

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 3-3924-00119/00005  
Effective Date: 11/02/2023 Expiration Date: 11/01/2033

Permit Issued To: 2000 Corporate Drive LLC  
400 S Akard St Ste 100  
Dallas, TX 75202

Contact: Tony D. Qorri  
3110 N Central Ave  
Suite B-75  
Phoenix, AZ 85012  
(347) 873-1480

Facility: Databank LGA3  
2000 Corporate Dr  
Orangeburg, NY 10962

Description:

This application is for construction of a new data center campus located at 2000 Corporate Drive in Orangeburg, Rockland County, New York. The current building located at this site will be demolished. The new facility is currently in the development and design phase for the new campus and will be comprised of one building and up to 18 3,000 kW diesel-fired emergency generators, and a 750 kW and 500 kW base building diesel-fired emergency generators.

Facility-wide NOx emissions are capped at 24.5 tpy to remain below the major source threshold. As a minor source, the facility is not subject to the Title V permitting requirements of 6 NYCRR Part 201-6.

Synthetic Minor Source Air Construction Permit Application  
2000 Corporate Drive, Orangeburg, NY  
Data Center Campus - Emergency Generators  
EU U-00001  
Revised 9-2022

This will be a new data center located on 2000 Corporate Drive in Orangeburg, Rockland County, NY. The current building located at this site will be demolished. The new facility is currently in the development and design phase for the new campus. It is anticipated that this will be comprised of one building and up to 18 3,000 kW diesel-fired emergency generators and a 750 kW and 500 kW base building diesel-fired emergency generators will be located outside the building in the equipment yard.

Master plans for data center campuses are always subject to change, since the timing and generator requirements are tenant driven. The facility emergency generators, which are used for supplying backup electrical power to the individual suites in the buildings and outside, will be EPA Tier II certified engines of the following manufacturer and model:

- Cummins C3000D 6e
- Cummins 750DQCB
- Cummins 500DFEK

All emergency generators will be maintained on a regular basis according to the manufacturer's recommended practices. This includes:

- Routine exercising of each unit for maintenance purposes at no load approximately 1 hour per month
  - One Blackout Test for approximately 4 hours annually at site load,
  - Two Load Bank Tests for a duration of approximately 2 hours each annually,
- Therefore, approximately 20 hours per year per generator for routine maintenance and testing is a conservative estimate.

Each new generator will also operate for initial commissioning upon installation for approximately 30 hours at about 100% load. No additional commissioning will be required after this is completed for each generator. Thereafter, each generator routinely operates approximately 18 to 20 hours for routine maintenance and testing each 12 month period.

Diesel fuel will be stored for each generator in individual belly tanks of less than 7,000 gal each and are exempt under 201-3.2(c) (21) - "Distillate fuel oil, residual fuel oil, and biodiesel storage tanks with storage capacities below 300,000 barrels (7143 gallons)."

Emissions Calculations (Attachment 2):

The air emissions were calculated based on the worst-case for the type of 3,000 kW generator proposed. Annual operating hours will be limited based on a total facility operation of 720 hours per year for all the 3,000 kW generators and 60 hours per year total for the 750 kW and 500 kW generators.

Facility-wide NOx emissions are capped at 24.5 tpy to remain below the major source threshold. As a minor source, the facility is not subject to the Title V permitting requirements of 6 NYCRR Part 201-6.

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: REBECCA S CRIST  
21 S PUTT CORNERS RD

**Facility DEC ID: 3392400119**

NEW PALTZ, NY 12561

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.

