

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 5 – January 5, 2007)**

STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

Pursuant to the Renewable Energy Act

Section 39-26-1 et. seq. of the General Laws of Rhode Island

NOTICE:

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

- Please complete the Renewable Energy Resources Eligibility Form and Appendices using a typewriter or black ink.
- Please submit one original and three copies of the completed Application Form, applicable Appendices and all supporting documentation to the Commission at the following address:
Rhode Island Public Utilities Commission
89 Jefferson Blvd
Warwick, RI 02888
Attn: Renewable Energy Resources Eligibility
- In addition to the paper copies, electronic/email submittals are required under Commission regulations. Such electronic submittals should be sent to: Luly E. Massaro, Commission Clerk at lmassaro@puc.state.ri.us
- In addition to filing with the Commission, Applicants are required to send, electronically or electronically and in paper format, a copy of the completed Application including all attachments and supporting documentation, to the Division of Public Utilities and Carriers and to all interested parties. A list of interested parties can be obtained from the Commission's website at www.ripuc.org/utilityinfo/res.html.
- Keep a copy of the completed Application for your records.
- The Commission will notify the Authorized Representative if the Application is incomplete.
- Pursuant to Section 6.0 of the RES Regulations, the Commission shall provide a thirty (30) day period for public comment following posting of any administratively complete Application.
- Please note that all information submitted on or attached to the Application is considered to be a public record unless the Commission agrees to deem some portion of the application confidential after consideration under section 1.2(g) of the Commission's Rules of Practice and Procedure.
- In accordance with Section 6.2 of the RES Regulations, the Commission will provide prospective reviews for Applicants seeking a preliminary determination as to whether a facility would be eligible prior to the formal certification process described in Section 6.1 of the RES Regulations. Please note that space is provided on the Form for applicant to designate the type of review being requested.
- Questions related to this Renewable Energy Resources Eligibility Form should be submitted in writing, preferably via email and directed to: Luly E. Massaro, Commission Clerk at lmassaro@puc.state.ri.us

SECTION I: Identification Information

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

1.2 Type of Certification being requested (check one):
 Standard Certification Prospective Certification (Declaratory Judgment)

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

- APPENDIX A: Authorized Representative Certification for Individual Owner or Operator
- APPENDIX B: Authorized Representative Certification for Non-Corporate Entities Other Than Individuals
- X APPENDIX C: Existing Renewable Energy Resources
- APPENDIX D: Special Provisions for Aggregators of Customer-sited or Off-grid Generation Facilities
- X APPENDIX E: Special Provisions for a Generation Unit Located in a Control Area Adjacent to NEPOOL
- X APPENDIX F: Fuel Source Plan for Eligible Biomass Fuels

1.4 Primary Contact Person name and title: _____
_____ Stephanie Hamilton, Legal Affairs and Policy Analyst _____

1.5 Primary Contact Person address and contact information:
Address: _____ Conservation Services Group _____
_____ 40 Washington St _____
_____ Westborough, MA 01581 _____
Phone: _____ 508-836-9500 _____ Fax: _____ 508-836-3181 _____
Email: _____

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 _____ Fax: _____ 508-836-3181 _____
Email: _____ Deborah.Razza@csggrp.com _____

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

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

Patricia Stanton, Vice President, Clean Energy Markets _____

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: ____ Seneca Energy II LLC _____
____ Peter Zeliff, President and CEO _____

1.11 Owner address and contact information:

Address: _____ 2999 Judge Rd _____
____ Oakfield, NY 14125 _____

Phone: ____ 585-948-8580 _____ Fax: ____ 585-948-8584 _____

Email: ____ PZeliff@innovativeenergysystems.com _____

1.12 Owner business organization type (check one):

Individual

Partnership

X Corporation

Other: _____

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

1.14 Operator address and contact information:

Address: _____ 2999 Judge Rd. _____
____ Oakfield, NY 14125 _____

Phone: ____ 585-948-8580 _____ Fax: ____ 585-948-8584 _____

Email: ____ PZeliff@innovativeenergysystems.com _____

1.15 Operator business organization type (check one):

Individual

Partnership

X 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): 32528-MA/32513-CT

2.2 Generation Unit Nameplate Capacity: 17. MW

2.3 Maximum Demonstrated Capacity: MW

2.4 Please indicate which of the following Eligible Renewable Energy Resources are used by the Generation Unit: (Check ALL that apply) – *per RES Regulations Section 5.0*

Direct solar radiation

The wind

Movement of or the latent heat of the ocean

The heat of the earth

Small hydro facilities

Biomass facilities using Eligible Biomass Fuels and maintaining compliance with all aspects of current air permits; Eligible Biomass Fuels may be co-fired with fossil fuels, provided that only the renewable energy fraction of production from multi-fuel facilities shall be considered eligible.

Biomass facilities using unlisted biomass fuel

Biomass facilities, multi-fueled or using fossil fuel co-firing

Fuel cells using a renewable resource referenced in this section

2.5 If the box checked in Section 2.4 above is “Small hydro facilities”, please certify that the facility’s aggregate capacity does not exceed 30 MW. – *per RES Regulations Section 3.31*

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

N/A or other (please explain) _____

2.6 If the box checked in Section 2.4 above is “Small hydro facilities”, please certify that the facility does not involve any new impoundment or diversion of water with an average salinity of twenty (20) parts per thousand or less. – *per RES Regulations Section 3.31*

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

N/A or other (please explain) _____

2.7 If you checked one of the Biomass facilities boxes in Section 2.1 above, please respond to the following:

A. Please specify the fuel or fuels used or to be used in the Unit:
 Methane Gas

B. Please complete and attach Appendix F, Eligible Biomass Fuel Source Plan.

Appendix F completed and attached?

X Yes No N/A

2.8 Has the Generation Unit been certified as a Renewable Energy Resource for eligibility in another state's renewable portfolio standard?

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

Copy of State's certifying order attached? Yes No N/A

SECTION III: Commercial Operation Date

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

3.1 Date Generation Unit first entered Commercial Operation: 03 / 06 / 1996 at the site.

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

Yes

No

3.3 If the date entered in response to question 3.1 is earlier than December 31, 1997 or if you checked "Yes" in response to question 3.2 above, please complete Appendix C.

Appendix C completed and attached? Yes No N/A

3.4 Was all or any part of the Generation Unit used on or before December 31, 1997 to generate electricity at any other site?

Yes

No

3.5 If you checked "Yes" to question 3.4 above, please specify the power production equipment used and the address where such power production equipment produced electricity (attach more detail if the space provided is not sufficient):

SECTION IV: Metering

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

ISO-NE Market Settlement System

Self-reported to the NEPOOL GIS Administrator

Other (please specify below and see Appendix D: Eligibility for Aggregations):

Appendix D completed and attached? Yes No N/A

SECTION V: Location

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

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

5.2 Generation Unit address: _____
1786 Salcman Rd. Waterloo, NY 13165

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

- A. Universal Transverse Mercator Coordinates: _____
- B. Longitude/Latitude: __W76 51 46__ / __N42 54 17__

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

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

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

Appendix E completed and attached? Yes No N/A

SECTION VI: Certification

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

Corporations

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

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

Evidence of Board Vote provided? Yes No N/A

Corporate Certification provided? Yes No N/A

Individuals

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

Appendix A completed and attached? Yes No N/A

Non-Corporate Entities

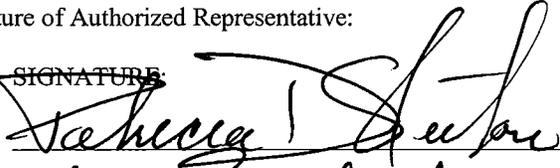
(Proprietorships, Partnerships, Cooperatives, etc.) If the Owner or Operator is not an individual or a corporation, it shall complete and attach APPENDIX B or execute a resolution indicating that the Authorized Representative named in Section 1.8 has authority to execute the Renewable Energy Resources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

Appendix B completed and attached? Yes No N/A

6.2 Authorized Representative Certification and Signature:

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

Signature of Authorized Representative:

SIGNATURE:  DATE: 9/18/07
Vice President
(Title)

APPENDIX C
**(Required of all Applicants with Generation Units at the Site of Existing
Renewable Energy Resources)**

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

If the Generation Unit: (1) first entered into commercial operation before December 31, 1997; or (2) is located at the exact site of an Existing Renewable Energy Resource, please complete the following and attach documentation, as necessary to support all responses:

- C.1 Is the Generating Unit seeking certification, either in whole or in part, as a New Renewable Energy Resource? Yes No
- C.2 If you answered "Yes" to question C.1, please complete the remainder of Appendix C. If you answered "No" and are seeking certification entirely as an Existing Renewable Energy Resource, you do NOT need to complete the remainder of Appendix C.
- C.3 If an Existing Renewable Energy Resource is/was located at the site, has such Existing Renewable Energy Resource been retired and replaced with the new Generation Unit at the same site? Yes No
- C.4 Is the Generation Unit a Repowered Generation Unit (as defined in Section 3.28 of the RES Regulations) which uses Eligible Renewable Energy Resources and which first entered commercial operation after December 31, 1997 at the site of an existing Generation Unit? Yes No
- C.5 If you checked "Yes" to question C.4 above, please provide documentation to support that the entire output of the Repowered Generation Unit first entered commercial operation after December 31, 1997.
- C.6 Is the Generation Unit a multi-fuel facility in which an Eligible Biomass Fuel is first co-fired with fossil fuels after December 31, 1997? Yes No

- C.7 If you checked “Yes” to question C.6 above, please provide documentation to support that the renewable energy fraction of the energy output first occurred after December 31, 1997.
- C.8 Is the Generation Unit an Existing Renewable Energy Resource other than an Intermittent Resource (as defined in Section 3.9 and 3.14 of the RES Regulations)? Yes No
- C.9 If you checked “Yes” to question C.8 above, please attach evidence of completed capital investments after December 31, 1997 attributable to efficiency improvements or additions of capacity that are sufficient to, were intended to, and can be demonstrated to increase annual electricity output in excess of ten percent (10%). As specified in Section 3.22.v of the RES Regulations, the determination of incremental production shall not be based on any operational changes at such facility **not directly** associated with the efficiency improvements or additions of capacity.
- C.10 Is the Generating Unit an Existing Renewable Energy Resource that is an Intermittent Resource? Yes No
- C.11 If you checked “Yes” to question C.10 above, please attach evidence of completed capital investments after December 31, 1997 attributable to efficiency improvements or additions of capacity that are sufficient to, were intended to, and have demonstrated on a normalized basis to increase annual electricity output in excess of ten percent (10%). The determination of incremental production shall not be based on any operational changes at such facility **not directly** associated with the efficiency improvements or additions of capacity. In no event shall any production that would have existed during the Historical Generation Baseline period in the absence of the efficiency improvements or additions to capacity be considered incremental production. Please refer to Section 3.22.vi of the RES Regulations for further guidance.
- C.12 If you checked “Yes” to C.10, provide the single proposed percentage of production to be deemed incremental, attributable to the efficiency improvements or additions of capacity placed in service after December 31, 1997. Please provide backup information sufficient for the Commission to make a determination of this incremental production percentage.
- C.13 If you checked “no” to both C.3 and C.4 above, please complete the following:
- a. Was the Existing Renewable Energy Resource located at the exact site at any time during calendar years 1995 through 1997? Yes No
 - b. If you checked “yes” in Subsection (a) above, please provide the Generation Unit Asset Identification Number and the average annual electrical production (MWhs) for the three calendar years 1995 through 1997, or for the first 36 months after the Commercial Operation Date if that date is after December 31, 1994, for each such Generation Unit.

