

Facility DEC ID: 517280005

**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 5-1728-00005/00006  
Effective Date: 03/22/2024 Expiration Date: 03/21/2029

Permit Issued To: FULTON COUNTY  
COUNTY OFFICE BLDG  
223 W MAIN ST  
JOHNSTOWN, NY 12095

Contact: David Rhodes  
Fulton Co. Dept of Solid Waste Director  
847 Mud Rd  
Johnstown, NY 12095  
(518) 736-5501

Facility: FULTON COUNTY MUD RD SANITARY LANDFILL  
847 MUD RD (ST RTE 67)  
JOHNSTOWN, NY 12095

**Description:**

The Fulton County Mud Road Sanitary Landfill (facility, landfill) is an active NYSEC part 360 permitted municipal solid waste (MSW) facility that began accepting waste in 1989. The landfill consists of landfill cells A-H. The facility has a design capacity exceeding  $2.5 \times 10^6$  megagram (Mg) of solid waste, thus subjecting the facility to Title V air permitting requirements.

The landfill facility voluntarily operates a gas collection and control system (GCCS) consisting of horizontal and vertical gas extraction pipes/wells and permitted flare control devices. The facility is not required to operate the active gas collection and control system by Federal or State regulations at this time. Collected landfill gas is either controlled by these flares (one active flare and up to three passive, portable flares), or is piped to a separately owned, operated and permitted landfill gas to energy (LFGTE) facility to fuel landfill gas internal combustion (IC) engine generator sets used to generate electricity for sale on the open market.

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By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator:        BETH A MAGEE  
   NYSDEC - WARRENSBURG SUBOFFICE  
   232 GOLF COURSE RD  
   WARRENSBURG, NY 12885-1172

Authorized Signature: \_\_\_\_\_ Date: \_\_\_ / \_\_\_ / \_\_\_\_\_

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### Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

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**DEC GENERAL CONDITIONS**

\*\*\*\* General Provisions \*\*\*\*

**For the purpose of your Title V permit, the following section contains state-only enforceable terms and conditions.**

**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2.1:**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

**Item 3.2:**

The permittee must submit a renewal application at least 180 days before the expiration of permits for Title V and State Facility Permits.

**Item 3.3**

Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be

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submitted prior to actual transfer of ownership.

**Condition 4: Permit modifications, suspensions or revocations by the Department**  
**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

The Department reserves the right to exercise all available authority to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**\*\*\*\* Facility Level \*\*\*\***

**Condition 5: Submission of application for permit modification or renewal-REGION 5**  
**SUBOFFICE - WARRENSBURG**  
**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 5 Sub-office  
Division of Environmental Permits  
232 Golf Course Road  
Warrensburg, NY 12885-1172  
(518) 623-1281

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**Permit Under the Environmental Conservation Law (ECL)**

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

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COUNTY OFFICE BLDG  
223 W MAIN ST  
JOHNSTOWN, NY 12095

Facility: FULTON COUNTY MUD RD SANITARY LANDFILL  
847 MUD RD (ST RTE 67)  
JOHNSTOWN, NY 12095

Authorized Activity By Standard Industrial Classification Code:  
4953 - REFUSE SYSTEMS

Permit Effective Date: 03/22/2024

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**FEDERALLY ENFORCEABLE CONDITIONS**

Renewal 4/FINAL

\*\*\*\* Facility Level \*\*\*\*

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.

- 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 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 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 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 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

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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.

**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 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 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

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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 201-6.4 (i)**

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

i. When additional applicable requirements under the act become applicable to a title V facility with a remaining permit term of 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 the 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 section 201- 6.6 of this Subpart.

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

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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.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS  
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

**The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.**

**Condition 1: Acceptable Ambient Air Quality  
Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement: 6 NYCRR 200.6****Item 1.1:**

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

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contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Condition 2: Fees**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (7)**

**Item 2.1:**

The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0303.

**Condition 3: Recordkeeping and Reporting of Compliance Monitoring**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (c)**

**Item 3.1:**

The following information must be included in any required compliance monitoring records and reports:

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii)The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.2 of Part 201.

**Condition 4: Compliance Certification**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (c) (2)**

**Item 4.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 4.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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The owner or operator of a Title V facility must keep all records used to determine compliance with any applicable limit(s) and/or monitoring requirement(s) at the facility (or other Department approved location) for a minimum of five years.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 5: Compliance Certification**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (3) (ii)**

**Item 5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 5.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To meet the requirements of this facility permit with respect to reporting, the permittee must:

Submit reports of any required monitoring at a minimum frequency of every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

- (1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.

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(2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.

(3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.

(4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.2(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks to have a violation excused unless otherwise limited by regulation. In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the



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monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.4(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2024.  
Subsequent reports are due every 6 calendar month(s).

**Condition 6: Compliance Certification**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement: 6 NYCRR 201-6.4 (e)**

**Item 6.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

- i. Compliance certifications shall contain:
  - the identification of each term or condition of the permit that is the basis of the certification;

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- the compliance status;
- whether compliance was continuous or intermittent;
- the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
- such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions;
- and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

iv. All annual compliance certifications may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). The mailing addresses for the above referenced persons are:

Chief – Air Compliance Branch  
USEPA Region 2 DECA/ACB  
290 Broadway, 21st Floor  
New York, NY 10007

The address for the RAPCE is as follows:

Regional Air Pollution Control Engineer

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Region 5 Suboffice  
232 Golf Course Road  
Warrensburg, NY 12885-1172

The address for the BQA is as follows:

NYSDEC  
Bureau of Quality Assurance  
625 Broadway  
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2025.  
Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 202-2.1**

**Item 7.1:**  
The Compliance Certification activity will be performed for the Facility.

**Item 7.2:**  
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

Emission statements are to be electronically submitted and are required by any new or renewed Title V permits issued after January 1, 2021. The first reporting year under this provision will be the reporting year in which the permit was issued or reporting year 2025 (emission statements due in 2026), whichever is earlier.

