July 29, 2022

Jim Martinoski

Vice President

Miller & Long Co., Inc.

4001 Brandywine Street NW Suite 400

Washington, DC 20016

Subject: **Draft Synthetic Minor Operating Permit (Permit No. 7321-SM)**

Dear Mr. Martinoski:

The Air Quality Division (AQD) of the District of Columbia Department of Energy and Environment (the Department) has prepared a Draft Synthetic Minor operating permit pursuant to Chapter 2, sections 200.1, 200.2, and 200.6 of Title 20 of the District of Columbia Municipal Regulations (20 DCMR). This permit, satisfying applicable regulations, is enclosed. Additionally, AQD has attached a Technical Support Memorandum discussing the technical and legal basis for the permit.

As the permit applicant for the equipment covered by this permit at Miller & Long Co., Inc., located at 66 New York Avenue NE, Washington DC, it is your responsibility to review, understand, and abide by all the terms and conditions of the attached 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 beginning on July 29, 2022, and continuing through August 29, 2022. AQD will respond to any comments received during this public comment period before making a final decision on the permit application. If a public hearing is requested during this time, such a hearing will be scheduled according to 20 DCMR 210.

If you have questions or comments or need further information, please write to this office, or contact Wyatt Bohmann at (202) 309-6112 or Wyatt.Bohmann@dc.gov. If you are submitting comments on the draft permit or a request for a public hearing, please also submit them to me at stephen.ours@dc.gov.

Sincerely,

Stephen S. Ours, P.E.

Chief, Permitting Branch

Air Quality Division

Attachment: 2

SSO:WEB

**District of Columbia**

**Air Quality Synthetic Minor Permit**

**66 New York Avenue NE**

**Washington, DC 20024**

**Synthetic Minor Permit**

**Draft Chapter 2 Permit No. 7321-SM**

**Department of Energy and Environment**

**Air Quality Division**

Effective Date: [TBD], 2022 Expiration Date: [TBD], 2027

**Chapter 2 Permit No. 7321-SM**

**Effective Date: [TBD], 2022 Expiration Date: [TBD], 2027**

Pursuant to the requirements of Chapter 2, General and Non-Attainment 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”, hereby grants approval to operate the emission units listed in Sections III and IV of this permits 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** **Facility Location**

Miller & Long Co., Inc. Miller & Long Co., Inc.

4001 Brandywine Street NW 66 New York Avenue Northeast

Suite 400 Washington, DC 20001

Washington, DC 20016

**Application Signatory per 20 DCMR 200.13:** Mr. Jim Martinoski

Vice President

PREPARED BY:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Wyatt Bohmann Date

Environmental Engineer

Permitting Branch, Air Quality Division

(202) 309-6112

AUTHORIZED BY:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Stephen S. Ours, P.E. Date

Chief, Permitting Branch

Air Quality Division

(202) 535-1747

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**I.** **General Permit Requirements**

a. Compliance

1. The Permittee shall operate all equipment covered by this permit in accordance with all applicable requirements found in Title 20 of the District of Columbia Municipal Regulations (20 DCMR).
2. 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 200.15 and 20 DCMR 202.2]
3. Operation of equipment under the authority of this permit shall be considered acceptance of its terms and conditions.

4. To demonstrate compliance, the Permittee must submit an Annual Compliance Report to the Department not later than March 1 each year certifying compliance with all permit conditions. See Section I(c)(1) of this permit. [20 DCMR 500.1]

5. 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]

6. In addition to any specific testing requirements specified elsewhere in this permit, the Department reserves the right to require that the Permittee perform additional emission tests using methods approved in advance by the Department. The Department will not require the Permittee to conduct tests with unreasonable frequency. [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 104.2(b)]

c. Reporting Requirements

1. Annual Report and Compliance Certification: The Permittee shall submit an annual compliance report to the Department by March 1 of each year covering January 1 through December 31 of the previous calendar year. These reports shall contain the following information [20 DCMR 500.1]:

* 1. Fuel Usage: The total amount of each type and grade of fuel burned during 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 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]
	2. Quality of Fuel Information:

i. 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.

ii. 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]:

1. The fuel oil grade and the ASTM method used to determine the grade;

2. The weight percent sulfur of the fuel oil;

3. The date and time the sample was taken;

4. The name, address, and telephone number of the laboratory that analyzed the sample; and

5. 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.

C. Visible Emissions Test Data: All EPA Reference Method 9 (40 CFR 60, Appendix A) 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. The Method 9 test data shall include the following:

i. The date and time of each test;

ii. The name, address, and telephone number of the tester;

iii. Proof of the certification of the tester pursuant to Reference Method 9;

iv. Identification of the emission unit(s) being observed during the test;

v. 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.*

1. 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

2. The percent of rated capacity at which the engine or other equipment was operated during the test;

vi. The amount and type of fuel fired during the test; and

vii. Data from a minimum of 30 minutes of visible emissions observations or as otherwise specified in the test conditions in this permit.

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]

D. Boiler and Other Fuel Burning Equipment Adjustment Data: For all boiler and other fuel burning equipment adjustments required pursuant to the conditions of this permit, the Annual Report and Compliance Certification shall include sufficient data to substantiate that each subject boiler and other fuel burning equipment has been adjusted in accordance with 20 DCMR 805 and any other related requirements specified in this permit. [20 DCMR 500.1]

E. The results of any other required monitoring referencing this section; and

F. A description of any deviation from permit requirements during the period covered by the report.

2. Annual Emission Report: By March 1 of each year, the Permittee shall submit a report of the emissions from the facility during the previous calendar year. This report shall be submitted electronically through the Combined Emissions Reporting System (CAERS), unless otherwise specified by the Department. Reports due under this condition need only cover the portion of the reporting period during which this permit is in effect where the permit is not in effect for the full reporting period. 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-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]:

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

i. Oxides of nitrogen (NOx);

ii. Sulfur dioxide (SO2);

iii. Carbon monoxide (CO);

iv. Volatile organic compounds (VOCs);

v. Lead (Pb) and lead compounds, as defined in 40 CFR 50.12;

vi. Ammonia (NH3);

vii. Particulate matter in each of the following categories:

1. Total filterable particulate matter (also known as total suspended particulate matter or TSP); *Note that if CAERS does not allow for reporting of this pollutant at the time that submittal is due, this particulate matter fraction may be excluded.*
2. Filterable particulate matter less than 10 microns in aerodynamic diameter (PM10-FIL);
3. Filterable particulate matter less than 2.5 microns in aerodynamic diameter (PM2.5-FIL); and
4. Condensable particulate matter (PM-CON); or
5. If the breakdown of particulate matter fractions is not available as specified in Condition I(c)(2)(A)(vii)(2) through (4), as an alternative, the Permittee shall submit both total particulate matter less than 10 microns in aerodynamic diameter (PM10-PRI) and total particulate matter less than 2.5 microns in aerodynamic diameter (PM2.5-PRI); and

viii. All hazardous air pollutants (HAPs) as defined in §112(b) of the Clean Air Act, as revised.

