682

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

**Description:**

Innovative energy systems, inc. proposes to modify the operations of its electricity generation facility, which will result in the beneficial use of landfill gas (lfg) that will be generated by the danc solid waste management facility in rodman, jefferson county, new york. The electricity generated by innovative energy systems, inc. will be sold on the open market to contract purchasers. The combustion of lfg fuel in the specified ic engines has the potential to emit into the ambient environment nox, c o, voc, sox, pm10, and other compounds (nmoc, haps) that are defined as regulated air pollutants by the state of new york and us environmental protection agency. The proposed electricity generation facility will consist of: 1. Lfg treatment equipment (proprietary gas dewatering, filtration and compression equipment and processes); 2. Three (3) lean-burn ic engines connected to individual electricity generators; and 3. Ancillary equipment that will support the electricity generation operations. A. Each of the ic engines will be 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 facility. The new and waste engine radiator coolant storage tanks will each have capacities of 1000 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 facility. The new lube oil storage tank will have a capacity of 8000 gallons. The waste oil storage tank will have a capacity of 2000 gallons. D. A 100 kilowatt (kw) ic engine generator will be installed and operated to supply the facility with limited temporary power when utility outages occur. The emergency generator will be powered with



diesel fuel that is supplied from a 200 gallon above ground storage tank.

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:           LAWRENCE R AMBEAU  
  DIVISION OF ENVIRONMENTAL PERMITS  
  STATE OFFICE BLDG, 317 WASHINGTON ST  
  WATERTOWN, NY 13601

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
  - Applications for Permit Renewals and Modifications
  - Permit modifications, suspensions or revocations by the Department
  - Permit Modifications, Suspensions and Revocations by the Department

#### Facility Level

- Submission of Applications for Permit Modification or Renewal -REGION 6 HEADQUARTERS
- Submission of application for permit modification or renewal-REGION 6 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 1-1: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6NYCRR 621.11**

**Item 1-1.1:**

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

**Item 1-1.2:**

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



**Item 1-1.3:**

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 3: Applications for Permit Renewals and Modifications**

**Applicable State Requirement: 6NYCRR 621.13**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3:**

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 1-2: Permit modifications, suspensions or revocations by the Department**

**Applicable State Requirement: 6NYCRR 621.13**

**Item 1-2.1:**

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

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

**Condition 4: Permit Modifications, Suspensions and Revocations by the Department**

**Applicable State Requirement: 6NYCRR 621.14**

**Item 4.1:**

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



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

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

**Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 6 HEADQUARTERS**

**Applicable State Requirement: 6NYCRR 621.5(a)**

**Item 5.1:**

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

NYSDEC Regional Permit Administrator  
Region 6 Headquarters  
Division of Environmental Permits  
State Office Building, 317 Washington Street  
Watertown, NY 13601-3787  
(315) 785-2245

**Condition 1-3: Submission of application for permit modification or renewal-REGION 6**

**HEADQUARTERS**  
**Applicable State Requirement: 6NYCRR 621.6(a)**

**Item 1-3.1:**

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

NYSDEC Regional Permit Administrator  
Region 6 Headquarters  
Division of Environmental Permits  
State Office Building, 317 Washington Street  
Watertown, NY 13601-3787  
(315) 785-2245



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

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

**IDENTIFICATION INFORMATION**

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

Facility: INNOVATIVE DANC  
23400 ST RTE 177  
RODMAN, NY 13682

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

Mod 0 Permit Effective Date: 08/09/2005

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## 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  
Applications for Permit Renewals and Modifications  
Permit modifications, suspensions or revocations by the Department  
Permit Modifications, Suspensions and Revocations by the Department

