

Facility DEC ID: 8990800162

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 8-9908-00162/00059
Effective Date:

Expiration Date:

Permit Issued To: WASTE MANAGEMENT OF NEW YORK, L.L.C.
800 CAPITOL ST STE 3000
HOUSTON, TX 77002

Contact: JEFFREY G RICHARDSON
WASTE MANAGEMENT OF NY
425 PERINTON PKWY
FAIRPORT, NY 14450

Facility: HIGH ACRES LANDFILL & RECYCLING CENTER
425 PERINTON PKWY
FAIRPORT, NY 14450

Contact: JEFFREY G RICHARDSON
WASTE MANAGEMENT OF NY
425 PERINTON PKWY
FAIRPORT, NY 14450

Description:

New Air State Facility (ASF) Permit to construct and operate a new Renewable Natural Gas (RNG) facility.

High Acres Landfill & Recycling Center is a municipal solid waste landfill located in the Towns of Macedon and Perinton and operated and maintained under 6 NYCRR Part 360. The primary activity at the High Acres Landfill is the disposal of municipal solid waste and other non-hazardous wastes. The deposited waste undergoes aerobic and anaerobic decomposition to produce landfill gas (LFG). LFG consists mainly of methane, carbon dioxide, and trace amounts of organic compounds and sulfur. Currently, the landfill has an active landfill gas (LFG) collection system consisting of vertical extraction wells and horizontal collectors that conveys LFG to onsite flares and a Renewable Energy Facility, under common control, consisting of eight internal combustion engines used to generate electricity for offsite use. The facility also operates one 136.3 MMBtu/hr and one 181.7 MMBtu/hr enclosed flare used to combust excess gas and as back-up for the Renewable Energy Facility. A separate 3500 cfm utility flare operates closer to the current working area to combust LFG of lower heating value and to help reduce odors from the working face.

The facility is an existing permitted Title V facility as a major source of oxides of nitrogen (NO_x), sulfur oxides (SO_x), and carbon monoxide (CO). The landfill has an Air Title V (ATV) renewal application and a Part 360 solid waste

Facility DEC ID: 8990800162

management renewal application currently under review by the Department that will be noticed separately. Pursuant to 6 NYCRR Part 201-6.2(a)(3), the owner or operator of an existing Title V facility, which is being modified by the addition of a new emission unit comprised solely of new emission sources, may apply for a State facility permit to authorize the construction and operation of the new emission unit upon issuance. An application for a Title V permit modification is required within one year of the commencement of operation of the new emission unit.

The proposed RNG facility will convert collected landfill gas to pipeline-quality RNG. The project includes the construction of a new building (115' wide x 320' long x 40' high). It is designed to process up to 8000 scfm of landfill gas into approximately 2 million MMBtu per year of RNG (equivalent to natural gas usage demands of approximately 30,000 households). The RNG Facility will treat the LFG and process it in an upgrading system that will remove carbon dioxide, hydrogen sulfide, oxygen, and nitrogen into a separate tail gas stream, resulting in a product gas that is considered RNG. The RNG will then be delivered to offsite end users *via* nearby commercial gas transmission and distribution pipeline networks. Waste gas from the RNG facility will be controlled *via* a new thermal oxidizer and new backup methane flare with limited operation. As part of the project, combustion engine plants previously used to generate electricity at the existing Renewable Energy Facility will be decommissioned. No other changes to the existing facility are proposed under this action other than the decommissioning of these engines. Existing on-site flares will remain operational to handle excess gas generation and for backup and redundant control combustion capacity.

Pursuant to the requirements of Section 7(2) of the Climate Leadership and Community Protection Act (CLCPA), the Department has requested and received information regarding the project's consistency with the CLCPA.

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: THOMAS P HALEY
6274 E AVON LIMA RD
AVON, NY 14414-9519

Authorized Signature: _____ Date: ____ / ____ / ____

Facility DEC ID: 8990800162

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: 8990800162

PAGE LOCATION OF CONDITIONS

PAGE

DEC GENERAL CONDITIONS

General Provisions

- | | | |
|---|---|---|
| 5 | 1 | Facility Inspection by the Department |
| 5 | 2 | Relationship of this Permit to Other Department Orders and Determinations |
| 5 | 3 | Applications for permit renewals, modifications and transfers |
| 6 | 4 | Permit modifications, suspensions or revocations by the Department |

Facility Level

- | | | |
|---|---|--|
| 6 | 5 | Submission of application for permit modification or renewal-REGION 8 HEADQUARTERS |
|---|---|--|

