

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 8-9908-00162/00043 Renewal Number: 1



06/07/2006

Facility Identification Data

Name: HIGH ACRES LANDFILL & RECYCLING CENTER
Address: 425 PERINTON PKWY
FAIRPORT, NY 14450

Owner/Firm

Name: WASTE MANAGEMENT OF NEW YORK LLC
Address: 123 VARICK AVE
BROOKLYN, NY 11237, USA
Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:
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AVON, NY 14414
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Division of Air Resources:
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Address: NYSDEC
6274 EAST AVON-LIMA ROAD
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Air Permitting Contact:
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425 PERINTON PKWY
FAIRPORT, NY 14450

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. This renewal incorporates the addition of a 181.7 MMBtu/hr enclosed flare as well as the construction and operation of 4 CAT 3520 internal combustion

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engines.

Attainment Status

HIGH ACRES LANDFILL & RECYCLING CENTER is located in the town of PERINTON in the county of MONROE.

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* ATTAINMENT)	TRANSPORT REGION (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

The High Acres Landfill & Recycling Center (the facility) provides integrated solid waste management services. The facility is a municipal solid waste landfill (MSW) operated and maintained under 6NYCRR Part 360. The primary activity at the High Acres Landfill is the disposal of municipal solid waste and other non-hazardous wastes. The deposited waste undergoes aerobic and anaerobic decomposition to produce landfill gas (LFG). LFG consists mainly of methane, carbon dioxide, and trace amounts of organic compounds (NMOC) and sulfur. Decomposition gases generated in the landfill are collected and piped to the control equipment at the facility. The gases are collected and combusted in the four (4) CAT3516 internal combustion engines and one 136.3 MMBtu/hr enclosed flare. The facility will also construct and operate four (4) CAT3520 internal combustion engines as well as one 181.7 MMBtu/hr enclosed flare. The internal combustion engines are used to generate electricity. In accordance with the requirements of 40 CFR Part 60.752.(b)(2), WMNY submitted the landfill gas management system design plan for the facility to the US EPA on June 6, 1997.

Permit Structure and Description of Operations

The Title V permit for HIGH ACRES LANDFILL & RECYCLING CENTER

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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.

HIGH ACRES LANDFILL & RECYCLING CENTER is defined by the following emission unit(s):

Emission unit EU0001 - Existing municipal solid waste landfill with gas collection system and corresponding control/treatment devices.

Emission unit EU0001 is associated with the following emission points (EP):

EP001, EP002, EP003, EP004, EP007, EP008, EP009, EP010, EP011, EP012

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

Process: 001 is located at Building POWERPLANT - Collected landfill gas will be routed to the landfill gas-to-energy plant. The engine generator sets (consisting of four (4) Caterpillar 3516 internal combustion engines) will combust the collected landfill gas to generate electricity for sale. The combustion of landfill gas results in the emission of criteria pollutants.

Process: 006 is located at Building LANDFILL - Landfill gas collection system (LGCS) is assumed to be 85% efficient. The remaining 15% is uncollected emissions (fugitive emissions).

Process: 007 is located at Building POWERPLANT - Landfill gas is combusted in several devices at the High Acres Landfill. Collected landfill gas will be routed to either the existing landfill gas-to-energy plant, the new gas-to-energy plant, or it will be collected and conveyed to an existing 136.3 MMBtu/hr (4500-cfm) enclosed flare (designated as FLAR2) and/or a new 181.7 MMBtu/hr enclosed flare (designated as FLAR3). This process is for landfill gas being conveyed to the two flares. The combustion of landfill gas results in the emission of criteria pollutants. The maximum gas allowed to be combusted through the two flares is a total of 318 MMBtu/hr.

Process: 008 is located at Building POWERPLANT - Collected landfill gas will be routed to either the engine plant or to the existing flare or the new flare. This process is for gas routed through the new engine plant containing the CAT 3520 internal combustion engines. The engine generator sets will

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combust the collected landfill gas to generate electricity for sale. The combustion of landfill gas results in the emission of criteria pollutants.

