

**Division of Air Resources  
Permit Review Report**

**Permit ID: 8-0728-00004/00017**

**Renewal Number: 4**

**07/19/2021**

**Facility Identification Data**

Name: CHEMUNG COUNTY LANDFILL

Address: 1488 CO RTE 60

ELMIRA, NY 14901

**Owner/Firm**

Name: CHEMUNG COUNTY

Address: PO BOX 588

ELMIRA, NY 14902-0588, USA

Owner Classification: Municipal

**Permit Contacts**

Division of Environmental Permits:

Name: KIMBERLY A MERCHANT

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AVON, NY 14414-9519

Phone:5852262466

Division of Air Resources:

Name: MICHELE A KHARROUBI

Address: NYSDEC - REGION 8

6274 E AVON LIMA RD

AVON, NY 14414

Air Permitting Facility Owner Contact:

Name: CHRISTOPHER MOSS

Address: CHEMUNG COUNTY

JOHN H HAZLIT BLDG 203 LAKE ST

ELMIRA, NY 14901

Phone:6077372912

**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 also incorporates a previous minor modification for the removal of one flare and replaces that flare with an open flare.

**Attainment Status**

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CHEMUNG COUNTY LANDFILL is located in the town of CHEMUNG in the county of CHEMUNG. 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*	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 Chemung County Landfill is a municipal solid waste landfill accepting non-hazardous solid municipal, commercial, industrial, and construction and demolition waste. It is comprised of two closed MSW landfills (Area 3 and Area 5), and one active MSW landfill (Cells 1-V). A closed and separately permitted active C&D Landfill are also located onsite. Collected landfill gas is controlled through the operation of onsite flares. The facility has leachate storage onsite as well as operates minor exempt and trivial emission sources.

**Permit Structure and Description of Operations**

The Title V permit for CHEMUNG 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.

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

Emission unit 1CHMNG - This unit consists of landfilled waste from active and closed MSW and C&D landfill areas generating landfill gas and flares used to combust gas from the landfill. Landfill gas generated from C&D waste is minimal and considered trivial. Landfill gas will also be released as fugitive emissions from the landfill. Volatiles in leachate generated from the landfill areas may also be released as fugitive emissions from the leachate storage lagoon.

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

EP001, EP002, EP003, EP004, EP005, EP006, EP007, EP008, FLARE, LFG01, LFG02

Process: FLR This process consists of the flaring of landfill gas generated by the decomposition of landfilled waste.

Process: LDF Fugitive emissions passively vented from the closed and active municipal solid waste landfills and the leachate holding pond.

**Title V/Major Source Status**

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

Chemung County Landfill is subject to Title V requirements. The facility is an existing landfill with a design capacity greater than 2.5 million megagrams by mass or 2.5 million cubic meters by volume. The facility was previously subject to 40CFR60 Subpart WWW. Based on criteria established in 40CFR60.760(a), the provisions of 40 CFR 60 Subpart XXX apply to each municipal landfill that commenced construction, reconstruction, or modification after July 17, 2014. Chemung County Landfill commenced modification of the permitted landfill by expansion (increase in the permitted volume design capacity), for which a Title V Air Permit was issued June 2, 2016, thereby subjecting the facility to the requirements of Subpart XXX. The facility submitted a Notice of Applicability to the Department in November 2016 in accordance with the regulation, and the facility has been operating in accordance with the applicable conditions of the regulation. This renewal replaces Subpart WWW and adds the applicable Subpart XXX conditions to the facility TV permit.

NSPS Subpart XXX changes the regulatory threshold from 50 Mg/yr NMOC to 34 Mg/yr NMOC. The NMOC emission rate from the Chemung County Landfill is currently less than 34 Mg/yr. Based on the current LandGEM model, the emission rate of NMOC will peak at approximately 15.6 Mg/yr. The facility is required to report the NMOC emission rate annually, and test for site specific NMOC concentration using the Tier 2 procedures every 5 years.

As part of this permit renewal application, the facility is removing flare "EXPFL" from the TV permit, which was never installed at the facility. The facility is adding a future open flare up to 3000 scfm in design capacity. This flare will be used as the primary destruction device once its capacity is needed. The existing flare control equipment 01LFG (793 scfm capacity) and FLR01 (1200 scfm capacity) will be maintained as supplemental backup control equipment capacity only as needed.

