

New York State Department of Environmental Conservation
Facility DEC ID: 9146200001



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 9-1462-00001/00021
Effective Date: 12/05/2006 Expiration Date: No expiration date

Permit Issued To: WASTE MANAGEMENT OF NEW YORK LLC
123 VARICK AVE
BROOKLYN, NY 11237

Contact: THOMAS LEWIS
WASTE MANAGMENT OF NY LLC - CHAFFEE
10860 OLEAN RD
CHAFFEE, NY 14030-9799
(716) 496-5000

Facility: CHAFFEE LANDFILL
10860 OLEAN RD
CHAFFEE, NY 14030-9799

Contact: THOMAS LEWIS
WASTE MANAGMENT OF NY LLC - CHAFFEE
10860 OLEAN RD
CHAFFEE, NY 14030-9799
(716) 496-5000

Description:

Waste Management of New York, L.L.C. (WMNY) currently operates a municipal solid waste (MSW) landfill (Chaffee Landfill) designed to hold 10,041,000 cubic yards of refuse. Air emissions are controlled by the use of an enclosed flare. Air emissions from the landfill include primarily combustion components from the operation of the flare and fugitive emissions from the uncontrolled landfill gas. Collected landfill gas is combusted in an enclosed John Zink Co. flare.

This permit is for the proposed Chaffee Landfill Western Expansion which will encompass approximately 74 total acres, directly west of the existing landfill. The proposed expansion will have a municipal solid waste disposal capacity of approximately 8.3 million cubic yards. The Permittee's quarterly waste receipts will not exceed 180,000 tons per quarter for each quarter ending March 31, June 30, September 30 and December 31. The Permittee's annual waste receipts will not exceed 600,000 tons. Alternate Daily Covers (ADC) may be used at the facility provided they are pre-approved by the Department. The total amount of ADC used at the landfill will not exceed 20% of the annual amount of non-BUD (Beneficial Use Determination) waste disposed at the landfill. Therefore, the total amount of waste and ADC received at the facility must not exceed 720,000 tons per year. ADC material may include contaminated soils (including petroleum contaminated), construction and demolition debris, and some types of industrial waste that has minimal contamination and is similar in make up to soil. Landfill gas



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generated by the proposed expansion will be collected and combusted in an enclosed flare rated at approximately 90 million Btu/hr. A soil borrow operation provides soil for daily landfill operations as well as materials for landfill construction. Further, the maintenance building operations will not change. Leachate will be generated from the expanded landfill, but the emissions from the collection and storage prior to disposal are insignificant.

PROJECT DESCRIPTION

This Air State Facility Permit will allow the construction and initial operation of this MSW landfill expansion and associated landfill gas collection and control system. The potential emissions produced by the landfill for the entire life of the project were reviewed under federal Prevention of Significant Deterioration of Air Quality (PSD) and New York State New Source Review (NSR), 6 NYCRR Subpart 231-2. Neither regulation is applicable to the landfill throughout its life according to the modeled gas generation rates.

EMISSIONS AND CONTROLS

Landfill gas generated by this landfill consist primarily of methane and carbon dioxide produced by microorganisms within the landfill under anaerobic conditions. The landfill gas also contains a much lesser amount of non-methane organic compounds (NMOC). This NMOC fraction contains various volatile organic compounds (VOC) and odorous compounds. Other emissions associated with this MSW landfill include combustion products from the proposed enclosed landfill gas flare. The combustion emissions from the flare include carbon monoxide (CO), oxides of nitrogen (NO_x), fine particulate matter (PM-10) and unoxidized organics (both NMOC and VOC).

The rate of landfill gas generation is governed by specific landfill conditions such as waste composition, design, rainfall and temperature. The landfill gas generation rate can be estimated using theoretical models. The maximum estimated landfill gas generation rate for the Chaffee Landfill Western Expansion is 3,708 cubic feet per minute (cfm). Assuming the gas collection system is 75% efficient (AP-42, Section 2.4, November , 1998), the total maximum estimated gas flow rate sent to the flare is 2,781 cfm. Due to the fact that the calculated NMOC emission rate for the existing landfill is greater than 50 megagrams per year, WMNY shall submit a collection and control system design plan prepared by a professional engineer to the Administrator within 1 year of the effective date of this permit. The collection and control system shall be designed and operated according to conditions contained in this permit. System operation will be initiated when sufficient gas is generated to utilize the flare. The proposed flare is a 3,300 cfm John Zink Flare.

APPLICABLE REQUIREMENTS

The projected annual maximum VOC emissions for the expansion are 14.74 tpy.

WMNY proposes to install and operate a John Zink Flare. The projected annual maximum NO_x emissions using the manufacturer's guaranteed emission factors is 35 tpy from the flare. Therefore, NSR does not apply to NO_x.

40CFR52.21, Prevention of Significant Deterioration: Emission estimates using manufacturer's emission factors demonstrate the PSD applicability threshold of 250 tpy CO will not be exceeded at any time



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during the operational life of the landfill for any regulated contaminant. Therefore, PSD does not apply to the CO emissions.

40CFR60 Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills: This permit contains requirements to install a well designed collection system and destroy 98% of the collected landfill gas per 40 CFR 60 Subpart WWW. The duties associated with monitoring the facility's compliance with these requirements will be shared by this Department and the Region 2 Office of the Environmental Protection Agency.

40CFR63 Subpart AAAA, National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills: The facility is also subject to certain requirements of 40 CFR 63 Subpart AAAA, National Emission Standards for Hazardous Air Pollutants (NESHAPS):Municipal Solid Waste Landfills. Applicable rule requirements have been incorporated into this permit and include primarily the development and implementation of a Startup, Shutdown and Malfunction (SSM) Plan for operation of the gas collection and control system.

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

Permit Administrator: DAVID S DENK
 DIVISION OF ENVIRONMENTAL PERMITS
 270 MICHIGAN AVE
 BUFFALO, NY 14203-2999

Authorized Signature: _____ Date: ____ / ____ / _____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

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

Facility Level

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



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

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

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

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

Item 2.1:

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

Condition 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



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actual transfer of ownership.

