**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

**NOTICE OF PROPOSED RULEMAKING**

**Control of Hazardous Air Pollutants (HAPs)**

The Director of the District Department of the Environment, pursuant to the authority set forth in the sections 5 and 6(b) of the District of Columbia Air Pollution Control Act of 1984, as amended, effective March 15, 1985 (D.C. Law 5-165; D.C. Official Code §§ 8-101.05 and 8-101.06(b)(2008 Repl.)); section 107(4) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.07(4)(2008 Repl.)); the Human and Environmental Health Protection Act of 2010, effective March 31, 2011 (D.C. Law 18-336; D.C. Official Code §§ 8-108.01, *et seq*. (2011 Supp.)); Mayor's Order 98-44, dated April 10, 1998; Mayor's Order 2006-61, dated June 14, 2006; and Mayor's Order 2011-153, dated September 7, 2011, hereby gives notice of the intent to add chapter 14, Air Toxics and Hazardous Air Pollutants, to title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. Further, these rules shall not become effective until approved by the Council of the District of Columbia, or forty-five (45) days after submission to the Council, not including Saturdays, Sundays, legal holidays, and days of Council recess, if the Council has not disapproved these rules.

The proposed rules amend certain sections of the air quality regulations that pertain to hazardous air pollutants (HAPs) for these source categories: Perchloroethylene Dry Cleaning Facilities, Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, Halogenated Solvent Cleaning, Publicly Owned Treatment Works, Stationary Reciprocating Internal Combustion Engines, Hospital and Other Ethylene Oxide Sterilizers, Gasoline Dispensing Facilities, Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources, and Area Source Plating and Polishing Operations, and the Printing and Publishing Industry. These rules replace the previous National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements in 20 DCMR § 717 (where older versions of some of these regulations had previously been adopted by reference) and the District's own requirements for HAPs in other sections of 20 DCMR chapter 7.

The Clean Air Act requires that the U.S. Environmental Protection Agency (EPA) identify the toxic air pollutants that pose a health threat in the largest number of urban areas, and regulate sufficient area source categories to ensure that the emissions of these air toxics are reduced. *See* 42 U.S.C. § 7412(k)(3)(c). The District is proposing to adopt area source standards in 40 C.F.R. part 63 that were developed pursuant to this requirement. Toxic air pollutants, also called "air toxics" or "hazardous air pollutants (HAPs)," are those compounds known or suspected to cause cancer or other serious health problems, and environmental damage. The District concurs with EPA's scientific findings, cited in the *Federal Register* notices below, that each of the HAPs it is proposing to regulate poses a threat to human health and therefore should be subject to operational standards that help control emissions.

EPA regulates a total of one hundred eighty seven (187) HAPs, targeting thirty-three (33) HAPs and seventy (70) area source categories as a part of its Urban Air Toxics Strategy. *See* http://www.epa.gov/ttn/atw/area/arearules.html. These numbers are constantly changing as EPA identifies new sources. For more information, see http://www.epa.gov/ttn/atw/pollsour.html. DDOE is proposing to regulate only ten (10) of these source categories that are presently located in the District and will amend the regulations, if and when, it becomes aware of the presence of additional source categories. DDOE is not proposing to adopt the area source standards for "Industrial, Commercial, and Institutional Boilers" at this time (40 C.F.R. part 63, subpart JJJJJJ) because on December 23, 2011, EPA proposed amendments to these standards. *See* 76 Fed. Reg 80532 (December 23, 2011). DDOE will consider adoption of these standards once the proposed amendments are finalized. The source categories included in this proposed rule will be required to meet strict operational standards in order to protect the health and well-being of the District's residents. These sources are required to implement management practices that minimize emissions of toxics from such operations. Adopting the federal rules by reference will allow the District government to enforce those standards along with EPA. For more information on the emission standards for HAP sources see http://www.epa.gov/ttn/atw/mactfnlalph.html.

The first five (5) subparts of the federal NESHAP rule, 40 C.F.R. part 63, subparts A, B, C, D, E, and appendix A, are the general rules, definitions, and test methods adopted by reference for the purpose of implementing the NESHAPs for source categories below.

