

RI PUC Use Only

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

GIS Certification #:
32645

RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM

The Standard Application Form
Required of all Applicants for Certification of Eligibility of Renewable Energy Resource
(Version 6 – January 21, 2008)

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 RES@puc.state.ri.us

SECTION I: Identification Information

- 1.1 Name of Generation Unit (sufficient for full and unique identification):
Mill Seat Landfill
- 1.2 Type of Certification being requested (check one):
x Standard Certification Prospective Certification (Declaratory Judgment)
- 1.3 This Application includes: (Check all that apply)¹
- APPENDIX A: Authorized Representative Certification for Individual Owner or Operator
 - APPENDIX B: Authorized Representative Certification for Non-Corporate Entities Other Than Individuals
 - APPENDIX C: Existing Renewable Energy Resources
 - APPENDIX D: Special Provisions for Aggregators of Customer-sited or Off-grid Generation Facilities
 - (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: LaToya Glenn, Contract Manager
- 1.5 Primary Contact Person address and contact information:
Address: 1001 Fannin, Ste. 4000, Houston, Texas 77002
Phone: 713-328-7357 Fax: 713-287-2423
Email: lglen@wm.com
- 1.6 Backup Contact Person name and title: David Unger, Marketing Director
-
- 1.7 Backup Contact Person address and contact information:
Address: 1001 Fannin, Ste. 4000, Houston, Texas 77
Phone: 713-328-7457 Fax: 713-287-2423
Email: Dunger@wm.com
- 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):
Paul Pabor , Vice President
-

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.

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

1.9 Authorized Representative address and contact information:

Address: 1001 Fannin, Ste. 4000, Houston, Texas 77002

Phone: 713-328-7345 Fax: 713-287-2423
Email: ppabor@wm.com

1.10 Owner name and title: WM Renewable Energy, L.L.C.

1.11 Owner address and contact information:

Address: 1001 Fannin, Ste. 4000, Houston, Texas 77002

Phone: 713-328-7345 Fax: 713-287-2423
Email: ppabor@wm.com

1.12 Owner business organization type (check one):

- Individual
- Partnership
- Corporation
- (X) Other: Limited Liability Corporation

1.13 Operator name and title: WM Renewable Energy, L.L.C.

1.14 Operator address and contact information:

Address: 1001 Fannin, Ste. 4000, Houston, Texas 77002

Phone: 713-328-7345 Fax: 713-287-2423
Email: ppabor@wm.com

1.15 Operator business organization type (check one):

- Individual
- Partnership
- Corporation
- (X) Other: Limited Liability Corporation

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): GIS - 32645

2.2 Generation Unit Nameplate Capacity: 1.2 MW @ 4 Units

2.3 Maximum Demonstrated Capacity: 4.8 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: Landfil 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?

(X) 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: 07 / 19 / 07 at the site.

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

Yes
 (X) No

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

Appendix C completed and attached? Yes No N/A

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

Yes
 (X) No

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

SECTION IV: Metering

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

- (X) ISO-NE Market Settlement System
- 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:

- (X) 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: 303 Brew Rd., Bergen, NY 14416

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

A. Universal Transverse Mercator Coordinates: _____

B. Longitude/Latitude: W775557/N 43 03 27

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

- In the NEPOOL control area
- (X) 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:

Paul Pabon

DATE:

2/6/08

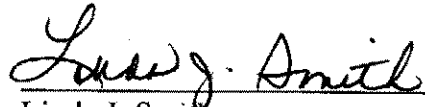
Vice President

(Title)

CERTIFICATE

The undersigned, Linda J. Smith, Secretary of WM Renewable Energy, L.L.C., a Delaware limited liability company (the "Company"), does hereby certify that Paul A. Pabor holds the position of Vice President of Renewable Energy of the Company and that in such capacity he is authorized, in accordance with appropriate corporate policies and procedures, to execute and deliver documents on behalf of the Company.

Executed in Houston, Texas this 4th day of February 2008.



Linda J. Smith
Secretary

APPENDIX E
(Revised 1/21/08)

(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:

- (X) 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.

x ← please check this box to acknowledge this requirement

N/A or other (please explain) _____

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

x ← please check this box to acknowledge this requirement.

(a) Under subparagraph 5.1.(ii)(a), Applicant must verify that the energy produced by the Generation Unit is actually delivered into NEPOOL via “a unit-specific bilateral contract for the sale and delivery of such energy into NEPOOL”.

← please check this box to acknowledge the requirement for Applicant to provide ongoing evidence of one or more unit-specific bilateral contract(s) for all energy delivery into NEPOOL for which Applicant seeks RI RES certification, prior to creation of certificates in each quarter, and:

i. Please describe the type of evidence to be provided to the GIS Administrator to demonstrate the existence of such unit-specific bilateral contract(s) for the sale and delivery of such energy into NEPOOL, including duration, quantity and counter-party in NEPOOL:
Will submit scheduled generation data

(attach more detail if the space provided is not sufficient)

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 requirements.

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 wastes⁵; agricultural waste, food and vegetative material; energy crops; landfill methane⁶ or biogas⁷, provided that such gas is collected and conveyed directly to the Generation Unit without use of facilities used as common carriers of natural gas; or neat bio-diesel and other neat liquid fuels that are derived from such fuel sources.

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

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

⁵ 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.

⁶ 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.

⁷ 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: _____

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: _____

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

XN/A or other (please explain) the following is not applicable because the methane process used is not stored and will not be utilized by co-firing

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:

09/11/06

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



WM Renewable Energy, L.L.C.
1001 Fannin, Suite 4000
Houston, TX 77002

APPENDIX F
Mill Seat Landfill
Fuel Source Plan Attachment

(F.1) - The eligible Biomass Fuel that will be used by WM Renewable Energy, L.L.C. (hereinafter "WMRE"), will be landfill methane gas.

Each landfill methane gas facility operated by WMRE is a wholly owned subsidiary of Waste Management, Inc. Each landfill methane gas facility is situated on land owned by Waste Management, Inc., allowing WMRE to own exclusive rights to the landfill gas generated at the landfill. The generation will produce a constant rate flow in excess of 20 years of fuel from the landfill waste. The facility will run exclusively off the landfill gas.

(F.2) – N/A

(F.3) – N/A

(F.4) - The following standard operating protocol measures will be taken to ensure that only the eligible landfill methane gas will be used.

Landfill methane gas will be recovered via a series of wells drilled into the landfill. The wells will then be connected by a common pipe system that will collect the methane gas and transport it to a nearby compression facility. At the compression facility, the landfill methane gas will then be de-watered, filtered and pressurized; and transported to the generation unit where no other ineligible Biomass Fuel(s) will be allowed to turn engines or turbines to generate renewable electricity.

