

**New York State Department of Environmental Conservation
Facility DEC ID: 9023200003**



**PERMIT
Under the Environmental Conservation Law (ECL)**

IDENTIFICATION INFORMATION

Permit Type: Solid Waste Management
Permit ID: 9-0232-00003/00002
Effective Date: 10/10/2007 Expiration Date: 05/01/2015

Permit Type: Air State Facility
Permit ID: 9-0232-00003/00007
Mod 0 Effective Date: 11/25/2003 Expiration Date: 05/01/2015
Mod 1 Effective Date: 12/20/2006 Expiration Date: No expiration date.
Mod 2 Effective Date: 10/10/2007 Expiration Date: No expiration date.

Permit Issued To: HYLAND FACILITY ASSOCIATES
25 GREENS HILL LN
RUTLAND, VT 05702

Contact: LARRY B LACKEY
NEW ENGLAND WASTE SERVICES OF N Y INC
3 PITKIN CT
MONTPELIER, VT 05602
(802) 223-7221

Facility: HYLAND LANDFILL
6653 HERDMAN RD
ANGELICA, NY 14709

Contact: JOSEPH R BOYLES
HYLAND FACILITY
6653 HERDMAN RD
ANGELICA, NY 14709
(585) 466-7271

Description:
New England Waste Services of N.Y., Inc. owns and operates the Hyland Facility Associates Landfill located at 6653 Herdman Road, Angelica, New York. The Hyland Facility Associates Landfill was constructed between the years 1995 and 1998. Municipal Solid Waste (MSW), special non-hazardous wastes, and Construction and Demolition Debris have been disposed in Cell 1 of the landfill beginning in the year 1998. Waste placement in Cell 2 of the landfill began in the winter of 2002. In November 2003, the facility received an Air State Facility Permit to install an active landfill gas collection system to collect and control landfill gas in Cell 1 of the landfill to reduce emissions and control odors at the facility. In December, 2006, Hyland received an air permit modification (Mod 1) for a 48-acre lateral expansion.

New York State Department of Environmental Conservation
Facility DEC ID: 9023200003



PROJECT DESCRIPTION:

This permit is for the construction and operation of a Landfill Gas to Energy (LFGTE) Plant. The LFGTE plant will collect and convert landfill gas into electricity for sale on the open market. The LFGTE Plant will consist of three (3) G3520 Caterpillar stationary internal combustion engines.

Collected landfill gas will be pre-treated by a proprietary scrubbing system to clean the gas stream prior to combustion in the engines. Any residual gas beyond the capacity of the engines will be directed to the open flare for destruction.

EMISSIONS AND CONTROLS:

The combustion of landfill gas in the engines will result in emissions of carbon monoxide (CO), oxides of nitrogen (NOx), sulfur dioxide (SO₂), particulate matter (PM), and non-methane organic compounds (NMOCs), which includes some volatile organic compounds (VOCs) and hazardous air pollutants (HAPs).

The raw landfill gas will be pre-treated by a proprietary scrubbing system to remove contaminants harmful to the engines prior to combustion. The pre-treatment system will include filtering, de-watering and compression processes. Combustion of the treated gas in the engines will result in the adequate destruction of VOCs and HAPs prior to emission.

APPLICABLE REQUIREMENTS:

6NYCRR Part 202-1 - Required Emission Tests:

The design emission rates of the internal combustion engines for nitrogen oxides (NOx) and carbon monoxide (CO) are 0.6 grams per brake horsepower-hour (g/bhp-hr) and 3.0 g/bhp-hr, respectively. These emission rates were conservatively adjusted upward by 20% from the manufacture published emission rates to account for potential reduction of long-term engine efficiencies and the uncertainties and errors in measurement methods. The design emission rates were used to assess compliance and applicability to New Source Review (6NYCRR Part 231-2), Prevention of Significant Deterioration (40CFR52.21) and Reasonable Available Control Technology for Oxides of Nitrogen (6 NYCRR Part 227-2). The Department requires routine performance testing and periodic monitoring of the internal combustion engines to confirm the engines consistently operate within the design criteria.

6NYCRR Part 212 - General Process Emission Sources:

Hyland Facility Associates proposes to operate a raw landfill gas pre-treatment system to remove and reduce certain contaminants from the gas stream prior to combustion. Operation of the gas treatment and combustion system satisfies the control requirements of 6NYCRR Part 212.4 and 6NYCRR Part 212.9 because it will result in a high degree of destruction of organic contaminants of concern. These contaminants have been identified in AP- 42 and the impact of trace levels of these emissions on ambient air quality has been evaluated and found to be acceptable.

6NYCRR Part 227-1.3(a) - Stationary Combustion Installations:

Hyland must operate the engines with less than 20 percent opacity (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. Compliance with the opacity standard will be accomplished by completing weekly visible emission observations.

