

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment

May 27, 2016

Joe Roubin
Vice President
Roubin & Janeiro, Inc.
15441 Farm Creek Drive
Woodbridge, VA 22191

Subject: Draft Title V Operating Permit for Roubin & Janeiro, Inc. (Permit No. 048)

Dear Mr. Roubin:

The Air Quality Division (AQD) of the District of Columbia Department of Energy and Environment has prepared a Draft Title V operating permit pursuant to Chapters 2 and 3 of Title 20 of the District of Columbia Municipal Regulations (20 DCMR Chapters 2 and 3). This permit, satisfying applicable regulations, is enclosed. Note that this permit, when issued, will be issued pursuant to the Department's authority under both Chapter 2 and Chapter 3, as mentioned above.

As the responsible official for the equipment covered by this permit at Roubin & Janeiro, Inc., it will be your responsibility to review, understand, and abide by all of the terms and conditions of the attached permit and to ensure that any person who operates any emission unit subject to the attached permit does the same.

This draft permit will be subject to a 30-day public comment period starting May 27, 2016 and ending June 27, 2016. Roubin & Janeiro, Inc., affected states (Maryland, Virginia and West Virginia), the U.S. Environmental Protection Agency (EPA), and the general public may comment on the draft permit during this review period. Upon closing of this review period the permit may be modified to address comments received during this period. If no significant comments are received during the public review period of the draft permit, the permit will continue with an EPA review period of up to an additional 15 days for final EPA review. Otherwise, all comments will be addressed and the permit will then be issued as a proposed permit for EPA review only for a period of up to 45 days.

If EPA does not object to issuance of the permit during this additional 15 day period or the alternative 45 day proposed permit review period, the permit will be issued as a final permit and will become fully enforceable. If EPA raises objections during this period, the objections will be addressed as necessary by issuance of a modified draft permit.

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Transmittal of Draft Title V Operating Permit (Permit No. 048)
May 27, 2016
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If you have questions or comments or need further information, please write to this office or contact Abraham T. Hagos at (202) 535-1354 or abraham.hagos@dc.gov.

Sincerely,



Stephen S. Ours, P.E.
Chief, Permitting Branch
Air Quality Division

Attachment: 1

SSO:ATH

cc: Jeffrey Knight, Pillsbury Winthrop Shaw Pittman LLP <via email>

05040

**District of Columbia
Air Quality Operating Permit**

Roubin & Janeiro, Inc. Hot Mix Asphalt Plant
4901 Shepherd Parkway, SW
Washington, DC 20032

Draft Title V Operating Permit
Chapter 3 Permit No. 048

ICIS-Air Facility ID: DC0000001100113000

Department of Energy and Environment
Air Quality Division

Effective Date: **TBD** Expiration Date: **TBD**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment

Chapter 3 Permit No. 048

ICIS-Air Facility ID: DC0000001100113000

Effective Date: **TBD**

Expiration Date: **TBD**

Pursuant to the requirements of Chapter 2, General and Non-Attainment Permits, and Chapter 3, Operating Permits, of Title 20 of the District of Columbia Municipal Regulation (20 DCMR), the District of Columbia Department of Energy and Environment, Air Quality Division, hereafter referred to as "the District" or "the Department", as the duly delegated agency, hereby grants approval to operate the emission units listed in Sections III and IV of this permit subject to the terms and conditions of this permit. All terms and conditions of this permit are enforceable by the District and by the U.S. Environmental Protection Agency (EPA) unless specifically designated as enforceable by the District only, as annotated by "*".

SUBJECT TO THE TERMS AND CONDITIONS OF THIS PERMIT, approval to operate is granted to:

Permittee

Roubin & Janeiro, Inc.
15441 Farm Creek Drive
Woodbridge, VA 20018

Facility Location

Roubin & Janeiro, Inc. Hot Mix Asphalt Plant
4901 Shepherd Parkway SW
Washington, DC 20032

Responsible Official: Joe Roubin, Vice President

PREPARED BY:

Abraham T. Hagos
Environmental Engineer
Air Quality Division

Date

AUTHORIZED BY:

Stephen S. Ours, P.E.
Chief, Permitting Branch
Air Quality Division

Date

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I. General Permit Requirements

a. Compliance

1. The Permittee shall comply with all the terms and conditions of this permit. Any non-compliance with this permit constitutes a violation of the federal Clean Air Act and/or District regulations and is grounds for enforcement action, permit revocation, permit modification or denial of permit renewal. [20 DCMR 302.1(g)(1)]
2. In any enforcement action, the Permittee cannot claim as a defense that it would have been necessary to halt or reduce a permitted activity in order to maintain compliance with this permit. [20 DCMR 302.1(g)(2)]
3. To demonstrate compliance, the Permittee must submit an Annual Certification Report to the Department not later than March 1 each year certifying compliance with all permit conditions. See Section I(d)(2) of this permit. [20 DCMR 302.3(e)(1)]
4. Nothing in this permit shall be interpreted to preclude the use of any credible evidence to demonstrate compliance or non-compliance with any term or condition of this permit. [40 CFR 51.212, 52.12, 52.30, 60.11, and 61.12]
5. In the event of an emergency, as defined by 20 DCMR 399.1, noncompliance with the limits contained in this permit shall be subject to the following provisions [20 DCMR 302.7]:
 - A. An emergency constitutes an affirmative defense to an action brought for noncompliance with the technology-based emission limitations of this permit if the conditions of Condition I(a)(5)(B) are met.
 - B. The affirmative defense of an emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - i. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;
 - ii. The permitted stationary source was at the time being properly operated;
 - iii. During the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements of this permit; and
 - iv. The Permittee submitted notice of the emergency to the Department within two (2) working days of the time when emission limitations were exceeded due to the emergency. The notice shall contain description of the emergency,

any steps taken to mitigate emissions, and corrective actions taken pursuant to 20 DCMR 302.1(c)(3)(C)(i).

- C. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof; and
 - D. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
6. In addition to any specific testing requirements specified elsewhere in this permit, the Department reserves the right to require that the owner or operator perform additional emission tests using methods approved in advance by the Department. [20 DCMR 502.1]

b. Permit Availability

A copy of this permit shall be available at the permitted facility at all times. A copy of this permit shall be provided to the Department upon request. [20 DCMR 101.1]

c. Record Keeping

- 1. Where applicable to the monitoring, reporting, or testing requirements of this permit, the Permittee shall keep the following records [20 DCMR 302.1(c)(2)(A)(i-vi)]:
 - A. The date, place as defined in the permit, and time of sampling or measurements;
 - B. The date(s) analyses were performed;
 - C. The company or entity that performed the analyses;
 - D. The analytical techniques or methods used;
 - E. The results of the analyses; and
 - F. The operating conditions, as existing at the time of sampling or measurement.
- 2. The Permittee must keep and maintain records of all testing results, monitoring information, records, reports, and applications required by this permit for a period of at least five (5) years from the date of such test, monitoring, sample measurement, report or application. [20 DCMR 302.1(c)(2)(B)]
- 3. The Permittee must keep and maintain, in a permanently bound log book or another format approved in writing by the Department, records of all combustion process adjustments. Such records shall include the following [20 DCMR 805.8(c)]:

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- A. The date on which the combustion process was last adjusted;
 - B. The name, title, affiliation of the person who made the adjustment;
 - C. The NO_x emission rate, in in parts per million by volume, dry basis (ppmvd), after the adjustments were made;
 - D. The CO emission rate, in ppmvd, after the adjustments were made;
 - E. The CO₂ concentration, in percent (%) by volume dry basis, after the adjustments were made;
 - F. The O₂ concentration, in percent (%) by volume dry basis, after the adjustments were made; and
 - G. Any other information that the Department may require.
4. Unless more specific requirements are included in Condition III or Condition IV of this permit for a specific operation, for surface painting operations, printing operations, and photograph processing operations, etc., as applicable, the Permittee shall maintain the following records [20 DCMR 500.1]:
- A. The names of the chemical compounds contained in the solvents, reagents, coatings, and other substances used in these activities;
 - B. The volatile organic compound (VOC) content, measured in weight percent, of solvents used in these activities,
 - C. The quantity of solvents (not including those that are subject to Condition II(m) of this permit) used in pounds per hour, and
 - D. The number of hours that solvents were applied each day (exclusive of uses subject to Condition II(m) of this permit).
5. If Section 502(b)(10) changes are made pursuant to Condition I(k) of this permit, the Permittee shall maintain a copy of the notice with the permit. [20 DCMR 302.8(a)]
6. If off-permit changes are made pursuant to Condition I(l) of this permit, the Permittee shall keep a record of all such changes that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes. [20 DCMR 302.9(d)]

d. Reporting Requirements

1. Semi-Annual Report: The Permittee shall submit semi-annual reports to the Department by March 1 and September 1 of each year. The September 1 report shall cover January 1 through June 30 of that year; the March 1 report shall cover July 1 through December 31 of the previous year. These reports shall contain the following information [20 DCMR 302.1(c)(3)(A)&(B)]:
 - A. Fuel use records in the format required by the unit-specific requirements of this permit;
 - B. All Method 9 visible emissions (opacity) observation results as well as the results of any non-Method 9 monitoring identifying visible emissions, per the unit-specific requirements of this permit;
 - C. The results of any other required monitoring referencing this section; and
 - D. A description of any deviation from permit requirements during the period covered by the report.
2. Annual Certification Report: By March 1 of each year, the Permittee shall submit to the Department and EPA an Annual Certification Report certifying compliance with the terms and conditions of this permit. The report shall cover the period from January 1 through December 31 of the previous year. [20 DCMR 302.1(c)(3) and 302.3(e)(1)]
 - A. The report shall [20 DCMR 302.3(e)(3)]:
 - i. Identify each term or condition of the permit that is the basis for certification;
 - ii. State the Permittee's current compliance status;
 - iii. Describe the testing, monitoring, and record keeping methods used to determine compliance with each emission limit, standard or other requirement over the reporting period; and
 - iv. State whether compliance has been continuous or intermittent during the reporting period for each emission limit, standard or other requirement as shown by these testing, monitoring, and record keeping methods.
 - B. The report shall include the following information for all fuel burning equipment and stationary internal combustion engines/generators.
 - i. Fuel Usage: The total amount of each type and grade of fuel burned during

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the reporting period shall be reported for each emission unit and for each group of emission units identified as a miscellaneous activity in this permit. Natural gas use shall be reported in therms (where one therm equals 100 cubic feet); fuel oil use shall be reported in gallons. The Permittee shall submit this information in a form approved by the Department. [20 DCMR 500.1]

ii. Quality of Fuel Information:

1. For commercial fuel oil, as defined at 20 DCMR 899, the Permittee shall submit copies of all records obtained pursuant to Condition II(f)(9) of this permit during the reporting period.
2. For all other fuel oils and diesel, unless more specific testing is specified elsewhere in this permit for a given emission unit, the Permittee shall sample and test the fuel oil burned in its fuel burning equipment and stationary internal combustion engines/generators, using the ASTM methods specified in Condition II(f)(8), at least once each calendar quarter that fuel is fired in the units or at the time of each fuel delivery, whichever is less frequent, and shall report these data with the Annual Certification Report. For each sample, the Permittee must provide [20 DCMR 502]:
 - A. The fuel oil grade and the ASTM method used to determine the grade;
 - B. The weight percent sulfur of the fuel oil;
 - C. The date and time the sample was taken;
 - D. The name, address, and telephone number of the laboratory that analyzed the sample; and
 - E. The type of test or test method performed.

