



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

Facility Identification Data

Name: INNOVATIVE DANC

Address: 23400 ST RTE 177

RODMAN, NY 13682

Owner/Firm

Name: INNOVATIVE/DANC LLC

Address: 2999 JUDGE RD

OAKFIELD, NY 14125, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

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Air Permitting Contact:

Name: PETER H ZELIFF

Address: INNOVATIVE ENERGY SYSTEMS LLC

2999 JUDGE RD

OAKFIELD, NY 14125-9771

Phone:5859488580

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 Facility.

Attainment Status



**New York State Department of Environmental Conservation
Permit Review Report**

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

INNOVATIVE DANC is located in the town of RODMAN in the county of JEFFERSON. 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
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	MARGINAL NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

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

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

Facility Description:

This Title V renewal application for the Innovative/DANC LLC plant permit also contains a modification to include emissions from the Innovative/DANC LLC landfill gas to energy (LFGTE) project for regulatory applicability review as a single facility with the DANC SWMF (DEC Facility ID: 6-2252-00007). The Innovative/DANC LLC plant and DANC SWMF propose to maintain separate Title V permits. A single facility is allowed to maintain multiple permits under 6 NYCRR Part 201-6.

Innovative/DANC LLC is proposing a modification to the existing permitted project consisting of three (3) existing (and permitted) and two (2) future (for a total of five (5) permitted Caterpillar G3520C) landfill gas engine generator sets to add a proposed enclosed flare thermal oxidizer. Potential to emit (PTE) emissions from this modified project also include emissions from one (1) enclosed flare thermal oxidizer (emission source F0011) utilized to control the off-gases from the siloxane removal system regeneration cycle, and a 1,100 scfm candlestick flare (emission source: F0010) to combust excess landfill gas that the engines cannot utilize. This flare was previously permitted on the DANC SWMF Title V permit # 6-2252-00007/00015, but a recent modification removed the flare from the DANC SWMF permit and added it to the Innovative/DANC LLC permit. The 3,000 cfm open candlestick flare at the DANC SWMF (Permit # 6-2252-00007/00015, emission source: F0999) will be utilized as a backup landfill gas combustion device when the landfill gas engines at Innovative/DANC LLC are not able to handle the entire amount of collected landfill gas.

Emissions of carbon monoxide from the Innovative DANC LFGTE project will be capped at 240 tons per year which is less than the PSD major project threshold. A siloxane removal system will be installed prior to startup of engine 4 (emission source: 04ENG). This system will be tested for a maximum of 18 months to verify removal performance meets manufacturer guarantees prior to installation of the oxidation catalysts for CO control. Oxidation catalysts will be installed on engine 4 (emission source: 04ENG) following the test period of the siloxane removal system, and on engine 5 (emission source: 05ENG) prior to startup. Engines 1 through 3 (emission sources: 01ENG-03ENG), which are currently installed and operating with a CO emission limit of 3.0 g/bhp-hr, shall be reduced to a CO emission limit of 2.5 g/bhp-hr following installation and startup of the siloxane removal system and prior to the installation of engine 4 (emission source: 04ENG). During the interim siloxane removal system test period, engine 1 through 4) shall be limited to 2.5 g/bhp-hr of CO.



**New York State Department of Environmental Conservation
Permit Review Report**

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

During the siloxane removal system interim test period annual operation of engines 1 through 4 (emission sources: 01ENG-04ENG) shall be limited to 98.5 percent runtime during any 12-month period, and the 1,100 scfm flare and enclosed flare thermal oxidizer (emission sources: F0010 and F0011) shall be limited to a combined flow of 289.08 million standard cubic feet during any 12-month period. Following installation of the oxidation catalyst on engines 4 and 5 (emission sources: 04ENG & 05ENG) the CO emission rate shall be limited to 0.55 g/bhp-hr.