Title V/Major Source Status

HIGH ACRES LANDFILL & RECYCLING CENTER is subject to Title V requirements. This determination is based on the following information:

The facility emissions are major for oxides of nitrogen and carbon monoxide. The facility is also subject to 40CFR60 Subpart WWW requirements as well as 40CFR63 Subpart AAAA

Program Applicability

The following chart summarizes the applicability of HIGH ACRES LANDFILL & RECYCLING CENTER 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)	YES
NSPS	YES
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	YES
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

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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

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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
5093	SCRAP AND WASTE MATERIALS

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
4-04-001-63	BULK TERMINALS/PLANTS BULK TERMINALS BULK TERMINALS:INTERNAL FLOAT W/PRIMARY SEAL:GAS RVP 7:STANDING LOSS
5-01-004-02	SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - LANDFILL DUMP FUGITIVE EMISSIONS
5-01-004-10	SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - LANDFILL DUMP WASTE GAS DESTRUCTION: WASTE GAS FLARES
5-01-004-21	SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - LANDFILL DUMP WASTE GAS RECOVERY: INTERNAL COMBUSTION DEVICE

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

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material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE Range represents an emission range for a contaminant. Any PTE quantity that is displayed represents a facility-wide emission cap or limitation for that contaminant. If no PTE quantity is displayed, the PTE Range is provided to indicate the approximate magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
000079-34-5	1, 1, 2, 2-TETRACHLOROETHANE (HAP)	> 0	but < 10 tpy
000107-06-2	1, 2-DICHLOROETHANE (HAP)	> 0	but < 10 tpy
000108-10-1	2-PENTANONE, 4-METHYL (HAP)	> 0	but < 10 tpy
000071-43-2	BENZENE (HAP)	> 0	but < 10 tpy
000106-46-7	BENZENE, 1, 4-DICHLORO- (HAP)	> 0	but < 10 tpy
000075-15-0	CARBON DISULFIDE (HAP)	> 0	but < 10 tpy
000630-08-0	CARBON MONOXIDE	>= 250	tpy
000056-23-5	CARBON TETRACHLORIDE (HAP)	> 0	but < 10 tpy
000463-58-1	CARBONYL SULFIDE (HAP)	> 0	but < 10 tpy
000108-90-7	CHLOROBENZENE (HAP)	> 0	but < 10 tpy
000067-66-3	CHLOROFORM (HAP)	> 0	but < 10 tpy
000075-09-2	DICHLOROMETHANE (HAP)	> 0	but < 10 tpy
000071-55-6	ETHANE, 1, 1, 1-TRICHLORO (HAP)	> 0	but < 10 tpy
000075-34-3	ETHANE, 1, 1-DICHLORO- (HAP)	> 0	but < 10 tpy
000075-00-3	ETHANE, CHLORO (HAP)	> 0	but < 10 tpy
000075-35-4	ETHENE, 1, 1-DICHLORO (HAP)	> 0	but < 10 tpy
000100-41-4	ETHYLBENZENE (HAP)	> 0	but < 10 tpy
0NY100-00-0	HAP	>= 2.5	tpy but < 10 tpy
000110-54-3	HEXANE (HAP)	> 0	but < 10 tpy
007439-92-1	LEAD (HAP)	> 0	but < 10 tpy
000074-82-8	METHANE	>= 250	tpy
000074-87-3	METHYL CHLORIDE (HAP)	> 0	but < 10 tpy
000078-93-3	METHYL ETHYL KETONE (HAP)	> 0	but < 10 tpy
0NY998-20-0	NMOC - LANDFILL USE ONLY	>= 40	tpy but < 50 tpy
0NY210-00-0	OXIDES OF NITROGEN	>= 100	tpy but < 250 tpy
0NY075-00-0	PARTICULATES	>= 10	tpy but < 25 tpy
000127-18-4	PERCHLOROETHYLENE (HAP)	> 0	but < 10 tpy
0NY075-00-5	PM-10	>= 10	tpy but < 25 tpy
000078-87-5	PROPANE, 1, 2-DICHLORO (HAP)	> 0	but < 10 tpy
000107-13-1	PROPENENITRILE (HAP)	> 0	but < 10 tpy
007446-09-5	SULFUR DIOXIDE	>= 50	tpy but < 100 tpy
000108-88-3	TOLUENE (HAP)	> 0	but < 10 tpy
000079-01-6	TRICHLOROETHYLENE (HAP)	> 0	but < 10 tpy
000075-01-4	VINYL CHLORIDE (HAP)	> 0	but < 10 tpy
0NY998-00-0	VOC	>= 40	tpy but < 50 tpy
001330-20-7	XYLENE, M, O & P MIXT. (HAP)	> 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

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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

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completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

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

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

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

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

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

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

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

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

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

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

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

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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

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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

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under the Act or under any of its applicable requirements as being enforceable under only state regulations.

