

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 9-0636-00006/00017**

**5/21/02 09:53:07**



**Facility Identification Data**

Name: CHAUTAUQUA COUNTY LANDFILL  
Address: 3889 TOWERVILLE RD, JAMESTOWN  
City: ELLERY CENTER  
Zip: 14701

**Owner/Firm**

Name: CHAUTAUQUA COUNTY  
City: MAYVILLE  
State: NY Country: USA Zip: 14757  
Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:  
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Division of Air Resources:  
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Phone: 7169854785

**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)(2) 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 separate document and is not itself an enforceable term and condition of the permit.

**Summary Description of Proposed Project**

Chautauqua County, New York owns and operates the Chautauqua County Landfill, an existing solid waste landfill located in the Town of Ellery, New York. The facility was opened in 1981 and has total design capacity of 5.9 million megagrams (MG). The facility is an existing facility for the purpose of 6 NYCRR Part 208. A Title V permit is required for the Chautauqua County Landfill because the facility's design capacity exceeds the 2.5 million megagram threshold for Title V permits under paragraph 208.3(b). This application is being submitted to comply with the Title V permit requirement.

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-0636-00006/00017

5/21/02 09:53:07



Attainment Status

CHAUTAUQUA COUNTY LANDFILL is located in the town of ELLERY in the county of CHAUTAUQUA.

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

Chautauqua County, New York owns and operates the Chautauqua County Landfill, an existing solid waste landfill located on a 790 acre parcel in the Town of Ellery, New York. The facility was opened in 1981 and has total design capacity of 5.9 million megagrams (MG). The total landfill footprint is 83.5 acres: 33 acres are active, 43.5 acres are closed and have received final cover, and an additional 7-acre landfill cell will begin construction at a later date. The facility is an existing facility for the purpose of applicability of 6NYCRR Part 208, "Landfill Gas Collection and Control Systems for Certain Municipal Solid Waste Landfills".

The landfill currently emits less than 50 megagrams per year of nonmethane organic compounds (NMOC); therefore, Part 208 does not require a landfill gas capture and control system. Part 208 and this permit do, however, require the facility to monitor the quantity of solid waste disposed at the landfill annually and either monitor or estimate (based on annual solid waste disposal ) annual NMOC emissions. If emissions of NMOC reach 50 megagrams per year, the facility will be required to design, install, operate and maintain a gas collection and control system according to the requirements of Part 208. The facility is in the process of installing an open candlestick flare to control odors and meet the requirements

# New York State Department of Environmental Conservation

## Permit Review Report

Permit ID: 9-0636-00006/00017

5/21/02 09:53:07



of 6NYCRR Part 212.

### Permit Structure and Description of Operations

The Title V permit for CHAUTAUQUA COUNTY 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.

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

Emission unit 1LFGAS - 1-LFGAS consists of the landfill area that generates landfill gas (LFG), an active gas collection system, and an open flare to combust the LFG. The gas collection system covers 61.5 acres and consists of several landfill gas extraction sources, including 40 vertical wells, 9 horizontal trenches, and 14 leachate collection system cleanouts. The active gas collection system covers all landfill cells where waste has reached an age of two or more years.

1-LFGAS has a single emission point, the open flare designated as FL001.

Three emission sources/controls generate emissions:

LFGCS - the landfill gas collection system

F1200 - the 1,200 scfm open flare

LNDFL - the existing landfill

The following two processes are also used to define 1-LFGAS: GAS, which is the collection and

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 9-0636-00006/00017**

**5/21/02 09:53:07**



combustion of LFG; and FUG, which includes fugitive emissions of LFG, beyond the collection efficiency of the landfill gas collection system.

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

FL001

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

Process: FUGFUGITIVE LANDFILL GAS EMISSIONS (BEYOND THE COLLECTION EFFICIENCY OF THE GAS COLLECTION SYSTEM). BASED ON THE ATTACHED CALCULATIONS, APPROXIMATELY 63% OF THE LANDFILL GAS IS NOT COLLECTED.

Process: GASLandfill gas is collected from an active solid waste landfill and combusted in a 1,200 cfm open flare.

Emission unit 01MISC - 0-1MISC includes emissions from various miscellaneous exempt and trivial activities that are carried out at the site in support of landfill operations. These activities include building furnaces, domestic hot water tanks, backup generators, gasoline and diesel storage tanks and dispensing equipment, leachate storage and transfer facilities, a small parts cleaner, and passive vents for paint and flammable storage lockers.