The DANC SWMF and Innovative/DANC LLC plant shall be considered a single facility for all air pollution control regulations applicability determinations. The PTE of any air pollutant from this single facility shall be based on the maximum landfill gas flow rate of 4,209 scfm (expressed as 50% methane). Emissions of carbon monoxide from the DANC SWMF and Innovative/DANC plants will be capped at 262 tons per year from landfill gas combustion in permitted engines and flares. This carbon monoxide limit does not include emissions from exempt and trivial emission sources.

Permit Structure and Description of Operations

The Title V permit for INNOVATIVE DANC

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, 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.

INNOVATIVE DANC is defined by the following emission unit(s):

Emission unit 1DLFGE -

Emission unit 1DLFGE is associated with the following emission points (EP):
00010, EMGEN, ENG03

Caterpillar G3520C landfill gas fired internal combustion (IC) engine generator sets. Treated landfill gas from the DANC SWMF is combusted at a rate of approximately 531 standard cubic feet (scfm) at 50



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

percent methane per engine for a total combined landfill gas utilization rate of 2,124 scfm at 50 percent methane for the four (4) IC engines.

Process: 005 Process 005 consists of one (1) open candlestick flare with the capacity to combust up to 1,100 scfm of landfill gas.

Process: 006 is located at Building ENGBLDG - Process 006 consists of a siloxane removal system for the LFGTE plant inlet landfill gas stream. Treated landfill gas will be sent to the engines, open flare and enclosed flare thermal oxidizer. The system will remove NMOCs including siloxanes, and hydrogen sulfide in the landfill gas stream prior to combustion. Off-gases from the regeneration of the siloxane removal system will be flared in the enclosed flare thermal oxidizer. Emissions associated with this process are included in the enclosed flare thermal oxidizer PTE emission estimates.

Process: 007 Process 007 will consist of one (1) enclosed flare thermal oxidizer utilized to control 1200 scfm waste off-gas from the siloxane removal system regeneration cycle. The enclosed flare thermal oxidizer utilizes a nominal landfill gas usage of 126 scfm at 50% methane. The maximum design capacity for the enclosed flare thermal oxidizer will be 3.28 mmBTU/hr based on 50% methane in the landfill gas.

Process: E01 Exempt sources

Title V/Major Source Status

INNOVATIVE DANC is subject to Title V requirements. This determination is based on the following information:

The facility is major for Carbon Monoxide.

Program Applicability

The following chart summarizes the applicability of INNOVATIVE DANC with regards to the principal air pollution regulatory programs:

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

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR 231-5, 231-6) - 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, 6 NYCRR 200.10) - 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, 6 NYCRR 200.10) - 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, 6 NYCRR 200.10) - 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 contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - 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, 6 NYCRR 200.10) - 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



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

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

3519 4911	MANUFACTURE OF INTERNAL COMBUSTION ENGINES ELECTRIC SERVICES
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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 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

2-01-008-02	INTERNAL COMBUSTION ENGINES - ELECTRIC GENERATION ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE - LANDFILL GAS
4-03-010-97	Reciprocating PETROLEUM PRODUCT STORAGE AT REFINERIES PETROLEUM PRODUCT STORAGE - FIXED ROOF TANKS (VARYING SIZES) SPECIFY LIQUID: BREATHING LOSS (67000 BBL. TANK SIZE) FIXED ROOF TANKS
5-01-004-10	SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - LANDFILL DUMP
5-01-004-31	WASTE GAS DESTRUCTION: WASTE GAS FLARES SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - LANDFILL DUMP WASTE GAS PURIFICATION: ADSORPTION

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Service 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 of 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 for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. 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



