

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 3-127

"Air Quality Control Regulations Amendment Act
of 1980".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 3-209, on first and second readings, November 12, 1980 and December 9, 1980, respectively. Following the signature of the Mayor on December 31, 1980, this legislation was assigned Act No. 3-336, published in the January 16, 1981, edition of the D.C. Register, (Vol. 28 page 231) and transmitted to Congress on January 7, 1981 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and, therefore, cites this enactment as D.C. Law 3-127 effective February 26, 1981.



ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30

February 2, 3, 4, 5, 6, 17, 18, 19, 20, 23, 24, 25

D.C. LAW 3-127

EFFECTIVE DATE FEB 26 1981

AN ACT

D.C. ACT 3-336

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 31 1980

To amend the District of Columbia Air Quality Control Regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA.

That this act may be cited as the "Air Quality Control Regulations Amendment Act of 1980".

Sec. 2. The Air Quality Control Regulations, enacted July 7, 1972 (Req. 72-12; 6A DCRR sec. 8-2:701 et seq.) are amended as follows:

CODIFICATION
D.C.M.R.

(a) Section 8-2:702 is amended as follows:

(1) by amending the definition of "Particulate Matter" to read as follows:

"Particulate Matter": Any finely divided material with the exception of uncombined water which, under standard conditions, exists as a liquid or solid: Except, That when a test procedure for particulate matter, specified elsewhere in these regulations, is applicable,

particulate matter shall be defined by the specified test procedure.";

(2) by amending the definition of "Volatile Organic Compound" to read as follows:

"Volatile Organic Compound: Any compound of carbon (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, methane, ethane, methyl chloroform, methylene chloride and Freon 113) that has a vapor pressure greater than 0.1 millimeter of mercury at standard conditions.";

and

(3) by inserting the following definitions in appropriate alphabetical sequence to read as follows:

"Cold Cleaner: Any batch loaded, non-boiling solvent degreaser."

"Conveyorized Degreaser: Any continuously loaded, boiling or non-boiling, conveyorized solvent degreaser."

"Cutback Asphalt: Any asphalt cement which has been liquefied by blending with a volatile organic compound(s)."

"Freeboard: (a) For cold degreasing tanks, the distance from the top of the solvent to the top of the tank.

"(b) For vapor degreasing tanks, the distance from the solvent vapor-air interface to the top of the tank."

"Freeboard Ratio: The freeboard divided by the width of the degreaser."

"Major Stationary Source: Any stationary source that emits, or has the potential to emit, 100 tons or more per year of any air pollutant or, where appropriate, the air pollutant in question."

"Open-top Vapor Degreaser: Any batch loaded, soiling solvent degreaser."

"Potential to Emit: The capability of a source, at maximum design capacity, to emit a pollutant after the application of air pollution control equipment. Enforceable conditions on the operation of the source and pollution control equipment shall be taken into account in determining the potential to emit."

"PSO Increment: Increases in the concentrations of pollutants above the baseline concentrations as provided for under Prevention of

Significant Deterioration of Air Quality, Part C,
section 163(b)(2), of the Clean Air Act, as
amended through 1978 (42 U.S.C. sec. 7473(b)(2))."

"Vapor-tight: No gas or vapor leakage is
detectable using leak detection testing procedures
specified in Appendix B of 'Control of Volatile
Organic Compound Leaks from Gasoline Tank Trucks
and Vapor Collection Systems', published by the
United States Environmental Protection Agency,
December 1978, publication numbers EPA-450/2-78-
051 and DAQPS No. 1-2-119."

"Vehicular Fuel Tank: The fuel tank of
any motorized vehicle excluding vessels and
aircraft."

"Ripe Cleaning: That method of cleaning
which utilizes a material such as a rag wetted
with a solvent, coupled with a physical rubbing
process to remove contaminants from metal
surfaces".

(b) Section 8-2:703 is amended by adding the
following abbreviations in appropriate
alphabetical sequence:

"VOC - Volatile Organic Compound"

"psia - pounds per square inch absolute pressure"

" mm - millimeter"

" cfm - cubic feet per minute".