The proposed "Perchloroethylene Air Emission Standards for Dry Cleaning Facilities" rule, would adopt standards in 40 C.F.R. part 63, subpart M (40 C.F.R. §§ 63.320 – 63.326) that cover dry cleaning facilities that use perchloroethylene as a dry cleaning solvent. Perchloroethylene dry cleaners were previously regulated under 20 DCMR §§ 707 and 717, which were repealed by the new Volatile Organic Compound (VOC) Emissions Reduction regulations, which were finalized on December 30, 2011. 58 DCR 011286 (December 30, 2011). The federal regulation was updated on July 11, 2008 and this adoption by the District will incorporate the new requirements, including the phase out of co-located perchloroethylene dry cleaners within residential buildings. DDOE is also including an eventual phase-out of perchloroethylene in dry cleaning operations, pursuant to the Human and Environmental Health Protection Act of 2010. *See* D.C. Official Code § 8-108.03 (2011 Supp.).

Perchloroethylene, also known as "perc" or "tetrachloroethylene", is a solvent commonly used in dry cleaning and is identified as the only air toxic emitted from the dry cleaning process. The District has approximately fifty (50) dry cleaning facilities currently using perc that are covered by this rule. Exposure to moderate concentrations of perc has been linked to central nervous system (CNS) depression and behavioral problems, and higher concentrations have been linked to liver damage and cancer. For more information, see Federal Register notices 58 Fed. Reg. 49354 (September 22, 1993) and 73 Fed. Reg. 39871 (July 11, 2008) and http://www.epa.gov/ttn/atw/dryperc/dryclpg.html.

The proposed "Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks" rule, would adopt standards in 40 C.F.R. part 63, subpart N (40 C.F.R. §§ 63.340 – 63.348 and table 1 to subpart N of part 63) that reduce emissions from electroplating and anodizing processes of a number of toxic air pollutants,

including: formaldehyde, benzene, acrolein, and chromium. Hard and decorative chromium electroplating and chromium anodizing tanks were previously regulated under 20 DCMR § 717, which has been repealed by the new VOC regulations, finalized on December 30, 2011, at 58 DCR 011286. Originally promulgated on January 25, 1995 (60 Fed. Reg. 4963), the federal regulations were updated on July 19, 2004 (69 Fed. Reg. 42885) after they had already been adopted by the District. Through this proposed rulemaking action DDOE is updating the standards to reflect the more current federal requirements and moving the standards to another chapter in the air quality regulations. There is only one known facility that has Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks in the District, and it is not located near residential housing. For more information, see http://www.epa.gov/ttn/atw/chrome/chromepg.html.

Chromium electroplaters can present an adverse health threat to populations living near the source of emissions. Chromium electroplaters mostly emit the hexavalent form of chromium. Acute exposure to hexavalent chromium has been shown to cause nasal irritation in workers and other individuals. Intermediate and chronic inhalation exposure to chromium has been reported to cause adverse respiratory tract effects, including irritation and perforation of the nasal mucosa, decreases in lung function, and renal proteinuria. Animal studies of acute organ toxicity also suggest that chromium compounds may produce kidney and liver damage. The carcinogenic health effects from chromium are also well documented. Hexavalent chromium is considered a Group A carcinogen because there is adequate evidence for its carcinogenicity in humans. For more information, see Federal Register notices 57 Fed. Reg. 31576 (July16, 1992), 60 Fed. Reg. 4948 (January 25, 1995), and 69 Fed. Reg. 42885 (July 19, 2004).

The proposed "Emission Standards for Halogenated Solvent Cleaning" rule, would adopt standards in 40 C.F.R. part 63, subpart T (40 C.F.R. §§ 63.460 – 63.471, appendix A to subpart T of part 63, and appendix B to subpart T of part 63) that limit emissions of halogenated solvents such as methylenechloride (MC), trichloroethylene (TCE), and perc used to remove grease, oil, wax, carbon deposits, and tar from metal, plastic, fiberglass, printed circuit boards, and other surfaces prior to painting, plating, repair, or heat treatment. The federal regulations were updated on May 3, 2007, after they had been previously adopted by the District. In this rulemaking action, DDOE is adopting the new federal regulations and moving them to another chapter in the District's air quality regulations. Approximately five (5) or fewer facilities in the District are believed to use halogenated solvent cleaning. MC is a probable human carcinogen and short-term exposure to MC has been known to cause impairments in CNS functioning. Case reports of exposure to MC have shown that humans exposed to MC exhibited narcosis, irritability, analgesia, and fatigue. For more information, see http://www.epa.gov/ttn/atw/degrea/halopg.html.