Dust emissions from landfill operations are included in this Emission Unit.

**Title V/Major Source Status**

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

This facility is currently not a major source for VOC. Its emissions are below 50 tons per year. However, A Title V permit is required because the landfill capacity exceeds Part 208 threshold of 2.5 million megagrams (2.5 million cubic meters)

**Program Applicability**

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

<b>Regulatory Program</b>	<b>Applicability</b>
PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	NO
NSPS	NO

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 9-0636-00006/00017**

**5/21/02 09:53:07**



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.

**New York State Department of Environmental Conservation**



**Permit Review Report**

**Permit ID: 9-0636-00006/00017**

**5/21/02 09:53:07**

**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.

<b>SIC Code</b>	<b>Description</b>
1499	NONMETALLIC MINERALS, NEC
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.

<b>SCC Code</b>	<b>Description</b>
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

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



Permit ID: 9-0636-00006/00017

5/21/02 09:53:07

**Facility Emissions Summary**

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

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
000630-08-0	CARBON MONOXIDE	>= 50	tpy but < 100 tpy
0NY100-00-0	HAP	>= 2.5	tpy but < 10 tpy
0NY998-20-0	NMOC - LANDFILL USE ONLY	>= 10	tpy but < 25 tpy
0NY210-00-0	OXIDES OF NITROGEN	>= 2.5	tpy but < 10 tpy
0NY075-00-0	PARTICULATES	>= 25	tpy but < 40 tpy
0NY075-00-5	PM-10	>= 10	tpy but < 25 tpy
007446-09-5	SULFUR DIOXIDE	> 0	but < 2.5 tpy
0NY998-00-0	VOC	>= 10	tpy but < 25 tpy

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**Item A:**

**Sealing - 6NYCRR Part 200.5**

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation. Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

No person shall operate any air contamination source sealed by the Commissioner in accordance with this section unless a modification has

**New York State Department of Environmental Conservation**

**Permit Review Report**

Permit ID: 9-0636-00006/00017

5/21/02 09:53:07



been made which enables such source to comply with all requirements applicable to such modification.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Item C: Maintenance of Equipment - 6NYCRR Part 200.7**

f0 Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

**Item D: Unpermitted Emission Sources - 6NYCRR Part 201-1.2**

If an existing emission source was subject to the permitting requirements of 6NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

**Item E: Emergency Defense - 6NYCRR Part 201-1.5**

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 9-0636-00006/00017**

**5/21/02 09:53:07**



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 F: Recycling and Salvage - 6NYCRR Part 201-1.7**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

**Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6NYCRR Part 201-1.8**

No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Item H: 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.

**New York State Department of Environmental Conservation**

**Permit Review Report**

Permit ID: 9-0636-00006/00017

5/21/02 09:53:07



**Item I: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR Part 201-3.2(a)**

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item J: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)**

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item K: 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 L: 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 M: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)**

**New York State Department of Environmental Conservation**

**Permit Review Report**

Permit ID: 9-0636-00006/00017

5/21/02 09:53:07



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 N: 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 O: Providing Information Upon Request - 6 NYCRR Part 201-6.5(a)(4)**

The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The permittee shall also, on request, furnish the Department with copies of records required to be kept by the permit. Where information is claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

**Item P: 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 Q: 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 R: Fees - 6 NYCRR Part 201-6.5(a)(7)**

The owner and/or operator of a stationary source shall pay fees to the department consistent with the fee schedule authorized by 6 NYCRR Subpart 482-2.

**Item S: Right to Inspect - 6 NYCRR Part 201-6.5(a)(8)**

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 9-0636-00006/00017**

**5/21/02 09:53:07**



Upon presentation of credentials and other documents, as may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

- i. Enter upon the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- iii. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Item T: 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 U: Progress Reports and Compliance Schedules - 6 NYCRR Part 201-6.5(d)(5)**

Progress reports consistent with an applicable schedule of compliance must be submitted at least semiannually on a calendar year basis, or at a more frequent period if specified in the applicable requirement or by the Department elsewhere in this permit. These reports shall be submitted to the Department within 30 days after the end of a reporting period. Such progress reports shall contain the following:

- i. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- ii. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

**Item V: Off Permit Changes - 6 NYCRR Part 201-6.5(f)(6)**

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 9-0636-00006/00017**

**5/21/02 09:53:07**



not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provisions of Title I of the Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the Administrator and the Department with written notification in advance of the proposed changes within a minimum of 7 days as required by 6 NYCRR §201-6.5(f)(6).

