



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 9-2926-00158/00002  
Mod 0 Effective Date: 03/23/2012 Expiration Date: 03/22/2022  
Mod 1 Effective Date: 04/01/2014 Expiration Date: 03/22/2022  
Mod 2 Effective Date: 09/10/2015 Expiration Date: 03/22/2022

Permit Issued To: YAHOO! INC  
701 FIRST AVE  
SUNNYVALE, CA 94089

Contact: PAUL BONARO  
YAHOO LOCKPORT FACILITY  
5319 ENTERPRISE DR  
LOCKPORT, NY 14094  
(716) 514-6061

Facility: YAHOO! LOCKPORT FACILITY  
5319 ENTERPRISE DR  
LOCKPORT, NY 14094

Description:

(1) Yahoo! Inc. owns and operates a data center at 5319 Enterprise Drive in Lockport, New York. The facility received the first permit for data center, BF1, in March, 2012. The facility included thirteen (13) diesel fuel fired emergency back-up generator sets and one (1) emergency fire pump engine used to provide electricity in the event of a power outage.

(2) A permit modification for a second data center, BF2, was issued April 1, 2014. The second data center included installation of thirteen (13) additional diesel fired emergency back-up generator sets and one (1) emergency fire pump engine.

(3) This permit modification is to update the second data center, BF2. Specifically, two of the twelve emergency back-up generator sets are changed from 2.0 MW to 2.25 MW. In addition, the fire pump is changed from 85 hp to 118 hp.

(4) Yahoo! is maintaining the current emission limit for NO<sub>x</sub> of 196,800 lbs/yr by reducing the hours of operation on the engines.



(5) Yahoo! Inc. is limiting the combined total operation of the twenty-six (26) emergency generators to 5,291 hours per year. In addition, each individual engine and fire pump engine cannot operate more than 450 hours per year. This permit limit reduces the potential nitrogen oxides emissions from the facility to less than 100 tons per year which is below Title V and New Source Review thresholds.

(6) Yahoo! Inc. must comply with the applicable requirements of *40CFR60 Subpart III - Standards of Performance for Compression Ignition Internal Combustion Engines*. Yahoo! has demonstrated the engines satisfy the applicable emission standards for each engine. Each of the engines are equipped with a non-resettable hour meter.

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 14203-2915

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



**Notification of Other State Permittee Obligations**

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

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

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

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

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

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

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

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



**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, modifications and transfers
- Permit modifications, suspensions or revocations by the Department

**Facility Level**

- Submission of application 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, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3:**

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



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

**Item 4.1:**

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

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

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

**Condition 5: Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS**  
**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 9 Headquarters  
Division of Environmental Permits  
270 Michigan Avenue  
Buffalo, NY 14203-2915  
(716) 851-7165

**New York State Department of Environmental Conservation**

Permit ID: 9-2926-00158/00002

Facility DEC ID: 9292600158



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: YAHOO! INC  
701 FIRST AVE  
SUNNYVALE, CA 94089

Facility: YAHOO! LOCKPORT FACILITY  
5319 ENTERPRISE DR  
LOCKPORT, NY 14094

Authorized Activity By Standard Industrial Classification Code:  
8999 - SERVICES, NEC

Mod 0 Permit Effective Date: 03/23/2012

Permit Expiration Date: 03/22/2022

Mod 1 Permit Effective Date: 04/01/2014

Permit Expiration Date: 03/22/2022

Mod 2 Permit Effective Date: 09/10/2015

Permit Expiration Date: 03/22/2022



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1-1 6 NYCRR 201-6.4 (g): Non Applicable requirements
- 1-2 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- \*2-1 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 4 6 NYCRR 211.1: Air pollution prohibited

