

Solarity Power Systems, LLC
Attn.: Rick Sosa
3001 E. Memorial Rd.
Edmond, OK 73013

November 25, 2025

Re: Applicability Determination No. **2025-0806-AD**
Solarity Power Systems, LLC
Facility ID: 25147
Facility 1: Latitude: 36.082936°, Longitude: -97.258700°
Section 36, Township 19N, Range 1W; Payne County
Facility 2: Latitude: 36.065433°, Longitude: -97.249683°
Section 1, Township 18N, Range 1W; Payne County
Facility 3: Latitude: 36.065581°, Longitude: -97.218497°
Section 5, Township 18N, Range 1W; Payne County
Facility 4: Latitude: 36.083136°, Longitude: -97.223772°
Section 32, Township 19N, Range 1W; Payne County
Facility 5: Latitude: 36.162228°, Longitude: -97.233772°
Section 31, Township 20N, Range 1E; Payne County

Dear Mr. Sosa:

Air Quality has completed the applicability determination for the above referenced facility as summarized in the Evaluation of Applicability Determination No. **2025-0806-AD**, dated November 6, 2025 (copy enclosed). Based on the information submitted, each adjacent facility does not meet the criteria for collocation, and each adjacent facility would be deemed a separate stationary source. As such, each facility would be required to meet the applicable permitting requirements based on the sources located at the facility. Any future contracts with outside sources to provide power from the data center power plants were not considered in making and may affect this determination.

Thank you for your cooperation in this matter. If we may be of further service, please contact the permit writer at Derek.Kendzor@deq.ok.gov, or at (405) 702-4208.

Sincerely,

 for
Phillip Fielder, P.E.
Chief Engineer
AIR QUALITY DIVISION

Enclosure

**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR QUALITY DIVISION**

MEMORANDUM

November 25, 2025

TO: Phillip Fielder, P.E., Chief Engineer

THROUGH: Travis Couch, Supervising Attorney, Admin Services Div. Operational

THROUGH: Brad Flaming, Environmental Programs Manager, Surveillance Section

THROUGH: Eric L. Milligan, P.E., Engineering Manager, Engineering Section

THROUGH: Junru Wang, P.E., Existing Source Permits Section

FROM: Derek Kendzor, E.I., Existing Source Permits Section

SUBJECT: Evaluation of Applicability Determination Request 2025-0806-AD
Solarity Power Systems, LLC
Solarity Power Systems (SIC 7374/NAICS 518210)
Facility ID: 25147
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Section 32, Township 19N, Range 1E; Payne County
Facility 5: Latitude: 36.162228°, Longitude: -97.233772°
Section 31, Township 20N, Range 1E; Payne County
Driving Directions: From the intersection of E. 6th Ave and S. Perkins Rd.
in Stillwater head west to S. Coyle Rd. for about 10 miles. Go south on S.
Coyle Rd. for 1.5 miles. Data Center 1 and 3 will be on the east side of the
road, and Data Center 2 and 4 will be on the west side of the road.

SECTION I. INTRODUCTION

Solarity Power Systems, LLC (Solarity) has submitted an application for an Applicability Determination on September 22, 2025, for their Payne County, Oklahoma project to determine if the appropriate air permitting pathway is five separate major source construction permits, one for each Data Center and associated power equipment (DC) location, rather than a single PSD construction permit for one major source due to the physical proximity of the DC's. Solarity will

not be the owner or operator of any of DC facilities and is requesting general guidance for the project scenarios described following.

SECTION II. FACILITY DESCRIPTION

The development project will consist of installing DC's in five locations. Each DC will be powered by approximately 45 stationary spark ignition internal combustion engines totaling 500 MW capacity: 2,500 MW for all five plants. The engines will be arranged in groups of three buildings, each building providing 170 MW power.

Data Center 1			
Building Number	Section/Twp/Range	Latitude	Longitude
1	S36/T19N/R1W	36.082869°	-97.262061°
2	S36/T19N/R1W	36.082936°	-97.258700°
3	S36/T19N/R1W	36.083000°	-97.254225°

Data Center 2			
Building Number	Section/Twp/Range	Latitude	Longitude
1	S1/T18N/R1W	36.065553°	-97.252894°
2	S1/T18N/R1W	36.065433°	-97.249683°
3	S6/T18N/R1E	36.065625°	-97.245553°

Data Center 3			
Building Number	Section/Twp/Range	Latitude	Longitude
1	S5/T18N/R1E	36.064931°	-97.223069°
2	S5/T18N/R1E	36.065581°	-97.218497°
3	S5/T18N/R1E	36.065725°	-97.214328°

Data Center 4			
Building Number	Section/Twp/Range	Latitude	Longitude
1	S32/T19N/R1E	36.082803°	-97.226678°
2	S32/T19N/R1E	36.083136°	-97.223773°
3	S32/T19N/R1E	36.083478°	-97.218553°

Data Center 5			
Building Number	Section/Twp/Range	Latitude	Longitude
1	S31/T20N/R1E	36.162319°	-97.241883°
2	S31/T20N/R1E	36.162228°	-97.237372°
3	S31/T20N/R1E	36.162150°	-97.232644°

SECTION III. PROJECT DESCRIPTION

Solarity is requesting review of two scenarios.

