

New York State Department of Environmental Conservation
Facility DEC ID: 8462400031



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 8-4624-00031/00009
Effective Date: 02/13/2004 Expiration Date: 02/13/2009

Permit Type: Solid Waste Management
Permit ID: 8-4624-00031/00010
Effective Date: 02/13/2004 Expiration Date: 02/13/2009

Permit Issued To: STEUBEN COUNTY
3 E. PULTENEY SQUARE
BATH, NY 14810-1510

Contact: VINCENT SPAGNOLETTI
STEUBEN CO DPW
3 E PULTENEY SQUARE
BATH, NY 14810
(607) 776-9631

Facility: NEW BATH LANDFILL
TURNPIKE RD
BATH, NY 14810

Description:

Initial Title V Facility Air Permit for the lateral expansion of the Steuben County Bath Landfill located on Turnpike Road in the Town of Bath. The facility consists of three emission units identified as 1-LFGAS, 3-LCHST, and 4-PWRSC.

Emission unit 1-LFGAS consists landfill gas generated by anaerobic decomposition. This emission unit consists of one large flare and two smaller candlestick flares. Landfill gas will also be released as a collection system.

Emission unit 3-LCHST consists of the covered 704,000 gallon emergency leachate storage tank at the facility which is used during high leachate flow periods.

Emission unit 4-PWRSC consists of a portable power screen used for soil processing. This unit emits particulates. The equipment may be used at various locations around the property.



Notification of Other State Permittee Obligations

d Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

Facility Inspection by the Department

Orders and Determinations

Applications for Permit Renewals and Modifications

Locations by the Department

Facility Level

Permit 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.

Permit Orders and Determinations

Applicable State Requirement: ECL 3-0301.2(m)

Item 2.1:

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

Condition 3: Applications for Permit Renewals 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,

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regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

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. 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 ******

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



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ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

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3 E. PULTENEY SQUARE
BATH, NY 14810-1510

Facility: NEW BATH LANDFILL
TURNPIKE RD
BATH, NY 14810

Authorized Activity By Standard Industrial Classification Code:
4953 - REFUSE SYSTEMS



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 201-6: Emission Unit Definition
- 2 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 3 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 4 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 5 6NYCRR 201-6.5(e): Compliance Certification
- 6 6NYCRR 201-6.5(f): Compliance Certification
- 7 6NYCRR 201-6.5(g): Non Applicable requirements
- 8 6NYCRR 202-2.1: Compliance Certification
- 9 6NYCRR 202-2.5: Recordkeeping requirements
- 10 6NYCRR 231-2: Compliance Certification
- 11 40CFR 52.21, Subpart A: Compliance Certification
- 12 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 13 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 14 40CFR 60.7(c), NSPS Subpart A: Excess emissions report.
- 15 40CFR 60.752(b)(1), NSPS Subpart WWW: Standards for air emissions from MSW landfills
- 16 40CFR 60.752(b)(2), NSPS Subpart WWW: Standards for air emissions from MSW landfills
- 17 40CFR 60.754(a)(1), NSPS Subpart WWW: Calculation of Non-Methane Organic Carbon (NMOC) Emissions
- 18 40CFR 60.754(a)(2), NSPS Subpart WWW: NMOC Calculation - Tier 1
- 19 40CFR 60.754(a)(3), NSPS Subpart WWW: NMOC Calculation - Tier 2
- 20 40CFR 60.757(a), NSPS Subpart WWW: Reporting requirements - Initial design capacity
- 21 40CFR 60.757(b), NSPS Subpart WWW: Reporting requirements - NMOC emission rate
- 22 40CFR 60.758(a), NSPS Subpart WWW: Compliance Certification
- 23 40CFR 61.154, NESHAP Subpart M: Asbestos-containing waste material standard for active waste disposal sites
- 24 40CFR 68: Accidental release provisions.
- 25 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 26 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 27 6NYCRR 201-6: Process Definition By Emission Unit

EU=1-LFGAS

- 28 40CFR 60.7(d), NSPS Subpart A: Excess Emissions Report
- 29 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 30 40CFR 60.9, NSPS Subpart A: Availability of information.
- 31 40CFR 60.11(d), NSPS Subpart A: Compliance with Standards and Maintenance Requirements
- 32 40CFR 60.12, NSPS Subpart A: Circumvention.

