

**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](http://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](mailto: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](http://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](mailto:lmassaro@puc.state.ri.us)

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**SECTION I: Identification Information**

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

\_\_\_\_\_  
Colonie

1.2 Type of Certification being requested (check one):

Standard Certification       Prospective Certification (Declaratory Judgment)

1.3 This Application includes: (Check all that apply)<sup>1</sup>

- 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@csggrp.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@csggrp.com

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<sup>1</sup> 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: \_\_\_ Innovative Energy Systems, Inc, \_\_\_\_\_  
\_\_\_\_\_ 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): 32584

2.2 Generation Unit Nameplate Capacity: 4.8 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

X 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?                      X 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?

X Yes  No If yes, please attach a copy of that state's certifying order.

Copy of State's certifying order attached? X 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: 03 / 01 / 06 at the site.

3.2 Is there an Existing Renewable Energy Resource located at the site of Generation Unit?

Yes  
X 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 X 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  
X 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):

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**SECTION IV: Metering**

4.1 Please indicate how the Generation Unit's electrical energy output is verified (check all that apply):

- X ISO-NE Market Settlement System
- X Self-reported to the NEPOOL GIS Administrator
- Other (please specify below and see Appendix D: Eligibility for Aggregations):

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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: \_\_\_\_\_  
\_\_\_\_\_ 1319 New London Rd, Cohoes, NY 12047 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- A. Universal Transverse Mercator Coordinates: \_\_\_\_\_
- B. Longitude/Latitude: \_\_\_ W 73 42 1\_\_\_ / \_\_\_ N 42 46 26 \_\_\_\_\_

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

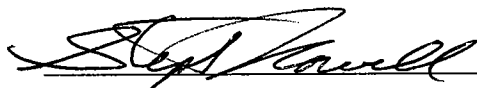


6.2 Authorized Representative Certification and Signature:

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:



CEO

(Title)

DATE:

10-24-06

**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**

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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 1<sup>st</sup> 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](http://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 wastes<sup>4</sup>; agricultural waste, food and vegetative material; energy crops; landfill methane<sup>5</sup> or biogas<sup>6</sup>, 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).

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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:

\_\_10\_\_ / \_\_03\_\_ / \_\_2005\_\_

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

\_\_\_\_New York\_\_\_\_

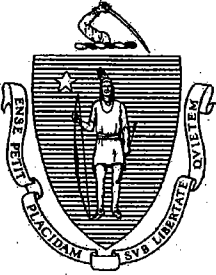
### FUEL SOURCE PLAN FOR ELIGIBLE BIOMASS

The Rhode Island Renewable Energy Standard Section 3.6 qualifies landfill gas, as an "eligible biomass fuel." The Colonie 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](http://www.Mass.Gov/DOER)  
Email: [Energy@State.MA.US](mailto: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

June 30, 2005

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

**RE: RPS Eligibility Decision  
Colonie Landfill Gas Facility [LG-1041-05]**

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.

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. Colonie Landfill Gas Facility's MA RPS ID# is: **LG-1041-05**.

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.

The Division also 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





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 Innovative Energy Systems, Inc., 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

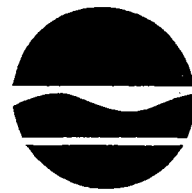
**New York State Department of Environmental Conservation**

**Division of Environmental Permits, Region 4**

1150 North Westcott Road, Schenectady, New York 12306-2014

Phone: (518) 357-2069 • FAX: (518) 357-2460

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Denise M. Sheehan  
Acting Commissioner

September 30, 2005

David D'Amico  
Innovative Energy Systems, Inc.  
2917 Judge Road  
Oakfield, NY 14125-9771

Re: DEC Permit #4-0126-00602/00001  
Generating Facility at Colonie Landfill  
1319 New Loudon Road  
Colonie (T), Albany County

Dear Mr. D'Amico:

Pursuant to your permit application and subsequent public notice, enclosed is your Air Title V Permit for the above referenced facility. The permit is effective as of October 3, 2005 and will expire on October 2, 2010.

Please read all terms and conditions of the permit and contact our office if you have any questions or concerns regarding the terms of the permit or your obligations under the permit. Should you object to the permit as issued and are unable to resolve such objections with this office you may, within 30 calendar days of this transmittal, request a hearing in writing from the Regional Permit Administrator.

