

RIPUC Use Only

Date Application Received: ___/___/___
Date Review Completed: ___/___/___
Date Commission Action: ___/___/___
Date Commission Approved: ___/___/___

GIS Certification #:

RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM

**The Standard Application Form
Required of all Applicants for Certification of Eligibility of Renewable Energy Resource
(Version 2 – August 30, 2006)**

**STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION
Pursuant to the Renewable Energy Act
Section 39-26-1 et. seq. of the General Laws of Rhode Island**

NOTICE:

When completing this Renewable Energy Resources Eligibility Form and any applicable Appendices, please refer to the State of Rhode Island and Providence Plantations Public Utilities Commission Rules and Regulations Governing the Implementation of a Renewable Energy Standard (RES Regulations, Effective Date: January 1, 2006), and the associated RES Certification Filing Methodology Guide. All applicable regulations, procedures and guidelines are available on the Commission's web site: www.ripuc.org/utilityinfo/res.html. Also, all filings must be in conformance with the Commission's Rules of Practice and Procedure, in particular, Rule 1.5, or its successor regulation, entitled "Formal Requirements as to Filings."

- Please complete the Renewable Energy Resources Eligibility Form and Appendices using a typewriter or black ink.
- Please submit one original and three copies of the completed Application Form, applicable Appendices and all supporting documentation to the Commission at the following address:
Rhode Island Public Utilities Commission
89 Jefferson Blvd
Warwick, RI 02888
Attn: Renewable Energy Resources Eligibility

In addition to the paper copies, electronic/email submittals are required under Commission regulations. Such electronic submittals should be sent to: Luly E. Massaro, Commission Clerk at lmassaro@puc.state.ri.us

- In addition to filing with the Commission, Applicants are required to send, electronically or electronically and in paper format, a copy of the completed Application including all attachments and supporting documentation, to the Division of Public Utilities and Carriers and to all interested parties. A list of interested parties can be obtained from the Commission's website at www.ripuc.org/utilityinfo/res.html.
- Keep a copy of the completed Application for your records.
- The Commission will notify the Authorized Representative if the Application is incomplete.
- Pursuant to Section 6.0 of the RES Regulations, the Commission shall provide a thirty (30) day period for public comment following posting of any administratively complete Application.
- Please note that all information submitted on or attached to the Application is considered to be a public record unless the Commission agrees to deem some portion of the application confidential after consideration under section 1.2(g) of the Commission's Rules of Practice and Procedure.
- In accordance with Section 6.2 of the RES Regulations, the Commission will provide prospective reviews for Applicants seeking a preliminary determination as to whether a facility would be eligible prior to the formal certification process described in Section 6.1 of the RES Regulations. Please note that space is provided on the Form for applicant to designate the type of review being requested.
- Questions related to this Renewable Energy Resources Eligibility Form should be submitted in writing, preferably via email and directed to: Luly E. Massaro, Commission Clerk at lmassaro@puc.state.ri.us

SECTION I: Identification Information

1.1 Name of Generation Unit (sufficient for full and unique identification):

_____ Modern LFG _____

1.2 Type of Certification being requested (check one):

Standard Certification Prospective Certification (Declaratory Judgment)

1.3 This Application includes: (Check all that apply)¹

APPENDIX A: Authorized Representative Certification for Individual Owner or Operator

APPENDIX B: Authorized Representative Certification for Non-Corporate Entities Other Than Individuals

APPENDIX C: Existing Renewable Energy Resources

APPENDIX D: Special Provisions for Aggregators of Customer-sited or Off-grid Generation Facilities

APPENDIX E: Special Provisions for a Generation Unit Located in a Control Area Adjacent to NEPOOL

APPENDIX F: Fuel Source Plan for Eligible Biomass Fuels

1.4 Primary Contact Person name and title: Stephanie Hamilton, Contracts Administrator

1.5, Primary Contact Person address and contact information:

Address: Conservation Services Group
40 Washington St
Westborough, MA 01581

Phone: 508-836-9500 x13285 Fax: 508-836-3181

Email: Stephanie.Hamilton@csgroup.com

1.6 Backup Contact Person name and title: Deborah.Razza, Operations Coordinator

1.7 Backup Contact Person address and contact information:

Address: Conservation Services Group
40 Washington St
Westborough, MA 01581

Phone: 508-836-9500 x13386 Fax: 508-836-3181

Email: Deborah.Razza@csgroup.com

¹ Please note that all Applicants are required to complete the Renewable Energy Resources Eligibility Standard Application Form and all of the Appendices that apply to the Generation Unit or Owner or Operator that is the subject of this Form. Please omit Appendices that do not apply.

1.8 Name and Title of Authorized Representative (*i.e.*, the individual responsible for certifying the accuracy of all information contained in this form and associated appendices, and whose signature will appear on the application):

Stephen Cowell, CEO Conservation Services Group_____

Appendix A or B (as appropriate) completed and attached? Yes No N/A

1.9 Authorized Representative address and contact information:

Address: 40 Washington st
Westborough, MA 01581

Phone: 508-836-9500 Fax: 508-836-3181

Email: _____

1.10 Owner name and title: Modern Innovative Energy, LLC

Peter Zelif, President and CEO

1.11 Owner address and contact information:

Address: 2999 Judge Rd
Oakfield, NY 14125

Phone: 518-948-8580 Fax: 518-948-8584

Email: PZelif@innovativeenergysystems.com

1.12 Owner business organization type (check one):

Individual

Partnership

Corporation

Other: _____

1.13 Operator name and title: Innovative Energy Systems, Inc.

Peter Zelif, President and CEO

1.14 Operator address and contact information:

Address: 2999 Judge Rd
Oakfield, NY 14125

Phone: 518-948-8580 Fax: 518-948-8584

Email: _____

1.15 Operator business organization type (check one):

Individual

Partnership

Corporation

Other: _____

SECTION II: Generation Unit Information, Fuels, Energy Resources and Technologies

- 2.1 ISO-NE Generation Unit Asset Identification Number or NEPOOL GIS Identification Number (either or both as applicable): 32580
- 2.2 Generation Unit Nameplate Capacity: 6.4 MW
- 2.3 Maximum Demonstrated Capacity: MW
- 2.4 Please indicate which of the following Eligible Renewable Energy Resources are used by the Generation Unit: (Check ALL that apply) – *per RES Regulations Section 5.0*
- Direct solar radiation
 - The wind
 - Movement of or the latent heat of the ocean
 - The heat of the earth
 - Small hydro facilities
 - Biomass facilities using Eligible Biomass Fuels and maintaining compliance with all aspects of current air permits; Eligible Biomass Fuels may be co-fired with fossil fuels, provided that only the renewable energy fraction of production from multi-fuel facilities shall be considered eligible.
 - Biomass facilities using unlisted biomass fuel
 - Biomass facilities, multi-fueled or using fossil fuel co-firing
 - Fuel cells using a renewable resource referenced in this section
- 2.5 If the box checked in Section 2.4 above is “Small hydro facilities”, please certify that the facility’s aggregate capacity does not exceed 30 MW. – *per RES Regulations Section 3.31*
- ← check this box to certify that the above statement is true
 - N/A or other (please explain) _____
-
- 2.6 If the box checked in Section 2.4 above is “Small hydro facilities”, please certify that the facility does not involve any new impoundment or diversion of water with an average salinity of twenty (20) parts per thousand or less. – *per RES Regulations Section 3.31*
- ← check this box to certify that the above statement is true
 - N/A or other (please explain) _____
-
- 2.7 If you checked one of the Biomass facilities boxes in Section 2.1 above, please respond to the following:
- A. Please specify the fuel or fuels used or to be used in the Unit: Methane Gas
 - B. Please complete and attach Appendix F, Eligible Biomass Fuel Source Plan.
Appendix F completed and attached? Yes No N/A