The active landfill gas collection system consists of vertical gas wells, horizontal gas collectors, and leachate collection piping connected to the landfill gas system. The gas collection and control system (GCCS) is designed and constructed to capture landfill gas, and is operated to maximize the collection of landfill gas. Although not yet subject to the requirements of NSPS Subpart XXX to install and operate a GCCS, the current system is designed and expanded regularly to meet the requirements of a Subpart XXX

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GCCS, operated currently on a voluntary basis for the purpose of odor control and as required by the Department to control fugitive emissions under 6 NYCRR Part 212.

The facility is an existing minor source for oxides of nitrogen (NO<sub>x</sub>) and carbon monoxide (CO) and other New Source Review criteria pollutants. The previous expansion was not subject to PSD or BACT requirements as the expansion was major for only greenhouse gases (GHGs). This was based on the ruling by the USEPA and the NYSDEC's October 15, 2014 memorandum entitled "Enforcement Discretion for State GHG Tailoring Rule Provisions."

Noted is that the facility's total quantity of LFG collected and LFG fugitively emitted used in the potential to emit calculations exceeds the total LFG generation rate. This provides a conservative estimate for future potential landfill gas generation and collection efficiencies; however, this does not represent predicted actual emissions. Actual facility emissions will be reported annually as required by the permit.

Potential GHG emissions from anthropogenic greenhouse gas emissions from fugitive methane is less than the major source threshold of 100,000 tons of CO<sub>2</sub>e per year. When biogenic emissions are included in the PTE inventory, the facility has the potential to exceed 100,000 tons of CO<sub>2</sub>e per year, however, the facility is an existing facility which is not subject to the major PSD requirements. Therefore, additional review or control is not required at this time.

The facility has the potential to emit several HTACs, which can be constituents found in landfill gas and potentially be emitted through the fugitive release of uncollected landfill gas. 6NYCRR Part 212 excludes combustion sources. The PTE of each HTAC is less than the Table 2 Mass Emission Limit (Table 2 of Part 212-2.2). Therefore, no additional Part 212 assessment was required. The PTE emission totals were compared to the HTAC limits for the purpose of this renewal. Actual emissions will be less than the PTE emissions.

The facility is implementing gas collection and control to mitigate any potential significant adverse environmental impacts resulting from the emission of GHGs to the max extent possible.

The TV permit does not contain caps for any contaminant. Potential emissions of carbon dioxide are less than 250 tpy. The facility is major for GHGs if biogenic GHG emissions are included. The facility is also minor for oxides of nitrogen (less than 100 tpy NO<sub>x</sub>) and volatile organic compounds (less than 50 tpy VOCs). SO<sub>x</sub> emissions are calculated using site specific sulfur data and are less than 250 tpy.

Since this is a renewal with no major modification a CLCPA Assessment is not currently required. If the facility were to expand in the future the facility should use the IPCC 20-year Global Warming Potential (GWP) numbers to calculate CO<sub>2</sub>e.

Additionally, the facility has submitted a concentration of 525 ppm of hydrogen sulfide in the landfill gas. The calculated emission rate of 2.19 lb/hr of hydrogen sulfide was used in a screen analysis to determine that the facility is not exceeding the ambient air standard for hydrogen sulfide in 6NYCRR Part 257-10.

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**Program Applicability**

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

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

**NOTES:**

**PSD** Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - 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 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

**NESHAP** National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

**MACT** Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

**NSPS** New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of

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performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

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

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212-3, 220-1.6, 220-1.7, 220-2.3, 220-2.4, 226, 227-2, 228, 229, 230, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

**Compliance Status**

Facility is in compliance with all requirements.

**SIC Codes**

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

**SIC Code**

**Description**

4953

REFUSE SYSTEMS

**SCC Codes**

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information. Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

**SCC Code**

**Description**

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5-01-004-02	SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - LANDFILL DUMP
5-01-004-10	FUGITIVE EMISSIONS SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - LANDFILL DUMP WASTE GAS DESTRUCTION: WASTE GAS FLARES

**Facility Emissions Summary**

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount 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 for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In 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.

