



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 9-0232-00003/00012  
Effective Date:

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:

Hyland Landfill

Title V Permit

**SITE 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 facility is located on 624 acres in Allegany County. Hyland Landfill has approximately 76 acres of landfill cell area, with a total disposal capacity of approximately 15 million cubic yards. There are approximately 100 acres of ancillary facilities on the site, including leachate storage facilities, stormwater pond, retention basin, sedimentation ponds, office and maintenance building, soil borrow area, truck wash area, access roads and parking areas.

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 the landfill beginning in the year 1998. In November 2003, the facility received an Air State Facility Permit to install an active landfill gas collection system and open flare to collect



and control landfill gas to reduce emissions and control odors at the facility. In December, 2006, Hyland received a permit modification for a 48-acre lateral expansion. In October, 2007, Hyland received a second permit modification for the construction and operation of a Landfill Gas to Energy (LFGTE) Plant consisting of three (3) G3520 Caterpillar stationary internal combustion engines.

This permit action is a requirement of *40CFR60.752(b) Subpart WWW - Standards of Performance for Municipal Solid Waste (MSW) Landfills* which mandates each MSW landfill with a design capacity greater than 2.5 million cubic meters to obtain a federal Title V operating permit. Hyland Landfill is not subject to the control requirements of 40 CFR60 Subpart WWW since the Tier 2 NMOC estimated emission rate is less than 50 Mg/yr. However, the facility has operated a landfill gas collection and control system since 2003 to reduce emissions and control odors at the facility. The permit allows operation of all existing sources at the facility including the active landfill gas collection and control system as addressed under state requirements in the permit. This permit action includes increased monitoring and reporting for the gas collection system and a Contingency Plan to address any potential landfill gas odors in the community. This permit action does not involve operation of any additional sources and does not increase emissions from the existing permitted facility.

### **EMISSIONS AND CONTROLS**

Landfill gas is generated as a result of the decomposition of organic wastes in the landfill. The gas consists primarily of methane and carbon dioxide. The landfill gas also contains non-methane organic compounds (NMOC) that are present in low concentrations. This NMOC fraction contains various volatile organic compounds (VOC) associated with ozone depletion and odors. The combustion of landfill gas in the engines and open flare results in emissions of carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), particulate matter (PM), and other trace level organic constituents.

Landfill gas emissions are controlled by collecting the gas in extraction wells and piping and then combusting the gas in the LFGTE plant and open flare. The landfill gas is pretreated by a proprietary scrubbing system to clean the gas stream prior to combustion in the engines. The pre-treatment system includes filtering, dewatering and compression processes. The uncollected portion of the generated gas exits the landfill as fugitive emissions.

### **APPLICABLE REQUIREMENTS:**

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

The Hyland Facility Associates Landfill is subject to 40CFR60 Subpart WWW based on its construction date occurring after May 30, 1991. However, Hyland



Landfill is not subject to the control requirements of 40 CFR60 Subpart WWW because the Tier 2 NMOC estimated emission rate is less than 50 Mg/yr.

As per 40CFR60.752(b), Hyland Landfill is required to obtain a Title V permit.

*6NYCRR Part 202-1 - Required Emission Tests:*

The design emission rates of the internal combustion engines for nitrogen oxides (NO<sub>x</sub>) and carbon monoxide (CO) are 0.6 grams per brake horsepower-hour (g/bhp-hr) and 3.0 g/bhp-hr, respectively. 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:*

The Department considers the landfill gas emissions to have an environmental rating of A and requires a 98% reduction of the NMOC emissions. Hyland Facility Associates satisfies this requirement by operating a raw landfill gas pre-treatment system to remove and reduce certain contaminants from the gas stream prior to combustion in the internal combustion engines and operation of a landfill gas flare in compliance with 40CFR60.18.

*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.

*40CFR Subpart AAAA: NESHAPS - Municipal Solid Waste Landfills*

When the calculated NMOC mass emission rates exceed the 50 Mg/yr threshold, then the facility will be required to comply with the startup, shutdown and malfunction criteria of 40CFR63 Subpart AAAA . Hyland Landfill began accepting waste in the year 1998. As such, the landfill will be classified as an existing affected source when the NMOC mass emissions exceed the applicability threshold.

