

**Division of Air Resources
Permit Review Report**

Permit ID: 6-3024-00025/00001
Renewal Number: 2
03/14/2022

Facility Identification Data

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

Owner/Firm

Name: WM RENEWABLE ENERGY LLC
Address: 1001 FANNIN STE 4000
HOUSTON, TX 77002, USA
Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:
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Division of Air Resources:
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Air Permitting Contact:
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Address: WM RENEWABLE ENERGY LLC
1001 FANNIN STE 4000
HOUSTON, TX 77002
Phone:

**Permit Description
Introduction**

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

Summary Description of Proposed Project

Application for renewal of Air Title V Facility.

Attainment Status

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WM ONEIDA HERKIMER RENEWABLE ENERGY FACILITY is located in the town of AVA in the county of ONEIDA.

The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	TRANSPORT REGION (NON-ATTAINMENT)
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

** NOx has a separate ambient air quality standard in addition to being an ozone precursor.

Facility Description:

This facility is engaged in the generation of electricity from the combustion of landfill gas captured at the Oneida Herkimer Solid Waste Management Authority (OHSWMA) Regional Landfill.

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

Permit Structure and Description of Operations

The Title V permit for WM ONEIDA HERKIMER RENEWABLE ENERGY FACILITY is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air

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pollutants from an activity (i.e., process). Emission sources are categorized by the following types:
 combustion - devices which burn fuel to generate heat, steam or power
 incinerator - devices which burn waste material for disposal
 control - emission control devices
 process - any device or contrivance which may emit air contaminants that is not included in the above categories.

WM ONEIDA HERKIMER RENEWABLE ENERGY FACILITY is defined by the following emission unit(s):

Emission unit 4GENST - This emission unit consists of three (3) Caterpillar, Inc. G3520C lean burn internal combustion engine generator sets fueled by landfill gas to generate electricity for sale.

Emission unit 4GENST is associated with the following emission points (EP):
 ENG01, ENG02, ENG03

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

Title V/Major Source Status

WM ONEIDA HERKIMER RENEWABLE ENERGY FACILITY is subject to Title V requirements. This determination is based on the following information:

WMRE is subject to Title V requirements. This determination is based on the following information: The facility is major because the potential to emit (PTE) for several contaminants is greater than the Title V applicability thresholds. The PTE for Carbon Monoxide (CO) from the facility is greater than 100 tons per year which is the Title V applicability threshold.

OHSWMA Regional Landfill (DEC Title V Permit ID:6-3024-00009/00007) and WMRE, LLC will hold separate Title V Air Permits; however, for the purposes of New Source Review (NSR) applicability they are considered a single facility and will share a common emission cap for combined carbon monoxide (CO) and oxides of nitrogen (NOx) emissions to ensure the facility does not exceed the major facility threshold.

Program Applicability

The following chart summarizes the applicability of WM ONEIDA HERKIMER RENEWABLE ENERGY FACILITY with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO

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NESHAP (MACT - 40 CFR Part 63)	YES
NSPS	YES
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	NO
SIP	YES

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

MACT Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

NSPS New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212-3, 220-1.6, 220-1.7, 220-2.3, 220-2.4, 226, 227-2, 228, 229, 230, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The

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term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements.

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code

Description

4911

ELECTRIC SERVICES

SCC Codes

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information.Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code

Description

2-01-008-02

INTERNAL COMBUSTION ENGINES - ELECTRIC GENERATION
 ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE - LANDFILL GAS
 Reciprocating

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant , including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in

