



**Conservation Services Group**

November 5, 2009

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

**RE: Facility Application to qualify for new Rhode Island RES**

Dear Ms. Massaro,

I am writing on behalf of our client Innovative Energy Systems to apply for Rhode Island Renewable Energy Standard certificate acquisition. Please find attached a completed application including all necessary documentation as required to establish the Fulton Landfill gas facilities as an eligible new facility.

Please submit any questions, concerns or further documentation requests directly to Mrs. Stephanie Lovejoy Hamilton at the contact information listed below. Thank you for your time and attention to this matter.

Conservation Services Group  
Legal Affairs and Compliance  
Clean Energy Markets  
40 Washington Street  
Westborough, MA 01581  
Tel: 508-836-9500 ext 13285  
Cell: 508-439-0417  
Fax: 508-836-3181  
[stephanie.hamilton@csgrp.com](mailto:stephanie.hamilton@csgrp.com)

Sincerely,

Conservation Services Group

# 4133

40 Washington Street  
Westborough, MA 01581

Tel 508.836.9500

Fax 508.836.3181

[www.csgrp.com](http://www.csgrp.com)

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PUBLIC UTILITIES COMMISSION

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

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**SECTION I: Identification Information**

- 1.1 Name of Generation Unit (sufficient for full and unique identification):  
Fulton LFGE
- 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
  - X APPENDIX E: Special Provisions for a Generation Unit Located in a Control Area Adjacent to NEPOOL
  - X APPENDIX F: Fuel Source Plan for Eligible Biomass Fuels

Primary Contact Person name and title: Stephanie Hamilton, Legal Affairs and Compliance\_\_\_\_\_

- 1.4 Primary Contact Person address and contact information:  
Address: Conservation Services Group  
40 Washington Street, MA 01581

Phone: \_\_\_\_\_ 508-836-9500 ext.13285 Fax: \_\_\_\_\_ 508-836-3181 \_\_\_\_\_  
Email: Stephanie.hamilton@csgrp.com\_\_\_\_\_

- 1.5 Backup Contact Person name and title: \_\_\_\_\_ Scott A. Henningham, CFO
- 

- 1.6 Backup Contact Person address and contact information:  
Address: Innovative Fulton, LLC  
2999 Judge Road, Oakfield, NY 14125

Phone: 585-948-8580      Fax: \_\_\_\_\_ 585-948-8584 \_\_\_\_\_  
Email: shenningham@ieslfge.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.

1.7 Name and Title of Authorized Representative (*i.e.*, the individual responsible for certifying the accuracy of all information contained in this form and associated appendices, and whose signature will appear on the application):  
\_\_\_\_\_ Patricia Stanton  
Appendix A or B (as appropriate) completed and attached?  Yes  No  N/A

1.8 Authorized Representative address and contact information:  
Address: Conservation Services Group  
40 Washington Street, MA 01581  
  
Phone: 508-836-9500 ext 13297 Fax: \_\_\_\_\_ 508-836-3181 \_\_\_\_\_  
Email: pat.stanton@csgroup.com

1.9 Owner name and title: \_\_\_\_\_ Innovative Fulton, LLC.  
\_\_\_\_\_ Scott Henningham, CFO

1.10 Owner address and contact information:  
Address: \_\_\_\_\_ 2999 Judge Rd \_\_\_\_\_  
\_\_\_\_\_ Oakfield, NY 14125 \_\_\_\_\_  
  
Phone: \_\_\_\_\_ 585-948-8580 \_\_\_\_\_ Fax: \_\_\_\_\_ 585-948-8584 \_\_\_\_\_  
Email: \_\_\_\_\_ shenningham@ieslfge.com \_\_\_\_\_

1.12 Owner business organization type (check one):  
 Individual  
 Partnership  
 Corporation  
Other: \_\_\_\_\_

1.13 Operator name and title: \_\_\_\_\_ Innovative Energy Systems, LLC.  
\_\_\_\_\_ Scott Henningham

1.14 Operator address and contact information:  
Address: \_\_\_\_\_ 2999 Judge Rd \_\_\_\_\_  
\_\_\_\_\_ Oakfield, NY 14125 \_\_\_\_\_  
  
Phone: \_\_\_\_\_ 585-948-8580 \_\_\_\_\_ Fax: \_\_\_\_\_ 585-948-8584 \_\_\_\_\_  
Email: \_\_\_\_\_ shenningham@ieslfge.com \_\_\_\_\_

1.15 Operator business organization type (check one):  
 Individual  
 Partnership  
 Corporation  
 Other: \_\_\_\_\_

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

2.1 ISO-NE Generation Unit Asset Identification Number or NEPOOL GIS Identification Number (either or both as applicable): \_\_\_\_\_

2.2 Generation Unit Nameplate Capacity: 3.2 MW

2.3 Maximum Demonstrated Capacity: \_\_\_\_\_ MW

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

- Direct solar radiation
- The wind
- Movement of or the latent heat of the ocean
- The heat of the earth
- Small hydro facilities

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

- Biomass facilities using unlisted biomass fuel
- Biomass facilities, multi-fueled or using fossil fuel co-firing
- Fuel cells using a renewable resource referenced in this section

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

- ← check this box to certify that the above statement is true
- N/A or other (please explain) \_\_\_\_\_

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

- ← check this box to certify that the above statement is true
- N/A or other (please explain) \_\_\_\_\_

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

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

B. Please complete and attach Appendix F, Eligible Biomass Fuel Source Plan.  
Appendix F completed and attached? X Yes  No  N/A

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

Yes X No If yes, please attach a copy of that state's certifying order.  
Copy of State's certifying order attached?  Yes  No x 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: \_\_1/\_\_\_\_/2010 at the site.

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

Yes  
X No

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

Appendix C completed and attached?  Yes  No X N/A

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

Yes  
X No

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

.....  
.....  
.....

**SECTION IV: Metering**

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

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

.....

Appendix D 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.

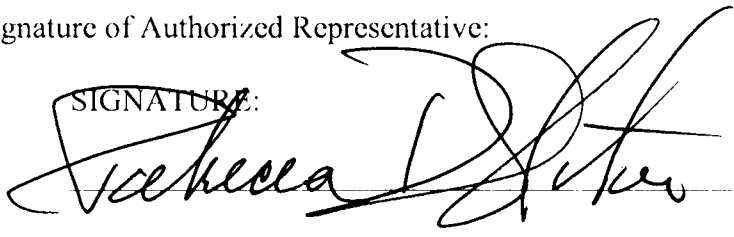
Appendix B completed and attached?  Yes  No  N/A



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: 11/19/09

(Title)

**APPENDIX E  
(Revised 1/21/08)****(Required of all Applicants Located in a Control Area Adjacent to NEPOOL)****STATE OF RHODE ISLAND  
PUBLIC UTILITIES COMMISSION****RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM****Pursuant to the Renewable Energy Act  
Section 39-26-1 et. seq. of the General Laws of Rhode Island**

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

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

- 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:  
For evidence, a Power Purchase Agreement between Innovative Fulton, LLC., the owner and operator of Fulton, and Seneca Energy II LLC, the counter-party in NEPOOL, for twenty years and for the entire output of Fulton, will be submitted to the GIS as proof of a unit-specific bilateral contract.  
(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>2</sup>; agricultural waste, food and vegetative material; energy crops; landfill methane<sup>3</sup> or biogas<sup>4</sup>, provided that such gas is collected and conveyed directly to the Generation Unit without use of facilities used as common carriers of natural gas; or neat bio-diesel and other neat liquid fuels that are derived from such fuel sources.

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

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

<sup>2</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>3</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>4</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: \_\_\_\_\_  
\_\_\_\_\_

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

Further substantiation attached?  Yes  No  N/A

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

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

Description attached?  Yes  No  N/A

Comments: \_\_\_\_\_  
\_\_\_\_\_ no co-firing \_\_\_\_\_

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

Description provided?  Yes  No  N/A

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

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

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

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

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

Documentation attached?  Yes  No  N/A

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

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

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

N/A or other (please explain) \_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

  10 / 23 / 2008  

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

  New York  

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

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

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

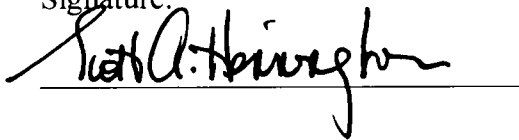
The Facility is not “co-fired” with ineligible fuels, only with eligible landfill gas. In addition, only eligible landfill gas is brought to the Facility’s generator.