- c. Please attach a copy of the derivation of the average provided in (b) above, along with documentation support (such as ISO reports) for the information provided in Subsection (b) above. Data must be consistent with quantities used for ISO Market Settlement System.

**APPENDIX D
(Required of Applicants Seeking Eligibility for Customer-Sited and/or Off-Grid Generation Facilities and Associated Aggregations)**

**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**

Customer-sited and Off-grid Generation Facilities located in Rhode Island may be certified as an eligible resource if their NEPOOL GIS Certificates are created by way of an aggregation of Generation Units using the same generation technology, and so long as the aggregation is certified by the Commission. Please complete the following and attach documentation, as necessary to support all responses:

- D.1 Please identify the location(s) in Rhode Island of each Generation Unit that is interconnected on the End-use Customer's 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, or not connected to a utility transmission or distribution system.

- D.2 Please attach proposed procedures under which the aggregate Generation Units will operate ("Aggregation Agreement"). In accordance with Section 6.8.(iii) of the RES Regulations, the proposed Aggregation Agreement shall contain the following information:

- (a) Name and contact information of the aggregator owner, to which these regulations and stipulations of certification shall apply, and who shall be the initial owner of any NEPOOL GIS Certifications so certified;
- (b) Name, contact information, and qualifications of the Verifier. Qualifications shall include any information the applicant believes will assist the Commission in determining that the Verifier will accurately and efficiently carry out its duties. After receipt of the application, the Commission may require additional evidence of qualifications;

- (c) A declaration of any and all business or financial relations between aggregator owner and Verifier, which the Commission will use to evaluate the independence of the Verifier.²
- (d) The Aggregation Agreement shall include a statement indicating under what circumstances the Verifier would not be considered sufficiently independent of the individual Generation Unit, and that Generation Units not meeting this independence test would not be allowed to participate in the aggregation;
- (e) Type of technology that will be included in the aggregation, and statement that the aggregation will include only individual Generation Units that meet all the requirements of these regulations, for example physical location, vintage, etc. (All generators within the aggregation must be of the same technology and fuel type);
- (f) Proposed operating procedures for the aggregation, by which the Verifier shall ensure that individual Generation Units in the aggregation comply with all eligibility requirements and that the NEPOOL GIS Certificates created accurately represent generation;³ and
- (g) Description of how the Verifier will be compensated for its services by the aggregator. In no instances will an aggregation be certified in which the Verifier is compensated in a manner linked to the number of NEPOOL GIS Certificates created by the aggregation.

D.3 Applicant must acknowledge that:

- (a) any changes to or deviations from the Aggregation Agreement will be considered a change in generator status, and will require recertification by the Commission;

- ← please check this box to acknowledge this requirement
- N/A or other (please explain) _____

² Reasons for ruling that a Verifier is not sufficiently independent include, but are not limited to: i) If one entity owns, directly or indirectly, or if a natural person so owns, 10% or more of the voting stock or other equity interest in the other entity; ii) If 10% or more of the voting stock or other equity interests in both entities are owned, directly or indirectly, by the same entity or a natural person; or iii) If one entity is a natural person, and such entity or a member of such entity's immediate family is an officer, director, partner, employee or representative of the other entity. It is important to note that rules are always subject to change in accordance with the State's Administrative Procedures Act (APA). For example, the Commission is asking NEPOOL to allow third party verification for customer sited/off-grid systems. If NEPOOL adopts this request, the Commission will change its rules in accordance with the APA.

³ At a minimum, these procedures will: i) require a determination that the Generation Unit exists and is in compliance with these RES Regulations and the Aggregation Agreement as approved by the Commission; ii) require a meter reading procedure that allows the Verifier to verify these readings; meter readings may be manual or remote and via the aggregators own system or via an independent system, but in all cases shall comply with NEPOOL GIS Operating Rules regarding metering; iii) specify how generation data will be entered into NEPOOL GIS to create NEPOOL GIS Certificates; iv) a procedure to verify independently that the NEPOOL GIS Certificates created for the aggregation are consistent with the meter readings; v) a procedure for the Verifier to report to the Commission on the results of their verification process; vi) require that verification and meter readings be done on a quarterly basis, except for units of two hundred KW or less, which may be done on an annual basis; and vii) procedures for correcting discrepancies in NEPOOL GIS Certificate generation identified by the Verifier.

(b) the Commission will be promptly notified of any changes to or deviations from the Aggregation Agreement; and

← please check this box to acknowledge this requirement

N/A or other (please explain) _____

(c) in the event that notice of such changes or deviations is not promptly given, all Generation Units in the aggregation may be de-certified.

← please check this box to acknowledge this requirement

N/A or other (please explain) _____

D.4 Applicant must certify that:

If the Generation Unit (or aggregation of generation units) is a Customer-sited or Off-grid Generation Resources, as provided in Rhode Island's Renewable Energy Standard law Section 39-26-2.4 and Section 3.25 of the RES Regulations, respectively, the associated Generation Attributes have not otherwise been, nor will be sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Rhode Island.

← please check this box to certify that this statement is true

N/A or other (please explain) _____

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

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

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

- New York
 Hydro Quebec
 Maritimes (including Northern Maine Independent System Administrator)

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

- ← please check this box to acknowledge this requirement
 N/A or other (please explain) _____

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

- ← please check this box to acknowledge this requirement
 N/A or other (please explain) _____

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

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

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

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

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

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

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

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

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

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

Detailed description attached? Yes No N/A

Comments: Only Landfill gas is being used at site

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 fossil fuels 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 / 06 / 2005

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

 New York State

Fuel Source Plan for Eligible Biomass

The Rhode Island Renewable Energy Standard Section 3.6 qualifies landfill gas, as an “eligible biomass fuel.” The Seneca Falls 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 addition 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 where blowers draw the landfill gas to the Facility. No common carrier pipes are used.

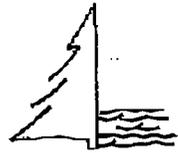
The Facility is not “co-fired” with ineligible fuels, only with eligible landfill gas. In addition, Only eligible landfill gas is brought to the Facility’s generator.

Seneca Energy II, LLC

2999 Judge Road

Oakfield, NY 14125

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



Certification of Authorized Representative

September 14, 2007

Rhode Island Public Utilities Commission

89 Jefferson Blvd.

Warwick, RI 02888

Attn: Renewable Energy Resources Eligibility

I, Scott A. Henningham, Secretary of Seneca Energy II, LLC., Certify that Patricia Stanton as Vice President, Clean Energy Markets is the Authorized Representative named in Section 1.8 of Renewable Energy Resources Eligibility Form and is authorized to execute The Standard Application For, or is otherwise authorized to legally bind the corporation in like matters.

Signature:

Scott A. Henningham

Date:

9/17/07

Innovative Energy - Seneca Falls, NY Facility

36 months of generation data to calculate Vintage

Plant	MW	operational dates
Plant 1	5.6	March 6, 1996, Aug 15, 1996, and June 6, 1997
Plant 2	5.6	15-Sep-98

36 months of production

Year	1996	1997	1998	1999
Jan	0	2958657	4085414	7379942
Feb	0	2692924	3704922	7085708
Mar	not full month of data	2924859	4065857	7715006
Apr	1661596	2837161	3894774	
May	1326125	2717086	3920778	
Jun	1582430	3377842	3582487	
Jul	1720789	4015036	3751349	
Aug	2283080	4182482	4583041	
Sep	2702261	4025908	6878085	
Oct	2937178	3650303	7690198	
Nov	2757741	3347260	7549327	
Dec	2972371	3881548	7859628	
Total	19,943,571	40,611,066	61,565,860	22,180,656
36 month total	144,301,153			
annual average	48,100,384			

LANDFILL GAS RECOVERY FACILITY

Annual/Quarterly Report

- A. Annual Report for the year of operation from January 1, 19 96 to December 31, 1996.
- B. Quarterly Report for: Quarter 1 Quarter 2 Quarter 3 Quarter 4

SECTION 1

Owner/Facility Information

Facility Name Seneca Energy, Inc. NYSDEC Facility Code # 50E02
 Town Seneca Falls County Seneca NYSDEC Region # 8
 360 Permit # 8-4532 -00075 /00001 -0 Issued 7/12/94 Expires 7/12/04
 Owner Name Seneca Energy, Inc. Phone # (716) 759-0366
 Mailing Address P.O. Box 116, Clarence State NY zip 14031
 Operator Name Carl Schnitzmeier Phone # (315) 539-0049
 Mailing Address P.O. Box 116, Clarence State NY zip 14031

SECTION 2

Quantities

Provide the following information:

	Facility Operation (Hours)	Landfill Gas Recovered (Cu. Ft.)	Condensate Generated (Gallons)	Steam* Generated (Cu. Ft.)	Electricity* Generated (K.W.H.)	Low BTU/ Pipeline Quality Gas* Produced (Cu. Ft.)
January	0		N/A	N/A		N/A
February	0					
March	556	28,049,700			1,335,700	
April	720	33,231,920			1,661,596	
May	600	27,848,625			1,326,125	
June	720	33,231,030			1,582,430	
July	744	36,136,569			1,720,789	
August	744	47,944,680			2,283,080	
September	720	56,747,481			2,702,261	
October	744	61,680,738			2,937,178	
November	720	57,912,561			2,757,741	
December	744	62,419,791			2,972,371	
ANNUAL TOTAL	7012	445,203,095			21,279,271	

* Provide where applicable.

