

New York State Department of Environmental Conservation
Facility DEC ID: 8453200075



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 8-4532-00075/00029
Mod 0 Effective Date: 03/26/2001 Expiration Date: 03/26/2006
Mod 1 Effective Date: 12/09/2002 Expiration Date: 03/26/2006

Permit Issued To: SENECA ENERGY II LLC
2917 JUDGE RD
OAKFIELD, NY 14125

Contact: PETER H ZELIFF
INNOVATIVE ENERGY SYSTEMS INC
2917 JUDGE ROAD
OAKFIELD, NY 14125-9771
(585) 948-8580

Facility: SENECA ENERGY LFGTE FACILITY
1786 SALCMAN RD/SENECA MEADOWS LANDFILL
SENECA FALLS, NY 13165

Contact: PETER H ZELIFF
INNOVATIVE ENERGY SYSTEMS INC
2917 JUDGE ROAD
OAKFIELD, NY 14125-9771
(585) 948-8580

Description:
Administrative amendment to reflect the transfer of ownership from Seneca Energy, Inc. to Seneca Energy II, LLC.

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: DAVID L BIMBER
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.

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.

Do Not 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

Renewals and Modifications

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 ******

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 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 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 requirements contained in such order or determination.

Permit Renewals and Modifications

Applicable State Requirement: 6NYCRR 621.13(a)

Item 4.1:

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 4.2:

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.

Condition 5: Permit Modifications, Suspensions, and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

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Item 5.1:

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; information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

Condition 2: Permit Modifications, Suspensions, and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 2.1:

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

- a) the scope of the permitted activity described in the application 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 permit was issued.

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

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

Item 6.1:

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



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ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

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OAKFIELD, NY 14125

Facility: SENECA ENERGY LFGTE FACILITY
1786 SALCMAN RD/SENECA MEADOWS LANDFILL
SENECA FALLS, NY 13165

Authorized Activity By Standard Industrial Classification Code:
None Listed On Application



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 200.5: Sealing
- 2 6NYCRR 200.6: Acceptable ambient air quality
- 3 6NYCRR 200.7: Maintenance of equipment
- 4 6NYCRR 201-1.2: Unpermitted Emission Sources
- 5 6NYCRR 201-1.4: Unavoidable Noncompliance and Violations
- 6 6NYCRR 201-1.5: Emergency Defense
- 7 6NYCRR 201-1.7: Recycling and Salvage
- 8 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the Air
- 9 6NYCRR 201-1.10(b): Public Access to Recordkeeping for Title V facilities
- 10 6NYCRR 201-3.2(a): Proof of Eligibility
- 11 6NYCRR 201-3.3(a): Proof of Eligibility
- 12 6NYCRR 201-6: Applicable Criteria, Limits, Terms, Conditions and Standards
- 13 6NYCRR 201-6: Cessation or Reduction of Permitted Activity Not a Defense
- 14 6NYCRR 201-6: Compliance Requirements
- 15 6NYCRR 201-6: Federally-Enforceable Requirements
- 16 6NYCRR 201-6: Fees
- 17 6NYCRR 201-6: Monitoring, Related Recordkeeping and Reporting Requirements
- 18 6NYCRR 201-6: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements
- 19 6NYCRR 201-6: Permit Shield
- 20 6NYCRR 201-6: Property Rights
- 21 6NYCRR 201-6: Reopening for Cause
- 22 6NYCRR 201-6: Right to Inspect
- 23 6NYCRR 201-6: Severability
- 24 6NYCRR 201-6: Emission Unit Definition
- 25 6NYCRR 201-6.5(c)(3): Compliance Certification
- 26 6NYCRR 201-6.5(e): Compliance Certification
- 27 6NYCRR 201-6.5(g): Permit Exclusion Provisions
- 28 6NYCRR 201-6.5(g): Non Applicable requirements
- 29 6NYCRR 201-7.2: Synthetic minor facility capping provisions.
- 30 6NYCRR 202-1.1: Required emissions tests
- 31 6NYCRR 202-2.1: Compliance Certification
- 32 6NYCRR 202-2.5: Recordkeeping requirements
- 33 6NYCRR 211.3: Visible emissions limited.
- 34 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 35 6NYCRR 231-2.2: Facility Permissible Emissions
- *36 6NYCRR 231-2.2: Compliance Certification
- 37 40CFR 52.21, Subpart A: Facility Permissible Emissions
- *38 40CFR 52.21, Subpart A: Compliance Certification
- 39 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 40 40CFR 60.7(c), NSPS Subpart A: Excess emissions report.



