

**Division of Air Resources
Permit Review Report**

Permit ID: 8-4624-00031/00009

Renewal Number: 3

11/07/2022

Facility Identification Data

Name: BATH LANDFILL

Address: 5632 TURNPIKE RD

BATH, NY 14810

Owner/Firm

Name: STEUBEN COUNTY

Address: 3 E PULTENEY SQ

BATH, NY 14810-1510, USA

Owner Classification: Municipal

Permit Contacts

Division of Environmental Permits:

Name: KRISTINE M CARLSON

Address: NYSDEC - REGION 9

700 DELAWARE AVE

BUFFALO, NY 14209

Phone:

Division of Air Resources:

Name: MICHELE A KHARROUBI

Address: NYSDEC - REGION 8

6274 E AVON LIMA RD

AVON, NY 14414

Air Permitting Facility Owner Contact:

Name: VINCENT SPAGNOLETTI

Address: STEUBEN CO DPW

3 E PULTENEY SQUARE

BATH, NY 14810

Phone:6077769631

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

This application is for the Renewal of the existing Title V permit as well as a modification to the TV permit. The project includes the expansion of the existing active MSW landfill through construction of new landfill cells (5-8) as Phase 1 of the Eastern Expansion of the facility, with a total design capacity of 7.7 million cubic yards of air space. This application includes updates to the facility Emissions Summary,

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the addition of an Emission Unit for leachate storage, and the proposal to add to the permit a new open utility flare landfill gas emission control device.

Attainment Status

BATH LANDFILL is located in the town of BATH in the county of STEUBEN. 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 is a 6NYCRR Part 360 permitted landfill facility operating under NYSDEC Title V Air Facility Permit ID No. 8-4624-00031. The facility voluntarily operates a landfill gas collection and control system to combust the landfill gas and destroy methane to reduce greenhouse gas emissions. The County is not required to install or operate the system according to 40 CFR 60 Subpart XXX at this time. Permitted Emission Units include 1-LFGAS and 4-PWRSC. Existing permitted control devices include an active open utility flare and three (3) portable passive candlestick flares. As part of the Eastern Expansion, a second active open utility flare is proposed for landfill gas control. An Emission Unit for leachate collection will also be added to the permit.

Permit Structure and Description of Operations

The Title V permit for BATH LANDFILL 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 pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

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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.

BATH LANDFILL is defined by the following emission unit(s):

Emission unit 4PWRSC - This unit consists of a portable power screen used for soil processing. The unit emits particulates. The equipment may be used at various locations around the property.

Emission unit 4PWRSC is associated with the following emission points (EP):
00004

Process: 002 This process consists of particulate emissions from a portable power screen. The screen is used for processing excavated soil for use in landfill cover.

Emission unit 2LCHST - Leachate is gravity fed to an offsite Leachate Pretreatment Facility (LPF), where it is pre-treated and conveyed via pipeline to a Wastewater Treatment Plant (WWTP) for final treatment. The landfill maintains an existing leachate storage tank onsite for backup storage in the event that the LPF temporarily cannot accept storage. As part of the Project, an additional two (2) closed-top storage tanks will be constructed onsite for additional contingency storage of leachate.

Emission unit 2LCHST is associated with the following emission points (EP):
TANK1, TANK2, TANK3

Process: FGP Leachate is gravity fed to an offsite Leachate Pretreatment Facility (LPF), where it is pre-treated and conveyed via pipeline to a Wastewater Treatment Plant (WWTP) for final treatment. The landfill maintains an existing leachate storage tank onsite for backup storage in the event that the LPF temporarily cannot accept leachate. An additional two (2) closed-top storage tanks will be constructed onsite for additional contingency storage of leachate.

Emission unit 1LFGAS - This unit consists of landfilled waste generating landfill gas by decomposition. The emission unit consists of permitted landfill gas control flares (1- large active candlestick flare, 3-small portable passive candlestick flares, and 1-expansion active candlestick flare) as defined emission points. Landfill gas is also emitted fugitively if it bypasses the landfill gas collection and control system.

Emission unit 1LFGAS is associated with the following emission points (EP):
00001, 00002, 00003, 00005, 00006

Process: 001 This process consists of landfilled waste generating landfill gas by decomposition and the collection and control of landfill gas emissions by flaring.

Process: 004 This process consists of fugitive emissions from the landfill.

