



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 8-0728-00004/00017  
Effective Date: 12/03/2010 Expiration Date: 12/02/2015

Permit Issued To: CHEMUNG COUNTY  
PO BOX 588  
ELMIRA, NY 14902-0588

Contact: MICHAEL KRUSEN  
203 LAKE STREET  
ELMIRA, NY 14902  
(607) 737-2031

Facility: CHEMUNG COUNTY LANDFILL  
1488 CO RTE 60  
ELMIRA, NY 14901

Contact: CARLA CANJAR  
CHEMUNG CO LANDFILL  
1488 CO RTE 60  
ELMIRA, NY 14902  
(585) 797-5941

Description:

Renewal of Title V Facility permit originally issued January 27, 2000 and renewed on August 1, 2005. This renewed Title V Facility includes the installation of a 793 cfm open flare. There are no other changes in operation from the previously renewed permit.

Emission points at the Landfill now include 8 candlestick flares, the 793 cfm open flare and fugitive emissions from the Landfill and the leachate collection pond.

The facility remains subject to Title V permitting requirements due to the applicability of 6 NYCRR Part 208.3(b).

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 8072800004**



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:           KIMBERLY A MERCHANT  
  6274 EAST AVON-LIMA RD  
  AVON, NY 14414-9519

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



**Notification of Other State Permittee Obligations**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

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

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

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

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

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

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



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
- Applications for permit renewals, modifications and transfers
- Permit modifications, suspensions or revocations by the Department

**Facility Level**

- Submission of application for permit modification or renewal-REGION 8 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 to the Department for review and approval.



**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 8 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 8 Headquarters  
Division of Environmental Permits  
6274 Avon-Lima Road  
Avon, NY 14414-9519  
(585) 226-2466

**New York State Department of Environmental Conservation**

Permit ID: 8-0728-00004/00017

Facility DEC ID: 8072800004



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To:CHEMUNG COUNTY  
PO BOX 588  
ELMIRA, NY 14902-0588

Facility: CHEMUNG COUNTY LANDFILL  
1488 CO RTE 60  
ELMIRA, NY 14901

Authorized Activity By Standard Industrial Classification Code:  
9511 - AIR, WATER & SOLID WASTE MANAGEMENT

Permit Effective Date: 12/03/2010

Permit Expiration Date: 12/02/2015



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6 NYCRR 201-6.5 (a) (7): Fees
- 3 6 NYCRR 201-6.5 (c): Recordkeeping and reporting of compliance monitoring
- 4 6 NYCRR 201-6.5 (c) (2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6 NYCRR 201-6.5 (c) (3) (ii): Compliance Certification
- 6 6 NYCRR 201-6.5 (e): Compliance Certification
- 7 6 NYCRR 202-2.1: Compliance Certification
- 8 6 NYCRR 202-2.5: Recordkeeping requirements
- 9 6 NYCRR 215.2: Open Fires - Prohibitions
- 10 6 NYCRR 200.7: Maintenance of Equipment
- 11 6 NYCRR 201-1.7: Recycling and Salvage
- 12 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 14 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 15 6 NYCRR 201-6.5 (a) (4): Standard Requirement - Provide Information
- 16 6 NYCRR 201-6.5 (a) (8): General Condition - Right to Inspect
- 17 6 NYCRR 201-6.5 (d) (5): Standard Requirements - Progress Reports
- 18 6 NYCRR 201-6.5 (f) (6): Off Permit Changes
- 19 6 NYCRR 202-1.1: Required Emissions Tests
- 20 6 NYCRR 211.3: Visible Emissions Limited
- 21 40 CFR Part 68: Accidental release provisions.
- 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6 NYCRR Subpart 201-6: Emission Unit Definition
- 24 6 NYCRR 201-6.5 (f): Compliance Certification
- 25 6 NYCRR 201-6.5 (g): Non Applicable requirements
- 26 6 NYCRR 208.3 (b): Design Capacity Report
- 27 6 NYCRR 208.3 (b) (1): NMOC Emission Rate Annual Report
- 28 6 NYCRR 208.3 (b) (1) (ii) ('a'): Actions taken after NMOC re-calculation
- 29 6 NYCRR 208.3 (b) (2) (i): Submittal of Design Plans for a Collection and Control System
- 30 6 NYCRR 208.5 (a) (1) (i): NMOC Calculation - Waste Deposition KNOWN
- 31 6 NYCRR 208.5 (a) (1) (ii): NMOC Calculation - Waste Deposition NOT known
- 32 6 NYCRR 208.5 (a) (3): Tier 2 Testing
- 33 6 NYCRR 208.8 (a): Reporting Requirements - Initial Design Capacity Report
- 34 6 NYCRR 208.8 (b): Reporting Requirements - NMOC Emission Rate Report
- 35 6 NYCRR 208.9 (a): Compliance Certification
- 36 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 37 40CFR 60.9, NSPS Subpart A: Availability of information.
- 38 40CFR 60.11(d), NSPS Subpart A: Compliance with Standards and Maintenance Requirements