- 2.6 Has the Generation Unit been certified as a Renewable Energy Resource for eligibility in another state's renewable portfolio standard?
 Yes No If yes, please attach a copy of that state's certifying order.
 Copy of State's certifying order attached? Yes No N/A

SECTION III: Commercial Operation Date

Please provide documentation to support all claims and responses to the following questions:

- 3.1 Date Generation Unit first entered Commercial Operation: 05/13/06 at the site.
- 3.2 Is there an Existing Renewable Energy Resource located at the site of Generation Unit?
 Yes
 No
- 3.3 If the date entered in response to question 3.1 is earlier than December 31, 1997 or if you checked "Yes" in response to question 3.2 above, please complete Appendix C.
 Appendix C completed and attached? Yes No N/A
- 3.4 Was all or any part of the Generation Unit used on or before December 31, 1997 to generate electricity at any other site?
 Yes
 No
- 3.5 If you checked "Yes" to question 3.4 above, please specify the power production equipment used and the address where such power production equipment produced electricity (attach more detail if the space provided is not sufficient):

SECTION IV: Metering

- 4.1 Please indicate how the Generation Unit's electrical energy output is verified (check all that apply):
 ISO-NE Market Settlement System
 Self-reported to the NEPOOL GIS Administrator
 Other (please specify below and see Appendix D: Eligibility for Aggregations):

Appendix D completed and attached? Yes No N/A

SECTION V: Location

5.1 Please check one of the following that apply to the Generation Unit:

- Grid Connected Generation
- Off-Grid Generation (not connected to a utility transmission or distribution system)
- Customer Sited Generation (interconnected on the end-use customer side of the retail electricity meter in such a manner that it displaces all or part of the metered consumption of the end-use customer)

5.2 Generation Unit address: _____ 1445 Pletcher rd , Youngstown NY _____

5.3 Please provide the Generation Unit’s geographic location information:

- A. Universal Transverse Mercator Coordinates: _____
- B. Longitude/Latitude: ___ W 79 2 51 _ / ___ N 43 14 12 ___

5.4 The Generation Unit located: (please check the appropriate box)

- In the NEPOOL control area
- In a control area adjacent to the NEPOOL control area
- In a control area other than NEPOOL which is not adjacent to the NEPOOL control area ← *If you checked this box, then the generator does not qualify for the RI RES – therefore, please do not complete/submit this form.*

5.5 If you checked “In a control area adjacent to the NEPOOL control area” in Section 5.4 above, please complete Appendix E.

Appendix E completed and attached? Yes No N/A

SECTION VI: Certification

6.1 Please attach documentation, using one of the applicable forms below, demonstrating the authority of the Authorized Representative indicated in Section 1.8 to certify and submit this Application.

Corporations

If the Owner or Operator is a corporation, the Authorized Representative shall provide **either**:

- (a) Evidence of a board of directors vote granting authority to the Authorized Representative to execute the Renewable Energy Resources Eligibility Form, **or**
- (b) A certification from the Corporate Clerk or Secretary of the Corporation that the Authorized Representative is authorized to execute the Renewable Energy Resources Eligibility Form or is otherwise authorized to legally bind the corporation in like matters.

Evidence of Board Vote provided? Yes No N/A

Corporate Certification provided? Yes No N/A

Individuals

If the Owner or Operator is an individual, that individual shall complete and attach APPENDIX A, or a similar form of certification from the Owner or Operator, duly notarized, that certifies that the Authorized Representative has authority to execute the Renewable Energy Resources Eligibility Form.

Appendix A completed and attached? Yes No N/A

Non-Corporate Entities


(Proprietorships, Partnerships, Cooperatives, etc.) If the Owner or Operator is not an individual or a corporation, it shall complete and attach APPENDIX B or execute a resolution indicating that the Authorized Representative named in Section 1.8 has authority to execute the Renewable Energy Resources Eligibility Form or to otherwise legally bind the non-corporate entity in like matters.

Appendix B completed and attached? Yes No N/A

6.2 Authorized Representative Certification and Signature:

I hereby certify, under pains and penalties of perjury, that I have personally examined and am familiar with the information submitted herein and based upon my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties, both civil and criminal, for submitting false information, including possible fines and punishment. My signature below certifies all information submitted on this Renewable Energy Resources Eligibility Form. The Renewable Energy Resources Eligibility Form includes the Standard Application Form and all required Appendices and attachments. I acknowledge that the Generation Unit is obligated to and will notify the Commission promptly in the event of a change in a generator's eligibility status (including, without limitation, the status of the air permits) and that when and if, in the Commission's opinion, after due consideration, there is a material change in the characteristics of a Generation Unit or its fuel stream that could alter its eligibility, such Generation Unit must be re-certified in accordance with Section 9.0 of the RES Regulations. I further acknowledge that the Generation Unit is obligated to and will file such quarterly or other reports as required by the Regulations and the Commission in its certification order. I understand that the Generation Unit will be immediately de-certified if it fails to file such reports.

Signature of Authorized Representative:

SIGNATURE:	DATE:
 _____	<u>10-29-06</u>
CEO _____ (Title)	

APPENDIX E**(Required of all Applicants Located in a Control Area Adjacent to NEPOOL)****STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION****RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM****Pursuant to the Renewable Energy Act
Section 39-26-1 et. seq. of the General Laws of Rhode Island**

Please complete the following and attach documentation, as necessary to support all responses:

E.1 Please indicate in which Control Area adjacent to NEPOOL the Generation Unit is located:

New York

Hydro Quebec

Maritimes (including Northern Maine Independent System Administrator)

E.2 Applicant must provide to the Commission by July 1st of each year assurances that the Generation Unit's New Renewable Energy Resources used for compliance with the Rhode Island's Renewable Energy Act during the previous Compliance Year have not otherwise been, nor will be, sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Rhode Island. Such assurances may consist of a report from a neighboring Generation Attribute accounting system or an affidavit from the Generation Unit.

← please check this box to acknowledge this requirement

N/A or other (please explain) _____

E.3 Applicant must acknowledge and provide evidence to support that, in accordance with Section 5.1.(ii) of the RES Regulations, the Generation Attributes associated with the Generation Unit shall be applied to the Rhode Island Renewable Energy Standard only to the extent of the energy produced by the Generation Unit that is or will be actually delivered into NEPOOL for consumption by New England customers. Verification of the delivery of such energy from the Generation Unit into NEPOOL will be performed in accordance with subparagraphs (a), (b) and (c) of RES Regulations Section 5.1.(ii).

