

**RIPUC Use Only**

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

GIS Certification #:

32644

## RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM

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

**STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION  
Pursuant to the Renewable Energy Act  
Section 39-26-1 et. seq. of the General Laws of Rhode Island**

**NOTICE:**

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

- Please complete the Renewable Energy Resources Eligibility Form and Appendices using a typewriter or black ink.
- Please submit one original and three copies of the completed Application Form, applicable Appendices and all supporting documentation to the Commission at the following address:

Rhode Island Public Utilities Commission  
89 Jefferson Blvd  
Warwick, RI 02888

Attn: Renewable Energy Resources Eligibility

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

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

---

**SECTION I: Identification Information**

- 1.1 Name of Generation Unit (sufficient for full and unique identification):  
ChaffeeLandfill
- 1.2 Type of Certification being requested (check one):  
x Standard Certification       Prospective Certification (Declaratory Judgment)
- 1.3 This Application includes: (Check all that apply)<sup>1</sup>
- APPENDIX A: Authorized Representative Certification for Individual Owner or Operator
  - APPENDIX B: Authorized Representative Certification for Non-Corporate Entities Other Than Individuals
  - APPENDIX C: Existing Renewable Energy Resources
  - APPENDIX D: Special Provisions for Aggregators of Customer-sited or Off-grid Generation Facilities
  - (X) APPENDIX E: Special Provisions for a Generation Unit Located in a Control Area Adjacent to NEPOOL
  - (X) APPENDIX F: Fuel Source Plan for Eligible Biomass Fuels
- 1.4 Primary Contact Person name and title: LaToya Glenn, Contract Manager
- 1.5 Primary Contact Person address and contact information:  
Address: 1001 Fannin, Ste. 4000, Houston, Texas 77002  
Phone: 713-328-7357      Fax: 713-287-2423  
Email: lglen@wm.com
- 1.6 Backup Contact Person name and title: David Unger, Marketing Director
- 
- 1.7 Backup Contact Person address and contact information:  
Address: 1001 Fannin, Ste. 4000, Houston, Texas 77  
Phone: 713-328-7457      Fax: 713-287-2423  
Email: Dunger@wm.com
- 1.8 Name and Title of Authorized Representative (*i.e.*, the individual responsible for certifying the accuracy of all information contained in this form and associated appendices, and whose signature will appear on the application):  
Paul Pabor , Vice President
- 

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

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

1.9 Authorized Representative address and contact information:

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

---

---

Phone: 713-328-7345 Fax: 713-287-2423

Email: ppabor@wm.com

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

---

1.11 Owner address and contact information:

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

---

---

Phone: 713-328-7345 Fax: 713-287-2423

Email: ppabor@wm.com

1.12 Owner business organization type (check one):

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

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

1.14 Operator address and contact information:

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

---

---

Phone: 713-328-7345 Fax: 713-287-2423

Email: ppabor@wm.com

1.15 Operator business organization type (check one):

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

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

2.1 ISO-NE Generation Unit Asset Identification Number or NEPOOL GIS Identification Number (either or both as applicable): GIS - 32644

2.2 Generation Unit Nameplate Capacity: 1.2 MW @ 4 Units

2.3 Maximum Demonstrated Capacity: 4.8 MW

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix F completed and attached?

Yes  No  N/A

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

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

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

**SECTION III: Commercial Operation Date**

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

3.1 Date Generation Unit first entered Commercial Operation:   08   /   01   /   07   at the site.

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

Yes  
 (X) No

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

Appendix C completed and attached?  Yes  No  N/A

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

Yes  
 (X) No

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

---

---

---

**SECTION IV: Metering**

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

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

---

Appendix D completed and attached?  Yes  No  N/A

**SECTION V: Location**

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

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

5.2 Generation Unit address: 10860 Olean Rd, Chaffee, NY 14030

---

---

---

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

A. Universal Transverse Mercator Coordinates: \_\_\_\_\_

B. Longitude/Latitude: W78 2912.04 /N 423501.42

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

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

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

Appendix E completed and attached?

x Yes    No    N/A

**SECTION VI: Certification**

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

**Corporations**

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

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

Evidence of Board Vote provided?  Yes  No  N/A

Corporate Certification provided?  Yes  No  N/A

**Individuals**

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

Appendix A completed and attached?  Yes  No  N/A

**Non-Corporate Entities**

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

Appendix B completed and attached?  Yes  No  N/A

6.2 Authorized Representative Certification and Signature:

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

Signature of Authorized Representative:

SIGNATURE:

Paul Palus

DATE:

2/6/08

Vice President

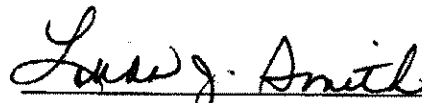
(Title)



**CERTIFICATE**

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

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

A handwritten signature in cursive script, reading "Linda J. Smith", is written over a horizontal line.