Proposed Amendments to 40 CFR60 Subpart WWW - Standards of Performance for Municipal Solid



New York State Department of Environmental Conservation
Facility DEC ID: 9023200003

Waste Landfills:

Although Hyland Landfill is not subject to the control requirements of 40 CFR60 Subpart WWW, they are proposing installation of a treatment system that would satisfy the proposed amendments. The proposed amendments state that an owner/operator who uses treated landfill gas in a combustion device is exempt from further compliance with this subpart. Clarification of the definition of a treatment system is provided in the proposed amendments. A treatment system is defined as a system that has an absolute filtration rating of 10 microns or less, lowers the water dew point of the landfill gas by at least 20 degrees Fahrenheit with a de-watering process, and compresses the landfill gas.

Proposed 40CFR60 Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines:

The proposed rule, as written, may be applicable to the facility. When EPA finalizes this rule, the applicability to the facility must be evaluated.

Proposed amendments to 40CFR63 Subpart ZZZZ - National Emission Standards for hazardous Air Pollutants for Reciprocating Internal Combustion Engines:

The proposed rule changes, as written, may be applicable to the facility. When EPA finalizes this rule, the applicability to the facility must be evaluated.

NON-APPLICABLE REQUIREMENTS:

6NYCRR Part 227-2 - Reasonable Available Control Technology for Oxides of Nitrogen:

The proposed landfill gas to energy project increases the total facility-wide NOx emissions from 20 tons per year (tpy) to 46 tpy. The NOx emissions are less than the 100 tpy major facility size threshold. As such, the facility is not subject to the NOx RACT requirements for the combustion sources at the facility.

6NYCRR Part 231-2 - Non-attainment New Source Review (NSR):

The total facility-wide VOC and NOx potential to emit (PTE) for the entire landfill (including the 48 acre expansion), including the engine project will be less than 50 tpy and 100 tpy, respectively. Therefore, the facility will remain a minor source of non-attainment contaminants and will continue not to be subject to NSR.

40CFR52.21 - Prevention of Significant Deterioration (PSD):

The PTE for attainment pollutants from the landfill and proposed landfill gas to energy project will remain below the applicability threshold of 250 tpy. With the operation of these engines, carbon monoxide is the only contaminant which comes close at 233 tpy. This permit contains testing and monitoring requirements which will ensure the emissions do not exceed the 250 tpy PSD applicability threshold.

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

Permit Administrator: STEVEN J DOLESKI
DIVISION OF ENVIRONMENTAL PERMITS
270 MICHIGAN AVE
BUFFALO, NY 14203-2999

New York State Department of Environmental Conservation
Facility DEC ID: 9023200003



Authorized Signature: _____ Date: ___ / ___ / _____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

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

Facility Level

Submission of Applications for Permit Modification or Renewal -REGION 9
HEADQUARTERS
Submission of application for permit modification or renewal-REGION 9
SUBOFFICE-ALLEGANY



DEC GENERAL CONDITIONS
****** General Provisions ******
GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Facility Inspection by the Department
Applicable State Requirement: ECL 19-0305

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

Condition 2: Relationship of this Permit to Other Department Orders and Determinations
Applicable State Requirement: ECL 3-0301.2(m)

Item 2.1:

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

Condition 2-1: Applications for permit renewals, modifications and transfers
Applicable State Requirement: 6NYCRR 621.11

Item 2-1.1:

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

Item 2-1.2:

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

Item 2-1.3:

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



New York State Department of Environmental Conservation
Facility DEC ID: 9023200003

actual transfer of ownership.

Condition 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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

Condition 2-2: Permit modifications, suspensions or revocations by the Department
Applicable State Requirement: 6NYCRR 621.13

Item 2-2.1:

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

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

Condition 4: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 4.1:

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

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions,

New York State Department of Environmental Conservation
Facility DEC ID: 9023200003



relevant technology or applicable law or regulations since the issuance of the existing permit;
e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

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

Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 9 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 9 Headquarters
Division of Environmental Permits
270 Michigan Avenue
Buffalo, NY 14203-2999
(716) 851-7165

Condition 2-3: Submission of application for permit modification or renewal-REGION 9 SUBOFFICE-ALLEGANY
Applicable State Requirement: 6NYCRR 621.6(a)

Item 2-3.1:

Submission of applications for permit modification or renewal are to be submitted to:
NYSDEC Regional Permit Administrator
Region 9 Sub-office
Division of Environmental Permits
182 E. Union Street
Allegany, NY 14706-1328
(716) 372-0645



New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: HYLAND FACILITY ASSOCIATES
25 GREENS HILL LN
RUTLAND, VT 05702

Facility: HYLAND LANDFILL
6653 HERDMAN RD
ANGELICA, NY 14709

Authorized Activity By Standard Industrial Classification Code:
3519 - INTERNAL COMBUSTION ENGINES
4911 - ELECTRIC SERVICES

Mod 0 Permit Effective Date: 11/25/2003

Permit Expiration Date: 05/01/2015

Mod 1 Permit Effective Date: 12/20/2006

Permit Expiration Date: No expiration date.

