February 16, 2024

Matthew Hill

Vice President - Operations

Fort Myer Construction Corporation

2237 33rd Street, NE

Washington, DC. 20018

**Subject:** **Draft Synthetic Minor Operating Permit (Permit No. 7301-SM) for Fort Myer Construction Corporation Plant #1**

Dear Mr. Hill:

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 200.2, 200.6, and 200.7 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 Synthetic Minor permit.

As the permit applicant for the equipment covered by this permit at Fort Myer Construction Corporation, located at 2001 5th Street NE, Washington DC 20002, it is your responsibility to review, understand, and abide by all of the terms and conditions of the attached permit and to ensure that any person who operates any emission unit subject to the it does the same.

This draft permit will be subject to a 30-day public comment period beginning on February 16, 2024, and continuing through March 18, 2024. Additionally, on March 18, 2024, at 5:30 PM, a public hearing will be held on the subject of this draft permit. AQD will respond to any comments received during this public comment period, including the public hearing, before taking any final action on the permit application.

If you have questions or comments or need further information, please write to this office or contact Olivia Achuko at (202) 535-2997 or olivia.achuko@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

**District of Columbia**

**Air Quality Synthetic Minor**

**Fort Myer Construction Corporation Plant #1**

2001 5th Street NE

Washington DC 20002

**Synthetic Minor Permit**

**Draft Chapter 2 Permit No. 7301-SM**

**ICIS-Air Facility ID: DC0000001100105007**

**Department of Energy and Environment**

**Air Quality Division**

Effective Date: [TBD], 2024 Expiration Date: [TBD], 2029

**Chapter 2 Permit No. 7301-SM ICIS-Air Facility ID: DC0000001100105007**

**Effective Dat**e**: [TBD], 2024 Expiration Date: [TBD], 2029**

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 permit subject to the terms and conditions of this permit. All terms and conditions of this permit are enforceable by the District and by the U.S. Environmental Protection Agency (EPA) unless specifically designated as enforceable by the District only, as annotated by “\*”.

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

**Permittee Facility Location**

Fort Myer Construction Corporation Fort Myer Construction Corporation, Plant #1

2237 33rd Street NE 2001 5th Street NE

Washington DC 20018 Washington DC 20002

**Applicant Signatory per 20 DCMR 200.13:**Matthew Hill, Vice President - Operations

PREPARED BY:

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

Olivia Achuko Date

Environmental Engineer

Air Quality Division

AUTHORIZED BY:

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

Stephen S. Ours, P.E. Date

Chief, Permitting Branch

Air Quality Division

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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 and Record Keeping:

1. 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)]
2. Unless a longer period is specified elsewhere in this permit, the Permittee shall keep all records required to be maintained under this permit for not less than three (3) years. [20 DCMR 500.8]

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]:

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]

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 tune-ups 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 tuned up 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 to avoid applicability of otherwise applicable regulations. 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); and
2. Condition III(b)(2)(A).

C. Malfunction or Periodic Maintenance of Air Pollution Control Equipment: Whenever it is necessary to shut down air pollution control equipment due to malfunction or for periodic maintenance, the Permittee shall report the planned shutdown to the Department within one (1) business day of a shutdown due to malfunction, or at least forty-eight (48) hours prior to a shutdown for maintenance. [20 DCMR 102.2] The prior notice shall include, but not be limited to, the following [20 DCMR 102.3]:

i. Identification of the specific facility whose pollution control equipment is to be taken out of service, as well as its location and permit number;

ii. The expected length of time that the air pollution control equipment will be out of service;

iii. The nature and quantity of emissions of air pollutants likely to occur during the shutdown period;

iv. Measures that will be taken to minimize the length of shutdown period; and

v. The reasons that it would be impossible or impractical to shut down the source operation during the maintenance or repair period.

The Department may, by written notice to the Permittee, permit the continued operation of the source for the time period proposed, or for the lesser time as the Department finds reasonable, provided that the conditions of 20 DCMR 102.4(a) through (d) are met. Alternatively, if the Department does not permit the continued operation of the source pursuant to 20 DCMR 102.4, it may order the Permittee to discontinue operation of the stationary source until the maintenance is completed, or the malfunctioning equipment is repaired. [20 DCMR 102.4 and 20 DCMR 102.5]

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

1. The Permittee shall not initiate construction, installation, or modification of any equipment or facility which emits or controls air pollutants prior to obtaining a construction permit from the Department in accordance with 20 DCMR 200.
2. Any article, machine, equipment, device, or other contrivance that conceals an emission from any source shall not be installed or used. [20 DCMR 102.7]

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

1. This permit expires on [TBD], 2029 [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;

Measurement;

Sampling;

Testing; and

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

Owners and operators of stationary sources and regulated nonroad engines shall [20 DCMR 606.4]:

1. Maintain and operate the equipment, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions, including during startup, shutdown, and malfunction;
2. Maintain the equipment in accordance with one of the following:
3. The manufacturer’s emission-related written instructions; or
4. Unless preempted by specific federal regulations, an alternate written maintenance plan approved in writing by the Department; and
5. Ensure that persons participating in the maintenance and operation of equipment are adequately trained and supervised to meet the requirements of Conditions II(a)(1) and (2).

b. Visible Emissions

1. Except as otherwise provided in Conditions II(b)(3) and (5), visible emissions from stationary sources and nonroad engines shall not [20DCMR 606.1]:
2. For stationary sources:
3. Exceed a five percent (5%) variability factor, above or below zero percent (0%), from stationary equipment placed in initial operation on or after January 1, 1977, with an installed Continuous Opacity Monitoring System (COMS);
4. Be emitted into the outdoor atmosphere from any stationary equipment placed in initial operation on or after January 1, 1977, without an installed COMS; and
5. At any time exhibit opacity more than ten percent (10%) (unaveraged) from any stationary equipment placed in initial operation before January 1, 1977;
6. For nonroad compression ignition engines Tier 1 and greater, exceed the opacity standards outlined in 40 C.F.R. § 1039.105; and
7. For locomotive engines, exceed the opacity standards outlined in § 40 CFR 1033.101 (c) for the specific engine tier.