Scenario 1:

Each DC will operate with power generating equipment solely dedicated to supporting the equipment on-site. Each DC will be independently owned and operated. The DC will not have a power generation contract with Oklahoma Gas & Electric (OGE). The DC will retain full decision-making control over all power generating equipment at the facility. Additionally, air emissions permits will be the responsibility of the DC client. The land the data centers will be built on will be leased from the State of Oklahoma.

Scenario 2:

Each DC will be independently owned and operated. Each DC will own the power generation equipment. If OGE extends the power grid to the locations of the DCs, then each DC will have the option to enter into a contract to supply power to the power grid. Dependent upon how the contracts are written, OGE may have decision-making control over the operation of the power generating equipment. This arrangement introduces the possibility that the 4 adjacent DCs could be viewed collectively as a single source, rather than individual sources.

SECTION IV. DEFINITIONS

Part 70 is a federal operating permit program for major sources of air pollution, ensuring compliance with all applicable Clean Air Act requirements. The emission thresholds for major sources are: more than 100 TPY of any pollutant (except gross PM and GHG) subject to regulation, 25 TPY of any combination of HAPs, and 10 TPY of any single HAP. The state of Oklahoma operates a (non-PSD) major source construction permit program with major source being defined as a Part 70 major source.

PSD is a construction permitting program under the Clean Air Act that applies to new PSD major sources or major modifications of existing PSD major sources of air pollutants in areas that meet the National Ambient Air Quality Standards (i.e., attainment areas). The emission thresholds for PSD permitting is more than 100 TPY of a regulated NSR pollutant for a listed source category and more than 250 TPY of a regulated NSR pollutant for any other stationary source.

To be considered a single major source, two or more facilities must meet three conditions: 1) be located on one or more contiguous or adjacent properties; 2) be under common control of the same person (or persons under common control); and 3) belong to a single major industrial grouping.

For major sources of HAP, major source means any stationary source or group of stationary sources located within a contiguous area and under common control that has potential emissions of 10 TPY of a single HAP or 25 TPY of any combination of HAP. The requirement for the sources to belong to a single industrial grouping does not apply.

Stationary source means any building, structure, facility, or installation either fixed or portable, whose design and intended use is at a fixed location and emits or may emit an air pollutant (OAC 252:100-1-3).

SECTION V. COLLOCATION CRITERIA

A determination of whether a group of sources should be deemed a single stationary source for (non-HAP) air permitting purposes is based on three criteria: (1) same industrial classification, (2) contiguous or adjacent properties, and (3) common ownership or control. If all three criteria are met, the group is deemed a single stationary source. If any criterion is not met, each of the five sources will be considered a separate stationary source and evaluated individually for applicability of air permitting purposes.

Condition 1: Same Industrial Classification

Each of the five facilities in this project provides services classified under Standard Industrial Classification (SIC) code 7374 (computer processing and data preparation and processing services); therefore, the first criterion having the same industrial grouping is met.

Condition 2: Contiguous or Adjacent Properties

In the Environmental Protection Agency (EPA) Adjacent Guidance [memorandum](#) dated November 26, 2019, the EPA has interpreted "contiguous" to mean that the parcels of land associated with the pollutant-emitting activities in question are in physical contact with one another. EPA has considered properties to be "adjacent" when, while physically separate, they are "nearby" one another.

Under this interpretation:

- The land parcels that DC 1 and 2, DC 2 and 3, and DC 3 and 4 occupy are contiguous.
- DC 1 is adjacent to DC 3 and DC 4.
- DC 2 is adjacent to DC 4.
- DC 3 is adjacent to DC 1.
- DC 4 is adjacent to DC 1 and DC 2.
- DC 5 is not contiguous with, or adjacent to, DC 1, 2, 3, and 4.

Therefore, the second criterion, having contiguous or adjacent properties, is met for DC 1 through 4, and is not met for DC 5.

Condition 3: Common Ownership or Control of the Facilities

The EPA in 40 CFR § 66.3(f) defines "control" (including the terms controlling, controlled by, and under common control with) as the power to direct or cause the direction of the management and policies of a person or organization, whether by ownership of stock, voting rights, contract, or otherwise. The determination of common control is fact-specific and may depend on contractual relationships, operational interdependence, and decision-making authority.

