

**Facility Identification Data**

Name: AVA LANDFILL  
Address: 7044 ST RTE 294  
AVA, NY 13309

**Owner/Firm**

Name: ONEIDA-HERKIMER SOLID WASTE AUTHORITY  
Address: 1600 GENESEE ST  
UTICA, NY 13502, USA  
Owner Classification: State

**Permit Contacts**

Division of Environmental Permits:  
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Division of Air Resources:  
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Air Permitting Contact:  
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UTICA, NY 13502  
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**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 Title V permit. Application also proposes the addition of an emission point to

**Attainment Status**

AVA LANDFILL is located in the town of AVA in the county of ONEIDA.  
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**

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Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	TRANSPORT REGION (NON-ATTAINMENT)
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT
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\* 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:**

Facility is a permitted landfill that opened and began receiving and placing waste in October 2006. This application is to renew the facility's Title V permit. The facility voluntarily operates landfill gas collection and control devices to combust landfill gas and destroy methane to reduce odors and greenhouse gas emissions. The facility is not required to install or operate the devices in order to comply with federal New Source Performance Standards (NSPS) at this time. Permitted emission units include 1-LFGAS, 2-VHCPM and 3-LCHST. Existing permitted emission sources include up to 24 portable passive candlestick flares. The renewal application also seeks to add an additional emission source to emission unit 1-LFGAS for an active candlestick flare. A recent valid Tier 2 test conducted in March 2009 verified that non-methane organic compound (NMOC) emissions are less than 50 megagrams/year. This information means that several conditions contained in the original Title V permit are no longer applicable and will not become applicable until facility emission of NMOC exceed 50 megagrams/year.

**Permit Structure and Description of Operations**

The Title V permit for AVA LANDFILL

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.

AVA LANDFILL is defined by the following emission unit(s):

Emission unit 2VHCPM - This unit consists of the vehicular movement within the landfill site, including waste haul trucks, maintenance, and personal vehicles on paved and unpaved portions of the road. The unit also includes the placement of waste within the landfill by heavy construction vehicles, and the hauling and compaction of cover soils over the filled waste. This emission unit will not include any defined emission points.

Process: VEH Fugitive emissions from vehicular traffic at the landfill.

Process: LEA

Emission unit 3LCHST - This unit consists of the landfill leachate storage tanks. For this permit term this unit will consist of two 1.3 million gallon glass lined covered storage tanks.

Emission unit 3LCHST -

Process: LEA Storage of landfill leachate in above ground tanks.

Process: FLR

Emission unit 1LFGAS - This unit consists of the landfilled wastes generating landfill gas by decomposition. All landfilled wastes must meet the requirements for acceptable wastes as specified in 6 NYCRR Part 360 and 40 CFR Part 258. The landfill has an estimated design capacity of 28,519,227 cubic yards.

This emission unit consists of up to 24 passive landfill gas and one proposed active candlestick flare and associated collection and control system for the purpose of collecting and destroying methane to control odors, reduce greenhouse gas emissions, and ensure acceptable air quality. Landfill gas is also vented as fugitive emissions.

Emission unit 1LFGAS is associated with the following emission points (EP):

00001, 00002, 00003, 00004, 00005, 00006, 00007, 00008, 00009, 00010, 00011, 00012, 00013, 00014, 00015, 00016, 00017, 00018, 00019, 00020, 00021, 00022, 00023, 00024, 00025

Process: FLR This process consists of flaring of landfill gas with up to 24 passive candlestick flares and one (1) active candlestick flare. Landfill gas is collected and flared voluntarily to reduce odors and greenhouse gas emissions and to ensure acceptable air quality.

Process: LFG Generation of landfill gas in the landfill.

**Title V/Major Source Status**

AVA LANDFILL is subject to Title V requirements. This determination is based on the following information:

Facility is required to obtain a Title V permit because it must comply with the requirements of 40 CFR 60 Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills. This regulation applies to all municipal solid waste landfills with a design capacity greater than 2.5 million cubic meters. The design capacity of this landfill is estimated at 21,817,210 cubic meters. One of the requirements of the regulation is that all applicable landfills must obtain a Title V permit regardless of potential emissions.major\_src\_status

**Program Applicability**

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

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	YES
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 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
4953	REFUSE SYSTEMS

