

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 3-1346-00019/00013 Renewal Number: 1



07/31/2006

Facility Identification Data

Name: DUTCHESS CO RESOURCE RECOVERY FACILITY
Address: 98 SAND DOCK RD
POUGHKEEPSIE, NY 12601

Owner/Firm

Name: DUTCHESS CO RESOURCE RECOVERY AGENCY
Address: 96 SAND DOCK RD
POUGHKEEPSIE, NY 12601-5444, USA
Owner Classification: Corporation/Partnership

Permit Contacts

Air Permitting Contact:
Name: C SCOTT DANIELS
Address: 41 SAND DOCK ROAD
POUGHKEEPSIE, NY 12601

Permit Description

Introduction

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

Summary Description of Proposed Project

Application for renewal of Air Title V Permit.

Attainment Status

DUTCHESS CO RESOURCE RECOVERY FACILITY is located in the town of POUGHKEEPSIE in the county of DUTCHESS.

The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT



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Sulfur Dioxide (SO ₂)	ATTAINMENT
Ozone*	MODERATE NON-ATTAINMENT
Oxides of Nitrogen (NO _x)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NO_x) which are ozone precursors.

** NO_x has a separate ambient air quality standard in addition to being an ozone precursor

Facility Description

THIS FACILITY COMBUSTS MSW RECOVERING ENERGY AS STEAM IN THE TWO BOILERS, WHICH HAVE THE CAPABILITY TO PRODUCE 118,000 LB/HR, 625 PSIG, 700 DEG F. STEAM. THE STEAM IS USED TO DRIVE A 9.2 MW TURBINE GENERATOR. ELECTRICITY IN EXCESS OF THE FACILITY USE IS SOLD TO CENTRAL HUDSON ELECTRIC & GAS COMPANY. DEPENDING ON ECONOMIC FACTORS, UP TO 50,000 LB/HR STEAM AT 175 PSIG AND 470 DEG F. MAY BE EXTRACTED FROM THE TURBINE AND DELIVERED TO THE ADJACENT IBM FACILITY. THE PRIMARY FUEL COMBUSTED IS MSW. HOWEVER, DURING STARTUP AND SHUTDOWN OPERATIONS, NATURAL GAS IS FIRED TO MAINTAIN MINIMUM FLUE GAS TEMPERATURE AS REQUIRED. NATURAL GAS IS ALSO USED AT TIMES WHEN BURNING MSW RESULTS IN ELEVATED CO EMISSIONS. THE FACILITY IS EQUIPPED WITH A DRY LIME AND SORBENT INJECTION (DSI) SYSTEM FOLLOWED BY A FABRIC FILTER SYSTEM (BAGHOUSE), USED TO CONTROL ACID GAS AND PARTICULATE EMISSIONS. LIME AND SORBENT IS INJECTED INTO THE FLUE GAS DUCTWORK JUST AHEAD OF THE 6-COMPARTMENT REVERSE-AIR CLEANING BAGHOUSE. EACH COMBUSTION TRAIN HAS ITS OWN EMISSIONS CONTROL SYSTEM AND DISCHARGES THROUGH ITS OWN FLUE THAT IS LOCATED IN A COMMON STACK. THE FACILITY HAS A CONTINUOUS EMISSIONS MONITORING SYSTEM (CEMS) THAT MEETS ALL APPLICABLE REQUIREMENTS OF 40CFR PART 60, APPENDIX B AND F.

Permit Structure and Description of Operations

The Title V permit for DUTCHESS CO RESOURCE RECOVERY FACILITY is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process.

A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus,

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contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device.

[NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.

DUTCHESS CO RESOURCE RECOVERY FACILITY is defined by the following emission unit(s):
Emission unit 1MBMWC - TWO (2) ROTARY COMBUSTORS (RC-120) WITH INTEGRATED BOILERS EACH CAPABLE OF COMBUSTING APPROXIMATELY 228 TONS PER DAY OF MSW HAVING A HEATING VALUE OF 4500 BTU/LB, BOTH MWC/BOILER EMISSIONS UNITS ARE HOUSED IN THE SAME BUILDING. THE FACILITY BURNS MSW AS DEFINED IN 6NYCRR PARTS 219 AND 360.

