

Facility DEC ID: 6302400025

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 6-3024-00025/00001
Effective Date: 03/14/2022 Expiration Date: 03/13/2027

Permit Issued To: WM RENEWABLE ENERGY LLC
1001 FANNIN STE 4000
HOUSTON, TX 77002

Facility: WM ONEIDA HERKIMER RENEWABLE ENERGY FACILITY
7044 ST RTE 294
AVA, NY 13309

Contact: PAUL PABOR
WM RENEWABLE ENERGY LLC
1001 FANNIN STE 4000
HOUSTON, TX 77002

Description:

This Title V permit renewal has been issued pursuant to Article 19 (Air Pollution Control) of the Environmental Conservation Law, for the WM Oneida Herkimer Renewable Energy Facility (WMRE LFGTE Plant) located in the Town of Ava, Oneida County, New York.

This facility is engaged in the generation of electricity from the combustion of landfill gas captured at the Oneida Herkimer Solid Waste Management Authority (OHSWMA) Regional Landfill. The Standard Industrial Classification representative of this facility is 4911, Electric Services.

This Title V Permit is for a landfill gas to energy (LFGTE) plant consisting of three (3) Caterpillar 3520C landfill gas engine generator sets to be owned and operated by Waste Management Renewal Energy (WMRE), LLC (DEC Title V Permit ID: 6-3024-00009/00007). The LFGTE plant will be the primary control system for landfill gas generated by the OHSWMA Regional Landfill. OHSWMA Regional Landfill (DEC Title V Permit ID: 6-3024-00025/00001) and WMRE, LLC will hold separate Title V Air Permits; however, for the purposes of New Source Review (NSR) applicability they are considered a single facility and will share a common emission cap for combined carbon monoxide (CO) and oxides of nitrogen (NOx) emissions to ensure the facility does not exceed the major facility threshold.

All engines will be required to meet emissions limits for oxides of nitrogen (NOx) and carbon monoxide (CO) and shall perform monitoring and recordkeeping to determine compliance with emission limits.

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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: TERRY R TYOE
 NYSDEC - UTICA SUBOFFICE
 207 GENESEE ST
 UTICA, NY 13501-2885

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 6

SUBOFFICE - UTICA

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 6 Sub-office
Division of Environmental Permits
State Office Building, 207 Genesee Street
Utica, NY 13501-2885
(315) 793-2555

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Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: WM RENEWABLE ENERGY LLC
1001 FANNIN STE 4000
HOUSTON, TX 77002

Facility: WM ONEIDA HERKIMER RENEWABLE ENERGY FACILITY
7044 ST RTE 294
AVA, NY 13309

Authorized Activity By Standard Industrial Classification Code:
4911 - ELECTRIC SERVICES

Permit Effective Date: 03/14/2022

Permit Expiration Date: 03/13/2027

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- 9 5 6 NYCRR 201-6.4 (c) (3) (ii): Compliance Certification
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- 13 7 6 NYCRR 202-2.1: Compliance Certification
- 13 8 6 NYCRR 202-2.5: Recordkeeping requirements
- 14 9 6 NYCRR 215.2: Open Fires - Prohibitions
- 15 10 6 NYCRR 200.7: Maintenance of Equipment
- 15 11 6 NYCRR 201-1.7: Recycling and Salvage
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- 23 26 6 NYCRR Subpart 201-7: Facility Permissible Emissions
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- 37 33 6 NYCRR 211.2: Visible Emissions Limited
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- 39 36 40CFR 60.4246, NSPS Subpart JJJJ: Subpart A provisions that apply to facilities subject to Subpart JJJJ
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EU=4-GENST,Proc=ENG,ES=01ENG

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- 40 40 40CFR 60.4230(a)(4)(i), NSPS Subpart JJJJ:
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- 45 44 6 NYCRR 201-1.4: Malfunctions and Start-up/Shutdown Activities
- 46 45 6 NYCRR 201-6.5 (a): CLCPA Applicability
- 46 46 6 NYCRR 211.1: Air pollution prohibited
- 47 47 6 NYCRR 217-3.2: Idling of Diesel Trucks Limited
- 47 48 6 NYCRR 217-3.3: Exceptions

NOTE: * preceding the condition number indicates capping.