The number listed above pertains to this permit and should be referenced on all correspondence related to this permit and any future applications for permits associated with this facility. Feel free to contact me if you have any questions regarding this permit.

Sincerely,

Angelo Marcuccio  
Environmental Analyst

Enclosure - permit

c: Bruce O'Neill, Div. of Air Resources - Region 4, w/permit

New York State Department of Environmental Conservation  
Facility DEC ID: 4012600602



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 4-0126-00602/00001  
Effective Date: 10/03/2005      Expiration Date: 10/02/2010

Permit Issued To: INNOVATIVE ENERGY SYSTEMS INC  
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: INNOVATIVE ENERGY SYSTEMS  
1319 NEW LOUDON RD  
COHOES, NY 12047

Description:

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: MICHAEL T HIGGINS  
DIVISION OF ENVIRONMENTAL PERMITS  
1150 NORTH WESTCOTT RD  
SCHENECTADY, NY 12306-2014

Authorized Signature: \_\_\_\_\_

Date: 9/30/05

FINAL



**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**

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**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 4 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: 4012600602**



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 4 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 4 Headquarters  
Division of Environmental Permits  
1150 North Westcott Rd.  
Schenectady, NY 12306-2014  
(518) 357-2069

Permit Summary

DEC ID 4012600602 Facility INNOVATIVE ENERGY SYSTEMS

Location 1319 NEW LOUDON RD COHOES, NY 12047

Permit Type ATV Status Issued Application ID 4-0126-00602/00001 Ren 0 Mod 0 Received 03/23/2005

Cond #	Regulation	Fac	Condition Type		Expired/ Replaced	Last Updated By/ Date
			Short Description			
30	ECL 19-0301	Y	Contaminant List			bboneill 05/12/2005
1	6NYCRR 200.6	Y	Mandatory	Acceptable Ambient Air Quality		bboneill 05/12/2005
10	6NYCRR 200.7	Y	Mandatory	Maintenance of Equipment		bboneill 05/12/2005
31	6NYCRR 201-1.4	Y	Mandatory	Unavoidable noncompliance and violations		bboneill 05/12/2005
11	6NYCRR 201-1.7	Y	Mandatory	Recycling and Salvage		bboneill 05/12/2005
12	6NYCRR 201-1.8	Y	Mandatory	Prohibition of Reintroduction of Collected Contam		bboneill 05/12/2005
13	6NYCRR 201-3.2(a)	Y	Mandatory	Exempt Sources - Proof of Eligibility		bboneill 05/12/2005
14	6NYCRR 201-3.3(a)	Y	Mandatory	Trivial Sources - Proof of Eligibility		bboneill 05/12/2005
28	6NYCRR 201-6			Emission Point Definition By Emission Unit		bboneill 05/12/2005
23		Y		Emission Unit Definition		bboneill 05/12/2005
	6NYCRR 201-6.5(a)(4)	Y	Mandatory	Standard Requirement - Provide Information		bboneill 05/12/2005
2	6NYCRR 201-6.5(a)(7)	Y	Mandatory	Fees		bboneill 05/12/2005
16	6NYCRR 201-6.5(a)(8)	Y	Mandatory	General Condition - Right to Inspect		bboneill 05/12/2005
3	6NYCRR 201-6.5(c)	Y	Mandatory	Recordkeeping and reporting of compliance monit		bboneill 05/12/2005
4	6NYCRR 201-6.5(c)(2)	Y	Mandatory	Monitoring, Related Recordkeeping, and Reporting		bboneill 05/12/2005
5	6NYCRR 201-6.5(c)(3)(ii)	Y	Monitoring	Semiannual Reporting Requirements		trchrist 05/18/2005
17	6NYCRR 201-6.5(d)(5)	Y	Mandatory	Standard Requirements - Progress Reports		bboneill 05/12/2005
6	6NYCRR 201-6.5(e)	Y	Monitoring	Annual compliance certification reports (Region 4)		bboneill 05/12/2005
18	6NYCRR 201-6.5(f)(6)	Y	Mandatory	Off Permit Changes		bboneill 05/12/2005
24	6NYCRR 201-6.5(g)	Y	Non Applicable Requirements	Non Applicable requirements		bboneill 05/13/2005
19	6NYCRR 202-1.1	Y	Mandatory	Required Emissions Tests		bboneill 05/12/2005
7	6NYCRR 202-2.1	Y	Monitoring			bboneill 05/12/2005
0	6NYCRR 202-2.5	Y	Mandatory	Recordkeeping requirements		bboneill 05/12/2005



