

Facility DEC ID: 9292400110

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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 9-2924-00110/00002  
Effective Date:

Expiration Date:

Permit Issued To: MODEL CITY ENERGY LLC  
201 Helios Way Fl 6  
Houston, TX 77079

Contact: STEVEN BOOR  
201 Helios Way Fl 6  
Houston, TX 77079  
(970) 749-9287

Facility: MODEL CITY ENERGY FACILITY  
1447 PLETCHER RD  
YOUNGSTOWN, NY 14174

Contact: DAVID JAENIKE  
201 Helios Way Fl 6  
Houston, TX 77079  
(585) 738-7693

**Description:**

The Model City Energy Facility is located adjacent to the Modern Landfill at Pletcher and Harold Roads in Youngstown, New York. The facility receives landfill gas from the Modern Landfill that is subsequently treated with appropriate equipment and processes, and used to fuel multiple reciprocating internal combustion (IC) engine - generator sets. The electricity generated by the Model City Energy Facility is sold on the open market to contract purchasers. The facility collectively consists of seven (7) Caterpillar Model G3516 (16-cylinder) and four (4) Model G3520C (20-cylinder) IC engine - generator sets that have a total generation capacity of 11.2 MW. The facility is a major source for Oxides of Nitrogen and Carbon Monoxide. Emissions from all engines include Sulfur Dioxide, Volatile Organic Compounds, PM-10 and Hazardous Air Pollutants although the facility is not a major emitter of these substances. This 6 NYCRR Part 201-6 Title V renewal permit has been issued to Model City Energy, LLC to allow for continued operation of this Landfill Gas to Energy (LFGTE) Facility.

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

Permit Administrator: MICHELLE R WOZNICK  
NYSDEC - REGION 9  
700 DELAWARE AVE  
BUFFALO, NY 14209

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

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### Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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

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**DEC GENERAL CONDITIONS**

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

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

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

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

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

**Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

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

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

**Item 2.1:**

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

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

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3**

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

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submitted prior to actual transfer of ownership.

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

**Item 4.1:**

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

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

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

**Condition 5: Submission of application for permit modification or renewal-REGION 9**  
**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 9 Headquarters  
Division of Environmental Permits  
700 Delaware Ave.,  
Buffalo, NY 14209  
(716) 851-7130

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

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

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Permit Issued To: MODEL CITY ENERGY LLC  
201 Helios Way Fl 6  
Houston, TX 77079

Facility: MODEL CITY ENERGY FACILITY  
1447 PLETCHER RD  
YOUNGSTOWN, NY 14174

Authorized Activity By Standard Industrial Classification Code:  
4911 - ELECTRIC SERVICES  
4925 - GAS PRODUCTION/DISTRIBUTION  
4931 - ELEC & OTHER SERVICES COMBINED

Permit Effective Date:

Permit Expiration Date:

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- 9 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 202-2.5: Recordkeeping requirements
- 13 8 6 NYCRR 215.2: Open Fires - Prohibitions
- 14 9 6 NYCRR 200.7: Maintenance of Equipment
- 15 10 6 NYCRR 201-1.7: Recycling and Salvage
- 15 11 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 15 12 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
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- 16 17 40 CFR Part 68: Accidental release provisions.
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- 17 19 6 NYCRR 200.3: False statement
- 17 20 6 NYCRR Subpart 201-6: Emission Unit Definition
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- 21 24 6 NYCRR 202-1.2: Notification
- 21 25 6 NYCRR 202-2.4 (a) (3): Statement dates for emissions statements.
- 22 26 6 NYCRR 211.2: Visible Emissions Limited
- 22 27 40CFR 60, NSPS Subpart A: Applicability of Subpart A General Provisions
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- 23 29 40CFR 60, NSPS Subpart III: Applicability
- 23 30 40CFR 60, NSPS Subpart JJJJ: Applicability
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- 25 33 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
- 26 34 6 NYCRR Subpart 201-6: Process Definition By Emission Unit
- 27 35 6 NYCRR 201-7.1: Emission Unit Permissible Emissions

**EU=1-MCENG**

- 28 36 6 NYCRR Subpart 201-6: Compliance Certification
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- 35 41 6 NYCRR 227-2.4 (f) (2): Compliance Certification



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- 36 42 6 NYCRR Subpart 201-6: Compliance Certification
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- 42 45 6 NYCRR 227-1.3 (c): Compliance Certification
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**STATE ONLY ENFORCEABLE CONDITIONS**

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- 46 48 ECL 19-0301: Contaminant List
- 46 49 6 NYCRR 201-1.4: Malfunctions and Start-up/Shutdown Activities
- 47 50 6 NYCRR 211.1: Air pollution prohibited

NOTE: \* preceding the condition number indicates capping.

