



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 7-0501-00134/00001
Effective Date: 08/05/2009 Expiration Date: 08/04/2014

Permit Issued To: CH-AUBURN ENERGY LLC
284 SOUTH AVE
POUGHKEEPSIE, NY 12601

Contact: MICHAEL F VOLTZ
CH-AUBURN ENERGY LLC
284 SOUTH AVE
POUGHKEEPSIE, NY 12601
(845) 486-5317

Facility: AUBURN LANDFILL GAS ELECTRIC GENERATORS FACILITY
35 BRADLEY ST
AUBURN, NY 13021

Description:

The facility consists of the construction and operation of a bio-energy facility. Specifically, the facility will be a 3MW renewable energy project to be constructed at the location of the Auburn Water Pollution Control Plant (WPCP) in the City of Auburn, New York and will be owned and operated by CH Auburn Energy, LLC.

Upon completion, the facility will combust primarily the landfill bio-gas from the City of Auburn Landfill. Bio-gas from the landfill will be combusted to produce 3MW of renewable electricity and heat for use by the City of Auburn and businesses in the Auburn Technology Park.

The emission sources at the facility include three generators (Jenbacher Model J320-GS-BL systems).

In the event that the generators are not operated, such as during periods of maintenance activities, a valve in the landfill pipeline will be closed and the landfill gases will be flared at the landfill, which is currently permitted under the City of Auburn Landfill air permit (Permit ID: 7-0501-00042/00004).



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: JOANNE L MARCH
 DIVISION OF ENVIRONMENTAL PERMITS
 615 ERIE BLVD WEST
 SYRACUSE, NY 13204-2400

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 7 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: 6NYCRR 621.11

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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



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

Condition 5: Permit modifications, suspensions or revocations by the Department
Applicable State Requirement: 6NYCRR 621.13

Item 5.1:

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 6: Submission of application for permit modification or renewal-REGION 7 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.6(a)

Item 6.1:

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

NYSDEC Regional Permit Administrator
Region 7 Headquarters
Division of Environmental Permits
615 Erie Blvd West
Syracuse, NY 13204-2400
(315) 426-7400

New York State Department of Environmental Conservation

Permit ID: 7-0501-00134/00001

Facility DEC ID: 7050100134



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: CH-AUBURN ENERGY LLC
284 SOUTH AVE
POUGHKEEPSIE, NY 12601

Facility: AUBURN LANDFILL GAS ELECTRIC GENERATORS FACILITY
35 BRADLEY ST
AUBURN, NY 13021

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

Permit Effective Date: 08/05/2009

Permit Expiration Date: 08/04/2014



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 200.6: Acceptable Ambient Air Quality
 - 2 6NYCRR 201-6.5(a)(7): Fees
 - 3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
 - 4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
 - 5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
 - 6 6NYCRR 201-6.5(e): Compliance Certification
 - 7 6NYCRR 202-2.1: Compliance Certification
 - 8 6NYCRR 202-2.5: Recordkeeping requirements
 - 9 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
 - 10 6NYCRR 200.7: Maintenance of Equipment
 - 11 6NYCRR 201-1.7: Recycling and Salvage
 - 12 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
 - 13 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
 - 14 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
 - 15 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
 - 16 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
 - 17 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
 - 18 6NYCRR 201-6.5(f)(6): Off Permit Changes
 - 19 6NYCRR 202-1.1: Required Emissions Tests
 - 20 6NYCRR 211.3: Visible Emissions Limited
 - 21 40CFR 68: Accidental release provisions.
 - 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
 - 23 6NYCRR 201-6: Emission Unit Definition
 - 24 6NYCRR 201-7: Facility Permissible Emissions
 - *25 6NYCRR 201-7: Capping Monitoring Condition
 - 26 6NYCRR 202-1: Compliance Certification
 - 27 6NYCRR 202-1: Compliance Certification
 - 28 6NYCRR 227-1.3(a): Compliance Certification
 - 29 6NYCRR 227-1.3(a): Compliance Certification
 - 30 40CFR 60.7, NSPS Subpart A: Compliance Certification
 - 31 40CFR 60.8, NSPS Subpart A: Compliance Certification
 - 32 40CFR 60, NSPS Subpart JJJJ: Compliance Certification
 - 33 40CFR 60, NSPS Subpart JJJJ: Compliance Certification
 - 34 40CFR 60, NSPS Subpart JJJJ: Compliance Certification
 - 35 40CFR 60, NSPS Subpart JJJJ: Compliance Certification
 - 36 40CFR 60, NSPS Subpart JJJJ: Compliance Certification
 - 37 40CFR 60, NSPS Subpart JJJJ: Compliance Certification
 - 38 40CFR 63, Subpart ZZZZ: Compliance Certification
- #### Emission Unit Level
- 39 6NYCRR 201-6: Emission Point Definition By Emission Unit
 - 40 6NYCRR 201-6: Process Definition By Emission Unit

