

**RIPUC Use Only**

Date Application Received: \_\_\_ / \_\_\_ / \_\_\_  
Date Review Completed: \_\_\_ / \_\_\_ / \_\_\_  
Date Commission Action: \_\_\_ / \_\_\_ / \_\_\_  
Date Commission Approved: \_\_\_ / \_\_\_ / \_\_\_

GIS Certification #:  
\_\_\_\_\_

## RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM

### The Standard Application Form

Required of all Applicants for Certification of Eligibility of Renewable Energy Resource  
(Version 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](http://www.ripuc.org/utilityinfo/res.html). Also, all filings must be in conformance with the Commission's Rules of Practice and Procedure, in particular, Rule 1.5, or its successor regulation, entitled "Formal Requirements as to Filings."

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

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

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

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**SECTION I: Identification Information**

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

MM Albany Energy LLC

1.2 Type of Certification being requested (check one):

Standard Certification       Prospective Certification (Declaratory Judgment)

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

APPENDIX A: Authorized Representative Certification for Individual Owner or Operator

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

APPENDIX C: Existing Renewable Energy Resources

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

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

APPENDIX F: Fuel Source Plan for Eligible Biomass Fuels

1.4 Primary Contact Person name and title: Tony Wetzel

Director Business Development

1.5 Primary Contact Person address and contact information:

Address: 3005 Douglas Blvd., Suite 105

Roseville, CA 95661

Phone: 916-789-2250 x108

Fax: 916-789-2256

Email: twetzel@fortistar.com

1.6 Backup Contact Person name and title: Anne E. Campbell, Accountant

1.7 Backup Contact Person address and contact information:

Address: 3005 Douglas Blvd., Ste. 105

Roseville, CA 95661

Phone: 916-789-2250 x 111

Fax: 916-789-2256

Email: acampbell@fortistar.com

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

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

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

1.9 Authorized Representative address and contact information:

Address: 3005 Douglas Blvd., Ste. 105  
Roseville, CA 95661

Phone: 916-789-2250 Fax: 916-789-2256  
Email: taschehoug@fortistar.com

1.10 Owner name and title: MM Albany Energy LLC

1.11 Owner address and contact information:

Address: 3005 Douglas Blvd., Ste. 105  
Roseville, CA 95661

Phone: 916-789-2250 Fax: 916-789-2256  
Email: twetzel@fortistar.com

1.12 Owner business organization type (check one):

- Individual
- Partnership
- Corporation
- Other:  
LLC

1.13 Operator name and title: Fortistar Methane Group

1.14 Operator address and contact information:

Address: 3005 Douglas Blvd. Ste. 105  
Roseville, CA 95661

Phone: 916-789-2250 Fax: 916-789-2256  
Email: twetzel@fortistar.com

1.15 Operator business organization type (check one):

- Individual
- Partnership
- Corporation
- Other: LLC

**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): External Resource Located in NYISO Control Area

2.2 Generation Unit Nameplate Capacity: 2.8 MW

2.3 Maximum Demonstrated Capacity: 2.7 "est" 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: \_\_\_\_\_  
Landfill Methane Gas

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

Appendix F completed and attached?

Yes  No  N/A

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

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

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

**SECTION III: Commercial Operation Date**

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

3.1 Date Generation Unit first entered Commercial Operation: 04 /07 /98 at the site.

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

Yes

No

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

Appendix C completed and attached?  Yes  No  N/A

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

Yes

No

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

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**SECTION IV: Metering**

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

ISO-NE Market Settlement System

Self-reported to the NEPOOL GIS Administrator

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

Appendix D completed and attached?  Yes  No  N/A

**SECTION V: Location**

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

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

5.2 Generation Unit address: 525 Rapp Road  
Albany, NY 12205-4958  
\_\_\_\_\_  
\_\_\_\_\_

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

- A. Universal Transverse Mercator Coordinates: \_\_\_\_\_
- B. Longitude/Latitude: 42°42’ 15.95” N /73°51’ 03.93” W

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

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

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

Appendix E completed and attached?  Yes  No  N/A

**SECTION VI: Certification**

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

**Corporations**

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

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

Evidence of Board Vote provided?  Yes  No  N/A

Corporate Certification provided?  Yes  No  N/A

**Individuals**

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

Appendix A completed and attached?  Yes  No  N/A

**Non-Corporate Entities**

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

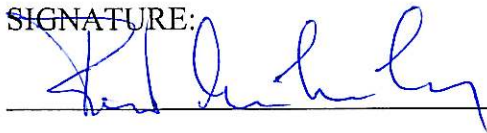
Appendix B completed and attached?  Yes  No  N/A

6.2 Authorized Representative Certification and Signature:

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

Signature of Authorized Representative:

SIGNATURE:



DATE:

12/10/08

Senior Vice President

(Title)



**APPENDIX B**  
**(Required When Owner or Operator is a Non-Corporate Entity**  
**Other Than An Individual)**

**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

**RESOLUTION OF AUTHORIZATION**

**Resolved:** that Trond Aschehoug,  
 named in Section 1.8 of the Renewable Energy Resources Eligibility Form as Authorized  
 Representative, is authorized to execute the Application on the behalf of \_\_\_\_\_  
MM Albany Energy LLC, the Owner or Operator of the  
 Generation Unit named in section 1.1 of the Application.