Linda J. Smith  
Secretary

**APPENDIX E**  
**(Revised 1/21/08)**

**(Required of all Applicants Located in a Control Area Adjacent to NEPOOL)**

**STATE OF RHODE ISLAND**  
**PUBLIC UTILITIES COMMISSION**

**RENEWABLE ENERGY RESOURCES ELIGIBILITY FORM**

**Pursuant to the Renewable Energy Act**  
**Section 39-26-1 et. seq. of the General Laws of Rhode Island**

---

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

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

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

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

x ← please check this box to acknowledge this requirement

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

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

x ← please check this box to acknowledge this requirement.

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

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

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

---

---

---

---

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

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

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

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

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

The phrase "Eligible Biomass Fuel" (per RES Regulations Section 3.6) means fuel sources including brush, stumps, lumber ends and trimmings, wood pallets, bark, wood chips, shavings, slash, yard trimmings, site clearing waste, wood packaging, and other clean wood that is not mixed with other unsorted solid wastes<sup>5</sup>; agricultural waste, food and vegetative material; energy crops; landfill methane<sup>6</sup> or biogas<sup>7</sup>, provided that such gas is collected and conveyed directly to the Generation Unit without use of facilities used as common carriers of natural gas; or neat biodiesel and other neat liquid fuels that are derived from such fuel sources.

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

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

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

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

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

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

Detailed description attached?  Yes  No  N/A

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

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

Further substantiation attached?  Yes  No  N/A

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

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

Description attached?  Yes  No  N/A

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

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

Description provided?  Yes  No  N/A

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

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

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

x N/A or other (please explain) the following is not applicable because the methane gas process used is not stored and will not be utilized by co-firing method \_\_\_\_\_

---

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

Documentation attached?  Yes  No  N/A

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

---

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

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

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

---

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

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

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

---

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

08 / 02 / 06

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



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

**APPENDIX F**  
Chaffee Landfill  
Fuel Source Plan Attachment

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

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

(F.2) - N/A

(F.3) - N/A

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

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

(F.5) - N/A

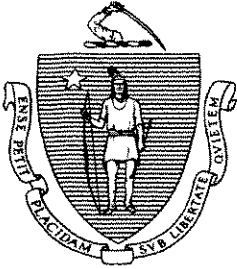
(F.6) - N/A

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

(F.8) - See attached Air Permit

(F.9) - 08/02/06

(F.10) - State of New York



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

100 CAMBRIDGE ST., SUITE 1020  
BOSTON, MA 02114

Internet: [www.Mass.Gov/DOER](http://www.Mass.Gov/DOER)  
Email: [Energy@State.MA.US](mailto:Energy@State.MA.US)

**Deval L. Patrick**  
Governor

**Timothy P. Murray**  
Lieutenant Governor

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

**Philip Giudice**  
Commissioner

TELEPHONE  
617-727-4732

FACSIMILE  
617-727-0030  
617-727-0093

December 4, 2007

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

**RE: RPS Eligibility Decision  
Chaffee Landfill [LG-1082-07]  
4.8 MW in Chaffee, NY**

Dear Mr. Pabor,

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

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



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

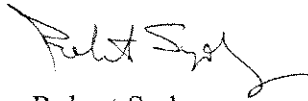
Each Massachusetts New Renewable Generation Unit is also assigned a unique Massachusetts RPS Identification Number (MA RPS ID#). The MA RPS ID # stated on the Statement of Qualification must be included in all correspondence with the Division. Chaffee Landfill's MA RPS ID# is **LG-1082-07**.

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

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

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

Sincerely,



Robert Sydney  
General Counsel

Encl: Statement of Qualification

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

**Statement of Qualification**

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

This Statement of Qualification, provided by the Massachusetts Division of Energy Resources (the Division), signifies that the Generation Unit identified below meets the requirements for eligibility as a New Renewable Generation Unit, pursuant to the Renewable Energy Portfolio Standard 225 CMR 14.05, as of the approval date of the Application for Statement of Qualification, this **4<sup>th</sup> day of December 2007**.