**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
5-01-004-02	SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - LANDFILL DUMP
5-01-004-06	FUGITIVE EMISSIONS SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - LANDFILL DUMP
5-01-004-10	LANDFILL GAS COLLECTION SYSTEM: OTHER SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - LANDFILL DUMP
5-01-007-95	WASTE GAS DESTRUCTION: WASTE GAS FLARES SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - SEWAGE TREATMENT SLUDGE STORAGE LAGOONS/DRYING BEDS

**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
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	lbs/yr	Range
000079-34-5	1,1,2,2-TETRACHLOROETHANE	> 0 but < 10 tpy
000107-06-2	1,2-DICHLOROETHANE	> 0 but < 10 tpy
000078-59-1	2-CYCLOHEXEN-1-ONE,3,5,5-TRIMETHYL	> 0 but < 10 tpy
000108-10-1	2-PENTANONE, 4-METHYL	> 0 but < 10 tpy
000071-43-2	BENZENE	> 0 but < 10 tpy
000106-46-7	BENZENE, 1,4-DICHLORO-BROMOFORM	> 0 but < 10 tpy
000075-25-2	CARBON DISULFIDE	> 0 but < 10 tpy
000075-15-0	CARBON MONOXIDE	>= 40 tpy but < 50 tpy
000056-23-5	CARBON TETRACHLORIDE	> 0 but < 10 tpy
000463-58-1	CARBONYL SULFIDE	> 0 but < 10 tpy
000108-90-7	CHLOROBENZENE	> 0 but < 10 tpy
000067-66-3	CHLOROFORM	> 0 but < 10 tpy
000075-09-2	DICHLOROMETHANE	> 0 but < 10 tpy
000071-55-6	ETHANE, 1,1,1-TRICHLORO	> 0 but < 10 tpy
000079-00-5	ETHANE, 1,1,2-TRICHLORO	> 0 but < 10 tpy
000075-34-3	ETHANE, 1,1-DICHLORO-	> 0 but < 10 tpy
000106-93-4	ETHANE, 1,2-DIBROMO	> 0 but < 10 tpy
000075-00-3	ETHANE, CHLORO	> 0 but < 10 tpy
000075-35-4	ETHENE,1,1-DICHLORO	> 0 but < 10 tpy
000100-41-4	ETHYLBENZENE	> 0 but < 10 tpy
0NY100-00-0	HAP	> 0 but < 2.5 tpy
000110-54-3	HEXANE	> 0 but < 10 tpy
007647-01-0	HYDROGEN CHLORIDE	> 0 but < 10 tpy
007439-92-1	LEAD	> 0 but < 10 tpy
007439-97-6	MERCURY	> 0 but < 10 tpy
000074-82-8	METHANE	>= 250 tpy
000074-87-3	METHYL CHLORIDE	> 0 but < 10 tpy
000078-93-3	METHYL ETHYL KETONE	> 0 but < 2.5 tpy
000091-20-3	NAPHTHALENE	> 0 but < 10 tpy
0NY998-20-0	NMOC - LANDFILL USE ONLY	>= 2.5 tpy but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN	>= 2.5 tpy but < 10 tpy
0NY075-00-0	PARTICULATES	>= 10 tpy but < 25 tpy
000127-18-4	PERCHLOROETHYLENE	> 0 but < 10 tpy
000108-95-2	PHENOL	> 0 but < 10 tpy
0NY075-00-5	PM-10	>= 10 tpy but < 25 tpy
000078-87-5	PROPANE, 1,2-DICHLORO	> 0 but < 10 tpy
000107-13-1	PROPENENITRILE	> 0 but < 10 tpy
007446-09-5	SULFUR DIOXIDE	> 0 but < 2.5 tpy
000108-88-3	TOLUENE	> 0 but < 10 tpy
000079-01-6	TRICHLOROETHYLENE	> 0 but < 10 tpy
000075-01-4	VINYL CHLORIDE	> 0 but < 10 tpy
0NY998-00-0	VOC	99000
001330-20-7	XYLENE, M, O & P MIXT.	> 0 but < 10 tpy