2. 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 the following opacities (unaveraged) for each of the following stationary sources [20 DCMR 606.2]:

A. Fuel-burning equipment:

1. When burning exclusively natural gas, twenty percent (20%);
2. When burning fuel oil or a combination of fuel oil and natural gas, twenty-seven percent (27%); and
3. In all other cases, including when burning coal, twenty-seven percent (27%);

B. Combustion turbines, twenty percent (20%);

C. Asphaltic concrete production equipment, twenty percent (20%);

1. Stationary engines, twenty-seven percent (27%);
2. Cooking equipment, twenty percent (20%); and
3. All sources not specified, twenty-seven percent (27%).

3. As an exception to Condition II(b)(1)(A)(ii), the Permittee may produce visible emissions not to exceed ten percent (10%) opacity if the Permittee demonstrates that the source meets the criteria specified in 20 DCMR 606.3 and has had the alternative limit approved in this permit or another permit issued pursuant to 20 DCMR Chapter 2 and, when applicable 20 DCMR Chapter 3. [20 DCMR 606.3]

1. Owners and operators of stationary sources and nonroad engines regulated under 20 DCMR 606.5 shall [20 DCMR 606.5]:
2. Maintain signed or electronically verified logs of the date, time, and duration of any equipment manual startup, manual shutdown, cleaning, combustion control adjustment, emission control regeneration, and malfunction;
3. For any malfunction, investigate the cause of the malfunction and maintain records of the investigatory activities and conclusions of such investigation;
4. Maintain signed or electronically verified logs of the date and description of any maintenance performed on any installed COMS; and
5. Retain all records required pursuant to Conditions II(b)(4)(A) through (C) in accordance with Condition I(b)(2), unless a longer retention period is required pursuant to another applicable regulation.
6. Condition II(b)(1) through (4) shall not apply to visible emissions [20 DCMR 606.6]:
7. When the presence of uncombined water is the only reason for failure of a visible emission to meet the requirement;
8. From interior fireplaces;
9. When steam is used to blow oil from a burner as the last phase of shutting down the burner; and
10. From nonroad engines not subject to 40 C.F.R. § 1039.105 or 40 C.F.R. § 40 CFR 1033.101 (c).

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 [20 DCMR 903]\*

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 and property is prohibited. [20 DCMR 903.1]\*
2. Any stationary source that falls within the following categories regulated by the District of Columbia Air Pollution Control Act of 1984 (the “Act”), effective March 15, 1985 (D.C. Law 5-165; D.C. Official Code § 8-101.05) shall submit an Odor Control Plan (OCP) [20 DCMR 903.2]\*:
3. Cultivation and dispensing of medical marijuana, as described in Section 7 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06), and any other marijuana cultivation, processing, or dispensing operation licensed under District law;
4. Painting operations subject to the requirements of 20 DCMR Sections 718 and 1409;
5. Trash transfer stations;
6. Asphalt processing plants;
7. Wastewater treatment facilities and systems; and
8. Commercial solid fuel-fired cooking operations.
9. The Department may, through the issuance of an administrative order, require an owner or operator of a stationary source of odorous air pollutants, not required to operate under an OCP by Condition II(j)(2), to submit an OCP to the Department as specified in 20 DCMR 903.3.\*
10. An owner or operator of a stationary source, subject to a requirement to submit an OCP, shall submit an OCP meeting the requirements of Condition II(j)(5) by the deadlines specified in 20 DCMR 903.4(a) unless otherwise specified by the Department pursuant to 20 DCMR 903.4(b).\*
11. An OCP shall contain requirements sufficient to control nuisance odors and shall include, to the extent applicable, the information specified in 20 DCMR 903.5.\*
12. The Department shall review the OCP and determine whether it meets the requirements of Condition II(j)(5) [20 DCMR 903.6]\*:
13. If the Department determines that the OCP meets the requirements of Condition II(j)(5), it shall approve the OCP and notify the source’s owner or operator of the approval; or
14. If the Department determines that the OCP does not meet the requirements of Condition II(j)(5), it shall disapprove the OCP and notify the source owner or operator in accordance with 20 DCMR 903.7.
15. If the Department notifies a source’s owner or operator that it has approved the OCP for that source, the owner or operator shall [20 DCMR 903.8]\*:
16. Implement its OCP per the timeline it has provided under Condition II(j)(5) and 20 DCMR 903.5(d); and
17. Comply with the OCP, including any approved amendments, until the source has been decommissioned or otherwise ceases operations.
18. When a modification is made to a source, or to a process at the source, that has the potential to affect the nature or degree of odor or the control of odor, the owner or operator of the source must submit an update to its OCP within thirty (30) days of the modification. If the modification is subject to the requirements of 20 DCMR 200, the owner shall submit an updated OCP as part of the source’s permit application pursuant to that section. [20 DCMR 903.9]\*
19. Any owner or operator of a source that seeks a variance from the requirements of this section shall comply with the procedures under 20 DCMR 103. [20 DCMR 903.10]\*
20. The owner or operator shall provide all records maintained pursuant to 20 DCMR 903.5(c)(1)(C), as referenced in Condition II(j)(5), to the Department upon request. [20 DCMR 903.11]\*
21. The owner or operator shall report all deviations from the OCP to the Department within three (3) business days of the deviation. [20 DCMR 903.12]\*
22. Compliance with Condition II(j) shall be determined as follows [20 DCMR 903.13]\*:
23. Compliance with the OCP shall be an affirmative defense to violations of Condition II(j)(1) for which the owner or operator shall bear the burden of proof. However, in the event that the Department determines the OCP is inadequate to prevent violations of Condition II(j)(1), the Department may require the owner or operator to modify the OCP in accordance with the procedures under 20 DCMR 903.7.
24. Violation of standards set forth in Condition II(j) 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.