Mod 2 Permit Effective Date: 10/10/2007

Permit Expiration Date: No expiration date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1-1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 2-1 6NYCRR 201-6.5(g): Non Applicable requirements
- 2-3 40CFR 60, NSPS Subpart W: Compliance Demonstration
- 2-2 40CFR 60.754, NSPS Subpart W: Compliance Demonstration
- 1-30 40CFR 61.154, NESHAP Subpart M: Asbestos-containing waste material standard for active waste disposal sites
- 2-4 40CFR 63.1945, Subpart AAAA: Compliance Demonstration

Emission Unit Level

EU=1-LFGTE

- 2-5 6NYCRR 202-1: Compliance Demonstration
- 2-6 6NYCRR 212.4: Compliance Demonstration
- 2-7 6NYCRR 227-1.3(a): Compliance Demonstration

EU=1-LNDFL,Proc=FLR

- 2-8 6NYCRR 212.4: Compliance Demonstration

EU=1-LNDFL,Proc=FUG

- 2-9 6NYCRR 212.4: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 11 ECL 19-0301: Contaminant List
- 12 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 13 6NYCRR 201-5: Emission Unit Definition
- 14 6NYCRR 211.2: Air pollution prohibited
- 2-10 6NYCRR 211.2: Compliance Demonstration
- 2-11 6NYCRR 211.2: Compliance Demonstration

Emission Unit Level

- 15 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 16 6NYCRR 201-5: Process Definition By Emission Unit



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

This section contains terms and conditions which are federally enforceable. 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

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



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



New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003

occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

Item 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: 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 requirements, regulations, or law.

Item I: 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



New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003

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 J: 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 K: 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 L: 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 M: 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

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



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 N: Federally Enforceable Requirements - 40 CFR 70.6(b)

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

FEDERAL APPLICABLE REQUIREMENTS

The following conditions are federally enforceable.

Condition 1-1: Acceptable Ambient Air Quality

Effective between the dates of 12/20/2006 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.6

Item 1-1.1:

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

Condition 2-1: Non Applicable requirements

Effective between the dates of 10/10/2007 and Permit Expiration Date

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

Replaces Condition(s) 1-2

Item 2-1.1:

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



New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003

within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

(From Mod 2) 6NYCRR 227-2

Reason: The proposed landfill gas to energy project increases the total facility-wide NOx emissions from 20 tons per year (tpy) to 46 tpy. The NOx emissions are less than the 100 tpy major facility size threshold. As such, the facility is not subject to the NOx RACT requirements for the combustion sources at the facility.

6NYCRR 231-2

Reason: The total facility-wide VOC and NOx emissions, including emissions from the existing landfill and the proposed landfill gas to energy project, are less than 50 tpy and 100 tpy, respectively. Therefore, the facility is not a major source of non-attainment contaminants and is not subject to NSR requirements.

40CFR 52-A.21

Reason: Total emissions of attainment pollutants from the landfill and proposed landfill gas to energy project are below the applicability threshold of 250 tpy. Carbon monoxide has the greatest amount of emissions at 233 tpy. The facility is not a major source of attainment pollutants and, therefore, not subject to PSD.

Condition 2-3: Compliance Demonstration

Effective between the dates of 10/10/2007 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60, NSPS Subpart WWW

Item 2-3.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 2-3.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

40CFR60 Subpart WWW - Standards of Performance for
Municipal Solid Waste Landfills:

The provisions of 40CFR60 Subpart WWW apply to each

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



municipal solid waste landfill that commenced construction, reconstruction or modification on or after May 30, 1991. Hyland Facility Associates was issued a Solid Waste Management/Construction Operation Permit by the New York State Department of Environmental Conservation on May 3, 1995 for the facility located at 6653 Herdman Road, Angelica, New York. Construction of the landfill was completed between the years 1995 and 1998; thus, making the facility subject to 40CFR60 Subpart WWW.

As part of the pre-construction permit, Hyland Facility Associates submitted an initial design capacity report that demonstrated the landfill design capacity was less than 2.5 million megagrams (Mg) or 2.5 million cubic meters. A maximum design capacity below these limits exempted Hyland Landfill from completing a Tier 1 NMOC emission rate report, installing emission controls and various additional recordkeeping and reporting requirements of 40CFR60 Subpart WWW.

On December 20, 2006, Hyland Facility Associates was issued a permit modification for a 48-acre lateral and vertical expansion of the landfill. As a result of the permitted expansion and in accordance with the regulation, an Amended Design Capacity report and a Tier 1 Initial NMOC Emission Rate report were completed. The results of the amended design capacity report indicates the landfill increased to 10.8 million cubic meters. The Tier 1 NMOC report, completed in March, 2007, indicates the maximum estimated annual NMOC emissions exceed the 50 Mg/yr threshold.

