

Facility DEC ID: 725380011

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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 7-2538-00011/00007  
Effective Date: 01/26/2023 Expiration Date: 01/25/2028

Permit Issued To: MADISON COUNTY  
C/O OFFICE BLDG  
139 N Court St  
WAMPSVILLE, NY 13163

Contact: JAMES ZECCA  
MADISON COUNTY DEPT OF SOLID WASTE  
PO BOX 27  
WAMPSVILLE, NY 13163  
(315) 361-8408

Facility: MADISON COUNTY LANDFILL  
BUYEA RD - W SIDE - N OF EDDY RD  
CANASTOTA, NY 13032

Description:  
Municipal landfill with a design capacity above 2.5 million megagrams operating under a NYS Part 360 solid waste permit and NYS Part 201-6 Air Title V permit. Landfill gas is currently collected and delivered to a gas to energy facility owned and operated by WM Canastota Renewable Energy. Madison County also has a landfill gas flare for control when the gas to energy facility is offline.

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: KEVIN M BALDUZZI  
NYSDEC - REGION 7  
615 ERIE BLVD W  
SYRACUSE, NY 13204

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

Facility DEC ID: 725380011

### 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.

Facility DEC ID: 725380011

**PAGE LOCATION OF CONDITIONS**

**PAGE**

**DEC GENERAL CONDITIONS**

**General Provisions**

- 4 1 Facility Inspection by the Department
- 4 2 Relationship of this Permit to Other Department Orders and Determinations
- 4 3 Applications for permit renewals, modifications and transfers
- 5 4 Permit modifications, suspensions or revocations by the Department

**Facility Level**

- 5 5 Submission of application for permit modification or renewal-REGION 7 HEADQUARTERS

Facility DEC ID: 725380011

**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 submitted prior to actual transfer of ownership.

Facility DEC ID: 725380011

**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 7 HEADQUARTERS**  
**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 7 Headquarters  
Division of Environmental Permits  
615 Erie Blvd West  
Syracuse, NY 13204-2400  
(315) 426-7400

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

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

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

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C/O OFFICE BLDG  
139 N Court St  
WAMPSVILLE, NY 13163

Facility: MADISON COUNTY LANDFILL  
BUYEA RD - W SIDE - N OF EDDY RD  
CANASTOTA, NY 13032

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

Permit Effective Date: 01/26/2023

Permit Expiration Date: 01/25/2028

**PAGE LOCATION OF CONDITIONS**

**PAGE**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

7	1	6 NYCRR 200.6: Acceptable Ambient Air Quality
8	2	6 NYCRR 201-6.4 (a) (7): Fees
8	3	6 NYCRR 201-6.4 (c): Recordkeeping and Reporting of Compliance Monitoring
8	4	6 NYCRR 201-6.4 (c) (2): Records of Monitoring, Sampling, and Measurement
8	5	6 NYCRR 201-6.4 (c) (3) (ii): Compliance Certification
11	6	6 NYCRR 201-6.4 (e): Compliance Certification
13	7	6 NYCRR 202-2.1: Compliance Certification
13	8	6 NYCRR 202-2.5: Recordkeeping requirements
13	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
15	12	6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
15	13	6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
15	14	6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
16	15	6 NYCRR 201-6.4 (a) (4): Requirement to Provide Information
16	16	6 NYCRR 201-6.4 (a) (8): Right to Inspect
16	17	6 NYCRR 202-1.1: Required Emissions Tests
17	18	40 CFR Part 68: Accidental release provisions.
17	19	40CFR 82, Subpart F: Recycling and Emissions Reduction
17	20	6 NYCRR Subpart 201-6: Emission Unit Definition
18	21	6 NYCRR 201-6.4 (d) (4): Progress Reports Due Semiannually
18	22	6 NYCRR 201-6.4 (f): Operational Flexibility
19	23	6 NYCRR 202-1.2: Notification
19	24	6 NYCRR 202-1.4: Separate emission test by the commissioner
19	25	6 NYCRR 202-2.4 (a) (3): Statement dates for emissions statements.
19	26	6 NYCRR Part 208: Compliance Certification
20	27	6 NYCRR 211.2: Visible Emissions Limited
20	28	40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
21	29	40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
21	30	40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
21	31	40CFR 60.8(b), NSPS Subpart A: Performance Test Methods - Waiver
22	32	40CFR 60.8(b), NSPS Subpart A: Performance test methods.
22	33	40CFR 60.8(c), NSPS Subpart A: Required performance test information.
22	34	40CFR 60.8(d), NSPS Subpart A: Prior notice.
22	35	40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
22	36	40CFR 60.9, NSPS Subpart A: Availability of information.
23	37	40CFR 60.11(d), NSPS Subpart A: Compliance with Standards and Maintenance Requirements
23	38	40CFR 60.12, NSPS Subpart A: Circumvention.
23	39	40CFR 60.35f(e), NSPS Subpart Cf: Compliance Certification
25	40	40CFR 60.35f(a)(1), NSPS Subpart Cf: Compliance Certification
27	41	40CFR 60.35f(a)(2), NSPS Subpart Cf: Compliance Certification
28	42	40CFR 60.35f(a)(3), NSPS Subpart Cf: Compliance Certification