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 Department and EPA, compliance with regulatory requirements.

 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].

| Emission Units† |
| --- |
| **Emission Unit ID** | **Stack ID** | **Emission Unit Name** | **Description** |
| KB-1 | 1 | Batch Mix Asphalt Plant | 75 MMBtu/hr Rotary Kiln with Genco Ultra II dual-fuel (natural gas and No. 2 fuel oil) burner and Genco Ultraflo baghouse and related appurtenances |
| Crusher/ Screener combo |  | Crusher/Screener | McCloskey International Model i44R Crusher/Screener combo unit powered by a diesel-fired Tier IV Interim/Stage 3B, 600 horsepower (hp) non-road engine |

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

1. Emission Unit – Batch Mix Asphalt Plant: 75 MMBtu/hr Rotary Kiln with Genco Ultra II dual-fuel (natural gas and No. 2 fuel oil) burner and Genco/Bituma #99 baghouse fabric filter and related appurtenances.

1. Emission Limitations:

1. Particulate matter emissions shall not exceed the following from the dryer/mixer process:

i. Total suspended particulate (TSP) emissions shall not exceed 3.5 pounds per hour [20 DCMR 603.1 and associated Appendix 6-1 and 20 DCMR 201] *Note that the emission rate indicated in the permit application is more stringent than that specified in Appendix 6-1, so compliance with this limit will ensure compliance with Appendix 6-1 as well*;

ii. TSP emissions shall not exceed 0.03 grains per dry standard cubic foot (gr/dscf) of exhaust gas. [20 DCMR 603.1 and 40 CFR 60.92(a)(1)] *Note that this is a streamlined condition. Compliance with 20 DCMR 603.1 ensures compliance with 40 CFR 60.92(a)(1).* Adding diluent air to the exhaust gas stream for the purpose of complying with this condition is prohibited [20 DCMR 603.3]; and

iii. Total particulate matter (total filterable plus total condensable) shall not exceed 5.9 lb/hr. [20 DCMR 201]

1. Oxides of sulfur emissions (SOx) shall not exceed the following:

i. Those achieved by complying with Condition III(a)(2)(D) of this permit; and

ii. 0.05% by volume, calculated as sulfur dioxide. Where the process or the design of equipment is such as to permit more than one interpretation of this requirement, the interpretation that results in the minimum value of allowable emissions shall apply. Adding diluent air to the exhaust gas stream for the purposes of complying with this provision is prohibited. [20 DCMR 803]

1. Oxides of nitrogen (NOx) emissions from the dryer/mixer process shall not exceed the following:

i. 150 parts per million by volume, dry (PPMVD) at 7% oxygen [20 DCMR 805.1(b) and 20 DCMR 805.6(a)]; and

ii. 6.40 lb/hr. [20 DCMR 201]

1. Carbon monoxide (CO) emissions from the equipment shall not exceed 500 ppmvd at 7% oxygen [20 DCMR 805.1(b) and 20 DCMR 805.6(a)].
2. Visible emissions shall not be emitted from the equipment covered by Condition III(a) except that discharges shall be permitted for two (2) minutes during any startup, cleaning, adjustment of combustion or operational controls, or regeneration of emissions control equipment; provided, that such discharges shall not exceed twenty percent (20%) opacity (unaveraged). See also Condition II(b). [20 DCMR 606.1 and 606.2]:

1. No gases shall be discharged into the atmosphere which exhibit 20 percent (20%) opacity or greater as measured by EPA Reference Method 9, found in 40 CFR 60, Appendix A. [40 CFR 60.92 and 20 DCMR 205]
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]\*
3. The Permittee shall implement and comply with the odor control plan (OCP) requirements, as they apply to asphalt processing plants, as specified in Condition II(j)\*;
4. The emission of fugitive dust from any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited [20 DCMR 605.2]. See also Condition II(c)(2).
5. The Permittee shall ensure that fugitive dust emissions from the facility are minimized in accordance with the standards found in Condition II(c).

2. Operational Limitations and Standards:

1. The asphaltic concrete production rate shall not exceed [20 DCMR 200.6 and 20 DCMR 200.7]:

i. 120 tons per hour (daily average production rate, averaging operating hours only); and

ii. 240,000 tons in any 12-consecutive-month period.

