



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 6-3024-00025/00001
Mod 0 Effective Date: 08/15/2011 Expiration Date: 08/14/2016
Mod 1 Effective Date: 12/10/2013 Expiration Date: 08/14/2016

Permit Issued To: WM RENEWABLE ENERGY LLC
1001 FANNIN STE 4000
HOUSTON, TX 77002

Facility: WM ONEIDA HERKIMER RENEWABLE ENERGY FACILITY
7044 ST RTE 294
AVA, NY 13309

Contact: PAUL PABOR
WM RENEWABLE ENERGY LLC
1001 FANNIN STE 4000
HOUSTON, TX 77002

Description:
This facility has a PSD cap in conjunction with the Ava Landfill. The Ava landfill has applied to make some changes to the flares at the facility. They are removing 14 passive flares and are installing one 1250 cfm flare. The changes to this permit involve subtracting and adding the appropriate flares for tracking emissions under the PSD cap and expiring any old regulations and installing the new regulations.

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
NYSDEC - 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
 - Permit modifications, suspensions or revocations by the Department
 - Permit modifications, suspensions or revocations by the Department

Facility Level

- 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 3: Applications for permit renewals, modifications and transfers

Applicable State Requirement: 6 NYCRR 621.11

Item 3.1:

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

Item 3.2:

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

Item 3.3:

Permits are transferrable with the approval of the department unless specifically prohibited by



the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

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

Applicable State Requirement: 6 NYCRR 621.13

Item 1-1.1:

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

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

Condition 4: Permit modifications, suspensions or revocations by the Department

Applicable State Requirement: 6 NYCRR 621.13

Item 4.1:

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

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

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

Condition 5: Submission of application for permit modification or renewal-REGION 6 HEADQUARTERS

Applicable State Requirement: 6 NYCRR 621.6 (a)

Item 5.1:

Submission of applications for permit modification or renewal are to be submitted to:
NYSDEC Regional Permit Administrator
Region 6 Headquarters
Division of Environmental Permits

New York State Department of Environmental Conservation
Facility DEC ID: 6302400025



State Office Building, 317 Washington Street
Watertown, NY 13601-3787
(315) 785-2245

New York State Department of Environmental Conservation

Permit ID: 6-3024-00025/00001

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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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1001 FANNIN STE 4000
HOUSTON, TX 77002

Facility: WM ONEIDA HERKIMER RENEWABLE ENERGY FACILITY
7044 ST RTE 294
AVA, NY 13309

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

Mod 0 Permit Effective Date: 08/15/2011

Permit Expiration Date: 08/14/2016

Mod 1 Permit Effective Date: 12/10/2013

Permit Expiration Date: 08/14/2016



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 1-1 6 NYCRR 201-6.4 (a) (7): Fees
- 1-2 6 NYCRR 201-6.4 (c): Recordkeeping and Reporting of Compliance
Monitoring
- 1-3 6 NYCRR 201-6.4 (c) (2): Records of Monitoring, Sampling, and
Measurement
- 1-4 6 NYCRR 201-6.4 (c) (3) (ii): Compliance Certification
- 1-5 6 NYCRR 201-6.4 (e): Compliance Certification
- 6 6 NYCRR 202-2.1: Compliance Certification
- 7 6 NYCRR 202-2.5: Recordkeeping requirements
- 8 6 NYCRR 215.2: Open Fires - Prohibitions
- 9 6 NYCRR 200.7: Maintenance of Equipment
- 1-6 6 NYCRR 201-1.7: Recycling and Salvage
- 10 6 NYCRR 201-1.7: Recycling and Salvage
- 11 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected
Contaminants to the air
- 1-7 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 12 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 1-8 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 13 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 1-9 6 NYCRR 201-6.4 (a) (4): Requirement to Provide Information
- 1-10 6 NYCRR 201-6.4 (a) (8): Right to Inspect
- 1-11 6 NYCRR 201-6.4 (f) (6): Off Permit Changes
- 18 6 NYCRR 202-1.1: Required Emissions Tests
- 19 40 CFR Part 68: Accidental release provisions.
- 20 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 21 6 NYCRR Subpart 201-6: Emission Unit Definition
- 1-12 6 NYCRR 201-6.4 (d) (4): Progress Reports Due Semiannually
- 23 6 NYCRR 201-6.7: Compliance Certification
- 24 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- *1-13 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- *26 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- *27 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- *28 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- *29 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- *30 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 1-14 6 NYCRR 211.1: Air pollution prohibited
- 31 6 NYCRR 227-1.3 (a): Compliance Certification
- 32 6 NYCRR 227-1.3 (a): Compliance Certification
- 33 40CFR 60.4246, NSPS Subpart JJJJ: Subpart A provisions that apply to
facilities subject to Subpart JJJJ

Emission Unit Level

- 34 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
- 35 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

EU=4-GENST,Proc=ENG



36 40CFR 60.752(b)(2)(iii)(C), NSPS Subpart WWW: Control of collected landfill gas by gas treatment system option.