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

- 30 43 40CFR 60.35f(a)(4), NSPS Subpart Cf: Compliance Certification
- 31 44 40CFR 60.35f(a)(6), NSPS Subpart Cf: Compliance Certification
- 34 45 40CFR 60.38f(c), NSPS Subpart Cf: Compliance Certification
- 35 46 40CFR 61.154, NESHAP Subpart M: Asbestos-containing  
waste material standard for active waste disposal sites
- Emission Unit Level**
- 35 47 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
- 36 48 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 39 49 ECL 19-0301: Contaminant List
- 39 50 6 NYCRR 201-1.4: Malfunctions and Start-up/Shutdown Activities
- 40 51 6 NYCRR 201-6.5 (a): CLCPA Applicability
- 40 52 6 NYCRR 211.1: Air pollution prohibited
- 41 53 6 NYCRR 217-3.2: Idling of Diesel Trucks Limited



Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

**FEDERALLY ENFORCEABLE CONDITIONS**

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 reissuance, or termination, or of a notification of

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

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 facility for any violation of applicable requirements prior to or at the time of permit issuance;

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

- 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 is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

**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 01/26/2023 and 01/25/2028**

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

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

**Condition 2: Fees**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**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 01/26/2023 and 01/25/2028**

**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 01/26/2023 and 01/25/2028**

**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 reports required by the permit.

**Condition 5: Compliance Certification**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

**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, the report shall be contained in the 6 month monitoring report required above.
- (4) This permit may contain a more stringent reporting

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

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 report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2023.

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

**Condition 6: Compliance Certification**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**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;
  - 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.



Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

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  
 NYSDEC Region 7 Headquarters  
 615 Erie Boulevard, West  
 Syracuse, NY 13204-2400

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY  
 Reporting Requirements: ANNUALLY (CALENDAR)

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

Reports due 30 days after the reporting period.  
 The initial report is due 1/30/2024.  
 Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**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 0 days after the reporting period.  
 The initial report is due 4/15/2024.  
 Subsequent reports are due every 12 calendar month(s).

**Condition 8: Recordkeeping requirements**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**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**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**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

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

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.

**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.**

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

**[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 01/26/2023 and 01/25/2028**

**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 01/26/2023 and 01/25/2028**

**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 01/26/2023 and 01/25/2028**

**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 01/26/2023 and 01/25/2028**

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

**Item 13.1:**

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

**Condition 14: Trivial Sources - Proof of Eligibility**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

**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 01/26/2023 and 01/25/2028**

**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 01/26/2023 and 01/25/2028**

**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
- (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 01/26/2023 and 01/25/2028**

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

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

**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 01/26/2023 and 01/25/2028**

**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 01/26/2023 and 01/25/2028**

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

**Item 19.1:**

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

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

**Condition 20: Emission Unit Definition  
Effective between the dates of 01/26/2023 and 01/25/2028**

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

**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: 1-LFGAS

Emission Unit Description:

This unit consists of landfill waste generating landfill gas by anerobic decomposition. The emission unit will consist of one (1) large flare and 6 portable candlestick flares as defined emission points. Landfill gas will also be released as a fugitive emission, if it bypasses the landfill gas collection system.

**Item 20.2:**

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

Emission Unit: 2-LCHST

Emission Unit Description:

This unit consists of two open top leachate storage lagoons with capacities of 600,000 gallons each. Leachate is direct piped and shipped by tanker truck to the WWTP for treatment daily.

