June 25, 2024

Robert Terrell

Chief Executive Officer

District Logistics LLC

2585 Rhode Island Ave NE

Washington DC 20003

**RE: Permit No. 7352 to Construct and Operate a Portable Crusher at the Robert F. Kennedy Memorial Stadium, Located at 2400 East Capitol St NE**

Dear Robert Terrell:

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 may construct and operate a stationary source in the District of Columbia. The application of District Logistics LLC (the Permittee) to construct and operate a QJ341 Crusher powered by a 350 hp horsepower model year 2016 Caterpillar C9.3 engine at the Robert F. Kennedy Memorial Stadium, located at 2400 East Capitol St NE, Washington DC, was received by the Air Quality Division (AQD) on March 28, 2023. Based on the submitted plans and specifications, your application to construct and operate the crusher is hereby approved subject to the following conditions:

**I. General Requirements:**

* 1. The approvals are issued pursuant to the applicable air pollution control requirements of 20 DCMR for the operation of crushers.

b. This permit will expire on June 24, 2026. If continued operation after this date is desired, the owner or operator shall submit an application for renewal by March 24, 2025. [20 DCMR 200.4]

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

1. 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.

1. This permit shall be kept on the premises and produced upon request.
2. Failure to comply with the provisions of this permit document may be grounds for suspension or revocation. [20 DCMR 202.2]
3. Emission Limitations:
	1. Emissions from the engine shall not exceed those found in the following table, as measured and tested according to the procedures set forth in 40 CFR 1039, Subpart F. [40 CFR Subpart IIII, 40 CFR 60.4204(b), 40 CFR 60.4201(a), and 40 CFR 1039.101, Table 1]

|  |
| --- |
| **Pollutant Emission Limits (g/kW-hr)** |
| NMHC | NOx | CO | PM† |
| 0.19 | 0.40 | 3.5 | 0.01 |

 † These values are based on Family Emission Limits specified on the EPA Certificate of Conformity # GCPXL09.3HTF-014

* 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. Emissions from the engine powering the crusher shall not exceed those achieved by proper operation of the equipment in accordance with manufacturer’s specifications.

* 1. Visible emissions shall not be emitted into the outdoor atmosphere from the crusher and its associated engine except that discharges shall be permitted for two (2) minutes during any startup, cleaning, adjustment of combustion or operational controls, or regeneration of emission control equipment, provided that such discharges shall not exceed twenty-seven percent (27%) opacity (unaveraged). [20 DCMR 606.1(a)(2), 606.2(a)(2), and 606.2(f)]
	2. In addition to Condition II(e), emissions from grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations shall not exceed 7% opacity. Emissions from crushers shall not exceed 12% opacity. Truck dumping[[1]](#footnote-1) of nonmetallic minerals into any screening operation, feed hopper, or crusher is exempt from the requirements of this condition. Compliance with these standards shall be determined based on the average of five consecutive 6-minute averages over a 30-minute period, as measured in accordance with 40 CFR 60, Appendix A-4, Method 9. [40 CFR 60.672(b), 40 CFR 60.672(d), 40 CFR 60, Subpart OOO, Table 3, and 40 CFR 60.675(c)(3)]
	3. In addition to Condition II(e), exhaust opacity from the engine, measured and calculated as set forth in CFR 1039.105(b) and 1039.501(c), shall not exceed [40 CFR 60.4201(a), 40 CFR 60.4204(b) and 20 DCMR 606.2(a)(2)]:
		1. 20 percent during acceleration mode;
		2. 15 percent during lugging mode; and
		3. 27 percent during the peaks in either the acceleration or lugging modes. *Note that the opacity limit is more stringent in 20 DCMR 606 than 40 CFR 1039.105(b) and as such been incorporated into this condition for streamlining purposes.*
	4. 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]

Violation of the requirements of this condition that occur as a result of unavoidable malfunction, despite the conscientious employment of control practices, shall be an affirmative defense for which the owner or operator shall bear the burden of proof. A malfunction shall not be considered unavoidable if the owner or operator could have taken, but did not take, appropriate steps to eliminate the malfunction within a reasonable time, as determined by the Department. [20 DCMR 903.13(b)]

III. Operational Limitations:

* 1. The crusher and associated diesel engine shall be operated for a maximum of 3,120 hours in any 12-consecutive-month period and shall operate a maximum of 6 days in any calendar week and 10 hours in any day. [20 DCMR 200.7 and 20 DCMR 201]
	2. Dust from the crusher shall be controlled with wet suppression (i.e. water sprays) whenever it is in operation.[20 DCMR 102.1, 20 DCMR 201, and 20 DCMR 605]
	3. The Permittee shall take reasonable precautions to minimize the emission of any fugitive dust into the outdoor atmosphere. These reasonable precautions shall include, but not be limited to the following [20 DCMR 605.1]:

1. In the case of unpaved roads, unpaved roadways, and unpaved parking lots:

i. Use of clean 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 (use of binders or other chemicals may only be used with prior approval of the Department); 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.

