

**New York State Department of Environmental Conservation  
Facility DEC ID: 6225200018**



**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: Expiration Date:

Permit Issued To: INNOVATIVE ENERGY SYSTEMS INC  
2999 JUDGE RD  
OAKFIELD, NY 14125-9771

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

Facility: INNOVATIVE ENERGY SYSTEMS INC  
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 (p roprietary 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. E ach 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 f acility. 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



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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 permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

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

**Item C: Permittee Responsible for Obtaining Other Required Permits**

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

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

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



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
- Applications for permit renewals, 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:**



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

**Condition 3: Applications for Permit Renewals and Modifications**  
**Applicable State Requirement: 6NYCRR 621.13**

**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;

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- 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



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

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

**IDENTIFICATION INFORMATION**

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2999 JUDGE RD  
OAKFIELD, NY 14125-9771

Facility: INNOVATIVE ENERGY SYSTEMS INC  
23400 ST RTE 177  
RODMAN, NY 13682

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

Permit Effective Date:

Permit Expiration Date:



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1-1 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 4 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 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
- 25 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
- 15 40CFR 82: Recycling and emissions reduction.

#### 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

- 28 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 29 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 30 40CFR 60.7(c), NSPS Subpart A: Excess Emissions Report
- 31 40CFR 60.7(d), NSPS Subpart A: Excess Emissions Report
- 32 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 33 40CFR 60.7(g), NSPS Subpart A: Notification Similar to State or Local Agency
- 34 40CFR 60.9, NSPS Subpart A: Availability of information.
- 35 40CFR 60.12, NSPS Subpart A: Circumvention.
- 36 40CFR 60.14, NSPS Subpart A: Modifications.
- 37 40CFR 60.15, NSPS Subpart A: Reconstruction.

### STATE ONLY ENFORCEABLE CONDITIONS

#### Facility Level

- 39 ECL 19-0301: Contaminant List
- 41 6NYCRR 201-7.2(c): Facility Permissible Emissions
- \*42 6NYCRR 201-7.2(c): Capping Monitoring Condition
- \*43 6NYCRR 201-7.2(c): Capping Monitoring Condition

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 - 6NYCRR Part 201-1.5**

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

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

(1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;

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

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

(4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

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

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to



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Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

**Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)**

Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Item D: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)**

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

**Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)**

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)**

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

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

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in

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order to maintain compliance with the conditions of this permit.

**Item H: Property Rights - 6 NYCRR Part 201-6.5(a)(6)**

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

**Item I: Severability - 6 NYCRR Part 201-6.5(a)(9)**

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

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

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

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

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Act;

iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

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

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

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

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

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

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

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

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit



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is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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

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

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

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

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

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

**Condition 1-1: Prohibition of Reintroduction of Collected Contaminants to the air  
Effective for entire length of Permit**



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**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 4: Prohibition of Reintroduction of Collected Contaminants to the air**  
**Effective between the dates of 08/09/2005 and Permit Expiration Date**

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

**Expired by Mod 1**

**Item 4.1:**

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

**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 Permit Expiration Date**

**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-DLFGE

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 ancillary equipment includes: engine radiator coolant (new and used) that will be stored in separate above ground holding tanks (1000 gallons each) positioned on the premises of the facility; engine lube oil (new and used) that will be stored in separate above ground holding tanks



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(8000 gallons for new lube oil & 2000 gallons for waste lube oil) positioned on the premises of the facility; and a 100 kilowatt (kw) IC engine generator that will be installed on the premises of the facility, which will be operated to supply the facility with limited temporary power when utility outages occur, the emergency generator will be powered with diesel fuel that will be supplied from an above ground storage tank (200 gallons).

Building(s): ENGBLDG

**Condition 1-2: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 1-2.1:**

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

**Item 1-2.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The permittee will conduct observations of visible emissions, from each of the internal combustion engines listed above, at the monitoring frequency stated below while they are in operation. The permittee will immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from an emission source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission points) and in compliance with Part 227-1.3(a) are detected, the permittee shall determine the cause, make the necessary



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correction, and verify that the excess visible emissions 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.

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

**Condition 1-3: Compliance Certification  
Effective for entire length of Permit**

**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-DLFGE

Process: 001

Emission Source: 01ENG

Emission Unit: 1-DLFGE

Process: 001

Emission Source: 02ENG

Emission Unit: 1-DLFGE

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



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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 25: Compliance Certification**  
**Effective between the dates of 08/09/2005 and Permit Expiration Date**

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

**Expired by Mod 1**

**Item 25.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-DLFGE Emission Point: ENG01

Emission Unit: 1-DLFGE Emission Point: ENG02

Emission Unit: 1-DLFGE Emission Point: ENG03

Emission Unit: 1-DLFGE Emission Point: ENG04

**Item 25.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent



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Reference Test Method: EPA RM 9  
Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT  
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
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 1-4: Compliance Certification**  
**Effective for entire length of Permit**

**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 (NOx) emissions in the exhaust  
stacks of the three internal combustion (IC) engines  
listed above:

1. NOx 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 NOx measurement will consist of the average of



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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.