LANDFILL GAS RECOVERY FACILITY

Annual/Quarterly Report

- A. Annual Report for the year of operation from January 1, 1997 to December 31, 1997.
- B. Quarterly Report for: Quarter 1 Quarter 2 Quarter 3 Quarter 4

SECTION 1

Owner/Facility Information

Facility Name Seneca Energy, Inc. NYSDEC Facility Code # 50E02
 Town Seneca Falls County Seneca NYSDEC Region # 8
 360 Permit # 8-4532-00075/0001-0 Issued 07/12/94 Expires 07/12/04
 Owner Name Seneca Energy, Inc. Phone # (716) 759-0366
 Mailing Address P.O. Box 116, Clarence State NY Zip 14031
 Operator Name Peter H. Zeliff, Jr. Phone # (315) 539-0049
 Mailing Address P.O. Box 116, Clarence State NY Zip 14031

SECTION 2

Quantities

Provide the following information:

	Facility Operation (Hours)	Landfill Gas Recovered (Cu. Ft.)	Condensate Generated (Gallons)	Steam* Generated (Cu. Ft.)	Electricity* Generated (K.W.H.)	Low BTU/ Pipeline Quality Gas* Produced (Cu. Ft.)
January	744	62,131,797	(N/A)	(N/A)	2,958,657	(N/A)
February	670	56,551,404	(N/A)	(N/A)	2,692,924	(N/A)
March	744	61,422,039	(N/A)	(N/A)	2,924,859	(N/A)
April	716.5	59,580,381	(N/A)	(N/A)	2,837,161	(N/A)
May	740	57,058,806	(N/A)	(N/A)	2,717,086	(N/A)
June	714.5	70,934,682	(N/A)	(N/A)	3,377,842	(N/A)
July	738	84,315,756	(N/A)	(N/A)	4,015,036	(N/A)
August	744	87,832,122	(N/A)	(N/A)	4,182,482	(N/A)
September	717	84,544,068	(N/A)	(N/A)	4,025,908	(N/A)
October	707	76,656,363	(N/A)	(N/A)	3,650,303	(N/A)
November	703.5	70,292,460	(N/A)	(N/A)	3,347,260	(N/A)
December	742	81,512,508	(N/A)	(N/A)	3,881,548	(N/A)
ANNUAL TOTAL	8680.5	852,832,386	(N/A)	(N/A)	40,611,066	(N/A)

* Provide where applicable



August 8, 2007

Stephanie Hamilton
Conservation Services Group
40 Washington St
Westborough, MA 01581

RE: Seneca Energy Landfill Gas Generation Project

Dear Stephanie,

This letter is to confirm that the Seneca Energy LFGTE plant based on the records I could retrieve states in a letter dated November 9th, 1995 from Andrews, Sanchez, Amigone, Kelleher, Mattrey & Marshall that Pete Zeliff executed (2) copies of a power Purchase Agreement between NYSEG and Seneca Energy, Inc.

Sincerely,

John J. Zdimal
Project Manager, IPP Interconnects
NYSEG & RGE

IPP:File #210:080707.StephanieHamiltonletter.doc
xc: Scott Henningham - Innovative Energy Systems

An equal opportunity employer

James A. Carrigg Center | 18 Link Drive | P.O. Box 5224 | Binghamton, NY 13902-5224

www.nyseg.com


An Energy East Company



10 Krey Boulevard • Rensselaer, NY 12144

January 18, 2007

Innovative Energy Systems, Inc.
2917 Judge Road
Oakfield, NY 14125
Attn: Scott Henningham

Dear Mr. Henningham,

This letter is sent with the intention of clarifying the start up dates of the generating facilities listed below into the New York Independent System Operator control area.

The start dates for your facilities are as follows:

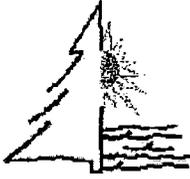
- Colonie LFGE March, 2006
- Model City Energy October, 2001
- Modern LFGE February, 2006
- Seneca Energy November, 1999
- Ontario LFGE October, 2003

If there is any further verification of information concerning these facilities, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Stephen Lemme". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Stephen Lemme
Customer Account Representative
NYISO



Seneca Energy, Inc.

9678 Main Street ♦ P.O. Box 116 ♦ Clarence, New York 14031
(716) 759-0386 ♦ Fax: (716) 759-0388

March 8, 1996

Mr. Gary Freeland
New York State Electric & Gas
IPP Interconnections West
Kirkwood Industrial Park
P.O. Box 5224
Binghamton, New York 13902

Dear Mr. Freeland:

As per Article 2.1 of the Power Purchase Agreement between New York State Electric & Gas Corporation and Seneca Energy, Inc. I am notifying NYSEG that the Plant commenced Commercial Operation on March 5, 1996. This is the day that the three generators were all initially paralleled to the NYSEG grid and accepted by NYSEG personnel that were on site.

Sincerely,

Peter H. Zelif
President

July 13, 2007

Conservation Services Group
40 Washington St
Westborough, MA 01581
Attn: Deborah Razza

Dear Ms. Razza,

The purpose of this letter is to verify the dates concerning the Seneca Energy generating unit and its service in the New York Capability Area.

The Seneca Energy facility entered the NYISO in November of 1999 as an 11MW generator. This unit was upgraded to 17MW beginning June 19, 2007.

If there is any other information you require, please do not hesitate to ask.

Sincerely,



Stephen R. Lemme
Customer Account Representative
NYISO

New York State Department of Environmental Conservation
Facility DEC ID: 8453200075



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 8-4532-00075/00029
Effective Date: 10/06/2005 Expiration Date: 10/05/2010

Permit Issued To: SENECA ENERGY II LLC
2917 JUDGE RD
OAKFIELD, NY 14125

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

Facility: SENECA ENERGY LFGTE FACILITY
ROUTE 414 RENEWABLE RESOURCES PARK
SENECA FALLS, NY 13165

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

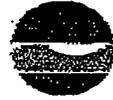
Description:

Renewal and modification of Title V Facility Permit for a total of 18 engines capable of producing 6.4 megawatts of electricity. This permit replaces the initial Title V permit originally issued March 2001 for the operation of a landfill gas to energy facility. The facility was previously permitted to operate seven engines from their State I process (Emission Unit: 1-STAGE) and seven units from their State II process (Emission Unit: 2-STAGE).

This Title V Permit reflects the addition of four 460-cfm Caterpillar G3520 20-cylinder internal combustion engines to the fourteen 300-cfm engines operating at the site for a total of 18 engines. The 4 newly proposed engines, as well as the previously permitted 14 engines, will be added under the new emission unit, 3-STAGE, Process ST3.

Oxides of Nitrogen (NO_x) and Carbon Monoxide will exceed 100 tons per year, however the project will qualify for an exclusion authorized in the memo dated July 1, 1994 from John S. Seitz, Director of EPA's Office of Air Quality Planning and Standards, (entitled "Pollution Control Projects and New Source Review (NSR) Applicability"). Seneca Energy II, LLC has obtained 52 tons per year NO_x emission reduction credits (ERCs). The facility will need to comply with 6NYCRR Part 227-2 NO_x Reasonably Available Control Technology (RACT) limits. All monitoring records are to be maintained on site for a period of 5 years, and are to be made available to Department inspectors upon request.

Renewal 1/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, 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.

New York State Department of Environmental Conservation
Facility DEC ID: 8453200075



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: **PETER A LENT**
DIVISION OF ENVIRONMENTAL PERMITS
6274 EAST AVON LIMA RD
AVON, NY 14414-9519

Authorized Signature:

Peter A. Lent

Date: *10/6/2005*

Renewal 1/FINAL



PAGE LOCATION OF CONDITIONS

<u>PAGE</u>	
	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 8 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: 84S3200075



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 8 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 8 Headquarters
Division of Environmental Permits
6274 Avon-Lima Road
Avon, NY 14414-9519
(716) 226-2466

New York State Department of Environmental Conservation
Permit ID: 8-4532-00075/00029 Facility DEC ID: 8453200075



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: SENECA ENERGY II LLC
2917 JUDGE RD
OAKFIELD, NY 14125

Facility: SENECA ENERGY LFGTE FACILITY
ROUTE 414 RENEWABLE RESOURCES PARK
SENECA FALLS, NY 13165

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

Permit Effective Date: 10/06/2005

Permit Expiration Date: 10/05/2010



PAGE LOCATION OF CONDITIONS

PAGE

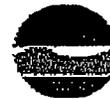
FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

8	1 6NYCRR 200.6: Acceptable Ambient Air Quality
8	2 6NYCRR 201-6.5(a)(7): Fees
8	3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
9	4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
9	5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
11	6 6NYCRR 201-6.5(e): Compliance Certification
13	7 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
13	8 6NYCRR 200.7: Maintenance of Equipment
14	9 6NYCRR 201-1.7: Recycling and Salvage
14	10 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
14	11 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
14	12 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
14	13 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
15	14 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
15	15 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
16	16 6NYCRR 201-6.5(f)(6): Off Permit Changes
16	17 6NYCRR 202-1.1: Required Emissions Tests
16	18 6NYCRR 211.3: Visible Emissions Limited
17	19 40CFR 68: Accidental release provisions.
17	20 40CFR 82, Subpart F: Recycling and Emissions Reduction
17	21 6NYCRR 201-6: Emission Unit Definition
18	22 6NYCRR 201-6.5(f): Compliance Certification
21	23 6NYCRR 227-2.3(c): Compliance Certification
21	24 6NYCRR 227-2.4(f)(2)(iii): Compliance Certification
22	25 6NYCRR 227-2.4(f)(2)(iii): Compliance Certification
23	26 6NYCRR 227-2.6(c): Compliance Certification
24	27 6NYCRR 231-2.4: Notification/Reporting requirements
24	28 6NYCRR 231-2.4: Emission offset requirements
25	29 6NYCRR 257-4: Compliance Certification
26	30 6NYCRR 257-4: Compliance Certification
26	31 6NYCRR 257-7: Compliance Certification
27	32 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
28	33 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
	Emission Unit Level
28	34 6NYCRR 201-6: Emission Point Definition By Emission Unit
30	35 6NYCRR 201-6: Process Definition By Emission Unit

EU=3-STAGE

31	36 6NYCRR 227-1.3(a): Compliance Certification
32	37 40CFR 60.752(b)(2)(iii)(B), NSPS Subpart WWW: Compliance Certification



STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 34 38 ECL 19-0301: Contaminant List
- 35 39 6NYCRR 201-1.4: Unavoidable noncompliance and violations

Emission Unit Level

EU=3-STAGE

- 36 40 6NYCRR 212.4(a): Emissions from new emission sources and/or modifications



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

New York State Department of Environmental Conservation

Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075



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)



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 10/06/2005 and 10/05/2010

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 10/06/2005 and 10/05/2010

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 10/06/2005 and 10/05/2010

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 10/06/2005 and 10/05/2010

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 10/06/2005 and 10/05/2010

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 specific 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.