EU=4-GENST,Proc=ENG,ES=01ENG

37 40CFR 60.4230(a)(4)(i), NSPS Subpart JJJJ: Applicability of facilities subject to Subpart JJJJ

39 40CFR 60.4243(a)(1), NSPS Subpart JJJJ: Compliance Certification

38 40CFR 60.4245(a), NSPS Subpart JJJJ: Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

40 ECL 19-0301: Contaminant List

1-15 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities

41 6 NYCRR 201-1.4: Unavoidable noncompliance and violations

42 6 NYCRR 211.2: Visible Emissions Limited

43 6 NYCRR 217-3.2: Idling of Diesel Trucks Limited

44 6 NYCRR 217-3.3: Exceptions

NOTE: * preceding the condition number indicates capping.



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

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

Item A: Emergency Defense - 6 NYCRR 201-1.5

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

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

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

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

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

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

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

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

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

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



Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR 201-6.2 (a) (4)

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

Item D: Certification by a Responsible Official - 6 NYCRR 201-6.2 (d) (12)

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

Item E: Requirement to Comply With All Conditions - 6 NYCRR 201-6.4 (a) (2)

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

Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 201-6.4 (a) (3)

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

Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4 (a) (5)

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

Item H: Property Rights - 6 NYCRR 201-6.4 (a) (6)

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



Item I: Severability - 6 NYCRR 201-6.4 (a) (9)

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

Item J: Permit Shield - 6 NYCRR 201-6.4 (g)

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

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

Item K: Reopening for Cause - 6 NYCRR 201-6.4 (i)

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

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



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

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

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

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

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

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

Item L: Permit Exclusion - ECL 19-0305

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



Item 1-2.1:

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

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

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.2 of Part 201.

**Condition 1-3: Records of Monitoring, Sampling, and Measurement
Effective between the dates of 12/10/2013 and 08/14/2016**

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

Item 1-3.1:

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 1-4: Compliance Certification
Effective between the dates of 12/10/2013 and 08/14/2016**

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (3) (ii)

Item 1-4.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-4.2:

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

New York State Department of Environmental Conservation

Permit ID: 6-3024-00025/00001

Facility DEC ID: 6302400025



Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.2(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

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

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

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

All semiannual reports 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 201-6.4(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 1/30/2014.
Subsequent reports are due every 6 calendar month(s).

Condition 1-5: Compliance Certification
Effective between the dates of 12/10/2013 and 08/14/2016

Applicable Federal Requirement: 6 NYCRR 201-6.4 (e)

Item 1-5.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-5.2:

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 compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866

The address for the RAPCE is as follows:

State Office Building
317 Washington Street
Watertown, NY 13601-3787

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2012.
Subsequent reports are due on the same day each year

Condition 6: Compliance Certification
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable Federal Requirement:6 NYCRR 202-2.1

Item 6.1:

The Compliance Certification activity will be performed for the Facility.

Item 6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year. Statements are to be mailed to: New York State

New York State Department of Environmental Conservation

Permit ID: 6-3024-00025/00001

Facility DEC ID: 6302400025



Department of Environmental Conservation, Division of Air Resources, Bureau of Air Quality Planning, 625 Broadway, Albany NY 12233-3251

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

Condition 7: Recordkeeping requirements
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable Federal Requirement:6 NYCRR 202-2.5

Item 7.1:

(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 8: Open Fires - Prohibitions
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable Federal Requirement:6 NYCRR 215.2

Item 8.1:

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

Item 8.2

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

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only



untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.

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

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

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

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

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

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

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

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period.

[NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

**Condition 9: Maintenance of Equipment
Effective between the dates of 08/15/2011 and 08/14/2016**

Applicable Federal Requirement:6 NYCRR 200.7

Item 9.1:

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 1-6: Recycling and Salvage
Effective between the dates of 12/10/2013 and 08/14/2016**

Applicable Federal Requirement:6 NYCRR 201-1.7

Item 1-6.1:



Where practical, the owner or operator of an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

Condition 10: Recycling and Salvage
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable Federal Requirement:6 NYCRR 201-1.7

Item 10.1:

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 11: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable Federal Requirement:6 NYCRR 201-1.8

Item 11.1:

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 1-7: Exempt Sources - Proof of Eligibility
Effective between the dates of 12/10/2013 and 08/14/2016

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

Item 1-7.1:

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

Condition 12: Exempt Sources - Proof of Eligibility
Effective between the dates of 08/15/2011 and 08/14/2016

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

Item 12.1:

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 1-8: Trivial Sources - Proof of Eligibility



Effective between the dates of 12/10/2013 and 08/14/2016

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

Item 1-8.1:

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

Condition 13: Trivial Sources - Proof of Eligibility

Effective between the dates of 08/15/2011 and 08/14/2016

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

Item 13.1:

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 1-9: Requirement to Provide Information

Effective between the dates of 12/10/2013 and 08/14/2016

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

Item 1-9.1:

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 1-10: Right to Inspect

Effective between the dates of 12/10/2013 and 08/14/2016

Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (8)

Item 1-10.1:

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

- (i) enter upon the permittee's premises where a facility subject to the permitting requirements of



this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 1-11: Off Permit Changes

Effective between the dates of 12/10/2013 and 08/14/2016

Applicable Federal Requirement:6 NYCRR 201-6.4 (f) (6)

Item 1-11.1:

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.4 shall not apply to any change made pursuant to this paragraph.

Condition 18: Required Emissions Tests

Effective between the dates of 08/15/2011 and 08/14/2016

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 18.1:

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

Condition 19: Accidental release provisions.

Effective between the dates of 08/15/2011 and 08/14/2016



sale.

Building(s): ENGBLDG

Condition 1-12: Progress Reports Due Semiannually
Effective between the dates of 12/10/2013 and 08/14/2016

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

Item 1-12.1:

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

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

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

Condition 23: Compliance Certification
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable Federal Requirement:6 NYCRR 201-6.7

Item 23.1:

The Compliance Certification activity will be performed for the Facility.

Item 23.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The WMRE LFGTE Plant (DEC Permit ID: 6-3024-00025/00001) and OHSWMA Regional Landfill (DEC Permit ID: 6-3024-00009/00007) shall be considered a single facility for all air pollution control regulations applicability determinations. This being the case if a modification occurs at the WMRE LFGTE Plant or OHSWMA Regional Landfill both permits will require a modification to address the impact on emissions from the facility as a whole.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 24: Facility Permissible Emissions
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable Federal Requirement:6 NYCRR Subpart 201-7

New York State Department of Environmental Conservation

Permit ID: 6-3024-00025/00001

Facility DEC ID: 6302400025



Item 24.1:

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

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

CAS No: 000630-08-0 (From Mod 1) PTE: 498,000 pounds
per year

Name: CARBON MONOXIDE

Condition 1-13: Capping Monitoring Condition
Effective between the dates of 12/10/2013 and 08/14/2016

Applicable Federal Requirement: 6 NYCRR Subpart 201-7

Replaces Condition(s) 25

Item 1-13.1:

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

6 NYCRR Subpart 231-7

Item 1-13.2:

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

Item 1-13.3:

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 1-13.4:

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 1-13.5:

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 1-13.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):



CAS No: 000630-08-0 CARBON MONOXIDE

Item 1-13.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

Facility (OHSWMA Regional Landfill Permit ID# 6-3024-00009/00007 & WMRE LFGTE Plant Permit ID# 6-3024-00025/00001) emissions of carbon monoxide (CO) shall not exceed 249 tons during any consecutive 12 month period and shall represent the total emissions from the following emission sources: F0001- F0010 & F0025-F0026 (OHSWMA Regional Landfill) and 01ENG-03ENG (WMRE LFGTE Plant). To demonstrate compliance with this limit the facility shall perform the following:

OHSWMA Regional Landfill (Permit ID# 6-3024-00009/00007) shall maintain records of the estimated quantity of landfill gas combusted in up to ten (10) portable passive open flares (emission sources: F0001-F0010) and the metered landfill gas combusted in the active open flares (emission sources: F0025 & F0026) on a monthly basis. At the end of each month OHSWMA Regional Landfill shall calculate the monthly emissions of CO from landfill gas combustion at the OHSWMA Regional Landfill.