Title V/Major Source Status

BATH LANDFILL is subject to Title V requirements. This determination is based on the following

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information:

Bath Landfill consists of one closed municipal waste landfill (MSW) known as the Old Bath Landfill which opened in 1978, one active landfill area known as New Bath Landfill which opened in 1988, and one small, closed construction and demolition debris (C&D) landfill which was constructed and operated in the late '80's. The landfill's design capacity exceeds 2.5×10^6 Mg of solid waste and the facility is currently subject to the requirements of the Federal Clean Air Act (CAA) Emissions Guidelines for MSW landfills, 40CFR60 Subpart Cf and NYSDEC 6NYCRR Part 208. Upon commencement of construction of the proposed landfill expansion, the facility will become subject to the requirements of New Source Performance Standards (NSPS) 40CFR60 Subpart XXX for MSW landfills.

The facility currently has a modeled, uncontrolled, non-methane organic compound (NMOC) emission rate that is less than the Subpart Cf and XXX limit of 34 Mg/year based on Subpart Cf and XXX "Tier 2" calculation procedures. Therefore, the facility is not currently subject to the gas collection and control system (GCCS) requirements of the rule.

The facility voluntarily operates a GCCS consisting of horizontal collector pipes and vertical extraction wells and a permitted open flare control device. Collected landfill gas (LFG) is controlled and destroyed in the flare. Due to the age of Old Bath LF, the LFG generated from this area is minimal.

In 2019 the facility was approved for a tonnage increase. The facility proposes to construct new landfill cells with a total design capacity of 7.7 million cubic yards of airspace, and construction and/or relocation of certain landfill infrastructure (Phase 1 Expansion). This project includes Cells 5-8.

Baseline emissions include emissions from the open flare, 3-passive solar flares, the landfill areas, and the portable power screen. Facility emissions are based on the maximum LFG generated by the facility, not the total combustion capacity of the facility, as the total combustion capacity exceeds the maximum LFG generation estimates.

The proposed Phase 1 Expansion includes the construction of the new landfill cells 5-8, along with a new open flare (3100-scfm). The proposed flare will be installed if needed. It is anticipated that this flare will be primarily used as the destruction device once the design capacity is needed.

The conservative estimate of 95% collection and combustion in the peak year was used to estimate combustion emissions. The conservative estimate of 82% was used in estimating fugitive LFG emissions in the peak year.

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For the current landfill, the maximum PTE of LFG generation of 1740 scfm is projected to occur in 2024 following landfill closure. This results in a maximum LFG collection rate at 95% collection efficiency of 1653 scfm. For the proposed Phase 1 landfill, the maximum projected LFG is predicted to peak at 2803 scfm in 2054. When combined with the current landfill, this results in a peak of 3045 scfm of gas generation and a collection rate of 2893 scfm at 95% collection.

Steuben County Bath Landfill is located in the ozone transport region of NYS and therefore is in a non-attainment area for ozone. Of relevance, volatile organic compounds (VOCs) and oxides of nitrogen (NO_x), which are expected to be emitted from this facility, are regulated as ozone precursors. The site is in attainment for all other regulated pollutants.

The estimated potential to emit (PTE) emissions of each regulated PSD (Prevention of Significant Deterioration) pollutant (NO_x, carbon monoxide (CO), sulfur dioxide (SO_x), particulate matter (PM₁₀ and PM_{2.5}), VOC, NMOC, hydrogen sulfide (H₂S)) analyzed do not meet major thresholds for each contaminant for the design of the existing facility.

With the addition of the Phase 1 landfill, the project does not trigger PSD/New Source Review (NSR) thresholds. Therefore, the facility remains a minor source project.

The increase in greenhouse gas (GHG) emissions is also less than the major source threshold of 100,000 tons CO₂e/year. However, the facility was required to do a Climate Leadership and Community Protection Act (CLCPA) assessment which included mitigation of greenhouse gasses. Gas collection and control will no longer be voluntary, but is now a requirement, as are cover inspections, well monitoring, and surface scans.