**Item W: 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.

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 9-0636-00006/00017**

**5/21/02 09:53:07**



**Item X: 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 Y: Required Emission Tests - 6 NYCRR Part 202-1.1**

An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 9-0636-00006/00017**

**5/21/02 09:53:07**



or deny an operating permit. Notification and acceptable procedures are specified in 6NYCRR Part 202-1.

- Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3**  
Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.
- Item AA: Open Fires - 6 NYCRR Part 215**  
No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, rubbish for salvage, or rubbish generated by industrial or commercial activities.
- Item BB: 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 CC: 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 -**

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-0636-00006/00017

5/21/02 09:53:07



**6 NYCRR Part 201-5**

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

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

**Regulatory Analysis**

Location Facility/EU/EP/Process/ES	Regulation	Short Description	Condition
FACILITY	40CFR 82-F.	Protection of Stratospheric Ozone - recycling and emissions reduction	39
FACILITY	6NYCRR 200.1	Definitions.	1
FACILITY	6NYCRR 200.5	Sealing.	2
FACILITY	6NYCRR 200.6	Acceptable ambient air quality.	3
FACILITY	6NYCRR 200.7	Maintenance of equipment.	4
FACILITY	6NYCRR 201-1.10(b)	Permitting - public access to records kept for Title V permitting	9
FACILITY	6NYCRR 201-1.2	Permitting - unpermitted emission sources	5
FACILITY	6NYCRR 201-1.4	Unavoidable noncompliance and violations	42
FACILITY	6NYCRR 201-1.5	Emergency defense	6
FACILITY	6NYCRR 201-1.7	Recycling and Salvage	7
FACILITY	6NYCRR 201-1.8	Prohibition of reintroduction of collected contaminants to the air	8
FACILITY	6NYCRR 201-3.2(a)	Exempt Activities - Proof of eligibility	10
FACILITY	6NYCRR 201-3.3(a)	Trivial Activities - proof of eligibility	11
FACILITY	6NYCRR 201-5.	State Facility Permit General Provisions	43, 44
FACILITY	6NYCRR 201-5.3(b)	Permit Content and Terms of Issuance - permit conditions	45

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-0636-00006/00017

5/21/02 09:53:07



FACILITY	6NYCRR 201-6.	Title V Permits and the Associated Permit Conditions	24, 40, 41, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23
FACILITY	6NYCRR 201-6.5(c)(3)(ii)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	25
FACILITY	6NYCRR 201-6.5(e)	Compliance Certification	26
FACILITY	6NYCRR 201-6.5(g)	Permit shield	27
FACILITY	6NYCRR 202-1.1	Required emissions tests.	28
FACILITY	6NYCRR 202-2.1	Emission Statements - Applicability	29
FACILITY	6NYCRR 202-2.5	Emission Statements - record keeping requirements.	30
FACILITY	6NYCRR 208.3(b)(1)	Standards for air emissions from MSW landfills	31
FACILITY	6NYCRR 208.5(a)(1)(i)	Test Methods and Procedures-NMOC calculation (known waste deposition)	33, 32
FACILITY	6NYCRR 208.5(a)(3)	Test methods and procedures	34
FACILITY	6NYCRR 208.8(b)	Reporting Requirements	35
FACILITY	6NYCRR 208.9(a)	Recordkeeping Requirements	36
0 FACILITY	6NYCRR 211.2	General Prohibitions - air pollution prohibited.	46
FACILITY	6NYCRR 211.3	General Prohibitions - visible emissions limited	37
1-LFGAS/FL001/GAS/F1200	6NYCRR 212.4	General Process Emission Sources - emissions from new sources and/or modifications	48, 49, 50, 51, 52
FACILITY	6NYCRR 215.	Open Fires	38
FACILITY	6NYCRR 215.2(b)	Open fires at landfills	47

**Applicability Discussion:**

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

6NYCRR Part 200-.5

Allows for the sealing of non-compliant air contamination sources

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

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

**Permit ID: 9-0636-00006/00017**

**5/21/02 09:53:07**



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 201-1.2

Any existing emission source that is required to be permitted or registered but has not done so, must apply for the necessary permit or registration. The source is subject to all regulations that were applicable at the time the original permit or registration was required as well as any subsequent applicable requirements that came into effect since.