(c) Section 8-2:707 is amended as follows:

(1) subsection (b) is amended by inserting the following paragraph at the end thereof to read as follows:

"Compliance with or violation of the emission standards in this subsection (b) shall be determined in accordance with the procedures prescribed in Appendix A of 'Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals', published by the United States Environmental Protection Agency, October 1977, publication numbers EPA-450/2-77-026 and DAQPS No. 1-2-082.";

(2) subsection (c) is amended as follows:

(A) subsection (c)(1)(A)(i) is amended by striking out the phrase "vapor-tight (dry break)";

(B) subsection (c)(1)(C)(i) is deleted;

(C) subsection (c)(1)(C)(ii) is redesignated as subsection (c)(1)(C)(i); and

(D) insert the following clause as subsection (c)(1)(C)(ii) to read as follows:

"(ii) The delivery vessel shall be leak tested, by any competent person, at least once each year in accordance with the procedures prescribed in Appendix A of 'Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems', published by the United States Environmental Protection Agency, December 1978, publication numbers EPA-450/2-78-051 and JAOPS No. 1-2-119. Initial testing of any existing delivery vessel shall be accomplished no later than one year from the effective date of the Air Quality Control Regulations Amendment Act of 1980.";

(E) inserting the following clause as subsection (c)(1)(C)(iii) to read as follows:

"(iii) The standards for passing the leak test mentioned in clause (ii) above are that a pressure change of no more than 3 inches of water column occur in 5 minutes when the delivery vessel has been pressurized to 18 inches

of water column and has been evacuated to 5 inches of water column. Any delivery vessel that fails to pass the leak test shall be immediately taken out of service and shall be kept out of service until a subsequent test demonstrates compliance with the standards for passing the test. whenever the delivery vehicle is in use, a clear and unequivocal certificate shall be posted, by the person responsible for conducting the test, in a conspicuous location on the delivery vessel identifying the particular delivery vessel tested and indicating compliance with the testing standards.";

(F) inserting the following clause as subsection (c)(1)(C)(iv) to read as follows:

"(iv) No person shall cause, suffer, or allow the loading or unloading of delivery vessels unless he has taken affirmative action to assure that the delivery vessel has a clear and unequivocal certificate to the effect that it has been leak tested within the past year in accordance with clause (ii) above and that the last leak test showed compliance with the standards in clause (iii) above."; and

(G) deleting the current subsections (c)(1)(C)(3); (c)(1)(C)(4); and (c)(1)(C)(5) and inserting a new subsection (c)(1)(C)(3) to read as follows:

"(3) No person shall cause, suffer, or allow the operation or maintenance of any delivery vessel, or of any part of any liquid delivery system, or vapor collection and/or recovery system used or designed to be used in connection with the loading or unloading of the delivery vessel, in such a manner that it is not vapor-tight or in such a manner that there is any avoidable visible liquid leakage or liquid spillage.":

(3) subsection (d) is amended to read as follows:

"(d) Control of Evaporative Losses from the Filling of Vehicular Fuel Tanks:

"(1)(A) No person shall cause, suffer, or allow the transfer of gasoline to any vehicular fuel tank from any stationary storage container unless the transfer is made through a fill nozzle designed, operated and maintained to:

"(i) Prevent the discharge of gasoline vapors to the atmosphere from either the vehicle filler neck or the fill nozzle.

"(ii) Direct the displaced vapor from the vehicular fuel tank to a system wherein at least 90 percent by weight of the organic compounds in the displaced vapors are recovered or destroyed.

"(iii) Prevent vehicular fuel tank overfills and spillage.

"(B) A vapor-balance system meeting the specifications set forth in subsection (d)(2) and used in compliance with subsection (d)(3) of this section shall be deemed to be in compliance with the requirements set forth in subsection (d)(1)(A) of this section.

"(2) A vapor balance system shall have the following:

"(A) A vapor-tight vapor return hose to conduct the vapors displaced from the vehicular fuel tank to the gasoline dispensing facility's gasoline storage tank(s).

"(B) A vapor-tight seal to prevent the escape of gasoline vapors into the atmosphere

from the interface between the fill nozzle and the filler neck of the vehicular fuel tank.