### 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.

**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 - 6NYCRR Part 201-6.5(a)(5)**

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

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

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

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

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

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

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

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

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

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

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

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

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

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

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

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

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

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

**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		56	Powers and Duties of the Department with respect to air pollution control
1-LFGAS	40CFR 60-A.11 (d)	48	General provisions - compliance with standards and maintenance requirements
1-LFGAS	40CFR 60-A.12	49	General provisions - Circumvention
1-LFGAS	40CFR 60-A.14	50	General provisions - Modification
1-LFGAS	40CFR 60-A.4	37	General provisions - Address
1-LFGAS	40CFR 60-A.7 (b)	38	Notification and Recordkeeping
1-LFGAS	40CFR 60-A.7 (c)	39	Notification and Recordkeeping
1-LFGAS	40CFR 60-A.7 (d)	40	Notification and Recordkeeping
1-LFGAS	40CFR 60-A.7 (f)	41	Notification and Recordkeeping
1-LFGAS	40CFR 60-A.8 (b)	42	Performance Tests
1-LFGAS	40CFR 60-A.8 (c)	43	Performance Tests
1-LFGAS	40CFR 60-A.8 (d)	44	Performance Tests
1-LFGAS	40CFR 60-A.8 (e)	45	Performance Tests
1-LFGAS	40CFR 60-A.8 (f)	46	Performance Tests
1-LFGAS	40CFR 60-A.9	47	General provisions - Availability of information
1-LFGAS	40CFR 60- WWW.752 (b) (1)	51	Standards for air emissions from municipal solid waste landfills.
FACILITY	40CFR 60- WWW.754 (a) (1)	28	Calculation of Non-Methane Organic Carbon (NMOC) Emissions
FACILITY	40CFR 60- WWW.754 (a) (2)	29	NMOC Calculation - Tier 1
FACILITY	40CFR 60- WWW.754 (a) (3)	30	NMOC Calculation - Tier 2
FACILITY	40CFR 60- WWW.754 (a) (4)	31	NMOC Calculation - Tier 3
FACILITY	40CFR 60- WWW.754 (a) (5)	32	NMOC Calculation - Alternative Methods
1-LFGAS	40CFR 60-WWW.757 (b)	52	Reporting requirements - NMOC emission rate
FACILITY	40CFR 61-M.154	33	Standard for active waste disposal sites
FACILITY	40CFR 68	21	Chemical accident prevention provisions
FACILITY	40CFR 82-F	22	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.

FACILITY	6NYCRR 201-1.4	57	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2(a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3(a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	23, 34, 35	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.5(a)(4)	15	General conditions
FACILITY	6NYCRR 201-6.5(a)(7)	2	General conditions Fees
FACILITY	6NYCRR 201-6.5(a)(8)	16	General conditions
FACILITY	6NYCRR 201-6.5(c)	3	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5(c)(2)	4	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5(c)(3)(ii)	5	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5(d)(5)	17	Compliance schedules
FACILITY	6NYCRR 201-6.5(e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.5(f)	24	Operational flexibility
FACILITY	6NYCRR 201-6.5(f)(6)	18	Off Permit Changes
FACILITY	6NYCRR 201-6.5(g)	25	Permit shield
FACILITY	6NYCRR 201-7	26, 27	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-1.1	19	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 211.2	58	General Prohibitions - air pollution prohibited.
FACILITY	6NYCRR 211.3	20	General Prohibitions - visible emissions limited
1-LFGAS	6NYCRR 212.4(a)	36	General Process Emission Sources - emissions from new sources and/or modifications
1-LFGAS/-/FLR	6NYCRR 212.4(a)	61	General Process Emission Sources - emissions from new sources and/or modifications
1-LFGAS/-/FLR	6NYCRR 212.4(c)	53	General Process Emission Sources - emissions from new processes and/or modifications
1-LFGAS/-/FLR	6NYCRR 212.6(a)	54, 55	General Process Emission Sources -

FACILITY	6NYCRR 215	9	opacity of emissions limited
FACILITY	6NYCRR 217-3.2	59	Open Fires
FACILITY	6NYCRR 217-3.3	60	Prohibitions.
FACILITY	6NYCRR 231-2	27	Exceptions.
			New Source Review in Nonattainment Areas and Ozone Transport Region

**Applicability Discussion:**

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 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.

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 201-6.5(g)

Permit Exclusion Provisions - specifies those actions, such as administrative orders, suits, claims for natural resource damages, etc that are not affected by the federally enforceable portion of the permit, unless they are specifically addressed by it.

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.

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 there 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, AVA LANDFILL has been determined to be subject to the following regulations:

40CFR 60-A.11 (d)

This regulation specifies the type of opacity monitoring requirements in relation to compliance with the standards and maintenance requirements.