Both perc and TCE are moderately toxic substances that appear to target the CNS, causing dizziness, headaches, and slowing of mental activity. Over longer periods of exposure, adverse effects may also be seen in the liver and kidneys as well as the eyes and upper respiratory tract. Results of TCE tests indicate that inhalation may result in the formation of renal tumors. For more information, see Federal Register notices 57 Fed. Reg. 31576 (July16, 1992), 59 Fed. Reg. 61801 (December 2, 1994), and 72 Fed. Reg. 25138 (May 3, 2007).

The proposed "Emission Standards for the Printing and Publishing Industry" rule, would adopt standards in 40 C.F.R. part 63, subpart KK (40 C.F.R. §§ 63.820 – 63.839, table 1 to subpart KK of part 63, and appendix A to subpart KK of part 63), to minimize the emissions of HAPs from rotogravure, flexography, and other printing and publishing methods such as lithography, letterpress, and screen printing. *See* 76 Fed. Reg. 22566, 22572 (April 21, 2011). The printing and publishing industry is a source of HAPs such as toluene, xylene, ethylbenzene, methanol, methyl ethyl ketone, methyl isobutyl, ketone, ethylene glycol, and certain glycol ethers, and was first regulated in 1996. *See* 61 Fed. Reg. 27132, 27133 (May 30, 1996). These HAPs have potential health effects including irritation of the eyes, nose, throat, and skin, and damage tothe heart, liver, kidneys, and blood cells. *Id*. The District has not previously regulated HAPs from the Printing and Publishing Industry.

The proposed "Emission Standards for Hazardous Air Pollutants for Publicly Owned Treatment Works" rule, would adopt standards in 40 C.F.R. part 63, subpart VVV (40 C.F.R. §§ 63.1580 – 63.1595, and table 1 to subpart VVV of part 63), that limit toxic air emissions such as xylenes, MC, toluene, ethyl benzene, chloroform, tetrachloroethylene, benzene, and naphthalene from publicly owned treatment works, more commonly known as wastewater treatment plants. Publicly owned treatment works (POTW) were previously regulated under 20 DCMR § 717, which were repealed by new VOC regulations last proposed on August 12, 2011. These regulations have not been updated with amendments that are applicable in the District after they were previously adopted by the District, but we are simply moving them to another chapter in the air quality regulations.

There is one publicly owned wastewater treatment plant in the District to which this regulation is expected to apply. There are multiple potential adverse health impacts associated with exposure to these HAPs. For example, exposure to MC adversely affects the CNS and results in increased liver and lung cancer in animals, and benzene is a known human carcinogen. For more information see Federal Register notices 63 Fed. Reg. 66084 (December 1, 1998), 64 Fed. Reg. 57572 (October 26, 1999), and 67 Fed. Reg. 64742 (October 21, 2002) and http://www.epa.gov/ttn/atw/potw/potwpg.html.

The "Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines" (RICE) rule, would adopt standards in 40 C.F.R. part 63, subpart ZZZZ (40 C.F.R. §§ 63.6580 – 63.6675, tables 1a-1b, tables 2a-2d, and tables 3-8 to subpart ZZZZ of part 63) that apply to new and reconstructed stationary reciprocating internal combustion engines such as electricity generators, compressors, and stationary water pumps for firefighting or flood control. Although the exact number is unknown, there are many RICE throughout the District. The federal regulations for RICE were initially adopted on June 15, 2004. *See* 69 Fed. Reg. 33474. EPA updated the regulations in a final rulemaking action on August 20, 2010 (75 Fed. Reg. 51570) and amended them in a Direct Final Rule on March 9, 2011 (76 Fed. Reg. 12863). This is the first time that the District has regulated RICE for HAPs.

