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2 **BEFORE THE STATE ENVIRONMENTAL COMMISSION**
3 **STATE OF NEVADA**

4
5 In Re:

6 Appeal of Air Operating Permit: Class I
7 Operating Permit No. AP4953-1148.01 by
8 Refuse, Inc.

AFFIDAVIT OF PAUL PABOR

9
10 State of Texas)
11 County of Harris)

12 PAUL PABOR, having been duly sworn, deposes and says:

- 13 1. I am over 18 years of age and competent to testify.
14 2. I have personal knowledge of the facts set forth herein.
15 3. I am currently employed by Waste Management, Inc. (“Waste Management”).
16 4. My title within Waste Management is Vice President, Renewable Energy.
17 5. In my position I oversee environmental compliance, including air quality
18 permitting and emissions monitoring, for renewable energy projects at facilities owned by Waste
19 Management and/or its subsidiaries.
20 6. Facilities with renewable energy projects that I oversee include the : (i) Austin Gas
21 Plant, Austin, Texas; (ii) Crossroads Landfill, Norridgewock, Maine; (iii) DFW Recycling &
22 Disposal Facility Engine Plant, Lewisville, Texas; (iv) City of Farmers Branch Camelot Landfill
23 Gas to Energy Facility, Lewisville, Texas; (v) Fitchburg/Westminster Sanitary Landfill Gas-to-
24 Energy Facility, Westminster, Massachusetts; (vi) High Acres Renewable Energy Facility,
25 Fairport, New York; (vii) Mesquite Creek Landfill Renewable Energy Facility, New Braunfels,
26 Texas; (viii) Skyline Recycling and Disposal Facility, Ferris, Texas; and (ix) Westside Recycling
27 and Disposal Facility Landfill Gas-to-Energy Facility, Tarrant County, Texas. These projects are
28 collectively referred to as the “Facilities.”

1 7. Each of the Facilities utilizes landfill gas to power Caterpillar Model 3520 engines
2 similar to the engines permitted for the Lockwood Landfill Landfill-Gas-To-Energy (“LFGTE”)
3 project, which I also oversee.

4 8. The engines at the Facilities are subject to similar emission limits as the engines at
5 the Lockwood Landfill.

6 9. NOx and CO are regulated air pollutants throughout the United States, including
7 where the Facilities are located.

8 10. Each of the Facilities has been subject to stack testing for emissions of oxides of
9 nitrogen (“NOx”) and/or carbon monoxide (“CO”).

10 11. The stack tests at each of the Facilities were routinely conducted pursuant to
11 applicable permit conditions for each of the Facilities.

12 12. The stack tests at each of the Facilities were conducted according to applicable
13 protocols required by the permit conditions dictating stack tests for each of the Facilities.

14 13. The stack tests at each of the Facilities were conducted by testing companies
15 approved by the respective air permitting authorities with jurisdiction over each of the Facilities.

16 14. The results of the stack tests were duly recorded and compiled by the testing
17 company employees performing the stack tests at each of the Facilities.

18 15. The results of the stack tests conducted at the Facilities have been provided to the
19 Nevada Division of Environmental Protection (“NDEP”) and the Nevada State Environmental
20 Commission (the “Commission”) as Exhibit 5 to Refuse, Inc.’s Opening Brief. The results of the
21 stack tests provided in Exhibit 5 are collectively referred to as the “Stack Test Results.”

22 16. The Stack Test Results were submitted on behalf of the respective Facilities to the
23 respective air permitting authorities with jurisdiction over each of the Facilities.

24 17. The respective air permitting authorities with jurisdiction over each of the
25 Facilities did not reject any of the Stack Test Results.

26 18. The Stack Test Results are the type of generally recognized technical and scientific
27 facts and data that Waste Management and its subsidiaries routinely submit to and share with air
28 permitting authorities with jurisdiction over the Facilities.

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19. Copies of the Stack Test Results were maintained in environmental compliance files by Waste Management and/or its subsidiaries in the ordinary course of business.

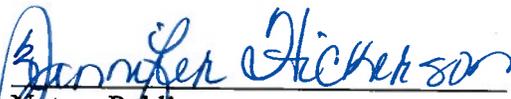
20. Based upon my review of the Stack Test Results, I believe that there is no question as to each document's authenticity and that each document is in fact what it purports to be.

DATED: October 3, 2011



PAUL PABOR

Subscribed to and sworn before me
this 3rd day of October, 2011



Notary Public



CERTIFICATE OF SERVICE

I, Richard J. Angell, certify that I am an employee of Parsons Behle & Latimer, and that on this ____ day of _____, 2011, I deposited for mailing a true and correct copy of the foregoing **AFFIDAVIT OF PAUL PABOR**, via electronic mail and United States Postal Service in Salt Lake City, Utah, by first class mail, postage prepaid, to the following:

Jasmine K. Mehta
Deputy Attorney General
Nevada Attorney General's Office
100 North Carson Street
Carson City, NV 89701

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