*Certification of Authorized Representative*

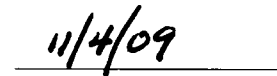
October 20, 2009  
Rhode Island Public Utilities Commission  
89 Jefferson Blvd.  
Warwick, RI 02888  
Attn: Renewable Energy Resources Eligibility

I, Scott Henningham, Chief Financial Officer of Innovative Fulton, LLC certify that Patricia Stanton as Vice President, Clean Energy Markets is the Authorized Representative for the Fulton facility named in Section 1.8 of the Rhode Island Renewable Energy Resources Eligibility Form and is authorized to execute The Standard Application Form for the Fulton Landfill Gas Facility.

Signature:

  
\_\_\_\_\_

Date:

  
\_\_\_\_\_



**Agreement for the Purchase and Sale of Energy  
Proprietary and Confidential**

October 20, 2009

This agreement confirms the transaction between Seneca Energy II, LLC and Innovative Fulton, LLC. regarding the sale and purchase of the Product under the terms and conditions as follows (“the Agreement”). Hereinafter Seneca Energy II, LLC and Innovative Fulton, LLC may be referred to, individually, as a “Party” and, collectively as the “Parties.”

Buyer: Seneca Energy II, LLC

Seller: Innovative Fulton, LLC.

Term: January 1, 2010 through December 31, 2030

Definition: “Energy” means the energy associated with one (1) megawatt hour (MWh) of energy from a renewable energy source with the renewable energy attributes and means three-phases, 60–cycle alternating current electric energy, expressed in megawatt hours.

Facility Name: Fulton LFGE

**Contract**

Quantity: Seneca Energy II, LLC will purchase and receive and Innovative Fulton, LLC. will sell and deliver the entire output of the Fulton LFGE facility. Quantity will vary hour to hour based on Fulton LFGE’s production, but will be at a maximum of Fulton LFGE’s capacity. Fulton LFGE’s capacity is 3.2MW’s.

**Product**

and Delivery: Seller will deliver the Energy to the Buyer, and Buyer will pay Seller the difference between the day ahead Locational Marginal Price (“LBMP”) at the Delivery Point, defined below, as published each hour by the ISO-NE, and the Facility, defined below, interconnection day ahead market price, as published each hour by NY-ISO.

Seller’s failure to deliver shall be excused if the Seller’s Facility is unavailable as a result of a Forced Outage (as defined in the NERC Generating Unit Availability Data System (GADS) Forced Outage reporting guidelines).

Payment: As soon as practicable after the end of each month during the term hereof, Seller shall render to Buyer an invoice to be paid by the Buyer to Seller for the Energy delivered during such month. Payments shall be due and payable on the fifteenth (15<sup>th</sup>) day after receipt of the invoice or, if such day is not a Business Day, then on the next Business Day.

If Buyer, in good faith, disputes the accuracy of a statement, Buyer shall provide a written explanation of the basis for the dispute and pay the undisputed amount. Upon determination of the corrected billing amount, the proper adjustment shall be paid or refunded within (5) Business Days after such determination.

Delivery Point: Sandy Pond

Facility, Location

And Resource: The source of the Energy shall be a Landfill Methane Gas to Energy generating resource. The facility has a name plate capacity of 3.2 MW and is located at 847 Mud Rd., Johnstown, NY 12095.

Double-Counting:

The Seller warrants that the environmental attributes of Energy has not otherwise been, nor will be sold, retired, claimed or represented as apart of electricity put or sales, or used to satisfy obligations in any jurisdiction.

Confidentiality:

This Agreement and the General Terms and Conditions shall be considered "Proprietary and Confidential", except as required by law or legal process.

This Agreement constitutes part of and is subject to the attached General Terms and Conditions.

Innovative Fulton, LLC

Name: Scott A. Henningham  
Title: CFD  
Date: 11/12/09

Signature: Scott A. Henningham

Seneca Energy II, LLC

Name: Scott A. Henningham  
Title: CFD  
Date: 11/12/09

Signature: Scott A. Henningham

**Agreement for the Purchase and Sale of Energy  
between Innovative Fulton, LLC, and Seneca Energy II, LLC,  
dated October 20, 2009  
GENERAL TERMS AND CONDITIONS**

**1) ACCEPTANCE/AGREEMENT**

The Agreement together with the General Terms and Conditions shall constitute the entire contract or agreement between Innovative Fulton, LLC., and Seneca Energy II, LLC.

**2) WARRANTY; REPRESENTATION**

Each Party represent and Warrants to the other Party that:

(a) at all times during the Term will have, all necessary power and authority to execute, deliver and perform its obligations hereunder;

(b) the execution, delivery and performance of this Agreement has been duly authorized by all necessary action and does not violate any of the terms or conditions of the Party's governing documents, or any contract to which it is a party, or any law, rule, regulation, order, judgment or other legal or regulatory determination;

(c) there is no pending or threatened litigation; arbitration or administrative proceeding that materially adversely affects the Party's ability to perform its obligations under this Agreement;

(d) this Contract constitutes its legally valid and binding obligation enforceable against it in accordance with its terms;

(e) it is not bankrupt and there are no proceeding pending or being contemplated by it or, to its knowledge, threatened against it which would result in it being or becoming bankrupt;

(f) it is a "forward contract merchant" within the meaning of the United States Bankruptcy Code.

The Seller further Warrants to the Buyer that all Energy sold hereunder is delivered free and clear of all liens, encumbrances, and claims or any interest therein or thereto by any person arising prior to the Delivery Point.

**3) DELIVERY**

Subject to the terms and conditions of this Agreement, Seller shall sell and deliver, and Buyer shall purchase and receive, Energy at the Delivery Point, and Buyer shall pay the Price for the Energy delivered. Seller shall be responsible for any costs or charges imposed on or associated with the Energy up to the Delivery Point, including but not limited to transmission costs; and the Buyer shall be responsible for any costs

or charges imposed on or associated with the Energy or its receipt at and from the Delivery Point, including but not limited to transmission costs.

#### **4) EVENT OF DEFAULT AND DAMAGES**

**A)** For purposes of and during the Term of this Agreement, each of the following shall constitute an event of default (“Event of Default”) by a Party (i) if a Party fails to make, when due, any payment required pursuant hereto if such failure is not remedied within seven (7) Business Days after written notice; or (ii) if a Party materially breaches any or all of its obligations as described in this Agreement and such breach is not cured within five (5) Business Days of written notice of such breach from the other Party; or (iii) if any representation or warranty made by a Party in Paragraph 2 of this Agreement proves to have been misleading or false in any material respect when made; or (iv) if a Party: makes an assignment or any general arrangement for the benefit of its creditors, files a petition or otherwise commences, authorizes or acquiesces in the commencement of a proceeding or cause under any bankruptcy or similar law for the protection of creditors, or has such a petition filed against it, or becomes unable to pay its debts as they fall due.

**B)** Unless excused by Force Majeure or Seller’s material failure to perform, if Buyer fails to accept all or any part of the quantity of Product to be delivered under this Agreement, Buyer shall pay Seller for such deficiency an amount equal to the positive difference, if any, obtained by subtracting the Sales Price from the Energy Price plus reasonable legal costs incurred by Seller in enforcement and protection of its rights under this Agreement. “Sales Price” means the price, determined by Seller in a commercially reasonable manner, at which Seller resells (if at all) the Energy, or, absent such a sale, the maker price for such quantity of Energy at or during the time that Buyer fails to accept the Energy.

**C)** Unless excused by Force Majeure or Buyer’s material failure to perform, if Seller fails to deliver all or any part of the quantity of Energy to be delivered under this Agreement, Seller shall pay Buyer for such deficiency an amount equal to the positive difference, if any, obtained by subtracting the Energy Price from the Replacement Price plus reasonable legal costs incurred by Buyer in enforcement and protection of its rights under this Agreement. “Replace Price” means the price, determined by Buyer in a commercially reasonable manner, at which Buyer purchases (if at all) substitute Energy for the deficiency or, absent such a purchase, the market price for such quantity of Energy at or during the time that the Seller fails to delivered the Energy.

**D)** Each Party hereby stipulates that the payment obligations set forth in (B) and (C) above are reasonable in light of the anticipated harm and each Party hereby waives the right to contest such payments as an unreasonable penalty or otherwise. The remedy set forth in (B) and (C) of this Paragraph 4 shall be the sole and exclusive remedy of the aggrieved Party for the failure of the other to deliver or accept, as the case may be, the quantity of Energy specified herein and all other damages and

remedies are hereby waived as to such failures(s), except as set forth in Section E below.

