



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 1-4728-02037/00003
Effective Date: 10/03/2016 Expiration Date: 10/02/2021

Permit Type: Freshwater Wetlands
Permit ID: 1-4728-02037/00005
Effective Date: 10/03/2016 Expiration Date: 10/02/2021

Permit Issued To: UNISON ENERGY LLC
408 MAMARONECK AVE
MAMARONECK, NY 10543

G & S INVESTORS
303 WINDING RD
OLD BETHPAGE, NY 11804

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

Facility: BAYSHORE SHOPRITE
1905 SUNRISE HWY|SCTM# 500-317-1-109.3
BAY SHORE, NY 11706

Description:
Install distributed generation consisting of one 450 kW, and one 400 kW natural gas-fired combustion engine generator to provide electricity to the Bayshore ShopRite facility.

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: ROGER EVANS
NYSDEC - REGION 1 SUNY @ STONY BROOK
50 CIRCLE RD
STONY BROOK, NY 11790-3409

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 1 HEADQUARTERS

DEC SPECIAL CONDITIONS

- Electrical output limitation



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.



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



DEC SPECIAL CONDITIONS

Condition 6: Electrical output limitation

Applicable State Requirement: 6 NYCRR 621.11

Item 6.1:

Failure to operate the approved facility in accordance with the application's commitments to monitor electrical output and to operate at a net output of no more than 79.9 megawatts is grounds for modification, suspension, or revocation of this permit. Operation above 79.9 megawatts is a violation of this permit.

The Permittee shall maintain records, at the facility, for a minimum of five years. All reports shall be submitted to both the Regional Air office and to the Public Service Commission.

Monitored Parameter:

Code: 41

Name: Electrical Output

Upper Limit: 79.9 megawatts

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: MONTHLY (CALENDAR YEAR)

New York State Department of Environmental Conservation

Permit ID: 1-4728-02037/00003

Facility DEC ID: 1472802037



Permit Under the Environmental Conservation Law (ECL)

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

IDENTIFICATION INFORMATION

Permit Issued To: UNISON ENERGY LLC
408 MAMARONECK AVE
MAMARONECK, NY 10543

G & S INVESTORS
303 WINDING RD
OLD BETHPAGE, NY 11804

Facility: BAYSHORE SHOPRITE
1905 SUNRISE HWY|SCTM# 500-317-1-109.3
BAY SHORE, NY 11706

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

Permit Effective Date: 10/03/2016

Permit Expiration Date: 10/02/2021



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6 NYCRR 211.1: Air pollution prohibited
- 2 6 NYCRR 227-1.3 (a): Compliance Demonstration
- 3 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 4 40CFR 60.7(a)(4), NSPS Subpart A: Compliance Demonstration
- 5 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 6 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 7 40CFR 60.9, NSPS Subpart A: Availability of information.
- 8 40CFR 60.12, NSPS Subpart A: Circumvention.
- 9 40CFR 60.13, NSPS Subpart A: Monitoring requirements.
- 10 40CFR 60.14, NSPS Subpart A: Modifications.
- 11 40CFR 60.15, NSPS Subpart A: Reconstruction
- 12 40CFR 60.19, NSPS Subpart A: Changes in time periods for submittal
- 13 40CFR 60.4243(b)(2)(ii), NSPS Subpart JJJJ: Compliance Demonstration
- 14 40CFR 60.4243(b)(2)(ii), NSPS Subpart JJJJ: Compliance Demonstration
- 15 40CFR 60.4243(b)(2)(ii), NSPS Subpart JJJJ: Compliance Demonstration
- 16 40CFR 60.4245(a), NSPS Subpart JJJJ: Compliance Demonstration
- 17 40CFR 60.4246, NSPS Subpart JJJJ: Subpart A provisions that apply to facilities subject to Subpart JJJJ
- 18 40CFR 63, Subpart ZZZZ: Compliance and Enforcement
- 19 40CFR 63.6590(c), Subpart ZZZZ: Stationary RICE subject to Regulations under 40 CFR Part 60

Emission Unit Level

EU=D-G-001

- 20 40CFR 60.8(b), NSPS Subpart A: Performance Test Methods - Waiver EU Level
- 21 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 22 40CFR 60.4230(a)(4)(i), NSPS Subpart JJJJ: Applicability of facilities subject to Subpart JJJJ
- 23 40CFR 60.4243(e), NSPS Subpart JJJJ: Use of propane
- 24 40CFR 60.4243(g), NSPS Subpart JJJJ: Compliance Demonstration
- 25 40CFR 60.4245(c), NSPS Subpart JJJJ: Compliance Demonstration
- 26 40CFR 60.4245(d), NSPS Subpart JJJJ: Performance test requirements

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 27 ECL 19-0301: Contaminant List
- 28 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 29 6 NYCRR Subpart 201-5: Emission Unit Definition
- 30 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 31 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 32 6 NYCRR 211.2: Visible Emissions Limited

Emission Unit Level

- 33 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 34 6 NYCRR Subpart 201-5: Process Definition By Emission Unit



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: 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



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)



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: Air pollution prohibited
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:6 NYCRR 211.1

Item 1.1:

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.