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**FEDERALLY ENFORCEABLE CONDITIONS**

Renewal 2/DRAFT

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

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

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

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

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

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 201-6.4 (a) (3)**

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and

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reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

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

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

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

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

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

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

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

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

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V

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

iii. The applicable requirements of Title IV of the Act;

iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

**Item J: Reopening for Cause - 6 NYCRR 201-6.4 (i)**

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

i. When additional applicable requirements under the act become applicable to a title V facility with a remaining permit term of three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the department pursuant to the provisions of section 201- 6.6 of this Subpart.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit

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

**Item K: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

**Item L: Federally Enforceable Requirements - 40 CFR 70.6 (b)**

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

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

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

**Condition 1: Acceptable Ambient Air Quality  
Effective 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

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

**Condition 2: Fees**  
**Effective for entire length of Permit**

**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 for entire length of Permit**

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

**Item 3.1:**

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

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

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

**Condition 4: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 4.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 4.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 5: Compliance Certification  
Effective for entire length of Permit**

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

**Item 5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 5.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

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

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

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

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

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

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

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



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

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

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 6 calendar month(s).

**Condition 6: Compliance Certification**  
**Effective for entire length of Permit**

**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;

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

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

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

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

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

The address for the RAPCE is as follows:

Regional Air Pollution Control Engineer  
 NYSDEC Region 9 Headquarters

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700 Delaware Ave.,  
Buffalo, NY 14209

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2025.  
Subsequent reports are due on the same day each year

**Condition 7: Recordkeeping requirements**  
**Effective for entire length of Permit**

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

**Item 7.1:**

(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 8: Open Fires - Prohibitions**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 215.2**

**Item 8.1:**

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

**Item 8.2**

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.

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- (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.**

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

**Condition 9: Maintenance of Equipment  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 200.7**

**Item 9.1:**

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

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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 10: Recycling and Salvage**  
**Effective for entire length of Permit**

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

**Item 10.1:**

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 11: Prohibition of Reintroduction of Collected Contaminants to the air**  
**Effective for entire length of Permit**

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

**Item 11.1:**

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 12: Exempt Sources - Proof of Eligibility**  
**Effective for entire length of Permit**

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

**Item 12.1:**

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 13: Trivial Sources - Proof of Eligibility**  
**Effective for entire length of Permit**

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

**Item 13.1:**

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 14: Requirement to Provide Information**  
**Effective for entire length of Permit**

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

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**Item 14.1:**

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 15: Right to Inspect**  
**Effective for entire length of Permit****Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (8)****Item 15.1:**

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 16: Required Emissions Tests**  
**Effective for entire length of Permit****Applicable Federal Requirement:6 NYCRR 202-1.1****Item 16.1:**

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

**Condition 17: Accidental release provisions.**  
**Effective for entire length of Permit**

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

**Item 17.1:**

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

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

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

**Condition 18: Recycling and Emissions Reduction**  
**Effective for entire length of Permit**

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

**Item 18.1:**

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

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

**Condition 19: False statement**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 200.3**

**Item 19.1:**

No person shall make a false statement in connection with applications, plans, specifications and/or reports submitted pursuant to this Subchapter.

**Condition 20: Emission Unit Definition**  
**Effective for entire length of Permit**

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**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-MCENG

Emission Unit Description:

This EU consists of seven (7) Caterpillar G3516 RICE generator sets (Process MC1) that are housed in building BLDG1. Landfill gas (LFG) that is produced by the decomposition of municipal solid waste in the adjacent Modern Landfill, are collected by the landfill and delivered to the Model City Energy Facility (1-MCENG) where it is treated in an LFG treatment system and used as a fuel in the CAT 3516 RICE. Each RICE is equipped with a single exhaust stack, which are identified as exhaust stacks ENG01 through ENG07, are aligned in an east to west direction with ENG01 being situated farthest to the east. The electricity that is produced by this equipment is sold on the open market.

Each IC engine has a crankcase ventilator for engine oil. The purpose of the crankcase ventilator is to remove water vapor from the crankcase in order to prevent water, which may contain an oil mist, from collecting in the oil pan. The breather vent in each engine removes the vapors generated within the crankcase and directs it to a Solberg oil mist eliminator. Any visible oil mist from the Solberg is captured and coalesces/drops out into a vessel, and the vent from the system is exhausted outside 1BLDG. The coalescing element is rated for 0.3 micron; 99.97% efficiency.

A landfill gas (LFG) treatment system (filtration, compression, cooling and dewatering) is utilized in accordance with 40 CFR 60.752(b)(iii)(C). Components of the specified gas treatment system are not equipped with atmospheric vents. Therefore, all of the landfill gas received and treated by the system is directed to the seven (7) Caterpillar G3516 IC engines for use as a fuel.

Ancillary Equipment with insignificant emissions [exempt pursuant to 6 NYCRR Part 201-3.1(b)(1)] that supports the electricity generation operations.