39 40CFR 60.12, NSPS Subpart A: Circumvention.

**Emission Unit Level**

40 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit

41 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

42 6 NYCRR 212.6 (a): Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

43 ECL 19-0301: Contaminant List

44 6 NYCRR 201-1.4: Unavoidable noncompliance and violations

45 6 NYCRR 211.2: Air pollution prohibited

**Emission Unit Level**

**EU=1-CHMNG,Proc=FLR**

46 6 NYCRR 212.4 (a): Emissions from new emission sources and/or modifications

**EU=1-CHMNG,Proc=LDF**

47 6 NYCRR 212.4 (a): Emissions from new emission sources and/or modifications



**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 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 - 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 201-6.3 (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 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 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 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 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 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 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 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 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 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 200.6**

**Item 1.1:**  
Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Condition 2: Fees**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 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 72-0303.

**Condition 3: Recordkeeping and reporting of compliance monitoring**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 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 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement: 6 NYCRR 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 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement: 6 NYCRR 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 1/30/2011.  
Subsequent reports are due every 6 calendar month(s).



**Condition 6: Compliance Certification**  
Effective between the dates of 12/03/2010 and 12/02/2015

**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





**Condition 8: Recordkeeping requirements**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 202-2.5**

**Item 8.1:**

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

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

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

**Condition 9: Open Fires - Prohibitions**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 215.2**

**Item 9.1:**

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

**Item 9.2**

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

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



- (i) Prescribed burns performed according to Part 194 of this Title.
- (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
- (k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.
- (l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

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

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

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

**Condition 10: Maintenance of Equipment**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 10.1:**

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

**Condition 11: Recycling and Salvage**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 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 12/03/2010 and 12/02/2015**





**Condition 16: General Condition - Right to Inspect**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 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 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 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 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 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 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 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.

**Condition 20: Visible Emissions Limited**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 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 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:40 CFR Part 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,

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Facility DEC ID: 8072800004



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 12/03/2010 and 12/02/2015**

**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 12/03/2010 and 12/02/2015**

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

**Item 23.1:**

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

Emission Unit: 1-CHMNG

Emission Unit Description:

This unit consists of landfilled waste from 5 landfills (1 active MSW, 2 closed MSW, 1 active C&D, and 1 closed C&D) generating landfill gas and the flares used to burn gas from the landfill. Landfill gas will also be released as fugitive emissions from the landfill and the leachate holding pond.

**Condition 24: Compliance Certification**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

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

**Item 24.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 24.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES



Monitoring Description:

Operational Flexibility Plan

Plan Objective

The objective of this Plan is to maximize operational flexibility by building into the Title V Permit the capability to make minor changes following a pre-established protocol as allowed for in 6NYCRR Part 201-6.5(f).