Generation Unit Name, Location, and Capacity:

<b>Chaffee Landfill</b> Chaffee, NY 4.8 MW
--

Authorized Representative's Name and Address:

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

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

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

- (b) Documentation, satisfactory to the Division, that:
1. the electrical energy delivered pursuant to the Legal Obligation was settled in the ISO-NE Settlement Market System;
  2. the Generation Unit produced, during each hour of the applicable month, the amount of MWhs claimed, as verified by the NEPOOL GIS administrator; if the originating Control Area employs a Generation Information System that is comparable to the NEPOOL GIS, such system may be used to support such documentation;
  3. the electrical energy delivered under the Legal Obligation received a North American Electric Reliability Council Tag (NERC Tag) confirming transmission from the originating Control Area to the ISO-NE Control Area; and
  4. the New Renewable Generation Attributes have not otherwise been, nor will be, sold, retired, claimed, used or represented as part of electrical energy output or sales, or used to satisfy obligations in jurisdictions other than Massachusetts.

This Unit's NEPOOL-GIS Identification Number is:

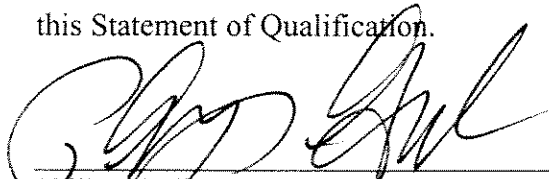
(pending)

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

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

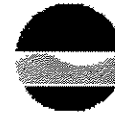
**MA RPS ID #: LG-1082-07**

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

  
Philip Giudice  
Commissioner  
Division of Energy Resources

Date: 12/4/07

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 9146200001**



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 9-1462-00001/00024  
Effective Date: 08/02/2006      Expiration Date: No expiration date

Permit Issued To: WASTE MANAGEMENT OF NEW YORK LLC  
123 VARICK AVE  
BROOKLYN, NY 11237

Contact: THOMAS LEWIS  
WASTE MANAGMENT OF NY LLC - CHAFFEE  
10860 OLEAN RD  
CHAFFEE, NY 14030-9799  
(716) 496-5000

Facility: CHAFFEE LANDFILL  
10860 OLEAN ROAD  
CHAFFEE, NY 14030-9799

Contact: THOMAS LEWIS  
WASTE MANAGMENT OF NY LLC - CHAFFEE  
10860 OLEAN RD  
CHAFFEE, NY 14030-9799  
(716) 496-5000

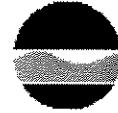
**Description:**

Waste Management of New York, LLC (WMNY) is requesting authorization to construct and operate a 4.8-megawatt power production plant (PPP) utilizing landfill gas from the Chaffee Landfill as a source of fuel.

The existing Chaffee Landfill has a solid waste disposal capacity of approximately 8.3 million tons. At the present time, landfill gas from the existing Chaffee Landfill is being controlled by an enclosed flare and a small backup open flare that was recently approved as a minor modification to the facility's Title V permit. WMNY is proposing to construct a PPP that will be the primary landfill gas control system operating in conjunction with the existing enclosed flare to control landfill gas emissions from the existing Chaffee Landfill. The enclosed flare and open flare can also act as a backup to the PPP in the event the plant is down for repair.

The proposed PPP will be owned and operated by WMNY and located on WMNY property adjacent to the existing enclosed flare. The PPP contains six internal combustion reciprocating engines rated at 1148 Bhp per engine. Filtering, dewatering, and compressing the gas prior to combustion in the internal combustion reciprocating engines will treat the landfill gas as provided in 40 CFR 60.752(b)(2)(iii)(C). Equipment that uses treated landfill gas will not be subject to the requirements of the NSPS including the

FINAL



**New York State Department of Environmental Conservation**  
**Facility DEC ID: 9146200001**

performance testing and ongoing monitoring, record keeping and reporting or the SSM requirements under 40 CFR 63 Subpart A. The PPP is a minor source under 6 NYCRR Part 231-2 non-attainment New Source Review (NSR) for oxides of nitrogen (NOx) because the potential to emit of the engines is less than 100 tons per year (tpy). The PPP is also a minor source for non-attainment new source review for volatile organic compounds (VOC) because the potential to emit of the engines is less than 50 tpy.