In lieu of sampling and testing fuel oil each quarter for each of these data, the Permittee may comply with the requirements of Condition II(f)(9) of this permit for these fuels as well. If this option is chosen, the Permittee shall submit copies of all records obtained pursuant to these requirements during the reporting period.

If any of these data cannot be obtained from the fuel supplier, it is the responsibility of the Permittee to sample the fuel and have it analyzed to obtain the required data.

- iii. Boiler and Engine Adjustment Data: For all boiler and engine adjustments required pursuant to the conditions of this permit, the Annual Certification

Report shall include sufficient data to substantiate that each boiler and engine has been adjusted in accordance with 20 DCMR 805.8(a), (b), and (c) and any other related requirements specified in this permit. [20 DCMR 500.1]

iv. Visible Emissions Test Data: For all EPA Reference Method 9 (40 CFR 60, Appendix A) testing required by this permit, the Annual Certification Report shall include:

1. The date and time of each test;
2. The name, address, and telephone number of the tester;
3. Proof of the certification of the tester pursuant to Reference Method 9;
4. Identification of the emission unit(s) being observed during the test;
5. The operation rate of the unit being tested, as applicable, as follows:
Note that if any of these data are estimated, a description of the estimation technique must also be included.
 - a. The boiler load expressed in pounds of steam per hour (where possible) and the percent of rated capacity at which the boiler was operated during the test; or
 - b. The percent of rated capacity at which the engine or other equipment was operated during the test;
6. The amount and type of fuel fired during the test; and
7. Data from a minimum of 30 minutes of visible emissions observations.

Unless otherwise specified in this permit, the Permittee shall fire the fuel expected to have the greatest likelihood to result in visible emissions among the fuels permitted to be used in the unit, unless that fuel has not and will not be used during the reporting period. If the only use of a given fuel in the reporting period is for purposes of periodic testing or combustion adjustment required by this permit, no visible emission test for that fuel will be required under this condition. [20 DCMR 502]

- C. As a supplement to the Annual Certification Report submitted to the Department, the Permittee shall submit, in duplicate, a report of the emissions from the facility during the previous calendar year. The emissions shall be reported on a per emission unit basis (though miscellaneous/insignificant sources and area sources may be grouped in a reasonable manner). If multiple fuels are used in fuel-

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burning equipment, the emissions shall also be reported on a per fuel basis for each emission unit. In addition, a summary table shall be provided showing total emissions from all units at the site. This emissions supplement shall include [20 DCMR 500.1]:

i. Emissions of the following pollutants on a per fuel, per emission unit, and sum total basis as described above:

1. Oxides of nitrogen (NO_x);
2. Sulfur dioxide (SO₂);
3. Carbon monoxide (CO);
4. Volatile organic compounds (VOCs);
5. Lead (Pb) and lead compounds, as defined in 40 CFR 50.12;
6. Ammonia (NH₃);
7. Particulate matter in each of the following categories:
 - Total particulate matter (total filterable plus condensable),
 - Total particulate matter less than 10 microns in aerodynamic diameter (PM10, also known as PM10-PRI), equivalent to PM10-FIL plus PM-CON,
 - Condensable particulate matter (PM-CON),
 - Filterable particulate matter less than 10 microns in aerodynamic diameter (PM10-FIL),
 - Total particulate matter less than 2.5 microns in aerodynamic diameter (PM2.5, also known as PM2.5-PRI), equivalent to PM2.5-FIL plus PM-CON, and
 - Filterable particulate matter less than 2.5 microns in aerodynamic diameter (PM2.5-FIL); and
8. All hazardous air pollutants (HAPs) as defined in §112(b) of the Clean Air Act, as revised.

ii. Calculations and justification for each emission value reported in the summary table. The emissions reported shall be based on the best reasonably available method for estimating emissions. In general, the following list is the hierarchy of most accurate to least accurate methods:

1. Continuous emission monitoring data,

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2. Emissions data calculated based on emissions test data used with process operational/formulation data,
3. Emissions data calculated based on manufacturer's specifications used with process operational/formulation data, and finally,
4. AP-42 or other general emission factors used with process operational/formulation data.

If questions arise as to the most accurate emissions estimation method, the Permittee is encouraged to consult the Department.

- iii. In addition to the summary table of total emissions during the calendar year, the Permittee shall submit the following:
 1. An estimate of the average emissions of NO_x during a typical work weekday between May 1 and September 30 (ozone season) from each emission unit (except miscellaneous/insignificant sources);
 2. An estimate of the average emissions of VOCs during a typical work weekday between May 1 and September 30 (ozone season) from each emission unit, with the exception of miscellaneous/insignificant sources.
 3. A estimate of the average CO emissions during a typical winter work weekday (where "winter" is defined as January, February, and December of the same calendar year); and
 4. Any additional information the Department may request in order to collect necessary information to comply the requirements of 40 CFR 51.
3. Progress Reports: If the Permittee is subject to the requirements of a compliance schedule, it shall submit the reports specified in 20 DCMR 302.3(d). These reports shall include:
 - A. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
 - B. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
4. Notifications and Supplemental Reports: Unless specifically exempted from these requirements elsewhere in this permit, the Permittee shall submit the following notifications and supplemental reports. Notifications or reports of a deviation from a

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permit condition submitted pursuant to paragraphs A, B, or C below shall contain the following information: the date of the deviation, the time of the deviation, the emission unit involved, the duration and cause of the deviation, and what actions the Permittee took to correct or prevent the deviation. [20 DCMR 302.1(c)(3)(C)]

- A. **Emergencies:** If the Permittee experiences an emergency, as defined in 20 DCMR 399.1, which results in the breach of a permit condition or exceedance of an emission limit, the Permittee shall submit a written notice to the Department within two (2) working days of the date the Permittee first becomes aware of the deviation if the Permittee wishes to assert an affirmative defense authorized under 20 DCMR 302.7. In addition, if the conditions of 20 DCMR 302.7(b) are not followed, the Permittee cannot assert the existence of an emergency as an affirmative defense to an action brought for non-compliance with a technology-based limitation. [20 DCMR 302.1(c)(3)(C)(i)]
- B. **Threat to Public Health, Safety, and the Environment:** The Permittee shall immediately report any permit deviation that poses an imminent and substantial danger to public health, safety, or the environment. [20 DCMR 302.1(c)(3)(C)(ii)] This shall be reported to the Department's Emergency Operations number at (202) 645-5665.
- C. **Emission Exceedance:** The Permittee shall immediately notify the Air Quality Division by telephone via the Department's Emergency Operations number at (202) 645-5665, of any exceedance of any emission limit or any limit established as a surrogate for emissions. Additionally, the Permittee shall submit to the Air Quality Division a written notice of such exceedance within two working days of discovery. [20 DCMR 500.1]
- D. **Operational Flexibility:** Prior to making a change as provided for in Condition I(k) of this permit, titled "Section 502(b)(10) Changes" the Permittee shall give written notice to the Department and EPA at least seven calendar days before the change is to be made. The seven (7) calendar day period may be shortened or eliminated for an operational change that must be implemented more quickly to address unanticipated conditions that pose a significant health, safety, or environmental hazard. If less than a seven calendar day notice is given, the Permittee shall provide notice to the Department and EPA as soon as possible after learning of the need to make the change. In the notice, the Permittee must substantiate why seven-day advance notice could not be given. Written notices must include the following information [20 DCMR 302.8]:
 - i. A description of the change to be made;
 - ii. The date on which the change will occur;

- iii. Any changes in emissions; and
 - iv. Any permit terms and conditions that are affected, including those that are no longer applicable.
- E. **Off-Permit Changes:** The Permittee shall provide contemporaneous written notice of off-permit changes, made in accordance with Condition I(1) of this permit, to the Department and EPA. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change. [20 DCMR 302.9(b)]
- F. **Periodic Maintenance of Pollution Control Equipment:** Whenever it is necessary to shut down air pollution control equipment for periodic maintenance, the Permittee shall report the planned shutdown to the Department at least forty-eight hours prior to shutdown. The prior notice shall include, but not be limited to, the following [20 DCMR 107.2]:
- i. Identification of the specific facility to be taken out of service as well as its location and permit number;
 - ii. The expected length of time that the air pollution control equipment will be out of service;
 - iii. The nature and quantity of emissions of air pollutants likely to occur during the shutdown period;
 - iv. Measures that will be taken to minimize the length of shutdown period; and
 - v. The reasons that it would be impossible or impractical to shutdown the source operation during the maintenance period.
5. All notifications, reports, and other documentation required by this permit shall be certified by a responsible official. [20 DCMR 302.1(c)(3)(D)]
6. Nothing in this permit shall relieve the Permittee from any reporting requirements under federal or District of Columbia regulations.
7. Within 15 days of receipt of a written request, the Permittee shall furnish to the Department any information the Department requests to determine whether cause exists for reopening or revoking the permit, or to determine compliance with the permit. Upon request, the Permittee shall also furnish the Department with copies of records required to be kept by the permit. [20 DCMR 302.1(g)(5)]

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8. The Permittee may request confidential treatment of information submitted in any report required by this permit pursuant to the limitations and procedures in 20 DCMR 301.1(c). [20 DCMR 302.1(c)(3)(E) and 20 DCMR 106]
9. Annual Certification Reports, Semi-Annual Reports, notifications, supplemental reports, and other documentation required by this permit shall be sent to [20 DCMR 302.3(e)(4)]:

Chief, Compliance and Enforcement Branch
Air Quality Division
1200 First Street NE, 5th Floor
Washington, DC 20002

10. Annual Certification Reports must be submitted to EPA Region 3 in electronic form at the following email address. [20 DCMR 302.3(e)(4)]:

R3_APD_Permits@epa.gov

e. Certification Requirements

Any document including all application forms, reports, and compliance certifications submitted to the Department pursuant to this permit shall contain a signed certification by a responsible official, as defined in 20 DCMR 399.1, with the following language: "I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete." [20 DCMR 301.4]

f. Fees

The Permittee shall pay fees equal to the amount calculated by methods consistent with 20 DCMR 305. The fees shall be paid annually no later than 60 days after the Department issues an invoice or September 1 of each year, whichever comes first, beginning in 2015. The check for the fees shall be made payable to the "D.C. Treasurer" and mailed to [20 DCMR 302.1(h)]:

Attn: Chief, Compliance and Enforcement Branch
Air Quality Division
1200 First Street NE, 5th Floor
Washington, DC 20002

g. Duty to Provide Supplemental Information

1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application or other submittal, the Permittee shall promptly submit to the Department the relevant supplementary facts and corrected

information. [20 DCMR 301.2]

2. The Permittee shall promptly submit to the Department the information necessary to address any requirement that becomes applicable to the Permittee after the date the Permittee submitted any permit application. [20 DCMR 301.2]
3. Upon receipt of a written request, the Permittee shall furnish to the Department, within a reasonable time established by the Department:
 - A. Any information that the Department determines is reasonably necessary to evaluate or take final action on a permit application. [20 DCMR 301.1(b)(5)]
 - B. Any information the Department requests to determine whether cause exists to reopen, revise, terminate, or revoke this permit, or to determine compliance with the terms and conditions of this permit [20 DCMR 302.1(g)(5)]; and
 - C. Copies of any record(s) required to be kept by this permit [20 DCMR 302.1(g)(5)].

h. Construction, Installation, or Alteration

1. The Permittee shall not initiate construction, installation, or modification of any equipment or facility which emits or controls air pollutants prior to obtaining a construction permit from the Department in accordance with 20 DCMR 200.
2. When construction, installation, or alteration has been performed, the Permittee shall take all actions required by 20 DCMR 300 to obtain a revision of the Title V operating permit to reflect the new or modified equipment.

i. Permit Renewal, Expiration, Reopening, Revision, and Revocation

1. This permit expires five (5) years after its effective date [20 DCMR 302.1 (b)], but may be renewed before it expires pursuant to 20 DCMR 303.
 - A. The Permittee shall file an application for renewal of this permit at least six (6) months before the date of permit expiration. [20 DCMR 301.1(a)(4)] Compliance with this requirement may be waived if the Permittee has submitted a request for permit termination by this deadline.
 - B. The Permittee's right to operate ceases on the expiration date unless a complete permit renewal application has been submitted to the Department not later than six (6) months prior to the expiration date or the Department has taken final action approving the source's application for renewal by the expiration date. [20 DCMR 301.1(a)(4) and 303.3(b)].