Facility DEC ID: 8990800162

DEC GENERAL CONDITIONS

**** General Provisions ****

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: 8990800162

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 8 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 8 Headquarters
 Division of Environmental Permits
 6274 Avon-Lima Road
 Avon, NY 14414-9519
 (585) 226-2466

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: WASTE MANAGEMENT OF NEW YORK, L.L.C.
800 CAPITOL ST STE 3000
HOUSTON, TX 77002

Facility: HIGH ACRES LANDFILL & RECYCLING CENTER
425 PERINTON PKWY
FAIRPORT, NY 14450

Authorized Activity By Standard Industrial Classification Code:
4924 - NATURAL GAS DISTRIBUTION

Permit Effective Date:

Permit Expiration Date:

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

PAGE LOCATION OF CONDITIONS**PAGE****FEDERALLY ENFORCEABLE CONDITIONS****Facility Level**

- 7 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
 7 2 6 NYCRR 211.2: Visible Emissions Limited
 7 3 40CFR 63.1961(b), Subpart AAAA: Compliance Demonstration
 9 4 40CFR 63.1983(c), Subpart AAAA: Compliance Demonstration

Emission Unit Level

- 11 5 6 NYCRR 201-7.1: Process Permissible Emissions

EU=E-U0001,Proc=010

- 12 6 6 NYCRR 200.6: Compliance Demonstration
 13 *7 6 NYCRR 201-7.1: Capping Monitoring Condition
 15 *8 6 NYCRR 201-7.1: Capping Monitoring Condition

EU=E-U0001,EP=EP014,Proc=010,ES=THOXD

- 17 9 6 NYCRR 200.6: Compliance Demonstration
 18 10 6 NYCRR 200.6: Compliance Demonstration
 19 11 6 NYCRR 200.6: Compliance Demonstration
 20 12 6 NYCRR 212-1.6 (a): Compliance Demonstration
 22 13 40CFR 63.1959(b), Subpart AAAA: Compliance Demonstration
 22 14 40CFR 63.1959(b), Subpart AAAA: Compliance Demonstration
 23 15 40CFR 63.1983(c), Subpart AAAA: Compliance Demonstration

EU=E-U0001,EP=EP015,Proc=010,ES=FLAR5

- 24 16 6 NYCRR 200.6: Compliance Demonstration
 25 17 40CFR 63.11(b)(1), Subpart A: Operation and Maintenance of Flares
 25 18 40CFR 63.11(b)(3), Subpart A: Flare Operation
 26 19 40CFR 63.11(b)(4), Subpart A: Flare Emissions
 26 20 40CFR 63.11(b)(5), Subpart A: Pilot Flame Requirement

STATE ONLY ENFORCEABLE CONDITIONS**Facility Level**

- 28 21 ECL 19-0301: Contaminant List
 29 22 6 NYCRR 201-1.4: Malfunctions and Start-up/Shutdown Activities
 29 23 6 NYCRR Subpart 201-5: Emission Unit Definition
 30 24 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
 30 25 6 NYCRR 201-5.3 (c): Compliance Demonstration
 30 26 6 NYCRR 201-5.3 (c): Compliance Demonstration
 31 27 6 NYCRR 201-6.5 (a): CLCPA Applicability
 31 28 6 NYCRR 211.1: Air pollution prohibited

Emission Unit Level

- 32 29 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
 32 30 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping.

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

FEDERALLY ENFORCEABLE CONDITIONS

DRAFT

**** Facility Level ****

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability

Item A: Sealing - 6 NYCRR 200.5

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

No person shall operate any air contamination source sealed by the Commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

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

Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6

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

Item C: Maintenance of Equipment - 6 NYCRR 200.7

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,

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

required to operate such device effectively.

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

(a) Except as otherwise provided by this Part, construction or operation of a new, modified or existing air contamination source without a registration or permit issued pursuant to this Part is prohibited.

(b) If an existing facility or emission source was subject to the permitting requirements of this Part at the time of construction or modification, and the owner or operator failed to apply for a permit or registration as described in this Part, the owner or operator must apply for a permit or registration in accordance with the provisions of this Part. The facility or emission source is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing emission sources.

Item E: Recycling and Salvage - 6 NYCRR 201-1.7

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

Item F: Prohibition of Reintroduction of Collected Contaminants to the Air - 6 NYCRR 201-1.8

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

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

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request.

Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

Item H: Proof of Eligibility for Sources Defined as Trivial

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

Activities - 6 NYCRR 201-3.3 (a)

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

Item I: Required Emission Tests - 6 NYCRR 202-1.1

An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6 NYCRR Subpart 202-1.

Item J: Open Fires Prohibitions - 6 NYCRR 215.2

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

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)

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

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.