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federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term ‘HAP’ refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
000079-34-5	1, 1, 2, 2- TETRACHLOROET HANE				
000107-06-2	1, 2- DICHLOROETHAN E				
000108-10-1	2-PENTANONE, 4-METHYL				
000071-43-2	BENZENE				
000106-46-7	BENZENE, 1, 4- DICHLORO-				
000075-15-0	CARBON DISULFIDE				
000630-08-0	CARBON MONOXIDE	498000			
000463-58-1	CARBONYL SULFIDE				
000108-90-7	CHLOROBENZENE				
000067-66-3	CHLOROFORM				
000075-09-2	DICHLOROMETHA NE				
000071-55-6	ETHANE, 1, 1, 1-				
000075-34-3	TRICHLORO ETHANE, 1, 1-				
000106-93-4	DICHLORO- ETHANE, 1, 2-				
000075-00-3	DIBROMO ETHANE, CHLORO				
000075-35-4	ETHENE, 1, 1- DICHLORO				
000100-41-4	ETHYLBENZENE				
000110-54-3	HEXANE				
007647-01-0	HYDROGEN CHLORIDE				
007439-92-1	LEAD				
007439-97-6	MERCURY				
000074-82-8	METHANE				
000074-87-3	METHYL CHLORIDE				
000078-93-3	METHYL ETHYL KETONE				
0NY998-20-0	NMOC - LANDFILL USE ONLY				
0NY210-00-0	OXIDES OF NITROGEN				
0NY075-00-0	PARTICULATES				
000127-18-4	PERCHLOROETHY LENE				
0NY075-00-5	PM-10				
000078-87-5	PROPANE, 1, 2-				

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000107-13-1	DICHLORO PROPENENITRIL E	
007446-09-5	SULFUR DIOXIDE	
000108-88-3	TOLUENE	
0NY100-00-0	TOTAL HAP	
000079-01-6	TRICHLOROETHY LENE	
000075-01-4	VINYL CHLORIDE	
0NY998-00-0	VOC	99000
001330-20-7	XYLENE, M, O & P MIXT.	

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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 Part 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 Part 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 Part 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 Part 201-6.4(a)(3)

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

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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 Part 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 Part 201-6.4(g)

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

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- 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 Part 201-6.4(i)

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is 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 this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the

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Department pursuant to the provisions of Part 2 01-6.7 and Part 621.

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

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

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

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

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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.

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Emergency Defense - 6 NYCRR 201-1.5

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the

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Department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

- (a) The affirmative defense of emergency shall be demonstrated 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 permitted facility causing the emergency was at the time being properly operated and maintained;
 - (3) During the period of the emergency the facility owner or operator took all reasonable steps to minimize 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 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 upset provision contained in any applicable requirement. item_02

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

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

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description

FACILITY	ECL 19-0301	43	Powers and Duties of the Department with

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4-GENST/-/ENG/01ENG	40CFR 60- JJJJ.4230 (a) (4)	40	respect to air pollution control Standards of Performance for Stationary Spark Ignition Internal Combustion Engines - Applicability
4-GENST/-/ENG/01ENG	40CFR 60- JJJJ.4243 (a) (1)	41	NSPS for Stationary Spark Ignition Internal Combustion Engines - Compliance Requirements
4-GENST/-/ENG/01ENG	40CFR 60-JJJJ.4245 (a)	42	Notification, reporting and recordkeeping requirements
FACILITY	40CFR 60-JJJJ.4246	36	Applicability of Subpart A provisions
FACILITY	40CFR 63-ZZZZ	37	Reciprocating Internal Combustion Engine (RICE) NESHAP
FACILITY	40CFR 68	18	Chemical accident prevention provisions
FACILITY	40CFR 82-F	19	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	44	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2 (a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3 (a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	20, 21, 38, 39	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4 (a) (4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4 (a) (7)	2	General Conditions - Fees
FACILITY	6NYCRR 201-6.4 (a) (8)	16	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4 (c)	3	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4 (c) (2)	4	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201- 6.4 (c) (3) (ii)	5	Reporting Requirements - Deviations and Noncompliance