**E)** No waiver of remedies or damages herein shall apply to claim of anticipatory repudiation or remedies thereof provided by law, except that neither Seller no Buyer shall be liable to the other for consequential, incidental, punitive, exemplary or indirect damages, lost profits, or business interruption damages, whether by statute, in tort or in contract, under any indemnity provisions or otherwise.

#### **5) ASSIGNMENT**

This Agreement is not assignable by either Party, except as provided herein, without the prior written consent of the non-assigning Party, which consent shall not be unreasonably withheld, delayed or conditioned.

#### **6) SEVERABILITY**

If any article, section, phrase or portion of this Agreement is, for any reason, held or adjudged to be invalid, illegal or unenforceable by any court of competent jurisdiction, such article, section, phrase, or portion so adjudged will be deemed separate, severable and independent and the remainder of this Agreement shall remain in full force and effect and shall not be invalidated or rendered illegal or unenforceable or otherwise affected by such adjudication, provided that the basic purpose of this Agreement and the benefits to the Parties are not substantially impaired.

#### **7) WAIVER**

No delay or omission by a Party in the exercise of any right under this Agreement shall be taken, construed or considered as a waiver or relinquishment thereof, and any such right may be exercised from time to time and as often as may be deemed expedient. If any of the terms and conditions hereof are breached and thereafter waived by a Party, such waiver shall be limited to the particular breach so waived and is not deemed to waive any other breach hereunder.

#### **8) GOVERNING LAW; VENUE**

This Agreement and the rights and duties of the Parties hereunder shall be governed by and shall be construed, enforced and performed in accordance with the laws of the State of New York, without regard to principles of conflicts of law. Each Party hereto irrevocably (i) submits to the non-exclusive jurisdiction of the federal and state courts located in the State of New York; (ii) waives any objection which it may have to the laying of venue of any proceedings brought in any such court; and (iii) waives any claim that such proceedings have been brought in an inconvenient forum.

## **9) FORCE MAJEURE**

Neither Party shall be liable to the other Party for failure of or delay in performance of any obligation under this Agreement, directly or indirectly, owing to acts of God, war, war-like condition, embargoes, riots, acts of terrorism, strike and other events not within its reasonable control or the result of the negligence of the claiming Party. In the event that such failure or delay occurs, the affected Party shall notify the other Party of the occurrence thereof as soon as possible and the Parties shall discuss the best way to resolve the event of force majeure.

## **10) ENTIRE AGREEMENT**

This Agreement completely and fully supersedes all other understandings or agreements, both written and oral, between the Parties relating to the subject matter hereof.

## **11) AMENDMENT; BINDING EFFECT**

This Agreement may not be amended, changed, modified, or altered unless such amendment, change, modification, or alteration is in writing and signed by both of the Parties to this Agreement. This Agreement shall inure to the benefit of and shall be binding upon the Parties and their respective successors and permitted assigns.

## **12) NOTICES**

Any notice, demand, or request required or authorized by this Agreement to be given by one Party to another Party shall be in writing. It shall either be sent by facsimile (with receipt confirmed by telephone and electronic transmittal receipt), courier, personally delivered (including overnight delivery service) or mailed, postage prepaid, to the representative of the other Party. Any such notice, demand, or request shall be deemed to be given (i) when sent by facsimile confirmed by telephone and electronic transmittal receipt, (ii) when actually received if delivered by courier or personal delivery (including overnight delivery service) or (iii) seven (7) days after deposit in the United States mail, if sent by first class mail return receipt requested.

## **13) GOVERNMENTAL CHARGES AND TAXES**

Seller shall pay or cause to be paid all taxes imposed by any government authority ("Governmental Charges") on or with respect to the Product arising prior to the Delivery Point. Buyer shall pay or cause to be paid all Governmental Charges on or with respect to the Energy at and from the Delivery Point (other than income taxes which are directly related to the sale of the Product and are, therefore, the responsibility of the Seller). In the event one Party is required by law or regulation to remit or pay Governmental Charges that are the responsibility of the other Party hereunder, the responsible party shall promptly reimburse the paying Party for such Governmental Charges. Nothing shall obligate or cause a Party to pay or be liable to

pay any Governmental Charges for which it is exempt under law and timely asserts and diligently pursues such exemption, until final determination thereof.

#### **14) TITLE AND RISK OF LOSS**

Title to and risk of loss related to Product shall transfer from Seller to Buyer at the Delivery Point.

#### **15) INDEMNITY**

Each Party shall indemnify, defend and hold harmless the other Party from and against any Claims arising from or out of any event, circumstance, act or incident first occurring or existing during the period when control and title to the Energy vested in such Party. Each Party shall indemnify, defend and hold harmless the other Party against any Governmental Charges for which such Party is responsible under Paragraph 13.

#### **16) NETTING AND SETOFF**

If the Parties are required to pay an amount on the same date each to the other under this Agreement, such amounts shall be netted, and the Party owing the greater aggregate amount shall pay to the other Party any difference between the amounts owed. Each Party reserves all rights, setoffs, counterclaims and other remedies and defenses (to the extent not expressly herein or therein waived or denied) that such Party has or to which such Party may be entitled arising from or out of this Agreement. All outstanding obligations to make payment under this Agreement may be netted against each other, set off or recouped there from, or otherwise adjusted.

# New York State Department of Environmental Conservation

## Division of Environmental Permits, Region 5

232 Golf Course Road – P. O. Box 220, Warrensburg, New York 12885-0220

Phone: (518) 623-1281 • FAX: (518) 623-3603

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



Alexander B. Grannis  
Commissioner

August 20, 2008

Mr. Peter H. Zeff  
Innovative Energy Systems Inc.  
2999 Judge Road  
Oakfield, NY 14125-9771


Re: Air State Facility Permit  
DEC Permit # 5-1728-00122-00001  
Innovative Energy Systems- Fulton  
Johnstown (F), Fulton (Co)

Dear Mr. Zeff:

Enclosed is the Air State Facility Permit for the proposed electricity generation project at the Fulton County Mud Road Landfill in Johnstown, New York. This permit covers all potential emissions from equipment installed and operated by Innovative Energy Systems, it does not modify any previously existing permit held by Fulton County for the operation of the landfill.

Should you have any questions regarding this permit please contact Chad Sievers of the Division of Air staff at 518-623-1226.

Sincerely,

  
Walter L. Haynes  
Deputy Regional Permit Administrator

cc: C. Sievers  
G. Carayiannis





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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 51728-00122-00001  
Effective Date: 08/15/2008                      Expiration Date: No expiration date

Permit Issued To: INNOVATIVE ENERGY SYSTEMS INC  
2999 JUDGE RD  
OAKFIELD, NY 14125-9771

Contact: PETER H ZELIEF  
INNOVATIVE ENERGY SYSTEMS INC  
2999 JUDGE RD  
OAKFIELD, NY 14125-9771  
(585) 948-8580

Facility: INNOVATIVE ENERGY SYSTEMS-FULTON  
847 MUD RD  
JOHNSTOWN, NY 12095

Description:

The electricity generation equipment and process proposed for construction and operation by Innovative Energy systems at the Fulton County Mud Road Sanitary Landfill consist of:

1. LFG treatment equipment (gas dewatering, filtration and compression equipment and process).
2. One lean-burn IC engine that will be connected to an individual electricity generator.
3. Ancillary equipment that supports electricity generation operations.
  - a. The IC engine is equipped with a stand-alone fan cooled radiator.
  - b. Engine radiator coolant (new and used) will be stored in separate above ground holding tanks positioned on the premises of the LFG fueled IC engine electricity generation operations. The new and used engine radiator coolant storage tanks will each have capacities of 1,000 gallons.
  - c. Engine lube oil (new and used) will be stored in separate above ground holding tanks positioned on the premises of the LFG fueled IC engine electricity generation operations. The new lube oil storage tank will have a capacity of 8,000 gallons. The used oil storage will have a capacity of 2,000 Gallons.