Cond #	Regulation	Condition Type		Expired/ Replaced	Last Updated By/ Date
		Fac	Short Description		
32	6NYCRR 211.2	Y	Mandatory Air pollution prohibited		bboneill 05/12/2005
7	6NYCRR 211.3	Y	Mandatory Visible Emissions Limited		bboneill 05/12/2005
9	6NYCRR 215	Y	Mandatory Open Fires Prohibited at Industrial and Commercial		bboneill 05/12/2005
29	6NYCRR 227-1.3		Facility Specific Monitoring EU: 1-CLFGE		05/17/2005
25	6NYCRR 231-2	Y	Facility Specific Monitoring		09/28/2005
26	40CFR 52-A.21	Y	Facility Specific Monitoring		09/28/2005
21	40CFR 68	Y	Mandatory Accidental release provisions.		bboneill 05/12/2005
27	40CFR 82	Y	Mandatory Recycling and emissions reduction.		bboneill 05/12/2005
22	40CFR 82-F	Y	Mandatory Recycling and Emissions Reduction		bboneill 05/12/2005

New York State Department of Environmental Conservation  
Permit ID: 4-0126-00602/00001      Facility DEC ID: 4012600602



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: INNOVATIVE ENERGY SYSTEMS INC  
2917 JUDGE RD  
OAKFIELD, NY 14125-9771

Facility:            INNOVATIVE ENERGY SYSTEMS  
1319 NEW LOUDON RD  
COHOES, NY 12047

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

Permit Effective Date: 10/03/2005

Permit Expiration Date: 10/02/2010



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**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 7 1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 7 2 6NYCRR 201-6.5(a)(7): Fees
- 7 3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 8 4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 8 5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 10 6 6NYCRR 201-6.5(e): Compliance Certification
- 12 7 6NYCRR 202-2.1: Compliance Certification
- 12 8 6NYCRR 202-2.5: Recordkeeping requirements
- 13 9 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 13 10 6NYCRR 200.7: Maintenance of Equipment
- 13 11 6NYCRR 201-1.7: Recycling and Salvage
- 13 12 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 14 13 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 14 14 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 14 15 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 15 16 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 15 17 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 15 18 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 16 19 6NYCRR 202-1.1: Required Emissions Tests
- 16 20 6NYCRR 211.3: Visible Emissions Limited
- 16 21 40CFR 68: Accidental release provisions.
- 17 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 17 23 6NYCRR 201-6: Emission Unit Definition
- 18 24 6NYCRR 201-6.5(g): Non Applicable requirements
- 18 25 6NYCRR 231-2: Compliance Certification
- 19 26 40CFR 52.21, Subpart A: Compliance Certification
- 21 27 40CFR 82: Recycling and emissions reduction.
- 21 **Emission Unit Level**
- 21 28 6NYCRR 201-6: Emission Point Definition By Emission Unit

**EU=1-CLFGE**

- 22 29 6NYCRR 227-1.3: Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 24 30 ECL 19-0301: Contaminant List
- 25 31 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 26 32 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.

**Item M:**

**Federally Enforceable Requirements - 40 CFR 70.6(b)**

**New York State Department of Environmental Conservation**

Permit ID: 4-0126-00602/00001

Facility DEC ID: 4012600602



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.

**New York State Department of Environmental Conservation**

Permit ID: 4-0126-00602/00001

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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:

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  
290 Broadway  
New York, NY 10007-1866

The address for the RAPCE is as follows:

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1150 North Westcott Road  
Schenectady, NY 12306-2014

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.

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

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**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.

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**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)**

**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



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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:

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

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

**Item 23.1:**

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

Emission Unit: 1-CLFGE

Emission Unit Description:

THE EMISSION UNIT WILL INCLUDE THE EXHAUST FROM THE FOUR (4) ENGINES AT THE INNOVATIVE ENERGY SYSTEMS' LFG TO ENERGY FACILITY. THERE WILL BE FOUR (4) CATERPILLAR G3520 ENGINES.