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 0 days after the reporting period.  
The initial report is due 4/15/2025.  
Subsequent reports are due every 12 calendar month(s).

**Condition 8: Recordkeeping requirements**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 202-2.5**

**Item 8.1:**  
(a) The following records shall be maintained for at least five years:  
  
(1) a copy of each emission statement submitted to the department; and

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(2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

**Condition 9: Open Fires - Prohibitions**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement: 6 NYCRR 215.2**

**Item 9.1:**

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

**Item 9.2**

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- (h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- (i) Prescribed burns performed according to Part 194 of this Title.
- (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
- (k) Individual open fires as approved by the Director of the Division of Air Resources as may

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be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.

(l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS  
SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE**

**The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period.**

**[NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]**

**Condition 10: Maintenance of Equipment**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 10.1:**

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.

**Condition 11: Recycling and Salvage**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 201-1.7**

**Item 11.1:**

Where practical, the owner or operator of an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

**Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 201-1.8**

**Item 12.1:**

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.

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**Condition 13: Exempt Sources - Proof of Eligibility**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 201-3.2 (a)**

**Item 13.1:**

The owner or operator of an emission source or activity that is listed as being exempt may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all records necessary for demonstrating compliance with this Subpart on-site for a period of five years, and make them available to representatives of the department upon request.

**Condition 14: Trivial Sources - Proof of Eligibility**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 201-3.3 (a)**

**Item 14.1:**

The owner or operator of an emission source or activity that is listed as being trivial in this Section may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request.

**Condition 15: Requirement to Provide Information**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (4)**

**Item 15.1:**

The owner and/or operator 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. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

**Condition 16: Right to Inspect**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (8)**

**Item 16.1:**

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

- (i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

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(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 emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Condition 17: Accidental release provisions.**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:40 CFR Part 68**

**Item 17.1:**

If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
  - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
  - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center  
 C/O CSC  
 8400 Corporate Dr  
 Carrollton, Md. 20785

**Condition 18: Recycling and Emissions Reduction**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:40CFR 82, Subpart F**

**Item 18.1:**

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

**The following conditions are subject to annual compliance certification requirements for Title V permits only.**

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**Condition 19: Emission Unit Definition**

**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR Subpart 201-6**

**Item 19.1:**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 1-LFGAS

Emission Unit Description:

This emission unit consists of landfilled waste generating landfill gas by decomposition. The emission unit consists of up to two (2) active open candlestick flare and three (3) small portable, passive candlestick flares as defined emission points. Landfill gas will also be emitted as fugitive emissions, if it bypasses the landfill gas collection and control system. Landfill gas is also directed to a separately owned, operated and permitted landfill gas to energy (LFGTE) facility, where it is beneficially used as a fuel source for the generation of electricity for sale on the open market.

**Condition 20: Compliance Certification**

**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (a)**

**Item 20.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-LFGAS

**Item 20.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each Title V facility permit issued under this Part shall include all Federal emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance.

As long as the uncontrolled NMOC emission rate is less



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than 34 megagrams per year, then the operational provisions of 40 CFR 60, Subpart XXX do not apply to the facility. Operational provisions shall become effective upon start up of the GCCS in accordance with §60.762(b)(2)(ii).

The facility shall submit an application to modify the title V permit to incorporate all 40 CFR 60 Subpart XXX and 40 CFR 63 Subpart AAAA applicable requirements, which are not currently effective as noted above. This application shall be submitted along with the gas collection and control system design plan for approval, within 1 year of the first NMOC emission rate report in which the NMOC emission rate equals or exceeds 34 megagrams per year.

Monitoring Frequency: ANNUALLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2024.

Subsequent reports are due every 6 calendar month(s).

**Condition 21: Progress Reports Due Semiannually**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (d) (4)**

**Item 21.1:**

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. 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.

**Condition 22: Operational Flexibility**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (f)**

**Item 22.1:**

A permit modification is not required for changes that are provided for in the permit. Such changes include approved alternate operating scenarios and changes that have been submitted and approved pursuant to an established operational flexibility protocol and the requirements of this section. Each such change cannot be a modification under any provision of Title I of the Clean Air Act or exceed, or cause the facility to exceed, an emissions cap or limitation in the permit. The facility owner or operator must incorporate all changes into any compliance

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certifications, record keeping, and/or reporting required by the permit.

**Condition 23: Compliance Certification**

**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement: 6 NYCRR 201-6.4 (f) (2)**

**Item 23.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 23.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operational Flexibility Protocol

I. Protocol Objective

The objective of this condition is to enable operational flexibility at the facility by building the capability to make certain changes pursuant to this protocol into the Title V permit. As provided under 6 NYCRR Part 201-6.4(f), changes made under an approved protocol are not subject to the Title V permit modification provisions under 6 NYCRR Part 201-6.6 unless required by the Department pursuant to 201-6.4(f)(4).

II. Protocol

A. Criteria

1. Changes reviewed under this protocol shall be evaluated in accordance with the following criteria:

- a. All underlying federal and state requirements with which the new or changed operation or emission source must comply must exist in the Title V permit. Existing permit conditions may be amended to reference or include the new or changed operation or emission source and any related information, and/or subject to the Department’s approval, new conditions proposed, to provide the appropriate monitoring parameters.
- b. Any new or changed emission source shall not be part of a source project that results in a significant net emission increase that exceeds the New Source Review (NSR) thresholds identified in 6 NYCRR Part 231.
- c. The facility shall not use the protocol to make physical changes or changes in the method of operation of

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existing emissions sources that would require a new or modified federally enforceable emissions cap. Such changes must be addressed via the significant permit modification provisions.