40CFR 60-A.12

This regulation prohibits an owner or operator from concealing emissions in violation of applicable standards by any means.

40CFR 60-A.14

This regulation defines the term modification and what is and is not considered to be a modification, for the purpose of rule applicability.

40CFR 60-A.4

This condition lists the USEPA Region 2 address for the submittal of all communications to the "Administrator". In addition, all such communications must be copied to NYSDEC Bureau of Quality Assurance (BQA).

40CFR 60-A.7 (b)

This regulation requires the owner or operator to maintain records of the occurrence and duration of any startup, shutdown, or malfunction of the source or control equipment or continuous monitoring system.

40CFR 60-A.7 (c)

This requirement details the information to be submitted in excess emissions and monitoring systems performance reports which must be submitted at least semi-annually for sources with compliance monitoring systems.

40CFR 60-A.7 (d)

This condition specifies the required information and format for a summary report form and details when either a summary form and/or excess emissions reports are required.

40CFR 60-A.7 (f)

This condition specifies requirements for maintenance of files of all measurements, including continuous monitoring system (CMS), monitoring device, and performance testing measurements; all CMS performance evaluations; all CMS or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices for at least two years.

40CFR 60-A.8 (b)

This regulation contains the requirements for Performance test methods and procedures, to be used by the owner or operator, of the affected facility.

40CFR 60-A.8 (c)

This condition contains the requirements for operating conditions, of the emission source, during performance testing.

40CFR 60-A.8 (d)

This regulation contains the requirements for advance notification of Performance (stack) testing.

40CFR 60-A.8 (e)

This regulation requires the facility to provide appropriate sampling ports, safe platforms and utilities as necessary for Performance (stack) testing.

40CFR 60-A.8 (f)

This regulation requires that Performance (stack) tests consist of three runs unless otherwise specified. The rule also designates the allowable averaging methods for the analysis of the results.

40CFR 60-A.9

This rule citation allows the public access to any information submitted to the EPA Administrator (or

state contact), in conjunction with a project subject to this section of the regulation.

40CFR 60-WWW.752 (b) (1)

This regulation requires the owner or operator of a municipal solid waste (MSW) landfill to determine the annual emissions of non-methane organic compounds from the landfill. If the non-methane organic carbon emission rate from an MSW landfill is less than 50 megagram/year (55 tons/year), the owner must submit an emission report and recalculate the emission rate annually.

40CFR 60-WWW.754 (a) (2)

This condition sets forth the requirements for conducting a Tier 1 test of non-methane organic carbon emissions from an MSW landfill. The emission rate is calculated using the default values cited in 40 CFR 60.754(a)(1) and compared to 50 megagrams/year (55 tons/year).

40CFR 60-WWW.754 (a) (3)

This condition sets forth the requirements for conducting a Tier 2 test of NMOC emissions from an MSW landfill.

40CFR 60-WWW.754 (a) (4)

This condition sets forth the requirements for conducting a Tier 3 test for NMOC emissions at an MSW landfill.

40CFR 60-WWW.754 (a) (5)

The owner or operator may use other methods to determine the NMOC concentration or a site-specific methane generation rate constant as an alternative to the methods required in 40 CFR Part 60.754(a)(3) and (a)(4) if the method has been approved by the Administrator

40CFR 60-WWW.757 (b)

This condition requires that a non-methane organic carbon emission report be submitted to the EPA administrator.

40CFR 61-M.154

This condition requires that there be no visible emissions from any active disposal area of the landfill where asbestos containing waste has been placed or that this type of area be covered to prevent disturbance of the asbestos containing waste.

6NYCRR 201-6.5 (f)

This regulation defines in general terms under what circumstances changes would be allowed without a permit modification provided the permit contains sufficient operational flexibility provisions.

6NYCRR 201-7

This regulation sets forth an emission cap that cannot be exceeded by the facility. In this permit that cap is 49.5 tons per year of volatile organic compounds (VOC). The VOC limit is achieved by placing a limit on the amount of annual biodegradable waste that can be placed in the landfill at 312,000 tons.

6NYCRR 212 .4 (a)

This rule requires compliance with the degree of control specified in Tables 2, 3 and 4 for new (after July 1, 1973) process emission sources.