#### Facility Level

Submission of Applications for Permit Modification or Renewal -REGION  
6 HEADQUARTERS  
Submission of application for permit modification or renewal-REGION 6  
HEADQUARTERS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 8 6NYCRR 201-6.5(a)(7): Fees
- 16 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 17 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 18 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 19 6NYCRR 201-6.5(e): Compliance Certification
- 20 6NYCRR 202-2.1: Compliance Certification
- 21 6NYCRR 202-2.5: Recordkeeping requirements
- 14 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 2 6NYCRR 200.7: Maintenance of Equipment
- 3 6NYCRR 201-1.7: Recycling and Salvage
- 1-1 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 5 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 6 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 7 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 9 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 10 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 11 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 12 6NYCRR 202-1.1: Required Emissions Tests
- 13 6NYCRR 211.3: Visible Emissions Limited
- 22 40CFR 68: Accidental release provisions.
- 23 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 24 6NYCRR 201-6: Emission Unit Definition
- 1-2 6NYCRR 227-1.3(a): Compliance Certification
- 1-3 6NYCRR 227-1.3(a): Compliance Certification
- 1-4 6NYCRR 231-2.2: Compliance Certification
- 1-5 6NYCRR 231-2.2: Compliance Certification
- 1-6 6NYCRR 231-2.2: Compliance Certification
- 1-7 40CFR 52.21, Subpart A: Compliance Certification
- 1-8 40CFR 52.21, Subpart A: Compliance Certification



1-9 40CFR 52.21, Subpart A: Compliance Certification

**Emission Unit Level**

26 6NYCRR 201-6: Emission Point Definition By Emission Unit

27 6NYCRR 201-6: Process Definition By Emission Unit

**EU=1-DLFGE**

38 40CFR 60.752(b)(2)(iii)(C), NSPS Subpart WWW: Control of collected landfill gas by gas treatment system option.

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

39 ECL 19-0301: Contaminant List

40 6NYCRR 201-1.4: Unavoidable noncompliance and violations

44 6NYCRR 211.2: Air pollution prohibited



**FEDERALLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

(1) An emergency occurred and that the facility owner and/or

operator can identify the cause(s) of the emergency;

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

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

(4) The facility owner and/or operator notified the Department

within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

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

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



- Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)**  
Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.
- Item D: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)**  
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)**  
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)**  
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR Part 201-6.5(a)(5)**  
It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.
- Item H: Property Rights - 6 NYCRR Part 201-6.5(a)(6)**  
This permit does not convey any property rights of any sort or any exclusive privilege.
- Item I: Severability - 6 NYCRR Part 201-6.5(a)(9)**



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

**Condition 1: Acceptable Ambient Air Quality  
Effective between the dates of 08/09/2005 and 08/08/2010**

**Applicable Federal Requirement:6NYCRR 200.6**

**Item 1.1:**

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

**Condition 8: Fees  
Effective between the dates of 08/09/2005 and 08/08/2010**

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

**Item 8.1:**

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

**Condition 16: Recordkeeping and reporting of compliance monitoring  
Effective between the dates of 08/09/2005 and 08/08/2010**

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

**Item 16.1:**

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

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



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

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

**Condition 17: Monitoring, Related Recordkeeping, and Reporting Requirements.**

**Effective between the dates of 08/09/2005 and 08/08/2010**

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

**Item 17.1:**

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 18: Compliance Certification**

**Effective between the dates of 08/09/2005 and 08/08/2010**

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

**Item 18.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 18.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Submit reports of any required monitoring at a minimum frequency of every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit



requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

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

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

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

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

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

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



also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks to have a violation excused unless otherwise limited by regulation. In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

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

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

**Condition 19: Compliance Certification**  
**Effective between the dates of 08/09/2005 and 08/08/2010**

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



**Item 19.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 19.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

- i. Compliance certifications shall contain:
  - the identification of each term or condition of the permit that is the basis of the certification;
  - the compliance status;
  - whether compliance was continuous or intermittent;
  - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
  - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
  - such additional requirements as may be specified elsewhere in this permit related to compliance certification.
- ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.
- iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.
- iv. All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Please send annual





**Item 21.1:**

(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 14: Open Fires Prohibited at Industrial and Commercial Sites  
Effective between the dates of 08/09/2005 and 08/08/2010**

**Applicable Federal Requirement:6NYCRR 215**

**Item 14.1:**

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

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

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

**Condition 2: Maintenance of Equipment  
Effective between the dates of 08/09/2005 and 08/08/2010**

**Applicable Federal Requirement:6NYCRR 200.7**

**Item 2.1:**

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

**Condition 3: Recycling and Salvage  
Effective between the dates of 08/09/2005 and 08/08/2010**

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

**Item 3.1:**



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

**Condition 1-1: Prohibition of Reintroduction of Collected Contaminants to the air**

**Effective between the dates of 11/19/2007 and 08/08/2010**

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

**Item 1-1.1:**

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 5: Exempt Sources - Proof of Eligibility**