Modeling was completed for SO_x, NO_x and hydrogen sulfide emissions. The modeling shows that the emissions have the potential to exceed Annual Guideline Concentration (AGC) and Short-Term Guideline Concentration (SGC) levels for H₂S presented in DAR-1 during the worst-case emission scenarios. Modeling was based on past hydrogen sulfide concentrations measured in the LFG, which have possibly been elevated due to historic acceptance of processed C&D as beneficial use material, as well as other C&D accepted at the landfill. This type of material is known to contain high levels of sulfates which contribute to the generation of sulfur during anaerobic decomposition. The processed C&D material is no longer allowed to be accepted due to limitation on sulfate concentration in materials by NYSDEC 6NYCRR Part 363. Additionally, the facility has accepted C&D material that may contain higher levels of hydrogen sulfide which may contribute to the H₂S in the landfill gas. H₂S concentration levels are anticipated to decrease over time because of the change with processed C&D. The facility will continue to assess the hydrogen sulfide in the gas.

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Program Applicability

The following chart summarizes the applicability of BATH LANDFILL with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	YES
NESHAP (MACT - 40 CFR Part 63)	NO
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.

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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 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

4953

REFUSE SYSTEMS

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

3-05-020-06

MINERAL PRODUCTS
 STONE QUARRYING-PROCESSING (SEE ALSO 3-05-320 FOR DIFFERENT UNITS)
 Miscellaneous Operations:

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5-02-006-02	Screen/Convey/Handling SOLID WASTE DISPOSAL - COMMERCIAL/INSTITUTIONAL SOLID WASTE DISPOSAL: COMMERCIAL - LANDFILL DUMP MUNICIPAL: FUGITIVE EMISSIONS ** (USE 5-01-004-02)
5-02-006-10	SOLID WASTE DISPOSAL - COMMERCIAL/INSTITUTIONAL SOLID WASTE DISPOSAL: COMMERCIAL - LANDFILL DUMP
5-03-007-01	WASTE GAS DESTRUCTION: WASTE GAS FLARES SOLID WASTE DISPOSAL - INDUSTRIAL SOLID WASTE DISPOSAL: INDUSTRIAL - LIQUID WASTE General

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 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-TETRACHLOROETHANE	9.5			
000107-06-2	1,2-DICHLOROETHANE	10.3			
000108-10-1	2-PENTANONE, 4-METHYL	71.2			
000071-43-2	BENZENE	66.7			
000106-46-7	BENZENE, 1,4-DICHLORO-	190.8			
000075-15-0	CARBON DISULFIDE	20			
000630-08-0	CARBON MONOXIDE		142.7		
000056-23-5	CARBON TETRACHLORIDE	0.9			
000463-58-1	CARBONYL SULFIDE	8.9			
000108-90-7	CHLOROBENZENE	20.9			

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000067-66-3	CHLOROFORM	38.5	
000075-09-2	DICHLOROMETHANE	233.8	
000071-55-6	ETHANE, 1,1,1-TRICHLORO	18.3	
000075-34-3	ETHANE, 1,1-DICHLORO-	59.7	
000106-93-4	ETHANE, 1,2-DIBROMO	0.8	
000075-00-3	ETHANE, CHLORO	23.8	
000075-35-4	ETHENE, 1,1-DICHLORO	7.2	
000100-41-4	ETHYLBENZENE	399.4	
000110-54-3	HEXANE	161.8	
007647-01-0	HYDROGEN CHLORIDE	6378	
007783-06-4	HYDROGEN SULFIDE		18.7
000074-82-8	METHANE		2802.7
000074-87-3	METHYL CHLORIDE	10.9	
000078-93-3	METHYL ETHYL KETONE	2370.9	
ONY998-20-0	NMOC - LANDFILL USE ONLY		20.8
ONY210-00-0	OXIDES OF NITROGEN		27.7
ONY075-00-0	PARTICULATES		26.1
000127-18-4	PERCHLOROETHYLENE	159.8	
ONY075-00-5	PM-10		17.2
000078-87-5	PROPANE, 1,2-DICHLORO	2.1	
000107-13-1	PROPENENITRILE	1.5	
007446-09-5	SULFUR DIOXIDE		186.9
000108-88-3	TOLUENE	1976.4	
ONY100-00-0	TOTAL HAP		12.7
000079-01-6	TRICHLOROETHYLENE	72.5	
000075-01-4	VINYL CHLORIDE	54.4	
ONY998-00-0	VOC		9.8
001330-20-7	XYLENE, M, O & P MIXT.	1437.1	

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.

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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.

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

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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 Department pursuant to the provisions of Part 201-6.7 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.

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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 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.