Building(s): ENGBLDG

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**Condition 24: Non Applicable requirements**  
Effective between the dates of 10/03/2005 and 10/02/2010

**Applicable Federal Requirement: 6NYCRR 201-6.5(g)**

**Item 24.1:**

This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

6NYCRR 231-2

Emission Unit: 1CLFGE

Reason: BASED ON THIS APPLICATION, THE FACILITY IS NOT A MAJOR SOURCE OF NOX, NOR IS THIS PROJECT A MAJOR INCREASE. THEREFORE, NONATTAINMENT NEW SOURCE REVIEW DOES NOT APPLY.

40CFR 52-A.21

Emission Unit: 1CLFGE

Reason: BASED ON THIS APPLICATION, THE FACILITY IS NOT A PSD MAJOR SOURCE OF CO, NOR IS THIS PROJECT A MAJOR INCREASE. THEREFORE, PSD DOES NOT APPLY.

**Condition 25: Compliance Certification**  
Effective between the dates of 10/03/2005 and 10/02/2010

**Applicable Federal Requirement: 6NYCRR 231-2**

**Item 25.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: 1-CLFGE

Process: 001                      Emission Source: 01ENG

Emission Unit: 1-CLFGE

Process: 001                      Emission Source: 02ENG

Emission Unit: 1-CLFGE

Process: 001                      Emission Source: 03ENG

Emission Unit: 1-CLFGE

Process: 001                      Emission Source: 04ENG

Regulated Contaminant(s):

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

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**Item 25.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In order to maintain facility emissions of NO<sub>x</sub> below the major source threshold of 100 tons during any 12 month period each of the four stationary internal combustion engines shown above must operate at a maximum NO<sub>x</sub> emission rate of 1.05 g/bhp-hr.

Compliance with the emission rate of 1.05 g/bhp-hr shall be demonstrated by an initial performance test as outlined below:

1. The facility must submit a compliance test protocol to the Department for approval at least 60 days prior to emission testing. The conditions of the testing and the locations of the sampling devices must be acceptable to the Department.
2. The facility must utilize one of the procedures set forth in 40 CFR part 60, Appendix A, Method 7, 7E, or 19, or any other method acceptable to the Department for determining compliance with the NO<sub>x</sub> limit contained in this condition, and must, in addition, follow the procedures set forth in Part 202 of this Title.
3. The facility must submit a compliance test report containing the results of the emission test to the Department no later than 60 days after completion of the emission test.

Since all four stationary internal combustion devices at this facility are identical, only one of the four internal combustion engines described above will require performance testing to demonstrate compliance with this NO<sub>x</sub> emission limit. The test must be completed within 180 days of commencement of operation of the emission sources. (When the Title V permit is renewed, the renewal permit will require a stack test during the renewed permit term.)

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 1.05 grams per brake horsepower-hour

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 26: Compliance Certification**

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

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**Applicable Federal Requirement: 40CFR 52.21, Subpart A**

**Item 26.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 1-CLFGE

Process: 001

Emission Source: 01ENG

Emission Unit: 1-CLFGE

Process: 001

Emission Source: 02ENG

Emission Unit: 1-CLFGE

Process: 001

Emission Source: 03ENG

Emission Unit: 1-CLFGE

Process: 001

Emission Source: 04ENG

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 26.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In order to maintain facility emissions of carbon monoxide (CO) below the major source threshold of 250 tons during any 12 month period each of the four stationary internal combustion engines shown above must operate at a maximum CO emission rate of 2.17 g/bhp-hr.

Compliance with the emission rate of 2.17 g/bhp-hr shall be demonstrated by an initial performance test as outlined below:

1. The facility must submit a compliance test protocol to the Department for approval at least 60 days prior to emission testing. The conditions of the testing and the locations of the sampling devices must be acceptable to the Department.
2. The facility must utilize the procedure set forth in 40 CFR Part 60, Appendix A, Method 10, or any other method acceptable to the Department for determining compliance with the CO limit contained in this condition, and must, in addition, follow the procedures set forth in Part 202 of this Title.
3. The facility must submit a compliance test report containing the results of the emission test to the Department no later than 60 days after completion of the emission test.