B. Notification Requirements for Changes Reviewed under the Protocol

1. The facility shall notify the Department in writing of the proposed change at least 15 days in advance of making the proposed change.
2. Notifications made in accordance with this protocol must include the following information:
  - a. Identification of the Title V permit emission unit, process(es), emission source(s) and emission point(s) affected by the proposed change with applicable revisions to the Emission Unit structure;
  - b. Description of the proposed change, including operating parameters affected;
  - c. Identification and description of emissions control device or technology that will be used; and
  - d. Documentation of the project's, or emission source's, compliance with respect to all state and/or federally applicable requirements, including the following:
    - i. Calculations demonstrating the emission rate potential and maximum projected annual actual emission rates for all contaminants affected by the change;
    - ii. Documentation demonstrating that the change is not subject to the New Source Review requirements described in 6 NYCRR Part 231;
    - iii. Identification and evaluation of all state and federal regulations applicable to the proposed change;
    - iv. A description of any additional operating and record keeping procedures necessary to ensure compliance with all applicable requirements; and
    - v. Any other relevant information used for the evaluation of the proposed change under this protocol.
  - e. Any other relevant information used for the evaluation of the proposed project or emission source under the

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Protocol.

C. Review and Approval of Changes

1. The Department shall respond to the permittee in writing with a determination within 15 days of receipt of the notification required by Section II.B of this protocol.
2. The Department may require a permit modification in order to impose new applicable requirements or additional permit conditions if it determines that changes proposed pursuant to the notification do not meet the criteria under Section II. A above or that the changes may have a significant air quality impact or be otherwise potentially significant under SEQRA (6 NYCRR Part 617).
3. The Department may require that the permittee not undertake the proposed change until it completes a more detailed review of the proposed change, which may include potential air quality impacts and/or applicable requirements. The Department's determination shall include a listing of information required for further review, if necessary.

D. Additional Compliance Obligations for Changes Made Under this Protocol

1. Upon commencement of the change, the facility shall comply with all applicable requirements and permit conditions, including any amended or proposed in accordance with II.A.1.a above.
2. The facility shall provide with the semiannual monitoring report, a summary of the changes made in accordance with this protocol and a statement of the compliance status of each. Changes reported should include all those made during the corresponding period and any earlier changes that have not yet been incorporated into the permit.
3. The facility shall include each change made pursuant to this protocol in the next application for permit modification or renewal, whichever is first. Changes made pursuant to this protocol are not subject to the permit shield provisions described in 6 NYCRR 201-6.4(g) until they are incorporated into the Title V permit.
4. The facility shall maintain a record of each change made pursuant to this protocol at the facility and shall



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Emission Unit: 1-LFGAS	Emission Point: 00004
Emission Unit: 1-LFGAS	Emission Point: 00005
Emission Unit: 1-LFGAS	Emission Point: 00006
Emission Unit: 1-LFGAS Process: 001	Emission Source: F0001
Emission Unit: 1-LFGAS Process: 001	Emission Source: F0002
Emission Unit: 1-LFGAS Process: 001	Emission Source: F0003
Emission Unit: 1-LFGAS Process: 001	Emission Source: F0004

**Item 26.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the landfill flares when operational on a weekly basis. The permittee will immediately investigate any instance where there is cause to believe that visible emissions above those that are normal are being emitted from a process source. Normal shall be defined as visible emissions which are typically emitted from the process during routine operation. In no case shall visible emissions above 20 percent opacity be considered normal.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal continue to be present after corrections are made, the permittee

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will promptly notify the Department and conduct a Method 9 assessment to determine the degree of opacity.

Records of these observations, investigations and corrective actions will be kept on-site in a format acceptable to the Department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of these instances.

Parameter Monitored: OPACITY  
 Upper Permit Limit: 20 percent  
 Reference Test Method: See Description  
 Monitoring Frequency: WEEKLY  
 Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE -  
 SEE MONITORING DESCRIPTION  
 Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 7/30/2024.  
 Subsequent reports are due every 6 calendar month(s).

**Condition 27: Compliance Certification**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement: 6 NYCRR 225-1.2 (d)**

**Item 27.1:**  
 The Compliance Certification activity will be performed for the Facility.

**Item 27.2:**  
 Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners or operators of emission sources that fire distillate oil are limited to a 0.0015 percent sulfur content by weight of the fuel. Compliance with the sulfur-in-fuel limitation is based on fuel vendor receipts. All fuel vendor receipts must be maintained on site or at a Department approved alternative location for a minimum of five years.

Note - Process sources and incinerators must comply with the above requirements on or after July 1, 2023.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
 Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL  
 Parameter Monitored: SULFUR CONTENT  
 Upper Permit Limit: 0.0015 percent by weight  
 Monitoring Frequency: PER DELIVERY  
 Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY

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TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
 Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 7/30/2024.  
 Subsequent reports are due every 6 calendar month(s).

**Condition 28: Applicability of Subpart A General Provisions**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:40CFR 60, NSPS Subpart A**

**Item 28.1:**  
 This emission source is subject to the applicable general provisions of 40 CFR 60. The facility owner is responsible for complying with all applicable technical, administrative and reporting requirements.

**Condition 29: Applicability**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:40CFR 60, NSPS Subpart IIII**

**Item 29.1:**  
 Facilities that have stationary compression ignition internal combustion engines must comply with applicable portions of 40 CFR 60 Subpart IIII.