SIGNATURE:

Mark ComoraMark ComoraPresident, Fortistar Methane LLC

DATE:

12/5/08State: NEW YORKCounty: WESTCHESTER

(TO BE COMPLETED BY NOTARY) I, MICHELLE M KENNEDY as a  
 notary public, certify that I witnessed the signature of the above named MARK COMORA,  
 and that said person stated that he/she is authorized to execute this resolution, and the individual  
 verified his/her identity to me, on this date: DECEMBER 5, 2008.

SIGNATURE:

Michelle M Kennedy

DATE:

12/5/08My commission expires on: MAY 18, 2010

NOTARY SEAL:

MICHELLE M. KENNEDY  
 NOTARY PUBLIC, State of New York  
 No.: 4996574  
 Qualified Putnam County  
 Commission Expires: May 18, 2010

**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**

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

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

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

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

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

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

- ← please check this box to acknowledge this requirement.

(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:

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(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](http://www.ripuc.org/utilityinfo/res.html)) for information, templates and suggestions regarding the types and levels of detail appropriate for responses to specific application items requested below. Also, please see Section 6.9 of the RES Regulations for additional details on specific 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 wastes<sup>5</sup>; agricultural waste, food and vegetative material; energy crops; landfill methane<sup>6</sup> or biogas<sup>7</sup>, provided that such gas is collected and conveyed directly to the Generation Unit without use of facilities used as common carriers of natural gas; or neat bio-diesel and other neat liquid fuels that are derived from such fuel sources.

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

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

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<sup>5</sup> Generation Units using wood sources other than those listed above may make application, as part of the required fuel source plan described in Section 6.9 of the RES Regulations, for the Commission to approve a particular wood source as "clean wood." The burden will be on the applicant to demonstrate that the wood source is at least as clean as those listed in the legislation. Wood sources containing resins, glues, laminates, paints, preservatives, or other treatments that would combust or off-gas, or mixed with any other material that would burn, melt, or create other residue aside from wood ash, will not be approved as clean wood.

<sup>6</sup> Landfill gas, which is an Eligible Biomass Fuel, means only that gas recovered from inside a landfill and resulting from the natural decomposition of waste, and that would otherwise be vented or flared as part of the landfill's normal operation if not used as a fuel source.

<sup>7</sup> Gas resulting from the anaerobic digestion of sewage or manure is considered to be a type of biogas, and therefore an Eligible Biomass Fuel that has been fully separated from the waste stream.

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

Detailed description attached?  Yes  No  N/A

Comments: Uses Landfill Gas exclusively from Rapp Road Landfill located in Albany, NY

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

N/A or other (please explain) See F.1

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

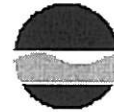
Comments: \_\_\_\_\_  
\_\_\_\_\_

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

04 / 19 / 2001

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

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 4010100171**



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 4-0101-00171/00013  
Effective Date: 04/19/2001 Expiration Date: 04/19/2006

Permit Issued To: ALBANY - C  
CITY HALL  
ALBANY, NY 12207

Contact: WILLARD A. BRUCE  
ALBANY DEPT OF GENERAL SERVICES  
ONE CONNERS BLVD  
ALBANY, NY 12204-1144

Facility: ALBANY LANDFILL  
RAPP RD  
ALBANY, NY 12205

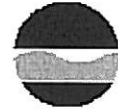
Description:

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

Permit Administrator: MICHAEL T. HIGGINS  
1150 NORTH WESCOTT RD  
SCHENECTADY, NY 12306-2014

Authorized Signature: \_\_\_\_\_ Date: \_\_\_ / \_\_\_ / \_\_\_

FINAL



**Notification of Other 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, agents, and assigns for all claims, suits, actions, damages, and costs of every name and description, arising out of or resulting from the permittee's undertaking of activities or operation and maintenance of the facility or facilities authorized by the permit in compliance or non-compliance with the terms and conditions of the permit.

**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**

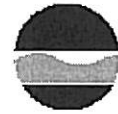
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**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.



**New York State Department of Environmental Conservation**  
**Facility DEC ID: 4010100171**



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

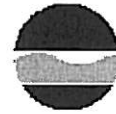
Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions, and Revocations by the Department

**Facility Level**

Submission of Applications for Permit Modification or Renewal -REGION 4  
HEADQUARTERS

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 4010100171**



**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***

**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(a)**

**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.

**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. The grounds for

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 4010100171**



modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

**\*\*\*\* Facility Level \*\*\*\***

**Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 4 HEADQUARTERS**  
**Applicable State Requirement: 6NYCRR 621.5(a)**

**Item 5.1:**

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

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

**New York State Department of Environmental Conservation**  
Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171



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

**ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT**

**IDENTIFICATION INFORMATION**

Permit Issued To: ALBANY - C  
CITY HALL  
ALBANY, NY 12207

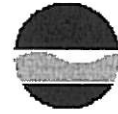
Contact: WILLARD A. BRUCE  
ALBANY DEPT OF GENERAL SERVICES  
ONE CONNERS BLVD  
ALBANY, NY 12204-1144