Scenario 1:

Each DC will be independently owned and operated. The power generation equipment at each facility will be independently owned and operated, with no contractual relationship with OGE for power generation. These systems will be dedicated solely to supporting the operational needs of their respective DCs and will not be connected to the broader electrical grid. Each entity will retain full decision-making authority over its power generation equipment and will be solely responsible for compliance with applicable air emissions permitting requirements. Solarity will construct a data center only after securing an occupant and will not maintain any operational role or contractual relationship with OGE that would influence emissions-related activities. Based on this structure, the facilities would not be considered under common control, and therefore this criterion would not be met.

Scenario 2:

Each DC will still be independently owned and operated, and each will own its power generation equipment. However, if OGE extends the power grid to the data center locations, each facility may enter into a contract to supply power to the grid. Depending on the terms of these contracts, OGE may obtain decision-making authority over the operation of the power generation equipment, including dispatch, output levels, or maintenance schedules. If such contractual arrangements result in OGE directing or influencing the operation of the power generation systems, particularly in ways that affect air emissions, the 4 adjacent facilities may be considered under common control. This could trigger a re-evaluation of the permitting structure, potentially resulting in the aggregation of the 4 adjacent data centers into a single stationary source for air emissions permitting purposes. Therefore, if the facilities are constructed as described and are wholly separately owned and do not rely on each other to comply with environmental regulations, the criterion for common control of the facilities would not be met.

If the DC power plants enter into a contractual obligation to provide power to OGE or the grid, then this determination may need to be revisited based on the requirements of those contracts and the amount of power provided versus the capacity and demand of the data center.

SECTION VI. COMPLIANCE**Tier Classification and Public Review**

Applicability Determinations are not subject to tier classification. Information on all permit actions is available for review by the public in the Air Quality section of the DEQ Web page: oklahoma.gov/deq.html.

Fee Paid

The fee owed for an Applicability Determination is \$500, and DEQ received \$500.

SECTION VII. SUMMARY

Based on review of the information provided in the application and subsequent submissions from Solarity Power Systems, LLC, each of the five facilities qualifies as a separate stationary source under the Clean Air Act. As such, each facility will be subject to the air permitting requirements based on the sources located at each facility. Any future contracts with outside sources to provide power from the data center power plants were not considered in making, and may affect, this determination.

Department of Environmental Quality (DEQ)

Air Quality Division (AQD)

Acronym List

9-8-2025

ACFM	Actual Cubic Feet per Minute	FESOP	Federally Enforceable State Operating Permit
AD	Applicability Determination	FIP	Federal Implementation Plan
AFRC	Air-to-Fuel Ratio Controller	FR	Federal Register
API	American Petroleum Institute		
ASTM	American Society for Testing and Materials	GACT	Generally Achievable Control Technology
AVO	Audio, Visual, or Olfactory	GAL	Gallon (gal)
		GDF	Gasoline Dispensing Facility
BACT	Best Available Control Technology	GEP	Good Engineering Practice
BAE	Baseline Actual Emissions	GHG	Greenhouse Gases
BBL	Barrel(s)	GR	Grain(s) (gr)
BHP	Brake Horsepower (bhp)		
BTEX	Benzene, Toluene, Ethylbenzene, Xylene	H₂CO	Formaldehyde
BTU	British thermal unit (Btu)	H₂S	Hydrogen Sulfide
		HAP	Hazardous Air Pollutants
C&E	Compliance and Enforcement	HC	Hydrocarbon
CAA	Clean Air Act	HCFC	Hydrochlorofluorocarbon
CAM	Compliance Assurance Monitoring	HFR	Horizontal Fixed Roof
CAS	Chemical Abstract Service	HON	Hazardous Organic NESHAP
CAAA	Clean Air Act Amendments	HP	Horsepower (hp)
CC	Catalytic Converter	HR	Hour (hr)
CCR	Continuous Catalyst Regeneration		
CD	Consent Decree	I&M	Inspection and Maintenance
CEM	Continuous Emission Monitor	IBR	Incorporation by Reference
CFC	Chlorofluorocarbon	ICE	Internal Combustion Engine
CFR	Code of Federal Regulations		
CI	Compression Ignition	LAER	Lowest Achievable Emission Rate
CNG	Compressed Natural Gas	LB	Pound(s) [Mass] (lb, lbs, lbm)
CO	Carbon Monoxide or Consent Order	LB/HR	Pound(s) per Hour (lb/hr)
COA	Capable of Accommodating	LDAR	Leak Detection and Repair
COM	Continuous Opacity Monitor	LNG	Liquefied Natural Gas
		LT	Long Ton(s) (metric)
D	Day	LTPD	Long Tons per Day
DEF	Diesel Exhaust Fluid	LPE	Legally and Practicably Enforceable
DG	Demand Growth		
DSCF	Dry Standard (At Standard Conditions) Cubic Foot (Feet)	M	Thousand (Roman Numeral)
		MAAC	Maximum Acceptable Ambient Concentration
EGU	Electric Generating Unit	MACT	Maximum Achievable Control Technology
EI	Emissions Inventory	MM	Prefix used for Million (Thousand-Thousand)
EPA	Environmental Protection Agency	MMBTU	Million British Thermal Units (MMBtu)
ESP	Electrostatic Precipitator	MMBTUH	Million British Thermal Units per Hour (MMBtu/hr)
EUG	Emissions Unit Group		
EUSGU	Electric Utility Steam Generating Unit	MMSCF	Million Standard Cubic Feet (MMscf)
		MMSCFD	Million Standard Cubic Feet per Day
FCE	Full Compliance Evaluation	MSDS	Material Safety Data Sheet
FCCU	Fluid Catalytic Cracking Unit	MWC	Municipal Waste Combustor
FEL	Federally Enforceable Limit(s)	MWe	Megawatt Electrical