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

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

**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

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**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



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DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST  
METHOD INDICATED

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-6: Compliance Certification**  
**Effective for entire length of Permit**

**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-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 1-6.2:**

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 (NO<sub>x</sub>) emission rate from the most recent acceptable emission test to calculate the monthly emissions of NO<sub>x</sub> from each IC engine as well as the total from all three IC engines.

The monthly NO<sub>x</sub> emissions from all three IC engines will be added to the NO<sub>x</sub> emissions from the previous 11 months to generate an annual NO<sub>x</sub> emission rate for the three IC engines.

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY



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Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 6 calendar month(s).

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

**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)



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Reports due 30 days after the reporting period.  
Subsequent reports are due every 6 calendar month(s).

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

**Applicable Federal Requirement: 40CFR 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:

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

Monitoring Description:

Facility shall perform the following periodic monitoring  
for carbon monoxide (CO) emissions in the exhaust stacks  
of the three internal combustion (IC) engines listed  
above:

1. CO 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 CO 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 CO concentration readings will start after the portable analyzer has sampled engine



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exhaust for at least 1 minute.

4. The second and third CO concentration readings will occur at consecutive 1 minute intervals.

5. The three CO concentration readings will be recorded and their average calculated.

6. The calculate average will be the CO measurement for that month and must not exceed 815 ppmvd (corrected to 8.5% O<sub>2</sub>).

Parameter Monitored: CARBON MONOXIDE  
Upper Permit Limit: 815 parts per million by volume  
(dry)

Reference Test Method: Handheld CO monitor  
Monitoring Frequency: MONTHLY  
Averaging Method: 3-MINUTE AVERAGE  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 6 calendar month(s).

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

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

**Item 1-9.1:**

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 1-9.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

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**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

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Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 15: Recycling and emissions reduction.**  
**Effective between the dates of 08/09/2005 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 82**

**Expired by Mod 1**

**Item 15.1:** The permittee shall comply with all applicable provisions of 40 CFR Part 82.

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

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

**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

Emission Point: ENG04

Removal Date: 05/03/2007  
Height (ft.): 28                      Diameter (in.): 20  
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 Permit Expiration Date**

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

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

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



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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 28: EPA Region 2 address.  
Effective between the dates of 08/09/2005 and Permit Expiration Date**

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

**Expired by Mod 1**

**Item 28.1:**

This Condition applies to Emission Unit: 1-DLFGE

**Item 28.2:**

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

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

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

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

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**Condition 29: Recordkeeping requirements.**

**Effective between the dates of 08/09/2005 and Permit Expiration Date**

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

**Expired by Mod 1**

**Item 29.1:**

This Condition applies to Emission Unit: 1-DLFG E

**Item 29.2:**

Affected owners or operators shall maintain records of occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

**Condition 30: Excess Emissions Report**

**Effective between the dates of 08/09/2005 and Permit Expiration Date**

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

**Expired by Mod 1**

**Item 30.1:**

This Condition applies to Emission Unit: 1-DLFG E

**Item 30.2:**

Affected owners or operators shall submit an excess emissions report and/or a summary report form (as defined in 40 CFR 60.7(d)) semi-annually (or more frequently as required by the applicable Subpart or the Administrator), to the Administrator. These reports shall be post marked no later than 30 days after each calendar quarter (or as appropriate), and shall contain the following information:

- 1) the magnitude of excess emissions computed, any conversion factors used, the date and time of each occurrence, and the process operating time during the reporting period;
- 2) specific identification of each period of excess emissions that occur during startup, shutdown, or malfunction, where the nature, cause, and corrective action are provided for a malfunction;
- 3) the date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
- 4) when no excess emissions have occurred or when the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be provided in the report.

**Condition 31: Excess Emissions Report**

**Effective between the dates of 08/09/2005 and Permit Expiration Date**

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

**Expired by Mod 1**

**Item 31.1:**

This Condition applies to Emission Unit: 1-DLFGE

**Item 31.2:**

A summary report form, for each pollutant monitored, shall be sent to the Administrator in the form prescribed in Figure 1 of 40 CFR Part 60.7(d).

**Condition 32: Facility files for subject sources.**

**Effective between the dates of 08/09/2005 and Permit Expiration Date**

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

**Expired by Mod 1**

**Item 32.1:**

This Condition applies to Emission Unit: 1-DLFGE

**Item 32.2:**

The following files shall be maintained at the facility for all affected sources: all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part, recorded in permanent form suitable for inspection. The file shall be maintained for at least two years following the date of such measurements, reports, and records.