This plan does not address those types of changes that would invoke the Part 201-6.7(d) "Significant Permit Modification". Rather, it addresses changes that qualify as minor modifications pursuant to the criteria specified by Part 201-6.7(c).

Protocol for Changes

(1) Certain changes which meet the criteria under (i) - (iii) below may be conducted without prior approval of the Department and shall not require modification of the permit. The facility owner and/or operator must however maintain records of the date and description of such changes and make such records available for review by Department representatives upon request.

(i) changes that do not cause emissions to exceed any emission limitation contained in regulations or applicable requirements under this Chapter;

(ii) changes which do not cause the subject emission unit, emission source, process, or emission point to become subject to any additional regulations or requirements under this Chapter;

(iii) changes that do not seek to establish or modify a federally-enforceable emission cap or limit.

(2) In addition to the record keeping required under (1) above, the permittee must notify the Department in writing at least 30 calendar days in advance of making changes involving:

(i) the installation or relocation of any emission source, process, or emission point within a facility;

(ii) the emission of any air pollutant not previously authorized or emitted in accordance with a permit issued by the Department;

(iii) the installation or alteration of any air cleaning installation, device or control equipment.



(3) The Department may require a permit modification, in order to impose new applicable requirements or special permit conditions if it determines that changes proposed pursuant to notification under (2) above do not meet the criteria under (1) or the change may have a significant air quality impact. In such cases the Department may require that the permittee not undertake the proposed change until it completes a more detailed review of the potential air quality impacts and/or applicable requirements. The Department shall respond to the permittee in writing with such a determination within 15 days of receipt of the 30 day advance notification from the permittee. The Department's determination shall include a listing of information necessary to further review the proposed change.

#### Reporting

On an annual basis, the facility must submit a summary of all changes made under the Protocol for Changes during that year. This summary is to be submitted as part of the annual compliance certification pursuant to 6NYCRR Part 201-6.5(e).

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 1/30/2011.

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

**Condition 25: Non Applicable requirements  
Effective between the dates of 12/03/2010 and 12/02/2015**

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

#### Item 25.1:

This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

6 NYCRR 208.3 (b) (2) (i) ('e')

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.3 (b) (2) (ii) ('b')

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas



collection and control.

6 NYCRR 208.3 (b) (2) (iii) ('a')

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.3 (b) (2) (iii) ('b')

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.3 (b) (2) (iii) ('c')

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.3 (b) (2) (v)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.4 (a)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.4 (b)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.4 (c)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.4 (d)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.4 (e)

Reason: The facility is not subject to this section until they



meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.4 (f)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.4 (g)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.5 (b)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.5 (d)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.6 (c)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.6 (d)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.7 (a)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.7 (b)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.



6 NYCRR 208.7 (c)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.7 (d)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.8 (f)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.8 (g)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.9 (b)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.9 (c)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.9 (d)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

6 NYCRR 208.9 (e)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40 CFR 60.7 (b)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas



collection and control.

40 CFR 60.7 (c)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40 CFR 60.7 (d)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40 CFR 60.7 (f)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40 CFR 60.8 (b)

Reason: The facility is not subject to performance testing until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40 CFR 60.8 (c)

Reason: The facility is not subject to performance testing until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40 CFR 60.8 (d)

Reason: The facility is not subject to performance testing until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40 CFR 60.8 (e)

Reason: The facility is not subject to performance testing until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40 CFR 60.8 (f)

Reason: The facility is not subject to performance testing until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40 CFR 60.18 (c)

Reason: The facility is not subject to this section until they



meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40 CFR 60.18 (d)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40 CFR 60.18 (e)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40 CFR 60.18 (f)

Reason: The facility is not subject to this section until they meet the requirements of 6NYCRR Part 208.3(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

**Condition 26: Design Capacity Report**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 208.3 (b)**

**Item 26.1:**

Each owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, shall submit an initial design capacity report to the Department as provided in subdivision 8(a) of this Part and either comply with paragraph (2) of this subdivision or calculate and NMOC emission rate for the landfill using the procedures specified in section 5 of this Part. The NMOC emission rate shall be recalculated annually, except as provided in subparagraph 8(b)(1)(ii) of this Part. The owner or operator of an MSW landfill subject to this section with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters is subject to Title V permitting requirements under Part 201 of this Title.

