



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 8-2656-00008/00021
Mod 0 Effective Date: 08/23/2006 Expiration Date: 08/22/2011
Mod 1 Effective Date: Expiration Date:

Permit Issued To: WASTE MANAGEMENT OF NEW YORK LLC
1001 FANNIN STE 4000
HOUSTON, TX 77002

Contact: DAVID MOREIRA
WASTE MANAGEMENT OF NEW YORK LLC
4 LIBERTY LN WEST
HAMPTON, NH 03842
(603) 929-5446

Facility: MONROE LIVINGSTON SANITARY LANDFILL
1241 SOUTH RD
SCOTTSVILLE, NY 14546

Contact: RONALD CHRASTON
1241 SOUTH RD
SCOTTSVILLE, NY 14546
(585) 889-9460

Description:

First minor modification to the Title V Air Facility Permit for the Monroe Livingston Sanitary Landfill as follows:

To establish certified Emission Reduction Credits (ERCs) in accordance with 6 NYCRR Part 231 New Source Review in Ozone Transport Regions based on the permanent shutdown, effective January 1, 2001, of Engine #1 at the Monroe Livingston Landfill and Recycling Center located at 1241 South Road in the Town of Wheatland and surrendering the certificate to operate this unit. This modification generates 11 tons per year of nitrogen oxides (NO_x) and 3.48 tons per year of volatile organic compounds (VOCs) ERCs for past emission reductions at the facility. All of these ERCs will be available to Monroe-Livingston Landfill to sell or otherwise use in the ozone transport region.

The emission sources at this closed landfill now include 3 internal combustion engines, a skid mounted flare and fugitive emissions from the landfill. The facility is subject to Title V permitting due to the facility's potential to emit carbon monoxide (CO) emissions exceeding the major source threshold of 100 tons per year of a regulated contaminant.

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.

New York State Department of Environmental Conservation
Facility DEC ID: 8265600008



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

Facility Level

Submission of Applications for Permit Modification or Renewal -REGION 8
HEADQUARTERS
Submission of application for permit modification or renewal-REGION 8
HEADQUARTERS

New York State Department of Environmental Conservation
Facility DEC ID: 8265600008





DEC GENERAL CONDITIONS

****** General Provisions ******

For the purpose of your Title V permit, the following section contains state-only enforceable terms and conditions.

GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Facility Inspection by the Department

Applicable State Requirement: ECL 19-0305

Item 1.1:

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

Item 1.2:

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

Item 1.3:

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

Condition 2: Relationship of this Permit to Other Department Orders and Determinations

Applicable State Requirement: ECL 3-0301.2(m)

Item 2.1:

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

Condition 1-1: Applications for permit renewals, modifications and transfers

Applicable State Requirement: 6NYCRR 621.11

Item 1-1.1:

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

Item 1-1.2:

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

Item 1-1.3:



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

Condition 3: Applications for Permit Renewals and Modifications

Applicable State Requirement: 6NYCRR 621.13

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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

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

Applicable State Requirement: 6NYCRR 621.13

Item 1-2.1:

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

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

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

Applicable State Requirement: 6NYCRR 621.14

Item 4.1:

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

- a) materially false or inaccurate statements in the permit application or supporting



papers;

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

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

Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 8 HEADQUARTERS

Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:

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

NYSDEC Regional Permit Administrator
Region 8 Headquarters
Division of Environmental Permits
6274 Avon-Lima Road
Avon, NY 14414-9519
(716) 226-2466

Condition 1-3: Submission of application for permit modification or renewal-REGION 8

HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.6(a)

Item 1-3.1:

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

NYSDEC Regional Permit Administrator
Region 8 Headquarters
Division of Environmental Permits
6274 Avon-Lima Road
Avon, NY 14414-9519
(716) 226-2466



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

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1001 FANNIN STE 4000
HOUSTON, TX 77002

Facility: MONROE LIVINGSTON SANITARY LANDFILL
1241 SOUTH RD
SCOTTSVILLE, NY 14546

Authorized Activity By Standard Industrial Classification Code:
4953 - REFUSE SYSTEMS
5093 - SCRAP AND WASTE MATERIALS

Permit Effective Date:

Permit Expiration Date:



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Facility Level

Submission of Applications for Permit Modification or Renewal -REGION 8
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FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1-1 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
 - 12 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
 - 23 6NYCRR 201-6: Emission Unit Definition
- #### Emission Unit Level
- 25 6NYCRR 201-6: Emission Point Definition By Emission Unit
 - 26 6NYCRR 201-6: Process Definition By Emission Unit

EU=E-U0001,Proc=001,ES=0ENG1

- 1-2 6NYCRR 231-2.6: Compliance Certification
- 1-3 6NYCRR 231-2.6: Compliance Certification



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.