← please check this box to acknowledge this requirement

N/A or other (please explain) _____

APPENDIX F
Eligible Biomass Fuel Source Plan
(Required of all Applicants Proposing to Use An Eligible Biomass Fuel)

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION
Part of Application for Certificate of Eligibility
RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM
Pursuant to the Renewable Energy Act
Section 39-26-1 et. sq. of the General Laws of Rhode Island

Note to Applicants: Please refer to the RES Certification Filing Methodology Guide posted on the Commission's web site (www.ripuc.org/utilityinfo/res.html) for information, templates and suggestions regarding the types and levels of detail appropriate for responses to specific application items requested below. Also, please see Section 6.9 of the RES Regulations for additional details on specific

The phrase "Eligible Biomass Fuel" (per RES Regulations Section 3.6) means fuel sources including brush, stumps, lumber ends and trimmings, wood pallets, bark, wood chips, shavings, slash, yard trimmings, site clearing waste, wood packaging, and other clean wood that is not mixed with other unsorted solid wastes⁴; agricultural waste, food and vegetative material; energy crops; landfill methane⁵ or biogas⁶, provided that such gas is collected and conveyed directly to the Generation Unit without use of facilities used as common carriers of natural gas; or neat bio-diesel and other neat liquid fuels that are derived from such fuel sources.

In determining if an Eligible Biomass Generation Unit shall be certified, the Commission will consider if the fuel source plan can reasonably be expected to ensure that only Eligible Biomass Fuels will be used, and in the case of co-firing ensure that only that proportion of generation attributable to an Eligible Biomass Fuel be eligible. Certification will not be granted to those Generation Units with fuel source plans the Commission deems inadequate for these purposes.

This Appendix must be attached to the front of Applicant's Fuel Source Plan required for Generating Units proposing to use an Eligible Biomass Fuel (per Section 6.9 of RES Regulations).

⁴ Generation Units using wood sources other than those listed above may make application, as part of the required fuel source plan described in Section 6.9 of the RES Regulations, for the Commission to approve a particular wood source as "clean wood." The burden will be on the applicant to demonstrate that the wood source is at least as clean as those listed in the legislation. Wood sources containing resins, glues, laminates, paints, preservatives, or other treatments that would combust or off-gas, or mixed with any other material that would burn, melt, or create other residue aside from wood ash, will not be approved as clean wood.

⁵ Landfill gas, which is an Eligible Biomass Fuel, means only that gas recovered from inside a landfill and resulting from the natural decomposition of waste, and that would otherwise be vented or flared as part of the landfill's normal operation if not used as a fuel source.

⁶ Gas resulting from the anaerobic digestion of sewage or manure is considered to be a type of biogas, and therefore an Eligible Biomass Fuel that has been fully separated from the waste stream.

F.1 The attached Fuel Source Plan includes a detailed description of the type of Eligible Biomass Fuel to be used at the Generation Unit.

Detailed description attached? Yes No N/A

Comments: Only Landfill Methane Gas is being used

F.2 If the proposed fuel is "other clean wood," the Fuel Source Plan should include any further substantiation to demonstrate why the fuel source should be considered as clean as those clean wood sources listed in the legislation.

Further substantiation attached? Yes No N/A

Comments: _____

F.3 In the case of co-firing with ineligible fuels, the Fuel Source Plan must include a description of (a) how such co-firing will occur; (b) how the relative amounts of Eligible Biomass Fuel and ineligible fuel will be measured; and (c) how the eligible portion of generation output will be calculated. Such calculations shall be based on the energy content of all of the proposed fuels used.

Description attached? Yes No N/A

Comments: No Co-firing

F.4 The Fuel Source Plan must provide a description of what measures will be taken to ensure that only the Eligible Biomass Fuel are used, examples of which may include: standard operating protocols or procedures that will be implemented at the Generation Unit, contracts with fuel suppliers, testing or sampling regimes.

Description provided? Yes No N/A

Comments: _____

F.5 Please include in the Fuel Source Plan an acknowledgement that the fuels stored at or brought to the Generation Unit will only be either Eligible Biomass Fuels or fossils used for co-firing and that Biomass Fuels not deemed eligible will not be allowed at the premises of the certified Generation Unit. And please check the following box to certify that this statement is true.

← check this box to certify that the above statement is true

N/A or other (please explain) Fuel is generated and collected on site, it is not brought to the site and stored

F.6 If the proposed fuel includes recycled wood waste, please submit documentation that such fuel meets the definition of Eligible Biomass Fuel and also meets material separation, storage, or handling standards acceptable to the Commission and furthermore consistent with the RES Regulations.

Documentation attached? Yes No N/A

Comments: _____

F.7 Please certify that you will file all reports and other information necessary to enable the Commission to verify the on-going eligibility of the renewable energy generators pursuant to Section 6.3 of the RES Regulations.

← check this box to certify that the above statement is true

N/A or other (please explain) _____

F.8 Please attach a copy of the Generation Unit's Valid Air Permit or equivalent authorization.

Valid Air Permit or equivalent attached? Yes No N/A

Comments: _____

F.9 Effective date of Valid Air Permit or equivalent authorization:

 1 / 23 / 2006

F.10 State or jurisdiction issuing Valid Air Permit or equivalent authorization:

 New York

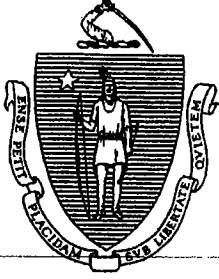
FUEL SOURCE PLAN FOR ELIGIBLE BIOMASS

The Rhode Island Renewable Energy Standard Section 3.6 qualifies landfill gas, as an "eligible biomass fuel." The Modern facility (the Facility") will be using landfill gas as the fuel source for the electricity generated by the Facility. The landfill gas used at the Facility is the result of "the natural decomposition of waste, and that would otherwise be vented or flared as part of the landfill's normal operation if not used as a fuel source."

To assure that only the eligible landfill gas is used at the Facility, the Facilities generators are monitored twenty four a day by PLC controls and SCADA systems. The Gas is continuously monitored by a gas analyzer and can be viewed by the SCADA system. In additions operators do daily inspections of the generators, as well as take daily samples of the gas with a gas meter to ensure the gas is eligible quality landfill gas.

As for collection and bring only eligible landfill gas to the generators, the Facility is located at the site of the source landfill. The source landfill has a series of gas wells and horizontal collectors that go to a main gas header. The header connects to the Facility were blowers draw the landfill gas to the Facility. No common carrier pipes are used.

The Facility is not “co-fired” with ineligible fuels, only with eligible landfill gas. In addition, only eligible landfill gas is brought to the Facility’s generator.



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS
AND BUSINESS REGULATION
DIVISION OF ENERGY RESOURCES
70 FRANKLIN ST., 7th FLOOR
BOSTON, MA 02110-1313
Internet: www.Mass.Gov/DOER
Email: Energy@State.MA.US

Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

Beth Lindstrom
Director, Office of Consumer Affairs
and Business Regulation

David L. O'Connor
Commissioner

TELEPHONE
617-727-4732

FACSIMILE
617-727-0030
617-727-0093

December 30, 2005

Mr. Stephen L. Cowell
CEO & Chairman
CSGServices, Inc
40 Washington Street
Westborough, MA 01581

RE: RPS Eligibility Decision
Modern LFG [LG-1045-05]

Dear Mr. Cowell,

On behalf of the Division of Energy Resources (the Division), I am pleased to inform you that your Application for Statement of Qualification pursuant to the Massachusetts Renewable Energy Portfolio Standard (RPS) Regulations, 225 CMR 14.00, is hereby approved. The Division finds that the Generation Unit meets the requirements for eligibility as a New Renewable Generation Unit pursuant to 225 CMR 14.05.