**New York State Department of Environmental Conservation
Permit Review Report**

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

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	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
000079-34-5	1,1,2,2-TETRACHLOROETHANE	40.6			
000107-06-2	1,2-DICHLOROETHANE	8.8			
007664-41-7	AMMONIA	407			
000071-43-2	BENZENE	62.3			
000750-00-0	CARBON DIOXIDE EQUIVALENTS	83170703			
000630-08-0	CARBON MONOXIDE	480000			
000056-23-5	CARBON TETRACHLORIDE	0.1			
000067-66-3	CHLOROFORM	0.8			
000100-41-4	ETHYLBENZENE	204.5			
000050-00-0	FORMALDEHYDE	63600			
000110-54-3	HEXANE	236.7			
007647-01-0	HYDROGEN CHLORIDE	5592.3			
007439-97-6	MERCURY	0.2			
000074-82-8	METHANE	4071.3			
000074-87-3	METHYL CHLORIDE	219.1			
000078-93-3	METHYL ETHYL KETONE	50.2			
000998-20-0	NMOC - LANDFILL USE ONLY	110000			
000210-00-0	OXIDES OF NITROGEN	190000			
000075-00-0	PARTICULATES	11255			
000127-18-4	PERCHLOROETHYLENE	134.8			
000075-00-5	PM-10	11255			
000078-87-5	PROPANE, 1,2-DICHLORO	4.4			
000107-13-1	PROPENITRILE	137.9			
073138-87-1	SILOXANES	14.1			
007446-09-5	SULFUR DIOXIDE	167586			
000108-88-3	TOLUENE	1513.16			
000100-00-0	TOTAL HAP	88830			
000075-01-4	VINYL CHLORIDE	100			
000998-00-0	VOC	73400			
001330-20-7	XYLENE, M, O & P MIXT.	537			

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Emergency Defense - 6 NYCRR 201-1.5

An emergency, as defined by subpart 201-2, constitutes an affirmative



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

defense to penalties sought in an enforcement action brought by the Department 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 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 and maintained;
 - (3) During the period of the emergency the facility owner 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 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 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 - 6 NYCRR 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 6 NYCRR 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 201-6.2(a)(4)

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

Item D: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(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 201-6.4(a)(2)

The permittee must comply with all conditions of the Title V facility permit. Any permit



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

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 201-6.4(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 201-6.4(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 201-6.4(a)(6)

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

Item I: Severability - 6 NYCRR Part 201-6.4(a)(9)

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

Item J: Permit Shield - 6 NYCRR Part 201-6.4(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;



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

- 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 201-6.4(i)

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

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

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

Item L: Permit Exclusion - ECL 19-0305

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

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

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically



**New York State Department of Environmental Conservation
Permit Review Report**

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

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	Condition	Short Description
FACILITY	ECL 19-0301	66	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 60-A.18(c)	41	Control Device Requirements (Flares)
1-DLFGE/-/E01/EMGEN	40CFR 60-IIII.4207(b)	63	Stationary Compression Ignition IC Engines - Fuel Requirements beginning October 1, 2010
1-DLFGE/-/E01/EMGEN	40CFR 60-IIII.4209(a)	64	Monitoring requirement - Emergency stationary CI-IC engine
1-DLFGE/-/E01/EMGEN	40CFR 60-IIII.4211(a)	65	Stationary Compression Ignition Engines - Compliance Requirements
FACILITY	40CFR 60-IIII.4211(c)	42	Stationary Compression Ignition Engines - Compliance Demonstration
FACILITY	40CFR 60-IIII.4211(f)	43	Stationary Compression Ignition IC Engines - Emergency Engine Operation