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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

Table with 4 columns: Location, Regulation, Short Description, Condition. Rows list various regulations (ECL 19-0301, 40CFR 60-A.11, etc.) and their corresponding conditions (105, 47, 48, etc.).



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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

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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.

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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.

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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.



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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, HIGH ACRES LANDFILL & RECYCLING CENTER has been determined to be subject to the following regulations:

40CFR 60-A.11

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.15

This regulation defines the term reconstruction and what is and is not considered to be a reconstruction project, 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 (a)

This regulation requires any owner or operator subject to a New Source Performance Standard (NSPS) to furnish the Administrator with notification of the dates of: construction or reconstruction, initial startup, any physical or operational changes, commencement of performance testing for continuous monitors and anticipated date for opacity observations as required.

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.

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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 (e)

This condition specifies how sources that remain in continuous compliance, and are subject to monthly or quarterly reporting, can reduce reporting frequency to semiannually.

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.7 (g)

This condition allows source owners to use reporting required for state or local agencies to satisfy the paragraph (a) reporting requirements of this section of this rule.

40CFR 60-A.8 (a)

This regulation contains the requirements for the completion date and reporting of Performance Testing (stack testing), at the facility. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup, the owner or operator of the facility must conduct performance test(s) and furnish a written report of the test results.

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.

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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) (2)

If the non-methane organic carbon emission rate is greater than 50 megagrams/year (55 tons/year), the owner or operator must submit a design plan for a collection and control system.

40CFR 60-WWW.752 (b) (2) (iii) ('B')

This condition requires the owner or operator of the landfill to reduce the emissions of NMOC by 98% after the control device or reduce the outlet concentration of NMOC from the control device to less than 20 parts per million.

40CFR 60-WWW.753 (a)

This condition sets forth the requirements of where and when a collection and control system is required at an MSW landfill. The collection system is required for areas, cells or groups of cells where solid waste has been in place for 5 years (if active) or 2 years (if inactive or closed). The collection system must be operated as follows: under negative pressure; with a temperature of less than 55 degrees Celsius; and with an oxygen content less than 5% or a nitrogen content less than 20%

40CFR 60-WWW.753 (b)

This condition requires that the collection system be operated under negative pressure.

40CFR 60-WWW.753 (c)

This condition requires that each interior wellhead in the collection system be operated such that the landfill gas temperature is less than 55 °C and with a nitrogen content less than 20% or an oxygen content less than 5%.

40CFR 60-WWW.753 (d)

This condition requires that the collection system be operated such that the concentration of methane on the surface of the landfill is less than 500 parts per million (by volume).

40CFR 60-WWW.753 (e)

This condition requires that all collected gases be sent to a control system when the collection system is operating.

40CFR 60-WWW.753 (f)

This condition requires that the control or treatment system be operated at all times when the collected gas is sent to the system.

40CFR 60-WWW.753 (g)

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This condition requires that any problems at the landfill, found as a result of the monitoring of operation of the collection or control system be repaired or fixed within 15 days.

40CFR 60-WWW.754 (d)

This condition requires that Method 18 or 25C be used to determine the destruction efficiency of the control system. An efficiency of 98% must be achieved, or the outlet NMOC concentration must be less than 20 ppm.

40CFR 60-WWW.755 (a)

This condition sets forth the compliance provisions for the collection system at an MSW landfill.

40CFR 60-WWW.755 (b)

This condition sets forth the compliance provisions for the collection system. The system must be installed within 60 days after the date on which solid waste has been in place for a period of 5 years for an active cell or section or 2 years for a closed cell or section.

