

Chapter 1 - General

100 PURPOSE, SCOPE, AND CONSTRUCTION

- 100.1 The purpose of this subtitle is to prevent or minimize emissions, as defined in this chapter, into the atmosphere and thereby protect and enhance the quality of the District's air resources so as to promote the public health and welfare and the productive capacity of the people of the District of Columbia; to foster their comfort and convenience; to increase the enjoyment of all of the attractions of the Nation's Capital; and to enhance the environment.
- 100.2 This subtitle shall apply to all operations in the District, including Federal operations to the full extent permitted by the Clean Air Act (42 U.S.C. 7401 et seq.), as amended, and regulations promulgated thereunder.
- 100.3 All regulations and parts of regulations in effect in the District which are inconsistent with the provisions of this subtitle are superseded with respect to matters covered by this subtitle, unless specifically stated otherwise.
- 100.4 The English system of measurement shall be the official system of measurement under this subtitle, unless specified otherwise.
- 100.5 Reference in this subtitle to a specific introductory section or subdivision of the section, (such as §204 or §204.1(a)) is intended to include a reference to all subdivisions of the specific section or subdivision (such as §§204.1, 204.2, 204.1(a), 204.1(a)(1)).

101 INSPECTION

- 101.1 The Mayor is authorized to make inspections of premises and records of operation as may be necessary for the enforcement of this subtitle, either with the consent of the owner or operator of the source or in execution of an administrative warrant issued or approved by the Superior Court of the District of Columbia pursuant to §11-941, D.C. Code.

102 ORDERS FOR COMPLIANCE

- 102.1 Whenever the Mayor has reason to believe that a violation of this subtitle has occurred, he or she shall cause written notice to be served upon the alleged violator.
- 102.2 The notice shall include the following:

- (a) The provision of the law, regulation or rule alleged to be violated;
- (b) The facts alleged to constitute a violation; and
- (c) An order that necessary corrective action be taken within a reasonable time.

102.3 Nothing in this section shall be construed to prevent the Mayor from initiating appropriate action for the recovery of a penalty pursuant to §105 or from seeking enforcement of this subtitle by injunctive relief or other appropriate remedy.

103 [NOT IN SIP]

104 HEARINGS

104.1 Any person aggrieved by any adverse action of the Mayor taken pursuant to this subtitle, may have review of the action by the Mayor in accordance with the District of Columbia Administrative Procedure Act, except as otherwise provided in this subtitle. In administration of the hearing the Mayor may summon persons, and require that papers and materials be delivered under subpoena as set forth in §1-237, D.C. Code.

104.2 A request for a hearing to review an adverse act proposed by the Mayor shall be made in writing within fifteen (15) days following notification to the aggrieved person of the contemplated action and of the person's right to a hearing with respect to the action.

104.3 The Mayor may take the action contemplated in the notice without a hearing if the aggrieved person fails to timely request a hearing, or the party fails to appear at a scheduled hearing for which no continuance has been or is granted.

104.4 The Mayor may promulgate detailed rules for the conduct of hearings under this subtitle. These rules shall be consistent with the District of Columbia Administrative Procedure Act.

104.5 Nothing in this section shall be construed to prevent the Mayor from initiating appropriate action for the recovery of a penalty pursuant to §105 or from seeking enforcement by injunctive relief or other appropriate remedy during the pendency of a review proceeding.

105 PENALTY

105.1 Each person who fails to comply with any of the provisions of this subtitle, or who refuses, interferes with, or prevents any inspection authorized by this subtitle, or who keeps false records or makes false reports or certificates required under this subtitle, shall be punished by a fine not to exceed five thousand dollars (\$5,000) or

imprisonment not to exceed ninety (90) days, or both.

- 105.2 For each violation of, or failure to comply with, this subtitle, each and every day of the violation, or failure, shall constitute a separate offense and the penalties described shall be applicable to each separate offense.
- 105.3 Each person, other than a District employee, who shall furnish material and substantial evidence leading to the payment of a fine or the forfeiture of collateral imposed under this subtitle shall be paid subject to appropriation one-half (1/2) of each fine or forfeiture unless the Mayor or a court of competent jurisdiction shall otherwise direct. This section shall not be construed as to create any right to the proceeds of any fine or forfeiture.
- 105.4 No person shall receive more than one thousand dollars (\$1,000) total in any given twelve (12) months under §105.3.

106 CONFIDENTIALITY OF REPORTS

- 106.1 Information, other than emission data, which relates to production, sales figures, or processes of any owner or operator, shall not be disclosed publicly upon a finding by the Mayor that to publicly disclose will result in a significant and adverse effect upon the competitive position of the owner or operator; except in or following public hearing, or except as may be necessary to protect the public health, safety or well-being.
- 106.2 Subsection 106.1 shall not be construed to prevent the use of the records or information by the Mayor in compiling or publishing analyses, or summaries relating to the general condition of the outdoor atmosphere; Provided, that the analyses or summaries do not reveal any information otherwise confidential under the provisions of this section.

107 CONTROL DEVICES OR PRACTICES

- 107.1 The devices or practices provided for the control of air pollutants discharged from stationary sources, or otherwise complying with law, shall remain operative or effective, and shall not be removed.
- 107.2 Whenever it is necessary to shutdown air pollution control equipment for periodic maintenance, the owner or operator of the equipment shall report the planned shutdown to the Mayor at least forty-eight (48) hours prior to the shutdown. The prior notice shall include, but is not limited to, the following:
- (a) Identification of the specific facility to be taken out of service as well, as its location and permit number;

(b) The expected length of time that the air pollution control equipment will be out of service;

(c) The nature and quantity of emissions of air pollutants likely to occur during the shutdown period;

107.3 The Mayor shall by notice to the owner or operator permit the continued operation of the stationary source for the time period proposed, or for the lesser time as the Mayor finds reasonable, or the Mayor may order the owner or operator to discontinue operation of the stationary source until the maintenance is completed, or the malfunctioning equipment is repaired.

107.4 Any article, machine, equipment, device, or other contrivance which conceals an emission from any source shall not be installed or used.

