

**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: 9-1462-00001/00024
Effective Date: 08/02/2006 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 ROAD
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, LLC (WMNY) is requesting authorization to construct and operate a 4.8-megawatt power production plant (PPP) utilizing landfill gas from the Chaffee Landfill as a source of fuel.

The existing Chaffee Landfill has a solid waste disposal capacity of approximately 8.3 million tons. At the present time, landfill gas from the existing Chaffee Landfill is being controlled by an enclosed flare and a small backup open flare that was recently approved as a minor modification to the facility's Title V permit. WMNY is proposing to construct a PPP that will be the primary landfill gas control system operating in conjunction with the existing enclosed flare to control landfill gas emissions from the existing Chaffee Landfill. The enclosed flare and open flare can also act as a backup to the PPP in the event the plant is down for repair.

The proposed PPP will be owned and operated by WMNY and located on WMNY property adjacent to the existing enclosed flare. The PPP contains six internal combustion reciprocating engines rated at 1148 Bhp per engine. Filtering, dewatering, and compressing the gas prior to combustion in the internal combustion reciprocating engines will treat the landfill gas as provided in 40 CFR 60.752(b)(2)(iii)(C). Equipment that uses treated landfill gas will not be subject to the requirements of the NSPS including the



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performance testing and ongoing monitoring, record keeping and reporting or the SSM requirements under 40 CFR 63 Subpart A. The PPP is a minor source under 6 NYCRR Part 231-2 non-attainment New Source Review (NSR) for oxides of nitrogen(NOx) because the potential to emit of the engines is less than 100 tons per year (tpy). The PPP is also a minor source for non-attainment new source review for volatile organic compounds (VOC) because the potential to emit of the engines is less than 50 tpy.

Due to the addition of the PPP, the entire Chaffee Landfill will become a major source for NOx. As such, the engines must meet the requirements of 6 NYCRR Part 227-2 Reasonably Available Control Technology (RACT) for NOx. The applicant proposes to meet these requirements. Also included in this permit are initial and periodic emission testing requirements to verify that the applicant continues to comply with the emission control requirements.

In addition to constructing the PPP, the project will involve construction of an overhead electrical power utility line to interconnect with the public utility power distribution lines on Hand Road.

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 and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Facility Level

Submission of Applications 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 and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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



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transfer of ownership.

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

Item 4.1:

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

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

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

Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 9 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:

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

NYSDEC Regional Permit Administrator
Region 9 Headquarters
Division of Environmental Permits
270 Michigan Avenue
Buffalo, NY 14203-2999
(716) 851-7165



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Permit Under the Environmental Conservation Law (ECL)

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 ROAD
CHAFFEE, NY 14030-9799

Authorized Activity By Standard Industrial Classification Code:
1499 - NONMETALLIC MINERALS, NEC
4911 - ELECTRIC SERVICES
4953 - REFUSE SYSTEMS

Permit Effective Date: 08/02/2006

Permit Expiration Date: No expiration date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Emission Unit Level

EU=P-00001

- 1 6NYCRR 227-1.3(a): Compliance Demonstration
- 2 6NYCRR 227-2.4(f)(2)(iii): Compliance Demonstration
- 3 6NYCRR 227-2.4(f)(2)(iii): Compliance Demonstration
- 4 6NYCRR 227-2.6(c): Compliance Demonstration
- 5 40CFR 60.752(b)(2)(iii)(C), NSPS Subpart WWW: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 6 ECL 19-0301: Contaminant List
- 7 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 8 6NYCRR 201-5: Emission Unit Definition
- 9 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 10 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 11 6NYCRR 201-5: Process Definition By Emission Unit



FEDERALLY ENFORCEABLE CONDITIONS

****** Emission Unit 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: Compliance Demonstration

Effective between the dates of 08/02/2006 and Permit Expiration Date

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

Item 1.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Item 1.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20% opacity (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. The facility will perform a visual observation of each exhaust and crankcase

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vent on a daily basis during business days (this excludes holidays and weekends). If any opacity is noted, corrective action will be taken immediately or a Method 9 will be performed within 2 business days. The facility shall keep records of daily observations and any corrective action performed in a format acceptable to the Department.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

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 2: Compliance Demonstration
Effective between the dates of 08/02/2006 and Permit Expiration Date

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

Item 2.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Regulated Contaminant(s):

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

Item 2.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In order to show compliance with the NO_x RACT standard of sources firing landfill gas of 2.0 grams per brake horsepower-hour, the facility is required to conduct instantaneous testing over a 15-minute period (in order to ensure a stabilized reading) semiannually per calendar year using a portable NO_x analyzer. The sampling will be done in accordance with the analyzer manufacturer's recommendations for testing and calibration (using non-EPA methods).