**Condition 27: NMOC Emission Rate Annual Report**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 208.3 (b) (1)**

**Item 27.1:**

If the calculated NMOC emission rate is less than 50 megagrams per year, the owner or operator shall:

- (i) submit an annual emission report to the Department, except as provided for in clause 208.8(b)(1)(ii); and
- (ii) recalculate the NMOC emission rate annually using the procedures specified in subparagraph 208.5(a)(1) until such time as the calculated NMOC emission rate is equal to or



greater than 50 megagrams per year, or the landfill is closed pursuant to this Subpart.

**Condition 28: Actions taken after NMOC re-calculation**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 208.3 (b) (1) (ii) ('a')**

**Item 28.1:**

If the NMOC emission rate, upon recalculation required in subparagraph (b)(1)(ii) of this section, is equal to or greater than 50 megagrams per year, the owner or operator shall install a collection and control system in compliance with paragraph (b)(2) of this section.

**Condition 29: Submittal of Design Plans for a Collection and Control System**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 208.3 (b) (2) (i)**

**Item 29.1:**

If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall:

(i) Submit a collection and control system design plan and permit application prepared by a professional engineer to the Department within 1 year. The landfill gas collection system should be addressed in a Part 360 permit application or modification, while the landfill gas control system should be addressed in a Part 201 permit application or modification. In addition to meeting the requirements of subdivisions 360-2.16(a) through (e) of Part 360 and Parts 200 et.seq. of this Title, the owner and operator shall comply with the following :

(a) The collection and control system as described in the plan shall meet the design requirements of subparagraph (b)(2)(ii) of this section.

(b) The collection and control system design plan shall include any alternatives to the design and operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of sections 3 through 7 of this Part proposed by the owner or operator.

(c) The collection and control system design plan shall either conform with specifications for active collection systems in section 10 of this Part or include a demonstration to the USEPA's satisfaction of the sufficiency of the alternative provisions to section 10.

(d) The USEPA shall review the information submitted under clauses (a), (b), and (c) of this subparagraph and either approve it disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, or horizontal trenches only, leachate collection components, and passive systems.

**Condition 30: NMOC Calculation - Waste Deposition KNOWN**  
**Effective between the dates of 12/03/2010 and 12/02/2015**



**Applicable Federal Requirement:6 NYCRR 208.5 (a) (1) (i)**

**Item 30.1:**

The following equation will be used to determine the NMOC emission rate, if the year-to-year solid waste acceptance rate is known:

$$MNMO C = \sum_{i=1}^n \{2 k L_0 M_i e^{-k t_i} CNMO C (3.6 \times 10^{-9})\};$$

where the NMOC emission rate is calculated for each cell (i) and n = the number of cells that are applicable to this rule and the other factors for this equation are used as defined in 6 NYCRR Part 208.5(a)(1)(i)

**Condition 31: NMOC Calculation - Waste Deposition NOT known  
Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 208.5 (a) (1) (ii)**

**Item 31.1:**

The following equation will be used to determine the NMOC emission rate if the year-to-year waste acceptance rate is not known:

$MNMO C = 2 L_0 (e^{-k c} - e^{-k t}) (CNMO C)(3.6 \times 10^{-9})$ ; where the factors for the equation are used as defined in 6 NYCRR Part 208.5(a)(1)(ii).

