



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: 10/06/2005 Expiration Date: 10/05/2010
Mod 1 Effective Date: 10/27/2008 Expiration Date: 10/05/2010

Permit Issued To: SENECA ENERGY II LLC
2999 JUDGE RD
OAKFIELD, NY 14125

Contact: PETER H ZELIFF
INNOVATIVE ENERGY SYSTEMS INC
2999 JUDGE RD
OAKFIELD, NY 14125-9771
(585) 948-8580

Facility: SENECA ENERGY LFGTE FACILITY
ST RTE 414|RENEWABLE RESOURCES PARK
SENECA FALLS, NY 13165

Contact: PETER H ZELIFF
INNOVATIVE ENERGY SYSTEMS INC
2999 JUDGE RD
OAKFIELD, NY 14125-9771
(585) 948-8580

Description:
Modification of the Title V Facility Permit for a total of 18 engines capable of producing 17.915 megawatts of electricity. This permit replaces the renewed and modified permit dated October 2005. The facility was previously permitted to operate 18 engines under the Emission Units 1-Stage, 2- Stage, and 3-Stage. This Title V permit modification reflects the installation and operation of a diesel fueled IC engine used to power an 800 eKW electricity generator which will be added under the new emission unit E-GENER. The unit will be used for a maximum of 250 hours per year when utility outages occur. The unit also consists of a 1400 gallon above-ground storage tank with stored diesel fuel. The modification includes the listing of Subpart 201-3.2 Exempt activities, changes to equipment operating specifications, and changes to CO and NOx emission rate calculations.

The PSD exemption, NOX RACT, and NAAQS requirements of the previous permit are carried over in to this modified permit. The additional equipment will be within the previous permit caps for NOx and CO. In addition, requirements pursuant to 40 CFR 60 Subpart IIII have been added to the permit to address the emergency diesel generator. Certain monitoring requirements for the original 18 engines have been revised.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any



Special Conditions included as part of this permit.

Permit Administrator: PETER A LENT
DIVISION OF ENVIRONMENTAL PERMITS
6274 EAST AVON LIMA RD
AVON, NY 14414-9519

Authorized Signature: _____ Date: ____ / ____ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

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

Facility Level

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



DEC GENERAL CONDITIONS

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

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

GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Facility Inspection by the Department

Applicable State Requirement: ECL 19-0305

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

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

Applicable State Requirement: ECL 3-0301.2(m)

Item 2.1:

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

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

Applicable State Requirement: 6NYCRR 621.11

Item 1-1.1:

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

Item 1-1.2:

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



Item 1-1.3:

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

Condition 3: Applications for Permit Renewals and Modifications

Applicable State Requirement: 6NYCRR 621.13

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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

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

Applicable State Requirement: 6NYCRR 621.13

Item 1-2.1:

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

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

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

Applicable State Requirement: 6NYCRR 621.14

Item 4.1:

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



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

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

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

Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:

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

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

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

HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.6(a)

Item 1-3.1:

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

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



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: SENECA ENERGY II LLC
2999 JUDGE RD
OAKFIELD, NY 14125

Facility: SENECA ENERGY LFGTE FACILITY
ST RTE 414 RENEWABLE RESOURCES PARK
SENECA FALLS, NY 13165

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

Mod 0 Permit Effective Date: 10/06/2005

Permit Expiration Date: 10/05/2010

Mod 1 Permit Effective Date: 10/27/2008

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Facility Level

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

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6NYCRR 201-6.5(a)(7): Fees
- 3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 6 6NYCRR 201-6.5(e): Compliance Certification
- 1-1 6NYCRR 202-2.1: Compliance Certification
- 1-2 6NYCRR 202-2.5: Recordkeeping requirements
- 7 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 8 6NYCRR 200.7: Maintenance of Equipment
- 9 6NYCRR 201-1.7: Recycling and Salvage
- 1-3 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 11 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 12 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 13 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 14 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 15 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 16 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 17 6NYCRR 202-1.1: Required Emissions Tests
- 18 6NYCRR 211.3: Visible Emissions Limited
- 19 40CFR 68: Accidental release provisions.
- 20 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 21 6NYCRR 201-6: Emission Unit Definition
- 22 6NYCRR 201-6.5(f): Compliance Certification
- 23 6NYCRR 227-2.3(c): Compliance Certification
- 1-4 6NYCRR 227-2.4(f)(2)(iii): Compliance Certification
- 1-5 6NYCRR 227-2.6(c): Compliance Certification
- 27 6NYCRR 231-2.4: Notification/Reporting requirements
- 28 6NYCRR 231-2.4: Emission offset requirements
- 1-6 6NYCRR 257-4: Compliance Certification



- 1-7 6NYCRR 257-4: Compliance Certification
 - 1-8 6NYCRR 257-7: Compliance Certification
 - 32 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
 - 1-9 40CFR 60.7(a), NSPS Subpart A: Modification Notification
 - 1-10 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
 - 1-11 40CFR 60.7(c), NSPS Subpart A: Compliance Certification
 - 1-12 40CFR 60.7(d), NSPS Subpart A: Excess emissions report.
 - 1-13 40CFR 60.7(e), NSPS Subpart A: Monitoring frequency waiver.
 - 1-14 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
 - 1-15 40CFR 60.7(g), NSPS Subpart A: Notification Similar to State or
Local Agency
 - 1-16 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
 - 33 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
 - 1-17 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
 - 1-18 40CFR 60.8(d), NSPS Subpart A: Prior notice.
 - 1-19 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
 - 1-20 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
 - 1-21 40CFR 60.9, NSPS Subpart A: Availability of information.
 - 1-22 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
 - 1-23 40CFR 60.12, NSPS Subpart A: Circumvention.
 - 1-24 40CFR 60.14, NSPS Subpart A: Modifications.
 - 1-25 40CFR 60.15, NSPS Subpart A: Reconstruction
 - 1-26 40CFR 60.4206, NSPS Subpart III: Duration of emission standards
for new stationary compression ignition IC engines
- Emission Unit Level**
- 34 6NYCRR 201-6: Emission Point Definition By Emission Unit
 - 35 6NYCRR 201-6: Process Definition By Emission Unit

