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STATE OF NEW YORK ALBANY COUNTY SUPREME COURT Oral Argument Requested

SENECA LAKE GUARDIAN, INC., SENECA FALLS ENVIRONMENTAL ACTION COMMITTEE, WATERLOO CONTRACTORS, INC., d/b/a WATERLOO CONTAINER COMPANY, ABSOLUTE AUTO REPAIR, INC., VALERIE SANDLAS, and HEATHER BONETTI,

Plaintiffs,

Index No. 902866-24

-against-

SENECA MEADOWS, INC. and THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,

Defendants.

DEC MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS

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Dated: May 31, 2024

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PRELIMINARY STATEMENT

New York's recently enacted Green Amendment constitutionally protects an individual's right to "clean air and water, and to a healthful environment" (NY Const art I, § 19). It is an important addition to the Bill of Rights that protects individual rights against government intrusion. Plaintiffs' lawsuit, by contrast, alleges that a private landfill, owned and operated by Seneca Meadows, Inc., is unconstitutionally emitting odors. Plaintiffs allege that the Department of Environmental Conservation (DEC), which regulates landfills and other solid waste management facilities, must civilly prosecute Seneca Meadows for the alleged odors.

Plaintiffs do not state a cause of action. Neither the Green Amendment nor any other law provides them the right to compel DEC enforcement against a third party. DEC has discretionary enforcement authority over landfills, and courts have long recognized that constitutional separation of powers forbids judicial interference with the exercise of that discretion. Nothing in the text or history of the Green Amendment—or in the judicial interpretations of similar green amendments in other states supports the conclusion that the Green Amendment alters the separation of powers or otherwise requires the State to take affirmative action against third parties. Plaintiffs' claim seeking to compel DEC enforcement action

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against the landfill should be dismissed because the Green Amendment does not mandate DEC enforcement action against third parties.

Plaintiffs' related request for an injunction to stop DEC's ongoing review of permit applications by Seneca Meadows to expand the landfill in order to extend its useful life is likewise subject to dismissal. The challenge, whether made on constitutional or some other legal grounds, is not ripe for judicial review because DEC has made no final decision on the pending applications.

Lastly, the corporation plaintiffs in this action lack standing to assert Green Amendment claims. The Green Amendment secures individual rights regarding human and environmental health, attributes that corporations do not possess.

LEGAL BACKGROUND

1. DEC's Authority Over Solid Waste Management Facilities

For the last half century, DEC has exercised regulatory responsibility over solid waste management in the state (see L.1973, ch. 399, § 2). DEC facilitates "short and long term planning for solid waste disposal" throughout the state, (ECL § 27-0703[1]), and also issues permits to individual solid waste management facilities, such as landfills (ECL 27-0707).

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As a part of its regulatory powers, DEC has discretionary enforcement authority over the facilities. DEC "may revoke" a facility's permit or "may enjoin" violations of the solid waste management law (ECL 71-2703[1]). It also "may" require a permittee to implement remedial measures and corrective actions for legal violations (ECL 71-2727). One operating requirement placed on solid waste facilities is that they "must ensure that odors are effectively controlled so that they do not constitute a nuisance as determined by [DEC]" (6 NYCRR 360.19[i]).

Many landfills need a second DEC permit. A landfill that constitutes a "major source" of air emission under the federal Clean Air Act must also obtain a DEC permit pursuant to Title V of the Act (42 USC Chapter 85, Subchapter V). DEC implements and enforces the Title V permit program in New York through authority granted by the federal Environmental Protection Agency (EPA) (see 66 Fed Reg 63,180 [December 5, 2001]; see also 40 CFR part 70; ECL 19-0311[1]; 6 NYCRR subpart 201-6). EPA has the authority to review and object to a Title V permit before DEC issues it (see 6 NYCRR § 201-6.3[c]). Title V permits contain requirements for monitoring, record-keeping, and reporting of air emissions to DEC (see 6 NYCRR § 201-6.4). A permit-holder must annually certify compliance to DEC and must renew the permit every five years (see 6 NYCRR § 201-6.4[e], [h]).

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(6 NYCRR § 621.13[a]).

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DEC also has discretionary enforcement authority for its Title V permits. When a landfill violates its Title V air permit, DEC "may" enjoin violations, (ECL 71-2103[1]), and "may" modify, suspend or revoke the permit

2. DEC's Permit Modification Application Review Responsibilities

When DEC considers a permit modification application for a solid waste management facility, it must comply with the State Environmental Quality Review Act (SEQRA) (see ECL Article 8). Where, as here, DEC is the lead agency, SEQRA requires that DEC take a hard look at areas of environmental concern regarding a proposed action (see generally 6 NYCRR 617.7). If the proposed action may include the potential for at least one significant adverse environmental impact, DEC requires the project sponsor to produce an environmental impact statement (see ECL 8-0109[2]; 6 NYCRR §§ 617.2[ac], 617.7[a][1], and 617.9). A scoping document focuses the environmental impact statement on potential significant adverse impacts of the proposed project (see 6 NYCRR § 617.8). After the environmental impact statement is finished—at the conclusion of a process that includes public participation—DEC generally completes its SEQRA obligations by issuing a

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written findings statement before it makes a final decision on the proposed action (see 6 NYCRR § 617.11[a]).

3. The Green Amendment

In 2021, New York voters adopted a new amendment to the New York State Constitution, section 19 of Article I. Commonly called the "Green Amendment," the provision grants that "[e]ach person shall have a right to clean air and water, and to a healthful environment" (*id.*). The amendment took effect January 1, 2022.

The text of New York's Green Amendment differs from green amendments adopted in Pennsylvania and Montana, each of which places affirmative obligations on the state. Pennsylvania's green amendment labels the Commonwealth a "trustee" of environmental resources and charges it with the responsibility to "conserve and maintain them for the benefit of all the people" (Pa Const art I, § 27). Montana's green amendment requires the State to "maintain and improve a clean and healthful environment," and obliges its legislature to "provide for the administration and enforcement of this duty" (Mont Const art IX, § 1).

FACTUAL BACKGROUND

The Seneca Meadows landfill, owned and operated by Seneca Meadows, Inc., is located in the town of Seneca Falls, New York. (NYSCEF Doc. No. 2,

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compl. \P 1). The landfill operates under two DEC permits: a solid waste management permit and a Title V air emissions permit. (*Id.* \P 24; Haley aff exhs A, B).

DEC placed specific conditions in Seneca Meadows' waste management permit regarding odor control. (*Id.* ¶¶ 55-56; Haley aff exh A at 24-27). These conditions include requirements to complete an off-site odor assessment program, to supply DEC with monthly logs of odor complaints, to monitor landfill surface emissions, to install horizontal gas collection lines, to maintain a 12-inch cover on landfill surfaces that are not current areas of waste disposal, and to maintain a 6-inch cover on exposed surfaces of solid waste at the end of daily operations in active areas. (*Id.*).

Under its current waste management permit, Seneca Meadows expects to run out of room for solid waste at the end of 2025. (See compl. ¶ 3). In 2020, Seneca Meadows applied to extend the useful life of the landfill by expanding its size. (See id. ¶ 28; Haley aff exhs C, D).

To date, DEC has issued a positive declaration pursuant to SEQRA and a final scoping document that will guide an environmental impact statement that Seneca Meadows now must produce. (Id. ¶¶ 31-36). DEC has not made any final determinations on the applications to modify the permits but has

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instead concluded that Seneca Meadows' application materials are incomplete. (See id.; Haley aff ¶ 10, exhs E, F).

In March 2024, plaintiffs, a collective of individuals, organizations and corporations, commenced this action. As well as alleging causes of action for private and public nuisance against Seneca Meadows, plaintiffs seek a declaration that DEC's alleged failure to take enforcement action against Seneca Meadows for landfill odors violates the Green Amendment. (*Id.* compl. ¶¶ 70-107). They also seek a judicial denial of Seneca Meadows' requested permits through a Green Amendment-based injunction forcing DEC to stop reviewing the pending permit applications. (*Id.* ¶¶ 105-107).

DEC now moves to dismiss the complaint as against it.

ARGUMENT

POINT I

PLAINTIFFS LACK A COGNIZABLE GREEN AMENDMENT CLAIM

The relief plaintiffs seek, judicial compulsion of enforcement action by DEC, is unavailable. Separation of powers requires that the Judiciary

¹ No appellate court has yet interpreted the Green Amendment. An appeal is currently pending before the Appellate Division, Fourth Department based on a similar lawsuit where the plaintiffs assert a Green Amendment right to

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respect the Legislature's choice to vest enforcement authority in the Executive branch. Nothing in the text or the history of the Green Amendment suggests that it is intended to override the Legislature's choice to give enforcement discretion over regulated landfills to DEC. Plaintiffs' separate attempt to stop DEC's ongoing application review must be dismissed as unripe for judicial review. DEC has not approved any part of Seneca Meadows' proposal, and the Court cannot adjudicate the validity of a permitting determination that DEC has yet to make.

A. Plaintiffs Cannot Compel DEC Enforcement Against Seneca Meadows.

Plaintiffs claim a constitutional right to compel DEC into taking enforcement steps against Seneca Meadows based on the discretionary enforcement authority provided to DEC by the ECL. The Green Amendment does not alter DEC's enforcement discretion, however, and so plaintiffs cannot compel DEC to enforce against Seneca Meadows.

compel DEC enforcement action against a privately owned and operated landfill (*see* NYSCEF Docket No. CA 23-00179). Briefing and oral argument are completed, and the Court will likely issue a decision before the return date of this motion or shortly thereafter. Video of oral argument is available at https://ad4.nycourts.gov/njs/term/argument/calendar?date=2024-05-

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1. DEC has Discretion Regarding Enforcement of the ECL, its Regulations, and Permit Conditions.

The Legislature gave DEC discretionary authority to enforce its enabling act, regulations, and permits. This assignment is typical in a system where, "[g]enerally, the manner by which the State addresses complex societal and governmental issues is a subject left to the discretion of the legislative and executive branches" (*Klostermann v Cuomo*, 61 NY2d 525, 535-536 [1984]). Courts do not "displace]" executive officials in their "management of the public enterprises," and therefore the "questions of judgment, allocation of resources and ordering of priorities" that must be resolved by executive officials and administrative agencies are "inappropriate for resolution in the judicial arena" (Matter of Abrams v New York City Tr. Auth., 39 NY2d 990, 992 [1976]). For these reasons, "the judiciary is loathe to interfere with the executive department of the government in the exercise of its official duties, unless some specific act or thing which the law requires to be done has been omitted" (Matter of Walsh v LaGuardia, 269 NY 437, 441-442 [1936] [quotation marks and citation omitted]).

A court may only compel executive officials to perform "ministerial dut[ies]," which require no "exercise of judgment or discretion" (*Matter of Brusco v Braun*, 84 NY2d 674, 679 [1994]). And "[n]o court" can compel

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executive enforcement to "prevent[] third parties from doing illegal acts" (*Walsh*. 269 NY at 442).

While a court's power to issue declaratory judgments is distinct in some respects from its power to compel executive action, both are bound by the doctrine of separation of powers.2 Courts must always avoid "fashioning orders or judgments" that "intrude upon the policy-making and discretionary decisions that are reserved to the legislative and executive branches" (*Klostermann*, 61 NY2d at 541).

Enforcement discretion regarding solid waste management facilities is reserved to DEC. "The licensing and regulation of solid waste management facilities is a legislative function delegated to the DEC by statute" (*Flacke v* Onondaga Landfill Sys, 69 NY2d 355, 362 [1987]). The Legislature delegated DEC discretionary enforcement authority as to those facilities (see ECL § 71-2703[1] [DEC "may" revoke solid waste management permits and enjoin violations]; id. § 71-2727[3] [DEC "may" issue orders requiring solid waste

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² There is no distinction between plaintiffs' request for a judicial declaration that DEC's alleged failure to enforce has violated the Green Amendment and a request for an order compelling DEC enforcement action against Seneca Meadows. Plaintiffs have not described any way that DEC could comply with such a declaration except by taking enforcement action against Seneca Meadows.

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management permittees to implement corrective actions and remedial measures]; id. § 71-2103[1] [DEC "may" enjoin violations of Title V air permits]; see also 6 NYCRR § 621.13[a] [DEC "may" modify or revoke Title V air permits]). When a court "substitute[s] its judgment for that of the agency," it "impermissibly restrain[s] . . . DEC from performing its statutory duty in violation of fundamental principles of separation of powers" (Flacke, 69 NY2d at 363).

There is no question that DEC exercises regulatory and enforcement authority as to Seneca Meadows. Seneca Meadows operates its landfill pursuant to DEC's Title V and solid waste management permits, the latter of which contains numerous specific conditions regarding odor containment and abatement (*See* compl. ¶ 24). And although DEC has not taken the type of enforcement action that plaintiffs seek, they acknowledge that DEC has taken enforcement action when Seneca Meadows has fallen short of its obligations (*See* compl. ¶ 66).

Moreover, the same concerns that lead courts to refrain from interfering with agency discretion apply here. DEC currently oversees more than 10,000 air, water, solid waste, and mining permits (see generally DEC Website, Permits, Licenses, and Registrations, available at https://dec.ny.gov/regulatory/permits-licenses). DEC is able to consider the

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full scope of its regulatory obligations when it prioritizes enforcement efforts based on "the ever-shifting public-safety and public-welfare needs" of the State (Texas v United States, 599 US 670, 680 [1964]). If plaintiffs can compel DEC enforcement here, then plaintiffs and courts, rather than DEC, will set DEC's enforcement priorities. And they will do so based on individual lawsuits rather than an informed assessment of environmental priorities and enforcement needs across the State. The Legislature specifically sought to move beyond such ad hoc attempts to solve New York's solid waste disposal challenges when it gave DEC regulatory authority over solid waste management facilities (see L.1973, ch. 399, § 1 ["It is the purpose of this act to assure that solid waste management is conducted in a safe, sanitary, efficient, economic and environmentally sound manner throughout the state by providing a *unified regulatory framework* therefor] [emphasis added]; see also L. 1973, Ch. 399, NYS Legislative Annual, at 150 [Governor explaining] that the Act was necessary to address the "increasing gravity of the solid waste problem" posed by "mushrooming" quantities of solid waste in the State]).

Plaintiffs cannot compel enforcement action against Seneca Meadows because "[e]nforcement of the laws cited by plaintiffs would involve some exercise of discretion" by DEC (Alliance to End Chickens as Kaporos v New

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York City Police Dept., 32 NY3d 1091, 1093 [2018], cert. denied, 139 S. Ct. 2651 [2019]). Likewise, plaintiffs have no right to a declaratory judgment that DEC must take enforcement action against Seneca Meadows, because courts must "avoid" issuing judgments that "intrude" on discretionary decisions "reserved to the . . . executive branch" (see Klostermann, 61 NY2d at 541). The relief plaintiffs seek is constitutionally barred because judicial exercise of DEC's enforcement discretion would "violat[e] . . . fundamental principles of separation of powers" (Flacke, 69 NY2d 355, 363 [1987]; see Jones v Beame, 45 NY2d 402, 406 [1978] [courts accepting responsibility for the administration of executive branch programs would "violate the constitutional scheme for the distribution of powers among the three branches of government and involve the judicial branch in responsibilities it is ill-equipped to assume").

2. The Green Amendment Did Not Abrogate DEC's Enforcement Discretion.

The Green Amendment places a duty on government actors not to infringe on the rights protected by the amendment. It does not place affirmative obligations on government. Nothing in its text or history suggests the Green Amendment provides plaintiffs a constitutional right to mandate

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DEC enforcement action against Seneca Meadows, which would violate the separation of powers. Thus, the complaint against DEC should be dismissed.

Instead, like the other rights in the bill of rights, the Green Amendment provides protection from government intrusion. Long before the Green Amendment was added, the Court of Appeals explained that New York's "Bill of Rights is designed to protect individual rights against the government" (SHAD Alliance v Smith Haven Mall, 66 NY2d 496, 502-503 [1985]). As examples of bills of rights protections, "the State and Federal constitutional guarantees of freedom of speech protect the individual against action by governmental authorities, not by private persons" (*Id.*, 66 NY2d at 502). So too with the federal Constitution's equal protection clause, which "keeps governmental decisionmakers from treating differently persons who are in all relevant respects alike" (Nordlinger v Hahn, 505 US 1, 10 [1992]). The Green Amendment is likewise a shield against government infringement.

Neither the text nor history of the Green Amendment provides a basis to depart from the "traditional usage and understanding" that bills of rights amendments protect against state action (SHAD, 66 NY2d at 500). The text of the Green Amendment stands in marked contrast to the language used in other constitutional provisions that mandate affirmative state action. The State is, for example, constitutionally required to provide a sound education

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based on a provision expressly stating that "[t]he legislature *shall provide* for the maintenance and support of a system of free common schools" (NY Const art XI, § 1 [emphasis added]). It must also take affirmative action on behalf of the needy based on the provision setting forth that "[t]he aid, care and support of the needy are public concerns and *shall be provided by the state*" (*Id.* art XVII, § 1 [emphasis added]; *see also id.* art XVII, § 3 ["The protection and promotion of the health of the inhabitants of the state are matters of public concern and provision therefore shall be made by the state"]). Unlike these provisions—none of which is housed in the Bill of Rights—the text of the Green Amendment contains no affirmative mandate.

And even setting aside these specific textual differences, plaintiffs' claimed right under the Green Amendment simply has no analog in New York's other constitutional amendments; no other constitutional provision mandates state enforcement against third parties. Indeed, even as to the most serious criminal acts under New York law, the constitution leaves executive officials their "broad [prosecutorial] discretion" (*People v Di Falco*, 44 NY2d 482, 486 [1978]).

The history of the adoption of the Green Amendment likewise supports the conclusion that DEC retains its enforcement discretion. During debate, Assembly Member Englebright, one of the bill's sponsors, explained that the

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Green Amendment "does not change . . . any of the existing laws of the State" and that it altered "[n]othing" about DEC's regulatory role (NY Assembly Debate on Assembly Bill A1368, Feb. 8, 2021 at 35-36). Co-sponsor Assembly Member Glick agreed that the Green Amendment "does not change the law" (id. at 66). And when Englebright was specifically queried about how the Green Amendment would interact with complaints about landfill odors, he explained that current regulation "isn't changed" by the Green Amendment and cited DEC's regulatory process and the legislative process as the proper avenues for additional solutions to the problem of the safe and environmentally sound disposal of solid waste (id. at 49-53). Even a representative from a district where a landfill is located, herself a co-sponsor of the bill, expressed her understanding that the Green Amendment would not "convey upon the citizenry any additional rights" but would instead ensure that future legislative bodies could not "roll back the good environmental progress" that the State had made (id. at 68-69; accord id. at 60 [Green Amendment will "put an onus on the Legislature to deliver to the residents of this State"]).

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³ Assembly debate transcripts are publicly available at https://www.nyassembly.gov/PIO/.

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To be sure, some *opponents* of the Green Amendment voiced concerns that it would transfer authority from the Legislative and Executive to the Judiciary. (See e.g. id. at 85-86). But comments from opponents of a bill provide poor evidence of legislative intent. Courts look to the sponsors of a bill when its meaning is in doubt (Schwegmann Bros. v Calvert Distillers *Corp.*, 341 US 384, 394 [1951]) rather than to opponents who "tend to overstate [the bill's] reach" in an effort to "defeat" it (NLRB v Fruit and Vegetables Packers and Warehousemen, Local 760, 377 US 58, 66 [1964]). None of the bill sponsors suggested that the Green Amendment would undermine separation of powers or override the Legislature's grant of enforcement discretion to DEC.

3. No Other States' Green Amendments Have Been Interpreted to Mandate State Enforcement Against Third Parties.

Plaintiffs' claim that the Green Amendment mandates DEC enforcement against Seneca Meadows finds no support in any other state's interpretation of its green amendment, even when the respective green amendment expressly places affirmative obligations on that state. Courts have interpreted language comparable to that in New York's Green Amendment as prohibiting government infringement on the protected rights.

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They have not held that *any* green amendment compels state action against third parties.

Pennsylvania's green amendment contains two clauses, the first of which is comparable to New York's Green Amendment. The first clause gives Pennsylvanians "a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment" (Pa Const art I, § 27). A second clause goes on to make that state a trustee of its natural resources and obligates it to "conserve and maintain" those resources. (Id.).

The Pennsylvania Supreme Court determined that the first clause "affirms a limitation on the state's power to act contrary to th[e stated] right" (Robinson Twp. v Commonwealth, 623 Pa 564, 646 [2013]). The clause imposes "an obligation on the government's behalf to refrain from unduly infringing upon or violating the right, including by legislative enactment or executive action" (id. at 647; see also Pa. Envtl. Def. Found. v Commonwealth, 640 Pa. 55, 88 [2017]). So too does New York's Green Amendment constrain the State from itself unduly infringing upon the rights conferred.

Only the second clause of Pennsylvania's green amendment, which has no analogy in New York's Green Amendment, has been found to place an affirmative obligation on the State of Pennsylvania. And even as to the

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second clause, Pennsylvania courts have rejected the argument that the affirmative duty placed on the state authorizes a court to compel government actions that were not mandatory under "legislative enactments or regulatory provisions" (Funk v Wolf, 144 A3d 228, 250 [Pa. Commonwealth Ct. 2016], affd 638 Pa 726 [2017]). Pennsylvania's green amendment thus offers no support for the argument that New York's Green Amendment abrogates DEC enforcement discretion.

Like Pennsylvania's, Montana's constitution guarantees the "right to a clean healthful environment," (Mont Const art II, § 3), and further directs that "[t]he state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations," (id. art. IX, § 1[1]). Montana's supreme court has found that these rights protect against government infringement (see Clark Fork Coal. v Mont. Dep't of Nat. Res. & Conservation, 403 Mont 225, 264 [2021] [emphasis added]), but no Montana court has ever found a right to compel state enforcement against alleged polluters.

B. Plaintiffs' Alternative Claim that State Action Causes the Alleged Odors Also Fails.

Plaintiffs allege as an alternative Green Amendment cause of action that the State is responsible for landfill odors because DEC regulates the

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landfill. It is well settled, however, that government regulation does not transmute private action into state action, and plaintiffs' allegations are inconsistent with the criteria for attributing private action to the State.

Plaintiffs allege that the odors they experience violate their right to clean air because they are prohibited by DEC's regulations and permits and because DEC has not taken sufficient action to stop the alleged violations (see compl. ¶¶ 96-100 [alleging DEC failed to take action for violations of permit and 6 NYCRR § 211.1], 101-104 [alleging the same for permit and 6 NYCRR § 360.19(i)]). But for private action to be treated as state action for the purposes of New York's constitution, the offending private action must be state-"authorized private conduct" (Sharrock v Dell Buick-Cadillac, Inc., 45 NY2d 152, 158 [1978]), not, as is the case here, conduct that allegedly violates DEC prohibitions contained in permits and regulations. Thus, plaintiffs' allegations contradict their claim that state action causes the alleged impermissible odors (see Montalvo v Consolidated Edison Co. of N.Y., 92 AD2d 389, 395 [1st Dept 1983] [electric utility actions were not state actions where they were "in contravention rather than pursuant to State authorization"], affd 61 NY2d 810 [1984] [affirmed for reasons stated by the majority opinion of the appellate division]).

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Plaintiffs' conclusory assertion that the presence of an onsite DEC monitor constitutes State participation in the landfill's operations also lacks merit (see Rodriguez v Jacoby & Meyers, LLP, 126 AD3d 1183, 1185 [3d Dept 2015] ["claims consisting of bare legal conclusions . . . are insufficient to survive a motion to dismiss" [internal quotation marks and citation omitted]). Plaintiffs allege that the offending odors are caused by Seneca Meadows' acceptance and management of solid waste materials. (See compl. ¶ 2). They allege that DEC has failed to stop the odors, (id. ¶¶ 3, 59), not that DEC—or its monitor—generates them. The claims thus fail as a matter of law (see Moghimzadeh v Coll. of Saint Rose, 236 AD2d 681, 682 [3d Dept 1997) ("more than mere State regulation of the private entity is required" for a constitutional claim that the private entity engages in state action).

C. Plaintiffs' Challenge to the DEC's Ongoing Permit Application Review is Unripe.

Plaintiffs also seek an injunction to stop DEC's ongoing review of Seneca Meadows' permit modification applications. As plaintiffs concede, DEC has not finished its review of the proposals. (See compl. ¶ 36). DEC's environmental review will contain multiple opportunities for public participation, during which plaintiffs can advocate to DEC for the results

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they seek. As DEC has taken no action that prejudices plaintiffs, or that is subject to judicial review, the challenge should be dismissed as unripe.

A justiciable controversy requires a "present, rather than hypothetical, contingent or remote, prejudice to plaintiffs" (American Ins. Assn. v Chu, 64 NY2d 379, 383 [1985]). Ripeness is a "matter pertaining to subject matter jurisdiction" (Matter of 54 Marion Ave., LLC v City of Saratoga Springs, 162 AD3d 1341, 1344 [3d Dept 2018] [internal quotation marks, citation, and brackets omitted]), and a challenge "cannot be ripe [for judicial review] if the claimed harm may be prevented or significantly ameliorated by further administrative action or by steps available to the complaining party" (*Church* of St. Paul & St. Andrew v Barwick, 67 NY2d 510, 520 [1986]).

Plaintiffs are not prejudiced by DEC's ongoing review of Seneca Meadows' applications. DEC's most recent action is the issuance of an environmental impact statement scoping report – in essence an outline of the topics to be analyzed in a forthcoming environmental impact statement – (see Haley aff exh F), and a legal challenge to a "scoping report [is] premature" (Matter of Vaughan v New York State Dept. of Transp., 223 AD3d 1010, 1012 [3d Dept 2024]; see Adirondack Council, Inc. v Adirondack Park Agency, 92 AD3d 188, 192 [3d Dept 2012] [holding challenge was unripe when "further SEQRA [was] required" before any trails could be built that might prejudice

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the petitioners]). DEC has not completed its environmental review,⁴ let alone approved any of the activities proposed in the applications. (See Haley aff \P 10). Plaintiffs' challenge should therefore be dismissed as unripe for judicial review (see Matter of Guido v Town of Ulster Town Bd., 74 AD3d 1536, 1536-1538 [3d Dept 2010]).

POINT II

CORPORATE PLAINTIFFS LACK STANDING TO MAKE A GREEN AMENDMENT CLAIM

As a final matter, whatever the scope of the Green Amendment, the right it grants is clearly intended to protect the health of natural persons. Because corporations have no physical health, corporate plaintiffs lack standing to make a Green Amendment claim.

"Standing is a threshold determination and a litigant must establish standing in order to seek judicial review, with the burden of establishing standing being on the party seeking review" (Matter of 61 Crown St., LLC v New York State Off. of Parks, Recreation & Historic Preserv., 207 AD3d 837, 839 [3d Dept 2022] [internal quotation marks and citations omitted]). "Standing requires a party to demonstrate both an injury-in-fact and an

⁴ DEC's application review must also comply with numerous other statutory procedural requirements (see generally ECL article 70).

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injury falling within the zone of interests or concerns sought to be promoted or protected" by the legal basis for the challenge (Matter of Park Manor Rehabilitation & Health Care Ctr., LLC v Shah, 129 AD3d 1276, 1277 [3d] Dept 2015]).

The corporate plaintiffs in this case—a distributor of wine-closure products and an automobile repair business—have not alleged that the corporations themselves have suffered any injury, let alone one protected by the Green Amendment. Instead, they allege that their employees and customers are harmed by the landfill. (See compl. ¶¶ 13-16). But "[g]enerally a party has no standing to raise the legal rights of another," and corporate plaintiffs cannot establish the exception allowing third-party standing because it is not "impossible" for the employees or customers to assert their own rights (Matter of Fleischer v New York State Liq. Auth., 103 AD3d 581, 583 [3d Dept 2013]).

And, in any event, corporations could never allege that they suffered an injury within the protection of the Green Amendment. Corporations are legal persons in some contexts, but they do not share in legal protections exclusive to natural persons (see generally Matter of Nonhuman Rights Project, Inc. v Breheny, 38 NY3d 555, 573 [2022] [explaining that only natural persons, and not corporations, have liberty interests]). The Green Amendment protects

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human health, which is an interest exclusive to natural persons. Thus, the corporate plaintiffs' Green Amendment claims must be dismissed for the additional reason that they lack standing.

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CONCLUSION

The Court should dismiss the action against DEC.

Dated: May 31, 2024

Albany, New York

LETITIA JAMES
Attorney General
State of New York
Attorney for DEC

By:

LUCAS C. MCNAMARA

- cm

Assistant Attorney General

Environmental Protection Bureau

The Capitol

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CERTIFICATE OF COMPLIANCE WITH WORD COUNT LIMIT

The undersigned attorney hereby certifies:

This document complies with the word count limitations pursuant to Rule 202.8-b(c) of the Uniform Civil Rules for the Supreme Court. According to the word processing system used to prepare the document, the word count of the document is 4,985 words.

Dated: May 31, 2024

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- cm

LUCAS C. MCNAMARA Assistant Attorney General Environmental Protection Bureau The Capitol Albany, New York 12224 (518) 776-2402 Lucas.McNamara@ag.ny.gov

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STATE OF NEW YORK ALBANY COUNTY SUPREME COURT

SENECA LAKE GUARDIAN, INC., SENECA FALLS ENVIRONMENTAL ACTION COMMITTEE, WATERLOO CONTRACTORS, INC., d/b/a WATERLOO CONTAINER COMPANY, ABSOLUTE AUTO REPAIR, INC., VALERIE SANDLAS, and HEATHER BONETTI,

Plaintiffs,

RIPENESS AFFIDAVIT

-against-

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SENECA MEADOWS, INC. and THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,

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THOMAS P. HALEY, being duly sworn, deposes and says:

- 1. I am employed by the New York State Department of Environmental Conservation ("DEC"). I am the Regional Permit Administrator for DEC Region 8 and have been employed at DEC for approximately 23 years.
- 2. I make this affidavit in support of DEC's motion to dismiss the complaint.
- 3. Through the course of my duties at DEC and review of DEC files,
 I am personally familiar with the facts set forth in this affidavit as they relate

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to the waste management and recycling facility owned by Seneca Meadows, Inc. (the landfill), which is located in Region 8.

- 4. Attached as **Exhibit A** is a true and correct copy of DEC Permit No. 8-4532-00023/00001, issued by DEC to defendant Seneca Meadows, Inc. on October 31, 2017, pursuant to Article 27, Title 7, of the Environmental Conservation Law and Part 360 of DEC's regulations for solid waste management set forth at Title 6 NYCRR.
- 5. Attached as **Exhibit B** is a true and accurate copy of DEC Permit No. 8-4532-00023/00041, issued by DEC to Seneca Meadows on October 21, 2021, pursuant to Article 19 of the Environmental Conservation Law and Title V of the federal Clean Air Act.
- 6. Attached as **Exhibit C** is a true and correct copy of a July 13, 2020 application form submitted by Seneca Meadows to DEC seeking a modification of its solid waste management permit.
- 7. Attached as **Exhibit D** is a true and correct copy of a July 15, 2020 application form submitted by Seneca Meadows to DEC seeking a modification of its Title V air permit.
- Attached as **Exhibit E** is a true and correct copy of DEC's most 8. recent notice to Seneca Meadows, dated April 9, 2024, informing the company that DEC has found the applications for the permit modifications to be

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incomplete. On May 17, 2024, Seneca Meadows submitted a response and supplement in regard to this DEC notice, and that submission is currently under DEC review.

- 9. Attached as **Exhibit F** is a true and accurate copy of DEC's final scoping document, dated April 10, 2024, for the draft environmental impact statement that Seneca Meadows must now produce in regard to its requests for permit modifications.
- 10. DEC's environmental review of Seneca Meadow's proposals for permit modifications is ongoing.

THOMAS P. HALKY

Sworn before me this <u>30th</u> day of May 2024.

Notary Public

VALERIE J VELEY GRIFFING
Notary Public, State of New York
Qualified in Livingston County
Commission Expires November 25, 2027
Registration No. 01VE6400885

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Exhibit A

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER 8-4532-00023/00001 FACILITY/PROGRAM NUMBER(S)	Under the	ERMIT Environmental ion Law (ECL)	EFFECTIVE DA Renewed an October 31,	d Modified 2017 ATE(S)
50S08			December 3	1, 2025
TYPE OF PERMIT □ NEW X Renewal X M □ Article 15, Title 5: Protection of Waters □ Article 15, Title 15: Water Supply □ Article 15, Title 15: Water Transport □ Article 15, Title 15: Long Island Wells □ Article 15, Title 27: Wild, Scenic and Recreational Rivers ■ PERMIT ISSUED TO Seneca Meadows, Inc.	odification X Permit to 6NYCRR 608: W Certification Article 17, Titles SPDES Article 19: Air Por Control Article 23, Title 2 Mined Land Reclause Article 24: Fresh Wetlands Article 25: Tidal	later Quality 7, 8: fillution 7: mation water	X Article 27 6NYCRR 3 Manageme Article 27 6NYCRR 3 Waste Mai	360: Solid Waste ent 7, Title 9; 373: Hazardous nagement 8: Coastal anagement 9, 3, 17, 19, 27, R 380: Radiation
ADDRESS OF PERMITTEE 1786 Salcman Road, Waterloo, N CONTACT PERSON FOR PERMITTED W Kyle Black NAME AND ADDRESS OF PROJECT/FACIL Seneca Meadows Landfill, 1786	ORK	Vaterloo, NY 13165	TELEPHON (315) 539	
LOCATION OF PROJECT/FACILITY 1786 Salcman Road, Waterloo, N		WATERCOURSE	NYTM COO	PDINATES
	eneca Falls	Water Body: N/A	E: 349200	TO A THE SAME AND A STATE OF THE SAME OF THE SAME AND A STATE OF THE SAME AND A STATE OF THE SAME AND
DESCRIPTION OF AUTHORIZED ACTIVITY: Construction and Operation of a Municipal Solid Waste Landfill with an approved design capacity of 6000 tons per day and a Waste Tire Processing Facility.				
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 (see page 2) and any Special Conditions included as part of this permit.				
PERMIT ADMINISTRATOR: Scott E. Sheeley	ADDRESS 6274 E. Avon-Lima Rd, Avon, NY 14414			
AUTHORIZED SIGNATURE DATE OCTOBER			2 31,2017	Page 1 of 29

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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

GENERAL CONDITIONS

General Condition 1: Facility Inspection by the Department

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).

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

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.

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

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.

General Condition 3: Applications for Permit Renewals or Modifications

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.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Dis-charge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF);
 and
- b) 30 days before expiration of all other permit types.

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

NYSDEC Regional Permit Administrator, Region 8

6274 E. Avon, Lima Road, Avon, NY 14414 (585)226-5390

General Condition 4: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR 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.

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

SPECIAL CONDITIONS



For Article 27, Title 7 (Seneca Meadows, Inc.)

ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27, Title 7 (Seneca Meadows, Inc.)

 All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application. Such approved plans were prepared for SMI and submitted December 2006.

SPECIAL CONDITIONS

I. GENERAL APPLICABILITY

- 1. Unless expressly authorized in writing or unless modified by conditions of any permit issued by the Department of Environmental Conservation (the "Department"), construction and operation of the 55 acre A/B Overfill (A/B) and the 65 acre Southeast Landfill (SELF), the 2007 expansion areas designated as EX-1, EX-2, and EX-3 and related facilities shall be carried out in strict conformance with the plans, specifications, and reports submitted as part of the application for this permit. Those materials include:
 - (a) Permit applications for a modification of the existing Permit to Construct and Operate a Solid Waste Management Facility pursuant to 6 NYCRR Part 360, dated 12/20/2006 and signed by Edward L. Apuzzi, Vice President of Seneca Meadows, Inc.
 - (b) Seneca Meadows Inc.'s (SMI), Seneca Meadows Solid Waste Management Facility, 6NYCRR Part 360 Landfill Expansion Application, dated December 2006, and as revised in February 2007 where noted below. The application documents are as follows:
 - (1) Site Investigation Report, dated November 2006, revised December 2006 Appendix E and Appendix F in second volume.
 - (2) Engineering Report Single volume with supporting appendices;
 - (i) Appendix A, Drainage Design Report and Stormwater Pollution Prevention Plan, Volumes I and II, and Addendum #1 dated January 2007, revised February 2007
 - (ii) Appendix B, Gas Collection Control System, Design Plan Modification, revised February 2007
 - (iii) Appendix C, Geotechnical Report, Volumes I and II
 - (iv) Appendix D, Operations, Maintenance and Monitoring Plan, revised March 2017
 - (v) Appendix E, Environmental Monitoring Plan, revised March 2017

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- Appendix F, Site Analytical Plan (vi)
- Appendix G, 1.9(g) Report, revised February 2007 (vii)
- (viii) Appendix H, Construction Quality Assurance/ Construction Quality Control Plan, revised February 2007
- Appendix I, Closure/Post-Closure Plan, revised February 2007 (ix)
- Appendix J, Landscape Plan (x)
- Appendix K, Contingency Plan, revised March 2017 (xi)
- Appendix L, Supporting Calculations (xii)
- (3)**Engineering Drawings**
 - Site Civil, Drawing Numbers C-1 through C-50 (i)
 - (ii) Drainage, Drawing Numbers D-0 through D-21
 - Electrical, Drawing Numbers E-1 through E-12 (iii)
 - (iv) Geotechnical, Drawing Numbers G-1 through G-10
 - Salcman Road, Drawing Numbers H-1 through H-12 (v)
 - Landscaping, Drawing Numbers L1- through L-4 (vi)
 - (vii) Gas Collection and Control System, Drawing Numbers LFG-01 through LFG-51
- (4) Draft Generic Environmental Impact Statement, December 2005, Final Generic Environmental Impact Statement, August 2006, Draft Supplemental Environmental Impact Statement, December 2006, and revised February 2007.
- Title V Air Permit, Renewal March 2007. (5)
- The Permittee shall comply with all conditions of this permit and the appropriate edition of 6 NYCRR Part 360 as outlined in this permit or as directed in writing by the Department. Non-compliance constitutes a violation of ECL Article 27, Title 7 and is grounds for enforcement action, permit suspension, revocation, or modification, or denial of a permit

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For Article 27, Title 7 (Seneca Meadows, Inc.)

renewal or modification application.

- 3. The Permittee must maintain a copy of all application materials, plans, reports, permits, and the Draft and Final Environmental Impact Statements at the site and make these documents available to any representative of the Department. The Permittee must also maintain a copy of all written approvals and directives in a like manner, together with a copy of the effective Part 360.
- Unless otherwise specified by the Department, two copies of all plans, reports, or other 4. submissions related to the design, construction, operation, or monitoring of this facility must be submitted to: Regional Materials Management Engineer, NYSDEC, 6274 East Avon-Lima Road, Avon, NY 14414.
- 5. Unless otherwise specified in this permit, any approval required must be obtained in writing from the Region 8 Regional Materials Management Engineer (RMME).
- 6. This permit modification authorizes construction of Landfill Expansion Area EX-2 and related infrastructure as shown on Engineering Drawing C-5 through C-10 dated December 15, 2006. No construction of subsequent Areas EX-1 or EX-3 may commence until and unless construction plans and technical specifications have been submitted and approved by the Department. Such construction plans and specifications must be in compliance with 6 NYCRR Part 360 requirements which are in effect at the time when they are submitted.
- 7. In the event an authorized Department representative makes a determination that the Permittee is in non-compliance with any provision of the Environmental Conservation Law, or with any regulation promulgated thereunder or any provision of this permit or any judicial or administrative order applicable to the facility, the Permittee must, upon receipt of written or oral Notice of Non-Compliance from the Department, immediately take such steps as are necessary to correct, abate, or remediate the non-complying condition. When oral notice is given, the Department will provide a confirming written Notice of Non-Compliance. To the extent feasible, the Permittee must consult the Department regarding the selection and implementation of such remedial measures. Any instance of non-compliance, together with the responsive measures and results of such remedial measures, must be recorded in writing by the Permittee, and submitted to the Department. Failure to do so shall constitute non-compliance with this permit.
- 8. The Permittee shall take all steps to minimize or correct any significant adverse impact on public health, safety or welfare, the environment or natural resources resulting from facility operations. The Permittee shall report any such activity which may endanger human health or the environment to the DEC Region 8 RMME. Any such information shall be reported orally within 48 hours from the time the Permittee becomes aware of the circumstances and followed up in writing within seven days.

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SPECIAL CONDITIONS



For Article 27, Title 7 (Seneca Meadows, Inc.)

- 9. The Permittee shall allow any authorized representative of the Department upon the presentation of proper credentials, to:
 - Have access to and copy any records that must be kept under the conditions of (a) this permit or Part 360;
 - Enter and inspect any buildings, facilities, equipment (including monitoring and (b) control equipment), practices, or operations regulated under this permit; and
 - Sample or monitor for the purpose of assuring permit compliance or as otherwise (c) authorized by the ECL or any applicable law, regulation, permit or Order, any substances or parameters at any location.
- The provisions of this permit are severable, and if any provision of this permit, or the 10. application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- 11. The provisions of this permit shall not be construed to limit the Department's authority as otherwise established by law or regulation.
- The account to fund the Environmental Monitor(s) as established under permit #8-4532-12. 0023/00001-0 shall continue as follows:
 - (a) Funds as required to support the monitoring requirements shall be provided to the Department for funding of environmental compliance activities related to the operation of Permittee's Facility. This sum is based on annual Environmental Monitor service costs and is subject to annual revision. Subsequent annual payments shall be made for the duration of this Permit to maintain an account balance sufficient to meet the next year's anticipated expenses. The permittee shall be billed annually for each fiscal year beginning on April 1.
 - The Department may revise the required payment on an annual basis to include (b) all costs of monitoring to the Department. The annual revision may take into account factors such as inflation, salary increases, changes in operating hours and procedures and the need for additional Environmental Monitors and supervision of such Environmental Monitors by full-time Environmental Monitor supervisors. Upon written request by the Permittee, the Department shall provide that entity with a written explanation of the basis for any modification. If such a revision is required, the Department will notify the Permittee of such a revision no later than 60 days in advance of any such revision.

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For Article 27, Title 7 (Seneca Meadows, Inc.)

- (c) Prior to making its annual payment, the Permittee will receive and have an opportunity to review an annual work plan that the Department will undertake during the year.
- (d) Payments are to be in advance of the period in which they will be expended.