"(C) On and after October 1, 1982, or on and after the date a fill nozzle is removed from service for repair and/or replacement and/or rebuilding, or on and after the date a new fill nozzle is brought into service, whichever date is earlier:

"(i) the fill nozzle shall have a built-in no-seal no-flow feature designed to prevent the discharge of gasoline from the nozzle unless the seal described in paragraph (2)(B) above, is engaged;

"(ii) the fill nozzle shall have a built-in feature designed to automatically shut-off the flow of gasoline when the pressure in the vehicular fuel tank exceeds 10 inches of water gauge; and

"(iii) the vapor return line shall be equipped with a device that will automatically shut-off the flow of gasoline through the fill nozzle when gasoline circulates back from the fill nozzle through the vapor hose to the facility's gasoline storage tank.

"(D) On and after October 1, 1982, or on and after the date a new gasoline dispensing system is brought into service, whichever date is earlier:

"(i) the vapor return hose shall be no longer than 9 feet in length unless the hose is attached to a device designed to keep the hose out of the way of vehicles (when the nozzle is not in use) and to drain the hose of any collected or condensed gasoline; and

(ii) the gasoline dispensing system shall be equipped with a device designed to prevent the dispensing of gasoline at any rate greater than 8 gallons per minute.

"(E) Until December 1, 1981, the Mayor is authorized to grant any person a waiver from the deadlines contained in clauses (C) and (D) of this paragraph: Provided, That the person granted such waiver enters into a legally binding agreement with the Mayor providing for:

"(i) compliance no later than July 1, 1982, with respect to all gasoline dispensing facilities under his control; and

"(ii) a schedule for phasing in such compliance.

"(3) No person shall cause, suffer, or allow the use by any person of a fill nozzle which is a part of the vapor-balance system unless the system is maintained in good repair, and unless proper operating practices, including, but not limited to the following practices are followed:

"(A) Draining the vapor return hose as often as is necessary, but at least once each operating day, of any collected or condensed gasoline.

"(B) Waiting as long as is necessary, but at least ten seconds after the shut-off of the fuel, before disconnecting the nozzle from the fill neck, in order to balance the pressure between the vehicular fuel tank and the facility's gasoline storage tank.

"(C) After each fuel delivery, placing the vapor return hose on an area where vehicles will not ride over the vapor return hose.

"(4) If it is demonstrated to the satisfaction of the Mayor, that it is impractical to comply with the provisions of subsection (d)(1)

of this section, as a result of the vehicle fill neck configuration, location, or other design features of a class of vehicles, the provisions of this section shall not apply to such vehicles. However, in no case shall such configuration exempt any gasoline dispensing facility from installing and using in the most effective manner, a system required by subsection (a)(1) of this section.

"(5) No person shall cause, suffer, or allow the transfer of gasoline to any vehicular fuel tank from any stationary storage tank, unless the transfer is made through a fill nozzle designed to automatically shut-off the transfer of gasoline when the vehicular fuel tank is full or nearly full.

"(6) No person shall cause, suffer, or allow any additional transfer of gasoline to any vehicular fuel tank from a stationary storage tank after the dispensing system has automatically shut-off the transfer of gasoline by virtue of the vehicular fuel tank being full or nearly full.

"(7) The operator of a gasoline dispensing facility shall take such actions as may

be necessary to insure that all parts of the system used at the facility for compliance with this subsection (d) are maintained in good repair, and to insure that any person, whether attendant, customer, or other, who uses the facility, does so in accordance with proper operating practices and otherwise in compliance with the requirements of this subsection (d). For purposes of this subsection (d), "operator" means any person who leases, operates, manages, supervises, or controls, directly or indirectly, a gasoline dispensing facility.;"

(4) adding a new subsection (j) to read as follows:

"(j) Solvent Cleaning (Degreasing).

"(1) On and after October 1, 1981, any person who employs solvent cleaning shall utilize a control system for such cleaning, which includes the following equipment:

"(A) A container for the solvent and the articles being cleaned.

"(B) A cover for the container which can be easily and conveniently used whenever it is not essential that the container be open.

"(C) A facility for draining cleaned parts so that the drained solvent is returned to the container.

"(D) A permanent, conspicuous, and easily readable label, which lists each of the applicable operating requirements contained in paragraph (2) of this subsection.