**PAGE LOCATION OF CONDITIONS**

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**DEC GENERAL CONDITIONS**

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**Facility Level**

- 7 5 Submission of application for permit modification or renewal  
-REGION 3 HEADQUARTERS

**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***  
**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2.1:**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

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

**Item 3.2:**

The permittee must submit a renewal application at least 180 days before 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 3 HEADQUARTERS**

**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator  
Region 3 Headquarters  
Division of Environmental Permits  
21 South Putt Corners Road  
New Paltz, NY 12561-1696  
(845) 256-3054

**Permit ID: 3-3924-00119/00005**

**Facility DEC ID: 3392400119**

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

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: 2000 Corporate Drive LLC  
400 S Akard St Ste 100  
Dallas, TX 75202

Facility: Databank LGA3  
2000 Corporate Dr  
Orangeburg, NY 10962

Authorized Activity By Standard Industrial Classification Code:  
7376 - COMPUTER FACILITIES MANAGEMENT

Permit Effective Date: 11/02/2023

Permit Expiration Date: 11/01/2033



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- 8 4 6 NYCRR 225-1.2 (d): Compliance Demonstration
- 8 5 6 NYCRR 227-1.3 (c): Compliance Demonstration
- 9 6 6 NYCRR 227-1.4 (a): Compliance Demonstration
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**Emission Unit Level**

- 10 8 6 NYCRR 201-7.1: Emission Unit Permissible Emissions

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

- 12 9 ECL 19-0301: Contaminant List
- 12 10 6 NYCRR 201-1.4: Malfunctions and Start-up/Shutdown Activities
- 13 11 6 NYCRR Subpart 201-5: Emission Unit Definition
- 14 12 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 14 13 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 14 14 6 NYCRR 211.1: Air pollution prohibited

NOTE: \* preceding the condition number indicates capping.

**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, 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 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: Facility Permissible Emissions**  
**Effective between the dates of 11/02/2023 and 11/01/2033**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 1.1:**

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

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

CAS No: 0NY210-00-0

PTE: 49,000 pounds per year

Name: OXIDES OF NITROGEN

**Condition 2: Capping Monitoring Condition**  
**Effective between the dates of 11/02/2023 and 11/01/2033**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 2.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1 (a)

**Item 2.2:**

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

**Item 2.3:**

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

**Item 2.4:**

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

**Item 2.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement,

for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 2.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 2.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

2000 Corporate Drive, LLC shall limit their 12-month rolling emissions of Oxides of Nitrogen (NO<sub>x</sub>) to 24.5 tons or less. They will monitor hourly run times of each generator utilizing non-resettable hourly meters. They will use the following formulas to calculate and total the emissions of NO<sub>x</sub> each month:

For the 3,000 kW generators:

NO<sub>x</sub> Emissions = (38.6 lbs/hour)x(Number of Runtime hours for the month)/(2,000 lbs/ton)

For the 750 kW generator:

NO<sub>x</sub> Emissions = (14.2 lbs/hour)x(Number of Runtime hours for the month)/(2,000 lbs/ton)

For the 500 kW generator:

NO<sub>x</sub> Emissions = (7.2 lbs/hour)x(Number of Runtime hours for the month)/(2,000 lbs/ton)

All records pertaining to the the compliance to this condition shall be kept on site for up to 5 years.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 24.5 tons per year

Monitoring Frequency: Hourly when in use

Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 12/01/2024 for the period 11/02/2023 through 11/01/2024

**Condition 3: Visible Emissions Limited**

**Effective between the dates of 11/02/2023 and 11/01/2033**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 3.1:**

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 4: Compliance Demonstration**

Effective between the dates of 11/02/2023 and 11/01/2033

**Applicable Federal Requirement:6 NYCRR 225-1.2 (d)**

**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: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners or operators of emission sources that fire distillate oil are limited to a 0.0015 percent sulfur content by weight of the fuel. Compliance with the sulfur-in-fuel limitation is based on fuel vendor receipts. All fuel vendor receipts must be maintained on site or at a Department approved alternative location for a minimum of five years.

Note - Process sources and incinerators must comply with the above requirements on or after July 1, 2023.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: FUEL OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.0015 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2024.