Based on the results of the two reports, Hyland Landfill is subject to additional requirements in the regulation. The regulatory schedule is summarized below to aid in identifying the significant applicable requirements of the rule:

Requirement: Amended Design Capacity Report
Rule Citation: 40 CFR 60.752(a)(1)
40 CFR 60.757(a)(3)
Schedule: Due March 20, 2007
Received March 13, 2007

Requirement: Tier 1 or Initial NMOC Emission Rate Report
using default values

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



Rule Citation: 40 CFR 60.752(b)(1)(ii)
40 CFR 60.754(a)(1)
40 CFR 60.754(a)(2)
40 CFR 60.757(b)(1)(i)(B)
Schedule: Due March 20, 2007
Received March 13, 2007

Requirement: Submit Title V Application
Rule Citation: 40 CFR 60.752(c)(2)
Schedule: Due March 20, 2008

Requirement: Tier 2 NMOC emission rate using site-specific
NMOC concentration
Rule Citation: 40 CFR60.754(a)(3)
40 CFR60.757(c)(1)
Schedule: Due September 20, 2007 and annually thereafter
until greater than 50 Mg/yr or landfill
closed

Requirement: Tier 3 NMOC emission rate estimate using
site-specific methane generation rate constant
Rule Citation: 40 CFR 754(a)(4)
40 CFR 60.757(c)(2)
Schedule: Due 180 days after the first Tier 2 exceedance
of 50 Mg/yr and annually thereafter until greater than 50
Mg/yr or landfill closed

Requirement: Submit a collection and control system design
plan
Rule Citation: 40 CFR 60.752(b)(2)(I)
40 CFR 60.757(c)
Schedule: Due 1 year after the emission rate exceeds 50
Mg/yr

Requirement: Install a collection and control system
Rule Citation: 40 CFR 60.752(b)(2)(ii)
Schedule: Due within 18 months of the approved design
plan

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



Condition 2-2: Compliance Demonstration

Effective between the dates of 10/10/2007 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.754, NSPS Subpart WWW

Item 2-2.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 2-2.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

1. The accepted method used to estimate emissions from landfills is the Landfill Gas Emissions Model (LandGEM). LandGEM relies on several parameters to estimate emissions. The input parameters can either be site-specific data or default parameters if no site-specific data are available. Site-specific parameters used in LandGEM include the permitted waste design capacity of the landfill and the permitted waste acceptance rates.
2. The waste design capacity and waste acceptance rates used in LandGEM to estimate emissions for the Hyland Landfill were determined based on the permitted rates identified in the Solid Waste permit. The Solid Waste Permit for Hyland Landfill limits the annual waste receipts to 312,000 tons. In addition, the Solid Waste permit allows Hyland Landfill to accept alternate daily cover (ADC) at a rate equal to 20 percent of the waste acceptance rate, or 62,400 tons.
3. The waste design capacity used in the LandGEM air emission estimates was 8,682,179 Mg. The total annual waste acceptance rates used in the LandGEM air emission estimates was based on the sum of the annual waste receipts (312,000 tons) and 20% ADC (62,400 tons) for a total amount of 374,400 tons per year.
4. For the purposes of determining waste acceptance rates, waste shall include municipal solid waste, industrial waste, construction and demolition debris, contaminated

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



soil, sludge, tire waste, and any other waste material. Inert materials such as ash, asbestos and other materials may be excluded from the annual waste acceptance rate calculation upon written request and approval by the Region 9 Division of Air Resources. Such a request shall provide sufficient justification the waste in question is not degradable and does not contribute to landfill gas generation.

5. Hyland Landfill shall maintain records to document the actual waste received per delivery. The actual annual waste acceptance rates shall be determined by January 30 of each calendar year. The records shall be made available upon request from the Department during normal business hours.

6. If the actual annual waste acceptance rate exceeds 374,400 tons, the facility shall input the actual rate into LandGEM and re-evaluate the NMOC emissions from the landfill. A report of the LandGEM results and findings shall be provided to the Department within 30 days of the recorded waste increase.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-30: Asbestos-containing waste material standard for active waste disposal sites
Effective between the dates of 12/20/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 61.154, NESHAP Subpart M

Item 1-30.1:

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 2-4: Compliance Demonstration
Effective between the dates of 10/10/2007 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 63.1945, Subpart AAAA

Replaces Condition(s) 1-33

Item 2-4.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



CAS No: 0NY100-00-0 HAP

Item 2-4.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

In accordance with the criteria specified in §63.1935(a)(3), Hyland Landfill is an existing affected source. Hyland Landfill is not a major source of hazardous air pollutants (HAPs) and is considered an area source. As such, in accordance with §63.1945(f), Hyland Facility Associates must comply with the requirements in §§63.1955(b) and 63.1960 through 63.1980 by the date the landfill is required to install a collection and control system required by 40 CFR 60.752(b)(2) of Subpart WWW, the Federal plan, or EPA approved and effective State or tribal plan that applies to the landfill or by January 16, 2004, whichever occurs later.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

Condition 2-5: Compliance Demonstration

Effective between the dates of 10/10/2007 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 202-1

Item 2-5.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-LFGTE

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

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

Item 2-5.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:



The design emission rates of the internal combustion engines for nitrogen oxides (NO_x) and carbon monoxide (CO) are 0.6 grams per brake horsepower-hour (g/bhp-hr) and 3.0 g/bhp-hr, respectively. These emission rates were conservatively adjusted upward by 20% from the manufacture published emission rates to account for potential reduction of long-term engine efficiencies and the uncertainties and errors in measurement methods. The design emission rates were used to assess compliance and applicability to New Source Review (6NYCRR Part 231-2), Prevention of Significant Deterioration (40CFR52.21) and Reasonable Available Control Technology for Oxides of Nitrogen (6NYCRR Part 227-2). The Department requires routine performance testing and periodic monitoring of the internal combustion engines to confirm the engines consistently operate within the design criteria.