**Condition 21: Progress Reports Due Semiannually**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (d) (4)****Item 21.1:**

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

(i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

**Condition 22: Operational Flexibility**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (f)****Item 22.1:**

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

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

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

**Condition 23: Notification**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:6 NYCRR 202-1.2**

**Item 23.1:**

A person who is required by the commissioner to submit a stack test report shall notify the commissioner, in writing, not less than 30 days prior to the test, of the time and date of the test. Such notification shall also include the acceptable procedures to be used to stack test including sampling and analytical procedures. Such person shall allow the commissioner, or his representative, free access to observe stack testing being conducted by such person.

**Condition 24: Separate emission test by the commissioner**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:6 NYCRR 202-1.4**

**Item 24.1:**

The commissioner may conduct separate or additional emission tests on the behalf of the State to ascertain compliance or noncompliance with any air pollution code, rule, or regulation.

**Condition 25: Statement dates for emissions statements.**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:6 NYCRR 202-2.4 (a) (3)**

**Item 25.1:**

This facility is required to submit an annual emission statement electronically and these emissions statements must be submitted to the department as per the following schedule:

- (i) March 15th of each year for facilities with three or fewer processes listed in their Title V permit:
- (ii) March 31st of each year for facilities with four to six processes listed in their Title V permit:
- (iii) April 15th of each year for facilities with 7 to 12 processes listed in their Title V permit:
- (iv) April 30th of each year for facilities with 13 or more processes listed in their Title V permit.

**Condition 26: Compliance Certification**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:6 NYCRR Part 208**

**Item 26.1:**

The Compliance Certification activity will be performed for the Facility.



Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

**Item 26.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Proposed Revised Condition:

The facility is subject to 6 NYCRR Part 208, which incorporates 40 CFR Part 60 Subpart Cf by reference. The provisions of 40 CFR 60 Subpart Cf, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills for MSW landfills that commenced construction, modification, or reconstruction on or before July 17, 2014 that apply to the design, installation, operation, monitoring, record keeping, reporting and compliance certification of a landfill gas collection and control system do not apply to this facility at issuance of this permit. Such provisions will apply to the facility based on the tiered monitoring and reporting system per Subpart Cf as detailed in this permit. Once the facility becomes subject to these requirements, the facility will be required to apply to the DEC for a modification to this permit that will add all applicable provisions of Subpart Cf. The facility is required to meet the submission timelines of Subpart Cf following becoming subject to the landfill gas collection and control system requirements.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 27: Visible Emissions Limited**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 27.1:**

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 28: EPA Region 2 address.**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:40CFR 60.4, NSPS Subpart A**

**Item 28.1:**

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the following address:

Director, Division of Enforcement and Compliance Assistance  
 USEPA Region 2

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

290 Broadway, 21st Floor  
New York, NY 10007-1886

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the NYSDEC Regional Office issuing this permit (see address at the beginning of this permit) and to the following address:

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

**Condition 29: Recordkeeping requirements.**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:40CFR 60.7(b), NSPS Subpart A**

**Item 29.1:**

Affected owners or operators shall maintain records of occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

**Condition 30: Facility files for subject sources.**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:40CFR 60.7(f), NSPS Subpart A**

**Item 30.1:**

The following files shall be maintained at the facility for all affected sources: all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part, recorded in permanent form suitable for inspections. The file shall be maintained for at least two years following the date of such measurements, reports, and records.

**Condition 31: Performance Test Methods - Waiver**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:40CFR 60.8(b), NSPS Subpart A**

**Item 31.1:**

Performance testing shall be conducted in accordance with the methods and procedures prescribed in 40 CFR Part 60 unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternate method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

volumes when necessitated by process variables or other factors.

**Condition 32: Performance test methods.**  
Effective between the dates of 01/26/2023 and 01/25/2028

**Applicable Federal Requirement:40CFR 60.8(b), NSPS Subpart A**

**Item 32.1:**

Performance testing shall be conducted in accordance with the methods and procedures prescribed in 40 CFR 60 or by alternative methods and procedures approved by the Administrator.