Condition 4: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 4.1:

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

Item 4.2:

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

Item 4.3:

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

Item 5.1:

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

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

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

Item 6.1:

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,

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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 7: Submission of Applications for Permit Modification or Renewal -REGION 9 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.5(a)

Item 7.1:

Submission of applications for permit modification or renewal are to be submitted to:
NYSDEC Regional Permit Administrator
Region 9 Headquarters
Division of Environmental Permits
270 Michigan Avenue
Buffalo, NY 14203-2999
(716) 851-7165

Condition 8: Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.6(a)

Item 8.1:

Submission of applications for permit modification or renewal are to be submitted to:
NYSDEC Regional Permit Administrator
Region 9 Headquarters
Division of Environmental Permits
270 Michigan Avenue
Buffalo, NY 14203-2999
(716) 851-7165



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ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: WASTE MANAGEMENT OF NEW YORK LLC
123 VARICK AVE
BROOKLYN, NY 11237

Facility: CHAFFEE LANDFILL
10860 OLEAN RD
CHAFFEE, NY 14030-9799

Authorized Activity By Standard Industrial Classification Code:
1459 - CLAY AND RELATED MINERALS NEC
4953 - REFUSE SYSTEMS

Permit Effective Date: 12/05/2006

Permit Expiration Date: No expiration date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 40CFR 68: Accidental release provisions.
- 2 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 3 6NYCRR 201-6.3(a)(2): Title V Permit - Modification Application
- 4 6NYCRR 201-7.2: Facility Permissible Emissions
- 5 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 6 40CFR 60.7(c), NSPS Subpart A: Excess emissions report.
- 7 40CFR 60.7(d), NSPS Subpart A: Excess emissions report.
- 8 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 9 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
- 10 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 11 40CFR 60.9, NSPS Subpart A: Availability of information.
- 12 40CFR 60.11(d), NSPS Subpart A: Compliance with Standards and Maintenance Requirements
- 13 40CFR 60.12, NSPS Subpart A: Circumvention.
- 14 40CFR 60.752(b)(2), NSPS Subpart WWS: Standards for air emissions from MSW landfills
- 15 40CFR 60.753(a), NSPS Subpart WWS: Operational standards for collection and control systems
- 16 40CFR 60.753(b), NSPS Subpart WWS: Compliance Demonstration
- 17 40CFR 60.753(c), NSPS Subpart WWS: Compliance Demonstration
- 18 40CFR 60.753(c), NSPS Subpart WWS: Compliance Demonstration
- 19 40CFR 60.753(d), NSPS Subpart WWS: Compliance Demonstration
- 20 40CFR 60.753(e), NSPS Subpart WWS: Compliance Demonstration
- 21 40CFR 60.753(f), NSPS Subpart WWS: Compliance Demonstration
- 22 40CFR 60.753(g), NSPS Subpart WWS: Compliance Demonstration
- 23 40CFR 60.754(a)(1), NSPS Subpart WWS: Compliance Demonstration
- 24 40CFR 60.754(b), NSPS Subpart WWS: NMOC Calculation After Collection and Control System Installation
- 25 40CFR 60.754(d), NSPS Subpart WWS: Performance Test
- 26 40CFR 60.755(a), NSPS Subpart WWS: Compliance Provisions - collection system
- 27 40CFR 60.755(b), NSPS Subpart WWS: Compliance Provisions - wells
- 28 40CFR 60.755(c), NSPS Subpart WWS: Compliance Provisions - surface methane
- 29 40CFR 60.755(d), NSPS Subpart WWS: Compliance Provisions - instrumentation specifications
- 30 40CFR 60.755(e), NSPS Subpart WWS: Compliance Provisions - Start-up, shutdown, or malfunction
- 31 40CFR 60.756(a), NSPS Subpart WWS: Compliance Demonstration
- 32 40CFR 60.756(b), NSPS Subpart WWS: Compliance Demonstration
- 33 40CFR 60.756(f), NSPS Subpart WWS: Compliance Demonstration



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- 34 40CFR 60.757(a), NSPS Subpart WWW: Reporting requirements - Initial design capacity
- 35 40CFR 60.757(b), NSPS Subpart WWW: Reporting requirements - NMOC emission rate
- 36 40CFR 60.757(c), NSPS Subpart WWW: Reporting Requirements - Collection and Control System Design Plan
- 37 40CFR 60.757(d), NSPS Subpart WWW: Reporting Requirements - Closure Report
- 38 40CFR 60.757(e), NSPS Subpart WWW: Reporting Requirements - Control Equipment Removal
- 39 40CFR 60.757(f), NSPS Subpart WWW: Compliance Demonstration
- 40 40CFR 60.757(g), NSPS Subpart WWW: Reporting requirements - Collection and control system
- 41 40CFR 60.758(a), NSPS Subpart WWW: Compliance Demonstration
- 42 40CFR 60.758(b), NSPS Subpart WWW: Compliance Demonstration
- 43 40CFR 60.758(c), NSPS Subpart WWW: Compliance Demonstration
- 44 40CFR 60.758(d), NSPS Subpart WWW: Compliance Demonstration
- 45 40CFR 60.758(e), NSPS Subpart WWW: Compliance Demonstration
- 46 40CFR 60.759(a), NSPS Subpart WWW: Specifications for active collection systems
- 47 40CFR 60.759(b), NSPS Subpart WWW: Specifications for active collection systems
- 48 40CFR 60.759(c), NSPS Subpart WWW: Specifications for active collection systems
- 49 40CFR 61.154, NESHAP Subpart M: Asbestos-containing waste material standard for active waste disposal sites
- 50 40CFR 63.1955(b), Subpart AAAA: Compliance Demonstration
- 51 40CFR 63.1980(a), NESHAP Subpart AAAA: Compliance Demonstration

Emission Unit Level

EU=L-00002

*52 6NYCRR 201-7.2: Capping Monitoring Condition

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 53 ECL 19-0301: Contaminant List
- 54 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 55 6NYCRR 201-5: Emission Unit Definition
- 56 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 57 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 58 6NYCRR 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability

Item A: Sealing - 6NYCRR Part 200.5

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

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

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

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

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

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

Item C: Maintenance of Equipment - 6NYCRR Part 200.7

Any person who owns or operates an air contamination

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

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

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

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

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

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

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

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

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

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

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

(4) The facility owner and/or operator notified the Department within two working days after the event



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

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

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

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

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

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

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

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

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

Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific



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

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

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

Item K: Visible Emissions Limited - 6 NYCRR Part 211.3

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

Item L: Open Fires - 6 NYCRR Part 215

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

Item M: Permit Exclusion - ECL 19-0305

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not



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limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

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

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

FEDERAL APPLICABLE REQUIREMENTS
The following conditions are federally enforceable.