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Since all four stationary internal combustion devices at this facility are identical, only one of the four internal combustion engines described above will require performance testing to demonstrate compliance with this CO emission limit. The test must be completed within 180 days of commencement of operation of these emission sources. (When the Title V permit is renewed, the renewal permit will require a stack test during the renewed permit term.)

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 2.17 grams per brake horsepower-hour

Reference Test Method: EPA RM 10

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 27: Recycling and emissions reduction.**  
Effective between the dates of 10/03/2005 and 10/02/2010

**Applicable Federal Requirement: 40CFR 82**

**Item 27.1:** The permittee shall comply with all applicable provisions of 40 CFR Part 82.

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

**Condition 28: 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 28.1:**

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

Emission Unit: 1-CLFGE

Emission Point: ENG01

Height (ft.): 28

Diameter (in.): 20

NYTMN (km.): 4740.5

NYTME (km.): 603.9

Building: ENGBLDG

Emission Point: ENG02

Height (ft.): 28

Diameter (in.): 20

NYTMN (km.): 4740.5

NYTME (km.): 603.9

Building: ENGBLDG

Emission Point: ENG03

Height (ft.): 28

Diameter (in.): 20

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NYTMN (km.): 4740.5    NYTME (km.): 603.9    Building: ENGBLDG

Emission Point: ENG04

Height (ft.): 28

Diameter (in.): 20

NYTMN (km.): 4740.5    NYTME (km.): 603.9    Building: ENGBLDG

**Condition 29: Compliance Certification**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

**Applicable Federal Requirement: 6NYCRR 227-1.3**

**Item 29.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-CLFGE

Regulated Contaminant(s):

CAS No: 0NY075-00-0    PARTICULATES

**Item 29.2:**

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 operate the installation in such a way to 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. (Except for steam plumes.) The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct a Method 22 observation of emissions from the source to which this condition applies at the monitoring frequency stated below while the process is in operation during daylight hours to satisfy the periodic monitoring requirement of 40 CFR 70.6 (a)(3)(i)(B). The permittee will 1) investigate, in a timely manner, any instance where the visible emissions observed have the potential to exceed the opacity standard; 2) make any necessary corrections; and 3) verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within 48 hours to determine the degree of opacity and will notify the NYSDEC if the Method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations, investigations and

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corrective actions will be kept on-site

**\*\* NOTE \*\*** Steam plumes are bright white in color, cloud-like in appearance (with shadows), of 100% opacity (opaque). Steam plumes dissipate a distance from the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack. Opacity observations shall be made at a point in the plume where steam is not visible.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 22

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 22)

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).





**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 30: Contaminant List**  
**Effective between the dates of 10/03/2005 and 10/02/2010**

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

**Item 30.1:**

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

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CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY075-00-0

Name: PARTICULATES

**Condition 31: Unavoidable noncompliance and violations**  
Effective between the dates of 10/03/2005 and 10/02/2010

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

**Item 31.1:**

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 emissions exceeding any applicable emission standard, the facility owner and/or operator shall take

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

**Applicable State Requirement: 6NYCRR 211.2**

**Item 32.1:**

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.

Summary of Compliance Requirements  
 \*\*\* THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CONDENSED VIEW OF THE MONITORING REQUIREMENTS. \*\*\*  
 READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. \*\*\*

DEC ID 4012600602 Facility INNOVATIVE ENERGY SYSTEMS  
 Location 1319 NEW LOUDON RD COHOES, NY 12047  
 Permit ID 4-0126-00602/00001 Application Recv'd 03/23/2005 Renewal No: 0  
 Permit Type ATV Status Issued

Compliance Assurance Monitoring	Monitored Parameter	Lower Limit	Upper Limit	Units	Activity Type
Cond Num	Regulated Contaminant				Reporting Frequency
	Process Material				Monitoring Frequency
					Averaging Method

RECORD KEEPING/MAINTENANCE PROCEDURES  
 SEMI-ANNUALLY (CALENDAR)