Facility: ALBANY LANDFILL  
RAPP RD  
ALBANY, NY 12205

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

Permit Effective Date: 04/19/2001

Permit Expiration Date: 04/19/2006



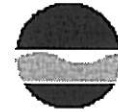
**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1 Sealing
- 2 Acceptable ambient air quality
- 3 Maintenance of equipment
- 4 Unpermitted Emission Sources
- 5 Unavoidable Noncompliance and Violations
- 6 Emergency Defense
- 7 Recycling and Salvage
- 8 Prohibition of Reintroduction of Collected Contaminants to the Air
- 9 Public Access to Recordkeeping for Title V facilities
- 10 Proof of Eligibility
- 11 Proof of Eligibility
- 12 Applicable Criteria, Limits, Terms, Conditions and Standards
- 13 Cessation or Reduction of Permitted Activity Not a Defense
- 14 Compliance Requirements
- 15 Federally-Enforceable Requirements
- 16 Fees
- 17 Monitoring, Related Recordkeeping and Reporting Requirements
- 18 Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements
- 19 Permit Shield
- 20 Property Rights
- 21 Reopening for Cause
- 22 Right to Inspect
- 23 Severability
- 24 Emission Unit Definition
- 25 Compliance Certification
- 26 Compliance Certification
- 27 Permit Exclusion Provisions
- 28 Required emissions tests
- 29 Compliance Certification
- 30 Recordkeeping requirements
- 31 Visible emissions limited.
- 32 Open Fires Prohibited at Industrial and Commercial Sites
- 34 EPA Region 2 address.
- 33 Excess emissions report.
- 35 Facility files for subject sources.
- 36 Availability of information.
- 37 Circumvention.
- 38 Standards for air emissions from MSW landfills
- 39 Reporting requirements - NMOC emission rate
- 40 Compliance Certification

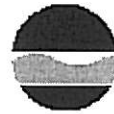
**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171**



- 41 Recycling and Emissions Reduction
- Emission Unit Level**
- 42 Emission Point Definition By Emission Unit
- 43 Process Definition By Emission Unit
- 44 Compliance Certification (EU=0-00005)
- 45 Compliance Certification (EU=0-00005,EP=00005)

**STATE ONLY ENFORCEABLE CONDITIONS**

- Facility Level**
- 46 General Provisions
- 47 Permit Exclusion Provisions
- 48 Contaminant List
- 49 Air pollution prohibited



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

**Condition 1: Sealing**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 6NYCRR 200.5**

**Item 1.1:**

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

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

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

**Condition 2: Acceptable ambient air quality**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 6NYCRR 200.6**

**Item 2.1:**

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

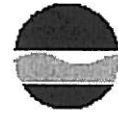
**Condition 3: Maintenance of equipment**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 6NYCRR 200.7**

**Item 3.1:**

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.

**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171**



**Condition 4:      Unpermitted Emission Sources**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 6NYCRR 201-1.2**

**Item 4.1:**

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

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

**Condition 5:      Unavoidable Noncompliance and Violations**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 5.1:**

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 or certificate issued for the corresponding air contamination source. 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.



**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171**



(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take 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.

**Condition 6:      Emergency Defense**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 6NYCRR 201-1.5**

**Item 6.1:**

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.

**Condition 7:      Recycling and Salvage**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 6NYCRR 201-1.7**



**Item 7.1:**

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 6 NYCRR.

**Condition 8: Prohibition of Reintroduction of Collected Contaminants to the Air**  
Effective between the dates of 04/19/2001 and 04/19/2006

**Applicable Federal Requirement: 6NYCRR 201-1.8**

**Item 8.1:**

No person shall unnecessarily 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 9: Public Access to Recordkeeping for Title V facilities**  
Effective between the dates of 04/19/2001 and 04/19/2006

**Applicable Federal Requirement: 6NYCRR 201-1.10(b)**

**Item 9.1:**

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.

**Condition 10: Proof of Eligibility**  
Effective between the dates of 04/19/2001 and 04/19/2006

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

**Item 10.1:**

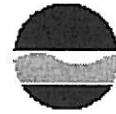
The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period 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 6 NYCRR Subpart 201-3, 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 11: Proof of Eligibility**  
Effective between the dates of 04/19/2001 and 04/19/2006

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

**Item 11.1:**

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part



**New York State Department of Environmental Conservation**

**Permit ID: 4-0101-00171/00013**

**Facility DEC ID: 4010100171**

201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. 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 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Condition 12: Applicable Criteria, Limits, Terms, Conditions and Standards**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 12.1:**

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

- i. Any reporting requirements and operations under an accidental release plan, response plan, and compliance plan as approved as of the date of the permit issuance, or
- ii. Any support documents submitted as a part of the permit application for this facility as accepted and approved as of the date of permit issuance.

Any noncompliance with the federally-enforceable portions of this permit constitutes a violation of the federal Clean Air Act and will be grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

**Item 12.2:**

Any document, including reports, required by the federally-enforceable portions of this permit shall contain a certification by the responsible official for this facility as set forth in Section 201-6.3 that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

**Condition 13: Cessation or Reduction of Permitted Activity Not a Defense**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 13.1:**

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.

**Condition 14: Compliance Requirements**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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



**Item 14.1:**

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 the responsible official, consistent with Section 201-6.3 of Part 201.

**Item 14.2:**

The permittee shall comply with the approved compliance schedule for this permit if such a schedule is a part of this permit. Risk management plans must be submitted to the Administrator if required by Section 112(r) of the Clean Air Act for this facility.