This rulemaking adopts the federal standards for RICE, except for the provision permitting emergency generators to participate in demand response programs. Historically, demand response programs are not called up very often, but when they are, it tends to be on the hottest days of the summer, which are also usually the worst ozone days of the year. The District is

deleting the provisions of the NESHAP that permit participation in demand response programs in order to prevent the additional operation of emergency generators on bad air quality days. Numerous HAPs may be emitted from RICE, but only a few account for essentially all of the mass of HAP emissions from this stationary source. These HAPs are formaldehyde, acrolein, methanol, and acetaldehyde.

The HAP emitted in the largest quantities from stationary RICE is formaldehyde. Formaldehyde is a probable human carcinogen and can cause irritation of the eyes and respiratory tract, coughing, dry throat, tightening of the chest, headache, and heart palpitations. Acute inhalation has caused bronchitis, pulmonary edema, pneumonitis, pneumonia, and death due to respiratory failure. Long-term exposure can cause dermatitis and sensitization of the skin and respiratory tract. Acrolein is a cytotoxic agent, a powerful lacrimating agent, and a severe tissue irritant. Acute exposure to acrolein can cause severe irritation or corrosion of the eyes, nose, throat, and lungs, with tearing, pain in the chest, and delayed-onset pulmonary injury with depressed pulmonary function. Chronic exposure to acrolein can cause skin sensitization and contact dermatitis. Acrolein is not considered carcinogenic to humans. Humans are very sensitive to the toxic effects of methanol including formic acidaemia, metabolic acidosis, ocular toxicity, nervous system depression, blindness, coma, and death. Methanol has not been classified with respect to carcinogenicity. The health effects for acetaldehyde are irritation of the eye mucous membranes, skin, and upper respiratory tract, and a CNS depressant in humans. Acute exposure can cause conjunctivitis, coughing, difficult breathing, and dermatitis. Chronic exposure may cause heart and kidney damage, embryotoxicity, and teratogenic effects. Acetaldehyde is a probable carcinogen in humans. For more information see Federal Register notices 69 Fed. Reg. 33474 (June 15, 2004), 73 Fed. Reg. 3568 (January 18, 2008), and 75 Fed. Reg. 9648 (March 3, 2010) and http://www.epa.gov/ttn/atw/rice/ricepg.html.

The proposed "Emission Standards for Hospital and Other Ethylene Oxide Sterilizers" rule, would adopt standards in 40 C.F.R. part 63, subpart O (40 C.F.R. §§ 63.360 – 63.368) and 40 C.F.R. part 63, subpart WWWWW (40 C.F.R. §§ 63.10382 – 63.10448, and table 1 to subpart WWWWW of part 63), covering sterilizing units that use the HAP, ethylene oxide, as a sterilization or fumigation agent. The federal regulations were originally adopted on December 6, 1994, but the District has not previously regulated hospital or other ethylene oxide sterilizers for HAPs. The proposed rules establish standards to minimize emissions of ethylene oxide. Although the exact number is unknown, there are fewer than ten (10) facilities that operate ethylene oxide sterilizers in the District.

The adverse health effects from ethylene oxide are well documented. Headaches, nausea, vomiting, and/or respiratory irritation are common symptoms resulting from acute inhalation exposure to ethylene oxide. Studies of subchronic and chronic exposures indicate that ethylene oxide has serious long-term effects, such as neurological abnormalities and cataracts. Ethylene oxide is also a probable human carcinogen. Studies indicate that exposure to ethylene oxide produces maternal toxicity, depression of fetal weight gain, fetal death, and fetal malformation in females and reduced sperm numbers and motility in males. Recent studies on ethylene oxide have also examined the mutagenicity associated with ethylene oxide and the ability of ethylene oxide-induced genetic damage to cause adverse reproductive impacts. Ethylene oxide has been shown to cause mutations in mammalian cells, both somatic and germ. For more information see

Federal Register notices 57 Fed. Reg. 31576 (July 16, 1992), 59 Fed. Reg. 62585 (December 6, 1994), 71 Fed. Reg. 17712 (April 7, 2006), and 72 Fed. Reg. 73611 (December 28, 2007), and http://epa.gov/ttn/atw/eo/eopg.html.

