September 9, 2020

F. Russell Hines, President, Monument Realty

LHREV WASHINGTON M STREET, LLC

c/o Monument Realty

750 17th St NW, Suite1100

Washington, DC 20006

**RE: Permit No. 6970-R1 to Operate a 350 kWe Diesel-fired Emergency Generator Set located at 100 M Street SE, Washington DC**

Dear Mr. Hines:

Pursuant to sections 200.1 and 200.2 of Title 20 of the District of Columbia Municipal Regulations (20 DCMR), a permit from the Department of Energy and Environment (the Department) shall be obtained before any person can construct and operate a stationary source in the District of Columbia. The renewal application of LHREV Washington M Street, LLC (the Permittee) to operate one (1) 350 kWe emergency generator set with a 525 hp (391 kWm) diesel fired engine at 100 M St SE, Washington, DC 20003, per the submitted plans and specifications, received on February 25th , 2020, is hereby approved, subject to the following conditions:

I. General Requirements:

a. The emergency generator set shall be maintained and operated in accordance with the air pollution control requirements of 20 DCMR.

b. This permit will expire on September 8, 2025 [20 DCMR 200.4]. If continued operation after this date is desired, the Permittee shall submit an application for renewal by June 8, 2025.

c. Operation of equipment under the authority of this permit shall be considered acceptance of its terms and conditions.

d. The Permittee shall allow authorized officials of the District, upon presentation of identification, to:

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

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of this permit;

3. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor, at reasonable times, any substance or parameter for the purpose of assuring compliance with this permit or any applicable requirement.

e. This permit shall be kept on the premises and produced upon request.

1. Failure to comply with the provisions of this permit may be grounds for suspension or revocation. [20 DCMR 202.2]

II. Emission Limitations:

a. Except as specified in Condition II(b), emissions from this unit shall not exceed those in the following table as measured according to the procedures set forth in 40 CFR 89, Subpart E for NMHC, NOx, and CO and 40 CFR 89.112(c) for PM [40 CFR 60.4205(a), 40 CFR 60.4210(a), 40 CFR 60, Subpart IIII, Table 1, and 40 CFR 89.112(a)-(c)]:

|  |  |  |  |
| --- | --- | --- | --- |
| **Pollutant Emission Limits (g/HP-hr)** | | | |
| HC | NOx | CO | PM |
| 1.0 | 6.9 | 8.5 | 0.40 |

b. In lieu of documenting compliance with the requirements of Condition II(a), the Permittee may comply with the standards in the following table by the methods specified in Condition IV(f) [40 CFR 60.4205(e), 40 CFR 60.4211(b)(5), and 40 CFR 60.4212(d)]

|  |  |  |  |
| --- | --- | --- | --- |
| **Pollutant Not-To-Exceed (NTE)1 Emission Limits (g/HP-hr)** | | | |
| HC | NOx | CO | PM |
| 1.3 | 8.6 | 10.6 | 0.50 |

1 The NTE Standard is derived by applying the multiplier 1.25 to the applicable emission standards of Table 1 of Subpart IIII of 40 CFR 60, rounded to the same number of decimal places as the standard pursuant to 40 CFR 60.4212(d).

c. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, 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 II(c) as stated above.*

d. 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]

III. Operational Limitations:

* 1. a. The emergency generator shall be operated for fewer than 500 hours in any given 12 month period. If operation of 500 hours or more is desired, the Permittee shall submit an application to amend this permit to comply with the conditions of 20 DCMR 805 and shall obtain the Department’s approval of such application prior to initiating such operation. [20 DCMR 201 and 20 DCMR 805.1(c)]

b. Except as specified in Condition III(c), the emergency generator shall be operated only during emergencies resulting from electrical power outages due to: a failure of the electrical grid; on-site disaster; local equipment failure; or public service emergencies such as flood, fire, natural disaster, or severe weather conditions (e.g. hurricane, tornado, blizzard, etc.). [20 DCMR 201]

c. The emergency generator may be operated for the purpose of maintenance checks and readiness testing and in non-emergency situations for a period not to exceed one hundred (100) hours per calendar year as specified in Condition III(c)(1) and (2) below. Any such operation shall be considered as part of the 500 hours allowed under Condition III(a) above. [40 CFR 60.4211(f)]

1. The emergency generator may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. [40 CFR 60.4211(f)(2)(i) and DCMR 201]; and

2. The emergency generator may be operated for up fifty (50) hours per calendar year in non-emergency situations, subject to the following conditions [40 CFR 60.4211(f)(3) and 20 DCMR 201]:

i. Any such operations shall be counted as part of the 100 hours per calendar year for maintenance and testing as provided in Condition III(c);

ii. These 50 hours of non-emergency operations per calendar year cannot be used for peak shaving, or as part of any program to supply power to generate income for the facility as part of a financial arrangement with another entity;

iii. All operations prohibited under Condition III(f) are also prohibited under this condition; and

iv. All operations of the emergency generator resulting from a deviation in voltage or frequency from the electric provider to the premises such that the equipment being supported cannot be safely or effectively operated shall be considered non-emergency operation and counted as part of this 50 hour per calendar year allowance.

d. The emergency generator 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. [40 CFR 60.4207(b)]

e. The emergency generator shall be operated and maintained in accordance with the manufacturer’s emission-related written instructions for the emergency generator and its control device, if applicable. [40 CFR 60.4211(a)(1) and DCMR 201]

f. The emergency generator 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]

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]

