

## EXHIBIT 10

### GAS RECOVERY AND MONITORING SYSTEMS

After closure of the Pigeon Point Landfill in 1985, a Landfill Gas (LFG) collection and flare system was installed to collect and control LFG. In recent years, due to the age of the landfill, the generation of LFG has substantially decreased. There was not enough being collected to keep the flare running.

The DSWA looked at each individual gas collection well to determine if it was still a viable collection device or if it required decommissioning. It was decided to connect the remaining viable wells to five (5) solar-powered CF-5 Landfill Gas Vent Flares that have solar igniters and blowers. DSWA applied for this improvement and received DNREC approval via Permit: APC-2005/0033-Operation dated February 14, 2006 (**See Attachment 1**). The solar flares have been installed and are currently operational.

The monitoring, maintenance, and inspection activities associated with landfill gas at the Pigeon Point Landfill are described in Permit APC-2005/0033-Operation and in the Environmental Monitoring Plan in **EXHIBIT 13**.

Drawings of the gas recovery and control system are included in **EXHIBIT 12**.

**EXHIBIT 10**

**Attachment 1**

**PERMIT APC-2002/0033-OPERATION  
DATED FEBRUARY 14, 2006**

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DSWA

STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
& ENVIRONMENTAL CONTROL  
DIVISION OF AIR & WASTE MANAGEMENT  
156 S. STATE STREET  
DOVER, DELAWARE 19901

AIR QUALITY MANAGEMENT  
SECTION

TELEPHONE: (302) 739 - 4791  
FAX No.: (302) 739 - 3106

February 14, 2006

**Permit: APC-2005/0033-Operation**

Landfill gas collection and control system improvement at Pigeon Point Landfill, New Castle, Delaware.

Delaware Solid Waste Authority  
1128 S. Bradford Street  
P.O. Box 455  
Dover, DE 19903

ATTENTION: Pasquale S. Canzano, P.E., DEE  
Chief Operating Officer

Dear Mr. Canzano:

Pursuant to the State of Delaware "Regulations Governing the Control of Air Pollution", Regulation No. 1102, Section 2, approval by the Department of Natural Resources and Environmental Control (the Department) is hereby granted for the operation of five (5) solar-powered *CF-5 Landfill Gas Vent Flares* with solar igniter and blowers to improve the landfill gas (LFG) collection and control system at the Delaware Solid Waste Authority's Pigeon Point Landfill (the facility), New Castle County, Delaware, in accordance with the application submitted on Form No. AQM-4, dated October 4, 2004 signed and dated by Anne M. Germain, P.E., DEE, Manager of Engineering, and supplementary information, dated January 14, January 26, March 11, April 1, and October 6, 2005 received from DSWA, and the construction to operation inspection conducted by the Department on January 27, 2006.

This permit is issued subject to the following conditions:

**1. General Provisions**

- 1.1 Representatives of the Department may, at any reasonable time, inspect this facility.
- 1.2 The owner or operator shall not initiate construction, install, or alter any equipment or facility or air contaminant control device which will emit or prevent the emission of an air contaminant prior to submitting an application to the Department pursuant to Regulation No. 1102, and, when applicable Regulation No. 25, and receiving approval of such application from the Department; except as exempted in Regulation No. 1102, Section 2.2 of the State of Delaware "Regulations Governing the Control of Air Pollution."
- 1.3 This permit may not be transferred to another location or to another piece of equipment or process.
- 1.4 This permit may not be transferred to another person, owner, or operator unless the transfer has been approved in advance by the Department. A request for a permit transfer shall be received by the Department at least thirty (30) days before the date of the requested permit transfer. This request shall include:

*Delaware's good nature depends on you!*

- 1.4.1 Signed letters from each person stating the permit transfer is agreeable to each person.
- 1.4.2 An Applicant Background Information Questionnaire pursuant to 7 Del. C., Chapter 79 if the person receiving the permit has not been issued any permits by the Department in the previous five (5) years.

Approval (or disapproval) of the permit transfer will be provided by the Department in writing.

## **2. Emission Limitations**

- 2.1 Air contaminant emission levels shall not exceed those specified in the State of Delaware "Regulations Governing the Control of Air Pollution" and the following:
  - 2.1.1 Nitrogen Oxide (NOx) emissions  
NOx emissions shall not exceed 2.5 tons per year on a twelve (12) month rolling basis.
  - 2.1.2 Sulfur Dioxide (SO<sub>2</sub>) emissions  
SO<sub>2</sub> emissions shall not exceed 1.0 ton per year on a twelve (12) month rolling basis.
  - 2.1.3 Carbon Monoxide (CO) emissions  
CO emissions shall not exceed 44.5 tons per year on a twelve (12) month rolling basis.
  - 2.1.4 Particulate Matter (PM) emissions  
PM emissions shall not exceed 1.0 ton per year on a twelve (12) month rolling basis.
  - 2.1.5 Volatile Organic Compound (VOC) emissions  
VOC emissions shall not exceed 0.1 tons per year on a twelve (12) month rolling basis.
- 2.2 Each flare shall have a Non-Methane Organic Compound (NMOC) destruction efficiency of at least 98%.
- 2.3 Each flare shall be designed for and operated with no visible emissions, except for periods not to exceed a total of five (5) minutes during any two (2) consecutive hours.
- 2.4 Odors from this source shall not be detectable beyond the facility property line in sufficient quantities such as to cause a condition of air pollution.