ROUTINE PERFORMANCE TESTING

- 1.) A performance test to demonstrate compliance with the design emission rates of 0.6 g/bhp-hr NO_x and 3.0 g/bhp-hr CO must be completed within 60 days after achieving the maximum production rate but not later than 180 days after initial start-up.
- 2.) The performance test shall be conducted on one of each similar engine type at the facility. The specific engine to be tested will be selected by the Department. The test must be completed at the maximum normal operating load.
- 3.) The methods used to measure NO_x and CO shall include EPA Methods 7 or 7E and EPA Method 10 from 40CFR60, Appendix A or another reference method approved by the Department.
- 4.) A performance test protocol shall be submitted to the Department for approval at least 60 days prior to completion of the test. The Department must be notified 10 days prior to the scheduled test date so a Department representative may be present during the test.
- 5.) A performance test report of the results shall be submitted to this office within 45 days of completion of the test. The test report must include a data quality review, which consists of a separate independent data quality review completed by a person having demonstrated

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



expertise in reviewing stack test reports and associated test procedures. The ultimate purpose of this review is to determine acceptability of the results for determining compliance with applicable standards and/or requirements. The data quality review report must include the following:

- a.) Whether test methods used followed those contained in the approved protocol and where variations occurred their acceptability under the test methods.
- b.) Where problems occurred during testing, what corrective measures were used and the adequacy of those measures.
- c.) Determination whether data quality is adequate for determining compliance with performance specifications.
- d.) Determine whether the testing demonstrates compliance or noncompliance with emission limits and/or performance requirements.

6.) A performance test shall be completed, at a minimum, every five years on one engine from each similar engine type at the facility. More frequent performance testing may be required as determined necessary by the Department.

PERIODIC MONITORING

- 1.) NO_x and CO stack emissions on each engine shall be analyzed on a routine basis using a portable combustion analyzer.
- 2.) Portable Combustion Analyzer - The suitability of the portable analyzer shall be approved by the Department. The preferred method for analyzing NO_x is by chemiluminescence. The preferred method for analyzing CO is infra-red (IR).

The analyzer shall be calibrated in accordance with the manufactures recommended procedures and schedule. A report for each calibration shall be kept on site and made available for Department review upon request. The analyzer shall be zeroed prior to each use following manufacture procedures. Failure to have such records available upon request by the Department during normal business hours shall be a violation of this permit.

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



3.) Sample collection - A permanent sample port shall be installed in each engine stack at a location to obtain a representative sample from the flow profile. To reduce uncertainties in the measurements, a sampling method should be followed including: instructions on the assembly of the equipment, details of any leak checks, calibration procedures, and time to allow the instrument to stabilize. The sample collection and analysis shall be completed during normal operating conditions.

4.) Monitoring Frequency - The frequency of monitoring shall be determined based on the results of the most current performance test in relation to the design emission rate as follows (i.e, a performance test result of 2.4 g/bhp-hr CO requires monthly periodic monitoring since 2.4 is 80% of 3.0 g/bhp-hr) :

Performance test % of permitted emission rate	Frequency	Analysis
50% or less		quarterly
51 - 80%		monthly
81 - 95%		weekly
96% - 100%		daily

5.) Recordkeeping - Records shall be maintained to include: (1) date and time of the measurement, (2) a log of the NOx and CO measurements in ppm, (3) conversion of the measurements into g/bhp-hr, and (4) description of adjustments made to the engine (if any). The records shall be kept on-site and be made available to the Department upon request.

6.) Reporting - If an exceedance of the design emission rates is documented during the performance testing or periodic monitoring, the facility shall report the results to the Department within 30 calendar days along with a proposed program for correction, including completion of a performance test and a schedule for compliance.

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



7.) Reporting - A summary of all periodic monitoring results shall be reported to the Department quarterly.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2008.

Subsequent reports are due every 3 calendar month(s).

Condition 2-6: Compliance Demonstration

Effective between the dates of 10/10/2007 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.4

Item 2-6.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-LFGTE

Regulated Contaminant(s):

CAS No: 0NY100-00-0 HAP

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

CAS No: 0NY998-00-0 VOC

Item 2-6.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

1.) Emissions from any process emission source for which an application for a permit to construct is received by the department after July 1, 1973, are restricted as follows:

a.) except as required under section 201.8 of this Title, 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 this Part for the environmental rating issued by the commissioner; or

b.) for gases and liquid particulates with an environmental rating of A, B, or C and for solid particulates with an environmental rating of A, where the emission rate potential is not shown in Table 2 the permissible emission rate shall be specified by the commissioner.