The proposed "Emission Standards for Hazardous Air Pollutants for Gasoline Dispensing Facilities" rule, would adopt standards in 40 C.F.R. part 63, subpart CCCCCC (40 C.F.R. §§ 63.11110 – 63.11132, tables 1-3 to subpart CCCCCC of part 63) that minimize emissions of HAPs by requiring emission controls and establishing work practice standards for gasoline cargo tanks and storage tanks used in association with gasoline dispensing stations. The federal regulations were adopted on January 10, 2008, but the District has not previously regulated gasoline dispensing stations for HAPs. For more information see Federal Register notices 73 Fed. Reg. 1916 (January 10, 2008) and 73 Fed. Reg. 12275 (March 7, 2008) and http://www.epa.gov/ttn/atw/gasdist/gasdispg.html.

Gasoline vapors normally contain nine (9) HAPs: benzene, ethylbenzene, hexane, toluene, xylenes, isooctane, naphthalene, cumene, and methyl tert-butyl ether. Acute and chronic exposure to these HAPs may cause CNS depression, respiratory problems, dizziness, and irritation of eyes, nose, and throat, among other conditions. Many of these HAPs have also been classified by EPA as known or probable carcinogens. For more information see the Health Effects Notebook for Hazardous Air Pollutants on the Environmental Protection Agency's Air Toxics website at www.epa.gov.

The proposed "Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources" rule, would adopt standards in 40 C.F.R. part 63, subpart HHHHHH (40 C.F.R. §§ 63.11169 – 63.11180, and table 1 to subpart HHHHHH of part 63) that apply to area sources that engage in paint stripping operations that use MC. The federal regulations were adopted on January 9, 2008, but the District has not previously regulated paint stripping and surface coating operations for HAPs. It also applies to surface coating operations that involve paints that contain metal HAP compounds such as auto body refinishing operations. Although the exact number is unknown, there are many facilities in the District that emit these HAPs. HAP emissions from paint stripping and miscellaneous surface coating operations are associated with a variety of adverse health effects. These adverse health effects include chronic health disorders (for example, CNS effects, blood disorders, and cancer) and acute health disorders (for example, irritation of eyes, nose, and throat, with long-term impairment of lung function possible at high acute exposures). For more information see Federal Register notices 72 Fed. Reg. 52958 (September 17, 2007) and 73 Fed. Reg. 1738 (January 9, 2008) and http://www.epa.gov/ttn/atw/area/arearules.html.

The proposed "Emission Standards for Hazardous Air Pollutants for Area Source Plating and Polishing Operations" rule, would adopt standards in 40 C.F.R. part 63, subpart WWWWWW (40 C.F.R. §§ 63.11504 – 63.11513, and table 1 to subpart WWWWWW of part 63) that minimize emissions of cadmium, chromium, manganese, nickel, lead, and other harmful chemicals that pose a threat to human health from plating and polishing facilities. The federal regulations were adopted on July 1, 2008, and amended for clarification and technical corrections on June 20, 2011, through a Direct Final Rule (76 Fed. Reg. 35744), but the District has not previously regulated plating and polishing operations for HAPs (except chromium electroplating as discussed above). There is one (1) known facility in the District believed to be

regulated under these standards and it is not located near residential housing. For more information see Federal Register notices 73 Fed. Reg. 14126 (March 14, 2008) and 73 Fed. Reg. 37728 (July 1, 2008),
http://www.epa.gov/ttn/atw/area/platpolbs.pdf and
http://www.epa.gov/ttn/atw/area/platpolb.pdf.

The acute and chronic exposure to these HAPs may cause respiratory effects, kidney disease, central nervous system impairment, and psychological effects. Many of these pollutants have also been classified by EPA as known or probable carcinogens. For more information see the Health Effects Notebook for Hazardous Air Pollutants on the EPA's Air Toxics website at http://www.epa.gov/ttnatw01/hlthef/hapindex.html.

**CHAPTER 14 (AIR TOXICS AND HAZARDOUS AIR POLLUTANTS) of TITLE 20 (ENVIRONMENT) of the DCMR is added as follows:**

## CHAPTER 14 AIR TOXICS AND HAZARDOUS AIR POLLUTANTS

**Section**



### 1400 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1400.1 The requirements of 40 C.F.R. part 63, subparts A, B, C, D, E, and appendix A (Test Methods) (40 C.F.R. §§ 63.1 – 63.99), as in effect on July 1, 2011, together with the terms used and defined, are hereby adopted by reference for the purpose of implementing the National Emission Standards for Hazardous Air Pollutants (NESHAP) for source categories pursuant to the requirements of section 112 of

the Clean Air Act, 42 U.S.C. § 7412, except that the word "Administrator" as used in the C.F.R. sections shall be taken to mean "Director of the District Department of the Environment."