**Condition 33: Required performance test information.**  
Effective between the dates of 01/26/2023 and 01/25/2028

**Applicable Federal Requirement:40CFR 60.8(c), NSPS Subpart A**

**Item 33.1:**

Performance tests shall be conducted under such conditions specified by the Administrator, based upon representative performance data supplied by the owner or operator of the facility.

**Condition 34: Prior notice.**  
Effective between the dates of 01/26/2023 and 01/25/2028

**Applicable Federal Requirement:40CFR 60.8(d), NSPS Subpart A**

**Item 34.1:**

The owner or operator shall provide the Administrator with prior notice of any performance test at least 30 days in advance of testing.

**Condition 35: Performance testing facilities.**  
Effective between the dates of 01/26/2023 and 01/25/2028

**Applicable Federal Requirement:40CFR 60.8(e), NSPS Subpart A**

**Item 35.1:**

The following performance testing facilities shall be provided during all tests:

- 1) sampling ports adequate for tests methods applicable to such facility;
- 2) a safe sampling platform;
- 3) a safe access to the sampling platform; and
- 4) utilities for sampling and testing equipment.

**Condition 36: Availability of information.**  
Effective between the dates of 01/26/2023 and 01/25/2028

**Applicable Federal Requirement:40CFR 60.9, NSPS Subpart A**

**Item 36.1:**

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by 40 CFR Part 2.

**Condition 37: Compliance with Standards and Maintenance Requirements  
Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:40CFR 60.11(d), NSPS Subpart A**

**Item 37.1:**

At all times, including periods of startup, shutdown, and malfunction, owners and operators of this facility shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Department and the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

**Condition 38: Circumvention.  
Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:40CFR 60.12, NSPS Subpart A**

**Item 38.1:**

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

**Condition 39: Compliance Certification  
Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:40CFR 60.33f(e), NSPS Subpart Cf**

**Item 39.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 39.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

- (e) The owner or operator of a municipal solid waste landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must either install a collection and control system as provided in 40 CFR Part 60.33f(b) and (c) or calculate an initial non-methane organic compound (NMOC) emission rate for the landfill using the procedures specified in 40 CFR Part 60.35f(a). The NMOC emission rate must be recalculated annually, except as provided in 40 CFR Part 60.38f(c)(3).

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

(1) If the calculated NMOC emission rate is less than 34 megagrams per year, the owner or operator must:

(i) Submit an annual NMOC emission rate report according to 40 CFR Part 60.38f(c), except as provided in 40 CFR Part 60.38f(c)(3); and

(ii) Recalculate the NMOC emission rate annually using the procedures specified in 40 CFR Part 60.35f(a) until such time as the calculated NMOC emission rate is equal to or greater than 34 megagrams per year, or the landfill is closed.

(A) If the calculated NMOC emission rate, upon initial calculation or annual recalculation required in item (e)(1)(ii) above, is equal to or greater than 34 megagrams per year, the owner or operator must either: Comply with 40 CFR Part 60.33f(b) and (c); calculate NMOC emissions using the next higher tier in 40 CFR Part 60.35f; or conduct a surface emission monitoring demonstration using the procedures specified in 40 CFR Part 60.35f(a)(6).

(B) If the landfill is permanently closed, a closure report must be submitted to DEC as provided in 40 CFR Part 60.38f(f), except for exemption allowed under 40 CFR Part 60.31f(e)(4).

(C) For the closed landfill subcategory, if the most recently calculated NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator must either: Submit a gas collection and control system design plan as specified in 40 CFR Part 60.38f(d), except for exemptions allowed under 40 CFR Part 60.31f(e)(3), and install a collection and control system as provided in 40 CFR Part 60.33f(b) and (c); calculate NMOC emissions using the next higher tier in 40 CFR Part 60.35f; or conduct a surface emission monitoring demonstration using the procedures specified in 40 CFR Part 60.35f(a)(6).

(2) If the calculated NMOC emission rate is equal to or greater than 34 megagrams per year using Tier 1, 2, or 3 procedures, the owner or operator must either: submit a collection and control system design plan prepared by a professional engineer to the DEC within 1 year as specified in 40 CFR Part 60.38f(d), except for exemptions allowed under 40 CFR Part 60.31f(e)(3); calculate NMOC emissions using a higher tier in 40 CFR Part 60.35f; or conduct a surface emission monitoring demonstration using the procedures specified in 40 CFR Part 60.35f(a)(6).