(F.5) – N/A

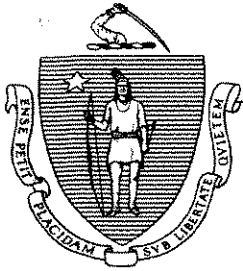
(F.6) – N/A

(F.7) – WMRE certify that we will file all reports and other information necessary to enable the Commission to verify the on-going eligibility of renewable energy generators pursuant to §6.3 of the RES Regulations.

(F.8) – See attached Air Permit

(F.9) – 09/11/06

(F.10) – State of New York



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DIVISION OF ENERGY RESOURCES

100 CAMBRIDGE ST., SUITE 1020
BOSTON, MA 02114

Internet: www.Mass.Gov/DOER
Email: Energy@State.MA.US

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Ian A. Bowles
Secretary, Executive Office of Energy
and Environmental Affairs

Philip Giudice
Commissioner

TELEPHONE
617-727-4732

FACSIMILE
617-727-0030
617-727-0093

December 4, 2007

Paul Pabor
Vice President of Renewable Energy
WM Renewable Energy, LLC
1001 Fannin, Suite 4000
Houston, TX 77002

**RE: RPS Eligibility Decision
Mill Seat Landfill [LG-1081-07]
4.8 MW in Bergen, NY**

Dear Mr. Pabor,

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

Qualification of this Generation Unit is, however, subject to certain conditions that are detailed in the enclosed Statement of Qualification. Those conditions are based on provisions of the RPS Regulations at 225 CMR 14.05(5) that pertain to any Generation Unit that is located outside of the ISO New England Control Area.

In addition, please note that, when a NEPOOL GIS Import identification number is assigned to the Unit, you must inform the Division's RPS Program Manager of that number.

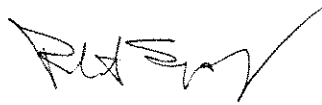
Each Massachusetts New Renewable Generation Unit is also assigned a unique Massachusetts RPS Identification Number (MA RPS ID#). The MA RPS ID # stated on the Statement of Qualification must be included in all correspondence with the Division. Mill Seat Landfill's MA RPS ID# is **LG-1081-07**.

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

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

If you have any questions or concerns about the Statement of Qualification or any aspect of the RPS program, please contact Howard Bernstein, RPS Program Manager, at the Division's address, or (617) 727-4732, ext. 40155, or howard.bernstein@state.ma.us.

Sincerely,



Robert Sydney
General Counsel

Encl: Statement of Qualification

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
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 (the Division), signifies that the Generation Unit identified below meets the requirements for eligibility as a New Renewable Generation Unit, pursuant to the Renewable Energy Portfolio Standard 225 CMR 14.05, as of the approval date of the Application for Statement of Qualification, this **4th day of December 2007**.

Generation Unit Name, Location, and Capacity:

Mill Seat Landfill Bergen, NY 4.8 MW

Authorized Representative's Name and Address:

Paul Pabor Vice President of Renewable Energy WM Renewable Energy, LLC 1001 Fannin, Suite 4000 Houston, TX 77002
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Qualification of this Generation Unit is subject to the following provisions:

1. The Generation Unit Owner, Operator, or authorized agent shall provide to the Division by July 1st of each year a certification that the Generation Unit's New Renewable Generation Attributes used for compliance with the Massachusetts Renewable Energy Portfolio Standard during the previous Compliance Year have not otherwise been, nor will be, sold, retired, claimed or represented as part of electricity output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.
2. The portion of the total electrical energy output that qualifies as New Renewable Generation in a given time period shall meet the requirements of Rule 2.7 (c) of the NEPOOL GIS Operating Rules, or any successor rule, and Generation Unit Owner, Operator, or authorized agent must provide the following:
 - (a) Documentation, satisfactory to the Division, of a contract or other legally enforceable obligation(s) (Legal Obligations) that is executed between the Generation Unit Owner, Operator, or authorized agent 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. Such documentation shall also include proof of associated transmission rights for delivery of the Unit's electrical energy from the Unit through the adjacent Control Area to the ISO-NE Control Area.

- (b) Documentation, satisfactory to the Division, that:
1. the electrical energy delivered pursuant to the Legal Obligation was settled in the ISO-NE Settlement Market System;
 2. the Generation Unit produced, during each hour of the applicable month, the amount of MWhs claimed, as verified by the NEPOOL GIS administrator; if the originating Control Area employs a Generation Information System that is comparable to the NEPOOL GIS, such system may be used to support such documentation;
 3. the electrical energy delivered under the Legal Obligation received a North American Electric Reliability Council Tag (NERC 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, used or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

This Unit's NEPOOL-GIS Identification Number is:

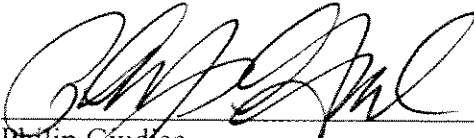
(pending)

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

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

MA RPS ID #: LG-1081-07

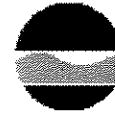
Pursuant to 225 CMR 14.06, the Owner, Operator, or authorized agent of the New Renewable Generation Unit is responsible for notifying the Division of any changes in the characteristics of the Generation Unit that could affect its eligibility status. The Owner, Operator, or authorized agent of the Generation Unit is also responsible for notifying the Division of any changes in the Unit's ownership, generation capacity, or contact information. The Division may suspend or revoke this Statement of Qualification if the Owner, Operator, or authorized agent of a New Renewable Generation Unit fails to comply with 225 CMR 14.00, including the provisions of this Statement of Qualification.



Philip Giudice
Commissioner
Division of Energy Resources

Date: 12/4/07

New York State Department of Environmental Conservation
Facility DEC ID: 8264800014



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 8-2648-00014/00011
Effective Date: 09/11/2006 Expiration Date: 09/10/2011

Permit Issued To: MONROE COUNTY
39 WEST MAIN ST
ROCHESTER, NY 14614-1218

Contact: JOHN E GRAHAM
MONROE CO DEPT ENVIRONMENTAL SERVICES
7100 CITY PL - 50 W MAIN ST
ROCHESTER, NY 14614-1228
(585) 760-7517

Facility: RIGA/MILL SEAT LANDFILL
303 BREW RD
BERGEN, NY 14416

Contact: JEFFREY G RICHARDSON
WMNY - MILL SEAT LANDFILL
303 BREW RD
BERGEN, NY 14416

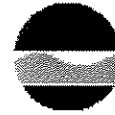
Description:

Renewal of the Title V Facility Permit originally issued December 13, 1999, with a minor modification effective August 4, 2004 to reflect removal of several odor control flares and the installation of new flares. This renewed Permit reflects the addition of a landfill gas to energy plant to existing landfill operations authorized by the previous Permit. This landfill is subject to federal New Source Performance Standards in 40 CFR Part 60, Subpart WWW, since its design capacity exceeds 2,500,000 megagrams (metric tons) and 2,500,000 cubic meters, which meets the major stationary source definition of 6 NYCRR Part 201-6.1(a)(2).