The WMRE LFGTE Plant (Permit ID# 6-3024-00025/00001) shall install and maintain a device that continuously measures and provides a monthly total of the actual gross electrical output from each engine (emission sources: 01ENG-03ENG) in kilowatt-hours (kWh). At the end of each month WMRE LFGTE Plant shall calculate the monthly emissions of CO from landfill gas combustion at the WMRE LFGTE Plant.

Flared emissions shall be calculated utilizing the open flare emission factor provided in the permit application (374.4 lb CO/million scf methane) multiplied by the monthly quantity of landfill gas combusted in all flares.

Engine emissions shall be calculated as follows:

Monthly CO emission from engine = [(actual monthly gross electrical output, in kWh) x (1.341 bhp/kW) x (engine CO emission factor from most recent performance test, in g/bhp-hr)] / [453.6 g/lb]



If no data is available for a specific engine the WMRE LFGTE Plant shall use the highest emission factor from the engines on-site. The monthly CO emissions from each engine will be summed to give the total for all engines operating during each month.

The combined engine and flare monthly CO emissions shall be added to the previous 11 months of CO emissions to give a total CO emission rate over the most recent consecutive 12 month period. The CO emissions over any consecutive 12 month period shall not exceed 249 tons.

Records of all monitoring data and support information shall be retained by the respective emission source operator. The OHSWMA Regional Landfill and WMRE LFGTE Plant shall each submit a combined facility CO emission cap certification report semi-annually.

When sufficient new evidence becomes available to substantiate changing any of the emission factors used to calculate the monthly CO emissions the Department will discuss utilizing the new emission factors with the applicant prior to the applicant using the revised emission factors.

Parameter Monitored: CARBON MONOXIDE
Upper Permit Limit: 249 tons per year
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2014.
Subsequent reports are due every 6 calendar month(s).

Condition 26: Capping Monitoring Condition
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 26.1:
Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 231-7

Item 26.2:
Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.



Item 26.3:

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 26.4:

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 26.5:

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 26.6:

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

Emission Unit: 4-GENST	
Process: ENG	Emission Source: 01ENG
Emission Unit: 4-GENST	
Process: ENG	Emission Source: 02ENG
Emission Unit: 4-GENST	
Process: ENG	Emission Source: 03ENG
Regulated Contaminant(s):	
CAS No: 000630-08-0	CARBON MONOXIDE

Item 26.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In order to maintain project emissions of carbon monoxide (CO) below the Prevention of Significant Deterioration (PSD) significant source project threshold each of the three stationary internal combustion engines (emission sources: 01ENG - 03ENG) shown above must operate at a maximum CO emission rate of 3.2 g/bhp-hr.

Compliance with the emission rate of 3.2 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 and allow for collection of the following information during the test:

- Operating rate for each engine during the test period (BHP);
- Total flow rate of the landfill gas to each engine (scfm, dry basis);
- Concentrations (dry basis) of oxygen (O₂), methane (CH₄), in the landfill gas burned in the engines (percent by volume or ppmv);
- High heating value for the landfill gas (BTU/scf);
- Heat input rate to each engine averaged over the test period (BTU/hour);
- Exhaust gas flow rate from each engine (scfm, dry basis);
- Concentrations (dry basis) of CO, CH₄, and O₂ in the exhaust gas from each engine (ppmv or percent by volume);
- CO concentrations corrected to 15% O₂ in the exhaust gas from each engine (ppmv);
- CO emission rates from each engine (g/BHP-hr);

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.

The initial performance test must be completed within 180 days of commencement of operation of each emission source (01ENG - 03ENG). Subsequent performance tests must be performed at least once during the term of the permit. The permittee may submit a request to reduce the number of engines to be tested.

If performance testing demonstrates non-compliance with the CO emission limit, the permittee must shut down the engine(s) that exceed the emission limit, take corrective action, and retest the engine(s) within 60 days of

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restart. In this case subsequent performance testing shall be conducted on the engine(s) in question within 6 months of retest. If at this time engine(s) emissions demonstrate compliance with the CO emission limit the permittee can resume testing per the schedule outlined above.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 3.2 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: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 27: Capping Monitoring Condition
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 27.1:

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

6 NYCRR Subpart 231-5

Item 27.2:

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

Item 27.3:

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 27.4:

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 27.5:

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 27.6:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 4-GENST

Process: ENG

Emission Source: 01ENG

Emission Unit: 4-GENST

Process: ENG

Emission Source: 02ENG

Emission Unit: 4-GENST

Process: ENG

Emission Source: 03ENG

Regulated Contaminant(s):

CAS No: 0NY210-00-0

OXIDES OF NITROGEN

Item 27.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of NO_x from each of the three stationary internal combustion engines (emission sources: 01ENG - 03ENG) shown above must operate at a maximum NO_x emission rate of 1.0 g/bhp-hr.

