



Rohit Aggarwala
Commissioner

Mark Page, Jr
Executive Director
Environmental
Compliance

59-17 Junction Blvd.
Flushing, NY 11373

January 31, 2023

Matt Wells, Vice President of Construction
Fogo De Chao
14850 Quorum Drive - Suite 500
Dallas, TX 75254

Re: Variance from Char broiler Control Regulation

Dear Mr. Wells:

I am writing in response to your letter dated December 15, 2022, in which you requested a variance from the requirements of installing an emission control device for a char broiler that reduces Particulate Matter (PM) by 75% or greater as required in 15 RCNY 37-02(b).

Your request has been granted based upon the documentation provided in that it shows the emission control system that you have installed reduces the PM 10 to an in-stack concentration of 0.0009 grains/dscf with the lean meat which has similar in-stack concentrations when utilizing approved emission-controlled devices.

The variance is therefore granted pursuant to Section 24-110 of the Air Pollution Control Code. Please be advised that you are still subject to odor and smoke regulations contained in Section 24-141 and Section 24-142 of the Air Code. This variance may be rescinded if proper maintenance of the control is not maintained, or if there are complaints that lead to a cease-and-desist order due to the unit not achieving the results contained within the documents provided to the Department Of Environmental Protection (DEP).

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Page Jr.', written in a cursive style.

Mark Page Jr.