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Renewal 2/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 03/14/2022 and 03/13/2027**

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 03/14/2022 and 03/13/2027****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 03/14/2022 and 03/13/2027****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: Records of Monitoring, Sampling, and Measurement**Effective between the dates of 03/14/2022 and 03/13/2027****Applicable Federal Requirement:6 NYCRR 201-6.4 (c) (2)****Item 4.1:**

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all

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reports required by the permit.

Condition 5: Compliance Certification
Effective between the dates of 03/14/2022 and 03/13/2027

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.
- (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,

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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 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

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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.

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 7/30/2022.

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

Condition 6: Compliance Certification
Effective between the dates of 03/14/2022 and 03/13/2027

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;
 - 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;

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- 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
 State Office Building
 317 Washington Street
 Watertown, NY 13601-3787

The address for the BQA is as follows:

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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 1/30/2023.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 03/14/2022 and 03/13/2027

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 shall be submitted on or before April 15th each year for emissions of the previous calendar year. Statements are to be mailed to: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Air Quality Planning, 625 Broadway, Albany NY 12233-3251

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due by April 15th for previous calendar year

Condition 8: Recordkeeping requirements
Effective between the dates of 03/14/2022 and 03/13/2027

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

(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

Permit ID: 6-3024-00025/00001

Facility DEC ID: 6302400025

Effective between the dates of 03/14/2022 and 03/13/2027

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 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.

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**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 03/14/2022 and 03/13/2027

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 03/14/2022 and 03/13/2027

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 03/14/2022 and 03/13/2027

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.

Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 03/14/2022 and 03/13/2027

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

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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 03/14/2022 and 03/13/2027

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 03/14/2022 and 03/13/2027

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 03/14/2022 and 03/13/2027

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;
- (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

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

Condition 17: Required Emissions Tests
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 17.1:
 For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

Condition 18: Accidental release provisions.
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:40 CFR Part 68

Item 18.1:
 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 19: Recycling and Emissions Reduction
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:40CFR 82, Subpart F

Item 19.1:
 The permittee shall comply with all applicable provisions of 40 CFR Part 82.

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

Condition 20: Emission Unit Definition

Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 20.1:

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

Emission Unit: 4-GENST

Emission Unit Description:

This emission unit consists of three (3) Caterpillar, Inc. G3520C lean burn internal combustion engine generator sets fueled by landfill gas to generate electricity for sale.

Building(s): ENGBLDG

Condition 21: Compliance Certification

Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 21.1:

The Compliance Certification activity will be performed for the Facility.

Item 21.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The WMRE LFGTE plant (DEC Permit ID: 6-3024-00025/00001) and OHSWMA Regional Landfill (DEC Permit ID: 6-3024-00009/00007) shall be considered a single facility for all air pollution control regulations applicability determinations. This being the case if a modification occurs at the WMRE LFGTE Plant or OHSWMA Regional Landfill both permits will require a modification to address the impact on emissions from the facility as a whole.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 22: Progress Reports Due Semiannually

Effective between the dates of 03/14/2022 and 03/13/2027

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

Item 22.1:

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 23: Operational Flexibility
Effective between the dates of 03/14/2022 and 03/13/2027

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

Item 23.1:

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

Condition 24: Compliance Certification
Effective between the dates of 03/14/2022 and 03/13/2027

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

Item 24.1:

The Compliance Certification activity will be performed for the Facility.

Item 24.2:

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

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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 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;

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- 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 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

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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 make such records available to the Department upon request.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 25: Non Applicable requirements
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement: 6 NYCRR 201-6.4 (g)

Item 25.1:

This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

6 NYCRR Subpart 226-1

Reason: The facility is not subject to 6 NYCRR Part 226, since the material that the facility will be using for cleaning does not contain any chemicals that are considered a VOC and thus the material as a whole is not characterized as a VOC

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Condition 26: Facility Permissible Emissions
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 26.1:

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 000630-08-0

PTE: 498,000 pounds per year

Name: CARBON MONOXIDE

Condition 27: Capping Monitoring Condition
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 27.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 231-5

Item 27.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 27.3:

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.