II. LANDFILL CONSTRUCTION

- 13. Not less than thirty (30) days prior to the commencement of the construction of Areas EX-1 or EX-3 of the landfill expansion, the Permittee must submit to the Department for its review and approval, construction plans and technical specifications that meet the requirements of the 6NYCRR Part 360 regulations in effect at that time. The Department will provide a written response identifying any defects or omissions in the plans within fifteen (15) days of receipt.
- 14. Written notice of the commencement of all major portions of on site construction activities must be made to the Department. The Permittee shall submit to the Department, prior to the commencement of construction, a construction schedule which indicates the anticipated beginning and end dates for all major construction activities. These activities include, but are not limited to, the commencement of the clearing and grading of any large areas, commencement of the placement of the liner for any large section, covering of any section of the leachate collection system, commencement of quality control and quality assurance testing including on-site permeability and/or density testing activities and the commencement of construction of any section of permanent final cover.
- 15. Prior to the initiation of construction of each stage, benchmarks shall be located at a minimum of one permanent bench mark for each 25 acres of landfill footprint. The location of the permanent benchmarks shall be noted on the "as-built" drawings. Elevations for permanent bench marks shall be taken from an existing U.S. Geological Survey benchmark. New York Transverse Mercator (NYTM) coordinates must be established for each permanent benchmark.
- 16. The Department must be notified immediately in case of any development during construction that warrants a request to modify the approved engineering plans. Deviation from the approved plans for any significant change without the specific prior written approval of the Department will constitute a violation of this permit.
- 17. The low permeability soil and primary soil components in the construction of the liner system shall be constructed in accordance with Specification 02276 and 02597 (subgrade requirements).
- Prior to issuance of the Department's approval to operate any areas (cells) which have been lined as shown on the approved Engineering Drawings, the permittee must: (i)

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demonstrate to the Department's satisfaction that the facility's construction is in accordance with this Permit and plans approved thereunder; and (ii) submit certification of construction in accordance with the appropriate subdivisions of 6NYCRR Part 360 which have governed design and construction of the affected stage of the facility.

- All construction activities related to landfill liners and final cover, leachate 19. management, and landfill gas management shall be under the supervision of a person licensed to practice professional engineering in the State of New York or an authorized representative of that individual. A representative of the Permittee's engineering consultant must be present whenever construction is on-going. This requires that the certifying engineer is capable of operating independently and without influence from the construction contractor and the facility owner, as demonstrated to the Department in the CQA/CQC Plan. This representative must maintain a daily log indicating work done that day, weather conditions, testing performed, quality control and quality assurance practices, problems encountered, and remedial activities undertaken to correct these problems. A copy of this log, certified by the supervising engineer as accurate and correct, must be submitted with the construction certification for each stage, or portion thereof. The certification with original signatures and stamped by the licensed engineer must indicate whether all work performed was in compliance with this permit, and the plans and reports as detailed in special condition #1. The certification must be submitted within sixty (60) days after completion of construction. Clear color photographs of major project aspects; daily reports; and results of all tests conducted to determine compliance shall also be included with the certification. As-built engineering plans must also be certified containing at least the following:
 - (a) notation of any deviations from the plans and reports;
 - (b) completed sub-grade elevations;
 - (c) completed top of liner elevations, for both primary liner and secondary liner, and top of primary drainage blanket elevations;
 - (d) location and critical elevations of leachate collection lines, leak detection lines, the top and bottom of the groundwater drainage blanket, valve pits, tanks, pond, containment berm, manholes, etc.
 - (e) final drainage features;
 - (f) locations, both existing and proposed, of all monitoring devices;
 - (g) a minimum of one east-west and one north-south cross-section; drawn to scale and located on the plan view of the landfill;
 - (h) critical work such as synthetic liner penetration, welding and fittings.

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Department approval of the construction certification report is required prior to the initiation of operation of the specific stage of the facility. No waste shall be placed in a constructed stage prior to receipt of the Department's written approval. The Department will review the submitted material for approval within 30 days of receipt.

- 20. Prior to commencement of construction of the low permeability soil component of the liner system, a test pad must be constructed as described in the Quality Assurance (QA) Quality Control (QC) Plan, and the results of this test must be submitted to Department unless adequate information is provided to and approved by the Department on soil of known characteristics, with consistent operating history, and known demonstrated equipment performance.
- 21. All structures, including the leak detection and leachate collection systems, groundwater monitoring wells, valve pits, manholes, etc., shall be maintained in proper working order. In the event any structure becomes damaged or malfunctions in any way, the Permittee shall notify the Department verbally within 48-hours after detection, and follow up in writing within seven (7) days, and shall promptly repair or replace the structure.
- 22. All boreholes, wells, and monitoring devices found within the proposed fill area shall be properly abandoned by overboring, grouting using a tremie method or similar downhole pressure grouting system and cement-bentonite grout to ensure that all contaminant migration pathways are sealed. Casings shall be removed. This activity must be noted as accomplished in the construction certification report.
- 23. Extreme care and protective measures shall be taken to protect the integrity of the groundwater depression system, leak detection system, leachate collection system, liners, geotextiles and all other landfill structures. Only rubber tired vehicles shall be allowed in direct contact with HDPE liner.
- 24. The materials used in the drainage layers must have less than five percent of the material by weight pass the No. 200 sieve. A particle size analysis of the material to be used for the drainage layers shall be performed prior to the start of construction and during construction at a frequency of one test for every 1000 cubic yards of material placed.
- 25. Open burning of land clearing materials and debris (including trees, shrubs, and brush) is prohibited. Toppings, brush, and slash must be chipped and/or beneficially used on or off-site. Tree stumps removed from the site may be chipped.
- 26. Synthetic liner material utilized on this project shall be inspected for obvious defects prior to its use. Portions of the liner containing tears, defects, perforations, holes, punctures, etc. shall be removed and discarded or repaired in accordance with the

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requirements provided in the approved CQA/CQC Plan.

- 27. All synthetic liner seams shall be fusion or extrusion welded. Welds shall be 100 percent tested for pinholes and other weld faults using a vacuum box tester or air tests, as appropriate, subject to Department approval. Records shall be kept showing weather conditions (cloudy, sunny) on days when welding is ongoing including air temperatures at beginning and end of the work day and precipitation. No welding shall take place when the ambient air or sheet temperature is below 32°F, when the sheet temperature exceeds 158°F, or when the air temperature is above 120°F, without prior Department written approval.
- 28. Field joints shall be made by overlapping adjacent sheets a minimum of four (4) inches. Prior to welding the seams, all areas which are to become seam interfaces shall be cleaned of dust and dirt.
- 29. Destructive testing of all seams shall conform to 360.2.13(k)(3)(iii)(c) or the appropriate subsection of the 6NYCRR Part 360 regulations affecting construction of the stage.
- 30. Should any leachate enter by migration, spill or other means into any stage, or portion thereof, which has not yet received approval for operation, then all liquids within that stage, or portion thereof, shall be removed and treated as leachate. When the leachate is first detected in any such stage, all pumping of liquids from the stage, or portion thereof, into the stormwater drainage system shall cease immediately. Pumping of liquid from that stage, or portion thereof, into the stormwater drainage system may only recommence upon written approval from the Department.
- 31. This Department shall be notified if any leachate, waste, gas or other conditions which may affect the integrity of the landfill are observed during construction, including excavation, of the landfill. Notification shall be provided verbally within 48 hours and followed up in writing within 7 days.
- 32. Upon commencement of construction, the Permittee must submit by the fifteenth (15th) of each month, a written progress report to the Department which summarizes construction activities undertaken during the preceding month.
- 33. The Department has approved the equivalent design determinations (effective 3/13/1999) and variances (effective 2/8/2002) and will continue to be in effect in this permit for the following materials:
 - (a) Equivalent Design Approvals
 - 1. *tire chips* An 18 inch thick layer of nominal 3 inch tire chips may be used as a substitute for the top 12 inches of the primary soil drainage layer as shown on the approved Engineering Drawings.

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- 2. tire chips - Nominal 3 inch tire chips may be used as backfill for landfill gas collection.
- 3. crushed C&D - Crushed C&D may be used as roadway subbase within the limits of the landfill footprint. The crushed C&D used as subbase must be underlain by a minimum 6 inch layer of daily cover soil.

(b) Variance Approvals

1. Quality control testing of any soil liner materials must be performed at the following revised schedule:

Soil Test Type	Part 360 Frequency	Revised Frequency
Grain Size Distribution	1 per 2500 cubic yards	1 per 7500 cubic yards
Atterberg Limits	1 per 1000 cubic yards	1 per 5000 cubic yards
Moisture-density relationship	1 per 5000 cubic yards	1 per 12500 cubic yards
Moisture Content	1 per 1000 cubic yards	Obtained during permeability test
Recompacted Permeability	1 per 5000 cubic yards	1 per 20000 cubic yards

When a new source of materials is acquired, the testing during the first year of construction shall be according to the frequency specified in Part 360.

2. In areas where geosynthetic clay liner is substituted for the top six-inch portion of the low permeability soil layer in the primary composite liner, the lower twelve inch soil layer may be omitted. A second layer of geosynthetic clay liner must be installed in the sump and beneath all leachate collection pipes.

III. LANDFILL OPERATION

34. The approved design capacity for this landfill is 6000 tons/day, based on an annual average.

Excluded from these limits is solid waste generated at the landfill facility and any Beneficial Use Determination (BUD) materials. By no later than the fifteenth day of each month, the permittee shall report in writing to the Region 8 RMME, the total amount of solid waste disposed at the facility during the previous month, the number of days of operation, and the amount of BUD materials received.

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- 35. Operation of the landfill and landfill related activities will be in accordance with the following:
 - (a) Operations directly related to the acceptance and disposal of solid waste at this facility shall be limited to the following:

Monday through Sunday 5:00 a.m. to 8:00 p.m. Weight scales operations are limited to the hours of 6:00 a.m. to 6:00 p.m.

The landfill shall not be operated on Major Holidays. *Major Holiday shall include New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

(b) Placement of daily cover shall be limited to the following:

Monday through Sunday

6:00 a.m. to 8:00 p.m.

- (c) There will be no restrictions on activities which do not require the operation of equipment. These activities shall include equipment maintenance, facility maintenance (such as electrical or phone repair), office personnel, etc.
- The Permittee shall notify the Department, in writing, of operating hours for (d) special projects before beginning the project.
- The following wastes shall not be disposed of at this facility: 36.
 - waste identified in 6 NYCRR Part 360-1.5(b); (a)
 - any intact steel or plastic drums larger than 10 gallon capacity, that has not been (b) crushed and had at least one end removed or has not been shredded unless otherwise approved by the Department in writing;
 - any container which has held hazardous waste and is not empty according to (c) 6NYCRR Part 371.1(f);
 - (d) any container of 5 to 10 gallon capacity shall not be disposed of at this facility unless the containers have been crushed, compacted, or rendered incapable of holding any liquids except that small quantities of dry wastes may be containerized for disposal in this manner;
 - any regulated medical waste which has not been treated in accordance with the (e) requirements of 6NYCRR Subpart 360-17 or 10NYCRR Subpart 10-3;
 - any industrial or commercial liquids, sludges, or slurries, which contain any free (f)

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liquids or are less than 20% solids;

- (g) any waste(s) regulated by 6 NYCRR Part 364 unless the waste hauler possesses a valid Part 364 permit;
- (h) waste tires, except solid rubber tires (non-pneumatic);

All sludges and chemical, industrial, commercial, food or power plant wastes must be reviewed for compliance with this condition by the Permittee prior to accepting these wastes for disposal at this facility. All records relating to the disposal of these wastes at this facility shall be made available to routine Department inspections. A summary of each month's approved waste streams for disposal, as described in this condition must be submitted to the NYSDEC Regional office within seven-days (7) of the first day of the following month.

- 37. During the placement of the first lift of waste above the primary leachate collection and removal system, the following precautions and practices shall be observed:
 - (a) consideration for the approach and travel of haul trucks and other landfill operation vehicles relative to the location of the liner and leachate collection laterals.
 - (b) waste placement must be kept away from the top of the berms to allow for proper leachate control and effective future placement of final cover. Identification markers may be used along the berms with specific setback distances for waste placement.
 - (c) The initial waste placement must be a minimum of 5 feet of compacted thickness and must be of a select nature and free of unprocessed construction and demolition debris; large metal objects; any long rigid items such as poles or piping; and any other rigid, bulky items which could be placed so as to damage the liner or the leachate collection system.
- 38. Regulated medical waste (RMW) to be accepted for disposal at this facility must be in strict accordance with the following:
 - (a) Only treated regulated medical waste (TRMW) or treated and destroyed medical waste (TDMW) which has been treated in accordance with the minimum operating requirements of 6NYCRR Subpart 360-17 or 10NYCRR Subpart 70-3 may be accepted at this facility for disposal.
 - (b) Each load of TRMW and TDMW to be accepted for disposal must be

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accompanied by the original certification form. Each certification form must be signed and dated by the treatment facility shift supervisor or treatment facility manager. The original and all copies of the certification must be maintained at

facility for a period of no less than seven (7) years from the date they are prepared.

- No TRMW or TDMW may be accepted from any RMW treatment facility unless (c) a draft validation testing program (VTP) is on file with the New York State Department of Health or this Department.
- No TRMW or TDMW may be accepted by this facility from any RMW treatment (d) facility unless the VTP results have been approved in writing by the New York State Department of Health and minimum operating standards have been established.
- The permittee shall not accept vehicles delivering waste or cover material to this facility 39. that are not enclosed, covered or their contents secured.
- All structures, including the leachate collection and removal system, groundwater and gas 40. monitoring wells, access roads, drainage structures, sedimentation basins, etc., shall be maintained in proper working order. In the event any structure becomes damaged or malfunctions so that it will not properly function, the Permittee shall notify the Department verbally within 48-hours after discovery and follow-up in writing within 7 days, and shall promptly replace or repair the structure. If the Permittee immediately repairs the damaged structure within 24-hours of discovering the damage or malfunction, the Permittee will not be required to notify the Department verbally or in writing. All monitoring wells (groundwater and gas) shall be fitted with locking caps and locked at all times other than during times of sampling or maintenance.
- Any leachate on the ground shall immediately be contained and removed either by 41. pumping or by utilizing spill cleanup procedures such as absorbent pads or as required. Leachate and leachate spill debris must be disposed of at authorized facilities approved by the Department.

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- 42. The Permittee shall maintain a contingency plan which shall identify the alternative leachate treatment and disposal methods that will be employed in the case of: malfunction of the existing leachate treatment/disposal system; inadequate system capacity to manage short-term increased leachate volumes; and/or the leachate is not acceptable to the existing wastewater treatment plant. Should any element of the contingency plan become unavailable, or inoperative, a revised plan shall be submitted to the Department within 60 days for approval.
- 43. The Permittee shall inspect the primary and secondary (leak detection) leachate collection and removal system bi-weekly and pump stations weekly. Should the defined action leakage rate levels be exceeded, the Permittee will notify the Department in accordance with the approved site Contingency Plan and follow-up within seven (7) days in writing and immediately initiate the appropriate actions as defined in the contingency plan.
- 44. The primary leachate collection and removal system shall be cleaned at least annually to maintain an unobstructed and free draining collection system. Should the leachate collection and removal system's efficiency be found to be impaired, then remedial cleaning operations shall be conducted. Prior written notification of the schedule for cleaning shall be provided to the Department.
- 45. Under no circumstances shall leachate be discharged directly or indirectly from the site to surface waters or groundwaters.
- 46. Leachate storage must be available to meet the leachate collection needs of the facility throughout the operational and post-closure maintenance periods of the landfill. A log of all visual inspections must be maintained at the site. At a minimum, the log must detail the date, time, inspector, visual observations, problems, and any corrective actions taken.
- 47. In the event that leachate must be hauled from the facility it shall be by a hauler in possession of a valid Part 364 permit, [authorizing such hauler to haul leachate from the facility to a specified disposal site approved by the Department].
- 48. Daily, intermediate and final cover must be applied in accordance with the following schedule:
 - (a) <u>Daily Cover</u>: A minimum of six (6) inches of compacted cover material and/or approved alternate daily cover must be applied on all exposed surfaces of solid waste at the close of each operating day to control vectors, fires, odors, blowing litter, and scavenging. The volume of soil cover or approved BUD daily cover materials necessary to cover the entire working face must

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be available immediately adjacent to the working face at the end of <u>each</u> operating day.

(b) Beneficial Use Determination (BUDS) for Materials as Daily Cover:
Approval has been granted for the beneficial use of each waste stream listed below or as approved in subsequent BUD Management Plan for the facility as daily cover at this facility. When these waste streams are utilized beneficially as daily cover material, they are no longer considered solid waste upon their receipt at the landfill. However, prior to receipt at the landfill, any industrial waste must be hauled by a permitted Part 364 hauler. The weight of each load shall be measured and reported to the Department as BUD operating cover material and categorized as to the specific solid waste which is being beneficially used.

All of the BUD alternative operating cover materials shall be covered with additional waste or clean soil within 48-hours of placement.

Storage of these BUD alternative operating cover materials shall be confined to within areas of the landfill which will not cause an impact on surface water quality. Runoff and run-on controls such as berms and swales shall be provided around storage areas. Appropriate measures shall be taken to prevent the materials from becoming airborne and from eroding into drainage ways.

The specific waste streams which are approved for beneficial use as alternative operating cover materials and the additional restrictions which apply to each are as follows:

- 1. Contaminated Soil Contaminated soils which are not classified as hazardous waste may be used alone or blended. Use shall be limited to the sloping portion of the working face but restricted from the outside slopes of the landfill.
- 2. *Paper Processing Sludge* Use of this material as alternative operating cover alone is limited to the sloping portion of the working face. Use on the flat portion of the working face requires the blending of an equal portion of clean soils.
- 3. Shredder Fluff Shredder fluff may be used as alternative operating cover on sloping portions of the working face but restricted from the outside slopes of the landfill.
- 4. Chipped Tires Chipped tires may be used as alternative operating cover on the sloping portion of the working face but restricted from the outside

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slopes of the landfill.

- 5. Construction and Demolition (C&D) Debris C&D, which has been reduced in size to three inches or less, may be used as alternative operating cover on the sloping portion of the working face but restricted from the outside slopes of the landfill. A 50/50 mix of C&D debris and daily cover soil can be utilized on the flat portions of the working area.
- 6. Coal Bottom Ash Coal bottom ash may be used as alternative operating cover on the sloping portion of the working face but restricted from the outside slopes of the landfill.
- 7. Foundry Sand Foundry sand may be used as alternative operating cover on the sloping portion of the working face except for the outside slopes of the landfill.
- 8. Resource Recovery Ash- Non-hazardous ash generated by permitted resource recovery facilities in New York State may be used as alternative operating cover provided that the following conditions are met:
 - Sampling results must be provided in the annual report for the facility and be made available to the Department upon request.
 - ii. Ash which contains unburned wastes shall not be suitable for use as daily cover and must be landfilled on the same day as acceptance at the landfill.
 - iii. Ash with a probability of becoming airborne (windblown), or eroded into surface water drainageways, shall not be used as daily cover.
 - iv. Ash determined to be unsuitable for use as alternative operating cover shall be disposed of in the landfill working face immediately.
 - v. Ash determined to be suitable for use as alternative operating cover shall be placed adjacent to the working face. However, loads of ash shall not be dumped on or near the outside perimeter slopes, nor near surface water drainageways.
 - vi. Ash shall only be used as daily cover on the sloping portion of the working face, except that ash shall not be used on the outside perimeter slopes. Ash need not be blended with soil or other BUD daily cover materials.

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- vii. Ash shall be used as alternative operating cover or disposed of at the working face on the same day as it is received at the landfill.
- Alternate Operating Cover: The Permittee may utilize an alternate operating (c) cover consisting of geosynthetic materials in accordance with the following restrictions:
 - The alternate operating cover is to be used only on the sloping portion 1. of the work face.
 - The alternate operating cover is to be used only over an area which will 2. receive solid waste disposal within 24-hours.
 - The alternate operating cover shall not be used when weather or other 3. conditions prevent or hinder the effective control of vectors, fires, odors, blowing litter, and scavenging.
 - The alternate operating cover must be secured to the surface of the 4. working face by use of sandbags, piles of cover material, steel reinforcing rods, half tires or other approved methods. Whole tires or other solid waste shall not be used for securing.
- Select Refuse Lift: Clean soil, geosynthetic materials and wood chips are (d) acceptable for use as cover for the select refuse lift. Soil shall be used as cover on the top portion of the select refuse lift. Woodchips and/or geosynthetic materials may be used on the sloping portion of the select refuse lift. The geosynthetic materials and/or chips may be left in place for an extended period of time provided that the area is maintained free of exposed refuse, vectors are not attracted, and odors are controlled.
- Intermediate Operating Cover: A minimum of 12-inches of compacted cover (e) material (soil) must be applied and maintained on all landfill surfaces where no additional solid waste has been or will be deposited within 30 calendar days.
- Final Cover: The final cover system shall be designed, constructed, and (f) maintained in accordance with the requirements of the approved conceptual closure plans.
- 49. An Annual Report shall be submitted to the Department no later than March 1 of each year which includes the following information:
 - The total quantity of solid waste disposed of and BUD daily cover wastes in (a)

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tons on a monthly basis, for the calendar year from January 1 to December 31. This information must be compiled by waste type such as refuse, sludge, construction and demolition, non-hazardous commercial waste, or other types of solid waste. All wastes and BUD materials received at the facility shall be measured by weight and described in the Report. These records shall be maintained for the life of the facility.

- (b) The remaining site life in years and remaining capacity in cubic yards of the existing constructed landfill.
- (c) An evaluation of all water and leachate quality data collected throughout the year. The Department may request at any time that this information be provided in a computer-compatible format to be specified by the Department.
- (d) An evaluation of gas monitoring and control systems, including a narrative description of proposed or actual changes to these systems.
- (e) The quantities of leachate collected, (for each cell) treated, and disposed of on a monthly basis.
- (f) The quantity of leachate collected in the secondary leachate collection/leak detection and removal system for each cell. This must be compiled on a monthly basis to assess primary liner system performance. These figures shall be used to compute the action leakage rate for each active cell.
- (g) A revised site plan with 5-foot contours of the fill area reflecting the extent of the previous year's fill progression and the proposed fill progression for the next year.
- (h) Any proposed changes from the approved reports, plans, and specifications or permit conditions must be listed with justification for each change given. No change shall be effective until written approval is received from the Department.
- (i) An update of the closure and post-closure cost estimates taking into account any changes to the closure/post closure plans, or operating conditions
- 50. The Permittee shall not accept solid waste that originates from New York State municipalities that have not completed a Comprehensive Recycling Analysis satisfying the requirements of 6NYCRR Part 360-1.9(f) and approved by the Department or has not implemented the recyclables recovery program determined to be feasible by the analysis.

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- 51. All yard waste (leaves, grass, brush/branches and stumps/tree sections) shall be banned from disposal in the landfill except for that yard waste which is [contaminated by excessive pesticides, hazardous substances, or other items which would make the yard waste] unsuitable for composting or chipping. Yard wastes contained in plastic bags are not banned from landfilling.
- 52. A permanent grass, ground cover crop, or mulch approved by the Department must be established and maintained on all exposed final cover soil within sixty (60) days after placement, or season not permitting, as otherwise required by the Department.
- 53. The final contours of the site must conform to those shown on Department-approved engineering report and plans.
- 54. Final cover integrity, slopes, cover vegetation, drainage structures, leachate collection and removal structures established pursuant to this permit shall be maintained for a minimum period of thirty (30) years beyond the date of the placement of final cover, or for as long as leachate is capable of adversely impacting the environment, whichever is longer.
- 55. Groundwater, surface water, and leachate sampling methodologies and analyses of samples must be performed in accordance with the approved Environmental Monitoring Plan (EMP)/ Site Analytical Plan (SAP) for this facility. Operational, closure, and post-closure sampling and analysis shall be in accordance with the approved EMP.
- All new monitoring wells are to be constructed and sampled as specified in the approved Environmental Monitoring Plan (EMP) and are to meet or exceed the requirements of 6NYCRR Part 360. Any proposed revisions to the EMP are to be submitted to the Department and are subject to the Department's approval.
- 57. Any wells which do not yield sufficient water to be sampled or are otherwise unsuitable for monitoring purposes are to be reported within 48-hours of detection to the Region 8 RMME. The operator shall be required to repair, redevelop, or replace, if so determined, such wells in time for the next scheduled sampling event.

IV ARTICLE 24 (WETLANDS PERMIT) CONDITIONS:

- 58. Ongoing (Post Permit Issuance) Plan and Report Requirements
 - (a) The Permittee shall submit copies of any plans and reports to the Division of Fish and Wildlife and Marine Resources, NYSDEC Region 8, 6274 E. Avon-Lima Road, Avon, NY 14414, unless otherwise specified in this permit or in writing by the Department.

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- In the event that the Department disapproves a submittal, or provides the Permittee with comments, questions, or concerns as part of its review process. the Department shall provide its decision or concerns in writing to the Permittee. Permittee shall then have 30 days from receipt to respond to the Department's concerns. The failure to respond in a timely manner shall constitute a violation of this permit and subject Permittee to any action by the Department as may be authorized by law.
- 59. Permittee shall grant a Conservation Easement for the Protected Property as described therein, the boundaries of which are shown on the Figure in Schedule C. The following terms and conditions shall apply to the granting of the Conservation Easement.
 - (a) The Grantee shall be the Audubon Society.
 - (b) Deleted
 - The Conservation Easement is attached hereto as Schedule B. (c)
 - (d) The Easement shall be signed and recorded prior to commencement of any regulated activity authorized by this permit in regulated wetland areas.
 - (e) Permittee shall provide title reports or other documentation satisfactory to DEC to establish clear title on the part of Grantor and to ensure that no liens or encumbrances exist which would be superior to the Easement or could affect the validity or enforceability of the Easement. Such report(s) shall be provided within 90 days of the issuance of this permit and again prior to the date the easement is recorded.
- 60. Permittee shall establish and fund a Perpetual Maintenance Fund (the Fund) in order to ensure that sufficient funds are available in perpetuity to maintain the Protected Property as described in the Conservation Easement. The following terms apply relative to the implementation of this Condition:
 - (a) The Fund shall be established with Audubon, and a copy of any agreements, contracts, or other mechanism to establish or maintain the fund shall be sent to DEC for its file.
 - The Fund shall be funded as follows: (b)
 - 1. The amount of Sixty Two Thousand Dollars (\$62,000) shall be deposited with Audubon no later than December 31 of each year beginning on

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For Article 27, Title 7 (Seneca Meadows, Inc.)

December 31, 2009 and ending on December 31, 2022, subject to necessary adjustments as described in Subparagraph C below; and

- 2. A Performance Bond (Bond) or Letter of Credit (LOC) in substantially the same form as attached hereto as Schedule E, shall be continuously in effect and in an amount sufficient to cover the difference between \$868,000 or such adjusted amount as determined pursuant to Subparagraph 60 (c) below, and the balance in the Fund. The bond or LOC shall name Audubon as the beneficiary of any proceeds, and shall give DEC or Audubon the authority to call in the proceeds in accordance with the terms of the Bond or LOC. Should the Bond or LOC or any part thereof be called in, the proceeds thereof shall be deposited into the Fund.
- (c) No later than November 1, 2008 and each year thereafter that this permit is in effect, Permittee shall re-evaluate the sufficiency of its cost projections for the maintenance obligations shown in Schedule (TBD) and adjust the amount of its annual payment to the Fund as prescribed by Subparagraph 60 (a) as necessary to meet the revised cost estimates.
- (d) Permittee shall not have access to the money in the Fund. Permittee's maintenance obligations for the Protected Property as required by this Permit or the Conservation Easement shall be separately funded by Permittee.
- (e) No later than February 1 of each year this permit is in effect, Permittee shall provide DEC with proof that the required payment has been made to Audubon, along with the basis for any change in the amount of the deposit; proof that the required Bond/LOC remains in effect and in the appropriate amount; and the balance in the Fund as of that date.
- 61. The Department's granting of this permit is based in significant part on SMI's demonstration that a 14-year operating life based, in part, upon the current approved design capacity of 6,000 tons per day, was its only practicable alternative. As a result, by acceptance of this permit, Permittee agrees that it shall not seek approval for a fill rate or design capacity increase that will shorten the life expectancy of the facility.
- 62. The Department's granting of this permit is based in part on SMI's demonstration that the project satisfies a pressing economic and social need for environmentally sound solid waste disposal in New York, that clearly outweighs the loss of or detriment to the benefit(s) of the Class II wetland. Therefore, the following will assure that the Permittee will be held to providing the highest and best use of its landfill space to help further the state's solid waste goals by reducing the solid waste,

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recyclables, compostables, hazardous waste, and C&D that enter the landfill.

- (a) Waste Reduction, Recycling and Composting Programs. In recognition of the need to promote and implement waste reduction, reuse, recycling and composting, the Permittee shall:
 - 1. Construct a Community Education Center (CEC) adjacent to the facility. In addition to being available to local high school science classes for environmental field and laboratory projects, the CEC shall be staffed for up to 20 hours a week to provide guidance to the public on available waste reduction, reuse, recycling and composting techniques. The availability of the CEC as a resource on those issues shall be advertised quarterly by the permittee.
 - 2. Fund a staff position to conduct a fourth grade educational outreach program that includes a reuse and recycling component. The program should be offered to all school districts in the Western Finger Lakes Solid Waste Management Authority (WFLSWMA) four county area.
 - 3. Provide technical assistance to the University of BuffaloTMs Center for Integrated Waste Management with respect to the reuse of waste tire chips.
 - 4. Prepare a study to evaluate additional opportunities to further beneficially utilize waste tire chips in civil engineering applications and minimize the use of natural uncontaminated earth or other materials at the facility as well as off-site.
- (b) Household Hazardous Waste Collection Program. The Permitee, in conjunction with Seneca County, the Town of Seneca Falls, and the Town of Waterloo, shall sponsor at least two Household Hazardous Waste (HHW) collection day programs annually for the term of this permit. The program shall be open by appointment to up to 400 residents and not-for-profit organizations residing in the involved local municipalities. The program shall accept all HHW, including mercury-added products, lead acid batteries, electronic products, and pesticides. Any waste accepted and managed pursuant to this condition shall be done at no fee to the generator. These programs shall include distribution of educational materials describing the proper way to use, dispose of, and recycle household chemical products and discussing alternatives to those products. In addition, the Permittee shall contribute \$20,000 annually for the term of this permit to the WFLSWMA for its use in support of its HHW collection activities.

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- Construction and Demolition Waste Recycling Program. The Permittee shall (c) minimize the use of natural uncontaminated earth materials as daily cover and substitute alternative daily cover materials to the maximum extent practicable. To accomplish this objective, the Permittee shall prepare a construction and demolition (C&D) debris management plan designed to evaluate equipment and handling procedures that will maximize the beneficial uses of C&D debris landfill construction and operation, in compliance with the requirements of Part 360. This plan shall be submitted to the Department for approval 180 days after the effective date of this permit and shall be updated annually, as part of the Permittee's Part 360 annual report, to describe the quantity of C&D debris received and used beneficially in landfill construction and operation.
- Reporting Requirements. The Permittee shall submit a status report to verify (d) compliance with items 62.a, b, and c above on an annual basis. This report shall be included in the Part 360 annual report with a copy to the Division of Environmental Permits file (8-4532-00023/00046).

V. ODOR CONTROL CONDITIONS

The following conditions numbered 63 to 69 are in addition to other requirements imposed under this permit related to odor control, including but not limited to, the Comprehensive Odor Control Plan referenced in Section 16 of the Operations, Maintenance and Monitoring Plan, Revised March 2017. To the extent that the following conditions are more stringent than other requirements, the following conditions shall supersede those other requirements.

- As soon as is feasible based on construction conditions, but no later than 120 days following 63. the 2017 renewal of this Permit, the Permittee must commence installation of horizontal gas collection lines in the waste mass as waste is being placed in an effort to best control odor emissions from the active portions of the landfill, in accordance with a, b, and c below. Revisions to the Gas Collection Control System plans and a schedule for the work detailed below are to be submitted for Department approval thirty days in advance of installation.
 - The collectors must be installed at a horizontal spacing of not more than 100 feet and a (a) vertical spacing of not more than 20 feet, and shall terminate at least 100 feet from the exterior slope of the waste mass.
 - The collectors must be placed and remain under negative pressure as soon as (b) practicable and before there is more than 10 feet of waste above the collector, as long as there is no evidence of an imminent or existing thermal oxidation event. The Permittee shall control gas collected from this system and consider use of a separate flare with an alternative fuel source, if needed, to combust gas collected from the more

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surficial collectors.

- (c) Operational vacuum on this system is to be monitored and adjusted as necessary in order to maintain negative pressure on the collectors, especially with respect to site-specific weather conditions where enhanced collection vacuum during times of low pressure fronts, and other relevant atmospheric conditions may be necessary.
- The Permittee must complete a pilot off-site odor assessment program in accordance with the compliance schedule specified below. This pilot program must, at a minimum, assess whether an appropriate methodology can be developed for continuous, real-time monitoring to detect the presence of off-site landfill gas and associated analytical constituents of that gas related to odor. The program must also track and evaluate the influence of site-specific weather conditions which may contribute to off-site landfill odors. The pilot program should include the following components: evaluation of landfill gas from the main header and surficial collectors to identify constituents representative of operational odors, investigation of emissions detected off-site during various weather patterns/conditions using mobile devices. and installation of continuous monitors in targeted perimeter locations and areas of potential receptors owned or controlled by the Permittee or affiliate corporations. Monthly progress reports as to the performance of the pilot program, including applicable analytical results, are to be submitted to the Department. If, at the conclusion of the pilot program, the Department determines that any corrective measures should be implemented or that the study should be refined, or that any air monitoring should continue for a prescribed time period, the Permittee must implement the corrective measures and continue the program as directed in writing by Department staff. The Permittee shall comply with the following schedule:
 - (a) Within 90 days following the 2017 renewal of this Permit, the Permittee must submit a work plan prepared by a Qualified Environmental Professional (as defined at 6 NYCRR Part 360.2(b)(213) effective November 4, 2017) for Department approval.
 - (b) Within 45 days of receipt of any written comments provided by the Department in response to the work plan, the Permittee must submit a revised work plan adequately addressing the written comments. A second failure to submit an approvable work plan will be considered a violation of this permit.
 - (c) Within 60 days of Department approval of the work plan, the Permittee must commence program implementation, and real-time monitoring must commence within an additional 60 days.

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- (d) Within 60 days of completion of all monitoring as required under the approved work plan, the Permittee must provide a written report to the Department detailing the findings and conclusions.
- 65. Effective January 1, 2018, the use of waste as an alternative to daily cover or operating cover shall not exceed 1,200 tons per day on an annual average basis or 20 percent of the actual annual waste tonnage, whichever is less. No later than February 5, 2018, all proposals to use fines or other residues generated from the processing of construction and demolition debris as an alternative to daily cover or operating cover must demonstrate that the concentration of sulfate does not exceed 0.5 percent by weight. Upon written justification from the Permittee satisfactory to the Department, the Department may provide written approval granting additional time to meet this sulfate concentration requirement, up to but not beyond May 3, 2018.
- 66. Immediately upon the 2017 renewal of this Permit and on an on-going basis, the Permittee must apply and maintain a minimum of 12 inches of compacted operating cover on all landfill surfaces where no additional waste has been, or will be, placed within 30 calendar days of the last placement of waste or within a timeframe otherwise determined necessary by the Department. If odor problems are not controlled, additional measures must be implemented, which could include, among others, covering the problem area with a geomembrane with active gas collection below the geomembrane in an effort to control odor emissions.
- 67. Immediately upon the 2017 renewal of this Permit, the Permittee shall not recirculate leachate within the waste mass unless written approval subsequent to the 2017 renewal of the Permit is granted by the Department. The Department has the right to revoke approval of leachate recirculation at its discretion.
- 68. Immediately upon the 2017 renewal of this Permit, the Permittee shall implement surface emission monitoring using flame ionization detectors, or other equivalent methods approved by the Department, at any location(s) it determines may be a significant source of off-site odor concerns, or as directed to do so by Department staff. The Permittee must subsequently implement, in consultation with Department staff, appropriate action plan items as specified in Section 5 of its Odor Control Summary Report dated July 2017, including but not limited to:
 - (a) Increased surface inspections and well balancing,
 - (b) Adjustments to well balancing procedures,
 - (c) Sounding vertical landfill gas collection wells for liquid levels,

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- (d) Additional gas collectors,
- (e) Additional daily cover, operating cover, intermediate cover, or final cover systems,
- (f) Increase and/or adjust odor neutralizers, and
- New technologies as they become available. (g)
- 69. Immediately upon the 2017 renewal of this Permit, the Permittee shall submit monthly updated odor complaint log charts and summaries to the Department until further notice.

VI. TIRE PROCESSING FACILITY

The following conditions numbered 70 to 81 pertain to the authorized operation of a waste tire facility located on Salcman road within the Town of Seneca Falls, New York, near the intersection of the Salcman Road and Route 414.

- Permit Conflicts If any condition of this permit conflicts with the approved report and 70. plans identified in Solid Waste Management Permit Condition 74 of this permit, the Solid Waste Management Permit Condition shall prevail.
- 71. Emergency Reporting - In the event of an emergency, including but not limited to fires, explosion or on-site spills, the RMME shall be notified of the emergency within 24 hours of discovery. Oral reports due on weekends or holidays shall be made on the next business day. The details of the incident and the remediation or corrective action(s) taken shall be fully described in writing to the RMME within five working days of the event.
- 72. Permit Applicability - The permit supersedes all previously issued Solid Waste Management Facility Registration Forms issued by the New York State Department of Environmental Conservation (the "Department"), for this facility.
- 73. Conformance With Plans - All activities authorized by this permit must be in strict conformance with the permit application, plans and materials referenced in Special Condition 74 of this permit.
- 74. Approved Reports and Documents - Unless expressly authorized in writing or unless modified by conditions of any permit issued by this Department, operation of the facility shall be in conformance with the applicable requirements of 6 NYCRR Part 360 (current edition and as subsequently modified), special conditions cited herein, and the following approved reports and documents for this facility:

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- Permit applications for a modification of the existing Permit to Construct and Operate a (a) Solid Waste Management Facility pursuant to 6 NYCRR Part 360, dated 03/28/2017 and signed by Kyle Black, District Manager of Seneca Meadows, Inc
- "Tire Processing Facility Operation and Maintenance Plan" for the Tire Processing (b) Facility (TPF) at Seneca Meadows Solid Waste Management Facility dated November, 2016 and revised March 2017, prepared by Cornerstone Environmental.
- SEQR Environmental Assessment Form Part 1 completed by the Permittee on March (c) 28, 2017, and Parts 2 and 3 completed by the Department on July 14, 2017.
- 75. Acceptable Materials - The only material permitted for processing at the facility is tires; including passenger cars tires, light to medium truck tires, larger truck tires, equipment tires, and tire chips. Other rubber wastes may be accepted, only with prior Department approval. The Department will require that the following information be supplied before approval can be granted:
 - Origin of the material. The company/manufacturer generating the waste. (a)
 - Quantity and frequency of material to be accepted (e.g., tons/week). (b)
 - Make-up of the material. Documentation shall be provided verifying the components. (c)
 - Storage the storage areas for the material before and after processing shall be (d) described.
 - (e) End Use - how the product, after processing, is to be used shall be described.
- Hours of Operation Monday through Friday, 6:00 am to 4:00 pm and Saturday 6:00 a.m. 76. to 11:30 a.m. The facility is closed on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, and Christmas Day. Upon receipt of approval from the NYSDEC, the TPF may expand operations to accommodate peak construction and production period demands to operate Monday through Saturday 6:00 a.m. to 10:00 p.m.
- 77. Proper Disposal of Solid Waste - The Department reserves the right to order SMI, Inc to remove any solid waste from the premises and properly dispose of said materials in a Department permitted facility should public nuisance conditions, including but not limited to vectors or fires, arise at the facility.
- 78. Storage of Tires - Total storage of whole tires, processed tire material, and other solid waste shall be limited to areas authorized in Special Condition 74 of this

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Permit. The Permittee shall not store more than 210,000 unprocessed whole tires at the facility. Waste tire piles must not exceed 20 feet in height. Horizontal dimensions of waste tire piles at the base of the pile must have a surface area no greater than 10,000 square feet, with the width not to exceed 50 feet.

- 79. Waste tire piles must be accessible on all sides to fire fighting and emergency response equipment.
- 80. All whole tires, tire material and other solid waste shall be removed from the facility and properly disposed of within 60 days of closure of the facility. The RMME shall be notified in writing within five business days of closure of the facility and subsequently notified of completion of cleanup activities. The Department will perform a final inspection to ensure the facility has closed in an environmentally acceptable manner.
- 81. Reporting The permittee must prepare and keep daily records on file at the facility. Quarterly and annual reports must be submitted to the Department on forms provided by the Department or acceptable to the Department. Quarterly reports shall be submitted within 15 days after the end of each calendar quarter; and annual reports shall be submitted by March 1st of each year. The quarterly reports shall contain all the information required by 360-19.k(3) and the following:
 - (a) Total quantity of waste tires received from each New York State county, from each state and from outside the country.
 - (b) Destination of all materials shipped from the facility.
 - (c) The amount of tires stored at the facility at the end of the quarter.
 - (d) Unusual events or accident at the facility and responses taken by facility personnel.

The annual report shall contain the above information plus the following:

- (e) An updated closure cost estimate for closure activities to reflect inflation and/or any changes that may impact closure.
- (f) Any changes in the approval plans, reports, or permits along with a justification for the change.

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Exhibit B

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Division of Air Resources - Title V Permit



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Facility DEC ID: 8453200023

PERMIT Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility Permit ID: 8-4532-00023/00041

Mod 0 Effective Date: 11/21/2018 Expiration Date: 11/20/2023

Mod 1 Effective Date: 11/21/2018 Expiration Date: No expiration date.

Mod 2 Effective Date: 04/25/2018 Expiration Date: No expiration date.

Mod 3 Effective Date: 07/01/2019 Expiration Date: 11/20/2023

Mod 4 Effective Date: 10/21/2021 Expiration Date: 11/20/2023

Permit Issued To:SENECA MEADOWS INC

1786 SALCMAN RD

WATERLOO, NY 13165-9444

Contact: Kyle Black

Seneca Meadows SWMF 1786 Salcman Rd Waterloo, NY 13165 (315) 539-5624

Facility: SENECA MEADOWS SWMF

1786 SALCMAN RD WATERLOO, NY 13165

Contact: Kyle Black

Seneca Meadows SWMF 1786 Salcman Rd Waterloo, NY 13165 (315) 539-5624

Description:

Renewal 2 Permit with Modifications

Title V Permit for the Seneca Meadows, Inc. (SMI) landfill, located at 1786 Salcman Road in the Town of Seneca Falls, Seneca County, New York. The SMI facility is located on an 898-acre site and consists of the existing landfill, the tire facility, an existing soil borrow area, stormwater channels and access roads, stormwater ponds, gas control equipment, and a leachate treatment facility.

The SMI facility also includes flares, owned by SMI, that are located across Route 414 at the Seneca Meadows Renewable Resource Park. The park is also the location of the Seneca Energy II, LLC (SE II) Landfill Gas-to-Energy (LFGTE) facility, which is a separately owned and operated facility that purchases landfill gas from SMI and

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generates electricity from combusting the landfill gas and produces pipeline quality gas. The SE II LFGTE facility is permitted under a separate Title V permit.

The SMI facility includes the following six emission units:

- · Emission Unit 1-LEACH. Leachate treatment system including three above ground storage tanks;
- Emission Unit 1-LFGAS. Landfill gas from landfill areas and associated control equipment, including the flares. Total permitted flare capacity of 18,293 cfm;
- · Emission Unit 1-SOILS. Soil and temporary BUD [beneficial use determination] material storage;
- · Emission Unit 1-EMGEN. Back-up emergency generators;
- · Emission Unit 1-CRUSH. Stone crushing plant, including 415 HP diesel motor;
- Emission Unit 1-SCREE. Stone screening operations, including a 97 HP diesel motor.