1. The Permittee is prohibited from the production, mixing, storage, use or application of cutback asphalt at this facility. [20 DCMR 201 and 709]
2. Recycled (reclaimed) asphalt pavement (RAP) may be used in the process at rates up to 25% by weight. [20 DCMR 201]
3. The burner shall fire natural gas as its primary fuel. No. 2 fuel oil that complies with Condition II(f) of this permit shall be burned only during natural gas interruption and any testing required by this permit to be performed while using No. 2 fuel oil. Use of waste oil, propane, or any other fuel to fire the unit is prohibited. [20 DCMR 201 and 20 DCMR 801]
4. The baghouse shall remain operative or effective whenever the asphalt plant is operative or capable of producing emissions, and shall not be removed prior to the Permittee requesting, and receiving, either written approval from the Department or an amendment to this permit as provided in 20 DCMR 102.4 and 20 DCMR 102.6. [20 DCMR 102.1] In order to ensure that this occurs, the following steps shall be implemented:
5. The differential pressure across the bags shall be maintained between 2 and 4 inches of water (or other range that has received written approval from the Department based on a future submission justifying such change) whenever the plant is in operating. This range shall not apply for a one-day period of operation following replacement of at least 20% of the bags in the baghouse, to account for a period of filter cake build-up.
6. The baghouse shall maintain a particulate matter (PM) removal efficiency of at least 99.9%.
7. A set of replacement bags for the baghouse, as specified by the manufacturer and rated to be at least 99.9% efficient at removing particulate matter, must be kept on site at all times (except for a reasonable amount of time following a bag change-out to obtain a new spare set of bags).
8. At all times, including periods of start-up and malfunction, owners and operators of any stationary source, as defined in 20 DCMR 199, and any non-road engine regulated pursuant 20 DCMR 606, shall maintain and operate such stationary sources and non-road engines, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the 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 and 40 CFR 60.11(d)]
9. The Permittee shall operate and maintain all equipment and pollution control devices covered by this permit in accordance with one of the following: [20 DCMR 201 and 20 DCMR 606.4(b)]
10. The manufacturer’s emission-related written instructions; or
11. Unless preempted by specific federal regulation, an alternate written maintenance plan approved in writing by the Department.
12. Owners and operators of any stationary source, as defined in 20 DCMR 199, and any non-road engine regulated pursuant 20 DCMR 606, shall ensure that persons participating in the maintenance and operation of such equipment are adequately trained and supervised so as to meet the requirements of Condition III(a)(2)(F) and (G). [20 DCMR 606.5]
13. The Permittee shall ensure that the engine idling provisions of 20 DCMR 900 pertaining to engine idling are met at the facility. See also Condition II(g). As part of the effort to ensure compliance with this condition, the Permittee shall:

i. Prominently post and maintain signs in English and Spanish at appropriate locations at the facility to advise drivers of such requirements;

ii. Ensure that all Permittee-employed drivers are trained on the requirements of 20 DCMR 900 and ensure that such drivers comply with 20 DCMR 900; and

iii. Conduct outreach to non-Permittee-employed trucking companies that operate at the site to advise them of the requirements of 20 DCMR 900 and otherwise ensure that any such companies’ drivers comply with 20 DCMR 900 while on the Plant #1 site.

1. The Permittee shall install blue smoke condensers on the 20,000- and 10,000-gallon hot liquid asphalt tanks within 90 days of issuance of this permit. These condensers are used in the vents of asphalt tanks to condense displaced gas vapors. Condensing the vapors turns them into a liquid that drains back into the tank, to minimize the release of gas vapors (and odor) into the atmosphere. These condensers shall be properly operated and maintained in accordance with Condition III(a)(2)(G) at all times. [20 DCMR 201 and 20 DCMR 903]
2. The Permittee shall maintain and operate a wet sweeper broom truck dedicated to the Plant #1 and Plant #2 (1155 W Street NE, separately permitted) sites to ensure that the asphalt plant site and milling yard are kept clean to minimize fugitive dust from the site. Sweeping using this sweeper broom truck shall be performed at least twice daily on each day of facility operations and as necessary to minimize fugitive dust from the facility. [20 DCMR 201 and 20 DCMR 605]

1. The Permittee shall maintain multiple water sprinklers throughout the plant in appropriate locations to minimize dust emissions. These sprinklers shall be manually activated anytime conditions are dry enough to warrant dust suppression. [20 DCMR 201 and 20 DCMR 605]
2. The Permittee shall ensure the consistent use of Flavorchem or equivalent odor neutralizers, in appropriate concentration in the asphalt binders used at the site, to ensure that all binders at the site are classified as no-odor binders.[[1]](#footnote-1) [20 DCMR 201 and 20 DCMR 903]