The original Emission Unit, 1-LANDF, now includes a 900-cfm open flare, a 3500-cfm enclosed flare to be used as a backup emission control after generator plant startup, 4 candlestick flares at the vents of the leachate collection system for odor control, fugitive emissions from two 1.5 million gallon leachate storage tanks, and other exempt equipment.

The landfill gas to energy plant, new Emission Unit P-00001, will generate electrical power from six 1148 horsepower landfill gas fired generators, and eventually expand to eight generators as landfill gas volume increases. Construction of the plant requires an Article 24 Freshwater Wetland Permit for construction of landfill gas pipelines and maintenance access roads in the 100 foot wide adjacent area of Class 2 NYS Freshwater Wetland RG-7, and overhead electric transmission lines and maintenance access points in the 100 foot wide adjacent area of Class 2 NYS Freshwater Wetland RG-10.

New York State Department of Environmental Conservation
Facility DEC ID: 8264800014



This permit includes Special Permit Conditions to allow flexibility in the combustion of landfill gas, by either the generators or the flares, sufficient to restrict the project potential to emit CO to below the 250 ton per year increase applicability threshold of 40CFR 52.21 Prevention of Significant Deterioration, and to restrict the project potential to emit NOx to below the 100 ton per year increase applicability threshold of 6 NYCRR Part 231-2 New Source Review in Ozone Transport Regions.

Compliance verification includes emissions testing on CO and NOx sources, calculation of monthly emissions of CO and NOx, and calculation of 12 month rolling totals of emissions.

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

Permit Administrator: DAVID L BIMBER
 DIVISION OF ENVIRONMENTAL PERMITS
 6274 EAST AVON LIMA RD
 AVON, NY 14414-9519

Authorized Signature: _____ Date: ____ / ____ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

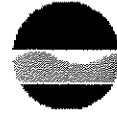
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

Facility Inspection by the Department

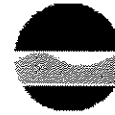
Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Facility Level

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

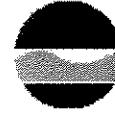
Item 3.1:

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:



New York State Department of Environmental Conservation
Facility DEC ID: 8264800014

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

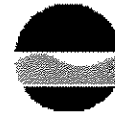
Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 8 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.5(a)

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: 8-2648-00014/00011 Facility DEC ID: 8264800014



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

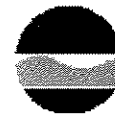
Permit Issued To: MONROE COUNTY
39 WEST MAIN ST
ROCHESTER, NY 14614-1218

Facility: RIGA/MILL SEAT LANDFILL
303 BREW RD
BERGEN, NY 14416

Authorized Activity By Standard Industrial Classification Code:
4953 - REFUSE SYSTEMS

Permit Effective Date: 09/11/2006

Permit Expiration Date: 09/10/2011

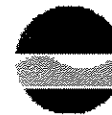


LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6NYCRR 201-6.5(a)(7): Fees
- 3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 6 6NYCRR 201-6.5(e): Compliance Certification
- 7 6NYCRR 202-2.1: Compliance Certification
- 8 6NYCRR 202-2.5: Recordkeeping requirements
- 9 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 10 6NYCRR 200.7: Maintenance of Equipment
- 11 6NYCRR 201-1.7: Recycling and Salvage
- 12 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 14 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 15 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 16 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 17 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 18 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 19 6NYCRR 202-1.1: Required Emissions Tests
- 20 6NYCRR 211.3: Visible Emissions Limited
- 21 40CFR 68: Accidental release provisions.
- 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6NYCRR 201-6: Emission Unit Definition
- 24 6NYCRR 201-6.5(f): Compliance Certification
- 25 6NYCRR 201-6.5(g): Non Applicable requirements
- 26 6NYCRR 201-7: Facility Permissible Emissions
- *27 6NYCRR 201-7: Capping Monitoring Condition
- *28 6NYCRR 201-7: Capping Monitoring Condition
- *29 6NYCRR 201-7: Capping Monitoring Condition
- *30 6NYCRR 201-7: Capping Monitoring Condition
- *31 6NYCRR 201-7: Capping Monitoring Condition
- 32 6NYCRR 227-2.3(c): Compliance Certification
- 33 6NYCRR 227-2.4(f)(2)(iii): Compliance Certification
- 34 6NYCRR 227-2.4(f)(2)(iii): Compliance Certification
- 35 6NYCRR 227-2.6(c): Compliance Certification
- 36 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 37 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 38 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 39 40CFR 60.8(d), NSPS Subpart A: Prior notice.



- 40 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
- 41 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 42 40CFR 60.9, NSPS Subpart A: Availability of information.
- 43 40CFR 60.11(d), NSPS Subpart A: Compliance with Standards and Maintenance Requirements
- 44 40CFR 60.12, NSPS Subpart A: Circumvention.
- 45 40CFR 60.752(b)(1), NSPS Subpart WWW: Standards for air emissions from MSW landfills
- 46 40CFR 60.752(b)(2), NSPS Subpart WWW: Standards for air emissions from MSW landfills
- 47 40CFR 60.754(a)(1), NSPS Subpart WWW: Calculation of Non-Methane Organic Carbon (NMOC) Emissions
- 48 40CFR 60.754(a)(2), NSPS Subpart WWW: NMOC Calculation - Tier 1
- 49 40CFR 60.754(a)(3), NSPS Subpart WWW: NMOC Calculation - Tier 2
- 50 40CFR 60.757(a), NSPS Subpart WWW: Reporting requirements - Initial design capacity
- 51 40CFR 60.757(b), NSPS Subpart WWW: Reporting requirements - NMOC emission rate
- 52 40CFR 60.758(a), NSPS Subpart WWW: Compliance Certification
- 53 40CFR 61.154, NESHAP Subpart M: Asbestos-containing waste material standard for active waste disposal sites

Emission Unit Level

- 54 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 55 6NYCRR 201-6: Process Definition By Emission Unit

EU=1-LANDF,Proc=002

- 56 6NYCRR 212.6(a): Compliance Certification

EU=P-00001

- 57 6NYCRR 227-1.3(a): Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 58 ECL 19-0301: Contaminant List
- 59 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 60 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

EU=1-LANDF,Proc=001

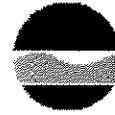
- 61 6NYCRR 212.4(a): Emissions from new emission sources and/or modifications

EU=1-LANDF,Proc=002

- 62 6NYCRR 212.4(a): Emissions from new emission sources and/or modifications

EU=1-LANDF,Proc=003

New York State Department of Environmental Conservation
Permit ID: 8-2648-00014/00011 Facility DEC ID: 8264800014



63 6NYCRR 212.4(a): Emissions from new emission sources and/or modifications

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS
****** Facility Level ******

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

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

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated;

(3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

Item B: Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 201-1.10(b)

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to



Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)

Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

Item D: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)

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

Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6NYCRR 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.

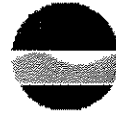
Item I: Severability - 6 NYCRR Part 201-6.5(a)(9)

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.