Permit includes emissions and control for emissions from the on-site leachate treatment system consisting of three above ground storage tanks, sulfide controls and a reverse osmosis (RO) system (Emission Unit 1-LEACH); emissions from a stone crushing plant including a 415 HP diesel motor (Emission Unit 1-CRUSH) and stone screening operations including a 97 HP diesel motor (Emission Unit 1-SCREE); operation of emergency generator sets (Emission Unit 1-EMGEN); and installation of previously-permitted flares. The facility is subject to 40 CFR Part 63 Subpart ZZZZ, 40 CFR 60 Subpart IIII and Subpart JJJJ for the applicable emergency generator sets.

The total permitted landfill gas flare capacity is 18,293 cfm. There is currently 13,200 cfm of installed flare capacity that includes the following: one 2,000-cfm enclosed flare, two 4,000 cfm enclosed flares, and two 100-cfm thermal oxidizers. The remaining capacity includes a designated flare of 5,093 cfm for previously permitted capacity that can be installed in the future if necessary.

The application reviewed for the 2nd renewal permit quantifies greenhouse gases, as required by the Tailoring Rule.

The SMI facility is major with respect to Prevention of Significant Deterioration and New Source Review (PSD/NSR), is subject to 6NYCRR Part 227-2 NOx RACT, and includes a total facility emissions limit (enforceable emissions restriction) of less than 200 TPY for NOx and less than 500 TPY for CO. The renewed SMI Title V permit will continue the SMI facility's emission levels, which meet the established facility limits described above.

Minor Modification for Leachate Treatment System Upgrade

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This 2021 minor modification 4, to the Renewal 2 permit, is to upgrade the Seneca Meadows Inc. landfill Leachate Treatment System to improve the treatment for the existing leachate volumes, to control odors. This modification also incorporates the operational flexibility determination of replacing the open utility flare (Emission Source PFL3K) with a new enclosed Perennial Flare (Emission Source RFL3K) at the leachate evaporator which was previously permitted. This project also adds an emergency generator, Emission Source EMG06, that is subject to 40 CFR 60 Subpart IIII. During the process for modeling for this project, the Department determined that the facility shall investigate the emission rate of hydrogen sulfide coming from the fugitive emissions at the landfill surface. Permit conditions have been written for doing this study as well as for monitoring of the landfill and the leachate treatment system upgrades.

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: KIMBERLY A MERCHANT

6274 E AVON LIMA RD AVON, NY 14414-9519

imbuly Merchant Date: _10/21/2021_ Authorized Signature:

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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.

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DEC GENERAL CONDITIONS

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Facility Level

7 5 Submission of application for permit modification or renewal-REGION 8 HEADQUARTERS

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DEC GENERAL CONDITIONS

**** General Provisions ****

For the purpose of your Title V permit, the following section contains state-only enforceable terms and conditions. **GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

Condition 1: Facility Inspection by the Department ECL 19-0305 **Applicable State Requirement:**

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:** 6 NYCRR 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.

Item3.2:

The permittee must submit a renewal application at least 180 days before the expiration of permits for Title V and 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.

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Condition 4: Permit modifications, suspensions or revocations by the Department **Applicable State Requirement:** 6 NYCRR 621.13

Item 4.1:

The Department reserves the right to exercise all available authority 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 8 HEADQUARTERS

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

Item 5.1:

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

NYSDEC Regional Permit Administrator Region 8 Headquarters Division of Environmental Permits 6274 Avon-Lima Road Avon, NY 14414-9519 (585) 226-2466

FILED: ALBANY COUNTY CLERK 05/31/2024 03:36 PM

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Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To:SENECA MEADOWS INC 1786 SALCMAN RD

WATERLOO, NY 13165-9444

Facility: SENECA MEADOWS SWMF

1786 SALCMAN RD WATERLOO, NY 13165

Authorized Activity By Standard Industrial Classification Code:

4953 - REFUSE SYSTEMS

Mod 0 Permit Effective Date: 11/21/2018 Permit Expiration Date: 11/20/2023

Mod 3 Permit Effective Date: 07/01/2019 Permit Expiration Date: 11/20/2023

Mod 4 Permit Effective Date: 10/21/2021 Permit Expiration Date: 11/20/2023

Air Pollution Control Permit Conditions

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Item B: Timely Application for the Renewal of Title V Permits - 6 NYCRR 201-6.2 (a) (4)

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

Item C: Certification by a Responsible Official - 6 NYCRR 201-6.2 (d) (12)

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

Item D: Requirement to Comply With All Conditions - 6 NYCRR 201-6.4 (a) (2)

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

Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 201-6.4 (a) (3)

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

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

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201-6.4 (a) (5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item G: Property Rights - 6 NYCRR 201-6.4 (a) (6)

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

Item H: Severability - 6 NYCRR 201-6.4 (a) (9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Item I: Permit Shield - 6 NYCRR 201-6.4 (g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

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Item J: Reopening for Cause - 6 NYCRR 201-6.4 (i)

This Title V permit shall be reopened and revised under any of the following circumstances:

- When additional applicable requirements under the act become applicable to a title V facility with a remaining permit term of three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the department pursuant to the provisions of section 201- 6.6 of this Subpart.
- The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

Item K: 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

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> 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 L: Federally Enforceable Requirements - 40 CFR 70.6 (b)

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

MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.

Condition 1: Acceptable Ambient Air Quality

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 200.6

Item 1.1:

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

Condition 2: Fees

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-6.4 (a) (7)

Item 2.1:

The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0303.

Condition 3: Recordkeeping and Reporting of Compliance Monitoring Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c)

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Item 3.1:

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The following information must be included in any required compliance monitoring records and reports:

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.2 of Part 201.

Condition 4: Records of Monitoring, Sampling, and Measurement Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (2)

Item 4.1:

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

Condition 5: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (3) (ii)

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

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

Submit reports of any required monitoring at a minimum frequency of

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

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

- (1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
- (2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
- (3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.
- (4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.2(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks

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

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

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

All semiannual reports may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.4(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2019. Subsequent reports are due every 6 calendar month(s).

Condition 4-1: Compliance Certification

Effective between the dates of 10/21/2021 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-6.4 (e)

Replaces Condition(s) 6

Item 4-1.1:

The Compliance Certification activity will be performed for the Facility.

Item 4-1.2:

Compliance Certification shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

- i. Compliance certifications shall contain:
- the identification of each term or condition of the permit that is the basis of the certification:
- the compliance status;
- whether compliance was continuous or intermittent;
- the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
- such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.
- ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.
- iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.
- iv. All annual compliance certifications may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BOA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). The mailing addresses for the above referenced persons are:

Chief – Air Compliance Branch USEPA Region 2 DECA/ACB 290 Broadway, 21st Floor New York, NY 10007

The address for the RAPCE is as follows:

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> Regional Air Pollution Control Engineer NYSDEC Region 8 Headquarters 6274 East Avon-Lima Road Avon, NY 14414-9519

The address for the BQA is as follows:

NYSDEC Bureau of Quality Assurance 625 Broadway Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY Reporting Requirements: ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2019.

Subsequent reports are due on the same day each year

Condition 7: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 202-2.1

Item 7.1:

NYSCEF DOC. NO. 12

The Compliance Certification activity will be performed for the Facility.

Item 7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year. Statements are to be mailed to: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Air Quality Planning, 625 Broadway, Albany NY 12233-3251

Monitoring Frequency: ANNUALLY

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

Condition 4-2: Recordkeeping requirements Effective between the dates of 10/21/2021 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 202-2.5

Item 4-2.1:

- (a) The following records shall be maintained for at least five years:
- (1) a copy of each emission statement submitted to the department; and

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- (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.
- (b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

Condition 8: Recordkeeping requirements

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 202-2.5

Item 8.1:

NYSCEF DOC. NO.

- (a) The following records shall be maintained for at least five years:
 - (1) a copy of each emission statement submitted to the department; and
- records indicating how the information submitted in the emission (2) statement was determined, including any calculations, data, measurements, and estimates used.
- These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

Condition 9: Open Fires - Prohibitions

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 215.2

Item 9.1:

Except as allowed by Title 6 NYCRR Section 215.3, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

Item 9.2

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.

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- (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- (h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- (i) Prescribed burns performed according to Part 194 of this Title.
- (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
- (k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.
- (1) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

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

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

Condition 4-3: Maintenance of Equipment Effective between the dates of 10/21/2021 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 200.7

Item 4-3.1:

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

Condition 10: Maintenance of Equipment Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 200.7

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Item 10.1:

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

Condition 11: Recycling and Salvage

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-1.7

Item 11.1:

Where practical, the owner or operator of an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-1.8

Item 12.1:

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

Condition 13: **Exempt Sources - Proof of Eligibility** Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 13.1:

The owner or operator of an emission source or activity that is listed as being exempt may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all records necessary for demonstrating compliance with this Subpart on-site for a period of five years, and make them available to representatives of the department upon request.

Condition 14: Trivial Sources - Proof of Eligibility Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 14.1:

The owner or operator of an emission source or activity that is listed as being trivial in this Section may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request.

Condition 15: Requirement to Provide Information

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Applicable Federal Requirement: 6 NYCRR 201-6.4 (a) (4)

Item 15.1:

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

Condition 16: Right to Inspect

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-6.4 (a) (8)

Item 16.1:

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

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

Condition 17: Off Permit Changes Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-6.4 (f) (6)

Item 17.1:

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the

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permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

- (i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.
- (ii) The permit shield described in section 6 NYCRR 201-6.4 shall not apply to any change made pursuant to this paragraph.

Condition 18: Required Emissions Tests Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 202-1.1

Item 18.1:

NYSCEF DOC. NO. 12

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

Condition 19: Accidental release provisions. Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40 CFR Part 68

Item 19.1:

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

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

Risk Management Plan Reporting Center C/O CSC 8400 Corporate Dr

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Condition 20: Recycling and Emissions Reduction

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 82, Subpart F

Item 20.1:

NYSCEF DOC. NO. 12

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

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

Condition 21: Emission Unit Definition

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR Subpart 201-6

Item 21.1(From Mod 4):

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

Emission Unit: 1-EMGEN

Emission Unit Description:

The emission unit consists of generators for emergency situations. Emission sources EMGEN and EMG06 are subject to 40 CFR 60 Subpart IIII. Emission sources EMG02, EMG03 and EMG05 are subject to 40 CFR 63 Subpart ZZZZ. Emission source EMG04 is subject to 40 CFR 60 Subpart JJJJ.

Item 21.2(From Mod 4):

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

Emission Unit: 1-LEACH Emission Unit Description:

> Two (2) 501,825 gallon aboveground storage tanks (Emission Sources TANK1 and TANK2) and one (1) 1.8 million gallon aboveground storage tank (TANK3) will be used to store leachate at the facility. The tanks are vented to prevent pressurization. Emissions are from the working and breathing losses from the atmospheric tank vents. The facility operates a ROCHEM Reverse Osmosis Treatment System. This system consists of (2) Feed pH Adjust Tanks (B2001 and B2002), (2) Intermediate Concentrate Tanks (B7001 & B7002), (1) Permeate Tank (B9002), (1) Permeate Storage Tank (B9003), (2) Sulfuric Acid Storage Tanks (ACID1 AND ACID2), (1) 100,000 gallon Concentrate Tank (B7003) and an Ammonia Air Stripper (STRIP). They will be located within the Former Engine Plant #2.

A concentrate evaporator unit processes up to 1,400 barrels of concentrate a day.

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> The facility is proposing to upgrade their Leachate Treatment System (new Dynatec System). One of the existing 501,825 gallon tanks (TANK1) will be converted to agitate and aerate leachate. In addition, the 3,000 cfm utility flare will be replaced with a 3,000 cfm enclosed Perennial flare (Emission Source (RFL3K) that will process the concentrate evaporator exhaust when operating in thermal oxidizer (TOU) mode. RFL3K can also operate in standard flare mode.

Building(s): FEP2

Item 21.3(From Mod 0):

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

Emission Unit: 1-CRUSH **Emission Unit Description:**

> This emission unit consists of a Lippman 4248CC Closed Circuit Portable Impact Crushing Plant (or equivalent) that will be used for rock processing operations. It contains a 415 HP diesel motor. This plant is a portable unit and therefore not subject to 40 CFR 63 Subpart ZZZZ or 6NYCRR Part 227 NOx RACT.

Item 21.4(From Mod 3):

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

Emission Unit: 1-LFGAS Emission Unit Description:

> This unit consists of four landfill areas (the Existing Landfill, the A/B Expansion, Southeast Landfill, and Tantalo) contributing to the generation of landfill gas (LFG) and the apparatus necessary to collect and combust the LFG which also includes leachate recirculation activities. This unit also includes the previously permitted Landfill Expansion areas.

Item 21.5(From Mod 0):

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

Emission Unit: 1-SCREE Emission Unit Description:

> This emission unit consists of a portable screening plant that will be for rock processing operations. It contains a 97 HP diesel motor. This plant is a portable unit and therefore not subject to 40 CFR 63 Subpart ZZZZ or 6NYCRR Part 227 NOx RACT.

Item 21.6(From Mod 0):

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

Emission Unit: 1-SOILS

Emission Unit Description:

This unit consists of outdoor temporary storage piles of contaminated beneficial use materials (BUD) soils. Contaminated soils may be temporarily stockpiled on site for up to 48 hours before being used as BUD materials. Emissions include fugitive emissions of VOC components.

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Condition 22: Progress Reports Due Semiannually Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-6.4 (d) (4)

Item 22.1:

NYSCEF DOC. NO. 12

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

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

Condition 4-4: **Operational Flexibility** Effective between the dates of 10/21/2021 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-6.4 (f)

Item 4-4.1:

A permit modification is not required for changes that are provided for in the permit. Such changes include approved alternate operating scenarios and changes that have been submitted and approved pursuant to an established operational flexibility protocol and the requirements of this section. Each such change cannot be a modification under any provision of Title I of the Clean Air Act or exceed, or cause the facility to exceed, an emissions cap or limitation in the permit. The facility owner or operator must incorporate all changes into any compliance certifications, record keeping, and/or reporting required by the permit.

Condition 23: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-6.4 (f)

Item 23.1:

The Compliance Certification activity will be performed for the Facility.

Item 23.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operational Flexibility Plan

I. Protocol Objective

The objective of this condition is to maximize operational flexibility at the facility by building into the Title V permit the capability to

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make certain changes using a protocol. As provided under 6 NYCRR Part 201-6.4(f)(2), changes made under an approved protocol are not subject to the Title V permit modification provisions under 6 NYCRR Part 201-6.6.

- II. Protocol
- A. Criteria
- 1. Changes reviewed under this protocol shall be evaluated in accordance with the following criteria:
- a. All underlying federal and state requirements with which the new or changed emission source must comply must exist in the Title V permit. Existing permit conditions may be amended to reference or include the new or changed emission source and any related information, and/or subject to DEC approval, new conditions proposed, to provide the appropriate monitoring parameters.
- b. Any new or changed emission source shall not be part of a source project that results in a significant net emissions increase that exceeds the New Source Review (NSR) thresholds identified in 6 NYCRR Part 231.
- c. The facility shall not use the protocol to make physical changes or changes in the method of operation of existing emissions sources that would require a new or modified federally enforceable cap either to avoid major NSR requirements or to address and comply with other Clean Air Act requirements, such as RACT. Such changes must be addressed via the significant permit modification provisions.
- B. Notification Requirements for Changes Reviewed under the Protocol
- 1. The facility shall notify the Department in writing of the proposed change.
- 2. Notifications made in accordance with this protocol will include the following documentation:
- a. Identification of the Title V permit emission unit, process(es), emission sources and emission points affected by the proposed change with applicable revisions to the Emission Unit structure;
- b. Description of the proposed change, including operating parameters;
- c. Identification and description of emissions control technology;
- d. Documentation of the project's, or emission source's, compliance

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> with respect to all state and/or federally applicable requirements, including the following steps:

- i. Calculate the emission rate potential and maximum projected actual annual emission rates for all contaminants affected by the change.
- ii. Submit documentation of major NSR program non-applicability for NYSDEC review and approval.
- iii. Identify and evaluate the applicability of all regulations likely to be triggered by the new or changed emission source.
- iv. Propose any operating and record keeping procedures necessary to ensure compliance.
- e. Any other relevant information used for the evaluation of the proposed project or emission source under the Protocol.
- C. Review and Approval of Changes
- 1. The Department shall respond to the permittee in writing with a determination within 15 days of receipt of the notification of the permittee.
- 2. The Department may require a permit modification, in order to impose new applicable requirements or additional permit conditions if it determines that changes proposed pursuant to notification do not meet the criteria under II. A above or that the changes may have a significant air quality impact or be otherwise potentially significant under SEQRA (6 NYCRR Part 617).
- 3. The Department may require that the permittee not undertake the proposed change until it completes a more detailed review of the proposed change, which may include potential air quality impacts and/or applicable requirements. The Department's determination shall include a listing of information required for further review, if necessary.
- D. Additional Compliance Obligations for Changes Made Under this Protocol
- 1. Upon commencement of the change, the facility shall comply with all applicable requirements and permit conditions, including any amended or proposed in accordance with II.A.1.a above.
- 2. The facility shall provide with the semi-annual monitoring report, a summary of the changes made in accordance with this protocol and a statement of the compliance status of each. Changes reported should include all those made during the corresponding period and any earlier

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changes that have not yet been incorporated into the permit.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 24: Facility Permissible Emissions Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-7.1

Item 24.1:

NYSCEF DOC. NO. 12

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

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

PTE: CAS No: 000630-08-0 (From Mod 4) 999,999 pounds

per year

Name: CARBON MONOXIDE

CAS No: 0NY210-00-0 (From Mod 4) PTE: 399,999 pounds

per year

Name: OXIDES OF NITROGEN

Condition 3-1: **Capping Monitoring Condition**

Effective between the dates of 07/01/2019 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-7.1

Item 3-1.1:

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

6 NYCRR Subpart 231-8

Item 3-1.2:

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

Item 3-1.3:

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

Item 3-1.4:

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

Item 3-1.5:

NYSCEF DOC. NO. 12

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

Item 3-1.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 3-1.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The sum of emissions of carbon monoxide (CO) from this facility are limited to less than 500 tons per year calculated on a rolling 12 month total. This cap limits the facility PTE to avoid applicability to PSD. The facility shall keep records of gas burned through the flares/combustion sources and use AP-42 or other confirmed emission factors to calculate the monthly emissions for the flares and other combustion sources. These records will be kept in a format acceptable to the Department. The Title V operating permit gives the landfill the authority to add flare/combustion sources capacity as needed up to 15,107 scfm of landfill gas based on updated modeling performed in January 2019.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 500 tons per year Monitoring Frequency: MONTHLY

Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

Condition 3-2: Capping Monitoring Condition Effective between the dates of 07/01/2019 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-7.1

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Item 3-2.1:

NYSCEF DOC. NO. 12

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

6 NYCRR Subpart 231-6

Item 3-2.2:

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

Item 3-2.3:

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

Item 3-2.4:

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

Item 3-2.5:

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

Item 3-2.6:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 3-2.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS Monitoring Description:

> The sum of emissions of oxides of nitrogen (NOx) from this facility are limited to less than 200 tons per year calculated on a rolling 12 month total. This cap limits the facility PTE to avoid applicability to New Source Review. The facility shall keep records of gas burned through the flares/combustion sources and use AP-42 or other confirmed emission factors to calculate the monthly emissions for the flares/combustion sources and other NOx sources. These records will be

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> kept in a format acceptable to the Department. The Title V operating permit gives the landfill the authority to add flare/combustion capacity as needed up to 15,107 scfm of landfill gas based on updated modeling performed in January 2019.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 200 tons per year Monitoring Frequency: MONTHLY

Averaging Method: 12 MONTH AVERAGE - ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

Condition 3-3: Capping Monitoring Condition Effective between the dates of 07/01/2019 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-7.1

Item 3-3.1:

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

> 6 NYCRR Subpart 231-6 6 NYCRR Subpart 231-8

Item 3-3.2:

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

Item 3-3.3:

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

Item 3-3.4:

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

Item 3-3.5:

The emission of pollutants that exceed the applicability thresholds for an applicable

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requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 3-3.6:

NYSCEF DOC. NO. 12

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

Emission Unit: 1-LEACH

Process: EVP **Emission Source: COEVP**

Emission Unit: 1-LFGAS

Process: GAS **Emission Source: EXFLK**

Emission Unit: 1-LFGAS

Process: GAS Emission Source: FLO2K

Emission Unit: 1-LFGAS

Process: GAS Emission Source: FLO4K

Emission Unit: 1-LFGAS

Process: GAS Emission Source: PFL2K

Regulated Contaminant(s):

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

Item 3-3.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility has been permitted to operate flares/combustion sources to control 6,907 scfm of collected landfill gas expected to result from the Landfill Expansion, permitted in 2007, in addition to the previously permitted flaring capability of 8200 scfm from the existing landfill, for a total of 15,107 scfm based on updated modeling performed in January 2019. Emission modeling was completed for the entire facility and showed the facility was in compliance with the National Ambient Air Quality Standards for all contaminants.

Emissions will be calculated on a monthly basis using records of gas burned through the flares/combustion sources, AP-42 or other confirmed emission factors. On-site source testing will be performed if the facility's rolling twelve-month total of oxides of nitrogen (NOx) or carbon monoxide (CO) exceeds 75% of the cap limit (200 tons/year NOx, 500 tons/year CO). Within 60 days of exceeding the 75% threshold, the facility must submit a stack test protocol for the flares/combustion sources as per 40 CFR 60 Subpart A and 6NYCRR Part 202. Stack testing will be completed within six months of exceeding the 75% threshold.

Upper Permit Limit: 100 percent

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Reference Test Method: EPA Method 7,7E or 19 and 40CFR 60 APP A-10

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD

INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

Condition 119: Visible Emissions Limited
Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 211.2

Item 119.1:

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

Condition 120: Compliance Certification

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 211.2

Item 120.1:

The Compliance Certification activity will be performed for the Facility.

Item 120.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

The Landfill Gas Control System (Internal Combustion Engines, Flares) must maintain continuous destruction of the landfill gas at all times. If at any time the flares will not be able to process the extent of landfill gas supplied due to equipment malfunctions, the following procedures will be followed. SMI will operate an auto-dialer system that will contact pre-selected personnel when a malfunction occurs. If any of the Landfill Gas Flares become inoperable, or are projected to be out-of-service, the NYSDEC will be immediately notified by telephone. Downtime occuring during off-hours will result in notification by telephone the next business day. SMI will establish procedures to provide a three phase generator, in the event that a flare outage is caused by loss of off-site power for greater than two days in duration, or operate its own emergency generator if one had been installed on site. In the event that the Engines and Flares are both inoperable, the gas collection system will be closed by controlling valves. The system will be checked daily to prevent atmospheric venting, thus limiting landfill odors until the system can be repaired. If the projected downtime is more than ten days,

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arrangements will be made to provide temporary "Candlestick" flares.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 121: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 211.2

Item 121.1:

NYSCEF DOC. NO. 12

The Compliance Certification activity will be performed for the Facility.

Item 121.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> Seneca Meadows Inc. will abide by the Seneca Meadows Landfill Odor Complaint Management Plan, as established in the annual Town of Seneca Falls License to Construct and Operate a Landfill under Chapter 58 of the Code of Seneca Falls, NY.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Compliance Certification Condition 122: Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 211.2

Item 122.1:

The Compliance Certification activity will be performed for the Facility.

Item 122.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> Seneca Meadows Inc. shall perform an analysis of the landfill gas to be burned prior to reapplying for a Title V permit at the end of this issued permit's term. The sample shall be taken at the main landfill gas header prior to distribution to individual combustion equipment. The sample shall be analyzed for the chemical constituents listed in Section 4, Table 4-2 of the December 3, 1998 Title V permit application for the Seneca Meadows Landfill. The NYSDEC Region 8

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> Regional Air Pollution Control Engineer (RAPCE) or designated representative shall be notified five working days in advance of sampling. A copy of the original lab analysis for the sample taken must be maintained on site and be made available upon request of a Department representative.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2019. Subsequent reports are due every 6 calendar month(s).

Condition 3-4: Compliance Certification Effective between the dates of 07/01/2019 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 212-2.1 (b)

Item 3-4.1:

NYSCEF DOC. NO. 12

The Compliance Certification activity will be performed for the Facility.

Item 3-4.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

The facility owner or operator shall not allow emissions of an air contaminant to violate the requirements specified in Table 3- Degree of Air Cleaning Required for Criteria Air Contaminants, or Table 4-Degree of Air Cleaning Required for Non-Criteria Air Contaminants under 6NYCRR Part 212-2.3, as applicable, for the environmental rating assigned to the contaminant by the Department.

The listed non-HTAC contaminants in the application have been demonstrated to be in compliance with 6NYCRR Part 212-2.1(b) by meeting either:

- 1) the NAAQS, or
- 2) the DAR-1 guideline concentrations.

The facility owner or operator shall verify the parameters used to demonstrate compliance with Table 3 or Table 4 semi-annually. These parameters include, but are not limited to, engineering estimates, mass balances, process flows, production records, control equipment parameters, manufacturer's or published emission factors, etc. Any significant change to these parameters or any method of operation which could conceivably increase the emissions, increase the emission rate potential, decrease the air cleaning control efficiency, or be cause to alter the environmental rating of any contaminant may be considered a modification to the permit and will require a reevaluation to ensure continued compliance with Part 212.

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> Additionally, the facility owner or operator will investigate, in a timely manner, any instance where there is a reason to believe that there is, or has been, an emissions increase above those listed on the application, or that the Part 212 emissions standards may have been or continue to be exceeded. In such cases, the facility owner or operator shall investigate the cause, make any corrections, and verify that the potential excess emissions problem has been corrected.

In order to confirm the emissions remain consistent as those in the permit application for the facility, the owner or operator shall resample the landfill gas once per year prior to renewal of this permit. The facility shall average the results of this sample with the previous 5 year's samples in order to confirm that the concentrations of any non-HTACs in the gas sample have not significantly increased.

At all times, the facility owner or operator must operate and maintain all process emission sources, including the associated air pollution control and monitoring equipment, if applicable, in a manner consistent with safe, good air pollution control practices, good engineering practices and manufacturer's recommendations for minimizing emissions.

Records of observations, investigations and corrective actions will be kept on-site. A summary of these records will be included in the semi-annual compliance reports.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2020. Subsequent reports are due every 6 calendar month(s).

Condition 29: EPA Region 2 address. Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A

Item 29.1:

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

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

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

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> **NYSDEC** Bureau of Quality Assurance 625 Broadway Albany, NY 12233-3258

Condition 30: Modification Notification

Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 30.1:

NYSCEF DOC. NO. 12

Any owner or operator subject to 40 CFR Part 60 shall furnish the Administrator and this office with the following information:

- a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under 40 CFR Part 60. The notice shall be post marked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productivity capability of the facility before and after the change, and the expected completion date of the change. The Administrator and/or this Department may request additional information regarding the change.

Condition 31: Recordkeeping requirements.

Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 31.1:

Affected owners or operators shall maintain records of occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

Condition 32: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 32.1:

The Compliance Certification activity will be performed for the Facility.

Item 32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> Affected owners or operators shall submit an excess emissions report and/or a summary report form (as defined in 40 CFR 60.7(d)) semi-annually (or more frequently as required by the applicable

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Subpart or the Administrator), to the Administrator. These reports shall be post marked no later than 30 days after each six (6) month period (or as appropriate), and shall contain the following information:

- 1) the magnitude of excess emissions computed, any conversion factors used, the date and time of each occurrence, and the process operating time during the reporting period;
- 2) specific identification of each period of excess emissions that occur during startup, shutdown, or malfunction, where the nature, cause, and corrective action are provided for a malfunction;
- 3) the date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
- 4) when no excess emissions have occurred or when the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be provided in the report.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 33: Excess emissions report.

Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 33.1:

A summary report form, for each pollutant monitored, shall be sent to the Administrator in the form prescribed in Figure 1 of 40 CFR Part 60.7(d).

Condition 34: Monitoring frequency waiver.

Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 34.1: Notwithstanding the frequency of reporting requirements specified in paragraph (c) of this section, an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the conditions in 40 CFR 60.7(e) are met.

Condition 35: Facility files for subject sources.

Effective between the dates of 11/21/2018 and 11/20/2023

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

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Item 35.1:

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

Condition 36: Notification Similar to State or Local Agency Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 36.1:

If notification substantially similar to that in 40 CFR Part 60.7(a) is required by any other State or local agency, sending the Administrator a copy of that notification will satisfy the requirements of 40 CFR Part 60.7(a).

Condition 37: Performance testing timeline. Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 37.1:

Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance testing and provide the results of such tests, in a written report, to the Administrator.

Condition 38: Performance Test Methods - Waiver Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 38.1:

Performance testing shall be conducted in accordance with the methods and procedures prescribed in 40 CFR Part 60 unless the Administrator (1) specifies or approves, in specific cases, the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternate method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrators satisfaction that the affected facility is in compliance with the standard, or (5) approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors.

Condition 39: Required performance test information. Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 39.1:

Performance tests shall be conducted under such conditions specified by the Administrator,

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based upon representative performance data supplied by the owner or operator of the facility.

Condition 40: Prior notice.

Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 40.1:

NYSCEF DOC. NO. 12

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

Performance testing facilities. **Condition 41:**

Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 41.1:

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

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

Condition 42: Number of required tests.

Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 42.1:

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

Condition 43: Availability of information.

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.9, NSPS Subpart A

Item 43.1:

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

Condition 44: Opacity standard compliance testing.

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.11, NSPS Subpart A

Item 44.1:

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The following conditions shall be used to determine compliance with the opacity standards:

- 1) observations shall be conducted in accordance with Reference Method 9, in Appendix A of 40 CFR Part 60(or an equivalent method approved by the Administrator including continuous opacity monitors);
- 2) the opacity standards apply at all times except during periods of start up, shutdown, and malfunction; and
 - 3) all other applicable conditions cited in section 60.11 of this part.

Condition 45: Circumvention.

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A

Item 45.1:

NYSCEF DOC. NO. 12

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

Condition 46: Modifications.

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.14, NSPS Subpart A

Item 46.1:

Within 180 days of the completion of any physical or operational change (as defined in section 60.14), compliance with the applicable standards must be achieved.

Condition 47: Reconstruction

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.15, NSPS Subpart A

Item 47.1:

The following shall be submitted to the Administrator prior to reconstruction (as defined in section 60.15):

- 1) a notice of intent to reconstruct 60 days prior to the action;
- 2) name and address of the owner or operator;
- 3) the location of the existing facility;
- 4) a brief description of the existing facility and the components to be replaced;
- 5) a description of the existing air pollution control equipment and the proposed air pollution control equipment;

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- 6) an estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility;
- 7) the estimated life of the facility after the replacements; and
- 8) a discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

Condition 4-5: Compliance Certification Effective between the dates of 10/21/2021 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.33f(a), NSPS Subpart Cf

Item 4-5.1:

NYSCEF DOC. NO. 12

The Compliance Certification activity will be performed for the Facility.

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

- (a) The owner or operator of a municipal solid waste (MSW) landfill having a design capacity greater than or equal to 2.5 million megagrams by mass and 2.5 million cubic meters by volume shall collect and control MSW landfill emissions when meeting the following conditions:
- (1) The landfill has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.
- (2) The landfill commenced construction, reconstruction, or modification on or before July 17, 2014.
- (3) The landfill has a non-methane organic compound (NMOC) emission rate greater than or equal to 34 megagrams per year or Tier 4 surface emissions monitoring shows a surface emission concentration of 500 parts per million methane or greater.
- (4) The landfill is in the closed landfill subcategory and has an NMOC emission rate greater than or equal to 50 megagrams per year or Tier 4 surface emissions monitoring shows a surface emission concentration of 500 parts per million methane or greater.
- (b) In meeting the conditions in items (a)(1) through (4) above, the owner or operator shall install a gas collection and control system meeting the requirements in items (b)(1) through (3) and paragraph (c) below:
- (1) Install and start up a collection and control system that captures the gas generated within the landfill

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within 30 months after:

- (i) The first annual report in which the NMOC emission rate equals or exceeds 34 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the NMOC emission rate is less than 34 megagrams per year, as specified in 40 CFR Part 60.38f(d)(4); or
- (ii) The first annual NMOC emission rate report for a landfill in the closed landfill subcategory in which the NMOC emission rate equals or exceeds 50 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the NMOC emission rate is less than 50 megagrams per year, as specified in 40 CFR Part 60.38f(d)(4); or
- (iii) The most recent NMOC emission rate report in which the NMOC emission rate equals or exceeds 34 megagrams per year based on Tier 2, if the Tier 4 surface emissions monitoring shows a surface methane emission concentration of 500 parts per million methane or greater as specified in 40 CFR Part 60.38f(d)(4)(iii).
- (2) An Active collection system must:
- (i) Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control system equipment.
- (ii) Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of 5 years or more if active; or 2 years or more if closed or at final grade.
- (iii) Collect gas at a sufficient extraction rate.
- (iv) Be designed to minimize offsite migration of subsurface gas.
- (3) A Passive collection system must:
- (i) Comply with the provisions specified in paragraphs (b)(2)(i), (ii), and (iv) above.
- (ii) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners must be installed as required under 40 CFR Part 258.40.
- (c) The owner or operator shall control gas collected from within the landfill through the use of control devices meeting the requirements in items (1) through (4) below, except as provided in 40 CFR Part
- (1) A non-enclosed flare designed and operated in accordance with the parameters established in 40 CFR Part 60.18 except as noted in 40 CFR Part 60.37f(d); or

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- (2) A control system designed and operated to reduce NMOC by 98 weight percent; or when an enclosed combustion device is used for control, to either reduce NMOC by 98 weight percent or reduce the outlet NMOC concentration to less than 20 parts per million by volume, dry basis as hexane at 3 percent oxygen or less. The reduction efficiency or concentration in parts per million by volume must be established by an initial performance test to be completed no later than 180 days after the initial startup of the approved control system using the test methods specified in 40 CFR Part 60.35f(d). The performance test is not required for boilers and process heaters with design heat input capacities equal to or greater than 44 megawatts that burn landfill gas for compliance with 40 CFR Part 60, Subpart Cf.
- (i) If a boiler or process heater is used as the control device, the landfill gas stream must be introduced into the flame zone.
- (ii) The control device must be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in 40 CFR Part 60.37f.
- (iii) For the closed landfill subcategory, the initial or most recent performance test conducted to comply with 40 CFR Part 60, Subpart WWW; 40 CFR Part 62, Subpart GGG; or 6 NYCRR Part 208 on or before July 17, 2014 is sufficient for compliance with 40 CFR Part 60, Subpart Cf.
- (3) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or beneficial use such as fuel for combustion, production of vehicle fuel, production of high Btu gas for pipeline injection, or use as a raw material in a chemical manufacturing process. Venting of treated landfill gas to the ambient air is not allowed. If the treated landfill gas cannot be routed for subsequent sale or beneficial use, then the treated landfill gas must be controlled according to (c)(1) or (2) above.
- (4) All emissions from any atmospheric vent from the gas treatment system are subject to the requirements of paragraph (b) or (c) above. For purposes of 40 CFR Part 60, Subpart Cf, atmospheric vents located on the condensate storage tank are not part of the treatment system and are exempt from the requirements of paragraph (b) or (c) above.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2022. Subsequent reports are due every 6 calendar month(s).

Condition 4-6: Compliance Certification
Effective between the dates of 10/21/2021 and 11/20/2023

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Applicable Federal Requirement: 40CFR 60.37f(b), NSPS Subpart Cf

Item 4-6.1:

NYSCEF DOC. NO. 12

The Compliance Certification activity will be performed for the Facility.

Item 4-6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> The owner or operator of a municipal solid waste landfill seeking to comply with 40 CFR Part 60.33f(c) using an enclosed combustor must calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment:

- (1) A temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of ±1 percent of the temperature being measured expressed in degrees Celsius or ± 0.5 degrees Celsius, whichever is greater. A temperature monitoring device is not required for boilers or process heaters with design heat input capacity equal to or greater than 44 megawatts.
- (2) A device that records flow to the control device and bypass of the control device (if applicable). The owner or operator must:
- (i) Install, calibrate, and maintain a gas flow rate measuring device that must record the flow to the control device at least every 15 minutes; and
- (ii) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism must be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

The monitoring requirements of this condition apply at all times the affected source is operating, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions. You are required to complete monitoring system repairs in response to monitoring system malfunctions and to return the monitoring system to operation as expeditiously as practicable.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2022.

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

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Condition 4-7: Compliance Certification Effective between the dates of 10/21/2021 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.38f(h), NSPS Subpart Cf

Item 4-7.1:

NYSCEF DOC. NO. 12

The Compliance Certification activity will be performed for the Facility.

Item 4-7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

The owner or operator of a municipal solid waste landfill complying with 40 CFR Part 60.33f(e)(2) using an active collection system designed in accordance with 40 CFR Part 60.33f(b) must submit to the DEC, following the procedures specified in 40 CFR Part 60.38f(j)(2), an annual report of the recorded information in 40 CFR Part 60.38f(h)(1) through (7). The initial annual report must be submitted within 180 days of installation and startup of the collection and control system. The initial annual report must include the initial performance test report required under 40 CFR Part 60.8, as applicable, unless the report of the results of the performance test has been submitted to the EPA via the EPA's CDX. In the initial annual report, the process unit(s) tested, the pollutant(s) tested and the date that such performance test was conducted may be submitted in lieu of the performance test report if the report has been previously submitted to the EPA's CDX. The initial performance test report must be submitted, following the procedure specified in 40 CFR Part 60.38f(j)(1), no later than the date that the initial annual report is submitted. For enclosed combustion devices and flares, reportable exceedances are defined under 40 CFR Part 60.39f(c)(1).

- (1) Value and length of time for exceedance of applicable parameters monitored under 40 CFR Part 60.37f(a)(1), (b), (c), (d), and (g).
- (2) Description and duration of all periods when the gas stream was diverted from the control device or treatment system through a bypass line or the indication of bypass flow as specified under 40 CFR Part 60.37f.
- (3) Description and duration of all periods when the control device or treatment system was not operating and length of time the control device or treatment system was not operating.
- (4) All periods when the collection system was not operating.
- (5) The location of each exceedance of the 500 parts per million methane concentration as provided in 40 CFR Part 60.34f(d) and the concentration recorded at each location for which an exceedance was

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> recorded in the previous month. For location, you must determine the latitude and longitude coordinates using an instrument with an accuracy of at least 4 meters. The coordinates must be in decimal degrees with at least five decimal places.

- (6) The date of installation and the location of each well or collection system expansion added pursuant to 40 CFR Part 60.36f(a)(3), (a)(5), (b), and (c)(4).
- (7) For any corrective action analysis for which corrective actions are required in 40 CFR Part 60.36f(a)(3) or (5) and that take more than 60 days to correct the exceedance, the root cause analysis conducted, including a description of the recommended corrective action(s), the date for corrective action(s) already completed following the positive pressure reading, and, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Reporting Requirements: ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2022. Subsequent reports are due every 12 calendar month(s).

Condition 4-8: **Compliance Certification** Effective between the dates of 10/21/2021 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.39f(b), NSPS Subpart Cf

Item 4-8.1:

The Compliance Certification activity will be performed for the Facility.

Item 4-8.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> Except as provided in 40 CFR Part 60.38f(d)(2), each owner or operator of a controlled landfill must keep up-to-date, readily accessible records for the life of the control system equipment of the data listed in paragraphs (1) through (5) below as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring must be maintained for a minimum of 5 years. Records of the control device vendor specifications must be maintained until removal.

- (1) Where an owner or operator subject to the provisions of 40 CFR Part 60, Subpart Cf, seeks to demonstrate compliance with 40 CFR Part 60.33f(b):
- (i) The maximum expected gas generation flow rate as calculated in 40 CFR Part 60.36f(a)(1). The owner or operator may use another method to

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> determine the maximum gas generation flow rate, if the method has been approved by the DEC.

- (ii) The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in 40 CFR Part 60.40f(a)(1).
- (2) Where an owner or operator subject to the provisions of 40 CFR Part 60, Subpart Cf, seeks to demonstrate compliance with 40 CFR Part 60.33f(c) through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity equal to or greater than 44 megawatts:
- (i) The average temperature measured at least every 15 minutes and averaged over the same time period of the performance test.
- (ii) The percent reduction of NMOC determined as specified in 40 CFR Part 60.33f(c)(2) achieved by the control device.
- (3) Where an owner or operator subject to the provisions of 40 CFR Part 60, Subpart Cf, seeks to demonstrate compliance with 40 CFR Part 60.33f(c)(2)(i) through use of a boiler or process heater of any size: A description of the location at which the collected gas vent stream is introduced into the boiler or process heater over the same time period of the performance testing.
- (4) Where an owner or operator subject to the provisions of 40 CFR Part 60, Subpart Cf, seeks to demonstrate compliance with 40 CFR Part 60.33f(c)(1) through use of a non-enclosed flare, the flare type (i.e., steam-assisted, air-assisted, or non-assisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in 40 CFR Part 60.18; and continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame or the flare flame is absent.
- (5) Where an owner or operator subject to the provisions of 40 CFR Part 60, Subpart Cf, seeks to demonstrate compliance with 40 CFR Part 60.33f(c)(3) through use of a landfill gas treatment system:
- (i) Bypass records. Records of the flow of landfill gas to, and bypass of, the treatment system.
- (ii) Site-specific treatment monitoring plan, to include:
- (A) Monitoring records of parameters that are identified in the treatment system monitoring plan and that ensure the treatment system is operating properly for each intended end use of the treated landfill gas. At a minimum, records should include records of filtration, dewatering, and compression parameters that ensure the treatment system is operating properly for each intended end use of

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the treated landfill gas.

- (B) Monitoring methods, frequencies, and operating ranges for each monitored operating parameter based on manufacturer's recommendations or engineering analysis for each intended end use of the treated landfill gas.
- (C) Documentation of the monitoring methods and ranges, along with justification for their use.
- (D) Identify who is responsible (by job title) for data collection.
- (E) Processes and methods used to collect the necessary data.
- (F) Description of the procedures and methods that are used for quality assurance, maintenance, and repair of all continuous monitoring systems.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2022.

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

Condition 4-9: Compliance Certification Effective between the dates of 10/21/2021 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.39f(c), NSPS Subpart Cf

Item 4-9.1:

The Compliance Certification activity will be performed for the Facility.

Item 4-9.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> Except as provided in 40 CFR Part 60.38f(d)(2), each owner or operator of a controlled landfill subject to the provisions of 40 CFR Part 60, Subpart Cf, must keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in 40 CFR Part 60.37f as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

- (1) The following constitute exceedances that must be recorded and reported under 40 CFR Part 60.38f:
- (i) For enclosed combustors except for boilers and process heaters with design heat input capacity of 44 megawatts (150 million British

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> thermal unit per hour) or greater, all 3-hour periods of operation during which the average temperature was more than 28 degrees Celsius (82 degrees Fahrenheit) below the average combustion temperature during the most recent performance test at which compliance with 40 CFR Part 60.33f(c) was determined.

