

Facility DEC ID: 1472206885

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 1-4722-06885/00001  
Effective Date: 08/08/2019 Expiration Date: 08/07/2024

Permit Issued To: UE-00227NY LLC  
408 MAMARONECK AVE  
MAMARONECK, NY 10543

Contact: ANDY COOPER  
UNISON ENERGY LLC  
408 MAMARONECK AVE  
MAMARONECK, NY 10543-2613  
(914) 412-7180

Facility: PORT JEFFERSON SHOPRITE DG  
5141 NESCONSET HWY-SHOPRITE W/I THE PLAZA|SCTM#  
200-182-3-34.1  
PORT JEFFERSON STATION, NY 11776

Description:

A new Air State Facility Permit to install and operate two natural gas -fired internal combustion (IC) engines.

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: KEVIN A KISPERT  
SUNY @ STONY BROOK  
50 CIRCLE RD  
STONY BROOK, NY 11790

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

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### Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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

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**DEC GENERAL CONDITIONS**  
**\*\*\*\* 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 the expiration of permits for Title V and State Facility Permits.

**Item 3.3**

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

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

**Item 4.1:**

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

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

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

**Condition 5: Submission of application for permit modification or renewal - REGION 1 HEADQUARTERS**  
**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

Applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 1 Headquarters  
Division of Environmental Permits  
Stony Brook University  
50 Circle Road  
Stony Brook, NY 11790-3409  
(631) 444-0365

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

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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Permit Issued To: UE-00227NY LLC  
408 MAMARONECK AVE  
MAMARONECK, NY 10543

Facility: PORT JEFFERSON SHOPRITE DG  
5141 NESCONSET HWY-SHOPRITE W/I THE PLAZA|SCTM#  
200-182-3-34.1  
PORT JEFFERSON STATION, NY 11776

Authorized Activity By Standard Industrial Classification Code:  
4911 - ELECTRIC SERVICES

Permit Effective Date: 08/08/2019

Permit Expiration Date: 08/07/2024

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- 23 30 6 NYCRR Subpart 201-5: Emission Unit Definition
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**FEDERALLY ENFORCEABLE CONDITIONS**

FINAL

\*\*\*\* 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,

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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: 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 F: 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 G: 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 H: Proof of Eligibility for Sources Defined as Trivial**

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**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 I: 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 J: 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 K: Permit Exclusion - ECL 19-0305**

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

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

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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: Visible Emissions Limited**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 1.1:**

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

**Condition 2: Compliance Demonstration**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

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

**Item 2.1:**

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

Emission Unit: D-G0001

Regulated Contaminant(s):  
 CAS No: 0NY075-00-0 PARTICULATES

**Item 2.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one 6 minute period per hour of not more than 27 percent opacity. In addition, the Department reserves the right to perform or

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require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation.

The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard. The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the Method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up Method 9 tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Upper Permit Limit: 20 percent  
Reference Test Method: 6 MINUTE AVERAGE (Method 9)  
Monitoring Frequency: MONTHLY  
Averaging Method: 6 MINUTE AVERAGE  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2020.  
Subsequent reports are due every 12 calendar month(s).

**Condition 3: EPA Region 2 address.**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A**

**Item 3.1:**

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

Director, Division of Enforcement and Compliance Assistance  
USEPA Region 2  
290 Broadway, 21st Floor

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New York, NY 10007-1886

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

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

**Condition 4: Compliance Demonstration**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement: 40CFR 60.7(a)(4), NSPS Subpart A**

**Item 4.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any owner or operator subject to the provisions of 40 CFR 60 shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 40 CFR 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 5: Recordkeeping requirements.**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

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

**Item 5.1:**

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

**Condition 6: Availability of information.**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement:40CFR 60.9, NSPS Subpart A**

**Item 6.1:**

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

**Condition 7: Circumvention.**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement:40CFR 60.12, NSPS Subpart A**

**Item 7.1:**

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

**Condition 8: Monitoring requirements.**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement:40CFR 60.13, NSPS Subpart A**

**Item 8.1:**

All continuous monitoring systems and devices shall be installed, calibrated, maintained, and operated in accordance with the requirements of section 60.13.