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

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

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

Applicable Federal Requirement:6NYCRR 201-1.8

Replaces Condition(s) 12

Item 1-1.1:

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

Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 08/23/2006 and Permit Expiration Date

Applicable Federal Requirement:6NYCRR 201-1.8

Replaced by Condition(s) 1-1

Item 12.1:

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

The following conditions are subject to annual compliance certification



requirements for Title V permits only.

Condition 23: Emission Unit Definition
Effective between the dates of 08/23/2006 and Permit Expiration Date

Applicable Federal Requirement:6NYCRR 201-6

Item 23.1(From Mod 1):

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

Emission Unit: E-U0001

Emission Unit Description:

This unit designation consists of a municipal solid waste landfill, the associated gas collection system, and corresponding control devices.

Building(s): LANDFILL
POWERPLANT

**** Emission Unit Level ****

Condition 25: Emission Point Definition By Emission Unit
Effective between the dates of 08/23/2006 and Permit Expiration Date

Applicable Federal Requirement:6NYCRR 201-6

Item 25.1(From Mod 1):

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

Emission Unit: E-U0001

Emission Point: EP002

Height (ft.): 21

Diameter (in.): 10

Building:

POWERPLANT

Emission Point: EP003

Height (ft.): 21

Diameter (in.): 10

Building:

POWERPLANT

Emission Point: EP004

Height (ft.): 21

Diameter (in.): 10

Building:

POWERPLANT

Emission Point: EP005

Height (ft.): 40

Diameter (in.): 96

Condition 26: Process Definition By Emission Unit



Effective between the dates of 08/23/2006 and Permit Expiration Date

Applicable Federal Requirement:6NYCRR 201-6

Item 26.1(From Mod 1):

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

Emission Unit: E-U0001

Process: 001

Source Classification Code: 5-01-004-21

Process Description:

Control of landfill gas from the use of internal combustion engines and a flare.

Emission Source/Control: 0ENG1 - Combustion

Design Capacity: 1,138 horsepower (mechanical)

Emission Source/Control: 0ENG2 - Combustion

Design Capacity: 1,138 horsepower (mechanical)

Emission Source/Control: 0ENG3 - Combustion

Design Capacity: 1,138 horsepower (mechanical)

Emission Source/Control: 0ENG4 - Combustion

Design Capacity: 1,138 horsepower (mechanical)

Emission Source/Control: FLARE - Control

Control Type: FLARING

Item 26.2(From Mod 1):

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

Emission Unit: E-U0001

Process: 002

Source Classification Code: 5-01-004-02

Process Description:

Fugitive emissions resulting from the closed landfill and the ongoing gas collection system. The collection system is 85% efficient with a 15% loss of emissions as fugitive.

Emission Source/Control: LANDF - Process

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

Applicable Federal Requirement:6NYCRR 231-2.6

Item 1-2.1:

The Compliance Certification activity will be performed for:

Emission Unit: E-U0001

Process: 001

Emission Source: 0ENG1

Regulated Contaminant(s):

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



Item 1-2.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The facility has established 11 tpy of oxides of nitrogen emission reduction credits by shutting down Engine #1 (emission source 0ENG1) at the above referenced emission unit (EU0001). Engine #1 is prohibited from operating at this facility.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0 tons per year

Monitoring Frequency: SEMI-ANNUALLY

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE -
SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

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

Applicable Federal Requirement: 6NYCRR 231-2.6

Item 1-3.1:

The Compliance Certification activity will be performed for:

Emission Unit: E-U0001

Process: 001

Emission Source: 0ENG1

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 1-3.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The facility has established 3.48 tpy of VOC emission reduction credits by shutting down Engine #1 (emission source 0ENG1) at the above referenced emission unit (EU0001). Engine #1 is prohibited from operating at this facility.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: VOC



Upper Permit Limit: 0 tons per year

Monitoring Frequency: SEMI-ANNUALLY

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE -
SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

New York State Department of Environmental Conservation

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