6NYCRR 212 .4 (c)

This rule requires existing sources (in operation after July 1, 1973) of solid particulates with environmental rating of B or C which are not subject to Table 5 "Processes for which Permissible Emission Rate is Based on Process Weight, to be limited to an particulate emission rate not to exceed

0.05 grains per dry standard cubic foot.

6NYCRR 212.6 (a)

This rule specifies an opacity limitation of less than 20% for any six consecutive minute period for all process emission sources.

6NYCRR 217-3.2

No person who owns, operates or leases a bus or truck, the motive power for which is provided Reason: bus or truck to idle for more than five consecutive minutes when the bus or truck is not in

6NYCRR 217-3.3

This citation outlines when the prohibitions of diesel idling that appear in 6 NYCRR Part 217-3.2 shall not apply.

6NYCRR 231-2

The provisions of Subpart 231-2 apply to new or modified major facilities. The contaminants of concern state-wide are nitrogen oxides and volatile organic compounds since New York State is located in the ozone transport region and because there are ozone non-attainment areas within the state. In addition, particulate matter less than 10 microns in size (PM-10) is a non-attainment contaminant in Manhattan County.

**Non Applicability Analysis**

**List of non-applicable rules and regulations:**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Short Description</b>	<b>Regulation</b>
1-LFGAS/-/FLR	40CFR 60-A.18(c)	Control Device Requirements (Flares)
1-LFGAS/-/FLR	40CFR 60-A.18(d)	Control Device Requirements (Flares)
1-LFGAS/-/FLR	40CFR 60-A.18(e)	Control Device Requirements (Flares)
1-LFGAS/-/FLR	40CFR 60-A.18(f)	Control Device Requirements (Flares)
1-LFGAS	40CFR 60-WWW.752(b)(2)	Standards for air emissions from MSW landfills
1-LFGAS	40CFR 60-WWW.753(a)	Operational standards for collection and control systems
1-LFGAS	40CFR 60-WWW.753(b)	Op Standards for collection/ control systems-Pressure
1-LFGAS	40CFR 60-WWW.753(c)	Operational Standards for Collection and Control Systems
1-LFGAS	40CFR 60-WWW.753(d)	Operational Standards for Collection and Control Systems - Reason: Same reason as above Reason: Same reason as above for 40 CFR 60-WWW.752(b)(2). for 40 CFR 60-WWW.752(b)(2). Surface Methane
1-LFGAS	40CFR 60-WWW.753(e) Reason: Same reason as above for 40 CFR 60-WWW.752(b)(2).	Operational Standards for Reason: Same reason as above for 40 CFR Reason: Same reason as Reason: Same reason as

		aboveReason: Same reason asReason: Same reason as above for 40 CFR 60- WWW.752(b)(2).Reason: SameReason: Same reason asReason: Same reason as aboveReason: Same reason asReason: Same reason as above reason as above for 40 CFR 60-- WWW.752(b)(2). reason as above for 40 CFR 60- WWW.752(b)(2).
		above for 40 CFR 60- WWW.752(b)(2). for 40 CFR 60-WWW.752(b)(2). above for 40 CFR 60- WWW.752(b)(2). 60-WWW.752(b)(2). Collection and Control Systems - Collected Gases to Control System
1-LFGAS	40CFR 60-WWW.753(f)	Operational Standards for Collection and Control Systems - Control Systems
1-LFGAS	40CFR 60-WWW.753(g)	Operational Standards for Collection and Control Systems - Corrective Action
1-LFGAS	40CFR 60-WWW.754(a)(1)	Calculation of Non-Methane Organic Carbon (NMOC) Emissions
1-LFGAS	40CFR 60-WWW.754(a)(2)	NMOC Calculation - Tier 1
1-LFGAS	40CFR 60-WWW.754(a)(3)	NMOC Calculation - Tier 2
1-LFGAS	40CFR 60-WWW.754(a)(4)	NMOC Calculation - Tier 3
1-LFGAS	40CFR 60-WWW.754(a)(5)	NMOC Calculation - Alternative Methods
1-LFGAS	40CFR 60-WWW.754(d)	Performance Test
1-LFGAS	40CFR 60-WWW.755(a)	Compliance Provisions - collection system
1-LFGAS	40CFR 60-WWW.755(b)	Compliance Provisions - wells
1-LFGAS	40CFR 60-WWW.755(c)	Compliance Provisions - surface methane
1-LFGAS	40CFR 60-WWW.755(d)	Compliance Provisions - instrumentation specifications
1-LFGAS	40CFR 60-WWW.755(e)	Compliance Provisions - Start-up, shutdown, or malfunction
1-LFGAS	40CFR 60-WWW.756(a)	Monitoring of Operations
1-LFGAS	40CFR 60-WWW.756(c)	Monitoring of Operations - Open flare
1-LFGAS	40CFR 60-WWW.756(d)	Monitoring of Operations - Other devices
1-LFGAS	40CFR 60-WWW.756(e)	Monitoring of Operations - Alternative Parameters
1-LFGAS	40CFR 60-WWW.757(a)	Reporting requirements - Initial design capacity
1-LFGAS	40CFR 60-WWW.757(b)	Reporting requirements -