New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003

2.) Hyland Facility Associates operates a landfill gas pre-treatment system to remove and reduce certain contaminants from the gas stream prior to combustion in the internal combustion engines. Operation of the gas treatment system followed by combustion of the treated landfill gas in the internal combustion engines results in a 98% reduction of methane, NMOC, and some speciated organic compounds. This combination of emission control, including the pre-treatment of landfill gas and the combustion of the treated landfill gas through internal combustion engines, satisfies the control requirements of 6NYCRR Part 212.4 and 6NYCRR Part 212.9, as referenced in item 1 above.

3.) On-going compliance monitoring of the landfill gas pre-treatment system for the stationary internal combustion engines shall be monitored as follows:

a.) Landfill gas that is collected and used for fuel in an engine or used for subsequent sale as a fuel shall be treated in a treatment system that has an absolute filtration rating of 10 microns or less, lowers the water dew point of the landfill gas by at least 20 degrees Fahrenheit with a de-watering process, and compresses the landfill gas.

b.) Hyland shall operate the gas treatment system at all times when gas is routed to the engines for use or subsequent sale.

c.) Within 180 days of startup, Hyland shall submit to the Department a monitoring plan for proper operation of the gas treatment system. The plan shall describe the monitoring methods used for the filtering, dewatering and compression processes to assure the treatment system operates as designed.

4.) Records shall be kept on-site and be made available to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 2-7: Compliance Demonstration

Effective between the dates of 10/10/2007 and Permit Expiration Date

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



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

Item 2-7.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-LFGTE

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 2-7.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

1.) No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. Compliance with the opacity standard may be determined by: (1) conducting observations in accordance with Reference Method 9; (2) evaluating Continuous Opacity Monitoring System (COMS) records and reports; and/or (3) considering any other credible evidence.

2.) On-going compliance monitoring of the opacity limit for the stationary internal combustion engines shall be monitored as follows:

a.) A weekly visible emission survey of each emission point shall be completed whenever an engine is in operation.

b.) Visible emission observations shall be performed, as best as possible, at a location to obtain the proper sun angle, background, and line of sight. The observer must be knowledgeable regarding the effects on the visibility of emissions caused by background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor);

c.) Document if visible emissions are observed and whether the emissions are within normal conditions or above normal conditions. Normal conditions may be zero percent opacity for many or all emission sources;

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



d.) If visible emissions above those that are normal and in compliance are observed, an inspection of the source shall be completed, corrective action taken, and the source restored to its normal operation as expeditiously as practicable.

e.) If visible emissions above those that are normal continue to be present after corrections are made, then a certified trained observer shall conduct a minimum six minute opacity observation according to EPA Method 9 within the next operating day of the source;

f.) If an exceedance of the 20 percent opacity limit is documented during the Method 9 opacity evaluations, then the facility shall notify the Department within two business days and provide a written report of the results within 30 calendar days along with a proposed program for correction and a schedule for compliance.

3.) Records shall be maintained and include the following information: date, time, staff name, results of the visible emission survey, results of any Method 9 evaluations (if applicable), results of each inspection, and a description of the corrective action taken (if applicable). The records shall be kept on-site and be made available to the Department upon request.

4.) Within 180 days of startup, Hyland shall submit an Operation and Maintenance (O&M) plan for the engines. The O&M plan shall outline proper operation and maintenance procedures to minimize emission from the engines. The plan shall include, but is not limited to: operation requirements, maintenance schedule, reporting, and recordkeeping.

5.) Records shall be kept on-site and be made available to the Department upon request.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003

Condition 2-8: Compliance Demonstration

Effective between the dates of 10/10/2007 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.4

Item 2-8.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-LNDFL

Process: FLR

Regulated Contaminant(s):

CAS No: 0NY100-00-0 HAP

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

CAS No: 0NY998-00-0 VOC

Item 2-8.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

1.) Emissions from any process emission source for which an application for a permit to construct is received by the department after July 1, 1973, are restricted as follows:

a.) except as required under section 201.8 of this Title, 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 this Part for the environmental rating issued by the commissioner; or

b.) for gases and liquid particulates with an environmental rating of A, B, or C and for solid particulates with an environmental rating of A, where the emission rate potential is not shown in Table 2 the permissible emission rate shall be specified by the commissioner.

2.) Hyland Facility Associates operates a landfill gas flare system to reduce NMOC emissions from the collected landfill gas. The manufacture design guarantee of the flare system is in accordance with 40CFR60.18, the federal New Source Performance Standards established for open flares. The design specifications of the flare system guarantee a 98% destruction efficiency of total hydrocarbon emissions. Destruction of the landfill gas through the landfill gas flare system in accordance with 40CFR60.18 satisfies the control requirements of 6NYCRR

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



Part 212.4 and 6NYCRR Part 212.9, as referenced in item 1 above.

3.) Hyland Facility Associates completed a compliance certification for the existing LFG Specialties flare on December 28, 2005. The certification demonstrated compliance with the design and operational requirements of 40CFR60.18.

4.) Hyland Facility Associates shall operate the landfill gas flare system when gas is not being combusted in the Landfill Gas to Energy Plant (LFGTE) or when there is excess gas beyond the capacity of the engines.