"(2) On and after October 1, 1981, any person who employs cold solvent cleaning, if the vapor pressure of the solvent is greater than 0.6 psia at 100 degrees Fanrenneit, or if the solvent is heated above 120 degrees Fanrenneit, shall utilize one of the following control systems:

"(A) A freeboard ratio greater than or equal to 0.75; or

"(B) A water cover, if the solvent is insoluble in and heavier than water; or

"(C) Any other system of equivalent control, such as a refrigerated chiller or carbon absorber of the type specified in paragraph (3)(B) of this subsection.

"(3) On and after October 1, 1981, any person who employs open-top vapor cleaning or conveyorized cleaning, shall utilize and keep in working order:

"(A) All of the following control systems:

"(i) A device designed to prevent heat input to the solvent unless there is adequate coolant to condense the vapors.

"(ii) A spray safety switch designed to stop solvent spray unless the degreaser is functioning properly.

"(iii) A vapor level control device designed to stop heat input to the solvent if the vapor level rises above the design level.

"(B) One or more of the following control systems or any other system for which it is shown that the overall emissions are reduced in weight by 85 percent:

"(i) A freeboard ratio greater than or equal to 0.75.

"(ii) A refrigerated chiller with the coolant at least 40 degrees Fahrenheit or less.

"(iii) A carbon adsorption system with a ventilation rate of at least 50 cfm per square foot of conveyor opening area (in the case of conveyorized degreasers) or of the container opening (in the case of open-top vapor degreasers) and an exhaust concentration of no more than 25 ppm by volume of hydrocarbons.

"(4) On and after October 1, 1981, any person who employs conveyorized degreasers, shall utilize both of the following control systems:

"(A) Either a drying tunnel, or another means such as a rotating basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor, and

"(B) Minimized openings. Entrances and exits should silhouette work loads so that the average clearance between parts and the edge of the degreaser opening is either less than 4 inches or less than 10 percent of the width of the opening, whichever is less.

"(5) On and after October 1, 1981, any person who employs solvent cleaning shall conform to the following operating requirements:

"(A) The degreasing equipment and emission control equipment must be properly operated and maintained in proper working order.

"(B) A person shall not allow any solvent to leak from any portion of the degreasing equipment.

"(C) A person shall not store or dispose of any solvent, including waste solvent, in such a manner as will cause or allow its evaporation into the atmosphere.

"(D) After distillation recovery of waste solvent, solvent residues shall not contain more than 10 percent solvent by volume.

"(E) A person shall not remove or open any device designed to cover the solvent, unless such person is processing work in the degreaser or performing maintenance on the degreaser.

"(F) For cold solvent cleaning, a person shall drain cleaned parts for

at least 15 seconds after cleaning or until dripping ceases, whichever is longer.

"(G) A person shall use only a continuous fluid stream if a solvent flow is utilized, and the pressure shall be such that it does not cause any liquid solvent to splash outside of the solvent container.

"(H) Solvent agitation, where necessary, shall be attained through pump recirculation or by means of a mixer. Air agitation of the solvent bath shall not be utilized.

"(I) On and after October 1, 1981, any person who employs an open-top vapor degreaser shall minimize solvent carry-out by the following measures:

"(A) Rack parts to allow full drainage.

"(B) Move parts in and out of the degreaser at less than 10 feet per minute.

"(C) Degrease the work load for at least 30 seconds or until condensation ceases, whichever is longer.

"(D) Allow parts to dry within the degreaser until visually dry.

"(E) On and after October 1, 1981, any person who employs a conveyorized degreaser shall minimize solvent carry-out by the following measures:

"(A) Rack parts to allow full drainage.

"(B) Maintain vertical conveyor speed at less than 10 feet per minute.

"(C) The provisions of this subsection (j) do not apply to the following cleaning materials or methods:

"(A) Water-solvent emulsions.

"(B) Wipe cleaning.