Condition 1: Accidental release provisions.
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 68

Item 1.1:

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:



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

Condition 2: Recycling and Emissions Reduction
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 82, Subpart F

Item 2.1:

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

Condition 3: Title V Permit - Modification Application
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.3(a)(2)

Item 3.1:

A Title V permit modification application must be submitted to the Department within one year of commencement of operation of the new emission unit, emission source or process that required the modification.

Condition 4: Facility Permissible Emissions
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.2

Item 4.1:

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 000630-08-0 PTE: 480,000 pounds per year
Name: CARBON MONOXIDE

Condition 5: EPA Region 2 address.
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A

Item 5.1:

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

Director, Division of Enforcement and Compliance Assistance



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USEPA Region 2
290 Broadway, 21st Floor
New York, NY 10007-1886

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

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

Condition 6: Excess emissions report.
Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 6.1:

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

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

Condition 7: Excess emissions report.
Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 7.1:

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



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Condition 8: Prior notice.
Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 8.1:

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

Condition 9: Performance testing facilities.
Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 9.1:

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

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

Condition 10: Number of required tests.
Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 10.1:

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

Condition 11: Availability of information.
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.9, NSPS Subpart A

Item 11.1:

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by 40 CFR Part 2.

Condition 12: Compliance with Standards and Maintenance Requirements
Effective between the dates of 12/05/2006 and Permit Expiration Date



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

Item 12.1:

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

Condition 13: Circumvention.

Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A

Item 13.1:

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

Condition 14: Standards for air emissions from MSW landfills

Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 14.1:

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

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

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

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

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

D) The Administrator shall review the information submitted under paragraphs (i)(A), (B) and



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

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

A) An active gas collection system shall:

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

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

3) collect gas at a sufficient extraction rate; and

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

(B) A passive collection system shall:

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

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

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

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

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

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



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

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

Condition 15: Operational standards for collection and control systems
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.753(a), NSPS Subpart WWW

Item 15.1:

Each owner or operator of an MSW landfill with a gas collection and control system used to comply with the provisions of 40 CFR Part 60.752(b)(2)(ii) shall:

a) Operate the collection system such that gas is collected from each area, cell or group of cells in the MSW landfill in which solid waste has been in place for:

- 1) 5 years or more if active; or
- 2) 2 years or more if closed or at final grade.

Condition 16: Compliance Demonstration
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.753(b), NSPS Subpart WWW

Item 16.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 16.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Operate the collection system with negative pressure at each wellhead except under the following conditions:

- 1) A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in 40 CFR Part 60.757(f)(1).

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2) Use of a geomembrane cover or an equivalent gas-impermeable synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan.

3) A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows.

If monitoring demonstrates that the operational requirements are not met, corrective action shall be taken as specified in §60.755(a)(3) through (5) of Subpart WWW.

If corrective actions are taken as specified in §60.755, the monitored exceedance is not a violation of the operational requirements in this section, however the permittee shall report these episodes as deviations.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: PRESSURE

Upper Permit Limit: 0 pounds per square inch gauge

Monitoring Frequency: MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 17: Compliance Demonstration

Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.753(c), NSPS Subpart WWW

Item 17.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 17.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Operate each interior wellhead in the collection system with an oxygen level in the landfill gas less than 5%.

The owner or operator may establish a higher operating oxygen level at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly

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inhibit anaerobic decomposition by killing methanogens.

If monitoring demonstrates that the operational requirements are not met, corrective action shall be taken as specified in §60.755(a)(3) through (5) of Subpart WWW.

If corrective actions are taken as specified in §60.755, the monitored exceedance is not a violation of the operational requirements in this section, however the permittee shall report these episodes as deviations.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: OXYGEN CONTENT

Upper Permit Limit: 4.9 percent

Reference Test Method: Method 3a

Monitoring Frequency: MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 18: Compliance Demonstration

Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.753(c), NSPS Subpart WWW

Item 18.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 18.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Operate each interior wellhead in the collection system with a landfill gas temperature less than 55 degrees centigrade. The owner or operator may establish a higher operating temperature at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

If monitoring demonstrates that the operational requirements are not met, corrective action shall be taken



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as specified in §60.755(a)(3) through (5) of Subpart WWW.

If corrective actions are taken as specified in §60.755, the monitored exceedance is not a violation of the operational requirements in this section, however the permittee shall report these episodes as deviations.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: TEMPERATURE

Upper Permit Limit: 54.9 degrees Centigrade (or Celsius)

Monitoring Frequency: MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 19: Compliance Demonstration
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.753(d), NSPS Subpart WWW

Item 19.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000074-82-8 METHANE

Item 19.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: AMBIENT AIR MONITORING

Monitoring Description:

Operate the collection system so that the methane concentration is less than 500 part per million above background at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing around the perimeter of the collection area and 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. The owner or operator may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30 meter intervals. This plan shall



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be submitted to the Department for review and approval within 60 days of issuance of this permit. The plan shall be revised as needed for any landfill expansion. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.

If monitoring demonstrates that the operational requirements are not met, corrective action shall be taken as specified in §60.755(c) of Subpart WWW. If corrective actions are taken as specified in §60.755, the monitored exceedance is not a violation of the operational requirements in this section, however the permittee shall report these episodes as deviations.

Parameter Monitored: METHANE

Upper Permit Limit: 499 parts per million (by volume)

Monitoring Frequency: QUARTERLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 20: Compliance Demonstration
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.753(e), NSPS Subpart WWW

Item 20.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 20.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operate the collection system such that all collected gases are vented to a control system designed and operated in compliance with 40 CFR Part 60.752(b)(2)(iii). In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere shall be closed within one hour.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.



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

Condition 21: Compliance Demonstration
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.753(f), NSPS Subpart WWW

Item 21.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 21.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operate the control or treatment system at all times when
the collected gas is routed to the system

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 22: Compliance Demonstration
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.753(g), NSPS Subpart WWW

Item 22.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 22.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

If monitoring demonstrates that the operational
requirements of 40 CFR Part 60.753(b), (c) or (d) are not
met, corrective action shall be taken as specified in 40
CFR Part 60.755(a)(3) through (5) or 40 CFR Part
60.755(c). If corrective actions are taken as specified in
40 CFR Part 60.755, the monitored exceedance is not a
violation of the operational requirements in 40 CFR Part
60.753.