5.) On-going compliance monitoring and operation of the landfill gas flare system shall be as follows:

a.) Hyland Facility Associates is required to operate the flare system at all times when the methane concentration equals or exceeds 30 percent.

b.) Hyland Facility Associates is required to maintain a 98 percent overall destruction efficiency of total hydrocarbons from the flare system.

c.) The flare system shall be designed for and operated with an exit velocity less than 60 ft/sec.

d.) The flare system shall be used only with the net heating value of the gas being combusted is 200 Btu/scf or greater.

e.) The flare system shall be operated with a flame present at all times. The presence of a flame shall be monitored using a thermocouple or similar.

f.) The flare system shall be operated with no visible emissions.

6.) Within 60 days after each new additional flare becomes operational, Hyland Facility Associates shall certify the flare unit complies with the requirements and test methods specified in 40CFR60.18. Hyland Facility Associates shall submit the certification to the Department within 90 days after the flare becomes operational.

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



7.) Records of each certification shall be kept on-site and be made available to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 2-9: Compliance Demonstration

Effective between the dates of 10/10/2007 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 212.4

Item 2-9.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-LNDFL

Process: FUG

Regulated Contaminant(s):

CAS No: 0NY100-00-0 HAP

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

CAS No: 0NY998-00-0 VOC

Item 2-9.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

1.) Emissions from any process emission source for which an application for a permit to construct is received by the department after July 1, 1973, are restricted as follows:

a.) except as required under section 201.8 of this Title, 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 this Part for the environmental rating issued by the commissioner; or

b.) for gases and liquid particulates with an environmental rating of A, B, or C and for solid particulates with an environmental rating of A, where the emission rate potential is not shown in Table 2 the permissible emission rate shall be specified by the commissioner.

2.) Hyland Facility Associates operates an active gas collection system to limit fugitive emissions and control

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



emissions from the landfill. Hyland Landfill completed an ambient air quality impact analysis based on a 75% landfill gas capture efficiency. The refined air dispersion analysis indicates the facility emissions do not exceed the SGCs or AGCs contained in the NYSDEC, DAR-1 Guidelines for the Control of Toxic Ambient Air Contaminants. Operation of the gas collection system satisfies the control requirements of 6NYCRR Part 212.4 and 6NYCRR Part 212.9, as referenced in item 1 above.

3.) On-going compliance monitoring and operation of the active gas collection system shall be monitored as follows:

a.) Hyland Landfill shall monitor the well-field using a Landtec GEM-2000 or similar instrument to balance the well-field on a monthly basis.

b.) Hyland Landfill shall operate each interior wellhead in the gas collection system with a landfill gas temperature less than 55 °C and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent.

c.) Hyland Facility Associates may establish a higher operating temperature, nitrogen, or oxygen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated temperature does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

d.) Hyland Landfill shall operate the collection system with negative pressure at each wellhead except when there is a fire or increased well temperature; use of a geomembrane or synthetic cover; or a decommissioned well.

4.) Hyland Facility Associates shall document the monthly measurements and the records shall be made available to the Department upon request.

5.) If a well exceeds one of these operating parameters, action shall be initiated to correct the exceedance within 5 calendar days. If correction of the exceedance can not be achieved within 15 calendar days of the first measurement, then the facility shall notify the Department



New York State Department of Environmental Conservation
Permit ID: 9-0232-00003/00007 Facility DEC ID: 9023200003

within two business days and provide a written report of the results within 30 calendar days along with a proposed program for correction and a schedule for compliance.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



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: Public Access to Recordkeeping for Facilities With State Facility Permits - 6NYCRR Part 201-1.10(a)

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1) , and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

Item B: 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

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



law.

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 11: Contaminant List

Effective between the dates of 11/25/2003 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 11.1:

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

CAS No: 000630-08-0

Name: CARBON MONOXIDE

CAS No: 0NY100-00-0

Name: HAP

CAS No: 0NY998-20-0

Name: NMOC - LANDFILL USE ONLY

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY075-00-0

Name: PARTICULATES

CAS No: 0NY075-00-5

Name: PM-10

CAS No: 0NY998-00-0

Name: VOC

Condition 12: Unavoidable noncompliance and violations

Effective between the dates of 11/25/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 12.1:

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.

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



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

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

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

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

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

Condition 13: Emission Unit Definition

Effective between the dates of 11/25/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 13.1(From Mod 2):

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

Emission Unit: 1-LFGTE



New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003

Emission Unit Description:

Emission Unit 1-LFGTE includes the exhaust from three (3) caterpillar G3520 engines at Hyland's Landfill Gas To Energy (LFGTE) Plant.

Building(s): ENGBLDG

Item 13.2(From Mod 2):

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

Emission Unit: 1-LNDFL

Emission Unit Description:

Emission Unit 1-LNDFL includes the landfill gas generated by Cells 1, 2, 3, 4 and 5 of the Hyland Facility Associates' municipal solid waste landfill. It is estimated that approximately 75% of the gas generated by the landfill will be collected and controlled by an active gas management system, and the remainder will be fugitively emitted.

