

Facility DEC ID: 1282007441

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 1-2820-07441/00001
Effective Date: 04/08/2022 Expiration Date: 04/07/2032

Permit Issued To: UE-00229NY LLC
22 W PUTNAM AVE STE 2
GREENWICH, CT 06830

Facility: SHOPRITE OF UNIONDALE DG
1121 JERUSALEM AVE
UNIONDALE, NY 11553

Contact: ANDY COOPER
UNISON ENERGY, LLC
22 W PUTNAM AVE STE 2
GREENWICH, CT 06830

Description:
This is an application for a new Air State Facility Permit to construct a new generator for a ShopRite.

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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Facility Level

- 5 5 Submission of application for permit modification or renewal - REGION 1 HEADQUARTERS

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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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ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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Facility: SHOPRITE OF UNIONDALE DG
1121 JERUSALEM AVE
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Authorized Activity By Standard Industrial Classification Code:
4911 - ELECTRIC SERVICES

Permit Effective Date: 04/08/2022

Permit Expiration Date: 04/07/2032

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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

(a) Except as otherwise provided by this Part, construction or operation of a new, modified or existing air contamination source without a registration or permit issued pursuant to this Part is prohibited.

(b) If an existing facility or emission source was subject to the permitting requirements of this Part at the time of construction or modification, and the owner or operator failed to apply for a permit or registration as described in this Part, the owner or operator must apply for a permit or registration in accordance with the provisions of this Part. The facility or emission source is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing emission sources.

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 04/08/2022 and 04/07/2032

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 04/08/2022 and 04/07/2032

Applicable Federal Requirement:40CFR 60.7(a)(1), NSPS Subpart A

Item 2.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 2.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any owner or operator subject to the provisions of this part 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 the date construction (or reconstruction as defined under 40 CFR Part 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in

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completed form.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 3: Compliance Demonstration
Effective between the dates of 04/08/2022 and 04/07/2032

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

Item 3.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 3.2:

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 4: Recordkeeping requirements.
Effective between the dates of 04/08/2022 and 04/07/2032

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

Item 4.1:

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

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monitoring device is inoperative.

Condition 5: Availability of information.
Effective between the dates of 04/08/2022 and 04/07/2032

Applicable Federal Requirement:40CFR 60.9, NSPS Subpart A

Item 5.1:

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 6: Circumvention.
Effective between the dates of 04/08/2022 and 04/07/2032

Applicable Federal Requirement:40CFR 60.12, NSPS Subpart A

Item 6.1:

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 7: Monitoring requirements.
Effective between the dates of 04/08/2022 and 04/07/2032

Applicable Federal Requirement:40CFR 60.13, NSPS Subpart A

Item 7.1:

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

Condition 8: Modifications.
Effective between the dates of 04/08/2022 and 04/07/2032

Applicable Federal Requirement:40CFR 60.14, NSPS Subpart A

Item 8.1:

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 9: Changes in time periods for submittal
Effective between the dates of 04/08/2022 and 04/07/2032

Applicable Federal Requirement:40CFR 60.19, NSPS Subpart A

Item 9.1:

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.

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Condition 10: Compliance Demonstration
 Effective between the dates of 04/08/2022 and 04/07/2032

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

Item 10.1:

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

Emission Unit: D-G0001	Emission Point: EP001
Process: 001	Emission Source: GEN01
Emission Unit: D-G0001	Emission Point: EP002
Process: 002	Emission Source: GEN02
Regulated Contaminant(s):	
CAS No: 000630-08-0	CARBON MONOXIDE

Item 10.2:

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 11: Compliance Demonstration
 Effective between the dates of 04/08/2022 and 04/07/2032

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

Item 11.1:

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

Emission Unit: D-G0001	Emission Point: EP001
Process: 001	Emission Source: GEN01

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Emission Unit: D-G0001 Emission Point: EP002
 Process: 002 Emission Source: GEN02

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

Item 11.2:

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 12: Compliance Demonstration

Effective between the dates of 04/08/2022 and 04/07/2032

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

Item 12.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: D-G0001 Emission Point: EP001
 Process: 001 Emission Source: GEN01

Emission Unit: D-G0001 Emission Point: EP002
 Process: 002 Emission Source: GEN02

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

Item 12.2:

Compliance Demonstration shall include the following monitoring:

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

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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: 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 13: Compliance Demonstration

Effective between the dates of 04/08/2022 and 04/07/2032

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

Item 13.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 13.2:

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 14: Compliance Demonstration

Effective between the dates of 04/08/2022 and 04/07/2032

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

Item 14.1:

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The Compliance Demonstration activity will be performed for the Facility.

Item 14.2:

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.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 15: Subpart A provisions that apply to facilities subject to Subpart JJJJ

Effective between the dates of 04/08/2022 and 04/07/2032

Applicable Federal Requirement:40CFR 60.4246, NSPS Subpart JJJJ

Item 15.1:

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 16: Applicability

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Applicable Federal Requirement:40CFR 63, Subpart ZZZZ

Item 16.1:

Facilities that have reciprocating internal combustion engines must comply with applicable

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portions of 40 CFR 63 subpart ZZZZ.

**Condition 17: Applicability of new RICE at an area source of HAP
Effective between the dates of 04/08/2022 and 04/07/2032**

Applicable Federal Requirement:40CFR 63.6590(a)(2), Subpart ZZZZ

Item 17.1:

A stationary reciprocating internal combustion engine (RICE) located at an area source of HAP emissions is new if construction or reconstruction commenced on or after June 12, 2006.

