

## Title 20

## District of Columbia Municipal Regulations 8-1

### CHAPTER 8 ASBESTOS, SULFUR AND NITROGEN OXIDES

#### Section

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### 800 CONTROL OF ASBESTOS

- 800.1 The requirements of 40 CFR 61.141, 61.145, 61.146, 61.150, 61.152, and 61.154 (July 1, 1994 Edition), are hereby adopted by reference, with the terms used and defined, except that:
- (a) The word "Administrator" as used in the CFR sections shall be taken to mean "Director of the District Department of the Environment";
  - (b) Planned renovation operations subject to § 800 shall not be started prior to receipt of written approval therefor from the Administrator; and
  - (c) Demolition operations subject to § 800, except for those subject to 40 CFR § 61.145(a)(3), shall not be started prior to receipt of written approval therefor from the Administrator.
- 800.2 For the convenience of persons subject to the requirements of § 800.1, Appendix No. 4 to this Subtitle contains pertinent parts of 40 CFR 61, Subpart M (July 1, 1994 Edition) which includes the sections cited in § 800.1. Appendix No. 4 was published in the D.C. Register on June 21, 1996 at 43 DCR 3305.
- 800.3 To qualify for an asbestos abatement permit or license, a business entity or person shall:
- (a) Comply with the requirements of the Asbestos Licensing and Control Act of 1990, effective May 1, 1990 (D.C. Law 8-116; D.C. Code § 6-991 et seq.), as amended by the Asbestos Licensing and Control Act of 1990 Amendment Act of 1993, effective October 15, 1993 (D.C. Law 10-37; D.C. Code § 6-991 et seq.) and the requirements set forth in these rules; and
  - (b) Show evidence of having completed a course of instruction on asbestos abatement accredited by EPA under the Asbestos Hazard and Emergency Response Act, or at least as stringent as the requirements of 40 CFR 763, Subpart E, Appendix C (July 1, 1994 Edition); and
  - (c) Be considered to be qualified for a license by endorsement if the business entity or person is licensed in a state whose requirements are judged by the Administrator to be at least as stringent as those of the District of Columbia.
- 800.4 The following exemptions apply:

- (a) An asbestos abatement permit or license is not required for the removal of nonfriable asbestos containing material; and
- (b) An asbestos abatement permit, business entity or asbestos worker licenses and recordkeeping requirements of the Act and its amendments are not required for the removal of, or other activity involving, resilient floor covering materials, including sheet vinyl, resilient tile, and associated adhesives, provided that the business entity persons performing the removal:
  - (1) follow the resilient floor covering manufacturers' recommended work practices for removal;
  - (2) are not required to obtain asbestos accreditation under applicable federal asbestos requirements and regulations promulgated by the United States Environmental Protection Agency (EPA); and
  - (3) for removals involving more than 18 square feet of resilient floor covering material, notify the Mayor in writing at least 10 days prior to the removal of the time, place and entity performing the removal and certify that asbestos accreditation is not required under subparagraph (2) of this paragraph.
- (c) The requirements of Section 800 apply to removals and other activity involving resilient floor covering materials only to the extent they are required under applicable federal asbestos requirements, including the Occupational Safety and Health Act (OSHA) asbestos standards and the EPA asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP).

800.5 To apply for or to renew a permit or license, a business entity or person shall submit a completed application and pay the fee listed below, by certified check made payable to the D.C. Treasurer:

- (a) License Fee Schedule

TYPE OF LICENSE	FEE
Asbestos Worker	\$ 60/2 years
Business Entity	\$ 600/2 years

- (b) Permit Fee Schedule

AMOUNT OF RACM REMOVED	FEE
261 - 2,600 linear feet or 161 - 1,600 square feet	\$ 520
Greater than 2,600 linear feet or Greater than 1,600 square feet	\$ 910

- (c) A blanket permit, valid for one year, may be granted to a business entity that has entered into a contract for asbestos abatement at a specific site. The fee will be seven hundred dollars (\$ 700).
- (d) The license shall expire two (2) years from the date of issuance.
- (e) The renewal fee shall be the same as the current license fee.

- (f) Fees will be adjusted annually based on the Washington, D.C. All Items Consumer Price Index for All Urban Consumers for March of the preceding fiscal year.

800.6 To provide asbestos worker protection, a business entity or person shall:

- (a) In accordance with 29 CFR 1926.58, designate a "Competent Person" who will have the authority to suspend and start up operations when deviations from regulations occur;
- (b) Submit to the Administrator a written respiratory protection program as defined in OSHA regulations 29 CFR 1910.134 and 29 CFR 1926.58;
- (c) Provide disposable protective clothing, including gloves, hair covers, and respirators approved by the National Institute of Occupational Safety and Health and capable of being qualitatively fit tested using positive and negative methods;
- (d) Ensure that each asbestos worker has been examined by a physician within the preceding year and has been declared capable of working while wearing a respirator;
- (e) Ensure that each asbestos worker receives an annual safety training review course in accordance with 29 CFR 1926.58(k)(3)(4); and
- (f) Ensure that there is no smoking, eating, or drinking in the work area.