**Item 14.3:**

Progress reports consistent with an applicable schedule of compliance must be submitted at least semiannually on a calendar year basis, or at a more frequent period if specified in the applicable requirement or by the Department elsewhere in this permit. These reports shall be submitted to the Department within 30 days after the end of a reporting period. Such progress reports shall contain the following:

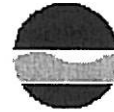
- i. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- ii. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or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

**Condition 15: Federally-Enforceable Requirements**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 15.1:**

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.

**Condition 16: Fees**  
Effective between the dates of 04/19/2001 and 04/19/2006  
**Applicable Federal Requirement: 6NYCRR 201-6.**

**Item 16.1:**  
The permittee shall pay the required fees associated with this permit.

**Condition 17: Monitoring, Related Recordkeeping and Reporting Requirements**  
Effective between the dates of 04/19/2001 and 04/19/2006  
**Applicable Federal Requirement: 6NYCRR 201-6.**

**Item 17.1:**  
Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements. Records of all monitoring data and support information shall be retained for a period of at least 5 years from the date of the monitoring sample, 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 18: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements**  
Effective between the dates of 04/19/2001 and 04/19/2006  
**Applicable Federal Requirement: 6NYCRR 201-6.**

**Item 18.1:**  
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 relieve the permittee from the requirement to comply with any condition contained in this permit.

The permittee 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. The permittee shall also, on request, furnish the Department with copies of records required to be kept by the permit. Where information is claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

**Condition 19: Permit Shield**  
Effective between the dates of 04/19/2001 and 04/19/2006  
**Applicable Federal Requirement: 6NYCRR 201-6.**

**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171**



**Item 19.1:**

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield. For those facilities for which a permit shield has been granted, 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.

**Condition 20:    Property Rights**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 20.1:**

This permit does not convey any property rights of any sort or any exclusive privilege.

**Condition 21:    Reopening for Cause**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 21.1:**

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.



**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171**

- 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.

**Item 21.2:**

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.

**Item 21.3:**

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.

**Condition 22:    Right to Inspect**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 22.1:**

Upon presentation of credentials and other documents, as may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

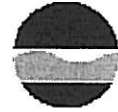
- i. Enter upon the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- iii. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Condition 23:    Severability**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 23.1:**

**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171**



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.

**Condition 24: Emission Unit Definition**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 24.1:**

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

Emission Unit: 0-00001

Emission Unit Description:

CATERPILLAR 3516 SITA INTERNAL COMBUSTION  
ENGINE THAT COMBUSTS LANDFILL GAS. UNIT

0 WILL BE RELOCATED PRIOR TO PHASE 2 OF THE  
P-4 LANDFILL EXPANSION.

Building(s): 001

**Item 24.2:**

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

Emission Unit: 0-00002

Emission Unit Description:

CATERPILLAR 3516 SITA INTERNAL COMBUSTION  
ENGINE THAT COMBUSTS LANDFILL GAS. UNIT  
WILL BE RELOCATED PRIOR TO CONSTRUCTION OF  
PHASE 2 OF THE P-4 LANDFILL EXPANSION.

Building(s): 001

**Item 24.3:**

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

Emission Unit: 0-00003

Emission Unit Description:

(PROPOSED) CATERPILLAR 3516 SITA INTERNAL  
COMBUSTION ENGINE THAT COMBUSTS LANDFILL  
GAS.

Building(s): 001

**Item 24.4:**

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

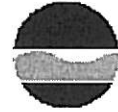
Emission Unit: 0-00004

Emission Unit Description:

(PROPOSED) CATERPILLAR 3516 SITA INTERNAL  
COMBUSTION ENGINE THAT COMBUSTS LANDFILL  
GAS.



**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171**



Building(s):      001

**Item 24.5:**

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

Emission Unit:    0-00005

Emission Unit Description:

OPEN FLARE (JOHN ZINK MODEL EEF-U) THAT  
COMBUSTS LANDFILL GAS. UNIT WILL BE  
RELOCATED PRIOR TO THE CONSTRUCTION OF  
PHASE 2 OF THE P-4 LANDFILL EXPANSION.

**Item 24.6:**

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

Emission Unit:    0-00006

Emission Unit Description:

75 ACRE CAPPED LANDFILL CONTAINING  
NON-HAZARDOUS MUNICIPAL SOLID WASTE ONLY.

**Condition 25:    Compliance Certification**

**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 25.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 25.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

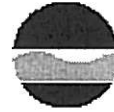
Monitoring Description:

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.

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

**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171**



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 Compliance Monitoring and Enforcement (BCME) 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.

Monitoring Frequency: SEMI-ANNUALLY  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR YEAR)  
Reports due 30 days after every 6 calendar months (January - June, July - December)

**Condition 26: Compliance Certification**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 26.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 26.2:**

Compliance Certification shall include the following monitoring:

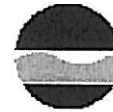
Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Compliance certifications shall contain the following information:

- 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

**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171**



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.

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.