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FACILITY	6NYCRR 201-6.4 (d) (4)	22	Compliance Schedules
FACILITY	6NYCRR 201-6.4 (e)	6	- Progress Reports
FACILITY	6NYCRR 201-6.4 (f)	23	Compliance
FACILITY	6NYCRR 201-6.4 (f) (2)	24	Certification
FACILITY	6NYCRR 201-6.4 (g)	25	Operational
FACILITY	6NYCRR 201-6.5 (a)	45	Flexibility
FACILITY	6NYCRR 201-7	26	Operational
FACILITY	6NYCRR 202-1.1	17	Flexibility -
FACILITY	6NYCRR 202-2.1	7	Protocol
FACILITY	6NYCRR 202-2.5	8	Permit Shield
FACILITY	6NYCRR 211.1	46	State Enforceable
FACILITY	6NYCRR 211.2	33	Requirements
FACILITY	6NYCRR 215.2	9	Federally Enforceable
FACILITY	6NYCRR 217-3.2	47	Emissions Caps
FACILITY	6NYCRR 217-3.3	48	Required emissions
FACILITY	6NYCRR 227-1.4 (a)	34, 35	tests.
			Emission Statements -
			Applicability
			Emission Statements -
			record keeping
			requirements.
			General Prohibitions
			- air pollution
			prohibited
			General Prohibitions
			- visible emissions
			limited.
			Open Fires -
			Prohibitions
			Prohibitions.
			Exceptions.
			Opacity Standard

Applicability Discussion:

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-0301

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

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6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, 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.

6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to 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.

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be

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certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6 NYCRR 201-6.4 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 201-6.4 (d) (4)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.4 (e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6 NYCRR 201-6.4 (g)

Permit Exclusion Provisions - specifies those actions, such as administrative orders, suits, claims for natural resource damages, etc that are not affected by the federally enforceable portion of the permit, unless they are specifically addressed by it.

6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

6 NYCRR 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

6 NYCRR 211.2

This regulation limits opacity from sources to less than or equal to 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

6 NYCRR 215.2

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

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40 CFR Part 68

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, WM ONEIDA HERKIMER RENEWABLE ENERGY FACILITY has been determined to be subject to the following regulations:

40 CFR 60.4230 (a) (4) (i)

Owners and operators of stationary spark ignited internal combustion engines (SI ICE), that commence construction after June 12, 2006, where the stationary SI ICE are manufactured on or after July 1, 2007, for engines with a maximum engine power greater than or equal to 500 HP (except lean burn engines with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP) are subject to the requirements of 40 CFR 60 Subpart JJJJ.

40 CFR 60.4243 (a) (1)

This regulation requires the owners and/or operators of internal combustion engines subject to Subpart JJJJ to keep records of maintenance on the engine and any demonstrated compliance with the standards in Subpart JJJJ.

40 CFR 60.4245 (a)

This regulation sets forth the notification, reporting and recordkeeping requirements for 40 CFR 60 Subpart JJJJ, for owners and operators of stationary spark ignited internal combustion engines.

40 CFR 60.4246

This regulation specifies that the following provisions of 40 CFR 60 Subpart A apply to this facility: 60.1 through 60.12, 60.14 through 60.17 and 60.19.

40 CFR Part 63, Subpart ZZZZ

Subpart ZZZZ applies to reciprocating internal combustion engines. Sources subject to

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Subpart ZZZZ must limit emissions of carbon monoxide and formaldehyde. Sources must also comply with work practice standards and operating limits.

6 NYCRR 201-6.4 (f)

This section describes the potential for certain operational changes to be made by the facility owner or operator without first obtaining a permit modification. Changes made pursuant to this provision must meet all of the criteria described in this section to qualify for consideration as operational flexibility. The Department reserves the right to require the facility owner or operator to obtain a permit modification prior to making any changes at the facility pursuant to this section.

6 NYCRR 201-6.4 (f) (2)

This section describes the requirements for operational flexibility protocols included in Title V permits. The facility owner or operator may make certain changes to the facility that have been reviewed and approved pursuant to the protocol without first obtaining a permit modification for those changes.

6 NYCRR 201-6.5 (a)

This subdivision states that the Department shall include state enforceable conditions in Title V permits. State enforceable conditions related to regulations developed pursuant to the Climate Leadership and Community Protection Act (CLCPA) and Article 75 of New York State Environmental Conservation Law may be included in future versions of this permit, as applicable.

6 NYCRR 211.1

This regulation requires that 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.

6 NYCRR 217-3.2

6 NYCRR 217-3.3

6 NYCRR 227-1.4 (a)

This subdivisions sets the opacity standard for subject stationary combustion installations.