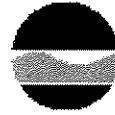
ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

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 09/11/2006 and 09/10/2011

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



New York State Department of Environmental Conservation

Permit ID: 8-2648-00014/00011

Facility DEC ID: 8264800014

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 09/11/2006 and 09/10/2011

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 09/11/2006 and 09/10/2011

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 09/11/2006 and 09/10/2011

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

New York State Department of Environmental Conservation

Permit ID: 8-2648-00014/00011

Facility DEC ID: 8264800014



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 09/11/2006 and 09/10/2011

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

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

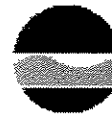
Monitoring Description:

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

Submit reports of any required monitoring at a minimum frequency of every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

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

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



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

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

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

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

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



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

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

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2007.
Subsequent reports are due every 6 calendar month(s).

Condition 6: Compliance Certification
Effective between the dates of 09/11/2006 and 09/10/2011

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

New York State Department of Environmental Conservation
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Air Compliance Branch
290 Broadway
New York, NY 10007-1866

The address for the RAPCE is as follows:

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 1/30/2007.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 202-2.1

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

Item 7.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

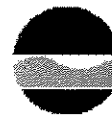
Monitoring Description:

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

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

Condition 8: Recordkeeping requirements
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 202-2.5



Item 8.1:

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

- (1) a copy of each emission statement submitted to the department; and
- (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

Condition 9: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 215

Item 9.1:

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

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

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

Condition 10: Maintenance of Equipment
Effective between the dates of 09/11/2006 and 09/10/2011

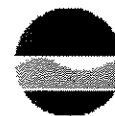
Applicable Federal Requirement: 6NYCRR 200.7

Item 10.1:

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

Condition 11: Recycling and Salvage
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 201-1.7



Item 11.1:

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

Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 201-1.8

Item 12.1:

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

Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 13.1:

The owner and/or operator of an emission source or unit that is eligible to be exempt may be required to certify that it operates within the specific criteria described in this Subpart. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.

Condition 14: Trivial Sources - Proof of Eligibility
Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 14.1:

The owner and/or operator of an emission source or unit that is listed as being trivial in this Part may be required to certify that it operates within the specific criteria described in this Subpart. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.

Condition 15: Standard Requirement - Provide Information
Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 15.1:

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

Condition 16: General Condition - Right to Inspect

Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 16.1:

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

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

Condition 17: Standard Requirements - Progress Reports

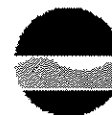
Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 17.1:

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

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



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preventive or corrective measures adopted.

Condition 18: Off Permit Changes
Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 18.1:

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

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

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

Condition 19: Required Emissions Tests
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 19.1:

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

Condition 20: Visible Emissions Limited
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 211.3

Item 20.1:

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material

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having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

Condition 21: Accidental release provisions.
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 40CFR 68

Item 21.1:

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

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

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

Condition 22: Recycling and Emissions Reduction
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 40CFR 82, Subpart F

Item 22.1:

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

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

Condition 23: Emission Unit Definition
Effective between the dates of 09/11/2006 and 09/10/2011



Applicable Federal Requirement: 6NYCRR 201-6

Item 23.1:

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

Emission Unit: 1-LANDF

Emission Unit Description:

The emission unit includes the uncontrolled fugitive emissions from the Mill Seat Landfill resulting from the decomposition of municipal solid waste. The emission unit also includes 4 candlestick flares for odor control, one 900- cfm open flare, one 3,500-cfm enclosed flare, and two 1.5 million gallon leachate storage tanks.

Building(s): LANDFILL

Item 23.2:

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

Emission Unit: P-00001

Emission Unit Description:

The proposed emission unit is a landfill gas-to-energy plant, consisting of six (6) Caterpillar 3516 engine/generator sets that will use LFG to generate electricity for sale. Each engine/generator set is designed to produce 1148 bhp. The plant will also contain insignificant activities such as crankcase breather vents, and storage tanks/drums for motor oil, transmission fluid, etc.

Building(s): GASPLANT

Condition 24: Compliance Certification
Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 24.1:

The Compliance Certification activity will be performed for the Facility.

Item 24.2:

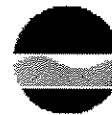
Compliance Certification shall include the following monitoring:

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.

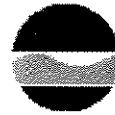
II. Protocol

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 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

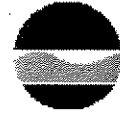
1. The facility shall notify the Department in writing of the proposed change.
2. Notifications made in accordance with this protocol will include the following documentation:



- 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 1/30/2007.

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

Condition 25: Non Applicable requirements
Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 25.1:

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

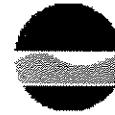
40CFR 60-A.7(b)

Reason: The facility is not subject to this section until they

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meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-A.7(c)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-A.7(d)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-A.7(f)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-A.18(c)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-A.18(d)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

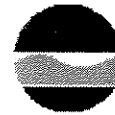
40CFR 60-A.18(e)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-A.18(f)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.753(a)



Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.753(b)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.753(c)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.753(d)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.753(e)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.753(f)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.753(g)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.754(b)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.



40CFR 60-WWW.754(d)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.755(a)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.755(b)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.755(c)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.755(d)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.755(e)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.756(a)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.756(b)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.



40CFR 60-WWW.756(f)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.757(d)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.757(e)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.757(f)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.757(g)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.758(b)

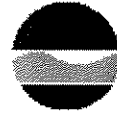
Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.758(c)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.758(d)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas



collection and control.

40CFR 60-WWW.758(e)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.759(a)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 60-WWW.759(c)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 63-A.6(e)(3)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 63-AAAA.1955(b)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

40CFR 63-AAAA.1980(a)

Reason: The facility is not subject to this section until they meet the requirements of 40CFR60-WWW.752(b)(2) which is to equal or exceed 50 Mg/yr of NMOC and install gas collection and control.

Condition 26: Facility Permissible Emissions
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 201-7

Item 26.1:

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

New York State Department of Environmental Conservation
Permit ID: 8-2648-00014/00011 **Facility DEC ID: 8264800014**



Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 000630-08-0 PTE: 960,600 pounds per year
Name: CARBON MONOXIDE

CAS No: 0NY210-00-0 PTE: 383,000 pounds per year
Name: OXIDES OF NITROGEN

Condition 27: Capping Monitoring Condition
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 201-7

Item 27.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

40CFR 52-A.21

Item 27.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 27.3:

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.

Item 27.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 27.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 27.6:

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

New York State Department of Environmental Conservation
Permit ID: 8-2648-00014/00011 Facility DEC ID: 8264800014



Emission Unit: 1-LANDF

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

Item 27.7:

Compliance Certification shall include the following monitoring:

Capping: Yes
Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:

The facility must show that they are in compliance with the 480.3 tons/yr limit for carbon monoxide. An emissions test is required for each type of enclosed flare. These tests must be completed within 180 days of startup of the engine plant.