5 \*\*\*\*\*  
 \*\*\*\*\*  
 \*\*\*\*\*

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

Summary of Compliance Requirements  
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DEC ID 4012600602 Facility INNOVATIVE ENERGY SYSTEMS  
 Location 1319 NEW LOUDON RD COHOES, NY 12047  
 Permit ID 4-0126-00602/00001 Application Rec'd 03/23/2005 Renewal No: 0  
 Permit Type ATV Status Issued

Compliance Assurance Monitoring		Activity Type	
Monitored Parameter	Upper Limit	Reporting Frequency	Monitoring Frequency
Regulated Contaminant	Lower Limit	Monitoring Frequency	Averaging Method
Process Material	Units		

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 SEMI-ANNUAL 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 SEMI-ANNUAL REPORT A SUMMARY OF THE TESTING RESULTS AND SHALL INDICATE WHETHER OR NOT THE DEPARTMENT OR EPA HAS APPROVED THE RESULTS.

ALL SEMI-ANNUAL 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.

Summary of Compliance Requirements  
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Compliance Assurance Monitoring  
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 Regulated Contaminant  
 Process Material

Cond Num	Lower Limit	Upper Limit	Units	Activity Type	Reporting Frequency	Monitoring Frequency	Averaging Method
6							

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  
 290 BROADWAY  
 NEW YORK, NY 10007-1866

Summary of Compliance Requirements  
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DEC ID 4012600602 Facility INNOVATIVE ENERGY SYSTEMS

Location 1319 NEW LOUDON RD COHOES, NY 12047

Permit ID 4-0126-00602/00001 Application Recv'd 03/23/2005 Renewal No: 0

Permit Type ATV Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Regulated Contaminant

Num Process Material

Lower Limit

Units

Upper Limit

Activity Type

Reporting Frequency

Monitoring Frequency

Averaging Method

THE ADDRESS FOR THE RAPCE IS AS FOLLOWS:

1150 NORTH WESTCOTT ROAD  
 SCHENECTADY, NY 12306-2014

THE ADDRESS FOR THE BQA IS AS FOLLOWS:

NYSDEC  
 BUREAU OF QUALITY ASSURANCE  
 625 BROADWAY  
 ALBANY, NY 12233-3258

RECORD KEEPING/MAINTENANCE  
 PROCEDURES

ANNUALLY (CALENDAR)

ANNUALLY

\*\*\*\*

EMISSION STATEMENTS SHALL BE SUBMITTED ON OR BEFORE APRIL 15TH EACH YEAR FOR EMISSIONS OF THE PREVIOUS CALENDAR YEAR.

Summary of Compliance Requirements  
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Compliance Assurance Monitoring  
 Monitored Parameter Upper Limit Lower Limit Units

Regulated Contaminant  
 Process Material

Activity Type  
 Reporting Frequency  
 Monitoring Frequency  
 Averaging Method

25 OXIDES OF NITROGEN 1.05  
 OXIDES OF NITROGEN  
 \*\*\*\*\*  
 grams per brake horsepower-hour

INTERMITTENT EMISSION TESTING  
 AS REQUIRED - SEE MONITORING DESCRIPTION  
 AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
 AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

IN ORDER TO MAINTAIN FACILITY EMISSIONS OF NOX BELOW THE MAJOR SOURCE THRESHOLD OF 100 TONS DURING ANY 12 MONTH PERIOD EACH OF THE FOUR STATIONARY INTERNAL COMBUSTION ENGINES SHOWN ABOVE MUST OPERATE AT A MAXIMUM NOX EMISSION RATE OF 1.05 G/BHP-HR.

COMPLIANCE WITH THE EMISSION RATE OF 1.05 G/BHP-HR SHALL BE DEMONSTRATED BY AN INITIAL PERFORMANCE TEST AS OUTLINED BELOW:

1. THE FACILITY MUST SUBMIT A COMPLIANCE TEST PROTOCOL TO THE DEPARTMENT FOR APPROVAL AT LEAST 60 DAYS PRIOR TO EMISSION TESTING. THE CONDITIONS OF THE TESTING AND THE LOCATIONS OF THE SAMPLING DEVICES MUST BE ACCEPTABLE TO THE DEPARTMENT.
2. THE FACILITY MUST UTILIZE ONE OF THE PROCEDURES SET FORTH IN 40 CFR PART 60, APPENDIX A, METHOD 7.7E, OR 19, OR ANY OTHER METHOD ACCEPTABLE TO THE DEPARTMENT FOR DETERMINING COMPLIANCE WITH THE NOX LIMIT CONTAINED IN THIS CONDITION, AND MUST, IN ADDITION, FOLLOW THE PROCEDURES SET FORTH IN PART 202 OF THIS TITLE.
3. THE FACILITY MUST SUBMIT A COMPLIANCE TEST REPORT CONTAINING THE RESULTS OF THE EMISSION TEST TO THE DEPARTMENT NO LATER THAN 60 DAYS AFTER COMPLETION OF THE EMISSION TEST.