**Condition 30: Compliance Certification**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:40CFR 60.762(b)(1), NSPS Subpart XXX**

**Item 30.1:**  
 The Compliance Certification activity will be performed for the Facility.

**Item 30.2:**  
 Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
 Monitoring Description:

The owner or operator of an MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, must either comply with 40 CFR 60.762(b)(2) or calculate an NMOC emission rate for the landfill using the procedures specified in 40 CFR 60.764. The NMOC emission rate must be recalculated annually, except as provided in 40 CFR 60.767(b)(1)(ii). The owner or operator of an MSW landfill subject to this subpart with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters is subject to part 70 or 71 permitting requirements.

(1) If the calculated NMOC emission rate is less than 34



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megagrams per year, the owner or operator must:

(i) Submit an annual NMOC emission rate emission report to the Administrator, except as provided for in 40 CFR 60.767(b)(1)(ii); and

(ii) Recalculate the NMOC emission rate annually using the procedures specified in 40 CFR 60.764(a)(1) until such time as the calculated NMOC emission rate is equal to or greater than 34 megagrams per year, or the landfill is closed.

(A) If the calculated NMOC emission rate, upon initial calculation or annual recalculation required in paragraph (b) of this section, is equal to or greater than 34 megagrams per year, the owner or operator must either: Comply with 40 CFR 60.762(b)(2); calculate NMOC emissions using the next higher tier in 40 CFR 60.764; or conduct a surface emission monitoring demonstration using the procedures specified in 40 CFR 60.764(a)(6).

(B) If the landfill is permanently closed, a closure report must be submitted to the Administrator as provided for in 40 CFR 60.767(e).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2024.

Subsequent reports are due every 6 calendar month(s).

**Condition 31: Compliance Certification**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement: 40CFR 60.762(b)(2), NSPS Subpart XXX**

**Item 31.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 31.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

If the calculated NMOC emission rate is equal to or greater than 34 megagrams per year using Tier 1, 2, or 3 procedures, the owner or operator shall either:

(i) Submit a collection and control system design plan prepared by a professional engineer to the Administrator within 1 year as specified in 40 CFR 60.767(c); calculate

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NMOC emissions using the next higher tier specified in 40 CFR 60.764; or conduct a surface emission monitoring demonstration using the procedures specified in 40 CFR 60.764(a)(6). The collection and control system must meet the requirements of paragraphs (ii) and (iii) below.

(ii) The facility owner or operator shall install and start up a collection and control system that captures the gas generated within the landfill and that meets the requirements of item (c) or (d) below within 30 months after:

(a) The first annual report in which the NMOC emission rate equals or exceeds 34 megagrams per year, unless Tier 2 or 3 sampling demonstrates that the NMOC emission rate is less than 34 megagrams per year, as specified in 40 CFR 60.767(c)(4); or

(b) The most recent NMOC emission rate report in which the NMOC emission rate equals or exceeds 34 megagrams per year based on Tier 2, if the Tier 4 surface emissions monitoring shows a surface methane emission concentration of 500 parts per million methane or greater as specified in 40 CFR 60.767(c)(4)(iii).

(c) An active collection system installed pursuant to item (ii) above must:

(1) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control system equipment;

(2) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of 5 years or more if active, or 2 years or more if closed or at final grade;

(3) Collect gas at a sufficient extraction rate;  
and

(4) Be designed to minimize off-site migration of subsurface gas.

(d) A passive collection system installed pursuant to item (ii) above must:

(1) Comply with the provisions of items (c)(1) - (c)(3) above; and

(2) Be installed with liners on the bottom and all sides

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in all areas in which gas is to be collected. The liners must be installed as required under 40 CFR 258.40.

(iii) The facility owner or operator shall route all the collected gas to a control system that complies with the requirements in either (a), (b), or (c) below:

(a) A non-enclosed flare designed and operated in accordance with the parameters established in 40 CFR 60.18 except as noted in 40 CFR 764(e); or

(b) A control system designed and operated to reduce NMOC by 98 weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by 98 weight percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume, dry basis as hexane at 3 percent oxygen. The reduction efficiency or NMOC concentration must be established by an initial performance test to be completed no later than 180 days after the initial start up of the approved control system using the test methods specified in 40 CFR 60.764(d). The performance test is not required for boilers and process heaters with design heat input capacities equal to or greater than 44 megawatts that burn landfill gas for compliance with this subpart.

(1) If a boiler or process heater is used as the control device, the landfill gas stream must be introduced into the flame zone.

(2) The control device must be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in 40 CFR 60.766.

(c) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or beneficial use such as fuel for combustion, production of vehicle fuel, production of high-Btu gas for pipeline injection, or use as a raw material in a chemical manufacturing process. Venting of treated landfill gas to the atmosphere is not allowed. If the treated landfill gas cannot be routed for subsequent sale or beneficial use, then the treated landfill gas must be controlled according to paragraph (iii)(a) or (iii)(b) above.

(d) All emissions from any atmospheric vent from the gas treatment system are subject to the requirements of paragraphs (iii)(a) and (iii)(b) above. Atmospheric vents located on the condensate storage tank are not part of the treatment system and are exempt from the requirements of

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paragraphs (iii)(a) and (iii)(b) above.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2024.

Subsequent reports are due every 6 calendar month(s).

**Condition 32: Compliance Certification**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement: 40CFR 60.764(a)(3), NSPS Subpart XXX**

**Item 32.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 32.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

NMOC Calculation - Tier 2.