2. 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 curbside gutters, through reasonably prompt repair of pavement, or through any other means;

 3. 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;

4. 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;

 5. In the case of demolition of buildings or structures: Use, to the extent possible, water to limit fugitive emissions;

 6. 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;

 7. In the case of stockpiles of dusty material: Thorough wetting of the material before loading onto the stockpile and keeping the stockpile wetted, covered, or otherwise in a non-dusty condition.

* 1. In order to comply with Condition III(b), the Permittee shall:

1. Provide clean water (free from salt, oil, etc.) for use at the site;

2. Provide water spraying equipment that can access the entire work area;

3. Apply water sprays without creating a nuisance or ponding and preventing movement of spray beyond site boundary.

4. Restrict operation at the site to processing only concrete and related demolition materials from the demolished building(s).

* 1. The importation of off-site materials for processing is prohibited, unless such material is needed to supplement the onsite materials for use in the restoration of the site, and provided the materials meet requirements per the Soil Erosion & Sedimentation Act. [20 DCMR 201]
	2. The crusher engine shall be fired only on diesel fuel with a maximum sulfur content of 15 ppm (0.0015% by weight) and either a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent. [40 CFR 60.4207, 40 CFR 1090.305, and 20 DCMR 801]
	3. The crusher shall be operated and maintained in accordance with the recommendations of the equipment manufacturer. [20 DCMR 201]
	4. The engine shall be maintained and operated as follows [40 CFR 60.4211(a)]:

1. Operate and maintain the engine and any associated control device according to the manufacturer's emission-related written instructions;

2. Change only those emission-related settings that are permitted by the manufacturer; and

3. 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 equipment 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 606.4(a) and 40 CFR 60.11(d)]
	2. The Permittee shall ensure that persons participating in the maintenance and operation of the equipment are adequately trained and supervised to meet the requirements of Conditions IV(e) and (g). [20 DCMR 606.4(c)]

IV. Monitoring and Testing Requirements:

a. The Permittee shall monitor the operating hours of the crusher with the use of a non-resettable hour meter installed on the unit.

b. The Permittee shall, during all work operations at the site, monitor to ensure that the operational requirements of Conditions III(b) through III(j) of this set of permits are met.

c. If visible emissions of fugitive dust or smoke are observed in excess of the limits specified in Conditions II(b), (c), (e), (f), or (g), prompt action shall be taken to correct the problem. Operations shall not continue if such exceedances are observable, until such time as the problem has been addressed to the satisfaction of the Department.

d. Within 60 calendar days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 calendar days after initial start-up of such facility, the Permittee shall perform a visible emissions test using the procedures set forth in 40 CFR 60, Appendix A-4, Method 9 to determine compliance with Conditions II(e) and (f). This test program shall be consistent with the requirements of 40 CFR 60.11 and 40 CFR 60.675 including the following [See 40 CFR 60.675 for more details on allowable procedures]:

1. The minimum distance between the observer and the emission source shall be 15 feet;

2. The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g. road dust). The required observer position relative to the sun (40 CFR 60, Appendix A-4, Method 9, Section 2.1) must be followed;

3. For affected facilities using wet suppression for particulate matter control (as required in this permit), a visible mist is sometimes generated by the spray. The water mist must not be confused with particulate matter emissions and is not to be considered a visible emission. When a water mist of this nature is present, the observation of emissions is to be made at a point in the plume where the mist is no longer visible; and

4. The duration of the Method 9 observations must be 30 minutes. Compliance with the applicable fugitive emission limits in Conditions II(e) and (f) shall be determined as follows:

i. Compliance with Condition II(e) shall be determined without averaging; and

ii. Compliance with condition II(f) shall be determined by breaking the 30 minutes of observations into five consecutive 6-minute averages, and then averaging these five 6-minute averages to compsare to the relevant standard.