**Condition 9: Modifications.**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement:40CFR 60.14, NSPS Subpart A**

**Item 9.1:**

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

**Condition 10: Reconstruction**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

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**Applicable Federal Requirement:40CFR 60.15, NSPS Subpart A**

**Item 10.1:**

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

- 1) a notice of intent to reconstruct 60 days prior to the action;
- 2) name and address of the owner or operator;
- 3) the location of the existing facility;
- 4) a brief description of the existing facility and the components to be replaced;
- 5) a description of the existing air pollution control equipment and the proposed air pollution control equipment;
- 6) an estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility;
- 7) the estimated life of the facility after the replacements; and
- 8) a discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

**Condition 11: Changes in time periods for submittal**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement:40CFR 60.19, NSPS Subpart A**

**Item 11.1:**

Changes in time periods for submittal of information and postmark deadlines set forth in 40 CFR 60, Subpart A, may be made only upon approval by the Administrator and shall follow procedures outlined in 40 CFR Part 60.19.

**Condition 12: Compliance Demonstration**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement:40CFR 60.4245(a), NSPS Subpart JJJJ**

**Item 12.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 12.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners or operators of stationary SI ICE that are subject to the provisions of 40 CFR Subpart JJJJ must meet the following notification, reporting and recordkeeping



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requirements.

- (1) All notifications submitted to comply with this subpart and all documentation supporting any notification.
- (2) Maintenance conducted on the engine.
- (3) If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90, 1048, 1054, and 1060, as applicable
- (4) If the stationary SI internal combustion engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to §60.4243(a)(2), documentation that the engine meets the emission standards.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 13: Subpart A provisions that apply to facilities subject to Subpart JJJJ**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement:40CFR 60.4246, NSPS Subpart JJJJ**

**Item 13.1:**

The following provisions of 40 CFR 60 Subpart A apply to this facility: 60.1 through 60.12, 60.14 through 60.17 and 60.19.

**Condition 14: Applicability**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement:40CFR 63, Subpart ZZZZ**

**Item 14.1:**

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

**Condition 15: Stationary RICE subject to Regulations under 40 CFR Part 60**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement:40CFR 63.6590(c), Subpart ZZZZ**

**Item 15.1:**

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An affected source that meets any of the criteria listed below must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart IIII, for compression ignition engines or 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.

- new or reconstructed stationary RICE located at an area source,
- new or reconstructed 2SLB stationary RICE with a site rating of less than or equal to 500 brake horsepower located at a major source of HAP emissions,
- new or reconstructed 4SLB stationary RICE with a site rating of less than 250 brake horsepower located at a major source of HAP emissions,
- new or reconstructed spark ignition 4 stroke rich burn (4SRB) stationary RICE with a site rating of less than or equal to 500 brake horsepower located at a major source of HAP emissions,
- new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake horsepower located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis,
- new or reconstructed emergency or limited use stationary RICE with a site rating of less than or equal to 500 brake horsepower located at a major source of HAP emissions,
- new or reconstructed compression ignition (CI) stationary RICE with a site rating of less than or equal to 500 brake horsepower located at a major source of HAP emissions.

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

**Condition 16: Performance testing timeline.**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

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

**Item 16.1:**  
 This Condition applies to:

Emission Unit: DG0001      Emission Point: EP002

**Item 16.1:**  
 This Condition applies to    Emission Unit: D-G0001

**Item 16.2.3:**  
 Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance testing and provide the results of such tests, in a written report, to the Administrator.

**Condition 17: Performance Test Methods - Waiver EU Level**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

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

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**Item 17.1:**

This Condition applies to:

Emission Unit: DG0001      Emission Point: EP002

**Item 17.1:**

This Condition applies to      Emission Unit: D-G0001

**Item 17.2.3:**

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

**Condition 18:      Prior notice.**

**Effective between the dates of 08/08/2019 and 08/07/2024**

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

**Item 18.1:**

This Condition applies to:

Emission Unit: DG0001      Emission Point: EP002

**Item 18.1:**

This Condition applies to      Emission Unit: D-G0001

**Item 18.2.3:**

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

**Condition 19:      Use of propane**

**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement:40CFR 60.4243(e), NSPS Subpart JJJJ**

**Item 19.1:**

This Condition applies to      Emission Unit: D-G0001

**Item 19.2:**

Owners and operators of stationary SI natural gas fired engines may operate their engines using propane for a maximum of 100 hours per year as an

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alternative fuel solely during emergency operations, but must keep records of such use. If propane is used for more than 100 hours per year in an engine that is not certified to the emission standards when using propane, the owners and operators are required to conduct a performance test to demonstrate compliance with the emission standards of 40 CFR 60.4233.