#### Emission Unit Level

#### EU=U-EMGEN

- 1-4 40CFR 60.4205(b), NSPS Subpart IIII: Compliance Demonstration
- 2-2 40CFR 60.4205(c), NSPS Subpart IIII: Compliance Demonstration
- 1-6 40CFR 60.4207(b), NSPS Subpart IIII: Compliance Demonstration
- 1-7 40CFR 60.4209(a), NSPS Subpart IIII: Compliance Demonstration
- 1-8 40CFR 60.4211(c), NSPS Subpart IIII: Compliance Demonstration
- 1-9 40CFR 60.4211(f), NSPS Subpart IIII: Compliance Demonstration
- 1-10 40CFR 60.4214(b), NSPS Subpart IIII: Compliance Demonstration

### STATE ONLY ENFORCEABLE CONDITIONS

#### Facility Level

- 18 ECL 19-0301: Contaminant List
- 1-11 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 20 6 NYCRR Subpart 201-5: Emission Unit Definition
- 1-12 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 1-13 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 21 6 NYCRR 211.2: Visible Emissions Limited

#### Emission Unit Level

- 22 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 23 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.



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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

**Item A: Sealing - 6 NYCRR 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 - 6 NYCRR 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 - 6 NYCRR 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 - 6 NYCRR 201-1.2**

If an existing emission source was subject to the permitting requirements of 6 NYCRR 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 - 6 NYCRR 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 - 6 NYCRR 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 - 6 NYCRR 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 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 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 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 Subpart 202-1.

**Item K: Open Fires Prohibitions - 6 NYCRR 215.2**

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

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

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

**Item M: 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 1-1: Non Applicable requirements**



Effective between the dates of 04/01/2014 and 03/22/2022

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

**Item 1-1.1:**

This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

(From Mod 1)

6 NYCRR 227-2.4 (f) (6)

Reason: The Yahoo! Lockport Facility is not subject to 6NYCRR Subpart 227-2 Reasonably Available Control Technology (RACT) For Major Facilities of Oxides Of Nitrogen (NOx). As per 6NYCRR Subpart 227-2.4(f)(6), emergency power generating stationary internal combustion engines are exempt from the requirements of this subdivision. By definition, an emergency power generating stationary internal combustion engine operates as a mechanical or electrical power source only when the usual supply of power is unavailable, and operates for no more than 500 hours per year. The 500 hours of annual operation for an engine include operation during emergency situations, routine maintenance, and routine exercising (for example, test firing the engine for one hour a week to ensure reliability).

**Condition 1-2: Facility Permissible Emissions**

Effective between the dates of 04/01/2014 and 03/22/2022

Applicable Federal Requirement:6 NYCRR Subpart 201-7

**Item 2-2.1:**

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

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

CAS No: 0NY210-00-0 (From Mod 2) PTE: 196,800 pounds  
per year

Name: OXIDES OF NITROGEN

**Condition 2-1: Capping Monitoring Condition**

Effective between the dates of 09/10/2015 and 03/22/2022

Applicable Federal Requirement:6 NYCRR Subpart 201-7

Replaces Condition(s) 1-3

**Item 2-1.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to



the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

- 6 NYCRR Subpart 201-6
- 6 NYCRR Subpart 231-5
- 6 NYCRR Subpart 231-7

**Item 2-1.2:**

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

**Item 2-1.3:**

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

**Item 2-1.4:**

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

**Item 2-1.5:**

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

**Item 2-1.6:**

The Compliance Demonstration activity will be performed for the Facility.

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

**Item 2-1.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes  
Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

LIMITATION ON HOURS OF OPERATION

(1) Yahoo! Inc. is limiting the combined total operation of the twenty-six (26) emergency generators to 5,291 hours per year. In addition, each individual engine cannot operate more than 450 hours per year.

(2) Yahoo! Inc. is limiting the hours of operation of

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Facility DEC ID: 9292600158



each fire pump to no more than 450 hours per year, per engine.

(3) Yahoo! has demonstrated that by limiting the hours of operation as described above, the potential nitrogen oxides (NOx) emissions from the facility are reduced to less than 100 tons per year (tpy) which is below Title V (6NYCRR Part 201-6), New Source Review (6NYCRR Part 231-5), and Prevention of Significant Deterioration (6NYCRR Part 231-7) thresholds.

