

State of California  
AIR RESOURCES BOARD  
Executive Order DG-033  
Distributed Generation Certification of  
FuelCell Energy, Inc.  
DFC3000 Fuel Cell

WHEREAS, the Air Resources Board (ARB) was given the authority under California Health and Safety Code Section 41514.9 to establish a statewide Distributed Generation (DG) Certification Program to certify electrical generation technologies that are exempt from the permit requirements of air pollution control or air quality management districts;

WHEREAS, this DG Certification does not constitute an air pollution permit or eliminate the responsibility of the end user to comply with all federal, state, and local laws, rules and regulations;

WHEREAS, on August 4, 2010, FuelCell Energy, Inc. applied for a DG Certification of its 2.8 MW DFC3000 fuel cell and whose application was deemed complete on September 9, 2010;

WHEREAS, FuelCell Energy, Inc. has demonstrated, according to test methods specified in Title 17, California Code of Regulations (CCR), Section 94207, that its natural-gas-fueled DFC3000 fuel cell has complied with the following emission standards:

1. Emissions of oxides of nitrogen no greater than 0.07 pounds per megawatt-hour;
2. Emissions of carbon monoxide no greater than 0.10 pounds per megawatt-hour; and,
3. Emissions of volatile organic compounds no greater than 0.02 pounds per megawatt-hour;

WHEREAS, FuelCell Energy, Inc. has demonstrated that its DFC3000 fuel cell complies with the emission durability requirements in Title 17, CCR, Section 94203 (d);

WHEREAS, I find that the Applicant, FuelCell Energy, Inc., has met the requirements specified in Article 3, Title 17, CCR, and has satisfactorily demonstrated that the DFC3000 fuel cell meets the DG Certification Regulation 2007 Fossil Fuel Emission Standards;

WHEREAS, FuelCell Energy, Inc. was issued a DG Certification on October 29, 2010, for its 2.8 MW DFC3000 fuel Cell;

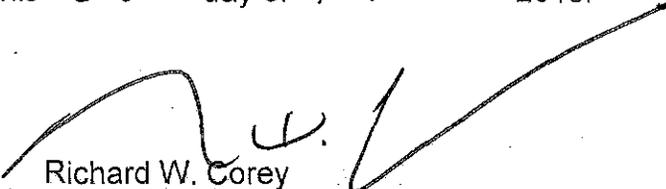
WHEREAS, FuelCell Energy, Inc. on July 7, 2015, requested an extension of the certification of the 2.8 MW DFC3000 fuel cell, wherein it was noted that no material changes to model form, fit, or function have been made.

NOW, THEREFORE, IT IS HEREBY ORDERED that a DG Certification; Executive Order DG-033, originally executed at Sacramento, California on October 29, 2010, is hereby extended.

This DG Certification:

- 1) is subject to all conditions and requirements of the ARB's DG Certification Program, Article 3, Title 17, CCR, including the provisions relating to inspection, denial, suspension, and revocation;
- 2) shall be void if any manufacturer's modification results in an increase in emissions or changes the efficiency or operating conditions of a model, such that the model no longer meets the DG Certification Regulation 2007 Fossil Fuel Emission Standards; and,
- 3) shall expire on the 29th day of October, 2020.

Executed at Sacramento, California, this 3<sup>rd</sup> day of November 2015.

  
Richard W. Corey  
Executive Officer