800.7 To control emissions from an asbestos abatement subject to the requirements of § 800.1, a business entity or person shall:

- (a) Display caution signs, measuring at least twenty (20) inches by fourteen (14) inches, wherever airborne asbestos fibers may be present, in accordance with the provisions of 29 CFR 1926.58 (k)(1); and
- (b) Except in emergency situations and except as provided in (c) of this subsection, at least three (3) days before engaging in an asbestos abatement, post these signs immediately outside all entrances to and exits from the work site or asbestos abatement to inform the public in the immediate vicinity that asbestos abatement will be done and keep the signs posted until the Administrator receives notice of final air monitoring results as provided in (j) of this subsection.
- (c) Utility companies are not required to post signs three (3) days before an asbestos abatement, but shall comply with any federal regulations regarding the posting of signs.
- (d) Enclose work areas with airtight six (6) millimeter thick plastic sheeting using waterproof duct tape;
- (e) Wet regulated asbestos-containing material to be removed with a solution containing one (1) fluid ounce of surfactant mixed with five (5) gallons of water to minimize dust;
- (f) Deposit all asbestos-containing waste materials in plastic bags of at least six (6) millimeters thickness and seal the bags;
- (g) Label the bags as asbestos waste in accordance with the provisions of 29 CFR 1926.58(k)(2) and specify the date that the bag was sealed and the license number of the business entity;

- (h) Separate asbestos-containing waste materials from other waste and keep in a secure area until removal, within seven (7) days of completion of the asbestos abatement, and disposal, in accordance with the provisions of 40 CFR 61.150;
- (i) Clean all surfaces in the work area until no residue is visible and the measured airborne concentration of asbestos fibers longer than five (5) microns is less than one hundredth (0.01) fiber per cubic centimeter using the methods specified in 40 CFR 763, Subpart E, Appendix A (July 1, 1994 Edition);
- (j) Within twenty four (24) hours after receiving final written monitoring results of at least two (2) samples per two thousand five hundred (2,500) square feet of floor area, submit to the Administrator the data indicating asbestos concentration in the work area after cleaning and before barriers are removed;
- (k) Use negative pressure systems inside enclosures that exhaust air through a high-efficiency particulate air (HEPA) filter at a flow rate that changes the air at least once every fifteen (15) minutes and where practical, are vented to outside air; and
- (l) Comply with the provisions of 40 CFR 763 Subpart E, Appendix A (July 1, 1994 Edition) when using the glovebag method.

800.8 The Administrator may, on a case-by-case basis, approve an alternative procedure for control of emissions from an asbestos abatement provided that the business entity submits a written description of the alternative procedure to the Administrator and demonstrates to the satisfaction of the Administrator that compliance with the prescribed procedures is not practical or not feasible, or that the proposed alternative provides equivalent control of asbestos.

800.9 To notify occupants of sites of impending asbestos abatement, a building owner or designated representative shall inform occupants, not less than thirty (30) days prior to commencement of the asbestos abatement, of the health or safety factors that necessitate the asbestos abatement and the procedures that will be taken to protect the health, safety, and possessions of the occupants. The business entity shall inform the building owner or designated representative of this notification requirement. The Administrator may waive this notification requirement in the case of an emergency renovation operation.

**AUTHORITY:** Unless otherwise noted, the authority for this chapter is § 412 of the District of Columbia Self- Government and Governmental Reorganization Act, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code § I - 227(a); and § 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165, D.C. Code § 6-906 (1995 Repl. Vol.), Mayor's Order 93-12 dated February 16, 1993.

**SOURCE:** Final Rulemaking published at 36 DCR 2554, 2555 (April 14, 1989); as amended by final rulemaking published at 45 DCR 7037(October 2, 1998); as amended by final rulemaking published at 47 DCR 9692 (December 8, 2000); as amended pursuant to the authority granted by Title XII of the "Fiscal Year 2003 Budget Support Amendment Act of 2002," "Other-Type Funds and Adjustment to Other Fess and Charges" (D.C. Act 14-543), published at 49 DCR 11562 (December 20, 2002).

## **801 SULFUR CONTENT OF FUEL OILS**

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.

- 801.2 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 § 801.5:
- (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 not contain 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.
- 801.3 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 § 801.5.
- 801.4 Fuel oil that was stored in the District by the ultimate consumer prior to the applicable compliance date in §§ 801.2 or 801.3, which met the applicable maximum sulfur content at the time it was stored, may be used in the District after the applicable compliance date.
- 801.5 When the United States Environmental Protection Agency (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 §§ 801.2 or 801.3.
- 801.6 If a temporary increase in the applicable limit of sulfur content is granted under § 801.5:
- (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.
- 801.7 Unless precluded by the Clean Air Act or the regulations thereunder, subsections 801.2 and 801.3 shall not apply to:

- (a) A person who uses equipment or a process to reduce the sulfur emissions from the burning of a fuel oil, 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 weight specified in §§ 801.2 or 801.3;
- (b) The owner or operator of a stationary source where equipment or a process is used to reduce the sulfur emissions from the burning of a fuel oil, 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 weight specified in §§ 801.2 or 801.3; 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.

801.8 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 procedures specified under § 502.6 (relating to sulfur in fuel oil).

801.9 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 §§ 801.2 and 801.3, 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:
  - (1) The date of delivery;
  - (2) The name, address, and telephone number of the transferor;
  - (3) The name and address of the transferee;
  - (4) The volume of fuel oil being sold or transferred;
  - (5) The fuel oil grade; and
  - (6) The sulfur content of the fuel oil as determined using the sampling and testing methods specified in § 801.8, which may be expressed as the maximum allowable sulfur content.