*Note that, in most cases, CAERS calculates these emissions values from emission factors that the Permittee must submit as well as other data such as fuel usage or material throughput, as applicable to specific equipment.*

B. 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 for developing emissions data and emissions factors:

i. Continuous emission monitoring data,

ii. Emissions data calculated based on emissions test data used with process operational/formulation data,

iii. Emissions data calculated based on manufacturer’s specifications used with process operational/formulation data, and finally,

iv. 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.

C. The Permittee shall include comments with the emissions report sufficient to identify, with specificity, the source of any emissions factors used.

D. In addition to the information required pursuant to Conditions I(c)(2)(A) through (C), the Permittee shall submit any additional information the Department may request in order to collect necessary information to comply with the requirements of 40 CFR 51.

1. Notifications and Supplemental Reports: The Permittee shall submit the following notifications and supplemental reports. Notifications or reports of a deviation from a 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 500.1]

A. 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 500.1] This shall be reported to the Department’s Emergency Operations number at (202) 645-5665.

B. Synthetic Minor Emission Limit Exceedance: The Permittee shall, within two working days of discovery, submit to the Air Quality Division a report of any exceedance of any emission limit, or surrogate for an associated emission limit, taken pursuant to 20 DCMR 200.6 or 200.7. Any such report shall be submitted to air.quality@dc.gov.

Exceedance of the following condition(s) are subject to reporting under this requirement:

1. Condition III(a)(2)(A);
2. Condition III(a)(2)(H)(ii); and
3. Condition III(b)(2)(B).

C. 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 102.2]:

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;

1. 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.

4. Nothing in this permit shall relieve the Permittee from any reporting requirements under federal or District of Columbia regulations.

5. 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 101.

6. Annual Reports and Compliance Certifications, notifications, supplemental reports, and other documentation required by this permit shall be sent in electronic form to air.quality@dc.gov, unless otherwise specified [20 DCMR 500.1]:

d. Certification Requirements

Except where expressly specified elsewhere in this permit, 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 person authorized by the Permittee to certify such documents and to legally bind the Permittee, and in a position to be aware of the truthfulness and accuracy of the certified document, with the following language [20 DCMR 104.2(b)]:

“I hereby certify, under penalty of D.C. Official Code § 8-101.05e, that I am authorized to submit this document on behalf of the Permittee and that the statements contained herein are true, complete, and current, to best of my knowledge.”

e. Construction, Installation, or Alteration

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.

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

1. This permit expires on [five (5) years after its effective date] [20 DCMR 200.4], but may be renewed before it expires pursuant to 20 DCMR 200.5.

A. If the Permittee wishes to continue construction or operation of the equipment covered by this permit after the expiration date of this permit, the Permittee shall file a complete application for renewal of this permit at least six (6) months before the date of permit expiration.

B. The Permittee's right to operate ceases on the expiration date unless the Department extends the permit at the request of the Permittee in accordance with 20 DCMR 200.3.

2. The Department may amend, suspend, revoke, or deny renewal of this permit for the reasons specified in 20 DCMR 202, in accordance with the procedures also specified therein.

3. 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 202.4 and 20 DCMR 500.1]

g. 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.

h. Entry and Inspection

1. Upon the presentation of appropriate credentials to the owner, agent in charge, or tenant, the Department shall have the right, subject to 20 DCMR 104.3, to enter a premise or inspect an activity reasonably believed to be subject to the air quality regulations, including those activities covered by this permit, to determine compliance with the requirements of the air quality regulations. The right of entry shall be for the following purposes [20 DCMR 104.1]:
2. Inspection, including the right to inspect and copy records related to compliance with the air quality regulations;

B. Observation;

* 1. Measurement;
	2. Sampling;
	3. Testing; and
	4. Evidence Collection
1. The Department may [20 DCMR 104.2]:
2. Investigate and take testimony under oath regarding any report of noncompliance with a federal or District law or regulation applicable to air pollution control; and
3. In addition to the requirements of Chapter 5 of Title 20 DCMR, require a person or entity subject to the air quality regulations, or who the Department reasonably believes may have information necessary to carry out the purposes of the air quality regulations, on a one-time, periodic, or continuous basis to:
4. Establish, maintain, and submit records and reports;

ii. Install, use, and maintain monitoring equipment, and use audit procedures or methods;

iii. Take samples in accordance with such procedures or methods, at such locations, at such intervals, during such periods, and in such manner as the Department shall prescribe;

iv. Keep records on control equipment parameters, production variables, or other indirect data as appropriate;

v. Submit compliance certifications; and

vi. Provide other information as the Department may require.

**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 606.4]

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 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. [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.

*Note that 20 DCMR 606 is subject to an EPA-issued call for a State Implementation Plan (SIP) revision (known as a “SIP call”) requiring the District to revise 20 DCMR 606. See “State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction”, 80 Fed. Reg. 33840 (June 12, 2015). It is likely that this federal action will result in changes to the requirements of 20 DCMR 606. Any such changes, once finalized in the DCMR, will supersede the language of Condition II(b) as stated above.*

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 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 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\* and 40 CFR 61, Subpart M, 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 notcontain 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 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 fueloil, 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 weightspecified in Condition II(f)(2) or (3);

B. The Permittee of a stationary source where equipment or a process isused to reduce the sulfur emissions from the burning of a fueloil, 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 weightspecified 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 proceduresspecified under20 DCMR502.6 (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:

1. ASTM D 396, “Standard Specification for Fuel Oils”; or

2. ASTM D 975, “Standard Specification for Diesel 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 three (3) years [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 Condition II(f)(9)(A) in electronic or paper format for not less than three (3) years, unless the transfer or use of the fuel oil occurs at a private residence [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)(A)(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 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 oF) 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 (32ºF) or below.

h. Fleet Maintenance

The 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 all gasoline sold at the facility, if any, 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 Permittee 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)]

l. Architectural and Industrial Maintenance Coatings

1. Paints and refinishing coatings that contain 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**

| **Coating Category** | **VOC Content Limit****(Grams VOC per liter)2** |
| --- | --- |
| Flat Coatings | 100 |
| Non-flat Coatings | 150 |
| Non-flat- High Gloss Coatings | 250 |
| *Specialty Coatings* |  |
| Antenna Coatings | 530 |
| Antifouling Coatings | 400 |
| Bituminous Roof Coatings | 300 |
| Bituminous Roof Primers | 350 |
| 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 Coatings3 | 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 |
| ●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(l)(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 (18º 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]

m. Adhesives and Sealants

1. Any person who supplies, sells, offers for sale, or uses or applies adhesives, sealants, or adhesive or sealant primers shall comply with the following, except as provided in Condition II(m)(2). Unless specified in Condition III, this permit does not authorize the Permittee to manufacture any adhesive, sealant, adhesive primer, or sealant primer.: [20 DCMR 201 and 20 DCMR 743.1]