- (ii) For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under 40 CFR Part 60.39f(b)(3).
- (2) Each owner or operator subject to the provisions of 40 CFR Part 60, Subpart Cf, must keep up-to-date, readily accessible continuous records of the indication of flow to the control system and the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under 40 CFR Part 60.37f.
- (3) Each owner or operator subject to the provisions of 40 CFR Part 60, Subpart Cf, who uses a boiler or process heater with a design heat input capacity of 44 megawatts or greater to comply with 40 CFR Part 60.33f(c) must keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater. (Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other state, local, tribal, or federal regulatory requirements.)
- (4) Each owner or operator seeking to comply with the provisions of 40 CFR Part 60, Subpart Cf, by use of a non-enclosed flare must keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring specified under 40 CFR Part 60.37f(c), and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.
- (5) Each owner or operator of a landfill seeking to comply with 40 CFR Part 60.33f(e) using an active collection system designed in accordance with 40 CFR Part 60.33f(b) must keep records of periods when the collection system or control device is not operating.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2022. Subsequent reports are due every 6 calendar month(s).

Condition 48: **Applicability** Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60, NSPS Subpart IIII

Item 48.1:

Facilities that have stationary compression ignition internal combustion engines must comply

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with applicable portions of 40 CFR 60 Subpart IIII.

Condition 49: Applicability

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60, NSPS Subpart JJJJ

Item 49.1:

NYSCEF DOC. NO. 12

Facilities that have stationary spark ignition internal combustion engines must comply with applicable portions of 40 CFR 60 subpart JJJJ.

Condition 50: **Applicability**

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.670(a)(1), NSPS Subpart OOO

Item 50.1:

Except as provided in paragraphs (a)(2), (b), (c), and (d) of 40 CFR 60.670, the provisions of Subpart OOO are applicable to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station. Also, crushers and grinding mills at hot mix asphalt facilities that reduce the size of nonmetallic minerals embedded in recycled asphalt pavement and subsequent affected facilities up to, but not including, the first storage silo or bin are subject to the provisions of this subpart.

Condition 51: Standards for air emissions from MSW landfills Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 51.1:

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

- i) Submit a collection and control system design plan prepared by a professional engineer to the Administrator within 1 year:
- A) The collection and control system as described in the plan shall meet the design requirements of paragraph (ii)below.
- B) The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR Part 60.753 through 60.758 proposed by the owner or operator.
- C) The collection and control system design plan shall either conform with specifications for active collection systems in 40 CFR Part 60.759 or include a demonstration to the Administrator's satisfaction of the sufficiency of the alternative provisions to 40 CFR Part 60.759.

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- D) The Administrator shall review the information submitted under paragraphs (i)(A), (B) and (C) above and either approve it, disapprove it, or request that additional information be submitted. Because of the many site-specific factors involved with landfill gas system design, alternative systems may be necessary. A wide variety of system designs are possible, such as vertical wells, combination horizontal and vertical collection systems, or horizontal trenches only, leachate collection components, and passive systems.
- ii) Install a collection and control system that captures the gas generated within the landfill as required by paragraphs (ii)(A) or (B) and (iii) below, within 30 months after the first annual report in which the emission rate equals or exceeds 50 megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the emission rate is less than 50 megagrams per year, as specified in 40 CFR Part 60.757(c)(1) or (2).
 - A) An active gas collection system shall:
- 1) be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control or treatment system equipment;
- 2) collect gas from each area, cell or group of cells in the landfill in which the initial solid waste has been placed for a period of 5 years (if active) or 2 years (if closed or at final grade);
 - 3) collect gas at a sufficient extraction rate; and
 - 4) be designed to minimize off-site migration of subsurface gas.
 - (B) A passive collection system shall:
 - (1) Comply with the provisions specified in paragraphs (A)(1), (2), and (4) above.
- (2) Be installed with liners on the bottom and all sides in all areas in which gas is to be collected. The liners shall be installed as required under 40 CFR Part 258.40 of this title.
- iii) Route all the collected gas to a control system that complies with either of the following:
 - A) is an open flare designed and operated in accordance with 40 CFR 60.18; or
- B) is a control system designed and operated to reduce NMOC by 98% (by weight) or, when an enclosed combustion device is used for control, to either reduce NMOC by 98% weight or reduce the NMOC outlet concentration to less than 20 parts per million by volume, dry basis as hexane at 3% oxygen. The reduction efficiency or parts per million by volume shall be established by an initial performance test to be completed no later than 180 days after the initial startup of the approved control system using the test methods specified in 40 CFR Part 60.754(d).
- (1) If a boiler or process heater is used as the control device, the landfill gas stream shall be introduced into the flame zone.

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- (2) The control device shall be operated within the parameter ranges established during the initial or most recent performance test. The operating parameters to be monitored are specified in 40 CFR Part 60.756;
- (C) Route the collected gas to a treatment system that processes the collected gas for subsequent sale or use. All emissions from any atmospheric vent from the gas treatment system shall be subject to the requirements of paragraph (iii)(A) or (B) above.

Condition 52: Operational standards for collection and control systems Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.753(a), NSPS Subpart WWW

Item 52.1:

NYSCEF DOC. NO. 12

Each owner or operator of an MSW landfill with a gas collection and control system used to comply with the provisions of 40 CFR Part 60.752(b)(2)(ii) shall:

- a) Operate the collection system such that gas is collected from each area, cell or group of cells in the MSW landfill in which solid waste has been in place for:
 - 1) 5 years or more if active; or
 - 2) 2 years or more if closed or at final grade.

Condition 53: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.753(b), NSPS Subpart WWW

Item 53.1:

The Compliance Certification activity will be performed for the Facility.

Item 53.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS Monitoring Description:

> Operate the collection system with negative pressure at each wellhead except under the following conditions:

- 1) A fire or increased well temperature. The owner or operator shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the annual reports as provided in 40 CFR Part 60.757(f)(1).
- 2) Use of a geomembrane cover or an equivalent synthetic cover. The owner or operator shall develop acceptable pressure limits in the design plan.
- 3) A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows.

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> If monitoring demonstrates that the operational requirements are not met, corrective action shall be taken as specified in §60.755(a)(3) through (5) of Subpart WWW. If corrective actions are taken as specified in §60.755, the monitored exceedance is not a violation of the operational requirements in this section, however the permittee shall report these episodes as deviations.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS Parameter Monitored: PRESSURE

Upper Permit Limit: 0 pounds per square inch gauge

Monitoring Frequency: MONTHLY

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

MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 54: **Compliance Certification**

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.753(c), NSPS Subpart WWW

Item 54.1:

NYSCEF DOC. NO. 12

The Compliance Certification activity will be performed for the Facility.

Item 54.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS Monitoring Description:

> Operate each interior wellhead in the collection system with a nitrogen level in the landfill gas less than 20%. The owner or operator may establish a higher operating nitrogen value at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

If monitoring demonstrates that the operational requirements are not met, corrective action shall be taken as specified in §60.755(a)(3) through (5) of Subpart WWW. If corrective actions are taken as specified in §60.755, the monitored exceedance is not a violation of the operational requirements in this section, however the permittee shall report these episodes as deviations.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: NITROGEN CONTENT

Upper Permit Limit: 19.9 percent Reference Test Method: Method 3c

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Monitoring Frequency: MONTHLY

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

MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 55: Compliance Certification

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.753(c), NSPS Subpart WWW

Item 55.1:

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The Compliance Certification activity will be performed for the Facility.

Item 55.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS Monitoring Description:

> Operate each interior wellhead in the collection system with an oxygen level in the landfill gas less than 5%. The owner or operator may establish a higher operating oxygen level at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

If monitoring demonstrates that the operational requirements are not met, corrective action shall be taken as specified in §60.755(a)(3) through (5) of Subpart WWW. If corrective actions are taken as specified in §60.755, the monitored exceedance is not a violation of the operational requirements in this section, however the permittee shall report these episodes as deviations.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS

Parameter Monitored: OXYGEN CONTENT

Upper Permit Limit: 4.9 percent Reference Test Method: Method 3a Monitoring Frequency: MONTHLY

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

MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 56: Compliance Certification

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.753(c), NSPS Subpart WWW

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Item 56.1:

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The Compliance Certification activity will be performed for the Facility.

Item 56.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS Monitoring Description:

> Operate each interior wellhead in the collection system with a landfill gas temperature less than 55 degrees centigrade. The owner or operator may establish a higher operating temperature at a particular well. A higher operating value demonstration shall show supporting data that the elevated parameter does not cause fires or significantly inhibit anaerobic decomposition by killing methanogens.

> If monitoring demonstrates that the operational requirements are not met, corrective action shall be taken as specified in §60.755(a)(3) through (5) of Subpart WWW. If corrective actions are taken as specified in §60.755, the monitored exceedance is not a violation of the operational requirements in this section, however the permittee shall report these episodes as deviations.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: LANDFILL GAS Parameter Monitored: TEMPERATURE

Upper Permit Limit: 54.9 degrees Centigrade (or Celsius)

Monitoring Frequency: MONTHLY

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

MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 57: **Compliance Certification**

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.753(d), NSPS Subpart WWW

Item 57.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000074-82-8 **METHANE**

Item 57.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: AMBIENT AIR MONITORING

Monitoring Description:

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> Operate the collection system so that the methane concentration is less than 500 part per million above background at the surface of the landfill. To determine if this level is exceeded, the owner or operator shall conduct surface testing around the perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. The owner or operator may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30 meter intervals. This plan shall be submitted to the Department for review and approval within 60 days of issuance of this permit. The plan shall be revised as needed for any landfill expansion. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.

> If monitoring demonstrates that the operational requirements are not met, corrective action shall be taken as specified in §60.755(c) of Subpart WWW. If corrective actions are taken as specified in §60.755, the monitored exceedance is not a violation of the operational requirements in this section, however the permittee shall report these episodes as deviations.

Parameter Monitored: METHANE

Upper Permit Limit: 499 parts per million (by volume)

Monitoring Frequency: QUARTERLY

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

MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 58: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.753(e), NSPS Subpart WWW

Item 58.1:

The Compliance Certification activity will be performed for the Facility.

Item 58.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operate the collection system such that all collected gases are vented to a control system designed and operated in compliance with 40 CFR Part 60.752(b)(2)(iii). In the event the collection or control system is inoperable, the gas mover system shall be shut down and all valves in the collection and control system contributing to venting of

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the gas to the atmosphere shall be closed within one hour.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 59: Compliance Certification

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.753(f), NSPS Subpart WWW

Item 59.1:

NYSCEF DOC. NO. 12

The Compliance Certification activity will be performed for the Facility.

Item 59.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operate the control or treatment system at all times when the

collected gas is routed to the system

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 60: Compliance Certification

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.753(g), NSPS Subpart WWW

Item 60.1:

The Compliance Certification activity will be performed for the Facility.

Item 60.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

If monitoring demonstrates that the operational requirements of 40 CFR Part 60.753(b), (c) or (d) are not met, corrective action shall be taken as specified in 40 CFR Part 60.755(a)(3) through (5) or 40 CFR Part 60.755(c). If corrective actions are taken as specified in 40 CFR Part 60.755, the monitored exceedance is not a violation of the operational requirements in 40 CFR Part 60.753.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 61: Performance Test

Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 61.1:

For the performance test required in 40 CFR Part 60.752(b)(2)(iii)(B), Method 25, 25C or Method 18 of 40 CFR Part 60 Appendix A shall be used to determine compliance with the 98 weight-percent efficiency or the 20 ppmv outlet concentration level, unless another method to demonstrate compliance has been approved by the Administrator as provided by 40 CFR Part 60.752(b)(2)(i)(B). Method 3 or 3A shall be used to determine oxygen for correcting the NMOC concentration as hexane to 3 percent. In cases where the outlet concentration is less than 50 ppm NMOC as carbon (8 ppm NMOC as hexane), Method 25A should be used in place of Method 25. If using method 18, the minimum list of compounds to be tested shall be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42). The following equation shall be used to calculate efficiency:

Control Efficiency = (NMOCin - NMOCout)/(NMOCin)

where,

NMOCin = mass of NMOC entering control device NMOCout = mass of NMOC exiting control device

Condition 62: Compliance Provisions - collection system Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.755(a), NSPS Subpart WWW

Item 62.1:

Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), the specified methods in paragraphs (1) through (6) below, shall be used to determine whether the gas collection system is in compliance with 40 CFR Part 60.752(b)(2)(ii).

1) For the purposes of calculating the maximum expected gas generation flow rate from the landfill to determine compliance with 40 CFR Part 60.752(b)(2)(ii)(A)(1), the following equation shall be used. The k and Lo kinetic factors should be those published in the most recent Compilation of Air Pollutant Emissions Factors (AP-42) or other site specific values demonstrated to be appropriate for this site and approved by the Administrator. If k has been determined as specified in 40 CFR Part 60.754(a)(4), the value of k determined from the test shall be used. The active life of the landfill is the age of the landfill plus the estimated number of years until closure.

ii) For waste sites with known year-to-year solid waste acceptance rate:

QM = S 2 k Lo Mi (e-kti),

where,

QM = maximum expected gas generation flow rate, cubic meters per year k = methane generation rate constant, year-1

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> Lo = methane generation potential, cubic meters per megagram solid waste Mi = mass of solid waste in the ith section, megagrams ti = age of the ith section (years).

- 2) For the purposes of determining sufficient density of gas collectors for compliance with 40 CFR Part 60.752(b)(2)(ii)(A)(2), the owner shall design a system of vertical wells, horizontal collectors, or other collection devices, satisfactory to the Administrator, capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards.
- 3) For the purpose of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with 40 CFR Part 60.752(b)(2)(ii)(A)(3), the owner or operator shall measure gauge pressure in the gas collection header at each individual well, monthly. If a positive pressure exists, action shall be initiated to correct the exceedance within 5 calendar days, except for the three conditions allowed under 40 CFR Part 60.753(b). If negative pressure cannot be achieved without excess air infiltration within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial measurement of positive pressure. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternate timeline for correcting the exceedance may be submitted to the Administrator for approval.
- 4) Owners or operators are not required to expand the system as required in paragraph (3) above during the first 180 days after gas collection system startup.
- 5) For the purpose of identifying whether excess air infiltration into the landfill is occurring, the owner or operator shall monitor each well monthly for temperature and nitrogen or oxygen as provided in 40 CFR Part 60.753(c). If a well exceeds one of these operating parameters, action shall be initiated to correct the exceedance within 5 calendar days. If correction of the exceedance cannot be achieved within 15 calendar days of the first measurement, the gas collection system shall be expanded to correct the exceedance within 120 days of the initial exceedance. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the Administrator for approval.
- 6) An owner or operator seeking to demonstrate compliance with 40 CFR Part 60.752(b)(2)(ii)(A)(4) through the use of a collection system not conforming to the specifications provided in 40 CFR Part 60.759 shall provide information satisfactory to the Administrator as specified in 40 CFR Part 60.752(b)(2)(i)(C) demonstrating that off-site migration is being controlled.

Condition 63: Compliance Provisions - wells Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.755(b), NSPS Subpart WWW

Item 63.1:

For purposes of compliance with 40 CFR Part 60.753(a), each owner or operator of a controlled landfill shall place each well or design component as specified in the approved design plan as provided in 40 CFR Part 60.752(b)(2)(i). Each well shall be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of:

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- 1) 5 years or more if active; or
 - 2) 2 years or more if closed or at final grade.

Condition 64: Compliance Provisions - surface methane Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.755(c), NSPS Subpart WWW

Item 64.1:

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The following procedures shall be used for compliance with the surface methane operational standard as provided in 40 CFR Part 60.753(d).

- 1) After installation of the collection system, the owner or operator shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30-meter intervals (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in 40 CFR Part 60.755(d)
- 2) The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells.
- 3) Surface emission monitoring shall be performed in accordance with section 8.3.1 of Method 21 of 40 CFR Part 60 Appendix A, except that the probe inlet shall be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.
- 4) Any reading of 500 parts per million or more above background at any location shall be recorded as a monitored exceedance and the actions specified in paragraphs (4)(i) through (v) below shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of 40 CFR Part 60.753(d).
- i) The location of each monitored exceedance shall be marked and the location recorded.
- ii) Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored within 10 calendar days of detecting the exceedance.
- iii) If the re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in paragraph (4)(v) below shall be taken, and no further monitoring of that location is required until the action specified in paragraph (4)(v) has been taken.
- iv) Any location that initially showed an exceedance but has a methane concentration less than 500 ppm methane above background at the 10-day re-monitoring specified in paragraph (4)(ii) or (iii) below shall be re-monitored 1 month from the initial exceedance. If the 1-month remonitoring shows a concentration less than 500 parts per million above background, no further monitoring of that location is required until the next quarterly monitoring period. If the 1-month remonitoring shows an exceedance, the actions specified in paragraph (4)(iii) or (v) shall be taken.
- v) For any location where monitored methane concentration equals or exceeds 500 parts per million above background three times within a quarterly period, a new well or

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other collection device shall be installed within 120 calendar days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the Administrator for approval.

5) The owner or operator shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.

Condition 65: Compliance Provisions - instrumentation specifications Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.755(d), NSPS Subpart WWW

Item 65.1:

NYSCEF DOC. NO. 12

Each owner or operator seeking to comply with the provisions in 40 CFR Part 60.755(c) of this section shall comply with the following instrumentation specifications and procedures for surface emission monitoring devices:

- 1) The portable analyzer shall meet the instrument specifications provided in section 6 of Method 21 of 40 CFR Part 60 Appendix A, except that "methane" shall replace all references to VOC.
- 2) The calibration gas shall be methane, diluted to a nominal concentration of 500 parts per million in air.
- 3) To meet the sample, collection, preservation, storage and transport requirements in Section 8.0 of Method 21 of 40 CFR Part 60 Appendix A, the instrument evaluation procedures of section 8.1 of Method 21 shall be used.
- 4) The calibration procedures provided in section 10 of Method 21 of 40 CFR Part 60 Appendix A of this part shall be followed immediately before commencing a surface monitoring survey.

Condition 66: Compliance Provisions - Start-up, shutdown, or malfunction Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.755(e), NSPS Subpart WWW

Item 66.1:

The provisions of this subpart apply at all times, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction shall not exceed 5 days for collection systems and shall not exceed 1 hour for treatment or control devices.

Condition 67: **Compliance Certification** Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement:40CFR 60.756(a), NSPS Subpart WWW

Item 67.1:

The Compliance Certification activity will be performed for the Facility.

Item 67.2:

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Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(ii)(A) for an active gas collection system shall install a sampling port and a thermometer, other temperature measuring device, or an access port for temperature measurements at each wellhead and:

- (1) Measure the gauge pressure in the gas collection header on a monthly basis as provided in 40 CFR Part 60.755(a)(3); and
- (2) Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as provided in 40 CFR Part 60.755(a)(5); and
- (3) Monitor temperature of the landfill gas on a monthly basis as provided in 40CFR Part 60.755(a)(5).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 68: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.756(b), NSPS Subpart WWW

Item 68.1:

The Compliance Certification activity will be performed for the Facility.

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(iii) using an enclosed combustor shall calibrate, maintain, and operate according to the manufacturer's specifications, the following equipment.

- (1) A temperature monitoring device equipped with a continuous recorder and having a minimum accuracy of ± 1 percent of the temperature being measured expressed in degrees Celsius or ± 0.5 oC, whichever is greater. A temperature monitoring device is not required for boilers or process heaters with design heat input capacity greater than 44 megawatts.
- (2) A device that records flow to or bypass of the control device. The owner or operator shall either:

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- (i) Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or
- (ii) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2019. Subsequent reports are due every 6 calendar month(s).

Condition 69: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.756(c), NSPS Subpart WWW

Item 69.1:

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The Compliance Certification activity will be performed for the Facility.

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(iii) using an open flare shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment:

- 1) A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame.
- 2) A device that records flow to or bypass of the flare. The owner or operator shall either:
- i) Install, calibrate, and maintain a gas flow rate measuring device that shall record the flow to the control device at least every 15 minutes; or
- ii) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2019.

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

Condition 70: Compliance Certification

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.756(f), NSPS Subpart WWW

Item 70.1:

NYSCEF DOC. NO. 12

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000074-82-8 **METHANE**

Item 70.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: AMBIENT AIR MONITORING

Monitoring Description:

Each owner or operator seeking to demonstrate compliance with 40CFR Part 60.755(c), shall monitor surface concentrations of methane according to the instrument specifications and procedures provided in 40CFR Part 60.755(d). Any closed landfill that has no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of 500 ppm or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring.

For safety purposes, if a section of the landfill is covered with snow and/or ice for an entire quarter, that section of the landfill does not need to be included in the surface scan required for that quarter under 40 CFR 60 Subpart WWW. The facility must return to quarterly surface monitoring in the event that conditions improve (i.e., if the snow and ice melt and the ground surface is again accessible to the monitoring instruments) during the quarterly monitoring period.

Parameter Monitored: METHANE

Upper Permit Limit: 499 parts per million (by volume) above

background measurements

Reference Test Method: EPA RM 21

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD

INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 71: Reporting requirements - Initial design capacity Effective between the dates of 11/21/2018 and 11/20/2023

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Permit ID: 8-4532-00023/00041 Facility DEC ID: 8453200023

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

Item 71.1:

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

- 1) The initial design capacity report shall fulfill the requirements of the notification of the date construction is commenced as required under 40 CFR Part 60.7(a)(1) and shall be submitted no later than 90 days after the date of commenced construction.
 - 2) The initial design capacity report shall contain the following information:
- i) A map or plot of the landfill, providing the size and location of the landfill, and identifying all areas where solid waste may be landfilled according to the permit issued by NYSDEC;
- ii) The maximum design capacity of the landfill. Where the maximum design capacity is specified in the permit issued by NYSDEC, a copy of the permit specifying the maximum design capacity may be submitted as part of the report. If the maximum design capacity of the landfill is not specified in the permit, the maximum design capacity shall be calculated using good engineering practices. The calculations shall be provided, along with the relevant parameters as part of the report. The State or Administrator may request other reasonable information as may be necessary to verify the maximum design capacity of the landfill.

Condition 72: Reporting Requirements - Closure Report Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 72.1:

Each owner or operator of a controlled landfill shall submit a closure report to the Administrator within 30 days of waste acceptance cessation. The Administrator may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of 40 CFR Part 258.60 of this title. If a closure report has been submitted to the Administrator, no additional wastes may be placed into the landfill without filing a notification of modification as described under 40 CFR Part 60.7(a)(4).

Condition 73: Reporting Requirements - Control Equipment Removal Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 73.1:

Each owner or operator of a controlled landfill shall submit an equipment removal report to the Administrator 30 days prior to removal or cessation of operation of the control equipment.

- (1) The equipment removal report shall contain all of the following items:
- (i) A copy of the closure report submitted in accordance with 40 CFR Part 60.757(d) of this section;
 - (ii) A copy of the initial performance test report demonstrating that the 15 year

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minimum control period has expired; and

(iii) Dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer producing 50 megagrams or greater of NMOC per year.

(2) The Administrator may request such additional information as may be necessary to verify that all of the conditions for removal in 40 CFR Part 60.752(b)(2)(v) have been met.

Condition 74: Reporting requirements - Collection and control system Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 74.1:

NYSCEF DOC. NO.

Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(iii) shall include the following information with the initial performance test report required under 40 CFR Part 60.8:

- 1) A diagram of the collection system showing collection system positioning including all wells, horizontal collectors, surface collectors, or other gas extraction devices, including the locations of any areas excluded from collection and the proposed sites for the future collection system expansion;
- 2) The data upon which the sufficient density of wells, horizontal collectors, surface collectors, or other gas extraction devices and the gas mover equipment sizing are based;
- 3) The documentation of the presence of asbestos or nondegradable material for each area from which collection wells have been excluded based on the presence of asbestos or nondegradable material;
- 4) The sum of the gas generation flow rates for all areas from which collection wells have been excluded based on nonproductivity and the calculations of gas generation flow rate for each excluded area; and
- 5) The provisions for increasing gas mover equipment capacity with increased gas generation flow rate, if the present gas mover equipment is inadequate to move the maximum flow rate expected over the life of the landfill; and
 - 6) The provisions for the control of off-site migration.

Condition 75: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 75.1:

The Compliance Certification activity will be performed for the Facility.

Item 75.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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Monitoring Description:

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2019. Subsequent reports are due every 6 calendar month(s).

Condition 76: Compliance Certification
Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 76.1:

The Compliance Certification activity will be performed for the Facility.

Item 76.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), each owner or operator of a controlled landfill shall keep up-to-date, readily accessible records for the life of the control equipment of the data listed in paragraphs (1) through (4) below as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of 5 years. Records of the control device vendor specifications shall be maintained until removal.

- 1) Where an owner or operator seeks to demonstrate compliance with 40 CFR Part 60.752(b)(2)(ii):
 - i) The maximum expected gas generation flow rate as calculated in

40

CFR Part 60.755(a)(1). The owner or operator may use another method to determine the maximum gas generation flow rate, if the method has been approved by the Administrator.

- ii) The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in 40 CFR Part 60.759(a)(1).
 - 2) Where an owner or operator subject to the

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> provisions of this subpart seeks to demonstrate compliance with 40 CFR Part 60.752(b)(2)(iii) through use of an enclosed combustion device other than a boiler or process heater with a design heat input capacity greater than 44 megawatts:

- i) The average combustion temperature measured at least every 15 minutes and averaged over the same time period of the performance test.
- ii) The percent reduction of NMOC determined as specified in 40 CFR Part 60.752(b)(2)(iii)(B) achieved by the control device.
- 3) Where an owner or operator subject to the provisions of this subpart seeks to demonstrate compliance with 40 CFR Part 60.752(b)(2)(iii)(B)(1) through use of a boiler or process heater of any size: a description of the location at which the collected gas vent stream is introduced into the boiler or process heater over the same time period of the performance testing.
- 4) Where an owner or operator seeks to demonstrate compliance with 40 CFR Part 60.752(b)(2)(iii)(A) through use of an open flare, the flare type (i.e., steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in 40 CFR Part 60.18; continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame of the flare flame is absent.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2019. Subsequent reports are due every 6 calendar month(s).

Condition 77: **Compliance Certification** Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 77.1:

The Compliance Certification activity will be performed for the Facility.

Item 77.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), each owner or operator of a controlled landfill shall keep for 5 years up-to-date, readily accessible continuous records of the equipment operating

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> parameters specified to be monitored in 40 CFR Part 60.756 as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.

- 1) The following constitute exceedances that shall be recorded and reported under 40 CFR Part 60.757(f):
- i) For enclosed combustors except for boilers and process heaters with design heat input capacity of 44 megawatts (150 million British thermal unit per hour) or greater, all 3-hour periods of operation during which the average combustion temperature was more than 28 degrees C below the average combustion temperature during the most recent performance test at which compliance with 40 CFR Part 60.752(b)(2)(iii) was determined.
- ii) For boilers or process heaters, whenever there is a change in the location at which the vent stream is introduced into the flame zone as required under paragraph 40 CFR Part 60.758(b)(3)(i) of this section.
- 2) Each owner or operator shall keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under 40 CFR Part 60.756.
- 3) Each owner or operator subject to the provisions of this subpart who uses a boiler or process heater with a design heat input capacity of 44 megawatts or greater to comply with 40 CFR Part 60.752(b)(2)(iii) shall keep an up-to-date, readily accessible record of all periods of operation of the boiler or process heater. (Examples of such records could include records of steam use, fuel use, or monitoring data collected pursuant to other State, local, Tribal, or Federal regulatory requirements.)
- 4) Each owner or operator seeking to comply by use of an open flare shall keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring specified under 40 CFR Part 60.756(c), and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2019. Subsequent reports are due every 6 calendar month(s).

Condition 78: **Compliance Certification** Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 78.1:

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The Compliance Certification activity will be performed for the Facility.

Item 78.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), each owner or operator shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.

- 1) Each owner or operator shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under 40 CFR Part 60.755(b).
 - 2) Each owner or operator shall keep readily accessible

documentation

of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in 40 CFR Part 60.759(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in 40 CFR Part 60.759(a)(3)(ii).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2019. Subsequent reports are due every 6 calendar month(s).

Condition 79: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

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

Item 79.1:

The Compliance Certification activity will be performed for the Facility.

Item 79.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> Except as provided in 40 CFR Part 60.752(b)(2)(i)(B), each owner or operator shall keep for at least 5 years up-to-date, readily accessible records of all collection and control system exceedances of the operational standards in 40 CFR Part 60.753, the reading in the subsequent month whether or not the second reading is an exceedance,

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and the location of each exceedance.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 80: Specifications for active collection systems

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.759(a), NSPS Subpart WWW

Item 80.1:

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Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(i) shall site active collection wells, horizontal collectors, surface collectors, or other extraction devices at a sufficient density throughout all gas producing areas using the following procedures unless alternative procedures have been approved by the Administrator as provided in 40 CFR 60.752(b)(2)(i)(C) and (D):

- 1) The collection devices within the interior and along the perimeter areas shall be certified to achieve comprehensive control of surface gas emissions by a professional engineer. The following issues shall be addressed in the design: depths of refuse, refuse gas generation rates and flow characteristics, cover properties, gas system expandability, leachate and condensate management, accessibility, compatibility with filling operations, integration with closure end use, air intrusion control, corrosion resistance, fill settlement, and resistance to the refuse decomposition heat.
- 2) The sufficient density of gas collection devices determined in paragraph (1) above shall address landfill gas migration issues and augmentation of the collection system through the use of active or passive systems at the landfill perimeter or exterior.
- 3) The placement of gas collection devices determined in paragraph (1) above shall control all gas producing areas, except as provided by paragraphs (3)(i) and (3)(ii) below.
- i) Any segregated area of asbestos or nondegradable material may be excluded from collection if documented as provided under 40 CFR Part 60.758(d). The documentation shall provide the nature, date of deposition, location and amount of asbestos or nondegradable material deposited in the area, and shall be provided to the Administrator upon request.
- ii) Any nonproductive area of the landfill may be excluded from control, provided that the total of all excluded areas can be shown to contribute less than 1 percent of the total amount of NMOC emissions from the landfill. The amount, location, and age of the material shall be documented and provided to the Administrator upon request. A separate NMOC emissions estimate shall be made for each section proposed for exclusion, and the sum of all such sections shall be compared to the NMOC emissions estimate for the entire landfill. Emissions from each section shall be computed using the following equation:

Qi = 2 k Lo Mi (e-kti) (CNMOC) (3.6 x 10-9)

where,

Qi = NMOC emission rate from the ith section, megagrams per year

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k = methane generation rate constant, year-1

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

Mi = mass of the degradable solid waste in the ith section, megagram

ti = age of the solid waste in the ith section, years

CNMOC = concentration of nonmethane organic compounds, parts per million

by volume

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 $3.6 \times 10-9 = conversion factor$

iii) The values for k and CNMOC determined in field testing shall be used, if field testing has been performed in determining the NMOC emission rate or the radii of influence (the distance from the well center to a point in the landfill where the pressure gradient applied by the blower or compressor approaches zero). If field testing has not been performed, the default values for k, Lo and CNMOC provided in 40 CFR Part 60.754(a)(1) or the alternative values from 40 CFR Part 60.754(a)(5) shall be used. The mass of nondegradable solid waste contained within the given section may be subtracted from the total mass of the section when estimating emissions provided the nature, location, age, and amount of the nondegradable material is documented as provided in paragraph (3)(i) above.

Condition 81: Specifications for active collection systems Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.759(c), NSPS Subpart WWW

Item 81.1:

Each owner or operator seeking to comply with 40 CFR Part 60.752(b)(2)(i)(A) shall convey the landfill gas to a control system in compliance with 40 CFR Part 60.752(b)(2)(iii) through the collection header pipe(s). The gas mover equipment shall be sized to handle the maximum gas generation flow rate expected over the intended use period of the gas moving equipment using the following procedures:

- 1) For existing collection systems, the flow data shall be used to project the maximum flow rate. If no flow data exists, the procedures in paragraph (2) below shall be used.
- 2) For new collection systems, the maximum flow rate shall be in accordance with 40 CFR Part 60.755(a)(1).

Condition 82: National Emission Standard for Asbestos Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 61, NESHAP Subpart M

Item 82.1:

The permittee shall comply with all applicable provisions of 40 CFR Part 61, Subpart M.

Condition 83: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 63.1955(b), Subpart AAAA

Item 83.1:

The Compliance Certification activity will be performed for the Facility.

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Regulated Contaminant(s):

CAS No: 0NY100-00-0 TOTAL HAP

Item 83.2:

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Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> If you are required by 40CFR60.752(b)(2) of subpart WWW, the Federal plan, or an EPA approved and effective State or tribal plan to install a collection and control system, you must comply with the requirements in §§63.1960 through 63.1985 and with the general provisions of part 63 as specified in table 1 of Subpart AAAA.

The facility shall develop and implement a written startup, shutdown, and malfunction (SSM) plan that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction; a program of corrective action for malfunctioning process; and air pollution control and monitoring equipment used to comply with this standard.

This plan must be developed by the facility by the compliance date of 40CFR63, subpart AAAA (the landfill NESHAP) and must comply with all of the provisions as listed in §63.6(e)(3)(ii)-(ix) which includes the following provisions:

- During periods of startup, shutdown, and malfunction, the facility must operate and maintain the affected source in accordance with the procedures specified in the SSM plan.
- When actions taken by the owner/operator during a startup, shutdown, or malfunction are consistent with the procedures specified in the affected source's SSM plan, the owner/operator must keep records for that event which demonstrate that the procedures specified in the plan were followed. In addition, the owner/operator must keep records of these events as specified in §63.10(b), including records of operation and each malfunction of the air pollution control and monitoring equipment. Furthermore, the owner/operator shall confirm that actions taken during the startup, shutdown, and malfunction were consistent with the SSM plan in the semiannual report as required in §63.10(d)(5).
- If an action taken by the facility is not consistent with the SSM plan, and the affected source exceeds the relevant emission standard, then the owner/operator must record the actions taken for that event and must report such actions within 2 working days after commencing actions inconsistent with the SSM plan, followed by a letter within 7 working days after the end of the event.
- EPA or NYSDEC may at any time request in writing that the facility submit a copy of the SSM plan (or a portion thereof) which is maintained at the affected source. Upon receipt of such a request,

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> the facility must promptly submit a copy of the requested plan to EPA or NYSDEC. EPA or NYSDEC must request that the facility submit a SSM plan whenever a member of the public submits a specific and reasonable request to examine or to receive a copy of that plan or portion of a plan. If the facility claims that any portion of such a SSM plan is confidential business information entitled to protection from disclosure under section 114(c) of the Act or 40CFR2.301, the material which is claimed as confidential must be clearly designated in the submission.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2019. Subsequent reports are due every 6 calendar month(s).

Condition 84: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 63.1980(a), Subpart AAAA

Item 84.1:

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The Compliance Certification activity will be performed for the Facility.

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> Each owner or operator of a landfill seeking to comply with 40 CFR Part 60.752(b)(2) using an active collection system designed in accordance with 40 CFR Part 60.752(b)(2)(ii) shall submit to the Administrator semiannual reports of the recorded information in paragraphs (1) through (6) below. The initial semiannual report shall be submitted within 180 days of installation and start-up of the collection and control system, and shall include the initial performance test report required under 40 CFR Part 60.8. For enclosed combustion devices and flares, reportable exceedances are defined under 40 CFR Part 60.758(c).

> > (1) Value and length of time for exceedance of applicable

parameters

monitored under 40 CFR Part 60.756(a), (b), (c), and (d).

- (2) Description and duration of all periods when the gas stream is diverted from the control device through a bypass line or the indication of bypass flow as specified under 40 CFR Part 60.756.
- (3) Description and duration of all periods when the control device was not operating for a period exceeding 1 hour and length of time the control device was not operating.

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- (4) All periods when the collection system was not operating in excess of 5 days.
- (5) The location of each exceedance of the 500 parts per million methane concentration as provided in 40 CFR Part 60.753(d) and the concentration recorded at each location for which an exceedance was recorded in the previous month.
- (6) The date of installation and the location of each well or collection system expansion added pursuant to paragraphs 40 CFR Part 60.755(a)(3), (b), and (c)(4).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 85: Applicability

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 63, Subpart ZZZZ

Item 85.1:

Facilities that have reciprocating internal combustion engines must comply with applicable portions of 40 CFR 63 subpart ZZZZ.

Condition 86: **Engines at Area sources of HAP**

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 63, Subpart ZZZZ

Item 86.1:

Internal combustion engines, constructed or re-constructed on or after June 12, 2006, that meet the requirements of 40 CFR 60 Subpart IIII or Subpart JJJJ meet the requirements of 40 CFR 63 Subpart ZZZZ.

**** Emission Unit Level ****

Condition 87: Emission Point Definition By Emission Unit Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR Subpart 201-6

Item 87.1(From Mod 4):

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

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Emission Unit: 1-EMGEN

Emission Point: EMG02

Height (ft.): 4 Diameter (in.): 2

NYTMN (km.): 4754.7 NYTME (km.): 349.2

Emission Point: EMG03

Height (ft.): 6 Diameter (in.): 3

NYTMN (km.): 4754.7 NYTME (km.): 349.2

Emission Point: EMG04

Height (ft.): 2 Diameter (in.): 3

NYTMN (km.): 4754.7 NYTME (km.): 349.2

Emission Point: EMG05

Height (ft.): 9 Diameter (in.): 2

NYTMN (km.): 4754.7 NYTME (km.): 349.2

Emission Point: EMG06

Height (ft.): 4 Diameter (in.): 2

NYTMN (km.): 4754.386 NYTME (km.): 349.757

Emission Point: EMGEN

Height (ft.): 11 Diameter (in.): 8 NYTMN (km.): 4754.7 NYTME (km.): 349.2

Item 87.2(From Mod 4):

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

Emission Unit: 1-LEACH

Emission Point: 00LF8

Height (ft.): 45 Diameter (in.): 156 NYTMN (km.): 4754.7 NYTME (km.): 349.2

Emission Point: AST01

Height (ft.): 39 Diameter (in.): 24 NYTMN (km.): 4754.7 NYTME (km.): 349.2

Emission Point: AST02

> Height (ft.): 34 Diameter (in.): 600 NYTMN (km.): 4754.7 NYTME (km.): 349.2

Emission Point: AST03

Height (ft.): 55 Diameter (in.): 24 NYTMN (km.): 4754.7 NYTME (km.): 349.2

Emission Point: CONC1

Height (ft.): 30 Diameter (in.): 6

NYTMN (km.): 4754.7 NYTME (km.): 349.2 Building: FEP2

Emission Point: CONC2

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Height (ft.): 30 Diameter (in.): 6

NYTMN (km.): 4754.7 NYTME (km.): 349.2 Building: FEP2

Emission Point: CONC3

> Height (ft.): 30 Diameter (in.): 6

NYTMN (km.): 4754.7 NYTME (km.): 349.2 **Building: FEP2**

Emission Point: EVP01

Height (ft.): 24 Diameter (in.): 30 NYTMN (km.): 4753.9 NYTME (km.): 349.2

Emission Point: EVP02

Height (ft.): 24 Diameter (in.): 30 NYTMN (km.): 4753.9 NYTME (km.): 349.2

Emission Point: EVP03

Height (ft.): 24 Diameter (in.): 30 NYTMN (km.): 4753.9 NYTME (km.): 349.2

Emission Point: EVP04

Height (ft.): 24 Diameter (in.): 30 NYTMN (km.): 4753.9 NYTME (km.): 349.2

Emission Point: EVP05

> Height (ft.): 24 Diameter (in.): 30 NYTMN (km.): 4753.9 NYTME (km.): 349.2

Emission Point: EVP06

Height (ft.): 24 Diameter (in.): 30 NYTMN (km.): 4753.9 NYTME (km.): 349.2

Emission Point: EVP07

Height (ft.): 24 Diameter (in.): 30 NYTMN (km.): 4753.9 NYTME (km.): 349.2

Emission Point: EVP08

> Height (ft.): 24 Diameter (in.): 30 NYTMN (km.): 4753.9 NYTME (km.): 349.2

Emission Point: FEED1

> Height (ft.): 30 Diameter (in.): 6

NYTMN (km.): 4754.7 NYTME (km.): 349.2 Building: FEP2

Emission Point: FEED2

Height (ft.): 30 Diameter (in.): 6

NYTMN (km.): 4754.7 NYTME (km.): 349.2 Building: FEP2

Emission Point: NH3ST

Height (ft.): 30 Diameter (in.): 6

NYTMN (km.): 4754.7 NYTME (km.): 349.2 **Building: FEP2**

Emission Point: PERM1

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Height (ft.): 30 Diameter (in.): 6

NYTMN (km.): 4754.7 NYTME (km.): 349.2 Building: FEP2

Emission Point: STOR1

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Height (ft.): 30 Diameter (in.): 6

NYTMN (km.): 4754.7 NYTME (km.): 349.2 Building: FEP2

Emission Point: SULF1

Height (ft.): 30 Diameter (in.): 6

NYTMN (km.): 4754.7 NYTME (km.): 349.2 Building: FEP2

Emission Point: SULF2

Height (ft.): 30 Diameter (in.): 6

NYTMN (km.): 4754.7 NYTME (km.): 349.2 Building: FEP2

Item 87.3(From Mod 3):

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

Emission Unit: 1-LFGAS

Emission Point: 00LF1

Height (ft.): 38 Diameter (in.): 108 NYTMN (km.): 4754.722 NYTME (km.): 349.23

Emission Point: 00LF2

Height (ft.): 50 Diameter (in.): 138 NYTMN (km.): 4754.7 NYTME (km.): 349.2

Emission Point: 00LF3

Height (ft.): 40 Diameter (in.): 156 NYTMN (km.): 4754.7 NYTME (km.): 349.2

Emission Point: 00LF6

Height (ft.): 42 Diameter (in.): 12 NYTMN (km.): 4753.7 NYTME (km.): 350.3

Emission Point: 00LF7

Height (ft.): 38 Diameter (in.): 108 NYTMN (km.): 4754.7 NYTME (km.): 349.2

Condition 88: Process Definition By Emission Unit

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR Subpart 201-6

Item 88.1(From Mod 4):

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

Emission Unit: 1-EMGEN

Process: EMG Source Classification Code: 2-01-002-02

Process Description:

Process EMG represents emissions from the emission sources EMG01,

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> EMG02, EMG03, EMG04, and EMG05 and EMG06. These generators do not operate above the exempt limit of 500 hours per year. However, these sources have been placed within the Emission Unit 1-EMGEN due to 40 CFR 60 Subpart IIII, 40 CFR 63 Subpart ZZZZ and 40 CFR Subpart JJJJ applicability. These emission sources are not applicable to 6NYCRR Part 227 NOx RACT. Emission Sources EMG01 and EMG06 are subject to Subpart IIII. Emission Sources EMG02, EMG03, and EMG05 are subject to Subpart ZZZZ. Emission Source EMG04 is subject to Subpart JJJJ. NYSDEC does not have delegation of these federal rules.