Item 27.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 27.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 27.6:

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The Compliance Certification activity will be performed for the facility:
 The Compliance Certification applies to:

Emission Unit: 4-GENST	
Process: ENG	Emission Source: 01ENG
Emission Unit: 4-GENST	
Process: ENG	Emission Source: 02ENG
Emission Unit: 4-GENST	
Process: ENG	Emission Source: 03ENG
Regulated Contaminant(s):	
CAS No: 0NY210-00-0	OXIDES OF NITROGEN

Item 27.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

WMRE LFGTE Plant shall perform the following periodic monitoring for oxides of nitrogen (NOx) emissions in the exhaust stacks of the three internal combustion (IC) engines (emission sources 01ENG - 03ENG) listed above:

1. NOx emissions shall be measured monthly, at a stack location acceptable to the Department, while the engine is operating at base load (base load is a normal operating load) using a properly calibrated portable gas analyzer approved for use by the Department.
2. The NOx measurement will consist of the average of three instantaneous concentration readings that are obtained over a 3 minute period.
3. The first of the three NOx concentration readings will start after the portable analyzer has sampled engine exhaust for at least 1 minute.
4. The second and third NOx concentration readings will occur at consecutive 1 minute intervals.
5. The three NOx concentration readings will be recorded and their average calculated.
6. The calculate average will be the NOx measurement for that month and must not exceed 79 ppmvd (corrected to 15% O2).

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If the concentration limit contained in this condition is exceeded the engine(s) shall be tuned and NOx monitoring repeated no later than 5 business days after detection.

If after corrective action and taking another round of NOx measurements the concentration limit in this condition is still being exceeded permittee must conduct a performance test, as soon as practical, to determine if the engine(s) is operating in compliance with the applicable NOx (g/bhp-hr) limit contained elsewhere in this permit.

If corrective actions are taken as specified, the monitored exceedance is not a violation of the permit operational requirements; however the permittee shall report these episodes as deviations on the annual compliance certification and semi-annual monitoring report that cover the monitoring period when the deviations occurred.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 79 parts per million by volume (dry, corrected to 15% O2)

Reference Test Method: Handheld NOx Monitor

Monitoring Frequency: MONTHLY

Averaging Method: 3-MINUTE AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2022.

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

Condition 28: Capping Monitoring Condition
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement: 6 NYCRR Subpart 201-7

Item 28.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 231-7

Item 28.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 28.3:

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,

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during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

Item 28.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 28.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 28.6:

The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: 4-GENST Process: ENG	Emission Source: 01ENG
Emission Unit: 4-GENST Process: ENG	Emission Source: 02ENG
Emission Unit: 4-GENST Process: ENG	Emission Source: 03ENG
Regulated Contaminant(s): CAS No: 000630-08-0	CARBON MONOXIDE

Item 28.7:

Compliance Certification shall include the following monitoring:

- Capping: Yes
- Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
- Monitoring Description:
 - WMRE LFGTE Plant shall perform the following periodic monitoring for carbon monoxide (CO) emissions in the exhaust stack of the internal combustion (IC) engines listed above:
 1. CO emissions shall be measured monthly, at a stack location acceptable to the Department, while the engine is operating at base load (base load is a normal operating load) using a properly calibrated portable gas analyzer approved for use by the Department.
 2. The CO measurement will consist of the average of three instantaneous concentration readings that are obtained

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over a 3 minute period.

3. The first of the three CO concentration readings will start after the portable analyzer has sampled engine exhaust for at least 1 minute.
4. The second and third CO concentration readings will occur at consecutive 1 minute intervals.
5. The three CO concentration readings will be recorded and their average calculated.
6. The calculated average will be the CO measurement for that month and must not exceed 413 ppmvd (corrected to 15% O₂).

If the concentration limit contained in this condition is exceeded the engine(s) shall be tuned and CO monitoring repeated no later than 5 business days after detection.