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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 10/06/2005 and 10/05/2010

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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6274 East Avon-Lima Road
Avon, NY 14414-9519

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: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 215

Item 7.1:

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 8: Maintenance of Equipment
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 200.7

Item 8.1:

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 9: Recycling and Salvage
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 201-1.7

Item 9.1:

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 10: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 201-1.8

Item 10.1:

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 11: Exempt Sources - Proof of Eligibility
Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 11.1:

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 12: Trivial Sources - Proof of Eligibility
Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 12.1:

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 13: Standard Requirement - Provide Information

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Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 13.1:

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 14: General Condition - Right to Inspect

Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 14.1:

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 15: Standard Requirements - Progress Reports

Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 15.1:

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 16: Off Permit Changes
Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 16.1:

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

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

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

Condition 17: Required Emissions Tests
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 17.1:

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 18: Visible Emissions Limited
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 211.3

Item 18.1:

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

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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 19: Accidental release provisions.
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 40CFR 68

Item 19.1:

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

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

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

Condition 20: Recycling and Emissions Reduction
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 40CFR 82, Subpart F

Item 20.1:

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 21: Emission Unit Definition
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 201-6



Item 21.1:

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

Emission Unit: 3-STAGE

Emission Unit Description:

The emission unit includes the exhaust from the four (4) proposed engines at the Modern Landfill LFG to Energy Facility as well as seven (7) previously permitted Caterpillar 3516 Engines (Emission Unit 1-STAGE) and seven (7) previously permitted Caterpillar G3516 Engines (Emission Unit 2-STAGE). All the engines will now be located in the new ENGBLDG under one unit (3-STAGE).

Building(s): ENGBLDG

Condition 22: Compliance Certification
Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 22.1:

The Compliance Certification activity will be performed for the Facility.

Item 22.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operational Flexibility Plan

I. Protocol Objective

The objective of this condition is to maximize operational flexibility at the facility by building into the Title V Permit the capability to make certain changes using a protocol. As provided under 6 NYCRR Part 201-6.5(f)(2), changes made under an approved protocol are not subject to the Title V permit modification provisions under 6 NYCRR Part 201-6.7.

II. Protocol

A. Criteria

1. Changes reviewed under this protocol in shall be evaluated in accordance with the following criteria:

a. All underlying federal and state requirements with which the new or changed emission source must comply must exist in the Title V

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permit. Existing permit conditions may be amended to reference or include the new or changed emission source and any related information, and/or, subject to DEC approval, new conditions proposed, to provide the appropriate monitoring parameters.

b. Any new or changed emission source shall not be part of a source project that results in a significant net emissions increase that exceeds the NSR thresholds identified in 6 NYCRR Part 231-2 or 40 CFR 52.21.

c. The facility shall not use the protocol to make physical changes or changes in the method of operation of existing emission sources that would require a new or modified federally enforceable cap either to avoid major New Source Review requirements or to address and comply with other Clean Air Act requirements such as RACT. Such changes must be addressed via the significant permit modification provisions.

B. Notification Requirements for Changes Reviewed under Protocol.

1. The facility shall notify the Department in writing of the proposed change.

2. Notifications made in accordance with this protocol will include the following documentation:

a. Identification of the Title V permit emission unit, process(es), emission sources, and emission points affected by the proposed change with applicable revisions to the Emission Unit structure;

b. Description of the proposed change, including operating parameters;

c. Identification and description of emissions control technology;

d. Documentation of the project's or emission source's compliance with respect to all state and/or federally applicable requirements, including the following steps:

i. Calculate the emission rate potential and maximum projected actual annual emission rates for all contaminants affected by the change.

ii. Submit documentation of major NSR program non-applicability for NYSDEC review and approval.

iii. Identify and evaluate the applicability of all regulations likely



to be triggered by the new or changed emission source.

iv. Propose any operating and record keeping procedures necessary to ensure compliance.

e. Any other relevant information used for the evaluation of the proposed project or emission source under the Protocol.

C. Review and Approval of Changes

1. The Department shall respond to the permittee in writing with a determination within 15 days of receipt of the notification from the permittee.

2. The Department may require a permit modification, in order to impose new applicable requirements or additional permit conditions if it determines that changes proposed pursuant to notification do not

meet the criteria under III.A or that the change may have a significant air quality impact or be otherwise potentially significant under SEQRA (6NYCRR Part 617).

3. The Department may require that the permittee not undertake the proposed change until it completes a more detailed review of the proposed change, which may include potential air quality impacts and/or applicable requirements. The Department's determination shall include a listing of information required for further review, if necessary.

D. Additional Compliance Obligations for Changes Made Under this Protocol

1. Upon commencement of the change, the facility shall comply with all applicable requirements and permit conditions, including any amended or proposed in accordance with III.A.1.a above.

2. The facility shall provide with the semi-annual monitoring report, a summary of the changes made in accordance with this protocol and a statement of the compliance status of each. Changes reported should include all those made during the corresponding period and any earlier changes that have not yet been incorporated into the permit.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.

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

Condition 23: Compliance Certification
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 227-2.3(c)

Item 23.1:
The Compliance Certification activity will be performed for the Facility.

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

Item 23.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

The facility is subject to the NOx RACT requirements of 6NYCRR Part 227-2. The facility is required to submit an operating plan as described in 6NYCRR Part 227-2.3(c) to the Department for approval. The facility must operate the engines in accordance with the approved operating plan. This will ensure that the engines are operating under the same conditions as the most recent approved performance test. The document shall be updated when any changes occur.

The plan must include a provision to maintain daily fuel usage records as well as performing an annual tune-up on each internal combustion engine in use at the facility.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
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 24: Compliance Certification
Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 24.1:
The Compliance Certification activity will be performed for the Facility.

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

Item 24.2:

Renewal 1



Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The facility will limit NOx emissions from each engine to 2.0 grams per brake horsepower-hour. The facility will measure and record oxygen levels in the exhaust stack of each engine on a daily basis. The range of oxygen levels is based on manufacturer's specifications of an engine operating at full load. This range may be modified based on the most recent approved emissions test.

Parameter Monitored: OXYGEN CONTENT

Lower Permit Limit: 6.3 percent

Upper Permit Limit: 9.0 percent

Monitoring Frequency: DAILY

**Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED RANGE AT ANY
TIME**

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 25: Compliance Certification
Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 25.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: 3-STAGE

Regulated Contaminant(s):

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

Item 25.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In order to show compliance with the NOx RACT standard of sources firing landfill gas of 2.0 grams per brake horsepower-hour, the facility is required to conduct instantaneous testing semiannually per calendar year using a portable NOx analyzer. The sampling will be done in accordance with the analyzer manufacturer's recommendations for testing and calibration (using non-EPA methods).

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Upper Permit Limit: 2.0 grams per brake horsepower-hour
Reference Test Method: METHOD - SEE MONITORING DESCRIPTION
Monitoring Frequency: SEMI-ANNUALLY
Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION
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 26: Compliance Certification
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 227-2.6(c)

Item 26.1:
The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: 3-STAGE

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

Item 26.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:

In order to show compliance with the NO_x RACT standard of sources firing landfill gas of 2.0 grams per brake horsepower-hour, the facility is required to conduct an emission test under 6NYCRR Part 227-2.6(a)(7). In accordance with this requirement, the facility must:

- 1) submit a compliance test protocol to the Department for approval at least 30 days prior to emission testing. The conditions of the testing and the locations of the sampling devices must be acceptable to the Department; and
- 2) utilize the procedures set forth in 40 CFR Part 60, Appendix A or any other method acceptable to the Department and the Administrator for determining compliance with the NO_x limit of 2.0 grams per brake horsepower-hour, and must, in addition, follow the procedures set forth in 6NYCRR Part 202 as follows:

For stationary internal combustion engines, utilize Method 7, 7E, or 19 from 40 CFR Part 60, Appendix A or another reference method



approved by the Department;

3) 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.

The facility should complete the initial performance test no later than 180 days of startup of the engine plant. The facility must conduct the required emissions test at 100% +/- 10% load on each engine type determined by the Department. The Department will base its decision using the NOx emission rates as determined by the portable NOx analyzer prior to the emissions test.

Prior to renewal of the Title V permit, the facility must complete a second performance test utilizing procedures for engine selection and testing as described above. This performance test must be completed no later than 180 days prior to expiration of the Title V permit.

Upper Permit Limit: 2.0 grams per brake horsepower-hour
Reference Test Method: EPA Method 7, 7E or 19
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 27: Notification/Reporting requirements
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 231-2.4

Item 27.1:

At least sixty (60) days prior to the scheduled commence operation date of the proposed source project or proposed major facility, the permittee shall submit any changes to the list of offset sources included in this permit. For each such change, the applicant must submit another "Use of Emission Reduction Credits Form" signed by the applicant and an authorized representative of the new offset source.

Item 27.2:

The facility shall submit to the DEC Regional office a letter of confirmation that each future emission reduction, if any, used to provide emission offsets for this facility has physically occurred. This letter should be submitted, not less than 10 working days, prior to the facility's scheduled start-up date.

Item 27.3:

This permit shall be subject to revocation if construction is not commenced within 18 months from the date of issuance of such permit or if construction is discontinued for a period of 18 months or more (excluding any period of time that the permit is subject to challenge in State or Federal court), or if construction is not completed within a reasonable time acceptable to the Department.

Condition 28: Emission offset requirements

New York State Department of Environmental Conservation

Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075



Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 231-2.4

Item 28.1:

To satisfy the emission offset requirements of Part 231, the facility has obtained 52 tons of NOx Emission Reduction Credits (ERCs) from the following sources:

Facility Name	DEC ID	ERCs (tpy)
LFG Energy Upgrade Facility 52	9-1432-00281	

Condition 29: Compliance Certification
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 257-4

Item 29.1:

The Compliance Certification activity will be performed for the Facility.