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 201-1.5

An enforcement action may be avoided if the facility can demonstrate that an emergency situation occurred which resulted in an emission limitation or permit violation. The following information would constitute evidence of an emergency situation: a properly signed operating log recorded during the actual event which; identifies the cause(s) of the emergency, indicates that all equipment was operating properly at the time, the person responsible took all reasonable steps to minimize the exceedance or violation, and that the department was notified of the emergency within 2 working days of the event.

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 contaminants to the air

6NYCRR Part 201-1.10(b)

Any permit application, compliance plan, permit, and monitoring and compliance certification report that is submitted as part of the Title V permit process must be made available to the public as per requirements set forth under 6 NYCRR Part 616 - Public Access to Records and section 114(c) of the Clean Air Act Amendments of 1990.

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

## New York State Department of Environmental Conservation

### Permit Review Report

Permit ID: 9-0636-00006/00017

5/21/02 09:53:07



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 201-5

General Provisions - this requirement applies to those permit terms and conditions which are not federally enforceable; specifies that permittees must maintain emission units and control devices in compliance with all rules; authorizes reasonable access for inspections for department representatives; requires that on-site monitoring recordkeeping be made available for review for at least 5 years.

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

#### 6NYCRR Part 201-5.3(b)

Lists those contaminants subject to contaminant specific requirements

#### 6NYCRR Part 201-6

General provisions for Title V permits including:

Applicable Criteria, Limits, Terms, Conditions and Standards - requires that facility operations take place in accordance with approved criteria, emission limits, terms, conditions and standards as specified in the permit and that any documents required by the federally enforceable portion of the permit be certified by a responsible official

Cessation or Reduction of Permitted Activity Not a Defense - specifies that the cessation or reduction of a permitted activity to maintain compliance is not a defense in an enforcement action

Compliance Requirements - lists the information that must be included in any required compliance monitoring records and reports; and requires; compliance with any approved compliance schedule; the submittal of risk management plans as per 112(r) of the Act if necessary; and the submittal of compliance progress reports on a semiannual basis, at a minimum

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

**Permit ID: 9-0636-00006/00017**

**5/21/02 09:53:07**



Federally-Enforceable Requirements - specifies what permit terms and conditions, in general, are federally enforceable

Fees - requires the permittee to pay any required fees

Monitoring, Related Recordkeeping and Reporting Requirements - requires all compliance monitoring and recordkeeping to be conducted according to the terms and conditions of the permit and any Q/A requirements; any monitoring or support information is to be retained for minimum of 5 years.

Permit Revocation, Modification, Reopening, Reissuance or Termination and Associated Information Submission Requirements - specifies that the permit may be modified, revoked, reopened and reissued, or terminated for cause; and the permittee must furnish information regarding the permit to the department upon reasonable request

Permit Shield - sets forth criteria under which the permit shield applies and what authority the department maintains in pursuing violations

Property Rights - specifies that the permit does not convey any property rights

Reopening Cause - sets forth criteria and procedures for reopening a permit

Right to Inspect - establishes authority whereby department representatives may enter and inspect a facility

ardSeverability - establishes that the permit continues to be valid in instances where any provisions, parts or conditions of the permit are found to be invalid or are the subject of a challenge

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 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

Specifies that emissions tests may be required to ascertain compliance with any air pollution codes and rules.

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.

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 9-0636-00006/00017**

**5/21/02 09:53:07**



6NYCRR Part 202-2.5

Specifies the emission statement records that must be maintained for a 5 year period.

6NYCRR Part 211-.2

General air pollution prohibition

6 NYCRR Part 211.3

Restricts the opacity of visible emissions from any air contamination source.

6 NYCRR Part 215

Prohibits open fires at industrial and commercial sites.

40 CFR Part 82, Subpart F

Requires affected permittees to comply with the recycling and emissions reduction standards specified by this rule when using ozone depleting substances identified under Title VI of the Act. Specifically, these regulations apply to the following persons or activities:

- a. Persons opening appliances for maintenance, service, repair, or disposal
- b. Equipment used during the maintenance, service, repair, or disposal of appliances
- c. Persons performing maintenance, service, repair, or disposal of appliances
- d. Persons disposing of small appliances, motor vehicle air conditioners or MVAC's, and MVAC-like appliances
- e. Persons owning commercial or industrial process refrigeration equipment
- f. Owners/operators of appliances normally containing 50 or more pounds.