If after corrective action and taking another round of CO measurements the concentration limit in this condition is still being exceeded permittee must conduct a performance test, as soon as practical, to determine if the engine(s) is operating in compliance with the applicable CO (g/bhp-hr) limit contained elsewhere in this permit.

If corrective actions are taken as specified, the monitored exceedance is not a violation of the permit operational requirements; however the permittee shall report these episodes as deviations on the annual compliance certification and semi-annual monitoring report that cover the monitoring period when the deviations occurred.

Parameter Monitored: CARBON MONOXIDE
 Upper Permit Limit: 413 parts per million by volume
 (dry, corrected to 15% O₂)
 Reference Test Method: Handheld CO monitor
 Monitoring Frequency: MONTHLY
 Averaging Method: 3-MINUTE AVERAGE
 Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
 Reports due 30 days after the reporting period.
 The initial report is due 7/30/2022.
 Subsequent reports are due every 6 calendar month(s).

Condition 29: Capping Monitoring Condition
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:6 NYCRR Subpart 201-7

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Item 29.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 231-7

Item 29.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 29.3:

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.

Item 29.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 29.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 29.6:

The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: 4-GENST	
Process: ENG	Emission Source: 01ENG
Emission Unit: 4-GENST	
Process: ENG	Emission Source: 02ENG
Emission Unit: 4-GENST	
Process: ENG	Emission Source: 03ENG
Regulated Contaminant(s):	
CAS No: 000630-08-0	CARBON MONOXIDE

Item 29.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

WMRE LFGTE plant shall operate and maintain a device that continuously measures the flow of landfill gas to the three landfill gas engines (Emission sources: 01ENG - 03ENG). The totalized landfill gas flow to the three engines shall not exceed 927,158,400 standard cubic feet/year (expressed as 50% methane).

The monthly landfill gas flow shall be based on readings taken every 15 minutes, or more frequent, over the course of the month.

Parameter Monitored: LANDFILL GAS

Upper Permit Limit: 927,158,400 cubic feet per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2022.

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

Condition 30: Capping Monitoring Condition
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Item 30.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 231-7

Item 30.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 30.3:

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.

Item 30.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time

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period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 30.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 30.6:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 4-GENST	
Process: ENG	Emission Source: 01ENG
Emission Unit: 4-GENST	
Process: ENG	Emission Source: 02ENG
Emission Unit: 4-GENST	
Process: ENG	Emission Source: 03ENG
Regulated Contaminant(s):	
CAS No: 000630-08-0	CARBON MONOXIDE

Item 30.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

Facility (OHSWMA Regional Landfill Permit ID# 6-3024-00009/00007 & WMRE LFGTE Plant Permit ID# 6-3024-00025/00001) emissions of carbon monoxide (CO) shall not exceed 249 tons during any consecutive 12 month period and shall represent the total emissions from the following emission sources: F0001- F0010 & F0025-F0026 (OHSWMA Regional Landfill) and 01ENG-03ENG (WMRE LFGTE Plant). To demonstrate compliance with this limit the facility shall perform the following:

OHSWMA Regional Landfill (Permit ID# 6-3024-00009/00007) shall maintain records of the estimated quantity of landfill gas combusted in up to ten (10) portable passive open flares (emission sources: F0001-F0010) and the metered landfill gas combusted in the active open flares (emission sources: F0025 & F0026) on a monthly basis. At the end of each month OHSWMA Regional Landfill shall calculate the monthly emissions of CO from landfill gas combustion at the OHSWMA Regional Landfill.

The WMRE LFGTE Plant (Permit ID# 6-3024-00025/00001) shall

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install and maintain a device that continuously measures and provides a monthly total of the actual gross electrical output from each engine (emission sources: 01ENG-03ENG) in kilowatt-hours (kWh). At the end of each month WMRE LFGTE Plant shall calculate the monthly emissions of CO from landfill gas combustion at the WMRE LFGTE Plant.

Flared emissions shall be calculated utilizing the open flare emission factor provided in the permit application (374.4 lb CO/million scf methane) multiplied by the monthly quantity of landfill gas combusted in all flares.