The process MC1 engine radiator coolant (new and used) is stored in separate above ground holding tanks located near BLDG1. The new and used engine radiator coolant storage tanks each have design capacities of 1,000 gallons.

The process MC1 engine lube oil (new and used) is stored in separate above ground storage tanks located near



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building BLDG1. The new lube oil storage tank has a design capacity of 8,000 gallons; the used oil tank has a design capacity of 2,000 gallons. The aboveground storage tanks (new and used coolant, and the new and used oil) are exempt from permitting pursuant to 6 NYCRR Part 201-3.2(c)(25).

Process MC1 has dump radiator heater onsite which utilizes waste heat from the engines. Since this heat is “recycled,” there are no emissions associated with the operation of this equipment. There is a backup propane heater available at the Facility (heat input less than 10 million BTU per hour) which is exempt from permitting pursuant to 6 NYCRR Part 201-3.2(c)(1).

Building(s): BLDG1

**Item 20.2:**

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

Emission Unit: 2-MCENG

Emission Unit Description:

This EU consists of four (4) Caterpillar G3520 RICE generator sets (Process 001) that are housed in building ENGBLDG. Landfill gas (LFG) that is produced by the decomposition of municipal solid waste in the adjacent Modern Landfill, are collected by the landfill and delivered to the Model City Energy Facility (2-MCENG) where it is treated in an LFG treatment system and used as a fuel in the CAT 3520 RICE. Each RICE is equipped with a single exhaust stack, which are identified as exhaust stacks ENG08 through ENG11, are aligned in an east to west direction with ENG08 being situated farthest to the east. The electricity that is produced by this equipment is sold on the open market.

Each IC engine has a crankcase ventilator for engine oil. The purpose of the crankcase ventilator is to remove water vapor from the crankcase in order to prevent water, which may contain an oil mist, from collecting in the oil pan. The breather vent in each engine removes the vapors generated within the crankcase and directs it to a Solberg oil mist eliminator. Any visible oil mist from the Solberg is captured and coalesces/drops out into a vessel, and the vent from the system is exhausted outside ENGBLDG. The coalescing element is rated for 0.3 micron; 99.97% efficiency.

A landfill gas (LFG) treatment system (filtration, compression, cooling and dewatering) is utilized in accordance with 40 CFR 60.752(b)(iii)(C). Components of the specified gas treatment system are not equipped with atmospheric vents. Therefore, all of the landfill gas received and treated by the system is directed to the four

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(4) Caterpillar G3520C IC engines for use as a fuel.

Ancillary Equipment with insignificant emissions [exempt pursuant to 6 NYCRR Part 201-3.1(b)(1)] that supports the electricity generation operations.

The process 001 engine radiator coolant (new and used) is stored in separate above ground holding tanks located near ENGBLDG. The new lube oil storage tank has a design capacity of 10,000 gallons; the used oil tank has a design capacity of 2,000 gallons. The aboveground storage tanks (new and used coolant, and the new and used oil) are exempt from permitting pursuant to 6 NYCRR Part 201-3.2(c)(25).

Process 001 has dump radiator heater onsite which utilizes waste heat from the engines. Since this heat is “recycled,” there are no emissions associated with the operation of this equipment. There is a backup propane heater available at the Facility (heat input less than 10 million BTU per hour) which is exempt from permitting pursuant to 6 NYCRR Part 201-3.2(c)(1).

The emission unit includes a 100 kilowatt (kW) compression ignition engine-generator set that is operated to supply power to the facility’s emergency lighting system when utility outages occur. This has been assigned Process 002. The emergency standby generator is fueled with low sulfur diesel fuel that is supplied from a 200-gallon above ground storage tank.

Building(s): ENGBLDG

**Condition 21: Progress Reports Due Semiannually  
Effective for entire length of Permit**

**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**

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**Effective for entire length of Permit**

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

**Condition 23: Facility Permissible Emissions  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 23.1:**

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

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

CAS No: 000630-08-0	PTE: 960,000 pounds per year
Name: CARBON MONOXIDE	
CAS No: 0NY210-00-0	PTE: 380,000 pounds per year
Name: OXIDES OF NITROGEN	

**Condition 24: Notification  
Effective for entire length of Permit**

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

**Item 24.1:**

A person who is required by the Department to submit a stack test report shall notify the Department, 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 a representative of the Department free access to observe stack testing being conducted by such person.

**Condition 25: Statement dates for emissions statements.  
Effective for entire length of Permit**

**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

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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: Visible Emissions Limited**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 26.1:**

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 27: Applicability of Subpart A General Provisions**  
**Effective for entire length of Permit**

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

**Item 27.1:**

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

**Condition 28: EPA Region 2 address.**  
**Effective for entire length of Permit**

**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  
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)

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and to the following address:

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

**Condition 29:    Applicability**  
**Effective for entire length of Permit**

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

**Item 29.1:**

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

**Condition 30:    Applicability**  
**Effective for entire length of Permit**

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

**Item 30.1:**

Facilities that have stationary spark ignition internal combustion engines must comply with applicable portions of 40 CFR 60 Subpart JJJJ.