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

(3) For the closed landfill subcategory, if the calculated NMOC emission rate is equal to or greater than 50 megagrams per year using Tier 1, 2, or 3 procedures, the owner or operator must either: Submit a collection and control system design plan as specified in 40 CFR Part 60.38f(d), except for exemptions allowed under 40 CFR Part 60.31f(e)(3); calculate NMOC emissions using a higher tier in 40 CFR Part 60.35f; or conduct a surface emission monitoring demonstration using the procedures specified in 40 CFR Part 60.35f(a)(6).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2024.

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

**Condition 40: Compliance Certification**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement: 40CFR 60.35f(a)(1), NSPS Subpart Cf**

**Item 40.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 40.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a municipal solid waste landfill must calculate the NMOC emission rate using either of the two equations below in paragraphs (1)(A) or (2)(A). Both equations may be used if the actual year-to-year solid waste acceptance rate is known, as specified in paragraph (1)(A), for part of the life of the landfill and the actual year-to-year solid waste acceptance rate is unknown, as specified in paragraph (2)(A), for part of the life of the landfill. The values to be used in both equations are 0.05 per year for k, 170 cubic meters per megagram for Lo, and 4,000 parts per million by volume as hexane for the CNMOC. For landfills located in geographical areas with a 30-year annual average precipitation of less than 25 inches, as measured at the nearest representative official meteorologic site, the k value to be used is 0.02 per year.

(1)(A) This equation must be used if the actual year-to-year solid waste acceptance rate is known.

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

$$MNMOOC = \sum_{i=1,n} 2kLoMi(e^{-kt_i})(CNMOOC)(3.6 \times 10^{-9})$$

Where:

MNMOOC = Total NMOC emission rate from the landfill, megagrams per year.

k = Methane generation rate constant, year<sup>-1</sup>.

Lo = Methane generation potential, cubic meters per megagram solid waste.

Mi = Mass of solid waste in the i<sup>th</sup> section, megagrams.

ti = Age of the i<sup>th</sup> section, years.

CNMOOC = Concentration of NMOC, parts per million by volume as hexane.

3.6 × 10<sup>-9</sup> = Conversion factor.

(B) The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value for Mi if documentation of the nature and amount of such wastes is maintained.

(2)(A) This equation must be used if the actual year-to-year solid waste acceptance rate is unknown.

$$MNMOOC = 2LoR (e^{-kc} - e^{-kt}) CNMOOC (3.6 \times 10^{-9})$$

Where:

MNMOOC = Mass emission rate of NMOC, megagrams per year.

Lo = Methane generation potential, cubic meters per megagram solid waste.

R = Average annual acceptance rate, megagrams per year.

k = Methane generation rate constant, year<sup>-1</sup>.

t = Age of landfill, years.

CNMOOC = Concentration of NMOC, parts per million by volume

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

as hexane.

$c$  = Time since closure, years; for an active landfill  $c = 0$  and  $e^{-kc} = 1$ .

$3.6 \times 10^{-9}$  = Conversion factor.

(B) The mass of nondegradable solid waste may be subtracted from the total mass of solid waste in a particular section of the landfill when calculating the value of  $R$ , if documentation of the nature and amount of such wastes is maintained.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2024.

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

**Condition 41: Compliance Certification**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement: 40CFR 60.35f(a)(2), NSPS Subpart Cf**

**Item 41.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 41.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

NMOC Calculation - Tier 1.

The owner or operator must compare the calculated NMOC mass emission rate to the standard of 34 megagrams per year.

(i) If the NMOC emission rate calculated in 40 CFR Part 60.35f(a)(1) is less than 34 megagrams per year, then the owner or operator must submit an NMOC emission rate report according to 49 CFR Part 60.38f(c) and must recalculate the NMOC mass emission rate annually as required under 40 CFR Part 60.33f(e).

(ii) If the NMOC emission rate calculated in 40 CFR Part 60.35f(a)(1) is equal to or greater than 34 megagrams per year, then the landfill owner or operator must either:



Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

(A) Submit a gas collection and control system design plan within 1 year as specified in 40 CFR Part 60.38f(d) and install and operate a gas collection and control system within 30 months according to 40 CFR Part 60.33f(b) and (c);

(B) Determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the Tier 2 procedures provided in 40 CFR Part 60.35f(a)(3); or

(C) Determine a site-specific methane generation rate constant and recalculate the NMOC emission rate using the Tier 3 procedures provided in 40 CFR Part 60.35f(a)(4).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2024.