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- 41 40CFR 60.7(d), NSPS Subpart A: Excess emissions report.
- 42 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 43 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 44 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 45 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 46 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
- 47 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 48 40CFR 60.9, NSPS Subpart A: Availability of information.
- 49 40CFR 60.12, NSPS Subpart A: Circumvention.
- 50 40CFR 82, Subpart F: Recycling and Emissions Reduction

Emission Unit Level

- 51 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 52 6NYCRR 201-6: Process Definition By Emission Unit
- 53 6NYCRR 231-2.2: Process Permissible Emissions
- 54 40CFR 52.21, Subpart A: Process Permissible Emissions

EU=1-STAGE

- 55 6NYCRR 227-1.3(a): Compliance Certification
- 56 6NYCRR 231-2.2: Compliance Certification
- 57 6NYCRR 231-2.2: Compliance Certification
- 58 40CFR 60.752(b)(2), NSPS Subpart WWS: Compliance Certification

EU=1-STAGE,Proc=ST1

- 59 40CFR 52.21, Subpart A: Compliance Certification
- *60 40CFR 52.21, Subpart A: Compliance Certification

EU=2-STAGE

- 61 6NYCRR 227-1.3(a): Compliance Certification
- 62 6NYCRR 231-2.2: Compliance Certification
- *63 6NYCRR 231-2.2: Compliance Certification
- 64 40CFR 60.752(b)(2), NSPS Subpart WWS: Compliance Certification

EU=2-STAGE,Proc=ST2

- 65 40CFR 52.21, Subpart A: Compliance Certification
- *66 40CFR 52.21, Subpart A: Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 67 6NYCRR 201-5: General Provisions
- 68 6NYCRR 201-5.3(b): Contaminant List
- 69 6NYCRR 211.2: Air pollution prohibited

NOTE: * preceding the condition number indicates capping.

Mod 0 Permit Effective Date: 03/26/2001

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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: Sealing - 6NYCRR Part 200.5

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation.

Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

No person shall operate any air contamination source sealed by the Commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6

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.

Item C: Maintenance of Equipment - 6NYCRR Part 200.7

Any person who owns or operates an air contamination

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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.

Item D: Unpermitted Emission Sources - 6NYCRR Part 201-1.2

If an existing emission source was subject to the permitting requirements of 6NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

Item E: 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

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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 F: Recycling and Salvage - 6NYCRR Part 201-1.7

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 6 NYCRR.

Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6NYCRR Part 201-1.8

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.

Item H: 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 I: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR Part 201-3.2(a)

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control

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requirements, regulations, or law.

- Item J: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)**
The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.
- Item K: 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 L: 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 M: 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 N: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission**

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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 O: Providing Information Upon Request - 6 NYCRR Part 201-6.5(a)(4)

The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The permittee shall also, on request, furnish the Department with copies of records required to be kept by the permit. Where information is claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

Item P: 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 Q: 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 R: Fees - 6 NYCRR Part 201-6.5(a)(7)

The owner and/or operator of a stationary source shall pay fees to the department consistent with the fee schedule authorized by 6 NYCRR Subpart 482-2.

Item S: Right to Inspect - 6 NYCRR Part 201-6.5(a)(8)

Upon presentation of credentials and other documents, as may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

- i. Enter upon the permittee's premises where the permitted

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facility 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 facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Item T: 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 U: Progress Reports and Compliance Schedules - 6 NYCRR Part 201-6.5(d)(5)

Progress reports consistent with an applicable schedule of compliance must be submitted at least semiannually on a calendar year basis, or at a more frequent period if specified in the applicable requirement or by the Department elsewhere in this permit. These reports shall be submitted to the Department within 30 days after the end of a reporting period. 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.

Item V: Off Permit Changes - 6 NYCRR Part 201-6.5(f)(6)

No permit revision will be required for operating changes that contravene an express permit term, provided that such

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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 provisions 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 in advance of the proposed changes within a minimum of 7 days as required by 6 NYCRR §201-6.5(f)(6).

Item W: 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

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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 X: 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

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a shorter time period in the case of an emergency.

Item Y: Required Emission Tests - 6 NYCRR Part 202-1.1

An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6NYCRR Part 202-1.

Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3

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.

Item AA: Open Fires - 6 NYCRR Part 215

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

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



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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.