(4) To maintain compliance with the annual usage limit, the facility shall record the hours of operation from each engine on a monthly basis. The monthly records shall be used to calculate a 12-month rolling total hourly usage for the twenty-six generator sets and each individual fire pump.

(5) On an annual basis, the facility shall certify compliance with this limit. The compliance certification shall be submitted by January 30 each year to the following address:

Regional Air Pollution Control Engineer  
NYSDEC  
270 Michigan Ave.  
Buffalo, NY 14203

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 4: Air pollution prohibited**  
**Effective between the dates of 03/23/2012 and 03/22/2022**

**Applicable Federal Requirement:6 NYCRR 211.1**

**Item 4.1:**

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

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

**Condition 1-4: Compliance Demonstration**



Effective between the dates of 04/01/2014 and 03/22/2022

Applicable Federal Requirement: 40CFR 60.4205(b), NSPS Subpart III

Replaces Condition(s) 13, 16

**Item 1-4.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-EMGEN

Regulated Contaminant(s):

CAS No: 000630-08-0	CARBON MONOXIDE
CAS No: 0NY075-00-0	PARTICULATES
CAS No: 0NY508-00-0	40 CFR 60 SUBPART III - NMHC + NOX

**Item 1-4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

EMISSION STANDARDS

(1) Yahoo! must keep on site the manufacturer certificate of compliance to the applicable emission standard for each emergency engine if a permanent manufacturer label is not on the engine.

(2) The following emission standards from §89.112 apply to those engines less than 3,000 HP AND any 2011 model year or later engines greater than 3,000 HP:

6.4 (4.77) g/kW-hr (g/HP-hr) NMHC + NO<sub>x</sub>  
3.5 (2.61) g/kW-hr (g/HP-hr) Carbon Monoxide (CO)  
0.20 (0.15) g/kW-hr (g/HP-hr) Particulate Matter (PM)

(3) The following emission limits from Table 1 to Subpart III of Part 60 apply to any 2007 through 2010 model year engines greater than 3,000 HP:

1.3 (1.0) g/KW-hr (g/HP-hr) HC  
9.2 (6.9) g/KW-hr (g/HP-hr) NO<sub>x</sub>  
11.4 (8.5) g/KW-hr (g/HP-hr) CO  
0.54 (0.40) g/KW-hr (g/HP-hr) PM

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 2-2: Compliance Demonstration**

Effective between the dates of 09/10/2015 and 03/22/2022



**Applicable Federal Requirement: 40CFR 60.4205(c), NSPS Subpart III**

**Replaces Condition(s) 1-5**

**Item 2-2.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-EMGEN

Regulated Contaminant(s):

CAS No: 0NY508-00-0 40 CFR 60 SUBPART III - NMHC + NOX

**Item 2-2.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

EMISSION STANDARDS

FIRE PUMPS

(1) Yahoo! must keep on site the manufacturer certificate of compliance to the applicable emission standard for each fire pump engine if a permanent manufacturer label is not on the engine.

(2) The following emission standards from Table 4 to Subpart III of Part 60 apply to Stationary Fire Pump Engines with a maximum power between 75HP and 100HP:

Model Year 2010 and earlier:

10.5 (7.8) g/kW-hr (g/HP-hr) NMHC + NO<sub>x</sub>

5.0 (3.7) g/kW-hr (g/HP-hr) Carbon Monoxide (CO)

0.80 (0.60) g/kW-hr (g/HP-hr) Particulate Matter

Model Year 2011 and later:

4.7 (3.5) g/kW-hr (g/HP-hr) NMHC + NO<sub>x</sub>

0.40 (0.30) g/kW-hr (g/HP-hr) Particulate Matter

(3) The following emission standards from Table 4 to Subpart III of Part 60 apply to Stationary Fire Pump Engines with a maximum power between 100HP and 175HP:

Model Year 2009 and earlier:

10.5 (7.8) g/kW-hr (g/HP-hr) NMHC + NO<sub>x</sub>

5.0 (3.7) g/kW-hr (g/HP-hr) Carbon Monoxide (CO)

0.80 (0.60) g/kW-hr (g/HP-hr) Particulate Matter

Model Year 2010 and later:

4.0 (3.0) g/kW-hr (g/HP-hr) NMHC + NO<sub>x</sub>

0.30 (0.22) g/kW-hr (g/HP-hr) Particulate Matter

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Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-6: Compliance Demonstration**  
Effective between the dates of 04/01/2014 and 03/22/2022

**Applicable Federal Requirement:40CFR 60.4207(b), NSPS Subpart III**

**Item 1-6.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-EMGEN

Regulated Contaminant(s):

CAS No: 000630-08-0	CARBON MONOXIDE
CAS No: 0NY075-00-0	PARTICULATES
CAS No: 0NY508-00-0	40 CFR 60 SUBPART III - NMHC + NOX

**Item 1-6.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

**FUEL REQUIREMENTS**

(1) The diesel fuel must meet the requirements of 40 CFR 80.510(b) for nonroad diesel fuel as follows:

(a) A maximum Sulfur content of 15 ppm; and

(b) A minimum cetane index of 40; or A maximum aromatic content of 35 volume percent.

(3) Yahoo! shall keep copies of the certificate of analysis provided by the fuel supplier for each diesel fuel shipment. Records of all certificates of analysis must be maintained on site for a minimum of five years.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-7: Compliance Demonstration**  
Effective between the dates of 04/01/2014 and 03/22/2022

**Applicable Federal Requirement:40CFR 60.4209(a), NSPS Subpart III**

**Replaces Condition(s) 6**

**Item 1-7.1:**

The Compliance Demonstration activity will be performed for:



Emission Unit: U-EMGEN

Regulated Contaminant(s):  
CAS No: 000630-08-0 CARBON MONOXIDE  
CAS No: 0NY075-00-0 PARTICULATES  
CAS No: 0NY508-00-0 40 CFR 60 SUBPART IIII - NMHC + NOX

**Item 1-7.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

**MONITORING REQUIREMENTS**

- (1) A non-resettable hour meter must be installed on each engine prior to startup.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-8: Compliance Demonstration**

**Effective between the dates of 04/01/2014 and 03/22/2022**

**Applicable Federal Requirement:40CFR 60.4211(c), NSPS Subpart IIII**

**Replaces Condition(s) 7**

**Item 1-8.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-EMGEN

Regulated Contaminant(s):  
CAS No: 000630-08-0 CARBON MONOXIDE  
CAS No: 0NY075-00-0 PARTICULATES  
CAS No: 0NY508-00-0 40 CFR 60 SUBPART IIII - NMHC + NOX

**Item 1-8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

**COMPLIANCE REQUIREMENTS**

- (1) Each engine purchased must be certified to the emission standards in § 60.4205(b) or (c), as applicable.
- (2) Each engine must be installed and configured according



to the manufacturer's emission-related specifications.

(3) Operate and maintain each stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions.

(4) Change only those emission-related settings that are permitted by the manufacturer.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-9: Compliance Demonstration**  
**Effective between the dates of 04/01/2014 and 03/22/2022**

**Applicable Federal Requirement:40CFR 60.4211(f), NSPS Subpart III**

**Item 1-9.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-EMGEN

Regulated Contaminant(s):

CAS No: 000630-08-0	CARBON MONOXIDE
CAS No: 0NY075-00-0	PARTICULATES
CAS No: 0NY508-00-0	40 CFR 60 SUBPART III - NMHC + NOX

**Item 1-9.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

**COMPLIANCE REQUIREMENTS**

Each emergency stationary ICE must be operated according to the requirements summarized below. If you do not operate the engine according to the requirements, the engine will not be considered an emergency engine and must meet all requirements for non-emergency engines.