Monitoring Frequency: SEMI-ANNUALLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

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Condition 23: Compliance Demonstration

Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 23.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 23.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The Permittee's quarterly waste receipts must not exceed 180,000 tons per quarter for each quarter ending March 31, June 30, September 30 and December 31. The Permittee's annual waste receipts must not exceed 600,000 tons.

Alternate Daily Covers (ADC) may be used at the facility provided they are pre-approved by the Department. The total amount of ADC used at the landfill must not exceed 20% of the annual amount of non-BUD (Beneficial Use Determination) waste disposed at the landfill. Therefore, the total amount of waste and ADC received at the facility must not exceed 720,000 tons per year. ADC material may include contaminated soils (including petroleum contaminated), construction and demolition debris, and some types of industrial waste that has minimal contamination and is similar in make up to a soil.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: WASTE MATERIAL

Upper Permit Limit: 180000 tons

Monitoring Frequency: QUARTERLY

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE -
SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 24: NMOC Calculation After Collection and Control System Installation

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

Item 24.1:

After the installation of a collection and control system in compliance with 40 CFR Part 60.755, the owner or operator shall calculate the NMOC emission rate for purposes of determining when the system can be removed as provided in 40 CFR Part 60.752(b)(2)(v), using the following equation:

$$M_{\text{NMOC}} = 1.89 \times 10^{-3} Q_{\text{LFG}} C_{\text{NMOC}}$$

where,

M_{NMOC} = mass emission rate of NMOC, megagrams per year

Q_{LFG} = flow rate of landfill gas, cubic meters per minute

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

(1) The flow rate of landfill gas, Q_{LFG} , shall be determined by measuring the total landfill gas flow rate at the common header pipe that leads to the control device using a gas flow measuring device calibrated according to the provisions of section 4 of Method 2E of 40 CFR Part 60 Appendix A.

(2) The average NMOC concentration, C_{NMOC} , shall be determined by collecting and analyzing landfill gas sampled from the common header pipe before the gas moving or condensate removal equipment using the procedures in Method 25C or Method 18 of 40 CFR Part 60 Appendix A. If using Method 18 of 40 CFR Part 60 Appendix A, the minimum list of compounds to be tested shall be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42). The sample location on the common header pipe shall be before any condensate removal or other gas refining units. The landfill owner or operator shall divide the NMOC concentration from Method 25C of 40 CFR Part 60 Appendix A by six to convert from C_{NMOC} as carbon to C_{NMOC} as hexane.

(3) The owner or operator may use another method to determine landfill gas flow rate and NMOC concentration if the method has been approved by the Administrator.

Condition 25: Performance Test

Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 25.1:

For the performance test required in 40 CFR Part 60.752(b)(2)(iii)(B), Method 25, 25C or Method 18 of 40 CFR Part 60 Appendix A shall be used to determine compliance with the 98 weight-percent efficiency or the 20 ppmv outlet concentration level, unless another method to demonstrate compliance has been approved by the Administrator as provided by 40 CFR Part 60.752(b)(2)(i)(B). Method 3 or 3A shall be used to determine oxygen for correcting the NMOC concentration as hexane to 3 percent. In cases where the outlet concentration is less than 50 ppm NMOC as carbon (8 ppm NMOC as



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hexane), Method 25A should be used in place of Method 25. If using method 18, the minimum list of compounds to be tested shall be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42). The following equation shall be used to calculate efficiency:

$$\text{Control Efficiency} = (\text{NMOC}_{\text{in}} - \text{NMOC}_{\text{out}}) / (\text{NMOC}_{\text{in}})$$

where,

NMOC_{in} = mass of NMOC entering control device

NMOC_{out} = mass of NMOC exiting control device

**Condition 26: Compliance Provisions - collection system
Effective between the dates of 12/05/2006 and Permit Expiration Date**

Applicable Federal Requirement: 40CFR 60.755(a), NSPS Subpart WWW

Item 26.1:

Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), the specified methods in paragraphs (1) through (6) below, shall be used to determine whether the gas collection system is in compliance with 40 CFR Part 60.752(b)(2)(ii).

1) For the purposes of calculating the maximum expected gas generation flow rate from the landfill to determine compliance with 40 CFR Part 60.752(b)(2)(ii)(A)(1), the following equation shall be used. The k and L_0 kinetic factors should be those published in the most recent Compilation of Air Pollutant Emissions Factors (AP-42) or other site specific values demonstrated to be appropriate for this site and approved by the Administrator. If k has been determined as specified in 40 CFR Part 60.754(a)(4), the value of k determined from the test shall be used. The active life of the landfill is the age of the landfill plus the estimated number of years until closure.

ii) For waste sites with known year-to-year solid waste acceptance rate:

$$Q_M = \sum 2 k L_0 M_i (e^{-kt_i}) ,$$

where,

Q_M = maximum expected gas generation flow rate, cubic meters per year

k = methane generation rate constant, year⁻¹

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

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

t_i = age of the i^{th} section (years).

2) For the purposes of determining sufficient density of gas collectors for compliance with 40 CFR Part 60.752(b)(2)(ii)(A)(2), the owner shall design a system of vertical wells, horizontal collectors, or other collection devices, satisfactory to the Administrator, capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards.



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3) For the purpose of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with 40 CFR Part 60.752(b)(2)(ii)(A)(3), the owner or operator shall measure gauge pressure in the gas collection header at each individual well, monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within 5 calendar days, except for the three conditions allowed under 40 CFR Part 60.753(b). If negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternate timeline for correcting the exceedance may be submitted to the Administrator for approval.

4) Owners or operators are not required to expand the system as required in paragraph (3) above during the first 180 days after gas collection system startup.

5) For the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner or operator shall monitor each well monthly for temperature and nitrogen or oxygen as provided in 40 CFR Part 60.753(c). 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 cannot be achieved within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the Administrator for approval.

6) An owner or operator seeking to demonstrate compliance with 40 CFR Part 60.752(b)(2)(ii)(A)(4) through the use of a collection system not conforming to the specifications provided in 40 CFR Part 60.759 shall provide information satisfactory to the Administrator as specified in 40 CFR Part 60.752(b)(2)(i)(C) demonstrating that off-site migration is being controlled.