FEDERAL APPLICABLE REQUIREMENTS

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

Condition 1: Sealing
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 200.5

Item 1.1:

(a) The commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the commissioner issued in the case of the violation. Sealing means labelling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

(b) No person shall operate any air contamination source sealed by the commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section

Condition 2: Acceptable ambient air quality
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 200.6

Item 2.1:

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



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commissioner shall specify the degree and/or method of emission control required.

Condition 3: Maintenance of equipment
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 200.7

Item 3.1:

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 4: Unpermitted Emission Sources
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-1.2

Item 4.1:

If an existing emission source was subject to the permitting requirements of 6NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

- (a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.
- (b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

Condition 5: Unavoidable Noncompliance and Violations
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-1.4

Item 5.1:

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 or certificate issued for the corresponding air contamination source. 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



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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.

(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.

Condition 6: Emergency Defense
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-1.5

Item 6.1:

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



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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.

Condition 7: Recycling and Salvage
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-1.7

Item 7.1:

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 6 NYCRR.

Condition 8: Prohibition of Reintroduction of Collected Contaminants to the Air
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-1.8

Item 8.1:

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 9: Public Access to Recordkeeping for Title V facilities
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-1.10(b)

Item 9.1:

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.

Condition 10: Proof of Eligibility
Effective between the dates of 03/26/2001 and 03/26/2006

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

Item 10.1:

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years



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and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

Condition 11: Proof of Eligibility

Effective between the dates of 03/26/2001 and 03/26/2006

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

Item 11.1:

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

Condition 12: Applicable Criteria, Limits, Terms, Conditions and Standards

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 12.1:

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

- i. Any reporting requirements and operations under an accidental release plan, response plan, and compliance plan as approved as of the date of the permit issuance, or
- ii. Any support documents submitted as a part of the permit application for this facility as accepted and approved as of the date of permit issuance.

Any noncompliance with the federally-enforceable portions of this permit constitutes a violation of the federal Clean Air Act and will be grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

Item 12.2:

Any document, including reports, required by the federally-enforceable portions of this permit shall contain a certification by the responsible official for this facility as set forth in Section 201-6.3 that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

Condition 13: Cessation or Reduction of Permitted Activity Not a Defense

Effective between the dates of 03/26/2001 and 03/26/2006

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Applicable Federal Requirement: 6NYCRR 201-6

Item 13.1:

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.

Condition 14: Compliance Requirements

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 14.1:

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 the responsible official, consistent with Section 201-6.3 of Part 201.

Item 14.2:

The permittee shall comply with the approved compliance schedule for this permit if such a schedule is a part of this permit. Risk management plans must be submitted to the Administrator if required by Section 112(r) of the Clean Air Act for this facility.

Item 14.3:

Progress reports consistent with an applicable schedule of compliance must be submitted at least semiannually on a calendar year basis, or at a more frequent period if specified in the applicable requirement or by the Department elsewhere in this permit. These reports shall be submitted to the Department within 30 days after the end of a reporting period. 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

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preventive or corrective measures adopted.

Condition 15: Federally-Enforceable Requirements
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 15.1:

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.

Condition 16: Fees
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 16.1:

The permittee shall pay the required fees associated with this permit.

Condition 17: Monitoring, Related Recordkeeping and Reporting Requirements
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 17.1:

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements. Records of all monitoring data and support information shall be retained for a period of at least 5 years from the date of the monitoring sample, 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 18: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 18.1:

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 relieve the permittee from the requirement to comply with any condition contained in this permit.



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The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The permittee shall also, on request, furnish the Department with copies of records required to be kept by the permit. Where information is claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

Condition 19: Permit Shield

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 19.1:

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield. For those facilities for which a permit shield has been granted, 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.

Condition 20: Property Rights

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 20.1:

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

Condition 21: Reopening for Cause

Effective between the dates of 03/26/2001 and 03/26/2006

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Applicable Federal Requirement: 6NYCRR 201-6

Item 21.1:

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.

Item 21.2:

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.

Item 21.3:

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.

Condition 22: Right to Inspect

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 22.1:

Upon presentation of credentials and other documents, as may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

- i. Enter upon the permittee's premises where the permitted facility 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;



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

iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 23: Severability

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 23.1:

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.