(1) Emergency engines may operate for 100 hr/yr as follows (unless Federal, State or local standards require such testing beyond 100 hours per year):

- (a) Maintenance checks and readiness testing;
- (b) Emergency demand response;
- (c) Periods where there is a deviation of voltage or frequency of 5 percent or greater below standard



voltage or frequency.

(2) Emergency engines may be operated for up to 50 hr/yr of the 100 hr/yr allocation for non-emergency situations, as specified in the regulation.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-10: Compliance Demonstration**  
Effective between the dates of 04/01/2014 and 03/22/2022

**Applicable Federal Requirement: 40CFR 60.4214(b), NSPS Subpart III**

**Replaces Condition(s) 8**

**Item 1-10.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-EMGEN

Regulated Contaminant(s):

CAS No: 0NY508-00-0 40 CFR 60 SUBPART III - NMHC + NOX

**Item 1-10.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

**NOTIFICATION AND RECORDKEEPING REQUIREMENTS**

(1) An initial notification for the emergency stationary internal combustion engines is not required.

(2) Keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

(3) If an emergency stationary CI ICE is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in § 60.4211(f)(2)(ii) and (iii) or that operates for the purposes specified in § 60.4211(f)(3)(i), you must submit an annual report. The first annual report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year.



Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

**Item A: Public Access to Recordkeeping for Facilities With State Facility Permits - 6 NYCRR 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 18: Contaminant List**

Effective between the dates of 03/23/2012 and 03/22/2022

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

**Item 18.1:**

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

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

CAS No: 0NY075-00-0  
Name: PARTICULATES

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

CAS No: 0NY508-00-0  
Name: 40 CFR 60 SUBPART IIII - NMHC + NOX

**Condition 1-11: Malfunctions and start-up/shutdown activities**

Effective between the dates of 04/01/2014 and 03/22/2022

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

**Replaces Condition(s) 19**

**Item 1-11.1:**

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

(b) The facility owner or operator shall compile and maintain records of all equipment malfunctions, maintenance, or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous stack monitoring and quarterly reporting requirements need not submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.

(c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred.



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**Monitoring Description:**

Any reports or submissions required by this permit shall be submitted to the Regional Air Pollution Control Engineer (RAPCE) at the following address:

Division of Air Resources  
NYS Dept. of Environmental Conservation  
Region 9  
270 Michigan Ave.  
Buffalo, NY 14203

Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2015.  
Subsequent reports are due every 12 calendar month(s).

**Condition 21: Visible Emissions Limited**  
**Effective between the dates of 03/23/2012 and 03/22/2022**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 21.1:**

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

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

**Condition 22: Emission Point Definition By Emission Unit**  
**Effective between the dates of 03/23/2012 and 03/22/2022**

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

**Item 22.1(From Mod 0):**

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

Emission Unit: U-EMGEN

Emission Point: P0001

Height (ft.): 19 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: P0002

Height (ft.): 19 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: P0003

Height (ft.): 19 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985



Emission Point: P0004  
Height (ft.): 19 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: P0005  
Height (ft.): 19 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: P0006  
Height (ft.): 18 Diameter (in.): 18  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: P0007  
Height (ft.): 18 Diameter (in.): 18  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: P0008  
Height (ft.): 18 Diameter (in.): 18  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: P0009  
Height (ft.): 18 Diameter (in.): 18  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: P000H  
Height (ft.): 17 Diameter (in.): 12  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: P000R  
Height (ft.): 19 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: P0010  
Height (ft.): 18 Diameter (in.): 18  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: P00R2  
Height (ft.): 18 Diameter (in.): 18  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: PFPMP  
Height (ft.): 9 Diameter (in.): 5  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: PG11A  
Height (ft.): 29 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: PG11B  
Height (ft.): 29 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

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Emission Point: PG12A  
Height (ft.): 29 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: PG12B  
Height (ft.): 29 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: PG13A  
Height (ft.): 29 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: PG13B  
Height (ft.): 29 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: PG14A  
Height (ft.): 29 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: PG14B  
Height (ft.): 29 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: PG15A  
Height (ft.): 29 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: PG15B  
Height (ft.): 29 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: PGH02  
Height (ft.): 29 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: PGR03  
Height (ft.): 29 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: PGR04  
Height (ft.): 29 Diameter (in.): 16  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