**Condition 31:    Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 31.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 31.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

In accordance with 40 CFR 63.1959(b)(2)(iii)(C), landfill gas collected from a MSW landfill may be either combusted in an appropriate control device or routed to a treatment system that processes the collected gas for subsequent sale or use.

Treatment is defined by EPA and the Department as compression, dewatering and filtering of particulate.

Model City Energy includes a treatment system for processing of the collected landfill gas prior to beneficial end use.

Model City Energy shall operate the treatment system at

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all times according to the manufacturer’s specifications when gas is routed for subsequent sale or use. Model City Energy will submit a monitoring plan for the treatment system to the Department for approval. The plan will describe the monitoring for the filtering, dewatering and compression of the landfill gas to assure that the treatment system operates as designed and will include the following:

- (A) Monitoring records of parameters that are identified in the treatment system monitoring plan and that ensure the treatment system is operating properly for each intended end use of the treated landfill gas. At a minimum, records should include records of filtration, dewatering, and compression parameters that ensure the treatment system is operating properly for each intended end use of the treated landfill gas.
- (B) Monitoring methods, frequencies, and operating ranges for each monitored operating parameter based on manufacturer’s recommendations or engineering analysis for each intended end use of the treated landfill gas.
- (C) Documentation of the monitoring methods and ranges, along with justification for their use.
- (D) List of responsible staff (by job title) for data collection.
- (E) Processes and methods used to collect the necessary data.
- (F) Description of the procedures and methods that are used for quality assurance, maintenance, and repair of all continuous monitoring systems (CMS). This monitoring plan shall be followed at all times during operation of the treatment system.

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 32: Applicability**  
**Effective for entire length of Permit**

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

**Item 32.1:**

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

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

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**Condition 33: Emission Point Definition By Emission Unit  
Effective for entire length of Permit**

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

**Item 33.1:**

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

Emission Unit: 1-MCENG

Emission Point: ENG01  
 Height (ft.): 26 Diameter (in.): 12  
 NYTMN (km.): 4791.845 NYTME (km.): 176.639 Building: BLDG1

Emission Point: ENG02  
 Height (ft.): 26 Diameter (in.): 12  
 NYTMN (km.): 4791.844 NYTME (km.): 176.633 Building: BLDG1

Emission Point: ENG03  
 Height (ft.): 26 Diameter (in.): 12  
 NYTMN (km.): 4791.845 NYTME (km.): 176.627 Building: BLDG1

Emission Point: ENG04  
 Height (ft.): 26 Diameter (in.): 12  
 NYTMN (km.): 4791.845 NYTME (km.): 176.623 Building: BLDG1

Emission Point: ENG05  
 Height (ft.): 26 Diameter (in.): 12  
 NYTMN (km.): 4791.845 NYTME (km.): 176.617 Building: BLDG1

Emission Point: ENG06  
 Height (ft.): 26 Diameter (in.): 12  
 NYTMN (km.): 4791.845 NYTME (km.): 176.612 Building: BLDG1

Emission Point: ENG07  
 Height (ft.): 26 Diameter (in.): 12  
 NYTMN (km.): 4791.845 NYTME (km.): 176.607 Building: BLDG1

**Item 33.2:**

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

Emission Unit: 2-MCENG

Emission Point: ENG08  
 Height (ft.): 35 Diameter (in.): 16  
 NYTMN (km.): 4791.76 NYTME (km.): 176.622 Building: ENGBLDG

Emission Point: ENG09  
 Height (ft.): 35 Diameter (in.): 16  
 NYTMN (km.): 4791.759 NYTME (km.): 176.616 Building: ENGBLDG

Emission Point: ENG10

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Height (ft.): 35                      Diameter (in.): 16  
 NYTMN (km.): 4791.757    NYTME (km.): 176.611    Building: ENGBLDG

Emission Point:    ENG11  
 Height (ft.): 35                      Diameter (in.): 16  
 NYTMN (km.): 4791.845    NYTME (km.): 176.603    Building: ENGBLDG

**Condition 34:    Process Definition By Emission Unit  
 Effective for entire length of Permit**

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

**Item 34.1:**

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

Emission Unit:    1-MCENG  
 Process: MC1                                      Source Classification Code: 2-01-008-02  
 Process Description:

Process MC1 consists of seven (7) CAT 3516 reciprocating internal combustion engine (RICE) generator sets that are fueled with treated LFG. At a maximum heat input rate of 8.6 million BTU/hr LHV per engine and a minimum fuel heating value requirement of 350 Btu/scf LHV, the maximum fuel use rate for each CAT 3516 RICE is approximately 410 scfm per engine. Seven (7) RICE continuously operating at a maximum capacity for 8760 hours per year results in a maximum potential fuel use rate of 1,508 million cubic feet per year (MMcf/yr).