Qualification of this Generation Unit is, however, subject to certain conditions that are detailed in the enclosed Statement of Qualification. Those conditions are based on provisions of the RPS Regulations at 225 CMR 14.05(5) that pertain to any Generation Unit that is located outside of the ISO-New England Control Area. Please note that, when a NEPOOL GIS Import identification number when it is assigned to the Unit, you must inform DOER's RPS Program Manager of that number.

Each Massachusetts New Renewable Generation Unit is assigned a unique Massachusetts RPS Identification Number (MA RPS ID#). The MA RPS ID # stated on the Statement of Qualification must be included in all correspondence with the Division. Modern LFG's MA RPS ID# is: **LG-1045-05**.

The Division wishes to remind you of the notification requirements for changes in eligibility status contained in 225 CMR 14.06(3). The Owner or Operator of the Generation Unit shall submit notification of such changes to the Division no later than five days following the end of the month during which such changes were implemented. Also please inform the Division of any changes in capacity, contact information, and identity of the Owner or Operator.

Finally, the Division wishes to remind you to be cognizant of the Operating Rules and the reporting requirements of the NEPOOL GIS, which may be amended from time to time, and compliance with which may affect the RPS qualification of your Generation Unit's GIS certificates.

Sincerely,



Robert Sydney
General Counsel

Encl: Statement of Qualification

**COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION
DIVISION OF ENERGY RESOURCES**

Statement of Qualification

**Pursuant to the Renewable Energy Portfolio Standard
225 CMR 14.00**

This Statement of Qualification, provided by the Massachusetts Division of Energy Resources, signifies that the Generation Unit identified below meets the requirements for eligibility as a New Renewable Generation Unit, pursuant to the Renewable Energy Portfolio Standard 225 CMR 14.05, as of the approval date of the Application for Statement of Qualification, this 30th day of December 2005.

Authorized Representative's Name and Address:

Mr. Stephen L. Cowell CEO & Chairman CSGServices, Inc 40 Washington Street Westborough, MA 01581
--

Name of Generation Unit:

Modern LFG

Qualification of this Generation Unit is subject to the following provisions:

1. The Generation Unit Owner or Operator shall provide to the Division by July 1st of each year a certification that the Generation Unit's New Renewable Generation Attributes used for compliance with the Massachusetts Renewable Energy Portfolio Standard during the previous Compliance Year have not otherwise been, nor will be, sold, retired, claimed or represented as part of electricity output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.
2. The portion of the total electrical energy output that qualifies as New Renewable Generation in a given time period shall meet requirements that include, but are not limited to, the following:
 - (a) An External Unit Contract shall be executed between the Generation Unit Owner or Operator and an electrical energy purchaser located in the ISO-NE Control Area for delivery of the Unit's electrical energy to the ISO-NE Control Area. The External Unit Contract shall include associated transmission rights for delivery of the Unit's electrical energy over the ties from an adjacent control area to the ISO-NE Control Area; and
 - (b) The Generation Unit Owner or Operator shall provide documentation, satisfactory to the Division, that:
 1. the electrical energy delivered pursuant to the External Unit Contract was settled in the ISO-NE Market Settlement System;
 2. the Generation Unit produced, during the applicable month, the amount of MWhs claimed, as verified by the NEPOOL-GIS administrator;

3. the electrical energy delivered under the External Unit Contract received a North American Electricity Reliability Council Tag confirming transmission from the originating Control Area to the ISO-NE Control Area; and
4. the New Renewable Generation Attributes have not otherwise been, nor will be, sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

ISO-NE Generation Unit Asset Identification Number or NEPOOL-GIS Identification Number:

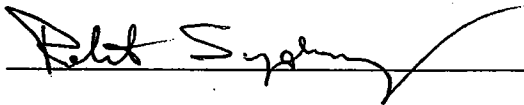
(b)(6)

The Owner or Operator of the New Renewable Generation Unit is responsible for expeditiously informing the Division of the NEPOOL-GIS Identification Number upon its assignment by the NEPOOL-GIS Administrator.

This New Renewable Generation Unit is assigned a unique Massachusetts RPS Identification Number. Please include MA RPS ID #s on all correspondence with the Division.

MA RPS ID #: LG-1045-05

Pursuant to 225 CMR 14.06, the Owner or Operator of the New Renewable Generation Unit is responsible for notifying the Division of any change in eligibility status, and the Division may suspend or revoke this Statement of Qualification if the Owner or Operator of a New Renewable Generation Unit fails to comply with 225 CMR 14.00.



Date: December 30, 2005

Robert Sydney
General Counsel
Division of Energy Resources

Modern Innovative Energy, LLC

2999 Judge Road

Oakfield, NY 14125-9771

Phone: (585) 948-8580 FAX: (585) 948-8584



Certification of Authorized Representative

August 21, 2006

Rhode Island Public Utilities Commission

89 Jefferson Blvd.

Warwick, RI MA 02888

Attn: Renewable Energy Resources Eligibility

I, Scott A. Henningham, Secretary of Modern Innovative Energy, LLC., certify that Stephen L. Cowell as CEO Conservation Services Group, Inc. is the Authorized Representative named in Section 1.8 of Renewable Energy Resources Eligibility Form and is authorized to execute The Standard Application Form, or is otherwise authorized to legally bind the corporation in like matters.

Signature:

Scott A. Henningham

Date:

8/23/06

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, New York, 14203-2999
Phone: (716) 851-7165 • FAX: (716) 851-7168
Website: www.dec.state.ny.us



January 23, 2006

Mr. Peter H. Zeliff
Innovative Energy Systems Inc.
2917 Judge Road
Oakfield, New York 14125-9771

Dear Mr. Zeliff:

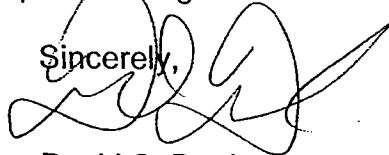
**PERMIT TRANSMITTAL LETTER
TITLE V PERMIT MODIFICATION
MODEL CITY ENERGY FACILITY
DEC NO. 9-2924-00110/00002**

Enclosed is your modified Title V Permit which was issued in accordance with applicable provisions of the Environmental Conservation Law. The permit is valid for only that project, activity or operation expressly authorized. If modifications are desired after permit issuance, you must submit the proposed revisions and receive written approval from the Permit Administrator prior to initiating any change. If the Department determines that the modification represents a material change in the scope of the authorized project, activity, operation or permit conditions, you will be required to submit a new application for permit.

Please review all permit conditions carefully. In particular, identify your initial responsibilities under this permit to assure timely action and reporting. You are requested to provide a copy of the permit to the facility operator and other persons directly responsible for permit implementation.

If you have any questions regarding the administrative processing of this permit or request for modification, please contact this office at the above address. Technical questions should be directed to Mr. Larry Stiller, at (716) 851-7130. Thank you for your continued efforts to comply with the air pollution regulations.