Condition 24: Emission Unit Definition

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 24.1(From Mod 0):

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

Emission Unit: 1-STAGE

Emission Unit Description:

ENGINE EXHAUST FROM ENGINE NUMBERS
1,2,3,4,5,6,7 (THE INITIAL SEVEN ENGINES)
IN THE SENECA ENERGY LANDFILL GAS RECOVERY
FACILITY STAGE 1 . THE ENGINES ARE NUMBERED
STARTING WITH THE SOUTHERN MOST ENGINE AND
PROCEEDING TO THE NORTH IN ASCENDING ORDER.

Building(s): STGI

Item 24.2(From Mod 0):

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

Emission Unit: 2-STAGE

Emission Unit Description:

ENGINE EXHAUST FROM ENGINE NUMBERS
8,9,10,11,12,13,14 (THE ADDITIONAL SEVEN
ENGINES) IN THE SENECA ENERGY LANDFILL GAS
RECOVERY FACILITY STAGE II . THE ENGINES
ARE NUMBERED STARTING WITH THE SOUTHERN
MOST ENGINE AND PROCEEDING TO THE NORTH IN
ASCENDING ORDER.

Building(s): STGII

Condition 25: Compliance Certification



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Effective between the dates of 03/26/2001 and 03/26/2006

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

Item 25.1:

The Compliance Certification activity will be performed for the Facility.

Item 25.2:

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.

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 Compliance Monitoring and Enforcement (BCME) 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),

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contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2001.
Subsequent reports are due every 6 calendar month(s).

Condition 26: Compliance Certification
Effective between the dates of 03/26/2001 and 03/26/2006

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

Item 26.1:

The Compliance Certification activity will be performed for the Facility.

Item 26.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Compliance certifications shall contain the following information:

- 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.

Compliance certifications shall be submitted annually.
Certification reports are due 30 days after the end of the calendar year.

All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Compliance Monitoring and Enforcement (BCME) in the DEC central office). Please



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

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

The address for the RAPCE is as follows:

6274 East Avon-Lima Road
Avon, NY 14414-9519

The address for the BCME is as follows:

NYSDEC
Bureau of Compliance Monitoring
and Enforcement
50 Wolf Road
Albany, NY 12233-3258

Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2002.
Subsequent reports are due on the same day each year

Condition 27: Permit Exclusion Provisions
Effective between the dates of 03/26/2001 and 03/26/2006

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

Item 27.1:

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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant 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), and particularly any such enforcement action as may be authorized pursuant to 6 NYCRR 201-1.2 and 6 NYCRR 201-6.5(g).

The issuance of this permit by the Department and the receipt thereof by the Applicant does not supercede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements contained in such order or modification thereof unless specifically intended by this permit.



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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 the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

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 the right of the Department to pursue any claims for natural resource damages against the Applicant.

Condition 28: Non Applicable requirements
Effective between the dates of 03/26/2001 and 03/26/2006

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

Item 28.1:

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.

Condition 29: Synthetic minor facility capping provisions.
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-7.2

Item 29.1:

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

Item 29.2:

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

Item 29.3:

On an annual basis, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to those threshold levels that would require the submission of an application for a Title V facility permit, or compliance with an applicable requirement.

Item 29.4:

The emission of pollutants in exceedance of the applicability thresholds for obtaining a Title V facility

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permit or other applicable requirements constitutes a violation of Part 201 and of the Act.

Condition 30: Required emissions tests
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 30.1:

An acceptable report of measured emissions shall be submitted, as may be required by the commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6NYCRR Part 202-1.

Condition 31: Compliance Certification
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 202-2.1

Item 31.1:

The Compliance Certification activity will be performed for the Facility.

Item 31.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due by April 15th for previous calendar year

Condition 32: Recordkeeping requirements
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 202-2.5

Item 32.1:

(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.



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

Condition 33: Visible emissions limited.
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 211.3

Item 33.1:

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 34: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 215

Item 34.1:

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

Condition 35: Facility Permissible Emissions
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 231-2.2

Applicaton Specific Data

Condition 36: Compliance Certification
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 231-2.2

Item 36.1:

The Compliance Certification activity will be performed for the Facility.

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

Item 36.2:

Compliance Certification shall include the following monitoring:

Capping: Yes
Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
To keep Stage I under major facility size thresholds



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(<100 tpy NO_x) and to keep Stage II below the significant source project threshold (<100 tpy NO_x) all fourteen engines are capped to limit NO_x emissions. The seven Stage I engines will be limited to 1.27 gms/brake horsepower-hour of NO_x. The seven Stage II engines will be limited to 1.24 gms/brake horsepower-hour of NO_x. The facility must maintain monthly records of NO_x emissions.

