



New York State Department of Environmental Conservation
Facility DEC ID: 8342000019

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

Facility Inspection by the Department

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

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Permit Modifications, Suspensions, and 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



DEC GENERAL CONDITIONS
****** General Provisions ******
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: Facility Inspection by the Department
Applicable State Requirement: ECL 19-0305

Item 2.1:

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 2.2:

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 2.3:

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 3: Relationship of this Permit to Other Department Orders and Determinations
Applicable State Requirement: ECL 3-0301.2(m)

Item 3.1:

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



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requirements contained in such order or determination.

Condition 4: Relationship of this Permit to Other Department Orders and Determinations
Applicable State Requirement: ECL 3-0301.2(m)

Item 4.1:

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 5: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 5.1:

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 5.2:

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 5.3:

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 6: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 6.1:

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 7: Permit Modifications, Suspensions, and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

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Item 7.1:

The Department reserves the right to modify, suspend, or revoke this permit. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

Condition 8: Permit Modifications, Suspensions, and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 8.1:

The Department reserves the right to modify, suspend, or revoke this permit. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

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

Condition 9: Submission of Applications for Permit Modification or Renewal -REGION 8 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.5(a)

Item 9.1:

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



New York State Department of Environmental Conservation

Permit ID: 8-3420-00019/00009

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Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: WASTE MANAGEMENT OF NEW YORK LLC
123 VARICK AVE
BROOKLYN, NY 11237

Facility: TOWPATH ENVIRONMENTAL & RECYCLING CENTER
3511 DENSMORE ROAD
ALBION, NY 14411

Authorized Activity By Standard Industrial Classification Code:



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 201-6.3(a): Compliance Demonstration
- 2 40CFR 61.154, NESHAP Subpart M: Asbestos-containing waste material standard for active waste disposal sites

Emission Unit Level

EU=1-OLDLF

- 3 40CFR 60, NSPS Subpart WWW: Compliance Demonstration

EU=2-NEWLF

- 4 40CFR 60.752(b)(1), NSPS Subpart WWW: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 5 ECL 19-0301: Contaminant List
- 6 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 7 6NYCRR 201-5: Emission Unit Definition
- 8 6NYCRR 211.2: Air pollution prohibited
- 9 6NYCRR 211.2: Compliance Demonstration

Emission Unit Level

- 10 6NYCRR 201-5: Process Definition By Emission Unit
- 4953 - REFUSE SYSTEMS

Permit Effective Date:

Permit Expiration Date:

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FEDERALLY ENFORCEABLE CONDITIONS

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

Condition 1: Compliance Demonstration
Effective for entire length of Permit

Applicable Federal Requirement: 6NYCRR 201-6.3(a)

Item 1.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY998-20-0 NMOC - LANDFILL USE ONLY

Item 1.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Within one year of the commencement of operation of this facility a full Title V permit application must be submitted to the Regional Air Pollution Control Engineer, NYSDEC Region 8 HQ, 6274 E Avon-Lima Rd, Avon NY 14414-9519.

Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 2: Asbestos-containing waste material standard for active waste disposal sites
Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 61.154, NESHAP Subpart M

Item 2.1:

Owner or operator shall comply with the requirements of 40 CFR Part 61.154 when accepting asbestos-containing waste material from any source required to comply with 40 CFR Part 61.149, 61.150, or 61.155.

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

Condition 3: Compliance Demonstration
Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 60, NSPS Subpart WWW

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Item 3.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-OLDLF

Regulated Contaminant(s):

CAS No: 0NY998-20-0 NMOC - LANDFILL USE ONLY

Item 3.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Within 180 days of the issuance of this permit the facility must submit a collection and control system design plan meeting the requirements of 40 CFR 60 Subpart WWW.752(b)(2)(i) for the existing closed landfill. This plan shall also include projected time lines for installation and start-up of the collection and control system. Alternatively, the facility may perform emissions testing on the closed portion of the landfill, as described in 40 CFR 60 Subpart WWW 754, to show that NMOC emissions are below the subpart www 50 mg per year applicability threshold..

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 4: Compliance Demonstration
Effective for entire length of Permit**

Applicable Federal Requirement: 40CFR 60.752(b)(1), NSPS Subpart WWW

Item 4.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 2-NEWLF

Regulated Contaminant(s):

CAS No: 0NY998-20-0 NMOC - LANDFILL USE ONLY

Item 4.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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Monitoring Description:

In order to comply with the requirements of 40 CFR 60 Subpart WWW 752(b)(2) this facility must submit a collection and control system design plan to the Regional Air Pollution Control Engineer, NYSDEC Region 8 HQ, 6274 E Avon-Lima Rd, Avon NY 14414-9519, within one year of the issue date of this permit. The deadline for installation will be 30 months from the issue date of this permit. The facility will provide in the design plan projected time lines for installation and start-up of this system. This compliance deadline can only be altered if testing of the landfills, as allowed by section 754 of subpart www, is performed and shows that emissions of NMOC from all landfills do not exceed 50 mg per year.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