A second emissions tests 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: 480.3 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: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 28: Capping Monitoring Condition
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 201-7

Item 28.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6NYCRR 231-2
40CFR 52-A.21

Item 28.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 28.3:

The owner or operator of the permitted facility must maintain all required records on-site for a period of

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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.

Item 28.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 28.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 28.6:

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

Emission Unit: 1-LANDF

Regulated Contaminant(s):

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

Item 28.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility must show that they are in compliance with the 191.5 tons/yr limit for oxides of nitrogen. An emissions test is required for each type of enclosed flare. These tests must be completed within 180 days of startup of the engine plant.

A second emissions tests 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: 191.5 tons per year

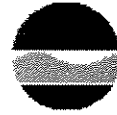
Reference Test Method: EPA Method 7, 7E, or 19

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



Condition 29: Capping Monitoring Condition
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 201-7

Item 29.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6NYCRR 231-2
40CFR 52-A.21

Item 29.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 29.3:

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.

Item 29.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 29.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 29.6:

The Compliance Certification activity will be performed for the Facility.

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

Item 29.7:

Compliance Certification shall include the following monitoring:

Capping: Yes
Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC



OPERATIONS

Monitoring Description:

The sum of emissions of oxides of nitrogen from this facility are limited to 191.5 tons/year calculated on a rolling 12 month total. This cap limits the facility PTE to avoid applicability to New Source Review. Facility will keep monthly records of all oxides of nitrogen emissions in a format acceptable to the Department. The facility shall keep records of gas burned and oxygen readings at each engine to calculate the monthly emissions.

Records of gas burned in conjunction with AP-42 or other confirmed emission factors may be used to calculate monthly emissions for the candlestick flares, open flares, and other NOx sources.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: LANDFILL GAS
Parameter Monitored: FLOW
Upper Permit Limit: 191.5 tons per year
Monitoring Frequency: MONTHLY
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 1/30/2007.
Subsequent reports are due every 6 calendar month(s).

Condition 30: Capping Monitoring Condition
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 201-7

Item 30.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

40CFR 52-A.21

Item 30.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

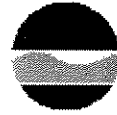
Item 30.3:

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

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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.

Item 30.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 30.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 30.6:

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

Emission Unit: P-00001

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 30.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility must show that they are in compliance with the 480.3 tons/yr limit for carbon monoxide. An emission test using 40CFR60 APP A-10 must be completed on each engine type. The Department will determine which engine(s) is to be tested utilizing the procedures specified under 6NYCRR Part 227-2.6(c) of this permit for emissions testing for oxides of nitrogen. These tests must be completed within 180 days of startup of the engine plant.

A second emissions tests 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: 480.3 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: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 31: Capping Monitoring Condition
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 201-7

Item 31.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

40CFR 52-A.21

Item 31.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 31.3:

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.

Item 31.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 31.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 31.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

New York State Department of Environmental Conservation
Permit ID: 8-2648-00014/00011 Facility DEC ID: 8264800014



CAS No: 000630-08-0 CARBON MONOXIDE

Item 31.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The sum of emissions of carbon monoxide from this facility are limited to 480.3 tons/year calculated on a rolling 12 month total. This cap limits the facility PTE to avoid applicability New Source Review. Facility will keep monthly records of all carbon monoxide emissions in a format acceptable to the Department. The facility shall keep records of gas burned at each engine to calculate the monthly emissions. The monthly emissions shall be calculated using the monthly flow and the CO emissions factor determined by the most recent approved performance test.

Records of gas burned in conjunction with AP-42 or other confirmed emission factors may be used to calculate monthly emissions for the candlestick flares, open flares, and other carbon monoxide sources.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: FLOW

Upper Permit Limit: 480.3 tons per year

Monitoring Frequency: MONTHLY

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 1/30/2007.

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

Condition 32: Compliance Certification

Effective between the dates of 09/11/2006 and 09/10/2011

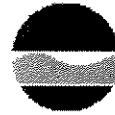
Applicable Federal Requirement: 6NYCRR 227-2.3(c)

Item 32.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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



Item 32.2:

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 applicable NOx sources 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 provisions to maintain daily fuel usage records and to perform maintenance on each internal combustion engine in use at the facility in accordance with the facility's Operations and Maintenance Manual.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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

Condition 33: Compliance Certification
Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 33.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 33.2:

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 monthly basis. The output/emissions from the engines are regulated by an air/fuel ratio controller, which automatically adjusts the air/fuel ratio of the inlet fuel supply as needed. 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: MONTHLY
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 1/30/2007.
Subsequent reports are due every 6 calendar month(s).

Condition 34: Compliance Certification
Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 34.1:

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

Emission Unit: P-00001

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

Item 34.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

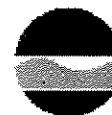
Monitoring Description:

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 instantaneous testing over a 15-minute period (in order to ensure a stabilized reading) semiannually per calendar year using a portable NO_x analyzer. The sampling will be done in accordance with the analyzer manufacturer's recommendations for testing and calibration (using non-EPA

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methods).

The facility shall use the average flow exhaust rate determined in the most recent approved performance test in order to convert the concentration measured to a mass rate for the purpose of demonstrating compliance with the specified limit.

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 1/30/2007.
Subsequent reports are due every 6 calendar month(s).

Condition 35: Compliance Certification
Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 35.1:

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

Emission Unit: P-00001

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

Item 35.2:

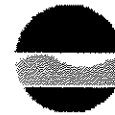
Compliance Certification shall include the following monitoring:

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 NO_x emission rates as determined by the portable NO_x 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.

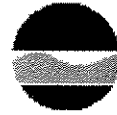
Upper Permit Limit: 2.0 grams per brake horsepower-hour
Reference Test Method: EPA Method 7, 7E or 19
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 36: EPA Region 2 address.
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A

Item 36.1:

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



New York State Department of Environmental Conservation

Permit ID: 8-2648-00014/00011

Facility DEC ID: 8264800014

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
Albany, NY 12233-3258

Condition 37: Performance test methods.
Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 37.1:

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.

Condition 38: Required performance test information.
Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 38.1:

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

Condition 39: Prior notice.
Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 39.1:

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

Condition 40: Performance testing facilities.
Effective between the dates of 09/11/2006 and 09/10/2011

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



Item 40.1:

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

- 1) sampling ports adequate for tests methods applicable to such facility;
- 2) a safe sampling platform;
- 3) a safe access to the sampling platform; and
- 4) utilities for sampling and testing equipment.

Condition 41: Number of required tests.

Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 41.1:

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

Condition 42: Availability of information.

Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 40CFR 60.9, NSPS Subpart A

Item 42.1:

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by 40 CFR Part 2.