Emission Source/Control: EMG01 - Combustion Design Capacity: 689 horsepower (electric)

Emission Source/Control: EMG02 - Combustion Design Capacity: 101 horsepower (electric)

Emission Source/Control: EMG03 - Combustion Design Capacity: 134 horsepower (electric)

Emission Source/Control: EMG04 - Combustion Design Capacity: 40 horsepower (electric)

Emission Source/Control: EMG05 - Combustion Design Capacity: 20 horsepower (electric)

Emission Source/Control: EMG06 - Combustion Design Capacity: 536 horsepower (electric)

Item 88.2(From Mod 4):

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

Emission Unit: 1-LEACH

Process: EVP Source Classification Code: 4-03-010-99

Process Description:

The concentrate evaporator unit will process up to 1,400 barrels per day of concentrate/leachate.

The 3,000 cfm utility flare (PFL3K) will be replaced wih a 3,000 cfm Perennial flare (RFL3K) that will process the concentrate evaporator exhaust when operating in thermal oxidizer (TOU) mode. The flare can also operate in standard flare mode and combust up to 3,000 SCFM of landfill gas.

Emissions from this unit include the emissions from the concentrate evaporator and the emissions from the Perennial flare operating in either standard mode or thermal oxidizer mode.

Emission Source/Control: COEVP - Control Control Type: THERMAL OXIDATION

Emission Source/Control: RFL3K - Control Control Type: THERMAL OXIDATION

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Emission Source/Control: CSTRP - Process Design Capacity: 21.462 million gallons

Item 88.3(From Mod 4):

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

Emission Unit: 1-LEACH

Process: LTS Source Classification Code: 5-03-007-02

Process Description:

This process consists of the following:

Two 501,825 gallon (Emission Sources TANK1 and TANK2) and one 1.8 million gallon (Emission Source TANK3) aboveground storage tanks will be used to store leachate at the facility. The tanks are vented to prevent pressurization. Emissions are from the working and breathing losses from the atmospheric tank vents. TANK1 will be converted to agitate and aerate leachate.

This process also consists of a Leachate Treatment System that will be used to remove ammonia and hydrogen sulfide from the landfill leachate generated by Seneca Meadows Landfill.

The facility operates a ROCHEM Reverse Osmosis Treatment System.

The facility is proposing to upgrade their Leachate Treatment System (new Dynatech System).

This process consists of the pre-treatment (prior to leachate tank TANK1) and treatment of the leachate through the Dynatech System (Emission Source DYNTC) which includes the new Reverse Osmosis System, and/or the existing Reverse Osmosis System and the associated emission points and emission sources for those systems.

The facility then has the ability to send processed leachate/concentrate to a concentrate evaporator unit which processes up to 1,400 barrels of concentrate per day.

Emission Source/Control: STRIP - Control Control Type: AMMONIA SCRUBBING

Emission Source/Control: ACID1 - Process

Design Capacity: 5,250 gallons

Emission Source/Control: ACID2 - Process

Design Capacity: 5,250 gallons

Emission Source/Control: B2001 - Process

Design Capacity: 4,100 gallons

Emission Source/Control: B2002 - Process

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Design Capacity: 4,100 gallons

Emission Source/Control: B7001 - Process

Design Capacity: 3,000 gallons

Emission Source/Control: B7002 - Process

Design Capacity: 3,000 gallons

Emission Source/Control: B7003 - Process

Design Capacity: 100,000 gallons

Emission Source/Control: B9002 - Process

Design Capacity: 2,100 gallons

Emission Source/Control: B9003 - Process

Design Capacity: 2,000 gallons

Emission Source/Control: DYNTC - Process Design Capacity: 200,000 gallons per day

Emission Source/Control: TANK1 - Process

Design Capacity: 501,825 gallons

Emission Source/Control: TANK2 - Process

Design Capacity: 501,825 gallons

Emission Source/Control: TANK3 - Process

Design Capacity: 1.8 million gallons

Item 88.4(From Mod 0):

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

Emission Unit: 1-CRUSH

Source Classification Code: 3-05-025-10 Process: 101

Process Description:

The Lippman 4248CC Closed Circuit Portable Impact Crushing Plant is a completely self-contained and transportable crushing plant.

Emission Source/Control: EPE01 - Process Design Capacity: 250 tons per hour

Item 88.5(From Mod 0):

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

Emission Unit: 1-CRUSH

Process: 201 Source Classification Code: 3-05-025-10

Process Description:

The Lippman 4248CC Closed Circuit Portable Impact Crushing Plant is powered by a 415HP Caterpillar C-13 DITA Industrial Engine. Rated at 415HP @ 2100 RPM. Tier 3. Includes: flywheel housing, air compressor, jacket water heater.

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Emission Source/Control: COM01 - Combustion Design Capacity: 415 horsepower (mechanical)

Item 88.6(From Mod 3):

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

Emission Unit: 1-LFGAS

Process: FUG Source Classification Code: 5-02-006-02

Process Description:

Fugitive LFG emissions (beyond the collection efficiency of the gas collection systems) from the four existing landfill areas as well as

from the Landfill Expansion areas.

Emission Source/Control: EXSLF - Process

Design Capacity: 3,763.13 million cubic feet per year

Emission Source/Control: LEXP1 - Process

Design Capacity: 8,236.15 million cubic feet per year

Emission Source/Control: PABLF - Process

Design Capacity: 1,590.27 million cubic feet per year

Emission Source/Control: PSELF - Process

Design Capacity: 3,289.92 million cubic feet per year

Emission Source/Control: TANLF - Process Design Capacity: 57.26 million cubic feet per year

Item 88.7(From Mod 3):

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

Emission Unit: 1-LFGAS

Source Classification Code: 5-02-006-01 Process: GAS

Process Description:

The four landfill areas and the Landfill Expansion areas will generate landfill gas (LFG). The LFG will be collected and combusted by one 2000-cfm enclosed flare (FLO2K), two 4000-cfm enclosed flares (FLO4K and PFL2K) and one 3000-cfm open flare (PFL3K); All enclosed flares are currently permitted and the open flare was approved for installation. Additional flare capacity is under emission source EXFLK (1327 scfm). Total flare/combustion capacity will not exceed 15,107 scfm. A portion of the collected gas is utilized in the concentrate evaporator (750 scfm) under Emission Unit 1-LEACH. A portion of the collected LFG will be provided to Seneca Energy, Inc. a separately owned, operated and permitted facility with a separate Title V operating permit. SMI will not combust excess gas that will cause facility emissions to exceed the limits for NOx and CO established by this permit. Any additional LFG will be sold for off-site utilization or destruction. Control capacity (flares and/or other combustion devices) above what currently exists will be added as required by monitoring the existing LFG collection system. Initial stack test results (per NSPS) will be used to update permit emission estimates as

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necessary. The flares (FLO4K, FLO2K, PFL2K) and other flare/combustion sources (EXFLK), all fired by LFG and will be retained for use if needed) are located on the west side of State Route 414 in the industrial park that is also the location for Seneca Energy. The open flare (PFL3K) is located on the east side of State Route 414.

Landfill gas collected from the Tantalo landfill is not subject to the New Source Performance Standards for Municipal Solid Waste Landfills (40CFR60 Subpart WWW) since it is a remediation project currently under Consent Order with the NYS Department of Environmental Conservation and and it is a nonproductive area of the landfill that contributes less than 1 percent of the total amount of NMOC emissions from the landfill.

Emission Source/Control: EXFLK - Control

Control Type: FLARING

Emission Source/Control: FLO2K - Control

Control Type: FLARING

Emission Source/Control: FLO4K - Control

Control Type: FLARING

Emission Source/Control: PFL2K - Control

Control Type: FLARING

Emission Source/Control: PFL3K - Control

Control Type: FLARING

Emission Source/Control: EXSLF - Process

Design Capacity: 3,763.13 million cubic feet per year

Emission Source/Control: LEXP1 - Process

Design Capacity: 8,236.15 million cubic feet per year

Emission Source/Control: PABLF - Process

Design Capacity: 1,590.27 million cubic feet per year

Emission Source/Control: PSELF - Process

Design Capacity: 3,289.92 million cubic feet per year

Emission Source/Control: TANLF - Process Design Capacity: 57.26 million cubic feet per year

Item 88.8(From Mod 0):

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

Emission Unit: 1-SCREE

Process: 102 Source Classification Code: 3-05-020-14

Process Description:

Entrainment of particles-Powerscreen Powergrid Screening Plant.

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Emission Source/Control: EPE02 - Process

Design Capacity: 600 tons per hour

Item 88.9(From Mod 0):

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

Emission Unit: 1-SCREE

Process: 202 Source Classification Code: 2-03-001-07

Process Description:

The Powerscreen Powergrid Screening Plant is powered by a 97 HP Deutz

BF4L2011 Engine.

Emission Source/Control: COM02 - Combustion Design Capacity: 97 horsepower (mechanical)

Item 88.10(From Mod 0):

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

Emission Unit: 1-SOILS

Process: FG1 Source Classification Code: 5-03-008-20

Process Description:

Contaminated soils may be temporarily stockpiled on site for up to 48 hours before being used as BUD materials. Emissions include fugitive

emissions of VOC components.

Emission Source/Control: PILE1 - Process

Condition 89: Compliance Certification

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 212-1.6 (a)

Item 89.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-CRUSH

Item 89.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water.

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

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the

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> monitoring frequency stated below while the process is in operation. The permittee will immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with section 212-1.6(a) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions will be kept on-site in a format acceptable to the Department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of theses instances.

Monitoring Frequency: WHEN THE SOURCE IS OPERATING Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2019. Subsequent reports are due every 6 calendar month(s).

Condition 90: Compliance Certification

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60, NSPS Subpart OOO

Item 90.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-CRUSH

Item 90.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> The facility has a portable rock crushing plant to provide materials for on-site construction. The rock crushing plant will be limiting the total hours of operation to 1,750 hours/year. It is anticipated that there will be no more than 350,000 tons of rock processed. Hours of operation will be tracked using a log book kept at the facility.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

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Permit ID: 8-4532-00023/00041 **Facility DEC ID: 8453200023**

Reports due 30 days after the reporting period. The initial report is due 1/30/2019. Subsequent reports are due every 6 calendar month(s).

Condition 91: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.674(b), NSPS Subpart OOO

Item 91.1:

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The Compliance Certification activity will be performed for:

Emission Unit: 1-CRUSH

Regulated Contaminant(s):

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

Item 91.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> The owner/operator of any affected facility which began construction or modification on or after April 22, 2008, that uses wet suppression to control dust from any affected sources must perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression system.

The owner/operator must initiate corrective action within 24 hours and complete the corrective action as expediently as practical if the owner/operator finds that water is not flowing properly during an inspection of the water spray nozzles.

The owner/operator must record each inspection of the water spray nozzles, including the date of each inspection and any corrective actions taken, in the logbook required under §60.676(b).

If the facility ceases operation of the water sprays or is using a control mechanism to reduce fugitive emissions other than the water sprays during the monthly inspections (for example, water from recent rainfall), the logbook entry required under §60.676(b) must specify the control mechanism being used instead of the water sprays.

Monitoring Frequency: MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 3-6: **Capping Monitoring Condition** Effective between the dates of 07/01/2019 and 11/20/2023

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Applicable Federal Requirement: 6 NYCRR 201-7.1

Item 3-6.1:

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

6 NYCRR Subpart 231-6

Item 3-6.2:

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

Item 3-6.3:

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

Item 3-6.4:

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

Item 3-6.5:

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

Item 3-6.6:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LEACH

Process: EVP

Regulated Contaminant(s):

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

Item 3-6.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility had previously been permitted to process up to 18,293 scfm of landfill gas. Emission modeling based on facility specific factors of 16,974 scfm landfill gas generation (approximately 15,107

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> scfm landfill gas being collected) was completed for the entire facility and showed the facility emissions are in compliance with the National Ambient Air Quality Standards for all contaminants.

> Source testing will be performed for this process in order to confirm the emission factors used in the model for Oxides of Nitrogen.

- 1) Emissions testing will be performed with the Concentrate/Leachate Evaporator being fueled by landfill gas, and concentrate running through the evaporator. NMOC destruction of landfill gas fuel is addressed in separate conditions.
- 2) One stack from each of two vessels will be tested.
- 3) Within 180 days of commencing operation of the Concentrate/Leachate Evaporator, an initial compliance test must be conducted to confirm the emission factors used in the model. The flame strength of the Evaporator shall be recorded during the testing as well as a pH range for the unit. Based on stack test results, the flame strength will be established as well as the pH range for monitoring on a daily basis. The permit will be updated once these parameters are established or upon renewal of the permit.
- 4) A testing protocol shall be submitted for approval at least 30 days before the scheduled test.
- 5) A test report shall be submitted within 60-days of testing.

Upper Permit Limit: 1.14 pounds per hour

Reference Test Method: EPA Method 7, 7E or 19 and 40 CFR 60 APP A-10

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD

INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

Condition 3-7: **Capping Monitoring Condition** Effective between the dates of 07/01/2019 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 201-7.1

Item 3-7.1:

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

6 NYCRR Subpart 231-8

Item 3-7.2:

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

Item 3-7.3:

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

Item 3-7.4:

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

Item 3-7.5:

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

Item 3-7.6:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LEACH

Process: EVP

Regulated Contaminant(s):

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

Item 3-7.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility had previously been permitted to process up to 18,293 scfm of landfill gas. Emission modeling based on facility specific factors of 16,974 scfm landfill gas generation (approximately 15,107 scfm landfill gas being collected) was completed for the entire facility and showed the facility emissions are in compliance with the National Ambient Air Quality Standards for all contaminants.

Source testing will be performed for this process in order to confirm the emission factors used in the model for Carbon Monoxide.

1) Emissions testing will be performed with the Concentrate/Leachate Evaporator being fueled by landfill gas, and concentrate running through the evaporator. NMOC destruction of landfill gas fuel is addressed in separate conditions.

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- 2) One stack from each of two vessels will be tested.
- 3) Within 180 days of commencing operation of the Concentrate/Leachate Evaporator, an initial compliance test must be conducted to confirm the emission factors used in the model. The Evaporator flame strength shall be recorded during the testing as well as a pH range for the unit. Based on stack test results, the flame strength will be established as well as the pH range for monitoring on a daily basis. The permit will be updated once these parameters are established or upon renewal of the permit.
- 4) A testing protocol shall be submitted for approval at least 30 days before the scheduled test.
- 5) A test report shall be submitted within 60-days of testing.

Upper Permit Limit: 4.68 pounds per hour Reference Test Method: Reference Method 10 Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD

INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

Condition 3-8: Compliance Certification Effective between the dates of 07/01/2019 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 212-1.6 (a)

Item 3-8.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LEACH

Process: EVP

Item 3-8.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the

performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the

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> monitoring frequency stated below while the process is in operation. The permittee will immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with section 212-1.6(a) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions will be kept on-site in a format acceptable to the Department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of theses instances.

Monitoring Frequency: DAILY Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2020.

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

Condition 3-9: **Compliance Certification** Effective between the dates of 07/01/2019 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 212-2.1 (b)

Item 3-9.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LEACH

Process: EVP

Regulated Contaminant(s):

CAS No: 007664-41-7 **AMMONIA**

Item 3-9.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of Ammonia for this facility have been demonstrated to be in compliance with 6NYCRR Part 212-2.1(b) by meeting DAR-1 guideline concentrations. Emissions testing will be performed with the Cocentrate/Leachate Evaporator being fueled by landfill gas, and

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concentrate running through the evaporator.

- 1) One stack from each of the two vessels will be tested.
- 2) Within 180 days of commencing operation of the Concentrate/Leachate Evaporator, an initial compliance test must be conducted to demonstrate compliance with the DAR-1 guideline concentrations for ammonia. The flame strength of the burner (Emission Source COEVP) shall be recorded during the testing as well as the pH range.
- 3) A test protocol shall be submitted for approval at least 30 days prior to the scheduled test.
- 4) A final test report shall be submitted within 60 days of the test.

This test will be performed at least one year prior to permit renewal thereafter.

Upper Permit Limit: 3.08 pounds per hour

Reference Test Method: Conditional Test Method O27 or ASTM D6348

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD **INDICATED**

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

Condition 4-10: **Compliance Certification** Effective between the dates of 10/21/2021 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 212-1.5 (g)

Item 4-10.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LEACH

Process: EVP **Emission Source: COEVP**

Item 4-10.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

In order to assure that concentrated PFAS material is not liberated the facility will do the following:

1) The facility must install and operate a temperature sensing device in the vessel head space or stack of the evaporator to document that temperature remains below 200 degrees F. Temperature will be measured

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at a minimum of every 15-minutes and recorded.

- 2) The facility will review the records on a weekly basis and record instances where the temperature was higher than 200 degrees F. Corrective action must be taken to lower the temperature in the head space or stack of the evaporator.
- 3) Records of instances of exceedance of the temperature limit of 200 degrees F and the corrective action taken must be documented and a semiannual report be submitted to the Department. All records of temperature recorded and corrective actions taken must be kept on site and be made available to the Department upon request.

Parameter Monitored: TEMPERATURE Upper Permit Limit: 200 degrees Fahrenheit

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR BLOCK AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2022.

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

Condition 3-11: **Compliance Certification** Effective between the dates of 07/01/2019 and 11/20/2023

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

www

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Item 3-11.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LEACH

Process: EVP **Emission Source: COEVP**

Regulated Contaminant(s):

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

Item 3-11.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of the landfill shall test the control device within 180 days of startup to verify that the outlet concentration of NMOC from this device is less than 20 parts per million (dry, as hexane, at 3% oxygen), or the owner or operator of the landfill shall test the emissions from the control device to determine that the device is reducing the emission of NMOC by 98% (by weight). Refer to 40CFR60.754(d) for the specified test methods.

Parameter Monitored: NMOC - LANDFILL USE ONLY

Upper Permit Limit: 20 parts per million by volume (dry, corrected

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to 3% oxygen)

Reference Test Method: RM 18, 25, 25A, 25C

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD

INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

Condition 3-12: **Compliance Certification** Effective between the dates of 07/01/2019 and 11/20/2023

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

WWW

NYSCEF DOC. NO. 12

Item 3-12.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LEACH

Process: EVP Emission Source: COEVP

Item 3-12.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> An alternative method pre-approved by the Department under 40 CFR 60.756(d) is being used to monitor correct operation of the burner while the burner is in operation and utilizing landfill gas as its fuel. The burner flame strength of COEVP will be determined by the stack test required by this permit. This burner shall not operate such that the burner flame strength in the stack at any time will operate below the level established during the approved stack test. An alarm will sound and flow to the burner will be shut down if the burner strength hits this set-point. Exceedances of this permit limit are established under the condition for 40CFR60.758(c) and will consist of the burn flame strength being below the limit established by the stack test and landfill gas being used while at that lower strength level. The SSM plan will be modified to incorporate this process source and the approved operating limit. SSM events shall be recorded as per 40 CFR 63 Subpart AAAA.

The flame strength will be recorded continuously and records will be maintained on site. Instances of the burner strength being out of range of the established permit limit will be recorded and submitted to the Department semiannually.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

Condition 3-13: Compliance Certification Effective between the dates of 07/01/2019 and 11/20/2023

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

WWW

Item 3-13.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LEACH

Process: EVP **Emission Source: COEVP**

Regulated Contaminant(s):

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

Item 3-13.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of the landfill shall test the control device within 180 days of startup to verify that the outlet concentration of NMOC from this device is less than 20 parts per million (dry, as hexane, at 3% oxygen), or the owner or operator of the landfill shall test the emissions from the control device to determine that the device is reducing the emission of NMOC by 98% (by weight). Refer to 40CFR60.754(d) for the specified test methods.

Parameter Monitored: NMOC - LANDFILL USE ONLY Upper Permit Limit: 98 percent reduction by weight

Reference Test Method: RM 18, 25, 25A, 25C

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD

INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

Condition 4-11: Compliance Certification

Effective between the dates of 10/21/2021 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.33f(a), NSPS Subpart Cf

Item 4-11.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LEACH Emission Point: 00LF8 Process: EVP Emission Source: RFL3K

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Item 4-11.2:

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Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE

PARAMETERS AS SURROGATE

Monitoring Description:

The average combustion temperature for RFL3K will be determined by the stack test required by this permit. This flare shall not operate such that the temperature in the stack for any three hour block average is more than 28 degrees Celsius below the average combustion temperature determined during the approved stack test. Exceedances of this permit limit are established under the condition for 40 CFR 60.39f(c)(1).

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 28 degrees C below the approved performance

test combustion temperature

Monitoring Frequency: FOUR TIMES PER HOUR Averaging Method: 3-HOUR BLOCK AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2022.

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

Condition 4-12: **Compliance Certification** Effective between the dates of 10/21/2021 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.33f(a), NSPS Subpart Cf

Item 4-12.1:

The Compliance Certification activity will be performed for:

Emission Point: 00LF8 Emission Unit: 1-LEACH Process: EVP Emission Source: RFL3K

Regulated Contaminant(s):

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

Item 4-12.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of the landfill shall test the control device once during the term of this permit if it becomes operational during the term of this permit, within 180 days of start-up, to verify that the outlet concentration of NMOC from the device is less than 20 parts per million (dry, as hexane, at 3% oxygen), or the owner or operator of the landfill shall test the emissions from the control device to determine that the device is reducing the emission of NMOC by 98% (by weight). Refer to 40 CFR 60.35f(e) for the specified test methods.

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Parameter Monitored: NMOC - LANDFILL USE ONLY

Upper Permit Limit: 20 parts per million by volume (dry, corrected

to 3% oxygen)

Reference Test Method: RM 18, 25, 25A, 25C

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD

INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2022.

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

Condition 4-13: **Compliance Certification** Effective between the dates of 10/21/2021 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.33f(a), NSPS Subpart Cf

Item 4-13.1:

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The Compliance Certification activity will be performed for:

Emission Unit: 1-LEACH Emission Point: 00LF8 Process: EVP Emission Source: RFL3K

Regulated Contaminant(s):

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

Item 4-13.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of the landfill shall test the control device once during the term of this permit if it becomes operational during the term of this permit, within 180 days of start-up, to verify that the outlet concentration of NMOC from the device is less than 20 parts per million (dry, as hexane, at 3% oxygen), or the owner or operator of the landfill shall test the emissions from the control device to determine that the device is reducing the emission of NMOC by 98% (by weight). Refer to 40 CFR 60.35f(e) for the specified test methods.

Parameter Monitored: NMOC - LANDFILL USE ONLY Upper Permit Limit: 98 percent reduction by weight Reference Test Method: RM 18, 25, 25A, 25C

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD

INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2022.

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Condition 94: Flare operation requirements.

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Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.18(c), NSPS Subpart A

Item 94.1:

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This Condition applies to **Emission Unit: 1-LFGAS** Process: GAS

Item 94.2:

All required flares shall meet, at a minimum, the following conditions:

- 1) be designed for and operated with no visible emissions as determined by the methods specified in 40 CFR 60.18(f) (Method 22), except for periods not to exceed 5 minutes during any 2 consecutive hours;
- 2) Flares shall be operated with a flame present at all times, as determined by the methods specified in 40 CFR 60.18(f) (Method 22);
- 3) An owner/operator has the choice of adhering to either the heat content specifications in 40 CFR 60.18(c)(3)(ii) and the maximum tip velocity specifications in 40 CFR 60.18(c)(4), or adhering to the requirements in 40 CFR 60.18(c)(3)(i).
- 4) Steam assisted and non assisted flares shall be designed for and operate with an exit velocity, as determined by the methods specified in 40 CFR 60.18(f)(4), less than 18.3 m/sec (60 ft/sec), except as provided in 40 CFR 60.18(c)(4)(ii) and (iii).
- 5) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity, V_{MAX}, as determined by the method specified in 40 CFR 60.18(f)(6).
- 6) Flares used to comply with 40 CFR 60.18(c) shall be steam-assisted, air-assisted or non-assisted.

Condition 95: Flare monitoring requirements. Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.18(d), NSPS Subpart A

Item 95.1:

This Condition applies to **Emission Unit: 1-LFGAS** Process: GAS

Item 95.2:

Owners or operators of flares used to comply with the provisions of 40 CFR 60.18 shall monitor these control devices to ensure that they are operated and maintained in conformance with their designs. Applicable subparts will provide provisions stating how owners or operators of flares shall monitor these control devices.

Condition 96: General Control Device Requirements - Flares Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.18(e), NSPS Subpart A

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Item 96.1:

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This Condition applies to Emission Unit: 1-LFGAS Process: GAS

Item 96.2:

Flares used to comply with the provisions of 40 CFR Part 60 Subpart A shall be operated whenever landfill gas is vented to them.

Condition 97: Flare compliance testing. Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 40CFR 60.18(f), NSPS Subpart A

Item 97.1:

This Condition applies to **Emission Unit: 1-LFGAS** Process: GAS

- Item 97.2: Required flares used to comply with the provisions in this subpart shall comply with the following:
- 1) Reference Method 22 shall be used to determine the compliance of flares with the visible emission provisions of this subpart. The observation period is 2 hours and shall be used according to Method 22.
- 2) The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.
- 3) The net heating value of the gas being combusted in a flare shall be calculated using the equation found in 40CFR 60.18(f)(3).
- 4) The actual exit velocity of a flare shall be determined by dividing the volumetric flowrate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D as appropriate; by the unobstructed (free) cross sectional area of the flare tip.
- 5) The maximum permitted velocity, Vmax, for flares complying with 40CFR 60.18(c)(4)(iii) shall be determined by the equation given in 40CFR 60.18(f)(5).
- 6) The maximum permitted velocity, Vmax, for air assisted flares shall be determined by the equation given in 40CFR 60.18(f)(6).

Condition 98: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 212-1.6 (a)

Item 98.1:

The Compliance Certification activity will be performed for:

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Emission Unit: 1-LFGAS

Process: GAS **Emission Source: EXFLK**

Item 98.2:

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Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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 immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with section 212-1.6(a) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions will be kept on-site in a format acceptable to the Department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of theses instances.

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 99: Compliance Certification

Effective between the dates of 11/21/2018 and 11/20/2023

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

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Item 99.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGAS

Process: GAS Emission Source: EXFLK

Item 99.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE

PARAMETERS AS SURROGATE

Monitoring Description:

The average combustion temperature for EXFLK will be determined by the stack test required by this permit. This flare shall not operate such that the temperature in the stack for any three hour block average is more than 28 degrees Celsius below the average combustion temperature determined during the approved stack test. Exceedances of this permit limit are established under the condition for 40CFR 60.758(c).

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 28 degrees C below the approved performance

test combustion temperature

Monitoring Frequency: FOUR TIMES PER HOUR Averaging Method: 3-HOUR BLOCK AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 100: Compliance Certification

Effective between the dates of 11/21/2018 and 11/20/2023

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

WWW

Item 100.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGAS

Process: GAS Emission Source: EXFLK

Regulated Contaminant(s):

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

Item 100.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of the landfill shall test the control device

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> once during the term of this permit if it becomes operational during the term of this permit to verify that the outlet concentration of NMOC from the device is less than 20 parts per million (dry, as hexane, at 3% oxygen), or the owner or operator of the landfill shall test the emissions from the control device to determine that the device is reducing the emission of NMOC by 98% (by weight). Refer to 40CFR60.754(d) for the specified test methods.

Parameter Monitored: NMOC - LANDFILL USE ONLY Upper Permit Limit: 98 percent reduction by weight Reference Test Method: RM 18, 25, 25A, 25C

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD

INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 101: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

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

WWW

NYSCEF DOC. NO. 12

Item 101.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGAS

Process: GAS Emission Source: EXFLK

Regulated Contaminant(s):

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

Item 101.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of the landfill shall test the control device once during the term of this permit if it becomes operational during the term of this permit to verify that the outlet concentration of NMOC from the device is less than 20 parts per million (dry, as hexane, at 3% oxygen), or the owner or operator of the landfill shall test the emissions from the control device to determine that the device is reducing the emission of NMOC by 98% (by weight). Refer to 40CFR60.754(d) for the specified test methods.

Parameter Monitored: NMOC - LANDFILL USE ONLY

Upper Permit Limit: 20 parts per million by volume (dry, corrected

to 3% oxygen)

Reference Test Method: RM 18, 25, 25A, 25C

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Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD

INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 102: Compliance Certification

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 212-1.6 (a)

Item 102.1:

NYSCEF DOC. NO. 12

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGAS

Process: GAS Emission Source: FLO2K

Item 102.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

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

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 immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with section 212-1.6(a) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions will be kept on-site in a format acceptable to the Department and the

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> semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of theses instances.

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 103: **Compliance Certification** Effective between the dates of 11/21/2018 and 11/20/2023

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

WWW

NYSCEF DOC. NO. 12

Item 103.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGAS

Process: GAS Emission Source: FLO2K

Item 103.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE

PARAMETERS AS SURROGATE

Monitoring Description:

The 2000 cfm flare shall be operated within 28 degrees C of the average combustion temperature established during the most recent performance test. The most recent test conducted in February 2009 established compliance with the 20 ppm NMOC as hexane limit at a temperature of 1549 degrees F. Exceedances of this permit limit are established under the condition for 40CFR 60.758(c).

Parameter Monitored: TEMPERATURE Lower Permit Limit: 1499 degrees Fahrenheit Monitoring Frequency: FOUR TIMES PER HOUR Averaging Method: 3-HOUR BLOCK AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 104: **Compliance Certification**

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 212-1.6 (a)

Item 104.1:

The Compliance Certification activity will be performed for:

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Permit ID: 8-4532-00023/00041 **Facility DEC ID: 8453200023**

Emission Unit: 1-LFGAS

Process: GAS Emission Source: FLO4K

Item 104.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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 immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with section 212-1.6(a) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions will be kept on-site in a format acceptable to the Department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of theses instances.

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 105: **Compliance Certification**

Effective between the dates of 11/21/2018 and 11/20/2023

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

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Permit ID: 8-4532-00023/00041 **Facility DEC ID: 8453200023**

Item 105.1:

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The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGAS

Emission Source: FLO4K Process: GAS

Item 105.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The 4000 cfm flare shall be operated within 28 degrees C of the average combustion temperature established during the most recent performance test. The most recent test conducted in February 2009 established compliance with the 20 ppm NMOC as hexane limit at a temperature of 1502 degrees F. Exceedances of this permit limit are established under the condition for 40CFR 60.758(c).

Parameter Monitored: TEMPERATURE Lower Permit Limit: 1452 degrees Fahrenheit Monitoring Frequency: FOUR TIMES PER HOUR Averaging Method: 3-HOUR BLOCK AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 106: **Compliance Certification**

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 212-1.6 (a)

Item 106.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGAS

Process: GAS Emission Source: PFL2K

Item 106.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

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

facility operation.

The permittee will conduct observations of visible emissions from the

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> emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with section 212-1.6(a) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions will be kept on-site in a format acceptable to the Department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of theses instances.

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 107: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

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

WWW

Item 107.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGAS

Process: GAS Emission Source: PFL2K

Item 107.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The average combustion temperature for PFL2K will be determined by the stack test required by this permit. This flare shall not operate such that the temperature in the stack for any three hour block

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> average is more than 28 degrees Celsius below the average combustion temperature determined during the approved stack test. Exceedances of this permit limit are established under the condition for 40CFR 60.758(c).

Parameter Monitored: TEMPERATURE

Lower Permit Limit: 28 degrees C below the approved performance

test combustion temperature

Monitoring Frequency: FOUR TIMES PER HOUR Averaging Method: 3-HOUR BLOCK AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 108: **Compliance Certification**

Effective between the dates of 11/21/2018 and 11/20/2023

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

WWW

NYSCEF DOC. NO. 12

Item 108.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGAS

Process: GAS Emission Source: PFL2K

Regulated Contaminant(s):

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

Item 108.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of the landfill shall test the control device once during the term of this permit if it becomes operational during the term of this permit to verify that the outlet concentration of NMOC from the device is less than 20 parts per million (dry, as hexane, at 3% oxygen), or the owner or operator of the landfill shall test the emissions from the control device to determine that the device is reducing the emission of NMOC by 98% (by weight). Refer to 40CFR60.754(d) for the specified test methods.

Parameter Monitored: NMOC - LANDFILL USE ONLY Upper Permit Limit: 98 percent reduction by weight

Reference Test Method: RM 18, 25, 25A, 25C

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD **INDICATED**

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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Permit ID: 8-4532-00023/00041 **Facility DEC ID: 8453200023**

The initial report is due 1/30/2019. Subsequent reports are due every 6 calendar month(s).

Condition 109: Compliance Certification Effective between the dates of 11/21/2018 and 11/20/2023

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

WWW

Item 109.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-LFGAS

Process: GAS Emission Source: PFL2K

Regulated Contaminant(s):

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

Item 109.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of the landfill shall test the control device once during the term of this permit if it becomes operational during the term of this permit to verify that the outlet concentration of NMOC from the device is less than 20 parts per million (dry, as hexane, at 3% oxygen), or the owner or operator of the landfill shall test the emissions from the control device to determine that the device is reducing the emission of NMOC by 98% (by weight). Refer to 40CFR60.754(d) for the specified test methods.

Parameter Monitored: NMOC - LANDFILL USE ONLY

Upper Permit Limit: 20 parts per million by volume (dry, corrected

to 3% oxygen)

Reference Test Method: RM 18, 25, 25A, 25C

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD **INDICATED**

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 110: **Compliance Certification**

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 212-1.6 (a)

Item 110.1:

The Compliance Certification activity will be performed for:

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Permit ID: 8-4532-00023/00041 **Facility DEC ID: 8453200023**

Emission Unit: 1-LFGAS

Process: GAS Emission Source: PFL3K

Item 110.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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 immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with section 212-1.6(a) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions will be kept on-site in a format acceptable to the Department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of theses instances.

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 115: Compliance Certification

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable Federal Requirement: 6 NYCRR 212-1.6 (a)

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Item 115.1:

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The Compliance Certification activity will be performed for:

Emission Unit: 1-SCREE

Process: 102 Emission Source: EPE02

Item 115.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the

performance of a Method 9 opacity evaluation at any time during facility operation.

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 immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred from a process source.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with section 212-1.6(a) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify The Department and conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions will be kept on-site in a format acceptable to the Department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of theses instances.

Monitoring Frequency: WHEN THE SOURCE IS OPERATING Reporting Requirements: SEMI-ANNUALLY (CALENDAR) Reports due 30 days after the reporting period. The initial report is due 1/30/2019. Subsequent reports are due every 6 calendar month(s).

Condition 116: **Compliance Certification** Effective between the dates of 11/21/2018 and 11/20/2023

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Permit ID: 8-4532-00023/00041 Facility DEC ID: 8453200023

Applicable Federal Requirement: 40CFR 60, NSPS Subpart OOO

Item 116.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-SCREE

Process: 102 Emission Source: EPE02

Item 116.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

The facility has a portable rock screening plant to provide materials for on-site construction. The rock screening plant will be limiting the total hours of operation to 1,750 hours/year. It is anticipated that there will be no more than 350,000 tons of rock processed. Hours of operation will be tracked using a log book kept at the facility.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

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Permit ID: 8-4532-00023/00041 Facility DEC ID: 8453200023

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: Emergency Defense - 6 NYCRR 201-1.5

An emergency, as defined in 6 NYCRR subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

- (a) The affirmative defense of emergency shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) an emergency occurred and that the facility owner or operator can identify the cause(s) of the emergency;
- (2) the equipment at the facility was being properly operated and maintained;
- (3) during the period of the emergency the facility owner or operator took all reasonable steps to minimize the levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (4) the facility owner 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 any corrective actions taken.
- (b) In any enforcement proceeding, the facility owner 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 malfunction provision contained in any applicable requirement.

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.

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

STATE ONLY APPLICABLE REQUIREMENTS

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

Condition 117: Contaminant List

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable State Requirement: ECL 19-0301

Item 117.1:

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

CAS No: 000074-82-8 Name: METHANE

CAS No: 000630-08-0

Name: CARBON MONOXIDE

CAS No: 007446-09-5 Name: SULFUR DIOXIDE

CAS No: 007664-41-7 Name: AMMONIA

CAS No: 007783-06-4

Name: HYDROGEN SULFIDE

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

CAS No: 0NY100-00-0 Name: TOTAL HAP

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY998-20-0

Name: NMOC - LANDFILL USE ONLY

Condition 118: Malfunctions and start-up/shutdown activities

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Effective between the dates of 11/21/2018 and 11/20/2023

Applicable State Requirement: 6 NYCRR 201-1.4

Item 118.1:

- (a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.
- (b) The facility owner or operator shall compile and maintain records of all equipment malfunctions, 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 department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous stack monitoring and quarterly reporting requirements need not submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.
- (c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates.
- (d) The department may also require the owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.
- (e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

Condition 4-14: Malfunctions and Start-up/Shutdown Activities Effective between the dates of 10/21/2021 and 11/20/2023

Applicable State Requirement: 6 NYCRR 201-1.4

Item 4-14.1:

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

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- (b) The facility owner or operator shall compile and maintain records of all equipment maintenance and start-up/shutdown activities when they are expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the department when required by a permit condition or upon request by the department. Such reports shall state whether an exceedence occurred and if it was unavoidable, include the time, frequency and duration of the exceedence, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous monitoring and quarterly reporting requirements need not submit additional reports of exceedences to the department.
- (c) In the event that air contaminant emissions exceed any applicable emission standard due to a malfunction, the facility owner or operator shall notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. In addition, the facility owner or operator shall compile and maintain a record of all malfunctions. Such records shall be maintained at the facility for a period of at least five years and must be made available to the department upon request. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, the air contaminants emitted, and the resulting emission rates and/or opacity.
- (d) The department may also require the facility owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.
- (e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

Condition 28: Air pollution prohibited Effective between the dates of 11/21/2018 and 11/20/2023

Applicable State Requirement: 6 NYCRR 211.1

Item 28.1:

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.

Condition 3-16: Compliance Demonstration
Effective between the dates of 07/01/2019 and 11/20/2023

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Permit ID: 8-4532-00023/00041 **Facility DEC ID: 8453200023**

Applicable State Requirement: 6 NYCRR 212-2.1 (a)

Item 3-16.1:

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The Compliance Demonstration activity will be performed for the Facility.

Item 3-16.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> The facility owner or operator shall not allow emissions of an air contaminant to violate the requirements specified in Table 4- Degree of Air Cleaning Required for Non-Criteria Air Contaminants under 6NYCRR Part 212-2.3, as applicable, for the environmental rating assigned to the contaminant by the Department.

The listed HTAC contaminants annual emissions from applicable sources in the permit application have been demonstrated to be less than the mass emission limits listed in 6NYCRR Part 212-2.2 Table 2.

Any proposed increase in any individual HTAC that would result in emissions greater than the values listed in 6NYCRR Part 212-2.2 Table 2 shall require a permit modification prior to implementation of such increase.

The facility owner or operator shall verify the parameters used to demonstrate compliance with 6NYCRR Part 212 semi-annually. These parameters include, but are limited to engineering emission estimates, mass balances, process flows, production records, control equipment parameters, manufacturer's published emission factors, etc. Any significant change to these parameters or any method of operation which could increase the emissions, increase the emission rate potential, decrease the air cleaning control efficiency, or be cause to alter the environmental rating may be considered a modification to the permit and will require a reevaluation to ensure continued compliance with Part 212.

Additionally, the facility owner or operator will investigate, in a timely manner, any instance where there is reason to believe that there is, or has been, an emission increase above those that are listed on the application, or that Part 212 emission standards have been or continue to be exceeded. In such cases, the facility owner or operator shall investigate the cause, make any corrections, and verify that the potential excess emissions problem has been corrected.

In order to confirm the emissions remain consistent as those in the application for the facility, the owner or operator shall resample the landfill gas once per year prior to renewal of this permit. The facility shall average the results of this sample with the previous 5 year's samples in order to confirm that the concentrations of any HTACs in the gas sample have not significantly increased.

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> At all times, the facility owner or operator must operate and maintain all process emission sources, including the associated air pollution control and monitoring equipment, if applicable, in a manner consistent with safe, good air pollution control practices, good engineering practices and manufacturer's recommendations for minimizing emissions.

> Records of observations, investigations and corrective actions with be kept on-site. A summary of these records will be included in the semi-annual compliance monitoring reports.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

Condition 4-15: **Compliance Demonstration** Effective between the dates of 10/21/2021 and 11/20/2023

Applicable State Requirement: 6 NYCRR 257-5.3

Item 4-15.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007783-06-4 HYDROGEN SULFIDE

Item 4-15.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> The facility owner or operator shall not allow emissions of hydrogen sulfide to violate the ambient air quality standard for hydrogen sulfide established in 6NYCRR Part 257-5.

Within 30-days of permit issuance of this modification, SMI must submit a workplan to the Department for surface emission rate quantification of hydrogen sulfide. The work plan must include details of the field methods, analytical methods and a schedule for implementation and deliverables. The workplan will also include a task for revising the most recent modeling performed for the Leachate System Upgrades to include the new H2S emission rate resulting from implementation of this workplan.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2022.

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

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Permit ID: 8-4532-00023/00041 **Facility DEC ID: 8453200023**

Condition 4-16: **Compliance Demonstration** Effective between the dates of 10/21/2021 and 11/20/2023

Applicable State Requirement: 6 NYCRR 257-5.3

Item 4-16.1:

NYSCEF DOC. NO. 12

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007783-06-4 HYDROGEN SULFIDE

Item 4-16.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The facility owner or operator shall not allow emissions of hydrogen sulfide to violate the ambient air quality standard for hydrogen sulfide established in 6NYCRR Part 257-5.

In order to have zero net increase in site-wide annual emissions of hydrogen sulfide due to the addition of the Membrane Bioreactor (MBR), the facility shall add hydrogen peroxide (or equivalent) prior to the bioreactor in order to reduce the H2S in the leachate and perform the following:

- a) Initial testing to confirm the required hydrogen peroxide (H2O2 or equivalent)/H2S ratio will be completed and submitted to DEC within 30-days of start-up. Based on modeling, the target H2S concentration in the feed to the Membrane Bioreactor (MBR) aerobic tank (Emission Source, TANK1) is 1.5 mg/L (as reduced sulfur) to maintain a zero net increase in site-wide annual emissions.
- 1. Dosing rate of hydrogen peroxide (or equivalent) will be calculated and included in the above submittal.
- b) Quarterly H2S monitoring of the MBR aerobic tank feed will be conducted to confirm H2S concentration.
- 1. If H2S concentration is above the threshold, H2O2 dosing rate will be revised and submitted to DEC within 30-days of discovery. Similarly, if the H2S concentration in the feed to the storage tank decreases below the modeled value, and/or the H2S concentration in the feed to the MBR aerobic tank is 0.5 mg/L or less, the H2O2 feed rate may be adjusted accordingly.
- c) Monitoring of the H2O2 dosage on a weekly basis will be conducted

using a flow meter, cycle counter, or similar device. The delivered dosage will be confirmed and submitted to DEC as part of item (a). If

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quarterly confirmation monitoring determines a need to adjust the dosing rate, this revised rate will be submitted to DEC as part of item (b)(1). Flow or cycle count data will be recorded by SMI on a weekly basis and these records will be maintained on site and available upon request.