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- C. If a timely and complete application for renewal of this permit is submitted to the Department, but the Department, through no fault of the Permittee, fails to take final action to issue or deny the renewal permit before the end of the term of this permit, then this permit shall not expire until the renewal permit has been issued or denied. [20 DCMR 303.3(c)]
 - D. An application for renewal may address only those portions of the permit that require revision, supplementing, or deletion, incorporating the remaining permit terms by reference from the previous permit. The Department may similarly, in issuing a draft renewal permit or proposed renewal permit, specify only those portions that will be revised, supplemented, or deleted, incorporating the remaining permit terms by reference. [20 DCMR 303.1(a) and 303.3(a)]
2. This permit may be amended at any time in accordance with the requirements of 20 DCMR 303.4 or 303.5, as applicable.
 3. This permit shall be reopened for cause if any of the following occur [20 DCMR 303.6(a)]:
 - A. The Department or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms of the permit;
 - B. Additional applicable requirements under the Clean Air Act become applicable to the facility; provided, that reopening on this ground is not required if the following occurs:
 - i. The facility is not a major source;
 - ii. The permit has a remaining term of less than three (3) years;
 - iii. The effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 20 DCMR 303.3(c); or
 - iv. The additional applicable requirements are implemented in a general permit that is applicable to the facility and the facility receives approval for coverage under that general permit;
 - C. Additional requirements (including excess emissions requirements) become applicable to a source under the Acid Rain program; provided, that upon approval by EPA excess emissions offset plans shall be deemed to be incorporated into the permit; or

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- D. The Department or EPA determines that the permit must be revised to assure compliance by the source with applicable requirements.
4. While a reopening proceeding is pending, the Permittee shall be entitled to the continued protection of any permit shield provided in this permit pending issuance of a modified permit unless the Department specifically suspends the shield on the basis of a finding that the suspension is necessary to implement applicable requirements. If such a finding applies only to certain applicable requirements or to certain permit terms, the suspension shall extend only to those requirements or terms. [20 DCMR 303.6(d)]
5. This permit may be reopened for modifications or revoked for cause by EPA in accordance with 20 DCMR 303.7.
6. The Department may terminate a permit in accordance with 20 DCMR 303.8 at the request of the Permittee or revoke it for cause. Cause for revocation exists if the following occurs [20 DCMR 303.8(a)]:
 - A. The permitted stationary source is in violation of any term or condition of the permit and the Permittee has not undertaken appropriate action (such as a schedule of compliance) to resolve the violation;
 - B. The Permittee has failed to disclose material facts relevant to issuance of the permit or has knowingly submitted false or misleading information to the Department;
 - C. The Department finds that the permitted stationary source or activity substantially endangers public health, safety, or the environment, and that the danger cannot be removed by a modification of the terms of the permit;
 - D. The Permittee has failed to pay permit fees required under 20 DCMR 305 and Section I(f) of this permit; or
 - E. The Permittee has failed to pay a civil or criminal penalty imposed for violations of the permit.
7. The Permittee may at any time apply for termination of all or a portion of this permit relating solely to operations, activities, and emissions that have been permanently discontinued at the permitted stationary source. An application for termination shall identify with specificity the permit or permit terms that relate to the discontinued operations, activities, and emissions. In terminating all or portions of this permit pursuant to this condition, the Department may make appropriate orders for the submission of a final report or other information from the Permittee to verify the complete discontinuation of the relevant operations, activities, and emissions. [20

DCMR 303.8(d)]

8. The Permittee may apply for termination of this permit on the ground that its operations, activities, and emissions are fully covered by a general permit for which it has applied for and received coverage pursuant to 20 DCMR 302.4. [20 DCMR 303.8(e)]
9. Except as provided under 20 DCMR 303.5(b) for minor permit modifications, the filing of a permit reopening, revocation or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. [20 DCMR 302.1(g)(3)]

j. Permit and Application Consultation

The Permittee is encouraged to consult with Department personnel at any time concerning the construction, operation, modification or expansion of any facility or equipment; the operation of required pollution control devices or systems; the efficiency of air pollution control devices or systems; applicable requirements; or any other air pollution problem associated with the installation.

k. Section 502(b)(10) Changes

Under the following conditions, the Permittee is expressly authorized to make Clean Air Act ("the Act") Section 502(b)(10) changes without a permit amendment or permit modification provided that such a change is not a modification under any provision of Title I of the Act, does not include any changes in the date(s) included in any compliance schedule, and does not result in a level of emissions exceeding the emissions allowed under the permit, whether expressed herein as a rate of emissions or in terms of total emissions: [20 DCMR 302.8]

1. Before making a change under this provision, the Permittee shall provide advance written notice to the Department and to the Administrator, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected including those which are no longer applicable. The Permittee shall thereafter maintain a copy of the notice with the permit, and the Department shall place a copy with the permit in the public file. The written notice shall be provided to the Department and the Administrator at least seven (7) days before the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to the unanticipated conditions, the Permittee shall provide notice to the Department and the Administrator immediately upon learning of the need to make the change;

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2. A permitted source may rely on the authority of this section to trade increases and decreases in emissions within the stationary source, where the applicable requirements provide for the emissions trades without a permit revision. In such a case, the advance written notice provided by the Permittee shall identify the underlying authority authorizing the trading and shall state when the change will occur, the types and quantities of emissions to be traded, the permit terms or other applicable requirements with which the source will comply through emissions trading, and any other information as may be required by the applicable requirement authorizing the emissions trade;
3. Any permit shield provided under Condition V of this permit pursuant to 20 DCMR 302.6 shall not apply to changes made under this section, except those provided for in Condition I(k)(4) of this permit; however, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the changes; provided, that the Permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The shield may be reinstated for emissions and operations affected by the change:
 - A. If subsequent changes cause the stationary source's operations and emissions to revert to those contained in the permit and the Permittee resumes compliance with the terms and conditions of the permit; or
 - B. If the Permittee obtains a significant modification to the permit pursuant to Condition I(i) of this permit to codify the change in the permit, and the modified permit expressly provides protection under the shield for the change; and
4. Upon the request of the Permittee, the Department shall issue a permit that contains terms and conditions allowing for the trading of emissions increases and decreases in the permitted stationary source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The Permittee shall include in its application proposed replicable procedures and permit terms that assure that the emissions trades are quantifiable and enforceable and comply with all applicable requirements and 20 DCMR Sections 302.1 and 302.3. The permit shield under Condition V of this permit shall apply to permit terms and conditions authorizing such increases and decreases in emissions. Under this paragraph, the written notification required under this section shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

1. Off-Permit Changes

The Permittee may make any change in its operations or emissions not addressed or prohibited in this permit without obtaining an amendment or modification of this permit

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subject to the following requirements and restrictions [20 DCMR 302.9]:

1. The change shall meet all applicable requirements and may not violate any existing permit term or condition;
2. The Permittee shall provide contemporaneous written notice of the change to the Department and the Administrator. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change;
3. The change shall not qualify for any permit shield found in Condition V of this permit;
4. The Permittee shall keep a record describing all changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes; and
5. The Permittee may not make, without a revision of its permit, a change that is not addressed or prohibited by its permit if such change is subject to any requirements under Title IV of the Act or is a modification under any provision of Title I of the Act.

m. Economic Incentives

This permit shall require no revision under any approved economic incentives, marketable permits, emissions trading, or other similar programs or processes for changes that are provided for in this permit. [20 DCMR 302.1(i)]

n. Emissions Trading and Averaging

There are no applicable emissions trading or averaging applicable at this facility, unless otherwise specified in this permit. [20 DCMR 302.1(k)]

o. Entry and Inspection

The Permittee shall allow authorized officials of the District, upon presentation of identification, to [20 DCMR 302.3(b) and 20 DCMR 101] *Note: This is a streamlined condition. The requirements of 20 DCMR 302.3(b) are more stringent than those of 20 DCMR 101, thus this permit only incorporates the conditions of 20 DCMR 302.3(b). Compliance with these conditions will be considered compliance with both regulations.:*

1. Enter upon the Permittee's premises where a source or emission unit is located, an emissions related activity is conducted, or where records required by this permit are

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kept;

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of this permit;
3. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor, at reasonable times, any substance or parameter for the purpose of assuring compliance with this permit or any applicable requirement.

p. Enforcement

1. Failure to comply with the federally enforceable terms and conditions of this permit constitutes a violation of the federal Clean Air Act. The District, EPA, and/or citizens may enforce federally enforceable permit terms and conditions. [20 DCMR 302.2(a) and 20 DCMR 302.1(g)(1)]
2. Failure to comply with the terms and conditions of this permit designated as a District-only requirement constitutes a violation of the District of Columbia air quality laws and regulations. The Department will enforce these permit terms and conditions. [20 DCMR Chapter 1]
3. Failure to comply with permit terms and conditions is grounds for enforcement action, permit revocation, or for denial of a permit renewal application [20 DCMR 302.1(g)(1)]; and/or administrative, civil, or criminal enforcement action. [20 DCMR 105]
4. In any enforcement proceeding, the Permittee shall have the burden of proof when seeking to establish the existence of an emergency. [20 DCMR 302.7(c)]
5. This permit may be amended, reopened, modified, revoked, or reissued for cause in accordance with 20 DCMR 303 and Condition I(i) of this permit. Except as provided under 20 DCMR 303.5, the filing by the Permittee of a request for a permit revision, termination, or notification of planned changes or anticipated noncompliance, does not stay any term or condition of this permit. [20 DCMR 302.1(g)(3)]

q. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege to the Permittee. [20 DCMR 302.1(g)(4)]

r. Severability

The provisions of this permit are severable. If any part of this permit is held invalid, the remainder of this permit shall not be affected thereby and shall remain valid and in effect. [20 DCMR 302.1(f)]

s. Alternative Operating Scenarios

No alternative operating scenarios are applicable unless specified in the emission unit specific conditions of this permit (Condition III). [20 DCMR 302.1(j)]

II. Facility-Wide Permit Requirements

The Permittee shall comply with the following facility-wide permit requirements wherever applicable to the facility:

a. General Maintenance and Operations

At all times, including periods of start-up and malfunction, the Permittee shall, to the extent practicable, maintain and operate stationary sources and fuel-burning equipment, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. [20 DCMR 606.3]

b. Visible Emissions

1. Visible emissions shall not be emitted into the outdoor atmosphere from stationary sources (excluding fuel-burning equipment placed in initial operation before January 1, 1977); provided, that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, soot blowing, adjustment of combustion controls, or malfunction of equipment. [20 DCMR 606.1]