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 41 ECL 19-0301: Contaminant List



- 42 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 43 6NYCRR 211.2: Air pollution prohibited

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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



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

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

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

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

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

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

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



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

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

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

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

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

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

Item L: Permit Exclusion - ECL 19-0305

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



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

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

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

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

Condition 1: Acceptable Ambient Air Quality
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:6NYCRR 200.6

Item 1.1:

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

Condition 2: Fees
Effective between the dates of 08/05/2009 and 08/04/2014

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

Item 2.1:

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

Condition 3: Recordkeeping and reporting of compliance monitoring
Effective between the dates of 08/05/2009 and 08/04/2014

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

Item 3.1:

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

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



(ii) The date(s) analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;

(v) The results of such analyses including quality assurance data where required; and

(vi) The operating conditions as existing at the time of sampling or measurement.

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

Condition 4: Monitoring, Related Recordkeeping, and Reporting Requirements.

Effective between the dates of 08/05/2009 and 08/04/2014

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

Item 4.1:

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

Condition 5: Compliance Certification

Effective between the dates of 08/05/2009 and 08/04/2014

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

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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



official for this facility.

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

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

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

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

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

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



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

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

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

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2010.

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

Condition 6: Compliance Certification
Effective between the dates of 08/05/2009 and 08/04/2014

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

Item 6.1:

The Compliance Certification activity will be performed for the Facility.



Item 6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

- i. Compliance certifications shall contain:
 - the identification of each term or condition of the permit that is the basis of the certification;
 - the compliance status;
 - whether compliance was continuous or intermittent;
 - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
 - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions;and
 - such additional requirements as may be specified elsewhere in this permit related to compliance certification.
- ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.
- iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. 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:

615 Erie Boulevard, West
Syracuse, NY 13204-2400

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 1/30/2010.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:6NYCRR 202-2.1

Item 7.1:

The Compliance Certification activity will be performed for the Facility.

Item 7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year. Statements are to be mailed to: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Air Quality Planning, 625 Broadway, Albany NY 12233-3251

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

Condition 8: Recordkeeping requirements
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:6NYCRR 202-2.5

Item 8.1:



(a) The following records shall be maintained for at least five years:

- (1) a copy of each emission statement submitted to the department; and
- (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

**Condition 9: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 08/05/2009 and 08/04/2014**

Applicable Federal Requirement:6NYCRR 215

Item 9.1:

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

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

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

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

**Condition 10: Maintenance of Equipment
Effective between the dates of 08/05/2009 and 08/04/2014**

Applicable Federal Requirement:6NYCRR 200.7

Item 10.1:

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

**Condition 11: Recycling and Salvage
Effective between the dates of 08/05/2009 and 08/04/2014**

Applicable Federal Requirement:6NYCRR 201-1.7

Item 11.1:

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 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:6NYCRR 201-1.8

Item 12.1:

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

Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 08/05/2009 and 08/04/2014

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

Item 13.1:

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 14: Trivial Sources - Proof of Eligibility
Effective between the dates of 08/05/2009 and 08/04/2014

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

Item 14.1:

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 15: Standard Requirement - Provide Information
Effective between the dates of 08/05/2009 and 08/04/2014

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

Item 15.1:

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 16: General Condition - Right to Inspect
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:6NYCRR 201-6.5(a)(8)

Item 16.1:

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 17: Standard Requirements - Progress Reports
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:6NYCRR 201-6.5(d)(5)

Item 17.1:

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 18: Off Permit Changes
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:6NYCRR 201-6.5(f)(6)

Item 18.1:

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 201-6.6 shall not apply to any change made pursuant to this paragraph.