- (b) All applicable records required under paragraph (a) shall be maintained in electronic or paper format for not less than three (3) years;
- (c) An electronic or paper copy of the applicable records required under paragraph (a) shall be provided to the Department upon request;
- (d) The ultimate consumer shall maintain the applicable records required under (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;
- (e) A product transfer document that meets federal requirements, such as a Bill of Lading, may be used for the data in paragraphs (a)(1) through (a)(6) 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.

SOURCE: Section 3 of the District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5-165; § 502, 32 DCR 565, 603 (February 1, 1985)); as amended by Final Rulemaking published at 62 DCR 14839 (November 13, 2015).

## **802 SULFUR CONTENT OF COAL**

802.1 The purchase, sale, offer for sale, storage, transport, or use of coal which contains more than one percent (1%) sulfur by weight in the District shall be prohibited, if the coal is to be burned in the District. However, when the Mayor certifies in writing that the combustion-gas-desulfurization system used at a stationary source results in sulfur oxide emissions no greater than the emissions normally resulting from the burning of coal with one percent (1%) sulfur content, coal of a higher sulfur content may be burned at the stationary source.

802.2 Application for a certification shall be made, in writing, to the Mayor by the owner or operator of the stationary source and, upon presentation to a seller of the certification, a copy of which shall be retained by the seller, the sale, purchase, and transportation of the coal shall be permitted.

SOURCE: Section 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165, § 802. 32 DCR 565, 645 (February 1, 1985).

## **803 SULFUR PROCESS EMISSIONS**

803.1 The discharge into the atmosphere of sulfur oxides calculated as sulfur dioxide, in excess of five one hundredths percent (0.05%) by volume is prohibited.

803.2 Where the process or the design of equipment is such as to permit more than one interpretation of this section, the interpretation that results in the minimum value of allowable emissions shall apply.

803.3 Adding diluted air to the exhaust gas stream for the purpose of complying with the provisions of §§ 803.1 and 803.2 is prohibited.

SOURCE: Section 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165, § 803, 32 DCR 565, 645 (February 1, 1985).

## **804 NITROGEN OXIDE EMISSIONS**

804.1 No person shall discharge, or cause the discharge into the atmosphere of nitrogen oxides from fossil fuel-fired steam generating units of more than one hundred million (100,000,000) British Thermal Units (BTU) per hour heat input in excess of the emission limits set forth in Appendix 8-1.

SOURCE: Section 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165, § 804, 32D CR 565, 645 (February 1, 1985).

## **805 REASONABLY AVAILABLE CONTROL TECHNOLOGY FOR MAJOR STATIONARY SOURCES OF THE OXIDES OF NITROGEN**

805.1 The requirements of § 805 shall apply to any person specified pursuant to the following provisions of this section:

- (a) Any person owning, leasing, operating, or controlling any major stationary source having the potential to emit twenty-five (25) tons per year or more of oxides of nitrogen, including the following major stationary sources or parts thereof:
  - (1) Fossil-fuel-fired steam-generating units having an energy input capacity of twenty million (20,000,000) BTU per hour or more;
  - (2) Stationary combustion turbines of any size at major stationary source facilities, including any associated heat recovery steam generators and duct burners;
  - (3) Asphalt concrete plants having the potential to emit twenty-five (25) tons per year or more of NOX; and
  - (4) Any major stationary source or part of a major stationary source, other than those specified in this subsection, having the potential to emit twenty-five (25) tons per year or more of NOX;



- (b) Any person owning, leasing, operating or controlling a major stationary source ever subject to § 805 shall continue to comply with all requirements of § 805, even if emissions from the subject major stationary source no longer exceed the twenty-five (25) ton per year applicability requirement of § 805; and
- (c) The requirements of § 805 shall not apply to the following:
  - (1) Any person subject to § 805 who is able to demonstrate to the Mayor that, since January 1, 1990, the major stationary source has not emitted, before the application of air pollution control equipment, twenty-five (25) tons per year or more of NOX in any year: provided that the person obtains a permit from the Mayor limiting the potential to emit to less than twenty-five (25) tons per year and provided the permit is transmitted to and approved by EPA as a revision to the District's State Implementation Plan; and
  - (2) Emergency standby engines operated less than five hundred (500) hours during any consecutive twelve (12) month period.

805.2 Any person subject to § 805 shall comply with the following provisions:

- (a) Any person subject to § 805 shall maintain continuous compliance with all requirements of § 805. Compliance with the applicable emission limitations shall be determined by test methods approved by the Mayor and the EPA or by continuous emission monitors satisfying the requirements of 40 CFR 60 Appendix B;
- (b) Any person regulated under § 805 may apply to the Mayor by July 1, 1994 for an alternative emission limitation which reflects the application of source specific Reasonably Available Control Technology (hereafter referred to as "RACT." Any alternative emission limitation provided for by this section shall also be approved by EPA. An applicant for an alternative RACT shall do the following:
  - (1) Demonstrate to the Mayor that it is not technologically or economically feasible for that person to comply with the applicable emission limitation. The demonstration shall include a study of the capabilities of the following NOx control options:
    - (A) Low-NOx burners;

- (B) Overfire air;
  - (C) Flue gas recirculation; and
  - (D) Burners out of service;
- (2) Determine an emission limitation reflecting the application of RACT; and
- (c) Testing performed to verify compliance shall be based on a period during which the emission unit or air pollution control equipment is used and operated under conditions acceptable to the Mayor and the EPA and consistent with the operational parameters and limits set forth in any permit or certificate in effect.