EU=3-STAGE

- 1-27 6NYCRR 227-1.3(a): Compliance Certification
- 1-28 6NYCRR 257-4: Compliance Certification
- 1-29 40CFR 60.752(b)(2)(iii)(B), NSPS Subpart W: Compliance Certification

EU=E-GENER

- 1-30 40CFR 60.4205(a), NSPS Subpart III: Compliance Certification
- 1-38 40CFR 60.4207(a), NSPS Subpart III: Compliance Certification
- 1-31 40CFR 60.4207(a), NSPS Subpart III: Compliance Certification
- 1-32 40CFR 60.4207(a), NSPS Subpart III: Compliance Certification
- 1-33 40CFR 60.4207(b), NSPS Subpart III: Compliance Certification
- 1-34 40CFR 60.4209(a), NSPS Subpart III: Compliance Certification
- 1-35 40CFR 60.4211(e), NSPS Subpart III: Compliance Certification
- 1-36 40CFR 60.4214, NSPS Subpart III: Compliance Certification

EU=E-GENER,Proc=EMG,ES=EGENE

- 1-37 6NYCRR 227-1.3(a): Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 38 ECL 19-0301: Contaminant List
- 39 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 1-39 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

EU=3-STAGE



40 6NYCRR 212.4(a): Emissions from new emission sources and/or
modifications



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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



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

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

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

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

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

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

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



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

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

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

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

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

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

Item L: Permit Exclusion - ECL 19-0305

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



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

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

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

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

**Condition 1: Acceptable Ambient Air Quality
Effective between the dates of 10/06/2005 and 10/05/2010**

Applicable Federal Requirement:6NYCRR 200.6

Item 1.1:

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

**Condition 2: Fees
Effective between the dates of 10/06/2005 and 10/05/2010**

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

Item 2.1:

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

**Condition 3: Recordkeeping and reporting of compliance monitoring
Effective between the dates of 10/06/2005 and 10/05/2010**

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

Item 3.1:

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

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



- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

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

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

Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 4.1:

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

Condition 5: Compliance Certification

Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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



requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

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

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

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

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

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

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



also be identified in the 6 month monitoring report required above.

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

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

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

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

Condition 6: Compliance Certification
Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 6.1:



The Compliance Certification activity will be performed for the Facility.

Item 6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

- i. Compliance certifications shall contain:
 - the identification of each term or condition of the permit that is the basis of the certification;
 - the compliance status;
 - whether compliance was continuous or intermittent;
 - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
 - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions;and
 - such additional requirements as may be specified elsewhere in this permit related to compliance certification.
- ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.
- iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.
- iv. All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative



for the Administrator, at the following address:

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

The address for the RAPCE is as follows:

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

The address for the BQA is as follows:

NYSDEC
Bureau of Quality Assurance
625 Broadway
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due on the same day each year

Condition 1-1: Compliance Certification
Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement:6NYCRR 202-2.1

Item 1-1.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-1.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

Condition 1-2: Recordkeeping requirements
Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement:6NYCRR 202-2.5



Item 1-2.1:

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

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

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

**Condition 7: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 10/06/2005 and 10/05/2010**

Applicable Federal Requirement:6NYCRR 215

Item 7.1:

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

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

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

**Condition 8: Maintenance of Equipment
Effective between the dates of 10/06/2005 and 10/05/2010**

Applicable Federal Requirement:6NYCRR 200.7

Item 8.1:

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 9: Recycling and Salvage
Effective between the dates of 10/06/2005 and 10/05/2010**

Applicable Federal Requirement:6NYCRR 201-1.7

Item 9.1:



Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

Condition 1-3: Prohibition of Reintroduction of Collected Contaminants to the air

Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement:6NYCRR 201-1.8

Replaces Condition(s) 10

Item 1-3.1:

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 11: Exempt Sources - Proof of Eligibility

Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 11.1:

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

Condition 12: Trivial Sources - Proof of Eligibility

Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 12.1:

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

Condition 13: Standard Requirement - Provide Information

Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 13.1:



The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 14: General Condition - Right to Inspect
Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 14.1:

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

- (i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and
- (iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 15: Standard Requirements - Progress Reports
Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 15.1:

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

- (i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- (ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

Condition 16: Off Permit Changes
Effective between the dates of 10/06/2005 and 10/05/2010

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



Item 16.1:

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.6 shall not apply to any change made pursuant to this paragraph.

Condition 17: Required Emissions Tests
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement:6NYCRR 202-1.1

Item 17.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time. Such person shall bear the cost of measurement and preparing the report of measured emissions. Failure of such person to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny a certificate to operate.

Condition 18: Visible Emissions Limited
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement:6NYCRR 211.3

Item 18.1:

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 19: Accidental release provisions.
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement:40CFR 68

Item 19.1:



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

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
 - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
 - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

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

Condition 20: Recycling and Emissions Reduction
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement:40CFR 82, Subpart F

Item 20.1:

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

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

Condition 21: Emission Unit Definition
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement:6NYCRR 201-6

Item 21.1(From Mod 1):

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

Emission Unit: 3-STAGE

Emission Unit Description:

1. 14 lean-burn CAT G3516 (01ENG-14ENG) and 4 lean-burn CAT G3520C (15ENG-18ENG) gas IC engines connected to individual electricity generators installed in building ENGBLDG.
2. Ancillary equipment with insignificant emissions [exempt pursuant to 6NYCRR Part 201-3.1(b)] that supports



the electricity generation operations.

a. Engine radiator coolant (new and used) will be stored in separate above ground holding tanks positioned on the premises of the LFG fueled IC engine electricity generation operations. The new and used engine radiator coolant storage tanks will each have capacities of 1,000 gallons.

b. Engine lube oil (new and used) will be stored in separate above ground holding tanks positioned on the premises of the LFG fueled IC engine electricity generation operations. The new lube oil storage tanks will have capacities of 8,000 gallons and 6,000 gallons. The used oil storage tank will have a capacity of 2,000 gallons.