**NON-APPLICABLE REQUIREMENTS:**

*40CFR60 Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and 40CFR63 Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines:*

The applicability of these rules is applicable to owners or operators who commence construction of the engines on or after June 12, 2006. The rule specifies that the date construction commences is the date the engine is ordered by the owner or operator. Hyland Landfill is not subject to these regulations



because the facility ordered and placed a down payment on the engines on June 2, 2005.

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

When a facility is subject to the control requirements of 40CFR60 Subpart WWW, the rule requires that a gas pre-treatment system be utilized when combusting landfill gas in stationary internal combustion engines to produce electricity. However, 40CFR60 Subpart WWW currently does not provide sufficient details about the requirements for a pre-treatment system. EPA recognized the need for more detailed requirements and, thus, proposed changes to the rule on September 8, 2006.

In the proposed changes, EPA clarified the definition of a treatment system by adding specific numerical values that would provide long-term protection of the combustion equipment to support good combustion. Specifically, the particulate matter filtration system would be required to have an absolute rating no greater than 10 microns and the dewatering system would be required to reduce the dew point by at least 20 degrees Fahrenheit. In addition, EPA proposed more specific monitoring of the pre-treatment systems including monitoring pressure drop across the filtration system and monitoring temperature or dew point of the dewatering system.

In response to the proposed changes, this permit requires Hyland Landfill to submit a monitoring plan within 180 days of startup of the pre-treatment system. The plan should provide documentation that the pre-treatment system satisfies the EPA definition and provide monitoring methods used for the filtering, dewatering and compression processes to ensure the treatment system operates as designed.

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: CHARLES D CRANSTON  
NYS DEC  
182 EAST UNION ST  
ALLEGANY, NY 14706

Authorized Signature: \_\_\_\_\_ Date: \_\_\_ / \_\_\_ /

\_\_\_\_\_





### Notification of Other State Permittee Obligations

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

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

**Item B: Permittee's Contractors to Comply with Permit**

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

**Item C: Permittee Responsible for Obtaining Other Required Permits**

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

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

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



## LIST OF CONDITIONS

### DEC GENERAL CONDITIONS

#### General Provisions

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

#### Facility Level

Submission of application for permit modification or renewal-REGION 9  
HEADQUARTERS



**DEC GENERAL CONDITIONS**

\*\*\*\* General Provisions \*\*\*\*

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

**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

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

**Applicable State Requirement: ECL 3-0301.2(m)**

**Item 2.1:**

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

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6NYCRR 621.11**

**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 4: Permit modifications, suspensions or revocations by the Department**  
**Applicable State Requirement: 6NYCRR 621.13**

**Item 4.1:**

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

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

**\*\*\*\* Facility Level \*\*\*\***

**Condition 5: Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS**  
**Applicable State Requirement: 6NYCRR 621.6(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 14203-2915  
(716) 851-7165



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

**ARTICLE 19: AIR POLLUTION CONTROL - TITLE V 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  
4953 - REFUSE SYSTEMS

Permit Effective Date:

Permit Expiration Date:



## 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  
Permit modifications, suspensions or revocations by the Department

#### Facility Level

Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6NYCRR 201-6.5(a)(7): Fees
- 3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 6 6NYCRR 201-6.5(e): Compliance Certification
- 7 6NYCRR 202-2.1: Compliance Certification
- 8 6NYCRR 202-2.5: Recordkeeping requirements
- 9 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 10 6NYCRR 200.7: Maintenance of Equipment
- 11 6NYCRR 201-1.7: Recycling and Salvage
- 12 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 14 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 15 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 16 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 17 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 18 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 19 6NYCRR 202-1.1: Required Emissions Tests
- 20 6NYCRR 211.3: Visible Emissions Limited
- 21 40CFR 68: Accidental release provisions.
- 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6NYCRR 201-6: Emission Unit Definition
- 24 40CFR 60, NSPS Subpart WWW: Compliance Certification
- 25 40CFR 60.754, NSPS Subpart WWW: Compliance Certification
- 26 40CFR 61.154, NESHAP Subpart M: Asbestos-containing waste material standard for active waste disposal sites
- 27 40CFR 63.1945, Subpart AAAA: Compliance Certification

#### Emission Unit Level

- 28 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 29 6NYCRR 201-6: Process Definition By Emission Unit

#### EU=1-LFGTE

- 30 6NYCRR 201-6: Compliance Certification



- 31 6NYCRR 201-6: Compliance Certification
- 32 6NYCRR 212.4: Compliance Certification
- 33 6NYCRR 227-1.3(a): Compliance Certification