Condition 43: Compliance with Standards and Maintenance Requirements

Effective between the dates of 09/11/2006 and 09/10/2011

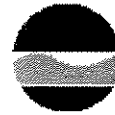
Applicable Federal Requirement: 40CFR 60.11(d), NSPS Subpart A

Item 43.1:

At all times, including periods of startup, shutdown, and malfunction, owners and operators of this facility shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Department and the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

Condition 44: Circumvention.

Effective between the dates of 09/11/2006 and 09/10/2011



Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A

Item 44.1:

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

**Condition 45: Standards for air emissions from MSW landfills
Effective between the dates of 09/11/2006 and 09/10/2011**

Applicable Federal Requirement: 40CFR 60.752(b)(1), NSPS Subpart WWW

Item 45.1:

Owner or operator of a municipal solid waste (MSW) landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, shall either comply with 40 CFR Part 60.752(b)(2) or calculate a non-methane organic compound (NMOC) emission rate for the landfill using the procedures specified in 40 CFR Part 60.754. The NMOC emission rate shall be recalculated annually, except as provided in 40 CFR Part 60.757(b)(1)(ii).

1) If the calculated NMOC emission rate is less than 50 megagrams per year, the owner or operator shall:

i) Submit an annual emission report to the Administrator, except as provided for in 40 CFR Part 60.757(b)(1)(ii); and

ii) Recalculate the NMOC emission rate annually using the procedures specified in 40 CFR Part 60.754(a)(1) until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year. If upon recalculation the NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall install a collection and control system in compliance with 40 CFR Part 60.752(b)(2).

**Condition 46: Standards for air emissions from MSW landfills
Effective between the dates of 09/11/2006 and 09/10/2011**

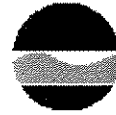
Applicable Federal Requirement: 40CFR 60.752(b)(2), NSPS Subpart WWW

Item 46.1:

If the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, the owner or operator shall:

i) Submit a collection and control system design plan prepared by a professional engineer to the Administrator within 1 year:

A) The collection and control system as described in the plan shall meet the design



requirements of paragraph (ii) below.

B) The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR Part 60.753 through 60.758 proposed by the owner or operator.

C) The collection and control system design plan shall either conform with specifications for active collection systems in 40 CFR Part 60.759 or include a demonstration to the Administrator's satisfaction of the sufficiency of the alternative provisions to 40 CFR Part 60.759.

D) The Administrator shall review the information submitted under paragraphs (i)(A), (B) and (C) above and either approve it, disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, or horizontal trenches only, leachate collection components, and passive systems.

ii) Install a collection and control system that captures the gas generated within the landfill as required by paragraphs (ii)(A) or (B) and (iii) below, within 30 months after the first annual report in which the emission rate equals or exceeds 50 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the emission rate is less than 50 megagrams per year, as specified in 40 CFR Part 60.757(c)(1) or (2).

A) An active gas collection system shall:

1) be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment;

2) collect gas from each area, cell or group of cells in the landfill in which the initial solid waste has been placed for a period of 5 years (if active) or 2 years (if closed or at final grade);

3) collect gas at a sufficient extraction rate; and

4) be designed to minimize off-site migration of subsurface gas.

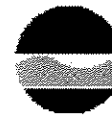
(B) A passive collection system shall:

(1) Comply with the provisions specified in paragraphs (A)(1),(2), and (4) above.

(2) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners shall be installed as required under 40 CFR Part 258.40 of this title.

iii) Route all the collected gas to a control system that complies with either of the following:

A) is an open flare designed and operated in accordance with 40 CFR 60.18; or



B) is a control system designed and operated to reduce NMOC by 98% (by weight) or, when an enclosed combustion device is used for control, to either reduce NMOC by 98% weight or reduce the NMOC outlet concentration to less than 20 parts per million by volume, dry basis as hexane at 3% oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test to be completed no later than 180 days after the initial startup of the approved control system using the test methods specified in 40 CFR Part 60.754(d).

(1) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone.

(2) The control device shall be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in 40 CFR Part 60.756;

(C) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of paragraph (iii)(A) or (B) above.

**Condition 47: Calculation of Non-Methane Organic Carbon (NMOC) Emissions
Effective between the dates of 09/11/2006 and 09/10/2011**

Applicable Federal Requirement: 40CFR 60.754(a)(1), NSPS Subpart WWW

Item 47.1:

The landfill owner or operator shall calculate the NMOC emission rate using the equation provided below. The values to be used in the equation are 0.05 per year for k , 170 cubic meters per megagram for L_0 and 4,000 parts per million by volume as hexane for C_{NMOC} .

i) The following equation shall be used:

$$M_{\text{NMOC}} = \sum 2kL_0M_i(e^{-kt_i})(C_{\text{NMOC}})(3.6 \times 10^{-9})$$

where,

M_{NMOC} = Total NMOC emission rate from the landfill, megagrams per year

k = methane generation rate constant, year⁻¹

L_0 = methane generation potential, cubic meters per megagram solid waste

M_i = mass of solid waste in the i^{th} section, megagrams

t_i = age of the i^{th} section, years

C_{NMOC} = concentration of NMOC, parts per million by volume as hexane

3.6×10^{-9} = conversion factor.

The mass of the nondegradable waste may be subtracted from the total mass of solid waste in a

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particular section of the landfill when calculating the value for M_i if the documentation provisions of 40 CFR Part 60.758(d)(2) are followed.

Condition 48: NMOC Calculation - Tier 1
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 40CFR 60.754(a)(2), NSPS Subpart WWW

Item 48.1:

The owner or operator shall compare the calculated NMOC mass emission rate to the standard of 50 megagrams per year.

1) If the NMOC mass emission rate calculated in 40 CFR Part 60.754(a)(1) is less than 50 megagrams per year, then the landfill owner shall submit a mass emission rate report as provided in 40 CFR Part 60.757(b)(1), and shall recalculate the NMOC mass emission rate annually as required under 40 CFR Part 60.752(b)(1).

2) If the calculated NMOC mass emission rate is equal to or greater than 50 megagrams per year, then the landfill owner shall either comply with 40 CFR Part 60.752(b)(2), or determine the site-specific NMOC concentration and recalculate the NMOC mass emission rate using the procedures provided in 40 CFR Part 60.754(a)(3).