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 Compliance Monitoring and Enforcement (BCME) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

USEPA Region 2  
Air Compliance Branch  
290 Broadway  
New York, NY 10007-1866

The address for the RAPCE is as follows:

1150 North Westcott Road  
Schenectady, NY 12306-2014

The address for the BCME is as follows:

NYSDEC  
Bureau of Compliance Monitoring  
and Enforcement  
50 Wolf Road  
Albany, NY 12233-3258

Reporting Requirements: ANNUALLY (CALENDAR YEAR)  
Reports due by January 30th for previous calendar year

**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171**



**Condition 27:    Permit Exclusion Provisions**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 27.1:**

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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant 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), and particularly any such enforcement action as may be authorized pursuant to 6 NYCRR 201-1.2 and 6 NYCRR 201-6.5(g).

The issuance of this permit by the Department and the receipt thereof by the Applicant does not supercede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements contained in such order or modification thereof unless specifically intended by this permit.

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 the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

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 the right of the Department to pursue any claims for natural resource damages against the Applicant.

**Condition 28:    Required emissions tests**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

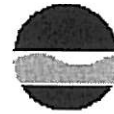
**Applicable Federal Requirement: 6NYCRR 202-1.1**

**Item 28.1:**

An acceptable report of measured emissions shall be submitted, as may be required by the commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6NYCRR Part 202-1.

**Condition 29:    Compliance Certification**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**New York State Department of Environmental Conservation**  
Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171



**Applicable Federal Requirement: 6NYCRR 202-2.1**

**Item 29.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 29.2:**

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 YEAR)

Reports due by April 15th for previous calendar year

**Condition 30: Recordkeeping requirements**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 6NYCRR 202-2.5**

**Item 30.1:**

(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 31: Visible emissions limited.**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

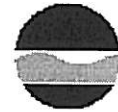
**Applicable Federal Requirement: 6NYCRR 211.3**

**Item 31.1:**

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

**Condition 32: Open Fires Prohibited at Industrial and Commercial Sites**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**New York State Department of Environmental Conservation**  
Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171



**Applicable Federal Requirement: 6NYCRR 215.**

**Item 32.1:**

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

**Condition 34: EPA Region 2 address.**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A**

**Item 34.1:**

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

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

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

NYSDEC  
Bureau of Enforcement and Compliance Assurance  
50 Wolf Road  
Albany, NY 12233-3254

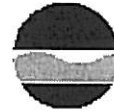
**Condition 33: Excess emissions report.**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 40CFR 60.7(c), NSPS Subpart A**

**Item 33.1:**

Affected owners or operators shall submit an excess emissions report and/or a summary report form (as defined in 40 CFR 60.7(d)) semi-annually (or more frequently as required by the applicable Subpart or the Administrator), to the Administrator. These reports shall be post marked no later than 30 days after each calendar quarter (or as appropriate), and shall contain the following information:

- 1) the magnitude of excess emissions computed, any conversion factors used, the date and time of each occurrence, and the process operating time during the reporting period;
- 2) specific identification of each period of excess emissions that occur during startup, shutdown, or malfunction, where the nature, cause, and corrective action are provided for a malfunction;



**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171**

3) the date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and

4) when no excess emissions have occurred or when the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be provided in the report.

**Condition 35:    Facility files for subject sources.**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 40CFR 60.7(f), NSPS Subpart A**

**Item 35.1:**

The following files shall be maintained at the facility for all affected sources: all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part, recorded in permanent form suitable for inspections. The file shall be maintained for at least two years following the date of such measurements, reports, and records.

**Condition 36:    Availability of information.**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 40CFR 60.9, NSPS Subpart A**

**Item 36.1:**

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 37:    Circumvention.**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A**

**Item 37.1:**

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 38:    Standards for air emissions from MSW landfills**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 38.1:**

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

**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171**



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 39: Reporting requirements - NMOC emission rate**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 39.1:**

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.



**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013**      **Facility DEC ID: 4010100171**



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 40: Compliance Certification**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 40.1:**  
The Compliance Certification activity will be performed for the Facility.

**Item 40.2:**  
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 MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 41: Recycling and Emissions Reduction**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 40CFR 82, Subpart F**

**Item 41.1:**  
The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for MVAC's in Subpart B:

- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR Part 82.156.
- b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR Part 82.158.



**New York State Department of Environmental Conservation**

**Permit ID: 4-0101-00171/00013**

**Facility DEC ID: 4010100171**

- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR Part 82.161.
- d. Persons disposing of small appliances, MVAC's, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR Part 82.166. ("MVAC-like appliance as defined at 40 CFR Part 82.152)
- e. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR Part 82.156.
- f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR Part 82.166.

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

**Condition 42: Emission Point Definition By Emission Unit  
Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 42.1:**

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

Emission Unit: 0-00001

Emission Point: 00001

Height (ft.): 9

Diameter (in.): 12

NYTMN (km.): 4729.

NYTME (km.): 594.07

Building: 001

**Item 42.2:**

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

Emission Unit: 0-00002

Emission Point: 00002

Height (ft.): 9

Diameter (in.): 12

NYTMN (km.): 4729.

NYTME (km.): 594.1

Building: 001

**Item 42.3:**

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

Emission Unit: 0-00003

Emission Point: 00003

Height (ft.): 9

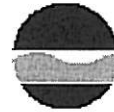
Diameter (in.): 12

NYTMN (km.): 4729.