805.3 Any person subject to § 805 shall comply with the following provisions of this subsection regarding emission control plans for implementation of RACT.

- (a) Any person who owns, leases, operates or controls a major stationary source subject to § 805 shall submit an emission control plan to the Mayor for review and approval by the Mayor prior to implementation of RACT. The plan shall be submitted to the Mayor by the time specified in § 805, or within one hundred eighty (180) days of the date the major stationary source or part of the major stationary source first meets the applicability requirements of § 805;
- (b) Any person subject only to § 805.8, Procedures for Adjusting Combustion Processes pursuant to the requirements of § 805, shall only submit a notification to the Mayor that they will comply with § 805.8;
- (c) The emission control plan shall detail how RACT will be implemented at the major stationary source which is subject to § 805. Each plan submitted under § 805.3 shall, at a minimum, include the following:
  - (1) A list and description of all the emission units at the major stationary source which have the potential to emit NO<sub>x</sub> including the following:
    - (A) A site plan identifying the location of each NO<sub>x</sub>, emitting unit and the installation date for same;

- (B) The size in millions of BTU per hour of each emission unit;
  - (C) For fuel utilization major stationary sources, the type of fuel or fuels combusted in each emission unit; and
  - (D) The maximum NO<sub>x</sub> emission rate of each emission unit in pounds per million BTU for each fuel burned;
- (2) A demonstration that the provisions of § 805 can be met by each emission unit included in the control plan, including the emission levels before and after implementation of RACT of all emission units emitting NO<sub>x</sub>, for which the emission control plan is being submitted;
  - (3) If applicable, the designs, specifications and standard operating and maintenance procedures for any air pollution control equipment used to reduce NO<sub>x</sub> emissions that is used to implement RACT;
  - (4) The testing, monitoring, recordkeeping and reporting procedures used to demonstrate compliance with the applicable provisions of this section;
  - (5) A schedule for the implementation of RACT at the major stationary source by the deadline contained in the applicable provision of this section, including provisions for demonstrating to the for periodic increments of progress;
  - (6) Any other information required by the Mayor; and
  - (7) The signature of a responsible official certifying the application;
- (d) An emission control plan submitted by any person who owns, leases, operates or controls a major stationary source or part of major stationary source subject to § 805.8, or any person applying for an alternative RACT under §805.2(b) shall meet the following requirements, in addition to those of § 805.3(c):
    - (1) The plan shall contain a demonstration and description of the RACT emission limits for this major stationary source or part of a major stationary source; and

- (2) Any information necessary to support the demonstration made in § 805.3(d)(1), such as technological and economic considerations, industry surveys, customer considerations, etc.;
- (e) The Mayor shall approve emission control plans pursuant to the requirements of this paragraph:
  - (1) For persons not subject to § 805.2(b) or 805.8, the Mayor shall issue a final approval or disapproval of the plan; and
  - (2) For persons subject to § 805.8 or applying for an alternative RACT under § 805.2(b) where the information submitted in the emission control plan is sufficient to support both the determination of RACT/alternative RACT and the proposed schedule, the Mayor shall publish a notice of public hearing. After the public hearing and the close of the public comment period, the Mayor shall issue a final approval or disapproval of the emission control plan; and
- (f) Except as provided for in § 805.3(b), no emission reduction or any other action taken at any major stationary source or part of a major stationary source will constitute implementation of RACT at that major stationary source unless that emission reduction or other action is part of an emission control plan approved by the Mayor.

805.4 Any person owning, leasing, operating or controlling any stationary combustion turbine subject to § 805 shall comply with the requirements of this subsection as of July 23, 2018:

- (a) The following emission and operational requirements shall apply, as applicable:
  - (1) For any stationary combustion turbine that most recently commenced construction, modification, or reconstruction (as these terms are defined in 40 CFR 60, Subpart A, § 60.2 and § 60.15 as in effect on July 1, 2018) after February 18, 2005, and has a heat input rating greater than fifty million (50,000,000) BTU per hour, based on the higher heating value of the fuel:
    - (A) Emissions, with any supplemental duct burner firing, shall not be greater than:

- (i) Twenty-five (25) ppmvd, corrected to fifteen percent (15%) O<sub>2</sub> when fired on any combination of gaseous fuels; and
    - (ii) Seventy-four (74) ppmvd, corrected to fifteen percent (15%) O<sub>2</sub> when fired on any combination of liquid fuels;
  - (B) Only the peak heat input rating of the stationary combustion turbine shall be included when determining whether or not § 805.4(a)(1) is applicable. Any additional heat input to associated heat recovery steam generators or duct burners shall not be included when determining the peak heat input to the stationary combustion turbine; and
  - (C) When fifty percent (50%) or more of the total heat input is from gaseous fuels, the emission limitation in § 805.4(a)(1)(A)(i) applies, but when more than fifty percent (50%) of the total heat input is from liquid fuels, the emission limitation in § 805.4(a)(1)(A)(ii) applies;
- (2) For any stationary combustion turbine that most recently commenced construction, modification, or reconstruction (as these terms are defined in 40 CFR 60, Subpart A, § 60.2 and § 60.15 as in effect on July 1, 2018) on or before February 18, 2005 and has a heat input rating greater than fifty million (50,000,000) BTU per hour, based on the higher heating value of the fuel:
  - (A) Emissions from a stationary combustion turbine alone shall not be greater than:
    - (i) Twenty-five (25) ppmvd, corrected to fifteen percent (15%) O<sub>2</sub> when fired on any combination of gaseous fuels; and
    - (ii) Except as provided in § 805.4(a)(2)(D), seventy-four (74) ppmvd, corrected to fifteen percent (15%) O<sub>2</sub> when fired on any combination of liquid fuels;
  - (B) Emissions from a stationary combustion turbine and all duct burners combined shall not be greater than twenty hundredths (0.20) pounds per million BTU,

based on a calendar day average, when fired on any fuel or combination of fuels;