EU=1-LFGAS,Proc=001

- 33 6NYCRR 212.6(a): Compliance Certification

EU=4-PWRSC,Proc=002

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34 6NYCRR 212.6(a): Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

35 ECL 19-0301: Contaminant List

36 6NYCRR 201-1.4: Unavoidable noncompliance and violations

37 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

EU=1-LFGAS,Proc=001

38 6NYCRR 212.4(a): Emissions from new emission sources and/or modifications

EU=1-LFGAS,Proc=004

39 6NYCRR 212.4(a): Emissions from new emission sources and/or modifications

EU=3-LCHST,Proc=003

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

EU=4-PWRSC,Proc=002

41 6NYCRR 212.4(a): Emissions from new emission sources and/or modifications

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FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 6NYCRR Part 200.5

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

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

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

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

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

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

Item C: Maintenance of Equipment - 6NYCRR Part 200.7

Any person who owns or operates an air contamination

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

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

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

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

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

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

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

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

(1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;

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

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

(4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the

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emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

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

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

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

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

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

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

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

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

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requirements, regulations, or law.

- Item J: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)**
The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.
- Item K: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)**
Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.
- Item L: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)**
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item M: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)**
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item N: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission**

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Requirements - 6 NYCRR Part 201-6.5(a)(3)

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

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

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

Item P: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR Part 201-6.5(a)(5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item Q: Property Rights - 6 NYCRR Part 201-6.5(a)(6)

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

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

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

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

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

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

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facility is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

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

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

Item T: Severability - 6 NYCRR Part 201-6.5(a)(9)

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

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

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

i. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

ii. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

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

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

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changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provisions of Title I of the Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the Administrator and the Department with written notification in advance of the proposed changes within a minimum of 7 days as required by 6 NYCRR §201-6.5(f)(6).

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

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

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

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Act;

iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

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

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

i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

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

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

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

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

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

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a shorter time period in the case of an emergency.

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

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

Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

Item AA: Open Fires - 6 NYCRR Part 215

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

Item BB: Permit Exclusion - ECL 19-0305

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

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

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

FEDERAL APPLICABLE REQUIREMENTS

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

Condition 1: Emission Unit Definition
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 6NYCRR 201-6

Item 1.1:

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

Emission Unit: 1-LFGAS

Emission Unit Description:

THIS UNIT CONSISTS OF LANDFILLED WASTE GENERATING LANDFILL GAS BY ANAEROBIC DECOMPOSITION. THE EMISSION UNIT WILL CONSIST OF ONE (1) LARGE FLARE AND TWO SMALLER CANDLESTICK FLARES AS DEFINED EMISSION POINTS. LANDFILL GAS WILL ALSO BE RELEASED AS A FUGITIVE EMISSION, IF IT BYPASSES THE LANDFILL GAS COLLECTION SYSTEM.

Item 1.2:

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

Emission Unit: 3-LCHST

Emission Unit Description:

THIS UNIT CONSISTS OF THE EMERGENCY LEACHATE STORAGE TANK AT THE FACILITY WHICH IS USED DURING HIGH LEACHATE FLOW PERIODS. THE TANK IS A COVERED 704,000 GALLON CAPACITY TANK.

Item 1.3:

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

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Emission Unit: 4-PWRSC

Emission Unit Description:

THIS UNIT CONSISTS OF A PORTABLE POWER SCREEN USED FOR SOIL PROCESSING. THE UNIT EMITS PARTICULATES. THE EQUIPMENT MAY BE USED AT VARIOUS LOCATIONS AROUND THE PROPERTY.