Parameter Monitored: HYDROGEN SULFIDE Upper Permit Limit: 1.5 milligrams per liter

Monitoring Frequency: WEEKLY

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2022.

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

Condition 4-17: Compliance Demonstration Effective between the dates of 10/21/2021 and 11/20/2023

Applicable State Requirement: 6 NYCRR 257-5.3

Item 4-17.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007783-06-4 HYDROGEN SULFIDE

Item 4-17.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: AMBIENT AIR MONITORING

Monitoring Description:

The facility owner or operator shall not allow emissions of hydrogen sulfide to violate the ambient air quality standard for hydrogen sulfide established in 6NYCRR Part 257-5.

Within 30-days of permit issuance, SMI will submit an Ambient H2S Sampling and Monitoring Workplan to the Department that will include the number and location of monitoring units, data collection and management, reporting and investigation protocols and corrective actions for any exceedance of the 1-hr H2S ambient air standard. The workplan will be prepared considering NYSDEC's Field Protocol for Collecting and Analyzing Hydrogen Sulfide in Air with an Acrulog H2S Parts Per Billion Monitor (10/27/2020), and Department Approved Pilot Ambient Monitoring Workplan (07/2018).

Upper Permit Limit: 0.010 parts per million (by volume)

Reference Test Method: Reference Test Method to be Determined by DEC

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (ANNIVERSARY)

Initial Report Due: 12/20/2021 for the period 10/21/2021 through 11/20/2021

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Condition 3-5: **Compliance Demonstration** Effective between the dates of 07/01/2019 and 11/20/2023

Applicable State Requirement: 6 NYCRR Subpart 257-10

Item 3-5.1:

NYSCEF DOC. NO. 12

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007783-06-4 HYDROGEN SULFIDE

Item 3-5.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES Monitoring Description:

> The facility owner or operator shall not allow emissions of hydrogen sulfide to violate the ambient air quality standard for hydrogen sulfide established in 6NYCRR Part 257-10.

The applicant has demonstrated that hydrogen sulfide emissions for this facility are in compliance with the ambient air quality standard at a facility-wide emission rate of 2.77 lb/hr (including fugitive emissions).

The facility owner or operator shall verify the parameters used to demonstrate compliance with 6NYCRR Part 257-10 semi-annually. These parameters include, but are not limited to, engineering estimates, mass balances, process flows, production records, control equipment parameters, manufacturer's or published emission factors, etc. Any significant change to these parameters or any method of operation which could increase the emissions, increase the emission rate potential, decrease the air cleaning control efficiency, or be cause to alter the environmental rating of any contaminant may be considered a modification to the permit and will require a reevaluation to ensure continued compliance with Part 257-10.

Additionally, the facility owner or operator will investigate, in a timely manner, any instance where there is reason to believe that there is, or has been, an emission increase above those listed on the application, or that the Part 257-10 ambient air quality standard for hydrogen sulfide may have been or continues to be exceeded. In such cases, the facility owner or operator shall investigate the cause, make any corrections, and verify that the potential excess emissions problem has been corrected.

To verify emissions and show continued compliance with Part 257-10, the owner or operator shall sample the gas generated by the landfill once per year, within similar time periods each year. Prior to renewal of this permit, in order to confirm that the concentration of hydrogen sulfide in the gas sample has not significantly increased, the facility shall average the previous 5 years of gas samples to

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> determine an average concentration of hydrogen sulfide. If the concentration has increase significantly, the facility shall perform another screen analysis or submit a new Ambient Air Dispersion Modeling Protocol.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

**** Emission Unit Level ****

Condition 3-10: **Compliance Demonstration** Effective between the dates of 07/01/2019 and 11/20/2023

Applicable State Requirement: 6 NYCRR Subpart 257-2

Item 3-10.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-LEACH

Process: EVP

Regulated Contaminant(s):

CAS No: 007446-09-5 **SULFUR DIOXIDE**

Item 3-10.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING Monitoring Description:

The emissions from the facility shall not exceed the Sulfur Dioxide Air Quality Standards set forth in 6NYCRR Part 257-2.3. Emissions testing will be performed with the Concentrate/Leachate Evaporator being fueled by landfill gas and with concentrate running through the evaporator in order to confirm the emission factors/rates for this source in the Air Dispersion Modeling performed.

- 1) One stack from each of the two vessels will be tested.
- 2) Within 180 days of commencing operation of the Concentrate/Leachate Evaporator, an initial compliance test must be conducted to demonstrate compliance with the Sulfur Dioxide Air Quality Standards. The flare strength of the burner (Emission Source COEVP) shall be recorded during the testing as well as the pH range for the unit.
- 3) A test protocol shall be submitted for approval at least 30 days prior to the scheduled test.

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4) A final test report shall be submitted within 60 days of the

Upper Permit Limit: 2.59 pounds per hour

Reference Test Method: EPA RM 6C or ASTM D6348 Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD

INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

Condition 3-14: **Compliance Demonstration** Effective between the dates of 07/01/2019 and 11/20/2023

Applicable State Requirement: 6 NYCRR Subpart 257-10

Item 3-14.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-LEACH

Process: LTS

Regulated Contaminant(s):

CAS No: 007783-06-4 HYDROGEN SULFIDE

Item 3-14.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

In order to ensure proper operation of the leachate treatment system (LTS) and to remain in compliance with the ambient air quality standard for hydrogen sulfide established in 6NYCRR Part 257-10, the facility shall operate the system as follows:

An analyzer will continuously record the hydrogen sulfide concentration at the outlet of the second Purafil chamber of the LTS dry scrubber system. The LTS will continue to be operated as long as the concentration at the outlet of the second chamber is less than 20 ppm. Should monitoring of the outlet of the second bed meet or exceed 22 ppm, the leachate treatment operations will be shut down and the media replaced as necessary.

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The facility shall maintain a log recording when the media is changed out and record the instances where the reading exceeded 20 ppm.

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 20 parts per million (by volume) Monitoring Frequency: FOUR TIMES PER HOUR

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

MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

Condition 3-15: Compliance Demonstration Effective between the dates of 07/01/2019 and 11/20/2023

Applicable State Requirement: 6 NYCRR Subpart 257-10

Item 3-15.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-LEACH

Process: LTS

Regulated Contaminant(s):

CAS No: 007783-06-4 HYDROGEN SULFIDE

Item 3-15.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

In order to ensure proper operation of the leachate treatment system (LTS) and to remain in compliance with the ambient air quality standard for hydrogen sulfide established in 6NYCRR Part 257-10, the facility shall operate the system as follows:

SMI will use Draeger tubes or a VRAE instrument (or similar) to monitor concentration of hydrogen sulfide between the first and second chambers of the Purafil system on a daily basis. SMI will maintain media on site in storage sufficient to be able to replace spent media. Once hydrogen sulfide breakthrough is detected between the first and second chambers (inlet and outlet concentration of the first chamber is the same), SMI will make arrangements to change out the media in the first chamber. The control device can continue to operate and adequately control emissions using only the second chamber. This change-out can occur numerous times before the second chamber is saturated.

SMI will maintain a log of daily readings and any instances of when

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> breakthrough occurs. SMI will also note time/date when the media is replaced due to breakthrough.

Parameter Monitored: DEGREE OF AIR CLEANING Lower Permit Limit: 100 parts per million (by volume)

Monitoring Frequency: DAILY

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE - SEE

MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2020.

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

Condition 92: Compliance Demonstration Effective between the dates of 11/21/2018 and 11/20/2023

Applicable State Requirement: 6 NYCRR Subpart 257-10

Item 92.1:

NYSCEF DOC. NO. 12

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-LEACH

Process: LTS

Regulated Contaminant(s):

CAS No: 007783-06-4 HYDROGEN SULFIDE

Item 92.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

In order to ensure proper operation of the leachate treatment system (LTS) and to remain in compliance with the ambient air quality standard for hydrogen sulfide established in 6NYCRR Part 257-10, the facility shall operate the system as follows:

SMI will use Draeger tubes or a VRAE instrument (or similar) to monitor concentration of hydrogen sulfide between the first and second chambers of the Purafil system on a daily basis. SMI will maintain media on site in storage sufficient to be able to replace spent media. Once hydrogen sulfide breakthrough is detected between the first and second chambers (inlet and outlet concentration of the first chamber is the same), SMI will make arrangements to change out the media in the first chamber. The control device can continue to operate and adequately control emissions using only the second chamber. This change-out can occur numerous times before the second chamber is saturated.

SMI will maintain a log of daily readings and any instances of when breakthrough occurs. SMI will also note time/date when the media is

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replaced due to breakthrough.

Parameter Monitored: DEGREE OF AIR CLEANING Lower Permit Limit: 100 parts per million (by volume)

Monitoring Frequency: DAILY

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE - SEE

MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 93: Compliance Demonstration

Effective between the dates of 11/21/2018 and 11/20/2023

Applicable State Requirement: 6 NYCRR Subpart 257-10

Item 93.1:

NYSCEF DOC. NO. 12

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-LEACH

Process: LTS

Regulated Contaminant(s):

CAS No: 007783-06-4 HYDROGEN SULFIDE

Item 93.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

In order to ensure proper operation of the leachate treatment system (LTS) and to remain in compliance with the ambient air quality standard for hydrogen sulfide established in 6NYCRR Part 257-10, the facility shall operate the system as follows:

An analyzer will continuously record the hydrogen sulfide concentration at the outlet of the second Purafil chamber of the LTS dry scrubber system. The LTS will continue to be operated as long as the concentration at the outlet of the second chamber is less than 20 ppm. Should monitoring of the outlet of the second bed meet or exceed 22 ppm, the leachate treatment operations will be shut down and the media replaced as necessary.

The facility shall maintain a log recording when the media is changed out and record the instances where the reading exceeded 20 ppm.

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 20 parts per million (by volume) Monitoring Frequency: FOUR TIMES PER HOUR

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

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Exhibit C

NYSQEO/1DOC. NO. 13

NEW YORK	Department of
STATE OF	Environmental
OPPORTUNITY	Conservation
OPPORTUNITY S	Control of the Contro

RECEIVED	NYSCEF:	05/31/202
DEPARTM	ENT USE ONI	LY
DEC APPLICATION NO.		
ACTIVITY NUMBER(S)		

Division of Materials Management APPLICATION FOR A SOLID WASTE MANAGEMENT FACILITY PERMIT

Please read all instructions before completing this application

Email Kyle.black@wasteconnections.com Email Kyle.black@wasteconnections.com Email Kyle.black@wasteconnections.com Email Fob.holmes@tetratech.com 7. FACILITY NAME AND LOCATION (Attach USGS Topo Map showing exact location) Name Seneca Meadows Solid Waste Facility Seneca Seneca Meadows Solid Waste Seneca Meadows Solid W	Please TYPE or PRINT clearly				Reset Fo	(100)
Initial (New) Renewal	1. APPLICATION TYPE (CHECK ALL APPLIC	ABLE BOXES):	2. APPLICANT IS:	The Section of the Se	Voc	No.
SALESCEPTED Seneca Meadows, Inc. Name Seneca Meadows, Solid Waste Facility Seneca Meadows, Solid Waste Facility Seneca Sells / New York / 13165 Street Salcman Road & Route 414 Address Salcman Road & Route 414 A	☐ Initial (New) ☐ Re	enewal		ON B	EHALF OF A MUNICIPALITY?	<u></u>
Name Seneca Meadows, Inc. Name Seneca Meadows, Inc. Address 1786 Salcman Road NY License # 197317 Phone 585-450-4007 State/Zip NY/13165 Phone 315-539-5624 State/Zip NY/13165 Phone 315-539-5624 State/Zip NY/13165 Phone 315-539-5624 State/Zip NY/13165 Phone 315-539-5624 State/Zip NY/13165 Phone State/Zip NY/13165	Subsequent Landfill Stage (New) 🛛 M	odification		If Yes,	Name	
Address 1786 Salcman Road Address 1786 Salcman Road Oty Waterloo City Waterloo Firm Name Comentone Engineering Geology & Lead Surveying PLLC Address Salcman Road & Route 414 City/State/Zip Seneca Falls County Seneca Meadows Solid Waste Facility Seneca Falls County Seneca Geology Geology & Lead Surveying PLLC Conditionates NYTM-E 1,145,778 NYTM-N 15,558,845 9. TYPE OF FACILITY (Check all applicable boxes) Combustion & Thermal Treatment (\$62-1) And Application & Associated Survey (\$61-5) As Listed in 2019 Annual Report Address 10. NAME(S) OF ALL MUNICIPALITIES SERVED: As Listed in 2019 Annual Report 11. SOLID WASTES ACCEPTO: Water Tire Handing & Recovery (\$61-6) Water Tire Associated Storage (\$61-2) Water Tire Handing & Recovery (\$61-6) Wa	4. FACILITY OWNER'S INFORMATION	5. FACILITY OPE	RATOR'S INFORMAT	ION	6. ENGINEER'S INFORMATION	
City Waterloo City Waterloo City Waterloo City Waterloo City Waterloo Firm Name Camerstone Engineering, Geneboy & Land Sunneying, PLIC State/Zip (NY/13165) Phone [315-539-5624] Email Syleblack@wasteconnections.com Final Industrian State (State (Name Seneca Meadows, Inc.	Name Seneca Me	adows, Inc.		Name Robert A. Holmes	
State/Zip NY/13165 Phone 315-539-5624 State/Zip NY/13165 Phone 315-539-5624 Email kyle.black@wasteconnections.com Email kyle.black@wasteconnections.com Email kyle.black@wasteconnections.com Email kyle.black@wasteconnections.com Email kyle.black@wasteconnections.com Email Tob.holmes@tetratech.com Email Tob.holmes@tetratec	Address 1786 Salcman Road	Address 1786 Salcm	nan Road		NY License # 077317 Phone 585-450-4	007
Email	City Waterloo	City Waterloo			Firm Name Cornerstone Engineering, Geology & Land Sur	eying, PLLC
7. FACILITY NAME AND LOCATION (Attach USGS Topo Map showing exact location) Name Seneca Meadows Solid Waste Facility Street Salcman Road & Route 414	State/Zip NY / 13165 Phone 315-539-5624	State/Zip NY / 1316	5 Phone 315-539-562	4	Address 3136 South Winton Road, Suite 303, Rochester	, NY, 14623
Name Seneca Meadows Solid Waste Facility Seneca Meadows, Inc.	2004 OF CON 1 1 100 YEAR OF CONTROL OF CONT	English Andrews	APPAGE GENERALISAN SENTENCENCIONES PARTICIONES E EN MESTAL		Email rob.holmes@tetratech.com	
Street Salcman Road & Route 414 City/State/Zip Seneca Falls / New York / 13165 Town Seneca Falls / County Seneca		USGS Topo Map	showing exact locat	ion)	A Company of the Comp	
City/Town Waterloo Town Seneca Falls					Total (MICHAEL) CO. Co	
Town Seneca Falls County Seneca State Zip NY/13165 Phone 315-539-5624 Coordinates: NYTM-E [1,145,778 NYTM-N [15,598,845 Email kyle.black@progressivewaste.com 9. TYPE OF FACILITY (Check all applicable boxes) Combustion & Thermal Treatment (362-1) Nav/gational Dredge Mat. H/ding & Recovery (361-9) C & D Debris Handling & Recovery (361-5) Nonspecific Facilities (360.17) Household Hazardous Waste Collection (362-4) Research, Development, and Demonstration (360.18) Land Application & Associated Storage (361-2) Waste Oil (374-2) Match Processing (361-4) Waste Processing (361-6) Mulch Processing (361-4) Used Cooking Oil & Yellow Greaze (361-8) Mulch Processing (361-4) Used Cooking Oil & Yellow Greaze (361-8) 11. SOLID WASTES ACCEPTED: Identity facility capacity and throughput of each waste type, as applicable 5000 Tons Fer Day's Tirle Facility - Tire Storage - twenty piles with 200,000 tires, each pile - See Attached Table for MSW *Annualized A Variance Requested From Any Provisions of the Central Provisions of the Penal Law.	Street Salcman Road & Route 414				Address 1786 Salcman Road	
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NYSCEF DOC. NO. 13

RECEIVED NYSCEF: 05/31/2024

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INDEX NO. 902866-24

Instructions for the completion of an Application for a Solid Waste Management Facility Permit

General

This application form is prescribed by the New York State Department of Environmental Conservation (DEC) for solid waste management facilities pursuant to the requirements of 6 NYCRR Parts 360, 361, 362, 363, 365, and 621. In order to be determined complete, the application must satisfy the requirements established in Subparts 621.3 and 621.4 and the plans, reports, and other supporting information required by Parts 360, 361, 362, 363, 365. Applicants should make every effort to enter the information requested in the spaces provided on this form **but may attach additional sheets where space prohibits full and complete answers**. For the purposes of this form, the term "facility" shall mean "solid waste management facility."

Submit all application materials to the Regional Permit Administrator for the DEC region in which the facility is located, or is proposed to be located. See Part 621 Appendix 1. Note: The applicant should retain a copy of the completed application form.

Item Number

- 1 Check all boxes that pertain to the type of permit sought.
 - An initial permit is the first permit the owner or operator receives for the facility. See 360.16
 - A permit renewal is used when intending to construct or operate beyond the current permit period. See 360.16(g) and 621.13
 - A permit modification is used for any change or amendment whatsoever to a current permit. See 360.16(f), and 621.13
- 2 Check the box that describes the applicant's affiliation with the facility. The applicant must either be the owner of the facility or the entity or person responsible for the overall operation of the facility. See 360.2(b)(13)
- If the application is submitted by or on behalf of a municipality, enter the name of the municipality. See 360.2(b)(179) and (180)
- 4 Identify the entity or person who owns the facility. See definition of "person", 360.2(b)(198)
- ldentify the entity or person responsible for the overall management and operation of the facility.
- Identify the individual licensed to practice engineering in the State of New York who is responsible for the design of the facility, and the preparation and certification of any supporting information required to be submitted with this application. Include the name of the firm which employs the engineer, where applicable. See 360.6 and 621.3(a)(1).
- 7 Enter the name and address of the facility. Attach a USGS Topographic Map, or copy of one, showing the exact location of the facility.
- ldentify the entity or person who owns the site on which the facility is situated, or who will own the site on which the proposed facility will be situated. See 360.2(b). For new applications, written permission from the owner(s) of land which the facility is to be located is required 360.16(c)(1)(iii).
- 9 Check the box that most closely describes the facility that is the subject of this application. For combination facilities check all applicable boxes. For Research, Development and Demonstration permits and Nonspecific permits, see 360.18 and 360.17, respectively.
- 10 Enter the name of all municipalities in the existing and/or proposed service area of the facility. See 360.2(b)(246) and 360.16(c)(5) & (d).
- 11 Enter the specific wastes to be accepted at the facility.
- 11a If applying for a permit renewal or modification, enter the new or existing "approved design capacity" from the current permit. See 360.2(b)(14)
- For initial permit and permit modification applications, enter the proposed "approved design capacity." See 360.2(b)(14) and (15). Generally, units must be expressed as tons per day, except that waste oil must be in gallons, waste tires must be number of tires, and land application and composting must be dry tons per day.
- 12a Enter the area proposed to be occupied by the facility, not including access roads, appurtenances, and land buffer areas. See 360.2(b)(101)
- Enter the area of the contiguous property on which the facility is situated, including the area of the facility, access roads, appurtenances, land buffer and unused areas.
- 12c For facilities that are to be developed in stages, enter the total facility area that is ultimately proposed, inclusive of all stages.
- 12d For landfills, enter any existing landfill area on the site and on adjacent properties that were subdivided from this site within the previous five years.
- 12e Enter the height of the highest point of the proposed facility as measured from existing ground level.
- 13 Identify all provisions of Part 360 from which a variance is sought. The variance request must satisfy the requirements of 360.10 and 621.3(a)(5). Attach documentation as necessary. A variance request that is submitted on behalf of a facility with a current permit must be submitted as an application for a permit modification.
- 14 The certification block must be completed by the applicant. See 360.16(a) and 621.3(a)(2).

FILED: ALBANY COUNTY CLERK 05/31/2024 03:36 PM INDEX NO. 902866-24

NYSCEF DOC. NO. 14

RECEIVED NYSCEF: 05/31/2024

Exhibit D

RECEIVED NYSCEF: 05/31/2024

New York State Department of Environmental Conservation Air Permit Application

NEWYORK STATE OF OPPORTUNITY PROPERTY OF CONSERVATION

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Version 2 - 8/23/2016

NYSCEF DOC. NO. 14

Application ID

8 - 4 5 3 2 - 0 0 0 2 3 / 0 0 0 4 1

Application Type
State Facility × Title V

Section I - Certification

	Section 1 - C	citification				
	Certific	ation				
certify under penalty of law that this document and all atta assure that qualified personnel properly gather and evaluat gathering the information required to complete this applica penalties for submitting false information, including the pos	e the Information subm tion, I believe the Inform	itted. Based on my Inqu mation is true, accurate	ulry of the person e, and complete. I	or persor	s directly resp	ponsible for
Responsible Official KYLE 13	LACK		Title	219	TRICT	M ANAG
Signature BO B	2//		Date	7	115/	2020
	rofessional Engir	neer Certification				
certify under penalty of law that I have personally examine attachments as they pertain to the practice of engineering. of fines and imprisonment for knowing violations	d, and am familiar with	, the statements and in	nformation submit			nd all its ng the possibility
Professional Engineer Richard Ja	S du 3	HILL	7	cense N		242
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City / Town / ₹ Village Waterloo	umari Xirin in Love So			Z	ip 13165	
	irm information					Taxpayer ID
Name Seneca Meadows, Inc.					[6]1[0]	9 0 6 6 5
Street Address 1786 Salcman Road						
city Waterloo	State/Province	NY	Country USA	\	Zip ′	13165
Owner Classification: Federal State	Municipa	Corpora	tion/Partnersh	lp	* Individ	ual
	Owner/Firm Con	tact Information				
Name				Phone	(315) 53	9-5624
E-mail Address	- Summin worther 1			Fax		
Affiliation Seneca Meadows, Inc.			Title	ALL MERCE		
Street Address 1786 Salcman Road						
City Waterloo	State/Province N	IY .	Country USA	Α .	Zip	13165
(A) (A) (A) (A) (B) (B) (B) (B) (B) (B) (B) (B) (B) (B		t Information				
Name Kyle Black		1000	AND COMPANY	Phone	(315) 53	9-5624
E-mail Address Kyle, Black@WasteConnec	tions.com				315) 539-	
Affiliation Seneca Meadows, Inc.			Titl		trict Mana	
Street Address 1786 Salcman Road			1 110			
City Waterloo	State / Drovinsa 1	uy I	Country US/	v.	7:-	13165

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Project Description

The facility is proposing the Valley Infill Expansion (new Source VFILL) that will have a design capacity of approximately 47 million cubic yards and will extend the life of the facility by over 15 years. There are no changes being proposed to the current waste acceptance rate.

Section III - Facility Information

		345 A U	Fac	cility Classific	ation			
	Hospital	Residential	Education	al/Institutional	Co	mmercial	* Industrial	Utility
			Affected Stat	es (Title V Ap	plication	s Only)		
	Vermont	Massachu	setts Rhode	Island Pe	nnsylvania	Tribal La	nd: Onondaga Nation	
	— New Hai	mpshire \Box	Connecticut	New Jersey	Ohio	Tribal Land:		ensemble littleming College hat dem Significant Frakkrands from Santahungkant fraktisch
	SIC	Code(s)				NAICS	Code(s)	
4950	3							
		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Fa	acility Descrip	tion		×	Continuation Sheet(s)

The facility is a privately owned solid waste landfill. It is comprised of the Tantalo Waste Disposal Site (closed), the Existing Landfill with AB Overfill, the Southeast Landfill and Bumpout, and the Landfill Expansion areas. Landfill gas (LFG) is drawn from the landfill via a gas collection system and blowers owned and operated by Seneca Meadows. LFG is directed to a separate LFG-to-Energy facility that is owned, operated and permitted by Seneca Energy, Inc...

Compliance Statements (Title V Applications Only)

certify that as of the date of this application the facility is in compliance with all applicable requirements. × Yes If one or more emission units at the facility are not in compliance with all applicable requirements at the time of signing this application (the 'NO' box must be checked), the noncomplying units must be identified in the "Compliance Plan" block on page 8 of this form along with the compliance plan information required. For all emission units at the facility that are operating in compliance with all applicable requirements, complete the following:

- × This facility will continue to be operated and maintained in such a manner as to assure compliance for the duration of the permit, except those emission units referenced in the compliance plan portion of this application.
- * For all emission units subject to any applicable requirements that will become effective during the term of the permit, this facility will meet such requirements on a timely basis.
- × Compliance certification reports will be submitted at least once per year. Each report will certify compliance status with respect to each applicable requirement, and the method used to determine the status.

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			Fac	ility Applica	able Federal R	equirements		Continu	iation Sheet(s
Title	Type	Part	Subpart	Section	Subdivision	Paragraph	Subparagraph	Clause	Subclause
40	CFR	60	A	11					
40	CFR	60	Α	12					
40	CFR	40	Α	14					
40	CFR	60	Α	15					
	1 1 1 1	112	a Maria	Facility Sta	ite Only Requ	irements		Continu	ation Sheet(s
Title	Туре	Part	Subpart	Section	Subdivision	Paragraph	Subparagraph	Clause	Subclause
6	NYCRR	200		6					
6	NYCRR	200		7					

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	Section II -	Identificat	tion I	ntormation
	Project	Description	(conti	nuation)
where electricity is produced	for the open marke	et.		
and as a backup to the energy	plant. An additiona	al e	enclose	4,000 enclosed flare used to combust excess gas ed flare has been approved to account for the li is also pursuing other end users of the gas.
The facility also has leachate, or emergency generators serve as facility applies odor neutralizers	s a backup to the f	ge tanks as w acility in case	ell as p of pow	oropane and waste oil-fired furnaces on site. Ver failure. As a measure of odor control, the
			2	

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Section III - Facility Information

	Section III - Facility III of matter			
	Facility Emissions Summary (continuat	rion) PTE		Actual
CAS No.	Contaminant Name	(lbs/yr)	Range	(lbs/yr)
75-35-4	1,1-Dichloroethene	<10		
107-06-2	1,2-Dichloroethane	<10		
78-87-5	1,2-Dichloropropane	<10		
107-13-1	Acrylonitrile	<10		
75-15-1	Carbon disulfide	<10		
56-23-5	Carbon tetrachloride	<10		
463-58-1	Carbonyl sulfide	<10		
75-00-3	Chloroethane	<10		
67-66-3	Chloroform	<10		
75-09-2	Dichloromethane	<10		
100-41-4	Ethylbenzene	<10		
110-54-3	Hexane	<10		
7439-97-6	Mercury	<10		
108-10-1	Methyl isobutyl ketone	<10		
127-18-4	Perchloroethylene	<10		
79-01-6	Trichloroethene	<10		
75-01-4	Vinyl chloride	<10		
7647-01-0	Hydrochloric Acid	<10		
1330-20-7	Xylene	<10		
71-43-2	Benzene	<10		
108-88-3	Toluene	<10		
108-90-7	Chlorobenzene	<10		

Continuation Sheet $\underline{1}$ of $\underline{1}$

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Section III - Facility Information

Facility Applicable Federal Requirements (continuation)												
Title	Туре	Part	Subpart	Section	Subdivision	Paragraph	Subparagraph	Clause	Subclause			
40	CFR	60	Α	4				i.				
40	CFR	60	A	7	а							
40	CFR	60	Α	7	b							
40	CFR	60	Α	7	С							
40	CFR	60	A	7	d							
40	CFR	60	Α	7	е							
40	CFR	60	Α	· 7 ·	f							
40	CFR	60	A	7	g							
40	CFR	60	www	752	b	2						
40	CFR	60	www	753	а							
40	CFR	60	www	753	b				·			
40	CFR	60	www	753	С			· ·				
40	CFR	60	www	753	d			:				
40	CFR	60	www	753	е							
40	CFR	60	www	753	f							
40	CFR	60	www	753	g							
40	CFR	60	WWW	754	d							
40	CFR	60	www	755	а							
40	CFR	60	www	755	b							
40	CFR	60	www	755	С							
40	CFR	60	www	755	d							
40	CFR	60	www	755	е							
40	CFR	60	www	756	а							
40	CFR	60	www	756	b							
40	CFR	60	www	757	d							
40	CFR	60	www	757	е							
40	CFR	60	www	757	g							
40	CFR	60	www	758	a							
40	CFR	60	www	758	b							
40	CFR	60	www	758	С							
40	CFR	60	www	758	d							

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Section III - Facility Information

	Section III - Facility Information													
	Facility Applicable Federal Requirements (continuation)													
Title	Type	Part	Subpart	Section	Subdivision	Paragraph	Subparagraph	Clause	Subclause					
40	CFR	60	www	759	a									
40	CFR	60	www	759	С			:						
40	CFR	60	Α	8	а									
40	CFR	60	Α	8	b									
40	CFR	60	Α	8	С				:					
40	CFR	60	Α	8	d									
40	CFR	60	Α	8	е									
40	CFR	60	Α	8	f	·								
40	CFR	60	A	9	•									
40	CFR	60	М	154										
40	CFR	60	AAAA	1955	b				-					
40	CFR	60	AAAA	1980	а									
40	CFR	60												
40	CFR	60	F											
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Section III - Facility Information

Facility State Only Requirements (continuation)													
Title	Туре	Part	Subpart	Section	Subdivision	Paragraph	Subparagraph	Clause	Subclause				
6	NYCRR	201	6	5	а	4							
6	NYCRR	201	6	5	a	7			AD CORNE				
6	NYCRR	201	6	5	а	8							
6	NYCRR	201	6	- 5	С								
6	NYCRR	201	6	5	С	2							
6	NYCRR	201	6	5	С	3	ii						
6	NYCRR	201	6	5	d	- 5							
6	NYCRR	201	6	5	е								
6	NYCRR	201	6	5	f	6			·				
6	NYCRR	201	6	5	g								
6	NYCRR	202	1	1									
6	NYCRR	202	2	1									
6	NYCRR	202	2	5									
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g se sugal e		Faci		mpliance Cert	ification			Contir	nuation Sheet(:
				Rule Citation	-			I	1 2
Title Type	Part Sub	part Se	ection	Subdivision	Paragrap	h	Subparagraph	Clause	Subclause
Analisable Foders	I Dogwinger out	<u> </u>		AC N:					
Applicable Federa	-	Capping		AS Number			Contaminant	Name _	
_ State Only Require	emenic		N/onit	oring Informa	 				
Work Practice	Involving Specific	Operations		bient Air Monit		Reco	ord Keeping/Mai	ntenanc	e Procedures
				e Activity De:			7 0/		
The facility is proceed to a capacity of apposed and the cape are are are are are are are are are ar	roximately 47	million cu	bic ya	rds and will	extend the	ne li	fe of the faci	lity by	
Work Practice		Process Ma	aterial						-
Type Code	Code	De	escriptio	n			Reference Te	est Metr	100
							*	•	
C-1-	Monitore	d Parameter				Mar	nufacturer's Nam	ne/Mod	el Number
Code	Galland States of St	Descript	ion						
	nit				Limit	: Unit	•		
Upper	Lower	Code		1 19	Liiiiii	ear og met som	escription		
Carrier and Carrie	ng Method		CIDDIES AND MARK TOWNS YOU	nitoring Freque			Reportin		
Code	Description	Coc	le	Descri	otion		Code	Des	cription
							· · · · · · · · · · · · · · · · · · ·	***************************************	
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CAS Number		Contam	inant N	ame		,	Potential to Emit (tons/yr)		tuai Emissions (pounds/yr)
0NY075 - 00 - 5		P	M-10				12.8		(H2-11-27)(-)
0NY750 - 02 - 5		Р	M-2.5		*		12.8		<u> </u>
007446 - 09 - 5		Sulfu	r Dioxid	le	·	╁	195.9		
0NY210 - 00 - 0		Oxides	of Nitro	gen	· .	_	199.9	- 	
000630 - 08 - 0			Monox				499.9	-	
007439 - 92 - 1			element			<u> </u>			
0NY998 - 00 - 0	To		+	32.6					
0NY100 - 00 - 0		otal Volatile C Total Hazard				1	13.1		
0NY750 - 00 - 0		Carbon Dio				\vdash	727,547		
	·		MOC			+	66.6		
71-55-6		1,1,1-Tri		thane	· · · · · · · · · · · · · · · · · · ·	\vdash	< 10		<u> </u>
79-34-5	· · · · · · · · · · · · · · · · · · ·					\vdash	<10	_	
79-34-5 1,1,2,2-Tetrachloroethane 75-34-3 1,1-Dichloroethane							<10		
1 U-U 4- U		1,1~010		1	~1 U				

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	Section IV - Emission Unit Information
	Emission Unit Description Continuation Sheet(s)
Emission Unit 1 -	
capacity of approx	posing the Valley Infill Expansion (new Source VFILL) that will have a design ximately 47 million cubic yards and will extend the life of the facility by over 15
	no changes being proposed to the current waste acceptance rate.
	Building Information Continuation Sheet(s)
Building ID	Building Name Length (ft) Width (ft) Orientation
- N	
Emission Unit	
1-LFGAS	Emission Unit Emissions Summary Continuation Sheet(s)
CAS Number	Contaminant Name
555 (14. /)	Potential to Emit Actual Emissions
ERP (lbs/yr)	(lbs/hr) (lbs/yr) (lbs/hr) (lbs/yr)
CAS Number	Contaminant Name
20000001	
ERP (lbs/yr)	Potential to Emit Actual Emissions
	(lbs/hr) (lbs/yr) (lbs/hr) (lbs/yr)
CAS Number	Contaminant Name
CAS NUMBER	Containment Maine
	Potential to Emit Actual Emissions
ERP (lbs/yr)	(lbs/hr) (lbs/yr) (lbs/hr) (lbs/yr)
200 N	
CAS Number	Contaminant Name
-	
ERP (lbs/yr)	Potential to Emit Actual Emissions
ENF (105/91)	(lbs/hr) (lbs/yr) (lbs/hr) (lbs/yr)

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					Emiss	ion Poin	it Info	rmation	1		-	Continua	ation Sheet(s)
Emission Point	ПТ	XEDRO DESCRIPTION											
Ground	Height	(ft)	Height Ab			Diameter	Fvit	Temp. (°F	E)	SATURDAY OF SAME SATURATION OF SA	Cross S	unicationism filerational associations	
Elevation (ft)	ייפיייוי	1, 5,	Structure	(ft)	(ir	n)	LAIL	remp. ()	<u> </u>	Length (in)		Wid	dth (in)
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Exit Velocity	Exit Fl (ACFI	KENSON OF S	NYTM (E) ((KM)	NYTM ((N) (KM)	E	Building	Di	stance to Prop	erty	Date o	of Removal
(FPS)	(AC)	VIJ								Line (ft)			
Emission Point		\top											
Ground			Height Ab	ove	Inside D	Diameter					Cross S	ection	
Elevation (ft)	Height	(ft)	Structure	0.000 0.000 0.000 0.000		n)	Exit	Temp. (°I	F) 🗀	Length (in)	enectors and a record to	MATRICINA CONTRACTOR	dth (in)
Exit Velocity	Exit Fl		NYTM (E) ((KM)	NYTM	(N) (KM)	E	Building	Di	istance to Prop	perty	Date o	of Removal
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							- econolidate(pa)	~**					
Emission Point		·											
Ground	Height	t (ft)	Height Ab			Diameter	Exit	Temp. (°I	F) -		Cross S		1.1 P.A
Elevation (ft)			Structure	(ft)	fu.	n)		-		Length (in)		VVII	dth (in)
Exit Velocity	Exit Fl	IOW						line ga	 l_pi	istance to Pro	narty	No.	
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				En	nission S	ource/C	ontro	Inform	nation			Continu	ation Sheet(s)
Emission Sou	ırce	E	Date of		ate of	Date	120000000000000000000000000000000000000	Company of the Compan	Contro	l Туре		Manufac	Action College (ACT) And College (ACT)
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I ID I	Type	Lon	nstruction	Ope	eration	Remo	ivai	Code	U	escription	INE	ame/iviou	el Number
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Capacity	Code		Design Co	NO ANOTHOR ENGINEER	ription			Code	SOCIETION PROBLEMS	escription	Cod		escription
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		Process Info	ormation		Continuation Sheet(s)
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		Process De			
		nd the collection effic well as from the Land			ms) from the
		Total Throughput	Thi	roughput Quantity	Jnits
Source Classification (Code (SCC) Qua	intity/Hr Quantity/Yr	Code	Descript	
· ·		10-001-0000 (Santa On Land St. 10-000)			
Confidential		Operating Sched	ule Buildin ys/Year	g Flo	or/Location
Operating at Maxir	num Capacity				
		Emission Point	Identifier(s)	1	
alif we will be a start of		Emission Source/Co	entral Idantifica(a)		
VFILL		Emission source/co	ntioridentifier(s)		
Emission Unit 1	- L F G A S				Process G A S
	line line	Process De	scription		
Collected landfil	I gas from the	Valley Infill Expansion	on in combusted i	n the onsite fla	res
e e	•				
		Total Throughput	Th	roughput Quantity	Units
Source Classification (Code (SCC) Qua	antity/Hr Quantity/Yr	Code	Descript	Control of the Contro
				TANGS OF THE PROPERTY OF THE P	
— Confidential Operating at Maxii	mum Capacity	Operating Sched Hours/Day Da	ys/Year Buildin	g till still flag	oor/Location
		Emission Point	: Identifier(s)		
VFILL					
Ī		Emission Source/Co	ontrol Identifier(s)		.
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Emission Unit			Process
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	Potential to Emit	Standard Potential to Emit	Actual Emissions
(lbs/hr)	(lbs/yr) (standard units)	Units How Determined	(lbs/hr) (lbs/yr)
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Emission Unit	1-	OV Through 100 Control	Process Process
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	Potential to Emit	Standard Potential to Emit	Actual Emissions
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Emission Unit			Process
CAS Number	Contaminant Name	% Thruput % Capture % Control	ERP (lbs/hr) ERP How Determined
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(lbs/hr)	(lbs/yr) (standard units)	Units How Determined	(lbs/hr) (lbs/yr)
van sala		on Source Emissions Summary	Continuation Sheet(s)
Emission Source		on source chinssions summary	Process Process
CAS Number	Contaminant Name	% Thruput % Capture % Control	ERP (lbs/hr) ERP How Determined
18	Potential to Emit	Standard Potential to Emit	Actual Emissions
(lbs/hr)	(lbs/yr) (standard units)	Units How Determined	(lbs/hr) (lbs/yr)
Emission Source			Process
CAS Number	Contaminant Name	% Thruput % Capture % Control	ERP (lbs/hr) ERP How Determined
1450 145 2 TREET	Potential to Emit	Standard Potential to Emit	Actual Emissions
(lbs/hr)	(lbs/yr) (standard units)		(lbs/hr) (lbs/yr)
Emission Source			Process
CAS Number	Contaminant Name	% Thruput % Capture % Control	ERP (lbs/hr) ERP How Determined
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(lbs/hr)	(lbs/yr) (standard units)	Units How Determined	(lbs/hr) (lbs/yr)

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Emission Unit	Point	Process	Source	Title	Type	Part	Subpart	Section	Subdiv.	Parag.	Subparag.	Cl.	Subcl.
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	Section Control Control Control Control	10.70.000 Miles Calculation of the		Dona Chambooon	i ka manan di kana		Personal Code (Code		in and the second				
Emission Unit	Emission	Process	Emission		£94596000000000	.990-m0ma/6-263707-1	Unit State	of Lesson assessment surprise	CHECKER CONTROLS	S	Continu	uation	Sheet(s)
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New York State Department of Environmental Conservation **Air Permit Application**



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NYSCEF DOC. NO. 14

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Supporting Documentation and Attachments	
Required Supporting Documentation	Date of Document
× List of Exempt Activities (attach form)	
× Plot Plan	
× Process Flow Diagram	
× Methods Used to Determine Compliance (attach form)	
× Emissions Calculations	
Optional Supporting Documentation	Date of Document
Air Quality Model	
Confidentiality Justification	
Ambient Air Quality Monitoring Plan or Reports	
Stack Test Protocol	
Stack Test Report	
Continuous Emissions Monitoring Plan	
Lowest Achievable Emission Rate (LAER) Demonstration	
Best Available Control Technology (BACT) Demonstration	
Reasonably Available Control Technology (RACT) Demonstration	
Toxic Impact Assessment (TIA)	
Environmental Rating Demonstration	
Operational Flexibility Protocol/Description of Alternate Operating Scenarios	
Title IV Permit Application	
Emission Reduction Credit (ERC) Quantification (attach form)	
Baseline Period Demonstration	
Use of Emission Reduction Credits (attach form)	
Analysis of Contemporaneous Emissions Increase/Decrease	
Other Supporting Documentation	Date of Document

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New York State Department of Environmental Conservation Air Permit Application



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		Methods Used to Determine Compliance	
Emission Unit ID	Applicable Requirement	Method Used to Determine Compliance	Compliance Date
1-LEACH, 1-LFGAS, 1-CRUSH, 1-EMGEN, 1-SCREE, 1- SOILS	6 NYCRR 201-6.4(c)	Submit a Semiannual Report for any required monitoring	January 30 & July 30 each year
1-LEACH, 1-LFGAS, 1-CRUSH, 1-EMGEN, 1-SCREE, 1- SOILS	6 NYCRR 201-6.4(e)	Annual Compliance Certification	January 30 each year
1-LEACH, 1-LFGAS, 1-CRUSH, 1-EMGEN, 1-SCREE, 1- SOILS	6 NYCRR 202-2.1	Annual Emissions Statement	April 15 each year
1-LFGAS	40 CFR 60, Subpart XXX	Monthly wellfield monitoring for vacuum	Each month
1-LFGAS	40 CFR 60, Subpart XXX	Quarterly Surface Monitoring for Methane	Each quarter
1-LEACH, 1-LFGAS,1-CRU SH, 1-EMGEN, 1-SCREE	6 NYCRR 202-1.1	Stack testing when required	When required
1-LEACH, 1-LFGAS,1-CRU SH, 1-EMGEN, 1-SCREE	6 NYCRR 212-1.6	Perform a visual observation for opacity on a daily basis and report results semi-annually.	Daily
1-LEACH, 1-LFGAS	40 CFR 63, Subpart AAAA	Submit a Semiannual Report for startups, shutdowns, and malfunctions	January 30 & July 30 each year

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New York State Department of Environmental Conservation Air Permit Application



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List of Exempt Activities

Instructions

Applicants for Title V facility permits must provide a listing of each exempt activity, as described in 6 NYCRR Part 201-3.2(c), that is currently operated at the facility. This form provides a means to fulfill this requirement.

In order to complete this form, enter the number and building location of each exempt activity. Building IDs used on this form should match those used in the Title V permit application. If a listed activity is not operated at the facility, leave the corresponding information blank.