Condition 27: Compliance Provisions - wells
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.755(b), NSPS Subpart WWW

Item 27.1:

For purposes of compliance with 40 CFR Part 60.753(a), each owner or operator of a controlled landfill shall place each well or design component as specified in the approved design plan as provided in 40 CFR Part 60.752(b)(2)(i). Each well shall be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of:

- 1) 5 years or more if active; or
- 2) 2 years or more if closed or at final grade.

Condition 28: Compliance Provisions - surface methane
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.755(e), NSPS Subpart WWW



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Item 28.1:

The following procedures shall be used for compliance with the surface methane operational standard as provided in 40 CFR Part 60.753(d).

1) After installation of the collection system, the owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30-meter intervals (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in 40 CFR Part 60.755(d)

2) 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.

3) Surface emission monitoring shall be performed in accordance with section 8.3.1 of Method 21 of 40 CFR Part 60 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.

4) Any reading of 500 parts per million or more above background at any location shall be recorded as a monitored exceedance and the actions specified in paragraphs (4)(i) through (v) below shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of 40 CFR Part 60.753(d).

i) The location of each monitored exceedance shall be marked and the location recorded.

ii) Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored within 10 calendar days of detecting the exceedance.

iii) If the re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in paragraph (4)(v) below shall be taken, and no further monitoring of that location is required until the action specified in paragraph (4)(v) has been taken.

iv) Any location that initially showed an exceedance but has a methane concentration less than 500 ppm methane above background at the 10-day re-monitoring specified in paragraph (4)(ii) or (iii) below shall be re-monitored 1 month from the initial exceedance. If the 1-month re-monitoring shows a concentration less than 500 parts per million above background, no further monitoring of that location is required until the next quarterly monitoring period. If the 1-month re-monitoring shows an exceedance, the actions specified in paragraph (4)(iii) or (v) shall be taken.

v) For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period, a new well or other collection device shall be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the Administrator for approval.

5) The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

Condition 29: Compliance Provisions - instrumentation specifications



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Applicable Federal Requirement: 40CFR 60.755(d), NSPS Subpart WWW

Item 29.1:

Each owner or operator seeking to comply with the provisions in 40 CFR Part 60.755(c) of this section shall comply with the following instrumentation specifications and procedures for surface emission monitoring devices:

- 1) 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.
- 2) The calibration gas shall be methane, diluted to a nominal concentration of 500 parts per million in air.
- 3) 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.
- 4) 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.

Condition 30: Compliance Provisions - Start-up, shutdown, or malfunction
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.755(e), NSPS Subpart WWW

Item 30.1:

The provisions of this subpart apply at all times, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction shall not exceed 5 days for collection systems and shall not exceed 1 hour for treatment or control devices.

Condition 31: Compliance Demonstration
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.756(a), NSPS Subpart WWW

Item 31.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 31.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(ii)(A) for an active gas collection system

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shall install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead and:

(1) Measure the gauge pressure in the gas collection header on a monthly basis as provided in 40 CFR Part 60.755(a)(3); and

(2) Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as provided in 40 CFR Part 60.755(a)(5); and

(3) Monitor temperature of the landfill gas on a monthly basis as provided in 40CFR Part 60.755(a)(5).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 32: Compliance Demonstration

Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.756(b), NSPS Subpart WWW

Item 32.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 32.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(iii) using an enclosed combustor shall calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment.

(1) A temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or ± 0.5 oC, whichever is greater. A temperature monitoring device is not required for boilers or process heaters with design heat input capacity greater than 44 megawatts.

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- (2) A device that records flow to or bypass of the control device. The owner or operator shall either:
- (i) Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or
 - (ii) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2007.
Subsequent reports are due every 6 calendar month(s).

Condition 33: Compliance Demonstration
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.756(f), NSPS Subpart WWW

Item 33.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 000074-82-8 METHANE

Item 33.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: AMBIENT AIR MONITORING

Monitoring Description:

Each owner or operator seeking to demonstrate compliance with 40 CFR Part 60.755(c), shall monitor surface concentrations of methane according to the instrument specifications and procedures provided in 40 CFR Part 60.755(d). Any closed landfill that has no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of 500 ppm or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring.

Parameter Monitored: METHANE



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Upper Permit Limit: 499 parts per million (by volume)

Reference Test Method: Method 21

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST
METHOD INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

**Condition 34: Reporting requirements - Initial design capacity
Effective between the dates of 12/05/2006 and Permit Expiration Date**

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

Item 34.1:

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

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

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

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

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

**Condition 35: Reporting requirements - NMOC emission rate
Effective between the dates of 12/05/2006 and Permit Expiration Date**

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

Item 35.1:

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

1) The NMOC emission rate report shall contain an annual or 5-year estimate of the NMOC



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emission rate, calculated using the formula and procedures provided in 40 CFR Part 60.754(a) or (b), as applicable.

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

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

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

3) Owner or operator is exempted from the requirements in paragraphs (1) and (2) above, after installation of a collection and control system in compliance with 40 CFR Part 60.752(b)(2), during such time as the collection and control system is in operation and in compliance with 40 CFR Part 60.753 and Part 60.755

Condition 36: Reporting Requirements - Collection and Control System Design Plan

Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 36.1:

Each owner or operator subject to the provisions of 40 CFR Part 60.752(b)(2)(i) shall submit a collection and control system design plan to the Administrator within 1 year of the first report, required under 40 CFR Part 60.757(b), in which the emission rate exceeds 50 megagrams per year, except as follows:

(1) If the owner or operator elects to recalculate the NMOC emission rate after Tier 2 NMOC sampling and analysis as provided in 40 CFR Part 60.754(a)(3) and the resulting rate is less than 50 megagrams per year, annual periodic reporting shall be resumed, using the Tier 2 determined site-specific NMOC concentration, until the calculated emission rate is equal to or greater than 50 megagrams per year or the landfill is closed. The revised NMOC emission rate report, with the recalculated emission rate based on NMOC sampling and analysis, shall be submitted within 180 days of the first calculated exceedance of 50 megagrams per year.

(2) If the owner or operator elects to recalculate the NMOC emission rate after determining a



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site-specific methane generation rate constant (k), as provided in Tier 3 in 40 CFR Part 60.754(a)(4), and the resulting NMOC emission rate is less than 50 Mg/yr, annual periodic reporting shall be resumed. The resulting site-specific methane generation rate constant (k) shall be used in the emission rate calculation until such time as the emissions rate calculation results in an exceedance. The revised NMOC emission rate report based on the provisions of 40 CFR Part 60.754(a)(4) and the resulting site-specific methane generation rate constant (k) shall be submitted to the Administrator within 1 year of the first calculated emission rate exceeding 50 megagrams per year.