**Condition 2: Recordkeeping and reporting of compliance monitoring
Effective between the dates of 02/13/2004 and 02/13/2009**

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

Item 2.1:

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 3: Monitoring, Related Recordkeeping, and Reporting
Requirements.
Effective between the dates of 02/13/2004 and 02/13/2009**

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

Item 3.1:

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 4: Compliance Certification
Effective between the dates of 02/13/2004 and 02/13/2009**

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

Item 4.1:

The Compliance Certification activity will be performed for the Facility.

Item 4.2:

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,

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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.

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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 7/30/2004.

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

Condition 5: Compliance Certification
Effective between the dates of 02/13/2004 and 02/13/2009

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

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:

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

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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:



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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 1/30/2005.
Subsequent reports are due on the same day each year

Condition 6: Compliance Certification
Effective between the dates of 02/13/2004 and 02/13/2009

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

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:

Operational Flexibility Plan

Plan Objective

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

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

Protocol for Changes

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



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

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

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

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

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

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

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

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

Reporting

On an annual basis, the facility must submit a summary of all changes made under the Protocol for Changes during

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that year. This summary is to be submitted as part of the annual compliance certification pursuant to 6NYCRR Part 201-6.5(e).

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2004.

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

**Condition 7: Non Applicable requirements
Effective between the dates of 02/13/2004 and 02/13/2009**

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

Item 7.1:

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

40CFR 60-A.8(b)

Reason: The facility is not subject to performance testing until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-A.8(c)

Reason: The facility is not subject to performance testing until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-A.8(d)

Reason: The facility is not subject to performance testing until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-A.8(e)

Reason: The facility is not subject to performance testing until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-A.8(f)

Reason: The facility is not subject to performance testing until they meet the requirements of 40CFR60-WWW.752(b)(2) which

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is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-A.18(c)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-A.18(d)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-A.18(e)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-A.18(f)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.753(a)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.753(b)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.753(c)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.753(d)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to

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equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.753(e)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.753(f)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.753(g)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.754(b)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.754(d)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.755(a)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.755(b)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.755(c)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to

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equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.755(d)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.755(e)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.756(a)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.756(b)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.756(f)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.757(d)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.757(e)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.757(f)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to

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equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.757(g)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.758(b)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.758(c)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.758(d)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.758(e)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.759(a)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.759(c)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 63-A.6(e)(3)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to



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equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 63-AAAA.1955(b)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 63-AAAA.1980(a)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

Condition 8: Compliance Certification
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 6NYCRR 202-2.1

Item 8.1:

The Compliance Certification activity will be performed for the Facility.

Item 8.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due by April 15th for previous calendar year

Condition 9: Recordkeeping requirements
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 6NYCRR 202-2.5

Item 9.1:

(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



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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 10: Compliance Certification
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 6NYCRR 231-2

Item 10.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 10.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility will maintain records of emissions for oxides of nitrogen and volatile organic compounds to confirm that the facility remains below the applicability thresholds for NSR.

Monitoring Frequency: SEMI-ANNUALLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2004.

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

Condition 11: Compliance Certification
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 40CFR 52.21, Subpart A

Item 11.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

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

Item 11.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES



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Monitoring Description:

The facility will maintain records of emissions for oxides of nitrogen, carbon monoxide and hazardous air pollutants to confirm that the facility remains below the applicability thresholds for PSD.

Monitoring Frequency: SEMI-ANNUALLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2004.

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

Condition 12: EPA Region 2 address.

Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A

Item 12.1:

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 13: Recordkeeping requirements.

Effective between the dates of 02/13/2004 and 02/13/2009

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

Item 13.1:

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.



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Condition 14: Excess emissions report.

Effective between the dates of 02/13/2004 and 02/13/2009

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

Item 14.1:

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

- 1) the magnitude of excess emissions computed, any conversion factors used, the date and time of each occurrence, and the process operating time during the reporting period;
- 2) specific identification of each period of excess emissions that occur during startup, shutdown, or malfunction, where the nature, cause, and corrective action are provided for a malfunction;
- 3) the date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
- 4) when no excess emissions have occurred or when the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be provided in the report.