The facility shall use the average flow exhaust rate



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determined in the most recent approved performance test in order to convert the concentration measured to a mass rate for the purpose of demonstrating compliance with the specified limit.

Upper Permit Limit: 2.0 grams per brake horsepower-hour
Reference Test Method: Method (see monitoring description)
Monitoring Frequency: SEMI-ANNUALLY
Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2007.
Subsequent reports are due every 6 calendar month(s).

Condition 3: Compliance Demonstration
Effective between the dates of 08/02/2006 and Permit Expiration Date

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

Item 3.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 3.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The facility will limit NO_x emissions from each engine to 2.0 grams per brake horsepower-hour. The facility will measure and record oxygen levels in the exhaust stack of each engine on a monthly basis. The output/emissions from the engines are regulated by an air/fuel ratio controller, which automatically adjusts the air/fuel ratio of the inlet fuel supply as needed. The range of oxygen levels is based on manufacturer's specifications of an engine operating at full load. This range may be modified based on the most recent approved emissions test.

Parameter Monitored: OXYGEN O₂

Lower Permit Limit: 6.3 percent



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Upper Permit Limit: 9.0 percent
Monitoring Frequency: MONTHLY
Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED
RANGE AT ANY TIME
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 4: Compliance Demonstration
Effective between the dates of 08/02/2006 and Permit Expiration Date

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

Item 4.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Regulated Contaminant(s):

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

Item 4.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

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

1) submit a test protocol to the Regional Air Pollution Control Engineer (RAPCE) at least 60 days prior to the proposed test date. The conditions of the testing and the locations of the sampling devices must be acceptable to the Department. Department staff will be afforded the opportunity to witness the performance test by notifying the RAPCE of the actual test date.

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

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

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

The facility should complete the initial performance test no later than 180 days of startup of the engine plant. The facility must conduct the required emissions test at 100% +/- 10% load on each engine type determined by the Department. The Department will base its decision using the NOx emission rates as determined by the portable NOx analyzer prior to the emissions test.

Upper Permit Limit: 2.0 grams per brake horsepower-hour
Reference Test Method: EPA Reference Method 7, 7E, or 19
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 5: Compliance Demonstration
Effective between the dates of 08/02/2006 and Permit Expiration Date

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

WWW

Item 5.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Item 5.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

In accordance with 40 CFR §60.752(b)(2)(iii)(C), landfill gas collected from a MSW landfill may be either combusted in an appropriate control device or routed to a "treatment system that processes the collected gas for subsequent sale or use."

Treatment is defined by EPA and the Department as



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compression, dewatering and filtering of particulate. Waste Management is installing the following treatment system:

Filtration: At a minimum, the system will filter landfill gas using a dry filter or similar device (e.g., impaction, interception or diffusion device). The filter shall reduce particulate matter in the gas stream to a size of at least 10 microns.

Dewatering: Landfill gas is de-watered by cooling the superheated gas from the blower in the cooler. Landfill gas is cooled in the cooler, lowering the gas temperature to below the dew point and causing the water in the gas to condense. The condensed water is then trapped in the filters after the cooler. The cooled gas is then reheated prior to entering the gas plant. The system will de-water landfill gas using chillers, air-to-air coolers, dehumidification devices or other dehydration equipment as approved by the Department.

Compression: Landfill gas is extracted from the landfill under vacuum and compressed in a rotary blower. The gas is compressed in the blower such that it is approximately 5 to 7 psi coming out of the blower. The system will compress landfill gas using gas blowers or similar devices approved by the Department.