The landfill owner or operator must determine the site-specific NMOC concentration using the following sampling procedure. The landfill owner or operator must install at least two sample probes per hectare, evenly distributed over the landfill surface that has retained waste for at least 2 years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The probes should be evenly distributed across the sample area. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner or operator must collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using Method 25 or 25C of appendix A of this part. Taking composite samples from different probes into a single cylinder is allowed; however, equal sample volumes must be taken from each probe. For each composite, the sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume measurements must be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If more than the required number of samples are taken, all samples must be used in the analysis. The landfill owner or operator must divide the NMOC concentration from Method 25 or 25C of appendix A of this part by six to convert from CNMOC as carbon to CNMOC as hexane. If the landfill has an active or passive gas removal system in place, Method 25 or 25C samples may be

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collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two sampling probe per hectare requirement. For active collection systems, samples may be collected from the common header pipe. The sample location on the common header pipe must be before any gas moving, condensate removal, or treatment system equipment. For active collection systems, a minimum of three samples must be collected from the header pipe.

(i) Within 60 days after the date of completing each performance test (as defined in 40 CFR 60.8), the owner or operator must submit the results according to 40 CFR 60.767(i)(1).

(ii) The landfill owner or operator must recalculate the NMOC mass emission rate using Equation 1 or Equation 2 provided in 40 CFR 60.764(a)(1)(i) or (a)(1)(ii) and using the average site-specific NMOC concentration from the collected samples instead of the default value provided in 40 CFR 60.764(a)(1).

(iii) If the resulting NMOC mass emission rate is less than 34 megagrams per year, then the owner or operator must submit a periodic estimate of NMOC emissions in an NMOC emission rate report according to 40 CFR 60.767(b)(1), and must recalculate the NMOC mass emission rate annually as required under 40 CFR 60.762(b). The site-specific NMOC concentration must be retested every 5 years using the methods specified in this section.

(iv) If the NMOC mass emission rate as calculated using the Tier 2 site-specific NMOC concentration is equal to or greater than 34 megagrams per year, the landfill owner or operator must either:

(A) Submit a gas collection and control system design plan within 1 year as specified in 40 CFR 60.767(c) and install and operate a gas collection and control system within 30 months according to 40 CFR 60.762(b)(2)(ii) and (iii);

(B) Determine a site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the Tier 3 procedures specified in 40 CFR 60.764(a)(4); or

(C) Conduct a surface emission monitoring demonstration using the Tier 4 procedures specified in 40 CFR 60.764(a)(6).

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Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2025.

Subsequent reports are due every 12 calendar month(s).

**Condition 33: Compliance Certification**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement: 40 CFR 60.764(a)(4), NSPS Subpart XXX**

**Item 33.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 33.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

NMOC Calculation - Tier 3.

The site-specific methane generation rate constant must be determined using the procedures provided in Method 2E of 40 CFR 60 appendix A. The landfill owner or operator must estimate the NMOC mass emission rate using Equation 1 or Equation 2 in 40 CFR 60.764(a)(1)(i) or (ii) and using a site-specific methane generation rate constant, and the site-specific NMOC concentration as determined in 40 CFR 60.764(a)(3) instead of the default values provided in 40 CFR 60.764(a)(1). The landfill owner or operator must compare the resulting NMOC mass emission rate to the standard of 34 megagrams per year.

(i) If the NMOC mass emission rate as calculated using the Tier 2 site-specific NMOC concentration and Tier 3 site-specific methane generation rate is equal to or greater than 34 megagrams per year, the owner or operator must either:

(A) Submit a gas collection and control system design plan within 1 year as specified in 40 CFR 60.767(c) and install and operate a gas collection and control system within 30 months according to 40 CFR 60.762(b)(2)(ii) and (iii);  
or

(B) Conduct a surface emission monitoring demonstration using the Tier 4 procedures specified in 40 CFR 60.764(a)(6).

(ii) If the NMOC mass emission rate is less than 34 megagrams per year, then the owner or operator must

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recalculate the NMOC mass emission rate annually using Equation 1 or Equation 2 in 40 CFR 60.764(a)(1) and using the site-specific Tier 2 NMOC concentration and Tier 3 methane generation rate constant and submit a periodic NMOC emission rate report as provided in 40 CFR 60.767(b)(1). The calculation of the methane generation rate constant is performed only once, and the value obtained from this test must be used in all subsequent annual NMOC emission rate calculations.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2025.

Subsequent reports are due every 12 calendar month(s).

**Condition 34: Compliance Certification**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement: 40CFR 60.764(a)(6), NSPS Subpart XXX**

**Item 34.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 34.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

NMOC Calculation - Tier 4.

The landfill owner or operator must demonstrate that surface methane emissions are below 500 parts per million. Surface emission monitoring must be conducted on a quarterly basis using the following procedures. Tier 4 is allowed only if the landfill owner or operator can demonstrate that NMOC emissions are greater than or equal to 34 Mg/yr but less than 50 Mg/yr using Tier 1 or Tier 2. If both Tier 1 and Tier 2 indicate NMOC emissions are 50 Mg/yr or greater, then Tier 4 cannot be used. In addition, the landfill must meet the criteria in 40 CFR 60.764(a)(6)(viii).

(i) The owner or operator must measure surface concentrations of methane along the entire perimeter of the landfill and along a pattern that traverses the landfill at no more than 30-meter intervals using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in 40 CFR 60.765(d).

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(ii) The background concentration must be determined by moving the probe inlet upwind and downwind at least 30 meters from the waste mass boundary of the landfill.

(iii) Surface emission monitoring must be performed in accordance with section 8.3.1 of Method 21 of 40 CFR 60 appendix A, except that the probe inlet must be placed no more than 5 centimeters above the landfill surface; the constant measurement of distance above the surface should be based on a mechanical device such as with a wheel on a pole, except as described in 40 CFR 60.764(a)(6)(iii)(A).