Sincerely,



David S. Denk
Deputy Permit Administrator

DSD:dsd
Enclosure

cc: Mr. Larry Stiller, NYSDEC Division of Air Resources (w/enclosure)



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 9-2924-00110/00002
Mod 0 Effective Date: 10/03/2005 Expiration Date: 10/02/2010
Mod 1 Effective Date: 01/23/2006 Expiration Date: 10/02/2010

Permit Issued To: MODEL CITY ENERGY LLC
2917 JUDGE RD
OAKFIELD, NY 14125-9771

Contact: PETER H ZELIFF
INNOVATIVE ENERGY SYSTEMS INC
2917 JUDGE RD
OAKFIELD, NY 14125-9771
(585) 948-8580

Facility: MODEL CITY ENERGY FACILITY
1447 PLETCHER RD
MODEL CITY, NY 14107

Contact: PETER H ZELIFF
INNOVATIVE ENERGY SYSTEMS INC
2917 JUDGE RD
OAKFIELD, NY 14125-9771
(585) 948-8580

Description:

Description:

The Model City Energy/LFG to Energy Facility is located adjacent to the Modern Landfill at Pletcher and Harold Roads in Model City, New York. This is a Landfill Gas to Energy (LFGTE) Facility which combusts scrubbed landfill gas to produce electrical power for sale on the open market. There are currently seven (7) Caterpillar G3516 (16-cylinder) internal combustion engines fueled by scrubbed landfill gas obtained from Modern Landfill driving seven (7) generator sets that produce approximately 5.6 Mw of electricity.

This is a modification of the existing 6 NYCRR Part 201-6 Title V permit which will allow the facility to install four (4) instead of three (3) new 460-cubic feet per minute (cfm) Caterpillar G3520 (20-cylinder) gas generator set engines to increase combustion and electrical generation capacity. An emissions inventory was conducted of the Landfill Gas to Energy (LFGTE) Facility, along with incorporating the emissions of Modern Landfill, to evaluate past actual, future potential and future actual total emissions. These calculations confirmed that the facility is not a major source and that the

New York State Department of Environmental Conservation
Facility DEC ID: 9292400110



project will remain below a 250 ton per year net increase of carbon monoxide emissions and 100 ton per year net increase of oxides of nitrogen. These emissions thresholds, therefore, do not trigger applicability of Prevention of Significant Deterioration (PSD under 40 CFR 52) nor New Source Review (NSR under 6 NYCRR 231-2). The facility will now potentially be a major source for Oxides of Nitrogen and Carbon Monoxide.

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

Permit Administrator: DAVID S DENK
 DIVISION OF ENVIRONMENTAL PERMITS
 270 MICHIGAN AVE
 BUFFALO, NY 14203-2999

Authorized Signature:

A handwritten signature in black ink, appearing to read "D. Denk", written over a horizontal line.

Date: 1,23,06



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



PAGE LOCATION OF CONDITIONS

PAGE

DEC GENERAL CONDITIONS

General Provisions

- 2 Facility Inspection by the Department
- 2 Relationship of this Permit to Other Department Orders and Determinations
- 2 Applications for Permit Renewals and Modifications
- 3 Permit Modifications, Suspensions and Revocations by the Department

Facility Level

- 3 Submission of Applications for Permit Modification or Renewal -REGION 9 HEADQUARTERS



DEC GENERAL CONDITIONS

****** General Provisions ******

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

GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Facility Inspection by the Department
Applicable State Requirement: ECL 19-0305

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

Condition 2: Relationship of this Permit to Other Department Orders and Determinations
Applicable State Requirement: ECL 3-0301.2(m)

Item 2.1:

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

Condition 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 3.1:

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

Item 3.2:

The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

Item 3.3:

Permits are transferrable with the approval of the department unless specifically prohibited by the statute,

New York State Department of Environmental Conservation
Facility DEC ID: 9292400110



regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

Condition 4: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 4.1:

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

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

****** Facility Level ******

Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 9 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator
Region 9 Headquarters
Division of Environmental Permits
270 Michigan Avenue
Buffalo, NY 14203-2999
(716) 851-7165

New York State Department of Environmental Conservation
Permit ID: 9-2924-00110/00002 Facility DEC ID: 9292400110



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: MODEL CITY ENERGY LLC
2917 JUDGE RD
OAKFIELD, NY 14125-9771

Facility: MODEL CITY ENERGY FACILITY
1447 PLETCHER RD
MODEL CITY, NY 14107

Authorized Activity By Standard Industrial Classification Code:
3519 - INTERNAL COMBUSTION ENGINES
4911 - ELECTRIC SERVICES

Mod 0 Permit Effective Date: 10/03/2005

Permit Expiration Date: 10/02/2010

Mod 1 Permit Effective Date: 01/23/2006

Permit Expiration Date: 10/02/2010



PAGE LOCATION OF CONDITIONS

PAGE

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 8 1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 8 2 6NYCRR 201-6.5(a)(7): Fees
- 8 3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 9 4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 9 5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 11 6 6NYCRR 201-6.5(e): Compliance Certification
- 13 7 6NYCRR 202-2.1: Compliance Certification
- 13 8 6NYCRR 202-2.5: Recordkeeping requirements
- 14 9 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 14 10 6NYCRR 200.7: Maintenance of Equipment
- 14 11 6NYCRR 201-1.7: Recycling and Salvage
- 15 12 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 15 13 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 15 14 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 15 15 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 16 16 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 16 17 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 16 18 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 17 19 6NYCRR 202-1.1: Required Emissions Tests
- 17 20 6NYCRR 211.3: Visible Emissions Limited
- 17 21 40CFR 68: Accidental release provisions.
- 18 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 18 23 6NYCRR 200.5: Sealing
- 19 24 6NYCRR 201-1.2: Unpermitted Emission Sources
- 19 25 6NYCRR 201-6: Emission Unit Definition
- 20 1-1 6NYCRR 227-2.1(a): This conditions further filters the NOx RACT facilities.
- 20 26 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 20 27 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 20 28 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 20 29 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
- 21 30 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 21 31 40CFR 60.12, NSPS Subpart A: Circumvention.
- 21 32 40CFR 82: Recycling and emissions reduction.
- 21 **Emission Unit Level**
- 21 33 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 22 34 6NYCRR 201-6: Process Definition By Emission Unit

EU=1-MCENG

- 24 1-2 6NYCRR 201-6: Compliance Certification
- 25 1-3 6NYCRR 201-6: Compliance Certification

New York State Department of Environmental Conservation

Permit ID: 9-2924-00110/00002

Facility DEC ID: 9292400110



- 26 39 6NYCRR 227-1.3(a): Compliance Certification
- 26 40 40CFR 60.752(b)(2)(iii)(C), NSPS Subpart WWS: Compliance Certification

EU=1-MCENG,Proc=001

- 27 1-4 6NYCRR 201-6: Compliance Certification
- 28 1-5 6NYCRR 201-6: Compliance Certification

EU=1-MCENG,Proc=MC1

- 29 1-6 6NYCRR 201-6: Compliance Certification
- 29 1-7 6NYCRR 201-6: Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 31 41 ECL 19-0301: Contaminant List
- 32 42 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 33 43 6NYCRR 211.2: Air pollution prohibited



FEDERALLY ENFORCEABLE CONDITIONS

**** Facility Level ****

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

An emergency constitutes an affirmative defense to an action brought 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 and/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;

(3) During the period of the emergency the facility owner and/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 and/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 and/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 B: Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 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 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part



201-6.3(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 D: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(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 E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(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 F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(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 G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR Part 201-6.5(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 H: Property Rights - 6 NYCRR Part 201-6.5(a)(6)
This permit does not convey any property rights of any sort or any exclusive privilege.