3. Monitoring and Testing:

1. The Permittee shall monitor the fuel purchased to ensure that the sulfur content complies with the requirements of Conditions II(f) and III(a)(2)(D) of this permit.
2. The Permittee shall monitor the asphalt production and associated production rate and RAP usage rate to ensure compliance with Conditions III(a)(2)(A), (B), and (C) of this permit.
3. The Permittee shall monitor the status and level of repair of the baghouse and all other process equipment at the facility to ensure compliance with Conditions III(a)(2)(E) and (F) of this permit.
4. The Permittee shall monitor the facility to ensure that odors, fugitive dust, and other nuisance air pollutants are not emitted in such quantities as to create a violation of Condition II(c) or (j), or III(a)(1)(G), (I), or (J) of this permit.
5. The Permittee shall maintain an awareness of the facility, and especially the outlet of the stack exhausting from the baghouse, to identify any visible emissions so as to promptly identify any deviation from the requirements of Condition III(a)(E).
6. The Permittee shall perform a six-minute 40 CFR 60, Appendix A, Method 22-like observation of emissions from the baghouse outlet stack daily (except where another condition of this permit requires a Method 9 observation). During any day that RAP is processed at rates above 15%, this monitoring shall occur during the period that the RAP percentage is exceeding 15%.
7. The Permittee shall monitor the training records of staff and contractors to ensure compliance with Conditions II(a)(3), III(a)(2)(H), and III(a)(2)(I)(ii) of this permit.
8. The Permittee shall monitor the stores of spare bags for the baghouse to ensure compliance with Conditions III(a)(2)(E)(ii) and (iii) of this permit.
9. The Permittee shall monitor the differential pressure across the baghouse to ensure compliance with Condition III(a)(2)(E)(i) of this permit. If the differential pressure drifts outside of the specified range, action shall be taken to inspect the equipment, identify the problem, and correct it promptly.
10. The Permittee shall monitor the idling of vehicles at the facility sufficiently to ensure compliance with Conditions II(g) and III(a)(2)(I) of this permit.
11. To show compliance with Condition III(a)(2)(D), the Permittee shall comply with Condition I(c)(1)(B)(ii) of this permit.

L. At least once during the term of this permit, by May 1 of the year in which it is performed, and no more than 5 years from the last, similar test, for each of the fuels authorized by this permit, the Permittee shall conduct performance tests to determine compliance with Conditions III(a)(1)(A), (B)(ii), (C) and (D) of this permit. The Permittee shall conduct these tests using fuel oil during one year of the permit term and natural gas during another year of the permit term (or shall perform full testing using each of the fuels in the same year, at the Permittee’s discretion). The Permittee shall furnish the Department with a written report of the results of such performance tests in accordance with the following requirements [20 DCMR 502, 20 DCMR 805.1(b), 20 DCMR 805.6(b), 20 DCMR 805.10(a)(2), and 40 CFR 60.8]:

1. One (1) original test protocol shall be submitted 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.

1. 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.
2. 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 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

1. 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:
2. A statement that the owner or operator has reviewed the report from the emissions testing firm and agrees with the findings.

1. Permit number(s) and condition(s) which are the basis for the compliance evaluation.
2. Summary of results with respect to each permit condition.
3. Statements of compliance or non-compliance with each permit condition.
4. The results must demonstrate to the Department’s satisfaction that the emission unit is operating in compliance with the applicable regulations and conditions of this permit; if the final report of the test results shows non-compliance the owner or operator shall propose corrective action(s). Failure to demonstrate compliance through the test may result in enforcement action.

M. In addition to the testing required in Condition III(a)(3)(L), at least once each calendar year that the testing required in Condition III(a)(3)(L) is not performed, the Permittee shall test to determine compliance with Conditions III(a)(1)(A), (C), and (D), using the primary fuel used since the last test required under this condition, following the procedures set forth in Condition III(a)(3)(L) before May 1 of that year. [20 DCMR 805.1(b), 20 DCMR 805.6(b)(2) and 20 DCMR 805.10(a)(2)]

N. Test methods shall be used as follows:

1. The Permittee shall use as reference methods and procedures the test methods in 40 CFR 60, Appendix A or other methods and procedures as specified in this Condition, except as provided in 40 CFR 60.8(b). [20 DCMR 205, 40 CFR 60.93(a), and 20 DCMR 805.10(a)(2)(A)]
2. EPA Reference Method 5 (40 CFR 60, Appendix A) shall be used to determine TSP concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 31.8 dry standard cubic feet (dscf). [20 DCMR 205 and 40 CFR 60.93(b)(1)]
3. EPA Reference Method 202 (40 CFR 51, Appendix M) shall be used to determine condensable particulate matter emissions. The information from use of this method shall be combined with the EPA Reference Method 5 results to determine total particulate matter emissions.
4. Except as specified in Condition III(a)(3)(O), EPA Reference Method 9 (40 CFR 60, Appendix A) and the procedures in 40 CFR 60.11 shall be used to determine opacity (visible emissions). [20 DCMR 205 and 40 CFR 60.93(b)(2)]

O. In addition to the daily stack outlet observations specified in Condition III(a)(3)F) of this permit, the Permittee shall conduct weekly observations of visible emissions from the outlet of the baghouse and shall perform a walk-through of the plant to identify any sources of fugitive visible emissions. Such visible emissions observations need not be performed in accordance with Reference Method 9, but may instead be only observations for the presence or absence of visible emissions (similar to the procedures set forth in 40 CFR 60, Appendix A, Method 22).

1. If visible emissions are observed via the monitoring performed in accordance with Condition III(a)(3)(O) or at any other time pursuant to Conditions III(a)(3)(E) or (F), this occurrence shall be reported to the Department. The Permittee shall then either shut the process down and make the necessary repairs/adjustments to correct the incidence or shall make arrangements for prompt observation by an individual certified in accordance with EPA Reference Method 9 to determine compliance with Conditions III(a)(1)(E) and (F).
2. At least once per calendar year, during operation of the process equipment, the Permittee shall cause to be conducted a visible emissions test of the outlet of the baghouse. Any visible emissions test must consist of thirty (30) minutes of opacity observations, performed by a certified opacity reader using EPA's Reference Method 9 (see 40 CFR Part 60, Appendix A, Method 9). The visible emissions test will be performed every year using the primary fuel used since the last test required under this condition, except that on the year that testing is performed pursuant to Condition III(a)(3)(L), this visible emissions test shall be performed for both natural gas and No. 2 fuel oil. [20 DCMR 502]
3. At least twice per year, at approximately even intervals, or on the frequency recommended by the manufacturer, whichever is more frequent, the Permittee shall perform a fluorescent dust leak test of the baghouse to ensure that the baghouse and associated bags are maintaining their integrity. [20 DCMR 502.1]
4. 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]

4. Record Keeping:

* + 1. Except where a longer period is specified herein, the Permittee shall maintain all records necessary for determining compliance with this permit in a readily accessible location for a minimum of three (3) years and shall make these records available to the Department and EPA upon written or verbal request. [20 DCMR 500.8 and 20 DCMR 805.11(c)] 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 EPA.