## 1401 EMISSION STANDARDS FOR PERCHLOROETHYLENE AIR DRY CLEANING FACILITIES

1401.1 After January 1, 2014, no person shall install a machine designed to use perchloroethylene as a cleaning agent for clothes or other fabrics.

1401.2 After January 1, 2029, no person shall use perchloroethlyene as a cleaning agent for clothes or other fabrics.

1401.3 Except as controlled by subsections 1401.1 and 1401.2, the requirements of 40 C.F.R. part 63, subpart M (40 C.F.R. §§ 63.320 – 63.326), as in effect on July 1, 2011, together with the terms used and defined, are hereby adopted by reference, except that the word "Administrator" as used in the C.F.R. section shall be taken to mean "Director of the District Department of the Environment."

1401.4 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart M, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

## 1402 EMISSION STANDARDS FOR CHROMIUM EMISSIONS FROM HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING TANKS

1402.1 The requirements of 40 C.F.R. part 63, subpart N (40 C.F.R. §§ 63.340 – 63.348 and table 1 to subpart N of part 63), as in effect on July 1, 2011, together with the terms used and defined, are hereby adopted by reference, except that the word "Administrator" as used in the C.F.R. section shall be taken to mean "Director of the District Department of the Environment".

1402.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart N, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

## 1403 EMISSION STANDARDS FOR HALOGENATED SOLVENT CLEANING

1403.1 The requirements of 40 C.F.R. part 63, subpart T (40 C.F.R. §§ 63.460 – 63.471, appendix A to subpart T of part 63, and appendix B to subpart T of part 63), as in

effect on July 1, 2011, together with the terms used and defined, are hereby adopted by reference, except that the word "Administrator" as used in the C.F.R. section shall be taken to mean "Director of the District Department of the Environment."

1403.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart T, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

## 1404 EMISSION STANDARDS FOR THE PRINTING AND PUBLISHING INDUSTRY

1404.1 The requirements of 40 C.F.R. part 63, subpart KK (40 C.F.R. §§ 63.820 – 63.839, table 1 to subpart KK of part 63, and appendix A to subpart KK of part 63), as in effect on July 1, 2011, together with the terms used and defined, are hereby adopted by reference, except that the word "Administrator" as used in the C.F.R. section shall be taken to mean "Director of the District Department of the Environment."

1404.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart KK, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

## 1405 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR PUBLICLY OWNED TREATMENT WORKS

1405.1 The requirements of 40 C.F.R. part 63, subpart VVV (40 C.F.R. §§ 63.1580 – 63.1595.), as in effect on July 1, 2011, together with the terms used and defined, are hereby adopted by reference, except that the word "Administrator" as used in the C.F.R. section shall be taken to mean "Director of the District Department of the Environment."

1405.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart VVV, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

## 1406 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES

1406.1 The requirements of 40 C.F.R. 63, subpart ZZZZ (40 C.F.R. §§ 63.6580 – 63.6635 and 63.6645 – 63.6675, tables 1a-1b, tables 2a-2d and, tables 3-8 to subpart ZZZZ of part 63), as in effect on July 1, 2011, together with the terms used and defined, are hereby adopted by reference, except that the word "Administrator" as used in the C.F.R. section shall be taken to mean "Director of the District Department of the Environment." In addition, emergency generators shall not be permitted to participate in demand response programs pursuant to subsections 1406.2 and 1406.3.

1406.2 The requirements of 40 C.F.R. § 63.6640, as in effect on July 1, 2011, together with the terms used and defined, are hereby adopted by reference, except that:

(a) The following language shall not be adopted from 40 C.F.R. § 63.6640(f)(1)(iii): "except that owners and operators may operate the emergency engine for a maximum of 15 hours per year as part of a demand response program if the regional transmission organization or equivalent balancing authority and transmission operator has determined there are emergency conditions that could lead to a potential electrical blackout, such as unusually low frequency, equipment overload, capacity or energy deficiency, or unacceptable voltage level;" and

(b) The word "Administrator" as used in the C.F.R. section shall be taken to mean "Director of the District Department of the Environment."