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

**Condition 42: Compliance Certification**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement: 40CFR 60.35f(a)(3), NSPS Subpart Cf**

**Item 42.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 42.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

NMOC Calculation - Tier 2.

The landfill owner or operator must determine the site-specific NMOC concentration using the following sampling procedure:

The landfill owner or operator must install at least two sample probes per hectare, evenly distributed over the landfill surface that has retained waste for at least 2 years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The probes should be evenly distributed across the sample area. The sample probes should be located to avoid known areas of nondegradable solid waste.

The owner or operator must collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using Method 25 or 25C of 40 CFR Part 60 appendix A. Taking composite samples from different probes

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

into a single cylinder is allowed; however, equal sample volumes must be taken from each probe. For each composite, the sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume measurements must be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If more than the required number of samples is taken, all samples must be used in the analysis.

The landfill owner or operator must divide the NMOC concentration from Method 25 or 25C by six (6) to convert from CNMOC as carbon to CNMOC as hexane. If the landfill has an active or passive gas removal system in place, Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two sampling probe per hectare requirement. For active collection systems, samples may be collected from the common header pipe. The sample location on the common header pipe must be before any gas moving, condensate removal, or treatment system equipment. For active collection systems, a minimum of three samples must be collected from the header pipe.

- (i) Within 60 days after the date of determining the NMOC concentration and corresponding NMOC emission rate, the owner or operator must submit the results according to 40 CFR Part 60.38f(j)(2).
- (ii) The landfill owner or operator must recalculate the NMOC mass emission rate using Equation 1 or Equation 2 provided in paragraph 40 CFR Part 60.35f(a)(1)(i) or (ii) using the average site-specific NMOC concentration from the collected samples instead of the default value provided in 40 CFR Part 60.35f(a)(1).
- (iii) If the resulting NMOC mass emission rate is less than 34 megagrams per year, then the owner or operator must submit a periodic estimate of NMOC emissions in an NMOC emission rate report according to 40 CFR Part 60.38f(c) and must recalculate the NMOC mass emission rate annually as required under 40 CFR Part 60.33f(e). The site-specific NMOC concentration must be retested every 5 years using the methods specified in this section.
- (iv) If the NMOC mass emission rate as calculated using the Tier 2 site-specific NMOC concentration is equal to or greater than 34 megagrams per year, the owner or operator

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

must either:

(A) Submit a gas collection and control system design plan within 1 year as specified in 40 CFR Part 60.38f(d) and install and operate a gas collection and control system within 30 months according to 40 CFR Part 60.33f(b) and (c);

(B) Determine a site-specific methane generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the Tier 3 procedures specified in paragraph 40 CFR Part 60.35f(a)(4); or

(C) Conduct a surface emission monitoring demonstration using the Tier 4 procedures specified in paragraph 40 CFR Part 60.35f(a)(6).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2024.

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

**Condition 43: Compliance Certification**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement: 40CFR 60.35f(a)(4), NSPS Subpart Cf**

**Item 43.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 43.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

NMOC Calculation Tier - 3.

The site-specific methane generation rate constant (k) must be determined using the procedures provided in Method 2E of 40 CFR Part 60 appendix A. The landfill owner or operator must estimate the NMOC mass emission rate using Equation 1 or Equation 2 in 40 CFR Part 60.35f(a)(1)(i) or (ii) and using a site-specific methane generation rate constant, and the site-specific NMOC concentration as determined in 40 CFR Part 60.35f(a)(3) instead of the default values provided in 40 CFR Part 60.35f(a)(1). The landfill owner or operator must compare the resulting NMOC mass emission rate to the standard of 34 megagrams per year.

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

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

(A) Submit a gas collection and control system design plan within 1 year as specified in 40 CFR Part 60.38f(d) and install and operate a gas collection and control system within 30 months according to 40 CFR Part 60.33f(b) and (c); or

(B) Conduct a surface emission monitoring demonstration using the Tier 4 procedures specified in 40 CFR Part 60.35f(a)(6).