Due to the addition of the PPP, the entire Chaffee Landfill will become a major source for NOx. As such, the engines must meet the requirements of 6 NYCRR Part 227-2 Reasonably Available Control Technology (RACT) for NOx. The applicant proposes to meet these requirements. Also included in this permit are initial and periodic emission testing requirements to verify that the applicant continues to comply with the emission control requirements.

In addition to constructing the PPP, the project will involve construction of an overhead electrical power utility line to interconnect with the public utility power distribution lines on Hand Road.

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

Permit Administrator:            DAVID S DENK  
   DIVISION OF ENVIRONMENTAL PERMITS  
   270 MICHIGAN AVE  
   BUFFALO, NY 14203-2999

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



**Notification of Other State Permittee Obligations**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

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

**Item B: Permittee's Contractors to Comply with Permit**

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

**Item C: Permittee Responsible for Obtaining Other Required Permits**

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

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

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



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

**Facility Level**

Submission of Applications for Permit Modification or Renewal -REGION 9

HEADQUARTERS



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

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

**Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**  
**Applicable State Requirement: ECL 3-0301.2(m)**

**Item 2.1:**

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

**Condition 3: Applications for Permit Renewals and Modifications**  
**Applicable State Requirement: 6NYCRR 621.13**

**Item 3.1:**

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

**Item 3.2:**

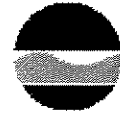
The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

**Item 3.3:**

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



**New York State Department of Environmental Conservation**  
**Facility DEC ID: 9146200001**



transfer of ownership.

**Condition 4: Permit Modifications, Suspensions and Revocations by the Department**  
**Applicable State Requirement: 6NYCRR 621.14**

**Item 4.1:**

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

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

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

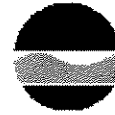
**Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 9 HEADQUARTERS**  
**Applicable State Requirement: 6NYCRR 621.5(a)**

**Item 5.1:**

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

NYSDEC Regional Permit Administrator  
Region 9 Headquarters  
Division of Environmental Permits  
270 Michigan Avenue  
Buffalo, NY 14203-2999  
(716) 851-7165

**New York State Department of Environmental Conservation**  
Permit ID: 9-1462-00001/00024      Facility DEC ID: 9146200001



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: WASTE MANAGEMENT OF NEW YORK LLC  
123 VARICK AVE  
BROOKLYN, NY 11237

Facility:           CHAFFEE LANDFILL  
10860 OLEAN ROAD  
CHAFFEE, NY 14030-9799

Authorized Activity By Standard Industrial Classification Code:  
1499 - NONMETALLIC MINERALS, NEC  
4911 - ELECTRIC SERVICES  
4953 - REFUSE SYSTEMS

Permit Effective Date: 08/02/2006

Permit Expiration Date: No expiration date.



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Emission Unit Level**

**EU=P-00001**

- 1 6NYCRR 227-1.3(a): Compliance Demonstration
- 2 6NYCRR 227-2.4(f)(2)(iii): Compliance Demonstration
- 3 6NYCRR 227-2.4(f)(2)(iii): Compliance Demonstration
- 4 6NYCRR 227-2.6(c): Compliance Demonstration
- 5 40CFR 60.752(b)(2)(iii)(C), NSPS Subpart WWW: Compliance Demonstration

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 6 ECL 19-0301: Contaminant List
- 7 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 8 6NYCRR 201-5: Emission Unit Definition
- 9 6NYCRR 211.2: Air pollution prohibited

**Emission Unit Level**

- 10 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 11 6NYCRR 201-5: Process Definition By Emission Unit



**FEDERALLY ENFORCEABLE CONDITIONS**  
**\*\*\*\* Emission Unit Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

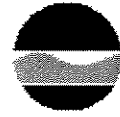
Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

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

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

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

Any person who owns or operates an air contamination



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

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

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

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

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

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

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

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

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

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

(4) The facility owner and/or operator notified the Department within two working days after the event



occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

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

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

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

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

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

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

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

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific



criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

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

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

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

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

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

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

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

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not

**New York State Department of Environmental Conservation**

**Permit ID: 9-1462-00001/00024**

**Facility DEC ID: 9146200001**



limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

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

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

**FEDERAL APPLICABLE REQUIREMENTS**

**The following conditions are federally enforceable.**

**Condition 1: Compliance Demonstration**

**Effective between the dates of 08/02/2006 and Permit Expiration Date**

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

**Item 1.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

**Item 1.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20% opacity (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. The facility will perform a visual observation of each exhaust and crankcase





vent on a daily basis during business days (this excludes holidays and weekends). If any opacity is noted, corrective action will be taken immediately or a Method 9 will be performed within 2 business days. The facility shall keep records of daily observations and any corrective action performed in a format acceptable to the Department.