Emission unit 1MBMWC is associated with the following emission points (EP):
FLUE1, FLUE2

It is further defined by the following process(es):

Process: MSW is located at GROUND, Building PROBDG - TWO MUNICIPAL WASTE COMBUSTORS, EACH COMBUSTOR CAPABLE OF BURNING 228 TPD OF MSW. MSW INCLUDES HOUSEHOLD WASTE, NON-HAZARDOUS COMMERCIAL AND INDUSTRIAL WASTES, EXPIRED PHARMACEUTICALS, DOCUMENTS, EXPIRED OR UNMARKETABLE CONSUMER GOODS, COMBUSTIBLE CONSTRUCTION AND DEMOLITION DEBRIS, AND TREATED AND DESTROYED MEDICAL WASTE.

Process: STS is located at GROUND, Building PROBDG - TWO MWC COMBUSTORS FIRING NATURAL GAS DURING STARTUP, SHUTDOWN, AND UPSET CONDITIONS.

Title V/Major Source Status

DUTCHESS CO RESOURCE RECOVERY FACILITY is subject to Title V requirements. This determination is based on the following information:

Oxides of Nitrogen emissions greater than 250 Tons per year.

Program Applicability

The following chart summarizes the applicability of DUTCHESS CO RESOURCE RECOVERY FACILITY with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	YES

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NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	NO
NSPS	YES
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	NO
SIP	YES

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR Part 231) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's)

MACT Maximum Achievable Control Technology (40 CFR 63) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

NSPS New Source Performance Standards (40 CFR 60) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific

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contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subparts A thru G) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212.10, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code	Description
4931	ELEC & OTHER SERVICES COMBINED

SCC Codes

SCC or Source Classification Code is a code developed and used by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor

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information. Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code	Description
5-03-001-13	SOLID WASTE DISPOSAL - INDUSTRIAL SOLID WASTE DISPOSAL: INDUSTRIAL - INCINERATION SOL WST DISP:INCINRTN-INDUSTRIAL:MASS BURN ROTARY WATERWALL COMBUSTOR

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Series code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE Range represents an emission range for a contaminant. Any PTE quantity that is displayed represents a facility-wide emission cap or limitation for that contaminant. If no PTE quantity is displayed, the PTE Range is provided to indicate the approximate magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
001746-01-6	2,3,7,8-TETRACHLORODIBENZO-P-D IOXIN (HAP)		> 0 but < 10 tpy
068131-74-8	ASHES (RESIDUES)		>= 2.5 tpy but < 10 tpy
007440-41-7	BERYLLIUM (HAP)		> 0 but < 10 tpy
007440-43-9	CADMIUM (HAP)		> 0 but < 10 tpy
000630-08-0	CARBON MONOXIDE	494000	
0NY100-00-0	HAP		>= 250 tpy
007647-01-0	HYDROGEN CHLORIDE (HAP)	578000	
007664-39-3	HYDROGEN FLUORIDE (HAP)	14600	
007439-92-1	LEAD (HAP)	7400	
007439-97-6	MERCURY (HAP)	1400	
0NY210-00-0	OXIDES OF NITROGEN	974000	
0NY075-00-0	PARTICULATES	48300	
0NY075-00-5	PM-10		>= 25 tpy but < 40 tpy
007446-09-5	SULFUR DIOXIDE	420000	
0NY998-00-0	VOC	70000	

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NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

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

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

 (4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

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

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

Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)

Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

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Item D: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)

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

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

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

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

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

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

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

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

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

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

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

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

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

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or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

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

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

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

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

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

Item L:

Permit Exclusion - ECL 19-0305

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

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Item M: Federally Enforceable Requirements - 40 CFR 70.6(b)
 All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Short Description	Condition
FACILITY	ECL 19-0301	Powers and Duties of the Department with respect to air pollution control	93
1-MBMWC	40CFR 52-A.21	Prevention of Significant Deterioration	45
1-MBMWC	40CFR 52-A.21(j)(2)	Best Available Control Technology (BACT) (see narrative)	49
FACILITY	40CFR 60-BBBB	Applicability of 40 CFR 60, Subpart BBBB Conditions	32
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Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-301.