Building(s): ENGBLDG

Item 21.2(From Mod 1):

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

Emission Unit: E-GENER

Emission Unit Description:

This emission unit will consist of one (1) diesel fueled IC engine (Catepillar, Inc., CAT Model C27 DITA) used to power an electricity generator (CAT Model SR4B) for a maximum of 250 hr/yr when utility outages occur.

This unit will also consist of a 1400 gallon above ground tank that will store diesel fuel to operate the emergency generator. This tank has insignificant emissions pursuant to 6NYCRR Part 201-3.

Building(s): EGENENCL

Condition 22: Compliance Certification

Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 22.1:

The Compliance Certification activity will be performed for the Facility.

Item 22.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operational Flexibility Plan

I. Protocol Objective

The objective of this condition is to maximize operational flexibility at the facility by building into the Title V



Permit the capability to make certain changes using a protocol. As provided under 6 NYCRR Part 201-6.5(f)(2), changes made under an approved protocol are not subject to the Title V permit modification provisions under 6 NYCRR Part 201-6.7.

II. Protocol

A. Criteria

1. Changes reviewed under this protocol in shall be evaluated in accordance with the following criteria:

a. All underlying federal and state requirements with which the new or changed emission source must comply must exist in the Title V permit. Existing permit conditions may be amended to reference or include the new or changed emission source and any related information, and/or, subject to DEC approval, new conditions proposed, to provide the appropriate monitoring parameters.

b. Any new or changed emission source shall not be part of a source project that results in a significant net emissions increase that exceeds the NSR thresholds identified in 6 NYCRR Part 231-2 or 40 CFR 52.21.

c. The facility shall not use the protocol to make physical changes or changes in the method of operation of existing emission sources that would require a new or modified federally enforceable cap either to avoid major New Source Review requirements or to address and comply with other Clean Air Act requirements such as RACT. Such changes must be addressed via the significant permit modification provisions.

B. Notification Requirements for Changes Reviewed under Protocol

1. The facility shall notify the Department in writing of the proposed change.

2. Notifications made in accordance with this protocol will include the following documentation:

a. Identification of the Title V permit emission unit, process(es), emission sources, and emission points affected by the proposed change with applicable revisions to the Emission Unit structure;

b. Description of the proposed change, including operating parameters;



c. Identification and description of emissions control technology;

d. Documentation of the project's or emission source's compliance with respect to all state and/or federally applicable requirements, including the following steps:

i. Calculate the emission rate potential and maximum projected actual annual emission rates for all contaminants affected by the change.

ii. Submit documentation of major NSR program non-applicability for NYSDEC review and approval.

iii. Identify and evaluate the applicability of all regulations likely to be triggered by the new or changed emission source.

iv. Propose any operating and record keeping procedures necessary to ensure compliance.

e. Any other relevant information used for the evaluation of the proposed project or emission source under the Protocol.

C. Review and Approval of Changes

1. The Department shall respond to the permittee in writing with a determination within 15 days of receipt of the notification from the permittee.

2. The Department may require a permit modification, in order to impose new applicable requirements or additional permit conditions if it determines that changes proposed pursuant to notification do not meet the criteria under III.A or that the change may have a significant air quality impact or be otherwise potentially significant under SEQRA (6NYCRR Part 617).

3. The Department may require that the permittee not undertake the proposed change until it completes a more detailed review of the proposed change, which may include potential air quality impacts and/or applicable requirements. The Department's determination shall include a listing of information required for further review, if necessary.

D. Additional Compliance Obligations for Changes Made Under this Protocol



1. Upon commencement of the change, the facility shall comply with all applicable requirements and permit conditions, including any amended or proposed in accordance with III.A.1.a above.

2. The facility shall provide with the semi-annual monitoring report, a summary of the changes made in accordance with this protocol and a statement of the compliance status of each. Changes reported should include all those made during the corresponding period and any earlier changes that have not yet been incorporated into the permit.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

Condition 23: Compliance Certification
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 227-2.3(c)

Item 23.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 23.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility is subject to the NO_x RACT requirements of 6NYCRR Part 227-2. The facility is required to submit an operating plan as described in 6NYCRR Part 227-2.3(c) to the Department for approval. The facility must operate the engines in accordance with the approved operating plan. This will ensure that the engines are operating under the same conditions as the most recent approved performance test. The document shall be updated when any changes occur.

The plan must include a provision to maintain daily fuel usage records as well as performing an annual tune-up on each internal combustion engine in use at the facility.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION



Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

Condition 1-4: Compliance Certification
Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 227-2.4(f)(2)(iii)

Item 1-4.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 3-STAGE

Regulated Contaminant(s):

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

Item 1-4.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In order to show compliance with the NO_x RACT standard of sources firing landfill gas of 2.0 grams per brake horsepower-hour, the facility is required to conduct quarterly instantaneous testing per calendar year using a portable NO_x analyzer on engines 01ENG through 18ENG. The sampling will be done in accordance with the analyzer manufacturer's recommendations for testing and calibration (using non-EPA methods).

If two consecutive instantaneous quarterly samples show a discrepancy of 10 percent or more from the original stack test results or if one quarterly sample is off by 20% or more from the original stack test results, then the facility must notify the Department and a new stack test may be required to show compliance.