<b>Cas No.</b>	<b>Contaminant</b>	<b>PTE lbs/yr</b>	<b>PTE tons/yr</b>	<b>Actual lbs/yr</b>	<b>Actual tons/yr</b>
000079-34-5	1,1,2,2-TETRACHLOROETHANE	13.8			
000107-06-2	1,2-DICHLOROETHANE	14			
000108-10-1	2-PENTANONE, 4-METHYL	88.3			
000071-43-2	BENZENE	89.3			
000106-46-7	BENZENE, 1,4-DICHLORO-	277.7			
000075-27-4	BROMODICHLOROMETHANE	1			
000106-97-8	BUTANE	1			
0NY750-00-0	CARBON DIOXIDE EQUIVALENTS		80517.6		
000075-15-0	CARBON DISULFIDE	28.6			
000630-08-0	CARBON MONOXIDE		187		
000056-23-5	CARBON TETRACHLORIDE	1.3			
000463-58-1	CARBONYL SULFIDE	12.9			
000108-90-7	CHLOROBENZENE	30			

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000075-45-6	CHLORODIFLUORO-METHANE	1	
000067-66-3	CHLOROFORM	2.9	
000075-71-8	DICHLORODIFLUOROMETHANE	1	
000075-09-2	DICHLOROMETHANE	339	
000067-64-1	DIMETHYL KETONE	1	
000075-18-3	DIMETHYL SULFIDE	1	
000074-84-0	ETHANE	1	
000071-55-6	ETHANE, 1,1,1-TRICHLORO	26.3	
000079-00-5	ETHANE, 1,1,2-TRICHLORO	1	
000075-34-3	ETHANE, 1,1-DICHLORO-	86.2	
000106-93-4	ETHANE, 1,2-DIBROMO	1.1	
000075-00-3	ETHANE, CHLORO	34	
000075-08-1	ETHANETHIOL	1	
000064-17-5	ETHYL ALCOHOL (ETHANOL)	1	
000100-41-4	ETHYLBENZENE	575.3	
000110-54-3	HEXANE	235.4	
007647-01-0	HYDROGEN CHLORIDE		3.8
007783-06-4	HYDROGEN SULFIDE		9.6
000067-63-0	ISOPROPYL ALCOHOL	1	
007439-97-6	MERCURY	1	
000074-82-8	METHANE		4068.8
000075-43-4	METHANE, DICHLOROFLUORO-CHCL2F	1	
000075-69-4	METHANE, TRICHLOROFLUORO-	1	
000074-93-1	METHANETHIOL	1	
000074-87-3	METHYL CHLORIDE	14.8	
0NY998-20-0	NMOC - LANDFILL USE ONLY		50
0NY210-00-0	OXIDES OF NITROGEN		34.4
0NY075-00-0	PARTICULATES		20
000109-66-0	PENTANE	1	
000127-18-4	PERCHLOROETHYLENE	232.6	
0NY075-00-5	PM-10		20
000078-87-5	PROPANE, 1,2-DICHLORO	3.1	
000107-13-1	PROPENENITRILE	2.2	
007446-09-5	SULFUR DIOXIDE		85.9
000108-88-3	TOLUENE	2751.5	
0NY100-00-0	TOTAL HAP		7.9
000079-01-6	TRICHLOROETHYLENE	105.2	



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000075-01-4	VINYL CHLORIDE	79.1	
0NY998-00-0	VOC		2.9
001330-20-7	XYLENE, M, O & P MIXT.	2069.4	

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

**Item B: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(a)(4)**

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

**Item C: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(d)(12)**

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

**Item D: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(a)(2)**

The permittee must comply with all conditions of the Title V facility permit. Any permit 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 E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(a)(3)**

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

**Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)**

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

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**Item G: Property Rights - 6 NYCRR 201-6.4(a)(6)**

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

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

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

**Item I: Permit Shield - 6 NYCRR Part 201-6.4(g)**

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

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- 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 J: Reopening for Cause - 6 NYCRR Part 201-6.4(i)**

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

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

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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 K: 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 L: 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: Emergency Defense - 6 NYCRR 201-1.5**

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

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

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- (1) An emergency occurred and that the facility owner or operator can identify the cause(s) of the emergency;
- (2) The equipment at the permitted facility causing the emergency was at the time being properly operated and maintained;
- (3) During the period of the emergency the facility owner or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (4) The facility owner or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement. item\_02

**Item B: 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**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Regulation</b>	<b>Condition</b>	<b>Short Description</b>
FACILITY	ECL 19-0301	49	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 60-A.11(d)	33	General provisions - compliance with standards and maintenance requirements
FACILITY	40CFR 60-A.12	34	General provisions - Circumvention