Condition 15: Standards for air emissions from MSW landfills

Effective between the dates of 02/13/2004 and 02/13/2009

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

Item 15.1:

Owner or operator of a municipal solid waste (MSW) landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, shall either comply with 40 CFR Part 60.752(b)(2) or calculate a non-methane organic compound (NMOC) emission rate for the landfill using the procedures specified in 40 CFR Part 60.754. The NMOC emission rate shall be recalculated annually, except as provided in 40 CFR Part 60.757(b)(1)(ii).

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

i) Submit an annual emission report to the Administrator, except as provided for in 40 CFR Part 60.757(b)(1)(ii); and

ii) Recalculate the NMOC emission rate annually using the procedures specified in 40 CFR Part 60.754(a)(1) until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year. If upon recalculation the NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall install a collection and control system in compliance with 40 CFR Part 60.752(b)(2).

Condition 16: Standards for air emissions from MSW landfills

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Effective between the dates of 02/13/2004 and 02/13/2009

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

Item 16.1:

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

i) Submit a collection and control system design plan prepared by a professional engineer to the Administrator within 1 year:

A) The collection and control system as described in the plan shall meet the design requirements of paragraph (ii) below.

B) The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR Part 60.753 through 60.758 proposed by the owner or operator.

C) The collection and control system design plan shall either conform with specifications for active collection systems in 40 CFR Part 60.759 or include a demonstration to the Administrator's satisfaction of the sufficiency of the alternative provisions to 40 CFR Part 60.759.

D) The Administrator shall review the information submitted under paragraphs (i)(A), (B) and (C) above and either approve it, disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, or horizontal trenches only, leachate collection components, and passive systems.

ii) Install a collection and control system that captures the gas generated within the landfill as required by paragraphs (i)(A) or (B) and (iii) below, within 30 months after the first annual report in which the emission rate equals or exceeds 50 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the emission rate is less than 50 megagrams per year, as specified in 40 CFR Part 60.757(c)(1) or (2).

A) An active gas collection system shall:

1) be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment;

2) collect gas from each area, cell or group of cells in the landfill in which the initial solid waste has been placed for a period of 5 years (if active) or 2 years (if closed or at final grade);

3) collect gas at a sufficient extraction rate; and

4) be designed to minimize off-site migration of subsurface gas.



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(B) A passive collection system shall:

(1) Comply with the provisions specified in paragraphs (A)(1),(2), and (4) above.

(2) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners shall be installed as required under 40 CFR Part 258.40 of this title.

iii) Route all the collected gas to a control system that complies with either of the following:

A) is an open flare designed and operated in accordance with 40 CFR 60.18; or

B) is a control system designed and operated to reduce NMOC by 98% (by weight) or, when an enclosed combustion device is used for control, to either reduce NMOC by 98% weight or reduce the NMOC outlet concentration to less than 20 parts per million by volume, dry basis as hexane at 3% oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test to be completed no later than 180 days after the initial startup of the approved control system using the test methods specified in 40 CFR Part 60.754(d).

(1) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone.

(2) The control device shall be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in 40 CFR Part 60.756;

(C) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of paragraph (iii)(A) or (B) above.

Condition 17: Calculation of Non-Methane Organic Carbon (NMOC) Emissions Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 40CFR 60.754(a)(1), NSPS Subpart WWW

Item 17.1:

The landfill owner or operator shall calculate the NMOC emission rate using the equation provided below. The values to be used in the equation are 0.05 per year for k, 170 cubic meters per megagram for L₀ and 4,000 parts per million by volume as hexane for C_{NMOC}.

i) The following equation shall be used:

$$M_{NMOC} = \sum 2kL_0M_i(e^{-kt_i})(C_{NMOC})(3.6 \times 10^{-9})$$

where,

M_{NMOC} = Total NMOC emission rate from the landfill, megagrams per year

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k = methane generation rate constant, year⁻¹

L_0 = methane generation potential, cubic meters per megagram solid waste

M_i = mass of solid waste in the i^{th} section, megagrams

t_i = age of the i^{th} section, years

C_{NMOC} = concentration of NMOC, parts per million by volume as hexane

3.6×10^{-9} = conversion factor.