Condition 19: Required Emissions Tests
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:6NYCRR 202-1.1

Item 19.1:

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. Such person shall bear the cost of measurement and preparing the report of measured emissions. Failure of such person to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny a certificate to operate.

Condition 20: Visible Emissions Limited
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:6NYCRR 211.3

Item 20.1:

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 21: Accidental release provisions.
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:40CFR 68

Item 21.1:

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

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
 - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided



in 40 CFR §68.10(a) or,

2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

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

Condition 22: Recycling and Emissions Reduction
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:40CFR 82, Subpart F

Item 22.1:

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

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

Condition 23: Emission Unit Definition
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:6NYCRR 201-6

Item 23.1:

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

Emission Unit: 1-COMBU

Emission Unit Description:

This emission unit consists of three identical 1 MW electrical generators (GE Model JMS 320-GS-BL), which operate primarily on bio-gases generated from the adjacent City of Auburn Landfill. The facility will also operate the generators on natural gas as a supplement to the bio-gas or by itself, if needed.

In the event that the generators are not operated, such as during periods of maintenance activities, a valve in the landfill pipeline will be closed and the landfill gases will be flared at the landfill, which is currently permitted under the City of Auburn Landfill air permit (Permit ID: 7-0501-00042/00004). It is estimated that a worst-case annual hours of operation by this operating scenario is 400 hours per year.

Building(s): Main
Outside



Condition 24: Facility Permissible Emissions
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:6NYCRR 201-7

Item 24.1:

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

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

CAS No: 0NY210-00-0

PTE: 198,000 pounds per year

Name: OXIDES OF NITROGEN

Condition 25: Capping Monitoring Condition
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:6NYCRR 201-7

Item 25.1:

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

6NYCRR 227-2

6NYCRR 231-2

Item 25.2:

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

Item 25.3:

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 25.4:

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 25.5:

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 25.6:



The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 25.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

In order to maintain facility emissions of NO_x below the Non-attainment New Source Review (NSR) and the Reasonable Available Control Technology (RACT) major source threshold, total emissions of oxides of nitrogen (NO_x) shall not exceed 99 tons per year (tpy) in any consecutive 12 month period (annual maximum rolled monthly). Demonstration of compliance with this limit shall be achieved by calculating, on a monthly basis, actual emissions of NO_x.

Verification of monthly and annual NO_x emissions shall be determined using compliance demonstration methods acceptable to the Department including, but not limited to, total landfill gas flow rate, landfill gas flow rate to the combustion device, landfill gas heating value, manufacturer specifications, the most recent USEPA and NYSDEC approved emission factors, and/or the most recent stack test results and landfill gas sampling results.

A summary of emissions shall be included in the facility's semi-annual monitoring report and annual certification report.

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 1/30/2010.

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

Condition 26: Compliance Certification

Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:6NYCRR 202-1

Item 26.1:

The Compliance Certification activity will be performed for the Facility.

Item 26.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES



Monitoring Description:

The owner and operator shall sample and analyze the landfill gas for heating value, concentration of methane, non-methane organic compounds (NMOC) and total sulfur.

Landfill gas sampling and analysis shall be conducted during the initial emission compliance test, and annually thereafter. Sampling and analysis shall be conducted using methods and procedures acceptable to the Department. Sampling shall be conducted after the landfill gas treatment system.

The most recent sampling results shall be included in the facility's annual capping certification report.

Monitoring Frequency: ANNUALLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2010.

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

Condition 27: Compliance Certification
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement: 6NYCRR 202-1

Item 27.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-COMBU

Regulated Contaminant(s):

CAS No: 000630-08-0	CARBON MONOXIDE
CAS No: 0NY998-00-0	VOC
CAS No: 0NY210-00-0	OXIDES OF NITROGEN

Item 27.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner and operator shall have initial stack tests performed, in accordance with a NYSDEC approved stack test protocol, to determine the emissions of carbon monoxide, oxides of nitrogen and volatile organic compounds (VOCs) from the engines/generators.