Emission Source/Control: 01ENG - Combustion

Emission Source/Control: 02ENG - Combustion

Emission Source/Control: 03ENG - Combustion

Emission Source/Control: 04ENG - Combustion

Emission Source/Control: 05ENG - Combustion

Emission Source/Control: 06ENG - Combustion

Emission Source/Control: 07ENG - Combustion

**Item 34.2:**

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

Emission Unit:    2-MCENG  
 Process: 001                                      Source Classification Code: 2-01-008-02  
 Process Description:

This emission unit consists of four (4) Caterpillar G3520C RICE generator sets (Process 001) that are housed in building (ENGBLDG). Landfill gas (LFG) that is produced



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by the decomposition of municipal solid waste in the nearby Modern Landfill and collected by the landfill is transferred to the Model City Energy Facility where it is treated in an LFG treatment system and used to fuel the Caterpillar G3520C RICE. Each RICE is equipped with a single exhaust stack, which are identified as exhaust stacks ENG08 thru ENG11, and are aligned in an east to west direction with ENG08 being situated farthest to the east. The electricity produced by this equipment is sold to the open market.

Emission Source/Control: 08ENG - Combustion

Emission Source/Control: 09ENG - Combustion

Emission Source/Control: 10ENG - Combustion

Emission Source/Control: 11ENG - Combustion

**Item 34.3:**

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

Emission Unit: 2-MCENG

Process: 002

Source Classification Code: 2-01-001-02

Process Description:

Process 002 consists of a 100 kW (157 HP) compression-ignition standby emergency generator-set that is fueled with diesel fuel. The unit is exempt from permitting pursuant to 6-NYCRR 201-3.2(c)(3)(ii), however, it is subject to 40 CFR Part 63 Subpart ZZZZ (RICE NESHAP) as an existing emergency engine. The emergency generator set is only operated during power outages and for maintenance and readiness testing. The RICE NESHAP allows for unlimited emergency operating hours, limits operation to 50 hours per year in non-emergency situations, and allows for up to 100 hours per year for a combination of non-emergency operation, maintenance, and readiness testing.

Emission Source/Control: EGEN1 - Combustion

Design Capacity: 100 kilowatts

**Condition 35: Emission Unit Permissible Emissions Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 35.1:**

The sum of emissions from all regulated processes specified in this permit for the emission unit cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

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Emission Unit: 1-MCENG

CAS No: 000630-08-0

Name: CARBON MONOXIDE

PTE(s): 46.06 pounds per hour

480,000 pounds per year

Emission Unit: 2-MCENG

CAS No: 000630-08-0

Name: CARBON MONOXIDE

PTE(s): 56.91 pounds per hour

480,000 pounds per year

Emission Unit: 1-MCENG

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 18.6 pounds per hour

190,000 pounds per year

Emission Unit: 2-MCENG

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 11.81 pounds per hour

190,000 pounds per year

**Condition 36: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 36.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-MCENG

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 36.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The emission limit of the seven (7)-CAT G3516 internal combustion engines for carbon monoxide (CO) is 2.60 g/bhp-hr. This emission limit is a conservative emission limit based on the information provided by the manufacturer. The emission limit was used to assess compliance and applicability to New Source Review (6NYCRR

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Part 231-2), and Prevention of Significant Deterioration (40CFR52.21). The Department requires routine performance testing of the internal combustion engines to confirm the engines consistently operate within the design criteria.

- 1.) A performance test to demonstrate compliance with the emission limits of CO must be completed, at a minimum, every five years on one 3516 engine at the facility. More frequent performance testing may be required as determined necessary by the Department.
- 2.) The specific engine to be tested will be selected by the Department. The test must be completed at the maximum normal operating load.
- 3.) The methods used to measure CO shall include EPA Methods 7 or 7E and EPA Method 19 from 40CFR60, Appendix A or another reference method approved by the Department.
- 4.) A performance test protocol shall be submitted to the Department for approval at least 60 days prior to completion of the test. The Department must be notified 10 days prior to the scheduled test date so a Department representative may be present during the test.
- 5.) A performance test report of the results shall be submitted to this office within 60 days of completion of the test. The test report must include a data quality review, which consists of a separate independent data quality review completed by a person having demonstrated expertise in reviewing stack test reports and associated test procedures. The ultimate purpose of this review is to determine acceptability of the results for determining compliance with applicable standards and/or requirements. The data quality review report must include the following:
  - a.) Whether test methods used followed those contained in the approved protocol and where variations occurred their acceptability under the test methods.
  - b.) Where problems occurred during testing, what corrective measures were used and the adequacy of those measures.
  - c.) Determination whether data quality is adequate for determining compliance with performance specifications.
  - d.) Determine whether the testing demonstrates

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compliance or noncompliance with emission limits and/or performance requirements.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 2.60 grams per brake horsepower-hour

Reference Test Method: EPA Test Method 7 or 7E/EPA Test Method 19

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 60 days after the reporting period.