	Combustion	ente Personales de la companya de la comp Personales de la companya de la company	
Rule Citation 201-3.2(c)		Number of Activities	Building Location
(1)	Stationary or portable combustion installations where the furnace has a maximum heat input capacity less than 10 mmBtu/hr burning fuels other than coal or wood; or a maximum heat input capacity of less than 1 mmBtu/hr burning coal or wood. This activity does not include combustion installations burning any material classified as solid waste, as defined in 6 NYCRR Part 360, or waste oil, as defined in 6 NYCRR Subpart 225-2.	2 waste oil 4 LPG	MB Office
(2)	Space heaters burning waste oil at automotive service facilities, as defined in 6 NYCRR Subpart 225-2, generated on-site or at a facility under common control, alone or in conjunction with used oil generated by a do-it-yourself oil changer as defined in 6 NYCRR Subpart 374-2.		
(3)(i)	Stationary or portable internal combustion engines that are liquid or gaseous fuel powered and located within the New York City metropolitan area or the Orange County towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, or Woodbury, and have a maximum mechanical power rating of less than 200 brake horsepower.		
(3)(ii)	Stationary or portable internal combustion engines that are liquid or gaseous fuel powered and located outside of the New York City metropolitan area or the Orange County towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, or Woodbury, and have a maximum mechanical power rating of less than 400 brake horsepower. *Portable emergency generators	4	**
(3)(iii)	Stationary or portable internal combustion engines that are gasoline powered and have a maximum mechanical power rating of less than 50 brake horsepower.		
(4)	Reserved.		
(5)	Gas turbines with a heat input at peak load less then 10 mmBtu/hour		

3/30/2015

^{**} Main office, maintenance shop, scale house, break room

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Rule Citation 201-3.2(c)	Description	Number of Activities	Building Location
(6)	Emergency power generating stationary internal combustion engines, as defined in 6 NYCRR Part 200.1(cq), and engine test cells at engine manufacturing facilities that are utilized for research and development, reliability performance testing, or quality assurance performance testing. Stationary internal combustion engines used for peak shaving and/or demand response programs are not exempt.		
	Combustion Related	1	
(7)	Non-contact water cooling towers and water treatment systems for process cooling water and other water containers designed to cool, store or otherwise handle water that has not been in direct contact with gaseous or liquid process streams.		
	Agricultural Feed and grain milling, cleaning, conveying, drying and storage operations including grain storage silos, where such silos exhaust to an appropriate emissions control		
(8)	device, excluding grain terminal elevators with permanent storage capacities over 2.5 million U.S. bushels, and grain storage elevators with capacities above one million bushels.		
(9)	Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment.		
	Commercial - Food Service Industries		
(10)	Flour silos at bakeries, provided all such silos are exhausted through an appropriate emission control device.		
(11)	Emissions from flavorings added to a food product where such flavors are manually added to the product.		
	Commercial - Graphic Arts	alla Piggi san Palla Piggi sarah	
(12)	Screen printing inks/coatings or adhesives which are applied by a hand-held squeegee. A hand-held squeegee is one that is not propelled though the use of mechanical conveyance and is not an integral part of the screen printing process.		
(13)	Graphic arts processes at facilities located outside the New York City metropolitan area or the Orange County towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, or Woodbury whose facility-wide total emissions of volatile organic compounds from inks, coatings, adhesives, fountain solutions and cleaning solutions are less than three tons during any 12-month period.		

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Rule Citation (201-3.2(c)	Description	Number of Activities	Building Location
(14)	Graphic label and/or box labeling operations where the inks are applied by stamping or rolling.		THE COLUMN TWO IS NOT
(15)	Graphic arts processes which are specifically exempted from regulation under 6 NYCRR Part 234, with respect to emissions of volatile organic compounds which are not given an A rating as described in 6 NYCRR Part 212.		
	Commercial - Other		E ST
(16)	Gasoline dispensing sites registered with the department pursuant to 6 NYCRR Part 612.		
	Surface coating and related activities at facilities which use less than 25 gallons per month of total coating materials, or with actual volatile organic compound emissions of 1,000 pounds or less from coating materials in any 12-month period. Coating materials include all paints and paint components, other materials mixed with paints prior to application, and cleaning solvents, combined. This exemption is subject to the following:		
(17)	 (i) The facility is located outside of the New York City metropolitan area or the Orange County towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, or Woodbury; and (ii) All abrasive cleaning and surface coating operations are performed in an enclosed building where such operations are exhausted into appropriate emission control 		
	devices.		
(18)	Abrasive cleaning operations which exhaust to an appropriate emission control device.		
(19)	Ultraviolet curing operations.		
海には、立い作り 1度には、再度で決	Municipal/Public Health Related		
(20)	Landfill gas ventilating systems at landfills with design capacities less than 2.5 million megagrams (3.3 million tons) and 2.5 million cubic meters (2.75 million cubic yards), where the systems are vented directly to the atmosphere, and the ventilating system has been required by, and is operating under, the conditions of a valid 6 NYCRR Part 360 permit, or order on consent.		
	Storage Vessels	i shekateke ti esiy	岩石 化二十二
(21)	Distillate fuel oil, residual fuel oil, and liquid asphalt storage tanks with storage capacities below 300,000 barrels.	1	NA

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Rule Citation 201-3.2(c)	Description	Number of Activities	Building Location
(22)	Pressurized fixed roof tanks which are capable of maintaining a working pressure at all times to prevent emissions of volatile organic compounds to the outdoor atmosphere.		
(23)	External floating roof tanks which are of welded construction and are equipped with a metallic-type shoe primary seal and a secondary seal from the top of the shoe seal to the tank wall.		
	External floating roof tanks which are used for the storage of a petroleum or volatile organic liquid with a true vapor pressure less than 4.0 psi (27.6 kPa), are of welded construction and are equipped with one of the following: (i) a metallic-type shoe seal;		
(24)	(ii) a liquid-mounted foam seal; (iii) a liquid-mounted liquid-filled type seal; or (iv) equivalent control equipment or device.		
(25)	Storage tanks, including petroleum liquid storage tanks as defined in 6 NYCRR Part 229, with capacities less than 10,000 gallons, except those subject to 6 NYCRR Part 229 or Part 233.	5	NA
(26)	Horizontal petroleum or volatile organic liquid storage tanks.		
(27)	Storage silos storing solid materials, provided all such silos are exhausted through an appropriate emission control device. This exemption does not include raw material, clinker, or finished product storage silos at Portland cement plants.		
	Industrial Industrial		
(28)	Processing equipment at existing sand and gravel and stone crushing plants which were installed or constructed before August 31, 1983, where water is used for operations such as wet conveying, separating, and washing. This exemption does not include processing equipment at existing sand and gravel and stone crushing plants where water is used for dust suppression.		
(29)(i)	Sand and gravel processing or crushed stone processing lines at a non-metallic mineral processing facility that are a permanent or fixed installation with a maximum rated processing capacity of 25 tons of minerals per hour or less.		
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8 - 4 5 3	2 - 0 0 0 2 3		
Rule Citation 201-3.2(c)	Description	Number of Activities	Building Location
(29)(ii)	Sand and gravel processing or crushed stone processing lines at a non-metallic mineral processing facility that are a portable emission source with a maximum rated processing capacity of 150 tons of minerals per hour or less.		
(29)(iii)	Sand and gravel processing or crushed stone processing lines at a non-metallic mineral processing facility that are used exclusively to screen minerals at a facility where no crushing or grinding takes place.		
(30)	Reserved.	·	
(31)	Surface coating operations which are specifically exempted from regulation under 6 NYCRR Part 228, with respect to emissions of volatile organic compounds which are not given an A rating pursuant to 6 NYCRR Part 212.		
(32)	Pharmaceutical tablet branding operations.		
(33)	Thermal packaging operations, including, but not limited to, therimage labeling, blister packing, shrink wrapping, shrink banding, and carton gluing.		
(34)	Powder coating operations.		
(35)	All tumblers used for the cleaning and/or deburring of metal products without abrasive blasting.	A Company of the Comp	
(36)	Presses used exclusively for molding or extruding plastics except where halogenated carbon compounds or hydrocarbon solvents are used as foaming agents.		
(37)	Concrete batch plants where the cement weigh hopper and all bulk storage silos are exhausted through fabric filters, and the batch drop point is controlled by a shroud or other emission control device.		
(38)	Cement storage operations not located at Portland cement plants where materials are transported by screw or bucket conveyors.		
(39)(i)	Cold cleaning degreasers with an open surface area of 11 square feet or less and an internal volume of 93 gallons or less or, having an organic solvent loss of 3 gallons per day or less.		
39(ii)	Cold cleaning degreasers that use a solvent with a VOC content or five percent or less by weight, unless subject to the requirements of 40 CFR 63 Subpart T.		
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Rule Citation 201-3.2(c)	Description	Number of Activities	Building Location
(39)(iii)	Conveyorized degreasers with an air/vapor interface smaller than 22 square feet (2 square meters), unless subject to the requirements of 40 CFR 63 Subpart T.	e.	
(39)(iv)	Open-top vapor degreasers with an open-top area smaller than 11 square feet (1 square meter), unless subject to the requirements of 40 CFR 63 Subpart T.		
	Miscellaneous		
(40)	Ventilating and exhaust systems for laboratory operations. Laboratory operations do not include processes having a primary purpose to produce commercial quantities of materials.		
(41)	Exhaust or ventilating systems for the melting of gold, silver, platinum and other precious metals.		
(42)	Exhaust systems for paint mixing, transfer, filling or sampling and/or paint storage rooms or cabinets, provided the paints stored within these locations are stored in closed containers when not in use.		
(43)	Exhaust systems for solvent transfer, filling or sampling, and/or solvent storage rooms provided the solvent stored within these locations are stored in containers when not in use.		
(44)	Research and development activities, including both stand-alone and activities within a major facility, until such time as the administrator completes a rule making to determine how the permitting program should be structured for these activities.		
(45)	The application of odor counteractants and/or neutralizers.	1	NA
(46)	Hydrogen fuel cells.		
(47)	Dry cleaning equipment that uses only water-based cleaning processes or those using liquid carbon dioxide.		
(48)	Manure spreading, handling and storage at farms and agricultural facilities.		

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Exhibit E

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8 6274 East Avon-Lima Road, Avon, NY 14414-9516 P: (585) 226-5400 | F: (585) 226-2830 www.dec.ny.gov

April 9, 2024

NYSCEF DOC. NO. 15

Mr. Kyle Black Seneca Meadows, Inc. 1786 Salcman Road Waterloo, NY 13165

RE: Seneca Meadows Valley Infill Expansion Application Notice of Incomplete Application Seneca Meadows Inc. (SMI) Landfill DEC ID 8-4532-00023/00041 and 00001Seneca Falls (T) & Waterloo (T), Seneca (C)

Dear Kyle:

The Applicant, Seneca Meadows, Inc.("SMI"), must fully address the requests in this Notice of Incomplete Application before the New York State Department of Environmental Conservation (the "Department") can deem the above-referenced application complete for purposes of public notice.

This Notice of Incomplete Application does not address the following SMI recent resubmissions to the Department for the Seneca Meadows Valley Infill landfill expansion project (the "Valley Infill" or "project"): the 6NYCRR Part 360.16(h) Report, dated February 12, 2024, by Cornerstone; and the CLCPA Assessment dated March 25, 2024, by GHD. The Department expects to respond to these listed resubmissions in the future, in accordance with the requirements of the Uniform Procedures Act.

Mining for Landfill Uses

SMI owns and operates the Meadow View Mine – located directly across Route 414 from the Seneca Meadows Landfill - mainly for the purpose of obtaining mined material for use at the Landfill. Because SMI wanted to use a small amount of the mined material for non-landfill uses, the Department's regulations did not allow SMI to obtain authority to operate what is now the Meadow View Mine (the "Mine") as a borrow area for mined material for use at the Seneca Meadows Landfill under the Landfill solid waste management facility permit issued pursuant to New York State Environmental Conservation Law ("ECL") Article 27 and 6 NYCRR Part 360 et seq. Instead, SMI sought and obtained a mining permit under Article 23, Title 27, "Mined Land Use Law"



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Mr. Kyle Black Seneca Meadows. Inc.

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for the Meadow View Mine. Further, the Valley Infill project application reflects that SMI intends to continue obtaining mined material from the Mine for Landfill use.

6 NYCRR 621.3(a)(4) requires that when a project requires multiple Department permits, all applications must be submitted simultaneously, or the applicant must demonstrate to the Department's satisfaction that there is good cause not to do so. The application does not provide sufficient information to demonstrate whether the Meadow View Mine mining permit would require modification for the construction or operation of the Valley Infill project – and if the mining permit does require modification, SMI must submit the modification application now, as part of the Valley Infill landfill expansion project package. Therefore, all the following information is required.

Explain (with supporting documentation) how and to what extent the current Mine operation and Mine permit would be affected by the Valley Infill project expansion. This explanation must include complete responses to the following questions.

- Will there be an increase in the rate of material being mined at the Mine?
- Will the Mine permit require any modification?
- Will the Mined Land Use Plan require any change?
- Will the Life of Mine be increased?
- Will there be any change to traffic in or out of the Mine or to the Landfill?
- What are the quantities of each mined material type which currently remain in place (i.e., not yet excavated) in the Mine?
- What percentage, and what quantity of each of the total mined material types from the Mine will be used for the Valley Infill project expansion?

Per section 3.6 of the Engineering Report submitted for the Valley Infill application, SMI will require construction material from sources other than the Mine.

- Provide the source(s) and material type for the approximately 1.7 million cubic yards of material which SMI will not obtain from the Mine.
- Indicate whether any of these other source(s) are owned or controlled by SMI and which of these other sources, if any, will require a new or modified Department permit or operational changes to provide mined materials for use for the Valley Infill project.

The Mine is not part of the solid waste management facility regulated under ECL Article 27 and 6 NYCRR Part 360 et seq. In at least one location (Section 3.6 of the Engineering Report) in the current Valley Infill project application materials, the Meadow View Mine is incorrectly described as an "on-site borrow area" rather than a separately permitted mine under Mined Land Use Law. SMI must revise the current Valley Infill project application to delete any references to the Meadow View Mine as "onsite" or a "borrow area" and instead properly identify the Meadow View Mine.

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State Historic Preservation Act

Under the Department's Uniform Procedures Act regulations concerning permit applications at 6 NYCRR Section 621.3(a)(8), when an action requires a determination by the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") pursuant to section 14.09 of the Parks, Recreation and Historic Preservation Law (New York State Historic Preservation Act of 1980 or "SHPA"), the application is not complete until OPRHP has made a determination whether:

- (i) any historic, architectural, archeological, or cultural resources present in the project impact area are significant (listed on or eligible for listing on the State or National Register of Historic Places); and
- (ii) the project may have any impacts on such significant resources.

An OPRHP determination under SHPA Section 14.09 is required to complete the permit applications for the proposed SMI Valley Infill landfill expansion project. Please submit the OPRHP determination to my attention as soon as it becomes available.

Common Control Under ECL Article 19

Under New York State Environmental Conservation Law ("ECL") Article 19 and its implementing regulations, and in accordance with Department Declaratory Ruling No. 19-19, "In the Matter of the Petition of Seneca Meadows, Inc. for a Declaratory Ruling" ("DR 19-19"), the SMI application to modify the Air Title V permit for the proposed SMI Valley Infill landfill expansion project must provide sufficient information for the Department to determine whether the Valley Infill project, if permitted, and the nearby Seneca Energy II, LLC Landfill Gas-to-Energy facility ("SE II facility") would be under "common control" as that term is used in ECL 19-0107(10) and 6 NYCRR 201-2.1(b)(21), and therefore should be regulated as a single source of air emissions under one Air Title V permit. (A copy of DR 19-19 is attached for your convenience.)

As you are aware, the Department's existing determination for the currently permitted Seneca Meadows Landfill and the SE II facility – based on DR 19-19 and information previously provided by SMI and SE II – is that the currently permitted Landfill and the SE II facility are not under common control. Also, Department staff understands SMI to maintain that the Valley Infill project, if permitted, and the SE II facility would continue to not be under common control. If that Department's understanding is incorrect, please advise immediately so that we can discuss necessary changes to the pending Air Title V modification application. Otherwise, please provide a complete, updated explanation with supporting documentation, including but not limited to replacement of any outdated information and documents that SMI or SE II previously provided to DEC concerning the topic of common control, corporate structure(s) and relationships, including between

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affiliates, subsidiaries, and parent companies; shared equipment, if any; leases; gas sale agreements; and any other relevant information.

Please contact me if you wish to discuss this letter at 585-226-5392 or kimberly.merchant@dec.ny.gov.

Sincerely,

Kimberly A. Merchant

Kimberly Merchant

Deputy Regional Permit Administrator

Attachment: Department Declaratory Ruling No. 19-19, "In the Matter of the Petition of Seneca Meadows, Inc. for a Declaratory Ruling" ("DR 19-19")

Cc by email:

Tim Walsh, Regional Director

Tom Haley, Regional Permit Administrator, Environmental Permits

Lisa Schwartz, Assistant Regional Attorney, Office of General Counsel

Greg MacLean, RMME, Division of Materials Management

Michael Miles, Division of Materials Management

Bernette Schilling, Assistant Regional Director

David Pratt, RHWRE, Haz Waste Remediation

Adam Morgan, Haz Waste Remediation

Mackenzie Osypian, Haz Waste Remediation

Frank Sowers, RAPCE, Division of Air

Michele Kharroubi, Division of Air

Daniel Maeso, Division of Materials Management

Vince Fay, Division of Materials Management – Central Office

Luke Scannell, Division of Water

Charles Vandrei, Agency Historic Preservation Officer

Beynan Ramson, Indian Nations Affairs Coordinator

Jeff Burrier, Seneca Meadows Inc. /Waste Connections

Tim Roeper, Tetra Tech

Rob Holmes, Tetra Tech

Mike Casullo, GHD

Steve Wilsey, GHD

Danielle Mettler-LaFeir, Barclay Damon LLP

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Exhibit F

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NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)

FINAL SCOPING DOCUMENT FOR DRAFT ENVIRONMENTAL IMPACT STATEMENT

PROPOSED VALLEY INFILL PROJECT

TO EXPAND THE
SENECA MEADOWS LANDFILL
in the TOWNS OF SENECA FALLS and WATERLOO,
SENECA COUNTY, NEW YORK

April 10, 2024

PROJECT SPONSOR:

Seneca Meadows, Inc. 1786 Salcman Road Waterloo, New York 13165

SEQR LEAD AGENCY:

New York State Department of Environmental Conservation

Region 8 Office, 6274 E. Avon-Lima Road Avon, New York 14414

CONTENTS OF FINAL SCOPING DOCUMENT:

- I. Background
- II. SEQR and the Scoping Process
- III. DEIS Outline
- IV. DEIS Section Descriptions
- V. Environmental Reviews that will not be included in the DEIS

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I. BACKGROUND

Seneca Meadows Inc. ("SMI" or "project sponsor") proposes a lateral and vertical expansion of the existing Seneca Meadows Landfill ("Landfill" or "Facility") at 1786 Salcman Road in the Towns of Seneca Falls and Waterloo, Seneca County, New York. The proposed Valley Infill project ("Valley Infill" or "project") would add about fifteen years to the life of the Landfill.

The Valley Infill would increase Landfill's currently permitted maximum vertical height about 70 feet, from elevation 774 MSL [mean sea level]) to elevation 842.5 feet MSL and add about 47 million cubic yards of air space for waste disposal. Waste disposal ("infill") would occur over the top of the Tantalo Inactive Hazardous Waste Site #850004 ("Tantalo Site") and in the space ("valley") between existing higher areas of the Seneca Meadows Landfill, i.e., the Southeast Landfill and Stages 3 and 4 of the Western Expansion. Approximately 47 acres of newly lined disposal cells would be built, with additional disposal area constructed above approximately 126 acres of currently permitted Landfill disposal area.

The project would not change the types of waste disposed from those permitted currently, i.e., non-hazardous solid waste allowed under the State's solid waste management regulations at 6 NYCRR Part 360 *et seq.*, including residential, commercial, institutional, and industrial wastes. Nor would there be any change to the approved design capacity of the Landfill, which is 6,000 tons per day (TPD). As a result, no increase (beyond existing traffic levels) is expected in truck traffic associated with the waste disposal operations of the Landfill. The project would also relocate or replace some SMI operations; for example, the Shop and Residential Dropoff Center will move to an area south of the Tantalo Site.

The project sponsor must obtain the following project approvals from the New York State Department of Environmental Conservation ("NYSDEC") for the Valley Infill project: modification of the existing SMI Solid Waste Management Facility permit under ECL Article 27 and 6 NYCRR Parts 360 and 363 ("the Part 360permit"); the existing SMI Air Title V permit under ECL Article 19 ("the ATV permit"); a Change-of-Use approval for the Tantalo Site; and coverage under the SPDES [State Pollutant Discharge Elimination System] Multi- Sector General Permit for Stormwater Discharges from Industrial Activities (GP-0-17-004). If the Valley Infill project requires any DEC permit held by SMI (e.g., the ECL Article 23, Title 27 mining permit for the Meadow View Mine) to be modified to increase the amount or rate of excavation/production of construction material, the DEIS will include any potential significant environmental impacts (e.g., potential increased traffic) and measures to avoid and mitigate these impacts. SMI must also obtain Site Plan approval from the Town Boards of Seneca Falls and Waterloo ("Town Boards"); Site Plan Approval from each Town's Planning Board; and Special Use Permits from the Town of Seneca Falls Zoning Board of Appeals and the Town of Waterloo. In addition, the project must also undergo an obstruction review by the U.S. Federal Aviation Authority ("FAA").

II. SEQR AND THE SCOPING PROCESS:

This proposed project is being reviewed under the New York State Environmental Quality Review Act ("SEQR") to identify and assess potentially significant adverse environmental impacts and to avoid, minimize, or lastly mitigate these impacts. As SEQR Lead Agency, NYSDEC coordinates the environmental review process in accordance with the SEQR regulations at 6 NYCRR Part 617.

In March of 2022, NYSDEC issued a positive declaration to require the preparation of an Environmental Impact Statement (EIS) for the proposed Valley Infill. Subsequently, notice that a draft scoping document was available for public comment for thirty days was published in the NYSDEC Environmental Notice Bulletin (ENB) in December 2022. The public notice period ran from December 14, 2022 to January 13, 2023 and DEC authorized an additional 15 days to January 27, 2023.

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A SEQR scoping document describes the content and format of a Draft EIS (DEIS). After NYSDEC reviews any public comment received, NYSDEC will revise the draft document as necessary and issue the final scoping document. The final scoping document is used by the Lead Agency to determine when a prepared DEIS is adequate for public review.

DEC reviewed the approximately 600 public comments received on the draft scoping document. DEC determined that, in many cases, the draft scope had the appropriate level of detail for the DEIS to evaluate the project in light of substantive comments. This Final Scoping Document for the Valley Infill project now includes more robust requirements for additional evaluation in the DEIS sections on odors, air quality, water quality, human health visual impacts, and other sections. DEC added a specific new Section related to human health.

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Many comments related to odors, air quality, water quality, and traffic. The final written scope, however, does include more robust requirements for additional evaluation in the sections on odors, air quality, water quality, and visual assessment. Also, the final scope includes the addition of a new subsection under Air Quality for evaluation of human health, as well as additional human health evaluation under the Water Quality sections.

The next steps in the Valley Infill project SEQR process during which the public has an opportunity to participate are described briefly below.

WRITTEN PUBLIC COMMENT on the DEIS. Upon the NYSDEC determination to accept the DEIS as adequate with respect to its scope and content for the purpose of commencing public review, NYSDEC will provide a period of at least thirty days for the public to submit written comment on the DEIS. Notice that this period is starting will be published in the Environmental Notice Bulletin (ENB) on the NYSDEC website at Environmental Notice Bulletin – NYDEC. Copies of the DEIS and supporting documents, including the 2006 DSEIS, 2007 FSEIS (July 2007 Final Supplemental EIS for Seneca Meadows Landfill Expansion) and 2007 NYSDEC Findings Statement prepared for the 2006 – 2007 Seneca Meadows Solid Waste Management Facility Landfill Expansion (in combination, subsequently referenced here as "the earlier SEQR record"), will be made available. To the extent the earlier SEQR record does not already address potential significant adverse environmental impacts from the proposed Valley Infill project, the DEIS prepared for this project will supplement and update impact evaluations provided in the 2006 DSEIS and 2007 FSEIS.

• **HEARING for ORAL PUBLIC COMMENT on the DEIS**. In addition to accepting written comments on the DEIS, it is NYSDEC's usual practice to hold a public hearing to receive public comments orally during the same period that the DEIS is made available for public review and submission of written public comment. Notice of hearing will be published in an area newspaper at least fourteen days before the hearing is held. The hearing may be held remotely or in person and may be combined with any other public hearings to be held on the Valley Infill project.

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III. DEIS OUTLINE

The outline of the Draft Environmental Impact Statement (DEIS) is presented below in the form of a DEIS Table of Contents. Detailed descriptions of the analyses and information to be provided for each section of the DEIS are provided in Section IV.

COVER SHEET TABLE

OF CONTENTS

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- 1.1 PROJECT IDENTIFICATION
- 1.2 DESCRIPTION OF PROJECT AREA
- 1.3 PURPOSE AND NEED FOR THE PROJECT
- 1.4 SUMMARY OF THE PROJECT
- 1.5 SUMMARY OF ALTERNATIVES
- 1.6 IDENTIFICATION OF THE POTENTIAL IMPACTS OF THE PROJECT
- 1.7 IDENTIFICATION OF MAJOR BENEFITS OF THE PROJECT
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- 1.9 CONCLUSIONS

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- 2.1 INTRODUCTION AND BACKGROUND
- 2.2 PROJECT LOCATION
- 2.3 SITE HISTORY
- 2.4 PROJECT DESIGN
 - 2.4.1 Preparation of Subgrade and Related
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J.J AIR RESOURCE	3.3	AIR RESOURCE
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 - 8.5 ALTERNATIVE DESIGN CONCEPTS FOR THE SMI VALLEY INFILL
 - **8.5.1** The Tantalo Inactive Hazardous Waste Site: minimizing impacts to its existing cover and monitoring wells, including phased approaches
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- 8.5.3 Overlay areas and associated liners
- **8.5.4** Other site designs such as forgoing the height increase
- 8.6 CONCLUSIONS
- 9.0 GROWTH INDUCING IMPACTS
- 10.0 EFFECTS OF THE USE AND CONSERVATION OF ENERGY
- 11.0 REFERENCES
- 12.0 TABLES AND FIGURES
- **13.0** APPENDICES
- 14.0 ENVIRONMENTAL REVIEWS NOT PROPOSED FOR INCLUSION IN THE DEIS

IV. DEIS SECTION DESCRIPTIONS

Each section below describes the information and analyses to be included in the DEIS. In addition, background information is included to provide some preliminary information about the project itself. The organization of these sections follow the DEIS outline above.

COVER SHEET

In accordance with 6 NYCRR § 617.9(b)(3), this will include a single-page cover sheet identifying the type of document (draft, final), title of project, location, name and address of SEQR Lead Agency contact person, name and address of document preparer, date of Lead Agency acceptance, and deadline for acceptance of public and agency comments.

TABLE OF CONTENTS

This will list the contents of the DEIS and page numbers for each section.

EXECUTIVE SUMMARY

In accordance with 6 NYCRR § 617.9(b)(4), this introduction section will present an overview of the project and provide a brief description of the overall proposed project.

1.0 EXECUTIVE SUMMARY/INTRODUCTION

1.1 PROJECT IDENTIFICATION

This section will summarize the history of the Landfill and describe the existing facility. It will include all or some of the following background information:

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The project consists of a plan to build and operate approximately 47 acres of additional landfill area (referred to as the "SMI Valley Infill", or "the Project") within its existing solid waste landfill facility located in the M-2 Zoning District of the Town of Seneca Falls, Seneca County, New York. The project applicant is Seneca Meadows, Inc. (SMI), with offices at 1786 Salcman Road, Waterloo, New York 13165. The currently permitted landfill began operation in 1958, with permitted oversight of the Facility by the NYSDEC beginning in 1981. The currently permitted capacity will be filled by about 2025.

A description of the various parts of the existing Facility and a brief overview of the project intentions and main objectives will be provided.

A description of the various parts of the existing Facility, as well as some definitions related to the project, will also be provided.

1.2 DESCRIPTION OF PROJECT AREA

The project will take place entirely within the property located at 1786 Salcman Road, operated by SMI. The project will take place within the extent of the previously active landfilling areas, including over the Tantalo Site. Some of the operational areas at the south end of the property will be changed or relocated to accommodate the project.

1.3 PURPOSE AND NEED FOR THE PROJECT

The project purpose is to extend landfill capacity at the SMI Landfill in the Town of Seneca Falls in a timely fashion to provide critically needed solid waste disposal services locally and for the State. As will be detailed further in Section 1.7, the DEIS will describe the need for the project related to state-wide waste disposal capacity and objectives, and how resource expenditure for out-of-state waste disposal or a new facility within the state can be saved. The DEIS will also discuss current remaining state disposal capacity and break down the critical need of the SMI Landfill to New York State. The project need is demonstrated by the public need for long-term environmentally-sound solid waste disposal capacity.

1.4 SUMMARY OF THE PROJECT

As noted above, the Project is defined as a series of physical activities leading to and including the construction and operation of the SMI Valley Infill. The major activities include:

- Preparation of subgrade areas and utilities, including potential temporary removal of the Tantalo Site geosynthetic cap.
- The expansion of existing stormwater basins, if necessary.
- Relocation of operational buildings and areas including the maintenance shop areas. some fuel tanks, the wheel wash station, and the residential drop-off center.
- The construction and operation of the SMI Valley Infill waste disposal project.

The DEIS will include further details on the project, including specific areas to be lined and filled, and further details on project design and permitting requirements.

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1.5 SUMMARY OF ALTERNATIVES

This section will summarize the results of the analysis of alternatives to be further discussed in Section 5.

1.6 IDENTIFICATION OF POTENTIAL IMPACTS OF THE PROJECT

This section will include a summary of the potential impacts of the project, to be further discussed in Section 6.

1.7 IDENTIFICATION OF MAJOR BENEFITS OF THE PROJECT

This section of the DEIS will summarize benefits that will arise from the project, to be further discussed in Section 6.

1.8 PERMITS AND APPROVALS

This section will provide an overview of the local, state and federal permits and approvals presently anticipated to be required for the proposed project, the agencies responsible for the approvals, and the applicable law or regulations associated with each approval.

1.9 CONCLUSIONS

This section of the DEIS will briefly revisit the conclusions drawn in each part of Section 1 and go over the needs for the project and why it was concluded to be the best option available to provide critically needed solid waste disposal capacity in an environmentally sound and cost-effective manner.

2.0 DESCRIPTION OF PROJECT

2.1 INTRODUCTION AND BACKGROUND

This section will describe the proposed action subject to review in the DEIS (i.e., the project), in accordance with 6 NYCRR § 617.9(b)(5)(i). It will be provided in narrative form, but also include reference to maps, drawings and technical reports that provide the reader sufficient detail to clearly understand the project

SMI proposes approximately 47-acres of new landfill liner area over the Tantalo Site and between the side slopes of the existing facility to the east, west, and north of the Tantalo Site. The project will be contiguous to and overlay approximately 144 acres of the existing landfill. The permitted cell elevation will increase by approximately 70 feet, from 774 feet MSL to 843.5 feet MSL.

The proposed Valley Infill will add approximately 47 million cubic yards of disposal capacity, which will extend the site life by approximately 15 years, depending on the rate of waste receipt.

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The project will begin with the preparation of the new liner areas, including work within the Tantalo Site and on surrounding areas where the double composite liner system will be installed. Once the liner is installed, the Landfill will be developed in phases. Relocation of project related facilities will also be needed.

The DEIS will include, but not be limited to, the following:

- Information on the lead agency and statutory authority for the DEIS and permitting reviews
- Information on the current project permit and landfill filling progress
- A summary of the project information and background

2.2 PROJECT LOCATION

This section of the DEIS will contain the following:

- Description of the site, including the area, boundaries, topography.
- Description of access route, and description of populated areas and zoning.
- Description of facilities proposed and components of the project, and amount of area to be impacted by the proposed facilities.

The Landfill site (the site) is located in the Towns of Seneca Falls and Waterloo, New York. The existing Landfill is just northeast of Village of Waterloo and approximately a mile northwest of the Hamlet of Seneca Falls. Site access is from NYS Route 414, with the entrance to the Landfill site on the west side of Route 414. Internal roadways have been developed on-site to provide access to various parts of the facility. Additional operational areas, such as the Landfill Gas to Energy Facility (LFGTE Facility), are located to the east of Route 414.

The proposed affected area is presently comprised of currently active landfill and landfill support facilities areas, including leachate storage and treatment facilities, stormwater basins, the current machine shop. and vehicle fueling areas. It also includes the Tantalo Site which is a Class 4 Inactive Hazardous Waste Disposal Site. A Class 4 site is a site that has been properly closed but that requires continued site management consisting of operation, maintenance and/or monitoring. Compliance with 6 NYCRR Part 360.16(h) for facilities at or near sites undergoing a remedial program will be evaluated. The Tantalo Site has two Operational Units (OU-1 and OU-2). OUs are portions of a site that for technical or administrative reason can be addressed separately to investigate, eliminate or mitigate a release, threat of release or exposure pathway resulting from the site contamination. OU-1 is the soils and the area of the Tantalo Site that addresses the waste mass. OU-2 addresses the overburden and bedrock groundwater below and surrounding the Tantalo Site.

2.3 SITE HISTORY

The currently permitted landfill began operation in 1958, with permitted oversight of the Facility by the NYSDEC beginning in 1981. The currently permitted capacity will be filled by about 2025. The DEIS will contain information on the following project history:

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Waste disposal history and prior uses of the SMI Landfill site.

- Permitting and regulatory history for the Site, including a discussion on prior Part 360 permits and modifications.
- A breakdown of different historic areas of the Seneca Meadows property, including the Tantalo Site and relevant regulatory and waste disposal background information

2.4 PROJECT DESIGN

This section will present a thorough discussion of the different components of the actual Valley Infill area. The configuration, design, and necessary landfill construction areas will all be discussed. The DEIS will include, but not be limited to, the following information:

2.4.1 Preparation of Subgrade and Related Activities

This section of the DEIS will include the following:

- Discussion of the subgrade preparation and related activities required to prepare the Tantalo Site to be lined over and overfilled.
- A discussion of the necessary bedrock removal for preparation of site subgrades and methodology and removal needs for that work.

2.4.2 Relocation of Operational Buildings

This section will include, but not be limited to, a discussion of the buildings and operational areas which will need to be relocated for the project to be constructed and carried out. These include the maintenance shop, fueling area, wheel wash, Citizens Dropoff Area (CDA) and possibly others.

2.4.3 Construction and Operation of the Valley Infill Area

Background information:

Waste Types and Cell Design including Landfill Liner and Leachate Collection System

The Seneca Meadows facility disposes MSW, commercial, institutional, and industrial wastes, in accordance with its permit. Non-MSW streams are reviewed prior to acceptance. No hazardous wastes, as defined in the pertinent State regulations (6 NYCRR Parts 371), are permitted to be disposed at the Landfill.

As required for landfills receiving this type of waste in New York State, the currently used Landfill cells have been constructed with a double composite liner, a leachate collection system, and a leachate detection system. The proposed Valley Infill cells will be constructed in compliance with current 6 NYCRR Part 363-6 regulations. This type of liner system is currently being used for other landfills in New York State and provides an environmentally protective leachate barrier. This design of the proposed liner systems will be fully described and evaluated for efficacy for ability to monitor leachate and for protection of groundwater.

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The liner system required by 6 NYCRR Part 363-6.6(b) and final cover system required by 6 NYCRR Part 363-6.6(d), will be described, and consistency with the lateral expansion criteria established by 6 NYCRR Part 363-6.1(e) will be demonstrated.

- Leachate management (collection and removal system, and storage facilities)
 will be described.
- A construction schedule will be presented and discussed. The anticipated Landfill progression (stages of construction) will be shown in a figure and described in the text.
- Landfill Gas management and conveyance will be described.

Site preparation efforts will include the installation of the liner system over the Tantalo Site. Installation of the liner and associated landfill infrastructure may involve partial removal of the existing geo-composite liner system and some waste from the Tantalo Site. Wastes will be sampled in accordance with Part 375, DER-10, and a work plan to determine how waste will be handled.

The Tantalo Site geocomposite liner disturbed during construction will be repaired prior to construction of the base liner for the proposed newly lined areas. The proposed double-liner system for the Valley Infill that will be constructed over the Tantalo Site will be discussed with respect to management of infiltration in the area.

Safety to workers and community related to the disturbance of the Tantalo Site will be discussed along with mitigation measures.

Landfilling Sequence and Method

Landfill phasing with respect to necessary work on the Tantalo Site will be discussed.

The Landfilling operation is a phased operation, with Landfill cells to be constructed as needed, depending on market conditions for waste disposal. New cells would be developed within the Valley Infill area between existing cells.

Equipment used during the construction and operation of the facility is expected to include graders, crawler tractors, front-end loaders, hydraulic excavators, dump trucks, soil screens, water trucks, waste compactors, and soil compactors, all similar to the equipment used for construction and operation of the existing Landfill.

Within each phase of the landfilling operation, final cover construction and closure will proceed on a cell-by-cell basis, as soon as practicable (i.e., after settlement), and no more than five years after each cell reaches final elevation.

A construction schedule will be presented and discussed.

The anticipated Landfill progression (stages of construction) will be shown in a figure and described in the text.

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Grading, Setbacks, and Other Site Features

Applicable NYSDEC regulations and guidance will be followed in the implementation of landfilling activities. The proposed new landfill disposal cells will be at least 100 feet from property lines. The cell caps will be designed with slopes no more than 33% and no less than 4%.

Operating Hours

The Facility hours of operations are as follows:

- Landfill:
 - Landfill Operations 5:00am to 8:00pm, Monday through Sunday
 - Scale House Operations 6:00am to 6:00pm, Monday through Sunday
 - The Landfill Facility is prohibited from operating on New Year's Day, July 4th, Memorial Day, Labor Day, Thanksgiving, and Christmas. The Facility may operate the remaining 359 days per year.
 - Placement of daily cover shall be limited to the following: Monday through Sunday 6:00 am to 8:00 pm

Tire Processing Facility

- Under normal operating conditions, the Tire Processing Facility (TPF) operates Monday through Friday 6:00 a.m. to 4:00 p.m. and Saturday 6:00 a.m. to 11:30 a.m.
- The TPF is closed on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, and Christmas Day.
- Upon receipt of approval from the NYSDEC, the Facility may expand operations to accommodate peak construction and production period demands. This approval would permit the Facility to operate Monday through Saturday 6:00 a.m. to 10:00 p.m.

There are no hour restrictions on activities which do not require the operation of waste placement equipment, including equipment and facility maintenance, or office personnel. The operating hours for construction projects will be during daylight hours. The operating hours for the proposed expansion are the same as the existing operating hours.

Storage of Materials

Stripped overburden soils, along with the associated low-level vegetation (grasses, shrubs, etc.) will be stockpiled and used during site restoration. Waste petroleum products (from equipment maintenance) and other wastes generated at the facility which are not disposed of on-site, will be properly containerized and routinely transported to permitted off-site disposal or recycling facilities as required by NYSDEC pursuant to 6NYCRR Part 364.

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Stormwater Management System

 Stormwater management facilities and practices will be discussed, including drainage ditches, swales, sedimentation ponds, and seeding of disturbed areas. The requirements of the SPDES Multi Sector General Permit (GP-0-17-004), and Stormwater Pollution Prevention Plan (SWPPP) will be described.
 Technical design support information will be referenced as being part of the Engineering Report.

Transportation Systems

- On-site roadways, vehicle maneuvering areas, and related structures to the Valley Infill project will be discussed.

Environmental Monitoring Plan

- Environmental monitoring practices and procedures will be discussed, including the porewater monitoring system and landfill gas probes.

Operational Controls

 Operational controls and monitoring for the project and site will be discussed, including but not limited to: Controls for site access, unauthorized waste, and incoming waste quality control, as well as dust, litter, odor, vector, and noise controls.

2.4.4 Closure Plan

This section will discuss the plans for the closure of the SMI Facility once active filling is complete. This will include, but not be limited to, a discussion of:

- Final grades, design of the maximum slopes, and the plan to grade the landfill to prevent serious settling or stormwater issues.
- The different parts of the Facility's closure procedures and related installations.
- Components of the Final Cover system, including the different designs for sloped or plateau areas
- The Habitat Management planning made part of the existing Landscaping Plan and Closure/Post-Closure Plan will be discussed

2.4.5 Post-Closure Care

This section will discuss the relevant regulations for Post-Closure care at the Facility and plans to maintain the monitoring points and maintenance procedures required to safely maintain the site. In addition, this section will describe the Habitat Management maintenance including final closure surfaces including grassland bird habitat (mowing schedule and seed mix, etc.), solar proposals, etc.

2.5 PERMITS AND APPROVALS

2.5.1 DEC / State approvals

The DEIS will include a list of permits, approvals, and required submissions for the permitting process along with a description of each approval and the approving agency. These permits and approvals tentatively include:

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Air Title V
Part 360 Series
Stormwater General Permit for Construction Change of Use Approval
Possible Water Quality Certification

2.5.2 Local Approvals

Town of Seneca Falls Site Plan
Town of Seneca Falls Special Use Permit
Town of Seneca Falls approval for acceptance of leachate to Town's Wastewater
Collection and Treatment System
Town of Waterloo Site Plan Approval Town of Waterloo Special Use Permit

2.6 PROJECT NEED AND BENEFITS

The DEIS will include information on the needs and benefits for the project. This will include, but not be limited to, information on the service areas for the landfill, public waste disposal needs, and New York statewide disposal statistics and information; economic benefits and factors related to the project; benefits to the host communities; and information on the conformance of the Project with the objectives of the New York State Solid Waste Management Plan.

3.0 ENVIRONMENTAL SETTING

This section presents a description of the existing regional and site-specific natural resources and the cultural/manmade features which may potentially be affected by the proposed Project.

The DEIS will describe the environmental setting (existing conditions), potentially significant environmental project impacts, and mitigation measures for those impacts within each of the topic areas identified below.

3.1 EARTH RESOURCES

3.1.1 Topography and Physiography

Background Information:

The proposed Project is in the north-central part of Seneca County, New York. The southern third of the County is in the northern New York section of the Appalachian Plateau, while the remaining portion of the County, including the SMI Property, is part of the Central Lowlands. Glacial activity has played a significant role in shaping the present landscape of the area.

The DEIS will include the following:

- Location of project within New York State and surrounding bodies of water
- Classify and define project physiographic provinces within New York State
- Describe impact of glaciers on the project's physiographic provinces
- Site Topography and Physiography

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Background Information:

As a result of the glacial lake plain, the topography in the Project Area and surrounding area is generally flat. The most pronounced topographic relief on the Project Area itself is provided by the disposal areas.

The DEIS will include the following:

- Description of general project area topography
- Description of landfill disposal area topography

3.1.2 SOILS

Background Information:

The soils in the immediate vicinity of the Project Area are dominated by high-lime soils developed on glacial lake sediments. These soils were mapped in 1972.