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

Item 29.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:

The sum of emissions of carbon monoxide from this facility are limited to 522.9 tons/year calculated on a rolling 12 month total. This limit ensures that National Ambient Air Quality Standards are not exceeded. The facility shall calculate monthly carbon monoxide emissions using daily records of gas burned and oxygen readings at each engine and keep these records in a format acceptable to the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: FLOW

Upper Permit Limit: 522.9 tons per year

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY

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).

New York State Department of Environmental Conservation
Permit ID: 8-4532-00075/00029 Facility DEC ID: 8453200075



Condition 30: Compliance Certification
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 257-4

Item 30.1:

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

Emission Unit: 3-STAGE

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 30.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility must show that they are in compliance with the 522.9 tons/yr limit for carbon monoxide. An emission test using 40CFR60 APP A-10 must be completed on each engine type determined by the Department. The Department will base its decision on the NOx emission rates as determined by the portable NOx analyzer prior to the emissions test. These tests must be completed within 180 days of startup of the engine plant.

A second emissions test for the above mentioned emission sources must also be completed no later than 180 days prior to renewal of the TV permit.

Upper Permit Limit: 522.9 tons per year

Reference Test Method: 40CFR60 APP A-10

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

Condition 31: Compliance Certification
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 257-7

Item 31.1:

The Compliance Certification activity will be performed for the Facility.

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Permit ID: 8-4532-00075/00029

Facility DEC ID: 8453200075



Regulated Contaminant(s):

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

Item 31.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The sum of emissions of oxides of nitrogen from this facility are limited to 214.4 tons/year calculated on a rolling 12 month total. This limit ensures that National Ambient Air Quality Standards are not exceeded. The facility shall calculate monthly oxides of nitrogen emissions using daily records of gas burned and oxygen readings at each engine and keep these records in a format acceptable to the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: FLOW

Upper Permit Limit: 214.4 tons per year

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY

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 32: EPA Region 2 address.

Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A

Item 32.1:

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the following address:

Director, Division of Enforcement and Compliance Assistance
USEPA Region 2
290 Broadway, 21st Floor
New York, NY 10007-1886

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the NYSDEC Regional Office issuing this permit (see address at the beginning of this permit) and to the following address:

NYSDEC
Bureau of Quality Assurance
625 Broadway

New York State Department of Environmental Conservation
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Albany, NY 12233-3258

Condition 33: Performance test methods.
Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 33.1:

Performance testing shall be conducted in accordance with the methods and procedures prescribed in 40 CFR 60 or by alternative methods and procedures approved by the Administrator.

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

Condition 34: Emission Point Definition By Emission Unit
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 34.1:

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

Emission Unit: 3-STAGE

Emission Point: ENG01

Height (ft.): 29 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: ENGBLDG

Emission Point: ENG02

Height (ft.): 29 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: ENGBLDG

Emission Point: ENG03

Height (ft.): 29 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: ENGBLDG

Emission Point: ENG04

Height (ft.): 29 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: ENGBLDG

Emission Point: ENG05

Height (ft.): 29 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: ENGBLDG

Emission Point: ENG06

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Height (ft.): 29 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: ENGBLDG

Emission Point: ENG07
Height (ft.): 29 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: ENGBLDG

Emission Point: ENG08
Height (ft.): 29 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: ENGBLDG

Emission Point: ENG09
Height (ft.): 29 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: ENGBLDG

Emission Point: ENG10
Height (ft.): 29 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: ENGBLDG

Emission Point: ENG11
Height (ft.): 29 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: ENGBLDG

Emission Point: ENG12
Height (ft.): 29 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: ENGBLDG

Emission Point: ENG13
Height (ft.): 29 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: ENGBLDG

Emission Point: ENG14
Height (ft.): 29 Diameter (in.): 12
NYTMN (km.): 4754.222 NYTME (km.): 350.031 Building: ENGBLDG

Emission Point: ENG15
Height (ft.): 38 Diameter (in.): 20
Building: ENGBLDG

Emission Point: ENG16
Height (ft.): 38 Diameter (in.): 20
Building: ENGBLDG

Emission Point: ENG17
Height (ft.): 38 Diameter (in.): 20
Building: ENGBLDG

Emission Point: ENG18

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Height (ft.): 38

Diameter (in.): 20

Building: ENGBLDG

Condition 35: Process Definition By Emission Unit
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 35.1:

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

Emission Unit: 3-STAGE

Process: ST3

Source Classification Code: 2-01-008-07

Process Description:

Process ST3 consists of the four (4) Caterpillar G3520 Engines for the facility rated at approximately 460 cfm as well as seven (7) G3516 Engines that consume landfill gas at approximately 300 cfm (previously permitted under process ST1) and seven (7) G3516 Engines that consume landfill gas at approximately 300 cfm (previously permitted under process ST2).

Emission Source/Control: 01ENG - Combustion
Design Capacity: 810 kilowatts

Emission Source/Control: 02ENG - Combustion
Design Capacity: 810 kilowatts

Emission Source/Control: 03ENG - Combustion
Design Capacity: 810 kilowatts

Emission Source/Control: 04ENG - Combustion
Design Capacity: 810 kilowatts

Emission Source/Control: 05ENG - Combustion
Design Capacity: 810 kilowatts

Emission Source/Control: 06ENG - Combustion
Design Capacity: 810 kilowatts

Emission Source/Control: 07ENG - Combustion
Design Capacity: 810 kilowatts

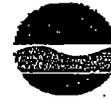
Emission Source/Control: 08ENG - Combustion
Design Capacity: 835 kilowatts

Emission Source/Control: 09ENG - Combustion
Design Capacity: 835 kilowatts

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Emission Source/Control: 10ENG - Combustion
Design Capacity: 835 kilowatts

Emission Source/Control: 11ENG - Combustion
Design Capacity: 835 kilowatts

Emission Source/Control: 12ENG - Combustion
Design Capacity: 835 kilowatts

Emission Source/Control: 13ENG - Combustion
Design Capacity: 835 kilowatts

Emission Source/Control: 14ENG - Combustion
Design Capacity: 835 kilowatts

Emission Source/Control: 15ENG - Combustion
Design Capacity: 1,600 kilowatts

Emission Source/Control: 16ENG - Combustion
Design Capacity: 1,600 kilowatts

Emission Source/Control: 17ENG - Combustion
Design Capacity: 1,600 kilowatts

Emission Source/Control: 18ENG - Combustion
Design Capacity: 1,600 kilowatts

Condition 36: Compliance Certification
Effective between the dates of 10/06/2005 and 10/05/2010

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

Item 36.1:
The Compliance Certification activity will be performed for:

Emission Unit: 3-STAGE

Item 36.2:
Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20% opacity (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. The facility will perform a visual observation of each exhaust on a daily basis. If any opacity is noted, corrective action will be taken

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immediately or a Method 9 will be performed within 2 business days.
The facility shall keep records of daily observations and any
corrective action performed in a format acceptable to the Department.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: EPA Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 6 MINUTE AVERAGE
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 37: Compliance Certification
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable Federal Requirement: 40CFR 60.752(b)(2)(iii)(B), NSPS Subpart
WWW

Item 37.1:
The Compliance Certification activity will be performed for:

Emission Unit: 3-STAGE

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

Item 37.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

When using an enclosed combustion device for control of non-methane organic compounds (NMOC), the device must either reduce NMOC by 98 weight percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume, dry basis as hexane at 3 percent oxygen. The initial performance test shall be completed no later than 180 days of startup of the engine plant. The test shall be completed on one of the new engines to be determined by the Department.

Additionally, a second emissions test for each engine type must also be completed no later than 180 days prior to renewal of the TV permit.

The facility has applied for a determination from the EPA if their system meets the definition of treatment as proposed in Subpart WWW. Until such a determination has been finalized with a response from EPA

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or the rule changes have been promulgated, the facility must comply with this permit condition.

Lower Permit Limit: 98 percent by weight

Reference Test Method: EPA Method 18, 25, 25C

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

STATE ONLY APPLICABLE REQUIREMENTS

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

Condition 38: Contaminant List
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable State Requirement: ECL 19-0301

Item 38.1:

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

New York State Department of Environmental Conservation
Permit ID: 8-4532-00075/00029 Facility DEC ID: 8453200075



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

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

Condition 39: Unavoidable noncompliance and violations
Effective between the dates of 10/06/2005 and 10/05/2010

Applicable State Requirement: 6NYCRR 201-1.4

Item 39.1:

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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Permit ID: 8-4532-00075/00029 Facility DEC ID: 8453200075



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.

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

**Condition 40: Emissions from new emission sources and/or modifications
Effective between the dates of 10/06/2005 and 10/05/2010**

Applicable State Requirement: 6NYCRR 212.4(a)

Item 40.1:

This Condition applies to Emission Unit: 3-STAGE

Item 40.2:

No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3, or Table 4 of 6 NYCRR Part 212 for the environmental rating issued by the commissioner.