SINCE ALL FOUR STATIONARY INTERNAL COMBUSTION DEVICES AT THIS FACILITY ARE IDENTICAL, ONLY ONE OF THE FOUR INTERNAL COMBUSTION ENGINES DESCRIBED ABOVE WILL REQUIRE PERFORMANCE TESTING TO DEMONSTRATE COMPLIANCE WITH THIS NOX EMISSION LIMIT. THE TEST MUST BE COMPLETED WITHIN 180 DAYS OF COMMENCEMENT OF OPERATION OF THE EMISSION SOURCES. (WHEN THE TITLE V PERMIT IS RENEWED, THE RENEWAL PERMIT WILL REQUIRE A STACK TEST DURING THE RENEWED PERMIT TERM.)

Following Emission unit(EU), Emission point(EP), Process(PROC), Emission Source(ES) apply to this monitoring:  
 EU: 1-CLFGE/PROC: 001/ES: 01ENG  
 EU: 1-CLFGE/PROC: 001/ES: 02ENG  
 EU: 1-CLFGE/PROC: 001/ES: 03ENG  
 EU: 1-CLFGE/PROC: 001/ES: 04ENG



Summary of Compliance Requirements  
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Compliance Assurance Monitoring	Monitored Parameter	Regulated Contaminant	Process Material	Lower Limit	Upper Limit	Units	Activity Type
							Reporting Frequency
							Monitoring Frequency
							Averaging Method

Cond Num	Process Material	Regulated Contaminant	Lower Limit	Upper Limit	Units	Activity Type
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26	CARBON MONOXIDE	CARBON MONOXIDE		2.17	grams per brake horsepower-hour	INTERMITTENT EMISSION TESTING
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 IN ORDER TO MAINTAIN FACILITY EMISSIONS OF CARBON MONOXIDE (CO) BELOW THE MAJOR SOURCE THRESHOLD OF 250 TONS DURING ANY 12 MONTH PERIOD EACH OF THE FOUR STATIONARY INTERNAL COMBUSTION ENGINES SHOWN ABOVE MUST OPERATE AT A MAXIMUM CO EMISSION RATE OF 2.17 G/BHP-HR.

COMPLIANCE WITH THE EMISSION RATE OF 2.17 G/BHP-HR SHALL BE DEMONSTRATED BY AN INITIAL PERFORMANCE TEST AS OUTLINED BELOW:

1. THE FACILITY MUST SUBMIT A COMPLIANCE TEST PROTOCOL TO THE DEPARTMENT FOR APPROVAL AT LEAST 60 DAYS PRIOR TO EMISSION TESTING. THE CONDITIONS OF THE TESTING AND THE LOCATIONS OF THE SAMPLING DEVICES MUST BE ACCEPTABLE TO THE DEPARTMENT.
2. THE FACILITY MUST UTILIZE THE PROCEDURE SET FORTH IN 40 CFR PART 60, APPENDIX A, METHOD 10, OR ANY OTHER METHOD ACCEPTABLE TO THE DEPARTMENT FOR DETERMINING COMPLIANCE WITH THE CO LIMIT CONTAINED IN THIS CONDITION, AND MUST, IN ADDITION, FOLLOW THE PROCEDURES SET FORTH IN PART 202 OF THIS TITLE.
3. THE FACILITY MUST SUBMIT A COMPLIANCE TEST REPORT CONTAINING THE RESULTS OF THE EMISSION TEST TO THE DEPARTMENT NO LATER THAN 60 DAYS AFTER COMPLETION OF THE EMISSION TEST.