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6NYCRR Part 200-.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6NYCRR Part 200-.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6NYCRR Part 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6NYCRR Part 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6NYCRR Part 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6NYCRR Part 201-3.2(a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, 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.

6NYCRR Part 201-3.3(a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All

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required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

6NYCRR Part 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6NYCRR 201-6.5(a)(4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6NYCRR 201-6.5(a)(7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6NYCRR 201-6.5(a)(8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6NYCRR Part 201-6.5(c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

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6NYCRR Part 201-6.5(c)(2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6NYCRR Part 201-6.5(c)(3)(ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6NYCRR 201-6.5(d)(5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6NYCRR Part 201-6.5(e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6NYCRR 201-6.5(f)(6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6NYCRR Part 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6NYCRR Part 202-2.1

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

6NYCRR Part 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

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6NYCRR Part 211-.2

This regulation prohibits any emissions of air contaminants to the outdoor atmosphere which may be detrimental to human, plant or animal life or to property, or which unreasonably interferes with the comfortable enjoyment of life or property regardless of the existence of any specific air quality standard or emission limit.

6 NYCRR Part 211.3

This condition requires that the opacity (i.e., the degree to which emissions other than water reduce the transmission of light) of the emissions from any air contamination source be less than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent.

6 NYCRR Part 215

Prohibits open fires at industrial and commercial sites.

40 CFR Part 68.

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, DUTCHESS CO RESOURCE RECOVERY FACILITY has been determined to be subject to the following regulations:

40CFR 52-A.21

This citation applies to facilities that are subject to Prevention of Significant Deterioration provisions; ie: facilities that are located in an attainment area and that emit pollutants which are listed in 40 CFR 52.21(b)(23)(i) .

40CFR 52-A.21 (j) (2)

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BACT determinations are made on a case-by-case basis and can be no less stringent than any requirement that exists in the current State Implementation Plan (SIP) or 40 CFR 60 and 61. Emission and operational limitations required from a BACT determination will have to be entered into the special permit conditions, separately by the permit reviewer.

40CFR 60-BBBB

This regulation outlines the federal Emission Guidelines and Compliance Times (40 CFR Part 60, Subpart BBBB) for Small Municipal Waste Combustion (MWC) Class I and Class II Units Constructed on or before August 30, 1999. It applies to each municipal waste combustor unit that has the capacity to combust at least 35 tons per day but no more than 250 tons per day of municipal solid waste.

Class I units are those small MWC units that are located at an MWC combustor plant with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste.

Class II units are those small MWC units that are located at an MWC combustor plant with an aggregate plant combustion capacity less than or equal to 250 tons per day of municipal solid waste.

40CFR 60-BBBB.1650

This section describes who must complete the municipal waste combustor operator training course, and by when.

40CFR 60-BBBB.1655

This section describes the MWC employees who are required to complete a plant-specific training course.

40CFR 60-BBBB.1660

This section describes what plant-specific training must be provided.

40CFR 60-BBBB.1665

This section describes eleven (11) items which the Permittee must include in the plant-specific operating manual:

:

40CFR 60-BBBB.1670

This condition indicates where the plant specific operating manual should be located, and the parties that the manual should be available for review or inspection by.

40CFR 60-BBBB.1675

This section describes the type and the timeframe of operator certification required for all chief facility operators and shift supervisors at Class I & Class II MWC units.

40CFR 60-BBBB.1680

This section describes employees that may operate MWC units

40CFR 60-BBBB.1685

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This section describes the operational requirements that must be followed if the certified chief facility operator and certified shift supervisor are both temporally off-site. Specific operational and notification requirements are specified depending on the length of time that a certified chief facility operator and certified shift supervisor are off-site.