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FACILITY	40CFR 60-A.14	35	General provisions - Modification
FACILITY	40CFR 60-A.15	36	General provisions - Reconstruction
1-CHMNG/-/FLR	40CFR 60-A.18(e)	48	Control Device Requirements (Flares)
FACILITY	40CFR 60-A.4	27	General provisions - Address
FACILITY	40CFR 60-A.7(a)	28	Notification and Recordkeeping
FACILITY	40CFR 60-A.7(b)	29	Notification and Recordkeeping
FACILITY	40CFR 60-A.7(f)	30	Notification and Recordkeeping
FACILITY	40CFR 60-A.7(g)	31	Notification and Recordkeeping
FACILITY	40CFR 60-A.9	32	General provisions - Availability of information
FACILITY	40CFR 60-XXX.760	37	Applicability, designation of affected source, and delegation of authority.
FACILITY	40CFR 60- XXX.762(b)(1)	38	Standards for Air Emissions from Municipal Solid Waste Landfills
FACILITY	40CFR 60- XXX.762(b)(2)	39	Standards for Air Emissions from Municipal Solid Waste Landfills
FACILITY	40CFR 60- XXX.764(a)(3)	40	Test Methods and Procedures
FACILITY	40CFR 60- XXX.764(a)(4)	41	Test Methods and Procedures
FACILITY	40CFR 60-XXX.767(a)	42	Reporting Requirements
FACILITY	40CFR 60-XXX.767(b)	43	Reporting Requirements
FACILITY	40CFR 60-XXX.768(a)	44	Record Keeping Requirements
FACILITY	40CFR 61-M.154	45	Standard for active waste disposal sites
FACILITY	40CFR 68	18	Chemical accident prevention provisions
FACILITY	40CFR 82-F	19	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	50	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2(a)	13	Exempt Activities - Proof of eligibility

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FACILITY	6NYCRR 201-3.3(a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	20, 46, 47	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4(a)(4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(7)	2	General Conditions - Fees
FACILITY	6NYCRR 201-6.4(a)(8)	16	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(c)	3	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4(c)(2)	4	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4(c)(3)(ii)	5	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(d)(4)	21	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4(f)	22, 23	Operational Flexibility
FACILITY	6NYCRR 201-6.5(a)	51	State Enforceable Requirements
FACILITY	6NYCRR 202-1.1	17	Required emissions tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.2	24	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 212-1.5(g)	25	Maintain all process emission sources, including the associated air pollution control and monitoring equipment
FACILITY	6NYCRR 212-1.6(a)	26	Limiting of Opacity
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 257-5	52	Air Quality Standards - Hydrogen Sulfide
1-CHMNG	6NYCRR 257-5.3	53	Hydrogen Sulfide Standards

**Applicability Discussion:**

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

ECL 19-0301

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

6 NYCRR 200.6

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

6 NYCRR 200.7

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

6 NYCRR 201-1.4

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

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

6 NYCRR Subpart 201-6

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

6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine

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compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)

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

6 NYCRR 201-6.4 (a) (8)

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

6 NYCRR 201-6.4 (c)

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

6 NYCRR 201-6.4 (c) (2)

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

6 NYCRR 201-6.4 (c) (3) (ii)

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

6 NYCRR 201-6.4 (d) (4)

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

6 NYCRR 201-6.4 (e)

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

6 NYCRR 202-1.1

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

6 NYCRR 202-2.1

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

6 NYCRR 202-2.5



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

6 NYCRR 211.2

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

6 NYCRR 215.2

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

40 CFR Part 68

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

40 CFR Part 82, Subpart F

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

**Facility Specific Requirements**

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

40 CFR 60.11 (d)

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

40 CFR 60.12

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

40 CFR 60.14

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

40 CFR 60.15

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

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40 CFR 60.18 (e)

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

40 CFR 60.4

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).

40 CFR 60.7 (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.

40 CFR 60.7 (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.

40 CFR 60.7 (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.

40 CFR 60.7 (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.

40 CFR 60.760

The provisions of this subpart apply to each municipal solid waste landfill that commenced construction, reconstruction, or modification after July 17, 2014. Physical or operational changes made to an MSW landfill solely to comply with subparts Cc, Cf, or WWW of this part are not considered construction, reconstruction, or modification for the purposes of this section.

40 CFR 60.762 (b) (1)

This regulation specifies the NMOC calculation and reporting requirements for municipal solid waste landfills with calculated NMOC emission rates less than 34 megagrams per year.

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40 CFR 60.762 (b) (2)

This citation requires the owner or operator of a municipal solid waste landfill with a design capacity greater than 2.5 million megagrams to calculate the non-methane organic compound emission rate from the landfill or install a gas collection system.

