

## AIR POLLUTION CONTROL PERMIT TO CONSTRUCT

<b>Permittee Name:</b> NYDIG DFM LLC	<b>Permit Number:</b> ACP- 18228 v1.1
<b>Permittee Address:</b> One Vanderbilt Avenue, 65 <sup>th</sup> Floor New York, NY 10017	<b>Source Description:</b> Synthetic Non-Title V Source HAP Area Source
<b>Source Name &amp; Location:</b> Hulk Central Delivery Point (CDP) Williams County, ND 58830 Lat/Long: 48.52778/-103.47409 NE ¼, Sec. 9, T158N, R99W	<b>Source Type:</b> Electrical Power Generation and Data Processing, Hosting, and Related Services
<b>Date of Application:</b>	February 17, 2026 (Application) March 23, 2026 (Revision)

Pursuant to Chapter 23.1-06 of the North Dakota Century Code, the North Dakota Air Pollution Control Rules (North Dakota Administrative Code [NDAC] 33.1-15), and in reliance on statements and representations heretofore made by the permittee (i.e., owner) designated above, a Permit to Construct (PTC, also referred to as ‘permit’) is hereby issued authorizing such permittee to construct and initially operate the source unit(s) listed in Condition 1 at the location designated above. The source may be operated under this PTC until a Permit to Operate (PTO) is issued. This PTC is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Environmental Quality (Department), state and federal regulations, and to any conditions specified below:

Date: \_\_\_\_\_

\_\_\_\_\_  
 James L. Semerad  
 Director  
 Division of Air Quality

**1. Project and Facility Emission Units:**

The permit modification application was for the as-built corrections for a power generation station used to power a set of on-site data centers, Hulk Central Delivery Point (CDP), located in Williams County, North Dakota. This modification establishes the source as to synthetic minor for Title V with emission limit restrictions on the compressor engines and turbine.

ACP-18228 v1.0\_AQEA and ACP-18228 v1.1\_Memo details the facility wide emission profile and regulation analysis associated with this permit.

Table 1-1 lists the emission units associated with the Project.

*Table 1-1: Project Emission Units*

<b>Emission Unit Description</b>	<b>Emission Unit (EU)</b>	<b>Emission Point (EP)</b>	<b>Air Pollution Control Equipment</b>
Two (2) Waukesha VGF H24SE natural gas-fired compressor engines rated at 530 hp each (NSPS JJJJ, MACT ZZZZ)	1 & 2	1 & 2	Non-selective Catalytic Reduction (NSCR)
Waukesha 9394GSI natural gas-fired generator engine rated at 2,500 hp (NSPS JJJJ, MACT ZZZZ)	3	3	NSCR
Solar Titan Model 130 natural gas-fired turbine rated at 134.6 MMBtu/hr; 13.3 MW (NSPS KKKK)	4	4	SoLoNox - Dry lean-premixed combustion technology
Caterpillar C32 diesel fired emergency generator rated at 1,474 hp (NSPS IIII, MACT ZZZZ)	5	5	None

**1. Applicable Standards, Restrictions and Miscellaneous Conditions:**

A. New Source Performance Standards (NSPS):

The permittee must comply with all applicable requirements of the following NSPS subparts, in addition to Subpart A, as referenced in NDAC 33.1-15-12 and Title 40 of the Code of Federal Regulations (CFR) Part 60.

- 1) NSPS IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (EU 5)
- 2) NSPS JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (EUs 1 through 3)
- 3) NSPS KKKK - Standards of Performance for Stationary Combustion Turbines (EU 4)

B. National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Source Categories/Maximum Achievable Control Technology (MACT):

The permittee must comply with all applicable requirements of the following MACT subparts, in addition to Subpart A, as referenced in NDAC 33.1-15-22 and 40 CFR 63.

- 1) MACT ZZZZ - National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (EUs 1 through 3, & 5)

C. Fuel Restrictions:

- 1) The compressor engines (EUs 1 & 2), generator engine (EU 3), and combustion turbine (EU 4) are restricted to combusting gas containing no more than 3.2 grains of sulfur per 100 standard cubic feet.
- 2) The emergency generator engine (EU 5) shall be fired on ultra-low sulfur diesel fuel (ULSD) containing no more than 0.0015 percent sulfur by weight.