**EU=1-LNDFL,Proc=FLR**

- 34 6NYCRR 212.4: Compliance Certification

**EU=1-LNDFL,Proc=FUG**

- 35 6NYCRR 212.4: Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 36 ECL 19-0301: Contaminant List
- 37 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 38 6NYCRR 211.2: Air pollution prohibited
- 39 6NYCRR 211.2: Compliance Demonstration
- 40 6NYCRR 211.2: Compliance Demonstration



**FEDERALLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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



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

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

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

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

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

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

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



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

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

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

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

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

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

**Item L: Permit Exclusion - ECL 19-0305**

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



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

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

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

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

**Condition 1: Acceptable Ambient Air Quality  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 200.6**

**Item 1.1:**

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

**Condition 2: Fees  
Effective for entire length of Permit**

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

**Item 2.1:**

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

**Condition 3: Recordkeeping and reporting of compliance monitoring  
Effective for entire length of Permit**

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

**Item 3.1:**

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

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



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

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

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

**Effective for entire length of Permit**

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

**Item 4.1:**

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

**Condition 5: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 5.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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



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

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

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

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

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

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

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



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

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

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

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

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 6 calendar month(s).

**Condition 6: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 6.1:**

The Compliance Certification activity will be performed for the Facility.



**Item 6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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



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

The address for the RAPCE is as follows:

270 Michigan Avenue  
Buffalo, NY 14203-2999

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2009.  
Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 202-2.1**

**Item 7.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 7.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

**Condition 8: Recordkeeping requirements**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 202-2.5**



**Item 8.1:**

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

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

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

**Condition 9: Open Fires Prohibited at Industrial and Commercial Sites  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 215**

**Item 9.1:**

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

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

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

**Condition 10: Maintenance of Equipment  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 200.7**

**Item 10.1:**

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

**Condition 11: Recycling and Salvage  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-1.7**

**Item 11.1:**

Where practical, any person who owns or operates an air contamination source shall recycle or



salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

**Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-1.8**

**Item 12.1:**

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

**Condition 13: Exempt Sources - Proof of Eligibility**  
**Effective for entire length of Permit**

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

**Item 13.1:**

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

**Condition 14: Trivial Sources - Proof of Eligibility**  
**Effective for entire length of Permit**

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

**Item 14.1:**

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

**Condition 15: Standard Requirement - Provide Information**  
**Effective for entire length of Permit**

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

**Item 15.1:**

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for



modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

**Condition 16: General Condition - Right to Inspect**  
**Effective for entire length of Permit**

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

**Item 16.1:**

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

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

**Condition 17: Standard Requirements - Progress Reports**  
**Effective for entire length of Permit**

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

**Item 17.1:**

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

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

**Condition 18: Off Permit Changes**  
**Effective for entire length of Permit**

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

**Item 18.1:**



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

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

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

**Condition 19: Required Emissions Tests**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 202-1.1**

**Item 19.1:**

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

**Condition 20: Visible Emissions Limited**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 211.3**

**Item 20.1:**

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

**Condition 21: Accidental release provisions.**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:40CFR 68**

**Item 21.1:**

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



requirements will apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:

1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,

2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

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

**Condition 22: Recycling and Emissions Reduction  
Effective for entire length of Permit**

**Applicable Federal Requirement:40CFR 82, Subpart F**

**Item 22.1:**

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

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

**Condition 23: Emission Unit Definition  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-6**

**Item 23.1:**

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

Emission Unit: 1-LFGTE

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 23.2:**

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 fugitive emissions.

**Condition 24: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 40CFR 60, NSPS Subpart WWW**

**Item 24.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 24.2:**

Compliance Certification 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 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.

In 2003, as part of the air permit application for operation of a candlestick flare, 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 NMOG 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 an air 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 indicated the landfill increased to 10.8 million cubic meters. The Tier 1 NMOC report, completed in March, 2007, indicated the maximum estimated annual NMOC emissions would exceed the 50 Mg/yr threshold and thus, require the installation of a landfill gas collection and control system.