Condition 2: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

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-G-001 Emission Point: EP001

Emission Unit: D-G-001 Emission Point: EP002

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:

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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. The Department reserves the right to perform or 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.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: EPA Method 9
Monitoring Frequency: MONTHLY
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2017.
Subsequent reports are due every 12 calendar month(s).

**Condition 3: EPA Region 2 address.
Effective between the dates of 10/03/2016 and 10/02/2021**

Applicable Federal Requirement:40CFR 60.4, NSPS Subpart A



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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
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 10/03/2016 and 10/02/2021

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.

New York State Department of Environmental Conservation

Permit ID: 1-4728-02037/00003

Facility DEC ID: 1472802037



Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING
DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 5: Recordkeeping requirements.
Effective between the dates of 10/03/2016 and 10/02/2021

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: Performance testing timeline.
Effective between the dates of 10/03/2016 and 10/02/2021

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

Item 6.1:

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 7: Availability of information.
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 60.9, NSPS Subpart A

Item 7.1:

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 8: Circumvention.
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 60.12, NSPS Subpart A

Item 8.1:

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 9: Monitoring requirements.
Effective between the dates of 10/03/2016 and 10/02/2021



Applicable Federal Requirement:40CFR 60.13, NSPS Subpart A

Item 9.1:

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

Condition 10: Modifications.
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 60.14, NSPS Subpart A

Item 10.1:

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 11: Reconstruction
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 60.15, NSPS Subpart A

Item 11.1:

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 (or as soon as practicable) 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 12: Changes in time periods for submittal
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 60.19, NSPS Subpart A

Item 12.1:

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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 13: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

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

Item 13.1:
The Compliance Demonstration activity will be performed for the facility:
The Compliance Demonstration applies to:

Emission Unit: D-G-001

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

Item 13.2:
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) (ii) of this section.

The owner or operator of a stationary SI internal combustion engine greater than 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 and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.

Upper Permit Limit: 1 grams per brake horsepower-hour

Reference Test Method: 7 E

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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

New York State Department of Environmental Conservation

Permit ID: 1-4728-02037/00003

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Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 14: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

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

Item 14.1:

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

Emission Unit: D-G-001

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

Item 14.2:

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) (ii) of this section.

The owner or operator of a stationary SI internal combustion engine greater than 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 and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.

Upper Permit Limit: 2 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

New York State Department of Environmental Conservation

Permit ID: 1-4728-02037/00003

Facility DEC ID: 1472802037



Condition 15: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

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

Item 15.1:

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

Emission Unit: D-G-001

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

Item 15.2:

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) (ii) of this section.

The owner or operator of a stationary SI internal combustion engine greater than 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 and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.

Upper Permit Limit: 0.7 grams per brake horsepower-hour

Reference Test Method: 18 & 25 A

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 16: Compliance Demonstration

New York State Department of Environmental Conservation

Permit ID: 1-4728-02037/00003

Facility DEC ID: 1472802037



Effective between the dates of 10/03/2016 and 10/02/2021

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

Item 16.1:

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

Emission Unit: D-G-001

Item 16.2:

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 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.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 17: Subpart A provisions that apply to facilities subject to Subpart JJJJ

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 60.4246, NSPS Subpart JJJJ

Item 17.1:

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 18: Compliance and Enforcement



Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 63, Subpart ZZZZ

Item 18.1:

The Department has not accepted delegation of 40 CFR Part 63 Subpart ZZZZ. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA Region 2, 290 Broadway, 21st Floor, New York, NY 10007-1866; (212) 637-4080. Should the Department decide to accept delegation of 40 CFR Part 63 Subpart ZZZZ during the term of this permit, enforcement of this regulation will revert to the Department as of the effective date of delegation.

Condition 19: Stationary RICE subject to Regulations under 40 CFR Part

60

Effective between the dates of 10/03/2016 and 10/02/2021

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

Item 19.1:

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 20: Performance Test Methods - Waiver EU Level

Effective between the dates of 10/03/2016 and 10/02/2021



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

Item 20.1:

This Condition applies to Emission Unit: D-G-001

Item 20.2:

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 21: Prior notice.