Monitoring Frequency: MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2001.

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

Condition 37: Facility Permissible Emissions

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 52.21, Subpart A

Applicaton Specific Data

Condition 38: Compliance Certification

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 52.21, Subpart A

Item 38.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 38.2:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

TO REMAIN BELOW THE PREVENTION OF SIGNIFICANT DETERIORATION (PSD) THRESHOLD, THE FACILITY WILL LIMIT CARBON MONOXIDE (CO) EMISSIONS FROM EACH STAGE I ENGINE TO 3.17 GRAM/BRAKE HORSEPOWER-HOUR AND FROM EACH STAGE II ENGINE TO 3.10 GRAM/BRAKE HORSEPOWER-HOUR. FACILITY MUST MAINTAIN RECORDS OF CO EMISSIONS ON A MONTHLY BASIS.



New York State Department of Environmental Conservation

Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075

Monitoring Frequency: MONTHLY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2001.
Subsequent reports are due every 6 calendar month(s).

Condition 39: EPA Region 2 address.
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A

Item 39.1:

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 Enforcement and Compliance Assurance
50 Wolf Road
Albany, NY 12233-3254

Condition 40: Excess emissions report.
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 60.7(c), NSPS Subpart A

Item 40.1:

Affected owners or operators shall submit an excess emissions report and/or a summary report form (as defined in 40 CFR 60.7(d)) semi-annually (or more frequently as required by the applicable Subpart or the Administrator), to the Administrator. These reports shall be post marked no later than 30 days after each calendar quarter (or as appropriate), and shall contain the following information:

- 1) the magnitude of excess emissions computed, any conversion factors used, the date and time of each occurrence, and the process operating time during the reporting period;
- 2) specific identification of each period of excess emissions that occur during startup, shutdown, or malfunction, where the nature, cause, and corrective action are provided for a malfunction;



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3) the date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and

4) when no excess emissions have occurred or when the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be provided in the report.

Condition 41: Excess emissions report.
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 60.7(d), NSPS Subpart A

Item 41.1:

A summary report form, for each pollutant monitored, shall be sent to the Administrator in the form prescribed in Figure 1 of 40 CFR Part 60.7(d).

Condition 42: Facility files for subject sources.
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 60.7(f), NSPS Subpart A

Item 42.1:

The following files shall be maintained at the facility for all affected sources: all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part, recorded in permanent form suitable for inspections. The file shall be maintained for at least two years following the date of such measurements, reports, and records.

Condition 43: Performance test methods.
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 60.8(b), NSPS Subpart A

Item 43.1:

Performance testing shall be conducted in accordance with the methods and procedures prescribed in this part or by alternative methods and procedures approved by the Administrator.

Condition 44: Required performance test information.
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 60.8(c), NSPS Subpart A

Item 44.1:

Performance tests shall be conducted under such conditions specified by the Administrator, based upon representative performance data supplied by the owner or operator of the facility.

Condition 45: Prior notice.
Effective between the dates of 03/26/2001 and 03/26/2006

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Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075



Applicable Federal Requirement: 40CFR 60.8(d), NSPS Subpart A

Item 45.1:

The owner or operator shall provide the Administrator with prior notice of any performance test at least 30 days in advance of testing.

Condition 46: Performance testing facilities.

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 60.8(e), NSPS Subpart A

Item 46.1:

The following performance testing facilities shall be provided during all tests:

- 1) sampling ports adequate for tests methods applicable to such facility;
- 2) a safe sampling platform;
- 3) a safe access to the sampling platform; and
- 4) utilities for sampling and testing equipment.

Condition 47: Number of required tests.

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 60.8(f), NSPS Subpart A

Item 47.1:

Each performance test shall consist of three separate runs, at the specified duration required in the applicable test method. Compliance with all applicable standards shall be determined by using the arithmetic means of the results of the three runs.

Condition 48: Availability of information.

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 60.9, NSPS Subpart A

Item 48.1:

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 49: Circumvention.

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A



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Item 49.1:

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.

Condition 50: Recycling and Emissions Reduction
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 82, Subpart F

Item 50.1:

The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for MVAC's in Subpart B:

- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR Part 82.156.
- b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR Part 82.158.
- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR Part 82.161.
- d. Persons disposing of small appliances, MVAC's, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR Part 82.166. ("MVAC-like appliance as defined at 40 CFR Part 82.152)
- e. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR Part 82.156.
- f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR Part 82.166.