40CFR 60-BBBB.1690

This section describes the municipal waste combustor (MWC) operating practices requirements for MWC unit load level, activated carbon feed rate and the particulate matter control device

40CFR 60-BBBB.1695

This section describes operating requirements during periods of startup, shutdown, and malfunction.

40CFR 60-BBBB.1705 (a) (1)

This section sets forth the permissible emissions from Class I small municipal waste combustor units for cadmium, lead, mercury, carbon monoxide, nitrogen oxides, sulfur dioxide, hydrogen chloride, dioxins / furans, particulate matter, opacity and fugitive ash emissions.

40CFR 60-BBBB.1705 (a) (3)

This section sets forth the permissible emissions from Class I and Class II small municipal waste combustor units for carbon monoxide.

40CFR 60-BBBB.1710

This section describes the emission limits during periods of start-up, shutdown, and malfunction.

40CFR 60-BBBB.1720

This section describes the continuous emission monitoring systems which must be installed for the gaseous pollutants (oxygen (or carbon dioxide), sulfur dioxide, and carbon monoxide).

40CFR 60-BBBB.1730

This section describes the operating / evaluation requirements for continuous emission monitoring systems that measure oxygen (or carbon dioxide), sulfur dioxide, nitrogen oxides (Class I municipal waste combustion units only), and carbon monoxide.

40CFR 60-BBBB.1750

This section sets forth continuous emission monitoring systems data collection requirements.

40CFR 60-BBBB.1755

This section describes how to convert 1 hr. arithmetic averages into appropriate averaging time and units

40CFR 60-BBBB.1760

This section sets forth continuous opacity monitoring system requirements.

40CFR 60-BBBB.1775

This section sets forth the stack testing requirements for emissions of dioxins/furans, cadmium, lead, mercury, particulate matter, opacity, hydrogen chloride, and fugitive ash.

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40CFR 60-BBBB.1795 (b)

This section sets forth the requirements for alternative dioxins/furans emissions stack testing at Class I small municipal waste combustor plants. The section allows the Permittee to test less often for dioxins/furans emissions if all municipal waste combustion units have demonstrated a level of dioxins/furans emissions less than or equal to 15 nanograms per dry standard cubic meter (total mass), for 2 consecutive years.

40CFR 60-BBBB.1805

This section sets forth municipal waste combustor load level, temperature and carbon feed rate monitoring requirements:

40CFR 60-BBBB.1830

This section sets forth the recordkeeping requirements (40 CFR 60.1830 through 60.1855) which the permittee must comply with.

40CFR 60-BBBB.1835

This section describes the location for keeping records and the duration that records shall be kept.

40CFR 60-BBBB.1840

This section describes the records that the permittee must keep for operator training and certification.

40CFR 60-BBBB.1845

This section describes the records that must be kept for stack tests.

40CFR 60-BBBB.1850

This section describes the records that must be kept for continuously monitored pollutants or parameters.

40CFR 60-BBBB.1855

This section describes the records that must be kept for municipal waste combustion units that use activated carbon to control dioxins/furans or mercury emissions.

40CFR 60-BBBB.1860

This section sets forth the reporting requirements (40 CFR 60.1860 through 60.1905) which the permittee must comply with.

40CFR 60-BBBB.1865

This section specifies the appropriate units of measurement for reporting emissions data.

40CFR 60-BBBB.1875

This section describes the information that must be included in the permittee's initial compliance report.

40CFR 60-BBBB.1880

This section describes when the permittee must submit its annual compliance report.

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40CFR 60-BBBB.1885

This section describes the information that the permittee must include in its annual compliance report.

40CFR 60-BBBB.1890

This section sets forth the reporting requirements that the Permittee must follow if it finds that its facility is out of compliance with the requirements of Subpart BBBB.

40CFR 60-BBBB.1895

This section sets forth the dates that the permittee must submit its required semiannual compliance reports.