**Effective between the dates of 08/09/2005 and 08/08/2010**

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

**Item 5.1:**

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

**Condition 6: Trivial Sources - Proof of Eligibility**

**Effective between the dates of 08/09/2005 and 08/08/2010**

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

**Item 6.1:**

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

**Condition 7: Standard Requirement - Provide Information**

**Effective between the dates of 08/09/2005 and 08/08/2010**

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

**Item 7.1:**

The owner and/or operator shall furnish to the department, within a reasonable time, any







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 23: Recycling and Emissions Reduction**  
**Effective between the dates of 08/09/2005 and 08/08/2010**

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

**Item 23.1:**

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 24: Emission Unit Definition**  
**Effective between the dates of 08/09/2005 and 08/08/2010**

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

**Item 24.1(From Mod 1):**

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

Emission Unit: 1-DLFG

Emission Unit Description:

This emission unit consists of: Three (3) lean-burn Caterpillar, Inc. Model G3520C internal combustion (IC) engines connected to individual electricity generators (3 IC engine-generator sets) and; ancillary equipment with insignificant emissions (emission sources exempt from permitting pursuant to 6 NYCRR Part 201-3.1(b)) that support the electricity generation operations. The





problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify the Department and conduct an EPA Reference Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions will be kept on-site in a format acceptable to the Department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of these instances.

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2008.

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

**Condition 1-3: Compliance Certification**  
**Effective between the dates of 11/19/2007 and 08/08/2010**

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

**Item 1-3.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-DLFG

Process: 001

Emission Source: 01ENG

Emission Unit: 1-DLFG

Process: 001

Emission Source: 02ENG

Emission Unit: 1-DLFG

Process: 001

Emission Source: 03ENG

**Item 1-3.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Facility shall not cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of an EPA Reference Method 9 opacity evaluation, from any of the internal combustion engines listed above, at any time during facility operation.



Parameter Monitored: OPACITY  
Upper Permit Limit: 20 percent  
Reference Test Method: EPA RM 9  
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 1-4: Compliance Certification**  
**Effective between the dates of 11/19/2007 and 08/08/2010**

**Applicable Federal Requirement: 6NYCRR 231-2.2**

**Item 1-4.1:**

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

Emission Unit: 1-DLFGE Process: 001	Emission Source: 01ENG
Emission Unit: 1-DLFGE Process: 001	Emission Source: 02ENG
Emission Unit: 1-DLFGE Process: 001	Emission Source: 03ENG
Regulated Contaminant(s): CAS No: 0NY210-00-0	OXIDES OF NITROGEN

**Item 1-4.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Facility shall perform the following periodic monitoring for oxides of nitrogen (NO<sub>x</sub>) emissions in the exhaust stacks of the three internal combustion (IC) engines listed above:

1. NO<sub>x</sub> emissions shall be measured, at a stack location acceptable to the Department, while the engine is operating at base load (base load is a normal operating load) using a properly calibrated portable gas analyzer approved for use by the Department.
2. The NO<sub>x</sub> measurement will consist of the average of three instantaneous concentration readings that are obtained over a 3 minute period.
3. The first of the three NO<sub>x</sub> concentration readings will start after the portable analyzer has sampled engine



exhaust for at least 1 minute.

4. The second and third NO<sub>x</sub> concentration readings will occur at consecutive 1 minute intervals.

5. The three NO<sub>x</sub> concentration readings will be recorded and their average calculated.

6. The calculate average will be the NO<sub>x</sub> measurement for that month and must not exceed 99 ppmvd (corrected to 8.5% O<sub>2</sub>).

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 99 parts per million by volume (dry)

Reference Test Method: Handheld NO<sub>x</sub> monitor

Monitoring Frequency: MONTHLY

Averaging Method: 3-MINUTE AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2008.

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

**Condition 1-5: Compliance Certification**  
**Effective between the dates of 11/19/2007 and 08/08/2010**

**Applicable Federal Requirement:6NYCRR 231-2.2**

**Item 1-5.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-DLFGE

Process: 001

Emission Source: 01ENG

Emission Unit: 1-DLFGE

Process: 001

Emission Source: 02ENG

Emission Unit: 1-DLFGE

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:

In order to maintain facility emissions of NO<sub>x</sub> below the Non-attainment New Source Review (NSR) major source threshold each of the three stationary internal combustion engines shown above must operate at a maximum NO<sub>x</sub> emission rate of 0.60 g/bhp-hr.