1. The Permittee shall perform monthly periodic inspections to check that water is flowing to the discharge spray nozzles in the wet dust suppression systems. The Permittee must initiate corrective action within 24 hours and complete corrective action as expediently as practical if the Permittee finds that water is not flowing properly during an inspection of the water spray nozzles. [40 CFR 60.674(b)]
2. The Permittee shall monitor and/or test for the sulfur content in diesel fuel obtained for use in the engine, to ensure compliance with Condition III(f) and in accordance with V(g). [20 DCMR 500.1, 502.3, and 502.6]
3. In addition to the above testing requirements, the Department reserves the right to require additional testing as it deems necessary to determine compliance with applicable requirements. [20 DCMR 502.1]

V. Record Keeping Requirements:

The Permittee shall maintain the following records for a period of three years and shall make them available to the Department or the U.S. EPA upon request. [20 DCMR 500.8] All records shall be maintained in such a manner that authorized representatives can certify their accuracy under penalty of D.C. Official Code § 8-101.05e pertaining to false statements, and have either done so in the records, or will do so at the time they are made available to the Department or the U.S. EPA.

* 1. The Permittee shall keep a record of the dates of operation and the hours of operation of the crusher at the site. This shall be kept by recording the date of each day of operation and then either recording the initial starting hours shown on the non-resettable hour meter on the unit each day, or by keeping a log, updated daily, of each start and stop time of the unit with a sum of the total hours of operation that day. These operating hours shall be summed each month and maintained in a 12-consecutive-month rolling format.
1. The Permittee shall keep a record of the quantity and type of any materials imported from offsite, along with an explanation of why such material was imported, so as to show compliance with Condition III(e).
2. The Permittee shall keep a record of all identified exceedances of the standards/limits set forth in this permit and the actions taken to correct the identified problems.
3. The Permittee shall maintain a record of all maintenance performed on the unit to document compliance with Conditions III(g), (h), and (i).
4. The Permittee shall maintain a copy of the manufacturer’s maintenance and operating recommendations for the crusher and the associated diesel engine and make such available to Department inspectors upon request.
5. The Permittee shall maintain records of training performed to comply with Condition III(j).
6. 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 IV(d); or

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

i. 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);

ii. 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;

iii. The date and time the sample was taken,

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

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

1. The Permittee shall maintain the records of the results of all testing required pursuant to Conditions IV(d) and (g).
2. The Permittee shall record each inspection of the water spray nozzles required by Condition IV(e), including the date of each inspection and any corrective actions taken, in a logbook (written or electronic) at the facility. [40 CFR 60.674(b) and 40 CFR 60.676(b)(1)]
3. The Permittee shall maintain a copy of the EPA Certificate of Conformity for the engine at the facility (or at an electronic location readily accessible from the facility) at all times, for the life of the equipment. [40 CFR 60.4214(a)(2)(iii)]

VI. Notification and Reporting Requirements:

The Permittee shall furnish the Administrator of the U.S. Environmental Protection Agency (EPA) the following notifications, as specified:

1. A notification of the date of startup of the crusher at the site, postmarked within 15 days after such date. [40 CFR 60.7(a)(3)]

* + 1. A notification of the anticipated date for conducting the opacity observations required pursuant to Condition IV(d) at least seven (7) days in advance of the test. [40 CFR 60.7(a)(6) and 40 CFR 60.675(g)]
		2. Notifications under this condition shall be submitted to the following address:

United States Environmental Protection Agency

Region III, Enforcement & Compliance Assurance Division

Air, RCRA and Toxics Branch (3ED21)

Four Penn Center

1600 John F. Kennedy Boulevard

Philadelphia PA 19103-2852

* 1. In addition to the notification required pursuant to Condition VI(a)(2), for visible emissions testing required pursuant to Condition IV(d), the Permittee shall submit the proposed testing plan, including the proposed date(s) of the testing, to air.quality@dc.gov at least 14 calendar days before the testing is to be performed:

Written approval of the testing plan must be obtained from the Department prior to testing proceeding or the results may not be considered acceptable and the testing may need to be repeated.

1. Within 30 days following completion of the testing required under Condition IV(d), the Permittee shall submit the results, along with copies of all raw data collected, 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

1. The Permittee shall, within ten (10) days of becoming aware of a deviation from any condition of this permit, submit a written report to the Department at the following address [20 DCMR 502]:

air.quality@dc.gov

If you have any questions, please contact me at (202) 498-8143 or Wyatt Bohmann at (202) 309-6112.

Sincerely,

Stephen S. Ours, P.E.

 Chief, Permitting Branch

SSO:WEB

1. “Truck dumping” means the unloading of nonmetallic minerals from movable vehicles designed to transport nonmetallic minerals from one location to another. Movable vehicles include but are not limited to: Trucks, front end loaders, skip hoists, and railcars. [40 CFR 60.671] [↑](#footnote-ref-1)