40CFR 60-WWW.755 (c)

This condition sets forth the procedures to be used to determine compliance with the surface methane operational standard. The perimeter and surface area of the landfill are monitored for methane concentrations. If the concentration is 500 parts per million above background, corrective action must be taken.

40CFR 60-WWW.755 (d)

This condition sets forth the instrumentation specifications and procedures for determining the surface methane concentration.

40CFR 60-WWW.755 (e)

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

40CFR 60-WWW.756 (a)

This condition sets forth the monitoring requirements for an active gas collection system. Landfill gas temperature, pressure and oxygen or nitrogen content must be monitored.

40CFR 60-WWW.756 (b)

This condition sets forth the monitoring requirements for an enclosed combustor used to control landfill gas. Flow rate and temperature must be monitored.

40CFR 60-WWW.756 (f)

This condition requires that monitoring of surface methane concentrations be done according to the requirements of 40 CFR 60.755(d).

40CFR 60-WWW.757 (d)

This condition requires that each owner or operator of a controlled landfill shall submit a closure report to the Administrator 30 days after the landfill stops accepting waste.

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40CFR 60-WWW.757 (e)

This condition requires that each owner or operator of a controlled landfill submit an equipment removal report to the EPA Administrator 30 days prior to removal or cessation of operation of the control equipment

40CFR 60-WWW.757 (g)

This condition sets forth the required information to be included in the initial performance test report (i.e., stack test) for the control system at an MSW landfill.

40CFR 60-WWW.758 (a)

This condition requires that 5 years if up-to-date records be kept of the current amount of waste in place at the landfill.

40CFR 60-WWW.758 (b)

This condition specifies the records to be kept regarding the control equipment at the landfill.

40CFR 60-WWW.758 (c)

This condition requires each owner or operator of a controlled landfill to keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in 40 CFR Part 60.756 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

40CFR 60-WWW.758 (d)

This condition requires each owner or operator to keep, for the life of the collection system, an up-to-date, readily accessible plot map showing each existing and planned collector (eg. well) in the system and providing a unique identification location label for each collector.

40CFR 60-WWW.758 (e)

This condition requires each owner or operator to keep for at least 5 years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards in 40 CFR Part 60.753, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance

40CFR 60-WWW.759 (a)

This condition provides the specifications for the construction and installation of the active collection system.

40CFR 60-WWW.759 (c)

This condition provides the specifications for the construction and installation of the active collection system

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

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disturbance of the asbestos containing waste.

40CFR 63-AAAA.1955 (b)

This condition requires the owner or operator of the landfill to prepare and implement a Startup, Shutdown, Malfunction (SSM) plan for the control device used at the landfill to control the landfill gas. The plan must describe the procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction; a program of corrective action for malfunctioning process; and air pollution control and monitoring equipment used to comply with this standard.

40CFR 63-AAAA.1980 (a)

This regulation requires the owner or operator of the landfill to submit a report, on a semiannual basis of the following:

- any time the monitoring of wellhead parameters showed exceedances of temperature, pressure or nitrogen and oxygen content
- description and duration of any gas diversion from the control device
- description and duration when the control device was not operating for more than 1 hour
- all periods when the collection system was not operating for 5 days or more
- location of each exceedance of the 500 ppm standard for surface methane
- date of installation and location of any additional wells for the collection system.

6NYCRR 201-3.2 (b)

The owner and/or operator of any emission source or unit that is eligible to be exempt on the basis of the use of appropriate emission control devices shall operate and maintain such devices in a manner consistent with good engineering practices. Failure to do so constitutes a violation of this Part.

6NYCRR 201-3.3 (b)

The owner and/or operator of any emission source or unit that is eligible to be considered as a trivial source on the basis of the use of appropriate emission control devices shall operate and maintain such devices in a manner consistent with good engineering practices. Failure to do so constitutes a violation of this Part.

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 202-1.2

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

6NYCRR 202-1.3 (a)

This regulation requires that any emission testing, sampling and analytical determination used to

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determine compliance must use methods acceptable to the department. Acceptable test methods may include but are not limited to the reference methods found in 40 CFR Part 60 appendix A and Part 61, appendix B. In addition, unless otherwise specified, all emission test reports must be submitted within 60 days after completion of testing.