		NMOCReason: Same reason asReason: Same reason as aboveReason: Same reason asReason: Same reason as aboveReason: Same reason as above for 40 CFR 60Reason: Same reason as above for 40 CFRReason: Same reason asReason: Same reason as 40 Standards of Performance for Municipal Solid Waste Landfills, that apply to the design, installation, operation, monitoring, record keeping, reporting, and compliance certification of a landfill gas collection and control system do not apply to this facility at this time. Such provisions will apply to this facility when the calculated non-methane organic compound (NMOC) emission rate equals or exceeds 50 megagrams per year. The NMOC emission rate is calculated annually per the requirements of 40 CFR 60.752(b)(1) that are contained as a condition of this permit. Since the provisions outlined above do not apply at this time none of the NESHAP requirements for Municipal Solid Waste Landfills contained in 40 CFR 63 Subpart AAAA apply at this time either. for 40 CFR 60-WWW.752(b)(2). above for 40 CFR 60-WWW.752(b)(2). 60-WWW.752(b)(2). -WWW.752(b)(2). for 40 CFR 60-WWW.752(b)(2). above for 40 CFR 60-WWW.752(b)(2). for 40 CFR 60-WWW.752(b)(2). above for 40 CFR 60-WWW.752(b)(2). emission rate
1-LFGAS	40CFR 60-WWW.757(f)	Reporting requirements - Annual Reports
1-LFGAS	40CFR 60-WWW.757(g)	Reporting requirements - Collection and control system
1-LFGAS	40CFR 60-WWW.758(a)	Recordkeeping requirements - waste
1-LFGAS	40CFR 60-WWW.758(b)	Recordkeeping requirements - control equipment
1-LFGAS	40CFR 60-WWW.758(c)	Recordkeeping requirements - operating parameters

1-LFGAS	40CFR 60-WWW.758(d)	Recordkeeping requirements - collectors
1-LFGAS	40CFR 60-WWW.758(e)	Recordkeeping requirements - exceedances of operational standards
1-LFGAS	40CFR 60-WWW.759(a)	Specifications for active collection systems
1-LFGAS	40CFR 60-WWW.759(b)	Specifications for active collection systems Reason: Same reason as above for 40 CFR 63-AAAA.6(e)(3). reason as above for 40 CFR 63-AAAA.6(e)(3).
1-LFGAS	40CFR 60-WWW.759(c)	Specifications for active collection systems
1-LFGAS	40CFR 63-A.6(e)(3)	Startup, Shutdown and Malfunction Plan
1-LFGAS	40CFR 63-AAAA.1955(b)	Municipal Solid Waste Landfill NESHAP - General requirements
1-LFGAS	40CFR 63-AAAA.1980(a)	Recordkeeping and Reports

Reason: The provisions of 40 CFR 60 Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills, that apply to the design, installation, operation, monitoring, record keeping, reporting, and compliance certification of a landfill gas collection and control system do not apply to this facility at this time. Such provisions will apply to this facility when the calculated non-methane organic compound (NMOC) emission rate equals or exceeds 50 megagrams per year. The NMOC emission rate is calculated annually per the requirements of 40 CFR 60.752(b)(1) that are contained as a condition of this permit. Since the provisions outlined above do not apply at this time none of the general provisions pertaining to the operation of flares contained in 40 CFR 60 Subpart A apply at this time either.