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

Condition 51: Emission Point Definition By Emission Unit
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 51.1(From Mod 0):

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

Emission Unit: 1-STAGE



New York State Department of Environmental Conservation

Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075

Emission Point: ENG01
Height (ft.): 14 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: STGI

Emission Point: ENG02
Height (ft.): 14 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: STGI

Emission Point: ENG03
Height (ft.): 14 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: STGI

Emission Point: ENG04
Height (ft.): 14 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: STGI

Emission Point: ENG05
Height (ft.): 14 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: STGI

Emission Point: ENG06
Height (ft.): 14 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: STGI

Emission Point: ENG07
Height (ft.): 14 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: STGI

Item 51.2(From Mod 0):

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

Emission Unit: 2-STAGE

Emission Point: ENG08
Height (ft.): 14 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: STGII

Emission Point: ENG09
Height (ft.): 14 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: STGII

Emission Point: ENG10
Height (ft.): 14 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: STGII

Emission Point: ENG11
Height (ft.): 14 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: STGII



New York State Department of Environmental Conservation

Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075

Emission Source/Control: 07ENG - Combustion

Design Capacity: 810 kilowatts

Item 52.2(From Mod 0):

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

Emission Unit: 2-STAGE

Process: ST2

Source Classification Code: 2-03-008-07

Process Description:

PROCESS ST2 CONSISTS OF THE ADDITIONAL SEVEN (7) ENGINES IN STAGE II OF THE FACILITY. EACH INTERNAL COMBUSTION ENGINE CONSUMES APPROXIMATELY 300 CUBIC FEET PER MINUTE OF LANDFILL GAS IN ORDER TO PRODUCE ELECTRIC POWER.

Emission Source/Control: 08ENG - Combustion

Design Capacity: 835 kilowatts

Emission Source/Control: 09ENG - Combustion

Design Capacity: 835 kilowatts

Emission Source/Control: 10ENG - Combustion

Design Capacity: 835 kilowatts

Emission Source/Control: 11ENG - Combustion

Design Capacity: 835 kilowatts

Emission Source/Control: 12ENG - Combustion

Design Capacity: 835 kilowatts

Emission Source/Control: 13ENG - Combustion

Design Capacity: 835 kilowatts

Emission Source/Control: 14ENG - Combustion

Design Capacity: 835 kilowatts

Condition 53: Process Permissible Emissions

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 231-2.2

Item 53.1:

The sum of emissions from the regulated process cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

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Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075



Emission Unit: 1-STAGE Process: ST1

CAS No: 0NY210-00-0 (From Mod 0)
Name: OXIDES OF NITROGEN
PTE(s): 1.27 grams per brake horsepower-hour
22.83 pounds per hour
199,999 pounds per year

Emission Unit: 2-STAGE Process: ST2

CAS No: 0NY210-00-0 (From Mod 0)
Name: OXIDES OF NITROGEN
PTE(s): 1.24 grams per brake horsepower-hour
22.83 pounds per hour
199,999 pounds per year

Condition 54: Process Permissible Emissions
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 52.21, Subpart A

Item 54.1:

The sum of emissions from the regulated process cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: 1-STAGE Process: ST1

CAS No: 000630-08-0 (From Mod 0)
Name: CARBON MONOXIDE
PTE(s): 3.17 grams per brake horsepower-hour
57.07 pounds per hour
499,999 pounds per year

Emission Unit: 2-STAGE Process: ST2

CAS No: 000630-08-0 (From Mod 0)
Name: CARBON MONOXIDE
PTE(s): 3.1 grams per brake horsepower-hour
57.07 pounds per hour
499,999 pounds per year

Condition 55: Compliance Certification
Effective between the dates of 03/26/2001 and 03/26/2006

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

Item 55.1:



New York State Department of Environmental Conservation

Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075

The Compliance Certification activity will be performed for:

Emission Unit: 1-STAGE

Item 55.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2001.

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

Condition 56: Compliance Certification

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 231-2.2

Item 56.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-STAGE

Regulated Contaminant(s):

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

Item 56.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

NO_x EMISSIONS FROM STAGE I ENGINES ARE LIMITED TO 1.27 GRAM/BRAKE HORSEPOWER-HOUR. THE FACILITY WILL TEST ONE ENGINE FROM THIS PROCESS DURING THE TERM OF THIS PERMIT. THIS LIMIT IS MORE STRINGENT THAN THE PART 227-2 LIMIT OF 3



New York State Department of Environmental Conservation

Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075

GRAM/BRAKE HORSEPOWER-HOUR, THEREFORE, THE PART 227-2 LIMIT WILL NOT BE INCLUDED AS A REQUIREMENT ON THIS PERMIT.