2. Visible emissions whose opacity is in excess of ten percent (10%) (unaveraged), at any time shall not be permitted into the outdoor atmosphere, from any fuel-burning equipment placed in initial operation before January 1, 1977; provided that [20 DCMR 606.2]:

A. Opacity not in excess of forty percent (40%) (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period other than during start-up of equipment;

B. During start-up of equipment, opacity not in excess of forty percent (40%)

[averaged over six (6) minutes] shall be permitted for an aggregate of five (5) times per start-up; and

- C. In addition to the emissions permitted under Condition II(b)(2)(A), during shutdown of equipment, opacity not in excess of fifteen percent (15%) (unaveraged) shall be allowed and in addition, opacity not in excess of thirty percent (30%) [averaged over three (3) minutes] shall be permitted for an aggregate of three (3) times per shutdown.

c. Control of Fugitive Dust

The Permittee shall ensure that fugitive dust from the facility is controlled in accordance with 20 DCMR 605 as follows:

1. Reasonable precautions shall be taken to minimize the emission of any fugitive dust into the outdoor atmosphere. The reasonable precautions shall include, but not be limited to, the following:
 - A. In the case of unpaved roads, unpaved roadways, and unpaved parking lots;
 - i. Use of binders, chemicals, or water in sufficient quantities and at sufficient frequencies to prevent the visible emission of dust due to the movement of vehicles or of the wind; and
 - ii. Prompt clean-up of any dirt, earth, or other material from the vicinity of the road, roadway, or lot which has been transported from the road, roadway, or lot due to anthropogenic activity or due to natural forces.
 - B. In the case of paved roads, paved roadways, and paved parking lots: Maintenance of the road, roadway, lot, or paved shoulder in a reasonably clean condition through reasonably frequent use of water, sweepers, brooms, or other means, through reasonably frequent removal of accumulated dirt from curb-side gutters, through reasonably prompt repair of pavement, or through any other means;
 - C. In the case of vehicles transporting dusty material or material which is likely to become dusty:
 - i. Fully covering the material in question, with a tarpaulin or other material; and
 - ii. Operation, maintenance, and loading of the vehicle, distribution of the loaded material on or in the vehicle, and limiting the quantity of material loaded on or in the vehicle, so that there will be no spillage of the material onto the roads;
 - D. In the case of vehicles which accumulate dirt on the wheels, undercarriages, and

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other parts of the vehicle, due to the movement of the vehicle on dusty, dirty or muddy surfaces: Water washing of all of the dirty parts of the vehicle to thoroughly remove the dirt before or immediately after the vehicle leaves the dusty, dirty, or muddy surface;

- E. In the case of the demolition of buildings or structures: Use, to the extent possible, of water;
 - F. In the case of removal of demolition debris which is dusty or likely to become dusty: Use of water to thoroughly wet the material before moving or removing the material and keeping it wet or otherwise in a dust-free condition until eventual disposal;
 - G. In the case of loading and unloading of dusty material and in the case where dry sand-blasting or dry abrasive cleaning is necessary: Use of enclosed areas or hoods, vents, and fabric filters. If it is shown to the satisfaction of the Department that use of enclosed areas, hoods, vents, and fabric filters is not possible, alternate control techniques acceptable to the Department and designed to minimize the emissions to the extent possible shall be utilized; and
 - H. In the case of stockpiles of dusty material: Use, where possible, of closed silos, closed bins or other enclosures which are adequately vented to fabric filters. Where the use of closed silos, closed bins, or other enclosures is not possible, thorough wetting of the material before loading onto the stockpile and keeping the stockpile wetted, covered, or otherwise in a non-dusty condition.
2. The emission of fugitive dust from the following is prohibited:
- A. Any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process;
 - B. Heater-planers in repairing asphaltic concrete pavements;
 - C. Portable tar-melters, unless close-fitting lids, in good repair, for the tar-pots are available and are used;
 - D. The ventilation of any tunneling operation; or
 - E. The cleaning of exposed surfaces through the use of compressed gases.
3. All persons shall comply with the provisions of this Condition and those of the Soil Erosion and Sedimentation Control Act of 1977 (D.C. Law 2-23).
4. In those circumstances where it is not possible to comply with specific provisions of

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both this Condition and the Soil Erosion and Sedimentation Control Act of 1977 (D.C. Law 2-23), the provisions of the Soil Erosion and Sedimentation Control Act of 1977 (D.C. Law 2-23), shall prevail.

d. Open Fires

Open fires shall be prohibited at the Permittee's facility, except as otherwise provided for in 20 DCMR 604.2. [20 DCMR 604]

e. Asbestos

The Permittee shall adhere to the requirements of 20 DCMR 800* pertaining to handling of asbestos-containing materials.

f. Fuel Oil Sulfur Content

Except where a more stringent requirement exists elsewhere in this permit, the Permittee shall comply with the following requirements governing the sulfur content of fuel oils: [20 DCMR 801]

1. The purchase, sale, offer for sale, storage, transport, or use of fuel oil that contains more than one percent (1%) sulfur by weight in the District is prohibited, if the fuel oil is to be burned in the District.
2. On and after July 1, 2016, commercial fuel oil that is purchased, sold, offered, stored, transported, or used in the District shall meet the following requirements, unless otherwise specified in Condition II(f)(5):
 - A. Number two (No. 2) commercial fuel oil shall not contain sulfur in excess of five hundred parts per million (500 ppm) by weight, or five one-hundredths percent (0.05%) by weight;
 - B. Number four (No. 4) commercial fuel oil shall not contain sulfur in excess of two thousand five hundred parts per million (2,500 ppm) by weight, or twenty-five one-hundredths percent (0.25%) by weight; and
 - C. Number five (No. 5) and heavier fuel oils are prohibited.
3. On and after July 1, 2018, the purchase, sale, offer for sale, storage, transport, or use of number two (No. 2) commercial fuel oil is prohibited if it contains more than fifteen parts per million (15 ppm) or fifteen ten-thousandths percent (0.0015%) by weight of sulfur, unless otherwise specified in Condition II(f)(5).
4. Fuel oil that was stored in the District by the ultimate consumer prior to the

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applicable compliance date in Condition II(f)(2) or (3), which met the applicable maximum sulfur content at the time it was stored, may be used in the District after the applicable compliance date.

5. When EPA temporarily suspends or increases the applicable limit or percentage by weight of sulfur content of fuel required or regulated by EPA by granting a waiver in accordance with Clean Air Act § 211(c)(4)(C) provisions, the federal waiver shall apply to corresponding limits for fuel oil in the District as set forth in Condition II(f)(2) or (3).
6. If a temporary increase in the applicable limit of sulfur content is granted under Condition II(f)(5):
 - A. The suspension or increase in the applicable limit will be granted for the duration determined by EPA; and
 - B. The sulfur content for number two (No. 2) and lighter fuel oils may not exceed five hundred parts per million (500 ppm) by weight.
7. Unless precluded by the Clean Air Act or the regulations thereunder, Conditions II(f)(2) and (3) shall not apply to:
 - A. A person who uses equipment or a process to reduce the sulfur emissions from the burning of a fuel oil, provided that the emissions may not exceed those that would result from the use of commercial fuel oil that meets the applicable limit or percentage by weight specified in Condition II(f)(2) or (3);
 - B. The owner or operator of a stationary source where equipment or a process is used to reduce the sulfur emissions from the burning of a fuel oil, provided that the emissions may not exceed those that would result from the use of commercial fuel oil that meets the applicable limit or percentage by weight specified in Condition II(f)(2) or (3); and
 - C. Commercial fuel oil that is transported through the District but is not intended for purchase, sale, offering, storage, or use in the District.
8. For the purpose of determining compliance with the requirements of this section, the sulfur content of fuel oil shall be determined in accordance with the sample collection, test methods, and procedures specified under 20 DCMR 502.6 (relating to sulfur in fuel oil) as follows:
 - A. Testing of fuel oil shall be undertaken in accordance with the most current version of the following methods, as appropriate for the application:

- i. To obtain fuel samples:
 1. ASTM D 270, "Standard Method of Sampling Petroleum and Petroleum Products;"
 2. ASTM D 4057, "Practice for Manual Sampling of Petroleum and Petroleum Products;" or
 3. ASTM D 4177, "Standard Practice for Automatic Sampling of Petroleum and Petroleum Products;"
 - ii. To determine the fuel oil grade: ASTM D 396, "Standard Specification for Fuel Oils;"
 - iii. To determine the sulfur concentration of fuels:
 1. ASTM D 129, "Standard Test Method for Sulfur in Petroleum Products (General Bomb Method);"
 2. ASTM D 1266, "Standard Test Method for Sulfur in Petroleum Products (Lamp Method);"
 3. ASTM D 1552, "Standard Test Method for Sulfur in Petroleum Products (High-Temperature Method);"
 4. ASTM D 2622, "Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry";
 5. ASTM D 4294, "Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry;" or
 6. ASTM D 5453, "Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Spark Ignition Engine Fuel, Diesel Engine Fuel, and Engine Oil by Ultraviolet Fluorescence;" and
 - iv. Other methods developed or approved by the Department or EPA.
9. The following recordkeeping and reporting requirements shall apply to any purchase, sale, offering for sale, storage, transportation, or use of commercial fuel oil in the District:
- A. On or after the applicable compliance dates specified in Conditions II(f)(2) and (3), at the time of delivery, the transferor of commercial fuel oil shall provide to the transferee an electronic or paper record of the fuel data described as follows,

which must legibly and conspicuously contain the following information:

- i. The date of delivery;
- ii. The name, address, and telephone number of the transferor;
- iii. The name and address of the transferee;
- iv. The volume of fuel oil being sold or transferred;
- v. The fuel oil grade; and
- vi. The sulfur content of the fuel oil as determined using the sampling and testing methods specified in Condition II(f)(8), which may be expressed as the maximum allowable sulfur content.

