

Section E

Application and Participation Statement.

On behalf of Brooklyn Navy Yard Cogeneration Partners, L.P.

I certify that

I have read and agree to the terms and conditions for Application and Participation in the National Environmental Performance Track, as specified in the *National Environmental Performance Track Program Guide* and in the *Application Instructions*;

- I have personally examined and am familiar with the information contained in this Application, including the Environmental Requirements Checklist. The information contained in this Application is, to the best of my knowledge and based on reasonable inquiry, true, accurate, and complete, and I have no reason to believe the facility would not meet all program requirements;
- My facility has an environmental management system (EMS), as defined in the Performance Track EMS requirements, including systems to maintain compliance with all applicable Federal, State, tribal, and local environmental requirements in place at the facility, and the EMS will be maintained for the duration of the facility's participation in the program;
- My facility has conducted an objective assessment of its compliance with all Federal, State, tribal, and local environmental requirements, and the facility has corrected all identified instances of potential or actual noncompliance;
- Based on the foregoing compliance assessment and subsequent corrective actions (if any were necessary), my facility is, to the best of my knowledge and based on reasonable inquiry, currently in compliance with applicable Federal, State, tribal, and local environmental requirements.

I agree that EPA's decision whether to accept participants into or remove them from the National Environmental Performance Track is wholly discretionary, and I waive any right that may exist under any law to challenge EPA's acceptance or removal decision.

I am the senior facility manager and fully authorized to execute this statement on behalf of the corporation or other legal entity whose facility is applying to this program.

Signature/Date



10/20/2004

Printed Name/Title

~~Mr./Mrs./Dr.~~ Christopher Trabold / Executive Director

Phone Number/E-mail

(718) 261-2164 / ctrabold@bnycogen.com

Facility Name

Brooklyn Navy Yard Cogeneration Partners, L.P.

Facility Street Address

63 Flushing Ave., Bldg. No. 41 - Unit 234

City/State/Zip Code

Brooklyn, New York 11205

Mailing Address (if different from facility location):

Street Address:

80-02 Kew Gardens Road

Street Address (continued):

Suite 200

City/State/Zip:

Kew Gardens, New York 11415