Upper Permit Limit: 2.0 grams per brake horsepower-hour

Reference Test Method: METHOD - SEE MONITORING DESCRIPTION

Monitoring Frequency: QUARTERLY

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

Condition 1-5: Compliance Certification
Effective between the dates of 10/27/2008 and 10/05/2010



Applicable Federal Requirement: 6NYCRR 227-2.6(c)

Item 1-5.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 3-STAGE

Regulated Contaminant(s):

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

Item 1-5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In order to show compliance with the NO_x RACT standard of sources firing landfill gas of 2.0 grams per brake horsepower-hour, the facility is required to conduct an emission test under 6NYCRR Part 227-2.6(a)(7). In accordance with this requirement, the facility must:

1) submit a compliance test protocol to the Department for approval at least 30 days prior to emission testing. The conditions of the testing and the locations of the sampling devices must be acceptable to the Department; and

2) utilize the procedures set forth in 40 CFR Part 60, Appendix A or any other method acceptable to the Department and the Administrator for determining compliance with the NO_x limit of 2.0 grams per brake horsepower-hour, and must, in addition, follow the procedures set forth in 6NYCRR Part 202 as follows:

For stationary internal combustion engines, utilize Method 7, 7E, or 19 from 40 CFR Part 60, Appendix A or another reference method approved by the Department;

3) submit a compliance test report containing the results of the emission test to the Department no later than 60 days after completion of the emission test.

The facility must conduct the required emissions test at 100% +/- 10% load on each engine type determined by the Department. The Department will base its decision using the NO_x emission rates as determined by the portable NO_x analyzer prior to the emissions test.

Prior to renewal of the Title V permit, the facility must complete a second performance test utilizing procedures for engine selection and testing as described above. This performance test must be completed no later than 180 days



prior to expiration of the Title V permit.

Upper Permit Limit: 2.0 grams per brake horsepower-hour

Reference Test Method: EPA Method 7, 7E or 19

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 27: Notification/Reporting requirements
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement:6NYCRR 231-2.4

Item 27.1:

At least sixty (60) days prior to the scheduled commence operation date of the proposed source project or proposed major facility, the permittee shall submit any changes to the list of offset sources included in this permit. For each such change, the applicant must submit another "Use of Emission Reduction Credits Form" signed by the applicant and an authorized representative of the new offset source.

Item 27. 2:

The facility shall submit to the DEC Regional office a letter of confirmation that each future emission reduction, if any, used to provide emission offsets for this facility has physically occurred. This letter should be submitted, not less than 10 working days, prior to the facility's scheduled start-up date.

Item 27.3:

This permit shall be subject to revocation if construction is not commenced within 18 months from the date of issuance of such permit or if construction is discontinued for a period of 18 months or more (excluding any period of time that the permit is subject to challenge in State or Federal court), or if construction is not completed within a reasonable time acceptable to the Department.

Condition 28: Emission offset requirements
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement:6NYCRR 231-2.4

Item 28.1:

To satisfy the emission offset requirements of Part 231, the facility has obtained 52 tons of NOx Emission Reduction Credits (ERCs) from the following sources:

Facility Name	DEC ID
ERCs (tpy)	
LFG Energy Upgrade Facility	9-1432-00281

Condition 1-6: Compliance Certification



Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement:6NYCRR 257-4

Item 1-6.1:

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

Emission Unit: 3-STAGE

Emission Unit: E-GENER

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 1-6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The sum of emissions of carbon monoxide from this facility are limited to 522.9 tons/year calculated on a rolling 12 month total. This limit ensures that National Ambient Air Quality Standards are not exceeded. The facility shall calculate monthly carbon monoxide emissions from engines 01ENG through 18ENG using daily individual bHp production data based on the amount of electricity that is generated by each engine and the results from the approved stack test report dated May 18, 2007 for emission factors (results of quarterly instantaneous carbon monoxide monitoring will be used to confirm proper operation of the engines and the accuracy of the emission factors). All other sources of carbon monoxide emissions shall be calculated and included in the facility's rolling 12 month total. The facility shall keep these records in a format acceptable to the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: ELECTRICAL LOAD OUTPUT

Parameter Monitored: ELECTRICAL LOAD OUTPUT

Upper Permit Limit: 522.9 tons per year

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

Condition 1-7: Compliance Certification

Effective between the dates of 10/27/2008 and 10/05/2010



Applicable Federal Requirement:6NYCRR 257-4

Item 1-7.1:

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

Emission Unit: 3-STAGE

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 1-7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility must show that they are in compliance with the 522.9 tons/yr limit for carbon monoxide. An emission test using 40CFR60 APP A-10 must be completed on each engine type determined by the Department. The Department will base its decision on the NOx emission rates as determined by the portable NOx analyzer prior to the emissions test.

An emissions test for the above mentioned emission sources must be completed no later than 180 days prior to renewal of the TV permit.

Upper Permit Limit: 522.9 tons per year

Reference Test Method: 40CFR60 APP A-10

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

Subsequent reports are due every 12 calendar month(s).

Condition 1-8: Compliance Certification

Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement:6NYCRR 257-7

Item 1-8.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 1-8.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC



OPERATIONS

Monitoring Description:

The sum of emissions of oxides of nitrogen from this facility are limited to 214.4 tons/year calculated on a rolling 12 month total. This limit ensures that National Ambient Air Quality Standards are not exceeded. The facility shall calculate monthly oxides of nitrogen emissions from 01ENG through 18ENG using daily individual engine bHp production data based on the amount of electricity that is generated at each engine and the results from the approved stack test report dated May 18, 2007 for emission factors (the results of quarterly oxides of nitrogen monitoring will be used to verify proper operation of the engines and confirm the accuracy of the stack test emission factors). All other sources of oxides of nitrogen emissions shall be calculated and included in the facility's rolling 12 month total. These records shall be kept in a format acceptable to the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: ELECTRICAL LOAD OUTPUT

Parameter Monitored: ELECTRICAL LOAD OUTPUT

Upper Permit Limit: 214.4 tons per year

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

Condition 32: EPA Region 2 address.

Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement:40CFR 60.4, NSPS Subpart A

Item 32.1:

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

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

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

NYSDEC



Bureau of Quality Assurance
625 Broadway
Albany, NY 12233-3258

Condition 1-9: Modification Notification
Effective between the dates of 10/27/2008 and 10/05/2010

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

Item 1-9.1:

Any owner or operator subject to 40 CFR Part 60 shall furnish the Administrator and this office with the following information:

- a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under 40 CFR Part 60. The notice shall be post marked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productivity capability of the facility before and after the change, and the expected completion date of the change. The Administrator and/or this Department may request additional information regarding the change.

Condition 1-10: Recordkeeping requirements.
Effective between the dates of 10/27/2008 and 10/05/2010

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

Item 1-10.1:

Affected owners or operators shall maintain records of occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

Condition 1-11: Compliance Certification
Effective between the dates of 10/27/2008 and 10/05/2010

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

Item 1-11.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-11.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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;
- 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.

Monitoring Frequency: CONTINUOUS
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2009.
Subsequent reports are due every 6 calendar month(s).

Condition 1-12: Excess emissions report.
Effective between the dates of 10/27/2008 and 10/05/2010

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

Item 1-12.1:

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 1-13: Monitoring frequency waiver.
Effective between the dates of 10/27/2008 and 10/05/2010

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

Item 1-13.1: Notwithstanding the frequency of reporting requirements specified in paragraph (c) of this section, an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the conditions in 40 CFR 60.7(e) are met.

Condition 1-14: Facility files for subject sources.



Effective between the dates of 10/27/2008 and 10/05/2010

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

Item 1-14.1:

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 1-15: Notification Similar to State or Local Agency
Effective between the dates of 10/27/2008 and 10/05/2010

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

Item 1-15.1:

If notification substantially similar to that in 40 CFR Part 60.7(a) is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of 40 CFR Part 60.7(a).

Condition 1-16: Performance testing timeline.
Effective between the dates of 10/27/2008 and 10/05/2010

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

Item 1-16.1:

Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance testing and provide the results of such tests, in a written report, to the Administrator.

Condition 33: Performance test methods.
Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 33.1:

Performance testing shall be conducted in accordance with the methods and procedures prescribed in 40 CFR 60 or by alternative methods and procedures approved by the Administrator.

Condition 1-17: Required performance test information.
Effective between the dates of 10/27/2008 and 10/05/2010

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

Item 1-17.1:



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 1-18: Prior notice.

Effective between the dates of 10/27/2008 and 10/05/2010

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

Item 1-18.1:

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

Condition 1-19: Performance testing facilities.

Effective between the dates of 10/27/2008 and 10/05/2010

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

Item 1-19.1:

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 1-20: Number of required tests.

Effective between the dates of 10/27/2008 and 10/05/2010

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

Item 1-20.1:

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 1-21: Availability of information.

Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement:40CFR 60.9, NSPS Subpart A

Item 1-21.1:

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 1-22: Opacity standard compliance testing.

Effective between the dates of 10/27/2008 and 10/05/2010



Applicable Federal Requirement:40CFR 60.11, NSPS Subpart A

Item 1-22.1:

The following conditions shall be used to determine compliance with the opacity standards:

1) observations shall be conducted in accordance with Reference Method 9, in Appendix A of 40 CFR Part 60(or an equivalent method approved by the Administrator including continuous opacity monitors);

2) the opacity standards apply at all times except during periods of start up, shutdown, and malfunction; and

3) all other applicable conditions cited in section 60.11 of this part.

Condition 1-23: Circumvention.

Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement:40CFR 60.12, NSPS Subpart A

Item 1-23.1:

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 1-24: Modifications.

Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement:40CFR 60.14, NSPS Subpart A

Item 1-24.1:

Within 180 days of the completion of any physical or operational change (as defined in section 60.14), compliance with the applicable standards must be achieved.

Condition 1-25: Reconstruction

Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement:40CFR 60.15, NSPS Subpart A

Item 1-25.1:

The following shall be submitted to the Administrator prior to reconstruction (as defined in section 60.15):

1) a notice of intent to reconstruct 60 days prior to the action;

2) name and address of the owner or operator;



- 3) the location of the existing facility;
- 4) a brief description of the existing facility and the components to be replaced;
- 5) a description of the existing air pollution control equipment and the proposed air pollution control equipment;
- 6) an estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility;
- 7) the estimated life of the facility after the replacements; and
- 8) a discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

**Condition 1-26: Duration of emission standards for new stationary
compression ignition IC engines
Effective between the dates of 10/27/2008 and 10/05/2010**

Applicable Federal Requirement:40CFR 60.4206, NSPS Subpart IIII

Item 1-26.1:

Owners and operators of a stationary compression ignition internal combustion engine (CI ICE) must operate and maintain the stationary CI ICE that achieves the emission standards as required in §§60.4204 and 60.4205 according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer, over the entire life of the engine.