B. All applicable records required under Condition II(f)(9)(A) shall be maintained in electronic or paper format for not less than five (5) years; *Note that this is a streamlined requirement. Compliance with the five (5) year record keeping requirement in 20 DCMR 302.1(c)(2)(B) will ensure compliance with the three (3) year record keeping requirement in 20 DCMR 801.9(b).*

C. An electronic or paper copy of the applicable records required under Condition II(f)(9)(A) shall be provided to the Department upon request;

D. The ultimate consumer shall maintain the applicable records required under (a) in electronic or paper format for not less than five (5) years, unless the transfer or use of the fuel oil occurs at a private residence; *Note that this is a streamlined requirement. Compliance with the five (5) year record keeping requirement in 20 DCMR 302.1(c)(2)(B) will ensure compliance with the three (3) year record keeping requirement in 20 DCMR 801.9(d).*

E. A product transfer document that meets federal requirements, such as a Bill of Lading, may be used for the data in Condition II(f)(9)(i) through (vi) and shall be considered a certification that the information is accurate; and

F. The Department may opt to require supplemental sampling and testing of the fuel oil to confirm the certifications.

g. Onroad Engine Idling and Nonroad Diesel Engine Idling*

1. The Permittee shall ensure that the provisions of 20 DCMR 900.1 pertaining to onroad engine idling are met at the facility. Specifically, the Permittee shall ensure that no engine of a gasoline or diesel powered motor vehicle, the engine of a public

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vehicle for hire, including buses with a seating capacity of twelve (12) or more persons, shall idle for more than three (3) minutes while the motor vehicle is parked, stopped, or standing, on the premises or on roadways adjacent to the premises for the purpose of serving the premises, including for the purpose of operating air conditioning equipment in those vehicles, except as follows:

- A. To operate private passenger vehicles;
 - B. To operate power takeoff equipment including: dumping, cement mixers, refrigeration systems, content delivery, winches, or shredders;
 - C. To idle the engine for five (5) minutes to operate heating equipment when the ambient air temperature is thirty two degrees Fahrenheit (32 °F) or below; or
 - D. To operate warming buses during a Cold Emergency Alert in accordance with 20 DCMR 900.1(d).
2. No person owning, operating, leasing, or having control over a nonroad diesel engine, or the holder of the permit for the activity for which the nonroad diesel engine is being operated, shall cause or allow the idling of a nonroad diesel engine under its control or on its property for more than three (3) consecutive minutes. [20 DCMR 900.2]
 3. Condition II(g)(2) does not apply to locomotives, generator sets, marine vessels, recreational vehicles, farming equipment, military equipment when it is being used during training exercises, emergency or public safety situations, or any private use of a nonroad diesel engine that is not for compensation. [20 DCMR 900.3]
 4. The idling limit in Condition II(g)(2) does not apply to [20 DCMR 900.4]:
 - A. Idling necessary to ensure the safe operation of the equipment and safety of the operator, such as conditions specified by the equipment manufacturer in the manual or an appropriate technical document accompanying the nonroad diesel engine;
 - B. Idling for testing, servicing, repairing, diagnostic purposes, or to verify that the equipment is in good working order, including regeneration of a diesel particulate filter, in accordance with the equipment manufacturer manual or other technical document accompanying the nonroad diesel engine;
 - C. Idling for less than fifteen (15) minutes when queuing (*i.e.*, when nonroad diesel equipment, situated in a queue of other vehicles, must intermittently move forward to perform work or a service), not including the time an operator may wait motionless in line in anticipation of the start of a workday or opening of a

location where work or a service will be performed.

- D. Idling by any nonroad diesel engine being used in an emergency or public safety capacity;
- E. Idling for a state or federal inspection to verify that all equipment is in good working order, if idling is required as part of the inspection; and
- F. Idling for up to five (5) consecutive minutes to operate heating equipment when the ambient air temperature is thirty-two degrees Fahrenheit (32°F) or below.

h. Fleet Maintenance

Permittee shall ensure that the engines, power, and exhaust mechanisms of each vehicle of its motor fleet is equipped, adjusted, maintained, and operated so as to prevent the escape of a trail of visible fumes or smoke for more than ten (10) consecutive seconds. [20 DCMR 901]*

i. Lead in Gasoline

The Permittee shall ensure that gasoline sold at the facility contains no more than one gram of lead per gallon. [20 DCMR 902]*

j. Odors and Nuisance Air Pollutants

The Permittee shall ensure that the facility does not emit into the atmosphere any odorous or other air pollutant, from any source, in any quantity, and of any characteristic and duration which is, or is likely to be, injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life and property. [20 DCMR 903]*

k. Risk Management

1. The Permittee shall ensure that the requirements of 40 CFR part 68, as in effect on September 30, 1997, are complied with at the site for the purposes of preventing, detecting, and responding to accidental chemical releases to the air, pursuant to the requirements of Section 112(r) of the Federal Clean Air Act with the terms used and defined in those provisions. [20 DCMR 402]*
2. Should this stationary source, as defined in 40 CFR part 68.3, become subject to part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in Part 68.10 and shall certify compliance with the requirements of part 68 as part of the annual compliance certification required by 40 CFR part 70 or 71. [20 DCMR 302.1(d)]

1. Protection of Stratospheric Ozone

1. The Permittee shall comply with the standards for labeling of products using ozone-depleting substances pursuant to 40 CFR Part 82 Subpart E [20 DCMR 302.1 and 399.1 "Applicable Requirement" (k)]:
 - A. All containers in which a Class I or Class II substance is stored or transported, all products containing a Class I substance, and all products directly manufactured with a process that uses a Class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to §82.106;
 - B. The placement of the required warning statement must comply with the requirements pursuant to §82.108;
 - C. The form of the label bearing the required warning statement must comply with the requirements pursuant to §82.110; and
 - D. No person may modify, remove or interfere with the required warning statement except as described in §82.112.
2. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F:
 - A. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 CFR 82.154 and 40 CFR 82.156;
 - B. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158;
 - C. Persons maintaining, servicing, repairing or disposing of appliances must be certified by an approved technician certification program pursuant to 40 CFR 82.161;
 - D. Persons maintaining, servicing, repairing, or disposing of appliances must certify to the Administrator of EPA pursuant to 40 CFR 82.162;
 - E. Persons disposing of small appliances, MVACs and MVAC-like appliances, must comply with the record-keeping requirements pursuant to 40 CFR 82.166;
 - F. Owners of commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR 82.156; and

- G. Owners or operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
3. If the Permittee manufactures, transforms, destroys, imports, or exports a Class I or Class II substance, the Permittee is subject to all the requirements as specified in 40 CFR 82, Subpart A (Production and Consumption Controls).
 4. If the Permittee performs a service on a motor vehicle that involves an ozone-depleting substance refrigerant or regulated substitute substance in the MVAC, then Permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B (Servicing of Motor Vehicle Air Conditioners).
 5. The Permittee may switch from any ozone-depleting substance to any alternative that is listed as acceptable in the Significant New Alternatives Policy (SNAP) program promulgated pursuant to 40 CFR Part 82, Subpart G.
 6. Halon Emissions Reduction: Any person testing, servicing, maintaining, repairing or disposing of equipment that contains halons or using such equipment during technical training and any person disposing of halons, manufacturers of halon blends, and organizations employing technicians who service halon containing equipment shall comply with the requirements of 40 CFR 82, Subpart H.

m. Architectural and Maintenance Coatings

1. Paints and refinishing coatings that contain volatile organic compounds (VOCs) in excess of the limits specified in the table below, including any VOC containing materials added to the original coating supplied by the manufacturer, shall be prohibited. [20 DCMR 773.1, 774.1, and 774.10]

VOC Content Limits for Architectural Coatings.¹

<u>Coating Category</u>	<u>VOC Content Limit</u> (Grams VOC per liter) ²
Flat Coatings	100
Non-flat Coatings	150
Non-flat- High Gloss Coatings	250

<u>Specialty Coatings</u>	<u>VOC Content Limit</u> (Grams VOC per liter) ²
Antenna Coatings	530
Antifouling Coatings	400
Bituminous Roof Coatings	300
Bituminous Roof Primers	350

Specialty Coatings	VOC Content Limit (Grams VOC per liter)²
Bond Breakers	350
Calcimine Recoater	475
Clear Wood Coatings	
●Clear Brushing Lacquers	680
●Lacquers (including lacquer sanding sealers)	550
●Sanding Sealers (other than lacquer sanding sealers)	350
●Varnishes	350
Concrete Curing Compounds	350
Concrete Surface Retarders	780
Conjugated Oil Varnish	450
Conversion Varnish	725
Dry Fog Coatings	400
Faux Finishing Coatings	350
Fire-Resistive Coatings	350
Fire-Retardant Coatings	
●Clear	650
●Opaque	350
Floor Coatings	250
Flow Coatings	420
Form-Release Compounds	250
Graphic Arts Coatings (Sign Paints)	500
High-Temperature Coatings	420
Industrial Maintenance Coatings	340
Impacted Immersion Coatings	780
Low-Solids Coatings ³	120
Magnesite Cement Coatings	450
Mastic Texture Coatings	300
Metallic Pigmented Coatings	500
Multi-Color Coatings	250
Nuclear Coatings	450
Pre-Treatment Wash Primers	420
Primers, Sealers, and Undercoaters	200
Reactive Penetrating Carbonate Stone Sealer	600
Quick-Dry Enamels	250
Quick-Dry Primers, Sealers and Undercoaters	200
Recycled Coatings	250
Roof Coatings	250
Rust Preventative Coatings	400
Shellacs	
●Clear	730

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<u>Specialty Coatings</u>	<u>VOC Content Limit</u> (Grams VOC per liter) ²
● Opaque	550
Specialty Primers, Sealers, and Undercoaters	350
Stains	250
Stone Consolidants	450
Swimming Pool Coatings	340
Swimming Pool Repair and Maintenance Coatings	340
Temperature-Indicator Safety Coatings	550
Thermoplastic Rubber Coatings and Mastics	550
Traffic Marking Coatings	150
Waterproofing Sealers	250
Waterproofing Concrete/Masonry Sealers	400
Wood Preservatives	350

¹ Limits are expressed in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water, exempt compounds, or colorant added to tint bases. Manufacturer's maximum recommendation means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

² Conversion factor: one pound VOC per gallon (U.S.) = 119.95 grams per liter.

³ Units for this coating are grams of VOC per liter (pounds of VOC/gallon) of coating, including water and exempt compounds.

2. The Permittee shall not apply a coating that is thinned to exceed the applicable VOC limit specified in the above table. [20 DCMR 774.5]
3. The Permittee shall not apply any rust preventive coating for industrial use, unless such a rust preventive coating complies with the industrial maintenance coating VOC limit specified in the above table. [20 DCMR 774.6]
4. For any coating that does not meet any of the definitions for the specialty coatings categories listed in the table above, the VOC content limit shall be determined by classifying the coating as a flat coating or a non-flat coating, based on its gloss, as defined in 20 DCMR 799, and the corresponding flat or non-flat coating limit shall apply. [20 DCMR 774.7]
5. Notwithstanding the provisions of Condition II(n)(1) of this permit, a person or facility may add up to ten percent (10%) by volume of VOC to a lacquer to avoid blushing of the finish during days with relative humidity greater than seventy percent (70%) and temperature below sixty-five degrees Fahrenheit (65° F) or eighteen degrees Celsius (18° C) at the time of application, provided that the coating contains acetone and no more than five hundred fifty grams (550 g.) of VOC per liter of coating, less water and exempt compounds, before the addition of VOC. [20 DCMR 774.10]

III. Emission Unit Specific Requirements

This operating permit identifies emission units based on information provided by the Permittee and cites specific applicable regulations from 20 DCMR, as well as the Code of Federal Regulations (CFR). These cited regulations and rules stipulate the conditions under which the Permittee is permitted to operate, the control equipment (where applicable) that must be used to minimize air pollution, and the monitoring, testing, record keeping, and reporting requirements that will enable the Permittee to demonstrate, to the District and EPA, compliance with regulatory requirements.

Operation of the emission unit listed below is permitted subject to the facility complying with the following emission limits, standards, and other requirements specified herein and elsewhere in this permit [20 DCMR 300].

Emission Units¹			
Emission Unit ID	Stack ID	Emission Unit Name	Description
HM-1	EP1	Hot Mix Asphalt Plant	225 ton per hour continuous drum-mix asphalt plant (different from traditional drum-mix plants in that the mixer drum is separated from the dryer drum) with 75 MMBtu per hour Hauck Manufacturing Co., Model ES75-11, dual fuel (natural gas and No. 2 fuel oil) fired burner and BHS525-10 stationary baghouse filter, emission control equipment.
CR-1	EF-3	Crusher	McCloskey 144R impactor crusher powered by a 350 horsepower Caterpillar engine.
CR-2	EF-4	Conveyor	McCloskey ST80T stacking conveyor powered by a 49 horsepower Caterpillar engine.

¹Miscellaneous/Insignificant activities are listed separately in Condition IV of this permit.