A. No person shall sell, supply, offer for sale, use or apply any adhesive, sealant, adhesive primer, or sealant primer manufactured on and after January 1, 2012, within the District of Columbia in excess of the applicable VOC content limits specified in the following Table of Standards, except as provided in Conditions II(m)(1)(D) and II(m)(2) [20 DCMR 744.1 and 744.2]:

**Table of Standards. VOC Content Limits for Adhesives, Sealants, Adhesive Primers, Sealant Primers and Adhesives Applied to Particular Substrates.**

| **Adhesive, sealant, adhesive primer or sealant primer category** | **VOC content limit (grams VOC per liter#)** |
| --- | --- |
| **CATEGORY 1: ADHESIVES** | **VOC Limits****(g/L)** |
| ABS welding | 400 |
| Ceramic tile installation | 130 |
| Computer diskette jacket manufacturing | 850 |
| Contact or contact bond | 250 |
| Cove base installation | 150 |
| CPVC welding | 490 |
| Indoor floor covering installation | 150 |
| Metal to urethane/rubber molding or casting | 850 |
| Motor vehicle  | 250 |
| Motor vehicle weatherstrip  | 750 |
| Multi-purpose construction | 200 |
| Non-membrane roof installation/repair | 300 |
| Outdoor floor covering installation | 250 |
| Plastic cement welding (except ABS, PVC or CPVC)  | 510 |
| PVC welding | 510 |
| Single-ply roof membrane installation/repair | 250 |
| Structural glazing | 100 |
| Thin metal laminating | 780 |
| Tire retread | 100 |
| Perimeter bonded sheet vinyl flooring installation | 660 |
| Waterproof resorcinol glue | 170 |
| Sheet-applied rubber installation | 850 |
| **CATEGORY 2: SEALANTS** | **VOC Limits in (g/L)** |
| Architectural | 250 |
| Marine deck | 760 |
| Non-membrane roof installation / repair | 300 |
| Roadway | 250 |
| Single-ply roof membrane | 450 |
| Other | 420 |
| **CATEGORY 3: ADHESIVE PRIMERS** | **VOC Limits in (g/L)** |
| Automotive glass | 700 |
| Motor vehicle glass bonding | 900 |
| Plastic cement welding | 650 |
| Single-ply roof membrane | 250 |
| Traffic marking tape | 150 |
| Other  | 250 |
| **CATEGORY 4: SEALANT PRIMERS** | **VOC Limits in (g/L)** |
| Architectural – non-porous material | 250 |
| Architectural – porous material | 775 |
| Marine deck | 760 |
| Other | 750 |
| **CATEGORY 5: ADHESIVES APPLIED TO PARTICULAR SUBSTRATES** | **VOC Limits in (g/L)** |
| Flexible vinyl | 250 |
| Fiberglass | 200 |
| Reinforced plastic composite | 200 |
| Metal | 30 |
| Porous material (other than wood) | 120 |
| Rubber | 250 |
| Wood | 30 |
| Other substrates | 250 |

# The VOC content is determined as the weight of VOCs, less water and exempt compounds as specified in 20 DCMR 747.

B. The VOC content limits in the Table of Standards in Condition II(m)(1)(A) for adhesives applied to particular substrates (such as, Category 5), shall apply as follows [20 DCMR 744.3]:

i. If an operator uses an adhesive or sealant subject to a specific VOC content limit for such adhesive or sealant in the Table of Standards in Condition II(m)(1)(A), such specific limit applies rather than an adhesive-to-substrate limit; and

ii. If an adhesive is used to bond dissimilar substrates together, the applicable substrate category with the highest VOC content shall be the limit for such use.

C. Except as provided in Conditions II(m)(1)(D) and II(m)(2), any person subject to Condition II(m) using a surface preparation or cleanup solvent shall [20 DCMR 744.4]:

i. Except as provided in Condition II(m)(1)(C)(ii) for single-ply roofing, not use materials containing VOCs for surface preparation, unless the VOC content of the surface preparation solvent is less than seventy grams per liter (70 g./L);

ii. If a surface preparation solvent is used in applying single-ply roofing, not use materials for surface preparation containing VOCs, unless the composite vapor pressure of the surface preparation solvent, excluding water and exempt compounds, does not exceed forty-five millimeters of mercury (45 mm. Hg) at twenty degrees Celsius (20º C) or sixty-eight degrees Fahrenheit (68° F);

iii. Except as provided in Condition II(m)(1)(C)(iv), not use materials containing VOCs for the removal of adhesives, sealants, or adhesive or sealant primers from surfaces, other than spray application equipment, unless the composite vapor pressure of the solvent used, excluding water and exempt compounds, is less than forty-five millimeters of mercury (45 mm. Hg) at twenty degrees Celsius (20º C) or sixty-eight degrees Fahrenheit (68° F); and

iv. Remove an adhesive, sealant, adhesive primer, or sealant primer from the parts of spray application equipment by:

1. An enclosed cleaning system, or an equivalent cleaning system as determined by the SCAQMD’s “General Test Method for Determining Solvent Losses from Spray Gun Cleaning Systems,” dated October 3, 1989;

2. Using a solvent with a VOC content of seventy grams (70 g) of VOC per liter of material, or less; or

3. Soaking parts containing dried adhesive in a solvent as long as the composite vapor pressure, excluding water and exempt compounds, of the solvent is nine and one half millimeters of mercury (9.5 mm. Hg) at twenty degrees Celsius (20º C) or sixty-eight degrees Fahrenheit (68° F) or less and is kept in a closed container, which shall be closed except when depositing or removing parts of materials from the container.