Item I: Severability - 6 NYCRR Part 201-6.5(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 J: Permit Shield - 6 NYCRR Part 201-6.5(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 K: Reopening for Cause - 6 NYCRR Part 201-6.5(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.

Item L:

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.

New York State Department of Environmental Conservation

Permit ID: 9-2924-00110/00002

Facility DEC ID: 9292400110



Item M: Federally Enforceable Requirements - 40 CFR 70.6(b)
All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

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

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

Condition 1: Acceptable Ambient Air Quality
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 200.6

Item 1.1:

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

Condition 2: Fees
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(a)(7)

Item 2.1:

The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0302.

Condition 3: Recordkeeping and reporting of compliance monitoring
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(c)

Item 3.1:

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

(i) The date, place, and time of sampling or measurements;



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

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.3 of this Part 201.

Condition 4: Monitoring, Related Recordkeeping, and Reporting Requirements.
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(c)(2)

Item 4.1:

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

Condition 5: Compliance Certification
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(c)(3)(ii)

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Submit reports of any required monitoring at a minimum frequency of every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit



requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

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

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

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

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

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

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.3(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.



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

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

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

All semiannual reports shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.5(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 6 calendar month(s).

Condition 6: Compliance Certification
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(e)

Item 6.1:
The Compliance Certification activity will be performed for the Facility.

Item 6.2:
Compliance Certification shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 9-2924-00110/00002

Facility DEC ID: 9292400110



Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

i. Compliance certifications shall contain:

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

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

iii. Compliance certifications shall be submitted annually.

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

iv. All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

USEPA Region 2
Air Compliance Branch

New York State Department of Environmental Conservation
Permit ID: 9-2924-00110/00002 Facility DEC ID: 9292400110



290 Broadway
New York, NY 10007-1866

The address for the RAPCE is as follows:

270 Michigan Avenue
Buffalo, NY 14203-2999

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 202-2.1

Item 7.1:
The Compliance Certification activity will be performed for the Facility.

Item 7.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due by April 15th for previous calendar year

Condition 8: Recordkeeping requirements
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 202-2.5

Item 8.1:
(a) The following records shall be maintained for at least five years:



- (1) a copy of each emission statement submitted to the department; and
 - (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.
- (b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

**Condition 9: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 10/03/2005 and 10/02/2010**

Applicable Federal Requirement: 6NYCRR 215

Item 9.1:

No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, refuse, rubbish for salvage, or rubbish generated by industrial or commercial activities.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS SUBJECT
TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period. [NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

**Condition 10: Maintenance of Equipment
Effective between the dates of 10/03/2005 and 10/02/2010**

Applicable Federal Requirement: 6NYCRR 200.7

Item 10.1:

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

**Condition 11: Recycling and Salvage
Effective between the dates of 10/03/2005 and 10/02/2010**

Applicable Federal Requirement: 6NYCRR 201-1.7

Item 11.1:

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

New York State Department of Environmental Conservation

Permit ID: 9-2924-00110/00002

Facility DEC ID: 9292400110



Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-1.8

Item 12.1:

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

Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 10/03/2005 and 10/02/2010

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

Item 13.1:

The owner and/or operator of an emission source or unit that is eligible to be exempt may be required to certify that it operates within the specific criteria described in this Subpart. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 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.

Condition 14: Trivial Sources - Proof of Eligibility
Effective between the dates of 10/03/2005 and 10/02/2010

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

Item 14.1:

The owner and/or operator of an emission source or unit that is listed as being trivial in this Part may be required to certify that it operates within the specific criteria described in this Subpart. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 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.

Condition 15: Standard Requirement - Provide Information
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(a)(4)

Item 15.1:

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the



permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 16: General Condition - Right to Inspect
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(a)(8)

Item 16.1:

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

- (i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and
- (iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 17: Standard Requirements - Progress Reports
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(d)(5)

Item 17.1:

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

- (i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- (ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

Condition 18: Off Permit Changes
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6.5(f)(6)

New York State Department of Environmental Conservation

Permit ID: 9-2924-00110/00002

Facility DEC ID: 9292400110



Item 18.1:

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.6 shall not apply to any change made pursuant to this paragraph.

Condition 19: Required Emissions Tests

Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 19.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time. Such person shall bear the cost of measurement and preparing the report of measured emissions. Failure of such person to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny a certificate to operate.

Condition 20: Visible Emissions Limited

Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 211.3

Item 20.1:

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

Condition 21: Accidental release provisions.

Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 40CFR 68



Item 21.1:

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

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

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

Condition 22: Recycling and Emissions Reduction
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 40CFR 82, Subpart F

Item 22.1:

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

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

Condition 23: Sealing
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 200.5

Item 23.1:

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

New York State Department of Environmental Conservation

Permit ID: 9-2924-00110/00002

Facility DEC ID: 9292400110



panels, apertures or conduits associated with such source.

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

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section

Condition 24: Unpermitted Emission Sources
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-1.2

Item 24.1:

If an existing emission source was subject to the permitting requirements of 6NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

- (a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.
- (b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

Condition 25: Emission Unit Definition
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 25.1(From Mod 1):

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

Emission Unit: 1-MCENG

Emission Unit Description:

THIS EMISSION UNIT CONSISTS OF SEVEN (7) EXISTING CATERPILLAR G3516 (16-CYLINDER) AND FOUR (4) PROPOSED CATERPILLAR G3520 (20-CYLINDER) RECIPROCATING INTERNAL COMBUSTION ENGINES DRIVING GENERATORS TO PRODUCE ELECTRICITY WHICH WILL BE SOLD TO A LOCAL UTILITY. THE ENGINES WILL BE FIRED ON SCRUBBED LANDFILL GAS PRODUCED BY THE DECOMPOSITION OF MUNICIPAL SOLID WASTE IN THE LANDFILL. ENGINE EXHAUST FROM ENGINE NUMBERS 1, 2, 3, 4, 5, 6 AND 7 (THE SEVEN EXISTING ENGINES) IN THE MODEL CITY ENERGY FACILITY ARE NUMBERED STARTING WITH THE EASTERN - MOST ENGINE TO THE WEST IN ASCENDING ORDER. A NEW STRUCTURE WILL BE ADDED TO HOUSE THE G3520 ENGINES AND SUPPORTING EQUIPMENT.



Building(s): BLDG1
ENGBLDG

Condition 1-1: This conditions further filters the NO_x RACT facilities.
Effective between the dates of 01/23/2006 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 227-2.1(a)

Item 1-1.1:

This facility is subject to the provisions of Subpart 227-2.

Condition 26: Performance test methods.
Effective between the dates of 10/03/2005 and 10/02/2010

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

Item 26.1:

Performance testing shall be conducted in accordance with the methods and procedures prescribed in this part or by alternative methods and procedures approved by the Administrator.

Condition 27: Required performance test information.
Effective between the dates of 10/03/2005 and 10/02/2010

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

Item 27.1:

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

Condition 28: Prior notice.
Effective between the dates of 10/03/2005 and 10/02/2010

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

Item 28.1:

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

Condition 29: Performance testing facilities.
Effective between the dates of 10/03/2005 and 10/02/2010

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

Item 29.1:

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

- 1) sampling ports adequate for tests methods applicable to such facility;



- 2) a safe sampling platform;
- 3) a safe access to the sampling platform; and
- 4) utilities for sampling and testing equipment.