WMNY shall operate the treatment system at all times according to manufacturer's specifications when gas is routed for subsequent sale or use. Within 180 days of startup, WMNY shall submit to the Department a monitoring plan for the treatment system. The plan shall describe the monitoring for the filtering, dewatering and compression of the landfill gas to assure that the treatment system operates as designed. This monitoring plan shall be followed at all times during operation of the treatment system.

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.

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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



law.

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 6: Contaminant List

Effective between the dates of 08/02/2006 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 6.1:

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

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

Condition 7: Unavoidable noncompliance and violations

Effective between the dates of 08/02/2006 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 7.1:

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

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

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the



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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 8: Emission Unit Definition
Effective between the dates of 08/02/2006 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 8.1:

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

Emission Unit: P-00001

Emission Unit Description:

The power production plant (PPP) contains six internal combustion reciprocating engines rated at 1148 Bhp per engine. The landfill gas will be treated using filtration, dewatering, and compression prior to combustion in the PPP. Exhaust gases from the engines vent to the atmosphere.

Building(s): GASPLANT

Condition 9: Air pollution prohibited
Effective between the dates of 08/02/2006 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 9.1:

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



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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 10: Emission Point Definition By Emission Unit
Effective between the dates of 08/02/2006 and Permit Expiration Date**

Applicable State Requirement: 6NYCRR 201-5

Item 10.1:

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

Emission Unit: P-00001

Emission Point: 00001

Height (ft.): 29 Diameter (in.): 10
NYTMN (km.): 4719.3 NYTME (km.): 214.3 Building: GASPLANT

Emission Point: 00002

Height (ft.): 29 Diameter (in.): 10
NYTMN (km.): 4719.3 NYTME (km.): 214.3 Building: GASPLANT

Emission Point: 00003

Height (ft.): 29 Diameter (in.): 10
NYTMN (km.): 4719.3 NYTME (km.): 214.3 Building: GASPLANT

Emission Point: 00004

Height (ft.): 29 Diameter (in.): 10
NYTMN (km.): 4719.3 NYTME (km.): 214.3 Building: GASPLANT

Emission Point: 00005

Height (ft.): 29 Diameter (in.): 10
NYTMN (km.): 4719.3 NYTME (km.): 214.3 Building: GASPLANT

Emission Point: 00006

Height (ft.): 29 Diameter (in.): 10
NYTMN (km.): 4719.3 NYTME (km.): 214.3 Building: GASPLANT

**Condition 11: Process Definition By Emission Unit
Effective between the dates of 08/02/2006 and Permit Expiration Date**

Applicable State Requirement: 6NYCRR 201-5

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Item 11.1:

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

Emission Unit: P-00001

Process: 601

Source Classification Code: 4-03-888-05

Process Description:

The power production plant (PPP) contains six internal combustion reciprocating engines rated at 1148 Bhp per engine. The landfill gas will enter the PPP compressor room for treatment (LFG01) using filtration, dewatering, and compression prior to being combusted in the six IC engines (Caterpillar Model G3516 Engines). Condensate formed during the treatment of the landfill gas drains to an underground tank where it is later transferred to a tanker truck to be hauled to a waste water treatment plant for disposal.

Emission Source/Control: ENG01 - Combustion

Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG02 - Combustion

Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG03 - Combustion

Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG04 - Combustion

Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG05 - Combustion

Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG06 - Combustion

Design Capacity: 340 cubic feet per minute

Item 11.2:

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

Emission Unit: P-00001

Process: 602

Source Classification Code: 4-03-888-05

Process Description:

The power production plant (P-00001) will have an insignificant emission point called a "crankcase breather vent." The function of the crankcase breather vent is to allow moisture in each of the engines crankcase to be vented so water does not collect in the engines oil pan.

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The water vapor might contain some motor oil in the form of a mist. Other insignificant emissions might come from the virgin motor oil storage tank, the used oil storage tank, the landfill gas condensate tank and the gas chromatograph vent. Calculations for these emissions are included with this application.

Emission Source/Control: ENG01 - Combustion
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG02 - Combustion
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG03 - Combustion
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG04 - Combustion
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG05 - Combustion
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG06 - Combustion
Design Capacity: 340 cubic feet per minute