Condition 49: NMOC Calculation - Tier 2
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 40CFR 60.754(a)(3), NSPS Subpart WWW

Item 49.1:

The landfill owner or operator shall determine the NMOC concentration using the following sampling procedure. The landfill owner or operator shall install at least two sample probes per hectare of landfill surface that has retained waste for at least 2 years. If the landfill is larger than 25 hectares in area, only 50 samples are required. The sample probes should be located to avoid known areas of nondegradable solid waste. The owner or operator shall collect and analyze one sample of landfill gas from each probe to determine the NMOC concentration using either, Method 25 or 25C of 40 CFR Part 60 Appendix A. Method 18 of Appendix A may be used to analyze the samples collected by the Method 25 or 25C sampling procedure. Taking composite samples from different probes into a single cylinder is allowed; however, equal sample volumes must be taken from each probe. For each composite, the sampling rate, collection times, beginning and ending cylinder vacuums, or alternative volume measurements must be recorded to verify that composite volumes are equal. Composite sample volumes should not be less than one liter unless evidence can be provided to substantiate the accuracy of smaller volumes. Terminate compositing before the cylinder approaches ambient pressure where measurement accuracy diminishes. If using Method 18, the owner or operator must identify all compounds in the sample and, as a minimum, test for those compounds published in the most recent Compilation of Air Pollutant Emission Factors (AP-42), minus carbon monoxide, hydrogen sulfide, and mercury. As a minimum, the instrument must be calibrated for each of the compounds on the list. Convert the concentration of each Method 18 compound to CNMOC as hexane by multiplying by the ratio of its carbon atoms divided by six. If more than the required number of samples are taken, all samples must be



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used in the analysis. The landfill owner or operator must divide the NMOC concentration from Method 25 or 25C of Appendix A of this part by six to convert from C_{NMOC} as carbon to C_{NMOC} as hexane. If the landfill has an active or passive gas removal system in place, Method 25 or 25C samples may be collected from these systems instead of surface probes provided the removal system can be shown to provide sampling as representative as the two sampling probe per hectare requirement. For active collection systems, samples may be collected from the common header pipe before the gas moving or condensate removal equipment. For these systems, a minimum of three samples must be collected from the header pipe.

1) The landfill owner or operator shall recalculate the NMOC mass emission rate using the equations provided in 40 CFR Part 60.754(a)(1)(i) or (ii) and using the average NMOC concentration from the collected samples instead of the default value in the equation provided in 40 CFR Part 60.754(a)(1).

2) If the resulting mass emission rate calculated using the site-specific NMOC concentration is equal to or greater than 50 megagrams per year, then the landfill owner or operator shall either comply with 40 CFR Part 60.752(b)(2), or determine the site-specific methane gas generation rate constant and recalculate the NMOC emission rate using the site-specific methane generation rate using the procedure specified in 40 CFR Part 60.754(a)(4).

3) If the resulting NMOC mass emission rate is less than 50 megagrams per year, the owner or operator shall submit a periodic estimate of the emission rate report as provided in 40 CFR Part 60.757(b)(1) and retest the site-specific NMOC concentration every 5 years using the methods specified in this condition.

Condition 50: Reporting requirements - Initial design capacity
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 40CFR 60.757(a), NSPS Subpart WWW

Item 50.1:

Owner or operator shall submit an initial design capacity report to the Administrator.

1) The initial design capacity report shall fulfill the requirements of the notification of the date construction is commenced as required under 40 CFR Part 60.7(a)(1) and shall be submitted no later than 90 days after the date of commenced construction.

2) The initial design capacity report shall contain the following information:

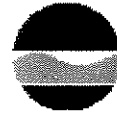
i) A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the permit issued by NYSDEC;

ii) The maximum design capacity of the landfill. Where the maximum design capacity is specified in the permit issued by NYSDEC, a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity shall be calculated using good engineering practices. The

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calculations shall be provided, along with the relevant parameters as part of the report. The State or Administrator may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.

Condition 51: Reporting requirements - NMOC emission rate
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 40CFR 60.757(b), NSPS Subpart WWW

Item 51.1:

Owner or operator shall submit an NMOC emission rate report to the Administrator initially and annually thereafter, except as provided in (1)(ii) or (3) below. The Administrator may request such additional information as may be necessary to verify the reported NMOC emission rate.

1) The NMOC emission rate report shall contain an annual or 5-year estimate of the NMOC emission rate, calculated using the formula and procedures provided in 40 CFR Part 60.754(a) or (b), as applicable.

i) The initial NMOC emission rate report may be combined with the initial design capacity report required by 40 CFR Part 60.757(a) and shall be submitted no later than 90 days after the date of commenced construction. Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in (1)(ii) and (3) below.

ii) If the estimated NMOC emission rate as reported in the annual report to the Administrator is less than 50 megagrams per year in each of the next 5 consecutive years, the owner or operator may elect to submit an estimate of the NMOC emission rate for the next 5-year period in lieu of the annual report. This estimate shall include the current amount of solid waste-in-place and the estimated waste acceptance rate for each year of the 5 years for which an NMOC emission rate is estimated. All data and calculations upon which this estimate is based shall be provided to the Administrator. This estimate shall be revised at least once every 5 years. If the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the 5-year estimate, a revised 5-year estimate shall be submitted to the Administrator. The revised estimate shall cover the 5-year period beginning with the year in which the actual waste acceptance rate exceeded the estimated waste acceptance rate.

2) The NMOC emission rate report shall include all data, calculations, sample reports and measurements used to estimate the annual or 5-year emissions.

3) Owner or operator is exempted from the requirements in paragraphs (1) and (2) above, after installation of a collection and control system in compliance with 40 CFR Part 60.752(b)(2), during such time as the collection and control system is in operation and in compliance with 40 CFR Part 60.753 and Part 60.755

Condition 52: Compliance Certification
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 40CFR 60.758(a), NSPS Subpart WWW



Item 52.1:

The Compliance Certification activity will be performed for the Facility.

Item 52.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), each owner or operator of an MSW landfill subject to the provisions of 40 CFR Part 60.752(b) shall keep for at least 5 years up-to-date, readily accessible, on-site records of the maximum design capacity report which triggered 40 CFR Part 60.752(b), the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.

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 1/30/2007.

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

Condition 53: Asbestos-containing waste material standard for active waste disposal sites
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 40CFR 61.154, NESHAP Subpart M

Item 53.1:

Owner or operator shall comply with the requirements of 40 CFR Part 61.154 when accepting asbestos-containing waste material from any source required to comply with 40 CFR Part 61.149, 61.150, or 61.155.

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

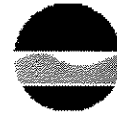
Condition 54: Emission Point Definition By Emission Unit
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 201-6

Item 54.1:

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

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Emission Unit: 1-LANDF			
Emission Point: 00001	Height (ft.): 10	Diameter (in.): 8	Building: LANDFILL
Emission Point: 00002	Height (ft.): 10	Diameter (in.): 8	Building: LANDFILL
Emission Point: 00003	Height (ft.): 10	Diameter (in.): 8	Building: LANDFILL
Emission Point: 00004	Height (ft.): 10	Diameter (in.): 8	Building: LANDFILL
Emission Point: 00011	Height (ft.): 18	Diameter (in.): 1440	Building: LANDFILL
Emission Point: 00012	Height (ft.): 18	Diameter (in.): 1440	Building: LANDFILL
Emission Point: 00013	Height (ft.): 23	Diameter (in.): 34	Building: LANDFILL
Emission Point: 00015	Height (ft.): 50	Diameter (in.): 132	Building: LANDFILL

Item 54.2:

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

Emission Unit: P-00001			
Emission Point: 00016	Height (ft.): 29	Diameter (in.): 10	Building: GASPLANT
Emission Point: 00017	Height (ft.): 29	Diameter (in.): 10	Building: GASPLANT

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Emission Point: 00018 Height (ft.): 29	Diameter (in.): 10	Building: GASPLANT
Emission Point: 00019 Height (ft.): 29	Diameter (in.): 10	Building: GASPLANT
Emission Point: 00020 Height (ft.): 29	Diameter (in.): 10	Building: GASPLANT
Emission Point: 00021 Height (ft.): 29	Diameter (in.): 10	Building: GASPLANT

Condition 55: Process Definition By Emission Unit
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 201-6

Item 55.1:

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

Emission Unit: 1-LANDF
Process: 001 Source Classification Code: 5-01-004-02
Process Description:
Process 001 represents the fugitive landfill gas emissions.