The mass of the nondegradable waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for M_i if the documentation provisions of 40 CFR Part 60.758(d)(2) are followed.

Condition 18: NMOC Calculation - Tier 1

Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 40CFR 60.754(a)(2), NSPS Subpart WWW

Item 18.1:

The owner or operator shall compare the calculated NMOC mass emission rate to the standard of 50 megagrams per year.

1) If the NMOC mass emission rate calculated in 40 CFR Part 60.754(a)(1) is less than 50 megagrams per year, then the landfill owner shall submit a mass emission rate report as provided in 40 CFR Part 60.757(b)(1), and shall recalculate the NMOC mass emission rate annually as required under 40 CFR Part 60.752(b)(1).

2) If the calculated NMOC mass emission rate is equal to or greater than 50 megagrams per year, then the landfill owner shall either comply with 40 CFR Part 60.752(b)(2), or determine the site-specific NMOC concentration and recalculate the NMOC mass emission rate using the procedures provided in 40 CFR Part 60.754(a)(3).

Condition 19: NMOC Calculation - Tier 2

Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 40CFR 60.754(a)(3), NSPS Subpart WWW

Item 19.1:

The landfill owner or operator shall determine the NMOC concentration using the following sampling procedure. The landfill owner or operator shall install at least two sample probes per hectare of landfill surface that has retained waste for at least 2 years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using either, Method 25 or 25C of 40 CFR Part 60 Appendix A. Method 18 of Appendix A may be used to analyze the samples collected by the Method 25 or 25C sampling procedure. Taking composite samples from different probes into a single cylinder is allowed; however, equal sample volumes must be taken from each probe. For each composite, the



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sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume measurements must be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If using Method 18, the owner or operator must identify all compounds in the sample and, as a minimum, test for those compounds published in the most recent Compilation of Air Pollutant Emission Factors (AP-42), minus carbon monoxide, hydrogen sulfide, and mercury. As a minimum, the instrument must be calibrated for each of the compounds on the list. Convert the concentration of each Method 18 compound to CNMOC as hexane by multiplying by the ratio of its carbon atoms divided by six. If more than the required number of samples are taken, all samples must be used in the analysis. The landfill owner or operator must divide the NMOC concentration from Method 25 or 25C of Appendix A of this part by six to convert from CNMOC as carbon to CNMOC as hexane. If the landfill has an active or passive gas removal system in place, Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two sampling probe per hectare requirement. For active collection systems, samples may be collected from the common header pipe before the gas moving or condensate removal equipment. For these systems, a minimum of three samples must be collected from the header pipe.

1) The landfill owner or operator shall recalculate the NMOC mass emission rate using the equations provided in 40 CFR Part 60.754(a)(1)(i) or (ii) and using the average NMOC concentration from the collected samples instead of the default value in the equation provided in 40 CFR Part 60.754(a)(1).

2) If the resulting mass emission rate calculated using the site-specific NMOC concentration is equal to or greater than 50 megagrams per year, then the landfill owner or operator shall either comply with 40 CFR Part 60.752(b)(2), or determine the site-specific methane gas generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the procedure specified in 40 CFR Part 60.754(a)(4).

3) If the resulting NMOC mass emission rate is less than 50 megagrams per year, the owner or operator shall submit a periodic estimate of the emission rate report as provided in 40 CFR Part 60.757(b)(1) and retest the site-specific NMOC concentration every 5 years using the methods specified in this condition.

**Condition 20: Reporting requirements - Initial design capacity
Effective between the dates of 02/13/2004 and 02/13/2009**

Applicable Federal Requirement: 40CFR 60.757(a), NSPS Subpart WWW

Item 20.1:

Owner or operator shall submit an initial design capacity report to the Administrator.

1) The initial design capacity report shall fulfill the requirements of the notification of the date construction is commenced as required under 40 CFR Part 60.7(a)(1) and shall be submitted no later than 90 days after the date of commenced construction.