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(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 respect to air pollution control
FACILITY	40CFR 60-XXX.760	27	Applicability, designation of affected source, and delegation of authority.
FACILITY	40CFR 60-XXX.762(b) (1)	28	Standards for Air Emissions from Municipal Solid Waste Landfills
FACILITY	40CFR 60-XXX.762(b) (2)	29	Standards for Air Emissions from Municipal Solid Waste Landfills
FACILITY	40CFR 60-XXX.764(a) (1)	30	Test Methods and Procedures
FACILITY	40CFR 60-XXX.764(a) (2)	31	Test Methods and Procedures
FACILITY	40CFR 60-XXX.764(a) (3)	32	Test Methods and Procedures
FACILITY	40CFR 60-XXX.764(a) (4)	33	Test Methods and Procedures
FACILITY	40CFR 60-XXX.764(a) (6)	34	Test Methods and Procedures
FACILITY	40CFR 60-XXX.767(a)	35	Reporting Requirements
FACILITY	40CFR 60-XXX.767(b)	36	Reporting Requirements
FACILITY	40CFR 60-XXX.767(e)	37	Reporting

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FACILITY	40CFR 60-XXX.768 (a)	38	Requirements Record Keeping
FACILITY	40CFR 60-XXX.768 (d)	39	Requirements Record Keeping
FACILITY	40CFR 61-M.154	40	Requirements Standard for active waste disposal sites
FACILITY	40CFR 68	17	Chemical accident prevention provisions
FACILITY	40CFR 82-F	18	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	19, 41, 42	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
FACILITY	6NYCRR 201-6.4 (d) (4)	20	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4 (e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4 (f)	21	Operational Flexibility
FACILITY	6NYCRR 201-6.5 (a)	45, 46	State Enforceable Requirements
FACILITY	6NYCRR 202-1.1	22	Required emissions tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.4 (a) (3)	23	Emission statement methods and procedures

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FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.2	24	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 212-1.6 (a)	25	Limiting of Opacity
FACILITY	6NYCRR 212-2.3 (b)	26	State Air Program Non-Criteria air contaminants subject Table 4
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 257-5	47	Air Quality Standards - Hydrogen Sulfide

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

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

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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 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

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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 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 202-2.5

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.

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, BATH LANDFILL has been determined to be subject to the following regulations:

40 CFR 60.760

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The provisions of this subpart apply to each municipal solid waste landfill that commenced construction, reconstruction, or modification after July 17, 2014. Physical or operational changes made to an MSW landfill solely to comply with subparts Cc, Cf, or WWW of this part are not considered construction, reconstruction, or modification for the purposes of this section.

40 CFR 60.762 (b) (1)

This regulation specifies the NMOC calculation and reporting requirements for municipal solid waste landfills with calculated NMOC emission rates less than 34 megagrams per year.

40 CFR 60.762 (b) (2)

This citation requires the owner or operator of a municipal solid waste landfill with a design capacity greater than 2.5 million megagrams to calculate the non-methane organic compound emission rate from the landfill or install a gas collection system.

40 CFR 60.764 (a) (1)

This citation requires the owner or operator of a municipal solid waste landfill to determine the Non-Methane Organic Compound (NMOC) emission rate from the landfill.

40 CFR 60.764 (a) (2)

This citation requires the owner or operator of a municipal solid waste landfill to compare the calculated NMOC mass emission rate to the standard of 34 megagrams per year.

40 CFR 60.764 (a) (3)

This regulation requires the owner or operator of a municipal solid waste landfill to determine the Non-Methane Organic Compound (NMOC) concentration of the landfill gas using specific sampling procedures.

40 CFR 60.764 (a) (4)

This regulation requires the owner or operator of a municipal waste landfill to determine the non-methane organic compound (NMOC) emission rate using certain procedures and equations.

40 CFR 60.764 (a) (6)

This regulation requires the owner or operator of a municipal solid waste landfill to determine the non-methane organic compound emissions using surface monitoring and certain procedures.

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40 CFR 60.767 (a)

This section requires the owner or operator of a municipal solid waste landfill subject to the requirements of 40 CFR 60 Subpart XXX to submit an initial design capacity report.

40 CFR 60.767 (b)

This section requires the owner or operator of a municipal solid waste landfill subject to the requirements of 40 CFR 60 Subpart XXX to submit a NMOC emission rate report that contains the specified information.