40CFR 60-BBBB.1900

This section describes the information that the permittee must include in any semiannual out-of-compliance report.

40CFR 60-BBBB.1905

This section describes the requirements that must be met to change the semiannual or annual reporting dates.

40CFR 60-E.53 (a)

This section requires that the owner or operator of any incinerator meeting the applicability requirements of 40 CFR 60 Subpart E, record the daily charging rates and hours of operation of the incinerator.

6NYCRR 200.3

No person shall make a false statement in connection with applications, plans, specifications and/or reports submitted pursuant to this Subchapter.

6NYCRR 201-6.5 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6NYCRR 201-6.5 (f) (1)

This regulation defines, in general terms, the operational flexibility provisions associated with alternate operating scenarios. Alternate operating scenarios refer to a range of operating conditions which are defined in the permit and which allow the source the flexibility to make specified changes without requiring a permit revision. These changes cannot violate any applicable requirement and must be tracked and recorded in a log at the source.

6NYCRR 201-7.1

This subpart specifies how a source owner or operator may opt to avoid being subject to one or more applicable requirements to which the source or unit would have otherwise been subject, or where needed to establish an emission reduction credit by accepting federally-enforceable permit conditions restricting or capping emissions.

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6NYCRR 202-1.2

This regulation specifies that the department is to be notified at least 30 days in advance of any required stack test. The notification is to include a list of the procedures to be used that are acceptable to the department. Finally, free access to observe the stack test is to be provided to the department's representative.

6NYCRR 202-1.3

This regulation requires that any emission testing, sampling and analytical determination used to determine compliance must use methods acceptable to the department. Acceptable test methods may include but are not limited to the reference methods found in 40 CFR Part 60 appendix A and Part 61, appendix B. Alternate methods may also be used provided they are determined to be acceptable by the department. Finally, unless otherwise specified, all emission test reports must be submitted within 60 days after completion of testing.

6NYCRR 202-1.4

This regulation allows the department discretion to conduct separate or additional emission tests, including preparation of the testing site, at the source owner's expense, to determine compliance.

6NYCRR 202-1.5

This rule prohibits the concealment of an emission by the use of air or other gaseous diluents (diluting agents) to achieve compliance with an emission standard which is based on the concentration of a contaminant in the gases emitted through a stack.

6NYCRR 219-5.5

This section sets forth action which the department may take, for abatement purposes, where it has reason to believe that an incinerator installation is violating the emission standards of Section 219-5.2, of Subpart 219-5.2.

6NYCRR 219-8.1

This regulation incorporates by reference the federal Emission Guidelines and Compliance Times (40 CFR Part 60, Subpart BBBBB) for Small Municipal Waste Combustion (MWC) Class I and Class II Units Constructed on or before August 30, 1999. It applies to each municipal waste combustor unit that has the capacity to combust at least 35 tons per day but no more than 250 tons per day of municipal solid waste.

Class I units are those small MWC units that are located at an MWC combustor plant with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste.

Class II units are those small MWC units that are located at an MWC combustor plant with an aggregate plant combustion capacity less than or equal to 250 tons per day of municipal solid waste.

6NYCRR 219-8.3

This section provides the required 40 CFR 60, Subpart BBBBB detailed compliance schedules for Class I and Class II small municipal waste combustor units.

6NYCRR 617 .11 (d)

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617.11 DECISION-MAKING AND FINDINGS REQUIREMENTS.

(a) Prior to the lead agency's decision on an action that has been the subject of a final EIS, it shall afford agencies and the public a reasonable time period (not less than 10 calendar days) in which to consider the final EIS before issuing its written findings statement. If a project modification or change of circumstance related to the project requires a lead or involved agency to substantively modify its decision, findings may be amended and filed in accordance with subdivision 617.12(b) of this Part.

(b) In the case of an action involving an applicant, the lead agency's filing of a written findings statement and decision on whether or not to fund or approve an action must be made within 30 calendar days after the filing of the final EIS.