Compliance with the emission rate of 0.60 g/bhp-hr shall be demonstrated by an initial performance test as outlined below:

1. The facility must submit a compliance test protocol to the department for approval at least 60 days prior to emission testing. The conditions of the testing and the locations of the sampling devices must be acceptable to the department.
2. The facility must utilize the procedures set forth in 40 CFR part 60, Appendix A, Method 7, 7E, or 19, or any other method acceptable to the department for determining compliance with the NO<sub>x</sub> limit contained in this condition, and must, in addition, follow the procedures set forth in Part 202 of this Title.
3. The facility must submit a compliance test report containing the results of the emission test to the department no later than 60 days after completion of the emission test.

Since all three stationary internal combustion devices at this facility are identical only one of the three internal combustion engines described above will require performance testing to demonstrate compliance with this NO<sub>x</sub> emission limit. The initial performance test must be completed within 180 days of commencement of operation of the emission sources. Subsequent performance tests must be performed at least once during the term of the permit.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0.60 grams per brake horsepower-hour

Reference Test Method: EPA RM 7, 7E or 19

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-6: Compliance Certification**  
**Effective between the dates of 11/19/2007 and 08/08/2010**

**Applicable Federal Requirement: 6NYCRR 231-2.2**

**Item 1-6.1:**

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

Emission Unit: 1-DLFG

Process: 001

Emission Source: 01ENG



Emission Unit: 1-DLFGE  
Process: 001

Emission Source: 02ENG

Emission Unit: 1-DLFGE  
Process: 001

Emission Source: 03ENG

Regulated Contaminant(s):

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

**Item 1-6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility shall keep records of the monthly hours of operation and monthly average horsepower for each of the three internal combustion (IC) engines listed above. Facility will use this information and the oxides of nitrogen (NOx) emission rate from the most recent acceptable emission test to calculate the monthly emissions of NOx from each IC engine as well as the total from all three IC engines.

The monthly NOx emissions from all three IC engines will be added to the NOx emissions from the previous 11 months to generate an annual NOx emission rate for the three IC engines.

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2008.

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

**Condition 1-7: Compliance Certification**

**Effective between the dates of 11/19/2007 and 08/08/2010**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 1-7.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-DLFGE  
Process: 001

Emission Source: 01ENG

Emission Unit: 1-DLFGE  
Process: 001

Emission Source: 02ENG

Emission Unit: 1-DLFGE  
Process: 001

Emission Source: 03ENG



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

**Item 1-7.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility shall keep records of the monthly hours of operation and monthly average horsepower for each of the three internal combustion (IC) engines listed above. Facility will use this information and the carbon monoxide (CO) emission rate from the most recent acceptable emission test to calculate the monthly emissions of CO from each IC engine as well as the total from all three IC engines.

The monthly CO emissions from all three IC engines will be added to the CO emissions from the previous 11 months to generate an annual CO emission rate for the three IC engines.

Monitoring Frequency: MONTHLY  
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2008.  
Subsequent reports are due every 6 calendar month(s).

**Condition 1-8: Compliance Certification**  
**Effective between the dates of 11/19/2007 and 08/08/2010**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 1-8.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-DLFGE  
Process: 001 Emission Source: 01ENG

Emission Unit: 1-DLFGE  
Process: 001 Emission Source: 02ENG

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

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

**Item 1-8.2:**

Compliance Certification shall include the following monitoring:





Emission Unit: 1-DLFGE

Process: 001

Emission Source: 01ENG

Emission Unit: 1-DLFGE

Process: 001

Emission Source: 02ENG

Emission Unit: 1-DLFGE

Process: 001

Emission Source: 03ENG

Regulated Contaminant(s):

CAS No: 000630-08-0

CARBON MONOXIDE

**Item 1-9.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In order to maintain facility emissions of carbon monoxide (CO) below the Prevention of Significant Deterioration (PSD) major source threshold each of the three stationary internal combustion engines shown above must operate at a maximum CO emission rate of 14.77 lb/hr.