The owner and operator shall submit a test report of measured emissions within 180 days from commencement of operation of the engines/generators. Commencement of operation shall be defined as the first firing of the



engines.

The owner and operator shall submit as stack test protocol for NYSDEC approval not later than 60 days prior to the date of emission testing.

Additional testing shall be performed in accordance with the time frames specified in one of the permit conditions for 40 CFR 60, subpart JJJJ, contained elsewhere in this permit.

Note: The upper limit (99 tons per year) noted below is for facility emissions of oxides of nitrogen. The facility's potential to emit carbon monoxide and volatile organic compounds are expected to be less than the corresponding applicability thresholds specified in the Prevention of Significant Deterioration (PSD) and Reasonable Available Control Technology (RACT) regulations, which will be demonstrated during the initial stack tests.

Upper Permit Limit: 99 tons per year

Reference Test Method: 40CFR60, Appendix A

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: Compliance Certification

Effective between the dates of 08/05/2009 and 08/04/2014

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

Item 28.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-COMBU

Process: 001

Emission Unit: 1-COMBU

Process: 002

Emission Unit: 1-COMBU

Process: 003

Item 28.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The permittee will conduct observations of visible



emissions from the emission unit and process to which this condition applies at the monitoring frequency stated below while the process is 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 a process source.

If visible emissions above those that are normal (this may be zero percent opacity) and in compliance with section 227-1.3(a) 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 and in compliance continue to be present after corrections are made, the permittee shall notify The Department as soon as practical, but in no event later than two business days after conducting the observation.

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

Monitoring Frequency: WEEKLY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2010.
Subsequent reports are due every 6 calendar month(s).

Condition 29: Compliance Certification
Effective between the dates of 08/05/2009 and 08/04/2014

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

Item 29.1:

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

Emission Unit: 1-COMBU
Process: 001

Emission Unit: 1-COMBU
Process: 002

Emission Unit: 1-COMBU
Process: 003

Item 29.2:



Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one six-minute period per hour of not more than 27 percent opacity.

The Department has the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: USEPA Reference Method 9

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 30: Compliance Certification
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement: 40CFR 60.7, NSPS Subpart A

Item 30.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-COMBU
Process: 001

Emission Unit: 1-COMBU
Process: 002

Emission Unit: 1-COMBU
Process: 003

Item 30.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

§ 60.7 Notification and record keeping.

The owner and/or operator shall comply with the notification and recordkeeping requirements as specified by § 60.4245 located elsewhere in this permit.



Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 31: Compliance Certification
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:40CFR 60.8, NSPS Subpart A

Item 31.1:

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

Emission Unit: 1-COMBU
Process: 001

Emission Unit: 1-COMBU
Process: 002

Emission Unit: 1-COMBU
Process: 003

Item 31.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

§ 60.8 Performance tests

Owners and/or operators subject to the performance testing in subpart JJJ, as specified in §60.4244 shall comply with the applicable provisions of §60.8 and §60.4244.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 32: Compliance Certification
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:40CFR 60, NSPS Subpart JJJJ

Item 32.1:

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

Emission Unit: 1-COMBU
Process: 001

Emission Unit: 1-COMBU
Process: 002

Emission Unit: 1-COMBU



Process: 003

Item 32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

§ 60.4230 Applicability

The following are applicable provisions to this emission unit (affected facility):

60.4230(a) The provisions of this subpart are applicable to manufacturers, owners, and operators of stationary spark ignition (SI) internal combustion engines (ICE) as specified in paragraphs (a)(1) through (5) of this section. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

60.4230(a)(4) Owners and operators of stationary SI ICE that commence construction after June 12, 2006 where the stationary SI ICE are manufactured:

(i) On or after July 1, 2007, for engines with a maximum engine power greater than or equal to 500 HP (except for lean burn engines with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP).