- (C) Only the peak heat input rating of the stationary combustion turbine shall be included when determining whether or not § 805.4(a)(2) is applicable. Any additional heat input to associated heat recovery steam generators or duct burners shall not be included when determining the peak heat input to the stationary combustion turbine; and
- (D) Any stationary combustion turbine being fired on liquid fuel, or any combination of gaseous and liquid fuels such that more than fifty percent (50%) of the total heat input is from liquid fuels, is not required to comply with the maximum allowable NO<sub>x</sub> emission rate in § 805.4(a)(2)(A)(ii) if it meets the following requirements:
  - (i) The only liquid fuel used is Number two (No. 2) fuel oil that does not contain sulfur in excess of fifteen parts per million (15 ppm) by weight (as determined in accordance with 20 DCMR § 502.6) ;
  - (ii) It burns liquid fuel only during periods of natural gas curtailment, natural gas supply interruption, startups, or periodic testing on liquid fuel, when such periodic testing does not exceed a combined total of forty-eight (48) hours during any calendar year;
  - (iii) The owner or operator shall maintain records of all instances of operation using liquid fuel, including the fuel used, the date and duration of the fuel use, the reason for operating using that fuel, and all notifications received from the natural gas supplier notifying the owner or operator of the beginning or end of a natural gas interruption; and
  - (iv) The owner or operator shall maintain a running calendar year sum of the duration of all liquid fuel use each year for purposes of periodic testing;

- (3) For any stationary combustion turbine with a heat input rating less than or equal to fifty million (50,000,000) BTU per hour, based on the higher heating value of the fuel:
- (A) Except as specified in § 805.4(a)(4), with any supplemental duct burner firing, emissions shall not be greater than:
    - (i) Twenty-five (25) ppmvd, corrected to fifteen percent (15%) O<sub>2</sub> when fired on any combination of gaseous fuels; and
    - (ii) Forty-two (42) ppmvd, corrected to fifteen percent (15%) O<sub>2</sub> when fired on liquid fuel;
  - (B) Only the peak heat input rating of the stationary combustion turbine shall be included when determining whether or not § 805.4(a)(3) is applicable. Any additional heat input to associated heat recovery steam generators or duct burners shall not be included when determining the peak heat input to the stationary combustion turbine; and
  - (C) When fifty percent (50 %) or more of the total heat input is from gaseous fuels, the emission limitation in § 805.4(a)(3)(A)(i) applies, but when more than fifty percent (50 %) of the total heat input is from liquid fuels, the emission limitation in § 805.4(a)(3)(A)(ii) applies;
- (4) For any stationary combustion turbine with a heat input rating less than or equal to ten million (10,000,000) BTU per hour and fired exclusively on natural gas:
- (A) Compliance with § 805.4(a)(7) shall be maintained; and
  - (B) Only the peak heat input rating of the stationary combustion turbine shall be included when determining whether or not § 805.4(a)(4) is applicable. Any additional heat input to associated heat recovery steam generators or duct burners shall not be included when determining

the peak heat input to the stationary combustion turbine;

- (5) No combustion turbine shall be fired on coal or a synthetic fuel derived from coal;
  - (6) Any stationary combustion turbine designed to be fired on any solid fuel other than coal or synthetic fuel derived from any other solid than coal shall comply with the requirements of §§ 805.4(a)(7) and 805.7; and
  - (7) Any duct burner servicing a stationary combustion turbine regulated under § 805.4 is exempt from regulation under § 805.5.
  - (8) Any stationary combustion turbine subject to § 805 shall be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions at all times, including during startup, shutdown, and malfunction, and shall be maintained in accordance with one of the following:
    - (A) The manufacturer's emission-related written instructions; or
    - (B) An alternate written maintenance plan approved in writing by the Department;
- (b) Any person required to comply with § 805.4 shall maintain continuous compliance at all times. Compliance shall be demonstrated by testing or by installing a continuous emissions monitoring system:
- (1) The emissions monitoring system shall do the following:
    - (A) Continuously monitor the NO<sub>x</sub> emission rate from the major stationary source;
    - (B) Continuously record the NO<sub>x</sub> emission rate from the major stationary source;
    - (C) Be installed and operated in a manner approved by the Mayor and acceptable to the EPA; and