FEDERAL APPLICABLE REQUIREMENTS**The following conditions are federally enforceable.****Condition 1: Acceptable Ambient Air Quality
Effective for entire length of Permit****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.

**Condition 2: Visible Emissions Limited
Effective for entire length of Permit****Applicable Federal Requirement: 6 NYCRR 211.2****Item 2.1:**

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 3: Compliance Demonstration
Effective for entire length of Permit****Applicable Federal Requirement: 40CFR 63.1961(b), Subpart AAAAA****Item 3.1:**

The Compliance Demonstration activity will be performed for the Facility.

Item 3.2:

Compliance Demonstration shall include the following monitoring:

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a municipal solid waste landfill seeking to comply with 40 CFR 63.1959(b)(2)(iii) using an enclosed combustor must calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment:

(1) A temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or ± 0.5 degrees Celsius, whichever is greater. A temperature monitoring device is not required for boilers or process heaters with design heat input capacity equal to or greater than 44 megawatts.

(2) A device that records flow to the control device and bypass of the control device (if applicable). The owner or operator must:

(i) Install, calibrate, and maintain a gas flow rate measuring device that must record the flow to the control device at least every 15 minutes; and

(ii) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism must be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

The monitoring requirements of this condition apply at all times the affected source is operating, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions. The owner or operator is required to complete monitoring system repairs in response to monitoring system malfunctions and to return the monitoring system to operation as expeditiously as practicable. Where an owner or operator subject to the provisions of 40 CFR Part 63, Subpart AAAA, seeks to demonstrate compliance with the temperature and nitrogen or oxygen operational standards in 40 CFR 63.1958(c)(1), (d)(2), and (e)(1), the standards apply at all times.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 4: Compliance Demonstration
Effective for entire length of Permit

Applicable Federal Requirement: 40 CFR 63.1983(c), Subpart AAAA

Item 4.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 4.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a municipal solid waste landfill must keep records as specified in 40 CFR Part 63, Subpart AAAA. The owner or operator must also keep records as specified in the General Provisions of 40 CFR Part 63, Subpart AAAA, as shown in Table 1.

Except as provided in 40 CFR 63.1981(d)(2), each owner or operator of a controlled landfill subject to the provisions of 40 CFR Part 63, Subpart AAAA, must keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in 40 CFR 63.1961 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

(1) The following constitute exceedences that must be recorded and reported as deviations under 40 CFR 63.1981(h):

(i) For enclosed combustors except for boilers and process heaters with design heat input capacity of 44 megawatts (150 million Btu per hour) or greater, all 3-hour periods of operation during which the average temperature was more than 28 degrees Celsius (82 degrees Fahrenheit) below the average combustion temperature during the most recent performance test at which compliance with 40 CFR 63.1959(b)(2)(iii) was determined.

(ii) For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under 40 CFR 63.1983(b)(3).

(2) Each owner or operator subject to the provisions of

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

this subpart must keep up-to-date, readily accessible continuous records of the indication of flow to the control system and the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under 40 CFR 63.1961(b)(2)(ii), (c)(2)(ii), and (g)(2).

(3) Each owner or operator subject to the provisions of this subpart who uses a boiler or process heater with a design heat input capacity of 44 megawatts or greater to comply with 40 CFR 63.1959(b)(2)(iii) must keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater. Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other state, local, tribal, or federal regulatory requirements.

(4) Each owner or operator seeking to comply with the provisions of this subpart by use of a non-enclosed flare must keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring specified under 40 CFR 63.1961(c), and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.

(5) Each owner or operator of a landfill seeking to comply with 40 CFR 63.1959(b)(2) using an active collection system designed in accordance with 40 CFR 63.1959(b)(2)(ii) must keep records of periods when the collection system or control device is not operating.

(6) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with the operational standard in 40 CFR 63.1958(e)(1), the date, time, and duration of each start-up and/or shutdown period, recording the periods when the affected source was subject to the standard applicable to start-up and shutdown.

(7) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with the operational standard in 40 CFR 63.1958(e)(1), in the event that an affected unit fails to meet an applicable standard, record the information below in this paragraph:

(i) For each failure record the date, time and duration of each failure and the cause of such events (including unknown cause, if applicable).

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

(ii) For each failure to meet an applicable standard; record and retain a list of the affected sources or equipment.

(iii) Record actions taken to minimize emissions in accordance with the general duty of 40 CFR 63.1955(c) and any corrective actions taken to return the affected unit to its normal or usual manner of operation.