The DEIS will include the following:

 Description of site soils as mapped prior to landfill activities at the SMI Property and presented for historical context.

3.1.3 GEOLOGY AND HYDROGEOLOGY

The DEIS will include the following:

- Information drawn from the Part 360 Site Investigation Report prepared for the Seneca Meadow Landfill Expansion last revised in December 2006
- A summary of the Hydrogeologic Report for the Project that has been prepared and submitted in connection with the Part 360 permit application for the SMI Valley Infill

Regional Geology

The DEIS will include the following:

- Timeline of regional geology
- Bedrock formations and composition within the County
- Local rock formations described in order from the oldest to the youngest
- A contour map of bedrock at the Site will be provided

Regional hydrology and Hydrogeology

Seneca County is regionally located in the center of the Western Oswego River Basin, which ultimately drains into Lake Ontario. The project Area does not occur on or adjacent to any primary or principal aquifers. The DEIS will include the following:

- Seneca County river basin description
- River basin drainage flow path
- Black Brook project area watershed description
- Seneca County groundwater description
- Central lowland unconsolidated aquifer description
- Project area unconsolidated aquifer description

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- Erie-Ontario bedrock aquifer description
- Location of primary and principal aquifers near project area
- Regional groundwater flow

3.1.4 GEOTECHNICAL

Project area with respect to seismic impact zones will be discussed.

3.2 WATER RESOURCES

Existing groundwater and surface water resources and wetlands that are present at the site and in the vicinity are addressed in this section of the DEIS.

3.2.1 Groundwater

Background Information:

Groundwater flow at the site occurs in the overburden soils and fractured bedrock. In general, the vertical flow component in overburden units is much greater than the horizontal flow component. Once entering the bedrock, groundwater assumes a predominantly southerly flow direction, consistent with the regional flow field. No bedrock discharge areas occur on the Project Area. Water for various site operations is supplied to the Facility by the Town of Waterloo municipal system, which obtains its water from Seneca Lake.

Precipitation falling on the site that infiltrates into the ground flows vertically through overburden deposits.

Hydrogeological investigations of the Landfill site were conducted during previous permitting processes. Additionally, as part of current Landfill monitoring activities, groundwater monitoring wells have been installed around the facility. Numerous test borings, groundwater monitoring wells, and test pits have been logged, sampled and tested over the site area.

Water level and water quality data are collected quarterly from monitoring wells to obtain representative groundwater samples from the various soil units underlying the Landfill site.

USGS aquifer mapping shows the Seneca Meadows Landfill Facility is primarily not located over any groundwater features. The Site is not located over a primary or principal aquifer. The overburden units are considered collectively as an aquitard — a low permeability unit that can store and slowly transmit groundwater. Additionally, monitoring under the Operations, Maintenance and Monitoring Plan is required at the Tantalo Site which is a Class 4 site under 6 NYCRR Part 375 regulations.

The DEIS will include a description of the following:

- Groundwater flow within the Project
- Area Water use at the Facility
- Tantalo Waste Disposal Area Declaration of Covenants and Restrictions
- Movement of precipitation within the Project Area
- Groundwater overburden and bedrock direction of flow

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- Area drinking water supply

- Fracturing of bedrock and its impact on groundwater flow in the Project Area
- Depth of water supply well sin the vicinity of the Project Area
- Project area groundwater monitoring and groundwater quality
- Summary of areas around the Facility where there are localized contaminated groundwater impacts

3.2.2 SURFACE WATER

Background Information:

Surface water runoff on the site drains to either the East, West, or South Pond Management systems. Stormwater is generally stored in one of the pond systems until samples can be obtained and it is verified that discharges will meet the permit requirements. Surface water drainage from the East and West Pond systems is routed into Black Brook.

Surface water from the south pond system is discharged in a southerly direction to the Seneca-Cayuga Canal.

Both Black Brook and the Seneca-Cayuga Canal have Class C water quality classifications.

The DEIS will include a description of the following:

- Project Area river basin description and drainage.
- Description of the existing floodplain mapping within the proposed project areas, as well as updates regarding floodplain mapping for the re-routed Black Brook.
- Existing site drainage will be described, including stormwater control features, expected quantities and holding capacity, stormwater sampling procedures, and erosion containment efforts.
- On-site and nearby off-site surface water features will be described, including historic water quality results and quantity where available.
- Classifications of on-site and nearby off-site surface water will be identified and discussed.
- Description of existing stormwater ponds and associated monitoring and discharge
- Documentation of existing facility performance with respect to protection of water resources.
- Description of what makes a proven system to efficiently manage the leachate generated during the life of a waste disposal facility including leachate treatment and disposal See Section 3.7 for more detail.
- Description of leachate collection system.
- Sampling leachate at secondary liner system, various sump locations, and porewater sump and parameters tested.
- Sampling for Emerging Contaminants including per and poly- fluoroalkyl substances (PFAS) and 1,4-dioxane, as well as radionuclides
- A description of recent leachate test results
- Consideration of future climate risks pursuant to the Community Risk and Resilience Act (CRRA) with respect to stormwater and floodplains

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3.2.3 Wetlands

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The DEIS will include a discussion of the wetlands on the Facility and nearby areas. There are no wetlands or conservation areas within the Project Area, and the Project will not affect nearby wetlands as it is entirely contained within the footprint of areas that have already been used for waste landfilling or landfill facility operations.

3.3 AIR RESOURCES

Background Information:

The site and surrounding area are primarily a rural environment with interspersed commercial establishments. The area has a demonstrated history of compliance with State and Federal air quality standards. In addition to point source and fugitive emissions, nuisance emissions (particularly odor) have been investigated in detail.

The DEIS will include the following:

- Summary and description of existing air quality conditions at the Facility and the surrounding area.
- A description of the existing surface emissions monitoring program intended to satisfy the requirements of the USEPA's New Source Performance Standards (NSPS) for municipal solid waste landfills
- Compilation of the emissions from the Facility
- Quantitative analysis of the emissions from the Existing Landfill
- Existing GHG emissions in preparation of CLCPA analysis

3.3.1 Climate and Meteorology

The DEIS will include a discussion of the following:

- Summary of Seneca County climate.
- Fumigation definition and site analysis
- Closest National Weather Service meteorological stations to the Facility
- Facility typical wind direction
- Dispersion description and site analysis

3.3.2 Ambient Air Quality Monitoring

The DEIS will include a discussion of the following:

- The regional air quality.
- Applicable air quality monitoring standard
- Ambient air quality monitoring data and results, including but not limited to the Ambient Air monitoring for Hydrogen Sulfide, previous ambient air monitoring study for methane and any other testing or studies done on this facility

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Summary of ambient air samples obtained by Central Office and study that was completed for the Seneca Falls Environmental Action Committee via the DEC's Community Air Screen Program in 2019 (report March 27, 2019, in a letter to Valerie Sandlas). (Include report as appendix, also.) Include summary of SMI Ambient Air Monitoring study. Previous modeling showed compliance with all AGCs and SGCs for HTACs and non-HTACs. Variability in the gas for concentration of H2S will be discussed along with the further investigations proposed to be conducted and incorporated into the DEIS and ATV permit application and refined modelling report.

3.3.3 Air Emissions from the Seneca Meadows Landfill

Air Emissions:

The DEIS will include a discussion of the following:

- Estimate of emissions associated with the Seneca Meadows Landfill operations and discussion of compliance with National Ambient Air Quality Standards and ambient air quality standards
- Projections and measurements of the resulting air quality impact in surrounding areas
- Landfill gas generation summary and list of control equipment with associated capacities
- Facility gas collection system description
- Analysis of the collection efficiency of the landfill including description and area of cover type
- Part 212 analysis of HTACs and non-HTACs as applicable
- Landfill gas composition including a current lab analysis of the landfill gas
- Other emission sources for the Existing Landfill besides LFG and LFG combustion
- Emissions associated with construction and operation of the existing landfill operations
- Ambient Air Monitoring for H2S GHG Emissions

3.4 ECOLOGICAL RESOURCES

Background Information:

The Project Area consists exclusively of land that has been previously disturbed by the construction and operation of the Facility and by the operation and remediation of the Tantalo Site. Potential impacts to endangered Indiana Bat roosting habitat can be avoided through seasonal restrictions on project-related tree removal. The project is not likely to adversely affect Indiana bats and no trees exist to remove in waste disposal areas.

The DEIS will include a description of the following:

- The Project Area footprint description
- Limited vegetative communities located in the Project Area
- Little wildlife and no endangered species in the Project Area
- No wetlands in Project Area

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- Project Area impact on Indiana bats, bald eagles, and osprey
- Habitat management planning made part of the existing Landscaping Plan and Closure/Post-Closure Plan

3.5 EXISTING LANDFILL CONDITIONS AND OPERATIONAL SETTING

3.5.1 Grading and Other Site Features

Background Information:

The highest portions of the active SMI Landfill have reached an elevation of approximately 726 feet above mean sea level (MSL). At its current elevation, the SMI Landfill is approximately 245 feet above the surrounding average land grade of 480 feet.

The DEIS will include a discussion of the following:

- Existing grades and other site features (Referencing Sheets 3 and 5 of the Engineering Drawings)
- The tire processing facility and other ancillary structures located on the Facility Site

3.5.2 Existing Landfill Liner and Leachate Collection

System Background Information:

The Facility has liner types consisting of a natural soil containment, an engineered in-situ liner, an engineered recompacted soil liner, and an engineered soil liner with a blanket drain. In 2013 SMI completed the construction and start-up of a treatment system which consists of a reverse osmosis facility and the biological treatment system to provide for the treatment of leachate. One alternative for treatment of the concentrate from the reverse osmosis treatment unit, that has been put into place, is a leachate/concentrate evaporator system. SMI has not recirculated leachate at the landfill since 2016, and a special condition was added to the 2017 Part 360 permit renewal that restricts SMI from recirculating leachate without DEC approval, The DEIS will include a discussion of the following:

- Description of variety of different liner types used at the Facility and how they collect and treat leachate and condensate
- Leachate storage capacity and disposal methodology
- Methods to reduce leachate tanker trucks with the leachate treatment and evaporator system
- Leachate/concentrate evaporator system description
- Historic leachate generation rates
- Emerging Contaminants discussion
- Dynatec Biological Leachate Treatment System, Reverse Osmosis System, and **Evaporator**
- Permeate and Concentrate disposal
- Historic leachate recirculation procedures

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3.5.3 Landfill Gas Management

System Background Information:

The gas collection system is routinely upgraded to collect additional LFG and to ensure NSPS compliance which requires a system capable of handling all of the LFG generated from the facility. The existing and proposed landfill gas control devices at SMI provide sufficient capacity to combust the expected quantity of gas to be collected by the existing landfill operations.

The DEIS will include a discussion of the following:

- LFG collection system components
- Horizontal collector description
- Vertical gas wells description
- Leachate treatment process description and associated emissions. The condensate/leachate evaporator description
- Historic leachate recirculation procedures
- Existing and future landfill gas production estimations condensate collection and disposal description

3.5.4 **Existing Odor Management**

System Background Information:

Existing air emission information related to Landfill Gas is found in Section 3.5.3. Seneca Meadows routinely monitors landfill gas emissions by performing guarterly surface emissions monitoring. Based on the 1997 odor investigation findings and results from the completion of the sampling, analysis, and dispersion modeling, no exceedances of published health-based guidance values or guidelines have been identified with landfill gas emissions from the Facility. The results of the 2016 odor assessment showed several areas of improvement to reduce odor. Furthermore. since 2016, the site has enacted several mitigation measures including implementing an odor neutralizing system, suspending leachate recirculation, eliminating the use of C&D fines as cover, installation of enhanced capping, and installation of more horizontal collectors.

The DEIS will include the following:

- A description of the existing surface emissions monitoring program intended to satisfy the requirements of the USEPA's New Source Performance Standards (NSPS) for municipal solid waste landfills.
- 1997 Facility odor investigation summarized
- Information on historic odor and odor complaints, and actions taken to address odor issues at the existing Facility
- Odor Response System: The results of a 2016 odor investigation and enacted mitigation measures to date
- The results of the Ambient Monitoring Work Plan approved on 07/11/2018 and the subsequent Assessment of Odor report on 09/08/2020
- A description of the H2S Monitoring study that the facility is doing as part of this expansion (both the flux chamber study as well as the ambient air monitoring of hydrogen sulfide with Acrulogs), as well as a discussion of the results.

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3.5.5 Existing Stormwater Management System

Stormwater management will be discussed in Section 3.4.2 Stormwater Quality. A brief summary of stormwater capacity, infrastructure, discharge events, and quality control will be included in this section of the DEIS. Changes to the Stormwater infrastructure will be discussed under Section 2.0.

3.5.6 Existing Sound Levels

Background Information:

The sound level monitoring at the SMI Landfill indicates that the Facility is currently in compliance with part 360 regulations.

The DEIS will include a description of the following:

- Annually performed sound level monitoring at various approved representative receptor locations surrounding the Facility
- Applicable standards for the Site

3.5.7 Existing Groundwater Monitoring System

DEIS to include:

- Description of monitoring well program in Operations, Maintenance, and Monitoring Plan
- Location of wells
- Applicable parameters to be monitored

3.6 COMMUNITY RESOURCES AND CHARACTERISTICS

3.6.1 Land Use, Zoning, and Planning

3.6.1.1 Land Use Background Information:

SMI Landfill is located on approximately 900 acres of land, with the overall Seneca Meadows property encompassing around 2,400 acres. Much of the land surrounding the Facility is in agricultural use.

The DEIS will include a description of the following:

- Facility land size, access, and characteristics
- Land use in surrounding properties
- Significant traffic routes and notable nearby facilities

3.6.1.2 Zoning and Planning

3.6.1.3 Background

Information:

Current zoning of the proposed project area is M-2, Refuse Disposal and Reclamation.

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The DEIS will include the following:

- Facility zoning information in both Waterloo and Seneca Falls Compliance of the Site with zoning laws or ordinances
- Consistency of the proposed expansion with adopted county and town comprehensive plans (Seneca County and Towns of Seneca Falls Waterloo).

3.6.2 Transportation

Existing Traffic Conditions

Background Information:

Access to the Facility for waste vehicles is via one entry located on Salcman Road, at its intersection with NYS Route 414. Additional traffic volumes are generated from the importation of cover soils (also truck traffic), and from employee and visitor traffic (primarily passenger vehicles).

The DEIS will include of the following:

- Summary of the traffic study was performed for the 2006 DEIS for the Expansion Project
- Traffic conditions at the Facility including any changes since 2006 study
- Evaluation of changes to traffic outside of the landfill since the 2006 study due to area growth
- Routes used by short-haul and long-haul trucks.

3.6.3 Utilities and Services

The DEIS will include the following:

- List of public services provided to Facility and related providers
- Description of utilities used by the Facility

3.6.4 Ambient Sound Level Conditions Background Information:

The existing sound levels at the Facility comply with requirements of 6 NYCRR Part 360 Section 360.19(j).

The DEIS will include the following:

- Prior sound level surveys performed to identify levels of environmental noise received along boundaries of the Facility
- Description of 10 testing locations
- Tested sound levels during day and night
- Description of construction activity occurring during testing and relevance to the Project construction areas

3.6.5 Public Parks and Recreation Facilities

The DEIS will include the following:

- Description of public parks and recreation areas around Project Area

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- Parks and recreation development goals
- Description of the Seneca Meadows Wetlands Preserve

3.6.6 Demographics

3.6.6.1 Local and Regional Economy Background Information:

Seneca County is a primarily rural, agricultural community with an industrial and manufacturing-based economy and a population in 2010 of 35,251, according to the US Census.

The DEIS will include the following:

- Seneca County US Census information
- Seneca County employment information and major employers
- Draft Disadvantaged Community and Environmental Justice Communities

3.6.6.2 Existing Jobs and Economic Contributions of Landfill Operations

Background Information:

SMI contributes significantly to the local economy through direct payroll, payments to local vendors, tax payments and other contributions to local government units.

The DEIS will include the following:

- Facility local economy contributions
- Facility seasonal employment information
- Free waste disposal program economic information Facility charity donations
- Facility secondary economic activity Facility tax payments
- Direct cash payments to the Towns of Seneca Falls and Waterloo

3.6.6.3 Population and Housing Background

Information:

Housing unit type is primarily single-family homes, with an owner occupancy rate of 58 percent in 2010 (Town of Seneca Falls).

The DEIS will include the following:

- Seneca County population and housing US Census information

3.6.7 Archaeological and Historical Resources

Background Information:

The Seneca Meadows site is not within an archeologically sensitive area, based on New York State Historic Preservation Act records. There are no structures, ruins, or archeological resources on the site or structures listed on the State or National Registers of Historic Places.

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The DEIS will include the background information above and the following:

- Summarize previous archaeological and historical investigations.

3.6.8 Visual and Aesthetic Conditions:

In addition to describing the visual setting for the project and area, the DEIS will summarize a Visual Resource Assessment performed for the project. The purpose of the Visual Assessment will be to identify potential visual and aesthetic impacts and to provide an objective assessment of the visual character of the project, using standard accepted methodologies of visual assessment, from which agency decision-makers can render a determination of visual significance.

The DEIS will include the following:

- Description of visual character of the regional setting of Project Area
- Visibility of existing landfill from vantage points and scenic areas
- 3.7 Climate Leadership and Community Protection Act (CLCPA) and Community Risk and Resiliency Act (CRRA)

3.7.1 CLCPA

3.7.1.1 Disadvantaged Communities (DACs)

The DEIS will describe each of the three DACs in the vicinity of the landfill (GEOIDs: 36099950200, 36099950300, and 36099950400) including:

- Relevant baseline data on existing burdens, including from relevant criteria used to designate the DAC potentially impacted by the project
- Identification of any environmental or public health stressors already borne by the DAC because of existing GHG and co-pollutant burdens in the community

3.7.1.2 Greenhouse Gases

Existing measures used by the landfill to control GHGs as baseline for CLCPA.

3.7.1.3 HAP/PM

The DEIS will include discussion of existing measures taken to control HAPs and PM. Additionally, the DEIS will include an assessment of whether the proposed landfill expansion would disproportionately impact CLCPA Disadvantaged Communities (DACs).

3.7.2 CRRA

The DEIS will characterize the area with respect to the existing Climate Change Risk, including extreme weather events, food risk, availability of water, and other natural resources needed by the community.

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4.0 POTENTIAL ENVIRONMENTAL IMPACT

This section presents and evaluates the environmental impacts that could potentially occur if the proposed Project is implemented, in conjunction with Section 8 of the DEIS, which presents a summary of the measures that will be utilized to mitigate and/or avoid these impacts.

4.1 EARTH RESOURCES

4.1.1 Topography

The DEIS will include an evaluation of the following potential impacts:

- Operation of the Facility has resulted in modification of the topography of the Project Area
- FAA obstruction standards
- Compliance with the FAA guidance

4.1.2 Geology

The DEIS will include an evaluation of the following potential impacts:

- How the subsurface geological integrity of the Project Area will not be adversely impacted during either the construction or operational phases of the Project
- Minor impacts due to the alteration of the site topography will result in the movement of surficial soils during construction of the lateral portion of the SMI Valley Infill Area and the relocated facilities
- Some bedrock alterations will be made to higher bedrock area at the south end of the project as described in Section 2.4.1.
- Additional bedrock data, if needed, to identify and describe major fractures in the bedrock
- Discuss recent seismic activity regionally and the potential for impacts due to any future seismic activity at the facility

4.1.3 Soils

The DEIS will include an evaluation of the following potential impacts:

- Disturbance of surficial soils in the Project Area
- Soil excavation and movements will be conducted to minimize offsite impacts due to dust and erosion to the maximum extent possible.
- Further description of controls will be provided.
- Potential traffic impacts from these soil deliveries
- How soils/excavated materials for construction (e.g., liner component) and operation (e.g., operating cover) of the Valley Infill project will be obtained – SMI mining and other operations

4.1.4 Geotechnical Impacts

- Project Area is not located within a seismic impact zone but will be discussed in the DSEIS
- Interface shear strengths will be taken into account in the landfill design and

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construction for landfill slope stability. The DEIS will refer to the Engineering Report for the Project

4.2 Water Resources

4.2.1 Surface Water Resources

The DEIS will include an evaluation of the following potential impacts:

- Potential impacts to floodplains
- Mitigation for Climate Change and criteria for meeting CRRA
- Sedimentation and erosion
- Leachate generation and management, including analytical results and semiannual monitoring for new Part 363 expanded parameters: PFAS,1,4-dioxane, and radionuclides
- Discuss proposed leachate recirculation and pilot PFAS treatment and possible impacts to WWTFs
- A brief discussion of the related controls and sampling of surface water will also be included
- Stormwater management and measures to protect surface water will be described
- Stormwater monitoring prior to batch release and surface water monitoring.
- Discuss potential impact to human health from leachate transferred off-site via the sewer line to the Seneca Falls WWTF or by truck to other WWTFs, which discharge to surface waters.

4.2.2 Groundwater Resources

- Stormwater and leachate control features which will prevent the release of contaminants and will minimize the potential for adverse impacts to groundwater resources
- Continuation of existing monitoring of the amount of liquid removed from the secondary containment system to ensure the integrity of the liner system
- Groundwater monitoring, including new Part 363 expanded parameters:
 PFAS,1,4-dioxane, and radionuclides, which will be required by the new 360 permit
- Address concerns about potential impact to drinking water wells and concerns about potable water in the community and neighboring communities
- Assess potential regional hydrogeological impacts
- Summary of 360.16(h) report which assesses the potential impacts of the facility on a remedial program which includes the following:
 - Describe the existing cover system of the Tantalo Site
 - Assess the potential impact of adding the weight of the waste mass from the expansion on top of the Tantalo Site and the potential for plume migration.

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 Assess how the double composite liner system proposed to be constructed over the Tantalo Site may further limit precipitation infiltration into/through the Tantalo Site waste mass, possibly resulting in a reduction of leachate generation

- Summary of how the Project will relate to the potential, ongoing, or completed remedial programs at the Tantalo Site or the original Seneca Meadows Landfill Inactive Hazardous Waste Site including evaluation of groundwater monitoring wells to be removed over the course of the expansion over the Tantalo Site and surrounding areas
- Evaluate monitoring well replacements and additions.
- Evaluate bedrock blasting on groundwater and potential plume movements.
- Discuss ground water monitoring well reports to inform possible changes that occur to plume and associated determinations regarding additional measures needed.
- Assess the potential for impacts if the plume migrates with respect to groundwater and vapor intrusion.
- Evaluate residences and businesses downgradient of the proposed Valley Infill project to determine if all are connected to a public water supply system and whether private wells are used for drinking water within the study area of the related Hydrogeologic Report
- Assess preventative measures/systems related to potential movement of the plume
- Assess need for preventative or containment groundwater systems to be installed prior to monitoring well closures and project construction.

4.3 AIR RESOURCES and ODORS

This section will evaluate potential air impacts resulting from both the construction and operation of the proposed SMI Valley Infill. Potential impacts to air quality from the SMI Valley Infill include fugitive dust, vehicular emissions, and landfill gas emissions.

4.3.1 Estimated Air Pollutant Emissions

4.3.1.1 Construction Emissions

- DEIS will discuss dust mitigation procedures that may be undertaken at the site, including application of water and other dust controls
- Quick establishment of vegetative cover on completed landfill work areas, and the protection of stockpiled soils with vegetative cover, crusting agents, water and other coatings will also reduce dust problems
- Combined emissions from vehicle exhausts and other equipment used during the construction of the SMI Valley Infill will occur and will be evaluated for potentially significant adverse impacts
- Other controls such as minimization of active areas will be discussed
- Emissions related to opening a portion of the Tantalo Site and removing waste prior to liner construction will be evaluated

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4.3.1.2 Operational Emissions

The DEIS will include an evaluation of the following potential impacts:

- Emissions from the proposed SMI Valley Infill will be generated in the same manner as for the currently permitted landfill operations, which will be described
- SMI Valley Infill will begin to produce LFG shortly after it begins accepting waste and will continue to produce LFG for several years after they stop accepting waste. The facility will provide the gas curve expected as part of the project, as well as the overall gas curve for the entire facility
- Information on expected landfill gas generation will be discussed, as well as control measures and the expected impacts
- The facility will discuss the potential impact of fugitive dust emissions as well as the mitigation to be implemented
- Truck emissions
- GHG emissions will also be discussed in Section 4.6
- H2S emissions

4.3.2 Air Quality Impact Analysis

The DEIS will include an evaluation of the following potential impacts:

- Impacts associated with air emissions from the proposed SMI Valley Infill will be fully evaluated in the Title V permit application review and summarized in the DEIS. The expansion will be evaluated against relevant guidelines for air quality standards including state and federal air regulations and CLCPA to be protective of human health and the environment. The facility will discuss impacts associated with oxides of nitrogen, sulfur dioxide, particulate matter including PM10 and PM 2.5, hydrogen sulfide, volatile organic compounds (VOC), and Hazardous Air Pollutants (HAPs), PFAS and other contaminants that have the potential to exceed federal and state standards and guidelines (e.g., DAR 1).
- A discussion of the peak emissions year modeling for Landfill Gas will be included and compared to the relevant air quality standards. The estimated gas curve for the project, as well as for the entire facility, will be provided
- A discussion of air quality guideline concentrations and health-based standards applicable to the landfill emissions, including landfill gas, working face, and other emissions.
- The ingredients in the deodorizers/neutralizers, resulting emissions, and associated characteristics from the Safety Data Sheets (SDS), including health criteria, such as toxicity, with respect to protecting human health, will be discussed.

4.3.3 Compliance with Standards and Guidelines

The DEIS will include an evaluation of the following potential impacts:

 Relevant regulations will be listed. Compliance with the applicable requirements will be required to be demonstrated during and beyond the active life of the SMI Valley Infill

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4.3.4 Odors

- Assess potential odor impacts from the project attributable to the increase in height and size of the landfill and any operational changes
- Assess potential for odor impacts due to the landfill stack emissions and fugitives due to waste decomposition, deodorizers/neutralizers, and other emissions including, but not limited to, the leachate treatment system, the evaporator, and, if developed, compost piles.
- Assess potential changes to emission rates and odors from potential recirculation of biologically treated leachate concentrate, should it be approved by NYSDEC.
- Please summarize the history of odor complaints from the commencement of the last expansion. Please discuss the time period that had the increase in odor complaints and the assessment of the cause(s) of that time period. Also, discuss the remedies/corrective action that was taken to remedy the source of those complaints.
- Describe and evaluate the outcome(s) of the existing Odor Investigation
 Program and describe changes (if any) that are being proposed with respect to
 the project (including, but not limited to, the use of a non-biased third party
 responder, advanced techniques that are viable, etc.). Describe and evaluate
 the outcome of the ambient air monitoring program that was performed per the
 2017 Part 360 permit condition.
- Evaluate viability of use of advanced technologies for determining methane emissions, such as by aerial drones, automatic well balancing, and/or other advanced technologies.
- Evaluate other locations where use of the H2S monitoring stations would give additional feedback on odors and/or use of the Jerome instrument to verify whether the H2S standard is being exceeded in locations other than at the Acrulog stations (such as at the Thruway). Discuss weather patterns, wind direction, or other factors (such as farm activities) in assessing observations taken during odor events.
- Note: proposed mitigation measures for air emissions and odors will be described in Section 5.

4.4 ECOLOGICAL RESOURCES

- Because the project is to be located over the existing land fill and the Tantalo Site, no significant vegetative or wildlife resources are expected to be impacted by the Project
- Project impacts to areas surrounding the proposed Project Area due to noise, air emissions, and human activities at the expansion site, similar to those at the Existing Landfill and in similar or less proximity will be discussed
- The Habitat Management planning made part of the existing Landscaping Plan and Closure/Post-Closure Plan will be described. It will include temporary and permanent (final closure) habitat including seeding, mowing schedule, etc., with respect to grassland birds.

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4.4.1 Rare, Endangered, or Threatened Species

Because the project is to be located over the existing landfill and the Tantalo Site, which are areas with no existing suitable habitat, no significant, rare, threatened, or endangered species are expected to be impacted by the Project.

Results of web searches for these species will be included, as will a summary of the 2006 study findings be briefly described

4.4.2 Wetlands

The SMI Valley Infill will not result in the disturbance of federal and/or New York State jurisdictional wetlands; therefore, this review will not be included in the DEIS.

4.5 COMMUNITY and HUMAN RESOURCES

4.5.1 Land Use, Zoning and Planning

The DEIS will include an evaluation of the following potential impacts:

 Potential impacts to local land use, consistency with comprehensive plans, and zoning will be summarized. Consistency of the project with local planning, zoning, and local laws, related to landfilling, mining, and other operations of landfilling, including Local Law #3, will be discussed as they relate to the existing and proposed landfill

4.5.2 Services and Utilities

The DEIS will include and evaluation of the following potential impacts:

- There are no changes proposed for community services or utilities. The Proposed Project will be evaluated with respect to potential for adverse impacts on community services, including water, sewer, roads, etc.
- A discussion of facility fire controls will be included. This will include an evaluation of the adequacy of on and off site fire hydrants and other water sources, local fire departments, and applicant capabilities.

4.5.3 Transportation

The DEIS will include a description of the following:

- Updated traffic information (from SMI and outside of the facility)
- Assessment of proposed expansion on the existing level of service and the continuation of landfill traffic for the life of the proposed expansion
- The potential for landfill trucks to spread mud or debris on local highways
- A revised roadway debris and track out mitigation plan for State Route 414 will be included in Section 5.
- Assess potential for road damage as a result of truck traffic.
- Assess the routes of traffic and associated impacts in the DAC areas in and adjacent to Seneca Meadows Landfill, respectively

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 Map of traffic routes and mechanisms to encourage/require landfill and mining truck traffic on major highways – Conduct and include a complete update of the 2007 Final Supplemental Environmental Impact Statement (FSEIS) on Traffic, including tractor trailer traffic in the Finger Lakes, based on current conditions, regulations, and policies

4.5.4 Sound Level / Noise Impacts

The DEIS will include an evaluation of the following potential impacts:

- Sources of potential sound impacts and the impacts of Facility scheduling on noise levels will be discussed.
- The sound levels associated with the construction and development of the Project will be thoroughly described as to how they will be consistent with existing sources of Facility operations.
- The DEIS will include an assessment of noise impacts pursuant to the Department's Program Policy, "Assessing and Mitigating Noise Impacts."
- The DEIS will include a summary of a noise evaluation to be prepared to verify noise levels will be in compliance with Part 360 series regulatory standards.
- This will include updated background noise levels and estimated noise levels resulting from the proposed Project

4.5.5 Demographics

Local Economy:

The Project economic impacts to both the local community and the local economy will be discussed, including positive and negative impacts.

Positive impacts to be discussed include continued employment and job creation, fiscal impact to the Town of Seneca Falls and Town of Waterloo, as well as other impacts on the area economy. The Town's host community benefit plans will be discussed

Population and Housing

The DEIS will include an evaluation of the following potential impacts:

- The Project will not restrict development of adjacent properties and is not anticipated to have any adverse impact on current population or housing trends.
- The Host Benefit between the Town of Seneca Falls and Town of Waterloo will be discussed as it relates to supporting Town finances, services, and property value protection.

4.5.6 Archeological and Historical Resources

- The 2006 DEIS reported no archaeological or historical resource concerns, and as such, the SMI Valley Infill will not impact archaeological or historical resources.
- An updated review by OPRHP will be described.

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 Assess the potential impacts of the landfill expansion on the consideration of the National Heritage Study Feasibility Study – Finger Lakes Heritage Area. designation for the region.

4.5.7 Visual and Aesthetic Impact

Based on the results of the Visual Assessment, the DEIS will include an evaluation of the following potential impacts:

- Comparison of the areas from which the currently permitted facility can be seen and additional areas from which the proposed project will be seen using viewshed mapping and field investigation.
- An evaluation of the project pursuant to the Department's Program Policy, "DEP-00-2 / Assessing and Mitigating Visual and Aesthetic Impact" including an Inventory of Aesthetic Resources, visual character and aesthetic value, visual assessment, and significance.
- Other locations in the surrounding areas from which the proposed project will be visible.
- Identify sensitive aesthetic and scenic resources.
- The visual assessment report will be included to identify potential visual an aesthetic change of visual character and identify impacts related to the Project.
- Proposed temporary and final closure of the landfill slopes with respect to visual impacts (use of different final cover materials, etc.).

4.5.8 Potential Impacts to Human Health

The DEIS will include the following:

- Discussion of how emissions from the proposed project, as calculated and modelled, compare to the applicable regulatory standards and guidelines developed by DEC and EPA to protect human health. Each contaminant will be discussed in relation to each applicable health based standard and guideline. Each standard and guideline will be described in terms of the agency that developed it and basic background on the standard or guideline and how it protects human health. This section may reference other sections of the EIS that demonstrate how the air emissions data generated by SMI demonstrates compliance with the Air Title V permit.
- Discussion of available EPA ambient Geospatial Monitoring for Air Pollution (GMAP) data in relation to any existing landfill or project impacts on ambient air quality in the surrounding areas.

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 Discussion of the March 27, 2019 NYSDEC Community Air Screen Program-Ambient Air Quality Screening Report for Seneca Falls, Seneca County, produced upon the application of Seneca Falls Environmental Action Committee in relation to any existing landfill and project impacts on ambient air quality in the surrounding areas.

- Reference and summary of the mobile emission estimates included in the CLCPA Section 7(3) analysis and discussion of how these emissions may impact human health in the three DACs and beyond.
- Discussion of existing landfill and project impacts as potential factors in relation to reported lung cancer incidence in the surrounding areas. Description of an evaluation of the most up-to-date lung cancer incidence data, to be developed and implemented by NYSDOH, of an appropriate geographic area surrounding the landfill as compared to the appropriate reference population within New York State.
- Discussion of potential emissions from SMI leachate within public sewers in the surrounding areas.
- 4.6 Climate Leadership and Community Protection Act (CLCPA) and Community Risk and Resiliency Act (CRRA)

The DEIS will include a summary of the CLCPA Analysis for the project in Appendix J. It will cover the following topics:

4.6.1 Greenhouse Gas Impacts (CLCPA Section 7(2))

Discuss impacts of GHG emissions from the proposed expansion on Climate Change. Include summary of CLCPA evaluation on GHG emissions from the expansion.

- **4.6.2** Impacts on Disadvantaged Community (CLCPA Section 7(3))
 - 4.6.2.1 Co-pollutant Emissions
 - **4.6.2.2** Other Impacts such as traffic and odors

4.6.3 CRRA

- **4.6.3.1** Extreme Weather Events
- **4.6.3.2** Flood Risk

5.0 DESCRIPTION OF MITIGATION MEASURES

This section discusses the measures to mitigate, minimize, and avoid adverse environmental impacts that are to be incorporated into design elements and operational and closure plans for the Project

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5.1 EARTH RESOURCES

Evaluation of existing and future mitigation measures to avoid soil loss, turbidity, and other impacts. And measures to ensure landfill stability. The DSEIS will discuss design requirements for construction of the landfill expansion related to soils and subsurface geology. This will include bedrock separation, placement of intermediate and final cover materials, re-vegetation of the site, and erosion and sedimentation control during construction and operation.

5.2 WATER RESOURCES

5.2.1 Groundwater

- The assessment of leachate management systems
- A discussion of the double composite liner system and leak detection measures
- The assessment of existing and future mitigation measures to monitor surface and ground water. Also, the assessment of existing and future measures to monitor and prevent plume migration from Tantalo to offsite.

5.2.2 Surface Water

Leachate management system will be described, including:

- Collection
- Removal
- Storage
- Transport

PFAS management including proposed pilot PFAS removal project will be described.

- Site drainage and stormwater management systems will be described.
- The proposed environmental monitoring will be described including locations, parameters, and frequency of surface water monitoring. Monitoring to ensure protection of downstream resources will be identified.
- Describe stormwater management measures for management of increased runoff volumes and patterns for protection of water resources, including Black Brook.

5.3 AIR RESOURCES AND ODORS

- Evaluation of existing and proposed mitigation measures for monitoring and controls for air emissions.
- Evaluation of measures to mitigate odors, including, but not limited to, alternative neutralizing agents; alternative cover materials including material, methods, and frequency to manage gas and solid waste; revisions to the odor monitoring plan, etc.

5.4 ECOLOGICAL RESOURCES

If identified, any measures to mitigate ecological resources.

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5.5 COMMUNITY RESOURCES

Evaluation of Mitigations to identified community resources, unless covered under Section 5.6 below.

Visual impact avoidance and mitigation will be based on "DEP-00-2 Assessing and Mitigating Visual and Aesthetic Impact"

Climate Leadership and Community Protection Act (CLCPA) and Community Risk 5.6 and Resiliency Act (CRRA)

Provide a summary of the CLCPA Mitigation Measures including air-related, wasterelated, consideration of organics and recycling technologies to supplement/offset landfill operations and other mitigations. Mitigation measures proposed for GHGs will be discussed with respect to Climate Change Mitigation measures under Section 7(2) of CLCPA. Mitigation measures under Section 7(3) of CLCPA related to the DACs will also be discussed including proposed measures for co-pollutants, noise, odors, and traffic. Assess the potential for alternative technologies and other mitigation measures. Many mitigation measures have been proposed to meet 7(2) and 7(3) including, but not limited to, additional gas well monitoring, more frequent cover inspections, installation of gas well dewatering systems, utilization of drone technology for fugitive emissions, installation of synthetic cover over parts of the landfill, monitoring of cover penetrations during quarterly surface scans before required by regulation, installation and operation of gas collection infrastructure before required by regulation, conversion of a portion of operational support vehicles to EV, installation of charging stations for the general public use, and feasibility studies for several options and technologies.

CRRA requires that climate impacts be a part of the planning, permitting and funding process in all counties of New York State to strengthen New York State's preparedness for the effects of climate change, and help protect communities against severe weather and sea level rise. The DEIS must consider the project with respect to impacts of extreme weather such as storm surge, sea level rise and flooding.

6.0 UNAVOIDABLE ENVIRONMENTAL IMPACTS

This section of the DEIS will identify and discuss environmental impacts that cannot be avoided or mitigated if the proposed project is implemented, in accordance with 6NYCRR 617.9(b)(5)(iii)(b).

7.0 IRREVERSABLE AND IRRETREVABLE COMMITMENTS OF RESOURCES

This section of the DEIS will identify and discuss the irreversible and irretrievable commitment of resources associated with the proposed action, in accordance with 6 NYCRR 617.9(b)(iii)(c).

0.8 ALTERNATIVES TO THE PROPOSED ACTION

This section of the DEIS will include an evaluation of project alternatives in accordance with 6 NYCRR 617.9(b)(v). It will include the following subsections, summary of existing studies, and supporting data as needed, to summarize the evaluations.

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- 8.1 OBJECTIVES AND CAPABILITIES OF SMI
- 8.2 NO-ACTION ALTERNATIVE
- 8.3 ALTERNATIVE LANDFILL SITES
- 8.4 ALTERNATIVE SITE LAYOUTS ON THE FACILITY SITE
- 8.5 ALTERNATIVE DESIGN CONCEPTS FOR THE SMI VALLEY INFILL
 - 8.5.1 The Tantalo Inactive Hazardous Waste Site: minimizing impacts to its existing cover and monitoring wells, including phased approaches
 - **8.5.2** Alternatives to overfilling Tantalo Inactive Hazardous Waste site including complete waste removal
 - 8.5.3 Overlay areas and associated liners
 - 8.5.4 Other site designs such as forgoing the height increase

8.6 CONCLUSION

This section will provide a description of how the Project will include a number of design, construction, and operating practices that will mitigate, minimize, or avoid significant adverse impacts.

9.0 GROWTH INDUCING IMPACTS

This section of the DEIS will identify and discuss growth inducing impacts associated with the proposed action, in accordance with 6 NYCRR 617.9(b)(iii)(d).

10.0 EFFECTS OF THE USE AND CONSERVATION OF ENERGY

Background information:

The proposed Project will involve the phased construction of the SMI Valley Infill in accordance with the engineering design. As such, energy consumption in the form of fuel use will be required for baseliner preparation and construction of the expanded landfill areas. However, on an annual basis, no significant increase in fuel use or energy consumption is anticipated to occur as a result of the Project. Although similar equipment used to carry out the construction, operations and maintenance activities at the SMI Valley Infill, an increase of approximately 15 years in the duration of operational energy (i.e., fuel and electricity) consumption will occur.

There will be no increase in the waste acceptance rate at the SMI Valley Infill. Therefore, there will be no increase in the number of vehicles traveling to and from the facility or in the number or type landfill equipment at the working face to deposit, compact and cover the waste.

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The DEIS will discuss the ramifications on fuel use if the Project were not developed and waste haulers were required to travel longer distances to remaining available solid waste disposal sites.

In addition, Seneca Meadows will continue to utilize landfill gas as a source of renewable energy including, but not limited renewable natural gas (RNG, or High Btu)) and other technologies as they become available. While the preferred use of landfill gas is renewable energy, the flares will continue to be utilized for operational purposes as required (by air permit).

Furthermore, the High BTU plant has infrastructure in place to generate renewable natural gas by utilizing landfill gases produced from the waste being disposed at the landfill and sending it to the natural gas pipeline. This offsets some fuel consumed by consumers.

The DEIS will include the background information above and additional detail on the following:

- Anticipated short-term and long-term level of consumption
- Indirect effects on energy consumption
- Energy conservation measures
- CLCPA goals for energy

11.0 REFERENCES

The reference list will include the 2006 DEIS and subsequent DEIS documentation, the SMI Valley Infill Part 360/363 Permit Application Package, as well as all other applicable references.

12.0 TABLES AND FIGURES

13.0 APPENDICES

Appendices will include materials not suitable for insertion in the main body of the DSEIS, and shall include key SEQR documents, technical reports.

They are anticipated to include:

Appendix A – Current Part 360 Permit and SEQR Documentation

Appendix B – Part 360 Water Quality Parameters (including Part 375 Extended Parameters)

Appendix C – New York State Air Quality Monitoring Locations & Data (may be a part of the Title V application)

Appendix D – Emissions Inventory & Air Quality Monitoring Protocol (may be a part of the Title V application)

Appendix E – 2018 Annual Noise Survey and 2022 New Noise Assessment for Proposed Project

Appendix F – Seneca Meadows Visual Resource Assessment

Appendix G – FAA Determination Correspondence

Appendix H – Air Studies (Including: Community Air Screen Program in 2019 (report March 27,

2019); SMI Ambient Air Monitoring study and new air study and modelling for H2S.)

Appendix I - Correspondence from NYSOPRHP

Appendix J – CLCPA Analysis

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14.0 ENVIRONMENTAL REVIEWS NOT PROPOSED FOR INCLUSION IN THE DEIS

In accordance with 6NYCRR 617.8(f)(7), this section of the scoping document is reserved for those prominent issues that are raised during the public scoping and determined to be not relevant or not environmentally significant, or that have been adequately addresses in a prior environmental review.

There are no prominent issues that were raised during the public scoping that were determined to be not relevant or environmentally significant for purposes of this final scope and the DEIS. All relevant issues are being addressed in the DEIS.