Engine emissions shall be calculated as follows:

Monthly CO emission from engine = [(actual monthly gross electrical output, in kWh) x (1.341 bhp/kW) x (engine CO emission factor from most recent performance test, in g/bhp-hr)] / [453.6 g/lb]

If no data is available for a specific engine the WMRE LFGTE Plant shall use the highest emission factor from the engines on-site. The monthly CO emissions from each engine will be summed to give the total for all engines operating during each month.

The combined engine and flare monthly CO emissions shall be added to the previous 11 months of CO emissions to give a total CO emission rate over the most recent consecutive 12 month period. The CO emissions over any consecutive 12 month period shall not exceed 249 tons.

Records of all monitoring data and support information shall be retained by the respective emission source operator. The OHSWMA Regional Landfill and WMRE LFGTE Plant shall each submit a combined facility CO emission cap certification report semi-annually.

When sufficient new evidence becomes available to substantiate changing any of the emission factors used to calculate the monthly CO emissions the Department will discuss utilizing the new emission factors with the applicant prior to the applicant using the revised emission factors.

Parameter Monitored: CARBON MONOXIDE
 Upper Permit Limit: 249 tons per year
 Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
 Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

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Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2022.
Subsequent reports are due every 6 calendar month(s).

Condition 31: Capping Monitoring Condition
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement: 6 NYCRR Subpart 201-7

Item 31.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 231-1

Item 31.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 31.3:

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.

Item 31.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 31.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 31.6:

The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: 4-GENST
Process: ENG
Emission Source: 01ENG

Emission Unit: 4-GENST
Process: ENG
Emission Source: 02ENG

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Emission Unit: 4-GENST

Process: ENG

Emission Source: 03ENG

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 31.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In order to maintain project emissions of carbon monoxide (CO) below the Prevention of Significant Deterioration (PSD) significant source project threshold each of the three stationary internal combustion engines (emission sources: 01ENG - 03ENG) shown above must operate at a maximum CO emission rate of 3.2 g/bhp-hr.

Compliance with the emission rate of 3.2 g/bhp-hr shall be demonstrated by an initial performance test as outlined below:

1. The facility must submit a compliance test protocol to the department for approval at least 30 days prior to emission testing. The conditions of the testing and the locations of the sampling devices must be acceptable to the department and allow for collection of the following information during the test:

- Operating rate for each engine during the test period (BHP);
- Total flow rate of the landfill gas to each engine (scfm, dry basis);
- Concentrations (dry basis) of oxygen (O₂), methane (CH₄), in the landfill gas burned in the engines (percent by volume or ppmv);
- High heating value for the landfill gas (BTU/scf);
- Heat input rate to each engine averaged over the test period (BTU/hour);
- Exhaust gas flow rate from each engine (scfm, dry basis);
- Concentrations (dry basis) of CO, CH₄, and O₂ in the exhaust gas from each engine (ppmv or percent by volume);
- CO concentrations corrected to 15% O₂ in the exhaust gas from each engine (ppmv);
- CO emission rates from each engine (g/BHP-hr);

2. The facility must utilize the procedure set forth in 40 CFR part 60, Appendix A, Method 10, or any other method

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acceptable to the department for determining compliance with the CO limit contained in this condition, and must, in addition, follow the procedures set forth in Part 202 of this Title.

3. The facility must submit a compliance test report containing the results of the emission test to the department no later than 60 days after completion of the emission test.

The initial performance test must be completed within 180 days of commencement of operation of each emission source (01ENG - 03ENG). Subsequent performance tests must be performed once every five years. The permittee may submit a request to reduce the number of engines to be tested.

If performance testing demonstrates non-compliance with the CO emission limit, the permittee must shut down the engine(s) that exceed the emission limit, take corrective action, and retest the engine(s) within 60 days of restart. In this case subsequent performance testing shall be conducted on the engine(s) in question within 6 months of retest. If at this time engine(s) emissions demonstrate compliance with the CO emission limit the permittee can resume testing per the schedule outlined above.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 3.2 grams per brake horsepower-hour

Reference Test Method: EPA RM 10

Monitoring Frequency: Once every five years

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST
METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 32: Capping Monitoring Condition
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement: 6 NYCRR Subpart 201-7

Item 32.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 231-5

Item 32.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

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Item 32.3:

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.