**Condition 20: Compliance Demonstration**  
Effective between the dates of 08/08/2019 and 08/07/2024

**Applicable Federal Requirement:40CFR 60.4243(g), NSPS Subpart JJJJ**

**Item 20.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: D-G0001

**Item 20.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

It is expected that air-to-fuel ratio (AFR) controllers will be used with the operation of oxidation catalyst. The AFR controller must be maintained and operated appropriately in order to ensure proper operation of the engine and control device to minimize emissions at all times.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 21: Performance test requirements**  
Effective between the dates of 08/08/2019 and 08/07/2024

**Applicable Federal Requirement:40CFR 60.4245(d), NSPS Subpart JJJJ**

**Item 21.1:**

This Condition applies to Emission Unit: D-G0001

**Item 21.2:** Owners and operators of stationary SI ICE that are subject to performance testing must submit a copy of each performance test as conducted in §60.4244 within 60 days after the test has been completed.

**Condition 22: Compliance Demonstration**  
Effective between the dates of 08/08/2019 and 08/07/2024

**Applicable Federal Requirement:40CFR 60.4243(a)(1), NSPS Subpart JJJJ**

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**Item 22.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: D-G0001                      Emission Point: EP001  
Process: 001

Regulated Contaminant(s):  
CAS No: 0NY998-00-0      VOC

**Item 22.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Certified engines and control device operated according to the manufacturer's emission-related written instructions must keep records of conducted maintenance to demonstrate compliance and must comply with the emission standards in Table 1 to 40 CFR 60. 4233 (e) for their stationary SI ICE, but no performance testing is required.

Parameter Monitored: VOC

Upper Permit Limit: 0.7 grams per brake horsepower-hour

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 23: Compliance Demonstration**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement:40CFR 60.4243(a)(1), NSPS Subpart JJJJ**

**Item 23.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: D-G0001                      Emission Point: EP001  
Process: 001

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

**Item 23.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Certified engines and control device operated according

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to the manufacturer's emission-related written instructions must keep records of conducted maintenance to demonstrate compliance and must comply with the emission standards in Table 1 to 40 CFR 60. 4233 (e) for their stationary SI ICE, but no performance testing is required.

Parameter Monitored: OXIDES OF NITROGEN  
 Upper Permit Limit: 1.0 grams per brake horsepower-hour  
 Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
 Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION  
 Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 24: Compliance Demonstration**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement:40CFR 60.4243(a)(1), NSPS Subpart JJJJ**

**Item 24.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: D-G0001                      Emission Point: EP001  
 Process: 001

Regulated Contaminant(s):  
 CAS No: 000630-08-0              CARBON MONOXIDE

**Item 24.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Certified engines and control device operated according to the manufacturer's emission-related written instructions must keep records of conducted maintenance to demonstrate compliance and must comply with the emission standards in Table 1 to 40 CFR 60. 4233 (e) for their stationary SI ICE, but no performance testing is required.

Parameter Monitored: CARBON MONOXIDE  
 Upper Permit Limit: 2.0 grams per brake horsepower-hour  
 Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
 Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION  
 Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 25: Compliance Demonstration**

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Applicable Federal Requirement: 40CFR 60.4243(b)(2)(i), NSPS Subpart JJJJ

**Item 25.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: D-G0001                      Emission Point: EP002  
 Process: 001

Regulated Contaminant(s):  
 CAS No: 000630-08-0              CARBON MONOXIDE

**Item 25.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of a stationary SI internal combustion engine that must comply with the emission standards specified in §60.4233(d) or (e), must demonstrate compliance according to one of the methods specified in paragraphs (b)(2) of this section.

Purchasing a non-certified engine and demonstrating compliance with the emission standards specified in §60.4233(d) or (e) and according to the requirements specified in §60.4244, as applicable, and according to paragraphs (b)(2)(i) of this section.

The owner or operator of a stationary SI internal combustion engine greater than 25 HP and less than or equal to 500 HP must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, must conduct an initial performance test within 180 days of initial startup to demonstrate compliance.

Upper Permit Limit: 2.0 grams per brake horsepower-hour

Reference Test Method: Method 10

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 26: Compliance Demonstration**

Effective between the dates of 08/08/2019 and 08/07/2024

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**Applicable Federal Requirement:40CFR 60.4243(b)(2)(i), NSPS Subpart JJJJ**

**Item 26.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: D-G0001                      Emission Point: EP002  
 Process: 001

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

**Item 26.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of a stationary SI internal combustion engine that must comply with the emission standards specified in §60.4233(d) or (e), must demonstrate compliance according to one of the methods specified in paragraphs (b)(2) of this section.

Purchasing a non-certified engine and demonstrating compliance with the emission standards specified in §60.4233(d) or (e) and according to the requirements specified in §60.4244, as applicable, and according to paragraphs (b)(2)(i) of this section.