60.4230(c) If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart as applicable.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 33: Compliance Certification

Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement: 40CFR 60, NSPS Subpart JJJJ

Item 33.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-COMBU



Process: 001

Emission Unit: 1-COMBU

Process: 002

Emission Unit: 1-COMBU

Process: 003

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

CAS No: 0NY998-00-0 VOC

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

Item 33.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

§ 60.4244 Testing Requirements for Owners and Operators

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

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

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

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

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

$$ER = (Cd \times 1.912 \times 10^{-3} \times Q \times T) / Hp - hr$$

(Eq.1)



Where:

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

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

1.912×10^{-3} = Conversion constant for ppm NOX to grams per standard cubic meter at 20 degrees Celsius.

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

T = Time of test run, in hours.

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

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

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

Where:

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

Cd= Measured CO concentration in ppmv.

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

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

T = Time of test run, in hours.

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

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

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

Where:

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

Cd= VOC concentration measured as propane in ppmv.

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

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

T = Time of test run, in hours.

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

(g) If the owner/operator chooses to measure VOC emissions



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

$$RF_i = C_{mi}/C_{ai} \quad (\text{Eq.4})$$

Where:

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

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

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

$$C_{icorr} = RF_i \times C_{imeas} \quad (\text{Eq.5})$$

Where:

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

C_{imeas}= Concentration of compound i measured by EPA Method 320, ppmv as carbon.

$$C_{peq} = 0.6098 \times C_{icorr} \quad (\text{Eq.6})$$

Where:

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 34: Compliance Certification
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:40CFR 60, NSPS Subpart JJJJ

Item 34.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-COMBU Emission Point: 00001

Emission Unit: 1-COMBU Emission Point: 00002

Emission Unit: 1-COMBU Emission Point: 00003



Item 34.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

§ 60.4246 General Provisions

Table 3 to Subpart JJJJ of Part 60; Applicability of
General Provisions to Subpart JJJJ

The following sections of 40 CFR 60 subpart A apply to
this emission unit (affected facility). The owner and
operator shall comply with the applicable provisions of
these requirements.

§60.1 General applicability of the General
Provisions

§60.2 Definitions - Note additional terms defined in
§60.4248.

§60.3 Units and abbreviations

§60.4 Address

§60.5 Determination of construction or
modification

§60.6 Review of plans

§60.7 Notification and Recordkeeping: Except that
§60.7

only applies as specified in

§60.4245.

§60.8 Performance tests: Except that §60.8 only applies
to owners

and operators who are subject to performance
testing in

subpart JJJJ.

§60.9 Availability of information

§60.10 State Authority

§60.11 Compliance with standards and maintenance
requirements:

Requirements are specified in subpart

JJJJ.

§60.12 Circumvention

§60.14 Modification

§60.15 Reconstruction

§60.16 Priority list

§60.17 Incorporations by reference

§60.19 General notification and reporting requirements

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 35: Compliance Certification

Effective between the dates of 08/05/2009 and 08/04/2014



Applicable Federal Requirement: 40CFR 60, NSPS Subpart JJJJ

Item 35.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-COMBU
Process: 001

Emission Unit: 1-COMBU
Process: 002

Emission Unit: 1-COMBU
Process: 003

Item 35.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

§ 60.4245 Notification, Reports, and Records for Owners and Operators

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

(a) Owners and operators of all stationary SI ICE must keep records of the information in paragraphs (a)(1) through (4) of this section.

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

(2) Maintenance conducted on the engine.

(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 and 1048.

(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.

(b) For all stationary SI emergency ICE greater than or equal to 500 HP manufactured on or after July 1, 2010, that do not meet the standards applicable to non-emergency engines, the owner or operator of must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. For all stationary SI emergency ICE greater than or equal to 130 HP and less



than 500 HP manufactured on or after July 1, 2011 that do not meet the standards applicable to non-emergency engines, the owner or operator of must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. For all stationary SI emergency ICE greater than 25 HP and less than 130 HP manufactured on or after July 1, 2008, that do not meet the standards applicable to non-emergency engines, the owner or operator of must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation.