New York State Department of Environmental Conservation  
Facility DEC ID: 5172800122



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: WALTER L. HAYNES  
DIVISION OF ENVIRONMENTAL PERMITS  
252 GOLF COURSE RD PO BOX 220  
WARRENSBURG, NY 12885-0220

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

Date: \_\_\_\_\_



### Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



**PAGE LOCATION OF CONDITIONS**

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**DEC GENERAL CONDITIONS**

**General Provisions**

- 2 Facility Inspection by the Department
- 2 Relationship of this Permit to Other Department Orders and Determinations
- 2 Applications for permit renewals, modifications and transfers
- 3 Permit modifications, suspensions or revocations by the Department

**Facility Level**

- 3 Submission of application for permit modification or renewal-REGION 5 SUBOFFICE - WARRENSBURG



**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***  
**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

**Applicable State Requirement: ECL 3-0301.2(m)**

**Item 2.1:**

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

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6NYCRR 621.11**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3:**

Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

**Condition 4: Permit modifications, suspensions or revocations by the Department**



**Applicable State Requirement: 6NYCRR 621.13**

**Item 4.1:**

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

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

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

**Condition 5: Submission of application for permit modification or renewal-REGION 5  
SUBOFFICE - WARRENSBURG**

**Applicable State Requirement: 6NYCRR 621.6(a)**

**Item 5.1:**

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

NYSDEC Regional Permit Administrator  
Region 5 Sub-office  
Division of Environmental Permits  
232 Golf Course Road, PO Box 220  
Warrensburg, NY 12885-0220  
(518) 623-1281

New York State Department of Environmental Conservation

Permit ID: 5-1728-00122/00001

Facility DEC ID: 5172800122



Permit Under the Environmental Conservation Law (ECL)

**ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT**

**IDENTIFICATION INFORMATION**

Permit Issued To: INNOVATIVE ENERGY SYSTEMS INC  
2999 JUDGE RD  
OAKFIELD, NY 14125-9771

Facility: INNOVATIVE ENERGY SYSTEMS-FULTON  
847 MUD RD  
JOHNSTOWN, NY 12095

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

Permit Effective Date: 08/15/2008

Permit Expiration Date: No expiration date.



**PAGE LOCATION OF CONDITIONS**

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**DEC GENERAL CONDITIONS**

**General Provisions**

- 2 Facility Inspection by the Department
- 2 Relationship of this Permit to Other Department Orders and Determinations
- 2 Applications for permit renewals, modifications and transfers
- 3 Permit modifications, suspensions or revocations by the Department

**Facility Level**

- 3 Submission of application for permit modification or renewal-REGION 5 SUBOFFICE - WARRENSBURG

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**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 6 1 6NYCRR 227-1.3(a): Compliance Demonstration
- 7 2 40CFR 60, NSPS Subpart A: Applicability of Subpart A General Provisions
- 7 3 40CFR 60.4233(e), NSPS Subpart JJJJ: Compliance Demonstration
- 9 4 40CFR 60.4233(e), NSPS Subpart JJJJ: Compliance Demonstration
- 11 5 40CFR 60.4233(e), NSPS Subpart JJJJ: Compliance Demonstration
- 13 6 40CFR 60.4245(a), NSPS Subpart JJJJ: Compliance Demonstration
- 13 7 40CFR 60.4245(c), NSPS Subpart JJJJ: Compliance Demonstration

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 15 8 ECL 19-0301: Contaminant List
- 16 9 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 17 10 6NYCRR 201-5: Emission Unit Definition
- 17 11 6NYCRR 211.2: Air pollution prohibited

**Emission Unit Level**

- 18 12 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 18 13 6NYCRR 201-5: Process Definition By Emission Unit





**FEDERALLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Sealing - 6NYCRR Part 200.5**

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 labeling 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.

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.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6**

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.

**Item C: Maintenance of Equipment - 6NYCRR Part 200.7**

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.

**Item D: Unpermitted Emission Sources - 6NYCRR Part 201-1.2**

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.

**Item E: Emergency Defense - 6NYCRR Part 201-1.5**

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

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

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

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

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

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

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

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

**Item F: Recycling and Salvage - 6NYCRR Part 201-1.7**

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.

**Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6NYCRR Part 201-1.8**

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.

**Item H: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR Part 201-3.2(a)**

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.

**Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)**

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

**Item J: Required Emission Tests - 6 NYCRR Part 202-1.1**

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 6 NYCRR Part 202-1.

**Item K: Visible Emissions Limited - 6 NYCRR Part 211.3**

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.

**Item L: Open Fires - 6 NYCRR Part 215**

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.



**Item M: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

**Item N: Federally Enforceable Requirements - 40 CFR 70.6(b)**

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**FEDERAL APPLICABLE REQUIREMENTS**  
**The following conditions are federally enforceable.**

**Condition 1: Compliance Demonstration**

**Effective between the dates of 08/15/2008 and Permit Expiration Date**

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

**Item 1.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one-six-minute period per hour of not more than 27 percent opacity.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.



The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up method 9 tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 2: Applicability of Subpart A General Provisions**  
**Effective between the dates of 08/15/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60, NSPS Subpart A**

**Item 2.1:**

This emission source is subject to the applicable general provisions of 40 CFR 60. The facility owner is responsible for complying with all applicable technical, administrative and reporting requirements.

**Condition 3: Compliance Demonstration**  
**Effective between the dates of 08/15/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.4233(e), NSPS Subpart JJJJ**

**Item 3.1:**

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

Emission Unit: 1-FLFGE

Regulated Contaminant(s):

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



**Item 3.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

60.4233

(c) Owners and operators of stationary spark ignition internal combustion engine (SI ICE) with a maximum engine power greater than or equal to 75 KW (100 HP) (except gasoline and rich burn engines that use LPG) must comply with the emission standards for oxides of Nitrogen 3.0 g/HP-hr (220 ppmvd at 15% O2) for their stationary SI ICE.

60.4244

Owners and operators of stationary SI ICE who conduct performance tests must follow the procedures in paragraphs (a) through (d) of this section.

(a) Each performance test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and according to the requirements in § 60.8 and under the specific conditions that are specified by Table 2 to this subpart.

(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in § 60.8(c). If your stationary SI internal combustion engine is non-operational, you do not need to startup the engine solely to conduct a performance test; however, you must conduct the performance test immediately upon startup of the engine.

(c) You must conduct three separate test runs for each performance test required in this section, as specified in § 60.8(f). Each test run must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and last at least 1 hour.

(d) To determine compliance with the NOx mass per unit output emission limitation, convert the concentration of NOx in the engine exhaust using Equation 1 of this section:

$$ER = (Cd \times 1.912 \times 10^{-3} \times Q \times T) / (HP \text{ hr}) \quad (\text{Eq. 1})$$

Where:

ER = Emission rate of NOx in g/HP-hr.

Cd = Measured NOx concentration in parts per million by volume (ppmv).

1.912 x 10<sup>-3</sup> = Conversion constant for ppm NOx to grams per standard cubic meter at 20 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour, dry basis.

T = Time of test run, in hours.

HP-hr = Brake work of the engine, horsepower-hour (HP-hr).

60.4243(b)(2)

(ii) If you are an owner or operator of a stationary SI internal combustion engine greater than 500 HP, you must keep a maintenance



plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.

60.4245

(d) Owners and operators of stationary SI ICE that are subject to performance testing must submit a copy of each performance test as conducted in § 60.4244 within 60 days after the test has been completed.

Upper Permit Limit: 3.0 grams per brake horsepower-hour

Reference Test Method: SEE PERMIT MONITORING DESCRIPTION

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED PER OCCURRENCE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 4: Compliance Demonstration**

**Effective between the dates of 08/15/2008 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.4233(e), NSPS Subpart JJJJ**

**Item 4.1:**

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: 1-FLFGE

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

60.4233

(e) Owners and operators of stationary spark ignition Internal combustion engine (SI ICE) with a maximum engine power greater than or equal to 75 KW (100 HP) (except gasoline and rich burn engines that use LPG) must comply with the emission standards for carbon monoxide 5.0 g/ HP-hr (610 ppmvd at 15% O<sub>2</sub>) for their stationary SI ICE.

60.4244

Owners and operators of stationary SI ICE who conduct performance tests must follow the procedures in paragraphs (a) through (c) and (e) of this section.

(a) Each performance test must be conducted within 10 percent of 100



percent peak (or the highest achievable) load and according to the requirements in § 60.8 and under the specific conditions that are specified by Table 2 to this subpart.

(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in § 60.8(c). If your stationary SI internal combustion engine is non-operational, you do not need to startup the engine solely to conduct a performance test; however, you must conduct the performance test immediately upon startup of the engine.

(c) You must conduct three separate test runs for each performance test required in this section, as specified in § 60.8(f). Each test run must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and last at least 1 hour.

(e) To determine compliance with the CO mass per unit output emission limitation, convert the concentration of CO in the engine exhaust using Equation 2 of this section:

$$ER = (Cd \times 1.164 \times 10^{-3} \times Q \times T) / (HP \text{ hr}) \quad (\text{Eq. 2})$$

Where:

ER = Emission rate of CO in g/HP-hr.

Cd = Measured CO concentration in ppmv.