Item 32.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 32.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 32.6:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 4-GENST	
Process: ENG	Emission Source: 01ENG
Emission Unit: 4-GENST	
Process: ENG	Emission Source: 02ENG
Emission Unit: 4-GENST	
Process: ENG	Emission Source: 03ENG
Regulated Contaminant(s):	
CAS No: 0NY210-00-0	OXIDES OF NITROGEN

Item 32.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of NOx from each of the three stationary internal combustion engines (emission sources: 01ENG - 03ENG) shown above must operate at a maximum NOx emission rate of 1.0 g/bhp-hr.

Compliance with the emission rate of 1.0 g/bhp-hr shall be demonstrated by an initial performance test as outlined below:

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1. The facility must submit a compliance test protocol to the department for approval at least 30 days prior to emission testing. The conditions of the testing and the locations of the sampling devices must be acceptable to the department and allow for collection of the following information during the test:

- Operating rate for each engine during the test period (BHP);
- Total flow rate of the landfill gas to each engine (scfm, dry basis);
- Concentrations (dry basis) of oxygen (O₂), methane (CH₄), in the landfill gas burned in the engines (percent by volume or ppmv);
- High heating value for the landfill gas (BTU/scf);
- Heat input rate to each engine averaged over the test period (BTU/hour);
- Exhaust gas flow rate from each engine (scfm, dry basis);
- Concentrations (dry basis) of NO_x, CH₄, and O₂ in the exhaust gas from each engine (ppmv or percent by volume);
- NO_x concentrations corrected to 15% O₂ in the exhaust gas from each engine (ppmv);
- NO_x emission rates from each engine (g/BHP-hr);

2. The facility must utilize the procedures set forth in 40 CFR part 60, Appendix A, Method 7, 7E, or 19, or any other method acceptable to the department for determining compliance with the NO_x limit contained in this condition, and must, in addition, follow the procedures set forth in Part 202 of this Title.

3. The facility must submit a compliance test report containing the results of the emission test to the department no later than 60 days after completion of the emission test.

An initial performance test must be completed within 180 days of commencement of operation of each emission source (01ENG - 03ENG). Subsequent performance tests must be performed once every five years. The permittee may submit a request to reduce the number of engines to be tested.

If performance testing demonstrates non-compliance with the NO_x emission limit, the permittee must shut down the engine(s) that exceed the emission limit, take corrective action, and retest the engine(s) within 60 days of restart. In this case subsequent performance testing shall

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be conducted on the engine(s) in question within 6 months of retest. If at this time engine(s) emissions demonstrate compliance with the NOx emission limit the permittee can resume testing per the schedule outlined above.

Parameter Monitored: OXIDES OF NITROGEN
 Upper Permit Limit: 1.0 grams per brake horsepower-hour
 Reference Test Method: EPA RM 7, 7E or 19
 Monitoring Frequency: Once every five years
 Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED
 Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 33: Visible Emissions Limited
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:6 NYCRR 211.2

Item 33.1:

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

Condition 34: Compliance Certification
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:6 NYCRR 227-1.4 (a)

Item 34.1:

The Compliance Certification activity will be performed for the facility:
 The Compliance Certification applies to:

Emission Unit: 4-GENST	
Process: ENG	Emission Source: 01ENG
Emission Unit: 4-GENST	
Process: ENG	Emission Source: 02ENG
Emission Unit: 4-GENST	
Process: ENG	Emission Source: 03ENG

Item 34.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
 Monitoring Description:

The permittee will conduct observations of visible emissions, from each of the internal combustion engines listed above, on a daily basis whenever the facility is staffed and while the engines are in operation. The

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permittee will immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from an emission source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission points) 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 will immediately notify the Department and conduct an EPA Reference Method 9 assessment within 24 hours 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.

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 7/30/2022.