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

**Condition 2: Compliance Demonstration**  
**Effective between the dates of 08/02/2006 and Permit Expiration Date**

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

**Item 2.1:**  
The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

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

**Item 2.2:**  
Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In order to show compliance with the NO<sub>x</sub> RACT standard of sources firing landfill gas of 2.0 grams per brake horsepower-hour, the facility is required to conduct instantaneous testing over a 15-minute period (in order to ensure a stabilized reading) semiannually per calendar year using a portable NO<sub>x</sub> analyzer. The sampling will be done in accordance with the analyzer manufacturer's recommendations for testing and calibration (using non-EPA methods).

The facility shall use the average flow exhaust rate



determined in the most recent approved performance test in order to convert the concentration measured to a mass rate for the purpose of demonstrating compliance with the specified limit.

Upper Permit Limit: 2.0 grams per brake horsepower-hour  
Reference Test Method: Method (see monitoring description)  
Monitoring Frequency: SEMI-ANNUALLY  
Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2007.  
Subsequent reports are due every 6 calendar month(s).

**Condition 3: Compliance Demonstration**  
**Effective between the dates of 08/02/2006 and Permit Expiration Date**

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

**Item 3.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

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

**Item 3.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The facility will limit NOx emissions from each engine to 2.0 grams per brake horsepower-hour. The facility will measure and record oxygen levels in the exhaust stack of each engine on a monthly basis. The output/emissions from the engines are regulated by an air/fuel ratio controller, which automatically adjusts the air/fuel ratio of the inlet fuel supply as needed. The range of oxygen levels is based on manufacturer's specifications of an engine operating at full load. This range may be modified based on the most recent approved emissions test.

Parameter Monitored: OXYGEN O2  
Lower Permit Limit: 6.3 percent

**New York State Department of Environmental Conservation**

**Permit ID: 9-1462-00001/00024**

**Facility DEC ID: 9146200001**



Upper Permit Limit: 9.0 percent  
Monitoring Frequency: MONTHLY  
Averaging Method: RANGE - NOT TO FALL OUTSIDE OF STATED  
RANGE AT ANY TIME  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2007.  
Subsequent reports are due every 6 calendar month(s).

**Condition 4: Compliance Demonstration**  
**Effective between the dates of 08/02/2006 and Permit Expiration Date**

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

**Item 4.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: P-00001

Regulated Contaminant(s):

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

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

In order to show compliance with the NO<sub>x</sub> RACT standard of sources firing landfill gas of 2.0 grams per brake horsepower-hour, the facility is required to conduct an emission test under 6NYCRR Part 227-2.6(a)(7). In accordance with this requirement, the facility must:

1) submit a test protocol to the Regional Air Pollution Control Engineer (RAPCE) at least 60 days prior to the proposed test date. The conditions of the testing and the locations of the sampling devices must be acceptable to the Department. Department staff will be afforded the opportunity to witness the performance test by notifying the RAPCE of the actual test date.

2) utilize the procedures set forth in 40 CFR Part 60, Appendix A or any other method acceptable to the Department and the Administrator for determining compliance with the NO<sub>x</sub> limit of 2.0 grams per brake horsepower-hour, and must, in addition, follow the procedures set forth in 6NYCRR Part 202 as follows:



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

3) submit a compliance test report containing the results of the emission test to the RAPCE no later than 60 days after completion of the emission test.

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

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

**Condition 5: Compliance Demonstration**  
**Effective between the dates of 08/02/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.752(b)(2)(iii)(C), NSPS Subpart**

**WWW**

**Item 5.1:**  
The Compliance Demonstration activity will be performed for:

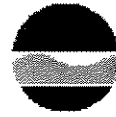
Emission Unit: P-00001

**Item 5.2:**  
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

In accordance with 40 CFR §60.752(b)(2)(iii)(C), landfill gas collected from a MSW landfill may be either combusted in an appropriate control device or routed to a "treatment system that processes the collected gas for subsequent sale or use."