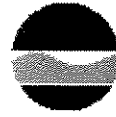
Emission Source/Control: LF001 - Process
Design Capacity: 16,250,000 cubic yards

Item 55.2:

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

Emission Unit: 1-LANDF
Process: 002 Source Classification Code: 5-01-004-10
Process Description:
Landfill gas is combusted in several devices at the Mill Seat Landfill. Gas is collected and conveyed to a 900-cfm open flare (designated as FL003) and a new 3500-cfm enclosed flare (designated as FL004). Additionally, landfill gas is combusted at the vents of the leachate collection system by 4 candlestick flares placed throughout the landfill facility (designated FL001).

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Emission Source/Control: FL001 - Control
Control Type: FLARING

Emission Source/Control: FL003 - Control
Control Type: FLARING

Emission Source/Control: FL004 - Control
Control Type: FLARING

Emission Source/Control: LF001 - Process
Design Capacity: 16,250,000 cubic yards

Item 55.3:

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

Emission Unit: 1-LANDF
Process: 003 Source Classification Code: 5-01-004-02
Process Description:
 Process 003 consists of fugitive emissions from two (2)
 1.5 million gallon leachate storage tanks.

Emission Source/Control: LT001 - Process
Design Capacity: 1.5 million gallons

Item 55.4:

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

Emission Unit: P-00001
Process: 100 Source Classification Code: 2-01-008-02
Process Description:
 Collected landfill gas will be routed to the landfill
 gas-to-energy plant. The engine generator sets will
 combust the collected landfill gas to generate electricity
 for sale. The combustion of landfill gas results in the
 emission of criteria pollutants.

Emission Source/Control: ENG01 - Combustion
Design Capacity: 1,148 horsepower (electric)

Emission Source/Control: ENG02 - Combustion
Design Capacity: 1,148 horsepower (electric)

Emission Source/Control: ENG03 - Combustion
Design Capacity: 1,148 horsepower (electric)

Emission Source/Control: ENG04 - Combustion

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Design Capacity: 1,148 horsepower (electric)

Emission Source/Control: ENG05 - Combustion
Design Capacity: 1,148 horsepower (electric)

Emission Source/Control: ENG06 - Combustion
Design Capacity: 1,148 horsepower (electric)

Item 55.5:

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

Emission Unit: P-00001

Process: 200

Source Classification Code: 2-01-008-05

Process Description:

The landfill gas-to-energy plant will have an insignificant emission point called a "crankcase breather vent." Each engine has a crankcase for engine oil. The purpose of the crankcase breather vent is to remove water vapor from the crankcase in order to prevent water from collecting in the oil pan. The water vapor may contain an oil mist. The breather vent in each engine removes the vapors generated within the crankcase and ducts them to a single common emission point called the crankcase breather vent. The mist can be reported as PM. Other insignificant activities include emissions from oil tanks, a condensate tank, and a gas chromatograph vent. Calculations for all of these activities are provided in the application.

Emission Source/Control: ENG01 - Combustion
Design Capacity: 1,148 horsepower (electric)

Emission Source/Control: ENG02 - Combustion
Design Capacity: 1,148 horsepower (electric)

Emission Source/Control: ENG03 - Combustion
Design Capacity: 1,148 horsepower (electric)

Emission Source/Control: ENG04 - Combustion
Design Capacity: 1,148 horsepower (electric)

Emission Source/Control: ENG05 - Combustion
Design Capacity: 1,148 horsepower (electric)

Emission Source/Control: ENG06 - Combustion
Design Capacity: 1,148 horsepower (electric)



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Condition 56: Compliance Certification
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 56.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LANDF
Process: 002

Item 56.2:

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 flare on a daily basis during business days (this excludes holidays and weekends). 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.

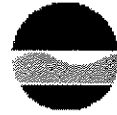
Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: EPA Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION
Averaging Method: 6 MINUTE AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2007.
Subsequent reports are due every 6 calendar month(s).

Condition 57: Compliance Certification
Effective between the dates of 09/11/2006 and 09/10/2011

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

Item 57.1:

The Compliance Certification activity will be performed for:



Emission Unit: P-00001

Item 57.2:

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 and crankcase vent on a daily basis during business days (this excludes holidays and weekends). 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.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

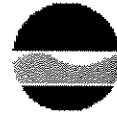
Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

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



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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

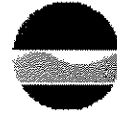
STATE ONLY APPLICABLE REQUIREMENTS

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

Condition 58: Contaminant List
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable State Requirement: ECL 19-0301

Item 58.1:
Emissions of the following contaminants are subject to contaminant specific requirements in this



permit(emission limits, control requirements or compliance monitoring conditions).

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

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

Condition 59: Unavoidable noncompliance and violations
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable State Requirement: 6NYCRR 201-1.4

Item 59.1:

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.

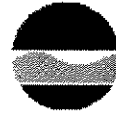
(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working 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.

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

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

Condition 60: Air pollution prohibited
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable State Requirement: 6NYCRR 211.2

Item 60.1:

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

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

Condition 61: Emissions from new emission sources and/or modifications
Effective between the dates of 09/11/2006 and 09/10/2011

Applicable State Requirement: 6NYCRR 212.4(a)

Item 61.1:

This Condition applies to Emission Unit: 1-LANDF
Process: 001

Item 61.2:

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.

Condition 62: Emissions from new emission sources and/or modifications
Effective between the dates of 09/11/2006 and 09/10/2011

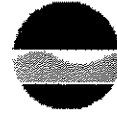
Applicable State Requirement: 6NYCRR 212.4(a)

Item 62.1:

New York State Department of Environmental Conservation

Permit ID: 8-2648-00014/00011

Facility DEC ID: 8264800014



This Condition applies to Emission Unit: 1-LANDF
Process: 002

Item 62.2:

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.

**Condition 63: Emissions from new emission sources and/or modifications
Effective between the dates of 09/11/2006 and 09/10/2011**

Applicable State Requirement: 6NYCRR 212.4(a)

Item 63.1:

This Condition applies to Emission Unit: 1-LANDF
Process: 003

Item 63.2:

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.