$1.164 \times 10^{-3}$  = Conversion constant for ppm CO to grams per standard cubic meter at 20 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meters per hour, dry basis.

T = Time of test run, in hours.

HP-hr = Brake work of the engine, in HP-hr.

60.4243(b)(2)

(ii) If you are an owner or operator of a stationary SI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.

60.4245

(d) Owners and operators of stationary SI ICE that are subject to performance testing must submit a copy of each performance test as conducted in § 60.4244 within 60 days after the test has been completed.

Upper Permit Limit: 5.0 grams per brake horsepower-hour

Reference Test Method: SEE PERMIT MONITORING DESCRIPTION

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE





MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 5: Compliance Demonstration**  
**Effective between the dates of 08/15/2008 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.4233(e), NSPS Subpart JJJJ**

**Item 5.1:**

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

Emission Unit: 1-FLFGE

Regulated Contaminant(s):  
CAS No: 0NY998-00-0 VOC

**Item 5.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

60.4233

(e) Owners and operators of stationary spark ignition Internal combustion engine (SI ICE) with a maximum engine power greater than or equal to 75 KW (100 HP) (except gasoline and rich burn engines that use LPG) must comply with the emission standards for volatile organic compounds 1.0 g/ HP-hr (80 ppmvd at 15% O<sub>2</sub>) for their stationary SI ICE.

60.4244

Owners and operators of stationary SI ICE who conduct performance tests must follow the procedures in paragraphs (a) through (c) and (f) or (g) of this section.

(a) Each performance test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and according to the requirements in § 60.8 and under the specific conditions that are specified by Table 2 to this subpart.

(b) You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in § 60.8(c). If your stationary SI internal combustion engine is non-operational, you do not need to startup the engine solely to conduct a performance test; however, you must conduct the performance test immediately upon startup of the engine.

(c) You must conduct three separate test runs for each performance test required in this section, as specified in § 60.8(f). Each test run must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and last at least 1 hour.

(f) For purposes of this subpart, when calculating emissions of VOC, emissions of formaldehyde should not be included. To determine compliance with the VOC mass per unit output emission limitation, convert the concentration of VOC in the engine exhaust using Equation 3 of this section:



$$ER = (Cd \times 1.833 \times 10^{-3} \times Q \times T) / (HP \text{ hr}) \quad (\text{Eq. 3})$$

Where:

ER = Emission rate of VOC in g/HP-hr.

Cd = VOC concentration measured as propane in ppmv.

$1.833 \times 10^{-3}$  = Conversion constant for ppm VOC measured as propane, to grams per standard cubic meter at 20 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meters per hour, dry basis.

T = Time of test run, in hours.

HP-hr = Brake work of the engine, in HP-hr.

(g) If the owner/operator chooses to measure VOC emissions using either Method 18 of 40 CFR part 60, appendix A, or Method 320 of 40 CFR part 63, appendix A, then it has the option of correcting the measured VOC emissions to account for the potential differences in measured values between these methods and Method 25A. The results from Method 18 and Method 320 can be corrected for response factor differences using Equations 4 and 5 of this section. The corrected VOC concentration can then be placed on a propane basis using Equation 6 of this section.

$$RF_i = CM_i/CA_i \quad (\text{Eq. 4})$$

Where:

RF<sub>i</sub> = Response factor of compound i when measured with EPA Method 25A.

CM<sub>i</sub> = Measured concentration of compound i in ppmv as carbon.

CA<sub>i</sub> = True concentration of compound i in ppmv as carbon.

$$C_{i \text{ corr}} = RF_i \times C_{i \text{ meas}} \quad (\text{Eq. 5})$$

Where:

C<sub>i corr</sub> = Concentration of compound i corrected to the value that would have been measured by EPA Method 25A, ppmv as carbon.

C<sub>i meas</sub> = Concentration of compound i measured by EPA Method 320, ppmv as carbon.

$$C_{Peq} = 0.6098 \times C_{i \text{ corr}} \quad (\text{Eq. 6})$$

Where:

C<sub>Peq</sub> = Concentration of compound i in mg of propane equivalent per DSCM.

60.4243 (b)(2)

(ii) If you are an owner or operator of a stationary SI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test and conduct subsequent performance testing every 8,760 hours or 3 years, whichever



comes first, thereafter to demonstrate compliance.

60.4245

(d) Owners and operators of stationary SI ICE that are subject to performance testing must submit a copy of each performance test as conducted in § 60.4244 within 60 days after the test has been completed.

Upper Permit Limit: 1.0 grams per brake horsepower-hour

Reference Test Method: SEE PERMIT MONITORING DESCRIPTION

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 6: Compliance Demonstration**

**Effective between the dates of 08/15/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.4245(a), NSPS Subpart JJJJ**

**Item 6.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 6.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

60.4245

Owners or operators of stationary spark ignition Internal combustion engine (SI ICE) must meet the following notification, reporting and recordkeeping requirements.

(a) Owners and operators of all stationary spark ignition Internal combustion engine (SI ICE) must keep records of the information in paragraphs (a)(1), (2), and (4) of this section.

(1) All notifications submitted to comply with this subpart and all documentation supporting any notification.

(2) Maintenance conducted on the engine.

(4) If the stationary SI internal combustion engine is not a certified engine documentation that the engine meets the emission standards.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 7: Compliance Demonstration**

**Effective between the dates of 08/15/2008 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.4245(c), NSPS Subpart JJJJ**

**Item 7.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 7.2:**



Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

60.4245

(c) Owners and operators of stationary spark ignition Internal combustion engine (SI ICE) greater than or equal to 500 HP that have not been certified by an engine manufacturer to meet the emission standards in § 60.4231 must submit an initial notification as required in § 60.7(a)(1). The notification must include the information in paragraphs (c)(1) through (5) of this section.

(1) Name and address of the owner or operator;

(2) The address of the affected source;

(3) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;

(4) Emission control equipment; and

(5) Fuel used.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



**STATE ONLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

**Item A: Public Access to Recordkeeping for Facilities With State Facility Permits - 6NYCRR Part 201-1.10(a)**

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1) , and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

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

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state only enforceable.**

**Condition 8: Contaminant List**  
**Effective between the dates of 08/15/2008 and Permit Expiration Date**

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

**Item 8.1:**



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

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

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

CAS No: 0NY998-00-0  
Name: VOC

**Condition 9: Unavoidable noncompliance and violations**  
**Effective between the dates of 08/15/2008 and Permit Expiration Date**

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

**Item 9.1:**

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

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

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



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

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

**Condition 10: Emission Unit Definition**  
**Effective between the dates of 08/15/2008 and Permit Expiration Date**

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

**Item 10.1:**

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

Emission Unit: 1-FLFGE

Emission Unit Description:

The emission unit will consist of:

1. One (1) lean burn Caterpillar, Inc Model G3520C gas IC engine (01ENG) with emission point (ENG01) connected to an electricity generator installed in building ENGBLDG.
2. Ancillary equipment with insignificant emissions [exempt pursuant 6 NYCRR PART 201-3.1(b)] that supports the electricity generation operations
  - a. Engine radiator coolant (new and used) will be stored in separate above ground holding tanks positioned on the premises of the LFG fueled IC engine electricity generation operations. The new and used engine radiator coolant storage tanks will each have capacities of 1,000 gallons.
  - b. Engine lube oil (new and used) will be stored in separate above ground holding tanks positioned on the premises of the LFG fueled IC engine electricity generation operations. The new lube oil storage tank will have a capacity of 8,000 gallons. The used lube oil storage tank will have a capacity of 2,000 gallons.

Building(s): ENGBLDG

**Condition 11: Air pollution prohibited**  
**Effective between the dates of 08/15/2008 and Permit Expiration Date**

**Applicable State Requirement:6NYCRR 211.2**

**Item 11.1:**

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property,



or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

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

**Condition 12: Emission Point Definition By Emission Unit**  
**Effective between the dates of 08/15/2008 and Permit Expiration Date**

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

**Item 12.1:**

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

Emission Unit: 1-FLFGE

Emission Point: ENG01

Height (ft.): 35

Diameter (in.): 15

Building: ENGBLDG

**Condition 13: Process Definition By Emission Unit**  
**Effective between the dates of 08/15/2008 and Permit Expiration Date**

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

**Item 13.1:**

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

Emission Unit: 1-FLFGE

Process: 001

Source Classification Code: 2-01-008-02

Process Description:

Process 001 consists of one (1) Caterpillar G3520C gas IC engine-generator set. The single IC engine has a maximum heat input rate of 14.67 MMBtu/hr LHV. At the minimum fuel quality utilization value of 420 Btu/cf (LHV), the Maximum fuel use rate of the IC engine is approximately 580 cfm. The Total potential number of IC engine annual operating hours is 8,760 hr./yr.