40 CFR 60.767 (e)

This section requires the owner or operator of a controlled municipal solid waste landfill that is subject to the requirements of 40 CFR 60 Subpart XXX to submit a closure report to the Department within 30 days of the cessation of waste acceptance.

40 CFR 60.768 (a)

This section requires the owner or operator of a municipal solid waste landfill subject to the requirements of 40 CFR 60 Subpart XXX to maintain various records at the facility.

40 CFR 60.768 (d)

This section describes the recordkeeping requirements for plot maps showing the location of all existing and planned landfill gas collectors at municipal solid waste landfills subject to the requirements of 40 CFR 60 Subpart XXX.

40 CFR 61.154

This condition requires that there be no visible emissions from any active disposal area of the landfill where asbestos containing waste has been placed or that this type of area be covered to prevent disturbance of the asbestos containing waste.

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.

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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 202-2.4 (a) (3)

This condition sets forth procedures for the emissions statement.

6 NYCRR 212-1.6 (a)

This provisions requires that the facility owner or operator not cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source or emission point, except for the emission of uncombined water.

6 NYCRR 212-2.3 (b)

Table 4 of 212-2.3 describes the reduction in emissions required for a non-criteria air contaminant based on its uncontrolled emission rate. The uncontrolled emission rate in conjunction with the assigned environmental rating determines the degree of controlled applied.

6 NYCRR Subpart 257-5

Hydrogen sulfide (H₂S) is a colorless gas having a characteristic, disagreeable odor often described as that of rotten eggs. For the purpose of this Subpart the term hydrogen sulfide will include hydrogen sulfide and other sulfides as measured by the acceptable analytical method.

Compliance Certification

Summary of monitoring activities at BATH LANDFILL:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring

FACILITY	28	record keeping/maintenance procedures
FACILITY	29	record keeping/maintenance procedures
FACILITY	30	record keeping/maintenance procedures
FACILITY	31	record keeping/maintenance procedures
FACILITY	32	record keeping/maintenance procedures
FACILITY	33	record keeping/maintenance procedures
FACILITY	34	record keeping/maintenance procedures
FACILITY	36	record keeping/maintenance procedures

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FACILITY	38	record keeping/maintenance procedures
FACILITY	39	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	45	record keeping/maintenance procedures
FACILITY	46	ambient air monitoring
FACILITY	7	record keeping/maintenance procedures
FACILITY	25	monitoring of process or control device parameters as surrogate
FACILITY	26	work practice involving specific operations
FACILITY	47	record keeping/maintenance procedures

Basis for Monitoring

6NYCRR Part 212-2.3(b): This condition sets forth a requirement to monitor the gas wells in the landfill gas collection system in order to limit fugitive emissions to show compliance with the landfill gas model, as well as part of the CLCP assessment to limit the amount of fugitive greenhouse gases escaping the surface of the landfill. The facility must take corrective action on any collector that shows positive pressure. The facility must document the monitoring and any corrective action taken.

6NYCRR Part 257-5: This condition requires the facility to take an annual sample of the landfill gas and show compliance with the ambient air quality standard for hydrogen sulfide. The facility shall utilize the average of the last 5 years of gas samples and run the model to determine compliance. If the facility exceeds this standard they will refine the model and/or take other actions to bring the facility back in compliance.

40 CFR 60 Subpart XXX: The facility is currently subject to this rule. Currently, their NMOC emission rate is less than 34 Mg/yr. The facility is required to complete an NMOC emission rate report on an annual basis and perform a Tier 2 test every 5 years. Additionally, the facility must keep a record of their initial design capacity report and records of their waste acceptance rate.

6NYCRR Part 212-1.6(a): The facility shall perform a visible emission observation from the flares on a daily basis during operating hours at the facility when the flares are operating. The facility shall maintain a record for these observations. If there are visible emissions above the standard, the facility shall investigate the cause and perform corrective action.

6NYCRR Part 212-6.5(a): As part of the mitigation requirements for the CLCPA assessment, the facility is required to perform quarterly surface scans in accordance with 40 CFR 60 Subpart XXX (even though they are not applicable yet), as well as perform monthly cover checks in accordance with 40 CFR 60 Subpart XXX. The facility is required to perform corrective action as needed and to submit reports on a semiannual basis. The Department also reserves the right to have the facility perform a drone scan (or acceptable alternative method) if necessary (i.e., if there is an increase in gas

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emissions that are not being detected by the surface scan, or from monthly cover checks, or wellhead monitoring).