(ii) If the NMOC mass emission rate is less than 34 megagrams per year, then the owner or operator must recalculate the NMOC mass emission rate annually using Equation 1 or Equation 2 in 40 CFR Part 60.35f(a)(1) and using the site-specific Tier 2 NMOC concentration and Tier 3 methane generation rate constant and submit a periodic NMOC emission rate report as provided in 40 CFR Part 60.38f(c). The calculation of the methane generation rate constant is performed only once, and the value obtained from this test must be used in all subsequent annual NMOC emission rate calculations.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2024.

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

**Condition 44: Compliance Certification**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement: 40CFR 60.35f(a)(6), NSPS Subpart Cf**

**Item 44.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 44.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

NMOC Calculation - Tier 4.

The landfill owner or operator must demonstrate that surface methane emissions are below 500 parts per million. Surface emission monitoring must be conducted on a

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

quarterly basis using the following procedures. Tier 4 is allowed only if the landfill owner or operator can demonstrate that NMOC emissions are greater than or equal to 34 Mg/yr but less than 50 Mg/yr using Tier 1 or Tier 2. If both Tier 1 and Tier 2 indicate NMOC emissions are 50 Mg/yr or greater, then Tier 4 cannot be used. In addition, the landfill must meet the criteria in item (viii) below.

(i) The owner or operator must measure surface concentrations of methane along the entire perimeter of the landfill and along a pattern that traverses the landfill at no more than 30-meter intervals using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in 40 CFR Part 60.36f(d).

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

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

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

(B) Landfill surface areas where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover, and all cover penetrations must also be monitored using a device meeting the specifications provided in 40 CFR Part 60.36f(d).

(iv) Each owner or operator seeking to comply with the Tier 4 provisions in 40 CFR Part 60.35f(a)(6) must maintain records of surface emission monitoring as

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

provided in 40 CFR Part 60.39f(g) and submit a Tier 4 surface emissions report as provided in 40 CFR Part 60.38f(d)(4)(iii).

(v) If there is any measured concentration of methane of 500 parts per million or greater from the surface of the landfill, the owner or operator must submit a gas collection and control system design plan within 1 year of the first measured concentration of methane of 500 parts per million or greater from the surface of the landfill according to 40 CFR Part 60.38f(d) and install and operate a gas collection and control system according to 40 CFR Part 60.33f(b) and (c) within 30 months of the most recent NMOC emission rate report in which the NMOC emission rate equals or exceeds 34 megagrams per year based on Tier 2.

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

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

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

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2024.

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

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

**Condition 45: Compliance Certification**  
Effective between the dates of 01/26/2023 and 01/25/2028

**Applicable Federal Requirement: 40CFR 60.38f(c), NSPS Subpart Cf**

**Item 45.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 45.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each owner or operator of a municipal solid waste landfill subject to 40 CFR Part 60 Subpart Cf with a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must submit an NMOC emission rate report following the procedure specified in 40 CFR Part 60.38f(j)(2) no later than 90 days after the effective date of EPA approval of the state's plan under section 111(d) of the Clean Air Act. The NMOC emission rate report must be submitted to the DEC annually following the procedure specified in 40 CFR Part 60.38f(j)(2), except as provided for in item (3) below. The DEC may request such additional information as may be necessary to verify the reported NMOC emission rate.

(1) The NMOC emission rate report must contain an annual or 5-year estimate of the NMOC emission rate calculated using the formula and procedures provided in 40 CFR Part 60.35f(a) or (b), as applicable.

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

(3) If the estimated NMOC emission rate as reported in the annual report to the DEC is less than 34 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit, following the procedure specified in 40 CFR Part 60.38f(j)(2), an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate must include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based must be provided to the DEC. This estimate must be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

the 5-year estimate, a revised 5-year estimate must be submitted to the DEC. The revised estimate must cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

(4) Each owner or operator subject to the requirements of 40 CFR Part 60, Subpart Cf, is exempted from the requirements to submit an NMOC emission rate report, after installing a collection and control system that complies with 40 CFR Part 60.33f(b) and (c), during such time as the collection and control system is in operation and in compliance with 40 CFR Part 60.34f and 40 CFR Part 60.36f.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 1/30/2024.  
 Subsequent reports are due every 12 calendar month(s).