As allowed by regulation, since the Tier 1 test uses a default NMOC concentration in the calculations, a Tier 2 NMOC test was completed to obtain a more accurate estimate of the NMOC generation rate. The Tier 2 test obtains an actual NMOC concentration by collecting and analyzing landfill gas samples from the landfill. The actual NMOC concentration is then used in the calculations to obtain a revised NMOC landfill gas generation rate. Hyland completed a Tier 2 test on August 24, 2007 and the revised uncontrolled NMOC emission rate was estimated to be 11 Mg/yr. Due to the addition of several vertical wells in the gas collection system in April, 2008, another Tier 2 test was completed on July 7, 2008. The revised uncontrolled NMOC emission rate was estimated to be 29 Mg/yr in the year 2008.

A summary of the remaining significant applicable requirements of 40CFR60 Subpart WWW is provided below:

Requirement: Tier 2 NMOC generation rate using site-specific NMOC concentration

Rule Citation: 40CFR60.754(a)(3) and 40CFR60.757(c)(1)

Schedule: Due annually (unless approved by the Department) until greater than 50 Mg/yr or landfill closed

Requirement: Tier 3 using site-specific methane generation rate constant

Rule Citation: 40CFR754(a)(4) and 40CFR757(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: 40CFR60.752(b)(2)(i) and 40CFR60.757(c)

Schedule: Due 1 year after the emission rate exceeds 50



Mg/yr

Requirement: Install a collection and control system

Rule Citation: 40CFR60.752(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

**Condition 25: Compliance Certification  
Effective for entire length of Permit**

**Applicable Federal Requirement: 40CFR 60.754, NSPS Subpart WWW**

**Item 25.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 25.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

1. 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.
2. If the actual annual waste acceptance rate exceeds 374,400 tons, the facility shall input the actual rate into Landfill Gas Emissions Model (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.
3. The actual annual waste acceptance rate is being monitored because it is a measurable variable used in estimating the landfill gas emissions. During review of the project, a maximum annual waste acceptance rate of 374,400 tons was used in the emission calculations. The corresponding emission estimates were used to determine the applicability or non-applicability of the following regulations: federal New Source Performance Standards (NSPS) for new MSW landfills (40 CFR 60 Subpart WWW), the National Emission Standards for Hazardous Air Pollutants



(NESHAP) for MSW landfills (40 CFR Subpart AAAA), New Source Review (6NYCRR Part 231-2), and Prevention of Significant Deterioration (40CFR52.21). As such, if the annual waste acceptance rate exceeds 374,400 tons then the applicability or non-applicability of these regulations will need to be re-evaluated.

4. The annual waste acceptance rate of 374,400 tons was 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. 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.

5. For the purposes of determining waste acceptance rates, waste shall include: municipal solid waste, industrial waste, construction and demolition debris, contaminated soil, sludge, tire waste, and any other solid 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.

6. The waste design capacity used in the LandGEM air emission estimates was 8,682,179 Mg.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 26: Asbestos-containing waste material standard for active waste disposal sites  
Effective for entire length of Permit**

**Applicable Federal Requirement:40CFR 61.154, NESHAP Subpart M**

**Item 26.1:**

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 27: Compliance Certification  
Effective for entire length of Permit**

**Applicable Federal Requirement:40CFR 63.1945, Subpart AAAA**



**Item 27.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 0NY100-00-0 HAP

**Item 27.2:**

Compliance Certification 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 28: Emission Point Definition By Emission Unit Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 201-6**

**Item 28.1:**

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





Process: FUG

Source Classification Code: 5-02-006-02

Process Description:

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

Emission Source/Control: MSWLF - Process

**Condition 30: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 201-6**

**Item 30.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGTE

Regulated Contaminant(s):

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

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 30.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

- 1.) The Department requires routine periodic monitoring of the internal combustion engines to confirm the engines consistently operate within the permitted levels. The permitted emission rates of the internal combustion engines for nitrogen oxides (NO<sub>x</sub>) and carbon monoxide (CO) are 0.6 grams per brake horsepower-hour (g/bhp-hr) and 3.0 g/bhp-hr, respectively. Operation of the engines below the permitted NO<sub>x</sub> and CO emission rates will ensure emissions do not exceed the applicability threshold of New Source Review (6NYCRR Part 231 2), Prevention of Significant Deterioration (40CFR52.21) and Reasonably Available Control Technology for Oxides of Nitrogen (6NYCRR Part 227 2).
- 2.) NO<sub>x</sub> and CO stack emissions on each engine shall be analyzed on a routine basis using a portable combustion analyzer. The periodic monitoring shall begin within 90 days following completion of the initial performance test.
- 3.) Portable Combustion Analyzer - The suitability of the portable analyzer shall be approved by the Department. The preferred method for analyzing NO<sub>x</sub> is by chemiluminescence. The preferred method for analyzing CO is infra-red (IR). Portable analyzers equipped with



electrochemical cells such as a Testo 350 Portable Emission Analyzer are acceptable.