Treatment is defined by EPA and the Department as



compression, dewatering and filtering of particulate.  
Waste Management is installing the following treatment system:

**Filtration:** At a minimum, the system will filter landfill gas using a dry filter or similar device (e.g., impaction, interception or diffusion device). The filter shall reduce particulate matter in the gas stream to a size of at least 10 microns.

**Dewatering:** Landfill gas is de-watered by cooling the superheated gas from the blower in the cooler. Landfill gas is cooled in the cooler, lowering the gas temperature to below the dew point and causing the water in the gas to condense. The condensed water is then trapped in the filters after the cooler. The cooled gas is then reheated prior to entering the gas plant. The system will de-water landfill gas using chillers, air-to-air coolers, dehumidification devices or other dehydration equipment as approved by the Department.

**Compression:** Landfill gas is extracted from the landfill under vacuum and compressed in a rotary blower. The gas is compressed in the blower such that it is approximately 5 to 7 psi coming out of the blower. The system will compress landfill gas using gas blowers or similar devices approved by the Department.

WMNY shall operate the treatment system at all times according to manufacturer's specifications when gas is routed for subsequent sale or use. Within 180 days of startup, WMNY shall submit to the Department a monitoring plan for the treatment system. The plan shall describe the monitoring for the filtering, dewatering and compression of the landfill gas to assure that the treatment system operates as designed. This monitoring plan shall be followed at all times during operation of the treatment system.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

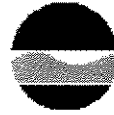
Reports due 30 days after the reporting period.

The initial report is due 1/30/2007.

**New York State Department of Environmental Conservation**  
**Permit ID: 9-1462-00001/00024      Facility DEC ID: 9146200001**



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



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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

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

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



law.

**STATE ONLY APPLICABLE REQUIREMENTS**  
The following conditions are state only enforceable.

**Condition 6: Contaminant List**  
Effective between the dates of 08/02/2006 and Permit Expiration Date

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

**Item 6.1:**

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

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

**Condition 7: Unavoidable noncompliance and violations**  
Effective between the dates of 08/02/2006 and Permit Expiration Date

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

**Item 7.1:**

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

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

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the



**New York State Department of Environmental Conservation**

**Permit ID: 9-1462-00001/00024**

**Facility DEC ID: 9146200001**



facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

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

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

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

**Condition 8: Emission Unit Definition**  
**Effective between the dates of 08/02/2006 and Permit Expiration Date**

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

**Item 8.1:**

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

Emission Unit: P-00001

Emission Unit Description:

The power production plant (PPP) contains six internal combustion reciprocating engines rated at 1148 Bhp per engine. The landfill gas will be treated using filtration, dewatering, and compression prior to combustion in the PPP. Exhaust gases from the engines vent to the atmosphere.

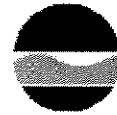
Building(s): GASPLANT

**Condition 9: Air pollution prohibited**  
**Effective between the dates of 08/02/2006 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 9.1:**

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



**New York State Department of Environmental Conservation**

**Permit ID: 9-1462-00001/00024**

**Facility DEC ID: 9146200001**

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

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

**Condition 10: Emission Point Definition By Emission Unit**  
**Effective between the dates of 08/02/2006 and Permit Expiration Date**

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

**Item 10.1:**

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

Emission Unit: P-00001

Emission Point: 00001

Height (ft.): 29                      Diameter (in.): 10  
NYTMN (km.): 4719.3              NYTME (km.): 214.3              Building: GASPLANT

Emission Point: 00002

Height (ft.): 29                      Diameter (in.): 10  
NYTMN (km.): 4719.3              NYTME (km.): 214.3              Building: GASPLANT

Emission Point: 00003

Height (ft.): 29                      Diameter (in.): 10  
NYTMN (km.): 4719.3              NYTME (km.): 214.3              Building: GASPLANT

Emission Point: 00004

Height (ft.): 29                      Diameter (in.): 10  
NYTMN (km.): 4719.3              NYTME (km.): 214.3              Building: GASPLANT

Emission Point: 00005

Height (ft.): 29                      Diameter (in.): 10  
NYTMN (km.): 4719.3              NYTME (km.): 214.3              Building: GASPLANT