NYTME (km.): 594.1

Building: 001

**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013**      **Facility DEC ID: 4010100171**



**Item 42.4:**

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

Emission Unit: 0-00004  
Emission Point: 00004  
Height (ft.): 9      Diameter (in.): 12  
NYTMN (km.): 4729.      NYTME (km.): 594.1      Building: 001

**Item 42.5:**

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

Emission Unit: 0-00005  
Emission Point: 00005  
Height (ft.): 21      Diameter (in.): 10

**Item 42.6:**

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

Emission Unit: 0-00006  
Emission Point: 00006      Diameter (in.): 8  
Emission Point: 00007  
Height (ft.): 10      Diameter (in.): 8  
Emission Point: 00008  
Height (ft.): 10      Diameter (in.): 8

**Condition 43: Process Definition By Emission Unit**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

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

**Item 43.1:**

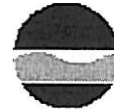
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-00001  
Process: 001      Source Classification Code: 5-02-006-02

Process Description:

THE INTERNAL COMBUSTION ENGINE USES  
LANDFILL GAS FROM THE CITY OF ALBANY  
LANDFILL AS ITS FUEL. THE LANDFILL GAS IS  
ASSUMED TO CONTAIN 50% METHANE FOR THE  
THROUGHPUT CALCULATIONS. THE MAXIMUM HEAT

**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171**



INPUT TO THE ENGINE IS 10,050,000 BTU PER  
HOUR AT THE HIGH HEATING VALUE OF THE  
LANDFILL GAS (508 BTU/SCF).

Emission Source/Control: 00001 - Combustion  
Design Capacity: 10.05 million Btu per hour

Emission Source/Control: 0000A - Control  
Control Type: MIST ELIMINATOR

**Item 43.2:**

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

Emission Unit: 0-00002

Process: 002

Source Classification Code: 5-02-006-02

Process Description:

THE INTERNAL COMBUSTION ENGINE USES  
LANDFILL GAS FROM THE CITY OF ALBANY  
LANDFILL AS ITS FUEL. THE LANDFILL GAS IS  
ASSUMED TO CONTAIN 50% METHANE FOR THE  
THROUGHPUT CALCULATIONS. THE MAXIMUM HEAT  
INPUT TO THE ENGINE IS 10,050,000 BTU PER  
HOUR AT THE HIGH HEATING VALUE OF THE  
LANDFILL GAS (508 BTU/SCF).

Emission Source/Control: 00002 - Combustion  
Design Capacity: 10.05 million Btu per hour

Emission Source/Control: 0000B - Control  
Control Type: MIST ELIMINATOR

**Item 43.3:**

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

Emission Unit: 0-00003

Process: 003

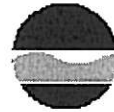
Source Classification Code: 5-02-006-02

Process Description:

THE PROPOSED INTERNAL COMBUSTION ENGINE  
USES LANDFILL GAS FROM THE CITY OF ALBANY  
LANDFILL AS ITS FUEL. THE LANDFILL GAS IS  
ASSUMED TO CONTAIN 50% METHANE FOR THE  
THROUGHPUT CALCULATIONS. THE MAXIMUM HEAT  
INPUT TO THE ENGINE IS 10,050,000 BTU PER  
HOUR AT THE HIGH HEATING VALUE OF THE  
LANDFILL GAS (508 BTU/SCF).

Emission Source/Control: 00003 - Combustion  
Design Capacity: 10.05 million Btu per hour

**New York State Department of Environmental Conservation**  
Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171



Emission Source/Control: 0000C - Control  
Control Type: MIST ELIMINATOR

**Item 43.4:**

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

Emission Unit: 0-00004  
Process: 004      Source Classification Code: 5-02-006-02

Process Description:  
THE PROPOSED INTERNAL COMBUSTION ENGINE USES LANDFILL GAS FROM THE CITY OF ALBANY LANDFILL AS ITS FUEL. THE LANDFILL GAS IS ASSUMED TO CONTAIN 50% METHANE FOR THE THROUGHPUT CALCULATIONS. THE MAXIMUM HEAT INPUT TO THE ENGINE IS 10,050,000 BTU PER HOUR AT THE HIGH HEATING VALUE OF THE LANDFILL GAS (508 BTU/SCF).

Emission Source/Control: 00004 - Combustion  
Design Capacity: 10.05 million Btu per hour

Emission Source/Control: 0000D - Control  
Control Type: MIST ELIMINATOR

**Item 43.5:**

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

Emission Unit: 0-00005  
Process: 005      Source Classification Code: 5-02-006-02

Process Description:  
THE OPEN FLARE COMBUSTS LANDFILL GAS FROM THE CITY OF ALBANY LANDFILL. THE FLARE IS DESIGNED TO COMBUST A MAXIMUM OF 2,000 SCFM. THE MAXIMUM HEAT INPUT TO THE FLARE IS 60,000,000 BTU PER HOUR (HIGH HEATING VALUE).

Emission Source/Control: 0000X - Combustion

Emission Source/Control: 00005 - Control  
Control Type: FLARING

**Item 43.6:**

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

Emission Unit: 0-00006  
Process: 006      Source Classification Code: 5-02-006-02



**New York State Department of Environmental Conservation**

**Permit ID: 4-0101-00171/00013**

**Facility DEC ID: 4010100171**

**Process Description:**

PLEASE REFER TO APPENDIX A, SECTION 2.2.2 AND 2.2.3. ADDITIONALLY, THREE LTI CF-5 FLARES COMBUST APPROXIMATELY FIVE SCFM EACH OF LANDFILL GAS FROM THE CITY OF ALBANY LANDFILL. THE THREE FLARES OPERATE IN COMPLIANCE WITH 40 CFR 60.18.