- (D) Demonstrate that the NO<sub>x</sub> emission rate does not exceed the applicable maximum allowable NO<sub>x</sub> emission rate specified in § 805.4.
- (2) Testing shall meet the following requirements:
- (A) Be conducted using methods approved by the Department and acceptable to EPA;
  - (B) Demonstrate that the NO<sub>x</sub> emission rate does not exceed the applicable maximum allowable NO<sub>x</sub> emission rate specified in § 805.4, for each fuel subject to such an allowable rate; and
  - (C) Be performed according to the following frequencies:
    - (i) Once within one hundred and eighty (180) days of either initial start-up of the unit or the date of the applicability of § 805 to the unit, whichever is later;
    - (ii) Units may rely on NO<sub>x</sub> compliance testing completed after January 1, 2018 by submission of a written notification to the Department, to be provided within one hundred and eighty (180) days of July 23, 2018, that includes a summary of results indicating compliance with § 805 to fulfill the requirements of § 805.4(c)(2)(C)(i).
    - (iii) For units with heat input ratings greater than ten million (10,000,000) BTU per hour, based on the higher heating value of the fuel, subsequent tests shall be performed once each calendar year and no more than fourteen (14) calendar months following the previous performance test, unless the performance test results show emissions are less than or equal to seventy-five percent (75%) of the applicable emission limit, in which case the subsequent test must be performed once during the next two

calendar years and no more than twenty-six (26) calendar months following the previous performance test; and

- (iv) For units with heat input ratings less than or equal to ten million (10,000,000) BTU per hour, based on the higher heating value of the fuel, and subject to a maximum allowable NO<sub>x</sub> emission rate in § 805.4, subsequent tests shall be performed once every five (5) calendar years and no more than sixty-two (62) months after the previous performance test.

805.5 Any person owning, leasing, operating or controlling any fossil-fuel-fired steam-generating unit subject to § 805 shall comply with the requirements of this subsection:

- (a) Any person owning, leasing, operating or controlling any fossil-fuel-fired steam-generating unit with an energy input capacity of twenty million (20,000,000) BTU per hour or greater shall, prior to May 1st of each year starting in 1995, adjust the combustion process in accordance with the procedure for doing so set forth at § 805.8; and
- (b) After May 31, 1995, no person owning, leasing, operating or controlling any fossil-fuel-fired steam-generating unit with an energy input capacity of fifty million (50,000,000) BTU per hour or greater and less than one hundred million (100,000,000) BTU per hour shall emit NO<sub>x</sub> at a rate greater than the applicable maximum allowable NO<sub>x</sub> emission rate cited in this paragraph. For tangential or face-fired fossil-fuel-fired steam-generating units powered exclusively by oil: thirty hundredths pound (0.30 lb) per million BTU, based on a calendar day average;
- (c) After May 31, 1995, no person owning, leasing, operating or controlling a fossil-fuel-fired steam-generating unit with an energy input capacity of one hundred million (100,000,000) BTU per hour or greater shall emit NO<sub>x</sub> at an emission rate greater than the following maximum allowable NO<sub>x</sub> emission rate:
  - (1) For dry bottom coal fired fossil-fuel-fired steam-generating units:

- (A) Forty-three hundredths pound (0.43 lb) per million BTU, based on a calendar day average, for tangential or face-fired fossil-fuel-fired steam-generating units; and
  - (B) Forty-three hundredths pound (0.43 lb) per million BTU, based on a calendar day average, for stoker-fired fossil-fuel-fired steam-generating units;
- (2) For tangential or face-fired fossil-fuel-fired steam-generating units:
  - (A) Twenty-five hundredths pound (0.25 lb) per million BTU, based on a calendar day average, for fossil-fuel-fired steam-generating units powered by fuel oil or a combination of fuel oil and natural gas; and
  - (B) Twenty hundredths pound (0.20 lb) per million BTU, based on a calendar day average, for fossil-fuel-fired steam-generating units powered exclusively by natural gas;
- (d) Any person who owns, leases, operates or controls a fossil-fuel-fired steam-generating unit subject to § 805.6(b) or (c) shall submit an emissions control plan, and have the plan approved by the Mayor under § 805.3. The plan shall be submitted by July 1, 1994;
- (e) After May 31, 1995, any person required to comply with § 805.5 shall maintain continuous compliance at all times. For fossil-fuel-fired steam-generating units subject to § 805.5(a), compliance will be determined by recordkeeping as detailed in § 805.8. For fossil-fuel-fired steam-generating units subject to § 805.5(b), compliance shall be demonstrated by testing or by installing a continuous emissions monitoring system. For fossil-fuel-fired steam-generating units subject to § 805.5(c) compliance shall be demonstrated by installing a continuous emission monitoring system:
  - (1) The emission monitoring system shall:
    - (A) Continuously monitor the NOx emission rate from the major stationary source;
    - (B) Continuously record the NOx emission rate from the major stationary source;

(C) Be installed and operated in a manner approved by the Mayor and acceptable to the EPA; and

(D) Demonstrate that the NOx emission rate does not exceed the applicable maximum allowable NOx emission rate specified in § 805.

(2) Testing shall meet the following requirements:

(A) Be conducted using methods approved by the Mayor and acceptable to EPA; and

(B) Demonstrate that the NOx emission rate does not exceed the applicable maximum allowable NOx emission rate specified in § 805.5.