NOTE: Non-applicability determinations are cited as a permit condition under 6 NYCRR Part 201-6.5(g). This information is optional and provided only if the applicant is seeking to obtain formal confirmation, within an issued Title V permit, that specified activities are not subject to the listed federal applicable or state only requirement. The applicant is seeking to obtain verification that a requirement does not apply for the stated reason(s) and the Department has agreed to include the non-applicability determination in the issued Title V permit which in turn provides a shield against any potential enforcement action.

**Compliance Certification**

**Summary of monitoring activities at AVA LANDFILL:**

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring
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1 - LFGAS	39	record keeping/maintenance procedures
1 - LFGAS	51	record keeping/maintenance procedures
1 - LFGAS	52	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	24	record keeping/maintenance

FACILITY	27	procedures work practice involving specific operations
FACILITY	7	record keeping/maintenance procedures
1-LFGAS	36	record keeping/maintenance procedures
1-LFGAS/-/FLR	61	record keeping/maintenance procedures
1-LFGAS/-/FLR	53	intermittent emission testing
1-LFGAS/-/FLR	54	monitoring of process or control device parameters as surrogate
1-LFGAS/-/FLR	55	record keeping/maintenance procedures

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**Basis for Monitoring**

1) 6 NYCRR Part 201-6.5(c)(3)(ii): This facility is a major source as defined in 6 NYCRR Part 201-2. Any facility that receives a Title V permit is required to make a semi-annual monitoring report.

2) 6 NYCRR Part 201-6.5(e): This facility is a major source as defined in 6 NYCRR Part 201-2. Any facility that receives a Title V permit is required to submit an annual compliance certification.

3) 6 NYCRR Part 201-6.5(g): This facility is a major source as defined in 6 NYCRR Part 201-2. Any facility that receives a Title V permit can request a listing of sources that are not applicable to the source to be specifically listed as such in their permit. This citation lists all portions of 40 CFR 60 Subpart WWW that the facility does not have to comply with at this time.

4) 6 NYCRR Part 201-7.2(c): This facility has a non-methane organic compound (NMOC) potential to emit (PTE) > 50 megagrams per year (Mg/yr), making the landfill gas collection and control system requirements defined in 40 CFR 60.752(b)(2) potentially applicable. The facility has accepted a waste placement limit of 312,000 tons/yr which will keep the calculated NMOC emissions less than 50 Mg/yr so that the landfill gas collection and control system monitoring, recordkeeping and reporting provisions contained in 40 CFR 60 Subpart WWW will not apply until the calculated NMOC emission rate from the landfill equals or exceeds 50 Mg/yr. The waste placement also restricts volatile organic compound (VOC) emissions to less than 50 tons/yr so that the landfill does not have to comply with the non-attainment new source review requirements of 6 NYCRR Part 231-2.

5) 6 NYCRR Part 202-2.1: Any facility issued a Title V permit must submit an annual emission statement by April 15th every year.

6) 6 NYCRR Part 212.4(a): Facility must analyze landfill gas samples taken during Tier 2 testing for hazardous air pollutants (HAP) once every 5 years. The HAP analysis results are then evaluated according to Department policy for evaluation of toxic air pollutants (DAR-1) to ensure that no ambient air guidelines for any HAP are exceeded. If the DAR-1 results show a HAP(s) above the ambient guidelines then facility must perform a risk assessment for those pollutants.

7) 6 NYCRR Part 212.4(c): Particulate emissions from all flares used to combust landfill gas must remain below 0.05grains/dry standard cubic foot. Facility will perform emissions testing on any flare upon the request of the Department.

8) 6 NYCRR Part 212.6(a): Visible emissions from all flares used to combust landfill gas must be less than 20% opacity on a 6-minute average. Facility is required to conduct visible observations of each flare in operation on a weekly basis. The results of these observations must be recorded and reported in semi-annual monitoring reports. If visible emissions are noted the facility must determine the cause and take corrective action. Additionally the facility will perform visible emissions observations according to EPA

reference method 9 upon request of the Department.

9) 40 CFR 60.7(c): Any facility that must comply with a New Source Performance Standard (NSPS) is required to submit excess emission reports at least semi-annually. Since this facility must comply with the NMOC emission calculation provisions of 40 CFR 60 Subpart WWW then they are required to submit to the Department and the Administrator semi-annual excess emission reports.

10) 40 CFR 60.752(b)(1) & 60.757(b): These conditions require the facility to calculate and report, on an annual basis, the non-methane organic compound (NMOC) emissions for the previous year and provide an estimate of NMOC emissions for the next 5 years.