6 NYCRR Subpart 201-7

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This regulation sets forth an emission cap that cannot be exceeded by the facility. In this permit that cap is due to the fact that the LFGTE plant will be the primary control system for landfill gas generated by the OHSWMA Regional Landfill. As such for the purposes of New Source Review (NSR) applicability they are considered a single facility and will share a common emission cap for combined carbon monoxide (CO) and oxides of nitrogen (NOx) emissions to ensure the facility does not exceed the major facility threshold. The OHSWMA Regional Landfill (DEC Title V Permit ID: 6-3024-00025/00001) and WMRE, LLC will hold separate Title V Air Permits.

Non Applicability Analysis
List of non-applicable rules and regulations:

Location Facility/EU/EP/Process/ES	Regulation	Short Description
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FACILITY	6 NYCRR Subpart 226-1	Solvent Cleaning Processes
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Reason: The facility is not subject to 6 NYCRR Part 226, since the material that the facility will be using for cleaning does not contain any chemicals that are considered a VOC and thus the material as a whole is not characterized as a VOC

NOTE: Non-applicability determinations are cited as a permit condition under 6 NYCRR Part 201-6.4(g). This information is optional and provided only if the applicant is seeking to obtain formal confirmation, within an issued Title V permit, that specified activities are not subject to the listed federal applicable or state only requirement. The applicant is seeking to obtain verification that a requirement does not apply for the stated reason(s) and the Department has agreed to include the non-applicability determination in the issued Title V permit which in turn provides a shield against any potential enforcement action.

Compliance Certification
Summary of monitoring activities at WM ONEIDA HERKIMER RENEWABLE ENERGY FACILITY:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring
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4-GENST/-/ENG/01ENG	41	record keeping/maintenance procedures
4-GENST/-/ENG/01ENG	42	record keeping/maintenance procedures

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FACILITY	21	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	24	record keeping/maintenance procedures
FACILITY	27	monitoring of process or control device parameters as surrogate
FACILITY	28	monitoring of process or control device parameters as surrogate
FACILITY	29	monitoring of process or control device parameters as surrogate
FACILITY	30	monitoring of process or control device parameters as surrogate
FACILITY	31	intermittent emission testing
FACILITY	32	intermittent emission testing
FACILITY	7	record keeping/maintenance procedures
FACILITY	34	record keeping/maintenance procedures
FACILITY	35	monitoring of process or control device parameters as surrogate

Basis for Monitoring

Condition 5 - 6 NYCRR 201-6.4 (c) (3) (ii) – Submit reports of required monitoring at a minimum frequency of every 6 months. Permit deviations must be clearly identified. For emissions of Hazardous Air Pollutants that continue for greater than an hour in excess of permit requirements must be reported within 24 hours of occurrence. For emissions of any regulated air pollutant that continue for greater than two hours in excess of permit requirements, a report must be made within 48 hours. This condition has been included to address permit conditions for record keeping and reporting of compliance monitoring.

Condition 6 – 6 NYCRR 201-6.4 (e) – Compliance Certifications shall be submitted annually and shall comply with requirements within the terms and conditions contained in this facility’s permit. Such compliance certifications are to be submitted as a means for assessing or monitoring the compliance of the facility with its emission limitations, standards, and work practices. Compliance Certifications shall include: (i) the identification of each term or condition of the permit that is the basis of the certification; (ii) the compliance status; (iii) whether compliance was continuous or intermittent; (iv) the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with subdivision (b) of this section; (v) such other facts as the department shall require to determine the compliance status of the facility; and (vi) all compliance certifications shall be submitted to the department and to the administrator and shall contain such other provisions as the department may require to ensure compliance with all applicable requirements.

Condition 7 – 6 NYCRR 202-2.1 - Emission Statements shall be submitted on or before April 15th each year for emissions of the previous calendar year. This condition is a record keeping/maintenance procedure to ensure compliance with part 202 emission verifications.

Condition 22 - 6 NYCRR Subpart 201-6 - OHSWMA Regional Landfill (DEC Title V Permit ID: 6-3024-00009/00007) and WMRE, LLC will hold separate Title V Air Permits; however, for the

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purposes of air pollution control regulations applicability determinations these facilities shall be considered a single facility.