STATE ONLY ENFORCEABLE CONDITIONS

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

Condition 5: Contaminant List
Effective for entire length of Permit

Applicable State Requirement: ECL 19-0301

Item 5.1:

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

CAS No: 0NY998-20-0

Name: NMOC - LANDFILL USE ONLY

Condition 6: Unavoidable noncompliance and violations
Effective for entire length of Permit

Applicable State Requirement: 6NYCRR 201-1.4

Item 6.1:

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



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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 7: Emission Unit Definition
Effective for entire length of Permit

Applicable State Requirement: 6NYCRR 201-5

Item 7.1:

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

Emission Unit: 1-OLDLF

Emission Unit Description:

The design capacity of the existing OSL landfill is estimated to be 2,068,473 megagrams, as generated from CADD-modeling of a Nov 1993 topographic map of the existing landfill with adjustments for base grades and the final cover system. Calculation regarding potential to emit for this existing landfill are provided in appendix F of the application. Emission points will be both controlled (utility flare) and fugitive. Emission source control will be provided by the approved design capacity gas collection and the flare, in accordance with NSPS requirements. The landfill process is summarized as the continuous decomposition of the in-place solid waste materials under anaerobic conditions, resulting in the production of landfill gas containing trace amounts of volatile organic compounds and hazardous air pollutants (HAPs).

Item 7.2:

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



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Emission Unit: 2-NEWLF

Emission Unit Description:

The design capacity for WMNY's proposed landfill has been developed as part of WMNY's current Part 360 permit application, through a combination of CADD methods and hand computations. These computations are provided in the Part 360 application and indicate the design capacity to be 6,000,000 mg. Calculations regarding potential to emit for the proposed landfill are provided in appendix F of the application. Emission points will be both controlled (utility flare) and fugitive. Emission source control will be provided by the approved design capacity of gas collection and the flare, in accordance with NSPS requirements. The landfill process is summarized as the continuous decomposition of the in-place solid waste materials under anaerobic conditions, resulting in the production of landfill gas containing trace amounts of volatile organic compounds and hazardous air pollutants (HAPs).

Item 7.3:

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

Emission Unit: 4-TANKS

Emission Unit Description:

Two above-ground steel tanks with a design storage volume of 250,000 gallons each will be used to store leachate produced by WMNY's proposed landfill, prior to off-site transport for disposal. Landfill leachate is an aqueous wastewater containing low-levels of volatile organic compounds. Calculations regarding potential to emit for the two tanks are provided in appendix H of the application. Tank construction information and expected operating parameters (leachate throughput quantity, etc.) are derived from WMNY's existing Part 360 permit application. Each tank will be passively vented, resulting in a single emission point for each tank. Based on the potential to emit calculations, emission source control will not be provided. As a process, the landfill tanks will be used to temporarily store wastewater (landfill leachate) prior to off-site transport for disposal. Leachate produced in the proposed landfill will be pumped to the tanks via a series of below-ground pipes and pumps. Tank inventory will be removed by tanker trucks.

**Condition 8: Air pollution prohibited
Effective for entire length of Permit**

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Applicable State Requirement: 6NYCRR 211.2

Item 8.1:

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

**Condition 9: Compliance Demonstration
Effective for entire length of Permit**

Applicable State Requirement: 6NYCRR 211.2

Item 9.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 9.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility shall establish a complaint response procedure to manage complaints related to air emissions from this facility. The procedure shall be designed to ensure that complaints from officials or neighbors are adequately received and documented, and that appropriate response is taken by the facility. The facility shall:

1. Have a complaint phone line available 24 hours a day, 7 days a week.
2. Investigate any possible causes of any complaint received.
3. Take prompt action to abate any circumstance which is found to be the cause of the complaint.
4. Fully document the complaint, results of investigation, and any action taken.
5. Report in a format acceptable to the Department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

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**Condition 10: Process Definition By Emission Unit
Effective for entire length of Permit**

Applicable State Requirement: 6NYCRR 201-5

Item 10.1:

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

Emission Unit: 1-OLDLF

Process: OLF

Source Classification Code: 5-02-006-02

Process Description:

Closed Orleans Sanitary Landfill. Fugitive emissions
from the decomposition of waste material

Emission Source/Control: OLDLF - Process

Design Capacity: 2,068,473 Megagrams (10**6 grams)

Item 10.2:

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

Emission Unit: 2-NEWLF

Process: NLF

Source Classification Code: 5-02-006-02

Process Description:

Active municipal solid waste landfill. Fugitive
emissions from the decomposition of waste material

Emission Source/Control: NEWLF - Process

Design Capacity: 6,000,000 Megagrams (10**6 grams)

Item 10.3:

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

Emission Unit: 4-TANKS

Process: LST

Source Classification Code: 5-03-006-02

Process Description:

Leachate generated by water infiltration into the
landfill is stored in 2 - 250,000 gallon above-ground
storage tanks.

Emission Source/Control: TANKS - Process

Design Capacity: 500,000 gallons