(8) In lieu of the requirements specified in 40 CFR 63.8(d)(3) of Subpart A, the owner or operator must keep the written procedures required by 40 CFR 63.8(d)(2) on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the Department. If the performance evaluation plan is revised, the owner or operator must keep previous (i.e., superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the Department, for a period of 5 years after each revision to the plan. The program of corrective action should be included in the plan required under 40 CFR 63.8(d)(2).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

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

Condition 5: Process Permissible Emissions
Effective for entire length of Permit

Applicable Federal Requirement: 6 NYCRR 201-7.1

Item 5.1:

The sum of emissions from the regulated process cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: E-U0001 Process: 010

CAS No: 000630-08-0

Name: CARBON MONOXIDE

PTE(s): 199,839 pounds per year

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

PTE(s): 70,851 pounds per year

Condition 6: Compliance Demonstration
Effective for entire length of Permit

Applicable Federal Requirement: 6 NYCRR 200.6

Item 6.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: E-U0001

Process: 010

Regulated Contaminant(s):

CAS No: 007783-06-4 HYDROGEN SULFIDE

Item 6.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

In order to show compliance with the emission rate of Sulfur Dioxide (SO_x) used in the facility model (Compliance with the Federal 1-hour SO_x Standard of 75 ppm), the facility owner or operator shall monitor the landfill gas (LFG) Hydrogen Sulfide (H₂S) concentration at the outlet of the lag vessel for the H₂S removal system on a bi-weekly basis (every 2 weeks) using direct reading colorimetric gas detection tubes, a gas chromatograph or a handheld monitor. The gas chromatograph and/or handheld monitor (e.g., Gas Detection Tube, Landtec GEM 5000+, MRU Optima and, or equivalent) shall be operated, calibrated and maintained in accordance with the manufacturer's specifications. A reading shall be taken every 2 weeks (bi-weekly) at the outlet of the lag vessel for the hydrogen sulfide removal system and compared with the H₂S limit of 10 parts per million (ppm).

The facility owner or operator must investigate any instance where the concentration of total reduced sulfur coming out of the H₂S removal system is greater than 10 ppm (which is based on the calculations from the air permit application). In such cases, the facility owner or operator shall investigate the cause, make necessary corrections, and verify that the potential excess emissions have been corrected.

A log containing the bi-weekly (every 2 weeks) readings of H₂S concentration at the outlet of the lag vessel for the H₂S removal system will be maintained onsite and be made available to the Department upon request. The facility

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

will also note media changeouts in this log.

The Department must be notified in instances where the facility is unable to achieve the 10 ppm at the outlet of the H₂S removal system. A corrective action plan must be submitted if the readings remain above 10 ppm for 2 weeks.

Since the piping configuration for the RNG Facility does not allow for raw LFG to be conveyed to the process flare (Emissions Source FLAR5), all collected raw LFG will be combusted in the landfill gas flares (Emissions Sources FLAR2, FLARE 3 and/or FLAR4) in the event of a shutdown of the RNG Facility.

Parameter Monitored: HYDROGEN SULFIDE

Upper Permit Limit: 10 parts per million by volume (dry)

Monitoring Frequency: Bi Weekly

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY
TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 7: Capping Monitoring Condition
Effective for entire length of Permit

Applicable Federal Requirement: 6 NYCRR 201-7.1

Item 7.1:

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

6 NYCRR Subpart 231-8

Item 7.2:

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

Item 7.3:

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

Item 7.4:

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

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 7.5:

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

Item 7.6:

The Compliance Demonstration activity will be performed for:

Emission Unit: E-U0001

Process: 010

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 7.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

The proposed RNG project will not be subject to PSD since project emissions for the RNG Facility do not exceed the significance thresholds listed in 6 NYCRR 231-13.6. The RNG Facility emissions of Carbon Monoxide (CO) from this project are limited to less than 99.9 TPY calculated on a rolling 12-month total basis (This limit comes into effect upon commencement of operation of the RNG Facility). Total RNG Facility CO emissions shall represent the emissions from the following emission sources: THOXD, FLAR5, as well as any other trivial or exempt sources of CO, located at the RNG Facility.

The facility must maintain records of the metered gas combusted in the emission sources THOXD and FLAR5 on a monthly basis. At the end of the month, the facility must calculate monthly emissions of CO from the gas combusted through the flare and thermal oxidizer.

CO emissions must be calculated utilizing emission rates from the manufacturer, or if testing data is not available for the flare, UESPA AP-42 emission factors may be used as provided in the permit application. Emission factors shall be multiplied by the monthly quantity of landfill gas combusted in the flare and the monthly quantity of gas usage in the thermal oxidizer.

When sufficient new evidence becomes available to

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

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

The combined flare and thermal oxidizer monthly CO emissions, along with any trivial or exempt sources of CO emissions, located at the RNG Facility, must be added to the previous 11 months of CO emissions to give a total CO emission rate over the most recent consecutive 12-month period. The CO emissions over any consecutive 12-month period shall not exceed the limit below.