D. Emergency Engines (EU 5):

For engine to be considered emergency stationary RICE under the RICE rules, engine operations must comply with the non-emergency operating hour limits as specified in the applicable subpart. There is no time limit on the use of emergency stationary RICE in emergency situations. The potential to emit for an emergency stationary reciprocating internal combustion engine (RICE) is based on operating no more hours per year than is allowed by the applicable subpart (40 CFR 60, Subpart IIII and 40 CFR 60, Subpart JJJJ) except for emergency situations.

**2. Emission Unit Limits:**

Emission limits from the operation of the source unit(s) identified in Table 1-1 of this PTC are as follows in Table 2-1. Source units not listed are subject to the applicable emission limits specified in NDAC 33.1-15.

*Table 2-1: Summary of Permit Emission Limits*

<b>EU Description</b>	<b>EU</b>	<b>EP</b>	<b>Pollutant / Parameter</b>	<b>Limit</b>
Waukesha VGF H24SE natural gas-fired compressor engines	1 & 2	1 & 2	NO <sub>x</sub>	0.15 g/hp-hr <sup>A, B</sup>
			CO	0.30 g/hp-hr <sup>A, B</sup>
			VOC	0.03 g/hp-hr <sup>A, B</sup>
			Opacity	20% <sup>C</sup>

EU Description	EU	EP	Pollutant / Parameter	Limit
Waukesha 9394GSI natural gas-fired generator engine	3	3	NO <sub>x</sub>	0.15 g/hp-hr <sup>A, B</sup>
			CO	0.30 g/hp-hr <sup>A, B</sup>
			VOC	0.03 g/hp-hr <sup>A, B</sup>
			Opacity	20% <sup>C</sup>
Solar Titan Model 130, natural gas-fired combustion turbine	4	4	NO <sub>x</sub>	25 ppm @ 15% O <sub>2</sub> <sup>A, D</sup>
			CO	50 ppm @ 15% O <sub>2</sub> <sup>A</sup>
			VOC	12.5 ppm @ 15% O <sub>2</sub> <sup>A</sup>
			Opacity	20% <sup>C</sup>
Caterpillar C32 diesel fired emergency generator	5	5	Various	Condition 2.A.1)
			Operational	Condition 2.D
			Opacity	20% <sup>C</sup>

<sup>A</sup> Compliance determined via emissions testing.

<sup>B</sup> Less restrictive 40 CFR 60 Subpart JJJJ limits also apply as follows: NO<sub>x</sub> of 1.0 g/hp-hr or 82 ppmvd @ 15% O<sub>2</sub>; CO of 2.0 g/hp-hr or 270 ppmvd @ 15% O<sub>2</sub>; VOC of 0.7 g/hp-hr or 60 ppmvd @ 15% O<sub>2</sub>.

<sup>C</sup> 40% opacity is permissible for not more than one six-minute period per hour.

<sup>D</sup> 40 CFR 60 Subpart KKKK limit also applies as follows: NO<sub>x</sub> of 150 ppm @ 15% O<sub>2</sub> (8.7 lb/MWh) applies when operating at less than 75% of peak load or at a temperature at less than 0 °F

### 3. Emission Testing Requirements:

The following testing requirements are applicable until issuance of the PTO. All emission tests identified in Table 3-1 must be conducted according to the Reference Methods (40 CFR 60 Appendix A), NDAC 33.1-15-01-12, applicable federal regulations, or as specified by the Department in accordance with good professional practice. All testing must require a minimum of three runs, one hour each, unless otherwise specified in an applicable federal subpart. The Department may conduct, require, and observe emission testing from any source at a reasonable time interval. The Department may reasonably require the permittee to demonstrate compliance with Condition 2 or to quantify emissions of any contaminant not addressed in this PTC whenever it has reason to believe noncompliance or the emission of a non-addressed contaminant is occurring.