- a. Emission Unit - Hot Mix Asphalt Plant: 225 ton per hour hot mix asphalt plant with 75 MMBtu/hr Hauck Manufacturing Co., Model ES75-11, dual-fuel (natural gas and No. 2 fuel oil) fired burner and BHS525-10 stationary baghouse filter emission control equipment.

1. Emission Limitations:

- A. Total suspended particulate matter (TSP) emissions shall not exceed the

following:

- i. 7.4 pounds per hour [20 DCMR 603.1 and associated Appendix 6-1 and 20 DCMR 200.6] *Note that the emission rate indicated in the permit application is more stringent than that specified in Appendix 6-1, so compliance with this limit will ensure compliance with Appendix 6-1 as well;* and
 - ii. 0.03 grains per dry standard cubic foot (gr/dscf) of exhaust gas. [20 DCMR 603.1] *Note that this is a streamlined condition. Compliance with 20 DCMR 603.1 ensures compliance with 40 CFR 60.92(a)(1). Adding diluent air to the exhaust gas stream for the purpose of complying with this condition is prohibited.* [20 DCMR 603.3]
- B. Oxides of sulfur emissions (SO_x) shall not exceed the following:
- i. Those achieved by complying with Condition III(a)(2)(D) of this permit [20 DCMR 801]; and
 - ii. 0.05% by volume (500 ppm by volume), calculated as sulfur dioxide. Where the process or the design of equipment is such as to permit more than one interpretation of this requirement, the interpretation that results in the minimum value of allowable emissions shall apply. Adding diluent air to the exhaust gas stream for the purposes of complying with this provision is prohibited. [20 DCMR 803]
- C. Oxides of nitrogen (NO_x) emissions from the hot mix asphalt equipment shall not exceed 12.4 pounds per hour and shall not exceed 22.0 tons per 12-month rolling period. [20 DCMR 200.6]
- D. Visible emissions shall not be emitted into the outdoor atmosphere from the facility; provided, that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, soot blowing, adjustment of combustion controls, or malfunction of equipment (except as further limited in Condition III(a)(1)(e). Where the presence of uncombined water is the only reason for failure of the source to meet the requirements of this paragraph, this paragraph shall not be applicable. [20 DCMR 606.1 and 606.7]
- E. In addition to the requirements of Condition III(a)(1)(D), no gases shall be discharged into the atmosphere which exhibit 20 percent opacity or greater as measured by EPA Reference Method 9 found in 40 CFR 60, Appendix A. [40 CFR 60.92 and 20 DCMR 205]

- F. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1] See also Condition II(j).
 - G. The emission of fugitive dust from any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited [20 DCMR 605.2]. See also Condition II(c)(2).
 - H. The Permittee shall ensure that fugitive dust emissions from the facility are minimized in accordance with the standards found in Condition II(c).
2. Operational Limitations and Standards:
- A. Operations of the hot mix asphalt plant shall be limited as follows [20 DCMR 201]:
 - i. The asphaltic concrete production rate shall not exceed 225 tons per hour; and
 - ii. The twelve-month rolling total asphaltic concrete production shall not exceed 800,000 tons.
 - B. The Permittee is prohibited from the production, mixing, storage, use or application of cutback asphalt at this facility. [20 DCMR 201 and 709]
 - C. Recycled (reclaimed) asphalt pavement (RAP) may be used in the process at rates up to 50% by weight. [20 DCMR 201]
 - D. The burner shall burn only natural gas or No.2 fuel oil/diesel fuel that complies with Condition II(f) of this permit. Use of waste oil, propane, or any other fuel to fire the unit is prohibited. [20 DCMR 200.6]
 - E. The baghouse shall remain operative or effective, and shall not be removed [20 DCMR 107.1] In order to ensure that this occurs, the following steps shall be implemented:
 - i. During operation of the equipment, the differential pressure across the bags shall be maintained between 2.0 and 7.0 inches of water (or other range that has received written approval from the Department based on a future submission justifying such change);
 - ii. During operation of the equipment, the baghouse shall maintain a particulate matter (PM) removal efficiency of at least 99.9%; and

iii. A set of replacement bags for the baghouse, as specified by the manufacturer and rated to be at least 99.9% efficient at removing particulate matter, must be kept on site at all times (except for a reasonable amount of time following a bag change-out to obtain a new spare set of bags).

F. At all times, including periods of start-up and malfunction, owners and operators of stationary sources and fuel-burning equipment shall, to the extent practicable, maintain and operate stationary sources and fuel-burning equipment, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the District which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. [20 DCMR 606.3 and 40 CFR 60.11(d)]

G. Owners and operators of stationary sources and fuel-burning equipment shall ensure that persons actually participating in the maintenance and operation of sources and equipment are adequately trained and supervised so as to minimize the production of emissions during operation. [20 DCMR 606.5]

H. The Permittee shall operate and maintain all equipment and pollution control devices covered by this permit in accordance with manufacturers' specifications and recommendations. [20 DCMR 201]

I. The Permittee shall ensure that the engine idling provisions of 20 DCMR 900 pertaining to engine idling (both onroad and nonroad) are met at the facility. See also Condition II(g).

3. Monitoring and Testing:

A. The Permittee shall monitor the fuel purchased to ensure that the sulfur content complies with the requirements of Conditions II(f) and III(a)(2)(D) of this permit.

B. The Permittee shall monitor the hot mix asphalt operating days, hours, production and associated production rate, and RAP usage rate to ensure compliance with Conditions III(a)(2)(A), (B), and (C) of this permit.

C. The Permittee shall monitor the status and level of repair of the baghouse and all other process equipment at the facility to ensure compliance with Conditions III(a)(2)(E) and (F) of this permit.

D. The Permittee shall monitor the facility to ensure that odors, fugitive dust, and other nuisance air pollutants are not emitted in such quantities as to create a

violation of Condition II(c) or (j), or III(a)(1)(F), (G), or (H) of this permit.

- E. The Permittee shall monitor the training records of staff and contractors to ensure compliance with Condition III(a)(2)(G) of this permit.
- F. The Permittee shall monitor the stores of spare bags for the baghouse to ensure compliance with Conditions III(a)(2)(E)(ii) and (iii) of this permit.
- G. The Permittee shall monitor the differential pressure across the baghouse to ensure compliance with Condition III(a)(2)(E)(i) of this permit. If the differential pressure drifts outside of the specified range, action shall be taken to identify the problem and correct it promptly.
- H. The Permittee shall monitor the idling of vehicles at the facility sufficiently to ensure compliance with Conditions II(g) and III(a)(2)(I) of this permit.
- I. To show compliance with Condition III(a)(2)(D), the Permittee shall comply with Condition I(d)(2)(B)(ii) of this permit.
- J. At least once during the term of this permit, the Permittee shall conduct performance tests to determine compliance with Conditions III(a)(1)(A), (B)(ii), (C), (D), and (E) of this permit (including testing on both fuels). Testing on the two fuels may, at the discretion of the Permittee, be performed at different times, including on different years. The Permittee shall furnish the Department with a written report of the results of such performance tests in accordance with the following requirements [20 DCMR 502 and 40 CFR 60.8]:
 - i. One (1) original and one (1) copy of the test protocol shall be submitted to the following address a minimum of thirty (30) days in advance of the proposed test date. The test shall be conducted in accordance with Federal and District requirements.

Chief, Compliance and Enforcement Branch
Air Quality Division
1200 First Street NE, 5th Floor
Washington, DC 20002
 - ii. The test protocol shall be approved by the Department prior to initiating any testing. Upon approval of the test protocol, the Permittee shall finalize the test date with the assigned inspector in the Compliance and Enforcement Branch. The Department must have the opportunity to observe the test for the results to be considered for acceptance.
 - iii. The final results of the testing shall be submitted to the Department within

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sixty (60) days of the test completion. One (1) original and one (1) copy of the test report shall be submitted to the address in Condition III(a)(3)(J)(i).

iv. The final report of the results shall include the emissions test report (including raw data from the test) as well as a summary of the test results and a statement of compliance or non-compliance with permit conditions to be considered valid. The summary of results and statement of compliance or non-compliance shall contain the following information:

1. A statement that the owner or operator has reviewed the report from the emissions testing firm and agrees with the findings.
2. Permit number(s) and condition(s) which are the basis for the compliance evaluation.
3. Summary of results with respect to each permit condition.
4. Statements of compliance or non-compliance with each permit condition.

v. The results must demonstrate to the District's satisfaction that the emission unit is operating in compliance with the applicable regulations and conditions of this permit; if the final report of the test results shows non-compliance the owner or operator shall propose corrective action(s). Failure to demonstrate compliance through the test may result in enforcement action.

K. Test methods shall be used as follows:

- i. The Permittee shall use as reference methods and procedures the test methods in 40 CFR 60, Appendix A or other methods and procedures as specified in this Condition, except as provided in 40 CFR 60.8(b). [20 DCMR 205, 40 CFR 60.93(a), and 20 DCMR 805.6(d)(2)]
- ii. EPA Reference Method 5 (40 CFR 60, Appendix A) shall be used to determine TSP concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 31.8 dry standard cubic feet (dscf). [20 DCMR 205 and 40 CFR 60.93(b)(1)]
- iii. Except as specified in Condition III(a)(3)(M), EPA Reference Method 9 (40 CFR 60, Appendix A) and the procedures in 40 CFR 60.11 shall be used to determine opacity (visible emissions). [20 DCMR 205 and 40 CFR 60.93(b)(2)]

L. The Permittee shall perform weekly stack outlet observations as specified in the Compliance Assurance Monitoring (CAM) plan in Condition III(b) of this permit.

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Additionally, the Permittee shall conduct a weekly walk-through of the plant to identify any sources of fugitive visible emissions. Such visible emissions observations need not be performed in accordance with Reference Method 9, but may instead be only observations for the presence or absence of visible emissions (similar to the procedures set forth in EPA Reference Method 22).