**Condition 46: Asbestos-containing waste material standard for active waste disposal sites**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable Federal Requirement:40CFR 61.154, NESHAP Subpart M**

**Item 46.1:**  
 Owner or operator shall comply with the requirements of 40 CFR Part 61.154 when accepting asbestos-containing waste material from any source required to comply with 40 CFR Part 61.149, 61.150, or 61.155.

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

**Condition 47: Emission Point Definition By Emission Unit**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

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

**Item 47.1:**  
 The following emission points are included in this permit for the cited Emission Unit:

- Emission Unit: 1-LFGAS
- Emission Point: 00001
  - Height (ft.): 21                      Diameter (in.): 6
  - NYTMN (km.): 4764.702      NYTME (km.): 442.529
- Emission Point: 00002
  - Height (ft.): 10                      Diameter (in.): 8



Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

NYTMN (km.): 4764.9	NYTME (km.): 442.4
Emission Point: 00003	
Height (ft.): 10	Diameter (in.): 8
NYTMN (km.): 4764.9	NYTME (km.): 442.4
Emission Point: 00004	
Height (ft.): 10	Diameter (in.): 8
NYTMN (km.): 4764.9	NYTME (km.): 442.4
Emission Point: 00005	
Height (ft.): 10	Diameter (in.): 8
NYTMN (km.): 4764.9	NYTME (km.): 442.4
Emission Point: 00006	
Height (ft.): 10	Diameter (in.): 8
NYTMN (km.): 4764.9	NYTME (km.): 442.4
Emission Point: 00007	
Height (ft.): 10	Diameter (in.): 8
NYTMN (km.): 4764.9	NYTME (km.): 442.4

**Condition 48: Process Definition By Emission Unit**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

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

**Item 48.1:**

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

Emission Unit: 1-LFGAS  
 Process: 001 Source Classification Code: 5-01-004-06  
 Process Description:

This process will consist of landfill waste generating landfill gas by decomposition and the collection and control of the landfill gas emissions by flaring gas collected from the East Side Landfill, West Side Landfill and proposed landfill expansion areas. Flares now serve as backup LFG control as LFG is primarily routed to a separately owned and permitted LFGTE facility for use in electricity generation.

Emission Source/Control: F0001 - Control  
 Control Type: FLARING

Emission Source/Control: F0002 - Control  
 Control Type: FLARING

Emission Source/Control: F0003 - Control  
 Control Type: FLARING

Emission Source/Control: F0004 - Control

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

Control Type: FLARING

Emission Source/Control: F0005 - Control  
Control Type: FLARING

Emission Source/Control: F0006 - Control  
Control Type: FLARING

Emission Source/Control: F0007 - Control  
Control Type: FLARING

Emission Source/Control: LFGAS - Process

**Item 48.2:**

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

Emission Unit: 1-LFGAS

Process: 002

Source Classification Code: 5-01-004-02

Process Description:

This process consists of landfill waste generating landfill gas by decomposition and the fugitive emission of landfill gas to the atmosphere. Fugitive emissions include the portion of landfill gas that escapes collection by the gas collection and control system.

Emission Source/Control: LFG02 - Process

**Item 48.3:**

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

Emission Unit: 2-LCHST

Process: 003

Source Classification Code: 5-01-004-02

Process Description:

Two open top leachate storage lagoons with capacities of 600,000 gallons each.

Emission Source/Control: L0001 - Process

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

**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 criteria, emission limits, terms, conditions, and

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

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 49: Contaminant List**

**Effective between the dates of 01/26/2023 and 01/25/2028**

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

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

No contaminants.

**Condition 50: Malfunctions and Start-up/Shutdown Activities**

**Effective between the dates of 01/26/2023 and 01/25/2028**

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

**Item 50.1:**

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

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

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

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 51: CLCPA Applicability**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

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

**Item 51.1:**

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 52: Air pollution prohibited**  
**Effective between the dates of 01/26/2023 and 01/25/2028**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 52.1:**

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.

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011

**Condition 53: Idling of Diesel Trucks Limited**  
Effective between the dates of 01/26/2023 and 01/25/2028

**Applicable State Requirement: 6 NYCRR 217-3.2**

**Item 53.1:**

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.

Permit ID: 7-2538-00011/00007

Facility DEC ID: 7253800011