(A) The owner or operator must use a wind barrier, similar to a funnel, when onsite average wind speed exceeds 4 miles per hour or 2 meters per second or gust exceeding 10 miles per hour. Average on-site wind speed must also be determined in an open area at 5-minute intervals using an on-site anemometer with a continuous recorder and data logger for the entire duration of the monitoring event. The wind barrier must surround the SEM monitor, and must be placed on the ground, to ensure wind turbulence is blocked. SEM cannot be conducted if average wind speed exceeds 25 miles per hour.

(B) Landfill surface areas where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover, and all cover penetrations must also be monitored using a device meeting the specifications provided in 40 CFR 60.765(d).

(iv) Each owner or operator seeking to comply with the Tier 4 provisions in 40 CFR 60.764(a)(6) must maintain records of surface emission monitoring as provided in 40 CFR 60.768(g) and submit a Tier 4 surface emissions report as provided in 40 CFR 60.767(c)(4)(iii).

(v) If there is any measured concentration of methane of 500 parts per million or greater from the surface of the landfill, the owner or operator must submit a gas collection and control system design plan within 1 year of the first measured concentration of methane of 500 parts per million or greater from the surface of the landfill according to 40 CFR 60.767(c) and install and operate a gas collection and control system according to 40 CFR 60.762(b)(2)(ii) and (iii) within 30 months of the most recent NMOC emission rate report in which the NMOC emission rate equals or exceeds 34 megagrams per year based on Tier 2.



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(vi) If after four consecutive quarterly monitoring periods at a landfill, other than a closed landfill, there is no measured concentration of methane of 500 parts per million or greater from the surface of the landfill, the owner or operator must continue quarterly surface emission monitoring using the methods specified in this section.

(vii) If after four consecutive quarterly monitoring periods at a closed landfill there is no measured concentration of methane of 500 parts per million or greater from the surface of the landfill, the owner or operator must conduct annual surface emission monitoring using the methods specified in this section.

(viii) If a landfill has installed and operates a collection and control system that is not required by this subpart, then the collection and control system must meet the following criteria:

(A) The gas collection and control system must have operated for 6,570 out of 8,760 hours preceding the Tier 4 surface emissions monitoring demonstration.

(B) During the Tier 4 surface emissions monitoring demonstration, the gas collection and control system must operate as it normally would to collect and control as much landfill gas as possible.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2025.

Subsequent reports are due every 12 calendar month(s).

**Condition 35: Compliance Certification**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement: 40CFR 60.765(d), NSPS Subpart XXX**

**Item 35.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 35.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a municipal solid waste landfill seeking to comply with the provisions of 40 CFR 60.765(c) or 40 CFR 60.764(a)(6) must comply with the following

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instrumentation specifications and procedures for surface emission monitoring devices:

- (1) The portable analyzer must meet the instrument specifications provided in section 6 of Method 21 of 40 CFR 60 appendix A, except that “methane” replaces all references to “VOC”.
- (2) The calibration gas must be methane, diluted to a nominal concentration of 500 parts per million in air.
- (3) To meet the performance evaluation requirements in section 8.1 of Method 21 of 40 CFR 60 appendix A, the instrument evaluation procedures of section 8.1 of Method 21 of 40 CFR 60 appendix must be used.
- (4) The calibration procedures provided in sections 8 and 10 of Method 21 of 40 CFR 60 appendix A must be followed immediately before commencing a surface monitoring survey.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2024.

Subsequent reports are due every 6 calendar month(s).

**Condition 36: Reporting Requirements - Design Capacity Report  
Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement: 40CFR 60.767(a), NSPS Subpart XXX**

**Item 36.1:**

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

(1) The initial design capacity report fulfills the requirements of the notification of the date construction is commenced as required by 40 CFR 60.7(a)(1) and must be submitted no later than:

(i) November 28, 2016, for landfills that commenced construction, modification, or reconstruction after July 17, 2014 but before August 29, 2016; or

(ii) Ninety days after the date of commenced construction, modification, or reconstruction for landfills that commence construction, modification, or reconstruction after August 29, 2016.

(2) Initial design capacity report. The initial design capacity report must contain the following information:

(i) A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the permit issued by the state, local,

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or tribal agency responsible for regulating the landfill.

(ii) The maximum design capacity of the landfill. Where the maximum design capacity is specified in the permit issued by the state, local, or tribal agency responsible for regulating the landfill, a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity must be calculated using good engineering practices. The calculations must be provided, along with the relevant parameters as part of the report. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values. If the owner or operator chooses to convert the design capacity from volume to mass or from mass to volume to demonstrate its design capacity is less than 2.5 million megagrams or 2.5 million cubic meters, the calculation must include a site-specific density, which must be recalculated annually. Any density conversions must be documented and submitted with the design capacity report. The state, tribal, local agency or Administrator may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.

(3) An amended design capacity report must be submitted to the Administrator providing notification of an increase in the design capacity of the landfill, within 90 days of an increase in the maximum design capacity of the landfill to meet or exceed 2.5 million megagrams and 2.5 million cubic meters. This increase in design capacity may result from an increase in the permitted volume of the landfill or an increase in the density as documented in the annual recalculation required in 40 CFR 60.768(f).

**Condition 37: Compliance Certification**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement: 40CFR 60.767(b), NSPS Subpart XXX**

**Item 37.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 37.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each owner or operator of a municipal solid waste landfill subject to the requirements of 40 CFR 60 Subpart XXX must submit an NMOC emission rate report following the procedure specified in 40 CFR 60.767(i)(2) of this section to the Administrator initially and annually thereafter, except as provided for in paragraph (1)(ii) below. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.

(1) The NMOC emission rate report must contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures provided in 40 CFR 60.764(a) or (b), as applicable.

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(i) The initial NMOC emission rate report may be combined with the initial design capacity report required by 40 CFR 60.767(a) and must be submitted no later than indicated in paragraphs (i)(A) and (B) below. Subsequent NMOC emission rate reports must be submitted annually thereafter, except as provided for in paragraph (ii) below.