B. Records maintained pursuant to Condition III(a)(4)(A) shall include the following [20 DCMR 104.2(b)]:

1. For fuel oil, the Permittee shall maintain records of the information obtained pursuant to the requirements of Condition I(c)(1)(B)(ii).
2. Records of the total tons of asphaltic concrete produced each day along with the total hours of operation of the asphalt plant each day (to the tenth of an hour) shall be maintained and updated daily. Each day, the total tons shall be divided by the total hours of operation to determine the daily average production rate, which shall also be recorded.
3. Records of the total tons of RAP used in the process each day shall be recorded and divided by the total tons of asphaltic concrete produced that day to determine the daily average percentage RAP used. This percentage shall also be recorded.
4. The twelve-consecutive-month rolling total production of asphaltic concrete shall be recorded and updated at the end of each month by summing the total production over the last twelve calendar months.
5. Records of all maintenance performed on the equipment covered by this permit shall be maintained. These records shall include the date of the maintenance activity, the reason it was undertaken, and the results of the activity. Note that, among other activities, bag replacement in the baghouse is considered maintenance and shall be recorded appropriately. Such records shall include the number of bags replaced, the control efficiency rating of the bags, and the remaining number of back-up bags maintained on-site.
6. At least once each day, the differential pressure across the baghouse shall be recorded. Any readings outside the range specified pursuant to Condition III(a)(2)(E)(i) shall include an explanation of what was done to diagnose and correct the deviation.
7. Records of the training of the operators, maintenance staff, and drivers, to minimize the production of emissions during operation and to minimize engine idling shall be maintained.
8. Records of the data collected and results of all testing performed pursuant to Conditions III(a)(3)(L), (M), (N), and (S) shall be maintained onsite for a minimum of five (5) years from the date of the test [20 DCMR 805.11(b)].
9. Records of the results of the daily and weekly visible emissions observations required under Conditions III(a)(3)(F) and (O) and any visible emissions observed pursuant to Condition III(a)(3)E) shall be maintained and updated at the time of the observations.
10. Records of the activities undertaken to determine compliance or correct problems pursuant to Condition III(a)(3)(P) shall be maintained.
11. Records of the results of all visible emissions testing performed under Condition III(a)(3)(Q) shall be maintained.
12. Any deviation from the differential pressure ranges specified in Condition III(a)(2)(E)(i) and actions taken in response to such deviations identified pursuant to Condition III(a)(3)(I) shall be recorded.

xiii. At the end of each month, the Permittee shall determine how much fuel was used, by type (i.e. oil and/or natural gas) and record this information. The amount of each type of fuel used shall be summed on a calendar year basis following the end of each calendar year and recorded.

xiv. The Permittee shall maintain records of the use of the sweeper truck to document the minimum twice daily sweeps of the facility required pursuant to Condition III(a)(2)(K).

xv. The total emissions from the facility, both from fuel burning and other sources of emissions at the facility, of each regulated pollutant (criteria pollutants and hazardous air pollutants) shall be calculated at the end of each calendar year and recorded.

xiv. The Permittee shall keep a record of all identified exceedances of the standards/limits set forth in this permit and any deviations from the requirements of the OCP (once approved) and the actions taken to correct the identified problems.

xv. Records of the results of fluorescent dust leak tests performed pursuant to Condition III(a)(3)(S) shall be maintained along with records of the activities undertaken to correct any identified deficiencies.

5. Reporting: [20 DCMR 200.10]

In addition to the reporting required in Condition I(c) and elsewhere in this permit, the Permittee shall comply with the following reporting requirements:

1. The Permittee shall report all deviations from the OCP (see Conditions II(j) and III(a)(1)(H)) to the Department within three (3) business days of the deviation as specified in Condition II(j)(11).\*
2. Whenever it is necessary to shut down the baghouse due to malfunction or for periodic maintenance, the Permittee shall comply with the requirements of Condition I(c)(2)(C). [20 DCMR 102]
3. The results of all testing performed pursuant to Conditions III(a)(3)(L), (M), (Q), (R), and (S) shall be submitted within sixty (60) days of the test.
4. The Permittee shall provide reports of observed visible emissions to the Department as specified in Condition III(a)(3)(P).
5. Unless otherwise specified herein, all reports required pursuant to this permit shall be submitted in electronic form to air.quality@dc.gov.
6. Emission Unit – Crusher/Screener Combo: A McCloskey International Model i44R Crusher/Screener combo unit powered by a diesel-fired Tier IV Interim/Stage 3B, 600 horsepower (hp) non-road engine, previously permitted under Chapter 2 Permit No. 7288, issued April 20, 2021.[[2]](#footnote-2)

1. Emission Limitations:

1. Emissions of dust shall be minimized in accordance with the requirements of Conditions II(c) and III(b)(2) of this permit. [20 DCMR 605]
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]