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

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 36: Compliance Certification
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:40CFR 60, NSPS Subpart JJJJ

Item 36.1:

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

Emission Unit: 1-COMBU
Process: 001



Emission Unit: 1-COMBU

Process: 002

Emission Unit: 1-COMBU

Process: 003

Item 36.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

§ 60.4243 Compliance Requirements for Owners and Operators

§ 60.4243(b) If you are an owner or operator of a stationary SI internal combustion engine and must comply with the emission standards specified in §60.4233(d) or (e), you must demonstrate compliance according to one of the methods specified in paragraphs (b)(1) and (2) of this section.

(1) Purchasing an engine certified according to procedures specified in this subpart, for the same model year and demonstrating compliance according to one of the methods specified in paragraph (a) of this section.

(2) Purchasing a non-certified engine and demonstrating compliance with the emission standards specified in §60.4233(d) or (e) and according to the requirements specified in §60.4244, as applicable, and according to paragraphs (b)(2)(i) and (ii) of this section.

(i) If you are an owner or operator of a stationary SI internal combustion engine greater than 25 HP and less than or equal to 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance.

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



§ 60.4243(a)(1) & (2) Compliance requirements for owners or operators purchasing a certified stationary SI internal combustion engine pursuant to § 60.4243(b)(1).

(a)(1) 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.

(a)(2) If you do not operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, your engine will be considered a non-certified engine, and you must demonstrate compliance according to (a)(2)(i) through (iii) of this section, as appropriate.

(i) If you are an owner or operator of a stationary SI internal combustion engine less than 100 HP, you must keep a maintenance plan and records of conducted maintenance to demonstrate compliance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions, but no performance testing is required if you are an owner or operator.

(ii) If you are an owner or operator of a stationary SI internal combustion engine greater than or equal to 100 HP and less than or equal to 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test within 1 year of engine startup to demonstrate compliance.

(iii) If you are an owner or operator of a stationary SI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test within 1 year of engine startup and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION



Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 37: Compliance Certification
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement: 40CFR 60, NSPS Subpart JJJJ

Item 37.1:

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

Emission Unit: 1-COMBU
Process: 001

Emission Unit: 1-COMBU
Process: 002

Emission Unit: 1-COMBU
Process: 003

Regulated Contaminant(s):

CAS No: 000630-08-0	CARBON MONOXIDE
CAS No: 0NY998-00-0	VOC
CAS No: 0NY210-00-0	OXIDES OF NITROGEN

Item 37.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

§ 60.4233 Emission Standards for Owners and Operators

§ 60.4233(e) Owners and operators of stationary SI ICE with a maximum engine power greater than or equal to 75 KW (100 HP) (except gasoline and rich burn engines that use LPG) must comply with the emission standards in Table 1 to this subpart for their stationary SI ICE. For owners and operators of stationary SI ICE with a maximum engine power greater than or equal to 100 HP (except gasoline and rich burn engines that use LPG) manufactured prior to January 1, 2011 that were certified to the certification emission standards in 40 CFR part 1048 applicable to engines that are not severe duty engines, if such stationary SI ICE was certified to a carbon monoxide (CO) standard above the standard in Table 1 to this subpart, then the owners and operators may meet the CO certification (not field testing) standard for which the engine was certified.

Pursuant to Table 1 to Subpart JJJJ of Part 60, NO_x, CO, and VOC Emission Standards for Stationary Non-Emergency SI Engines = or >100 HP (Except Gasoline and Rich Burn LPG),



Stationary SI Landfill/Digester Gas Engines, and Stationary Emergency Engines >25 HP, the following emission standards apply as follows:

For engines with horsepower greater than or equal to 500 burning landfill/digester gas with a manufacture date of 7/1/2007 or later:

NO_x = 3.0 g/HP-hr or 220 ppmv @
15% O₂
CO = 5.0 g/HP-hr or 610 ppmv @
15% O₂
VOC = 1.0 g/HP-hr or 80 ppmv @
15% O₂

For non-emergency engines with horsepower greater than or equal to 500 burning natural gas with a manufacture date of 7/1/2007 or later:

NO_x = 2.0 g/HP-hr or 160 ppmv @ 15%
O₂
CO = 4.0 g/HP-hr or 540 ppmv @
15% O₂
VOC = 1.0 g/HP-hr or 86 ppmv @ 15%
O₂

Note: Owners or operators of stationary non-certified SI engines may chose to comply with the emission standards in units of either g/HP-hr or ppmv at 15 percent O₂. for purposes of this subpart, when calculating emissions of volatile organic compounds, emissions of formaldehyde should not be included.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 38: Compliance Certification
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement:40CFR 63, Subpart ZZZZ

Item 38.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 0NY100-00-0 HAP

Item 38.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:



40 CFR 63 Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE):

1. 40 CFR 63.6590(a)(2)(iii) - Pursuant to this section a stationary RICE located at an area source of HAP emissions is new if you commenced construction of the stationary RICE on or after June 12, 2006.