The facility owner or operator must maintain records of all monitoring data and supporting information used to demonstrate compliance with this monitoring condition. Records must be maintained for a period of at least five (5) years and made available to the Department upon request. Records must be kept in a format acceptable to the Department.

The facility shall submit a CO emission report semi-annually for the RNG Facility.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: FUEL CONSUMPTION

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 99.9 tons per year

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 8: Capping Monitoring Condition
Effective for entire length of Permit

Applicable Federal Requirement: 6 NYCRR 201-7.1

Item 8.1:

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

6 NYCRR Subpart 231-6

Item 8.2:

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

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

Item 8.3:

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

Item 8.4:

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

Item 8.5:

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

Item 8.6:

The Compliance Demonstration activity will be performed for:

Emission Unit: E-U0001

Process: 010

Regulated Contaminant(s):

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

Item 8.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

The proposed RNG project will not be subject to PSD since project emissions for the RNG Facility do not exceed the significance thresholds listed in 6 NYCRR 231-13.6. The RNG Facility emissions of Oxides of Nitrogen (NO_x) from this project are limited to less than 39.9 TPY calculated on a rolling 12-month total basis (This limit comes into effect upon commencement of operation of the RNG Facility). Total RNG Facility NO_x emissions shall represent the emissions from the following emission sources: THOXD, FLAR5, as well as any other trivial or exempt sources of NO_x, located at the RNG Facility.

The facility must maintain records of the metered gas combusted in the emission sources THOXD and FLAR5 on a monthly basis. At the end of the month, the facility must

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

calculate monthly emissions of NO_x from the gas combusted through the flare and thermal oxidizer.

NO_x emissions must be calculated utilizing emission rates from the manufacturer, or if testing data is not available for the flare, UESPA AP-42 emission factors may be used as provided in the permit application. Emission factors shall be multiplied by the monthly quantity of landfill gas combusted in the flare and the monthly quantity of gas usage in the thermal oxidizer.

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

The combined flare and thermal oxidizer monthly NO_x emissions, along with any trivial or exempt sources of NO_x emissions, located at the RNG Facility, must be added to the previous 11 months of NO_x emissions to give a total NO_x emission rate over the most recent consecutive 12-month period. The NO_x emissions over any consecutive 12-month period shall not exceed the limit below.

The facility owner or operator must maintain records of all monitoring data and supporting information used to demonstrate compliance with this monitoring condition. Records must be maintained for a period of at least five (5) years and made available to the Department upon request. Records must be kept in a format acceptable to the Department.

The facility shall submit a NO_x emission report semi-annually for the RNG Facility.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: FUEL CONSUMPTION

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 39.9 tons per year

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 9: Compliance Demonstration
Effective for entire length of Permit

Applicable Federal Requirement: 6 NYCRR 200.6

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

Item 9.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: E-U0001

Emission Point: EP014

Process: 010

Emission Source: THOXD

Item 9.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

As part of the New Source Review for the Proposed High BTU Plant, the facility completed modeling for Carbon Monoxide (CO) which included the landfill, two enclosed flares in Emission Unit E-U0001 (Emission Sources FLAR2 and FLAR3) and the open flare (FLAR5). The model results were approved.

In order to comply with the emission rates that were modeled in the permit application, the facility must demonstrate that the thermal oxidizer is meeting the 0.20 lb/MMBtu CO emission rate. The facility is required to perform an emission test on the thermal oxidizer once every 5 years. The emission test must be conducted pursuant to a DEC approved protocol. The protocol must be submitted 30 days before the emission test. The emission test report is due 60 days after the emission test.

The initial stack test will be performed within 180 days of start-up of process 010.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 0.20 pounds per million Btus

Reference Test Method: 40 CFR 60 APP A-10

Monitoring Frequency: Once every five years

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 10: Compliance Demonstration
Effective for entire length of Permit**

Applicable Federal Requirement: 6 NYCRR 200.6

Item 10.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: E-U0001

Emission Point: EP014

Process: 010

Emission Source: THOXD

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

Item 10.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

As part of the New Source Review for the Proposed High BTU Plant, the facility completed modeling for Oxides of Nitrogen (NO_x) which included the landfill, two enclosed flares in Emission Unit E-U0001 (Emission Sources FLAR2 and FLAR3) and the open flare (FLAR5). The model results were approved.

In order to comply with the emission rates that were modeled in the permit application, the facility must demonstrate that the thermal oxidizer is meeting the 0.15 lb/MMBtu NO_x emission rate. The facility is required to perform an emission test on the thermal oxidizer once every 5 years. The emission test must be conducted pursuant to a DEC approved protocol. The protocol must be submitted 30 days before the emission test. The emission test report is due 60 days after the emission test.