- M. If visible emissions are observed via the monitoring performed in accordance with Condition III(a)(3)(L) or at any other time, this occurrence shall be reported to the Department. The Permittee shall then either shut the process down and make the necessary repairs/adjustments to correct the incidence or shall make arrangements for prompt observation by an individual certified in accordance with EPA Reference Method 9 to determine compliance with Conditions III(a)(1)(D) and (E).
 - N. At least once per calendar year, during operation of the process equipment, the Permittee shall cause to be conducted a visible emissions test of the outlet of the baghouse. Any visible emissions test must consist of thirty (30) minutes of opacity observations, performed by a certified opacity reader using EPA's Reference Method 9 (see 40 CFR Part 60, Appendix A, Method 9). The visible emissions test shall be performed every year using the primary fuel used since the last test required under this condition, except that on the year(s) when this testing coincides with the testing required under Condition III(a)(3)(J) testing shall be performed on the same fuel(s) used during the Condition III(a)(3)(J) testing. If the Condition III(a)(3)(J) testing is performed for both fuels in a single year, the testing required under this condition (Condition III(a)(3)(N)) shall be performed under both fuel conditions. [20 DCMR 502]
 - O. In addition to the above testing requirements, the District reserves the right to require additional testing as it deems necessary to determine compliance with applicable requirements. [20 DCMR 502.1]
 - P. At least twice per year, at approximately even intervals, or on the frequency recommended by the manufacturer, whichever is more frequent, the Permittee shall perform a fluorescent dust leak test of the baghouse to ensure that the baghouse and associated bags are maintaining their integrity. [20 DCMR 502.1]
4. Record Keeping:
- A. The Permittee shall maintain all records necessary for determining compliance with this permit in a readily accessible location for five (5) years and shall make these records available to the Department upon written or verbal request.
 - B. Records maintained pursuant to Condition III(a)(4)(A) shall include the following:

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- i. For fuel oil, the Permittee shall maintain records of the information obtained pursuant to the requirements of Condition I(d)(2)(B)(i).
- ii. Records of the total tons of asphaltic concrete produced each day along with the total hours of operation of the asphalt plant each day shall be maintained and updated daily. Each day, the total tons shall be divided by the total hours of operation to determine the daily average production rate, which shall also be recorded.
- iii. Records of the total tons of RAP used in the process each day shall be recorded and divided by the total tons of asphaltic concrete produced that day to determine the daily average percentage RAP used. This percentage shall also be recorded.
- iv. The twelve month rolling total production of asphaltic concrete shall be recorded and updated at the end of each month by summing the total production over the last twelve calendar months.
- v. Records of all maintenance performed on the equipment shall be maintained. These records shall include the date of the maintenance activity, the reason it was undertaken, and the results of the activity. Note that, among other activities, bag replacement in the baghouse is considered maintenance and shall be recorded appropriately. Such records shall include the number of bags replaced, the control efficiency rating of the bags, and the remaining number of back-up bags maintained on-site.
- vi. At least once each day, the differential pressure across the baghouse shall be recorded. Any readings outside the range specified pursuant to Condition III(a)(2)(E)(i) shall include an explanation of what was done to diagnose and correct the deviation.
- vii. Records of the training of the operators and maintenance staff to minimize the production of emissions during operation shall be maintained.
- viii. Records of the data collected and results of all testing performed pursuant to Conditions III(a)(3)(J), (K), and (O) shall be maintained.
- ix. Records of the results of the weekly visible emissions observations required under Condition III(a)(3)(L) shall be maintained and updated at the time of the observations.
- x. Records of the activities undertaken to determine compliance or correct problems pursuant to Condition III(a)(3)(M) shall be maintained.

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- xi. Records of the results of all visible emissions testing performed under Condition III(a)(3)(N) shall be maintained.
- xii. Records of the results of fluorescent dust leak tests performed pursuant to Condition III(a)(3)(P) shall be maintained along with records of the activities undertaken to correct any identified deficiencies.
- xiii. Any deviation from the requirements of the CAM plan shall be recorded.
- xiv. At the end of each month, the Permittee shall determine how much fuel was used, by type (i.e. oil and/or natural gas) and record this information. The amount of each type of fuel used shall be summed on a calendar year basis following the end of each calendar year and recorded.
- xv. The total emissions from the facility, both from fuel burning and other sources of emissions at the facility, of each regulated pollutant (criteria pollutants and hazardous air pollutants) shall be calculated at the end of each calendar year and recorded.

5. Reporting: [20 DCMR 200.7]

- A. Within 15 days of receipt of a written request, the Permittee shall furnish to the Department any information the Department requests to determine whether cause exists for reopening or revoking the permit, or to determine compliance with the permit. Upon request, the Permittee shall also furnish the District with copies of records required to be kept by the permit. [20 DCMR 302.1(g)(5)]
- B. Whenever it is necessary to shut down the baghouse without shutting down the rest of the process, the Permittee must report the planned shutdown to the District at least 48 hours prior to shutdown. The prior notice must include, but is not limited to the following [20 DCMR 107.2]:
 - i. Identification of the specific facility to be taken out of service, as well as its location and permit number.
 - ii. The expected length of time that the air pollution control equipment will be out of service.
 - iii. The nature and quantity of emissions of air pollutants likely to occur during the shutdown period.
 - iv. Measures that will be taken to minimize the length of shutdown period.
 - v. The reasons that it would be impossible or impractical to shutdown the source

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operation during the maintenance period.

Prior to undertaking this shutdown, the approval of the Department must be obtained. If 20 DCMR 107 is modified, the revised regulation's requirement shall supersede the requirements of this section of this permit. The Permittee is advised to review the current version of 20 DCMR 107 prior to invoking this section of the permit.

- C. The results of all testing performed pursuant to Conditions III(a)(3)(J), (K), (O) and (P) shall be submitted within sixty (60) days of the test.
- D. Except where otherwise specified, all reports required pursuant to this permit shall be submitted to:

Chief, Compliance and Enforcement Branch
Air Quality Division
1200 First Street NE 5th Floor
Washington, DC 20002

- b. Compliance Assurance Monitoring (CAM) for Pollutant Specific Emission Unit: 75 MM Btu/hr Hauck Manufacturing Co., Model ES75-11, dual-fuel (natural gas and No. 2 fuel oil) burner and BHS525-10 Stationary Baghouse Filter:

The Permittee shall comply with the requirements of 40 CFR 64 and the associated CAM plan below to assure compliance with the emission limitation of the emission unit.

1. Monitoring Approach

The key elements of the monitoring approach are presented in the table below:

	Indicator #1	Indicator #2
A. Indicator	Visible Emissions	Pressure Drop
B. Measurement Approach	Visible emissions from the stack exhausting from the baghouse will be monitored during operation using EPA Method 22-like procedures and in accordance with Condition III(a)(3)(L) of this permit. Method 9 testing will be conducted annually or in the event of equipment failure consistent with Conditions III(a)(3)(M) and (N).	Pressure drop across the baghouse is measured with magnehelic-type differential pressure gauges.

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<p>C. Indicator Range</p>	<p>The indicator levels are specified in Conditions III(a)(1)(D) and (E) of this permit. In the event that visible opacity exceeds 40% (unaveraged) for greater than two (2) minutes in any sixty (60) minute period or for an aggregate of twelve (minutes) in any twenty-four (24)- hour period, or 20% as measured by Reference Method 9, an excursion will be reported and an inspection and corrective action will be completed.</p>	<p>The indicator level is the normal operation range, which is between 2.0" and 7.0" water column as specified in Condition III(a)(2)(E)(i) of this permit. An excursion outside of this range will trigger an inspection and corrective action as specified in Condition III(a)(3)(G) of this permit.</p>
<p>D. Performance Criteria</p>		
<p>a) Data Representative</p>	<p>Measurements are made at the emission point.</p>	<p>The pressure reading is noted when the emissions unit is in operation.</p>
<p>b) Verification of Operational Status</p>	<p>N/A</p>	<p>Pressure drop reading is completed at least daily and recorded as specified in Condition III(a)(4)(B)(vi) of this permit.</p>
<p>c) QA/QC Practices and Criteria</p>	<p>The observer will be a Method 22 trained observer and follow Method 22-like procedures except where Method 9 is specified elsewhere in this permit, where the observer will hold a current certification in accordance with Method 9 at the time of the observation.</p>	<p>Magnehelic gauges shall be inspected for proper operation on at least a monthly basis and more frequently as necessary when erroneous or suspect readings are observed at other times. The gauges shall be calibrated at least as frequently as recommended by the equipment manufacturers.</p>
<p>d) Monitoring Frequency and Collection Procedure</p>	<p>A six-minute Method 22-like observation will be performed weekly, except where another condition of this permit requires a Method 9 observation.</p>	<p>The pressure drop is observed and recorded at least daily by reading the pressure drop indicator as specified in Condition III(a)(3)(B)(vi) of this permit.</p>

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c. Emission Unit CR-1 – McCloskey 144R Impactor Crusher Powered by a 350 Horsepower Caterpillar Engine:

1. Emission Limitations:

- A. Emissions from the engine shall not exceed those found in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2), and 40 CFR 89.112(a)]

Pollutant Emission Limits (g/kW-hr)		
NMHC+NOx	CO	PM
4.0	3.5	0.20

- B. Emissions of dust shall be minimized in accordance with the requirements of Conditions II(c) and III(c)(2)(B) of this permit.
- C. The emission of fugitive dust from any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited. [20 DCMR 605.2]
- D. Emissions from the engine powering the crusher shall not exceed those achieved by proper operation of the equipment in accordance with manufacturer's specifications. [20 DCMR 201]
- E. Visible emissions shall not be emitted into the outdoor atmosphere from stationary sources; provided, that the discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, soot blowing, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1]
- F. In addition to Condition III(c)(1)(E), exhaust opacity from the engine, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 89.113]:
- i. 20 percent during the acceleration mode;
 - ii. 15 percent during the lugging mode;
 - iii. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*
- G. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely

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to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

2. Operational Limitations:

- A. The crusher shall be operated for a maximum of one thousand five hundred (1,500) hours per year.
- B. The Permittee shall take reasonable precautions to minimize the emission of any fugitive dust into the outdoor atmosphere in accordance with the requirements of Condition II(c) of this permit. [20 DCMR 605.1]
- C. In order to facilitate compliance with Conditions II(c) and III(c)(2)(B), the Permittee shall:
 - i. Provide clean water (free from salt, oil, etc.) for use at the site;
 - ii. Provide water spraying equipment that can access the entire work area;
 - iii. Apply water sprays without creating a nuisance or ponding and preventing movement of spray beyond site boundary.
- D. The Permittee shall crush only recycled asphalt pavement (RAP) in the unit and shall crush no more than 200 tons in any given hour. [20 DCMR 201]
- E. The crusher shall be fired only on diesel fuel with a maximum sulfur content of 15 ppm (0.0015% by weight) and either a minimum cetane index of 40 or a maximum aromatic content of 15 volume percent. [20 DCMR 201]
- F. The crusher and associated engine shall be operated and maintained in accordance with the recommendations of the equipment manufacturers.
- G. At all times, including periods of startup, shutdown, and malfunction, the Permittee shall, to the extent practicable, maintain and operate the crusher in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating procedures are being used will be based on information available to the Department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. [20 DCMR 606.3]

3. Monitoring and Testing Requirements:

- A. In order to ensure compliance with Condition III(c)(2)(A), the Permittee shall

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monitor the total hours of operation each month, either with the use of a properly functioning, non-resettable hour metering device or by tracking the sum of the duration of each instance of operation each month.

- B. The Permittee shall, during all work operations at the site, monitor to ensure that the operational requirements of Conditions III(c)(2)(B) through (G) of this permit are met.
- C. If visible emissions of fugitive dust or smoke are observed in excess of the limits specified in Conditions III(c)(1)(B), (C), (E), or (F), prompt action shall be taken to correct the problem. Operations shall not continue if such exceedances are observable, until such time as the problem has been addressed to the satisfaction of the Department.
- D. The Permittee shall conduct and allow the Department access to conduct tests of air pollution emissions from any source as requested. [20 DCMR 502.1]

4. Record Keeping Requirements:

- A. The information specified in Condition III(c)(4) shall be maintained by the Permittee at the facility for a period not less than five (5) years from when it was originated and shall be made available to the Department upon written or verbal request. Such records shall meet the following standards: [20 DCMR 302.1(c)(2)(B), 20 DCMR 500.8, and 40 CFR 63.11509(f)]
 - i. The records shall provide sufficient data and calculations to demonstrate clearly that the emission limitations or control requirements are met; and
 - ii. Data or information required to determine compliance with an applicable limitation shall be recorded and maintained in a time frame consistent with the averaging period of the standard.
- A. The Permittee shall keep a record of the dates of operation and the hours of operation of the crusher at the site. This shall be kept by recording the date of each day of operation and then either recording the initial starting hours shown on the non-resettable hour meter on the unit each day, or by keeping a log, updated daily, of each start and stop time of the unit with a sum of the total hours of operation that day.
- C. The Permittee shall keep a record of the weight (in tons) of RAP crushed each day so as to show compliance with Condition III(c)(2)(D).