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

DEC ID 8453200075 Facility SENECA ENERGY LFGTE FACILITY
 Location ROUTE 414 RENEWABLE RESOURCES PARK SENECA FALLS, NY 13165
 Permit ID 8-4532-00075/00029 Application Recv'd 04/18/2005 Renewal No: 1
 Permit Type ATV Status Issued

Compliance Assurance Monitoring

Condit Num	Monitored Parameter	Regulated Contaminant	Process Material	Units	Lower Limit	Upper Limit	Activity Type
							Reporting Frequency
5							

RECORD KEEPING/MAINTENANCE PROCEDURES
 SEMI-ANNUALLY (CALENDAR)

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

*** THIS *** MARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CLEARER VIEW OF THE MONITORING REQUIREMENTS. READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 8453200075 Facility SENECA ENERGY LFGTE FACILITY

Location ROUTE 414 RENEWABLE RESOURCES PARK SENECA FALLS, NY 13165

Permit ID 8-4532-0007500029 Application Recv'd 04/18/2005 Renewal No: 1

Permit Type ATV Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Regulated Contaminant

Process Material

Activity Type
Reporting Frequency
Monitoring Frequency
Averaging Method

Upper Limit

Lower Limit

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 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 DEPARTMENT 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
 *** THIS SUMMARY IS NOT ENFORCEABLE BUT IS HEREBY INTENDED TO PROVIDE A CONCEPTUAL VIEW OF THE MONITORING REQUIREMENTS. ***
 READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 8463200076 Facility SENECA ENERGY LFGTE FACILITY
 Location ROUTE 414/RENEWABLE RESOURCES PARK SENECA FALLS, NY 13165
 Permit ID 8-4532-00075/00029 Application Recv'd 04/18/2005 Renewal No: 1

Permit Type ATV Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Regulated Contaminant

Process Material

Activity Type
 Reporting Frequency
 Monitoring Frequency
 Averaging Method

Lower Limit Upper Limit
 Units

RECORD KEEPING/MAINTENANCE PROCEDURES
 ANNUALLY (CALENDAR)
 ANNUALLY

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 10007-1865

Summary of Compliance Requirements

THIS PERMIT IS MERELY INTENDED TO PROVIDE A CLEARER VIEW OF THE MONITORING REQUIREMENTS. READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 845320075 Facility SENECA ENERGY LFGTE FACILITY
 Location ROUTE 414 RENEWABLE RESOURCES PARK SENECA FALLS, NY 13166
 Permit ID 8-4532-00075/00029 Application Recv'd 04/18/2005 Renewal No: 1

Permit Type ATV Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Regulated Contaminant

Cond

Num Process Material

Activity Type

Reporting Frequency

Monitoring Frequency

Averaging Method

Lower Limit Upper Limit

Units

THE ADDRESS FOR THE RAPCE IS AS FOLLOWS:

6274 EAST AVON-LIMA ROAD
 AVON, NY 14414-8519

THE ADDRESS FOR THE BOA IS AS FOLLOWS:

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

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 845320075 Facility SENECA ENERGY LFGTE FACILITY
 Location ROUTE 414/RENEWABLE RESOURCES PARK SENECA FALLS, NY 13165
 Permit ID 8-4532-00075/00029 Application Rev'd 04/18/2005 Renewal No: 1
 Permit Type ATV Status Issued

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

22

RECORD KEEPING/MAINTENANCE PROCEDURES
 SEMI-ANNUALLY (CALENDAR)
 AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

OPERATIONAL FLEXIBILITY PLAN
 I. PROTOCOL OBJECTIVE
 THE OBJECTIVE OF THIS CONDITION IS TO MAXIMIZE OPERATIONAL FLEXIBILITY AT THE FACILITY BY BUILDING INTO THE TITLE V PERMIT THE CAPABILITY TO MAKE CERTAIN CHANGES USING A PROTOCOL. AS PROVIDED UNDER 6 NYCRR PART 201-6.5(F)(2); CHANGES MADE UNDER AN APPROVED PROTOCOL ARE NOT SUBJECT TO THE TITLE V PERMIT MODIFICATION PROVISIONS UNDER 6 NYCRR PART 201-6.7.

- II. PROTOCOL
- A. CRITERIA
 - 1. CHANGES REVIEWED UNDER THIS PROTOCOL IN SHALL BE EVALUATED IN ACCORDANCE WITH THE FOLLOWING CRITERIA:
 - A. ALL UNDERLYING FEDERAL AND STATE REQUIREMENTS WITH WHICH THE NEW OR CHANGED EMISSION SOURCE MUST COMPLY MUST EXIST IN THE TITLE V PERMIT. EXISTING PERMIT CONDITIONS MAY BE AMENDED TO REFERENCE OR INCLUDE THE NEW OR CHANGED EMISSION SOURCE AND ANY RELATED INFORMATION, AND/OR, SUBJECT TO DEC APPROVAL, NEW CONDITIONS PROPOSED, TO PROVIDE THE APPROPRIATE MONITORING PARAMETERS.
 - B. ANY NEW OR CHANGED EMISSION SOURCE SHALL NOT BE PART OF A SOURCE PROJECT THAT RESULTS IN A SIGNIFICANT NET EMISSIONS INCREASE THAT EXCEEDS THE NSR THRESHOLDS IDENTIFIED IN 6 NYCRR PART 231-2 OR 40 CFR 52.21.
 - C. THE FACILITY SHALL NOT USE THE PROTOCOL TO MAKE PHYSICAL CHANGES OR CHANGES IN THE METHOD OF OPERATION OF EXISTING EMISSION SOURCES THAT WOULD REQUIRE A NEW OR MODIFIED FEDERALLY ENFORCEABLE CAP EITHER TO AVOID MAJOR NEW SOURCE REVIEW REQUIREMENTS OR TO ADDRESS AND COMPLY WITH OTHER CLEAN AIR ACT REQUIREMENTS SUCH AS RACT. SUCH CHANGES MUST BE ADDRESSED VIA THE SIGNIFICANT PERMIT MODIFICATION PROVISIONS.
 - B. NOTIFICATION REQUIREMENTS FOR CHANGES REVIEWED UNDER PROTOCOL
 - 1. THE FACILITY SHALL NOTIFY THE DEPARTMENT IN WRITING OF THE PROPOSED CHANGE.
 - 2. NOTIFICATIONS MADE IN ACCORDANCE WITH THIS PROTOCOL WILL INCLUDE THE FOLLOWING DOCUMENTATION:
 - 1. THE FACILITY SHALL NOTIFY THE DEPARTMENT IN WRITING OF THE PROPOSED CHANGE.
 - 2. NOTIFICATIONS MADE IN ACCORDANCE WITH THIS PROTOCOL WILL INCLUDE THE FOLLOWING DOCUMENTATION:

Summary of Compliance Requirements

*** THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CLEARER VIEW OF THE MONITORING REQUIREMENTS. ***
 READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 845200075 Facility SENECA ENERGY LFGTE FACILITY
 Location ROUTE 414 RENEWABLE RESOURCES PARK SENECA FALLS, NY 13165
 Permit ID 8-4592-00075/00029 Application Recv'd 04/18/2005 Renewal No: 1
 Permit Type ATV Status Issued

Compliance Assurance Monitoring

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

A. IDENTIFICATION OF THE TITLE V PERMIT EMISSION UNIT, PROCESS(ES), EMISSION SOURCES, AND EMISSION POINTS AFFECTED BY THE PROPOSED CHANGE WITH APPLICABLE REVISIONS TO THE EMISSION UNIT STRUCTURE:

B. DESCRIPTION OF THE PROPOSED CHANGE, INCLUDING OPERATING PARAMETERS:

C. IDENTIFICATION AND DESCRIPTION OF EMISSIONS CONTROL TECHNOLOGY:

D. DOCUMENTATION OF THE PROJECTS OR EMISSION SOURCES COMPLIANCE WITH RESPECT TO ALL STATE AND/OR FEDERALLY APPLICABLE REQUIREMENTS, INCLUDING THE FOLLOWING STEPS:

I. CALCULATE THE EMISSION RATE POTENTIAL AND MAXIMUM PROJECTED ACTUAL ANNUAL EMISSION RATES FOR ALL CONTAMINANTS AFFECTED BY THE CHANGE.

II. SUBMIT DOCUMENTATION OF MAJOR NSR PROGRAM NON-APPLICABILITY FOR NYSDEC REVIEW AND APPROVAL.

III. IDENTIFY AND EVALUATE THE APPLICABILITY OF ALL REGULATIONS LIKELY TO BE TRIGGERED BY THE NEW OR CHANGED EMISSION SOURCE.

IV. PROPOSE ANY OPERATING AND RECORD KEEPING PROCEDURES NECESSARY TO ENSURE COMPLIANCE.

E. ANY OTHER RELEVANT INFORMATION USED FOR THE EVALUATION OF THE PROPOSED PROJECT OR EMISSION SOURCE UNDER THE PROTOCOL.

C. REVIEW AND APPROVAL OF CHANGES

1. THE DEPARTMENT SHALL RESPOND TO THE PERMITTEE IN WRITING WITH A DETERMINATION WITHIN 15 DAYS OF RECEIPT OF THE NOTIFICATION FROM THE PERMITTEE.

2. THE DEPARTMENT MAY REQUIRE A PERMIT MODIFICATION, IN ORDER TO IMPOSE NEW APPLICABLE REQUIREMENTS OR ADDITIONAL PERMIT CONDITIONS IF IT DETERMINES THAT CHANGES PROPOSED PURSUANT TO NOTIFICATION DO NOT MEET THE CRITERIA UNDER III.A OR THAT THE CHANGE MAY HAVE A SIGNIFICANT AIR QUALITY IMPACT OR BE OTHERWISE POTENTIALLY SIGNIFICANT UNDER SEQRA (6NYCRR PART 617).

3. THE DEPARTMENT MAY REQUIRE THAT THE PERMITTEE NOT UNDERTAKE THE PROPOSED CHANGE UNTIL IT COMPLETES A MORE DETAILED REVIEW OF THE PROPOSED CHANGE, WHICH MAY INCLUDE POTENTIAL AIR QUALITY IMPACTS AND/OR APPLICABLE REQUIREMENTS. THE DEPARTMENT'S DETERMINATION SHALL INCLUDE A LISTING OF INFORMATION REQUIRED FOR FURTHER REVIEW, IF NECESSARY.

D. ADDITIONAL COMPLIANCE OBLIGATIONS FOR CHANGES MADE UNDER THIS PROTOCOL

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

DEC ID 8453200075 Facility SENECA ENERGY LFGTE FACILITY
 Location ROUTE 414 RENEWABLE RESOURCES PARK SENECA FALLS, NY 13165
 Permit ID 8-4532-00075/00029 Application Recv'd 04/18/2005 Renewal No: 1

Permit Type ATV Status Issued

Compliance Assurance Monitoring

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

1. UPON COMMENCEMENT OF THE CHANGE, THE FACILITY SHALL COMPLY WITH ALL APPLICABLE REQUIREMENTS AND PERMIT CONDITIONS, INCLUDING ANY AMENDED OR PROPOSED IN ACCORDANCE WITH III.A.1.A ABOVE.

2. THE FACILITY SHALL PROVIDE WITH THE SEMI-ANNUAL MONITORING REPORT, A SUMMARY OF THE CHANGES MADE IN ACCORDANCE WITH THIS PROTOCOL AND A STATEMENT OF THE COMPLIANCE STATUS OF EACH. CHANGES REPORTED SHOULD INCLUDE ALL THOSE MADE DURING THE CORRESPONDING PERIOD AND ANY EARLIER CHANGES THAT HAVE NOT YET BEEN INCORPORATED INTO THE PERMIT.