Condition 25 – 6 NYCRR Subpart 201-7 - This monitoring condition limits the facility's emissions of carbon monoxide (CO) to 249 tons during any consecutive 12 month period to not be subject to (cap out of) the requirements of 6 NYCRR Part 231-7. This is a combined cap that applies to both OHSWMA Regional landfill & WMRE LFGTE plant. Emissions data shall be an annual maximum rolled on a monthly basis and reported upon semi-annually.

Condition 26 – 6 NYCRR Subpart 201-7 – This monitoring condition limits the facility's emissions of carbon monoxide (CO). Periodic monitoring for CO emissions will take place monthly in the stacks of the three internal combustion engines. The average of three consecutive minutes of sampling shall not exceed 413 PPMVD (corrected to 15% O₂) to not be subject to (cap out of) the requirements of 6 NYCRR Part 231-7.

Condition 27 – 6 NYCRR Subpart 201-7 – This monitoring condition limits the facility's emissions of carbon monoxide (CO). WMRE LFGTE plant shall operate and maintain a device that continuously measures the flow of landfill gas to the three landfill gas engines. The gas flow to the three engines shall not exceed 927,158, 400 standard cubic feet/year (expressed as 50% methane) to not be subject to (cap out of) the requirements of 6 NYCRR Part 231-7. Monthly landfill gas flow shall be based on readings taken every 15 minutes or more frequently. Emissions data shall be an annual maximum rolled on a monthly basis and reported upon semi-annually.

Condition 28 – 6 NYCRR Subpart 201-7 - This monitoring condition limits the facility's emissions of carbon monoxide (CO). Each of the three stationary internal combustion engines must operate at a maximum CO emission rate of 3.2 g/bhp-hr to not be subject to (cap out of) the requirements of 6 NYCRR Part 231-1. Compliance with this emission rate shall be demonstrated by an initial performance test.

Condition 29 – 6 NYCRR Subpart 201-7 - This monitoring condition limits the facility's emissions of oxides of nitrogen (NO_x). Emissions of Oxides of Nitrogen (NO_x) from each of the three stationary internal combustion engines must operate at a maximum NO_x emission rate of 1.0 g/bhp-hr to not be subject to (cap out of) the requirements of 6 NYCRR Part 231-5. Compliance with this emission rate shall be demonstrated by an initial performance test.

Condition 30 – 6 NYCRR Subpart 201-7 - This monitoring condition limits the facility's emissions of oxides of nitrogen (NO_x). Periodic monitoring for NO_x emissions will take place monthly in the stacks of the three internal combustion engines. The average of three consecutive minutes of sampling shall not exceed 79 PPMVD (corrected to 15% O₂) to not be subject to (cap out of) the requirements of 6 NYCRR Part 231-5.

Condition 32 – 6 NYCRR 227-1.3 (a) – This record keeping/maintenance procedure condition has been included to address the visible emissions from each of the three engines on site.

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Monitoring is to take place on a daily basis whenever the facility is staffed and while the engines are in operation. If visible emissions above those that are normal are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emission problem has been corrected. Records of these observations will be kept on site in a format acceptable to the department.

Condition 33 – 6 NYCRR 227-1.3 (a) - This monitoring condition has been included to address the visible emissions from each of the three engines on site. Facility shall not cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater. The Department reserves the right to perform or require the performance of an EPA Reference Method 9 opacity evaluation, from any of the internal combustion engines.

Condition 40 – 40 CFR 60.4243(a)(1), NSPS Subpart JJJJ - This record keeping/maintenance procedure condition has been included to address the requirements of subpart JJJJ. Engines must comply by being certified to the emission standard as outlined in §60.4233(a). Engine settings shall be adjusted to be consistent with the manufacturer's instructions. Further, records of conducted maintenance shall be kept on site.

Condition 41 – 40CFR 60.4245(a), NSPS Subpart JJJJ – This record keeping/maintenance procedure condition has been included to address the requirements of subpart JJJJ. Stationary spark ignition internal combustion engines must meet the following notification, reporting, and recordkeeping requirements: All notifications submitted to comply with this subpart and all documentation supporting any notification, maintenance conducted on the engine, if the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90, 1048, 1054, and 1060, If the stationary SI internal combustion engine is not a certified engine or is a certified engine operating in a non-certified manner, documentation that the engine meets the emission standards.