

December 15, 2022

The City of New York
Department of Environmental Protection
Bureau of Environmental Compliance
59-17 Junction Blvd
9th Floor
Flushing, NY 11373

To whom it may concern,

Please accept this notice as formal request of variance from the requirement of 15 RCNY 37-02 (b) that commercial under-fired char broilers be served by an emission control device that reduce PM10 emissions by 75%.

Fogo De Chao, operating at the above address, has installed an emission control device (Moltron Emission Control Device) per the requirements that we feel exceed the desired result requested by The Department of Environmental Protection. Based on the method 5 guidelines the testing requires the cooking of hamburger patties with specific weight, size, fat, and moisture content as the standard. Based on the required testing method, and protein, the results that would be acceptable to DEP is a PM10 emission rate of .180 lb./hr. (approvable rate).

Fogo De Chao serves a leaner product as part of day-to-day operation. With that in mind our independent testing agency emission rate without a control device is .122 lb./hr. as shown in the results attached. The Independent Testing Agency results with the Moltron Emission Control System operating show the PM10 emission rate drops to .044 lb./hr. (Fogo test rate). The tests indicate that our facility operates approx. 4 times lower in emission rate than the required/approvable DEP testing methods would show.

While we believe our emission control device not only meets, but exceeds the desired result required by DEP. We would also cite that other pre-approved emission devices would be an extreme physical and financial burden. The conditions of the site make many of the pre-approved units very invasive from a construction perspective. There would be drastic building modifications needed which are physically prohibitive on site. The financial impact of this type of modification along with the acquisition costs of those units are a massive burden to bear. In summary the method-5 testing requires a condition that does not exist regularly in our operation. The variance requested is approval of our installed Moltron Emission Control device.

We appreciate your consideration of our request and assistance in resolution. We feel that we have worked toward a solution that accomplishes the goals of all parties included. For your review I have included the test result summary with detailed information supporting our request. If you have any questions, please feel free to reach out.

Thank you in advance for your time,



Matt Wells
Vice President of Construction
Fogo De Chao