D. Any person using an adhesive, sealant, adhesive primer, or sealant primer subject to Condition II(m) who wishes to comply with Conditions II(m)(1)(A) and (C) with the use of an add-on control device in accordance with 20 DCMR 744.5 shall first obtain a permit pursuant to 20 DCMR 200, which shall specify the conditions under which this compliance method may be used. [20 DCMR 744.5 and 20 DCMR 200]

E. Any person using adhesives, sealants, adhesive primers, sealant primers, or surface preparation or cleanup solvents subject to Condition II(m) shall [20 DCMR 744.6]:

i. Store or dispose of all absorbent materials, such as cloth or paper, which are moistened with adhesives, sealants, primers, or solvents subject to Condition II(m), in non-absorbent containers that shall be closed except when placing materials in or removing materials from the container;

ii. Store all VOC-containing adhesives, sealants, adhesive primers, sealant primers, surface preparation and cleanup solvents, and related waste materials in closed containers;

iii. Ensure that mixing and storage containers used for VOC-containing adhesives, sealants, adhesive primers, sealant primers, surface preparation and cleanup solvents, and related waste materials are kept closed at all times except when depositing or removing these materials;

iv. Minimize spills of VOC-containing adhesives, sealants, adhesive primers, sealant primers, surface preparation and cleanup solvents, and related waste materials;

v. Convey VOC-containing adhesives, sealants, adhesive primers, sealant primers, surface preparation and cleanup solvents, and related waste materials from one location to another in closed containers or pipes; and

vi. Minimize VOC emission from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

F. No person shall solicit, require the use or specify the application of any adhesive, sealant, adhesive primer, sealant primer, surface preparation or cleanup solvent if such use or application results in a violation of the provisions of 20 DCMR Chapter 7. The prohibition of this condition shall apply to all written or oral contracts under which any adhesive, sealant, adhesive primer, sealant primer, and surface preparation or cleanup solvent subject to Condition II(m) is to be used at any location in the District of Columbia. [20 DCMR 744.7]

2. Exemptions and exceptions to Condition II(m) are as follows: [20 DCMR 745]

A. Condition II(m) shall not apply to the use of the following compounds: [20 DCMR 745.1]

i. Adhesives, sealants, adhesive primers, or sealant primers being tested or evaluated in any research and development, quality assurance or analytical laboratory, provided records are maintained as required in Condition II(m)(5);

ii. Adhesives, sealants, adhesive primers, and sealant primers that are subject to VOC standards in 20 DCMR § 720 (Consumer Products – VOC Standards);

iii. Adhesives and sealants that contain less than twenty grams (20 g) of VOC per liter of adhesive or sealant, less water and less exempt compounds, as applied;

iv. Cyanoacrylate adhesives;

v. Adhesives, sealants, adhesive primers, or sealant primers that are sold or supplied by the manufacturer or supplier in containers with a net volume of sixteen (16) fluid ounces or less, or a net weight of one pound (1 lb) or less, except plastic cement welding adhesives and contact adhesives; or

vi. Contact adhesives that are sold or supplied by the manufacturer or supplier in containers with a net volume of one gallon (1 gal) or less.

B. The requirements of Condition II(m) shall not apply to the use of adhesives, sealants, adhesive primers, sealant primers, or surface preparation and cleanup solvents in the following operations [20 DCMR 745.2]:

i. Tire repair operations, provided the label on the adhesive states “For Tire Repair Only”;

ii. In the assembly, repair, and manufacture of aerospace components or undersea-based weapon system components;

iii. Medical equipment manufacturing; or

iv. Plaque laminating operations in which adhesives are used to bond clear, polyester acetate laminate to wood with lamination equipment installed before July 1, 1992, provided that records are maintained in accordance with Condition II(m)(2)(E).

C. The provisions of Condition II(m) (except Condition II(m)(2)(E)) shall not apply to a person who uses or applies any adhesive, sealant, adhesive primer, and sealant primer at a stationary source if the total VOC emissions from all adhesives, sealants, adhesive primers, and sealant primers used at the stationary source are less than two hundred pounds (200 lb) per calendar year, or an equivalent volume. [20 DCMR 745.3]

D. The provisions of Conditions II(m)(1)(A) and (C) shall not apply to the use of any adhesives, sealants, adhesive primers, sealant primers, cleanup solvents, and surface preparation solvents, provided the total volume of non-complying adhesives, sealants, primers, cleanup and surface preparation solvents applied facility-wide at a stationary source does not exceed fifty-five gallons (55 gal) per calendar year. [20 DCMR 745.4]

E. Any person claiming an exemption pursuant to Conditions II(m)(2)(B)(iv) through II(m)(2)(D) shall record and maintain monthly operational records sufficient to demonstrate compliance, and in accordance with Conditions II(m)(3) and (4). [20 DCMR 745.5]

F. Condition II(m) shall not apply to a distributor who sells, supplies or offers for sale in the District of Columbia any adhesive, sealant, adhesive primer, or sealant primer that does not comply with Condition II(m)(1)(a) provided that such distributor makes and keeps records demonstrating:

i. The adhesive, sealant, adhesive primer, or sealant primer is intended for shipment and use outside of the District of Columbia; and

ii. The distributor has taken reasonable precautions to assure that the adhesive, sealant, adhesive primer, or sealant primer is not distributed to, or within, the District of Columbia.

G. Condition II(m)(2)(F) shall not apply to any adhesive, sealant, adhesive primer, or sealant primer that is sold, supplied, or offered for sale by any person to a retail outlet in the District of Columbia.

3. Each person subject to Condition II(m) shall maintain records demonstrating compliance with the regulations, including, but not limited to, the following information [20 DCMR 746.1]:

A. A list of each adhesive, sealant, adhesive primer, sealant primer cleanup solvent, and surface preparation solvent in use and in storage;

B. A data sheet or material list that provides the material name, manufacturer identification, and material application;

C. Catalysts, reducers, or other components used and the mix ratio;

D. The VOC content of each product as supplied;

E. The final VOC content or vapor pressure, as applied; and

F. The monthly volume of each adhesive, sealant, adhesive primer, sealant primer, cleanup or surface preparation solvent used.

4. All records made to determine compliance with Condition II(m) shall be maintained for five (5) years from the date such record is created and shall be made available to the District of Columbia within ninety (90) days of a request. [20 DCMR 746.3]

5. For adhesives, sealants, adhesive primers, and sealant primers subject to the laboratory testing exemption pursuant to Condition II(m)(2)(A)(i), the person conducting the testing shall make and maintain records of all such materials used, including, but not limited to, the product name, the product category of the material or type of application, and the VOC content of each material. [20 DCMR 746.4]

6. Testing and calculations to determine compliance with Condition II(m) shall be performed as specified in 20 DCMR 747.

7. A person shall not apply a VOC-containing adhesive, adhesive primer, sealant, or sealant primer at a stationary source unless applied by one (1) of the following application methods using equipment operated in accordance with the specifications of the equipment manufacturer [20 DCMR 749.1]:

A. Electrostatic application;

B. High volume low pressure (HVLP) spraying;

C. Flow coating;

D. Roller coating or hand application methods, including non-spray application methods similar to hand or mechanically powered caulking gun, brush coating, or direct hand application methods;

E. Dip coating (including electrodeposition coating):

F. Airless spraying;

G. Air-assisted airless spraying; or

H. Other adhesive application method that a person has demonstrated and the Department has determined achieves a transfer efficiency equivalent to or better than that achieved by HVLP spraying.