Upper Permit Limit: 1.27 grams per brake horsepower-hour
Reference Test Method: METHOD 7, 7E OR 19
Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 57: Compliance Certification
Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 231-2.2

Item 57.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-STAGE

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

Item 57.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

THE FACILITY WILL LIMIT NO_x EMISSIONS FROM EACH ENGINE IN STAGE I TO 1.27 GRAM/BRAKE HORSEPOWER-HR. ENGINES IN STAGE I WILL HAVE OXYGEN LEVELS IN EXHAUST STACKS MEASURED & RECORDED 5 TIMES PER WEEK FOR EACH ENGINE.

Manufacturer Name/Model Number: BACHARACH COMBUSTION ANALYZER/#24-7073

Parameter Monitored: OXYGEN CONTENT

Lower Permit Limit: 5.0 percent

Upper Permit Limit: 13.7 percent

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED RANGE AT ANY TIME

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2001.

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

New York State Department of Environmental Conservation

Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075



Condition 58: Compliance Certification

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 60.752(b)(2), NSPS Subpart WWW

Item 58.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-STAGE

Regulated Contaminant(s):

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

Item 58.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

When using an enclosed combustion device for control of non-methane organic compounds (NMOC), the device must either reduce NMOC by 98 weight percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume, dry basis as hexane at 3 percent oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test to be completed no later than 180 days of issuance of the Title V permit. The facility will complete the testing on one engine from Stage 1 (Emission Unit 1-STAGE). The planned performance test for the first quarter of 2001 will satisfy the time-frame of this requirement.

Lower Permit Limit: 98 percent by weight

Reference Test Method: Method 18, 25, 25C

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 59: Compliance Certification

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 52.21, Subpart A

Item 59.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-STAGE

New York State Department of Environmental Conservation

Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075



Process: ST1

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 59.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

TO REMAIN BELOW PSD THRESHOLD, THE OWNER
PROPOSES TO CAP CARBON MONOXIDE EMISSIONS
FROM EACH ENGINE IN STAGE 1 @ 3.17
GRAMS/BRAKE HORSEPOWER/HR. ENGINES IN
STAGE I WILL HAVE THE OXYGEN LEVEL IN
EXHAUST STACKS MEASURED & RECORDED 5
TIMES PER WK FOR EACH ENGINE.

Manufacturer Name/Model Number: BACHARACH COMBUSTION ANALYZER/#24-7073

Parameter Monitored: OXYGEN CONTENT

Lower Permit Limit: 5.0 percent

Upper Permit Limit: 13.7 percent

Monitoring Frequency: AS REQUIRED - SEE MONITORING
DESCRIPTION

Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED
RANGE AT ANY TIME

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2001.

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

Condition 60: Compliance Certification

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 52.21, Subpart A

Item 60.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-STAGE

Process: ST1

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 60.2:

Compliance Certification shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075



Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

CO EMISSIONS FROM STAGE I ENGINES ARE LIMITED TO 3.17 GRAM/BRAKE HORSEPOWER-HOUR. THE FACILITY WILL TEST ONE ENGINE FROM THIS PROCESS DURING THE TERM OF THIS PERMIT.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 3.17 grams per brake horsepower-hour

Reference Test Method: 40CFR60 APP A-10

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 61: Compliance Certification

Effective between the dates of 03/26/2001 and 03/26/2006

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

Item 61.1:

The Compliance Certification activity will be performed for:

Emission Unit: 2-STAGE

Item 61.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2001.

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

Condition 62: Compliance Certification



New York State Department of Environmental Conservation

Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 231-2.2

Item 62.1:

The Compliance Certification activity will be performed for:

Emission Unit: 2-STAGE

Regulated Contaminant(s):

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

Item 62.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

THE FACILITY WILL LIMIT NO_x EMISSIONS
FROM STAGE II ENGINES TO 1.24 GRAM/BRAKE
HORSEPOWER-HOUR. STAGE II ENGINE EXHAUST
OXYGEN LEVELS WILL BE RECORDED 5 TIMES
PER WEEK FOR EACH ENGINE.

Manufacturer Name/Model Number: BACHARACH COMBUSTION ANALYZER/#24-7073

Parameter Monitored: OXYGEN CONTENT

Lower Permit Limit: 5.0 percent

Upper Permit Limit: 13.7 percent

Monitoring Frequency: AS REQUIRED - SEE MONITORING
DESCRIPTION

Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED
RANGE AT ANY TIME

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2001.