Compliance with the emission rate of 1.0 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 and allow for collection of the following information during the test:

- Operating rate for each engine during the test period (BHP);
- Total flow rate of the landfill gas to each engine (scfm, dry basis);
- Concentrations (dry basis) of oxygen (O₂), methane (CH₄), in the landfill gas burned in the engines (percent by volume or ppmv);
- High heating value for the landfill gas (BTU/scf);
- Heat input rate to each engine averaged over the test period (BTU/hour);
- Exhaust gas flow rate from each engine (scfm, dry basis);
- Concentrations (dry basis) of NO_x, CH₄, and O₂ in the exhaust gas from each engine (ppmv or percent by



volume);

- NO_x concentrations corrected to 15% O₂ in the exhaust gas from each engine (ppmv);
- NO_x emission rates from each engine (g/BHP-hr);

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_x 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.

An initial performance test must be completed within 180 days of commencement of operation of each emission source (01ENG - 03ENG). Subsequent performance tests must be performed at least once during the term of the permit. The permittee may submit a request to reduce the number of engines to be tested.

If performance testing demonstrates non-compliance with the NO_x emission limit, the permittee must shut down the engine(s) that exceed the emission limit, take corrective action, and retest the engine(s) within 60 days of restart. In this case subsequent performance testing shall be conducted on the engine(s) in question within 6 months of retest. If at this time engine(s) emissions demonstrate compliance with the NO_x emission limit the permittee can resume testing per the schedule outlined above.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 1.0 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: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 28: Capping Monitoring Condition
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 28.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the



Monitoring Description:

WMRE LFGTE Plant shall perform the following periodic monitoring for oxides of nitrogen (NO_x) emissions in the exhaust stacks of the three internal combustion (IC) engines (emission sources 01ENG - 03ENG) listed above:

1. NO_x emissions shall be measured monthly, 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_x 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_x concentration readings will start after the portable analyzer has sampled engine exhaust for at least 1 minute.
4. The second and third NO_x concentration readings will occur at consecutive 1 minute intervals.
5. The three NO_x concentration readings will be recorded and their average calculated.
6. The calculate average will be the NO_x measurement for that month and must not exceed 79 ppmvd (corrected to 15% O₂).

If the concentration limit contained in this condition is exceeded the engine(s) shall be tuned and NO_x monitoring repeated no later than 5 business days after detection.

If after corrective action and taking another round of NO_x measurements the concentration limit in this condition is still being exceeded permittee must conduct a performance test, as soon as practical, to determine if the engine(s) is operating in compliance with the applicable NO_x (g/bhp-hr) limit contained elsewhere in this permit.

If corrective actions are taken as specified, the monitored exceedance is not a violation of the permit operational requirements; however the permittee shall report these episodes as deviations on the annual compliance certification and semi-annual monitoring report that cover the monitoring period when the deviations occurred.

Parameter Monitored: OXIDES OF NITROGEN

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Upper Permit Limit: 79 parts per million by volume (dry,
corrected to 15% O₂)

Reference Test Method: Handheld NO_x 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 1/30/2012.

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

Condition 29: Capping Monitoring Condition
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable Federal Requirement: 6 NYCRR Subpart 201-7

Item 29.1:

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

6 NYCRR Subpart 231-7

Item 29.2:

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

Item 29.3:

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 29.4:

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 29.5:

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 29.6:

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

Emission Unit: 4-GENST

New York State Department of Environmental Conservation

Permit ID: 6-3024-00025/00001

Facility DEC ID: 6302400025



Process: ENG

Emission Source: 01ENG

Emission Unit: 4-GENST

Process: ENG

Emission Source: 02ENG

Emission Unit: 4-GENST

Process: ENG

Emission Source: 03ENG

Regulated Contaminant(s):

CAS No: 000630-08-0

CARBON MONOXIDE

Item 29.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

WMRE LFGTE Plant shall perform the following periodic monitoring for carbon monoxide (CO) emissions in the exhaust stack of the internal combustion (IC) engines listed above:

1. CO emissions shall be measured monthly, 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 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 calculated average will be the CO measurement for that month and must not exceed 413 ppmvd (corrected to 15% O₂).