Condition 37: Reporting Requirements - Closure Report
Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 37.1:

Each owner or operator of a controlled landfill shall submit a closure report to the Administrator within 30 days of waste acceptance cessation. The Administrator may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 CFR Part 258.60 of this title. If a closure report has been submitted to the Administrator, no additional wastes may be placed into the landfill without filing a notification of modification as described under 40 CFR Part 60.7(a)(4).

Condition 38: Reporting Requirements - Control Equipment Removal
Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 38.1:

Each owner or operator of a controlled landfill shall submit an equipment removal report to the Administrator 30 days prior to removal or cessation of operation of the control equipment.

(1) The equipment removal report shall contain all of the following items:

(i) A copy of the closure report submitted in accordance with 40 CFR Part 60.757(d) of this section;

(ii) A copy of the initial performance test report demonstrating that the 15 year minimum control period has expired; and

(iii) Dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer producing 50 megagrams or greater of NMOC per year.

(2) The Administrator may request such additional information as may be necessary to verify that all of the conditions for removal in 40 CFR Part 60.752(b)(2)(v) have been met.

Condition 39: Compliance Demonstration
Effective between the dates of 12/05/2006 and Permit Expiration Date

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

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Item 39.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 39.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each owner or operator of a landfill seeking to comply with 40 CFR Part 60.752(b)(2) using an active collection system designed in accordance with 40 CFR Part 60.752(b)(2)(ii) shall submit to the Administrator annual reports of the recorded information in paragraphs (1) through (6) below. The initial annual report shall be submitted within 180 days of installation and start-up of the collection and control system, and shall include the initial performance test report required under 40 CFR Part 60.8. For enclosed combustion devices and flares, reportable exceedances are defined under 40 CFR Part 60.758(c).

(1) Value and length of time for exceedance of applicable parameters monitored under 40 CFR Part 60.756(a), (b), (c), and (d).

(2) Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under 40 CFR Part 60.756.

(3) Description and duration of all periods when the control device was not operating for a period exceeding 1 hour and length of time the control device was not operating.

(4) All periods when the collection system was not operating in excess of 5 days.

(5) The location of each exceedance of the 500 parts per million methane concentration as provided in 40 CFR Part 60.753(d) and the concentration recorded at each location for which an exceedance was recorded in the previous month.

(6) The date of installation and the location of each well or collection system expansion added pursuant to paragraphs 40 CFR Part 60.755(a)(3), (b), and (c)(4).



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Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 40: Reporting requirements - Collection and control system
Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 40.1:

Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(iii) shall include the following information with the initial performance test report required under 40 CFR Part 60.8:

- 1) A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;
- 2) The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;
- 3) The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;
- 4) The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area; and
- 5) The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and
- 6) The provisions for the control of off-site migration.

Condition 41: Compliance Demonstration
Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 41.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 41.2:

Compliance Demonstration shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 42: Compliance Demonstration

Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 42.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 42.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), each owner or operator of a controlled landfill shall keep up-to-date, readily accessible records for the life of the control equipment of the data listed in paragraphs (1) through (4) below as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of 5 years. Records of the control device vendor specifications shall be maintained until removal.

1) Where an owner or operator seeks to demonstrate compliance with 40 CFR Part 60.752(b)(2)(ii):

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i) The maximum expected gas generation flow rate as calculated in 40 CFR Part 60.755(a)(1). The owner or operator may use another method to determine the maximum gas generation flow rate, if the method has been approved by the Administrator.

ii) The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in 40 CFR Part 60.759(a)(1).

2) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with 40 CFR Part 60.752(b)(2)(iii) through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity greater than 44 megawatts:

i) The average combustion temperature measured at least every 15 minutes and averaged over the same time period of the performance test.

ii) The percent reduction of NMOC determined as specified in 40 CFR Part 60.752(b)(2)(iii)(B) achieved by the control device.

3) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with 40 CFR Part 60.752(b)(2)(iii)(B)(1) through use of a boiler or process heater of any size: a description of the location at which the collected gas vent stream is introduced into the boiler or process heater over the same time period of the performance testing.

4) Where an owner or operator seeks to demonstrate compliance with 40 CFR Part 60.752(b)(2)(iii)(A) through use of an open flare, the flare type (i.e., steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in 40 CFR Part 60.18; continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during

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which the pilot flame of the flare flame is absent.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 43: Compliance Demonstration

Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 43.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 43.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), each owner or operator of a controlled landfill shall keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in 40 CFR Part 60.756 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

1) The following constitute exceedances that shall be recorded and reported under 40 CFR Part 60.757(f):

i) For enclosed combustors except for boilers and process heaters with design heat input capacity of 44 megawatts (150 million British thermal unit per hour) or greater, all 3-hour periods of operation during which the average combustion temperature was more than 28 degrees C below the average combustion temperature during the most recent performance test at which compliance with 40 CFR Part 60.752(b)(2)(iii) was determined.

ii) For boilers or process heaters, whenever there is a change in the location at which the vent stream is

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introduced into the flame zone as required under paragraph 40 CFR Part 60.758(b)(3)(i) of this section.

2) Each owner or operator shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under 40 CFR Part 60.756.

3) Each owner or operator subject to the provisions of this subpart who uses a boiler or process heater with a design heat input capacity of 44 megawatts or greater to comply with 40 CFR Part 60.752(b)(2)(iii) shall keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater. (Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other State, local, Tribal, or Federal regulatory requirements.)

4) Each owner or operator seeking to comply by use of an open flare shall keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring specified under 40 CFR Part 60.756(c), and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 44: Compliance Demonstration

Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 44.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 44.2:

Compliance Demonstration shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), each owner or operator shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.

1) Each owner or operator shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under 40 CFR Part 60.755(b).

2) Each owner or operator shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in 40 CFR Part 60.759(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in 40 CFR Part 60.759(a)(3)(ii).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 45: Compliance Demonstration

Effective between the dates of 12/05/2006 and Permit Expiration Date

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

Item 45.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 45.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), each owner or operator shall keep for at least 5 years up-to-date, readily accessible records of all collection and control system exceedances of the operational



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standards in 40 CFR Part 60.753, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

**Condition 46: Specifications for active collection systems
Effective between the dates of 12/05/2006 and Permit Expiration Date**

Applicable Federal Requirement: 40CFR 60.759(a), NSPS Subpart WWW

Item 46.1:

Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(i) shall site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by the Administrator as provided in 40 CFR 60.752(b)(2)(i)(C) and (D):

1) The collection devices within the interior and along the perimeter areas shall be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues shall be addressed in the design: depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system expandability, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, and resistance to the refuse decomposition heat.