*Applicable requirement: NDAC 33.1-15-01-12*

Table 3-1: Emission Testing Requirements

EU Description	EP <sup>A</sup>	Pollutant / Parameter	Method <sup>A</sup>
Compressor engines	1 & 2	NO <sub>x</sub>	7E
		CO	10
		VOC	25
Generator engine	3	NO <sub>x</sub>	7E
		CO	10
		VOC	25
Turbine	4	NO <sub>x</sub>	7E
		CO	10
		VOC	25

<sup>A</sup> Other equivalent reference method approved by the Department may be used.

A. Personnel:

All tests must be conducted under the direction of reputable, qualified personnel trained in accordance with Department approved methods.

*Applicable requirement: NDAC 33.1-15-01-12.1*

B. Sampling Access:

The permittee must provide the necessary facilities (exclusive of instruments and sensing devices) and sampling ports in stacks, ducts, or flues downstream of all emission control devices to conduct emission measurements. The ports must be located to enable reliable sampling and must be adequate for the required test methods. Safe sampling access and platforms must be provided. Plans and specifications showing the size and location of the ports, platform and utilities must be submitted to the Department for review and approval.

*Applicable requirements: NDAC 33.1-15-01-12.2, NDAC 33.1-15-12*

C. Advanced Notification:

The permittee must notify the Department using forms found in the Emission Testing Guideline<sup>1</sup>, or its equivalent, at least 30 calendar days in advance of any emission test required by the

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<sup>1</sup> See February 7, 2020, NDDEQ Division of Air Quality Emission Testing Guidelines: [https://www.deq.nd.gov/publications/AQ/policy/PC/Emission\\_Testing\\_Guide.pdf](https://www.deq.nd.gov/publications/AQ/policy/PC/Emission_Testing_Guide.pdf)

Department. Advanced notification for all other testing will be consistent with the requirements of the appropriate regulations but will in no case be less than 30 calendar days.

*Applicable requirement: NDAC 33.1-15-01-12.1*

**D. Rescheduled Tests:**

If the permittee is unable to conduct a test on its scheduled date, the permittee must notify the Department at least five days prior to the scheduled test date and coordinate a new test date with the Department.<sup>1</sup> Failure to give the proper notification may prevent the Department from observing the test, which may cause test results to be rejected.

*Applicable requirement: NDAC 33.1-15-01-12.1*

**E. Reporting:**

A signed copy of the test results must be furnished to the Department within 60 days of the test date as per 40 CFR 60.13(c)(2). To facilitate test preparation, execution, and reporting, the permittee must follow the procedures and formats in the Department’s Emission Testing Guideline.<sup>1</sup>

*Applicable requirement: NDAC 33.1-15-12*

**4. Stack Height Requirements:**

Emissions must be vented through stacks with heights above the minimums defined in Table 4-1 and below the maximum defined by good engineering practice per NDAC 33.1-15-18. Stacks must not utilize air dispersion techniques to artificially alter ambient air concentrations. Stack heights must be no less than those below without prior approval from the Department.

*Table 4-1: Minimum Stack Heights*

<b>EP Description</b>	<b>EP</b>	<b>Minimum Stack Height (Feet)</b>
Compressor engine	1	25
Compressor engine	2	25
Generator engine	3	25
Turbine	4	40
Generator engine	5	18

**5. General Conditions (Action Required):**

**A. Modification:**

Any alteration, repair, expansion, or change in the method or physical operation of the source which results in the emission of an additional type or greater amount of air contaminants, or which results in an increase in the ambient concentration of any air contaminant is considered a modification and must be reviewed and approved by the Department before implementation. The

Department must be notified 10 days in advance of any significant deviations from the application. The issuance of this PTC may be suspended or revoked if the Department determines that a significant deviation has been or is to be made without the proper review or approval.

*Applicable requirement: NDAC 33.1-15-14-02.9.d*

B. Like-Kind Emission Unit Replacement:

This permit allows the permittee to replace an existing emission unit with a like-kind unit. Replacement is subject to the following conditions:

- 1) The replacement unit is subject to the same emission limits and performance testing requirements—both state and federal—as the existing unit. The facility must comply with any additional federal standards (e.g. NSPS, MACT) triggered by the replacement.
- 2) The Department must be notified within 10 days of replacement. The date of manufacture of the replacement unit and any additional federal applicability must be included in the notification.
- 3) The replacement unit must operate in the same manner without increasing throughput and have equal or less emissions than the unit it is replacing.
- 4) Testing must be conducted to confirm compliance with emission limits within 180 days after start-up of the replacement unit. Emergency units must not be required to test if replaced by a like-kind unit.

