



March 10, 2022

John G. Rigney
Chief Administrative and Legal Officer
Osmoste Utilities Services, Inc.
635 Highway 74 South
Peachtree City, GA 30268

Rohit Aggarwala
Commissioner

Re: Variance Petition

Angela Licata
Deputy Commissioner of
Sustainability

Dear Mr. Rigney:

59-17 Junction Blvd.
Flushing, NY 11373

I am writing in response to your January 27, 2022 petition, as supplemented by addendum dated February 22, 2022, to obtain a variance from section 24-163 of the Air Pollution Control Code ("Code") in accordance with the provisions of section 24-110 of the Code.

I have carefully reviewed the original petition, the addendum, and information submitted into the record of the public hearing which occurred on February 9, 2022. The addendum was requested by the DEP to obtain additional information as why this variance should be granted.

In order for DEP to grant a variance pursuant to Section 24-110 of the Code, the petitioner must show that compliance with the statute would cause "unreasonable hardship". Osmoste stated in the original petition that there were five types of equipment (drop lights, water pump, ventilator, strobe lights, and cargo lights) that must be powered by using the inverter, which is powered by the truck's engine. After reviewing the equipment cited, I have determined that all five types of equipment could be operated using an alternative power source such as a small portable generator.

Therefore, after fully reviewing all the information before me, I am denying the variance petition, as unreasonable hardship has not been adequately shown.

Sincerely,

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

Mark Page, Jr.
Acting Director
Bureau of Environmental Compliance