1406.3 The definitions of 40 C.F.R. § 63.6675, as in effect on July 1, 2011, are hereby adopted by reference, except that:

(a) The following language shall not be adopted from the definition of "emergency stationary RICE": "except as permitted under § 63.6640(f);"and

(b) The word "Administrator" as used in the C.F.R. section shall be taken to mean "Director of the District Department of the Environment."

1406.4 Any violation of any of the individual requirements of 40 C.F.R. 63, subpart ZZZZ or subsections 1406.2 through 1406.4 of this chapter, shall a constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

## 1407 EMISSION STANDARDS FOR HOSPITAL AND OTHER ETHYLENE OXIDE STERILIZERS

1407.1 The requirements of 40 C.F.R. part 63, subpart O (40 C.F.R. §§ 63.360 – 63.368), as in effect on July 1, 2011, together with the terms used and defined, are hereby adopted by reference, except that the word "Administrator" as used in the C.F.R.

section shall be taken to mean "Director of the District Department of the Environment."

1407.2 The requirements of 40 C.F.R. part 63, subpart WWWWW (40 C.F.R. §§ 63.10382 – 63.10448, and table 1 to subpart WWWWW of part 63), as in effect on July 1, 2011, together with the terms used and defined, are hereby adopted by reference, except that the word "Administrator" as used in the C.F.R. section shall be taken to mean "Director of the District Department of the Environment".

1407.3 Any violation of any of the individual requirements of 40 C.F.R. part 63, subparts O or WWWWW, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

## 1408 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR GASOLINE DISPENSING FACILITIES

1408.1 The requirements of 40 C.F.R. part 63, subpart CCCCCC (40 C.F.R. §§ 63.11110 – 63.11132, tables 1-3 to subpart CCCCCC of part 63), as in effect on July 1, 2011, together with the terms used and defined, are hereby adopted by reference, except that the word "Administrator" as used in the CFR section shall be taken to mean "Director of the District Department of the Environment."

1408.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart CCCCCC, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

## 1409 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR PAINT STRIPPING AND MISCELLANEOUS SURFACE COATING OPERATIONS AT AREA SOURCES

1409.1 The requirements of 40 C.F.R. part 63, subpart HHHHHH (40 C.F.R. §§ 63.11169 – 63.11178, and table 1 to subpart HHHHHH of part 63), as in effect on July 1, 2011, together with the terms used and defined, are hereby adopted by reference, except that the word "Administrator" as used in the CFR section shall be taken to mean "Director of the District Department of the Environment."

1409.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart HHHHHH, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

**1410 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR AREA SOURCE PLATING AND POLISHING OPERATIONS**

1410.1 The requirements of 40 C.F.R. part 63, subpart WWWWWW (40 C.F.R. §§ 63.11504 – 63.11513, and table 1 to subpart WWWWWW of part 63), as in effect on July 1, 2011, together with the terms used and defined, are hereby adopted by reference, except that the word "Administrator" as used in the C.F.R. section shall be taken to mean "Director of the District Department of the Environment."

1410.2 Any violation of any of the individual requirements of 40 C.F.R. part 63, subpart WWWWWW, shall constitute a separate offense for each and every day of the violation(s) of each and every requirement for the purposes of applying the penalty provisions in 20 DCMR § 105.

Comments on these proposed rules must be submitted, in writing, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register* to Ms. Olivia Achuko, District Department of the Environment, Air Quality Division, 1200 First Street, NE, 5th Floor, Washington, D.C. 20002 or sent electronically to olivia.achuko@dc.gov. Ms. Achuko may also be contacted at (202) 535-2997. Copies of the proposed rule are available for public review during normal business hours at the offices of the District Department of the Environment or on-line at http://ddoe.dc.gov.

DDOE's policy is that public comments, whether mailed, delivered, submitted electronically on computer disks or in paper, will be made available for public viewing on its website as DDOE receives them and without change, unless the comment contains copyrighted material, confidential business information, or other information whose disclosure is restricted by statute. When DDOE identifies a comment containing copyrighted material, DDOE will provide a reference to that material on the website. The copyrighted material will be available in hard copy to the public.