If applicable, the above persons or activities may be required to comply with certain disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

**Facility Specific Requirements**

In addition to Title V, CHAUTAUQUA COUNTY LANDFILL has been determined to be subject to the following regulations:

6NYCRR 200 .1

This section contains a definition of terms referred to throughout New York's entire codes, rules and regulations.

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

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 9-0636-00006/00017**

**5/21/02 09:53:07**



probable cause of such deviations, and any corrective actions or preventive measures taken.

6NYCRR 208.3 (b) (1)

This regulation requires owners or operators of MSW landfills with non-methane organic compound (NMOC) emission rates less than 50 megagrams per year to recalculate their NMOC emission rate annually and submit a report to the Department of their NMOC emission rate annually.

6NYCRR 208.5 (a) (1) (i)

This condition contains the equation to be used to determine the emission rate of non-methane organic carbon from the landfill if the annual waste deposition rate is known

6NYCRR 208.5 (a) (3)

This regulation sets forth the requirements the owner or operator of a MSW landfill must follow to determine the non-methane organic compound (NMOC) emission rate using the site specific concentration of NMOC in the equation.

6NYCRR 208.8 (b)

This regulation sets forth the requirements for the NMOC emission rate report.

6NYCRR 208.9 (a)

This condition requires the owner or operator of an MSW landfill subject to the provisions of 6 NYCRR Part 208.3(b) to keep for at least 7 years up-to-date, readily accessible, on-site records of the maximum design capacity report which triggered 6 NYCRR Part 208.3(b), the current amount of solid waste in place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

6NYCRR 212.4

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 215.2 (b)

This regulation prohibits open fires at municipal solid waste landfills.

**Compliance Certification**

Summary of monitoring activities at CHAUTAUQUA COUNTY LANDFILL:

<b>Location Facility/EU/EP/Process/ES</b>	<b>Type of Monitoring</b>	<b>Cond No.</b>
FACILITY	record keeping/maintenance procedures	25
FACILITY	record keeping/maintenance procedures	26
FACILITY	record keeping/maintenance procedures	29
FACILITY	record keeping/maintenance procedures	33
FACILITY	intermittent emission testing	34
FACILITY	record keeping/maintenance procedures	35
FACILITY	record keeping/maintenance procedures	36
1-LFGAS/FL001/GAS/F1200	intermittent emission testing	48
1-LFGAS/FL001/GAS/F1200	record keeping/maintenance procedures	49
1-LFGAS/FL001/GAS/F1200	intermittent emission testing	50

# New York State Department of Environmental Conservation

## Permit Review Report

Permit ID: 9-0636-00006/00017

5/21/02 09:53:07



1-LFGAS/FL001/GAS/F1200	record keeping/maintenance procedures	51
1-LFGAS/FL001/GAS/F1200	record keeping/maintenance procedures	52

### Basis for Monitoring

1.) As described in monitoring conditions in this permit, under Part 208 the facility is required to monitor NMOC emissions on an annual basis. The site-specific NMOC concentration must be retested during the 2003 calendar year according to the schedule contained in the permit. The facility is expected to use an alternative Tier 2 equivalent method of monitoring NMOC concentration, sampling the NMOC concentration in the header of the landfill gas collection system rather than installing and taking samples from multiple sample probes. The permit conditions also require that a demonstration is made prior to sampling that samples taken from the gas collection system are as representative of the landfill as the original Tier 2 sampling probe method. This information will be used with LandGEM, USEPA's Landfill Gas Emission Model, to determine the landfill NMOC generation rate. The rule allows the projection of landfill gas generation rate making adjustment where the waste disposal rate for any year is unknown. If emissions of NMOC's reach 50 megagrams per year, the facility is required by Part 208 to design, install, operate and maintain a gas collection and control system.

2.) The facility has already started construction of a gas collection and control system. This initially was driven by the need to control landfill odors and comply with the solid waste landfill rule, 6NYCRR Part 360. However, by capturing NMOC emissions which contain hazardous air pollutants (HAPs) the facility is required to install a landfill gas control system under Part 212. The facility has elected to install an open "candlestick" flare to accomplish the needed control.