2) The sufficient density of gas collection devices determined in paragraph (1) above shall address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior.

3) The placement of gas collection devices determined in paragraph (1) above shall control all gas producing areas, except as provided by paragraphs (3)(i) and (3)(ii) below.

i) Any segregated area of asbestos or nondegradable material may be excluded from collection if documented as provided under 40 CFR Part 60.758(d). The documentation shall provide the nature, date of deposition, location and amount of asbestos or nondegradable material deposited in the area, and shall be provided to the Administrator upon request.

ii) Any nonproductive area of the landfill may be excluded from control, provided that the total of all excluded areas can be shown to contribute less than 1 percent of the total amount of NMOC emissions from the landfill. The amount, location, and age of the material shall be documented and provided to the Administrator upon request. A separate NMOC emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the NMOC emissions estimate for the entire landfill. Emissions from each section shall be computed using the



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following equation:

$$Q_i = 2 k L_o M_i (e^{-kt_i}) (C_{NMOC}) (3.6 \times 10^{-9})$$

where,

Q_i = NMOC emission rate from the i th section, megagrams per year

k = methane generation rate constant, year⁻¹

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

M_i = mass of the degradable solid waste in the i th section, megagram

t_i = age of the solid waste in the i th section, years

C_{NMOC} = concentration of nonmethane organic compounds, parts per million by volume

3.6×10^{-9} = conversion factor

iii) The values for k and C_{NMOC} determined in field testing shall be used, if field testing has been performed in determining the NMOC emission rate or the radii of influence (the distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero). If field testing has not been performed, the default values for k , L_o and C_{NMOC} provided in 40 CFR Part 60.754(a)(1) or the alternative values from 40 CFR Part 60.754(a)(5) shall be used. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in paragraph (3)(i) above.

Condition 47: Specifications for active collection systems
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.759(b), NSPS Subpart WWW

Item 47.1:

Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(i)(A) shall construct the gas collection devices using the following equipment or procedures:

1) The landfill gas extraction components shall be constructed of polyvinyl chloride (PVC), high density polyethylene (HDPE) pipe, fiberglass, stainless steel, or other nonporous corrosion resistant material of suitable dimensions to: convey projected amounts of gases; withstand installation, static, and settlement forces; and withstand planned overburden or traffic loads. The collection system shall extend as necessary to comply with emission and migration standards. Collection devices such as wells and horizontal collectors shall be perforated to allow gas entry without head loss sufficient to impair performance across the intended extent of control. Perforations shall be situated with regard to the need to prevent excessive air infiltration.

2) Vertical wells shall be placed so as not to endanger underlying liners and shall address the occurrence of water within the landfill. Holes and trenches constructed for piped wells and horizontal collectors shall be of sufficient cross-section so as to allow for their proper construction and completion including, for example, centering of pipes and placement of gravel backfill. Collection devices shall be



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designed so as not to allow indirect short circuiting of air into the cover or refuse into the collection system or gas into the air. Any gravel used around pipe perforations should be of a dimension so as not to penetrate or block perforations.

3) Collection devices may be connected to the collection header pipes below or above the landfill surface. The connector assembly shall include a positive closing throttle valve, any necessary seals and couplings, access couplings and at least one sampling port. The collection devices shall be constructed of PVC, HDPE, fiberglass, stainless steel, or other nonporous material of suitable thickness.

Condition 48: Specifications for active collection systems
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.759(c), NSPS Subpart WWW

Item 48.1:

Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(i)(A) shall convey the landfill gas to a control system in compliance with 40 CFR Part 60.752(b)(2)(iii) through the collection header pipe(s). The gas mover equipment shall be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment using the following procedures:

1) For existing collection systems, the flow data shall be used to project the maximum flow rate. If no flow data exists, the procedures in paragraph (2) below shall be used.

2) For new collection systems, the maximum flow rate shall be in accordance with 40 CFR Part 60.755(a)(1).

Condition 49: Asbestos-containing waste material standard for active waste disposal sites
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 61.154, NESHAP Subpart M

Item 49.1:

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 50: Compliance Demonstration
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 63.1955(b), Subpart AAAA

Item 50.1:

The Compliance Demonstration activity will be performed for the Facility.

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

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Item 50.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

If you are required by 40CFR60.752(b)(2) of subpart WWW, the Federal plan, or an EPA approved and effective State or tribal plan to install a collection and control system, you must comply with the requirements in §§63.1960 through 63.1985 and with the general provisions of part 63 as specified in table 1 of Subpart AAAA.

The facility shall develop and implement a written startup, shutdown, and malfunction (SSM) plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction; a program of corrective action for malfunctioning process; and air pollution control and monitoring equipment used to comply with this standard.

This plan must be developed by the facility by the compliance date of 40CFR63, subpart AAAA (the landfill NESHAP) and must comply with all of the provisions as listed in §63.6(e)(3)(ii)-(ix) which includes the following provisions:

- During periods of startup, shutdown, and malfunction, the facility must operate and maintain the affected source in accordance with the procedures specified in the SSM plan.

- When actions taken by the owner/operator during a startup, shutdown, or malfunction are consistent with the procedures specified in the affected source's SSM plan, the owner/operator must keep records for that event which demonstrate that the procedures specified in the plan were followed. In addition, the owner/operator must keep records of these events as specified in §63.10(b), including records of operation and each malfunction of the air pollution control and monitoring equipment. Furthermore, the owner/operator shall confirm that actions taken during the startup, shutdown, and malfunction were consistent with the SSM plan in the semiannual report as required in §63.10(d)(5).

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- If an action taken by the facility is not consistent with the SSM plan, and the affected source exceeds the relevant emission standard, then the owner/operator must record the actions taken for that event and must report such actions within 2 working days after commencing actions inconsistent with the SSM plan, followed by a letter within 7 working days after the end of the event.