**Condition 32: Tier 2 Testing  
Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 208.5 (a) (3)**

**Item 32.1:**

The landfill owner or operator shall determine the NMOC concentration using the following sampling procedure. The landfill owner or operator shall install at least two sample probes per hectare of landfill surface that has retained waste for at least 2 years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using Method 25C of appendix A of 40 CFR Part 60 or Method 18 of appendix A. If using Method 18 of appendix A, the minimum list of compounds to be tested shall be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42). If composite sampling is used, equal volumes shall be taken from each sample probe. If more than the required number of samples are taken, all samples shall be used in the analysis. The landfill owner or operator shall divide the NMOC concentration from Method 25C of appendix A by six to convert from CNMOC as carbon to CNMOC as hexane

**Condition 33: Reporting Requirements - Initial Design Capacity Report  
Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 208.8 (a)**



**Item 33.1:**

Each owner or operator subject to the requirements of this section shall submit an initial design capacity report to the Department.

(1) The initial design capacity report shall be submitted no later than 90 days after the effective date of this section or 90 days after construction or reconstruction commences, whichever is later.

(2) The initial design capacity report shall contain the following information:

(i) A drawing of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste is authorized to be landfilled;

(ii) The maximum design capacity of the landfill. Where the maximum design capacity is specified in the permit to construct and operate, a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity shall be calculated using good engineering practices. The calculations shall be provided, along with the relevant parameters as part of the report. The Department may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.

**Condition 34: Reporting Requirements - NMOC Emission Rate Report  
Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement: 6 NYCRR 208.8 (b)**

**Item 34.1:**

Each owner or operator subject to the requirements of this section shall submit an NMOC emission rate report to the Department initially and annually thereafter, except as provided for in clause (1)(ii) below or subparagraph (3) below. The Department may request such additional information as may be necessary to verify the reported NMOC emission rate.

(1) The NMOC emission rate report shall contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures provided in paragraph 208.5(a) or (b) as applicable.

(i) The initial NMOC emission rate report may be combined with the initial design capacity report required in paragraph 208.8(a) and shall be submitted no later than indicated in subparagraph 208.8(a)(1). Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in clause (1)(ii) and subparagraph (3) below.

(ii) If the estimated NMOC emission rate as reported in the annual report to the Department is less than 50 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to the Department. This estimate shall be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate shall be submitted to the Department. The revised estimate shall cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

(2) The NMOC emission rate report shall include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.

(3) Each owner or operator subject to the requirements of this section is exempted from the requirements of subparagraphs (1) and (2) above, after the installation of a collection and control system in compliance with subparagraph 208.3(b)(2), during such time as the

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collection and control system is in operation and in compliance with subdivisions 208.4 and 208.6 of this section

**Condition 35: Compliance Certification**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 208.9 (a)**

**Item 35.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 35.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Except as provided in 6 NYCRR Part 208.3(b)(3)(i)(a), each owner or operator of an MSW landfill subject to the provisions of 6 NYCRR Part 208.3(b) shall keep for at least 7 years up-to-date, readily accessible, on-site records of the maximum design capacity report which triggered 6 NYCRR Part 208.3(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 36: EPA Region 2 address.**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

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

**Item 36.1:**

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

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

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

NYSDEC  
Bureau of Quality Assurance

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625 Broadway  
Albany, NY 12233-3258

**Condition 37: Availability of information.**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

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

**Item 37.1:**

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by 40 CFR Part 2.

**Condition 38: Compliance with Standards and Maintenance Requirements**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:40CFR 60.11(d), NSPS Subpart A**

**Item 38.1:**

At all times, including periods of startup, shutdown, and malfunction, owners and operators of this facility shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Department and the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