Condition 14: Air pollution prohibited

Effective between the dates of 11/25/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 14.1:

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

Condition 2-10: Compliance Demonstration

Effective between the dates of 10/10/2007 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Replaces Condition(s) 1-35

Item 2-10.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 2-10.2:

Compliance Demonstration shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

In the event nuisance odors from uncollected gas emissions are documented at the landfill, Hyland Facility Associates will be required to:

1. Operate the collection system so that the methane concentration is less than 500 parts per million above background at the surface of the landfill.
2. Conduct surface testing around the perimeter of the collection area along a pattern that traverses the landfill at 30 meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.
3. Surface emission monitoring shall be performed in accordance with 40CFR60, section 4.3.1 of Method 21 of appendix A, except that the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions using an organic vapor analyzer, flame ionization detector, or other portable monitor.
4. Any methane reading of 500 parts per million or more above background shall be marked and the location recorded.
5. Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored within 10 calendar days of detecting the exceedance.
6. If the re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of the second exceedance.
7. If the re-monitoring shows a third exceedance for the same location, Hyland Facility Associates will be required to modify the gas collection system to eliminate the nuisance odors at the facility. Such modifications may include, but are not limited to, installing additional gas



New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003

collection wells and piping, upgrading the blower, header pipes or control device. All modifications must be approved by the Department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 2-11: Compliance Demonstration

Effective between the dates of 10/10/2007 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Replaces Condition(s) 1-34

Item 2-11.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-5 PM-10

Item 2-11.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

1. To address potential concerns related to fine particulate matter, Hyland Landfill shall implement a dust control plan as specified in the Facility Operation and Maintenance Manual submitted as part of the Solid Waste permit application.
2. Dust control procedures include proper maintenance of vegetated areas and gravel service roads. This maintenance includes routine inspections of vegetated areas and the reseeded of areas where vegetative growth is not well established. Paved surfaces are to be cleaned as required to control accumulated dust. Dust is to be controlled on the facility access roads by the application of gravel as needed and by routine watering.
3. A cattle guard and rumble strip have been provided on the access road to aid in removal of soil from the tires of vehicles leaving the facility. These are to be cleaned regularly. In addition, the access road is to be swept on an as-needed basis.
4. The landfill operator shall assess the appropriate



New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003

dust control measures needed on a daily basis, if any. A daily log book shall be maintained to document the dust control measures implemented.

5. The log book shall be made available to the Department upon request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

Condition 15: Emission Point Definition By Emission Unit
Effective between the dates of 11/25/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 15.1(From Mod 2):

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

Emission Unit: 1-LFGTE

Emission Point: ENG01

Height (ft.): 28 Diameter (in.): 20
NYTMN (km.): 4685.9 NYTME (km.): 746.33 Building: ENGBLDG

Emission Point: ENG02

Height (ft.): 28 Diameter (in.): 20
NYTMN (km.): 4685.9 NYTME (km.): 746.33 Building: ENGBLDG

Emission Point: ENG03

Height (ft.): 28 Diameter (in.): 20
NYTMN (km.): 4685.9 NYTME (km.): 746.33 Building: ENGBLDG

Item 15.2(From Mod 2):

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

Emission Unit: 1-LNDFL

Emission Point: STK-2

Height (ft.): 35 Diameter (in.): 12

Condition 16: Process Definition By Emission Unit
Effective between the dates of 11/25/2003 and Permit Expiration Date

New York State Department of Environmental Conservation

Permit ID: 9-0232-00003/00007

Facility DEC ID: 9023200003



Applicable State Requirement: 6NYCRR 201-5

Item 16.1(From Mod 2):

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

Emission Unit: 1-LFGTE

Process: ENG

Source Classification Code: 2-01-008-02

Process Description:

Process ENG consists of three (3) caterpillar Engines in the LFGTE Plant. Each engine will consume landfill gas at approximately 460 cubic feet per minute.

Emission Source/Control: 01ENG - Combustion

Design Capacity: 1,600 kilowatts

Emission Source/Control: 02ENG - Combustion

Design Capacity: 1,600 kilowatts

Emission Source/Control: 03ENG - Combustion

Design Capacity: 1,600 kilowatts

Item 16.2(From Mod 2):

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

Emission Unit: 1-LNDFL

Process: FLR

Process Description:

Emission Unit 1-LNDFL, Process FLR includes the installation, operation and monitoring of the John Zink Company flare or similar. The estimated maximum LFG flowrate at flare is 2,206 scfm.

Emission Source/Control: FLR02 - Control

Control Type: FLARING

Emission Source/Control: MSWLF - Process

Item 16.3(From Mod 2):

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

Emission Unit: 1-LNDFL

Process: FUG

Process Description:

Emission Unit 1-LNDFL, Process FUG includes the management and monitoring of the uncontrolled, fugitive landfill gas emissions from the entire landfill.

New York State Department of Environmental Conservation
Permit ID: 9-0232-00003/00007 Facility DEC ID: 9023200003



Emission Source/Control: MSWLF - Process