(A) November 28, 2016, for landfills that commenced construction, modification, or reconstruction after July 17, 2014, but before August 29, 2016, or

(B) Ninety days after the date of commenced construction, modification, or reconstruction for landfills that commence construction, modification, or reconstruction after August 29, 2016.

(ii) If the estimated NMOC emission rate as reported in the annual report to the Administrator is less than 34 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit, following the procedure specified in 40 CFR 60.767(i)(2), an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate must include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based must be provided to the Administrator. This estimate must be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate must be submitted to the Administrator. The revised estimate must cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

(2) The NMOC emission rate report must include all the data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.

(3) Each owner or operator subject to the requirements of this subpart is exempted from the requirements to submit an NMOC emission rate report, after installing a collection and control system that complies with 40 CFR 60.762(b)(2), during such time as the collection and control system is in operation and in compliance with 40 CFR 60.763 and 40 CFR 60.765.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

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Reports due 30 days after the reporting period.  
 The initial report is due 7/30/2024.  
 Subsequent reports are due every 6 calendar month(s).

**Condition 38: Compliance Certification**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement: 40CFR 60.767(c), NSPS Subpart XXX**

**Item 38.1:**  
 The Compliance Certification activity will be performed for the Facility.

**Item 38.2:**  
 Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
 Monitoring Description:

Each owner or operator of a municipal solid waste landfill subject to the provisions of 40 CFR 60.762(b)(2) must submit a collection and control system design plan to the Administrator for approval according to the schedule in 40 CFR 60.767(c)(4). The collection and control system design plan must be prepared and approved by a professional engineer and must meet the following requirements:

- (1) The collection and control system as described in the design plan must meet the design requirements in 40 CFR 60.762(b)(2).
- (2) The collection and control system design plan must include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR 60.763 through 60.768 proposed by the owner or operator.
- (3) The collection and control system design plan must either conform with specifications for active collection systems in 40 CFR 60.769 or include a demonstration to the Administrator's satisfaction of the sufficiency of the alternative provisions to 40 CFR 60.769.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 7/30/2024.  
 Subsequent reports are due every 6 calendar month(s).

**Condition 39: Compliance Certification**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

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**Applicable Federal Requirement: 40CFR 60.767(i), NSPS Subpart XXX****Item 39.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 39.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a municipal solid waste landfill subject to the requirements of 40 CFR 60 Subpart XXX must submit reports electronically according to paragraphs (1) and (2) below.

(1) Within 60 days after the date of completing each performance test (as defined in 40 CFR 60.8), the owner or operator must submit the results of each performance test according to the following procedures:

(i) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT Web site ([https://www3.epa.gov/ttn/chief/ert/ert\\_info.html](https://www3.epa.gov/ttn/chief/ert/ert_info.html)) at the time of the test, the facility owner or operator must submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). Performance test data must be submitted in a file format generated through the use of the EPA's ERT or an alternative file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT Web site, once the XML schema is available.

If the facility owner or operator claims that some of the performance test information being submitted is confidential business information (CBI), the facility owner or operator must submit a complete file generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT Web site, including information claimed to be CBI, on a compact disc, flash drive or other commonly used electronic storage media to the EPA. The electronic media must be clearly marked as CBI and mailed to:

U.S. EPA/OAQPS/CORE CBI Office  
Attention: Group Leader, Measurement Policy Group  
MD C404-02  
4930 Old Page Rd.  
Durham, NC 27703

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The same ERT or alternate file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described above.

(ii) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, the facility owner or operator must submit the results of the performance test to the Administrator at the appropriate address listed in 40 CFR 60.4.

(2) Each owner or operator required to submit reports following the procedure specified in this paragraph must submit reports to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) The owner or operator must use the appropriate electronic report in CEDRI for this subpart or an alternate electronic file format consistent with the XML schema listed on the CEDRI Web site (<https://www3.epa.gov/ttn/chief/cedri/index.html>).

If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the owner or operator must submit the report to the Administrator at the appropriate address listed in 40 CFR 60.4. Once the form has been available in CEDRI for 90 calendar days, the owner or operator must begin submitting all subsequent reports via CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the reports are submitted.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2024.

Subsequent reports are due every 6 calendar month(s).

**Condition 40: National Emission Standard for Asbestos**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:40CFR 61, NESHAP Subpart M**

**Item 40.1:**

The permittee shall comply with all applicable provisions of 40 CFR Part 61, Subpart M.

**Condition 41: Applicability**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:40CFR 63, Subpart ZZZZ**

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**Item 41.1:**

Facilities that have reciprocating internal combustion engines must comply with applicable portions of 40 CFR 63 Subpart ZZZZ.

**\*\*\*\* Emission Unit Level \*\*\*\***

**Condition 42: Emission Point Definition By Emission Unit**  
 Effective between the dates of 03/22/2024 and 03/21/2029

**Applicable Federal Requirement:6 NYCRR Subpart 201-6**

**Item 42.1:**

The following emission points are included in this permit for the cited Emission Unit:

- Emission Unit: 1-LFGAS
  
- Emission Point: 00002
  - Height (ft.): 10 Diameter (in.): 8
  - NYTMN (km.): 4762.311 NYTME (km.): 542.811
  
- Emission Point: 00003
  - Height (ft.): 10 Diameter (in.): 8
  - NYTMN (km.): 4762.243 NYTME (km.): 542.724
  
- Emission Point: 00004
  - Height (ft.): 10 Diameter (in.): 8
  - NYTMN (km.): 4762.319 NYTME (km.): 542.755
  