1. Visible emissions shall not be emitted from the crusher/screen combo unit, except as follows:

i. For the crusher/screen combo unit, excluding the engine powering the unit, discharges shall be permitted for two (2) minutes during any startup, cleaning, adjustment of combustion or operational controls, or regeneration of emissions control equipment; provided, that such discharges shall not exceed twenty-seven percent (27%) opacity, unaveraged (See also Condition II(b).) [20 DCMR 606.1(a)(2) and 606.2(f)]; and

ii. For the diesel-fired Tier IV Interim/Stage 3B, 600 horsepower (hp) non-road engine, smoke opacity from the engine may not exceed the following standards, as measured in accordance with 40 CFR 1039.501(c) [20 DCMR 606.1(b) and 40 CFR 1039.105(b)]:

1. 20 percent during the acceleration mode.
2. 15 percent during the lugging mode.
3. 50 percent during the peaks in either the acceleration or lugging modes.

1. In addition to Condition III(b)(1)(C), emissions from screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, and enclosed truck loading stations shall not exceed 7% opacity. Emissions from crushers shall not exceed 12% opacity. [40 CFR 60.670(a)(1) and 40 CFR 60, Subpart OOO, Table 3]
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 crusher/screener unit shall comply with the following limitations [20 DCMR 200.6 and 200.7 and 20 DCMR 201]:

i. The unit shall be operated for a maximum duration of ten (10) hours in any day;

ii. The unit shall be used to process recycled asphalt pavement (RAP) only; and

iii. The unit shall not be used to process more than 150 tons per hour of RAP.

1. The Permittee shall maintain wet method dust control devices (water sprays) on the equipment and shall operate these devices whenever the equipment is in operation, unless the material being crushed or screened is already sufficiently wet to ensure compliance with Conditions III(b)(1)(B), (C), and (D). [20 DCMR 201]
2. 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]:

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

1. 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

2. 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.

ii. 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;

iii. In the case of vehicles transporting dusty material or material which is likely become dusty:

1. Fully covering the material in question, with a tarpaulin or other material; and

2. 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;

iv. 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;

v. In the case of demolition of buildings or structures: Use, to the extent possible, of water;

vi. 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;

vii. 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 Conditions III(b) and (c), the Permittee shall:
2. Provide clean water (free from salt, oil, etc.) for use at the site;
3. Provide water spraying equipment that can access the entire work area;
4. Apply water sprays without creating a nuisance or ponding and preventing movement of spray beyond site boundary;
5. Restrict operation at the site as specified in Condition III(b)(2)(A);
6. Consistently use the dedicated sweeper broom truck as specified in Condition III(a)(2)(K), to include the milling yard at which the crusher/screener is located.
7. All materials processed and the handling of those materials shall meet the requirements of the Soil Erosion & Sedimentation Act of 1977, as amended. [20 DCMR 201]
8. The crusher/screener engine shall be fired only on No. 2 fuel oil (or 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. [20 DCMR 201]
9. The crusher/screener combination unit shall be operated and maintained in accordance with the recommendations of the equipment manufacturer. [20 DCMR 201]
10. At all times, including periods of start-up and malfunction, owners and operators of any stationary source, as defined in 20 DCMR 199, and any non-road engine regulated pursuant 20 DCMR 606, shall maintain and operate such stationary sources and non-road engines, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the 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 and 40 CFR 60.11(d)]
11. The Permittee shall implement and comply with the odor control plan (OCP) requirements, as they apply to asphalt processing plants, to include the crusher/screen combo, as specified in Condition II(j)\*.

3. Monitoring and Testing Requirements:

1. The Permittee shall monitor the operating hours of the crusher/screener combo unit with the use of a non-resettable hour meter installed on the unit.
2. The Permittee shall monitor the time of first start-up of any of the equipment, as well as the last shutdown of any of the equipment, each day to ensure compliance with Condition III(b)(2)(A)(i).
3. The Permittee shall, during all work operations at the site, monitor to ensure that the operational requirements of Conditions III(b)(2)(B) through III(b)(2)(H) of this set of permits are met.
4. If visible emissions of fugitive dust or smoke are observed in excess of the limits specified in Conditions III(b)(1)(B), (C), or (D), 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.
5. 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)] If the water spray system is found to not be operating properly, operation of the affected crusher or screener shall be ceased until the water flow has been re-established. [20 DCMR 201]
6. If not completed prior to issuance of this permit, but after December 19, 2023, within 60 calendar days of issuance of this permit[[3]](#footnote-3), the Permittee shall perform a visible emissions test on the unit, using the procedures set forth in 40 CFR 60, Appendix A-4, Method 9 to determine compliance with Conditions III(b)(1)(C)(i) and III(b)(1)(D). 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]:

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

ii. 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;

iii. 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

iv. The duration of the Method 9 observations must be 30 minutes (five 6-minute averages). Compliance with the applicable fugitive emission limits in Condition III(b)(1)(D) must be based on the average of the five 6-minute averages.

1. For visible emissions testing required pursuant to Condition III(b)(3)(F), the Permittee shall submit the proposed testing plan to the following address at least 14 calendar days before the testing is to be performed:

air.quality@dc.gov

5. Record Keeping Requirements:

The Permittee shall maintain the following records for a period of not less than three (3) years from the date of each test, monitoring, sample measurement, report, application, or other activity. [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 EPA. [20 DCMR 104.2(b)]

1. The Permittee shall keep a log of the crushing and screening operations at the site as follows:

i. The time of start-up of the crusher/screener unit each day shall be recorded; and

ii. The time of shut-down of the crusher/screener unit each day shall be recorded.