"(9) Sources subject to the requirements of this subsection (j) are exempt from the requirements of subsection (f) of this section.";

(5) adding a new subsection (k) to read as follows:

"(k) Asphalt Operations. Except for purposes of roofing, no person shall cause, suffer, or allow, the manufacture, mixing,

storage, use, or application of cutback asphalt during the months of April, May, June, July, August, and September: Except, That in specific circumstances, when it is shown to the satisfaction of the Mayor that the above prohibition is unreasonable, liquefied asphalts containing volatile organic compounds may be manufactured, mixed, stored, used, or applied, subject to all conditions which the Mayor may impose to minimize the emissions of VOC into the atmosphere. In the determination of the unreasonableness of the prohibition of cutback asphalt, and in the determination of the conditions that the Mayor may impose to minimize the emissions of VOC, the Mayor shall take into consideration, among other factors, the following:

"(1) The need for long-life storage of the asphalt.

"(2) The lack of significant evaporation of VOC from the asphalt.

"(3) The need to use any particular type of aggregate.

"(4) The weather conditions during the application of the asphalt.".

(d) Section 8-2:708 is amended by adding a new subsection (e) to read as follows:

"(e) Rotary Cup Burners

"(1) New Rotary Cup Burners. No person shall cause, suffer, or allow the sale, installation, or use of a new rotary cup burner, nor shall any person cause, suffer, or allow the replacement of any existing burner with a rotary cup burner.

"(2) Existing Rotary Cup Burners. On and after December 31, 1982, no person shall cause, suffer, or allow the sale for use or use of fuel oil in any rotary cup burner."

(e) Section 8-2:712 is amended to read as follows:

"Section 8-2:712. CONTROL OF FUGITIVE DUST.

"(a) No person shall cause, suffer, or allow the emission of any fugitive dust into the outdoor atmosphere without taking reasonable precautions to minimize the emissions. Such reasonable precautions shall include, but not be limited to the following:

"(1) In the case of unpaved roads, unpaved roadways, and unpaved parking lots: use

of binders, chemicals, and/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; prompt clean-up of any dirt, earth, or other material from the vicinity of the road, roadway, and/or lot which has been transported from such road, roadway, or lot due to anthropogenic activity or due to natural forces.

"(2) In the case of paved roads, paved roadways, and paved parking lots: Maintenance in a reasonably clean condition of the road, roadway, lot, or paved shoulder 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 and/or through any other means.

"(3) In the case of vehicles transporting dusty material or material which is likely to become dusty: Covering, with a tarpaulin or other fashion, the material in question; and, 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 soiling of the material onto the roads.

"(4) In the case of vehicles which accumulate dirt on the wheels, undercarriages and other parts of the vehicle, due to the movement of the vehicle on dusty, dirty or muddy surfaces, which dirt may tend to dislodge from the vehicles onto roadways: Water washing of all of the dirty parts of the vehicle to thoroughly remove the dirt before or immediately after the vehicle leaves such dusty, dirty or muddy surface.

"(5) In the case of demolition of buildings and/or structures: Use, to the extent possible, of water.

"(6) In the case of removal of demolition debris which is dusty or likely to become dusty: Use of water to thoroughly wet the material before moving and/or removing the material and keeping it wet or otherwise in a dust-free condition until eventual disposal.

"(7) 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 and/or hoods, vents and fabric filters. If it is shown to the satisfaction of the Mayor that use of such areas, hoods, vents, and fabric filters is not possible, alternate control techniques acceptable to the Mayor and designed to minimize the emissions to the extent possible shall be utilized.

"(8) 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.

"(b) No person shall cause, suffer, or allow the emission of fugitive dust from:

"(1) Any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process;

"(2) The use of heater-planers in repairing asphaltic concrete pavements;

"(3) Portable tar-melters, unless close-fitting lids, in good repair, for the tar-pots are available and are used;

"(4) The ventilation of any tunnelling operation;

"(5) The cleaning of exposed surfaces through the use of compressed gases.

"(c) It is the intent of the Council that the provisions of this section 8-2:712 supplement those of (the Soil Erosion and Sedimentation Control Act of 1977, D.C. Law 2-23,) Part 8, Chapter 2 of Title 8 of the District of Columbia Health Regulations (published as title 8 of the District of Columbia Regulations; 1952 revision, as amended), and that all persons comply with the provisions of both this section 8-2:712 and Part 8, Chapter 2 of Title 8 of the District of Columbia Health Regulations. In those circumstances where it is impossible to comply with specific provisions of both this section 8-2:712 and Part 8, Chapter 2 of Title 8 of the District of Columbia Health Regulations, the provisions of Part 8, Chapter 2 of Title 8 of the District of Columbia Health Regulations will prevail.".