Emission Source/Control: 01ENG - Combustion

Design Capacity: 1,600 kilowatts



New York State Department of Environmental Conservation

Permit ID: 5-1728-00122/00001

Facility DEC ID: 5172800122



Summary of Compliance Requirements

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

DEC ID 5172800122 Facility INNOVATIVE ENERGY SYSTEMS-FULTON  
 Location 847 MUD RD JOHNSTOWN, NY 12095  
 Permit ID 5-1728-00122/00001 Application Recv'd 04/24/2008 Renewal No: 0  
 Permit Type ASF Status Issued

Compliance Assurance Monitoring

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

1	OPACITY			percent		20	MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE AS REQUIRED - SEE MONITORING DESCRIPTION AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
	****						6-MINUTE AVERAGE (METHOD 9)
	****						

NO PERSON SHALL OPERATE A STATIONARY COMBUSTION INSTALLATION WHICH EXHIBITS GREATER THAN 20 PERCENT OPACITY (SIX MINUTE AVERAGE), EXCEPT FOR ONE-SIX-MINUTE PERIOD PER HOUR OF NOT MORE THAN 27 PERCENT OPACITY. THE DEPARTMENT RESERVES THE RIGHT TO PERFORM OR REQUIRE THE PERFORMANCE OF A METHOD 9 OPACITY EVALUATION AT ANY TIME DURING FACILITY OPERATION.

THE PERMITTEE WILL CONDUCT OBSERVATIONS OF VISIBLE EMISSIONS FROM THE EMISSION UNIT, PROCESS, ETC. TO WHICH THIS CONDITION APPLIES AT THE MONITORING FREQUENCY STATED BELOW WHILE THE PROCESS IS IN OPERATION. THE PERMITTEE WILL INVESTIGATE, IN A TIMELY MANNER, ANY INSTANCE WHERE THERE IS CAUSE TO BELIEVE THAT VISIBLE EMISSIONS HAVE THE POTENTIAL TO EXCEED THE OPACITY STANDARD.

THE PERMITTEE SHALL INVESTIGATE THE CAUSE, MAKE ANY NECESSARY CORRECTIONS, AND VERIFY THAT THE EXCESS VISIBLE EMISSIONS PROBLEM HAS BEEN CORRECTED. IF VISIBLE EMISSIONS WITH THE POTENTIAL TO EXCEED THE STANDARD CONTINUE, THE PERMITTEE WILL CONDUCT A METHOD 9 ASSESSMENT WITHIN THE NEXT OPERATING DAY OF THE SOURCES ASSOCIATED WITH THE POTENTIAL NONCOMPLIANCE TO DETERMINE THE DEGREE OF OPACITY AND WILL NOTIFY THE NYSDEC IF THE METHOD 9 TEST INDICATES THAT THE OPACITY STANDARD IS NOT MET.

RECORDS OF VISIBLE EMISSIONS OBSERVATIONS (OR ANY FOLLOW-UP METHOD 9 TESTS), INVESTIGATIONS AND CORRECTIVE ACTIONS WILL BE KEPT ON-SITE. SHOULD THE DEPARTMENT DETERMINE THAT PERMITTEE'S RECORD KEEPING FORMAT IS INADEQUATE TO DEMONSTRATE COMPLIANCE WITH THIS CONDITION, IT SHALL PROVIDE WRITTEN NOTICE TO THE PERMITTEE STATING THE INADEQUACIES, AND PERMITTEE SHALL HAVE 90 DAYS TO REVISE ITS PROSPECTIVE RECORD KEEPING FORMAT IN A MANNER ACCEPTABLE TO THE DEPARTMENT.

Summary of Compliance Requirements

\*\*\* THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CONCISE VIEW OF THE MONITORING REQUIREMENTS. \*\*\*

READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. \*\*\*

DEC ID 5172800122 Facility INNOVATIVE ENERGY SYSTEMS-FULTON

Location 847 MUD RD JOHNSTOWN, NY 12095

Permit ID 5-1728-00122/00001 Application Recv'd 04/24/2008 Renewal No: 0

Permit Type ASF Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Regulated Contaminant

Process Material

Activity Type  
Reporting Frequency  
Monitoring Frequency  
Averaging Method

Lower Limit Upper Limit  
Units

3

\*\*\*\*

OXIDES OF NITROGEN

\*\*\*\*

60.4233

(E)OWNERS AND OPERATORS OF STATIONARY SPARK IGNITION INTERNAL COMBUSTION ENGINE (SI ICE) WITH A MAXIMUM ENGINE POWER GREATER THAN OR EQUAL TO 75 KW (100 HP) (EXCEPT GASOLINE AND RICH BURN ENGINES THAT USE LPG) MUST COMPLY WITH THE EMISSION STANDARDS FOR OXIDES OF NITROGEN 3.0 G/HP-HR (220 PPMVD AT 15% O2) FOR THEIR STATIONARY SI ICE.

60.4244

OWNERS AND OPERATORS OF STATIONARY SI ICE WHO CONDUCT PERFORMANCE TESTS MUST FOLLOW THE PROCEDURES IN PARAGRAPHS (A) THROUGH (D) OF THIS SECTION.  
(A) EACH PERFORMANCE TEST MUST BE CONDUCTED WITHIN 10 PERCENT OF 100 PERCENT PEAK (OR THE HIGHEST ACHIEVABLE) LOAD AND ACCORDING TO THE REQUIREMENTS IN § 60.8 AND UNDER THE SPECIFIC CONDITIONS THAT ARE SPECIFIED BY TABLE 2 TO THIS SUBPART.  
(B) YOU MAY NOT CONDUCT PERFORMANCE TESTS DURING PERIODS OF STARTUP, SHUTDOWN, OR MALFUNCTION, AS SPECIFIED IN § 60.8(C). IF YOUR STATIONARY SI INTERNAL COMBUSTION ENGINE IS NON-OPERATIONAL, YOU DO NOT NEED TO STARTUP THE ENGINE SOLELY TO CONDUCT A PERFORMANCE TEST; HOWEVER, YOU MUST CONDUCT THE PERFORMANCE TEST IMMEDIATELY UPON STARTUP OF THE ENGINE.  
(C) YOU MUST CONDUCT THREE SEPARATE TEST RUNS FOR EACH PERFORMANCE TEST REQUIRED IN THIS SECTION, AS SPECIFIED IN § 60.8(F). EACH TEST RUN MUST BE CONDUCTED WITHIN 10 PERCENT OF 100 PERCENT PEAK (OR THE HIGHEST ACHIEVABLE) LOAD AND LAST AT LEAST 1 HOUR.  
(D) TO DETERMINE COMPLIANCE WITH THE NOX MASS PER UNIT OUTPUT EMISSION LIMITATION, CONVERT THE CONCENTRATION OF NOX IN THE ENGINE EXHAUST USING EQUATION 1 OF THIS SECTION:

$$ER = (CD \times 1.912 \times 10^{-3} \times Q \times X) / (HP \text{ HR}) \quad (EQ. 1)$$

WHERE:

ER = EMISSION RATE OF NOX IN G/HP-HR.

CD = MEASURED NOX CONCENTRATION IN PARTS PER MILLION BY VOLUME (PPMV).

1.912 X10-3 = CONVERSION CONSTANT FOR PPM NOX TO GRAMS PER STANDARD CUBIC METER AT 20 DEGREES CELSIUS.

Q = STACK GAS VOLUMETRIC FLOW RATE, IN STANDARD CUBIC METER PER HOUR, DRY BASIS.

T = TIME OF TEST RUN, IN HOURS.

HP-HR = BRAKE WORK OF THE ENGINE, HORSEPOWER-HOUR (HP-HR).