6NYCRR 202-2.3

This rule specifies the information to be included in a required emission statement.

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 212.6 (a)

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

6NYCRR 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.

6NYCRR 227-2.3 (c)

6NYCRR Part 227-2.3(c) is required for facilities that are a major source of oxides of nitrogen. The facility is required to have an operating plan that includes a summary of the applicable standards and requirements of this subpart and how this facility will comply. The plan must include descriptions of the items found in 227-2.3(c)(2)(i) through (vii).

6NYCRR 227-2.4 (f) (2) (iii)

This regulation sets the NOx emission limit for lean burn engines firing landfill or digester gas that provide electrical generation for peak shaving. The limit, which applies to engines listed at 200 horsepower for those in the severe ozone non-attainment area and 400 horsepower for the rest of the state, is 2.0 grams of NOx per brake horsepower-hour effective April 1, 2005.

6NYCRR 227-2.6 (c)

6NYCRR Part 227-2.6(c) requires emissions testing for facilities that are a major source of oxides of nitrogen. The facility must submit a compliance test protocol to the Department for approval at least 30 days prior to emission testing. For stationary internal combustion engines, the facility must utilize Method 7, 7E, or 19 from 40 CFR Part 60, Appendix A or another reference method approved by the Department. The facility must also submit a compliance test report containing the results of the emission test to the Department no later than 60 days after completion of the emission test.

Non Applicability Analysis

List of non-applicable rules and regulations:

Location	Short Description	Regulation
Facility/EU/EP/Process/ES		

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Basis for Monitoring

NYCRR Part 201-6.5(c)(3)(ii): Sets monitoring and excess emission reporting requirements.

6NYCRR Part 201-6.5(e): Sets compliance reporting requirements.

6NYCRR Part 201-6.5(f): Sets operational flexibility requirements.

6NYCRR Part 202-2.1: Sets emission statement reporting deadline.

6NYCRR Part 227-1.3(a): Sets monitoring and reporting requirements for prohibiting 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. This condition requires the facility to perform visual observations of opacity on the engine exhausts and crankcase breather vents during business days. If there is a problem, the facility may be required to do a Method 9. Corrective action must be documented.

40CFR 60-A: Sets general requirements for monitoring, record keeping, reporting for operations subject to the federal New Source Performance Standards (NSPS).

40CFR 60 Subpart WWW: Sets forth requirements for facilities (record keeping, monitoring of process parameters, NMOC testing) in order to show compliance with this NSPS.

40CFR 63, NESHAP Subpart AAAA: Sets forth requirements for the development and implementation of a written startup, shutdown, and malfunction (SSM) plan and its requirements. Also, sets forth reporting requirements for semiannual reports and the information needed in such reports to show compliance with 40CFR 60.752(b)(2).

6NYCRR Part 212.6(a): This condition requires the facility to perform visual observations of opacity on

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Permit Review Report

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the flares during business days. If there is a problem, the facility may be required to do a Method 9. Corrective action must be documented.

6NYCRR Part 227-2.3(c): This condition requires the facility to submit a NOx RACT operating plan for approval to the Department and to comply with the plan once it is approved

6NYCRR Part 227-2.4(f)(2)(iii): These conditions require the facility to perform instantaneous NOx testing of the engine exhaust to ensure the facility is meeting the 2.0 grams per brake horsepower hour standard. Additionally, the facility will measure the oxygen levels in the exhaust on a monthly basis to confirm that the engine is operating properly and staying within the 2.0 grams per brake horsepower hour limit.

6NYCRR Part 227-2.6(c): These conditions require that the facility perform a stack test on each engine type, once after permit issuance and prior to permit renewal.

40CFR60-WWW.758(c): These conditions require that the facility maintain their 3-hour block average flare combustion temperature to no less than 28 degrees Celsius below the average temperature at which the facility performed their stack test in order to show compliance with 40CFR60-WWW.752(b)(2)(iii). An exceedance is determined to be all 3-hour periods of operation during which the average combustion temperature was more than 28 degrees Celsius below the average combustion temperature during the most recent performance test at which compliance with 40CFR60.752(b)(2)(iii) was determined.