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- D. The Permittee shall keep a record of all substantial exceedances of the standards/limits set forth in this permit and the actions taken to correct the identified problems.
- E. The Permittee shall maintain a record of all maintenance performed on the unit to document compliance with Condition III(c)(2)(F).
- F. The Permittee shall maintain a copy of the crusher's manufacturer's maintenance and operating recommendations and make such available to Department inspectors.
- G. For each delivery of diesel fuel, the Permittee shall maintain records of the date, fuel type, and amount of the delivery, as well as sufficient documentation to show that the fuel met the standards set forth in Condition III(c)(2)(E).
- H. The Permittee shall maintain a copy of the EPA Certificate of Conformity for the engine at the facility at all times.

5. Reporting Requirements:

- A. Within 30 days following completion of any testing required under Condition III(c)(3)(D), the Permittee shall submit the results, along with copies of all raw data collected, to the following address:

Chief, Compliance and Enforcement Branch
Air Quality Division
1200 First Street NE 5th Floor
Washington, DC 20002

d. Emission Unit CR-2 – McCloskey ST80T Stacking Conveyor Powered by a 49 Horsepower Caterpillar Engine:

1. Emission Limitations:

- A. Emissions from the engine shall not exceed those found in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b) 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]

Pollutant Emission Limits (g/kW-hr)		
NMHC+NO _x	CO	PM
7.5	5.5	0.30

- B. Emissions of dust shall be minimized in accordance with the requirements of Conditions II(c) and III(d)(2)(B) of this permit.

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- C. The emission of fugitive dust from any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited. [20 DCMR 605.2]
- D. Emissions from the engine powering the conveyor shall not exceed those achieved by proper operation of the equipment in accordance with manufacturer's specifications.
- E. Visible emissions shall not be emitted into the outdoor atmosphere from stationary sources; provided, that the discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, soot blowing, adjustment of combustion controls, or malfunction of the equipment. [20 DCMR 606.1]
- F. In addition to Condition III(d)(1)(E), exhaust opacity from the engine, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 89.113]:
 - i. 20 percent during the acceleration mode;
 - ii. 15 percent during the lugging mode;
 - iii. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*
- G. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

2. Operational Limitations:

- A. The conveyor shall be operated for a maximum of one thousand five hundred (1,500) hours per year.
- B. The Permittee shall take reasonable precautions to minimize the emission of any fugitive dust into the outdoor atmosphere in accordance with the requirements of Condition II(c) of this permit. [20 DCMR 605.1]
- C. In order to comply with Condition III(d)(2)(D), the Permittee shall:
 - i. Provide clean water (free from salt, oil, etc.) for use at the site;

- ii. Provide water spraying equipment that can access the entire work area;
 - iii. Apply water sprays without creating a nuisance or ponding and preventing movement of spray beyond site boundary.
 - iv. Restrict operation at the site to processing only concrete and related demolition materials from the demolished building.
- D. The engine powering the conveyor shall fire only diesel fuel with a maximum sulfur content of 15 ppm (0.0015% by weight) and either a minimum cetane index of 40 or a maximum aromatic content of 15 volume percent. [20 DCMR 201]
- E. The conveyor and associated engine shall be operated and maintained in accordance with the recommendations of the equipment manufacturers.
- F. At all times, including periods of startup, shutdown, and malfunction, the Permittee shall, to the extent practicable, maintain and operate the crusher in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating procedures are being used will be based on information available to the Department which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. [20 DCMR 606.3]

3. Monitoring and Testing Requirements:

- A. In order to ensure compliance with Condition III(d)(2)(A), the Permittee shall monitor the total hours of operation each month, either with the use of a properly functioning, non-resettable hour metering device or by tracking the sum of the duration of each instance of operation each month.
- B. The Permittee shall, during all work operations at the site, monitor to ensure that the operational requirements of Conditions III(d)(2)(B) through (F) of this permit are met.
- C. If visible emissions of fugitive dust or smoke are observed in excess of the limits specified in Conditions III(d)(1)(B), (C), (E), or (F), prompt action shall be taken to correct the problem. Operations shall not continue if such exceedances are observable, until such time as the problem has been addressed to the satisfaction of the Department.
- D. The Permittee shall conduct and allow the Department access to conduct tests of air pollution emissions from any source as requested. [20 DCMR 502.1]

4. Record Keeping Requirements:

- A. The information specified in Condition III(d)(4) shall be maintained by the Permittee at the facility for a period not less than five (5) years from when it was originated and shall be made available to the Department upon written or verbal request. Such records shall meet the following standards: [20 DCMR 302.1(c)(2)(B), 20 DCMR 500.8, and 40 CFR 63.11509(f)]
 - i. The records shall provide sufficient data and calculations to demonstrate clearly that the emission limitations or control requirements are met; and
 - ii. Data or information required to determine compliance with an applicable limitation shall be recorded and maintained in a time frame consistent with the averaging period of the standard.
- B. The Permittee shall keep a record of the dates of operation and the hours of operation of the conveyor at the site. This shall be kept by recording the date of each day of operation and then either recording the initial starting hours shown on the non-resettable hour meter on the unit each day, or by keeping a log, updated daily, of each start and stop time of the unit with a sum of the total hours of operation that day.
- C. The Permittee shall keep a record of all substantial exceedances of the standards/limits set forth in this permit and the actions taken to correct the identified problems.
- D. The Permittee shall maintain a record of all maintenance performed on the unit to document compliance with Condition III(d)(2)(E).
- E. The Permittee shall maintain a copy of the crusher's manufacturer's maintenance and operating recommendations and make such available to Department inspectors.
- F. For each delivery of diesel fuel, the Permittee shall maintain records of the date, fuel type, and amount of the delivery, as well as sufficient documentation to show that the fuel met the standards set forth in Condition III(d)(2)(D).
- G. The owner or operator shall maintain a copy of the EPA Certificate of Conformity for the engine powering the conveyor at the facility at all times.

5. Reporting Requirements:

- A. Within 30 days following completion of any testing required under Condition III(d)(3)(D), the Permittee shall submit the results, along with copies of all raw

data collected, to the following address:

Chief, Compliance and Enforcement Branch
Air Quality Division
1200 First Street NE 5th Floor
Washington, DC 20002

IV. Miscellaneous Activities

- a. The Department does not consider the “miscellaneous activities” (also commonly known as “insignificant activities”) listed in Condition IV(c) to be significant sources. However, they are subject to the General Permit Requirements (Condition I) and Facility-Wide Permit Requirements (Condition II) of this permit as well as the conditions specified below for each unit type. [See EPA White Paper, Wegman, July 10, 1995]
- b. Emissions from the miscellaneous activities must be reasonably estimated, and the Permittee shall report the estimated emissions, as well as the specifics of the method(s) of estimation, in the annual emission statement required by Condition I(d)(2)(C) of this permit. [20 DCMR 500]
- c. The following activities are subject to Conditions IV(a) and (b) as well as the conditions specified below (where applicable):
 1. A small silo of mineral filler (a stone dust product occasionally added to the dryer);
 2. Two (2) 20,000 gallon storage tanks for liquid asphalt;
 3. One (1) 1,000 gallon storage tank of an “anti-strip” agent;
 4. One (1) 10,000 gallon tank of No. 2 fuel oil; and
 5. One (1) 1.41 MMBTU/hr heat input dual-fuel fired hot oil heater which must comply with the following requirements:
 - A. Emission Limitation:
 - i. Particulate matter emissions shall not exceed 0.13 pounds per MMBTU. Note that the Permittee is deemed to have complied with this requirement by complying with the operational limits specified in Condition IV(c)(5)(B)(i) below, unless other credible evidence of a violation of this limit is identified. [20 DCMR 600.1]
 - ii. NO_x emissions shall not exceed 0.2 pounds per hour and shall not exceed 0.36 tons per 12-month rolling period. [20 DCMR 201]

B. Operational Limits:

- i. The hot oil heater shall only burn the following fuels:
 1. Natural gas; or
 2. No. 2 fuel oil that complies with Condition II(f) of this permit.
- ii. The hot oil heater shall be operated at all times in a manner consistent with the manufacturer's specifications for the equipment.

C. Monitoring and Testing Requirements:

- i. The Department reserves the right to require the Permittee to conduct performance tests on this unit for any reasonable purpose, in accordance with Condition I(a)(6). If such testing is required, the Permittee shall furnish the Department with a written report of the results of such performance tests in accordance with the following requirements [20 DCMR 502]:
 1. One (1) original and one (1) copy of the test protocol shall be submitted to the following address a minimum of thirty (30) days in advance of the proposed test date. The test shall be conducted in accordance with Federal and District requirements.

Chief, Compliance and Enforcement Branch
Air Quality Division
1200 First Street NE
5th Floor
Washington, DC 20002
 2. The test protocol shall be approved by the Department prior to initiating any testing. Upon approval of the test protocol, the Company shall finalize the test date with the assigned inspector in the Permitting and Enforcement Branch. The Department must have the opportunity to observe the test for the results to be considered for acceptance.
 3. The final results of the testing shall be submitted to the Department within sixty (60) days of the test completion. One (1) original and one (1) copy of the test report shall be submitted to the address in Condition IV(d)(5)(C)(i)(1) above.
 4. The final report of the results shall include the emissions test report (including raw data from the test) as well as a summary of the test results and a statement of compliance or non-compliance with permit conditions

to be considered valid. The summary of results and statement of compliance or non-compliance shall contain the following information:

- a. A statement that the owner or operator has reviewed the report from the emissions testing firm and agrees with the findings.
 - b. Permit number(s) and condition(s) which are the basis for the compliance evaluation.
 - c. Summary of results with respect to each permit condition.
 - d. Statements of compliance or non-compliance with each permit condition.
5. The results must demonstrate to the Department's satisfaction that the emission unit is operating in compliance with the applicable regulations and conditions of this permit; if the final report of the test results shows non-compliance the owner or operator shall propose corrective action(s). Failure to demonstrate compliance through the test may result in enforcement action.
- ii. The Permittee shall comply with the requirements of Condition I(d)(2)(B)(ii) to ensure compliance with Conditions II(f) and IV(d)(5)(B)(i)(2) of this permit.
 - iii. The Permittee shall monitor fuel use to collect data on the quantities of each fuel used.

D. Record Keeping and Reporting Requirements:

- i. The Permittee shall keep records of the results of all emissions testing required for the boilers pursuant to Conditions IV(d)(5)(C)(i) and I(a)(6) in accordance with the requirements specified in Condition I(c).
- ii. The Permittee shall maintain records of fuel information obtained pursuant to Condition IV(d)(5)(C)(ii) in accordance with the requirements specified in Condition I(c).
- iii. The Permittee shall maintain records of the total quantity of each fuel used each month and update these records at least monthly for the previous month.

E. Reporting Requirements:

None in addition to those specified in Condition I(d) and IV(b).

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V. Permit Shield

No permit shield is granted. [20 DCMR 302.6]

VI. Compliance Schedule

- a. The Permittee shall continue to comply with all applicable requirements. [20 DCMR 301.3(h)(3)(A)]
- b. The Permittee shall meet, in a timely manner, all applicable requirements that become effective during the term of this permit, including, but not limited to, any new air quality regulations and any specific compliance schedules adopted in response to any enforcement action taken against the Permittee by the Department or the U.S. EPA. [20 DCMR 301.3(h)(3)(B)]