Condition 30: Number of required tests.
Effective between the dates of 10/03/2005 and 10/02/2010

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

Item 30.1:

Each performance test shall consist of three separate runs, at the specified duration required in the applicable test method. Compliance with all applicable standards shall be determined by using the arithmetic means of the results of the three runs.

Condition 31: Circumvention.
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A

Item 31.1:

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

Condition 32: Recycling and emissions reduction.
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 40CFR 82

Item 32.1: The permittee shall comply with all applicable provisions of 40 CFR Part 82.

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

Condition 33: Emission Point Definition By Emission Unit
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 33.1(From Mod 1):

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

New York State Department of Environmental Conservation
Permit ID: 9-2924-00110/00002 Facility DEC ID: 9292400110



Emission Unit: 1-MCENG			
Emission Point: ENG01 Height (ft.): 26	Diameter (in.): 12		Building: BLDG1
Emission Point: ENG02 Height (ft.): 26	Diameter (in.): 12		Building: BLDG1
Emission Point: ENG03 Height (ft.): 26	Diameter (in.): 12		Building: BLDG1
Emission Point: ENG04 Height (ft.): 26	Diameter (in.): 12		Building: BLDG1
Emission Point: ENG05 Height (ft.): 26	Diameter (in.): 12		Building: BLDG1
Emission Point: ENG06 Height (ft.): 26	Diameter (in.): 12		Building: BLDG1
Emission Point: ENG07 Height (ft.): 26	Diameter (in.): 12		Building: BLDG1
Emission Point: ENG08 Height (ft.): 35	Diameter (in.): 16		Building: ENGBLDG
Emission Point: ENG09 Height (ft.): 35	Diameter (in.): 16		Building: ENGBLDG
Emission Point: ENG10 Height (ft.): 35	Diameter (in.): 16		Building: ENGBLDG
Emission Point: ENG11 Height (ft.): 35	Diameter (in.): 16		Building: ENGBLDG

Condition 34: Process Definition By Emission Unit



Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 34.1(From Mod 1):

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

Emission Unit: 1-MCENG

Process: 001

Source Classification Code: 5-02-006-03

Process Description:

PROCESS 001 CONSISTS OF FOUR (4) CATERPILLAR ENGINES.
EACH INTERNAL COMBUSTION ENGINE CONSUMES APPROXIMATELY
460 CUBIC FEET PER MINUTE OF LANDFILL GAS IN ORDER TO
PRODUCE ELECTRIC POWER.

Emission Source/Control: 08ENG - Combustion

Design Capacity: 1,600 kilowatts

Emission Source/Control: 09ENG - Combustion

Design Capacity: 1,600 kilowatts

Emission Source/Control: 10ENG - Combustion

Design Capacity: 1,600 kilowatts

Emission Source/Control: 11ENG - Combustion

Design Capacity: 1,600 kilowatts

Item 34.2(From Mod 1):

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

Emission Unit: 1-MCENG

Process: MCI

Source Classification Code: 5-02-006-03

Process Description:

PROCESS MCI CONSISTS OF SEVEN (7) CATERPILLAR ENGINES.
EACH INTERNAL COMBUSTION ENGINE CONSUMES APPROXIMATELY
300 CUBIC FEET PER MINUTE OF LANDFILL GAS IN ORDER TO
PRODUCE ELECTRIC POWER.

Emission Source/Control: 01ENG - Combustion

Design Capacity: 835 kilowatts

Emission Source/Control: 02ENG - Combustion

Design Capacity: 835 kilowatts

Emission Source/Control: 03ENG - Combustion

Design Capacity: 835 kilowatts

Emission Source/Control: 04ENG - Combustion

New York State Department of Environmental Conservation
Permit ID: 9-2924-00110/00002 Facility DEC ID: 9292400110



Design Capacity: 835 kilowatts

Emission Source/Control: 05ENG - Combustion
Design Capacity: 835 kilowatts

Emission Source/Control: 06ENG - Combustion
Design Capacity: 835 kilowatts

Emission Source/Control: 07ENG - Combustion
Design Capacity: 835 kilowatts

Condition 1-2: Compliance Certification
Effective between the dates of 01/23/2006 and 10/02/2010.

Applicable Federal Requirement: 6NYCRR 201-6

Item 1-2.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-MCENG

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

Item 1-2.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

ALL ELEVEN ENGINES IN EMISSION UNIT 1-MCENG SHALL HAVE OXYGEN LEVELS IN THE EXHAUST STACKS MEASURED AND RECORDED, AT A MINIMUM, FIVE (5) TIMES PER WEEK TO VERIFY THAT CARBON MONOXIDE (CO) EMISSION LEVELS DO NOT EXCEED 1.24 OR 2.34 G/BHP-HR FOR THE G3516 OR G3520 ENGINES, RESPECTIVELY. IF THE O2 CONTENT IS MEASURED TO BE OUTSIDE OF THE REQUIRED 6.5% TO 8.5% RANGE, THE ENGINE AIR/FUEL RATIO CONTROLLER MUST BE IMMEDIATELY ADJUSTED TO THE CORRECT EXHAUST O2 CONTENT. ANNUAL REPORT MUST BE SUBMITTED TO THE NYSDEC BUFFALO REGIONAL OFFICE (REGIONAL AIR POLLUTION CONTROL ENGINEER, 270 MICHIGAN AVENUE, BUFFALO, NY, 14203-2999) WITH ACTUAL CO ENGINE EMISSIONS CALCULATED FROM THE O2 MEASUREMENTS AND STACK TEST EMISSION CURVES.

NOTE: STACK TESTING WILL BE REQUIRED ON AT LEAST ONE OF THE G3520 ENGINES TO VERIFY CO EMISSIONS AND CORRECT O2 CONTENT FOR THE EXHAUST GAS.



Parameter Monitored: OXYGEN CONTENT
Lower Permit Limit: 6.5 percent
Upper Permit Limit: 8.5 percent
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED RANGE AT ANY
TIME
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 1-3: Compliance Certification
Effective between the dates of 01/23/2006 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 1-3.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-MCENG

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 1-3.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

ALL ELEVEN ENGINES IN EMISSION UNIT 1-MCENG SHALL HAVE OXYGEN LEVELS IN THE EXHAUST STACKS MEASURED AND RECORDED, AT A MINIMUM, FIVE (5) TIMES PER WEEK TO VERIFY THAT OXIDES OF NITROGEN (NO_x) EMISSION LEVELS DO NOT EXCEED 1.05 OR 0.459 G/BHP-HR FOR THE G3516 OR G3520 ENGINES, RESPECTIVELY. IF THE O₂ CONTENT IS MEASURED TO BE OUTSIDE OF THE REQUIRED 6.5% TO 8.5% RANGE, THE ENGINE AIR/FUEL RATIO CONTROLLER MUST BE IMMEDIATELY ADJUSTED TO THE CORRECT EXHAUST O₂ CONTENT. ANNUAL REPORT MUST BE SUBMITTED TO THE NYSDEC BUFFALO REGIONAL OFFICE (REGIONAL AIR POLLUTION CONTROL ENGINEER, 270 MICHIGAN AVENUE, BUFFALO, NY, 14203-2999) WITH ACTUAL NO_x ENGINE EMISSIONS CALCULATED FROM THE O₂ MEASUREMENTS AND STACK TEST EMISSION CURVES.