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

Condition 35: Compliance Certification
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:6 NYCRR 227-1.4 (a)

Item 35.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 4-GENST	
Process: ENG	Emission Source: 01ENG

Emission Unit: 4-GENST	
Process: ENG	Emission Source: 02ENG

Emission Unit: 4-GENST	
Process: ENG	Emission Source: 03ENG

Item 35.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a stationary combustion installation subject to this Subpart shall operate an emission source which exhibits greater than 20 percent opacity (based on a six minute average), except for one 6 minute period per hour of not more than 27 percent opacity. The owner or operator will conduct a Method 9 test annually. A report of the results of the test will be submitted to the Department within 30 days of the completion of the Method 9 test. All records generated by the permittee must be maintained at the facility or at an alternative location approved by the Department for a minimum of five years.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 40 CFR 60, Appendix A, Method 9

Monitoring Frequency: ANNUALLY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 36: Subpart A provisions that apply to facilities subject to Subpart JJJJ

Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:40CFR 60.4246, NSPS Subpart JJJJ

Item 36.1:

The following provisions of 40 CFR 60 Subpart A apply to this facility: 60.1 through 60.12, 60.14 through 60.17 and 60.19.

Condition 37: Applicability

Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:40CFR 63, Subpart ZZZZ

Item 37.1:

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

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

Condition 38: Emission Point Definition By Emission Unit

Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:6 NYCRR Subpart 201-6

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Item 38.1:

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

Emission Unit: 4-GENST

Emission Point: ENG01

Height (ft.): 37 Diameter (in.): 15
 NYTMN (km.): 4811.67 NYTME (km.): 466.457 Building: ENGBLDG

Emission Point: ENG02

Height (ft.): 37 Diameter (in.): 15
 NYTMN (km.): 4811.705 NYTME (km.): 466.446 Building: ENGBLDG

Emission Point: ENG03

Height (ft.): 37 Diameter (in.): 15
 NYTMN (km.): 4811.709 NYTME (km.): 466.437 Building: ENGBLDG

Condition 39: Process Definition By Emission Unit
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 39.1:

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

Emission Unit: 4-GENST

Process: ENG Source Classification Code: 2-01-008-02

Process Description:

Process ENG will consist of three (3) Caterpillar G3520C landfill gas internal combustion (IC) engine generator sets. Treated landfill gas from the OHSWMA Regional Landfill is combusted at a rate of approximately 588 standard cubic feet per minute (scfm), at 50% methane, per engine for a total combined landfill gas utilization rate of approximately 1,764 scfm, at 50% methane, for the three Caterpillar G3520C IC engines.

Emission Source/Control: 01ENG - Combustion
 Design Capacity: 1,600 kilowatts

Emission Source/Control: 02ENG - Combustion
 Design Capacity: 1,600 kilowatts

Emission Source/Control: 03ENG - Combustion
 Design Capacity: 1,600 kilowatts

Condition 40: Applicability of facilities subject to Subpart JJJJ
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement:40CFR 60.4230(a)(4)(i), NSPS Subpart JJJJ

Item 40.1:

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This Condition applies to Emission Unit: 4-GENST
 Process: ENG Emission Source: 01ENG

Item 40.2: The provisions of 40 CFR 60 Subpart JJJJ are applicable to manufacturers, owners, and operators of stationary spark ignition (SI) internal combustion engines (ICE) that commence construction after June 12, 2006, and where the stationary SI ICE are manufactured on or after July 1, 2007, for engines with a maximum engine power greater than or equal to 500 HP (except lean burn engines with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP). For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

Condition 41: Compliance Certification
 Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement: 40CFR 60.4243(a)(1), NSPS Subpart JJJJ

Item 41.1:
 The Compliance Certification activity will be performed for the facility:
 The Compliance Certification applies to:

Emission Unit: 4-GENST
 Process: ENG Emission Source: 01ENG

Emission Unit: 4-GENST
 Process: ENG Emission Source: 02ENG

Emission Unit: 4-GENST
 Process: ENG Emission Source: 03ENG

Regulated Contaminant(s):
 CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 41.2:
 Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
 Monitoring Description:

If you are an owner or operator of a stationary SI internal combustion engine that is manufactured after July 1, 2008, and must comply with the emission standards specified in §60.4233(a) through (c), you must comply by purchasing an engine certified to the emission standards in §60.4231(a) through (c), as applicable, for the same engine class and maximum engine power. You must also meet the requirements as specified in 40 CFR part 1068, subparts A through D, as they apply to you. If you adjust engine settings according to and consistent with the

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manufacturer's instructions, your stationary SI internal combustion engine will not be considered out of compliance. In addition, you must meet one of the requirements specified below:

If you operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, you must keep records of conducted maintenance to demonstrate compliance, but no performance testing is required if you are an owner or operator.

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 7/30/2022.

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

Condition 42: Compliance Certification
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable Federal Requirement: 40CFR 60.4245(a), NSPS Subpart JJJJ

Item 42.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 4-GENST	
Process: ENG	Emission Source: 01ENG

Emission Unit: 4-GENST	
Process: ENG	Emission Source: 02ENG

Emission Unit: 4-GENST	
Process: ENG	Emission Source: 03ENG

Item 42.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners or operators of stationary SI ICE must meet the following notification, reporting and recordkeeping requirements.

(1) All notifications submitted to comply with this subpart and all documentation supporting any notification.

(2) Maintenance conducted on the engine.

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(3) If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90, 1048, 1054, and 1060, as applicable

(4) If the stationary SI internal combustion engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to §60.4243(a)(2), documentation that the engine meets the emission standards.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2022.

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

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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 43: Contaminant List

Effective between the dates of 03/14/2022 and 03/13/2027

Applicable State Requirement: ECL 19-0301

Item 43.1:

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

CAS No: 000630-08-0
Name: CARBON MONOXIDE

CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN

Condition 44: Malfunctions and Start-up/Shutdown Activities

Effective between the dates of 03/14/2022 and 03/13/2027

Applicable State Requirement: 6 NYCRR 201-1.4

Item 44.1:

(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

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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, 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 45: CLCPA Applicability

Effective between the dates of 03/14/2022 and 03/13/2027

Applicable State Requirement:6 NYCRR 201-6.5 (a)**Item 45.1:**

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 46: Air pollution prohibited

Effective between the dates of 03/14/2022 and 03/13/2027

Applicable State Requirement:6 NYCRR 211.1

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Item 46.1:

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

Condition 47: Idling of Diesel Trucks Limited
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable State Requirement:6 NYCRR 217-3.2

Item 47.1:

No person who owns, operates or leases a bus or truck, the motive power for which is provided by a diesel engine or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a bus or truck present on such land, the motive power for which said bus or truck is provided by a diesel engine, shall allow or permit the diesel engine of such bus or truck to idle for more than five consecutive minutes when the bus or truck is not in motion, except as otherwise permitted by 6 NYCRR Subpart 217-3.3.

Condition 48: Exceptions
Effective between the dates of 03/14/2022 and 03/13/2027

Applicable State Requirement:6 NYCRR 217-3.3

Item 48.1:

The prohibitions of section 217-3.2 shall not apply when:

(a) A bus or truck is forced to remain motionless because of the traffic conditions over which the operator thereof has no control.

(b) Regulations adopted by Federal, State or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified in section 217-3.2 may be increased, but only to the extent necessary to comply with such regulations.

(c) A diesel engine is being used to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming; or when operation of the engine is required for the purpose of maintenance.

(d) Fire, police and public utility trucks or other vehicles are performing emergency services.

(e) Trucks owned or operated by persons engaged in mining and quarrying are used within the confines of such person's property.

(f) A truck is to remain motionless for a period exceeding two hours, and during which period the ambient temperature is continuously below 25oF.

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(g) A heavy duty diesel vehicle, as defined in subdivision 217-5.1(o), that is queued for or is undergoing a state authorized periodic or roadside diesel emissions inspection pursuant to Subpart 217-5.

(h) A hybrid electric vehicle, as defined in subdivision 217-5.1(r), idling for the purpose of providing energy for battery or other form of energy storage recharging.

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