40 CFR 60.764 (a) (3)

This regulation requires the owner or operator of a municipal solid waste landfill to determine the Non-Methane Organic Compound (NMOC) concentration of the landfill gas using specific sampling procedures.

40 CFR 60.764 (a) (4)

This regulation requires the owner or operator of a municipal waste landfill to determine the non-methane organic compound (NMOC) emission rate using certain procedures and equations.

40 CFR 60.767 (a)

This section requires the owner or operator of a municipal solid waste landfill subject to the requirements of 40 CFR 60 Subpart XXX to submit an initial design capacity report.

40 CFR 60.767 (b)

This section requires the owner or operator of a municipal solid waste landfill subject to the requirements of 40 CFR 60 Subpart XXX to submit a NMOC emission rate report that contains the specified information.

40 CFR 60.768 (a)

This section requires the owner or operator of a municipal solid waste landfill subject to the requirements of 40 CFR 60 Subpart XXX to maintain various records at the facility.

40 CFR 60.9

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.

40 CFR 61.154

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

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6 NYCRR 201-6.4 (f)

This section describes the operational flexibility protocol proposed by the facility. The protocol will allow the facility owner or operator to make certain changes at the facility without the need for a permit modification. Changes made pursuant to the protocol must be approved by the Department, and will be rolled into the permit during the next renewal or modification.

6 NYCRR 201-6.5 (a)

This subdivision states that the Department shall include state enforceable conditions in Title V permits. State enforceable conditions related to regulations developed pursuant to the Climate Leadership and Community Protection Act (CLCPA) and Article 75 of New York State Environmental Conservation Law may be included in future versions of this permit, as applicable.

6 NYCRR 212-1.5 (g)

This provision requires the facility owner or operator to operate and maintain all process emission sources, including the associated air pollution control and monitoring equipment, in a manner consistent with safety, good air pollution control practices, good engineering practices and manufacturers' recommendations for minimizing emissions.

6 NYCRR 212-1.6 (a)

This provisions requires that the facility owner or operator not cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water.

6 NYCRR 257-5.3

This requires that in any one-hour period, the average concentration of hydrogen sulfide shall not exceed 0.010 ppm (14 micrograms per cubic meter).

6 NYCRR Subpart 257-5

Hydrogen sulfide (H<sub>2</sub>S) is a colorless gas having a characteristic, disagreeable odor often described as that of rotten eggs. For the purpose of this Subpart the term hydrogen sulfide will include hydrogen sulfide and other sulfides as measured by the acceptable analytical method.

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**Compliance Certification  
Summary of monitoring activities at CHEMUNG COUNTY LANDFILL:**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Cond No.</b>	<b>Type of Monitoring</b>
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FACILITY	38	record keeping/maintenance procedures
FACILITY	39	record keeping/maintenance procedures
FACILITY	40	record keeping/maintenance procedures
FACILITY	41	record keeping/maintenance procedures
FACILITY	43	record keeping/maintenance procedures
FACILITY	44	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	23	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	25	record keeping/maintenance procedures
FACILITY	26	monitoring of process or control device parameters as surrogate
FACILITY	52	record keeping/maintenance procedures
1-CHMNG	53	ambient air monitoring
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**Basis for Monitoring**

**Part 212-1.5(g):** The facility has demonstrated that they are in compliance with Part 212. The facility must maintain the landfill to limit the amount of HTACs and non-HTACs being emitted by the fugitive emissions. This condition ensures the facility will monitor the gas collection and control system in order to maintain negative pressure on each horizontal collector and vertical well and to perform corrective action within 30 days of the initial exceedance. The facility is required to maintain records on site.

**Part 257-5:** The facility has demonstrated that they are in compliance with the ambient air standard for hydrogen sulfide. This condition requires the facility to collect and analyze a sample of the landfill gas on an annual basis and confirm that the emission rate for hydrogen sulfide will not cause an exceedance of this standard.

**40CFR60 Subpart XXX:** This facility is applicable to the requirements in this rule. Currently the facility maintains an emission rate of NMOC that is less than 34 Mg/yr and therefore are not subject to the gas collection and control requirements. They are required to perform a Tier 2 test every 5 years and submit an NMOC emission rate report annually. They also must maintain records of waste accepted and report annually and an initial design capacity report.

**Part 212-1.6(a):** This condition requires the facility to perform visible emissions observations on a daily basis while the facility is open on each flare. Emissions must remain below 20% opacity and any occurrence of visible emissions requires the

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facility to investigate the cause of it and to correct the issue.