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

**Condition 37: Capping Monitoring Condition  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 201-7.1**

**Item 37.1:**

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 231-2

**Item 37.2:**

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

**Item 37.3:**

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 37.4:**

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 37.5:**

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 37.6:**

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The Compliance Certification activity will be performed for:

Emission Unit: 1-MCENG

Regulated Contaminant(s):

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

**Item 37.7:**

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

EMISSION UNIT 1-MCENG  
95 TPY OXIDES OF NITROGEN (NO<sub>x</sub>) EMISSION LIMIT  
NEW SOURCE REVIEW (NSR)

(1) The oxides of nitrogen (NO<sub>x</sub>) emissions from emission unit 1-MCENG (seven (7)-CAT G3516 engine generator sets) are capped below 95 tons/year to avoid applicability of New Source Review (NSR) under 6 NYCRR Subpart 231-2. The calculations for the emission unit cap is a result of the most recent application submission in October 2024.

(2) Model City Energy shall track actual annual NO<sub>x</sub> emissions from emission unit 1-MCENG and keep records. Emission calculations shall be completed monthly for each rolling 12-month period.

(3) Model City Energy must track the kilowatt-hour (kWh) output of each engine and use an emission factor developed from the most recent performance test to calculate the 12-month rolling total of NO<sub>x</sub> emissions from the engines. The emission factor is calculated as follows: lb/hr NO<sub>x</sub> emission rate measured during the stack test divided by the kWh output from the engine during the test equals the lb/kWh emission factor. NO<sub>x</sub> emissions are calculated as kWh for the month multiplied by the lb/kWh emission factor equals lb/month (then converted to tons/month).

(4) The owner or operator 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 the facility 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.

(5) On an annual calendar year basis, the responsible

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official shall provide a certification to the Department that the facility has operated the emission unit 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 with the 95 tons/year NOx emission limit established by this cap.

Parameter Monitored: OXIDES OF NITROGEN  
Upper Permit Limit: 95 tons per year  
Monitoring Frequency: MONTHLY  
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 38: Capping Monitoring Condition**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 201-7.1**

**Item 38.1:**

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:

40 CFR 52.21

**Item 38.2:**

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

**Item 38.3:**

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 38.4:**

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 38.5:**

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.

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**Item 38.6:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-MCENG

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 38.7:**

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

EMISSION UNIT 1-MCENG  
240 TPY CARBON MONOXIDE EMISSION LIMIT  
PREVENTION OF SIGNIFICANT DETERIORATION (PSD)

(1)The carbon monoxide (CO) emissions from emission unit 1-MCENG (seven (7)-CAT G3516 engine generator sets) are capped below 240 tons/year to avoid applicability of Prevention of Significant Deterioration (PSD) under 40 CFR 52.21. The calculations for the emission unit cap is a result of the most recent application submission in October 2024.

(2) Model City Energy shall track actual annual CO emissions from emission unit 1-MCENG and keep records. Emission calculations shall be completed monthly for each rolling 12-month period.

(3) Model City Energy must track the kilowatt-hour (kWh) output of each engine and use an emission factor developed from the most recent performance test to calculate the 12-month rolling total of CO emissions from the engines. The emission factor is calculated as follows: lb/hr CO emission rate measured during the stack test divided by the kWh output from the engine during the test equals the lb/kWh emission factor. CO emissions are calculated as kwh for the month multiplied by the lb/kWh emission factor equals lb/month (then converted to tons/month).

(4) The owner or operator 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 the facility 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.

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(5) On an annual calendar year basis, the responsible official shall provide a certification to the Department that the facility has operated the emission unit 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 with the 240 tons/year CO emission limit established by this cap.

Parameter Monitored: CARBON MONOXIDE  
 Upper Permit Limit: 240 tons per year  
 Monitoring Frequency: MONTHLY  
 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 39: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 227-1.3 (c)**

**Item 39.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-MCENG

**Item 39.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility must perform a monthly tune-up on each emission source subject to 6 NYCRR Subpart 227-1. The facility shall demonstrate that the monthly tune-ups are equivalent to what an annual tune-up would require, based on the manufacturer's recommendations. Records of the tune-up shall be maintained at the facility or at a Department approved alternative location for a minimum of five years. The records shall, at a minimum, include the date the tune-up(s) occurred and the details of the tune-up procedures for each emission source.

Monitoring Frequency: MONTHLY  
 Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 Subsequent reports are due every 6 calendar month(s).