IV. Monitoring and Testing Requirements:

a. The Permittee shall monitor the date, time, duration, and reason for each emergency generator startup to ensure compliance with Conditions III(a), (b), (c), and (f). [20 DCMR 500.2]

b. In order to ensure compliance with Condition III(a), the Permittee shall monitor the total hours of operation each month with the use of properly functioning, non-resettable hour metering device. [40 CFR 60.4209(a) and 40 CFR 60.4214(b)]

c. The Permittee shall monitor and/or test fuel oil as necessary to show compliance with Conditions III(d) and VI(c) in accordance with appropriate ASTM methods specified in 20 DCMR 502.6 or approved by the Department pursuant to 20 DCMR 502.3. [20 DCMR 502.3 and 502.6]

d. The Permittee shall conduct and allow the Department access to conduct tests of air pollution emissions from any source as requested. [20 DCMR 502.1]

e. The Permittee shall perform an initial performance test to determine compliance with Condition II(b) of this permit within 180 days of issuance of this permit. *Note that this alternate 180 day limit has been established pursuant to 20 DCMR 502.1 and does not absolve the Permittee from any consequences of not complying with the 40 CFR 60.8(a) requirement to perform this test within 60 days after achieving the maximum production rate at which the generator would be operated, but not later than 180 days after initial engine start-up.*

f. The testing required pursuant to Condition IV(e) shall be performed in accordance with the following procedures [40 CFR 60.8 and 40 CFR 60.4211(b)(5), 40 CFR 60.4212(a), 40 CFR 1039, subpart F] and the requirements of Condition V:

1. The performance test must be conducted according to the in-use testing procedures in 40 CFR 1039, Subpart F, including the following [40 CFR 60.4212(a), 40 CFR 1039.501(a), and 40 CFR 1065]:

i. Measure the emissions of all the exhaust constituents subject to emission standards (see Condition II(b)) as specified in 40 CFR 1065; and

ii. Follow the procedures for field testing as specified in 40 CFR 1065, Subpart J.

1. The performance tests shall not be conducted during periods of startup, shutdown, or malfunction as specified in 40 CFR 60.8(c).

V. Notification and Reporting Requirements:

a. At least 30 days in advance of the proposed date of the testing required pursuant to Conditions IV(e) and (f), an original test protocol shall be submitted to the Department for review at the address specified in Condition V(f)(1). The testing shall be conducted in accordance with federal and District requirements.

b. The test protocol and test date(s) 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.

c. The results of the testing performed pursuant to Condition IV(e) and (f) shall be submitted to both the Department and the U.S. Environmental Protection Agency (EPA) within 60 days after completion of the testing program.

d. The final report of the results required pursuant to Condition V(c) 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 Permittee 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.

e. 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.

f. The notifications and reports required under Condition V shall be submitted to the Department and the EPA (as applicable) as follows:

1. Signed originals shall be submitted to the Department at the following address:

Department of Energy and Environment

Chief, Compliance and Enforcement Branch

Air Quality Division

1200 First Street NE, 5th Floor

Washington DC 20002

2. Electronic copies shall be submitted to the Department by email at [air.quality@dc.gov](mailto:air.quality@dc.gov); and

3. Reports to EPA must be submitted electronically using the subpart specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA’s Central Data Exchange (CDX) ([www.epa.gov/cdx](http://www.epa.gov/cdx)). However, if the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the written report must be submitted to the EPA Administrator at the following address:

EPA Region III

Director, Air Protection Division

1650 Arch Street

Philadelphia PA, 19103

1. If not already completed, the Permittee shall immediately submit a notification of the date of initial startup of the emergency generator. [40 CFR 60.7(a)(3)] *Note that the federal requirement for this to be postmarked was no later than fifteen (15) days after the initial startup date, which is past. Complying with this permit requirement does not absolve the Permittee of any possibility of enforcement action for late submittal of the notification.*
2. The notification under Condition V(g) must include the following information [40 CFR 60.4214(a)]:
3. Name and address of the Permittee;
4. The address of the location of the emergency generator;
5. Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;
6. Emission control equipment; and
7. Fuel used.

VI. Record Keeping Requirements:

a. 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 three (3) years from the date the information is obtained [20 DCMR 500.8 and 40 CFR 60.7]:

1. The date, time, duration, and reason for each start-up of the emergency generator, including the following specific information:

i. If the unit is operated in non-emergency situations pursuant to Condition III(c)(2), the specific purpose for each operation period must be recorded; and

ii. If the unit is operated for emergency purposes, what classified the operation as emergency;

2. 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;

3. The total hours of operation for maintenance checks and readiness and non-emergency operation testing pursuant to Condition III(c) each month, and totaled for each calendar year by January 15 of each year for the previous calendar year;

4. The total hours of operation each calendar year for non-emergency purposes pursuant to Condition III(c)(2).

5. Records of the maintenance performed on the unit [40 CFR 60.4214(a)(2)(ii)] *[Note that these records must be sufficient such that the Permittee is complying with the requirements of Condition III(e)*;

6. Records of the results of any visible emissions monitoring performed;

7. Records of the occurrence and duration of each malfunction of operation; and

8. 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.

b. The Permittee shall maintain a copy of the emergency generator’s manufacturer’s maintenance and operating recommendations at the facility or at an electronic location readily accessible from the facility. [20 DCMR 501]

c. For each delivery of diesel fuel, the Permittee shall maintain one of the following:

1. 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(d); or

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

A. 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);

B. 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;

C. The date and time the sample was taken;

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

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

d. The Permittee shall maintain documentation to show that the engine meets the emission standards in Condition II(a) or (b), including any test reports resulting from testing required pursuant to Condition V(e). [40 CFR 60.4214(a)(2)(iv)]

e. The Permittee shall maintain documentation of the notification submitted to comply with Condition V(g). [40 CFR 60.4214(a)(2)(i)].

If you have any questions, please call me at (202) 535-1747 or John C. Nwoke at (202) 724-7778.

Sincerely,

Stephen S. Ours, P.E.

Chief, Permitting Branch

SSO:JCN