Effective between the dates of 10/03/2016 and 10/02/2021

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

Item 21.1:

This Condition applies to Emission Unit: D-G-001

Item 21.2:

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

Condition 22: Applicability of facilities subject to Subpart JJJJ

Effective between the dates of 10/03/2016 and 10/02/2021

Applicable Federal Requirement:40CFR 60.4230(a)(4)(i), NSPS Subpart

JJJJ

Item 22.1:

This Condition applies to Emission Unit: D-G-001

Item 22.2: The provisions of 40 CFR 60 Subpart JJJJ are applicable to manufacturers, owners, and operators of stationary spark ignition (SI) internal combustion engines (ICE) that commence construction after June 12, 2006, and where the stationary SI ICE are manufactured on or after July 1, 2007, for engines with a maximum engine power greater than or equal to 500 HP (except lean burn engines with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP). For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.

New York State Department of Environmental Conservation

Permit ID: 1-4728-02037/00003

Facility DEC ID: 1472802037



Condition 23: Use of propane
Effective between the dates of 10/03/2016 and 10/02/2021

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

Item 23.1:
This Condition applies to Emission Unit: D-G-001

Item 23.2:
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 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 24: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

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

Item 24.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: D-G-001

Item 24.2:
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 three-way catalysts/non-selective catalytic reduction. 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

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 25: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021



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

Item 25.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: D-G-001

Item 25.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners and operators of stationary SI ICE greater than or equal to 500 HP that have not been certified by an engine manufacturer to meet the emission standards in §60.4231 must submit an initial notification as required in §60.7(a)(1). The notification must include the following:

- (1) Name and address of the owner or operator;
- (2) The address of the affected source;
- (3) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;
- (4) Emission control equipment; and
- (5) Fuel used.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 26: Performance test requirements
Effective between the dates of 10/03/2016 and 10/02/2021**

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

Item 26.1:

This Condition applies to Emission Unit: D-G-001

Item 26.2: 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.



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.



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 27: Contaminant List
Effective between the dates of 10/03/2016 and 10/02/2021**

Applicable State Requirement:ECL 19-0301

Item 27.1:

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



Name: VOC

Condition 28: Malfunctions and start-up/shutdown activities
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR 201-1.4

Item 28.1:

(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 29: Emission Unit Definition
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 29.1:

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

New York State Department of Environmental Conservation

Permit ID: 1-4728-02037/00003

Facility DEC ID: 1472802037



Emission Unit: D-G-001

Emission Unit Description:

Emission Unit DG-001 will consist of two natural gas-fired internal combustion (IC) engines. One unit (GEN1) will be used for providing primary power to the facility with an electric output rating of 450 kW. The second (GEN2) unit will serve as a backup unit with an electrical output rating of 400 kW. Each engine will utilize an oxidation catalyst system for controlling CO and VOC emissions.

Condition 30: Renewal deadlines for state facility permits
Effective between the dates of 10/03/2016 and 10/02/2021

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

Item 30.1:

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 31: Compliance Demonstration
Effective between the dates of 10/03/2016 and 10/02/2021

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

Item 31.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 31.2:

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 32: Visible Emissions Limited
Effective between the dates of 10/03/2016 and 10/02/2021



Applicable State Requirement:6 NYCRR 211.2

Item 32.1:

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 33: Emission Point Definition By Emission Unit
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 33.1:

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

Emission Unit: D-G-001

Emission Point: EP001

Height (ft.): 20 Diameter (in.): 9
NYTMN (km.): 4511.511 NYTME (km.): 649.177

Emission Point: EP002

Height (ft.): 20 Diameter (in.): 9
NYTMN (km.): 4511.511 NYTME (km.): 649.177

Condition 34: Process Definition By Emission Unit
Effective between the dates of 10/03/2016 and 10/02/2021

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 34.1:

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

Emission Unit: D-G-001

Process: 001 Source Classification Code: 2-02-002-54

Process Description:

450 kW natural gas-fired IC engine, providing electricity
to facility.

Emission Source/Control: GEN01 - Combustion

Design Capacity: 450 kilowatts

Emission Source/Control: CAT01 - Control

Control Type: CATALYTIC OXIDATION

Item 34.2:

New York State Department of Environmental Conservation

Permit ID: 1-4728-02037/00003

Facility DEC ID: 1472802037



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

Emission Unit: D-G-001

Process: 002

Source Classification Code: 2-02-002-54

Process Description:

400 kW natural gas-fired IC engine, providing electricity
to facility.

Emission Source/Control: GEN02 - Combustion

Design Capacity: 400 kilowatts

Emission Source/Control: CAT02 - Control

Control Type: CATALYTIC OXIDATION