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.

4.) 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.

5.) Monitoring Frequency - The frequency of monitoring shall be determined based on the results of the most current performance test in relation to the permitted emission rate as follows (i.e, a performance test result of 2.4 g/bhp-hr CO requires periodic monitoring every 2 weeks since 2.4 is 80% of 3.0 g/bhp-hr) :

Performance test % of permitted emission rate -----	Monitoring Frequency -----
50% or less	quarterly
51 - 75%	monthly
76 - 80%	every 2 weeks
81 - 95%	weekly
96% - 100%	daily

6.) 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.

7.) Reporting - If an exceedance of the permitted emission rates is documented during the periodic monitoring, the facility shall report the results to the Department within 30 calendar days along with a proposed program for correction, and a schedule for compliance.

8.) Reporting - A summary of all periodic monitoring results shall be submitted to the Region 9 Division of Air Resources on a quarterly basis.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 3.0 grams per brake horsepower-hour

Reference Test Method: Portable analyzer for CO and NOx

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING

DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 31: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 201-6**

**Item 31.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGTE

Regulated Contaminant(s):

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

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 31.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

1.) The Department requires routine performance testing of the internal combustion engines to confirm the engines consistently operate within the permitted levels. The permitted 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. Operation of the engines below the permitted NOx and CO emission rates will ensure emissions do not exceed the applicability threshold of New Source Review (6NYCRR Part 231 2), Prevention of



Significant Deterioration (40CFR52.21) and Reasonably Available Control Technology for Oxides of Nitrogen (6NYCRR Part 227 2).

- 2.) A performance test to demonstrate compliance with the permitted emission rates of 0.6 g/bhp-hr NO<sub>x</sub> 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.
- 3.) 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 conducted within 10 percent of 100 percent peak (or the highest achievable) load.
- 4.) The methods used to measure NO<sub>x</sub> 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.
- 5.) 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.
- 6.) 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 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.
- 7.) 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.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 3.0 grams per brake horsepower-hour

Reference Test Method: EPA Method 10 for CO and Method 7 or 7E for NOx

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST

METHOD INDICATED

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 32: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 212.4**

**Item 32.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGTE

Regulated Contaminant(s):

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

**Item 32.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

- 1.) Due to the previous odor nuisance caused by landfill gas emissions, the NMOC in the landfill gas has been assigned an Environmental Rating of 'A'. This shall require the capture of landfill gas to the best extent practical and the destruction of at least 98% of the NMOC in the collected gas.
- 2.) Hyland Facility Associates shall operate 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 pre-treatment system followed by combustion of the treated landfill gas in the internal combustion engines is expected to result in a 98% reduction of methane, NMOC, and other trace organic compounds.
- 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.) Within 180 days of issuance of this permit, Hyland shall submit to the Department for approval an Operation and Maintenance (O&M) plan to outline proper operation and maintenance procedures of the pre-treatment system. The plan shall include, but is not limited to: (1) the minimum pressure drop across the filtration system, or other monitoring parameter(s) and operating ranges that indicate proper performance of the filtration system, (2) the minimum landfill gas temperature reduction across a chiller-based de-watering system, or the minimum landfill gas dew point reduction for a non-chiller-based de-watering system, or other operating parameter(s) and operating ranges that indicate proper performance of the de-watering system, 3) a maintenance schedule, (4) recordkeeping format and reporting frequency, and (5) demonstration of satisfying the design specifications of the filtering, dewatering and compression requirements of item (a) above.

c.) Hyland shall operate the gas treatment system at all times when gas is routed to the engines for use or subsequent sale. Hyland shall maintain a log documenting the description and duration of all periods when the gas treatment system or engines were not operating for a period exceeding 2 hours and report such instances to the Region 9 Division of Air Resources within 2 business days. Upon request, a letter shall be sent to the Department to document the cause of the event, a proposed plan for corrective action and a compliance schedule.