1. The Permittee shall keep a record of the quantity and type of any materials processed each day, sufficient to show compliance with Conditions III(b)(2)(A)(ii) and (iii) and III(b)(2)(E).
2. The Permittee shall keep a record of all identified exceedances of the standards/limits set forth in this permit and any deviations from the requirements of the OCP (once approved) 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(b)(2)(G) and (H).
4. The Permittee shall maintain a copy of the manufacturer’s maintenance and operating recommendations for the unit and make such available to Department inspectors upon request.
5. For each delivery of diesel fuel, the Permittee shall maintain records in accordance with Condition II(f)(9) and sufficient documentation to show that the fuel met the standards set forth in Condition III(b)(2)(F).
6. The Permittee shall record each inspection of the water spray nozzles, 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)]
7. The Permittee shall maintain the records of the results of all testing required pursuant to Condition III(b)(3)(F). These records shall include a record of the identity and certification of the observer.

6. Reporting Requirements:

In addition to the reporting required in Condition I(c) and elsewhere in this permit, the Permittee shall comply with the following reporting requirements:

1. Within 30 days following completion of the testing required under Condition III(b)(3)(F), the Permittee shall submit the results, along with copies of all raw data collected and the identity and certification of the observer, 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

B. The Permittee shall report all deviations from the OCP (see Conditions II(j) and III(b)(2)(I)) to the Department within three (3) business days of the deviation as specified in Condition II(j)(11).\*

#### IV. Miscellaneous Activities

## The Department does not consider the “miscellaneous activities” (also commonly known as “insignificant activities”) listed in Condition IV(d) to be significant sources. However, because they have the potential to emit NOx and/or CO, the pollutants 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.

1. 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 104.2(b) and 20 DCMR 500.1]
2. The miscellaneous activities listed in Condition IV(d) are subject to the General Permit Requirements (Condition I) and Facility-Wide Permit Requirements (Condition II) of this permit; and

## The following activities are subject to Condition IV(a) and (b) as well as the conditions specified below (where applicable):

1. One BAKMASTER 100XL electric metal cutting machine;
2. Two acetylene torches for cutting and heating materials;
3. One electric welding machine; and
4. One Patriot H4 natural gas-fired hot oil heater (2.0 MMBTU/hr heat input) which must comply with the following requirements:

A. Emission Limitation:

i. Total Suspended Particulate matter (TSP) emissions shall not exceed 0.13 pounds per MMBTU. [20 DCMR 600.1] *Note that the Permittee is deemed to have complied with this requirement by complying with the operational limit specified in Condition IV(d)(4)(B)(i) below, unless other credible evidence of a violation of this limit is identified.*

ii. NOx emissions shall not exceed 0.2 pounds per hour and shall not exceed 0.86 tons per 12-month rolling period. [20 DCMR 201]

B. Operational Limits:

i. The hot oil heater shall only burn natural gas.

ii. The hot oil heater shall be operated at all times in a manner consistent with the manufacturer’s specifications for the equipment.

C. Monitoring and Testing Requirements:

i. The Department reserves the right to require the Permittee to conduct performance tests on this unit for any reasonable purpose, in accordance with Condition I(a)(6). If such testing is required, the Permittee shall furnish the Department with a written report of the results of such performance tests in accordance with the following requirements [20 DCMR 502]:

1. 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.

2. 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.

3. 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 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

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

a. A statement that the owner or operator has reviewed the report from the emissions testing firm and agrees with the findings.

b. Permit number(s) and condition(s) which are the basis for the compliance evaluation.

c. Summary of results with respect to each permit condition.

d. Statements of compliance or non-compliance with each permit condition.

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

ii. The Permittee shall monitor fuel use to collect data on the quantities of natural gas burned.

D. Record Keeping Requirements:

The Permittee shall maintain all records necessary for determining compliance with this permit, including the following, in a readily accessible location for a period of not less than three (3) years from the date of each test, monitoring, sample measurement, report, application, or other activity, except where a longer period is specified herein. Such records must be kept in a form suitable and readily available for expeditious review and must be kept on-site or be accessible from a central location by computer or other means that instantly provides access from the site. The Permittee shall make such records available to the Department upon written or verbal request: [20 DCMR 104.2(b) and 20 DCMR 500.8]

i. The Permittee shall keep records of the results of all emissions testing required for the boilers pursuant to Conditions IV(d)(4)(C)(i) and I(a)(6); and

iii. The Permittee shall maintain records of the total quantity of natural gas used each month and update these records at least monthly for the previous month.

 E. Reporting Requirements:

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

SSO/NOA

1. See the odor mitigation plan, dated June 18, 2021, in response to Administrative Order No. DOEE-21-A-50001614. Note that this odor mitigation plan is separate and distinct from the odor control plan required to be submitted pursuant to 20 DCMR 20 DCMR 903.2. [↑](#footnote-ref-1)
2. The requirements of Chapter 2 Permit No. 7288 are being incorporated herein. Therefore, this permit supersedes and replaces Permit No. 7288, immediately upon issuance. [↑](#footnote-ref-2)
3. The 60-calendar day deadline established herein sets a schedule for coming into compliance with this requirement. However, it does not replace, for compliance determination purposes, the prior requirement set forth in Chapter 2 Permit 7288 that the testing be performed “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” (see Condition IV of Permit No. 7288). [↑](#footnote-ref-3)