*Applicable requirement: NDAC 33.1-15-14-02.9.d*

C. Annual Emission Inventory/Annual Production Reports:

The permittee must submit an annual emission inventory report and/or an annual production report upon Department request on forms approved by the Department.

*Applicable requirement: NDAC 33.1-15-14-02.9.d*

D. Malfunction Notification:

The permittee must notify the Department of any malfunction which can be expected to last longer than 24 hours and can cause the emission of air contaminants in violation of applicable rules and regulations. Using empirical estimates of emission rates, the permittee must conservatively estimate if the malfunction can cause noncompliance.

*Applicable requirement: NDAC 33.1-15-01-13.2.a*

E. Transfer of Permit to Construct:

The holder of a PTC may not transfer such permit without prior approval from the Department.

*Applicable requirement: NDAC 33.1-15-14-02.11*

**6. General Conditions (Obligations):****A. Operation:**

Operation of the facility must be in accordance with the permit application—which includes technical supplements, revisions, and supporting data. Any operations not listed in this permit are subject to all applicable NDAC 33.1-15 requirements. At all times, including periods of startup, shutdown, and malfunction, the permittee must, to the extent practicable, maintain and operate any affected facility—including associated air pollution control equipment—in a manner consistent with good practice for minimizing emissions.

*Applicable requirements: NDAC 33.1-15-12, NDAC 33.1-15-22*

**B. Recordkeeping:**

The permittee must maintain any compliance monitoring records required by this permit or applicable requirements for a period of at least five years (unless otherwise stated) from the date of the monitoring sample, measurement, report or application. Support information may include all calibration and maintenance records, all original strip-chart recordings and computer printouts for continuous monitoring instrumentation, and copies of all reports required by the permit.

*Applicable requirements: NDAC 33.1-15-14-02.9.d*

**C. Control of Organic Compound Emissions:**

The permittee must comply with all applicable requirements of NDAC 33.1-15-07, which establishes requirements for the construction of organic compound facilities related to closed-vent systems, control devices, and seals and for the control of VOC vapors using a continuously burning pilot flare or other equally effective control device.

**D. Internal Combustion Engine Emissions Restricted:**

The permittee must comply with all applicable requirements of NDAC 33.1-15-08-01, which restricts the operation of internal combustion engines which emit, from any source, unreasonable and excessive smoke, obnoxious or noxious gas, fumes or vapor.

**E. Restriction of Fugitive Emissions:**

The release of fugitive emissions must comply with the applicable requirements in NDAC 33.1-15-17, which restricts particulate matter and gaseous fugitive emissions that would violate other regulations.

F. Permit Invalidation:

This permit must be effective from the date of its issuance unless suspended, revoked or surrendered. The violation of any condition of this permit may result in revocation or suspension of the permit or other appropriate enforcement action. If any provision or application of a provision of this permit is held invalid in any circumstance, the remainder of this permit must remain valid.

*Applicable requirement: NDAC 33.1-15-14-02.9*

G. Nuisance or Danger:

This permit must in no way authorize the maintenance of a nuisance or a danger to public health or safety.

*Applicable requirements: NDAC 33.1-15-02-03, NDAC 33.1-15-14-02.9.c*

H. Right of Entry:

Any duly authorized officer, employee, or agent of the Department may enter and inspect any property, premise, or place at which the source is located at any time for the purpose of ascertaining compliance with NDAC 33.1-15. The Department may inspect monitoring equipment, conduct tests, and take samples of air contaminants, fuel, processing material, and other materials, which affect or may affect the emission of air contaminants from any source. The Department must have the right to access and copy any records required by the Department.

*Applicable requirement: NDAC 33.1-15-01-06, NDCC 23.1-06-11*

**7. State Enforceable Conditions (Not Federally Enforceable):**

A. Emissions of Odorous Substances Restricted:

The permittee must not discharge into the ambient air any objectionable odorous air contaminant which measures seven odor concentration units or greater.

*Applicable requirement: NDAC 33.1-15-16*