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

Parameter Monitored: NMOC - LANDFILL USE ONLY

Lower Permit Limit: 98 percent reduction

Reference Test Method: Satisfactory operation of gas pretreatment

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 33: Compliance Certification**  
**Effective for entire length of Permit**



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

**Item 33.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGTE

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 33.2:**

Compliance Certification 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.
  
- 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 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 or not. Condensing water vapor is not considered visible emissions.
  
  - d.) If visible emissions 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 the corrective actions do not eliminate visible emissions, 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

**Condition 34: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 212.4**

**Item 34.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-LNDFL

Process: FLR

Regulated Contaminant(s):

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

**Item 34.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:



- 1.) Due to the previous odor nuisance caused by landfill gas emissions, the NMOC in the landfill gas has been assigned an Environmental Rating of 'A'. This shall require the capture of landfill gas to the best extent practical and the destruction of at least 98% of the NMOC in the collected gas.
- 2.) Hyland Facility Associates shall operate a landfill gas flare to reduce and destruct NMOC emissions from the collected landfill gas by 98%. The flare shall be operated in accordance with the federal New Source Performance Standards established for open flares identified as 40CFR60.18 and summarized below:
  - a.) 40CFR60.18(c)(1) - The flare shall be operated with no visible emissions except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
  - b.) 40CFR60.18(c)(2) - The flare shall be operated with a flame present at all times. The presence of a flame shall be monitored using a thermocouple or similar.
  - c.) 40CFR60.18(c)(3)(ii) - The flare shall be used only with the net heating value of the gas being combusted is 200 British Thermal Units per standard cubic foot (Btu/scf) or greater.
  - d.) 40CFR60.18(c)(4)(i) - The flare shall be designed for and operated with an exit velocity less than 60 ft/sec.
  - e.) 40CFR60.18(c)(4)(iii) - The flare is allowed to be operated with an exit velocity less than the velocity,  $V_{max}$ , and less than 400 ft/sec as determined by the methods specified in 40CFR60.18(f)(4) and (f)(5).
  - f.) 40CFR60.18(d) - Monitor the flare to ensure it is operated and maintained in conformance with the design;
  - g.) 40CFR60.18(e) - The flare shall be operated at all times when emissions may be vented to it.
- 3.) Routine demonstrations of compliance with 40CFR60.18 for each new flare must be tested within 60 days after installation and each existing flare must be tested every five (5) years. The existing LFG Specialties flare was originally tested on December 28, 2005 and shall be retested no later than December 31, 2010. For each compliance demonstration, a test protocol must be submitted 30 days prior to testing and a final test report submitted within 45 days after the testing is complete. The Department must be notified 10 days prior to the



scheduled test date so a Department representative may be present during the test.

4.) On going compliance monitoring and operation of the landfill gas flare system shall include continuous monitoring of the flare temperature and gas flow rate. Hyland shall document the flare temperature and gas flow rate using circular charts or other similar records.

5.) Hyland shall maintain a log documenting the description and duration of all periods when the flare was not operating for a period exceeding 2 hours and report such instances to the Region 9 Division of Air Resources within 2 business days. Upon request, a letter shall be sent to the Department to document the cause of the event, a proposed plan for corrective action and a compliance schedule.

6.) Records of each certification and the flare temperature and gas flow rate data shall be kept on site and be made available to the Department upon request.

Parameter Monitored: NMOC - LANDFILL USE ONLY

Lower Permit Limit: 98 percent reduction

Reference Test Method: EPA 40CFR60.18

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 35: Compliance Certification  
Effective for entire length of Permit**

**Applicable Federal Requirement:6NYCRR 212.4**

**Item 35.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-LNDFL

Process: FUG

Regulated Contaminant(s):

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

**Item 35.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

1.) Due to the previous odor nuisance caused by landfill gas emissions, the NMOC in the landfill gas has



been assigned an Environmental Rating of 'A'. This shall require the capture of landfill gas to the best extent practical and the destruction of at least 98% of the NMOC in the collected gas.

2.) Hyland Facility Associates shall operate an active gas collection system to limit fugitive emissions and control emissions from the landfill. On going compliance monitoring and operation of the active gas collection system shall be monitored as follows:

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

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

c.) Hyland 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 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.

3.) Hyland Facility Associates shall document the monthly measurements, well field adjustments and repair. The records shall be submitted to the Department regional air staff on a quarterly basis.