RECORD KEEPING/MAINTENANCE PROCEDURES

SEMI-ANNUALLY (CALENDAR)

AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

THE FACILITY IS SUBJECT TO THE NOX RACT REQUIREMENTS OF 6NYCRR PART 227-2. THE FACILITY IS REQUIRED TO SUBMIT AN OPERATING PLAN AS DESCRIBED IN 6NYCRR PART 227-2.3(C) TO THE DEPARTMENT FOR APPROVAL. THE FACILITY MUST OPERATE THE ENGINES IN ACCORDANCE WITH THE APPROVED OPERATING PLAN. THIS WILL ENSURE THAT THE ENGINES ARE OPERATING UNDER THE SAME CONDITIONS AS THE MOST RECENT APPROVED PERFORMANCE TEST. THE DOCUMENT SHALL BE UPDATED WHEN ANY CHANGES OCCUR.

THE PLAN MUST INCLUDE A PROVISION TO MAINTAIN DAILY FUEL USAGE RECORDS AS WELL AS PERFORMING AN ANNUAL TUNE-UP ON EACH INTERNAL COMBUSTION ENGINE IN USE AT THE FACILITY.

Summary of Compliance Requirements

*** THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CLEARER VIEW OF THE MONITORING REQUIREMENTS. READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 8453200075 Facility SENECA ENERGY LFGE FACILITY
 Location ROUTE 414/RENEWABLE RESOURCES PARK SENECA FALLS, NY 13165
 Permit ID 8-4532-03075/00029 Application Rev'd 04/18/2005 Renewal No: 1

Permit Type ATV Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Regulated Contaminant

Cond Num Process Material

Activity Type
 Reporting Frequency
 Monitoring Frequency
 Averaging Method

Lower Limit Upper Limit
 Units

24 OXYGEN CONTENT 6.3 9.0
 OXIDES OF NITROGEN percent

THE FACILITY WILL LIMIT NOX EMISSIONS FROM EACH ENGINE TO 2.0 GRAMS PER BRAKE HORSEPOWER-HOUR. THE FACILITY WILL MEASURE AND RECORD OXYGEN LEVELS IN THE EXHAUST STACK OF EACH ENGINE ON A DAILY BASIS. THE RANGE OF OXYGEN LEVELS IS BASED ON MANUFACTURER'S SPECIFICATIONS OF AN ENGINE OPERATING AT FULL LOAD. THIS RANGE MAY BE MODIFIED BASED ON THE MOST RECENT APPROVED EMISSIONS TEST.

MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SUPPLEMENTARY SEMI-ANNUALLY (CALENDAR)

DAILY

RANGE - NOT TO FALL OUTSIDE OF STATED RANGE AT ANY TIME

25

OXIDES OF NITROGEN

grams per brake horsepower-hour

2.0

INTERMITTENT EMISSION TESTING

SEMI-ANNUALLY (CALENDAR)

IN ORDER TO SHOW COMPLIANCE WITH THE NOX RACT STANDARD OF SOURCES FIRING LANDFILL GAS OF 2.0 GRAMS PER BRAKE HORSEPOWER-HOUR, THE FACILITY IS REQUIRED TO CONDUCT INSTANTANEOUS TESTING SEMI-ANNUALLY PER CALENDAR YEAR USING A PORTABLE NOX ANALYZER. THE SAMPLING WILL BE DONE IN ACCORDANCE WITH THE ANALYZER MANUFACTURER'S RECOMMENDATIONS FOR TESTING AND CALIBRATION (USING NON-EPA METHODS).

SEMI-ANNUALLY
 AVERAGING METHOD - SEE MONITORING DESCRIPTION

Following Emission unit(EU), Emission point(EP), Process(PROC), Emission Source(ES) apply to this monitoring:
 EU: 3-STAGE

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

DEC ID 8453200075 Facility SENECA ENERGY LGTE FACILITY
 Location ROUTE 414/RENEWABLE RESOURCES PARK SENECA FALLS, NY 13165
 Permit ID 8-4532-00075/00029 Application Recv'd 04/18/2005 Renewal No: 1

Permit Type ATV Status issued

Compliance Assurance Monitoring

Monitored Parameter

Regulated Contaminant

Num Process Material

Activity Type
 Reporting Frequency
 Monitoring Frequency
 Averaging Method

Lower Limit Upper Limit

Units

26

OXIDES OF NITROGEN

IN ORDER TO SHOW COMPLIANCE WITH THE NOX RACT STANDARD OF SOURCES FIRING LANDFILL GAS OF 2.0 GRAMS PER BRAKE HORSEPOWER-HOUR, THE FACILITY IS REQUIRED TO CONDUCT AN EMISSION TEST UNDER 6NYCRR PART 227-2.6(A)(7), IN ACCORDANCE WITH THIS REQUIREMENT, THE FACILITY MUST:

- 1) SUBMIT A COMPLIANCE TEST PROTOCOL TO THE DEPARTMENT FOR APPROVAL AT LEAST 30 DAYS PRIOR TO EMISSION TESTING. THE CONDITIONS OF THE TESTING AND THE LOCATIONS OF THE SAMPLING DEVICES MUST BE ACCEPTABLE TO THE DEPARTMENT; AND
- 2) UTILIZE THE PROCEDURES SET FORTH IN 40 CFR PART 60, APPENDIX A OR ANY OTHER METHOD ACCEPTABLE TO THE DEPARTMENT AND THE ADMINISTRATOR FOR DETERMINING COMPLIANCE WITH THE NOX LIMIT OF 2.0 GRAMS PER BRAKE HORSEPOWER-HOUR, AND MUST, IN ADDITION, FOLLOW THE PROCEDURES SET FORTH IN 6NYCRR PART 202 AS FOLLOWS:
 FOR STATIONARY INTERNAL COMBUSTION ENGINES, UTILIZE METHOD 7, 7E, OR 19 FROM 40 CFR PART 60, APPENDIX A OR ANOTHER REFERENCE METHOD APPROVED BY THE DEPARTMENT;
 3) 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.
 THE FACILITY SHOULD COMPLETE THE INITIAL PERFORMANCE TEST NO LATER THAN 180 DAYS OF STARTUP OF THE ENGINE PLANT. THE FACILITY MUST CONDUCT THE REQUIRED EMISSIONS TEST AT 100% +/- 10% LOAD ON EACH ENGINE TYPE DETERMINED BY THE DEPARTMENT. THE DEPARTMENT WILL BASE ITS DECISION USING THE NOX EMISSION RATES AS DETERMINED BY THE PORTABLE NOX ANALYZER PRIOR TO THE EMISSIONS TEST.
 PRIOR TO RENEWAL OF THE TITLE V PERMIT, THE FACILITY MUST COMPLETE A SECOND PERFORMANCE TEST UTILIZING PROCEDURES FOR ENGINE SELECTION AND TESTING AS DESCRIBED ABOVE. THIS PERFORMANCE TEST MUST BE COMPLETED NO LATER THAN 180 DAYS PRIOR TO EXPIRATION OF THE TITLE V PERMIT.

Following Emission unit(EU), Emission point(EP), Process(PROC), Emission Source(ES) apply to this monitoring:
 EU: 3-STAGE

INTERMITTENT EMISSION TESTING
 ONCE / BATCH OR MONITORING OCCURRENCE
 AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
 1-HOUR AVERAGE

2.0

grams per brake horsepower-hour

Summary of Compliance Requirements

*** THIS PERMIT IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CLEARER VIEW OF THE MONITORING REQUIREMENTS. READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 8453200075 Facility SENECA ENERGY LFGTE FACILITY
 Location ROUTE 414/RENEWABLE RESOURCES PARK SENECA FALLS, NY 13165
 Permit ID 8-4532-00075/00029 Application Recv'd 04/18/2005 Renewal No: 1

Permit Type ATV Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Regulated Contaminant

Process Material

Activity Type
 Reporting Frequency
 Monitoring Frequency
 Averaging Method

Lower Limit Upper Limit
 Units

29 FLOW 522.9
 CARBON MONOXIDE tons per year
 LANDFILL GAS
 WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
 SEMI-ANNUALLY (CALENDAR)

THE SUM OF EMISSIONS OF CARBON MONOXIDE FROM THIS FACILITY ARE LIMITED TO 522.9 TONS/YEAR CALCULATED ON A ROLLING 12 MONTH TOTAL. THIS LIMIT ENSURES THAT NATIONAL AMBIENT AIR QUALITY STANDARDS ARE NOT EXCEEDED. THE FACILITY SHALL CALCULATE MONTHLY CARBON MONOXIDE EMISSIONS USING DAILY RECORDS OF GAS BURNED AND OXYGEN READINGS AT EACH ENGINE AND KEEP THESE RECORDS IN A FORMAT ACCEPTABLE TO THE DEPARTMENT.

12 MONTH AVERAGE - ROLLED MONTHLY

30 *****
 CARBON MONOXIDE

 tons per year
 INTERMITTENT EMISSION TESTING
 ANNUALLY (CALENDAR)

THE FACILITY MUST SHOW THAT THEY ARE IN COMPLIANCE WITH THE 522.9 TONS/YR LIMIT FOR CARBON MONOXIDE. AN EMISSION TEST USING 40CFR60 APP A-10 MUST BE COMPLETED ON EACH ENGINE TYPE DETERMINED BY THE DEPARTMENT. THE DEPARTMENT WILL BASE ITS DECISION ON THE NOX EMISSION RATES AS DETERMINED BY THE PORTABLE NOX ANALYZER PRIOR TO THE EMISSIONS TEST. THESE TESTS MUST BE COMPLETED WITHIN 180 DAYS OF STARTUP OF THE ENGINE PLANT.

A SECOND EMISSIONS TEST FOR THE ABOVE MENTIONED EMISSION SOURCES MUST ALSO BE COMPLETED NO LATER THAN 180 DAYS PRIOR TO RENEWAL OF THE TV PERMIT.