2. Pursuant to 40 CFR 63.6595(a)(7), if you start up a new stationary RICE located at an area source of HAP emissions after January 18, 2008, you must comply with the applicable emission limitations and operating limitations in this subpart upon startup of the affected source.

3. 40 CFR 63.6590(c) - Stationary RICE subject to Regulations under 40 CFR Part 60: An affected source that is a new or reconstructed stationary RICE located at an area source must meet the requirements of this part by meeting the requirements of 40 CFR 60 subpart IIII, for compression ignition engines or 40 CFR 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.

Note: This emission unit (affected source) is subject to the requirements of 40 CFR 60 subpart JJJJ, as detailed elsewhere in this permit.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

**Condition 39: Emission Point Definition By Emission Unit
Effective between the dates of 08/05/2009 and 08/04/2014**

Applicable Federal Requirement:6NYCRR 201-6

Item 39.1:

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

Emission Unit: 1-COMBU

Emission Point: 00001

Height (ft.): 30

Diameter (in.): 12

Building: Main

Emission Point: 00002

Height (ft.): 30

Diameter (in.): 12

Building: Main



Emission Point: 00003
Height (ft.): 30

Diameter (in.): 12

Building: Main

Condition 40: Process Definition By Emission Unit
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable Federal Requirement: 6NYCRR 201-6

Item 40.1:

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

Emission Unit: 1-COMBU

Process: 001

Source Classification Code: 2-01-008-02

Process Description:

This process consists of three identical 1 MW electrical generators (GE Model JMS 320 GS-BL), which operate on bio-gases generated from the adjacent City of Auburn Landfill.

Emission Source/Control: GEN01 - Combustion

Design Capacity: 1.06 megawatt

Emission Source/Control: GEN02 - Combustion

Design Capacity: 1.06 megawatt

Emission Source/Control: GEN03 - Combustion

Design Capacity: 1.06 megawatt

Item 40.2:

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

Emission Unit: 1-COMBU

Process: 002

Source Classification Code: 2-01-008-02

Process Description:

The generators operate utilizing bio-gas generated from the City of Auburn Landfill and natural gas as a supplement to the biogas supply.

Emission Source/Control: GEN01 - Combustion

Design Capacity: 1.06 megawatt

Emission Source/Control: GEN02 - Combustion

Design Capacity: 1.06 megawatt

Emission Source/Control: GEN03 - Combustion

Design Capacity: 1.06 megawatt

Item 40.3:

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

Emission Unit: 1-COMBU



Process: 003

Source Classification Code: 2-01-002-02

Process Description:

The generators operate on natural gas exclusively as a fuel source.

Emission Source/Control: GEN01 - Combustion

Design Capacity: 1.06 megawatt

Emission Source/Control: GEN02 - Combustion

Design Capacity: 1.06 megawatt

Emission Source/Control: GEN03 - Combustion

Design Capacity: 1.06 megawatt



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 41: Contaminant List
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable State Requirement:ECL 19-0301

Item 41.1:

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: 0NY100-00-0



Name: HAP

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0

Name: VOC

**Condition 42: Unavoidable noncompliance and violations
Effective between the dates of 08/05/2009 and 08/04/2014**

Applicable State Requirement:6NYCRR 201-1.4

Item 42.1:

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 43: Air pollution prohibited
Effective between the dates of 08/05/2009 and 08/04/2014

Applicable State Requirement:6NYCRR 211.2

Item 43.1:

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.

New York State Department of Environmental Conservation

Permit ID: 7-0501-00134/00001

Facility DEC ID: 7050100134