(f) Section 8-2:720 is amended as follows:

(1) subsection (a) is amended to read as follows:

"(a) Permit To Construct New Source or Modify Existing Source. No person shall cause, suffer, or allow the construction of a new stationary source, or the modification of an existing stationary source, or the installation or modification of any air pollution control device on a stationary source, without first obtaining a permit from the Mayor for such construction, modification, or installation.";

(2) subsection (b) is amended to read as follows:

"(b) Permit To Operate. No person shall cause, suffer, or allow the operation of:

"(1) any major stationary source, for the construction or modification of which a permit is required under subsection (a) of this section; or

"(2) any source, for the construction or modification of which a permit is required under subsection (a) of this section, and which permit

was subject to conditions which affect, or would affect, the operation of the source; without first obtaining a permit for such operation from the Mayor. The Mayor may allow the temporary operation of a source for a period no longer than one month, but extendable month by month, to enable the initial evaluation of the operation of a source or device granted a permit under subsection (a) of this section, or to enable the continued operation of a source for which an application for an operating permit under subsection (b) of this section has been filed, but the operating permit has not been issued due to delays attributable to the Mayor.";

(3) subsection (c) is amended to read as follows:

"(c) Content of Permit Application. Applications for permits shall be filed with the Mayor on such form or forms as the Mayor shall prescribe. The application shall be accompanied by such data, information, and analyses as may be necessary or desirable to allow the Mayor to determine whether the requested permit shall be issued or denied. The Mayor may, at any time,

require the submission of such data, information, and analyses as the Mayor may deem necessary or desirable, to allow the Mayor to determine whether a requested permit shall be issued or denied, or an outstanding permit shall be modified or revoked. Each application for a permit shall be signed by the applicant or the permittee, or by a person duly authorized to act for and on behalf of the applicant or the permittee. In the application, the applicant may incorporate by reference, data, information, and analyses otherwise available or provided to the Mayor:
Provided, That such reference is clear and specific. Each application shall be accompanied by a fee to be determined by the Mayor. Such fee shall be sufficient to cover the reasonable costs of reviewing and acting upon the application and the reasonable costs of implementing and enforcing the terms and conditions of the permit.";

(4) subsection (d) is amended to read as follows:

"(d) Duration of Permits. Permits shall be valid for a period not to exceed three (3) years.";

(5) subsection (e) is amended to read as follows:

"(e) General Requirements for the Issuance of a Permit. The Mayor may issue a permit upon finding that:

"(1) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and welfare;

"(2) The issuance of the permit will not be inimical to the public health and welfare;

"(3) The applicant has satisfied the applicable requirements for the requested permit pursuant to these regulations;

"(4) The operation of the source will not prevent or interfere with the attainment and maintenance of any applicable national ambient air quality standard, will not contribute to the violation of any PSD increment, and otherwise will not result in the contravention of any provision of the Clean Air Act, as amended through 1978 (42 U.S.C. sec. 7401 et seq.);

"(5) The operation of the source will not result in the violation of any provision of these regulations;

"(6) In the case of a new or modified major stationary source of particulate matter, and/or carbon monoxide, and/or hydrocarbons, except those shown to be expected to have an insignificant impact upon the air quality of any area not attaining the national ambient air quality standards for particulate matter, carbon monoxide or ozone;

"(A) The emissions from the major stationary source will not exceed that represented by the 'lowest achievable emission rate', as that term is defined in section 171(3) of the Clean Air Act, as amended through 1978 (42 U.S.C. sec. 7501(3));

"(B) The applicant for a permit for the new or modified major stationary source will cause to have reduced, prior to the operation of the source, sufficient emissions from other existing stationary sources so that the emissions from the new or modified major stationary source in conjunction with the

reduction of the emissions (below the level of emissions that would be permitted under these regulations) from the existing stationary sources, will result in decreased emissions of particulate matter, carbon monoxide, and hydrocarbons to the atmosphere, and will not adversely affect the air quality in any area not attaining the national ambient air quality standards: Except, That credit may be granted for the reduction of emissions from existing non-major stationary sources only to the extent it has been shown that the reduced emissions have not been transferred, directly or indirectly, to some other source or place;