805.6 Any person owning, leasing, operating or controlling any asphalt concrete plant subject to § 805 shall comply with the following requirements:

(a) After May 31, 1995, no person owning, leasing, operating or controlling an asphalt concrete plant which has the potential to emit fifty (50) tons per year of NOX or greater shall emit NOX at a rate greater than one hundred fifty (150) ppmvd at seven percent (7%) O2 and carbon monoxide to a level of five hundred (500) ppmvd at seven percent (7%) O2;

(b) After January 1, 2005, no person owning, leasing, operating or controlling an asphalt concrete plant which has the potential to emit twenty-five (25) tons per year of NOx or greater shall emit NOX at a rate greater than one hundred fifty (150) ppmvd at seven percent (7%) O2 and carbon monoxide to a level of five hundred (500) ppmvd at seven percent (7%) O2;

(c) Any person who owns, leases, operates or controls an asphalt plant subject to § 805.6 shall submit an emissions control plan, and have the plan approved by the Mayor under § 805.3. The plan shall be submitted by July 1, 1994;

(d) Any person required to comply with § 805.6 shall maintain continuous compliance at all times. Compliance shall be demonstrated by recordkeeping and testing or by recordkeeping and installing a continuous emissions monitoring system as follows:

(1) The emissions monitoring system shall:

- (A) Continuously monitor the NOX emission rate from the major stationary source;
  - (B) Continuously record the NOX emission rate from the major stationary source;
  - (C) Be installed and operated in a manner approved by the Mayor and acceptable to EPA; and
  - (D) Demonstrate that the NOX emission rate does not exceed the applicable maximum allowable NOX emission rate specified in § 805; and
- (2) Testing shall meet the following requirements:
- (A) Be conducted using methods approved by the Mayor and acceptable to EPA;
  - (B) Be conducted before May 1st of each year after 1995; and
  - (C) Demonstrate that the NOx emission rate does not exceed the applicable maximum allowable NOX emission rate specified in this subsection.

805.7 Any person owning, leasing, operating or controlling any major stationary source or part of a major stationary source subject to § 805, other than those particular types of emitting units addressed by § 805.4 through § 805.6, shall comply with the following requirements:

- (a) By May 31, 1995, no person who owns, leases, operates or controls a major stationary source with the potential to emit NOX greater than or equal to fifty (50) tons per year shall cause, suffer, allow or permit emissions therefrom in excess of an emission rate achievable through the implementation of RACT as demonstrated in an emission control plan under § 805.3(e);
- (b) After January 1, 2005, no person who owns, leases, operates or controls a major stationary source with the potential to emit NOX greater than or equal to twenty-five (25) tons per year shall cause, suffer, allow or permit emissions therefrom in excess of an emission rate achievable through the implementation of RACT as demonstrated in an emission control plan under § 805.3(e);
- (c) Any person subject to § 805.7(a) shall have the RACT emission limit approved by the Mayor in an emissions control plan approved

under § 805.3; and shall submit the plan one hundred eighty (180) days prior to the applicable implementation deadline. The plan shall also be transmitted to and approved by EPA as a revision to the District's State Implementation Plan;

- (d) By installing and testing continuous emissions monitoring system;
  - (1) The emission monitoring system shall:
    - (A) Continuously monitor the NOX emission rate from the major stationary source;
    - (B) Continuously record the NOX emission rate from the major stationary source;
    - (C) Be installed and operated in a manner approved by the Mayor and acceptable to EPA; and
    - (D) Demonstrate that the NOX, emission rate does not exceed the RACT emission limitations contained in the emissions control plan that EPA has approved as a SIP revision; and
  - (2) Testing shall meet the following requirements:
    - (A) Be conducted using methods approved by the Mayor and acceptable to EPA;
    - (B) Be conducted before May 1st of each year after 1995; and
    - (C) Demonstrate that the NOX emission rate does not exceed the RACT emission limitations contained in the emissions control plan that EPA has approved as a SIP revision;
- (e) Any person required to implement RACT shall prepare and maintain daily records sufficient to demonstrate compliance consistent with the applicable averaging time. Records kept to demonstrate compliance shall be kept on-site for three (3) years and shall be made available to representatives of the Mayor and EPA in accordance with the requirements of an approved emissions control plan or upon request; and
- (f) Any person required to implement RACT shall, upon request of the Mayor, perform or have performed tests to demonstrate

compliance with § 805.7. Testing shall be conducted in accordance with methods approved by the Mayor and EPA.

805.8 Any person required to adjust the combustion process of any major stationary source subject to the provisions of this section shall do so according to the following provisions:

- (a) Adjustments shall be performed annually and shall include, at a minimum, the following:
  - (1) Inspection, adjustment, cleaning or replacement of fuel-burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer;
  - (2) Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO<sub>x</sub> and, to the extent practicable, minimize emissions of CO; and
  - (3) Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer.
- (b) The adjustments shall be made such that the maximum emission rate for any contaminant does not exceed the maximum allowable emission rate as set forth in this section.
- (c) Any person required to adjust the combustion process of any major stationary source subject to this section shall maintain, in a permanently bound log book, or another format approved in writing by the Mayor, the following information:
  - (1) The date on which the combustion process was last adjusted;
  - (2) The name, title, and affiliation of the person who made the adjustments;
  - (3) The NO<sub>x</sub> emission rate, in ppmvd, after the adjustments were made;
  - (4) The CO emission rate, in ppmvd, after the adjustments were made;

- (5) The CO<sub>2</sub> concentration, in percent (%) by volume dry basis, after the adjustments were made;
- (6) The O<sub>2</sub> concentration, in percent (%) by volume dry basis, after the adjustments were made; and
- (7) Any other information that the Mayor may require.

SOURCE: Final Rulemaking published at 38 DCR 8105, 8156 (November 19, 1993); as Final Rulemaking published at 47 DCR 9692(December 8, 2000); as Final Rulemaking published at 47 DCR 8644(October 27, 2000)[EXPIRED]; as Final Rulemaking published at 51 DCR 3877(April 16, 2004); as amended by Final Rulemaking published at 65 DCR 13498 (December 14, 2018).