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

FACILITY	40CFR 60-IIII.4214(b)	44	Notification, Recordkeeping Requirements - Non- emergency stationary CI-IC engines
FACILITY	40CFR 60- JJJJ.4230(a)(4)	45	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines - Applicability
1-DLFGE/-/001/04ENG	40CFR 60- JJJJ.4243(a)(1)	62	NSPS for Stationary Spark Ignition Internal Combustion Engines - Compliance Requirements
FACILITY	40CFR 60-JJJJ.4245(a)	46	Notification, reporting and recordkeeping requirements
FACILITY	40CFR 60-JJJJ.4246	47	Applicability of Subpart A provisions
1-DLFGE	40CFR 60- WWW.752(b)(2)(55	Treatment Systems Processing Landfill Gas for Subsequent Sale or Use.
FACILITY	40CFR 63- ZZZZ.6590(a)(2)	48	Reciprocating Internal Combustion Engine (RICE) NESHAP - Applicability - New RICE
1-DLFGE/-/001	40CFR 63- ZZZZ.6590(b)(2)	56	Reciprocating Internal Combustion Engine (RICE) NESHAP - Landfill/Digester gas-fired engine requirements
FACILITY	40CFR 63-ZZZZ.6603(a)	49	Reciprocating Internal Combustion Engine (RICE) NESHAP - requirements for existing engines at area sources of HAP emissions
1-DLFGE/-/001	40CFR 63-ZZZZ.6625(c)	57	Reciprocating Internal Combustion Engine (RICE) NESHAP - landfill or digester gas fuel usage monitoring and recordkeeping
FACILITY	40CFR 63-ZZZZ.6625(e)	50	Reciprocating Internal Combustion Engine (RICE) NESHAP - maintenance of engine and control device
1-DLFGE/-/001/01ENG	40CFR 63-ZZZZ.6625(h)	59	Reciprocating Internal Combustion Engine (RICE) NESHAP - idling time at startup
1-DLFGE/-/001	40CFR 63-ZZZZ.6650(g)	58	Reciprocating Internal Combustion



**New York State Department of Environmental Conservation
Permit Review Report**

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

1-DLFGE/-/001/01ENG	40CFR 63-ZZZZ.6655(a)	60	Engine (RICE) NESHAP - Reporting requirements Reciprocating Internal Combustion Engine (RICE) NESHAP - records that must be kept
FACILITY	40CFR 63-ZZZZ.6655(c)	51	Reciprocating Internal Combustion Engine (RICE) NESHAP - records that must be kept landfill and digester gas fired RICE
1-DLFGE/-/001/01ENG	40CFR 63-ZZZZ.6655(e)	61	Reciprocating Internal Combustion Engine (RICE) NESHAP - maintenance plan records that must be kept
FACILITY	40CFR 63-ZZZZ.6665	52	Reciprocating Internal Combustion Engine (RICE) NESHAP - General provisions Chemical accident prevention provisions Protection of Stratospheric Ozone - recycling and emissions reduction Acceptable ambient air quality.
FACILITY	40CFR 68	19	Maintenance of equipment.
FACILITY	40CFR 82-F	20	Unavoidable noncompliance and violations
FACILITY	6NYCRR 200.6	1	Recycling and Salvage
FACILITY	6NYCRR 200.7	10	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-1.4	67	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-1.7	11	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-1.8	12	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-3.2(a)	13	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-3.3(a)	14	Fees
FACILITY	6NYCRR 201-6	21, 53, 54	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(a)(4)	15	Recordkeeping and Reporting of Compliance Monitoring Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4(a)(7)	2	
FACILITY	6NYCRR 201-6.4(a)(8)	16	
FACILITY	6NYCRR 201-6.4(c)	3	
FACILITY	6NYCRR 201-6.4(c)(2)	4	



**New York State Department of Environmental Conservation
Permit Review Report**

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

FACILITY	6NYCRR 201-6.4(c)(3)(ii)	5	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(d)(4)	22	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4(f)(6)	17	Off Permit Changes
FACILITY	6NYCRR 201-7	23	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.1	37	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 211.2	68	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 212-2.3(b)	69	Non-Criteria air contaminants subject Table 4
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 227-1.3(a)	38, 39	Smoke Emission Limitations.
FACILITY	6NYCRR 231-3.5(b)	40	Source obligation - relaxation of enforceable limitation

Applicability Discussion:

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

6 NYCRR 19-0301

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.

6 NYCRR 200.6

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

6 NYCRR 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

6 NYCRR 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.



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 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.