SINCE ALL FOUR STATIONARY INTERNAL COMBUSTION DEVICES AT THIS FACILITY ARE IDENTICAL, ONLY ONE OF THE FOUR INTERNAL COMBUSTION ENGINES DESCRIBED ABOVE WILL REQUIRE PERFORMANCE TESTING TO DEMONSTRATE COMPLIANCE WITH THIS CO EMISSION LIMIT. THE TEST MUST BE COMPLETED WITHIN 180 DAYS OF COMMENCEMENT OF OPERATION OF THESE EMISSION SOURCES. (WHEN THE TITLE V PERMIT IS RENEWED, THE RENEWAL PERMIT WILL REQUIRE A STACK TEST DURING THE RENEWED PERMIT TERM.)

Following Emission unit(EU), Emission point(EP), Process(PROC), Emission Source(ES) apply to this monitoring:  
 EU: 1-CLFGE/PROC: 001/ES: 01ENG  
 EU: 1-CLFGE/PROC: 001/ES: 02ENG  
 EU: 1-CLFGE/PROC: 001/ES: 03ENG  
 EU: 1-CLFGE/PROC: 001/ES: 04ENG

Summary of Compliance Requirements  
 \*\*\* THIS SUN. \*\*\*  
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Compliance Assurance Monitoring  
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 Regulated Contaminant  
 Process Material

Activity Type  
 Reporting Frequency  
 Monitoring Frequency  
 Averaging Method

Lower Limit Upper Limit  
 Units

Emission Unit: 1-CLFGE

29	OPACITY PARTICULATES ****	percent	20	MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS APPROPRIATE SEMI-ANNUALLY (CALENDAR)
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NO OWNER OR OPERATOR OF A COMBUSTION INSTALLATION SHALL OPERATE THE INSTALLATION IN SUCH A WAY TO 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. (EXCEPT FOR STEAM PLUMES.) THE DEPARTMENT RESERVES THE RIGHT TO PERFORM OR REQUIRE THE PERFORMANCE OF A METHOD 9 OPACITY EVALUATION AT ANY TIME DURING FACILITY OPERATION.

THE PERMITTEE WILL CONDUCT A METHOD 22 OBSERVATION OF EMISSIONS FROM THE SOURCE TO WHICH THIS CONDITION APPLIES AT THE MONITORING FREQUENCY STATED BELOW WHILE THE PROCESS IS IN OPERATION DURING DAYLIGHT HOURS TO SATISFY THE PERIODIC MONITORING REQUIREMENT OF 40 CFR 70.6 (A)(3)(V)(B). THE PERMITTEE WILL 1) INVESTIGATE, IN A TIMELY MANNER, ANY INSTANCE WHERE THE VISIBLE EMISSIONS OBSERVED HAVE THE POTENTIAL TO EXCEED THE OPACITY STANDARD; 2) MAKE ANY NECESSARY CORRECTIONS; AND 3) VERIFY THAT THE EXCESS VISIBLE EMISSIONS PROBLEM HAS BEEN CORRECTED. IF VISIBLE EMISSIONS WITH THE POTENTIAL TO EXCEED THE STANDARD CONTINUE, THE PERMITTEE WILL CONDUCT A METHOD 9 ASSESSMENT WITHIN 48 HOURS TO DETERMINE THE DEGREE OF OPACITY AND WILL NOTIFY THE NYSDEC IF THE METHOD 9 TEST INDICATES THAT THE OPACITY STANDARD IS NOT MET.

RECORDS OF VISIBLE EMISSIONS OBSERVATIONS, INVESTIGATIONS AND CORRECTIVE ACTIONS WILL BE KEPT ON-SITE

\*\* NOTE \*\* STEAM PLUMES ARE BRIGHT WHITE IN COLOR, CLOUD-LIKE IN APPEARANCE (WITH SHADOWS), OF 100% OPACITY (OPAQUE). STEAM PLUMES DISSIPATE A DISTANCE FROM THE STACK (THE COLDER THE AIR THE LONGER THE STEAM PLUME WILL LAST) AND LEAVE NO DISPERSION TRAIL DOWNWIND OF THE STACK. OPACITY OBSERVATIONS SHALL BE MADE AT A POINT IN THE PLUME WHERE STEAM IS NOT VISIBLE.

DAILY

6-MINUTE AVERAGE (METHOD 22)

Summary of Compliance Requirements

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