**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.

 Construction and operation of the emission units 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 200.15].

| **Equipment Location** | **Emission Unit ID** | **Emission Unit Description** |
| --- | --- | --- |
| Parking Lot | Plant 1 | CEMCO Concrete Batch Plant Model 275 with an attached 58 ton silo.  |
| Parking Lot | Plant 2 | CEMCO Concrete Batch Plant Model 275 with an attached 58 ton silo. |
| Parking Lot | Plant Gen 1 | One factory mounted 129 kWe John Deere diesel generator set, Model# BJDXL06.8116(Model year 2011) |
| Parking Lot | Plant Gen 2 | One factory mounted 129 kWe John Deere diesel generator set, Model# BJDXL06.8116(Model year 2011) |
| Parking Lot | Gen 1 | One MQ Power WhisperWattTM, Model DCA400SSI4F3, 336 kWe generator set powered by an Isuzu Model BQ-6WG1X 512.3 hp (382 kWm) Diesel Engine (Model year 2021) |
| Parking Lot | Gen 2 | One MQ Power WhisperWattTM, Model DCA400SSI4F3, 336 kWe generator set powered by an Isuzu Model BQ-6WG1X 512.3 hp (382 kWm) Diesel Engine (Model year 2021) |

1. Emission Units Plant 1 and Plant 2: Temporary Portable Concrete Plants: Two (2) portable temporary portable concrete plants with an associated boiler with a heat input rating of 3.5 MMBTU per hour:

| **Equipment Location** | **Emission Unit ID** | **Emission Unit Description** |
| --- | --- | --- |
| Parking Lot | Plant 1 | CEMCO Concrete Batch Plant Model 275 with an attached 58 ton silo.  |
| Parking Lot | Plant 2 | CEMCO Concrete Batch Plant Model 275 with an attached 58 ton silo. |

1. Emissions Limitations

1. Emissions of dust shall be minimized in accordance with the requirements of 20 DCMR 605 and the “Operational Limitations” of this permit.
2. 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]
3. The discharge of total suspended particulate matter (TSP) into the atmosphere from any process shall not exceed three hundredths (0.03) grains per dry standard cubic foot of the exhaust. [20 DCMR 603.1]
4. The discharge of TSP from the portable concrete plant shall not exceed 40 pounds per hour. [20 DCMR 603.1 and Appendix 6-1]
5. TSP emission from the No. 2 fuel-fired boiler shall not exceed 0.13 pound per million BTU of heat input. [20 DCMR 600.1]
6. 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]

*Note that 20 DCMR 606 is subject to an EPA-issued call for a State Implementation Plan (SIP) revision (known as a “SIP call”) requiring the District to revise 20 DCMR 606. See “State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction”, 80 Fed. Reg. 33840 (June 12, 2015). It is likely that this federal action will result in changes to the requirements of 20 DCMR 606. Any such changes, once finalized in the DCMR, will supersede the language of Condition III(a)(1)(F) as stated above.*

1. 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

1. The concrete production from each plant shall not exceed [20 DCMR 201]:

i. 275 cubic yards in any hour;

ii. The maximum allowable operating hours shall be 3,744 hours in any consecutive 12-month period; and

iii. The maximum allowable production of concrete shall be 1,029,600 cubic yards in any consecutive 12-month period.

1. Dust shall be controlled as follows [20 DCMR 201]

i. All dust generated from mixer or truck loading shall be captured and vented through a dust collector; and

ii. Cement and cement supplement (slag) loaded to elevated storage silos via pneumatic conveying shall be controlled by the installed bin vent dust collectors with properly installed and maintained filter elements.

1. The dust collector filters used to comply with Condition III(a)(2)(B) shall maintain a particulate matter control efficiency of 99.9% at all times when the portable concrete plant is operating. [20 DCMR 201]
2. The proper operation of the load point bin vent particulate filters shall be demonstrated when the differential pressure across the filter media is maintained within appropriate ranges, and when excursions from those ranges occur, prompt action is taken to make appropriate adjustments or repairs to bring the differential pressure back within the appropriate ranges. A properly installed, maintained, and calibrated differential pressure gauge shall be used to monitor the pressure drop across each filter unit. The appropriate pressure drop ranges shall be identified as follows: [20 DCMR 201]

i. For the HopperJet particulate filters and the C&W CP-535C load point dust collector, the maximum differential pressure is 10 inches of water pursuant to manufacturer’s specifications;

ii. For the SILOTOP® bin vent particulate filters, the maximum differential pressure is 400 millimeters of water (the default alarm setting for the system) unless an alternate value is proposed to the Department and approved in writing;

iii. To determine the appropriate minimum differential pressure for each type of particulate filters, the Permittee shall record the differential pressure across each unit immediately upon initial startup of the system with new, clean filters. This will subsequently represent the low end of the monitoring range.

1. Two full sets of replacement filters for the SILOTOP® bin vent dust collector and one full set each of replacement filters for the HopperJet® bin vent dust collectors and the C&W CP-535C load point dust collectors shall be kept on site at all times, except that, should the onsite filters be used, replacement filters shall be ordered within three (3) days of their use to replace the spare filters in inventory. [20 DCMR 201]
2. In addition to complying with Condition II(c) of this permit, the Permittee shall take the following reasonable precautions to minimize the emission of any fugitive dust into the outdoor atmosphere [20 DCMR 201 and 20 DCMR 605]:

i. All trucks exiting the site shall first use truck wash stations, which shall be installed at each site exit.

1. The facility shall be maintained in a tidy manner, ensuring that spilled materials are cleaned up at least daily by close of business and additionally as necessary to avoid migration of dust offsite. Cleaning shall include materials dropped from trucks, materials spilled from conveyors, and any other spillages or accumulation.
	1. Each portable concrete plant and all of its appurtenances shall be operated and maintained in accordance with the recommendations of the equipment manufacturers. [20 DCMR 201]
	2. The Pearson Model P-10-25W hot water boiler associated with the operation shall:

i. Burn only distillate fuel oil (No. 2 fuel oil or diesel fuel) with a sulfur content not exceeding 15 ppm (0.0015% sulfur by weight) [20 DCMR 201 and 20 DCMR 801.3]; and

ii. Not be operated in excess of 3,744 hours in any 12-month rolling period [20 DCMR 200.6 and 200.7].

* 1. The Permittee shall perform tune-ups on the boiler at least once every five years. The tune-ups shall be conducted no more than 61 months after the previous tune-up. The tune-ups shall include, at a minimum, the following: [40 CFR 63.11214(b) and 63.11223]:

i. As applicable, inspect the burner, and clean or replace any components of the burner as necessary (you may delay the burner inspection until the next scheduled boiler shutdown, but you must inspect each burner at least once every 72 months).

ii. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available.

iii. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (you may delay the inspection until the next scheduled unit shutdown, but you must inspect the system controlling the air-to-fuel ratio at least once every 72 months).

iv. Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any NOx requirement to which the unit is subject.

1. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be made using a portable CO analyzer that has been calibrated and is operated according to manufacturer specifications.
2. If the boiler is not operating on the required date for a tune-up, the tune-up must be conducted within 30 days of startup.
	1. The Permittee shall implement a dust control plan for the facility as follows:

i. The dust control plan shall be sufficient to ensure compliance with the requirements of Condition III(a)(1) of this permit.

ii. The dust control plan is subject to approval by the Department. The “Best Management Practices” excerpt provided to the Department via email on May 5, 2022, combined with the commitment stated in the email of May 26, 2022 to install, operate, and require the use of truck wheel wash stations at the site exits, is considered approved to meet this requirement. However, if the Department determines that, upon implementation, these plans do not achieve the requirement of Condition III(a)(2)((J)(i), the Department may require the facility to submit a revised dust control plan to address deficiencies, for approval; and

iii. The Permittee may request approval of a revised dust control plan at any time, but such plan must meet the requirements of Condition III(a)(2)((J)(i).

* 1. At all times, including periods of startup, shutdown, and malfunction, the Permittee shall, to the extent practicable, maintain and operate the concrete mix 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:

1. The Permittee shall monitor the quantity of concrete produced and operating hours of each plant each day to ensure compliance with Condition III(a)(2)(A).
2. The Permittee shall monitor the differential pressure across each dust collector present at the facility to ensure compliance with Condition III(a)(2)(D). Clear documentation of the appropriate differential pressure ranges for each dust collector shall be maintained in a visible location so that all staff can readily identify if a differential pressure excursion is occurring. Additionally, differential pressure excursion alarms shall be set wherever such functionality is available with the onsite equipment.
3. At least once per week, the Permittee shall conduct visual observations of the emissions from each emission point (each filter outlet) during operation of the associated equipment (i.e. during silo loading for silo bin vents, during truck loading for truck loading vents, during mixer operation for mixer vents). Additionally, at least once per week, all equipment shall be observed to identify any fugitive emission points from which emissions are visible. If no operations of the relevant equipment are occurring during a given week, this shall be so noted in lieu of the visible emissions observation from that point. If visible emissions are observed, the following procedures shall be followed to address Conditions III(a)(1)(B) and (F), respectively:

i. If visible emissions of fugitive dust are observed in excess of the limit specified in Condition 1(B), prompt action shall be taken to correct the problem. Operations shall not continue (except as necessary for troubleshooting purposes) if such exceedances are observable, until such time as the problem has been addressed and the equipment has been returned to compliance.

ii. If visible emissions of fugitive dust or smoke are observed, the Permittee shall either discontinue operations until the problem is corrected or shall make arrangements for prompt visible emissions testing by a person certified in accordance with EPA Reference Method 9 (40 CFR 60, Appendix A). Such a test shall consist of a minimum of 30 minutes of opacity observations and shall be performed while operating in a similar manner as was occurring when the visible emissions were observed. If an exceedance of the requirements of Condition III(a)(1)(F) are observed, operations shall be discontinued until the problem is corrected.

D. The Permittee 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 emission during operation. [20 DCMR 606.6] Such training shall include training on reasonable precautions adopted to minimize dust pursuant to Conditions II(c) and III(a)(2)(F) and properly implementing the facility’s dust control plan required pursuant to Condition III(a)(2)(J).

1. The Permittee shall monitor any odor emitted from the facility and take any actions necessary to ensure compliance with Condition III(a)(1)(G).
2. The Permittee shall monitor the conditions at the site and take any actions necessary to ensure compliance with the fugitive dust requirements of Conditions II(c), III(a)(1)(A) and (B), and III(a)(2)(F).
3. The Department reserves the right to require that the Permittee conduct performance tests and/or stack tests to determine compliance with Conditions III(a)(1)(C), (D), and (E). In the case that a performance test or stack test is required by the District, the Permittee shall furnish the District with a written report of the results of such performance tests in accordance with the following procedures. [20 DCMR 502.1]

i. The stack tests shall be performed in accordance with 40 CFR 60, Appendix A, Methods 1 through 5 and Method 201/201a or other method(s) approved by the Department. The performance test shall consist of three separate one-hour runs using this test method.

ii. A test protocol shall be submitted in electronic form to air.quality@dc.gov 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.

iii. The test protocol and date shall be approved by the Department prior to initiating any testing. The Department must have the opportunity to observe the test for the results to be considered for acceptance.

iv. The final results of the testing shall be submitted to the Department within sixty (60) days of the test completion. One (1) original copy and one electronic copy of the of test report shall be submitted to the following addresses:

Chief, Compliance and Enforcement Branch

Department of Energy and Environment

Air Quality Division

1200 First Street NE, 5th Floor

Washington, DC 20002

and

air.quality@dc.gov

v. 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. Statement of compliance or non-compliance with each permit condition.

vi. 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 Permittee shall propose corrective action(s). Failure to demonstrate compliance through the test may result in enforcement action.

H. In addition to the testing required above, 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]

I. The Permittee shall test fuel oil as necessary to show compliance with Condition III(a)(2)(H)(i) in accordance with appropriate ASTM methods. [20 DCMR 502.6 and 502.3]

J. The Permittee shall monitor the operation of the equipment, the maintenance performed on it, and the stores of extra filters to ensure compliance with Conditions III(a)(2)(B), (C), (E), (G), and (K).

K. The Permittee shall monitor the activities at the site and the actions taken to minimize dust emissions to ensure compliance with Conditions III(a)(1)(A) and III(a)(2)(F).

* 1. The Permittee shall monitor personnel training to ensure compliance with Condition III(a)(3)(D).
	2. The Permittee shall monitor the operating hours of the boiler to ensure compliance with Condition III(a)(2)(H)(ii).

4. Record Keeping and Reporting Requirements:

The following information shall be recorded, and maintained in a log at the facility (and in a readily accessible location at an off-site location after operations cease at the facility) and made available when requested for a period of not less than three years from the date of each record (except where a longer period is specified herein): [20 DCMR 500.8]

1. The Permittee shall keep a record of the following production records:

i. The hours of operation of each concrete plant, each day;

ii. The sum of the hours of operation of each plant each calendar month, updated no later than the fifth day of each calendar month for the previous calendar month;

iii. The sum of the previous 12 months of hours of operation, updated by the fifth day of each calendar month for the 12-month period ending at the end of the previous calendar month to document compliance with Condition III(a)(2)(A)(ii);

iv. The cubic yards of concrete produced each day;

v. The sum of the cubic yards of concrete produced each month, updated no later than the fifth day of each calendar month for the previous calendar month;

vi. The sum of the previous 12 months of production, in cubic yards, updated by the fifth day of each calendar month for the 12-month period ending at the end of the previous calendar month to document compliance with Condition III(a)(2)(A)(iii); and

vii. The hours of operation of the boiler, each day;

viii. The sum of the boiler operating hours each month, updated no later than the fifth day of each calendar month for the previous calendar month; and

ix. The sum of the previous 12 months of hours of boiler operation, updated by the fifth day of each calendar month for the 12-month period ending at the end of the previous calendar month to document compliance with Condition III(a)(2)(H)(ii).