NOTE: STACK TESTING WILL BE REQUIRED ON AT LEAST ONE OF THE G3520 ENGINES TO VERIFY NO_x EMISSIONS AND



CORRECT O2 CONTENT FOR THE EXHAUST GAS.

Parameter Monitored: OXYGEN CONTENT
Lower Permit Limit: 6.5 percent
Upper Permit Limit: 8.5 percent
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED RANGE AT ANY TIME
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 39: Compliance Certification
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 227-1.3(a)

Item 39.1:
The Compliance Certification activity will be performed for:

Emission Unit: 1-MCENG

Item 39.2:
Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Parameter Monitored: OPACITY
Upper Permit Limit: 27 percent
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 40: Compliance Certification
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable Federal Requirement: 40CFR 60.752(b)(2)(iii)('C'), NSPS Subpart

WWW

Item 40.1:
The Compliance Certification activity will be performed for:



Emission Unit: 1-MCENG

Regulated Contaminant(s):
CAS No: 0NY998-20-0 NMOC - LANDFILL USE ONLY

Item 40.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

ATTACHED CORRESPONDENCE DATED MAY 9, 2005, CONCERNING "MODERN LANDFILL, INC. NSPS 40CFR60.752(b)(2)(iii)(C) - CLARIFICATION ON THE TREATMENT SYSTEM" APPLIES TO THIS PERMIT. IF MODEL CITY ENERGY TREATED GAS MEETS THE USEPA PROPOSED DEFINITION OF THE TERM "TREATMENT SYSTEM" AND THE PREAMBLE DISCUSSION QUOTED IN THE REFERENCED CORRESPONDENCE, THEN THE IC ENGINES COMBUSTING THE TREATED LANDFILL GAS ARE NOT SUBJECT TO THE CONTROL REQUIREMENTS OF 40CFR60 752.(b)(2)(iii)(B). HOWEVER, MODEL CITY ENERGY WILL BE REQUIRED TO COMPLY WITH USEPA'S FINAL RULEMAKING WHICH MAY DIFFER FROM THE PROPOSED DEFINITION OF "TREATMENT SYSTEM".

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-4: Compliance Certification

Effective between the dates of 01/23/2006 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 1-4.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-MCENG

Process: 001

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

Item 1-4.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

THE FACILITY SHALL LIMIT CARBON MONOXIDE (CO)



EMISSIONS TO 2.34 GRAM / BRAKE HORSEPOWER - HOUR FOR EACH OF THE FOUR G3520 INTERNAL COMBUSTION ENGINES. THE FACILITY SHALL BE REQUIRED TO CONDUCT STACK EMISSION TESTING ON ONE OF THE FOUR G3520 ENGINES TO VERIFY CO EMISSIONS AND PERCENT OXYGEN RANGE WITHIN 180 DAYS OF START-UP OF THE ENGINES.

Upper Permit Limit: 2.34 grams per brake horsepower-hour
Reference Test Method: METHOD 7, 7E OR 19
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 1-5: Compliance Certification
Effective between the dates of 01/23/2006 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 1-5.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-MCENG
Process: 001

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 1-5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

THE FACILITY SHALL LIMIT OXIDES OF NITROGEN (NO_x) EMISSIONS TO 0.459 GRAM / BRAKE HORSEPOWER - HOUR FOR EACH OF THE FOUR G3520 INTERNAL COMBUSTION ENGINES. THE FACILITY SHALL BE REQUIRED TO CONDUCT STACK EMISSION TESTING ON ONE OF THE FOUR G3520 ENGINES TO VERIFY NO_x EMISSIONS AND PERCENT OXYGEN RANGE WITHIN 180 DAYS OF START-UP OF THE ENGINES.

NOTE: COMPLIANCE WITH THIS PERMIT CONDITION SATISFIES COMPLIANCE WITH THE CONTROL REQUIREMENTS OF THE REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) PROVISIONS OF 6NYCRR PART 227-2.4(f).

Upper Permit Limit: 0.459 grams per brake horsepower-hour
Reference Test Method: 7, 7E OR 19
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 1-HOUR AVERAGE



Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 1-6: Compliance Certification
Effective between the dates of 01/23/2006 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 1-6.1:
The Compliance Certification activity will be performed for:

Emission Unit: 1-MCENG
Process: MC1

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

Item 1-6.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:

THE FACILITY SHALL LIMIT CARBON MONOXIDE (CO) EMISSIONS TO 1.24 GRAM / BRAKE HORSEPOWER - HOUR FOR EACH OF THE SEVEN G3516 INTERNAL COMBUSTION ENGINES. THE FACILITY HAS PROVIDED EMISSION DATA (EMISSION CURVES GENERATED FROM STACK TESTS) THAT INDICATE THE SEVEN G3516 ENGINES WILL OPERATE BELOW 1.24 G/BHP-HR EMISSIONS WHEN OPERATED BETWEEN 6.5% AND 8.5% ENGINE EXHAUST O2 CONTENT.

Upper Permit Limit: 1.24 grams per brake horsepower-hour
Reference Test Method: METHOD7, 7E OR 19
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 1-7: Compliance Certification
Effective between the dates of 01/23/2006 and 10/02/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 1-7.1:
The Compliance Certification activity will be performed for:

Emission Unit: 1-MCENG
Process: MC1

Regulated Contaminant(s):



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

Item 1-7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

THE FACILITY SHALL LIMIT OXIDES OF NITROGEN (NO_x) EMISSIONS TO 1.05 GRAM / BRAKE HORSEPOWER - HOUR FOR EACH OF THE SEVEN G3516 INTERNAL COMBUSTION ENGINES. THE FACILITY HAS PROVIDED EMISSION DATA (EMISSION CURVES GENERATED FROM STACK TESTS) THAT INDICATE THE SEVEN G3516 ENGINES WILL OPERATE BELOW 1.05 G/BHP-HR EMISSIONS WHEN OPERATED BETWEEN 6.5% AND 8.5% ENGINE EXHAUST O₂ CONTENT.

NOTE: COMPLIANCE WITH THIS PERMIT CONDITION SATISFIES COMPLIANCE WITH THE CONTROL REQUIREMENTS OF THE REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) PROVISIONS OF 6NYCRR PART 227-2.4(f).

Upper Permit Limit: 1.05 grams per brake horsepower-hour

Reference Test Method: 7, 7E OR 19

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



STATE ONLY ENFORCEABLE CONDITIONS
****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

STATE ONLY APPLICABLE REQUIREMENTS

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

Condition 41: Contaminant List
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable State Requirement: ECL 19-0301

Item 41.1:

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

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



CAS No: 0NY998-20-0
Name: NMOC - LANDFILL USE ONLY

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

Condition 42: Unavoidable noncompliance and violations
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable State Requirement: 6NYCRR 201-1.4

Item 42.1:

At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

- (a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.
- (b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.
- (c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.
- (d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in

New York State Department of Environmental Conservation

Permit ID: 9-2924-00110/00002

Facility DEC ID: 9292400110



emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

Condition 43: Air pollution prohibited
Effective between the dates of 10/03/2005 and 10/02/2010

Applicable State Requirement: 6NYCRR 211.2

Item 43.1:

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.