NA	Nonattainment	RFG	Reclaimed Asphalt Pavement
NAAQS	National Ambient Air Quality Standards	RICE	Reciprocating Internal Combustion Engine
NAICS	North American Industry Classification System	RO	Responsible Official
NESHAP	National Emission Standards for Hazardous Air Pollutants	ROAT	Regional Office at Tulsa
NH₃	Ammonia	RVP	Reid Vapor Pressure
NMHC	Non-methane Hydrocarbon	SCC	Source Classification Code
NGL	Natural Gas Liquids	SCF	Standard Cubic Foot
NO₂	Nitrogen Dioxide	SCFD	Standard Cubic Feet per Day
NO_x	Nitrogen Oxides	SCFM	Standard Cubic Feet per Minute
NOI	Notice of Intent	SCR	Selective Catalytic Reduction
NSCR	Non-Selective Catalytic Reduction	SEP	Supplemental Environmental Project
NSPS	New Source Performance Standards	SER	Significant Emission Rate
NSR	New Source Review	SI	Spark Ignition
O₃	Ozone	SIC	Standard Industrial Classification
O&G	Oil and Gas	SIP	State Implementation Plan
O&M	Operation and Maintenance	SNCR	Selective Non-Catalytic Reduction
O&NG	Oil and Natural Gas	SO₂	Sulfur Dioxide
OAC	Oklahoma Administrative Code	SO_x	Sulfur Oxides
OC	Oxidation Catalyst	SOP	Standard Operating Procedure
OGI	Optical Gas Imaging	SRU	Sulfur Recovery Unit
PAH	Polycyclic Aromatic Hydrocarbons	T	Tons
PAE	Projected Actual Emissions	TAC	Toxic Air Contaminant
PAL	Plant-wide Applicability Limit	TEG	Triethylene Glycol
Pb	Lead	THC	Total Hydrocarbons
PBR	Permit by Rule	TPY	Tons per Year
PCB	Polychlorinated Biphenyls	TRS	Total Reduced Sulfur
PCE	Partial Compliance Evaluation	TSP	Total Suspended Particulates
PEA	Portable Emissions Analyzer	TV	Title V of the Federal Clean Air Act
PFAS	Per- and Polyfluoroalkyl Substance	µg/m³	Micrograms per Cubic Meter
PM	Particulate Matter	US EPA	U. S. Environmental Protection Agency
PM_{2.5}	Particulate Matter with an Aerodynamic Diameter ≤ 2.5 Micrometers	VFR	Vertical Fixed Roof
PM₁₀	Particulate Matter with an Aerodynamic Diameter ≤ 10 Micrometers	VMT	Vehicle Miles Traveled
POM	Particulate Organic Matter or Polycyclic Organic Matter	VOC	Volatile Organic Compound
ppb	Parts per Billion	VOL	Volatile Organic Liquid
ppm	Parts per Million	VRT	Vapor Recovery Tower
ppmv	Parts per Million Volume	VRU	Vapor Recovery Unit
ppmvd	Parts per Million Dry Volume	YR	Year
PSD	Prevention of Significant Deterioration	2SLB	2-Stroke Lean Burn
psi	Pounds per Square Inch	4SLB	4-Stroke Lean Burn
psia	Pounds per Square Inch Absolute	4SRB	4-Stroke Rich Burn
psig	Pounds per Square Inch Gage		
RACT	Reasonably Available Control Technology		
RATA	Relative Accuracy Test Audit		
RAP	Regulated Air Pollutant or		