6 NYCRR 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 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.

6 NYCRR Subpart 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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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,



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 201-6.4 (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.

6 NYCRR 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.

6 NYCRR 202-2.1

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

6 NYCRR 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.

6 NYCRR 211.2

This regulation limits opacity from sources to less than or equal to 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

6 NYCRR 215.2

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

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, INNOVATIVE DANC has been determined to be subject to the following regulations:

40 CFR 60.18 (c)

This regulation specifies the operating parameters and testing methods used to operate and monitor a flare that is being used as an air pollution control device (as required by a new source performance standard).

40 CFR 60.4207 (b)

These conditions states the fuel requirements for compression ignition stationary engines with a displacement of less than 30 liters per cylinder

40 CFR 60.4209 (a)

The owner and/or operator of an emergency stationary compression ignition internal combustion engine subject to this subpart is required to install a non-resettable hour meter.

40 CFR 60.4211 (a)

This regulation states that the owner or operator and must comply with the emission standards specified in 40 CFR 60 Subpart IIII and must operate and maintain the stationary compression ignition internal combustion engine and control device according to the manufacturer's written instructions.

40 CFR 60.4211 (c)



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

40 CFR 60.4211 (f)

These conditions state the hour limits for emergency engines operating in nonemergency engine situations

40 CFR 60.4214 (b)

Initial notification, reporting, and recordkeeping requirements for owners or operators of a stationary CI internal combustion engine.

40 CFR 60.4230 (a) (4) (i)

Owners and operators of stationary spark ignited internal combustion engines (SI ICE), that commence construction after June 12, 2006, where the stationary SI ICE are manufactured on or after July 1, 2007, for engines with a maximum engine power greater than or equal to 500 HP (except lean burn engines with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP) are subject to the requirements of 40 CFR 60 Subpart JJJJ.

40 CFR 60.4243 (a) (1)

This regulation requires the owners and/or operators of internal combustion engines subject to Subpart JJJJ to keep records of maintenance on the engine and any demonstrated compliance with the standards in Subpart JJJJ.

40 CFR 60.4245 (a)

This regulation sets forth the notification, reporting and recordkeeping requirements for 40 CFR 60 Subpart JJJJ, for owners and operators of stationary spark ignited internal combustion engines.

40 CFR 60.4246

This regulation specifies that the following provisions of 40 CFR 60 Subpart A apply to this facility: 60.1 through 60.12, 60.14 through 60.17 and 60.19.

40 CFR 60.752 (b) (2) (iii) (C)

40 CFR 63.6590 (a) (2)

40 CFR 63.6590 (b) (2)



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

40 CFR 63.6603 (a)

These conditions list the emission limits, operating limits, and work practices that existing engines located at an area source of HAP emissions must meet.

The engines must meet work practices, emission limits, and operating limits on carbon monoxide or formaldehyde for the specific type of engine listed in table 2d of subpart ZZZZ.

40 CFR 63.6625 (c)

40 CFR 63.6625 (e)

This regulation requires the owners or operator of an existing stationary RICE with a site rating of less than 100 brake HP located at a major source of HAP emissions, an existing stationary emergency RICE, or an existing stationary RICE located at an area source of HAP emissions must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop their own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

40 CFR 63.6625 (h)

This regulation requires the owner or operator of a reciprocating internal combustion engine, operating at a major source of hazardous air pollutants, to minimize the idling time of the engine at startup. Startup time is limited to 30 minutes or less.

40 CFR 63.6650 (g)

40 CFR 63.6655 (a)

This regulation sets forth the record keeping requirements for owners or operators of stationary internal combustion engines at facilities with emissions of hazardous air pollutants.

40 CFR 63.6655 (c)

40 CFR 63.6655 (e)

This regulation sets forth the record keeping requirements for RICE subject to facility specific maintenance plans.