If the concentration limit contained in this condition is exceeded the engine(s) shall be tuned and CO monitoring repeated no later than 5 business days after detection.

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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 30.5:

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 30.6:

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

Emission Unit: 4-GENST Process: ENG	Emission Source: 01ENG
Emission Unit: 4-GENST Process: ENG	Emission Source: 02ENG
Emission Unit: 4-GENST Process: ENG	Emission Source: 03ENG
Regulated Contaminant(s): CAS No: 000630-08-0	CARBON MONOXIDE

Item 30.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

WMRE LFGTE plant shall operate and maintain a device that continuously measures the flow of landfill gas to the three landfill gas engines (Emission sources: 01ENG - 03ENG). The totalized landfill gas flow to the three engines shall not exceed 927,158,400 standard cubic feet/year (expressed as 50% methane).

The monthly landfill gas flow shall be based on readings taken every 15 minutes, or more frequent, over the course of the month.

Parameter Monitored: LANDFILL GAS

Upper Permit Limit: 927,158,400 cubic feet per year

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 1/30/2012.



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

Condition 1-14: Air pollution prohibited
Effective between the dates of 12/10/2013 and 08/14/2016

Applicable Federal Requirement:6 NYCRR 211.1

Item 1-14.1:

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

Condition 31: Compliance Certification
Effective between the dates of 08/15/2011 and 08/14/2016

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

Item 31.1:

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

Emission Unit: 4-GENST Process: ENG	Emission Source: 01ENG
Emission Unit: 4-GENST Process: ENG	Emission Source: 02ENG
Emission Unit: 4-GENST Process: ENG	Emission Source: 03ENG

Item 31.2:

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) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess



visible emissions problem has been corrected.

If visible emissions above those that are normal 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 1/30/2012.

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

Condition 32: Compliance Certification

Effective between the dates of 08/15/2011 and 08/14/2016

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

Item 32.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 4-GENST

Process: ENG

Emission Source: 01ENG

Emission Unit: 4-GENST

Process: ENG

Emission Source: 02ENG

Emission Unit: 4-GENST

Process: ENG

Emission Source: 03ENG

Item 32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL

DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

Permittee 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 their operation.

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Parameter Monitored: OPACITY
Upper Permit Limit: 20.0 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 33: Subpart A provisions that apply to facilities subject to
Subpart JJJ
Effective between the dates of 08/15/2011 and 08/14/2016
Applicable Federal Requirement:40CFR 60.4246, NSPS Subpart JJJ

Item 33.1:
This Condition applies to:

- Emission Unit: 4GENST
Process: ENG Emission Source: 01ENG
Emission Unit: 4GENST
Process: ENG Emission Source: 02ENG
Emission Unit: 4GENST
Process: ENG Emission Source: 03ENG

Item 33.2:
The following provisions of 40 CFR 60 Subpart A apply to this facility: 60.1 through 60.12,
60.14 through 60.17 and 60.19.

**** Emission Unit Level ****

Condition 34: Emission Point Definition By Emission Unit
Effective between the dates of 08/15/2011 and 08/14/2016
Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 34.1(From Mod 0):
The following emission points are included in this permit for the cited Emission Unit:

- Emission Unit: 4-GENST
Emission Point: ENG01
Height (ft.): 37 Diameter (in.): 15
NYTMN (km.): 4811.67 NYTME (km.): 466.457 Building: ENGBLDG
Emission Point: ENG02
Height (ft.): 37 Diameter (in.): 15
NYTMN (km.): 4811.705 NYTME (km.): 466.446 Building: ENGBLDG

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Emission Point: ENG03
Height (ft.): 37 Diameter (in.): 15
NYTMN (km.): 4811.709 NYTME (km.): 466.437 Building: ENGBLDG

Condition 35: Process Definition By Emission Unit
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 35.1(From Mod 0):

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

Emission Unit: 4-GENST
Process: ENG Source Classification Code: 2-01-008-02
Process Description:

Process ENG will consist of three (3) Caterpillar G3520C landfill gas internal combustion (IC) engine generator sets. Treated landfill gas from the OHSWMA Regional Landfill is combusted at a rate of approximately 588 standard cubic feet per minute (scfm), at 50% methane, per engine for a total combined landfill gas utilization rate of approximately 1,764 scfm, at 50% methane, for the three Caterpillar G3520C IC engines.