The owner or operator of a stationary SI internal combustion engine greater than 25 HP and less than or equal to 500 HP must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, must conduct an initial performance test within 180 days of initial startup to demonstrate compliance.

Upper Permit Limit: 1.0 grams per brake horsepower-hour

Reference Test Method: 7E

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 27: Compliance Demonstration**

**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable Federal Requirement:40CFR 60.4243(b)(2)(i), NSPS Subpart JJJJ**



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**Item 27.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: D-G0001                      Emission Point: EP002  
Process: 001

Regulated Contaminant(s):  
CAS No: 0NY998-00-0      VOC

**Item 27.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of a stationary SI internal combustion engine that must comply with the emission standards specified in §60.4233(d) or (e), must demonstrate compliance according to one of the methods specified in paragraphs (b)(2) of this section.

Purchasing a non-certified engine and demonstrating compliance with the emission standards specified in §60.4233(d) or (e) and according to the requirements specified in §60.4244, as applicable, and according to paragraphs (b)(2)(i) of this section.

The owner or operator of a stationary SI internal combustion engine greater than 25 HP and less than or equal to 500 HP must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, must conduct an initial performance test within 180 days of initial startup to demonstrate compliance.

Upper Permit Limit: 0.7 grams per brake horsepower-hour

Reference Test Method: 18 & 25A

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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**STATE ONLY ENFORCEABLE CONDITIONS****\*\*\*\* Facility Level \*\*\*\*****NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

**Item A: Emergency Defense - 6 NYCRR 201-1.5**

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the Department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

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

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

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

(3) During the period of the emergency the facility owner 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 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 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 B: Public Access to Recordkeeping for Facilities With State Facility Permits - 6 NYCRR 201-1.10 (a)**

Where facility owners and/or operators keep records pursuant to compliance with the requirements of 6 NYCRR Subpart 201-5.4, and/or the emission capping requirements of 6 NYCRR Subpart 201-7, the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records.

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Facility owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department.

Item C: **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 28: Contaminant List**

Effective between the dates of 08/08/2019 and 08/07/2024

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

**Item 28.1:**

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: 0NY998-00-0

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Name: VOC

**Condition 29: Malfunctions and start-up/shutdown activities**  
**Effective between the dates of 08/08/2019 and 08/07/2024****Applicable State Requirement:6 NYCRR 201-1.4****Item 29.1:**

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

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

(c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates.

(d) The department may also require the owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.

(e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

**Condition 30: Emission Unit Definition**  
**Effective between the dates of 08/08/2019 and 08/07/2024****Applicable State Requirement:6 NYCRR Subpart 201-5****Item 30.1:**

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

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Emission Unit: D-G0001

Emission Unit Description:

Distributed generation (DG) system consisting of two natural gas internal combustion engines. The electric generators are nominal rated at 400 and 280 kW. The DG will provide electrical power to the Port Jefferson ShopRite, located on Nesconset Highway in Port Jefferson Station, NY.

**Condition 31: Renewal deadlines for state facility permits**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable State Requirement:6 NYCRR 201-5.2 (c)**

**Item 31.1:**

The owner or operator of a facility having an issued state facility permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Condition 32: Compliance Demonstration**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable State Requirement:6 NYCRR 201-5.3 (c)**

**Item 32.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 32.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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 1  
SUNY at Stony Brook  
Building 40  
Stony Brook, NY 11790-2356

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 33: Air pollution prohibited**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 33.1:**

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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 34: Emission Point Definition By Emission Unit**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

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

**Item 34.1:**

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

Emission Unit: D-G0001

Emission Point: EP001

Height (ft.): 26                      Diameter (in.): 8  
 NYTMN (km.): 4532.409      NYTME (km.): 664.78

Emission Point: EP002

Height (ft.): 26                      Diameter (in.): 6  
 NYTMN (km.): 4532.39      NYTME (km.): 664.78

**Condition 35: Process Definition By Emission Unit**  
**Effective between the dates of 08/08/2019 and 08/07/2024**

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

**Item 35.1:**

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

Emission Unit: D-G0001

Process: 001                                      Source Classification Code: 2-03-002-01

Process Description:

400 kW electrical output and 280 KW electrical output  
 natural gas-fired IC engine, providing electricity to the  
 facility.

Emission Source/Control: GEN01 - Combustion

Design Capacity: 400 kilowatt hours

Emission Source/Control: GEN02 - Combustion

Design Capacity: 280 kilowatt hours

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Emission Source/Control: CAT01 - Control  
Control Type: OXIDATION CATALYST

Emission Source/Control: CAT02 - Control  
Control Type: OXIDATION CATALYST

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