## **806 [REPEALED]**

SOURCE: Final Rulemaking published at 51 DCR 7587 (August 6, 2004); as amended by Final Rulemaking published at 60 DCR 10909 (July 26, 2013).

## **899 DEFINITIONS AND ABBREVIATIONS**

899.1 When used in this chapter, the following terms shall have the meanings ascribed:

**Asbestos abatement** - the removal, encapsulation, enclosure, disposal, or transportation of asbestos or material that contains asbestos.

**Asbestos worker** - a person who is engaged in asbestos abatement.

**Business entity** - a partnership, firm, association, corporation, or sole proprietorship that is engaged in asbestos abatement.

**Carrier** – A distributor who does not take title to or otherwise have ownership of the commercial fuel oil or gasoline, and does not alter either the quality or quantity of the commercial fuel oil or gasoline.

**Commercial fuel oil** – A fuel oil specifically produced, manufactured for sale, and intended for use in fuel burning equipment. A mixture of commercial fuel oil with noncommercial fuel where greater than fifty percent (50%) of the heat content is derived from the commercial fuel oil portion is considered a commercial fuel oil.

**Distributor** – A person who transports, stores or causes the transportation or storage of commercial fuel oil or gasoline at any point between a refinery, a blending facility or terminal and a retail outlet,



wholesale purchaser-consumer's facility or ultimate consumer. The term includes a refinery, a blending facility, or a terminal.

**Emergency renovation operation** - a renovation operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by non-routine failures of equipment.

**Encapsulate** - the coating, binding, or resurfacing of a wall, ceiling, pipe, or other structure to prevent friable asbestos or material that contains asbestos from becoming airborne.

**High-efficiency particulate air (HEPA) filter** - a filter capable of trapping and retaining at least ninety-nine and ninety-seven hundredths percent (99.97%) of all monodispersed particles three tenths (0.3) micrometers ( $\mu$  m) in diameter or larger.

**Negative pressure system** - equipment that ensures that the static pressure in an enclosed work area is lower than that of the environment outside the containment barriers.

**Noncommercial fuel** – A gaseous or liquid fuel generated as a byproduct or waste product that is not specifically produced and manufactured for sale. A mixture of a noncommercial fuel and a commercial fuel oil when at least fifty percent (50%) of the heat content is derived from the noncommercial fuel portion is considered a noncommercial fuel.

**Person** - an individual or non-business entity, including a District of Columbia government employee.

**Retail outlet** – An establishment where commercial fuel oil or gasoline is sold or offered for sale to the ultimate consumer for use in a combustion unit or motor vehicle, respectively.

**Terminal** – A facility that is capable of receiving commercial fuel oil or gasoline in bulk, that is, by pipeline, barge, ship or other transport, and where commercial fuel oil or gasoline is sold or transferred into trucks for transportation to retail outlets, wholesale purchaser-consumer's facilities, or ultimate consumers. The term includes bulk gasoline terminals and bulk gasoline plants.

**Transferee** – A person who is the recipient of a sale or transfer. The term includes the following:

- (a) Terminal owner or operator;
- (b) Carrier;
- (c) Distributor;
- (d) Retail outlet owner or operator; and
- (e) Ultimate consumer.

**Transferor** – A person who initiates a sale or transfer. The term includes the following:

- (a) Refinery owner or operator;
- (b) Terminal owner or operator;
- (c) Carrier;
- (d) Distributor; and
- (e) Retail outlet owner or operator.

**Ultimate consumer** – With respect to a commercial fuel oil transfer or purchase, the last person, facility owner or operator or entity who in good faith receives the commercial fuel oil for the purpose of using it in a combustion unit or for purposes other than resale.

899.2 When used in this chapter, the following abbreviations shall have the meanings ascribed:

**RACM** - Regulated asbestos-containing material

## **APPENDIX 8-1**

### **EMISSION LIMITS FOR NITROGEN OXIDE**

Emission limits for nitrogen oxide in fossil-fuel-fired steam generating units of more than one hundred million (100,000,000) British Thermal Units (BTU.) per hour heat input are as follows:

- (a) Two tenths (0.2) lb. per million BTU heat input (0.36 g. per million cal.) maximum two (2) hour average, expressed in NO<sub>2</sub>, when gaseous fossil fuel is burned:
- (b) Three tenths (0.3) lb. per million BTU heat input (0.54 g. per million cal.) maximum two (2) hour average, express as NO<sub>2</sub>, when liquid fossil fuel is burned;
- (c) Seven tenths (0.7) lb. per million BTU heat input (1.26 g.per million cal.) maximum two (2) hour average. expressed NO<sub>2</sub>, when solid fossil fuel (except lignite) is burned; and
- (d) When different fossil fuels are burned simultaneously in any combination the applicable standard shall be determined by proration, according to the following formula:

$$\frac{x(0.2)+y(0.3)+z(0.7)}{x+y+z}$$

x is the percent of total heat input derived from gaseous fossil fuel;  
y is the percent of total heat input derived from liquid fossil fuel; and  
z is the percent of total heat input derived from solid fossil fuel.

SOURCE: Section 3 of the District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5-165; § 502, 32 DCR 565, 603 (February 1, 1985)); as amended by Final Rulemaking published at 45 DCR 20-23 (January 2, 1998); as amended by Final Rulemaking published at 62 DCR 14839 (November 13, 2015).