**Condition 18: Stationary RICE subject to Regulations under 40 CFR Part
60
Effective between the dates of 04/08/2022 and 04/07/2032**

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

Item 18.1:

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.

**Condition 19: General provisions
Effective between the dates of 04/08/2022 and 04/07/2032**

Applicable Federal Requirement:40CFR 63.6665, Subpart ZZZZ

Item 19.1:

Table 8 of 40 CFR 63 Subpart ZZZZ shows which parts of the General Provisions 40 CFR 63.1

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through 40 CFR 63.15 apply to this facility. Facility is responsible for ensuring they comply with all General Provisions contained in Table 8.

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

Condition 20: Compliance Demonstration
Effective between the dates of 04/08/2022 and 04/07/2032

Applicable Federal Requirement: 6 NYCRR 227-1.4 (a)

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: MONITORING OF PROCESS OR CONTROL
 DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

No owner or operator of a stationary combustion installation subject to this Subpart shall operate an emission source which exhibits greater than 20 percent opacity (based on a six minute average), except for one 6 minute period per hour of not more than 27 percent opacity. The owner or operator will conduct a Method 9 test annually. A report of the results of the test will be submitted to the Department within 30 days of the completion of the Method 9 test. All records generated by the permittee must be maintained at the facility or at an alternative location approved by the Department for a minimum of five years.

Parameter Monitored: OPACITY
 Upper Permit Limit: 20 percent
 Reference Test Method: 40 CFR 60, Appendix A, Method 9
 Monitoring Frequency: ANNUALLY
 Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
 Reporting Requirements: ANNUALLY (CALENDAR)
 Reports due 30 days after the reporting period.
 The initial report is due 1/30/2023.
 Subsequent reports are due every 12 calendar month(s).

Condition 21: Use of propane
Effective between the dates of 04/08/2022 and 04/07/2032

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

Item 21.1:

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This Condition applies to Emission Unit: D-G0001

Item 21.2:

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 22: Compliance Demonstration
Effective between the dates of 04/08/2022 and 04/07/2032

Applicable Federal Requirement: 40CFR 60.4245(a)(3), NSPS Subpart JJJJ

Item 22.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: D-G0001

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

Item 22.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners and operators of all certified stationary spark ignition internal combustion engines must keep 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.

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2023.

Subsequent reports are due every 12 calendar month(s).

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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 in 6 NYCRR 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 demonstrate, 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 facility was being properly operated and maintained;

(3) during the period of the emergency the facility owner or operator took all reasonable steps to minimize the 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 any 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 malfunction 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

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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 23: Contaminant List

Effective between the dates of 04/08/2022 and 04/07/2032

Applicable State Requirement:ECL 19-0301

Item 23.1:

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: 0NY210-00-0
Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0
Name: VOC

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Condition 24: Malfunctions and Start-up/Shutdown Activities
Effective between the dates of 04/08/2022 and 04/07/2032

Applicable State Requirement:6 NYCRR 201-1.4

Item 24.1:

(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 maintenance and start-up/shutdown activities when they are expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the department when required by a permit condition or upon request by the department. Such reports shall state whether an exceedance occurred and if it was unavoidable, include the time, frequency and duration of the exceedance, 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 monitoring and quarterly reporting requirements need not submit additional reports of exceedances to the department.

(c) In the event that air contaminant emissions exceed any applicable emission standard due to a malfunction, the facility owner or operator shall 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. In addition, the facility owner or operator shall compile and maintain a record of all malfunctions. Such records shall be maintained at the facility for a period of at least five years and must be made available to the department upon request. 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, the air contaminants emitted, and the resulting emission rates and/or opacity.

(d) The department may also require the facility 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 25: Emission Unit Definition
Effective between the dates of 04/08/2022 and 04/07/2032

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 25.1:

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

Emission Unit: D-G0001

Emission Unit Description:

Distributed generation (DG) power system consisting of two natural gas internal combustion engines. Each electric generator is normally rated at 360 kW. The DG will provide electrical power to the Shoprite of Uniondale.

Condition 26: Renewal deadlines for state facility permits
Effective between the dates of 04/08/2022 and 04/07/2032

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

Item 26.1:

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 27: CLCPA Applicability
Effective between the dates of 04/08/2022 and 04/07/2032

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

Item 27.1:

Pursuant to The New York State Climate Leadership and Community Protection Act (CLCPA) and Article 75 of the Environmental Conservation Law, emission sources shall comply with regulations to be promulgated by the Department to ensure that by 2030 statewide greenhouse gas emissions are reduced by 40% of 1990 levels, and by 2050 statewide greenhouse gas emissions are reduced by 85% of 1990 levels.

Condition 28: Compliance Demonstration
Effective between the dates of 04/08/2022 and 04/07/2032

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

Item 28.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 28.2:

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

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

Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2023.
Subsequent reports are due every 12 calendar month(s).

Condition 29: Air pollution prohibited
Effective between the dates of 04/08/2022 and 04/07/2032

Applicable State Requirement:6 NYCRR 211.1

Item 29.1:

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

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

Condition 30: Emission Point Definition By Emission Unit
Effective between the dates of 04/08/2022 and 04/07/2032

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 30.1:

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

Emission Unit: D-G0001

Emission Point: EP001

Height (ft.): 15 Diameter (in.): 8
NYTMN (km.): 4505.981 NYTME (km.): 620.057

Emission Point: EP002

Height (ft.): 15 Diameter (in.): 8
NYTMN (km.): 4505.981 NYTME (km.): 620.057

Condition 31: Process Definition By Emission Unit
Effective between the dates of 04/08/2022 and 04/07/2032

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 31.1:

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