60.4243(B)(2)

(II) IF YOU ARE AN OWNER OR OPERATOR OF A STATIONARY SI INTERNAL COMBUSTION ENGINE GREATER THAN 500 HP, YOU MUST KEEP A MAINTENANCE PLAN AND RECORDS OF CONDUCTED MAINTENANCE AND MUST, TO THE EXTENT PRACTICABLE, MAINTAIN AND OPERATE THE ENGINE IN A MANNER CONSISTENT WITH GOOD AIR POLLUTION CONTROL PRACTICE FOR MINIMIZING EMISSIONS IN

\*\*\*\* No Data

A2

INTERMITTENT EMISSION TESTING  
AS REQUIRED - SEE MONITORING DESCRIPTION  
AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
MAXIMUM - NOT TO BE EXCEEDED PER OCCURRENCE

3.0

grams per brake horsepower-hour

Summary of Compliance Requirements

\*\*\* THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CONCISE VIEW OF THE MONITORING REQUIREMENTS. \*\*\*

READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. \*\*\*

DEC ID 5172800122 Facility INNOVATIVE ENERGY SYSTEMS-FULTON

Location 847 MUD RD JOHNSTOWN, NY 12095

Permit ID 5-1728-00122/00001 Application Recv'd 04/24/2008 Renewal No: 0

Permit Type ASF Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Cond Num	Regulated Contaminant	Process Material	Lower Limit	Upper Limit	Units	Activity Type	Reporting Frequency	Monitoring Frequency	Averaging Method
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ADDITION, YOU MUST CONDUCT AN INITIAL PERFORMANCE TEST AND CONDUCT SUBSEQUENT PERFORMANCE TESTING EVERY 8,760 HOURS OR 3 YEARS, WHICHEVER COMES FIRST, THEREAFTER TO DEMONSTRATE COMPLIANCE.

60.4245

(D) OWNERS AND OPERATORS OF STATIONARY SI ICE THAT ARE SUBJECT TO PERFORMANCE TESTING MUST SUBMIT A COPY OF EACH PERFORMANCE TEST AS CONDUCTED IN § 60.4244 WITHIN 60 DAYS AFTER THE TEST HAS BEEN COMPLETED.

Following Emission unit(EU), Emission point(EP), Process(PROC), Emission Source(ES) apply to this monitoring:  
EU: 1-FLFGE

Summary of Compliance Requirements

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							Reporting Frequency

4	*****	CARBON MONOXIDE	*****	grams per brake horsepower-hour		5.0	INTERMITTENT EMISSION TESTING AS REQUIRED - SEE MONITORING DESCRIPTION AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION
60.4233							
<p>(E) OWNERS AND OPERATORS OF STATIONARY SPARK IGNITION INTERNAL COMBUSTION ENGINE (SI ICE) WITH A MAXIMUM ENGINE POWER GREATER THAN OR EQUAL TO 75 KW (100 HP) (EXCEPT GASOLINE AND RICH BURN ENGINES THAT USE LPG) MUST COMPLY WITH THE EMISSION STANDARDS FOR CARBON MONOXIDE 5.0 G/HP-HR (610 PPMVD AT 15% O2) FOR THEIR STATIONARY SI ICE.</p>							
<p>60.4244 OWNERS AND OPERATORS OF STATIONARY SI ICE WHO CONDUCT PERFORMANCE TESTS MUST FOLLOW THE PROCEDURES IN PARAGRAPHS (A) THROUGH (C) AND (E) OF THIS SECTION.</p>							
<p>(A) EACH PERFORMANCE TEST MUST BE CONDUCTED WITHIN 10 PERCENT OF 100 PERCENT PEAK (OR THE HIGHEST ACHIEVABLE) LOAD AND ACCORDING TO THE REQUIREMENTS IN § 60.8 AND UNDER THE SPECIFIC CONDITIONS THAT ARE SPECIFIED BY TABLE 2 TO THIS SUBPART.</p>							
<p>(B) YOU MAY NOT CONDUCT PERFORMANCE TESTS DURING PERIODS OF STARTUP, SHUTDOWN, OR MALFUNCTION, AS SPECIFIED IN § 60.8(C). IF YOUR STATIONARY SI INTERNAL COMBUSTION ENGINE IS NON-OPERATIONAL, YOU DO NOT NEED TO STARTUP THE ENGINE SOLELY TO CONDUCT A PERFORMANCE TEST; HOWEVER, YOU MUST CONDUCT THE PERFORMANCE TEST IMMEDIATELY UPON STARTUP OF THE ENGINE.</p>							
<p>(C) YOU MUST CONDUCT THREE SEPARATE TEST RUNS FOR EACH PERFORMANCE TEST REQUIRED IN THIS SECTION, AS SPECIFIED IN § 60.8(F). EACH TEST RUN MUST BE CONDUCTED WITHIN 10 PERCENT OF 100 PERCENT PEAK (OR THE HIGHEST ACHIEVABLE) LOAD AND LAST AT LEAST 1 HOUR.</p>							

(E) TO DETERMINE COMPLIANCE WITH THE CO MASS PER UNIT OUTPUT EMISSION LIMITATION, CONVERT THE CONCENTRATION OF CO IN THE ENGINE EXHAUST USING EQUATION 2 OF THIS SECTION:

$$ER = (CD \times 1.164 \times 10^{-3} \times Q \times T) / (HP \text{ HR}) \quad (\text{EQ. 2})$$

WHERE:

ER = EMISSION RATE OF CO IN G/HP-HR.

CD = MEASURED CO CONCENTRATION IN PPMV.

1.164 X 10<sup>-3</sup> = CONVERSION CONSTANT FOR PPM CO TO GRAMS PER STANDARD CUBIC METER AT 20 DEGREES CELSIUS.

Q = STACK GAS VOLUMETRIC FLOW RATE, IN STANDARD CUBIC METERS PER HOUR, DRY BASIS.

T = TIME OF TEST RUN, IN HOURS.

HP-HR = BRAKE WORK OF THE ENGINE, IN HP-HR.

Summary of Compliance Requirements

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Compliance Assurance Monitoring

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

(II) IF YOU ARE AN OWNER OR OPERATOR OF A STATIONARY SI INTERNAL COMBUSTION ENGINE GREATER THAN 500 HP, YOU MUST KEEP A MAINTENANCE PLAN AND RECORDS OF CONDUCTED MAINTENANCE AND MUST, TO THE EXTENT PRACTICABLE, MAINTAIN AND OPERATE THE ENGINE IN A MANNER CONSISTENT WITH GOOD AIR POLLUTION CONTROL PRACTICE FOR MINIMIZING EMISSIONS. IN ADDITION, YOU MUST CONDUCT AN INITIAL PERFORMANCE TEST AND CONDUCT SUBSEQUENT PERFORMANCE TESTING EVERY 8,760 HOURS OR 3 YEARS, WHICHEVER COMES FIRST, THEREAFTER TO DEMONSTRATE COMPLIANCE.

60.4245

(D) OWNERS AND OPERATORS OF STATIONARY SI ICE THAT ARE SUBJECT TO PERFORMANCE TESTING MUST SUBMIT A COPY OF EACH PERFORMANCE TEST AS CONDUCTED IN § 60.4244 WITHIN 60 DAYS AFTER THE TEST HAS BEEN COMPLETED.

Following Emission unit(EU), Emission point(EP), Process(PROC), Emission Source(ES) apply to this monitoring:  
 EU: 1-FLFGE

Summary of Compliance Requirements

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Compliance Assurance Monitoring

Monitored Parameter

Concentration

Regulated Contaminant

Lower Limit

Upper Limit

Units

Activity Type

Reporting Frequency

Monitoring Frequency

Averaging Method

5

\*\*\*\*

VOC

\*\*\*\*

60.4233

(E) OWNERS AND OPERATORS OF STATIONARY SPARK IGNITION INTERNAL COMBUSTION ENGINE (SICE) WITH A MAXIMUM ENGINE POWER GREATER THAN OR EQUAL TO 75 KW (100 HP) (EXCEPT GASOLINE AND RICH BURN ENGINES THAT USE LPG) MUST COMPLY WITH THE EMISSION STANDARDS FOR VOLATILE ORGANIC COMPOUNDS 1.0 G/HP-HR (80 PPMVD AT 15% O2) FOR THEIR STATIONARY SICE.

1.0

grams per brake horsepower-hour

INTERMITTENT EMISSION TESTING

AS REQUIRED - SEE MONITORING DESCRIPTION

AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION

60.4244

OWNERS AND OPERATORS OF STATIONARY SICE WHO CONDUCT PERFORMANCE TESTS MUST FOLLOW THE PROCEDURES IN PARAGRAPHS (A) THROUGH (C) AND (F) OR (G) OF THIS SECTION.

(A) EACH PERFORMANCE TEST MUST BE CONDUCTED WITHIN 10 PERCENT OF 100 PERCENT PEAK (OR THE HIGHEST ACHIEVABLE) LOAD AND ACCORDING TO THE REQUIREMENTS IN § 60.8 AND UNDER THE SPECIFIC CONDITIONS THAT ARE SPECIFIED BY TABLE 2 TO THIS SUBPART.