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

i) A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the permit issued by NYSDEC;

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

Condition 21: Reporting requirements - NMOC emission rate
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 40CFR 60.757(b), NSPS Subpart WWW

Item 21.1:

Owner or operator shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided in (1)(ii) or (3) below. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.

1) The NMOC emission rate report shall contain an annual or 5-year estimate of the NMOC emission rate, calculated using the formula and procedures provided in 40 CFR Part 60.754(a) or (b), as applicable.

i) The initial NMOC emission rate report may be combined with the initial design capacity report required by 40 CFR Part 60.757(a) and shall be submitted no later than 90 days after the date of commenced construction. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in (1)(ii) and (3) below.

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

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

3) Owner or operator is exempted from the requirements in paragraphs (1) and (2) above, after



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installation of a collection and control system in compliance with 40 CFR Part 60.752(b)(2), during such time as the collection and control system is in operation and in compliance with 40 CFR Part 60.753 and Part 60.755

Condition 22: Compliance Certification
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 40CFR 60.758(a), NSPS Subpart WWW

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:

Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), each owner or operator of an MSW landfill subject to the provisions of 40 CFR Part 60.752(b) shall keep for at least 5 years up-to-date, readily accessible, on-site records of the maximum design capacity report which triggered 40 CFR Part 60.752(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2004.

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

Condition 23: Asbestos-containing waste material standard for active waste disposal sites
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 40CFR 61.154, NESHAP Subpart M

Item 23.1:

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

Condition 24: Accidental release provisions.
Effective between the dates of 02/13/2004 and 02/13/2009

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Applicable Federal Requirement: 40CFR 68

Item 24.1:

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:

USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866
ATTN: Accidental Release Program contact

Condition 25: Recycling and Emissions Reduction
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 40CFR 82, Subpart F

Item 25.1:

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

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

Condition 26: Emission Point Definition By Emission Unit
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 6NYCRR 201-6

Item 26.1:

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

Emission Unit: 1-LFGAS

Emission Point: 00001

Height (ft.): 30

Diameter (in.): 12

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Emission Point: 00002
Height (ft.): 10 Diameter (in.): 8

Emission Point: 00003
Height (ft.): 10 Diameter (in.): 8

**Condition 27: Process Definition By Emission Unit
Effective between the dates of 02/13/2004 and 02/13/2009**

Applicable Federal Requirement: 6NYCRR 201-6

Item 27.1:

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

Emission Unit: 1-LFGAS
Process: 001 Source Classification Code: 5-02-006-10

Process Description:
THIS PROCESS CONSISTS OF LANDFILL WASTE
GENERATING LANDFILL GAS BY DECOMPOSITION
AND THE COLLECTION AND CONTROL OF THE
LANDFILL GAS EMISSIONS BY FLARING.

Emission Source/Control: F0001 - Control
Control Type: FLARING

Emission Source/Control: F0002 - Control
Control Type: FLARING

Emission Source/Control: F0003 - Control
Control Type: FLARING

Emission Source/Control: EXNBL - Process
Design Capacity: 1,009,945 Megagrams (10**6 grams)

Emission Source/Control: EXOBL - Process
Design Capacity: 681,818 Megagrams (10**6 grams)

Emission Source/Control: NBEXP - Process
Design Capacity: 1,890,909 Megagrams (10**6 grams)

Item 27.2:

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

Emission Unit: 1-LFGAS
Process: 004 Source Classification Code: 5-02-006-02

Process Description:
THIS PROCESS CONSISTS OF FUGITIVE



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EMISSIONS FROM THE LANDFILL.

Emission Source/Control: EXNBL - Process
Design Capacity: 1,009,945 Megagrams (10**6 grams)

Emission Source/Control: EXOBL - Process
Design Capacity: 681,818 Megagrams (10**6 grams)

Emission Source/Control: NBEXP - Process
Design Capacity: 1,890,909 Megagrams (10**6 grams)

Item 27.3:

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

Emission Unit: 3-LCHST
Process: 003 Source Classification Code: 5-03-007-69
Process Description:
This process consists of fugitive emissions from the
leachate storage tank.