**New York State Department of Environmental Conservation
Permit Review Report**

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

40 CFR 63.6665

This regulation specifies which provisions of the General provisions (Subpart A of 40 CFR 63) apply to the owner or operators of stationary internal combustion engines at facilities with emissions of hazardous air pollutants.

6 NYCRR 211.1

This regulation requires that no person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property.

6 NYCRR 212-2.3 (b)

Table 4 of 212-2.3 describes the reduction in emissions required for a non-criteria air contaminant based on its uncontrolled emission rate. The uncontrolled emission rate in conjunction with the assigned environmental rating determines the degree of controlled applied.

6 NYCRR 227-1.3 (a)

This regulation prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.

6 NYCRR 231-3.5 (b)

This condition specifies a facility's obligation if there is a relaxation of permit conditions that make the facility major for PSD.

6 NYCRR Subpart 201-7

This regulation sets forth an emission cap that cannot be exceeded by the facility. In this permit that cap is

Compliance Certification

Summary of monitoring activities at INNOVATIVE DANC:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring
FACILITY	41	record keeping/maintenance procedures
1-DLFGE/-/E01/EMGEN	63	work practice involving specific operations
1-DLFGE/-/E01/EMGEN	64	record keeping/maintenance procedures
1-DLFGE/-/E01/EMGEN	65	record keeping/maintenance procedures



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

FACILITY	42	record keeping/maintenance procedures
FACILITY	43	record keeping/maintenance procedures
FACILITY	44	record keeping/maintenance procedures
1-DLFGE/-/001/04ENG	62	record keeping/maintenance procedures
FACILITY	46	record keeping/maintenance procedures
FACILITY	49	record keeping/maintenance procedures
1-DLFGE/-/001	57	record keeping/maintenance procedures
FACILITY	50	record keeping/maintenance procedures
1-DLFGE/-/001/01ENG	59	monitoring of process or control device parameters as surrogate
1-DLFGE/-/001	58	record keeping/maintenance procedures
1-DLFGE/-/001/01ENG	60	record keeping/maintenance procedures
FACILITY	51	record keeping/maintenance procedures
1-DLFGE/-/001/01ENG	61	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	24	work practice involving specific operations
FACILITY	25	monitoring of process or control device parameters as surrogate
FACILITY	26	monitoring of process or control device parameters as surrogate
FACILITY	27	record keeping/maintenance procedures
FACILITY	28	monitoring of process or control device parameters as surrogate
FACILITY	29	monitoring of process or control device parameters as surrogate
FACILITY	30	monitoring of process or control device parameters as surrogate
FACILITY	31	monitoring of process or control device parameters as surrogate
FACILITY	32	monitoring of process or control device parameters as surrogate
FACILITY	33	monitoring of process or control device parameters as surrogate
FACILITY	34	monitoring of process or control device parameters as surrogate
FACILITY	35	intermittent emission testing
FACILITY	36	intermittent emission testing
FACILITY	7	record keeping/maintenance procedures
FACILITY	69	record keeping/maintenance procedures
FACILITY	38	monitoring of process or control device parameters as surrogate
FACILITY	39	record keeping/maintenance procedures
FACILITY	40	record keeping/maintenance procedures

Basis for Monitoring

Condition 41- The initial emission rate of of the first three engines is 3.0 g/bhp-hr. Once the siloxane scrubber system is installed, the emission rate drops to 2.5 g/bhp-hr. This is the beginning of reducing emissions during the course of increased production of landfill gas and the installation of a fourth and fifth engine. Each subsequent reduction in CO emissions concentrations will allow the facility to continue to operate below its overall caps.

Condition 42- The first 4 engines are limited to 2.5 g/bhp-hr of CO in order to stay below PSD thresholds.

Condition 43- The facility must maintain emissions of NOx bat or below 0.6 g/bhp-hr



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2252-00018/00001

Renewal Number: 2

11/08/2016

from each of 5 engines in order to maintain potential emissions below New Source review thresholds.