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

**Condition 34: Emission Point Definition By Emission Unit
Effective between the dates of 10/06/2005 and 10/05/2010**

Applicable Federal Requirement:6NYCRR 201-6

Item 34.1(From Mod 1):

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

Emission Unit: 3-STAGE

Emission Point: ENG01

Height (ft.): 29

Diameter (in.): 12

NYTMN (km.): 4754.222

NYTME (km.): 350.031

Building: ENGBLDG

Emission Point: ENG02

Height (ft.): 29

Diameter (in.): 12

NYTMN (km.): 4754.222

NYTME (km.): 350.031

Building: ENGBLDG

Emission Point: ENG03



Height (ft.): 29	Diameter (in.): 12	
NYTMN (km.): 4754.222	NYTME (km.): 350.031	Building: ENGBLDG
Emission Point: ENG04		
Height (ft.): 29	Diameter (in.): 12	
NYTMN (km.): 4754.222	NYTME (km.): 350.031	Building: ENGBLDG
Emission Point: ENG05		
Height (ft.): 29	Diameter (in.): 12	
NYTMN (km.): 4754.222	NYTME (km.): 350.031	Building: ENGBLDG
Emission Point: ENG06		
Height (ft.): 29	Diameter (in.): 12	
NYTMN (km.): 4754.222	NYTME (km.): 350.031	Building: ENGBLDG
Emission Point: ENG07		
Height (ft.): 29	Diameter (in.): 12	
NYTMN (km.): 4754.222	NYTME (km.): 350.031	Building: ENGBLDG
Emission Point: ENG08		
Height (ft.): 29	Diameter (in.): 12	
NYTMN (km.): 4754.222	NYTME (km.): 350.031	Building: ENGBLDG
Emission Point: ENG09		
Height (ft.): 29	Diameter (in.): 12	
NYTMN (km.): 4754.222	NYTME (km.): 350.031	Building: ENGBLDG
Emission Point: ENG10		
Height (ft.): 29	Diameter (in.): 12	
NYTMN (km.): 4754.222	NYTME (km.): 350.031	Building: ENGBLDG
Emission Point: ENG11		
Height (ft.): 29	Diameter (in.): 12	
NYTMN (km.): 4754.222	NYTME (km.): 350.031	Building: ENGBLDG
Emission Point: ENG12		
Height (ft.): 29	Diameter (in.): 12	
NYTMN (km.): 4754.222	NYTME (km.): 350.031	Building: ENGBLDG
Emission Point: ENG13		
Height (ft.): 29	Diameter (in.): 12	
NYTMN (km.): 4754.222	NYTME (km.): 350.031	Building: ENGBLDG
Emission Point: ENG14		
Height (ft.): 29	Diameter (in.): 12	
NYTMN (km.): 4754.222	NYTME (km.): 350.031	Building: ENGBLDG
Emission Point: ENG15		
Height (ft.): 38	Diameter (in.): 15	
		Building: ENGBLDG
Emission Point: ENG16		
Height (ft.): 38	Diameter (in.): 15	



Building: ENGBLDG

Emission Point: ENG17
Height (ft.): 38

Diameter (in.): 15

Building: ENGBLDG

Emission Point: ENG18
Height (ft.): 38

Diameter (in.): 15

Building: ENGBLDG

Item 34.2(From Mod 1):

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

Emission Unit: E-GENER

Emission Point: EGEN1
Height (ft.): 10

Diameter (in.): 10

Building: EGENENCL

**Condition 35: Process Definition By Emission Unit
Effective between the dates of 10/06/2005 and 10/05/2010**

Applicable Federal Requirement:6NYCRR 201-6

Item 35.1(From Mod 1):

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

Emission Unit: 3-STAGE

Process: ST3

Source Classification Code: 2-01-008-07

Process Description:

Process ST3 consists of:

1. 14 CAT G3516 gas IC engine generator sets that have individual maximum heat input rates of 8.6 MMBtu/hr LHV. At the minimum fuel quality utilization value of 420 Btu/cf (LHV), the maximum fuel use rate of each IC engine is approximately 341 cfm.

2. 4 CAT G3520C gas IC engine generator sets that have individual maximum heat input rates of 14.67 MMBtu/hr LHV. At the minimum fuel quality utilization value of 420 Btu/cf (LHV), the maximum fuel use rate of each IC engine is approximately 580 cfm.

Emission Source/Control: 01ENG - Combustion
Design Capacity: 810 kilowatts

Emission Source/Control: 02ENG - Combustion
Design Capacity: 810 kilowatts

Emission Source/Control: 03ENG - Combustion
Design Capacity: 810 kilowatts



Emission Source/Control: 04ENG - Combustion
Design Capacity: 810 kilowatts

Emission Source/Control: 05ENG - Combustion
Design Capacity: 810 kilowatts

Emission Source/Control: 06ENG - Combustion
Design Capacity: 810 kilowatts

Emission Source/Control: 07ENG - Combustion
Design Capacity: 810 kilowatts

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

Emission Source/Control: 15ENG - Combustion
Design Capacity: 1,600 kilowatts

Emission Source/Control: 16ENG - Combustion
Design Capacity: 1,600 kilowatts

Emission Source/Control: 17ENG - Combustion
Design Capacity: 1,600 kilowatts

Emission Source/Control: 18ENG - Combustion
Design Capacity: 1,600 kilowatts

Item 35.2(From Mod 1):

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

Emission Unit: E-GENER

Process: EMG

Source Classification Code: 2-01-008-02

Process Description:

Process EMG consists of an emergency 800 kW diesel fueled



IC engine generator set. (Not 6NYCRR Part 201-3(b) exempt based applicability of 40CFR Part 60 Subpart IIII).