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

**Condition 5: Compliance Demonstration**

Effective between the dates of 11/02/2023 and 11/01/2033

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

**Item 5.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 5.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a stationary combustion installation must perform an annual tune-up on each emission source subject to 6 NYCRR Subpart 227-1. Records of the tune-up shall be maintained at the facility or at a Department approved alternative location for a minimum of five years. The records shall, at a minimum, include the

date the tune-up(s) occurred and the details of the tune-up procedures for each emission source.

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2024.  
Subsequent reports are due every 12 calendar month(s).

**Condition 6: Compliance Demonstration**  
**Effective between the dates of 11/02/2023 and 11/01/2033**

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

**Item 6.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 6.2:**

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. Compliance with the opacity standard shall be determined by conducting annual visible emissions observations in accordance with 40 CFR 60 appendix A, Method 9 testing. The Department shall be notified 14 days in advance of a scheduled Method 9 testing and the results submitted to the Department within 30 days of completion.

For the annual compliance opacity determination, two sets of the 3 MW generators and the 500 kW and 750 kW generators shall be tested during the first year of the permit being issued. Subsequent years after permit issuance, the facility shall perform compliance testing on 2 different sets of the 3 MW generators that haven't been previously tested and the 500 kW and 750 kW generators are to be tested each year. The facility shall create a log of the generators that they have had Method 9 testing for and maintain records of such testing and results on site for a minimum of 10 years. The Department reserves the right to request a Method 9 compliance testing for any of the generators on site.

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 1/30/2024.  
Subsequent reports are due every 12 calendar month(s).

**Condition 7: Applicability**  
**Effective between the dates of 11/02/2023 and 11/01/2033**

**Applicable Federal Requirement:40CFR 60, NSPS Subpart IIII**

**Item 7.1:**  
Facilities that have stationary compression ignition internal combustion engines must comply with applicable portions of 40 CFR 60 Subpart IIII.

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

**Condition 8: Emission Unit Permissible Emissions**  
**Effective between the dates of 11/02/2023 and 11/01/2033**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 8.1:**  
The sum of emissions from all regulated processes specified in this permit for the emission unit cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: U-00001

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 3.26 pounds per hour

49,000 pounds per year

**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 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 9: Contaminant List**  
**Effective between the dates of 11/02/2023 and 11/01/2033**

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

**Item 9.1:**

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

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

**Condition 10: Malfunctions and Start-up/Shutdown Activities**  
**Effective between the dates of 11/02/2023 and 11/01/2033**

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

**Item 10.1:**

(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 11: Emission Unit Definition**  
**Effective between the dates of 11/02/2023 and 11/01/2033**

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

**Item 11.1:**

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

Emission Unit: U-00001

Emission Unit Description:

Emission Unit U-00001 will be comprised of up to 20 Emissions Sources (electrical generators), consisting of up to 18 3.0 MW standby generators (EG1 thru EG18) powered by diesel-fired reciprocating internal combustion engines, 750 kW and 500 kW standby generators (BBEG1, BBEG2) for the building. Each emission source will have an independent Emission Point (exhaust stack) (Emission Point IDs EG1 thru EG18, and BBEG1, BBEG2)  
 The generators will be located outside in separate generator enclosures in the equipment yard located along the east side of each of the two buildings.

The generators are to be used for backup power in the event of a power outage at the data center. Each engine will be fueled by number 2 fuel oil. The specific generators that will be used may vary depending on power demand and availability (e.g a generator not available due to repair or running a test cycle).

**Condition 12: Renewal deadlines for state facility permits**  
**Effective between the dates of 11/02/2023 and 11/01/2033**

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

**Item 12.1:**

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 13: Compliance Demonstration**  
**Effective between the dates of 11/02/2023 and 11/01/2033**

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

**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:

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 3  
 21 South Putt Corners Rd.  
 New Paltz, NY 12561

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2024.

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

**Condition 14: Air pollution prohibited**  
**Effective between the dates of 11/02/2023 and 11/01/2033**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 14.1:**

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.