Emission Source/Control: LTANK - Process
Design Capacity: 704,000 gallons

Item 27.4:

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

Emission Unit: 4-PWRSC
Process: 002 Source Classification Code: 3-05-020-06
Process Description:
THIS PROCESS CONSISTS OF PARTICULATE
EMISSIONS FROM A PORTABLE POWER SCREEN.
THE SCREEN IS USED FOR PROCESSING EXCAVATED
SOIL FOR USE IN LANDFILL COVER.

Emission Source/Control: SCR01 - Process
Design Capacity: 200 tons per hour

Condition 28: Excess Emissions Report
Effective between the dates of 02/13/2004 and 02/13/2009

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

Item 28.1:

This Condition applies to Emission Unit: 1-LFGAS

Item 28.2:

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).



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Condition 29: Facility files for subject sources.
Effective between the dates of 02/13/2004 and 02/13/2009

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

Item 29.1:

This Condition applies to Emission Unit: 1-LFGAS

Item 29.2:

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 evaluations; all continuous monitoring system or 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 inspection. The file shall be maintained for at least two years following the date of such measurements, reports, and records.

Condition 30: Availability of information.
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 40CFR 60.9, NSPS Subpart A

Item 30.1:

This Condition applies to Emission Unit: 1-LFGAS

Item 30.2:

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

Condition 31: Compliance with Standards and Maintenance Requirements
Effective between the dates of 02/13/2004 and 02/13/2009

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

Item 31.1:

This Condition applies to Emission Unit: 1-LFGAS

Item 31.2:

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

Condition 32: Circumvention.

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Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A

Item 32.1:

This Condition applies to Emission Unit: 1-LFGAS

Item 32.2:

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 33: Compliance Certification

Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 33.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGAS

Process: 001

Item 33.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal and in

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compliance with section 212.6(a) are detected (this may be zero percent opacity for many or all emission sources), the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions will be kept on-site in a format acceptable to the Department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of these instances.

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2004.

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

Condition 34: Compliance Certification

Effective between the dates of 02/13/2004 and 02/13/2009

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 34.1:

The Compliance Certification activity will be performed for:

Emission Unit: 4-PWRSC

Process: 002

Item 34.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal and in compliance with section 212.6(a) are detected (this may be zero percent opacity for many or all emission sources), the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions will be kept on-site in a format acceptable to the Department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of these instances.

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2004.

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

Condition 35: Contaminant List
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable State Requirement: ECL 19-0301

Item 35.1:

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



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CAS No: 000630-08-0
Name: CARBON MONOXIDE

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

Condition 36: Unavoidable noncompliance and violations
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable State Requirement: 6NYCRR 201-1.4

Item 36.1:

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



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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 37: Air pollution prohibited
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable State Requirement: 6NYCRR 211.2

Item 37.1:

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 38: Emissions from new emission sources and/or modifications
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable State Requirement: 6NYCRR 212.4(a)

Item 38.1:

This Condition applies to Emission Unit: 1-LFGAS
Process: 001

Item 38.2:

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

Condition 39: Emissions from new emission sources and/or modifications
Effective between the dates of 02/13/2004 and 02/13/2009

Applicable State Requirement: 6NYCRR 212.4(a)

Item 39.1:

This Condition applies to Emission Unit: 1-LFGAS
Process: 004

Item 39.2:

New York State Department of Environmental Conservation

Permit ID: 8-4624-00031/00009

Facility DEC ID: 8462400031



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

**Condition 40: Emissions from new emission sources and/or modifications
Effective between the dates of 02/13/2004 and 02/13/2009**

Applicable State Requirement: 6NYCRR 212.4(a)

Item 40.1:

This Condition applies to Emission Unit: 3-LCHST
Process: 003

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.

**Condition 41: Emissions from new emission sources and/or modifications
Effective between the dates of 02/13/2004 and 02/13/2009**

Applicable State Requirement: 6NYCRR 212.4(a)

Item 41.1:

This Condition applies to Emission Unit: 4-PWRSC
Process: 002

Item 41.2:

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.