Emission Source/Control: EGENE - Combustion
Design Capacity: 800 kilowatts

Condition 1-27: Compliance Certification
Effective between the dates of 10/27/2008 and 10/05/2010

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

Item 1-27.1:

The Compliance Certification activity will be performed for:

Emission Unit: 3-STAGE

Item 1-27.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20% opacity (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. The facility will perform a visual observation of each exhaust on a daily basis. If any opacity is noted, corrective action will be taken immediately or a Method 9 will be performed within 2 business days. The facility shall keep records of daily observations and any corrective action performed in a format acceptable to the Department.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

Condition 1-28: Compliance Certification
Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement:6NYCRR 257-4

Item 1-28.1:

The Compliance Certification activity will be performed for:

Emission Unit: 3-STAGE



Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 1-28.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In order to show compliance with the permit limit of 522.9 tons/yr of carbon monoxide, the facility is required to conduct quarterly instantaneous testing per calendar year using a portable CO analyzer on engines 01ENG through 18ENG. The sampling will be done in accordance with the analyzer manufacturer's recommendations for testing and calibration (using non-EPA methods). Results from this testing will be used to verify stack test results and confirm proper operation of the engines.

If two consecutive instantaneous quarterly samples show a discrepancy of 10 percent or more from the original stack test results or if one quarterly sample is off by 20% or more from the original stack test results, then the facility must notify the Department and a new stack test may be required to show compliance.

Upper Permit Limit: 522.9 tons per year

Reference Test Method: See Monitoring Description

Monitoring Frequency: QUARTERLY

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

Condition 1-29: Compliance Certification

Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement: 40CFR 60.752(b)(2)(iii)('B'), NSPS

Subpart WWW

Item 1-29.1:

The Compliance Certification activity will be performed for:

Emission Unit: 3-STAGE

Regulated Contaminant(s):

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

Item 1-29.2:

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.

An emissions test for each engine type must be completed no later than 180 days prior to renewal of the TV permit.

The facility has applied for a determination from the EPA if their system meets the definition of treatment as proposed in Subpart WWW. Until such a determination has been finalized with a response from EPA or the rule changes have been promulgated, the facility must comply with this permit condition.

Lower Permit Limit: 98 percent by weight

Reference Test Method: EPA Method 18, 25, 25C,25A

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 1-30: Compliance Certification

Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement:40CFR 60.4205(a), NSPS Subpart IIII

Item 1-30.1:

The Compliance Certification activity will be performed for:

Emission Unit: E-GENER

Regulated Contaminant(s):

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

Item 1-30.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of an emergency stationary compression ignition (CI) internal combustion engine (ICE) manufactured prior to the 2007 model year and with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder that is not a fire pump engine must comply with the following Tier 1 standard NOx emission limits:



- (i) 17.0 g/kW-hr when maximum test speed is less than 130 rpm.
- (ii) $45.0 \times N - 0.20$ when maximum test speed is at least 130 but less than 2000 rpm, where N is the maximum test speed of the engine in revolutions per minute.
(Note: Round speed-dependent standards to the nearest 0.1 g/kW-hr.)
- (iii) 9.8 g/kW-hr when maximum test speed is 2000 rpm or more.

Compliance with these limits will be determined by conducting an initial performance test according to the requirements set forth in 40 CFR 60.4212. This requirement may be waived if the permittee can demonstrate compliance with the applicable emission limit by any of the following alternate methods listed below as per 40 CFR 60.4211(b)(1) thru (4):

- (1) Purchasing an engine certified according to 40 CFR part 89 or 40 CFR part 94, as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications.
- (2) Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in 40 CFR 60, Subpart IIII and these methods must have been followed correctly.
- (3) Keeping records of engine manufacturer data indicating compliance with the standards.
- (4) Keeping records of control device vendor data indicating compliance with the standards

Upper Permit Limit: 10.05 grams per kilowatt hour
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2009.
Subsequent reports are due every 6 calendar month(s).

Condition 1-38: Compliance Certification
Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement: 40CFR 60.4207(a), NSPS Subpart IIII

Item 1-38.1:
The Compliance Certification activity will be performed for:



Emission Unit: E-GENER

Item 1-38.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Beginning October 1, 2007, the owner or operator of a stationary compression ignition internal combustion engine which is subject to the requirements of subpart III of 40 CFR Part 60 may not fire diesel fuel above a maximum aromatic content of 35 percent per gallon as referenced in 40 CFR Part 80.510(a). Compliance shall be demonstrated by either sampling each delivery and conducting an appropriate analysis or by obtaining a certificate of analysis showing the aromatic content for each shipment of diesel fuel provided by the fuel supplier. In either case, the owner or operator must verify that any required fuel analysis has been conducted using methodology acceptable to the Department. Records of all certificates of analysis provided by the fuel supplier and on-site fuel sampling results must be maintained on site for a minimum of five years.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DIESEL OIL

Parameter Monitored: AROMATIC CONTENT

Upper Permit Limit: 35 percent

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

Condition 1-31: Compliance Certification
Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement: 40CFR 60.4207(a), NSPS Subpart III

Item 1-31.1:

The Compliance Certification activity will be performed for:

Emission Unit: E-GENER

Item 1-31.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS



Monitoring Description:

Beginning October 1, 2007, the owner or operator of a stationary compression ignition internal combustion engine which is subject to the requirements of subpart IIII of 40 CFR Part 60 may not fire diesel fuel below a minimum cetane index of 40 per gallon as referenced in 40 CFR Part 80.510(a). Compliance shall be demonstrated by either sampling each delivery and conducting an appropriate analysis or by obtaining a certificate of analysis showing the cetane index for each shipment of diesel fuel provided by the fuel supplier. In either case, the owner or operator must verify that any required fuel analysis has been conducted using methodology acceptable to the Department. Records of all certificates of analysis provided by the fuel supplier and on-site fuel sampling results must be maintained on site for a minimum of five years.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DIESEL OIL

Parameter Monitored: CETANE INDEX

Lower Permit Limit: 40 ratio

Monitoring Frequency: PER DELIVERY

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED
VALUE AT ANY TIME

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

Condition 1-32: Compliance Certification

Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement: 40CFR 60.4207(a), NSPS Subpart IIII

Item 1-32.1:

The Compliance Certification activity will be performed for:

Emission Unit: E-GENER

Item 1-32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

Beginning October 1, 2007, the owner or operator of a stationary compression ignition internal combustion engine which is subject to the requirements of subpart IIII of 40 CFR Part 60 may not fire diesel fuel which exceeds a sulfur content of 500 ppm per gallon as referenced in 40 CFR Part 80.510(a). Compliance shall be demonstrated by either sampling each delivery and conducting an



appropriate analysis or by obtaining a certificate of analysis showing the sulfur content or range of sulfur content for each shipment of diesel fuel provided by the fuel supplier. In either case, the owner or operator must verify that any required fuel analysis has been conducted using methodology acceptable to the Department. Records of all certificates of analysis provided by the fuel supplier and on-site fuel sampling results must be maintained on site for a minimum of five years.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DIESEL OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 500 parts per million by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

Condition 1-33: Compliance Certification
Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement: 40CFR 60.4207(b), NSPS Subpart III

Item 1-33.1:

The Compliance Certification activity will be performed for:

Emission Unit: E-GENER

Item 1-33.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Beginning October 1, 2010, the owner or operator of a stationary compression ignition internal combustion engine displacing less than 30 liters per cylinder and which is subject to the requirements of subpart III of 40 CFR Part 60 may not fire any diesel fuel which exceeds a sulfur content of 15 ppm per gallon as per the non-road diesel fuel sulfur content standard set forth in 40 CFR Part 80.510(b). Compliance shall be demonstrated by either sampling each delivery and conducting an appropriate analysis or by obtaining a certificate of analysis showing the sulfur content or range of sulfur content for each shipment of non-road diesel fuel provided by the fuel supplier. In either case, the owner or operator must verify that any required fuel analysis has been conducted using methodology acceptable to the Department. Records



of all certificates of analysis provided by the fuel supplier and on-site fuel sampling results must be maintained on site for a minimum of five years.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DIESEL OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 15 parts per million by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

Condition 1-34: Compliance Certification
Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement:40CFR 60.4209(a), NSPS Subpart III

Item 1-34.1:

The Compliance Certification activity will be performed for:

Emission Unit: E-GENER

Item 1-34.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of an emergency stationary compression ignition IC engine must install and maintain a non-resettable hour meter prior to startup to monitor engine usage

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

Condition 1-35: Compliance Certification
Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement:40CFR 60.4211(e), NSPS Subpart III

Item 1-35.1:

The Compliance Certification activity will be performed for:

Emission Unit: E-GENER



Item 1-35.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. Anyone may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. For owners and operators of emergency engines meeting standards under §60.4205 but not §60.4204, any operation other than emergency operation, and maintenance and testing as permitted in this section, is prohibited.

Parameter Monitored: ENGINE OPERATION

Upper Permit Limit: 100 hours per year

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: ANNUAL TOTAL

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

Condition 1-36: Compliance Certification

Effective between the dates of 10/27/2008 and 10/05/2010

Applicable Federal Requirement:40CFR 60.4214, NSPS Subpart IIII

Item 1-36.1:

The Compliance Certification activity will be performed for:

Emission Unit: E-GENER

Item 1-36.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners and operators of non-emergency stationary CI IC engines that are greater than 2,237 KW (3,000HP), or have a displacement of greater than or equal to 10 liters per



cylinder, or are pre-2007 model year engines that are greater than 130 KW (175 HP) and not certified, must meet the following notification, reporting and recordkeeping requirements:

- (1) Submit an initial notification including the following information as required in §60.7(a)(1).
 - (i) Name and address of the owner or operator;
 - (ii) The address of the affected source;
 - (iii) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;
 - (iv) Emission control equipment; and
 - (v) Fuel used.

- (2) Keep records of the information listed below:
 - (i) All notifications submitted to comply with this subpart and all documentation supporting any notification.
 - (ii) Maintenance conducted on the engine.
 - (iii) If the stationary CI internal combustion is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards.
 - (iv) If the stationary CI internal combustion is not a certified engine, documentation that the engine meets the emission standards.

If the stationary CI IC engine is an emergency stationary internal combustion engine, an initial notification is not required to be submitted. Starting with the model years in table 5 to Subpart III of Part 60, if the emergency engine does not meet the standards applicable to nonemergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the nonresettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 1-37: Compliance Certification
Effective between the dates of 10/27/2008 and 10/05/2010



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

Item 1-37.1:

The Compliance Certification activity will be performed for:

Emission Unit: E-GENER

Process: EMG

Emission Source: EGENE

Item 1-37.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20% opacity (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. The facility will perform a visual observation of each exhaust on a daily basis. If any opacity is noted, corrective action will be taken immediately or a Method 9 will be performed within 2 business days. The facility shall keep records of daily observations and any corrective action performed in a format acceptable to the Department.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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



STATE ONLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability

Item A: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

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

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.

**Condition 38: Contaminant List
Effective between the dates of 10/06/2005 and 10/05/2010**

Applicable State Requirement:ECL 19-0301

Item 38.1:

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: 0NY210-00-0



Name: OXIDES OF NITROGEN

CAS No: 0NY998-20-0

Name: NMOC - LANDFILL USE ONLY

**Condition 39: Unavoidable noncompliance and violations
Effective between the dates of 10/06/2005 and 10/05/2010**

Applicable State Requirement:6NYCRR 201-1.4

Item 39.1:

At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control



technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

Condition 1-39: Air pollution prohibited
Effective between the dates of 10/27/2008 and 10/05/2010

Applicable State Requirement:6NYCRR 211.2

Item 1-39.1:

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

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

Condition 40: Emissions from new emission sources and/or modifications
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable State Requirement:6NYCRR 212.4(a)

Item 40.1:

This Condition applies to Emission Unit: 3-STAGE

Item 40.2:

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