## **3. Operational Limitations**

- 3.1 Flare operation parameters including landfill gas flow to the flare, flame temperature, and residence time shall be maintained as per flare manufacturer recommendations.
- 3.2 The solar-powered LFG ventilation system shall have provisions for external charging of the electrical system, in case of extended low solar energy conditions.
- 3.3 At all times, including periods of startup, shutdown, and malfunction, the owner or operator shall, to the extent practicable, maintain and operate the facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating procedures are being used will be based on information available to the Department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

- 3.4 All structural and mechanical components of the flare and gas collection system shall be maintained in proper operating condition.

**4. Testing, Monitoring and Maintenance Requirements**

- 4.1 The Department reserves the right to require that the owner or operator perform emission tests using methods approved in advance by the Department.
- 4.2 Once per quarter, the Owner or Operator shall conduct a qualitative visible emission observation (VE similar to Method 22) to evaluate the presence or absence of smoke and/or visible air contaminants during a continuous five (5) minute period when flares are in operation. If VE persists, the Owner or Operator shall take actions per manufacturer's recommendations to correct the problem as soon as possible.
- 4.3 The Owner or Operator shall maintain the flares on a monthly basis. The monthly maintenance will include but not be limited to visual inspection of the flare components (igniter, solar panels, control panels, blower device, flanges, gaskets, valves etc.)

**5. Record Keeping Requirements**

- 5.1 The owner or operator shall maintain all records including all monitored parameters, exceedances, and corrective actions for a period of not less than five (5) years. Records shall be available to the Department upon verbal or written requests.
- 5.2 The following information shall be recorded and maintained in a log on a monthly basis. Any written log shall be initialed. The log shall include details addressing any deficiencies noted and corrective action(s) taken.
- 5.2.1 Actual hours of operation and/or gas flow to the flare.
- 5.2.2 Reason, and start and end time for each flare not in operation.
- 5.2.3 Flare maintenance records as per Condition 4.3.
- 5.2.4 Gas wells that are offline to the respective flares.
- 5.2.5 Visible emission log as per Condition 4.2.
- 5.2.6 Odor log when odor is detected as per Condition 2.4. Odor log shall include the following:
- 5.2.6.1 Presence or absence of odor.
- 5.2.6.2 Wind direction and wind velocity.
- 5.2.6.3 Location monitored.
- 5.2.6.4 Actions taken in response to odors found.

**6. Reporting Requirements**

- 6.1 Emissions in excess of any permit condition or emissions which create a condition of air pollution shall be reported to the Department immediately upon discovery by calling the Environmental Emergency Notification and Complaint number, (800) 662-8802.

**Permit: APC-2005/0033-Operation**

Pigeon Point Landfill, New Castle.

February 14, 2006

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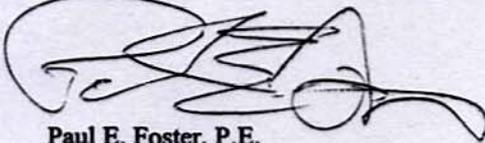
- 6.2 In addition to complying with Condition 6.1 of this permit, any reporting required by the "Reporting of a Discharge of a Pollutant or an Air Contaminant" Regulation, and any other reporting requirements mandated by the State of Delaware, the owner or operator shall, for each occurrence of excess emissions, within thirty (30) calendar days of becoming aware of such occurrence, supply the Department in writing with the following information:
- 6.2.1 The name and location of the facility.
  - 6.2.2 The subject source(s) that caused the excess emissions.
  - 6.2.3 The time and date of the first observation of the excess emissions.
  - 6.2.4 The cause and expected duration of the excess emissions.
  - 6.2.5 For sources subject to numerical emission limitations, the estimated rate of emissions (expressed in the units of the applicable emission limitation) and the operating data and calculations used in determining the magnitude of the excess emissions; and
  - 6.2.6 The proposed corrective actions and schedule to correct the conditions causing the excess emissions.
- 6.3 One (1) original and one (1) copy of all required reports shall be sent to the address below:

Air Quality Management Section  
Division of Air and Waste Management  
156 South State Street  
Dover, DE 19901

**7. Administrative Conditions**

- 7.1 This permit shall be made available on the premises.
- 7.2 Failure to comply with the provisions of this permit may be grounds for suspension or revocation.

Sincerely,



Paul E. Foster, P.E.  
Program Manager  
Engineering & Compliance Branch

PEF:NET:JHW:SAT:ss  
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pc: Dover File