**Condition 33: Notification Similar to State or Local Agency**

**Effective between the dates of 08/09/2005 and Permit Expiration Date**

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

**Expired by Mod 1**

**Item 33.1:**

This Condition applies to Emission Unit: 1-DLFGE

**Item 33.2:**

If notification substantially similar to that in 40 CFR Part 60.7(a) is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of 40 CFR Part 60.7(a).

**Condition 34: Availability of information.**

**Effective between the dates of 08/09/2005 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.9, NSPS Subpart A**

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**Expired by Mod 1**

**Item 34.1:**

This Condition applies to Emission Unit: 1-DLFGE

**Item 34.2:**

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by part 2 of this chapter.

**Condition 35: Circumvention.**

**Effective between the dates of 08/09/2005 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A**

**Expired by Mod 1**

**Item 35.1:**

This Condition applies to Emission Unit: 1-DLFGE

**Item 35.2:**

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

**Condition 36: Modifications.**

**Effective between the dates of 08/09/2005 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.14, NSPS Subpart A**

**Expired by Mod 1**

**Item 36.1:**

This Condition applies to Emission Unit: 1-DLFGE

**Item 36.2:**

Within 180 days of the completion of any physical or operational change (as defined in section 60.14), compliance with the applicable standards must be achieved.

**Condition 37: Reconstruction.**

**Effective between the dates of 08/09/2005 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.15, NSPS Subpart A**

**Expired by Mod 1**

**Item 37.1:**

This Condition applies to Emission Unit: 1-DLFGE

**Item 37.2:**



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The following shall be submitted to the Administrator prior to reconstruction (as defined in section 60.15):

- 1) a notice of intent to reconstruct 60 days prior to the action;
- 2) name and address of the owner or operator;
- 3) the location of the existing facility;
- 4) a brief description of the existing facility and the components to be replaced;
- 5) a description of the existing air pollution control equipment and the proposed air pollution control equipment;
- 6) an estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility;
- 7) the estimated life of the facility after the replacements; and
- 8) a discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.



**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 Permit Expiration Date**

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

**Item 39.1:**

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



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

CAS No: 000630-08-0

Name: CARBON MONOXIDE

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

**Condition 41: Facility Permissible Emissions**  
**Effective between the dates of 08/09/2005 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 201-7.2(c)**

**Expired by Mod 1**  
**Applicaton Specific Data**

**Condition 42: Capping Monitoring Condition**  
**Effective between the dates of 08/09/2005 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 201-7.2(c)**

**Expired by Mod 1**

**Item 42.1:**

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:

6NYCRR 227-2

6NYCRR 231-2

**Item 42.2:**

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

**Item 42.3:**

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 42.4:**

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 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.



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**Item 42.5:**

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 42.6:**

The Compliance Demonstration activity will be performed for the facility:  
The Compliance Demonstration 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

Emission Unit: 1-DLFG  
Process: 001                      Emission Source: 04ENG

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

**Item 42.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes  
Monitoring Type: INTERMITTENT EMISSION TESTING  
Monitoring Description:

In order to maintain facility emissions of NO<sub>x</sub> below the major source threshold of 100 tons during any 12 month period each of the four stationary internal combustion engines shown above must operate at a maximum NO<sub>x</sub> emission rate of 1.05 g/bhp-hr.

Compliance with the emission rate of 1.05 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 one of the procedures set



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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 NOx 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 four stationary internal combustion devices at this facility are identical only one of the four internal combustion engines described above will require performance testing to demonstrate compliance with this NOx 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: 1.05 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 43: Capping Monitoring Condition**

**Effective between the dates of 08/09/2005 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 201-7.2(c)**

**Expired by Mod 1**

**Item 43.1:**

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:

40CFR 52-A.21

**Item 43.2:**

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



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**Item 43.3:**

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 43.4:**

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 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 43.5:**

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 43.6:**

The Compliance Demonstration activity will be performed for the facility:  
The Compliance Demonstration 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

Emission Unit: 1-DLFGE  
Process: 001                      Emission Source: 04ENG

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

**Item 43.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes  
Monitoring Type: INTERMITTENT EMISSION TESTING  
Monitoring Description:  
In order to maintain facility emissions of carbon monoxide (CO) below the major source threshold of 250 tons during any 12 month period each of the four stationary internal combustion engines shown above must operate at a

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maximum CO emission rate of 2.17 g/bhp-hr.

Compliance with the emission rate of 2.17 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 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 four stationary internal combustion devices at this facility are identical only one of the four 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: 2.17 grams per brake horsepower-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