(B) YOU MAY NOT CONDUCT PERFORMANCE TESTS DURING PERIODS OF STARTUP, SHUTDOWN, OR MALFUNCTION, AS SPECIFIED IN § 60.8(C). IF YOUR STATIONARY SICE INTERNAL COMBUSTION ENGINE IS NON-OPERATIONAL, YOU DO NOT NEED TO STARTUP THE ENGINE SOLELY TO CONDUCT A PERFORMANCE TEST; HOWEVER, YOU MUST CONDUCT THE PERFORMANCE TEST IMMEDIATELY UPON STARTUP OF THE ENGINE.

(C) YOU MUST CONDUCT THREE SEPARATE TEST RUNS FOR EACH PERFORMANCE TEST REQUIRED IN THIS SECTION, AS SPECIFIED IN § 60.8(F). EACH TEST RUN MUST BE CONDUCTED WITHIN 10 PERCENT OF 100 PERCENT PEAK (OR THE HIGHEST ACHIEVABLE) LOAD AND LAST AT LEAST 1 HOUR.

(F) FOR PURPOSES OF THIS SUBPART, WHEN CALCULATING EMISSIONS OF VOC, EMISSIONS OF FORMALDEHYDE SHOULD NOT BE INCLUDED. TO DETERMINE COMPLIANCE WITH THE VOC MASS PER UNIT OUTPUT EMISSION LIMITATION, CONVERT THE CONCENTRATION OF VOC IN THE ENGINE EXHAUST USING EQUATION 3 OF THIS SECTION:

$$ER = (CD \times 1.833 \times 10^{-3} \times Q \times T) / (HP \text{ HR}) \quad (EQ. 3)$$

WHERE:

ER = EMISSION RATE OF VOC IN G/HP-HR.

CD = VOC CONCENTRATION MEASURED AS PROPANE IN PPMV.

1.833 X 10<sup>-3</sup> = CONVERSION CONSTANT FOR PPM VOC MEASURED AS PROPANE, TO GRAMS PER STANDARD CUBIC METER AT 20 DEGREES CELSIUS.

Q = STACK GAS VOLUMETRIC FLOW RATE, IN STANDARD CUBIC METERS PER HOUR, DRY BASIS.

T = TIME OF TEST RUN, IN HOURS.

HP-HR = BRAKE WORK OF THE ENGINE, IN HP-HR.

(G) IF THE OWNER/OPERATOR CHOOSES TO MEASURE VOC EMISSIONS USING EITHER METHOD 18 OF 40 CFR PART 60 APPENDIX A OR

\*\*\*\* No Data

A6

Summary of Compliance Requirements

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							Reporting Frequency

METHOD 320 OF 40 CFR PART 63, APPENDIX A, THEN IT HAS THE OPTION OF CORRECTING THE MEASURED VOC EMISSIONS TO ACCOUNT FOR THE POTENTIAL DIFFERENCES IN MEASURED VALUES BETWEEN THESE METHODS AND METHOD 25A. THE RESULTS FROM METHOD 18 AND METHOD 320 CAN BE CORRECTED FOR RESPONSE FACTOR DIFFERENCES USING EQUATIONS 4 AND 5 OF THIS SECTION. THE CORRECTED VOC CONCENTRATION CAN THEN BE PLACED ON A PROPANE BASIS USING EQUATION 6 OF THIS SECTION.  
 $RFI = CMI/CAI$  (EQ. 4)

WHERE:

RFI = RESPONSE FACTOR OF COMPOUND I WHEN MEASURED WITH EPA METHOD 25A.  
 CMI = MEASURED CONCENTRATION OF COMPOUND I IN PPMV AS CARBON.  
 CAI = TRUE CONCENTRATION OF COMPOUND I IN PPMV AS CARBON.

$CI\ CORR = RFI \times CI\ MEAS$  (EQ. 5)

WHERE:

CI CORR = CONCENTRATION OF COMPOUND I CORRECTED TO THE VALUE THAT WOULD HAVE BEEN MEASURED BY EPA METHOD 25A, PPMV AS CARBON.  
 CI MEAS = CONCENTRATION OF COMPOUND I MEASURED BY EPA METHOD 320, PPMV AS CARBON.

$CPEQ = 0.6098 \times CI\ CORR$  (EQ. 6)

WHERE:

CPEQ = CONCENTRATION OF COMPOUND I IN MG OF PROPANE EQUIVALENT PER DSCM.

60.4243 (B)(2)

(II) IF YOU ARE AN OWNER OR OPERATOR OF A STATIONARY SI INTERNAL COMBUSTION ENGINE GREATER THAN 500 HP, YOU MUST KEEP A MAINTENANCE PLAN AND RECORDS OF CONDUCTED MAINTENANCE AND MUST, TO THE EXTENT PRACTICABLE, MAINTAIN AND OPERATE THE ENGINE IN A MANNER CONSISTENT WITH GOOD AIR POLLUTION CONTROL PRACTICE FOR MINIMIZING EMISSIONS. IN ADDITION, YOU MUST CONDUCT AN INITIAL PERFORMANCE TEST AND CONDUCT SUBSEQUENT PERFORMANCE TESTING EVERY 8,760 HOURS OR 3 YEARS, WHICHEVER COMES FIRST, THEREAFTER TO DEMONSTRATE COMPLIANCE.

60.4245

(D) OWNERS AND OPERATORS OF STATIONARY SI ICE THAT ARE SUBJECT TO PERFORMANCE TESTING MUST SUBMIT A COPY OF EACH PERFORMANCE TEST AS CONDUCTED IN § 60.4244 WITHIN 60 DAYS AFTER THE TEST HAS BEEN COMPLETED.

Following Emission unit(EU), Emission point(EP), Process(PROC), Emission Source(ES) apply to this monitoring:  
 EU: 1-FLFGE



Summary of Compliance Requirements

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Compliance Assurance Monitoring

Monitored Parameter

Cond Num	Regulated Contaminant	Process Material	Lower Limit	Upper Limit	Units	Activity Type	Reporting Frequency	Monitoring Frequency	Averaging Method
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6	****	****				RECORD KEEPING/MAINTENANCE PROCEDURES			
	****	****				UPON REQUEST BY REGULATORY AGENCY			
	****	****				AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION			****
60.4245	OWNERS OR OPERATORS OF STATIONARY SPARK IGNITION INTERNAL COMBUSTION ENGINE (SI ICE) MUST MEET THE FOLLOWING NOTIFICATION, REPORTING AND RECORDKEEPING REQUIREMENTS. (A) OWNERS AND OPERATORS OF ALL STATIONARY SPARK IGNITION INTERNAL COMBUSTION ENGINE (SI ICE) MUST KEEP RECORDS OF THE INFORMATION IN PARAGRAPHS (A)(1), (2), AND (4) OF THIS SECTION. (1) ALL NOTIFICATIONS SUBMITTED TO COMPLY WITH THIS SUBPART AND ALL DOCUMENTATION SUPPORTING ANY NOTIFICATION. (2) MAINTENANCE CONDUCTED ON THE ENGINE. (4) IF THE STATIONARY SI INTERNAL COMBUSTION ENGINE IS NOT A CERTIFIED ENGINE DOCUMENTATION THAT THE ENGINE MEETS THE EMISSION STANDARDS.								

7	****	****				RECORD KEEPING/MAINTENANCE PROCEDURES			
	****	****				AS REQUIRED - SEE MONITORING DESCRIPTION			****
60.4245	(C) OWNERS AND OPERATORS OF STATIONARY SPARK IGNITION INTERNAL COMBUSTION ENGINE (SI ICE) GREATER THAN OR EQUAL TO 500 HP THAT HAVE NOT BEEN CERTIFIED BY AN ENGINE MANUFACTURER TO MEET THE EMISSION STANDARDS IN § 60.4231 MUST SUBMIT AN INITIAL NOTIFICATION AS REQUIRED IN § 60.7(A)(1). THE NOTIFICATION MUST INCLUDE THE INFORMATION IN PARAGRAPHS (C)(1) THROUGH (5) OF THIS SECTION. (1) NAME AND ADDRESS OF THE OWNER OR OPERATOR; (2) THE ADDRESS OF THE AFFECTED SOURCE; (3) ENGINE INFORMATION INCLUDING MAKE, MODEL, ENGINE FAMILY, SERIAL NUMBER, MODEL YEAR, MAXIMUM ENGINE POWER, AND ENGINE DISPLACEMENT; (4) EMISSION CONTROL EQUIPMENT; AND (5) FUEL USED.								

Summary of Compliance Requirements

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