Following Emission unit(EU), Emission point(EP), Process(PROC), Emission Source(ES) apply to this monitoring:
 EU: 3-STAGE

AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
 1-HOUR AVERAGE

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

DEC ID 8453200075 Facility SENECA ENERGY LFGTE FACILITY
 Location ROUTE 414/RENEWABLE RESOURCES PARK SENECA FALLS, NY 13165
 Permit ID 8-4532-00075/00029 Application Recv'd 04/18/2005 Renewal No: 1

Permit Type ATV Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Regulated Contaminant

Cond Num Process Material

Activity Type
 Reporting Frequency
 Monitoring Frequency
 Averaging Method

Lower Limit Upper Limit
 Units

31	FLOW OXIDES OF NITROGEN LANDFILL GAS	tons per year	214.4		WORK PRACTICE INVOLVING SPECIFIC OPERATIONS SEMI-ANNUALLY (CALENDAR) AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION 12 MONTH AVERAGE - ROLLED MONTHLY
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THE SUM OF EMISSIONS OF OXIDES OF NITROGEN FROM THIS FACILITY ARE LIMITED TO 214.4 TONS/YEAR CALCULATED ON A ROLLING 12 MONTH TOTAL. THIS LIMIT ENSURES THAT NATIONAL AMBIENT AIR QUALITY STANDARDS ARE NOT EXCEEDED. THE FACILITY SHALL CALCULATE MONTHLY OXIDES OF NITROGEN EMISSIONS USING DAILY RECORDS OF GAS BURNED AND OXYGEN READINGS AT EACH ENGINE AND KEEP THESE RECORDS IN A FORMAT ACCEPTABLE TO THE DEPARTMENT.

Emission Unit: 3-STAGE

36	OPACITY **** ****	percent	20		MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE SEMI-ANNUALLY (CALENDAR) AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION 6 MINUTE AVERAGE
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NO PERSON SHALL OPERATE A STATIONARY COMBUSTION INSTALLATION WHICH EXHIBITS GREATER THAN 20% OPACITY (SIX MINUTE AVERAGE), EXCEPT FOR ONE SIX-MINUTE PERIOD PER HOUR OF NOT MORE THAN 27 PERCENT OPACITY. THE FACILITY WILL PERFORM A VISUAL OBSERVATION OF EACH EXHAUST ON A DAILY BASIS. IF ANY OPACITY IS NOTED, CORRECTIVE ACTION WILL BE TAKEN IMMEDIATELY OR A METHOD 9 WILL BE PERFORMED WITHIN 2 BUSINESS DAYS. THE FACILITY SHALL KEEP RECORDS OF DAILY OBSERVATIONS AND ANY CORRECTIVE ACTION PERFORMED IN A FORMAT ACCEPTABLE TO THE DEPARTMENT.

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

DEC ID 8453200075 Facility SENECA ENERGY LFGTE FACILITY
 Location ROUTE 414 RENEWABLE RESOURCES PARK SENECA FALLS, NY 13165
 Permit ID 8-4532-00075/00029 Application Recv'd 04/18/2005 Renewal No: 1

Permit Type ATV Status issued

Compliance Assurance Monitoring

Monitored Parameter

Regulated Contaminant

Process Material

Activity Type
 Reporting Frequency
 Monitoring Frequency
 Averaging Method

Lower Limit Upper Limit
 Units

Emission Unit: 3-STAGE

37

.98

percent by weight

NMOC - LANDFILL USE ONLY

WHEN USING AN ENCLOSED COMBUSTION DEVICE FOR CONTROL OF NON-METHANE ORGANIC COMPOUNDS (NMOC), THE DEVICE MUST EITHER REDUCE NMOC BY 98 WEIGHT PERCENT OR REDUCE THE OUTLET NMOC CONCENTRATION TO LESS THAN 20 PARTS PER MILLION BY VOLUME, DRY BASIS AS HEXANE AT 3 PERCENT OXYGEN. THE INITIAL PERFORMANCE TEST SHALL BE COMPLETED NO LATER THAN 180 DAYS OF STARTUP OF THE ENGINE PLANT. THE TEST SHALL BE COMPLETED ON ONE OF THE NEW ENGINES TO BE DETERMINED BY THE DEPARTMENT.

ADDITIONALLY, A SECOND EMISSIONS TEST FOR EACH ENGINE TYPE MUST ALSO BE COMPLETED NO LATER THAN 180 DAYS PRIOR TO RENEWAL OF THE TV PERMIT.

THE FACILITY HAS APPLIED FOR A DETERMINATION FROM THE EPA IF THEIR SYSTEM MEETS THE DEFINITION OF TREATMENT AS PROPOSED IN SUBPART WWW. UNTIL SUCH A DETERMINATION HAS BEEN FINALIZED WITH A RESPONSE FROM EPA OR THE RULE CHANGES HAVE BEEN PROMULGATED, THE FACILITY MUST COMPLY WITH THIS PERMIT CONDITION.

INTERMITTENT EMISSION TESTING

ONCE / BATCH OR MONITORING OCCURRENCE

ONCE DURING THE TERM OF THE PERMIT

AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Summary of Corrective Requirements

*** THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CONCISE VIEW OF FACILITY PERMISSIBLE EMISSIONS. READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 8453200075 Facility SENECA ENERGY LFGTE FACILITY
Location ROUTE 414|RENEWABLE RESOURCES PARK SENECA FALLS, NY 13165
Permit ID 8-4532-00075/00029 Application Rec'd 04/18/2005 Renewal No: 1
Permit Type ATY Status Issued

STATE OF CONNECTICUT
Department of Public Utility Control

Ten Franklin Square, New Britain, CT 06051
Voice # (860) 827-1553 Main FAX # (860) 827-2613

Public View-Approved

Name of Generation Unit ⇅	Generation Unit Location ⇅	Filer	Owner Name ⇅	NEGIS Identification Number ⇅	Rate Capacity MW	Commercial Operation Date	Class I Facilities	Class II Facilities
<u>Seneca Falls</u>	Grid Connected Generation		Stephen L. Cowell	Peter Zeliff	32513 11.2	03/01/1996	Methane Gas from Landfills	

Contacted CT DPUC unfortunately some generation unites were not issued certifying letters. Please see link below

<http://www.dpuc.state.ct.us/CTRPSGeneratorApplication.nsf/Public+View/Approved?OpenView>



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

70 FRANKLIN ST., 7th FLOOR

BOSTON, MA 02110-1313

Internet: www.Mass.Gov/DOER

Email: Energy@State.MA.US

Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

Beth Lindstrom
Director, Office of Consumer Affairs
and Business Regulation

David L. O'Connor
Commissioner

TELEPHONE
617-727-4732

FACSIMILE
617-727-0030
617-727-0093

July 30, 2004

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

RE: RPS Eligibility Decision
Seneca Falls Landfill Gas Project [LG-1030-04]

Dear Mr. Cowell,

On behalf of the Division of Energy Resources (the Division), I am pleased to inform you that your Application for a 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 the following two conditions that are detailed in the enclosed Statement of Qualification:

1. Annual certification and documentation of the date on which the electrical energy output of the Unit exceeds the Unit's Historical Generation Rate, which has been determined to be **48,130 MWh**.
2. 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. Seneca Falls Landfill Gas Project's MA RPS ID# is LG-1030-04.

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

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

Statement of Qualification

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

This Statement of Qualification, provided by the Massachusetts Division of Energy Resources, signifies that the Generation Unit identified below meets the requirements for eligibility as a New Renewable Generation Unit, pursuant to the Renewable Energy Portfolio Standard (RPS) Regulations at 225 CMR 14.05, as of the approval date of the Application for Statement of Qualification, this 30th day of July, 2004.

Authorized Representative's Name and Address:

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

Name of Generation Unit:

Seneca Falls Landfill Gas Project
--

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

1. The Unit's Historical Generation Rate is determined to be **48,130 MWh**. Only that portion of the electrical energy output of the Generation Unit in each calendar year that exceeds the Unit's Historical Generation Rate will qualify as New Renewable Generation under the RPS Regulations at 225 CMR 14.05(2). During each calendar year, the Unit's Owner or Operator shall inform the Division of the date on which the Unit's electrical energy output has exceeded its Historical Generation Rate, and shall provide thereof certification and documentation satisfactory to the Division.
2. The portion of the total electrical energy output that qualifies as New Renewable Generation in a given time period shall meet requirements that include, but are not limited to, the following provisions of 225 CMR 14.05(5):
 - (a) An External Unit Contract shall be executed between the Generation Unit Owner or Operator and an electrical energy purchaser located in the ISO-NE Control Area for delivery of the Unit's electrical energy to the ISO-NE Control Area. The External Unit Contract shall include associated transmission rights for delivery of the Unit's electrical energy over the ties from an adjacent control area to the ISO-NE Control Area; and

(b) The Generation Unit Owner or Operator shall provide documentation, satisfactory to the Division, that:

1. the electrical energy delivered pursuant to the External Unit Contract was settled in the ISO-NE Market Settlement System;
2. the Generation Unit produced, during the applicable month, the amount of MWhs claimed, as verified by the NE-GIS administrator;
3. the electrical energy delivered under the External Unit Contract received a North American Electricity Reliability Council Tag confirming transmission from the originating Control Area to the ISO-NE Control Area; and
4. the New Renewable Generation Attributes have not otherwise been, nor will be, sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

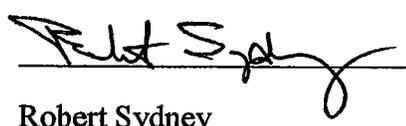
ISO-NE Generation Unit Asset Identification Number or NE-GIS Identification Number:

IMP-32513

This New Renewable Generation Unit is assigned a unique Massachusetts RPS Identification Number, which shall be included in all correspondence with the Division:

MA RPS ID # LG-1030-04

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



Date: July 30, 2004

Robert Sydney
General Counsel
Division of Energy Resources

Rhode Island Public Utilities Commission
89 Jefferson Blvd
Warwick, RI 02888
Attn: Renewable Energy Resources Eligibility

Appendix C Supplemental

The Seneca LFG Facility currently the plant has 17 MW of capacity total. To reach this final capacity the project has been constructed in three phases, each phase adding new capacity. Each phase of the Seneca LFG facility has different commercial operation dates. The first phase was commercially operational in 1996, making this portion of facility an existing resource under the RI RES. The following two expansions or phases occurred after 1998, and therefore are considered new under the RI RES. The vintage and capacity of the three phases are as follows:

Phase 1 is 5.6 MW of capacity operational in 1996 (Existing generation)

Phase 2 is also 5.6 MW operational in 1998. (New generation)

Phase 3 is 5.8 MW of capacity operational in 2007. (New generation)

To support and verify these dates, attached to this application are letters from the NYISO verifying the operation dates of Phase 2 and Phase 3. However, Phase 1 was operational prior to the NYISO governance of the New York electrical markets. Therefore, we have attached a letter confirming the operation date of phase 1 from NYSGE, the originally purchasers of the power from the Seneca LFG facility.