Emission Point: 00006

Height (ft.): 29                      Diameter (in.): 10  
NYTMN (km.): 4719.3              NYTME (km.): 214.3              Building: GASPLANT

**Condition 11: Process Definition By Emission Unit**  
**Effective between the dates of 08/02/2006 and Permit Expiration Date**

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



**Item 11.1:**

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

Emission Unit: P-00001  
Process: 601 Source Classification Code: 4-03-888-05

Process Description:

The power production plant (PPP) contains six internal combustion reciprocating engines rated at 1148 Bhp per engine. The landfill gas will enter the PPP compressor room for treatment (LFG01) using filtration, dewatering, and compression prior to being combusted in the six IC engines (Caterpillar Model G3516 Engines). Condensate formed during the treatment of the landfill gas drains to an underground tank where it is later transferred to a tanker truck to be hauled to a waste water treatment plant for disposal.

Emission Source/Control: ENG01 - Combustion  
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG02 - Combustion  
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG03 - Combustion  
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG04 - Combustion  
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG05 - Combustion  
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG06 - Combustion  
Design Capacity: 340 cubic feet per minute

**Item 11.2:**

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

Emission Unit: P-00001  
Process: 602 Source Classification Code: 4-03-888-05

Process Description:

The power production plant (P-00001) will have an insignificant emission point called a "crankcase breather vent." The function of the crankcase breather vent is to allow moisture in each of the engines crankcase to be vented so water does not collect in the engines oil pan.



The water vapor might contain some motor oil in the form of a mist. Other insignificant emissions might come from the virgin motor oil storage tank, the used oil storage tank, the landfill gas condensate tank and the gas chromatograph vent. Calculations for these emissions are included with this application.

Emission Source/Control: ENG01 - Combustion  
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG02 - Combustion  
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG03 - Combustion  
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG04 - Combustion  
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG05 - Combustion  
Design Capacity: 340 cubic feet per minute

Emission Source/Control: ENG06 - Combustion  
Design Capacity: 340 cubic feet per minute

---

**SECTION I: Identification Information**

- 1.1 Name of Generation Unit (sufficient for full and unique identification):  
ChaffeeLandfill
- 1.2 Type of Certification being requested (check one):  
x Standard Certification       Prospective Certification (Declaratory Judgment)
- 1.3 This Application includes: (Check all that apply)<sup>1</sup>
- APPENDIX A: Authorized Representative Certification for Individual Owner or Operator
  - APPENDIX B: Authorized Representative Certification for Non-Corporate Entities Other Than Individuals
  - APPENDIX C: Existing Renewable Energy Resources
  - APPENDIX D: Special Provisions for Aggregators of Customer-sited or Off-grid Generation Facilities
  - (X) APPENDIX E: Special Provisions for a Generation Unit Located in a Control Area Adjacent to NEPOOL
  - (X) APPENDIX F: Fuel Source Plan for Eligible Biomass Fuels
- 1.4 Primary Contact Person name and title: LaToya Glenn, Contract Manager
- 1.5 Primary Contact Person address and contact information:  
Address: 1001 Fannin, Ste. 4000, Houston, Texas 77002  
Phone: 713-328-7357      Fax: 713-287-2423  
Email: lglenn@wm.com
- 1.6 Backup Contact Person name and title: David Unger, Marketing Director
- 
- 1.7 Backup Contact Person address and contact information:  
Address: 1001 Fannin, Ste. 4000, Houston, Texas 77  
Phone: 713-328-7457      Fax: 713-287-2423  
Email: Dunger@wm.com
- 1.8 Name and Title of Authorized Representative (*i.e.*, the individual responsible for certifying the accuracy of all information contained in this form and associated appendices, and whose signature will appear on the application):  
Paul Pabor , Vice President
- 

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

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

1.9 Authorized Representative address and contact information:

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

---

---

Phone: 713-328-7345 Fax: 713-287-2423

Email: ppabor@wm.com

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

---

1.11 Owner address and contact information:

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

---

---

Phone: 713-328-7345 Fax: 713-287-2423

Email: ppabor@wm.com

1.12 Owner business organization type (check one):

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

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

1.14 Operator address and contact information:

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

---

---

Phone: 713-328-7345 Fax: 713-287-2423

Email: ppabor@wm.com

1.15 Operator business organization type (check one):

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