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 36: Control of collected landfill gas by gas treatment system option.

Effective between the dates of 08/15/2011 and 08/14/2016

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

Subpart WWW

Item 36.1:

This Condition applies to Emission Unit: 4-GENST
Process: ENG

Item 36.2:

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



Emission Unit: 4-GENST
Process: ENG Emission Source: 01ENG

Emission Unit: 4-GENST
Process: ENG Emission Source: 02ENG

Emission Unit: 4-GENST
Process: ENG Emission Source: 03ENG

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

Item 39.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

If you are an owner or operator of a stationary SI internal combustion engine that is manufactured after July 1, 2008, and must comply with the emission standards specified in §60.4233(a) through (c), you must comply by purchasing an engine certified to the emission standards in §60.4231(a) through (c), as applicable, for the same engine class and maximum engine power. You must also meet the requirements as specified in 40 CFR part 1068, subparts A through D, as they apply to you. If you adjust engine settings according to and consistent with the manufacturer's instructions, your stationary SI internal combustion engine will not be considered out of compliance. In addition, you must meet one of the requirements specified below:

If you operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, you must keep records of conducted maintenance to demonstrate compliance, but no performance testing is required if you are an owner or operator.

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 1/30/2012.

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

Condition 38: Compliance Certification
Effective between the dates of 08/15/2011 and 08/14/2016

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

Item 38.1:

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

Emission Unit: 4-GENST
Process: ENG

Emission Source: 01ENG

Emission Unit: 4-GENST
Process: ENG

Emission Source: 02ENG

Emission Unit: 4-GENST
Process: ENG

Emission Source: 03ENG

Item 38.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners or operators of stationary SI ICE must meet the following notification, reporting and recordkeeping requirements.

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2012.

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



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 40: Contaminant List
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable State Requirement:ECL 19-0301

Item 40.1:

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 1-15: Malfunctions and start-up/shutdown activities
Effective between the dates of 12/10/2013 and 08/14/2016

Applicable State Requirement:6 NYCRR 201-1.4

Item 1-15.1:

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

(b) The facility owner or operator shall compile and maintain records of all equipment malfunctions, 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 department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous stack monitoring and quarterly reporting requirements need not submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.

(c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates.

(d) The department may also require the owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.

(e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

Condition 41: Unavoidable noncompliance and violations
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable State Requirement:6 NYCRR 201-1.4

Item 41.1:

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 42: Visible Emissions Limited
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable State Requirement:6 NYCRR 211.2



Item 42.1:

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

Condition 43: Idling of Diesel Trucks Limited
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable State Requirement:6 NYCRR 217-3.2

Item 43.1:

No person who owns, operates or leases a bus or truck, the motive power for which is provided by a diesel engine or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a bus or truck present on such land, the motive power for which said bus or truck is provided by a diesel engine, shall allow or permit the diesel engine of such bus or truck to idle for more than five consecutive minutes when the bus or truck is not in motion, except as otherwise permitted by 6 NYCRR Subpart 217-3.3.

Condition 44: Exceptions
Effective between the dates of 08/15/2011 and 08/14/2016

Applicable State Requirement:6 NYCRR 217-3.3

Item 44.1:

The prohibitions of section 217-3.2 shall not apply when:

- (a) A bus or truck is forced to remain motionless because of the traffic conditions over which the operator thereof has no control.
- (b) Regulations adopted by Federal, State or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified in section 217-3.2 may be increased, but only to the extent necessary to comply with such regulations.
- (c) A diesel engine is being used to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming; or when operation of the engine is required for the purpose of maintenance.
- (d) Fire, police and public utility trucks or other vehicles are performing emergency services.
- (e) Trucks owned or operated by persons engaged in mining and quarrying are used within the confines of such person's property.
- (f) A truck is to remain motionless for a period exceeding two hours, and during which period the ambient temperature is continuously below 25oF.
- (g) A heavy duty diesel vehicle, as defined in subdivision 217-5.1(o), that is queued for or is undergoing a state authorized periodic or roadside diesel emissions inspection pursuant to Subpart 217-5.
- (h) A hybrid electric vehicle, as defined in subdivision 217-5.1(r), idling for the purpose of



providing



energy for battery or other form of energy storage recharging.