Compliance with the emission rate of 14.77 lb/hr shall be demonstrated by an initial performance test as outlined below:

1. The facility must submit a compliance test protocol to the department for approval at least 60 days prior to emission testing. The conditions of the testing and the locations of the sampling devices must be acceptable to the department.
2. The facility must utilize the procedure set forth in 40 CFR part 60, Appendix A, Method 10, or any other method acceptable to the department for determining compliance with the CO limit contained in this condition, and must, in addition, follow the procedures set forth in Part 202 of this Title.
3. The facility must submit a compliance test report containing the results of the emission test to the department no later than 60 days after completion of the emission test.

Since all three stationary internal combustion devices at this facility are identical only one of the three internal combustion engines described above will require performance testing to demonstrate compliance with this CO emission limit. The initial performance test must be completed within 180 days of commencement of operation of



these emission sources. Subsequent performance tests must be performed at least once during the term of the permit.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 14.77 pounds per hour

Reference Test Method: EPA RM 10

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

**Condition 26: Emission Point Definition By Emission Unit**  
**Effective between the dates of 08/09/2005 and 08/08/2010**

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

**Item 26.1(From Mod 1):**

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

Emission Unit: 1-DLFGE

Emission Point: ENG01

Height (ft.): 35

Diameter (in.): 15

NYTMN (km.): 4852.3

NYTME (km.): 426.

Building: ENGBLDG

Emission Point: ENG02

Height (ft.): 35

Diameter (in.): 15

NYTMN (km.): 4852.3

NYTME (km.): 426.

Building: ENGBLDG

Emission Point: ENG03

Height (ft.): 35

Diameter (in.): 15

NYTMN (km.): 4852.3

NYTME (km.): 426.

Building: ENGBLDG

**Condition 27: Process Definition By Emission Unit**  
**Effective between the dates of 08/09/2005 and 08/08/2010**

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

**Item 27.1(From Mod 1):**

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

Emission Unit: 1-DLFGE

Process: 001

Source Classification Code: 2-01-008-02

Process Description:

Process 001 consists of three (3) Caterpillar G3520C landfill gas fired internal combustion (IC) engine generator sets. The three (3) IC engines have individual maximum heat input rates of 14.67 MMBtu/hr, lower heating



value (LHV) (43.92 MMBtu/hr combined). At the minimum fuel quality utilization value of 420 Btu/cubic foot, LHV, the maximum fuel use rate of each IC engine is approximately 580 cubic feet per minute.

Emission Source/Control: 01ENG - Combustion  
Design Capacity: 1,600 kilowatts

Emission Source/Control: 02ENG - Combustion  
Design Capacity: 1,600 kilowatts

Emission Source/Control: 03ENG - Combustion  
Design Capacity: 1,600 kilowatts

**Condition 38: Control of collected landfill gas by gas treatment system option.**

**Effective between the dates of 08/09/2005 and 08/08/2010**

**Applicable Federal Requirement: 40CFR 60.752(b)(2)(iii)('C'), NSPS**

**Subpart WWW**

**Item 38.1:**

This Condition applies to Emission Unit: 1-DLFGE

**Item 38.2:**

All collected landfill gas must be routed to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of 40 CFR 60.752(b)(2)(iii)(A) or (B). For purposes of this rule, atmospheric vents located on the condensate storage tank are not part of the treatment system and are exempt from the requirements of 40 CFR 60.752(b)(2)(iii)(A) or (B). The owner/operator of the landfill gas treatment system must ensure compliance with these requirements. The owner/operator of a combustion device who uses or purchases treated landfill gas for fuel in a combustion device shall be exempt from further compliance with this 40 CFR 60 Subpart WWW. Since the treatment option is only valid when treated landfill gas is sold or used as a fuel in a combustion device, the gas must be used as a fuel, and venting of treated landfill gas to the ambient air is not allowed under this option.



**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 39: Contaminant List  
Effective between the dates of 08/09/2005 and 08/08/2010**

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

**Item 39.1:**

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

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

CAS No: 0NY210-00-0



Name: OXIDES OF NITROGEN

**Condition 40: Unavoidable noncompliance and violations  
Effective between the dates of 08/09/2005 and 08/08/2010**

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

Item 40.1:

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

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

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

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

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



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

**Condition 44: Air pollution prohibited**  
**Effective between the dates of 08/09/2005 and 08/08/2010**

**Applicable State Requirement:6NYCRR 211.2**

**Item 44.1:**

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.