The initial stack test will be performed within 180 days of start-up of process 010.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0.15 pounds per million Btus

Reference Test Method: EPA METHOD 7, 7E or 19

Monitoring Frequency: Once every five years

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 11: Compliance Demonstration
Effective for entire length of Permit**

Applicable Federal Requirement: 6 NYCRR 200.6

Item 11.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: E-U0001

Emission Point: EP014

Process: 010

Emission Source: THOXD

Item 11.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The proposed RNG project will not be subject to PSD since project emissions for the RNG Facility do not exceed the

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

significance thresholds listed in 6 NYCRR 231-13.6. The facility emissions from this project are limited to less than 99.9 TPY Carbon Monoxide (CO) and 39.9 TPY Oxides of Nitrogen (NO_x), calculated on a rolling 12-month total basis (This limit comes into effect upon commencement of operation of the RNG Facility). Total Facility CO and NO_x emissions shall represent the emissions from the following emission sources: THOXD, FLAR5, as well as any other trivial or exempt sources of CO and NO_x, located at the RNG Facility.

The facility owner or operator shall continuously monitor or sample the tail gas flow and natural gas flow to the thermal oxidizer at least once every 15 minutes. If monitoring the thermal oxidizer for methane concentration (% volume), a conversion to heating value (in units of BTU per standard cubic foot) can be calculated using the following equation:

Heating Value of Process Gas (BTU/ft³) = Methane Content
(% by volume, fraction) x 910 BTU/ft³

The facility will maintain a log that tracks 12-month rolling totals of MMBTU processed at the thermal oxidizer using the continuous monitoring results of the gas flow (SCFM) and methane content measurements to the thermal oxidizer. The facility will maintain these records for five (5) years.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 12: Compliance Demonstration
Effective for entire length of Permit

Applicable Federal Requirement: 6 NYCRR 212-1.6 (a)

Item 12.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: E-U0001

Emission Point: EP014

Process: 010

Emission Source: THOXD

Item 12.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

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

The facility owner or operator shall conduct a visible emissions observation of all emission points specified by this condition weekly while the process is in operation. The facility owner or operator will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard specified below.

The facility owner or operator shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the limit specified (except the emission of uncombined water) are observed for three consecutive operating days from the same emission point, the facility owner or operator will notify the Department of the observations within one business day. The facility owner or operator will also perform an EPA Reference Test Method 9 opacity evaluation analysis of the affected emission point and submit the results to the Department.

Weekly records of the visible emissions observations, any follow-up Method 9 observations, investigations, and corrective actions taken are to be maintained on site for a period of at least five years from the date of the record. Such records shall include the date and time of each observation, weather conditions, results of the observation, corrective actions taken, and explanations for days when weather conditions were prohibitive.

All records kept pursuant to this condition must be provided to the Department upon request.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Reference Test Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 13: Compliance Demonstration

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 63.1959(b), Subpart AAAA

Item 13.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: E-U0001
Process: 010

Emission Point: EP014
Emission Source: THOXD

Item 13.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of the landfill shall test the control device, once every five years, to verify that the outlet concentration of NMOC from the device is less than 20 parts per million by volume (dry, as hexane, at 3% oxygen), or the owner or operator of the landfill shall test the emissions from the control device to determine that the device is reducing the emission of NMOC by 98% (by weight). Refer to 40 CFR 63.1959(d) for the specified test methods and procedures.

The initial stack test will be performed within 180 days of start-up of process 010.

Parameter Monitored: NMOC - LANDFILL USE ONLY

Upper Permit Limit: 98 percent

Reference Test Method: RM 18, 25, 25A, 25C

Monitoring Frequency: Once every five years

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 14: Compliance Demonstration

Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 63.1959(b), Subpart AAAA

Item 14.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: E-U0001
Process: 010

Emission Point: EP014
Emission Source: THOXD

Item 14.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

Monitoring Description:

The owner or operator of the landfill shall test the control device, once every five years, to verify that the outlet concentration of NMOC from the device is less than 20 parts per million by volume (dry, as hexane, at 3% oxygen), or the owner or operator of the landfill shall test the emissions from the control device to determine that the device is reducing the emission of NMOC by 98% (by weight). Refer to 40 CFR 63.1959(d) for the specified test methods and procedures.

The initial stack test will be performed within 180 days of start-up of process 010.