1. The Permittee shall record the following information related to differential pressure readings across dust collector filters to document compliance with the requirements of Condition III(a)(2)(D):

i. The appropriate differential pressure ranges, as listed and/or developed pursuant to Condition III(a)(2)(D) shall be recorded and readily visible to those facility staff recording daily differential pressure readings for use in comparisons to actual readings;

ii. At least once per day, during operation of the equipment being controlled (truck loading, mixer operation, and silo filling), the differential pressure across each dust collector shall be recorded;

iii. Whenever operation of a particular part of the equipment does not occur on a given day (for example if a silo is not filled), the differential pressure across the dust collector for that part of the equipment does not need to be recorded, but rather the fact that the piece of equipment was not operated that day shall be actively noted; and

iv. Whenever the differential pressure reading across a dust collector deviates from the appropriate range pursuant to Condition III(a)(2)(D), records of the actions taken to make appropriate adjustments or repairs to bring the differential pressure back onto range, as required pursuant to Condition III(a)(2)(D) shall be recorded.

1. The Permittee shall maintain a record of all maintenance performed on the equipment covered by this permit, including, but not limited to filter changes, to document compliance with Conditions III(a)(2)(G) and (K).
2. The Permittee shall maintain a copy of the concrete mix plant and dust collectors’ manufacturers’ maintenance and operating recommendations and make such available to Department inspectors.
3. The Permittee shall maintain copies of the specifications for each type of dust collector filter used at the site to document compliance with Condition III(a)(2)(C).
4. The Permittee shall keep a record of the results of all visible emissions monitoring performed pursuant to Condition III(a)(3)(C).
5. The Permittee shall keep records of personnel training performed to ensure compliance with Condition III(a)(3)(D).
6. The Permittee shall keep records of all odors identified pursuant to Conditions III(a)(1)(G) and III(a)(3)(E) and the actions taken to correct them.
7. The Permittee shall keep records of any fugitive dust exceedances identified pursuant to Conditions III(a)(1)(B) and III(a)(3)(F) and the actions taken to correct them.
8. The Permittee shall keep records of the operating conditions, raw data, and results of any testing performed pursuant to Conditions III(a)(3)(G), (H), and (I).
9. For each delivery of distillate fuel oil, the owner or operator shall maintain one of the following:

i. A fuel delivery receipt containing the date, fuel type, and amount of the delivery and certification from the fuel supplier that the fuel delivered was tested in accordance with an appropriate ASTM method (specified in the certification) and met the requirements of Condition III(a)(2)(H)(i); or

ii. A fuel delivery receipt and documentation of sampling and analysis containing the following information:

1. The fuel oil type and the ASTM method used to determine the type (see the definition of distillate oil in 40 CFR 60.41c for appropriate ASTM methods);

2. The weight percent sulfur of the fuel oil as determined using ASTM test method D-4294 or D-5453 or other method approved in advance by the Department;

3. The date and time the sample was taken;

4. The name, address, and telephone number of the laboratory that analyzed the sample; and

5. The test method used to determine the sulfur content.

L. The Permittee shall prepare, by March 1 of each 5-year compliance period, and submit to the U.S. Environmental Protection Agency (EPA) or the Department upon request, a 5-year compliance certification report for the hot water heater for the previous 5-year compliance period containing the information specified in Conditions III(a)(4)(L)(i) and (ii) as follows [40 CFR 63.11225(b)]:

i. Company name and address.

ii. Statement by a responsible official, with the official's name, title, phone number, email address, and signature, certifying the truth, accuracy and completeness of the notification and a statement of whether the source has complied with all the relevant standards and other requirements of 40 CFR 63, Subpart JJJJJJ. Your notification must include the following certification(s) of compliance, as applicable, and signed by a responsible official:

“This facility complies with the requirements in 40 CFR 63.11223 to conduct a biennial or 5-year tune-up, as applicable, of each boiler.”

M. The Permittee shall maintain the boiler records specified in Conditions III(a)(4)(M)(i) through (iv) as follows:

i. The Permittee shall keep a copy of each notification and report that was submitted to comply with 40 CFR 63, Subpart JJJJJJ and this section and all documentation supporting any Initial Notification or Notification of Compliance Status that was submitted. [40 CFR 63.11225(c)(1)]

ii. The Permittee shall keep records identifying the date of tune-up, the procedures followed for tune-up, and the manufacturer’s specifications to which the boiler was tuned to document compliance with the requirements of Condition III(a)(2)(I). [40 CFR 63.11225(c)(2)]

iii. The Permittee shall keep records of the occurrence and duration of each malfunction of the boiler, or of the associated air pollution control and monitoring equipment. [40 CFR 63.11225(c)(4)]

iv. The Permittee shall keep records of actions taken during periods of malfunction to minimize emissions in accordance with the general duty to minimize emissions in 40 CFR 63.11205(a), including corrective actions to restore the malfunctioning boiler, air pollution control, or monitoring equipment to its normal or usual manner of operation. [40 CFR 63.11225(c)(5)]

N. The Permittee shall maintain on-site and submit, if requested by the Department, a report containing the information in Conditions III(a)(4)(N)(i) through (iii) as follows [40 CFR 63.11223(b)(6)]:

i. The concentrations of CO in the effluent stream in parts per million, by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler.

ii. A description of any corrective actions taken as a part of the tune-up of the boiler.

iii. The type and amount of fuel used over the 12 months prior to the tune-up of the boiler, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel use by each unit.

1. Emission Units: Four (4) Non-Emergency Generator Sets Powered by Compression Ignition Internal Combustion Engines Subject to New Source Performance Standards (NSPS): Four (4) generator sets powered by diesel-fired engines subject to NSPS (40 CFR 60), Subpart IIII as follows:

| **Equipment Location** | **Emission Unit ID** | **Emission Unit Description** |
| --- | --- | --- |
| Parking Lot | Plant Gen 1 | One factory mounted (CEMCO) generator set powered by a 173 hp John Deere diesel engine, Engine Family BJDXL06.8116 (Model year 2011) |
| Parking Lot | Plant Gen 2 | One factory mounted (CEMCO) generator set powered by a 173 hp John Deere diesel engine, Engine Family BJDXL06.8116 (Model year 2011) |
| Parking Lot | Gen 1 | One MQ Power WhisperWattTM, Model DCA400SSI4F3, 336 kWe generator set powered by an Isuzu Model BQ-6WG1X 512.3 hp (382 kWm) Diesel Engine (Model year 2021) |
| Parking Lot | Gen 2 | One MQ Power WhisperWattTM, Model DCA400SSI4F3, 336 kWe generator set powered by an Isuzu Model BQ-6WG1X 512.3 hp (382 kWm) Diesel Engine (Model year 2021) |