(c) No involved agency may make a final decision to undertake, fund, approve or disapprove an action that has been the subject of a final EIS, until the time period provided in subdivision 617.11(a) of this section has passed and the agency has made a written findings statement. Findings and a decision may be made simultaneously.

(d) Findings must:

- (1) consider the relevant environmental impacts, facts and conclusions disclosed in the final EIS;
- (2) weigh and balance relevant environmental impacts with social, economic and other considerations;
- (3) provide a rationale for the agency's decision;
- (4) certify that the requirements of this Part have been met;
- (5) certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

(e) No state agency may make a final decision on an action that has been the subject of a final EIS and is located in the coastal area until the agency has made a written finding that the action is consistent with applicable policies set forth in 19 NYCRR 600.5. When the Secretary of State has approved a local government waterfront revitalization program, no state agency may make a final decision on an action, that is likely to affect the achievement of the policies and purposes of such program, until the agency has made a written finding that the action is consistent to the maximum extent practicable with that local waterfront revitalization program.

Compliance Certification

Summary of monitoring activities at DUTCHESS CO RESOURCE RECOVERY FACILITY:

Location Facility/EU/EP/Process/ES	Type of Monitoring	Cond No.
1-MBMWC	intermittent emission testing	49
1-MBMWC	monitoring of process or control device parameters as surrogate	52
1-MBMWC	record keeping/maintenance procedures	53
1-MBMWC	record keeping/maintenance procedures	54
1-MBMWC	intermittent emission testing	55
1-MBMWC	intermittent emission testing	56
1-MBMWC	intermittent emission testing	57
1-MBMWC	intermittent emission testing	58



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1-MBMWC	intermittent emission testing	59
1-MBMWC	intermittent emission testing	60
1-MBMWC	intermittent emission testing	61
1-MBMWC	monitoring of process or control device parameters as surrogate	62
1-MBMWC	continuous emission monitoring (cem)	63
1-MBMWC	monitoring of process or control device parameters as surrogate	64
1-MBMWC	intermittent emission testing	65
1-MBMWC	continuous emission monitoring (cem)	66
1-MBMWC	continuous emission monitoring (cem)	67
1-MBMWC	continuous emission monitoring (cem)	68
1-MBMWC	record keeping/maintenance procedures	69
1-MBMWC	record keeping/maintenance procedures	70
1-MBMWC	record keeping/maintenance procedures	71
1-MBMWC	record keeping/maintenance procedures	72
1-MBMWC	record keeping/maintenance procedures	73
1-MBMWC	record keeping/maintenance procedures	74
1-MBMWC	record keeping/maintenance procedures	75
1-MBMWC	intermittent emission testing	76
1-MBMWC	record keeping/maintenance procedures	77
1-MBMWC	record keeping/maintenance procedures	78
1-MBMWC	record keeping/maintenance procedures	79
1-MBMWC	record keeping/maintenance procedures	80
1-MBMWC	record keeping/maintenance procedures	81
1-MBMWC	record keeping/maintenance procedures	82
1-MBMWC	record keeping/maintenance procedures	83
1-MBMWC	record keeping/maintenance procedures	84
1-MBMWC	record keeping/maintenance procedures	85
1-MBMWC	record keeping/maintenance procedures	86
1-MBMWC	record keeping/maintenance procedures	87
1-MBMWC	record keeping/maintenance procedures	88
1-MBMWC	record keeping/maintenance procedures	89
1-MBMWC	record keeping/maintenance procedures	90
1-MBMWC	record keeping/maintenance procedures	91
1-MBMWC	record keeping/maintenance procedures	92
FACILITY	record keeping/maintenance procedures	5
FACILITY	record keeping/maintenance procedures	6
1-MBMWC	record keeping/maintenance procedures	44
1-MBMWC	record keeping/maintenance procedures	45
FACILITY	record keeping/maintenance procedures	7
1-MBMWC	record keeping/maintenance procedures	96

Basis for Monitoring

As required per regulations.