Parameter Monitored: NMOC - LANDFILL USE ONLY

Upper Permit Limit: 20 parts per million by volume (dry,
corrected to 3% oxygen)

Reference Test Method: RM 18, 25, 25A, 25C

Monitoring Frequency: Once every five years

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 15: Compliance Demonstration
Effective for entire length of Permit**Applicable Federal Requirement: 40CFR 63.1983(c), Subpart AAAA****Item 15.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: E-U0001
Process: 010Emission Point: EP014
Emission Source: THOXD**Item 15.2:**

Compliance Demonstration shall include the following monitoring:

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

The average combustion temperature for THOXD will be determined by the stack test required by this permit. This thermal oxidizer shall not operate such that the temperature in the stack for any three-hour block average is more than 28 degrees Celsius (82 degrees Fahrenheit) below the average combustion temperature determined during the most recent approved performance test at which compliance with 40 CFR 63.1959(b)(2)(iii) was determined. Exceedances of this permit limit are established under the condition for 40 CFR 63.1983(c).

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

This stack test will be performed within 180 days of start-up of process 010. This allowable operating temperature will be updated when required testing is completed and approved.

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 82 degrees F below the approved
performance test combustion
temperature

Monitoring Frequency: FOUR TIMES PER HOUR

Averaging Method: 3-HOUR BLOCK AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 16: Compliance Demonstration
Effective for entire length of Permit

Applicable Federal Requirement: 6 NYCRR 200.6

Item 16.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: E-U0001

Emission Point: EP015

Process: 010

Emission Source: FLAR5

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 16.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The proposed RNG project will not be subject to PSD since project emissions for the RNG Facility do not exceed the significance thresholds listed in 6 NYCRR 231-13.6. The facility emissions from this project are limited to less than 99.9 TPY Carbon Monoxide (CO) and 39.9 TPY Oxides of Nitrogen (NO_x), calculated on a rolling 12-month total basis (This limit comes into effect upon commencement of operation of the RNG Facility). Total Facility CO and NO_x emissions shall represent the emissions from the following emission sources: THOXD, FLAR5, as well as any other trivial or exempt sources of CO and NO_x, located at the RNG Facility.

The facility owner or operator shall continuously monitor or sample the gas flow and the methane content of the landfill gas/off-spec gas going to the process flare at least once every 15 minutes. If monitoring for methane

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

concentration (% volume), a conversion to heating value (in units of BTU per standard cubic foot) can be calculated using the following equation:

$$\text{Heating Value of Process Gas (BTU/ft}^3\text{)} = \text{Methane Content (\% by volume, fraction)} \times 910 \text{ BTU/ft}^3$$

The facility will maintain a log that tracks 12 month rolling totals of MMBTU processed at the process flare using the continuous monitoring results of the gas flow (SCFM) and methane content measurements to the process flare. The limit for FLAR5 is 480,417 MMBTU per year. The facility will maintain these records for five (5) years.

Parameter Monitored: FLOW

Upper Permit Limit: 480417 million British thermal units
per yearMonitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 17: Operation and Maintenance of Flares
Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 63.11(b)(1), Subpart A

Item 17.1:

This Condition applies to Emission Unit: E-U0001 Emission Point: EP015
Process: 010 Emission Source: FLAR5

Item 17.2:

Owners or operators using flares to comply with the provisions of Part 63 shall monitor these control devices to assure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators using flares shall monitor these control devices.

Condition 18: Flare Operation
Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 63.11(b)(3), Subpart A

Item 18.1:

This Condition applies to Emission Unit: E-U0001 Emission Point: EP015
Process: 010 Emission Source: FLAR5

Item 18.2:

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

Flares shall be operated at all times when emissions may be vented to them

Condition 19: Flare Emissions
Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 63.11(b)(4), Subpart A

Item 19.1:

This Condition applies to Emission Unit: E-U0001 Emission Point: EP015
 Process: 010 Emission Source: FLAR5

Item 19.2:

Flares shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours. Test Method 22 in appendix A of part 60 of this chapter shall be used to determine the compliance of flares with the visible emission provisions of part 63. The observation period is 2 hours and shall be used according to Method 22.

Condition 20: Pilot Flame Requirement
Effective for entire length of Permit

Applicable Federal Requirement: 40CFR 63.11(b)(5), Subpart A

Item 20.1:

This Condition applies to Emission Unit: E-U0001 Emission Point: EP015
 Process: 010 Emission Source: FLAR5

Item 20.2:

Flares shall be operated with a flame present at all times. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

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: Public Access to Recordkeeping for Facilities With State Facility Permits - 6 NYCRR 201-1.10 (a)

Where facility owners and/or operators keep records pursuant to compliance with the requirements of 6 NYCRR Subpart 201-5.4, and/or the emission capping requirements of 6 NYCRR Subpart 201-7, the Department will make such records available to the public upon request in accordance

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

with 6 NYCRR Part 616 - Public Access to Records.
Facility owners and/or operators must submit the records
required to comply with the request within sixty working
days of written notification by the Department.