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

Condition 63: Compliance Certification

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 6NYCRR 231-2.2

Item 63.1:

The Compliance Certification activity will be performed for:

Emission Unit: 2-STAGE

Regulated Contaminant(s):



New York State Department of Environmental Conservation

Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075

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

Item 63.2:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

NO_x EMISSIONS FROM STAGE II ENGINES ARE LIMITED TO 1.24 GRAM/BRAKE HORSEPOWER-HOUR. THE FACILITY WILL TEST ONE ENGINE FROM THIS PROCESS DURING THE TERM OF THIS PERMIT. THIS LIMIT IS MORE STRINGENT THAN THE PART 227-2 LIMIT OF 3 GRAM/BRAKE HORSEPOWER-HOUR, THEREFORE, THE PART 227-2 LIMIT WILL NOT BE INCLUDED AS A REQUIREMENT ON THIS PERMIT.

Upper Permit Limit: 1.24 grams per brake horsepower-hour

Reference Test Method: METHOD 7, 7E OR 19

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 64: Compliance Certification

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 60.752(b)(2), NSPS Subpart WWW

Item 64.1:

The Compliance Certification activity will be performed for:

Emission Unit: 2-STAGE

Regulated Contaminant(s):

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

Item 64.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

When using an enclosed combustion device for control of non-methane organic compounds (NMOC), the device must either reduce NMOC by 98 weight percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume, dry basis as hexane at 3 percent oxygen. The reduction efficiency or parts per million by

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volume shall be established by an initial performance test to be completed no later than 180 days of issuance of the Title V permit. The facility will complete the testing on one engine from Stage II (Emission Unit 2-STAGE). The planned performance test for the first quarter of 2001 will satisfy the time-frame of this requirement.

Lower Permit Limit: 98 percent by weight

Reference Test Method: Method 18, 25, 25C

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 65: Compliance Certification

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 52.21, Subpart A

Item 65.1:

The Compliance Certification activity will be performed for:

Emission Unit: 2-STAGE

Process: ST2

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 65.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

TO REMAIN BELOW PSD THRESHOLDS, THE OWNER PROPOSES TO CAP CARBON MONOXIDE EMISSIONS FROM EACH ENGINE IN STAGE II TO 3.10 GRAM/BRAKE HORSEPOWER-HR. STAGE II ENGINE EXHAUST OXYGEN LEVELS WILL BE RECORDED 5 TIMES PER WEEK ON EACH ENGINE.

Manufacturer Name/Model Number: BACHARACH COMBUSTION ANALYZER/#24-7073

Parameter Monitored: OXYGEN CONTENT

Lower Permit Limit: 5.0 percent

Upper Permit Limit: 13.7 percent

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION



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Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED
RANGE AT ANY TIME

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2001.

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

Condition 66: Compliance Certification

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable Federal Requirement: 40CFR 52.21, Subpart A

Item 66.1:

The Compliance Certification activity will be performed for:

Emission Unit: 2-STAGE

Process: ST2

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 66.2:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

CO EMISSIONS FROM STAGE II ENGINES ARE
LIMITED TO 3.10 GRAM/BRAKE
HORSEPOWER-HOUR. THE FACILITY WILL TEST
ONE ENGINE FROM THIS PROCESS DURING THE
TERM OF THIS PERMIT.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 3.10 grams per brake horsepower-hour

Reference Test Method: 40CFR60 APP A-10

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



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 only enforceable and are not subject to annual compliance certification requirements for Title V permits.

**Condition 67: General Provisions
Effective between the dates of 03/26/2001 and 03/26/2006**

Applicable State Requirement: 6NYCRR 201-5

Item 67.1:

This section contains terms and conditions that are not federally enforceable and are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 201-6.4 of Part 201.



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Item 67.2:

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.

Item 67.3:

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

Condition 68: Contaminant List

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable State Requirement: 6NYCRR 201-5.3(b)

Item 68.1:

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

CAS No: 000630-08-0

Name: CARBON MONOXIDE

CAS No: 0NY998-20-0

Name: NMOC - LANDFILL USE ONLY

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

Condition 69: Air pollution prohibited

Effective between the dates of 03/26/2001 and 03/26/2006

Applicable State Requirement: 6NYCRR 211.2

Item 69.1:

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.