**Condition 39: Circumvention.**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

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

**Item 39.1:**

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

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

**Condition 40: Emission Point Definition By Emission Unit**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

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

**Item 40.1:**

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



Emission Unit: 1-CHMNG

Emission Point: EP001  
Height (ft.): 10 Diameter (in.): 2

Emission Point: EP002  
Height (ft.): 10 Diameter (in.): 2

Emission Point: EP003  
Height (ft.): 10 Diameter (in.): 2

Emission Point: EP004  
Height (ft.): 10 Diameter (in.): 2

Emission Point: EP005  
Height (ft.): 10 Diameter (in.): 2

Emission Point: EP006  
Height (ft.): 10 Diameter (in.): 2

Emission Point: EP007  
Height (ft.): 10 Diameter (in.): 2

Emission Point: EP008  
Height (ft.): 10 Diameter (in.): 2

Emission Point: FLARE  
Height (ft.): 9 Diameter (in.): 8

Emission Point: LFG01  
Height (ft.): 22 Diameter (in.): 6

**Condition 41: Process Definition By Emission Unit  
Effective between the dates of 12/03/2010 and 12/02/2015**

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

**Item 41.1:**

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

Emission Unit: 1-CHMNG  
Process: FLR Source Classification Code: 5-01-004-10  
Process Description:  
Gas generated by decomposition in the landfill is being  
burned through eight candlestick flares (FL001-FL008) and  
one 793-cfm utility flare.

Emission Source/Control: 01LFG - Control  
Control Type: FLARING

Emission Source/Control: FL001 - Control  
Control Type: FLARING

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Emission Source/Control: FL002 - Control  
Control Type: FLARING

Emission Source/Control: FL003 - Control  
Control Type: FLARING

Emission Source/Control: FL004 - Control  
Control Type: FLARING

Emission Source/Control: FL005 - Control  
Control Type: FLARING

Emission Source/Control: FL006 - Control  
Control Type: FLARING

Emission Source/Control: FL007 - Control  
Control Type: FLARING

Emission Source/Control: FL008 - Control  
Control Type: FLARING

Emission Source/Control: FLR01 - Control  
Control Type: FLARING

Emission Source/Control: LANDF - Process

**Item 41.2:**

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

Emission Unit: 1-CHMNG

Process: LDF

Source Classification Code: 5-01-004-02

Process Description:

Fugitive emissions passively vented from the closed and active municipal solid waste landfills and the leachate holding pond.

Emission Source/Control: LANDF - Process

Emission Source/Control: LPOND - Process

**Condition 42: Compliance Certification**

**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable Federal Requirement:6 NYCRR 212.6 (a)**

**Item 42.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-CHMNG

Process: FLR

Emission Source: 01LFG



Emission Unit: 1-CHMNG Process: FLR	Emission Source: FL001
Emission Unit: 1-CHMNG Process: FLR	Emission Source: FL002
Emission Unit: 1-CHMNG Process: FLR	Emission Source: FL003
Emission Unit: 1-CHMNG Process: FLR	Emission Source: FL004
Emission Unit: 1-CHMNG Process: FLR	Emission Source: FL005
Emission Unit: 1-CHMNG Process: FLR	Emission Source: FL006
Emission Unit: 1-CHMNG Process: FLR	Emission Source: FL007
Emission Unit: 1-CHMNG Process: FLR	Emission Source: FL008
Emission Unit: 1-CHMNG Process: FLR	Emission Source: FLR01

**Item 42.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at 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 for many or all emission sources)

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and in compliance with section 212.6(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 will immediately notify The Department and conduct a 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 1/30/2011.

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 43: Contaminant List**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

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

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

No contaminants.

**Condition 44: Unavoidable noncompliance and violations**  
**Effective between the dates of 12/03/2010 and 12/02/2015**



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

**Item 44.1:**

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 45: Air pollution prohibited**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 45.1:**

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.

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

**Condition 46: Emissions from new emission sources and/or modifications**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable State Requirement:6 NYCRR 212.4 (a)**

**Item 46.1:**

This Condition applies to Emission Unit: 1-CHMNG  
Process: FLR

**Item 46.2:**

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

**Condition 47: Emissions from new emission sources and/or modifications**  
**Effective between the dates of 12/03/2010 and 12/02/2015**

**Applicable State Requirement:6 NYCRR 212.4 (a)**

**Item 47.1:**

This Condition applies to Emission Unit: 1-CHMNG  
Process: LDF

**Item 47.2:**

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