4.) 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 within two business days. Hyland shall provide a written report of the results within 30 calendar days of observing the first exceedance along with a proposed program for correction and a schedule for compliance.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION





**STATE ONLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

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

**Condition 36: Contaminant List  
Effective for entire length of Permit**

**Applicable State Requirement:ECL 19-0301**

**Item 36.1:**

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: 0NY075-00-0



Name: PARTICULATES

CAS No: 0NY075-00-5

Name: PM-10

CAS No: 0NY100-00-0

Name: HAP

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY998-20-0

Name: NMOC - LANDFILL USE ONLY

**Condition 37: Unavoidable noncompliance and violations  
Effective for entire length of Permit**

**Applicable State Requirement: 6NYCRR 201-1.4**

Item 37.1:

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

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

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



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

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

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

**Condition 38: Air pollution prohibited  
Effective for entire length of Permit**

**Applicable State Requirement:6NYCRR 211.2**

**Item 38.1:**

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 39: Compliance Demonstration  
Effective for entire length of Permit**

**Applicable State Requirement:6NYCRR 211.2**

**Item 39.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 39.2:**

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 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

**Condition 40: Compliance Demonstration  
Effective for entire length of Permit**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 40.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 40.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

In the event landfill gas odors are determined by the Department to be causing a nuisance to the nearby residential community, Hyland shall undertake a program of assessment and remediation. The program may include completing one or both of the following activities as required by the Department: (1) surface monitoring of the landfill for methane emissions, and/or (2) ambient air monitoring of hydrogen sulfide emissions. Specific details describing each activity are provided below.



#### SURFACE MONITORING FOR METHANE EMISSIONS

1. Within two (2) days of notification by the Department, Hyland shall conduct surface testing at the surface of the landfill 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. The Department must be notified as soon as practical prior to the scheduled test date so a Department representative may be present during the test.
2. 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.
3. The portable analyzer shall meet the instrument specifications provided in section 6 of Method 21 of 40 CFR Part 60 Appendix A, except that "methane" shall replace all references to VOC. The calibration gas shall be methane, diluted to a nominal concentration of 500 parts per million in air. The calibration procedures provided in section 10 of Method 21 of 40 CFR Part 60 Appendix A of this part shall be followed immediately before commencing a surface monitoring survey.
4. To meet the sample, collection, preservation, storage and transport requirements in Section 8.0 of Method 21 of 40 CFR Part 60 Appendix A, the instrument evaluation procedures of section 8.1 of Method 21 shall be used.
5. The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells.
6. Any elevated methane reading above 50 parts per million (ppm) above background shall be considered a possible source of odors. The location of the elevated reading shall be marked in the field and recorded on a map or other documentation. Immediate corrective measures shall be completed within five (5) days of observing the elevated reading. Immediate corrective measures may include cover maintenance and/or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each elevated reading. The location(s)



where elevated methane readings were recorded and where corrective measures were implemented shall be re-monitored for methane concentrations within ten (10) calendar days of detecting the elevated reading. If the re-monitoring of the location shows a similar elevated reading and landfill gas odors continue to exist in the residential community, Hyland shall evaluate each elevated location to determine if additional corrective measures are required to reduce the methane concentration below 50 ppm.

8. A report of the methane monitoring events shall be submitted to the NYSDEC regional office Divisions of Air Resources and Solid Waste for review and approval within 21 days of observing the first elevated reading. The report shall include a summary of the methods used to complete the surface scan, documentation of the methane readings, identification of any elevated readings, description and location of any corrective action completed, results of the re-scan and a proposed plan and schedule for additional corrective measures, if necessary.

Such additional corrective measures may include, but are not limited to, installing additional gas collection wells and piping, upgrading the blower, header pipes or control device.

9. Upon notification by the Department, Hyland shall implement additional corrective actions as approved by the Department according to the schedule contained in the monitoring and corrective action report.

#### AMBIENT AIR MONITORING FOR HYDROGEN SULFIDE EMISSIONS

If the Department determines landfill gas odors in the residential community may be present at a concentration that can be reasonably measured by portable monitoring equipment, Hyland shall complete the approved ambient air monitoring program within 14 days of being notified by the Department. The approved ambient air monitoring program is referred to as the Contingency Plan, dated June 17, 2008. The plan includes monitoring, recording and reporting methods for measuring hydrogen sulfide concentrations in ambient air.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