1. Emissions Limitations

1. Emissions from the generator engines shall not exceed those emission standards specified in following table as tested pursuant to the applicable test methods in 40 CFR 1039, Subpart F [40 CFR Subpart IIII, 40 CFR 60.4204(b), 40 CFR 60.4201(a), 40 CFR 1039 Appendix I, and 40 CFR 1039.101]:

|  |  |
| --- | --- |
| Emission Unit ID | Pollutant Emission Limits (g/kW-hr) |
| NOx+NMHC | NOx | NMHC | CO | PM |
| Plant Gen 1 and Plant Gen 2 | 4.0 |  |  | 5.0 | 0.30 |
| Gen 1 and Gen 2 |  | 0.40 | 0.19 | 3.5 | 0.02 |

1. Visible emissions shall not be emitted into the outdoor atmosphere from these generator sets, except 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, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]

*Note that 20 DCMR 606 is subject to an EPA-issued call for a State Implementation Plan (SIP) revision (known as a “SIP call”) requiring the District to revise 20 DCMR 606. See “State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction”, 80 Fed. Reg. 33840 (June 12, 2015). It is likely that this federal action will result in changes to the requirements of 20 DCMR 606. Any such changes, once finalized in the DCMR, will supersede the language of Condition III(b)(1)(B) as stated above.*

1. In addition to Condition III(b)(1)(B), exhaust opacity, measured and calculated as set forth in 40 CFR 1039.105(b) and 1039.501(c), shall not exceed [40 CFR 60.4201(a) and 40 CFR 60.4204(b)]:

i. 20 percent during the acceleration mode;

ii. 15 percent during lugging mode; and

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.*

1. The Permittee shall comply with the requirements for crankcase emissions, adjustable parameters, prohibited controls, and defeat devices specified in 40 CFR 1039.115
2. 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

1. The generator engines shall fire only diesel fuel that contains a maximum sulfur content of 15 ppm (0.0015 percent by weight) and either a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent. [20 DCMR 801.1, 40 CFR 60.4207(b) and 40 CFR 80.510(b)]
2. Each of the generator sets shall not be operated in excess of 3,744 hours in any 12-consecutive-month period. [20 DCMR 200.6]
3. The generator sets shall not be operated in conjunction with a voluntary demand-reduction program or any other interruptible power supply arrangement with a utility, other market participant, or system operator. [20 DCMR 201]
4. The generator sets and all of their appurtenances shall be maintained and operated as follows: [40 CFR 60.4211(a) and (c)]

i. Install, configure, operate and maintain the engine and control device(s) according to the manufacturer’s emission-related written instructions.

ii. Change only those emission-related setting that are permitted by the manufacturer; and

iii. Meet the requirements of 40 CFR Parts 89, 94, and/or 1068 as they apply to the unit.

1. At all times, including periods of startup, shutdown, and malfunction, the Permittee shall, to the extent practicable, maintain and operate the units 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 201]

3. Monitoring and Testing Requirements:

1. The Permittee shall monitor the total number of hours of operation of each generator set each month with the use of a properly operating non-resettable hour meter installed on the unit. [20 DCMR 500.1]
2. The Permittee shall monitor and/or test fuel oil as necessary to show compliance with Conditions III(b)(2)(A) and III(b)(4)(C) in accordance with appropriate ASTM methods. [20 DCMR 502.3 and 502.6]
3. The Permittee shall conduct and allow the Department access to conduct tests of air pollution emissions from any source as requested, as required by Condition I(a)(6). [20 DCMR 502.1]
4. The Permittee shall maintain an awareness of the operation of the generator sets to identify potential exceedances of Conditions III(b)(1)(B) and (C). If significant visible emissions are observed from any unit, the Permittee shall have the visible emissions tested by a qualified person certified to perform testing pursuant to 40 CFR 60, Reference Method 9. [20 DCMR 502.1]

4. Record Keeping Requirements:

1. For each generator set, the following information shall be recorded, initialed (except records generated automatically by an electronic system), and maintained in a log at the facility (or readily accessible electronically from the facility) for a period not less than (3) years from the date the information is obtained [20 DCMR 500.8]:

i. The total hours of operation for each month and the cumulative 12-month rolling period shall be calculated and recorded within 15 days of the end of each calendar month for the previous month and the 12-month period ending at the end of that month;

1. Records of the maintenance performed on the unit, sufficient to show compliance with Conditions III(b)(2)(D) and(E);
2. Records of the results of any visible emissions monitoring performed;
3. Records of any complaints received by the Permittee about the operation of the of the generator set;
4. Records of the occurrence and duration of each malfunction operation; and
5. Records of the actions taken during periods of malfunction to minimize emissions, including corrective actions to restore malfunction process and air pollution control and monitoring equipment to its normal or usual manner of operation.
6. The Permittee shall maintain a copy of each generator set’s manufacturer’s maintenance and operating recommendations at the facility. [20 DCMR 501]
7. For each delivery of diesel fuel, the Permittee shall maintain one of the following:

i. A fuel delivery receipt containing the date, fuel type, and amount of the delivery and certification from the fuel supplier that the fuel delivered was tested in accordance with an appropriate ASTM method (specified in the certification) and met the requirements of Condition III(b)(2)(A); or

ii. A fuel delivery receipt and documentation of sampling and analysis containing the following information:

1. The fuel oil type and the ASTM method used to determine the type (see the definition of distillate oil in 40 CFR 60.41c for appropriate ASTM methods);

2. The weight percent sulfur of the fuel as determined using ASTM test method D-4294 or D-5453 or other methods approved in advance by the Department;

3. The date and time the sample was taken;

4. The name, address, and telephone number of the laboratory that analyzed the sample; and

5. The test method used to determine the sulfur content.

1. The Permittee shall maintain a copy of the EPA Certificate of Conformity for each engine at the facility at all times. [20 DCMR 500.1]
2. The Permittee shall, within ten (10) days of becoming aware of a violation of any condition of this permit, submit a written report to the Department at the following address [20 DCMR 502]:

air.quality@dc.gov

# IV. Miscellaneous/Insignificant Activities:

The District does not consider the “miscellaneous activities” (also commonly known as “insignificant activities”) listed in the following table to be significant sources. However, as they have the potential to emit NOx, the pollutant for which this facility has taken a synthetic minor limitation, in some quantity, their emissions must be considered to ensure the facility maintains the required minor source status.

|  |  |  |
| --- | --- | --- |
| **Emission Unit ID** | **Stack ID** | **Emission Unit Description** |
| No Miscellaneous Activities Emitting NOx Identified. |

These units shall comply with the following requirements:

* 1. The miscellaneous activities are subject to the General Permit Requirements (Condition I) and Facility-Wide Permit Requirements (Condition II) of this permit; and
	2. 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(c)(2) of this permit. [20 DCMR 500]