"(C) All major stationary sources owned or operated in the District of Columbia by the applicant (or by any entity controlling, controlled by, or under common control with the applicant) are in compliance with, or on binding agreement to comply with, all emission limitations and standards under these regulations and under the Clean Air Act, as amended through 1978 (42 U.S.C. sec. 7401 et seq.);

"(D) In the case of a new or modified major stationary source of carbon monoxide and/or hydrocarbons, the applicant has demonstrated through an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed new or modified source, that the benefits of the proposed new or modified source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification;

"(E) The issuance of a permit will result in satisfaction of the requirements for a permit program specified in section 173 of the Clean Air Act, as amended through 1978 (42 J.S.C. sec. 7503);

"(F) All offsetting emission reductions obtained in compliance with paragraph (6)(3) of this subsection shall be made legally binding and enforceable directly against the offsetting source;

Notwithstanding anything in this paragraph (6) to the contrary, any new or modified major stationary source of particulate matter, carbon monoxide, or

hydrocarbons located, or to be located in an area designated as a non-attainment area for that particular pollutant, pursuant to section 107(d) of the Clean Air Act, as amended through 1978 (42 J.S.C. sec. 7407(d)), shall be deemed to have a significant impact upon the air quality of such area, and shall be subject to the provisions of subparagraphs (A) through (F) of this paragraph (6);

"(7) In the case of a major stationary source, that continuous monitoring devices for capacity and for all pollutants for which the source is a major source are in operation, or in the case of a new source, will be in operation as of the time of start of operation of the source: Provided, That no emission monitoring equipment for a pollutant shall be required in a case where the emission of that pollutant is not subject to an emission standard under these regulations, or where such continuous monitoring device is not reasonably available.";

(6) subsections (f) and (g) are deleted;

(7) subsections (n), (i), and (j) are redesignated as subsections (f), (g), and (h) respectively.

(g) Amending section 8-2:726(a) to read as follows:

"(a) Any person who fails to comply with any of the provisions of these Regulations, or who refuses, interferes with, or prevents any inspection authorized by these Regulations, or who keeps false records or makes false reports or certificates required by these Regulations, shall be punished by a fine not to exceed \$5,000 or imprisonment not to exceed 90 days, or both. In the event of any violation of, or failure to comply with, these Regulations, each and everyday of such violation, or failure, shall constitute a separate offense and the penalties described herein shall be applicable to each such separate offense.".

Sec. 3. This act shall take effect after a thirty (30) day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as

provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-147(c)(1)).

Anthony Wilson
Chairman
Council of the District of Columbia

W. Berry
Mayor
District of Columbia

APPROVED: December 31, 1980

COUNCIL OF THE DISTRICT OF COLUMBIA

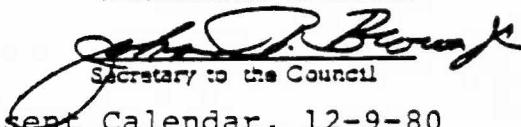
RECORD OF OFFICIAL COUNCIL ACTION

DOCKET NO: B 3-209ACTION: Adopted First Reading, 11-12-80 VOICE VOTE: UnanimousAbsent: all present ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
JARVIS					ROLARK									

X - Unanimous Vote A - 1 - Absent N. V. - No Vote A.B. - Abstain

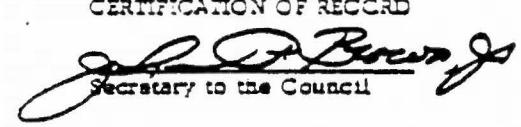
CERTIFICATION OF RECORD


Secretary to the CouncilACTION: Adopted Final Reading, Consent Calendar, 12-9-80 VOICE VOTE: UnanimousAbsent: Clarke ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
JARVIS					ROLARK									

X - Unanimous Vote A - 1 - Absent N. V. - No Vote A.B. - Abstain

CERTIFICATION OF RECORD


Secretary to the Council

ACTION: _____

 VOICE VOTE: _____

Absent: _____

 ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
JARVIS					ROLARK									

X - Unanimous Vote A - 1 - Absent N. V. - No Vote A.B. - Abstain

CERTIFICATION OF RECORD

Secretary to the Council