Item C: **General Provisions for State Enforceable Permit Terms and
Condition - 6 NYCRR Part 201-5**

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

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

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 21: Contaminant List
Effective for entire length of Permit

Applicable State Requirement: ECL 19-0301

Item 21.1:

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

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

CAS No: 007783-06-4
Name: HYDROGEN SULFIDE

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

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

Condition 22: Malfunctions and Start-up/Shutdown Activities
Effective for entire length of Permit

Applicable State Requirement:6 NYCRR 201-1.4

Item 22.1:

(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 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 23: Emission Unit Definition
Effective for entire length of Permit

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 23.1:

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

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

Emission Unit: E-U0001

Emission Unit Description:

Municipal solid waste landfill with gas collection system and corresponding control/treatment devices. This unit also includes fugitive emissions from the entire landfill, the gas collection system and control devices that combust the landfill gas (enclosed and open landfill gas flares). This unit also will include emissions from a new RNG Facility.

Building(s): RNLBDG

**Condition 24: Renewal deadlines for state facility permits
Effective for entire length of Permit**

Applicable State Requirement: 6 NYCRR 201-5.2 (c)

Item 24.1:

The owner or operator of a facility having an issued state facility 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.

**Condition 25: Compliance Demonstration
Effective for entire length of Permit**

Applicable State Requirement: 6 NYCRR 201-5.3 (c)

Item 25.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 25.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility has agreed to implement several mitigation measures at the landfill following the construction of the RNG facility, as per their CLCPA analysis. Specific permit conditions will be added as part of the required Title V modification once the RNG facility is operational.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 26: Compliance Demonstration
Effective for entire length of Permit**

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

Applicable State Requirement:6 NYCRR 201-5.3 (c)

Item 26.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 26.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any reports or submissions required by this permit shall be submitted to the Regional Air Pollution Control Engineer (RAPCE) at the following address:

Division of Air Resources
NYS Dept. of Environmental Conservation
Region 8
6274 East Avon-Lima Rd.
Avon, NY 14414

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 27: CLCPA Applicability
Effective for entire length of Permit

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

Item 27.1:

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 28: Air pollution prohibited
Effective for entire length of Permit

Applicable State Requirement:6 NYCRR 211.1

Item 28.1:

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: 8-9908-00162/00059

Facility DEC ID: 8990800162

****** Emission Unit Level ********Condition 29: Emission Point Definition By Emission Unit
Effective for entire length of Permit****Applicable State Requirement:6 NYCRR Subpart 201-5****Item 29.1:**

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

Emission Unit: E-U0001

Emission Point: EP014

Height (ft.): 50	Diameter (in.): 77	
NYTMN (km.): 4772.538	NYTME (km.): 307.619	Building: RNGBLDG

Emission Point: EP015

Height (ft.): 70	Diameter (in.): 156	
NYTMN (km.): 4772.539	NYTME (km.): 307.624	Building: RNGBLDG

**Condition 30: Process Definition By Emission Unit
Effective for entire length of Permit****Applicable State Requirement:6 NYCRR Subpart 201-5****Item 30.1:**

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

Emission Unit: E-U0001

Process: 010

Source Classification Code: 3-10-002-05

Process Description:

Emission Unit E-U0001, Process 010 will consist of:

A landfill gas to pipeline grade natural gas conversion facility (8000 scfm High BTU Plant). The landfill gas (LFG) received at the High BTU Facility is generated by High Acres Landfill. A hydrogen sulfide (H₂S) removal system will reduce the concentration of H₂S within the gas stream to less than 10 ppm at the outlet of the lag vessel.

All the LFG received and processed by any part of the RNG system will be directed to the Open Flare (FLAR5) until the RNG meets pipeline specifications and can be injected into the pipeline.

The product gas is sold and delivered to customers via a natural gas transmission pipeline. Waste gas (Low BTU tail gas) from the refining processes is controlled using a

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162

Thermal Oxidizer (THOXD). An auxiliary natural gas stream will supplement the low BTU tail gas stream.

Emission Source/Control: FLAR5 - Control
Control Type: FLARING

Emission Source/Control: THOXD - Control
Control Type: THERMAL OXIDATION

Emission Source/Control: LANDF - Process
Design Capacity: 20,619,630 cubic meters

Emission Source/Control: LFEXP - Process
Design Capacity: 34,012,070 cubic meters

Permit ID: 8-9908-00162/00059

Facility DEC ID: 8990800162