**Condition 40: Compliance Certification**  
**Effective for entire length of Permit**

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



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**Item 40.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-MCENG

**Item 40.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

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

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

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

Monitoring Frequency: ANNUALLY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 41: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 227-2.4 (f) (2)**

**Item 41.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-MCENG

Regulated Contaminant(s):

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

**Item 41.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

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This condition applies to stationary internal combustion engines that have a maximum mechanical output rating equal to or greater than 200 brake horsepower in a severe ozone nonattainment area or 400 brake horsepower outside a severe ozone nonattainment area and are fired by landfill gas or digester gas (solely or in combination with natural gas). The owner or operator is required to submit a compliance testing protocol to the department for approval at least 90 days prior to testing. The owner or operator will maintain all records on-site for a minimum of five years.

Parameter Monitored: OXIDES OF NITROGEN  
 Upper Permit Limit: 2.0 grams per brake horsepower-hour  
 Reference Test Method: 40 CFR 60 Appendix A - 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 42: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 42.1:**  
 The Compliance Certification activity will be performed for:

Emission Unit: 2-MCENG

Regulated Contaminant(s):  
 CAS No: 000630-08-0 CARBON MONOXIDE

**Item 42.2:**  
 Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING  
 Monitoring Description:

The emission limit of the four (4) CAT G3520 internal combustion engines for carbon monoxide (CO) is 2.89 g/bhp-hr. This emission limit is a conservative emission limit based on the information provided by the manufacturer. The emission limit are used to assess compliance and applicability to New Source Review (6NYCRR Part 231-2), and Prevention of Significant Deterioration (40CFR52.21). The Department requires routine performance testing of the internal combustion engines to confirm the engines consistently operate within the design criteria.

1.) A performance test to demonstrate compliance with the

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emission limits of CO must be completed, at a minimum, every five years on one 3520 engine at the facility. More frequent performance testing may be required as determined necessary by the Department.

2.) The specific engine to be tested will be selected by the Department. The test must be completed at the maximum normal operating load.

3.) The methods used to measure CO shall include EPA Methods 7 or 7E and EPA Method 19 from 40CFR60, Appendix A or another reference method approved by the Department.

4.) A performance test protocol shall be submitted to the Department for approval at least 60 days prior to completion of the test. The Department must be notified 10 days prior to the scheduled test date so a Department representative may be present during the test.

5.) A performance test report of the results shall be submitted to this office within 60 days of completion of the test. The test report must include a data quality review, which consists of a separate independent data quality review completed by a person having demonstrated expertise in reviewing stack test reports and associated test procedures. The ultimate purpose of this review is to determine acceptability of the results for determining compliance with applicable standards and/or requirements. The data quality review report must include the following:

a.) Whether test methods used followed those contained in the approved protocol and where variations occurred their acceptability under the test methods.

b.) Where problems occurred during testing, what corrective measures were used and the adequacy of those measures.

c.) Determination whether data quality is adequate for determining compliance with performance specifications.

d.) Determine whether the testing demonstrates compliance or noncompliance with emission limits and/or performance requirements.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 2.89 grams per brake horsepower-hour

Reference Test Method: EPA Test Method 7 or 7E/EPA Test Method 19

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

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## DESCRIPTION

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 43: Capping Monitoring Condition  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 201-7.1**

**Item 43.1:**

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 231-2

**Item 43.2:**

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

**Item 43.3:**

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 43.4:**

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 43.5:**

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 43.6:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-MCENG

Regulated Contaminant(s):

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

Permit ID: 9-2924-00110/00002

Facility DEC ID: 9292400110

**Item 43.7:**

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

EMISSION UNIT 2-MCENG  
95 TPY OXIDES OF NITROGEN (NO<sub>x</sub>) EMISSION LIMIT  
NEW SOURCE REVIEW (NSR)

(1) The oxides of nitrogen (NO<sub>x</sub>) emissions from emission unit 2-MCENG (CAT G3520C engine generator sets) are capped below 95 tons per year to avoid applicability of New Source Review (NSR) under 6 NYCRR Subpart 231-2. The calculations for the emission unit cap is a result of the most recent permit application submission in October 2024.

(2) Model City Energy shall track actual annual NO<sub>x</sub> emissions from emission unit 2-MCENG and keep records. Emission calculations shall be completed monthly for each rolling 12-month period.

(3) Model City Energy must track the kilowatt-hour (kwh) output of each engine and use an emission factor developed from the most recent performance test to calculate the 12-month rolling total of NO<sub>x</sub> emissions from the engines. The emission factor is calculated as follows: lb/hr NO<sub>x</sub> emission rate measured during the stack test divided by the kwh output from the engine during the test equals the lb/kwh emission factor. NO<sub>x</sub> emissions are calculated as kwh for the month multiplied by the lb/kwh emission factor equals lb/month (then converted to tons/month).

(4) The owner or operator 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 the facility 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.

(5) On an annual calendar year basis, the responsible official shall provide a certification to the Department that the facility has operated the emission unit 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 with the 95 ton per year NO<sub>x</sub> emission limit established by this cap.