Emission Point: PPUMP  
Height (ft.): 9 Diameter (in.): 3  
NYTMN (km.): 4786.405 NYTME (km.): 194.985

**Condition 23: Process Definition By Emission Unit**  
**Effective between the dates of 03/23/2012 and 03/22/2022**



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

**Item 23.1(From Mod 2):**

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

Emission Unit: U-EMGEN

Process: 001

Source Classification Code: 2-02-001-02

Process Description:

Process, 001, includes the thirteen (13) diesel fired internal combustion engines (ICE) used for emergency back-up electricity generation for the first data center identified as the BF1 facility. The engines include six (6) 2,922 HP Cummins Model 2000DQKAB engines manufactured in 2009, six (6) 3,056 HP Detroit Diesel Model MTU RXC6DT2 engines manufactured in 2010 and one (1) 1,220 HP Cummins Model 750DQCB engine manufactured in 2009.

Emission Source/Control: GEN01 - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GEN02 - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GEN03 - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GEN04 - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GEN05 - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GEN06 - Combustion  
Design Capacity: 3,056 horsepower (mechanical)

Emission Source/Control: GEN07 - Combustion  
Design Capacity: 3,056 horsepower (mechanical)

Emission Source/Control: GEN08 - Combustion  
Design Capacity: 3,056 horsepower (mechanical)

Emission Source/Control: GEN09 - Combustion  
Design Capacity: 3,056 horsepower (mechanical)

Emission Source/Control: GEN0H - Combustion  
Design Capacity: 1,220 horsepower (mechanical)

Emission Source/Control: GEN0R - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GEN10 - Combustion  
Design Capacity: 3,056 horsepower (mechanical)

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Emission Source/Control: GENR2 - Combustion  
Design Capacity: 3,056 horsepower (mechanical)

**Item 23.2(From Mod 2):**

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

Emission Unit: U-EMGEN

Process: 002

Source Classification Code: 2-02-001-02

Process Description:

Process, 002, includes thirteen (13) diesel fired internal combustion engines (ICE) used for emergency back-up electricity generation for the second data center identified as the BF2 facility. The engines include ten (10) 2,922 HP Cummins Model 2000DQKAB engines manufactured in 2014 or later, and three (3) 3,280 HP Cummins Model 2250DQKAF manufactured in 2014 or later.

Emission Source/Control: GENH2 - Combustion  
Design Capacity: 3,280 horsepower (mechanical)

Emission Source/Control: GENR3 - Combustion  
Design Capacity: 3,280 horsepower (mechanical)

Emission Source/Control: GENR4 - Combustion  
Design Capacity: 3,280 horsepower (mechanical)

Emission Source/Control: GN11A - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GN11B - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GN12A - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GN12B - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GN13A - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GN13B - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GN14A - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GN14B - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GN15A - Combustion

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Design Capacity: 2,922 horsepower (mechanical)

Emission Source/Control: GN15B - Combustion  
Design Capacity: 2,922 horsepower (mechanical)

**Item 23.3(From Mod 2):**

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

Emission Unit: U-EMGEN

Process: 003

Source Classification Code: 2-02-001-02

Process Description:

Process, 003, includes two (2) diesel fired internal combustion engines (ICE) used to provide power to pump water for fire suppression or protection. The BF1 facility has (1) 75 HP Clarke Model JU4h-UF22 fire pump engine manufactured in 2009. The BF2 facility has one (1) 118 HP Clark Model JU4H-UFAD5G fire pump manufactured in 2014 or later.

Emission Source/Control: FPMP2 - Combustion  
Design Capacity: 118 horsepower (mechanical)

Emission Source/Control: FPUMP - Combustion  
Design Capacity: 75 horsepower (mechanical)