- EPA or NYSDEC may at any time request in writing that the facility submit a copy of the SSM plan (or a portion thereof) which is maintained at the affected source. Upon receipt of such a request, the facility must promptly submit a copy of the requested plan to EPA or NYSDEC. EPA or NYSDEC must request that the facility submit a SSM plan whenever a member of the public submits a specific and reasonable request to examine or to receive a copy of that plan or portion of a plan. If the facility claims that any portion of such a SSM plan is confidential business information entitled to protection from disclosure under section 114(c) of the Act or 40CFR2.301, the material which is claimed as confidential must be clearly designated in the submission.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 51: Compliance Demonstration

Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 63.1980(a), NESHAP Subpart AAAA

Item 51.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 51.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each owner or operator of a landfill seeking to comply with 40 CFR Part 60.752(b)(2) using an active collection system designed in accordance with 40 CFR Part

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60.752(b)(2)(ii) shall submit to the Administrator semiannual reports of the recorded information in paragraphs (1) through (6) below. The initial semiannual report shall be submitted within 180 days of installation and start-up of the collection and control system, and shall include the initial performance test report required under 40 CFR Part 60.8. For enclosed combustion devices and flares, reportable exceedances are defined under 40 CFR Part 60.758(c).

(1) Value and length of time for exceedance of applicable parameters monitored under 40 CFR Part 60.756(a), (b), (c), and (d).

(2) Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under 40 CFR Part 60.756.

(3) Description and duration of all periods when the control device was not operating for a period exceeding 1 hour and length of time the control device was not operating.

(4) All periods when the collection system was not operating in excess of 5 days.

(5) The location of each exceedance of the 500 parts per million methane concentration as provided in 40 CFR Part 60.753(d) and the concentration recorded at each location for which an exceedance was recorded in the previous month.

(6) The date of installation and the location of each well or collection system expansion added pursuant to paragraphs 40 CFR Part 60.755(a)(3), (b), and (c)(4).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

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

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Condition 52: Capping Monitoring Condition
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.2

Item 52.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

40CFR 52-A.21

Item 52.2:

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

Item 52.3:

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

Item 52.4:

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

Item 52.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 52.6:

The Compliance Demonstration activity will be performed for:

Emission Unit: L-00002

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 52.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

This permit condition is used to ensure and verify carbon monoxide (CO) emissions do not exceed the applicability thresholds of 40 CFR 52.21, Prevention of Significant Deterioration (PSD).

1.) According to the AP-42 emission factor for an enclosed combustor, maximum emissions of CO from the control device would exceed the PSD applicability threshold of 250 tons per year. However, the John Zink Company guarantees that the flare system will have a maximum emission rate of 0.2 pounds of CO per million Btu of landfill gas fired. Average landfill gas has a higher heat value of 506 Btu per cubic foot. Therefore, assuming collection system flow of 3300 cfm, the maximum emission from the combustor is estimated to be 20 lb/hr of 87.76 tons per year CO.

a.) Therefore, emission of CO from the enclosed combustor shall not exceed 0.2 pounds of CO per million Btu of landfill gas fired.

2.) The owner or operator shall conduct a stack test for establishing compliance with the CO limit within 180 days of start up of the gas collection and control system. The stack test shall be conducted according to 40 CFR Part 60 or alternative method approved by the Department.

3.) The owner or operator shall prepare and submit a stack test protocol to the Department for review and approval at least 45 days prior to scheduled testing. The stack test protocol also shall address QA/QC, reportables, data usability and corrective action. Corrective action shall include provisions for retesting where necessary.

4.) A stack test report shall be submitted to the Department for review and approval within 60 days of completion of the field testing.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 0.2 pounds per million Btus

Reference Test Method: EPA Method 25C or Method 18

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

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Reports due 30 days after the reporting period.
The initial report is due 1/30/2007.
Subsequent reports are due every 6 calendar month(s).



STATE ONLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

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

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

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law.

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 53: Contaminant List

Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 53.1:

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

CAS No: 000630-08-0

Name: CARBON MONOXIDE

CAS No: 0NY100-00-0

Name: HAP

CAS No: 000074-82-8

Name: METHANE

CAS No: 0NY998-00-0

Name: VOC

Condition 54: Unavoidable noncompliance and violations

Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 54.1:

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



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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 55: Emission Unit Definition

Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 55.1:

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

Emission Unit: L-00002

Emission Unit Description:

WMNY proposes a landfill designed to hold approximately 8.3 million cubic yards of non-hazardous waste. Gas generated by this landfill will be directed to a control device.

Condition 56: Air pollution prohibited

Effective between the dates of 12/05/2006 and Permit Expiration Date



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Applicable State Requirement: 6NYCRR 211.2

Item 56.1:

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

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

Condition 57: Emission Point Definition By Emission Unit
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 57.1:

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

Emission Unit: L-00002

Emission Point: L0002

Height (ft.): 40

Diameter (in.): 132

NYTMN (km.): 4719.3

NYTME (km.): 214.3

Condition 58: Process Definition By Emission Unit
Effective between the dates of 12/05/2006 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 58.1:

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

Emission Unit: L-00002

Process: 183

Source Classification Code: 5-01-004-02

Process Description:

Fugitive dust will be generated through the process of landfilling refuse as a result of vehicle traffic. Dust will be controlled by periodic wetting of the facility access roads to ensure that visible emissions do not exceed regulatory limitations at the property boundary. No wetting of the roads is conducted when precipitation occurs.



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Emission Source/Control: LNDF2 - Process

Design Capacity: 8,300,000 cubic yards

Item 58.2:

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

Emission Unit: L-00002

Process: 301

Source Classification Code: 5-01-004-06

Process Description:

The landfill will generate gases as a byproduct of decomposition of the waste placed at the facility. This gas will be collected by a landfill gas collection and control system designed and operated in accordance with 40CFR60, Subpart WWW and 40CFR63, Subpart AAAA. Landfill gas not otherwise collected is fugitive.

Emission Source/Control: FLR02 - Control

Control Type: COMBUSTION CHAMBER

Emission Source/Control: LNDF2 - Process

Design Capacity: 8,300,000 cubic yards

Item 58.3:

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

Emission Unit: L-00002

Process: LEA

Source Classification Code: 5-01-004-06

Process Description:

Landfill operations produce leachate that is collected in leachate storage tanks. Condensate formed from cooling landfill gas is also collected in tanks. Both liquids are co-mingled and pumped into trucks and shipped off-site for proper disposal.

Emission Source/Control: LNDF2 - Process

Design Capacity: 8,300,000 cubic yards