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Parameter Monitored: OXIDES OF NITROGEN  
Upper Permit Limit: 95 tons per year  
Monitoring Frequency: MONTHLY  
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 44: Capping Monitoring Condition**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 201-7.1**

**Item 44.1:**

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:

40 CFR 52.21

**Item 44.2:**

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

**Item 44.3:**

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 44.4:**

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 44.5:**

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 44.6:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-MCENG

Regulated Contaminant(s):

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Facility DEC ID: 9292400110

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 44.7:**

Compliance Certification shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

EMISSION UNIT 2-MCENG  
240 TPY CARBON MONOXIDE EMISSION LIMIT  
PREVENTION OF SIGNIFICANT DETERIORATION (PSD)

(1) The carbon monoxide (CO) emissions from emission unit 2-MCENG (CAT G3520C engine generator sets) are capped below 240 tons per year to avoid applicability of Prevention of Significant Deterioration (PSD) under 40 CFR 52.21. The calculations for the emission unit cap is a result of the most recent application submission in October 2024.

(2) Model City Energy shall track actual annual CO emissions from emission unit 2-MCENG and keep records. Emission calculations shall be completed monthly for each rolling 12-month period.

(3) Model City Energy must track the kilowatt-hour (kwh) output of each engine and use an emission factor developed from the most recent performance test to calculate the 12-month rolling total of CO emissions from the engines. The emission factor is calculated as follows: lb/hr CO emission rate measured during the stack test divided by the kwh output from the engine during the test equals the lb/kwh emission factor. CO emissions are calculated as kwh for the month multiplied by the lb/kwh emission factor equals lb/month (then converted to tons/month).

(4) The owner or operator 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 the facility 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.

(5) On an annual calendar year basis, the responsible official shall provide a certification to the Department that the facility has operated the emission unit within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to

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the cap for that time period and a comparison with the 240 ton per year CO emission limit established by this cap.

Parameter Monitored: CARBON MONOXIDE  
 Upper Permit Limit: 240 tons per year  
 Monitoring Frequency: MONTHLY  
 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 45: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 227-1.3 (c)**

**Item 45.1:**  
 The Compliance Certification activity will be performed for:

Emission Unit: 2-MCENG

**Item 45.2:**  
 Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
 Monitoring Description:

The facility must perform a monthly tune-up on each emission source subject to 6 NYCRR Subpart 227-1. The facility shall demonstrate that the monthly tune-ups are equivalent to what an annual tune-up would require, based on the manufacturer's recommendations. Records of the tune-up shall be maintained at the facility or at a Department approved alternative location for a minimum of five years. The records shall, at a minimum, include the date the tune-up(s) occurred and the details of the tune-up procedures for each emission source.

Monitoring Frequency: MONTHLY  
 Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 Subsequent reports are due every 6 calendar month(s).

**Condition 46: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 46.1:**  
 The Compliance Certification activity will be performed for:

Emission Unit: 2-MCENG



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**Item 46.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

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

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

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

Monitoring Frequency: ANNUALLY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 47: Compliance Certification  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 227-2.4 (f) (2)**

**Item 47.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-MCENG

Regulated Contaminant(s):

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

**Item 47.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

This condition applies to stationary internal combustion engines that have a maximum mechanical output rating equal to or greater than 200 brake horsepower in a severe ozone nonattainment area or 400 brake horsepower outside a severe ozone nonattainment area and are fired by landfill gas or digester gas (solely or in combination with natural

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gas). The owner or operator is required to submit a compliance testing protocol to the department for approval at least 90 days prior to testing. The owner or operator will maintain all records on-site for a minimum of five years.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 2.0 grams per brake horsepower-hour

Reference Test Method: 40 CFR 60 Appendix A - 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).

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**STATE ONLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

An emergency, as defined in 6 NYCRR subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

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

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

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

(3) during the period of the emergency the facility owner or operator took all reasonable steps to minimize the levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) the facility owner or operator notified the department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken.

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

(c) This provision is in addition to any emergency or malfunction provision contained in any applicable requirement.

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

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all

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criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

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

#### STATE ONLY APPLICABLE REQUIREMENTS

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

**Condition 48: Contaminant List**  
**Effective for entire length of Permit**

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

**Item 48.1:**

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

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

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

**Condition 49: Malfunctions and Start-up/Shutdown Activities**  
**Effective for entire length of Permit**

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

**Item 49.1:**

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

(b) The facility owner or operator shall compile and maintain records of all equipment maintenance and start-up/shutdown activities when they are expected to result in an exceedance

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of any applicable emission standard, and shall submit a report of such activities to the department when required by a permit condition or upon request by the department. Such reports shall state whether an exceedance occurred and if it was unavoidable, include the time, frequency and duration of the exceedance, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous monitoring and quarterly reporting requirements need not submit additional reports of exceedances to the department.

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

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

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

**Condition 50: Air pollution prohibited**  
**Effective for entire length of Permit**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 50.1:**

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.

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