- Emission Point: 00005
  - Height (ft.): 29 Diameter (in.): 8
  - NYTMN (km.): 4762.122 NYTME (km.): 543.204
  
- Emission Point: 00006
  - Height (ft.): Length (in.): Width (in.):
  - NYTMN (km.): 4762.301 NYTME (km.): 542.835
  
- Emission Point: 0001A
  - Height (ft.): 24 Diameter (in.): 8
  - NYTMN (km.): 4762.266 NYTME (km.): 542.851

**Condition 43: Process Definition By Emission Unit**  
 Effective between the dates of 03/22/2024 and 03/21/2029

**Applicable Federal Requirement:6 NYCRR Subpart 201-6**

**Item 43.1:**

This permit authorizes the following regulated processes for the cited Emission Unit:



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Emission Unit: 1-LFGAS

Process: 001

Source Classification Code: 5-01-004-10

Process Description:

This process consists of landfilled waste generating landfill gas by decomposition and the collection and control of landfill gas emissions by flaring. The flares (3 portable passive flares rated at 80 cubic feet per minute and one utility flare rated at 1200 cubic feet per minute) are primarily utilized as backup to a separately owned, operated and permitted landfill gas to energy facility.

Emission Source/Control: F0001 - Control

Control Type: FLARING

Emission Source/Control: F0002 - Control

Control Type: FLARING

Emission Source/Control: F0003 - Control

Control Type: FLARING

Emission Source/Control: F0004 - Control

Control Type: FLARING

Emission Source/Control: LFGFE - Process

Design Capacity: 8.974 Megagrams (10\*\*6 grams)

**Item 43.2:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-LFGAS

Process: 002

Source Classification Code: 5-01-004-02

Process Description:

This process consists of landfilled waste generating landfill gas by decomposition, and the fugitive emission of landfill gas to the atmosphere.

Emission Source/Control: LFGFE - Process

Design Capacity: 8.974 Megagrams (10\*\*6 grams)

**Condition 44: Required emission tests**

**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable Federal Requirement:6 NYCRR 202-1.1**

**Item 44.1:**

This Condition applies to Emission Unit: 1-LFGAS

**Item 44.2:**

An acceptable report of measured emissions shall be submitted, if requested by the commissioner, to ascertain compliance or noncompliance with any air pollution code, rule,

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or regulation.

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**STATE ONLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Emergency Defense - 6 NYCRR 201-1.5**

An emergency, as defined in 6 NYCRR 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 demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) an emergency occurred and that the facility owner or operator can identify the cause(s) of the emergency;

(2) the equipment at the facility was being properly operated and maintained;

(3) during the period of the emergency the facility owner or operator took all reasonable steps to minimize the 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 any 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 malfunction provision contained in any applicable requirement.

**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

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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.

#### STATE ONLY APPLICABLE REQUIREMENTS

**The following conditions are state applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.**

**Condition 45: Contaminant List**

**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable State Requirement: ECL 19-0301**

**Item 45.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this permit (emission limits, control requirements or compliance monitoring conditions).

CAS No: 000074-82-8

Name: METHANE

**Condition 46: Malfunctions and Start-up/Shutdown Activities**

**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable State Requirement: 6 NYCRR 201-1.4**

**Item 46.1:**

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

(b) The facility owner or operator shall compile and maintain records of all equipment maintenance and start-up/shutdown activities when they are expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the department when required by a permit condition or upon request by the department. Such reports shall state whether an exceedance occurred and if it was unavoidable, include the time,

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frequency and duration of the exceedance, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous monitoring and quarterly reporting requirements need not submit additional reports of exceedances to the department.

(c) In the event that air contaminant emissions exceed any applicable emission standard due to a malfunction, the facility owner or operator shall notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. In addition, the facility owner or operator shall compile and maintain a record of all malfunctions. Such records shall be maintained at the facility for a period of at least five years and must be made available to the department upon request. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, the air contaminants emitted, and the resulting emission rates and/or opacity.

(d) The department may also require the facility owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.

(e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

**Condition 47: CLCPA Applicability**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable State Requirement:6 NYCRR 201-6.5 (a)**

**Item 47.1:**

Pursuant to The New York State Climate Leadership and Community Protection Act (CLCPA) and Article 75 of the Environmental Conservation Law, emission sources shall comply with regulations to be promulgated by the Department to ensure that by 2030 statewide greenhouse gas emissions are reduced by 40% of 1990 levels, and by 2050 statewide greenhouse gas emissions are reduced by 85% of 1990 levels.

**Condition 48: Compliance Demonstration**  
**Effective between the dates of 03/22/2024 and 03/21/2029**

**Applicable State Requirement:6 NYCRR 201-6.5 (a)**

**Item 48.1:**

The Compliance Demonstration activity will be performed for the Facility.



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standard in three consecutive monitoring periods may reduce the monitoring frequency to annually. Any methane reading of 500 ppm or more above background detected during the annual monitoring returns the frequency for that landfill to semi-annual monitoring.

The semi-annual surface emission monitoring scans will include monitoring of all penetrations through areas of intermediate and final cover. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.

The Department reserves the right to require the facility to perform a drone scan (or equivalent method) to determine if gas emissions are coming from areas that are unable to be scanned if conditions warrant these areas to be scanned. The Department will notify the facility if this becomes applicable.

The facility shall maintain records of the semi-annual monitoring and corrective actions on site for a period of at least 5 years from the date of the record. The semi-annual records and subsequent corrective actions shall be provided in the annual monitoring report required by this permit.

Upper Permit Limit: 500 parts per million (by volume)

Reference Test Method: As Required: See permit description

Monitoring Frequency: SEMI-ANNUALLY

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE -  
SEE MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2025.

Subsequent reports are due every 12 calendar month(s).

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