Emission Source/Control: 000F1 - Control

Control Type: FLARING

Emission Source/Control: 000F2 - Control

Control Type: FLARING

Emission Source/Control: 000F3 - Control

Control Type: FLARING

Emission Source/Control: 0000Y - Process

**Condition 44: Compliance Certification**

**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 6NYCRR 212.6(a)**

**Item 44.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 0-00005

**Item 44.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

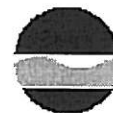
No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

Parameter Monitored: OPACITY

Upper Limit of Monitoring: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION



**New York State Department of Environmental Conservation**

**Permit ID: 4-0101-00171/00013**

**Facility DEC ID: 4010100171**

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR YEAR)

Reports due 30 days after every 6 calendar months (January - June, July - December)

**Condition 45: Compliance Certification**

**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable Federal Requirement: 6NYCRR 212.6(a)**

**Item 45.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 0-00005 Emission Point: 00005

Regulated Contaminant:

CAS No: 0NY075-00-0

Name: PARTICULATES

**Item 45.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The flare is fitted with a thermocouple and a Honeywell chart recording device to record temperature history. The thermocouple shuts the flare down if the temperature goes to less than the minimum temperature. When the shutdown occurs, an automatic valve closes, stopping gas flow to the flare.

Parameter Monitored: TEMPERATURE

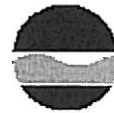
Lower Limit of Monitoring: 200 degrees Fahrenheit

Monitoring Frequency: CONTINUOUS

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED  
VALUE AT ANY TIME

Reporting Requirements: SEMI-ANNUALLY (CALENDAR YEAR)

Reports due 30 days after every 6 calendar months (January - June, July - December)



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

**Condition 46: General Provisions**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable State Requirement: 6NYCRR 201-5.**

**Item 46.1:**

This section contains terms and conditions that are not federally enforceable and are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 201-6.4 of Part 201.

**Item 46.2:**

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.

**Item 46.3:**

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.

**Condition 47: Permit Exclusion Provisions**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable State Requirement: 6NYCRR 201-5.**

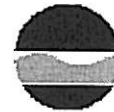
**Item 47.1:**

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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant 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 by the Department and the receipt thereof by the Applicant does not supercede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements contained in such order or modification thereof unless specifically intended by this permit.



**New York State Department of Environmental Conservation**  
**Permit ID: 4-0101-00171/00013      Facility DEC ID: 4010100171**



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 the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

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 the right of the Department to pursue any claims for natural resource damages against the Applicant.

**Condition 48: Contaminant List**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable State Requirement: 6NYCRR 201-5.3(b)**

**Item 48.1:**

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

CAS No: 0NY075-00-0  
Name: PARTICULATES

**Condition 49: Air pollution prohibited**  
**Effective between the dates of 04/19/2001 and 04/19/2006**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 49.1:**

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.

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

**Statement of Qualification**

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

This Statement of Qualification, provided by the Massachusetts Division of Energy Resources (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 **9<sup>th</sup> day of April 2007**.

Generation Unit Name, Location,  
and Capacity:

**MM Albany Energy LLC**  
Albany, NY  
6.6 MW

Authorized Representative's Name  
and Address:

Mr. Trond Aschehoug  
Senior Vice President & General Manager  
Minnesota Methane LLC  
3005 Douglas Boulevard, Suite 105  
Roseville, CA 95661

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 requirements of Rule 2.7 (c) of the NEPOOL GIS Operating Rules, or any successor rule, as well as the following:
3. The Generation Unit Owner, Operator, or authorized agent shall provide documentation, satisfactory to the Division, that:
  - (a) the imported electrical energy was settled in the ISO New England Market Settlement System;
  - (b) the Generation Unit produced, during each hour of the applicable month, the amount of MWhs claimed, as verified by the NEPOOL-GIS administrator;

- (c) the imported electrical energy received a North American Electricity Reliability Council Tag confirming transmission from the originating Control Area to the ISO New England Control Area; and
- (d) the New Renewable Generation Attributes have not otherwise been, nor will be, sold, retired, claimed or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

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-1068-07**

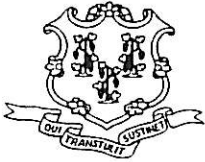
Pursuant to 225 CMR 14.06, the Owner, Operator, or authorized agent of the New Renewable Generation Unit is responsible for notifying the Division of any changes in the characteristics of the Generation Unit that could affect its eligibility status. The Owner, Operator, or authorized agent of the Generation 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.



David L. O'Connor  
Commissioner  
Division of Energy Resources

Date:

4/9/07



# STATE OF CONNECTICUT

RECEIVED

MAR 03 2008

FORTISTAR METHANE GROUP

DEPARTMENT OF PUBLIC UTILITY CONTROL  
TEN FRANKLIN SQUARE  
NEW BRITAIN, CT 06051

DOCKET NO. 07-12-22 APPLICATION OF MINNESOTA METHANE FOR  
QUALIFICATION OF MM ALBANY LLC AS A CLASS I  
RENEWABLE GENERATION FACILITY

February 27, 2008

By the following Commissioners:

James T. Fleming  
Anne C. George  
John W. Betkoski, III

## DECISION

### I. INTRODUCTION

#### A. SUMMARY

In this Decision, the Department of Public Utility Control determines that the MM Albany Energy LLC generating facility qualifies as a Class I renewable energy source as a methane gas from landfill facility and assigns it Connecticut Renewable Portfolio Standard (RPS) Registration Number CT00238-07.

#### B. BACKGROUND OF THE PROCEEDING

By application dated December 17, 2007, Minnesota Methane LLC (Minnesota Methane or Petitioner) requested that the Department of Public Utility Control (Department) determine that the MM Albany Energy LLC (MM Albany) generating facility qualifies as a Class I renewable energy source.

MM Albany is a methane gas from landfill facility located in Albany, New York. MM Albany began commercial operation on April 7, 1998, and has a rated capacity of 1.9 MW.

### **C. CONDUCT OF THE PROCEEDING**

There is no statutory requirement for a hearing, no person requested a hearing, and none was held.

### **D. PARTICIPANTS IN THE PROCEEDING**

The Department recognized Minnesota Methane, LLC, 3005 Douglas Blvd., Suite 105, Roseville, CA 95661, and the Office of Consumer Counsel, Ten Franklin Square, New Britain, Connecticut 06051, as participants in this proceeding.

## **II. DEPARTMENT ANALYSIS**

Pursuant to the General Statutes of Connecticut (Conn. Gen. Stat.), "Class I renewable energy source" includes energy derived from methane gas from landfills.

Conn Gen. Stat. §16-245a(b), defines geographic eligibility to include energy imported into the control area of the regional independent system operator pursuant to New England Power Pool Generation Information System Rule (NEPOOL GIS) 2.7(c), as in effect on January 1, 2006.

As provided in the application, MM Albany is a methane gas from landfill facility located at 525 Rapp Road, Albany, New York 12205. MM Albany is currently owned by Minnesota Methane, LLC. The Petitioner indicates that this methane gas from landfill facility has a rated capacity of 1.9MW. As such, the project produces energy derived from methane gas from a landfill in New York. New York is recognized as an adjacent control area by the Independent System Operator of New England. Therefore, the facility geographically qualifies to import power into the control area pursuant to NEPOOL GIS rule 2.7(c) and subsequently receive renewable energy certificates.

Based on the foregoing, the Department determines that MM Albany qualifies as a Class I renewable energy facility.

## **III. FINDINGS OF FACT**

1. MM Albany is a methane gas from landfill facility located in Albany, New York.
2. MM Albany is currently owned by Minnesota Methane, LLC.
3. MM Albany began operation on April 7, 1998.
4. MM Albany has a rated capacity of 1.9 megawatts.

#### IV. CONCLUSION

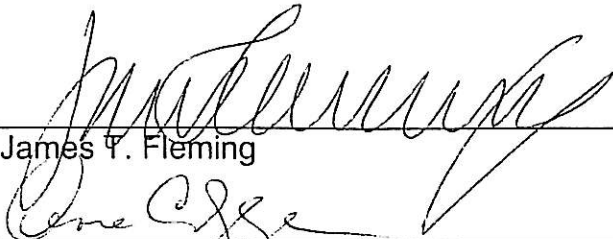
Based on the evidence submitted, the Department finds that MM Albany qualifies as a Class I renewable generation source pursuant to Conn. Gen. Stat. § 16-1(a)(27).


The Department assigns each renewable generation source a unique Connecticut Renewable Portfolio Standard (RPS) registration number. MM Albany's Connecticut RPS registration number is CT00238-07.

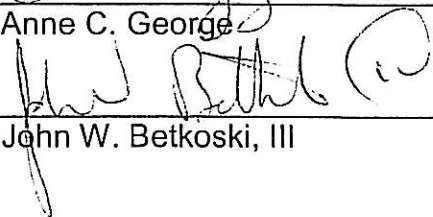
The Department's determination in this docket is based on the information submitted by Minnesota Methane LLC. The Department may reverse its ruling or revoke the Applicant's registration if any material information provided by the Applicant proves to be false or misleading. The Department reminds Minnesota Methane LLC that it is obligated to notify the Department within 10 days of any changes to any of the information it has provided to the Department.

DOCKET NO. 07-12-22 APPLICATION OF MINNESOTA METHANE FOR  
QUALIFICATION OF MM ALBANY LLC AS A CLASS I  
RENEWABLE GENERATION FACILITY

This Decision is adopted by the following Commissioners:

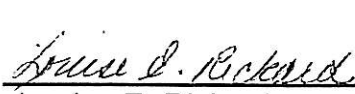
  
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James F. Fleming

  
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Anne C. George

  
\_\_\_\_\_  
John W. Betkoski, III

CERTIFICATE OF SERVICE

The foregoing is a true and correct copy of the Decision issued by the Department of Public Utility Control, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.

 (SML)  
\_\_\_\_\_  
Louise E. Rickard  
Acting Executive Secretary  
Department of Public Utility Control

FEB 28 2008  
Date